

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**

www.MobileBarNews.com



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2011 OFFICERS

- PRESIDENT – HENRY A. CALLAWAY, III
- PRESIDENT ELECT – WESLEY PIPES
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- SECRETARY – D. BRIAN MURPHY
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- PRES YOUNG LAWYERS – THOMAS J. RADCLIFF
- EXECUTIVE DIRECTOR – BARBARA C. RHODES
- EDITOR – FERRELL S. ANDERS

When I was a young lawyer and dinosaurs roamed the earth, I spent a lot of time in the county law library. Westlaw had been invented but was very expensive, so if you wanted to research cases outside Alabama you basically had to go to the law library. During my many afternoons (and some evenings) there, I always studied the old bar composite photographs from the 1950's that hung on the walls. I laughed to see the senior members of the bar as young pups -- in many cases with goofy haircuts and unflattering glasses. Of course, the bar association depicted in those composites was much smaller and also much less diverse than it is now. But the fact that even as a fledgling lawyer I knew many of the attorneys who had practiced in Mobile thirty or forty years before me gave me a sense of this bar's tremendous community and continuity.

In member responses to the bar association's annual survey, probably the most frequent suggestion is that the association should promote collegiality and socialization among members of the local bench and bar. I've always thought that the collegiality of the Mobile bar makes practicing law here more enjoyable than in other cities.

But we can probably do better. As local lawyers have expanded their practices geographically and lawyers from other cities now practice in Mobile, the Friday morning motion docket is not the social gathering it once was. The local federal courts rarely have oral argument, so that's not an opportunity to see your fellow lawyers. Our last photo directory was in 2005 and even that was a couple of years old by the time it was printed, so it's not easy to refresh yourself on names. The **YOUNG LAWYERS SECTION** does a great job with its monthly gatherings and charitable work, but we can improve in capturing those energies and talents in the regular bar association as well.

Barbara and Tammy are working on a new bar photo directory--available not just online but also in printable form. I'll ask the entertainment committee to look at revamping the holiday party and perhaps adding a summer party or other events. I have found that working on bar committees is a great way to get to know other lawyers that you don't usually encounter; please contact Barbara or me if there is a committee or section that you are not on but would like to join. And I'm going to ask the bar executive committee to establish a new public service committee which will provide additional opportunities for Mobile lawyers to work together for a common good.

Of course, we will work to make the monthly bar association meetings useful and fun. The buffet opens at 11:45 a.m., the program starts promptly at 12:10, and we will be out by 1:00 p.m. Some of the meetings will even feature some painless and free CLE. Please mark the third Friday of each month on your calendar and come socialize with your fellow lawyers!

PROGRAM

MBA JANUARY 2011 MONTHLY LUNCHEON

FRIDAY, JANUARY 21, 2011, 11:45 AM

RADISSON ADMIRAL SEMMES HOTEL

"STATE OF THE COURTS"

UNITED STATES DISTRICT COURT • UNITED STATES BANKRUPTCY COURT

CIRCUIT AND DISTRICT COURTS OF THE 13TH JUDICIAL CIRCUIT

MBA GRIEVANCE COMMITTEE ANNUAL REPORT

Browsing the Bar - With Barbara

HAPPY NEW YEAR! Would you believe 2010 has come and gone? What can I say, *"Time flies when you are having fun"*! Even in this economy your Bar Association is alive and well, thanks to your faithful support and unfailing confidence in your profession, your fellow lawyers and your Association.

Tammy and I thank you for the confidence you have placed in us by allowing us to manage your Association, under the direction of the Executive Committee. We both enjoy our work and sincerely hope that you will continue to give us the opportunity to serve you and your staff members in the coming years.

As we begin a new year, I bring to your attention the names of those Mobile attorneys who passed away in 2010 **PIERRE PELHAM, L. THOMAS STYRON, RALPH JOHN PERRY, JOSEPH TALMADGE BRUNSON, T. DWIGHT REID, MILES GREGORY HESS, JERE AUSTILL, JR. RYAN SCOTT SMALL, JOEL FRANKLIN DANLEY and GLENN J. COBB, JR.** May they rest in peace.

We look forward to the future and pray that 2011 will be a year of peace and prosperity.



ANNOUNCEMENTS



GORDON G. ARMSTRONG, III has relocated his office from 205 Congress Street to 9208 Adams Street, Mobile 36603. Telephone, fax email and PO Box remain the same.

WINDOM & TOBIAS, LLC welcomes **BRYAN E. COMER**, who joined the firm in November. His email address is bryan@windomtobias.com, mailing address Post Office Box 2626, Mobile 36652 and telephone 251.432.5001. The firm is located at 1203 Dauphin Street.

LAW OFFICE SPACE in the loop area. High speed color printer, share secretary possible, WIFI available. Contact Greg Friedlander at isee3@aol.com or 251.470.0303.

EXPERIENCED ASSOCIATE NEEDED. Established general civil practice law firm looking for experienced associate for litigation work. Salary commensurate with experience. Mail resumes to Managing Partner, P. O. Box 1308, Mobile 36633.

LITIGATION PARALEGAL needed for in-house position with company located in Springhill. Part-time and flexible schedule applicants are encouraged to apply. Experience in complex and/or federal litigation required. Experience managing and organizing large volume of documents is essential. Trial preparation experience and Spanish language skills would be ideal. Experience and familiarity with technology, in general, and trial preparation technology, in particular, is helpful. Please submit resume via fax or email to Chad Tatum or Meg Demeranville 251.343.5554, ctatum@drcusa.com or mdemeranville@drcusa.com

FREE FOR THE TAKING, full set of Alabama Code - just call and come pick them up. Contact bmcrenshaw@aol.com



SIGNIFICANT DECISIONS

BY DUANE GRAHAM

In *Ex parte Renovations Unlimited, LLC*, No. 1090812 (Ala., October 15, 2010), the Supreme Court held that a party was not entitled to conduct pre-lawsuit discovery against a building contractor where the party had previously entered into a settlement and released the building contractor from liability.

In *Cooner v. Alabama State Bar*, No. 1090944 (Ala., October 8, 2010), the Supreme Court held that the Alabama Rules of Civil Procedure apply generally in determining the timing for appeals involving attorney disciplinary proceedings and further ruled that an attorney was “related” to his aunt’s husband, even after the aunt had died, for purposes of permitting the attorney to draft an irrevocable trust agreement under which the attorney was named as one of 13 beneficiaries.



PROBATE COURT JUDICIAL FORMS

The Probate Court has now completed a project that has been pending for several years. The Court’s form bank is now available to LAWYERS ONLY on the Court’s Internet web site.

To access the forms, an attorney must first request access to them. To request access, the attorney must login to the Judicial Forms Page with the same email address and password they use to access the Judicial Calendar and Search page. Once logged in, they will enter their Bar ID and submit their registration to the forms. They will receive an email to confirm their registration. Probate Court IT will research the Alabama State Bar’s website to confirm attorney status and will then grant access to the Forms. The attorney will receive an email once we have accepted their registration. Once their registration is accepted, they can simply login to the Judicial Forms page with their email address and password to view the Judicial Forms in PDF format.





2010 COMMITTEE & SECTIONS REPORTS

LAW DAY COMMITTEE REPORT

WINDY COCKRELL BITZER, CHAIR

Our Committee was composed of a mix of Mobile Bar Association members, including judges, solo practitioners, in-house counsel, and small and large firm practitioners. The group was eager, and I appreciated very much everyone's willingness to take responsibility for various events and activities.

During the month of May, the traditional Law Day month, our Committee planned and/or participated in the following events: dedication of the new Probate Courthouse; the Naturalization Ceremony; an Essay Contest for middle school students; the Law Helpline during which hundreds of calls were answered by local Bar members; the Liberty Bell Award; and the Mobile Bar Association Luncheon, featuring **KENYEN BROWN**, the new United States Attorney for the Southern District of Alabama, as the speaker. The Law Day activities this year, as in past years, were a tangible way for our members to celebrate our profession and to positively impact our community.



CONTINUING LEGAL EDUCATION COMMITTEE REPORT

CHRISTOPHER E. PETERS, CHAIR

The members of my committee, with the dedicated assistance of **BARBARA RHODES** and **TAMMY ANDERSON** at the Bar Association headquarters, have conducted and scheduled a total of 14 seminars in 2010 for members of the Bar. These seminars represent 64.5 hours of **CONTINUING LEGAL EDUCATION**.

Our seminars have ranged widely in subject matter and have been very well attended. The seminars scheduled could not have been possible without dedication of many hours by the speakers, all of whom have contributed their time and talents without compensation, and by the lawyers who generously dedicated their time to develop each seminar, to obtain qualified speakers, and to moderate the seminars themselves. Space does not permit me to name all who have contributed to this effort, since they are numerous, but I would like them to know that our association and our committee are most grateful for their efforts.

The scheduled seminars conducted each year by the Mobile Bar Association represent a composition of quality content available at minimal costs to our members and are, in my judgment, a valuable benefit to our association.

I would like to thank the members of my committee for their significant contributions this year. It was my pleasure to serve with them as committee chairman.



2010 COMMITTEE & SECTIONS REPORTS

COURTHOUSE COMMITTEE/SECTION

REPORT-CHAIR Y.D. LOTT, JR.

Requests for concerns about the Courthouse/s were circulated.

Examples were as follows:

1. Not enough parking of all types for the Court's business, but certainly seriously lacking in handicapped parking and ramps and entrances.
2. Possible fire hazard in main Courthouse because passes don't always allow egress from the stairwell on the ground floor or other given floors.
3. Legal advice and form preparation is time consuming for normal flow of business at the counter at District Court--- a major increase here.
4. Pleadings signed by paralegals in the name of the attorneys have shown up in Circuit Court and should be viewed carefully under Rule 11 A.R.C.P. for responsibility.
5. Probate Court possibly could use a "you are here" destination map like at the mall until the folks learn their way around.
6. Attorneys should respect a reasonable dress code to appear in court.

The District Court Judges have agreed to implement Chief Justice Cobb's District Court mediation Initiative for the Small Claims Court in Mobile County. Attorney's who are on the Mediation Roster can get their required 10 hours of pro bono mediation per year by providing the service in the Small Claims Court. The initial coordinator for this program is C.A. (AL) Giles. He can be reached @ 251 706-2681 if there are any questions.



APPELLATE COMMITTEE/SECTION

HERNDON INGE, III, CHAIR

It has been my pleasure and honor to serve as Chairman of the Appellate Committee this year. During the year, we have had 2 meetings (since we decided not to meet just to meet). **JUSTICE CHAMP LYONS** spoke to our committee, informally, and answered questions about the workings, philosophy, and politics behind the present Supreme Court. It was a very candid and helpful meeting.

Chief Clerk of the Alabama Court of Civil Appeals, Mobile's own **JOHN WILKERSON**, had a heart attack at the last minute and had to cancel so we had an additional meeting and discussed appeals generally. We plan to have another meeting before the end of the year, strictly social.

VOLUNTEER LAWYER PROGRAM

BY ARIANA H. MOORE

**THE MOBILE BAR ASSOCIATION VOLUNTEER LAWYERS PROGRAM BOARD OF DIRECTORS
PROUDLY RECOGNIZES**
2010 OUTSTANDING VOLUNTEER LAWYERS
BEN KILBORN LAWYER OF THE YEAR:
MARY E. PILCHER

MARY E. PILCHER received her 250-hour certificate this year after reaching 300+ hours of volunteer service. During eight years as a VLP panel attorney she has helped a number of VLP clients, but her work with one particular family deserves special recognition. In 2006 Mary began helping a couple who wished to provide a stable and loving home for a family member and her unborn child. Mary moved outside of her normal practice area and represented these clients through numerous legal proceedings, always offering to provide assistance with the next necessary step. As part of her service, she worked with the couple to establish custody of the baby in their care. With her continued assistance, the two overjoyed parents celebrated the successful adoption of this precious child in 2010. Any number of roadblocks might have kept this happy event from occurring. JUDGE DON DAVIS' policy of waiving Probate Court filing fees for VLP clients removed one potential obstacle. Mary's dedication to her clients removed another! The family recognizes the importance of VLP's role in the process, calling the experience "wonderful" and a "blessing to (their) family." The VLP BOARD OF DIRECTORS applauds Mary Pilcher for her service to VLP and this family. She has shown how volunteer service truly makes a difference.

DISTINGUISHED SERVICE AWARD RECIPIENTS:

WESLEY J. HUNTER, JACK "TRIP" SMALLEY, III,
RUSSELL C. BUFFKIN, AND RUSSELL BERGSTROM

MARIE DANIELS LEADERSHIP AWARD:

HENRY A. CALLAWAY, III

500 VOLUNTEER HOURS CERTIFICATE RECIPIENT:

SIDNEY W. JACKSON, III AND MARY E. PILCHER

250 VOLUNTEER HOURS CERTIFICATE RECIPIENT:

GABRIELLE E. REEVES

100 VOLUNTEER HOURS CERTIFICATE RECIPIENTS:

JAIME W. BETBEZE, HENRY R. BREWSTER, CRAIG CAMPBELL, J.W. "BILL" GOODLOE, JR., SCOTT R. HETRICK, WESLEY J. HUNTER, JACK F. JANECKY, NEIL C. JOHNSTON, EDWIN R. LAMBERTH, PETER S. MACKAY, JOHN R. NIX, AND RICHARD L. THIRY

SPECIAL THANKS TO THE PANEL ATTORNEYS WHO OPENED AND CLOSED CASES IN NOVEMBER: PAUL T. BECKMANN, BILLY C. BEDSOLE, JOHN T. BENDER, RUSSELL E. BERGSTROM, EDWARD G. BOWRON, HENRY H. BREWSTER, CARIN D. BROCK, KATHRYN M. BROOKS, HENRY H. CADDELL, C.S. CHIEPALICH, ROBERT E. CLUTE, JR., ALLISON L. COLLINS, ANGELA M. COOPER, LISA DARNLEY COOPER, KERI R. COUMANIS, J. P. COURTNEY, III, ROBERT J. CRANE, CARRIE V. CROMEY, BRENT T. DAY, DANIEL A. DENNIS, IV, ROBERT P. DENNISTON, ANNIE J. DIKE, B. VAUGHAN DRINKARD, JR., PAGE S. ELLIS, C. MARK ERWIN, P. GRAY FINNEY, III, NATHAN FRIEDLANDER, P. VINCENT GADDY, W. MICHAEL GILLION, J. W. GOODLOE, JR., NEIL L. HANLEY, R. SCOTT HETRICK, JENNIFER HOLIFIELD, D. CHARLES HOLTZ, WESLEY J. HUNTER, WILLIE J. HUNTLEY, JR., SIDNEY W. JACKSON, III, ALICIA M. JACOB, CANDACE D. JOHNSON, NEIL C. JOHNSTON, GREGORY R. JONES, KYLA KELIM, RICHARD M. KIRKPATRICK, BANKS C. LADD, GILBERT B. LADEN, R. EDWIN LAMBERTH, THOMAS R. McALPINE, GREGORY B. McATEE, DANIEL L. McCLEAVE, JENNIFER E. McDONALD, MICHAEL H. McDUFFIE, JACOB B. McNIEL, AUGUSTINE MEAHER, III, S. C. MIDDLEBROOKS, MARGARET MILLER, L. DANIEL MIMS, J. RICHARD MOORE, HENRY T. MORRISSETTE, BRENDA J. PIERCE, S. WESLEY PIPES, V, ROBERT S. RAMSEY, JAMES REBARCHAK, KIRKLAND E. REID, LATISHA RHODES, ROBERT RICCIO, J. BURRUSS RIIS, STEVEN SCIPLE, CLIFFORD C. SHARPE, JACK SMALLEY, III, LACEY SMITH, SCOTT W. SOUTULLO, T. JEFF STEIN, RICHARD L. THIRY, PATRICK J. WARD, LeBREON S. WASHINGTON, WILLIAM W. WATTS, III, JARROD J. WHITE, RICHARD R. WILLIAMS, RICARDO WOODS, AND THOMAS T. ZIEMAN, JR.

IMAGES FROM

2010 BENCH & BAR CONFERENCES



LAWYERS IN THE NEWS

BY SANDY G. ROBINSON

LEGAL MILESTONES:

MARRIED: **CORINNE GABRIELLE KNIGHT**, DAUGHTER OF MBA MEMBER **CHRISTOPHER KNIGHT**, AND **JOSHUA MICHAEL LEVY, M. D.** WERE MARRIED MAY 29, 2010 AT THE HILTON RIVERSIDE HOTEL IN NEW ORLEANS. AFTER A HONEYMOON TRIP TO SOUTHEAST ASIA, THE COUPLE NOW RESIDE IN NEW ORLEANS.

MARRIED: **AURELIA BENDER BENTON** AND **LIEUTENANT DANIEL PATRICK McMAHON M.D.**, SON OF MBA MEMBER **TIMOTHY McMAHON**, WERE MARRIED AT ST. JOSEPH CHAPEL ON SPRING HILL COLLEGE CAMPUS ON NOVEMBER 20, 2010. A RECEPTION FOLLOWED AT THE HOME OF THE BRIDE'S PARENTS, **MR. AND MRS. LEROY HARTE BENTON III**. THE COUPLE WILL RESIDE IN LEMOORE, CALIFORNIA.



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YOUNG LAWYERS

TOM RADCLIFF, PRESIDENT

We are looking forward to another great year for the Young Lawyers as we try to build upon the great job BRYAN COMER did last year as President. We are wasting no time as PRO-LEGAL COPIES is sponsoring this month's meeting at CALLAGHAN'S on JANUARY 20th. Every year MICHAEL CANNON and PRO-LEGAL are strong supporters of the Young Lawyers, and we appreciate their continued support, so everyone come out for what is sure to be a great time.

If you would like to be added to the monthly e-mail list to receive announcements for upcoming meetings, or if you would like to sponsor a meeting, or if you have any questions or suggestions regarding the Young Lawyers, please e-mail me (tradcliff@brblawyers.com), GLEN SMITH (egs@lor-lawyers.com), or JOSH FRIEDMAN (josh@bafmobile.com).



MLPA... The Association for Legal Professionals

JANUARY 13, 2011

ADMIRAL SEMMES HOTEL "THE COVE ROOM"

NEVIN SHAFFER, ESQUIRE

WILL BE SPEAKING ON INTELLECTUAL PROPERTY.

Lunch is \$15 per person and is the Buffet of the day.

For reservations contact Cheri Loyd at 251.432.0337 or email cloyd@florida-law.com



ANNUAL BENCH & BAR GOLF TOURNAMENT RESULTS

You are probably on pins and needles wondering which team won the tournament. Now you know. From L to R: **SHANE WELDON, JOHN BROWNING, FERRELL ANDERS AND ROBBY TURNIPSEED.**



MOBILE BAR FOUNDATION

2010 ANNUAL REPORT

Mary Margaret Bailey, Chair

The Mobile Bar Foundation is now in its 16th year and to date has accumulated a fund of \$589,586. During the past year, the Foundation raised \$49,050 from membership donations, \$775 from memorial/honorary donations, and \$1,055 from our silent auction fundraiser during the Bench and Bar Conference.

A portion of the funds raised was given away as grants to eight local charitable organizations. The largest single grant was \$20,000 to the Mobile Bar Association's Volunteer Lawyer Program. Another \$22,500 was divided between these deserving organizations: Mobile Area Education Foundation; CASA Mobile, Inc.; Adoption Rocks, Inc.; Big Brothers Big Sisters of South Alabama; HandsOn South Alabama; Mobile United and Assistance League of Mobile.

It is the continued support of the members of the Mobile Bar Association which made these grants possible. You can be proud of your Foundation!

LIFE MEMBERS (INCLUDING FOUNDERS)



**T. MASSEY BEDSOLE
D. RICHARD BOUNDS
GREGORY BREEDLOVE
JOSEPH M. BROWN
T.M. BRYANT, JR.**

**JOHN T. CROWDER
R. T. CUNNINGHAM, JR.
ROBERT P. DENNISTON
MAURY FRIEDLANDER.**

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ALEX ZOGHBY
STOVA McFADDEN
BOYD REEVES
DONALD FRIEDLANDER**

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



SAM DEAS' BARBECUE SAUCE

TOM DEAS - DECEMBER 2010

When Tom Deas was a teenager, his father, Sam, hosted a BBQ for his father, Walter, and Walter's twin brother, Alonzo, (Thus, Samuel Alonzo Deas.) The BBQ sauce was secret, but Ma (Addie) Deas, bought the stuff.

You will need:



- Boston butts and pork ribs
- Conecuh sausage for the cooks
- 1 5-gallon stainless steel pot with lid
- 4 quarts tomato catsup
- 4 bottles French dressin
- 1 large bottle of Texas Pete hot sauce
- 4 quarts A-1 sauce
- 6 cloves crushed garlic
- 5 lbs white Vidalia onion
- 2 bottles dry wine
- 2 lb butter
- 1 stalk celery
- 4 pods bell pepper
- 1 box brown sugar
- A few bay leaves (remove after an hour)
- 6 lemons (sliced)

Cook on medium heat – stir and stir; simmer for at least 4 hours; add salt and pepper to taste. (You may want to add jalapeno peppers)

Enjoy.

P.S. Try this with fried, freshwater catfish, hushpuppies, etc.

HAPPY NEW YEAR 2011

JANUARY 2011

**JANUARY 4 - TUESDAY
WOMEN LAWYERS LUNCHEON,
12 O'CLOCK NOON,
BIENVILLE CLUB**

**JANUARY 13 - THURSDAY
EXECUTIVE COMMITTEE LUNCHEON,
12 O'CLOCK NOON,
BIENVILLE CLUB**

**JANUARY 13
THURSDAY
MLPA... MEETING,
12 O'CLOCK NOON,
THE COVE ROOM OF THE ADMIRAL SEMMES**

**JANUARY 17 - MONDAY
MARTIN LUTHER KING HOLIDAY**

**JANUARY 21 - FRIDAY
MBA MONTHLY LUNCHEON,
11:45 AM,
RADISSON ADMIRAL SEMMES HOTEL**

**JANUARY 21 - FRIDAY
PROBATE PRACTICE SEMINAR,
1:30 - 4:45 PM,
RADISSON ADMIRAL SEMMES HOTEL,
3.0 MCLE HOURS INCLUDING 1.0 HR. ETHICS.**

**JANUARY 27 - THURSDAY
GRIEVANCE COMMITTEE MEETING,
12 O'CLOCK NOON,
RADISSON ADMIRAL SEMMES HOTEL**

CLE 2011

**JANUARY 21 FRIDAY
PROBATE SEMINAR,
1:30 - 4:45 PM, 3.0 Hrs MCLE Credits,
Radisson Admiral Semmes Hotel**

**MARCH 18 FRIDAY
LAW & TECHNOLOGY,
1:30 - 4:45 PM, 3.0 Hrs MCLE Credits,
Radisson Admiral Semmes Hotel**

**APRIL 15 FRIDAY
DRUG COURT,
1:30 - 4:45 PM, 3.0 Hrs MCLE Credits,
Radisson Admiral Semmes Hotel**

**MAY 20 FRIDAY
DO'S & DON'TS,
1:30 - 4:45 PM, 3.0 Hrs MCLE Credits,
Radisson Admiral Semmes Hotel**