



Boone County Bar Association NEWSLETTER

www.bocomobar.org

April 2008 (Mailed March 31, 2008)

Volume 23, Number 4

Sovereign immunity CLE program at April 9 meeting

A one-hour CLE-credit program on sovereign immunity will be featured at the next regular BCBA meeting at lunchtime on Wednesday, April 9 in the County Room on the lower level of Boone Tavern, 811 E. Walnut St., Columbia.

As usual when CLE programs are presented, meal service will begin at 11:30 a.m. The lunch

price will be \$9, payable to the restaurant. A brief business meeting will precede the program.

RSVP: To reserve your spot for this meeting, contact BCBA Secretary **Joy Ahern** at 445-8990 or jahern@harris-mccausland.com by 5 p.m. Tuesday, April 8.

The program, titled "Of

Course It's a Dangerous Condition—Somebody Was Hurt," will be presented by Zach Cartwright, senior litigation counsel in the General Counsel's Office, Missouri Highways and Transportation Commission.

He will discuss the current status of sovereign immunity law after several significant 2007 decisions including *Hui-fang v. Kansas City*, *Hensley v.*

Jackson County and *Cain v. MHTC*.

Included will be discussion of the current state of the law regarding waivers of sovereign immunity under §537.600 RSMo.

Zach graduated from the MU Law School in 1976 and has worked at MHTC for about 20 years. Since 1990 he has primarily defended tort claims.

From BCBA President Jeff Parshall

I want to thank everyone who attended the Bench-Bar Dinner on March 11. For those of you who didn't make it, you missed a wonderful evening at the Columbia Country Club attended by just over 100 lawyers, judges and courthouse staff members.

I'd like to thank the Young Lawyers Committee and the Program and Entertainment Committee for their joint efforts in putting together a wonderful dinner and program. **Sander Sowers**, **Melissa Faurot**, and **Linda Harris** coordinated the location, menu, sponsors, and entertainment. **Greta Bassett** and her assistant Maren Mellem managed the registration table.

I would also like to thank all our

judges who participated in the program. I think the question-and-answer session is a great forum and allows our judges to explain why and how things work in our court system. The 13th Judicial Circuit is certainly privileged to have a group of hard working, thoughtful judges.

Special thanks to Judge **Kevin Crane** and **Doug Pugh** for bringing us those questions that "didn't make the cut," which along with Doug's "Uncontested Divorce" poem made for a thoroughly delightful evening.

Finally, thanks to the sponsors, Midwest Litigation Services and LexisNexis. **Finley Gibbs** won the drawing for the goodie basket donated by Midwest Litigation Services.

Future events

May 14: CLE program at regular lunchtime meeting on limited-scope representation and free malpractice protection for *pro bono* attorneys.

June 11: CLE program at regular lunchtime meeting on electronic evidence and discovery.

July 9: Regular lunchtime meeting. Program to be announced.

August 13: Regular lunchtime meeting. Program to be announced.

September 5: Evening picnic and election of officers at Twin Lakes Park.

Dues must be paid by end of April

Members who have not paid 2008 dues of \$40 per lawyer by the end of April will be stricken from the rolls and will no longer receive the *Newsletter* or be listed on the BCBA web site.

Dues are waived for sitting and retired judges and for members who have been licensed at least 50 years or who are at least 75 years old, but the waiver must be requested.

Dues or waiver requests should be sent to **Christina McCartney**, Treasurer, 2101 Corona Rd., Suite 201, Columbia, MO 65203-2582.

Please provide your name, mailing address, phone and fax numbers and email address.

Law School plans historical trial April 3, adoption course next year

HISTORICAL TRIAL: Did a Missouri Governor murder Jesse James? Bar members and the public are invited to find out by attending the trial of *State of Missouri v. Thomas T. Crittenden* at 6 p.m. Thursday, April 3 in the Hulston Hall Courtroom, presented by the Law School's Historical and Theatrical Trials Society.

Crittenden was governor in the 1880s. He met with Robert Ford, the man who killed Jesse James, to encourage Ford to help him put an end to the James gang. Ford later killed James. In the Law School case, Gov. Crittenden has been accused of conspiracy to murder Jesse James. Essentially, the prosecution asserts that the governor entered into a contract with Ford to pay him for killing James. Gov. Crittenden denies these charges.

The lead prosecutor will be Prof. Frank Bowman. Columbia attorney Chris Slusher is the lead defense attorney. Prof. Greg Scott will be the defendant. Missouri Supreme Court Judge Patricia Breckenridge will be the judge. Each trial team will feature a student who has demonstrated excellent trial skills. Students, professors, bar members, and others will be playing the roles of Robert Ford, Clay County Sheriff James Timberlake, and other witnesses. All attor-

neys and witnesses will appear in period costumes.

In the Law School's annual history trials, every effort is made to stay as true to history as possible (although the cases did not actually result in trials at the time). For example, copies of several actual historical documents, including the governor's "Official Proclamation" asking for citizen assistance in thwarting the James gang, the conviction and death sentence for the Ford brothers, and the governor's pardon of Ford, probably will be introduced as exhibits at trial.

For more information, contact Prof. **Steve Easton** at EastonS@missouri.edu or Trial Director Jay Atkins at jsac52@mizzou.edu.

ADOPTION COURSE: Plans are being made to offer a two-credit-hour course, "Adoption Law and Practice," during the Spring 2009 semester which will be open to attendance as "auditors" by practitioners who want to add the practice area. At current rates, the charge for the course would be \$972.30. CLE credit will be applied for. For information, contact Associate Dean **Jim Devine** at 882-7453 or devinej@missouri.edu.

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The Boone County Bar Association Newsletter is published monthly 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. Annual dues are \$40 and may be sent to the Treasurer, **Christina McCartney**, 2101 Corona Rd., Suite 201, Columbia, MO 65203. 2007-08 BCBA officers are: President, **Jeff Parshall**, 3210 Bluff Creek Dr., 65201, 449-2613; Vice President, **Mallory Mayse**, 28 N. 8th St., Suite 411, 65201, 875-1988; Secretary, **Joy Ahern**, 2101 Corona Rd., Suite 203, 65203, 445-8990; and Treasurer, **Christina McCartney**, address above. Executive Committee members are the officers and **Bruce Beckett**, **Randall Johnston** and **Tom Schneider**. The BCBA web site is at www.bocomobar.org.

Around the bar

A reception honoring **Ed Berg's** 30 years as Executive Director of Mid-Missouri Legal Services (MMLS) was held March 11 at the Club at Old Hawthorne. Ed was in private practice in Clayton 1973-76, worked for the Bootheel Area Legal Assistance Program 1976-78, and took over at MMLS in 1978, where he is still a consultant. The featured speaker at the reception was Missouri Supreme Court Judge Richard B. Teitelman.

The filing fee and costs schedule for the 13th Circuit was revised effective March 4, with the result that most probate filing fees increased by \$15. Details, including a summary of current probate filing fees, can be found at http://www.bocomobar.org/filing_fees.htm.

Dan Dunham recently became the second BCBA member to file for the Democratic nomination for Boone County Public Administrator. Dan graduated from the MU Law School in 1980 and has been a BCBA member since 1981, serving as chair of the Partners-in-Education Committee 2000-2006. He has been practicing law with Carlyle Foley, P.C. since 1999. The other BCBA member seeking the Democratic nomination is **Casey Forbis** of Hallsville.

The BCBA Criminal Law Committee has changed its meeting loca-

tion and is now meeting at the Pasta Factory on the third Thursday every month at 11:45 a.m. The next meeting will be April 17. All bar members are welcome to attend. For information, contact committee chair Randall Johnston at 442-8897 or rbjlaw@hotmail.com.

The Young Lawyers Committee will meet for lunch at Jina Yoo's, 2200 Forum Blvd. at 11:45 a.m. Tuesday, April 15. For information, contact **Sander Sowers** at 256-8989 or sander@dansimonlaw.com. On March 1, several members of the YLC participated in the annual Big Brothers Big Sisters Bowl for Kids Sake, raising over \$1,300 for the event.

The Heart of Missouri Court Appointed Special Advocate (CASA) program will hold its second annual CASA Clinic fund-raiser on April 7 and 14. The advance registration deadline is April 1. Details and a registration form appear at the top of the news page on the BCBA web site.

The item in last month's *Newsletter* about **Jeffrey R. Kays** opening a solo practice in Ashland incorrectly stated that he recently left Johnston, Kays & Smith. Actually, he left that firm in October 2006 and worked in the interim at a Jefferson City law firm.

Recent new BCBA members include:

* **Kara L. Linnemeyer**, Beacon Street Properties, LLC, 3700 Monterey Dr., Suite A., Columbia 65203, phone 289-6861, fax 866-483-7208. She graduated from DePaul University College of Law in Chicago in 1998 and worked eight years in Chicago and one year in Jefferson City before returning to Columbia to work in-house for family companies, Beacon Street and Assured Property Management, LLC.

* **Michael R. Whitworth**, 1001 E. Walnut St., Suite 101, Columbia 65201, phone 441-5555, fax 441-5755.

Several other recent new members will be introduced in the next *Newsletter*.

Pat Eng has a 2,000-square-foot downtown office space available, including reception area, four offices, conference room, work area, break room and storage. For information call Jan Cumbie at 999-5480 or 446-6767.

Carlyle Foley is still seeking a reasonably current set of West's *Missouri Practice*. Please call him at 449-5316 if you have a set for sale.

Treasurer's Report by Christina McCartney	
Account balance as of 2/29/08	\$12,457.69
Receipts 2/29/08 - 3/28/08	
Dues	+830.00
Interest	+1.32
Holiday Party	+70.00
Bench-Bar sponsorship (Midwest Lit. Services)	+400.00
Bench-Bar Dinner	+2,500.00
Disbursements 2/29/08 - 3/28/08	
Accent Press (newsletter).....	-90.49
Midwest Mailing (newsletter).....	-115.91
Bench-Bar Dinner nametags	-30.10
Bench-Bar entertainment (Joel Anderson Ensemble)	-400.00
Editor/Webmaster (January-March 2008)	-450.00
Account balance as of 3/28/08	\$15,172.51