



# Boone County Bar Association NEWSLETTER

www.bocomobar.org

July 3, 2006

Volume 21, Number 7

## CLE credit for 'inside story' on juries July 12

As of August 28, 2004, the former statutory exemption of lawyers from jury service was repealed. Since then several local lawyers have served on juries, and they will share their experiences at the next regular BCBA meeting at 11:30 a.m. Wednesday, July 12 at Boone Tavern.

Titled "Thinking Inside the Box – Lawyers as Jurors," the program is expected to qualify for one hour of CLE credit.

This is a unique opportunity to improve trial skills by learning more about how juries decide cases and what courtroom strategies are effective or ineffective in swaying jurors.

**RSVP:** To reserve your spot for this meeting, contact BCBA Secretary **Helen Wade** at 442-1660 or [hwade@hesnlaw.com](mailto:hwade@hesnlaw.com) by 5 p.m. Tuesday, July 11.

As usual when CLE programs are presented, meal service will begin at 11:30 a.m. July 12 in the large basement meeting room at the restaurant, 811 E. Walnut St. There will be a brief business meeting at noon, followed by the program.

Among the local lawyers who have served on juries and are expected to speak are **Melissa Faurot**, Mike Hamilton, **John Roark** and **John Whitesides**.

**From BCBA  
President Pat Eng**

What a tremendous turnout for our fantastic June program! Many thanks to **Bob Smith** and Judges **Scott Wright** and **Warren Welliver** for sharing their experiences, wit and wisdom.

It was one of our biggest turnouts ever, with about 80 members attending. The program has gotten rave reviews, and I hope our bar can continue with the tradition of these men and be great lawyers and have some fun along the way.

Please remember to RSVP for our meetings. There were some problems with seating and food service at the June meeting because a number of members showed up without making reservations.

Please mark your calendars for the annual picnic and election of officers at beautiful Stephens Lake Park on the evening of Sept. 15. Spouses, dates and kids are all welcome. Best of all – the picnic is paid for out of the bar treasury, so it's free to those attending!

## BCBA CLE programs listed for July 31 reporting deadline

For the convenience of BCBA members completing their CLE reports for the year that ended June 30 (reports are due July 31), following is a list of all CLE-credit programs presented by the BCBA from July 2005 to June 2006:

"What Every Lawyer Should Know about Bankruptcy Law Changes" - presented by **Janice Harder** and **Harry Boul** - July 13, 2005 - 1 hour.

"Legislative Update" - presented by **Jeff Harris** - August 10, 2005 - 1 hour.

"Current Appellate Practices and Procedures" - presented by Judges **Eddie Smith**, **Thomas Newton** and **Lisa White Hardwick**, Missouri Court of Appeals, Western District - November 9, 2005 - 1 hour.

"Factual Discovery and Public Records" - presented by **Wendall Coonse**, LexisNexis representative - January 11, 2006 - 1 hour.

"Ethical Considerations and Domestic Violence" - presented by Boone County Prosecutor **Kevin Crane** and assistant prosecutors **Nicole Volker** and **Merilee Crockett** - February 8, 2006 - 1 hour including 0.6 hour ethics credit.

## Judge disqualification rule amended

The 13<sup>th</sup> Judicial Circuit Court en Banc adopted an amended Rule 6.5 relating to disqualification of judges at its June 27 meeting. The amended rule, which will become effective August 28 absent reconsideration after time for bar comment, reads as follows:

"Whenever a judge is disqualified, whether sua sponte or upon motion of a party, unless otherwise provided by specific order:

"A. The disqualified judge shall certify the case to the presiding judge for reassignment.

"B. If the judge disqualified is the presiding judge, that judge shall certify the case to the circuit judge having the greatest seniority on the bench for reassignment.

"C. When a change of judge has been ordered, the trial setting will be maintained, if possible. If a change of judge is ordered 30 days or more before the date of trial, the parties will

be notified within 10 days as to whether the setting date will be maintained. If a change of judge is ordered less than 30 days before the date of trial, the clerk will notify the parties forthwith as to whether the setting date will be maintained."

## Tripp successfully completes Ironman triathlon

**Mike Tripp** of **Smith Lewis LLP** successfully completed his first Ironman triathlon in Coeur d'Alene, Idaho on June 25, finishing in 13:06:42 and placing 855<sup>th</sup> out of about 1,900 who completed the event.

Mike joined 18 other members of the Columbia Multisport Club in the grueling competition, swimming 2.4 miles, biking 112 miles and running 26.2 miles on a day marked by record high temperatures and high winds.

Mike ran an especially impressive marathon after the bike

ride, passing 600-700 other triathletes to finish the run in 4:16.

He said his goal when the event started was to live through the day and finish the race. After the gun went off and almost 2,000 people got in the lake, he waited until almost everyone had jumped in the 60-degree water before beginning.

"Once it starts, you're not nervous anymore," Mike said. "You swim your laps and get out and think, 'OK, I survived.'"

Mike said he does not plan to compete in the Ironman next

year, but may do it again in the future. "After you do it once, you always think you can do it faster," he said.

"It truly was a fun experience, and I never thought I'd say that," he said. "It was a challenge, but it was fun, and those circles don't always overlap."

Mike started out as a runner and picked up cycling and swimming to vary his workouts. He said he signed up for the Ironman mainly because of the many other athletes from Columbia who also went. "It was peer pressure, in a way."

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The *Boone County Bar Association Newsletter* is published monthly, more or less, by the Boone County Bar Association, Inc. 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](mailto:sscott@scottlawfirm.com). Annual dues are \$40 and may be sent to the Treasurer, **Josh Oxenhandler**, 224 N. 8th St., P.O. Box 1404, Columbia, MO 65205, phone 449-2929. BCBA officers for 2005-06 are: President, **Pat Eng**, 903 E. Ash St., 874-4190; Vice President, **Bruce Beckett**, 111 S. 9th St., Suite 200, P.O. Box 918, 443-3141; Secretary, **Helen Wade**, 401 Locust St., Suite 401, 442-1660; and Treasurer, **Josh Oxenhandler**, address above. Executive Committee members are the officers and **Jodie Asel**, **C.J. Dykhouse** and **Ed Orr**. The BCBA web site is at [www.bocomobar.org](http://www.bocomobar.org).

## Around the bar . . .

The BCBA Young Lawyers Committee will hold its next function, a happy hour, at 5 p.m. Tuesday, July 18, at Forge & Vine, 119 S. 7<sup>th</sup> St. The group will discuss a lunchtime CLE being planned in August. For information, contact **Gretchen Rogers** at 443-3134 or [grogers@owwlaw.com](mailto:grogers@owwlaw.com).

**Correction:** In the June Newsletter, **William Ellis** was inadvertently omitted from the list of attorneys with the Columbia office of **Harris McCausland, PC**, which recently relocated to 2101 Corona Rd., Suite 203, Columbia 65203, phone 445-8990, fax 445-8988.

**Mark Langworthy** has accepted the job of Development Director at the MU Law School, 205 Hulston Hall, Columbia 65211, phone 884-3083, fax 882-4984. He will continue some private practice part-time from his home, 4412 Shoram Ct., Columbia 65203, phone 446-2880. He is closing his office at 1201 W. Broadway and has a matching Kimball walnut desk and credenza with bookcase for sale; call him at 489-1513 for information.

As of August 1, **Anna Lingo** will relocate her office to 23 S. 8<sup>th</sup> St., Suite 901, Columbia 65201. Her phone will remain 449-2740, but her fax will change to 817-3380.

**Anthony Phillips**, formerly an associate of Steve Wyse, is opening the **Anthony Phillips Law Firm, LLC** effective July 5 at 3610 Buttonwood Dr., Suite 200, Columbia 65201, phone 886-7500, fax 886-8901.

**Sarah Read** co-authored an article, "Lawyer Beware: New Procedures in Residential Construction Disputes," in the May-June issue of *The Journal of the Missouri Bar*. The article discusses recently enacted "notice and right to repair" legislation which includes voluntary mediation provisions.

**Sarah Read** and **Steve Scott** were among program presenters at the Missouri Bar's 11<sup>th</sup> annual Solo and Small Firm Conference at Tan-Tar-A June 8-10.

Recent new members of the BCBA are:

\* **Max A. Lewis**, 1201 Paquin St., Apt. 609, Columbia 65201, phone 449-2847.

\* **Travis Hargrove**, a new associate at **Eng & Woods**, 903 E.

Ash St., Columbia 65201, phone 874-4190, fax 874-4192. He is a 2005 MU Law School graduate and will be working on civil matters.

**Stacy Clay** will have an office available August 1 for an office-sharing arrangement at 28 N. 8<sup>th</sup> St., Suite 517, Columbia, including secretary, receptionist, supplies, photocopier, fax, telephone system, utilities and parking. Call Stan at 442-1646 for information.

One of the BCBA's scholarship recipients, Maddie Callis, sent a thank-you note saying, in part: "I want to thank you very much for the generous scholarship. I am honored to be selected from among many accomplished and talented classmates. Hickman has prepared me well, and I am ready for the challenges of Rhodes College in Memphis, TN where I will be studying International Relations and English. Your generous gift will help fund my tuition and allow me to pursue my dream of studying abroad. I plan to pay back your investment by becoming a contributing member of my community."

Twenty-three former members have been removed from the BCBA rolls after failing to pay 2006 dues. Those removed will no longer receive email reminders or the mailed *Newsletter*. Members removed from the rolls must pay full annual dues of \$40 to be reinstated for the rest of the year, with no pro-ration.

### Treasurer's Report by Josh Oxenhandler

Account balance as of 6/2/06.....	\$12,488.01
<b>Receipts 6/2/06 - 6/30/06</b>	
Dues.....	+940.00
Interest.....	+1.73
<b>Disbursements 6/2/06 - 6/30/06</b>	
Accent Press ( <i>Newsletter</i> printing).....	-82.61
Midwest Mailing Service ( <i>Newsletter</i> mailing).....	-108.58
Alumni Center (Bench-Bar Dinner).....	-4,616.87
Editor/Webmaster (April-June 2006).....	-375.00
State High School Mock Trial Tournament.....	-671.00
<b>Account balance as of 6/30/06.....</b>	<b>\$7,575.68</b>