



# FBA TODAY

Newsletter of the Montgomery Chapter of the Federal Bar Association

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## Alabama Bar Looks Into Federal Practice Section FBA Members to Play Key Roles in Study

**M**ontgomery attorney David B. Byrne, III, has been named to chair a task force to determine the feasibility of forming a new Federal Court Practice Section for the Alabama State Bar. Byrne, a shareholder with Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., also serves on our chapter's executive committee.

Other members of the task force from the Middle District include Chief Judge Mark E. Fuller, retired Magistrate Judge Delores R. Boyd, and R. Austin Huffaker, Jr., the current president of the Montgomery FBA chapter.

Alabama Bar sections operate much like miniature bar associations, with their own officers, dues schedule and committees. They address professional development, improvement of laws and continuing education in a variety of substantive law fields.

The state bar currently has 22 substantive law sections. Byrne notes that Alabama is one of the few southeastern states that does not have a federal practice section. He says the section would mirror many of the FBA's goals: fostering communication between lawyers and federal judges; reviewing and providing input on proposed changes to federal court rules; and offering educational programs and publications designed to improve members' federal court practice experience.

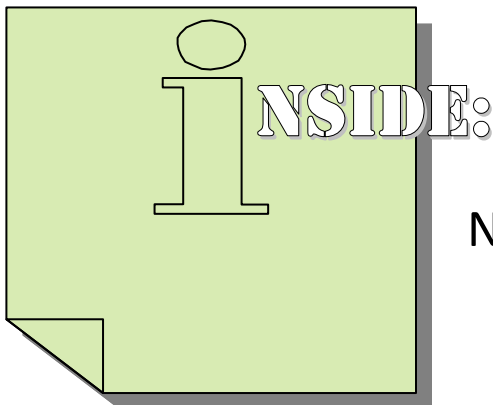
To gain approval, the Task Force will need to persuade the Board of Bar Commissioners in January that bar members support the creation of this section and would be willing to join it. To do that, the Task Force will need to survey bar members to gauge their interest. At least 50 members of the 16,300-member state bar would have to indicate they would join such a section and pay annual dues to meet the interest threshold.

Byrne added, "As members of the Montgomery chapter of FBA, you will be included in this upcoming survey process. So by all means, please respond—and respond favorably—when your survey arrives."

For more information, see the state bar news release at [http://www.alabar.org/media/news/11032009\\_Focus-On-Federal-Court-Practice.cfm](http://www.alabar.org/media/news/11032009_Focus-On-Federal-Court-Practice.cfm).



**David B. Byrne, III**



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# Counting the Days

## Civil Procedure Rules Changed on December 1

By Kelly Pate, Montgomery Chapter Secretary-Treasurer

**S**everal amendments to the Federal Rules of Civil Procedure affecting time-counting procedures took effect on Dec. 1, 2009. The amendments change specific time periods as well as the general counting guidelines under Rule 6. Currently, the Rules exclude intermediate weekends and holidays when counting periods of time shorter than 11 days. However, the amended Rules count every day—*regardless* of the length of the period in which action is to be taken.

The new Rule 6 provides that when a period is expressed in days (or a longer measure of time), you are to “count every day, including intermediate Saturdays, Sundays, and legal holidays.” Rule 6(a)(1)(B). When the last day of the period is a Saturday, Sunday, or legal holiday, “the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.” Rule 6(a)(1)(C).

The basic rule regarding counting remains unchanged:

[T]he “first” day, the day of the act or event that starts the period running, is not counted. The last day of the period is included, unless it is a Saturday, Sunday or legal holiday. If the “last” day falls on a Saturday, Sunday, or legal holiday, the last day of the period extends to the next day that is not a Saturday, Sunday, or legal holiday. . . .

[I]f the deadline is measured after an event and the deadline falls on a weekend or holiday, the “next day” is determined by continuing to count forward. But if the deadline is measured before an event and the deadline falls on a weekend or holiday, the “next day” is determined by continuing to count backward, for example, from Saturday the 31st to Friday the 30th.”

Moore’s Federal Practice (2009), *Time-Computation Amendments to Federal Rules and Statutes*.

Under the new rules the “last day” means the following:

- Paper filing – when the clerk’s office is scheduled to close
- Electronic filing in district court – at midnight in the court’s time zone
- Electronic filing in Court of Appeals – at midnight in the time zone of the circuit clerk’s principal office

Besides rules for calculating deadlines, the amendments also change particular rule-specific deadlines. For example, the new Rule 12(a)(1)(A)(i) provides that an answer or 12(b) motion is to be filed within 21 days from service of the complaint. All practitioners should thoroughly examine the rules for particular deadline changes. See Moore’s Federal Practice, *Time-Computation Amendments to Federal Rules and Statutes* (including chart detailing deadline changes).

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## Montgomery Chapter Financial Report

The following is a summary of the Chapter’s most significant Expenses for 2009:

- \$2,400 for the annual Clerks’ Reception in October
- \$700 for chapter leaders’ meetings and training
- \$400 to sponsor free CLE events
- \$300 for socials



## Member Spotlight—Major Jerry Crowley

Major Jeremiah P. “Jerry” Crowley is the deputy staff judge advocate at the 42<sup>nd</sup> Air Base Wing Legal Office at Maxwell Air Force Base (AFB). He’s been at Maxwell since July 2008, which is about the same time he joined the FBA. He previously was the deputy staff judge advocate at the legal office at Gunter Annex.

Since joining the Air Force in 2002, Major Crowley has also served at Dyess AFB, TX; the Air Force Academy in Colorado; and in Iraq as a member of the Rule of Law team for the Baghdad Provincial Reconstruction Team. As an enlisted member of the Navy, he was stationed in Japan and deployed twice to the Persian Gulf, once during Desert Shield/Desert Storm.

Jerry graduated from Florida State University with a bachelor’s degree in political science in 1998 and his J.D. in 2002. He and his wife, Major Suanne Crowley, who’s also stationed at Maxwell, have two sons.



## Camera Phones Now Allowed in Court

Hoping to get a nifty new camera phone for Christmas? If you do, you will no longer have to surrender it when you enter the federal courthouse.

The Middle District of Alabama recently issued a revised order on “Photograph, Broadcasting, Recording and Electronic Devices” (Civil Misc. No. 3046). Under the order, courtroom photography and recording remain prohibited without express permission.

However, in a change most attorneys will welcome, cell phones and laptop computers with photographic or video/audio recording capabilities will be allowed for attorneys (*not staff*) under the

following guidelines:

- They’re used for communication and information access only;
- No photographs or recordings are taken in the courtroom;
- Cell phones are turned off in the courtroom and only used outside; and,
- Users demonstrate to the Court Security Officers that the “devices perform their proper function.”

For the full text of the order, go to “Orders Regarding Security Policy” at <http://www.almd.uscourts.gov/rulesproc/genorders.htm>.



## The Welcome Mat’s Out For Our Newest Members

The Montgomery Chapter of the FBA is thrilled to welcome the following new members:

- Joseph H. Aughtman of Birmingham
- James Beck of Hill, Hill, Carter, Franco, Cole & Black, P.C.
- George L. Beck, Jr. & W. Allen Sheehan of Capell Howard, P.C.
- Robert Ward & Jessica Pitts of Rushton, Stakely, Johnston & Garrett, P.A.
- Thomas Methvin, Dana Taunton, Christopher Boutwell, Michael Crow, Rhon Jones, Danielle Mason, William Robertson, Jon P. Sawyer, Roman Shaul and John Tomlinson of Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.



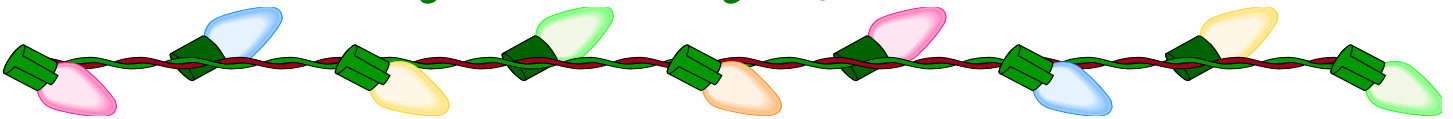
## President's Corner, By Austin Huffaker

**W**ELCOME to another edition of our Chapter's newsletter. It has been a great year for our Chapter, including the addition of several new members and the continued success of our brown bag lunches. We hope to expand upon our success next year with continued brown bag lunches, a federal practice seminar, and our participation in a federal court project to assist in the rehabilitation of drug offenders. Also, mark your calendar for the next national FBA convention, which will take place in New Orleans on September 23-25, 2010. This certainly will be an opportunity to attend one of the national events at a location that is convenient to us in the Middle District and that will offer fun for all. Lastly, be sure to visit the new updated website maintained by National: [www.fedbar.org](http://www.fedbar.org). It contains a wealth of information to assist you in your everyday federal practice. As always, please contact me or one of the other Chapter directors if you have any suggestions on how we can help you.

Contact the National Headquarters of the  
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*Happy Holidays from FBA!*



## Websites we like



- [http://www.dtic.mil/doctrine/jel/doddict/acronym\\_index.html](http://www.dtic.mil/doctrine/jel/doddict/acronym_index.html) Ever wonder what an "MRE" is? Or what time it really was on the old "JAG" television shows when "Zulu time" flashed across the screen? This website allows you to browse the Department of Defense "Dictionary of Military and Associated Terms" and a database of acronyms and abbreviations.
- <http://www.ediscoverylaw.com/> Published by the e-Discovery

Analysis & Technology Group at K&L Gates, a Seattle-based firm, this site's most valuable offering is its summary of recent electronic discovery case rulings. If you need motivation to make e-discovery a priority, read the ruling in *Swofford v. Eslinger*, from the Middle District of Florida.

- <http://www.llrx.com/> This one-woman website bills itself as providing "law and technology resources for legal professionals." While it occasionally lets its agenda show, the site offers one of the best one-stop collections of legal technology information around. Articles cover topics such as "Pretexting, Legal Ethics and Social Networking Sites" and a recent PACER spending survey.
- <http://www.wifcon.com/> Short for "Where in Federal Contracting," this site is a must-visit for anyone who is interested in U.S. government procurement. Use it for research, for quick access to rules and regulations, or read the forum posts and blogs to see what other acquisition professionals are saying.