

THE MISSISSIPPI Lawyer

VOL. LX

WINTER 2014

NO. 2



LAWYER-LEGISLATORS



Front Row: Mark B. Higdon; Mark A. Bilbrey; John T. Cossar; Rande K. Yeager; J.M. "Mike" Sellari
Back Row: J. Walter Michel; James M. Ingram; Robert Lampton; Harry M. Walker; W. Parrish Fortenberry;
Ronnie Smith; Chip Triplett; Stewart R. Speed; Larry E. Favreau

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FACTS AND FIGURES OF SUCCESS

GRADUATION (MAY 2013)

- 167 JD degrees
- 4 LLM degrees (Mexico, Brazil, Nigeria, China)

JULY MISSISSIPPI BAR EXAM

- 2012: 72 of 83 or 86.7% of MC Law grads passed (overall 81.3%)
- 2013: 76 of 89 or 85.4% of MC Law grads passed (overall 86.2%)

ENTERING CLASS (AUGUST 2013)

- 159 JD candidates
- 64% Mississippi / 36% out of state
- 56 undergrad schools
- 164 high LSAT
- 149 median LSAT
- 4.21 high GPA
- 3.30 median GPA
- 57% male
- 43% female
- 25% minority
- \$2,017,000 awarded in merit scholarships to entering students
- 4 LLM candidates (Mexico, Philippines, Afghanistan, China)

CLASS OF 2012 (EMPLOYMENT 9 MONTHS AFTER GRADUATION)

- 78 (47%) private law firms
- 23 (14%) government
- 14 (9%) judicial clerks
- 14 (9%) business
- 4 (2%) public interest
- 5 (3%) graduate degree
- 5 (3%) education
- 19 (12%) seeking employment
- 1 (1%) not seeking employment

LAW CENTERS

- Bioethics and Health Law
- Litigation and Dispute Resolution
- Business and Tax Law
- Family and Children
- Public Interest Law
- International and Comparative Law

LAW PROGRAMS

- Juris Doctorate degree (J.D.)
- Executive J.D. program (part time)
- Academic Success program (summer start)
- Fast Start Program (summer start)
- Civil Law Program (Louisiana)
- Master of Laws (LLM) in American Legal Studies for International Lawyers
- Foreign Study Program (Merida, Mexico; China/Seoul, Korea; Berlin, Germany; Havana, Cuba; Lille, France)
- Two-Year JD Program
- Adoption Project
- Mission First Legal Aid Clinic
- Continuing Legal Education
www.law.mc.edu/cle
- Mississippi Law Institute Press
www.law.mc.edu/publications

PUBLIC INFORMATION PROGRAMS

- Judicial Data Project
www.law.mc.edu/judicial
- Mississippi Legislative History Project
www.law.mc.edu/legislature
- Mississippi Legal Resources
www.law.mc.edu/mlr

FACULTY

- 26 full time faculty
www.law.mc.edu/faculty
- 13 hold Ph.D. or Masters degrees in addition to JD degrees
- 86 adjunct faculty

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- Accredited by the American Bar Association
- Member, Association of American Law Schools
- Charter Member, International Association of Law Schools
- Member, American Society of Comparative Law

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Not Pictured - Earle Banks, Ed Blackmon, Andy Gipson, Willie Perkins, Tommy Reynolds, Jeff Smith, Percy Watson



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The Evolution of the Practice of Law – We Are Not Alone

The practice of law has evolved over the years through the advent and adoption of uniform rules of practice, including uniform rules of procedure, uniform commercial code, uniform rules of discovery and evidence. It has also evolved through developing technology so that what a lawyer does today in conducting his or her practice bears little resemblance to what lawyers did in the practice of law 30 or 40 years ago.

This evolution has taken place to the delight of some and the chagrin of others, but one thing is abundantly clear – the evolution of technology as it applies to law practice is ever changing and will continue to change as we go forward.

One of the areas of emphasis of the Bar which I proposed at the beginning of the year is the full use of technology, both by the Bar in the administration of our association and service to its members and by practitioners in the practice of law.

At a recent CLE on the Road in Greenwood sponsored by the Bar, there was a session on technology which outlined what is now considered essential technological equipment in the operation of a law office and in the practice of law.

It was extremely informative and was followed by a lengthy question and answer session from the participants of that seminar. It is my hope that through Casemaker, through electronic news from The Mississippi Bar and the constant email and social media announcements from the Bar that every member is informed and served by the technology of the Association and the information concerning the use of technology in individual practices.

The implementation of the uniform system of electronic filings in state courts is another example of the evolving use of technology in law practice in Mississippi.

Lawyers are not alone in this evolution. As everyone understands, our economy and the utilization of technology in that economy has become quite different from the way it was just a few years ago with online banking, online shopping, and online travel information, our society is becoming more and more dependent on the internet and other means of electronic communication.

The regulation and changes in the delivery of healthcare through the implementation of the Affordable Care Act and the increased regulation of the financial sector of our economy by the passage of the Dodd Frank Act are two excellent examples of the evolution of our economy.

Our personal lives are affected daily by the use of technology, both from email, texting, shopping, personal banking and bill paying. The utilization of social media to communicate and the use of technology in our practices have become routine and continues to evolve. I am pleased to advise you that your Association is ready, willing and able to assist all members in the use of new technology in the conduct of the practice of law and in the administration of the Association.

We as members of The Mississippi Bar are also not alone in some of the issues which we face daily as we endeavor as a profession to serve our clients and the public in a more effec-



Guy W. Mitchell, III
President of The Mississippi Bar
2013-2014

Continued on next page

The Evolution of the Practice of Law – We Are Not Alone

tive, meaningful way. Other state bar associations are dealing with the same issues which face our association.

The provision of legal services to the poor is an essential part of the obligation of our profession to the public. The services provided by the Mississippi Volunteer Lawyers Project, the Legal Services offices of North and South Mississippi, and Mission First are ways in which those who cannot afford the access to our court system can be provided that access. However, the delivery of those services in Mississippi has been affected as it has in every other state by the reduction of federal funding to the Legal Services Corporation and by the lack of interest being generated by IOLTA funds.

The Mississippi Volunteer Lawyers Project in response to that reduction in funding is in the process of a private fundraising effort in which I encourage every member to participate by a generous gift to that fund which can be sent directly to Tiffany Graves, the Executive Director of MVLP, P. O. Box 1503, Jackson, MS 39215.

Additionally, the Association has supported the efforts of the American Bar Association in attempting to restore federal funding to the Legal Services Corporation that was severely cut in the 2010 legislative session. Some progress is being made in that regard, but both the Legal Services offices of North and South Mississippi have had to make critical reductions in staff and in the number of staff attorneys because of the funding cuts. Each member of our Association has an obligation to assist the Bar in providing access to our court system to those who cannot afford that access. I encourage each of you to fulfill your individual responsibility in that regard.

Our Association and the practicing lawyers of the State of Mississippi are not alone in obtaining full funding from legislative bodies for the judicial branch of government. As I have mentioned previously, full funding of the judicial branch of the Mississippi government involves less than one percent of the total budget appropriated by the legislature each year.

In the 2014 legislative session, there will be emphasis on additional funding for felony drug courts, an increase in witness fees to bring those into the 21st century, and a bill will be introduced to provide for a uniform county court system on a state-wide basis utilizing districts much in the same way as the Circuit and Chancery courts are now organized.

We as an association are not alone in our efforts to regulate ourselves and the Office of General Counsel and the Committee on Professional Responsibility do an outstanding job of processing bar complaints made against members of the Bar and where appropriate, issuing reprimands and other sanctions against members who have not fulfilled their professional duties to their clients. This effort is ongoing and requires a great deal of attention by both the professional staff and our volunteer committee.

Nor are we alone in the effort to place new lawyers into meaningful careers within the legal profession. Both of the accredited law schools in the state of Mississippi have recognized the scarcity of jobs for new lawyers and have reacted by reducing the incoming class for 2013 to a more manageable number.

An emphasis is being placed by our association to assimilate new lawyers into our association and into the practice of law. We have expanded our professionalism sessions and this year will provide third year students with a session as well as the entering class at the beginning of their law school tenure. In the future I hope that the Bar can have a centralized system in place by which lawyers who are in need of associates or younger lawyers to transition their practices as they begin to slow down can utilize that service in an effective way.

The statutes which authorize and organize our association are up for renewal at this term of the legislature and a bill will be introduced to eliminate the repealer contained in those statutes. Hopefully this will meet with favor in both houses of the legislature. We have already procured the assistance of the leadership in both houses to assist us in this regard and Jimmie Reynolds, our capable legislative liaison, will monitor and push this legislation along with the assistance of other members of the Bar when needed.

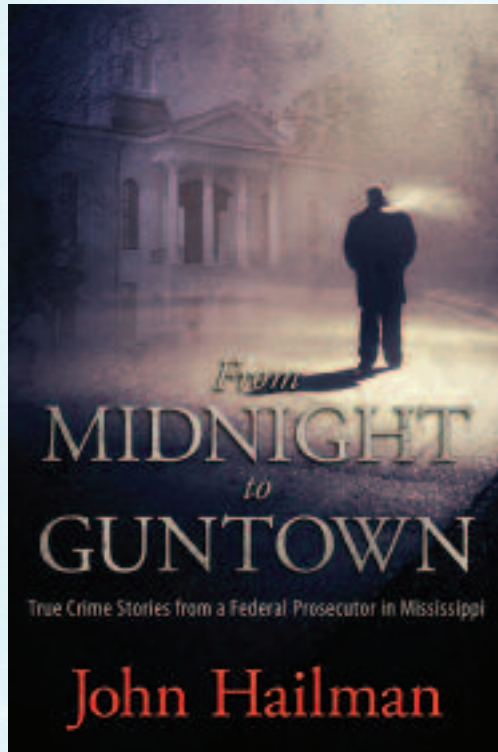
Plans are already under way for the 2014 Annual Meeting to be held in Sandestin. Please mark your calendars, plan to be there, bring the family, and enjoy the networking that is available, both with the Summer School from June 22-25, and the Annual Meeting from June 25-28, 2014.

Your Board of Bar Commissioners is hard at work and will continue their efforts to keep the train on the tracks for the remainder of the year. I encourage each of you to participate in the CLE on the Road program which will be upcoming May 22 in Southaven, through involvement in the sections of the Bar, and attendance at both Summer School and the Annual Meeting.

It is an honor and a pleasure to serve you as president of your association this year, and if you have any suggestions for improvement of the delivery of services, both to the members of the association and to the general public, I urge you to contact me. You can email me at gmitchell@mitchellmcnut.com or call me at 662-842-3871. You can also like me on Facebook or join my LinkedIn network.

Thank you for your continued participation in our Bar Association and the opportunity to serve as your president this year. ■

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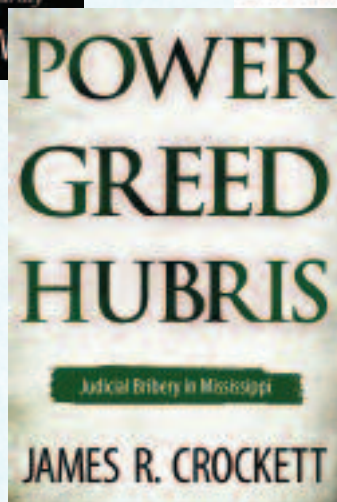
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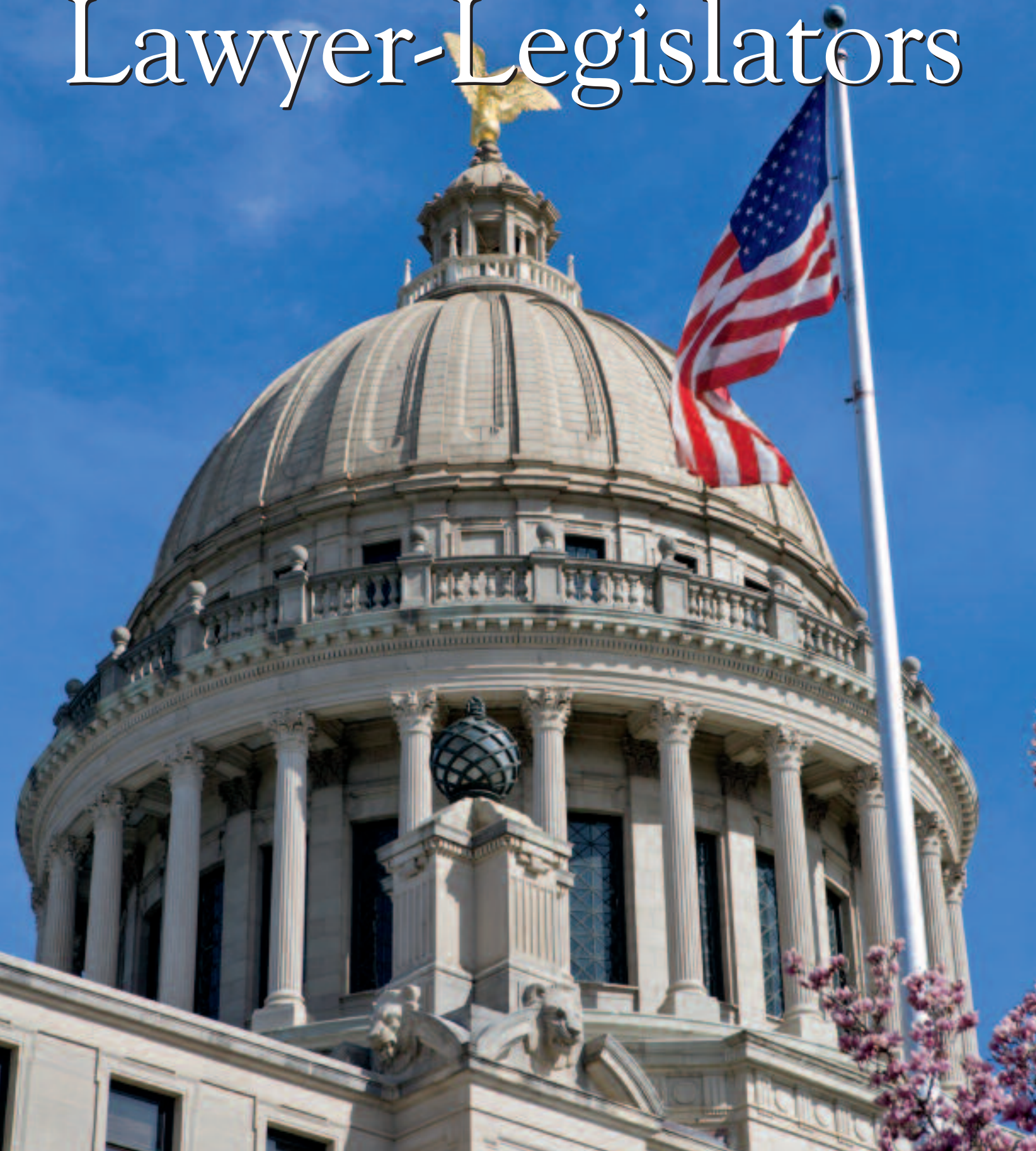


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Mississippi's Lawyer-Legislators



Willie Bailey, *Greenville*

Willie Bailey is a graduate of George Washington University National Law Center and was admitted to the Bar in 1972. He lives and practices in Greenville. Bailey said, “When Supreme Court Justice Leslie King advanced to the court, I was asked by the citizens of Greenville to take his place in the state legislature.”

Recognizing that his work and personal life are difficult to balance, Bailey explains, “There is no easy way. You just do the very best you can and pray.”

A member of the legislature for twenty years, Willie said, “Lawyers, who are true to heart, are the guardians of the rights of our people in this democracy.” He finds importance in the presence of lawyers in the legislature, as he claims, “We should strive to make government responsive to the needs of all people, whatever status in life they may hold.”



Nick Bain, *Corinth*

District 2 attorney Nick Bain is a graduate of Mississippi College School of Law, and he lives and works in his hometown of Corinth. Nick was admitted to the Bar in 2006, and his practice Bain and Moss, focuses on criminal defense and chancery matters. “The ability to give back has always intrigued me, and serving in the legislature is one way of fulfilling this calling,” said Bain.

Nick says he is blessed with a wife who helps balance life’s everyday demands. Also, his law partner former Assistant District Attorney Tyler Moss helps keep their practice both enjoyable and profitable. “I have no doubt that without this strong support system, my service in the legislature would be much more difficult,” Bain said.

Bain believes that since attorneys are trained to read the law and understand various statutes, lawyers are significant in the legislature. He has been a member of the legislature for three years and finds that for lawyer-legislators, “the learning curve is lessened by being a lawyer.” Bain also said, “Lawyers have the unique experience of seeing the real life effect that laws have on people. I believe this brings a keen awareness to making legislation.”



Mark Baker, *Brandon*

A graduate of Mississippi College School of Law, Mark Baker has been a member of the Mississippi Bar since 1987. Baker has a small town practice in Brandon with an emphasis on real estate, wills and estates, business transactions, and civil litigation.

As for running for the legislature, Baker explains that “delusional insanity” was behind his decision to serve. With such a heavy load from practicing law and serving as a legislator, Mark concludes that he balances his duties by sleeping less.

Baker has been in the legislature for eleven years and is the Chairman of the Judiciary A and Judiciary En Banc Committees. He feels that lawyer-legislators are necessary because “the passing of laws by those who don’t practice law makes it difficult for those that do and those that are subject to the effects thereof.”





Earle Banks, *Jackson*

After graduating from Mississippi College School of Law, Earle Banks was admitted to the Mississippi Bar in 1982. He lives in Jackson and works at Dockins, Turnage, and Banks. Banks is the District 67 legislator representing Hinds County.

Banks has been in the legislature for 22 years, where he currently serves as the Chairman of the Enrolled Bills Committee. He is a member of the Mississippi and National Funeral Directors and Morticians Associations. He is also a member of the Jackson State University Development Foundation.



David Baria, *Bay St. Louis*

A graduate of the University of Mississippi School of Law, David Baria lives in Waveland and practices law in Bay St. Louis, in which he focuses on litigated matters, primarily in the areas of insurance, construction, business disputes, abuse, and personal injury. Baria ran for the legislature after Hurricane Katrina, and he said, "I was unhappy with the treatment that Gulf Coast home owners received from insurance companies." David's goal was to repair some of the problems with policy language and adjusting practices.

Baria was admitted to the Mississippi Bar in 1990 and is the District 122 Representative for Hancock County. He says the most difficult part of his job is balancing work and personal life. "Without modern technology, an understanding partner, and a long-suffering spouse, I couldn't do it," said Baria. Weekends are the time that David spends at home, and he said his goal is, "to spend as much time as possible with my family."

A member of the legislature for seven years, Baria thinks lawyers are a necessity in the legislature because they "understand the nuances of proposed bills and existing statutes that escape many laymen legislators." He also emphasizes the amount of training that attorneys have in lawmaking, explaining, "We are trained to consider worst-case scenarios that may not appear upon a cursory reading of a bill."



Jim Beckett, *Bruce*

Jim Beckett was admitted to the Mississippi Bar in 1982 after graduating from the University of Mississippi School of Law. He lives and practices in Bruce, and he has served as Calhoun County School Board Attorney for 12 years. Beckett works in chancery, government law, oil and gas, and is the City Attorney for Bruce.

Beckett decided to run for the legislature to allow him to, "serve the people of our district with conservative representation." He said that being an attorney allowed him to see the "many needs and desires of people in many walks of life."

A top priority for Beckett is family. "We always make time to visit, share with each other, and spend quality time together in our homes and in our church and community," Beckett emphasized.

Beckett is an eleven-year member of the legislature. He believes it is vital to have a mixture of all occupations in the legislature, explaining, "It is important to have a diverse group of capable, committed members of integrity." He serves as Chairman of the Public Utilities Committee.

Ed Blackmon, *Canton*

Ed Blackmon was admitted to the Mississippi Bar in 1973 after graduating from George Washington University School of Law. He lives in Canton and works at Blackmon and Blackmon. Blackmon serves as the District 57 Representative for Madison County.

Chairman of the Municipalities Committee, Blackmon has been a member of the legislature for 32 years. He has pursued further studies at Tuskegee Institute and Emory University.



Kimberly Buck, *Jackson*

Kimberly Campbell has her own law practice in Jackson, in which she works almost exclusively in the area of family law. Campbell is also a Special Judge and Guardian Ad Litem in the Hinds County Youth Court, City Attorney for Belzoni, and an Adjunct Professor at Belhaven University. Kimberly graduated from the University of Mississippi School of Law and was admitted to the Mississippi Bar in 2004.

As the mother of three girls, Kimberly finds it extremely difficult to balance her schedule, but she manages to do so by always making her children the top priority. Campbell has grown up in the area she serves, District 72, as she said she is, “deeply rooted in this soil and at one with the people here.” Her main goals in running for the legislature were, “to be part of making Mississippi and my hometown have a greater quality of life. I also wanted to expand industry and open up more employment opportunities for all the citizens of our state.” Campbell also said, “It was important to me to provide a voice in particular to women’s issues and concerns.”

She currently serves as Committee Vice Chairman of Judiciary B and has been a legislator for seven years. Campbell believes it is crucial for lawyers to serve in the legislature because, “we have the unique ability and skill-set to fully comprehend the extent of laws and how they will affect the citizenry.” She went on to explain that attorneys understand what is at stake and what will open the state up to any liabilities.



Bryant Clark, *Pickens*

Bryant Clark is a graduate of Mississippi College School of Law. He lives in Pickens and is a partner at Clark and Clark law firm in Lexington. District 47 Representative, Clark was admitted to the Mississippi Bar in 2003.

Clark serves as Vice Chairperson of the Conservation and Water Resources Committee and has been in the legislature for 11 years. Clark is also a farmer.





Angela Cockerham, *Magnolia*

Angela Cockerham has been a member of the legislature for 10 years. She graduated from Loyola University School of Law and was admitted to the Mississippi Bar in 2004. Angela is the Representative for District 96, representing Adams, Amite, Pike, and Wilkinson counties.

She works at Dowdy, Cockerham, and Watt law firm and lives in Magnolia. Cockerham is the Energy Committee Chairperson. She is also a member of the Louisiana Bar Association.



Linda Coleman, *Mound Bayou*

Linda Coleman graduated from the Mississippi College School of Law and was admitted to the Mississippi Bar in 1987. She has a solo practice in Cleveland that is dedicated to representing political subdivisions. "I have always had an interest in politics, policy, and how government works," Coleman said of her decision to run for the legislature.

Coleman emphasizes the importance of time management skills, explaining that she oftentimes must work on client matters while in Jackson. "I work most weekends during sessions. However, I managed to have some Sunday afternoons free after church and spend this time with my family."

Coleman has been a member of the legislature for 23 years. "My decision to serve in the legislature gives me an opportunity to have direct input on developing policy to improve my community and the overall quality of life for all Mississippians," she said. Coleman finds that lawyers have practical insight on how many laws will be implemented. "Lawyers are often able to fine tune legislation to ensure its effective implementation as well as achieving the desired result."



Dennis DeBar, *Leakesville*

Dennis DeBar graduated from Mississippi College School of Law and was admitted to the Mississippi Bar in 2001. He has a solo practice in Green County with a general practice. DeBar is also a Judge Advocate General in the Mississippi Air National Guard in Meridian. "Being in the legislature is a continuation of giving back to my community in the hopes that I can create a better future for my children and all the citizens of whom I serve," DeBar said.

DeBar explained that "without the full support and sacrifice of my family, I would not and could not balance all that I do," He explained that his wife and children allow him to practice law, serve in the legislature, and serve in the Air Guard.

"Being a litigator, I am more comfortable bringing legislation before a committee or the full house," DeBar said. DeBar is the District 105 Representative and has been in the legislature for three years.

Bob Evans, *Monticello*

Bob Evans ran for the Legislature because he wanted to better represent the personal and political philosophies of the majority of his constituents in District 91. A sole practitioner in Monticello, he does not see being a legislator as having to divide time between lawyering and legislating, though. Bob says, “I perceive it as multiplying my knowledge and perhaps even effectiveness as a lawyer.”

With four sons, Evans holds family as a top priority, and he makes sure family time is plentiful, even if that means working into the wee hours of the night or on weekends. “I did and do whatever I have to do to make sure that family time is available and sufficient,” said Evans. A graduate of Mississippi College School of Law, Evans feels strongly that lawyer-legislators are a key to successful lawmaking.

As a member of the legislature for seven years, Evans feels that, “the trouble with the legislature is, actually, that there are not enough lawyer members.” He believes that lawyers’ extensive legal training coupled with real-world knowledge and experience from practicing law makes them ideal legislators. In Bob’s eyes, this knowledge of “how the law affects everyone’s everyday lives,” gives lawyer-legislators an advantage that overall benefits their constituents.

Andy Gipson, *Braxton*

Andy Gipson graduated from Mississippi College School of Law and was admitted to the Bar in 2002. Gipson works for the Jones Walker firm with a primarily business practice, specializing in corporate securities matters, administrative law, and utilities law.

When several people in Andy’s community approached him about running for the legislature, he “saw it has an opportunity for public service and as a way to have a positive impact on the laws of our state.” Keeping his priorities in order, Gipson manages to balance work and family life. With four children, he said, “Time with family is of utmost importance.”

Gipson serves as Committee Chairperson of Judiciary B and Committee Vice Chairperson of Judiciary En Banc. He said, “Lawyers have their finger on the pulse of the law, and they are in a great position to monitor the need for changes, updates, and improvements.” Gipson has been a member of the legislature for seven years, where he has learned that “Lawyers in the Legislature are crucial to maintaining a solid set of laws on the books.”

Philip Gunn, *Clinton*

Philip Gunn earned his degree from the University of Mississippi School of Law, and he was admitted to the Bar in 1990. A resident of Clinton, he practices with the law firm of Wells Marble & Hurst, specializing in civil litigation, worker’s compensation, and estate and tax planning. “I decided to answer the call to serve my community and was fortunate to be elected,” to which he added, “I have been very proud and humbled to serve the people of Madison and Hinds counties since then.”

Family is a top priority to Gunn, and he said, “My wife implemented a ‘one-night-a-week’ rule the first year I was elected.” He can be out of the house only one night per week, in order to allow for the most time with his family. Legislative duties are important, too, and Gunn said, “When in session, the legislature occupies all of my attention.”

A member of the legislature for eleven years, Phillip said, “I believe lawyers bring incredible skill and understanding to the legislative process.” He finds that attorneys have the experience and training to understand the practical effect of any law. Since lawyers use the law every day, “they can better identify those areas of the law that need correcting, that are practicable or no longer serving the purpose for which they were intended or that will make our judicial system better,” Gunn added.





Joey Hood, *Ackerman*

A graduate of Mississippi College School of Law, Joey Hood is a solo practitioner in Ackerman, where he has a general practice that centers around chancery matters, real estate, contracts, and criminal defense. He was admitted to the Mississippi Bar in 2003.

Hood decided to run for the legislature because he saw it as “an opportunity to have a positive impact in our local communities and in the everyday lives of citizens residing in my district.” Though his first years in the legislature was difficult, Hood finds that modern technology has made it easier to balance a law practice and his legislative duties. “I am still able to drive home every weekend that we are not in session to spend time with my family,” he said.

Hood has been a member of the legislature for three years and is also the Vice Chairperson of the Banking and Financial Services Committee. “Lawyer legislators are able to review legislation from a legal aspect and identify any potential problems a bill may have prior to it becoming law,” Hood said.



Kevin Horan, *Grenada*

Kevin Horan was admitted to the Mississippi Bar in 1988 after graduating from Mississippi College School of Law. He lives in Grenada and is the Representative for District 24, representing Calhoun, Grenada, and Yalobusha counties. He is the Carroll County Board attorney.

Horan has been a member of the legislature for three years. Besides practicing law, he is the Chief Financial Officer for Milestone Hospice, Inc. and owner of H & H Farms.



Robert Johnson, *Natchez*

Robert Johnson of Natchez has been in the legislature for 22 years and is the Chairperson of the Transportation Committee as well as the Co-Chairperson of the Select Committee on Railway Development. He has a solo practice that has evolved into one of primarily litigation. Johnson was admitted to the Mississippi Bar in 1989, and said, “I have had the opportunity to try cases all over the state and in various parts of the country.”

Johnson said he saw “serving in the legislature as an opportunity to serve my community and give back to a place that has given so much to me and my family. He added, “I consider it a privilege and blessing. I really enjoy what I do.” Robert does what he can to balance a law practice, the legislature, and his family, though that often means he has less time for himself.

“I think lawyers bring a trained eye to the problems facing our society as it pertains to creating new laws and the application of laws that exist,” Johnson explained.

Trey Lamar, *Senatobia*

After graduating from Mississippi College School of Law, Trey Lamar was admitted to the Mississippi Bar in 2007. Trey moved back home to Senatobia and began practicing with the law firm which his grandfather founded in 1958, Lamar & Hannaford. Lamar obtained an LLM degree in taxation from Washington University School of Law in 2008. He practices in the areas of litigation, wills and estates, real estate, criminal law, and local governmental representation.

Lamar reflects on his grandfather's presence in the legislature, as he represented the same district from 1956-1964. Being a legislator "provides an avenue to bring positive representation to the citizens of my hometown and gives me a seat at the table when discussing the business of the state," said Trey.

Though keeping an active law practice and serving in the legislature does have its challenges, Lamar claims that he is "grateful to have wonderful partners in my father and uncle, who can cover for me if necessary." When it comes to the difficulty of the legislative session's long hours and late nights, Lamar admitted that, "it is challenging but not impossible."

Lamar has been a member of the legislature for three years, and he feels that it is "vitaly important for lawyers to serve in the legislature," adding that lawyers and the judiciary are the ones tasked with sorting out the laws that the legislature passes. Therefore, "it only makes good sense to have attorneys involved in the legislative process," Lamar said, concluding that, "our profession is much better served by having lawyers in the legislature."

Sherra Lane, *Waynesboro*

A graduate of the University of Mississippi School of Law, Sherra Lane practiced for 23 years in Waynesboro, focusing on family law, personal injury, workers compensation, and bad faith insurance litigation. In December 2012, she retired from law, which allowed more time to focus on her legislative duties as well as family. Admitted to the Mississippi Bar in 1990, Lane's decision to run for the legislature stemmed from her civic-minded parents, who always encouraged her to consider others. "When I was a senior in high school, my mother told me that I had been born in the wrong period of time—that I should have been born during The Crusades," said Sherra.

Lane has been a member of the legislature for ten years and is the Vice Chairperson for the Medicaid Committee. She enjoys trying to make good policy decisions for her constituents. "Sherra believes that lawyers should discuss potential state laws and their interaction with federal laws amongst their colleagues. "Lawyers understand the far-reaching and unintended consequences of laws," which is why Lane thinks it is important for lawyers to serve as legislators.

Bobby Moak, *Bogue Chitto*

A graduate of Mississippi College School of Law, Bobby Moak lives in his hometown of Bogue Chitto and has a solo practice. He does mostly tort law with a limited criminal and business practice as well. "I always had an interest in politics and got recruited by the locals to run. I have enjoyed it ever since," Moak explained.

Though most people get into the legislature later in their careers, Moak did just the opposite. "I sort of grew up balancing a struggling law practice and family with the legislature because I finished law school, started a practice at home, and got married all after being elected for the first time," Moak said.

Bobby was admitted to the Mississippi Bar in 1994 and has been a member of the legislature for 31 years. He finds it important for the legal practice to be represented in both chambers of the legislature. "Lawyers bring a logical approach to legislation and usually an attitude of quick decision-making because of their practice and school background," Moak said. He added that lawyers help balance the politics when writing the law.





Brad Oberhausen, *Terry*

District 73 Representative Brad Oberhausen has been in the legislature for three years. He lives in Terry and works in Jackson, where “his general practice of law ranges from domestic cases to federal criminal cases and anything in between.” Brad was admitted to the Bar in 2003 and earned his degree from Mississippi College School of Law.

“I have always wanted to help Southern Hinds County anyway I can,” Oberhausen said. He found that the best way for him to serve the residents was at the State Legislature. Balancing his work and personal life is a challenge, and Brad claims, “I am still trying to figure this one out.”

Brad thinks it is important for lawyers to serve in the legislature because they “have a better understanding of how the legislation affects people, business, local government, and the court system.” He finds that lawyers in the legislature tend to analyze legislation differently than lay persons, and they use their skills “to greatly improve the legislation before final passage.”



Willie Perkins, *Greenwood*

District 32 Representative Willie Perkins is a graduate of the University of Mississippi School of Law. Perkins lives in Greenwood where he is a solo practitioner and owner of The Perkins Firm. He engages in general practice and represents a few public entities. Perkins was admitted to the Mississippi Bar in 1978.

His decision to run for the legislature was based on the redistricting plan of 1992, which created a new majority African American district in Leflore County. “I became the first African American since the Reconstruction Era to serve in the Mississippi Legislature.” Perkins explained, “I wanted to render public service to the majority segment of my community which for years had no voice in state government and was overlooked.”

With church and family as top priorities, Perkins said that working additional hours every day in order to balance his law practice and the legislature is a necessity. “I work 24/7 plus,” he added.

A twenty-two year member of the Legislature, Perkins understands that lawyer-legislators are vital because attorneys “study law and should have a better understanding of how to make laws. A lawyer has an edge over non-lawyer legislators in certain areas, and this is helpful in passing legislation which pass constitutional muster,” Perkins said.



Tommy Reynolds, *Charleston*

Tommy Reynolds earned his degree from the University of Mississippi School of Law. He was admitted to the Mississippi Bar in 1977 and practices in Charleston, in which his practice consists of social security disability, real estate, bankruptcy, and general practice. Reynolds said of his many years in the legislature, “I wanted to make a difference for our state. Every session brings with it new ideas and worthy issues that we can debate and vote on in a continuing effort to make things better here.”

During the legislative session, time management is crucial for lawyers. Reynolds said, “It would be impossible to succeed without competent, dedicated associates and staff members.” He works in his law office on Saturdays while in session, and Reynolds enjoys family meals and get-togethers on weekends.

He has been a member of the Legislature for 35 years and serves as Committee Vice Chairperson for Judiciary A. “Legal training helps us to evaluate sensitive and important issues based on facts, rather than emotion. We are trained to be analytical and also persuasive. However, I believe for good public policy to be made, it is crucial for all segments of our society to be represented in the legislature,” Reynolds noted. He added that there is room for all ideas and backgrounds at the State Capitol, saying, “Lawyers aren’t the only ones with good ideas.”

Ferr Smith, *Carthage*

Admitted to the Mississippi Bar in 1973, Ferr Smith lives in Leake County, a few miles south of Carthage and practices law in Canton. Smith graduated from the University of Mississippi and said he decided to run for the legislature because he “saw a great need for a change in our state of Mississippi.”

With so many responsibilities surrounding his law practice, legislative duties, and family time, Smith says he balances it all with “a good staff, supportive clients, and a compassionate family.”

Ferr has been a member of the legislature for 22 years and says that “it is all our duty to serve.” He serves as a legislator to better Mississippi, explaining that “One of the best ways to serve our people is to enact legislation that is fair and equitable to all of our citizens.”



Jeff Smith, *Columbus*

Jeff Smith was admitted to the Mississippi Bar in 1979. A graduate of the University of Mississippi School of Law, Smith went on to receive his M. B. A. from Mississippi State University. He works at Sims and Sims and mainly represents boards such as school board, utility district, and political subdivisions.

Smith balances his personal life with his work responsibilities by “praying a lot.” He explained that he wanted to be a Legislator since he was 10 years old. “The law firm I wanted to join since a child had a lawyer-legislator, so I joined the same,” Smith said.

Smith described the reason that lawyers make good legislators as he said, “We seem to understand the nuances of the law and can more easily absorb and understand legal concepts.” A member of the legislature for 23 years, Smith is the Chairperson of the Ways and Means Committee and Co-Chairperson of the Select Committee on Railway Development.



Greg Snowden, *Meridian*

A graduate of Vanderbilt Law School, Greg Snowden was admitted to the Mississippi Bar in 1981. Snowden has a solo practice in Meridian which “traditionally has been of a transactional nature, with corporate, real estate, and administrative emphasis.”

“I was encouraged to run for the legislature in 1999 by friends who believed that I could make a difference for our community,” Snowden explained. A mission of Greg’s is to diligently communicate with constituents, as he said, “I pride myself on being accessible to citizens and to the media because I believe that is my responsibility as an elected Representative.”

Greg explained that “the three months when we’re in session each year are very tough on my practice.” He said that it is always a relief when the session ends so he can enjoy “quality time” at home.

Snowden has been a legislator for fifteen years and is currently serving as the Chairperson for the Management Committee. “Being a practicing lawyer does provide certain advantages at the Capitol because so much of the essence of our profession revolves around what happens here,” he said. Snowden also added, “I firmly believe that it is the duty of members of our profession to participate in public service and to engage in the legislative process.”





Joe Warren, *Mount Olive*

Joe Warren lives and practices in Mt. Olive. Warren focuses on “real estate work along with some chancery work and social security disability representation.” He graduated from Mississippi College School of Law and was admitted to the Mississippi Bar in 1982.

A history and government teacher for some time, Warren has been interested in the legislative process for a while, which is what prompted him to run for the legislature. Joe said, “I have always been in politics as I have several family members who have held office.”

Serving in the legislature for 35 years, Warren has become accustomed to a busy schedule. “I am in luck that I am able to drive home every night,” said Warren. This allows him to see his family every night and also go to the office if necessary. Warren explained, “Lawyers can better understand the bills because we deal with statutes on a day-to-day basis.” He is currently serving as Chairman of the Local and Private Legislation Committee.



Percy Watson, *Hattiesburg*

Percy Watson was admitted to the Mississippi Bar in 1976 and is a graduate of the University of Iowa. He lives in Hattiesburg and practices at Watson law office.

He is a member of the Mississippi Trial Lawyers Association and the Hattiesburg Chamber of Commerce.

A member of the legislature for 35 years, Warren is the Chairperson of the Ethics Committee.



Jason White, *West*

Jason White, a graduate of Mississippi College School of Law, was admitted to the Mississippi Bar in 1998. White has a “typical small town practice in my hometown of Kosciusko,” and he lives in West Point. His practice mainly consists of “real estate transactional work,” and Jason represents “a number of municipalities and other public entities as well as representing a number of private businesses.”

“It sounds so cliché, but I truly felt I could make a difference for the people of my area of the state,” explained White concerning his decision to run for the Legislature. He went on to say, “the opportunity to impact and shape policy for the benefit of my District is what drew me to the Legislature.” White has found that “balancing a law practice, the Legislature, and family is the hardest part of his job. We have three school-age children, and my wife has been very supportive in trying to pull off the balancing act it sometimes becomes,” said Jason.

A member of the legislature for three years, White serves as the Constitution Committee Vice Chairperson. “I feel like lawyers add so much in that we are on the front line of the application of so many of the laws we enact,” White added, “Lawyers are sometimes more equipped to separate the politics from the policy and not take everything so personal, which is usually the case in the Legislature.”

Patricia Willis, *Diamondhead*

A member of the legislature for two years, Patricia Willis lives in Diamondhead and has practiced in the areas of Chancery Practice and Guardian Ad Litem cases. She graduated from Loyola University School of Law and was admitted to the Mississippi Bar in 1991. Willis served as Public Defender for Hancock County and then as prosecutor for the City of Waveland as well as a Family Master for Hancock and Harrison Counties for 13 years.

"I have a great desire to do my best to make a better life and a better future for the people of Mississippi," Willis commented on her reason behind running for the Legislature. In order to balance her busy schedule, Patricia works during the week, flies on weekends, and reserves all evenings and holidays for her family.

Patricia thinks the significance behind lawyers serving in the legislature is that they are able to effectively communicate and advocate for their constituents and others. "With negotiating and mediating skills, attorneys are invaluable assets in the legislative process," Willis said.



Adrienne Wooten, *Jackson*

A graduate of the University of Mississippi School of Law, Adrienne Wooten was admitted to the Mississippi Bar in 1999. She has a solo practice in the Law Office of Adrienne Hooper-Wooten, focusing in the areas of personal injury, criminal law, family law, drug product liability, mass tort litigation, medical malpractice, civil litigation, worker's compensation, legal malpractice, premises liability, and general civil practice.

Adrienne said her responsibility is, "to speak on behalf of the citizens of the State of Mississippi whose voice have been and continues to be silenced or under-represented. I believe that all citizens of this great State deserve a voice in our government, regardless of race, ethnicity, gender, or socio-economic standing in our communities." Her key to balancing such a busy schedule is to put God first. "I have been blessed with a husband who understand that the demands of these positions are many, but the justice sought by those represented by myself and others in both the court room and the Mississippi Legislature is so desperately needed."

Wooten has been a member of the legislature for seven years. Her reason for believing lawyers should serve on the legislature is due to their ability to divulge experiences in the application of laws of the State of Mississippi and the effect the laws have on citizens. "I believe this dual role is one of a complimentary nature and allots for an invaluable undertaking in our legislative process," Wooten explained.



Hank Zuber, *Ocean Springs*

Hank Zuber's lives and practices in Ocean Springs. A graduate of the University of Mississippi School of Law, Hank has done "everything from adoptions to criminal cases and everything in between." Zuber was admitted to the Mississippi Bar in 1993.

The main reason behind Zuber's decision to run for the legislature was that "I believed I could do a better job than the person who was in office." He is the Banking and Financial Services Committee Chairperson and has been in the legislature for fifteen years. In order to balance being a legislator and having his own practice, Hank says, "I have a very competent and capable legal assistant/paralegal who has been with me for many years."

Hank was admitted to the Mississippi Bar in 1993, and he believes it is important to have lawyers in the Legislature because "we experience every day through helping our clients how bills that become law affect every day hardworking Mississippians." Also, Zuber finds that lawyers' legal education gives them a perspective that is unique and beneficial to the process including but not limited to constitutional issues and changes that would be made to present law if certain bills were passed.





Hob Bryan, *Amory*

Hob Bryan is a graduate of the University of Virginia School of Law and was admitted to the Mississippi Bar in 1977. He lives in Amory and is a solo practitioner. Bryan practices general civil law, family law, real estate, personal injury law, probate law, bankruptcy law, and criminal law. He is the Senator for District 7.

He serves as the Committee Chairperson for Judiciary B and Committee Vice Chairperson for Public Health and Welfare. Bryan has been a member of the Legislature for 31 years.



Sally Doty, *Brookhaven*

Sally Doty was admitted to the Mississippi Bar in 1991 after graduating from Mississippi College School of Law. She lives in Brookhaven and practiced law for many years with Bob Allen, defending county and city governments in a variety of matters.

Doty explained, "I had taken a few years off to care for my children and was contemplating a return to full-time law practice when Cindy Hyde-Smith announced she would vacate her seat and run for Commissioner of Agriculture," which prompted her to run for the legislature. While she was a college student at Mississippi University for Women, Sally spent several months lobbying the Legislature and had always toyed with the idea of running. "With an open seat, I knew it was time for me to pursue this opportunity," Doty said.

Family is a top priority for Doty, and she made sure her children were actively involved in her campaign. "We talk and text often, and Brookhaven's closeness to Jackson makes it convenient for me to make a quick visit home whenever possible," said Doty.

A member of the Legislature for three years, Doty is the Vice Chairperson for the Judiciary A and Public Property Committees. "Lawyers often bring a deeper understanding of the consequences and potential problems with proposed legislation, and they are willing to speak up and address these concerns," said Doty about why it is important for lawyers to serve in the legislature. Sally concluded, "The various experiences of our lawyers in the Legislature is invaluable."



Joey Fillingane, *Sumrall*

A member of the Legislature for fifteen years, Joey Fillingane lives in Sumrall and practices law in Hattiesburg. Fillingane graduated from Mississippi College School of Law and was admitted to the Mississippi Bar in 1998. He has always been interested in politics and public service, as Joey said, "Growing up watching President Reagan on the nightly news was a great inspiration."

"It is difficult at times to balance the practice of law with the legislative requirements and time with family. Everyone is busy these days with multiple commitments, so balancing these things is no different than what all legal practitioners have to do in their daily lives."

The Chairperson of the Finance Committee, Fillingane said, "I believe it is vitally important for lawyers to serve in the Mississippi legislature because we can uniquely balance the competing interests of a proposed law that sounds good in theory versus language in a statute that would be terrible in application."

Briggs Hopson, *Vicksburg*

Briggs Hopson, a graduate of the University of Mississippi School of Law, lives in Vicksburg and practices with Teller, Hassell, and Hopson law firm, a six-person firm with a general practice. Hopson concentrates his practice in the areas of education law, business law, and general civil trial work. He was admitted to the Mississippi Bar in 1991.

“The legislature affords me the opportunity to provide a service to the citizens of my district and to the state as a whole, advocating legislation that will make us better educated, safer, and more prosperous,” Hopson said.

Though juggling his practice, the legislature, and time with family is difficult, Hopson said, “I have a very supportive family and law firm.” It is about service, he added, and when things get hectic, Hopson explained, “You simply have to do the best you can to offer sufficient time to all of these competing interests.”

Hopson is a seven-year member of the Legislature and is the Chairperson for Judiciary A Committee. He said, “Lawyers understand better than most others the consequences of proposed legislation. This is invaluable to the deliberative process, which, in turn, is crucial to passing effective legislation,” Hopson said.

Will Longwitz, *Madison*

Will Longwitz graduated from Georgetown University Law School. He was admitted to the Mississippi Bar in 2003, and he lives and practices law in Madison, which makes it easier to be a member of the Legislature due to the short commute. “My constituents are very informed about state government, and they come to me for help with legal matters as well as political ones,” Longwitz said.

Though he never actually planned to run for the senate, after a loss in a close race for County Judge in November of 2010, an opportunity presented itself. “The Lord didn’t ask what title I wanted, so when the senate seat opened up in spring of the next year, there was no doubt that it would be both a good use of my talents and an opportunity to serve the district this way,” Longwitz explained.

Balancing his family and work schedule takes constant work, according to Will, but his close proximity to the Capitol helps tremendously. “Even during the three months when we’re in session, I can visit with my constituents when they need me. Without travel, I can still get a full work week most weeks.” Longwitz said. Will added, “I have a very supportive and understanding family.”

Longwitz has been a legislature for three years and is the Constitution Committee Vice Chairperson. “Lawyers can manage large amounts of information, and we can cut through the fog of battle,” he said. “We also have naturally thick skins, which really helps. Those are critical traits for any successful lawmaker,” he added.

Chris McDaniel, *Laurel*

Chris McDaniel is a graduate of the University of Mississippi School of Law. He was admitted to the Mississippi Bar in 1997 and lives in Laurel. McDaniel is the Senator for District 42 for Jones County. He practices litigation, insurance defense, corporate law, products liability, commercial litigation, consumer litigation, mass torts, and complex litigation with Hortman, Harlow, and Bassi.

McDaniel is the Elections Committee Chairperson and Vice Chairperson for the Congressional Redistricting and Judiciary B Committees. He has been in the Legislature for seven years. He is a member of the Mississippi Economic Council, Association for Excellence in Education, The Mississippi Defense Lawyers Association, the Hundred Club of Jones County, The Exchange Club, and the Rotary Club.





Derrick Simmons, Greenville

Derrick Simmons graduated from the Howard School of Law, and he was admitted to the Mississippi Bar in 2006. A native of Greenville, Simmons lives and practices there with twin brother Errick D. Simmons, where they concentrate on the litigation of civil claims including personal injury, commercial litigation, medical malpractice, wrongful death, product and premises liability, toxic torts, and criminal defense at their firm Simmons and Simmons.

“I ran for the legislature because I think someone has to be the voice for the people and ensure that in all things equality exists,” said Simmons. “When I can make a contribution that helps people, whether one person or the world, I feel like I am serving my purpose.” Though it is tough sometimes to strike a balance, Simmons is lucky enough to have his brother as well as a capable and dedicated staff to attend to make the transition easier.

Simmons finds that “lawyers with diverse mindsets and backgrounds are needed in the legislature to serve as a counter-balance to one another so we ensure that all legislation is fair and helpful to the populous and not condemning.” He has been in the legislature for four years and serves as the Committee Chairperson for Enrolled Bills. “I think lawyers should serve in the legislature because it’s the birthplace of our legal system,” Derrick said.



Sean Tindell, Gulfport

Sean Tindell graduated from Mississippi College School of Law and was admitted to the Mississippi Bar in 2001. He is the past Assistant District Attorney for Harrison, Hancock, and Stone Counties, and Tindell now works at Tindell Law Firm with partner Jenny Tyler Baker, where his primary practice includes business representation and development, local government, mediation, real estate, and family law.

“A desire to serve the people in my hometown and our state,” is what Tindell says led him to run for the Legislature. “All my life I have never been one to just sit on the sideline, so when the opportunity came along, I decided to run.” Sean keeps family a top priority in his life, claiming he owes it all to wife Claire.

Three years in the Legislature, he serves as the Tourism Committee Vice Chairperson. He understands that lawyers make wonderful legislators, as Tindell said, “Our training as lawyers allows us to look for unanticipated consequences that other might not see. I believe it is important that lawyers maintain a presence in the Legislature so that we can lend our expertise to the process of creating laws that as officers of the Court we enforce.”



Gray Tollison, Oxford

Gray Tollison graduated from the University of Mississippi School of Law and was admitted to the Mississippi Bar in 1991. He lives in Oxford and has practiced law for 22 years with his father and others at the Tollison Law Firm on the Square in Oxford. “My family, as well as the Oxford community where I grew up, instilled in me the importance of education,” said Tollison. He started looking into politics in 1995 with his interest to improve education in the State of Mississippi.

Gray is thankful for the opportunity to represent his constituents from the 9th district at the State Capitol. “I continue to focus on raising student achievement in our state. I have learned it is no small task, but I have seen encouraging improvements,” Tollison said.

A member of the legislature for 19 years, Tollison serves as the Education Committee Chairperson and Executive Contingent Fund Committee Vice Chairperson. He finds that “Legal training and experience, especially litigation, prepares you for legislative service in a variety of ways – from advocating for a bill to working on constituent issues. Perhaps the best lesson learned from the practice of law is the art of negotiation and compromise. Without these tools, the Capitol can become very frustrating. Just like in law, you win some, and you lose some, but you move forward with your head up to fight the next day’s battle.”

Angela Turner, *West Point*

Angela Turner lives in West Point and works for Turner and Associates, where she primarily handles “personal injury cases, as well as servicing the general legal needs of the local communities.” Turner is a graduate of the University of Mississippi School of Law and was admitted to the Mississippi Bar in 2001. “Balancing service in the legislature with my responsibilities to my family and the practice of law is a daily exercise in time management,” said Turner.

After the passing of Angela’s father Bennie L. Turner, who was also a member of the senate, she decided to run for the legislature. Bennie was a member for approximately 20 years, and Angela had been practicing law with him for over ten years at that time. Turner said, “Seeking to serve the remainder of his term seemed like a natural progression.”

Turner has been a member of the Legislature for two years. Angela thinks lawyer-legislators are important because they must think about, “various scenarios and how a particular piece of legislation will be applied in practice.” Also, Turner emphasized on the need for lawyers in the legislature due to their extensive training to identify and analyze issues. “Those skills are extremely important.”

Michael Watson, *Pascagoula*

District 51 Senator Michael Watson has spent seven years in the legislature. Born and raised in Pascagoula, Michael practices in several areas of law, with a focus in general business law. He graduated from the University of Mississippi School of Law and was admitted to the Mississippi Bar in 2003.

“I’ve always enjoyed helping people and felt like the Legislature was a great avenue to do so,” said Watson of his decision to run for legislator. Watson cares deeply for Mississippi and had a desire to “get involved with crafting our great state’s future.” As for balancing family life with work, Michael said, “I try to set my priorities and stick to them.” He explained that, “family is much more important,” than practicing law or serving in the Legislature.

Watson is the Constitution Committee Chairperson and the Drug Policy Committee Vice Chairperson. “From something as small as seeing the difference one word can make in a bill to knowing case law and how that might conflict with a statute, lawyers are invaluable to the legislature process,” Watson said.

Brice Wiggins, *Pascagoula*

“I am proud of Mississippi and want to see it succeed,” said Brice Wiggins. A graduate of Mississippi College School of Law, he practices at Wiggins Law in Pascagoula, which Wiggins founded after practicing for seven years as Assistant District Attorney in the 19th Judicial District. Wiggins was admitted to the Mississippi Bar in 1998, and his practice emphasizes on domestic relations, criminal prosecution and defense, youth court, wills and estates, trucking and traffic regulations, and business contracts.

“I grew tired of the negative image Mississippi gets nationally, and I wanted to change that,” said Wiggins concerning his decision to run for the Legislature. After Hurricane Katrina flooded the coast, “I realized it was time to take Mississippi to the next level for our children and grandchildren.” Brice balances family life and his work with help from his wife, Heather, claiming, “It takes a lot of planning, early mornings, and prioritizing. Most importantly, it requires keeping family and God at the center.”

“We are a state and nation governed by the Rule of Law, established by our founding fathers,” said Wiggins. He explained that the Legislature makes the laws by which people live by. “Lawyers’ bring to the Legislature the ability to explain and understand how the law intersects with people in their everyday lives.” Wiggins goes on to say, “Lawyers see this interaction and understand the nuances of how the law practically affects people.” The Ports and Marine Resources Committee Chairperson, Brice has spent three years in the legislature. Brice concludes by adding, “I think it is great to have a ‘citizen-legislature’ which brings all manner of backgrounds to the law-making process.”





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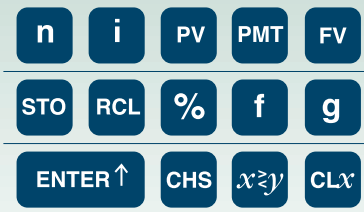
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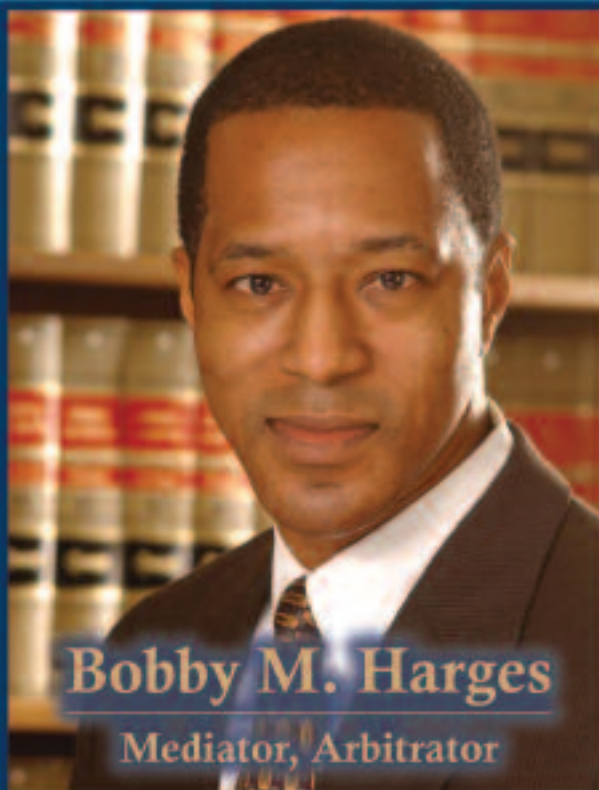
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21st Annual Evelyn Gandy Lecture Series

February 21-22, 2014, IP Casino Resort & Spa, Biloxi, MS



Panel speakers included front row: Karen Sawyer, Gulfport; Jenny Tyler Baker, Gulfport; Joy Lambert Phillips, Gulfport; and Judge Kay Cobb, Oxford. Back row: Nina Stubblefield Tollison, Oxford; Mary Libby Payne, Pearl; Tammra Cascio, Jackson; and La'Verne Edney, Jackson.



Co – Chair of the Gandy Lecture Series
Tiffany Grove of Jackson and
Chair of the 2014 Gandy Lecture Series
Jessica Dupont of Pascagoula

WIP Committee
Chair Alison Baker of Gulfport and
guest speaker Dr. Frances Lucas



Alison Goodman of Tupelo and
Kristi Brown of Gulfport



Justice Ann Lamar of Jackson and
Judge Cynthia Brewer of Canton



Judge Jacqueline Mask of Tupelo; Judge Sharion Aycock, Aberdeen; and Judge Virginia Carlton, Jackson

Judge Denise Owens of Jackson and
Carol Jones Russell of Hattiesburg



Julie Gresham of Biloxi and
Jennie Eichelberger of Jackson



Clare Sekul Hornsby of Biloxi and Jane Meynardie of Gulfport



Saturday morning panel speakers included Tiffany Graves, Jackson; Rebecca Wiggs, Jackson; Cynthia Mitchell, Clarksdale; and Judge Deborah Gambrell, Hattiesburg



Judge Dawn Beam of Sumrall and Frances Shields of Jackson



Vicki Slater, Madison; Brandi Gatewood, Ocean Springs; and Representative Sherra Lane, Waynesboro



Kiki McLean of Washington, D.C. and Karen Sawyer of Gulfport



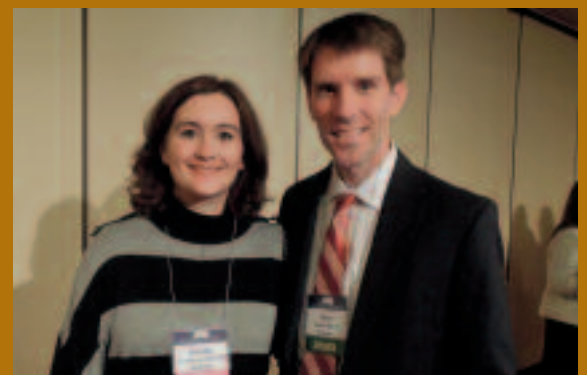
Seated: Judge Patricia Wise, Jackson; La'Verne Edney, Jackson; and Lisa Meggs, Columbus. Standing: Cynthia Mitchell, Clarksdale; and Catoria Martin, Jackson



Tammy Shaw of Brandon and Sage Egger Harless of Jackson



Polly Covington, Quitman; Maura McLaughlin, Hattiesburg; Amanda Alexander, Jackson; and Nina Stubblefield Tollison, Oxford



Jennifer Hall and speaker Jason Bush, both from Jackson

21st Annual Evelyn Gandy Lecture Series



Margaret Ellis of Jackson and Judge Lisa Dodson of Gulfport



Ann Bailey and Shannon Favre, both from Gulfport



Elizabeth Feder-Hosey of Ocean Springs and Charliene Roemer of Biloxi



Pat Bennett of Jackson, who presented the "Carol West" Hour and Representative Sherra Lane of Waynesboro



Je'Nell Blum and Cathy MacKenzie, both of Gulfport



Judge Jennifer Schloegel of Gulfport and Michele Biegel of Jackson



Katie Bousquet, Flowood; Lauren Sonnier, Ocean Springs; and Jessica Bates, Pascagoula



Brandi Gatewood, Ocean Springs; Blythe Lollar, Aberdeen; and Deanne Mosley, Jackson



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MB Election Results



Roy D. Campbell
Jackson, MS
President-Elect
of The Mississippi Bar

Roy D. Campbell has become President Elect Designee of The Mississippi Bar. He will assume his elected position during the Bar's Annual Meeting in Sandestin in June. Laurel attorney Gene Harlow will assume presidency of the Bar at that time.

In addition to the race for President-Elect, the following have been certified as newly elected members of the Board of Bar Commissioners:

2nd Circuit Court District – Post 2

Jennifer Tyler Baker, Gulfport

4th Circuit Court District

Howard Q. Davis, Indianola

5th Circuit Court District

Ronald S. (Steve) Wright, Ackerman

6th Circuit Court District

Scott F. Slover, Natchez

7th Circuit Court District – Post 3

Rebecca L. Wiggs, Jackson

8th Circuit Court District

Melissa Carleton, Union

17th Circuit Court District

Jody Neyman, Jr., Hernando

20th Circuit Court District – Post 1

Shannon S. Elliott, Brandon

21st Circuit Court District

Bryant W. Clark, Lexington

YLD Election Results

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Diala H. Chaney
Oxford, MS
President-Elect
of the Young Lawyers Division

Diala Chaney has been elected to the position of President-Elect Designee of the Young Lawyers Division of The Mississippi Bar. Her term will begin in June of this year. Jennie A. Eichelberger of Jackson will assume duties of President of the YLD at that time.

Jennifer Tyler Baker of Gulfport has been elected Secretary of the Young Lawyers Division. Certified to serve on the Young Lawyers Division Board of Directors are the following:

Central District

Margaret Z. Smith, Ridgeland

Coastal District

Jaklyn Wrigley, Gulfport

Hinds Post I

Lane W. Staines, Jackson

Hinds Post II

Jody E. Owens, II, Jackson

Hinds Post III

W. Andrew Neely, Jackson

Delta District

Ann Marie M. Pate, Cleveland

East Central District

Amanda G. Evans, Meridian

North West District

Robert T. Jolly, Olive Branch

South East District

Nicholas K. Thompson, Hattiesburg

Disbarments, Suspensions, Inactive Disability Status and Irrevocable Resignations

Michael E. Earwood of Ridgeland, Mississippi: A Complaint Tribunal accepted the **Irrevocable Resignation** of Mr. Earwood pursuant to Rule 10.5 of the Rules of Discipline for The Mississippi State Bar (MRD), in Cause No. 2009-B-168 and Docket No. 08-143-1.

John Hubert Anderson of Hattiesburg, Mississippi: A Complaint Tribunal **Suspended** Mr. Anderson from the practice of law in the State of Mississippi, from October 19, 2013 through January 3, 2014, in Cause No. 2012-B-1916 for violations of Rules 3.1, 3.2, 3.3(a)(1), 8.4(a) and (d), MRPC.

The Formal Complaint was based on information received from the Office of the United States Bankruptcy Trustee regarding Mr. Anderson's actions in a series of bankruptcy cases filed for two clients. Mr. Anderson filed three Chapter 13 bankruptcy cases for a client on three separate dates – July 24, 2009; April 19, 2010, and September 15, 2010. The purpose of each of these bankruptcy cases was to prevent the United States Department of Agriculture (“USDA”) from foreclosing its lien on the client's home.

None of the cases was ever confirmed, each having been dismissed for the client's failure to make required payments to the Chapter 13 Trustee. The final case's dismissal order included a provision whereby the client was barred from filing another bankruptcy case for a period of one year from the date of entry of the Order of Dismissal. Mr. Anderson agreed to the Order of Dismissal.

The USDA made arrangements to foreclose its lien on the client's home with a sale date of August 15, 2011. On August 10, 2011, Mr. Anderson prepared a warranty deed in which the client deeded her home to her daughter. The deed was filed of record on August 14, 2011. Mr. Anderson then filed a Chapter 13 bankruptcy case for the client's daughter on August 15, 2011, approximately 90 minutes prior to the scheduled foreclosure sale. The USDA cancelled the sale out of

an abundance of caution on account of the automatic stay provisions of the United States Bankruptcy Code. Following hearings before the Bankruptcy Court for the Southern District of Mississippi, Mr. Anderson was sanctioned for the costs incurred by the USDA in foreclosure, including attorneys' fees incurred for the filing of the motions necessary to have the stay lifted in order to allow the USDA to proceed with its foreclosure. As part of its order, the Bankruptcy Court found that transferring the property and the filing of the client's daughter's bankruptcy case were part of a scheme to delay, hinder, or defraud the USDA. The Court further lifted the automatic stay and found the transfer was null and void.

Rule 3.1, MRPC, states in part that a lawyer shall not bring or defend a proceeding unless there is a basis in law or in fact that is not frivolous. Rule 3.2, MRPC, states that a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client. Rule 3.3(a)(1), MRPC, states that a lawyer shall not knowingly make a false statement of material fact or law to a tribunal. Rule 8.4(d), MRPC, states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

Public Reprimands

James B. Wright of Ocean Springs, Mississippi: A Complaint Tribunal imposed a **Public Reprimand** in Cause No. 2012-B-1046 for violations of Rules 1.15(a) and 8.4(a) and (d), MRPC.

Mr. Wright put personal funds into and then paid personal obligations from his Lawyer Trust Account. Mr. Wright failed to appreciate at the time that he had commingled his personal funds with client or third party funds in his Lawyer Trust Account. Funds in the Lawyer Trust Account were always greater than the amount required to cover client and third party funds on deposit. Mr. Wright did not place the surplus funds in the Lawyer Trust Account to defraud or deceive creditors, taxing authorities, or any other person or entity. Rather, Mr. Wright put the money in his trust account as an accounting convenience because he had an automated system that allowed him to pay and

track the payments in the trust account. There was no evidence that Mr. Wright had ever engaged in this practice in the past. Mr. Wright has no prior disciplinary history. The Complaint Tribunal found that Mr. Wright's improper placement of the funds into his Lawyer Trust Account was simple negligence and isolated in nature. However, the commingling of personal and client funds potentially impacted the nature of the trust account and subjected client or third party funds to attachment since the funds in the account were not being held exclusively for the benefit of clients or third parties. Commingling personal and client funds is a violation of Rules 1.15(a), 8.4(a) and 8.4(d), MRPC.

Roosevelt Daniels of Jackson, Mississippi: The Committee on Professional Responsibility imposed a **Public Reprimand** in Docket No. 12-570-2 for violation of Rules 1.2(a), 1.3, 1.4(a), 1.16(d), and 8.4(a) and (d), MRPC.

A client filed an informal [Bar] complaint against Mr. Daniels alleging she hired and paid Mr. Daniels to handle a divorce action. She also alleged that after accepting employment Mr. Daniels would not return her calls. Mr. Daniels became employed by the Department of Human Service and closed his private practice. Mr. Daniels did not inform the client of his change in employment. Mr. Daniels did refund the client's unearned fee after the informal Bar complaint was filed.

Rule 1.2(a), MRPC, requires a lawyer to abide by the decisions of his clients regarding the objectives of the representation. Mr. Daniels failed to complete the work he was retained to perform in violation of Rule 1.2(a). Rule 1.3, MRPC, requires a lawyer to act with reasonable diligence and promptness in representing a client. Mr. Daniels violated Rule 1.3 when he failed to pursue the client's divorce action. Rule 1.4(a), MRPC, requires a lawyer to keep a client reasonably informed about the status of the matter and promptly comply with reasonable requests for information. Mr. Daniels violated Rule 1.4(a), MRPC, by failing to inform the client of his change in employment and need to withdraw from her matter. Rule 1.16(d) requires a lawyer upon

Continued on next page

termination of representation to take steps reasonably practicable to protect his client's interest, including giving reasonable notice to the client. Mr. Daniels violated Rule 1.16(d) when he failed to complete the representation and failed to give his client notice that he would not complete the representation. Rule 8.4(a), MRPC, states it is professional misconduct to violate or attempt to violate the Rules of Professional Conduct. Rule 8.4(d), MRPC, states it is professional misconduct to engage in conduct prejudicial to the administration of justice. Mr. Daniels's violations of Rules 1.2(a), 1.3, 1.4(a), and 1.16(d) as described above constitute misconduct that is prejudicial to the administration of justice under Rule 8.4.

Private Reprimands

A Complaint Tribunal imposed a **Private Reprimand** in Cause No. 2013-B-1058 for a violation of Rule 5.5(b), MRPC. The attorney, along with a Tennessee attorney, represented a husband and wife in a premises liability case filed in Mississippi against a casino. The Tennessee attorney was not admitted *pro hac vice* in the case, but appeared and participated in a deposition in the case by conducting cross examination of the witness. The Mississippi attorney was not present at the deposition.

Rule 5.5(b), MRPC, prohibits a lawyer from assisting a person who is not a member of the Bar from engaging in the unauthorized practice of law. Mississippi law defines the unauthorized practice of law as any exercise of intelligent choice in advising someone of his legal rights and duties. *Darby v. Miss. Bd. Bar Admissions*, 185 So. 2d 648 (Miss. 1966). The practice of law can be "as little as advising a person of his legal rights or exercising discretion in drafting documents." *In re Williamson and Miller*, 838 So. 2d 226 (Miss. 2003). Rule 46 of the Mississippi Rules of Appellate Procedure prohibits the appearance of a foreign attorney in a Mississippi cause unless he is admitted *pro hac vice*. Appearance is defined in the Rule as appending the attorney's name to any pleading, appearing personally before a court, or participating in a deposition in which testimony is given. Miss. R. App. P. 46(b)(1)(ii).

A Complaint Tribunal imposed a **Private Reprimand** in Cause No. 2013-B-1057 for a violation of Rule 5.5(a), MRPC. The attorney (licensed in Tennessee), along with a Mississippi attorney, represented a husband and wife in a premises liability case filed in Mississippi against a casino. The Tennessee attorney was not admitted *pro hac vice* in the case, but appeared and participated in a deposition in the case by conducting cross examination of the witness. The Mississippi attorney was not present at the deposition.

Rule 5.5(a), MRPC, prohibits a person who is not a member of the Bar from engaging in the practice of law in Mississippi. Mississippi law defines the unauthorized practice of law as any exercise of intelligent choice in advising someone of his legal rights and duties. *Darby v. Miss. Bd. Bar Admissions*, 185 So. 2d 648 (Miss. 1966). The practice of law can be "as little as advising a person of his legal rights or exercising discretion in drafting documents." *In re Williamson and Miller*, 838 So. 2d 226 (Miss. 2003). Rule 46 of the Mississippi Rules of Appellate Procedure prohibits the appearance of a foreign attorney in a Mississippi cause unless he is admitted *pro hac vice*. Appearance is defined in the Rule as appending the attorney's name to any pleading, appearing personally before a court, or participating in a deposition in which testimony is given. Miss. R. App. P. 46(b)(1)(ii).

The Committee on Professional Responsibility imposed a **Private Reprimand** in Docket No. 11-396-2 for violations of Rules 1.16(a) and 1.7, MRPC.

A client filed an informal [Bar] complaint alleging that an attorney violated Rule 1.16(a), MRPC, by refusing to withdraw from a case once he was terminated. Further, she alleged that the attorney violated Rule 1.7, MRPC, by acting in the presence of a conflict of interest.

The client hired the attorney to complete the adoption of three children. The attorney represented the children's grandmother in an earlier proceeding to have the grandmother appointed as legal guardian for the three children. The client and the grandmother agreed it would be best for the client to adopt the children and the

grandmother to stay involved in their lives as their grandmother. A dispute arose between the client and the attorney and she terminated his services and requested a refund of the fee paid. Instead of withdrawing from the representation, the attorney sent the client a letter stating he intended to go forward with terminating the mother's legal rights and having the children adopted by the client. The attorney believed both the client and the grandmother to be his clients, although he was counsel of record for the client, not the grandmother. The attorney failed to recognize a potential conflict of interest in the case, which could have occurred in the event the adopted child's mother had sought to regain custody from the grandmother. Neither client was informed of the potential conflict nor asked for their consent to the dual representation. Moreover, the attorney stated he would have discontinued the representation of the client and instead have represented the grandmother to the detriment of the client.

Rule 1.16(a) requires a lawyer to terminate his representation at the client's request. The attorney continued to work on the client's case after she terminated his representation. Rule 1.7, MRPC, prohibits a lawyer from representing a client if the representation would be directly adverse to another client unless the representation will not adversely affect the client and each client gives knowing and informed consent. A potential conflict existed between the client and the grandmother depending on the reaction of the mother to the termination of parental rights proceeding. Neither client was informed of the potential conflict, much less asked to consent to the dual representation.

The Committee on Professional Responsibility imposed a **Private Reprimand** in Docket No. 12-299-1 for violations of Rules 1.3 and 1.4(a), MRPC.

A client filed an informal [Bar] complaint against an attorney alleging that he had neglected her personal injury case and did not return her calls. The client hired the attorney to pursue a slip and fall claim. After early settlement negotiations failed, the attorney decided to withdraw from the representation because the small amount of damages was not worth the costs of litigation. The disengagement letter to the

Final Disciplinary Actions

client was never actually sent and the statute of limitations ran without the filing of a complaint.

Rule 1.3 requires a lawyer to act with reasonable diligence and promptness in his representation. Rule 1.4(a) requires a lawyer to keep his client reasonably informed and promptly respond to reasonable requests for information. The attorney failed to timely communicate his intent to withdraw to his client. As a result the statute of limitation on the client's claim expired without the filing of a complaint.

The Committee on Professional Responsibility imposed a **Private Reprimand** in Docket No. 12-467-2 for violations of Rules 1.3, 1.4(a) and 8.1(b), MRPC.

A client filed an informal [Bar] complaint against an attorney alleging that the attorney neglected her case and did not return her calls. The attorney filed suit for the

client in 2002. The attorney has not responded to the client's request for information since January 2012. The Bar sent the attorney a demand that he respond to the informal complaint on May 8, 2013. When he failed to respond by the date requested, the Bar sent additional letters dated May 24, 2013 and June 5, 2013. The attorney either failed or refused to answer the informal complaint or comply with the lawful demand of the Bar.

Rule 1.3 requires a lawyer to act with reasonable diligence and promptness in his representation. Rule 1.4(a) requires a lawyer to keep his client reasonably informed and promptly respond to reasonable requests for information. The attorney failed to pursue his client's case and failed to timely respond to her requests for information. 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. The attorney failed to respond in any way to the Bar's demands for a response to the informal [Bar] complaint.

The Committee on Professional Responsibility imposed a **Private Reprimand** in Docket No. 12-491-2 for a violation of Rule 1.3, MRPC.

Adam Kilgore, in his capacity as General Counsel and at the direction of the Committee on Professional Responsibility, filed an informal [Bar] complaint against an attorney based on information received from a Chancellor that the attorney had failed to appear in court for a trial, forcing his client to proceed *pro se*.

Rule 1.3 requires a lawyer to act with reasonable diligence and promptness in his representation. The attorney violated this rule by failing to appear in court for his client's trial. ■



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THOMAS ZEBERT

July 6, 1936 - November 22, 2013

By: *Chief Justice William L. Waller, Jr.*

Judge Thomas Zebert was born July 6, 1933, and moved to Rankin County at age two, beginning a lifelong pursuit to make the City of Pearl, Rankin County, and the State of Mississippi a better place to live, work and raise a family.

Judge Zebert earned an AA degree from Hinds Community College and his JD from the Mississippi College School of Law. His legal career began as a member of the Mississippi Bar in 1963. He proudly received his "50 year pin" at the annual convention of the Mississippi Bar in July 2013.

Thomas practiced law in Pearl from 1963 to 1994. He served as Rankin County Prosecuting Attorney from 1968 to 1973. He thereafter presided as the Youth Court Judge for the City of Pearl from 1973 to 1994. He was the primary author of the legislation creating the position of Youth Court Judge for the City of Pearl. To date, Pearl is still the only municipality in the state to have a dedicated youth court judge.

Judge Zebert was elected as Chancellor for the Twentieth Chancery Court District in November, 1994, and served from January, 1995 until his retirement on December 31, 2006. As Chancellor, Judge Zebert's focus was the welfare of the children and the families that came before him. In 1999 he set up classes for divorcing parents with children from ages 6 - 17. The program, Focus on Children in Separation, or FOCIS, was intended to prepare children of divorcing parents for life apart. He would not sign divorce papers and simply send people their separate ways. He believed it was important for the parents and children to discuss and prepare themselves for how the court orders would affect their daily lives.

Judge Zebert said in a 2001 interview, "We (chancellors) are the last bastion between the children and the parents going out into the world. The whole issue is how to make the transition bearable."

Judge Zebert was intent and focused on having court open and available to all who needed their legal issues addressed.



Because of that, he was in trial all the time. But there was also a need for routine, non litigated legal work which is referred to as ex parte proceedings. Because of his consuming trial docket, Judge Zebert made himself available for ex parte matters at 7:00 a.m. every day until he started his trial docket at 9:00 a.m.

When Judge Zebert retired in December, 2006, he offered his time, services and experience for special judge appointments as a senior status judge. Senior status judges make themselves available for special judge appointments in cases where sitting judges are not available, usually because of recusal, illness or crowded dockets. Senior judges work for a relatively modest hourly rate and are limited to annual compensation of 25% of the pay for an active judge. Often Judge Zebert would max out on the compensation ceiling half-way through the year, but would continue presiding over the cases with no compensation. Judge Zebert told the April, 2012 Trial and Appellate Judges Conference with respect to the public service of him and other senior judges, "It is, we think, a good service and a less costly service than you can get anywhere else. We'd like for you to know that we do it because we care, not for the money."

Among the more celebrated cases

Judge Zebert was involved in were the Katrina related cases filed in the aftermath of that hurricane. He also presided over many pharmaceutical cases brought by the Attorney General on behalf of the taxpayers of the State.

Judge Zebert was a man of faith. He attended service on Sunday mornings at First Baptist Jackson, where I am a member. I looked forward to seeing and visiting Judge Zebert, his wife Mary and sister Junelda almost every Sunday.

He is survived by his loving wife, Mary Alice Zebert; sisters, Junelda Zebert, Adelene Burman; sons, Lee (Aurora) Zebert, Criss (Missy) Zebert, Jason Zebert, Greg (Shelley) Parrish; daughters, Kathy Zebert and Christy (Anthony) Berryman; grandchildren, Ali (Cass) Lahouti, Lauren Tweedy, Catherine Zebert, Nora Zebert, Josh Zebert, Andrea Zebert, Hahanna Zebert, Emily (Ben) Ragan, Cole Berryman, and Ashlyn and Caitlyn Berryman; and three beautiful great grandchildren.

In conclusion, Judge Zebert left the legal profession in this world a better place. We are all blessed because of his life and legacy.

Court Public Information Officer Beverly Pettigrew Kraft contributed to this article.



Julie Gresham
Young Lawyers Division President
2013-2014

As 2014 begins, YLD is making plans for a Mid-year Conference to be held in Jackson on March 27, 2014. One of the main goals of this year's Board of Directors was to ensure that young lawyers all over the state were aware of YLD's program of work and given opportunities to become more engaged in the division. The Mid-year Conference is designed to do both of those things. The meeting will kick off with a presentation that includes an overview of YLD, an introduction of the division's leadership and local affiliates, and guidance on how to become more engaged in the division. The presentation will be followed by several breakout sessions to allow young lawyers to learn more about specific YLD programs in which they have an interest. After a luncheon, there will be several panel discussions, which will include both federal and state judges. In addition to CLE credit being offered, YLD intends for the panel discussions to focus on topics that will specifically benefit young lawyers in their practice. The day will end with a social at Hal & Mal's.

Please be on the look-out for registration information and additional details in Bar Briefs. Additional information and the registration brochure are available on the Bar's website.

YLD's committees are at work across our state. The Mock Trial Committee grows stronger every year. Sacred Heart Catholic School Team 1 won the Statewide High School Mock Trial

Young Lawyers Division News

Competition on March 1st at the Hinds County Courthouse.

The Solo and Small Firm Committee is working hard to prepare "A Practical Guide About the Business of Law," which will be available to young lawyers in the coming months. The guide is designed to give young lawyers who are new to the practice, or opening their own firm, advice, tips and "how to" instructions as they begin what can be a very large and stressful undertaking. The guide will cover everything from technology support to malpractice insurance to business development.

The Public Service Committee continues to serve the first responders all over our state through YLD's "Wills for Heroes" program. The program, which

was implemented in Mississippi in 2010, has traveled all over Mississippi and assisted hundreds of police officers, fire fighters and other first responders by preparing wills for these brave men and women. The Committee currently has events scheduled in Gulfport, Grenada, Cleveland, Flowood, West Point and Natchez. If you would like to work with the Committee and schedule an event in your area, please contact Rene' Garner.

We look forward to an active spring and summer. If you would like to become more involved in YLD, please contact Rene' Garner at rgarner@msbar.com or me at jgresham@brunini.com. We hope to see you at the mid-year meeting in March! ■

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Warren

There is little case law detailing the legal consequences of mediator coercion or other misconduct.

In theory, mediators risk complaints and legal action under the theories of civil liability, criminal liability, or the complaint mechanisms of the mediator referral structures or voluntary mediator memberships.¹ Scholars debate the absence of legal action against mediators without true consensus.² There are no reported cases where a mediator paid damages to a party, but in dozens of cases, parties attempt to overturn mediated settlements on the basis of coercion, undue pressure, or principles of fairness. Hundreds of decisions address confidentiality issues when mediators give testimony regarding the conduct of participants, discussions during mediation, or mediator conduct. Overall, the number of reported cases involving mediators is steadily rising,³ but direct action against the mediator is essentially nonexistent.

The following is a sampling of cases where a mediator's conduct has been questioned or evidence has been sought from the mediator. Many of the reported mediator coercion cases involve requests to set aside settlements because of the mediator's actions. Only in one case, however, was a settlement overturned on that basis. In the mediator testimony cases, we learn that the general rule of mediator confidentiality is sometimes disregarded.

A. Court Finding of Mediator Coercion

In *Jacobs v. New York Financial Center Hotel*, 96 CIV. 7088 (LLS), 1997 WL 375737, at *1 (S.D.N.Y. July 7, 1997), a New York court refused to dismiss a complaint filed after a pre-suit settlement agreement was signed. The plaintiff argued that his waiver of ADEA claims was not knowing or voluntary. He alleged that "the mediator told him that defendants' offer was open only during the mediation session," despite the fact that an applicable statute provided at least seven days to consider a waiver agreement. *Id.* at *2. Since the plaintiff was given only five hours to consider the offer and ultimately received no benefits under the settlement agreement, the court held that it was voidable and did not bar a subsequent suit. *Id.* The court noted that "[t]he short, intense time was insufficient to allow full consideration of the terms of the agreement." *Id.*

B. Mediator Misconduct Alleged

In some situations, the mediator is accused of threatening extreme consequences if the parties fail to settle.

1) In *Vitakis-Valchine v. Valchine*, 793 So. 2d 1094 (Fla. Dist. Ct. App. 2001), a Florida court held that alleged mediator coercion can be a valid basis to set aside a mediated divorce settlement. The wife alleged the mediator acted inappropriately "including but not limited to coercion and improper influence, and that she entered into the settlement agreement as a direct

result of this misconduct." *Id.* at 1095.

The wife's coercion allegations focused, in part, on claims that the mediator pressed her to allow the husband to dispose of frozen embryos that she wanted to retain. *Id.* at 1096. She claimed that the mediator told her, among other things, that the embryos were not "lives in being," that the judge would "never give her custody of the embryos," and that the court would not require the husband to pay child support "if she were impregnated with the embryos after the divorce." *Id.* at 1097 (emphasis in original).

Applicable court rules limited mediator behavior as follows:


- (a) **Decision-making.** Decisions made during a mediation are to be made by the parties. A mediator shall not make substantive decisions for any party. A mediator is responsible for assisting the parties in reaching informed and voluntary decisions while protecting their right of self-determination.
- (b) **Coercion Prohibited.** A mediator shall not coerce or improperly influence any party to make a decision or unwillingly participate in a mediation.
- (c) **Misrepresentation Prohibited.** A mediator shall not intentionally or knowingly misrepresent any material fact or circumstance in the course of conducting a mediation.

Id. at 1098-99 (citing Fla. R. Med. 10.310(c)).

The committee notes from the rules cautioned, "[w]hile mediators may call upon their own qualifications and experience to supply information and options, the parties must be given the opportunity to freely decide upon any agreement. Mediators shall not utilize their opinions to decide any aspect of the dispute or to

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coerce the parties or their representatives to accept any resolution option.” *Id.* at 1099 (citing comment to Fla. R. Med. 10.370(c)). While the court remanded the case for additional findings of fact concerning the alleged conduct of the mediator, it noted that that a court may decline to enforce a settlement agreement procured through mediator fraud or duress. *Id.* at 1099-1100.

In most cases alleging mediator misconduct, the facts are less remarkable.

2) In *Crupi v. Crupi*, 784 So. 2d 611 (Fla. Dist. Ct. App. 2001), the plaintiff alleged mediator coercion in connection with a mediated divorce settlement. The wife alleged that she was under the impression that she had to settle, and that she was not in her right mind because she took three Xanax pills on the day of the mediation. *Id.* at 613. She admitted on cross, however, that she remembered signing the mediation agreement and that “nobody unduly influenced her . . .” *Id.*

The appellate court noted that the “inquiry on a motion to set aside an agreement reached through mediation is limited to whether there was fraud, misrepresentation in discovery, or coercion.” *Id.* at 612. After considering the facts, the court concluded, “[w]e agree with the trial court’s finding that three Xanax pills, and anxiety and pressure to settle are insufficient proof of coercion necessary to set aside such an agreement. Otherwise, few, if any, mediated settlement agreements would be enforceable.” *Id.* at 614.

3) In *Zimmerman v. Zimmerman*, 04-04-00347-CV, 2005 WL 1812613 (Tex. App. San Antonio Aug. 3, 2005, pet. denied) (mem. op.), the husband argued the mediator committed misconduct and coerced settlement in a domestic mediation. The husband stated that he “went into the mediation determined to take the case to a jury unless he received at least ‘equal time’ with his child and no child support payments.” *Id.* at *2. He alleged that the mediator, a senior judge, told him “[y]ou’re not going to get any of that from a judge, and a jury is not going to give it to you either.” *Id.* The husband further alleged that when the mediator wrote down what he believed would be the outcome at trial, he “felt like he had no choice.” *Id.* The court found that the

“trial court did not err either in concluding that [the husband’s] signature on the mediated settlement agreement was not coerced or in enforcing the agreement and denying the motion for new trial.” *Id.* at *3.

4) In *State v. Milligan*, No. 108,094, 2013 WL 2919942 (Kan. Ct. App. June 7, 2013), the accused appealed his guilty plea and claimed mediator coercion. His “only argument on appeal [was] that the mediation process, and especially the mediator’s guarantee that he would lose at trial, unduly pressured him into accepting the guilty plea.” *Id.* at *2. More specifically, the defendant alleged that “the mediator’s guarantee ‘overstated’ the strength of the State’s case, improperly induced a guilty plea, and this coercion is the good cause shown that entitles him to withdraw his plea.” *Id.* at *3.

The appellate court considered these allegations and held:

Milligan does not allege that the physical conditions surrounding the mediation were coercive in any way. He does not dispute the district court’s finding that during the mediation he was allowed a lunch break and there is no evidence that any requests for food, water, or a break were denied. We acknowledge that the pressure to accept a plea was mounting because of the pending trial the following week, but that pressure would be typical in any case at that point in time.

Without a doubt, Judge Conklin’s statement that he guaranteed Milligan would be convicted if he went to trial is a strong statement. However, ***this was the mediator’s opinion and it was the same opinion held by Milligan’s attorney. Milligan was simply being informed of the strength of the State’s case and the harsh reality that the outcome of a jury trial is determined by what the jurors believe*** the facts to be, their perception of the evidence and the eyewitnesses, and the emotions that would be involved in a case like this.

Id. (emphasis added). This passage highlights circumstances that might be considered coercion, but indicates that a media-

tor offering his or her opinion and view of the case (rather than merely facilitating discussions) is proper.

5) In *Seneca Insurance Co. v. Ruday Realty Corp.*, No. 499 2004, 2010 WL 338100 (N.Y. Sup. Ct. Jan. 26, 2010), a party alleged mediator misconduct and corruption where there were signs of bias. While the court used the term “mediator” in the *Seneca* opinion, the proceeding at issue was a “binding mediation” that the parties agreed to participate in as part of a settlement stipulation concerning a different aspect of the litigation. *Id.* at *1. As a result, the proceedings at issue were more akin to arbitration than a typical non-binding mediation.

Counsel for one of the parties associated an attorney who allegedly had a longstanding personal friendship with the mediator. The defendants asserted that the attorney was brought to the mediation “for the sole purpose of acting as a ‘hired gun due to [his] longstanding personal and professional relationship with the mediator over a 35 to 40 year period.” *Id.*

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at *2. The associated attorney was seen speaking with the mediator “behind closed doors” discussing the “good old days.” *Id.* The defendants believed several decisions by the mediator evidenced misconduct, including his “inexplicable” refusal to award fees and expenses, his award of 50% of what was sought without any mention of how that number was reached, his award’s inclusion of a section on conflict of interest when the issue was not presented, and his misapplication of the controlling law. *Id.*

The court affirmed the award and found that the defendants “failed to establish by clear and convincing evidence that Seneca procured its award by means of fraud or misconduct.” *Id.* The court also specifically found that the mediator and the alleged “hired gun” had not seen each other in twenty-six years. *Id.* Finally, the court spoke to the alleged conversations behind closed doors and held that “while private communications between an arbitrator and a party-litigant can constitute misconduct or partiality, the discussions here admittedly concerned a personal matter that was ‘wholly unrelated to the subject matter’ that was presented.” *Id.* at *3.

6) In *In re Patterson*, 969 P.2d 1106, 1110 (Wash. Ct. App. 1999), a party argued mediator coercion when the mediator:

[K]ept stating that if I didn’t sign the agreement I would ruin his record of being always able to settle the case . . . I just gave in and signed it. I felt I was signing under coercion and duress. I was never given an opportunity to call my attorney during the mediation nor was I given the mediation agreement to take back to my attorney to review and then sign if we agreed.

Id. at 1110 (emphasis added).

The court found that the plaintiff failed to carry his burden of proof for coercion and upheld the settlement agreement. *Id.* at 1110-11. In reaching this decision, the court found that there was no evidence he asked to have his attorney review the agreement, no evidence that he was denied an opportunity to confer with counsel, and no evidence that he expressed a desire to end the mediation

Good mediators are likely to feel violated by being compelled to give evidence that could be used against a party with whom they tried to establish a relationship of trust during a mediation. Good mediators are deeply committed to being and remaining neutral and non-judgmental, and to building and preserving relationships with parties. To force them to give evidence that hurts someone from whom they actively solicited trust (during the mediation) rips the fabric of their work and can threaten their sense of the center of their professional integrity. These are not inconsequential matters.

without signing the agreement. *Id.* at 1110.

7) In *Estate of Skalka v. Skalka*, 751 N.E.2d 769 (Ind. Ct. App. 2001), three siblings filed a petition against their brother seeking to partition land he inherited from their father. The parties reached a tentative agreement during an in camera pretrial conference with the judge that

was not attended by counsel. *Id.* at 770-71. While a draft agreement was circulated, it was never signed. *Id.* at 771. The judge ultimately entered his recollection of the agreement on the record in an order. *Id.* The three siblings who brought suit appealed “claiming they never agreed to the settlement during the pretrial conference and claiming that the trial judge’s recollection of what occurred during the conference was inaccurate.” *Id.* They also argued that the judge “improperly acted as a mediator,” pointing to the following statement by the judge:

You know, we sat in my chambers, people, and you walked out of my office in agreement. Alright. I did as much as I could possibly do to resolve the conflict. ***But if you people want to continue fighting, I’m no longer going to be the mediator here, I’m going to be a judge. You are going to go through the cost of this thing. It’s going to be financially draining and I can tell you you’re going to wind up losing the property.***

Id. at 772 (emphasis added).

The court concluded that the judge did not act improperly or coerce the parties into an agreement, but was attempting to “assist the parties in reaching a settlement of their disputes” rather than to serve as a mediator. *Id.* at 772.

C. Testimony or Other Evidence from Mediators

Mediation is governed by strict rules of confidentiality, yet the number of cases involving testimony or other evidence from mediators is on the rise. According to a 2006 article in the *Harvard Negotiation Law Review*, “[t]he number of cases raising confidentiality issues more than doubled between 1999 and 2003, from seventeen to forty-three.”²⁴ In a number of opinions, confidentiality issues were combined with other mediation disputes such as enforcement, ethics, sanctions, fees, and the duty to mediate. *Id.* Many cases consider whether mediator testimony regarding the parties’ conversations or conduct is permissible. Others consider whether the mediator’s or lawyer’s conversation or conduct is permissible testimony. Given the increasing

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challenges of mediation confidentiality, one scholar has noted that “the walls of the mediation room are remarkably transparent.” *Id.* at 58.

1) In *Addesa v. Addesa*, 919 A.2d 885, 890 (N.J. Super. Ct. App. Div. 2007), the lower court compelled the court appointed mediator in a divorce proceeding to testify about the parties’ private mediation communications. The mediation occurred before either party retained counsel. *Id.* The parties and the mediator agreed to maintain confidentiality and that no mediation records or files would be subject to subpoena. *Id.* at 891.

The appellate court concluded that “the first judge should not have ordered or required the mediator to appear and testify as to the communications and disclosures made to him during the mediation [R]eview of the mediator’s file and the ordering and consideration of the mediator’s deposition testimony was inappropriate. As a result, we neither refer to, recite, nor consider that evidence.” *Id.* (internal citations omitted).

2) In *Olam v. Congress Mortgage Co.*, 68 F. Supp. 2d 1110, 1113 (N.D. Cal. 1999), a party to a court-sponsored voluntary mediation who signed a memorandum of understanding, asserted that the agreement expressed in the memorandum was not valid. The opposing party filed a motion to enforce the memorandum as a binding contract. *Id.* The plaintiff suffered from high blood pressure, testified that she was in extreme pain, weak, dizzy, “felt like passing out,” felt pressured by her lawyer and opposing counsel to reach a settlement, did not understand that mediation was voluntary, was not told she was required to participate, and did not participate in any of the negotiations. *Id.* at 1142-43. However, the court found that the settlement agreement reached at 1:00 in the morning (fifteen hours after the mediation began) was valid. *Id.* The mediator was compelled to testify in closed proceedings under seal concerning his perceptions of the plaintiff’s capacity to sign the memorandum of understanding. *Id.* at 1128.

The court determined that the parties, not the mediator, waived confidentiality by asking the court to consider what took place during mediation. *Id.* at 1119. The court noted, however, that “it [was] not at

all clear that the waivers by the parties were sufficient to make it lawful to compel testimony from the mediator.” *Id.* Ultimately, the court called the mediator to testify in the interest of justice, but the following passage makes clear that the decision was not easy:

Good mediators are likely to feel violated by being compelled to give evidence that could be used against a party with whom they tried to establish a relationship of trust during a mediation. Good mediators are deeply committed to being and remaining neutral and non-judgmental, and to building and preserving relationships with parties. To force them to give evidence that hurts someone from whom they actively solicited trust (during the mediation) rips the fabric of their work and can threaten their sense of the center of their professional integrity. These are not inconsequential matters.

Like many other variables of this kind of analysis, however, the magnitude of these risks can vary with the circumstances. Here, for instance, all parties to the mediation want the mediator to testify about things that occurred during the mediation – so ordering the testimony would do less harm to the actual relationships developed than it would in a case where one of the parties to the mediation objected to the use of evidence from the mediator.

Id. at 1134.

3) In *In re A.A.*, 560 S.E.2d 763 (Ga. Ct. App. 2002), a mediator spoke to the court concerning why mediation had not taken place. The issue arose when a juvenile delinquent claimed she was “erroneously denied the opportunity to mediate her case . . .” *Id.* at 764. The court stated

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that, “[t]he victims’ parents indicated a willingness to mediate, and the court instructed the parents to contact the mediator and discuss dates on which to have the mediation. Nearly two months later, the case came on for adjudication, as it was never mediated.” *Id.* at 765. Before testimony was given during the adjudication hearing, the mediator explained that she had scheduled the mediation “with the victims and then the mama decided she didn’t want to pay for it and that I was violating all her civil rights. Then she decided later that she wanted to come back and do it and one of the victim’s phones had been disconnected and so I couldn’t get back in touch with them. So that is why it hasn’t been mediated.” *Id.*

4) In *Few v. Hammack Enterprises, Inc.*, 511 S.E.2d 665, 669 (N.C. Ct. App. 1999), the court interpreted a North Carolina statute which made evidence of “statements made and conduct occurring in a mediated settlement conference” non-discoverable and inadmissible. *Id.* at 668. The court was called upon to decide whether “evidence of an agreement (and its terms) reached by the parties at a mediated settlement conference is admissible under the statute.” *Id.* at 669. One party contended that the statute did not allow the parties or the mediator to reveal whether an agreement was reached at the required settlement conference. *Id.*

The court held that “we do not read [the statute] as prohibiting the admission

of testimony or other evidence of the *outcome* of the mediation settlement conference before a judge making the determination of whether settlement was reached and of the terms of that settlement. It follows that, in this limited context, evidence of an agreement, and the terms of that agreement, reached by the parties during a mediated settlement conference is admissible.” (emphasis in original). *Id.* at 670. The court went on to note that a subsection of the same statute allowed a mediator to “testify or produce evidence on whether the parties reached a settlement agreement, and as to the terms of the agreement, where the judge is making that determination.” *Id.*

5) In *VJL v. Red*, 39 P.3d 1110 (Wyo. 2002), the court counseled against mediators voluntarily inserting themselves into judicial proceedings. In that case, the mediator in a child visitation dispute who was accused of bias and prejudice, “apparently on his own initiative, filed a report . . . in which he set forth his view of what occurred during the mediation and his ‘observations’ . . .” *Id.* at 1113. The court “ma[d]e no ruling as to the propriety of the mediator’s report,” but stated that “the function of a mediator is to be a conciliator, to bring parties together in an effort to reconcile their differences. Interjecting oneself into court proceedings after the fact of the mediation as basically a witness to discredit the truthfulness and character of a party to the mediation would not seem

to comport with the functions of a mediator.” *Id.* at n.3.

D. Conclusion

The number of reported decisions involving mediators is rising. Mediators themselves are rarely sued, but often the agreements reached in mediation are challenged. The cases do not suggest widespread coercion or duress by mediators, but enforcement is challenged on these grounds. Mediators and parties to confidential mediations are sometimes asked to disclose communications that occur during mediation. This seems to occur most frequently in family related disputes. Courts are less hesitant to consider evidence from mediators when a statute allows consideration or the parties ask the court to consider such evidence. ■

Note: This article was adopted from a presentation the author gave at the ADR Advanced Mediation Seminar in October 2013.

¹For a detailed discussion of complaints against mediators, see: Michael Moffitt, *Ten Ways to Get Sued: A Guide for Mediators*, 8 HARV. NEGOT. L. REV. 81, 85 (2003).

²See generally, James R. Coben, Peter N. Thompson, *Disputing Irony: A Systematic Look at Litigation About Mediation*, 11 HARV. NEGOT. L. REV. 43 (2006).

³*Id.* “In 1999, state supreme courts addressed mediation issues in eleven cases; in 2003, that figure grew to thirty.”

⁴Coben & Thompson, *supra* note 2, at 57.

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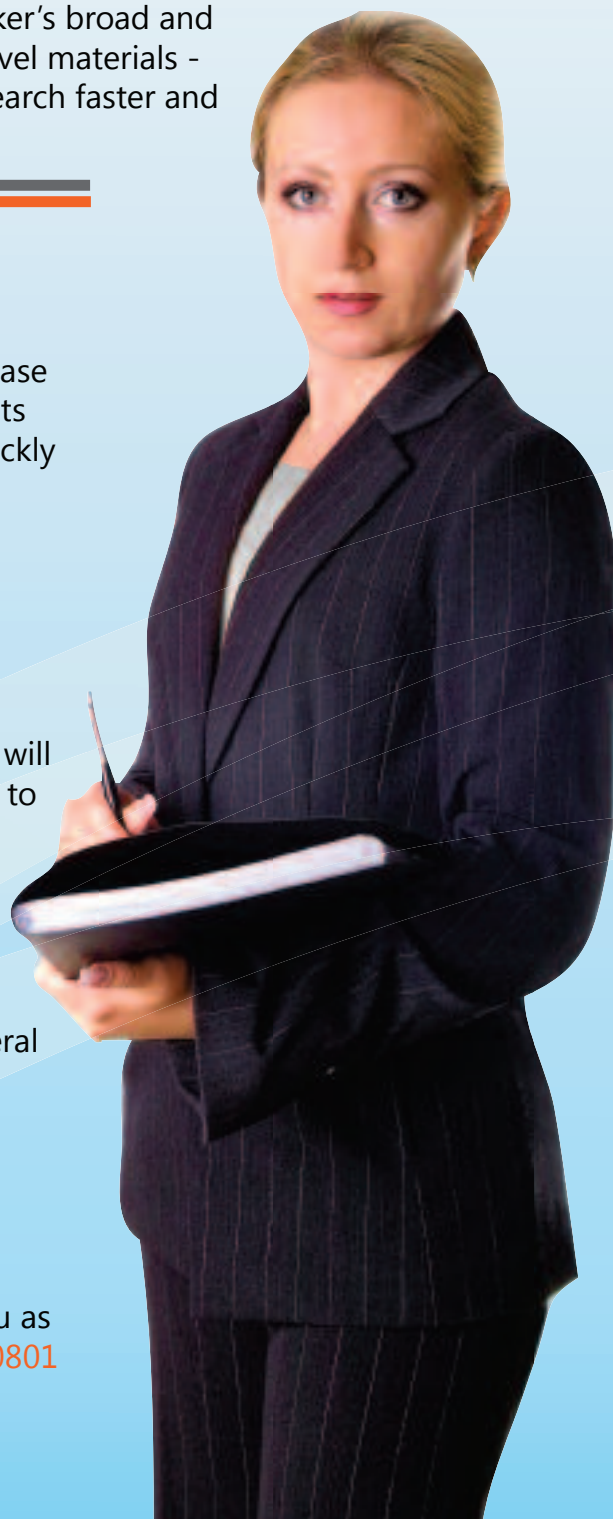
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Early Neutra

*By Erin D. Guyton**



1 Evaluation



Early Neutral Evaluation

Introduction

Early Neutral Evaluation (ENE), also referred to as case evaluation or early case assessment, is a fairly recent addition to the types of alternative dispute resolution techniques available to practitioners and the courts.

Pioneered in the 1980s by Judge Wayne Brazil of the Northern District of California, ENE is an “informal process in which a third-party evaluator provides a non-binding evaluation of the matters in controversy, assists the parties in identifying areas of agreement, offers case planning suggestions, and assists in settlement discussions.”¹ Originally, ENE was strictly a court-annexed process, intended to operate as an amalgamation of traditional mediation and nonbinding arbitration. In its first decade, use of ENE as a dispute resolution tactic spread to fourteen federal district courts.² Today, ENE is included in several states’ ADR rules, including South Carolina, Oklahoma, Montana, Utah, Minnesota, and Colorado. Some of these jurisdictions have incorporated rules mandating ENE as an element of certain caus-

es of action, such as family law matters and certain civil actions.³

The spread of ENE is due, in large part, to the fact that it provides a means for parties to gain a dispassionate view of their matter through the unbiased opinion of the neutral evaluator very early in the litigation process. This can result in expediting the resolution of matters which could otherwise result in lengthy and expensive litigation. ENE has proved to be reliably successful, with over half of ENE negotiations resulting in a settlement.⁴ Because ENE has the potential to significantly reduce the time and money spent on litigation, eliminate many of the burdens of formal discovery, maximize the parties’ focus on important issues, and present favorable settlement options, it has become a viable ADR choice in those

jurisdictions where it is available.

The Process

Ideally, parties consent or are directed to ENE and attend their first meetings – known as “Sessions” – before formal discovery begins.⁵ The first step in the ENE process is the selection of a neutral evaluator. Typically, the parties receive a list of potential evaluators from the court—usually ENE-trained judges, lawyers, or professional mediators with experience in the subject matter of the dispute—and then mutually agree on which evaluator to select.⁶ Although specific rules on the appointment of an ENE evaluator differ between jurisdictions, the requirement that the evaluator possess expertise in the area of dispute remains constant.⁷

After the selection of an evaluator, the

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second step in the process is for the evaluator to work with the parties and their counsel to schedule the exchange of initial written statements in a Pre-Session Conference. These statements provide “the substance of the dispute, the parties’ views of the critical liability and damage issues, important evidence, and any other information that may be useful to the evaluator.”⁸ Based on the evaluator’s recommendations, the parties self-impose restrictions on the length, scope, and contents of the initial statements; they additionally schedule the first group ENE Session.⁹ The parties, with the help of the evaluator, often agree to certain informal discovery exchanges during the Pre-Session Conference.

The third step, the initial ENE Session, begins with the evaluator explaining the format, structure, and content of the Sessions. All parties, their attorneys, and any other “critical stakeholders” are required to be present at each of the ENE Sessions.¹⁰ Following the evaluator’s introduction, the plaintiff presents a brief oral summary of their case, including necessary evidence, documents, and legal theories; the defendant subsequently does the same.¹¹ During these presentations, the evaluator helps the parties identify areas of agreement, enter into stipulations on those non-disputed issues, and prepare a discovery plan.¹² The evaluator may interrupt these presentations to clarify or to request additional information, but the parties are precluded from interjecting or making objections as the formal rules of evidence are not in effect.

The fourth step follows the parties’ substantive presentations, and occurs prior to any discussion of mediation or settlement. During this phase, the evaluator drafts an objective, reasoned evaluation of the merits of the case. The document assesses the legal strengths and weaknesses of both sides’ arguments in light of the factual background provided during the presentations. Different jurisdictions impose varying time restrictions, ranging from a few days to a few weeks, for the evaluator to finalize the evaluation.¹³ This requirement of a written evaluation forms one of the few bright-line boundaries between ENE and traditional mediation.¹⁴ The parties may request a copy of the evaluation, ask that the evaluator read it to the



“The initial ENE Session, begins with the evaluator explaining the format, structure, and content of the Sessions.

All parties, their attorneys, and any other “critical stakeholders” are required to be present at each of the ENE Sessions.¹⁰

Following the evaluator’s introduction, the plaintiff presents a brief oral summary of their case, including necessary evidence, documents, and legal theories; the defendant subsequently does the same.”

parties, or agree that the evaluation should be withheld until settlement negotiations commence.¹⁵ If any party decides to view the evaluation prior to settlement negotiations, it must be made available to all the parties.¹⁶

Once the written evaluation is completed, the evaluator gives the parties the opportunity to engage in mediation. If one of the parties declines to mediate, the evaluator discloses his opinion to the parties, but the evaluation is not disclosed to the court, and remains non-binding and confidential.¹⁷ Should the matter not proceed to mediation, or if settlement conferences are unsuccessful, the evaluator remains available, working with the parties and their attorneys to develop a case management plan that addresses specific discovery, scheduling of depositions and motions that should be heard.¹⁸

If the parties proceed with mediation, the evaluator shifts roles and begins to act as a traditional mediator.¹⁹ An essential tenet of this role-shift is that the evaluator must maintain neutrality in her role as mediator. The evaluator:

[M]ay offer no evaluative feedback and no analytical help, even indirectly . . . to things litigants say or do during the mediated process. [The evaluator] must take care not to betray her substantive views in the ways she poses questions, or even by encouraging parties to look more closely at particular evidence or issues.²⁰

Because the parties are able to direct the procedure according to what they have learned or focused on during the ENE

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Early Neutral Evaluation

Sessions, the post-evaluation phase of ENE allows for a great deal of flexibility. Frequently, the presentations given during the initial Session allow the parties to view their dispute objectively and analytically, which facilitates—and increases the odds of success during—settlement negotiations by the time the evaluator has drafted his assessment.

Comparing ENE with other ADR Techniques

Despite the fact that the evaluator may shift roles and act as a traditional mediator after concluding her evaluation, ENE still stands distinct from other dispute resolution methods in a number of ways. One of the notable differences is timing. ENE occurs very early in the litigation process, occasionally within a month of filing, prior to motions or discovery. This provides the parties with the opportunity to gain an unbiased perspective on their claims early in the litigation timeline and saves money by presenting informal discovery and motion schedules, along with viable settlement opportuni-

ties, before the costs associated with litigation get excessive.²¹

Although arbitration is supposed to be expedited and often is, ENE differs from it in some fundamental respects. While arbitration is less formal than a traditional court proceeding, the arbitrator still hears the case and renders a decision—there is a winner and a loser. Furthermore, binding arbitration results in a final judgment with severely limited judicial review.²² ENE, on the other hand, focuses on providing parties with a realistic take on their issues and subsequently discussing settlement options within that impartial framework.²³ Additionally, unlike a final judgment from arbitration, the content of the evaluator's assessment and the discussions in ENE Sessions (prior to a concrete settlement agreement) are not binding on the parties and can never be used in subsequent court proceedings.

Even though ENE, like other ADR techniques, seeks to facilitate and encourage resolution of disputes, the first purpose of ENE Sessions is “to have someone with no vested interest in the case provide

a reality check to the parties,” evaluate the facts and merits of the case objectively, without focusing on emotional considerations.²⁴ ENE focuses on the strengths and weaknesses of the parties' legal and factual positions. Although mediation also seeks to find a mutually agreeable solution, the mediator normally would not form an opinion based on an evidentiary and factual foundation as occurs in ENE. This attention to the strength of a party's legal argument stands in contrast to processes like facilitative mediation, which, in an attempt to achieve creative solutions to the disputes, considers the parties' subjective interests and impediments to settlement rather than legal and factual issues.²⁵

The similarities between ENE and other traditional resolution techniques allows practitioners to transition into an ENE setting without difficulty. The timeliness of ENE offers one of the benefits of arbitration without requiring the parties to accept a binding, final judgment. Additionally, ENE allows parties the settlement-oriented benefits of mediation

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without sacrificing the attention to legal argument and objective evidentiary proof in favor of emotional or subjective positioning. The innate flexibility of ENE, thanks to its position as a blend of arbitration and traditional mediation, allows parties in the right case to avoid much of the time and cost associated with traditional courtroom litigation through a non-binding opinion and follow up mediation.

Conclusion

Although the specifics of ENE tend to vary from one jurisdiction to the next, it is a demonstrably successful dispute resolution technique. Additionally, the key attributes of the ENE process—a trained evaluator with specific subject matter expertise, a written and impartial assessment of the parties' arguments, and the option to engage in formal settlement negotiations—transcend the jurisdictional differences to provide an adaptable and dynamic method. Whether court-ordered or party-selected, ENE provides the involved parties and attorneys with an opportunity to examine their legal position early enough into a conflict to either reach

an agreeable and early resolution, or develop a more thorough and analytical approach to the remainder of the litigation process. ■

*Erin D. Guyton (eguyton@cwplaw.com) is an attorney with the Jackson office of Carroll Warren & Parker, PLLC. Her practice is focused in complex civil litigation, commercial insurance disputes, and property and casualty loss coverage.

- 1 Alex Sanders & John S. Nicholas, *Early Neutral Evaluation*, Trial Handbook for S.C. Lawyers §39:6.
- 2 Eric Ordway, *The Increasing Use of ADR by Federal and State Courts*, Weil, Gotshal & Manges LLP News/Publications, <http://www.weil.com/news/pubdetail.aspx?pub=3956>.
- 3 *Id.*
- 4 Cindy M. Perusse, *Early Neutral Evaluation as a Dispute Resolution Tool in Family Court*, 41-May Colo. Law. 37, 40 (May 2012).
- 5 J. Boyd Page, Sandra L. Malkin & Edward H. Saunders, *The Role of Mediation and Early Neutral Evaluation in Facilitating Settlement Negotiations*, PagePerryLLC.Com, <http://www.pageperry.com/the-role-of-mediation-and-early-neutral-evaluation-in-facilitating>.
- 6 Robert Rack, *Early Neutral Evaluation: A Comprehensive History Told With Intellectual Passion and Clarity*, Dispute Resolution Magazine 15, 16 (Summer 2013).
- 7 Page, Malkin & Saunders, *supra* note 3, at 8.
- 8 *Early Neutral Evaluation: Getting an Expert's Assessment*, American Arbitration Association, <http://www.adr.org/aaa/faces/services/dis->

puteavoidanceservices/earlyneutralevaluation;jsessionid=4pvTS8mfpTgkpTBy2L1ylg0R7Q62hnlQSIKnZghvkCkFvLLFwLfn!649886742?_afLoop=1487018830144621&_afWindowMode=0&_afWindowId=null#%40%3F_afWindowId%3Dnull%26_afLoop%3D1487018830144621%26_afWindowMode%3D0%26_adf.ctrl-state%3Drhtulim36_4.

- 9 Rack, *supra* note 6, at 16.
- 10 *Id.*
- 11 Page, Malkin & Saunders, *supra* note 3, at 7.
- 12 Jay E. Grenig, *Court-Annexed Alternative Dispute Resolution Procedures: Early Neutral Evaluation*, 1 Alt. Disp. Resol. § 22:12 (3d ed.).
- 13 *Early Neutral Evaluation*, *supra* note 7.
- 14 Rack, *supra* note 6, at 16.
- 15 *Id.*
- 16 *Id.*
- 17 Page, Malkin & Saunders, *supra* note 3, at 7.
- 18 *Id.*
- 19 Rack, *supra* note 6, at 16.
- 20 *Id.* (quoting Wayne D. Brazil, *Early Neutral Evaluation* (2012)).
- 21 Perusse, *supra* note 4, at 40.
- 22 *Id.*
- 23 Jordan Leigh Santeramo, *Early Neutral Evaluation in Divorce Cases*, 42 Fam. Ct. Rev. 321, 326 (Apr. 2004).
- 24 Perusse, *supra* note 4, at 39.
- 25 Santeramo, *supra* note 21, at 326.
- 26 For further information on Early Neutral Evaluation, see any of the above-cited sources, or see Judge Brazil's book, *Early Neutral Evaluation*. Wayne D. Brazil, *Early Neutral Evaluation* (2012).

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Bill Allain

Bill Allain, 85, of Jackson, died December 2, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1950. Allain served as the state's 59th Governor from 1984-1988 after having spent the prior four years as State Attorney General. Following graduation from law school, he briefly practiced law in Natchez. During the Korean War, Governor Allain served three years in the United States Army Infantry. Following his discharge from the Army in 1953, Governor Allain practiced law in Natchez until 1962 when he was appointed Assistant Attorney General for the State of Mississippi. From 1962 until 1975, as Assistant Attorney General he represented the State of Mississippi. In 1975 he left the Attorney General's Office and returned to the private practice of law in Jackson, until his election as Attorney General in 1979. After leaving the Governor's office in January 1988, Governor Allain resumed the private practice of law in Jackson and remained active in legal, political and civic affairs.

Trudy Black Allen

Trudy Black Allen, 59, of Jackson, died December 23, 2013. A graduate of the University of Tulane School of Law, she was admitted to practice in 1967. Allen was an attorney at Butler Snow in Ridgeland.

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 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 dedicated Bankruptcy Trustee, and traveled throughout the State performing his duties until his retirement in 1992. During the years of 1999, 2000 he served as Chief Investigator for the State Auditor's Office. Charles 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. He was a lifetime member of Alumni Association of the University of MS. Brewer was a member of Madison United Methodist Church.

Clinton Andrew Davis, Jr.

Clinton Andrew Davis, Jr., 80, of Natchez, died December 24, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1959. Davis was a member of Trinity Episcopal Church.

Sim Clarence Dulaney, Jr.

Sim Clarence Dulaney, Jr., 85, of Port Gibson, died December 28, 2013. A graduate of Mississippi College School of Law, he was admitted to practice in 1969. Dulaney served in the U.S. Army 1948-1950. Dulaney moved his farming operations to Leland in the early 1960s. Later he established himself with two cotton gins, farming, law practice and realty in Canton. In the mid-80s, after a few years in Hattiesburg as a petroleum landman, Dulaney assumed a legal practice in Port Gibson where he later retired. He served as Claiborne County Public Defender for 15 years.

Jason H. Floyd

Jason H. Floyd, 80, of Oxford, died December 2, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1967. He served in the United States Air Force from 1952 to 1955. Floyd practiced law with his father in Gulfport until 1977, when he was appointed Director of Mississippi Legal Services. In 1978 he was elected Chancery Court Judge for the 8th Judicial District and served until his retirement in 1999. He continued to serve as a Senior Status Judge until 2007.

Tyrus Cobb Gibbs

Tyrus Cobb Gibbs, 92, of Tupelo, died December 9, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1950. He was a member of the Bar for 67 years. He was also a Lifetime Member of the University of Mississippi Alumni Association. He was a Life Member of Itawamba Community College and High School Associations. A veteran of World War II based in England he served as a Nose Gunner on a B-24 from September 1942 until October 1945. On their 24th Mission over Germany, their plane was shot down over Schouwon Island in Holland where his crew bailed out and was taken prisoners of war by the Germans. Following the war, he returned to Ole Miss to complete his education only to be recalled to the Korean War where he served for over a year. He held Life Membership in the American Legion, the VFW, the Louisiana chapter and Northeast Mississippi chapter of POW's and the 8th Air Force Historical Society, as well as the Air Force Gunners Association. His lifetime work was with State Farm Insurance Company as Divisional Claims Superintendent for the State of Mississippi. He served as Legislative Liaison for State Farm and Mississippi. For five years he served as chairman of the Board of Directors of Mississippi Insurance Guaranty Association. He retired from State Farm in 1991.

Donald Rush Jones, Jr.

Donald Rush Jones, Jr., 50, of Montgomery, AL, died June 25, 2013. A graduate of the Cumberland School of Law, he was admitted to practice in 1988. He practiced law in Montgomery for 23 years.

IN MEMORIAM

J. Rabun Jones, Jr.

J. Raybun Jones, Jr., 66, of Greenville, died November 15, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1975. Jones served as an officer in the U.S. Marine Corps. He joined the law firm of Dyer, Dyer, Jones and Daniels where he practiced for 35 years.

Thomas R. Jones

Thomas R. Jones, 81, of Meridian, died November 3, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1958. He practiced law in Meridian from 1958 until his retirement in 2001, from Bourdeaux and Jones. Jones was a member of Central United Methodist Church. He served active duty in the United States Army from 1954 until 1956, then served in the Army Reserve from 1956 until 1983 retiring as a Colonel.

J. Jerry Langford

J. Jerry Langford, 80, of Madison, died December 27, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1970. He was a long-time member of First Presbyterian Church. He served 2 years in the U. S. Army in Germany as an automatic weapons platoon leader. Holding a top secret security clearance, he served as escort officer for scientists brought from behind the Iron Curtain for work in the U.S. under Operation Paperclip. Upon his return to Jackson, he worked in the insurance industry and became vice-president of Reid-McGee Insurance. In 1958, he spent his entire legal career with Wells Marble & Hurst, serving the final 8 years as manager and senior partner. He was active in MS Defense Lawyers Association, serving in every elected position including president. He was a member of the American Bar Association. He served as president of the Federal Bar Association, MS Chapter and was a member of the Fifth Circuit Bar. He was a member of National Federation of Railroad Trial Counsel and Federation of Defense and Corporate Counsel. He chaired numerous committees of the Bar, including Group Insurance, Membership Services, and Client Security Fund. He served 6 years on the Ethics Committee. He served on the board of directors of numerous organizations, including the Hinds County Bar Association, MS Oil & Gas Lawyers Assn, and the Jackson Civitan Club.

Thomas John Mallette

Thomas John Mallette, 85, of Ridgeland, died December 18, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1953. He served in the U.S. Navy. He was an oil and gas attorney with the Lyle Cashion Co. before establishing his own practice. He was one of the founding members of the Hanging Moss Swim Club in the early 1960's.

Frank D. Montague, Jr.

Frank D. Montague, Jr, 88, of Hattiesburg, died December 22, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1950. He was a partner at

Montague, Pittman & Varnado in Hattiesburg where he was president until 2001. He was a 2012 inductee into the University of Mississippi Law School Hall of Fame. He served as president of The Mississippi Bar, Mississippi Bar Foundation, Lamar Order, Mississippi Defense Lawyers Association, University of Mississippi Law Alumni Association, and South Central Mississippi Bar Association and as Chairman of the Mississippi Institute for Continuing Legal Education. He represented four southern states for two terms on the ABA Standing Committee on Professional Discipline, served as Chairman of the United States Supreme Court Disciplinary Rules Revision Committee and served as Chairman of the Mississippi Tort Claims Board. He served as a specially appointed Mississippi Supreme Court Justice. He was a member of the Executive Council of the National Conference of Bar Presidents, a Director of the American Judicature Society, and was a Life Fellow of the American Bar Foundation. He received the Mississippi Bar Foundation Professionalism Award and was the first recipient of the Mississippi Defense Lawyers Association Lifetime Achievement Award. He served as city judge of Hattiesburg from 1956-60 and as city attorney from 1965-74. Montague served as president of the Hattiesburg Kiwanis Club, executive board member of the Area Development Partnership, trustee of Belhaven College, and trustee of the Presbytery of South Mississippi. He was involved at all levels with Boy Scouts of America, March of Dimes, Westminster Presbyterian Church, and the American Red Cross. He was a U.S. Navy veteran of WW II.

Herbert Kirkland Moore, Jr.

Herbert Kirkland Moore, Jr., 75, of Senatobia, died December 25, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1962. Moore practiced law in Senatobia for over fifty years. For 25 years, he served on the board at Senatobia (now Sycamore) Bank, many as chairman. He was a member of the Rotary Club, serving as District Governor, President and awarded a Paul Harris Fellow and recently received Rotarian of the Year. He also was recently honored as Citizen of the Year by the Tate County Economic Foundation. Moore was a contributor to the Northwest Mississippi Foundation. Moore served on the board of Hope Ministries and spent decades on the board of Senatobia Municipal School District. He was a lifelong member, deacon and elder at Senatobia Presbyterian Church.

Ralph E. Pogue

Ralph E. Pogue, 84, of Aberdeen, died December 28, 2013. A graduate of the Cumberland School of Law, he was admitted to practice in 1954. Pogue received the Ronald Reagan Gold Medal Award from the National Congressional Committee in 2004 and was named one of "America's Leading Lawyers" in 1993. He was a member of the American Bar Association and served as a member of the Governor's Commission on Law Enforcement Assistance. He also served as the City Attorney for Aberdeen and he was the attorney for the Aberdeen Hospital. Mississippi Governor Cliff Finch appointed Pogue to serve as a Circuit Judge for the First District in 1980 and 1981. He also served on the

Board of Directors of National Bank of Commerce, from 1979 to 2005. Pogue was a member of the First Baptist Church of Aberdeen.

Richard Marion Truly, Jr.

Richard Marion Truly, Jr., 74, of Oxford, died October 28, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1966. Truly served in the U.S. Air Force. He was a youth court judge in Jefferson County as well as practicing attorney in Adams and Jefferson Counties for 46 years.

Charles R. Wilbanks, Sr.

Charles R. Wilbanks, Sr, 79, of Kossuth, died December 16, 2013. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1963. He served in the United States Army from 1956-1960. He was commissioned as 2nd Lieutenant and later promoted to 1st Lieutenant. Wilbanks began practicing law in 1963, practicing both in Corinth and Kossuth. He was a Fifty-Year Member of the Bar. He also served as a municipal court judge for the town of Farmington. Wilbanks taught at Mississippi College School of Law from 1977 to 1982 and in 1977 was named "Professor of the Year." Wilbanks founded the National Leigh's Disease Foundation in 1988. In 1996 the

Foundation broadened its efforts merging with United Mitochondria Disease Foundation which now has more than 50 local chapters across the nation.

Robert Lee Williams

Robert Lee Williams, 69, of Hernando, died December 3, 2013. A graduate of Mississippi College School of Law, he was admitted to practice in 1972. Williams began a private practice in Water Valley. While there, he served as the City Judge. In 1977, he relocated to DeSoto County, where he joined the District Attorney's office as an Assistant DA. In 1984, he was elected District Attorney for the 17th Judicial District where he served four consecutive terms. His public service to the District Attorney's office spanned a period of 23 years. Upon retirement, he returned to private practice in Hernando at Williams and Williams Law Firm.

Thomas Lee Zebert

Judge Thomas Lee Zebert, 77, of Pearl, died November 22, 2013. A graduate of Mississippi College School of Law, he was admitted to practice in 1963. He was elected Chancellor for the 20th Chancery Court District in 1994 and served until his retirement in 2006.

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Remember that we deal with addiction,
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Adapted from Alcoholics Anonymous "Big Book"

As I write this article it's been nine days since Philip Seymour Hoffman tragically left this world. The forty-six year old father of three young children, an Oscar (among many others) winner, beloved by so many as both an actor and as a man was found dead of an apparent drug overdose. To further complicate our consideration of Hoffman's death, we read accounts of his previous twenty-three years "sober."

What? How could this happen to him? To anyone? We can probably all remember much the same phenomenon when Whitney Houston died almost two years ago. So beautiful, so incredibly talented, more than a singer, she was a phenomenon. What? I thought she had gotten sober. How did this happen? How could she have done this to her family? A tragic story far too often repeated.

Though society at large is rarely exposed to the stories of the nearly forty-thousand people who die from drug overdoses every year, deaths of individuals such as Hoffman and Houston seem to cause a societal pause. As a society, yet again we shake our collective heads; we

ask "the questions", we make the observations, then we click back over to Facebook to see what's up next to "captivate" our attention. Well before we do that, let's collectively examine what we think and how we feel about this issue.

So here's a questions that we can all wrestle with: When have we been surprised when someone died from an incurable illness? Moreover, when is the last time someone was blamed when their cancer resurfaced after an extended period of remission? Don't get me wrong, despite my understanding of and work with addiction I can be just as guilty of this as the next person. I understand the "pull" to give in to the notions like "will power." If we do that though, we lose sight of the fact that addiction is a chronic progressive disease of the mind, body, and spirit. It cannot be "cured," only treated. For most people that treatment is abstinence and a life of recovery.

The short answer to the "how can this happen" question: **active addiction**. The 12-step literature makes the point clearly and repeatedly that addiction is a chronic disease. The various fields of scientific

research have, through brain imaging documented the long term and/or permanent physiological changes evident in the brains of addicts. Addiction can be arrested, but it is truly a lifelong proposition. The 12-step literature says that in recovery, "What we really have is a daily reprieve contingent on the maintenance of our spiritual condition."

If you are concerned that you or someone you know may be struggling with addiction, please know that **THERE IS A SOLUTION. RECOVERY IS POSSIBLE**. You or he/she probably can't do it alone, but we are here to help. We have the resources and the support necessary to establish a life in recovery. If you have questions or concerns, please call LJAP. Your call is confidential, and may well be the first step in saving a life. ■

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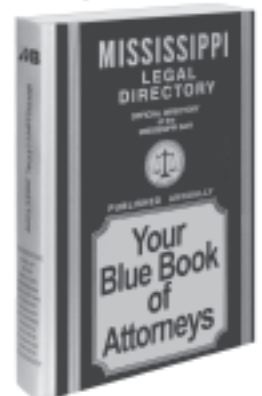
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APRIL

- 1-2 Children's Advocacy Centers of MS "One Loud Voice: A Multidisciplinary Team Approach." 10.0 credits. Jackson, MS, Marriott. Contact 601-940-6183.
- 3 MS Volunteer Lawyers Project "Pro Bono Initiative Family Law CLE & Legal Clinic" 4.0 credits. Oxford, MS. Contact 601-960-9577, Tiffany Graves.
- 9 Security Title Guarantee Corporation "American Land Title Assn Ten Best Practices/Compliance with Consumer Financial Protection Bureau Rules and Regs for Settlement." 4.0 credits. Jackson, MS, Capital City Club. Contact 601-932-1016.
- 10 Security Title Guarantee Corporation "American Land Title Assn Ten Best Practices/Compliance with Consumer Financial Protection Bureau Rules and Regs for Settlement." 4.0 credits. Gulfport, MS, Great Southern Club. Contact 601-932-1016.
- 18 NBI "Human Resource Law from Start to Finish." 6.0 credits. Gulfport, MS. Contact 715-835-8525.
- 23 NBI "Human Resource Law from Start to Finish." 6.0 credits. Jackson, MS. Contact 715-835-8525.
- 24 Sterling Education Services, Inc. "Employment Law Beyond the Basics." 6.7 credits. Biloxi, MS. Contact 715-855-0495.
- 25 MC School of Law "Mediation CLE." 7.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 25-26 UM CLE "MS Law Update." 12.0 credits (includes 2 ethics). Natchez, MS, Dunleith. Contact 662-915-7283.
- 28 NBI "Social Security Disability Bootcamp." 6.7 credits (includes ethics). Jackson, MS. Contact 715-835-8525
- 29 MS School Board Assn "Legislative Update & School Law Review." 6.0 credits. Ridgeland, MS, Embassy Suites. Contact 601-924-2001.
- 29 MS Bar "2014 Legislative Update on Mississippi Business Law CLE Seminar." 3.0 credits. Jackson, MS, MS Bar Center. Contact 601-355-9226, Rene Garner.

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.
- 7 MS Volunteer Lawyers Project "CLE for Young Lawyers." 6.0 credits (includes ethics). Jackson, MS. Contact 601-960-9577.
- 9 UM CLE "Advanced Contracts." 6.0 credits (includes ethics). Ridgeland, MS, Embassy Suites. Contact 662-915-7283.
- 9 MS Oil & Gas Lawyers Assn "15th Triennial MS Oil & Gas Law Seminar." 6.0 credits (includes ethics). Jackson, MS. Contact 601-948-6800.
- 16 UM CLE "Current Issues in Health Care Law." 6.0 credits (includes ethics). Ridgeland, MS, Embassy Suites. Contact 662-915-7283.
- 22 MS Bar "CLE on the Road - Southaven." 6.0 credits (includes ethics). Southaven, MS, Holiday Inn Central. Contact 601-353-1703.
- 30 UM CLE "Employment Law Update." 6.0 credits (includes ethics). Ridgeland, MS, Embassy Suites. Contact 662-915-7283.

JUNE

- 6 UM CLE "Federal Practice & Procedure." 6.0 credits (includes ethics). Ridgeland, MS, Embassy Suites. Contact 662-915-7283.
- 11 NBI "LLC or Inc? Entity Selection for a Small to Medium Sized Business." 6.0 credits (includes ethics). Jackson, MS. Contact 715-835-8525.
- 13 UM CLE "Tool Box: Domestic Adoption & Basic Bankruptcy." 6.0 credits (includes ethics). Ridgeland, MS, Embassy Suites. Contact 662-915-7283.

- 19 NBI "Representing Your Client in Federal Court." 6.0 credits (includes ethics). Jackson, MS. Contact 715-835-8525.
- 20 UM CLE "Workers' Compensation Law." 6.0 credits (includes ethics). Ridgeland, MS, Embassy Suites. Contact 662-915-7283.
- 25-26 UM CLE "Summer MS Municipal Attorneys' Assn CLE." 6.0 credits (includes ethics). Biloxi, MS, Beau Rivage. Contact 662-915-7283.
- 27 UM CLE "Criminal Law Update." 6.0 credits (includes ethics). Biloxi, MS, Beau Rivage. Contact 662-915-7283.
- 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.



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APRIL L. McDONALD

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Martin D. Crump
Trevor B. Rockstad
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William (Wes) E. Stevenson

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as an Associate Attorney with the firm.

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Attorneys at Law

**GERALD H. JACKS, ARNOLD U. LUCIANO,
JAMIE F. JACKS, MARY MCKAY LASKER,
and
KATHY R. CLARK**

announce that the name of their firm
has been changed to

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effective September 15, 2013.

The firm remains located at
150 N. Sharpe Avenue
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The firm will continue to practice in the areas of trials, appellate law,
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Mary McKay Lasker
mlasker@jlpalaw.com

Jamie F. Jacks
jjacks@jlpalaw.com

LISTON/LANCASTER, PLLC

is pleased to announce that

J. RYAN TAYLOR

joins as an associate with the firm.

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Alan D. Lancaster
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ANDY D. SEGREST
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JASON E. WEEKS**

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has joined the firm as a partner
and the name of the firm has changed to

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sdummer@dl-pllcc.com elowery@dl-pllcc.com jsavarese@dl-pllcc.com
www.dl-pllcc.com

ALBERT BOZEMAN WHITE, PLLC

takes pleasure in announcing that

JESSE S. NEW, JR.

has joined the firm as an associate attorney

204 Key Drive, Suite A
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Telephone: 601-856-5731
Facsimile: 601-853-3561
Email: JessNew@abwhite.com

PHELPS DUNBAR LLP

is pleased to announce

SEALE PYLATE

has been elected to partner in the firm.

Ms. Pylate represents clients in the area of executive compensation and employee benefits, including healthcare reform.

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SMITH, CURRIE & HANCOCK LLP

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GARRETT E. MILLER

has become a partner in the Atlanta office of the Firm.

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is pleased to announce

SCOTT J. HILLERY

has become associated with the firm

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THE LOGAN LAW FIRM, P.A.

announces that

BRIAN D. MAYO

has become a shareholder of the firm and the name of the firm has changed to

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