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MONTHLY BULLETIN

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

President's Comments



HENRY A. CALLAWAY, III PRESIDENT
MOBILE BAR ASSOCIATION



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2011 OFFICERS

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As **Buzz Lightyear** says, "*To infinity and beyond!*" Or at least to Chatom and Grove Hill.

The work that our bar's **VOLUNTEER LAWYERS PROGRAM** does is astounding and we have every right to be proud of it. Under the recent leadership of **DAVID PEELER** and now **LISA COOPER**, the lawyer participation rate has grown to almost 70% (three times the national average), and we routinely handle as many cases a year (close to a thousand) as the state bar program and many more than the Birmingham and Huntsville programs. But the **MOBILE BAR ASSOCIATION VLP** is getting ready to take another small leap that is very exciting.

Some quick background: Alabama has three countywide pro bono programs (Mobile, Birmingham and Huntsville) and then a state bar VLP which covers the other sixty-four counties -- including some of the state's poorest areas. The Birmingham and Huntsville programs are taking off under new bar leadership and staff, and the state bar VLP has outstanding staff and leadership. But as we have learned here in Mobile, a pro bono program needs a local presence in order to run at its highest level; you must recruit lawyers, meet with judges, do in-person intake, conduct clinics and do public outreach to let the public know about your services. (A recent survey found that only 20% of Alabamians even know about the availability of free legal help.)

In Mobile we have the same number of paid VLP staff (four) covering one county as the state bar has for 64 counties; as a result, the number of cases we handle in Mobile is about the same as in those 64 counties. The state's staff of four in a centralized location simply can't serve a state stretching from Gulf Shores to Muscle Shoals in a truly effective manner. The state's rural counties in particular are not getting the help they need.

The upshot is that the state bar VLP has asked the Mobile VLP to consider gradually expanding into adjacent counties and eventually becoming a regional program in southwest Alabama. If things work out, the other VLP's will do the same until there are five or so regional VLP's with offices possibly in Mobile, Montgomery, Tuscaloosa, Birmingham, and Huntsville.

The Mobile VLP board, with the consent of the MBA executive committee, has recently started taking some steps towards this expansion. Our VLP tentatively plans to take over pro bono case assignments in Clarke and Washington counties later this year. The initial

PROGRAM

THE APRIL 2011 MONTHLY LUNCHEON
FRIDAY, APRIL 15, 2011, 11:45 AM RADISSON ADMIRAL SEMMES HOTEL
SPEAKER ASHLEY RICH, DISTRICT ATTORNEY,
COUNTY OF MOBILE
25 YEAR LEGAL SECRETARIES HONORED
MEMORIAL RESOLUTION T. MASSEY BEDSOLE

Browsing the Bar With Barbara

Have any of you noticed our brand new flag? A big Thank You to **JOHN LEACH** for his generous donation! I think he enjoys looking out his window and seeing it waving in the breeze just about as much as we do. Thanks again, John.

I hope you noticed elsewhere in this publication the notice about an honor being bestowed upon our own Mr. Harry Seale by the Alabama State Bar. Well, I can't resist adding this article I read in the Press Register's "YESTERDAY'S NEWS" which are excerpts from past editions of the Press-Register compiled by Cammie East Cowan, dated Wednesday, March 8, 1961

"Judge Joseph M. Pelham, a visiting jurist who fined Mobile Atty. Harry Seale \$25 for contempt of court Tuesday, later decided to drop the fine. "The judge had fined Seale \$10 for appearing late to represent a client in a misdemeanor case, then boosted the fine to \$25 when the attorney commented about the lower fine; 'That's okay, I'm flush this morning." That's Mr. Harry!

At the April 15 Monthly Luncheon, as we do every year, we will be honoring the 25 year legal secretaries – with that in mind I came across an old "Today With Ann Landers" column (date unknown) that I would like to share and dedicate to "all secretaries":

SECRETARY'S PRAYER

Dear Ann: In our office we often have jokes going around, but today someone distributed a "prayer" for secretaries. We have no idea who wrote it but it's dedicated to all women who work in offices across Canada and the United States:

"Dear Lord, help me to do my work well; to have the memory of an elephant, and by some miracle to be able to do five things at once – answer four telephones while typing a letter that 'must go out today.' When the letter doesn't get signed until tomorrow, please give me the self-discipline to keep my mouth shut.

"Dear Lord, never let me lose patience, even when the boss has me searching the files for hours for data that is later discovered on his desk.

"Help me to have the intelligence of a college professor although my education is limited to high school, a few credit hours and secretarial training.

"Help me to understand and carry out all instructions without any explanation. "Let me always know exactly where my boss is, what he is doing, and when he will be back, even though he never tells me these things when he leaves.

"And Lord, when the year ends, please give me the foresight not to throw out records that will be asked for in a few days even though I was told emphatically, 'Destroy these. They are cluttering up the place.' Amen."



President's Comments continued from Page 1

plan is that our folks will meet with the local lawyers and judges, get them on board, and then start handling intake of cases from those areas. The VLP will recruit local lawyers in those counties but if necessary will ask Mobile lawyers to help out. The VLP will probably set up clinics (such as it has done recently in Bayou La Batre) and establish intake sessions at a regular location -- perhaps the local courthouse or DHR office. The VLP will also conduct outreach to local social service providers and churches to let them know about the program, as is done in Mobile now.

All this is in the preliminary stages and there are a lot of issues to be ironed out. The VLP board in particular doesn't want to do anything that might undermine the strong support of the Mobile bar which has been the basis of its success over the last twenty years. But there are many low-income Alabamians in our surrounding counties who need legal help and are not getting it. Anyway, congratulations to the VLP board members for their willingness to take on new projects and to share the good thing we have going with our immediate neighbors.





SIGNIFICANT DECISIONS

In a case of first impression, the Supreme Court in *Ex parte Textron, Inc.*, No. 1100032 (Ala., January 14, 2011), held that a lender did not waive its right to assert a Rhode Island forum selection clause against a borrower with respect to general matters under the loan agreement by instituting a detinue action against the Alabama

collateral in an Alabama federal court because the Rhode Island court could not have jurisdictionally granted recovery against property located in Alabama.

Overruling to the extent inconsistent the prior cases of *Russell v. Russell*, 758 So.2d 533 (Ala.1999), and *Scott v. Boykin*, 900 So.2d 410 (Ala.2004), the Supreme Court in *Oliver v. Shealey*, No. 1091707 (Ala., January 14, 2011), held that Rule 3(c) of the Alabama Rules of Appellate Procedure imposed a mandatory, and not discretionary, requirement on a circuit court to correct a notice of appeal improperly directed to the circuit court to reflect the appeal to the proper appellate court. The Court also held, by strong implication, that the Rules of Appellate Procedure applied to appeals taken to circuit courts, even when the circuit court was not a jurisdictional appellate court in the case.

In *Ex parte Tucker*, No. 1090445 (Ala., January 7, 2011), the Supreme Court held that documents requested from a party's law firm concerning financial payment to the firm and trust account holdings on behalf of that client were not protected by the attorney-client privilege.

As a separate matter of interest, it should be noted that a lawyer received a public reprimand from the Alabama State Bar after being found in contempt by a probate court judge for failing to appear at a hearing that had been duly noticed. See **ASB No. 10-462**.

YOUNG LAWYERS

TOM RADCLIFF, PRESIDENT



I also want to extend our thanks to Jennifer Barber and the Court Reporters, L.L.C. for a great March meeting at the Tacky Jack's. The April meeting is sponsored by Littler Mendelson, P.C. and will be held at La Pizzeria on Monroe Street on April 28th starting at 5:30. If you would like to get involved with Fun Fest, are interested in sponsoring an upcoming meeting, or have any questions, please e-mail me (tradcliff@brblawyers.co), GLENN SMITH (gsmith@carrallison.com), or JOSH FRIEDMAN (josh@bafmobile.com).





ANNOUNCEMENTS

New office address, effective March 1, 2011, for CARSON IRVINE NICOLSON, LLC is 409 N. Section Street, Suite C., Fairhope, AL 36532; telephone 251.929.3270; fax 251.929.3271.

JOHNSTONE ADAMS BAILEY GORDON & HARRIS, LLC is pleased to announce that R. LARRY BRADFORD has become a member of the Firm and EVAN P. BAGGETT has become associated with the Firm in the Birmingham office and E. WATSON SMITH, formerly General Counsel of Infirmary Health System, has rejoined the Firm in the Mobile Office.

Change of address for THOMAS ALLEN DEAS effective April 1, 2011 is 5715-A I-10 Industrial Parkway, Theodore, AL 36582, P. O. Box 244, Theodore, AL 36590; telephone 251.653.8999

Anyone with knowledge of the existence and/or whereabouts of the LAST WILL and TESTAMENT of GEORGIANA LINDSEY, please contact Ginger Pike at 251.533.1616.

There will be a Domestic Violence training April 28th and 29th in Orange Beach, AL. Preregistration is required. Contact Christine Armstrong at 251.947.6197 for registration form.

The Firm of Virginia Wiggs Haas is pleased to announce the association of MARY ELIZABETH TURNER effective March 21, 2011.

THANK YOU A special thank you to the following firms for their donation to the MBA JUROR COFFEE FUND. Frazer, Greene, Upchurch & Baker, LLC Gaston & Gaston Eiland & Ritchie, LLC Frank Leon, PC Fleming & Chavers LLP Galloway, Wettermark, Everest, Rutens & Gaillard, LLP Donald & Estep, LLC Freman, Kaoui, Harbin & Hunter, LLC Eaton G. Barnard & Associates





ATTENTION VETERANS AND FRIENDS OF VETERANS:

We are planning a special feature for **Veteran's Day** this year that will recognize our many MBA members who are veterans of the armed forces. Please email your photos or other memories to sgr@cabaniss.com or mail them to me at P.O. Box 2906, Mobile, Alabama 36602. Thank you for your service!





Crawfish & Bluegrass Extravaganza

MBA Members and Knights of Columbus Mike Anderson, Gordon Armstrong III, Hunter Compton, Eric Crooker, Glenn Davidson, Patrick Finnegan, Jon Green, John Grow II, Sid Harrell, Scott Hetrick, Joe Kulakowski, John Lockett, Brian Murphy, Edmond Naman, Jim Patterson, Al Pennington, Bill Reece, Michael Scheuermann and Desi Tobias invite you to join them at the 9th annual bluegrass festival —

Crawfish & Bluegrass Extravaganza: Saturday, April 16, 2011, 4 until 9 pm, St. Mary's School Grounds, Old Shell Road and N. Lafayette Streets.

Advance tickets \$20, at the gate \$25, Kids 12 & under free.

SPECIAL NOTICE



On Friday, May 6, 2011, 11:30 a.m., at the Rotunda of the Heflin-Torbert Judicial Building in Montgomery, Alabama, **HARRY SEAL**, a legend in the Mobile Bar Association and a former President of Mobile Bar Association, will be inducted into the **ALABAMA LAWYERS HALL OF FAME**, with a plaque to be displayed on the Supreme Court of Alabama atrium. We can all take pride in this unique recognition of one of our own.



New Members

ALLISON L. COLLINS,

the University of Alabama School of Law 2010; Alabama State Bar 2010; with Hand Arendall, LLC

J. HARRIS OPPENHEIMER,

the University of Alabama School of Law 2010; Alabama State Bar 2010; with Armbrecht Jackson LLP

ALLISON M. BURG,

The University of Alabama School of Law 2010; Alabama State Bar 2010; Law Clerk for Judge Charles A. Graddick

ROBERT A. HAWK,

University of Georgia 2010; Alabama State Bar 2010; with Eaton G. Barnard & Associates

ASSOCIATE MEMBER:

CLARENCE ALFRED GILES,

Mississippi College School of Law 1981; Mississippi State Bar 1981; sole practitioner/mediator.





VOLUNTEER LAWYER PROGRAM

BY KATE BOLTON BONNICI

Family law is one of the areas of greatest need here in Mobile. Of the 894 cases opened last year, 350 involved family law issues. The FAMILY LAW COMMITTEE OF THE VLP BOARD is striving to strengthen our ability to serve Mobilians in this broad field. Our committee members are JENNIFER McDonald, LUKE COLEY, RICK WILLIAMS, MARY PILCHER, and KATE BOLTON BONNICI. We are working to both expand our areas of coverage and to deepen our expertise in those areas we already cover. We will be posting helpful family law guidelines to our website (www.vlpmobile.org), which will help walk panel attorneys through core family law matters. These guidelines were created by family law practitioners on our committee and should prove to be a quick and useful reference for our volunteer lawyers. We are also in the process of fortifying our mentorship program by pairing new panel attorneys with experienced mentors. In an effort to expand our services to reach more people in need, we will be launching a program with the **DEPARTMENT** OF HUMAN RESOURCES, through which we assist with foster parent adoptions. We are also in the process of planning divorce clinics, which will enable us to serve broader numbers. As always, we depend on our dedicated members of the bar and staff to make this good work possible – thank you all!

This month, VLP would like to give special appreciation to panel attorney LATISHA D. RHODES. Latisha is an associate at ALFORD CLAUSEN & McDonald. She graduated from the University of Alabama School of Law in 2009 and then began work at Alford CLAUSEN. Latisha immediately signed up as a VLP panel attorney, agreeing to see clients in office as well as to accept queried cases. Though she practices labor and employment law, she accepts a variety of subject matters for VLP. For example, when LEGAL SERVICES OF ALABAMA asked VLP to take on collections defense cases, Latisha served as one of the first VLP attorneys to handle a collections defense clinic. She also has handled contracts, divorce, and support modification cases. Since joining the panel in October 2009, she has accepted eight cases. She calls to ask about the different programs in which VLP is involved and is quick to offer her support. She makes herself available to VLP staff whenever they have questions or need guidance. We thank her for her active participation and support as well as for her commitment to the mission and continued success of VLP.

Sincerest thanks to the members of the Bar who opened or closed cases in February: G. WAYNE ASHBEE, PAUL T. BECKMANN, RUSSELL E. BERGSTROM, JAIME W. BETBEZE, KATE BONNICI, EDWARD G. BOWRON, GREGORY B. BREEDLOVE, HENRY H. BREWSTER, BRITTEN BRITT, W. BENJAMIN BROADWATER, JENNIFER CALDWELL, HENRY A. CALLAWAY, III, ROBERT J. CRANE, BRENT T. DAY, JOSEPH S. DENNIS, MARK A. DOWDY, BRYAN G. DUHE', CULLAN B. DUKE, ROBERT S. EDINGTON, BEN FORD, R. SCOTT HETRICK, JENNIFER HOLIFIELD, LYMAN F. HOLLAND, JR., WESLEY J. HUNTER, SIDNEY W. JACKSON, III, ALICIA M. JACOB, NEIL C. JOHNSTON, GREGORY R. JONES, KATHLEEN COBB KAUFMAN, GILBERT B. LADEN, JOHN N. LEACH, JR., VICTOR H. LOTT, Jr., THOMAS LOPER, LYNN McCONNELL, JAMES H. McDONALD, Jr., JENNIFER E. McDONALD, W. CHRIS McGough, Augustine Meaher, III, S. C. Middlebrooks, Robert L. Mitchell, J. Richard MOORE, JOHN R. NIX, KEN A. NIXON, GUY C. OSWALT, III, J. DAY PEAKE, III, BRENDA J. PIERCE, JEFFREY G. Pierce, Brian T. Pugh, Gabrielle Reeves, Latisha Rhodes, Mathew B. Richardson, Thomas M. ROCKWELL, IAN ROSENTHAL, STEVEN SCIPLE, KIRK C. SHAW, JACK SMALLEY, III, FRAN JONES SMITH, LACEY SMITH, JON M. SPECHALSKE, D. TRICE STABLER, JOSEPH D. STEADMAN, SCOTT D. STEVENS, DAVID A. STRASSBURG, JR., MARGARET A. STONE, CARROLL H. SULLIVAN, RENEE E. THIRY, JAMES B. VOLLMER, RICHARD W. Vollmer, III, Patrick J. Ward, William W. Watts, III, Jarrod J. White, C. Richard Wilkins, and MICHAEL A. WING.

LAWYERS IN THE NEWS

By Sandy G. Robinson

LEGAL MILESTONES:

MARRIED: BLAKELY MARIE DUHÉ, DAUGHTER OF MBA MEMBER BRYAN DUHÉ, AND DAVID CARLETON MORRIS WERE MARRIED AT St. JOSEPH CHAPEL ON SPRING HILL COLLEGE CAMPUS ON FEBRUARY 26, 2011. After a HONEYMOON TRIP TO COLORADO, THE COUPLE WILL RESIDE IN MOBILE.

MARRIED: Whitney Brook Carrell, step-daughter of MBA member Jerry Pilgrim, and Patrick Goodman McDonough, Jr. were married at St. Joseph Chapel on March 12, 2011. The bride was given in marriage by her father and step-father. After a honeymoon trip to Antigua, the couple will reside in Mobile.

DIED: Gerrie Herlong, mother of MBA member Warren Herlong, died on February 18, 2011. She lived in Ocean Springs, Mississippi for many years after her husband, the late Warren Herlong, Sr., retired from the Air Force. After she lost her home to Hurricane Katrina, she moved to Arizona to live with her daughter Heidi and her family. She was active in many social and civic activities, and was an avid traveler.

DIED: ALZA MAE SCHEUERMANN, MOTHER OF MBA MEMBER MICHAEL E. SCHEUERMANN, DIED FEBRUARY 18, 2011 IN MOBILE. SHE WAS RETIRED FROM THE CITY OF MOBILE AND WAS A MEMBER OF LITTLE FLOWER CATHOLIC CHURCH. SHE IS SURVIVED BY 2 SONS, ONE DAUGHTER, TWO GRANDCHILDREN AND TWO GREAT GRANDCHILDREN.

DIED: Margaret Boyce Green Coley, mother of MBA member Luke Coley, died on February 21, 2011 in a local hospital. She was a native of Uriah, Alabama and attended Huntingdon College. She was a long-time active member of St. John United Methodist Church in Mobile. She is survived by 4 children and three grandchildren, and many other relatives and friends.

DIED: OLIVIA RAMBO McGLOTHREN, MOTHER OF MBA MEMBER MICHAEL McGLOTHREN, DIED ON MARCH 1, 2011. SHE IS SURVIVED BY HER HUSBAND OF 65 YEARS, CHARLES RUDOLPH McGLOTHREN, SR., TWO SONS, NINE GRANDCHILDREN, NINETEEN GREAT GRANDCHILDREN, ONE GREAT GREAT GRANDCHILD AND MANY OTHER RELATIVES.







2011 MOBILE BAR FOUNDATION BOARD



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WES PIPES

Women Lawyers Section Mobile Bar Association MEMBERSHIP INFORMATION FOR 2011

TOM RADCLIFF

Name			
Firm			
Address			
Telephone	Fax	Email	
New Member		Renewal	

THE WOMEN LAWYERS SECTION meets the first Tuesday of the month at noon at the **BIENVILLE CLUB**, and we usually have a CLE speaker. Anyone is welcome to join us for lunch and a CLE hour. The cost of lunch is \$17.00 and the CLE hour is free!

We encourage all **Women Lawyers** to join the section. Please submit your Membership Information with dues of \$25.00 for 2011 membership payable to **MBA Women Lawyers**, c/o Mobile Bar Association, Post Office Box 2005, Mobile, Alabama, 36652, or you may bring your dues to any monthly, luncheon meeting. All notices regarding monthly lunches, speakers, social events and legal issues of interest to the Bar are sent via e-mail, so please be sure to provide your e-mail address and to please notify us of any e-mail address changes.





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PLEASE GIVE

Name:	
Address:	
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☐ I want to make a donation	on to the Mobile Bar Foundation.
In honor/memory of	of:
Send acknowledge	ment to: Name
Address	
☐ Life Member (\$5 ☐ Sustaining Mem	aber of the Mobile Bar Foundation. 5000, can be paid in up to 5 annual installments) ber (\$100 or more annually) r (\$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

KICKBALL TOURNAMENT PROCEEDS TO BENEfIT THE MOBILE BAR FOUNDATION FRIDAY, MAY 6, 12 O'CLOCK NOON, BETTLESHIP PARK

The Young Lawyer Section of the Mobile Bar Association will be hosting an exciting new fundraiser for the Mobile Bar Foundation - **A KICKBALL TOURNAMENT** - that will take place at Battleship Park on Law Day, Friday, May 6, at noon. Teams of around ten (10) players (including two (2) women) will pay \$250 (\$25 per person) to participate. Contact Bryan Comer for information bryan@windomtobias.com. Hopefully this will become an annual part of the MBA Law Day activities to benefit the Bar Foundation. Join in the FUN!





APRIL 2010

APRIL 5 - TUESDAY

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

APRIL 5 - TUESDAY

LAWYER REFERRAL SERVICE COMMITTEE MEETING,

12 O'CLOCK NOON, BIENVILLE CLUB

APRIL 7 - THURSDAY

EXECUTIVE COMMITTEE MEETING,

12 O'CLOCK NOON, BIENVILLE CLUB

APRIL 13 - WEDNESDAY

WORKERS COMP SECTION MEETING,

12 O'CLOCK NOON, BIENVILLE CLUB

APRIL 15 - FRIDAY

APRIL MBA MONTHLY LUNCHEON,

11:45 AM, ADMIRAL SEMMES HOTEL

APRIL 15 - FRIDAY **DRUG COURT,**

1:30 - 4:45 PM.

ADMIRAL SEMMES HOTEL

APRIL 28 - THURSDAY

GRIEVANCE COMMITTEE MEETING,

12 O'CLOCK NOON, BIENVILLE CLUB

APRIL 28 - THURSDAY

YOUNG LAWYERS MEETING,

5:30 PM, LAPIZZERIA

APRIL 30 - SATURDAY

YOUNG LAWYERS FUN FEST,

9:00 AM – 12:00 NOON, ST. MARY'S HOME



CONTINUING LEGAL EDUCATION

APRIL 15 - FRIDAY

Drug Court • 1:30 - 4:45 • 3.0 Hrs. MCLE Credits, Radisson Admiral Semmes Hotel

MAY 20 - FRIDAY

Do's and Dont's with Judge Teddy McDermott, 3.0 hrs. MCLE Credits, Radisson Admiral Semmes Hotel