



President's Column

By Amanda Green Alexander



THE CHALLENGE: The new year for CABA has kicked off with a blast! As you can imagine, there is lots of buzz about our most recent CLE that focused on intergenerational

communications. In our August Monthly CLE Meeting, Will Manuel jumped right in to tackle intergenerational communications. While the room was filled with several baby boomers, Gen Xers and millennial, we all seemed to take away many of the same thoughts—times are changing and we had better look up from our desk to explore more. With all of the ice bucket challenges and efforts to make the day go by faster, I would challenge you to take some time and talk with those in your office/firm and environments that look a little different than you. While some of us hate to admit it, we often surround ourselves with friends and colleagues who think just a little bit more like us than others. So my challenge to you is to try something different for a week. Go into the office, invite the millennial/baby boomer/gen Xer to lunch and probe them. Who knows—you may even learn something. We are the summation of

our experiences, so let's challenge each other to have more and different experiences. I guarantee it will improve your lives—both personally and professionally. In this edition of the CABA Newsletter, we will explore the topic of intergenerational communications and while we are not pouring buckets of ice water over our heads, we are very excited to accept the challenge of embracing our differences and broadening our horizons both personally and professionally.

LOOK OUT! Many of you participated in the CABA Golf Tournament and we appreciate your efforts to gain sponsors. It was a beautiful day and lots of fun for all. This year, we were able to provide a contribution to the MS Volunteer Lawyers Project (MVLP) and will continue our commitment to the project. Photos from the Golf Tournament and the list of our fantastic sponsors are included in this newsletter. In an effort to “drum up” more support for MVLP, we are happy to report the “Battle of the Barristers Tennis Tournament” returned this past weekend, September 19-21, 2014 in a big way. Under the leadership of tennis guru Veneca Green Mason and her committee, the tournament participants and attendees enjoyed three days of fellowship and fun for a worthy cause (even those of us who

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Upcoming Events

October 14

Membership Meeting • Noon, Capital Club

December 2

Christmas Social • 5:30 pm, Old Capitol Inn

CABA Membership Luncheon Meeting

October 14, 2014 @ 12:00 Noon

Capital Club • 19th Floor of Capital Towers Building

\$15
Lunch

\$15 for members & law clerks

\$18 for guests



“Making your pitch before, after, and during court through written and oral presentations.”
The panelists will be Judge Winston Kidd, Judge Daniel Jordan, Lance Stevens and La’Verne Edney.

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are not remotely close to Serena Williams!) Look for the full story and photos from the tournament in our next newsletter and on the CABA web site.

MEMBERSHIP: Our membership

campaign continues, so please round up friends in your office and others and encourage them to join CABA. Remember CABA membership can be as low as \$75.00 per year depending on your practice and includes 4–6 hours of CLE. It's a bargain you should seize! The membership dues are minimal. However, the opportunity to visit with judges and local colleagues, earn

CLE credit, and improve your business and practice is priceless.

Again, thank you for the opportunity to serve as your President. Each one of you matters and we need your support. It's going to be a GREAT YEAR! 🍀

Sincerely yours,
Amanda Green Alexander, President

UNITED STATES DISTRICT JUDGE DEBRA BROWN

Sworn into Office in the Northern District

By Terryl Rushing

Judge Debra Brown was sworn into office as a District Judge for the Northern District of Mississippi in December, 2013, becoming the first African-American woman to serve as a federal district judge in Mississippi. Her investiture was held in Greenville, where her office and courtroom will be located, on June 20, 2014, and both Senator Thad Cochran and Senator Roger Wicker attended the ceremony. Senators Cochran and Wicker had both strongly supported Judge Brown's nomination, and they both spoke extensively on her behalf when her nomination was brought before the full Senate for a vote. Excerpts from their remarks follow.

Like Senior District Judge William Barbour and District Judge Carlton Reeves, Judge Debra Brown is a Yazoo City native. She is one of five sisters born to Willie James and Ruthie Brown, who had high expectations for each of their daughters. Judge Brown's college dean at Mississippi State University recalled that her key character traits were perseverance, diligence, and focus. While attending MSU's School of Architecture, she served as a member of the school's advisory council. In her senior year, Judge Brown won the top architecture student honor—the Alpha Rho Chi Medal. Judge Brown graduated from the School of Architecture in 1987. After graduation, she

worked as an architect in Washington, D.C., where she participated in the renovation and restoration of municipal and historic buildings and in the construction of commercial and residential properties.

Judge Brown received her law degree from the University of Mississippi School of Law in 1997, after serving as associate editor and articles editor of the Mississippi Law Journal. Upon entering the bar, Judge Brown became the only lawyer in Mississippi with degrees in both architecture and law. In 1997, she joined Phelps Dunbar in Jackson, later becoming a partner at that firm. In 2012, Judge Brown moved to Wise Carter Child & Caraway as a shareholder.

With her background in architecture, it is not surprising that Judge Brown specialized in commercial construction litigation, although her civil litigation practice covered a wide range of topics. During her sixteen years in private practice, Judge Brown was active in several bar associations, including the American Bar Association, the National Bar Association, the Federal Bar Association, the Magnolia Bar Association, and the Mississippi Women Lawyers Association, in which she served as president. She is also a fellow of the Mississippi Bar Association. In 2004, Judge Brown received the Jackson Young Lawyers Outstanding Service Award, and, in 2008, she was recognized by the Mississippi Business Journal as one of

Mississippi's leading businesswomen. Judge Brown has also served on the board of the Mississippi Center for Justice and Operation Shoestring.



Judge Debra Brown

President Barack Obama nominated Judge Brown to be a District Judge in May, 2013. During the nomination process, Senator Chuck Grassley asked her to identify the most important attribute of a judge. She responded, "The most important attribute of a judge is sincere respect for the position of judge. When a judge truly respects the position, I

Continued on next page...



believe the judge will necessarily execute all judicial duties with impartiality, firmness, integrity, and discipline, and apply the law to the facts of each case or controversy in an even-handed manner consistent with judicial precedent and applicable procedural rules." She described the appropriate temperament of a judge as respectful to all involved in the judicial process, as well as "courteous, patient, open-minded, unbiased, and an attentive listener." Judge Brown also pledged to control her docket by "evaluating the most efficient and effective means for each case to proceed to resolution; supervising the progress of cases with status conferences at appropriate intervals and making any adjustments necessary to keep the case on track; promptly ruling on all

motions, including dispositive motions filed, emphasizing to parties and counsel deadlines set in the case; and promptly resolving all issues that could potentially delay the progress of the case." This philosophy is fully in keeping with the character traits earlier attributed to Judge Brown of perseverance, diligence, and focus.

In his statement to the Senate supporting Brown's confirmation as district judge, Senator Cochran stated that he believed that she would "serve with distinction." Senator Wicker said, "Our country needs judges who have a record of professional excellence, integrity, and public service. Ms. Brown has demonstrated this throughout her career." Senator Wicker also noted the significance of having a judge who is also an architect in the federal courthouse in Greenville, which is desperately in need of major repair or replacement. Judge Brown's nomination was confirmed by the Senate by a unanimous vote on November 4, 2013.

At her investiture, Judge Brown took the oath of office with her hand on a Bible held by her mother. In her remarks to the assembly, she said, "I do not take lightly the

historical significance of this moment in Mississippi history. And I am acutely aware of the magnitude of this judicial position and the responsibility that goes along with it. I promise you that I will at all times give it the respect it deserves and approach it with humility." She promised to approach "every



U.S. District Judge Michael Mills administers the oath of office to Debra Brown, the first African-American woman to serve as a federal district judge in Mississippi. Judge Brown's mother, Ruthie Brown, holds the Bible on which Judge Brown swears the oath.

decision I make on the bench with reverence for the law and those who come before me and will strive always to achieve fairness and excellence every day." ➔

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CABA Membership Meeting

June

Photos



Mississippi Bar President Eugene Harlow spoke at the CABA membership meeting on June 17th. He is pictured with CABA Vice-President, Mike Malouf, Jr.



August

- (A)** CABA President, Amanda Green Alexander, listens to plans from Communications Chair, Delwyn Smith, and Co-Chair, Tiffany Grove.
- (B)** The Co-Chairs of the Law-Related Education Committee, Lauren Lawhorn and Jim Rosenblatt, coordinate with Marlana Pickering, Programming Co-Chair and Lane Staines, JYL Vice-President.
- (C)** Venecia Green Mason, Tennis Tournament Chair, and Ashleigh Quinn, law student liaison between CABA and MC Law
- (D)** Professionalism Chair, Collins Wohner and Golf Tournament Chair, Brad Moody plot their golf strategies for the CABA golf tournaments in 2014 and 2015.
- (E)** Troy Odom, Director; Gerald Mumford, Solo and Small Firm Chair; Marlana Pickering, Programming Co-Chair; and Amanda Green Alexander, President
- (F)** Membership Committee Chair Jennifer Hall, pictured with Co-Chair John McCullough and Tammra Cascio, Social Chair.
- (G)** Will Manuel demystified the topic of intergenerational communications at the August 19th membership meeting. He is pictured with Amanda Green Alexander, President, and Jennie Eichelberger, Program Chair.

MC Law School Selects Professor Wendy Scott as New Dean

Mississippi College Press Release

Wendy Scott is making history as the first African-American to serve as dean at the Mississippi College School of Law.

This summer, the accomplished lawyer, legal scholar and administrator also became the second woman to lead Baptist-affiliated MC Law. On August 11, Scott succeeded Dean Jim Rosenblatt, who helped build the law school's

faculty, exceptional students, a hard working staff, dedicated alumni, an attractive facility and a supportive university administration."

A graduate of Harvard University and New York University Law School, MC's new law dean is anxious to become an integral part of the Mississippi College family and the state's vibrant legal community.

"I look forward to working with all of the constituents of the Law School to continue

service—from the Christian Bible Fellowship Ministries to the New Orleans Human Relations Commission. Her scholarship has focused on

“Professor Scott has the background and interest to tie MC Law’s legal education mission with community initiatives to promote social justice.”

regional and national reputation during his 11-year tenure, MC leaders announced Monday.

Rosenblatt has transitioned into his new role as a full-time professor at MC Law.

Scott has taught at the North Carolina Central University School of Law since 2006, including service as associate dean for academic affairs from 2009 to 2012. She previously worked as a professor at Tulane University Law School in New Orleans for 17 years, including service as vice dean for academic affairs.

"Professor Scott brings a lifetime of exceptional service to the position, having distinguished herself as a lawyer, teacher, legal scholar and administrator," MC President Lee Royce said. "We are so pleased to have someone so well known and respected in the legal academy provide leadership to our law school."

Reached at her institution in Durham, North Carolina, Scott is thrilled to join the law school that sits a few blocks from the Mississippi Capitol and state Supreme Court.

"MC Law has what any dean would want," Scott said. "MC Law has a talented

providing an excellent educational experience to our students and service to the people of Mississippi."

Rosenblatt commended her selection.

"Professor Scott has the background and interest to tie MC Law's legal education mission with community initiatives to promote social justice and to provide practical learning opportunities for its law students," he said.

During the tenure of the Natchez native as dean, MC Law has experienced more than \$10 million in facility improvements. In recent years, the law school's moot court teams have participated in 26 regional and national competitions. The law school's mission is truly global with overseas study programs in Germany, France, Mexico, Cuba, China and South Korea.

The law school's two award winning web sites deliver timely information to the public about the state Legislature and Mississippi's appellate courts. Its legal aid clinic provides extensive assistance to low-income residents of inner city Jackson.

During her career, Scott taught a wide range of subjects—from Constitutional Law to Native American Law and Women and the Law. She's been active in community



Wendy Scott, selected as new Dean of MC Law School

legal issues surrounding the desegregation of public colleges and universities.

In addition, she's faithfully served in a variety of positions with Baptist institutions, alongside her husband, Rev. Eddie Scott. The incoming MC Law dean and her husband are the parents of a 15-year-old son, Christian. Dr. Royce noted:

"Wendy Scott is an excellent fit for the Christian mission of Mississippi College. We look forward to her fine leadership of the law school." 🟢

22nd Annual GOLF OUTING

July 28, 2014 · Country Club of Jackson

The 22nd Annual Lawyers Golf Outing was held on Monday, July 28th at the Country Club of Jackson. Proceeds from the tournament were donated to the MS Volunteer Lawyers Project. Shown are scenes from the tournament. Thank you to all of our tournament sponsors for making this event possible.

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22nd Annual
GOLF OUTING



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CHANGES TO LOCAL UNIFORM CIVIL RULES

to become effective December 1, 2014

By Terryl Rushing

In contrast to some prior years, the Local Uniform Civil Rules Committee for the Northern and Southern Districts of Mississippi have proposed relatively few changes in those Rules this year. The changes have been posted on the courts' websites and approved by the District Judges of both Districts, and they will be transmitted to the Fifth Circuit's Judicial Council for review and ultimate approval. There are currently no proposed changes to the Local Uniform Criminal Rules.

A minor change has been made to Rule 7, "Motions and Other Papers," to provide, in section (b)(2) on "Motion Practice," that declarations under 28 U.S.C. § 1746 must be filed as an exhibit to the related motion. Additionally, a provision has been added to the Rule to require that proposed amended pleadings be attached as an exhibit to the related motion to amend. This provision is necessary to ensure that opposing parties have sufficient information on which to base their response to the motion. While most attorneys attach the amended pleading as a matter of course, the amendment is designed to provide notice that the exhibit is required, thereby precluding the necessity of ordering that the motion be re-filed or supplemented.

Another change to Rule 7 has been made to establish the format in which memorandum briefs must be submitted to the court. This revision responds to numerous requests from the Bar that the courts establish consistent requirements for the content of memorandum briefs, in light of the page limitation. The changes are based on the Federal Appellate and Fifth Circuit Rules, modified for local practice, and provide, in section (5)(A), the following:

(A) Paper Size, Line Spacing, and Margins.

All memorandum briefs must be on 8½ by 11 inch paper. The text must be double-spaced, but quotations may be indented and single-spaced. Headings and footnotes may be single-spaced. Margins must be at least one inch on all four sides. Page numbers may be placed in the margins, but no text may appear there.

(B) Typeface.

Either a proportionally spaced or a monospaced face may be used. A proportionally spaced face must include serifs, but sans-serif type may be used in headings and captions. Text must be 12-point or larger, except that footnotes may be 11-point or larger.

(C) Type Styles.

All memorandum briefs must be set in a plain, roman style, although italics, highlighting or boldface may be used for emphasis. Case names must be italicized or underlined.

In conjunction with the revision to Rule 7, Rule 15 will also be amended to provide that a proposed amended pleading must be included as an exhibit to a motion for leave to file such pleading.

At the request of several members of the Bar, Rule 26(a)(2) has been changed to require that disclosure of expert witness information be made "by serving the disclosure on all counsel of record and concomitantly filing a Notice of Service of Expert Disclosure with the court."

Rule 45 has been revised to clarify which parties are entitled to request that a subpoena be issued without prepaying attendance and mileage fees for the witness. Even where a party has been granted leave to proceed in *forma pauperis*, no public funds are available by law to satisfy those costs except in habeas corpus cases brought by prisoners in state custody (28 U.S.C. § 2254) or in cases arising under 28 U.S.C. § 2255 (attacks on sentences brought

by prisoners in federal custody). See 28 U.S.C. § 1825(b). Prisoners attacking the conditions of their confinement under 42 U.S.C. § 1983 are not entitled to request a subpoena without prepaying witness fees, even if they are granted *in forma pauperis* status.

Rule 72 previously provided that objections to a magistrate's ruling should be filed and served, "and will be promptly transmitted to the assigned district judge and to the magistrate judge." This requirement had caused confusion, particularly with *pro se* litigants, who believed that their objections could be sent directly to the judge, rather than being filed. The failure to file the objections prevented them from being recorded in the courts' electronic filing systems, and the paper copies, on occasion, did not come to the judge's attention for some time, resulting in delay in obtaining a ruling. The provision was also unnecessary, since anything that is filed is immediately available to the district and magistrate judge via the CM/ECF system. For that reason, the language quoted above has been deleted.

Previously, Rule 83.1 provided that an attorney who was a member of the Mississippi Bar and was seeking admission to the district court produce a copy of his certification of admission to practice in Mississippi from the Mississippi Supreme Court. There was no requirement as to how recent the certificate had to be. The amendment requires that the certificate be no more than sixty days old. The Mississippi Bar is actually the licensing authority for the State, and it was added as an alternate source of a certificate of admission. Since the courts added the sixty-day requirement, it was suggested by committee members that attorneys be given some flexibility in choosing whichever source was more expedient.

Rule 83.4 governs the possession and use of electronic devices in the courthouses in the

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Changes to Local Uniform
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districts. It was originally titled, “Photographs and Broadcasting,” and lawyers complained that the title was somewhat inaccurate and made finding the policy on electronic devices hard for them and for the public to locate. The title of the Rule has been changed to “Cameras and Electronic Devices.” Additionally at the suggestion of the Administrative Office, the Southern District has posted its Cell Phone

Policy on its website, under “Court Information.”

Finally, the Case Management Order Form has been amended to change the requirement, in section 6.E.3, that the plaintiff execute “a waiver of the medical privilege” to providing that the plaintiff execute “an appropriate, HIPAA-compliant medical authorization.”

Both the Local Uniform Civil Rules Committee and the Local Uniform Criminal Rules Committee continually monitor changes to the Federal Rules to determine whether those changes mandate amendments to the Local

Rules. The Committees meet as often as is considered necessary by their chairpersons. In the case of the Civil Rules, the Committee is chaired by Magistrate Judge S. Allan Alexander of the Northern District and Magistrate Judge Keith Ball of the Southern District. The Criminal Rules Committee is chaired by Magistrate Judge Robert Walker of the Southern District and Magistrate Judge David Sanders of the Northern District. Comments about the Rules may be addressed to the Judges or to the Clerks of each District. ➔

TACKLING INTERGENERATIONAL MANAGEMENT: OR WHAT TO DO WITH SOMEONE IN YOUR OFFICE WHO HAS NEVER SEEN ANIMAL HOUSE

By Will Manuel



One of the hot management topics on the interwebs these days is a discussion of how to manage the latest incoming generation of workers known as “millennials.” While most of the talk appears

to focus on just these younger employees, there actually are several generations currently occupying office space together that have very differing characteristics. As lawyers, we definitely see some of these changes across ages and how they may affect our daily lives. It must be noted that the descriptions of generations in this note are based only on measurable trends seen in interviews with workers. They also may appear somewhat stereotypical. However, an evaluation of these groupings may help in how we communicate among the age groups.

Sociologists categorize the current workforce into four major collections according to birthdate: Traditionalists (born from 1925 to 1942); Baby Boomers (born from 1943 to 1966); Generation X (born from 1966 to 1980) and Millennials (born from 1980 to early 2000s). The Traditionalists, while almost 44 million in number, are not as active in today’s legal landscape. The two largest groups present

in law firms today are the Baby Boomers (80 million) and the Millennials (92 million). Crammed in between those is Generation X at 46 million. This note will focus on the those three generations.

One of the big characteristics for Baby Boomers is the fact that they are retiring out of the workplace at an alarming rate. 70 to 80 million of them will exit the workplace in the next decade. This is significant due to the fact that they currently constitute a large majority of legal leadership roles. For Baby Boomers, their main influences were Vietnam, Watergate, and protests for civil justice. Based on these influences, they are idealistic, individualistic and competitive. In the workplace, they believe in paying their dues and moving up the ladder.

For Generation X, they realize that they will be taking the mantle from the Boomers, and it weighs heavy on them. Major influences on Generation X are television and communication technology. They are the first generation to be greatly affected by the rise in divorce rates which resulted in many becoming “latch-key kids.” This makes them much more self-reliant, but skeptical and distrustful of institutions. Another huge characteristic in the workplace is their desire for more focus on family time. Generation X seeks a fun and meaningful work environment.

Millennials are the new kids on the block--literally. Truthful or not, they have received

a reputation of being tough to manage. Major influences on millennials are hand-held technology, social media, acceptance of diversity, and “helicopter” parents. Millennials are extremely comfortable with technology and can quickly absorb and organize information. They have a strong belief in self-expression, but also want extreme flexibility in their work environments.

Connecting between these very different generations may seem a difficult task, but in reality, the differences may provide a way to make your workplace more enjoyable and productive. One of the first things to look at is what are the expectations on communications. The younger generations are comfortable with electronic messages being the primary source, but Baby Boomers may want more face to face interaction. Teams in the legal community should discuss appropriate response times and how work is handled, from a communication standpoint. Another helpful way to bridge the gaps between generations is the use of mentoring. This practice can be helpful for both the older and younger part of the relationship—younger workers like to be included and older workers will benefit in learning new shortcuts through technology. Finally, some of the best ways to approach intergenerational management is to just employ the tenets of a good workplace: treat co-workers with respect; recognize that people process information differently; welcome new ideas; and don’t be afraid to have fun in the office. ➔

CABA ESSAY CONTEST

CABA's Law Related Education Committee ("Committee") is pleased to announce the winners of the 2014 Annual Essay Contest:

- 1st** 1st Place Winner from Hartfield Academy, Dalton Dear, received a \$250 prize.
- 2nd** 2nd Place Winner from St. Joseph, Jacob Harkins, received a \$200 prize.
- 3rd** 3rd Place Winner from Jackson Prep, Jewels Tauzin, received a \$150 prize.

Each year the Committee selects a legal topic of interest to 7th and 8th graders. The topic for 2014 was as follows:

Should a school be allowed to discipline students for their Facebook, Twitter or other social media

1st Place Essay

Should a school be allowed to discipline students for their Facebook, Twitter or other social media posts? Why or why not? What laws are at issue?

I firmly believe that a school should be allowed to discipline students for their Facebook, Twitter and other social media posts. Over 95% of teens in the United States have full access to the internet, and more than 90% of those teens have used some form of social media. Out of the 90% of teens that have used some form of social media, 88% of regular social



Lauren Lawhorn, Dalton Dear (1st Place), Susan King and Troy Odom

posts? Why or why not? What laws are at issue?

Students at area schools across the metro-Jackson area, both public and private, were invited to participate in the contest. This year the Committee, which included T. L. "Smith" Boykin, III (Page Kruger & Holland), Susan Floyd King (Chair) (Jones Walker LLP), Lauren Oaks Lawhorn (Brunini Law Firm), Troy Odom (Blair & Bondurant, P.A.) and Stephanie Rippee (Watkins & Eager PLLC), received over fifty essays. The winning essays were selected based on the strength of arguments presented, use of law to support a position and overall structure and content.

The winners and their families were invited to attend the Membership Meeting of CABA held on June 17, 2014. Dalton Dear

and Jacob Harkins each had an opportunity to read aloud their winning essays and visit with members of CABA. Thank you, members of CABA, for supporting this important and effective outreach program. ➡



Lauren Lawhorn, Jacob Harkins (2nd Place), Susan King and Troy Odom

media users reported witnessing cruel or unnecessary derogatory statements posted on social media. This use of social media otherwise known as cyberbullying has become a major issue in United States, and it is completely illegal in 46 states. Cyberbullying is the inappropriate use of social media and internet services to embarrass, harass, humiliate, or threaten another minor.

Mississippi has major laws regarding cyberbullying and inappropriate actions done through social media. Miss. Code Ann. § 97-29-45 states that is unlawful to make a telecommunication or electronic communication with the intent to terrify, intimidate, or harass another, and threaten to inflict or physical harm to any person or to his property. This law is punishable up to five hundred dollars or imprisonment in the county jail for six months on just the first offense, and it is often used to criminally penalize cyber bullies within Mississippi. Also, Senate Bill 2015 requires each school district to adopt anti-bullying policies including cyberbullying and to educate children, parents, and school employees about the dangers of bullying. This bill too effect July 1, 2010.

A major controversial topic within social media punishment though schools is the First

Amendment. The First Amendment states that all American citizens are given the right of the freedom of speech. Even so, this right does not apply in private schools. Since private schools run outside of the state's control, they do not have to abide by the First Amendment. If you attend a private school, the school can only grant free speech rights through beliefs endorsed through the school. This lack of freedom should be held accountable to the student and the parent because the student and his parent freely made the choice to attend that school, so the student must fully abide by the rules of the school. The inappropriate use of social media outside of school could lead to more internal problems within the school, so the school should clearly be allowed to take a necessary course of action to resolve the issue.

To help reduce cyberbullying and other forms of technology abuse, schools should most definitely be allowed to punish students for their Facebook, Twitter, or other social media posts. Students who participate in the act of cyberbullying should be able to face up to their actions and understand that they can be punished for what they have done inside and outside of school. Also, awareness of the punishments awaiting students that participate in these actions will help reduce cyberbullying and other forms of technology abuse. ➡

The Road LAWYER

QUO VADIS?

The Atlanta Braves In Contretemps

“Just because the initial stages of a deal are done confidentially, it does not mean the process is unethical.”¹

This may be true, but when you’re talking about spending upwards of \$400 million in taxpayers’ money, it doesn’t seem too much to ask that the process follow the regular channels.

Besides, laws respecting official and public participation in such decision-making are based on the notion that insiders might not have an exclusive pipeline to just what is—and what is not—in the public interest.

No one denies that Major League Baseball teams are entitled to a reasonable opportunity to turn a profit. But there can be little doubt that Major League Baseball teams exist under at least a moral burden to promote the public interest. And maybe more than that when they are asking for access to upwards of \$400 million in taxpayers’ money and credit. And to stop short of the point where pursuit of profits turns to profiteering.

Then there are the financial and other tangible public benefits the MLB franchise has already received from its host city, and in this particular instance, the paid patronage of its people dating back to 1966.

Of course, Cobb County, Georgia, one of the wealthiest counties in America, can spend its taxpayers’ money and extend the county’s credit any lawful way it wishes. The disgruntled

taxpayer’s remedy is at the ballot box.

Hold these thoughts. And think as well of the parable of the blind man and the elephant. Or, maybe, of the young boy at the age of first understanding why baseball is America’s national pastime, and not just because it’s the only major sport where big games are decided by performance on the field, and not by some coach’s skill in clock management.

Atlanta Braves in the Community, 2014

.....
“The Braves’ connection and commitment to our neighbors reaches far beyond the walls of Turner Field. It extends to the hearts and homes of the many people who support our team. The Braves are committed to working rigorously to improve the quality of life and to share our love of baseball with our community.”

That’s what management/media relations says at the top of the first page of the Atlanta Braves 2014 Media Guide.

The next page touts Braves Baseball Academy as “an eight-acre, signature youth sports complex just minutes from Turner Field . . . , [a] first-class facility [that] provides a safe and nurturing environment for youth to participate in sports and education programs.”

This and much more in a like vein are what Braves’ management was telling the

public *circa* April 1, 2014.

According to the Cobb County Board of Commissioners, “[t]he Atlanta Braves... knocked on our door in July 2013, and we gladly welcomed the meeting.”² The Braves were handily winning the National League East in 2013 as management began back room meetings with selected Cobb County officials about business matters.

Make no mistake about it. The issue is not Turner Field. The dead giveaway is crocodile tears that attend every effort by Braves’ management to explain the team’s move to Cobb County on any grounds other than pie-in-the-sky corporate profits.

Remember, since 2007, Fortune 500 company Liberty Media Corporation of Englewood, Douglas County, Colorado, has proclaimed Atlanta National League Baseball Club, Inc. as one of its marquee properties. See www.libertymedia.com.

The Southern Boys’ Team

.....
Most Baby Boomers who grew up in the South thought the Cardinals were their team. It wasn’t just that St. Louis was sort of a Southern city, a view helped along by Mark Twain and The River.

Cardinal players we loved came from the South. It started as far back as Dizzy Dean and

1. “Having experienced advisor was key to the Braves deal,” by Tim Lee, Chairman of the Cobb County Board of Commissioners, and Brooks Mathis, Senior

Vice President for Economic Development of the Cobb County Chamber of Commerce, mdjonline.com (2014), visited 8.26.14 – 4:00 a.m.

2. *Id.*

Continued on next page...

his brother Paul, born in Lucas, Arkansas. Enos Slaughter was from Roxboro, North Carolina. Marty Marion came from Richburg, South Carolina, and went to high school in Atlanta. Tim McCarver grew up in Memphis.

Vinegar Bend Mizell was born and bred in Leakesville, Mississippi. Don Blasingame was from Corinth, Mississippi.

Pepper Martin grew up in Oklahoma, but that was close enough. And the same for Lindy and Von McDaniel. There were Southern boys who would fight if you tried to argue that Stan Musial really was a Yankee from Pennsylvania.

There was more to it than that. “For every Southern boy fourteen years old”³ grew up on KMOX clear channel radio out of St. Louis, 1120 on your AM dial, for that’s all there was, where a young Harry Caray made the Cardinals come alive every summer night.

In 1966, the Braves moved to Atlanta. They didn’t catch on at first. The Braves were losers. Besides, most Southerners will tell you they are all for progress, but change? Not so fast. Ted Turner started change, however, by force feeding the South and the country with talk of “America’s Team.” Who’s he kidding, was the reaction of many Southerners. But in time a new generation of Southern boys fourteen years old knew of the miracle of 1991, the hanging curve to Kirby Puckett, and the ‘92 home plate slide by Sid Bream.

Whether the chicken came before the egg, Braves management began cultivating and nurturing a regional fan base. Today minor league farm teams are found from Lynchburg and Danville in Virginia to the Greater Jackson area in central Mississippi. Atlanta’s Braves have moved past the St. Louis Cardinals as Southerners’ favorite baseball team.

(No, those Florida and Texas teams aren’t real Southern baseball teams.)

For all of their many near fatal flaws, Southerners believe in trust and loyalty. These character traits impose duties that are reciprocal. Down here where everybody still knows most everybody else, and their business, doing things in secret means only one thing. You have something to hide. You’re up to something

you know you shouldn’t be doing.

And so there was a giant elephant in Turner Field on the afternoon of September 3, 2014, when the embattled Braves—six games behind the Washington Nationals in the NL East and facing Atlanta freeway style traffic to get into the Wild Card playoff—took the field to host the Philadelphia Phillies. A lot more Southern folk felt an unease about that elephant than just the Georgians outside the affluent Cobb County area.

Turner Field and the Braves’ Exit Strategy

Turner Field is a fine venue for baseball. It’s “the best Major League Baseball experience in America!” was one of the seemingly proud and friendly greetings, repeated over and over and with clarity on the P. A. system for The Road Lawyer [TRL] and others approaching in the hour leading up to the 12:10 p.m. “Play Ball” call.

A week later, TRL is still trying to figure out just what is supposed to be wrong with Turner Field. Lots of Major League ballparks have fallen by the wayside in the modern era. Dodger Stadium dates to 1962 and is now the third oldest of such baseball venues. But none—as in **not a single one**—has been abandoned after only 20 years.

Unless you count the Braves, who in the Spring of 1953, arrived in brand-spanking new Milwaukee County Stadium and skipped town after the 1965 season, having been forced to play in Milwaukee that last year by a court order.

The Atlanta National League Baseball Club, Inc. cites a number of so-called reasons for its newest plan of abandonment, but only one resonates.

“We’re unable to control development of the areas surrounding our current venue.” Corporate speak for, “we not able to secure a revenue stream up to management’s expectations from enterprises in the areas adjoining and surrounding the ballpark.”

So?

This is supposed to justify the Braves in telling the City of Atlanta, “Up yours!”

when the current lease on Turner Field expires after the 2016 season? Even though naiveté attends any thought that bureaucrats in Atlanta city government are blameless in the present contretemps.

It’s a Trial Lawyer’s Dream

It’s hard for TRL not to chuckle at the thought of what even a fresh caught lawyer could do with all of this before a jury. Imagine cross-examining Braves CEO Terence McGuirk about supposed greater accessibility and parking at the Cobb County site as compared to Turner Field.

“Now, Mr. McGuirk, tell me about the last time you drove up I-285 or I-75 through rush hour traffic towards the Cumberland area of southern Cobb County? And what time is it that the Braves’ night home games will begin?”

After, of course, getting McGuirk staked out on projected optimal attendance at home games and how many cars that means headed to the ballpark at about the same time on game day. That he expects bigger crowds in Cobb than the about 30,000 per game the Braves have been averaging each year in Atlanta.

“What’s that? You say attendance has been falling off at Turner Field in recent years?” “But doesn’t that correspond with the end of the Bobby Cox era?” “You do admit, do you not, that attendance shot back up in 2013 when the Braves were atop the NL East most of the season?”

“Or does the declining attendance you talk about date from when Liberty Media bought the Braves franchise?”

“And how far is your new Cobb County site from the closest MARTA stop?” followed with, “now Mr. McGuirk, that is a bit further, is it not, than the 3/4 of a mile between the nearest MARTA stop and Turner Field?”

“And, Mr. McGuirk, you do know, do you not, that Cobb County has banned MARTA? Right?”

“And you also know, do you not, that most every new ballpark opened in recent years—Baltimore, Philadelphia, two in New

3. To borrow a phrase from William Faulkner’s *INTRUDER IN THE DUST* 190 (1949).

Continued on next page...

York, Navy Yard in D. C., Safeco in Seattle, AT&T Park in SFCA—was deliberately built within a couple of blocks of an already established major public transportation stop, right? What’s so different about Atlanta? Assuming, that is, that the Braves really do need a new place to play.”

“And so the transportation and access issues you talk about are all about moving cars in and around the Cumberland area, not about moving people into Cobb County by rail or other public transportation?”

Then the Real Fun Begins

And after that, call Braves president John Schuerholz as an adverse witness, *viz.*, “Mr. Schuerholz, you continue to say you would have had to spend \$200 million ‘to upgrade the fan experience’ if the Braves stayed at Turner Field, but then every day still you tell fans entering the Turner Field complex that right now they are about to have ‘the best Major League Baseball experience in America! Which time are you lying?’”

“And Mr. Schuerholz, when questioned about the months long secret negotiations you had with Cobb County, you are reported as saying that ‘if it had leaked out, this deal would not have gotten done’? You still believe that, do you not? And why is it that ‘this deal would not have gotten done’ if the public had known what you were up to?”

“And, again, how much taxpayer public money do you expect to be put into this project?”

Cross-examining Mike Plant, the Braves’ executive VP for business operations, could be even more fun. “Mr. Plant, I want to ask you about the 16-point demand letter you sent to the City of Atlanta for staying at Turner Field, and particularly about your needs for ‘a mixed use development outside the stadium that would guarantee [the Braves] at least \$10 million a year in new revenue.’”⁴

Start, perhaps, with, “Mr. Plant, would you list for the jury the names of all other Major League Baseball franchises that have a mixed use development outside the ballpark that produces for the team at least \$10 million

a year in new revenue?”

“So, what did you mean when you told the Atlanta Journal-Constitution editorial board that you had ‘just a feeling that I lost confidence that we’d be able to address the development?’”

“And, now, one more time for the jury, what does that have to do with operating a Major League Baseball franchise?”

You wouldn’t even have to ask leading questions.

The *piece de resistance* would be the motion for a jury view of Turner Field. “Now Mr. McGuirk, Mr. Schuerholz or Mr. Plant, will any one or even all of you walk the jury through Turner Field and point out the different components of the \$150 million in renovations, upgrades and improvements you say would have been so essential were the Braves to have seriously considered staying in Atlanta.”

The only uncertainty is at what point the jury would begin to notice the elongating proboscis on each of the witnesses McGuirk, Schuerholz and Plant.

But for the Next Two Years...

There are quite sensible reasons why a baseball fan would want to enjoy “the best Major League Baseball experience in America” before Terence McGuirk and his ilk ring down the curtains. First, the basics.

Turner Field, the former Olympic Stadium, is in southern Atlanta, surrounded by Pollard Blvd. to the west, Bill Lucas Drive on the south, Hank Aaron Drive on the east, and Ralph David Abernathy Blvd. a/k/a Georgia Ave. on the north.

Country Inn & Suites seems a fine moderately priced venue, if you are in Atlanta primarily for “the best Major League Baseball experience in America!” It’s “fifty feet across the street” to the southwest.

TRL was a little surprised that the only dining venue in the immediate area surrounding Turner Field is Bullpen Rib House, across Pollard Blvd. to the west, proclaiming that it’s “open 8 days a week.” The reason why became apparent, once inside the Turner Field complex

itself. Every kind of dining opportunity a fan’s palate could possibly desire.

You can even order ballpark food and



CABA members Jimmy and Linda Robertson pose with Hank Aaron bronze at Turner Field.

have a vendor bring it to your seat during the game. Premium Service Menus include all of the ballpark basics—dogs, burgers, brats, chicken (tenders and wraps), nachos, pizza, popcorn, peanuts and cracker jacks. Super premium, premium and domestic beers, several cheap wines, Daily’s Pouch Margarita, and softer drinks for the more delicate fans.

The Chophouse Restaurant sits above center field and is for those who want more than just baseball. For fans who want to do a little culinary homework before arriving, check out “What to eat at Turner Field,” <http://atlanta.eater.com/2014/3/31/6252703/what-to-eat-at-turner-field-home-of-the-atlanta-braves>.

TRL tried the Smoke House to the northeast just inside the gate. (A giant video screen just outside assures that you won’t miss a pitch.) Pulled pork bar-be-que was pretty good, but not in a class with Interstate, Rendezvous, Payne’s and other venues so cherished by

4. Dan Kiepal, “Stadium deal began in secrecy,” The Atlanta Journal-Constitution, page A13 (Aug. 17, 2014).

Continued on next page...

those of us who grew up in the state of North Mississippi, the capital of which is Memphis.

For those who just want to browse, the concourses are wide and the food and drink offerings plentiful and varied. The over 50 set surely notice the modest Coors Light draft stand, and wonder if any of the patrons waiting for a beer remember (or ever knew of) “Smokey and the Bandit.” How the mighty have fallen!

In 1996 When Heroes Came to Atlanta

Understand that TRL has once-in-a-lifetime memories of this site. We were there for three evenings of track and field events at the 1996 Atlanta Olympics. Michael Johnson’s double gold medal achievement in the Men’s 200m and 400m is never to be forgotten. We saw only the 400m. Nor Algerian Noureddine Morceli’s heroic finish in the 1500m “metric mile.”

A gold medal in the long jump was the last Olympic hurrah for the great Carl Lewis. Dan O’Brien’s decathlon gold medal was a gutsy comeback after his pole vault disaster in 1992.

The 1996 Olympics were an awesome achievement, a heroic lifting-of-the-spirit and restoring-the-soul moment for Atlanta as positive as Sherman’s burning the city in 1864 was tragic.

We all left Atlanta in 1996 feeling good

that the plan was to reconfigure the majestic Olympic venue for baseball. Remember, the Braves had won the World Series in 1995 and many more consecutive National League pennants and NL East titles would follow through 2005.

Wednesday Afternoon Baseball

TRL and friends were among the 19,000 plus who made their way to and into Turner Field on Wednesday, September 3, 2014. Loads of kids were being chaperoned/ushered in. Hasn’t school started? TRL heard an adult patron remark, “Must be a weather day.” His companion replied, “Yeah, hot weather!” And it was hot that mid-day in early September, as TRL’s sunburned arms would attest the next day.

There was angst in the air, more immediate than what was being planned for opening day of 2017. The Braves had not scored a run in 24 innings, including two shutouts (one a no hitter by committee) at the hands of the Philadelphia Phillies.

A final home game against the Phils, then a day off, and a long road trip beginning Friday in Miami, including three games in D. C. against the NL East leading Washington Nationals.

Five former Mississippi Braves were in the

starting lineup that hot Wednesday afternoon, and three more would appear before the Braves finalized a 7–4 victory, including colorful closer, Craig Kimbrel, who recorded his 42nd save of 2014 in 46 opportunities. More on the Mississippi Braves below.

Ups and Downers of Braves’ Business Acumen on the Field

TRL’s host for the game was a family friend and retired Atlanta commercial real estate developer. With the open mind of a lawyer who doesn’t yet have all the facts, TRL had been listening as his friend was explaining the business problematics of the Braves move to Cobb County.

In the bottom of the third inning, score tied 1–1, thirty year old B. J. Upton, once a rising star with the Tampa Bay Rays, came to the plate, batting eighth.

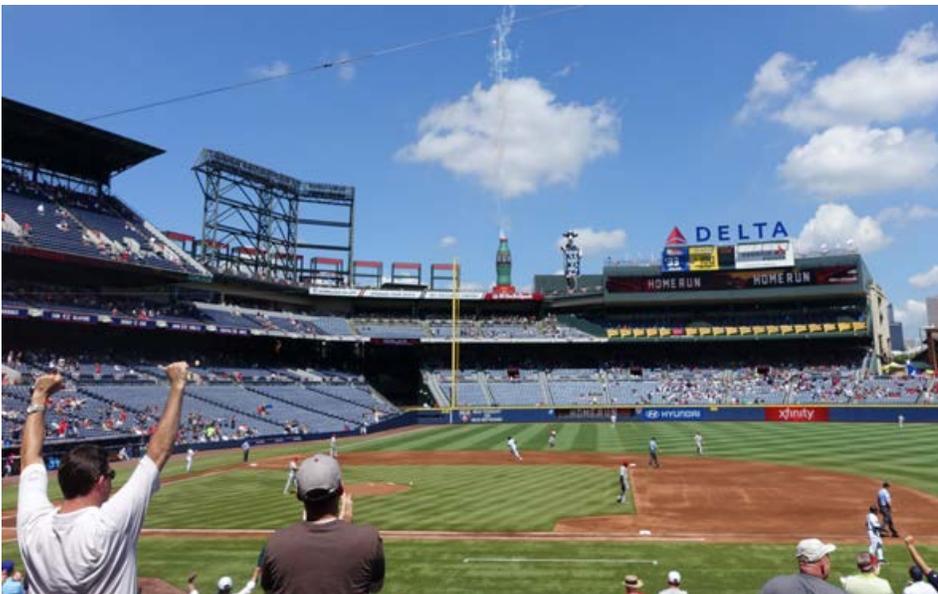
“Now, here’s another bad business deal the Braves have made. Signed this guy a year ago to a \$75 million contract through 2017. He was so weak last year he was sent down to AAA for a while. TRL looked at the scoreboard; B. J. was hitting an anemic .205.

With an 0–2 count and a runner on base, and comments of the Braves’ business acumen continuing apace, Upton smacked the ball several rows deep into the left center field bleachers. Brass War Chant theme! Fans providing a choral response! Tomahawk Chop! All was joy for the home team, for the moment.

“Okay, so now he’s hitting .208.” Including his 10th home run of the season. B. J. Upton would finish the day one for two, with two free passes. Baby brother Justin, normally a starter, did not play (tender triceps a/k/a bruised arm?).

The Braves’ fifth was the key to the game. Former MBrave Freddie Freeman led off the inning. TRL’s business sage friend and host had reported that Freeman was having a lackluster year, his first under his new eight year contract through 2021, worth gazillions in the aggregate.

Freeman shot a line drive to right center and legged it into a bang bang play at second.



Turner Field

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The replay official ruled Freeman safe. War Chant! Tomahawk Chop!

Christian Bethancourt singled to score Freeman. Braves up 5-4. War Chant! Tomahawk Chop! It was Bethancourt's second RBI in a 3 for 4 day, the rookie catcher having just been recalled from AAA Gwinnett.

Former L. A. Angels ace, Ervin Santana's slider was ineffective (according to the Braves' radio announcer, not TRL's eyesight), but held on for six innings to push his season's record to 14-7, best on the team.

Three relievers finished it out, with Kimbel giving up only a two out walk before nailing down career save number 181 on his already all time franchise high.



Shawntye Vaughn, who plays on the women's team for the Conehatta Community, shows Jorge how to hold the stickball sticks to make a throw.

The Oldest Continuously Operating Professional Baseball Franchise

Fans entering the Turner Field complex from the north are greeted by bronze Braves history. Most prominent, of course, is Henry [Hank] Aaron, though he played only nine of

his 23 MLB years in Atlanta.

Southpaw Warren Spahn's famous right leg kick is artistically depicted (he never pitched in Atlanta at all). The sculptor's attention to detail is on display in the form of Phil Niekro's finger tips a/k/a knuckles on the ball in a still familiar (to the over 50 set) pitching pose. Ty Cobb was a Detroit Tiger almost to the end, but he is shown safely stealing second base. Never a Brave, the Georgia Peach is the only native Georgian among the sculptures.

The Braves began in Boston and is/are the oldest continuously operating professional baseball team in America. The Cincinnati Red Stockings dissolved after the summer of 1869. The Chicago Cubs did not play for two years after the Fire of 1871.

It's a shame fathers no longer teach their sons about the Miracle Braves of a century ago this year. The classic proof of Yogi Berra's life lesson, "It ain't over 'till it's over." The Boston Braves were in last place in the National League on July 4, 1914, but surged to win the pennant. No other team has done that, before or since. For good measure, the Braves swept Connie Mack's powerful Philadelphia A's in the World Series. All in all, a much more credible and lifelike and team oriented parable than David and Goliath.

Public Transportation and the Babe's Grand Finale

Inspired by the feat of its players in 1914, management promptly built a new 40,000 seat stadium known as Braves Field. "The park was novel for its time; public transportation brought fans right into the park." Hmmm? That's better than AT&T Park in San Francisco, where public transportation lets you out just across the street and just past the corner of Second and King, adjacent to the ticket booths.

May 24, 1935 is and remains a storied (if isolated) day in Braves history. The aging Babe Ruth had come back to Boston to help the Braves put fans in the stands. That day he deposited into the bleacher seats career home runs numbers 712, 713 and 714. The last he

ever hit. He retired June 1, 1935.

The Ted Williams-led Red Sox had one of their heart-breaking near misses in 1948. A more poetic portrait was being painted in nearby Braves Field. Former LSU quarterback Alvin Dark⁶ and Eddie Stanky were a nifty double play combo.

Stanky began his pro baseball career with the Greenville Bucks over by The River, a teammate of future Cardinals pitcher Harry Brecheen. He was the long time successful coach of the University of South Alabama baseball team in Mobile, near his home town of Fairhope. Tommy Holmes was the best of some pretty good hitters on the 1948 Boston Braves. But Bean Town's step child team won the NL pennant on the mound.

Poetry Before Pitch Counts

"Spahn and Sain and pray for rain," was the shortened version. Sunday double headers were popular in those days, leading to more days off, so that it was really

*First we'll use Spahn
then we'll use Sain
Then an off day
followed by rain
Back will come Spahn
followed by Sain
and followed
we hope
by two days of rain⁷*

Everyone knows of Hall of Famer Warren Spahn's 363 career wins⁸ rank him 5th in the history of Major League Baseball, and tops all-time for a southpaw. Johnny Sain was 24-15 in 1948. Left out of the poetry and lost in the shuffle was rookie Vernon Bickford who contributed an 11-5 record to the Braves' NL pennant express.

Alas, Lou Boudreau's Cleveland Indians broke Boston hearts a second time in two weeks, winning the first Braves-Indians World Series four games to two, having immediately prior thereto defeated the Red Sox in a one game AL playoff.

The Braves faded after 1948 and after

5. <http://en.wikipedia.org>. "History of the Boston Braves".

6. Most (in)famously, Dark led LSU to a 21-7 win over Ole Miss in 1941, with 70 and 46 yard touchdown

runs, and reportedly nifty punting that kept the Rebels on their heels in Tiger Stadium.

7. The verse is attributed to Boston Post writer Gerald Hern.

8. Greg Maddox had 355 total wins, but only 194 with the Braves.

Continued on next page...

the 1952 season moved to Milwaukee, home of their top minor league farm team. In time, Braves Field was acquired by Boston University for its sports complex.

The Milwaukee Braves, 1953-1966

“Banned in Boston, S.R.O. in Milwaukee” was the story line as the Braves played two historic World Series with the Yankees in 1957 and 1958. Warren Spahn was still doing his thing, but newcomer Lew Burdette stopped the hated Yankees in Game 7 in 1957. Young Braves Henry Aaron and Eddie Matthews became household names with their bats.

The Milwaukee Braves were unable to maintain their lofty heights of ‘57 and ‘58. The flush of new romance dissipated. The Braves never had a season in Milwaukee with less than 83 wins (out of 154 in those days), but it wasn’t enough. After the 1964 season, management dreamed of warmer weather for those early spring games, and sought new romance in another farm team town, the home base of the Double A Atlanta Crackers.

Seeking a divorce after only twelve years in Milwaukee, the Braves faced a fight. Allan H. (Bud) Selig, a local used car salesman, and minority Braves shareholder, sued. Selig argued that owning a professional baseball team was like a public trust. Management had a duty to its community to show more loyalty and staying power.

After all, big league baseball was and remains the only professional sport that enjoys an antitrust exemption, judicially created by none other than Boston born and bred, Oliver Wendell Holmes, Jr.⁹ A preliminary injunction kept the Braves in Milwaukee one more year.

In time, Selig settled. In 1992, Selig became acting and in 1998 official Commissioner of Baseball, retiring only this year.

A Moment for America had to Last for a Generation

9. A brief history of *Federal Baseball Club of Baltimore vs. National League of Professional Baseball Clubs*, 259 U. S. 200 (1922), and its legal and cultural progeny, is told by TRL in “Of Forests and Trees,

The weather may have been warmer in Atlanta, but the team was colder. For a while, Hank Aaron, Dale Murphy and Phil Niekro were the only players who could have survived spring roster cuts anywhere else.

April 8, 1974 was a moment for all time. Hank Aaron hit his 715th home run, breaking Babe Ruth’s career record many thought would last forever. The purists grumbled that Aaron took 11,295 at bats to break the record Ruth set with only 8,399 trips into the batter’s box.

The real American baseball fans admired the character and courage of a quiet, straight laced young African American who endured what no player had faced since Jackie Robinson in 1947, and prevailed. And in a Deep South city even in 1974 not fully reconstructed.

1982 was the next year of note in Atlanta. The Braves won their division, but the Cardinals swept them 3–0 in the playoffs. Milwaukee fans enjoyed the “one up” moment as their replacement franchise, the expansion team Brewers, faced the Cardinals in the World Series, albeit losing in the 7th game.

It was another nine years before Bobby Cox, Greg Maddox, Tom Glavine, and John Smoltz came to town, and, for three special years, Steve Avery. You know the story from there, tarnished by the fact that only in October of 1995 did the Braves win the World Series, defeating the Cleveland Indians, four games to two.

The War Chant and the Tomahawk Chop

An Atlanta Braves victory would not be complete without the proud and exuberant fans doing the War Chant and the accompanying Tomahawk Chop. Of course, these have no authentic Native American background. Best information is that they started at night football games at Florida State University, when well-lubricated frat boys came up with a cheer intended to support the Seminoles and intimidate the visiting team into submission.¹⁰

The cheer has become a part of an Atlanta Braves home game experience. The irrepressible

Musings on the Commerce Clause, the Affordable Care Act, and Baseball by the Bay, www.caba.ms (August 2012).

10. “The Real Story of How the Seminole War

“Prime Time” Deion Sanders had been a two-sport star at Florida State. He is said to have brought the chant and the chop to Atlanta in his four years with the Braves, 1991–1994. The details of the story vary with who tells it. The chant and the chop have stuck, and with official Braves sanction.

Deion had moved on the Cincinnati by 1995, when the Braves faced and beat the Cleveland Indians for the first franchise World Series championship since Rabbit Maranville and the Miracle Braves of 1914.

Somehow about that time the idea got started that such team nicknames and cheers are racist. Over the next decade, the issue became a hot one in the college context, where political correctness often prevails over common sense.

In 2005 the NCAA spoke out. “Mascots, nicknames or images deemed hostile or abusive of race, ethnicity or national origin” are discouraged. Colleges “displaying or promoting hostile or abusive references” are “prohibited from wearing the material at NCAA championships, effective August 1, 2008.”

Of course, sensible and appropriately sensitive persons see nothing “hostile or abusive” in nicknames like “Braves” and “Indians.” To the contrary, such nicknames suggest fierce noble warriors, precisely the sort of positive images that are in the best tradition of competitive team sports and honoring the cultural diversity of the American people.

Criticizing the Braves (or Indians, Seminoles, Choctaws, or Fighting Illini) for being racist makes about as much sense as condemning the still unfinished Crazy Horse mountain side memorial in the Black Hills of South Dakota, because the non-Native American sculptor hasn’t avoid features that might suggest Crazy Horse was a great and noble Lakota Sioux warrior.

In CABA’s part of the world, Alcorn State proudly calls its sports teams “Braves”; Mississippi College’s athletic warriors are “Choctaws.”

Is not imitation still the sincerest form of flattery?

Chant Was Started,” www.tomahawknation.com/2012/5/1/2991946/.

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The Oldest Team Sport on the Continent

Stickball may be the oldest team sport in North America. While its origins are not recorded, one may safely say Native Americans were playing stickball long before Europeans “discovered” and settled in the New World.¹¹

Today stickball is quite popular with southeastern tribes and people, but nowhere more so than in Neshoba County, Mississippi. Each year, the Mississippi Band of Choctaws stages the Stickball World Series, as a part of the Annual Choctaw Indian Fair. See www.choctawindianfair.com.

Stickball — Choctaw style — is played barefooted. “It’s vigorous play – a free-for-all of sorts,” TRL was told.

“Choctaws use hand carved sticks and a small hand-wrapped leather ball. Players cannot catch the ball with their hands. They must ‘catch’ and ‘throw’ the ball with sticks, an art in and of itself. The goal is to hit the pole with the ball. The melee on the field looks a little like a rugby scrum. Other tribes play their own style of the game, such as one eastern tribe which plays stickball more like lacrosse.”

Mississippi Braves Players Visit the Choctaws

This year’s announcement read “World Series of Stickball games will be played at Warrior Stadium with the WSS Championship Game capping off the last night of the fair, Saturday, July 12 at 10 p.m.”¹²

Players from the Mississippi Braves, Double A Minor League franchise farm team for the “Big” Braves, were invited over to sign autographs, an outreach venture by the Tribe.

MBraves players brought tents and free souvenirs. They wore their numbered jerseys with MBraves caps and jeans. Eight or ten came on the mornings of July 11 and 12; they had to be back in Pearl and Trustmark Park for a game each night.



Group photo taken on Friday, July 11, 2014 with the newly crowned 2014-15 Choctaw Indian Princess, MeShay Jimmie.

MBrave players had their pictures taken with tribal members. Many proudly posed with newly crowned 2014–2015 Choctaw Indian Princess, MeShay Jimmie, on the morning of July 11. Others are shown getting lessons on how to hold the stickball sticks, and how to catch the ball with the sticks.

In the process, the MBraves players became interested in stickball and Choctaw culture. Tentative discussions are being had regarding a possible stickball exhibition in Pearl in the not too distant future.

The “Big” Braves AA Farm Team in Central Mississippi

The Mississippi Braves are one of five Atlanta Braves-owned minor league farm teams. The Gwinnett (Georgia) Braves are in the AAA International League. The Lynchburg (Virginia) Hillcats are in the High-A Carolina League. The Rome (Georgia) Braves are in the Low-A South Atlantic League, and the Danville (Virginia) Braves are in the rookie Appalachian League.

The “Big” Braves keep a thumb on their minor league clubs. John Schuerholz — yes, that John Schuerholz — is president of all

except the Lynchburg Hillcats.

Player development is the name of the game with the Mississippi Braves and all other farm teams. Playing in Atlanta is the goal of every player, and the goal of Braves management for each player.

For example, the home ballpark for each farm team is designed so that the right fielder is the last person to lose sight of the sun on a summer evening. Foul pole distances and outfield fences and configurations are almost exactly the same at Trustmark Park, as at Turner Field and as at Coolray Field where the AAA Gwinnett Braves play, and as at State Mutual Stadium where the Rome Braves play, as at Legions Field in Danville. Only at Calvin Falwell Field in Lynchburg are the fences 325 ft., 390 ft., and 325 ft., about ten feet closer to home plate than in the other ballparks.

On April 7, 2005, the Mississippi Braves opened for business at Trustmark Park in Pearl. The CABA area franchise proudly proclaims that 89 players who have donned MBraves uniforms have made it to Major League Baseball (though not all with the Atlanta Braves). Sixteen have been called up directly from AA to the “Big” Braves.

Most remember the stars from those early

11. For a good introduction to stickball, historically and today, see “Indigenous North American stickball,” <http://en.wikipedia.org/w/index/>

http://www.wtok.com/home/?php?title=Indigenous_North_American_stickball&printable...

12. <http://www.wtok.com/home/>

<http://www.wtok.com/home/headlines.256425761.html>

years, Jeff Francour, Jarrod Saltalamachia, Brian McCann, among others, now with other organizations.

So Many Former MBraves in Turner Field, Sept. 3, 2014

TRL was surprised that so many former MBraves were in the starting lineup or later took to Turner Field on September 3, 2014.

Jason Heyward led off. (How many 6'5", 245 lb. lead off hitters can you name?) While Heyward's on-base-percentage is respectably above .350, he's made more of a name for himself with outstanding defense in right field. Heyward was with the MBraves in 2009.

Slick fielding, Gold Glove shortstop Andrelton Simmons hails from Curacao in the Caribbean. His pirouette in short left field and shotgun throw to first against the Mets back on August 27 in New York saved a run and a Braves win. Dubbed Play of the Week, the play is so unbelievable that its video is readily available, and frequently viewed. Simmons was with the MBraves in 2012.

First baseman Freddie Freeman bats third. Mentioned above, he was a teammate of Jason Heyward with the MBraves in 2009.

Tommy La Stella was with the MBraves in 2013. He started at second base, batting fifth, and singled to drive in an insurance run in the sixth inning. In the eighth, La Stella was lifted for pinch hitter Phil Gosselin, who was with the MBraves in 2012 and 2013.

Catcher Christian Bethancourt of Panama was the player of the game. He played with the MBraves in 2012 and 2013.

Evan Gattis has started 100 games at catcher, though he was replaced by Bethancourt on that hot Wednesday afternoon. Gattis caught for the MBraves in 2012. He pinch-hit for relief pitcher David Carpenter in the 8th inning.

Starting pitchers Mike Minor, Julio Teheran

and Alex Wood pitched with the MBraves in 2010, 2010 and 2012, respectively.

Closer Craig Kimbrel was with the MBraves in 2009. He was National League rookie of the year in 2011.

Back to the Cobb County Business

Cobb County dates back to 1832 and the action of the Georgia General Assembly. The lands were "confiscated" ("stolen" might be more factually accurate) from the Cherokee Nation, courtesy of Andy Jackson's infamous Indian Removal Act.

A touch of irony attends Cobb County's welcoming hand warmly extended to the Braves' relocation representatives.

Cobb County was named for Thomas Willis Cobb, former U. S. Senator and Congressman from Georgia. No, there is no apparent connection with The Cobb from Georgia, Tyrus Raymond Cobb, the "Georgia Peach," who grew up in Royston, to the northeast, up near the South Carolina state line. Ty Cobb was the first player elected to the Baseball Hall of Fame. Many regard him as the best ever.

Located adjacent to Fulton County to its east/southeast boundary, and bounded by Cherokee County to the north, Cobb County was home to 688,078 according to the 2010 Census. The U. S. Census Bureau ranks Cobb County as the most educated county in Georgia, and twelfth among all counties in the country. It ranks among the 100 wealthiest counties in the United States.

Marietta, Georgia, is the county seat. Lockheed Martin Aeronautical Systems is the largest of many high end employers in Marietta and Cobb County.

A Superior Court order has validated Cobb County's "plan to issue up to \$397 million in bonds to fund the public portion of the stadium construction."¹³

Atlanta Braves stadium," http://en.wikipedia.org/wiki/New_Atlanta_Braves_stadium. Any many more articles besides.

13. Scott Trubey, et al., "Major step for stadium, but challenges remain," Atlanta Journal Constitution.
14. Katie Leslie, et al., "Stadium's mixed-use plans take step ahead," Atlanta Journal Constitution.
15. Dan Kiepal, "Stadium deal began in secrecy," AJ-C, page 1 (Aug. 17, 2014) and "Inside the secret Stadium talks," AJ-C, page 1 (Aug. 18, 2014). Also available online is a lengthy Wikipedia story, "New

16. See, e.g., Thomas Lake, "For Braves fans, move to Cobb County is major loss for Atlanta residents," posted July 25, 2014; Grant Brisbee, "The embarrassing new Braves ballpark is coming and no one was allowed to stop it," posted May 28, 2014.



Jorge catches a stickball.

The Braves want to put more than a new \$622 million baseball park at its new Cobb County site. There is also a "\$400 million mixed-use complex" project in the works. Developers say they will bring "shops, restaurants, bars, offices, residences and hotels to the area off I-285 and near Cumberland Mall,"¹⁴ just outside the Perimeter where I-75 crosses into Cobb County.

The Atlanta Journal-Constitution published a two part comprehensive analysis in mid-August, though in familiar media form, it was more hung up on open meetings and records issues than the far more important merits *vel non* of the Braves' great escape plan.¹⁵ The Journal-Constitution maintains a website where you can keep track of activity. MyAJC.com/bravesmove.

Individual, heartfelt personal voices of lament and dissent may be found on the Internet. Some are worth a read.¹⁶ And, as well, are apparently sincere oices from Cobb County.¹⁷

17. "Having experienced advisor was key to the Braves deal," by Tim Lee, Chairman of the Cobb County Board of Commissioners, and Brooks Mathis, Senior Vice President for Economic Development of the Cobb County Chamber of Commerce, mdjonline.com (2014), visited 8.26.14 – 4:00 a.m.

Continued on next page...

The Braves' Misuse Of Freddy Garcia Says It All

The 2014 Media Guide presents the Braves' 40-Man Roster going into the season. Thirty-seven year old Freddy Garcia gets a full five pages, more than any other player (Freddie Freeman and Jason Heyward got only four pages each), though fine print says he was only a non-roster invitee to Spring Training.

Acquired by the Braves in late August, 2013, Garcia had a 1.65 ERA in six games down the stretch run to the NL East pennant. He started against the Dodgers in game four of the 2013 NL playoffs and was in line for the win when he left the game after six innings, the Braves up 3-2. It wasn't Freddy's fault the bullpen couldn't hold the lead, and that the Dodgers eliminated the Braves 4-3.

CABA area fans remember Freddy Garcia as a flame thrower with the now defunct Jackson Generals, back in 1998, at the old Smith-Wills Stadium. He was certain to make it to "the show."

Garcia led the American League in innings pitched in 2001. He was 14-8 in 2005 with the World Champion Chicago White Sox. Garcia pitched seven scoreless innings, and was the winning pitcher in Game 4, as the Sox swept the Houston Astros in four straight.

Freddy Garcia has more MLB wins than any other Venezuelan born pitcher.

The Media Guide tells the whole story of this once stalwart workhorse pitcher and leads a reasonable reader to think him a big

part of the Braves' plans for 2014, and that the team was proud to have Garcia spend his sunset years in Atlanta.

The presentation of Freddy Garcia in the 2014 Media Guide shows with clarity the disingenuity of soul of what the Atlanta Braves have become. On March 24, the Braves released Garcia, two months after he had signed a minor league contract, but with the promise for the season ahead, based on his late season mound performance in 2013.

Freddy Garcia is now playing professional baseball in Taiwan, his MLB days apparently over.

And So Life Goes On

Professional baseball is no longer played in Jackson proper. Smith-Wills Stadium is largely dark on summer evenings.

The MBraves play in a fine minor league baseball facility in Rankin County, not Hinds. The MBraves' track record in producing MLB players ought to keep fans coming for years to come. The only downer to MBraves home games is the large number of nights when the temperature is still above 90° degrees at game time, but somehow it seemed there were fewer such games in 2014 than in years past.

The 2014 MBraves were 83-56 for the full season, best in the ten team Southern League. They missed the playoffs only because of the crazy split season format the league uses. It's fun to watch such a culturally diverse group of youngsters working their buns off, and to argue about which ones will make it to "the show."

Still, you wonder how long it will be before Liberty Media Corporation sends down the word that the profits aren't high enough. Or even decides that the Big Braves aren't enough of a profit center, once fans see that access and parking in Cobb County are even worse than at Turner Field, and the bloom is off the rose of the vaunted "\$400 million mixed-use complex" that isn't producing nearly the income stream the Liberty Media corporate moguls in Colorado feel they have to have.

Greater Atlanta has already forgotten its one brief shining moment in the Summer of 1996 when heroes came to town. Turner Field is destined to become dark in the summer months until few remember Maddox and Glavine and Smoltz and Chipper Jones and Bobby Cox and the joyous exuberance of the War Chant and the Tomahawk Chop night after night, or even the heartbreak of so many near misses in the post-season.

And will it be ten years or twenty before the inexorable realities of multi-ethnic demography combine with America's most culturally diverse professional sport to the point where the successors of Terence McQuirk and John Schuerholz invoke the precedents of Milwaukee and Atlanta and seek another venue to pursue profits?

Or perhaps, just perhaps, some larger than life figure will appear, with the financial staying power of Ted Turner, and maybe even Bart Giamatti's vision for baseball, and say, enough is enough! At least for a while. 🏠

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CAPTAIN EQUITY

A SERIOUS PLAN (KIND OF) *to Put the Capital Back in City*

About a year ago I offered a spurious plan to convert Jackson from The Bold New City to the Bold Old City in a column entitled “*Big Government Meets Tea Party Logic.*” But now with the election of the Yarber administration in the wake of Mayor Lumumba’s untimely death, I am a bit more serious. The ideas offered in this column were prompted by Mayor Yarber’s recent listening tour to gather ideas from the electorate on how Jackson can regain its role as a dynamic Capital City in America’s new urban South. Other cities have transformed themselves from centers of urban decay into vital new municipal landscapes with something to offer its citizens and visitors other than crime, poverty and crumbling infrastructure. Chattanooga, Memphis and Nashville, all in our neighboring state of Tennessee, come readily to mind. So why can’t Jackson transform itself into an urban force to be reckoned with as others in our region have? The answer is, to quote the President, “Yes We Can.” Okay, maybe we can.

The Good, Bad and Ugly

First, the good. Unlike the aforementioned Tennessee cities, there is little chance Jackson is about to build a world class aquarium or get an NBA or NFL franchise. But there are a lot of things going for us. Okay, there are at least a few things going for us. We are one of fifty capital cities in America. Besides being one of the top medical centers in the country (really), we often overlook the fact that we are one of the biggest college towns in America. These are all strengths on which to build.

When it comes to bad, can you say CRIME? The reality of crime leads to the perception of more crime than probably exists. This perception is poison for economic development. But since perception is reality, a giant campaign of zero tolerance of crime coupled with real community policing needs to be undertaken. The perception must be reversed and the true criminals taken off the streets. The program would also channel potential new generations of criminals into colleges and jobs instead of penitentiaries and chronic unemployment. If it can be done elsewhere, why not here in the Jackson city limits? This is a long-term goal which requires parenting, school reform and community commitment. Yes, it is far from just a local problem, but

without progress in this area, true urban transformation is nothing more than a pipe dream. Jackson would be better off settling for Third World Status forever. Fortunately, the good outweighs the bad in this regard, especially when you add in genuinely nice, caring,

There is a reason why people from all over the world always compliment us on our friendliness and hospitality.

hardworking people of every ethnicity here in Jackson. There is a reason why people from all over the world always compliment us on our friendliness and hospitality. That is exactly why I live here rather than several much larger, supposedly world class cities where my career took me once upon a time. The positive human factor here far outweighs most of the bad.

As far as ugly goes, just take a drive on our moonscape streets while taking in all the abandoned, burned out housing. And then there is Jackson’s labyrinth of antique water pipes hidden from view. The only reason you know they are there are the daily geysers on city streets that make the city look like the poor man’s Yellowstone National Park without any of the natural beauty. What is more repelling to the business community or potential residents than third world infrastructure and horror movie aesthetics? Much of this is the product of decades of local government neglect all perched on a mound of twisting Yazoo Clay which is all the more reason that this should be the number one priority down at City Hall. The status quo spells third world hovel in which no one in their right mind would want to invest.

Get On Our Knees and Beg

The latest in a long line of regressive losses for the Capital City is Southwest Airlines. Add that to the demise of the University Club, minor league baseball, every movie screen in town et al., and you see

Continued on next page...

a city in decline. In fairness, Whole Foods got wedged into Highland Village and the District at Eastover looks like it may come to fruition, but there must be more, a whole lot more for Jackson to draw business investment and new residents.

The first step is for the Mayor and the Airport Authority to get down on their knees and beg Southwest to return. Rumor has it that the previous administration jacked up the landing fees at the airport which hastened the carrier to leave. It couldn't have been empty seats of which I have never witnessed one on my many flights out of Jackson on the bargain airline which is now nothing but a fond memory. In addition to Southwest's superior service and a sense of humor, we are forced to pay a great deal more to the Big Three aka The Only Three thanks to our Anti-Trust NOT federal government. I am referring, of course to: D.E.L.T.A. (Doesn't Ever Leave The Airport), American Vulture and United Against Consumers Airlines for which we now get to pay a great deal more in dollars to receive a great deal less in service, space and schedules. Please Mayor Yarber, do what is necessary to bring Southwest back.

Make Big Government Our Friend

In the best of all worlds, the Capital City would copy Nashville in adopting a Metro form of government. This would be the great economic leveler which would force those making their living in Jackson proper to share equally in the costs while reducing all of the myriad duplication of services in the metro area. But given the Republican legislature, Mary Hawkins Butler et al, it will never happen. But don't lose hope, there is a more indirect way.

Proposal number one is to level the abandoned Sun 'N Sand slum across the street from the New Capitol to add needed parking spaces. Next, buy the adjacent Barefield Complex next door and level that too. In addition to the parking spaces paid for by the state, some enterprising entrepreneur needs to build the 21st Century version of the Patio Club, an old lobbying water hole where drinks were consumed and deals were done by legislators and lobbyists, ostensibly on behalf of the Mississippi electorate. It worked out well because many of the out of town office holders lived at the Sun 'N Sand during the legislative session. For that reason, some luxe condo rentals should be built on the site within easy access to the new "Club" for want of a better term. And what would the name of this new incarnation of the Patio Club be? Why, The Lobby, of course. Besides helping the economy, a special assessment of 1% of all lobbyists income would be levied. That would

probably create enough revenue to pay for many of the other ideas in this column. To make up for alleged confiscatory inequities, Happy Hour would be in effect 24 hours a day. Talk about a win, win, win for everybody. As the kids would put it, "I'm Just Sayin'."

Back To The Future

How many years has it been since developer John McGowan offered his two lakes flood control—economic development plan for the Pearl River? Anyone who lived through the Easter Flood of '79 knows the wisdom of such an initiative. And anyone who has ever been to the San Antonio Riverwalk knows the economic potential of urban waterfront property. So what do we get instead? The Town Creek Snakewalk and Tire Disposal Waterway which we have had as long as there have been poisonous water serpents in downtown Jackson. How about a little imagination or is that just asking too much?

Think Small

And of course, you can't talk about Jackson redevelopment without referencing Farish Street or as I like to think of it—The Ruins of Ephesus South. Who knows where this white elephant project stands. If it ever emerges from litigation, the City Fathers should take notes on the development of Fondren. Small and organic has worked there. So why not Farish Street? Yes, a Jackson Beale Street would be great, but you have to actually have tourists or at least people in numbers for that to work. As soon as we get our own version of the Fed Ex Forum, maybe, but until then, why not create incentives for local entrepreneurs to replicate what has happened in places like Fondren. The new generation of downtown dwellers would provide the base for such an approach. Scaled back realism beats grandiose impossibility almost every time. Oh yeah, speaking of that, jettison the Jackson State Domed Stadium idea once and for all, please.

These are just a few ideas. In the meantime, let's all meet at the Renaissance in Madison County or Trustmark Park and the Shoppes in Pearl for some fun. Yes, Mayor Yarber, you are invited too, but, I would suggest you come in disguise so as not to raise the ire of your constituents. Bad optics are never good. Just watch cable news and read TMZ to fully understand this last piece of advice to the Mayor. Oh, and Good Luck Mayor Yarber—I suppose you already know you will need it. Your Pal, The Captain 🍷

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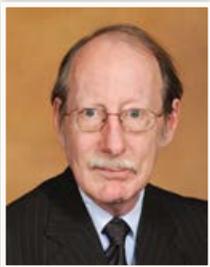


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Google Features You Should Be Using



By Joel Howell

You probably use Google as a search engine every day. Here, with thanks to Kim Komando, are eleven other Google features that you should also be using.

- 1. Flight Search.** There are lots of travel sites out there, but you probably didn't know Google had one. As in other engines, just pick your origin and destination, and then plug in the dates. Google will even highlight the dates with the cheapest flights. You can filter the results by carrier, flight length, airline, price, and a number of other options. When you find a flight you like, you can jump to that airline's site and book it.
- 2. Breakout.** Ever play this on an Atari? Just go to www.google.com/images and search for "Atari Breakout," Game on!
- 3. Public Data Explorer.** Aside from its normal search site, Google has a number of specialized searches available. Go to Google, or search for "Public Data Explorer." Once there, you can search population data, labor statistics, and any other published government data, which you can then graph and perform more refined searches.
- 4. Translation.** You can translate any phrase or sentence into more languages than you have fingers and toes (eighty, to be exact). The search can be written or spoken, and is available for both iOS and Android. If you want pronunciation, just double click the small speaker icon.
- 5. Nutrition comparison.** Go to the everyday Google search bar, type in "compare" (apples and oranges, for example), and you'll get an analysis of which food is healthier.
- 6. Definitions.** Again at the everyday search bar, type in "define" and get the definition. You can also get pronunciation and word origin, among lots of other things. For an alternative, try the open source Wiktionary.
- 7. Conversions.** Ounces to cups? Kilometers to miles? The regular search bar will get you there with "convert." You can then refine as needed.
- 8. nGrams.** Want to know how many times a specific phrase occurs in more than five million books since 1800? You can search multiple words by inserting a comma, adjust the time

period and language.

- 9. Sky.** You probably already knew about Google Earth (didn't you?). Sky lets you search for images of stars, planets, and galaxies. You can also get infrared and microwave images. If you've need been there, just look at the site suggestions.
- 10. Exclude search terms.** Any usual Google search can be refined by inserting the minus symbol before any words you aren't interested in. This is an exclusionary operator that alters the normal search algorithm.
- 11. Desktop Search.** Curiously, Google abandoned its Desktop application in 2011, so there are no Google tools to search the contents of files on your computer. X1 and Copernic can do that job, but both are paid products. DocFetcher is a free, open source desktop search application. While you can still do a Windows search from the desktop, DocFetcher is a superior program. It can create an index of everything on your desktop quickly and allows a number of filtering algorithms, including minimum and/or maximum file size, file type, and location. You can get it at docfetcher.sourceforge.net. ➔

Questions or comments?

Drop me an email: jwh3@mindspring.com



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