A PRESIDENTIAL FAREWELL

Hope Whitehead
Mound City Bar Association 1922

My, my, has it been a year already? As my grandmother used to say, “Time flies when you’re having fun.” In this writing there are 22 days, 18 hours and 46 minutes left to my term as president of the Mound City Bar Association. Or, put another way, I have been president of the Mound City Bar Association for 8,232 hours and 46 minutes. Not that I am counting, I just thought the reader would want me to be precise.

In all honesty, it has been a fabulous year. There is not one moment that I regretted taking on the responsibility of spearheading one of the oldest African-American bar associations west of the Mississippi. My initial reason for running for office seems so insignificant now. I had no hidden purpose. No message to get across and nothing to prove. I kept promising my friends that I would be more involved but never had the time. I had children to raise, a house to paint and endless amounts of laundry. I was always going to or coming from a meeting or an event. Everything in my life was important, and everything required my full attention. Then one day, my son was talking to his grandmother about all of his activities and he mentioned that I had the good sense to listen to her. That I had the good sense to listen to her.

By promoting the development of African-American attorneys, the MCBA promotes diversity in the legal profession. As president, I devoted my term to the theme of “breaking barriers and building bridges.” My goal was to establish real relationships and coalitions with individuals and organizations also committed to this goal. To that end, this year the MCBA partnered with:

- ACLU – Racial Profiling
- St. Louis Daily Review – Quarterly newsletters
- Jackson County Bar Association – Spring CLE
- KATZ – Monthly radio address
- Lawyers Association – Annual Black History Month Dinner
- Missouri Association of Trial Attorneys – Trial Reform CLE
- Missouri Asian American Bar Association – Unity Dinner
- The Missouri Bar – Legislators at the Court House
- Organization for Black Struggle – Ask the Lawyer Program
- St. Louis Bar News – Weekly Newsletter
- Sue Shear Institute – How to be a judge seminar
- Women Lawyers Association – Affirmative Action CLE and Missouri State Girls Program

Although I would love for you to believe that I did all of this myself, that would not be true. In addition to the very enthusiastic general body members who frequently attended meetings and volunteered for assignments, I had a very strong executive board. They never let grass grow under their feet. They shared my vision, and they understood that vision without action is called a DADREAM and action without vision is called a NIGHTMARE.

All year we fed off of each other’s energy, and we took pride in each other’s accomplishments. I want to thank my executive board publicly for the “sweat equity” they invested in the MCBA this year. Their achievements should not go nameless:

- Kimberly Franks – President Elect: Kim organized our very successful joint CLE program at Innsbrook. The success of this program has her thirsty for more achievements in the future. She is looking forward to her turn at bat, and I am looking forward to her presidency.
- Marvin Teer – Vice President: Marvin organized the MCBA first-ever golf tournament despite his mother’s failing health and eventual death. Marvin’s high-energy, never-stop-unti-it’s-done approach provided a solid foundation for our organization. I look forward to his presidency in 2005-2006.
- Annette Slack – Member at Large: Annette is the event coordinator for our scholar dinner at Windows on Washington. Annette is always the optimist, and she rises to every occasion. Her “we can do it” spirit always makes me believe in the impossible.
- Rolanda Johnson – Member at Large: Rolanda produces this newsletter with the St. Louis Daily Review. Rolanda was the visionary on this project, and I am just glad that I had the good sense to listen to her.
- Phyleccia Reed – Secretary: Phyleccia is our liaison to the law students and law schools. She never lets us forget our commitment to our future generation of leaders. Our local law schools have very strong BLSA chapters that work closely with the MCBA. We are please to thank them.

In this issue:
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- Legislative Update
- Organizations of Interest
- The Missouri Bar
- Featured Articles
- Historichal Perspective

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Please remember the articles in this newsletter reflect the views of the authors and are not necessarily the views of the Mound City Bar Association. The information contained in this newsletter is not legal advice; if you want legal advice you must consult your own attorney.

Questions? Concerns?
Comments? email: discovery519@yahoo.com

Special thanks to The Bar Plan for sponsoring the July edition of the Mound City News: Breaking Barriers, Building Bridges.
The interview

I sat in Division 17 waiting to interview Judge David C. Mason as he entered the courtroom with his associate, Teddy Talley. I could see the sense of justice in his eyes and I knew he was ready to begin.

But times were hard for the Mason family, and his grandmother, Marie Reed, ordered the children back to Tennessee. But as a young Mason grew, he returned to Nashville having flunked the tenth grade and dropped out of school.

Grandmother Reed became the main parental influence in his life. Judge Mason chuckles when he recalls his grandmother’s communication style for using profanity.

The black power movement was in full swing when he returned to Nashville in 1971. Young Mason intended to let Nashville know that “Bro-man” was back, wearing a dashiki, black power medallion and storming into a restaurant, demanding service. He expected resistance and planned to fight for service. But to his dismay, he was welcomed into the restaurant without drama.

He enrolled in Pearl High School, where he regained his academic footing before graduating in 1974. He resumed singing under the direction of Choir Master Phillip Griffin, whom he credits with teaching him Negro spirituals and classical music. This led to extensive invitations for the group to sing in Romania, Amsterdam and his selection to the Tennessee All State Choir.

The College Years

After high school, Judge Mason attended Austin Peay University in Clarksville, Tenn., where he majored in political science and philosophy and excelled in various activities. His greatest undergraduate accomplishments included becoming the first black student body president of the university and later the first black statewide student body president, representing all 180,000 college students in the state of Tennessee.

His advice to undergraduates is simple:

• “Don’t let anyone put limitations on you. Completing your education may be hard, but it is doable.”

Judge Mason arrived in St. Louis by way of Washington University School of Law, where he became the first black Student Body President. To law students, Judge Mason advises:

• “There are many ‘isms’ against you in life; religion, weight, color. But don’t assume they will defeat you.”

Winning the national trial championship was the defining moment in Judge Mason’s law school experience. “It was hard, but winning was huge.” Winning the competition opened many doors in his career. He encourages students to participate in trial competition whenever possible.

The Legal Career Takes Off

Judge Mason’s legal experiences can best be described as a legal buffet — full of variety and spice. From employment law and civil litigation to general counsel for the Department of Corrections and Human Resources, Judge Mason has practiced before a variety of tribunals.

Judge Scott Wright and Judge McMillan influenced his decision to apply for a judicial position. He was impressed by the fairness they demonstrated to litigants. “A judge should set aside their personal beliefs and do what is right. Every party ought to feel that if they are right, they will win, no matter what the judge’s personal beliefs may be.” In 1991 he was appointed to the Twenty-Second Judicial Circuit bench.

His advice to lawyers who aspire to be judges is:

• “Be active in bar activities.
• Appear in court, and treat each appearance as if it is your last. If you do poorly or well, you will be remembered. If you are average, you will not be remembered.
• Be respectful to everyone.

The Family Man

In true storybook fashion, the meeting between Judge Mason and his future wife Ms. Taunia Allen was anything but a chance encounter. In 1989 while waiting to register for a Black Enterprise networking event, he spotted Taunia from across a crowded room. Instantly he knew she was “Ms. Right.” Not to be confused with those he refers to as “Ms. Right Now.”

Taunia was a stunning young woman who worked as a community affairs producer for Channel 11. They exchanged business cards, and occasionally she contacted him if she needed a legal referral, but nothing else. He continued to think about her and measure other women by her standard. He prayed that one day she would have a wife like Taunia.

In 1994 he decided to call all of the ladies he had been dating and tell them he would not be seeing them any more. Coincidentally, he received a telephone call from Taunia around this time announcing she had just told the gentlemen she had been dating she would no longer be seeing them. After dating for a period of time, Judge Mason’s vision of marriage was bolstered when Taunia finally agreed to allow a kiss. In his confident manner, the kiss inspired him to write Taunia a song entitled “Never in My Wildest Dream,” which he sang to her June 3, 1995, at their wedding. “Don’t let any one place limitations on you,” is clearly Judge Mason’s motto in love and career.

Both are high achievers and have received accolades for their individual
Many of you will have constituents who will receive notification within the next several days that the revisor of the statutes has revoked their professional license. House Bill 600 passed by the General Assembly last legislative session provides that professional licenses who have not filed taxes for the past three years or made any arrangements to pay past due taxes with the Department of Revenue shall have their professional license revoked. The purpose of the new law is to assist the state in the collection of delinquent taxes. The law requires the Division of Professional Registration to provide the Department of Revenue with the names and social security numbers of licensees 30 days prior to sending out notices to renew their license or within 30 days of initial application. The following professionals are the first to be impacted by this new law: Physicians and Surgeons, Podiatrists, Physician Assistants; Physical Therapists; Physical Therapy Assistants; Athletic Trainers; Perfumists; Speech Pathologists; Clinical Audiologists; Psychologists; Marital & Family Therapists; Interpreters; and Barbers. Out of an estimated 36,000 licensees renewing, approximately 12,000 notices of tax delinquency were sent by the Department of Revenue. Out of those 12,000 notices, the preliminary list of revocations from the Department of Revenue is over 3,000.

What does revocation mean? Revocation of a license means a professional licensee can no longer practice his or her profession in the state of Missouri. It means a reporting of the discipline to the National Disciplinary Database, including BNDD and Medicaid. It means that in order to practice in the state of Missouri again, most professionals will have to completely start over and meet current license renewal requirements. In some cases the statute requires licensees who have had their licenses revoked to wait 6 months to one year before they can even reapply.

It is our information that the following process was followed: The Department of Revenue sent notification of tax delinquency to licensees in January via first class mail. Licensees were given 90 days to either pay the state taxes owed or make arrangements for payments. On the 91st day, the Division of Professional Registration was provided with a preliminary list of approximately 3,300 licensees who had not complied with the notice. The Department of Revenue sent a certification of non-compliance for each licensee to the respective professional licensing board 15 days from the 91st day. Effective the date of that notification the license was revoked.

We received the Certifications of Noncompliance from the Department of Revenue. When we received the official certifications of noncompliance, those licensees affected had their status changed to revoked. The boards mailed by certified mail the certification of non-compliance along with a notice from the board that their license has been revoked and that they should return their license to the board office. The boards have no discretion with regard to these revocations.

We have already mailed revocation notices to professional licensees identified by the Department of Revenue as non-compliant with the provisions of 324.010 RSMo (HB 600). These licenses were revoked by operation of law as of July 21, 2004.

The following is a summary of the purpose of the omnibus judiciary bill, Senate Bill 1211, that was passed this legislative session. The bill is truly a bipartisan effort which consists of legislation from both sides of the aisle. Last year, controversial subjects prohibited the passage of this legislation, so many of the provisions from last year’s bill were incorporated in this bill. Gov. Bob Holden signed this bill into law on July 7, 2004, and will become effective on August 28, 2004.

Summary – SB 1211

HCS/SB 1211 - This act modifies provisions regarding court procedures and court personnel.

SESSION LAWS - Sections 2.030 to 2.060 and 3.130 - Requires the Joint Committee on Legislative Research, rather than the General Assembly, to annually collate, index, print and bind all laws and resolutions passed or adopted by the General Assembly. Revises the requirements for publication and the distribution of all laws and resolutions by the joint committee. Allows the chief clerk, rather than the secretary of state, to set the price for sale of the laws and resolutions and the printing requirements. Requires that the revisor supply each circuit clerk with order forms for the laws. Finally, the act requires each edition of the statutes, along with annotations, be produced in an electronic format. The revisor may distribute the statutes in either electronic or written format to entities specified to receive the statutes.

OFFICE OF PROSECUTION SERVICES - Sections 56.750 and 491.640 - The act allows the office to assist prosecuting attorneys to develop an automated case management and criminal history reporting system. The Prosecutors Coordinators Training Council, rather than the Department of Public Safety, shall be responsible for duties relating to the protection of witnesses. Such responsibility may be delegated to the Missouri Office of Prosecution Services.

MARION COUNTY DEPUTY SHERIFFS - Section 57.260 - Removes the requirement that deputy sheriffs live in Marion County.

STATE LEGAL EXPENSE FUND - Section 105.711 - This act modifies the legal expense fund to include any licensed attorney in this state who practices law for no compensation at or through a tax exempt nonprofit community social service agency or agency of any federal, state, or local government. The aggregate of any payments from the legal expense fund shall be limited to a maximum of $500,000 for all claims based upon the same act or acts alleged in a single cause and shall not exceed $500,000 for any one claimant. All payments from insurance policies purchased by the state relating to the legal expense fund shall also be limited to $500,000.

Liability or malpractice insurance possessed by an attorney shall not be considered available for payment of a claim to the extent that the legal expense fund is required to make payment. However, an attorney may obtain liability or malpractice insurance for coverage of claims or judgments for amounts that exceed the maximum coverage of the legal expense fund.

The act adds healthcare providers working in county jails to coverage from the fund.

This provision is similar to HCS/SCS/SB 1247 (2004).

ADULT ABUSE (ORDERS OF PROTECTION) - Sections 455.010, 455.090, 455.501 and 559.026 - Modifies the definition of “stalking” to remove the word “harass” and include a repeated course of conduct that causes alarm to another person when it is reasonable in that person’s situation to be alarmed by the conduct. Such course of conduct must not serve a legitimate purpose. The same changes are made to the definition of “stalking” with regard to an adult engaging in a course of conduct with a child. Courts will retain jurisdiction over a full order of protection.

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Some of you reading this article may have heard about predatory lending, while the rest of you may not have yet familiarized yourself with the term.

One thing is for sure; there is no one clear definition of predatory lending. In simplest terms, it is abusive lending practices that provide no real benefit for the borrower. Studies show that targets tend to be borrowers who are either low-income, minorities or elderly.

Generally speaking, it is common for lenders to charge higher interest rates to individuals who are a greater risk. This is all perfectly legal and has in fact extended opportunities to many individuals where none previously existed. Take homeownership, where the rate of homeownership in this country has been increasing for the past few years, especially among the low-moderate income population. The "American dream" has become a new realization to many, but at what cost?

One such situation involves a single mother, whose name was B. Ms. B dreamed of buying the house down the block from where she grew up. When it went up for sale, the seller refused to let her use her own broker, Ms. B requested time to review the documents, she was told they would sell the house to someone else and she would be forced to forfeit her $3,000 earnest money deposit. She ended up purchasing the house for four times the appraised value, while the fees charged exceeded 14 percent of the loan amount. If that's not enough, the title company overcharged Ms. B for recording fees and failed to disburse the excess loan proceeds to her. Today, that dream house of Ms. B's sits vacant, while she shares a small room at her mother's house with her two children.

The warning signs of predatory are not easily recognizable (See list at bottom of the article). According to Diane Thompson, an attorney for the Land of Lincoln Legal Assistance Foundation in East St. Louis who has experience with cases involving predatory lending says, Most clients don't realize they've been taken advantage of until they go to see a lawyer for another reason. The same can be said for housing counselors, who often discover a predatory lending situation after providing services such as foreclosure prevention or credit counseling.

So, what can be done to stop predatory lending from happening? The St. Louis Coalition to Promote Reputable Lending and Beyond Housing/Neighborhood Housing Services recently launched a public education campaign called Don't Borrow Trouble Metro St. Louis. This campaign is part of a national effort, with the help of Freddie Mac, to stop predatory lending.

Our objective is to educate individuals before they fall victim to predatory lending throughout a five-county service area. The counties include St. Louis City, St. Louis County, St. Charles County in Missouri, as well as St. Clair County and Madison County in Illinois. The coalition consists of more than 45 members from the public, private and nonprofit sectors, including the Land of Lincoln Legal Assistance Foundation, Gateway Legal Services, Legal Services of Eastern Missouri, SLU School of Law and Washington University School of Law Civil Justice Clinic. A free hotline number has been established for people to call with any questions or concerns: 1-866-399-2809.

Additionally, the coalition has organized a referral network of housing counselors and lawyers who work together to assist people who have already fallen victim to unscrupulous lending. Fortunately, laws such as the Truth in Lending Act (TILA), the Homeownership Protection and Real Estate Settlement Procedures Act (RESPA) and the Real Estate Settlement Procedures Act (RESPA) exist to help protect borrowers from unscrupulous lending practices.

Through education on predatory lending practices and through the work of housing counselors and attorneys, we can keep people like Ms. B from facing the "American nightmare."

### CASA Appointed Special Advocates

**Kathryn Pierce**  
**St. Louis City - Court-Appointed Special Advocate**

1998. The mission of City CASA is to represent children in the city of St. Louis who come into foster care due to abuse or neglect, giving them the voice for their best interests in court. Growing from just one staff attorney in 1998 to ten staff attorneys in 2004, City CASA hopes to be able to represent all the children in foster care in the city of St. Louis by 2006. This amazing growth speaks to how useful the community can be in serving its own children and how many people have stepped forward to do so.

Working from a unique model of representation, City CASA trains community volunteers and pairs that outside community voice with a staff attorney as the legal voice to fully represent what is in the best interest of each child. City CASA volunteers are guardians ad litem who are sworn officers of the court. The guardians go through an extensive and intense 30-hour training, certified by The Missouri Bar. After being sworn in, the GAL is assigned to a staff attorney who serves as their B's sidekick. In most cases, the attorney supervisory work to make sure that the voice of the child he or she represents has his or her voice heard in court. Not only does the GAL investigator and look into all aspects of the child's life, from school and therapy, medical and psychological needs, to family concerns and extra-curricular activities, but he or she attends all court hearings and meetings associated with the child's case in family court.

With a City CASA GAL on the case, a child's stay in foster care is cut by more than half. In the calendar year 2003, 90 percent of children City CASA served were settled in a permanent home, (their own, with a family member or in as an adoptive placement) within 24 months, with 77 percent of those receiving the safety of a home within 18 months. There is a set of exceptions among the St. Louis community that children who are represented by a City CASA GAL are removed from their families of origin and placed with families in Washington County. This is far from the truth, and nearly 60 percent of the children go to homes with parents or relatives, a higher rate of return home than in cases not represented by City CASA. Court hearings in which legal custody is returned to a parent are just as celebrated as adoption hearings.

City CASA GALs come from all walks of life, ethnic, socioeconomic, city dwellers and county residents. City CASA GALs are attorneys and retirees; teachers and doctors; law students and stay-at-home moms; paramedics and business owners and women. With a common goal of helping the children of the city of St. Louis, City CASA GALs work tirelessly to make sure that the child they represent ends up in a safe, permanent, forever home, a goal to which surely everyone can aspire for the sake of a child.

For more information about St. Louis City CASA and volunteer opportunities please contact Amy Roberts at 552-2410 or aeroberts@stlcitycasa.org, or Sarah Hurt at 552-2121 or slhurt@stlcitycasa.org.
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Mound City News

Breaking Barriers, Building Bridges
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outstanding young alumnus from 
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Only the adoption of their two 
young sons has rivaled the other high 
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The fact that John had no idea he was 
containing an arbitration clause. Instead 
of a jury, John will have to trust his luck 
do about it — take out your pen and 
cross it out. The following is a brief list 
of businesses that, more and more, are 
starting to use arbitration clauses to 
disenfranchise consumers of their 
rights: (1) car dealers, (2) remodeling 
contractors, (3) new-home builders, (4) 
extended warranty companies, (5) fur-
iture retailers, (6) flooring/carpet 
stores, and yes (7) even some attorneys. 
Believe it or not, many of these busi-
nesses will cheerfully strike the offend-
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cern is completing the sale and getting 
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Continuing Legal Education — MCBA sponsors at least four CLEs per year.
Referral Listing — A free referral listing in the MCBA newsletter published quarterly

For more details and a membership application, see page 16.
Tax season is at best not limited to one day a year. The reality is that tax season is a year round project, particularly for those who wear the hat of tax advisor and preparer of your own tax fate. Well, this brief article will hopefully remind you of, or introduce you to, some tax tips that are of utmost importance for the solo practitioner.

First of all, how do you know how well you are taking advantage of deductions? I can tell you it is only as good as your record keeping. I know that some may think this is truly overrated – it is overrated if you don’t keep up with the records. Consistent behavior is essential. This golden rule is easily forgotten when it comes to record keeping.

If you are a gadget guru or software junkie, you probably have your items automated through one of the latest personal money-management software applications. That’s good if you do but great if you stay on top of the data entry. Here are five basic record-keeping points everyone can follow:

• **Keep all receipts both business and personal.** You can sort through them later, but keep them all.
• **Make a folder for every month of the year.** This keeps the filing up-to-date and easy to track what was spent in what month. Put all activity in a monthly folder (this means all receipts, notices, cancelled checks, statements, etc.). Keeps it simple and easy to hand over if you are outsourcing this.
• **Consolidate ALL purchases to one business credit card.** The report at the end of the year will be a blessing to your accountant.
• **Input Data.** Data entry is imperative. Put the data (checks, deposits, transfers) into your financial software once a week, usually on Sundays or the first part of the week. This keeps the receipts from stacking up on you.
• **Record all discounts given to clients, charitable services, etc.** This is recorded as returns and allowances – and recorded as the cost of doing business.

If you are in fact doing all of these things, you are definitely on your way to putting yourself in a position to take advantage of tax deductions. By following this approach, your tax professional will be in a better position to procure the best tax deductions; in addition he/she will also be better able to formulate a tax strategy for successive years. A tax strategy/plan is a must for solo practitioners. Preparing your taxes is more than just completing the forms. It is a matter of livelihood that emphasizes the theory that it is not always how much you make but how much you keep.

For more information on personal and/or business tax planning strategies, you can reach Vivian Moore of Vivian Moore and Associates, Inc. at #314/236-4950, 231 S. Bemiston, Ste. 800, Clayton, MO 63105.
tection for its entire duration. A court may schedule compliance review hearings and enforce willful failures to abide by order. Finally, the shock time in misdemeanors is increased from 15 to 30 days.

PROBATE DIVISION - Section 472.075 - The clerk and other nonjudicial personnel of the probate division of the Circuit Court of St. Louis City will be appointed by the judge of the probate division with the consent of the court en banc unless otherwise provided by local court rule.

FOREIGN LANGUAGE INTERPRETERS - Sections 476.820 to 476.820 and 491.300 - The act repeals the current section regarding the fees for interpreters and enacts three new sections on interpreters for non-English speaking persons. Courts are required to appoint qualified interpreters in all legal proceedings in which the non-English speaking person is a party or witness. The person may waive the appointment of an interpreter. Interpreters in civil, juvenile and criminal proceedings shall be allowed a reasonable fee approved by the court but shall not be compensated for travel time. Such fee in criminal matters shall be payable by the state; in other matters fee in criminal matters shall be allowed a reasonable fee payable by the designee of a person for a service. The act authorizes any county, other than a county on the nonpartisan court plan, to use monies from the law library fund for courtroom renovation and technology enhancement or for debt service on county bonds for such enhancements.

SURCHARGE FOR JUDICIAL FACILITY - 488.2275 - Allows Cass County and Jefferson County to use surcharge monies for courtroom renovation and technology enhancement.

AFFIDAVITS - Section 490.525 - The act authorizes the designee of a person to make an affidavit as to the reasonableness of the amount charged by a person for a service.

JURY DUTY - Sections 494.400 to 494.460 - This act modifies provisions relating to jury service. The act establishes an exception to the current requirement that a person is disqualified from serving as a juror if that person is unable to read, speak and understand English when the disability is due to a vision or hearing impairment which can be adequately compensated for through the use of auxiliary aids or services. Certain law enforcement officers and attorneys are no longer automatically disqualified or excused from jury duty. Certain healthcare professionals must provide a statement to the court certifying that they are providing healthcare services to patients in order to be excused from jury duty. Requires the judge of the court to make the decision as to whether the juror can be excused for physical or financial hardship reasons and specifies when an exemption for extreme physical or financial hardship is warranted. Persons who have served as juror in the past two years are excused from jury duty. Persons scheduled for jury duty have the one-time right to postpone their initial appearance, if the person agrees to a new date for jury duty within six months. A person who fails to appear for jury service and has failed to obtain a postponement is in civil contempt of court and the court may impose a fine not exceeding $500 and order the prospective juror to complete a period of community service. Employers cannot require employees to use personal or sick leave for time spent responding to a summons for jury duty and requires a court to reschedule the service of a summoned juror of an employer with five or fewer employees if another employee has been summoned to appear during the same period. No juror can be required to attend court for prospective jury service more than 20 days in a calendar year.

CLASS ACTION CERTIFICATION - 512.020 - This act allows appeals from orders granting or denying class action certification, provided the Court of Appeals, in its discretion, allows such an appeal and the appeal shall not stay court proceedings unless so ordered by the trial court or the court of appeals.

TRIAL DE NOVO - 512.080 - Authorizes a trial de novo in matters heard by an associate circuit judge for cases tried before a municipal court and removes trial de novo in matters where the claim for damages was under $5,000.

BANKRUPTCY EXEMPTIONS - 513.430 and 513.440 - This act modifies the dollar amount of certain properties that can be exempted from attachment in bankruptcy proceedings. The act increases the exemption for certain household goods from $1,000 to $3,000. Motor vehicles in the aggregate are increased from $1,000 to $5,000. Mobile homes, when used as a principal residence but not on or attached to real property in which the debtor has a fee interest, are increased from $1,000 to $5,000. A person’s right to increase alimony is increased from $500 to $750 a month. The amount that a head of household may exempt from execution is increased from $850 plus $250 for each dependent to $1,250 plus $530 for each dependent, including dependents who are determined to be disabled.
INJUNCTIONS - 526.010 - Authorizes both circuit judges and associate circuit judges to issue injunctions.

NAME CHANGE NOTICE - 527.290 - Revises the provisions relating to the public notice of a name change for individuals who are victims of a crime involving domestic violence or child abuse.

LANDLORD/TENANT ACTIONS - 535.020 and 535.030 - Provides that in rent and possession actions, the strict notice requirements for termination of month-to-month tenancies in tenancies at will are not applicable. Removes the requirement that the notice in landlord-tenant proceedings be made by certified mail.

STATUTE OF LIMITATION FOR CHILDHOOD SEXUAL ABUSE - 537.046 - Covers that the injury or illness covered that the injury or illness occurred that the victim discovered that the injury or illness was caused by childhood sexual abuse.

SEARCH WARRANTS - 542.276 - Authorizes application to be submitted by fax or other electronic means. The act deletes a requirement that the judge hold a nonadversary hearing. The warrant must state that searched property must be admitted by fax or other electronic means.

ARREST WARRANTS - 544.020 - Authorizes complaint to be made and warrant issued by fax or other electronic means.

CRIME OF STEALING - 570.030 - Adds documents of historical significance with a fair-market value of $500 or more to the items specified in crime of stealing.

CRIME OF LIBRARY THEFT - 570.200 and 570.210 - Revises the definition of "library." The crime includes knowingly depersonalizing or otherwise altering a library book. Payment of the fair market value of a book with no historical significance shall be considered a restitution. The book the act creates a Class B felony if the value of the book is greater than $25,000.

INVESTIGATIONS OF PEACE OFFICER - 590.118 - Specifies that certain records of investigations by peace officers must be made available to hiring law enforcement agencies.

CRIME VICTIMS’ COMPENSATION FUND - 595.045 and 595.050 - The act assesses the crime victims’ compensation fund upon a guilty plea or finding of guilt. The judgement is assessed on all misdemeanors, except certain traffic, conservation and wildlife offenses. The act modifies the distribution of money to the Crime Victims’ Compensation Fund and the Services to Victims’ Fund. As of September 1, 2004, after making other deposits and appropriations pursuant to the act, the Director of Revenue deposits half of the available balance to the Crime Victims’ Compensation Fund and half to the Service to Victims’ Fund. Nonprofit agencies are exempted from the requirement that such funds shall not supplant existing funds currently used to provide assistance to victims of crime.

ARREST RECORDS - 610.100 - Allows the release of law enforcement incident and investigative reports to family members if the person involved is deceased or incompetent.

ATTORNEY FEES - 610.130 - Allows court-appointed legal counsel in electroconvulsive therapy cases to be awarded reasonable attorney fees.

SEXUALLY VIOLENT PREDATOR COMMITMENTS - Section 632.498 - Upon the filing of a petition for release from a mental health facility, if a court finds by a preponderance of the evidence that a person no longer suffers from a mental abnormality that makes the person likely to engage in acts of sexual violence, then the court may set the matter for a hearing on the issue. Currently, the court must determine that probable cause exists to believe the person's mental abnormality has so changed that they are safe to be at large.

REAL ESTATE LICENSEE LIABILITY - Section 1 - Allows real estate licensees to be immune from civil liability for statements made by engineers, surveyors, geologists and inspectors in certain situations. This act is similar to provisions in HCS/SCS/SB 1247 (2004), SB 1138 (2004), SCS/SB 1105 (2004).

Jim Ertle

Members of the House Judiciary Committee are:
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Omnibus
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Supplement to Legal Communications Corporation, July 2004
This year the Mound City Bar Association and the Jackson County Bar Association again cosponsored their annual CLE Retreat at the always enjoyable and hospitable Innsbrook Resort. Numerous MCB members were in attendance as well as many JCB members who made the lengthy drive all the way in from Kansas City, Mo. Attendees were treated to an array of informative speakers.

Chris Stiegemeyer, the Director of Risk Management from The Bar Plan Mutual Insurance Company provided insight on the business aspect of advocacy and also touched on client/case selection, case budgeting and ethical issues.

Honored guests Judge Ronnie White, Chief Justice, Supreme Court of Missouri, and Judge Booker Shaw, Missouri Court of Appeals, Eastern District, shared a few poignant points for attorneys to remember when appearing before the Court of Appeals and/or the Supreme Court:

• Lack of preparation of is one of the biggest mistakes made

• Write an excellent brief! Attorneys often feel a spectacular oral presentation will compensate for a lackluster brief. Both judges were adamant about having a well-written brief submitted. Contrary to a few misguided beliefs, the judges read every brief thoroughly and are prepared to inquire about what is in the brief.

• When presenting your brief, don’t leave the microphone and walk all over the place. It is disruptive and annoying to the judges and other attorneys.

J. Justin Meehan, Attorney at Law, gave an informative presentation on media relations. Before dealing with the media, one must be able to answer the same five important questions that every reporter knows:

WHO – Who is going to be in front of the camera? Will it be the attorney, a spokesman or the client (RARELY WILL IT BE THE CLIENT)?

WHAT – What are you going to say? This is the most important question. You can come off looking really good or like you just stepped in something really unpleasant. It is doubtful your client will appreciate the latter.

WHERE – Where will the interview take place? Your place, their place or at the scene. Location! Location! Location!

WHEN – When will the interview take place? Timing is everything. The media is a time driven entity. Will you crumble under the pressure of deadlines?

WHY – Why are you talking to the media? What objective are you trying to accomplish?

Remember there is no way to manipulate the media; there are just ways to insure you don’t get burned. Knowing the answers to the questions above before agreeing to deal with the media is essential to both your practice and your client’s case. Dealing with the media can be a dangerous proposition. Keep in mind you can always say ”No Comment.”

Many thanks to all the speakers including Sly James, Dana Tippin Cutler, Reuben Shelton, and Rodney Boyd and to the many sponsors:

• Anheuser Busch
• Sreenu Dandamudi
• Legal America
• Thompson Coburn L.L.P.
• The Stokely Group
• Armstrong Teasdale

These sponsors helped make the retreat and golf tournament a huge success. The weekend was filled with opportunities for networking thought-provoking conversation and instructional information to improve the practice of law.

Next year’s CLE promises to be equally instructive. Hope to see you there.
The Rich Heritage of the Mound City Bar Association

By Hope Whitemead

MCBA HISTORIAN 2004-2005

(This article is dedicated to Lloyd Gaines who, I am certain, would have been a Mound City Bar member if only given the chance.)

May 17, 2004, was the 50th anniversary of the groundbreaking decision that changed America forever. Brown v. Board of Education.

Prior to Brown, transportation, restaurants, water fountains, stores, housing, hospitals, employment, public office, voting and education were all either segregated or completely closed to African-Americans since Plessy v. Ferguson was decided in 1896. Then came Thurgood Marshall and the Legal Defense Fund for the NAACP. These extraordinary men and women won 29 of 32 Supreme Court victories breaking the color line and destroying the racist segregation system of Jim Crow, brick by brick. These individuals showed great courage, conviction and strength of character to challenge the very legal doctrine that governed their lives but one they knew in their hearts was wrong. They sacrificed wealth, jeopardized their family’s safety and endured personal and professional indignities to advocate for human and civil rights for all.

As we reflect on the Brown decision and the heroes who made it happen we cannot ignore the contributions our local heroes made to the civil rights movement. The Mound City Bar Association was formed 32 years before Brown was decided. In 1922, when Thurgood Marshall was 14 years old, attorney Homer G. Phillips and 13 other African-American men faced adversity and organized an African-American Bar Association "to represent and protect African-American patients and the established healthcare system in Missouri. Phillips challenged the racially segregated healthcare system in Missouri. In 1938, Mound City Bar members Sidney B. Redmond and Henry Espy represented student Lloyd Gaines against the University of Missouri Law School. This case challenged Missouri’s practice of sending African-American students outside of the state to attend graduate and professional schools, and this is the case that gave birth to the historically black college of Lincoln University. Despite winning his case, Lloyd Gaines, too, never saw his dream of attending a black college of Lincoln University. In 1918 the city of St. Louis established a separate hospital for the care of African-American patients and the training of African-American physicians. However, the initial facility was inadequate, and attorney Phillips spearheaded a $1.2 million bond issue to build a new medical facility. After many years of delay, the 685-bed facility was opened in 1933. Homer G. Phillips was murdered in 1931 and never saw the fruits of his labor.

In 1938, Mound City Bar members Sydney B. Redmond and Henry Espy represented student Lloyd Gaines against the University of Missouri Law School. This case challenged Missouri’s practice of sending African-American students outside of the state to attend graduate and professional schools, and this is the case that gave birth to the historically black college of Lincoln University. Despite winning his case, Lloyd Gaines, too, never saw his dream of attending a Missouri law school come true. He mysteriously disappeared before ever entering law school.

Lastly, but certainly not least, Mound City Bar Association founding member George L. Vaughan argued before the United States Supreme Court and won the landmark decision barring racially restrictive residential covenants across the country in Shelley v. Kraemer.

These three MCBA members were highlighted merely to show the rich history and the many contributions of our members to the struggle for human and civil rights. It also shows how these St. Louis efforts have had a national impact on the fabric of America pre-Brown. Today, our members continue to break barriers and build bridges for racial diversity. We have a long list of “first achievers.” Just to name a few:

• Hon. Theodore McMillian, the first African-American Circuit Judge in Missouri and the first African-American to be appointed to the U.S. Court of Appeals for the Eighth Circuit
• Frankie Freeman, the first African-American on the United States Commission of Civil Rights.
• Hon. Clyde Cahill, one of the first African-American students to attend St. Louis University and, as an attorney, he filed the first lawsuit in Missouri to implement the Brown vs. Board of Education decision.
• Margaret Bush Wilson, the first woman to chair the board of directors for the National NAACP and remained chair for nine years.
• Freeman Bosley, Jr., the first African-American Mayor for the City of St. Louis.
• Judge Ronnie White, the first African-American Supreme Court Chief Justice.

The Mound City Bar Association is very proud of its rich heritage and commitment to the equitable administration of justice for all. This brief historical perspective makes a prima facie case for diversity. The Mound City Bar Association will continue to promote diversity at every opportunity. We will promote diversity on the bench so that the judicial system reflects the community for which it serves. We will promote diversity in large law firms because we understand the reality of a global market economy. But most importantly, we will promote diversity of ideas. We want people to think in “color,” not just “black and white.”

Farewell

Continued from page 1MC

very proud of our students and our partnership with them.

• Joan Miller — Corresponding Secretary: Joan manages our e-group. It is because of Joan that our members are up-to-date on all of the latest issues impacting our organization.

• Leslie Toller — Treasurer: Leslie has been tireless in her efforts to keep us financially balanced. The MCBA budget did not contemplate the many activities that we did this year. We are grateful to the support we received from our various sponsors and Leslie’s diligence in making it last.

• Jerryl Christmas — Historian: Jerryl is our voice in the community and our conscience in the boardroom. Jerryl reminds us of our history so that we will not be doomed to repeat it.

The MCBA accomplished a lot this year, and we are very proud of our efforts. We have had maximum attendance at almost every event we were invited to and we tried not to say no to anyone who wanted our participation. Our membership has increased significantly this year. We brought back old friends and developed new ones. We also lost some friends as we spoke out against issues and practices that were detrimental to diversity.

One of my greatest accomplishments this year is this newsletter. Through our articles, the MCBA is sharing information with the legal community from a different perspective. It is a great networking tool. The public is introduced to our members through our writers, and we have had a lot to say. I hope this newsletter continues well beyond my presidency.

One of my deepest regrets is my inability to convince Gov. Bob Holden of the need for another African-American circuit judge in St. Louis County. While I have great respect for the judges that were appointed, I strongly believe that until our judicial bench reflects the multiplicity of differences that exists in our community, each judicial vacancy should be seen as an opportunity to meet that goal.

It has been my pleasure to serve as president of the Mound City Bar Association. I learned a great deal about myself during this experience, and I hope you learned a thing or two from me. The executive body and I are very committed to this organization, and most of us have signed on for another term. So, don’t worry about the future of the Mound City Bar Association. It’s in good hands.

Twenty-one days, 6 hours and 32 minutes left. But who’s counting?
The Mound City Bar Association is one of the oldest black bar associations west of the Mississippi River. Our objectives are to advance the professional interest of members; to improve the administration of justice; to uphold the honor of the legal profession; to promote the professional development of black attorneys; and to provide service to the community.

Standing Committees
- Membership
- Program
- Constitution and Bylaws
- Professional Development
- Community Affairs
- Budget and Finance
- Past Presidents

Additionally, MCBA provides a host of other professional and social networking opportunities for judges, attorneys and law students, including an annual picnic, holiday reception, cosponsoring programs with BAMSL and The Missouri Bar, and providing pro bono services to the community.

Benefits of Membership

National Bar Association
MCBA is an affiliate chapter of the NBA, the premier professional organization for African-American attorneys.
Address: 1225 11th St. NW; Washington, DC 20001-4217
Phone: (202) 842-3900 Fax: (202) 289-6170 www.nationalbar.org

Scovel Richardson Scholarship
The Scovel Richardson Scholarship is awarded at the annual Scholarship Dinner to an African-American law student who most exemplifies the ideals and accomplishments of Judge Richardson, the first Howard University law school graduate to be appointed to the federal bench.

Pictorial Directory
The MCBA Pictorial Directory serves as a resource for individuals, recruiters, law firms and corporations. It showcases the diverse talents and areas of practice of MCBA members.

Black History Month Program
Annually cosponsored by the MCBA and the Lawyers’ Association, this program features a keynote speaker, a dinner and the opportunity to network with judges, attorneys and community leaders.

Continuing Legal Education
MCBA sponsors at least four CLEs per year. Past topics have included: Ethics, Federal Practice, the Solo Practitioner, Criminal Practice, Bar Disciplinary Procedures, Establishing Client Trust Accounts and Workers’ Compensation.

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Mail to Mound City Bar Association, P.O. Box 1543; St. Louis, MO 63185
☐ Yes, I would like to be included in the MCBA Newsletter Referral Listing.