



President's Comments



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

The following column by past MBA President Micheal E. Upchurch is reprinted with permission.

MOBILE BAR BULLETIN - JANUARY 2013

What you don't hear much is a lawyer in Mobile saying "Sure, I enjoy the long hours and incredible stress of practicing law, but I just wish my colleagues would treat me worse." Of all the things in our professional lives that drive up our blood pressure and keep us awake at night fuming, the aggravations and frustrations of dealing with each other top the list. The Mobile Bar has grown, but we are still a fairly small, close group. Whether we practice trial work, bankruptcy, criminal law, domestic law, corporate law or something else, we generally deal with the same local lawyers repeatedly and regularly. We know each other, send our kids to the same schools, live in the same neighborhoods and go to the same churches. We are around each other constantly in conference rooms, courtrooms, meetings, recitals, ball games and grocery stores. Even so, often we treat each other like dirt. We are too easily offended, too quick to accuse each other of deceit and misconduct, and too eager to assume the worst motives behind our opponent's actions. There might be a few saints among us, but not many. I personally have a lot of room for improvement. Here's what I am going to do about it.

1. Return phone calls from other lawyers promptly, especially the ones I do not want to return. It takes two to communicate.
2. Avoid using e-mails and letters to address disagreements. They

continued on Page 3

In This Issue...

- BROWSINGpage 2
- Lawyers In The Newspage 5
- Continuing Legal Educationpage 9

2018 OFFICERS

PRESIDENT

JEAN M. POWERS

PRESIDENT ELECT

MARK A. NEWELL

VICE PRESIDENT

GEORGE W. "SKIP" FINKBOHNER, III

SECRETARY

K. MORGAN HOFFERBER

TREASURER

CHRISTOPHER B. ESTES

ASSISTANT TREASURER

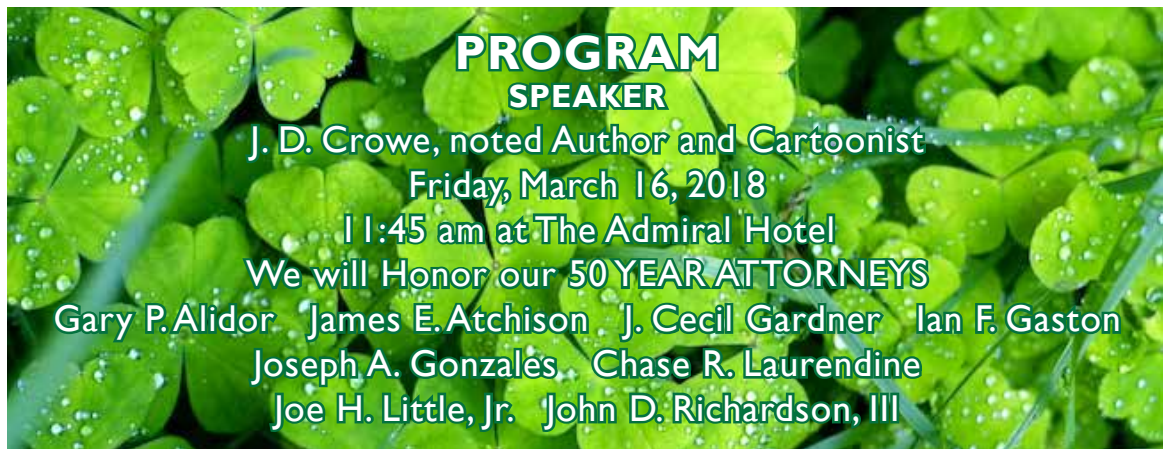
CHARLES E. "CHIP" TAIT

EXECUTIVE DIRECTOR

BARBARA C. RHODES

EDITOR

FERRELL S. ANDERS



PROGRAM SPEAKER

J. D. Crowe, noted Author and Cartoonist
Friday, March 16, 2018

11:45 am at The Admiral Hotel

We will Honor our 50 YEAR ATTORNEYS

- Gary P. Alidor James E. Atchison J. Cecil Gardner Ian F. Gaston**
Joseph A. Gonzales Chase R. Laurendine
Joe H. Little, Jr. John D. Richardson, III

BROWSING THE BAR... *WITH BARBARA*

March 29, 2019 marks the 150th anniversary of the organization of the **MOBILE BAR ASSOCIATION**. It is the oldest Bar Association in the State of Alabama, older even than the Alabama State Bar, and one of the ten oldest in the Nation. Your Executive Committee has appointed a Task Force, chaired by **MARK A. NEWELL**, to pull together a series of events to commemorate this special occasion. Watch this publication for more detailed information on coming events.

The **2018 COMMITTEES AND SECTIONS** have been formed and Chairs appointed and some have already met or scheduled a meeting. Please let either Tammy or myself know if we can be of assistance in any way – scheduling a meeting here at Bar Headquarters, the Athelstan Club or wherever you choose.

The March Luncheon is when we traditionally honor the Mobile Bar Association lawyers who have practiced for fifty years and this year is no exception. This 50 year honorees are **GARY P. ALIDOR, JAMES E. ATCHISON, J. CECIL GARDNER, IAN F. GASTON, JOSEPH A. GONZALES, CHASE R. LAURENDINE, JOE H. LITTLE, JR. and JOHN D. RICHARDSON, III.** Please mark your calendars now so you will not miss this very special occasion. In addition to our honorees, **J. D. CROWE**, noted Author and Cartoonist, will be our guest speaker.

APHORISMS FOR THE YEAR...

It's not whether you win or lose, but how you place the blame.

We have enough "youth". How about a fountain of "smart"?

The original point and click interface was a Smith & Wesson.

If at first you don't succeed skydiving is not for you.

We are born naked, wet and hungry. Then things get worse.

Artificial intelligence is no match for natural stupidity.

The latest survey shows that three out of four people make up 75% of the population!



President's Comments

continued from Page 1



only make them worse. It is too easy to misunderstand or be misunderstood in e-mails and letters. It is too easy to make snarkier comments than I ever would say in person. It is too easy to push the send button before I have gathered my wits, my thoughts and my composure.

3. Try to give the benefit of the doubt when there is more than one way to interpret what my opponent is doing. Lawyers are trained to be wary, and need to be. That is not the same thing as being suspicious. Our Bar Association is filled with honest, hardworking, conscientious people. I need to remember that.

4. Go the extra mile to work things out, rather than going to DEFCON ONE as soon as there is a hint of conflict. The pin can always be put back in the grenade if you don't let go of the handle.

5. Spend a little time getting to know my opponents socially, apart from our case or matter. Ask questions about family, interests and background. I have a lot in common with most lawyers on the other side.

6. Resist my worst impulses in court or in depositions to interrupt, accuse, insult, goad, ridicule or embarrass my opponent. I am supposed to be a professional, and I need to act like one.

7. Never, ever threaten the other lawyer with sanctions, a grievance, a whipping or anything else. Don't tolerate threats against others. That too is part of being a member of this profession.

8. Respect my opponent's efforts to represent his or her client zealously as the same responsibility that I have, rather than demonizing him or her for being in my way. We are both advocates, and neither is morally superior to the other. I can do better as a fellow lawyer and a member of this Bar Association, and I am going to try. I could use your help.

MOBILE BAR ASSOCIATION WOMEN LAWYERS

BY: RUTH LICHTENFELD

The **MBAWL** is a diverse group of women lawyers who, among other things, share common challenges in how to balance family/work/health/life issues. In an effort to address these challenges, the group met at the downtown YMCA on February 15, 2018 for the first in what will likely be an annual meeting concept of dialogue and exercise. A panel of four MBAWL members, composed of **MARY KRISTEN GALANOS, ANNA MANGHAM, ALISON HERLIHY,** and **CELIA COLLINS** plus **YMCA EXECUTOR DIRECTOR LAJUAN BLACK** and **YMCA MARKETING DIRECTOR ANNETTE PORTER-HAMM** shared with us their philosophies about how dedication to fitness benefits them both personally and professionally. The common theme in the discussion was make time for yourself and fitness and every other aspect of your life will benefit. After the discussion, we participated in abbreviated classes lead by the panelists of yoga, boot camp, and aerobic exercise, followed by a social gathering to cool down. If you missed it, plan on attending next year because it was a motivating and fun!

On **March 13, 2018** we are excited to have as our guest speaker **OFFICER JOHN YOUNG** of the Mobile Police Department. Officer Young will teach us about situational awareness and tips for personal safety. He will also address workplace safety. Our meeting is at Cade del Rio on the Causeway at noon. The cost is \$18.00 per person. No reservation is necessary, just come on down!

SAVE THE DATE FOR

THE SEVENTH ANNUAL TRAILBLAZER TEA ON MAY 15, 2018

Please save the date for our annual **TRAILBLAZER TEA** on May 15, 2018 at the Battle House Crystal Ballroom. The purpose of the tea is to honor a woman lawyer who has overcome challenges, accomplished great things, and blazed the path for future generations. We are now soliciting nominations for women who you believe deserve such recognition. The honoree is chosen by an anonymous, rotating selection committee of women lawyers from various practice areas. Please tell us in a few words what particular challenges or adversities you believe your nominee has overcome or feats she has accomplished, and send your nominations to **JULIA JAMES SHREVE** at jjj@ajlaw.com by March 30, 2018 so that the MBAWL can put together a memorable event to honor this extraordinary woman lawyer.

The events of the MBAWL serve dual purposes for that not only do we have the opportunities to learn and usually earn CLEs, but also the events offer opportunities to make new friends and network with women lawyers whom you might not meet otherwise. The benefits of being a member far exceed the \$25.00 annual dues. The dues can be paid by contacting our Treasurer, **TIFFANY SMITH** at tbs@johnstoneadams.com.

Join us! It's never too late to go for it!

LAWYERS IN THE NEWS

BY SANDY G. ROBINSON

CONGRATULATIONS: MBA member **GARRETT ZOGHBY** and wife **KATIE** welcomed daughter **CECILIA KATHERINE** on January 29, 2018. She is welcomed home by big sister **MARY HYLAND**, and is the newest granddaughter of MBA MEMBER **ALEX ZOGHBY**.

DIED: Mobile lawyer **HARRY RIDDICK** died February 10, 2018 after a long illness. He was born and reared in Demopolis, Alabama and was a long time resident of Mobile. Harry was a graduate of the University of Alabama, and served in the U. S. Army during WWII. After the war, he obtained his law degree from Harvard Law School. Harry practiced law as a partner with **HAMILTON, BUTLER, RIDDICK, TARLTON & SULLIVAN** (and predecessor firms). He served as president of the **MOBILE BAR ASSOCIATION**, chairman of the **ALABAMA STATE BAR SECTION ON OIL, GAS AND MINERALS** and sat on the **ALABAMA COURT OF JUDICIARY**. He was active in many Civic organizations. His special loves were designing and working his gardens at home; playing handball with his cronies at the Y; and together with his wife Tut, acquiring their collection of art and contemporary crafts and traveling abroad.

NOTEWORTHY PERFORMANCE: MBA member **CHRIS KERN** played the role of Charlie Aiken in the Joe Jefferson Players' presentation of **AUGUST: OSAGE COUNTY**. The last show was January 28th. He is a veteran in various community theaters, but you may have heard him more often than you have seen him as he is usually "in the pit" playing percussion.

CONGRATULATIONS: The **UNIVERSITY OF SOUTH ALABAMA** and the **U. S. A. NATIONAL ALUMNI ASSOCIATION** announced that MBA member **STEVE CLEMENTS** has been selected as the 2018 recipient of the **V. GORDON MOULTON SERVICE AWARD**. The award recognizes exceptional or continuing service to the University of South Alabama and the Alumni Association. *Congratulations, Steve!*



SIGNIFICANT DECISIONS

BY DUANE GRAHAM

In what may be an issue of first impression, the Supreme Court in *Newell v. Newell, No. 1160851* (Ala., December 15, 2017), held that the statute of frauds did not prevent recognition of an equitable mortgage.

Rejecting the notion that the tort of outrage is restricted to the three circumstances noted in *Potts v. Hayes, 771 So.2d 462, 465* (Ala. 2000), the *Supreme Court in Wilson v. University of Alabama Health Services Foundation, P.C., No 1160654* (Ala., December 15, 2017), held that other possible circumstances could be considered.

In *Green v. Beard and Beard Attorneys, No. 2160590* (Ala. Civ. App., Dec. 8, 2017), the Court of Civil Appeals upheld an attorneys' fee award under the Alabama Litigation Accountability Act against a party's attorney when the evidence revealed that the client had not authorized the filing of a libel claim.

SAVLP

ARIANA MOORE, EXECUTIVE DIRECTOR



SAVLP's inaugural **Spring into WINE + Art** will take place on April 15, 2018 from 2:00 pm-5:00 pm at the Fairhope American Legion overlooking scenic Mobile Bay. The event offers an opportunity for the community to gather and sample fine wine provided by International Wines, bid on local art and enjoy live music. All attendees must be 21 or over. Tickets are \$35 in advance and \$40 at the door. Please call 433-6693 or e-mail office@savlp.org for more information. We hope you will join us as we celebrate on a spring Sunday afternoon!

SAVLP is hiring a new **DIRECTOR OF LEGAL PROGRAMS (DLP)**. The successful candidate will make volunteering easy for private attorneys by executing innovative programming and offering training, support, and case management assistance for volunteers. Please e-mail a resume to office@savlp.org if you are interested in applying.

Minimum Qualifications:

Licensed in good standing to practice law in the state of Alabama

Proven project management, organizational, and administrative skills

Exceptional speaking and written communication skills

Strong interpersonal, network and leadership skills

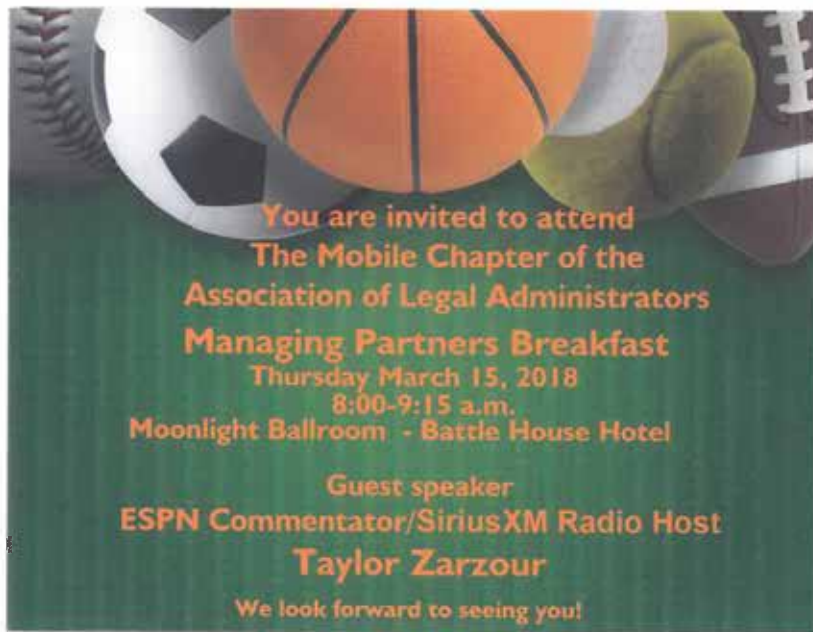
Ability to quickly absorb and analyze information and simplify complex issues for various audiences

A passion and a capacity for service that improves opportunities for those in greatest need

Background check and citizenship clearance

Thanks to the following attorneys who accepted or closed cases in January:

JOSEPH P. H BABINGTON, BLAKELY W BARNES, STEPHANIE L BOOTH, KNOX BOTELER, HENRY H BREWSTER, KENNETH PAUL CARBO, JR., UTOPIA C CASSADY, JAMES P COLEMAN, SAMUEL N CROSBY, BRENT T DAY, JOSEPH S DENNIS, REBECCA DING LEE, BRYAN G DUHE', PAGE S ELLIS, JACQUELINE FLEMING BROWN, DONALD A FRIEDLANDER, BARRY A FRIEDMAN, JOSH D FRIEDMAN, JAMES N GUIN, CHRISTINE HARDING HART, JENNIFER HOLIFIELD, WESLEY J HUNTER, MATTHEW R JACKSON, VIVIAN G JOHNSTON V, ANDREW M JONES, COLIN E KEMMERLY, GILBERT B LADEN, CAROL M LOWELL, E. RUSSELL MARCH III, S. C. MIDDLEBROOKS, LINDSAY C MIMS, THOMAS D MOORE, S. WESLEY PIPES V, BLAKE T RICHARDSON, MATHEW B RICHARDSON, JAMES E ROBERTSON, IAN D ROSENTHAL, SHEILA S SCHOEN, WILLIAM E SCULLY III, ROBERT SHREVE, PENNELOPE A SLAWKOWSKI, D. TRICE STABLER, T. JEFF STEIN, SCOTT D STEVENS, RENEE E THIRY, NEAL C TOWNSEND, RICHARD W VOLLMER III, PATRICK J WARD, AND JESSICA L WELCH.



Cost \$35.00
All Solo Attorneys and firms without
Managing Partners are invited
Please RSVP to
pdr@frazergreene.com



ANNOUNCEMENTS

Anyone with information about a **LAST WILL AND TESTAMENT** for **MICHAEL S. DAWSON** dated after June 30, 2010, please contact **JEAN POWERS** at 251.544.6744 or at Jean@JeanPowersLaw.net.

Established Mobile real estate development company seeks in-house counsel. Company offers competitive pay and benefits. Applicants must have at least 5 years of legal experience, preferably in real estate transactions and litigation. Please submit resumes to mobilerealestatedeveloper@gmail.com.

DOWNTOWN OFFICE SPACE AVAILABLE: 209 N. Joachim Street in historic DeTonti Square. Available: one large office, one smaller office. Within walking distance of federal courts. Amenities: Receptionist, VOIP telephone, internet, WIFI, email, fax machine, large color copier/scanner, onsite parking, lobby, conference room and kitchen. Contact ASHTON SHEPHERD (ashton@evanscrowe.com) or EVANS CROWE (crowe@evanscrowe.com) at 431 6011.

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



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

**WILLIAM A. "BILLY" KIMBROUGH, JR.
BY: E.T. ROLISON, JR.**



MARCH

MARCH 2 FRIDAY

**ASB BOARD OF BAR COMMISSIONERS
MEET IN MOBILE**

MARCH 8 THURSDAY

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

MARCH 16 FRIDAY

**MBA MONTHLY LUNCHEON,
11:45 A.M.
THE ADMIRAL HOTEL**

MARCH 17 SATURDAY

ST. PATRICK'S DAY

MARCH 19 MONDAY

**MBA WORKERS' COMPENSATION
COMMITTEE MEETING
12 O'CLOCK NOON,
ATHELSTAN CLUB**

MARCH 22 THURSDAY

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

MARCH 23 FRIDAY

**MBA MENTORING SESSION,
11 AM – 1 PM.**

CONTINUING LEGAL EDUCATION

Friday, March 16, 2018

"JUDGES PANEL"

The Admiral Hotel, Mobile, AL

1:30 – 4:45 pm

3.0 MCLE hours credits

(Including 1.0 Ethics credit)

Pre-Registration Fee:

\$75 Mobile Bar Association Members,

\$100 Non-MBA Members

Add \$25 for same day registration