

**T H E
MOBILE BAR ASSOCIATION
MONTHLY**

Editor: J. Edward Thornton

Bulletin

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Mobile, Alabama

BANK ROBBERY - A MOST SERIOUS MATTER

LETTER FROM PRESIDENT GALLALEE

Dear Bar Members:

It's a pleasure to write this message for the first issue of our monthly bulletin. I hope this publication will be as welcome to you as it is to me. As the Bar Association has grown, it has become increasingly difficult to keep members informed as to the work which is going on. Issuance of the bulletin will let all members see what is happening, what committees are functioning, and what is planned for the future. This should tend to strengthen the Association and make all members aware of the importance of supporting it.

The Chairmen of the Committees will want to use the Bulletin to keep the Association apprised of activities which should be known throughout the Association. Such notices as should be furnished the Editor in time to make the succeeding issues of the Bulletin.

Now that summer is over, will all committee chairmen please review your committee work and point toward finishing it by

Continued on page 2, Col. 1

Is the title of speech to be presented by our speaker the Honorable Dillard Howell, Special Agent in Charge, Mobile Office, F.B.I. at the monthly meeting on Friday, October 21st, 1966 at 12:45 P.M. Room, Sheraton No. 2, Sheraton Battle House. Mark your calendar now to attend this meeting.

STATE

Petitions have been circulated among members of the Mobile Bar Association announcing that Sam Pipes, former President of our Association, former member of the State Grievance Committee, and member of the Special Committee on Delays in Appellate Courts, will be nominated as President-Elect of the State Bar at the Convention in July 1967. Sam's candidacy has been endorsed by every member of our Association. Our members should now notify all of our friends throughout the State and enlist their active support on behalf of Sam.

December 1st; at which time we will be asking for an annual report. If there is anything that I, as President, or the Executive Committee can do to help, please let me know.

Sincerely,
Jack Gallalee

FEDERAL

BILLY O'CONNOR, Clerk of the U. S. District Court, called our attention to an Amendment to Rule 32 of that Court adopted on August 15, 1966. The Order is as follows:

It is ORDERED by the Court that RULE 32 of the RULES OF THIS COURT, relating to Decrees pro-confesso and judgments by default, is hereby ABOLISHED, and the procedure as set out in Rule 55 of the Federal Rules of Civil Procedure, as Amended Effective July 1, 1966, is hereby prescribed and adopted as RULE 32 of the RULES OF THIS COURT.

Billy also asked us to say to all members of the Bar:

"Please check your files to see if you borrowed from the clerk of the U. S. District Court forms of supersedeas bonds. The forms are typed on legal size paper. If so, kindly return same to the clerk in the Federal Building. Thank you."

LOCAL

1. MISS MARGARET PRENDERGAST, our able and affable librarian, suffered a most painful injury from a fall on May 10th. She was in the hospital for some while and was confined to her home for even a longer period. We are delighted to report that she is rapidly recovering. She is now spending more and more time at the library each day, and we look forward to seeing her at our monthly luncheons.

2. She tells us that the new composite picture of the Mobile Bar Association has not been completed because pictures of some of the lawyers have been delayed. These pictures have now been supplied and the picture should be available for distribution in a very short time.

3. PROBATE JUDGE JOHN MOORE has called our attention to a matter in his Court which is of importance to the Bar, our clients, and the public, concerning service of process in that Court. Judge Moore says:

"In view of the decision in the United States Supreme Court in Mullane Vs., Central Hanover Bank and Trust Company, 339 U.S., 306, (1950), this problem of service requires detailed consideration. Because of the Mullane Case, many lawyers in Alabama, today, feel that some of the present provisions relating to service of the Alabama Code are probably unconstitutional.

The present provisions of the Alabama Code, relative to service for Petitions to Probate where the beneficiaries are known, both as to full names and addresses and where they are living out of the State, permit publication. It is the thinking of many lawyers in Alabama today, that with respect to non-residents where their addresses are known, that Registered Mail sent by the Court is required.

Of Course, in Condemnation Cases, the same question arises for proper service on non-residents and it is the consensus of opinion by many attorneys today that publication in this type of case is not proper service and can be set aside.

It is essential that the Bar Association give this matter immediate attention lest Decrees of the Probate Court become subject to attack, and possibly collateral attack."

4. JIMMY MOORE, CHAIRMAN of the ETHICS COMMITTEE has called our attention to a Resolution adopted by the Association in 1963, expressing a policy opposing endorsements of petitions on behalf of candidates for public office by members of the Association. Apparently, there is some confusion about this. The Committee has been in correspondence with the American Bar Association concerning it. The result is the adoption of a Resolution, approved by the Executive Committee, which spells out

further the policy of the Association.

"Be it resolved that the Ethics Committee of the Mobile Bar Association takes the follow-

Continued on page 4, Col. 1

5. SAM PIPES, Chairman of the Committee on Local Practice and Procedure, has asked that all of the members of the Association complete and return to him the questions set out below: His report is:

"The Committee has considered a proposal that the Judges of the various State courts in Mobile County wear robes while presiding in their respective Courts. It is the opinion of the Committee, that the Bar Association should not recommend the wearing of robes by Judges of Courts other than the Circuit Court. It is further the recommendation of the Committee, that each member of the Mobile Bar Association be polled by post card or by letter as to whether the members approve or disapprove of the wearing of robes by Circuit Judges. It is the suggestion of the Committee that each member be requested to vote for one of three choices as follows:

- () I approve of Circuit Judges wearing robes.
- () I disapprove of Circuit Judges wearing robes.
- () I feel that the question of wearing robes should be left up to the Circuit Judges without recommendations from the Bar Association.

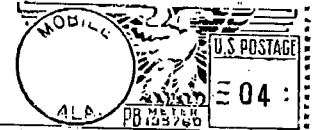
ing position with respect to endorsement or advertising by lawyers for or on behalf of candidates for political office:

"Subject to the existing policy opposing endorsement of political candidates by subscription to a petition or similar document, it is basically permissible for a lawyer to publicly endorse a candidate for any political office, and to do so in his capacity as an attorney. However, his identification as a lawyer must be restricted to the minimum required by the communication medium which is being used. No reference should be made to his address, his business or professional associations, or other qualifications touching his profession.

"Under the above general statement, the Committee recommends the following guidelines for each medium of political advertising:

1. Personal Appearances: The attorney may appear or speak publicly in support of a candidate and may identify himself or be identified as a lawyer orally, but without emphasis or enlargements on his identification.

2. Television: The attorney may appear in person on television and can be identified orally as a lawyer, but without emphasis or enlargement on his identification.
3. Radio: The attorney may speak on radio and be identified as a lawyer, but without emphasis or enlargement on his identification.
4. Printed media (including newspaper, posters, billboards, personal cards, ballots, or any other printed publications): The attorney may, individually or with others, publicly endorse a candidate by newspaper or other type of printed advertisement so long as he restricts professional identification to the printed minimum required to inform the reader of this status. This would not permit listing of address, business or professional connections, pictures, or other enlargement of his identification."



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Mobile County Court House
Mobile, Alabama 36602

Miss Margaret Prendergast
Law Library
Mobile County Court House
Mobile, Alabama 36602