



Boone County Bar Association NEWSLETTER

www.bocomobar.org

February 6, 2002

Volume 17, Number 2

Feb. 28 final date for composite

A final deadline of Feb. 28 has been set for bar members to have photographs taken for the new Boone County Bar Association composite.

About 120 members have had their pictures taken, compared with 190 photos on the 1995 composite.

Call Roger's Creative Photo Studio at 875-1841 to schedule a sitting. Walk-ins also are being accepted, but it is best to call to avoid a wait.

The new Creative Photo Studio is located at 2201 Old 63 S., about one-half mile south of Stadium Blvd., on the west side of the road. Sittings take only about five minutes.

Criminal, DWI and traffic update on Feb. 13

One hour of CLE credit will be given for the Feb. 13 BCBA program titled "Criminal, DWI and Traffic Law Update," to be presented by **Rusty Antel**.

RSVP: If you plan to attend, contact BCBA Secretary **Phebe La Mar** by 5 p.m. on Tuesday, Feb. 12 by calling 443-3141 or sending email to *lamar@smithlewis.com*. Phebe pre-

fers email this month because her office phone system may be disrupted temporarily during her firm's move the weekend before the meeting.

The Feb. 13 meeting will begin with lunch at 11:30 a.m. The program will start at noon.

The meal price is now \$9. Checks should be made payable to "Boone Tavern."

Also, mark your calendar now for these upcoming meetings:

March 13: Legal technology consultant Tim Mellitz will discuss the importance of case management systems, using the Time Matters program as an example.

April 10: The annual Bench-Bar Dinner will be held at the MU Reynolds Alumni Center.

60 attend ethics CLE program on Jan. 9

About 60 BCBA members attended the Jan. 9 program to hear a program by **Jeff Parrshall** and **Mark Pfeiffer** on ex parte contacts with past and present employees of organizational lawsuit parties.

The key rule, they noted, is Rule 4-4.2 of the Rules of Professional Conduct, which states: "In representing a client, a law-

yer shall not communicate about the subject of the representation with a party the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized by law to do so."

An article summarizing the available case law and ethics opinions on the subject was published in the March-April 1998 issue of *The Journal of the Missouri Bar*. The article, titled "Ex Parte Contacts with Organizational Employees in Missouri," is available on-line at <http://www.mobar.org/journal/1998/marapr/index.htm>

Case law identifies three categories of current employees with whom ex parte contacts are prohibited: Managerial employees, persons whose acts or

omissions can impute liability to the organization, and persons whose statements can constitute admissions.

It appears, however, that contacts with pure "fact witnesses" who are current employees of an organization are permissible.

While case law would appear to allow ex parte contacts with former employees of an organization without limitation, an informal opinion of the Office of Chief Disciplinary Counsel indicates that such contacts could be subject to disciplinary action.

It was suggested, as a practical matter and out of professional courtesy, that contact be made with an organization's attorney before speaking with an employee of the organization in order to avoid future problems.

Don't forget to pay BCBA dues

2002 dues of \$25 per lawyer are now payable. Members whose dues have not been paid by April 30 will be stricken from the membership rolls.

Dues are waived for sitting and retired judges of Boone and Callaway counties and for members who have been licensed in Missouri for at least

50 years or who have reached the age of 75.

Please use the form below to claim a first-time waiver or send your dues payments to Treasurer **Ed Orr**. It is requested that firms of two or more lawyers use a single form for all lawyers in the firm whose dues are being paid.

2002 Boone County Bar Association Dues Payment/Waiver Form

(Make checks payable to "Boone County Bar Association, Inc.")

To: **Ed Orr, Treasurer**
Boone County Bar Association
P.O. Box 7186
Columbia, MO 65205-7186

___ Person named below claims dues waiver for: ___ Judge ___ Seniority
___ Enclosed is payment of \$ _____ @ \$25 per attorney for 2002 BCBA dues for the following attorneys:

Name(s) and address (note address change, if any) _____

Pre-Sorted Standard
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The Boone County Bar Association Newsletter is published monthly, more or less, by the Boone County Bar Association, Inc. Annual dues are \$25 and may be sent to the Treasurer, **Ed Orr**, P.O. Box 7186, Columbia, MO 65205-7186, phone 443-2828. Send items for publication to the Editor, **Steve Scott**, 201 Westwood Ave., Columbia, MO 65203-2871, phone 442-7268, fax 443-1676, email sscott@scottlawfirm.com. 2001-02 officers of the Association are: President, **Dan Atwill**, 609 E. Broadway, 442-3000; Vice President, **Jim Powell**, 601 E. Broadway #203, P.O. Box 1304, 442-3181; Secretary, **Phebe LaMar**, 901 E. Broadway #100, 443-3141; and Treasurer, **Ed Orr**, address above. Executive Committee members are the officers and **Ron Bartlett**, **Betty Wilson** and **Liz Magee**. The Association's web site is at www.bocomobar.org.

Prosecutor lists caseloads

Boone County Prosecutor **Kevin Crane** has announced the following caseload assignments in his office:

Crane: Homicide.

Bail: Felony drug offenses, forfeiture actions; vehicular assault; zoning, sewage and salvage violations; and conservation violations.

Crockett: Offenses against females (A-L); misdemeanor assault; harassment; violation of order of protection; stalking; property damage; tampering; and assigned felonies.

Daniels: Bad checks; post-conviction relief; misdemeanor drug offenses; liquor violations (other than MIP/I.D.); fugitive; unconditional release; DOR license actions; delinquent taxes; unassigned misdemeanors and felonies; instruction assistance.

Gonzalez: Drug Court; sexual offenses against adults; offenses against children; interference with custody; kidnaping and felonious restraint; and peace disturbance.

Gunn: Offenses against females (M-Z); misdemeanor assault; harassment; violation of order of protection; stalking; property damage; tampering; assigned felonies.

Hosmer: Traffic; tampering; misdemeanor assault (male victim); misdemeanor stealing; and property damage.

Knight: Felony assaults; weapons; robbery; resisting arrest.

Morasch: Felony stealing; receiving stolen property; DWI 2nd and 3rd; DUS/DUR; leaving the scene; minor in possession of alcohol/authorized I.D.; and failure to return leased property.

Sullivan: Burglary; trespass; forgery; fraudulent use of credit device; DWI 1st; arson; animal abuse/neglect.

Treasurer's Report by Ed Orr

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|--|-------------------|
| Corrected account balance as of 12/21/01 | \$5,262.08 |
| Receipts 12/21/01 - 1/31/02 | |
| Dues | +2,425.00 |
| Interest..... | +0.84 |
| Disbursements 12/21/01 - 1/31/02 | |
| Boone Tavern - unpaid lunches..... | -17.40 |
| Midwest Mailing Service - Newsletter..... | -74.83 |
| Witt Print Shop - Newsletter..... | -57.56 |
| Sir Speedy Printing - Newsletter..... | -51.54 |
| Jack's Restaurant - Holiday Party | -1,975.00 |
| Missouri Manor - Holiday Party..... | <u>-350.00</u> |
| Account balance as of 1/31/02..... | \$5,161.59 |

Around the bar . . .

Mary E. Carnahan recently became an associate at **Brown, Willbrand, Simon & Powell, P.C.**, 601 E. Broadway, P.O. Box 1304, Columbia, phone 442-3181, fax 874-3796.

Feb. 10 is the official date for **Smith Lewis, LLP's** move to Suite 200 at the remodeled City Centre Building, 111 S. 9th St., P.O. Box 918, Columbia.

Gerald Mueller resigned as Boone County District Defender and became an associate at **Jones, Schneider & Bartlett** effective Feb. 1. He was a 1992 MU Law School graduate and became District Defender in June 2000.

Kathryn Benson will be the

new District Defender. She is also a 1992 MU Law School graduate.

Meanwhile, Gerald's wife, **Mary Mueller**, resigned her job as legal counsel and assistant to the Court Administrator effective Feb. 1 after 7½ years to spend time at home with their children. Court Administrator **Bob Perry** is now interviewing candidates for the job, which has a salary range of \$43,098-\$64,792.

Ken Wright has moved to a different suite in the same building. He is now in Suite E at 2600 Forum Blvd.

Dave Evans still has office space open at 717 Cherry St. A

174-square-foot office is available for office-sharing. Also open is a separate 1,130-square-foot suite. Call Dave at 449-8430 for information.

Three faculty of the MU Law School Center for the Study of Dispute Resolution have joined or rejoined the BCBA. They are **Len Riskin**, **John Lande** and **Jim Levin**. **Len Riskin** recently became the first Law School recipient of the Byler Distinguished Professor Award at MU, which recognizes outstanding abilities, performance and character. He has been at the Law School since 1984 and co-authored the leading text on alternative dispute resolution.