



Boone County Bar Association NEWSLETTER

www.bocomobar.org

March 2013 - Published March 4, 2013

Volume 28, Number 3

CLE Credit Available for BCBA Meeting March 13

The BCBA's Commercial Law Committee will present "*The Nuts and Bolts of Civil Practice in the Associate Court*" at the regular BCBA meeting on Wednesday, March 13. More details on the program will be forthcoming. The program has approval pending 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, and brief remarks from Boone County Commissioner **Dan Atwill** about the 911 emergency services issue on the April ballot, 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, March 12, so Bleu can prepare sufficient food and seating.

Executive Committee Endorses Plan to Modify Officer Selection

Our Executive Committee has endorsed a plan to move away from our long-standing, unwritten traditions of offering the BCBA presidency more or less in order of seniority in the local bar, which is not mandated by BCBA bylaws. The bylaws can be reviewed at <http://www.bocomobar.org/bylaws.htm>.

However, the Executive Committee believes that another unwritten tradition of having the vice president become the president the next year should be continued because it provides a year for the VP to become more familiar with the workings of the BCBA before taking over as president.

Even at the time I started practicing here in 1978, the seniority system was breaking down because of the sheer number of lawyers in Boone County. It would have broken down much sooner had there not been a number of instances of lawyers "declining the honor" of being president. Even so, there has been a noticeable trend during my time in the bar for the lawyers selected as president by the seniority system to be older and older. Here I am at Social Security age (literally), and I'm only now serving as president (and only because a fairly large number of lawyers with greater seniority turned down the opportunity to serve as president). *[This Article is continued on Page 2]*

Time to Pay 2013 Dues

The BCBA is one of the most active and connected local bar associations in Missouri. We provide our members with nearly all the required annual CLE requirements for the price of lunch, reach out to make our community better, and provide opportunities to keep up on our practice areas and local issues, as well as to socialize with each other outside of the courtroom. All of this for the reasonable fee of \$50 per attorney/\$25 for public service attorneys.

If you have not already done so, please send in your annual dues ASAP to replenish the operating budget and keep the BCBA thriving. You can either print out this page and use the dues coupon below, or print it off the website's dues page, to send in with your 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) _____

Executive Committee Endorses Plan to Modify Officer Selection [cont. from Pg. 1]

There were about 100 members, more or less, in the BCBA at the time I joined in 1978. Old enrollment figures are hard to come by, but we do have a figure of 300 BCBA members as of 2005, and current membership is about 430 - an increase in just eight years of 43%! Therefore, the seniority system clearly cannot continue to function unless we have members with the lifespan of Methuselah.

We know that other county bar associations do not have a seniority system for selecting their leaders. Our sister county in this circuit, Callaway, does not do so, for example. And we are aware that the Cole County Bar Association for many years has had a fairly competitive officer selection process that typically results in more younger members of their bar serving as leaders.

The Executive Committee plans to proceed as follows:

1. Per the bylaws, the president will appoint a Nominating Committee as usual.
2. The announcement of the appointment of the Nominating Committee will state that officers will be nominated without regard to seniority and that members interested in serving as an officer should express their interest to members of the Nominating Committee.
3. The Nominating Committee will be advised by the president to continue the tradition of having the vice president be the presidential nominee the following year for training and continuity purposes, but this would not be binding on the Nominating Committee because it is not required by the bylaws.
4. Per the bylaws, when the election of officers takes place at the annual picnic, members will have the right to make officer nominations from the floor in addition to the slate of officers nominated by the Nominating Committee.

The Executive Committee also will be considering possible amendments to the bylaws, possibly including a new provision that the vice president is a president elect and will be the nominee for president the following year assuming willingness to serve.

The Executive Committee invites all members to comment on these matters as soon as possible. Comments may be directed to me at sscott@scottlawfirm.com or to any other Executive Committee members, whose contact information is at <http://www.bocomobar.org/officers.htm>.

-- Steve Scott, 2012-13 BCBA President.

April 9 Set for 2013 Bench-Bar Mixer in Fulton

Auto World Museum in Fulton provides the setting for the 2013 13th Judicial Circuit Bench-Bar meeting April 9.

Attendees will be able to wander among the dozens of cars on display as they enjoy the appetizers catered by Sir Winston's and a cash bar.

The event will run from 5:30 to 7:30 p.m.

Fulton businessman Bill Backer of Backer's Potato Chips and his family acquired so many antique and classic cars that they turned the hobby into the Auto World Museum in 1996.

The museum operates off U.S. 54 at 200 Peacock Drive on Fulton's northwest side.

From U.S. 54, exit at State Route HH, go southeast on William Woods Avenue to the east outer road (Cardinal Drive), on which you turn left. Continue on this outer road, and turn left onto Peacock Drive to reach the museum.

No formal program is planned, as attorneys and judges of the circuit get to mingle in a relaxed atmosphere.

Callaway County Bar Association President Casey Clevenger will take time at about 6 o'clock for a formal welcome and introduction of Presiding Judge **Jodie Asel** for any remarks.

This event is limited to the members of the Callaway and Boone bar associations and the judges, commissioner and judicial staff of the circuit. Unlike other events of the bar associations, this is not one to which spouses or significant others are invited.

Reservations and payment for the event need to be made by noon Thursday, April 4. Callaway lawyers will communicate with treasurer Carol England. Boone lawyers are to communicate with Boone County Bar Association secretary **Casey Berndt** at casey@markelandingolaw.com.

The cost is \$25 per person. Payment in advance is preferred, but it will be accepted at the door.

This annual event is held once every three years in Callaway.

2013 Missouri Law Review Symposium to be held on Friday, March 8

The 2013 Missouri Law Review Symposium, "*Bombshell or Baby Step? The Ramifications of Miller v. Alabama for Sentencing Law and Juvenile Crime Policy*", will be held on March 8. The event is free and open to the public and is approved for 7.2 hours of CLE credit in Missouri. More information regarding the symposium can be found here: <http://law.missouri.edu/faculty/symposium/>. A link to the brochure is [here](#).

Thank You to Volunteers for High School Mock Trial Competition

Bill Ellis, on behalf of the coordinating committee for the Regional High School Mock Trial competition wishes to extend a special thank you to attorneys who donated their time as judges and evaluators for the final round of the competition, held on February 25: **Todd Werts, Brad Lear**, Jason Gannon, Kim Burton, **Mike Tripp**, Ellen Haynes, Mike Campbell, **Erika Eliason** and Jase Carter.

Beware of Scam From “Corporate Records Service”

BEWARE - business corporation owners all over the area (possibly entire state) are receiving official looking green envelopes from "Corporate Records Service" containing an "Annual Minutes Form" and instructions for its completion.

This is NOT an official government mailing, this is NOT coming from the Missouri Secretary of State, and you are NOT required to send this private company your corporate information and credit card information. Texas and Illinois, and other states have already been hit with this crap. Please alert your clients to this scam as well.

Submitted by **Keith Brunstrom**

Samantha Folkemer Memorial 5K Run/Walk/Dog Walk Scheduled for March 30

Samantha Folkemer was an Assistant Attorney General in the Consumer Protection Division. She passed away in September 2012 at the age of 31 after battling colon cancer. The Samantha Folkemer Memorial 5K been created as a way to remember Samantha and raise funds for research. As requested by her family, all proceeds from the 5K will be donated to the Washington University School of Medicine Genetic Research Division.

To see a flyer regarding the event, including information on prizes to be awarded, [click here](#). If you would like to volunteer the day before or day of the 5K, please contact Caroline Bhat at Caroline.Bhat@dor.mo.gov.

7th Annual Mizzou Baseball / Softball Clinic Set For April 15 And 22

Heart of Missouri CASA (Court Appointed Special Advocates), an organization that trains and supports community volunteers to be the voice of abused / neglected children in protective custody in Boone County Family Court, is presenting its 7th annual Mizzou Baseball and Softball Clinic from 5:30 pm to 7:30 pm on April 15 and 22 at the Dan Devine Indoor Practice Facility for boys and girls ages 5 through 12. The cost of the Clinic is \$25 for one night or \$35 for two nights and includes instruction by members of the Mizzou baseball and softball teams, a complimentary t-shirt and light snack. Family and friends are welcome to watch and enter raffles for prizes. Truman the Tiger will be at both sessions. Register online at www.heartofmissouricasa.com or call 573-442-4670 to reserve your child's space or to sponsor a foster child's participation for only \$35. Individual and firm Clinic sponsorship opportunities are also available. For more information you can contact **Mike Holder**, Board Member, at 573-499-1700 or mholder@midmissourilawyers.com.

Around the bar . . .

UPCOMING EVENTS

Monday, March 11, 11 a.m. – 1:30 p.m.: Harlan, Harlan & Still is offering a seminar on Bipolar Disorder in the Practice of Law on Monday, March 11, 2013. Judge **Michael Bradley** will be presenting information concerning the Mental Health Court in the 13th Circuit and Dr. Michael Mayer will present the causes, symptoms and treatment of Bipolar Disorder as well as ideas of how the disorder may present in your practice. Lunch will be served for \$15 with excess contributions donated to the Family Health Center. The seminar will be offered from 11-1:30 at Harlan, Harlan & Still law office located at 515 Cherry Street, Suite 300. Please contact Jane Gerhart at jgerhart@harlan-still.com by Wednesday, March 6th if you are interested in attending the seminar as seating is limited.

Tuesday, March 12, 3:30 p.m.: The University of Missouri presents its 9th annual 21st Century Corps of Discovery Lecture “*Homicidal History: Shootings, Stabbings, Lynchings, Melees, Massacres and the Legacy of the Civil War in Modern Missouri*”, featuring Frank O. Bowman III, a Floyd R. Gibson Missouri Endowed Professor in the School of Law. Professor Bowman will speak about the social and legal history of the Civil War period in Boone County, Missouri. The lecture is free and will be presented at the Reynolds Alumni Center Ballroom, with a reception to follow in the Great Room. For more information about the event, go to <http://chancellor.missouri.edu/discovery>.

Wednesday, March 27, 5:30 – 7:30 p.m.: The Women Lawyers’ Association of Mid-Missouri (WLAMM) invites members and prospective members to “Skirts in the Courtroom,” a presentation by Supreme Court Judge Mary Russell about the experiences of women attorneys in outstate Missouri, followed by a reception at the Supreme Court, Wednesday, March 27, 5:30 p.m.-7:30 p.m. CLE credit pending. Please RSVP by March 25 to **Tamara Kopp**, tamara.kopp@insurance.mo.gov.

UPCOMING EVENTS [CONT.]

Thursday, April 11, 11:30 a.m.: In honor of Parental Alienation Awareness month Knight & Salladay Law Offices will be hosting a lunch n' learn at Bleu. The speakers will be **Anna Lingo**, Markel & Lingo Law Offices who is a court appointed Guardian ad Litem and Mediator and **Lynne Harris**, Professional Counselor and also Mediator who will be discussing the ins and outs of Parental Alienation in Family Court. This program is eligible for 1.5 hours of CLE credit. Bring \$13 for lunch and RSVP to Knight & Salladay Law Offices at: secretary@columbiamolawfirm.com, or call 573-256-7205.

Friday, April 26, 11:30 a.m. – 1 p.m.: Mark your calendars! The Juvenile Law Committee of the BCBA is pleased to announce an upcoming presentation on drug use in the community and the specifics of drug testing. The brown bag lunch presentation will be in the Jury Assembly Room at the Boone County Courthouse. A chemist from a local drug testing facility as well as an officer from the Columbia Police Department will be sharing information and answering our questions. The Committee will be applying for CLE credit. No need to RSVP. Hope to see you there!

TRANSITIONS

No attorney transitions reported this past month.

NEW MEMBERS

Jonathan Bertz, Assistant Prosecuting Attorney, Boone County Courthouse, 705 E. Walnut St., Columbia, MO, 65201-4485, phone 886-4100, fax 886-4485, email jburt@boonecountymo.org. Jonathan joined the Boone County Prosecuting Attorney's Office on January 3 as its newest assistant prosecuting attorney. He previously served as an assistant prosecuting attorney in Cole County (Jefferson City) from September 2009-December 2012. Jonathan earned both his bachelor's degree (2006; political science) and law degree (2009) from the University of Missouri here in Columbia. He has lived in Columbia since 2002.

Peggy Whipple, Deputy Chief, Litigation Division, Missouri Attorney General's Office, Supreme Court Building, P.O. Box 899 Jefferson City, MO 65102, phone 573-751-8864, fax 573-751-9456, email peggy.whipple@ago.mo.gov. Peggy is admitted to practice before the state and federal courts in Missouri, Tennessee and Ohio, and the Supreme Court of the United States of America. Peggy's civil litigation and appellate practice has included products liability defense, ecclesiastical law, and utility regulation and enforcement. Peggy was born and raised in Columbia, Missouri. She graduated cum laude from the University of Toledo Law School in 1985, serving as a member of both its Law Review and its National Moot Court Team. She was an associate with the Toledo, Ohio law firm of Fuller & Henry, and a partner in the Knoxville, Tennessee law firm of Baker, Worthington, Crossley, Stansberry & Woolf, before becoming one of the founding partners of Woolf, McClane, Bright, Allen & Carpenter. Peggy and her family returned to Missouri, and in 2006 Peggy became the Chief Litigation Counsel for the Missouri Public Service Commission. Peggy joined the AGO in February, 2009 to serve as Deputy Chief for the Litigation Division.

OTHER NEWS

Office Space Available: Highly visible, ground level, and newly renovated space for two or more attorneys. Located at 806 Locust Street between the Courthouse and the Law School. Utilities and some janitorial included. Referrals and support possible. For more information, contact **Carlyle Foley** cf@cfoleylaw.com or 573.449.5316

The BCBA's 2013 Budget can be found on the website at <http://www.bocomobar.org/budget.htm>.

The Boone County Associate Court's current list of conflicts to the regular docket schedule has been updated effective March 1, and can be found on the website at <http://www.bocomobar.org/docket.htm>.

About 35 people attended the BCBA program and heard from Mizzou Law School Dean **Gary Myers** regarding the current state of affairs at the law school.

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 449-2740; 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.