MCBA, Mark Your Calendars!
By Cowin Knowles, President

The MCBA Board has been busy filling in the calendar for this year. Be sure to mark your calendars. On March 19 at 5:00 p.m., Blackfinn Ameripub will offer free appetizers and reduced drink prices to MCBA members. Blackfinn is located at 6854 East Chase Parkway. Come and see what Montgomery's newest restaurant has to offer.

On Friday May 1, 2015, the annual golf tournament will be held. Not to put too much pressure on them or to otherwise put a big “X” on their backs, but Team Ball, Ball (i.e., Dickie Ball, Chris Waller, John Marsh, and Miland Simpler) will be going for a historic “three peat.” Put your team together and put the date on your calendar and see if you can rip the trophy from Team Ball, Ball’s hands.

On December 10 and 11, the MCBA will hold an end of the year convention bar CLE event at which you can get all 12 of your required hours, including one hour of ethics. So if you are lacking a couple of hours or you just want to put off getting your CLE hours until the eleventh hour, put December 10 and 11 on your calendar. Watch future issues of The Docket for details.

If you have any suggestions about social events, CLE subjects, or the like, please feel free to give me a call at 386-7680 or send me an email (cknowles@ball-ball.com).

Cowin

MCBA General Membership Social
Thursday, March 19
5:00-7:00
BlackFinn Ameripub
6854 East Chase Parkway
Free appetizers– special drink prices
Women’s Section Update by Laura Eubank, WLS Pres.

The weather is slowly warming up and the Women’s Section is gearing up for our spring events. On March 17th, we will host our annual Saint Patrick’s Day Party at the new Blackfinn Ameripub in Eastchase. This is a great new restaurant, and we are excited that they are allowing us to be one of the first groups to host an event here. There is plenty of room, so members, please feel free to bring a guest! (see flyer page 9)

Our group page has been established for the Walk of Life on April 18th. Effie Moore is our Board Member in charge of this event. We will also be posting the link to the page on our Facebook page so anyone can sign up. I encourage all of our members to sign up to walk or run with our group. We had a great time last year, and it is for a wonderful cause. Please help us reach our fundraising goal to help fight breast cancer by encouraging others to join us or donate on our webpage. Even if you don’t want to walk or run, you can always come support our group at the finish line. This is a family friendly event, with activities and booths set up at the finish line for the entertainment of all ages.

Lastly, we are also working to organize a panel discussion at Faulkner Law. If any of our members are interested in attending or being part of the discussion, please contact us at mcbawomen@gmail.com. As usual, keep an eye on your email for details on upcoming events!

Laura Eubank, President Women’s Section

If you are not a member of the Women’s Section of MCBA, we encourage you to join. Dues are $30.00 annually. The membership form may be downloaded from www.mcbar.org.
Our Volunteer Lawyers Bring Good Luck!

The following attorneys accepted cases in February 2015:

David Weston  The Anderson Firm, LLC
Ashley Penhale  Copeland, Franco, Screws, & Gill, P.A.
John Craft  Faulkner University Jones School of Law
Kelly McTear  Faulkner University Jones School of Law
Royce Wadsworth  The Law Office of Royce Wadsworth
Connie J. Morrow  The Law Office of Connie J. Morrow
Laura L. Clemons  The Law Office of Laura L. Clemons
William Clay Teague  The Law Office of William “Clay” Teague

The following attorneys closed cases in February 2015:

Ashley Penhale  Copeland, Franco, Screws, & Gill, P.A.
John Craft (2)  Faulkner University Jones School of Law
Brandon Stone  Stone and Britt, LLC
Stephanie Monplaisir  Beasley, Allen, Crow, Methvin, Portis, & Miles, P.C.
Royce Wadsworth  The Law Office of Royce Wadsworth

There’s a familiar face and a new crowd in Alabama.

Retired Judge Kenneth O. Simon, Esq., has opened a new office in Birmingham for Denver-based Judicial Arbiter Group, Inc.

Judge Simon, a former partner at Christian & Small LLP for 11 years is opening the JAG office to further his dispute resolution practice in Birmingham. He has more than 30 years’ experience as a judge and litigator. In 1984, he was selected as a White House Fellow and Special Assistant to Attorney General William French Smith. Later, as Assistant Director and Branch Chief of the S.E.C.’s Division of Enforcement in Washington, D.C., Ken supervised federal securities law investigations. Ken has multi-state experience as a mediator and arbitrator in securities, tort, and business litigation, and has handled many complex cases as a special master. Ken has been recognized in “Best Lawyers in America” and Alabama Super Lawyers®.

Judicial Arbiter Group, Inc. was founded over a quarter of a century ago, and today JAG is composed exclusively of former trial and appellate judges performing services such as mediation, arbitration, mock juries, discovery management and focus groups. Over 2,000 cases annually make JAG Arbiters some of the most experienced Mediators and Arbitrators in the Country.
VLP Opportunities Numerous and Varied

By Mike Martin, VLP Executive Director

Over the course of the past months, I have used this space to talk about the many services provided to the Montgomery indigent community by the volunteers enrolled in the Montgomery Volunteer Lawyers Program. These programs include the monthly Advice and Counsel Legal Clinic, the new District Court Help Desk, participation in several outside legal clinics in partnership with area agencies, our ongoing partnership with Legal Services Alabama that results in referral of potential clients and the direct application for services received daily by our office. Without the continued commitment from our volunteers we would not be able to provide any of these services. I would like to give some examples of what we have been able to accomplish, and ask you to consider joining with us to assist those less-fortunate Montgomery residents with civil legal needs.

A local veteran suffering from PTSD was not receiving his prescribed treatment because he had been declared incompetent by treating physicians, thus rendering him unable to consent on his own behalf to receive several classifications of medications. Since his young wife did not have guardianship, she had been powerless for five weeks to ensure her husband was properly medicated. After the MVLP recruited a volunteer attorney, not only did the veteran receive his prescribed medications, his wife was able to attain the status needed to manage family affairs.

Shortly after moving into a rented house, the parents of a young child discovered rodent droppings in their child’s room and cockroaches in the living room. Later that same day the couple was able to film rats running across the kitchen floor. Armed with this evidence, the young parents patiently waited a period of two weeks for the landlord to provide extermination services. Finally, the landlord’s agent invited the couple to forfeit their deposit and leave the premises. Knowing they could not afford to break their lease, they reached out to the MVLP for assistance. Extermination services were provided by the landlord within 24 hours after the couple’s case was placed with a volunteer attorney.

After deciding to separate, neither the husband nor the wife could afford to hire a divorce attorney. Fearing that she would never be divorced if she were to move to NYC to care for her elderly parents, the wife remained in Montgomery for three years after the couple separated. Thanks to the services of a MVLP attorney, the couple was able to finalize their divorce, and the wife moved to NYC to care for her ailing parents.

A Montgomery resident, 76, complained that she believed she was targeted by scam artists. She could not afford to hire an attorney on her limited fixed income, and she was becoming increasingly frustrated with bold attempts to collect a fictitious debt. After the matter was evaluated by one of our volunteer attorneys, they agreed that it appeared the client was the intended victim of scam artists. After a letter was sent on her behalf by one of our volunteer attorneys, the client has not been contacted again.

(article continued on next page)
(continued from p.4)

These are just a few of the many clients we assist in the course of our daily work. Please consider giving of your time and expertise to assist an indigent resident with a civil legal need. Many times all that is needed is advice and counsel. In others, as noted, it often only takes contact by an attorney to correct a circumstance beyond the client’s ability to handle. We have the opportunity to level the legal playing field and ensure equal access to justice for our clients. We are available at 265-0222 to answer any questions you might have, and to help the Montgomery Bar in rendering service to our community.

Mike

Montgomery Volunteer Lawyers Program Service Opportunities

Feedback from our volunteer lawyers has been that the MVLP experience was rewarding for them because they made a difference in someone’s life. We thought we would present our current volunteer opportunities in the Docket. If you are interested and willing to assist with any of the following, please contact our office at 265-0222, ext. 2. Thank you.

An income-qualified client, 57, is requesting a simple will, POA, and advanced directive so that she can live with peace of mind that her affairs are in order.

Client with a monthly income of $900 is requesting a divorce. No children, no debts, and no property to be distributed. Both parties are willing to sign the documents.

A Montgomery resident is seeking legal guardianship of his aunt with dementia. His aunt is currently living in his home out of necessity, and this nephew would like to ensure that his aunt receives the appropriate treatment for her condition.

A Montgomery resident, 75, lost her mother in 1996. At that time she moved into her mother’s house and faithfully made the $157 monthly payments. Client states that she did attempt to administer the estate, but could not afford to do so. Now the home is paid off, and the client is in possession of the filing fee. Client is an only child and is requesting assistance in establishing ownership.
Member News

MCBA Welcomes these new members:

- **Liz Eiland**—Beasley, Allen, Crow, Methvin, Portis, and Miles, P.C.
- **Rebecca Gilliland**—Beasley, Allen, Crow, Methvin, Portis, and Miles, P.C.
- **Virginia Reeves**—Bradley Arant Boult Cummings
- **Hannah Torbert**—Montgomery County District Attorney’s Office

Sasser, Sefton & Brown, P.C. proudly announce that **D. Brent Hargett** and **William R. Cunningham** have been named shareholders of the firm effective January 1, 2015. Brent joined the firm in 2008 after graduation from The University of Alabama School of Law. He is a member of the Litigation, Creditor Rights and Bankruptcy, and Financial Services practice groups in the firm. Will joined the firm in 2013 after practicing with another local firm since his graduation from The University of Alabama School of Law in 2007. He is a member of the Real Estate, Business Law, Financial Services and Litigation practice groups in the firm.

**Andy D. Birchfield, Jr.**, Principal & Mass Torts Section Head at Beasley, Allen, Crow, Methvin, Portis, and Miles, P.C., has been named Co-Lead Counsel for the Plaintiffs Steering Committee (PSC) in the multidistrict litigation surrounding blood thinner medication Xarelto. He was appointed by U.S. District Judge Eldon E. Fallon, who is overseeing the MDL in United States District Court, Eastern District of Louisiana.

**R. Graham Esdale**, a principal at Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., has been selected as one of the 2014-2015 Lawdragon 500 Leading Lawyers in America. Being a member of the Lawdragon 500 is one of the most elite honors in the law profession. Recipients of this honor are determined by a combination of editorial research by Lawdragon staff, submissions from law firms and an online nomination form.

**Bryan E. Morgan** has been named Director of Career Services at Faulkner University’s Jones School of Law. Faulkner University, Jones School of Law, 5345 Atlanta Highway, Montgomery, AL 36109. bmorgan@faulkner.edu or (334) 386-7905.

**FYI: Spring Break Week March 23-27**
Qualified Capital Defenders Needed

By Bill Blanchard

It will probably come as somewhat of a surprise to readers of this publication to learn that there are only eleven (11) First Chair and two (2) Second Chair lawyers in our circuit who have applied for and received approval to be placed on the list of lawyers eligible for appointment in death penalty cases. Given the volume of capital cases being filed in our court system each year, this number is not adequate. In the city of Montgomery alone, the number of murder cases usually climbs above the mid 30’s, and that does not include cases occurring elsewhere in the county. Anecdotal evidence suggests that the majority of those cases likely contain capital specifications, at least upon initial filing. The recently formed County Public Defender’s Office is not currently set up to take on or handle capital cases along with the many different types of criminal cases they already accept. Consequently, the burden of defense in death penalty cases is likely to remain with the private bar for the foreseeable future.

Some of you already know that effective February 11, 2012, our local circuit judges entered an Administrative Order establishing certain qualifications and procedures for those lawyers who would hold themselves out to accept clients in death penalty cases. Generally speaking, in order to qualify as a “First Chair” capital defender, a lawyer would need a certain amount of experience with death penalty litigation in addition to the statutory requisite five years of active criminal practice experience, plus attendance at 12 hours of death penalty-focused training (CLE) every two years. “Second Chair” capital defenders would also need to have substantial experience in the trial of serious felony cases, plus the CLE requirement. (The specific requirements are available for download at www.mcbar.org.)

To effectuate the administrative order, an applications process was instituted. Printed application forms were made available in the MCBA offices and the Court Administrator’s offices. Once completed, the applications were reviewed by a committee of the County bar, whose task it was to determine which applicants were and were not qualified based on the Court’s criteria, and provide that information to the Court.

Since the date of the order, a relatively small number of applications have been received and evaluated, and most of those applicants have been placed on the list of approved counsel, as either First Chair, Second Chair, or both (First Chair qualifiers are automatically eligible for appointment as Second Chair counsel). However, many who would likely qualify have simply never applied. Part of my purpose in writing this brief article is to encourage those who have not applied to do so now.

I’ve already said that only a relative few have applied. Compounding this problem is the fact that some who have applied would have qualified but for lack of having met the CLE requirements. The capital representation committee of the County bar is currently looking into various ways of making capital-focused training more readily available to local counsel. As it stands, the primary vehicle for this kind of training is the annual two-day 12 hour death penalty seminar presented by the Alabama Criminal Defense Lawyers Association (ACDLA) in Birmingham each year. There are other programs available nationally, as well, and some of our members have attended those. The capital voir dire training (continued next page)
Capital Defenders continued from p.7

put on each year by the national College of Capital Voir Dire in Boulder, Colorado, is an excellent example, and there are others.

If you feel you have the necessary experience, but may lack the CLE training component, I would encourage you to apply nevertheless. The committee members have discussed with the court the possibility of adding well-qualified capital defenders to the list provisionally, allowing them to complete the CLE requirement within a certain period of time after being placed upon the approved list. However, I should add that periodically participating in high quality training aimed at capital representation is absolutely essential to maintain competence in this highly specialized and rapidly evolving area of criminal litigation. Therefore, the CLE requirement will of necessity remain something that has to be done in order to qualify for the list, either sooner or later.

If you wish to participate in this work, please acquire a copy of the printed application form, complete it, and submit it to Suzanne Duffey at the MCBA offices in the law library. If you have previously applied and wish to know the status of your application, you can call me or send me an email to bill@blanchardlaw.com, and I will let you know. Please remember that even if you are already on the list, it is necessary to maintain eligibility to remain on the list by getting the 12 hours of capital case training each 24 months. At some point, you will be contacted and asked to certify that this requirement has been met.

Young Lawyers Section News

On Thursday, March 19th, the Young Lawyers Section will have a social at the new Blackfinn Ameripub in Eastchase. The social will coincide with the first day of the NCAA basketball tournament, i.e., one of the best days in sports (annually, at least). You know the day, the one where you have a fake excel document minimized and at the ready in case someone busts into your office unannounced. Yes, it is the day when the outcome of SF Austin and VCU means more to you than working. That day, after work, come enjoy the afternoon/evening spread of games with your fellow Montgomery young lawyers.

As is tradition (this makes two years in a row), we will have a YLS bracket pool/contest for the tournament. No entry fee, and the winners will receive gift cards to local Montgomery establishments. 1st place = $50; 2nd place = $30; and 3rd place = $20. To where? A great question, to which I do not know the answer. Will Cunningham may know, or he probably can come up with something. Call him at his office. The contest will be online and an invite will be sent out on Monday, March 16th.

Lastly, the YLS will again have a skeet shoot fundraiser at Lower Wetumpka Shotgun Sports Club. We hope to have a concrete date for the event soon. It most likely will be in late May or early June. Details to come.

Jesse Anderson, YLS President
MCBA Women’s Section
St. Patrick’s Day Party
March 17, 2015
BLACKFINN AMERIPUB
6854 Eastchase Parkway
Montgomery, AL 36117
5:30-7:30pm
Sponsored by
Baker Realtime Reporting
and Video Services, Inc.

*This event is open to all Women’s Section members and their guests.
CLE OPPORTUNITIES FOR YOU

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<td>Apr. 16</td>
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<td>Courthouse Dogs/ Ellen O’Neill Stephens &amp; Celeste Walsen (see information below)</td>
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Preregister by e-mail to dotrobinson@mc-ala.org or call 265-4793.

Courthouse Dogs CLE Workshop Agenda
10 AM – 12 PM    April 16, 2015
Montgomery, AL

Courtesy of the Montgomery County District Attorney’s Office

Professionally trained facility dogs are working throughout the country in prosecutor’s offices to assist crime victims and other individuals while they participate in stressful criminal justice proceedings. As legally neutral companions for witnesses during the investigation and prosecution of crimes, the dogs have a dramatic impact on the ability and willingness of the most vulnerable witnesses to describe what happened. This workshop is designed to instruct prosecuting attorneys, defense attorneys, judges, and victim advocates about best practices in the use of facility dogs so that the use of these dogs can lead to increased victim satisfaction along with more successful prosecutions of crime.

Topics covered will include:

- Overview of the use of facility dogs with crime victims and witnesses, drug court participants, and others impacted by the criminal justice process.

- How dogs attenuate the reaction to trauma and stress for child victims.

- Why the presence of dogs creates a more compassionate environment for victims and witnesses, while allowing for a more effective administration of justice.

- Where do you get a dog suited for this type of work? What is the training involved?

- Summary of scientific research on the use of canines to provide a sense of security and comfort to distressed people.

- Case law and legal procedures to support the use of a dog in the courtroom

- Review of appellate issues. Updates on appeals on the use of dogs around the country.
MCBA Annual Meeting Highlights

On January 22, 2015, the Montgomery County Bar Association members held their annual meeting. Below left, outgoing president, Ben Schoettker greets the crowd. Right, 2015 President, Cowin Knowles, addresses those in attendance. The MCBA Award for Service and Achievement was presented to Roianne H. Conner in recognition of her many contributions to MCBA and to the people of Montgomery County. Pictured with Roianne, lower left, are Ben Schoettker and Laura Eubank, Women’s Section President. Laura nominated Roianne.

Bobby Segall, lower right, introduced the attorneys who are celebrating 50 years of legal practice this year: John Norman Albritton, John Douglas Cates, Henry Crowell Chappell, Richard Hamilton Gill, Reginald Turner Hamner, William Gaines McKnight, Alan Edward Rothfeder, and Walter Sanderson Turner.
Felicia Long, chairman of the 2014 Charity Fundraiser which benefitted Mary Ellen’s Hearth, Medical Outreach Montgomery, and the Montgomery Volunteer Lawyers Program, thanked sponsors and recognized the representatives from each of the charities as ceremonial checks were presented. MCBA raised $60,000 which was shared with the three recipient organizations. Pictured in the center are some of the top sponsors for the charity event—Roainne Conner, Rhon Jones for Beasley Allen, Eddie Stivers of Stivers Ford, Bobby Poundstone of Bradley Arant Boult Cummings, LLP and Tommy Keene of Rush- ton, Stakely, Johnston, & Garrett, P.C.

Pictured at the bottom left and right are guests attending the luncheon. Special guests included the representatives of the charities, 50-year members, and family members of attorneys who passed away in 2014.