

THE MISSISSIPPI Lawyer

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NO. 1



INSIDE

- Privacy and Social Media in the Workplace
- Finding Leverage in the Weeds: A Guide to E-Discovery
- Mississippi Electronic Courts - The Future is Now!

*Guy and
Susan Mitchell*

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Welcoming the 108th President of The Mississippi Bar



Guy W. Mitchell, III
Tupelo, Mississippi

On July 13, 2013, I had the honor and privilege of being sworn in as the 108th president of the Mississippi Bar. The lives of my wife, Susan and I have already been enhanced by the myriad of activities and associations which we have encountered since that time.

Our Bar Association, which consists of over 8,000 active members, is an extremely well run organization which provides opportunities of service to the public by its members and services to its members through the section and committee structure and through the varied programs offered by the Association.

We are fortunate to have longevity as an attribute of the staff of our Association. Starting at the top, Larry Houchins has been executive director of the Mississippi Bar for well over 30 years, and Melanie Henry, the associate director, has been a valued employee of the Association for 26 years. We are also fortunate to have an excellent general counsel in Adam Kilgore and an excellent general counsel staff with smart, hard working attorneys, including Jim Clark and Missye Martin. Glen Waddle handles the complaint line and communicates the information gleaned from his conversations with both lawyers and the general public to the Board of Bar Commissioners to help the Bar assist lawyers who need help with client relationships and organizational structure in their practice.

Our Bar sponsors CLE on the Road every year, which consists of three, day-long seminars in various parts of the state which assists members in obtaining their CLE requirements close to home with as little disruption of their practices as possible.

There are numerous sections which a member can join which provide detailed, up-to-date information online for members who specialize and choose to join the section that pertains to their specialties. In addition, the volunteer leadership of the Bar enables the Bar to expand its program selection, expand its services, and truly meet the needs of practicing lawyers across the state.

It is an honor to be “the face of the Bar” this year and to work with so many talented fellow members of the Bar to better serve the public and to bring better access to justice to all Mississippians.

High on my priority list this year are several programs which I believe need to be enhanced as we go through 2013-14.

First is the continued full funding of the judicial branch of our government. Due to a lot of hard work by my predecessors in the Bar officer group, many members of the Bar, and our excellent legislative liaison, Jimmie Reynolds, the Bar has been able to assist the Supreme Court in its efforts to provide increased pay for judges, district attorneys and assistant district attorneys and to fully fund the judicial budgetary requests from the legislature. Keep in mind that full funding of the judiciary

only involves about less than one percent of the state's overall budget. This is a very small portion of the budget to insure that the people of Mississippi are provided quality judges and access to the state's judicial system.

Another area of funding concern is funding for the drug courts, which have been proven to be such an asset to our society in providing alternatives to incarceration for drug offenders. The work of the Drug Courts has reduced recidivism substantially and the cost to the taxpayers has also been greatly reduced. These are successful programs which although partially funded through court fees, need an additional \$4,000,000 from the legislature to be fully funded for the coming fiscal year.

Secondly, many of you are aware that access to justice is not only an essential part of our society but a promise which was made over 50 years ago in the U.S. Supreme Court case of *Gideon vs. Wainwright*. To a large extent, that promise of representation regardless of ability to pay has been eroded through cuts in federal funding and a lack of funds on the local level due to extremely low interest rates on lawyers' trust accounts.

The Mississippi Volunteer Lawyer Project (MLVP) does an outstanding job of delivery of its services even on a reduced budget; however, the project has had to turn to their own independent effort of fundraising to meet the basic financial needs of the organization.

Additionally, the budgets for the Legal Services offices of North and South Mississippi have been cut due to a lack of federal funding; thus it is extremely important for all members of the Bar to participate in the volunteer projects across the state and to give of their time, talent and resources so that the promise of *Gideon vs. Wainwright* is better met in our state. Poor people need access to justice and without it, our society suffers.

Third on my list is to insure that the Bar fully utilizes technology and provides CLE and other assistance programs to help our members fully utilize technology in their practice.

Fourth, we have initiated discussions with both the Mississippi College School of Law and the University of Mississippi to find ways the Bar can assist the placement efforts of the law schools to find meaningful employment in legal related jobs within our state for new graduates.

Finally, the series of statutes which establish our unified Bar will stand repealed in 2015 unless they are extended or the repealer eliminated. That will be a legislative priority for the 2014 session of the legislature.

We are fortunate that our legal profession is largely self governing, and although other professions have certain powers of self-government, the legal profession is unique in this respect because of the close personal relationship between the profession and the process of government and law enforcement. To the extent that

Continued on page 8



Welcoming the 108th President of The Mississippi Bar

the profession is autonomous, it carries with it special responsibilities. Lawyers have a responsibility to insure that the regulations are conceived in the public interest and not in furtherance of self interest. Every lawyer is responsible for observance of the Rules of Professional Conduct. Lawyers today play a vital role in the preservation of society. The fulfillment of this role requires an understanding of a lawyer's relationship to the legal system.

As I assumed the role of president, I was faced with the question of what it takes to be a good president of the Bar. The program which the Bar has in place gives the president-elect many opportunities to discover and understand the role of the president before assuming that position. In thinking about what is required of the president of the Bar, I began to think about what is required of a member of the Bar to be a good lawyer.

It is a subject in which I believe all of us can benefit from a refresher from time to time of our obligations to the profession and the public.

In that regard, one only has to refer to the preamble of the Rules of Professional Conduct for Lawyers to find real guidance as to what it takes to be a good lawyer. To quote the preamble:

"A lawyer is a representative of clients, an officer of the legal sys-

tem, and a public citizen having special responsibility for the quality of justice.

As a representative of clients, a lawyer performs various functions. As advisor, a lawyer provides a client with informed understanding of the client's legal rights and obligations and explains their practical implications. As an advocate, a lawyer zealously asserts the client's position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealing with others. ... In all professional functions a lawyer should be competent, prompt and diligent. ... A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers, and public officials.

As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients; employ that knowledge in reform of the law, and to work to strengthen legal edu-

cation. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.

All lawyers, therefore, should devote professional time and resources and use civil influence to insure equal access to our system of justice for all of those who, because of economic or social barriers, cannot afford or secure adequate counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest."

Our Bar Association is strong because of its members and its dedicated staff. I look forward to working with all of you this year to enhance the Bar's services to its members and to enhance the Bar's image with the public at large.

These efforts will involve many of our members who will step forward and provide leadership with these and other areas of emphasis. For that involvement, I am truly grateful.

Let's have a great year! ■

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The Mississippi Bar Memorial Resolution October 22, 2013

WHEREAS, The Mississippi Bar gathers today with the Justices of the Mississippi Supreme Court to pay tribute to those attorneys who departed this life during the past year; and

WHEREAS, in mourning these colleagues, we recognize that each had a role in shaping our honorable profession. Some gave decades of service; the careers of others were cut short; but each had an impact on the endless pursuit of justice and the constant upholding of the dignity of law. They modeled for us a profession of dedication, honor, integrity, and wisdom, and reminded us that we are called upon “to do justice, love mercy, and walk humbly with our God;” and

WHEREAS, these individuals, while devoted to the noble practice of law, also shared their lives, love, and devotion with their families, friends, and communities throughout the years, we today celebrate all their countless contributions to their profession, their communities, and their families and friends; and

WHEREAS, we give thanks for the great and honorable profession to which those memorialized today devoted their lives, and we acknowledge that, without the devotion they exemplified, the freedoms we enjoy would be endangered and our individual lives would be less rich; and

WHEREAS, in the reading of these names, we express joy and thanksgiving for each of the following individuals who impacted our lives through their service to our profession and with their dedicated friendship;

LAWRENCE D. ARRINGTON, Jackson, MS, Admitted 1948	LAWRENCE B. KNIGHT, JR., Raymond, MS, Admitted 1977
WILLIAM LEWIS BAMBACH, Columbus, MS, Admitted 1983	WILLIAM ROBERT LAMB, Oxford, MS, Admitted 1959
FREDRICK MCKINNEY BELK, Jr., Holly Springs, MS, Admitted 1963	EDWARD POSEY LOBRANO, JR., Brandon, MS, Admitted 1965
TIM DAVID BLALOCK, Natchez, MS, Admitted 1974	RUFFIN THOMSON LOWRY, Lafayette, LA, Admitted 1947
WILLIAM JOEL BLASS, Pass Christian, MS, Admitted 1947	RONALD GENE MARQUARDT, Hattiesburg, MS, Admitted 1982
S. SMITH BONNER, Jackson, MS, Admitted 1967	JAMES MARTIN MCCARTHY, Gulfport, MS, Admitted 1967
DAVID ALLAN BURNS, Water Valley, MS, Admitted 1990	GERALD M. McMILLAN, McComb, MS, Admitted 1949
THOMAS PRICE CALDWELL, Hattiesburg, MS, Admitted 1935	STEVEN L. MELANCON, Brookhaven, MS, Admitted 1979
NOVA A. CARROLL, Carriere, TX, Admitted 1979	ANN WALKER MOORE, Holly Springs, MS, Admitted 1980
BILLY KLINGMAN CHAPMAN, Houston, TX, Admitted 1950	RICHARD MORTON, Boca Raton, FL, Admitted 1963
EDWIN THARP COFER, Grenada, MS, Admitted 1969	HUSHEL LAMAR MOSS, Raleigh, MS, Admitted 1975
MICHAEL J. COLLOPY, Hobbs, NM, Admitted 1972	WILLIAM HARBIN MYERS, Ocean Springs, MS, Admitted 1969
JAMES H. COLMER, SR., Pascagoula, MS, Admitted 1950	WILLIAM H. PERKINS, Sr., Southaven, MS, Admitted 1977
AARON STORER CONDON, Oxford, MS, Admitted 1952	JAMES CALHOUN PITTMAN, JR., Hattiesburg, MS, Admitted 1955
ALICE DALE GOODSSELL CONNELLY, Jackson, MS, Admitted 1980	JOAN SYLVESTER RATLIFF, Jackson, MS, Admitted 1980
ROBERT ELIJAH COVINGTON, JR., Quitman, MS, Admitted 1948	EDWIN H. ROBERTS, JR., Oxford, MS, Admitted 1972
ROBERT ADKINS CRAWFORD, Jackson, MS, Admitted 1969	GUY M. ROWLAND, Memphis, TN, Admitted 1950
THOMAS RAYMOND CREWS, Jackson, MS, Admitted 1951	GEORGE ELLIS SHAW, JR., Jackson, MS, Admitted 1956
ARCHIE LEWIS DICKSON, JR., Baton Rouge, LA, Admitted 1942	DONALD OTIS SIMMONS, SR., Gulfport, MS, Admitted 1952
DURWARD GRAY EVANS, Greenwood, MS, Admitted 1958	ROBY LEE STEGALL, Hattiesburg, MS, Admitted 1951
BOBBY JONES GARRAWAY, Bassfield, MS, Admitted 1957	JOHN HAMPTON STENNIS, Jackson, MS, Admitted 1960
GERALD CALHOUN GEX, Bay St Louis, MS, Admitted 1959	MARION F. TOMS, JR., Hendersonville, NC, Admitted 1956
LUNDY REID GUNN, SR., Madison, MS, Admitted 1952	BENNIE L. TURNER, West Point, MS, Admitted 1974
FREDERICK A. HANNA, Ridgeland, MS, Admitted 1976	JESSICA S. UPSHAW, Diamondhead, MS, Admitted 1984
RICKEY JAY HEMBA, Ocean Springs, MS, Admitted 1981	TALMADGE DEWITT VARNADO, JR., Perkinston, MS, Admitted 1983
LORI W. HOLLAND, Ridgeland, MS, Admitted 1983	GUY M. WALKER, Ocean Springs, MS, Admitted 1949
ROLFE LANIER HUNT, JR., Coffeeville, MS, Admitted 1962	JAMES WILLIAM WARREN, JR., Holly Springs, MS, Admitted 1972
SIDNEY LANIER HURDLE, Holly Springs, MS, Admitted 1949	MILIFORD AMBROSE WEAVER, Lucedale, MS, Admitted 1975
JOHN LEONARD JEFFRIES, Laurel, MS, Admitted 1965	JOSEPH CHARLES WEBSTER, Clarksdale, MS, Admitted 1972
WILBERT F. JORDAN, JR., Baton Rouge, LA, Admitted 1989	LESTER F. WILLIAMSON, SR., Meridian, MS, Admitted 1949
JOHN T. KEETON, JR., Grenada, MS, Admitted 1954	JAMES WEBSTER WILSON, Biloxi, MS, Admitted 1972
JAMES EDMUND KEMP, Jackson, MS, Admitted 1953	

NOW, THEREFORE, BE IT RESOLVED that the members of The Mississippi Bar assembled in this Memorial Service before the Supreme Court of Mississippi on this the 22nd day of October, 2013, pay tribute and honor to our deceased colleagues, and recognize their manifold contributions to our State, to our profession, and our society.

BE IT FURTHER RESOLVED that the members of The Mississippi Bar here assembled before the members of the Mississippi Supreme Court hereby extend their deepest sympathy and respect to the families of those colleagues whom we memorialize today.

BE IT FURTHER RESOLVED that this Memorial be made a part of The Mississippi Bar's permanent records and with the permission of the Justices, be entered into the Minutes of the Supreme Court of the State of Mississippi.

Respectfully submitted,
THE MISSISSIPPI BAR
Guy W. Mitchell III, President

Privacy and
Social
Media
in
the
Workplace

A magnifying glass with a silver rim is positioned over a white document. The word "PRIVATE" is printed in large, bold, black capital letters on the document. The magnifying glass is focused on the word, making it appear larger and more prominent. The background is a dark, gradient grey.

PRIV

*By
Zachary B. Busey*



As technology continues to develop, and online information becomes more and more accessible, courts and state legislatures have been much more proactive with regard to the privacy of employees.

Continued on next page

Privacy and Social Media in the Workplace

Employers must now use caution when searching the electronically stored information and communications of their employees. An employer may, for example, lawfully monitor an employee's e-mails and internet use, but only if the employer has disseminated a clear policy stating that employees have no expectation of privacy while using company-provided electronics or internet. That said, an employer must always avoid gaining access to private, web-based e-mail accounts such as Gmail, Yahoo Mail, and Hotmail. No written policy can grant employers access to an employee's private, web-based e-mail account. And while employers may view social media profiles or online information relating to their employees, an employer may never base an employment decision on an employee's "protected trait," e.g., race, age, religion, disability, etc.

I. Statutes & Regulations Protecting Privacy

There are a number of statutes and regulations that limit one's access to another's wireless devices and electronically stored information. The first of which is the Stored Communications Act ("SCA"), codified at Title 18 U.S.C. Section 2701 through Section 2712. The SCA creates a right to privacy for e-mail and other digital communications stored on the internet. The protections are similar to the protections created by the Fourth Amendment. As an example, in *Pietrylo*, managers 'strong armed' an employee for her password to an employee-run website, used the password to read posts by employees, and then terminated the employees. *Pietrylo, et al. v. Hillstone Restaurant Group d/b/a Houston's*, 2009 WL 3128420 (D.N.J. Sept. 25, 2009).

Following their termination, the employees sued their former employer, and a federal jury determined that the managers had violated the Stored Communications Act. *See also Crispin v. Christian Audiger, Inc.*, 717 F. Supp. 2d 965 (C.D. Cal. 2010) (warning that employers seeking to obtain unauthorized access to online information of potential new hires can run afoul of SCA, regardless of the number of individuals to whom the potential new hire has provided access).

The Wiretap Act, as amended by the Electronic Privacy Communications Act, is codified at Title 18 U.S.C. Section 2510 through Section 2522. The Wiretap Act prohibits the real-time "interception" of any voice or non-voice communication transmitted via wire, radio, electromagnetic, photoelectric or photo-optical system. The Wiretap Act contains a "provider exception," which covers internet and e-mail accounts provided by an employer, as well as a "consent" exception. Consent may be obtained in writing or by providing proper notice to employees that such electronic communication is being monitored—in writing is always preferred. In *National Fire Ins. Co.*, a group of seven employees sued their employer for recording their at-work conversations. *National Fire Ins. Co. v. NWM-Oklahoma, L.L.C., Inc.*, 546 F. Supp. 2d 1238 (W.D. Okla. 2008). A federal jury ultimately awarded \$10,000 to each of the seven employees. The Wiretap Act generally does not require a plaintiff to demonstrate actual proof of injury. Damages are typically awarded based on the offending party's actions alone. As another example, in *Butera & Andrews v. IBM Corp.*, 456 F. Supp. 2d 104 (D.D.C. 2006), an IBM employee utilized his IBM-provided computer hardware to "hack" a law firm. The

law firm sued IBM under a theory of respondeat superior, meaning the employer should be held liable for the actions of its employees. In the end, however, the Court held that under the Wiretap Act, an employer should not be held liable for the actions of its employees simply because an employer-employee relationship exists.

The Fourth Amendment protects the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." The touchstone of the Fourth Amendment is reasonableness. The reasonableness of a search is determined by balancing on the one hand the degree to which it intrudes upon an individual's privacy and on the other the degree to which it is needed for the promotion of legitimate governmental interests. As courts have explained, "[t]he recently minted standard of electronic communication via e-mails, text messages, and other means opens a new frontier in Fourth Amendment jurisprudence that has been little explored." *Quon v. Arch Wireless Operating Co., Inc.*, 529 F.3d 892, 904 (9th Cir. 2008). The Fourth Amendment requires government action to be applicable. However, a private employer may be a "government actor" when the employer "takes on the role of law enforcement." *See, e.g., Corngold v. United States*, 367 F.2d 1, 5-6 (9th Cir. 1966) (employer became government actor when it opened shipping containers in presence of law enforcement and at their request). Therefore, there are circumstances in which the Fourth Amendment limits the actions of a private employer. The Fifth Circuit addressed the issue in *United States v. Runyan*, 275 F.3d 449, 464-65 (5th Cir. 2001). There, a private employer conducting an internal investigation provided an employee's laptop to law enforcement after discovering it contained child pornography. The employee argued that such actions were similar to those of law enforcement; therefore, the Fourth Amendment should apply. The Fifth Circuit, however, held that the employer's actions did not invoke the Fourth Amendment.

Section 1030 of The Computer Fraud and Abuse Act ("CFAA"), "Fraud and Related Activity in Connection with Computers," creates a criminal violation and civil cause of action against an individual who "knowingly and with intent to



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defraud, accesses a protected computer without authorization, or exceeds authorized access, and by means of such conduct furthers the intended fraud and obtains anything of value.” The CFAA is exceptionally unique in that its reach spans well beyond the jurisdiction in which the acts took place. Venue can be proper based on the location of internet servers used in the violative acts. By way of example, in 2008 a federal jury in California convicted Lori Drew for her role in the MySpace bullying drama which resulted in the suicide of 13-year-old Megan Meier, specifically Drew was convicted of three misdemeanor counts under the CFAA. All the actions and events took place in Missouri. However, the MySpace servers were located in California. Therefore, venue was proper in California. The CFAA is also unique in that it is a double-edged sword. An employer could potentially be prosecuted under the CFAA for “exceeding” a social networking site’s terms of use; for example, by creating false profiles to protect the employer’s true identity.

Recently, in *United States v. Nosal*, 676 F.3d 854 (9th Cir. 2012) (en banc), the Ninth Circuit took the ‘bite’ out of Section 1030, especially for private employers. The United States filed a federal indictment against Nosal after he convinced several of his former colleagues to use their log-in credentials to download source lists, names, and contact information from a confidential database maintained by Nosal’s former employer. The Court dismissed the indictment outright, holding that the CFAA is only meant to control “hacking.” It was not intended as a “sweeping Internet-policing mandate.” The CFAA “targets the unauthorized procurement or alteration of information, not its misuse or misappropriation.” Therefore, the CFAA does not extend to violations of “use restrictions.” Other jurisdictions, however, continue to recognize Section 1030’s application in the employer/employee context. See, e.g., *United States v. John*, 597 F.3d 263 (5th Cir. 2010); *United States v. Rodriguez*, 628 F.3d 1258 (11th Cir. 2010); *EF Cultural Travel BV v. Explorica, Inc.*, 274 F.3d 577 (1st Cir. 2001); *Bashaw v. Johnson*, 2012 WL 1623483 (D. Kan. 2012); *NCMIC Finance Corp. v. Artino*, 638 F. Supp. 2d 1042 (S.D. Iowa 2009).

There has also been recent legislation in the area of privacy and social media in

the workplace. In May 2012, Maryland Governor Martin O’Malley signed into law Maryland Senate Bill 433 and House Bill 964. The Bills do not have fancy names, but together they prohibit employers from requesting or requiring that an employee or applicant disclose any “user name, password, or other means for accessing a personal account or service through an electronic communication device.” Maryland was the first state to enact legislation prohibiting employers from seeking login information for the private social media accounts of its employ-

ees.

Mississippi recently proposed House Bill 165. Like the Maryland legislation, the Bill prohibited employers from seeking login information for the private social media accounts of its employees. The Bill failed in committee.

At the federal level, the Password Protection Act of 2012 (“PPA”), versions of which have been introduced in the Senate and in the House, would enhance current law to prohibit employers from

Continued on next page



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Privacy and Social Media in the Workplace

compelling or coercing employees into providing access to their private social media accounts. Likewise, the Social Networking Online Protection Act (“SNOA”), which has been introduced in the House, would restrict students from being forced to disclose login information to schools, from kindergarten through college. Legislation of this nature appears to have bi-partisan support, and it is likely that some form of “social media” legislation will soon be passed at the federal level.

II. Electronic Messaging & Surveillance

There are several cases that illustrate how the laws and regulations discussed above interact in the workplace with common electronic tools and messaging services. With regard to text messages, in *City of Ontario v. Quon*, 130 S. Ct. 2619 (2010), the Supreme Court placed text messages on the same level as e-mails, voicemails, etc. The Court held that an employee’s right to privacy (as protected by the SCA and the Fourth Amendment) was not violated when his employer audit-

ed and read his employer-provided, two-way pager messages. The employer’s written policies allowed for such auditing and reviewing.

As for internet-based e-mail and messaging services, in *Fischer v. Mount Olive Lutheran Church, Inc.*, 207 F. Supp. 2d 914 (W.D. Wis. 2002), an employer hired a computer expert to examine the employer’s computers used by an employee for sexually explicit communications with minors. During the search, the employer guessed the employee’s password and the computer expert accessed the employee’s Hotmail e-mail account. As there was no consent to such access, the Court held that the employer’s conduct violated Secured Communications Act.

Finally, with regard to GPS, for the moment, the law is fairly simple: if an employer could do it with his or her own eyes, that employer can do it with technology. In other words, if you could lawfully follow your employees while they operate company vehicles (which you can), then you can monitor their use of company vehicles via GPS. See *Elgin v. St. Louis*

Coca-Cola Bottling Co., 2005 WL 2050633 (E.D. Mo. 2005) (GPS tracking “revealed no more than highly public information as to the [vehicle’s] location.”). The *Elgin* Court, like all courts dealing with privacy issues, relied upon authority interpreting the Fourth Amendment. *Elgin* at *3 (relying on *United States v. Knotts*, 460 U.S. 276 (1983) (upholding the government’s use of a primitive “beeper” tracking device)).

On January 23, 2012, the Supreme Court decided *United States v. Jones*, 132 S. Ct. 945 (2012). In this unanimous decision, the Court held that the government’s use of GPS to monitor a vehicle’s movements on public streets was a Fourth Amendment “search.” Therefore, the government needed a warrant in order to do so. While this case was not decided in the context of the employer/employee relationship, it could have a profound effect on the laws and decisions interpreting how employers may utilize technology to monitor their employees.

III. Internet & Social Media Policies

The implementation of a social media and internet policy is as easy as 1-2-3:

1. Draft a written policy and distribute it to all employees;
2. Train employees on the written policy; and
3. Consistently enforce the policy across the entire workforce.

With regard to the policies themselves, there is no one-size-fits-all social media policy. Employers must tailor a policy to their business needs and employee practices. However, there are several provisions that an employer should consider when drafting such a policy:

1. Notice to the employee that he or she should have no expectation of privacy regarding any information communicated using the company’s networks or equipment.
2. Notice to the employee that the company reserves the right to monitor, review, and inspect any information communicated using the company’s networks or equipment.
3. Notice to the employee that any content he or she publishes or communicates should not violate any of the employers’ policies, including anti-harassment or non-discrimination policies.

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4. A prohibition on the use of the company's trademarks without approval.
5. A prohibition on the use of any harmful, offensive, or threatening content.
6. A prohibition on the disclosure of any proprietary or confidential information belonging to the company or its customers. Confidential information includes any company trade secrets, customer identities, and financial information.
7. A requirement that an employee use a disclaimer whenever he or she expresses his or her views if he or she has identified himself or herself as an employee of the company. The disclaimer might read, "The views expressed on this account are my own and do not necessarily reflect the views of the company."
8. A requirement that employees disclose their true identity and disclose any vested interest he or she may have regarding a topic of discussion.

Once completed, the policy should be communicated in writing to each employee when they are hired, and it should be re-emphasized periodically so that the provisions remain fresh in employees' minds. Also, an employer should have each employee sign an acknowledgment stating that he or she received, reviewed, and had the opportunity to ask questions about the policy.

IV. Social Media in the Workplace

As noted above, an employer may make employment-related decisions based upon any publicly accessible content, so long as the decisions are not improperly based upon an individual's protected traits. The amount of information available on the internet is staggering, particularly with regard to young applicants and employees. However, just because the employer has access—or could gain access—to certain information does not mean that it may make employment decisions based upon it. With regard to online searches, an employer should consider the following:

1. Screen applicants in a uniform manner. One way to do this is to have a neutral party perform a social media search. Recruiting agencies or employment placement



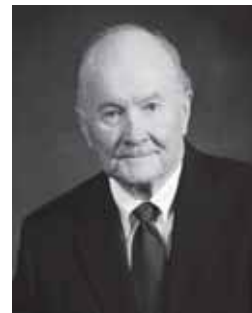
companies can provide these services.

2. Never create false personas or profiles to gain access to information that is otherwise private. Never.
3. Do not "friend" or otherwise contact applicants to gain access to their non-public information.
4. Identify an internal procedure to standardize a social media search so that each search is uniform in nature.
5. Document how and when a search is performed, and do your best to document what was viewed. Preserving screen shots or a web history of the search is helpful.
6. Do not make any decisions based upon an individual's protected traits. Ever
7. And remember, an employer should be able to identify a legitimate, non-discriminatory reason for each and every employment decision it makes.

V. Social Media Away from the Workplace

There are additional statutes and regu-

Continued on next page



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lations that restrict how an employer can react to an employee’s online activities away from the workplace. The most influential is the National Labor Relations Act (“NLRA”), codified at Title 29 U.S.C. Section 151 through Section 169. Section 7 of the NLRA states: “Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other **concerted activities** for the purpose of collective bargaining or other mutual aid or protection . . .” In *Lafayette Park Hotel*, 326 NLRB 824 (1998), the National Labor Relations Board (“NLRB”), which administers the NLRA, established that workplace rules which tend to “chill” employees’ abilities to exercise Section 7 rights are unlawful. In *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004), the NLRB went further and held that whether an employer’s rule or policy is unlawful requires a showing of one of the following: (i) employees would reasonably construe the language to prohibit Section 7 activity; (ii) the employer promulgated the rule or policy in response to union activity; and (iii) the rule or policy has been applied to restrict the exercise of Section 7 rights. Like in other areas of the law, “reasonableness” is a totality of the circumstances determination.

Employees may lose the NLRA’s protections if they post or transmit content that is harmful, offensive, or threatening.

By way of example, in *Knauz BMW v. Becker*, Case No. 13-CA-46452, (Sept. 28, 2011), an employee’s Facebook posts mocked the food offered at the “Ultimate Driving Event.” An NLRB Administrative Law Judge (“ALJ”) held that the posts were protected concerted activity as the food selection could have impacted the employee’s commission-based compensation and the posts were “logical outgrowth of” employee criticisms. See also *ANG Newspapers*, 350 NLRB No. 89 (2007) (holding that an employer’s e-mail policy, which forbade employees from using their company e-mail to discuss union affairs, to be unlawful).

The NLRA’s protections, however, are not absolute. Employees may lose the NLRA’s protections if they post or transmit content that is harmful, offensive, or

threatening. See NLRB Advice Memorandum, *Detroit Medical Center*, Case No. 7-CA-06682 (Jan. 10, 2012) (use of offensive racial stereotypes not protected); NLRB Advice Memorandum, *Lee Enterprises, Inc. d/b/a Arizona Daily Star*, Case No. 28-CA-23267 (Apr. 21, 2011) (telling residents of city to “stay homicidal” not protected); but see NLRB Advice Memorandum, *American Medical Response of Connecticut*, Case No. 34-CA-12576 (Oct. 5, 2010) (calling supervisor “scumbag” protected).

There is also the Federal Trade Commission’s (“FTC”) Guidelines Concerning the Use of Endorsements and Testimonials in Advertising, Title 16 C.F.R. Part 255. In pertinent part, an employer/company is “subject to liability for false or unsubstantiated statements made through endorsements, or for failing to disclose material connections between themselves and their endorsers.” 16 C.F.R. § 255.1(d). Material connections are those connections “not reasonably expected by the viewing / reading audience” and would include the “employer/employee relationship.” The Guidelines provide an example:

An online message board designated for discussions of new music download technology is frequented by MP3 player enthusiasts. They exchange information about new products, utilities, and the functionality of numerous playback devices. Unbeknownst to the message board community, an employee of a leading playback device manufacturer has been posting messages on the discussion board promoting the manufacturer’s product. Knowledge of this poster’s employment likely would affect the weight or credibility of his or her endorsement. Therefore, the poster should clearly and conspicuously disclose his or her relationship to the manufacturer to members and readers of the message board.

Under this example, an employer could potentially be liable for an endorsement made by an employee, even if it was made without the employer’s knowledge.

Lastly, the First Amendment, in relevant part, prohibits the making of any law abridging the freedom of speech. The First Amendment can also limit what actions a government employer can take



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against its employees. For example, in *Gresham v. City of Atlanta, et al.*, 2012 WL 1600439 (N.D. Ga. 2012), an officer filed a First Amendment retaliation claim after she was disciplined for a post on her personal Facebook page about alleged corruption within the department. The Court held that the post was protected speech; however, the police department's written policy forbidding public criticism of the department and the government's interest in preserving public confidence in the department's abilities outweighed any of the employee's constitutional protections. As a further example, in *Snyder v. Millersville Univ.*, 2008 WL 5093140 (E.D. Pa. 2008), a University denied an aspiring teacher her teaching certificate after discovering a picture of the student on MySpace with a "mixed beverage" and captioning the picture: "The Drunken Pirate." The Court rejected the teacher's First Amendment argument in large part because the student-teacher had been "warned" at orientation about postings on social networking sites such as MySpace.

Finally, here are some additional

whistleblower and anti-retaliation laws:

1. Age Discrimination in Employment Act ("ADEA"), Title 42 U.S.C. 12203;
2. Americans with Disabilities Act ("ADA"), Title 29 U.S.C. Section 623, as amended by the ADA Amendments Act of 2008;
3. Civil Rights Act of 1964 ("Title VII"), Title 42 U.S.C. 2000e-3;
4. Employee Retirement Income Security Act ("ERISA"), Title 29 U.S.C. Section 1140;
5. Fair Labor Standards Act, Title 29 U.S.C. Section 215(a)(3);
6. False Claims Act, Title 31 U.S.C. Section 3730(h);
7. Family Medical Leave Act ("FMLA"), Title 29 U.S.C. Section 2601(b);
8. Longshoremen's and Harbor Worker Compensation Act, Title 33 U.S.C. Section 948a;
9. Mississippi Whistleblower Act, Title 25, Section 9, Chapter 171 through Chapter 177;

10. Sarbanes-Oxley Act, Title 18 U.S.C. Section 1513(e);
11. Toxic Substances Control Act, Title 15 U.S.C. Section 2622; and
12. Water Pollution Control Act, Title 33 U.S.C. Section 1367.

The above laws may be triggered by an employee's online activity, but only if the online activity otherwise constitutes whistleblowing.

VI. Conclusion

Effective social media policies do not come in a one-size-fits-all package. No employer should blindly adopt the policy of another without first discussing the proposed policy with informed attorneys and HR professionals. The only thing worse than having no policy at all, is having a policy that is misguided, ill-fitting, or unlawful. ■

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Finding
Leverage
in the
Weeds:



A Guide to E-Discovery

By John Dollarhide

Today, much of the discovery process revolves around electronically stored information, or ESI.

Continued on next page

Finding Leverage in the Weeds: A Guide to E-Discovery

On the front lines of the information battle, the lawyer performing the lion's share of discovery tasks – gathering data, reviewing documents, negotiating discovery orders – is in the best and perhaps only position to leverage the efficiencies of e-discovery and to properly carry out ethical obligations. This article speaks briefly to how the e-discovery practice has modified the traditional model for legal services delivery. It then details the challenges and opportunities facing lawyers doing the work of in-the-weeds discovery.

I. Primer on E-Discovery

We should just call it discovery, not e-discovery. But saying e-discovery reminds us that things have changed, are changing, and will change. The traditional discovery model is not called traditional for giggles. Rarely will you find yourself gathering boxes of documents from a warehouse, reviewing every page, making copies of some and not others, and producing boxes of documents to the requesting party. This *used to be*, and sometimes

still is, standard practice. Now, however, most information is stored electronically. Many corporate clients have their own ESI divisions and outsource data processing to vendors they choose. Some do their own online hosting for outside counsel review and production. Document productions are routinely made via DVD or across FTP (file-transfer protocol) websites. Those are the changes. Today, advanced e-discovery practitioners are applying sophisticated technologies to make document review more efficient, techniques such as email threading, concept or topic clustering, and predictive coding or computer-assisted review. In the future, those technologies are likely to become mainstream. Like redacting documents in PDF editing software rather than using redaction tape or a marker. As time goes on, the technology lawyers use will continue to progress in terms of efficiency. The courts will follow suit. In turn, so will the rules of procedure. But for now, knowing the perils, pitfalls, and possibilities of e-discovery practice will put you way ahead of your opposition.

II. What You Must Do

Our ethical obligations have grown along with the efficiencies that technology has provided. One of your ethical duties, at least under the Model Rules, is competence. In the past, being “competent” in discovery simply meant being able to know what your case was about and what you need to ask of the other side. Today, competence entails the additional obligation to know about how people store information so you can make sure your opposition is providing you with, or at least searching for, the right information. In some cases, you may need to serve a 30(b)(6) notice concerning the company's litigation hold measures. You may need to elicit testimony from a company's senior IT professional about whether data was spoliated, and if so, whether it was done intentionally or negligently. You may need to prepare your own 30(b)(6) designee in defense of such a notice from plaintiff's counsel. Here are a few things you need to do to be more competent.

Identify and Preserve. The most important aspect of modern discovery, which necessarily includes a large percentage of electronically stored information, is preservation. More and more court decisions are being handed down issuing sanctions against lawyers and their clients not for intentional spoliation of data, but for their failure to properly preserve relevant information. Why? In my opinion, it is because preservation is no longer as easy as not destroying a car in car wreck case. Now, preservation means sending out litigation hold memoranda to each individual having potentially relevant information. It means turning off the auto-delete function in email programs. It means making sure data is not overwritten by new activity. And it means doing all this at the right time. To make sure these things are done promptly and properly, you need to know more about the sources of data and how it is stored and used.

Educate yourself. E-Discovery is perhaps the latest chapter in the “Things They Didn't Teach You in Law School” saga. For example, do you know what a claw-back agreement is or what it means to your client's trade secrets or to your confidential attorney-client communications? Early and often during your law practice,

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you must brush up on your e-discovery knowledge – both the courtroom kind and the client’s IT department kind. Becoming your firm’s go-to person for ESI issues or joining a firm’s e-discovery practice group is an invaluable attribute. E-Discovery-specific CLEs are a great way to learn a lot in a little amount of time. Because the practice area is relatively new, many e-discovery CLE programs cover a broad range of topics, from the elementary to the cutting-edge advanced technology. Even non-e-discovery CLEs usually include some form of e-discovery practice education.

Know what you need and what you do not. This part has not really changed that much since the impact of “Big Data” hit the US legal system. You still need to know your case, know what you have to prove and/or what your opponent has to prove, and have a winning theory. What e-discovery has changed is *how* you go about the gathering of information and the stockpiling of evidence. Now, you have to decide between native files, TIFF images, or simple PDFs. Consult with your IT staff on this (and almost every logistical e-discovery issue), but you will likely want TIFF images with associated metadata and extracted (OCR) text, which are easily imported into document management software such as Concordance or Summation. If you are dealing with specialized software such as CAD drawings or complex spreadsheets with heavy formula or macro use, consider requesting native files. Also, know what metadata you want, and only ask for that. Asking for too much metadata can be a problem, and certainly increases costs. As Tom Peters, bestselling business management practices author once said, “Addition is the exercise of fools. Subtraction is the exercise of genius.” An hour spent deciding what metadata fields you need will pay dividends in cost-savings to the client in e-discovery costs.

When I first started my e-discovery work, I thought I needed to demand native files in every document request I sent out. This is a typical rookie mistake. Ask yourself what is different about native versus a TIFF image. If the producing party extracts text using OCR and retains metadata in a separate load file, there is not

much difference at all. And you can Bates label a TIFF image, but you cannot Bates label pages in a native file, only the entire file itself. So the answer is: think about what you need out of the documents you request for production, and consult with your own litigation support staff if you are unsure about the proper format of production. In short, native is not always better.

Ask the tough questions – you may be the only one thinking about it. If you are the one carrying out the day-to-day tasks of discovery, communicating with the client and opposing counsel, you must ask the tough questions. You are in the best position to make sure all ethical obligations and “best practices” are being performed properly. Here are some of the questions to ask yourself and your client:

- Has our litigation hold memo gone out to custodians? Is it being complied with? Is it time to release the litigation hold?
- Who is going to collect documents? The client? A vendor? Who should be?
- Can we rely on FRE 502 to protect against inadvertent disclosure vis-à-vis privilege/work-product waiver?

The 26(f) preparation list below has more questions to ask. Asking may feel like bothering, but someone *has* to be asking these questions. A bothersome email now could save your client and your firm from being sanctioned later on.

III. What You Can Do

Control, or at least modify, each case’s discovery landscape. Courts, especially federal courts, are more aware of the ballooning cost of civil discovery. They are accordingly receptive to proposals to limit discovery to what is necessary. Propose an agreement to search only a limited number of key data custodians, five to ten, a date range limitation, and a list of search terms. Taking these steps early on can drastically decrease the time and expense of collection, processing, review, and production of documents.

Get Paid. Make sure you or someone else is keeping track of the costs of responding to your opposition’s discovery requests. If you prevail, you can submit a

bill of costs under FRCP 54(d)(1) and 28 U.S.C. § 1920 to recover the costs of “copying” documents. In e-discovery, this can mean anything from file-type conversion to the costs of online document productions. And this can be thousands and thousands of dollars, even in an ordinary case.

Obtain an Edge. Most advanced e-discovery processing tools are proven to reduce costs, increase precision and recall (information science terms you should know), and thereby increase efficiency. Concept searching will obviate creating lists of search terms. Email threading will drastically reduce time spent reviewing emails, which constitute the bulk of electronic communications. Other tools can remove duplicates and even near-duplicates, can remove useless and irrelevant system files from a produced hard drive, and can even tell you who was emailing whom about what, providing a powerful early case assessment insight. Predictive coding takes human reviewer input and makes educated guesses or rankings of

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Finding Leverage in the Weeds: A Guide to E-Discovery

documents not reviewed by humans, drastically decreasing review time. If you want to review a large number of documents that you received as the requesting party, and you are under a tight timeframe or are handling the case under a flat fee, success basis, or other alternative fee arrangement, you should strongly consider using predictive coding for your review.

IV. A Rule 26(f) Meet & Confer Preparation List

The discovery conference is one of the most important events in modern civil litigation in terms of an attorney's ability to limit the scope of discovery imposed on the client. Good preparation and good execution at the meet-and-confer will pay dividends later on in the case. The list below is designed to help you prepare for the Rule 26(f) discovery conference in terms of what you need to know about electronically stored information.

A. Assess

- How extensive is my client's ESI?
 - Is it just emails and documents? Are there databases? Is there proprietary or specialized software?
 - Does my client have a document retention/destruction policy? (If so, you are under a duty to issue a written litigation hold and monitor your client's compliance therewith.)

- In some cases, it is more efficient to preserve your client's data by collecting it. This accomplishes two tasks: preserves relevant evidence and allows you to make a copy of the data for use in the litigation. We call this collecting to preserve. The other option is to preserve in place and collect from the source later.

Does my client have a document retention/destruction policy? (If so, you are under a duty to issue a written litigation hold and monitor your client's compliance therewith.)

- Under *Zubulake IV*, “**once a party reasonably anticipates litigation, it must suspend its routine document retention/destruction policy and put in place a ‘litigation hold’ to ensure the preservation of relevant documents.**” 220 F.R.D. at

- 218. This obligation extends even to reasonably accessible backup tapes.
- Identify the “key players” – key document custodians who are most likely to have relevant ESI on their devices.
- How extensive is the other parties' ESI?
 - Ask *your* client - they may know, especially if it is a commercial dispute.
 - Figure out the likely sources of ESI that will be important to your case. This will help you craft the appropriate discovery responses.
- How can I access/retrieve or “collect” the ESI?
 - Do I want client emails forwarded to me? (The answer is no.) Do I need to have hard drives imaged/copied? (Maybe.) If my client's IT staff cannot do it, should I get a vendor to collect the ESI? (Yes – do not use a law firm employee.)
 - Establish a chain of custody log.
- How am I going to produce the ESI?
 - Is metadata important to your case? To your opposition's? Will proprietary or specialized software be required? Is this a case where TIFF will be sufficient for me? For my opponent? What metadata fields do I want to receive?
- How much is this going to cost?
 - Consult with your firm's litigation

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support or IT support personnel, or hire a vendor.

- In complex ESI situations, there is advanced data assessment software, commonly called analytics, that can help reduce time spent on discovery.
- Keep track of the costs. You can submit them in a bill of costs upon winning a case.

B. Plan

- Based on the information I want, what are my ESI considerations in crafting discovery requests?
- Do I need a corporate ESI witness for discovery purposes?
- You likely need to negotiate a clawback agreement for inadvertently produced privileged and protected ESI. Maintain satisfaction of your Rule 1.6 duty of confidentiality.
- Compile a list of keyword search terms.
- How am I going to review the information?
 - Do I need outside document review counsel, or can we do it in-house?
 - Do I want to use analytics such as concept searching/clustering or email threading?
- How am I going to produce my data?
 - You will answer this largely with the knowledge you have gained during the assessment phase.
 - Consider hosting your productions online to maintain institutional control.

C. Discuss

At the Meet & Confer, be able to, and do, discuss the following* issues:

- The steps the parties have taken to preserve ESI;
- The scope of ESI discovery and an ESI search protocol, including methods to filter the data, such as application of search terms or date ranges;
- Procedures to deal with inadvertent production of privileged information;
- Accessibility of ESI, including but not limited to the accessibility of back-up, deleted, archival, or historic legacy data;
- The media, format, and procedures for preserving and producing ESI, including the media, format, and procedures for the Fed. R. Civ. P. 26(a)(1) initial disclo-

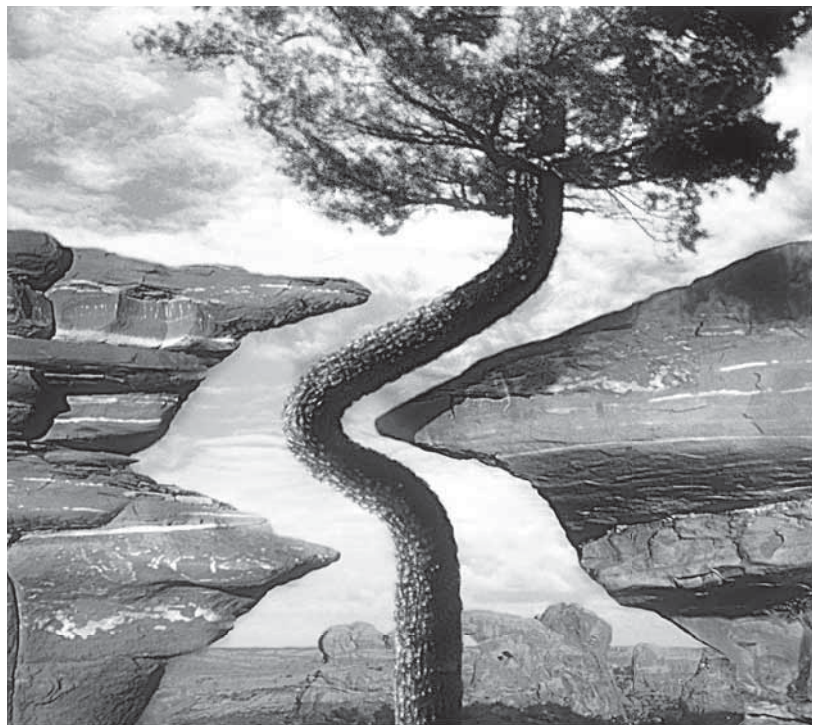
tures (if applicable);

- Allocation of costs of preservation, production, and restoration (if possible and/or necessary) of any ESI;
- The need for a designated resource person; and
- Any other issues related to ESI.

If there are disputes, move for a protective order.

*These eight items are adopted from the Local Rules of the U.S. District Court for the Western District of Pennsylvania ■

John Dollarhide is a member of the Commercial Litigation Group in the Ridgeland office of Butler Snow LLP. His practice is focused in complex commercial disputes, pharmaceutical and general litigation, insurance coverage, and e-discovery. John graduated magna cum laude from Mississippi State University in 2005 with a B.S. in Psychology. He graduated summa cum laude from Mississippi College School of Law in 2010.



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FUTU

Mississippi The

By Clint Pentecost



FUTURE

Electronic Courts – Future is Now!

Imagine a day when an attorney in Hattiesburg spends the morning filing pleadings in Harrison County, serving and being served documents in cases in which she has appeared in Hinds and Rankin Counties, and reviewing court files from DeSoto County – all from the convenience of her office and all electronically without the need of handling any paper.

Continued on next page

Mississippi Electronic Courts – The Future is Now!

Or, imagine a day when an attorney in Columbus searches the court records of the entire state to determine if his prospective client has been a party in any other legal action in some other part of the state. Or, imagine a day when the disposition information for a criminal defendant is automatically and routinely transmitted from the trial court to the Department of Corrections and other interested agencies, divorce records are similarly transmitted to the Department of Health, or indictments and related information are transmitted from the District Attorney's office to the clerk's office through electronic means. Or, imagine a day when a deputy clerk in Madison County can prepare an appeal record in just a couple of minutes as opposed to hours or days and transmit that same record electronically to the Clerk of the Supreme Court. Or, imagine a day when an entire case can be electronically transferred from the clerk's office in Montgomery County to Grenada County in a matter of minutes.

Fortunately, a growing number of attorneys, clerks, and judges no longer have to imagine many of these activities. For nearly two-thirds of the active attorneys in the state, the county in which they practice is part of this growing reality of the Mississippi judicial system – in other words, the future is now. For those attorneys not in one of these counties, the future is right around the corner.

A Brief History of MEC – Where We've Been

It has not been that long ago that the Mississippi Electronic Courts (MEC) system was just a concept being discussed around a conference table. Beginning in 2005, the Mississippi Supreme Court resolved to undertake the monumental task of developing and implementing a uniform electronic filing and case management system to ultimately be utilized in all Mississippi courts. The E-filing/Court Docket Management Study Committee, made up of judges, clerks,

court administrators, and attorneys from around the state, submitted its report to the Supreme Court in May 2005 which set forth the goals and standards for an electronic court system. This report laid the groundwork for what is now known as MEC. On the heels of the May 2005 report, a group was engaged to perform a functional needs analysis by interviewing a sampling of clerks, judges, court administrators, private attorneys, district attorneys, and other interested parties. The purpose of the analysis was to obtain an overview of how courts were managing cases and the tools needed to improve case management as well as recommendations on how to move forward with the development of a new system.

Through the work of the committee and those responsible for the needs analysis, the decision was made to explore the possible use of the federal court District CM/ECF system. Through the assistance of Senator Thad Cochran, the Administrative Office of U.S. Courts entered into a partnership with the Mississippi Administrative Office of Courts for use of the District CM/ECF system. The agreement to allow Mississippi courts to utilize CM/ECF provided great benefits. First, AOUSC began development of CM/ECF in 1996. So, the Mississippi courts were able to take advantage of tens of millions of dollars of research and development of a system created by courts for use in the courts. In addition, a version of CM/ECF is used by nearly 200 federal courts across the country. So, the Mississippi courts were able to begin with a system which had been tested and proven to work for both electronic filing and case management. Finally, and perhaps most importantly, the CM/ECF software was given to Mississippi courts at no cost. So, the Mississippi courts were able to start with a robust and reputable system which cost nothing for the local courts utilizing the system. In short, the agreement with the AOUSC was a huge win not only for the Mississippi Judiciary and attorneys of the state but the citizens of Mississippi as well.

After acquiring the CM/ECF system, the MEC team began work on modifications of the system to accommodate the specific needs and functionality incumbent with state court. Work began in Madison County Chancery in May of



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2008 to customize the CM/ECF system and mold it into what we now know as MEC. Since May of 2008, the milestones for MEC have been numerous and continual. The first attorney e-filing was made in Madison County Chancery in July 2009. Madison County Circuit Court became the first circuit court to use MEC in January 2010 with County Court coming on later in 2010. Madison County Chancery Court became the first paperless court in January 2011. Harrison County became the first to simultaneously implement MEC in all of its courts beginning in October 2011.

The MEC development team has modified and improved the original CM/ECF system received from the federal courts. The system began being housed at the state ITS data center in the spring of 2009 which allowed for several cost-saving measures to be implemented by the development team. The single login from court to court for attorneys was developed by the MEC team early in the project as well as the capability to transmit statistical data to the AOC. Recently, the development team has created a process by which MEC can migrate case data and documents from a local court's legacy system allowing courts to preserve their historic case information within the new MEC system. The enhancements and modifications to the original CM/ECF system are many and will continue to be made on an ongoing basis as user feedback and experiences dictate.

A look back at where MEC has come from over the past eight years is exciting. There has been a great deal of positive movement toward realization of the original vision of a statewide court system. Even more exciting, though, is a look at where MEC is today and where it is going in the future.

MEC Today – Where We Are

When I was practicing full-time with a firm in Jackson, my litigation practice was split about half-and-half federal and state court. I loved the flexibility provided by the federal CM/ECF system. The ease of finding a case, looking at a document filed in a case, e-filing a motion, or determining whether someone was involved in litigation was great. To have that access from my office, home, or even on vacation allowed for greater flexibility and efficien-

cy in my practice. The frustration came when I could not do the same thing with my state court cases. To get something filed in state court, everything had to line up perfectly, at the office – the printer needed ink, the copy machine had to be working, we needed paper and envelopes, the postage meter needed to be available, and someone had to get things to the courthouse, post office or both. To get a copy of a pleading from a court file or check a case docket could quickly turn into a fiasco. Managing cases in both an electronic filing/case management system like CM/ECF and a conventional filing system became a source of frustration because of the ease of the one and the sometimes burden of the other.

The hope with MEC is that attorneys will begin to experience greater flexibility, reliability, and efficiency in their practice through the use of electronic filing in and electronic access to trial courts in Mississippi.

With MEC, registered attorneys have the capability to access electronic docket information, view and download documents, access case management data, and obtain other case information 24 hours per day, seven days per week. This access allows the attorney in Meridian to search the court records in Warren County to determine the status of a pending case to determine whether he wants to represent a prospective client and, then, print or download the entire court file.

Registered attorneys also have the capability to electronically file documents 24 hours per day, seven days per week. Documents are automatically docketed as part of the filing process and are immediately available electronically through an

established account. So, the attorney in Natchez who has a response to a motion due today in DeSoto County can electronically file the response up until 11:59 p.m. and it will still be considered timely filed today. And, there is no cost associated with the electronic filing of documents in the system.

Using one login, registered attorneys are able to electronically file in any court which is a participant in the system. Once registered, an attorney will maintain a single account from a centralized maintenance screen. For example, when an attorney logs into Hinds Circuit and changes his e-mail address, the e-mail address will automatically be updated in all instances of MEC.

Once a document is electronically filed, an automatic e-mail notice of the case activity is sent to all registered attorneys of record in the case. For the filing attorney, this system-generated e-mail satisfies the Rule 5 service obligation for those registered attorneys in the case. The filing attorney is only responsible for conventionally serving those in the case who did not receive the system-generated e-mail notice. The e-mail notice also contains a link to view this "service copy" of the document which was filed. This means registered attorneys of record in a case will always receive a free service copy of any document filed in their cases.

Use of MEC will help reduce the costs incurred by attorneys related to court filings, including copy costs, postage, and courier fees. For example, the average document e-filed by attorneys in MEC is about five pages. To print, copy, and mail the average document to other attorneys in

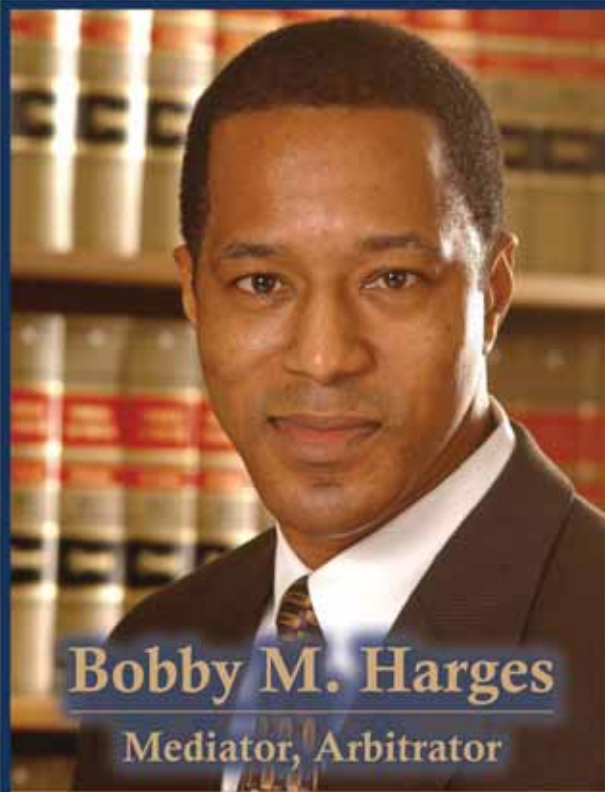
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Grenada

Grenada Lake Medical Center to become University of Mississippi Medical Center Grenada

As of January 1, 2014, Grenada Lake Medical Center will become University of Mississippi Medical Center Grenada. From that date forward, employees who were formerly the employees of the Grenada Lake Medical Center will be employees of the University of Mississippi Medical Center. This change in management will also change the notice requirements under the Mississippi Tort Claims Act. From and after January 1, 2014, all notices of claims arising out of UMMC Grenada must be delivered to the Vice Chancellor of the University of Mississippi Medical Center, and all summonses must be served upon the Attorney General of the State of Mississippi.



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a case would cost over one dollar per service copy. Although a seemingly small cost, the savings over time will add up for those who fully utilize the system.

Just like attorneys, court users also have access to MEC 24 hours per day, seven days per week. For example, a judge in DeSoto County can review his cases from Montgomery County at any time from anywhere. MEC speeds delivery of documents and allows for easier tracking of case activity by the clerk's office. MEC also reduces the physical storage space needs and document processing times for not only the courts but attorneys as well. MEC provides several other case management features for both chambers and clerks, including the ability to automatically receive reports on filings made, track deadlines, and the ability to create appeal records.

During the past four years, just over 4,000 attorneys have registered to use the MEC system in some capacity. During that time, MEC has provided hands-on training to over 700 attorneys and support staff as well as numerous CLE and bar meeting presentations. Electronic filing is currently available in 21 trial courts as well as both of the appellate courts with four more trial courts expected by the first of part of 2014 and another ten to fifteen to be added in 2014. It is becoming evident that the Mississippi judicial system is evolving into one which relies on an efficient, uniform electronic filing and case management environment – in other words, the original vision of a statewide court system is close to becoming a reali-

ty in the form of the MEC system. But, with all the current benefits of MEC available to its users and the great strides which have been made over the past four years, there is still more work to be done.

MEC's Future – Where We're Going

The user experience with MEC has been favorable thus far as evidenced by the long list of requests for the system

As MEC continues to expand, implementations will focus on geographic areas of the state which currently do not have MEC as well as filling-out those court districts which only partially use MEC.

from courts around the state as well as the number of attorneys using the system on a regular basis. While the favorable response to MEC bodes well for the future of MEC, MEC has goals to realize the original vision of a statewide court system. Moving forward, the focus of MEC will be on adding new courts, continued improvements to user experience through system modifications, and development of new features.

MEC has a growing list of courts interested in implementing MEC. As MEC continues to expand, implementations will focus on geographic areas of the state which currently do not have MEC as well as filling-out those court districts which only partially use MEC. Over the next

couple of years, we should see exponential growth in the number of courts using MEC across the state.

MEC values user feedback. Through continued training, contact with the MEC Helpdesk, and interaction with users at the various courts, MEC is constantly gathering information to help improve the system. As feedback is received from attorneys, clerks, judges, and other users, MEC analyzes the information to determine if a system enhancement can be made based on the feedback which will ultimately improve the user experience. Once analyzed, the MEC development team makes improvements which are released throughout the year.

In addition to enhancements resulting from user feedback, MEC continues to work on features which are part of the original mandate of the project. For example, the MEC development team is currently in the final stages of developing court-to-court electronic transfer of cases, electronic transmittal of appeals, a party/case index which will allow a single search across all courts, and the capability to transmit statistical data to other state agencies.

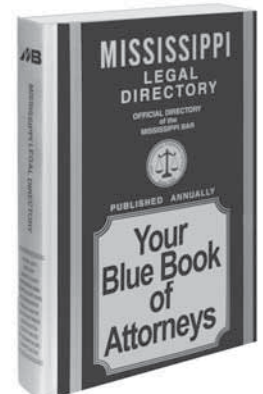
The concept of a uniform electronic filing and case management system, which began in 2005, is quickly becoming a reality. It is truly exciting to watch as the Mississippi judicial system is evolving into one which relies on an efficient, uniform electronic filing and case management environment. With MEC, the future is now. ■

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Mississippi Volunteer Lawyers Project Celebrating 31 Year Anniversary October 24, 2013



Receiving Pro Bono Awards were (front row) Michael Wilson, Cynthia Mitchell, Zachary Busey, and Steve Headrick (back row) Corrie Schuler, Mary Catherine Barlow, Charles Lindsay, and Mimi Arthur



MVLP Board Chair Donna Brown Jacobs and Tiffany Graves, MVLP Executive Director/General Counsel



MB Executive Director Larry Houchins, MS Bar Past President Nina Stubblefield Tollison, and MB President Guy Mitchell



Corrie Schuler and John McCullough, MVLP Board of Directors Vice-Chair



Amanda Green Alexander, MVLP Board of Directors, La'Verne Edney, and Tchanavia Bryant



Corey Hinshaw, MVLP Board of Directors, Jennie Eichelberger, MVLP Advisory Board, and Matt Eichelberger



Steve Headrick and Lewis Burke



Adam Gates, Adria Hertwig, and Ceejaye Peters



Cassie Smith and Carter Smith and Dot and Briggs Smith

MB Bar President Guy Mitchell and his wife Susan, Dean Jim Rosenblatt, and MS Bar Past President Hugh Keating, MVLP Board of Directors



Kenneth Farmer, Arthur Calderon, Deborah Hicks, and Pat Zimmerman



Jennifer Hall and James Graves



Dewey Arthur, Mimi Arthur, and Amy Strickland



Michael Wilson, Sara Cotten, and Clifton Cotten



Kenya Rachal and Zachary Busey

Cindy Mitchell and Charles Lindsay



The 5th Annual MVLP reception was held at the Bar Center.

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_____ I cannot attend but would like to purchase the CLE Book for \$100.00 (mail check to above address).

Final Disciplinary Actions

Disbarments, Suspensions, Inactive Disability Status and Irrevocable Resignations

Ray T. Price of Kingsland, Texas: A Complaint Tribunal placed Mr. Price on **Disability Inactive status** and held any pending disciplinary matters in abeyance, pursuant to Rule 18 of the Mississippi Rules of Discipline (MRD). Mr. Price must file for reinstatement from Disability Inactive status under Rule 25, MRD, in order to return to the practice of law. Should he later be successfully reinstated, he would then face any pending disciplinary matters.

Philip Gregory Meek of Olive Branch, Mississippi: A Complaint Tribunal **Disbarred** Mr. Meek from the practice of law for violations of Rules 5.5, 8.1(b) and 8.4 (a and d) of the Mississippi Rules of Professional Conduct (MRPC).

The Bar received information indicating Mr. Meek represented a client in the

United States Bankruptcy Court for the Northern District of Mississippi at a time that Mr. Meek was suspended from the practice of law in Mississippi for non-payment of mandatory Bar dues. Mr. Meek had been suspended on January 20, 2012, for non-payment of Bar dues. In order to be an active member of the Mississippi Bar, a duly admitted lawyer must pay active dues on the first day of August on an annual basis. Pursuant to state law, a lawyer's failure to pay dues in a timely fashion subjects the lawyer to administrative suspension. In addition to the administrative suspension, Mr. Meek was also suspended from the practice of law for one year for disciplinary reasons on June 4, 2012. A lawyer engages in the unauthorized practice of law when he practices law during the time his license to practice is suspended, whether it be an administrative or disciplinary suspension.

The Bar sent Mr. Meek a total of four demands that he file a response to the Bar complaint. The fourth demand confirmed

an agreement between Mr. Meek and the Bar's investigator that he would respond by July 18, 2012. In spite of the demands and the agreement, Mr. Meek either failed or refused to comply with the demands to file a response. Additionally, Mr. Meek failed to answer the Formal Complaint.

Rule 5.5, MRPC, provides that a lawyer may not practice law in a jurisdiction in which he is not permitted to do so. Rule 8.1 (b), MRPC, provides that a lawyer shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information by a disciplinary authority. Rule 8.4(a) and (d), MRPC, provides that it is professional misconduct for a lawyer to violate or attempt to violate the rules of professional conduct or engage in conduct that is prejudicial to the administration of justice. ■

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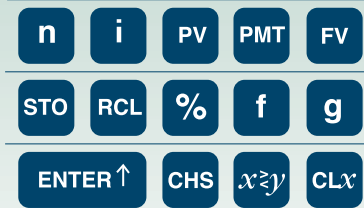
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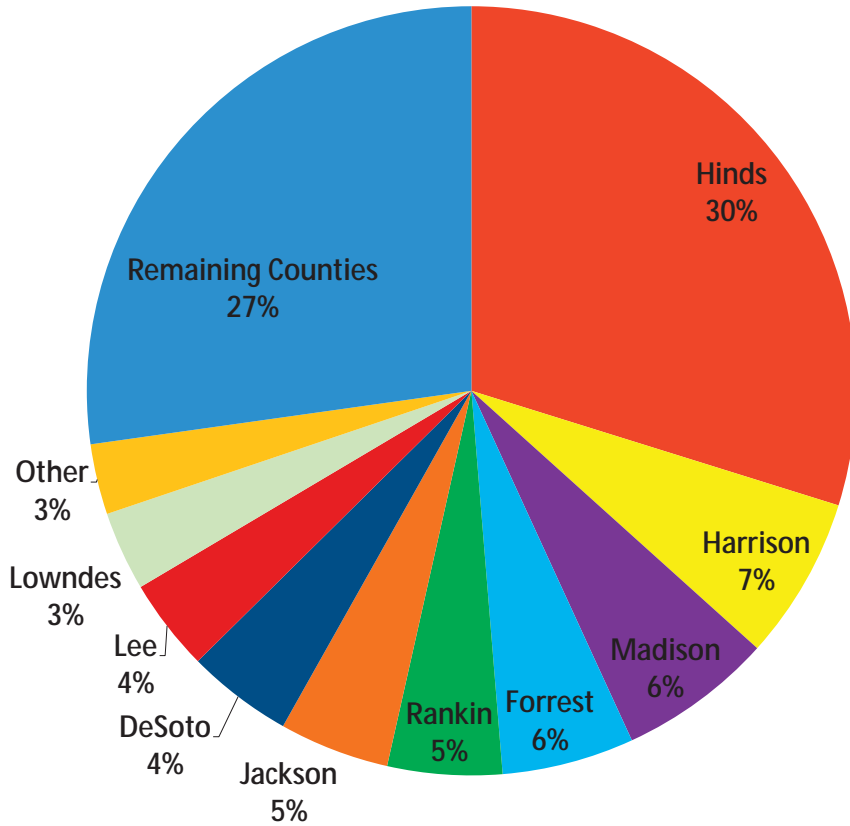


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2012-2013 Complaint Statistical Report

for the Office of General Counsel of The Mississippi Bar

608 Complaints

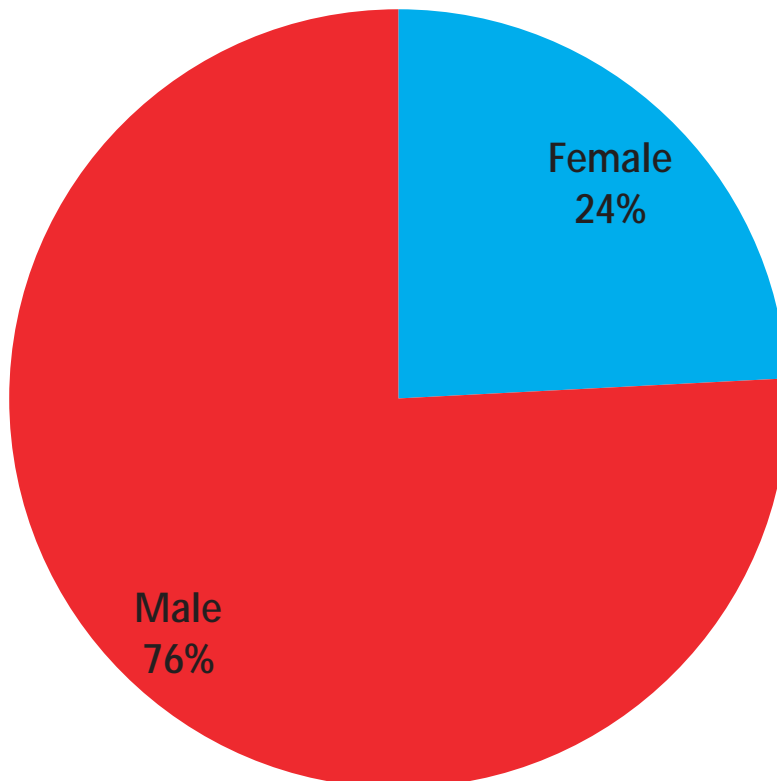


County:

Hinds: 30% (161)
 Harrison: 7% (37)
 Madison: 6% (35)
 Forrest: 6% (30)
 Rankin: 5% (26)
 Jackson: 5% (25)
 DeSoto: 4% (24)
 Lee: 4% (21)
 Lowndes: 3% (18)
 Other: 3% (16)
 Remaining Counties: 27% (147)

Membership Information

Hinds County: 25% (2189)
 Madison County: 17% (746)
 Harrison County: 14% (624)
 Forrest County: 7% (305)
 Jackson County: 5% (240)
 DeSoto County: 4% (176)
 Lauderdale County: 3% (125)



Gender:

Male: 76%

Female: 24%

Membership Information

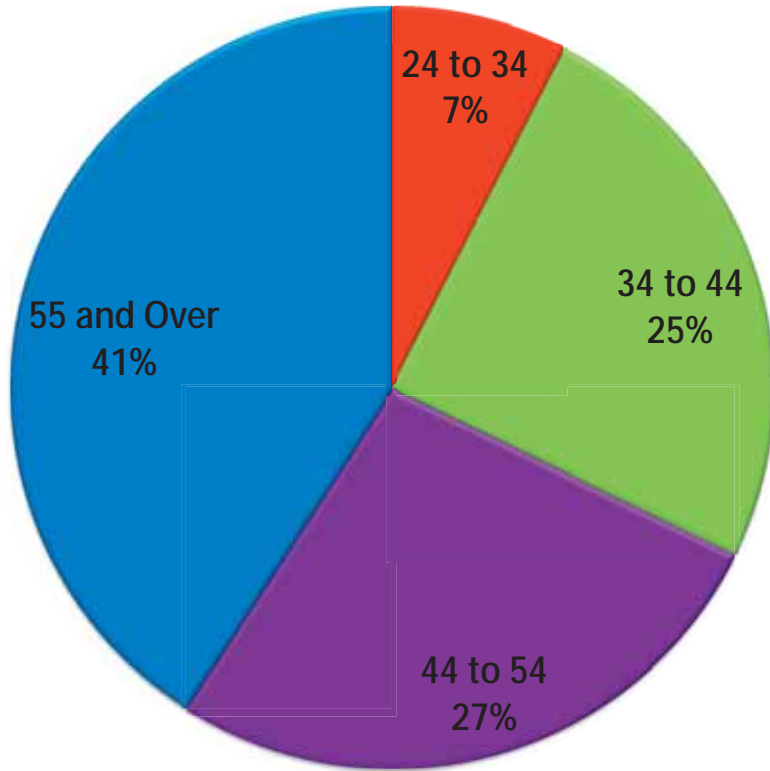
72% Male

28% Female

2012-2013 Complaint Statistical Report

for the Office of General Counsel of The Mississippi Bar

608 Complaints

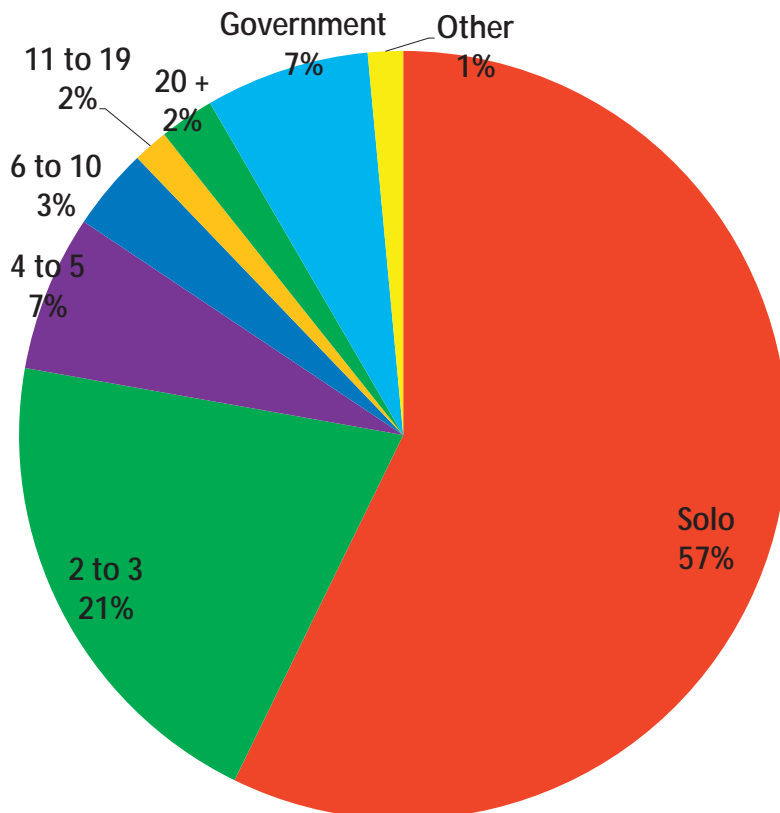


Age of Lawyer

55 and Over: 41% (249)
 45 to 54: 27% (163)
 35 to 44: 25% (151)
 25 to 34: 7% (45)

Membership Information

Ages 55 and Over: 39% (3436)
 Ages 45 to 54: 17% (1524)
 Ages 35 to 44: 29% (2543)
 Ages 24 to 34: 15% (1311)



Size of Firm

Solo: 57% (348)
 2 to 3: 21% (125)
 4 to 5: 7% (40)
 6 to 10: 3% (21)
 11 to 19: 2% (9)
 20 +: 2% (14)
 Government: 7% (42)
 Other: 1% (9)

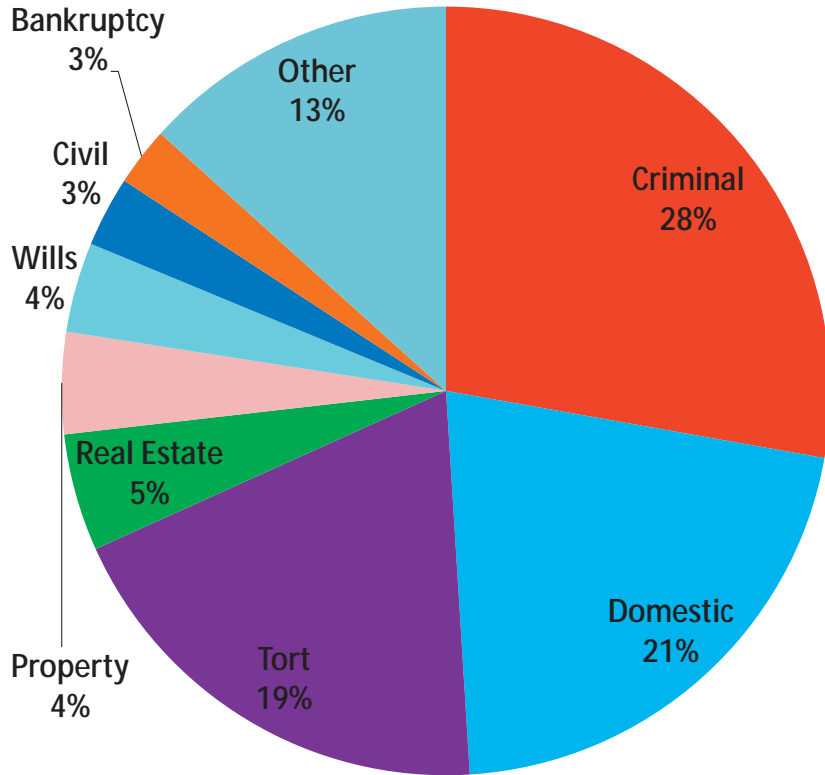
Membership Information

Solo: 52% (2938)
 2 to 3: 22% (1218)
 4 to 5: 10% (588)
 6 to 10: 9% (530)
 11 to 19: 7% (372)

2012-2013 Complaint Statistical Report

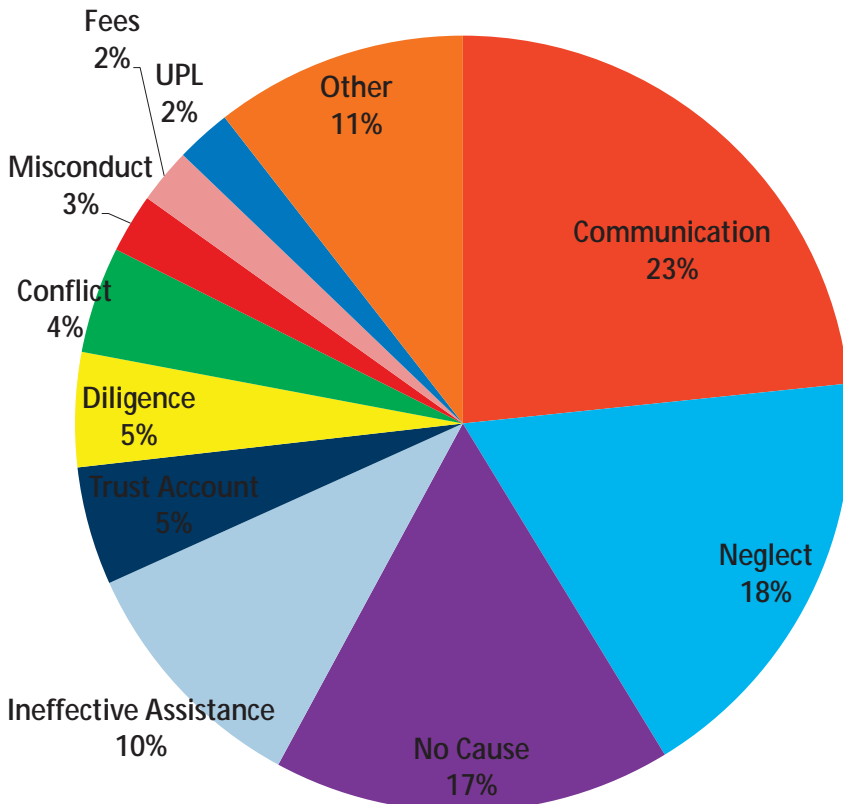
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608 Complaints



Area of Practice

Criminal: 28% (169)
 Domestic: 21% (129)
 Tort: 19% (117)
 Real Estate: 5% (30)
 Property: 4% (26)
 Wills: 4% (23)
 Civil: 3% (18)
 Bankruptcy: 2% (15)
 Other: 13% (81)



Type of Complaint

Communication: 23% (142)
 Neglect: 18% (109)
 No Cause: 17% (101)
 Ineffective Assistance: 10% (63)
 Trust Account: 5% (30)
 Diligence: 5% (29)
 Conflict of Interest: 4% (27)
 Misconduct: 3% (15)
 Fees: 2% (14)
 UPL: 2% (14)
 Other: 11% (64)



Julie Gresham
Young Lawyers Division President
2013-2014

This year's Young Lawyers Division activities began with the swearing in of newly-elected officers during The Mississippi Bar's Annual Convention in July. In August, a Young Lawyers Division contingent attended the American Bar Association Annual Meeting in San Francisco, California. During the convention, the American Bar Association Young Lawyers Division introduced its new Public Service Project for 2013-2014. The project, "BullyProof: Young Lawyers Educating and Empowering to End Bullying," is designed to educate students, staff, faculty and parents regarding bullying in our school systems. The project's goal is to empower parents, educators, students and young lawyers by providing them the resources necessary to end bullying in our

Young Lawyers Division News

schools. The Division decided to bring the program to Mississippi. Lane Staines, Chair of the Child Advocacy Committee, is working with her committee to implement the program in our state.

On September 24, 2013, the Fall Bar Admissions Ceremony was held at Thalia Mara Hall in Jackson. The Bar Admissions Ceremony Committee, led by Matt Eichelberger, organized the admission ceremony for the 205 newly-admitted members. Speakers included Reverend Edward O'Connor, who offered the invocation; Jeff Styres, who spoke on behalf of the Board of Bar Admissions; Matt Eichelberger, Dean Richard Gershon, and Dean James H. Rosenblatt, who recognized the new admittees; Judge Patricia D. Wise, who administered the oath to practice in the trial courts of Mississippi; Chief Justice William L. Waller, Jr., who administered the oath to practice before the Mississippi Supreme Court and the Mississippi Court of Appeals; Judge Jane M. Virden, who administered the oath to practice in the United States District Courts for the Northern District of Mississippi; Judge Daniel P. Jordan, III, who administered the oath to practice in the United States District Courts for the Southern District of Mississippi; Judge Rhessa H. Barksdale, who administered the oath to practice in the United States Court of Appeals for the Fifth Circuit; and

Guy W. Mitchell, III, The Mississippi Bar President. I was honored to address the new admittees briefly, as well.

The Mock Trial Committee's chair, Michael Carr, posted this year's case on Friday, September 20, 2013. Competition dates are Saturday, January 18 for the Jackson Regional; Saturday, January 25 for the Oxford Regional; Saturday, February 1 for the Coast Regional; and Friday, February 28th and Saturday, March 1st for the Statewide Competition. Volunteer opportunities are now available for attorney coaches and competition judges. If you would like to volunteer, please contact René Garner by email at rgarner@msbar.org.

The Young Lawyers Division also added a new committee this year. The Solo and Small Firm Committee, chaired by Graham Carner, is working to address issues that face young lawyers who are either opening their own law firm or who are working in a small-firm practice. The Division recognizes that more and more young lawyers are no longer joining large law firms after law school. As a result, the Division wants to ensure that it is addressing these lawyers' needs.

We look forward to an active winter and spring. If you would like to become more involved in YLD, please contact René Garner at rgarner@msbar.org or me at jgresham@brunini.com. ■

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Fall 2013 Bar Admissions Ceremony Sponsored by the Young Lawyers Division



Program participants administering the oath to practice law in Mississippi included (front row), Julie J. Gresham, President of the Young Lawyers Division of The Mississippi Bar; Judge Rhesa H. Barksdale, representing the US Court of Appeals for the Fifth Circuit; J. Matthew Eichelberger, Chair, YLD Bar Admissions Ceremony Committee; Judge Jane M. Virden, representing the US District Courts for the Northern District of Mississippi; Judge Patricia D. Wise, representing Hinds County Chancery Court; Chief Justice William L. Waller, Jr., representing the Supreme Court; (second row), Dean Richard Gershon, University of Mississippi Law School; Jeff Styres, Member, Board of Bar Admissions; Guy W. Mitchell III, President of The Mississippi Bar; Dean James H. Rosenblatt, Mississippi College School of Law; Judge Daniel P. Jordan III, representing the US District Courts for the Southern District of Mississippi; and The Very Reverend Edward O'Connor, The Cathedral Parish of St. Andrew.

The Mississippi Bar's 2014 Annual Meeting & Summer School

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The Fall Bar Admissions Ceremony sponsored by the Young Lawyers Division was held Tuesday, September 24, 2013 at Thalia Mara Hall in Jackson. Representing the Young Lawyers Division Bar Admission Ceremony Committee were (left to right), Alicia Hall, Adria Hertwig, Betsy Turley, Ashley Wright, Christy Malatesta and April Ladner.

Fall 2013 New Admittees

Jennifer Adams
Brandi Lynn Ajpacaja
Corey Elizabeth Allen
Vanessa Lynn Alsobrooks
Zachary Anders Atwood
Ian Austin
Brittany Lynnae Bailey
Bruce Alan Baker, Jr.
Jimmy Rawden Baxter III
Joseph Peirce Beach
Amanda Susan Beard
Stephanie Jane Bentley
Heather Danell Berry
Morgan Dale Bishop
Bobby David Blanks II
Christine Mailishka Bocek
Alexander Lee Morgan Bondurant
Casey Michelle Bonner
Nathan Michael Boyd
Frederick Brice Brackin
Emily Clair Bradley
Allyson Lewis Brock
Christopher Justin Broome
Timothy Brown
Samuel Donta Brumfield
Christin Danielle Brunson
Tchanavia Chardawnee' Bryant
Kerry Mills Bryson
Stephen Joseph Buccola
Dana Leigh Bumgardner
Kasey Carol Burney
Charles Adam Byrd
Risher Grantham Caves
Suzanne Love Childress
Elizabeth Ashley Chisolm
Justin McCarthy Chopin
Oliver Earl Clark, Jr.
Julia Lauren Cobb
Megan Ashley Cole
Laura Elizabeth Collins
Judith Bailey Conner-Browne
Alex Emilio Cosculluela
Charles Edward Cowan
Brittany Leigh Crawford
Leonard Charles Curtis III
Bridgette Nicole Davis
Jonathan Tyler Day
Kevin R. Dean
Vedran Dedic
Jarvis Andrea Dortch
James Andrew Faggert
Victoria Ann Fairman
John Timothy Farr
James Leonce Farragut III
Maggie Elizabeth Ferrell
David Lee Flaherty
Jacqueline Fleming-Brown
Marcial Davidson Forester III
Haley Anne Fowler
Ross Jonathan Franco
Jackson Mitchell Frost, Jr.
Blake Moody Fulton
Lora Elizabeth Gallagher
Katy Taylor Gerber
RaToya Janae Gilmer
David Michael Gold
Carolyn Eley Golding
Thomas Paul Gower
Christopher Michael Graves

Samuel Deucalion Gregory
James Cornelius Griffin
Laura Ann Grifka
Laura Hamm Gullett
Drew Douglas Guyton
Erin Doctor Guyton
Caroline Elizabeth Haas
Jacqueline Kaye Hammack
Cheyne Wright Harris
Jeanne Perrin Hendersson
Matthew Alan Hendrix
Mason Coe Hester
Thomas Melton Hewitt
Scott James Hillery
Ryan Thomas Hingst
Wayne Douglas Hollowell III
Ursula Yvette Holmes
Eddie Lane Howard II
Jordan Leigh Boling Hughes
Jessica Marie Jackson
Mark Tilden Jobe, Jr.
Marc Bradley Johnson
NeShondria Dequandra Johnson
Ann Collins Joiner
Allison Treloar Jones
Mattye Ann Gouldsby Jones
Nicole Rena Jones
Robert Eugene Jones II
Charles Landon Kidd
Cason Michael Kirby
John Frank Knox III
Justin David Kopf
Philip David Laura
Benjamin Collier Lewis
Meredith Diane Link
Patrick Roland Lofton
Blythe Keenum Lollar
Stuart Parnell Lott
Clare Alexandra Lowman
John Joseph Lyons
Samson Mabry IV
Natasha Roshawn Magee-Woods
Michael Patrick Malenfant
Jessica Leigh Massey
William Cole Massie
Andre Bernard Mathis
Ashlyn Brown Matthews
Camila Alexandra McElwain
Leslie Burl McLemore II
Michelle Reynolds McMurtray
Richard Benjamin McMurtray
Jesse Marion McRight III
Keesha Denise Middleton
Mallory Anne Miller
Chelsea Joy Bair Minton
Benjamin Luke Mitchell
Geoffrey Andrew Mitchell
Anna Christilles Moak
Coleman McCann Mockbee
Michael Riley Moore
Bridgette Marie Morgan
Kathryn Hope Morgan
Mark William Morgan
Sarah Maegan Moulder
Joseph Anthony Murphy
LaTeshya LaNiece Napier
Christopher Dent Nobles
Barton Smith Norfleet
Anna McLean Outzen

Bobby Levon Owens
Chadwick Landon Owens
Joi Lynette Owens
Lisa Anne Papale
David Kells Parker
Evan Nicholas Parrott
Matthew Paul Pavlov
Amy Kathryn Pietrowski
Ralph Lee Price III
James Conner Reeves
John Thomas Robertson
Lisa Fioranelli Robin
Benjamin Freeman Robinson
Elizabeth Ann Roche
Louis Francis Rosa
John Walter Rounsaville
Christopher Scott Routh
Edward Francis Rudiger, Jr.
Matthew Elder Rutherford, Jr.
Joseph Jordan Salloum
John David Sanford
William Briggs Scott
Catherine Carter Servati
Charles Gavin Shepherd
Ahmad Rashid Smith
Dorissa Shelette Smith
John Zachary Smith
Olivia Spencer
Warren Albert Stafford
Tabatha McCall Stern
Christian Jane't Strickland
John Stewart Stringer
Alexander Julius Sullivan
Anna Coleman Sweat
Elizabeth Anne Sweeney
Susanna Leigh Sweeney-Gates
Joshua David Taylor
David Lee Thorne
David Luke Trewolla, Jr.
Thomas Pate Tugwell
Catherine Anne Umberger
Dustin Eugene Uselton
Adam Parker Vaughan
Kenneth Ryan Walker
Lesley Carol Walters
Megan Carroll Walters
William Hunter Walters
Christopher Walton Ware
Justin Perry Warren
Katherine Amanda Warren
Anna Hamilton Watson
Shellee Dawn Watson
Thomas Patrick Watson
James Wesley Webb
William Gerald Wessler
Brittany Anna White
Christy Meshel White
Brian Christopher Whitman
Rebecca Lynn Wilks
Andrew James Williams
Michael Casey Williams
Robbie Elizabeth Willis
David George Wirtes, Jr.
Thomas Benton York
Elizabeth Patrick Young
Charles Edwin Yow II
Walter Howard Zinn, Jr.

New “Lawyers in the Family”



Risher G. Caves, right, is welcomed by his father Terry L. Caves, left, of Laurel (admitted 1983).



M. Davidson Forester, III, right, is congratulated by his father Marcial D. Forester, Jr. of Jackson, (admitted 1983).



Richard P. Salloum, right, (admitted 1972), greets his son Joseph Jordan Salloum, left, both of Gulfport.



Richard Benjamin “Ben” McMurtray, back right, of Jackson and his wife Michelle Reynolds McMurtray, of Meridian, front right, are welcomed by his father Patrick Dean McMurtray, back left, of Christiana, TN (admitted 1984), and his mother Janet Dixon McMurtray, front left, of Ridgeland (admitted 1984).



Kasey Carol Burney, right, is greeted by her uncle Joseph H. Loper, Jr., (admitted 1985) both of Ackerman.



Stephanie B. McLarty, left, is congratulated by her father J. Geoffrey Bentley, right (admitted 1973), both of Washington, D.C



William Gerald Wessler, right, is welcomed by his father William Philip Wessler, left, of Gulfport (admitted 1977).



Scott Hillery, left, of Picayune is congratulated by his sister Lauren Hillery, right, of Gulfport, (admitted 2009).

New “Lawyers in the Family”



Larry Spencer, left, (admitted 1970) of Jackson, greets his daughter Olivia Spencer.



Anna C. Moak, left is welcomed by her mother, Linda B. Moak, right, of Brookhaven (admitted 1982).



Anna Watson, right, is congratulated by her father J. Kevin Watson, of Jackson (admitted 1981).



Joi L. Owens, left, is congratulated by her brother Jody Edward Owens, II, (admitted 2006) from Terry. Not pictured is also her aunt Judge Denise Owens, (admitted 1979).



Coleman M. Mockbee, center, is greeted by his father, David W. Mockbee, left, (admitted 1974) and his brother D. Wesley Mockbee, right, (admitted 2010), all of Jackson.

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Bar Hosts the 2013 Section Orientation Session

Over 50 new Section Officers attended the FY 2013-2014 Orientation Session in August 2013. The half-day program is designed to familiarize new Section leaders with their duties and brief them on resources available to them through the Bar. This year's session included an overview by MS Bar President Guy Mitchell.



Representing the 2013-2014 Health Law Section is Bob Anderson, Secretary, visiting with Guy Mitchell, President of The Mississippi Bar.



Representing the Government Law Section are Melissa Carleton, Chair, and Danny Griffith, Vice-Chair.



Prosecutors Section Officers include Michael Guest, Chair, and Ryan Berry, Secretary.



Intellectual Property Section Officers for 2013-2014 include Molly Fergusson, Chair, and Jason Bush, Vice-Chair.



2013-2014 Litigation Section Officers are Ted Connell, Chair; Rebecca Wiggs, Vice-Chair; and Meade Mitchell, Secretary.



2013-2014 SONREEL Section Officers are Trey Smith, Chair; Chris Wells, Vice-Chair; and Keith Turner, Secretary.



2013-2014 Estates & Trusts Section Officers include Pete Cajoleas, Chair; Keith Kantack, Vice-Chair; and Gray Edmondson, Secretary.



Workers Compensation Section Officers include Carlos Moore, Chair; Chad Shook, Vice-Chair; and Roxanne Case, Secretary.



2013-2014 Appellate Practice Section Officers are Michael Bentley, Chair; David McCarty, Vice-Chair; and Margaret Cupples, Secretary.



Business Law Section Officers for 2013-2014 include Stan Smith, Chair; Jimmy Milam, Vice-Chair; and Jason Bailey, Secretary.



2013-2014 Family Section Officers are Harold Grissom, Chair, and Debbie Branam, Vice-Chair.



Gaming Law Section Officers are Anthony Del Vescovo, Chair, and Mike Bruffey, Secretary.



2013-2014 Taxation Section Officers include Bill Williams, Chair, and Amanda Evans, Secretary.



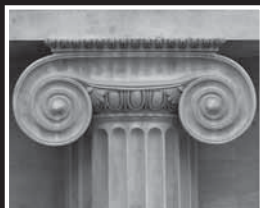
Bar Volunteers Meeti



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15th Annual James O. Dukes Law School Professionalism Orientation Program



James O. Dukes Law School Professionalism Orientation Program



A special thanks to the following Mississippi Attorneys and Judges who served as facilitators during the Bar's 2013 James O. Dukes Law School Professionalism Orientation Program

Mississippi College School of Law

Fred L. Banks, Jr. Jackson
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 Judge Carter O. Bise Gulfport
 J. Larry Buffington Collins
 D. Roy Campbell III Jackson
 Melissa Carleton Union
 Judge M. James Chaney, Jr Vicksburg
 Mark A. Chinn Jackson
 Judge Lisa P. Dodson Gulfport
 Mary Jacq Easley Jackson
 La' Verne Edney Jackson
 Judge Kenneth Griffis, Jr Jackson
 Jerome C. Hafter Jackson
 Jennifer Graham Hall Jackson
 E. Jane Hicks Jackson
 Robert T. Higginbotham, Jr Jackson
 E. Clifton Hodge, Jr Jackson
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 Rebecca L. Wiggs Jackson
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 Judge Patricia D. Wise Jackson

Bar History Committee Developing MS Legal History Bibliography Needs Assistance

The Bar's Legal History Committee, chaired by Cham Trotter of Belzoni, is in the process of developing a bibliography of articles, books or other writings related to Mississippi's legal history. If you are aware of books on history of the courts, significant decisions, legal figures, law firm history, local Bar legal history, etc. please email the name of the publication and a general description to the Legal History Committee c/o Larry Houchins at houchins@msbar.org. Below are several books in the collection.



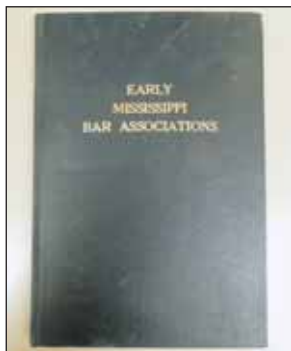
Courts, Judges, and
Lawyers of Mississippi
1798-1935
By Dunbar Rowland



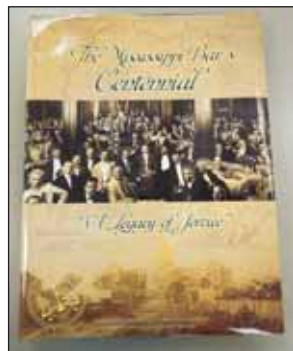
The High Courts of
Mississippi 1817 - 1875
By Meredith Lang



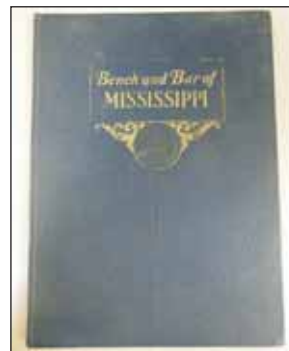
A History of the
Mississippi Supreme Court
1817 - 1948
By John Ray Skates, Jr.



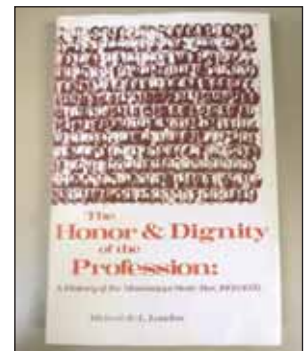
Early Mississippi Bar
Associations
By Mississippi Bar
Foundation



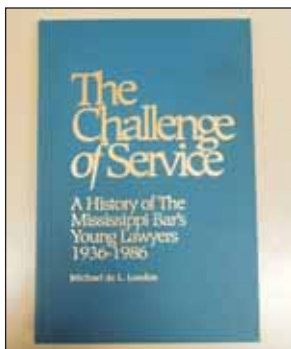
A Mississippi Bar's
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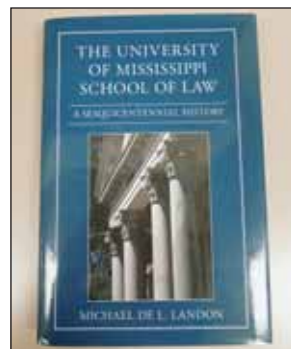
Bench and Bar of
Mississippi
1938



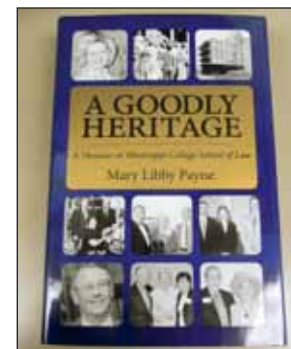
The Honor & Dignity
of the Profession
1906 - 1976
By Michael de L. Landon



The Challenge of Service:
A History of The
Mississippi's Young
Lawyers 1936 - 1986
By Michael de L. Landon



The University of
Mississippi School of Law
A Sesquicentennial History
By Michael de L. Landon



A Goodly Heritage A
Memoir of Mississippi
College School of Law
By Mary Libby Payne

Mississippi Volunteer Lawyers Project Holds Open House

On October 25, 2013, the Mississippi Volunteer Lawyers Project (MVLP) held an Open House at its new location on 1635 Lelia Drive, Suite 101, in Jackson. The organization held the event as part of its “Celebrate Pro Week” activities. The event was open to members of the Bar, MVLP’s volunteers and donors, and others who support the program’s work.

MVLP is a joint project of the Mississippi Bar and the Legal Services Corporation. The mission of the program is to enable volunteer attorneys to provide equal access to justice for Mississippians of low income and limited means through high quality pro bono legal assistance. MVLP celebrated thirty years in 2012. Even before completing its first year of operation, the program was cited by the American Bar Association and the National Legal Aid and Defender Association as the country’s single most outstanding program among state bar associations. Today, over 1500 attorneys are enrolled with MVLP. The program assists approximately 6,000 individuals and families each year.



The staff at MVLP invites attorneys who may be in Jackson and need to meet with pro bono clients to contact them to reserve the conference room at 601-960-9577. ■



Carolyn Hicks and Amanda Green Alexander



Beth Orlansky and Martha Bergmark



Jim Rosenblatt and Mark Chinn



Francis Springer and Frankie Springer



Special Thanks to the 2013-2014 Board of Commissioners

1st Row (L to R)

Larry Houchins, Jackson
 Rick Burson, Laurel
 Frank Dantone, Greenville
 Gene Harlow, Laurel
 Guy Mitchell III, Tupelo
 Julie Gresham, Biloxi
 Mary Nichols, Gulfport
 Laura Glaze, Jackson
 Willie Abston, Flowood
 Marc Boutwell, Lexington

2nd Row (L to R)

Tyler McCaughn, Newton
 Cynthia Mitchell, Clarksdale
 Chad Shook, Hattiesburg
 John Tullos, Raleigh
 Peter Abide, Biloxi

William Liston, Jackson
 Andy Gibson, Jackson
 Rachel Waide, Tupelo
 Jennie Eichelberger, Jackson
 Whitney Adams, Brandon
 Mark Holmes, McComb

3rd Row (L to R)

Bruce Lewis, Natchez
 Jessica DuPont, Pascagoula
 Michelle Easterling, West Point
 George Mitchell, Eupora
 Jim Bobo, Pearl
 John Howell, Picayune
 Jim Holland, Horn Lake
 Lem Adams, Brandon
 Brannan Southerland, Vicksburg

Not Pictured

La'Verne Edney, Jackson
 Jason Herring, Tupelo
 Nick Kramer, Quitman
 Larry Little, Oxford
 Carlos Moore, Grenada
 David Morrow, Brandon
 Tim Rutland, Hazelhurst

The Nominee *A Political and Spiritual Journey* By Leslie H. Southwick

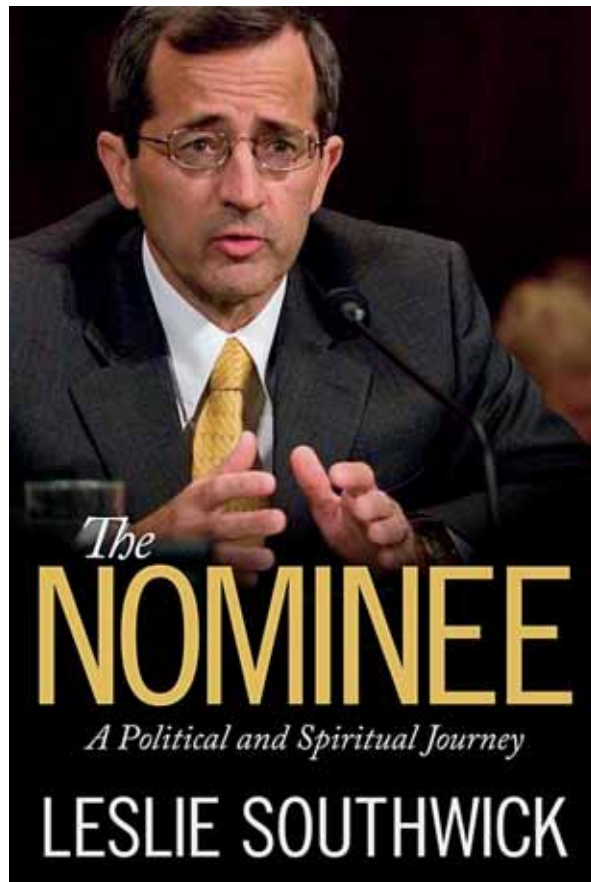
A firsthand account of the murky, faithstraining processes by which federal judges are confirmed

President George W. Bush nominated Leslie H. Southwick in 2007 to the federal appeals court, Fifth Circuit, based in New Orleans. Initially, Southwick seemed a consensus nominee. But just days before his confirmation hearing, a progressive advocacy group distributed the results of research it had conducted on opinions of the state court on which he had served for twelve years.

Two opinions Southwick had signed off on but not written became the center of the debate over the next five months. One dealt with a racial slur by a state worker, the other with a child custody battle between a father and a bisexual mother. Apparent bipartisan agreement for a quick confirmation turned into a long set of battles in the Judiciary Committee, on the floor of the Senate, and in the media.

In early August, Senator Dianne Feinstein completely surprised her committee colleagues by supporting Southwick. Hers was the one Democratic vote needed to move the nomination to the full Senate. Then in late October, by a two-vote margin, he received the votes needed to end a filibuster. Confirmation followed.

In *The Nominee: A Political and Spiritual Journey* (University Press of Mississippi) Southwick recounts the four years he spent at the Department of Justice, the twelve years on a state court, and his military service in Iraq while deployed with a Mississippi National Guard Brigade. During the nomination inferno Southwick maintained a diary of the many events, the conversations and emails, the joys and despairs, and quite often, the prayers and sense of peace his faith gave him—his memoir bears significant spiritual content.



Throughout the struggle, Southwick learned that perspective and growth are important to all of us when making decisions, and he grew to accept his critics, regardless of outcome. In *The Nominee* there is no rancor, instead the book expresses the understanding that the difficult road to success was the most helpful one for him, both as a man and as a judge.

Leslie H. Southwick is Circuit Judge for the United States Court of Appeals, Fifth Circuit.

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Harold Robert Barber, Jr.

Harold Robert Barber, Jr., 84, of Nashville, TN, died October 19, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1952. He served in the Army Judge Advocate General Corps during the Korean Conflict. He joined the family business at the MS Abstract Title & Guaranty Co. He was the CEO of Coast Federal Savings & Loan Association & the Executive Vice President & Board Vice Chairman of Magnolia Federal Bank. He served as Director & President of MS Savings & Loan League, Director of the Federal Home Loan Bank of Little Rock & member of first Board of Directors of the Federal Home Loan Mortgage Corp. He was Gulfport Jr. Chamber of Commerce President, Harrison County Advertising Commission Chairman, Gulfport State Port Authority Secretary, Belhaven College Trustee, & an active Rotarian. He was a lifetime member of the First Presbyterian Church of Gulfport, serving as Sunday School teacher, Deacon & Elder. He was currently active in Covenant Presbyterian Church in Nashville.

William Ross Bradley, Sr.

William Ross Bradley, Sr., 83, of Clarksdale, died October 2, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1951. Bradley was a proud veteran having served in the United States Army Counterintelligence Corps during the Korean War. He was honored by the Bar in 2011 for sixty years of service. Bradley was still practicing law at the time of his death. Bradley attended the First United Methodist Church of Clarksdale, where he held various leadership roles. He served as president of the Clarksdale Rotary Club and was honored by the Rotarians as a Paul Harris Fellow. He also served as president of the following organizations: the Coahoma County Industrial Foundation; the Clarksdale, Mississippi Chamber of Commerce; the Coahoma County Bar Association; and the Clarksdale Country Club. He served as attorney for Coahoma County School Board and Coahoma Community College for many years.

Charles A. Brewer

Charles A. Brewer, 76, of Madison, died October 25, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1961. Governor Cliff Finch appointed him to a two (2) year administrative Judge position hearing Certificate of Need applications throughout the State. He became an assistant City Prosecutor for Jackson under Mayor Alan Thompson and later became the Chief Prosecutor during the Dale Danks, Jr. Administration. He served as President of the Mississippi Prosecutors Association for two years and one year on the Board of Governors. Brewer was a Bankruptcy Trustee until his retirement in 1992. During the years of 1999, 2000 he served as Chief Investigator for the State Auditor's Office for Mississippi. He then returned to the prosecutor work by accepting an assistant County Attorney position for Hinds County. He also served as City Attorney for the Town of Terry. Throughout his years as a practicing attorney, Charles was honored to serve as the Corporate Agent in Mississippi for Prentiss Hall Corporation, then later for Corporation Services Company.

David Alan Burns

David Alan Burns, 51, of Water Valley, died August 26, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1990. He was a practicing attorney in North MS for over 20 years. Burns was currently a practicing attorney in Water Valley and held a variety of positions in his career as City Attorney, Municipal Court Judge, and had been a volunteer coach for the Magnolia Youth League in Water Valley. He attended First Methodist Church in Water Valley.

Alice Dale Connelly

Alice Dale Connelly, 82, of Jackson, died August 18, 2013. A graduate of Mississippi College School of Law, she was admitted to practice in 1980. She taught in the Jackson Public Schools, Wilkins, Lester and Sykes Elementary Schools before retiring. For 15 years she worked in the areas of real estate and Chancery practice until retiring a second time.

Robert E. Farish, Jr.

Robert E. Farish, Jr., 82, of Biloxi, died October 16, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1977. Farish entered the U. S. Air Force in 1953. During his 20 years of military service as a pilot, he was stationed in Japan where he flew the RF-84F "Thunderflash". In 1963 he was transferred to Ramstein AFB in Germany and transitioned to the RF-101C "Voodoo" reconnaissance jet. In 1967 he was assigned to service in Thailand and South Vietnam and completed his required 100 combat missions during the Vietnam conflict. During his military career he earned a number of flying medals, including the Bronze Star, which is presented for "Heroic or meritorious achievement of service." After his wartime service, he completed his military career at the Pentagon in Washington, D.C. and retired as a Lt Colonel in 1974. He then opened a law office in Biloxi and practiced law for over 20 years. He was an active member of the West Biloxi Rotary Club.

Lundy Reid Gunn, Sr.

Lundy Reid Gunn, Sr., 88, of Madison, died August 3, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1952. Lundy enlisted in the army to serve in World War II. Lundy was a 1st Lieutenant serving in the European Theater Operations. He received several medals including two Bronze Stars. He is a member of Christ United Methodist Church. He was a lifetime member of MDRT and the Past President of MALU, JALU and CLU/ChFC. Lundy was named "Man of the Year" in 1984 by the JALU. He was active in the North Jackson Lions Club for many years.

Eric T. Hamer

Eric T. Hamer, 43, of Ridgeland, died October 17, 2013. A graduate of Northwestern University Law School, he was admitted to practice in 1970. He served as the attorney for the Madison County Board of Supervisors.

Continued on next page

IN MEMORIAM

Cynthia A. Langston

Cynthia A. Langston, 58, of Jackson, died October 26, 2013. A graduate of the University of Mississippi School of Law, she was admitted to practice in 1992. Langston taught mathematics at Thrasher High School, Jumpertown High School and Northeast Mississippi Community College. She actively practiced law for 21 years. In 1974, she was selected Booneville's Miss Hospitality and later, Miss Prentiss County. She held the office of Booneville Junior Auxiliary President, was a member of the Booneville Junior Woman's Club and the Booneville Inter-Civic Club Council. She was a Cub Scout Den Leader, the Executive Director of the Miss Prentiss County Pageant (4 years), and a member of the Booneville First United Methodist Church.

Gerald Magee McMillan

Gerald Magee McMillan, 92, of McComb, died August 7, 2013. A graduate of Tulane University Law School, he was admitted to practice in 1949. McMillan joined the U.S. Navy and was sent to Officer's Training School in Chicago, Ill. He graduated with the rank of Lt. JG and was assigned to the Pacific where he captained a YP for the three years of World War II. After the war he became an employee of West Publishing Company selling law books in Oklahoma and Mississippi. In 1956 he resigned from West and moved to McComb where he entered private law practice. In 1965 he joined the firm of Roach and Roach and remained with the firm until 2007. He was a lifelong member of Centenary United Methodist Church having joined at an early age and has served as a chairman of finance, Sunday School teacher and set up the Centenary Foundation which monitored the needs for special funding for the church. He was president of the Deposit Guaranty Advisory Board in 1987 and served for fourteen years as president until the bank merged with another bank. He was a member of the Tri-County Bar Association and served as president in 1962. He was a member of the Board of Trustees of the McComb Separate School District since 1972 and served as president in 1983. He served as treasurer and member of the Board of Trustees of the McComb Library in 1976.

Stephen L. Melancon

Stephen L. Melancon, 68, of Brookhaven, died August 2, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1979. His various military assignments include two tours in Vietnam. The Legion of Merit with Oak Leaf Cluster, Bronze Star Medal with Oak Leaf Cluster & Air Medal with "V" for Valor are among his numerous national awards. From the State of MS he received the Magnolia Medal & the War Medal. He is a 1995 inductee to the Field Artillery Officer Candidate School Hall of Fame. From 1979-1988, Melancon practiced law in Brookhaven and held a seat the MS House of Representatives. In 1983, he founded the Wesley Mission which fed and taught at risk youth. Prior to retirement from the National Guard in 1996, he served as the Dir. for Operations for the U.S. Selective Service System. In 2001, he became the MS State

Director for the Selective Service System. He most recently served as a county Veteran's Service Officer. He was a Sunday school teacher and lay leader of First United Methodist Church of Brookhaven. He was a Past President of the Lincoln County Bar Assn, a member of the MS Army Natl Guard Assn, the Lincoln County Chamber of Commerce and the Vietnam Helicopter Pilots Assn.

Jack Greer Price

Jack Greer Price, 56, of McComb, died October 21, 2013. A graduate of Mississippi College School of Law, he was admitted to practice in 1989.

Ray T. Price

Ray T. Price, 47, of Forest, died October 29, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1991. Price served as a law clerk under Mississippi Supreme Court Chief Justice Roy Noble Lee. His legal career began as a sole practitioner in Hattiesburg. He was a partner in the law firm of Williams and Price. Ray was also chosen to serve as a public defender and special prosecutor.

Hugh Bo Sneed, Jr.

Hugh Bo Sneed, Jr., 69, of Jackson, died July 21, 2013. A graduate of Mississippi College School of Law, he was admitted to practice in 1971. He was a member of Crossgates Baptist Church.

John Hampton Stennis

John Hampton Stennis, 78, of Jackson, died September 5, 2013. A graduate of The University of Virginia School of Law, he was admitted to practice in 1960. Stennis was a partner with the Mississippi firm of Watkins Ludlam Winter & Stennis, P.A., since 1960. While a member of the Mississippi House of Representatives from 1969 to 1984, Stennis was Chair of the Banking Committee, Chair of the Judiciary Committee and a member of the Ways and Means and Water Resources Committees. Stennis was an active director of the Commercial Bank, served as a member of the National Association of Bond Lawyers and a fellow of the Mississippi Bar Foundation. He also served as a Trustee of Rhodes College, as a director of the Mississippi Water Resources Association, the Mississippi Humanities Council, the Mississippi Research and Development Council, the Mississippi Judicial Council, the Jackson Metropolitan Chamber of Commerce, the Mississippi Heart Association and the State Capital Law Firm Group, Inc. and as an advisory member to the Mississippi Legislature's Environmental Protection Council. Stennis served in the Mississippi Air National Guard for more than 30 years, retiring in federally recognized general officer grade, and as Commodore of the Jackson Yacht Club.

Lee A. Stricklin, Jr.

Lee A. Stricklin, Jr., 83, of Jackson, died October 27, 2013. A graduate of Mississippi College School of Law, he was admitted to practice in 1952. He was a Charter Member of Raritan Valley Baptist Church in Edison, New Jersey and a member of Colonial Heights Baptist Church in Jackson, Mississippi. Lee went to work for Hess Oil Company in 1962 in New Jersey, New York, Oklahoma and Jackson, Mississippi where he retired as Vice-President in 1994 and returned to Yazoo County.

Roger Lewis Tuttle

Roger Lewis Tuttle, 82, of Midlothian, VA, died September 21, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1968. Roger served his country from 1952 to 1973 in both the US Army and Army Reserves, achieving the rank of Lieutenant Colonel in Military Intelligence. He was a highly decorated Korean War Veteran and spent the last five years of his military career as Commanding Officer of a Reserve Counter-Intelligence unit (Special Forces). Roger's legal career spanned over 50 years, including private practice; corporate counsel for Exxon, Lawyers Title Insurance Corporation, A.H. Robins Company, Dan River, Inc.; and dean and professor of law at Oral Roberts University School of Law in Tulsa, OK. His civic activities in the Richmond area included founding president of Team of Progress, member of the Mayor's Special Advisory Committee, member of the Richmond, Virginia City Air Pollution Control Board, and member of the Board of Directors for the Richmond Metropolitan Authority. A long time and active member of several churches over the years, Roger enjoyed serving in many leadership positions, including church elder and adult Sunday School teacher.

Guy Morrison Walker, II

Guy Morrison Walker, II, 89, of Ocean Springs, died August 1, 2013. A graduate of University of Mississippi School of Law, he was admitted to practice in 1949. He joined the navy and attended Columbia University Midshipman School and became an officer serving in the Pacific from 1944 to 1946. He began the general practice of law in Ellisville, later moving to Laurel. He continued to practice in all aspects of the legal field until his retirement in 1999. During his practice, he served as a Jones County public defender, a County Judge, and prosecuting attorney for the City of Ellisville. He was a lifetime member of the American Paint Horse Association. He was on the Executive Committee for 8 years and served as president in 1991. After his retirement in Ocean Springs, he served as an active member of the Board of Trustees of the Walter Anderson Museum of Art, and was a member of St. Paul United Methodist Church of Ocean Springs.

Lester F. Williamson, Sr.

Judge Lester F. Williamson, Sr., 91, of Meridian, died August 7, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1949. He served in the Army Air Corps during World War II. Judge Williamson served as District Attorney for the 10th Circuit Court District of Mississippi from 1952-1956. He was elected Circuit Judge of the 10th Circuit Court District in 1966 and served as Senior Circuit Judge until his retirement in 1987. A lifelong member of Poplar Springs Drive United Methodist Church, Judge Williamson served for several years as the Senior High Sunday School Teacher and was a member of the St. Andrews Sunday School Class. He was a 32nd Degree Mason, and served for several years as the President of the North Meridian Optimist Little League Baseball Program. Judge Williamson was a founding member of the Jimmie Rodgers Foundation.



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¹'sur-ren-der - *verb* \sə-'ren-dər\ : to agree to stop fighting, hiding, resisting

He was a respected successful trial lawyer; a zealous advocate and worthy adversary. Judges and colleagues described him as intelligent, creative, and witty; passionate and even stubborn when proving his case. In many respects, he was what he had set out to be; his life was good, and the sky was the limit.

When the first concerns were brought to LJAP, they were from his friends and colleagues. They were worried, and wanted badly to help him. Their efforts to discuss his drinking with him had apparently been flatly refused. I remember the day that several of his friends and colleagues and I sat down with him. He dismissed their concerns, and no amount of evidence to the contrary could move him from his position that all was well. He finally relented somewhat, and placated his friends with a promise to follow up with LJAP's weekly support group. He attended the group once, quickly distinguished himself from the other group members, and that was that; until the next time.

The next call came from a Judge. He and others were again very concerned. DUI charges and other consequences were piling up. It was time for an intervention. The group assembled in the Judge's chambers. The Judge, his colleagues, his brother, and I were waiting when he arrived at the appointed time. He lashed out at the group, ranting and

cursing. He refused to speak with anyone other than the Judge. After the rest of us left the room, I talked with his brother, and explained that it might be necessary to civilly commit him to treatment. Again he placated the group, and went on his way.

His brother did file for civil commitment. After several continuances and other maneuvering the day of the hearing arrived. Before the hearing, at the Chancellor's request, I met with him, and his brother, and his attorney to discuss treatment and LJAP monitoring. When I arrived at the meeting, he said with a smile, "Are you tired of chasing me yet?" True to form, he remained adamant that he needed no treatment or assistance. At the hearing, he was committed; he appealed on the spot. All the while, his addiction raged on.

Again, time passed. When the Chancellor's Order was affirmed. He still refused; he was picked up and placed in a holding facility. He went to treatment, the bare minimum of course, and even finally agreed to be monitored by LJAP, including a program of random drug and alcohol screening. Still refusing to participate in any program of recovery, not surprisingly he quickly tested positive for alcohol. When we attempted to confront him with this information, he characteristically denied and demanded another test. Though we were nearly certain it was not

necessary, we arranged the second test, and he was gone.

A few weeks ago the word came that he had died at age 47 of "natural causes." I assume that means there was no "foul play", but so much about his death was utterly unnatural and absolutely unnecessary. The Big Book of Alcoholics Anonymous tells us, "Those who do not recover are people who cannot or will not completely give themselves to this simple program." His story is clear and tragic evidence. His death was the result of an illness that, while not curable, is treatable. Millions have reclaimed their lives from the madness and chaos of addiction. The difference in those and this man, one word, surrender.

A recent article on CNN.com by Patrick Krill, Director of the Legal Professionals Program at Hazelden Addiction Treatment Center, about the embattled Mayor of Toronto speaks directly to issues like those here: http://www.cnn.com/2013/11/18/opinion/krill-toronto-mayoraddiction/index.html?hpt=op_t1

If you know someone who is struggling in active addiction, please help them get the help they need and deserve. Call LJAP, we can help you help them. ■

This story was written with the consent of the family.

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CLE Calendar of Events

The following live programs have been approved by the Mississippi Commission on Continuing Legal Education. This list is not all-inclusive. For information regarding other programs, including teleconferences and online programs, contact Tracy Graves, CLE Administrator at (601)576-4622 or 1-800-441-8724, or check out our website, www.mssc.state.ms.us. Mississippi now approves **online programs** for CLE credit. For a list of approved courses, check the Calendar of Events on our website. For information on the approval process for these programs, please see Regulations 3.3 and 4.10 posted under the CLE Rules on our website or contact Tracy Graves at the numbers listed above.

JANUARY

- 15 MS School Board Assn "Hot Topics with Attorney Jim Keith: EEPL, Non-Renewals & Other Personnel Issues." 3.0 credits. Raymond, MS, Eagle Ridge Conference Center. Contact 601-924-2001.
- 16 NBI "MS Special Ed Law." 6.0 credits (includes ethics). Jackson, MS. Contact 715-835-8525.
- 30 UM CLE "Winter MS Municipal Attorneys' Assn CLE." 6.0 credits (includes ethics). Jackson, MS, Hilton Hotel. Contact 662-915-7283.
- 30 Lorman Business Center "Medical Records Law in MS." 6.0 credits. Jackson, MS. Contact 715-833-3940.
- 31 UM CLE "Social Security Disability Law CLE Seminar." 6.0 credits (includes ethics). Jackson, MS, Hilton Hotel. Contact 662-915-7283.
- 31 UM CLE "Social Security Disability Law CLE Seminar." 6.0 credits (includes ethics). Live Webcast. Contact 662-915-7283.
- 31 Lorman Business Center "Workers Comp Update in MS." 6.0 credits. Tupelo, MS. Contact 715-833-3940.

FEBRUARY

- 7 UM CLE "20th Annual Mid-South Conference on Bankruptcy Law." 6.0 credits (includes ethics). Memphis, TN, Hilton Hotel. Contact 662-915-7283.
- 7 MC School of Law "16th Annual Guardian Ad Litem Training." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 14 E. Farish Percy "Summary of Recent MS Law." 6.0 credits (includes ethics). Oxford, MS, The Inn at Ole Miss. Contact 662-832-2605, E. Farish Percy.

- . 21 E. Farish Percy "Summary of Recent MS Law." 6.0 credits (includes ethics). Biloxi, MS, Imperial Palace Hotel & Casino. Contact 662-832-2605, E. Farish Percy.
- 21 MC School of Law "Family Law CLE." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 28 UM CLE "14th Annual Guardian Ad Litem Certification CLE" 6.0 credits (includes ethics). Ridgeland, MS, Embassy Suites. Contact 662-915-7283.
- 28 UM CLE "14th Annual Guardian Ad Litem Certification CLE" 6.0 credits (includes ethics). Live Webcast. Contact 662-915-7283.
- 28 E. Farish Percy "Summary of Recent MS Law." 6.0 credits (includes ethics). Jackson, MS, Jackson Convention Center. Contact 662-832-2605, E. Farish Percy.

MARCH

- 13 NBI "Title Workshop: From Examination to Commitment." 6.0 credits (includes ethics). Jackson, MS. Contact 715-835-8525.
- 13-14 MC School of Law "Unity Summit." 13.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 19 MS School Board Assn "Hot Topics with Attorney Jim Keith: FMLA." 3.0 credits. Ridgeland, MS, Embassy Suites. Contact 601-924-2001.
- 21 MC School of Law "Law Review Symposium." 3.0 credits. Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 28 MC School of Law "Environmental Law CLE." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.

APRIL

- 25 MC School of Law "Mediation CLE." 7.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 29 MS School Board Assn "Legislative Update & School Law Review." 6.0 credits. Ridgeland, MS, Embassy Suites. Contact 601-924-2001.

MAY

- 2 MC School of Law "16th Annual Guardian Ad Litem Training." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 6 MS School Board Assn "CSBA Seminar on School Law." 6.0 credits (includes ethics). Ridgeland, MS, Embassy Suites. Contact 601-924-2001.
- 7 MS School Board Assn "Hot Topics with Attorney Jim Keith: Fair Labor Standards Act, Workers' Comp and Other Matters." 3.0 credits. Ridgeland, MS, Embassy Suites. Contact 601-924-2001.

JUNE

- 27 MC School of Law "Criminal Law Update." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.

JULY

- 17 MC School of Law "CLE Marathon." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 18 MC School of Law "CLE Marathon." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.

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LAURA M. GLAZE

joins as associate.

They can be reached at:

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