



Addendum

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PUBLIC SERVICE INVOLVES POLITICS

Alabama's first female U.S. Attorney was prepared, though, having served as one of the singing "Garrett Girls" for her father's campaigns

Leura Garrett Canary, United States Attorney for Alabama's Middle District, was 13 and growing up in the tiny Monroe County town of Uriah, when she told her mother she wanted to be a lawyer. Canary's mother took her to visit **Alice Lee**, Monroeville attorney and sister of famed author Harper Lee, to discuss her career choice. Canary distinctly remembers the 1970s lime green suit she bought especially for the visit, as well as Lee's advice when they talked about the fact that too many people were entering the legal profession: "There is always room at the top."

Canary has been working her way to the top ever since. She left her little high school in Uriah after the 11th grade to enroll in Huntingdon College in Montgomery. She graduated in three years and enrolled at the University of Alabama School of Law. After law school, she began her career in public service at the Alabama Attorney General's office before working for the Department of Justice in Washington, D.C.

Canary has continued to distinguish herself, becoming Alabama's first female U.S. Attorney in 2001. There are only 12 females out of 93 total U.S. attorneys in the country, but Canary says being female is not an issue in her job. In fact, she credits her skills in managing her 50 employees to the skills she has learned as a mother. She says that just as she helps her two children, whom she raises with her husband Bill, find their talents so that they can flourish, she looks for the work in which her employees excel when making job assignments, a practice that has proven to be successful.

Canary oversees the prosecution of all federal crimes in

the 23-county Middle District.

Canary also administers a gun violence reduction program that seeks to lock up, without

chance for parole, repeat offenders who use a gun, as well as educating the public through media campaigns and programs for school children. Those efforts are responsible, in part, for reducing the homicides in the city of Montgomery by 42 percent, the city's police chief has stated publicly.

Additionally, her civil division defends lawsuits against the federal government in the district. The division's financial unit represents in United States' interests in bankruptcy and collection cases. Canary states the division collected over \$1.5 million last year. Moreover, the district's joint terrorism task force run by the FBI is housed in Canary's office and follows leads, analyzes intelligence and conducts training.

With such weighty responsibilities, how does Canary balance job and family? "I have never been a workaholic," she explains. "I leave work at work. I enjoy my job tremendously, but I enjoy my family more. I am fortunate that I have not had to choose between my family and my career, because my family comes first."

"I work hard and try my best," says Canary. With that attitude, she is making a positive difference in all she does.

—Ashley H. Hamlett, Montgomery





DAVID AND GOLIATH: The Piracy Crusades

An old story with a new twist,
and the little guy wins again

Maybe it's the finicky economy. Maybe it's

just the principle of it. One thing is certain, though—many of our country's largest technology companies aren't hesitating to pick on the "little guy." To these big companies (aka "Goliath"), their technology is their treasured "booty," and any suspected pirate, regardless of the size, may be forced to legally walk the plank.

You may know someone who's fallen into this "David" category. He or she receives a summons bearing the name of one of the country's largest companies of Goliath proportions, with "David's" name on the wrong side of the "v". Gulp.

How does this happen? In most cases, Goliath manages to procure a list of customers from an "unauthorized" dealer of his equipment. Frequently, this unauthorized dealer sells some type of entertainment equipment, such as cable or satellite television receivers. Often, this dealer is an online retailer.

Who is this Goliath? He is a major player in the cable/satellite television industry, looking for potential piracy of services, and demanding swift justice. Goliath contends that if an unauthorized dealer has been caught selling equipment that may be utilized to pirate services, such as satellite television services, then customers buying products from the unauthorized dealer may be utilizing the equipment they purchased to pirate Goliath's services in violation of the Federal Cable Communications Policy Act.

How would such a large company of Goliath-type proportions have the time to pursue each "suspect" on the numerous customer lists acquired from unauthorized equipment dealers? They often work with small law firms, who pursue

each customer by firing off anything from "nasty-grams" to filing a complaint in federal court. However, when David comes to your office in a state of shock after receiving the summons and complaint, most likely you will find him to be a law-abiding, well-behaved citizen.

How should you handle Goliath? Fear not—you probably will not have to suffer through a trial or settlement negotiations, with a bewildered David by your side. If the main issue concerns a device purchased by David from an unauthorized dealer, usually Goliath will back down, if you simply contact him and offer to send the allegedly illicit device to him.. Once again, David wins!

—Caroline Coker Coursey, Horsham, Pennsylvania

The **Fifth Judicial Circuit's** annual bar meeting and dinner will be June 18th in Tuskegee at the Kellogg Conference Center from 5:30 to 8:00 p.m. For more information, call Elaine Raymon at (334) 727-6700.

The **Guard/Reserve On-Site Conference** was held in April in Orange Beach and recognized all military law servicemembers who have deployed in the war on terrorism. The **Military Law Symposium** is scheduled for August 20–21 at the University of Alabama School of Law. Major General Mark Bowen, Alabama's adjutant general, and other speakers will address deployments and homeland security. For more information, call Bryan Morgan or Jack Wallace at (334) 271-7471.

The American Constitution Society: Its Mission and Constituency

Interested in legal philosophy, public policy, judicial appointments?
Then read on



A new legal society devoted to legal philosophy, public policy and judicial appointments is coming to Alabama. Formed in the spring of 2001, the

American Constitution Society for Law and Policy is a national organization of law students, law professors, judges, practicing lawyers, and others. Through student and lawyer chapters, speaking and media programs, public education efforts, publications, and other activities, the Society seeks to revitalize and transform the

legal debate, from law school classrooms, to federal courtrooms, to the congressional hearing rooms where judicial nominations are weighed. The Society wants to counter the dominant vision of American law today, a narrow, conservative vision that lacks appropriate regard for the ways in which the law affects people's lives. It seeks to restore the fundamental principles of respect for human dignity, protection of individual rights and liberties, genuine equality and access to justice to their rightful—and traditionally central—place in American law. The Society wants to strengthen the intellectual foundations of—and the public case for—a vision of the law in which these values are paramount.

The American Constitution Society's mission statement is succinctly stated:

"The American Constitution Society is working to restore the fundamental principles of respect for human dignity, protection of individual rights and liberties, genuine equality and access to justice to their rightful—and traditionally central—place in American law."

A statewide chapter is forming in Birmingham. It is hoped that formation of other chapters will follow in Montgomery, Mobile and elsewhere. For information on joining the Society and spirited debate, contact **Doug Jones** at djones@whatleydrake.com or **Wayne Morse, Jr.** at wmorse@clarkdolan.com.

"The American Constitution Society is working to restore the fundamental principles of respect for human dignity, protection of individual rights and liberties, genuine equality and access to justice. . ."



“The Lawyer’s Guide to Fact-Finding on the Internet,” Second Edition

By Carol A. Levitt and Mark E. Rosch

Reviewed by Laura A. Calloway

If your practice relies on the information you find on the Internet, you need to check out this book

This book is the ultimate guidebook for any lawyer who depends on the Internet for factual research in his or her practice. Written by a lawyer/law librarian and a marketing expert/Web site developer, this book sets out everything you need to know about the sites that may be of value to you.

The quick reviews of the Internet sites contained in the book are organized into a standard format of site address, a screen shot to familiarize you with the look of the site and symbols to let you know whether the site has free content, paid content or a combination of the two. There is also a short paragraph summarizing the site’s content and the authors’ opinions of the site, special tips about how to use the site, and suggestions of when the site should be used. Rather than alphabetizing the sites, they are organized by type and in terms of usefulness.

The book is divided into stand-alone chapters, which let you focus first on the type of research in which you are most interested. There are chapters on factual research, government resources, finding and “back-grounding” people, accessing public records, finding and “back-grounding” expert witnesses, company research, and medical research, to name a few.

As an aid, the book is accompanied by a CD-ROM with checklists to help with your research, including a source-credibility checklist to help evaluate whether you should rely on the content of a particular site. There is also an Adobe Acrobat PDF document containing the addresses of all of the reviewed sites, organized by both name and site type, so that you can surf directly to the site you’re interested in without having to type in the URL.

If your practice relies on the information you find on the

Internet, you need to check out this book. Copies are available through the Law Office Assistance Program Checkout Library, or you may purchase a copy through the LOMAP bookstore. For more information, contact Sandra Clements at sclements@alabar.org.

Lights! Camera! Sandestin?

Back by popular demand! Don’t miss “Cross That River” at ASB Annual Meeting! See back page for details.



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Editor:

Gloria J. McPherson, Montgomery

Associate Editor:

Ashley Hamlett, Montgomery

Contributors:

Laura A. Calloway, Montgomery

Caroline Coker Coursey, Horsham,
Pennsylvania

Wayne Morse, Jr., Birmingham

Graham-Leach-Bliley Privacy Policy Update

“Financial Institutions” (including attorneys) may still straddle that privacy fence

If you practice in areas that involve “financial activities,” don’t waste a weekend drafting that Graham-Leach-Bliley privacy notice just yet.

Passed in the 106th Congress, Title V of the Graham-Leach-Bliley Act of 1999 required that by July 1, 2001, financial institutions provide their customers with notice of their information-sharing policies, and afford them the opportunity to “opt out” of having their information shared. The Federal Trade Commission, which issues regulations pursuant to the law, announced in November 2000 that the definition of “financial institution” included attorneys whose practices involve leasing property or advising in such leasing, debt collecting, financial advisory activities and tax planning and preparation.

An order issued by the United States District Court for the District of Columbia on April 30, 2004, has held for the plaintiffs, the New York State Bar and American Bar Association, declaring that Congress did not intend for the Act’s privacy provisions to apply to attorneys who provide legal services in the fields of real estate settlement, tax planning and tax preparation, and that the FTC’s interpretation that attorneys are subject to the GLBA’s privacy provisions constitutes arbitrary and capricious agency action.

As of this writing, the FTC has not announced whether it will appeal. Stay tuned . . .





Identity Theft— An Attorney’s Advice, And It’s Free!

A corporate attorney sent the

following out to the employees in his company:

“The next time that your order checks, have only your initials (instead of first name) and last name put on them. If someone takes your checkbook, they will not know if you sign your checks with just your initials or your first name, but your bank will know how you sign them.

“When you are writing checks to pay on your credit card accounts, DO NOT put the complete account number on the ‘For’ line. Instead, just put the last four numbers. The credit card company knows the rest of the number and anyone who might be handling the check as it passes through all the check-processing channels won’t have access to it.

“Put your work telephone number on your checks instead of your home phone number. If you have a post office box, use that instead of your home address. Never have your Social Security number printed on your checks; you can add it if it is necessary, but if you have it printed, anyone can get it.

“Place the contents of your wallet on a photocopy machine and copy both sides of each item. You will know what you had in your wallet and all of the account numbers and phone numbers to call and cancel them.

“Unfortunately, I have firsthand knowledge because my wallet was stolen last month. Within a week, the thief ordered an expensive monthly cell phone package, applied for a VISA credit card, had a credit line approved to buy a Gateway computer, received a PIN from the Department of Motor Vehicles to change my driving record information

online, and more.

“To limit the damage in case this happens to you or someone you know:

We have been told we should cancel our credit cards immediately, but the key is having the toll-free numbers and your card numbers handy so you know whom to call. Keep those where you can easily find them.

“File a police report immediately in the jurisdiction where it was stolen.

“If you have the unfortunate experience of having your wallet or checkbook stolen, call the three national credit-reporting organizations immediately to place a fraud alert on your name and Social Security number. I had never heard of doing that until advised by a bank that called to tell me that an application for credit was made over the Internet in my name. These numbers are:

- Equifax:
(800) 525-6285;
- Experian (formerly TRW):
(888) 397-3742;
- Trans Union
(800) 680-7289; and
- Social Security
Administration
(fraud line):
(800) 269-0271.”

—Jim Henshaw, director of admissions, Nebraska State Bar

“Within a week, the thief ordered an expensive monthly cell phone package, applied for a . . . credit card, had a line of credit approved to buy a Gateway computer . . . and more.”

ASB Law Day 2004 Observance Draws to a Close With “Cross that River: Brown v. Board of Education and the People Who Lived It”



This year marks the 50th anniversary of *Brown v. Board of Education*. The production of “Cross that River: Brown v. Board of Education,” performed in the courtroom of the Alabama Supreme Court, celebrates this momentous decision that changed the face of America forever by ending segregation in our schools.

When the idea was presented to do a reenactment for Law Day 2004 of the famous Supreme Court decision, it was enthusiastically adopted and then developed in ways that can only be described as “inspiring!” Actually presented in the Alabama Supreme Court courtroom, the stories of the plaintiffs involved in the case and the dramatic reenactment of the oral arguments give the audience a greater understanding of the human face of Brown. Little Ruby Bridges, depicted in the famous Norman Rockwell painting, *The Problem We All Live With*, is representative of the response in the South of the enforcement of the integration of schools.

Montgomery-area students, lawyers and others volunteered their time and talents, working since February to bring together this production. An original script and music provided additional emotional impact to the story of an event that forever changed our nation.

Judge John B. Crawley, of the Alabama Court of Civil Appeals, **Shirley Zeigler Brown**, with the Department of Industrial Relations, and **Mike Jackson**, of Beers, Anderson, all have parts in the play, as does Brown’s daughter, **Jimia**. **Tim Lewis**, supreme court marshal and law librarian, and Montgomery attorney **Tommy Klinner**, co-chairs of the ASB Law Day Committee, volunteered long hours working backstage, as well as **Kimberly Barnhart**, ASB communications and publications assistant.



Jane Garrett, part-time librarian in charge of special projects for the supreme court, and **Rebecca Gregory**,

a retired school teacher, co-wrote the script and brought to life the stories of the children of *Brown*.

In addition to helping sponsor the play, the ASB held its annual Law Day Poster and Essay contest for students statewide in grades K-12. Winners’ names and photos will be published in the July *Alabama Lawyer*.



Jane Garrett, Rebecca Gregory, Tommy Klinner and Tim Lewis, four of the volunteers who devoted long hours to the production



HIGHLIGHTS



THURSDAY, JULY 22, 2004

Plenary

- *"The Top Ten Mistakes Made by Trial Lawyers,"*

Featured speaker: Stephen A. Salzburg,
Washington, DC

Howery Professor of Trial Advocacy, Litigation and
Professional Responsibility,
George Washington University Law School

Law Day Drama

**"CROSS THAT RIVER: *Brown v. Board of Education*
& the People Who Lived It"** – the 2004 Law Day original
drama is scheduled to be presented tonight. Ask anyone
who saw it during Law Week, this is a "must-see"
performance that you and your family won't want to miss!



SATURDAY, JULY 24, 2004

Grande Convocation

Featured Speaker: Albert P. Brewer, Birmingham
Professor of Law, Cumberland School of Law

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