

President's Comments



MIKE DRUHAN, PRESIDENT
MOBILE BAR ASSOCIATION

“FIELD OF DREAMS”

As we reflect on the 28th annual appearance of our unelected honorary Bar member **DANNY SHERIDAN**, we can't help but be impressed at the size of the audience he attracts. It isn't clear whether it's his persona or his prognostications that draw. We all thank him very much for his affection and kindness toward this Bar.

His visit actually heralds our collective fields of dreams. Dreams of anxious green fields in football stadiums, contemplative harvest fields of the coming hunting seasons and numerous saddening fields of war. In these, our times, there never is a repose of these dreams, the last of which makes our minds cancerous with their rapaciousness.

I know the cloying, acrid smell of cordite, the wrenching breath of dead; I've seen footless boots and bodyless arms. It is such a waste and it intrudes too often on me and my brothers.

Our Country is amidst a serious environment of wars and conflicts in Eastern Europe, the Mid-East and our very own Southern border. Our men, machines and money don't seem to bring any peace or resolution to our troubles.

I am not a particularly religious zealot, but I do know that prayer works. Maybe we ought to try harder in our own way. Certainly can't hurt. *God Bless America.*



PROGRAM

THERE WILL BE NO
MONTHLY

LUNCHEON IN SEPTEMBER

The next Luncheon will be
Friday, October 17, 2014,

11:45 am

in the
Moonlight Ballroom
of the
Battle House Hotel

2014 OFFICERS

President – J. Michael Druhan
 President Elect – Brian P. McCarthy
 Vice President – Peter S. Mackey
 Secretary – Ruthie F. Alexander
 Treasurer – Ginger P. Gaddy
 Assistant Treasurer – Bess P. Creswell
 President Young Lawyers -
 Kaisee S. Heisterhagen
 Executive Director – Barbara C. Rhodes
 Editor – Ferrell S. Anders

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Browsing the Bar – With Barbara

A word of appreciation to our **AUGUST MONTHLY LUNCHEON SPONSORS, FINDLAW AND RULAND & RULAND, CPA'S**. Please remember to take a minute prior to or following October's luncheon to recognize the sponsors of the day and perhaps pick up a prize or two.

Please note the full CLE schedule elsewhere in this publication and be sure to mark the ones of interest and pre-register. The MBA-sponsored seminars are still just \$25 per hour – a real bargain! Call the **Bar Headquarters (251.433.9790)** for information.

On a personal note, my heartfelt appreciation to those of you who remembered me with your thoughts and prayers as well as cards and flowers following my knee replacement surgery. I am back at work, almost full time (still having therapy), and enjoying every minute of it. Tammy and Wynette picked up the slack admirably while I was on leave and some of you never even knew I was out- but don't think you can do without me, I am here for a little while longer, if you allow!

I've learned ... That just one person saying to me, "You've made my day!" makes my day.



**THE DELANO PALUGHI CHAPTER
OF THE ST. THOMAS MORE SOCIETY
WILL SPONSOR THE ANNUAL RED MASS CELEBRATION
ON FRIDAY, SEPTEMBER 26, 2014
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:

DIED: MBA MEMBER **CHARLIE HICKS** DIED UNEXPECTEDLY AT THE AGE OF 48 ON JULY 17, 2014. A GRADUATE OF THE **UNIVERSITY OF OKLAHOMA**, HE RECEIVED HIS JURIS DOCTORATE DEGREE FROM **SAMFORD UNIVERSITY'S CUMBERLAND SCHOOL OF LAW** WHERE AS A STUDENT LEADER, HE WAS PRESIDENT OF THE 1999 GRADUATING CLASS. HE PRACTICED LAW IN MOBILE FOR 15 YEARS AND WAS VERY ACTIVE AT **ST. IGNATIUS CATHOLIC PARISH** AND IN OTHER CIVIC ACTIVITIES, INCLUDING COACHING AND SCOUTING. HE IS SURVIVED BY HIS WIFE DOMINIQUE AND TWO CHILDREN, EVELYN AND ANDREW; HIS FATHER; HIS SISTER, **CIRCUIT JUDGE SARAH HICKS STEWART**; HIS FATHER-IN-LAW **RETIRED DISTRICT JUDGE DOMINICK MATRANGA** (AND MARY JO), TWO BROTHERS-IN-LAW, NIECES, NEPHEWS, AND MANY FRIENDS.

DIED: MBA MEMBER **BILL HARVEY** DIED IN MOBILE ON JULY 31, 2014. HE WAS A NATIVE OF JACKSON, MISSISSIPPI, A GRADUATE OF **MISSISSIPPI STATE UNIVERSITY**, RECEIVED HIS J.D. FROM THE **UNIVERSITY OF MISSISSIPPI**, AND EARNED HIS MASTERS OF TAX FROM **NEW YORK UNIVERSITY**. HE SERVED IN THE **U. S. ARMY** AND WAS ACTIVE IN MANY CIVIC ENDEAVORS, INCLUDING **THE SALVATION ARMY, A MYSTIC SOCIETY, THE ROTARY CLUB, THE RED ELEPHANT CLUB, THE COUNTRY CLUB OF MOBILE, THE HISTORIC MOBILE PRESERVATION SOCIETY** AND MANY MORE. HE PRACTICED LAW IN MOBILE WITH **ARMBRECHT JACKSON** FOR ALMOST 40 YEARS BEFORE HIS RETIREMENT. HE WAS AN ACTIVE MEMBER OF **DAUPHIN WAY METHODIST CHURCH**. HE IS SURVIVED BY HIS WIFE, SYLVIA, A SON, A BROTHER, AND MANY FRIENDS.

NOMINATIONS COMMITTEE REPORT

THE NOMINATIONS COMMITTEE met Wednesday, July 22, 2014 in the conference room of **FRAZER GREEN UPCHURCH & BAKER, LLC**. On behalf of the Committee, **MICHAEL E. UPCHURCH**, Chairman, has submitted the following slate of nominees:

PRESIDENT ELECT	PETER S. MACKEY
VICE PRESIDENT	JOHN GREGORY CARWIE
SECRETARY	KRISTINE KENDRA McCULLOCH
ASSISTANT TREASURER	ANNA LYNES SCULLY

These nominees will be presented at the October 17th Monthly Luncheon and voted at the November 14th Monthly Luncheon.



SIGNIFICANT DECISIONS

BY DUANE GRAHAM

Declining to overrule *Ex parte DBI, Inc.*, 23 So.3d 635 (Ala.2009), but nevertheless concluding that the Alabama courts lacked personal jurisdiction over a corporate defendant notwithstanding that a component part manufactured by the defendant had been incorporated into a product that was sold in Alabama, the Supreme Court in *Ex parte Edgetech, I.G., Inc.*, No. 1121291 (Ala., July 25, 2014), held that a trial court lacked both general and specific personal jurisdiction over an Ohio business that manufactured and sold a component part to a Michigan manufacturer, which sold the composite part to an Alabama manufacturer, which sold the finished product to the Alabama plaintiff.

In a case of first impression, the Court of Civil Appeals in *Ex parte Thacker*, No. 2130626 (Ala., July 18, 2014), held that a judge did not have to recuse herself when one of the attorneys in the case associated as additional counsel the judge's opponent in the upcoming election. The court concluded that, for ought that appeared, the association was apparently intended solely for the purpose of causing the recusal that, thus, impugned the integrity of the judicial system.

In a complicated case involving the duplicate lawsuit statute, *Ala. Code § 6-5-440*, which requires the second filed of two duplicate lawsuits to be dismissed in favor of the first filed, the Supreme Court in *Ex parte The Boys and Girls Clubs of South Alabama, Inc.*, No. 11030051 (Ala., July 3, 2014), ruled that even though the Attorney General was not a plaintiff in the first filed action and was a party in the second, the second filed action still had to be dismissed. The Court concluded that the cases involved the same issue, that one would be preclusive under res judicata principles as to the other, and that the Attorney General was not seeking independent relief as a plaintiff but was rather acting on behalf of one of the bodies involved in the first action.

SAVLP

SOUTH ALABAMA VOLUNTEER LAWYERS

ARIANA H. MOORE, EXECUTIVE DIRECTOR

Celebrate Pro-Bono

October 19-25th, 2014, marks the American Bar Association's 6th annual Pro Bono Celebration. In Mobile, we will begin the celebration early! This annual event focuses attention on the importance of pro bono services and recognizes the work of attorneys who volunteer their time to help those in need of legal assistance. Events throughout Alabama are being scheduled every day. In the coming weeks, you will be able to check the Alabama State Bar's website for an up to date list of legal clinics, trainings, proclamation signings, and fundraisers. SAVLP is finalizing details for a number of events as well. Details about the following dates will be posted on www.savlp.org and on SAVLP's Facebook page soon.

- **September 22-24th - WILLS FOR HEROES** clinics are being scheduled for Baldwin and Mobile County first responders. Contact **ANDREA BREWINGTON** at andrea@savlp.org for details.
- **October 3rd** - The statewide kickoff for **ALABAMA'S PRO BONO CELEBRATION** will be held at Springhill College. Join us for a free poverty simulation facilitated by Alabama Possible. Guest speaker: **RETIRED ALABAMA SUPREME COURT JUSTICE CHAMP LYONS, JR.** 3.5 hours of CLE credit, including 1 hour of ethics.
- **October 9th - LEGAL ADVICE CLINIC** at the Mobile County Courthouse from 1:00-3:00.
- **October 17th - SAVLP's annual MBA CLE** following the Mobile Bar Association luncheon. Free to all VLP attorneys. Tentative topics: Evictions, small estates, and elder law. 3 hours of CLE credit.
- **October 23rd - SAVLP fundraiser** at the Mobile Theater Guild for **TOM PEREZ'S SOUTH OF THE SALT LINE** Theater's new play, *Ambushed by the Tea Party*.

Special thanks to the following attorneys who accepted or closed cases in July: **DOUGLAS L ANDERSON, GORDON G ARMSTRONG III, BILLY C BEDSOLE, RUSSELL E BERGSTROM, MARY ALLIE E BOLLER, WILLIAM E BONNER, EDWARD G BOWRON, MICHAEL E BOX, HENRY H BREWSTER, S. JOSHUA BRISKMAN, JAMES D BROOKS, CHAD R BROWN, DOUGLAS L BROWN, ELLA L BYRD, F. LUKE COLEY JR., HEATHER D COLLIER, KERI R COUMANIS, EVANS CROWE, JUDSON E CRUMP, BRIAN A DASINGER, SCOTT E DENSON, ROSS M DIAMOND III, REBECCA DING, MOSHAE E DONALD, SARAH B DORGER, GILLIAN G EGAN, CHARLES J FLEMING, BEN FORD, BARRY A FRIEDMAN, JOSH D FRIEDMAN, WILLIAM J GAMBLE JR., JORDAN W GERHEIM, J. W. GOODLOE JR., JOSHUA M GRANTHAM, JON A GREEN, LEE L HALE SR., MATTHEW B HALL, FREDERICK G HELMSING JR., R. SCOTT HETRICK, TOSCA HIEFTJE, MICHAEL R HOLBERG, JENNIFER HOLIFIELD, RYAN P HOLLOWAY, HERNDON INGE III, SIDNEY W JACKSON III, GREGORY R JONES, DAVID G KENNEDY, MARLENE A LAY, GREGORY B McATEE, AUGUSTINE MEAHER, III, S. C. MIDDLEBROOKS, JOHN R NIX, TERRIE OWENS, KIRKLAND E REID, LATISHA RHODES DAVIS, IAN D ROSENTHAL, SAMUEL C ROSTEN, HENDRIK SNOW, JOSEPH D STEADMAN, T. JEFF STEIN, BRITTEN STEINER, CHARLES E TAIT, RENEE E THIRY, PATRICK J WARD, WILLIAM W WATTS III, JARROD J WHITE, RICHARD R WILLIAMS, AND MELODY M ZEIDAN.**

YOUNG LAWYERS Kasee Heisterhagen, President

THE YOUNG LAWYERS would like to thank everyone for joining us at the **AUGUST YL** meeting at **O'DALY'S IRISH PUB** hosted by the **BRASWELL MURPHY**. The **SEPTEMBER YL MEETING** is going to be held on Thursday, September 25 from 5:30-7:30 at **CAFÉ 615** (615 Dauphin Street) and will be hosted by **CUNNINGHAM BOUNDS**. Please join us as this will be a fun event.

HABITAT FOR HUMANITY – YL WORK DAY – ALL MBA MEMBERS WELCOME!

THE YOUNG LAWYERS have put together a **HABITAT FOR HUMANITY** work day on Saturday, September 27. We are scheduled to work from 8:00 am to 4:00 pm but all helping hands are welcome, even if you can only come for part of the day. This is a perfect opportunity to help your high schoolers earn service hours. Volunteers ages 14 and up are welcome.

All MBA members, family, staff and friends are welcome so please encourage your co-workers to attend. RSVP to ksparks@burr.com by September 17 so we can get a head count. Thank you to **WEATHERS BOLT, JENNIFER MORGAN, and JULIA SHREVE** for assisting in organizing this event!

If you would like to get involved with any of our upcoming events, are interested in sponsoring an upcoming meeting, or if you have any questions, concerns, or comments please e-mail me (ksparks@burr.com), Vice President **JONATHAN MAPLES** (jmaples@carrallison.com), or Treasurer Russ Johnson (rjohnson@law-alabama.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**.



**Mobile Bar Association
Young Lawyers**

**Habitat for Humanity
Volunteer Day**

Saturday, September 27

8:00 am – 4:00 pm (volunteer for a whole or half day)

All Mobile Bar Association members, family, staff and friends are welcome!

Volunteers must be 14 years old and up.

RSVP to ksparks@burr.com by Sept. 17



ANNOUNCEMENTS

BURR & FORMAN has added three attorneys to its Mobile office. The office welcomes JASON NIMMER from ArcelorMittal and Nippon Steel (formerly ThyssenKrupp) as well as partners WARREN MATTHEWS and KATHRYN WILLIS.

OFFICE SPACE TO LEASE. Close to interstate and easy access. Easy off-street parking. Includes utilities (water, electric and security system), use of communal reception area and conference room. First come, first pick. Two (2) to choose from (one office \$500 and one office at \$400). Contact Angela Cooper at 251.300.2220.

THE DEPARTMENT OF POLITICAL SCIENCE & CRIMINAL JUSTICE and The University of South Alabama Foundation present The Judge Harry J. Wilters, Jr., Lectureship Series, The 2014 Series Lecture "MARRIAGE and CONSTITUTIONAL CHANGE" with distinguished speaker MARK E. BRANDON, Dean and Thomas E. McMillan Professor of Law University of Alabama School of Law. Contact Dr. Nader Entessar or Dr. Ron Nelson at 251.460.7161 for additional information.

BANKRUPTCY JUDGESHIP POSITION AVAILABLE in the Northern District of Georgia in Atlanta. Applications are available on the Court's Website at www.call.uscourts.gov. Applications must be received by September 8, 2014.

LAST WILL AND TESTAMENT. If you know of the existence of the will of Mr. Jody Johnston, please call his mother, Louise at 599-4437.

NEW MEMBERS

JOSEPH BLAKE FELLOWS,

Loyola College of Law 2012; Alabama State Bar 2014

LAURA C. STRACHAN,

University of Alabama School of Law 2010;
Alabama State Bar 2010; with Stone, Granade & Crosby, PC

CATHERINE SIMON SPANN,

University of Alabama School of Law 2013;
Alabama State Bar 2013; Clerk for Judge Rick Stout

KYLE STEVEN NAVARRO,

University of North Carolina School of Law 2012;
Florida State Bar 2012;
Alabama State Bar 2013; with Adams & Reese, LLP

MISSTY C. GRAY,

Cumberland School of Law 2003;
Alabama State Bar 2003;
with Adams & Reese, LLP

CONTINUING LEGAL EDUCATION

2014

**SEPTEMBER 12
PROFESSIONALISM, 3.0 HRS.**

**OCTOBER 3
CRIMINAL LAW UPDATE : DUI**

**OCTOBER 17
ANNUAL VLP SEMINAR, 3.0 HRS.**

**OCTOBER 28
NEW LAWYER ORIENTATION, 5.0 HRS.**

**NOVEMBER 7
ANNUAL CLE BY-THE-HOUR, 8.0 HRS.**

**NOVEMBER 21
ASB ROAD SHOW, 3.0 HRS.**

**DECEMBER 5
26TH ANNUAL BENCH & BAR CONFERENCE (5.0 HRS.)
AND YOUNG LAWYER MIXER (1.0 HRS.)**

**DECEMBER 19
CIVIL LAW UPDATE, 3.0 HRS.**

2015

**JANUARY 16
JUDGES PANEL:
DO'S & DON'TS, RULE CHANGES,
3.0 HRS.**

**MARCH 20
EMPLOYMENT LAW, 3.0 HRS.**

**APRIL 17
APPELLATE SEMINAR
INCLUDING CRIMINAL & CIVIL ISSUES,
3.0 HRS.**



MOBILE BAR FOUNDATION
MEMORIAL GIFT
In memory of
CHARLES ANDREW (Charlie) HICKS
By W. Boyd and Gladys Reeves And Mary Margaret Bailey
WILLIAM BYRON (Bill) HARVEY
By W. Boyd and Gladys Reeves And John N. Leach, Jr.

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 1 - MONDAY

LABOR DAY HOLIDAY

SEPTEMBER 11 - THURSDAY

EXECUTIVE COMMITTEE MEETING,
12 O'CLOCK NOON,
ADMIRAL SEMMES HOTEL

SEPTEMBER 12 - FRIDAY

PROFESSIONALISM SEMINAR,
1:30 – 4:45 PM,
BATTLE HOUSE HOTEL

SEPTEMBER 25 - THURSDAY

GRIEVANCE COMMITTEE MEETING,
12 O'CLOCK NOON,
MBA HEADQUARTERS

SEPTEMBER 25 - THURSDAY

YOUNG LAWYER MEETING
SPONSORED BY
CUNNINGHAM BOUNDS,
5:30 PM,
CAFÉ 615

Oct. 3, 2014

Jere F. White, Jr.
Trial Advocacy Institute
The Sheraton Hotel • Birmingham, Ala.

6 CLE hours, including 1 ethics hour, approved
for Alabama, Louisiana, Mississippi and
Tennessee. In Georgia, approved for 6 regular
CLE hours, 1 ethics hour and 5 trial hours.

Keynote Speaker



Jay Bilas

*ESPN broadcaster, attorney
and best-selling author*

Each attendee's name will be entered for
drawings for two tickets to the 2014 SEC
Championship Football Game, two tickets to the
2014 Iron Bowl Game and other prizes.



Presented by



JERE F. WHITE, JR.
TRIAL ADVOCACY INSTITUTE

Proceeds fund the Jere F. White, Jr. Fellows Program

Registration & Details

www.cumberland.samford.edu/cle or 205-726-2391

This CLE program promises to be unique!