

By Douglas McElvy

## Progress: Impossible Without Change

George Bernard Shaw once said, "Progress is impossible without change, and those who cannot change their minds cannot change anything." I don't think he was talking about those kinds of sea changes that throw society and culture into convulsion, or changing firmly-held moral convictions, but rather about simply seeking to improve the status quo. The Alabama State Bar was founded in January 1879, and has been led by many great lawyers who have been sensitive to keeping our bar and its service to Alabama lawyers on the cutting edge. Since we are a mandatory or "integrated" bar, membership is required to practice law in the State of Alabama. By state law, our major function is regulatory, meaning we have the responsibility to oversee the admissions process, including character and fitness requirements and the bar examination. Additionally, we have the regulatory

responsibilities of lawyer discipline, professionalism, continuing legal education and other related duties.

We are blessed with an excellent staff which oversees our regulatory functions and also recognizes an additional function of our state bar, which is to serve our members. My goal and the goal of the bar staff is to provide a level of services which would make members want to belong to the Alabama State Bar, even if it were not mandatory. We realize that to accomplish this goal we must be open to change to provide the most up-to-date programs and services to meet the professional challenges confronting you as an Alabama lawyer.

Part of the process of improving involves our **Long-Range Planning Initiative**. Caine O'Rear has graciously consented to lead our long-range planning effort, which will include a diverse group of legal professionals from all over our state. We will also continue the initiative commenced by former **President Bill Clark** to implement the Alabama State Bar **Leadership Forum**. Pat Graves and Alyce Spruell did a great job in pulling together this initiative, and the Alabama State Bar

Leadership Forum received a generous contribution from **Allen Dodd** and **John David Dodd** in the amount of \$10,000, in the memory of their late law partner and former state bar **President Bill Scruggs**. This is a great leadership initiative, and lawyers who are interested should download an application from the Alabama State Bar Web site, [www.alabar.org](http://www.alabar.org).

We will continue other initiatives started by Bill Clark and other past presidents, such as the work of our ad hoc committee on judicial selection, indigent defense commission legislation, and the work of our task force on admissions, which has almost completed a corporate counsel affiliation rule.

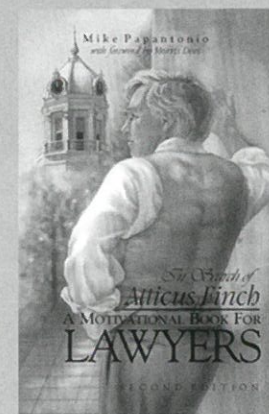
Last year, the Alabama legislature passed an act amending sections 34-3-40 and 34-3-41 of the *Alabama Code*, enlarging the board of bar commissioners by nine at-large members so the commission can more appropriately reflect the racial, ethnic, gender, age, and geographic diversity of the members of the state bar. The new bar commissioners for the at-large positions will take office in July 2005, pursuant to the terms of the act. ASB **Vice-President Anthony Joseph** is leading an ad hoc committee to develop the rules for implementation of the act as required by law.

**Past President Dag Rowe** is heading a committee to review the rules and proce-

dures for the election of the president-elect of the Alabama State Bar. The committee will be examining issues to facilitate the election process, as well as the use of electronic communication, which is currently not mentioned in our rules.

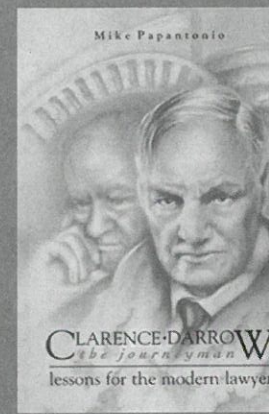
Access to justice issues have always been a major concern in the legal profession. Lawyers have traditionally shouldered the burden for providing legal services to those people in our society who cannot afford lawyers. With the decrease in funding and the consolidation of legal services into one corporation in Alabama, we are beginning to re-think how we can take care of the legal needs of the poor in Alabama. **Sam Stockman**, an attorney in

## 4 BOOKS FOR TODAY'S ATTORNEYS



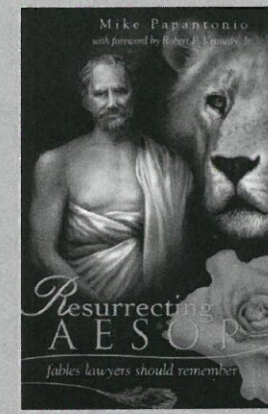
**In Search of Atticus Finch** is a motivational book which gives attorneys a practical road map to emulating hero Finch in our professional and personal lives.

\$25



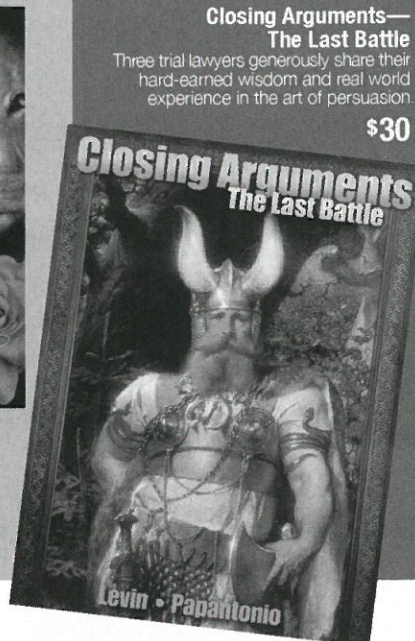
**Clarence Darrow—The Journeyman** tells of Darrow's endless effort to understand and appreciate the world outside of his office in order to provide balance to his life.

\$25



**Resurrecting Aesop** guides today's advocate in the ways of decency and professionalism in the practice of law through the keen observation of human nature.

\$25



**Closing Arguments—The Last Battle**  
Three trial lawyers generously share their hard-earned wisdom and real world experience in the art of persuasion.

\$30



AUTHOR MIKE PAPANTONIO  
*Trial Attorney*

1-800-577-9499 | Seville Publishing | P.O. Box 12042 | Pensacola, FL 32590 | [sevillepublishing.com](http://sevillepublishing.com)

VISA, MC, AmEx and CHECKS ACCEPTED.  
Add \$3 S & H per book. FL residents add 7.5% sales tax.

ORDER ALL 4  
AND SAVE \$15!  
\$90  
4 Book Set

Mobile, has agreed to chair an Access to Justice Task Force to investigate new ways we can take care of the needs of our poorest citizens. This is a serious issue. Nations and states which have neglected the legal needs of the poor historically have not fared well.

Casemaker is an exciting member benefit coming online in approximately nine months. This is a legal research engine created by lawyers for lawyers, and at last count, 17 states had joined the Casemaker family. Every lawyer in Alabama will have access to the database of the Alabama library, as well as the databases of all other Casemaker states.

Through the ASB Web site ([www.alabar.org](http://www.alabar.org)), you will be able to access an extensive library, including Alabama statutes and appellate court decisions, 11th Circuit decisions and a wealth of other state and federal resources. It may not include every resource you need, but for a lawyer whose practice is limited to state and federal courts in Alabama, it is very comprehensive. There will be no charge to Alabama lawyers to access Casemaker.

Another initiative this year is the Judicial Liaison Committee. Jere Beasley and Sam Franklin agreed to co-chair this committee with renewed energy and

vigor. Perhaps more than ever, our relationships with the courts must be strengthened, as together we examine the legal profession's core values of integrity, service and fairness. We must strive together to maintain the excellence of our legal system. Only together can we solve problems of professionalism, civility, court funding and respect for the rule of law.

I've heard it said that the legal profession is the glue that holds together democracy. I don't quite agree with that statement, because I believe it is the rule of law that holds together democracy. We lawyers are entrusted with the stewardship of the rule of law, so our role is vital.

Because the role of the legal profession is instrumental, it is imperative that we examine ourselves to be sure we are dispatching our responsibilities with the highest standards of character and moral virtue. Public perception of the legal profession is not something we can entirely control or manipulate, though I do believe it is important that the public understand the true nature of the legal profession and that at times our calling requires us to take on unpopular clients and causes. It is my desire to promote a proper understanding of the role of lawyers and the rule of law in our society. Civil order without respect for the rule of law is not possible. Respect for the rule of law without the vigilance of the legal profession also is not possible.

Not too long ago, Alabama lawyers held the majority positions in our state house of representatives and in the state senate. Many lawyers, through Alabama's history, have rendered great service as leaders in Alabama's legislative bodies. Today, there are only 11 lawyers in the Alabama house of representatives and 11 lawyers in the state senate. Our state bar motto is "Lawyers Render Service," and I can think of no better way to serve the public than by using our unique training, skills and talents in the law-making process. One of my goals this year is to launch an initiative to get more lawyers back in the legislative process.

The character and fitness requirements for admission to the Alabama State Bar are very important. Our oath of office requires that we demean ourselves with certain attributes, which means that the legal profession is not for everyone. I would like to see initiatives in law schools and in primary and secondary schools that would enhance the character and fitness of those who seek admission to the legal profession. I have never felt worthy or that I actually measured up to the standards and high moral character required of lawyers. I am mindful every day of my own shortcomings, but I am constantly encouraged by the example



## In memory of JACQUELINE C. HEARTSILL

*Executive Assistant,  
Alabama Center for  
Dispute Resolution*

September 18, 1935 – September 29, 2004

of so many of the great and honorable members of our bar whom I am meeting as I travel around the state.

The programs and activities of the Alabama State Bar are designed to serve the members of the bar, to improve the administration of justice, and to serve the public

at large. In addition to 19 committees and five task forces, the state bar maintains 23 sections which are designed to facilitate communication and share information among members of the sections. I invite each of you to get involved in state bar activities. We need your leadership. ■

# Alabama Legal Forms!

## [www.legalforms-AL.com](http://www.legalforms-AL.com)

YOUR SOURCE FOR ALABAMA LEGAL DOCUMENTS

[www.legalforms-AL.com](http://www.legalforms-AL.com) was designed especially for small firms and solo practitioners who are seeking to minimize overhead expenses while expanding their areas of practice.

- We offer you a selection of Form Files, each of which is a **set** of related document forms.
- You have the option of selecting the Form File for one category (\$29) or the entire Form Files package for all categories (\$99).
- Each Form File may be previewed and downloaded for immediate use and reused again and again to expedite your practice.

[www.legalforms-AL.com](http://www.legalforms-AL.com)  
CREATED BY ALABAMA ATTORNEYS FOR ALABAMA ATTORNEYS

View Form Files

Deed  
Mortgage  
Last Will & Testament  
Will Probate  
Estate Administration  
Guardianship &  
Conservatorship  
Power of Attorney  
Lease & Easement  
Eviction  
Corporation  
Adoption  
Criminal Defense  
Criminal Prosecutor  
General Practice  
Timber Purchase  
Litigation

Download

## Is your professional image worth 4¢?

Engraved Stationery Packages Starting at

# \$330

For only 4¢ more than the cost of regular stationery, you can have the most elegant and professional looking stationery available: Engraved.

**FREE**  
Ground Shipping  
\$50 minimum  
48 contiguous  
states

Includes: 1000 Letterheads and Envelopes, 500 Business Cards, 500 Plain Second Sheets, Dies, and a proof. 24lb, 25% Cotton, Laser Finish, White, Ultra Bright White or Bamboo, recycled bond.

Second color \$199 extra.

**BlumbergExcelsior**  
Since 1887  
800 LAW MART 800 529-6278  
Fax: 800 561-9018 [www.blumberg.com](http://www.blumberg.com)