



SPRINGFIELD Metropolitan Bar

BAR NEWS

September/October 2012

MONTHLY CLE LUNCH

Candidates Forum

*Missouri State
Representative,
Local, Contested Races*

Wednesday, October 17, 2012

11:45 AM (1 MCLE)

Tower Club, 22nd Floor

The candidates for Missouri Representative in the contested 132, 133, 134, and 135 districts have been invited to speak at the October SMBA lunch. The candidates have been asked to touch on the following topics of interest to SMBA members: judicial selection and the nonpartisan court plan, revisions to the criminal code, solutions to the public defender situation, and the filing fee increase which has been proposed in the past two legislative sessions that would prevent Greene County from losing funding for one of our family court commissioners. All SMBA members from the Bench and Bar are encouraged to attend this important meeting.

REGISTRATION

In advance:

\$20.00 members, \$30.00 non-members

At the door:

\$25.00 members, \$35.00 non-members

Invoice fee of \$5 will be charged if payment is not received on the date of the lunch. Non-members may only attend as guests of SMBA members. Reservations by phone, mail, or online at springfieldbar.com.

REGISTER NOW FOR FUTURE SMBA LUNCH PROGRAMS

November 21, 2012

The Watts Decision and Med Mal Caps

Kent Hyde

Hyde, Love & Overby and

Roger Johnson

Johnson, Vorhees & Martucci

December 19, 2012

Gifts from the Bench

THANK YOU

to our September

Monthly Lunch Sponsor:





by Teresa Grantham
2012 SMBA President

PRESIDENT'S LETTER

Retired Supreme Court Justice Sandra Day O'Connor has described Missouri as both a leader of judicial independence and as a target for those who would marginalize it. November will bring the Presidential Election and a vote on an issue that affects our judicial system, Amendment 3 (the Missouri Judicial Appointment Amendment). The ballot language has been approved and the Secretary of State website currently shows the following as what we will see on November 6th:

Official Ballot Title:

Shall the Missouri Constitution be amended to change the current nonpartisan selection of supreme court and court of appeals judges to a process that gives the governor increased authority to:

- *appoint a majority of the commission that selects these court nominees; and*
- *appoint all lawyers to the commission by removing the requirement that the governor's appointees be nonlawyers?*

There are no estimated costs or savings expected if this proposal is approved by voters.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to change the current nonpartisan selection of supreme court and court of appeals judges to a process that gives the governor increased authority to appoint a majority of the commission that selects these court nominees. This measure also allows the governor to appoint all lawyers to the commission by removing the requirement that the governor's appointees be nonlawyers.

A "no" vote will not change the current constitutional provisions for the nonpartisan selection of supreme court and court of appeals judges.

If passed, this measure will have no impact on taxes.

So, that's what we're voting on in November. The SMBA Board of Directors voted last month to support the work of Missourians for Fair and Impartial Courts. The Missourians for Fair and Impartial Courts Committee (MFICC) is a group of retired judges, business leaders and community leaders opposed to a constitutional amendment that

would allow politicians and their political agendas to control the Missouri Nonpartisan Court Plan. MFICC will educate voters this fall on why putting politicians in charge of Missouri's judicial selection process is dangerous because it brings partisan politics into the one branch of government where politics has been kept at bay.

The Honorary Co-Chairs of Missourians for Fair and Impartial Courts Committee are:

- Former Supreme Court Judge William Ray Price, Jr., appointed by Republican Governor John Ashcroft.
- Former Supreme Court Judge Ronnie L. White, appointed by Democratic Governor Mel Carnahan.
- Former Supreme Court Judge John C. Holstein, appointed by Republican Governor John Ashcroft.
- Former Supreme Court Judge Ann K. Covington, appointed by Republican Governor John Ashcroft.
- Former Supreme Court Judge Michael A. Wolff, appointed by Democratic Governor Mel Carnahan.
- Former Supreme Court Judge Edward D. "Chip" Robertson, Jr., appointed by Republican Governor John Ashcroft.

I think it's fascinating to remember that the adoption of the Missouri plan by initiative referendum resulted from a public backlash against widespread abuses of the judicial system by the Pendergast political machine in Kansas City and the ward bosses in St. Louis. The *St. Louis Post Dispatch* reported on May 10, 2012 that, "The proposal is sponsored by Sen. Jim Lembke, R-Lemay, a longtime critic of the state's nonpartisan court plan. Lembke and other Republicans contend that it gives too much power to trial lawyers and leaves voters with no one to hold responsible for judicial rulings they dislike." Amendment 3 would change the current plan to remove the requirement of including **nonlawyers** and allow the governor to appoint all lawyers and a majority of those lawyers in a single term. If you didn't just see the problem with that juxtaposition of statements, read it again. The intent of Amendment 3 is not to protect the idea of a fair and impartial judicial system. It is our job to support a fair and impartial judicial system as the backbone of the rule of law. Help educate others as to this issue and show up to vote.



SPRINGFIELD
Metropolitan Bar

The *Bar News* is published monthly by the Springfield Metropolitan Bar Association. The opinions expressed herein are those of the authors and are not necessarily in conformity with those of the editor or the SMBA.
Crista Hogan, Editor
Rebekah Teller, Layout • rebekah.teller@gmail.com

OFFICE HOURS

Mon-Fri, 9 AM – 5 PM
1615 S. Ingram Mill Road, Building D
Springfield, MO 65804
417-831-2783 • fax: 417-831-2842
www.smba.cc • melanie@smba.cc

OFFICERS

Teresa Grantham, President
Chip Sheppard, President-Elect
Steven Harrell, Treasurer
Gary Powell, Past President

DIRECTORS

Dan Nelson • Charity Elmer • Adam Pihana
Robert Palmer • Jake Reinbold • Steve Snead
Neil Chanter • Dwight Rahmeyer • Trace Johnson
Susan Jensen • Dan Patterson • Dwayne Fulk

EX OFFICIO

The Honorable Thomas Mountjoy, Presiding Judge
Crista Hogan, Executive Director

STAFF

Crista Hogan, Executive Director
Melanie Richards, Office Manager

2012 COMMITTEE CHAIRS

Alternative Dispute Resolution Aaron Jones
Bench and Bar Chip Sheppard
Board of Directors Teresa Grantham
Commercial/Insolvency Lee Viorel
Criminal Law Nancy Price
Family Law Shannon Grisham
Federal Bench and Bar Doug Harpool
Greene County Law Library Rick Temple
Health and Wellness Kevin Rapp
In House Counsel Dwight Rahmeyer
Juvenile Law Chris Hazelrigg
Law Day Brett Roubal
Lyceum Jeff Mitchell
Memorial Tamara DeWild
Mentorship Brian Shepard
Mock Trial Nancy Fisher
Monthly Programs Grant Rahmeyer
NCPC Chip Sheppard
Probate and Trust Sativa Boatman Sloan
Social Security Jon Pitts
SMB Foundation Gary Powell
Taney County Chad Davis
Trial Practice Laurel Stevenson
Workers' Compensation Mike Mergen
Young Lawyers Chris Hoeman

IN THIS ISSUE

President's Letter..... 2
by Teresa Grantham

Judge England Reception 6

About the Bar 7
by Crista Hogan

Guest Editorial: The Missouri Plan 9
by Ron Baird

Popcorn & CLE..... 10

SMBA CLE: Federal Trial 11

SMBA CLE: Family Court 12

Bulletin Board..... 13

Room Use and Equipment Rental..... 14

IN EVERY ISSUE

SMBA Committees..... 4

Bench & Bar 5

Lawyer Referral Service 15

VLP Corner 17
by Sharon Alexander

Call-A-Lawyer..... 17

Classifieds 19

SMBA Calendar 20

**THE OBJECT OF THE
SPRINGFIELD BAR**

Established October 17, 1903

- To maintain the honor and dignity of the profession of law,
- to cultivate social interaction among its members,
- and for the promotion of legal science,
- and the administration of justice.

UPCOMING MEETINGS

Young Lawyers
 Tuesday, October 9
 5:30 @ Mothers Brewery

Juvenile Law
 Thursday, October 11
 11:30 @ Juvenile Office

Probate and Trust
 Wednesday, October 24
 noon @ SMBA

Trial Practice
 Thursday, October 25
 4:30 @ Lathrop & Gage

Mentorship Monday
 Monday, October 29
 noon @ SMBA

Board of Directors
 Wednesday, October 31
 noon @ SMBA

Taney County
 Thursday, November 1
 noon @ Forsyth

Bench and Bar
 Monday, November 5
 noon @ Judicial Center

Juvenile Law
 Thursday, November 8
 11:30 @ Juvenile Office

In-House Counsel
 Monday, November 26
 noon @ SMBA

Board of Directors
 Thursday, November 29
 noon @ SMBA

COMMITTEE SIGN-UP FORM

If you would like to add or change your committee status you can do so online at smba.cc or use this form. Please circle the committees below and return to the SMBA office by mail, email melanie@smba.cc, or fax 417-831-2842.

Name _____

E-mail _____

- Alternative Dispute ResolutionAaron Jones
- Commercial/Insolvency..... Lee Viorel
- Criminal Law.....Nancy Price
- Family Law Shannon Grisham
- Health and Wellness..... Kevin Rapp
- In House Counsel..... Dwight Rahmeyer
- Juvenile Law..... Chris Hazelrigg
- Law DayBrett Roubal
- Lyceum..... Jeff Mitchell
- Memorial..... Tamara DeWild
- Mentorship Brian Shepard
- Mock Trial Nancy Fisher
- NPCP Chip Sheppard
- Probate and Trust..... Sativa Boatman Sloan
- Social Security Jon Pitts
- Taney County Chad Davis
- Trial Practice.....Laurel Stevenson
- Workers' CompensationMike Mergen
- Young Lawyers..... Chris Hoeman

TWENTY-ONE APPLY FOR BARNEY VACANCY ON SOUTHERN DISTRICT

The Appellate Judicial Commission has announced the following demographic information relating to applicants for the vacancy on the Missouri Court of Appeals, Southern District created by the August, 2012 retirement of Judge Robert S. Barney.

Of the 21 applicants, six are women; there are no minority applicants. Eight are from outside Springfield. Nine applicants work in the public sector, nine work in the private sector and three work in both. Of those in the private sector, seven work in solo or small-firm practices. Of those in the public sector, five are state trial court judges. The applicants' mean age is 52. The applicants are:

Rob J. Aiken
Chantel L. Alberhasky
Douglas C. Bunch
Dale L. Davis
Deborah K. Dodge
Hon. David A. Dolan
James C. Egan
Kevin M. FitzGerald
Wendy E. Garrison
Hon. Douglas D. Gaston
Laura Jo Johnson
Victorine R. Mahon
James E. Meadows
Michael A. Moroni
Hon. Kelly W. Parker
John E. Price
James R. Sharp
Hon. Mary W. Sheffield
Stephen H. Snead
Stephen P. Sokoloff
Scott E. Thomsen

The commission will interview all 21 applicants on Thursday, Oct. 11 at the Supreme Court Building, in Jefferson City. The public is invited to attend and observe interviews. The commission expects to meet at 2:30 p.m. Thursday in the same location to select the three nominees from this applicant pool for the governor's consideration.

SUMMARY OF THE GREENE COUNTY CIRCUIT COURT EN BANC MEETING HELD ON AUGUST 8, 2012

1. Judge Thomas Mountjoy reviewed the Supreme Court decision regarding Public Defender Appointments. Rod Hackathorn and reported that he has not received instruction from the State Public Defender Commission regarding their response to the decision. A discussion occurred and no action was taken at that time. A meeting will be held when the Public Defender Commission determines how they will respond.
2. Commissioner Peggy Davis reported on Senate Bill 480 and the changes in Chapter 302 RSMo.
3. Jerry Moyer presented a proposed 2013 Budget. The Court En Banc approved the Budget after some discussion.
4. Court Administrators Report:
 - a. Sue Carter reported on changes in security levels in Secure Case.net that will be implemented on August 27, 2012.
 - b. Jerry Moyer reported on the Scanning Project. The Court En Banc approved a plan to start scanning new Felony Criminal Cases beginning on September 17, 2012.
5. The Court En Banc went into Closed Session. No votes were taken.



You are cordially invited
to a reception for
The Honorable James C. England
U.S. Magistrate Judge
to celebrate his retirement
after 36 years of dedicated service
on the federal bench.

Thursday, October 11, 2012

5:00 to 8:00 p.m.

Program at 6:30 p.m.

Highland Springs Country Club

Spouses/Guests Welcome.
RSVP to Glenda Elayer (417-225-7723)





by Crista Hogan
Executive Director

ABOUT THE BAR

SMBA president Teresa Grantham and I drove to Kansas City last weekend. Technically we didn't drive. Teresa drove and I looked out the window.

We went to KC for reasons unrelated to the bar. We went for a ten mile road race called "Blues and Brews." The blues and the brews part left a lot to be desired but the race was fun and the weekend was terrific. None of which has anything to do with this article.

While Teresa was driving and I was looking out the window I noticed a number of political signs with names unfamiliar to me, which is expected a few weeks out from Election Day. The signs that got my attention were the candidates for judge. Now that we elect our judges in the 31st circuit through retention elections and the nonpartisan court plan, those "elect Judge" signs catch me off guard.

It wasn't long ago, only four years, when Greene County voters adopted the nonpartisan court plan. Four years ago we all received letters from one or more candidates for judge, asking for contributions and support. Four years ago we went to the ballot box and unless we knew the candidates for judge personally, probably based that vote on information that had nothing to do with the credentials that make a good judge.

For me, as a bar director, the best part of the nonpartisan court plan is the judicial performance evaluation process. And that is also my favorite aspect of the plan personally, as a voter. I take my right and responsibility to vote very seriously. That is why I don't commit felonies. I don't want to lose my vote. I also don't want to go to jail and really have no interest in breaking the law so the felony reference is a bit of an exaggeration.

As a bar director I am routinely contacted by reporters and civic groups seeking information about candidates for judge. And prior to November, 2008, I received inquiries like "can you tell me the difference between these two candidates running against each other for judge and why can't they tell me anything about themselves other than where they go to church and how many kids they have?" I then had the opportunity to explain that judicial candidates were not like the candidates from the other two branches of government, and that campaign promises and policy platforms weren't appropriate or ethical for judges, and that basically I really couldn't give them any information that

would help inform the voters and neither could the candidates themselves. Now that we have the nonpartisan court plan those inquiries from media and civic groups have continued and increased. Now I can point them in the direction of Judicial Performance Evaluations.

Under the nonpartisan court plan there are no campaigns. Each judge that stands for retention is evaluated under a process set forth in Rule 10 of the Missouri court Rules. A Judicial Performance Evaluation Committee is tasked with the duty of conducting an in-depth evaluation. We have used this process for our Supreme and Appellate Court judges for over seventy years.

When we adopted the plan for Greene County work began immediately to integrate into the system. A 31st Circuit Judicial Performance Evaluation committee was appointed by the Missouri Bar Board of Governors consisting of six lawyers and six non-lawyers from our community. That committee currently includes Ron Baird, Morey Mechlin, Warren Harris, Teresa Grantham, Rodney Nichols, Matt Russell, Debbie Dodge, Annie Busch, Brad Bodenhausen, Brian Fogle, Norman Ridder and Mark McFatrige.

This year our Greene County Ballot will include five judges standing for retention. Supreme Court Judge George Draper, Southern District Judge Bill Francis, and Circuit Judges Mountjoy, Holden and Cordonnier.

The evaluation process has traditionally included juror surveys, lawyer evaluations and writing samples. This year a new element was added. For 2012 the Judges were also evaluated by their peers on the bench.

I will spare you the details of the 18 elements that are included on the juror and colleague surveys and direct you to showmecourts.org. That website includes both the summaries as well as more detailed evaluations on all of the judges on the Greene County ballot as well as the other counties across the state. The really short summary is that all of the judges on our ballot in Greene County were recommended to be retained. But a great deal of work went into the process and the detailed information is well organized and summarized. I encourage you to take a few minutes and review their findings.

don't get taken for a ride

on professional liability insurance.



Droves of Missouri attorneys already know the advantages of switching to GilsbarPRO and CNA.

CNA is the largest underwriter of legal malpractice coverage in the U.S. GilsbarPRO is the exclusive administrator for the CNA Lawyers Professional Liability Program in the State of Missouri.

HERE ARE THE FACTS:

- Just because you switch carriers, doesn't mean you lose coverage for past work.
- We use local Missouri firms for defense counsel including firms in St. Louis, Kansas City, and Springfield.
- Eight question renewal application - many attorneys qualify for paperless renewals.
- Missouri attorneys have saved money on their annual premium, while getting better coverage.

**Don't be misinformed.
make the switch today.**

800.906.9654 • gilsbarpro.com

 GILSBARPRO CNA

Follow us:



One or more of the CNA insurance companies provide the products and/or services described. The information is intended to present a general overview for illustrative purposes only. CNA is a registered trademark of CNA Financial Corporation. Copyright (c) 2012 CNA. All rights reserved.

THE MISSOURI PLAN Amendment 3 on November 6 Ballot

by Ron Baird

Amendment 3 is on the Missouri ballot in November of this year. It concerns an important issue for the citizens and businesses of Missouri. Amendment 3 deals with how we should select our appellate judges in Missouri.

A Missourians for Fair and Impartial Courts Committee (MFICC) was formed to oppose this Amendment 3. It is co chaired by 6 former Missouri Supreme Court judges. Four of these former Missouri Supreme Court judges were appointed by a Republican governor and two by a Democratic governor. The Honorable John Holstein is one of the co-chairs.

The current selection process for selection of our appellate judges is based on merit and not on politics or partisanship. This plan known as The Missouri Nonpartisan Court Plan was approved by voters in 1940. It has served Missourians and Missouri businesses well since that time.

It has been taught in social studies classes and law schools across our nation and is often referred to as the "The Missouri Plan".

More than one half of the states in this union have adopted a judicial selection process modeled after Missouri's innovative way of selecting judges because of the way it reduces politics from the selection process.

Since the Missouri Plan was adopted over 70 years ago, our state has respected the dignity of the courts. These courts have served our citizens and Missouri businesses for over 70 years in delivering fair and impartial decisions based on the facts and law of the case. It is not broken nor does it need to be fixed.

Unfortunately, for Missouri citizens and businesses Amendment 3 would make substantial changes to The Missouri Plan selection process which is accountable to the law and the constitution and not to campaign contributors or politics. The Missouri Plan provides for high quality judges in the least political way and ultimately gives the power to the people of Missouri to decide the judge should be retained.

Amendment 3 eliminates this accountability and embraces the partisanship the Plan was intended to minimize by empowering the Governor of Missouri to appoint a majority of the persons serving on the appellate judicial nominating commission for the

selection of judges, and allows him/her to do so in just the first 24 months of office. It also eliminates the requirement that the Governor's appointments be non-lawyers. He could appoint all lawyers to the commission. This would result in all the power in the selection process and in the appointment process to be in the Governor's office. The Governor would have ultimate control and power in the process. The Governor would have all four of his appointees on the commission within the first 2 years of his first term.

You can visit certain websites to obtain information on The Missouri Plan and the affect that Amendment 3 would have on the plan by visiting www.MoFairCourts.com or The Missouri Bar website.

We ask you to join the effort to defeat Amendment 3 by ordering bumper stickers, yard signs and cards with information concerning the Amendment and how it affects the judicial selection process.

We ask you to spread the word to friends and family and colleagues. You talk to five people and they talk to five people about this issue.

We ask you to speak to community groups, churches, schools or contact MFICC and they can arrange for a speaker at such events.

There are many organizations opposing this Amendment 3 and just to mention a few:

- Missouri School Board Association
- Missouri Organization of Defense Lawyers (MODOL)
- Missouri Association of Trial Attorneys (MATA)
- The Missouri Bar
- Dan Patterson, Greene County Prosecuting attorney
- Missouri Association of Criminal Defense Lawyers (MACDL)

You can add your name or business name as an individual or business opposed to the same.

We ask you to seriously consider contributing money and solicit contributions from your firm, employer, family and friends. You can make contributions on the www.MoFairCourt.com website. We ask all lawyers to make a contribution to this cause to protect our fair and impartial courts. Large contributions from out of state and from a handful of Missourians trying to control our courts are expected to top \$7.5 million.

The citizens and businesses of Missouri need our help in making sure Missouri continues to have a judicial system based on merit and accountability and not campaign contributions and politics.



For a limited time the following SMBA Popcorn & CLE video rebroadcasts are available for viewing at the SMBA office by appointment:

SMBA CLE Hour by Hour

9 MCLE including 1 MCLE Ethics

Speakers: Lee Viorel, Richard Russell, David Wieland, Susan Jensen, Tyson Martin, Paul Satterwhite, Pat Platter, Brent Green

Members \$260, Non-members \$300

Lunch included

Best Interest of the Child and Ethics Considerations

2 MCLE Ethics and GAL

Members \$90, Non-members \$100

Ethics: A Conversation with Missouri's Chief Disciplinary Counsel

2 MCLE Ethics

Members \$90, Non-members \$100

An update on the rules and opinions concerning Ethics and professional responsibility and the disciplinary process (rule 5 procedures) suggestions for avoiding complaints and emerging trends and topics.

GAL Training

6 MCLE, certificate of attendance provided for GAL compliance

Interacting with the Public School System, What GALs Need to Know, Lisa D'Alesio

Drugs and Alcohol: Update in Trends and Tests, Cindy Von Dette, KT Health Clinic

Technology for Good and for Evil: Apps and Social Media, Andrea Long

Child Abuse Signs and Symptoms, A Pediatrician's Perspective, Kathleen Rice, MD

Policy, Procedure and Resource Update from the Children's Division, Heather Ford

Members \$190, Non-members \$225

Please complete this form and submit to the SMBA office or register online at www.smba.cc.

Cancellations must be received 48 hours prior to seminar for refund, subject to \$10 administrative fee.

Name _____

Firm/Business Name _____

Phone _____ Email _____

Payment Method (circle one): Check MasterCard Visa

Credit Card Number _____ Exp Date _____

Signature _____

(required for credit card payment)

SMBA/UMKC CLE: Preparing For The Federal Trial

Hon. Robert E. Larsen, United States Magistrate Judge, Western District of Missouri and former Assistant United States Attorney, Kansas City, Mo.

Mr. Charles M. Thomas, Assistant United States Attorney, Civil Division, Western District of Missouri, Kansas City, Mo.

9:00–12:00 Morning Session

**Mastering the File
Preparing Credible and Persuasive Witnesses**

1:00–5:00 Afternoon Session

**Making a Record
Going to Court
Preserving Claims and Defenses During Pretrial Civil Litigation
Q & A with Judge Larsen and Mr. Thomas**

All attendees will receive a copy of Judge Larsen’s book,
Navigating the Federal Trial (Thomson West, 2011), a \$152 value.

REGISTRATION

October 26, 2012

Glass Hall
Missouri State University
9 AM–5 PM
8 MCLE (Kansas pending)

REGISTRATION

Member Price
In Advance: \$245
Complimentary lunch
for preregistered attorneys.

PARKING

Use the garage at E. Grand St. and
S. Holland Ave. Parking hangtags
will be mailed for those registrations
received by October 16. Late
registrants can pick up hangtags at the
registration desk which opens at 8:30
on the morning of the seminar.

Please complete this form and submit to the SMBA office or register online at www.smba.cc.
Cancellations must be received 48 hours prior to seminar for refund, subject to \$10 administrative fee.

Name _____

Firm/Business Name _____

Phone _____ Email _____

Payment Method (circle one): Check MasterCard Visa

Credit Card Number _____ Exp Date _____

Signature _____

(required for credit card payment)

What You Better Know In Family Court (Part Deux)

A presentation by the Greene County Family Court Commissioners:

Commissioner Scott Tinsley

Commissioner Sue Chrisman

Commissioner Jeff Marquardt

Commissioner John Lukachick

REGISTRATION

November 1, 2012

The Diamond Room

2340 W. Grand

(One mile west of Kansas Expwy)

2–5 PM

3 MCLE

REGISTRATION

Member Price

In Advance \$110, At the Door \$125

Non-member Price

In Advance \$135, At the Door \$150

**This will be another substantive presentation,
not simply “Tips from the Bench”!**

Topics will include (but shall not be limited to):

- Changes in the law since the last cle, as well as information on the much anticipated (and dreaded) move to a paperless world
- A discussion regarding the proper preparation of joint property schedules
- Evidence required for valuations of pensions—evidence necessary on requests for maintenance
- Helpful checklists regarding the proper characterization of marital versus non-marital property
- Electronic evidence, how to get it admitted—and other evidentiary issues
- The new guardian ad litem standards and what a guardian is expected to do in representing their client
- Civility, professionalism and ethics in family law

After the presentation, interested participants are invited to join the commissioners for more discussion...cash bar and complimentary appetizers.

Please complete this form and submit to the SMBA office or register online at www.smba.cc.

Cancellations must be received 48 hours prior to seminar for refund, subject to \$10 administrative fee.

Name _____

Firm/Business Name _____

Phone _____ Email _____

Payment Method (circle one): Check MasterCard Visa

Credit Card Number _____ Exp Date _____

Signature _____

(required for credit card payment)

*Legal Services to
dedicate Sam F. Hamra
Center for Justice*

On Thursday, October 11, 2012, the Legal Services of Southern Missouri building will be dedicated as the "Sam F. Hamra Center for Justice." SMBA member Sam F. Hamra, was instrumental in forming the Legal Aid Association of Greene County, now known as Legal Services of Southern Missouri (LSSM), and served as its first Chairman of the Board in 1976. Also on that founding board were Jeffrey H. Harrison, Vice President; The Honorable Richard E. Dorr, Secretary; and Verne C. White, Treasurer. Other Board members were Jean Heyle, Bill Karchmer, Dennis O'Dell, Earl Scheid, Pat Walker, and Ex Officio Member Meredith B. Turner.

*SMBA Member
one of Missouri Lawyer Weekly's
2012 Up and Coming*

Rachael Dockery of CoxHealth was selected for Missouri Lawyer Weekly's 2012 class of Up and Coming Lawyers. Up and Coming Lawyers are selected from a statewide pool of candidates. The award criteria requires that nominees are 40 years old or younger or in practice 10 or fewer years. The award honors high achievers epitomizing excellence in the legal community and individuals identified as leaders in the community-at-large.

*Supreme Court Recognizes 31st Circuit
Juvenile Justice*

On behalf of the 31st Judicial Circuit, Judge Thomas E. Mountjoy accepted the Juvenile Detention Alternatives Initiative (JDAI) award Monday September 10, 2012. The award was presented by Judge Patricia Breckenridge of the Missouri Supreme Court. Judge Breckenridge was joined by State Courts Administrator Greg Linhares and Delinquency Coordinator Jay Roedieck at the ceremony taking place at the Greene County Judicial Center.

"The Supreme Court of Missouri is happy to recognize the efforts of dedicated courts such as the 31st circuit." Breckenridge said. "We hope to see a permanent statewide effect on both the juvenile court system as well as those juveniles affected by the system as a result of the new initiatives."

SMBA ROOM USE



The Springfield Metropolitan Bar office has meeting rooms available for use by SMBA members. The rooms are suitable for, but not limited to, the following functions:

- Meetings
- Conferences
- Depositions
- Retreats
- Trial Preparation
- Training Sessions
- Board Meetings
- Mediation

Meeting rooms can be scheduled in increments of two hours, a half day or a full day. Room rental is allowed during business hours (Monday-Friday, 8:30 a.m. to 5 p.m.) Special arrangements for times outside of business hours must be coordinated in advance. Refreshments and equipment can also be provided with advance notice.

MEETING ROOM	2 HOURS	HALF DAY	FULL DAY
The Neale-Newman Boardroom (Comfortably Accommodates 12)	\$30	\$50	\$75
Small Conference Room (Comfortably Accommodates 4)	\$30	\$50	\$75
Large Seminar Room	\$100	\$150	\$250

For more information or to make a reservation contact Melanie at the SMBA office.

EQUIPMENT RENTAL

The following equipment is available for use by SMBA members, Monday-Thursday, 9 a.m. to 5 p.m. Non-members may rent the equipment subject to a 50% surcharge; however preference will be given to SMBA member requests. A 50% deposit is required to reserve the equipment with the balance due on first day of use. To reserve equipment, contact the SMBA office. If the case settles, please notify the SMBA office immediately. Cancellation fees will be assessed as follows: over 48 hours notice, no fee; 24-48 hours notice, \$25.00; less than 24 hours notice, deposit will be forfeited. Equipment is stored at the SMBA office and must be picked up and returned during business hours.

Projector (2800 lumen) @ \$100.00/day

Screen @ \$25.00/day

Video presenter (ELMO) @ \$50.00/day



ZONED CC COMMERCIAL

All infrastructure updated to commercial code. Over 3000 sq. feet. Perfectly suited for small to medium size law firm, complete with central reception, private rooms, open area for cubes, 18+ parking spaces, close proximity to downtown square and mid city courts, Certifiable Tax Credit Project.

On the National Historic Register, the Day House is Greene County's oldest brick house and one of Springfield's most unique downtown properties.

Rick at 417-294-5565

HISTORIC DAY HOUSE FOR SALE

We receive hundreds of calls a week from individuals needing legal assistance. If you are not enrolled in the SMBA LRS, please consider joining the following panels. The annual fee is only \$70.00 per panel, with a limit of six panels. For some of our more popular panels, that might be less than a dollar per referral.

The rules of the service are:

- LRS panel members agree to charge not more than \$50.00 for the first one-half hour of office consultation.
- The annual LRS fee is \$70.00 per panel.
- LRS panel members must provide proof of professional liability insurance in the minimum amount of \$100,000

per occurrence and \$300,000 aggregate per year.

For more information or to enroll in the LRS mark the panels you are interested in below and fax or mail this form to the SMBA office.

- | | | |
|--|---|---|
| <input type="checkbox"/> Adoption | <input type="checkbox"/> DWI | <input type="checkbox"/> Municipal |
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Eminent Domain | <input type="checkbox"/> Pharmaceuticals |
| <input type="checkbox"/> Appellate | <input type="checkbox"/> Entertainment | <input type="checkbox"/> PI/PD |
| <input type="checkbox"/> Auto Accident | <input type="checkbox"/> Environmental | <input type="checkbox"/> Probate |
| <input type="checkbox"/> Aviation | <input type="checkbox"/> Federal Court | <input type="checkbox"/> Product Liab. |
| <input type="checkbox"/> Bankruptcy | <input type="checkbox"/> Franchise | <input type="checkbox"/> Pub. Serv. Comm. |
| <input type="checkbox"/> Business Organization | <input type="checkbox"/> Guardianship | <input type="checkbox"/> Real Estate |
| <input type="checkbox"/> Civil Litigation | <input type="checkbox"/> Immigration | <input type="checkbox"/> Patents |
| <input type="checkbox"/> Civil Rights | <input type="checkbox"/> Insurance | <input type="checkbox"/> School Law |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Intent. Torts | <input type="checkbox"/> Small Claims |
| <input type="checkbox"/> Communications | <input type="checkbox"/> Internat'l Law | <input type="checkbox"/> Soc. Security |
| <input type="checkbox"/> Consumer Rights | <input type="checkbox"/> Juvenile | <input type="checkbox"/> Stocks/Bonds |
| <input type="checkbox"/> Copyrights/Trademarks | <input type="checkbox"/> Labor/Employment | <input type="checkbox"/> Taxation |
| <input type="checkbox"/> Creditors Rights | <input type="checkbox"/> Malpractice | <input type="checkbox"/> Traffic |
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Mediation | <input type="checkbox"/> Wills/Trusts |
| <input type="checkbox"/> Domestic | <input type="checkbox"/> Military/Vet | <input type="checkbox"/> Workers Comp. |

Name _____

Firm/Business Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

E-mail _____ MO Bar # _____



Mike Pruett CPA, CVA



Amanda Kastler CPA, CFE

ELLIOTT, ROBINSON & COMPANY PROVIDES UNMATCHED SUPPORT, EXPERTISE, AND SERVICE THROUGH THE ENTIRE PROCESS AND BEYOND.

Call Mike for:

- Closely held companies
- Estate and Gift Tax
- Divorce

Call Amanda for:

- Economic Loss Calculations
- Fraud Investigations
- Internal Controls



ELLIOTT, ROBINSON & COMPANY, LLP

CERTIFIED PUBLIC ACCOUNTANTS

Where Clients Come First
Call us at 417-887-0585 or
VISIT US AT www.ercpa.com

1736 E. Sunshine, Suite 913 • Springfield, Missouri 65804 417 887-0585

Messages

Will Johnson

Edit

September 21, 2012 8:31 AM

Hey Will, The JQH Building is available for \$17.50 PSF and Hammons Tower is \$20.50 PSF.



September 21, 2012 9:05 AM

I just calculated our real cost to occupy existing space...with NNN charges we are paying more than their list price!

September 21, 2012 9:14 AM

Let's call Mark Harrell over at Plaza Realty and set up an appointment. [417-864-4544](tel:417-864-4544)

The Holland Office Building



205 Park Central East, Springfield, MO 65806



HAVE THE MOST UNIQUE OFFICE SPACE IN SPRINGFIELD!
BE A PART OF THE ACTION & WORK DOWNTOWN!
FIFTEEN RESTAURANTS WITHIN A SHORT WALKING DISTANCE!

FREE all utilities included

FREE very high speed reliable INTERNET SERVICE included

HISTORIC building with new suites, offices & restrooms

Up to 6,000 sq. ft - TENANT COFFEE BAR in building

GREAT location on redeveloped Park Central Square

Parking available in adjacent Holland lot



NEED MORE INFORMATION? OR TOUR THE BUILDING?

CONTACT ALLEN CASEY

CASEY ARCHITECTURE, 869-3300

www.thehollandbuilding.com



Locally Owned and Operated Since 1998



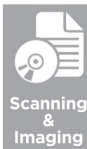
Don't Waste Billable Hours on Document Management

At Corporate & Legal Reproductions, LLC we specialize in providing document management services at a competitive price. With an emphasis on **quality, integrity and security**, our experienced staff is dedicated to meeting each client's specific needs in a timely and professional manner — no matter the project size.

Services Include:



Copy & Print



Scanning & Imaging



Large Format



Labeling & Binding



Archival Services



Free Pickup & Delivery

Call us for a quote on your next project: 417-864-6060

Corporate & Legal Reproductions, LLC

2042-A S. Brentwood Blvd., Springfield, MO 65804
www.corpandlegal.com



KY-3 CALL-A-LAWYER

VLP CORNER

“The Nonpartisan Court Plan:
judicial selection, evaluation and voter resources
for the November election”

October 17, 2012
5-5:30 and 6-6:30



KY-3 reporters will interview an SMBA member on the topic of Judicial Selection and invite viewers to call in their questions to the attorney phone bank. If you would be interested in working on the phone bank, contact Melanie at the SMBA office 417-831-2783.

Thank you to Kevin Rapp, Greg Aleshire, Summer Masterson, Eric Jensen, and Matt Placzek for volunteering on our September phone bank.

November Topic:

Estate Planning Basics and Non-Probate Transfers



LSSM

PROVIDING QUALITY LEGAL AID

35 YEARS OF EQUAL ACCESS

by Sharon Alexander

Thousands of people with nowhere to turn for help reach out to Legal Services of Southern Missouri (LSSM) everyday. These are people who do not have the means to hire counsel to work out the civil legal problems that come their way. LSSM is proud to increase its services because of the Springfield legal community's commitment to helping low-income individuals and families. Recently, Margaret Schlachter volunteered to help Jessica.

Jessica, a young woman, fled from her abuser in Seattle, Washington. Jessica had been dating Tom for a short time when they agreed to marry. When they first started dating Tom was very caring and attentive, but over time things changed. Tom lost his job, and due to the economy had been unable to find employment. Jessica and Tom were expecting their first child and worried about the ability to pay their monthly bills. Once the baby was born, Jessica was working over 40 hours a week to make ends meet while Tom stayed home to watch the baby.

While at work one Thursday, Jessica received a call from Tom saying the baby is bleeding from his mouth and ears. Jessica rushed home and they took the baby to the emergency room where Jessica

discovered her husband had been throwing the baby around the apartment, choking and beating the baby. While living in the hospital with the baby, Jessica called LSSM for help. Margaret Schlachter agreed to help Jessica and was successful in obtaining a divorce. Although Tom was convicted of a felony and is awaiting sentencing, the baby struggles to overcome the abuse. He does not have his eyesight and has blood on his brain and may have irreversible brain damage.

Due to limited resources of LSSM many others in the same situation as Jessica are turned away. And without the help of volunteer attorneys, like Margaret Schlachter, the victims are unable to reach long-term safety.

We are making a difference in the lives of many. With your support, we will make additional progress in the years ahead. If you are interested in being a part of the Volunteer Lawyers Project, please call Deanna Scott at 881.1397, ext. 1318 or by email at deanna.scott@lsosm.org; or contact Phil Masaoay at 881.1397, ext. 1315 or by email at philip@losm.org.

We appreciate your commitment to equal access to justice.

STRONG ADVOCATE: The Life of a Trial Lawyer

Available at Barnes & Noble, Amazon, and other book stores (can purchase on Kindle).

Publication date: October 15, 2012

Retail price \$29.95

In *Strong Advocate*, Thomas Strong, one of the most successful trial lawyers in Missouri's history, chronicles his adventures as a contemporary personal injury attorney. Though the profession is held in low esteem by the general public, Strong entered the field with the right motives: to help victims who have been injured by defective products or through the negligence of others.

As a twelve-year-old in rural southwest Missouri during the Great Depression, Strong bought a cow, then purchased others as he could afford them, and eventually financed his education with the milk he sold. After graduating law school and serving in the Army's Counter Intelligence Corps, he rejected offers to practice in New York and San Francisco and returned to his hometown of Springfield.

Strong exhibited his lifelong passion to represent the underdog early in his practice, the "trial by ambush" days when neither side was required to disclose witnesses or exhibits. He quickly became known for his audacious approach to trying cases. Tactics included asking a friend to ride on top of a moving car and hiring a local character called "Crazy Max" to recreate an automobile accident. One fraud case ended with Strong owning a bank and his opponent going to prison. When he sued a labor union for the wrongful death of his client's spouse, he found his own life threatened.

With changes in the law that allowed discovery of information from an opponent's files as well as the exhibits and witnesses to be used at trial, Strong and fellow personal injury attorneys forced a wide array of manufacturers to produce safer products. When witnesses of a terrible collision claimed both roadways had green lights simultaneously, Strong purchased the traffic light controller. After three months of continuous testing at a university, the controller failed, showing four green lights, and Strong learned that fail-safe devices were available but had not been implemented. These fail-safe devices are now standard on traffic lights throughout the country.

In his last venture, Strong represented the state of Missouri in its case against the tobacco industry, culminating in a settlement totaling billions of dollars.

He reflects on the changes—not always for the better—in his oft-maligned profession since he entered the field in the 1950s. Thomas Strong's story of tenacity, quick wits, and humor demonstrates what made him such a creative and effective attorney. Lawyers and law students can learn much from this giant of the bar, and all readers will be entertained and heartened by his victories for the everyman.

You may buy this book directly from the author for \$17.97, plus shipping and sales tax.

Name _____

Address _____

City _____

State _____

Zip _____

Daytime Phone _____

Please send me _____ copies of *Strong Advocate* at the discount price of \$17.97, plus shipping and sales tax (when applicable.)

Please bill me when book is shipped. ***Please do not pay now; it complicates bookkeeping.***

Please autograph my book:

Write a message of your choice.

Please write the following: _____

Send orders to: Thomas Strong, Strong-Garner-Bauer, P.C., 415 East Chestnut Expressway, Springfield, MO 65802



ADS & ANNOUNCEMENTS

EMPLOYMENT

The law office of Baird, Lightner, Millsap & Harpool is now accepting applications for a full time secretary. Experience required. Health benefits provided. Please fax resume to 417-887-8740 or email to abeisner@blmhpc.com.

Baird, Lightner, Millsap & Harpool, P.C. is now accepting applications for a litigation associate. Commercial and general litigation experience preferred. Position to start immediately. Applicants must have completed law degree and be licensed to practice in Missouri. For firm information visit www.blmhpc.com. Please send resumes to Victoria Yarborough at vyarborough@blmhpc.com.

ANNOUNCEMENTS

AUDIO ENHANCEMENT AND RESTORATION SERVICES

NEW forensic audio software used by DEA. Sound Expert removes background noise, brings voices in audio or video recordings to forefront so a conversation can be understood, transcribed and presented in legal proceedings. Fair pricing. 417-865-7981 www.plankproductions.com or e-mail ralph@plankproductions.com

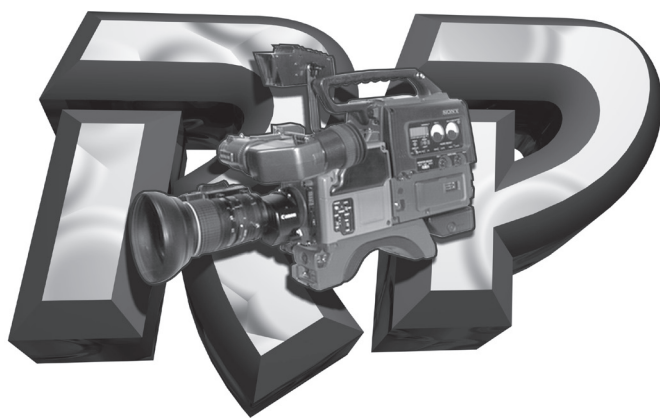
Millington, Glass & Love is pleased to announce that attorney Jeffrey O. Young has joined the firm. Mr. Young's law practice is primarily focused in the areas of civil and business litigation, personal injury claims, contract disputes and construction law. Mr. Young has practiced law in the Springfield area for over 20 years and has also practiced criminal and family law as a solo practitioner.

OFFICE SPACE

Two offices for rent, with one secretarial space, in very nice law office available at 3432 Culpepper Court, Springfield, MO. Conference rooms, large reception area and library available. Receptionist provided. Call Jim Fossard @ 883-8200.

OFFICE SPACE FOR LEASE

Three large offices available with space for support staff. Take one or take all three. Great location at 1976 E. Chestnut Expressway (East of Glenstone). Shared reception, conference room and kitchen area. 417-862-1620.



REPEAT PERFORMANCE VIDEO PRODUCTIONS

3534 E. Sunshine
Springfield, MO 65809
Phone: (417) 882-9262
Fax: (417) 882-8148

E-mail: rick@repeatproductions.com

Jeff & Rick Gilmore

Consultants to the legal profession since 1981

Video tape depositions	Digital Animations
Courtroom support	Trial prep
Location shoots/support	Accident re-creations
Day In The Life	Settlement videos

*All popular digital & analog formats, editing, & duplication
MPEG 1 & MPEG 2, CD & DVD conversion & duplication*

SMBA CALENDAR

OCTOBER

- 1 Justice Fore All Golf Tournament
- 3 Family Law Committee
- 4 Taney County Committee
SMBA CLE: Making a Record
- 8 Columbus Day, Greene County
offices closed
- 9 MoBar YLS, Mentorship Monday
- 11 Juvenile Committee
- 17 SMBA Monthly lunch
KY-3 Call-A-Lawyer
SMBA Founders Day
- 17-19 Missouri Bar Annual Meeting
- 24 Probate and Trust Committee
- 25 Trial Practice Committee
- 29 Mentorship Monday
- 31 Board of Directors

NOVEMBER

- 1 Taney County Committee
SMBA CLE: Family Court
- 5 Bench and Bar Committee
- 8 Juvenile Law Committee
- 12 Veterans Day
Greene County offices closed
- 16 MoBar Fall Committee Meetings
- 21 SMBA Monthly lunch
KY-3 Call-A-Lawyer
- 22-23 Thanksgiving holiday
Greene County and SMBA offices closed
- 26 In House Counsel Committee
- 29 Board of Directors

DECEMBER

- 3 Bench and Bar Committee
- 5 Family Law Committee
- 6 Taney County Committee
Past President's lunch
- 13 Juvenile Committee
- 15 Bill of Rights Day
- 19 New Member Welcome & Orientation
SMBA Monthly lunch
- 25 Christmas Day
Greene County and SMBA offices closed



It Is SO Much More Than Numbers

Your KPM Litigation Team Will Assist You In Numerous Ways!

The complexity of today's litigation environment demands competent and qualified experts. Our team has exceptional experience and will perform valuations of private enterprises, calculate business damages, determine economic damages in personal injury and wrongful death cases and perform other needed litigation services.

We provide independent and objective financial expertise to both plaintiff and defense attorneys. We will present you with a professional, easy-to-follow report and we are trial tested with a long and experienced history of expert testimony.



Larry Ellison
CPA, CVA, CFE, CFF, CMAP



Brooke Liggett
CPA, CVA, CFFA



Julie Wagner
CPA, CVA, CFFA, CFE

Your KPM Litigation Team

Contact us today: call 417-882-4300 or visit us online at www.kpmlitigation.com

