

Addendum

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“President’s Comments”

By Michael E. Upchurch

The article below appeared in this month's Mobile Bar Association Monthly Bulletin and was reprinted in its entirety with permission.



Remember when we were in law school? All that energy and idealism? Remember when we

considered devoting our careers to serving the underprivileged? True, for most of us it was more like a temporary bout of the flu than a lifelong commitment. Still, we had that impulse. As it turns out, a few of us never got the antibiotic and actually embarked on a career helping those who need it most. You can find them on the seventh floor of 104 Saint Francis Street. They call their firm **Legal Services.**

In the world of legal matchmaking, there is a segment of our community whose client profile is basically this: *“I have limited education. I have little or no money. I have legal troubles, usually in bunches, that have no sex appeal whatsoever. My problems will generate little or no monetary recovery. My landlord is trying to evict me. My employer is garnishing my wages. I have debt collectors hounding me. How about hooking me up with a nice compatible lawyer who shares my interests?”* Good news. In Legal Services, we have the perfect match for these folks. And the only one.

These are the cases and the clients that private attorneys turn away. Not because the private attorneys are cold-hearted. It is the economics that get in the way. Helping a tenant avoid eviction does not produce a monetary recovery. If the client had the money to pay a lawyer, she wouldn't need help with debt collectors. You don't have to be John Maynard Keynes to see the problem. Legal Services fills this gap in the delivery of legal representation. When the client is destitute, and the case has no money in it either, it is tailor-made for the lawyers at Legal Services. (Continued on page 2)



**Want TOP Lawyers?
Then you need TOP Paralegals!**

A good lawyer is only as good as his/her team. Are you a member of any bar association or legal organization? Do you attend seminars to keep abreast of current events in the legal arena? Then you know the value they bring to your practice.

Encourage your paralegals to join their professional organization and become networked with hundreds of paralegals across the state in order to keep up with current law, procedures, electronic technology, ethics and legal events. The Alabama Association of Paralegals, Inc. (AAPI) provides its members opportunities for continuing legal education in specialty areas, leadership forums and networking.

For upcoming **Conferences and Membership** information go to: www.alabamaparalegals.net
Membership Information is found under the Region tab. Or find us on Facebook!

Summer Annual Meeting and Conference –
Orange Beach, AL – August 9 – 11, 2013



“President’s Comments” *(Continued from page 1)*

Legal Services’ clients are often desperate with nowhere else to turn. If someone is disabled and is being taken advantage of, Legal Services is there. When an elderly person barely getting by on subsistence income can’t keep a roof over his head, Legal Services is there. When someone who is poor, maybe in a rural community, needs a will, or needs advice about keeping what little land he or she owns in the family, Legal Services is there. In state court, in federal court, in administrative agency hearings, wherever, Legal Services is there.

The Legal Services lawyers open the courthouse doors to those who otherwise would be shut out of the legal system. If the lawyers at Legal Services had followed the crowd out of law school, there would be no one to take these cases and give these clients a voice. It is fortunate for our community that they took the road less traveled.

So who are these lawyers, these unsung protectors of the unprotected? Let’s be honest. They are not like us. We could have made the financial sacrifice of pursuing a career in public service, but we didn’t. They are different in that way. What strikes you in talking to them is their enthusiasm and optimism. What have they got to smile about? After all, this is the unglamorous side of law practice. The pay is poor, the hours are long, the resources are limited and the recognition is, well, there is no recognition. Here is the answer: They believe in what they do, and, perhaps somewhat surprising to many of us, they enjoy it. Their reward is the work. It better be, because there is no other gratuity.

The Legal Services lawyers are quick to tell you about their clients. Not with frustration or looking for sympathy. To the contrary, they talk about their clients with pride and affection. They like their clients. They respect them, and, even in casual conversation, advocate for them. A lack of education does not mean a person is not intelligent. A lack of money does not mean that a person is a failure. A lack of influence does not make a person unimportant. While many of us might say reflexively that these things are true, the lawyers at Legal Services know from first-hand experience that they are true. They develop close relationships with their clients and gain tremendous satisfaction from helping them. This is law practice pure and unadorned. If a lawyer is not fulfilled by the work, he or she will leave, because there is nothing else. No perks—no caché. Just helping those who can get help nowhere else.

Legal Services is funded nationally, through the state and through grants. Most of the lawyers are terminal, in the sense that when the grants that fund their salaries run out, their jobs disappear. Some grants roll over. Some do not. Even those that roll over are not guaranteed. The contraction of the economy has reduced the funding of Legal Services to a trickle. For most of us, seeing the sands of our employment slip through the hourglass would bring on depression and bitterness. It is no surprise then, that Legal Services lawyers are stressed by the uncertainty. But their commitment to their cause is such that they accept their professional vulnerability as just the way it is, and busy themselves with their cases. While the funding may evaporate, the clients will never stop calling. There is more demand—far more—than there is supply. If you want to feel needed, there may be no better place than the seventh floor.

“President’s Comments” *(Continued from page 2)*

For most of us, our clients could have found another lawyer if they wanted to—the Yellow Pages are full of us. Our concern is that the client will be represented by someone else—one of our competitors. This is not what goes through the minds of the Legal Services lawyers when they interview prospective clients. They have a different worry, and it’s not about them. If Legal Services does not take the case, most likely that is the end of the road for the client. Legal Services usually is the only portal of entry into the justice system for individuals whose troubles are not lucrative enough to attract the private bar. And some will have to be turned away even by Legal Services. Legal Services cannot provide all the representation that is needed. There are not enough of them. That weighs heavily on these lawyers. But they triage the phone calls and expectant visitors in the waiting area, do the best they can with the resources available to them and carry on.

So much of law practice today revolves around money. We all want to do well financially. Money is the way that the shallow aspects of our nature keep score. Contingency fees, hourly rates, revenue per lawyer, allocation of overhead, and all the rest depersonalize our practices. We become obsessed with the bottom line, with whether we are doing well, with whether we can do better, with who is doing better than we are, and with how much more can we get. Money drives us.

The lawyers at Legal Services are a different breed. They are not motivated by money. They knew when they went into public service law that they would never do well financially. They will never live in fancy houses, drive expensive cars or travel first-class. They will never be considered “big time.” They will be treated as second teamers by most of their peers, who do not know better. They are okay with that. Wealth and fame are not what they care about. They find self-respect and satisfaction in helping those who need it most. That’s it. And that, for them, is more than enough.

One more thing: these lawyers do not work at Legal Services because they struck out finding jobs somewhere else. They are intelligent, talented attorneys who could have done what we did, and gone into private practice. They are at Legal Services because they want to be, because they believe in what they do and because they would rather help the underserved for modest compensation than chase higher incomes in other lines of law practice.

If you still feel the tingle of civic responsibility left over from your early days in Torts and Property, you can nurture it by helping these lawyers. They welcome the assistance and support of private lawyers. **Call Ann Brown, the supervising attorney for the Mobile office, at (251) 433-6560** and offer to lend a hand with a client or two. You might get more out of that than you expect.

There is more than one way to measure our success and status as lawyers. When we rank our own accomplishments and importance, it might be best not to stand too close to the lawyers on the seventh floor. We might look pretty small.

Michael E. Upchurch is the current president of the Mobile Bar Association.

Additional Savings for Alabama State Bar Members



Alabama State Bar members can easily accept credit and debit card payments from clients!

It is critical for attorneys to correctly handle transactions between their trust and operating accounts. With the LawPay program, attorneys can accept credit cards with confidence knowing their transactions are handled correctly. LawPay meets the requirements for the American Bar Association trust account guidelines as well as the Attorney’s Professional Code of Conduct. As a result, LawPay is approved and recommended exclusively by 34 state and 48 local bar associations.

Through the Alabama State Bar Member Benefit Program you receive reduced processing rates, multiple features for the client-attorney transaction and a level of personalized service not easily found elsewhere.

Now for a limited time, open a LawPay Merchant Account at NO COST and begin accepting credit card payments. The contract is month-to-month and all standard fees associated with opening a merchant account are waived. With discounted member fees, law firms save up to 20–25 percent off standard credit and debit card fees. If you are currently accepting credit and debit cards, we encourage you to compare your current processor with the Alabama State Bar Member Benefit Program.

Through July 31, 2013 the \$150 virtual terminal fee is waived for all Alabama State Bar members. In addition, if you open a LawPay account by July 31, we will waive your program fee for three months!

Call 866-376-0950 or visit www.lawpay.com/alabar to take advantage of this offer.

Casemaker Mobile Apps Now Available



If you've been enjoying Casemaker, the free legal research service which is a benefit of Alabama State Bar membership, you'll be glad to know that apps for your mobile devices are now available.

Alabama State Bar members have been able to access Casemaker through their mobile browsers for a while, but Casemaker recently introduced native apps that make doing legal research on your iPad, iPhone or Android smartphone a snap.

To start your mobile legal research immediately, follow these easy instructions:

- Sign in to Casemaker at www.alabar.org.
- Once in Casemaker, click on the red link for "Available mobile application" near the top left of the Casemaker home page.
- Complete the form to receive a reference code.
- On your smartphone or iPhone/iPad go to

Google Play or the App Store, respectively, and download the Casemaker app by searching for Casemaker or Casemakerlegal.

- The first time you run the application, it will ask for the reference code. Enter the code that you got when you registered while on the Casemaker site from the bar's website. (If you later add the app to additional devices, you can access this reference code again any time by clicking on the "Available mobile app" link while you're in Casemaker on your computer.
- If you have any problems, contact Casemaker support at 877-659-0801.

For Casemaker research assistance M-F, 7 a.m. to 7 p.m. Central, call toll-free (877) 659-0801 or check out the schedule of

Casemaker training webinars at <http://www.casemakerlegal.com/registerWebinar.aspx>.

You may also call the Alabama State Bar for research or login assistance at 334-517-2242. Download the free app today. You'll be glad you did.



iPhone



iPad



Android

The Slippery Ethical Slope of Social Media



The use of social media by lawyers and law firms for purposes of marketing, advertising, developing a client base and networking continues to evolve and also grow in terms of sheer numbers. But an attorney's use of social media has the potential to give rise to a number of ethical risks that can negatively affect that attorney, his law firm and his client. Nonetheless, attorneys must take more care than most individuals as to what they post online when tweeting, blogging or interacting via Facebook, etc. Otherwise, they risk opening a Pandora's box of ethical violations that have an impact on themselves, their firms and their clients—such as attorney-client relationships, client confidentiality, attorney-client privilege, the duty of candor, conflicts of interest, attorney advertising and solicitation, contact with represented parties, and the unauthorized practice of law, to cite a few examples.

The Office of General Counsel (OGC) reminds attorneys they should adhere to the same ethical rules that apply to advertising themselves in the phone book or on social media platforms such as Facebook. If you post on Facebook or other social media, you are bound by the same rules as those governing more traditional forms of advertising.

From time to time, the OGC receives information about potential ethics violations as they relate to the use of social media. Here's an excerpt from an email one lawyer sent, "... I continue to see posts by lawyers on Facebook that are a problem, either in referencing facts relating to existing cases in a manner where someone on Facebook might know what case they're talking about or advertising for business without the appropriate disclaimer."

Here are some key points to keep in mind if you're going to ethically use social media:

- (1) Do not make false or misleading communications.
- (2) Do not create an attorney-client relationship.
- (3) Do not solicit clients.
- (4) Do not share confidential information.
- (5) Do not make friends easily. Be careful who you "friend"
- (6) Use discretion.

If you need guidance on the ethics of using social media, the Office of General Counsel can help you. Call (334) 269-1515.

Easy Soft Discount for Bar Members

A leading legal software provider since 1986, Easy Soft offers specialized programs for time and billing and trust account management, real estate, family law and document automation (available as desktop and cloud versions). More than 15,000 users nationwide increase office productivity with Easy Soft products. Alabama State Bar members receive a 10 percent discount on all desktop versions of the software. For more information, visit www.easysoft-usa.com or call (800) 905-7638.



The Gatekeeper Initiative—One Form of Assistance to Legal Profession



The Gatekeeper Initiative is an effort by governmental authorities to impose stringent anti-money laundering (AML) and counter-terrorist financing obligations on “gatekeepers” to the domestic and international monetary systems, such as lawyers, *civil law* notaries, trust and company service providers, real estate agents, accountants, and auditors. In connection with the Gatekeeper Initiative, the American Bar Association House of Delegates adopted a resolution at

the 2010 annual meeting embracing as official ABA policy “voluntary good practices guidance” designed to assist the legal profession in detecting money laundering and terrorist financing activities in the delivery of legal services.

Voluntary Good Practices Guidance to Combat Money Laundering and Terrorist Financing

The ABA **Task Force on Gatekeeper Regulation and the Profession** has worked with other entities to develop voluntary good practices guidance for lawyers to combat money laundering and terrorist financing. The task force has concerns about how mandatory

gatekeeper provisions might affect confidential attorney-client relationships and other issues.

To educate the legal profession about the voluntary good practices guidance, the task force has been working to post the guidance on state and local bar association and specialty bar association websites. A number of states have posted the guidance and the accompanying “frequently asked questions” to their sites. Without this information being widely distributed, there is the very real possibility that Congress will enact legislation imposing mandatory AML obligations on the legal profession. This voluntary effort is designed to ward off that legislation.

Below are links to the two referenced publications.

- [Voluntary Good Practices Guidance for Lawyers to Detect and Combat Money Laundering and Terrorist Financing \[PDF\]](#)
- [FAQs on the Gatekeeper Initiative and Voluntary Good Practices Guidance \[PDF\]](#)

Huntsville Lawyer Named First Recipient of Leadership Forum Alumnus Award



Angela Slate Rawls, executive director of the Madison County Volunteer Lawyers Program, has been selected as the first recipient of the Alabama State Bar Leadership Forum Section Alumnus of the Year.

Rawls is a graduate of the state bar's Leadership Forum Class VI (2010). The Leadership Forum is an innovative leadership-training program specifically geared toward increasing leadership skills among lawyers. This program demonstrates

the state bar's commitment to build effective leadership with respect to ethical, professional and community service values, and foster relationships among leaders from across the state and disciplines within the profession.

State Bar President **Phillip W. McCallum** said, "Angela has an understanding of the importance of servant leadership as demonstrated by her distinguished bar and community service work with lawyers who provide the poor and disadvantaged in Madison County with access to justice through the Volunteer Lawyers Program. During these difficult economic times, volunteer work by lawyers helps fill the void left by our underfunded court and legal aid systems."

Before she became executive director of the Madison County VLP, she was in private practice with several firms, most recently at Wilmer & Lee. She received her undergraduate degree in psychology from the University of Alabama and earned her law degree from Emory University School of Law (2001).

New Scam Alert!

A Montgomery lawyer has become the latest victim of a real estate deposit fraud. Here's the scenario: an unidentified individual places an advertisement to lease property in Pennsylvania, Virginia and other states and says he is using the legal services of an attorney. In this case, the attorney being named is the only one listed in the ASB Member Directory, but he isn't known by his legal name. The address being used by the scammer is not the attorney's actual address. Several individuals have contacted the attorney telling him that they have sent him money.

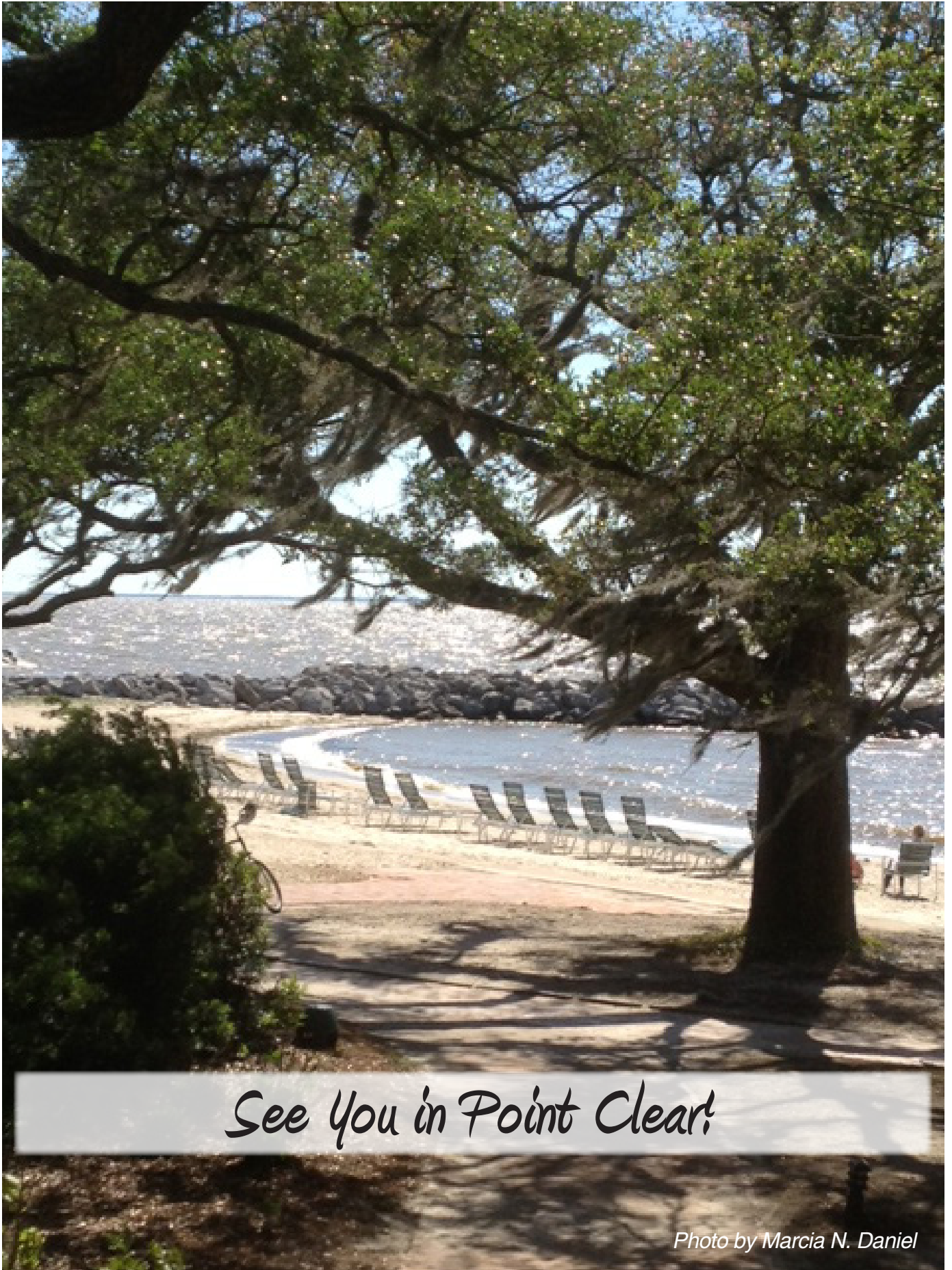
All attorneys should be on the alert to this type of scam. If you become aware of the same or a similar situation involving your name and/or law firm, you should immediately report the incident to local authorities, the Office of General Counsel at the Alabama State Bar and the FBI at the Internet Crime Complaint Center. Additionally, be sure to closely monitor your credit report or bank accounts to ensure that your identity is not the only thing being stolen. If you have been a victim of an Internet scam or have received an email that you believe was an attempted scam, please file a complaint at www.IC3.gov.

The IC3 was established as a partnership between the FBI and the National White Collar Crime Center (NW3C) to serve as a means to receive Internet-related criminal complaints and to further research, develop and refer the criminal complaints to federal, state, local or international law enforcement and/or regulatory agencies for any investigation they deem to be appropriate.

Since scams of all types are too numerous to catalogue, a professional liability company in Ontario, Canada, called LAWPRO, well-known to law practice management advisors, has been compiling information about scams being perpetrated on lawyers in North America via its "Avoid a Claim" blog. LAWPRO has been compiling a list of names they've seen associated with various types of fraud. You may want to review this material and bookmark each of these pages:

- Business loan fraud
- Commercial debt collection fraud
- Divorce settlement and collaborative family law agreement fraud
- Employee injury settlement fraud
- Huge collection of fake IDs, documents and checks given to lawyers
- Real estate bad-check fraud





See You in Point Clear!

Photo by Marcia N. Daniel

Alabama State Bar *Addendum*
415 Dexter Avenue • Montgomery, Alabama 36104



ALABAMA STATE BAR

New Year's Resolution

It's a new year and one important resolution should be to review your I-Profile.

Go to www.alabar.org/members_only.cfm and make sure your information is up to date so we can keep you up to date!