



## President's Column: *Thank You*

By Meade Mitchell<sup>1</sup>

It has been an honor and a privilege to serve as President of the Capital Area Bar Association this year. Thank you for your trust and support.

CABA has had a busy year as discussed in previous reports. Recently, CABA hosted the annual Evening Honoring the Judiciary and it was fantastic. Nearly 250 people joined in the festivities and had an opportunity to thank over 40 federal and state judges who attended. Chief Justice Bill Waller, Jr. of the Mississippi Supreme Court delivered remarks and Chief Justice Carl Stewart of the Fifth Circuit Court of Appeals provided the keynote address. CABA also presented its 2017 awards at the dinner. CABA's highest honor, the Professionalism Award, was presented to George R. Fair. Brad Moody received the CABA Outstanding Service Award and Kathleen Cook Baxter received the CABA Pro Bono Award. CABA will close out the bar year with its Spring Social on May 25.

Bar associations like CABA highlight the best attributes of our profession. CABA promotes high standards of professional conduct; encourages the efficient administration of

justice; furnishes a forum in which problems of lawyers and the administration of justice generally can be discussed; cultivates the spirit of cooperation and fellowship among our members; and gives back to the community—all with the goal of helping to foster the highest respect of our profession in the community.

In short, CABA works to showcase the noblest attributes of lawyers. So, this year I encouraged participation in CABA and worked to ensure our members had many opportunities to take part—chances to give back to the community, to get to know fellow lawyers, to meet area judges, and to make a difference. The response of our membership was exceptional.

Thanks to everyone that participated in CABA's activities and to over 100 of you that signed up for and served on a CABA committee. I would like to particularly acknowledge the hard work of CABA's committee chairman and the board members, and hope you will as well. Again, thanks for allowing me to serve our organization. 🍀

See list of CABA Officers, Directors, and Committee Chairs on next page...

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## Upcoming Events

### June 20

CABA Membership Meeting  
Noon • The Capital Club

### August 15

One hour CLE free to members  
11:30am • The Capital Club

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.

# LUNCH IS ON US!

Lunch at our regular meetings is now a free membership benefit.



## 2017 CABA Committee Chairs

**Bench & Bar Relations/Judges' Dinner:** Arthur Johnston and Margaret Cupples  
**Community Outreach Projects/Pro Bono:** Amy Champagne and Ashley Hendricks  
**Diversity:** Nakimuli Davis-Primer  
**Golf Tournament:** Lanny Pace and Matt Grenfell  
**Law-Related Education:** Jim Rosenblatt and Christina Seanor  
**Membership:** Meta Copeland and Parker Berry  
**Newsletter:** Kate Margolis  
**Small Firm/Solo Practice:** Cody Gibson and Matthew Thompson  
**Social:** Clarence Webster  
**Women's Initiative:** Kaytie Pickett and Keishunna Webster  
**Library:** Ben Piazza  
**Programming:** Jack McCants

## 2017 CABA Officers and Directors

Tiffany M. Graves  
 Michael J. Malouf, Jr.  
 J. William Manuel  
 John H. Dollarhide  
 Alicia S. Hall  
 Tiffany P. Grove  
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 Jennie A. Eichelberger

# A LITTLE BAR ASSOCIATION HISTORY

By Linda Thompson



The CABA newsletter editor has asked me to write an article on the history of CABA and its predecessor association, the HCBA. About 20 years ago, I penned a brief history of the HCBA (published in the June 1996 newsletter). Now that we are approaching the bicentennial of our state and are in a year of all things historical, I've dug a bit further back in time and will go to modern HCBA/CABA days with a broad overview.

We hope that some of the young or old timers in our midst will share their recollections of the important programs or other specific contributions made by our Capital Area Bar Association and Hinds County Bar and worthy

members through the years. We'll buy lunch if you have a story to share—or please submit your own article as a guest member of the CABA editorial staff.

The Capital Area Bar Association, Inc. was officially born on April 20, 2010, by amendment to the charter of the Hinds County Bar Association, Inc., a non-profit corporation formed in December 1981. The original incorporators were C. Delbert Hosemann, Jr., Lauch M. Magruder, Jr., and Richard T. Bennett.

In October of 1982, the first bimonthly HCBA newsletter was published (all the newsletters beginning with June 1989 are archived on the CABA website). Some older members recall there were a few newsletters printed and distributed in the 1960s. Earlier in the 20th century, notices of meetings and articles about activities appeared in the Jackson newspapers.

The HCBA hired its first executive director,

Ben A. Davis, in 1982, under the leadership of HCBA president Lauch M. Magruder, Jr. The existing minutes of the organization date to this time. Ben Davis served as executive director through April 1989. On May 1, 1989, in time for the transition month of presidents Jay A. Travis, III, and Judith J. Johnson, Patricia H. Evans assumed the executive director position. Pat has now been executive director for 28 years.

Lawyers have been in this state and associated with one another since they came as pioneers to search for fame and fortune as practicing lawyers, territorial judges, and legislators. Mississippi became a state in December of 1817. Within four years the lawyers—largely centered in southwest Mississippi—founded what may have been the first state bar association in the United States.

The organizational meeting of the Bar of the State of Mississippi was held on May 26, 1821, in the courthouse in Natchez. At a

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December 1822 meeting of the new group, 38 lawyers signed as members of the Association. The minutes of the early State Bar Association end on June 18, 1825, however, and plans for a state organization lay dormant for another sixty years.

By January of 1823, the Mississippi legislature had established Hinds County from Choctaw lands and within it a site on a bluff above the Pearl River to be the county seat and state capital named for then Major General Andrew Jackson. Commissioners were charged with selecting a lot on which to build a “commodious house” for meetings of the legislature and a courthouse for the county’s seat of justice. Civilization soon came to the fledgling town—including taverns and newspapers—and lawyers who began advertising their law offices in mid-1823.

The growth of the new city faltered between 1825 and 1830, however. Rankin County was carved out as half of Hinds in 1828, and a second county seat for Hinds was established at Raymond. Members of the House and Senate battled for several years about moving the state capital from Jackson, but efforts died out after 1830 when the lawmakers turned their attentions elsewhere.

Early newspapers evidence the presence of distinguished lawyers in Jackson as the town grew. Many, such as Henry S. Foote, John I. Guion, John J. McRae, William L. Sharkey,—the Yerger brothers, George, Jacob, and William, plus George’s brother-in-law Charles Scott—Daniel W. Adams, Daniel Mayes, George L. Potter, Charles C. Mayson, and W. P. Harris, to name a few, lived and practiced in Jackson before achieving political stature as judges, governors, congressmen, and other important officials in the mid-19th century.

William McCain’s *The Story of Jackson* (1953) has a wealth of information about early lawyers and firms in the capital city. Many of these men are now the permanent residents of Greenwood Cemetery, downtown Jackson’s most beautiful greenspace, 22 acres known in the 19th century simply as the city cemetery.

As the 19th century progressed, newspaper accounts refer collectively to lawyers in Hinds County as “the Jackson bar” or “the Hinds County bar.” In the Mississippi Department of Archives and History Library, there is a

booklet called the *Rules of the Chancery Court of Hinds County Prepared by a Committee of the Bar and Approved by Hon. John Watts, Judge Fourth District*, published in 1857 and containing 40 rules.

Another pamphlet in the MDAH Library is *Proceedings of the Jackson Bar and of the Supreme Court of the State of Mississippi on the Occasion of the Death of the Late Hon. William Yerger*, printed in Jackson in 1872. The “members of the Jackson Bar” were asked to attend Justice Yerger’s funeral as a body and wear the “customary badge of mourning” for 30 days.

It was after the Civil War and about the time of the country’s patriotic celebration of the 1876 Centennial when the wave of lawyers forming their official organizations went through the country. The Association of the Bar of the City of New York claims to be the earliest local bar association, formed in 1870 as a volunteer organization of lawyers and law students. The earliest local bar association in Mississippi may have been the West Point Bar and Law Library Association, declared by the legislature an official association in the Laws of 1877.

The first national group to organize was the American Bar Association, founded in

August 1878. One of its leading proponents was Simeon Baldwin of New Haven, a railroad lawyer, law professor, and member of the Connecticut Bar Association which had been formed in 1875. Prof. Baldwin persuaded a group of fourteen lawyers from twelve states (Connecticut, Georgia, Illinois, Kentucky, Louisiana, Massachusetts, Missouri, New York, Ohio, Pennsylvania, Vermont, and Virginia) to meet at Saratoga Springs to discuss the feasibility and establish a national association of lawyers. Trust the lawyers to congregate at a posh upstate New York spa popular for its mineral springs and race track!

The founders declared their purpose in Article I of the American Bar Association’s constitution. “Its object shall be to advance the science of jurisprudence, promote the administration of justice and uniformity of legislation throughout the Union, uphold the honor of the profession of the law, and encourage cordial intercourse among members of the American Bar.”

Attorneys from various Mississippi towns held meetings throughout the state to reorganize the State Bar which had fallen dormant some 60 years earlier. This met with some joshing from the Jackson newspaper, the *Mississippian*, as an editor on December 8, 1885, noted:

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### 2017 HOLIDAYS

July 4 . . . . .	Independence Day
September 4 . . . . .	Labor Day
November 23 . . . . .	Thanksgiving Day
December 25 . . . . .	Christmas Day

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“By all means let us have a Bar Association in Mississippi. At present the lawyers are at the mercy of the greedy and soulless clients, who are grinding the meek and lowly attorneys to the earth... There are some men who are mean enough to say that the clients are the ones who ought to form an association for mutual protection against attorneys, but unfounded slings like these are not worthy to be answered.”

Despite the media’s jabs, the Mississippi Bar was reorganized at a meeting in Jackson on January 4, 1886. It was to be another short-lived state-wide organization, however, as it held its last meeting in January 1892.

The lawyers did not give up, however, and on January 25, 1906, a meeting of lawyers and legislators was held in Jackson to organize a permanent bar association of Mississippi. About 300 lawyers from throughout the state met at the then very new Capitol building and organized the Mississippi State Bar Association, a voluntary organization to which an attorney could petition for membership. Jackson lawyer C. H. Alexander gave the welcoming address at the organizational meeting.

At about the same time, a Jackson Bar Association was formed. A meeting of the Association was called in the Jackson Daily News on April 7, 1907, the customary means for giving notice to the lawyer members. The stated purpose was to discuss the crowded state of the docket in the first judicial district of Hinds County and to ask the county legislators to support a new and smaller court district to be composed of only Hinds and Yazoo Counties and to lengthen the terms of court. Attorney Ben H. Wells presided over the meeting of the JBA.

Later, on October 27, 1907, the *Jackson Daily News* reported that the Jackson Bar Association was calling a meeting the next week to discuss the matter of making copies of all the county land records lodged in the Raymond courthouse. All Hinds County land records dating from 1821 to 1871 were kept in Raymond, meaning Jackson attorneys checking land titles often had to drive to Raymond, an undertaking they considered expensive and inconvenient. This copying project did not come to fruition, however.

According to the *Jackson Daily News* on March 27, 1908, the Jackson Bar Association had perfected its working organization in a recent meeting. The newspaper stated the city’s Bar Association was the largest in the state, having about 70 active members, and was planning to send a large group to the annual meeting of the State Bar Association at Meridian in May. Judge R. H. Thompson, president, appointed the following JBA standing committees: Judicial Administration and Remedial Procedures, Membership, Grievances, Obituaries and Memorials, and Relations with American and State Bar Associations.

The Jackson Bar Association had meetings to set the docket for the terms of Hinds County Circuit Court, and the docket was announced in the newspaper. The JBA also voted to endorse certain candidates for supreme court judgeships. After Mississippi Supreme Court Justice S. S. Calhoun died in November 1908, the Jackson Bar Association gathered to give tributes to his life and character.

The grievances committee of the Jackson Bar Association was sometimes a busy one. According to the *Jackson Daily News* on January 22, 1909, the grievances committee

gave charges of unprofessional conduct against an attorney in a hearing before Chancellor Garland Lyell in Hinds County Chancery Court. That was the process for dealing with bar complaints.

In April 1912, the Jackson Bar Association partnered with the Board of Trade to plan the program for a Mississippi State Bar Association meeting in Jackson the following month. The *Jackson Daily News* on April 20, 1912, referred to the State Bar Association as a “legal fraternity,” while reporting that the meetings and a dance were scheduled at the Elks Club.

The Jackson Bar Association continued to be mentioned in an occasional newspaper article, and it is not clear when the Jackson Bar Association stopped functioning under that name. Through the years the JBA was customarily mentioned in obituaries to call its members as honorary pall bearers at a deceased lawyer’s funeral.

On September 7, 1923, the *Clarion-Ledger* reported that the Hinds County Bar Association held a re-organization meeting to gather the attorneys from Jackson and Hinds County together and elect officers. J. N. Flowers was elected president over Fred Lotterhos. P. H. Eager, Jr. was elected vice president; F. M. West, secretary; D. C. Enochs, treasurer; and H. Cassidy Holden, member of the executive committee. Mrs. A. S. Yerger directed a music program for the event.

The Hinds County Bar Association was featured in a *Clarion-Ledger* article on March 21, 1924, about its banquet held at the “ornate club dining room of the Hotel Edwards.” Lawyer

## LET US KNOW!

We value your thoughts and want to make sure you don’t forget to leave them in our **“Comments”** section under each article on our website.



Start the discussion...



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members of the legislature, numbering more than 70, were invited as special guests. The “fellowship feast” proceeded from cocktails to coffee and cigars and apparently was enjoyed by all. HCBA president J. N. Flowers presided at the banquet, and Secretary Fred M. West informed the crowd that there were about 100 lawyers in Hinds County, with slightly more than half belonging to the HCBA.

The *Clarion-Ledger* reported that on December 15, 1925, the HCBA held an annual banquet for its 120 members at the Hotel Edwards. According to the newspaper, a large number of ladies graced the occasion, where an excellent orchestra was engaged to play throughout the evening and sumptuous dinner. D. C. Enochs presided.

Other gatherings were held at the popular Hotel Edwards. Then on April 20, 1929, the HCBA banquet was staged at the recently formed gentlemen’s club, the University Club, in its new quarters adjoining the Lamar Life building on Capitol Street. The University Club was housed above the popular Belmont Café which did the Club’s catering under the direction of restaurateur Alex Misticos.

About 60 lawyers from throughout Hinds County attended the banquet. George Butler was chosen as HCBA president, and Lucy Somerville Howorth, vice president; Leonard J. Calhoun, secretary; and Charles S. Campbell, treasurer.

Incidentally, the HCBA leader and United States Commissioner (magistrate) for the Southern District of Mississippi, Lucy Somerville Howorth, was featured in a *Clarion-Ledger* article on January 25, 1931, headed “Mrs. Lucy Howorth, Jackson’s Woman Lawyer, Says Feminine Career Does Not Destroy Home.” She explained that if women “have happy occupations outside the home, they bring something rich and new to the family relationship. They are fresh, always interesting in the minds of their husbands, because they are growing with the public life around them, with the progress of the universe.”

Daughter of Nellie Nugent Somerville, the first woman to be elected to the Mississippi Legislature, “Judge Lucy” graduated from Randolph-Macon Women’s College and did graduate work at Columbia University. When

World War I interrupted her studies, she found a job in aircraft production.

After the war, she came back to Mississippi and entered the University of Mississippi to take the law course, graduating *summa cum laude*. Afterward she practiced in her hometown of Greenville and also Cleveland and then married Joseph Marion Howorth, a lawyer whom she had met at Ole Miss. Judge Lucy had a long and distinguished career of public service and died in 1997 at the age of 102. One can only imagine what she would have thought of today’s women’s issues.

A local or county bar association could become affiliated with the Mississippi State Bar Association upon vote of the local members and acceptance by the State Bar’s executive committee. Each affiliated county bar association elected or appointed a representative to serve as “County Vice-President” of the state organization. In 1928, W. Calvin Wells of Jackson was County Vice-President for Hinds County. W. H. Powell of Canton represented Madison, and S. L. McLaurin of Brandon, Rankin County.

The Mississippi State Bar Association was initially an organization with voluntary membership. An attorney could petition for membership if endorsed by two members and approved by the Board of Directors. In 1930, there were only 200 members from the 1,200 lawyers practicing in Mississippi in those depression days.

In April 1930, the Mississippi State Bar Association met in Biloxi for its annual convention. The president of the American Bar Association, Henry Upton Sims of Birmingham, and the president of the Mississippi State Bar, Judge T. C. Kimbrough of Aberdeen, addressed the group. Consideration of the “unified bar plan” was urged by these national and state leaders.

In 1932, the Mississippi Legislature enacted the Unified Bar Act, authorizing the organization, regulation, and government of the Mississippi State Bar, the term “unified” meaning “mandatory.” All lawyers practicing in Mississippi were required to be members of the State Bar, which was charged with its own regulation.

Each circuit judge appointed a lawyer

residing in his district to the State Bar’s newly formed Board of Bar Commissioners. Louis M. Jiggitts was the first Jackson lawyer chosen to represent the 7th District. The first annual meeting of the newly unified Mississippi State Bar was held in Jackson on September 1 and 2, 1932.

At the time of the formation of the unified Mississippi State Bar, Circuit Judge Leon F. Hendrick was president of the HCBA. He later recalled that the HCBA adopted a new constitution and bylaws when he was president in 1932–33.

In 1970–71, HCBA President Robert C. Cannada formed an Archives and History Committee to research the history of the Hinds County Bar. Martha Gerald was the first committee chairperson, and Richard T. Bennett, E. Clifton Hodge, Jr., Shirley Norwood Jones, Roland D. Marble, J. A. Travis, III, and Calvin L. Wells served with her. Shirley Norwood Jones was committee chairperson in 1972.

This Archives and History Committee determined that there were no extant minutes of past HCBA meetings. They compiled a list of HCBA presidents beginning in 1932 and recommended the HCBA give each living past president a commemorative plaque at the April 1971 meeting. That was the beginning of the tradition of presenting each retiring president with an appropriate plaque recognizing his or her service to the HCBA.

The Archives and History Committee solicited historical information about the HCBA from its living past presidents, writing each one to request a summary of accomplishments from his term of office. The letters received in return contain mostly modest responses with few historical facts of consequence.

With digital archives of newspapers now available online, it should be possible to fill in some more blanks of information about HCBA activities of past decades. Additionally, the CABA editorial board hopes that some of the HCBA/CABA members will comment on this article with recollections of significant work or perhaps simply humorous accounts of the activities of past HCBA/CABA committees or Board members. ➡

# A DIFFERENT SHADE OF GREEN(ER GRASS)

By Chris Shaw



During our last CABA newsletter committee meeting, someone suggested an article on the transition from private law practice to an in-house legal department. I was the only in-house lawyer in the room, so it didn't take long to realize I was going to be the subject matter—and author—of the article. With few good options to quickly exit the room or hide, I said yes.

It's always a little scary to publish your personal thoughts on any topic, particularly your job. But the person suggesting the article had a point: the in-house legal world is a topic that lawyers in private practice seem to have a lot of questions about. I certainly did during my 15 years in private practice prior to moving. I was always curious, and I was usually envious. When I run into lawyers I know these days it's almost inevitable that there will be questions at some point in the conversation about life on the "other side."

Once I endure the typical jokes about a "cushy" job and forgetting how to find the courthouse (it isn't and I haven't), I've had some really interesting and thought-provoking discussions with private practice lawyers. With an abundance of material and no real good place to start, here are some of those questions, along with some of my own thoughts and observations on the transition from private practice to a corporate in-house legal department.

**[Jokingly] "Do you miss the billable hours?"**

Of course I don't. But to this day—almost three years in—I still find myself occasionally

thinking about tasks, meetings, calls, etc. in terms of time increments. At this point, I think it's ingrained in me to the point I might never get my sanity back. But at the same time, I've found it helpful to maintain some frame of reference in that world for reviewing outside counsel bills and working through budgets for cases.

But to get back to the question: yes, practicing law without that constraint has helped me realize that maybe I enjoy the pure practice of law more than I thought. One of the first things I did at this job was sitting in an all-day teaching session with an electrical engineer on the fundamentals of electricity and investigating incidents involving an electrical contact. This was an 8-hour day that that has been invaluable to me for what I do in this job day-to-day. But had I still been billing hours, this would have been a non-billable day that I would have had to replace somewhere, even though learning this material was beneficial to my practice. It was a good feeling, and I try to remind myself to use that latitude to participate in more professional development and learning opportunities now that a time sheet is not lurking in the background. My employer encourages pro-bono and community involvement, so it's also nice to invest time in

those kinds of activities without having to make up the hours to keep the firm's lights on and Westlaw subscription paid.

Being away from of billables has also reiterated for me some of the inherent flaws in the billable hour system for legal work (not that I have a better suggestion). Even with the best intentions, the billable hour system sometimes lets the tail wag the dog when deciding what to do, and not to do, on a client's legal matter. I think I've always known that, but practicing law these days without a timesheet has made it clear to me.

**"Do you like having just one client?"**

Sure. Doesn't feel like it, though. On any given day, I could be dealing with a personal injury case in the Delta with engineers and linemen, pursuing a property damage matter for our damage recovery group, handling a bankruptcy deposit issue for the credit and collections department, discussing public relations or political considerations with regulatory and management on unpaid usage by a small city or business, enforcing pole-sharing agreements against a rural cable company, or working with

## CONGRATULATIONS

to the CABA 2017 Award Recipients

- CABA Professionalism Award ..... George R. Fair
- CABA Outstanding Service Award.....Bradley C. Moody
- CABA Pro Bono Award..... Kathleen Cook Baxter

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the procurement group on a vendor contract. That's 6 different departments just off the top of my head—all of them with different people, personalities, legal needs, and expectations. And usually, these departments are not day-to-day interacting with one another. So some weeks I feel like I have many different clients and cover a broad swath of legal needs in which I may, or may not, have much experience.

However, the good thing is that the legal work I do for these different parts of the company ultimately benefits that one client's interest. That's something I try and keep in mind, and the more I think of it that way, the better lawyer I become. What I mean by that is if I'm one of the few employees that coordinates with all of these different departments, I'm in a better position to spot problems or instances where the departments need to better coordinate on something, do things differently, etc. Knowing the different issues facing the various departments allows me to be proactive and try to solve problems before they become bigger problems (*i.e.* litigation). In-house lawyers are often the first responders to a crisis with legal implications, and over time (with some trial and error, of course), that will help put you in the position to be on the lookout for legal potholes that can be avoided. While an outside lawyer is usually insulated from some critical internal functions and processes, being in-house allows you to be immersed in the nuances and puts you in a position to serve your clients at a higher level.

Being in-house also seems to change the attorney-client dynamic, at least for me. Rather than seeing you as a hired gun charging by the hour, I like to think my clients look at me as a strategic and long-term partner as opposed to a by-the-hour expense to the company. I'm a free phone call to my clients these days to help solve a problem or provide advice. Does that mean those clients call you more often? Yeah, probably so, but I think this dynamic puts me in a better position to address my clients' legal issues.

**“Is there anything you miss about private practice?”**

Maybe a few things. Strangely, client development is one of them. It was always the simultaneous source of one of favorite parts of private practice, but also my deepest stresses.

There was no greater rush to me than making a pitch to a new client, and of course, it was always much better when you the pitch worked. And continually fostering the client relationship once it began was something I really enjoyed. To this day I maintain contact with some of my former clients in different parts of the country. But in this ultra-competitive legal economy, what kept me up the night more than anything was also client development. Constantly on my mind were things like who's courting our clients, are our clients happy or are they looking, why did a certain client choose another law firm, and how can I better promote myself for future client development. So while I definitely miss that part of private practice, my burgeoning wrinkles and continued graying may have slowed down just a tad over the last few years.

Private practice life also put me in an easier position to monitor the pulse of the legal happenings locally than in-house. In a law firm it seems I was always quicker to hear about the latest talk on how certain judges were handling things, tales of recent decisions or verdicts, and what lawyers moving around. Being in-house and without an army of lawyers in every office down the hall, I'm a little more isolated from some of that. The folks I see in the coffee room nowadays won't necessarily be lawyers who like to discuss lawyer-type gossip. That said, staying plugged in can be done, but it takes a little more effort these days. I try and attend as many local legal organization meetings as I can and visit more often with the lawyers in the area that I know.

**“So [whispering]...tell me about the money difference and earning potential in-house versus partnership at a defense firm.”**

Next question, please. Thanks.

**“The legal market can be scary — being in-house seems so much more secure”**

Who knows. Maybe it is, but maybe it isn't. First, when you're in private practice,

identifying your “value” is easy—it's billing and collections. In law firm, when you're profitable, you're golden. Being in-house is different. As an in-house lawyer, you are a cost center to the company, so showing your value is a little trickier than just showing a firm your impact on the bottom line. It can be done, of course. It just requires you to be proactive in your advice regarding potential legal problems, staying on top of what's happening at the company, and being creative about ways you can help assist the company accomplish it's mission. From that perspective, being in-house has definitely made me focus more on the dual role of a legal counsel and being a business advisor.

Second, I don't know that you can count for certain anything in today's ever-changing economy, especially in the legal world. One uncomfortable aspect of the in-house move for me was checking my clients at the door when I started here. It was always nice to think that if the firm dumped me, I could presumably still pay my bills doing legal work for my clients. It was like having a parachute, even if the parachute was not the best and you had a eat Ramen noodles every meal after using it.

**“Must be nice to have standard hours, huh?”**

Why don't you ask for banker friends and let me know. The truth is, the hours are a little more regimented. But we are still practicing law and with my employer, are handling many—if not most—of our matters in-house. When things are hopping, the hours are no different than they were in private practice. I don't spend less time preparing for a deposition I'm taking or a trial I'm participating in than I did in private practice. When I leave town for a trip or vacation, I don't lock my phone away and pick it up when I return. As the first responders for legal issues and crises that crop up, I've not seen anyone in our legal department raise a “sorry, I'm a 9–5 employee only” sign and walk away. I don't either. Taking care of our clients is a round-the-clock job whether you're in private practice or in-house.

And when the substantive legal work slows down, there are always plenty of administrative tasks in my role here that didn't exist in private practice: reports, budgeting, reports, various

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meetings, reports, community involvement and pro bono, reports, and other reports. You get the picture.

**“What are some tips for working with outside counsel?”**

Always difficult to answer. Everyone is different. Here are some things I think are important, some of which are my own thoughts and some of which are things I’ve observed:

- Define your respective roles at the beginning—this applies to in-house folks as well. With companies doing more and more work in-house, the role of outside counsel, in some matters, has changed. Get clarity early as to those expectations such as who is handling what tasks, who will be the point person for communicating with witnesses and gathering documents, who will take the lead on major motions, depositions, etc., and when you are expected to consult with the in-house lawyer on decisions.
- Communication—depending on the respective roles, it’s also helpful to establish from the beginning the frequency and manner of communication and updates. If it’s not a matter in-house counsel will be working on day-to-day with you, find out how that in-house contact prefers to receive updates.
- Put your people in touch with my people—make sure you and your office staff are aware of how you’ll function together day-to-day. For instance, it’s a good idea to identify and address any incompatible technology or processing issues such as the kind of document management software to be used if any, how documents will be stored and shared between the offices, etc.
- Budgeting—with legal spend a major consideration in the modern in-house legal department, it’s always good to discuss budgeting and anticipated fees early and often.
- Don’t create unnecessary administrative problems—for example, get bills submitted timely and follow any outside counsel billing guidelines that might exist. If they aren’t clear or you need exceptions, address those early in the process.
- Help the in-house lawyer be proactive—look for opportunities to help your in-house contact be better in his or her role by passing along practice tips on helping avoid disputes, offer training to your client on preparing witnesses for depositions, and get clients on your newsletters/webcasts/educational forms about new legal issues. Some might simply ignore it, but others will appreciate it and remember it. ➔

# WOMEN’S INITIATIVE JUDGES PANEL

By Alicia Hall



In April, the Women’s Initiative Committee for the Capital Area Bar Association hosted a panel of local judges at the Federal Courthouse in Jackson. The panel discussed the topic of advancing women in the legal profession. We are grateful for the following judges’ participation as panelists: The Honorable Linda Anderson, United States Magistrate Judge for the Southern District of Mississippi; The Honorable Dawn Beam, Associate Justice for the Mississippi Supreme Court; The Honorable Cynthia Brewer, Madison County Chancellor; the Honorable



Denise Owens, Hinds County Chancellor. The event was moderated by Jackson attorney, Lee Ann Thigpen with Carroll Warren & Parker, and it was organized by Committee Chairs Kaytie Pickett and Keishunna Webster.

Registration for the event was limited, and all seats were taken within three hours of being offered. The discussion was held in a roundtable format which allowed for a more informal



discussion, exchange, and interaction between the panel and the attendees. The discussion with the judicial panel ranged from personal backgrounds of the judges to advice on mentoring and work/life balance. Overall, the event was a tremendous success and plans are underway for the next Women’s Initiative Committee event. ➔

# 25th Annual GOLF OUTING

March 27, 2017 · Country Club of Jackson

*The 25th Annual Lawyers Golf Outing was held on Monday, March 27th at the Country Club of Jackson. Proceeds from the tournament were donated to the MS Volunteer Lawyers Project. Shown are scenes from the tournament. A Big Thank You to all of our tournament sponsors for making this event possible.*

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# LET ME NOT TO THE MARRIAGE OF TRUE MINDS ADMIT HEREDITAMENTS.

By Terry Rushing

This article began as idle chatter at a CABA Newsletter Committee meeting, where I expressed my horror at discovering that there were lawyer dating sites. I couldn't imagine that lawyers would set out to exclusively date other lawyers—kind of like Dr. Lecter limiting himself to cannibals. With fava beans and a nice Chianti, of course. But to my greater horror, most everyone else on the Committee thought those sites were a great idea—of course, most of them are married and out of harm's way. The discussion turned, as most of those discussions do, to whether a Newsletter article could be squeezed out of that subject. Predictably, I was persuaded (browbeaten, actually), since I am not married, to research those sites, preferably by joining one. Hey, I'm willing to take one for the team, but come on guys...

I put the task off for several weeks, but ultimately discovered that the sites are a bit shady: while they are advertised as lawyer dating sites, they are actually vehicles for singles to find professionals of any ilk, and I guess a lawyer would do in a pinch. Relieved that no further action was necessary, I put the specter of attorney hook-ups behind me. Then my son, Ira, who has just begun to practice law, got married last weekend. His wife, Stevie, graduates from law school this week. Did I mention that they're both lawyers? And they're married to each other. Ick.

Marrying a lawyer was never part of my life plan (which is a damn good thing, since no attorney has ever asked me out). My pre-pubescent romantic fantasies involved medieval princes, hero warriors, Paul McCartney, and the cutest guy in whatever movie I had most recently seen. It was never a guy with a briefcase,

a pair of Allen Edmonds, and a Volvo. Or a guy with a backpack, Chakos, and a Prius. Of course I know lots of male lawyers and consider many of them friends, but purely on a platonic level. The idea of *dating* one seems, I don't know, vaguely incestuous.

Census data suggests that most other female lawyers think otherwise, as they tend to marry other lawyers. To a lesser extent, female lawyers marry actors. (I *knew* my twelve-year-old imagination was on the right track!) Male lawyers, on the other hand, are much more practical. While they often marry another lawyer, they are as likely to marry an administrative assistant, thereby fully staffing the office. I am gobsmacked.

Being married to a lawyer must be hell; do you really want to spend your life with someone who overthinks *everything*? "I don't know, honey, do you think driving the blue coupe rather than the red sedan makes you more or less likely to get a speeding ticket? Maybe we should research this." Who wants to negotiate everything? "In return for passing the salt, I would like the remainder of the Chardonnay." Who checks his cellphone for emails every ninety seconds? Who has to plan a "spontaneous" weekend getaway nine months in advance? Who uses the word "disingenuous?"

If you marry an attorney, you can forget the concept of brevity in oral or written communications. One of our most annoying habits is making any informational exchange ten times longer than it needs to be because we qualify every term. With two lawyers, it would be interminable. I can imagine the following text exchange:

Honey—Timothy, our middle son, wants to consume a glass, which appears to hold

approximately eight ounces, more or less, of the dairy product that you purchased roughly five to seven days ago at the grocery store located on the frontage road of I-55 North, just past exit 100. In reviewing his (Timothy's) request, I have become aware, by reading the dairy product's container, that the date May 5, 2017, is stamped thereon. I am unaware of whether that date is the "sell by date," i.e., the date by which the product should have been purchased, or the "use by date," i.e. the date by which the product may be safely (or without gastric upset) consumed (taken internally). Can you advise, at your earliest opportunity, as to whether Timothy should consume said dairy product? I look forward to your reply. Sincerely, Warner.

Darling—You have asked me to make a recommendation as to the consumption of a dairy product by Timothy, our middle son. The pertinent facts, as I understand them, are these: the dairy product was purchased approximately five to seven days ago; the container is stamped with the date of May 5, 2017; and you cannot determine whether said date is the date by which the dairy product should have been sold or by which it should have been consumed. If I am mistaken regarding any of these facts, I would appreciate your correcting my error(s). As I am unable to make a visual inspection of said dairy product, I cannot give an opinion, to any reasonable degree of scientific or maternal certainty, as to whether the product should be consumed at this time. I am able to recommend, however, that you remove the cap from the container of the dairy product and review it from

*Continued on page 15...*

an olfactory perspective. If the product smells like a cross between cottage cheese and cat puke, while not offering any personal guaranty of its being too old to consume, I would recommend that the dairy product be discarded, by pouring it, in its entirety, into the waste drainage system of our home.

PS—Please remind Timothy that his Science Fair Project is due this Friday, and substantial completion will not be acceptable performance. If the project is not in its final form before the school day begins on Friday, please admonish Timothy that his cellphone is subject to parental seizure for a period of not less than thirty (30) days. Best regards. Elle.

Of course, not all lawyers are the same, and the idea that lawyers are fungible romantic partners is ludicrous. You're as unlikely to see a transactional lawyer making a scene at the airline counter as a litigator flyspecking a bar bill. Want someone who is compassionate and understanding about your children's failings and miscreant behavior? Marry a criminal defense lawyer. Need someone who will cross-examine the kids about the dent in the car? Marry a prosecutor. Looking for someone who will make a grandiose gesture for every

special occasion? Marry a plaintiff's lawyer. And if you're looking for someone who knows how much time it takes to do *anything*, marry a corporate defense lawyer.

Judicial law clerks are, of course, a unique category. What would it be like to be married to one of us? Well, we'll never sign a note to Johnny's teacher, but we'll be happy to draft one for your signature. We will never, ever have anything public to say about politics. Ever. (We'll vote, but we don't like to talk about it.) We'll enter rooms just ahead of you and announce your arrival, and we'll bounce out of chairs the moment that you stand up.

All of this sounds like a great deal, no? I imagine that, at least, an attorney would enter into marriage with another attorney with a realistic idea of what life will be like. We know that, if you take out the money, the glamor, the sex, and the drama, practicing law is just like on TV. We understand emergency hearings, waiting hours for a jury verdict, the deal that has to be put together before the end of the year, and the controlling precedent you just discovered that means you have to tear up your brief and start over. As an added benefit, if I feign interest in *qui tam* proceedings, you'll pretend to be fascinated by the disability grid.

The divorce rate for lawyers is around 25%—roughly the same as for doctors, or

greater than doctors, or less than doctors, depending on the article. That rate, surprisingly, is lower than the norm. The reasons why may be easily explained. For one thing, people married to lawyers may not see each other enough for familiarity to breed contempt. Another explanation comes from the premise that one of the occupations that most attracts psychopaths is the law. I suspect that they find a more expedient way of ending a relationship than a messy divorce. I have not found specific data relative to lawyer couples, but, again, they probably don't bump into each other enough to cause annoyance.

Having given this subject some thought, at least as much as it took to write this article, I think I have moved to being neutral-to-mildly-in-favor of lawyer marriages, at least for Ira and Stevie. This will be fun to watch. Any lawyer who wants to change my opinions over a drink (you're buying) is welcome to call. Finally, just so you know that some scholarly research went into this article, I can report that the U.S. Census site has a page for International Be Kind to Lawyers Day. Isn't it wonderful that the federal government shows such good will toward the legal profession? Unfortunately, near the bottom of the page is a listing of Lawyer Joke Web Sites. <sigh> 🍷



## CABA April Membership Meeting

# THE 2017 (REGULAR) LEGISLATIVE SESSION

By Brandon Jones



Republicans dominated Mississippi's 2015 legislative elections turning what were nominal leads in the House and Senate into super majorities in both chambers. This numeric advantage theoretically

enables Republicans to pass tax bills and other measures without Democratic support. Two sessions into this new reality, Republicans still face significant challenges in efforts to extend their electoral success into real policy results.

Among the priorities outlined by Republican leaders heading into the 2017 legislative session were two main goals: 1) addressing the state's crumbling infrastructure with a roads and bridges plan and 2) changing the state's current public education formula (MAEP).

If anyone at the Capitol believes Mississippi isn't in need of a plan to revive its roads and bridges, they aren't saying it out loud. Our state chamber of commerce, the Mississippi Economic Council, has made its "Mississippi Roads Matter" campaign the centerpiece of its work. If you've been to a civic club luncheon in the last year, chances are you've heard the presentation. While there was never a proposal that would fully address the state's road maintenance needs, the House did offer several proposals that would have provided additional funding. In the waning days of the session, debate on these proposals devolved into a discussion of whether the House's plan to earmark a portion of the internet sales tax for infrastructure was, in fact, a tax increase. The debate between Lieutenant Governor Tate Reeves and Speaker Philip Gunn, while fascinating, did not result in a solution and

the session ended without a real roads and bridges plan.

Prior to the session, legislative leaders took the unprecedented step of hiring an outside consultant to propose changes to the state's education funding formula. The consultant, New Jersey based EdBuild, made a presentation

in January offering several suggestions. That presentation marked the end of substantive public discussion on the subject. A bill was never drafted, no specific proposals were debated in committee and, as the session wore on, it became less clear which members of the legislature were actively working on a

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#### *August 4—August 12*

Monday—Friday ..... 7:00 am—5:00 pm  
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 Sunday ..... CLOSED

### EXCEPTIONS

#### *July 3*

Monday ..... 7:00 am—5:00 pm

#### **INDEPENDENCE DAY: July 4**

Tuesday ..... CLOSED

*Fall Hours to begin Sunday, August 13.*

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

*Continued on page 17...*

plan. At this point, predicting the proposal or a timeline for its unveiling is pure guesswork.

Because the House and Senate could not agree on a budget for the Department of Transportation or the Attorney General's office, they'll be back for a special session on June 5th, the start of the next fiscal year.

These misfires are emblematic of a leadership team that is still finding its way. My partner on MPB's @Issue, Austin Barbour, would caution that big policy changes take time. He's right. Our state faces considerable challenges and addressing these challenges will not happen overnight. But Republicans

have held sway over Mississippi government since long before they achieved their super majorities. For better or worse, our success will be tied to how quickly they can master the learning curve. ➔

# Lunch and Learn

## March 2017



# *An Evening* HONORING the **JUDICIARY** *Banquet*

The Capital Area Bar Association and the Jackson Young Lawyers Association held their "Evening Honoring the Judiciary" on Thursday, May 18, 2017 at the Country Club of Jackson. CABA members, honorees, and guests enjoyed a reception at 6:00 p.m. followed by dinner at 7:00 p.m. This annual event recognizes 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.

..... *Event Photos* .....



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# An Evening HONORING THE JUDICIARY *Banquet*

Event Photos



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An Evening HONORING THE JUDICIARY Banquet

Event Photos



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*An Evening*  
HONORING THE **JUDICIARY** *Banquet*

..... *Event Photos* .....

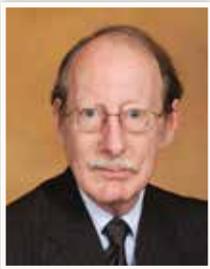


# » On Computing

Focused on the Contemporary Lawyer



## New Apps for Spring



By Joel Howell

From a variety of sources, here are some new apps for spring.

**Asana** app ([www.asana.com/apps](http://www.asana.com/apps)) is a free app that allows you to track and synchronize your Microsoft Outlook, and group messages. You can also sync with others and comment on ongoing projects.

**Business Tasks** (Android App store) is similar to Asana, and also allows you to make a to-do list by synchronizing your Google and Outlook tasks.

**Venmo** app ([www.venmo.com](http://www.venmo.com)), a free app, makes transferring money to a third party easy. You can connect your bank account and both receive from and pay others.

The free app, **LinkedIn** (Apple and Android store) allows you easy access to the website from your phone. LinkedIn helps you and/or your company to make connections with this business “social” site.

**Homesnap** (Apple and Android). It can be hard to find your home value when you are looking at selling, but with this app, it can be as easy as ABC. This app will give you an approximate value of your home and is the most accurate app so far in the app store.

The free **Drafts** (Apple and Android) synchronizes to your email account and allows you to type notes about anything you want. It can then send that note to your email when you request or save it in the app.

**GoogleKeep** (Android and Apple) is another note taking app, which lets you take voice notes, create tasks, and make to-do lists. It can also be synced with your Google account.

**Dictate and Connect** (Android and Apple) This is a good voice app that can register when you are or are not talking. It will stop recording if you stop talking for too long. You can also insert, move, or cut any audio you do not want.

**Whatsapp** (Android and Apple) is a very useful chat app.. It is best known for its ability to text or call to others outside the U.S. at no cost. It can also be used to make group messages over different phone platforms.

**Slack** (Android and Apple) is an app like WhatsApp, but you can also use it on a computer as well as your phone. Its best use is probably in a workplace among peers.

**Raindrop.IO** (Apple, Android, and Computer) will organize your bookmarks. You can save articles you like without filling up the bookmark tabs in your phone and/or computer. It allows you to put links in separate folders.

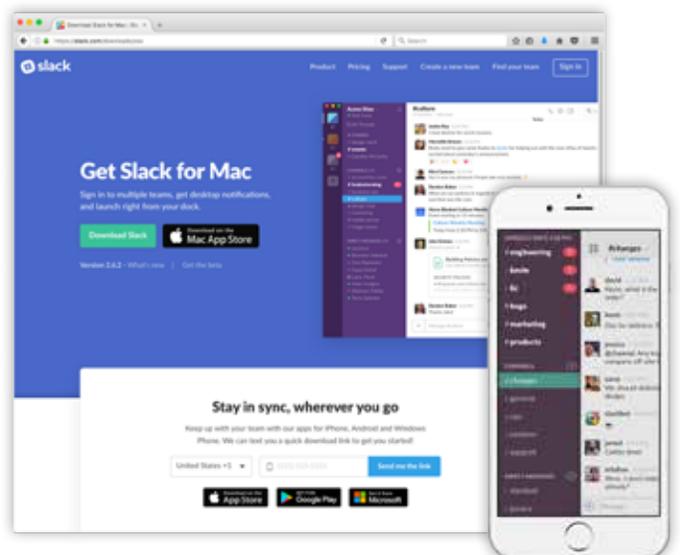
With spring right around the corner, you might be wondering what new tech there is to stock up to either take pictures for all the outdoor activities that are soon to begin. The **iPhone 7 Plus** is excellent for taking pictures. Apple has updated the phone to focus on clarity and duration. The now water-resistant phone, however, has had some complaints about not including a headphone jack. If you can get past this, though, the picture taking ability itself might make it worth the purchase.

Motorola has also come out with a new phone called **Moto**, which allows you to add hardware to your phone. If you want a louder speaker you can ‘snap’ a speaker to the back of the phone or if you want a projector you ‘snap’ it on. 📌



### Questions or comments?

Drop me an email: [jwh3@mindspring.com](mailto:jwh3@mindspring.com)



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