



MONTHLY NEWSLETTER

Volume XLVI,
Issue 5 • May 2017

President's Comments



**GREG CARWIE, PRESIDENT
MOBILE BAR ASSOCIATION**

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2017 OFFICERS

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MAY 1 is law day, a special day aimed to help people appreciate their liberties and to affirm their loyalty to the United States, especially in regard to equality and justice. It originated in 1957 when the American Bar Association president envisioned a special day for celebrating the U.S. legal system.

This year's law day theme is *"The 14th Amendment: Transforming American Democracy."* As explained in the ABA Journal, the 14th Amendment through its citizenship, due process, and equal protection clauses, advanced the rights of all Americans. It has also played a pivotal role in extending the reach of the Bill of Rights to the States and serves as the cornerstone of landmark civil rights legislation, the foundation for numerous federal court decisions protecting fundamental rights.

There are many events in May in which lawyers can participate. On May 2, WPMI (Channel 15) will host the Mobile Bar Association's traditional **"LAW DAY HELPLINE."** **WESLEY PIPES** is chairing this year's Law Day committee, and **MIKE STRASAVICH** has agreed to sub-chair the Helpline. We typically need six to eight lawyers for each two hour slot working the phone lines from 6:00 am through 5:00 pm. I have volunteered for this for the past few years, and the majority of callers are extremely grateful and appreciative of the free legal advice given. Please call **MIKE** or **BARBARA** or **TAMMY** at the **MBA** to sign up for a slot. I know that by the time you receive this bulletin, it will be a day or two before the event, but we will still probably have a few open slots. We typically receive numerous calls with questions ranging from domestic relations, probate, wills and estates, to personal injury, social security disability, and worker's comp. In the last few years, we have received several calls regarding boundary line disputes and dog bite cases so brush up on your legal knowledge

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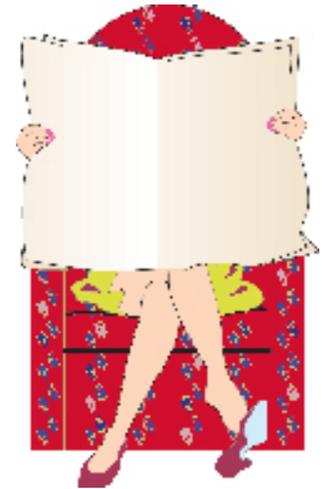
PROGRAM

The **ANNUAL LAW DAY** Luncheon will be
 Friday, May 19, 2017, 11:45 am at
THE ADMIRAL HOTEL
 Essay Contest winners recognized
Liberty Bell Awarded
Vernon Z. Crawford Award
GUEST SPEAKER: David A. Bagwell, Esquire
"Historian Extraordinaire"

Browsing the Bar With Barbara

May is here and all of the Law Day Activities are upon us. You have one last chance to sign up for the **LAW HELP LINE** scheduled for Tuesday, May 2 – there is always room for one more to pose for the TV camera! Then there is the very impressive **NATURALIZATION CEREMONY** on Friday at 11am in the U. S. Courthouse and Friday, May 19 is the **ANNUAL LAW DAY LUNCHEON**. **DAVID BAGWELL** is our speaker this year and if you know David, you know he will keep you riveted to your chair with his knowledge of Mobile and Baldwin County history, humor and wit! Don't miss it!

ALSO, please check to make sure you have paid your 2017 dues. We are getting ready to mail out the Past Due Notices and the fewer we have to mail the better we like it – fewer stamps, envelopes, etc. not to mention the time spent! Thanks.



POINTS TO PONDER:

- ...Good health is merely the slowest possible rate at which one can die.
- ...Give a person a fish and you feed them for a day. Teach a person to use the Internet and they won't bother you for weeks, months, maybe years!
- ...Health nuts are going to feel stupid someday, lying in the hospitals, dying of nothing.
- ...All of us could take a lesson from the weather. It pays no attention to criticism.
- ...In the 60's people took acid to make the world weird. Now the world is weird and people take Prozac to make it normal.
- ... as someone recently said: "Don't worry about old age—it doesn't last that long"!

MOBILE BAR ASSOCIATION WOMEN LAWYERS

BY: DANIELLE MASHBURN-MYRICK

The **MBAWL** enjoyed our monthly luncheon on April 11th. **AMY ELIOT** gave a motivational speech on how to incorporate good public relations skills into your business model to grow your practice and thrive. **SAM IRBY** joined the group to tell us about his decision to run for President of the Alabama State Bar. Sam discussed the importance of having state-wide bar leadership from outside of the Birmingham-Montgomery-Tuscaloosa circuit, and in particular of having representation from the Mobile area. The election will be held beginning Monday, May 15, 2017 and ending Friday, May 19, 2017. You can vote electronically or by paper ballot. Visit the following link for more information. <https://www.alabar.org/assets/uploads/2014/08/2017-Election-Notice.pdf>. We welcome all candidates who would like to address our group to contact **KRISTY DUGAN** at **FRAZER GREENE** to schedule a time to come speak.

Please join us May 9, 2017 at the Battle House for the **TRAILBLAZER TEA** where we will honor this year's Trailblazer **SHIRLEY JUSTICE**, the Managing Partner of **SIROTE & PERMUTT**'s Mobile office. Tickets for the Tea are \$25 for **MBAWL** members and \$30 for nonmembers if purchase by April 28th. Add an additional \$5 for tickets purchased after April 28th. Details will be included in the invitation. If you have not received an invitation in the past and would like to be added to the list, please send your current contact information to **MBAWL** Secretary **DANIELLE MASHBURN-MYRICK** at mashburd@pelps.com. Already know you want to attend? RSVP and send payment to **TIFFANY BOCK SMITH** at tbs@johnstoneadams.com. The **MBAWL** is looking for sponsors for this year's Tea. Please contact event chair **ALEX GARRETT** at agarrett@silvervoit.com or (251) 338-1081 for sponsorship options.

President's Comments *continued from Page 1*

in those areas. If you answer the phone and the call is not in your area of expertise, don't worry. There is always someone on the panel who has the answer. I frequently hand over domestic relations calls in exchange for Probate calls.

On May 5, the **NATURALIZATION CEREMONY** will take place at 11:00 am in the **UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA**. The **HONORABLE BRADLEY MURRAY** will preside, and a number of new citizens will be naturalized. I had the privilege of speaking at this ceremony last December, 2016. The **HONORABLE KATHERINE NELSON** presided. It was a very interesting and moving event to see the 23 candidates from all over the world taking the Oath of Allegiance and being naturalized. If you have never attended one of these ceremonies, I urge you to do so. I have been invited to give the closing remarks on behalf of the MBA.

Finally, on May 19, the MBA will host the annual **LAW DAY LUNCHEON**. At this luncheon we will present the **LIBERTY BELL AWARD** and honor **LAW DAY ESSAY CONTEST** winners. The **VERNON Z. CRAWFORD AWARD** will also be presented. Our speaker will be **DAVID BAGWELL** whose discussion will tie in with the 14th Amendment theme. If you have never heard David speak, he is a wonderful historian and is always interesting and entertaining. Please plan to attend this event.

ENTERTAINMENT COMMITTEE

The Entertainment Committee is pleased to announce another
Fun Evening at Moe's Downtown, Thursday, June 15.

Mark Your Calendars Now!

There will be free food, live music, door prizes, cash bar and the famous Moe's "wings and ribs".
Spouses/significant others are invited.

MOBILE HISTORIC DEVELOPMENT COMMISSION

THE MOBILE HISTORIC DEVELOPMENT COMMISSION is pleased to award a Banner & Shield to 153 Government Street which will read as follows:

LeVert-Acker/Mobile Bar Association
1853

The awards ceremony will take place on
Monday, June 5, 5:30 pm
at the Bragg-Mitchell Mansion.



ANNOUNCEMENTS

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

SMALL MOBILE FIRM NEEDS AN ASSOCIATE. The position would primarily involve real estate transactional work and also some litigation. No experience required. Inquiries should be addressed to P.O. Box 913, Mobile, Alabama 36601.

JUDGE JOHN R. LOCKETT is now Presiding Judge of the Mobile County Circuit Court and has relocated his office to Court Room 8600. The phone number and email remain the same.

FRANCES HOIT HOLLINGER is pleased to announce the relocation of her office to 109 N. Conception Street, Suite 202, Mobile, AL 36602. Phone number and Post Office Box will remain the same.

BURR & FORMAN LLP announces the addition of Mobile-based counsel **MATTHEW R. GRIFFITH** to the firm's Construction Practice. Griffith joins **BURR & FORMAN** after having previously served as general counsel for one of the largest privately held architecture and engineering firms in Alabama.

MAYNARD COOPER & GALE is pleased to announce that **KENYEN BROWN** has joined the firm's **WHITE COLLAR CRIMINAL DEFENSE AND LITIGATION PRACTICE** groups as a shareholder in the firm's Mobile Office.

BURR & FORMAN LLP has named **DOUG ANDERSON** as office managing partner of its Mobile office. Anderson is a partner in Burr & Forman's Real Estate and Lending Practices.

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 251.431.6011.

THE UNIVERSITY OF ALABAMA SYSTEM has an immediate opening for a full-time attorney in the Office of Counsel. This position will be based in Tuscaloosa on the campus of The University of Alabama. Please call 251.433.9790 for information sheet.

OFFICE SPACE FOR LEASE DOWNTOWN at 205 N. Conception Street, in an historic home in the beautiful DeTonti Square neighborhood. Private parking, available, conference room, waiting area, optional space for staff. Internet provided. A block from the Federal and Bankruptcy Courthouses. Perfect for a new solo on a budget or an experienced practitioner desiring high end digs. Contact **HENRY BREWSTER** at 251.338.0630 or hbrewster@brewsterlaw.net

THE SOUTH ALABAMA VOLUNTEER LAWYERS PROGRAM would like to announce that they are sponsoring a happy hour at **FAIRHOPE BREWING COMPANY**, Fairhope, on May 11th and **MOE'S BARBECUE DOWNTOWN MOBILE** on May 24th. **SAVLP** hopes to raise awareness, encourage community, and raise a few dollars all while having fun. Please spread the word and bring your friends, family, and co-workers.

RANSOMWARE DEFENSE - Practical Strategies for Securing Client Information – Tuesday, May 9, 2017 8am – 12 noon. In this workshop, you will learn simple, effective techniques for securing client information. Register online at <http://workshops.theneteffect.com/>

LAWYERS IN THE NEWS

BY SANDY G. ROBINSON

DIED: MBA member **BILLY KIMBROUGH** died on March 31, 2017, after a long illness. He was born in Selma, grew up in Thomasville, and was a long time resident of Mobile. Billy graduated from the University of the South (Sewanee) where he played football and was an active participant in campus life. He graduated from the University of Alabama School of Law, then served as an Assistant U.S. Attorney during the Kennedy Administration. After working in the legal department at the GM&O Railroad, he joined the law firm of Stockman and Bedsole. In 1977 he was appointed U.S. Attorney for the Southern District of Alabama where he served until 1981. He then joined the firm of Turner Onderdonk from which he retired in 2012. He was elected to the Alabama Democratic Executive Committee in 1966, and volunteered in many political campaigns. He was an active member of Dauphin Way United Methodist church. He is survived by his wife of 58 years, Kay, a daughter and a son and two granddaughters. He is also survived by a sister and a brother, retired Judge Hardie B. Kimbrough, and many other relatives and friends.

DIED: MBA member **CLAUDE BOONE** died April 4, 2017 at his home in Fort Morgan. He graduated from Cumberland School of Law in 1974 and practiced law in Mobile for 42 years. He was a respected member of the legal community, and a loving husband and father. He loved animals, fishing, traveling with his family, and cooking his famous gumbo using fresh crabmeat caught off of his pier. He is survived by his wife, his son, MBA member **JOSH BOONE**, and a daughter.

DIED: MBA member **JOHNNY LANE** died at his home in Chickasaw on April 15, 2017. He was a practicing attorney in the Saraland-Chickasaw area for over thirty five years. He received his Juris Doctorate from University of Mississippi and a Bachelor's degree in Psychology from the University of Southern Mississippi. He served as Judge in Chickasaw and other Mobile County districts for many years. He is survived by his mother, a sister, a niece and nephew, and many other relatives and friends.

DIED: **CHARLES HARRIS JONES** (C.H. or Charlie to his friends), father of MBA member **CHARLES JONES**, died March 31, 2017. He was a lifelong resident of Mobile and served in the United States Navy during the Vietnam War. He then enjoyed a long career with International Paper Company. He is survived by his wife, two children, and many other relatives and friends.

DIED: **DENISE INGE**, wife of MBA member **ZEB INGE**, died April 8, 2017. She was a native and life-long resident of Mobile, and had a strong passion for art, creating her own and avidly supporting many art societies here in Mobile. She loved being on the water, animals, golf and Mardi Gras. She is survived by her husband, her mother and step-father, a daughter, two step-daughters, one step-son, three grandchildren, four step-grandchildren, two brothers, two sisters, and numerous nieces, nephews, and other cherished and loved family.

DIED: **MARTHA ELIZABETH "BETTY" BOYETT**, mother of MBA member **DAVID BOYETT**, died in Mobile on April 19, 2017. She was born in Birmingham, and earned an art degree from the Alabama College for Women (now the University of Montevallo) in 1951. Betty was preceded in death by her husband, **DAVID A. BOYETT, JR.**, with whom she owned and operated **HAYNIES DRUG STORE** in Opelika for many years. In addition to her son David, she is survived by two daughters and many friends.

BIRTH ANNOUNCEMENT: MBA members Trip and Allison Smalley are thrilled to announce the birth of a daughter, **LANA KATHERINE SMALLEY** on February 23, 2017. ALL are doing well!

SAVLP

MIKE DEGEN, PROGRAM ASSISTANT

SERVING JUSTICE

Join the SAVLP Board of Directors and Staff for Happy Hour(s)

May 11th from 5-7 PM at Fairhope Brewing Company (food provided by Blues Burgers)

May 24th from 5-7 PM at Moe's Barbecue in Downtown Mobile

June 23rd from 5-7 PM at Big Beach Brewing in Gulf Shores

SAVLP hopes to raise awareness, encourage community, and raise a few dollars all while having fun. A portion of the sales will benefit the South Alabama Volunteer Lawyers Program. Please spread the word and bring your friends, family, and acquaintances. You may even recognize a few of the servers!

Call for Volunteers! May Limited Legal Advice Clinics in Mobile & Baldwin

Volunteer lawyers are needed for SAVLP's monthly Limited Legal Advice Clinics in Mobile and Baldwin Counties. See dates and times below. To inquire or to sign up, please contact us at (251) 433-6693.

Clinic Date	Location	Time
Thursday, May 11	Government Plaza, 4th floor, Mobile	1:00 – 3:00 PM
Thursday, May 18	Prodisee Pantry, 9315 Spanish Fort Blvd	1:30 – 3:30 PM

The SAVLP would like to thank the following panel attorneys for opening or closing cases in April:

MICHAEL E. BALLARD	R. SCOTT HETRICK	CHARLIE R. PEARMAN
JOHN G. BAYLOR, JR.	JENNIFER HOLIFIELD	RACHELE REIS
PAUL T. BECKMANN	SCOTT W. HUNTER	ABBY M. RICHARDSON
JOHN T. BENDER	WILLIE J. HUNTLEY, JR.	JAMES E. ROBERTSON
PAUL D. BROWN	HERNDON INGE III	KATHERINE E. SCISSUM
TREY CANIDA	GEORGE R. IRVINE, III	L. ROBERT SHREVE
ANNETTE CARWIE	VIVIAN G. JOHNSTON, V	HENDRIK SNOW
F. LUKE COLEY, JR.	GILBERT B. LADEN	LEWIS J. STEIN, III
WILLIAM M. CUNNINGHAM JR.	R. EDWIN LAMBERTH	T. JEFF STEIN
BEN FORD	PHILLIP E. MASON	SCOTT D. STEVENS
BARRY A. FRIEDMAN	AUGUSTINE MEAHER, III	RICHARD W. VOLLMER, III
THOMAS J. GLIDEWELL	ROSE METZGER	JASON R. WATKINS
CHRISTINE HARDING HART	S. C. MIDDLEBROOKS	RICHARD R. WILLIAMS
CHRISTINE C. HERNANDEZ	ROBERT H. MUDD, JR.	MICHAEL A. WING
	KEN A. NIXON	

DID YOU KNOW that you can earn MCLE Credit for Pro Bono Work? At their October 2016 meeting, the **BOARD OF BAR COMMISSIONERS** approved a modification of MCLE Rules allowing attorneys to earn up to 3 hours of MCLE credits in a calendar year. See the amendment on page 17 of the Dec 2016 Issue of the **Addendum**.

COMING UP! In June the SAVLP is planning a **WILLS FOR HEROES CLINIC** (offering free basic estate planning to first responders) and a wills clinic for **BALDWIN COUNTY HABITAT FOR HUMANITY** clients. Stay tuned for more details.



SIGNIFICANT DECISIONS

BY DUANE GRAHAM

Recognizing that the plaintiff's failure to comply with discovery qualified as "willful," the Court of Civil Appeals in **HORTON V. HINTON**, No. 2150631 (Ala., March 24, 2017), upheld the trial court's dismissal of a lawsuit for the plaintiff's failure to comply with the discovery process. After initially failing to respond to written discovery and responding only after being ordered to do so, the plaintiffs and her attorney later failed to appear at her scheduled deposition, whereupon the trial court dismissed the action.

In **EX PARTE CITY OF HOMEWOOD**, No. 1151310 (Ala., March 24, 2017), the Supreme Court ruled that police officers involved in a chase were entitled to immunity and that the pendency of discovery requests from the plaintiffs did not prevent entry of summary judgment in their favor.

In **SIMMONS GROUP, LTD. V. CAINE O'REAR FAMILY TRUST**, No. 1150475 (Ala., March 24, 2017), the Supreme Court held that the first deed recorded in a chain of title following a courthouse fire begins the new chain of title.

YOUNG LAWYERS

BY: TIMOTHY A. HEISTERHAGEN, PRESIDENT

The **YOUNG LAWYERS** are pleased to thank **BURR & FORMAN, LLP** for a great April meeting at **EUGENE'S MONKEY BAR**. The meeting was fantastic and we appreciate **BURR & FORMAN, LLP'S** support very much.

The May **YOUNG LAWYERS** meeting will be hosted by **OAKWORTH CAPITAL BANK** on May 18, 2017 at **LODA BIER GARTEN**, which is located at 251 Dauphin Street. We look forward to seeing everyone on May 18. 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).

The **YOUNG LAWYERS GOLF TOURNAMENT** will be held this year on **FRIDAY, JUNE 2, 2017** at **TIMBER CREEK GOLF CLUB** and will benefit **L'ARCHE**. To enter a team and/or sponsor a hole, please contact me, Kate, Weathers, or our **GOLF TOURNAMENT CHAIR BLAKE RICHARDSON** (brichardson@hglawp.com). Checks can be made payable to "Mobile Young Lawyers" and delivered or mailed to Weathers Bolt at Starnes Davis Florie LLP, 11 N. Water Street, Suite 20290, Mobile, Alabama 36602.



THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
REQUESTS THE HONOR OF YOUR PRESENCE
AT THE INVESTITURE OF

P. BRADLEY MURRAY
UNITED STATES MAGISTRATE JUDGE

FRIDAY, THE NINETEENTH OF MAY
TWO THOUSAND AND SEVENTEEN
AT THREE O'CLOCK IN THE AFTERNOON

IN THE EMMETT RIPLEY COX
CEREMONIAL COURTROOM
JOHN A. CAMPBELL U.S. COURTHOUSE
113 SAINT JOSEPH STREET
MOBILE, ALABAMA

RECEPTION IMMEDIATELY FOLLOWING
RSVP 251.436.5277

Please join us as we honor

CHARLES A. GRADDICK

In grateful appreciation for his years of service to the

State of Alabama

And his continuing service to the

City of Mobile

THURSDAY, MAY 18th, 2017

4:00 - 7:00 P.M.

THE STEEPLE

251 St. Francis Street

Mobile, AL 36602

WINE & COCKTAILS
HORS D'OEUVRES


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



MAY

Calendar of Events

MONDAY - MAY 1

MBA CIVIL COURT FEDERAL PRACTICE

Section Meeting, 4 pm,
U.S. Courthouse

TUESDAY - MAY 2

LAW HELP LINE,

6 am to 5:30 pm,
WPMI Local 15 TV Station,
661 Azalea Road, Mobile

FRIDAY - MAY 5

LAW DAY NATURALIZATION CEREMONY,

11 am,
U.S. Courthouse, Courtroom #2

TUESDAY - MAY 9

WOMEN LAWYERS TRAIL BLAZER TEA

THURSDAY - MAY 11

MBA EXECUTIVE COMMITTEE MEETING,

12 o'clock noon,
Athelstan Club

THURSDAY - MAY 11

**SAVLP HAPPY HOUR AT
FAIRHOPE BREWING COMPANY,**

5 pm

MONDAY - MAY 15

MBA WORKERS COMP SECTION MEETING,

12 o'clock noon,
Athelstan Club

WEDNESDAY - MAY 17

BENCH & BAR COMMITTEE MEETING,

11:45am,
Felix's on the Causeway

THURSDAY - MAY 18

**RECEPTION HONORING
JUDGE CHARLIE GRADDICK,**

4 – 7 pm, The Steeple,
251 St. Francis Street

FRIDAY - MAY 19

MBA ANNUAL LAW DAY LUNCHEON,

11:45 am,
The Admiral Hotel

TUESDAY - MAY 23

MBA MENTORING COMMITTEE MEETING,

12 o'clock noon,
Athelstan Club.

WEDNESDAY - MAY 24

**SAVLP HAPPY HOUR,
Moe's Barbecue Downtown**

THURSDAY - MAY 25

MBA GRIEVANCE COMMITTEE MEETING,

12 o'clock noon,
Athelstan Club

MONDAY - MAY 29

**HOLIDAY
Memorial Day**

CLE

Continuing Legal Education

TUESDAY - MAY 9

RansomWare Defense,
8am – 12 noon.

Register online at

<http://workshops.theneteffect.com/>

MONDAY MAY 15

Workers Comp,
12 o'clock noon,
Athelstan Club