

MONTHLY BULLETIN

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

President's Comments



**MIKE DRUHAN, PRESIDENT
MOBILE BAR ASSOCIATION**



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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 – Bessie P. Creswell
- President Young Lawyers – Kaisee S. Heisterhagen
- Executive Director – Barbara C. Rhodes
- Editor – Ferrell S. Anders

Whenever the opportunity presents itself, please pass along your personal thanks to **PAST PRESIDENT MICHAEL UPCHURCH** for his generous and erudite leadership to our Bar last year. His contributions to the continuing improvement of the operation and management of the administration of Bar were numerous and will build a stronger foundation for improvement for me and those who will follow me.

Thanks Michael!

On the heels of the first Bar Luncheon for 2014, I have come to the conclusion that we need to reach out more aggressively to draw our younger members into fellowship. I have also heard from many folks that believe the luncheon is a really integral part of membership, but it over-stretches the budgets of our newer lawyers. To the end of trying to improve attendance, the Executive Committee has already determined to forego the luncheons in April and September, with the idea that deleting those two historically under-attended gatherings will save us some money and perhaps, offer us an opportunity to more effectively tout our other luncheons' attendance.

If I may importune our "faithful" luncheon attendees, please invite one of our younger participants to join you at the next meeting, March 21st. As an incentive, Johnston Druhan will stand good for the lunches of members of five years or less membership.



Remember if you like your Valentine, you can keep your Valentine (unless you forget to do something special for him/her).



PROGRAM

DUE TO MARDI GRAS THERE WILL NOT BE A LUNCHEON IN FEBRUARY

**THE NEXT MEETING WILL BE
FRIDAY, MARCH 21, 2014, 11:45 AM
BATTLE HOUSE HOTEL MOONLIGHT
BALLROOM**

**THE SPEAKER WILL BE
Mobile Mayor Sandy Stimpson**

WE WILL ALSO HONOR OUR 50 YEAR LAWYERS

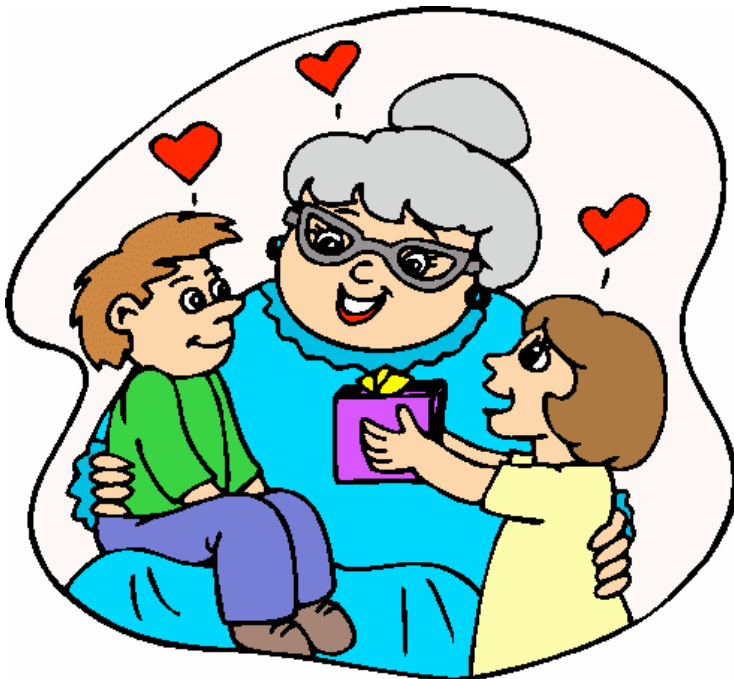


Browsing the Bar – With Barbara

January has been a very busy month around the Bar Headquarters – new administration, new committees and sections, getting a budget in place (which, I’ll tell you, was no easy task), and getting out statements for your 2014 MBA Dues. We are looking forward to working with the new administration as well as new committee chairs and members. Several Committees are already working and if we can be of any help just let us know.



GRANDKIDS – YA GOTTA LOVE EM!



A 6-year-old was asked where his Grandma lives, “Oh,” he said, “she lives at the airport and when we want her, we just go get her. Then, when we’re done having her visit, we take her back to the airport.”



YOUNG LAWYERS

KASEE HEISTERHAGEN, PRESIDENT

The **YOUNG LAWYERS** are pleased to thank **PRO-LEGAL** and **MICHAEL CANNON** for a great January meeting at **CALLAGHAN'S**. Michael and Pro-Legal always do a fantastic job and we appreciate their continued support of the **YOUNG LAWYERS**.

Due to the Mardi Gras parade schedule, February's meeting will be held one week early on Thursday, February 13th. **MCDOWELL, KNIGHT, ROEDDER & SLEDGE** is hosting at **MOE'S ORIGINAL BAR-B-QUE** beginning at 5:30. **MOE'S BAR-B-QUE** is located at 701 Springhill Avenue.

I would like to thank outgoing **YL PRESIDENT JOSH FRIEDMAN** for all of his hard work. Josh has put in countless hours of work over the years in support of not just the **YOUNG LAWYERS** but the Mobile Bar as a whole. We are pleased to welcome **RUSS JOHNSON** as our incoming Treasurer. Russ practices at **VERNIS & BOWLING** and can be reached at rjohnson@law-alabama.com.

SAVE THE DATE - This year's **YOUNG LAWYERS FUN FEST AT ST. MARY'S HOME FOR CHILDREN** will be held on Saturday, April 5. **ST. MARY'S** is the first and oldest residential treatment facility in Alabama for abused, abandoned and neglected children. The **YOUNG LAWYERS** host a field day every year for the residents, complete with a pizza party, new sporting equipment and a donation to support the efforts of **ST. MARY'S**. We are in need of volunteers to come out that morning to play and talk with the children and financial contributions.

If you would like to get involved with **FUN FEST**, 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).



SAVLP

SOUTH ALABAMA VOLUNTEER LAWYERS

Thanks to the efforts of our great staff, generous attorneys, and hard-working Board members, the **SOUTH ALABAMA VOLUNTEER LAWYERS PROGRAM** provided pro bono legal assistance to 1,823 individuals and provided referral assistance to 2,907 individuals during 2013. But we can't rest on our laurels! If you are not already a volunteer attorney on the **SAVLP** panel, please sign up today. If you have signed up as a volunteer lawyer, but have not taken a referral in a while, I urge you to contact **SAVLP**. And please step out of your comfort zone and expand the types of matters in which you can help our clients – volunteer mentors are available to assist you. Contact the **SAVLP** office at (251) 433-6693 (attorney line) or online at www.savlp.org.

Remember to save the date of Saturday April 26 for the third annual **BATTLE OF THE BAY** canoe and kayak race between the Mobile Bar and the Baldwin Bar!

Special thanks to the following attorneys who opened or closed cases in December 2013:

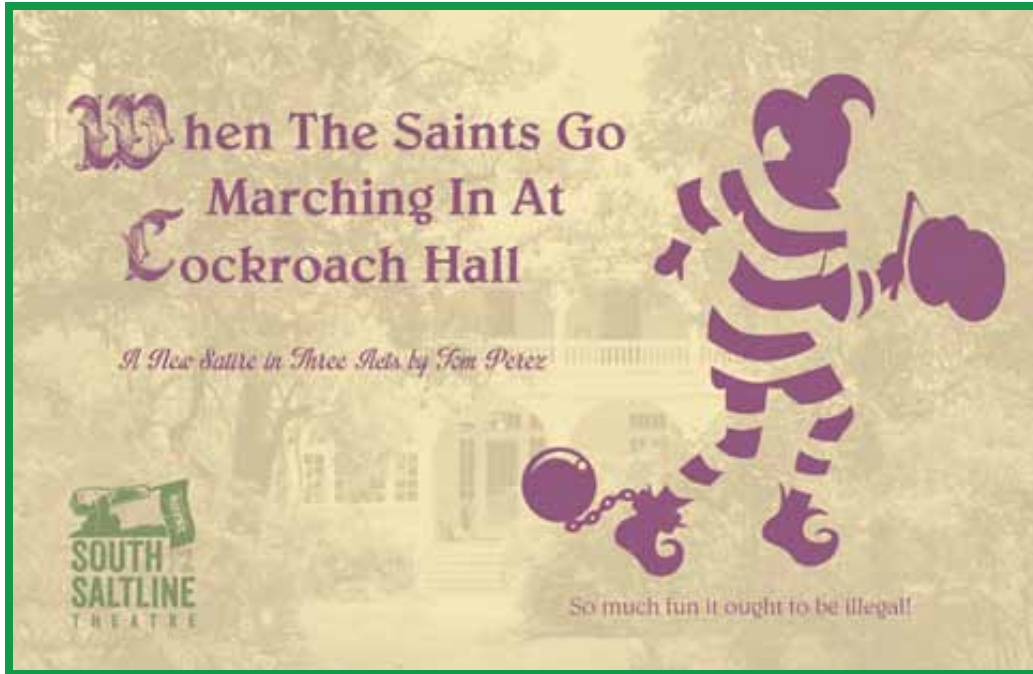
PAUL T BECKMANN, KATE BONNICI, HENRY H BREWSTER, ELLA BYRD, HENRY A CALLAWAY III, HENRY M CASSADY JR., JEANNA D CHAPPELL, WALTER G CHAVERS, HARWELL E COALE JR., F. LUKE COLEY JR., ROBERT J CRANE, BESS M CRESWELL, JUDSON E CRUMP, MICHAEL M DAVIS, MARGARET F DEMERANVILLE, SONDR A DEMPSEY, BRYAN G DUHE', PAGE S ELLIS, CHARLES J FLEMING, JOSHUA M GRANTHAM, THEODORE L GREENSPAN, CHRISTINE HARDING HART, JESSICA HATCHER, CHRISTINE C HERNANDEZ, R. SCOTT HETRICK, J. BRADFORD B HICKS, JENNIFER HOLIFIELD, CHRISTOPHER G HUME III, SCOTT W HUNTER, HERNDON INGE III, MATTHEW R JACKSON, ANDREW M JONES, GREGORY R JONES, ROBERT D KEAHEY, COLIN E KEMMERLY, GILBERT B LADEN, TRACIE LEE ROBERSON, JENNIFER E MCDONALD, SAMUEL G MCKERALL, AUGUSTINE MEAHER III, S. C. MIDDLEBROOKS, M. KATHLEEN MILLER, PAMELA K MILLSAPS, JENNIFER S MORGAN, NICHOLAS F MORISANI, HENRY T MORRISSETTE, ROBERT H MUDD JR., MEEGAN NELSON, MARY E PILCHER, LAKELIA P POWELL, A. CLAY RANKIN III, JEANNE D RASCO, JAMES REBARCHAK, IAN D ROSENTHAL, STEVEN SCIPLE, CLIFFORD C SHARPE, JACK SMALLEY III, HENDRIK SNOW, D. TRICE STABLER, T. JEFF STEIN, SCOTT D STEVENS, BRYAN A THAMES, RENEE E THIRY, RICHARD L THIRY, L. BLADE THOMPSON, DAVID P VAUGHN, RICHARD W VOLLMER III, PATRICK J WARD, REILLY WARD, WILLIAM W WATTS III, CHRISTOPHER S WILLIAMS, and RICARDO WOODS.



SAVLP

SOUTH ALABAMA VOLUNTEER LAWYERS

SPECIAL THANKS TO
BOTELER, FINLEY & WOLFE
FOR SPONSORING THE BENEFIT PERFORMANCE OF
WHEN THE SAINTS GO MARCHING AT COCKROACH HALL!



SIGNIFICANT DECISIONS

BY DUANE GRAHAM

Overruling the prior case of *Ex parte Bayliss*, 550 So.2d 986 (Ala.1989), the Supreme Court in *Ex parte Christopher*, No. 1020387 (Ala, October 4, 2013), held that the Legislature had not authorized courts in divorce proceedings to require the non-custodial parent to pay for college tuition for children 19 years of age or older. The Court specifically concluded that this holding would be applied prospectively only.

In *Alabama Powersport Auction, LLC v. Wiese*, No. 1120007 (Ala., November 8, 2013), the Supreme Court held that the case of *Geohagan v. General Motors Corp.*, 279 So.2d 436 (1973), had not been overruled and that no claim for wrongful death could be based on a breach of contract claim. However, the Court also held that an auctioneer could be held liable for breach of implied warranty under certain circumstances.



NEW MEMBERS

SAMUEL CHARLES ROSTEN,
UNIVERSITY OF ALABAMA SCHOOL OF LAW 2012;
ALABAMA STATE BAR 2012;
WITH HELMSING, LEACH, HERLONG, NEWMAN & ROUSE, P.C.

STACIE ELIZABETH VITELLO,
UNIVERSITY OF ALABAMA SCHOOL OF LAW 2011;
ALABAMA STATE BAR 2011;
CLERK TO JUDGE SARAH STEWART

PRESTON WELLS GRIFFITH, III,
MISSISSIPPI COLLEGE SCHOOL OF LAW 2009;
ALABAMA STATE BAR 2009;
SOLE PRACTITIONER

JESSICA MILLING,
UNIVERSITY OF LOUISVILLE BRANDEIS SCHOOL OF LAW 2009;
CALIFORNIA STATE BAR 2010;
ALABAMA STATE BAR 2013;
WITH LEGAL SERVICES OF ALABAMA

JAMES R. FERGUSON,
THOMAS M. COOLEY LAW SCHOOL 2013;
ALABAMA STATE BAR 2013;
WITH MALLET LAW FIRM





LAWYERS IN THE NEWS

BY SANDY G. ROBINSON

LEGAL MILESTONES:

DIED: JOHN CARWIE, FATHER OF MBA MEMBER **GREG CARWIE**, DIED IN BIRMINGHAM ON DECEMBER 26, 2013. HE WAS A LIFELONG NATIVE AND RESIDENT OF MOBILE AND GRADUATED FROM MURPHY HIGH SCHOOL AND SPRINGHILL COLLEGE. HE WAS A 1ST LIEUTENANT IN THE U.S. ARMY AND SERVED IN KOREA IN THE MEDICAL SERVICES CORPS. WITH HIS BROTHER GEORGE, HE WAS CO-OWNER OF CARWIE ACE HARDWARE AND CARWIE REALTY FOR MANY YEARS. HE WAS AN AVID SUPPORTER OF SPRINGHILL COLLEGE ATHLETICS AND IN 1998 WAS INDUCTED INTO THE SPRINGHILL COLLEGE ATHLETIC HALL OF FAME. HE WAS A FOUNDING MEMBER OF THE SPRINGHILL COLONEL DIXIE COFFEE CLUB WHERE HE WAS AFFECTIONATELY REFERRED TO AS THE "MAYOR OF SPRINGHILL." HE IS SURVIVED BY HIS WIFE OF 51 YEARS, THREE CHILDREN, SEVEN GRANDCHILDREN, AND MANY OTHER RELATIVES AND FRIENDS.

DIED: DR. J. E. PITTMAN OF ENTERPRISE, FATHER OF MBA MEMBER **JUDGE CRAIG PITTMAN**, PASSED AWAY ON DECEMBER 23, 2013. HE IS SURVIVED BY FIVE SONS, INCLUDING ATTORNEY **DON PITTMAN** OF ENTERPRISE, NINE GRANDCHILDREN, AND SEVEN GREAT-GRANDCHILDREN.

DIED: FORMER MBA MEMBER RICK SFORZINI DIED IN LITTLE ROCK, ARKANSAS ON DECEMBER 19, 2013. HE WAS A GRADUATE OF AUBURN UNIVERSITY AND VANDERBILT UNIVERSITY SCHOOL OF LAW. HE WAS A JUDGE ADVOCATE GENERAL IN THE U.S. AIR FORCE, AND THEREAFTER PRACTICED LAW IN MOBILE FOR ABOUT 20 YEARS. AT THE TIME OF HIS DEATH, HE WAS WORKING AT THE U.S. ATTORNEY'S OFFICE IN LITTLE ROCK IN THE AREA OF BANKRUPTCY LITIGATION. HE IS SURVIVED BY HIS WIFE, TWO CHILDREN, ONE GRANDDAUGHTER AND OTHER RELATIVES AND FRIENDS.

BRAVO! MBA MEMBER DAVID PEELER PERFORMED IN THE JOE JEFFERSON PLAYHOUSE PRODUCTION OF CYRANO DE BERGERAC IN JANUARY.





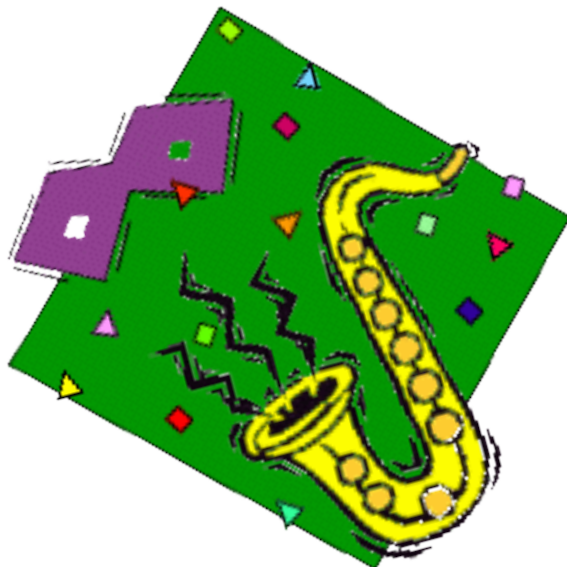
ANNOUNCEMENTS

HAND ARENDALL, LLC is pleased to announce the following new partners: **JENNIFER ROSELIUS, CRAIG CAMPBELL** and **PAUL BECKMANN**.

The attorneys of **CUNNINGHAM BOUNDS** are pleased to announce **J. BRIAN DUNCAN, JR.** and **LUCY E. TUFTS** are now partners with the firm.

FOR RENT: 250 Congress Street, four (4) large offices, lobby, kitchenette, private parking. 1200 sq. ft. Very reasonable. Call **JUDGE MCKNIGHT** at 251.402.0471

MBA Member **GREG VAUGHAN** and wife **TONYA VAUGHAN** proudly announce the birth of their first child: **ANSLEY ELIZABETH VAUGHAN**, born on December 18, 2013. Baby and Mom are doing great!





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



MOBILE BAR FOUNDATION

MEMORIALS

**HENRY "HANK" H. CADDELL, ESQUIRE
HAS MADE A DONATION TO THE MOBILE BAR FOUNDATION
IN MEMORY OF JOHN A. CADDELL**

FEBRUARY 2014



Credit: Reuters/Mobile Bay Convention and Visitors Bureau/Handout

FEBRUARY 13 - THURSDAY
MBA EXECUTIVE COMMITTEE MEETING,
12:00 O'CLOCK NOON,
LEHAVRE ROOM, BIENVILLE CLUB

FEBRUARY 27 - THURSDAY
MBA GRIEVANCE COMMITTEE MEETING,
12:00 O'CLOCK NOON,
LEHAVRE ROOM, BIENVILLE CLUB

CONTINUING LEGAL EDUCATION

Mar 21 – Friday
E DISCOVERY CHANGES,
1:30 -4:45 pm, 3.0 hrs. MCLE Credits

Apr 11 – Friday
ANNUAL DO's & DON'ts,
1:30 – 4:45 pm, 3.0 hrs. MCLE Credits

