



MONTHLY NEWSLETTER

Volume XLVI,
Issue 2 • February 2017

President's Comments



**GREG CARWIE, PRESIDENT
MOBILE BAR ASSOCIATION**

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2017 OFFICERS

- PRESIDENT – J. GREGORY CARWIE
- PRESIDENT ELECT – JEAN M. POWERS
- VICE PRESIDENT – MARK A. NEWELL
- SECRETARY – DERRICK V. WILLIAMS
- TREASURER – ROBERT J. RICCIO
- ASSISTANT TREASURER – CHRISTOPHER B. ESTES
- EXECUTIVE DIRECTOR – BARBARA C. RHODES
- EDITOR – FERRELL S. ANDERS

Last summer, I attended the **ALABAMA STATE BAR CONVENTION** in Sandestin. One of the speakers was my good friend and law school classmate, Clay Hornsby. His topic was *“Stepping Back from the Practice of Law: What I Learned from a Two Year Sabbatical.”*

Having known Clay, I can tell you everything he does is all out or he doesn't do it at all, whether it is sports, parenting, or practicing law. He said the way he practiced law was hectic, risky, accelerated and full of pressure. If he wasn't worried about his clients' criminal record and upcoming depositions, then he was wringing his hands over whether his expensive expert would survive a Daubert challenge, whether his secretary would get to work on time or have to leave early again, or why expenses were 30% higher than last month. The stress wasn't acute, but chronic, day after day, slowly building upon the day before. After practicing for over 25 years, he decided to take a sabbatical. Clay was in the middle of a 2 year sabbatical when he spoke at the convention.

He said it was “half-time” in his work life and before continuing on in the same method, he wanted to take inventory, reflect, and contemplate the first half while holding open the possibility of doing something new and different in the second half. In short, he traded money for time, which allowed him the opportunity to reflect.

After his talk, a question and answer session started. The first question was obvious. What can we do to help with work related stress/burnout if we can't financially afford to take a sabbatical? Most people can't financially afford to take a sabbatical. They

continued on Page 3

PROGRAM

There will be
**NO MONTHLY LUNCHEON IN FEBRUARY
DUE TO MARDI GRAS MADNESS**

The next Luncheon will be
**Friday, March 24, 2017
11:45 am at The Admiral Hotel**

We will Honor our **50 YEAR ATTORNEYS**



DONALD AARON FRIEDLANDER	FRANKIE FIELDS SMITH ROBERT E. GIBNEY	ROBERT C. CAMPBELL, III EDWARD B. MCDERMOTT
HOWARD M. SCHRAMM, JR. A. CLAY RANKIN, III	J. MICHAEL, DRUHAN, JR. WILLIAM R. DELANEY	BRAXTON L. KITTRELL, JR. THEODORE K. JACKSON, III
E. B. PEEBLES III	DONALD M. BRISKMAN	EDWARD A. HYNDMAN, JR.

Browsing the Bar With Barbara

Not much browsing going on this month. Hope everyone has taken advantage of having their photograph taken. We are trying to arrange for another sitting in a month or two so if you did not make it for this first sitting maybe you will be able to get in on the next one. We will send out a notice.

Have you noticed that our streets are much safer? Tammy and Kevin's son, **NOAH ANDERSON**, recently graduated from the Mobile Police Academy and is already at work patrolling the streets of Mobile eager and ready to protect and defend! We are very proud of him and pray that he, along with the others who protect and serve us day in and day out, stay safe.

Some of you may not have received your Dues Statements yet, do not despair, they are on the way. The Bar computers have been down for a while but, as of today, are up and running and we are back in business so we should be churning out the rest of the statements in record time.

I'll try to browse a little more next month! Happy Mardi Gras!



MOBILE BAR ASSOCIATION WOMEN LAWYERS BY: DANIELLE MASHBURN-MYRICK

PUBLIC SERVICE ANNOUNCEMENT: Valentine's Day is February 14th - that's two weeks from today!

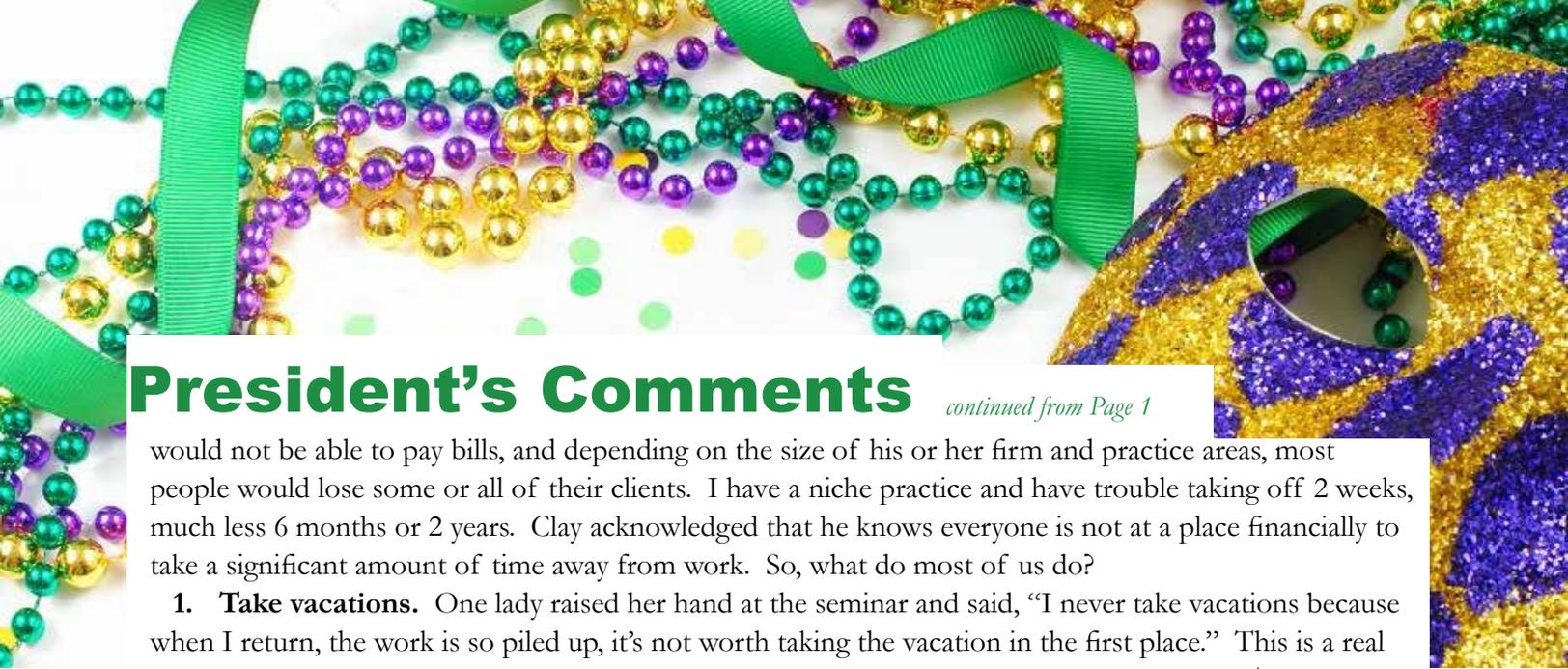
Please join us at noon at **CROCKMIERS** for the **MBAWL** monthly luncheon on Tuesday, February 14, 2017.

Please submit nominations for the **2017 TRAILBLAZER AWARD**. Each year the **MBAWL** honors a woman lawyer who has had a distinguished legal career, made significant contributions to the practice of law, and set an example of professional achievement for other lawyers to follow. Please send your nominations to this year's Trailblazer Tea Event Chair, **ALEX GARRETT**, at agarrett@silvervoit.com on or before March 3. Nominations must include a brief description of the particular challenges or adversities the nominee has overcome or the feats she has accomplished.

Past Trailblazers include **HELEN J. ALFORD** (2012), **MERCERIA LUDGOOD** (2012), **FRANKIE FIELDS SMITH** (2012), the **HONORABLE CALLIE V. S. GRANADE** (2013), **BETH MARIETTA-LYONS** (2014), the **HONORABLE MARGARET A. MAHONEY** (2015), and **CELIA COLLINS** (2016).

Spotlight on **SUNTREASE WILLIAMS-MAYNARD**, Assistant U.S. Attorney. This year the women's section will spotlight a member each month. For all of her hard work and dedication as our 2016 President, the selection committee unanimously chose **MS. WILLIAMS-MAYNARD** as our first honoree. This year Mobile Bay Magazine's 40 Under 40 recognized Suntrease for her prosecution of drug trafficking, child exploitation, and cash smuggling among other crimes; her creation of the **STYLE** program, which seeks to educate youth to have positive encounters with law enforcement; and her service to the bar, including the **VERNON CRAWFORD SOCIETY** and the **WOMEN'S SECTION**. She is currently on active duty with the United States Air Force Reserve. Suntrease, we thank you for your service to our bar and country!





President's Comments *continued from Page 1*

would not be able to pay bills, and depending on the size of his or her firm and practice areas, most people would lose some or all of their clients. I have a niche practice and have trouble taking off 2 weeks, much less 6 months or 2 years. Clay acknowledged that he knows everyone is not at a place financially to take a significant amount of time away from work. So, what do most of us do?

1. Take vacations. One lady raised her hand at the seminar and said, "I never take vacations because when I return, the work is so piled up, it's not worth taking the vacation in the first place." This is a real problem. I took just one full week last year for this reason. Many of us work Saturdays and/or Sundays to manage our workload. However, if nothing else, a vacation is a change of scenery. I've read articles that advise lawyers to institutionalize clients so more than one lawyer is available to respond to the client. Perhaps hiring a contract lawyer to take over certain projects would also free you up for some time off.

2. Social interactions. I like to eat lunch out. I seldom eat lunch in my office. Many of my colleagues and law partners eat lunch at their desks or exercise during lunch. I find it very therapeutic to work from about 7 to 11:30 in the morning and then leave the office and walk somewhere downtown or drive somewhere on the causeway and get away from the office and phone and see people.

3. Meet friends after work. There's nothing better than having a conversation with attorneys after work to discuss cases and problems. Listening to stories about other cases somehow lightens my stress level. Whether you have a litigation, probate, domestic relations, criminal, or other practice, we all face similar problems and issues.

4. Meditations. I attended a seminar a few years ago where the speaker suggested that, at 3:00 in the afternoon, you turn the phone and lights off in your office and enjoy silence for 15 minutes. This may not be for everyone, but many people find it can be helpful to decompress and have "quiet time." He also suggested not to talk on the phone in the car to and from work. Listen to music instead.

5. Exercise/Hobbies. We live in south Alabama so there are plenty of outdoor activities --- golf, tennis, fishing or hunting. Do some of these. Or start training for the Tri The Gulf Triathlon. Nike has it right: just do it.

6. Alternate Work Schedule. Clay discussed and articles show that most people get their identity and self-worth from their jobs. People have a hard time getting away from their identities and don't want to take a significant time away from their job. You could alter this by changing your work schedule. I have some attorney friends who no longer work on Fridays. While I know this isn't for everyone (especially if you litigate and have Motion Docket), try leaving the office at noon or 3:00 on Fridays in lieu of taking a sabbatical or significant time off. Or work a half day every 2 weeks.

7. Smart phones/Email. Finally, don't read emails right before you go to sleep. I used to come home, eat dinner, and sit in front of the TV and start reading emails at 9:00 p.m. Invariably, I would read an email that would call my brain back into full work mode and prevent me from sleeping. About a year or two ago, I started a practice of not reading emails after I arrived home. If someone needs to reach you, they will call you. And please don't read emails if you wake up in the middle of the night either!

Clay said it's not necessary to travel or take a significant amount of time off to find peace, as long as you make the time to find it. I know I needed reminding of the importance of doing this, and I wanted to remind you to do it too. If you can take a sabbatical, great! If not, take vacations or a "mini-sabbatical" and try to alter your work schedule. You might find that you enjoy your career a lot more for doing so.



ANNOUNCEMENTS

CUNNINGHAM BOUNDS, LLC announces that **JOSEPH D. STEADMAN** has joined the firm. He will focus on appellate and motion practice.

HELMSING LEACH HERLONG NEWMAN and ROUSE is pleased to announce that **WILLIAM WATTS** has joined the firm as a partner.

As of December 1, 2015, **WILLIAM M. "B.J." LYON, Jr.** relocated his practice to 3601 Springhill Business Park, Suite 102, 36608, Phone 251.378.3623; fax 251.338.0571

DAVID TRICE announces the opening of his law practice. The firm is located in Fairhope, AL and specializes in Criminal Defense, Probate, Estates and Family Law. David.trice.law@gmail.com

SARAH DORGER has relocated her practice of law to 1 Timber Way, Suite 101, Daphne, AL 36526, mailing address is 30941 Mill Lane, G323, Spanish Fort, 36527. Phone 251.219.4400, fax 251.800.3256, sdorger@dorgerlaw.com

JIM FROST announces he has retired from **MALONEY-FROST LLP** as of December 31, 2016. It is semi-retirement, however, and he will be available as a mediator for anyone who may need him. Contact him at 251.654.1602 or frostmediations@gmail.com

FOR SALE OR RENT: Midtown Office Building For Sale or Lease with space available for two or three lawyers and staff. Convenient and highly visible location at 2053 Dauphin Street with private parking lot and signage available. Building has CAT5 wiring, internet and phone system in place. Includes private meeting area attached to corner office, conference room, waiting area, kitchen and file storage area., Contact Jim Jeffries at 251.445.5522 or jim@jeffriesfamilylaw.com

WANTED Part-time evening office work from 5:30 – 9 or 10 pm. Data entry, faxing, scanning, filing, phone, etc. Nine years probate court experience, some hours available on weekends. Call 251.391.8122 ask for Gwen, references available.

RED BRICK BUILDING FOR SALE, corner Conti and Commons Streets, approx. 3500 square feet. Contact Chilton Powell, 251.432.3036 or 251.342.3192.

FOR SALE modern wraparound desk system, heavy, dark wood, large drawers on both sides with locking file drawers, slide out writing panels and modesty panel on front - \$300. Contact Brian Pugh 251.459.6257 bpugh@tfmfg.com

WORKSHOP: BIG DATA AND THE INTERNET OF THINGS, Friday, February 3rd, 2017, Mobile Area Chamber of Commerce, www.theneteffect.com/courses/register.html

THE MOBILE BAR ASSOCIATION'S GROUP MENTORING PROGRAM SPONSORED BY: THOMSON REUTERS / WESTLAW

PROGRAM OVERVIEW

The **MOBILE BAR ASSOCIATION (“MBA”)** is committed to the professional development of its members. With the growing challenges placed on new members to find employment, many are choosing to enter solo practice directly after law school graduation. Others are employed in settings that offer limited mentoring opportunities.

Mentoring relationships are important to the development of key skills and networking opportunities. Seasoned members of the MBA seek to provide a forum where newer members and seasoned members can discuss relevant topics and exchange ideas—in an effort to meet the challenges of the profession.

PROGRAM STRUCTURE

The **MBA GROUP MENTORING** program will be comprised of 4 seasoned lawyers: **PETE MACKEY, JOHN T. BENDER, MARTIN POYNTER,** and **GREG VAUGHAN** (having 10 or more years of practice) and up to 40 less experienced lawyers (8 years of practice or less). We will also be joined by a few guest speakers along the way. Mentor groups will meet quarterly during the following dates/times in 2017: February 17th (11am to 1pm); April 28th (11am to 1pm); July 28th (11am to 1pm); and October 27th (11am to 1pm). The group mentoring sessions will be held at: “The Exchange 202” @ 202 Government Street, Downtown Mobile. Lunch and the meeting space rental will be provided courtesy of our generous sponsor **Thomson Reuters / WESTLAW**. CLE credit has been applied for and we will send out a notice once approved.

MBA members (with 8 years of practice or less) can attend this event at no cost. Everyone else the cost would be \$50.00

MENTORING TOPICS ARE AS FOLLOWS:

- February 17th, 2017 (11am to 1pm): Ethics and Civility;
- April 28th, 2017 (11am to 1pm): Law Office Management and Time Management Skills and Techniques;
- July 28th, 2017 (11am to 1pm): Communication strategies (with clients, with colleagues, with superiors) and Duties and responsibilities of advising clients;
- October 27th, 2017 (11am to 1pm): Networking and Work Life Balance issues.

TO PARTICIPATE:

If you are member of the Mobile Bar and are interested in attending any one (or all) of the group mentoring sessions please RSVP by e-mailing **TAMMY ANDERSON**, Associate Director of the Mobile Bar Association at: Tanderson@mobilebarassociation.com. You are encouraged to RSVP as early as possible as space is limited—and will be filled in the order in which RSVP's are received.

YOUNG LAWYERS

BY: **TIMOTHY A. HEISTERHAGEN, PRESIDENT**

The **YOUNG LAWYERS** would like to thank **PRO LEGAL** and **MICHAEL CANNON** for a great

January meeting at **CALLAGHAN'S**. Michael and **PRO LEGAL** always do a fantastic job and we appreciate their continued support.

The February meeting will be hosted by **MCDOWELL KNIGHT ROEDDER & SLEDGE, LLC** on February 15 or 22, 2017 with the location TBA, so please watch for an e-mail update. We look forward to seeing everyone on February 15 or 22. If you are not on the **YOUNG LAWYERS** e-mail list and would like to be, or if you have any questions, concerns, or comments, please e-mail me (tah@ajlaw.com), Vice President Kate Browning (kmb@rebpc.net), or Treasurer Weathers Bolt (wbolt@starneslaw.com).

SAVLP

MIKE DEGEN, PROGRAM ASSISTANT

A Message from SAVLP Board President, Barney March

I hate lawyer jokes. I hate them, not because I don't have a sense of humor, but because a lot of people really see lawyers the way they are portrayed in those jokes – greedy and self-serving. In 23 years of practicing law, though, I have rarely encountered a lawyer who fits that description. Certainly, the lawyers in our area belie this stereotype, and if you want empirical evidence, you have only to look at the statistics from the SAVLP over the past year!

In 2016, 461 lawyers accepted cases from the SAVLP, which opened 901 cases and closed 920 cases, the highest number of cases we have had since 2012! The cases ranged in size and complexity, some requiring more hours than others. The point, though, is that, even in financially troubled times, we, as a profession, are still willing to help those who cannot afford to pay for representation. Every time I see these statistics, I swell with pride at the generosity and sense of community spirit displayed by our profession!

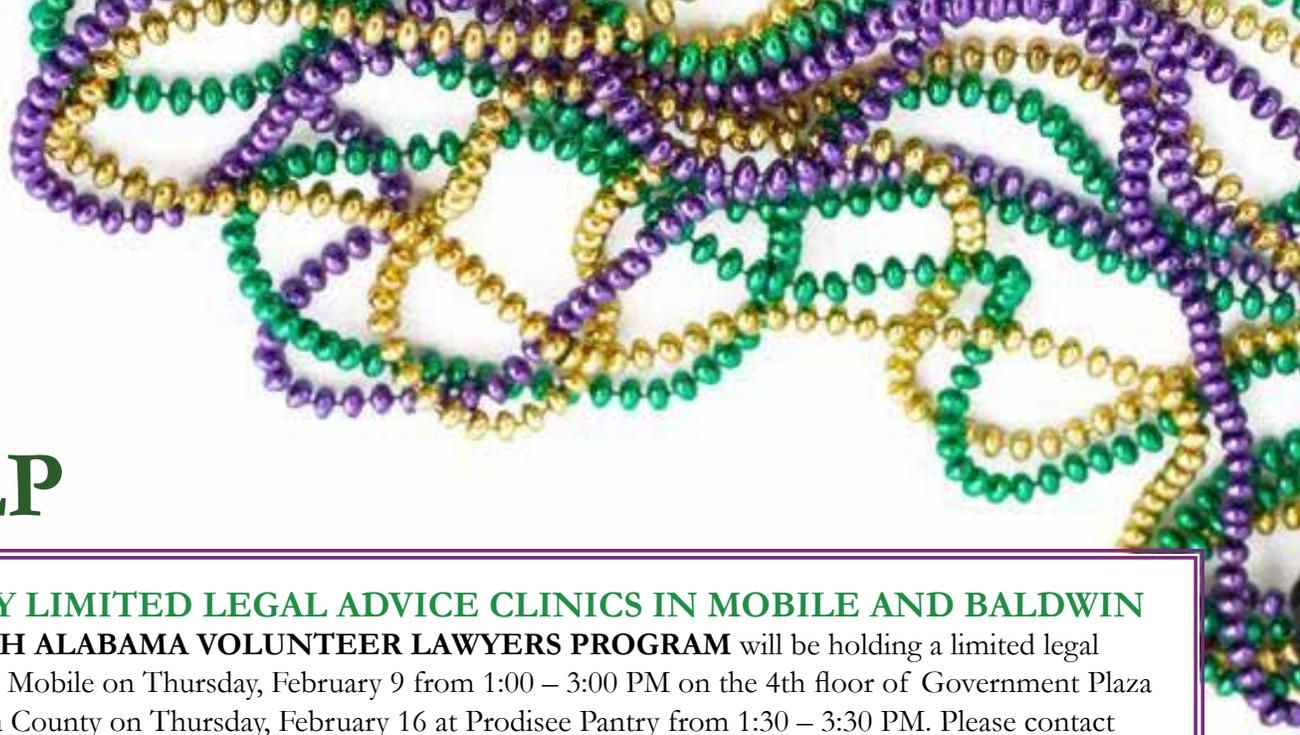
To all of you who have taken cases, or interviewed clients, or attended an event on behalf of the SAVLP, thank you! To those of you who have signed up as a volunteer but haven't gotten a call, don't worry – we have not forgotten you. We're just waiting for the right case to come along for you. To those who have not yet joined our panel, please consider doing so. For a minor investment of time, you can make a major difference in the life of someone needing legal representation! Your opportunity is only a phone call away!

Very Best Regards,



Barney March, III, Esq.





SAVLP

FEBRUARY LIMITED LEGAL ADVICE CLINICS IN MOBILE AND BALDWIN

The **SOUTH ALABAMA VOLUNTEER LAWYERS PROGRAM** will be holding a limited legal advice clinic in Mobile on Thursday, February 9 from 1:00 – 3:00 PM on the 4th floor of Government Plaza and in Baldwin County on Thursday, February 16 at Prodisce Pantry from 1:30 – 3:30 PM. Please contact the VLP office, 251-433-6693, if you are interested in volunteering to meet with folks with legal questions or if wish to learn more.

The **SAVLP** thanks the following volunteer attorneys for opening or closing cases in December and January:

MICHAEL E BALLARD

BLAKE BARNES

BILLY C BEDSOLE

JOHN T BENDER

WESLEY H BLACKSHER

THOMAS R BOLLER

THOMAS M BRAMLETT

ANDREA J BREWINGTON

CARIN D BROCK

ANN Y BROWN

J. CRAIG CAMPBELL

ANNETTE CARWIE

JEANNA D CHAPPELL

VIRGINIA G CHOUINARD

F. LUKE COLEY JR.

CELIA J COLLINS

JUDSON E CRUMP

MICHAEL DASINGER III

GLENN L DAVIDSON

BRENT T DAY

JOSEPH S DENNIS

SARAH B DORGER

JACQUELINE FLEMING-BROWN

BEN FORD

RICHARD W FUQUAY

ASHLEY S HARRIS

THOMAS E HARRISON

EDWARD G HAWKINS

BRENDA D HETRICK

R. SCOTT HETRICK

JENNIFER HOLIFIELD

J. GORDON HOUSE JR.

MELISSA P HUNTER

HERNDON INGE III

SAMUEL W IRBY

VIVIAN G JOHNSTON V

ANDREW M JONES

JOE CARL JORDAN

KATHLEEN COBB KAUFMAN

S. GAILLARD LADD

R. EDWIN LAMBERTH

RUTH LICHTENFELD

MICHAEL M LINDER JR.

E. RUSSELL MARCH III

IDA D MASHBURN-MYRICK

JAMES H McDONALD JR.

S. C. MIDDLEBROOKS

JESSICA A MILLING

JOHN R NIX

JOHN O'DOWD

TERRIE OWENS

JAMES D PATTERSON

MATTHEW W PETERSON

MARY E PILCHER

CHARLES J POTTS

GABRIELLE REEVES

KENNETH J RIEMER

J. BURRUSS RIIS

JAMES E ROBERTSON

HARRY V SATTERWHITE

STEVEN P SAVARESE JR.

CLIFFORD C SHARPE

HENDRIK SNOW

T. JEFF STEIN

SCOTT D STEVENS

RENEE E. THIRY

LANICE L TURRENS

GREGORY VAUGHAN

JESSICA L WELCH

RONNIE L WILLIAMS

MICHAEL A WING

THOMAS T ZIEMAN JR.

LAWYERS IN THE NEWS

BY FERRELL ANDERS FOR VACATIONING SANDY G. ROBINSON

IN SYMPATHY: Died, **LEWIS ODOM, JR.** on January 16, 2017. He was a former partner in the law firm of **MILLER HAMILTON SNIDER & ODOM** until his retirement in 1994. Prior to that, he had a distinguished military career in the U.S. Navy Reserve, the U.S. Army and the U.S. Air Force, where he achieved the rank of Major. After his military service, he had a distinguished career working for **U.S. SENATOR JOHN SPARKMAN** as his administrative assistant and also served as general counsel of the **U.S. SENATE SMALL BUSINESS COMMITTEE** and the **COMMITTEE ON BANKING AND CURRENCY**.

MARRIED: **KATHERINE “KATE” M. BROWNING** and **PHILLIP A. DEKEYSER**, married on January 21, 2017 at St. Joseph Chapel at Springhill College. Kate is the daughter of MBA members **RICHARD “DICK” BROWNING** and **ANDREW BROWNING**.

IN SYMPATHY: **WILLIAM “PAT” PATTERSON, SR.**, died at the age of 90 on January 22nd just five days before his son, MBA member and **JUDGE JAMES “JIM” T. PATTERSON**, was sworn in as Circuit Court Judge, 13th Judicial Circuit. Mr. Patterson served in the U.S. Navy during WWII. He worked for Alabama Power as an engineer (AU: 1949) rising to District Superintendent and later Division Superintendent/Distribution.



SIGNIFICANT DECISIONS

BY DUANE GRAHAM

In what may be a case of first impression, the Supreme Court in *Ex parte Lereta, LLC*, No. 1151054 (Ala., December 2, 2016), held that service by certified mail directed merely to the business entity, rather than to an appropriate officer or agent of the entity, was void for purposes of allowing a default judgment to be affirmed.

In a surprising case of first impression, the Supreme Court in *Ex parte State*, No. 1151151 (Ala., December 23, 2016), reversed the Court of Criminal Appeals and held that it was not error, in a de novo appeal of a criminal case from district court to circuit court, for the circuit court to admit into evidence the defendant's voluntary guilty plea in the district court, even though evidence of the district court's ruling would be inadmissible.

In a case of first impression, the Supreme Court in *Stinnett v. Kennedy*, No. 1150889 (Ala., December 30, 2016), held that the trial court erred in dismissing a wrongful death claim relating to the death of a pre-viable child.



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: _____

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

GIVEN IN MEMORY OF
J. ANTHONY "TONY" MCLAIN

BY

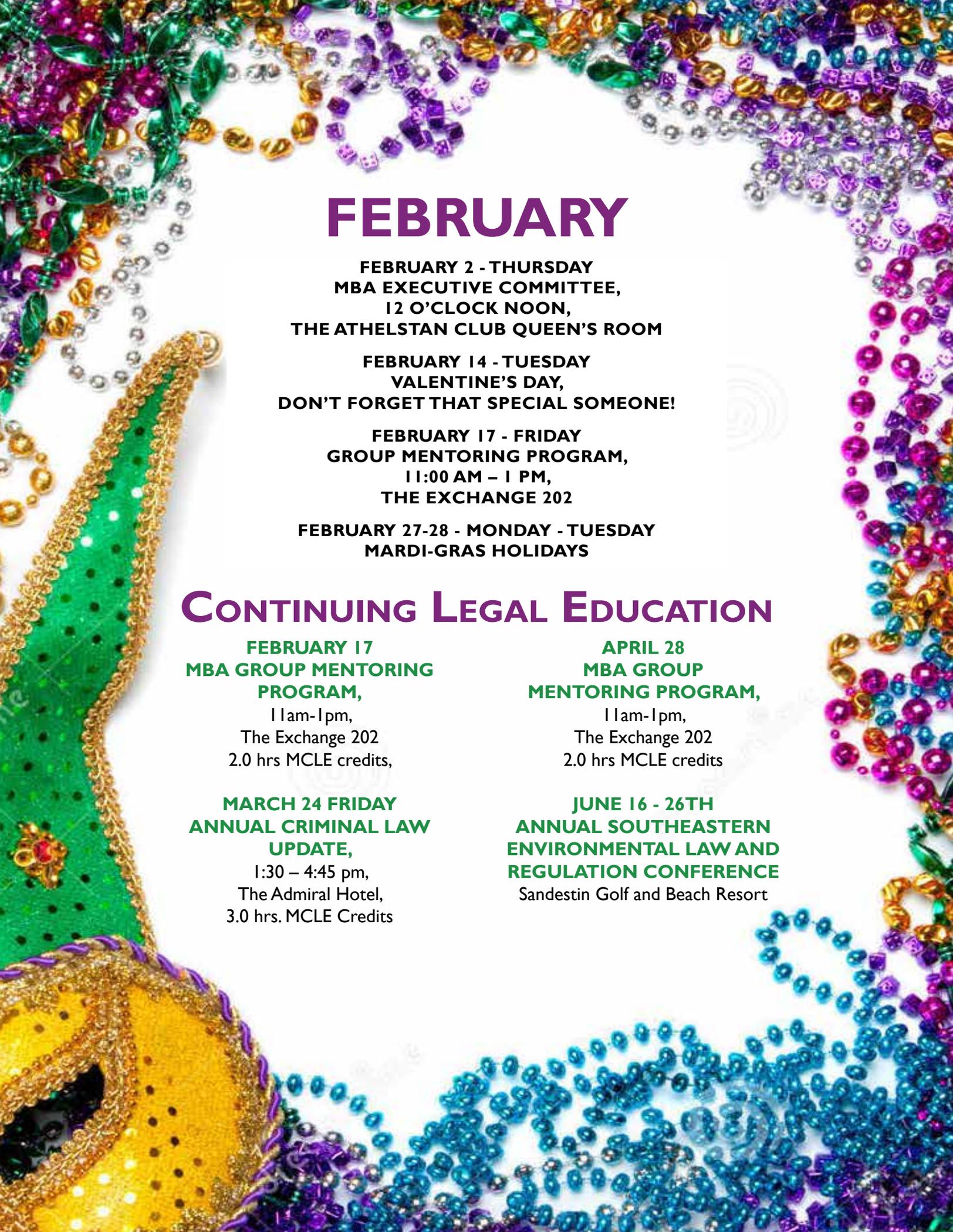
CASEY PIPES, ESQUIRE
JOHN N. LEACH, ESQUIRE
CAINE O'REAR, III, ESQUIRE
JOHN M. TYSON, SR

AND

MOLLY J. ATKINSON

BY

CHARLIE FLEMING AND KATHY MILLER



FEBRUARY

**FEBRUARY 2 - THURSDAY
MBA EXECUTIVE COMMITTEE,
12 O'CLOCK NOON,
THE ATHELSTAN CLUB QUEEN'S ROOM**

**FEBRUARY 14 - TUESDAY
VALENTINE'S DAY,
DON'T FORGET THAT SPECIAL SOMEONE!**

**FEBRUARY 17 - FRIDAY
GROUP MENTORING PROGRAM,
11:00 AM - 1 PM,
THE EXCHANGE 202**

**FEBRUARY 27-28 - MONDAY - TUESDAY
MARDI-GRAS HOLIDAYS**

CONTINUING LEGAL EDUCATION

**FEBRUARY 17
MBA GROUP MENTORING
PROGRAM,
11am-1pm,
The Exchange 202
2.0 hrs MCLE credits,**

**APRIL 28
MBA GROUP
MENTORING PROGRAM,
11am-1pm,
The Exchange 202
2.0 hrs MCLE credits**

**MARCH 24 FRIDAY
ANNUAL CRIMINAL LAW
UPDATE,
1:30 - 4:45 pm,
The Admiral Hotel,
3.0 hrs. MCLE Credits**

**JUNE 16 - 26TH
ANNUAL SOUTHEASTERN
ENVIRONMENTAL LAW AND
REGULATION CONFERENCE
Sandestin Golf and Beach Resort**