



MONTHLY NEWSLETTER

Volume XLV,
Issue 12 • December 2016

President's Comments



**PETE MACKEY, PRESIDENT
MOBILE BAR ASSOCIATION**

When I took over from **BRIAN MCCARTHY** in December, he told me that one of the hardest parts of the job was writing this column every month. He was right. This month was the hardest, though I am not sure why. In any event, my wife cured my writer's block with one sentence. *"Relax Pete, no one reads your stuff, anyway."* And the words flowed ...

First – thanks so much. This has been a humbling, though reaffirming and thoroughly worthwhile activity that I wish every member of our bar could experience. I have heard that you won't eat sausage after you work in a sausage factory, but that does not apply here. Seeing things from the inside gave me a real appreciation for what our members do besides make a living. The number of pro bono hours our lawyers put into work on committees, the VLP program and the various sections is staggering.

Also, thanks to the members of the **MBA EXECUTIVE COMMITTEE** for the guidance they provided me and our members this year. Last, a very special thanks to **BARBARA** and **TAMMY**. Working with them made me feel like **COLONEL POTTER** on **MASH** – they repeatedly gave me the answer right before I asked the question.

There has been enough divisiveness this year to last a lifetime. It brings to mind two things that I repeatedly forget, remember and forget again. First, we should always consider that our belief may not be correct, no matter how strongly we think that it is. Doing so is a great deterrent to foot in mouth disease and also encourages collegiality. But doing it right is especially hard

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2016 OFFICERS

- PRESIDENT – PETER S. MACKEY
- PRESIDENT ELECT – J. GREGORY CARWIE
- VICE PRESIDENT – JEAN M. POWERS
- SECRETARY – MOSHAE E. MOORE
- TREASURER – ANNA L. SCULLY
- ASSISTANT TREASURER – ROBERT J. RICCIO
- PRESIDENT Y. L. – RUSSELL D. JOHNSON
- EXECUTIVE DIRECTOR – BARBARA C. RHODES
- EDITOR – FERRELL S. ANDERS

PROGRAM

ON FRIDAY, DECEMBER 16, 2016,

WE WILL CELEBRATE

“THE TRADITIONAL HOLIDAY EGG NOG
AND WINE GET-TOGETHER”

11:30 AM

THE ADMIRAL HOTEL THE PROGRAM WILL BE
HONOR PAST MBA PRESIDENTS

PRESENT MOBILE BAR FOUNDATION GRANTS
SOUTH ALABAMA VOLUNTEER LAWYER AWARDS

LEGAL SERVICES OF ALABAMA AWARDS

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President's Comments

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when you consider that we make decisions with our unconscious mind.

It is also hard because social media serves up a heap of whatever the algorithm determines you want to read or watch. It is so easy to post that zinger without even having watched it yourself – “[good person] destroys [bad person] with one question!”. What happened to critical thought - to rational, open-minded thinking informed by credible evidence? Daubert, anyone? Yes, America, our current President was born in Hawaii. No, America, our incoming President is not a Russian spy.

Second - words matter, and how and when we use them matter even more. Would you rather hear “I hate” and “that’s a lie”, or “that would not be my choice” and “I recall it differently”? It is easy to be tough when you are sitting behind a keyboard. There are a hundred excuses – “it’s a hard world today; I have to defend myself; that is such a PC view” – but they all ring hollow. The next time you hear a venom-laced screed from your opponent, smile and give a reasoned response. It may change the tone. Whether it does or not, though, you will walk away feeling better.

On a different note, we lost another giant of the MBA two weeks ago. **JOHN TYSON, SR.**, a friend and long time tenant in our building, left this world at age 91. “Larger than life” and “a force of nature” properly describe **BIG JOHN**, but he was so much more. When I think of the man, these adjectives come to mind – selfless, stubborn, caring, optimistic, confident, hilarious, and kind hearted. His obituary is well worth the read - <http://bit.ly/2foUjHw>. When did he have time to breathe? His daughter-in-law **BETH** told me that the last thing she heard him say was that we needed a new V.A. hospital in Mobile. R.I.P. **BIG JOHN**. You left a mark on Mobile that will never disappear.

Do not forget the Bar luncheon on December 16. There will be awards, camaraderie, eggnog and wine. I will make you an offer you can’t refuse. You promise to attend and I promise that this will be the last meeting that I preside over. Win – Win!

When I started writing this, I had some thoughts in mind that would have headed my words in a different direction. Then I read the following column written by **MIKE CRONAN**, the President of the Louisville Bar Association – **HOW IT ALL FITS: My Grandfather, Bourbon, Integrity and the Rule of Law**. While not exactly where I was going, it is pretty close and he says it much better than I could. This is included here with his permission. It is well worth the read.

HOW IT ALL FITS: My Grandfather, Bourbon, Integrity, and the Rule of Law

In my January “looking to the year ahead” page, one thing I could then say for certain about 2016 was that the presidential campaigns would end when elections were held on November 8. Because this issue of *Bar Briefs* is the last one before the long awaited elections, my first impulse was to rant on the state of presidential politics and the unprecedented acrimony and hostility flowing from the camps of entrenched parties at the far ends of the political spectrum and, it seems, from almost every point in between. On reflection, however, I think there is something much more important to discuss. It is a growing concern I have about what, at best, might be characterized as ignorance, and, at worst, as an outright attack on the separation of powers and the critical role of an independent judiciary in our constitutional democracy. My apologies in advance for taking you on a circuitous path to my point, but in some respects the path, itself, is the message.

This begins with my grandfather, who was a larger than life figure for me. Although he graduated from Jefferson School of Law, my grandfather never practiced law. World War I intervened. On the day he graduated, he joined the 138th Field Artillery, which was then a Louisville-based all horse-drawn artillery unit. He made it through that and through WWII. He would frequently say he wanted to wear out, not rust out. He got his wish. He died within 24 hours of suffering a heart attack on the day before his 90th birthday having just returned from a weeklong horseback camping trip in the Grand Teton Mountains. I’m getting to the point—really.

My grandfather would frequently stop by the house and visit. We would talk. I would mostly listen. He would hold a glass of bourbon (on the rocks), which he would sip as we talked. Occasionally, however, he would get quiet, look into the glass, and gently swirl the bourbon over the ice. You could tell he had briefly departed to another day and time. He was deep in thought and the glass of bourbon seemed something akin to a crystal ball.

It was not unusual for his silence to be broken by a single word which gave some clue to the place where his mind had traveled. Most often, the word was “integrity.” Just that—integrity—then silence again and a gentle swirling of the bourbon. To be polite, I would usually just wait for him to rejoin me in the moment. He didn’t explain, and I didn’t ask, but I knew the word “integrity” had importance to him as he said it with a sort of reverence and peace. I am pretty sure his not offering to explain had the desired effect of causing me to explore the meaning on my own. His plan apparently worked. Here it is, more than 27 years after his death, and I am not only still thinking about it, but now feel compelled to share my thoughts about it with you.

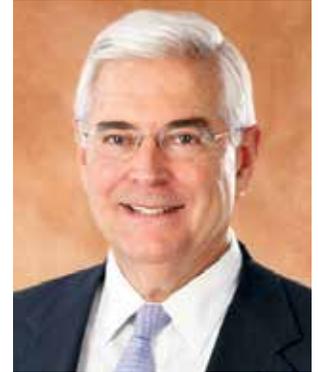
Integrity can be explained in many different ways. I learned from my experience in Navy JAG that there was a particular saying used, especially by enlisted men and women, to describe someone for whom they had respect—a solid citizen. We might say it was someone who “has their head on straight,” but in the Navy, that person was described as someone who had “all their gear in the same bag” (I’ve cleaned it up a little as to what was in the bag). In any event, having all one’s gear in the same bag was an especially desirable trait in the cramped living quarters aboard ship.

In a way, this was a crude reminder of one aspect of what I think my grandfather had in mind when he would utter the word “integrity” after a period of reflection. I think he was expressing more than traits of honesty and strength of moral character customarily associated with the word. Beyond that, I think he was describing a sense of wholeness achieved by seeing how all the parts are supposed to fit together, life experiences or otherwise, in harmony and solidarity.

So how does all this relate to my initial expression of concern that our constitutional separation of powers, and especially the role of an independent

judiciary, are under attack? It relates because I believe a loss of integrity threatens our system of government at the institutional as well as the individual levels.

At the institutional level, for things to work well there must be both an understanding and respect for the proper roles, responsibilities and authority of executives, legislative bodies and courts. Certainly at the individual level, integrity is required of the persons who serve as chief executive officers, legislators and judges both in the sense of the more traditional understanding of honesty and moral courage, but also in the broader sense of not only understanding, but also adhering to the limitations on their respective exercise of authority.



The type of integrity requiring an understanding and respect for the way all the parts are supposed to fit together in harmony is required of each of the three branches and should be reinforced by the oaths all take to support and defend the constitutional principles defining their respective roles.

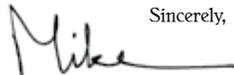
Legislators with integrity don’t pander to popular sentiment in proposing or supporting legislation with almost certain knowledge that it will violate constitutional principles, but may go unchallenged because the rights of only a few individuals who lack financial resources may be infringed.

Judges with integrity don’t write opinions or establish precedent which substitutes their personal beliefs for the law, nor do they act in ways which undermine public confidence that cases will be decided on the basis of their exercise of independent judgment free from political or other external pressures.

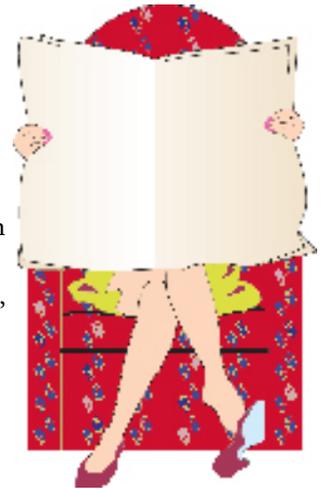
Chief executives with integrity, and those who aspire to that role, despite absolute certainty that theirs is the only enlightened and correct answer, don’t act in ignorance of the role of legislatures and the courts, nor in the name of efficiency do they act in willful violation of constitutional or statutory constraints. When called upon to explain their conduct, they don’t undermine the public’s confidence in the courts by criticizing the courts or advocating that court orders be ignored.

The type of integrity requiring an understanding and respect for the way all the parts are supposed to fit together in harmony is required of each of the three branches and should be reinforced by the oaths all take to support and defend the constitutional principles defining their respective roles. It is in those principles we find the intention to strike a balance between the need for efficiency in government and the right of those who are governed to have a voice.

A utopian harmony among the three branches of government is not realistic. Indeed, the concept of “checks,” as in “checks and balances,” recognizes that things will likely get out of balance and will require corrective measures. As I see it, however, these are more threatening times because the imbalances are becoming so extreme, and are occurring with such frequency, that they can exceed the system’s ability to effectively check them. We, as lawyers, have traditionally comprised the largest single group of players at each level of government. Whether actually serving in the role of a chief executive, a legislator, a judge, or as a lawyer counseling those serving in those roles, I believe it is more important than ever that all act with integrity and insist on it from others. Too much is at stake if we don’t.

Sincerely,

Charles J. (Mike) Cronan IV
LBA President

Browsing the Bar With Barbara



I know I probably say this every year, but I truly enjoy my job. I am well into my 36th year and I appreciate the patience each new President has shown me as he/she has helped us bring the Bar Association into the techno age. **TAMMY ANDERSON**, who has been working with us for almost 30 years, is the technology guru – she is what makes all things in that department work, **BULLETIN** on line, email blasts, Facebook, website, etc. She is a whiz and we are lucky to have her.

We have over 1200 lawyer-members of the **MOBILE BAR ASSOCIATION** – considering there were only approximately 450 when I began working here, that is quite something. There are more than 280 women lawyers now as opposed to approximately 20 back in 1980. Another interesting statistic, our luncheon meeting attendance back in the 1980s averaged 110 – 120 per luncheon, which is about what it averages now!

During my 35 years we have added the **PRO BONO PROGRAM**, now known as the South Alabama Volunteer Lawyer Program, as well as the Mobile Bar Foundation. Many hours of free legal services have been provided to those in need and many thousands of dollars have been given to programs benefiting the legal profession in some way or another. Along the way Lawyers have raised funds for many causes, most recently a college fund for the baby daughters of one of our own tragically killed too soon. Lawyers are givers, of their time, their funds, their knowledge and their energy and more than likely not recognized or acknowledged for their acts of kindness. Well, I for one recognize and appreciate all that is done and never let an opportunity go by to sing their praises!

Thank you each and every one who has touched my life through the years. Tammy and I wish you all the very best for this Holiday Season.



ANNOUNCEMENTS

ADAMS and REESE is pleased to announce that **RAYMOND L. BELL, JR.** has joined the firm as Special Counsel in the Special Business services Practice group in the Mobile office.

IN-HOUSE ATTORNEY POSITION: Prominent Mobile company has an immediate opening for a Corporate counsel (in-house) attorney with 3-8 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 205.986.9140x4.

IF ANYONE KNOWS of the existence of the **ORIGINAL WILL** of **HENRIETTA RHEA POWELL** born 9 July 1929, who passed away 10 September 2016, please contact the **LAW OFFICE OF THOMAS R. BOLLER** 251.433.2133.

LAST WILL & TESTAMENT: **TIM REYNOLDS** is trying to locate a Last Will and testament prepared for his uncle, **DANNY EARL COLLINS**, by a Mobile attorney. If you have any information, please call Tim Reynolds at 251.751.9197.

225 DAUPHIN STREET historic office space available for lease on second and third floors. 500-3,000 sq ft available with balcony. Convenient to all courts. Call **THE DRUMMOND GROUP, INC** at 694.1180 for further information. Anyone having information about the Last Will and Testament of **NANCY MEADOWS SHARPE**, please contact **FERRELL ANDERS** at 509-0764.

EXTREMELY NICE PROFESSIONAL OFFICE space for lease at 1325 Dauphin Street. Available space ranges from 650 to 1,530 square feet at 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

MOBILE BAR ASSOCIATION WOMEN LAWYERS

BY: ALEXANDRA K. GARRETT



MBAWL held its monthly meeting on November 8 at **T.P. CROCKMIERS**. Attendees were honored to host retired United States Air Force Colonel George May who spoke about warrior mentality and our veterans' significant sacrifices.

MBAWL will hold elections for its Executive Board in January. Anyone interested in serving on the board or nominating someone else may email her nomination to **PRESIDENT SUNTREASE WILLIAMS-MAYNARD** at s.williams08@yahoo.com. The nomination period closes at close of business on December 1, 2016.

In conjunction with the Baldwin County and Mobile Bar Associations Bench and Bar Event, MBAWL will host *"Have a Seat at the Women's Bar: Morning Mimosas"* at the Grand Hotel on December 2, 2016 from 10:00 a.m. – 11:00 a.m. Attendees will have the opportunity to mix and mingle with other lawyers, gain insight from women jurists who will lead small group discussions on topics relevant to women lawyers' practices, and celebrate MBAWL's and their own accomplishments over the last year. We are also sponsoring a book drive. See our flyer elsewhere in this edition of the Bulletin. All donated books will support the Little Free Libraries for Schools, which is a **ROTARY CLUB OF MOBILE INITIATIVE**. This initiative is a partnership with **BIG BROTHERS BIG SISTERS**, where ten libraries have been produced, six of which have been placed at area elementary schools with three others to be placed at schools before the summer's end. So, we are asking for books that are appropriate for elementary school-aged children. Please bring to Bench and Bar event.

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA MOBILE, ALABAMA PUBLIC NOTICE FOR REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current term of office of United States Magistrate Judge Katherine P. Nelson, United States District Court, Southern District of Alabama, is due to expire on June 3, 2017. The United States District Court is required by law to establish a Panel of citizens to consider the reappointment of the Magistrate Judge to a new eight-year term.

The duties of the position are demanding and wide-ranging and include the following:

- (1) Conduct of most preliminary proceedings in criminal cases;
- (2) Trial and disposition of misdemeanor cases;
- (3) Conduct of various pretrial matters in civil cases and evidentiary proceedings on delegation from the Judges of the District Court;
- (4) Trial and disposition of civil cases upon consent of the litigants; and
- (5) Jury selection in most civil and criminal cases.

Comments from members of the Bar and the public are invited as to whether the incumbent Magistrate Judge should be recommended by the Panel for reappointment by the Court. All comments should be marked "Confidential" and directed to:

Charles R. Diard, Jr., Clerk
U. S. District Court
Southern District of Alabama
113 St. Joseph Street
Mobile, AL 36602

Comments must be received by close of business January 3, 2017.





LAWYERS IN THE NEWS

By SANDY G. ROBINSON

WE SALUTE ALL OF OUR MBA ACTIVE DUTY MILITARY AND VETERANS, AND HONOR THOSE VETERANS WE LOST THIS YEAR: RICK YELVERTON, LES MCINTYRE AND JOHN TYSON, SR.

LEGAL MILESTONES:

BORN: MBA member **WALTER GEWIN** and wife, **BLAIR**, announce the birth of their first child, **AMELIA WREN GEWIN**, on August 10, 2016. All are doing well. Congratulations!

DIED: MBA member **JOHN M. TYSON, SR.** died on November 7, 2016 at the age of 91. He was a graduate of the University of Alabama and University of Alabama School of Law, and was a longtime active member of Government Street Presbyterian Church. He served in the U. S. Navy during World War II and Korea as a combat pilot and remained in the Navy reserves as a pilot and JAG for over 40 years. He served as a member of the Alabama House of Representatives and as a State Senator and was one of the founders of the University of South Alabama. He served as municipal judge, and city attorney, for numerous municipalities in Mobile County. He was active in too many civic activities to list, but was especially devoted to Veterans' activities and causes. He was truly devoted to public service throughout the community and the state of Alabama. He is survived by seven children, including MBS member **JOHN TYSON, JR.**, fourteen grandchildren and seven great-grandchildren, in addition to many other relatives and friends.

DIED: CAPT. RALPH WINDOM, father of MBA members **STEVE WINDOM** and **MIKE WINDOM**, died on Oct. 27, 2016 at the age of 93. He was a highly decorated veteran of World War II and the Korean Conflict, and was awarded a Bronze Star during World War II and a Silver Star for his heroism in the Korean War. Following the Korean War, he continued to serve in the U. S. Army until his retirement in 1962. He worked as a real estate broker in Montgomery, and earned his bachelor's degree from Auburn University in 1976. In addition to his sons, he is survived by two daughters-in-law (**JUDGE MARY BECKER WINDOM** and **MARION STEINFELS**), five grandchildren and seven great-grandchildren.

DIED: VIRGINIA SPANN BEDWELL, mother of **ASSISTANT U. S. ATTORNEY GLORIA BEDWELL**, passed away peacefully at her home in Mobile, Alabama on October 20, 2016 at the age of 95. She was a child of the Great Depression, and studied violin, piano, voice and dance in her formative years. She attended Montevallo University and earned a degree in Education in 1943. She taught at Selma High School, and later retired from teaching to raise her three children. She was active in her church, Forest Lake United Methodist Church in Tuscaloosa, serving in many roles there and including Sunday School, the Church Choir, Vacation Bible School and the United Methodist Women. She moved to Mobile in 1993. She is survived by three children, eight grandchildren, one great-grand child, many nieces and nephews and great nieces and nephews.

DIED: MARY ELIZABETH "BETTY" COALE, wife of MBA member **HARWELL COALE, JR.**, died peacefully on November 13, 2016. She was born in Montgomery, but lived most of her life in Mobile. She loved to play tennis and operated a tennis apparel shop at the Mobile Country Club for a number of years. She was also a high school teacher and sold real estate and antiques. She loved music and singing and enjoyed singing in the choir at Christ Church Cathedral for many years. In addition to her husband, she is survived by her three children, five grandchildren, and many other relatives and friends.



SIGNIFICANT DECISIONS

BY DUANE GRAHAM

Reaffirming prior precedent, the Supreme Court in *ENT Associates of Alabama, P.A. v. Hoke*, No. 1141396 (Ala., September 2, 2016), held that action was barred by the applicable statute of limitations when it was filed without clear intent that the plaintiff would serve process on the defendant.

In *Ex parte Watters*, No. 1150182 (Ala., October 21, 2016), the Supreme Court held that a criminal defendant was entitled to a pretrial evidentiary hearing on her immunity defense based on self-defense. The Court noted that the Legislature amended Ala. Code § 13A-3-23 in 2006 to add subpart (d), which treats self-defense as an “immunity from prosecution” rather than an affirmative defense. The Court further noted that to subject a defendant claiming such immunity to a jury trial in order to establish the immunity would defeat the purpose. The Court also noted that the Legislature had amended the statute again in 2016 to provide specifically for such a pretrial hearing. See Ala. Code § 13A-3-23(d)(2).

In a procedurally and factually complicated case involving an estate that was being administered in both the Probate Court of Jefferson County and in the equivalent court in England, the Supreme Court in *Ex parte Scott*, No. 1140645 (Ala., October 28, 2016), held that the Probate Court of Jefferson County lacked subject matter jurisdiction to order Alabama recipients of money from England resulting from the sale of lands in England to pay such funds into the Probate Court of Jefferson County for escrow purposes because those funds were inherently part of the English court’s jurisdiction.

In a case involving appellate jurisdiction, the *Court of Civil Appeals in Graham v. City of Talladega*, 2016 WL 6310760 (Ala., October 28, 2016), held that the 42-day appeal time began running when the trial court dismissed the original complaint and not when the trial court subsequently dismissed the amended complaint. The court noted that the case had been set for trial prior to the filing of the amended complaint, thus requiring trial court permission under A.R.C.P. 15 to file an amended complaint. Given that no such permission was requested or obtained, the amended complaint was a procedural nullity.



The **YOUNG LAWYERS** would like to thank **SOURCE ONE & MOBILE BAY REPORTING** for hosting the November meeting. We will not be hosting a December meeting due to the holidays.

As the end of 2016 quickly approaches, I want to thank the members of the Mobile Bar for helping make 2016 one of the most successful years ever for the **YOUNG LAWYERS**. Everyone rallied around the tragic loss of **JUSTIN PARSONS** and seized on the opportunity to help secure the future education for his two daughters, **PALMER & PERRY**. Thanks to your efforts, we donated \$23,000.00 to the **JUSTIN PARSONS SCHOLARSHIP FUND**, had an incredible golf tournament, hosted **FUNFEST** for the children of **ST. MARY’S HOME** and donated \$1,000.00 to their mission, and had great monthly meetings with superb attendance. Thank you again to all of our sponsors, to those of you who took time out of your schedules to participate in our events, and to the **YOUNG LAWYERS EXECUTIVE BOARD** members, whose diligent efforts made this year so successful.

Beginning January 1, 2017, **TIM “TEDDY SLATER” HEISTERHAGEN** will be taking over as President of the Young Lawyers. Your new Vice President for 2017 is **KATE “JUST KATE” BROWNING**. I am pleased to announce that **WEATHERS “I BRING THE THUNDER” BOLT** will be taking over as Treasurer in 2017. He is mostly excited to join because he knows that he will no longer receive see e-mails from me.

If you are not on the Young Lawyers e-mail list and would like to be, or if you have any suggestions, questions, concerns, or comments, please e-mail **PRESIDENT-ELECT TIM HEISTERHAGEN** (tah@ajlaw.com) **VICE-PRESIDENT KATE BROWNING** (kmb@rebpc.net), or **TREASURER WEATHERS BOLT** (wbolt@starneslaw.com). Also, if you have any events to share with your fellow **YOUNG LAWYERS**, let us know and we will be sure to include it on our **YL FACEBOOK PAGE**.

SAVLP

MIKE DEGEN, PROGRAM ASSISTANT

As we come to the close of 2016 we want to thank all of the volunteers and partner organizations that help make SAVLP a successful program. We wish everyone a safe and happy holiday season!

Please make plans to attend the Bench and Bar Awards Ceremony on Friday, Dec. 2 and the MBA December luncheon on Friday, Dec. 17. Both events will be held at the Admiral Hotel and the SAVLP will present outstanding service awards at each. We look forward to recognizing the members of the Bar for their support this year.

There will be a limited legal advice clinic in Mobile Thursday, Dec. 8 from 1:00 – 3:00 PM on the 4th floor of Government Plaza. Please contact the VLP Office at (251) 433-6693 if you are interested in volunteering.

SAVLP will be holding a Lunch & Learn event on Dec. 5 from 12:00 – 1:30 PM at Prodiscee Pantry in Baldwin County. Free information will be provided by HUD-approved housing counselors to those who are struggling to hold onto their homes.

The SAVLP would like to express gratitude to the following volunteer attorneys for either opening or closing pro bono cases with the program in the month of November:

DONNA S. AMES
KATHERINE A. BARTON
JOHN T. BENDER
WESLEY H. BLACKSHER
MARY ALLIE E. BOLLER
MICHAEL E. BOX
DOUGLAS L. BROWN
A. WINSLOW BUTTS
ELLA L. BYRD
ANNETTE CARWIE
JAMES P. COLEMAN
AURELIUS EVANS CROWE
JOHN J. CROWLEY JR.
LISA B. DEEN
J. MICHAEL DRUHAN JR.

JACQUELINE FLEMING-BROWN
BARRY A. FRIEDMAN
JOSH D. FRIEDMAN
JON A. GREEN
WESLEY HARBUCK
ASHLEY S. HARRIS
R. SCOTT HETRICK
JENNIFER HOLIFIELD
SCOTT W. HUNTER
HERNDON INGE III
KATHLEEN COBB KAUFMAN
TIMOTHY C. KINGSTON
GILBERT B. LADEN
AUGUSTINE MEAHER III
S. C. MIDDLEBROOKS

PAUL BRADLEY MURRAY
JAMES D. PATTERSON
MATTHEW W. PETERSON
SEAN D. PHINNEY
MARY E. PILCHER
VIRGINIA B. POYNTER
HENDRIK SNOW
SCOTT D. STEVENS
EUCELLIS Z. SULLIVAN
RENEE E. THIRY
PETE J. VALLAS
PATRICK J. WARD
RONNIE L. WILLIAMS
THERESA N. WILLIAMSON
MICHAEL A. WING



**The Mobile and Baldwin County Bar Associations
28th Annual Bench and Bar Conference
"BENCH & BAR 2016"**

December 2-4 2016

Marriott's Grand Hotel, Point Clear, AL, Conference Center Grand Ballroom

Seminar 5.0 hours MCLE Credits,

including 1 hour Ethics Credit/Young Lawyer Judges Mixer - 1.0 hr. MCLE Credit

Women Lawyers 1.0 hr. MCLE Credit

Conference General Registration Fee \$200 - Golf \$50 extra

Young Lawyers Registration Fee \$100 (Young Lawyers are those under 36 years of age OR practicing five years or less)

Registration after Monday, November 28 add an additional \$25.00

FOR HOTEL RESERVATIONS AT SPECIAL MBA RATES CALL MARRIOTT DIRECT 251.928.9201 BY NOVEMBER 2, 2016

HANDOUT MATERIALS WILL BE EMAILED TO ALL REGISTERED ATTENDEES PRIOR TO THE CONFERENCE

FRIDAY, DECEMBER 2, 2016

9:30 am - 1:30 pm **REGISTRATION**

10:00 am - 11:00 am **WOMEN LAWYERS: HAVE A SEAT AT THE WOMEN'S BAR: MORNING MIMOSAS**

Conference Center, Beach Side Room

11:15 am - 12:30 pm **YOUNG LAWYERS - FEDERAL & STATE TRIAL JUDGES LUNCHEON MIXER**

Conference Center, Grand Ballroom South,

WILLIAM CASSADY, Magistrate Judge, U.S. District Court, Southern District of Alabama

1:00 - 6:00 **BENCH & BAR CONFERENCE**, Conference Center, Grand Ballroom North

WELCOME AND INTRODUCTION DAVID M. HUGGINS, Esquire & **JAMES LYNN PERRY**, Esquire

1:00 - 2:00 **ETHICS UPDATE: "Ethics Update including ESI "**

J. ANTHONY "TONY" MCLAIN, General Counsel, Alabama State Bar

2:00 - 2:30 **"BE THE LIGHT"**

R. Ashby Pate, Esquire , Lightfoot, Franklin & White, LLC

2:30 - 3:05 **"A LETTER NOT SENT: THE 10th AMENDMENT and CONFEDERALISM "**

ROBERT H. SMITH, Circuit Court Judge, 13th Judicial Circuit

3:05 - 3:20 **HOWELL T. HEFLIN HONOR & INTEGRITY AWARD**

Presented By: **PETER S. MACKEY**, President Mobile Bar Association

STEVEN P. SAVARESE, JR., President Baldwin County Bar Association

3:20 - 4:20 **KEY NOTE SPEAKER-"THE MEANING OF JUSTICE: AT THE SUPREME COURT and FOR ALABAMA"**

SHERYLL D. CASHIN, Law Professor at Georgetown University,

Noted Author, Former U. S. Supreme Court Law Clerk, Alabama State Bar Member

4:20 - 4:35 **SOUTH ALABAMA VOLUNTEER LAWYER PROGRAM PRO BONO AWARD**

SPONSOR DOOR PRIZE DRAWINGS

4:35 - 4:50 **"LAWYER ASSISTANCE PROGRAM"**

ROBERT THORNHILL, Director, Alabama State Bar Lawyer Assistance Program

4:50 - 5:30 **"LEGEND, LORE, and LITIGATION: UNUSUAL TALES FROM THE BENCH and BAR "**

TIMOTHY A. LEWIS, Esquire, Alabama State Law Librarian

5:30 - 6:00 **"A HUMOROUS LOOK AT THE BENCH AND BAR"**

SAMUEL N. CROSBY, Esquire, Stone Granade & Crosby, PC

COOPER C. THURBER, Esquire, Phelps,Dunbar, LLP

JUDGE EDWARD B. "TEDDY" MCDERMOTT

6:00 - 7:30 **COCKTAIL PARTY** Grand Hotel Conference Center Ballroom South, Friday, December 2, 2016

SATURDAY, DECEMBER 3, 2016

GOLF TOURNAMENT Lakewood Gulf Club,

Shotgun Start at 9:00 am.

You **MUST** be registered for the Seminar in order to play golf and be eligible for prizes. Participation is limited.



**YOU ARE CORDIALLY INVITED TO
HAVE A SEAT AT THE WOMEN'S BAR: MORNING MIMOSAS**



FRIDAY, DECEMBER 2, 2016 10:00-11:00 A.M.
MARRIOT'S GRAND HOTEL, BEACH SIDE ROOM

Please join the Mobile Bar Association Women Lawyers to reflect on our goals and celebrate our 2016 accomplishments! We are excited to welcome these esteemed members of the Bench, who will lead table discussions with our Bar:

**The Honorable Sonja Bivins
The Honorable Margaret Mahoney
The Honorable Sarah H. Stewart
The Honorable Jill P. Phillips
The Honorable Shelbonnie Hall**

Please bring a children's book to be donated to the Little Free Libraries for Schools, a program of the Rotary Club of Mobile in partnership with the Big Brothers Big Sisters of South Alabama

\$20.00 (for participants of the book drive)
\$25.00 (for non-participants of the book drive)

Registration begins at 9:30. Checks payable to MBAWL accepted at the door



MOBILE BAR FOUNDATION

PLEASE GIVE

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

In honor/memory of: _____

Acknowledgement to: Name _____

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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



December Events

**DECEMBER 2-4 FRIDAY – SUNDAY
28TH ANNUAL
BENCH & BAR CONFERENCE,
MARRIOTT’S GRAND HOTEL,
POINT CLEAR,AL**

**DECEMBER 8 - THURSDAY
MBA EXECUTIVE COMMITTEE MEETING,
12 O’CLOCK NOON
THE COVE ROOM OF THE ADMIRAL HOTEL**

**DECEMBER 9 - FRIDAY
SEMINAR: INTRODUCTION TO THE
APPOINTMENT PROCESS,
1:30 – 4:45 PM,
THE ADMIRAL HOTEL**

**DECEMBER 15 - THURSDAY
MBA GRIEVANCE COMMITTEE MEETING,
12 O’CLOCK NOON,
THE ATHELSTAN CLUB**

**DECEMBER 16 - FRIDAY
ANNUAL HOLIDAY LUNCHEON,
11:30 AM,
THE ADMIRAL HOTEL**

**DECEMBER 16 - FRIDAY
SEMINAR: ANNUAL CIVIL LAW UPDATE,
1:30 – 4:45 PM,
THE ADMIRAL HOTEL**

**DECEMBER 23-26 FRIDAY & MONDAY
CHRISTMAS HOLIDAYS**

**DECEMBER 30 - FRIDAY
NEW YEAR HOLIDAY**

2017

**JANUARY 2 - MONDAY
NEW YEAR HOLIDAY**



Continuing Legal Education

**DEC 2-4 FRI-SUN
ANNUAL BENCH & BAR CONFERENCE,
Marriott’s Grand Hotel
10:00 am - Women Lawyers Conclave
1.0 hr. MCLE Credit
11:00 am - YOUNG LAWYER/JUDGE MIXER
1.0 hr. MCLE Credit
1:00 pm - CONFERENCE 5.0 hrs. MCLE
Credit including 1.0 hr. Ethics**

**DEC 9 FRIDAY
INTRODUCTION TO
APPOINTMENT PROCESS,
The Admiral Hotel,
3.0 hrs. MCLE Credits**

**DEC 16 FRIDAY
ANNUAL CIVIL LAW UPDATE,
The Admiral Hotel,
3.0 hrs. MCLE Credits including 1.0 hr. Ethics**

**Dec 21 - WEDNESDAY
ANNUAL PROBATE COURT APPOINTED
LAWYER SEMINAR
10:00 A.M. to 4:30 P.M. with lunch break
Cost: FREE! All lawyers who desire probate appointments
who have not attended before should attend.**

**2017
JAN 20 FRIDAY – JUDGE’S PANEL,
The Admiral Hotel, 3.0 hrs.
MCLE Credits including 1.0 hr. Ethics**

**MAR 24 FRIDAY
ANNUAL CRIMINAL LAW UPDATE,
The Admiral Hotel,
3.0 hrs. MCLE Credits**