



MONTHLY BULLETIN

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

President's Comments

There are lawyers within our membership who have been practicing law for 40 years or more. Presumably at some point in the not too distant future they will scale back their practices or retire. We will miss them. This is a distinguished group. They have accomplished great things. If you see them stumbling down the street with a confused expression, it's because their heads are spinning. They have experienced dramatic changes in the world and in the practice of law over the last four decades.

These lawyers range in age from 65 to 70. Using 40 years of practice as our reference takes us back to 1973 as the beginning of their legal careers. Some started practicing before that. Many Mobile lawyers practicing today were not even born in 1973. Let's look back at the world in 1973, when these lawyers first hung their shingles.

In 1973, an OPEC embargo caused the price of oil to increase by 200%, resulting in gas lines and rationing. The Vietnam War ended in 1973, at least for the United States. The Supreme Court decided Roe v. Wade. The Watergate hearings began and Richard Nixon told the nation "I am not a crook." The World Trade Center in New York became the tallest building in the world. Americans were watching The Exorcist, Deliverance, The Last Tango in Paris, Jesus Christ Superstar, American Graffiti and The Sting at movie theaters. Popular television programs included The Odd Couple, The Partridge Family, M*A*S*H*, The Waltons, and The Bob Newhart Show. Mobile's radio stations were playing Dark Side of the Moon by Pink Floyd, Crocodile Rock by Elton John and Angie by the Rolling Stones. There were no in-home movies, VCRs, ipads, GPS devices, ESPN, breathable fabrics or Kardashians. No Starbucks or amazon.com either.

In 1973, O. J. Simpson was a sports hero and AP's "Male Athlete of the Year." Billy Jean King defeated Bobby Riggs in a made-for-TV tennis match billed as the "Battle of the Sexes" (extending a losing streak for the men that continues to this day). The Miami Dolphins defeated the Washington Redskins 14-7 in Super Bowl VII. The Oakland Athletics won the World Series, beating the New York Mets. Bill Walton's UCLA team won the NCAA Basketball Tournament, and the New York Knicks captured the NBA Championship. Secretariat was the winner of the Triple Crown. Tommy Aaron finished first at the Masters. Alabama was UPI's NCAA Football Champion, despite losing 24-23 to Notre Dame in the Sugar Bowl in the first meeting ever between the teams. (Undefeated Notre Dame was the AP National Champion.) Auburn finished 6 and 6, and lost to Missouri 34-17 in the Sun Bowl.

In 1973, there were no cell phones, personal computers, Federal Express, internet, or hybrid automobiles. Mobilians watched three channels of low definition broadcast television and liked it. They made calls on boxy corded telephones with dials and could not take pictures with them. "Texting" and "tweeting" were not words. Music was recorded on vinyl or cassette tapes or "8 tracks," not on CDs or digitally. Clothes were hideous, and tended to be made out of substances not found in nature. Many men wore their hair long, no matter how unflattering the result.

1973 was just five years after the deaths of Martin Luther King and Bobby Kennedy in 1968. The idea that an African-American could be president in 35 years seemed implausible. Gay rights were not yet an issue, much less gay marriage. The country was divided and angry. (Okay, not everything has changed).

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MICHAEL E. UPCHURCH, PRESIDENT
MOBILE BAR ASSOCIATION

PROGRAM

The October Luncheon:
Friday, October 18, 2013,
11:45 am
The Battle House Hotel
Moonlight Ballroom
SPEAKER:
ROBERT THORNHILL,
DIRECTOR
ALABAMA STATE BAR
LAWYER ASSISTANCE PROGRAM

2013 OFFICERS

- President – Michael E. Upchurch
- President Elect – J. Michael Druhan
- Vice President – Brian P. McCarthy
- Secretary – S. Joshua Briskman
- Treasurer – Meegan B. Nelson
- Assistant Treasurer – Ginger P. Gaddy
- Pres Young Lawyers – Josh D. Friedman
- Executive Director – Barbara C. Rhodes
- Editor – Ferrell S. Anders



Browsing the Bar With Barbara

Just a few tidbits that I have picked up this month that I believe will be of interest!
MOBILE LAWYER RECEIVES KUDOS from FAA . Longtime pilot and MBA member John Richardson received a congratulatory letter from the FAA for safely landing a plane in an emergency without injury to the aircraft or occupants.

John rented a small single-engine plane for a flight while his twin-engine plane was down for maintenance. The single-engine plane experienced a catastrophic engine failure while in flight over Stockton, Alabama. Despite the engine failure, Richardson successfully landed the plane in a cotton field.

According to John, his choices were the trees, river, or cotton field. Narrowly avoiding a farmer in the field, silos, and power lines, he was able to land the plane safely.

Richardson commented, "Tried not to hurt the cotton, too." WAY TO GO, John!

ROBERT TURNIPSEED, a partner at Armbrecht Jackson LLP, has been appointed as Chair of the Closely Held Business committee of the Tax Section of the American Bar Association after previously serving as Vice-Chair of the committee.



THE WOMEN LAWYERS LAWYERS OF THE MOBILE BAR ASSOCIATION 2013 NETWORKING EVENT

Date/Time: October 8, 2013 from 5:30 – 7:30 pm

Place: Regions Bank Pharr Room in the RSA Tower

Speaker: Dr. Judy Bonner, President University of Alabama

Non-Profit Beneficiary: Women's Business Center, Inc.

Tickets: \$20 (includes food and drink) purchase at the door

RSVP Lucy Tufts at let@cunninghambounds.com

Sponsors: Cunningham Bounds, LLC; Regions Bank, Source One and Fancy Affairs Catering.

MOBILE BAR ASSOCIATION NOMINATION COMMITTEE

The Nominations Committee met on September 18, 2013. The committee nominates the following persons as Bar Association officers:

PRESIDENT ELECT - BRIAN MCCARTHY

VICE PRESIDENT - PETE MACKAY

SECRETARY - RUTHIE ALEXANDER

ASSISTANT TREASURER - BESS CRESWELL

Under the By-Laws, the President-Elect, Mike Druhan, and Assistant Treasurer, Ginger Gaddy, automatically move up.

Each of the nominees has been contacted and they have agreed to serve if elected.





President's Comments

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Gary Greenough was Mobile's mayor in 1973. At that time, the office of mayor rotated among the three members of the Commission. This changed with the direct election of Arthur Outlaw in 1985. Mr. Greenough eventually went to jail as a result of improprieties with the City Auditorium.

In 1973, The Merchants Bank Building had elevator girls to take you to your floor. There was no Convention Center, Exploream, Riverview Plaza or I-165 connector. Providence Hospital was on Springhill Avenue. AUSTAL did not exist. ADDSCO was finishing the installation of the George Wallace Tunnel by sinking it in sections in the Mobile River. The Jubilee Parkway ("Bayway") was still under construction. Commuters had to use the Causeway to cross Mobile Bay. The Van Antwerp Building was full and was considered desirable office space. The First National Bank Building (now RSA Trustmark) was relatively new and the second tallest building in Alabama. The University of South Alabama was celebrating its 10 year anniversary. There was no "West Mobile." Led Zeppelin played at the Municipal Auditorium in May; Elvis Presley in June. Lawyers ate at the Trade Club, Tommy's Terminal and Constantine's.

In 1973, The Battle House, a Sheraton at that time, was getting ready to close (1974) and would remain shuttered until RSA revived it in 2007. Downtown had a Kretzger's, a Woolworth's, a Gayfers and other shopping. (You could get a good patty-melt at the Woolworth's lunch counter.) The Air Force had recently shut down Brookley Field (1969). Bel Air Mall, built in 1967, was coming into its own. Hammel's (later D. H. Holmes), a New Orleans based department store, was the anchor tenant. The USS Alabama was a relatively new attraction.

In 1973, the Mobile Bar Association had about 300 members (we now have four times that many). There were not many female lawyers in Mobile in 1973, and few minority lawyers. The judges in all courts were men. For the most part, Mobile lawyers' wives stayed at home rather than pursue careers, although there were some teachers. Because the Bar was small, the lawyers knew each other well. This encouraged a culture of civility that has steadily eroded in the years since. In those days, lawyers trusted each other more. They generally treated colleagues with more respect than we do today.

The old state courthouse was filled with smoke and crammed with lawyers, litigants and administrative personnel in 1973. Oral argument was routine in the Alabama Supreme Court. There was no tort reform, Batson challenges, video depositions, detailed billing or video-conferencing. Secretaries used carbon paper and "White Out." Calendars were made of paper and lawyers got business by word of mouth and referrals.

In 1973, \$50,000 was a big verdict. Lawyers who did trial work found themselves in front of juries as soon as they got their licenses. They tried case after case, and considered it routine. A medical malpractice case was a rarity. Product liability cases were just coming into their own. Co-employee and admiralty suits were common. Most lawyers handled cases of all types. Specialization was rare.

Lawyers did not move from firm to firm much in 1973. They pretty much nested where they started. Pay in law firms generally was based on seniority rather than on "production". Law practice was just starting to become more business-centric, and business was good. Incomes were rising, and more college graduates were going to law school and swarming into cities across the country. The litigious frenzy that supports us to this day was just gaining momentum.

As the decades came and went, the 80's, 90's and into the new millennium, these 40 plus year lawyers saw remarkable advances in technology. It might be hard for younger folks to imagine, but there was a time when lawyers did not have access to computers. Back in the day, these 40 year lawyers performed legal research using multi-page bound collections of sequential legal cases called "books." They did not expect or require each other to react to every problem and issue instantly and to respond to written communications the same day. Maybe not even the same week. They knew how to write grammatically correct letters, but mostly they made agreements and resolved problems by talking to each other in person or on the phone.

In 1973, depositions were not common. Lawyers who started in 1972 used common law pleading (demurrers, etc.), while those who got their licenses in 1973 broke in the brand new Alabama Rules of Civil Procedure. The pace of the practice of law was slower in 1973. Summers were usually free of civil trials, and the mood in June, July and August was relaxed. Not too relaxed, however. There were no casual Fridays, and no matter the humidity men wore their suit jackets when they went outside, even just to walk down the block, and some also wore hats.

For those of you in your first decade of practice, pay attention to how much the 40 year lawyers have experienced. What awaits you is different, of course, but like them, you will see constant change. No doubt there will be many advances and improvements. Like our esteemed 40 year lawyers, however, one day you might miss at least some of what "progress" has replaced.





ANNOUNCEMENTS

BEAUTIFUL OFFICE SPACE FOR LEASE: 3755 Professional Parkway – off Downtowner Boulevard---Perfect for solo lawyer with secretary and/or paralegal. Amenities: new construction, on-site parking, wood floors, receptionist and lobby area, conference room, kitchen area, etc. This space is move-in ready. Contact Jene W. Owens, Jr. 251.378.8601 or jwo@jwopc.com

FOR RENT: 250 Congress Street, 4 large offices, lobby, kitchenette, private parking, 1200 sq. ft. Very reasonable. Call Judge McKnight 251.402.0471

DOWNTOWN OFFICE SPACE AVAILABLE: 209 N. Joachim Street in historic De Tonti Square. Within walking distance of federal courts. Amenities: VOPI telephone, internet, WIFI, email, fax machine, large color copier/scanner, on-site parking, lobby, conference room and kitchen. Contact Evans Crowe at 251.431.6011.

ANYONE WITH KNOWLEDGE of the whereabouts of the Last Will and Testament of LOUISE S. KEITH, contact Jeff Stein at 251.433.7272.

CITRIN LAW FIRM is sponsoring a FREE 4-hour CLE on Thursday, October 24, 2013 at Five Rivers on the Causeway. The CLE will take place at the Five Rivers Auditorium from 1:00 – 5:30 pm. Seating is limited so register now by calling Kay Jett at 251.380.7410. Young and Old Lawyer Party to follow 5:30 – 9:30 pm. Live music, open bar, great food and airboat rides (see separate announcement for all the details).

SATURDAY, OCTOBER 26th, Boteler, Finley & Wolfe are sponsors for this year’s Turkey Trot 5K Run in Daphne. Proceeds from the race benefit Prodisce Pantry, an area food bank located in Spanish Fort, AL. Specifically, registration fees will help buy turkeys for families in need during the Thanksgiving and Christmas holidays. BF&W will also be awarding cash prizes for the top 3 fastest lawyers or judges who register and compete in the Run. 1st Place - \$125, 2nd Place - \$75 and 3rd Place - \$25.

YOUNG LAWYERS JOSHUA D. FRIEDMAN, PRESIDENT

I would first like to thank Cunningham Bounds, LLC, for sponsoring a great meeting in September at the Café 615. Cunningham Bounds always hosts a great meeting, and they certainly did not disappoint again this year!

This month’s meeting is sponsored by the Citrin Law Firm and will be Thursday, October 24 at Five Rivers on the Causeway. They are sponsoring a FREE 4 Hour CLE in the Five Rivers Auditorium from 1:00 – 5:30 which will include 1 hour of Ethics. Seating is limited so register now by calling Kay Jett at 251-380-7410. The Young Lawyers Party is to follow (All Baldwin and Mobile County Judges, Lawyers, and Staff of all ages invited) from 5:30 – 9:30 p.m. Live music, open bar, great food, and free airboat rides. Those who remember the Citrin monthly meeting last year at Five Rivers know that this is not one to miss. We hope to see you there!

Finally, I want to thank everyone who sponsored, contributed to, and/or attended the 3rd Annual Young Lawyers Charity Kickball Tournament. We had great support, and, due to everyone’s generosity, we will be able to make a large contribution to the Mobile Bar Foundation. To give credit where credit is due, I want to personally thank all of our Kickball sponsors: Tobias & Comer, Hand Arendall, Port City Rentals, Jackson & Foster, Henderson & Associates, Johnstone Adams, and Cabaniss Johnston. I also want to thank Judge Brooks, Judge York, and Judge Basenberg for agreeing to be a part of the event and for their exceptional umpire skills. Also, thank you to the Kickball Committee, Megan Brooks, Russell Johnson, Nick Morisani, Chris Conte, Samuel Maness, Weathers Bolt, Jason Steele, Jonathan Maples, & Kasee Heisterhagen. This event would not have been possible without the support of everyone involved!





SAVLP

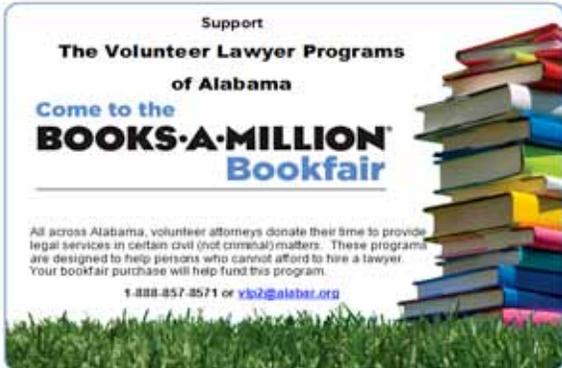
SOUTHERN ALABAMA VOLUNTEER LAWYER PROGRAM

Celebrate Pro Bono October 21-26th

Last year, SAVLP opened 919 cases. These clients received help because of you and your generous donation of time and treasure. Thank you from everyone at SAVLP.

SAVLP attorneys will hold a **WILLS FOR HEROES** clinic for the City of Saraland on October 2nd. Please contact **ANDREA BREWINGTON** at 433-6693 or andrea@savlp.org to volunteer for a shift at the Saraland Civic Center.

Get started on your holiday shopping at the **BOOKS A MILLION BOOKFAIR** on October 26th and help the **VOLUNTEER LAWYERS PROGRAMS OF ALABAMA** in the process. Vouchers will be available at your local **BOOKS A MILLION** store or you can visit our website, www.savlp.org, to print a copy. Present one at checkout and **BOOKS A MILLION** will donate a portion of all voucher sales to the **Volunteer Lawyers Programs**. The fundraiser applies to in store purchases only. Thanks to all of you and to **BOOKS A MILLION** for the support!



For a complete list of events throughout Alabama and to see **STATE BAR PRESIDENT ANTHONY A. JOSEPH** speak about pro bono, go to <http://www.alabar.org/probonoweb/index.cfm>.

Have you ever visited www.alabamalegalhelp.org? The website is a program of **LEGAL SERVICES ALABAMA, LEGAL SERVICES CORPORATION** and **PRO BONO NET** and serves as a resource for free and low-cost civil legal aid and services in Alabama. The site provides information on subjects related to families and children, public benefits, consumer issues, housing, health law, elder law and more, and includes fact sheets, do it

yourself forms and letters, and contact information for service providers. If you are looking for information for someone who needs help, consider providing www.alabamalegalhelp.org as a referral option in addition to SAVLP.

Special thanks to the following attorneys who accepted or closed a case in August: **RUSSELL E BERGSTROM, WESLEY H BLACKSHER, HENRY H BREWSTER, W. BENJAMIN BROADWATER, ELLA BYRD, HENRY H CADDELL, HENRY A CALLAWAY III, CRAIG CAMPBELL, WILLIAM G CHASON, WALTER G CHAVERS, C. S. CHIEPALICH, FRANCES R CLEMENT, F. LUKE COLEY JR., J. P. COURTNEY II, ROBERT J CRANE, JUDSON E CRUMP, MICHAEL DASINGER III, BRENT T DAY, JACQUELINE FLEMING BROWN, BARRY A FRIEDMAN, JOSH D FRIEDMAN, THOMAS F GARTH, GEORGE C GASTON, JASON C GERTH, JOSHUA M GRANTHAM, TIMOTHY M GROGAN, CHRISTINE HARDING HART, BROOX G HOLMES, SCOTT W HUNTER, HERNDON INGE III, JULIA JAMES SHREVE, JACK F JANECKY, KATHLEEN COBB KAUFMAN, GILBERT B LADEN, R. EDWIN LAMBERTH, GREGORY B MCATEE, LYNN MCCONNELL, S. C. MIDDLEBROOKS, PAUL BRADLEY MURRAY, A. MICHAEL ONDERDONK, KIRKLAND E REID, J. BURRUSS RIIS, HENDRIK SNOW, KENNETH S STEELY, T. JEFF STEIN, BARRY L THOMPSON, GREGORY VAUGHAN, PATRICK J WARD, JARROD J WHITE, RICHARD R WILLIAMS, MARK C WOLFE, AND MELODY M ZEIDAN.**

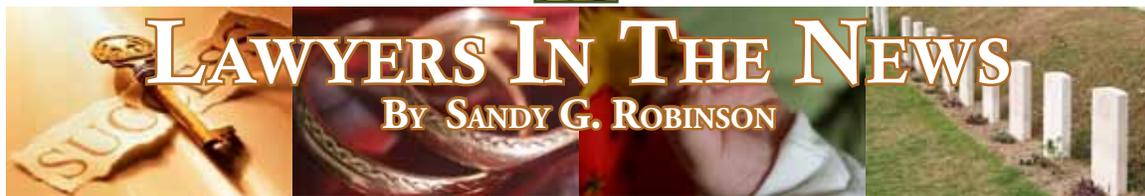
MOBILE ALUMNI OF THE ALABAMA STATE BAR LEADERSHIP FORUM

Ed Patterson, Assistant Executive Director of the Alabama State Bar is seeking Mobile attorneys to apply for the 2014 Leadership Forum. Ben Ford at Armbrrecht Jackson, LLP was the only Mobile attorney in class 9. He was an outstanding participant and I am sure if you talk with him you will know that last year's Forum is not the same Forum when you attended.

They are now teaching core competency skills, self-awareness, and leadership skills needed to survive in a changing legal and geographical environment. As a result of these new training initiatives, the State Bar's Leadership Forum was awarded the prestigious 2013 E. Smythe Gambrell Professionalism Award from the American Bar Association. This is the highest honor the American Bar Association gives recognizing professional excellence.

There is a core of outstanding and committed Mobile attorneys who are graduates of the Forum. The deadline is 5:00pm on October 1st. The application is on the website, www.alabar.org.





MARRIED: MBA MEMBERS ALLISON WHITE AND TRIP SMALLEY WERE MARRIED ON AUGUST 2, 2013 AT THE **FORT CONDE INN**. THEY HONEYMOONED IN ST. LUCIA. CONGRATULATIONS ALLISON AND TRIP!

BORN: JOHN LARKIN PETERS WAS BORN JUNE 11, 2013, TO MBA MEMBER **LARKIN PETERS** AND HUSBAND, **JIM**. **JOHN LARKIN** IS WELCOMED HOME BY BIG BROTHER AND BIG SISTER. CONGRATULATIONS TO ALL!

BORN: BRADY ELIZABETH WALL, FIRST GRANDCHILD OF MBA MEMBER **DAVID BRADY** AND WIFE **LUCY**, WAS BORN TO **CHARLOTTE AND KYLE WALL** ON SEPTEMBER 4. CONGRATULATIONS!

DIED: FORMER MBA MEMBER TOM TWITTY DIED IN BIRMINGHAM ON AUGUST 19, 2013. HE WAS A GRADUATE OF **UMS** AND **THE UNIVERSITY OF ALABAMA** AND **THE UNIVERSITY OF ALABAMA SCHOOL OF LAW**. HE SERVED AS A **1ST LIEUTENANT IN THE JUDGE ADVOCATE GENERAL'S CORPS IN THE UNITED STATES ARMY** DURING THE KOREAN WAR. HE PRACTICED LAW IN MOBILE FOR MANY YEARS, BEGINNING HIS CAREER AT **INGE, TWITTY, ARMBRECHT & JACKSON**. HE WAS ACTIVE IN MANY CIVIC ORGANIZATIONS, AND WAS A LIFELONG EPISCOPALIAN. HE IS SURVIVED BY HIS WIFE OF 34 YEARS, 6 CHILDREN, 14 GRANDCHILDREN AND 4 GREAT-GRANDCHILDREN.

DIED: MBA MEMBER RICHARD HORNE DIED AUGUST 25, 2013. HE WAS A NATIVE OF FAIRHOPE AND A GRADUATE OF **THE MARIETTA JOHNSON SCHOOL OF ORGANIC EDUCATION IN FAIRHOPE**. HE SERVED IN THE **PEACE CORPS** BEFORE ATTENDING LAW SCHOOL AT THE **UNIVERSITY OF ALABAMA**. HE PRACTICED CIVIL AND CRIMINAL LAW IN MOBILE FOR MANY YEARS, AND SERVED THE **MOBILE BAR ASSOCIATION** IN A NUMBER OF CAPACITIES, INCLUDING THE **GRIEVANCE COMMITTEE**. HE IS SURVIVED BY HIS WIFE, FOUR CHILDREN, TWO GRANDCHILDREN AND MANY OTHER RELATIVES AND FRIENDS.

DIED: MBA MEMBER TOM HINES DIED ON AUGUST 28, 2013. HE ATTENDED **MARION MILITARY INSTITUTE** AND RECEIVED A CIVIL ENGINEERING DEGREE FROM THE **UNIVERSITY OF ALABAMA**, AND HIS LAW DEGREE FROM THE **UNIVERSITY OF ALABAMA SCHOOL OF LAW**. HE RECEIVED A **MASTERS OF TAXATION** FROM **NEW YORK UNIVERSITY**. HE SERVED IN THE **U. S. ARMY IN GERMANY AS AN ENGINEER FOR THE ARMY OF OCCUPATION**. HE JOINED THE **HAND ARENDALL** FIRM IN 1957 AND WORKED WITH THAT FIRM UNTIL HIS RETIREMENT. HE WAS A DEACON AT **FIRST BAPTIST CHURCH** OF MOBILE, AND IS SURVIVED BY THREE CHILDREN AND TWO GRANDCHILDREN.

DIED: LUCY HERNDON HORST ROUSE, MOTHER OF MBA MEMBER **ROBERT ROUSE** DIED AT THE AGE OF 90 ON AUGUST 20, 2013. SHE WAS ALSO THE MOTHER-IN-LAW OF MBA MEMBERS **BETH ROUSE** AND **RICHARD WRIGHT**. SHE WAS A NATIVE MOBILIAN AND GRADUATE OF MURPHY HIGH SCHOOL. SHE WAS A LIFELONG ACTIVE MEMBER OF **CHRIST CHURCH**, SERVING IN MANY CAPACITIES OVER THE YEARS, INCLUDING PARISH SECRETARY. SHE WAS A MEMBER OF THE **NATIONAL SOCIETY OF THE COLONIAL DAMES OF AMERICA**, AND WAS A MEMBER OF THE **JUNIOR LEAGUE** AND SEVERAL MYSTIC SOCIETIES. SHE IS SURVIVED BY TWO CHILDREN, TEN GRANDCHILDREN AND TWO GREAT-GRANDCHILDREN, IN ADDITION TO MANY OTHER RELATIVES AND FRIENDS.

REMINDER: LAST CALL FOR VETERANS DAY! IF YOU ARE A VETERAN AND HAVE NOT ALREADY BEEN RECOGNIZED IN OUR VETERANS DAY FEATURE, PLEASE LET US KNOW ABOUT YOUR SERVICE. WE ESPECIALLY URGE WORLD WAR II VETERANS TO CONTACT US TO SHARE THEIR STORIES. PLEASE SEND YOUR INFORMATION TO SGR@CABANISS.COM OR DROP IT BY THE MOBILE BAR ASSOCIATION OFFICE.

ALABAMA'S HEALTH INSURANCE INSURANCE MARKETPLACE OPENS FOR ENROLLMENT ON OCTOBER 1

**Public Service Notice from the Alabama Applesed Center for Law & Justice, Inc. - Montgomery
To Alabama's Lawyers, Law Firms, Paralegals and Law Firm Office Staff:**

Alabama's Health Insurance Marketplace will open for enrollment for individuals and small businesses on October 12, 2013. The Marketplace has been developed under the federal healthcare reform law passed in 2010 commonly referred to as "The Affordable Care Act"

For additional information, go to the Marketplace website www.healthcare.gov, compare the available options and apply for health insurance coverage. Enrollment on-line takes place through a single application, and if application is made by December 15, 2013, coverage will be effective by the deadline date of January 1, 2014.





THE MOBILE BAR ASSOCIATION'S

1ST ANNUAL FALL PARTY

LAP'S ON THE CAUSEWAY

ADJACENT PARKING AND SECURITY

THURSDAY, OCTOBER 17, 2013

6:00 – 9:00 PM

\$30.00 PER PERSON \$55.00 PER COUPLE

HEAVY HORS DOEUVRES

TO INCLUDE GUMBO, SMOKED TUNA, SHRIMP & GRITS, CRAB CAKES,
MARINATED WINGS, SHRIMP SLAW & BREAD PUDDING

&

THREE ALCOHOLIC BEVERAGE TICKETS

LIVE MUSIC BY

HARRISON MCINNIS, LEE YANKIE AND JOHN COCHRAN

DOOR PRIZES TO FIGHT FOR

Come, bring your best friend for an evening of great company, exceptional food, excellent live music and the chance to win a prize or two!

To make reservations for the “1st annual fall party”, please complete the tear-off below and return to the mobile bar association, p. O. Drawer 2005, mobile, al 36652 or telephone 251.433.9790.

Name _____ Guest(s) _____

Firm _____

Telephone Number _____ Amount Enclosed _____

Method of payment _____ Check _____ Visa _____ Mastercard _____

Credit card # _____ Exp.Date _____ 3-digit code _____

Signature _____





MOBILE BAR ASSOCIATION NEW MEMBERS

ROLAND M. SLOVER,
University of Alabama 1988,
Mississippi State Bar 1988; Alabama State Bar 1990;
with Slover Law Firm LLC

TIMOTHY M. SHEPARD,
Jones School of Law 2000; Alabama State Bar 2007;
sole-practitioner

ROSE I. METZER,
Jones School of Law 2012; Alabama State Bar 2013;
with Lepanto Law, LLC



SIGNIFICANT DECISIONS BY DUANE GRAHAM

In an apparent case of first impression, the Alabama Supreme Court in *Ex parte U.S. Innovations Group, Inc.*, No. 1120296 (Ala., June 28, 2013), held that even though the United States was granted “exclusive jurisdiction” over property that it acquired at the REDSTONE ARSENAL IN HUNTSVILLE, that did not deprive the Alabama courts of jurisdiction over alleged tort claims that occurred on the property - in this case a wrongful death claim.

In another apparent case of first impression, the Supreme Court in *Utilities Board of the City of Opp v Shuler Brothers, Inc.*, No. 1111558 (Ala., June 21, 2013), held that the two-year statute of limitations for negligence began running upon the occurrence of the damage even though the plaintiff claimed that it did not know that the defendant’s actions were responsible for the damage until later.

In yet another case of first impression, the Supreme Court in *Ex parte Cate*, No. 1111240 (Ala., June 21, 2013), held that under *Ala. R. Crim P. 11.2(a)* and *Ala. Code § 15-16-22*, a trial court lacked jurisdiction to order a criminal defendant to submit to a medical examination to determine her mental capacity at the time of the alleged offence since the defendant had not pled not guilty by reason of insanity.

In *Ex parte USA Water Ski, Inc.*, No. 1120744 (Ala., June 21, 2013), the Supreme Court held that a report prepared following an accident that caused the plaintiff’s death, was entitled to protection based on the work product privilege given that the defendant’s affidavit reflected that the report had been requested based on the assumption that a lawsuit would be filed, even though the report itself did not mention that possibility.

In *Patterson v. Jai Maatadee, Inc.*, No. 111451 (Ala., June 7, 2013), the Supreme Court held that Rule 54(b) certifications from the trial court were without jurisdiction because the claims against the defendants against whom no summary judgment had been granted were intertwined with the claims against the defendant for whom summary judgment was granted, thus indicating that there was in fact a “just reason” for delaying the entry of final judgment. Accordingly, the appeals were dismissed.






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

**MOBILE
BAR
FOUNDATION**

**Memorial Gift
in Memory of**

**NORTON W.
BROOKER, JR.**

**By
FIRST TITLE
& ESCROW, LLC**

**THOMAS E.
TWITTY, JR.
J. THOMAS HINES, JR.
RICHARD D. HORNE**

**By
JOHN N. LEACH**

CJA PANEL ATTORNEY OF THE YEAR

The United States District Court for the Southern District of Alabama is accepting nominations for the Criminal Justice Act (“CJA”) Panel Attorney of the Year Award. The award is designed to recognize a CJA panel attorney who has provided outstanding legal representation to indigent criminal defendants, and has consistently demonstrated the high ideals of professionalism and excellence expected of CJA panel attorneys.

Attorneys who are admitted to this Court and are in good standing are invited to submit nominations for the CJA Panel Attorney of the Year, in writing, to the Clerk of Court, by October 4, 2013. The CJA Panel Selection Committee will review the nominations, and will make the final selection. This year’s recipient of the CJA Panel Attorney of the Year Award will be announced at the CJA annual luncheon, which will be held on October 17, 2013.



OCTOBER 2013

OCTOBER 9 - WEDNESDAY

PROBATE SECTION MEETING,
12 O'CLOCK NOON,
ATHELSTAN CLUB

OCTOBER 10 - THURSDAY

EXECUTIVE COMMITTEE MEETING,
12 O'CLOCK NOON,
ADMIRAL SEMMES HOTEL

OCTOBER 11 - FRIDAY

ADMIRALTY SEMINAR,
1:30 - 4:45 PM,
ADMIRAL SEMMES HOTEL

OCTOBER 15 - TUESDAY

ALS MONTHLY MEETING,
12 O'CLOCK NOON

OCTOBER 17 - THURSDAY

1ST ANNUAL MBA FALL PARTY,
6 - 9 PM,
LAPS ON THE CAUSEWAY

OCTOBER 18 - FRIDAY

OCTOBER MONTHLY LUNCHEON,
11:45 AM,
THE BATTLE HOUSE HOTEL

OCTOBER 18 - FRIDAY

ANNUAL VLP SEMINAR,
1:30 - 4:45 PM,
THE BATTLE HOUSE HOTEL

OCTOBER 22 - TUESDAY

ANNUAL NEW LAWYER ORIENTATION,
10:00 AM TO 5:00 PM - LUNCH INCLUDED



CONTINUING EDUCATION 2013

OCT 11 - FRIDAY - ADMIRALTY,

1:30 - 4:45 PM,
3.0 HRS. MCLE CREDITS

OCT 18 - FRIDAY - SAVLP'S ANNUAL (FREE TO MEMBERS)

**CLE: PRACTICAL KNOWLEDGE FOR THE
VOLUNTEER LAWYER**

PROVIDING LEGAL ASSISTANCE,
3.0 HRS. MCLE CREDITS INCLUDING 1.0 HR. ETHICS

OCT 22 - TUESDAY - ANNUAL NEW LAWYER ORIENTATION,

5.0 HRS. MCLE CREDITS, 10:00 AM - 4:30 PM LUNCH
INCLUDED.

NOV 15 - FRIDAY

ANNUAL ASB ROADSHOW, 1:30 - 4:45 PM,
3.0 HRS. MCLE CREDITS INCLUDING 1.0 HR. ETHICS

NOV 22 - FRIDAY - ANNUAL CLE BY-THE- HOUR, 8:00 AM - 5:00 PM,

8.0 HRS. MCLE CREDITS INCLUDING 1.0 HR. ETHICS
AND LUNCH

DEC 6 - FRIDAY - SUNDAY - 25TH ANNUAL

BENCH & BAR CONFERENCE,
MARRIOTT'S GRAND HOTEL

DEC 13 - FRIDAY - ANNUAL CIVIL LAW UPDATE,

1:30 - 4:45 PM, 3.0 HRS. MCLE CREDITS INCLUDING 1.0
HR. ETHICS

JAN 10 - FRIDAY - PROBATE UPDATE, 1:30 - 4:45 PM,

3.0 HRS. MCLE CREDITS

JAN 17 - FRIDAY - BANKRUPTCY LAW, 1:30 - 4:45 PM,

3.0 HRS. MCLE CREDITS

MAR 21 - FRIDAY - E DISCOVERY CHANGES,

1:30 - 4:45 PM, 3.0 HRS. MCLE CREDITS

APR 18 - FRIDAY - ANNUAL DO'S & DON'TS,

1:30 - 4:45 PM, 3.0 HRS. MCLE CREDITS

CONTINUING EDUCATION 2014

JANUARY 18 - FRIDAY

PROBATE SEMINAR, 3.0 HRS.

MARCH 15 - FRIDAY

THE MODERN LAW OFFICE, 3.0 HRS.

APRIL 19 - FRIDAY

JUDGES PANEL DISCUSSION, 3.0 HRS.