



# Mound City News

Mound City Bar Association Newsletter  
June 2005

**SCOVEL C. RICHARDSON SCHOLARSHIP DINNER**  
**Saturday, June 18, 2005**  
**6:00 p.m.**  
**Randall Gallery 999 N. 13th Street (downtown St. Louis)**

*Scovel C. Richardson*  
*Scholarship Dinner*  
*Saturday, June 18, 2005*

This year's dinner will be particularly unique as we proudly kick-off the newly created Mound City Bar Foundation. The Mound City Bar Foundation will serve as the charitable arm of the Mound City Bar Association, with funds going to support scholarships, community outreach programs, and the acquisition of a building to serve as administrative offices and a community resource center.

**Sponsors Include:**

- Anheuser-Busch
- Central Baptist Church, Rev. Robert C. Scott, Pastor
- Gray, Ritter & Graham
- Mike Gunn
- Emerson Electric
- Sonnenschein Nath & Rosenthal, LLP
- Freida L. Wheaton, Esq.
- The Missouri Bar
- Ruben Shelton
- St. Louis ArtWorks
- Thompson Coburn
- Wade Funeral Home

**Featured Guests:**

- Mistress of Ceremonies - Tammy Holland, KMJM 104.9 co-host
- Tony Scott & the New Breakfast Crew
- Honorable Iris Ferguson - Scholarship Committee Chairperson
- Devorah Kellom - Songstress
- Robert A. Ketchens - Artist
- The Cameron Youth Orchestra

*This year there will be a raffle!!*  
with raffle gifts from:

- BAMSL
- Cecil Whitakers Pizzeria
- The Millenium Hotel
- The Old Spaghetti Factory
- St. Louis Bread Company
- Ted Drewes
- YMCA - South City

This is an event not to be missed.  
We hope to see you there!

For ticket information contact: Kim Franks,  
MCBA President, by phone #314/865-1096  
or e-mail: kimberly.franks@sbcglobal.net.

**FEATURED SPEAKER**  
**Kevin P. Chavous, Esq.**  
**Sonnenschein Nath & Rosenthal LLP**



Kevin P. Chavous is a noted attorney, author and national school reform leader. As a former member of the Council of the District of Columbia and chair of the Council's Committee on Education, Libraries and Recreation, Mr. Chavous was at the forefront of promoting change within the District public school system. His efforts led to over 500 million new dollars being made available to educate children in D.C.

A leading national advocate for school choice, Mr. Chavous helped to shepherd the charter school movement into the nation's capital. Under his educa-

tion committee chairmanship, charter schools grew from zero to over 40 schools and 17,000 students in six short years. That number represented 20 percent of the overall public school population in the District of Columbia, the highest percentage of charter schools in the country. His efforts on behalf of charter schools earned him the prestigious MAC award.

In addition, Mr. Chavous assisted in shaping the District's three-sector education partnership with the federal government. That partnership led to 50 million new federal dollars for D.C. public schools and D.C. charter schools, and it funded the city's first scholarship program to allow over 2,000 low-income children to attend private school.

Mr. Chavous' public service career also included his writing a ground-breaking report on early childhood education in the District. He also received numerous accolades and awards for his steadfast advocacy championing the University of the

See CHAVOUS page 14MC

#534-1613

#534-1756

**Turpin's Auto & Brake Service**  
Complete Auto Repair  
Road Service & Towing  
Tires & Batteries

SIDNEY TURPIN

2807 Olive St.  
(2 blocks from Jefferson)  
St. Louis, MO 63103

Bring This Coupon and receive a 10% discount



Rolanda Johnson

**Editor's Box**

If you enjoyed this issue, take a moment to e-mail the author of an article and share your thoughts.

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?  
E-mail:  
rolanda.johnson@mspd.mo.gov

**In This Issue:**

Scovel Richardson Scholarship Dinner	1MC
How Important is Race When Selecting a Jury?	2MC
Growing Your Client Base Through Speaking and Publishing	3MC
Referrals	3MC
"Living Double in a World of Trouble" — The Indigent Criminal Defense Crisis in Missouri	4MC
Don't Be Confused By Recent Tax Law Changes	6MC
MCBA and NBA Law Day Activities	6MC
LEGISLATIVE UPDATE Post-Conviction Relief	7MC
YOUR HEALTH Money Can't Save You	8MC
ORGANIZATION OF INTEREST St. Louis ArtWorks	10MC
5th Annual Unity Dinner Photos	11MC
Mound City Bar Roster	13MC
Business Directory	14MC
Upcoming Events	16MC

Thank you to **The Bar Plan**  
sponsors of the *Mound City News*

see ad on page 5

# How Important Is Race When Selecting a Jury?

STEVE SON, PH.D.  
DECISIONQUEST

Can Michael Jackson get a fair trial? That is certainly the talk as he sits in the Santa Barbara County courthouse staring at 12 people who may or may not relate to him. He is famous, he is an African-American, he is an icon, and he is more than a little eccentric. But even given these conditions, the question is still a good one—can Michael Jackson, an African-American man, get a fair trial?

The Rev. Jesse Jackson said the jury hearing in the Michael Jackson child molestation case was “flawed.” In a letter to the American people, he said, “It is simply inconceivable that, in a high profile and highly sensitive case like this, that African-Ameri-

**“It is simply inconceivable that, in a high profile and highly sensitive case like this, that African Americans would be omitted from the jury.”**

**- Rev. Jesse Jackson  
on the Michael Jackson case**

cans would be omitted from the jury.” He further went on to say, “Michael Jackson, like every other American, deserves his day in court, and a fair and even playing field. But the lack of inclusion of even one Af-

The basic premise of the complaint that Rev. Jesse Jackson and others have is that Michael Jackson should be tried by a “jury of his peers.” This phrase came from Patrick Henry and this country’s founders who thought that people who actually knew the defendant, “those who reside near him, his neighbors, and who are well acquainted with his character and situation in life,” should be jurors. A jury of peers was designed as protection from outside governmental oppression. However, importantly, nowhere in the Constitution of the United States of America does the phrase “jury of your peers” appear. The 6th Amendment of the Constitution begins, “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed...” You can see that the words “impartial jury” are used, and those are the words that

the Constitution begins, “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed...” You can see that the words “impartial jury” are used, and those are the words that



STEVE SON, PH.D.  
DECISIONQUEST

actually form the basis for diligence, care and thoughtfulness during jury selection. Thus, at least according to our Constitution, a jury does not have to be comprised of one’s peers, but rather by people representative of a fair cross-section of the community in which the crime occurred. Michael Jackson’s jury is comprised of a cross-section of

residents who live in Santa Barbara County, where Michael Jackson lives and where the alleged crime occurred. African-Americans account for only two percent of the population in Santa Barbara County. In fact, the initial pool of 243 prospective jurors called for jury selection in the Michael Jackson trial contained about a half-dozen African-Ameri-

cans, which represents two percent of the total prospective jurors in the jury pool.

Notwithstanding the fact that the jury pool in this case (if based on the demographics of Mr. Jackson’s “neighborhood”) was representative, if an unpopular verdict is rendered in Michael Jackson’s trial, it is

safe to assume that some Americans will question the fairness of the decision and blame its unfairness on the make-up of the jury. This phenomenon has occurred in other controversial, high publicity cases such as the Rodney King and O.J. Simpson trials. Juries are blamed for verdicts because the level of satisfaction with an outcome is strongly influenced by the perceptions of the fairness of the procedures used to reach that outcome. That is to say, the more legitimate the jury selection and service process is perceived to be, the more likely people are to accept the outcome, positive or negative. If people do indeed believe that a defendant should be

judged by a jury of one’s peers, then a jury that does not appear to be comprised of “peers” creates the impression that the judicial process is not legitimate. Even back in 1995, nearly 70 percent of California residents agreed that the “decisions reached by racially diverse juries are more fair than decisions reached by single race juries.” Thus, the idea that a panel should “look” like the neighborhood of one’s peers is one that resonates with most people.

One of the other reasons that race is considered important to many people is that people with different backgrounds (i.e., races) have different experiences than those of other races, and particularly those of the majority race in the culture. Jurors’ experiences have helped to form many of the predispositions they bring to

trial, and these experiences provide a framework for the formation of their case-specific attitudes and subsequent decisions. However, our research consistently shows

that attitudes and life experiences are better predictors of jurors’ reactions than simple demographic characteristics such as race or gender.

Comprehending jurors’ experiences, whether or not they are linked to their experience as a member of a particular racial group, can give you an edge in determining whether jurors will perceive your arguments to be winning ones. Jurors’ preexisting attitudes help dictate what issues they will find paramount, which attorney style they will prefer, and which party they will ultimately decide in favor of. These attitudes actually serve as a filter through which the case facts are processed and evaluated. Therefore, identifying and understanding attitudes that potential jurors hold can be crucial to understanding how jurors will react to case arguments. In fact, given that it is legally impermissible to make peremptory challenges based on such cognizable distinctions as race, it is important to recognize that attitudes and experiences are actually more important predictors of potential juror biases.

Understanding how attitudes and experiences will affect jurors’ decision-making can be achieved through properly conducted jury research. Expert analysis of data from attitude surveys, focus groups, and mock trials can provide valuable information for selecting juries, developing messages and understanding how jurors will interpret arguments in a case.

*Steve Son, Ph.D. is a psychologist and national jury consultant with DecisionQuest. For more information on jury selection, and jury consulting in general, call the author at (814) 867-4080, or go to the DecisionQuest Web site at [www.decisionquest.com](http://www.decisionquest.com).*

Private Investigations



**Angela Rodgers,  
Investigator**

**314-753-0457**

**314-865-0141 (fax)**

***Specializing in:***

- Skip tracing
- Judicial Collections
- Pre-Employment Screening
- Background Checks
- Process Serving
- Insurance Work
- Customized Needs



# Growing Your Client Base Through Speaking and Publishing

By **SHAWN SMITH, Esq.**  
CONSULTANT:  
OPTIONS FOR LAWYERS

In today's competitive marketplace, attorneys face many challenges developing and maintaining their client bases. Publishing articles and public speaking are two of the most effective ways for attorneys to build visibility, professional credibility and an enhanced client base and fee structure; but all too often, legal professionals ignore these powerful business development tools or use them ineffectively. Today, there are more opportunities than ever to share your expertise with potential clients both in print and in person. Develop a strategic speaking and publishing plan, and pursue these avenues as diligently as you would every other marketing opportunity.

## Why Publishing and Speaking Work

By publishing your articles in the right periodicals, you can reach thousands of potential clients at once. When you speak before a group, you are making contact and sharing your ideas with several people at a time. In addition, your name and firm's name are featured prominently on hundreds or thousands of publicity brochures sent out at the event planner's expense. Thus, you will get name visibility even among those who do not attend the event.

Publishing and speaking are also the most effective ways to gain professional credibility. These activities create the perception that the publisher or event organizers have endorsed you as a knowledgeable and trusted professional. While advertising is expensive and met with audience skepticism, when you "soft sell" your legal practice through articles and talks, people will be more recep-

tive to your ideas, and best of all, you will incur no costs except your time.

By establishing a consistent presence through presentations and writing, you become established in people's minds as an expert in your field and increase the likelihood that prospective clients will contact you when they have a related legal need.

## Your Plan

Create a systematic game plan in order to reach your goals. Dedicate just a few hours a week to the process, and you will see results. There are three basic steps:

- Finding your audience
- Choosing your topics
- Selling your topics to decision-makers.

Finding Your Audience. The first step is to determine what publications to write for and what groups to speak before. Don't limit your publishing activities to professional publications such as bar journals or your speaking activities to lawyers' associations. Most potential clients are not reading the legal press or attending bar functions. Your goal is to position yourself to potential clients as a highly visible expert so that they will contact you directly when they have a need.

Find out what publications your target client base is reading and what meetings they are attending. Make a list of publications and organizations to contact. If you are new to this process, start with smaller, local journals, newsletters and nonprofit organizations. As you gain experi-



Shawn Smith, Esq.

ence, you will find it easier to move up to state, regional and national exposure.

### Choosing Your Topics.

Once you have collected a list of contacts, you will need to select the topics that you will offer to write and speak about. Choose topics that will lead to the type of business that you want to get, but avoid blatantly plugging

your firm. Such "infomercials" will damage your credibility with your audience and annoy editors and event organizers. Let the quality of the information you present sell you.

### Getting Yourself Before Your Target Client Base.

Your next task will be to place an article in one of your target publications and land a speaking opportunity.

## Submitting Articles

First, obtain the publication's authors' guidelines. These guidelines will tell you the general types of articles the magazine is looking for, the length of submissions, whether to submit a query letter or a finished piece and the desired method of receiving submissions. You can often get authors' guidelines directly from the Web site of the publication, but if they are not available online, call or write to ask for them. Review a few issues of the magazine to get a sense of general writing style and tone. Editors will be turned off if it is obvious that you have not bothered to look at their publications.

Focus on the benefits your article will provide for the reader. Editors are in the business of serving their readerships. Tell them why your piece will be interesting to their

audience, not why you wish to be published. If you do not get a response from the editor, follow up by telephone or e-mail, but wait at least four to six weeks before making contact. Recognize that editors are busy people.

## Generating Speaking Opportunities

When you are starting out in the public speaking arena, you will probably be most successful with smaller, local business and nonprofit groups. As these organizations rarely have full-time meeting planners, send a letter to the president or chairman of the group directly. Again, stress the benefits that your talk will provide to the organization's membership or other event attendees and include a short professional biography. Include in your letter a statement that you will follow up on a specific date, and be sure to make the call.

Do not be disheartened if you receive rejections — they are not a reflection on the quality of your proposed topic or your worth as a professional — it may well be that the publication has recently printed an article on your topic or that the presentation subject is not timely for the group. Instead, check the publication or group off your list, and send your idea to the next in line. The more you speak and publish your work, the easier the process will become. Your successes will build on each other and result in more opportunities for exposure as well as a dramatically increased client base.

*Shawn Smith is an attorney, speaker, author and consultant who assists attorneys and other professionals to expand their client bases through public speaking and writing. For more information e-mail: [shawn@optionsforlawyers.com](mailto:shawn@optionsforlawyers.com), phone: #914/729-1620 or visit: <http://www.optionsforlawyers.com>.*

# Referrals

### Donna Anderson

- Nursing Home Negligence and Malpractice  
The Rex Carr Law Firm, LLC  
412 Missouri Avenue  
East St. Louis, IL 62201  
#618/ 274-0434  
#618/ 274-8369 (fax)  
[danderson@rex carr.com](mailto:danderson@rex carr.com)

### Richard E. Banks

- Product Liability  
- Workers' Compensation  
- Medical Malpractice  
Richard E. Banks & Associates, P.C.  
8000 Maryland Avenue, Suite 1260  
St. Louis, Missouri 63105  
#314/ 721-4040  
#314/ 721-6095 fax  
[www.seriouslegalhelp.com](http://www.seriouslegalhelp.com)  
[reb@seriouslegalhelp.com](mailto:reb@seriouslegalhelp.com)

### Ken Goins

- Auto Accidents  
- Bankruptcy  
- Criminal/Traffic  
Goins, Graham and Associates, L.L.C.  
5261 Delmar Suite B  
St. Louis, MO 63108  
#314/ 361-9999  
#314/ 361-6561 (fax)  
[kgoins@ggalawfirm.com](mailto:kgoins@ggalawfirm.com)  
[www.ggalawfirm.com](http://www.ggalawfirm.com)

### Michael P. Gunn

- Estate/Probate Planning  
- Small Business  
The Gunn Law Firm, P.C.  
1714 Deer Tracks Trail, #240  
St. Louis, MO 63131  
#314/ 965-1200  
#314/ 965-1054 (fax)  
[mikegunn@usclub.com](mailto:mikegunn@usclub.com)

### Tommie A. Harsley, III

- Workers' Compensation  
8200 Olive Blvd.  
St. Louis, MO 63132  
#314/ 872-3900  
#314/ 872-3943 (fax)  
[attyharsley@att.net](mailto:attyharsley@att.net)

### Steve Lewis

- Auto Accidents  
- General Practice  
- Workers' Compensation  
The Professional Building  
2734 Lafayette  
St. Louis, MO 63104  
#314/ 772-9494  
#314/ 772-3604 (fax)  
[slewis3683@aol.com](mailto:slewis3683@aol.com)

### Justin Meehan

- Civil Rights  
- Criminal  
- Personal Injury  
The Professional Building  
2734 Lafayette  
St. Louis, MO 63104  
#314/ 772-9494  
#314/ 772-3604 (fax)  
[jjustinmeehan@aol.com](mailto:jjustinmeehan@aol.com)  
[www.jjustinmeehan.com](http://www.jjustinmeehan.com)

### Mitchell B. Stoddard

- Consumer Fraud  
- Lemon Law Violations  
- Debt Collection Abuses and Inaccurate Credit Reports  
Consumer Law Advocates  
11330 Olive Blvd., Suite 222  
St. Louis, MO 63141  
#314/ 692-2001  
#314/ 692-2002 (fax)  
[consumerlawadvocate.com](http://consumerlawadvocate.com)

### Rufus J. Tate, Jr.

- Missouri Election Law  
- Traffic  
- Trial Practice  
The Tate Law Firm, L.L.C.  
Clayton Tower  
7751 Carondelet, Suite 803  
St. Louis, MO 63105-3369  
#314/ 726.6495  
#314/ 726.0166/0424 (fax)  
[tatelawfirm@aol.com](mailto:tatelawfirm@aol.com)

### Mavis Thompson

- Health Law Defense  
Sandberg, Phoenix & von Gontard  
One City Centre, Suite 1500  
St. Louis, MO 63101  
#314/ 231-3332  
#314/ 241-7604 (fax)  
[mthompson@spvg.com](mailto:mthompson@spvg.com)

For information  
on placing your name  
on this  
referral list, go to [www.moundcitybar.com](http://www.moundcitybar.com)



# "Living Double in a World of Trouble"

## The Indigent Criminal Defense Crisis in Missouri

BY DAN GRALIKE  
DEPUTY DIRECTOR  
MISSOURI STATE  
PUBLIC DEFENDER SYSTEM

Everyone knows and no one questions the reality of the public defender caseload crisis in the State of Missouri. This crisis directly affects the ability of the Public Defender System to fulfill its primary mission of providing quality criminal defense services to indigent clients. In its wake, public defenders often find themselves forced to choose between conflicting ethical commands.

Since the early 1990s, the Office of the Missouri State Public Defender has continually raised great concern throughout Missouri's criminal justice system and the Missouri Legislature over excessive public defender

caseloads. The concern remains and the alarming caseload trend continues to grow.

Historically, public defenders have had little control over the number of cases they receive. Today, in most jurisdictions, public defenders are representing as many as 80 percent of all criminal cases. As populations and caseloads increase, most public defender offices have been unable to obtain corollary increases in staff. Every day, throughout the state, public defenders try to manage too many clients. Too often, the quality of services suffers. At some point, even the most seasoned and well intentioned defenders are overwhelmed, jeopardizing their clients' constitutional right to effective assistance of counsel and possibly their licenses to practice law. *In re Stricker*, 808 S.W.2d 356 (Mo. 1991). (Six month suspension from practice of law for failure to appear at scheduled court hearings in a timely manner, failure to communicate with cli-

ents and other counsel, and failure to pursue litigation.) Missouri Court Rules of Professional Conduct require a lawyer to provide competent representation. *Missouri Supreme Court Rule 4-1.1* Yet, due to excessive caseloads, many public defenders are forced to choose those select clients who will receive the defense to which they are constitutionally entitled. Many of these public defenders make decisions analogous to those made by physicians in a M.A.S.H. unit. They perform triage. Defendants facing serious felony charges receive primary attention. Defendants facing less serious charges receive much less.

Public defenders have a unique duty to represent people accused of crimes who cannot obtain or afford to retain their own counsel. Because poor clients lack the power and resources to choose who represents them, they are forced to rely on the professionalism and commitment of public defenders. *Abbe Smith, When Ideology and Duty Conflict, found in Ethical Problems Facing the Criminal Defense Lawyer* 18-29 (1995) *American Bar Association*. The primary reason for any shortage of professionalism and commitment in the delivery of indigent criminal defense services in the state of Missouri is the crushing caseloads that saddle Missouri public defenders. Training of Missouri public defenders and their commitment to the indigent accused are recognized

by other state public defender systems as the best in the nation. The training of Missouri public defenders is cutting edge and usually accomplished through in-house seasoned public defenders who, against all odds, sustained the commitment to the indigent poor despite low pay, high student loan debts, and debilitating caseload demands.

These demands are undeniable. Missouri public defender caseloads hit another record high in Fiscal Year 2004. Current caseload requires every public defender in the trial division to dispose a case every 6.6 hours of every working day. *Office of the Missouri State Public Defender, Fis-*



**Dan Gralike**  
Deputy Director  
Missouri State  
Public Defender System

*cal Year 2004 Annual Report, October 1, 2004* Justice was once defined by President Lyndon Baines Johnson as the fulfillment of the fair expectations of man. Is it a fair expectation for public defenders to resolve by trial or negotiated plea a criminal case every 6.6 hours? Is it a fair expectation for Missouri public defenders to carry caseloads in excess of 300 cases? In Fiscal Year 1990, Gov. Ashcroft, with the assistance of the State Public Defender Commission, developed a plan to fund a statewide public defender system. The plan provided for public defender offices in all areas of the state to effectively service the indigent accused. The Ashcroft Plan posited that trial attorneys could ethically and effectively handle no more than 235 cases per year. Fifteen years later, the average assigned caseload for a trial division public defender is 305 cases. Aggravating this skyrocketing expansion is the increasing complexity of criminal defense. Complex scientific evidence, collateral consequences of immigration laws and federal sentencing guidelines, preservation requirements, sexually violent predator laws, and widespread "treatment courts" have dramatically increased the amount of time necessary to provide competent representation in all criminal cases. Today, as the work has increased, caseload processing time standards often reduce the time made available by the courts necessary to meet even the Ashcroft Standard. Peter Sterling, Missouri Public Defender Trial Division Director, Missouri Public Defender Commission Preliminary Report on Caseload Standards, 2005.

The lack of adequate preparation inherent in carrying an excessive caseload may violate Supreme Court Rule 4-1.1, which requires a lawyer to provide "competent representation to a client." The Rule defines competent as the required "legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." A careful reading



**The Lawyer Referral & Information Service (LRIS) of The Bar Association of Metropolitan St. Louis**

**WANTS YOU!**

If you wish to provide a public service and obtain more clients, join the BAMSL LRIS panel and receive some of the 10,000+ referrals made per year.

For more information and application fees, please contact Lael Richter Simon, LRIS Coordinator, at (314)421-4134 or LRIS@bamsl.org.



*re Stricker*, 808 S.W.2d 356 (Mo. 1991). (Six month suspension from practice of law for failure to appear at scheduled court hearings in a timely manner, failure to communicate with cli-

### VERDICT REPORTER, INC.

**Your civil case resource in Missouri & Illinois since 1984**

**LET'S MEET THIS WAY MORE OFTEN...**



- ◆ submit case summaries ◆ request searches ◆
- ◆ activate electronic subscriptions ◆

**on our web site...www.verdictreporter.com**

**Request searches to:**

- ◆ track experts ◆ value injuries ◆
- ◆ verify verdict ranges ◆ compare venues ◆
- ◆ prepare for settlement/ADR conferences ◆
- ◆ consult with colleagues ◆ enhance your portfolio

Auto ◆ Civil Rights ◆ Condemnation ◆ Contract  
Employment Discrimination ◆ F.E.L.A. ◆ Intentional Tort  
Jones Act ◆ Medical/Legal/Professional Malpractice  
Premises Liability ◆ Product Liability ◆ Property Damage  
◆ Wrongful Death ◆

**Judy A. Riley, President**  
contact@verdictreporter.com

**Phone #314-962-7500**

**Fax #314-962-6864**



*You protect your clients...*



*...We protect you!*

**Providing Lawyers Professional Liability Insurance since 1986.**

1717 Hidden Creek Court ■ St. Louis, MO 63131 ■ 314.965.3333 ■ 800.843.2277 ■ [www.thebarplan.com](http://www.thebarplan.com)

Sponsor of the June 2005 edition of the

**Mound City News**



# Don't Be Confused By Recent Tax Law Changes



BY CARLOS RIVAS  
FINANCIAL CONSULTANT  
A.G. EDWARDS & SONS, INC.

To stimulate the economy, the Jobs and Growth Reconciliation Act of 2003 brought about the latest round of tax cuts. Unlike tax laws passed in 2001, which included vast changes, the 2003 legislation was basically a simple tax cut. This isn't to say that it does not contain provisions of interest to investors, but you may have to look a bit harder to find them.

The new legislation accelerated the tax rate reductions included in the 2001 tax reform. As a result, rates that were to be phased in between now and 2006 became effective in 2003, retroactive to Jan. 1. This change led to the legislation's most recognizable result — more dollars in your paycheck resulting from reduced IRS withholdings.

Another change you may want to familiarize yourself with is that long-term capital gains are now taxed at a lower rate, and by 2008, taxpayers in the 10 percent and 15 percent tax brackets will not be taxed on capital gains. However, according to the legislation's sunset provisions, the lower rates will only be in effect through the 2008 tax year, and in 2009, the capital gains rate returns to 20 percent.

In addition to increasing your take-home pay, the tax rate changes created a number of additional opportunities. Let's look at a few of these opportunities and how they may affect you.

Converting to a Roth IRA may be more attractive. If you convert a traditional IRA to a Roth IRA, you'll pay taxes on that amount the year you make the conversion. By doing it now with the reduced tax rates, you can decrease the taxes you'll owe.

Before you convert there are several facts to keep in mind about Roth IRAs. If your modified adjusted gross income is more than \$100,000, or if you're married and filing separate tax returns, you are not eligible for a conversion.

A Roth IRA allows you to withdraw your contributions, not the earnings, at any time, but converted balances must be held for five years to avoid penalties.

Consider your retirement plan distribution options. The lower rates make it important to consider all of your alternatives when receiving a distribution from an employer-sponsored retirement plan — especially if it includes company stock.

If you take a lump sum distribution involving company stock, you have the option of excluding the net unrealized appreciation on your employer's stock from your ordinary income. The NUA is the difference between the average original price of the shares and the stock's value when the shares are distributed. With this strategy, you are taxed on the original price of the shares, not their current value, which, if higher, could create a larger tax bill for you.

With the new lower income tax and long-term capital gains tax rates, taking advantage of the NUA tax treatment can be more attractive than ever.

Check your withholding rates from IRA distributions. If you are taking systematic withdrawals from traditional IRAs and having taxes withheld, you may want to revisit your withholding amounts. With the new tax rates, it's possible you're withholding too much. Similarly, if you make quarterly estimated tax payments to the IRS, you may take a look at the amount you're paying to ensure it's not too much. You could wait for your 2004 refund to get your money back, but then you'd essentially be giving the government an interest-free loan.

There are several tax-saving opportunities that you can take advantage of before the end of the year. As always, you should consult your tax advisor and financial consultant before making any decisions.

*\*\* A.G. Edwards does not render legal or tax advice. A.G. Edwards' view is that investment decisions should be based on investment merit not solely on tax considerations. However, the effects of taxes are a critical factor in achieving desired after-tax return on investments. Specific questions as they relate to your situation should be directed to your tax advisor.*

*This article provided by A.G. Edwards & Sons Inc. Member SIPC.*

Carlos Rivas-Escobar, MBA, AAMS  
Financial Consultant  
10369 Clayton Road  
St. Louis, MO 63131

314-991-7846

<http://www.agedwards.com/fc/carlos.rivas>

# MCBA and NBA Law Day Activities

BY MAVIS THOMPSON

This year, the MCBA, under the leadership of President Kimberly Franks, and the NBA, under the leadership of Vice President Mavis Thompson, have joined in sponsoring the Dr. Martin Luther King Jr. Drum Major for Justice Advocacy Competition as part of 2005 Law Day activities.

The MLK competition was open to St. Louis Public School 12th graders who graduate this May or June and have been accepted into an accredited college or university. The competition gives students an opportunity to communicate verbally and in writing, and is designed to provide experience in public speaking. Additionally, students obtain financial support for their college education.

The competition started this spring when the Assistant Superintendent of Secondary School Education Steve Warmack disseminated the fact pattern to SLPS eligible 12th graders. The fact pattern addresses the Voting Rights Act.

Students submitted essays, which were ranked by MCBA attorneys. Winning essays were selected, and students competed in an oral advocacy competition on May 2 at Clyde C. Miller Academy. This event kicked off the St. Louis area 2005 Law Day activities. The winner of the oral advocacy competition will receive complimentary air and hotel expenses for them and a guardian to attend the MLK competition finals in Orlando, Fla. The finals will be held during the NBA Annual Convention, July 30-August 6, 2005.

First-, second- and third-place



**Terence Williams, Senior at Gateway Institute of Technology High School, was the winner of the Dr. Martin Luther King, Jr. Drum Major for Justice Advocacy Competition. Terence plans to attend the School of Journalism at the University of Missouri at Columbia. Terence will represent the MCBA in the NBA National Competition in Orlando this summer.**

winners receive a \$2,500/\$1,500/\$1,000.00 scholarship per year for four years, respectively. The Ford Motor Co. is this year's exclusive corporate sponsor.

MCBA and the NBA are excited about this partnership and for the opportunity to make students aware of the basis of what lawyers do: written and oral advocacy. We hope to bring home a victory for St. Louis!

*Mavis Thompson, Vice President of Regions and Affiliates for the NBA  
Kimberly Franks, President of the MCBA*



**From left to right: Mavis Thompson, vice presidents of regions and affiliates for the NBA; Stephen Warmack, assistant superintendent of St. Louis Public Schools; Terence Williams, a senior at Gateway Institute of Technology High School and winner of the Dr. Martin Luther King, Jr. Drum Major for Justice Advocacy Competition; and Kim Franks, president of MCBA.**



## LEGISLATIVE UPDATE

# Post-Conviction Relief

BY JENNIFER JOYCE  
ST. LOUIS CITY  
CIRCUIT ATTORNEY

Although Missouri has recently enacted a law providing compensation to those individuals cleared by post-conviction DNA testing, this law must be expanded to include the three individuals cleared by DNA evidence prior to the passage of the compensation law: Steve Toney, Larry Johnson and Lonnie Erby. As I write this letter, legislation is currently before our elected officials regarding this issue, and they need to fully understand the importance of such a bill.

People have asked me why I feel so strongly about the rights of these three men. It's simple. As prosecutors, our sole responsibility is

**As prosecutors, our sole responsibility is to seek justice. This pursuit most often takes the form of holding defendants accountable for their criminal conduct. However, an equally important component of justice is fairness.**

to seek justice. This pursuit most often takes the form of holding defendants accountable for their criminal conduct. However, an equally important component of justice is fairness. A key fear of a prosecutor is to send an innocent person to prison. We take great steps to ensure that innocent people are not wrongfully prosecuted or convicted. Yet, since the criminal justice system is comprised of human beings, it is inevitable that wrongful convictions can and will occur.

Last year's restitution provisions in Senate Bill 1000 were an important step in righting the wrong suffered by those incorrectly convicted by the state of Missouri. However, Toney, Johnson and Erby were arbitrarily left out of this program. Each of them was exonerated after serving many years in prison for a crime they did not commit. Allowing them to apply for this compensation is the right and fair thing to do. Since the compensation would come from court costs, expansion of the law would result in no additional cost to taxpayers. And it would also send the message that

we, as a state, take full responsibility for past mistakes and do what we can to rectify them.

Some legislators have objected to expanding the restitution provisions to include Toney, Johnson and Erby because these three men have criminal histories in addition to their wrongful conviction. They are concerned that they will be perceived as "soft on crime." Yet, the Missouri Association of Prosecuting Attorneys supports the right of these men to receive compensation. As prosecutors, we know that the mere existence of a prior criminal history does not and should not provide a justification for the arbitrary application of the compensation provisions.

Our criminal justice system is the best in the world; however, it will never be perfect because it is a human enterprise. Prosecutors and other government leaders will lose the faith and credibility of their communities if they appear to be half-hearted in the pursuit of all aspects of justice, particularly accountability for erroneous prosecutions.

The Mound City Bar Association has a long history of fighting for those who cannot fight for themselves, and I encourage you to contact your legislators to seek justice for Toney, Johnson and Erby.

## Proposed Amendment to Section 650.055.9

9. Notwithstanding the sovereign immunity of the state, an individual who is determined to be "actually innocent" of a crime may be paid restitution in accordance with this subsection. The individual may receive an amount of fifty dollars per day for each day of post-conviction incarceration for the crime for which the individual is determined to be actually innocent. The peti-

tion for the payment of said restitution shall be filed with the sentencing court within one year of the release from confinement or one year after the effective date of this section, whichever is later. [after August 28, 2003.] For the purposes of this subsection the term "actually innocent" shall mean:

(1) The individual was convicted of a felony for which a final order of release was entered by the court;

(2) All appeals of the order of release have been exhausted;

(3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which they are determined to be actually innocent; and

(4) Testing ordered pursuant to section 547.035, RSMo, demonstrates a person's innocence of the crime for which the person is in custody.

An individual who receives restitution pursuant to this subsection shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This subsection shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. All restitution paid pursuant to this subsection shall be paid from moneys in the DNA profiling analysis fund. The department shall determine the aggregate amount of restitu-

tion owed during a fiscal year. If moneys remain in the fund on June thirtieth of each fiscal year, the remaining moneys shall be used to pay restitution to those individuals who have received an order awarding restitution under this subsection during the past fiscal year. If insufficient moneys remain in the fund on June thirtieth of each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata



Jennifer Joyce

share of the amount such person is owed. The remaining amounts owed to such individual shall be paid from the fund on June thirtieth of each subsequent fiscal year, provided moneys remain in the fund on June thirtieth, until such time as the restitution to the individual has been paid in full. No interest on unpaid restitution shall be awarded to the individual. If there are no moneys remaining in the DNA profiling analysis fund, then no payments shall be made under this subsection. No individual who has been determined by the court

**Prosecutors and other government leaders will lose the faith and credibility of their communities if they appear to be half-hearted in the pursuit of all aspects of justice, particularly accountability for erroneous prosecutions.**

to be actually innocent shall be responsible for the costs of care under section 217.831, RSMo.

10. If the results of the DNA testing confirm the person's guilt, then the person

filing for DNA testing under section 547.035, RSMo, shall:

(1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(2) Be sanctioned under the provisions of section 217.262, RSMo.

## Simple Marketing, Simple Solutions

The expertise to help you gain maximum exposure from your marketing investment.

Newsletters • Programs • Brochures • Postcards • Inserts • Folders • Business Cards • Ad Design  
Logo Design • Ad Sales • Production • Distribution • And More!

Custom Publishing 314-783-8222  
linda.meyers@thedailyrecord.com



## YOUR HEALTH

# Money Can't Save You

BY DR. ROSA KINCAID  
KINCAID MEDICAL ASSOCIATES

I recently lost someone I truly admired, Johnny Cochran. I never met him or even knew much about his personal life. What I loved about him is that he freed one of my idols, Geronimo Pratt. Geronimo Pratt was a Black Panther who lived the life and did the things I feared doing, like taking an active personal stance on the liberation of black people as he put his life on the line. I felt that I owed Geronimo something as I sat in the classroom and cheered him on, shielding myself with books.

Johnny Cochran became my idol when he liberated Geronimo after decades of imprisonment. I was hurt to see Johnny taken down by a brain tumor. After working so hard and achieving material wealth and fame, he succumbed to an ailment that affects young, old, rich and poor. He had the "best doctors" money could buy. He ate at the best restaurants and lived a luxurious life. However, had I had the privilege of being his doctor, the first thing I would have told him would have been, "Money can't save you!"

Colin Powell has prostate cancer and Bill Clinton recently had bypass surgery. These men have money, but they don't have the basic information on how to take care of themselves, on what causes human disease or on how to prevent it from occurring and/or reoccurring. All of the money in the world can't save you. Well then, what can?

- **Desire:** The desire to know the truth about healing and its real place in current health care;
- **Strength:** The strength of conviction to follow through with action on what you have learned; and
- **Courage:** The courage to stand up against popular culture and the multibillion-dollar medical institution.

In other words, it is time to take matters into your own hands by learning the basics of how your body functions and what it needs so that you can continue

to do whatever you were sent to this planet to achieve. Most people know more about the engine in their car than they do about the organs in their frame. Why is this important? Imagine if there were a terrorist attack, or something similar, and the government ordered all Walgreen's, Schnuck's or other pharmacies closed indefinitely. Suppose there was no access to prescribed

**Johnny Cochran became my idol when he liberated Geronimo after decades of imprisonment.**

medications. How many people do you think we would lose? If you are dependent on pills or chronic treatments to stay alive and well, you are medically enslaved. If you don't know the basics of your body mechanics, wellness, prevention and survival, money won't be able to save you.

Many people are already facing similar situations. Folks are losing jobs and health care benefits; people are being cut off from Medicaid, in addition to workers who can't afford health care but make too much money for Medicaid. There is no telling when you or a family member may face a similar scenario.

There is no better time than now to learn as much as possible about basic natural disease prevention and treatment. Why should you consider natural prevention and treatment?

- Our bodies are designed to self-heal when given the proper substances;
- Prevention is the best medicine; and
- Consider the possibility that pharmaceuticals are unavailable.

So in your busy schedule, how do you start? How long does this take? What would I have told my hero and dream patient Johnnie Cochran to do? For starters:

1. Read labels, and do not ingest anything with white sugar, corn syrup, fructose, sucrose or any sugar substitutes. Instead, use honey, 100-percent maple syrup, molasses or stevia (which has 0 calories).

2. Do not ingest anything that contains natural or artificial flavors, artificial sugar, preservatives, colors or unusually long ingredients with too many consonants that may end in "ene." Don't ingest products with words that you can't pronounce or those that you don't recognize as being from the plant kingdom.

3. Eat organic fruits, seeds and nuts as much as possible

4. Don't put anything on your skin that you can't put in your mouth. Anything rubbed or placed on your skin goes directly into the blood stream.

5. Eat brown rice, brown bread and brown pasta.

6. Eat as much raw vegetables as you can possibly stand. Cooking vegetables "kills" them. Vitamins and minerals are heat labile. They can't withstand high temperatures. Plants have medicinal value. Plants can heal. Plants were here before pills. This is what our ancestors used.

7. Get rid of caffeine — it's a stimulant. It gives you a false kind of energy that is similar to what you would achieve by beating a tired horse. Caffeine drains your B vitamins and eventually leaves you edgy, fidgety and burned out. You will eventually have difficulty sleeping at night.

**If you are dependent on pills or chronic treatments to stay alive and well, you are medically enslaved. If you don't know the basics of your body mechanics, wellness, prevention and survival, money won't be able to save you.**

It also puts you at risk for getting osteoporosis, fibroid tumors and prostate problems.

8. Limit the time you spend on cell phones and in front of computers. Purchase a "Q-tab" or "diode" to protect your electromagnetic field. It has been documented that use of cell phones damages DNA in the brain. There has been a recent rapid rise in the incidence of brain cancers among children and adults.

Last, and probably most difficult, consider eating animal flesh and animal products as something you do only on special days like: your birthday, Thanksgiv-



**Dr. Rosa Kincaid**

ing, Mother's Day, etc. We are not natural carnivores. Our body physiology is different from carnivorous animals. We can survive for a limited time on animal flesh, but we cannot thrive. Overeating animal flesh is at the root of most of our disease today, along with processed foods and sugar. If meat were meant for us, then we should be extremely healthy eating meat ONLY, just like tigers and lions. This does not happen. Just think about what happened to Dr. Atkins, who designed the "eat all the meat you want" diet. Eating all the fresh raw veggies, fruits and nuts makes you powerful, happy and productive.

So what would happen to you if they closed Walgreen's, Schnuck's and Starbuck's? If you have hypertension, could you identify and find a hawthorn berry in Forrest Park? If you had an infection, could you find some Echinacea? If you need some anti-stroke medicine, could you find some ginkgo? Hint: There is an abundance of ginkgo growing on Central Avenue, a block or two down from the courthouse. If you were in a wooded area with no Lee's or Popeye's nearby, would you have a stroke just stressing out about it, or could you make a pokeweed, mushroom and dandelion salad with some apples for dessert?

So, make health a priority. It could mean the survival of you and your family. Knowledge is power, and it can save you — money can't. It didn't save Johnnie.

*For more information visit Kincaid Medical Associates: [www.dr-rosakincaid.com](http://www.dr-rosakincaid.com), or contact Dr. Rosa Kincaid at #314/644-0000..*

**Get a profile on [www.moundcitybar.com](http://www.moundcitybar.com)**



You work hard for them.  
We work hard for you.



You work hard to help your home buyers and sellers enjoy seamless transactions. So do we. But we also work hard to make your job easier and give you the peace of mind that your clients are being well protected.

Our skilled title experts invest tremendous behind-the-scenes time and energy to ensure a smooth, trouble-free, timely closing for you and your clients, providing the information and remedies needed to help them avoid the risks of title problems.

You can help your clients by encouraging them to obtain an Owner's Policy of Title Insurance. For a one-time fee, this valuable coverage can safeguard them in case title difficulties do arise.

You put a lot into helping your clients. We welcome the opportunity to work hard for you.



**Pulaski  
Title  
Company**

12300 Olive Boulevard  
St. Louis, Missouri 63141-6434  
Phone: 314-878-3523

**John Banjak**, President of Title Operations  
email: [jbanjak@pulaskibankstl.com](mailto:jbanjak@pulaskibankstl.com)

**TITLE INSURANCE. PROTECTING THE AMERICAN DREAM, ONE HOME AT A TIME.**

©2004 American Land Title Association



## ORGANIZATION OF INTEREST

# St. Louis ArtWorks Celebrating 10 Years of Job Training in the Arts Our 2005 Summer

BY PRISCILLA BLOCK  
EXECUTIVE DIRECTOR

St. Louis ArtWorks is proud to announce our tenth season of employment in the arts for St. Louis teens and area artists. We will employ over 100 youth and 18 artists from six top arts teaching organizations, presenting eight different artistic disciplines. The program will run between June 20 and July 29 from 10:00 a.m. – 3:30 p.m., Monday through Friday.

Now considered the region's most innovative job program for teens, ArtWorks was founded in 1995 through a collaborative effort of the Mayor's Office of the City of St. Louis, the Regional Arts Commission, the Missouri Arts Council, Grand Center, Inc. and the St. Louis Agency on Training and Employment (SLATE). ArtWorks is modeled after the successful Gallery 37 program in Chicago.

ArtWorks will be at two locations this year; returning to Adams Elementary School in the Forest Park Southeast neighborhood and a new second site at Vashon High School in the JeffVanderLou neighborhood. Below is a description of our exciting 2005 program and teaching partners:

### Mostly Mosaic

Artists and apprentices will study famous mosaic and sculptural works of artists Galust Ordyan, Maya Lin, Diego Rivera and Christo, learn the importance of public art and create individual mosaics as well as a commissioned mosaic mural sculpture for the Renaissance Place community.

Artists: Ilene Berman & Caroline Blaker

Teaching Organization: Center of Creative Arts (COCA)

Commission Client:

McCormack Baron Salazar

Location: Adams Elementary School



**St. Louis ArtWorks will employ over 100 youth and 18 artists from six top arts teaching organizations, presenting eight different artistic disciplines.**

### Art: Serving Community

Focusing on the City of St. Louis neighborhoods and the JeffVanderLou Habitat for Humanity community, artists and apprentices will create individual paintings as well as a commissioned set of note cards while studying the techniques and symbolism of Jacob Lawrence, Keith Haring, Edgar Degas and Andy Warhol. They will visit local graphic arts studios to learn more about the business of commercial art.

Artists: Christina Marsh & Kericee Tatum

Teaching Organization: Center of Creative Arts (COCA)

Commission Client: Habitat for Humanity

Location: Vashon High School

### From St. Louis to Louis Sullivan

Artists and apprentices will explore the rich history of architectural terra cotta from St. Louis to Louis Sullivan, and reinterpret it through the eyes of a generation shaped on plastic and dispensability as they make a ceramic sculpture for the new River Des Peres Bike Trail.

Artists: David Jafari & Gregg Byum

Teaching Organization: City Museum

Commission Client: Great Rivers Greenway District

Location: Adams Elementary School

### Vashon Commons Project

Artists and apprentices will design and execute a work of public art in the Senior Commons area of Vashon High School, exploring landscape architecture and sculpture while gaining an understanding of design principals and how art functions in public spaces.

Artists: Robert Goetz & Alan Kmetz

Teaching Organization: Contemporary Art Museum St. Louis

Client: Vashon Compact

Location: Vashon High School

### A Healthy Sublimation

Using photography and sublimation printing on ceramic tiles, artists and apprentices will be creating individual tiles as well as a ceramic tile collage examining the mission of the Deaconess Foundation. Photographic imagery will render a cohesive statement regarding the health of the Metropolitan St. Louis Community and its people.

Artists: Robert Evans & Randy Titus

Teaching Organization: Craft Alliance

Client: Deaconess Foundation

Location: Adams Elementary School

### ArtWorks Dance Company

Apprentice artists will take on the role of being professional dancers starring in a produced dance concert suitable for touring. They will create a polished, well-produced professional production "In Concert" and will learn the business of booking a show and taking it on tour.

Artists: Katie Van Dillen, Melissa Villalobos, Alicia Jonas & Trevor Harrison

Teaching Organizations: Mid America Dance Company (MADCO)

Location: Vashon High School

### Urban Artists of the Works Progress Administration (WPA)

Through the language of art, participants will learn to view, ex-

See ARTWORKS page 14MC





# 5th Annual Unity Dinner

## Thursday, April 21st, 2005

Missouri Asian-American Bar Association Cosponsored by Mound City Bar Association  
Wei Hong Seafood Restaurant



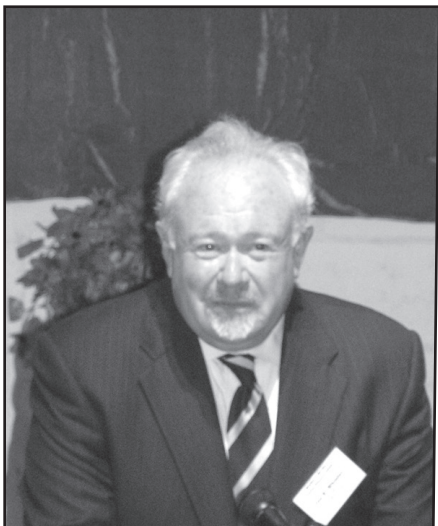
Sreenu Davis and  
Jim Robinson



Keith Cheung and  
Jacob Cheung (5 months old)



Judge Judy Draper



Joe Whisler, president of  
Missouri Bar Association



Mike Gunn,  
Featured Speaker



Lori Jones, BAMSLS president; David Jones;  
Marie Kenyon, BAMSLS president-elect; and  
Lynn Ann Vogel, BAMSLS vice president



Marvin Teer and Erv Switzer



Judge John Kintz and Susan Block



Iggy Juan, Amy Hammerman and  
Nancy Mogab



Judge Donald McCullin  
and Inez Johnson Ross



MCBA President Kim Franks, MABA President Ari  
Bai, Rep. Maria Chappelle-Nadal



Maylin Mahoney & Ari Bai,  
president of MABA



Ebony Woods and  
Errin Braddock

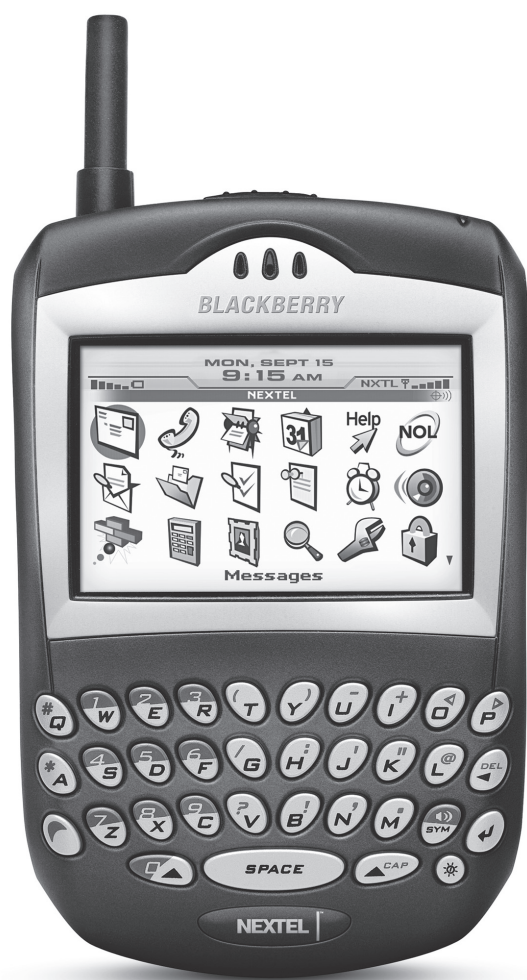


# For A Limited Time Only!!

## *A Legal Plan Without Limits*

Unlimited Incoming Calls, Unlimited Outbound Calls,  
Unlimited Emails, Unlimited Direct Connect™ Walkie-Talkie

Unlimited voice and email plan  
**Only \$134.99 monthly!**



The New Blackberry 7520™, fully loaded with Cell phone, Email, Calendar, Contacts, Walkie-Talkie, Bluetooth™ Technology, and Speakerphone that enables conference without rooms.

# GOT Wireless

**“Your Legal Technology  
Solutions Provider”**

**Call 314.895.8400**



Discount \$34.99 monthly pricing (regularly \$44.99) on the Voice & Unlimited Email plan requires a BlackBerry 6510, 7510, or 7520 handset (either new or existing handset), and subscription to the Unlimited Voice and Email plan and the National Free Incoming plan. New handsets must be activated before March 31, 2005. Monthly discount on the Voice & Unlimited Email plan applies for the life of the plan while subscribed to the National Free Incoming plan. One or two-year service agreement and credit approval required. \$200 early termination fee (after 30-day trial period), and set-up fee of \$35 per phone, up to \$70 max per account (some markets a max of \$80/account per order) applies. **Unlimited Email & Voice Plan:** After 200 SMS text messages per month, \$0.15 per received message. **Free Incoming Plan:** Free Incoming calls are calls received while in the U.S. on the Nextel National Network. Nationwide Long Distance includes domestic calls only. Overage is \$0.40/min. Cellular calls round to the next full minute. Unused minutes do not accumulate to the next billing cycle. Nights are 9:00pm to 7:00am. Weekends begin Fri. at 9:00pm and end Mon. at 7:00am. Unlimited Local Direct Connect walkie-talkie minutes are included in this plan. Additional charges apply and vary by market, including state and federal taxes, a Universal Service Assessment of either 1.343% or 1.5%, in some states a Gross Receipt Recovery Fee, and a state-required E911 fee. **Other terms:** Nextel reserves the right to modify or terminate this offer at any time.





Defense

Continued from page 4MC

of the Supreme Court Rules suggests a public defender must withdraw if caseload pressures prevent effective representation of a client, and Rule 4-1.16 requires withdrawal when a lawyer knows that continued representation will result in violation of another rule of professional conduct. By not withdrawing, an overworked lawyer violates at least two disciplinary rules: Rule 4-1.1 forbids a lawyer from handling a legal matter without adequate legal preparation; and Rule 4-1.7 forbids a lawyer from representing a client if that representation will be directly adverse to another client. The present M.A.S.H. style operating procedure requires public defenders to divvy effective legal assistance to a narrowing group of clients.

Although the Rules of Professional Conduct compel public defenders to move to withdraw, they do not compel the judge to grant withdrawal. *Missouri Supreme Court Rule 4-1.16(c)*; “*When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.*” The public defender must continue to represent his client if the judge disagrees or ignores the public defender’s ethical determination. A lawyer who fails to continue representation when ordered by a judge to do so invites sanctions, including contempt. *See; State ex rel. Picerno v. Maurer*, 920 S.W.2d 904 (Mo. App. W.D. 1996). *See also, Maness v.*

*Myers*, 419 U.S. 449 (1975) suggesting that a more appropriate response is to preserve the issue for appeal. Some judges have, however, been willing to relieve public defenders of the burdens of excessive caseloads. In 1970, a California appellate court suggested the following: “When a public defender reels under a staggering workload, he need not animate the competitive instinct of a trial judge by resistance to or defiance of his orders to the public defender. . . The public defender should proceed to place the situation before the judge, who upon a satisfactory showing can relieve him, and order the employment of private counsel . . . at public expense.” *Ligda v. Superior Court*, 5 Cal. App. 3d 811, 827 (1970). In his article *Between a Rock and Hard Place*, author Randolph Stone points us in the right direction by stating: “Caseload pressures are endemic to the delivery of legal services to the indigent. If the situation is intolerable . . . the lawyer should seek support for the systemic reform from local and national Bar associations and other organizations.” *Randolph N. Stone, Between a Rock and a Hard Place: Responding to the Judge or Supervisor Demanding Unethical Representation, found in Ethical Problems Facing the Criminal Defense Lawyer 5-17 (1995) American Bar Association.*

Missouri is well advanced compared to most states in its centralized delivery of defense services. Many states still operate by way of local

contracts with members of the private bar. But even in these states, low funding and high caseloads have reached crisis proportions. In this regard, despite Missouri’s achievements over the years in the centralized management of defense services and national recognition as one of the best run indigent legal services organization, crushing caseloads seriously threaten its ability to maintain its strength to provide quality and ethical representation to the poor who are charged with crimes. The State Public Defender alone cannot solve this crisis. It will require the immediate attention and assistance from the Missouri Bar, the judiciary, and the state legislature. Working together we can solve this crisis. Time is of the essence. We cannot suspend constitutional rights until we find necessary funding. We must act now. For more information visit: <http://www.publicdefender.mo.gov/>

Endnotes

1. Lou Rawls, circa 1975
2. *In re Stricker*, 808 S.W.2d 356 (Mo. 1991). Six month suspension from practice of law for failure to appear at scheduled court hearings in a timely manner, failure to communicate with clients and other counsel, and failure to pursue litigation.
3. Missouri Supreme Court Rule

4-1.1

4. Abbe Smith, *When Ideology and Duty Conflict*, found in *Ethical Problems Facing the Criminal Defense Lawyer* 18-29 (1995) American Bar Association.

5. Office of the Missouri State Public Defender, Fiscal Year 2004 Annual Report, October 1, 2004

6. Peter Sterling, Missouri Public Defender Trial Division Director, Missouri Public Defender Commission Preliminary Report on Caseload Standards, 2005.

7. Missouri Supreme Court Rule 4-1.16(c); “When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.”

8. *See; State ex rel. Picerno v. Maurer*, 920 S.W.2d 904 (Mo. App. W.D. 1996). *See also, Maness v. Myers*, 419 U.S. 449 (1975) suggesting that a more appropriate response is to preserve the issue for appeal.

9. *Ligda v. Superior Court*, 5 Cal. App. 3d 811, 827 (1970).

10. Randolph N. Stone, *Between a Rock and a Hard Place: Responding to the Judge or Supervisor Demanding Unethical Representation*, found in *Ethical Problems Facing the Criminal Defense Lawyer 5-17 (1995) American Bar Association.*

Mound City Bar Association Roster  
2004-2005 Bar Year — Paid Dues Members To Date:

Abby, Monique D.  
Alexander, Nicole  
Anderson-Tayborn, Nancy  
Bailey, Bobby E.  
Baker, Hon. Nannette  
Banks, Eric K.  
Bay, William  
Birkes, Keith  
Bryant, Hon. Paula P.  
Bryant, Shirley  
Burke, Thomas  
Carter, Thomas  
Colbert, Nicole  
Cook, Kimberly C.  
Copeland, Douglas  
Corrigan, William  
Dandamudi, Sreenu  
Davis, Drew H.  
Dowell, Jamica D.  
Draper, Hon. George  
Fabbri, Frank  
Frank, Genevieve  
Franks, Anthony

Franks, Kimberly R.H.  
Freeman, Erica  
Gaertner, Gary Jr.  
Gilroy, Tracy  
Goins, Kenneth  
Grise, Stephanie  
Gunn, Michael  
Harry, Venus  
Harsley, Tommy  
Hemphill, Hon. Sandra  
Henley, David  
Hollie, Rita Montgomery  
Hollie, Thad  
Howard, Raymond  
Jamison, Hon. Michael  
Johnson, Cardina Fort  
Johnson, Rolanda  
Jordan, Karen  
Joyce, Jennifer  
Kazembe, Rita  
Lawton, Mona  
Mahoney, Maylin  
Martinez, Linda

McHugh, William  
McMillian, Hon. Theodore  
Meanes, Pamela  
Meehan, J. Justin  
Miller, Joan  
Neely, James Sr.  
Newman, Peggy  
Norwood, Kimberly  
Patrick, Keisha  
Phillips, Megan  
Price, Countess  
Quigless, Hon. Angela Turner  
Reed, Phyleccia  
Roberts, Steve  
Robinson, Courtney Vales  
Saulsberry, Charles  
Shepherd, Dee  
Slack, Annette  
Storch, Rachel  
Switzer, Erv  
Tate, Rufus  
Tayborn, Tyrone  
Teer, Marvin

Teitelman, Hon. Richard  
Temple, Beverly  
Thomas, Kemba Logan  
Thompson, Kwame  
Thompson, Mavis  
Tolliver, Leslie  
von Gontard, Peter  
Vossmeier, Celeste  
Washington, David  
Weiss, William L. (Exempt –  
over 50 yrs. of practice)  
Whisler, Joe  
White, Hon. Ronnie  
Whitehead, Hope  
Williams, Alif  
Woodiest, Rochelle

For more information on membership, contact Phyleccia Reed at [preed@tuethkeeney.com](mailto:preed@tuethkeeney.com).

\*This list does not include registered law student members, who are not required to pay dues to the organization.

Mound City Bar will honor one of our members with the Attorney of the Year Award at the Annual Scholarship Dinner. Look for more details see page 1 or visit us on the Web: <http://www.moundcitybar.com>.

Mound City Bar Executive Board 2004 -2005

President, Kim Franks  
President-Elect, Marvin Teer  
Vice President, Leslie Tolliver

Corresponding Secretary, Phyleccia Reed  
Recording Secretary, Rochelle Woodiest  
Treasurer, Kenneth Goins

Member at Large (over 5 years), Annette Slack  
Member at Large (under 5 years), Rolanda Johnson  
Historian, Hope Whitehead



SCOVEL C. RICHARDSON  
SCHOLARSHIP DINNER  
Saturday, June 18, 2005, 6:00 p.m.  
Randall Gallery 999 N. 13th Street

Chavous

Continued from page 1MC

District of Columbia as a world-class institution of higher learning. Mr. Chavous’ creative approach to economic development and neighborhood revitalization was lauded by the *Washington Post* as “one of the more thoughtful approaches on economic development by a D.C. official since the beginning of home rule.”

Since leaving the D.C. council, Mr. Chavous has emerged as one of the nation’s most respected and influential education reform leaders. He is a Distinguished Fellow with the Washington, D.C. based Center for Education Reform, serves on the national board of the Charter School Leadership Council and is active with the Black Alliance for Educational Options.

Mr. Chavous is an accomplished author, having recently published “Serving Our Children: Charter Schools and the Reform of American Public Education.” His book

represents a detailed discussion of the charter school movement both in the District of Columbia and around the country. Mr. Chavous’ book has received praise from policy makers, educators and book critics.

Mr. Chavous practices law with Sonnenschein Nath & Rosenthal, LLP, where he developed the firm’s education law practice. He also teaches education law as an adjunct professor at American University’s Washington College of Law.

Mr. Chavous was born and raised in Indianapolis, Indiana, and graduated from Wabash College, where he was an NCAA All-American in basketball. He also graduated from the Howard University School of Law, where he was president of his graduating class.

*Mr. Chavous and his wife, attorney Beverly Bass Chavous, live in Washington, D.C. with their two sons, Kevin and Eric.*

Artworks

Continued from page 10MC

plore and record their communities and the Benton Park West neighborhood with the investigative eye of an artist. Armed with this new way of seeing, the students will record the social and economic structure of their environment and community. They will look at artists of the WPA to assist them in seeing and presenting this information in visual form. Artists: Robert Ketchens & Chris Burch

Teaching Organization & Sponsor: Saint Louis Art Museum  
Client: Incarnate Word Foundation  
Location: Adams Elementary School

How I View My  
Community:  
Explorations in  
Photography

Artists will train apprentices to use specific photographic techniques using 35 mm SLA cameras to produce powerful works of art. The apprentices will gain a clear understanding of the difference between film and a digital camera as they

compose portraits of health in rural and urban Missouri communities. Individual prints as well as a group collage for the Missouri Foundation for Health will be made.

Artists: Lois Ingrum & Kevin Pulley  
Teaching Organization: Saint Louis Art Museum  
Client: Missouri Foundation for Health  
Location: Adams Elementary School

St. Louis ArtWorks is generously supported by Emerson, Regional Arts Commission, Missouri Arts Council and many other corporate, foundation and individual donors. The public is invited to our Studio Open houses on July 8 and our Friends Day Sale of apprentice art work and performances on July 28 at the Adams Park Community Center from 11-1:30 p.m.

*For more information please visit our web site at [www.stlartworks.org](http://www.stlartworks.org) or call Executive Director Priscilla Block at 314-589-8019.*

Business Directory

Advertising

To advertise in the  
*Mound City News*  
call Linda Meyers  
**314-783-8222**

[linda.meyers@thedailyrecord.com](mailto:linda.meyers@thedailyrecord.com)

Arbitration/Mediation

USA&M

United States Arbitration & Mediation  
[info@usam-midwest.com](mailto:info@usam-midwest.com)  
[www.usam-midwest.com](http://www.usam-midwest.com)  
314-231-4642  
(fax) 314-231-0137

Home/Auto

Upholstery Unlimited

Professional upholstery work in ALL areas  
Walter Ratliff II,  
Office Manager & Owner  
Walt Enterprises Inc.  
8227 N. Broadway  
Mobile 757-7926 • Office 385-9740

Information Services

BAMSL

Lawyer Referral & Information Service  
Lael Richter Simon, LRIS Coordinator  
**314-421-4134**  
[LRIS@bamsl.org](mailto:LRIS@bamsl.org)  
(see ad on page 13MC)

Verdict Reporter, Inc.

Judy A. Riley, President  
[contact@verdictreporter.com](mailto:contact@verdictreporter.com)  
**314-962-7500**  
(fax) 314-962-6864  
(see ad on page 13MC)

Insurance

The Bar Plan

Professional Liability Insurance  
[www.thebarplan.com](http://www.thebarplan.com)  
**314-965-3333**  
800-843-2277  
(see ad on page 3MC)

A Little Ad  
Can Go A Long Way

Marketing

CUSTOM PUBLISHING  
NEWSLETTERS  
PROMOTIONAL MATERIALS

**314-783-8222**  
[linda.meyers@thedailyrecord.com](mailto:linda.meyers@thedailyrecord.com)

Private Investigations

Information, Inc.

Private Investigations  
Angela Rodgers, Investigator  
**314-753-0457**  
314-865-0141 (fax)  
(see ad on page 2MC)

Technology

GOT Wireless

Your Legal Technology Solution Provider  
**314-895-8400**  
[www.giftoftime.org](http://www.giftoftime.org)  
(see ad on page 7MC)

To list your business in this directory, call Linda Meyers  
at #314/783-8222 [linda.meyers@thedailyrecord.com](mailto:linda.meyers@thedailyrecord.com)



# The Best Practice<sup>TM</sup> Series

## FREE SEMINARS\*

**PRESENTED BY**  
**UNITED STATES ARBITRATION AND MEDIATION-MIDWEST, INC.**  
**AND**  
**WASHINGTON UNIVERSITY SCHOOL OF LAW**  
*Alternative Dispute Resolution Program*

### SEPTEMBER 16, 2005

#### \*WHAT THE NEW MISSOURI STATUTES MEAN TO YOU

**Tort Reform**

Jim Reeves, Moderator  
Leonard Cervantes – Cervantes & Associates  
Gary Growe – Blumenfeld, Kaplan & Sandweiss  
Colleen Jones – Office of Robert Hayes  
Ted Perryman – Roberts, Perryman, Bomkamp & Meives

**Notice & Repair**

Rob Litz – Carter, Bauer, Soule LLC

**Worker's Compensation**

Judge Suzette Carlisle, Moderator  
Missouri Dept. of Labor and Industrial Relations  
Michael Banahan – Evans & Dixon  
John Larsen – Larsen, Feist & Hess, PC  
Stephen McManus – McAnany, Van Cleve & Phillips  
David Plufka – Keefe & Griffiths

### NOVEMBER 4, 2005

#### \*TO ARBITRATE OR NOT TO ARBITRATE THAT IS THE QUESTION

**Registration**

Please call Amy Staten to register at  
**(314)231-4642 or fax (314)231-0137**  
or e-mail [astaten@usam-midwest.com](mailto:astaten@usam-midwest.com)

**\*Voluntary contribution to KidSmart upon arrival at the seminar will be greatly appreciated.**

The program will take place at Washington University Law School. Parking passes with pre-registration. Doors open at 8:00 a.m., seminar begins at 8:30 a.m., concludes at 11:40 a.m. Refreshments included. 3.6 MCLE.

Enrollment is limited. Participation based on first-come first-serve.



Please remember to continue donating school supplies to KidSmart. Your contribution will help many area children whose families cannot afford to purchase supplies. To learn more about KidSmart and how you can help, please call 314-291-6211.

UNITED STATES ARBITRATION AND MEDIATION MIDWEST, INCORPORATED  
720 OLIVE ST STE 2300 ST LOUIS, MO 63101  
(314)231-4642 800.844.4237 FAX: (314)231-0137  
E-MAIL: [info@usam-midwest.com](mailto:info@usam-midwest.com) [www.usam-midwest.com](http://www.usam-midwest.com)

**EXCLUSIVE PANEL OF MEDIATORS**

MR. WILLIAM J. BILLEAUD  
MR. BERNARD BRINKER  
MR. EUGENE K. BUCKLEY  
MS. ELIZABETH CALLAHAN  
MR. JACK CAREY  
MS. JUDY CATES  
HON. WILLIAM CORRIGAN  
MR. ROBERT A. CROWE  
HON. ELLSWORTH (ELIC) CUNDIFF  
MR. GEORGE L. FITZSIMMONS  
MR. MICHAEL S. GEIGERMAN  
MR. SANDY GOFFSTEIN  
MS. LINDA L. HAHN  
MR. GERARD F. HEMPSTEAD  
MR. JAMES W. HERRON  
MR. DONALD L. JAMES  
MR. WILLIAM JAMES  
MR. RALPH W. KALISH, JR.  
MR. THOMAS G. LEWIN  
HON. ARTHUR LITZ  
MR. JOSEPH B. McDONNELL  
MR. HENRY D. MENGHINI  
MR. SAMUEL B. MURPHY, JR.  
MR. ROBERT O'NEAL  
MR. GERALD R. ORTBALS  
MR. TED PERRYMAN  
MR. JERRY RASKAS  
MR. JAMES REEVES  
MR. RONALD O. SCHOWALTER  
MR. RUSSELL K. SCOTT  
MR. BRIAN P. SELTZER  
HON. PAUL SIMON  
MR. CHRISTOPHER SMITH, SR.  
MR. GARY SNODGRASS  
MR. STEVEN J. STOLZE  
MR. G. CARROLL STRIBLING, JR.  
MS. JOAN M. SWARTZ  
MR. SAMUEL T. VANDOVER  
MS. KATHLEEN M. WHITBY  
MR. ROBERT A. WULFF  
MR. DAVID F. YATES





# Upcoming Events

## Scovel Richardson Annual Scholarship Dinner Saturday, June 18th, 2005 Mound City Bar Association

Location: The Randall Gallery in downtown St. Louis  
Time: 6:00 p.m.  
For more information, contact Kim Franks, MCBA president, at #314/ 865-1096 or by e-mail: kimberly.franks@sbcglobal.net, and check the Web site: <http://www.moundcitybar.com>

*The Mound City Bar Association is holding its annual Scovel Richardson Scholarship Dinner on Saturday, June 18th, at The Randall Gallery in downtown St. Louis. Every year, the Scovel Richardson Scholarship Dinner has raised funds to help defray the educational expenses for talented law students attending Missouri law schools. We are very proud of our efforts, and with continued support from the St. Louis community, we believe we can continue this worthwhile tradition. In the coming weeks, MCBA will mail sponsorship invitations to businesses and law firms throughout the St. Louis community. You can help in many ways: •Co-sponsor the dinner; •Donate a table for students; or •Co-sponsor student scholarships. For more information on sponsorship and/or to make reservations, contact Kim Franks, MCBA president, by phone at #314/ 865-1096 or by e-mail: kimberly.franks@sbcglobal.net.*

**“Live Food Workshops”** are held by Kincaid Medical Associates. Focus is made on how to prepare nutritional and appetizing dishes using the finest fresh ingredients.

*These Live Food workshops are hands-on classes that teach the health benefits of eating foods unfired. These classes are hands-on with all participants preparing succulent raw appetizers, entrees, desserts and juices. Please call 314-644-0000 to register. The registration fee is \$10.00*

**WHERE:** Wild Oats Market on Ladue road in Clayton.  
**TIME:** 3:00pm - 5:00pm

**June 26, 2005** – Maximum Energy  
*There’s no holding back now. Time to get out and exert yourself. Feel the absolute freedom of owning a strong healthy body.*

**August 21, 2005** – Natural Cosmetics/ Beauty >From Within  
*Food is your best medicine; it is also your best cosmetic. Real beauty comes from within. We will fix foods that work two ways: externally and internally.*

**November 20, 2005** – Staying Live for the Holidays  
*Whoever said that it is no fun being a health advocate during the holidays has no idea. We will fix cakes, pies, punches and other raw goodies, which will have your unknowing friends begging for more.*



## A Great Opportunity to Reach Thousands in the Legal and Business Community!



# Mound City News

Place your ad in Mound City News, distributed to all members of the Mound City Bar Association (MCBA), one of the oldest minority bar associations west of the Mississippi, and the Missouri Asian-American Bar Association (MABA). The newsletter includes articles written by members of MCBA and discusses issues important to Bar members. It is published in the St. Louis Daily Record and The Countian, which covers the legal and business community in St. Louis city and county. This newsletter will cross the desks of legal and business professionals throughout the region - your potential customers.

Full Page	(10" x 16")	\$350	1/8 Page	(4" x 5")	\$ 75
1/2 Page	(10" x 8")	\$200	1/16 Page	(4" x 3")	\$ 50
1/4 Page	(6" x 7")	\$125	Business Directory Listing		\$ 25

25% Discount for  
4 quarterly issues.

Space Reservation Deadline:  
2 weeks before  
publication date

Ask about our online rates:  
[www.moundcitybar.com](http://www.moundcitybar.com)

For more information or to reserve your spot in this newsletter,  
Call Linda Meyers at (314) 783-8222 e-mail [advertising@thedailyrecord.com](mailto:advertising@thedailyrecord.com)  
or Rolanda Johnson at (314) 340-7625 e-mail [Rolanda.Johnson@mspd.mo.gov](mailto:Rolanda.Johnson@mspd.mo.gov)