

THE BENCH & BAR

A Publication of The Lawyers Association of St. Louis

January 2010

In This Issue

Annual Bowling Tournament

Black History Month Dinner

Who Left The Cliff Bars...

PDAs in the Courtroom

Meetings to Come

Upcoming Lawyers Association Meetings:

Wednesday, January 20

Annual Bowling Event

Thursday, February 18

Black History Month Dinner

Thursday, March 18

Program to be Determined

Saturday, April 24

Award of Honor

Black History Month Dinner - Feb. 18

The 17th Annual Black History Month Dinner will be held Thursday, February 18th at the Westin Hotel. The dinner, which is named after The Hon. Theodore McMillian, is co-sponsored by The Lawyers Association of St. Louis and the Mound City Bar Association.

The Hon. Jimmie Edwards of the 22nd Judicial Circuit will be the featured speaker and speak about Judge Edwards' Innovation Concept Academy, which the 22nd Judicial Circuit is actually partnering with St. Louis Public Schools very interesting and "innovative concept."

Tickets for the dinner are \$45 and

President's Column

Matthew J. Devoti

Seventy five years.

In November 1934, a group of pre-eminent St. Louis lawyers came together to form this Association. The group was led by Hyman Stein, Wells Blodgett Priest and two former members of the Missouri Supreme Court, Conway Elder and Berryman Henwood.



The lawyers joined forces to right a wrong. Many of them were members of what was then known as the Bar Association of St. Louis. And, the members were frustrated by the policies and practices of the Bar Association. At that time, the Bar Association limited its membership. Membership was closed to people of certain races, color or types of practice. For instance, African-Americans, personal injury lawyers and criminal defense lawyers were systematically denied membership.

So, the Lawyers Association of St. Louis was formed to rectify that injustice. The Association was formed to provide an organization in which all lawyers of good standing could join and participate. And, in fact, in its early days, the Association led the fight to integrate the Missouri Bar, a feat accomplished before Jackie Robinson stepped foot on a baseball field as a member of the Brooklyn Dodgers.

This past October, we gathered at SqWires in Lafayette Square to formally celebrate the formation of the Association 75 Novembers ago. Judge Barbara Wallace and Jim Holloran reminded those in attendance of our Association's history and legacy - but, also the Association's present standing, value and role in our community.

Just one month later, the Association presented the 53rd Gridiron Show. Before the Show, I had the honor of introducing a videotape presentation compiled by Ken Vuylsteke. The presentation highlighted a few of the many people, lawyers, and characters on which our Association now stands. We remembered.

So, we move forward. We continue to celebrate our Association and its role in maintaining the characteristics of inclusion, collegiality and social justice in our community. And, we remember to celebrate our role as trial lawyer or judge in the administration of justice.

I hope to see you this Spring at one of our events.

may be obtained by contacting Jim Susman, LASL Executive Director at 314/991-LAWS (5297) by e-mail at susgrp@charter.net.

Sponsors of the program (through 1/15/2010) are:

Gold

Brown & James
Cervantes & Associates
Sandberg, Phoenix & von Gontard
Williams, Venker & Sanders

Silver

Fox & Vuylsteke
Greensfelder, Hempker & Gale

Annual Bowling Tournament

The Associations' annual Bowling Tournament and happy hour will be held Wed. January 20th at Saratoga Lanes in Maplewood. Individuals wishing to bowl should contact Jim Susman to be placed on a team. Jim can be contacted at 314/991-Laws (5297) or by e-mail at susgrp@charter.net.

Tournament winners in 2009 were:

1st Place - Sandberg, Phoenix & von Gontard
2nd Place - Baker, Sterchi, Cowden & Rice
3rd Place - Wuestling & James

Gridiron 2009 Highstepper Sponsors

Executive Producers

Bollwerk & Ryan
Casey & Devoti
Kolker & Germeroth
Gray, Ritter & Graham
Holloran, White & Schwartz
McGurk's
Rabbitt, Pitzer & Snodgrass
Fox & Vuylsteke

Media Sponsor

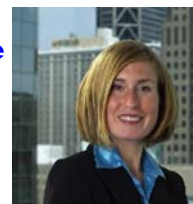
Missouri Lawyers Media

Writers Roundtable

Baker, Sterchi, Cowden & Rice
Greensfelder, Hemker & Gale
Meyerkord, Rineberg & Graham

Who Left the Clif Bars in the Conference Room?

By Allison Stoll, Rabbitt, Pitzer and Snodgrass, PC



We've all been reminded, "It's a marathon, not a sprint"-usually when threatening to drop-kick a hard drive down the hall and move to Barbados. Maybe it's true. Or...maybe it's a triathlon...

Start with a plan and execute

In 2008, I finished 25th out of 32 athletes in my first race, happy to have stayed on my bicycle. However, for the 2009 season I found a training plan and tweaked it to fit my race and work schedule. I ran in the dark, schlepped my bike to work so I could head straight to the park afterwards and occasionally appeared for morning hearings sporting goggle marks. Just as it would be difficult to finish-much less enjoy-a triathlon, it would be nearly impossible to win a major motion, trial or appeal without a plan and the effort to execute each step.

Find a Mentor

Thankfully, a friend from law school was willing to share his extensive knowledge with this newbie with a mild coordination problem. I sought Coach K's advice on everything from gear and injury prevention to where to put the race number on my bike. He also provided encouragement when I had a bad workout or missed workouts due to other obligations. At my firm, I'm lucky to work with a number of experienced attorneys who don't seem to mind (they may tell you otherwise) answering my questions and offering pointers on issues with which I'm unfamiliar. If you don't have someone in your practice group or at your firm, look elsewhere: the Lawyers Association is a great place to start, as are other bar associations. This city is crawling with terrific attorneys; you just have to seek them out.

Setbacks Happen

It doesn't take a lawyer or a triathlete to realize that even if you start with a plan, execute and have the help of a mentor, things don't always go as anticipated. In May, one week before my first race of the season, I crashed my bike, catching myself on the asphalt with my face and right elbow. When the doctor told me the elbow fracture would keep me out of training for weeks, I became upset because I would miss my first race and my goal race seemed in jeopardy. However, after some time off, I started jogging, riding on the trainer and doing laps in the pool with a kickboard. Within a month, I was back on track and was able to do an alternate race in July.

None of us will win every motion, every trial, every appeal, or even complete a deposition without

Williams, Venker & Sanders

Chorus Line
The Simon Law Firm
Thompson Coburn

Gridiron Photos



remembering three hours later a key question that should have been asked. For most of us, our jobs are not guaranteed. Setbacks happen, and you just dust yourself off, find the lens to your sunglasses and get back on the bike.

It's Worth It

August 30, 2009 was a great day for a race, and as the sun was rising I jumped into the Ohio River. The bike portion passed through rolling hills and there were plenty of volunteers on the run. After sunset I reached the finish chute and heard the noise of the crowd. Although I can't describe how I felt when the announcer called me an Ironman or when my parents ran up to give me a hug, it made the hard work worth it.

Sometimes in the day-to-day of planning, executing, seeking help and facing setbacks, we come close to burnout but are reminded, be it in winning a motion, trial or appeal, or simply receiving a note of thanks from a client or compliment from another attorney, that it's worth the effort. Maybe we are ultimately even thankful for the journey.

Gridiron "Hall of Shame" Inaugurated at 53rd Annual Show

The following article is reprinted from the 2009 Gridiron Program Book

With the Lawyers Association of St. Louis turning 75 years old this year, now is a perfect time to recognize the many unique personalities who make this group so special. Scanning the ranks of the association's past presidents and past Award of Honor winners truly makes us feel like we are all standing on the shoulders of legal giants. It is at the same time entirely inspiring and wholly humbling. However, these men and women are not the only reason this enduring association of trial lawyers, and this stand-out event, are so worthwhile.

In anticipation of the 50th Anniversary of the Gridiron a few years ago, the executive committee conceived a way to pay special recognition to members of the association who gave so much to this special event. Review of the historical records and minutes of meetings of the association going back over 50 years revealed that the association considered doing away with the Gridiron on a number of occasions for a multitude of reasons. However, as you can conclude, every time, someone prevented the silencing of the many talented voices which continue to entertain us year after year. They may not have been presidents or Award of Honor winners, but they were truly talented, ever enthused and above all indefatigably dedicated to Gridiron.

Such devotion to this event deserves recognition, appreciation and memorialization. For these reasons, the association has created the "Gridiron Hall of Fame," (or "Shame"), as a way to show our thanks for the contributions of these countless characters. Every year we will induct new honorees, people who made us laugh, cry, or cringe, but most of all, people who made membership in this association a privilege.

It is fitting that the inaugural members of this new honor society are the true "Fathers of the Gridiron"; Robert Kratky, who came up with the incredible idea that the association should host this event, and Gerry Seegers, the first director of the first several shows. Without these two pioneers, we would not be here tonight. Thank you gentlemen for your vision. I hope our brief stewardship of your brainchild lives up to your expectations, and places this event potently in the hands of our progeny.



This association is only as strong as the respect we pay to its past. By revering these worthy individuals through this honor, we preserve another part of our history that, well, quite frankly, some may hope to forget. (Have you seen those drag numbers?) The Gridiron Hall of Fame ensures members to come that we will never let that happen. Thank you all for your vital support of this unparalleled embodiment of collegiality, the one-and-only Gridiron Show!

William S. Thomas, Director, Gridiron Show 2009



PDA's in The Courtroom and Elsewhere *By Tom Neill, Gray, Ritter & Graham, PC*



Many years ago, Hammurabi revolutionized the practice of law by setting a legal code in stone. More recently, the practice was revolutionized by cell phones and PDAs. Lawyers naturally required a bit of time to get used to each of these revolutions. But while codified law has yet to do away with equity, the legal profession appears to have finally adjusted to cell phones and PDAs.



For example, there seem to be fewer instances of cell phones ringing in court these days. Part of the reason is probably down to more warnings, whether by signs, bailiffs, or judges. But part of it is no doubt due to lawyers having finally developed the technological sophistication to switch their phones to vibrate.



Though switching a cell phone to vibrate originally began as a courtesy, switching a PDA to vibrate is more than just a courtesy; it is a way for a busy lawyer to make productive use of down time in the courtroom. Of course, this requires a bit of discretion. One certainly does not want to be caught emailing when his case is called up by the judge for a hearing. Likewise, accepting appointments on your calendar while opposing counsel examines a witness is unlikely to go over as well as tying fishing lures did for Jimmy Stewart.

Executive Committee Members 2009-2010

President

Matthew J. Devoti

President-Elect

Thomas P. Germeroth

Vice Presidents

Lori A. Schmidt
Thomas E. Schwartz

Secretary

Matthew C. Casey

Treasurer

John R. Gunn

Executive Committee

John F. Mahon, Jr.
Thomas K. Neill
Kristi M. Pfothenhauer
Lyndon P. Sommer
Allison E. Stoll
Tracy L. Zuckett

Past Presidents

James R. Cantalin
Scott L. Kolker
William S. Thomas

Executive Director

James A. Susman
314/991-LAWS

PDAs have also increased productivity at the airport. In fact, so much battery power is used on PDAs at airports that Southwest now has a handful of wide leather chairs equipped with USB ports for recharging electronic devices. These chairs, by the way, have nicely replaced Southwest's cattle call boarding process as the new means of displaying social dominance in the East Terminal.

While the new boarding process for Southwest was a welcome change, the decimation, nay, the halving of American flights was anything but. Since when does it make sense to go from St. Louis to Nashville via Dallas? As though to rub salt in Lambert's wounds, the editor of American Way magazine recently wrote of his employer: "They've always treated me right, and for that, they've always had my business. There's honor in sticking with something through thick and thin."^[1] Apparently the

314/432-5894 (fax)
susgrp@charter.net
P.O. Box 411122
St. Louis, MO 63141

brass at American do not read their in-flight magazine too often.

Fortunately, Southwest is picking up some of the routes American has cast aside. That is great news in the frequent flier department, as a handful of depositions in Chicago and Little Rock can turn into a vacation in San Diego. But a flight on Southwest still has the feel of a dangerously crowded bus ride over the Khyber Pass, complete with chickens in the overhead compartment. So while it is nice to still have some flight options, a trip to Kansas City is probably better made by car than plane.

Like the courtroom and airport, the car too can be a useful office away from office thanks to the PDA. You can answer an email at a stop sign, shepardize a case at a red light, or knock out an appellate brief while stuck in traffic on highway 40. Avoid using the PDA while actually driving, of course, lest you fall afoul of Hammurabi's code : "If a man strikes the car of an equal while texting, his thumbs shall be cut off."

[1] Pitluk, Adam "Up here, in the air" [American Way](#) 1 Dec. 2009: 12

[Forward email](#)

✉ **SafeUnsubscribe**®

This email was sent to susgrp@charter.net by susgrp@charter.net.
[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe](#)™ | [Privacy Policy](#).

Email Marketing by



The Lawyers Association of St. Louis | P.O. Box 411122 | St. Louis | MO | 63141