

THE MISSISSIPPI Lawyer

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NO. 4

Roy and Nancy Campbell

I N S I D E

■ Appellate Practice
Section

■ Convention
Highlights

MC | Law

FOURTH ANNUAL MARY LIBBY PAYNE LECTURE ON CHRISTIANITY AND THE LAW

Friday, September 25, 2015

12:00 Noon

Mississippi College School of Law - Jackson, MS
Student Center Auditorium



Distinguished Lecturer: Professor Bill Brewbaker
William Alfred Rose Professor of Law
University of Alabama School of Law

Topic: *“The Christian Judge: Sir Matthew Hale and The Fear of the Lord”*

About Professor Brewbaker: A former practitioner with the law firm of Bradley, Arant, Rose & White and with Wallace, Jordan, Ratliff, Byers and Brandt, Professor Brewbaker did graduate work in health care law at Duke University. He has served as interim dean and regularly teaches in Health Care Law, Property, and Christian Legal Thought and his current research interests include theological perspectives on law. He is co-editor (with Mark Hall) of two books in Aspen’s Health Care Corporate Law series.



History of the Mary Libby Payne Endowed Lectureship on Christianity and the Law

Mary Libby Payne served not only as the first Dean of Mississippi College School of Law, but she was also elected as one of the first members of the Mississippi Court of Appeals and was a long time member of the faculty of the law school. She established the Christian Legal Society chapter at the law school. In late 2011, a hundred or so of Judge Payne’s friends, colleagues and former students helped to establish the Mary Libby Payne Endowed Lectureship on Christianity and the Law, dedicated to celebrating her lifelong commitment to modeling the integration of faith with legal ethics and professionalism. To date, over \$90,000 has been raised toward the \$100,000 goal to fully endow the Lectureship.



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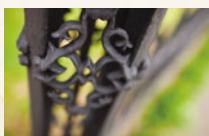
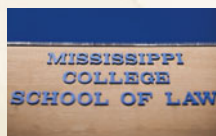
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FACTS AND FIGURES OF SUCCESS

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- 177 JD degrees
- 4 LLM degrees (Mexico, Philippines, Afghanistan, 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 2013 (EMPLOYMENT 9 MONTHS AFTER GRADUATION)

- 79 (42%) private law firms
- 25 (13%) government
- 24 (13%) seeking employment
- 20 (11%) business
- 14 (9%) judicial clerks
- 10 (5%) graduate degree
- 6 (3%) public interest
- 1 (1%) not seeking employment

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*Special thanks to the Appellate Practice Section
for providing the feature articles for
this issue of the magazine.*



Welcoming the 110th President of The Mississippi Bar



Roy D. Campbell, III
Jackson, Mississippi

The phone call to the fifty-three year old lawyer came directly from the Honorable Claude Clayton, the sole judge for the United States District Court in the Northern District of Mississippi back in 1966. “I know you don’t handle criminal cases and I know your plate is full from the recent death of your senior partner and your duties as president of the school board, but I need to appoint you to defend an elderly postmistress indicted for embezzlement.”

Known for his brilliance, feared for his temperament, and respected for his fairness, Judge Clayton was not one to disappoint. Without hesitation the already over-burdened lawyer said that of course he would accept the appointment.

The initial jailhouse interview left the lawyer disconsolate. Never before in any legal trouble, the sweet, elderly postal employee promptly admitted stealing money to support her grandchildren, recently removed from the custody of their ne’er do well parents. She had no defense. The lawyer explained that her only hope was to confess, plead guilty and ask for mercy from Judge Clayton.

At the sentencing hearing Judge Clayton was uncharacteristically sympathetic. He explained that ordinarily he would order probation, noting that the defendant’s prior record was spotless, that she was remorseful, and that he was satisfied that she would never again break the law. However, she had no job, no family support, and no place to live. Therefore, he solemnly announced, he had no choice but to remand her to the custody of the U. S. Marshal to serve a five-year prison sentence.

As the marshal took her by the arm the defendant began sobbing quietly. The lawyer asked Judge Clayton for permission to address the court before the defendant was taken away, but first requested a five-minute recess, which Judge Clayton granted.

Court reconvened in five minutes. The lawyer stood and told the court that he had conferred with his wife and, if His Honor would allow it, the defendant



Roy D. Campbell, III
President of The Mississippi Bar
2015-2016

Continued on next page

Welcoming the 110th President of The Mississippi Bar

could come live with his family in their home for at least the next year and that he personally would find the defendant suitable employment. After recovering his composure, Judge Clayton withdrew his order, placed the defendant on probation, and she left the courtroom with her court-appointed counsel.

The defendant found employment and went on to lead an exemplary life, later becoming the legal guardian of her grandchildren.

Much is wrong with our profession. Fees are too high for most middle and low-income Americans. Lawyers do not enjoy the respect that we had from the public fifty years ago, and that loss of stature may be the reason law school applications have decreased.

But there is, and I believe always will be, an aspect of our profession that will remain the same. It is an ideal that is reflected in that true story of that indigent defendant and her court-appointed counsel.

That ideal is powered by our belief that doing *good* is better than doing well. That ideal is based on an understanding that, whether we are earning more than or less than we were 5 years ago, each of us is blessed with a life of relative luxury, with opportunities unknown to many. That with those opportunities come responsibilities to make our local communities, our state, our country, indeed our world, a better place.

Some call what I am talking about the transformative power of the law. I call it the transformative power of the profession. It is reflected in our ability as lawyers to alter the course of not just an individual, but of entire communities, by providing a voice for the voiceless. It is an ideal found in lawyers in every part of Mississippi and in every practice area. Some may be focused on civil rights. Others may be working on economic development or fighting crime. Some of you defend the rights of children. Others defend the rights of the homeless. You work in and with legal aid organizations and nonprofits, or are just as likely to work as public servants, solo or small firm practitioners, or as corporate lawyers. Some of you will spend your entire careers in the courtroom while others will never set foot in one. However, we all share a common commitment to our self-imposed professional obligation to give something back to our communities, contributing our time to those without means and without the breaks that have fallen our way.

It is all of those things that allow us to call what we do a profession and not a business. The ideals of our profession will transcend changes in the day-to-day practice of the law. Just as the precepts of the Magna Carta have survived the past 800 years, long after LegalZoom, Rocket Lawyer, and even Google have ceased to exist, lawyers, in Mississippi and elsewhere, will still be providing voices for the voiceless.

Few of us will ever ask our families to give up a bedroom, or add a chair at our dinner tables, for a peniless client, but each of us will seize other opportunities to prove our worth as professionals. It may be giving up two hours a month to the Mississippi Volunteer Lawyers Project. It may be volunteering an afternoon for “Wills for Heroes” or “A Lawyer for Every Classroom.” Or maybe it is simply putting \$20 in a Salvation Army kettle with no expectation of taking a deduction.

Call it *pro bono publico*, “paying it forward” or “doing unto others” Whatever label one chooses, you all do it one way or another.

Laws will change, the practice of law will change, but our profession’s selfless commitment to those in need will remain constant. That is the message that I hope we can continue to communicate to the newest members of our profession, and to the public.

Larry Houchins, Melanie Henry and the Bar’s superb staff remain hard at work at the Bar Center, ensuring that your new officers do nothing to disrupt their well-oiled machine. Watch the weekly Bar Briefs for dates and places of upcoming events, and seize opportunities to volunteer your experience and your expertise. A small investment will make a huge difference in the life of someone less fortunate. ■



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An Interview with Chief Justice William L. Waller, Jr. Mississippi Supreme Court

Justice William L. (Bill) Waller serves as Chief Justice of the Mississippi Supreme Court. Chief Justice Waller has been a member of the State's highest court since 1996. He was re-elected in November 2004 and in November 2012. He served as a Presiding Justice from January 2004 until December 2008. He became Chief Justice in January 2009.

VLL: What is your approach to judging, and how does it differ from other judges you have worked with?

WLW: Let's keep in mind that at the appellate level you are dealing with a multi-judge court. I like to think about it in terms of what we all know as "the golden rule": do unto others as you would

do unto yourself. As to the litigants, we judges should give our full attention to what they have written, we should read the record, and in our opinions we shouldn't say anything that would be considered critical or derogatory of the attorneys or the clients. Then the time aspect is important. We should give immediate attention to the case. We should follow

the internal deadlines of the Court so that the litigants do not have to wait any longer than necessary, and we should be mindful that, in today's world especially, time is money.

Then applying those same principles to fellow judges on the Court, you want to be deferential to your colleagues. If the case is assigned to me, I want to make sure that I meet deadlines so that my colleagues have the same amount of time that I had to review the case, to deliberate, and to write.

If I am writing a dissent, the way I would want to be treated is that I would like one of my colleagues to come talk with me first about the points of contention and give me an opportunity to respond.

And in the opinion, whether I am writing a dissent or a majority opinion, I am respectful of my colleagues. I do not say things that are caustic or derogatory. I do not try to bring in things that are not in the record. I do not try to be cute. I do not try to slip in unnecessary phrases.

What I like to see when I am reading an opinion is something that is as concise as possible, has the facts stated correctly, and has the best law. That is the way I would want to be treated; that is the way my colleagues want to be treated. In my opinion, you can encapsulate appellate judging, or really, all judging, as fair, efficient, and independent. If a judge follows those principles, the opinions will be accurate and on time, and they will be free from outside influence. That is my judicial philosophy. I am not going to say it is different from anyone else. But if judges abuse anything, it is time. Litigants have deadlines they have to meet. By contrast, some judges feel like the whole world needs to wait until they are ready to do something. That is just not an appropriate view. It is something that I, too, have to fight against.

VLL: What do you enjoy most about being a judge?

WLW: I like all of it. As Chief Justice, I like the administrative responsibilities, working with the Legislature, and working on rules changes so we can have the best law. I like reading cases, trying to decipher the facts, and figuring out what the best solution is.

VLL: What is the hardest part of being a judge?

WLW: The death-penalty cases are just horrendous. When we get a motion from the Attorney General to set an execution, it is literally a twenty-four-hour-a-day operation to determine whether the execution will happen. The Attorney General, as the prosecutor, moves to set the execution, and then the Office of Post Conviction Counsel will file a successive petition for post-conviction relief. The petition may literally be a foot thick. You have to get responses and a lot of them are nuanced with expert opinions. And there is high tension. Some say capital punishment is the perfect punishment because it is over, it is complete. But, on the other hand, it is very delicate and sensitive because it is the end, and there is no rehearing once that process is over.

VLL: What are the common mistakes that lawyers make in handling an appeal?

WLW: I would start with the trial. I think that in almost every case you have a situation where an error was not preserved, where there was a conference of critical importance that was not transcribed, where there was something that was not

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*Interview conducted by
Professor Vicki Lowery
Mississippi College School of Law*

An Interview with Chief Justice William L. Waller, Jr.

designated as a part of the record that should have been. If a different attorney handles the appeal, you cannot control what happened at the trial level. And I am human like everybody else. I have made the wrong objection. I understand how mistakes happen. But I think for a good appeal you have to have a good trial. But here is what you can control. We see with more frequency than we should that lawyers fail to check the record. And it is very frustrating when attorneys seek leave to supplement the record with something they should have seen to start with. Sometimes they do not figure it out until they are way into briefing so they may not get to supplement the record. If you are going to file an appeal, you have got to check the record when you designate it. The time to fix an omission in the record is really in the trial court. You may have to ask the court reporter to transcribe a motion hearing or suppression hearing or whatever. At the start, make sure you have gotten everything that you need in your record. We have more problems with that than I would like.

Then when writing the brief an attorney needs to put his or her best foot forward. Whatever the litigant's position is, it needs to be clearly articulated. Appellate judges have a lot to read. If you know what your message is, that is what you need to lead with. It needs to be strong and it needs to be out front.

Now, what you think is the most important issue may not be what the appellate judges think is the most important issue so to some extent you have to include additional issues that you think the appellate judges *may* think is important. If you preserved the error and there

is some law on it, I would err on the side of including issues that you think *may* matter because if you do not the appellate courts cannot take them up.

We see what the best law is. I think that practitioners should not be caught with us finding a code section or case that they have not found. Today's practitioners are busy with phone calls, emails, clients, trials, motions, and running offices. It takes a different hat to prepare and file an appeal, and it does not necessarily fit into that kind of schedule.

I recommend to any practitioner that does not have time to handle an appeal, consider associating someone who does appellate work on a daily basis. If it is question of research, a practitioner may want to consider hiring a law student to help.

In the briefs it is just so important to be concise, not unnecessarily verbose. You want to have as little in there as you need to accomplish whatever points you want to make and explain the best law. You can miss a case and no one is going to jump up and down. But if you get a fact wrong, that kind of mistake affects the reader's perception of the whole case so it is really important to make sure that the facts are absolutely supported by the record.

VLL: When a case is before the Mississippi Supreme Court, how important is a lawyer's credibility?

WLW: Well, I do not think it is necessarily important unless you are really dealing with someone who has been sanctioned or something like that. I would say that if the facts are there and the law is there, that is

all you can do. We may have a more critical eye if we find that the facts have been misstated or if we think liberty has been taken in expounding on a case that may not say what the lawyer claims it says. Once that line is crossed, there would certainly be some skepticism on our part or the standard of review may be a little higher.

VLL: What is the most serious challenge to our justice system today?

WLW: Time is very important. Ensuring a fair, independent, and efficient judiciary is important. I will give you some examples. If the public does not believe that justice can be obtained in the court system then they are going to do something else. For example, if people were satisfied with the court system, we would not have mediation and arbitration.

I am not sure that we have really moved away from typewriters and carbon paper. I am not sure that we have figured out a way to take advantage of the technology that we have today. You can merge two Fortune 500 companies quicker than we can get an opinion out sometimes. I am frustrated about that. And I am sensitive to the costs. It is so expensive for an appeal. We have to constantly be thinking about what we can do to make the system more responsive to the public that needs it.

Otherwise, the courts will become criminal courts because those litigants cannot go anywhere else. Take the flip side of that, our country was founded on the rule of law and not the rule of man. By that I mean you have to have constancy in the law, predictability in the law. Otherwise commerce cannot flourish, and people do not have any assurances about their property rights.

We have to be very careful about meddling with the law. Once lawyers cannot predict what the law is, then the public cannot be sure about what the law is so it can really lead to a fundamental breakdown. We need to be very careful about changes in the common law and the way we interpret things. Law has to be relevant, but you also have to keep in mind that it has to be fair, efficient, and independent.



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VLL: What are the particular attributes of an effective brief?

WLW: Let me preface my answer with some comments about an initial appeal. In the system that we have, with a deflection court, the Court of Appeals is designed to be an error-correction court. The Supreme Court is designed to decide cases in certain categories like death penalty, annexations, utility rates, attorney discipline, and judicial discipline. But once you get past categories, our job is interpretation.

One of the things that a practitioner needs to recognize on the front is what kind of case he or she has. If it is one that involves interpretation, a first impression case, or a case where the attorney believes we have divergent lines of authorities that seem to say two different things, the attorney needs to be very up front about that. If the attorney wants oral argument then he or she should explain why. For example, this case includes an issue of first impression with respect to whatever it is. That will help them get into the right Court.

In our screening process we try to make sure that interpretation cases are kept here. We sometimes miss them. Attorneys sometimes fail to tell us up front what kind of case it is. We do not have time to read every line in the brief during the screening process. We have to scan the facts, look to see what the issues are, and make a determination. It would help the system if attorneys made



sure we know what kind of case it is.

Even if it is an error-correction case, we can retain those cases too if the lawyer says that this case is a matter of great public importance like the cases involving gubernatorial pardons or the Katrina cases. In summary, here is what we need: the right facts, the best law, said as concisely as possible, and some statement telling us what kind of case it is.

VLL: Is there a part of a brief that you consider most important?

WLW: Personally I like summary of the argument. I think if you can, encapsulate

all of that information into the summary of the argument. If you do, you will get my attention, and I will look at the whole brief. If you do not get my attention there, I am not going to say that I will not look at the whole brief, but it may take me awhile to get to the real issue or to find something that you think is important. Summary of the argument basically directs me to what is important in the case.

VLL: What common mistakes do you see in brief-writing?

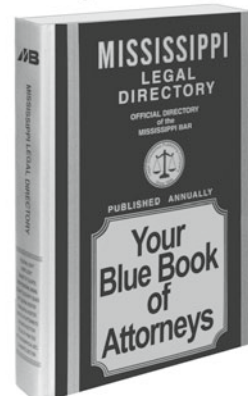
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An Interview with Chief Justice William L. Waller, Jr.

WLW: Well, that would be the inverse of what I was just saying. We have a lot of problems with failure to designate the record, critical parts of the record not being transcribed, exhibits not being present. There are times when we can have the record supplemented, but I think the general philosophy is that it is the appellant's case or the appellee's case. If they have not put whatever is so important into the record then we should not go back and get it.

Also, I see with increasing frequency that attorneys are citing things on the internet. That is okay for some secondary sources. But if you are citing some internet source for a proposition of fact and your internet source is dated at some point after the trial, then I am not looking at it because it was not before the trial court. I think younger attorneys have a tendency to grab something off the internet and stick it in the brief as an authority when, in fact, it may not be an authority about anything.

We also see attorneys wanting us to take judicial notice of things. Well, I guess we can and we sometimes do. But that really should have been done at the trial court because that is where your fact-finder was, that is where objections were supposed to be made.

Not stating issues correctly, not identifying what is so important about the case, and not explaining those points well in the summary of the argument, those are some of the more common mistakes I see attorneys make. If it does not look like the attorney has taken time to produce a good product then we may not take the time to read it.

VLL: Can bad writing lose a case, and can good writing help win a close case?

WLW: I don't know that writing style makes any difference to me. If it is not written very well, but the points are being made and the law is cited, then that is fine with me. I am not looking for something that is going to be published as a law review article. I am trying to look at content.

VLL: How important is oral argument to the judicial decision-making process?

WLW: We have a lot of oral argument, and it is not unusual for us to go two hours in it. I think it does assist in deciding cases, and we do change our minds sometimes. I think it helps flesh out ideas particularly in the interpretation cases when we hear an oralist who responds to questions and we can test their position on a case or a statute. Also they can explain why we should follow a particular interpretation or why we should adopt what another state has done or not done. I think a well-articulated oral argument is very helpful.

What is not helpful is what I call a jury-type of argument where you make allusions to this being the most unfair thing that has ever happened or some argument that the taxpayers do not deserve this. Those arguments may work with juries—though I am not sure they even work with juries—but they sure do not work with the justices. We are not interested in hearing that. When an attorney goes to argument, he or she real-

ly needs to be prepared, needs to be familiar with the relevant cases and authorities, and needs to be ready to discuss them. Do not spring cases on us that we have not read.

VLL: Would you share some recommendations for presenting a good oral argument? And common mistakes to avoid?

WLW: I think that one thing to avoid is going into the facts. We have already read your facts. We are familiar with the case. What is really paramount is to decide what you think are your three best points. Start with your best point because our Court is a hot bench. You may get a sentence or two out and that may be all that you have. Once you have finished answering questions and even though you have not even started on your prepared remarks, you may be asked to sit down because your time is up.

Now, on the other hand, if you think X is your most important argument and several judges are raising concerns about Y, then you need to address Y not X. If it seems that only one justice is interested in Y that gets more difficult. You may have to diplomatically get to your best point because you are trying to get five votes not one vote.

In my experience there is usually more than one issue and there is usually more than one justice asking questions about a point that may not have been your top point so then you need to pay attention what the judges are asking and try to answer the questions posed to you. Try not to look offended because they are getting you off-script.

If an attorney has a question from a justice, he or she needs to respond to that justice. If I ask a question I like the attorney to look at me when he answers the question. It is not a big deal. No one is going to lose a case over this. But I think it is a matter of deference and respect.

We are all human. If the person arguing says "Justice Waller I'm glad you asked that question." Well, everybody likes to hear their names and what works even better than that is if you can cite his or her cases. "Justice Waller in *Smith v. Jones*, you said this." That is pretty

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Preston "Bo" Rideout

good. There would not be many of my cases that attorneys want to cite to, but I think being able to recall the justices' names and being able to recall their opinions has persuasive effect. If an attorney is relying on a Justice Randolph opinion and a Justice Dickinson opinion, the attorney needs to read those decisions very carefully. Those justices are likely going to be asking questions about those opinions. By referring to the justice who authored the opinion you show that you know the decisions, you know who wrote them, you know what the precedent is, you know what the facts are, and you know how to distinguish those cases. That would give somebody a little edge if they could figure out how to do that.

I just thought of something else that is a big mistake that attorneys make during oral argument. This is really troublesome to me. When they get to oral argument they start citing cases that are not in their briefs. It seems like it happens more in criminal cases than civil cases though

that is not to say it does not happen in civil cases. Here we read the briefs and we read the cases. Going back to my golden rule, it is not good when attorneys are citing cases that we have not seen. I realize that when someone writes a brief it is not unusual that it is six months later when they are preparing for oral argument. They may be looking at it the day before. If there is a new case, we want to see it. All you have to do is supplement even if it is the day before argument or the morning before argument. But often it is not a new case. It is a case that they should have had to start with. That really goes to credibility more than anything. This attorney really has not done his or her due diligence and looked at the facts of this case and the law.

VLL: What is the best use of rebuttal time in oral argument?

WLW: We probably have better rebuttal than we have direct. But I think that

when an attorney comes up for rebuttal, what is really effective is to say: "Your Honor, my counsel opposite covered three points. I'm going to cover the third point first and work backwards." The interesting thing about that is more than likely if counsel opposite did list his or her points one, two, and three, then number one was his most important point. If you start distinguishing point number three, you can do that better than you can distinguish point number one. It is a good way to tear down the other attorney's argument. And the judges have just thought about point number three. Instead of "Your Honor I want you to listen to my point," you should actually use rebuttal to respond to counsel opposite's points three, two, and then one.

VLL: Thank you Chief Justice Waller. That concludes our interview. ■

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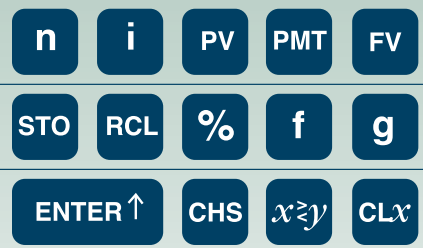
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An Interview with Chief Judge L. Joseph Lee Mississippi Court of Appeals

Judge L. Joseph (Joe) Lee serves as the Chief Judge of the Mississippi Court of Appeals. Chief Judge Lee has been a member of the Court of Appeals since 1999. He was re-elected, without opposition, in 2002 and 2010. He was appointed as Presiding Judge of the Court of Appeals in 2004 and became Chief Judge in March of 2011.

[MC] Judge Lee, what is your approach to judging, and how does it differ from other judges you have worked with?

[JL] I am not sure that my approach differs at all from other judges. I would probably put it twofold; I would say collaboration and listening. When I talk

about listening and collaboration, that means I not only confer with my fellow judges, that I not only listen to the lawyers, whether it be in oral argument or in written briefs, but I also listen to my law clerks. They are very competent and

Continued on next page

*Interview conducted by
Professor Meta S. Copeland
Mississippi College School of Law*

Interview with Chief Judge L. Joseph Lee

certainly capable. So I can just say to sum it up – collaboration and listening.

[MC] What is your role as Chief Judge of the Mississippi Court of Appeals?

[JL] My role as Chief Judge is, in essence, being the “leader,” as we call it, among equals. And that is to say I am the spokesperson. I am responsible for administrative affairs, and I preside over all *en bancs*.

I have the responsibility for ensuring the Court conducts its business in a timely, uniform, and professional manner. These administrative responsibilities are in addition to being an active, voting member of the Court, with the same workload as our other nine judges.

[MC] What are common mistakes that lawyers make in handling appeals?

[JL] One of the most common is failure to proofread briefs for accuracy and grammatical errors. Let me just say this – if a lawyer presents a brief that is shabbily written, that indicates to me that this lawyer is not attentive to detail and correctness. It is really fatal for a lawyer to misstate the facts of the case by taking something out of context and using an excerpt to try and mislead the Court; additionally, having an erroneous cite. And so what I would say is, research your issues; stand behind them if they are good and valid. If not, do not try to mislead the Court, because we are going to double check your briefs and arguments.

[MC] When a case is before the Court of Appeals, how important is a lawyer’s credibility?

[JL] A lawyer’s credibility is paramount in any court, whether it is the Court of Appeals or whether it is a justice court, county court, any trial court, or whether it is in the day-to-day office practice of dealing with other lawyers. Credibility is of utmost importance. I cannot say enough about it. I have very little patience with a lawyer who deviates from reputable practice and chooses to engage in conduct that is unbecoming of a lawyer.

[MC] Judge Lee, in your opinion, what are the particular attributes of an effective brief?

[JL] First of all, we do not grade them by the pound or the pages. If it requires a number of pages to state your position, so be it. Please do not be unnecessarily repetitive – saying the same thing four or five times – we get it. If a brief is meaningless, if the issues presented really are not valuable, and we have to read that, you can imagine that is not going to go very far with us. We get a lot of *pro se* briefs from prisoners. If they have a valid issue, we are going to review it notwithstanding that the brief may not be as eloquent as one prepared by an attorney. Also, some briefs are overly flowery and voluminous, but really say nothing. They are not very impressive. In essence, to have an effective brief – say what you mean and mean what you say in clear, concise language.

*On the Court of Appeals,
our responsibility is to take
the facts of the case and
apply the law as enunciated
by the Supreme Court.*

[MC] Is there a part of a brief that you consider most important? Why?

[JL] I think all aspects of a brief are important. On the Court of Appeals, our responsibility is to take the facts of the case and apply the law as enunciated by the Supreme Court. In a perfect world, we already have the law to follow; all we have to do is make sure we have got the facts correct. However, it does not always work that way. Although reserved for the Supreme Court, we do, on rare occasion, get cases of first impression. We really have to do some digging on these cases. In summation, it is important that briefs have clear, concise recitation of facts together with accurate citations of the law.

[MC] What common mistakes do you see in brief writing?

[JL] Well, there are several. First is the failure to proofread for grammar and erroneous citations. Second, when the parties ask for oral argument, the Rules specifically state that they should give a brief statement as to why oral argument would be beneficial to the Court. More often than not, the attorneys merely put a statement on the brief saying “oral argument requested” or “oral argument not requested.” Some judges will not grant oral argument if the parties fail to follow the rule. I look at the briefs and if I deem oral argument would be beneficial, then I usually grant.

Go back over your brief several times. We do. In fact, when I am reading briefs, I will sometimes mark through them or put “typos” or correct them out of frustration. And of course, misrepresentation – that is an absolute fatal error. No matter how painful it may be, always be honest in your brief.

[MC] Can bad writing lose a case, and can good writing help win a close case?

[JL] Well, you would like to think not. You would like to think that with good or bad writing, the facts of the case and the legal issues are paramount, and that somehow we are going to weed through everything and come up with a just and correct decision. And that basically is the case. Now, let’s talk about a close decision where good writing might prevail. Let’s talk in terms of a chancery matter where the chancellor has been given the task of making a decision in equity. It is not a clear-cut legal issue; they have to make a decision one way or the other based on the facts. In chancery practice, for instance, there are lots of cases that establish guidelines that a chancellor is to follow. As an example, if it is a custody matter, we have what we call the *Albright* factors. If it is a division of property, we have the *Ferguson* factors, and so forth. If you are presented with a brief that is very good and very convincingly shows that the chancellor missed it in following the factors, then yes. In that instance, a good brief can prevail. That is an exam-

ple of a close question. If it is a clear-cut matter of law, if it is a time bar, if it is something that, notwithstanding good or bad writing is clearly a matter of law, then we are going to follow the law. But in these other instances where there can be a misrepresentation of factual issues, good brief writing can carry the day.

[MC] How important is oral argument?

[JL] Some would say not at all. I have heard some judges say they do not care for oral argument. However, I think in certain instances it can be very beneficial. Let me tell you how. First of all, these cases are real and they affect people's lives. And they want their side of the story to be heard all the way through. Second of all, lawyers have a tendency to cram lots of things in a brief, whether they are meaningful or not. When those lawyers, who have as we say "shot-gunned" the issues, are put to the task of defending these issues in oral argument, they soon realize the fallacy of their argument. And their clients, who have everything at stake in this, have an opportunity because of the dialogue between the lawyers and the judges to have a better understanding as to why their case was ruled on the way it was.

[MC] Would you share some recommendations for presenting a good oral argument?

[JL] You have heard of Ps and Qs; well let's just call this "remember the Ps."

First of all, I would say be prompt. We have had occasions where oral argument was delayed because the lawyers were not present, either being tied up in traffic or some other reason. Now, it does not happen often. But I would first of all say, be prompt in not only submitting your briefs but in attendance to Court; do not be late and cause the system and all else to be unduly delayed.

Be prepared. It is disheartening to hear a lawyer stand up in oral argument and say, "Well, your Honors, I am here today but did not have anything to do with this case at the trial stage, I am just here on the

appellate level so I do not know about this or that." It is absolutely disheartening to hear the lawyers say they do not know about the law regarding their case – rest assured, you are going to be asked. You are going to be asked about the facts as well. So as any good scout will tell you, always be prepared.

Now what is another P I can use? I would say be persuasive. I find some lawyers are more persuasive in their argument because they truly believe in the case. It is readily apparent to members of the Court when lawyers strongly believe that they are right in their positions and vigorously defend those positions.

What else could I say that is a P? Well, I would like to say be polite. I do not know how many people have ever bothered to look up the definition of politeness, but I can assure you that if you are polite you are going to encompass the entire spectrum of being a good person. Politeness means showing good manners, showing respect for other people, simple courtesies, and deference to the Court.

So let's recap. Let's take four Ps: be prompt, be prepared, be persuasive, and be polite.

[MC] What is the most common mistake you see in oral argument?

[JL] That is easy. The common mistake is being unprepared, because we judges are going to be prepared. We have read the briefs and the record, and more often than not we are more familiar with it than sometimes the lawyers are. Also, know the law. Because we are going to research it, and when we come to oral argument, we are going to know what the law is. How do you expect to convince us if you do not know the law? So I would say be prepared to defend your position by fully knowing the facts of your case and the applicable law.

[MC] What is the best use of rebuttal time in oral argument?

[JL] Exactly what it says – rebut the appellee's argument and keep it confined to that. Do not go back repeating what

you have already said ten times over. Once the appellant presents their case and the appellee gets up and presents their case, then rebuttal should be confined to any statements or anything that was said during the appellee's argument.

[MC] What is the most serious challenge to our justice system today?

[JL] Succumbing to political influence. It is sometimes difficult to follow the law and to maintain the separateness of the judiciary when you are confronted with overwhelming political pressure to the contrary. But it must be done. It must be done to preserve the integrity of the system, of the law, and the preservation of a fair, just, and democratic society.

[MC] Judge Lee, thank you very much for your time. This concludes our interview. ■

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Commandments of Appellate Brief Writing

Briefs are written for one audience and one audience only – judges and their law clerks. They have the most limited readership of any professional writing.”
— Judge Ruggero J. Aldisert

A lawyer is a professional writer. As such, every lawyer should constantly try to improve his or her writing skills. Here are my ten “commandments” of appellate brief writing.

1. Only appeal the case that merits appeal.

Not every case merits an appeal. The decision to appeal a case should be based on a review of the case as it was tried, updated research on the possible issues, and then a careful analysis of whether you may be successful on appeal. Ask these questions – What do you expect to happen? Why all this effort? Why should you win?

2. Put yourself in the position of the appellate judges.

Think of the “Golden Rule” — “Do unto others as you would have them do unto you.” What would you do if you were the appellate judge? Write the brief as if you were the judge who decides the case.

3. Every part of a brief is important and deserves careful attention.

Mississippi Rule of Appellate Procedure 28 is very specific about how to format an appellate brief. Carefully read this rule, and do your best to comply.

Do not forget the Table of Contents. As a reader, I am thrilled to see a Table of Contents that includes the descriptive headings used in the brief to tell the story and outline the case. Also, a detailed table of contents is an excellent reference guide to write an opinion.

4. Give the Court the history and nature of the case without confusing a *Statement of the Case* with a *Statement of Facts* or *Argument*.

Too often, a briefwriter simply combines the statement of the case with the statement of facts or the argument. Rule 28(a)(4) requires that the statement of the case “shall first indicate briefly the nature of the case, the course of the proceedings, and its disposition in the court below. There shall follow the statement of facts relevant to the issues presented for review, with appropriate references to the record.” It is helpful to the reader to understand what the case is about, how it got to the court, and how the trial court resolved the matter, before you move to the facts.

5. Select a limited number of issues for appeal, and state them in terms of the concrete facts of your case so as to suggest the results desired.



*By Presiding Judge Kenny Griffis
Mississippi Court of Appeals*

Continued on next page

Ten Commandments of Appellate Brief Writing

There are very few appeals that merit 15 to 30 issues. Most appeals with 3 to 5 issues are very effective. If you have 13 issues, by all means include them in your brief; but, please prioritize the issues.

No points are awarded to the party who cites the most cases. Also, please do not use large caps or single-spaced format for your statement of the issues.

6. State the facts persuasively from your point of view, but with complete fidelity to the record.

I expect each brief to advocate the party's position. It is awkward when the opposing party points out how you departed from the record in your persuasive writing. Please do not turn the statement of facts into fiction.

If the appellant accurately states the facts, the appellee is not required to restate the facts with a slightly different

twist. It is very effective for the appellee to zero in on the inaccuracy of the appellant's statement.

7. Argue your points in order of strength and argue vigorously, again with complete fidelity to the record.

The strongest issue should be first, unless there is some reason not to put it first.

8. Reveal and cope with adverse authority as required by the Rules of Professional Conduct and common sense.

Most issues are resolved by reference to two or three cases. Cite those cases early, and argue the cases thoroughly. Try to use the main cases as much as possible. For example, cite a meaningful case for

the standard of review.

9. Try to write in an interesting way that is clear and understandable.

Every brief tells a story. Try to tell the story so that the reader will find it interesting and compelling.

10. Sum up your arguments and tell the court the precise relief sought.

Too often, the appellant will end the brief asking that the Court reverse the case. If the reader agrees, please do not leave the reader to ask – Reverse and do what? It happens a lot.

"The more the words, the less the meaning, and how does that profit anyone?" — Ecclesiastes 6:11 (NIV) ■



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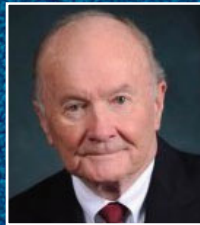
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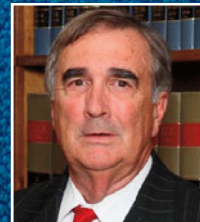
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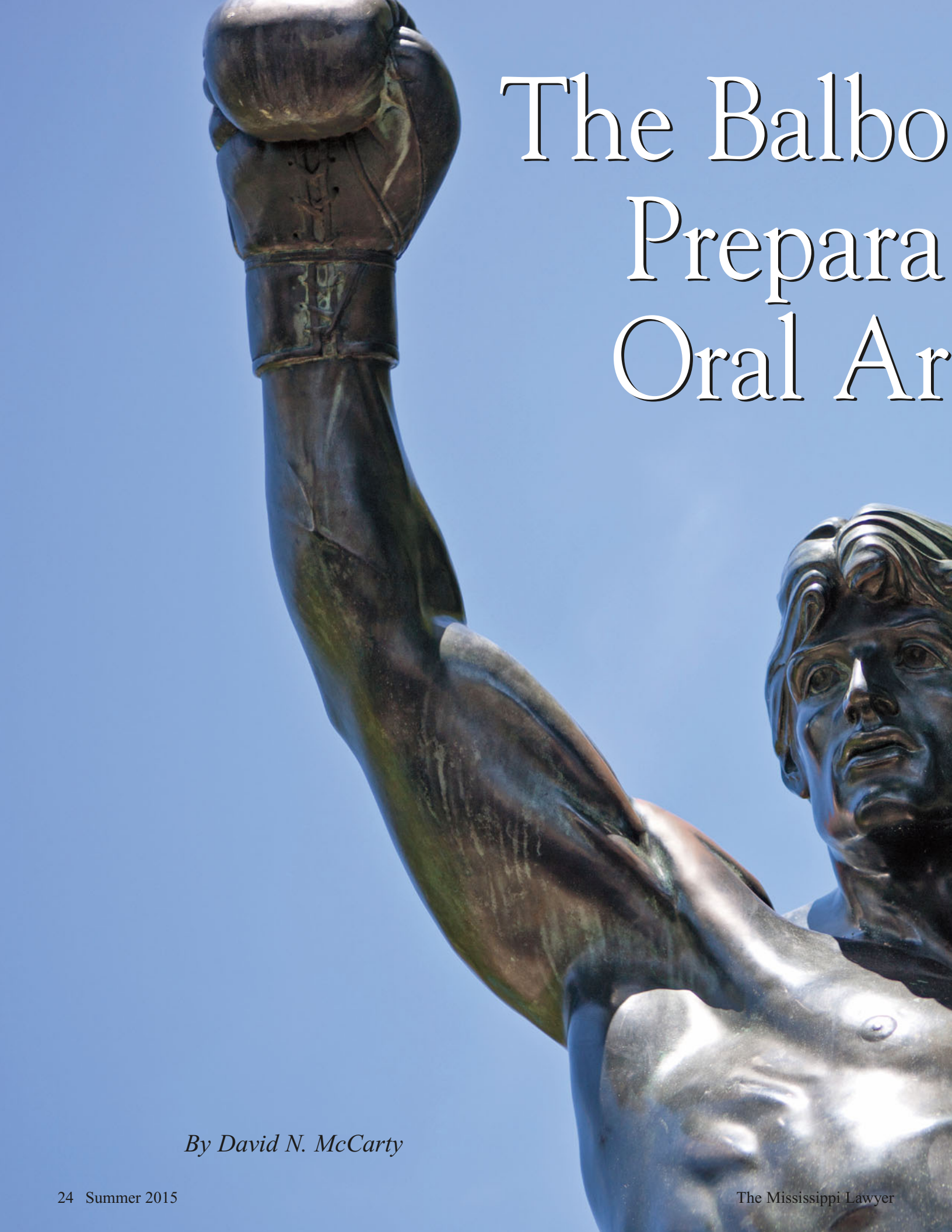
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A close-up, low-angle shot of a bronze statue of a man, likely a historical figure, with his right arm raised in a fist. The statue is made of dark, weathered bronze and is set against a clear, bright blue sky. The lighting is strong, creating highlights on the statue's chest and arm.

The Balbo Prepara Oral Ar

By David N. McCarty



a Method: tion for gument

Continued on next page

For a 45 minute fight, you gotta train hard for 45,000 minutes—45,000! That's ten weeks, that's ten hours a day, ya listenin'? And you ain't even trained one!"

—Mickey Goldmill, to Rocky Balboa, in "Rocky 2"

The capstone of any lawyer's career is presenting an argument before our appellate courts. A good argument can put one last jolt into a position before the Court rules. A bad argument can doom it. A galaxy of books, articles, CLEs, and motivational speakers can tell you how to best present oral argument. All of it is utterly worthless if you are not prepared when you step to the podium.

Oral argument does not start with knowing how to smoothly transition between questions and responses, or continuing to hammer on your theme, or respectfully and completely answering the questions from your Bench—all essential when you are at the podium. As Mickey would tell Rocky, you can know all day long how to throw a punch, but if you are too tired, or too weak, it does not matter. Only through building muscles through preparation can you successfully present argument for a client.

Over the years, I have developed the following methods to prepare for argument.

1. Mickey's Rule: plan to spend one hour of preparation per minute you will spend at the podium.

Boxers might need to train 1,000 minutes per minute in the ring, but lawyers cannot spend ten hours a day on the same case for ten weeks. Yet we must still heavily prioritize oral argument. An attainable goal is spending one hour's preparation per minute that you expect to spend at the podium.

My personal schedule begins two weeks before oral argument. If I am at the Mississippi Supreme Court or Court of Appeals, there will normally be 30 minutes allowed for argument—although at times, the Court allows that time to extend

much longer. This means that it will take me at least 30 hours to get ready. Budget two to three hours per day over the two-week period to prepare. Put it on your schedule and respect it.

2. Chasing chickens: know exactly what you are doing when you are preparing, and balance time accordingly.

Rocky did not understand why Mickey had him chasing chickens in an alley. It was meant, his trainer said, to get his speed up; to accelerate his reaction time. As a lawyer, there are a few points that will be assumed two weeks out from argument.

First, you will be ice-cold on the case. Briefing will have concluded at least 100 days before the argument, if you are in state court. Spend the first eight or so hours re-reading the briefs; reviewing and absorbing the case law. This work is mostly solitary and should be reflective. There is no such thing as wasteful repetition; studying the case law will never make you weaker. Failing to do this necessary strength building will only lead you to feeling like a "Kentucky fried idiot" at the podium, as Mickey would have said it.

Secondly, after this core-building, your focus needs to shift to a moot court. Work with a team of three people in reviewing flaws, honing strengths, and toughening yourself against probable questions. This work must be done in a team environment or you will not learn as much. Only a real team of coaches will push you to perform better for your client.

Once you get a team, set three to four practices with them of about an hour each. This provides enough time to go through at least one mock argument and to debrief.



By David N. McCarty
Past Chair of the Mississippi Bar
Appellate Law Section

3. Pick who is in your corner.

Rocky had Mickey, a curmudgeon who hollered at him, cussed him, threw things at him—and wanted him to succeed. There was nobody better at that than Mick. You will need three of him. In my experience, other lawyers add little value to your training, even if you share the client. They rarely are on fire for the law. Law students are hungry. They care about case law; they care about details; they want you to succeed. You must have an impartial, intelligent, and critical moot court team, and carefully-chosen law students can fit that role very well.

There is an important caveat. You have to burn your ego. There is no room for it when there is a 3L young enough to be your child role-playing a justice yelling at you for not knowing the facts of your main precedent. Humble yourself and go with it. Rocky eventually had more money, fame, and looks than old Mick. Yet he acknowledged the unique position he was in by having a trainer. There are things you are going to know that your students do not. Keep it to yourself. Duck your head and do the reps.

In the past year, I have presented argument multiple times at the Mississippi Supreme Court and Court of Appeals, and have also argued at the Fifth and Eighth Circuits. My core team during this time has been three students from Mississippi College School of Law—Candace Bowen, Kasey Mitchell, and Adam Porter. After dozens of hours together, I know that this brilliant trio has my best interests at heart. I also know that they will be merciless in pushing me to get better. It took effort to get to that point—both for them to have the comfort to yell at me, and for me to push down my pride to listen.

4. Know your flaws.

Mickey taped Rocky's dominant hand down so he could strengthen his weaker punches. The trainer knew the boxer had a weak left-handed jab, and needed to shore it up. Rocky hated the exercise, and did not see the point—because he did not recognize he had a weakness in the first place.

For this reason my first practice is not a live exercise at a podium. It is a table read where I meet for the first time with my team. We sit down and rough out

where we are strong and where we are not. My first question is always the same: “where’s my weakness?” They always see one that I either do not know I have, or that I have refused to acknowledge.

Ignore a diagnosis of weakness at your peril. In training for one argument, my team kept insisting that we had a problem with damages. I refused to listen—in fact, at one point I even told them to quit asking questions about it, and do what I told them to do. I let my ego get in the way. I did not see damages as a vulnerability. They did.

A few days later I walked to the podium on High Street and got battered on damages. I had enough training to respond to the questions, but was shocked that it was a key focus of the entire argument. I was surprised. My moot court team was not. I quit fighting with them after that.

5. Make this argument your title shot.

In the past, before I went to the podium, I internalized that immediately afterwards I could be smacked by a car while crossing Canal Street for lunch at the Bon-Ton. The last impression I left on this earth would be a digital file of what I said after walking down the Great Hall at the John Minor Wisdom Courthouse in New Orleans. With our State's appellate courts, that memory would be heightened by recent advancements in their recording techniques: a high-definition video on YouTube, livestreamed and then preserved for colleagues, clients, family, and Facebook friends to see.

My personal goal used to be just that I would actually present argument at the Mississippi Supreme Court. I felt like that would mean I was a “real” lawyer. After the first time, I wanted to go again—but do better. After the second time at the Court of Appeals, I wanted another shot to get quicker on responses. After a long 20 minutes one morning in New Orleans, I wanted to go back to name all the cases I knew but could not manage to get out. Then I got a schedule and a moot court team.

After that, my focus changed. It was no longer that this could be my last argument, but that it might be the best chance for my client to prevail. It was not a tombstone, but a title shot. The focus was no

longer about me as an individual, but about how I could best train to honor my time in the well of the Court.

When I walk away from the podium now, it is often with blood down the front of my shirt. Before, that actually caused me grief—that I had taken a punch, or missed an opportunity to respond. I only focused on the failures. Now my concentration is on preparing and honoring my client's case and the Court's time to the best of my ability. There are many times I do not prevail. There are better lawyers than I am; there are weaknesses I might not perceive; there are details from cases that I will forget. That does not change that through my preparation I can strive for the best possible result.

Some might protest that clients will not pay for this type of preparation. Indeed, some clients will not. If they do not, eat the time; cut the bill. This is about becoming the best advocate you can be. Let that be the goal, regardless of whether every minute is compensated. Make your next argument, and every one, a title shot. ■

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HED: Continued development of rule for pro bono appellate counsel highlights Appellate Practice Section's third year

Three years after its formation, the Appellate Practice Section is on the road to completing a landmark achievement: the establishment of a system of **pro bono** counsel at the Mississippi Supreme Court and Court of Appeals.

The section is currently fine-tuning a proposed Mississippi Rule of Appellate Procedure that, if adopted by the Supreme Court, will provide a mechanism for the Court to appoint *pro bono* counsel in the state's two appellate courts. The rules do not currently provide for the appointment of *pro bono* counsel in appeals.

"Many people have worked very hard on this rule, and we think it could really help further the Bar's mission of providing greater access to our judicial system for people in our state," says David McCarty, the Appellate Practice Section's current Chair and owner of a solo practice in downtown Jackson that focuses mostly on appeals.

Once the section finalizes its proposal, the draft will be submitted to the Mississippi Supreme Court, which is charged with adopting all changes to the Rules of Appellate Procedure.

A system of *pro bono* appellate counsel was one of the early goals for McCarty and Michael Bentley, two Jackson lawyers whose appellate work figures heavily into their practices. McCarty is a former law clerk to the Hon. James E. Graves, Jr., then of the

Mississippi Supreme Court, and Bentley clerked for Judge Leslie Southwick on the Fifth Circuit Court of Appeals.

"In one of our earliest conversations, Michael brought up the fact that many times people are unrepresented by counsel during an appeal," McCarty said. "We talk a lot about how appeals especially need careful attention by experienced lawyers, and the idea of folks having no lawyer at all has really bothered me."

Bentley and McCarty were part of a group that petitioned the Mississippi Bar Association in 2011 to create the Appellate Practice Section, which officially opened for membership in 2012. It is the Mississippi Bar Association's 16th practice section.

"Appellate litigation has become a distinct practice area, which requires developing skills that are different from those that are required of a general or trial court litigator," said Bentley, a partner at Bradley Arant Boult Cummings, LLP. Bentley served as Chair of the Appellate Practice Section in 2013-2014. "We also spoke with justices and judges on our state appellate courts, all of whom encouraged the idea, which they saw as a

Continued on next page



*By Will Bardwell
The Mississippi Bar
Appellate Law Section
Board Member*

way of raising the level of appellate practice in their courts.”

Toward that end, the section has sponsored several appeals-focused CLEs, which have included workshops on writing, oral advocacy, and guidance from members of Mississippi's two appellate courts.

Valuable though those seminars have been for seasoned appellate practitioners, they also have been designed to introduce lawyers seldom dabbling in appellate work to the ways that appeals differ greatly from trial-level litigation.

“Sometimes, really good trial lawyers or subject-area lawyers assume that they should handle the appeal because they are really good at what they do,” Bentley said. “But appeals are dif-

ferent, and their skills that win trial and arbitrations or position their clients for good settlements do not always translate to a skillfully-presented appeal.”

In addition to McCarty and Bentley, the Appellate Practice Section's seven-member Executive Committee is made up of Vice Chair Margaret Cupples of Bradley Arant Boult Cummings LLP; Secretary Todd Butler of Phelps Dunbar LLP; and members-at-large Amy Champagne of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC; Will Bardwell of McCraney Montagnet Quin & Noble, PLLC; and Meta Copeland of the Mississippi College School of Law.

The committee's diversity underscores what McCarty describes as a

broad slice of the Bar that supported the section's creation. He recalls, “Early on, there was great support from experienced practitioners like John Henegan – who became our first chairperson – Luther Munford, David Voisin, Margaret Cupples, Oliver Diaz, and Wayne Drinkwater. A lot of lawyers who had an identifiable appellate practice saw that there was a need” to form the Appellate Practice Section. McCarty and the other members of the Executive Committee encourage those who already practice in this area, or who are interested in learning more about it, to join the Section and participate in its upcoming continuing education offerings. ■

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Disbarments, Suspensions and Irrevocable Resignations

Joe Dale Walker of Monticello, Mississippi: The Supreme Court of Mississippi accepted Mr. Walker's Irrevocable Resignation in Cause No. 2015-BD-139 and imposed **Disbarment** based upon his guilty plea for one count of Obstruction of Justice in violation of Title 18 U.S.C. § 1512(c)(2). Mr. Walker is ineligible to seek reinstatement to the practice of law.

Robert D. Harrison of Ridgeland, Mississippi: A Complaint Tribunal appointed by the Supreme Court of Mississippi issued a **180 day Suspension** based upon Mr. Harrison's guilty plea to a misdemeanor crime in violation of 26 U.S.C. § 7203 for his willful failure to pay federal income taxes in 2008.

Ermea J. Russell of Jackson, Mississippi: A Complaint Tribunal appointed by the Supreme Court of Mississippi issued a **ten (10) month Suspension** in a multi-count complaint where Ms. Russell was found to have committed seven (7) violations each of Rules 1.16(d), 1.2, 1.3, 1.4 and 8.1(b) of the Mississippi Rules of Professional Conduct (MRPC). Ms. Russell must apply for reinstatement under Rule 12 of the Rules of Discipline for The Mississippi State Bar (MRD) should she wish to seek a return to the practice of law.

Ms. Russell was the subject of seven (7) informal [Bar] Complaints referred by the Committee on Professional Responsibility for the filing of a Formal Complaint. Each Bar complaint originated while Ms. Russell was in private practice, prior to her service on the Mississippi Court of Appeals. Pursuant to §9-1-25, Miss. Code Annot. (1972, as amended) ("the Statute"), Ms. Russell had six (6) months following the effective date of her appointment to the Court of Appeals to conclude or transfer existing client matters. Accordingly, Ms. Russell had until November 20, 2011, to wind down her practice. Ms. Russell failed to conclude or properly transfer the seven matters prior to joining the bench. Ms. Russell either failed or refused to adequately advise her clients that she had been appointed to the Court of Appeals and that she would be

unable to handle her clients' cases pursuant to the Statute. In addition, Ms. Russell failed to file a response to seven Bar complaints.

Rule 1.16(d), MRPC, requires a lawyer to take steps to protect a client's interest upon termination of the representation such as giving the client reasonable notice, returning papers and property and refunding any advance payment not earned. In almost each instance Ms. Russell failed to give her client's notice of her appointment to the Court of Appeals and her eventual inability to represent each client.

Rule 1.2, MRPC, requires an attorney to abide by a client's decisions concerning the objectives of the representation. Rule 1.3, MRPC, requires an attorney to act with reasonable diligence and promptness in representing a client. Rule 1.4, MRPC, requires a lawyer to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information. In addition, 1.4, MRPC, also requires a lawyer to explain a matter to the extent necessary to permit the client to make informed decisions regarding the representation. In the underlying matters, Ms. Russell did not adequately consult with her clients about her status as well as the status of their underlying cases; did not proceed diligently on the cases during the time in which she was able to practice law; and, failed to respond to reasonable requests for information or explain the current status of each pending case.

Rule 8.1(b), MRPC, requires an attorney in connection with a disciplinary matter to respond for a lawful demand for information. In this instance, Ms. Russell failed to respond to seven (7) separate Bar Complaints despite being properly noticed of each complaint, being granted numerous extensions of time and receiving numerous demand letters.

Public Reprimands

Samuel Jones of Memphis, Tennessee: The Supreme Court of Mississippi issued a **Public Reprimand** in Cause No. 2014-BD-1385 in a reciprocal discipline case based upon discipline imposed by the Tennessee Board of Professional Responsibility for Mr. Jones' failure to

provide diligent representation, failure to communicate with his client and failure to expedite litigation which resulted in his client's divorce case being dismissed.

Private Reprimands

An attorney received a **Private Reprimand** in docket number 12-586-2 for violations of Rules 1.16 (a and d), MRPC.

A client filed an informal [Bar] complaint against the attorney alleging that the attorney failed to attend a hearing in an estate matter. After the client was removed as executrix for failing to post a bond, she terminated the attorney's services in November of 2011. The attorney failed to file a motion to withdraw until February of 2012. In March of 2012, the attorney suffered a stroke and did not return to work until the fall of 2012. The client was not notified of the attorney's incapacity. Other clients and courts were notified by the attorney's paralegal of the attorney's incapacity. The hearing the attorney missed occurred during the time of his incapacity.

Rule 1.16(a) requires a lawyer to withdraw from representation when his physical or mental condition impairs his ability to represent his client or when the lawyer's services are terminated by the client. The attorney waited 5 months after he was terminated by his client before taking any action to withdraw as counsel of record with the court. Additionally, no subsequent action was taken on his behalf during the time of the attorney's incapacity to withdraw from the representation.

Rule 1.16(d) requires a lawyer to take steps to protect a client's interest upon termination of the representation such as giving the client reasonable notice, returning papers and property and refunding any advance payment not earned. The attorney failed to appear at a hearing or take any steps to protect his client's interest after his termination and, during the time of his incapacity in this matter, failed to notify the client of his inability to proceed despite having notified other clients and courts of his incapacity. ■

Bar Hosts the 2015 Section Orientation Session

New Section Officers attended the FY 2015-2016 Orientation Session in August 2015. The half-day program is designed to familiarize new Section leaders with their duties and brief them on resources available to them through the Bar.



2015-2016 Appellate Practice Section Officers are Margaret O. Cupples, Chair; G. Todd Butler, Vice Chair; and Amy L. Champagne, Secretary.



ADR Section Officers for 2015-2016 include William P. Myers, Secretary and Bobby M. Harges, Vice Chair.



Business Law Section Officers for 2015-2016 include Jason Bailey, Chair; and Tammra O. Cascio, Vice-Chair.



2015-2016 Estates & Trusts Section Officers include William O. Brown Jr., Vice-Chair; and Gray Edmondson, Chair.



2015-2016 Family Section Officers are W. Matthew Thompson, Secretary; and Jak M. Smith, Chair.



Gaming Law Section Officers are James K. McDaniel, Jr., Vice Chair; and Scott B. Hollis, Chair.



Health Law Section Officers include Jenny Tyler Baker, Vice Chair; Jeffrey S. Moore, Chair; and Jonell Beeler, Secretary.



Representing the 2015-2016 Real Property Section is Thomas T. Ross, Jr., Chair; and representing the Government Law Section is Christian B. Waddell, Chair.



Representing the 2015-2016 Labor & Employment Law Section is Nick Norris, Chair.



2015-2016 Litigation Section Officers are Meade W. Mitchell, Chair; and Matthew D. Miller, Secretary.



Prosecutors Section Officers include James S. Hale, Jr., Vice Chair; Ryan M. Berry, Chair; and Lauren B. Harless, Secretary.



Intellectual Property, Entertainment & Sports Law Section Officers for 2015-2016 include Chip Bolton, Secretary; Rynanne D. Saucier, Chair; and William T. Wilkins, Vice Chair.



2015-2016 SONREEL Section Officers are Keith W. Turner, Chair; and Susan F. King, Vice Chair.



2015-2016 Taxation Section Officers include Amanda Glover Evans, Chair; and Joshua A. Mars, Vice Chair.



Workers Compensation Section Officers include Roxanne P. Case, Chair; and Apryl L. Ready, Vice Chair.



The Young Lawyers Division's Board of Directors meets at the Annual Meeting. Pictured (front row) Jessica Dupont, Ann Marie Pate, Jennie Eichelberger, Jeremy England, Brannon Kahlstorf, Mike Carr; (middle row) Torri Martin, Jenny Tyler Baker, Diala Chaney, Julie Gresham, Kathlyn Van Buskirk, Jaklyn Wrigley, Margaret Smith, Keishunna Randall; (back row) Alex Martin, Matthew Shoemaker, Mimi Arthur, Clarence Webster, Hank Spragins and Matt Eichelberger.



YLD President Jennie Eichelberger with guest speaker Edward Hayes.

Justice Ann Lamar addressed the YLD Board Meeting on Thursday during the Annual Meeting



Diala Chaney, pictured left, received the Young Lawyers Division President's Gavel from outgoing Young Lawyers Division President Jennie Eichelberger.



110th Annual Meeting Highlights of the 2015 Bar Convention



Bar President Gene Harlow, pictured left, presented the gavel to incoming President Roy Campbell of Jackson.



Chief Justice William Waller addressing the Annual Business Session



Senator Sean Tindell of Gulfport addressed the Annual Business Session



Annual Business Session



The General Assembly was presented by the Federal Judiciary



The Federal Judiciary presented the Thursday General Assembly – Judge Sharion Aycock of Aberdeen, guest speaker Apollo 13 astronaut, Fred Haise, and Judge Louis Guirola of Gulfport



U.S. District Court Clerks David Crews and Arthur Johnston



Judge Michael Mills, Hall Bailey, Bill May, and George Fair



Jim Johnstone of Pontotoc and Judge John Kelly Luther of Ripley



Bar officers Briggs Hopson, Roy Campbell, and Gene Harlow



Price Prather Luncheon - Jennifer Hall, Price Prather Luncheon Subcommittee Chair; Speaker, Dean Wendy Scott; Speaker, Dean Debbie Bell; and Tiffany Graves, Women in the Profession Committee Chair



Price Prather Luncheon - Judge Virginia Carlton and Meta Copeland



Price Prather Luncheon - Claire Hornsby, Charlene Roemer, and David Sawyer

Breakfasts, Luncheons, and Receptions



Breakfast with the Federal Judges – Bob Anderson of Madison and Judge Glen Davidson of Tupelo



Over 100 people attended the Breakfast with the Federal Judges



Breakfast with the Federal Judges – Adam Gates of Madison and Judge Sul Ozerden of Biloxi



Many people attended the Section receptions

Section Reception – Nebra Porter of Aberdeen, Ray O'Neal of Fulton and John Weddle of Saltillo



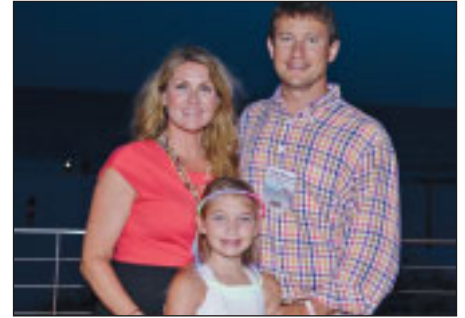
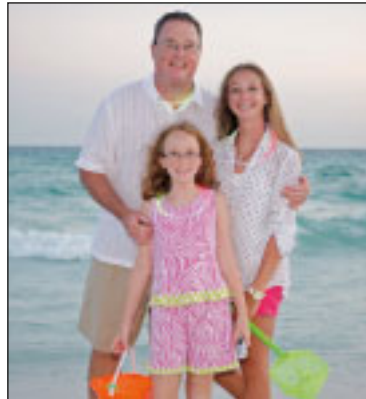
Officers and newly inducted Fellows of the Young Lawyers – Julie J. Gresham, New Inductee; Jason W.

Bailey, New Inductee; Judge Gene Fair, Fellows President; Samuel C. Kelly, Fellows Secretary/Treasurer; Richard C. Roberts III, New Inductee; and Robert R. Bailess, New Inductee



Section Reception – Chris Daniel of Pass Christian and Matthew Burrell of Gulfport

Family Beach Bash



Crab chase contest winners



Hoola Hoop contest winner



Limbo Contest winner



The theme for the Welcome Reception was "Peter Pan's Neverland"



Nebra & Bill Porter of Aberdeen



Lee Gore, Jon Mark Weathers, and Maura McLaughlin, all of Hattiesburg

Welcome Reception



Billy & Wendy Myers of Hernando and Gene and Jan Harlow of Laurel

Stan and Angie Smith of Madison



Ryan Berry and family from Kosciusko



Laura and Bill Spencer with Guy Mitchell, all from Tupelo



Judge Al Johnson and Deborah Johnson of Natchez



Kassie Coleman of Meridian & Jay Mercer



Everett Sanders of Natchez and Anthony Simon of Jackson



Pepper Crutcher, Madison; Tony Farese, Ashland; and Jim Greenlee, Oxford



"Neverland" theme was a big hit!

Welcome Reception



Joey and Deneshia Mayes of Morton

Tiffany and James Graves of Jackson



Everyone enjoyed the Welcome Reception!



Robbie and Emily Hayes of Southaven



Jeff and Kristen Rimes of Ridgeland



Judge Kenny Griffiths of Jackson and Rusty Brown of Oxford



Jason Bush of Jackson and Will Wilkins of Oxford



Breanna and Tim Sensing of Jackson



Prosecutors Section



Prosecutors Section

Section Meetings



ADR Section



Prosecutors Section



ADR Section



Real Property Section



Real Property Section



Family Law Section



Family Law Section



Litigation and Appellate Practice Sections



Litigation and Appellate Practice Sections



Litigation and Appellate Practice Sections



Workers' Compensation Section



Workers' Compensation Section

Section Meetings



Gaming Law Section



Government Law Section



Business Law & Health Law Sections



Estates & Trusts and Taxation Sections



SONREEL Section



SONREEL Section

President's Reception



President Gene Harlow of Laurel with family



Susan and Guy Mitchell of Tupelo



Pepper and Angela Cossar of Madison



Briggs and Ali Hopson of Vicksburg



Stewart and Heather Lee of Madison



Hugh Keating of Gulfport with family



Matthew and Karen Thompson of Madison with children



Greg, Renee, and Holly Miles of Ridgeland



Shellee Gowan and Judge Bill Gowan of Jackson



Judge Kent McDaniel and wife JoAnn McDaniel of Brandon



Joy and Raymond Hunter of Gulfport



Jessica Dupont of Pascagoula and Wayne Lennep



Cheryn Netz of Jackson and Joy Lambert Phillips of Gulfport

President's Reception



John and Graceann Herzog of Scott



Judge Jim Kitchens of Caledonia and family



Karen and Sam Begley of Jackson and Judge Kent Haney of Clarksdale



Elizabeth and Mark Franklin of Ridgeland



Jim and Lauren Rosenblatt of Jackson

Children's “Build-a-Bear” Party



Sandcastle Contest, Bingo & Legal Run-Around



1st Place Sandcastle Contest



1st Place Sandsculpture contest



Bingo Winners



Legal Run-Around

2014-2015 Distinguished Service Award

The Late Thomas H. Freeland, IV



The MS Bar President Gene Harlow of Laurel presented the 2015 Distinguished Service Award to the Late Thomas H. Freeland, IV's family Sarah Freeland Simonson and Joyce Freeland, both of Oxford

2014-2015 Judicial Excellence Award

Judge S. Allan Alexander
Oxford



The Mississippi Bar's Judicial Excellence Award was given to Judge Allan Alexander

2014-2015 Lifetime Achievement Award

Jerome C. Hafter
Jackson



Jerry Hafter, pictured right, accepts The Mississippi Bar's 2015 Lifetime Achievement Award from MS Bar President Gene Harlow during the Awards Program at The Mississippi Bar's 2015 Annual Meeting

2014-2015 50 Year Anniversary Members



50 Year Anniversary members attending convention were: Walter Brown, Jr. of Natchez; Aleita Fitch of Holly Springs; Dean Belk of Indianola; Jimmy Robertson of Jackson; Landy Teller of Vicksburg; and Dick Bennett of Jackson

2014-2015 Susie Blue Buchanan Award presented by the Women in the Profession Committee

Karen K. Sawyer
Gulfport



Karen Sawyer of Gulfport (pictured center) accepts the Susie Blue Buchanan Award from Women in the Profession Subcommittee Chair Kristi Brown and Committee Chair Tiffany Graves during The Mississippi Bar's Annual Meeting

2014-2015 Outstanding Young Lawyer Award presented by the Young Lawyers Division

Jeremy T. England
Ocean Springs



The Mississippi Bar Young Lawyers Division Past President Julie Gresham of Pascagoula presents Jeremy England of Ocean Springs with the 2015 Outstanding Young Lawyer Award at the recent Mississippi Bar's Annual Meeting



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Ethics Committee



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LJAP Committee



LJAP Committee



Military Committee

ng on Committee Day_____



Military Committee



Military Committee



Professionalism Committee



Professionalism Committee



Technology Committee



Technology Committee



Women in the Profession Committee



Women in the Profession Committee

LAWYERS HELPING LAWYERS

You Mad?

When the New England Patriots and Seattle Seahawks played on Oct 14, 2012, there was a fair amount of trash talking between Patriots Quarterback, Tom Brady and Seahawks Corner, Richard Sherman. Allegedly, Brady told Sherman and a teammate to “come see [him]” after the Patriots won the game. Well, the Patriots didn’t win. Sherman approached Brady after the Seahawk victory, and famously asked, “You mad Bro?” Since that time, the question has become a staple in the lexicon of trash-talking. Richard asked Tom, so I’m asking you, “You mad bro,” and if you are mad, right now or generally, is that a good thing?

Unfortunately, trash-talking and anger aren’t just limited to sports, and can at times, be seen in the practice of law. As attorneys, we operate in a largely adversarial system. While not inherently unhealthy, such a system is not for everyone. There are those for whom regular immersion in controversy is unhealthy. An attorney may not know this about him or herself before entering the program, and may be left to either adapt (possible risking their health), or withdraw from the system. Then what?

For many others in practice, we generally work with people in the midst of controversy and sometimes they are very angry. For any number of reasons, the client believes that litigation is moving too slowly, or expenses and fees are too high or unwanted results (never mind the fact they were warned). The client’s anger may

then be directed toward their own attorney. Then there are some clients who expect their attorneys to take on their level of anger, and if he or she doesn’t, “they’re not doing their job.”

There are also attorneys who seem to always be angry, fighting over every minor, or sometimes even irrelevant, point. While zealous advocacy is certainly the expectation and an ethical requirement, it appears that some in our profession confuse this principle with constant battling. Whether or not we are aware, these scenarios are slowly but surely killing us.

But enough about our work-lives, what about life outside the office? These days, “You mad _____?” also seems to be a reasonable question for the average person on the street on any given day. Our society seems almost fueled by anger at this point, so much so that the norm has become political rallies, Facebook rants, and twitter wars, based on nothing more than vitriol toward someone, some idea, or some group. How did we get here? Are we as a society really that angry? If we are angry, why? More importantly, how does this all this anger affect us? Short answer: negatively.

What then are we to do? First and foremost, each of us must recognize the anger in our own lives; the anger we express, the anger we suppress, and the anger directed toward us by others. Having recognized these, we need to clean up our side of the street. With regard to our own anger, we need assess its frequen-

cy, intensity, and our methods of expression. Some may need to identify and utilize better communication regarding our feelings. We need to set boundaries and expectations regarding the ways we are willing to accept feedback from others. The foregoing examination may be best handled with the assistance of a trusted family member, friend, or in some cases, an objective professional.

The steps above are also applicable in professional settings, but more may be required if we are to decrease the negative effects of anger in our lives. To the extent we can, we need to stay away from cases which may be toxic for us. Once engaged in the representation, if we are ambushed by our clients, counsels opposite, or the facts and circumstances of the matter, we need to be open to the possibility that we need to withdraw. Whether or not that specific representation continues, the consideration should inform our subsequent decisions regarding which cases we handle.

If you have concerns related to your own anger or your reaction to the anger of others, please talk to someone. Do not suffer alone. Your LJAP is here to assist if needed. All communication with LJAP is confidential, and our services are voluntary and free. ■

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You can also visit our website:

Lawyers Assistance Program link on The Mississippi Bar website: www.msbar.org

IN MEMORIAM

J. Murray Akers

J. Murray Akers, 76 of Greenville, died May 17, 2015. A graduate of the University of MS School of Law, he was admitted to practice in 1967. He was a long-time member of the American Association for Justice, a Fellow with the Mississippi Bar Foundation, and a past President for both the Washington County Bar and the Mississippi Association for Justice. Akers has served as the Special Assistant Attorney General, Law Clerk for the Mississippi Supreme Court, Assistant United States Attorney for the MS Northern District, Assistant District Attorney for the 4th Circuit Court District, and has had his private practice in Greenville since 1970. He was a pilot in the Army National Guard and retired from service as a Captain. He was a long-time member and a past President of both the Greenville Park Commission and the Greenville Kiwanis Club. He also served as a past Commodore for the Greenville Yacht Club, and was currently Chairman of the Crime Stoppers of Washington County, Inc. Akers was a Deacon of First Baptist of Greenville where he served on the Finance Committee.

Thomas F. Badon

Thomas F. Badon, 92, of Liberty died May 21, 2015. A graduate of the University of MS School of Law, he was admitted to practice in 1947. He served as the prosecuting attorney of Amite County and served in the House of Representatives for 4 years, 1952 to 1956. He served on the Liberty Town Board for 36 years and was the attorney for the Amite School Board for 16 years. He received a special appointment from Gov. William Winter as Chancery Judge for Judge Jones. He was a Family Master Judge for 20 Years. Badon was a member of Liberty Baptist Church, where he taught Men's Sunday school for 35 years. He also was a Mason in the Liberty Lodge no. 37 for 50 years.

Sidney A. Barnett

Sidney A. Barnett, 75, of Tupelo, died April 29, 2015. A graduate of Mississippi College School of Law, he was admitted to practice in 1970. He joined the MS Army National Guard. He practiced general law for thirty-six years in Lucedale. He served as the Board of Supervisors' Attorney from 1976 to 1983 and was the George County Prosecutor from 1978-1986. He served as the City Judge for Lucedale from 1986 until 1991. Barnett was the George County Court appointed attorney from 1996-1997. He served as George County Solid Waste Judge from 1997-2006 and also as the Youth Court Guardian Ad Litem for George County from 1996 until 2006. He moved to Tupelo in 2006 where he continued his law practice until last year. He was a Mason and a Shriner. Barnett was a member First United Methodist Church.

C. Everette Boutwell

C. Everette Boutwell, 81, of Laurel, died June 18, 2015. A graduate of Mississippi College School of Law, he was admitted to practice in 1974. Boutwell was a CPA for 60 years and an attor-

ney for over four decades. He served as past president of the Jones County Bar Association and the Laurel Exchange Club. He was a member of numerous CPA and legal associations. He was an active member of First United Methodist Church, where he served on the Administrative Board and taught Sunday school.

Ottis B. Crocker, Jr.

Ottis B. Crocker, Jr., 79, of Bruce, died June 29, 2015. A graduate of the University of MS School of Law, he was admitted to practice in 1962. After graduating from law school he practiced law for over 50 years. He also served in the U.S. Air Force. He was a member of Bruce First Baptist Church, Bruce Rotary Club and Bruce Chamber of Commerce. He served on the Board of Directors for the Farmers and Merchant Bank and also Renasant Bank.

He served as a judge for the City of Bruce and attorney for Calhoun Health Services Hospital and nursing home. He also served as attorney for the Calhoun County Hospital.

James B. "Bobby" Everett

James B. "Bobby" Everett, 86, of Decatur, died May 13, 2015. A graduate of the University of MS School of Law, he was admitted to practice in 1956. Everett was a lifelong resident of Newton County. He enlisted in the United States Air Force during the Korean War. He was stationed in Pittsburgh, CA. He practiced law in Decatur for over 50 years. Everett was a member of Clarke Venable Baptist Church where he taught Sunday school for over 50 years. In 2014, he received The Lifetime Achievement Award from East Central Community College. In addition, he was instrumental in starting The Mid-Mississippi Development District in the early 1960's.

David G. Galyon

David G. Galyon, 56, of Jackson, died August 25, 2015. A graduate of Mississippi College School of Law, he was admitted to practice in 1991. He was a managing partner of Schwartz and Associates.

John D. Gautier

John D. Gautier, Sr., 85, of Pascagoula, died June 29, 2015. A graduate of the University of MS School of Law, he was admitted to practice in 1953. He was a lifelong resident of both Pascagoula and Gautier. He practiced law for most of his career in the Pascagoula area.

Stephen Gerard Kelty

Stephen Gerard Kelty, 53, of Terry, died July 16, 2015. A graduate of Mississippi College School of Law, he was admitted to practice in 1997.

Continued on next page

Kendrick Raytron Kennedy

Kendrick Raytron Kennedy, 43, of Biloxi, died June 18, 2015. A graduate of the University of MS School of Law, he was admitted to practice in 2011. Kennedy worked with Conway & Associates of Gulfport. He served as President of the Gulf Coast Chapter and board member for The National Federation of the Blind of MS.

Lawrence M. Magdovitz, Sr.

Lawrence M. Magdovitz, Sr., 77, of Clarksdale, died May 24, 2015. A graduate of Vanderbilt Law School, he was admitted to practice in 1961. He opened up the Law Offices of Lawrence Magdovitz in 1962 at the Stephens Building. His law practice spanned 52 years. He was also a residential contractor and real estate broker. In 1980 he bought a small commercial building leased to the United States Postal Service in Dundee. After this first purchase, he acquired more post offices and even started building several in rural Mississippi including Ashland and Lake Cormorant. By 2002, he had amassed a portfolio of several hundred post offices. He then managed to become the largest single owner of post offices buildings in the United States, second only to the United States Postal Service itself. In 1980 Magdovitz moved his family to Germantown, TN while still working in Clarksdale. He gave to various charities including the Boy Scouts and the Institute for Southern Jewish Life.

James Frank McKenzie

James Frank McKenzie, 84, of Hattiesburg, died July 17, 2015. A graduate of the University of MS School of Law, he was admitted to practice in 1958. He served in the United States Navy from 1951-52. Upon graduation, he joined a law firm in Hattiesburg, where he engaged in the active practice of law until his retirement on Dec. 31, 2000. McKenzie served as president of the South Central Bar Association, a commissioner of the Mississippi Board of Bar Commissioners, president of the Hattiesburg Kiwanis Club, director of the Hattiesburg Arts Council, board member of the Hattiesburg/Forrest County Public Library, and the Court of Honor for the Emmett Lee Irwin Province Kappa Alpha Order. He was also a member of the Kappa Alpha Fraternity, the Hattiesburg Civic Association, and served as King Zeus LXI for the Mystic Krewe of Zeus in 1981. McKenzie remained active in the U.S. Naval Reserve until his retirement on July 1, 1970, at which time he had attained the rank of Lieutenant Commander. He currently served as an Advisory Board Member for BancorpSouth, a member of the Board of Directors of Forrest General Healthcare Foundation, commissioner of Forrest County Industrial Park Commission and member of the USM Foundation Honor Club. Jimmy was member of the Advisory Board for the Southern Mississippi Partners for the Arts and served as chair for the organization in 2003-04.

Philip Mansour

Philip Mansour, 95, of Greenville, died June 23, 2015. A graduate of Tulane University Law School, he was admitted to practice in 1948. Mansour entered the US Army and served overseas in Italy during WWII earning the Purple Heart. He was honorably discharged in 1944. He opened his practice in Greenville in 1950. He was inducted into the American College of Trial Lawyers in 1986. He served as President of the Washington County Bar Association. He served on a number of Federal Judiciary Committees and Panels.

James T. Metz

James T. Metz, 66, of Ridgeland died April 3, 2015. A graduate of Mississippi College School of Law, he was admitted to practice in 1978. Metz worked in the petroleum industry for a number of years for Shell Oil Company. He later served as an Assistant Attorney General in charge of the Mississippi Transportation Legal Division under Mike Moore and later as a Special Assistant Attorney General in the Litigation Section for a total of seven years. After leaving the Attorney General's office, Metz was in private practice as a partner in Purdie & Metz, PLLC in Ridgeland. Metz served in the Special Forces in Vietnam with a United States Marine Corp Force Recon team, earning a Bronze Star for valor and three Purple Hearts.

Cecil M. Mitchell

Cecil M. Mitchell, 89, of Madison, died July 14, 2015. A graduate of Mississippi College School of Law, he was admitted to practice in 1952. He served for a brief time in the Army. An active member of Alta Woods Baptist church, he served as deacon, on various committees and taught men's Sunday school classes.

Oliver Marvin Oates, Jr.

Oliver Marvin Oates, Jr., 86, of Bay Springs, died August 17, 2015. A graduate of the University of MS School of Law, he was admitted to practice in 1956. He was commissioned as a Second Lieutenant in the US Air Force in 1952. Oates's legal career included serving as Jasper County Prosecuting Attorney before returning to private practice. He was the attorney for the Jasper County Board of Supervisors during which time both Bay Springs and Heidelberg Industrial Parks were established. In the late 1970's Oates helped establish the Mississippi Trial Lawyers Association; he was elected president in 1978. He was both Member and President of the local Rotary Club and the Bay Springs Chamber of Commerce; President of the Southeast Industrial Council; and Member and President of Bienville Recreational District. Oates served as President of the Bay Springs Cemetery Association for many years. He was a member of Bay Springs Baptist Church since 1942. Oates served as a Sunday School Teacher and Superintendent; Member and President of the Board of Deacons; and Member of the Lay Renewal Team. He was also a choir member. He joined The

IN MEMORIAM

Gideons International in 1979. During his years of service Oates traveled as an International Representative to 42 countries and more than 200 major cities. He also served as President of the state organization.

Will Ellis Pittman

Will Ellis Pittman, 52, of Clarksdale, died June 26, 2015. A graduate of the University of MS School of Law, he was admitted to practice in 1995. He is the owner and managing member of Pittman & Associates, PLLC law firm in Clarksdale, where he also served as the first African-American County Prosecutor for Coahoma County. Pittman also served as the board attorney for the Tunica County Board of Supervisors and was the first African-American to represent the Tunica County Board of Supervisors. He attended and served on the finance committee of the Galena Missionary Baptist Church in Tutwiler. He enlisted in the United States Marine Corps.

Pittman opened Pittman Law Office in Clarksdale in 1996 where he continued to practice until his death.

Edward C. Prisock

Edward C. Prisock, 74, of Louisville, died July 30, 2015. A graduate of the University of MS School of Law, he was admitted to practice in 1965. He was a veteran. He practiced law in Louisville several years before he was elected Chancery Judge for the 6th District serving for 30 years. He was an elder at Grace Presbyterian Church in Starkville.

Louie F. Ruffin

Louie F. Ruffin, 81, of Richton, died June 2, 2015. A graduate of the University of MS School of Law, he was admitted to practice in 1961. He served as County Attorney for Perry County and as Municipal Judge and Prosecutor for the Town of Richton. In 1967, he was appointed an Administrative Judge for the Mississippi Workers' Compensation Commission and served in said capacity until 1982. In 1982, he joined the law firm of Altman, Tyner & Ruffin and continued to practice with the firm until his retirement. He practiced law for over 50 years. He served in the United States Army and was a lifelong member of Richton United Methodist Church.

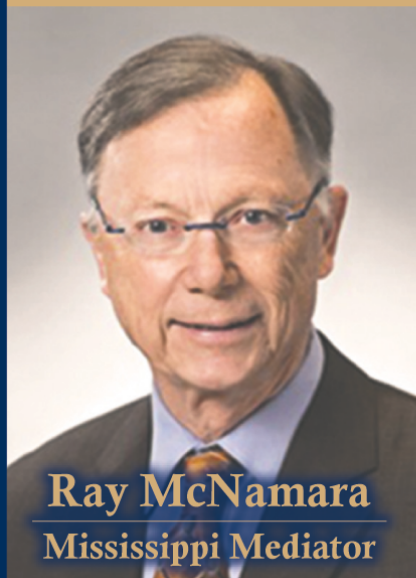
William Richard Sevier

William Richard Sevier, 50, of Jackson, died June 2, 2015. A graduate of Mississippi College School of Law, he was admitted to practice in 2003. He was associated with the Eaves Law Firm of Jackson.

Mark B. Strickland

Mark B. Strickland, 56, of Gulfport, died July 31, 2015. A graduate of the University of MS School of Law, he was admitted to practice in 1989.

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

OCTOBER

- 1 MS Bar "YLD Litigation 101 Series: Case Investigation & Evaluation." 2.0 credits. Jackson, MS, MS Bar Center. Contact 601-355-9226, Rene Garner.
- 2 MS Bar "CLE on the Road in Meridian." 6.0 credits (includes ethics). Meridian, MS, Holiday Inn. Contact 601-353-1703.
- 3 North MS Rural Legal Services "How to Handle a Tax Controversy: The Basics." Oxford, MS. Contact 1-800-559-5074, Alexis Farmer.
- 9 MC School of Law "Worker's Compensation CLE." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 9 MS State University "CLE for MSU Alumni Attorneys." 6.0 credits (includes ethics). Starkville, MS, MS State University. Contact 662-325-7860, Whit Waide.
- 16 MC School of Law "Youth Court Parental Representation." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 30 UM CLE "DUI Defender's CLE Seminar." 6.0 credits (includes ethics). Gulfport, MS, Courtyard by Marriott. Contact 662-915-1354, Cindy Heuser.

- 30 US District Court/Northern District of Mississippi "8th Annual Bench & Bar Seminar." 4.0 credits (includes ethics). Oxford, MS, The Inn at Ole Miss. Contact 662-281-3029, Gina Kilgore.

NOVEMBER

- 5 MS Bar "YLD Litigation 101 Series: Depositions & Discovery." 2.0 credits. Jackson, MS, MS Bar Center. Contact 601-355-9226, Rene Garner.
- 5 NBI "Advanced Eminent Domain & Valuation." 6.0 credits (includes ethics). Jackson, MS. Contact 715-835-8525.
- 6 MS Bar "CLE on the Road in Natchez." 6.0 credits (includes ethics). Natchez, MS, The Natchez Grand. Contact 601-353-1703, Kellie Freeman.
- 6 MC School of Law "17th Annual Guardian Ad Litem Training." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 12 Sterling Education Services, Inc. "Landlord-Tenant Law: Leases, Evictions, Litigation." 6.7 credits (includes ethics). Jackson, MS. Contact 715-855-0495.
- 13 UM CLE "Current Issues in Estate Planning." 6.0 credits (includes ethics). Memphis, TN, Doubletree Hotel on Sanderlin. Contact 662-915-1354, Cindy Heuser.

- 20 MS Bar "YLD's New Lawyer Program." 3.0 credits (includes ethics). Oxford, MS. Contact 601-355-9226, Rene Garner.

DECEMBER

- 4 MS Bar "YLD Litigation 101 Series: Mediation & Negotiation." 2.0 credits. Jackson, MS, MS Bar Center. Contact 601-355-9226, Rene Garner.
- 4 NBI "Special Education Laws Made Simple." 6.0 credits. Gulfport, MS. Contact 715-835-8525.
- 7-8 Tax Insight, LLC "Annual Income Tax Course." 13.0 credits (includes ethics). Hattiesburg, MS. Contact 608-831-1040, Diane Wisniewski.
- 8-9 Tax Insight, LLC "Annual Income Tax Course." 13.0 credits (includes ethics). Ridgeland, MS. Contact 608-831-1040, Diane Wisniewski.
- 10-11 Tax Insight, LLC "Annual Income Tax Course." 13.0 credits (includes ethics). Tunica, MS. Contact 608-831-1040, Diane Wisniewski.
- 14-15 UM CLE "CLE by the Hour." 12.0 credits (includes 2.0 hours of ethics). Memphis, TN, Hilton. Contact 662-915-1354, Cindy Heuser.

FEBRUARY

- 19 E. Farish Percy "33rd Edition of the Summary of Recent MS Law." 6.0 credits (includes ethics). Oxford, MS, Inn at Ole Miss. Contact 662-832-8605, E. Farish Percy.

MARCH

- 3 MS Bar "YLD Litigation 101 Series: Trial." 2.0 credits. Jackson, MS, MS Bar Center. Contact 601-355-9226.
- 4 E. Farish Percy "33rd Edition of the Summary of Recent MS Law." 6.0 credits (includes ethics). Biloxi, MS, IP Casino. Contact 662-832-8605, E. Farish Percy.
- 11 E. Farish Percy "33rd Edition of the Summary of Recent MS Law." 6.0 credits (includes ethics). Jackson, MS, Jackson Convention Center. Contact 662-832-8605, E. Farish Percy.



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1.5 million	0	Scott v. Jewett Ortho. (medical malpractice)	Oct. 2005
3.3 million	0	Addison v. Perez (medical malpractice)	Aug. 2006
5.1 million	\$50,000	Action Products v. Lung Cheoung Int'l Holding (commercial contingency fee)	Oct. 2006
1.7 million	0	McKernan v. Holleanna Groves (auto accident)	Nov. 2007
2 million	\$90,000	Isham v. City of Ft. Lauderdale (police chase case/auto accident)	Feb. 2008
1 million	\$60,000	Gibson v. Nationwide (auto accident)	April 2008
2.9 million	\$100,500	Brown v. Sumter Co. (auto accident)	Nov. 2008
13 million	\$25,000	Rausin v. Rogers (auto accident)	Feb. 2009
4 million	\$10,000	Bryan v. Hanson (motorcycle accident)	May 2009
1.1 million	0	Florian v. Rojen (auto accident)	Dec. 2009
90 million	500	Townsend v. RJ Reynolds (tobacco)	April 2010
1.3 million	0	Hobbs v. Adams (motorcycle accident)	May 2010
18.8 million	0	VanZyl v. Kincaid (motorcycle accident)	Jan. 2011
3 million	\$10,000	Walker v. Sanchez (auto accident)	Feb. 2011
40 million	\$10,500	Allen (I) v R.J. Reynolds (tobacco)	April 2011
1 million	0	Wabnitz v. Sider (medical malpractice)	Feb. 2013
26 million	\$10,000	Brink v. Santos (motorcycle accident)	March 2013
4.5 million	\$25,000	Goveia v. RJ Reynolds & Philip Morris (tobacco)	Feb. 2014
14.5 million	0	Good Gateway v. Thakkar, et al (commercial contingency)	July 2014
18.2 million	\$25,000	Allen (II) v. RJ Reynolds and Philip Morris (tobacco)	Nov. 2014
2.2 million	\$150,000	Billingham v. Scott (auto accident)	Dec. 2014



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