



## President's Column by David Maron



It has been nearly a year since we began the 2012-13 CABA year, and it has been eventful. CABA committees and members have been busy and their hard work has provided CABA members many opportunities to engage

with each other, within the profession and in the community.

Staying connected allows CABA to be a resource for information, free CLE, and service opportunities. But connection requires effective and accessible communication. This past year, CABA's communication committee, chaired by Meta Copeland and Melissa Baltz, updated the website and improved electronic communication using email, Facebook, and Twitter.

The CABA Newsletter, under leadership of editor Kate Margolis, has published five issues full of excellent articles. And we have launched CABA's new eNews for shorter articles and alerts to be sent out on short notice. We hope you'll continue to take advantage of these resources and let us hear from you on how CABA can improve its service to the bench and bar in the metro area.

### Here are some highlights from the past year:

- LJAP director Chip Glaze and Mississippi Bar General Counsel Adam Kilgore presented an ethics CLE, *Your Brother's Keeper*, in August 2012 (free to CABA members).

- The Fall *CABA Battle of the Barristers Tennis Tournament* at River Hills Club, organized by committee chair, Stephanie Jones, raised approximately \$4,500 for the Mississippi Volunteer Lawyers Project.
- Noted authors and commentators, Andy Taggart and Jere Nash, presented a pre-election political forum, *Red Blue Smack-down*, in October.
- CABA supported our Federal Judiciary in the Southern District Division realignment caused by federal closure of the Federal Courthouse in Meridian.
- Executive Director Pat Evans and committee chair Joanna Kuhn organized CABA's annual *Christmas Party* in December with a special *80<sup>th</sup> Anniversary* celebration at the Old Capitol Inn.
- Bench and bar committee chairs Judge Carlton Reeves and Cliff Johnson organized and presented an invaluable CLE entitled *Turning the Tables* in January 2013, by providing CABA members a forum for posing questions to a panel of state and federal judges (free to CABA members).
- Past-president John Henegan organized CABA's participation in the Jackson, Mississippi *Martin Luther King, Jr. Parade* in January.
- Diversity committee co-chairs Charles Griffin and Ashley Wickes organized a diversity forum with distinguished panelists entitled *Diversity through Building Better, Stronger, and Lifetime Relationships* at Jackson State University in March, raising over \$3,500 for CABA's

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## Upcoming Events

### May 16

Evening Honoring the Judiciary  
Country Club of Jackson  
Reception at 6 pm • Dinner at 7 pm  
Speaker: Honorable James E. Graves, Jr.

### May 18

CABA Habitat for Humanity Women Build  
To sign up contact Rebecca Wiggs  
rwiggs@watkinseager.com

### June 18

Membership Meeting • Capital Club  
Speaker: Guy W. Mitchell, III, incoming president of the MS Bar

*The views expressed in the articles published are solely those of the authors and do not represent the views of CABA, its officers, directors, or staff.*

# An Evening HONORING THE JUDICIARY Banquet

May 16, 2013 • Reception 6:00, Dinner 7:00  
at the Country Club of Jackson

**Keynote Speaker: Honorable James E. Graves, Jr.**

United States Circuit Judge for the United States Court of Appeals for the Fifth Circuit

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*Reuben V. Anderson Minority Scholarships* at both Mississippi College School of Law and the University of Mississippi School of Law. The forum was followed by a well-attended reception at The Penguin.

- Pro bono committee co-chairs Troy Odom and Denita Smith organized the 2013 *Wills for Heroes* pro bono service opportunity.
- Committee co-chairs Kevin and Mary Margaret Gay organized the 2013 *CABA Golf Tournament*, raising approximately \$6,000 for the Mississippi Volunteer Lawyers Project.
- Executive Director of the American Judicature Society's Center for Judicial Ethics, Cynthia Gray, and Mississippi Judicial Performance Commission Executive Director, John Toney, presented an ethics CLE panel discussion entitled *Where Everybody Knows Your Name*, organized by Rebecca Wiggs, in April (free to CABA members).
- Social committee chair Joanna Kuhn and membership committee co-chairs Davetta Cooke Lee and Justin Peterson organized a *Spring Social*, hosted jointly with the Jackson Young Lawyers Association, to recognize and celebrate with our newly admitted Mississippi Bar members.

None of these events, activities or programs would have been possible without either the dedicated service of CABA members or the generous support of CABA sponsors. And there are two more events this bar year! I know you'll want to attend and participate:

**The May 16<sup>th</sup> Evening Honoring the Judiciary banquet**, organized by committee chair Gretchen Kimble, will be held at the Country Club of Jackson again this year. The Honorable James Graves will be our keynote speaker. [His bio is listed on our website](#) and you'll find more information in the article on page 8 of this newsletter. Judge Graves is no stranger to members of CABA as a distinguished Hinds County Circuit Court Judge, Mississippi Supreme Court Justice, and now as United States Circuit Judge for the Fifth Circuit Court of Appeals. We are looking forward to an outstanding evening as we honor our state and federal judiciary.

**On May 18<sup>th</sup>** CABA Women's Initiatives committee will hold a work day in conjunction with *Habitat for Humanity's* Women Build. Organized by CABA Women's Initiative chair, Rebecca Wiggs, CABA is a sponsor of

this opportunity to make a new home a life-changing reality for a Jackson family. If you haven't signed up, please contact Rebecca at [rwiggs@watkinseager.com](mailto:rwiggs@watkinseager.com).

Throughout CABA's 80 year history there have been changes in *how* the practice of law has developed over time—carbon paper, typewriters and fountain pens have been replaced by Microsoft Word, computers, iPads and email—but *what* lawyers do should not change. Just as it was 80, 100 or 200 years ago, the practice of law today still entrusts lawyers and judges with the duty to uphold the rule of law and defend the freedom, justice and equality secured under the law. Whether it is the inspiring standard set, for example, by pioneers such as Justice Reuben Anderson, Justice Fred Banks, Constance Slaughter Harvey or by Governor Bill Waller's (then Hinds County District Attorney) historic prosecution of Byron de la Beckwith for the murder of Medgar Evers, or the legacy of others who also championed the rule of law despite controversy and in the face of political pressure, the unwavering dedication of the bench and bar has been and remains critical to preserving what most defines us as a nation.

With Memorial Day approaching I am also reminded of the need to express our gratitude for the service of those who made the ultimate sacrifice defending the rights, principles and freedom our nation stands for. In a few weeks, there will be parades and ceremonies at War Memorials across our nation. But a monument remains a memorial only if its significance is passed to the next generation. That's our job.

The rights and liberty we defend and enforce in court are not merely abstract sections in a code book; those rights are embodied in the law and represent values that men and women in the military have fought and sacrificed for. Both liberty and justice under the law and the military defense of the rights, freedoms and liberty secured under the law are inseparably linked. Core values secured under the rule of law would be hollow aspirations without courageous men and women in uniform defending them and an independent judiciary to enforce them.

We're all beneficiaries of the sacrifices that we recognize on Memorial Day. But perhaps more than any other American, apart from soldiers and their families, judges and lawyers deeply value the sacrifices made by men and women of our armed forces. As lawyers we also have the privilege of leading by example.

We should personalize and honor the sacrifices made by men and women of our armed forces. Let me offer a few ideas:

1. **Think about Memorial Day and what it represents** more often than on the holiday. Consciously support those who have served with a thank you, with help for a family with a father or mother deployed overseas. Think about it when you see a convoy driving on the interstate or when you see a massive C-17 landing.
2. **Tell the next generation.** Make a point to tell the next generation that a monument or war memorial is not simply a beautifully carved stone listing names of men and women we really don't know. They are real names of real people representing real sacrifices. They are real heroes.
3. **Live in a way that demonstrates gratitude.** When you have an opportunity to vote, attend church, or are called to jury service, think about countries around the world where many risk imprisonment or death to exercise rights that we often take for granted. A jury summons rarely comes at a convenient time; but our state and federal Constitutions preserve a right to trial by jury—a right that also was fought and sacrificed for. Exercising these rights may seem an inconvenience, but it is a far smaller inconvenience to us than war to an 18-year old GI on a beachhead on D-Day or to a soldier in Afghanistan or Iraq today.

In closing, I deeply appreciate having been given the opportunity to serve as president of CABA this past year. It was a privilege to work with a team of so many dedicated men and women. I know each of you will join me in thanking our Executive Director Pat Evans and all the 2012-13 committee chairs and volunteers. As we begin the new bar year, let me congratulate CABA's newly elected officers and directors—Treasurer Mike Malouf, and Directors Tiffany Graves and Troy Odom. We look forward to the upcoming years during Collins Wohner's 2013-14 term, Amanda Green Alexander's 2014-15 term and in the years to come. 🍷

# "Of the PARAMOUNT ALLEGIANCE OF THE CITIZENS of this State"

By Publius of Mississippi

I'm pretty sure Jeff Smith never seriously thought the Legislature would pass House Bill No. 490 he and a colleague from Lowndes County introduced in the Regular Session 2013.

Jeffrey C. Smith is a smart lawyer. He's served in the House of Representatives for 20 years. He knows better. Jeff was trying to make a political point.

H.B. 490 resurrected an idea many white Southerners have fantasized about at least since John C. Calhoun and Robert Hayne tried to get their home state to "nullify" the Tariff of 1828.

To be sure, the Mississippi Balance of Powers Act is written in words a bit more temperate than the South Carolina Ordinance of Nullification of 1832. For example, H.B. 490 uses "neutralization" instead of "nullification."

In this world where all is relative, the media and political firestorm Jeff Smith generated in the Winter of 2013 was down right civil. After all, Andy Jackson sent ships to Charleston harbor and threatened (personally!) to hang the nullifiers (from whose number he never excluded Calhoun and Hayne) for their palpable treason.

## H.B. 490 Invokes the Constitution of 1890

Jeff Smith's big idea spawned guerilla actions. The Governor said he would block any federal action infringing [his reading of sacred] Second Amendment rights. *Roe v. Wade* had to be neutralized. Obamacare would be fought in the streets, though it would bring dollars to Mississippi on an order of magnitude much greater than what it will cost us. And so on, *ad infinitum*, until *Sine Die* mercifully arrived in early April.

The H.B. 490 experience is worth reflection, in the relative calm of the inter-session.

In Section 3, it would have made subject to "neutralization" all federal laws "which are repugnant and obtrusive to ... the Mississippi Constitution of 1890, state law and the citizens of the state." H.B. 490, lines 136-39.

In Section 4, a Joint Legislative Committee on the Neutralization of Federal Laws would have

been charged to neutralize all federal laws "in direct violation of the Mississippi Constitution of 1890." H.B. 490, lines 187-88.

Section 5(4) would have enshrined the rights of the people of Mississippi "as they were understood and secured by the law in the State of Mississippi at the time the Mississippi Constitution of 1890 was adopted on November 1, 1890." H.B. 490, lines 237-39.

## On Carefully Reading Art. 3, § 7

Given these references, turn to that selfsame Mississippi Constitution of 1890. A good place to start is Art. 4, § 40, the oath of office for all legislators. Each must "solemnly swear (or affirm) ... that I will, or as soon as practicable hereafter, carefully read (or have read to me) the Constitution of this state, ..."! Hmmmm!?!

Art. 3, § 7<sup>1</sup> affirms two great principles. First, "[t]he right to withdraw from the Federal Union on account of any real or supposed grievances, shall never be assumed by this state, ..."

The only point of interest here, of course, is the phrase "any real or **supposed** grievances." (Emphasis added.) From history, even in 1890 the draftsmen knew the propensity of those in political power in Mississippi for conjuring less than *bona fide* grievances against "the Federal Union."

Reading H.B. 490 sends me to the clause of more practical importance in Art. 3, § 7, *viz.*, "**[N]or shall any law be passed in derogation of the paramount allegiance of the citizens of this state to the government of the United States.**" (Emphasis added.)

Much of the public discussion of H.B. 490 this past Winter centered on whether and to what extent it might be enforced consistent with the Supremacy Clause, U. S. Const., Art. VI, § 2. The answer, of course, is "hardly at all, if at all." A smart lawyer like Jeff Smith knows that.

But I doubt Rep. Smith realized he had drafted his Mississippi Balance of Powers Act so that it would have been unenforceable in state courts as well, and as a matter of state law, given the second clause of Art. 3, § 7. In his regular references to the Mississippi Constitution of

1890 as the gold standard, Jeff Smith sowed the seeds of H.B. 490's undoing.

Among the rights "understood and secured by the law [to Mississippians] ... at the time the Mississippi Constitution of 1890 was adopted ...,"<sup>2</sup> H.B. 490, § 5(4), lines 237-39, was the right that no law could "be passed in derogation of the paramount allegiance of the citizens of this state to the government of the United States."

The whole idea of H.B. 490 was and remains "in derogation of the **paramount** allegiance of the citizens of this state to the government of the United States." (Emphasis added.) As such, it runs afoul of Art. 3, § 7, which is a sort of an inverse supremacy clause — a state constitutional imperative with force that would withstand even the repeal of the federal Supremacy Clause.

## "[N]or shall any law be passed"

Let's break it down.

Without doubt, the Legislature is disabled from "pass[ing]" laws proscribed by § 7's second clause. So are local governmental entities such as boards of supervisors, city councils, boards of aldermen, school boards and the like.

You don't have to know much about constitutional construction to know that § 7's bar extends to executive department officials, elected or otherwise, from the Governor on down to mayors.

We're approaching 200 years of understanding that the common law was and remains little more than a lot of judge made law, and so Art. 3, § 7, says the Supreme Court of Mississippi may not judicially legislate "in derogation of the paramount allegiance of the citizens of this state to the government of the United States." Given its power of judicial review, *see, e.g., Alexander v. Allain*, 441 So. 2d 1328 (Miss. 1983), the Supreme Court is charged to make sure those exercising the legislative and executive powers do not transgress Art. 3, § 7.

## "in derogation"

No dictioner's exegesis of the verb "derogate" and its derivatives is needed to see the point.

Derogation connotes the partial, not the complete. Art. 3, § 7, enjoins state lawmakers not to diminish or to impair “the paramount allegiance of the citizens of this state to the government of the United States.” Nor to disparage or to belittle that paramount allegiance.

Each legislator who in the Regular Session 2013 was being asked to enact H.B. 490 had long since been told, “don’t mess with this ‘paramount allegiance’ at all.”

## “Paramount Allegiance”

By its text, Art. 3, § 7, assumes a pre-existing “paramount allegiance of the citizens of this state to the government of the United States.” H.B. 490 doesn’t read as though its draftsmen had any such thought.

The short and sufficient answer is in the Pledge of Allegiance we recite so often. It is worth a pause that, each time each one of us says the Pledge of Allegiance, we are reaffirming a legally pre-existing allegiance to the United States of America, which at least includes its government, though that is hardly all.

Art. 3, § 7, protects us from state or local passage and enforcement of any law, rule or order “in derogation of the paramount allegiance” we pledge so often.

The word “paramount” connotes that our allegiance to the federal government is not exclusive. Nothing in Art. 3, § 7, precludes allegiance to our state and its government, and to our towns, cities and counties and their governments, except in case of conflict with our pledged **paramount** allegiance to the government of the United States.

## “the government of the United States”

But what is “the government of the United States” within Art. 3, § 7? To say it is “the republic for which [the flag] stands” is a tautology. Anthems, books, constitutions and laws that have been written afford an incomplete and clouded glimpses of the whole. Wars have been fought and peace has been made in its name. Laws

have been passed and men have been hanged in its name.

Ten thousand pages later it will remain an ongoing democratic experiment, a living organism made by men and steered by their conflicting and contentious purposes, and in which each of us lives and participates daily with our votes and our taxes, with our respect for, our cooperation with, our wars with, our fears of, and sometimes just plain grudging tolerance of each other.

Individual liberty, the dignity and worth of each person, is a countervailing cornerstone. Most amendments to the U. S. Constitution secure some aspect of the individual’s right of privacy or right to vote, grounded in political recognition of the inviolability, dignity and worth of each person.

## The Reconciliation

The blend looks something like this. Each citizen’s allegiance to the government of the United States includes both a duty to respect—and support—what the government has lawfully chosen to do **and** a right to work within the system to change course where a citizen believes the government is off base.

The duty to respect and support what the government has lawfully chosen to do is a function of the process the U. S. Constitution has ordained. No matter how fervently you may believe Obamacare is a bad idea, your paramount allegiance to the government of the United States says you should respect and support it in general, subject to your right of resort to the political process to try to undo it or change it.

By the same token, no matter how fervently you may have believed a decade ago that the U. S. War on Terror was a bad mistake, your paramount allegiance to the government of the United States required that you respect and support it in general, subject to your right of resort to the political process to try to stop it.

There is something very American and noble about the idea of The Loyal Opposition, notwithstanding our ongoing partisan contretemps.

## A Voice From Mississippi’s Past

Justice Tom P. Brady was quite outspoken in the 1950s and 1960s. His thinking was such that he found the Constitution of 1890 quite congenial, as it was originally written. Justice Brady viewed federal excursions—most prominently *Brown v. Board of Education*—as anathemas. Yet this bull headed, “unreconstructed” Mississippi jurist well explained our duty of paramount allegiance, when we extend his references to the Supreme Court to the entire “government of the United States”:

*“Our attitude toward a decision of... [the U. S. Supreme] Court does not authorize or control its rejection or acceptance. We must follow the decision until it has been abrogated by constitutional and legal procedures. Irrespective of how erroneous it may appear, or how odious it is, a decision of the... Supreme Court is still the ultimate in judicial determination and is binding on the tribunals and citizens of the respective states...”*<sup>3</sup>

And so of our attitude towards Obamacare, the War on Terror, and hundreds more actions of the government of the United States.

**Of course** Jeff Smith and his colleagues have the right of responsible dissent. Notwithstanding his affirmation of his paramount allegiance to the government of the United States, Justice Brady was confident that, in the end, “Just as water always seeks its own level, so absolute law will expose ultimately and punish its long submerged desecrations which have been committed in the name of justice.”<sup>4</sup>

Until that day comes, it is the duty of Representative Smith and those who espouse his politics to join latter day Tom Bradys in the Loyal Opposition, which is state constitutionally bound to honor and defend “the paramount allegiance of the citizens of this state to the government of the United States,” warts and all. 🍷

1. Art. 3, § 7, is copied verbatim from the text of Art. 1, § 20, of the Constitution ratified by the people on December 1, 1869. Not every clause of the 1869 Constitution fared so well at the hands of the 1890 draftsmen. In such a setting, good lawyers infer that

the 1890 draftsmen saw the words of Art. 1, § 20, as sensible as they were seen a generation earlier.  
2. Art. 3, § 7, is identical to the text of Art. 1, § 20, of the Constitution ratified by the people of Mississippi on December 1, 1869.

3. *Bolton v. City of Greenville*, 178 So. 2d 667, 672 (Miss. 1965); *Watts v. State*, 196 So. 2d 79, 82-83 (Miss. 1967).  
4. *Bolton v. City of Greenville*, 178 So. 2d 667, 672 (Miss. 1965)

# Highlights from the 2013 Legislative Session

By Jack Wilson, *Counsel to the Governor*

A “Publius of Mississippi” has an interesting column in this issue apparently inspired by a “classic” 1925 Mississippi Supreme Court dissent’s account of “midget minded statesmen” who “are strong on midget legislation.”<sup>1</sup> While I cannot agree with all of that column, it certainly is true that some questionable or even “midget minded” bills have been “dropped in the hopper” over the years. This is probably inevitable. One of my personal favorites: “A north Mississippi lawmaker in 1996 apologized to his fellow House members for putting a provision in a bill, without telling them, to legalize cockfighting.” Reportedly, he “had called cockfighting ‘an emerging agribusiness.’”<sup>2</sup> Maybe he was inspired by Tom Russell’s *Gallo del Cielo*.<sup>3</sup>

Happily, the legislative process weeds out most such ill-advised measures. That being the case, this column will take up the more mundane task of discussing legislation that was actually signed into law during the recently concluded session, including several important education reforms that will lead to improved opportunities for Mississippi’s children, as well as several other sensible laws that may be of interest to the bar.

Last year, Governor Bryant articulated a comprehensive education agenda for the 2013 session and called on the Legislature to focus the session on improving public education in Mississippi. With the support of leadership in both Houses, the Legislature followed through on the Governor’s plan and enacted a series of reforms that should transform the State’s public school system for years to come.

Among these, the “Literacy-Based Promotion Act” (S.B. 2347) enacts a key component of the Governor’s agenda: a “third-grade reading gate” to end the practice of “social promotion.” The Act provides that any student who displays a substantial deficiency in reading at any time in kindergarten through the third grade must receive “intensive reading

instruction and intervention immediately.” Beginning with the 2014-2015 year, if the student’s reading deficiency is not remedied by the end of third grade, “the student shall not be promoted to Fourth Grade,” unless one of a limited number of “good cause” exceptions applies. To help these students attain grade-level performance, each retained student will receive specialized, intensive instruction, such as in small groups or smaller classes, tutoring, extended school days, or summer reading camps.

The Literacy-Based Promotion Act is based on similar legislation enacted in Florida a decade ago. Studies have shown that Florida schoolchildren have benefited greatly from the program, with substantial gains in both reading and math achievement. Further, third-grade retention substantially reduces a student’s likelihood of being retained in later grades, and early grade retention has proven to be more effective and beneficial than later grade retention.

The “Mississippi Charter Schools Act of 2013” (H.B. 369), which Governor Bryant signed into law after several years of supporters’ hard work, represents another important reform. The Act authorizes the creation of up to fifteen charter schools per year in Mississippi. A charter school is a public school; it cannot charge tuition and operates under a “charter contract” with the independent Mississippi Charter School Authorizer Board. Like a public school, a charter school must be open to any student in the school district, and its percentage of low-income and special-needs students must mirror that of the district as a whole. If the school is over-enrolled, then slots must be filled by lottery. Charter schools will receive the same pro rata share of state education funds and local school district funds that other public schools receive. Initially, charter schools will be able to locate in any school district rated “D” or “F” and may also locate in an “A”, “B”, or “C” district with the local school board’s approval.

The straightforward and compelling logic

behind charter schools is that they are given greater flexibility to innovate and freedom from some regulations in exchange for greater accountability to parents and taxpayers. If a charter school does not perform, then it will not survive—its customers (*i.e.*, parents) will look elsewhere and/or the State will revoke its charter. Charter schools are already having positive impacts in other states, including just across the Mississippi River at the highly successful KIPP Delta schools in West Helena, Arkansas. Thus, while charter schools will not solve all of the education challenges facing Mississippi, the Charter Schools Act is an important first step toward offering greater parental choice.

Finally, Senate Bill 2658 contains several other elements of the Governor’s agenda, including a pilot program for a performance-based compensation for teachers and expanded college scholarships for top Mississippi students who commit to teach in Mississippi schools. The performance-based compensation pilot will be implemented over the next two years in four school districts. The State Department of Education will study the pilot and then recommend legislation for a statewide program by November 2015. The program will combine quantitative and qualitative performance measures, drawing on a 2012 report by researchers at MSU.

In addition to these important education reforms, several other bills were signed into law that should be of interest to the legal community. Speaker Gunn authored a bill making significant changes to the State’s DUI laws (H.B. 481), including the use of “ignition interlock” devices. An ignition interlock connects a vehicle’s ignition system to a breath analyzer and prevents anyone with a blood-alcohol concentration above a specified level (.03% under this bill) from starting the vehicle. Under the new law, a court may order use of an ignition interlock for 90 days after a first-offense DUI conviction and must order its use for longer periods after second and

third offenses. In addition, the bill imposes new penalties, including a maximum ten-year sentence and a five-year license suspension, for a “fourth or subsequent” DUI. For purposes of this provision, offenses are counted “without regard to the period of time over which the offenses were committed.” (Current law recognizes only a “third or subsequent” offense, and the look-back period is limited to five years.) While the bill imposes new penalties for DUI offenses, it also offers significant new opportunities for nonadjudication or expunction of first offenses under certain circumstances. This new law is not effective until July 1, 2014, but it should have a significant positive impact once implemented. A number of other states have ignition interlock laws, and the CDC has concluded that use of such devices reduces DUI re-arrests by up to 67%.

This session also produced several insurance-related bills. House Bill 374 prohibits the issuance of a health insurance policy that “limits or restricts the insured’s ability to assign the insured’s benefits under the policy to a licensed health care provider.” The purpose of the bill is to allow insureds to assign benefits directly to a healthcare provider (typically, an out-of-network provider) to facilitate payment for services. Although two federal appellate courts have held that ERISA preempts similar statutes, the Fifth Circuit upheld a similar Louisiana law. *La. Health Serv. & Indem. Co. v. Rapides Healthcare Sys.*, 461 F.3d 529 (5<sup>th</sup> Cir. 2006).

Another insurance bill, House Bill 534, makes several changes to the statutes governing the Insurance Department’s examinations and investigations of insurers. Notably, the bill provides that any “documents, materials or other information ... created, produced or obtained by or disclosed to the commissioner or any other person in the course of an examination” are privileged and confidential and shall not be discoverable or admissible evidence in any private civil action. This law is consistent with the laws of a number of other states and the National Association of Insurance Commissioners’ model law but may be challenged under the separation-of-powers provisions of the State Constitution.<sup>4</sup>

This session also produced two bills on Second Amendment-related issues. House Bill 2

clarifies that a visible, holstered pistol is not a “concealed weapon” — and, thus, that it is not a crime to carry one. This clarification was needed to address a perceived distinction between Miss. Code § 97-37-1(1), which broadly prohibits the carrying of any pistol “concealed in whole *or in part* on or about one’s person” (emphasis added), and the State’s concealed carry law, which authorizes the issuance of licenses “to carry ... concealed pistols” (Miss. Code § 45-9-101(1)(a)). Last year, the Attorney General interpreted the latter statute to license the carrying of *completely* concealed weapons *only*—and, thus, opined that, even with a license, it was a crime to carry a partially concealed (*i.e.*, visible but holstered) pistol. Op. No. 2012-00248, available at 2012 WL 3060408. Under this view, some had suggested that a person could be prosecuted if a strong wind blew his coat open to reveal a theretofore completely concealed pistol. Or as the late Chief Justice Roy Noble Lee colorfully put it, “[c]onceivably, carrying a revolver suspended from the neck by a leather thong could be partially concealing it.” *L.M., Jr. v. State*, 600 So. 2d 967, 971 (Miss. 1992) (concurring). House Bill 2 clarifies this area of the law and protects rights guaranteed by Section 12 of the State Constitution. The bill goes into effect on July 1.

The other Second Amendment-related bill, House Bill 485, provides that “[t]he name, home address, any telephone number or

other private information of any person who possesses a [concealed carry] permit ... shall be exempt from the Mississippi Public Records Act.” The bill was a response to a New York newspaper’s publication of an online database of names and addresses of all handgun licensees in that state, potentially endangering their safety and certainly chilling the exercise of the underlying constitutional right. While there is a strong argument that the State and Federal Constitutions *already* prohibited such public identification of licensees and public disclosure of their personal information,<sup>5</sup> House Bill 485 now makes clear that their records may not be disclosed by state officials.

Finally, this session produced two updates to laws related to murder. First, House Bill 28 revises the Code section on “attempts” (97-1-7) so that, effective July 1, attempted murder is punishable by life imprisonment if the jury fixes that sentence; otherwise, the court shall impose a sentence of at least twenty years. While the law already recognizes the crime of attempted murder, punishment for the crime has been limited to just ten years’ imprisonment. For this reason, attempted murders are often prosecuted as aggravated assault, which carries a sentence of up to twenty years. House Bill 28 addresses this discrepancy so that attempted murder can be charged as such. Second, Senate Bill 2377 amends the law to distinguish between first- and second-degree murders, bringing Mississippi into line with

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### 2013 HOLIDAYS

May 27 <sup>th</sup> .....	Memorial Day/Jefferson Davis’s birthday
July 4 <sup>th</sup> .....	Independence Day
September (1 <sup>st</sup> Monday).....	Labor Day
November 11 <sup>th</sup> .....	Armistice / Veteran’s Day
November 25 <sup>th</sup> .....	Thanksgiving Day
December 25 <sup>th</sup> .....	Christmas Day

most other states. Effective July 1, a murder committed with the “deliberate design to effect ... death” or during the commission of certain enumerated crimes shall be first-degree murder and carry a sentence of life imprisonment. Other murders are deemed “second degree” and carry a sentence of twenty years’ to life imprisonment.

While the 2013 regular session should

be remembered for its education reforms, the reality is that much post-session analysis has focused on what did not pass before *sine die*, *i.e.*, a bill to extend repealers on certain provisions of the state Medicaid law and a Medicaid appropriations bill for FY2014. As has been much discussed, House Democrats voted four times to block these measure; put simply, the minority party has decided to hold hostage

641,000 *current* Medicaid beneficiaries, as well as providers, in a misguided effort to force a massive expansion of an entitlement program that the State already struggles mightily to fund. Whatever one’s views on expansion, jeopardizing the existing Medicaid program and those who depend on it is an irresponsible and unprecedented political game that should end. ➡

1. *Crippen v. Mint Sales Co.*, 103 So. 503, 505 (Miss. 1925) (Ethridge, J., dissenting).
2. Emily Wagster Pettus, AP, *Group Takes Aim at Mississippi Cockfighting Laws*, Aug. 11, 2006.
3. Translated: “Rooster from Heaven.” See <http://www.leoslyrics.com/tom-russell/gallo-del-cielo-lyrics/> and <http://www.youtube.com/watch?v=FDRvMGm2EFQ>.
4. Compare *Deeds v. State*, 27 So.3d 1135, 1141–42 (Miss. 2009) (the Constitution’s separation-of-

powers provisions dictate that “matters regarding admission of evidence are to be decided through judicial pronouncement rather than through the legislative process”), with *Claypool v. Mladineo*, 724 So. 2d 373, 377–81, 388–89 (Miss. 1998) (upholding a statutory hospital peer review privilege as within the Legislature’s “police powers to enact legislation to preserve the health and protect the lives of the citizens of the State”).

5. See, e.g., *Thornburgh v. Am. Coll. of Obstetricians & Gynecologists*, 476 U.S. 747, 767 (1986) (“[T]he Court consistently has refused to allow government to chill the exercise of constitutional rights by requiring disclosure of protected, but sometimes unpopular, activities.”), overruled in part on other grounds by *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833 (1992).

# An Evening HONORING THE JUDICIARY Banquet



The Capital Area Bar Association and the Jackson Young Lawyers Association will hold their annual “Evening Honoring the Judiciary” on Thursday, May 16, 2013. The event will again be held at the Country Club of Jackson, beginning with a reception at 6:00 p.m and followed by dinner at 7:00 p.m. We are excited about the evening we have planned this year and are looking forward to once again recognizing our judiciary and the critical role of this co-equal branch of government in ensuring and preserving the rule of law established under our Federal and State constitutions.

The Honorable James E. Graves, Jr., Circuit Judge for the United States Court of Appeals for the Fifth Circuit, has graciously agreed to provide the keynote address for the event. Judge Graves graduated from Millsaps College with a Bachelor of Arts in sociology before earning his law degree and a master’s degree in public administration from Syracuse University. He returned to Mississippi and served as a

circuit court judge for ten years before being appointed to the Mississippi Supreme Court by then-Governor Ronnie Musgrove. He later won election to the same position in 2004. On June 10, 2010, President Obama nominated Judge Graves to serve on the United States Court of Appeals for the Fifth Circuit. The U.S. Senate unanimously confirmed his nomination and President Obama appointed him on February 15, 2011. Judge Graves is the first black judge from Mississippi to serve on the Fifth Circuit.

Judge Graves began his legal career as a staff attorney at Central Mississippi Legal Services. As a special assistant attorney general, he served as legal counsel for the Health Law Division and as head of the Human Services Division of the Mississippi Attorney General’s Office. He also served as director of the Division of Child Support Enforcement for the Mississippi Department of Human Services. A champion of education, Judge Graves has taught trial advocacy at Harvard Law School

and media law and civil rights law at Jackson State University and Tougaloo College. In the spring semester of 2005, he taught the class, Law and Society, to Millsaps undergraduates. Judge Graves has been honored with awards from numerous associations, including CABA, the Mississippi Bar Association, the National Bar Association, the National Conference of Black Lawyers, the Mississippi Association of Educators, the Board of Trustees of the Mississippi Institutions of Higher Learning, the Maxwell School of Citizenship and Public Affairs, and the FBI Director’s Community Leadership Award.

Please join CABA and JYL in honoring our state and federal judiciary at the Country Club on May 16, for an evening of fellowship with colleagues over cocktails and a delicious meal as we present judicial excellence and professionalism awards and hear from one of Mississippi’s distinguished jurists. ➡

# 21st Annual GOLF TOURNAMENT

*Scenes from the 2013 CABA Golf Outing held on  
March 25th at the Country Club of Jackson*



## Myth, Sacred Texts & Conspiracy Theories

**D**o you ever wonder why the world is so crazy? I know I do. Yet the more I wonder, the crazier it seems to get. Doesn't law school teach us to analyze fact patterns in search of rational answers? Of course; any law school professor will tell you that. Well, almost any law professor will. I suppose we can all remember one or two tenured crackpots that we had to negotiate around on the way to a law degree. So I return to my question, exactly why is everything so nutty today? We have a dysfunctional government; a serial worldwide sexual abuse scandal fostered by and covered up by so called men of God and on and on and on. And I haven't even touched the corruption that is Wall Street, big business, professional and college sports and lately, even public school superintendents, principals and teachers who orchestrate massive cheating scandals for profit. And let's not leave out North Korea, Iran and Syria. I mean, what is the deal?

### *And then there is one of my favorite human traits for altering the behavior of others: Fear.*

And now for the good news; I finally found the answer. It has nothing to do with logic and everything to do with myth, sacred texts and conspiracy theories. To put it in more understandable terms, God and Satan have teamed up to play Good Cop/Bad Cop to make us all stronger in the long run even if it means that things are getting crazier over the short haul. Let me explain.

A few weeks ago I was talking to one of my longtime friends. Let's call him Norris. He was telling me about this late night radio

show called *Coast To Coast*. The show features guests who are really "out there." There is no conspiracy theory too wild for this show. I know, because Norris has turned me into an avid listener. At first you just laugh it off and shake your head. But the more you listen, the more intrigued you become. The first step to realizing that the biggest obstacle to getting a great view of the forest without getting sidetracked by the trees is a lifetime habit of rational thinking that underlies our profession. We have been trained to think rationally, but the problem is that there is nothing rational about crazy. Once that breakthrough is achieved, it is only a matter of time before it all comes together. And then, without warning, in the middle of a segment featuring a woman who claims to have visited buildings on Mars and catfish ponds on Venus, the light comes on and the buzzer goes off. And when that moment arrives, albeit unexpectedly, you lean back in your chair and say "Ah Hah! Now I get

it!" Well, that is what happened to me a few nights ago, so let me devote what little space my editors have accorded me to share the Big Picture of What It All Means with you.

Let's start with the basic building blocks of human nature. God surely invented love, compassion, unselfishness and all the other good stuff about human beings when we are operating at our peaks. However, in light of the world in which we live, no one can deny that there are vast amounts of narcissism, selfishness, greed, prejudice and hunger for

power in the world, not to mention suffering. Who invented that? The Church Lady from Saturday Night Live would surely answer, "SATAN!" Okay; maybe so and maybe not. The better question is why? The easy answer is evil, but let me suggest that it might just be more complicated than that. Can we also agree that God gave us each a brain? Of course, some brains are bigger than others and some people seek to cultivate theirs (i.e. education) more than others. Of course, failure to cultivate the brain (i.e. laziness or arrogance) seems to come more naturally than making an effort to do the opposite. And I don't think it is a stretch to understand that the connection between the brain and the mouth is tenuous at best. Add the Internet, social media and cable news, and... well you know. Crazy is amplified and becomes available to billions instantly (i.e. conspiracy theories).

And then there is one of my favorite human traits for altering the behavior of others: Fear. For the 70 million or so people who were killed in World War II at the hands of Hitler, Mussolini, Tojo, Stalin and yes, to be fair, FDR, Truman and Churchill, fear was translated into fatal reality. Add to that number hundreds of millions more who were forever changed by that emotion. And World War II was just one of countless wars fought since the dawn of history until today. Did I mention North Korea, Iran and Syria? And then there are those fear based conspiracies that are a bit more dubious like "Black Helicopters piloted by Lizard People," "W Staged 9-11 to get Saddam" and "Global Warming is merely a hoax invented by Al Gore," etc. And finally there are those conspiracy theories that fall

somewhere in the great middle like the lone assassin finding of the Warren Commission Report or the existence of UFOs.

So, who is responsible for this unrelenting fear? God, Satan, Mankind? And why? We all know the easy answer, to wit: Satan and evil. Unfortunately, if you are a college bound Mississippi high school student, this answer will probably not translate into the 3.0 GPA and 21 on the ACT that Governor Bryant wants you to have to enroll as a college education major.

## ***So, who is responsible for this unrelenting fear? God, Satan, Mankind? And Why?***

And by the way, since highly placed buddies of the Governor want President Obama to produce his birth certificate, wouldn't it be fair for the governor to produce his high school transcript and ACT score? I'm just askin'.

Fear is a powerful control device standing alone, but an even more effective strategy to get people in line is to pair God with fear while a group of elite human beings appoint themselves to act as HIS personal spokespersons here on earth. They promulgate rules for fun and profit while literally "scaring the hell out of people." While some might take offense, this sounds a lot like organized religion, be it Roman Catholic, Protestant, Mormon, Muslim, Cult of Personality a la Kim Jong Un or what have you. (For the pairing of personality with fear, substitute two million armed soldiers for God).

And so, how exactly do you pair God with fear to enable self serving, earthly spokespersons to control vast amounts of humanity and money? One of the surest ways is to cite a sacred text. We have seen repeated examples of this with the Bible, the Koran, the Torah, you name it. For example, how many Muslims have justified killing other people in the name of Allah? How many suicide bombers think they will get an express pass to paradise by becoming a martyr?

And when it comes to Christianity, how many American politicians justify their whacky and often callous conduct and comments by citing Bible passages notwithstanding the separation of church and state and the rights and feelings of other individuals who are not quite as arrogant and self assured. Space limitations preclude the number of actions

that the modern day Pharisees of America take that are the polar opposite of what Jesus Christ actually taught.

For anyone interested in delving into the role of mythology in modern religion, I recommend the four volume series entitled *The Masks of God* by Dr. Joseph Campbell. Most people know of Campbell's work through the famous PBS series *The Power of Myth* with Bill Moyers that first aired in 1988. I have been intrigued about this phenomenon

ever since first encountering Dr. Campbell's groundbreaking work. His endless examples of where much religious dogma originated is stunning. For example, much of Christian orthodoxy was lifted directly from the sacred texts and traditions of the religion of ancient Egypt, proving that a lot of what passes for divine doctrine is not exactly new or unique.

So, given the fact that sanctimonious hubris is a fact of modern life that seems to be getting worse around the globe with each passing day, here are a couple of examples that will explain what is really going on in the world by applying myth, conspiracy and inferences drawn from observation and hypothesis.

## **The Truth About Evolution**

As Joseph Campbell famously said, God by its very definition surpasses human ability to understand and then there is what everybody talks about. To my mind there is no doubt of God's existence. Just take a look around. Is the vastness of all creation, from the precision of the solar system to all manner of species from human beings to ants to plant life, all just a fortuitous accident or is the hand of a higher power at work? That is the easy part. However, once we get beyond the existence of God, the arrogance and impatience of human beings takes over. Did it ever occur to anyone that maybe God does not work on mankind's timetable and that maybe God's method of creation is divinely guided evolution? A couple of examples come to mind. Kentucky Senator Mitch McConnell's family tree is obviously of the genus of the cypress tree rooted in a swamp somewhere near Kentucky

Lake. Based on his facial features, is it out of the realm of possibility that his ancestors were once turtles? The same goes for Donald Trump and Orangutans. Okay, tell me that James Carville's ancestors weren't reptiles. I'm just sayin.

## **The Vatican-IRS Connection**

We all know that in 1913 the 16<sup>th</sup> amendment to the U.S. Constitution authorizing the federal income tax was ratified. What you don't know is that Angel 1040 and his assistant angel 1040 EZ were dispatched to America by the then infallible Pope Pius X that year in consultation with and approval of God to write U.S. tax policy based on the evolution of rules governing the Catholic Church. The more complicated the better, complete with lots of self-serving loopholes for members of the Illuminate, a conglomeration of global business interests and other elites favored by the universal powers that be. Knowing that evolution is the technique God uses to create all things, it would take a while before the work was complicated enough to be totally unfair and incomprehensible. The time ordained was the election of the first black President of the United States who was to be of the Muslim faith born in Kenya. We now know that critical mass was finally achieved on January 20, 2009.

## **Why the World Really is 6000 Years Old**

This one is easy. When God created the world, no one bothered delivering desk and wall calendars until about six thousand years ago. This explains why scientific estimates of billions of years versus political whack job claims of 6000 years can coexist.

Yes, part of it is myth, part of it is science and part of it is conspiracy theory borrowed from sacred texts. The only thing I think we can all agree on is this—the world is big. REAL BIG! I guess we will all find out what it really means one day in our own peculiar way, though I suspect there are billions of people around the globe, including way too many of our elected "leaders" that already have all the answers. 🗡️

# Diversity Through Building Better, Stronger and Lifetime Relationships

By Ashley N. Wicks



On March 1, 2013, the Capital Area Bar Association held its Second Annual Diversity CLE and reception entitled *Diversity Through Building Better, Stronger and Lifetime Relationships* on the campus of Jackson State University. The panelists for the Diversity CLE included Amanda Green Alexander of Alexander & Watson, P.A., Tammra Cascio of Gulf Guaranty Life Insurance Company, Mike Espy of Mike Espy, PLLC, and Attorney General Jim Hood.

Each of the panelists shared with the audience their perspectives on building and maintaining diverse relationships. Ms. Alexander discussed how she observed her father cultivating diverse relationships and how that affected her networking and building of relationships. Mrs. Cascio talked about her experiences as being the only female in a law firm in North Mississippi and later becoming general counsel where she is sometimes the only or one of a few women. Mr. Espy shared with the audience some of his experiences growing up in a segregated Mississippi, and how traveling to other places expanded his views on the importance of diverse

relationships. Lastly, Attorney General Hood shared with us his belief that having diversity among the staff and lawyers in the Attorney General's office has given the office a broader perspective and ensures that it is serving and protecting all of Mississippi. The panelists' remarks stimulated several questions from the audience about diversity and maintaining and building diverse relationships.



David Maron, CABA President; Charles Griffin, Moderator; Amanda Green Alexander, CABA Secretary-Treasurer; Tammra Cascio, Mike Espy and Attorney General Jim Hood.

The CLE was followed by a reception at The Penguin Restaurant located at the corner of Lynch and Dalton Streets. This gave

participants the opportunity to network and start cultivating those diverse relationships that were discussed by the CLE panel. The walls of the Penguin were adorned with exhibits from the Smith Robertson Museum which added to the discussion. Many of the participants had such a good time at the Penguin that they stayed after the reception just to continue the conversations. The proceeds from the diversity event will benefit the Reuben V. Anderson Minority Scholarship in law. ➡



Ashley Wicks, Co-Chairman; and Amanda Green Alexander, CABA Board Liaison.

# OWNING YOUR POWER

## *in the Windy City* BAR LEADERSHIP INSTITUTE MARCH 13–15, 2013

By Amanda Green Alexander, *Secretary-Treasurer of CABA*



Each year in March, the Capital Area Bar Association sends its Secretary-Treasurer to the Bar Leadership Institute in Chicago. The program offers helpful information to those who will ultimately “ascend” to the prestigious ranks of CABA President. Many of those in attendance were incoming bar presidents, current presidents, or presidents in waiting (like me). To say that the room was overwhelmingly filled with “power” is an understatement.

In fact, Laura Bellows, American Bar Association President, commented that members of the audience should “get used to the power you have.” Her comments resonated with me, as I waited in anticipation for the grand unveiling or crowning. Surprisingly, there

were no trumpets or grand regalia, or anything reminiscent of my coronation as Miss Tougaloo. This was simply a crowd of servant leaders, many in suits, who answered the call to SERVE.

President Bellows’ comments were not boisterous or arrogant. She simply gave all of us an opportunity to reflect on our roles as honored leaders. She made a statement filled with an awesome challenge to those in leadership to recognize the power to make changes in our bar members’ lives. Several years ago, one of my great mentors, Governor Evelyn Gandy, once said to me, “Own your power.” And on this brisk windy day in mid March 2013, it was very fitting that, several hundred miles away and many years later, President Bellows was sharing this same message with bar leaders from around the nation.

Throughout the two-day conference, I had an opportunity to interact with leaders of state bar associations, local bar associations, and

bar staff. I was joined by my dear friend, Gene Harlow, President-Elect of the Mississippi Bar, who was equally honored to be part of such a great crowd of servant leaders. By the end of day two, I was armed with tips such as how to organize an effective board, manage bar members’ expectations, develop a program as president, embrace diversity, tackle unexpected challenges that may impact the organization, and—one of my favorites—how to be the diplomat and facilitator of ideas.

As I departed the Windy City, I returned with mounds of sparkly souvenir t-shirts (fingers crossed that I would escape the weight requirement at the airport), a new appreciation for hot dogs (without ketchup), great deep dish pizza, popcorn (that the TSA officer attempted to confiscate), and far too many receipts. Most importantly, however, I returned with great tools to assist in my work as an officer of the Capital Area Bar Association. ➡

## CABA SCHOLARSHIPS AWARDED



Dean Jim Rosenblatt, David Maron, CABA President and Christopher Cannon, scholarship recipient

Dean Richard Gershon and CABA scholarship recipient Darryl Wilson



Dean Jim Rosenblatt, David Maron, CABA President and Andreanna Jones, scholarship recipient



# Interview with a Legal Blogger

*Jackson attorney and CABA member Philip Thomas blogs about law, politics and topical issues in the state of Mississippi in his local blog, [The Mississippi Litigation Review and Commentary](#). Below are his reflections on blogging, as told to the CABA newsletter.*

## **How long have you been blogging, and how has your blog evolved?**

I started Mississippi Litigation Review and Commentary in February 2009. Initially, it was a blog with no readership. The traffic to the site steadily grew as more people in the Mississippi legal community discovered the blog. Now lawyers from all over the state tell me that they read the blog.

It's hard for me to say how the blog has evolved. The main focus has always been civil litigation in Mississippi. The average length of posts is probably shorter than it was initially. I tend to avoid topics that would require two hours to write a post due to time constraints. Also, over the last year I've become less inclined to blog about politics. There are legal blogging authorities who recommend that lawyers not blog about politics in order to avoid offending large segments of the population. I am weighing this advice against the fact that I sometimes have something to say about a political issue.

Finally, in 2013, I have not blogged as much as in past years. For a while I tried to have a new post every business day. That is not easy. I am trying to get comfortable with writing new posts 2-3 times per week.

## **Why do you blog?**

I have three main reasons for blogging. First, I enjoy it. I was drawn to blogs for news and commentary during the judicial bribery scandal. The reporting on blogs was much better than what was available in the mainstream media. I thought legal blogging would really take off in Mississippi. I'm surprised that it has not.

The second main reason I blog is to raise my profile in the Mississippi legal community. Early in my career, I recognized that it helps a lawyer to be known and respected in the legal community. This can be a challenge, however,

since lawyers and judges tend to view other lawyers skeptically until credibility has been proven. This is particularly true in Jackson, since so many lawyers practice in this area. I have raised my profile through blogging. A lot of lawyers and judges who otherwise would have never heard of me are now familiar with me through my blog.

I do not have the personality for traditional networking. I am both shy and an introvert. That means that you are unlikely to find me at bar functions that lawyers have traditionally used for networking. Blogging allows me to connect with many people in the legal community without leaving my office.

The third main reason that I blog is to educate people in the legal community. There are not many resources for legal news in Mississippi. The national legal news sites and blogs mostly ignore Mississippi. And the local media focuses on criminal matters and civil cases involving public figures or huge verdicts. But the legal community is interested in defense verdicts, appellate decisions, and other topics relevant to the profession.

## **How do you decide what to write about?**

The first rule of blogging is that you get to pick the content of your blog. I get emails all the time suggesting topics. Some sound more like assignments than suggestions. While I appreciate the input, I am going to blog about topics that interest me and topics that I have time to cover.

I would love to write a post about every civil verdict in the state. But I am dependent on lawyers to notify me about verdicts, and many do not. Incidentally, I do not understand why lawyers who win trials do not want publicity of the result. Winning a trial is something to be proud of that can only help a lawyer's practice.

Even losing a trial is better than developing a reputation of never going to trial. Yet many lawyers treat their verdicts like a state secret. I don't get it.

An example of blogging about a topic that interests me is my posts about the investment return assumption in the Mississippi Public Employee's Retirement System. I view the fund's investment assumption as unrealistic and a disaster waiting to happen. I do not get the impression that this topic interests a lot of readers. But I continue to blog about the topic because I think it is important, and it interests me.

## **Are any topics off-limits?**

My cases are off-limits as a blog topic. I think it is bad form for a lawyer to blog about their own cases for multiple reasons.

## **What is the most challenging thing about blogging?**

The principal challenges of blogging are finding topics and time to write the posts. Sometimes there are more topics than I can cover and I have plenty of time to write. Other times, I am limited by available topics and/or time constraints. One of the reasons that I do not blog as much as I used to is that I am becoming less inclined to find a topic or make time to blog.

## **What makes your blog different from other local blogs?**

My name and picture are on the blog's homepage.

## **In your opinion, what are the ethical responsibilities of operating a blog?**

Just don't be stupid.

## **What is the most unusual comment you received in response to an article on your blog?**

As far as comments to posts, there have been crazy sounding comments that I did not approve, so the comments never appeared on the blog.

In a broader sense, the blog has put me on the radar of some of the nuts in society who usually target politicians with their conspiracy theories. A few months ago someone included me in an email to someone at the Mississippi Bar, Governor Phil Bryant and a few other random public figures. The subject of the email was Hinds County Circuit Clerk Barbara Dunn. About 8:00 a.m. one morning, Mrs. Dunn called me irate because she thought I was the person who wrote the email. I got the issue sorted out, but the experience gave me new respect and sympathy for politicians.

My favorite comments are sarcastic jokes and lines from 80's movies that I quoted in a post.

**What advice do you have for prospective bloggers reading this article?**

Before starting a blog, lawyers need to figure out what their goal is. Are you trying to establish yourself as an authority in a particular practice area? Do you want to raise your profile in the legal community? Or do you just want to get the most page views you can? You need to know the answers to these questions when you are planning your blog. For instance, a blog that is designed to establish a lawyer as an authority in products liability law will look a lot different than MS Litigation Review.

Don't be the person who starts a blog and then never updates it. Write some practice posts to see how you actually like it—as opposed to the thought of doing it. If you don't really enjoy writing the practice posts, you need to question seriously whether to start a blog. An active blog can be rewarding, but it requires discipline and hard work. You should not do it if you will not enjoy it. Life is too short to commit to something you don't have to do and don't enjoy.

Finally, your blog needs its own site. The biggest blogging mistake I see by lawyers is putting a blog on their firm website. You can put a blog on your firm website, but no one will read it. ➡

# 25 YEARS AGO... IN THE HINDS COUNTY BAR NEWS

## WHEN CAPTAIN EQUITY DID AN EPICUREAN REVIEW

By Linda A. Thompson



In the [April 1988 HCBA News](#), Scott Hemleben gratefully acknowledged the support of Hinds County Bar members during his year as president. Richard Edmonson was past president, and directors were Bob King, Wilson Montjoy, Richard Montague, Jerry Langford, and Tommy Furby. Ben Piazza was newsletter editor. Ben Davis was the very capable HCBA executive director at the time, but it is hard to recall our bar association without Pat Evans at the administrative and social helm.

Captain Equity made his second appearance as guest columnist to discuss Jackson purveyors of food and drink. The list included (and may they Rest in Peace) the Sundancer in Highland

Village, George Street Grocery, Iron Horse Grill, Angelo's Wayside Inn, and the Coachlight Inn. He also noted an expedition "to determine once and for all the relative darkness readings at the Sun-n-Sand and Patio Club" where "we came upon two legislators and an asphalt lobbyist left over from the Finch administration. It seems that the lobbyist couldn't pay the bar bill, and the two elected officials were unable to find the exit due to a total absence of light."

It was Captain Equity who began a now 25-year tradition of holding newsletter editorial board meetings in the early evening at one of Jackson's finest watering holes. Nick's has been the designated meeting place during most of those years, although the drab food at the Fondren location has caused a search subcommittee to look for a new place to meet.

Phyllis Thornton wrote a column about the Mississippi Pro Bono Project, and she announced that Gloria Graves, Training Coordinator for the Mississippi Legal Services

Coalition, and Harrison McIver, Executive Director of Central Mississippi Legal Services, had recently been honored as the Southeast's outstanding trainer and training supporter at a national legal services meeting in Chicago.

In [June 1988](#), President Jay Travis asked for the assistance of HCBA members on various committees as he began his term. Richard Courtney replaced Richard Montague as director, and Fulton Thompson had been elected secretary-treasurer.

Scott Levanway wrote about judicial pay raises approved in the recent legislative session. Jimmy Young had a column about the formation of the Jackson Chapter of the Christian Legal Society.

Phyllis Thornton wrote that three Jackson lawyers, Bill Barnett, John Johnson, and Victor Welsh were recognized at the annual convention of the Mississippi Bar in Biloxi for outstanding contribution to low income citizens. Past HCBA President (1975-76) Pat Scanlon was State Bar President, and Frank Crosthwait of Indianola was President-Elect. Captain Equity wrote that "Biloxi was bar convention history," as the decision had been made to move the annual convention to another state.

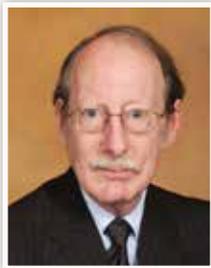
For those of you who wish a longer trip down HCBA memory lane, the full editions of the 1988 newsletters have been digitally archived on the CABA website. ➡

# JOEL HOWELL » On Computing

Focused on the Contemporary Lawyer



## The Risks of Using Google



Have you ever wondered how to delete your search history from the Google servers? Did you know that every search you've ever performed is stored on the Google servers? This information is cross-linked to search data from other websites including YouTube, Google Maps, and other Google services you use. With all of this information, Google is able to know more about you than your closest friends. Google uses this information for advertising purposes and regularly provides user information to the government. However, there are steps you can, and should, take to secure your information. Here is the protocol, with thanks and a tip of the hat to Kim Komando.

You first must identify what is in your Google history. By going to <https://google.com/history> and signing in with your Google account information, you can access a list of everything you've ever searched for with Google. (What do you mean, you don't have a Google account? If so, better get one.) Even if you don't have a Google account or never sign into your Google account, Google is still tracking your history. Google is able to record your information even if you are not signed into any account by using a cookie stored in your browser.

Once you get to your history, you can browse through your searches and find them by day or by Google service. Google does show personalized search trends, which you may find interesting. To delete any unwanted search terms, click the checkbox next to the term and click the Remove items button. There is no limit to the number of terms you can delete at a time. If you want to delete all of the terms on the list, simply click the checkbox next to the Remove item button and everything on the list will be selected.

Once you remove the selected terms, click the gear icon in the upper right hand corner of the page and choose Settings. You will then have the option to turn off your Web history. This means Google will not be allowed to record your search terms in the future.

That doesn't mean that your information is really gone. Google will still have access to your deleted search term history for the purposes of audits and other internal uses. However, Google will no longer use your information for targeted ads or to customize your search results. After eighteen months Google will partially anonymize the data, so it will no longer be associated with you.

If you are not signed into a Google account and the search terms are being stored through cookies, the history can still be removed. If

you are only deleting your cookies, then Google will just start recording new information. To stop Google from recording your information completely visit [www.google.com/history/optout](http://www.google.com/history/optout) to opt out completely.

Google isn't the only danger to your privacy. You should also make sure your computer has updated security software; create strong passwords; and consider private browsing if you don't want your Web activities recorded.

If you are still concerned about stored information, it might be better to avoid Google services all together. However, YouTube could be pretty difficult to skip, since there is really no alternative. There are other choices for most other Google services that do take your privacy seriously.

### MISSISSIPPI COLLEGE LAW LIBRARY HOURS

#### SUMMER 2013

##### MAY 13 – MAY 27

Monday – Friday . . . . . 7:30 am – 5:00 pm  
Saturday & Sunday . . . . . CLOSED  
Monday, May 28 (Memorial Day) . . . . . CLOSED

##### MAY 28 – AUGUST 2

Monday – Thursday . . . . . 7:30 am – 9:00 pm  
Friday . . . . . 7:30 am – 5:00 pm  
Saturday & Sunday . . . . . 1:00 pm – 6:00 pm  
Thursday, July 4th – Friday, July 5th . . . . . CLOSED

##### AUGUST 3 – AUGUST 20

Monday – Friday . . . . . 7:30 am – 5:00 pm  
Saturday & Sunday . . . . . CLOSED

*Fall 2013 Hours will begin Wednesday, August 21*

Hours subject to change without notice.  
For more info, call the Circulation Desk at 601-925-7120.

## Great Search Sites that Are Not Google

There are plenty of search sites that can be just as good as Google. Some are even capable of doing the job better and faster and take privacy more seriously than Google. Here are some options to consider:

1. Duckduckgo is similar to Google but does not collect any information about you when you conduct a search. Duckduckgo also offers a feature known as goodies which are special search queries that give you instant answers. Additionally, Duckduckgo breaks you out of the filter bubble, so that you are not seeing results that are tailored specifically to you and your past search history.
2. Wolfram Alpha introduces a new way to get knowledge and answers not by searching the web, but by doing dynamic computations based on a vast collection of built-in data, algorithms, and methods.
3. Blekko is a consumer facing search engine focused on delivering high quality, relevant, spam-free search results. Blekko focuses on quality sites rather than quantity. Its goal is not to gather all of the world's information, but to shy away from sites with low quality information. Results from Blekko include sites whose primary purpose is information, not monetization. Blekko is more private than Google; however, it is recommended that users utilize the "superprivacy" mode for maximum privacy. This feature will block ads and takes users to secure, encrypted sites by default.
4. IxQuick provides quick results while encrypting searches and giving users pre-approved results from other top search sites for a faster answer. Users can rate the results they receive to help others find what they're looking for. Another great feature that IxQuick offers is that it does not record and store the user's IP address.
5. Yippy detects adult content and blocks it from appearing when a search is conducted using innocent search terms. This is a family-friendly platform protecting children from inappropriate content and more unseemly elements of the web.
6. Mazoom is a mobile content search engine and will only connect you to websites that have been built with your smartphone in mind. Mazoom was designed to search for and find the mobile versions of webpages so that you do not have to pinch and zoom on your smartphone to view the content. Mazoom has a dedicated app for both iPhones and Androids.
7. Izik is an application for tablets that allows you to search, explore and discover the Web. Content is presented in various categories to allow for minimal typing and to provide context to results. The Izik app is available on the App store, Nook by Barnes and Noble store, and Android app on Google Play.

Also, remember that there are search engines for specific topics. For example, you can use job boards when searching for jobs or finance search engines when looking for stock information. Always remember to check the site's privacy policy first.

Questions or comments? Drop me an email: [jwh3@mindspring.com](mailto:jwh3@mindspring.com) 

# CABA Membership Meeting Photos

## February

David Maron, CABA President; Senator Briggs Hopson; Former Deputy Insurance Commissioner, Lee Harrell; Representative David Baria; Meade Mitchell, CABA Board Member.



## April

CABA April 16th Membership Meeting with Cynthia Gray, Executive Director of the American Judicature Society's Center for Judicial Ethics, and Hon. John Toney, Executive Director, Mississippi Judicial Performance Commission. Pictured are Chief Justice William Waller, Cynthia Gray, John Toney, Rebecca Wiggs, and David Maron, CABA President.



# 2013 *Spring* SOCIAL

April 25, 2013 • Burgers & Blues



# MEDGAR W. EVERS

## “Turn me loose.”

By John C. Henegan<sup>1</sup>



Medgar Wiley Evers was 37 years old when he was fatally shot while standing in the driveway of his home at 2332 Guynes Street in Jackson, Mississippi. It was shortly after midnight, June 12, 1963.

His assailant, hidden in the honeysuckle that overran the vacant lot across the street, waited patiently in the oppressive night air for Evers to come home. Evers had been at yet one more mass community meeting that evening, organizing for the NAACP, or maybe some other civil rights group.

A single rifle shot hit Evers in the back. The sniper's bullet came out Evers' chest, shattered the living room window and venetian blinds, blasted through the living room wall, and ended its parabola of death in the Evers' kitchen, where the police later recovered the bullet. The full length of Evers' body fell along the concrete driveway, and he began hemorrhaging massively. His wife, Myrlie Beasley Evers, had

*Evers died shortly after arriving at the University of Mississippi Medical Center. His last words were, “Turn me loose.”*

been waiting up along with their three children to hear about his day. Hearing the rifle shot and shattering of glass, she came rushing out of the house, kneeling down to comfort him as she cried to the gathering neighbors to call for an ambulance. Evers died shortly after arriving at the University of Mississippi Medical Center. His last words were, “Turn me loose.”

Earlier that day, Governor George Wallace had stepped out of the University of Alabama's administration doorway as two African-Americans enrolled for the first time in Tuscaloosa. That evening, only a few hours

before Evers died, President John F. Kennedy gave the first civil rights address by a sitting President on prime-time television and national radio. He told the nation that in responding to the unfolding events of the civil rights movement:

*We are confronted primarily with a moral issue. It is as old as the Scriptures and is as clear as the American Constitution. The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities, whether we are going to treat our fellow Americans as we want to be treated.*

Referring to the recent “events in Birmingham and elsewhere” — which included Evers' own public demand that the Mayor of Jackson agree to the same concessions that the City of Birmingham had just given its black citizens — President Kennedy explained, “We face, therefore, a moral crisis as a country and a people ... A great change is at hand, and our task, our obligation, is to make that revolution, that change, peaceful and constructive for all.”

Evers' assailant had decisively rejected

the President's call for a peaceful revolution, continuing an extended period of oppression and violence across Mississippi and elsewhere, a time when it became unsafe for African-Americans to worship in the sanctity of their own churches on Sunday mornings. Consciously or subconsciously, the bullet that felled Evers reminded a nation of Jefferson's foreboding prescription that the “tree of liberty must be refreshed from time to time with the blood of patriots and tyrants.”

When he died, Evers was a patriot at the epicenter of the civil rights movement. For the past decade, Evers had worked as the

Mississippi Field Secretary of the NAACP. He organized its local branches, which primarily attempted to end the segregation of public accommodations, facilities, educational institutions and employment through negotiation and litigation. As Field Secretary, Evers quietly but courageously investigated the deaths of local African-Americans, including the murder of Emmett Till, worked on voter registration drives, and assisted NAACP-sponsored litigation to end segregation of state-owned public schools and universities.

The NAACP was viewed by many of Evers' contemporaries as the movement's most conservative organization; national leaders of the NAACP publicly and sharply criticized the tactics and efforts of leaders such as John Lewis with the Student Non-Violent Coordinating Committee and the Reverend Martin Luther King, Jr. with the Southern Christian Leadership Conference.

Nonetheless, Evers helped organize the local logistical and legal support for the members of SNCC and SCLC and the students and professors at Tougaloo College. Men and women, white and black, were arrested for attempting to desegregate Jackson's interstate transportation facilities, for picketing local businesses, or for sitting at local food counters and soda fountains.

Throughout this time, Evers primarily worked behind the scenes, allowing other civil rights leaders, such as King, to be the center of media attention. Evers first garnered widespread attention when he appeared on local television a few weeks before his death to reply to Mayor Allen Thompson's comments about the status of the City of Jackson's negotiations with the NAACP.

In his 10 years with the NAACP, Evers and his family received numerous death threats, and, prior to his death, one or more people had unsuccessfully attempted to fire bomb or shoot into the Evers' home. Afterwards, the NAACP had offered Evers a job in California, but he turned it down. Mississippi was home, the place where he had lived his entire life except while serving in military.

During World War II, Evers left Newton Vocational School in Decatur, Mississippi, before graduating, and enlisted in the U.S. Army, infantry division. He served as a T.E.C.5,

which was a grade above corporal, driving supply vehicles for the celebrated Red Ball Express. He landed in Normandy at Omaha Beach, shortly after D-Day, while the bodies of dead Allied soldiers were still lying on the beach.

For the next three months, the Red Ball operated out of St. Lo, Normandy. Seventy-five percent of its drivers were African-Americans who then served in segregated units and were not permitted to use weapons in combat. The Red Ball provisioned the supply lines for the First and Third Armies as they raced to push the German army across the Seine and out of France. Its drivers operated around the clock, racing at high speeds during the day to avoid German Luftwaffe and moving at a snail's pace at night without lights to avoid enemy patrols. When it ended operations, the Red Ball's routes extended 300 miles for the First and 400 miles for the Third. While in service, Evers received two combat stars and a Good Conduct medal as he fought to help free Europe from the tyranny of fascism. Honorably discharged on April 16, 1946, Evers returned to Newton County, Mississippi, where he had been born on July 2, 1925, in Decatur.

Shortly after returning home, Evers registered to vote under a state law that waived the poll tax for returning servicemen. He was never allowed to vote in Newton County. Twice Evers, his brother Charles, and a couple of other African-Americans were turned away when attempting to vote in the 1946 democratic primary against the incumbent



turned away at the voting booth again in the 1947 democratic primary.

He soon left Newton County, moving to Lorman, Mississippi, where he finished high school and enrolled in the fall of 1948 at Alcorn A&M College. As a student leader, Evers took part in a monthly inter-racial discussion group at Millsaps College in Jackson where he learned for the first time about the NAACP. He met his future bride, Myrlie Beasley, who had grown up in Vicksburg and was also a student at Alcorn A&M. He graduated from Alcorn A&M in 1952. He and Myrlie married and moved to Mound Bayou, Mississippi.

## *Looking back, it is virtually impossible to overstate the difficult — what must have then seemed insurmountable — obstacles that Evers faced.*

U.S. Senator, Theodore Bilbo, who won by 51 percent. Numerous other African-Americans were turned away or intimidated from voting across the entire state. The U.S. Senate later investigated allegations that Bilbo's supporters had unlawfully deprived black people of their right to vote.

Less than a year later, Jackie Robinson broke the color barrier in major league baseball, playing first base for the Brooklyn Dodgers, and President Truman issued an order ending segregation in the armed services. Evers was

There Evers worked as an insurance salesman for the Magnolia Mutual Insurance Company, which was owned by Dr. T. R. M. Howard, a black physician and member of the Regional Council of Negro Leadership. Evers joined the Regional Council and the NAACP and began to take part in boycotts of white businesses. His continuing exposure to the effects of public segregation and the poverty that African-Americans were experiencing motivated him to apply in January of 1954 to the University of Mississippi Law School.

His wife opposed his decision due to the financial hardship that attending law school would place on their family. The University sent his application to the State College Board. At the Board's request, State Attorney General J. P. Coleman interviewed Evers. An NAACP attorney from New Orleans was with him during the interview. Among other things, Coleman asked Evers, who was not yet 29, why he was not pursuing a business career rather than law and why he had waited so late to go to law school.

Coleman recommended that the State College Board reject Evers' application. Instead of formally rejecting him, however, the Board told him that his application lacked the required recommendations of two persons who had known him for the past 10 years. Before any further action on his application took place, Evers accepted a position as the Mississippi Field Secretary of the NAACP in the fall of 1954 after discussing it with Thurgood Marshall, then its chief legal counsel. The Everses moved to Jackson, and he opened an NAACP field office there. Later Evers would give his full support to James Meredith's ultimately successful court-ordered enrollment in 1962 at the University of Mississippi.

Looking back, it is virtually impossible to overstate the difficult — what must have then seemed insurmountable — obstacles that Evers faced. They were erected not only by state-wide elected officials, the State Legislature, and organizations such as the Mississippi Sovereignty Commission and the Citizens Council, with their networks of white and black informants that penetrated black and white organizations, but also from local newspapers — both white and black owned — and local television stations that for a time had virtual total control over all the local media outlets in Jackson.

In columns by Jimmy Ward and Charles M. Hills, the local Jackson dailies ridiculed, dehumanized, or demonized Evers and other participants in the civil rights movements. (A white woman recently told me that when she attended a meeting in 1963 at Tougaloo College, Evers spoke to the group, and she was totally taken aback by his calm demeanor and gentle spirit after having read what Jimmy Ward had written about him for several years.)

The weekly black newspaper, *The Jackson*

*Advocate*, edited by Percy Greene, fully supported racial segregation. Greene criticized Evers for making too much money and railed against the “outside agitators” of the civil rights movement. In response, Evers, with the support of others, started *The Mississippi Free Press* as a source of information for the black community about what was happening locally and elsewhere in the Deep South to end Jim Crow and public segregation.

The obstacles Evers faced also came from the local business and religious community, both white (with some exceptions) and even black leaders such as Greene, and from the acts of terrorists within the Ku Klux Klan. They were also present in the deep divisions between national leaders of the NAACP and the leaders of other civil rights organizations as they debated their divergent goals and strategies. All of this washed over Evers as he supported and coordinated the local work of these different groups.

Evers once told Francis Mitchell, a journalist for *Ebony* magazine, that he had dismissed the idea of militant resistance early on because “it didn’t take much reading of the Bible . . . to convince me . . . that I couldn’t hate the white man and at the same time hope to convert him.” In the light of the manifest and sometimes violent opposition to everything Evers believed in and worked for, an opposition not merely of him and his family but of his entire race, he must have held these religious convictions very close to his heart to be able to withstand the discrimination, rejection, humiliation and ridicule.

Evers’ assailant, who was also a veteran of World War II, apparently had a different view about the teachings of scripture and the meaning of freedom, justice, and equality. Over the sobbing of an anguished wife as she comforts her dying husband, one can hear the vengeful cry of Lamech, “I have killed a man

for wounding me, a young man for injuring me,” even though Evers did not know his killer and had never asked for anything other than what he believed was rightfully his.

Within two weeks, Byron De La Beckwith was arrested and charged for the murder of Evers. Bill Waller, Hinds County District Attorney, put on what is still regarded as a brilliant prosecution of the State’s case, but two prosecutions ended in two mistrials. After 10 months in jail, Beckwith was released and returned to his hometown of Greenwood. In 1994, Beckwith was tried a third time for the murder of Evers. This time a jury convicted Beckwith with the State Supreme Court affirming his conviction. It should not be unfathomable—it should be understandable, even reasonable—why it is that for some people, reconciliation cannot begin without the closure of the process of justice.

In 1963, news of the fatal shooting of the NAACP’s highest ranking official in Mississippi—within hours of President Kennedy’s civil rights address—stunned the national civil rights movement. Funeral services were held in Jackson and then in Arlington Cemetery in Virginia, where Medgar Evers is buried. It is reported that 25,000 people viewed his casket before he was interred. Later, Taylor Branch would write this about Evers’ murder:

In a subtle but important turn of perception, people referred to the killing as a political assassination instead of a lynching, adding both personal and historical connotations. White people who had never heard of Medgar Evers spoke his name over and over, as though the words themselves had the ring of legend. It seemed fitting that the casket was placed on a slow train through the South, bound for Washington so that the body could lie in state. In death, Evers inspired reappraisals, conversions,

and heroics on a grand scale, but the extraordinary emotions also produced raw adjustments among the leaders [of the civil rights movement]. Some of them were at each other’s throats before the funeral train left Jackson.<sup>2</sup>

The current brochure of Arlington Cemetery lists the grave sites, not only of President Kennedy, but also of Evers. The Evers’ home at 2332 Guynes Street is now a museum that can be visited by appointment through Tougaloo College.

Guynes Street is on the route of Jackson’s annual Martin Luther King, Jr. parade that begins at the intersection of Medgar Evers Boulevard and Martin Luther King, Jr. Drive. Guynes Street has been renamed for the writer, Margaret Walker Alexander, who lived a few doors down from the Everses and later wrote a poem memorializing him.

A branch of the public library, the local post office, the airport, and a pavilion within the airport housing a permanent exhibit about Evers, all bear Evers’ name today. In October of 2009, Ray Mabus, Secretary of the U.S. Navy and a former Governor of Mississippi, named a T-AKE, a key naval supply ship, the *USNS Medgar Evers*. Secretary Mabus, who grew up in the same town as J.P. Coleman, invited Mrs. Myrtle Evers-Williams and their children to attend the ship’s launch. They stood by her side as she christened the ship.

*“After the final no there comes a yes / And on that yes the future world depends . . . It can never be satisfied, the mind, never.”*<sup>3</sup> Nor the indomitable human spirit in its courageous, inexorable quest for freedom, justice, and equality, however the quest is carried out, whether as a soldier driving a supply truck to the front lines in the heat of battle or as a citizen soldier laboring in the vineyards against racial discrimination. 🍀

1. John C. Henegan is a member of Butler, Snow, O’Mara, Stevens, & Cannada, PLLC, where he works in the Appellate and Commercial Litigation practice groups. This is his third in a series of articles about the people who were a part of the civil rights movement in Mississippi. The first reviewed Eric Etheridge’s book, *Breach of Peace—Portraits of the 1961 Mississippi Freedom Riders*; the second reviewed Professor Charles W. Eagles’ book, *The Price of Defiance—James Meredith and the Integration of Ole Miss*. This piece about Medgar Wiley Evers is

based on reading different works about Evers or his times. Those works include Taylor Branch, *Parting The Waters—America in the King Years 1954-63* (1988); Professor Eagles’ book, *supra*; Minrose Gwin, *Remembering Medgar Evers—Writing The Long Civil Rights Movement* (2013); President John F. Kennedy’s Civil Rights Address (June 11, 1963); Michael Vinson, *Medgar Evers—Mississippi Martyr* (2011); Eudora Welty, “Where Is the Voice Coming From?,” which she began the morning of June 12, 1963, and is reprinted in *The Collected Stories*

*of Eudora Welty* (1980); Wikipedia’s biography about Evers; and a recent, misplaced article in *The Clarion-Ledger*, reporting that President Kennedy’s speech was given a few hours before Evers died.

2. Taylor Branch, *PARTING THE WATERS—America in the King Years 1954-63*, at p. 827 (Simon & Schuster paperback ed. 1988).

3. Wallace Stevens, “*The Well Dressed Man With a Beard*,” printed in *The Collected Poems of Wallace Stevens* 247 (1971).

# New Court of Appeals Judge Ceola James Sworn In

By Beverly Pettigrew Kraft

Mississippi Court of Appeals Judge Ceola James told those attending her investiture that she achieved her position by faith and hard work.

“My journey is a journey of faith and what God can do for you,” Judge James said. “My grandmother was a hard worker,” she said, recalling how her grandmother, as part of a farming family of all girls, had plowed with a mule. “What my grandmother taught me is that hard work does not hurt you, even if you are a girl.”

Judge James, of Vicksburg, was elected to a four-year term in a special election in November 2012. She was sworn in and began her duties on the Court of Appeals on January 7, 2013. An investiture was held January 16, 2013 in the Court of Appeals En Banc Courtroom in Jackson.

Former Warren County Chancery Clerk Dot McGee said during her legal career, James often represented people for free because they needed help. “She loves people and ... she was always willing to represent the common people,” McGee said.

Louisiana Second Circuit Court of Appeal Judge Felicia Toney Williams of Tallulah, special guest speaker, said she shared much in common with Judge James, including representing people who couldn’t afford to pay. “I would represent a whole lot of people



who would bring me peas and tomatoes for pay because that’s all they had.” Judge Williams recalled that Judge James had told her it was her job “to reach down and pull others up.” Judge Williams said, “She will pull somebody else up. They will pull someone else up, and the cycle will go on. Just make sure when she reaches down to pull you up, that you are willing to do that hard work the way she did.”

Judge Williams said those who hold judicial positions serve as examples, especially to children. “We have an obligation to them as jurists, as attorneys, as members of the community to reach out in every way we can and to help them. I want the children to understand that they can strive for it, work hard for it, be honest, and have anything in this world that they so desire, that hard work

will get it, prayer, belief in doing right, for there is only one right,” Judge Williams said.

“Hard work got us where we are,” Judge Williams said. “Both of us have worked extremely hard. I would be remiss not to mention that we worked hard as females with children.”

Judge James previously served as Ninth District Chancery Judge from 1999 through 2002. She was appointed interim Warren County Justice Court Judge in 1997, and served by appointment as a judicial special master in Warren County Chancery Court from 1992 to 1994. She earned a law degree from Mississippi College School of Law, and was admitted to the practice of law in 1977.



## CABA Congratulates Local Fellows of Mississippi Bar Foundation

Fifteen Bar Fellows were inducted on April 25<sup>th</sup> at a dinner ceremony at the Old Capitol Inn in Jackson. The ceremony marked the 50<sup>th</sup> Anniversary of the Mississippi Bar Foundation.

Being named a Fellow is the highest honor given by the Bar Foundation and

is reserved for a select few, said Stephen Rosenblatt of Ridgeland, president-elect of the Mississippi Bar Foundation. Fellow selection is based not only on excellence as lawyers, but also on dedication to service to the public and the profession, Rosenblatt said. Recognition as a Fellow designates

the highest level of professionalism, competence and leadership.

CABA-area attorneys inducted as Bar Fellows for 2013 are Judge Virginia Carlton, Henderson S. Hall, Jr., Terry R. Levy, and E. Stephen Williams, all of Jackson. John G. Corlew of Jackson was also honored with the Bar Foundation’s Professionalism Award.

# Wills for Heroes

## Event Recap



Front Row: Vicki Rundlett, Public Service Chair of Young Lawyer's Division of the Mississippi Bar;  
Back Row: Chris Palmer (volunteer attorney from Adams & Edens); Dan Sorrick (volunteer attorney from Dabbs Law Firm); Jake Windham (Detective with the Pearl Police Department); Troy Odom (CABA Pro Bono Co-Chair); Denita Smith (CABA Pro Bono Co-Chair); Lori Voss (volunteer notary from Blair & Bondurant)

**On Friday, March 22, 2013**, the Capital Area Bar Association and Rankin County Bar Association co-sponsored a Wills for Heroes event, honoring the Pearl Police Department, at the Pearl Community Center at 2420 Old Brandon Road in Pearl. **Nineteen** police officers took advantage of the free Last Wills and Testaments, Powers of Attorney, and Advanced Healthcare Directives offered. **Thirteen** volunteer attorneys were involved in drafting the estate planning documents:

- Troy Farrell Odom
- Tiffany Graves
- Denita Smith
- Vicki Rundlett
- Wesley Mockbee
- David Trewolla
- Beth Orlansky
- Matt Burch
- Emily Henry
- Chris Palmer
- Brant Ryan
- Connie Jones
- Dan Sorrick



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