

Addendum

In this issue:

- » *Mobile VLP Partners with Surrounding Counties to Provide More Service*
- » *Alabama Child Support Calculation App Now Available*
- » *Accolades*
- » *Up the Autauga Creek with a Paddle*
- » *New AmicusCuriae Website is the Lawyer's Friend, Too!*
- » *Save 40 Percent at FedEx Office*
- » *PMS Tip of the Week: Transitioning to Office 2010*
- » *Court Notices*
- » *Revised Income-Withholding Order*
- » *Expanding Your Practice Using Limited-Scope Representation*

Addendum, official online newsletter of the Alabama State Bar, is published six times a year (December, February, April, June, August, October) by The Alabama Lawyer Board of Editors, P.O. Box 4156, Montgomery 36101-4156. Contributions from members are welcomed and encouraged. Views expressed are those of the authors, not necessarily those of the board of editors, officers or board of bar commissioners of the ASB. Copyright 2012. The Alabama State Bar. All rights reserved.

Mobile VLP Partners with Surrounding Counties to Provide More Service



The Mobile Bar Association Volunteer Lawyers Program has officially become the **South Alabama Volunteer Lawyers Program**. After more than 25 years of providing pro bono legal service to the Mobile community, the program has expanded to work in partnership with the attorneys of Baldwin, Clarke and Washington counties to serve citizens throughout the region.

As a part of this expansion, the program's website (<http://www.savlp.org>) has been updated. Go to the attorney log-in section and make sure that your information is up-to-date, including the counties you are willing to serve and the subject areas you are able to accept. And, the resources section is full of helpful information, including CLE materials and forms, as well as an updated Facebook account (<http://www.facebook.com/pages/South-Alabama-Volunteer-Lawyers-Program/153968247948994>).

pages/South-Alabama-Volunteer-Lawyers-Program/153968247948994.



Alabama Child Support Calculation App Now Available



Candace Peeples, of Shaw, Anderson & Peeples LLC in Birmingham, has just launched a new app she hopes will be of use to Alabama lawyers who practice domestic relations law.

The Alabama Child Support Calculator (<http://itunes.apple.com/us/app/alabama-child-support-calculator/id528473772?mt=8>) became available through iTunes in late May and works on both the iPhone and iPad. It is a free

app which allows the user to quickly calculate or update child support payments. The app leads you through several screens on which you select the number of children, indicate which parent has primary custody, add child care, health insurance, income and other support and maintenance amounts, and then calculate an estimated monthly child support amount based on the Rule 32 Guidelines.

The app contains a link to Peeples's firm website and is set up to allow the user to automatically e-mail the results to her; however you can delete her e-mail address and add your own or other e-mail addresses, so that you

can forward or print the results to share with your own clients.

If you do divorce work and carry an iPhone to court with you, the Alabama Child Support Calculation App might be a great addition to your mobile toolbox.

Accolades

Hernandez Named Representative for Hispanic National Bar Association



Maynard, Cooper & Gale PC announces that **Vanesa Hernandez** has been named a regional representative for the Young Lawyers' Division of the Hispanic National Bar Association (HNBA). Hernandez will be the representative for Region VII, which includes Alabama, Georgia and Mississippi.

The HNBA acts as a voice for Hispanics in general, with a particular focus on the legal profession, and helps facilitate the exchange of information among Hispanics in and outside of the legal community. It also provides testimony before Congress, state legislatures and executive agencies on issues affecting Hispanics. Most recently, in Region VII, the HNBA established a hotline for inquiries about HB 56, Alabama's new immigration law.

Hernandez is an associate in Maynard Cooper's fiduciary litigation practice group. She is proficient in Spanish and often assists many of the firm's attorneys with translation requests. She graduated *magna cum laude* from the University of Florida before attending the University of North Carolina School of Law, where she was co-president of the Hispanic/Latino Law Students Association.



Baker Donelson Attorney Recognized for Pro Bono Work

Baker, Donelson, Bearman, Caldwell & Berkowitz PC recently named **Stacey A. Davis** its Birmingham Pro Bono Attorney of the Year.

Davis was recognized for her entertainment law work with Sidewalk Moving Picture Festival, which conducts an annual celebration of independent cinema in downtown Birmingham, and for handling more than a half-dozen pro bono adoption cases through the Birmingham Volunteer Lawyers Program (<http://www.vlpbirmingham.org>). She is helping with a documentary to benefit a tornado-ravaged Alabama community.

Firm Launches Alabama Immigration Law Blog

Balch & Bingham LLP has launched the *Alabama Immigration Law Journal*, a blog authored by members of the firm's Labor & Employment Section. The blog provides practical information to the business community as employers work to ensure compliance with Alabama's new immigration law, recognized as the toughest in the nation.



Alabama Immigration Law Journal editor and Balch attorney **Wendy Padilla-Madden** serves on the American Immigration Lawyers Association (AILA) Verification and Documentation Committee, an invitation-only committee that serves as a liaison with the agencies that enforce and control immigration compliance.

In addition to Madden, the *Alabama Immigration Law Journal* contributors include **Jeff Starling**, **R. Pepper Crutcher, Jr.** and **Douglas B. Kauffman**.

Recent posts on the *Journal* (<http://www.alabamaimmigrationlawjournal.com>) include ways to comply with E-verify, changes to the Alabama Immigration Law that affect the business community and an anticipated increase in I-9 form audits.

Up the Autauga Creek with a Paddle



The waters of Autauga Creek were churning recently and it wasn't from sharks, but from the oars of local officials paddling downstream. The Autauga Creek Improvement Committee (ACIC), along with **Senator Bryan Taylor**, **Representative Paul Beckman**, the City of Prattville, the Prattville Chamber of Commerce, the Autauga County Commission, and the Autauga County Board of Education, hosted a VIP Float in May. The event was sponsored by Gilmore Ford.

The get-together was planned to remind area residents of the beauty of the creek, as well as the benefits of living in the Prattville area. Among the 50+ paddlers were **Circuit Judge John B. Bush** and wife Carol, and **Alabama State Bar Commissioner and Prattville City Attorney David A. McDowell** (pictured in front, at left).

Upcoming ACIC events include Family Float Days July 14 and August 25, and Canoe/Kayak Poker Runs August 4 and September 2. Go to www.ataugacreek.org for more information.

—Katherine Church, ASB Volunteer Lawyers Program assistant and ACIC Public Relations director

New AmicusCuriae Website is the Lawyer's Friend, Too!



If you've ever wished you knew more about how a judge in another circuit likes for things to go in his or her courtroom, you'll be delighted to learn about AmicusCuriae, a website (<http://my-amicuscuriae.com>) currently still in the beta development phase, built by Birmingham lawyer **Jenifer Champ Wallis** of the Wallis Law Firm.

Subscription to the site is free. Once you create your account, you'll receive a link by email to activate it. You can then log in and view the site's contents.

The site is set up to allow you to search by a judge's name, a county or a circuit, or to browse to information by circuit number or

county. It contains judicial interviews along with judicial biographies and the results of a survey taken by participating judges.

At a minimum, each entry includes the judge's name and those of his or her administrative assistant or law clerk, along with phone contact information and a link to the court's official website and information about the courthouse. Some entries, such as that of **Judge Boohaker** in Birmingham, also include information such as a downloadable uniform scheduling order and "ground rules," and information about court preferences and practices, such as the level of formality preferred by the judge in the courtroom, availability of audio-visual equipment and whether or not a court reporter is provided.

Judges wanting to complete the survey and provide information about their preferences



may do so by sending an e-mail to info@my-amicuscuriae.com or by filling out the online survey at <http://kwiksurveys.com/?u=amicuscuriae>.

Advertising information is also available by e-mailing info@my-amicuscuriae.com.

Save 40 Percent at FedEx Office

As an Alabama State Bar member, you are eligible to save up to 20 percent on the materials you need most with FedEx Office® copy and print services. **And, through May 2013, you can save up to 40 percent.*** It's the perfect time to save big on color copies, posters, signs, banners, direct mail services, and much more.

Offer Details

Save 40 percent* on core print and copy. Save 30 percent* on signs and banners and other services. Promotional pricing will expire May 31, 2013, but you will continue to enjoy savings of 20 percent on core print and copy and 10 percent on other services. Standard exclusions apply.**

If you haven't already, enroll at www.enrolladvantage.fedex.com/4929 and use passcode 1DRXMP, or call 1-800-MEMBERS (1.800.636.2377, 8 a.m.-6 p.m. EST, M-F). Enrollment is free and there are no minimum requirements. If you already participate in the FedEx Advantage® shipping program, simply uncheck the FedEx Express and FedEx Ground shipping options when you begin

the enrollment process. Once enrolled, present your discount card at FedEx Office locations or enter your 10-digit FedEx Office account number online to take advantage of these savings.



If you are already enrolled with a FedEx Office account, you will need to enroll again in order to save up to 40 percent.*

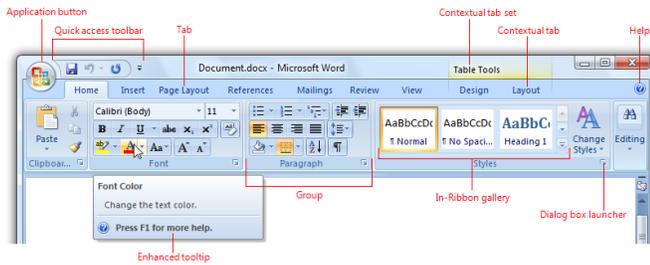
Follow the instructions above and be sure to provide your FedEx Office account number.

*Special pricing is in effect for purchases made after January 1, 2012 and may be discontinued at any time without additional notice. Other standard Alliance contract exclusions apply.

**Excluded services: discounted pricing or discounts do not apply to: outsourced products or services, office supplies, notary

services, shipping services, ink jet cartridges, videoconferencing services, equipment rental, conference room rental, Sony Picture Station, gift certificates, specialty papers, custom calendars, holiday promotion greeting cards, or postage. Discounts on custom bid orders, sale items, orders required to be completed in less than 24 hours, or special offers, promotions or coupons are at the discretion of each FedEx Office location.

PMS Tip of the Week: Transitioning to Office 2010



ences and the instructions for customizing the Quick Access Toolbar, too. If you are in the process of making the change to Office 2010, add this site to your browser favorites!

If you are making the move to Office 2010 and are worried about the "Ribbon," Microsoft has created several handy references to help. Transition to the Office Ribbon at <http://office.microsoft.com/en-us/support/office-ribbon-find-commands-FX101851> provides interactive and downloadable resources. The Interactive Guide lets you click on an item in the 2003 version of the application and shows you where that menu item is in the 2010 version. This resource is also available in a downloadable Excel format. The site provides keyboard shortcut refer-

Court Notices

Adoption of Rule 5.1, *Alabama Rules of Civil Procedure*



The Alabama Supreme Court has adopted Rule 5.1, *Alabama Rules of Civil Procedure*. The new rule is effective August 1, 2012. The order adopting Rule 5.1 appears in the advance sheet of *Southern Reporter* dated on or about April 26, 2012. Subject to exceptions

identified in the rule, Rule 5.1 provides a party the option of redacting certain information contained in a filing in a court proceeding. Specifically, the rule provides that a party may include only the last four digits of any Social Security number, taxpayer-identification number or financial-account number contained in a filed document.

The rule further provides that a court may order that a filing be made under seal without redaction and that any party to a civil proceeding is presumptively entitled, upon request, to a copy of a filing made under seal and to an unredacted copy of any redacted

filing made pursuant to the rule. The responsibility for making redactions pursuant to the rule lies with the attorney, party or nonparty filing the document, not with the clerk or other official custodian of court records, and a person or entity waives the protections of the rule as to the person's or entity's own information by filing a document that has not been redacted or placed under seal. The provisions of the rule apply to both documents filed physically and documents filed electronically.

—Bilee Cauley, reporter of decisions, *Alabama Appellate Courts*

Revised Income-Withholding Order



The federal "Income-Withholding for Support" form and instructions have recently been revised. This form is required by federal law to be used in all IV-D cases and in non-IV-D cases with support orders initially issued in the state on or after January 1, 1994 as one of the

conditions of the state's receiving Title IV-D funding for the child support program.

Most of the changes were non-technical in nature; however, one important change is that employers/income withholders are instructed to return the form to the sender if payment is not directed to the centralized disbursement unit in the state and/or this revised form is not sent to the employer, effective May 31, 2012.

The revised forms and instructions are found in the "Child Support Forms" section under "e-Forms" at www.alacourt.gov.

Court officials and DHR staff have been notified to begin using this revised form in any pending cases specified above in which an income-withholding order has not yet been issued and in any new cases filed after this date.

Expanding Your Practice Using Limited-Scope Representation

By M. Sue Talia



If you have all the clients you want, love every blessed one of them and have zero accounts receivable, you don't need this article. If any of those factors is missing from your practice, though, limited-scope representation (sometimes called "unbundling") may be an effective way to grow your practice and improve your bottom line by reaching a pool of currently untapped potential clients.

Limited-scope representation is a relationship between a lawyer and a client where the lawyer provides some, but not all, of the services traditionally associated with full-service practice. It isn't for every legal issue, every client or even every lawyer, but where it works and is done properly, it works beautifully and creates a win/win for the lawyer and the client.

The Alabama Supreme Court has recently adopted modified rules designed to give lawyers guidance on exactly how they should approach limited-scope matters.

The rules are designed to encourage lawyers to offer limited-scope representation. In a properly done limited-scope representation, the lawyer is responsible only for those tasks which are assigned to the lawyer, and not those the client undertakes to do pro se. There are simplified procedures for making a court appearance and withdrawing from the case at the end of the representation without requiring judicial consent.

Over 40 states have rules encouraging LSR, and some have decades of experience with the practice. Fortunately for Alabama lawyers, the bugs have been worked out in other jurisdictions, and you now have the benefit of the collective experiences of lawyers all over the country and in all types of civil practice.

Why now?

Economic pressures on middle-class litigants (and the lawyers who serve them) have created a demand for new and innovative delivery

models for legal services. Courts are inundated by pro se litigants who have no idea how to navigate the system. These are usually middle-class individuals who can't afford a retainer, but can pay for a few hours of a lawyer's time. Sometimes, those few hours mark the difference between failure and success.

Any lawyer who has recently spent time in a high-volume court has seen firsthand the increase in pro se litigants. Sometimes they amount to half or more of the matters on the docket. Smart lawyers see this as a marketing opportunity, and take advantage of the circumstances to expand their practice.

These litigants have legitimate claims, but it may not be cost-effective for a full-service lawyer to handle them in the traditional manner. However, a lawyer may be able to draft pleadings, coach on procedures and strategy, or even appear for a single hearing or settlement conference.

The timing is good for lawyers as well. Many lawyers who traditionally serve a middle-class or moderate-income clientele are also struggling in this weak economy. This is particularly true for solo and small-firm lawyers. It's not that they have priced themselves out of the market; the market has left them behind as middle-class clients are finding it ever more difficult to hire and pay for lawyers. And, since LSR replaces big retainers with a pay-as-you-go business model, cash flow is affected. A lawyer who brings in an initial retainer, only to be unable to withdraw from the case when the client runs out of money, may run up thousands of dollars in uncollectible fees before getting out of the case. Limited-scope representation eliminates that problem because there aren't any accounts receivable.

Continuum of service

Limited-scope can take many forms: It can be as benign as traditional advice and counsel, where the client periodically confers with the lawyer for procedural and strategic advice while continuing to represent himself in court. Most commonly, it involves document preparation, research, negotiation or other aspects of representation that don't involve going to court. In a few, but growing, percentage of cases, a lawyer will appear at a single hearing while the client self-represents in the balance of the case. Each limited-scope representation is tailored to the needs of the case, client, court and legal issues presented. Complicated legal issues are never suitable for coaching, but most cases contain a combination of difficult and routine tasks and issues. A classic example is a matrimonial case where the property is limited, but there are complicated custody, support or pension issues.

How has it worked in other states?

Lawyers who have been trained in LSR report that it is a profit center. The clients who opt for limited-scope are currently nobody's clients. This is usually because their matter is too small for a lawyer to handle cost-effectively in a full-service model. Rather than send them to court to flail on their own, limited-scope lawyers have found a way to draft pleadings, assemble exhibits, coach on procedures and perform other services that the client can't do alone. And, since limited-scope is, by



definition, pay-as-you-go, they aren't worrying about collecting retainers or chasing unpaid fees. The client comes in, the lawyer and client discuss the most appropriate forms of limited-scope to solve the problem, the lawyer performs the services, and is paid on the spot.

How good is that? Even better, lawyers who collect every penny they bill can work fewer hours than lawyers who have to carry unpaid bills while still covering the ongoing overhead.

What about liability?

The standard of care for a task in limited-scope is the same as the standard of care for that task in the context of full service. This isn't an excuse for sloppy work. This isn't limited liability. Lawyers will always be responsible for the quality of their work. The limitation is in scope, so the lawyer isn't liable for anything that falls outside the well-defined limitation on scope.

Of course, the key here is that the scope must be carefully defined. That's where training comes in. At the annual meeting of the Alabama State Bar, two two-hour trainings in limited-scope will be offered, one for family law (where the demand is the greatest) and one for general civil litigation. These trainings will provide everything lawyers need to offer limited-scope ethically, safely and profitably, and include a wealth of written materials, including ethical rules, office forms, several variations of fee agreements tailored to specific types of limited-scope cases, best practices, risk management materials, sample client letters, and even client brochures that can be used for advertising.

Where does it work best?

Limited-scope works best in those areas of the law where the litigant interacts directly with the legal system. Demand is by far the greatest in family law, but it doesn't stop there. Small disputes that are too large for small claims court, but not big enough to be profitable full service, often lend themselves to limited scope. Consumer law, disputes about insurance coverage, administrative actions, school advocacy, special needs advocacy—all have the potential to be good sources of limited-scope clients.

Where should it be avoided?

Highly complex or technical issues don't work. Pro se litigants can't be coached to deal with ERISA issues governing their pension, to appear before the SEC or address patent infringement. This is just common sense. However, the reverse is true. The client with the ERISA issue will need a lawyer to achieve a successful result, but may be quite effectively coached to self-represent on other, simpler, non-pension issues.

Similarly, some litigants are simply incapable of self-representation. Litigants with mental health issues, language barriers and the like should be steered toward full-service representation. The point is to help self-represented litigants be successful while getting paid for it, not to leave either the litigant or the lawyer twisting in the wind.

Some lawyers are also not good candidates. A lawyer who won't take the trouble to draw a careful limitation on the scope of representation

is asking for trouble. That being said, the risk management materials which will be part of the state bar trainings include forms which make this simple and cost-effective.

What if the scope changes?

One interesting phenomenon that private practitioners report is that the scope often changes, and when it does, it is almost always an expansion of services. A client comes in demanding only limited service because of budgetary concerns. After they've tried to do it themselves, they have a greater appreciation of how difficult it is to do it right. They realize that we learned something in law school that is of quantifiable benefit to them. And they often come back somewhat sheepishly and ask that the lawyer take on a broader scope of responsibility. As long as a new limitation in scope is drafted and signed (and forms will be provided at the training), it means more work and more income for the lawyer.

Conclusion

This is not a substitute for full-service representation. There will always be clients who want, need and can pay for top-notch full-service representation. Experience has shown that these clients are unlikely to opt for limited-scope. Litigation is difficult, stressful and time-consuming, and most people who can afford to prefer to pay someone else to get them through the mess.

In a better and more perfect world, there would be ample business and everybody could afford a lawyer. It just isn't so. There isn't enough business to go around, and a large and growing segment of the population simply can't afford full service. In some jurisdictions this amounts to half or more of civil litigants. These people have legal issues that are important to them, and are worth protecting. When people feel they can't afford a lawyer, they become increasingly vulnerable to internet predators, document preparers, *notarios* and other non-lawyers who sometimes charge as much or more than a good lawyer would. It is important that the profession find ways to bring them back into the fold, to take them away from the charlatans and bring them back to the trained professionals. Limited-scope representation, done correctly, allows lawyers to do just that.

If you are interested in learning how you can expand your practice and increase your profits by adding limited scope representation to the range of services you offer, be sure to attend the annual meeting and sign up for the training in your field of specialty.

Be sure to read Henry Callaway's article "Alabama's New Limited-Scope Representation Rules" in the July *Alabama Lawyer*.



M. Sue Talia is a Certified Family Law Specialist in California and a national expert on limited-scope representation. Since the mid-90s, she has traveled the U.S. and Canada teaching lawyers how to do limited-scope safely, effectively and profitably. Her first book on limited scope was published in 1997, and a substantially revised edition was published in 2006 under the title *Unbundling Your Divorce: How to Find a Lawyer to Help You Help Yourself*.



JOIN US FOR OUR RETURN TO BAYTOWNE WHARF, JULY 18-21. THE 2012 ALABAMA STATE BAR ANNUAL MEETING

Will feature cutting edge programs with renowned speakers, luncheons, receptions, award ceremonies, exciting activities for children and teenagers, the Fun Run/Walk, silent auction, and more.

Once again, we'll offer focused educational tracks conducted by the Sections to help you get what you need from the meeting with ample time for networking, collegiality and fun!



415 Dexter Avenue
Montgomery, Alabama 36104



Baytowne Wharf,
Sandestin Beach & Golf Resort,
Sandestin, FL



ALABAMA STATE BAR

New Year's Resolution

It's a new year and one important resolution should be to review your I-Profile.

Go to www.alabar.org/members_only.cfm and make sure your information is up to date so we can keep you up to date!