



Boone County Bar Association NEWSLETTER

www.bocomobar.org

October 8, 2002

Volume 18, Number 10

New MU Law School Dean Dessem to speak on Oct. 16

New MU Law School Dean **R. Lawrence Dessem**, who recently joined the BCBA, will be the speaker at the next regular luncheon meeting on Wednesday, Oct. 16 at Boone Tavern, 811 E. Walnut St.

Lunch service will begin at 11:45 p.m. to accommodate the program. Checks for the \$9 lunch price should be made payable to Boone Tavern.

RSVP: To reserve your spot for this meeting, contact BCBA Secretary **Scott Wilson** at 443-4500 or scott@hineslawfirm.com by 5 p.m. on Tuesday, Oct. 15.

Dean Dessem's topic will be a "Report Back to the Profession"

Law School enrolls 154

The MU Law School has started the Fall Semester with an incoming class of 154 first-year students, according to Dean **R. Lawrence Dessem**. The average age of the new students is 24. Sixty-one percent are male, 39% are female, and 86% are from Missouri.

The new class brings the highest median grade point average (3.36) and Law School Admissions Test score (top 26%) ever recorded at the school.

The largest number of new students came from MU (58), Truman State (12) and Southwest Missouri State (8).

One of the new students is a physician, while others hold advanced degrees in business, accounting, journalism and theology. Also in the class are several police officers, some reporters and an editor, a college professor, some clergymen, and many students who have just completed an undergraduate degree.

on the MU Law School and legal education in general. He will describe the ways in which the Law School and legal education have changed—and not changed—over the years.

He will also discuss some of the challenges facing legal education and the legal profession at MU, in Missouri, and across the country.

While he will not have a seating chart nor engage in Socratic questioning, Dean Dessem will take (and solicit) questions from the audience.

BCBA members are urged to attend this program, which should be of interest to MU law alumni and non-alumni alike. Come hear "what's really going on" at the Law School, and bring some good questions for Dean Dessem.

Please see BCBA President Betty Wilson's column on the back page for more about this program and the benefits local lawyers realize from the proximity of the MU Law School.

Plan now to attend upcoming events

Plan now to attend these upcoming BCBA events:

Nov. 13 – Judges from the Missouri Western District Court of Appeals will be at the Boone County Courthouse to hear oral arguments and will be the speakers at a luncheon meeting. CLE credit is being sought; if granted, lunch will be served at 11:30 a.m.

December – The annual Holiday Party will be held on a date to be announced. The Program Committee is seeking feedback on three possible formats: Informal reception as in recent years, sit-down dinner with program, and pre-game mixer before an

Oxenhandler to be sworn in Oct. 11

Gary Oxenhandler will be sworn in as Division II Circuit Judge of the 13th Judicial Circuit at a public ceremony at 3:30 p.m. Friday, Oct. 11, in the Ceremonial Courtroom at the Boone County Courthouse. He will begin his judicial duties the following week.

Gov. Bob Holden appointed Judge Oxenhandler to succeed Frank Conley on Sept. 26. Other candidates considered, upon the recommendation of the Boone County Democratic Central Committee, were **Skip Walther** and **Debbie Daniels**.

A Columbia lawyer since his graduation from the MU Law School in 1973, Judge Oxenhandler practiced mainly in the areas of business and real estate, family law and estate planning.

Judge Oxenhandler has been an active participant on civic boards, including the Mayor's Race Relations Task Force in 1996, the Boone County Jail Task Force in 1997 and the Judicial and Law Enforcement Task Force in 2000.

In a prepared statement, Gov. Holden said, "Gary Oxenhandler brings to the bench an understanding of the judicial system from long experience as a practicing attorney. He is a respected civic leader who will continue the tradition of judicial excellence exemplified by Judge Conley."

Walther congratulates Oxenhandler

Skip Walther, one of the candidates considered by Gov. Holden for appointment as Di-

vision II Judge, issued the following statement after **Gary Oxenhandler** was appointed.

"I want to congratulate Gary Oxenhandler on his appointment to succeed Judge Conley. Gary is an outstanding lawyer and will bring honor and integrity to the court.

"I also want to thank everyone who sent letters to the governor's office on behalf of the applicants. The process was greatly aided by the quantity and quality of information provided to Gov. Holden, and members of the bar performed an extremely valuable service by sharing with the governor their wisdom and experience.

"Of course, a special thanks goes to those who supported me. It was truly a humbling experience to receive so many compliments."

MU basketball game (with an option to buy game tickets). Contact **Elton Fay** at 449-2969 or elton@gfglaw.com with your preference.

Jan. 8, 2003 – Missouri Bar President Dale Doerhoff will be the featured speaker at a regular luncheon meeting. Besides discussing issues facing the state bar, he will tell us about plans for the 2003 Annual Meeting to be held in Columbia for the first time ever next September. BCBA members will be called on to help make our debut as the host bar association a big success.

Conley, Hamilton speak on 'State of the Court' at Sept. 18 meeting

A near-capacity crowd of 85 turned out to hear outgoing Presiding Judge **Frank Conley** and incoming President Judge **Gene Hamilton** speak at the Sept. 18 luncheon meeting of the Boone County Bar Association at Boone Tavern.

Judge Conley, whose retirement was effective on his 70th birthday on Sept. 30, noted that the judiciary has changed appreciably since he became a judge in 1970. When he started, most judges were older, and all were male. Now many judges are younger and female.

Judge Conley praised the quality of our local bar and thanked bar members for their help in doing the court's work.

He said one of the most important things for bar members to do is continue practicing civility.

Judge Hamilton noted that when Judge Conley took the bench, there were few dissolution actions, no paternity cases, orders of protection were unheard of, and there were only two circuit judges and two magistrates.

Now, Judge Hamilton noted, such cases are commonplace, and there are three circuit judges, six associate circuit judges, and one commissioner hearing cases in Boone County.

Judge Hamilton praised Judge Conley's abilities as a court administrator and said he starts with many advan-

tages—an effective and efficient local court system, a good group of judges, a good court administrator (Bob Perry), and one of the best local bars in the state.

Judge Hamilton said he will have an "open door policy" and invited bar members to visit, call or write to him with ideas for improvement of the court.

Initiatives in the near future are expected to be implementation of a Mental Health Court presided over by Judge **Christine Carpenter** and continued exploration of alternatives to incarceration, an area in which Boone County has been a leader.

Judge Hamilton made this pledge to BCBA members: "I

will always try to remember from whence I came. I will always try to dispense justice fairly."

In closing, Judge Hamilton read a quotation from an unknown source that he said he tries to keep in mind at all times: "Courts exist to promote justice and thus to serve the public interest. Their administration should be speedy and careful. Every judge should at all times be alert in rulings in the conduct of the business of the court to make it useful to litigants and the community. The judge should avoid unconsciously falling into the attitude of mind that the litigants are made for the courts instead of the courts for the litigants."

Court announces docket changes, rule change and new filing fee list

The 13th Circuit Judicial Court has announced several recent changes.

With the retirement of Judge **Frank Conley** and the appointment of **Gary Oxenhandler** to succeed him as Division II judge, the Law Day schedules for Divisions I and II will be changed.

The main change is that effective Oct. 1, new Presiding Judge **Gene Hamilton**, Division I, will have the Law Day schedule that Division II formerly had, and Judge Oxenhan-

andler will have the Law Day schedule that Judge Hamilton formerly had.

Other minor changes are that the Division I criminal docket in Boone County on the third Monday will start at 2 p.m. instead of 1:30, and the Division II criminal docket on the first Monday in Boone County will start at 1:30 p.m. instead of 2.

Also effective Oct 1, Judge **Joe Holt**, Division VI, will be in Boone County on the second Thursday for contested dissolutions instead of being in Calla-

way County.

Updated docket schedules are available on the BCBA's web site in browser-viewable format at www.bocomobar.org/schedule.htm. On the same page the court's official docket schedule can be downloaded in Microsoft Word format.

The court also has revised Local Rule 6.7 to include the following additional sentence: "In the absence of both the presiding judge and the acting presiding judge, the judge of the division with the lowest division

number shall have the authority to perform the duties of the presiding judge." The revised rule appears on the web site at www.bocomobar.org/administration.htm.

Finally, the court has promulgated a new schedule of filing fees and cost deposits which can be downloaded in Microsoft Word format at www.bocomobar.org/filing_fees.htm. A summary of fees and cost deposits also appears on that page in browser-viewable format.

Wilson announces updated BCBA committee assignments, guidelines

Additional members have been added to BCBA committees, and BCBA President **Betty Wilson** has issued some committee guidelines.

All committees are expected to conduct initial meetings before Oct. 31 and to submit preliminary reports to Betty by Dec. 1.

Progress reports will be due by March 1, 2003, and final reports will be expected by Aug. 1, 2003.

Committee chairs are encour-

aged to submit news about their activities for publication in the *Newsletter*. The deadline for the next *Newsletter* will be Nov. 1.

Updated committee assignments are as follows:

Practice, Procedure and Judiciary: Steve Scott, chair, and Mark Abbott, Marjorie Lewis, Gwen Froeschner, Betty Parrigin, Mark Langworthy, Ron Sweet, Greg Copeland and Milt Harper.

Family Law: Janet Bezler and Mary Carnahan, co-chairs, and

Anna Lingo, Daniel S. Simon, Steve Pratt, Gary Stamper, Amy Markel, Doug Pugh, Noel Magee, Cindy Barchet, Brian Sleeth, Linda Harris, Marilyn Gaeth and Mitch Moore.

Mediation: Lorri Shurtleff, chair, and Rachael Kennedy, Lynn Malley, Bob Aulgur and Marilyn Gaeth.

Partners in Education/Public Relations: Dan Dunham, chair, and Brian Sleeth, Scott Wilson, Bruce Farmer and Marjorie Tarkow.

Criminal Law: Tom Davis, chair, and Kay Evans, Gerald Mueller, Dan Viets, Rusty Antel, Josh Oxenhandler, Greg Young, Dave Eblen, Stan Clay, Dave Evans, Bob Aulgur and Milt Harper.

Program and Entertainment: Mariam Decker and Susan Ford Robertson, co-chairs, and Elton Fay and Lori Green.

Mentoring: Ron Smull, chair, and Ron Sweet, Liz Magee and Mallory Mayse.

More than 550 attend Judge Conley's Retirement Dinner

On the evening of Sept. 27, a near-capacity crowd of between 550 and 600 people filled all three bays of the ballroom area at the Holiday Inn Select Executive Center for Judge **Frank Conley's** Retirement Dinner.

After a reception beginning at 6 p.m., Judge **Gene Hamilton** welcomed the guests at 7, and the Rev. Richard Ramsey, First Presbyterian Church, where Judge Conley has been a long-time member, gave the invocation before dinner was served.

The after-dinner program was kicked off by Bob Pugh and **Doug Pugh** narrating a light-hearted digital slide show recounting Judge Conley's life. The slide show was put together by **Dan Atwill**, immediate past BCBA president, who also co-chaired the Conley Retirement Dinner Committee.

Remarks were then made by Missouri Supreme Court Chief Justice Stephen Limbaugh Jr., Tom Dunlap representing the Callaway County Bar Association, **Kevin Crane** and **Dan Atwill** representing the BCBA, and Eric Engberg, who recently retired from CBS News and who became a friend of Judge Conley's while working as KFRU news director in the 1960s.

Judge Conley made some brief remarks expressing appreciation for the opportunity to serve so many years as a trial judge and thanking the guests for their attendance.

The evening closed with the recitation of a special poem by Judge Hamilton, the "poet laureate" of the Boone County Courthouse (see the adjacent box).

Brief biography of Judge Conley

Here is a brief biography of Judge **Frank Conley**, whose mandatory retirement at age 70 took effect on Sept. 30:

Judge Conley was the eldest of four sons of Sanford Conley Jr. and Eleanor Conley. His father died in 1947. He attended University High School where he played basketball. He then finished undergraduate and law degrees at MU in five years, graduating in 1956.

After a brief stint in an Army artillery unit as a second lieutenant, he returned to Columbia and entered private practice with Howard Major. He married Carla Hayzlett in 1957, and

they have three adult children.

He won election as Boone County Prosecuting Attorney in 1962 and served in that position until his election as Circuit Judge in 1970.

He is a long-time member and elder of First Presbyterian Church. Other memberships include the Rotary Club of Columbia, Pi Delta Theta and Phi Delta Phi.

He served on numerous committees appointed by the Missouri Supreme Court, including the Supreme Court Budget committee, the Committee on Judge Transfers, and the Committee on Critical Issues.

Conley, Whitmarsh receive awards

Boone County Circuit Judge **Frank Conley** and Circuit Clerk **Cheryl Whitmarsh** received awards from Missouri Supreme Court Chief Justice Stephen Limbaugh Jr. at the Judicial Conference on Sept. 13 in Kansas City.

Judge Conley was honored by

a Chief Justice's Award for "exemplary service to the judiciary and outstanding contributions to the administration of justice" during his 30 years as a 13th Circuit Judge.

Whitmarsh's award cited her leadership in implementation of court automation.

The Trial Judge*

By the Honorable Gene Hamilton, Circuit Judge
September 27, 2002

The court can be a treacherous place where many fear to tread;
Delving in things judicial is often viewed with dread.
But it's vital to our courtrooms that the law should be applied
Both equally and fairly by the judge who will preside.
The parties, bar, and public, those who prosecute and defend,
Define qualities of a trial judge that they would recommend.
The lawyers admire a jurist who does not procrastinate,
A judge who is decisive...whose opinions are not late,
A judge who's wise and just, and familiar with the rules,
Who has a sense of right and wrong and does not suffer fools.
Jurors summoned off the street, for hardly any pay,
Prefer a judge who's organized, and runs the court that way,
A judge who's in control and who commands respect,
Keeping jurors well-informed of what they can expect.
Victims want a trial judge who is sensitive and aware
Of how lives have been affected...who listens and will care.
Wisdom, knowledge, experience are qualities to relate
That a judge's fellow judges would like to emulate.
Their judge would be a leader, logical and astute,
Seeking justice under law would be his sole pursuit.
The public wants a judge who's fair, but with a firm approach,
A judge whose reputation is far above reproach,
Who's honest and courageous, and fiercely independent,
Dispensing justice fairly to both plaintiff and defendant.
Reflecting on these attributes that each of us would seek,
To find them all in one judge is certainly unique!

**A tribute to Judge Frank Conley on the occasion of his retirement*

Conley retirement dinner sponsors listed

The following sponsors contributed toward expenses of Judge Conley's retirement dinner and a vacation travel voucher for Judge Conley and his wife:

Judge Jodie Capshaw Asel; Atkinson & Atkinson; Atwill & Montgomery, LLC; Bley & Pfeiffer, P.C.; Boone County National Bank; Roger Brown; Brown, Willbrand, Simon & Powell, P.C.; Stan Clay; Cullen Cline; Commerce Bank; The Copeland Law Firm; Helen Cripps; Deborah Daniels; Jerry and Mary Daugherty; Davis, Susan & Holder, LLC; Glen R. Ehrhardt; Eng & Woods; Bernard Esser, M.D.; David Evans; Gary Evans; Kay Evans; Elton Fay; Lawrence W. Ferguson; Pat Flow; Randy Flow; Ford, Parshall & Baker, LLC; Ralph and Mary Ann Gates; J. Brian Griffith; Judge Gene Hamilton and Marcia Hamilton; Harlan, Harlan & Still; Milt Harper; Helen Trice Trust; Hindman & Goldstein, LLC; Hines Law Firm, LLC; The Insurance Group; Jones, Schneider & Bartlett; David L. Knight; Don and Betty Landers; MBS Textbook Exchange, Inc.; Malloy and Susan Mayse; John McGee; Thomas Mendenhall; Danieal H. Miller; Mitch Moore; Joe and Carol Moseley; Oliver & Walker, LLC; Ed Orr, Scott Orr; REMM, Ltd.; Reinhardt Construction Company; Riley & Dunlap; David Rogers; Rotts & Gibbs, LLP; Diane Rubenstein; Leslie Schneider; Scott Law Firm, P.C.; Shurtleff, Froeschner, Bunn & Hoffman, LLP; Smith Lewis LLP; Gary Tatlow; Richard C. Thomas; Tofle, Oxenhandler & Hajicek, P.C.; Mr. and Mrs. H. Hall Trice; Van Matre & Harrison, P.C.; Walther, Antel, Stamper & Fischer, P.C.; Williams-Keepers, L.P.; Kathleen M. Wirt; Marvin E. "Bunky" Wright.

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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, **Bob Buckley**, P.O. Box 1097, Columbia, MO 65205-1097, phone 449-2613. 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. 2002-03 officers of the Association are: President, **Betty Wilson**, P.O. Box 977, 443-3134; Vice President, **Elton Fay**, 11 N. 5th St., 449-2969; Secretary, **Scott Wilson**, 901 E. Ash St., 443-4500; and Treasurer, **Bob Buckley**, address above. Executive Committee members are the officers and **Dan Atwill**, **Mariam Decker** and **Colly Durley**. The Association's web site is at www.bocomobar.org.

Wilson notes Law School benefits, urges attendance

By **Betty Wilson**
 BCBA President

Practicing law in Boone County has many satisfactions, and one of the principal ones is the presence of the MU Law School. The Law School is not only the alma mater of many members of the local bar, but also is a resource that is not readily available to lawyers who practice in other locales.

Significant resources available from the Law School include its library, its top-rate faculty, faculty members' research projects, and the outstanding speakers and forums sponsored by the school. In addition, local citizens benefit from the

school's clinical programs. The center for Dispute Resolution is a nationally recognized initiative and known to be on the cutting edge of alternatives to litigation.

Another significant benefit of the Law School's proximity is the availability of law students to work as clerks in many local firms and legal settings. Student clerks gain practical experience and mentoring, and attorneys benefit from the energy and curiosity of emerging attorneys and the satisfaction of contributing to the education and professionalization of young, potential members of the bar.

We are fortunate to be able to

sponsor Dean **Larry Dessem** as our speaker on Oct. 16 for a fresh look at the MU Law School. In recognition of this occasion, I would like to declare Wednesday, Oct. 16 as "The Boone County Bar Association MU Law School Day."

Further, I suggest that BCBA members bring their law clerks to our meeting on Oct. 16 as an acknowledgment of the valuable relationship between the school and our bar. Any students who attend will be introduced.

Please plan to participate so we can give Dean Dessem a hearty Boone County welcome!

Around the bar . . .

Effective Oct. 1 **Lorri Kline** became an associate of **Stan Clay, L.L.C.** at 28 N. 8th St., Suite 300, Columbia 65201, phone 442-1646, fax 442-9932.

Welcome to the following new members who have joined the BCBA in the past month: **Richard Hicks**, a new Boone County Assistant Prosecutor; and several members of the MU Law School faculty, **Dean R. Lawrence Dessem**, **Michelle Arnopol Cecil**, **Robert H. (Bob) Jerry II**, and **Suzanne M. Flanegin**.

Another new BCBA member is **Stephanie P. Dent**, a new associate at Rotts & Gibbs, 1001 E. Walnut St., P.O. Box 7385, Columbia 65205, phone 443-3463, fax 443-7099.

Doug Shull, who formerly was in private practice in Columbia and later worked as a public defender in Fulton, is now a Special Assistant U.S. Attorney at 314 E. McCarty St., P.O. Box 117, Jefferson City, MO 65102-0117, phone 573-634-8214, fax 573-634-8723.

Dave Evans still has a 1,120-square-foot office suite for lease at 717 Cherry St. Call Dave at 449-8430 for information.

Treasurer's Report by Bob Buckley

Account balance as of 8/26/02	\$3,961.92
Receipts 8/26/02 - 9/30/02	
Dues	+150.00
Interest	+0.81
Disbursements 8/26/02 - 9/30/02	
Creative Photo (bar composite).....	-700.00
Boone Tavern (executive committee)	-52.00
Boone Tavern (guest/unpaid lunches).....	-61.00
Accent Press (Newsletter printing).....	-63.02
Midwest Mailing (Newsletter mailing)	-70.75
Nowell's (bar picnic)	-1,323.00
Account balance as of 9/30/02	\$1,842.96

Composite orders

Orders are still being accepted for the 2002 Boone County Bar Association photo composite available in 12"x18", 16"x24" and 20"x30" sizes.

For pricing and to place orders, contact Roger Berg's Creative Photo, 2201 S. Old 63, Columbia, MO 65201, phone 875-1841.

A large copy of the new composite, paid for by the BCBA, will be hung in the Counsel Chambers at the Courthouse.