A PATH TO SERVICE by Paul Clark

Most of you know at least one young lawyer in Montgomery County. You may have a young lawyer or two in your office, you may cross paths with a young lawyer in your practice, or you may actually be a young lawyer yourself. One of the best ways for young lawyers to become involved in the activities of our Association is through the Young Lawyers Section, or YLS to the cool kids.

I know, when some of you were active in the MCBA YLS, the only activities centered around beer, maybe even beer and a bus headed to Atlanta for a Braves game. Not a lot of substance to be found, right? While it is no secret that our young lawyers still enjoy every opportunity to fellowship together, the YLS has transformed itself over the years to an integral and vital part of the functions of our Association. Today’s YLS is service-minded and incredibly hard-working. The Annual YLS golf tournament has raised thousands of dollars for local charities. Members of the YLS board and at-large members both fill key roles in supporting the annual activities of the MCBA, including the coordination and logistics of the MCBA’s Annual Charity Event.

Perhaps as important as the good deeds done by the YLS, it has proven to be a training ground for our MCBA leaders. Our immediate past president, Pat Sefton, served as YLS president when I was a very new lawyer to Montgomery. Our current Secretary/Treasurer, Adrian Johnson, took a turn as YLS president when I was a very new lawyer to Montgomery. Our current Secretary/Treasurer, Adrian Johnson, took a turn as YLS president. Heck, they even let me serve as president for a term. September marked the end of the term of Bill Robertson as YLS president, and we will miss Bill’s willing attitude on the MCBA Board. Bill was incredibly capable in his tenure at the YLS helm. We trust that he will continue to be an active leader in our Association.

Just a reminder, a “young lawyer” is anyone 35 or younger, or anyone who has been a lawyer less than 5 years. While I’m sure that most of us who fall outside of those categories don’t consider ourselves “old lawyers,” we had to draw the line somewhere. Otherwise, Mike Cohan would still be showing up for every YLS social.

I encourage all of you to make sure that the young lawyers with whom you come in contact know of the great things that the YLS has done in recent years, and I hope that you will encourage them to start down the path to service which our amazing YLS provides.
The MCBA YLS recently donated its 9th Annual Charity Golf Tournament proceeds to Brantwood Children’s Home in the amount of $3,000. We would again like to thank the many individuals and businesses that sponsored and/or assisted with this year’s tournament, and we look forward to its continued success.

This brings me to my next point—by the time this issue hits the press, the YLS bi-annual elections will have already taken place (on September 23) and the YLS is currently under the leadership of a new set of officers and board members. Specifically, positions have been filled for President, Vice-President, Secretary/Treasurer and five board member positions.

I have enjoyed my time serving as President of the MCBA YLS and I wish the incoming officers and executive board members all the best of luck. I have no doubt that the YLS will be in good hands for years to come. If you have any questions and/or comments about the YLS, please contact the MCBA at 334-265-4793 or visit the MCBA website at www.mcbar.org.

MCBA Young Lawyers Section donated $3,000 raised through their annual golf tournament to the Brantwood Children’s Home. Pictured above, front row: Linda Kelley, Brantwood employee; Bill Robertson, YLS President; Kim Herbert, Brantwood Executive Director. Back row: Gerald Jones and Leilani Williams, both Brantwood employees; Clay Barnett, Tournament Chairman; Tripp Vickers, YLS member.
The Montgomery County District Attorney’s Office is pleased to announce the implementation of District Court Pre-Trial Diversion and Juvenile Drug Court. Both programs are designed to provide offenders with an opportunity to begin again. Presiding Circuit Judge Charles Price has been a long-time supporter of these type programs and has officially approved these particular programs.

**District Court Pre-Trial Diversion**

The District Court Pre-Trial Diversion program is for Defendants who have a misdemeanor charge in District Court. To be eligible the Defendant must be a first-time non-violent offender. Prior non-serious traffic offenses do not automatically exclude participation. Some of the non-eligible offenses include offenses involving violence, injury, or the threat of violence of injury, offenses involving domestic violence, and serious traffic offenses including, but not limited to, Driving under Influence, Boating Under Influence, Leaving the Scene, Reckless Driving, and Vehicular Homicide. The District Attorney has the ultimate authority for determining eligibility and acceptance.

The program is based on the success of the Circuit Court Pre-Trial Diversion program, but the requirements have been modified. Circuit Judge Sharon Yates was instrumental in the development and implementation of this program and she will handle these cases.

Additional information is available on our website at [http://mc-ala.org/da](http://mc-ala.org/da) and by contacting Deputy DA Sean McTear at sean.mctear@alada.gov or 334-832-2550.

**Juvenile Drug Court**

The Juvenile Drug Court is for Defendants who are addicted to drugs and have a charge in Juvenile Court. This program will provide immediate intervention, treatment, and structure in the lives of juveniles who use drugs through intensive court monitoring. Non-eligible Defendants include juveniles with a prior, current or presenting violent offense/charge as defined by 12-25-32 (13), Code of Ala., or sex offense or a charge in which a firearm/deadly weapon/dangerous instrument was used; with a prior, current or presenting charge of Driving Under Influence of Alcohol/Drugs. Eligibility for the program requires a Consent Decree, provided the juvenile is eligible for a consent decree under Section 12-15-211, Code of Ala. Consent of the District Attorney is required for program participation.

The program is based on the success of the Adult Drug Court Programs, but the requirements have been modified. Circuit Judge Will O’Rear was instrumental in the development and implementation of this program, and he will handle these cases. Additional information is available on our website at [http://mc-ala.org/da](http://mc-ala.org/da) and by contacting Deputy District Attorney Tim Tyler at tim.tyler@aladda.gov or 334-261-4100.

Ellen Brooks, District Attorney

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**What is Restorative Justice?**

Come learn about Restorative Justice and how it works in the criminal justice system. Presentations will be made on **Victim-Offender Conferencing, Criminal Mediation, and Circle Sentencing.** Judge McCooey, along with Joe Guillott and Mickey McDermott and other speakers, will conduct the CLE. All participants will receive 4 hours of credit and a free pizza lunch.

**November 3rd**

**8:30—12:30**

**Jury Assembly Room**

Call Dot Robinson 265-4793 or email dotrobinson@mc-ala.org to register for this seminar.
AGENDA
OFFICE OF THE ATTORNEY GENERAL, AND
MONTGOMERY COUNTY BAR ASSOCIATION
PRESENT

2ND ANNUAL CUTTING EDGE CLE SEMINAR

Wednesday, October 13, 2010
8:30—5:00
State Capitol Auditorium

(total M.C.L.E. Hours 6.0, including 1.0 hour of Ethics Credit)

8:30   Registration begins
8:55-9:00 Welcome
9:00-9:45 Legal Writing (Hugh Maddox – Associate Justice Alabama Supreme Court, retired)
9:45-10:30 Protecting Alabama’s Families (Attorney General Troy King)
10:30-10:45 Break
10:45-11:45 Discovery (Bobby Segall – Copeland, Franco, Screws & Gill)
11:45-1:00 Lunch (on your own)
1:00-2:00 “Ethics Goes to the Movies” -(John Davis, Assistant Attorney General)
2:00-2:30 Alabama’s Voluntary Sentencing Guidelines (Rosa Davis, Chief Assistant Attorney General)
2:30-2:45 Break
2:45-3:45 The 16th Street Church Bombing (Bill Baxley – Attorney General 1971-1979)
3:45-4:45 Electronic Discovery (The Honorable Charles S. Coody, United States Magistrate Judge – Middle District of Alabama

To register for this event, call 265-4793 or email dotrobinson@mc-ala.org before October 8.

YOU MUST PRE-REGISTER FOR THIS EVENT. SEATING IS LIMITED!
2010 BENCH & BAR CONFERENCE
OCTOBER 14, 2010
8:00-11:30
At Wynlakes Country Club
Registration Deadline: Oct. 11th

SCHEDULE
8:00-8:30 Registration and Breakfast Buffet
Menu: Bacon, Egg, and Cheese Panini; cheese grits; pastries; fresh fruit; assorted fruit juices; coffee

8:30–11:30 Speakers (Judge Charles Price, Judge Mark Fuller, Tony McLain, and James Anderson)

11:30 Dismissal/ lunch for golfers
12:30 Golf Scramble Tournament
(Golf participants will receive boxed lunches.)

PRE-REGISTRATION IS REQUIRED.

2010 MCBA Bench and Bar Conference
Registration Form

Name ___________________________
Firm Name _______________________
Address _________________________
City, State, Zip ____________________
_________________________________
Email ____________________________
Phone ___________________________

I will participate in:
___ Breakfast and CLE $75
___ Breakfast, CLE, Lunch & Golf $150

I have enclosed a check for $______.

Non-members:
$100 for CLE and Breakfast only
$200 for everything

I have enclosed a check for $______.

TEAM PLAYERS
1. ______________________________
2. ______________________________
3. ______________________________
4. ______________________________

If you do not have a foursome, we will assign a player(s) to your group.

Make checks payable to MCBA and mail with registration form to MCBA, P.O. Box 72, Montgomery, AL 36101-0072.

Call 265-4793 for additional information.
**Sex(y) Solicitation from Tabor Novak and Bobby Segall**

Ok, it’s a trick. Sex has nothing (or very little) to do with this letter, but now that you’ve started, please read on - it’s (marginally) entertaining.

We’ve been asked to solicit your contribution to United Way, but we pledge in advance NOT to ask that you “give ‘til it hurts”. Some people actually do give ‘til it hurts. For those folks, we recommend psychiatry.

But from you - we ask only that you give what (we feel) you can afford. If you demur (something old and deceased lawyers once did under common law pleading), we will request that our other committee members, Leura Canary, Troy King and Ellen Brooks, provide us with extracts of your tax returns for the last three (3) years. (You know they have them!) For those of you who’ve neglected to file one or more of these pesky forms, we suggest a particularly generous contribution.

Please understand that you are our friends. We have come to you only as a last resort. As an alternative, we first urged United Way to offer Charity Bingo, a proven fund raiser. Rejected! Something about the imprint of the Governor’s Task Force not going well with the United Way logo.

Next, we recommended bundling Beasley’s 2010 plaintiffs’ cases into securitized derivatives (Goldman Sachs style) and selling them to doctors. Rejected! Something about the risky nature of plaintiffs’ judgments when exposed to the Nine Old (and young) Men (and women) on the Alabama Supreme Court.

Finally, we even suggested suing BP oil for the needed money. Also rejected! Something about the Exxon Valdes and needing the money now. (Is AVALA’s Skip Tucker on the United Way Board?)

So, as you can see, it’s come down to Lawyers. And, that’s a good thing. Lawyers are the greatest people on the planet - good humored, entirely reliable and generous beyond measure. So, PLEASEEEE, fill out your card the second you receive it, and fill in a pledge amount (reasonably) above what you gave last year. It will make you (and us) feel good.

Thank you very much,

Tabor and Bobby

P.S. Please also pledge court costs - just in the event you forget to pay.

P.S.S. Your card is being mailed to you with your own personal (unsigned and un-personalized) copy of this letter. That will be your reminder to mail your generous contribution.
The Jones Law School Corner
Submitted by Rose Metzger

Question: What do you call 100 lawyers at the bottom of the ocean? 
Answer: A good start. That was a joke I was told recently in a good-natured way by a city official who took the time to speak with me about some legal issues in land planning. Sadly, though, that is the perception many people have of the legal profession. Sadder still, quite a few of those individuals arrived at that opinion because of their personal dealings with lawyers. In every stereotype, there’s a grain of truth to give pause. Now that we are into the semester, probably a little more harried and less patient than we were at the start, it may be a good time to reflect on our profession’s image and our contribution to it. We aren’t practicing attorneys at this point, yet when we tell others we are a ‘law student,’ they already see us as a representative of the legal profession. It is pretty mind-boggling to realize that for some people, their interaction with us as law students (and later as attorneys), will be the closest encounter they have with “the law.” Law school presents us with many opportunities to represent well not only ourselves, but our families, our churches, our school, and indeed, the legal profession. Carpe diem.

CONTINUING LEGAL EDUCATION OPPORTUNITIES

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<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Event</th>
<th>Location</th>
<th>Duration</th>
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<tbody>
<tr>
<td>10/1</td>
<td>12:00-1:00</td>
<td>Municipal Court—Domestic Violence</td>
<td>Milton Westry</td>
<td>1 hr.</td>
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<tr>
<td>10/13</td>
<td>8:30-5:00</td>
<td>Cutting Edge Seminar w/ AG’s office</td>
<td>at the State Capitol Auditorium—free—various speakers must pre-register due to limited seating</td>
<td>6 hr. (1 ethic)</td>
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<tr>
<td>10/14</td>
<td>8:30-11:30</td>
<td>MCBA Bench and Bar</td>
<td>various speakers</td>
<td>3 hr.</td>
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<tr>
<td>11/3</td>
<td>8:30-12:30</td>
<td>Restorative Justice— Judge McCooey, Joe Guillott, Mickey McDermott</td>
<td>at the Courthouse—Free Pizza—please pre-register</td>
<td>4 hr.</td>
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<td>11/4</td>
<td>12:00-1:00</td>
<td>Alabama Securities Act— Randall McNeill</td>
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<td>1 hr.</td>
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<td>11/10</td>
<td>11:00-1:00</td>
<td>Automobile Litigation— Will (Tripp) Walton</td>
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<tr>
<td>12/1</td>
<td>11:00-12:00</td>
<td>Ethics Update— Tony McLain</td>
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<td>1 hr. ethics</td>
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<tr>
<td>12/3</td>
<td>11:00-12:00</td>
<td>Appellate Mediation—Jim Rives</td>
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Programs are held in the Jury Assembly Room of the Main Courthouse unless otherwise noted. Pre-register by emailing dotrobinson@mc-ala.org or calling 265-4793.
Great Expectations Award to Navan and Bridget Ward, who are expecting twin boys December 24. Navan is an attorney with Beasley, Allen, Crow, Methvin, Portis, and Miles, PC.

Congratulations to the following attorneys at Rushton, Stakely, Johnston, and Garrett, P.A. for inclusion in The Best Lawyers in America 2011: Dennis Bailey, Jeffery Blitz, Peyton Chapman, Ronald Davenport, William Eskridge, James Garrett, Jr., Richard Garrett, William Haynes, Robert Huffaker, Ted Jackson, Paul James, Thomas James, Thomas Keene, Daniel Lindsey, Patrick Shegon, Christopher Simmons, Frank Stakely, Fred Tyson, Robert Ward, and Helen Wells.

Congratulations also to the following attorneys at Beasley, Allen, Crow, Methvin, Portis, and Miles, P.C. for inclusion in The Best Lawyers in America 2011: Jere Beasley, Greg Allen, Tom Methvin, Cole Portis, Dee Miles, Mike Crow, Andy Birchfield, Rhon Jones, Roman Shaul, Leigh O’Dell, Julia Beasley, LaBarron Boone, and Graham Eddle, Jr.

The Best Lawyers in America is the oldest and most respected peer review publication within the legal industry. Inclusion in the Best Lawyers list is based on exhaustive peer reviews of thousands of leading attorneys throughout the United States. The 2011 edition is based on over 3.1 million detailed evaluations of attorneys by their peers. Montgomery is blessed with a large number of attorneys who have been recognized with this honor.