

December 2005



# Addendum

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## UA Law Students, Area Lawyers Provide Legal Assistance to Evacuees

**Katrina may have been the worst storm on record, but it brought out the best in Alabama students and attorneys**

**U**niversity of Alabama School of Law students and volunteer lawyers in the Tuscaloosa area have formed a unique joint project to provide free legal assistance to persons affected by Hurricane Katrina. Under the **Hurricane Katrina Legal Assistance Project**, volunteer law students interview evacuees at the Red Cross's disaster relief center or over the phone to get basic information about their legal problems. The student is then paired with a volunteer lawyer to research the evacuee's problem and provide legal assistance.

The project is operated at the law school through the school's **Public Interest Institute and Clinical Law Program**. Over 80 first-year, second-year and third-year law students have volunteered for the project. **Cooper Shattuck** of Rosen, Cook, Sledge, Davis, Shattuck & Oldshue in Tuscaloosa is coordinating the efforts of the volunteer attorneys. This local program is in addition to other efforts of the Alabama State Bar to provide legal assistance to persons affected by Hurricane Katrina.

**Alane Breland**, president of the law school's Public Interest Institute Student Board, explained, "Law students have been eager to help in any way possible since the hurricane hit and are enthusiastic about helping with legal assistance for displaced hurricane victims. The response from students has been amazing—we have students from all classes excited to lend a hand."

**Tamara Watson**, the student volunteer coordinator, shared her experience in interviewing evacuees: "It was extremely rewarding to help those who are in

need and to see the relief on their faces when they found someone who could provide some help."

**Professor Bob Kuehn**, law school supervisor of the project, noted the unique nature of the program: "To our knowledge, nowhere else in the country have law students and lawyers volunteered together to provide legal assistance to victims of Hurricane Katrina. We hope that the special training and knowledge of law students and lawyers can provide much-needed comfort and useful legal assistance to the many people in the area whose lives have been so dramatically affected by the storm."

The Hurricane Katrina Legal Assistance Project operates intake tables at the Red Cross's disaster relief center at Skyland Boulevard Baptist Church in Tuscaloosa on Monday through Saturday until 2:00 p.m. (phone 205-348-8302 or e-mail [pii@law.ua.edu](mailto:pii@law.ua.edu)).





# Does Your Practice Address Healthcare Issues?

Nurse consultants can help you maintain a "healthy" practice

**C**ertified Legal Nurse Consultants (CLNCs) use their medical and nursing experience and education to clarify health-related issues for attorneys and assist lawyers in preparing cases involving healthcare issues. The role of the legal nurse consultant is to evaluate, analyze and render informed opinions on the delivery of healthcare and the resulting outcome. The role of the legal nurse consultant is expansive and can include:

- Educating attorneys regarding healthcare facts;
- Compiling scientific research, guidelines and standards of care;
- Reviewing, analyzing and summarizing medical records; and
- Identifying, locating and evaluating expert witnesses.

Many times, CLNCs will continue to have current nursing licenses and work clinically in their area of expertise or a general medical floor to maintain competence as well as stay up to date with standards of care and current procedures. Certified Legal Nurse Consultants have degrees from associate to doctorate degrees in nursing. Whatever

the degree and work experience, the focus of the Certified Legal Nurse Consultant is to assist the attorney in preparing cases concerning healthcare issues in all areas of plaintiff and defense litigation.

## Makes Sense, Sort Of

Our friend, a lawyer, was defending a man accused of sending obscene literature through the mail. Deciding to base his case on whether the material really was obscene, he asked court officials if he could see a copy.

So, they mailed it to him.

–Submitted by Alan Bainbridge, from Reader's Digest (rd.com)



# Around the Water Cooler

News from local bar associations and ASB committees and task forces on current projects and elections

## Local Bar Associations

### Autauga County

**Jim T. Norman, III** of Prattville was recently elected president of the county bar association.

### Houston County

Newly elected officers of the HCBA are: **M. Hampton Baxley**, president; **Pete McInish**, vice-president; **Joe Lane**, treasurer; **Ginger Emfinger**, secretary; **Shannon Rash**, director; and **Joe Herring**, director.

### Lauderdale County

The LCBA, the University of North Alabama and the UNA National Alumni Association recently sponsored a court session of the Supreme Court of Alabama. Over 400 local high school students attended.

The LCBA has compiled a list of local organizations and agencies providing emergency assistance of basic needs to area residents.

## Committees/Task Forces

### Alabama Lawyers Assistance Program

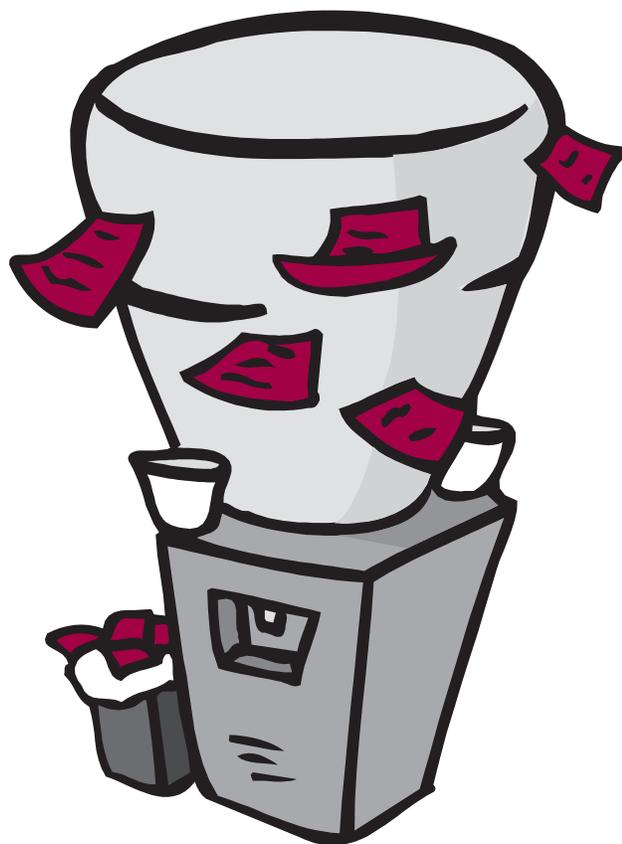
The **American Bar Association's** umbrella organization, the Commission on Lawyer Assistance Programs, will be visiting Alabama soon and meeting with various ASB officials and committee members to assess Alabama's program and to offer assistance. Another project of the committee is to secure funding for the **ALAP Foundation**, which was formed four years ago as a way of lending funds to lawyers who need treatment but have no means to pay for it. A subcommittee is in the process of interviewing prospects for a part-time or full-time fundraiser position.

### Task Force to Evaluate MCLE Program

This task force is reviewing the current status of the program and making suggestions concerning quality

control,  
use of  
technology,  
enforce-  
ment of

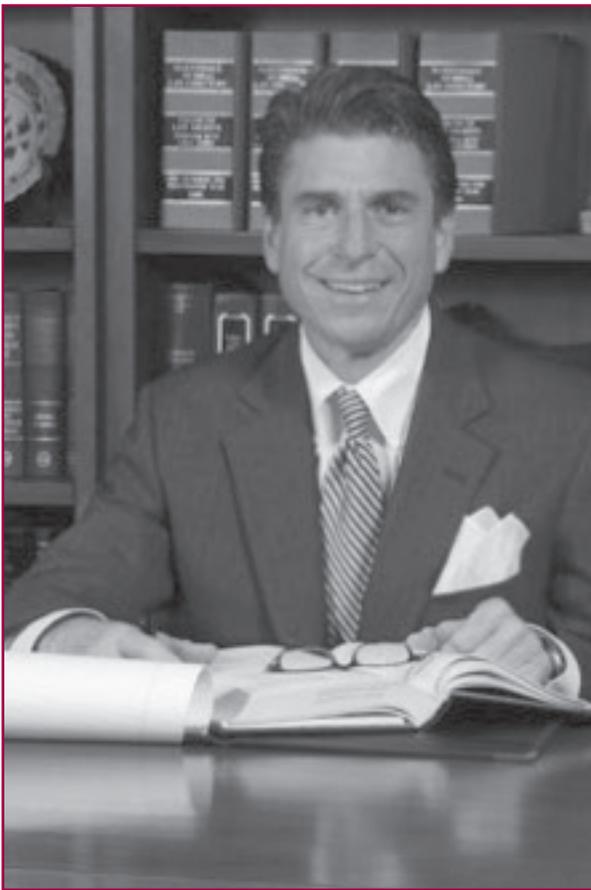
MCLE rules and other issues. Mandatory CLE was adopted by the Supreme Court of Alabama in 1982 and the program has not been evaluated on a comprehensive basis since that time.



## State Bar Offers Reduced-Cost Video Conferencing

Now you can depose an expert witness in California and still be home by suppertime. Your personal state-of-the-art videoconferencing facility is open on the third floor of the Alabama State Bar in Montgomery. Save time and travel costs while still giving face-to-face service when you use the facility for depositions and meetings with distant clients.

To help solos and small firm practitioners compete with large firms, which are now installing their own videoconference facilities, the ASB has priced its videoconference services at cost. The rental rate is \$100 per hour plus actual long distance telephone charges, but the state bar will waive the charge for the first hour for all members who schedule a videoconference between now and December 31st. Call Laura A. Calloway at (334) 269-1515 for more information.



# Profile: Dean Kenneth Randall

At the helm of the University of Alabama School of Law, he works hard and plays hard

Every weekday morning, **Kenneth Randall** arises at 5 a.m. to exercise before work. He's committed to physical activity because of the edge it gives him in dealing with life. As dean of the University of Alabama School of Law, Randall has a demanding schedule, but he is mentally and physically fit, as well as fully capable, to lead the helm of one of the nation's leading law schools into the 21st century.

The yearning for a law career started with Randall early. As a child, Randall viewed lawyers as advocates of ensuring the rights of people. Working at a title company while in college further kindled his love for the law, and he planned to run a title company. "But within a couple of months of law school, all I wanted was to be a law professor," Randall says.

Randall pursued three more law degrees—two master's in law from Columbia University School of Law and Yale Law School and a doctorate from Columbia.

After practicing for a few years, he fulfilled his teaching desire at the University of Alabama School of Law in 1985. His teaching philosophy was to engage students to think about the possibilities of the law. Randall says, "I wanted them to be able to reason and to advocate better than ever for whatever they and their client were trying to get across."

Randall says the University's success as a top 20 public law school (as ranked by *U.S. News and World Report*) is due to the students and faculty. "We have a great teaching faculty

that interacts with students. If anybody needs a helping hand, the law school wants to give it," he says. Randall demonstrates this philosophy with his once-a-month announced visits to the student lounge. Randall says, "If anyone has anything to talk about, we can talk."

Randall looks forward to the completed expansion of the law school's facilities, scheduled for next year. The new facilities will house classrooms, a dining hall, career services and a law school clinic.

When not at the law school or on the road fundraising, Randall devotes time to his wife, Susan, a professor at the law school, and three children, the youngest of whom competes with him in tennis and basketball.

—By *Geraldine Rose Daniels, Montgomery*

Alabama lawyers recently gave \$130,000 to Hurricane Katrina disaster relief in donations to the American Red Cross and the Salvation Army. According to **Alabama State Bar President Bobby Segall**, who presented the contributions during an October Board of Bar Commissioners' meeting, state lawyers have already given approximately \$1.5 million in volunteer hours, clothing and money. In addition, the **ASB Young Lawyers' Section** worked with local representatives of the Federal Emergency Management Agency to provide free legal information to victims and create a registry of free office space for displaced lawyers.

# Reciprocity—Should We or Shouldn't We?

In the aftermath of Katrina and Wilma, maybe now is the time to once again broach this controversial topic

The regularity of nonresident firms practicing in Alabama often raises concerns for the local attorney. One remedy would be for the Alabama State Bar to adopt a more enlightened approach to reciprocity. If the ASB had reciprocal arrangements, particularly with adjacent states, it should level the playing field and minimize local concerns. Alabama attorneys, freer to practice with reciprocal admissions, would have greater opportunity to replace this work or expand. Reciprocity is also a nice word for “pay back.”

More liberal reciprocity would also bring the Alabama State Bar in line with similar “admission by comity” provisions in Georgia and Tennessee. Mississippi also permits reciprocity with a limited examination.

The simple procedures for *pro hac vice* admission support the idea of reciprocity. A PHV application is filed in court where the case proceeds, and an application sponsored by local counsel is filed with the bar. If no objections are made, the application is routinely approved. It is not suggested that PHV procedures should become more burdensome because the ease of admission also recognizes the clients’ right to determine representation. Instead, ease of PHV admission favors the ease of reciprocal admission. Logically, there should be a similarly streamlined reciprocity, thereby making it easier to export one’s practice or accommodate the client.

Reciprocity would recognize that multi-state practices are a given, and will occur with increasing regularity, and would strengthen the hand of the bar with regulation and control. Unlike the PHV admission, reciprocal admission would structure ongoing monitoring and could also be welcomed as a revenue measure as the nonresident is required to maintain dues and comply with approved continuing legal education. Ease of reciprocity would also make it easier for counsel to relocate, particularly the

veteran considering a retirement-based move.

The following proposal, excerpted from the similar Oklahoma provision, could be a working draft for Alabama reciprocity.

“The following persons . . . may be admitted . . . without examination. . . Persons who have been lawfully admitted to practice and are in good standing on active status in a reciprocal state, are graduates of an American Bar Association approved law school, and have engaged in the actual and continuous practice of law for at least five of the seven years. . . admission under this Rule. . . .”  
(Rule 2, Sec. 1, *Oklahoma Bar Rules*, “Admission on Motion Without Examination”).

—By Gregory C. Buffalow, Mobile



Charles L. Parks



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**T**his treatise is a joy and an enlightenment to read. Any lawyer, young or old, can learn something about himself or herself by reading **Charles Parks'** books.

Charles has been my friend for some time and, believe me, he has the reputation in our circuit (7th), and well beyond, as being one of the best trial lawyers anywhere. In fact, he might be too good for his own good. As he so aptly puts it in his book, at times he was so good that he got people acquitted whom he didn't even want to see acquitted.

The book is a quasi-autobiography. He takes us through some of his early life exploits and even how he gets into the legal profession instead of playing professional baseball. Also covered are his many adventures in Washington, D.C. while he was going to college and law school at American University and working part-time for Senator John F. Kennedy. Kennedy was a man Charles admired greatly, but also one who did the "pom-pom" with a lady Charles had a crush on while Charles watched completely panic-stricken from the next cubicle.

He also covers the 18-month period that he worked in the Senate Office Building with one William Jefferson Clinton. As a matter of fact, Charles gave Mr. Clinton some

## Book Review

# Exceptions to Silence Shares Emotions, Adventures, Insights

of his work assignments. (Clinton talks about Charles in his book, *My Life*.)

Mostly, though, this book is a very candid, often humorous, sometimes tragic look at the life and times of a small-town trial lawyer who came from a big law school in an even bigger city. His exploits will bring tears to your eyes from time to time—sometimes from laughter, sometimes from sorrow. He gives his opinions and feelings on topics ranging from Kennedy to Clinton to 14-year-old unrequited, hormone-motivated, testosterone-induced true love. Some of his most interesting cases, both civil and criminal, are covered, as well. We, as attorneys, can see some of ourselves in the situations and cases discussed in the book. Charles has intrinsically taken many of the emotions that we have all felt from time to time in our own practices and put them onto paper. It's a delightful read, indeed.

—By Phillip G. Estes, Anniston

### Notice of and Opportunity for Comment On Amendments to the Rules and Internal Operating Procedures of the U.S. Court of Appeals For The Eleventh Circuit

Pursuant to 28 U.S.C. Section 2071(b), notice and opportunity for comment is hereby given of proposed amendments to the Rules and Internal Operating Procedures of the U.S. Court of Appeals for the Eleventh Circuit.

A copy of the proposed amendments may be obtained on and after December 1, 2005 from the court's Web site at [www.ca11.uscourts.gov](http://www.ca11.uscourts.gov). A copy may also be obtained without charge from the Office of the Clerk, U.S. Court of Appeals for the Eleventh Circuit, 56 Forsyth St., N.W., Atlanta 30303 [phone: (404) 335-6100]. Comments on the proposed amendments may be submitted in writing to the Clerk at the above street address by  
January 3, 2006.

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# What Private Investigators Can Do For, and to, You

## No two days or cases are the same for this Birmingham detective

“There are no typical days,” says Jim Morton, private investigator for the Alabama legal community. “Any type of investigation you can think of, I’ve done it.” He helps both plaintiff and defense attorneys track down people and investigate accidents. Morton is a licensed Birmingham detective and, yes, he does carry a gun. He’s never had to pull it on anybody because what matters is the way he handles people. “You’ve got to be able to read their mind and not make them mad.”

In 1980, as an ASE-certified mechanic, he answered an ad in the *Birmingham News* asking for a legal expert. Nowadays, he does everything from serving papers to surveillance to investigating motor vehicle accidents. “I investigate the accident and circumstances and find out what happened, the facts, who they work for, who caused it.”

If someone is hurt at a factory, he could be called. He can take apart a machine or engine/motor to find out what went wrong, and will drive out to salvage yards to examine evidence. He can track down witnesses and find misplaced clients, but prefers to keep his methods secret. He’s had people thank him for serving them, then look surprised. He’s also had people try to slam the door in his face. But, as he told one woman trying to evade his papers, “This isn’t TV. I don’t have to put it in your hand.”

Morton is in business for himself and doubles as an expert witness.

—By Mack Knopf, Birmingham



# "Front Porch Tour" Saves the Best for Last

## Opelika Victorian that law firm calls home featured on annual holiday tour



Come stroll the streets of historic Opelika, as performers and musicians arrayed in period garb set the stage for a magical evening. The annual **Victorian Front Porch Tour** features more than 30 Victorian homes decorated for the holidays and adorned with the Old-World Santas of local artist Jan Jones. In its final year, the tour will take place December 10th from sundown until 10:00 p.m. on historic 8th and 9th streets in downtown Opelika.

Each year, the tour attracts more than 10,000 visitors to the railroad town of Opelika. The event has garnered widespread attention and has been featured in such national publications as the *Atlanta Journal-Constitution*, *The Chattanooga* and *Southern Lady Magazine*.

Nestled in a century-old Victorian, the **Hand, Fellows Law Firm** office will be featured on the tour and open to the public. Parking for the tour will be available and live music and refreshments will be provided.

Owner **Ben Hand** has been involved extensively in Opelika's downtown renovation and restoration as an active member of the Mainstreet Association and owner of several downtown properties (including the former First National Bank Building and the Huckabee Building).

Mr. Hand acquired the property that now houses the firm (formerly the Bedell/Triplett House) in the early '90s and has since completely restored the home. The home is a stunning example of post-Victorian architecture, which has placed it on the Alabama Registry of Landmarks and Heritage. The home will be decorated in true Southern style for the holidays and will feature a display of original photographs from the 1900s.

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