



President's Comments



**JEAN M. POWERS, PRESIDENT
MOBILE BAR ASSOCIATION**

Your **MOBILE BAR ASSOCIATION (MBA)** enjoys a long history of mentoring within the profession. In 2016, the MBA's mentoring efforts gained renewed vigor at the direction of MBA President, **PETE MACKEY** who appointed **GREG VAUGHAN** as **CHAIR OF THE MENTORING COMMITTEE**. The Committee sponsored Fundamentals CLEs for the last two years and will do so again in 2018. These CLEs are offered at reduced rates to newer lawyers, many of whom embark on solo careers immediately after licensure, and to lawyers who for other reasons have limited mentoring opportunities. In 2017, the **MENTORING COMMITTEE** launched its **GROUP MENTORING PROGRAM**. This program offers CLE in small groups with active participation of more senior lawyers. The Group Mentoring Program has two primary goals: first, knowledge, both substantive and practical; second, fostering relationships between newer and more seasoned practitioners. In April, I participated in a Group Mentoring CLE, as a -slightly!- more seasoned practitioner. The experience made me proud of our Bar Association. The exchange of ideas and the group's collegiality reflected the ideals of our profession. Moreover, the experience was enriching as I felt I learned more than I offered.

As a matter of professional responsibility, we all need to mentor. Not only will we be rewarded by the inherent good of doing good, we just may learn something.

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PROGRAM

NO LUNCHEON MEETING THIS MONTH

CONTINUING LEGAL EDUCATION

The Mobile Bar's Group Mentoring CLE

June 22nd (11am-1pm, Serda's Brewery):

Topic: "Leaving a firm – how to protect yourself, including advising clients and withdrawing from cases;

Setting up and maintaining a law practice."

All participants obtain 2 hours of CLE credit – and lunch is provided. There is no cost for MBA members with 10 years of experience or less. If you'd like to attend, we encourage you to contact the bar's office (p. 433-9790, tanderson@mobilebarassociation.com, brhodes@mobilebarassociation.com) and register. And, please follow us on Facebook at: www.facebook.com/MobileBarMentoring/

BROWSING THE BAR... *WITH BARBARA*



It is summer time and Bar activities are slowing down somewhat. Just one CLE in June and, of course the **ANNUAL YOUNG LAWYER GOLF TOURNAMENT** is this month. Also, the **ANNUAL ASB MEETING** is in Destin at the end of this month, so there are still a number of dates to place on your calendar. You certainly do not want to miss the next Summer Activity for the Bar on Thursday, July 19, 2018, 5:30 – 7:00 pm, it is **AN EVENING AT MOE's** – mark your calendar now and be sure to invite your significant other.

I leave you with this one last thought...

In a convent in Ireland, the 98-year-old Mother Superior lay dying. The nuns gathered around her bed trying to make her last journey comfortable. They tried giving her warm milk to drink but she refused it.

One of the nuns took the glass back to the kitchen. Then, remembering a bottle of Irish Whiskey that had been received as a gift the previous Christmas, she opened it and poured a generous amount into the warm milk.

Back at Mother Superior's bed, they held the glass to her lips. The frail Nun drank a little, then a little more and before they knew it, she had finished the whole glass down to the last drop. As her eyes brightened, the nuns thought it would be a good opportunity to have one last talk with their spiritual leader.

"Mother," the nuns asked earnestly, "Please give us some of your wisdom before you leave us"

She raised herself up in bed on one elbow, looked at them and said:"

"DON'T SELL THAT COW".

A smile – is a sign of joy.

A hug – is a sign of love.

A laugh – is a sign of happiness.

And a friend like me? – Well that's just a sign of Good Taste!!!



LAW DAY 2018

CONTRIBUTIONS

Thank you from the **LAW DAY COMMITTEE** and **KRISTY DUGAN** for chairing the committee and to the following firms who contributed to the **LAW DAY ACTIVITIES**:

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**Anders, Boyett & Brady • Burr & Forman, L.L.P • Briskman & Binion, P.C.
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Hand Arendall Harrison Sale LLC • McFadden, Rouse & Bender, LLC**

LAW DAY ACTIVITIES

KRISTY DUGAN, Chairman

THE LAW DAY HELP LINE was a great success! Thank you to **MIKE D. STRASAVICH** for heading that up. Also, a **BIG** thank you to the following attorneys that donated their time answering the telephones: **ALEX ZOGHBY, KARLOS FINLEY, JEFFREY SPORT, MICHAEL WING, PETE MACKEY, JIM ROBERTSON, GABY REEVES, MIKE STRASAVICH, GREG MCATEE, JEAN POWERS, EMILY KILLION, SPIRO CHERIOGOTIS, KRISTY DUGAN, DOUG DUNNING, MARK NEWELL, HENDRIK SNOW, KEAVA JONES, TOM GAILLARD, MIKE MCNAIR, WINSLOW BUTTS, SARAH DORGER, BILLY CUNNINGHAM, CHRISTINE SEGARRA, WESLEY PIPES, JUDSON CRUMP, JEFF BEAVERSTOCK, BRANDY HAMBRIGHT, and BILL EILAND.**

ESSAY CONTEST

Thank you to **JESSICA A. MILLING** for chairing!

3RD PLACE: AUTUMN MAGHUPOY, ST. VINCENT DE PAUL

2ND PLACE: MELISSA BROWN, ST. VINCENT DE PAUL

1ST PLACE: ISABELLE JOUVE, ST. IGNATIUS

LIBERTY BELL AWARD

Thank you to **ALLAN EYRICH** for chairing!

This year the Liberty Bell Award went Posthumously to **OFFICER JUSTIN BILLA, MOBILE POLICE DEPARTMENT.**

NATURALIZATION CEREMONY

Thank you **DOTTIE A. BARKER** for chairing.

Approximately 41 citizens were naturalized.



LAWYERS IN THE NEWS

BY SANDY G. ROBINSON

DIED: MBA member **ED TIBBETTS**, longtime resident of Mobile and Dauphin Island, died Wednesday, April 25, 2018 at the age of 82. He graduated from Spring Hill College in 1958. After graduation, he worked in Mobile by day and traveled to Montgomery attending night school, graduating from Jones Law School. Ed practiced law in Mobile for over 40 years on his own and in Juvenile Court. He was a member of St. Edmund by the Sea Catholic Church and American Legion Post 250. He served in the U.S. Army and Reserves and retired as a Lt. Col. In 2011 Ed was inducted into the Spring Hill College Athletic Hall of Fame (Basketball). He is survived by his wife, three children, two step-children, seven grand-children, two step-grandsons and other relatives and friends.

DIED: MARY BYRD, widow of the late Mobile County Circuit **JUDGE ROBERT BYRD**, died in Mobile on April 27, 2018. She was a native of Birmingham but moved to Mobile at an early age and graduated from Murphy High School. She graduated from the University of Alabama, where she was a member of Delta Delta Delta and met her future husband on a blind date. She was a prolific letter writer, an accomplished seamstress and enjoyed gardening. She was a member of Spring Hill Presbyterian Church, the Junior League of Mobile, the Country Club of Mobile and several mystic societies. She is survived by three daughters, five grandchildren, and one great-grandson.

SAVLP

ARIANA MOORE, EXECUTIVE DIRECTOR



SAVLP's inaugural Spring into **WINE+ART** was successful due to the support of the sponsors, the SAVLP Board of Directors (kudos to the committee chair **MARY PILCHER**), and the Bar. **BLUE ROOM PHOTOGRAPHY** provided event photos (photographed by **CINDY MCCRORY**, wife of MBA member **MARCUS MCCRORY**). You can find a link to the album on SAVLP's Facebook page, facebook.com/southalabamaVLP. Be sure to like our Facebook page if you haven't already.

The **UNITED WAY OF SOUTHWEST ALABAMA** awarded attorney **HENDRIK SNOW** a **HEART OF GOLD AWARD** for his service to SAVLP. Last year, Hendrik volunteered for 10 of 12 clinics and frequently agreed to take the clients he saw at the clinic for pro bono representation. He embodies initiative, leadership, and the genuine desire to serve persons of limited means without asking for anything in return. Community members who need help with potentially life-altering legal matters and meet with **HENDRIK SNOW** find a compassionate attorney who listens to their problems and freely lends meaningful advice about their situations. He is described by a colleague as a rare individual who does not need to be asked to volunteer or to help someone because when he sees a need, he steps in to serve. *Thank you Hendrik!* Email Jodi@savlp.org if you are interested in taking a two hour volunteer shift at a Legal Advice clinic.



SAVLP is planning **WILLS FOR HEROES** clinics. Check out SAVLP's Facebook page for dates and times. Please sign up for a short shift and make a difference in the lives of our local first responders.

THANKS TO THE FOLLOWING ATTORNEYS WHO ACCEPTED OR CLOSED CASES IN FEBRUARY, MARCH AND APRIL:

FERRELL S ANDERS, JOHN G BAYLOR JR., PAUL T BECKMANN, RUSSELL E BERGSTROM, JAIME W BETBEZE, JEFF BEVERSTOCK, WESLEY H BLACKSHER, MARY ALLIE E BOLLER, THOMAS R BOLLER, ANDREA J BREWINGTON, HENRY H BREWSTER, S. JOSHUA BRISKMAN, DOUGLAS L BROWN, PAUL D BROWN, DANIEL L BURKARD, HENRY H CADDELL, KENNETH PAUL CARBO JR., JEANNA D CHAPPELL, WALTER G CHAVERS, HARWELL E COALE JR., MEEGAN B COLCLOUGH, JAMES P COLEMAN, DANNY J COLLIER JR., ALAN M COLVIN, LISA DARNLEY COOPER, ROBERT J CRANE, BESS M CRESWELL, JUDSON E CRUMP, MICHAEL DASINGER III, RONALD P DAVIS, EDWARD A DEAN, JOSEPH S DENNIS, DONALD D DOERR JR., SARAH B DORGER, J. MICHAEL DRUHAN JR., PAGE S ELLIS, ERIN FLEMING, BEN FORD, DONALD A FRIEDLANDER, BARRY A FRIEDMAN, RICHARD W FUQUAY, WILLIAM J GAMBLE JR., LAWRENCE F GARDELLA, GEORGE C GASTON, JON A GREEN, MARY A HAMPTON, WESLEY HARBUCK, KASEE HEISTERHAGEN, CHRISTINE C HERNANDEZ, R. SCOTT HETRICK, JENNIFER HOLIFIELD, LAURA E HOLLAND, J. GORDON HOUSE JR., STEPHEN T HUGHES, SCOTT W HUNTER, HERNDON INGE III, BRIAN C ISPHORDING, ISHMAEL JAFFREE, ABBEY L JOHNSTON, NEIL C JOHNSTON SR., ANDREW M JONES, KATHLEEN COBB KAUFMAN, CHRISTOPHER KERN, GILBERT B LADEN, R. EDWIN LAMBERTH, RUTH R LICHTENFELD, PETER S MACKAY, E. RUSSELL MARCH III, IDA D MASHBURN-MYRICK, PHILLIP E MASON, DANIEL L MCCLEAVE, MARCUS E MCCRORY, JAMES H McDONALD JR., S. C. MIDDLEBROOKS, LYNN C MILLER, THOMAS D MOORE, KEN A NIXON, TERRIE OWENS, MATTHEW W PETERSON, JEAN M POWERS, ROBERT J RICCIO, BLAKE T RICHARDSON, J. BURRUSS RIIS, JON D ROBERTS JR., JAMES E ROBERTSON, IAN D ROSENTHAL, STEVEN P SAVARESE JR., SHEILA S SCHOEN, WILLIAM E SCULLY III, CLIFFORD C SHARPE, L. ROBERT SHREVE, LACEY SMITH, HENDRIK SNOW, JOSEPH D STEADMAN, LEWIS J STEIN III, T. JEFF STEIN, SCOTT D STEVENS, RENEE E THIRY, DAVID T TRICE JR., J. ROBERT TURNIPSEED, RICHARD W VOLLMER III, PATRICK J WARD, JARROD J WHITE, CHRISTOPHER S WILLIAMS, RONNIE L WILLIAMS, MICHAEL A WING, THOMAS T ZIEMAN JR.

ANNOUNCEMENTS

Looking for the **LAST WILL AND TESTAMENT** of **GENE TIMOTHY GARNER, SR.** Please contact **JOHN C. BRUTKIEWICZ**, 56 S. Conception St. Mobile, AL 36602 (251) 433-1866 with any information.

RICHARD G. ALEXANDER and **RUTHIE A. CLUTE** have moved to 75 St. Michael Street, Mobile, AL 36602. Phone, fax and email remain the same.

IN-HOUSE ATTORNEY POSITION: Prominent Mobile Company has an immediate opening for a **CORPORATE COUNSEL** (in-house) attorney with 5-10 years of experience. The ideal candidate will have substantial experience reviewing and negotiating contracts. Experience with healthcare, real estate or technology transactions are a plus, but are not mandatory. The company offers very attractive compensation and benefits. All inquiries are strictly confidential. Please contact **RICHARD G. BROCK, Esq.** at richard@onboardsearch.com or 205.986.9140 x 4.

OFFICE SPACE FOR LEASE: BURNS, CUNNINGHAM & MACKEY BUILDING. Located 1 block North from Government Plaza and 1 block South of Dauphin Street. Each floor has access to a conference room for large meetings or depositions. Call **BOBBEY BRANNAN** at 251/377-4196 for details and showings.

EXTREMELY NICE PROFESSIONAL OFFICE space for lease at 1325 Dauphin Street. Available space ranges from 650 to 1,530 square feet and is \$14 per square foot. Amenities include: 3-4 professional offices, 3-4 secretarial spaces, plentiful onsite parking, two conference rooms, men and women's restrooms, a kitchen, VOIP for phone and wifi internet, CAT5 wiring, and copy room with fully functional copier. Dauphin Street signage is also available. Call Mechele at 251-432-8120 or send email to mechele@satterwhitelaw.com



SIGNIFICANT DECISIONS BY DUANE GRAHAM

In an apparent case of first impression, the Court of Civil Appeals in **Safeway Insurance Co. v. Thomas**, No. 2170088 (Ala. Civ. App., March 30, 2018), held that an “unlicensed driver” exclusion in an automobile policy, under which coverage was denied to any party injured by a vehicle driven by an unlicensed driver, did not violate either Ala. Code § 32-7-23(a) or Alabama public policy, even though the passenger in the vehicle was unaware that the driver was unlicensed.

In **Caplan v. Benator**, No. 2160904 (Ala. Civ. App., March 16, 2018), the Court of Civil Appeals held that (a) the co-executors of an estate had the legal right to enter upon the premises of the estate's real property even though the girlfriend of the decedent had been granted under the will the right to occupy the residence for a period for 90 days after the decedent's death, and that (b) it is undisputed that Alabama does not currently recognize, and the Court would decline to recognize under the particular facts of this case, a general fiduciary exception to the attorney-client privilege.

In a case of apparent first impression, the Court of Civil Appeals in **D.I. v. I.G.**, No. 2160781 (Ala. Civ. App., March 9, 2018), held that a man's biological relationship to a child, whom he persists in holding out to be his child when he is also the legally presumed father of the child, is essentially irrelevant in determining whether he is the legal father of the child.

In a case of first impression, the Supreme Court in **Ex parte Terex USA, LLC**, No. 1161113 (Ala., March 30, 2018), held that the **Alabama Heavy Equipment Dealer Act**, Ala. Code § 8-21B-1, et seq., essentially contains provisions prohibiting enforcement of an outbound forum selection clause.

DIVERSITY & INCLUSION COMMITTEE

By: SUNTREASE WILLIAMS-MAYNARD



ASIAN PACIFIC HERITAGE MONTH

In May, we celebrated the achievements and contributions of Asian Americans and Pacific Islanders in the United States for **ASIAN PACIFIC HERITAGE MONTH**. In June 1977, **REPRESENTATIVES FRANK HORTON** of New York and **NORMAN Y. MINETA** of California introduced a House resolution to proclaim the first ten days of May as **ASIAN-PACIFIC HERITAGE WEEK**. The following month, **SENATORS DANIEL K. INOUE** and **SPARK MATSUNAGA** from Hawaii introduced a similar bill in the

Senate. Both were passed, and on October 5, 1978, **PRESIDENT JIMMY CARTER** signed a Joint Resolution designating the annual celebration.

In 1990, **PRESIDENT GEORGE H. W. BUSH** signed a bill passed by Congress to extend the week-long celebration to a month-long celebration. In 1992, the official designation of May as Asian-Pacific American Heritage Month was signed into law. The month of May was chosen to commemorate the immigration of the first Japanese to the United States on May 7, 1843, and to mark the anniversary of the completion of the transcontinental railroad on May 10, 1869. The majority of the workers who laid the tracks were Chinese immigrants.

A **PORTRAIT OF ASIAN AMERICANS IN THE LAW** is noted as the first comprehensive study of Asian Americans in the legal profession. According to the study, there are over 50,000 Asian American lawyers today in comparison to only 10,000 in 1990. It was also reported that Asian Americans comprise almost 5% of lawyers in America and roughly 7% of law school enrollment. Despite these statistics, Asian Americans are the largest minority group in big law firms. This study provides additional statistical information, along with challenges faced in an attempt to broaden diversity and inclusion.

The 2018 theme was **UNITE OUR VISION BY WORKING TOGETHER**. As noted by the **FEDERAL ASIAN PACIFIC AMERICAN COUNSEL**, *"inclusion is the deliberate act of welcoming diversity and creating an environment where all different kinds of people can thrive and succeed."*

Additional resources for **APA HERITAGE MONTH** may be found at the following websites:

[Great Big Stories](#) (video stories about APA trailblazers and trends curated for APAHM)

[Untold America](#) (video stories about underrepresented, forgotten, and misunderstood communities in America.)

[Alist-Magazine.com](#) (NAAAP's 5 year old magazine about Asian American and Asian Canadian success and excellence)

[Public Broadcasting Service \(PBS\)](#) (schedule of local showings of films about current and historical APA issues)

[Smithsonian Institute Teaching Resources](#) (lesson plans for all ages)

[White House Proclamation of May 2018 as APAHM](#)

OLDER AMERICANS AND JEWISH AMERICAN HERITAGE MONTH

In addition to celebrating Asian Pacific Heritage Month, May was also a time to celebrate **OLDER AMERICANS** and **JEWISH AMERICAN HERITAGE**. Every May, the Administration on Aging, part of the Administration for Community Living, leads our nation's observance of Older American's Month. The 2018 theme, Engage at Every Age, emphasized that you are never too old (or young) to take part in activities that can enrich your physical, mental, and emotional well-being. It also celebrated the many ways in which older adults make a difference in our communities.

Jewish American Heritage Month (JAHM) is also a national commemoration of the contributions that American Jews have made to the fabric of our nation's history, culture, and society. The theme for May 2018 was American Jews and Music which focused on the rich and deep influence of American Jews on American music across decades and genres. The JAHM website, www.jahm.us, offered interactive content and educational resources to facilitate nationwide engagement. First established by presidential proclamation in 2006 and renewed every year since, JAHM encourages people of all backgrounds to learn about and draw inspiration from more than 360-years of Jewish life in our country.

As your Chair for the **DIVERSITY & INCLUSION COMMITTEE**, I want to invite each of you to submit to our Committee any articles or other information that you would like to be considered each month for the MBA Bulletin to promote diversity and inclusion. It is one of our goals to ensure that we celebrate the unique differences and cultures that make up our wonderful Bar Association. Ideas for articles may be submitted to s.williams08@yahoo.com. Thank you for your support of Diversity & Inclusion!

MBA WOMEN LAWYERS HONOR 2018 TRAILBLAZER KATHY MILLER

By: RUTH LICHTENFELD

KATHY MILLER was honored as the **MBAWL** 2018 Trailblazer on May 15, 2018 at the Battle House Crystal Ballroom with approximately 100 of her family, friends, and members of the Mobile Bar Association in attendance.

THE TRAILBLAZER AWARD honors a woman lawyer who has overcome challenges, accomplished great things, and blazed the path for future generations. Kathy was introduced by her life-long friend, **MARY MARGARET BAILEY**.



During Kathy's remarks, she graciously recognized the women lawyers who were in practice in 1980, the year she began her career. The women lawyers practicing in Mobile in 1980 include **GLORIA A. BEDWELL, DABNEY E. BRAGG, BARBARA ANN BROWN, CELIA J. COLLINS, SHERL T. DACSO, SARAH S. FRIERSON, GINNY S. GRANADE, VIRGINIA J. HAAS, KATHY D. JONES, SHIRLEY M. JUSTICE, GERALDINE S. LESTER, MARY BETH MANTIPLY, BETH MARIETTA, CYNTHIA C. MCMEANS, ROSE ANNA MCPHILLIPS, ALICE M. MEADOWS, M. KATHLEEN MILLER, TAMARA O. MITCHELL, MARY E. MURCHISON, PATRICIA K. OLNEY, SUZANNE PAUL, ANDREA P. PENNINGTON, CYNTHIA C. PICKETT, MAXEY J. ROBERTS, BETH MCFADDEN ROUSE, DEBORAH J. SHOEMAKE, FRANKIE F. SMITH, ANN E. TAYLOR, MARIANNE W. TERRY, GABRIELLE U. WEHL, CAROLINE E. WELLS, AUGUSTA E. WILSON, JANELLA J. WOOD AND KAREN A. ZOKOFF.** According to **BARBARA RHODES**, Executive Director of the Mobile Bar Association, women lawyers accounted for approximately 7% of all members of the Mobile Bar Association in 1980. Today, women lawyers comprise approximately 20% of all members of the **MOBILE BAR ASSOCIATION**. Kathy also thanked her husband, **CHARLIE FLEMING**, and their grown children, for their love and support.

The events of the **MBAWL** are fun! The benefits of being a member, among which are the opportunities for networking, fun, and developing new personal and professional relationships, produce a return on your investment that far exceeds the annual dues of \$25.00. I encourage each of you to become members of the **MBA WOMEN LAWYERS**. Join today by contacting our Treasurer, **TIFFANY SMITH** at tbs@johnstoneadams.com.



PLEASE GIVE

Name: _____

Address: _____

Phone: _____ E-mail: _____

I want to make a donation to the Mobile Bar Foundation.

In honor/memory of: _____

Acknowledgment 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, can be paid in up to 5 annual installments)

Sustaining Member (\$100 or more annually)

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

MEMORIALS

**A DONATION HAS BEEN MADE TO
THE MOBILE BAR FOUNDATION
IN MEMORY OF**

THOMAS M. GALLOWAY
WILLIAM A. KIMBROUGH
HARRY RIDDICK
BY: JOHN N. LEACH

June

**JUNE 14 THURSDAY
MBA EXECUTIVE COMMITTEE MEETING,
12 O'CLOCK NOON,
ATHELSTAN CLUB**

**JUNE 8 FRIDAY
YOUNG LAWYERS GOLF TOURNAMENT,
1:00 PM, TIMBER CREEK GOLF CLUB,
SPANISH FORT**

**JUNE 21 THURSDAY
MBA GRIEVANCE COMMITTEE MEETING,
12 O'CLOCK NOON,
ATHELSTAN CLUB**

**JUNE 22 FRIDAY
MBA MENTORING SESSION,
11 AM – 1 PM,
SERDA'S BREWERY**

**JUNE 28-30
27TH ANNUAL SOUTHEASTERN ENVIRONMENTAL
LAW & REGULATION CONFERENCE.
HILTON SANDESTIN BEACH
GOLF & SPA RESORT**

