

President's Column

By Margaret Oertling Cupples



Welcome to a new year of the Capital Area Bar Association! It is an honor to lead this organization, and I hope that all of you are ready to dive in for some great events, CLE presentations, pro bono clinics, and other programs. By the time you read this we will have had our first membership meeting of the year featuring incoming Mississippi Bar President Jenny Tyler Baker, and we will be hard at work planning for the rest of 2023–2024.

As we wrapped up last year at the annual Evening Honoring the Judiciary in May, I was struck by how many of those present had contributed to CABA over the course of the year: our award winners (congratulations again to John Rouse, recipient of the Outstanding Service Award, and Frank Coxwell, recipient of the Community Service Award); our outgoing President, Kaytie Pickett (thank you, Kaytie, for an amazing year!) and other leadership; so many committee chairs and volunteers who helped make events happen—and our members, who attended events, gave of their time and talents at pro bono clinics, played

golf to raise money for MVLP, and more. **Thank you all for being a part of this large and active group that works hard to serve our community and our bar.**

As we look forward to the coming year, please renew your membership, send a link to the CABA website to a non-member friend to encourage him or her to join us, and please also let me know if there is a committee that interests you—there are all sorts of opportunities for you to connect. Your volunteer help isn't just a benefit for CABA, either: if you're a young lawyer, it can help you find a leadership position, develop a network, and meet other lawyers as well as judges. Even if you've been practicing for years (or decades), CABA membership can be a great referral network, a way to get out of the office and get some (free to members) CLE, and a platform for you to meet and mentor the next generation. And whatever your age or stage of practice, it's a great thing for your mental health! Lawyer burnout is real, and being plugged in to a network of others who work to strengthen our professional community can help.

All this to say: I hope to hear from you soon about how you'd like to get involved in CABA and about what you'd like to see our organization offer this year. Please be in touch. ➔

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July 4th Resolution:

Make the Effort to Buy American

Upcoming Events

August 15

CABA Membership Meeting
Noon • River Hills 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.

CABA Membership Luncheon Meeting

Tuesday, August 15, 2023

Lunch at 11:30, Meeting at 12:00 • River Hills Club

Free Lunch



BUYING STUFF WITH GOVERNMENT FUNDS:

A Procurement Primer

By D. Nathan Smith, LLM



Since passing the Mississippi Bar back in the dim times, I have had the unique opportunity to work on all sides of the collection and distribution of State and Federal funds. Early in my career, my job was to minimize the conversion of private funds into government funds by representing taxpayers.¹ Later I represented the State of Mississippi as a Senior Attorney for the Department of Revenue. My job there was the reverse: maximize the collection of tax revenue in accordance with state law. For the last several years I have worked in Federal grant compliance and monitoring; in a nutshell, ensuring that taxpayer funds are distributed in accordance with State and Federal law.

Having worked with the labyrinthine laws, rules, and regulations governing the collection of taxpayer funds, it only makes sense that the government's use of those funds is bound by similarly complex restrictions. Some of the strongest and most brightly colored strings attached to the distribution of State and Federal funds are the rules and regulations governing "procurement."

What is procurement? Prior to my work for the State, I had never even heard the word used in a formal sense. For the purposes of this article, it is any acquisition of goods or

services using government funds. There are State procurement laws, rules, and regulations governing the acquisition of goods and services with state funds², and there are Federal rules and regulations governing the acquisition of goods and services with Federal funds.³ These rules apply to government agencies, local governments, non-profits, for-profits, subrecipients, and any other entity that is receiving State or Federal funds to carry out a project or a program. In the case of State entities that are carrying out a Federal program, the State entity is required to follow the State procurement procedures that apply to it, as well as certain other Federal requirements.⁴ In the case of "other non-Federal entities" carrying out a Federal program, specific Federal procurement requirements will apply to them.⁵

If your eyes haven't involuntarily rolled back in your head and/or shut at this point, I want to assure you that the scope of this article will only cover general procurement standards and aspects of the Federal rules, specifically regarding the use of Federal funds by state agencies and other non-federal entities. Since Katrina days, Mississippi has received various tranches of Federal funds, with pandemic-related funds, i.e. CARES Act funds and ARPA funds, being the most recent. These funds are all subject to Federal procurement rules.

But before that, I want to address why procurement laws even exist. Private, for-profit entities spending their own funds have a wide range of discretion on their use of funds. After all, private businesses operate in a free

market economy. Most private entities seek to keep expenses as low as possible by seeking the best price on which to spend their hard-earned dollar.

Government entities, however, and private entities receiving government funds, didn't earn those funds. These are the funds of the taxpayers. Individuals working for these entities may have altruistic goals, and they are typically working within a budget. But altruism and good intentions can't be measured or policed by conventional means, while a system of procurement procedures can. **The goal of procurement laws is to ensure that taxpayer dollars are spent in a manner that minimizes costs, eliminates waste and abuse, and prevents conflicts of interest.**

There are teeth behind procurement laws too. These aren't merely guidelines or suggestions. The government's primary enforcement tool is the audit. Any Federal program receiving \$750,000 or more a year is subject to mandatory single audit. Various Federal agencies have the ability to audit their programs, with the Office of Inspector General operating independently to audit Federal fund usage. At best, a procurement violation will be considered a finding with a corrective action plan instated. At worst, a procurement violation will result in a clawback of any expenditures related to the procurement. Since funds have already been disbursed by the time of an audit, a clawback can result in disastrous consequences for the distributing entity.

Given this threat, what should an entity

1. As Justice Learned Hand acerbically quipped, "Anyone may so arrange his affairs that his taxes shall be as low as possible; he is not bound to choose that pattern which will best pay the Treasury;

there is not even a patriotic duty to increase one's taxes." *Gregory v. Helvering*, 293 U.S. 465 (1935).

2. See Miss. Code Ann. Sections 31-7-1 - 31-7-423.

3. 2 CFR 200.317-327.

4. 2 CFR 200.317.

5. *Id.*

Continued on page 3...

that has been tasked with distributing Federal funds do? First, the entity must be able to recognize what a procurement is and when it will occur. In other words, if the entity is holding Federal dollars and intends to send those dollars to another entity to provide goods or services, it must think about procurement. Once the entity has identified that a procurement is taking place, it must consider the amount of the proposed expenditure. For example, under Federal procurement rules, a purchase under \$10,000 (a so-called “micro purchase”) only requires the entity to determine that the cost of the purchase is reasonable. However, a purchase of \$250,000 or more requires a full-blown competitive bidding process. The third necessary consideration is that the entity must thoroughly document each step it takes in the procurement process. Simply following procurement rules is inadequate if the entity doesn’t leave an audit trail to support the steps that were taken. It is the equivalent of “showing your work” while solving an Algebra problem, which should strike fear in the hearts of most lawyers.

Overarching Considerations in Federal Procurements

1. Full and Open Competition

In addition to the three considerations above (is a procurement taking place? For how much? Am I documenting the steps taken?), there are other overarching considerations at play in procurements with Federal funds. The first is that there must be “full and open competition” for any procurement. This must be demonstrated in various ways depending on the fact scenario presented. For example, full and open competition in the procurement of \$125,000 worth of widgets can be shown by obtaining quotes from various vendors and

selecting the vendor with the lowest price. A memo to the file explaining the reasoning process, complete with documentation of the quotes obtained, can be used to fill any gaps.

On the other hand, full and open competition for a \$10 million construction project would require public advertisement and a sealed bidding process. In these cases, the low bid typically must be accepted. In the case of professional services contracts, a request for qualifications or request for proposals may be the required course of action, with a documented scoring system to ensure impartiality.

There are limited exceptions to full and open competition.⁶ These include “single source,” (or “sole source”) procurements, public exigency or emergency procurements, and a catch-all of inadequate competition. These exceptions should rarely, if ever, be used. Most sole source justifications fall apart under close scrutiny, and they also tend to invite such scrutiny. Likewise, and emergency or exigency is typically found not to be such. For example, the COVID-19 pandemic cannot be cited as an emergency that justifies non-competitive procurement for pandemic-related Federal funds, even though it is clearly an emergency.⁷ Micro purchases, discussed previously, are the only common procurements which may be treated as noncompetitive.⁸ Even in the case of a micro purchase, however, the guidance is clear that contracts and purchase orders may not be broken down into smaller pieces simply to fit under the micro purchase threshold.⁹

2. Affirmative Socioeconomic Outreach

Standing beside the requirement of full and open competition is the requirement that affirmative outreach must be made to certified minority—and women-owned business enterprises (“MBE/WBE”).¹⁰ While at first blush this may appear to be an anti-competitive



requirement that flies in the face of the full and open competition requirement, it has been structured to produce equitable outcomes as opposed to anti-competitive ones. The key points to bear in mind are: 1. The requirement applies to every procurement with Federal funds, unless impractical, 2. The requirement is to make affirmative outreach that gives M/WBE businesses the best opportunity to participate, not to actually procure a M/WBE businesses,¹¹ and 3. All six enumerated steps of 2 CFR 200.321 must be followed and documented.

The first point is equally as important as identifying that a procurement is taking place. If a procurement is taking place with Federal funds, the procuring entity must look to 2 CFR 200.321 and document the six steps enumerated therein. They are as follows:

6. 2 CFR 200.320(c).

7. This makes sense. If the pandemic was cited as justifying non-competitive procurement for pandemic-related funds, there would effectively be no Federal procurement standards for any expenditures of those funds.

8. Even if the procurement is non-competitive, the goods or services procured are subject to a cost reasonableness test.

9. Note how this contrasts with step three of 2 CFR 200.321, discussed below. There is a tightrope to walk here.

10. 2 CFR 200.321.

11. In fact, the Federal Emergency Management Agency has published an example of a recipient of Federal funds that procured a M/WBE business to perform work. However, because the entity

did not follow the six affirmative steps of 2 CFR 200.321, the use of funds was still subject to an audit finding. See the downloadable Fact Sheet at <https://www.fema.gov/fact-sheet/purchasing-under-fema-award-socioeconomic-contracting>.

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1. Qualified minority—and women-owned businesses must be placed on solicitation lists. How does one identify qualified M/WBE businesses? In Mississippi, the Mississippi Development Authority (“MDA”) maintains a Mississippi Minority Business Registry at mmbbr.mississippi.org. Using NAICS codes appropriate to the goods or services that are the subject of the procurement, one can search this list and identify M/WBE businesses to solicit.
2. Assuring that minority and women-owned businesses are solicited whenever they are potential sources. This means that identified M/WBE businesses must be contacted when a procurement is made. It isn’t enough to simply advertise a request for proposals and state that “minority—and women-owned businesses are encouraged to apply,” the solicitation must be affirmative and direct. Examples include sending certified mail to the M/WBE businesses or sending emails with read receipt enabled.
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by smaller businesses, which minority—and women-owned businesses tend to be.
4. Establishing delivery schedules, where the requirement permits, which encourage participation by minority—and women-owned businesses. This step is similar to step three, in that it is designed to break a project into bite-sized pieces that are more easily tackled by a small business.
5. Utilizing the services of the Small Business Administration (“SBA”), when appropriate, to assist in completing the prior four steps. SBA.gov maintains a nationwide database of certified M/WBE businesses and provides other services such as financing and grants to assist M/WBE firms in successfully bidding and completing projects.
6. When a prime contractor hires subcontractors, the prime is required to follow the prior five steps in awarding subcontracts. To ensure this step is met, the procuring entity typically includes a contract provision with the prime that requires the prime to follow the requirements of 2 CFR 200.321.

The astute reader will note that qualifiers such as “when economically feasible” or “when appropriate” are attached to many of these steps. In some cases it is not feasible to break down a project into smaller parts, or a qualified M/WBE firm does not exist for the requested service, or the services of the SBA are not required because the procuring entity already located qualified M/WBE businesses to solicit. In these cases the efforts to complete each step must be documented, with a memorandum to file that explains the processes followed.

There are rare cases when it is impractical to make an affirmative outreach to M/WBE businesses. For example, in the case of a sole source procurement, the only source may not be a M/WBE business. It is exceptionally difficult to prove a sole source procurement, however, and audit findings are littered with

failed sole source justifications. There is also guidance that, despite the broad language of 2 CFR 200.321, it is difficult to square the six affirmative steps with the minimal requirements of a micro purchase.

In some instances, a M/WBE business that supplies the goods or services necessary to carry out a government program simply does not exist. If this is the case, all search efforts must be documented, and they must be exhaustive. But Federal guidance also cautions against using unreasonable requirements, such as excessive bonding, that would deter a M/WBE business from taking on a project. In other words, a procuring entity could not simply say that a M/WBE business could not be located because none of the potential M/WBE businesses met the procuring entity’s excessive requirements.

Conclusion

This article is meant to be a very broad overview that draws awareness to the world of governmental procurement and some of the specific Federal requirements that must be followed when Federal funds are at stake. As always, you should seek the advice of a professional if faced with a governmental procurement. Bear in mind, however, if you intend to hire the procurement professional with government funds, you are making a procurement. You’ve got the cart before the horse. See? This is tricky. **Holding Federal funds is like holding a hot potato.** ➔

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2023 Spring SOCIAL

April 27 • Cultivation Food Hall

CABA celebrated with new admittees to the Mississippi Bar.



AI-POWERED LAWYERS: *The New Normal?*

By James “Bud” Sheppard

Artificial intelligence (AI) is rapidly changing the world, and the legal profession is no exception. As AI technology continues to develop, it will have a profound impact on the practice of law, but it is important that practitioners consider ethical obligations when using AI.

Law firms are already using AI to automate tasks, improve efficiency, and provide new insights. AI can presently be used to automate many of the tasks that lawyers do, such as research, document review, and drafting contracts. This can free up lawyers to focus on more complex and strategic work. AI can also currently help lawyers to be more efficient by providing them with access to large amounts of data and insights that would not be otherwise available. This can help lawyers to make more informed decisions and to provide better representation to their clients. AI can

be used to analyze large amounts of data to identify patterns and trends that would not be otherwise visible. This can help lawyers to better understand their clients’ cases and to develop more effective strategies.

The impact of AI on the practice of law is still unfolding, but AI has the potential to transform the legal profession. AI could improve access to justice by making legal services more accessible to people who cannot afford traditional legal representation. AI might also be used to negotiate contracts more efficiently and effectively to save businesses time and money. There is even rumor that AI could be used to predict the outcome of court cases.

Many challenges will need to be addressed as AI is considered in the legal profession including ethical concerns, discrimination, job displacement, and costs. Ethical concerns about the use of AI in the legal profession are considerable, spanning from confidentiality issues, conflicts of interest, and unauthorized

practice of law, to name a few. Bias and discrimination are a concern as AI systems are trained on data, and if that data is biased, the AI system will be biased as well, which could lead to AI systems making unfair or discriminatory decisions. There is also a valid concern that AI could displace some lawyers and lower law student admission rates. Furthermore, specialized AI technology will be expensive, which could make it difficult for solo and small law firms to adopt. It is important to have open and honest discussions about these concerns so that we can develop ethical AI systems that benefit the legal community.

Despite these challenges, the potential benefits of AI for the legal profession are significant. AI can help lawyers be more efficient, minimize costs and provide better representation to their clients, and make the legal system more accessible. As AI technology continues to develop, it will play an increasingly important role in the practice of law. ➡



CABA Membership Meeting June 27

CABA extended a warm welcome to incoming Mississippi Bar President Jenny Baker.

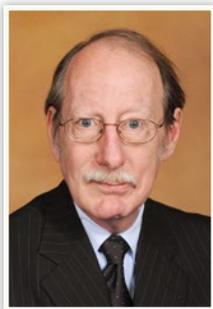
To view more photos of this CABA Membership Meeting please visit caba.ms

» On Computing

Focused on the Contemporary Lawyer



To AI or Not to AI?



By Joel Howell

Artificial Intelligence on an everyday level is here and this will give you some background and a start on using it. The dam was broken at the end of last year when ChatGPT was released. It's a natural language processing tool driven by AI technology that allows you to engage in conversation with the chatbot. It can answer questions to assist you with tasks, such as composing emails, essays, and code.

It's currently open to use without charge. ChatGPT is in its research and feedback-collection phase. You can access it by going to chat.openai.com and creating an OpenAI account. With thanks to the usual internet sources, UpTime Legal, and the NY Times, here's an overview of this rapidly advancing technology.

To understand what's going on, first understand the terminology and basic AI principles. Machine learning is a branch of artificial intelligence that enables computers to learn and make decisions without being explicitly programmed. With machine learning, a computer system is fed enormous amounts of data, like images or text, and it learns to recognize patterns and make predictions based on that data. The more data it processes, the better it becomes at making accurate predictions or decisions. Current examples of this are email spam filters and voice assistants.

Generative AI are tools that, as the name implies, generate content. The most notable of these are text-generation tools such as ChatGPT, and graphic/artistic generative tools like Midjourney. Both create high-quality content (text and creative works, respectively) at impressive speeds and low cost.

Large Language Models (LLM's) like GPT-3 and GPT-4 are advanced artificial intelligence (AI) systems designed to understand and generate text. These models are trained on ENORMOUS amounts of text data from diverse sources, such as books, articles, websites, and more, to learn the intricacies of language, grammar, and various subject matters. Imagine the model as a highly skilled librarian who has read countless books and articles across numerous

topics, including the law. This librarian can help answer questions, provide insights, and even draft documents by drawing on their extensive knowledge. These AI models are built using machine learning and are built to mimic the way human brains process information. By analyzing enormous amounts of text data, the model learns patterns and associations, enabling it to generate coherent, relevant responses. For lawyers and legal professionals, large language models will become increasingly valuable tools. They can assist with things like legal research, document drafting, or contract review by providing suggestions, summarizing information, or identifying relevant precedents. However, it's important to remember that these models are not infallible and, at least presently, should be used as a supplementary resource rather than a definitive authority. In other words, LLM's definitely get the facts wrong sometimes.

AI, has actually been in use for a while now. Artificial Narrow Intelligence, or ANI, is exceptionally good at exactly one thing, such as credit card fraud detection, or deciding what video to show on your YouTube feed.

Think of Artificial General Intelligence as what you might envision in science fiction — superintelligence that knows everything about everything (or many things across a wide variety of subjects and domains). AGI is not yet perfected, but some think we're close. Generative AI tools like GPT-4, by some accounts, live somewhere between ANI and AGI.

Given the foregoing background, consider a few examples of how to use ChatGPT:

Answering broad questions: Providing information on any topic you choose.

Drafting and editing content: Creating blog posts, articles, social media updates, and the like.

Summarizing information: Summarize lengthy texts, articles, or documents.

Brainstorming ideas: Generating creative suggestions or concepts for projects, marketing campaigns, or problem solving.

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Assisting with learning: Offering explanations or insights on various subjects to understand new concepts.

Scheduling and reminders: Manage schedules and calendar events or tasks.

Recommending resources: Suggesting books, articles, or other materials related to research needs.

Simulating characters: Creating fictional characters or dialogues for storytelling, screenwriting, or role-playing purposes.

The legal tech industry is experiencing rapid innovation as companies build and integrate AI and LLM technologies into their products. This development is in an early stage, but will undoubtedly change the way lawyers work, offering tools that can streamline processes, improve efficiency, and help deliver better outcomes for clients.

One example of this trend is Ironclad, which recently released its AI red-lining tool AI Assist. This new application, powered by the GPT-4 model, is the first contract redlining tool to utilize generative AI. It enables review, comparison, and revision of contract drafts to identify discrepancies, suggest edits, and ensure compliance with relevant laws and regulations.

Examples like this demonstrate the transformative potential of artificial intelligence in the legal sector. By automating time-consuming and repetitive tasks, these tools allow legal professionals to focus on higher-level tasks that require their unique expertise and judgment. As AI technology continues to advance and mature,

we'll certainly see even more powerful applications emerge in the legal tech space, helping to reshape the industry and the way legal services are delivered.

However, caveat emptor:

The lawyer for a man suing an airline in a routine personal injury suit used ChatGPT to prepare a filing, but the artificial intelligence bot delivered fake cases that the attorney then presented to the court, prompting a judge to weigh sanctions as the legal community grapples with one of the first cases of AI "hallucinations" making it to court.

Earlier this year, Colombia-based Avianca Airlines sought to dismiss a federal court case in which a man, Roberto Mata, alleged he was "struck by a metal serving cart" onboard a 2019 flight and suffered personal injuries.

When filing a response, Mata's lawyers cited at least six other cases to show precedent, including *Varghese v. China Southern Airlines* and *Shaboon v. Egypt Air*—but the court found that the cases didn't exist and had "bogus judicial decisions with bogus quotes and bogus internal citations," leading a federal judge to consider sanctions. 



Questions or comments?

Drop me an email: jwh3@mindspring.com

LOSS OF A GOOD MAN:

Judge Tom Broome

By Will Manuel

The judiciary of Mississippi suffered a tough loss in late May when Rankin County Judge Tom Broome passed away. Judge Broome was a dedicated public servant who spent over 20 years on the bench. One of his primary focuses was on the protection of children. He was the co-chair of the Mississippi Supreme Court's Commission on Children's Justice since it started in 2006. He was also on the National Council of Juvenile and Family Court Judges. He started the Rankin County Juvenile Drug Court and also a family drug court program that was unique within the state.

If you were ever in front of Judge Broome, or even around him at an event, you were influenced by his fantastic attitude, great sense of humor and his desire to make everyone feel welcome and comfortable. I appeared in front of him numerous times and served on Bar Committees with him. He always made me smile when he'd come

up to me and say "Hey, Manuel, how're you doing?"

Judge Broome was a lifelong Rankin County resident and valedictorian of Pearl High School. He was a fellow Bulldog graduating with highest honors with a degree in mechanical engineering. He attended MC Law, where he was on Law Review, the Moot Court Board and was twice the President of the Law School Student Bar Association.

In a time when we need more good and kind people in government, Judge Broome was a perfect example of what we should seek. He had a keen sense of justice, but more importantly, he had a giant heart and a good soul. He will be greatly missed. 



An Evening HONORING the JUDICIARY *Banquet*

CABA's Evening Honoring the Judiciary was a huge success. The event was held Wednesday, May 10th 2023 at the Country Club of Jackson, and was hosted by CABA and the Jackson Young Lawyers Association. Justice Jim Kitchens moderated a panel discussion featuring Hon. Cynthia Brewer, Hon. Winston Kidd, Hon. Dan Jordan, Hon. Kent McDaniel and Hon. Dewayne Thomas.



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An Evening HONORING THE JUDICIARY *Banquet*



This July Fourth Can't We Declare Our Independence from Chinese Goods?

By Terryl Rushing

When I was a child, I remember shopping with my Aunt Eileen, a feisty woman whose behavior ranged from borderline neurotic to full blown psychotic, and watching her turn every product over to see where it was made. If the sticker said "Japan," she vehemently slammed it back on the counter.

Of course, I grew up in the 50's and 60's, a time my son refers to as the Dark Times. World War II, for us, was not some distant event on The History Channel, but was a living memory for our parents, many of whom served, and Japan was still the enemy to them. China, on the other hand, was our friend and ally. In fact, following the Doolittle Raider's bombing of Tokyo, most of the B-25 crews landed in China. The landings were possible because Chiang Kai-shek agreed to the landing sites in China, despite the very real possibility of Japanese reprisals. Those reprisals came later, when the Japanese laid waste to much of the eastern shoreline and killed thousands of people.

Fast forward 60 plus years, and Japan is our friend and great ally, while China buzzes our airplanes, plays chicken with our warships, sends spy balloons over our borders, and relentlessly launches cyberattacks on our IT networks. Where do the Chinese get the money to pay for this? From us and our never-ending desire for lots of cheap stuff at cheap prices. If there is such a thing as a July 4 resolution, maybe it could be to free ourselves from this economic tyranny.

This article is not intended in any way to cast aspersions on the Chinese people or their culture. It's their Government that's

the problem. Statistics show that, in 2020, corporate taxation sent almost \$400 billion to the Government, which accounted for about 27% of Chinese tax revenues. That's a lot of money for armament, and we're paying for it. There are other foreign vendors, of course; I'm picking on China since they seemingly want to kill (or at least bully) us with their expensive toys. (Russia may feel the same way, but, unless you're buying Matryoshka dolls or vodka, it shouldn't be much of a problem.)

Other than the militarization of our shopping dollars, is there any other problem in buying Chinese goods? You betcha. Jobs. It was obvious from the early days of our educational careers that everybody wasn't headed for college, and there's nothing wrong with that. Maybe Darleen didn't like to read, or maybe she was just inspired by Lucy to make candy. Maybe Bubba had trouble with chemistry, or maybe he just-by golly-wanted to be a welder.

Those jobs used to be easy to find, and they paid decent salaries. Wayne Earl probably wasn't investing in stocks and bonds, but he could buy a house in a decent neighborhood and get Momma a new car every seven or eight years. The job offered him health insurance and a pension, and he could send his children (as long as there weren't too many) to college. Okay, college was a lot cheaper then.

What's Bubba doing now? Well, when he steps away from his fentanyl addiction, he's not doing much of anything, which is why he has a fentanyl addiction. When he can get his act together enough to find bus fare, he works as a dishwasher downtown. He lives in an old house with five other similarly under-employed guys, and they are all working on their Social Security disability applications.

After all, Aunt Juanita got disability, and she supports all five of the family members who immediately moved into her trailer.

So, okay, buying Chinese products is bad, but avoiding them is not so easy, especially if you shop online. Amazon is particularly nefarious; even when you search for products "made in America," you'll get a lot of results for products that simply are not. Sometimes, they try to avoid admitting that the product came from China, and it will simply say "Imported." If you look at the tag in a garment, though, it will admit that the garment was made in China. Or you may receive the package, and there are Chinese characters on the shipping label. My personal pet peeve is when you look at the instructions, and they are written in pidgin English. "Assemble painted surface to show outside."

On ebay, foreign suppliers have permeated a platform that people used to use to sell a hat found in Grandpa's closet after the funeral. Now, a search for men's hats turns up hit after hit showing multiple hats—different colors, different sizes—that are obviously not being sold out of anyone's closet. Some sellers admit straight out that their product is mass-produced in China. Some cleverly omit "Country of origin" from their descriptions. But the most outrageous ones claim that their product "ships from United States". One of those sellers even put an American flag on their page, but, if you scroll patiently down the description, admits that it is made in China.

How can you avoid buying Chinese products on ebay? You're in risky territory when your search turns up items that are shown in multiples. If you're willing to scroll through all of the search results, immediately eliminate

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any that show an impossibly endowed blonde wearing the product. If you don't want to scroll through the minefield, limiting the condition to "used" also works, but only if you are willing to buy a used product. You can specify that the item be located in the United States, but that just means that there's an American distributor of Chinese products somewhere on the West Coast. I specify that the product be within 500 miles or so. At least at this point, there doesn't seem to be a distributor in the deep south.

How else can we tell? When you shop in retail stores, you can always tip the product over, or look in the dress's seam, for the tag that squeals "Made in China." Before you shop online, you can search for products or companies that manufacture their products here. Although I'd love to take credit for this line of thought, many others came up with it before. Among the websites you can search for American-made products are: madeinthe-usamatters.com, americansworking.com, and usalovelist.com. Of course, buying American may mean higher costs, but c'mon. Lawyers can afford that. In any event, higher costs mean less stuff, and, in my (closet's) case, that's altogether a good thing.

This is not likely a sentiment welcomed by either of our countries, as they continue to search for common ground on which to base peaceful accord. And I'm told that the actual interplay of our economic systems is too complex for mere mortals like me to understand. Perhaps. But, as a consumer, I think I'm entitled to say, "Not on my nickel."

Benjamin Franklin once wrote, "Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety." The same goes for purchasing cheap t-shirts. Be vigilant. Assert your independence.

Finally, since we've mentioned the Fourth of July and its theme of patriotism, let's go over some of the rules regarding the display of the American flag:

The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.

The flag should never be carried flat or horizontally, but always aloft and free.

The flag should never be used for any advertising purpose, nor embroidered on cushions or handkerchiefs, printed on paper napkins or boxes, nor used as any portion of a costume.

In other words, y'all, the flag is neither a cape, nor a tablecloth, nor any part of a shirt. Just sayin'.

*By Terryl Massey, who can be reached at rushing.terryl@yahoo.com. Unless you're from the Marshals' Service, in which case I've moved to Australia. 🇺🇸



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Start the discussion...





CABA Membership Meeting *April 18*

The Bench and Bar Committee presented *Journey to the Bench: Views from the Bar and Beyond* featuring the newest members of the Hinds County Judiciary, Circuit Court Judge Debra Gibbs and Chancery Court Judge Tametrice Hodges.



To view more photos of this CABA Membership Meeting please visit caba.ms



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