

MONTHLY BULLETIN

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

President's Comments

“MAD DOGS”



MIKE DRUHAN, PRESIDENT
MOBILE BAR ASSOCIATION

It has always struck me that August was a rather “down” month. Perhaps it’s the draining heat or maybe the anxiety of the end of summer, or even the apprehension of the coming fall with its attendant activities.

I always remember my mother’s admonition to beware the heat and sun because only *“mad dogs and Englishmen go out in the mid-day sun.”* Also, one can’t help but note that the anticipated fun of summer for our young is drawing to an end, and we must again undertake the devilish task of preparing books, uniforms, schedules and activities that fast approach. A lot of work for both moms and dads.

For lawyers, we can gird ourselves for the coming joust of trial dockets and our judges cruelly demanding that we keep the cases on schedule – no excuses. We for our part have no recourse but to grab buckler and shield and step into the battle lines.

Of course, in a month all of that passes as our collective minds in the South begin to glory in “our

national pastime” of college football. It is amazing that after August our parochial psyche, whether admitted or not, pays singular attention to post-adolescent men frolicking on a field of green. Is this a great place to live, or what?

On a more serious note, I want to offer a somber voice on the recent passing of our brother **CHARLIE HICKS**, sister of **JUDGE SARAH STEWART**, and the death of **PAULA HARRISON ARMSTRONG**, niece of our brother **TOM HARRISON**. These events weigh on my mind, and make me want to encourage all of our younger MBA members to consider getting into an annual habit of having a serious medical check-up. As we migrate into sexogenarianism we almost always discover health issues that would have been better addressed when we were younger. It’s not that Charlie or Paula didn’t do so, but together their deaths prompt me to encourage you to think about visiting old “bones”.

Try to stay out of the heat and *“God Bless America”*, we really need His help right now.



PROGRAM

MBA AUGUST

THE AUGUST MONTHLY LUNCHEON
WILL BE:

FRIDAY, AUGUST 15, 2014, 11:45 AM

THE BATTLE HOUSE HOTEL
MOONLIGHT BALLROOM

SPEAKER:

THE 28TH DANNY SHERIDAN
HOUR

NOTED SPORTS PROGNOSTICATOR
JOURNALIST, TV PERSONALITY AND
MBA HONORARY MEMBER

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2014 OFFICERS

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- Executive Director – Barbara C. Rhodes
- Editor – Ferrell S. Anders



YOUNG LAWYERS KASEE HEISTERHAGEN, PRESIDENT

THE YOUNG LAWYERS would like to thank everyone for joining us at the July YL meeting at **THE GARAGE**, hosted by the Young Lawyers. The August YL Meeting is going to be held on Thursday, August 21 from 5:30-7:30 at **O'DALY'S IRISH PUB** (564 Dauphin Street) and will be hosted by **BRASWELL MURPHY**. Please join us for the last meeting of the summer and have a fun night of networking.

Habitat for Humanity – YL Work Day

We are planning on putting together a **HABITAT FOR HUMANITY** work day for the Young Lawyers one weekend this fall. (We are going to do our best to work around football schedules.) If you are interested in participating or helping to plan the work day, please log on to our Facebook page or send me an email (ksparks@burr.com). We are also working on an exciting new fundraiser for this fall, so watch your emails.

If you would like to get involved with any of our upcoming events, 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). 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](#).



If you haven't already, you'll want to sign up soon for the fifth **ELEVENTH CIRCUIT APPELLATE PRACTICE INSTITUTE (ECAPI V)**, which will take place August 21 & 22 at the Renaissance Montgomery Hotel & Spa in Montgomery, Alabama.

This is shaping up to be one of the best ECAPIs ever. Highlights include the rare opportunity to:

- hear from **DONALD VERRILLI JR.**, the Solicitor General of the United States
- learn the ins and outs of Eleventh Circuit practice from 10 current Eleventh Circuit judges, a retired Eleventh Circuit judge, Clerk of Court **JOHN LEY**, and leading appellate advocates
- meet **DIANE MCWHORTER**, Pulitzer Prize-winning author of *Carry Me Home: Birmingham, Alabama, the Climactic Battle of the Civil Rights Revolution*
- observe two experienced oral advocates argue an appeal before a panel of Eleventh Circuit judges in the historic **JUDGE FRANK JOHNSON** courtroom
- meet and mingle with colleagues over dinner and a minor league baseball game (Montgomery Biscuits vs. Tennessee Smokies), and learn which active Eleventh Circuit judge was almost signed by the **CINCINNATI REDS**

Twelve hours of CLE credit will be awarded, including one ethics hour.

Details and registration at: www.clealabama.com.

This seminar is co-sponsored by the Appellate Practice Sections of the State Bars of Alabama, Florida & Georgia.

Please register early, as space is limited.



ANNOUNCEMENTS

CITRIN LAW FIRM, PC announces that **JEFFRY N. GALE** and **WOODROW EUGENE “GENE” HOWARD** have joined the firm.

UNITED STATES SUPREME COURT CHIEF JUSTICE JOHN G. ROBERTS, JR. has appointed Mobile attorney **JEFFERY J. HARTLEY** to the **UNITED STATES JUDICIAL CONFERENCE’S INFLUENTIAL ADVISORY COMMITTEE ON BANKRUPTCY RULES**. The Judicial Conference is the federal court system’s principal policy-making body. Its Advisory Committee on Bankruptcy Rules is charged with developing and promulgating policies and procedures to govern the nation’s constantly-evolving bankruptcy system. Mr. Hartley, who heads up the **BANKRUPTCY AND CREDITOR’S RIGHTS DEPARTMENT AT HELMSING, LEACH, HERLONG, NEWMAN & ROUSE, P.C.**, is one of only four lawyers in private practice to be honored with an appointment to the Bankruptcy Rules Committee and will serve a three-year term.



SIGNIFICANT DECISIONS BY DUANE GRAHAM

In *Morris v. Glenn, No. 2120857* (Ala. Civ. App., May 30, 2014), the Court of Civil Appeals held that a trial court’s order dismissing a legal malpractice action violated the defendant’s due process rights as the plaintiff claimed that he never received a copy of the motion to dismiss, which did not contain a certificate of service purporting to show service on the plaintiffs.

In a case of first impression, the *Court of Civil Appeals in State Department of Revenue v. Kelly’s Food Concepts of Alabama, LLP, No. 2130009* (Ala., June 20, 2014), held that the plastic utensils sold by a fast food establishment to a retailer were “sales for retail” for which Alabama sales tax was not due.



SAVLP

SOUTH ALABAMA VOLUNTEER LAWYERS

ARIANA H. MOORE, INTERIUM ACTING DIRECTOR

News from SAVLP:

• The ALABAMA ACCESS TO JUSTICE COMMISSION offers some great resources for pro bono attorneys including a statewide bank for forms, CLE materials and more. All VLP panel members have access to the resource pages. Go to the site (<http://www.alabamaatj.org/>) and use the login information that SAVLP e-mailed you on May 29, 2014. If you are not a panel member, you can register on the site using the “Resource Registration” tab. Please note: The Commission’s form bank will replace SAVLP’s attorney login page. Please e-mail Ariana Moore at ariana@savlp.org for more information.

• SAVLP offers a “Volunteer Attorney Handbook” for all panel members. The handbook includes SAVLP program guidelines, a description of volunteer opportunities, relevant Alabama Rules of Professional Conduct, and more. If you would like a copy, please e-mail Andrea Brewington at andrea@savlp.org.

• Sign up for PLI’s first free Pro Bono Open Interactive Course, Effective Communication with the Pro Bono Client. The course will run for five days (from 10-45 minutes each day), from August 4-8, 2014. It is open to everyone and blends traditional course materials with videos, discussion forums and other activities that can be viewed at any time of day or night. The course has been approved for 2.5 hours of CLE credit by the Alabama MCLE Commission. For more information, go to <http://www.pli.edu/MOOC/223999>.

• October is just around the corner and SAVLP is gearing up for Alabama’s annual Pro Bono Celebration. This year’s kickoff event will be a poverty simulation held in Mobile. Details about all of SAVLP’s Pro Bono Celebration events will be posted on the SAVLP website and in next month’s bar bulletin.

• Our 2013-2014 Jesuit Volunteer, Megan Ward, is finishing her year of service at SAVLP. She has been a great asset to SAVLP and we will miss her. Please join us in thanking Megan for all of her hard work this past year.

Special thanks to the attorneys who accepted and/or closed cases in June: **JOHN BENDER, RUSSELL BERGSTROM, BRINA BOLDEN, THOMAS BOLLER, MICHAEL BOX, HENRY BREWSTER, CHAD BROWN, PAUL BROWN, LISA BUMPERS, CARL BUTLER JR., JENNIFER BYRD, HENRY CADDELL, CRAIG CAMPBELL, JEANNA CHAPPELL, FRANCES CLEMENT, LUKE COLEY JR., JOSEPH DENNIS, SCOTT DENSON, MOSHAE DONALD, GEORGE GASTON, JOSHUA GRANTHAM, JON GREEN, WARREN HARBISON, THOMAS HARRISON, SCOTT HAWK, CHRISTINE HERNANDEZ, SCOTT HETRICK, MICHAEL HOLBERG, JENNIFER HOLIFIELD, BROOX HOLMES, JACK JANECKY, STEPHEN JOHNSON, KATHLEEN COBB KAUFMAN, JOSHUA KESLING, JOSEPH O KULAKOWSKI, JAMES A LIPSCOMB, E. RUSSELL MARCH III, LYNN MCCONNELL, AUGUSTINE MEAHER III, ROSE METZGER, S. C. MIDDLEBROOKS, PAMELA MILLSAPS, JENNIFER MORGAN, BRADLEY MURRAY, BRENDA PIERCE, WESLEY PIPES, HARRY SATTERWHITE, TROY SCHWANT, ATOYIA SCOTT, ANNA SCULLY, WILLIAM SCULLY III, HENDRIK SNOW, TRICE STABLER, LEWIS STEIN, JEFF STEIN, BRITTEN STEINER, RICHARD THIRY, PATRICK WARD, WILLIAM WATTS III, RICHARD WILKINS, MARGARET WILLIAMS, RICHARD WILLIAMS, AND RICARDO WOODS.**



2014

AUGUST 15

CRIMINAL LAW UPDATE – INCLUDING NEW DUI LAW, 3.0 HRS.

AUGUST 22

ANNUAL “STARS ACROSS THE BAY” FAMILY LAW SEMINAR, 8.0 HRS.

AUGUST 28

PROBATE COURT – APPOINTED LAWYER SEMINAR, 3.5 HRS. CREDIT

SEPTEMBER 12

PROFESSIONALISM, 3.0 HRS.

OCTOBER 17

ANNUAL VLP SEMINAR, 3.0 HRS.

OCTOBER 28

NEW LAWYER ORIENTATION, 5.0 HRS.

NOVEMBER 7

ANNUAL CLE BY-THE-HOUR, 8.0 HRS.

NOVEMBER 21

ASB ROAD SHOW, 3.0 HRS.

DECEMBER 5

**26TH ANNUAL BENCH & BAR CONFERENCE (5.0 HRS.)
AND YOUNG LAWYER MIXER (1.0 HRS.)**

DECEMBER 19

CIVIL LAW UPDATE, 3.0 HRS.



2015

JANUARY 16

**JUDGES PANEL: DO’S & DON’TS, RULE
CHANGES, 3.0 HRS.**

MARCH 20

EMPLOYMENT LAW, 3.0 HRS.

APRIL 17

**APPELLATE SEMINAR
INCLUDING CRIMINAL & CIVIL ISSUES, 3.0 HRS.**



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



AUGUST 7 - THURSDAY
MBA EXECUTIVE COMMITTEE MEETING
12 O'CLOCK NOON,
ADMIRAL SEMMES HOTEL

AUGUST 15 - FRIDAY
AUGUST MONTHLY LUNCHEON
11:45 AM,
THE BATTLE HOUSE HOTEL

AUGUST 15 - FRIDAY
"CRIMINAL LAW UPDATE"
1:30 – 4:45PM,
3.0 HRS. MCLE CREDITS,
BATTLE HOUSE HOTEL

AUGUST 22 - FRIDAY
ANNUAL FAMILY LAW SEMINAR
"STARS ACROSS THE BAY"
8:00 AM – 5:00 PM,
8.0 HRS. MCLE CREDITS,
BATTLE HOUSE HOTEL

AUGUST 28 - THURSDAY
MBA GRIEVANCE COMMITTEE MEETING
12 O'CLOCK NOON, MBA HEADQUARTERS

AUGUST 28 - THURSDAY
PROBATE COURT – APPOINTED LAWYER SEMINAR
3.5 HRS. CREDIT