

# 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
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- Treasurer – Ginger P. Gaddy
- Assistant Treasurer – Bess P. Creswell
- President Young Lawyers – Kaisee S. Heisterhagen
- Executive Director – Barbara C. Rhodes
- Editor – Ferrell S. Anders

It is all too often today to hear one of our Bar Members remark that he or she can't understand how Judge Jones could have made such a "bonehead" ruling. Quite often such remarks are made in the presence of non-lawyers. Unfortunately such denunciations are made in even coarser terms.

We probably all need to be reminded of Ronald Reagan's words that "you may not like me, or my message, but you will respect my office". That comment applies with double force in speaking of our judges of whatever stripe. We need to remember that they see and hear all that of what goes on in their Courts and they have an experience of a lifetime to draw upon, not lived by us. We must defer to their judgments.

I can say without fear of contradiction, born upon actual experience of almost five decades, that our judiciary in 2014 is the best we ever had. Our present complement, whether Federal, State, County, or Municipal are of top-notch quality and we should be rightly proud of them and their service. I can assure you, I've seen otherwise.

You as lawyers may not owe the judge your agreement, but you do owe him or her both loyalty and respect and you need not be shy in telling them so. Everybody needs an "at-a-boy" sometimes.

## PROGRAM

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

**THE SPEAKER WILL BE**  
**MOBILE MAYOR SANDY STIMPSON**

**50 YEAR LAWYERS HONORED**

**STEPHEN G. CRAWFORD**

**JOHN W. COLEMAN**

**JAMES D. BROOKS**

**JOSEPH J. BOSWELL**

**MICHAEL D. KNIGHT**

**HARWELL E. COALE, JR.**





# BROWSING THE BAR - WITH BARBARA

**NEWS ALERT:** The revised, new Mobile Bar Association website is up and running! Please check it out at [MobileBarAssociation.com](http://MobileBarAssociation.com). Also, please let us know ([tanderson@mobilebarassociation.com](mailto:tanderson@mobilebarassociation.com)) of anything that needs tweaking or correcting – your photo, personal info, etc. – and we will take care of it ASAP. You can also let us know what you think of the improvements and general layout – is it easy to follow, is everything there that you need? The last thing that is not in place as of yet is the ability to pay dues, etc. on line – we are working with the bank on that.



A friend sent me this news article the other day and just in case some of you have not read it, here goes:

No one ever said that being a judge was going to be an easy job.

Mt. Vernon Texas Newspaper Headline:

## **MT. VERNON, TEXAS WHOREHOUSE SUES LOCAL CHURCH OVER LIGHTNING STRIKE!**

Diamond D's brothel began construction on an expansion of their building to increase their ever-growing business. In response, the local Baptist church started a campaign to block the business from expanding – with morning, afternoon, and evening prayer sessions at their church. Work on Diamond D's progressed right up until the week before the grand reopening when lightning struck the whorehouse and burned it to the ground!

After the cathouse fire, the church folks were rather smug in their outlook, bragging about “the power of prayer.” But late last week ‘Big Jugs’ Jill Diamond, the owner/madam, sued the church, the preacher, and the entire congregation on the grounds that the church “was ultimately responsible for the demise of her building and her business— either through direct or indirect divine actions or means.”

In its reply to the court, the church vehemently and voraciously denied any and all responsibility or any connection to the building's destruction. The crusty old judge read through the plaintiff's complaint and the defendant's reply, and at the opening hearing he commented “I don't know how the hell I'm going to decide this damn case, but it appears from the paperwork that we now have a whorehouse owner who staunchly believes in the power of prayer, and an entire church congregation that thinks it's all BS!”

# YOUNG LAWYERS

*KASEE HEISTERHAGEN, PRESIDENT*

**THE YOUNG LAWYERS** would like to thank **McDOWELL, KNIGHT, ROEDDER & SLEDGE** for hosting the February meeting at **MOE'S ORIGINAL BAR-B-QUE**. The meeting was a great way to kick off the carnival season and a good time was had by all!

The March YL meeting will be held on Thursday, March 20 from 5:30 to 7:30. **BURR FORMAN** will be hosting at the **BATTLE HOUSE TAVERN** (26 North Royal Street). All are welcome!

We are also pleased to announce that the annual **YL GOLF TOURNAMENT** will be held on Friday, June 6 at **TIMBER CREEK**. The beneficiary of this year's tournament will be the **WOUNDED WARRIOR PROJECT**. The **WOUNDED WARRIOR PROJECT** is a wonderful organization that provides direct services to injured service members. You can learn more about the **WOUNDED WARRIOR PROJECT** by visiting [www.woundedwarriorproject.org](http://www.woundedwarriorproject.org). The Young Lawyers are proud to partner with this organization and look forward to raising money for this worthy cause.

## **UPCOMING EVENTS:**

- Saturday, April 5 - **FUN FEST AT ST. MARY'S HOME** - volunteers needed!
- Friday, June 6 - **YOUNG LAWYERS GOLF TOURNAMENT** - registration opens soon.

If you would like to get involved with **FUN FEST** or the Golf Tournament, are interested in sponsoring an upcoming meeting or if you have any questions, concerns, or comments please e-mail me ([ksparks@burr.com](mailto:ksparks@burr.com)), Vice President Jonathan Maples ([jmaples@carrallison.com](mailto:jmaples@carrallison.com)), or Treasurer Russ Johnson ([rjohnson@law-alabama.com](mailto:rjohnson@law-alabama.com)).



# SAVLP

## SOUTH ALABAMA VOLUNTEER LAWYERS

On January 31st **HOUSING FIRST** sponsored Mobile's first **PROJECT HOMELESS CONNECT (PHC)** - a one day event designed to connect the homeless in Baldwin and Mobile Counties to a wide range of critical services. Despite the cold weather, 225 clients attended **PHC** and received medical services, dental and vision screenings, access to housing assistance and government resources. Community volunteer **KATE DUTHU** coordinated criminal legal services, and **SAVLP** coordinated civil legal services.

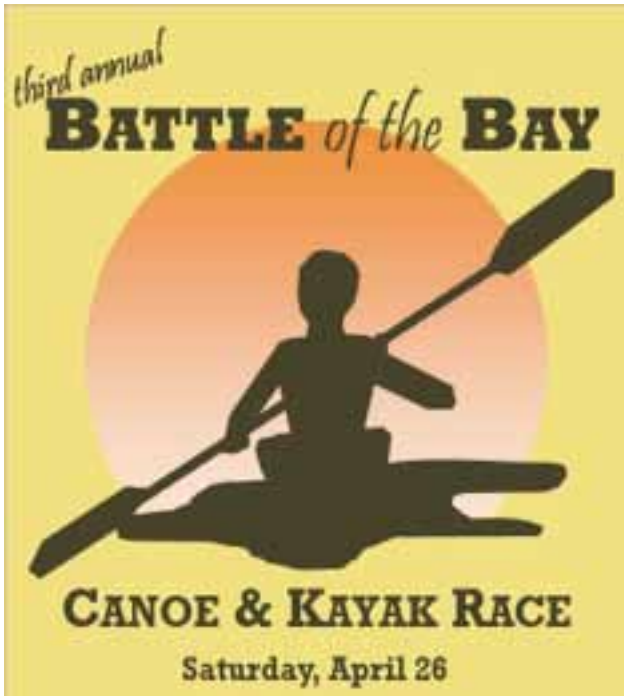
Many thanks to the judges, court personnel, City and District Attorney's Office, and volunteer attorneys who participated in the event: **JUDGE JOE BASENBERG, JUDGE MATT GREEN, JUDGE SHELBONNIE HALL, JUDGE HOLMES WHIDDON, JUDGE JAY YORK, ROBERT AGEE, KRYSTAL ANSLEY, RACHEL ARMSTRONG, RUSSELL BERGSTROM, BRINA BOLDEN, BRENDA BRAGGS, HENRY BREWSTER, JOSH BRISKMAN, ANN BROWN, HENRY CALLAWAY, ROBYN CANNON, TONYA CHESTANG, MEG DEMERANVILLE, CHARLES DUBE, KIM EARL, ELIZABETH FULTON, JONATHAN GARDBERG, CHRISTINE HERNANDEZ, BRENDA HETRICK, LEE HOLLAND, ANGIE HOWELL, KIM JOHNSON, ELEANOR JONES, KEVA JONES, BUZZ JORDAN, CHRIS MCDONOUGH, KIRONDE PARSON, CLEVELAND PATTERSON, GINGER POYNTER, JOJO SCHWARZAUER, MICHELLE SCOTT, VANESSA SHOOT, DEREK SIEBERT, VALERIE SMITH, HENDRIK SNOW, EUCELLIS SULLIVAN, LAURA TARVER, SHEILA TAYLOR, SHERRI THOMAS, DERRICK WILLIAMS, AND MICHAEL WING.** Over 80 clients from Mobile and Baldwin Counties sought legal help, and resolutions to their issues may help them gain permanent housing.





# SAVLP

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**Save the date! Race day is April 26th.** New this year- competitive and fun race divisions and a “**BEST OF THE BAY**” firm award. Entry forms and firm sponsorship opportunities available. See [www.savlp.org](http://www.savlp.org) and [SAVLP's Facebook](#) page for more details.

**Special thanks to those who accepted or closed cases in January:**

**DOUGLAS L ANDERSON, BILLY C BEDSOLE, RUSSELL E BERGSTROM, JAIME W BETBEZE, BRINA I BOLDEN, HENRY H BREWSTER, S. JOSHUA BRISKMAN, PETER F BURNS, HENRY A CALLAWAY III, JAMES P COLEMAN, LISA DARNLEY COOPER, JOHN J CROWLEY JR., GILLIAN G EGAN, PAGE S ELLIS, THOMAS O GAILLARD III, JOSHUA M GRANTHAM, MARY A HAMPTON, JESSICA HATCHER, TIMOTHY A HEISTERHAGEN, ALISON B HERLIHY, KATHERINE A HERNDON, JENNIFER HOLIFIELD, RYAN P HOLLOWAY, DAVID A HORTON, MELISSA P HUNTER, WESLEY J HUNTER, MATTHEW R JACKSON, SIDNEY W JACKSON III, JULIA C JAMES SHREVE, JACK F JANECKY, NEIL C JOHNSTON, VIVIAN G JOHNSTON V, ANDREW M JONES, GREGORY R JONES, HAROLD A KOONS III, BANKS C LADD, E. RUSSELL MARCH III, GREGORY B McATEE, JAMES H McDONALD JR., MATTHEW C McDONALD, S. C. MIDDLEBROOKS, JENNIFER S MORGAN, CLEVELAND M PATTERSON, BRENDA J PIERCE, VIRGINIA PIKE, CHARLES J POTTS, JAMES REBARCHAK, KIRKLAND E REID, ROBERT RICCIO, STEVEN P SAVARESE JR., SHEILA V SCHOEN, STEVEN SCIPLE, RITA H SCOTT, CLIFFORD C SHARPE, LACEY SMITH, JOSEPH D THETFORD JR., RENEE E THIRY, GREGORY VAUGHAN, ROBERT W WALLER JR., REILLY WARD, WILLIAM W WATTS III, RICHARD R WILLIAMS, AND THOMAS T ZIEMAN JR.**



# SIGNIFICANT DECISIONS

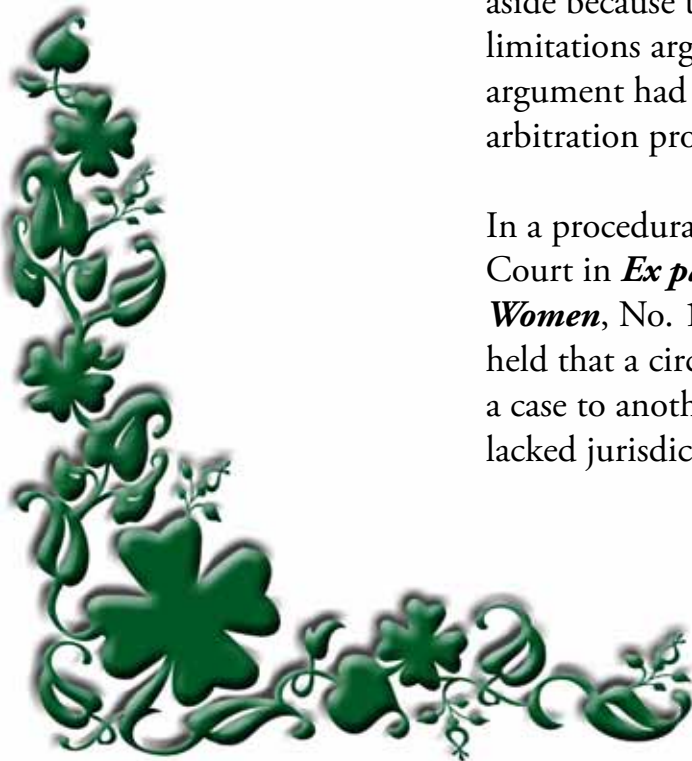
BY DUANE GRAHAM

In *Ex parte Jones, No. 1120950* (Ala., December 20, 2013), the Alabama Supreme Court held that once a petition for mandamus had been denied on grounds that it was untimely, a subsequent petition for mandamus filed after denial of a renewed motion for the same summary judgment was likewise due to be denied.

Reaffirming what now appears to be established law, the Supreme Court in *Cavalier Manufacturing, Inc. v. Gant, No. 1080284* (Ala., December 20, 2013), held that an arbitrator had not committed misconduct or otherwise an activity that justified the setting aside of an arbitration award merely because he allegedly got it wrong.

In a very complicated procedural case, the Supreme Court in *Gower v. Turquoise Properties Gulf, Inc., No. 1120045* (Ala., December 20, 2013) held that an arbitration award was in fact subject to being set aside because the arbitrator had applied a statute of limitations argument against the claim when that argument had not been properly presented in the arbitration proceedings.

In a procedurally complicated case, the Supreme Court in *Ex parte Bay Area Physicians for Women, No. 1121069* (Ala., December 13, 2013), held that a circuit court that had already transferred a case to another circuit based on improper venue lacked jurisdiction to reconsider that ruling.





# ANNOUNCEMENTS

**JUDSON CRUMP** is proud to announce the opening of his new consumer credit practice, **JUDSON E. CRUMP, P.C.** The office is located at 250 Congress Street in DeTonti Square, P. O. Box 2769, Daphne, AL 36526; phone 251.272.9148, email [Judson@judsonecrump.com](mailto:Judson@judsonecrump.com)

**NEW ADDRESS: LATTOF & LATTOF, P.C.**, Attorneys, Regions Bank Building, 56 Saint Joseph Street, Suite 711, Mobile, 36602, 251.432.6691, email [Mitchell.lattof.jr@lattoflaw.com](mailto:Mitchell.lattof.jr@lattoflaw.com)

**OFFICE SPACE AVAILALE** at 955 Dauphin Street, Mobile, AL. Please contact **JOE "BUZZ" JORDAN** at 1111 Dauphin Street, Mobile, Al, phone 251.432.5400

**DOWNTOWN OFFICE SPACE AVAILABLE:** 209 N. Joachim Street in historic DeTonti Square. Within walking distance of federal courts. Amenities: VOIP telephone, internet, WIFI, email, fax machine, large color copier/scanner, onsite parking, lobby, conference room and kitchen. Contact **EVANS CROWE** at 431.6011 or [crowe@evanscrowe.com](mailto:crowe@evanscrowe.com).

**LAST WILL AND TESTAMENT:** Anyone with information regarding the last will and testament of **JAMES MITCHELL GUY, JR.** please contact **RHONDA GUY** at 251.214.3292

**KRISTINE K. "KRISSEY" McCULLOCH**, with **CONRAD & BARLAR**, and husband **KYLE McCULLOCH** are pleased and proud to announce the birth of their first child, a girl – **FIONA HOPE McCULLOCH** – born October 27, 2013.

**VIC Printing & Signage**, 157 Dexter Avenue, Mobile 36604 is a full digital grand format print company with direct printing technology. Equipment includes a HP 10.5 foot flatbed printer, a HP 10.5 foot roll printer and a Zund digital cutter. They handle all your case's foamcore stand up enlargements needs utilizing direct printing technology. Direct printing technology allows for lower cost, higher quality and quicker turnaround. Call today to see why they are the Gulf Coast leader in print and signage. 3' x 4' full color standups at \$32 per. Call 251.478.6950 for information.



## LAWYERS IN THE NEWS

By SANDY G. ROBINSON

### LEGAL MILESTONES:

**DIED: BOONE ARENDALL MCGINLEY**, MOTHER OF **MBA MEMBER ROBERT MCGINLEY**, DIED ON JANUARY 19, 2014. SHE WAS ALSO THE DAUGHTER OF LATE **MBA MEMBER CHARLIE ARENDALL**. SHE WAS A GRADUATE OF MURPHY HIGH SCHOOL AND THE UNIVERSITY OF NORTH CAROLINA. SHE RECEIVED HER MASTERS' DEGREE IN PSYCHOLOGY FROM THE UNIVERSITY OF SOUTH ALABAMA AND OPENED BAY AREA TRIAL CONSULTANTS WHERE SHE SPENT MANY YEARS AS A JURY CONSULTANT. SHE ENJOYED BRIDGE, TENNIS, AND GATHERINGS WITH HER MANY FRIENDS. SHE IS SURVIVED BY TWO CHILDREN AND TWO GRANDCHILDREN.

**DIED: HERMAN GEORGE JONES**, FATHER OF **MBA MEMBER FRAN JONES SMITH**, DIED PEACEFULLY AT HOME ON JANUARY 23, 2014. HE WAS A GRADUATE OF BAY MINETTE HIGH SCHOOL AND WORKED FOR MANY YEARS IN THE PAPER INDUSTRY, RETIRING AS A FOREMAN WITH **MACMILLAN BLOEDEL**. HE WAS A HARD-WORKING MAN AND A SPORTS ENTHUSIAST. HE IS SURVIVED BY FOUR DAUGHTERS, SEVENTEEN GRANDCHILDREN AND THIRTEEN GREAT GRANDCHILDREN.

**DIED: JUANITA DENNISTON**, WIFE OF **MBA MEMBER ROBERT DENNISTON**, DIED UNEXPECTEDLY ON JANUARY 28, 2014. IN ADDITION TO HER HUSBAND, SHE IS SURVIVED BY ONE SON, **MICHAEL** (A LAWYER PRACTICING IN BIRMINGHAM) AND TWO GRANDSONS.

**DIED: BILLY CLAUSEN**, FRIEND OF THE **MBA**, DIED ON JANUARY 23, 2014. HE WAS A GRADUATE OF MURPHY HIGH SCHOOL CLASS OF 1942. UPON GRADUATION, HE WAS DRAFTED BY THE NEW YORK GIANTS ORGANIZATION AND WAS A PROFESSIONAL BASEBALL PLAYER IN THE POSITION OF CATCHER. WORLD WAR II MILITARY SERVICE INTERRUPTED BILLY'S BASEBALL CAREER FROM 1945 TO 1947. UPON HIS RELEASE FROM THE U.S. ARMY, HE PLAYED PROFESSIONALLY AGAIN UNTIL 1949. AFTER HIS BASEBALL CAREER, BILLY PURCHASED **BALLWEG'S SHOE STORE** WHICH HE OPERATED FOR 37 YEARS. UPON SELLING THAT BUSINESS, HE BECAME BAILIFF (AND GOOD FRIEND) TO **JUDGE FERRILL McRAE**, WHOM HE SERVED UNTIL HE AND THE JUDGE RETIRED. HE IS SURVIVED BY HIS WIFE, THREE CHILDREN, NINE GRANDCHILDREN, TWO GREAT-GRANDSONS AND MANY OTHER RELATIVES AND FRIENDS.





  
**MOBILE BAR FOUNDATION**

**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

## MEMORIALS

**MEMORIAL GIFTS WERE GIVEN TO THE MOBILE BAR FOUNDATION**

**IN MEMORY OF**

**JUANITA S. DENNISTON**

WIFE OF ROBERT P. DENNISTON

**BY JUSTICE AND MRS. CHAMP LYONS**

**RICHARD "RICK" SFORZINI, ESQUIRE**

**BY JUDGE DON DAVIS**

**G. HAMP UZZELLE, III**

**BY FERRELL S. ANDERS**



# MARCH 2014

**MONDAY AND TUESDAY  
MARCH 3 & 4  
MARDI GRAS HOLIDAYS**

**TUESDAY - MARCH 11  
LAW DAY COMMITTEE MEETING,  
MBA HEADQUARTERS,  
12 O'CLOCK NOON**

**THURSDAY - MARCH 13  
EXECUTIVE COMMITTEE  
MEETING,  
12 O'CLOCK NOON,  
ADMIRAL SEMMES HOTEL**

**TUESDAY - MARCH 18  
DIVERSITY TASK FORCE  
MEETING,  
12 O'CLOCK NOON,  
MBA HEADQUARTERS**

**FRIDAY - MARCH 21  
MARCH MONTHLY LUNCHEON,  
11:45 AM,  
THE BATTLE HOUSE HOTEL**

**FRIDAY - MARCH 21  
EDISCOVERY SEMINAR,  
1:30-4:45 PM,  
THE BATTLE HOUSE HOTEL**

**WEDNESDAY - MARCH 26  
PROBATE COMMITTEE MEETING,  
12 O'CLOCK NOON,  
ATHELSTAN CLUB**

**WEDNESDAY - MARCH 26  
ARCHIVES AND HISTORY  
COMMITTEE MEETING,  
12 O'CLOCK NOON,  
MBA HEADQUARTERS**

**WEDNESDAY - MARCH 27  
GRIEVANCE COMMITTEE  
MEETING,  
12 O'CLOCK NOON,  
MBA HEADQUARTERS**



## 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**