



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

In This Issue...

Browsing the Bar
.....page 2

Announcements
.....pages 4

Calendar
.....page 10

Continuing Legal Education
.....pages 10

2011 OFFICERS

- PRESIDENT – HENRY CALLAWAY
- PRESIDENT ELECT – WES PIPES
- VICE PRESIDENT – MICHAEL E. UPCHURCH
- SECRETARY – D. BRIAN MURPHY
- TREASURER – BENJAMIN Y. FORD
- ASST. TREASURER – THOMAS M. WOOD
- PRES YOUNG LAWYERS – THOMAS J. RADCLIFF
- EXECUTIVE DIRECTOR – BARBARA C. RHODES
- EDITOR – FERRELL S. ANDERS

At the request of **CHIEF JUSTICE SUE BELL COBB**, the MBA executive committee has endorsed a **PROFESSIONALISM SUPPORT INITIATIVE** that has been already adopted in other areas of the state, including Birmingham. The initiative involves setting up a professionalism committee which will offer counseling for lawyers and judges who are the subject of complaints from any source that do not rise to the level of ethics or professional responsibility violations. The committee is comprised of volunteers from the local areas who seek to enhance professionalism by confidential peer influence. No judge or lawyer is required to cooperate or counsel with the committee, and the committee has no enforcement powers. All communications and activities are strictly confidential.

MICHAEL UPCHURCH will serve as initial chair of the local professionalism committee, which will consist of eight lawyers from a variety of practices and probably two judges. If you observe a problem with lawyers or judges conducting themselves unprofessionally and think this committee might be able to help, please call Michael or call **BARBARA RHODES** at the bar. Again, all communications are confidential.

I'm sad to report that **BLAKELY DAVIS** has told the **VOLUNTEER LAWYERS PROGRAM** she plans to retire sometime this year. Blakely's husband Larry retired several years ago, and she is ready to join him. Blakely has served as executive director of the VLP since 2006 and has done a wonderful job in expanding and improving all aspects of the program. We will all miss her enthusiasm and energy. VLP president **LISA COOPER** will lead a search committee that is now taking applications for the executive director position.

GREG VAUGHAN heads up a committee which is developing a **"BATTLE OF THE BAY"** canoe and kayak race between the Mobile and Baldwin County Bar Associations, to be held early next spring somewhere along the Causeway. It should be fun; contact Greg at 432-8883 if you are interested in getting involved.

It's not too late to register for the state bar meeting at Point Clear, July 13-16. Go to the bar website at www.alabar.org. There are some scholarships available.

MARK YOUR CALENDAR! The bar association holiday party is now set for December 8th at the Courtyard Manor (the old Gus's Restaurant on Dauphin Street). The band will be a local favorite, **ROMAN STREET**.

We've had a good response for the in-school mentoring program but could use more volunteers. We need to complete the application process by mid-July in order to be ready by the start of the school year. Call **AIMEE RISSER** at 344-0536, ext. 106 for more information.

PROGRAM

THERE WILL NOT BE A MONTHLY LUNCHEON IN JULY DUE TO THE ALABAMA STATE BAR ANNUAL MEETING

JULY 14-17, 2011 • MARRIOTT'S GRAND HOTEL • POINT CLEAR

THE NEXT MBA LUNCHEON MEETING WILL BE

FRIDAY, AUGUST 19, 2011, 11:45 A.M.

DANNY SHERIDAN,

JOURNALIST & SPORTS PROGNOSTICATOR

WILL BE THE GUEST SPEAKER

Browsing the Bar

With Barbara



Before I forget, ***WE CERTAINLY WELCOME SUMMER TO MOBILE, ALABAMA*** – however, I do believe it came a little early! Either way, children are home from school, the ride to work does not take nearly as long now that all of the teenagers are not heading to class, the Friday afternoon traffic is ridiculous and the beaches are beautifully crowded!

Enough of that! Along with summer comes a few changes in the MBA routine – first off, there will not be a July Monthly Luncheon but there will be the **ASB ANNUAL MEETING AT MARRIOTT’S GRAND HOTEL IN POINT CLEAR**. Another change is the renovation of the **BIENVILLE CLUB**, where we hold many of our luncheon committee meetings. The Club will be under renovation from the last week in July 2011 through (at least) September (probably longer). The Club will be temporarily serving at the Convention Center for those who wish to meet there. However, please note that the **WORKERS COMP SECTION, MBA EXECUTIVE COMMITTEE** and **MBA GRIEVANCE COMMITTEE** will be using other venues. Please check the **CALENDAR OF EVENTS** or call me if you have questions.

Listed elsewhere in this publication is the CLE lineup for 2011-2012. Please familiarize yourself with what the MBA CLE Committee has scheduled and choose the Seminars that interest you. I know it is early but by choosing now you will not be caught “short-houred” in December!!!!

MOBILE BAR ASSOCIATION VOLUNTEER LAWYERS

PROGRAM, a 501(c)(3) United Way organization, seeks **EXECUTIVE DIRECTOR** for nationally respected program providing free legal services to low-income individuals. Highly developed planning, managerial, organizational and interpersonal skills necessary. Computer skills and experience working with low-income populations desired. College degree required, non-profit and legal experience a plus. Mid-50’s with benefits. Please send resume’ to blakely@vlpmobile.org no later than July 11, 2011.

BRYAN G. DUHE', P.C.
Attorney at Law
2500 Dauphin Street
Mobile, Alabama 36606
Telephone: (251) 479-6500
Facsimile: (251) 479-3575
E-mail:bryanduhe@aol.com

June 17, 2011

Ms. Barbara C. Rhodes
Executive Director
Mobile Bar Association
153 Government Street
Mobile, Alabama 36602

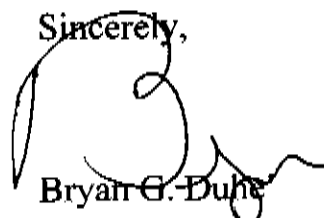
Dear Barbara:

I just want to drop a brief note to you expressing my sincere gratitude to all the members of the bench and bar, but most important, all of the many defense lawyers who have been so kind the last several weeks.

As you may or may not know, on May 2nd while riding my motorcycle I was struck head on by an uninsured, unlicensed driver. Apparently the phone call she was involved in was more important than staying in her lane. My neck was broken, and I was severely injured. I have not been able to get into the office much since the accident. I cannot tell you how impressed I have been at the kindness and patience of opposing counsel on literally every case I have. The defense lawyers have not only granted each request that I have made for extra time in motions, trials and mediation, but many have gone out of their way to help me to maintain my practice.

I hope that no one else in our association has to go through my experience to realize that our association is professional, but at the same time truly kind and gracious.

Sincerely,



Bryan G. Duhe

BGD/ppb



ANNOUNCEMENTS

ADAMS AND REESE is pleased to announce that **MATT JACKSON** has joined **ADAMS AND REESE** as an Associate in the firm's Mobile office as part of the Litigation Practice Team. Jackson has experience in banking/financial services, construction and insurance law. He previously worked as an associate at a law firm in Chattanooga, Tennessee, and he is licensed to practice law in both Tennessee and Alabama. Jackson earned his J.D., cum laude, from **MISSISSIPPI COLLEGE SCHOOL OF LAW** in 2010.

TWO LAW FIRMS RELOCATED BY RSA:

BALL, BALL, MATTHEWS & NOVAK, P.A. and **AUGUSTINE MEAHER, III, P.C.** law firms have relocated within the RSA BankTrust building:

BALL, BALL, MATTHEWS & NOVAK, P.A.

107 Saint Francis Street
Suite 1590
Mobile, Alabama 36602

AUGUSTINE MEAHER, III, P.C.

107 Saint Francis Street
Suite 1910
Mobile, Alabama 36602

The telephone and fax numbers for both firms remain unchanged.

NEW MEMBERS

CHAD TATUM,

Stetson University College of Law 2004;
Florida State Bar 2005;
Alabama State Bar 2010;
with DRC Emergency Services LLC

ASSOCIATE MEMBER:

RONALD W. McBAY,

Cumberland School of Law 2001;
Georgia State Bar 2001; with U.S. Army.



LEGAL MILESTONES:

DIED: DR. JESSE T. LITTLETON, III, father of MBA member **DENISE LITTLETON**, and father in law of MBA member **BARRY THOMPSON**, died on May 22, 2011 at the age of 94. Dr. Littleton was a renowned radiologist who developed several cutting-edge X-ray devices before the rise of CT scans. He is remembered as a compassionate physician, teacher, author and investigator. He is survived by his wife, one brother, five children, 11 grandchildren and many other friends and relatives.

DIED: WILLIAM WILSON WIBLE, father of MBA member **DAVID J. WIBLE**, died on May 25, 2011. Mr. Wible grew up in Pike Road, Alabama, and played football at **SIDNEY LANIER HIGH SCHOOL** in Montgomery and **AUBURN UNIVERSITY**. He served in the Merchant Marines during World War II.

CONGRATULATIONS: MOBILE AREA NATIONAL MERIT SCHOLARS for the year include **BENJAMIN G. FRIEDLANDER**, son of MBA member **GREG FRIEDLANDER**, and **STUART K. GRAHAM**, son of MBA member **KEVIN GRAHAM**.

AND MORE CONGRATULATIONS: On June 5, 2011, MBA member **ROBERT P. DENNISTON** marked the 70th anniversary of his law practice. Congratulations on this amazing accomplishment, and many thanks to **MR. DENNISTON** for the wonderful example he has provided for collegiality and integrity in the practice of law.

FROM CHICAGO TO VEGAS TO BROADWAY!

BY TOM METHVIN, PRESIDENT, ALABAMA STATE BAR



VLP has been all over the map the last few months! On May 19th members of the legal community enjoyed the **MOBILE THEATER GUILD**'s presentation of **CHICAGO** thanks to **BOTELER, FINLEY AND WOLFE**. Those in attendance enjoyed a **CHICAGO** style reception followed by an incredible sold-out performance. The audience particularly enjoyed the acting talents of two Mobile Theater Guild actors and members of the Mobile Bar- **JUDGE MICHAEL YOUNGPETER** and **REGGIE COPELAND**. Both received great reviews! Many thanks to **BOTELER, FINLEY AND WOLFE** for sponsoring this event to benefit VLP and to all of you who packed the house!

That same week **RICARDO WOODS, HENRY CALLAWAY AND ARI MOORE** attended the **ABA/NLADA Equal Justice Conference** in LAS VEGAS. The conference brings together members of the legal community to discuss equal justice issues and the delivery of legal services to low-income individuals. It is an incredible opportunity to share successes, gather new ideas, and seek inspiration. Over 80 workshops were offered and we attended many, including presentations on pro se representation, building successful partnerships, online intake, limited legal advice clinics, funding, and developing resources. According to Ricardo Woods, *"The most fascinating aspect about the meeting was the number of in-house corporate counsel who play an active role in aiding low income citizens. I was also proud to hear that the Mobile VLP serves as a shining example of servant leadership for programs all over the United States."*

Don't forget to add **BROADWAY BRIEFS** to your October calendar! The VLP Board has been hard at work on this year's performance. Look for all the details in next month's bar bulletin. We look forward to seeing you at the show!!

Many thanks to the following attorneys who accepted and closed cases in May: **TONNY H. ALGOOD, GARY P. ALIDOR, JOHN G. BAYLOR JR., PAUL T. BECKMANN, JOHN T. BENDER, RUSSELL E. BERGSTROM, JAIME W. BETBEZE, CHRISTINA M. BOLIN, JENNIFER CALDWELL, HENRY A. CALLAWAY III, CRAIG CAMPBELL, KENNETH PAUL CARBO JR., WILLIAM G. CHASON, F. LUKE COLEY JR., BLANE H. CRUTCHFIELD, EDWIN J. CURRAN JR., EDWARD A. DEAN MARGARET F. DEMERANVILLE, ANDREW FREEMAN, JOSH D. FRIEDMAN, J. CECIL GARDNER, JORDAN W. GERHEIM, W. MICHAEL GILLION, J. W. GOODLOE JR., TIMOTHY M. GROGAN, MARY A. HAMPTON, THOMAS E. HARRISON, FREDERICK G. HELMSING JR., ALISON B HERLIHY, R. SCOTT HETRICK, JENNIFER HOLIFIELD, LYMAN F. HOLLAND JR., GREGORY R. JONES, KATHLEEN COBB KAUFMAN, KYLA KELIM, BANKS C. LADD, GILBERT B. LADEN, R. EDWIN LAMBERTH, E. RUSSELL MARCH III, DANIEL L. MCCLEAVE, KRISTINE MCCULLOCH, MICHAEL S. MCNAIR, S. C. MIDDLEBROOKS, JEFFREY G. MILLER, MARGARET MILLER, JENNIFER S. MORGAN, NICHOLAS F. MORISANI, ROBERT H. MUDD JR., DAVID A. NIHART, THOMAS P. OLLINGER JR., S. WESLEY PIPES V, W. BOYD REEVES, ROBERT RICCIO, J. BURRUS RIIS, JAY N. ROBINSON, CLIFFORD C. SHARPE, BRYAN D. SMITH, E. GLENN SMITH JR., CHARLES E. TAIT, R. STEVENS TERRY, KIMBERLY C. WALKER, WILLIAM W. WATTS III, MICHAEL A. WING, RICARDO WOODS AND SHUNTAVIA WOODS.**



BILLY BEDSOLE ELECTED

MEMBER OF THE JUDICIAL INQUIRY COMMISSION OF THE STATE OF ALABAMA

On Friday, May 6, 2011, **BILLY C. BEDSOLE** was elected by the **BOARD OF BAR COMMISSIONERS** for a four year term as a member of the **JUDICIAL INQUIRY COMMISSION OF THE STATE OF ALABAMA**. The **JUDICIAL INQUIRY COMMISSION** consists of nine members: an Appellate Judge, two Circuit Judges, one District Judge, two lawyers and three laypersons and was established in December 1973 as part of Amendment 328 to the Constitution of Alabama 1901.

It has the authority to receive and initiate complaints; to conduct investigations; and, where reasonable basis is found by a majority of its members to exist, to file and prosecute a complaint before the **COURT OF THE JUDICIARY**, charging violations of any canon of judicial ethics, misconduct in office, failure to perform duties, or physical or mental incapacities to perform duties by any member of the judiciary.

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA MOBILE, ALABAMA

PUBLIC NOTICE

FOR REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current term of office of United States Magistrate Judge Sonja F. Bivins, United States District Court, Southern District of Alabama, is due to expire on February 1, 2012. The United States District Court is required by law to establish a Panel of citizens to consider the reappointment of the Magistrate Judge to a new eight-year term.

The duties of the position are demanding and wide-ranging and include the following:

- (1) Conduct of most preliminary proceedings in criminal cases;
- (2) Trial and disposition of misdemeanor cases;
- (3) Conduct of various pretrial matters in civil cases and evidentiary proceedings on delegation from the Judges of the District Court;
- (4) Trial and disposition of civil cases upon consent of the litigants; and
- (5) Jury selection in most civil and criminal cases.

Comments from members of the Bar and the public are invited as to whether the incumbent Magistrate Judge should be recommended by the Panel for reappointment by the Court and should be marked "Confidential" and directed to:

CHARLES R. DIARD, JR., CLERK

U. S. District Court, Southern District of Alabama

RE: Magistrate Judge Reappointment

113 St. Joseph Street

Mobile, AL 36602

Comments must be received by close of business August 1, 2011

YOUNG LAWYERS

TOM RADCLIFF - PRESIDENT

First I'd like to thank **ARMBRECHT JACKSON** for sponsoring another great meeting at the **BULL** in June. I'd also like to thank **WINDOM & TOBIAS** for sponsoring the "**TEE-OFF PARTY**" the Thursday before the golf tournament as well as supper after the golf tournament. The golf tournament was a great success again this year thanks to the generosity of our sponsors. **PRO-LEGAL COPIES** provided a great lunch before the tournament. **DONNA HENDERSON** and everyone at **HENDERSON & ASSOCIATES** helped out tremendously not only in the way of sponsorships, but also for contributing their hard work from registration through the cocktail party and making the tournament run as smoothly as it did. Thank you also to **TAMI GUTHANS** and **GUTHANS & HOWARD COURT REPORTING** for their generous donations which made our winners' prizes possible. **JOSH FRIEDMAN** did another bang-up job on the door prizes this year. And big thanks as well to **DWAIN DENNISTON** for providing beverages, pleasant company, and witnesses for the hole-in-one contest. Finally, I want to thank **CUNNINGHAM BOUNDS, LLC** for sponsoring another successful cocktail party after the tournament and **DANNY SHERIDAN** for providing entertainment during the cocktail party.

I also want to thank our hole-in-one, long-drive, and hole sponsors who make the tournament itself possible, as well as providing us with the ability to make a sizeable donation to our charity this year, **L'ARCHE MOBILE**. Our hole-in-one sponsors this year were: **EASTERN SHORE HYUNDAI** and **HENDERSON & ASSOCIATES**. **MCCORMICK & BROWN** sponsored the long-drive contest. Our hole sponsors were: **ADAMS & REESE; ANCHOR TITLE; ARMBRECHT JACKSON; BOTELER & WOLFE; BRUTCIEWICZ ATTORNEYS; CMV INVESTIGATIONS; CABANISS JOHNSON; CHASON & CHASON; COASTAL BANK & TRUST/SYNOVUS MORTGAGE; DAVIS & FIELDS; DISTRICT COURT JUDGES MCKNIGHT, SHERLING, HARDESTY AND MCMAKEN; EATON BARNARD; EDWARD B. McDONOUGH; FERNANDEZ & COMBS; FLEMING & CHAVERS; GALLOWAY JOHNSON, TOMPKINS, BURR & SMITH; GALLOWAY, WETTERMARK, EVEREST, RUTENS, & GAILLARD; GRODSKY & OWENS, HACKBARTH DELIVERY, HAND ARENDALL; HELMSING, LEACH HERLONG, NEWMAN & ROUSE; HOLTSFORD, GILLILAND, HIGGINS, HITSON & HOWARD; THE HUEY LAW FIRM; THE LORIS LAW FIRM; JONES WALKER; JOJO SCHWARZAUER; MARGARET C. TURNER COURT REPORTING; McDOWELL, KNIGHT, ROEDDER & SLEDGE; MCFADDEN, LYON & ROUSE; TOM OLLINGER; THE ORTHOPAEDIC GROUP; PHELPS DUNBAR; RIMKUS CONSULTING; ROBERTS BROTHERS; SMITH, DUKES & BUCKALEW; SOURCE ONE LEGAL COPY; THOMPSON ENGINEERING; AND YORK & PENDLETON.**

Finally, I want to say a special word of thanks to the **YOUNG LAWYERS' GOLF TOURNAMENT COMMITTEE** who worked so hard to help make the tournament happen. **STEVEN SAVARESE, JORDAN GERHEIM, JONATHAN MAPLES, BRYAN COMER, BRIAN MURPHY, JOSEPH DENNIS, ANNIE DIKE, LACEY SMITH, TAE PHILLIPS, ERICK BUSSEY, JASON STEELE, AND TIM HEISTERHAGEN** worked tirelessly to secure sponsors and participants. Finally, I want to thank **GLENN SMITH** our Vice President and **Josh Friedman** our Treasurer for all of their selfless work as well. Thank you again to everyone who participated, and we hope to present a donation to **L'Arche Mobile** at an upcoming monthly bar meeting.

MOBILE BAR FOUNDATION

MEMORIALS

EDWARD GREENE, ESQUIRE

BEN STOKES, ESQUIRE

**W. A. KRUSE,
FRANK KRUSE'S BROTHER**

T. MASSEY BEDSOLE, ESQUIRE

JUDGE ALEX T. HOWARD

**MAUD J. HERLONG,
WARREN HERLONG'S MOTHER**

TOM GAILLARD'S FATHER

**IN HONOR
JOHN N. LEACH, ESQUIRE**



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

JULY 2011

JULY 4 - MONDAY
INDEPENDENCE DAY HOLIDAY

JULY 7 - THURSDAY
MBA EXECUTIVE COMMITTEE MEETING, 12 O'CLOCK NOON, BIENVILLE CLUB

JULY 13 - WEDNESDAY
WORKERS COMP SECTION MEETING, 12 O'CLOCK NOON, BIENVILLE CLUB

JULY 14-17 THURSDAY - SUNDAY
ALABAMA STATE BAR ANNUAL MEETING, MARRIOTT'S GRAND HOTEL, POINT CLEAR,

CONTINUING EDUCATION 2011

August 19	1:30 - 4:45	Criminal Law Update	3.0 hrs	
August 26	8:30 - 4:30	Family Law Seminar	8.0 hrs	1.0 Ethics
Sept. 16	1:30 - 4:45	Bankruptcy	3.0 hrs.	
Oct. 11	10:30 - 4:30	New Lawyer Orientation	5.0 hrs	
Oct. 21	1:30 - 4:45	VLP	3.0 hrs	1.0 Ethics
Oct. 28	8:30 - 4:45	Workers' Comp	6.0 hrs	1.0 Ethics
Nov. 11	1:30 - 4:45	Law Office Management & Attorney Ethics	3.0 hrs	1.0 Ethics
Nov. 18	1:30 - 4:45	Appellate Practice	3.0 hrs.	
Dec 2	12:00 - 6:00	Bench & Bar Conference	5.0 hrs	1.0 Ethics.
Dec. 9	8:00 - 5:00	CLE By the Hour	8.0 hrs.	1.0 Ethics
Dec. 17	1:30 - 4:45	Civil Law Update	3.0 hrs	

CONTINUING EDUCATION 2012

Jan. 20	1:30 - 4:45	Probate Practice	3.0 hrs	
March 16	1:30 - 4:45	The Modern Law Practice	3.0 hrs.	
April 20	1:30 - 4:45	Drug Court	3.0 hrs	
May 18	1:30 - 4:45	Words from On High	3.0 hrs	