



SMBA BAR NEWS

JANUARY 2011

FEATURES

Installation Banquet
Photo Gallery

Executive Director's
Report on
SMBA Board Retreat

2011 Committee
Sign Ups

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announcements,
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SPRINGFIELD
METROPOLITAN
BAR ASSOCIATION

MONTHLY CLE LUNCH

John Johnston
President of the Missouri Bar

Wednesday, February 16
11:45 am
The Tower Club
901 E. St. Louis Street

REGISTRATION

In advance: \$18.00 members, \$25.00 non-members

At the door: \$25.00 members, \$30.00 non-members

Invoice fee of \$5 will be charged if payment is not received on the date of the lunch.

All full time judges are always welcome to attend and may do so at no charge when our lunches are held at the Tower Club. At alternate locations the member discounted fee will apply.

Please note: non-members may only attend as guests of SMBA members. Reservations accepted by phone, fax, mail or e-mail.

Register online! www.smba.cc

UPCOMING SMBA MONTHLY LUNCHES

March 16, 2011

Estate Planning Update

Richard Russell

April 20, 2011

Jury Selection

Dr. Michael Nietzel



PRESIDENT'S LETTER

by Brian Hamburg

The 38th Annual Banquet and Installation of Officers was held on January 21, 2011. Annually, we invite our members and the community to enjoy a social gathering and join in recognizing the efforts of our board and officers, while welcoming the board's new recruits. We observe the passing of the gavel to the newly elected president, and learn what outstanding service has been provided by members of the legal profession that merit special recognition.

Handing the ceremonial gavel to Gary Powell at the installation banquet was truly a pleasure. A successful attorney and an affable gentleman, Gary is seemingly at ease even in unfamiliar circumstances, and he inspires confidence in those around him. He has a great appreciation for the diverse practices of our association's members, and I think we can look forward to good things in 2011 under his leadership.

At this year's banquet, it was a pleasure to honor attorney Doug Kays with the 2010 SMBA President's Award. Doug is celebrating his 30th year with Legal Services of Southern Missouri, having been hired as the director of litigation in 1980 and rising to the position of executive director in 1983. A surprised Doug Kays was handed his well-deserved award for his work in expanding access to justice in 43 southern Missouri counties and for his personal commitment to participation in the SMBA.

The banquet is also a time to review the past year. However, if we take a longer look at the direction of our association,

I submit that the SMBA has continued an enduring trend toward the fulfillment of same goal for which Mr. Kays has labored for 30 years: access to justice. It has been very rewarding to see the efforts of our bar leaders continue to push toward this laudable objective.

The indications of progress on this front are apparent. A few years ago, we did not have the monthly Legal Service Spotlight. The response to that program has been excellent, with hundreds of volunteer lawyer hours donated as a result.

Last year, the SMBA Justice Project expanded our work in this area, including a concerted effort by our bar to serve those who, for budgetary constraints, could not be served by Legal Services of Southern Missouri. Our 2011 president has demonstrated his commitment to this cause by being one of the first to take a case for the SMBA Justice Project. In doing so, Gary Powell provided assistance to a women's shelter that had been the victim of employee dishonesty, and is achieving good results.

This trend of our bar toward promoting greater community access to justice is evidenced by the dedication of the SMBA Board of Directors to the accomplishment of this professional responsibility. During the January board retreat, one of the top priorities named for 2011 was access to justice. While I was anxious to volunteer for service toward the attainment of this board priority, it was gratifying to see that I was just the fifth member of the board to volunteer for this duty.

Because the year was almost at its end by the time of the January board retreat, I assumed that this would be the last sign during my presidency that the SMBA was committed to this trend, but happily, I was wrong.

It is a tradition of our association to honor the outgoing president with a gift. Our executive director and board could have provided me with a plaque or similar souvenir, and I would have been very thankful to receive it. But unbeknownst to me, they had other plans. Instead of a conventional gift, I was delighted to hear Crista Hogan announce that she was presenting me with a letter stating that my colleagues on the board had volunteered to accept pro bono cases in my honor. And before the evening was through, many other attorneys came to the head table and wrote their names on the letter to do the same. I cannot imagine a better gift, or a better way to end the year.

One year ago, I told you how honored I was to have been elected as SMBA president, but that I was equally proud to be a member. I was beginning what would be a great year, and I thank each of you for allowing me to serve as president. Now, with the apparent renewed commitment of our association to the worthy goals modeled by our board, our officers and our members, I continue to be honored simply to be a part of this outstanding association.



BAR NEWS : JANUARY 2011

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MISSION

The mission of the Springfield Bar was established over one hundred years ago:

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



SPRINGFIELD METROPOLITAN BAR ASSOCIATION

The SMBA *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. See page 14 for information on submitting articles and advertising.

Crista Hogan, Editor
Rebekah Teller, Layout
rebekah.teller@gmail.com

OFFICE HOURS

Mon-Fri, 8:30 am to 5:00 pm
1615 S. Ingram Mill Road, Building D
Springfield, MO 65804
417-831-2783 • fax: 417-831-2842
www.smba.cc • melanie@smba.cc

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Law Day..... Chandler Gregg
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SMB Foundation..... Brian Hamburg
Sus Derechos..... Scott Mathison
Taney County..... Joe Allen
Trial Practice..... Thomas Morrissey
Workers' Compensation..... Rob Bullock
Young Lawyers..... Philip Hopper



SMBA COMMITTEES

UPCOMING MEETINGS

Taney County
Thursday, February 3
noon at Forsyth
for more information contact Joe Allen

Bench & Bar Committee
Monday, February 7
noon at SMBA
for more information contact Teresa Grantham

Juvenile Law Committee
Thursday, February 10
noon at Juvenile Justice Center
for more information contact Chris Hazelrigg

Law Day Committee
Tuesday, February 22
noon at SMBA
for more information contact Chandler Gregg

Committee Chair Training
Thursday, February 24
noon at SMBA
for more information contact Crista Hogan

SMBA Board of Directors
Wednesday, March 2
noon at SMBA
for more information contact Gary Powell

Taney County
Thursday, March 3
noon at Forsyth
for more information contact Joe Allen

Bench & Bar Committee
Monday, March 7
noon at SMBA
for more information contact Teresa Grantham

Juvenile Law Committee
Thursday, March 10
noon at Juvenile Justice Center
for more information contact Chris Hazelrigg

Law Day Committee
Tuesday, March 22
noon at SMBA
for more information contact Chandler Gregg

BENCH & BAR: SUMMARY OF THE GREENE COUNTY CIRCUIT COURT EN BANC MEETING HELD ON DECEMBER 8, 2010

1. Judge Mark Powell reported that after meeting with representatives from Greene County, City of Springfield, Prosecuting Attorney, Sheriff's Office, Public Defender, Municipal Court of Springfield, Circuit Court and other interested parties, it was agreed to continue with the existing jail plan.
2. The final version of the 2011 County Budget was reviewed and approved by the Court En Banc.
3. Judge Mountjoy lead the discussion regarding implementation of E-Filing and document imaging for the court. The Court En Banc approved requesting for implementing E-Filing in Greene County after the pilot testing courts have been completed.
4. Judge Fitzsimmons recommended that Department Of Revenue cases currently being heard in Division 25 be reassigned to the four Associate Circuit Judges. The Court En Banc approved this reassignment of cases. New case filings will immediately begin to be assigned to the Associate Divisions and all pending cases will be reassigned to the Associate Divisions.

5. The Court Administrator advised the Court En Banc that funding for the Clerk in Division 25 had been previously approved until Dec. 31, 2010. He recommended that funding be extended until June 30, 2010. The Court En Banc discussed the matter and approved the funding for an additional 60 days. A committee was appointed to review the source of the funding and report back recommendations for further action.

6. A discussion was held regarding the process of scheduling weddings.

7. The Court Administrator reported that:

A. The Request for an Exception to fill 2 vacant positions was denied by the State Circuit Court Budget Committee.

B. Updated the Court En Banc on the process of judge assignment of cases in Division 25.

C. Presented a request for court approval from Southern Missouri Judicial Services. The Court En Banc asked Dan Patterson to review the services offered by Southern Missouri Judicial Services and then make a recommendation to the Court.

8. The Court En Banc went into closed session.



EXECUTIVE DIRECTOR'S REPORT

by *Crista Hogan*



January is an important month for the SMBA.

For 38 years the Annual Banquet and Installation of Officers has convened to celebrate the profession and look forward to the promise of the new year and new leadership.

Another annual SMBA tradition without the longevity but with the same purpose is the board retreat. For ten years the SMBA board has been "retreating." Held on a Friday afternoon at the SMBA office, it is clearly more a retreat in function than geography.

Although we don't retreat to an exotic location, not even a weekend in Branson, our board members are good sports and have fun while accomplishing a great deal in about four hours. Like most boards, our monthly meetings focus on financial review and organization oversight so the retreat is our only opportunity to look at the big picture and evaluate where we've been and where we are going.

After a quick review of the previous year, the first question posed at the retreat is "name one thing you would like to see the SMBA do this year." This question elicits a different answer from each person. Board members then participate in several small group exercises where they are given an issue and a very small amount of time to list creative options.

The logistics of the meeting have evolved and improved over time, but continue to be more art than science in reaching the result. Ideas are prioritized by colored dot stickers, and a recently added group exercise involving post it notes brings out the rebellious streak in our board. The retreat structure continues to be fine-tuned, but somewhat miraculously, by the end of the retreat we have managed to produce a list of specifically articulated priorities and the first steps toward implementation.

The real challenge posed to the board is to evaluate ideas that arise from the group exercises, and determine if adding new projects and priorities will enhance the relevance of our organization, without distracting from our existing projects and functions.

The 2011 Board of Directors believes the following 5 areas of focus will do so:

Website: To develop and launch the third iteration of the SMBA website on or before July 1, 2011. The website will be a promotional tool both internally and externally for the association and its members. Board member Adam Pihana will chair this project sub-committee.

Media Relations and External Communications: To continue efforts to provide timely information on issues involving the practice and profession of law.

Public Service: To coordinate and communicate opportunities for SMBA members to provide public service through SMBA and SMBF projects as well as exploring direct service opportunities. Rachael Dockery will chair this project sub-committee.

Governance: To finalize the work begun in 2009 to establish the SMBA as a model for non-profit governance and compliance and consider ways to support other non-profits in establishing sound governance practices.

Advocacy: To continue to serve as a conduit through which issues concerning the practice of law and access to justice can be effectively communicated and addressed. This will take place primarily through our existing committees, particularly the Bench and Bar Committee and the Non-partisan Court Plan Committee. Teresa Grantham as chairman of the Bench and Bar Committee will chair this sub-committee.

I look forward to working with the SMBA leadership in on these priorities in 2011 and I invite you to contact the sub-committee chairmen, SMBA President Gary Powell, or the SMBA office if these areas are of interest to you and you would like to serve.



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2011 SMBA COMMITTEES

Now is an ideal time to sign up for an SMBA Committee or Section. The following is a list of the current SMBA Committee and Section rosters. If you would like to be added to or removed from the following listings, contact the SMBA office.

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Clapp
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Kari Walden
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Kyle Wyatt

PASSING THE GAVEL

The 38th SMBA Annual Banquet
and Installation of Officers

Friday January 21, 2011

Hickory Hills Country Club

Additional photos can be viewed and
purchaed at www.seemyprints.com.
The event name is SMBA and the
password is SMBA (all caps).



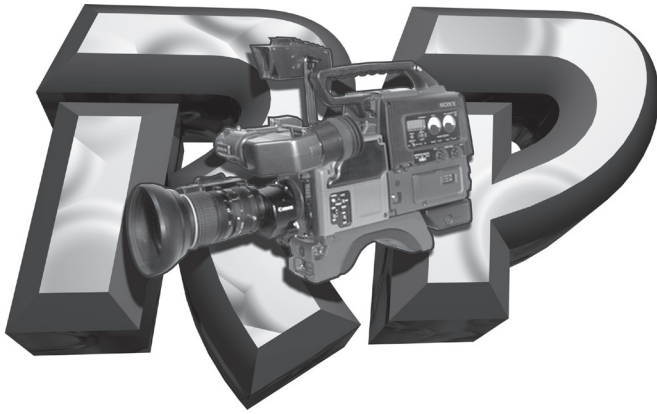
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We receive hundreds of calls a week from individuals needing legal assistance. If you are not enrolled in the SMBA LRS, please consider joining the following panels. The annual fee is only \$60.00 per panel, with a limit of six panels. For some of 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 \$60.00 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.

- | | | |
|--|---|---|
| ☐ Adoption | ☐ DWI | ☐ Municipal |
| ☐ Agricultural | ☐ Eminent Domain | ☐ Pharmaceuticals |
| ☐ Appellate | ☐ Entertainment | ☐ PI/PD |
| ☐ Auto Accident | ☐ Environmental | ☐ Probate |
| ☐ Aviation | ☐ Federal Court | ☐ Product Liab. |
| ☐ Bankruptcy | ☐ Franchise | ☐ Pub. Serv. Comm. |
| ☐ Business Organization | ☐ Guardianship | ☐ Real Estate |
| ☐ Civil Litigation | ☐ Immigration | ☐ Patents |
| ☐ Civil Rights | ☐ Insurance | ☐ School Law |
| ☐ Commercial | ☐ Intent. Torts | ☐ Small Claims |
| ☐ Communications | ☐ Internat'l Law | ☐ Soc. Security |
| ☐ Consumer Rights | ☐ Juvenile | ☐ Stocks/Bonds |
| ☐ Copyrights/Trademarks | ☐ Labor/Employment | ☐ Taxation |
| ☐ Creditors Rights | ☐ Malpractice | ☐ Traffic |
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Thank you to Cara Restelli, Contact KY-3 reporter and the following 2010 SMBA Call-A-Lawyer volunteers.

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VLP CORNER

by Sharon Alexander

As LSSM turns the page and begins its endeavors into the next 35 years of poverty law, the organization felt it was time to re-brand itself. It was also time to market itself by creating a website and enter into the age of social networking.

The journey of re-branding has produced a whole new image for LSSM. In addition to a new logo, we wanted to honor the past 35 years and made the decision to create a second logo highlighting our history. LSSM's new logo tells its story of providing quality legal aid and equal access to the courts. It is a logo that our clients and supporters can identify with at a single glance.



LSSM

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35 YEARS OF EQUAL ACCESS

Over the past several years, LSSM shared a statewide website with its three sister programs. LSSM's new website provides an opportunity for clients and supporters to keep informed about its services and volunteer opportunities. We encourage you to visit our website with its modern look and feel at www.lsosm.org. This new website is a one stop shop for stakeholders. It also allows clients and applicants to learn more about our services and apply on-line, which we estimate will provide a cost-savings for the organization. Also, attorneys can donate their time by registering for the judicare/pro bono program and they can sign up for CLE's. Website visitors will be able to access news and information regarding services, as well as sign up for special events and trainings. Donors and potential donors can donate a monthly or annual amount online in an easy to use system with PayPal.

LSSM has joined the social networking movement, specifically Facebook, LinkedIn, YouTube and Twitter. Our

Facebook page highlights organization news, photos, videos and event details. LinkedIn will be utilized to network with established and young attorneys, partner organizations, media partners, donors and all other stakeholders that support LSSM in its endeavors. By visiting LSSM's YouTube Channel or the new website, viewers can see videos of LSSM in the community provided by our media partners. With Twitter, LSSM will reinforce news and events and will watch for followers' Tweets.

LSSM is reaching out to the legal and business community to keep them informed about its work and to involve them in our poverty law efforts. We invite you to visit us on the web and through social networking. Alexander Hamilton said "The first duty of society is justice." Together, we can ensure that duty is met.



For more information, or to become involved, please contact Director of Development Sharon Alexander at sharon@lsosm.org or 881-1397, ext. 1327.

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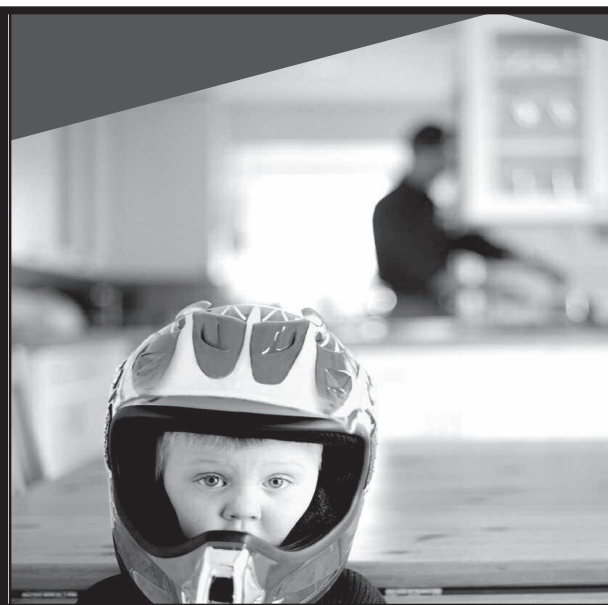
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SMBA CALENDAR

FEBRUARY

- 3 Taney County
- 7 Bench & Bar Committee
- 10 Juvenile Committee
- 11 Lincoln Day
Greene County and
SMBA offices closed
- 16 SMBA Monthly lunch
KY-3 Call-A-Lawyer
- 17 Donuts & CLE
Lathrop & Gage Ozarks'
Regional Mock Trial Competition
- 21 Presidents' Day
Greene County and
SMBA offices closed
- 22 Law Day Committee
- 24 Committee Chair training

MARCH

- 2 Board of Directors
- 3 Taney County
- 7 Bench & Bar Committee
- 10 Juvenile Committee
- 14 Mentorship Monday
- 16 SMBA Monthly lunch
KY-3 Call-A-Lawyer
- 17 Donuts & CLE
- 21-25 Springfield Schools Spring Break
- 22 Law Day Committee
- 25-27 State Mock Trial
- 30 SMBA Board of Directors

APRIL

- 4 Bench & Bar Committee
- 5 Law Day Committee
- 7 Taney County
- 11 Mentorship Monday
- 12 Law Day Committee
- 14 Juvenile Law Committee
- 15 Law Day deadline
- 19 Law Day Committee
- 20 SMBA Monthly lunch
KY-3 Call-A-Lawyer
- 21 Donuts & CLE
- 26 Law Day Committee
- 27 SMBA Board of Directors



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