



# Boone County Bar Association NEWSLETTER

[www.bocomobar.org](http://www.bocomobar.org)

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## Ethics CLE Credit Available at the June 10 BCBA Meeting

The presentation at the next BCBA meeting will consist of a panel, including **Helen Wade, Josh Oxenhandler**, and Judge **Leslie Schneider**, discussing '*Ethics in Divorce Discovery*'. The presentation will qualify for 1.2 hours in Ethics 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 payable to Bleu.

RSVP: To reserve your spot for this meeting, contact BCBA Treasurer **Jason Simmons** at 447-3355 or [jason@crippsandsimmons.com](mailto:jason@crippsandsimmons.com) by 5 p.m., Tuesday, June 9. RSVP's are important for Bleu to provide sufficient food and adequate seating.

## Visitation for Judge Horner Set for Monday, June 1 in Auxvasse

Judge **Patrick A. Horner** passed away on Tuesday, May 26, 2015 at University of Missouri Hospital and Clinics. He was 81 years old. Judge Horner earned his Bachelor of Law from the University of Missouri School of Law. He was admitted to the Missouri Bar on the 5th of September in 1959. He practiced law as a general practitioner for ten years until his appointment as a member of the judiciary of the State of Missouri in 1973.

Judge Horner served as President of the Municipal and Associate Circuit Judges Association in 1979-1980. He retired from the active judiciary and became a Senior Judge in 1998. He was a member of MIZZOU Alumni Association receiving the Chapter Award in 2010.

A memorial service will be held at 6:00 p.m. on Monday, June 1, 2015 at Grand Prairie Baptist Church in Auxvasse. The family will receive friends from 4:00 until 6:00 p.m. at the church. In lieu of flowers, memorial donations are suggested to the Grand Prairie Baptist Church or the Lion's Club International Eye Bank, c/o Maupin Funeral Home, 301 Douglas Boulevard, Fulton, MO 65251.

## Volunteers sought for Nominating Committee

It's that time of year again when we need to start thinking about BCBA officers for next year, and the process starts with the appointment by the President of a Nominating Committee.

If you would like to serve on the Nominating Committee, please contact **Jennifer Bukowsky** at 443-2288 or [j@lawbuk.com](mailto:j@lawbuk.com). Per the BCBA Bylaws, the President has until June 1st to appoint the members of the Nominating Committee. Members of the committee will be announced in an upcoming newsletter, and members interested in serving as an officer of the BCBA or member of the Executive Committee can then express their interest to committee members.

The Nominating Committee will be instructed not to follow past practice of trying to nominate the top officers in order of seniority in the bar.

## Still Time to get Your Composite Photo Taken

Creative Photo is still doing make-up composite photos for the next two weeks. If you haven't gotten your composite photo taken call them and set up a time to stop by. You won't look any younger at our next composite so act now.

You can schedule a photo at Creative Photo's Studio by contacting Marvin at Creative Photo, 2201 Old Hwy 63 South, Columbia, MO 65201, phone (573) 875-1841, or [marvin@comophoto.com](mailto:marvin@comophoto.com).

## Date Set for 2015 Annual Jim Butcher Memorial Picnic

The 2015 Annual Jim Butcher Memorial Picnic will take place on Friday, September 11, at Twin Lakes Park. A social hour will begin about 5 p.m., followed by dinner about 6 p.m. Smoked ribeye, bratwurst, hot dogs, and traditional side dishes, and beverages including beer, wine and soft drinks will be served. The picnic will substitute for the meeting in September.

Jim Butcher organized our annual picnic for many years before his untimely death in the late 1980s. After his death, the event was renamed the Jim Butcher Memorial Picnic in his honor, and we have invited his widow Joan to attend as our guest every year since. Mrs. Butcher has graciously accepted our invitation to attend again this year.

The Picnic Committee consists of **Mark Langworthy**, Chair, **Stan Clay**, **Christina Devine**, **Jason Simmons**, and **Sander Sowers**. The picnic is free to all members and their families/significant others, and RSVP's are not required.

## Elwood Thomas Inn of Court is Accepting Applications for Membership

The Elwood Thomas Inn of Court is accepting applications for new members. The Elwood Thomas Inn is a legal organization which meets approximately seven times each year (September to April) alternating between Columbia and Jefferson City. The members meet at the United States Courthouse in Jefferson City, the University of Missouri School of Law and at the Missouri Supreme Court. Included in the membership are Judges from the United States District Court, Missouri Supreme Court, and the Circuit Courts of Boone and Cole Counties. In addition, there are many outstanding and experienced litigators in the Inn. The Elwood Thomas Inn is a litigation-based Inn with a focus on mentoring less experienced lawyers. This year's Inn President is Professor Larry Dessem of the University of Missouri School of Law.

Inn membership consists of Pupils (3d year law students), Associates (lawyers with 0 to 5 years in practice), Barristers (lawyers with 6 to 15 years in practice), and Masters (15 years or more in practice). The Inn has a dinner before each meeting and it is an informative, fun, and professional experience for all. Barristers serve a three year term and Associates serve a two year term. There is no set term for Masters.

If you are interested in applying please complete the attached form and email to: [Matt\\_Whitworth@mow.uscourts.gov](mailto:Matt_Whitworth@mow.uscourts.gov) or [James.Layton@ago.mo.gov](mailto:James.Layton@ago.mo.gov). The application deadline is June 30. Click her on the web version of this *Newsletter* for an application.

## Editor's Note

In last month's *Newsletter*, when noticing **Jennifer Bukowsky** for receiving the University of Missouri Law School's Distinguished Recent Graduate Award, Jennifer's biography mentioned that she had received the *only* not guilty verdict on a Boone County murder jury trial in the last 50 years.

There are two things to note regarding the article. First: The biography was published without Jennifer's review, knowledge or consent. Second: The article neglected to remember **Gary Stamper's** 1987 not guilty verdict received after the jury trial of Lee McDonald.

## Editor's Note: E-Mail Distribution List to be Updated

The email distribution list and membership directory is being updated this month. Members who owe dues and have not paid will be removed from the rolls. There currently are just over 400 people on the email distribution list. Some of you are included for reasons other than being members, and some of our members are exempt from paying dues. Dues are waived for sitting and retired judges and for members who have been licensed for 50 years or more or who are at least 75 years old.

If you believe your membership is currently in good standing and you do not receive the June Newsletter to be published June 1, please contact **Thad Taylor** at [thad@midwestelderlaw.com](mailto:thad@midwestelderlaw.com). There is a chance you will have been mistakenly removed from the distribution list.

## Remembering Judge Horner

In September 2012, Judge Oxenhandler honored Judge Patrick Horner at the Presiding Judge's State of the Judiciary remarks to the Boone and Callaway Bar Associations. Judge Oxenhandler's remarks were as follows:

"Judge Horner, please indulge me. I want to share a poem with you.

*If with pleasure you are viewing  
Anything a man is doing  
If you like him or you love him  
Tell him now.  
Don't withhold your approbation  
Till the parson makes oration  
And he lies with snowy lilies on his brow.  
For no matter how you shout it  
He won't really care about it.  
He won't know how many teardrops you have shed.  
If he earns your praise, bestow it.  
If you love him, let him know it.  
For he cannot read his tombstone when he's dead.*

I want to take a moment and talk about a long and dear and dedicated friend of the 13th Judicial Circuit. The Honorable Patrick J. Horner. Judge Horner graduated the MU law School in 1959. He was a sole practitioner in Auxvasse until 1973 when he was appointed to the Bench by Governor Kit Bond. He ran in 1974 and won. Judge Horner was on the Bench for 24 years and 5 months but who's counting. He started as Probate Judge and with the Court Re-Organization, he heard everything. Since his retirement, he continues to serve as Senior Judge. Last week, he was on the Bench in Boone.

There are so many wonderful stories about Judge Horner. Great stories. Stories of a judge with gumption, compassion and humor. But before I share a couple with you, I want you to know that I share these stories with the utmost respect for someone I believe who is, has been and will continue to be the consummate, unflappable judge. No matter what docket or What cases he may be assigned, whether it is a simple trespass or 40 students being arrested for demonstrating against South African apartheid policies in the Francis Quadrangle, the Judge just steps up to the Bench and does what he does best: be a judge.

Everyone has heard the story about how Judge Horner held court on the front steps of the Boone County Courthouse. Well, here's the truth: One morning, Judge Horner had a Boone Probate docket. It was a busy at the front door and though he was not obligated to go through security, that's just the kind of guy he was . . . he went thru security but no matter what he took off, the metal detector wouldn't stop going off. The marshal, maybe being a tad bit too officious or simply having too good of time, refused to let Judge Horner in. So, after being inspected, detected and rejected, the good Judge walked out of the Courthouse and much to the chagrin of the marshals called his docket on the front steps. Judge Daniels, please don't get any ideas!!!

I had a lot of personal experiences before the judge. But there is one that really stands out. I was trying a contested divorce. The attorney on the other side endeavored to introduce evidence of maintenance. I timely objected . . . and Judge Horner sustained the objection. It was one of the few times in my legal career that I had a meaningful, law based objection sustained. I was pretty excited. However, the attorney on the other side had an un-thought-of legal ploy. The attorney began to cry. After a few moments of open sobbing, Judge Horner said Well, if you're gonna cry, I'll let in . . . and he did. At that moment, I had no idea what had happened to me. I had never studied the BooHoo maneuver. In retrospect, Judge Horner knew exactly what he was doing. What difference did it make it he let the evidence in? He was allowing an attorney to save some face in front of a client and he knew he would follow the law. Which he did: He didn't award maintenance

## Remembering Judge Horner (cont.)

Today, on behalf of all us I want to thank Judge Horner for his unbending loyalty to our court and the citizens of our community. Before I made these remarks, I chatted with Judge Horner. I didn't want to embarrass him. I didn't want him to interpret my remarks as a goodbye. I wanted him to know that we value his body of work and that we expect his helping hand for many years to come. He understood. The day following our conversation, I received an email from the Judge. It enclosed the poem that I read to you a moment ago. Judge Horner shared with me that it was a poem that his Mother, Mary Haun Horner, often quoted to him. She was born in Whitesburg, Tennessee, October 13, 1897; Died Fulton, Missouri, October 12, 1994. It was a poem from the McGuffey reader. Mary must have been very proud of her son.

*If with pleasure you are viewing  
Anything a man is doing  
If you like him or you love him  
Tell him now. . . .*

Judge Horner, thank you.

## BCBA Upcoming CLE Programs Announced

Mark your calendars! BCBA Vice President Josh Oxenhandler has tentatively lined up the following programs for the upcoming fiscal year: **July:** Judge **Christine Carpenter**, current developments in alternative sentencing; **Aug:** Justice Paul Wilson, MO Supreme Court; **Sept.:** 2015 Bar picnic at Twin Lakes shelter, 9-11-15. Additional programs will be announced as they are lined up.

## Around the bar . . .

### UPCOMING EVENTS

**Friday, June 5, 11:45 a.m.:** The Criminal Law Committee will meet at Trey Bistro, 21 North 9<sup>th</sup> Street. The Committee intends to meet at Trey Bistro the first Friday of each month (except July) in 2015. For more information, contact **Kevin O'Brien** at 442-5944 or [kobrienesq@gmail.com](mailto:kobrienesq@gmail.com).

**Tuesday, June 16, 5 p.m.:** The Young Lawyers Committee will meet for happy hour at Snapper's Bar, 12 South 7<sup>th</sup> Street. For more information contact **Sander Sowers** at 875-1991 or [sowers@learwerts.com](mailto:sowers@learwerts.com).

### TRANSITIONS

No transitions reported this month.

### NEW MEMBERS

No new members this month.

### OTHER NEWS

**Pat Eng** has two newly remodeled offices available, storefront and about 1100 sq. feet. Contact Pat at 874-4190 or [peng@engandwoods.com](mailto:peng@engandwoods.com) for more information

Office share available in Guitar Building. Great location across from Boone County Courthouse. Includes paralegal, receptionist, office supplies, internet, Westlaw access, fax and utilities. Contact **Jenny Young** at 573-442-1646.

The Boone County Associate Court's current list of conflicts to the regular docket schedule has been updated effective May 29, 2015. The updated list can be found on the website at <http://www.bocomobar.org/docket.htm>.

## MAY 2015 TREASURER'S REPORT BY JASON SIMMONS

Account balance as of April 30, 2015	<b>\$11,791.40</b>
<b>Receipts 4/30/15 to 5/31/15</b>	
5/29 2015 Dues	\$475.00
5/29 Interest	\$0.10
<b>Total Receipts</b>	<b>\$475.10</b>
<b>Expenses 4/30/15 to 5/31/15</b>	
NONE	\$0.00
<b>Total Expenses</b>	<b>(\$0.00)</b>
<b>Account Balance as of May 31, 2015</b>	<b>\$12,266.50</b>

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 Editor/Webmaster, **Thad Taylor**, 1121 Bus. 70 E, Ste. 2B, Columbia, MO 65201, phone 445-4755, fax 445-4756, email [thad@midwestelderlaw.com](mailto:thad@midwestelderlaw.com). Annual dues are \$50 and may be sent to the Treasurer, **Jason Simmons**, P.O. Box 7068, Columbia, MO 65205-7068, phone 447-3355. 2014-15 BCBA officers are: President, **Jennifer Bukowsky**, 810 E. Walnut, Columbia, MO 65201-4863; Vice President, **Josh Oxenhandler**, 107 N. 7<sup>th</sup> St., Columbia, MO 65201-4425, phone 499-1700; Secretary, **Chrissy McCartney**, 3610 Buttonwood Dr., Ste. 200, Columbia, MO 65201-3721, phone 886-8913; and Treasurer, **Jason Simmons**, address above. Executive Committee members are the officers and **Russ Still**, **Stephen Richey** and **Kristen Dickinson**. The BCBA web site is at [www.bocomobar.org](http://www.bocomobar.org).