



MONTHLY NEWSLETTER

Volume XLVI,
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President's Comments



**GREG CARWIE, PRESIDENT
MOBILE BAR ASSOCIATION**

Lawyers don't get a lot of compliments when things go well. In fact, we've all heard our share of lawyer jokes. The truth is that lawyers are experienced in negotiation and are good at advocacy, even when many people of diverse opinions are involved. It's logical, then, that many lawyers are asked to lead and serve on the boards of colleges and universities, charitable organizations, parish councils and many civic and service oriented societies. Our bar association also created and supports the Mobile Bar Foundation which provides funding for many important projects. During the month of March, I attended the Mobile Chocolate Festival to benefit Penelope House, the American Cancer Society Chili Cook-off, and the Child Advocacy Center Cajun Cook-off presented by Cunningham Bounds. I saw numerous attorneys donating their time and talent at these events, including Greg McAtee who was serving up some chocolate and Stoney Chavers who was stirring a pot of chili.

During the upcoming months, there are several opportunities for attorneys to volunteer. The Alabama Legal Food Frenzy is about lawyers all across the state collaborating to collect funds and food supplies for the Feeding America food banks located within our state. In Mobile, Feeding the Gulf Coast is the food bank where our contributions will go to be sorted and distributed to people in need. The State Bar is sponsoring this drive with the Alabama Food Bank Association because food donations are vitally needed. I would like to see Mobile give the rest of the state some competition this year as last year most of the prizes for most food collected went to firms in other parts of the state. Please encourage your firms to compete in this race to donate the most food to Feeding the Gulf Coast! The competition lasts from April 24 to May 5. You can

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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



PROGRAM

There will not be a Monthly Luncheon in April.

**The next Program will be the
ANNUAL LAW DAY LUNCHEON**

Friday, May 19, 2017, 11:45am at The Admiral Hotel

Guest Speaker

Essay Contest Winners

Liberty Bell Award

Browsing the Bar With Barbara

May 2017 Law Day Activities are fast approaching. Please mark your calendars Tuesday, May 2, 6 am to 5 pm, LAW HELP LINE at TV15 Station. Volunteers are necessary to make this program successful so, PLAN NOW!

The Mentoring Program is very much alive and well – Augusta S. Dowd, ASB President-Elect, will join the group for the April 28 program – look elsewhere in this publication for details.

The following are actual statements found on Insurance Forms where car drivers attempted to summarize the details of an accident in the fewest possible words.

- Coming home I drove into the wrong house and collided with a tree I don't have.
- The other car collided with mine without giving warning of its intentions.
- I thought my window was down, but I found out it was up when I put my head through it.
- I collided with a stationary truck coming the other way.
- A truck backed through my windshield into my wife's face.
- A pedestrian hit me and went under my car.
- To avoid hitting the bumper of the car in front I struck the pedestrian.
- The pedestrian had no idea which direction to run, so I ran over him.
- I saw a slow moving, sad faced old gentleman as he bounced off the roof of my car.



MOBILE BAR ASSOCIATION WOMEN LAWYERS

BY: DANIELLE MASHBURN-MYRICK

The MBAWL enjoyed our monthly luncheon on March 14th. DON BEBEE joined the group to tell us about his decision to run for the Circuit Court seat that will be vacant upon Judge Smith's retirement next year. We welcome all judicial candidates who would like to address our group to contact Kristy Dugan at Frazer Greene to schedule a time to come speak. KATHY MILLER of Armbrrecht Jackson spoke to the group about Professionalism and Leadership, reminding us that the two go hand in hand.

Join us this month on Tuesday, April 11, 2017, at 11:45 at Crockmiers for our monthly luncheon. AMY ELIOT will be our guest speaker.

On April 12, 2017, the MBAWL will send a delegation to Montgomery for a legislative CLE hosted by the Women's Caucus of the Alabama Association for Justice and the Women's Section of the Alabama State Bar. FROM THE COURTHOUSE TO THE CAPITOL is a day-long event during which attendees will learn more about the legislative process. Contact Kristy Dugan for more information or if you would like to carpool to the event.

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 purchased 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 Danielle.Mashburn-Myrick@phelps.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*

sign up now by going to their website at www.allegalfoodfrenzy.org.

The South Alabama Volunteer Lawyers Program, one of the recipients of funding from the Mobile Bar Foundation, will likely move from its current location later this year. Although they haven't finalized a space, Arianna Moore tells me that donations of office furniture and other items needed in setting up their new office would be greatly appreciated. Chairs, desks, tables, lamps or any other items you may be able to donate to be used in their legal office are needed. They will need additional lockable filing cabinets, and they will definitely need boxes. When they finalize a location, they will have a better sense of what they can move and what they might need or need to update. Please keep them in mind if you are refreshing your office. Arianna said they appreciate hand-me-downs.

NEW MEMBERS

WESLEY GEORGE NICHOLLS, graduated from Thomas M. Cooley Law School in 2004; admitted to the Florida State Bar in 2004; the Alabama State Bar in 2006; employed with the Office of Criminal Conflict and Civil Regional Counsel.

MICHAELYN S. GOBER, graduated from Cumberland School of Law in 2004; admitted to the Alabama State Bar in 2004; employed with The District Attorney's Office.

AUDREY "CHALEA" TISDALE, graduated from Jones School of Law in 2001; admitted to the Alabama State Bar in 2003; employed with The District Attorney's Office.

GREGORY ANTONIO RAMOS, graduated from Southern University Law Center in 2013; admitted to the Alabama State Bar in 2016; employed with Ramos Shoe Service.

TIMOTHY C. KINGSTON, graduated from The University of Wyoming in 1987; admitted to the Colorado State Bar in 1987; the Wyoming State Bar in 1994; admitted to the Alabama State Bar in 2016; employed with Legal Services Alabama.

KAREN MICHELLE YORK, graduated from Mississippi College School of Law in 2014; admitted to the Alabama State Bar in 2015; employed with Galloway, Johnson, Tompkins, Burr & Smith.

DAVID M. ALLEN, graduated from The University of Iowa in 2015; admitted to the Alabama State Bar in 2016; the Montana State Bar in 2015; employed with Caldwell, Wenzel & Asthana PC.

NATHANIEL A. BOSIO, graduated from The University of Mississippi School of Law in 2000; admitted to the Alabama State Bar in 2000; the Mississippi State Bar in 2001; the Illinois State Bar in 2012; the Texas State Bar in 2006; the West Virginia State Bar in 2014; employed with Dogan & Wilkinson, PLLC.

CHADRICK WAYNE MILAM, graduated from Birmingham School of Law in 2009; admitted to the Alabama State Bar in 2009; employed with Gulf Coast Attorneys LLC.

MARY ALISON "ALI" BARNES, graduated from Cumberland School of Law in 2013; admitted to the Alabama State Bar in 2013; employed with the District Attorney's Office.



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

CARR ALLISON is pleased to announce that **ZACHARY R. WEAVER** is located in the Mobile office. Mr. Weaver will concentrate his practice on general litigation matters.

GALLOWAY, WETTERMARK, EVEREST & RUTENS, LLP announces that **J. WILLIS GARRETT, III** has become a partner.

OFFICE SPACE FOR RENT: Midtown office has space available. There is room for your own secretary or could share a secretary. Convenient to courthouse and located at 1005 Dauphin St. Plenty of parking; occasional walk-in clients. Internet. Might also consider sale of 50% interest in office. Contact **DAVID RATCLIFFE** at 251.432.7600 or ratcliffelaw@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 251.431.6011

DOWNTOWN OFFICE SPACE AVAILABLE: 155 S. Warren Street. Convenient to all courts. Amenities: Receptionist, telephone, internet, WIFI, fax machine, copier/scanner, secretary, lobby. Call Greg Reese or David Zimmerman at 251.432.3781.

ATTORNEY ANDREW M. JONES, jones_lawyer@netzero.net (251.432.6685) is probating the Last Will and Testament of **MAGGIE L. MOORE** which was prepared by Thomas P. Doyle in 1983. The Last Will and Testament was witnessed by Ashley H. Ready and Trudy Jones. Please contact Mr. Jones if you have any knowledge of how to contact Ms. Ready and/or Ms. Jones.

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.



THE ALABAMA LAW FOUNDATION recognizes Alabama Bar Members who have demonstrated outstanding dedication, commitment and service to their profession, as well as their community by inviting them to become "Fellows". Mobile Bar Association members **FORREST S. LATTA** and **GEORGE R. IRVINE, III** were accepted into membership for 2016. **CONGRATULATIONS!**



MOBILE COUNTY 'S JUDGE OF PROBATE DON DAVIS ANNOUNCES:

1. The retirement of JOE D. MCEARCHERN, JR. as chief clerk of Court, effective April 1, 2017;
2. The promotion and appointment of C. Mark Erwin, Esquire, as chief clerk of the Court, effective April 1, 2017.

Mr. Erwin's promotion has prompted the vacancy of the "chief deputy clerk" position within the Court's staff. This is a merit system position. Applications for the position are being accepted by the Mobile County Personnel Board until April 28, 2017. The description of the position, compensation information and other details are available from the Mobile County Personnel Board's web site: www.personnelboard.org

YOUNG LAWYERS

BY: TIMOTHY A. HEISTERHAGEN, PRESIDENT

The April **YOUNG LAWYERS** meeting will be hosted by **BURR & FORMAN, LLP** on April 20, 2017 at **EUGENE'S MONKEY BAR**, which is located in the Hilton Garden Inn at 15 N. Conception Street. We look forward to seeing everyone on April 20. 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).

LAWYERS IN THE NEWS

BY SANDY G. ROBINSON

DIED: MBA MEMBER TOM HAAS died in Mobile on March 17, 2017 at the age of 89. He was a native and lifelong resident of Mobile. He served in the U.S. Navy for two years during WWII, and was a graduate of the University of Alabama and the University of Alabama School of Law. He was Assistant U.S. Attorney in the 1950s and was in private practice in Mobile for over 50 years. He devoted his life to helping others through his legal practice and was an advocate for animal rights through his work with **AIDE FOR ANIMALS**. He is survived by wife, two sons, three daughters, (including former MBA member **RUTH HAAS**), five grandchildren, and six great-grandchildren. Other survivors include his nephew **JIM BYRD**, and former daughter-in-law **VIRGINIA W. HAAS**, both MBA members, and many other beloved nieces, nephews and family members.

SAVLP

MIKE DEGEN, PROGRAM ASSISTANT

Call for Volunteers! April 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.

Time	Clinic Date	Location
Thursday, April 13	Government Plaza, 4th floor, Mobile	1:00 – 3:00 PM
Thursday, April 20	Fairhope Satellite Courthouse, 1100 Fairhope Ave	1:30 – 3:30 PM

The SAVLP would like to thank the following panel attorneys for opening or closing cases in the months of February and March:

JOSEPH P. H. BABINGTON

J. DANIEL BARLAR, JR.

BLAKELY W. BARNES

JOHN T. BENDER

THOMAS H. BENTON, JR.

JAIME W. BETBEZE

BRITT V. BETHEA

WESLEY H. BLACKSHER

KNOX BOTELER

THOMAS M. BRAMLETT

CARIN D. BROCK

PAUL D. BROWN

KENNETH PAUL CARBO, JR.

ANNETTE CARWIE

UTOPIA C. CASSADY

ALLAN R. CHASON

WALTER G. CHAVERS

FRANCES R. CLEMENT

HARWELL E. COALE, JR.

F. LUKE COLEY, JR.

BRENT T. DAY

JOHN M. DEAKLE

EDWARD A. DEAN

PAGE S. ELLIS

JACQUELINE FLEMING-BROWN

DONALD A. FRIEDLANDER

BARRY A. FRIEDMAN

JOSH D. FRIEDMAN

GEORGE C. GASTON

CHRISTINE HARDING HART

THOMAS E. HARRISON

JEFFRY ALAN HEAD

CHRISTINE C. HERNANDEZ

R. SCOTT HETRICK

JENNIFER HOLIFIELD

BROOX G. HOLMES

STEPHEN T. HUGHES

MELISSA P. HUNTER

WILLIE J. HUNTLEY, JR.

HERNDON INGE, III

MATTHEW R. JACKSON

SIDNEY W. JACKSON, III

NEIL C. JOHNSTON, SR.

VIVIAN G. JOHNSTON, V

ANDREW M. JONES

TIMOTHY C. KINGSTON

R. EDWIN LAMBERTH

THOMAS LOPER

PETER S. MACKAY

RONALD W. MCBAY

AUGUSTINE MEAHER, III

S. C. MIDDLEBROOKS

LINDSAY C. MIMS

ROBERT H. MUDD, JR.

PAUL BRADLEY MURRAY

JOHN O'DOWD

TERRIE OWENS

JAMES D. PATTERSON

MATTHEW W. PETERSON

SEAN D. PHINNEY

RACHELE REIS

LATISHA RHODES DAVIS

BLAKE T. RICHARDSON

CLIFFORD C. SHARPE

JULIA J. SHREVE

HENDRIK SNOW

LEWIS J. STEIN, III

T. JEFF STEIN

SCOTT D. STEVENS

NORMAN M. STOCKMAN

EUCELLIS Z. SULLIVAN

RENEE E. THIRY

EARL P. UNDERWOOD, JR.

ZACHARY WEAVER

JARROD WHITE

RONNIE L. WILLIAMS

MICHAEL A. WING

ALEX W. ZOGHBY



SIGNIFICANT DECISIONS

BY DUANE GRAHAM

In **COLLINS V. HERRING CHIROPRACTIC CENTER, LLC**, No. 1151173 (Ala., February 17, 2017), the Supreme Court held that no expert testimony was required for a plaintiff to be able to present a prima facie case of malpractice against a chiropractor when the claim involved blistering and scarring that arose after application of a cold pack on plaintiff's knee.

In a case of procedural education, the Court of Civil Appeals in **EX PARTE BODDIE**, No. 2160228 (Ala. Civ. App., February 24, 2017), reviewed a case in which the trial court had entered an order with a Rule 54(b) certification concerning a common-law spouse finding, but the adverse party filed a request for permissive appeal as well as a petition for mandamus, rather than filing a notice of appeal. The court held that the permissive appeal could not be allowed because the trial court had not entered an order with the appropriate certification required by Rule 5 of the Alabama Rules of Appellate Procedure. The court then held that the mandamus petition could not be granted because the party had failed to demonstrate how taking a regular appeal from the order would not have been an adequate remedy. Consequently, no relief was allowed. Presumably the time for appeal from the order had long expired when this ruling was made.

In **EQUITY TRUST CO. V. BRELAND**, No. 1150302 (Ala., February 17, 2017), the Supreme Court held that a trial judge abused its discretion in certifying as final under Rule 54(d) some but not all of the claims between the parties involving the same underlying matter.



GROUP MENTORING PROGRAM

**THE MOBILE BAR ASSOCIATION'S
GROUP MENTORING PROGRAM NEXT MEETING,**

FRIDAY, APRIL 28,

11am – 1pm at The Exchange 202.

This program is sponsored by Thomson Reuters/WESTLAW.

**“LAW OFFICE MANAGEMENT AND TIME MANAGEMENT
SKILLS AND TECHNIQUES”**

ALABAMA STATE BAR PRESIDENT-ELECT AUGUSTA S. DOWD will join us. The program is free to MBA members with 8 years of practice or less and all others \$50. If you are a member of the Mobile Bar and interested in attending any one or all of the group mentoring sessions, please RSVP by emailing Tammy Anderson tanderson@mobilebarassociation.com.



**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

cordially invites you to attend the

DEDICATION

of the

**EMMETT RIPLEY COX
CEREMONIAL COURTROOM**

Courtroom 2A

Friday, the seventh of April
two thousand and seventeen
at two o'clock in the afternoon

JOHN A. CAMPBELL U.S. COURTHOUSE

Mobile, Alabama

Reception immediately following
Second Floor Corridor


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



April

APRIL 7 - FRIDAY

**DEDICATION JUDGE EMMETT RIPLEY COX
CEREMONIAL COURTROOM,
Courtroom 2A, 2 pm in the afternoon.
Reception to follow second floor corridor.**

APRIL 11 - TUESDAY
PINK MOON!

APRIL 13 - THURSDAY
**MBA EXECUTIVE COMMITTEE MEETING,
12 o'clock noon, Queen's Room,
The Athelstan Club**

APRIL 27- THURSDAY
**MBA GRIEVANCE COMMITTEE MEETING,
12 o'clock noon, Queen's Room,
The Athelstan Club**

CONTINUING LEGAL EDUCATION

**APRIL 28
MBA GROUP
MENTORING PROGRAM,**

Law Office Management and Time Management Skills and Techniques,
11am – 1 pm, The Exchange 202
2.0 hrs. MCLE Credits. Lunch included.

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