



Boone County Bar Association NEWSLETTER

www.bocomobar.org

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Western District Court of Appeals Featured at January 9 Meeting

Judge Mark D. Pfeiffer of the Western District Court of Appeals, plans to bring three (3) of his colleagues to provide the joint CLE presentation “E-Filing Updates, Appeal Statistics, Lawyer Kudos, and Q&A with the Western Appellate Court” at the next regular BCBA meeting at lunchtime on Wednesday, January 9. Joining Judge Pfeiffer will be Judges Gary Witt and **Karen Mitchell**, and Court Clerk Terry Lord. The program has been approved for 1.2 hours of CLE credit.

Lunch will begin at 11:30 a.m. in the lower level at Bleu, 811 E. Walnut. The presentation will begin about noon. A brief business meeting will precede the program. Lunch costs \$10, with checks made out to Bleu.

RSVP: To reserve your spot for this meeting, contact BCBA Secretary **Casey Berndt** at 449-2740 or casey@markelandingolaw.com by **Noon**, Tuesday, January 8. RSVP’s are necessary so Bleu can prepare sufficient food and seating.

From the BCBA President: 2013 MoBar Annual Meeting in Columbia

The Boone County Bar Association has an exciting opportunity this year to be involved in planning the 2013 Missouri Bar/Missouri Judicial Conference Annual Meeting, which will be held in Columbia Sept. 18-20 at the Holiday Inn Executive Center.

The BCBA's own **Wally Bley** is a co-chair of the Annual Meeting Planning Committee for the event along with MU Law School Dean Gary Myers. As this year's BCBA President, I have been asked and have agreed to serve on the committee, which will hold its first meeting at the Holiday Inn Executive Center on Jan. 26.

The Planning Committee and our Executive Committee will endeavor to create multiple opportunities for our members to participate in planning and putting on the Annual Meeting. If you would like to help, let me know by email to sscott@scottlawfirm.com.

The Annual Meeting was restructured in 2002 with a format featuring interactive plenary sessions on major issues, CLE programs on timely issues for Missouri lawyers, and casual networking social events. All BCBA members are urged to consider attending the meeting.

Steve Scott, BCBA President

Holiday Party Results in Successful Food Bank Collection

A total of 120 bar members, spouses and guests attended the BCBA Holiday Party at the Columbia Country Club the evening of December 12, and brought with them a combined 140 pounds of food and a monetary donation to the Food Bank. This was the second year we added a charitable component to the annual holiday social gathering.

The donation was enough to make a significant difference for individuals in our community. Todd Pridemore, Development Supervisor for the Food Bank extends his thanks to the members of the BCBA for their generosity on behalf of the 121,000 people in central and northeast Missouri identified as “food insecure”.

Thanks to the Program/Entertainment Committee for planning and making arrangements for the party. Members are **Russ Still**, chair, and **Norm Lampton, Susan Lutton, Jennifer Bukowsky, Sander Sowers** and **Betty Wilson**. Thanks also to BCBA Treasurer **Michael Foster** for checking people in and tallying the results.

BCBA Legal Aid Committee Offers Program to Assist Veterans

The BCBA Legal Aid Committee is excited to support a new legal assistance program offered by Mid-Missouri Legal Services in 2013! The Legal Aid to Veterans (LAV) Program will offer legal assistance to qualifying Veterans and MMLS welcomes your involvement. The LAV Program will be funded in part by the proceeds of the 2012 *Chipping In For Charity* golf tournament. If you are interested in serving our returning veterans, please contact Michael Matthews, MMLS Volunteer Lawyers Project Coordinator at matthews@mmls.org.

Message from Presiding Judge Gary Oxenhandler

The following message was sent by email on December 13 on behalf of Judge Oxenhandler:

The Court En Banc sends its appreciation to those appointed counsel who have demonstrated adherence to our Oath and our promise "to practice law to the best of our knowledge and ability and with consideration for the defenseless and oppressed." Further, the Court is appreciative of the support of our local District Directors, David Wallis and Justin Carver. Both of these professionals have endeavored to exemplify what it means to be a Public Defender.

The 13th Judicial Circuit has received a letter from the State Office of the Public Defender (the "SOPD") dated December 12, and the Court is pleased to announce that along with the 13th Judicial Circuit being "decertified" by the SOPD that the SOPD has advised that the 13th's Public Defender Offices have been restored to full availability and, further, that the SOPD has suspended implementation of its current rule and will not employ that rule to certify or recertify the district offices in the 13th Judicial Circuit.

Along with the decertification, the SOPD has announced that not only will it take all new cases (until a new rule is promulgated) but it is also willing to accept re-assignment of cases previously assigned to private counsel – without that impacting upon the capacity numbers for October and November.

As in the past, the Court will not interfere with a given judge's decision to allow or disallow appointed private counsel to withdraw from a case as that is decision that can only be made by a judge presiding over a matter.

The 13th Judicial Circuit has made clear its dissatisfaction with the inefficiency, delay and upheaval in the criminal justice system which has been caused by the SOPD's rule. The rule has apparently been abandoned as a result of the pressure that has been directed at the SOPD due to, among other things, this Court's random private counsel appointments.

The Court is dismayed that as a result of the SOPD's change in policy that appointed private attorneys have spent their time and money to insure that indigent defendants that they have been appointed to represent now find that such appointments may have been avoided if the SOPD's strategy had been more thoughtful.

The Court anticipates that the SOPD will promulgate a new rule. In such event, everyone involved in the system must be vigilant in monitoring and participating in that process as the issues that we have faced for the past several months will not be going away. Involvement by our legislative representatives is crucial.

The 13th Judicial Circuit is committed to taking the rational steps necessary to maintaining effective representation of indigent defendants.

Gary Oxenhandler, 13th Judicial Circuit Presiding Judge

Start Paying 2013 Dues

Lawyers and firms wishing to expense 2013 BCBA dues in 2012 may begin sending \$50/lawyer dues to Treasurer **Michael Foster** at 6750 New Town Ave., S., P.O. Box 10110, Columbia, MO 65205-1010. Make checks payable to "Boone County Bar Association." Dues become payable January 1, and members will be removed from the rolls if they have not paid dues by April 1, 2012. Dues are waived for sitting and retired judges, and members who have reached 75 years of age, or have been licensed for 50 years. If contact information has changed, please provide updated information with your dues payment. If a firm is adding a new member, please complete and send an enrollment form for him/her with the dues payment.

2013 Boone County Bar Association Dues Payment/Waiver Form

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

To: **Michael Foster**, Treasurer
Boone County Bar Association
P.O. Box 10110
Columbia, MO 65205-1010

___ Enclosed is payment of \$_____ for 2013 BCBA dues for the following attorneys
(at \$50 per attorney, or \$25 per attorney for "public service" attorneys)
___ Person named below claims first-time dues waiver for: ___ Judge ___ Seniority

Name(s) and address (note contact information changes, if any) _____

Judge Oxenhandler to Hold Special Law Day in Boone County on January 7, 2013

Ordinarily, January 7 would be Judge Oxenhandler's Callaway Law Day, but the Callaway docket was rescheduled several months ago to Wednesday, January 2, due to a murder trial scheduled to commence on January 7. The murder trial has now been continued, which has created the opportunity for this special Law Day.

Judge Oxenhandler will hear civil cases at 9:00 a.m.; criminal at 10:30 a.m. for private attorney cases and criminal at 1:30 p.m. for in-custody and public defender cases. For more information, contact Marla Gunn, Secretary to Presiding Judge, at 886-4057, or marla.gunn@courts.mo.gov.

Reminder on E-Filings in Callaway County

Submitted on behalf of Callaway County Clerk Judy O. Groner to Callaway and Boone Bar Members:

If you are using Special Process Servers, please remind them that the returns must be sent to the sender and not to our office.

Thank you again for your support of our eFiling efforts. Things are going pretty well for us and I hope you are finding eFiling to be an easier and more efficient way to file your documents. Hopefully it is not as burdensome as it was in the beginning.

Five Volunteers Desperately Needed for High School Mock Trial Competition

The Regional High School Mock Trial competition will be held at the Boone County Courthouse from 8:30 a.m. to 12:30 p.m. on Saturday, January 12, and Saturday, February 23, 2013. Attorneys are urgently needed on January 12 to volunteer as judges and evaluators for the high school students participating in the competition. Attorneys who are available to volunteer on either date should contact **Bill Ellis** at 573-777-3900 or at bill@billellislaw.com.

Columbia Municipal Court Now Offer Wi-Fi to Attorneys

To access Wi-Fi at the Municipal court, choose GoColumbiaMo_Guest from the list of available networks, which will direct you to the Terms and Agreement Page. Click on "I Accept" at the bottom of the page, and you will be directed to the www.gocolumbiamo.com webpage. If you have any questions, contact Shara Meyer, Management Support Specialist, at 874-7232, or slm@gocolumbiamo.com.

Columbia Municipal Court to Raise Court Costs January 1

Any Municipal Court case filed after January 1, 2013, will be assessed a filing fee of \$24.50, which constitutes a \$2.00 increase from the previous amount. The additional \$2.00 will be assessed under City Ordinance 15-19 for the Inmate Prisoner Detainee Security Surcharge. If you have any questions, contact Shara Meyer, Management Support Specialist, at 874-7232, or slm@gocolumbiamo.com.

Volunteer Judges Requested for Mock Trial Tournament January 18-19, 2013

Columbia College and the University of Missouri Columbia will host the Mid-Missouri Mock Trial Invitational Tournament at the University of Missouri-Columbia on Friday January 18 and Saturday January 19, 2013. The tournament hosts need attorneys and law students to serve as judges for this four-round, two-day tournament, which serves as a forum for teams to practice their skills for the regional tournament held in Kansas City in February. Judges will score a printed ballot with established criteria and rule on evidentiary objections governed by an evidence code similar to the Federal Rules of Evidence.

This year's case is a civil wrongful death case involving a death during a scuba diving expedition. Judges are needed for any and all rounds, which are as follows:

Round 1 – Friday, January 18
1:30 p.m. – 4:30 p.m.

Round 3 – Saturday, January 19
9:00a.m. – 12:00 p.m.

Round 2 – Friday, January 18
7:00 p.m. – 10:00 p.m.

Round 4 – Saturday, January 19
1:30 p.m. – 4:30 p.m.

Food and ample non-alcoholic beverages will be provided for judges. Those interested in judging can contact Professor Barry Langford at brlangford@ccis.edu. Information about intercollegiate Mock trial can be obtained at <http://www.collegemocktrial.org/>.

Longtime City Counselor Fred Boeckman to Retire After 26 Years

Fred Boeckman was hired as Columbia City Counselor in 1986, after serving four years as a city attorney in Cape Girardeau. He has served in Columbia through three city managers and countless hours at the City Council meetings, has announced his retirement from the position effective January 31, 2012. A summary of Fred's career can be found in Andrew Denney's November 16, 2012, article in the Columbia Tribune, which can be found at <http://www.columbiatribune.com/news/2012/nov/16/city-attorney-to-retire-in-january/>.

Around the bar . . .

UPCOMING EVENTS

Thursday, January 3, 11:45 a.m.: The Criminal Law Committee will meet at Room 38. There is no speaker or CLE for this meeting. Instead, this will be a general meeting to discuss current issues and ideas for future CLEs, committee meetings, and other committee actions. For further information contact chair **Jennifer Bukowsky** at j@lawbuk.com.

Tuesday, January 15, 11:45 a.m.: The Young Lawyers Committee will meet for its belated/rescheduled annual holiday lunch gathering at The Wine Cellar & Bistro, 505 Cherry Street. Those attending are asked to bring a gag/white elephant gift for the always entertaining gift exchange. Please RSVP by 5 p.m. January 14 to **Sander Sowers** at 875-1991, or sowers@learwerts.com.

Friday, February 8, 11:45 a.m.: BCBA's Juvenile Law Committee will meet at Bleu. Issues to be addressed will include more effective ways to guarantee payment for court-ordered GAL service, and docket efficiencies in Divisions 8 and 10.

TRANSITIONS

Rob Harry has closed his law office and joined Veterans United Home Loans as in-house counsel. His new contact information is 2101 Chapel Plaza Crt., Ste. 107, Columbia 65203-6399, phone: 876-2600, ext. 4091, fax 876.6051, email Rob.Harry@vu.com.

Ashley Franz has left Brown, Willbrand, Simon, Powell & Lewis, and will join Veterans United Home Loans in January. Her new contact information will be 2101 Chapel Plaza Crt., Ste. 107, Columbia 65203-6399, phone: 876-2600, fax 876.6051, email ashleyfranz@gmail.com.

NEW MEMBERS

Corey Jackson, Attorney at Law, LLC, 3113 Funderburg Mill Dr., Columbia, MO 65203-1294, phone 340-9210, fax 800-518-0392, email corey@law-jackson.com, website www.law-jackson.com. Corey graduated from Mizzou Law School in 2007, and worked for two years at Atwill and Montgomery, focusing on Worker's Compensation, Social Security and Personal Injury law. From 2010-12, Corey served as General Counsel for President Pro-Tem of the Missouri Senate, Robert Mayer. He maintained a solo practice during that time, and continues to focus on the previously mentioned areas, as well as Criminal, Family and Insurance law. Corey's wife, Jennifer, is an audiologist at the VA Hospital. They have one son, Will, who was born July 2012.

Nicole Volkert, Law Department, City of Columbia, 701 E. Broadway, Columbia, MO 65201, phone 874-7226, email ndvolkert@yahoo.com.

More information is available on new member **Clayton Thompson**. Clayton is a Columbia native, having graduated from Rock Bridge High School in 2005. He was a member of Beta Theta Pi fraternity at Mizzou and received undergraduate degrees [cum laude] in English and Political Science in 2009, and graduated magna cum laude from Mizzou Law School in 2012. He clerked for Missouri Supreme Court Judge William Ray Price, Jr. in 2010, and for Harper, Evans, Wade and Netemeyer in 2011-12. Clayton began employment at Rogers, Ehrhardt, Weber & Howard in August 2012, where he currently focuses on Civil Defense, and plans to develop a Criminal Defense practice.

OTHER NEWS

The Providence Pointe office building, just up the hill from the football stadium on Providence [the building with the Word Marketing and State Farm signage], has several suites available that would be a prime location for a single attorney or small firm. Current tenants are in the insurance, brokerage, and marketing industries primarily. There are 2 executive suites upstairs and a larger space downstairs that will be available at the end of the year that are set up really well for an attorney-type business. The building obviously has great visibility with tons of traffic every day, is very clean and up to date, and has plenty of parking. It's also 5 minutes or less from the courthouse. For more information, contact Tom Schwarz at 268-3469 or toms11@ymail.com.

Robert C. Smith has been added to the Bar/Schools Partnership Committee.

The 13th Judicial Circuit's Court en Banc October 10, 2012 meeting minutes [approved November 20] are posted on the website at http://www.bocomobar.org/ceb_minutes.htm.

Proposed revisions to the 13th Circuit dockets were created on December 5, and can be found online at <http://www.bocomobar.org/docket.htm>. Highlights include: Division I will add a 9 a.m. Civil Docket on the fourth Monday of the month. Division VII will no longer have an Uncontested Dissolution Docket for *Pro Se* Parties at 3 p.m. Instead, all Uncontested Dissolutions in Division VII will be on Monday afternoons at 1:30 p.m. Division X will no longer have an Uncontested Dissolution Docket, and will add a 9 a.m. Temporary Motion Docket on the 2nd Friday of each month. The only change in the Callaway County Associate Docket is that Judge Schneider will no longer have a Contested Dissolutions Docket there on the 2nd Friday of each month. There are no changes to the Callaway Circuit Court Docket.

There have been additional changes to the Division XI docket schedule, as follows: every Thursday 10 a.m., Division XI will hear contested and uncontested hearings. On the 1st and 3rd Fridays, there will be a Probate Docket in both the mornings and afternoons. The 3rd Friday will no longer be designated for just "contested" Probate cases. The 2nd and 4th Fridays will have a general Criminal docket in both mornings and afternoons, including Contested Cases and Bench Trials [Previously these dockets were designated for Uncontested Cases/Bench Trials]. If there is a 5th Friday in a month, Division XI will hear Criminal in the morning and Probate in the afternoon. The updated proposed docket can be found on the website at <http://www.bocomobar.org/docket.htm>.

On December 3, 2012, revised Local Court Rule 9.6 went into effect, allowing attorneys to use portable devices in the courtroom, subject to certain rules. The revised rule, as well as the current Local Court Rules in both Word and PDF formats, can be found at <http://www.bocomobar.org/rules.htm>.

BCBA Vice President **Russ Still** and Treasurer **Michael Foster** will attend on behalf of BCBA the *Columbia Values Diversity* breakfast on January 17, 2013, at 7 a.m. The BCBA has participated as a sponsor in this event for many years and is pleased to continue the tradition.

The Boone County Bar Association Newsletter is published monthly by the Boone County Bar Association, Inc. Beginning August 1, 2011, send items for publication to the incoming Editor/Webmaster, **Thad Taylor**, 1121 Bus. 70 E, Ste. 2B, Columbia, MO 65201, phone 445-4755, fax 445-4756, email thad@midwestelderlaw.com. Annual dues are \$50 and may be sent to the Treasurer, **Michael Foster**, 6750 New Town Ave. S., P.O. Box 10110, Columbia, MO 65205-1010, phone 449-3141. 2012-13 BCBA officers are: President, **Steve Scott**, 201 Westwood Ave., 65203-2871, phone 442-7268; Vice President, **Russell Still**, 515 Cherry St., Ste. 300, P.O. Box 933, Columbia, MO 65205-0933, phone 874-2402; Secretary, **Casey Berndt**, 1020 E. Walnut St., Ste. 200, Columbia, MO 65201-4941, phone 449-1660; and Treasurer, **Michael Foster**, address above. Executive Committee members are the officers and **Marvin Tofle**, **Amy Salladay** and **Erika Fadel**. The BCBA web site is at www.bocomobar.org.