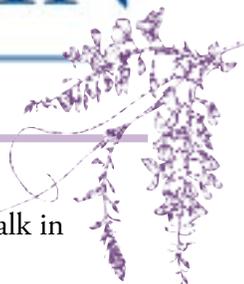




MONTHLY BULLETIN

Mobile Bar Association 153 Government Street Mobile, Alabama 36602 (251) 433-9790

President's Comments



HENRY CALLAWAY, PRESIDENT
MOBILE BAR ASSOCIATION



www.MobileBarNews.com

Thirty referrals for \$100? Plus fees from any clients who actually walk in the door? What's the catch?

I think our bar's **LAWYER REFERRAL SERVICE (LRS)** is kind of an open secret and hasn't recently gotten the attention it deserves. A lot of cases come through the **LRS**. In 2010, the **LRS** referred out 1,462 matters to 49 participating attorneys, for an average of 29.84 referrals per lawyer. Participating lawyers pay \$100 a year to be on the panel (\$150 for bankruptcy), plus 10% of any fee over \$100. Participants can sign up for as many subject matters as they would like at no additional cost. Participants are required to have malpractice insurance of at least \$100,000.

When members of the public call the bar association looking for an attorney, they are referred to a lawyer through the **LAWYER REFERRAL SERVICE**. Both **LEGAL SERVICES ALABAMA** and the **VOLUNTEER LAWYERS PROGRAM** refer people who don't meet their financial eligibility guidelines to the **LRS**.

In the past, participating lawyers agreed to have a conference up to 30 minutes with the potential client for an initial fee of \$15, with fees after that point to be agreed upon with the client. However, the bar's **LRS** committee recently raised the initial consultation fee to \$30, effective June 1st.

The **LRS** is an important service for both lawyers and the public. It allows members of the public to determine whether they have a case or find out an answer to their legal problem at minimal expense, and it provides attorneys with good leads for potential cases. It's also a good way to get your name out in the community.

The **LRS** committee is offering a "half off" deal for the rest of 2011. Call **TAMMY ANDERSON** at the bar association (433-9790) and you can sign up for the rest of the year for only \$50. Yes, you may have to sift through some chaff to get to the wheat, but if you are looking to expand your practice, the **LAWYER REFERRAL SERVICE** is an inexpensive and effective way to do it

PROGRAM

THE JUNE 2011 - MONTHLY LUNCHEON
FRIDAY, JUNE 17, 2011, - 11:45 AM
RADISSON ADMIRAL SEMMES HOTEL
SPEAKER: BILL GROVES, ESQUIRE
VICE PRESIDENT AND GENERAL COUNSEL -
THYSSENKRUPP

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2011 OFFICERS

- PRESIDENT - HENRY CALLAWAY
- PRESIDENT ELECT - WES PIPES
- VICE PRESIDENT - MICHAEL E. UPCHURCH
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- PRES YOUNG LAWYERS - THOMAS J. RADCLIFF
- EXECUTIVE DIRECTOR - BARBARA C. RHODES
- EDITOR - FERRELL S. ANDERS



ANNOUNCEMENTS

GREGORY C. BUFFALOW has joined the firm of **SATTERWHITE, BUFFALOW, COMPTON & TYLER LLC**, and the firm is pleased to announce that **L. HUNTER COMPTON, JR.** and **DEENA R. TYLER** have become members. The offices are located at 1325 Dauphin Street, Mobile 36604, telephone 251.432.8120.

OFFICE SPACE FOR RENT located at 11 S. Florida Street, high speed digital fax, scanner, copier, printer, wireless internet, storage space. Please call Greg Friedlander at 251.470.03603 or email isee3@aol.com for more details.

LAST WILL AND TESTAMENT: Looking for the Last Will and Testament of **FLORA GOFF**, died. January 24, 2009, last residence 3859 Shelley Drive, Mobile, AL 36693. If you have information regarding same please contact **CHRIS ARLEDGE** at **THE ATCHISON FIRM**, (251) 665-7200.

The attorneys of **CUNNINGHAM BOUNDS, LLC** are pleased to announce **WILLIAM D. STOKES** has joined the firm as an Associate. Will graduated cum laude and Phi Beta Kappa from **THE UNIVERSITY OF ALABAMA**, where he double majored in history and political science. In 2010, he earned a Juris Doctorate from the **UNIVERSITY OF ALABAMA SCHOOL OF LAW**. While in law school, Mr. Stokes was a member of the **FARRAH STUDENT LAW SOCIETY**, and received awards for best paper in **ADVANCED LEGAL RESEARCH AND AMERICAN LEGAL HISTORY**. Before joining Cunningham Bounds, Mr. Stokes was an associate at his family's civil litigation practice in his hometown of Brewton, Alabama.

BIG BROTHERS BIG SISTERS MENTORS NEEDED

The Public Service Committee, with the approval of the Executive Committee, is recruiting lawyers and their staff members to participate in the school-based mentoring program of Big Brothers Big Sisters, an educational outreach sponsored by the YMCA. Involvement in this program is rewarding to the "bigs" and very valuable to the "littles." One little brother has told the YMCA's coordinator, "The best part about having a Big Brother is that he helps me with my school work and with dealing with bullies. We always are doing something and have so much to talk about. He is a great mentor. I hope one day when I get older, we could go to other schools and share our story."

A recent field trip made by Brazier Elementary School students with their big brothers and sisters (pictured below) was described by Principal Mrs. Smith as "a truly remarkable experience that students will never forget." The "bigs" who participated will no doubt say much the same about it.

MBA lawyers and staff members who want to share in the rewards of mentoring or learn more about the program can contact Alec Moseley (amoseley@handarendall.com or 694-6291) or Aimee Risser (arisser@ysal.org or 344-0536, X106), the YMCA's Vice-President of Association Advancement.

We hope to partner with a new school this fall, and identification and enrollment of volunteers in the next few weeks is needed. We have an enthusiastic core group of volunteers being oriented presently, including Judge Don Davis and former Bar President Carlos Williams, but more are needed. Enrollment meetings for new volunteers are planned for June 21 and June 29; they only last about an hour. Please consider joining in this effort in time to make one of those and start enjoying it with the new school semester. The time commitment is very manageable, no more than about an hour a week, on a flexible basis, and the benefits to the participants are well worth the investment.



PICTURES FROM
YOUNG LAWYER'S KICKBALL TOURNAMENT
Friday, May 6, 12 o'clock noon, Battleship Park





LAW DAY ESSAY

LAWYERS FOR UNPOPULAR CLIENTS

Grades 6-8

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Sixth Amendment to the U.S. Constitution

Background

Resistance leader and patriot, advocate and diplomat, constitutional theorist and political activist, John Adams became our nation's first lawyer-president in 1797. Just five years before the American Revolutionary War began, he represented the British officer and soldiers charged with firing into a crowd of protestors and killing five civilians in the "Boston Massacre."

Already a prominent leader in the American colonial resistance to British parliamentary authority, Adams agreed to take on the cases and ably defended the accused at trial. His role in the 1770 Boston Massacre trials has come to be seen as a lawyerly example of following to the rule of law and defense of the rights of the accused, even in cases when advocates may represent unpopular clients and become involved in matters that generate public controversy.

Several Supreme Court cases have expanded the right to counsel to include all cases where the charge could result in imprisonment. This means that all accused people are guaranteed a lawyer, even if representing them is unpopular or if the accused cannot afford it. For example, the Guantanamo detainees accused of global terrorism and Jared Loughner, who is accused of shooting Arizona Representative Gabrielle Giffords and 18 others, are entitled to lawyers to represent them. It can be difficult sometimes to find lawyers who are willing to represent them. It can also be very expensive when the accused cannot pay for their own lawyer.

ESSAY QUESTION

Imagine that you are a lawyer and you have been asked to represent someone who is accused of a horrible crime and everyone thinks is guilty. The person cannot pay you and other people may not choose you to be their lawyer since you will be representing this unpopular person. How would you handle this situation? Would you represent the person? How would you handle the people who do not want you to be their lawyer anymore because you will be representing the unpopular client? Do you think it is fair that the person gets to have a lawyer if they cannot afford one? How could the system be made more fair?

Essays can be as long as you would like but must be at least 500 words.

DUE on May 1, 2011. There are cash prizes for the First, Second and Third Place essays.



LAW DAY ESSAY WINNER

THE DEFENSE OF AN UNPOPULAR CLIENT

By Cody Ramer

In the event that I, as a lawyer, was asked to defend an individual accused of a horrible crime and immensely unpopular, and this individual was unable to pay a lawyer, then I would choose to defend this person regardless of the circumstances.

An American citizen accused of any criminal act is entitled to a lawyer. As a lawyer, it is one's duty to uphold this right guaranteed by the Constitution in the Sixth Amendment: "In all criminal prosecutions, the accused shall enjoy the right...to have the assistance of counsel for his defense." I believe that in the event one is asked to defend such a person, he should do so without question.

One's job as a lawyer in a criminal trial is evident in the Sixth Amendment and is simply to assist the accused in court. Any lawyer must choose to uphold a man on a truthful basis. This is specified as a lawyer's moral and lawful duty. Thus, I believe an individual, no matter how hopeless the situation may seem, is deserving of a lawyer to defend him on an entirely truthful foundation.

I also choose to believe that the defendant's economic standing is of no consequence, just as the crime the individual committed is also of no consequence. It is the person's right that he should be defended according to the Constitution; hence, I would defend the alleged criminal whether or not I was being given anything in return because it's my duty to do so under any circumstance.

Due to the nature of the action, many individuals would question why I chose to defend this man in court. With my decision to represent the unpopular client, I would have to expect this. My response would be that I was simply doing my job. The decision was made despite what criticism may be brought for defending the client.

In short, I was upholding the accused man's Constitutional rights, and what ever side effects may come of doing so, I shall gladly bare.

The fact that the person is able to have a lawyer despite not having the money to pay one, is defended by the Constitution in the Sixth Amendment and helps defend the truth in America. If a man is allowed representation in court no matter what the circumstances are, the chances that truth holds prominence in court are greatly increased.

Just because a man is poor, he isn't necessarily guilty; therefore, he should be defended. This, again, supports the author's decision to support his client.

Our great judicial system is has withstood the tests of time. The truth is found so much more frequently in our court system than a lie because it denies no opportunity for justice to be seen. A client who doesn't have the money to pay lawyer should then be allowed a lawyer.

I believe there then is very little we can do to make the system "more fair". Human nature can cause blunders in any juror, lawyer or judge, but every opportunity should be taken to allow the truth to shine through in a courtroom as we are able to do with our system. The court system is as fair as it could possible be, and attempts at "making it better" will only harm it.

We have the world's longest standing written Constitution, and our judiciary system has stood through the test of alongside it. While justice hasn't been served in all cases because of human corruption, the human nature hasn't allowed us to get it right, and this very fact is evidenced in every court system in the world.

This then concludes my belief that an accused man has the right to a lawyer and in that case would be able to have my service in doing so. America's legal system is meant to defend justice and truth, and in defending this particular client I would stand by that system. Morally, constitutionally, and unconditionally every man should have the right to justice with the best legal representation possible.



LAWYERS IN THE NEWS

BY SANDY G. ROBINSON

MBA member, **JOSHUA D. FRIEDMAN**, and wife, **MARGIE B. FRIEDMAN**, along with big brothers **JACKSON** and **BROOKS**, are proud to announce the birth of the newest edition to the Friedman family, **SAMUEL DAVID FRIEDMAN**. Sam was born on March 31, 2011 and weighed 8 lbs. 6 ozs. And was 21 1/4 inches long. Proud grandparents are MBA member, **Barry A. Friedman, Ellie A. Friedman, Bill R. Bridges** and **Janet M. Bridges**.

DIED: Harriette H. Sheridan, mother of Honorary MBA member **Danny Sheridan**, died on April 22, 2011 at the age of 86. Mrs. Sheridan was a graduate of **Murphy High School** and attended the **University of Alabama**. She was an accomplished artist and a lifetime member of **Congregation Ahavas Chesed Synagogue**. She is survived by three children, four grandchildren and four great-grandchildren.

DONATED: MBA member **John McCall** and two other grandchildren of **Doy Leale McCall** donated a treasure trove of more than one million documents to the **University of South Alabama**. The documents date back to the Revolutionary War and include rare Civil War diaries, presidential land grants signed by **James Monroe** and **James Buchanan**, and letters from **Jefferson Davis, Henry Clay** and **Raphael Semmes**.

NEW MEMBERS

RUSSELL D. JOHNSON,

Mississippi College School of Law 2010; Alabama State Bar 2010; with Vernis & Bowling

RICK DAVIS,

University of Alabama School of Law 2010; Alabama State Bar 20120; with Davis & Fields, PC

KRISTIN L. DANIELS,

Vanderbilt University in 1993; Alabama State Bar 1993; with The University of Alabama.



YOUNG LAWYERS

TOM RADCLIFF, PRESIDENT

I would first like to thank **HAND ARENDALL, LLC** for sponsoring a great meeting in May at the **BICYCLE SHOP**. This month's meeting is sponsored by **ARMBRECHT JACKSON, LLP** and will be Thursday, June 16 at **THE BULL** on Dauphin Street.

The annual **MOBILE YOUNG LAWYERS GOLF TOURNAMENT** will be held Friday, June 3 at **TIMBER CREEK GOLF CLUB** in Daphne. Pro-Legal Copies will provide a complimentary lunch. **HENDERSON & ASSOCIATES** will provide on-course beverages. **TAMI S. GUTHANS COURT REPORTING** will provide team prizes and **CUNNINGHAM BOUNDS, LLC** is sponsoring a post-tournament cocktail party. Registration is still open and there are still plenty of sponsorship opportunities available. For more information, please contact me (405-0922) tradcliff@brblawyers.com, Glenn Smith (626-9340) gsmith@carrallison.com, or Josh Friedman (439-7400) josh@bafmobile.com.



Proceeds from this year's tournament will benefit **L'ARCHE MOBILE**. **L'ARCHE MOBILE** is a Christian Community where people with mental handicaps live together as a family with non-handicapped people called assistants. For those who have spent their lives being shifted from one institution to another, L'Arche is a refuge and a permanent home. For many, L'Arche is their first encounter with an environment where family, friends, and relationships have real meaning.

Finally, **TOBIAS & COMER** is throwing a pre-tournament party on Thursday, June 2 at 5:30 at the **GARAGE** on Washington Avenue. The pre-tournament party is always fun and we hope you can attend.



VLP

VOLUNTEER LAWYER PROGRAM

BY BLAKELY H. DAVIS

As stated in the recent Private Bar Campaign letter, *“We can and must meet the challenges to address the legal needs of our community, and we hope we can depend on you to keep up the financial support that has allowed the Mobile VLP to flourish.”* VLP has an enormous responsibility to maintain excellence and momentum as we continue to refine this program. VLP was developed by the bar, continually serviced by its members and wholeheartedly supported by the entire legal community. Many Mobile County residents truly would be not be able to access the legal system if not for this program -- the charitable arm of the bar and your non-profit. The initial response to the Private Bar Campaign has been outstanding – THANK YOU!

Your financial support is vital at this time for many reasons. With the blessing and encouragement of the State VLP, we will now venture into surrounding counties and assist in coordinating pro bono efforts, expanding the involvement of volunteer lawyers, and increasing the availability of legal services to low income clients. Another reason your financial support is so very appreciated and more critical than ever, is that we have just been notified by UNITED WAY that the MBA VLP allocation has been cut, and we will receive zero funding from May 1, 2011 through the year 2013. We will, however, receive contributions designated to VLP through the United Way Campaign. Please consider assigning VLP some portion or even all of your individual/firm contribution to United Way. The money received from these designations is greatly needed, but just as importantly, your support and the sheer number of designations will confirm to the United Way leadership that this organization is vital to the well-being of families in our community. There is no other organization that provides free legal service to the poor in the areas offered by VLP. The entire legal community supports (with their talents, time and money) the mission of this organization- a model program which happens to be labeled the gold standard of the state and provides honored pro bono leaders and mentors.

Again, thank you for your steadfast and unwavering support. This dedication is what is needed to make a true difference for our friends and neighbors - - - those individuals most often forgotten but never by you! You are the ones who make this happen!! I will conclude this article as I did our United Way allocation request: “Finally, everyone deserves access to the legal system - - - we consider our mission, purpose and vision essential for individual/community strength and success!! Thank you for joining with us in serving this often forgotten population.”

Special thanks to the following attorneys who accepted and and/or concluded VLP cases in April: **GARY P. ALIDOR, JOHN G. BAYLOR, JR., RUSSELL E. BERGSTROM, KNOX BOTELER, EDWARD G. BOWRON, GREGORY B. BREEDLOVE, CHAD R. BROWN, PETER F. BURNS, HENRY H. CADDELL, ASHLEY E. CAMERON, CRAIG CAMPBELL, HARWELL E. COALE, JR., RONALD P. DAVIS, BRENT T. DAY, EDWARD A. DEAN, SCOTT E. DENSON, ANNIE J. DIKE, J. BRIAN DUNCAN, JR., ROBERT S. EDINGTON, ANDRE FREEMAN, DONALD A. FRIEDLANDER, ROBERT M. GALLOWAY, J. W. GOODLOE JR., IRVIN GRODSKY, BRANDY B. HAMBRIGHT, KATIE L. HAMMETT, ASHLEY S. HARRIS, MICHAEL A. HART, TIMOTHY A. HEISTERHAGEN, FREDERICK G. HELMSING, JR., ALISON B. HERLIHY, R. SCOTT HETRICK, WESLEY J. HUNTER, JAMES C. JOHNSTON, KYLA KELIM, BANKS C. LADD, R. EDWIN LAMBERTH, JOHNNY LANE, FRANCIS E. LEON, JR., PETER S. MACKAY, E. RUSSELL MARCH, III, JENNIFER E. McDONALD, MATTHEW C. McDONALD, S. C. MIDDLEBROOKS, JEFFREY G. MILLER, SONYA OGLETREE, THOMAS P. OLLINGER, JR., MARY E. PILCHER, S. WESLEY PIPES, V, DAVID R. QUITTMAYER, ROBERT S. RAMSEY, A. CLAY RANKIN, III, GABRIELLE REEVES, LATISHA RHODES, ROBERT RICCIO, ANNA L. SCULLY, CLIFFORD C. SHARPE, MARY ELIZABETH SNOW, JOSEPH D. STEADMAN, RICHARD L. THIRY, LeBREON S. WASHINGTON, WILLIAM W. WATTS, III, JARROD J. WHITE, ANNA M. WILLIAMS, RICHARD R. WILLIAMS, RONNIE L. WILLIAMS, MICHAEL A. WING, AND RICARDO WOODS.**




MOBILE BAR FOUNDATION
 251-433-9790
 www.MobileBar.com



PLEASE GIVE

Name: _____

Address: _____

Phone: _____ E-mail: _____

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

In honor/memory of: _____

Send acknowledgement to: Name _____

Address _____

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

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

Sustaining Member (\$100 or more annually)

Regular Member (\$25 - \$99 annually)

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

Check enclosed

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

Signature _____ Exp. _____



NOTICE

TO: MEMBERS OF THE ALABAMA STATE BAR

Pursuant to **CHIEF JUSTICE SUE BELL COBB'S** order to reduce the number of designated Civil and Criminal jury weeks, the Presiding Judge of the 13th Judicial Circuit has announced that jury trials set during the previously designated jury weeks of August 8, 2011, August 15, 2011, August 22, 2011 and August 29, 2011 will be reset. Please immediately contact the Judges' offices to determine the new trial setting for your case.

JUNE 2011

JUNE 3 - FRIDAY

YOUNG LAWYERS GOLF TOURNAMENT,
TIMBER CREEK GOLF CLUB

JUNE 7 - TUESDAY

WOMEN LAWYERS LUNCHEON,
12 O'CLOCK NOON,
BIENVILLE CLUB

JUNE 8 - WEDNESDAY

WORKERS COMP SECTION LUNCHEON,
12 O'CLOCK NOON,
BIENVILLE CLUB

JUNE 9 - THURSDAY

MBA EXECUTIVE COMMITTEE MEETING,
12 O'CLOCK NOON,
BIENVILLE CLUB

JUNE 17 - FRIDAY

SEMINAR "THE BOTTOM LINE"
UTILIZATION AND COLLABORATION
WITH LAWYER ASSISTANCE PROGRAMS,
3 HRS. MCLE CREDITS INCLUDING
1.0 HR. ETHICS



JUNE 17 - FRIDAY

MBA MONTHLY LUNCHEON,
11:45 AM, ADMIRAL SEMMES HOTEL

JUNE 23 - THURSDAY

MBA GRIEVANCE COMMITTEE MEETING, 12 O'CLOCK
NOON, BIENVILLE CLUB.

CONTINUING LEGAL EDUCATION

JUNE 17, FRIDAY

"THE BOTTOM LINE"

UTILIZATION AND COLLABORATION WITH LAWYER ASSISTANCE PROGRAMS,

1:00 – 4:30 PM,

ADMIRAL SEMMES HOTEL, REGISTRATION FEE \$25.

3.0 HRS. CLE CREDITS INCLUDING 1 HOUR OF ETHICS.

TO REGISTER CALL SANDRA DOSSETT AT 334.517.2244

OR EMAIL SANDRA.DOSSETT@ALABAR.ORG

DECEMBER 2-4

FRIDAY – SUNDAY

ANNUAL BENCH & BAR CONFERENCE,

MARRIOTT'S GRAND HOTEL, POINT CLEAR, AL