



MONTHLY NEWSLETTER

VOLUME XLIV,
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President's Comments



**BRIAN MCCARTHY, PRESIDENT
MOBILE BAR ASSOCIATION**

PRO BONO MONTH

"To those whom much is given, much is expected." This statement made decades ago by **PRESIDENT JOHN F. KENNEDY** continues to resonate today and is particularly relevant, in my mind, when considering the call to serve our community by performing pro bono legal services. We, as lawyers, are blessed with the knowledge, understanding, and capability to perform work and render advice that can change someone's life in a meaningful way. There are many individuals in our community who desperately need such assistance. As this month is "Pro Bono Month", I encourage each of you to thoughtfully consider the gifts and talents you possess in being a lawyer, and consider using them to give back to those in need.

The **MOBILE BAR ASSOCIATION**, along with many other local and state bar associations across the country, has selected the month of October as a time to highlight the continuing need for and importance of pro bono legal assistance to our communities. While there are many ways in which lawyers can get involved in serving their community through pro bono work throughout the year, I would like to take this opportunity to highlight some of the events scheduled for this month:

- On October 7, the **SOUTH ALABAMA VOLUNTEER LAWYERS PROGRAM** and **LEGAL SERVICES OF ALABAMA** will jointly sponsor a clinic for low income seniors. They are in need of volunteers, and I encourage you to assist if you are able.
- On October 8, in conjunction with the **SOUTH ALABAMA VOLUNTEER LAWYERS PROGRAM**, we will offer a *"Legal Issues for Non-Profits"* Seminar. At this seminar, volunteer attorneys will provide information on issues relevant to non-profit administrators, such as employment law, copyright law, and tax issues. Many of these non-profit agencies work tirelessly to serve low-income individuals in our community. The goal of this seminar is to provide guidance that will not only benefit these non-profit agencies, but also the clients they serve.

Continued on Page 2



In This Issue...

Browsing with Barbara
.....page 2

Volunteer Service Committee
.....page 4

Young Lawyers
.....page 6

Calendar of Events
.....page 10

2015 OFFICERS

- PRESIDENT – BRIAN P. MCCARTHY**
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EDITOR – FERRELL S. ANDERS

PROGRAM

The October Monthly Luncheon will be
Friday, October 16, 2015, 11:45 am at
The Battle House Hotel Moonlight Ballroom

The Speaker will be
DAGMAR W. RICK, Esquire

Topic: "Immigration Law: How to avoid traps, mistakes,
fines and malpractice suits"

1.0 hr. MCLE Credit has been approved

SPONSORS: FREEDOM COURT REPORTERS



Browsing the Bar With Barbara

HEADQUARTERS UPDATE: We are still in the midst of repairs! The bright spot is that the insurance company has approved the expenses so something should be happening soon. I will keep you up to date.

FYI – for those of you who are not aware or have forgotten, the MBA no longer has a **Lawyer Referral Service**, everything is referred to the **Alabama State Bar – 1.800.392.5660**.

MBF – just a reminder that grant applications for the Mobile Bar Foundation are due by the end of October.

*I've learned... that being kind is more important than being right!
I've learned...that no one is perfect until you marry them!
I've learned...that life is tough, but I'm tougher!*



President's Comments

Continued from Page 1

- Additionally, on the afternoon of October 8, volunteer lawyers can take part in the “**WILLS FOR HEROES CLINIC.**” At this clinic, volunteer lawyers will prepare wills, powers of attorney, and advance health care directives for Mobile and Baldwin County first responders. This event is a great way to do something to give back to the men and women who put their lives on the line for our own.
- Also on October 8, members of our community can attend the monthly legal advice clinic at the Mobile County Courthouse from 1-3 p.m. Local attorneys serving on the Volunteer Lawyers Program panel will staff this event and offer legal advice to those in need.
- On October 16, we will offer our annual **CONTINUING LEGAL EDUCATION** program following the Mobile Bar Association Luncheon. At this CLE, Mobile attorneys will donate their time to speak on issues relevant to the **VOLUNTEER LAWYERS PROGRAM**'s clients and attorneys.

Many of you already dedicate your time and abilities to assist those in need. If you have not yet had the opportunity to do so, I encourage you to let this month mark the beginning of your service to others.

Finally, I would like to give high praise and thanks to **ARIANA MOORE**, the **EXECUTIVE DIRECTOR OF THE SOUTH ALABAMA VOLUNTEER LAWYERS PROGRAM**, and her staff, including **SUSAN LINDSAY**, **JODI WHITE**, **ANDREA BREWINGTON** and **HANNAH MARYANSKI**. They have done, and continue to do, a fabulous job serving South Alabama through our pro bono program. They work tirelessly and always with a smile and a kind word. I also would like to thank and recognize the Board of the SAVLP, and, in particular, **SCOTT HETRICK** and **BARNEY MARCH**, who serve as its President and Vice President, respectively. Through their leadership and efforts, we continue to have, in my opinion, the best Pro Bono Program in the state.

Brian





NATIONAL PRO BONO CELEBRATION

OCTOBER 2015

CELEBRATE PRO BONO!

- October 7th – Wills clinic for low-income clients at the Bethel AME Church (714 Savannah Street, Mobile) from 10:00 am-4:00 pm. Co-hosted by SAVLP and LSA. Contact Ariana Moore to volunteer (ariana@savlp.org)
- October 8th- “Legal Issues for Nonprofits” seminar at 5 R Rivers Delta Resource Center (30945 Five Rivers Boulevard, Spanish Fort) from 8:30 am-noon. Participants include Scott Hetrick, Alexa Stabler, Micah Wheeler (CPA), Meegan Colclough, Greg Vaughan, and Matt McDonald. Free to nonprofit administrators. Register at www.savlplegalissuesfornonprofits.eventbrite.com.
- October 8th- Wills for Heroes clinic at 5 Rivers Delta Resource Center from 12:30 pm-4:30 pm. Contact Andrea Brewington to volunteer (andrea@savlp.org).
- October 8th- Advice Clinic at the Mobile County Courthouse from 1:00-3:00 pm. Contact Jodi to volunteer (jodi@savlp.org).
- October 16th- SAVLP CLE following the MBA Luncheon at the Battle House. Speakers include Judge Don Davis (probate matters), Craig Baab (heir property) and Ken Riemer (foreclosure). For more information contact Susan Lindsay at susan@savlp.org. 3 free hours of MCLE credit for SAVLP panel attorneys.
- October 19th- Pro Se guardianship clinic for parents at Augusta Evans School (6301 Biloxi Ave, Mobile, AL 36608) from 9:15 am-11:30 am. To volunteer, contact ariana@savlp.org.

A few words from your grateful clients...

“Once (my lawyer) came on board, my wife and I became very confident that we would be represented with respect and expediency.”

“My lawyer took the time that was needed to explain everything to me and then some. I thank God for you and the lawyers who participate in this act of kindness and sacrifice for the less fortunate people of this world.”

“...After the way things turned out, I realized how much of a blessing had been granted to me.”

“They took their time (to) explain everything to me. (My lawyer) made sure my brother, son and myself (were) up on one everything and I really thank him.”

“This was the first time that I have had this happen in my life and the experience...was awesome and kindly appreciated. Thanks for what this company has accomplished for me and my granddaughter.”

“Everyone I came in contact with... (was) sincere about helping me. I thank you all for your help.”

A few words from the grateful SAVLP staff...

We know how busy you all are with the demands of work, family and other volunteer commitments. Thank you for giving your time to help our clients, to answer our questions, and to offer guidance in all sorts of matters! We appreciate what you do and hope you realize how much we value your time and your service.





MOBILE BAR ASSOCIATION PUBLIC SERVICE COMMITTEE'S OCTOBER VOLUNTEER OPPORTUNITY SPOTLIGHT: FAMILY PROMISE OF COASTAL ALABAMA

Several members of the **MOBILE BAR ASSOCIATION** are already working with **FAMILY PROMISE OF COASTAL ALABAMA** to address the problems of poverty and homelessness in Mobile and Baldwin counties. Family Promise provides temporary shelter, meals, and support services to families without homes. Family Promise also assists families in identifying and solving issues that lead to homelessness and prepare families for success in the community once those families have been able to secure safe, permanent housing. Families have the opportunity to get assistance with getting the necessary education to ensure employability, learn job stability skills, learn how to budget, and learn parenting skills.

FAMILY PROMISE has a number of upcoming events for MBA members to volunteer or donate:

- (1) **RUMMAGE SALE:** October 10, 2015, at Forest Hill United Methodist Church from 8:00AM – 12:00PM.
- (2) **SILENT AUCTION:** October 18, 2015. Time and location to be announced.
- (3) **CARDBOARD CITY 2015:** This is the 10th Anniversary of the event which allows participants to sleep one night in a cardboard box and dine from a soup-line to connect with the struggle of homelessness. The event is held October 24, 2015, in the **ALABAMA SCHOOL OF MATH AND SCIENCE** soccer field. Registration and Setup begin at 4:00PM. This, year **FAMILY PROMISE** is also offering the option of sleeping in your car. For more information on sponsorship information or to donate to the cause, visit **CARDBOARD CITY 2015**. All proceeds benefit **FAMILY PROMISE** and **DUMAS WESLEY COMMUNITY CENTER**.

In addition to the scheduled fundraising events, **FAMILY PROMISE** also offers other volunteer opportunities.

(1) **PROVIDING DINNERS TO FAMILIES**

- Usually, two to four people get together to provide dinner and dessert to the families being housed at the various participating churches. This can be done any day of the year.
- Meals can be dropped off or you can serve and eat with the family, play with the children, help with homework, etc.

(2) **PROVIDING SUPPLIES**

- Family Promise is in constant need of paper towels, cleaning products, toilet paper, personal hygiene products, dish and laundry detergents, trash bags, Ziploc bags, diapers, and baby wipes.
- When a family completes the program and moves into independent housing, **FAMILY PROMISE** tries to provide the above supplies, as well as, towels, sheets, clothing, etc. so all donations are appreciated





MOBILE BAR ASSOCIATION PUBLIC SERVICE COMMITTEE'S OCTOBER VOLUNTEER OPPORTUNITY SPOTLIGHT: FAMILY PROMISE OF COASTAL ALABAMA

(3) MENTORING

- Family Promise can always utilize a mentor – both for parents and children. Many families need help navigating financial problems, developing life skills, and gaining connections with community resources.

(4) AMAZON SMILE

- People who purchase items on Amazon can donate 0.5% of their purchase price to Family Promise

For more information on how you can donate your time to **FAMILY PROMISE**, contact **Brandy Purvis** at 251-441-1991 or visit **FAMILY PROMISE OF COASTAL ALABAMA** online.

Here's what your fellow Mobile lawyers say about volunteering for Family Promise:

"I have been fortunate enough to serve on the Board of Family Promise for almost five years and believe it to be one of the most efficient uses of volunteer resources of any charitable non-profit in my experience.

The separation of those with more resources than they need from those without is increasing in our society and the need for private organizations to address the problem in an efficient way, without adding burden to government programs is especially rewarding. But, beyond the excellent business model upon which Family Promise is based, using a network of churches to host families in crisis and address

ing their needs with the goal of correcting long term their homelessness, meeting and talking with the families can also be very satisfying.

Family Promise of Coastal Alabama has grown stronger in the time I have been associated with it, and appears to be poised to expand its role in addressing the persistent problem of homelessness in our area. I am especially pleased that my daughter, Allie Boller, is now involved with other members of her generation, which also bodes well for the future."

– **Thomas Boller**

"I enjoy my work as a volunteer host coordinator at my church for guests from Family Promise. I think the program enriches the church as well as the guests and we feel both pleasure and pride in our association with it. The Program is terrifically well organized and its leadership and staff make the whole process a seamless effort. I can foresee a long association with Family Promise as the rewards are so self-evident."

- **Henry Brewster**





YOUNG LAWYERS

JONATHAN MAPLES, PRESIDENT

The **YOUNG LAWYERS** would like to thank **CUNNINGHAM BOUNDS** for hosting our September meeting. We had a tremendous turnout.

The October meeting will be hosted by **THE CITRIN LAW FIRM** on **OCTOBER 29TH** at **5 RIVERS DELTA RESOURCE CENTER** (30495 Five Rivers Boulevard in Spanish Fort, off the Causeway). The Halloween-themed event will feature food, drink, and live music. We expect a full moon, great weather and a huge turnout. You won't want to miss it.

We look forward to seeing everyone on October 29th at 5 Rivers.

If you are not on the **YOUNG LAWYERS** e-mail list and would like to be, or if you have any suggestions, questions, concerns, or comments, please e-mail me (jmaples@carrallison.com), **VICE-PRESIDENT RUSS JOHNSON** (RJohnson@asilpc.com), or **TREASURER TIM HEISTERHAGEN** (tah@ajlaw.com). Also, if you have any events to share with your fellow **YOUNG LAWYERS**, let us know and we will be sure to include it on our YL Facebook Page.

MOBILE LEGAL PROFESSIONAL ASSOCIATION MLPA

MEETING THURSDAY, OCTOBER 8, 2015
12:00 – 1:00 PM AT T. P. CROCKMIER'S ON DAUPHIN STREET,
\$17.00 INCLUSIVE. THE GUEST SPEAKER WILL BE **HELEN J. ALFORD, ESQUIRE.**

ANDY CITRIN PRESENTS THE “CLE AND DELTA HALLOWEEN PARTY”

THURSDAY, OCTOBER 29, 2015
AT FIVE RIVERS DELTA CENTER ON THE CAUSEWAY.
CLE RESERVATIONS ARE FULL
BUT THE PARTY BEGINS AT 5:30 PM





SIGNIFICANT DECISIONS

BY DUANE GRAHAM

In *Barrett v. Roman, No. 2130824* (Ala. Civ. App., May 8, 2015), the Court of Civil Appeals held that a subcontractor of the parties who built a house owed no duty to the subsequent buyers of the house such that those buyers could sue the subcontractor for alleged negligence and wantonness in connection with the construction.

In a case of apparent first impression, the Court of Civil Appeals in *Diamond Concrete & Slabs, LLC v. Andalusia-Opp Airport Authority, No. 2130629* (Ala. Civ. App., May 15, 2015), held that an award limited to 40% of the client's recovery for attorneys' fees in a matter for which there was a statutory entitlement for attorneys' fees to the prevailing party was insufficient in light of the amount of time that the attorneys spent and even though the amount of the attorneys' fees requested significantly exceeded the amount of the client's recovery.

Holding that the State's seizure of currency that was subsequently returned to the owner was not the equivalent of a taking under the Fifth Amendment, the Court of Civil Appeals in *State v. Hall, No. 2140207* (Ala. Civ. App., May 15, 2015), held that an award of prejudgment interest against the State for the confiscation of the currency violated the State's sovereign immunity protection and that this conclusion was not overridden by the Fifth Amendment.



THE WOMEN LAWYERS

MBA WOMEN LAWYERS'

5TH ANNUAL PROFESSIONAL WOMEN'S NETWORKING EVENT

TUESDAY, OCTOBER 6, 2015 AT 5:30 PM.

Regions Bank Pharr Room on the 29th floor of the RSA Tower.

The Speaker will be **PATRICIA BARNES**, FOUNDER OF **SISTER SCHUBERT'S HOMEMADE ROLLS** BENEFITTING THE **GIRL SCOUTS OF SOUTH ALABAMA**.

Contact Tiffany@satterwhitelaw.com for information.





ANNOUNCEMENTS

FRAZER, GREENE, UPCHURCH & BAKER, LLC is pleased to announce that **KRISTY WALDRON DUGAN** and **BLAIR GRAFFEO** have become associates of the firm September 2015

The **RICHARDSON LAW FIRM** has moved from their location on University Blvd to the Commerce Building at 118 N. Royal Street, Suite 100, Mobile 36602. The phone number is the same. www.richardsonlawlic.com and emails are as follows: **JOHN RICHARDSON** – john@richardsonlawlic.com • **ABBY RICHARDSON** – abby@richardsonlawlic.com • **AARON WILEY** – aaron@richardsonlawlic.com

ROBERT HEDGE is pleased to announce that he has relocated his office to 1206 Dauphin Street, Mobile 36604, located on the corner of Dauphin Street and N. Georgia. Phone 251.432.8844, email Robert@HedgeLawFirm.com

KYLA G. KELIM is searching for the Last Will and Testament of **CATHERINE ANN CUMMINS HAYES**. Please call **KYLA KELIM** at 251.281.8120 or attorney@elderconsults.com

Anyone with information regarding the Last Will and Testament of **PATRICK D. HALLETT**, please contact **LARRY HALLETT** at 251.438.3700.

BRIANA BOLDEN, ESQUIRE is looking for information regarding the Last Will and Testament of **FLORA HOLCOMBE**, drafted by **GEORGE J. MOORE** on November 2, 1998. The will was witnessed by **LISA BRYANT** and notarized by **CHARLENE CARTEE**. Last known address and number for Attorney Moore was 919 Dauphin Street, Mobile 334.438.3581. Anyone able to prove Attorney Moore's signature is also needed. Please contact Attorney **BRINA BOLDEN** at 251.206.5257, P. O. Box 835, Mobile, AL 36601.

Immediate opening for Attorney with good law school record and at least 3 years of experience in law practice. This person will handle business litigation, transactions work and real estate matters at small established AV law firm in Mobile. Competitive pay, excellent benefits and opportunity and great working environment. Please send resume to: **HIRING PARTNER – ATTORNEY POSITION, P. O. Box 161389, Mobile, AL 36616**

SILVER VOIT & THOMPSON has an opening for a lawyer with at least ten years of successful experience in litigation, bankruptcy, probate, wills and trusts. Send detailed resumes, personal and professional references and representative recent writing samples to: isilver@silvervoit.com

INDIVIDUAL OFFICE FOR RENT, space shared with local law firm located in the newly renovated Commerce Building at 118 N. Royal St. \$550 per month, includes utilities, shared conference room and receptionist. Please call 251.338.1695

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 251.431.6011 or crowe@evanscrowe.com





MARRIED: LUCY PRYOR BRADY, DAUGHTER OF MBA MEMBER **DAVID BRADY** AND WIFE **LUCY**, WAS MARRIED ON SEPTEMBER 12, 2015 AT CHRIST CHURCH CATHEDRAL TO **WILLIAM DEMOUY SLATON**. THE BRIDE IS ALSO THE NIECE OF MBA MEMBER **CLIFF BRADY**. CONGRATULATIONS!

DIED: DORIS SUMMERFORD ANDERS HERRING, MOTHER OF MBA MEMBER AND MOBILE BAR BULLETIN EDITOR **FERRELL ANDERS**, DIED ON SEPTEMBER 14, 2015 AT THE AGE OF 96. SHE WAS BORN IN MORGAN COUNTY AND WAS A LIFE-LONG MEMBER OF THE MASSEY COMMUNITY. SHE WAS A MEMBER OF EVERGREEN METHODIST CHURCH FROM THE TIME SHE JOINED IN 1932 AT THE AGE OF 13 UNTIL THE CHURCH WAS CLOSED AT THE END OF 2004. SHE WAS A LOVING WIFE, MOTHER, GRANDMOTHER AND GREAT-GRANDMOTHER; AND WAS A TALENTED HOUSEWIFE, COOK, SEAMSTRESS, GARDENER, FARM WORKER AND MUSICIAN. SHE IS SURVIVED BY THREE SONS, THREE STEP-CHILDREN, SEVEN GRANDCHILDREN, FOUR GREAT-GRANDCHILDREN AND MANY OTHER LOVING RELATIVES AND FRIENDS.

DIED: FORMER BALDWIN COUNTY CIRCUIT JUDGE THOMAS B. NORTON, JR. DIED ON SEPTEMBER 5, 2015 AT THE AGE OF 69. HE WAS A RESIDENT OF YORK, ALABAMA AND A RESIDENT OF GULF SHORES. HE WAS A U. S. MARINE VETERAN, SERVED IN THE VIET NAM WAR AND PREVIOUSLY SERVED AS BALDWIN COUNTY'S DISTRICT ATTORNEY AND CIRCUIT JUDGE. HE IS SURVIVED BY HIS WIFE OF FORTY-SIX YEARS, TWO SONS, SEVEN GRANDCHILDREN, SEVEN GREAT-GRANDCHILDREN AND OTHER RELATIVES AND FRIENDS.





MOBILE BAR FOUNDATION

MEMORIAL GIFT

Contributions were made to the Mobile Bar Foundation

In memory of

JOSEPH M. "MIKE" ALLEN, JR.

By J. Michael Druban

J. WILLIAM "BILL" GOODLOE, JR.

By Larry U. and Nancy Sims and J. Michael Druban

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



OCTOBER 2015

OCTOBER 1 - THURSDAY
ANNUAL FALL PARTY,
6:00 – 9:00 PM,
BATTLESHIP USS ALABAMA

OCTOBER 2 - FRIDAY
SEMINAR: ASB ROAD SHOW,
3.0 HRS. MCLE WITH 1.0 HR. ETHICS,
1:30 – 4:45 PM

OCTOBER 6 - TUESDAY
**ANNUAL WOMEN LAWYERS'
PROFESSIONAL WOMEN'S
NETWORKING EVENT,**
5:30 PM REGIONS
BANK PHARR ROOM

OCTOBER 8 - THURSDAY
**MBA EXECUTIVE
COMMITTEE MEETING,**
12 O'CLOCK NOON,
ATHELSTAN CLUB

OCTOBER 16 - FRIDAY
MBA MONTHLY LUNCHEON,
11:45 AM, THE BATTLE HOUSE HOTEL
MOONLIGHT BALLROOM

OCTOBER 22 - THURSDAY
**MBA GRIEVANCE
COMMITTEE MEETING,**
12 O'CLOCK NOON,
ATHELSTAN CLUB

OCTOBER 27 - TUESDAY
**ANNUAL NEW LAWYER
ORIENTATION,**
10:00 AM, REGIONS BANK

OCTOBER 29 - THURSDAY
**ANDY CITRIN'S
CLE AND DELTA
HALLOWEEN PARTY,**
PARTY BEGINS AT 5:30 PM
CLE SPOTS ARE FULL.
FIVE RIVERS DELTA CENTER



CONTINUING LEGAL EDUCATION

OCTOBER 2
ASB ROAD SHOW,
3.0 HRS. MCLE CREDITS INCLUDING 1.0 HR. ETHICS

OCTOBER 16
MBA LUNCHEON,
APPROVED FOR 1.0 HR. MCLE CREDIT

OCTOBER 16
ANNUAL SAVLP SEMINAR,
3.0 HRS. MCLE CREDITS INCLUDING 1.0 HR. ETHICS

OCTOBER 27
ANNUAL NEW LAWYER ORIENTATION,
5.0 HRS. MCLE CREDITS,

NOVEMBER 6
CLE BY-THE-HOUR,
8.0 HRS. MCLE CREDITS
INCLUDING 1.0 HR. ETHICS

NOVEMBER 13
**HOW TO AVOID PUTTING
OUR CARRIER ON NOTICE,**
3.0 HRS. MCLE CREDITS

DECEMBER 4
**BENCH & BAR
YOUNG LAWYERS/JUDGE MIXER,**
1.0 HR. MCLE CREDITS

DECEMBER 4-6
ANNUAL BENCH & BAR CONFERENCE,
MARRIOTT'S GRAND HOTEL, POINT CLEAR, AL
5.0 HRS. MCLE CREDITS INCLUDING 1.0 HR. ETHICS

DECEMBER 11
ALTERNATIVE DISPUTE RESOLUTION,
1.5 HRS MCLE CREDITS

DECEMBER 18
ALABAMA CIVIL LAW UPDATE,
3.0 HRS. MCLE CREDITS INCLUDING 1.0 HR. ETHICS

2016
JANUARY 15
OPINIONS FROM THE BENCH,
3.0 HRS. MCLE CREDITS INCLUDING 1.0 HR. ETHICS

MARCH 18
CRIMINAL LAW UPDATE,
3.0 HRS. MCLE CREDITS.