



MONTHLY NEWSLETTER

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BRIAN MCCARTHY, PRESIDENT
MOBILE BAR ASSOCIATION

President's Comments

“Do all the good you can, by all the means you can, in all the ways you can, in all the places you can, at all the times you can, as long as ever you can.”

These words, often attributed to **JOHN WESLEY**, were used at a funeral to describe a friend who recently died all too suddenly and unexpectedly. He was a mountain of a man. He lived his life intentionally to do all the good that he could. He intentionally served the underprivileged with kindness and compassion. He intentionally was a tireless and exceptional steward of our church. He intentionally served as a leader of the medical profession and was always willing to treat those who were sick – even when they could not afford him. He intentionally was an outstanding husband, father, friend, and citizen of our community. And, he did all the good he could do with humility, grace, selflessness, and a smile.

I left my friend's funeral truly inspired by his life and legacy. I also was very inspired by the words of John Wesley, which so fittingly and accurately described my friend and the way he lived his life. As lawyers, we are uniquely positioned to do much good, in many ways, to many people, in many places, for a long time. We have the opportunity to serve our community in so many ways and by so many means.

My challenge to our membership is to ***“[d]o all the good you can, by all the means you can, in all the ways you can, in all the places you can, at all the times you can, as long as ever you can.”*** And, to do it intentionally.

-Brian



PROGRAM

THERE WILL NOT BE A LUNCHEON IN SEPTEMBER

THE NEXT LUNCHEON WILL BE
FRIDAY, OCTOBER 16, 2015
11:45 AM IN THE MOONLIGHT
BALLROOM OF THE BATTLE HOUSE

2015 OFFICERS

- PRESIDENT – **BRIAN P. MCCARTHY**
- PRESIDENT ELECT – **PETER S. MACKAY**
- VICE PRESIDENT – **J. GREGORY CARWIE**
- SECRETARY – **KRISTINE K. MCCULLOCH**
- TREASURER – **BESS P. CRESWELL**
- ASSISTANT TREASURER – **ANNA L. SCULLY**
- PRESIDENT Y. L. – **JONATHAN R. MAPLES**
- EXECUTIVE DIRECTOR – **BARBARA C. RHODES**
- EDITOR – **FERRELL S. ANDERS**

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Browsing the Bar – With Barbara

Before I bring you up-to-date on the Bar Headquarters “leak”, I want to take this opportunity to remind you of the upcoming **CONTINUING LEGAL EDUCATION** programs planned for the 2015-16 year – you will find a complete schedule elsewhere in this publication. The Committee has endeavored to plan programs that will appeal to most everyone and sincerely hopes that you will support their efforts. MBA programs are reasonable and the hometown talent (speakers) are the best by far! Also, bear in mind that the income from the CLE programs is the only income generated, other than dues, to support your bar association – so your support is vital to the well-being of your Bar.

Now, on with the “leak” saga – we still are using the Probate Court amenities (Thanks **JUDGE DAVIS**). The powder room has been sheet rocked, painted and the floor has been laid; however, there seems to be a problem with the level of the floor that has made it impossible to set the toilet – they are trying to solve that problem. Since we last talked the flooring company has determined that the floor in the Conference Room cannot be sanded because it has been sanded too many times already (according to our records the floor was last replaced in 1909); therefore, the floor must come up and be replaced, sanded, stained, etc. A new estimate had to be submitted to the insurance company and we are waiting on their decision. In addition to the floor, everything has to be removed from the conference room before it can be painted and the floors completed. We are taking it one day at a time so please bear with us.



**THE DELANO PALUGHI CHAPTER
OF THE ST. THOMAS MORE SOCIETY
WILL SPONSOR THE ANNUAL RED MASS CELEBRATION
ON FRIDAY, SEPTEMBER 18, 2015, 12 O’CLOCK NOON AT THE
CATHEDRAL OF THE IMMACULATE CONCEPTION.**

**A BRIEF RECEPTION WILL BE HELD FOLLOWING THE MASS.
YOUR SUPPORT AND ATTENDANCE WILL BE DEEPLY APPRECIATED.**

**IF YOU HAVE ANY QUESTIONS,
PLEASE CONTACT GREG McATEE AT 251.661.9399**

LAWYERS IN THE NEWS

BY SANDY G. ROBINSON

LEGAL MILESTONES:

BORN: MBA MEMBER **BRIAN PUGH AND WIFE CANDICE** ARE PLEASED TO ANNOUNCE THE BIRTH OF THEIR SON, **JOHN BRIGGS PUGH**, ON MAY 11, 2015. JOHN WAS WELCOMED BY HIS OLDER BROTHER, **THOMAS ATKINS PUGH**, WHO WILL BE 2 YEARS OLD IN NOVEMBER. CONGRATULATIONS BRIAN AND CANDICE!

BORN: MBA MEMBER **BESS CRESSWELL** AND HUSBAND **MICHAEL** ANNOUNCE THE BIRTH OF THEIR DAUGHTER **EDEN GRAY CRESWELL** ON AUGUST 6, 2015. EDEN IS WELCOMED HOME BY BIG BROTHER **ELLIS "WALKER" CRESWELL**. CONGRATULATIONS BESS AND MICHAEL!

DIED: **LILY LEA VERNEUILLE PITTMAN**, WIDOW OF DECEASED **U. S. DISTRICT JUDGE VIRGIL PITTMAN**, DIED AUGUST 9, 2015 AT THE AGE OF 89. SHE WAS A LIFELONG RESIDENT OF MOBILE AND WAS THE PERFECT EXAMPLE OF A GRACIOUS SOUTHERN LADY. SHE IS SURVIVED BY 4 SONS, TWELVE GRANDCHILDREN, GREAT-GRANDCHILDREN AND MANY OTHER RELATIVES AND FRIENDS.

DIED: **CATHERINE JONES MILLER THOMAS**, WIDOW OF DECEASED **U. S. DISTRICT JUDGE DANIEL THOMAS**, DIED ON AUGUST 19, 2015 IN JACKSON, MISSISSIPPI AT THE AGE OF 102. CATHARINE ATTENDED MILLSAPS COLLEGE, WHERE SHE SERVED AS PRESIDENT OF PHI MU SORORITY, AND WAS A 1934 GRADUATE OF ST. MARY-OF-THE-WOODS COLLEGE IN TERRE HAUTE, INDIANA. SHE WAS PREDECEASED BY HER FIRST HUSBAND, THEN MARRIED JUDGE THOMAS IN 1979 AND RESIDED IN MOBILE FOR THE NEXT 20 YEARS, UNTIL HIS DEATH. SHE WAS ACTIVE IN MANY CIVIC AND RELIGIOUS ACTIVITIES THROUGHOUT HER LIFE. SHE IS SURVIVED BY TWO DAUGHTERS, A STEP-SON, TWELVE GRANDCHILDREN, FIFTEEN GREAT-GRANDCHILDREN, AND ONE GREAT-GREAT GRANDDAUGHTER.

WORKERS' COMPENSATION SECTION LUNCHEON MEETING

Friday, September 11, 2015, 12 o'clock noon, 3rd floor of the **ATHELSTAN CLUB**.
The **HONORABLE JOHN R. LOCKETT** and **JAY A. YORK** will present
"**VIEW FROM THE BENCH**", 1.0 hr. MCLE credit. If you plan to attend
please contact **JANET C. MOSLEY** at jcm@ajlaw.com with your response.
If you need to cancel your luncheon reservation, or have a last-minute addition,
please let Janet know 24 hours prior to the luncheon.



SIGNIFICANT DECISIONS

BY DUANE GRAHAM

In *J.L. v. Morgan County Department of Human Resources, No. 2140155* (Ala. Civ. App., April 24, 2015), the Court of Civil Appeals held that the juvenile court's violation of Ala. Code §12-15-320(a), which requires a juvenile court to conduct a hearing on a claim for termination of parental rights within 90 days after perfection of service and to enter a judgment within 30 days of the hearing, did not deprive the juvenile court of jurisdiction to enter an order in the absence of evidence that the delay had prejudiced the parent's rights. Thus, the fact that the court neither conducted the hearing within 90 days nor entered the judgment within 30 days caused the ultimate judgment to be void.

In a case of apparent first impression, the Court of Civil Appeals in *Lowery v. Wells Fargo Home Mortgage, No. 2131060* (Ala. Civ. App., April 3, 2015), held that the failure of mortgagor to appear personally before the notary public who executed the acknowledgment on the mortgage rendered the mortgage void.

In another case of apparent first impression, the COURT OF CIVIL APPEALS in *W.A.A. v. Board of Dental Examiners of Alabama, No. 2130828* (Ala. Civ. App., April 17, 2015), held that a dentist appealing to circuit court from an adverse administrative ruling by the BOARD OF DENTAL EXAMINERS was entitled to conduct discovery in order to obtain evidence to demonstrate a due process violation by the Board, even though the standard of review on appeal was a review on the record.

In yet another case of first impression, the COURT OF CIVIL APPEALS in *BLACKBURN V. BLACKBURN, No. 2131043* (Ala. Civ. App., April 17, 2015), held that in granting divorce to a couple who were domiciled in Alabama, the Alabama court was not required to apply the covenant provisions of the marital law of the State of Louisiana, where the parties had been married, but rather should apply Alabama law.

MBA WOMEN LAWYERS

At the MBA WOMEN LAWYERS' August meeting, SHAY FARLEY from ALABAMA APPLESEED CENTER FOR LAW & JUSTICE, INC. spoke about Appleseed's economic justice and prison reform work. Attendees received 1 hour of CLE credit.

MBAWL's 5TH ANNUAL PROFESSIONAL WOMEN'S NETWORKING EVENT will be held on Tuesday, October 6, 2015 at 5:30 p.m. in the Regions Bank Pharr Room on the 29th floor of the RSA Tower. Alabama Culinary Ambassador and entrepreneur PATRICIA BARNES, Founder of **SISTER SCHUBERT'S HOMEMADE ROLLS**, will be this year's speaker! The event will benefit the **GIRL SCOUTS OF SOUTHERN ALABAMA**. If you would like to receive information about attending or sponsoring the event, or if you would like to be a vendor, please contact Event Co-Chair TIFFANY SMITH at tiffany@satterwhitelaw.com.



SAVLP

SOUTH ALABAMA VOLUNTEER LAWYERS

ARIANA H. MOORE, EXECUTIVE DIRECTOR

GET READY TO CELEBRATE PRO BONO WITH SAVLP!



The statewide pro bono celebration is scheduled for October 2015. Sponsored by the Alabama State Bar, the celebration is a coordinated statewide effort to showcase the great difference that pro bono lawyers make to the state, its system of justice, its communities and most of all to the clients they service. The month is also dedicated to the quest for more pro bono volunteers to meet the ever-growing legal needs of this country's most vulnerable citizens. Although statewide in breadth, this celebration provides an opportunity for local bar and legal associations to collaboratively commemorate the contributions of America's lawyers and recruit additional volunteers to meet the growing need.

Why are we doing this?

The need for legal aid in Alabama is dire. Unlike the criminal defense system, the constitutional guarantee of funding for low-income Alabamians who need civil legal assistance has not yet been met. The consequences of a lack of access to justice are devastating for the poor and weaken a democratic society as a whole. Last year, more than 422,000 households experienced more than 733,000 legal issues with low-income households only having had legal assistance for approximately 16 percent of these legal problems.



BATTLE OF THE BAY

The Mobile Bar Association defeated the Baldwin County Bar Association at SAVLP's annual **BATTLE OF THE BAY CANOE AND KAYAK RACE**. **BALDWIN COUNTY DISTRICT COURT JUDGE CLARK STANKOSKI** presented the trophy oar to newly appointed **MOBILE COUNTY DISTRICT COURT JUDGE JILL PHILLIPS** at the August MBA luncheon.

Do you want to volunteer but have a limited amount of time? Please see the list below for a number of two hour volunteer opportunities. E-mail **ARIANA MOORE** at ariana@savlp.org for more details about any of these events. We appreciate your help!

- September 10- **GENERAL LEGAL ADVICE CLINIC**- Government Plaza, Downtown Mobile, 1-3pm
- September 11- **WILLS CLINIC FOR SAVLP AND LSA CLIENTS**- Ben May Library, Downtown Mobile
- September 16- **TENANT RIGHTS AND RESPONSIBILITIES**- University of South Alabama, 4-6pm
- October 8- **WILLS FOR HEROES**- Five Rivers, Spanish Fort- Shift A- 12:30-2:30 or Shift B- 2:30- 4:30. Computers with Will, POA and Advanced Directive templates provided by the Alabama State Bar for attorneys to prepare basic estate documents for Baldwin and Mobile County first responders.
- October 8- **GENERAL LEGAL ADVICE CLINIC**- Government Plaza, Downtown Mobile, 1-3pm

Special thanks to the following attorneys who accepted and/or closed cases in July: **FERRELL S ANDERS, JOHN G BAYLOR JR., PAUL T BECKMANN, THOMAS H BENTON JR., MARY ALLIE E BOLLER, MICHAEL E BOX, HENRY H BREWSTER, PETER F BURNS, NANCY J BUSEY, CRAIG CAMPBELL, R. PAUL CATER, F. LUKE COLEY JR., BRENT T DAY, EDWARD A DEAN, LAURA C EDWARDS, GEORGE C GASTON, JASON C GERTH, JOSHUA M GRANTHAM, R. SCOTT HETRICK, JENNIFER HOLIFIELD, BROOX G HOLMES, SCOTT W HUNTER, HERNDON INGE III, BRIAN C ISPHORDING, KATHLEEN COBB KAUFMAN, COLIN E KEMMERLY, GREGORY B McATEE, S. C. MIDDLEBROOKS, LEONARD F MIKUL, ROBERT RICCIO, MATHEW B RICHARDSON, J. BURRUSS RIIS, IAN D ROSENTHAL, EDWARD L. D SMITH, D. TRICE STABLER, JOSEPH D STEADMAN, KENNETH S STEELY, RENEE E THIRY, J. ROBERT TURNIPSEED, PATRICK J WARD, PATRICIA K WOOD, RICARDO WOODS, AND DAVID B ZIMMERMAN.**

YOUNG LAWYERS **Jonathan Maples, President**

The **YOUNG LAWYERS** would like to thank **BRASWELL MURPHY** for hosting our August meeting. We had a great turnout. Thank you, Kasie and Brian.

The September meeting will be hosted by **CUNNINGHAM BOUNDS** on **SEPTEMBER 24TH** at **RUTH'S CHRIS STEAK HOUSE** (2058 Airport Boulevard in Midtown) from 5:30 - 8:00. Please join us as this will be a great event.

We also want to recognize the following **YOUNG LAWYERS** for providing dinner for the families at the **RONALD MCDONALD HOUSE** in Mobile on Friday night, August 21st: **RUSS AND TAYLOR JOHNSON, ROBYN CANNON, ZACH WEAVER, WEATHERS BOLT, BURRUS RIIS JR., and ANDREW BROWNING.**

We look forward to seeing everyone on September 24th at Ruth's Chris. If you are not on the **YOUNG LAWYERS** e-mail list and would like to be, or if you have any suggestions, questions, concerns, or comments, please e-mail me (jmaples@carrallison.com), Vice-President **RUSS JOHNSON** (RJohanson@asilpc.com), or Treasurer **TIM HEISTERHAGEN** (tah@ajlaw.com). Also, if you have any events to share with your fellow **YOUNG LAWYERS**, let us know and we will be sure to include it on our YL Facebook Page.

AN INVITATION

The Members of
the Mobile Bar Association
Are cordially invited to attend the
Investiture Ceremony of
JUDGE JILL PHILLIPS
to District Judge,
Thirteenth Judicial Circuit
Friday, September 11, 2015 at 10:30 am
In the Ceremonial Courtroom
Mobile Government Plaza
A reception will immediately follow



ANNOUNCEMENTS

MAYNARD COOPER & GALE welcomes **SUJIN KIM** to its Mobile Office.

MIDTOWN OFFICE SPACE FOR LEASE: Midtown office suite suitable for one to two lawyers with up to three staff available for lease. Convenient and highly visible location at 2053 Dauphin St. with private parking lot and signage available. Building has CAT5 wiring, internet and phone system in place. Includes private meeting area attached to corner office, conference room, waiting area, kitchen and file storage area. Contact **JIM JEFFRIES** at 251.445.5522 or jim@jeffriesfamilylaw.com.

DOWNTOWN OFFICE SPACE AVAILABLE: 209 N. Joachim St. in historic DeTonti Square. Within walking distance of federal courts. Amenities: VOIP telephone, internet, WIFI, email, fax machine, large color copier/scanner, onsite parking, lobby, conference room and kitchen. Contact **EVANS CROWE** at 251.431.6011 or crowe@evanscrowe.com

BURNS, CUMMINGHAM & MACKAY has available office space at 50 St. Emanuel St. on the corner of St. Emanuel and Conti streets within walking distance of every courthouse. There is a receptionist on the first floor and all the offices have a phone system. We all share common internet hook up and fax/copier/postage meter so you can literally start practicing the day you move in. Each office has a separate set up and there are two conference rooms. Easy walk to the Courthouse and a ton of downtown restaurants. This space is perfect for a sole practitioner if you just need one office. Feel free to stop in anytime if you want to check out the space. Call **BOBBEY BRANNAN** at 251.434.2544 for more information.

FOR SALE: Website domain SOUTHALABAMALEGAL.COM. the rights to this domain are owned by a local lawyer and MBA member. Because I am now serving in an in-house position with a corporation I no longer maintain a website. However, this domain name and a simple website led to many calls from potential clients, some referrals and some paying clients for my law firm. For additional information please contact **BRIAN PUGH** at 251.654.2640 or bpugh@tfmfg.com

Guidelines of the Fee Dispute/Law Firm Dissolution Committee of the Mobile Bar Association

The purpose of the Fee Dispute / Law Firm Dissolution Committee of the Mobile Bar Association is to help resolve disputes over legal fees and law firm dissolutions fairly, quickly, and inexpensively. The Members of the Committee volunteer and serve without pay. These Guidelines establish a procedure to resolve disputes, hopefully, by mutual agreement, but if not, then by the decision of a Panel of the Committee that may hear and determine any dispute that the parties agree to submit to the Panel when those parties agree to abide by the Panel's decision.

1. Initiation of Dispute. A dispute may be initiated with the Committee by completing a Mobile Bar Association Fee Dispute Form (copy attached) and submitting that form to:

Mobile Bar Association
Post Office Drawer 2005
Mobile, Alabama 36652

The Mobile Bar Association Fee Dispute Form may be obtained from the Office of the Mobile Bar Association, telephone number 251-433-9790, fax number 251-433-9973. If the dispute involves a legal fee, the dispute must be against a member of the Mobile Bar Association. If the dispute involves a law firm dissolution or a lawyer separation, at least one of the lawyers involved in the dispute must be a member of the Mobile Bar Association or a firm with members of the Mobile Bar Association.

2. Appointment Of Dispute Panel. When the Mobile Bar Association receives a completed Fee Dispute Form, the Director of the Mobile Bar Association shall deliver that form to the Chairman of the Fee Dispute Committee. The Chairman shall then appoint from the lawyers serving on the Fee Dispute Committee a Panel of three lawyers to address the fee dispute. Each lawyer appointed by the Chairman must consent to serve on the Panel. If any lawyer appointed by the Chairman cannot consent to serve on the Panel, the Chairman must select from the Fee Dispute Committee another lawyer to serve on the Panel. This process of appointment and acceptance must continue until a Panel of three lawyers is constituted. Once the Panel is constituted, the Chairman shall deliver to each member of the Panel a copy of the completed Fee Dispute Form setting forth the fee dispute.

3. Parties Must Agree To Be Bound By The Panel's Determination. The Panel shall send the parties to the fee dispute a letter announcing the appointment of the Panel, delivering the parties a copy of these Guidelines, and requesting the parties to agree to be bound by the Panel's determination. Before the Panel shall commence its proceedings, the parties to the fee dispute must execute the agreement to be bound by the Panel's determination. A sample of the Panel notification letter is attached to these Guidelines.

4. Prehearing Procedure. The Panel shall commence its proceedings by:

- 4.1. Reviewing the Fee Dispute Form and any documents submitted with it;
- 4.2. Contacting both parties with requests for further information, documents and specific questions;
- 4.3. Seeking only the information and documents necessary to answer the question at the heart of the matter;
- 4.4. Using the Alabama Rules of Civil Procedure as a guide, but not as an absolute rule of procedure;

Guidelines of the Fee Dispute/Law Firm Dissolution Committee of the Mobile Bar Association

4.5. On occasion receiving affidavits, but if cross-examination of the affiant is necessary, the Panel may ask (it does not have the power to subpoena) the affiant for further information;

4.6. Meeting to discuss the issues and to determine whether a hearing is necessary after both sides have submitted everything they wish to submit and the Panel has received responses to its requests;

4.7. If warranted, one or more Panel members may contact the parties to explore a pre-hearing, voluntary resolution; however, such Panel member's involvement in such informal discussions and negotiations shall not disqualify such Panel member(s) from participating and voting in the Panel's consideration, hearing, and determination of the dispute.

4.8. Inviting the parties involved in the dispute to attend the hearing (assuming one is necessary), which is primarily intended to cover only areas as to which the Panel has questions.

4.9. Allowing any party involved in the dispute an opportunity to say whatever he or she may wish to say (however, the parties are generally well advised to limit their comments to those matters as to which the Panel has questions).

5. Hearing Procedure. At the hearing, both parties are given the opportunity to provide whatever evidence they wish, but the Panel, not the opposing party, will ask any questions of the parties testifying or presenting evidence. Typically, neither side presents any testimony from third-party witnesses, but should such a presentation be requested by either side and allowed by the Panel, here again the Panel, not the opposing party, will ask questions of any such witness. The opposing lawyer, however, may request that the Panel inquire into other areas as well.

At any hearing the Panel is guided by, but not bound to follow precisely, the Alabama Rules of Evidence. The objective is to get to the essential facts in a reliable fashion as efficiently as can reasonably be done. The hearing is not meant to be a civil trial, though finding the truth without undue burden in the process is the objective. The Panel is always hopeful that prior to or at the hearing the parties are able to come to some compromise agreement and part of the Panel's objective is to facilitate such agreements.

6. Panel Determination. The decision of a majority of the Panel shall be the determination of the Panel.

7. Confidentiality. If either party desires, in essence, a confidentiality agreement, and if such agreement seems appropriate to the Panel, the party requesting such an agreement should make that request to the Panel and, if it concurs, it will propose such an agreement to the opposing party. In that regard, the Panel would envision an agreement embodying terms similar to those set forth in Rule 11 of the Alabama Civil Court Mediation Rules.

8. Discoverability Of Panel Proceedings. No record is made of the testimony and the documentary and other evidence presented is disposed of after a decision has been made. However, if a Panel member were to be asked by a judge what was said by either of the parties at the hearing, the Panel member would be obliged to respond, again, assuming no confidentiality agreement was in force.

Fee Dispute Committee Guidelines.1.001.150715.Docx

Attachments:

- (1) Mobile Bar Association Fee Dispute Form
- (2) Sample of letter from Panel to Parties

Mobile Bar Association Fee Dispute Form

FEE DISPUTE

MOB FILE NO: _____

PERSONAL AND CONFIDENTIAL MEMORANDUM OF COMPLAINT

Please complete and return to:
MOBILE BAR ASSOCIATION
Post Office Drawer 2005
Mobile, Alabama 36652

Please type or print in blue or black ink. DO NOT USE PENCIL!

YOUR NAME: _____

YOUR MAILING ADDRESS: _____

CITY: _____

STATE: _____

ZIP CODE: _____

YOUR HOME PHONE NUMBER: () _____ WORK PHONE: () _____

FULL NAME OF THE LAWYER: _____

ADDRESS OF LAWYER: _____

CITY: _____ STATE _____ ZIP CODE: _____

State exactly what the lawyer has done or has not done which causes you to make this report:

(Please continue on back or add additional pages)

Please attach COPIES ONLY of contract, letters, or other documents which may be relevant to this complaint. The Alabama State Bar Association cannot be responsible for lost, misdirected, or damaged documents. Do not send cassette tapes.

WITNESSES WHO MIGHT KNOW FACTS ABOUT YOUR COMPLAINT:

	NAME	ADDRESS	PHONE NUMBER
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

Do you owe this lawyer any money for fees or for expenses relating to this matter? YES _____ NO _____

If you owe money or fees, how much? _____

I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT, AND I AM WILLING TO SIGN A STATEMENT UNDER OATH THAT IT IS TRUE.

YOUR SIGNATURE: _____

Sample of Letter From Panel to Parties

Sample of Letter from Panel to Parties

<Date of Letter>

Re: Mobile Bar Association - Fee Dispute Committee

Dear <names of persons involved in dispute>:

<Name of person initiating dispute> has approached the Fee Dispute Committee (“Committee”) with a request that it intervene concerning <nature of dispute>.

<Names of Panel members> are members of the Committee and have been asked to serve as a Panel to hear, and hopefully resolve, this dispute. We need to know that both of you are agreeable to participating in this process. We know that <Name of person initiating dispute> is, because he/she asked the Committee to intervene. However, <name of respondent>, please let us know if you are also willing to participate. Assuming that both parties are willing, the procedure will be for <Name of person initiating dispute> to send to the Committee, with a copy to <name of respondent>, a position paper briefly outlining his/her contentions. We would like to have this paper by <date claimant’s position paper is due>.

<name of respondent>, after you receive <Name of person initiating dispute>’s position paper, please respond in writing to the Committee, with a copy to <Name of person initiating dispute>. It would be appreciated if this could be done by <date respondent’s position paper is due>.

<Names of Panel members> will then meet to discuss the matter generally, after which we will be in touch with both of you as to whether or not a hearing is necessary or desirable or whether some other action such as a consultation would be beneficial.

Before we proceed to reach a decision/recommendation, you must both agree that any determination made by the Committee will be treated as binding on both parties at the end of the day. Please show your agreement to be bound by our determination by signing your name below and returning this letter to me after you have signed it. If either the initiator or the respondent is a firm, that firm should also sign below so that it will be bound by the Committee’s decision.

As a service to the lawyers of the Mobile Bar Association, we are providing this dispute resolution service without charge.

With best personal regards, I am
Very truly yours,

cc: <Names of Panel members>

We, the undersigned, hereby agree to be bound by the decision or recommendation of the Fee Dispute Committee of the Mobile Bar Association as represented by the committee members named above with respect to my fee dispute mentioned above.

<Name of person initiating dispute>
Date:

<name of respondent>
Date:



THE ALABAMA LAWYER ASSISTANCE PROGRAM AND THE DISCIPLINARY PROCESS

THE ALABAMA LAWYER ASSISTANCE PROGRAM is a confidential program. If a lawyer has been drinking alcoholically, or using illegal drugs, or legal drugs illegally, or has law practice issues because of depression or anxiety, but has not yet gotten into trouble with the Bar, the Alabama Lawyer Assistance Program will work with the lawyer with complete confidentiality. The primary goal of the Program is to reach out and provide assistance before the inevitability worsening negative consequences result in disciplinary actions and possible loss of license.

If a lawyer has become involved in the disciplinary process and the grievance is drug or alcohol related or has connections with a mental health issue, the Lawyer Assistance Program becomes involved. For those in the disciplinary process, the Program provides referrals for evaluation, treatment when indicated, and a monitoring program to document compliance with treatment recommendations going forward. There is no longer complete confidentiality because reports of non-compliance with treatment or monitoring must be reported to the Office of General Counsel.

Provided the lawyer maintains full compliance with provisions of their monitoring agreement, **ROBERT THORNHILL** and his staff will testify to this in a reinstatement or disciplinary hearing and provide support. We have been assured the testimony and the report from the Alabama Lawyer Assistance Program is significant and is taken into consideration by the Disciplinary Commission.

For free and confidential assistance, call the Alabama Lawyer Assistance Program at 334-834-7576. Also, any member of the MBA Lawyer Assistance Committee will be pleased to offer assistance as well. Names and numbers below:

Jay McDonald – (251) 415-9236 • Hank Caddell – (251) 478-8880

Matthew McDonald – (251) 439-7576 • Josh Briskman – (251) 433-7600

David Wible – (251) 208-7416

MOBILE LEGAL PROFESSIONAL ASSOCIATION (MLPA)

MLPA will meet Thursday, September 10, 2015, 12 o'clock noon at **T. P. Crockmier's** on Dauphin Street. \$17.00 inclusive.

KELLY WOODFORD, Esquire will be speaking on **WAGE & HOUR INFORMATION**.



MOBILE BAR FOUNDATION

MEMORIAL GIFT

Contributions were made to the Mobile Bar Foundation

In memory of

JOSEPH M. "MIKE" ALLEN, Jr.

By

John and Susan Leach

LEON F. "LEE" STAMP, Jr.

By

Circuit Court Judges and Probate Court Judge

J. WILLIAM "BILL" GOODLOE, Jr.

By

Circuit Court Judges and Probate Court Judge

John and Susan Leach

PLEASE GIVE

Name: _____

Address: _____

Phone: _____ E-mail: _____

I want to make a donation to the Mobile Bar Foundation.

In honor/memory of: _____

Acknowledgement to: Name _____

Address _____

I want to become a member of the Mobile Bar Foundation.

Check enclosed

Bill my credit card \$_____ Visa/Master Card/Amex # _____

Life Member (\$5000, paid in up to 5 annual installments)

Partner (\$500 or more)

Associate (\$100 or more)

Regular Member (\$50 - \$99 annually,
or if member of MBA practicing 5 years or less \$25 - \$99)

I would like information on including the Foundation in my estate planning.

Signature _____ Exp. _____

Mail to: Mobile Bar Foundation, P.O. Drawer 2005, Mobile, AL 36652



September

SEPTEMBER 7 - MONDAY
LABOR DAY HOLIDAY

SEPTEMBER 10 - THURSDAY
MBA EXECUTIVE COMMITTEE MEETING,
ATHELSTAN CLUB

SEPTEMBER 10 - THURSDAY
MLPA MEETING,
12 O'CLOCK NOON,
T. P. CROCKMIER'S ON DAUPHIN STREET

SEPTEMBER 11 - FRIDAY
**WORKERS' COMPENSATION SECTION
LUNCHEON MEETING,**
12 O'CLOCK NOON, ATHELSTAN CLUB

SEPTEMBER 18 - FRIDAY
RED MASS,
12 O'CLOCK NOON,
CATHEDRAL OF THE IMMACULATE CONCEPTION

SEPTEMBER 24 - THURSDAY
MBA GRIEVANCE COMMITTEE MEETING,
12 O'CLOCK NOON, ATHELSTAN CLUB

SEPTEMBER 24 - THURSDAY
YOUNG LAWYERS MEETING
SPONSORED BY **CUNNINGHAM BOUNDS,**
5:30 PM RUTH'S CHRIS

SEPTEMBER 25 - FRIDAY
**SEMINAR - INTRODUCTION OF CRIMINAL
APPOINTMENTS,**
1:30 - 4:45 PM, BATTLE HOUSE

SEPTEMBER 30 - WEDNESDAY
**SEMINAR - THE FRIGHTFUL FIVE: COMMON
LEGAL MALPRACTICE TRAPS,**
1.0 HR. ETHICS

CONTINUING LEGAL EDUCATION

SEPTEMBER 25
**INTRODUCTION TO
CRIMINAL APPOINTMENT PROCESS**
3.0 HRS. MCLE CREDITS

SEPTEMBER 30
**THE FRIGHTFUL FIVE: COMMON LEGAL
MALPRACTICE TRAPS**
1.0 HR. ETHICS

OCTOBER 2
ASB ROAD SHOW,
3.0 HRS. MCLE CREDITS INCLUDING 1.0 HR. ETHICS

OCTOBER 16
ANNUAL SAVLP SEMINAR,
3.0 HRS. MCLE CREDITS INCLUDING 1.0 HR. ETHICS

OCTOBER 27
ANNUAL NEW LAWYER ORIENTATION,
5.0 HRS. MCLE CREDITS,

NOVEMBER 6
CLE BY-THE-HOUR,
8.0 HRS. MCLE CREDITS
INCLUDING 1.0 HR. ETHICS

NOVEMBER 13
**HOW TO AVOID PUTTING
OUR CARRIER ON NOTICE,**
3.0 HRS. MCLE CREDITS

DECEMBER 4
**BENCH & BAR
YOUNG LAWYERS/JUDGE MIXER,**
1.0 HR. MCLE CREDITS

DECEMBER 4-6
ANNUAL BENCH & BAR CONFERENCE,
MARRIOTT'S GRAND HOTEL, POINT CLEAR, AL

DECEMBER 11
ALTERNATIVE DISPUTE RESOLUTION,
1.5 HRS MCLE CREDITS

DECEMBER 18
ALABAMA CIVIL LAW UPDATE,
3.0 HRS. MCLE CREDITS INCLUDING 1.0 HR. ETHICS

2016
JANUARY 15
OPINIONS FROM THE BENCH,
3.0 HRS. MCLE CREDITS INCLUDING 1.0 HR. ETHICS

MARCH 18
CRIMINAL LAW UPDATE,
3.0 HRS. MCLE CREDITS.