

Addendum

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Addendum, official online newsletter of the Alabama State Bar, is published six times a year (December, February, April, June, August, October) by The Alabama Lawyer Board of Editors, P.O. Box 4156, Montgomery 36101-4156. Contributions from members are welcomed and encouraged. Views expressed are those of the authors, not necessarily those of the board of editors, officers or board of bar commissioners of the ASB. Copyright 2013. The Alabama State Bar. All rights reserved.

Say Bye Bye to Windows XP

By Laura Calloway, director, ASB Practice Management Assistance Program

Unfortunately, when it comes to Windows XP, the party's over. Microsoft will officially end support for XP Service Pack 3 and Office 2003 on April 8, 2014 (<http://windows.microsoft.com/en-us/windows/help/what-does-end-of-support-mean>).

This operating system has been around for more than 10 years and it has been extremely stable, allowing law firms and other businesses to work without having to spend much time worrying with computer problems—at least not problems caused by the operating system. But once Microsoft stops supporting and upgrading XP, all of the other software providers who have created programs that run on it will likely stop supporting them, too.

While there is some disagreement among computer security experts about whether we are likely to see the arrival of a many new viruses and other zero-day security exploits that



hackers have been holding in reserve until after security updates for XP to run out, there's no argument at all that an unsupported operated system is a lot more vulnerable to security breaches (<http://blogs.technet.com/b/security/archive/2013/08/15/the-risk-of-running-windows-xp-after-support-ends.aspx>). And if you are considered a "business associate" under HIPPA, you will no longer be considered

compliant with HIPPA" and HITECH when XP is no longer being supported.

So, if you haven't yet thought about transitioning away from older computers with Windows XP, there is an interesting article at <http://news.gnom.es/news/legacy-apps-holding-you-hostage-7-ways-to-safely-migrate-off-windows-xp> with ideas to get you started.

Posted in The Last Word, October 17, 2013 (<http://asblastword.wordpress.com/>)

Accolades

•Bradley Arant Boulton Cummings Awards Four 2013-14 Diversity Scholarships

The Birmingham firm of Bradley Arant Boulton Cummings LLP recently awarded diversity scholarships to four law students for the 2013-14 year. Recipients are **Kobi Ankumah**, **Stanley Blackmon**, **Rhojonda A. Debrow Cornett** and **Jasmine Kelly**.

Each student has completed a clerkship with the firm and will receive a \$5,000 scholarship this school year. Bradley Arant's expanded diversity scholarship program was launched in

2011 as part of the firm's ongoing commitment to diversity in the legal profession.

Ankumah is a recipient of the Arthur Davis Shores Scholarship at the University of Alabama (UA) School of Law, where he is a second-year student. His law school activities include the Business Law Society, Black Law Student Association (BSA) and Farrah Law Society. Ankumah previously worked as an intern at a Birmingham law firm and at the Tennessee governor's office. He received his B.A. from Vanderbilt University.

Blackmon is a second-year student and member of the BLSA at UA School of Law. He holds a B.S. from Mississippi State University (MSU), where he worked for the school's Bagley College of Engineering as a lead counselor and mathematics tutor. Blackmon also worked in various capacities for MSU's Office of Admissions and Scholarships and Department of Biological Sciences.

Cornett is the executive editor and managing board member of the *Alabama Law Review* at the UA School of Law, where she is in her third year. She is a member of the BLSA, the Intellectual Property Law and Antitrust Law sections of the American Bar Association and the American Intellectual Property Law Association. Cornett was also a summer associate at Bradley Arant Boult Cummings in 2012. She holds a B.A. from Emory University.

Kelly is a third-year student and member of the BLSA at Wake Forest University School of Law. Her other law school activities include the American Association for Justice Trial Team. Her work experience includes serving as a guardian ad litem at a child advocacy clinic and internships at a law firm and the Norfolk Commonwealth's Attorney's Office, all in Virginia. Kelly received her B.S., summa cum laude, from Old Dominion University.



Dean John L. Carroll, Lisa Ramirez and Deborah Alley Smith, Christian & Small managing partner

•Second Annual Christian & Small Cumberland Diversity Scholar Award Presented

The Birmingham firm of Christian & Small recently awarded the second annual **Christian & Small LLP Cumberland Diversity Scholar Award** to **Lisa Rameriz**. The \$5,000 award is given to a second-year law student who has a competitive GPA, does not receive other academic assistance and shows a commitment to diversity in the legal profession. In addition to the academic scholarship, firm attorneys will serve as mentors to Ramirez through her studies at Cumberland and as she begins her professional career.

Ramirez graduated from Mansfield University in Mansfield, Pennsylvania and is a dean's list student at Cumberland. She is vice president of the Hispanic Interest Law Student Association that strives to promote the understanding and awareness of the Hispanic/

Latino culture and the legal issues facing these communities in the Birmingham area. This summer, Ramirez clerked at the Freddy Rubio Law Firm. Ramirez is married and has two children. "I am very grateful to receive the Christian & Small Diversity Scholar Award. This scholarship greatly helps my family with the financial obligations while I pursue my dream of a legal education."

Judge John L. Carroll, dean and professor, Cumberland School of Law, said, "Lisa Ramirez is a well deserving recipient of the Christian & Small LLP scholarship. She is a dedicated law student and a good example of the diverse students Cumberland School of Law seeks to educate. I thank the firm for investing in our students."

•Constangy, Brooks & Smith LLP Diversity Scholars Awards Open

In recognition of the many benefits of diversity, the Birmingham firm of Constangy, Brooks & Smith LLP presents its 2013 Diversity Scholars Awards program. The firm will award one \$2,000 scholarship to a deserving second-year law student who has demonstrated academic achievement, a commitment to diversity in their community, school or work environment and personal achievements in overcoming challenges to reach goals.

To be eligible, an applicant must be a second-year student enrolled in an accredited law school located in Georgia, Florida, Alabama, South Carolina, Tennessee, Texas, California, Illinois, Kansas, Missouri, Wisconsin, North Carolina, Virginia/Washington, D.C., New Jersey, or Massachusetts.

Selection criteria will include students' academic achievement (minimum GPA of 3.0), commitment to diversity in the community or in their school or work environment and personal achievement in overcoming challenges to reach their goals.

For more information about selection criteria or to download an application, go to www.constangy.com/firm-diversity. For questions about the application or the program, contact Meg Zabijaka at mzabijaka@constangy.com.

All applications and supporting materials, including the applicant's official sealed law school transcript, must be received on or before Wednesday, **December 11, 2013**. Documents sent via facsimile, email or received after the deadline will not be accepted or considered. Scholarship recipients will be notified in early January, with awards presented in early 2014.

Section Spotlight

•Young Lawyers' Section Elects Officers and Executive Committee; Montgomery Lawyer Heads Group

The Alabama State Bar Young Lawyers' Section (YLS) elected new leadership for the 2013-14 year.

Montgomery lawyer **W. Christopher (Chris) Waller, Jr.** was installed as president. He is a partner with Ball Ball Matthews & Novak PA in Montgomery.

Other officers include:

Vice President **Brandon D. Hughey**, Ambrecht Jackson LLP, Mobile; Secretary **S. Hughston Nichols**, Hare Wynn Newell & Newton LLP, Birmingham;

Treasurer **Charles E. (Chip) Tait**, Vickers Riis Murray & Curran LLC, Mobile; and

Immediate Past President **Kitty Rogers Brown**, White Arnold & Dowd PC, Birmingham

The section is governed by a 28-person executive committee. The newly-elected members are:

Evan G. Allen, Beasley Allen Crow Methvin Portis & Miles PC, Montgomery;

Jesse K. Anderson, Jackson Anderson & Patty PC, Montgomery;

Ashley W. Davis, LogiCore, Huntsville;

Lisha Li Graham, White Arnold & Dowd PC, Birmingham;

Alysia J. Harris, Lightfoot Franklin & White LLC, Birmingham;

Vanesa Hernandez, Maynard Cooper & Gale PC, Birmingham;

M. Lee Johnsey, Jr., Balch & Bingham LLP, Birmingham;

Neah L. Mitchell, Balch & Bingham LLP, Birmingham;

Dorothy (Dottie) Barker Perry, Burns Cunningham & Mackey PC, Mobile;

L. Robert Shreve, Luther Collier Hodges & Cash LLP, Mobile; and

Amy Hill Nation, Wilmer & Lee PA, Huntsville

The YLS is engaged in community service and outreach projects that give members the opportunity to render service. As an example, YLS members provide disaster relief assistance in concert with the Federal Emergency Management Agency.

This requires the YLS to provide pro bono disaster-related legal services to low-income victims of a federally-declared disaster when asked to do so by FEMA. One means of delivering legal services is through a disaster hotline, but the YLS also staffs clinics and disaster resource centers.

In addition, section members conduct an annual Minority Pre-Law Conference designed to introduce 11th- and 12th-grade students to the American civil and criminal justice system. The program provides students with a unique opportunity to talk one on one with practicing minority lawyers. Teenagers from schools around central Alabama are invited to participate in a real case study, given actual fact scenarios and participate as jurors in a trial. The state bar YLS gained national recognition by winning an award for this project from the American Bar Association.

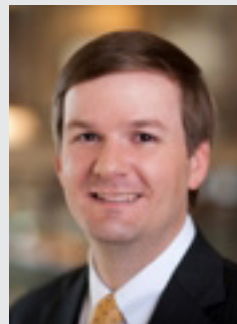
The 3,500-member YLS is composed of lawyers who are 36 years of age and under or who have been admitted to the bar for three years or less. The section conducts a continuing legal education seminar and sponsors service projects designed to aid the public in their understanding of the law and assist in solving legal problems. There are no dues since persons who are members of the Alabama State Bar and fulfill the age or admission requirements automatically are members.



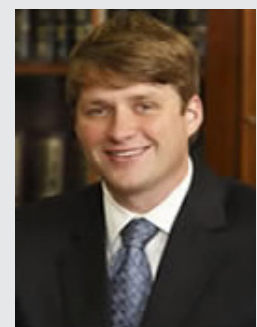
W. Christopher (Chris) Waller



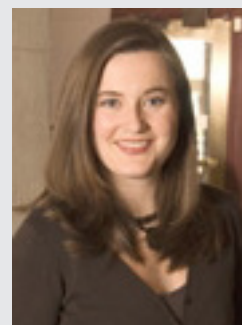
Brandon D. Hughey



S. Hughston Nichols



Charles E. (Chip) Tait



Kitty Rogers Brown

Statewide Pro Bono Week Activities Include “Poverty Simulation” for Lawyers to Experience Firsthand What It Is Like to Be Poor

This year’s Alabama State Bar Pro Bono Week activities, held in conjunction with the nationwide observance October 20-26, focus on what it is like to walk in the shoes of low-income Alabama citizens who face numerous civil legal problems.

These problems involve essential human needs such as protection from abusive relationships, safe and livable housing, access to health care, family law issues including child support and custody matters, and relief from financial exploitation.

State Bar President Anthony Joseph said, “Pro bono service puts lawyers on the frontlines of poverty, where we can identify systemic injustices that victimize the poor. This gives us the opportunity to educate legislators and the public about chronic problems that demand broader, creative solutions.”

To better serve low-income Alabamians with civil legal needs, members of the legal profession must better understand what it is like to be an Alabamian living below the

poverty line. For an individual, that means an income of less than \$12,000 per year, or about \$23,000 or less for a family of four. Nearly 20 percent of Alabamians and 29 percent of Alabama’s children live in poverty. Earlier this month, at Cumberland Law School, lawyers, judges and law students stepped into fictional roles as part of a “poverty simulation.” Each briefly experienced the life of an adult or child losing a job or struggling to support a family on minimum wage, facing eviction from a home, suffering from an untreated illness, being removed from or forcing to drop out of school, and living in a crime-and drug-ridden neighborhood. During each of four 15-minute “weeks,” participants juggled work or school and transportation problems, got children to day care and found time to budget meager funds, standing in line at a social services agency or getting a payday loan to try to keep up with overdue bills.

According to Joseph, with the growing need for free legal assistance, pro bono service plays a critical role in providing access to justice for low-income individuals and the working poor.

“We recognize that pro bono alone cannot adequately solve the growing, unmet need for access to justice, but for someone who can benefit from pro bono service, one attorney’s contribution of time and talent can make a world of difference,” Joseph said.

Also during Pro Bono Week, lawyers in each of the state’s 42 judicial circuits will take part in such activities as conducting free legal clinics offering advice and counsel in the areas of elder and family law, discussing with community and civic groups the critical need for the legislature to provide a continuous stream of funding to ensure access to justice for the poor and recruiting additional lawyers to volunteer to provide pro bono service.

More than 4,500 lawyers are enrolled in volunteer lawyers programs operated by the Madison and Montgomery county bar associations, the Birmingham Bar Association, the South Alabama Bar Association and the state bar.



Addendum

Short articles of general interest are always welcomed from ASB members. All materials submitted for publication in the *Addendum* are subject to editing for style, space and content. Send submissions as Word documents to margaret.murphy@alabar.org. The deadline for the December issue is November 15th.

Important Notices

•Position Available: Director, Montgomery County Public Defender's Office

Pursuant to *Ala. Code* (1975) §15-12-4, the Montgomery County Indigent Defense Advisory Board is establishing a Public Defender's Office for Alabama's 15th Judicial Circuit. Our board is seeking extraordinary candidates for the position of director for our Public Defender's Office. Our director will be responsible for establishing a fully-staffed law office, while fulfilling the Constitutional obligation for high-quality legal representation for indigent citizens in Alabama's second-largest county. The founding director will be empowered to establish this office, hire its initial staff and be its spokesperson. This Public Defender's Office launch is a major achievement and the founding director will be granted substantial latitude to achieve its successful creation and operation.

Duties of the Director

- Lead the Public Defender's Office as its senior lawyer and chief executive;
- Have, or develop, an intimate understanding of Montgomery County's criminal justice system, along with its unique needs;
- Hire sufficient staff to provide indigent defense services for Montgomery County. This will include, but is not limited to attorneys, paralegals, investigators, legal assistants, administrative, and other clerical staff. The Advisory Board views this undertaking as comparable to establishing a large law firm;
- Achieve dual goals of higher-quality legal representation and greater efficiencies, relative to indigent defense expenses;
- Manage relations with the 12 judges of the 15th Judicial Circuit, the Montgomery County District Attorney's Office, the Montgomery County Bar Association, the Alabama State Bar, Montgomery County's indigent defense programs (Montgomery County Bar Foundation and Legal Services Alabama), and Montgomery County's Alternative Sentencing Programs, etc.;
- Launch new initiatives and strategies to promote the image of the Montgomery County Public Defender's Office to citizens of Montgomery County and of the state;
- Provide leadership in reforming, and in increasing our quality of, indigent defense in Alabama; and
- Operate the Public Defender's Office in conjunction with, and pursuant to, the oversight of our Local Indigent Defense Advisory Board and the director of Indigent Defense Services for the State of Alabama.

Requirements

- The successful applicant must be prepared to serve the public defender's defined term of three years, subject to renewal, and to the provisions of *Ala. Code* (1975) §15-12-41.

- The successful applicant must be a member in good standing with the Alabama State Bar, or become so prior to taking office, and a member in good standing of every other bar of which the applicant is a member.
- The successful applicant must have a minimum of five years' criminal practice experience, preferably with significant criminal trial experience. This experience must demonstrate an ability to provide, and to inspire, zealous, high-quality representation for criminal defendants.
- The successful applicant must be able to effectively manage this office.
- The successful applicant must be, or become, a resident of Montgomery County prior to taking office.
- The successful applicant must be able to prove their capacity for competency, integrity and leadership.
- Salary range: \$90,000–\$110,000



- As a State of Alabama employee, benefits include:
 - » Low-cost health/dental insurance (single coverage)
 - » Optional family coverage (health/dental)
 - » Accrue 13 annual leave days per year
 - » Accrue 13 sick days per year
 - » Thirteen paid holidays per year
 - » Retirement plan
 - » Flexible employee benefit plans

Please read the Montgomery County Indigent Defense Advisory Board's "Montgomery County Public Defender Application" and the qualifications for the position in the explanatory preface titled "Fifteenth Judicial Circuit Montgomery County Indigent Defense Advisory Board." The application will be hosted on the circuit's website, 15jc.alacourt.gov, as well as various other sites. A copy can also be obtained from Rob Sachar, court administrator, 15th Judicial Circuit, (334) 832-1357. **The deadline for submitting applications for the Public Defender Director Position is December 15th.**

•Local Bar Award of Achievement

The Alabama State Bar Local Bar Award of Achievement recognizes local bar associations for their outstanding contributions to their communities. Awards will be presented during the Alabama State Bar's 2014 Annual Meeting, July 10, 2014 at the Hilton Sandestin Beach Golf Resort & Spa.

Local bar associations compete for these awards based on their size—large, medium or small.

The following criteria will be used to judge the contestants for each category:

Important Notices *continued from page 5*

The degree of participation by the individual bar in advancing programs to benefit the community;

The quality and extent of the impact of the bar's participation on the citizens in that community; and

The degree of enhancements to the bar's image in the community.

To be considered for this award, **local bar associations must complete and submit an award application by May 30, 2014**. Applications may be downloaded from www.alabar.org or by contacting Christina Butler, (334) 269-1515 or christina.butler@alabar.org.

•Alabama Lawyers' Hall of Fame

May is traditionally the month when new members are inducted into the Alabama Lawyers' Hall of Fame which is located at the state judicial building. The idea for a hall of fame first appeared in 2000 when Montgomery attorney Terry Brown wrote state bar President Sam Rumore with a proposal that the former supreme court building, adjacent to the state bar building and vacant at that time, should be turned into a museum memorializing the many great lawyers in the history of the state of Alabama.

The implementation of the idea of an Alabama Lawyers' Hall of Fame originated during the term of state bar President Fred Gray. He appointed a task force to study the concept, set up guidelines and then to provide a recommendation to the board of bar commissioners. The committee report was approved in 2003 and the first induction took place for the year 2004. Since then, 40 lawyers have become members of the hall of fame. The five newest members were inducted May 3, 2013.

A 12-member selection committee consisting of the immediate past president of the Alabama State Bar, a member appointed by the chief justice, one member appointed by each of the three presiding federal district court judges of Alabama, four members appointed by the board of bar commissioners, the director of the Alabama Department of Archives and History, the chair of the Alabama Bench and Bar Historical Society, and the executive secretary of the Alabama State Bar meets annually to consider the nominees and make selections for induction.

Inductees to the Alabama Lawyers' Hall of Fame must have had a distinguished career in the law. This could be demonstrated through many different forms of achievement—leadership, service, mentorship, political courage, or professional success. Each inductee must have been deceased at least two years at the time of their selection. Also, for each year, at least one of the inductees must have been deceased a minimum of 100 years to give due recognition to historic figures as

well as the more recent lawyers of the state.

The selection committee actively solicits suggestions from members of the bar and the general public for the nomination of inductees. Nominations of historic figures are needed for consideration, as well as present-day lawyers. Great lawyers cannot be chosen if they have not been nominated. Nominations can be made throughout the year by downloading the nomination form from the bar's website and submitting the requested information. Plaques commemorating the inductees are located in the lower rotunda of the judicial building and profiles of all inductees are found on the bar's website at <http://www.alabar.org/members/hallfame/index.cfm>.

Download an application form at http://www.alabar.org/members/hallfame/halloffame_ALH_2014.pdf and mail the completed form to:
Sam Rumore

Alabama Lawyers' Hall of Fame
P.O. Box 671
Montgomery, Alabama 36101

The deadline for submission is March 1, 2014.

•Judicial Award of Merit

The Alabama State Bar Board of Bar Commissioners will receive nominations for the state bar's Judicial Award of Merit through **March 14, 2014**. Nominations should be mailed to:

Keith B. Norman, secretary
Board of Bar Commissioners
P.O. Box 671
Montgomery, AL 36101-0671

The Judicial Award of Merit was established in 1987. The award is not necessarily an annual award. It must be presented to a judge who is not retired, whether state or federal court, trial or appellate, who is determined to have contributed significantly to the administration of justice in Alabama. The recipient is presented with a crystal gavel bearing the state bar seal and the year of presentation.

Nominations are considered by a three-member committee appointed by the president of the state bar, which then makes a recommendation to the board of bar commissioners with respect to a nominee or whether the award should be presented in any given year.

Nominations should include a detailed biographical profile of the nominee and a narrative outlining the significant contribution(s) the nominee has made to the administration of justice. Nominations may be supported with letters of endorsement.



Join the conversations and share your opinions! "Like" the Alabama State Bar on Facebook, follow us on Twitter and join the group on LinkedIn.

New Phishing Scam Targets IOLTA Account Holders

By Laura Calloway, director, ASB Practice Management Assistance Program



Several Alabama lawyers have contacted the **Alabama Law Foundation** (<http://www.alfinc.org/>) regarding an email phishing scam. The lawyers all received email messages from an individual calling himself Chris Cisneros of

National Bankruptcy Services, LLC and stating that each had sent out a check, drawn on his or her IOLTA account, which couldn't be paid due to insufficient funds. The messages contained an attachment which, ostensibly, detailed more information about the insufficient check but which, when opened, likely downloaded malware onto the recipient's computer.

By now most lawyers should be aware of this type of scam, however, when you're busy and you think something may be amiss with your IOLTA trust account it's easy to click on a link or attachment before thinking. And that's exactly what the scammers are hoping for.

If you'd like more information about scams targeting lawyers, and particularly their trust accounts, check out the **AvoidAclaim** blog (<http://avoidclaim.com/>) hosted by **LawPRO** (<http://www.lawpro.ca/>). This blog serves as a clearinghouse for scams aimed at attorneys and will allow you to quickly determine whether a potential new client or other person contacting you by email is really a scammer. And if you receive this or a similar message, be sure to delete it without opening any attachments or links contained in it. If you think you may have already fallen prey to a scam targeting lawyers, please make a confidential report of it to the Office of General Counsel at (334) 269-1515 to help protect your fellow lawyers.

Posted in The Last Word, October 16, 2013 (<http://asblastword.wordpress.com/>)

Attorney at Work Tip of the Day

Free Downloads—Tips, Apps, Ideas!



Download complimentary collections of great advice for enterprising lawyers. Free registration to the site may be required for some downloads (if you're already a subscriber, you may be asked to enter your email address).

• **A Matter of Time: Time Management and Productivity Tips for Lawyers** (<http://www.attorneyatwork.com/time-management-and-productivity-tips-for-lawyers/>) is 60 pages popping with productivity tips from our first-string experts. You'll find articles on legal project management, timekeeping, writer's block, email overload and so much more, along with a collection of our most popular time-management posts. Plus, a list of top productivity apps, compiled for us by NPP and Verizon. Grab your copy today and start building more productivity, and less stress, into your law practice.

• **Really Good Marketing Ideas: How to (Really) Get Business This Year** (<http://www.attorneyatwork.com/really-good-marketing-ideas/>) is 50-plus pages of articles, written by our most knowledgeable contributors, in three sections: "Getting the Work," "Your Social Media

Game Plan" and "Balancing Legal Marketing Ethics."

• **Top iPhone and iPad Apps for Lawyers** (<http://www.attorneyatwork.com/update-top-iphone-and-ipad-apps-for-lawyers/>)

• **25 Tips for the New Lawyer** (<http://www.attorneyatwork.com/25-tips-for-the-new-lawyer-3/>)

• **Attorney at Large: A Field Guide for Mobile Lawyers** (<http://www.attorneyatwork.com/a-field-guide-for-mobile-lawyers/>)

• **Top Marketing Advice** (<http://www.attorneyatwork.com/top-marketing-advice-of-2011/>)

• **LinkedIn for Lawyers** (<http://www.attorneyatwork.com/five-powerful-things-you-probably-arent-doing-with-linkedin/>) Powerful things you probably aren't doing with LinkedIn—advice for networking, job hunting and more

• **101 Really Good Ideas for You and Your Practice** (<http://www.attorneyatwork.com/101-really-good-ideas-for-you-and-your-law-practice/>)





**and the
Alabama Lawyers Assistance Program**

The Spirit of Recovery
Celebration Dinner

A Celebration of Hope and Triumph

Honoring the 50th Anniversary of the Birmingham Civil Rights Movement

Key Note Speaker

The Honorable Helen Shores Lee

Tenth Circuit Court Judge for the Civil Division of Jefferson County

Honorary Chair

Anthony A. Joseph

President, Alabama State Bar

Master of Ceremony

The Honorable Houston L. Brown

Presiding Judge for the Tenth Judicial Circuit of Alabama

The Club

Thursday, November 14, 2013

5:30 Mix and Mingle

6:30 Program Begins

\$150 Individual Tickets

Table Sponsorships Available

Go to www.focus-on-recovery.org for on-line purchases.