

# THE MISSISSIPPI Lawyer

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*Gene and Jan  
Harlow*

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# FACTS AND FIGURES OF SUCCESS

## GRADUATION (MAY 2014)

- 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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- Two-Year JD Program
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- Mississippi Law Institute Press  
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## PUBLIC INFORMATION PROGRAMS

- Judicial Data Project  
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- Mississippi Legislative History Project  
[www.law.mc.edu/legislature](http://www.law.mc.edu/legislature)
- Mississippi Legal Resources  
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**Special Thanks to the Business Law Section for providing the feature articles for this issue of the magazine. Members of the Section to receive special thanks goes to:**

- James T. Milam**
- Neal C. Wise**
- Stanley Q. Smith**



# Welcoming the 109th President of The Mississippi Bar



Eugene M. Harlow  
Laurel, Mississippi

One Friday afternoon in 2012 I had taken off work a bit early and was about to tee off when I got a call from Hugh Keating, then President of the MS Bar to notify me that I had been nominated as President-Elect. He wanted to know if I would be willing to accept the nomination. I was extremely excited and totally surprised. This possibility was not in the boy's mind. So excited, I said yes without even consulting my law partners or MY WIFE! Fortunately they both agreed ex post facto. The elections were held after New Year's 2013 and by the slimmest of margins I was somehow elected. This was roughly February and then I had the title of President-Elect Designee. If I told you I had no idea what I had gotten myself into it would be an understatement. By this time Hugh's term had ended and Lem Adams of Brandon, MS was at the helm. Guy Mitchell of Tupelo was our then President- Elect.

I don't know if they did this with everybody but they sent me right off the bat for a Christening and otherwise leadership preparation, to the ABA-BLI (ABA Bar Leadership Institute). I think they knew they had a lot of work to do to get this one ready! It was a great program that was attended by green horns from around the country. At this point I began to understand, "what I had gotten myself into". Subsequently there were Board of Bar Commissioner meetings and a Past Presidents' Dinner that I had the honor of attending. Gradually and through the gracious advice of many that had come before me to this opportunity, I began to understand what an honor I have been given. To the entire Bar I want to say thank you for the opportunity to serve as your 109th Bar President.

I spent this past year studying under the tutelage of our now Past President, Guy Mitchell. To Guy and his beautiful wife, Susan I want to say thank you for many lessons in leadership and grace, all of which I took to mind and heart. I anticipate and look forward to the upcoming leadership of our President-Elect, Roy Campbell.

As I am writing this article on the day of our Bar's fiscal year end (July 31st) I can honestly say that we are in good shape, as I have not had the opportunity to mess anything up yet! I go on the clock tomorrow however!

Our Bar is what is called a Unified or Mandatory Bar and that means we all have to be members to practice law in MS. This also means that the activities of the Bar are not divisive or political but represent what we perceive to be in the best interest of the entire Bar. Your MS Bar is active and viable on many fronts. We have 16 practice Sections, 18 Committees, the Young Lawyers Division, a Board of Bar Commissioners and the MS Bar Foundation. Additionally there is the Office of General Counsel and The Lawyers and Judges Assistance Program. Our practice sections

*Continued on next page*

## Welcoming the 109th President of The Mississippi Bar

are autonomous entities that are made up of voluntary open membership groups concentrating on projects within the areas of practice they represent. Our eighteen committees, some of which are standing committees and some ad hoc really perform the projects of the bar and besides our staff these committees are the pulse of the MS Bar. We have a separate Young Lawyers Division that continues to be a dynamic group of under 37 years of age attorneys that invent and propel the primary public service arm of the Bar. The YLD is governed by their own Board. On the other hand the MS Bar is governed by our Board of Bar Commissioners. This Board is elected from each of our circuit court districts as well as various designated members and several members at large. The MS Bar Foundation is again a separate legal entity governed by a Board of Trustees. All MS Bar members that practice law are required to have a separate Trust Account that is tied to the Interest on Lawyers Trust Account Program (IOLTA). These practicing members are all members of the Bar Foundation. Funds created

through the IOLTA program fund various law related education programs as well as assist in the funding of legal services to the poor. The Office of General Counsel is really the Bar's lawyer and administers the attorney disciplinary system that is critical to our association's existence. Then we have the Lawyers and Judges Assistance Program (LJAP) that looks out for our wellbeing. They are trained to provide effective assistance for addiction, depression and even for grief counseling under certain circumstances. Our Bar serves approximately 8000 members, some of which are out of state.

Now enough of that, let me tell you about a few of the exciting programs going on in your Bar. Our Medical Liaison Committee has drafted a proposed list of Guidelines that will hopefully be useful to those of us in both professions that have to and need to work together for the benefit of the patient who is also our client. It is anticipated that these proposed guidelines will be presented to the MS Medical Association for consideration this year. These address the day to day associations that we as attorneys have with doctors and their offices. Things like scheduling depositions, trial testimony, securing medical records and just working together for the best interest of the client and patient.

The Professionalism Committee has recently drafted a set of "Deposition Guidelines" that are aspirational guides to how we work with each other and conduct our affairs in the deposition setting. A draft of these has been presented to the Board of Bar Commissioners for their input and it is anticipated that the committee will ask the Litigation Section to give input on the proposed draft before they are finalized. This is only one of several projects this committee is working on.

I could go on and on with existing programs and new ones coming along from our many very active Committees but I will resist. However I have to tell you about a new Committee that is near and dear to my heart, the Law Related Education Committee. The idea for this Committee came about as a result of an ABOTA (American Board of Trial Advocates) Civics program that I read about this past year. It appears that Civics education has taken a back seat or is non-

existent in our schools today. Students are graduating from high school with little to no knowledge of the three distinct branches of our government. They don't understand that the Executive, Legislative and Judicial branches are co-equal branches, that their powers are purposely separate to allow for checks and balances. These same students go on to graduate and one day fill our legislative halls, they operate in our City and State governments, some become teachers themselves or doctors or lawyers, and all become citizens that can make up our electorate. It is critical that this part of our public education system teach these core values that are so important to our democracy. In the State of MS our judicial branch is sorely underfunded, receiving less than one (1) percent of the budget for the State. We can do better, and we can at least give our students in MS an opportunity to learn about our government and how it operates. Don't forget that it is the judicial branch of our government that will be called on when it is necessary to clean up overreaching that can occur in our Executive and Legislative branches. This new committee will look at the ABOTA Civics program and curriculum that has been developed for Middle Schools. This curriculum is available through Scholastic and has been designed to fit into the new Core curriculum that our public schools will putting in place.

Our MS Bar has a great and interesting history that needs to be captured so that it can be retold for generations. Just think of the great lawyers and the many undocumented stories that will never be preserved if we don't actively record them in some way. The History Committee is an open enrollment committee that is trying to do just that. Without a doubt a whole article could be devoted to the work of this one committee. Perhaps later in the year we will ask Cham Trotter the Chairman of this committee to write an article on the work of the History Committee for our MS Lawyer. It would make for some good reading.

To every member of our Bar I extend an invitation to call, write or just holler anytime!

I am at your service. ■

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# How to Make Health Care Prolegomena to a Future



# an Economic Driver: Economic Development

## I. Introduction

**T**he state and direction of economic development has drastically changed in the last 50 years. No longer is economic development a local or centralized function of local government. It has morphed into a full-fledged industry replete with several professional organizations,<sup>2</sup> public non-profit financing entities,<sup>3</sup> site location firms,<sup>4</sup> beviies of lawyers who practice within economic development practice groups at law firms<sup>5</sup> and countless economic development practitioners.<sup>6</sup>

The promotion of economic development in not only Mississippi (the “State” or “Mississippi”), but in the United States is a traditional and long-accepted government practice.<sup>7</sup> Definitions of the term economic development are exhaustive, but perhaps one of the most important legal determinations of what economic development is emanates from the landmark decision *Kelo v. City of New London* where the United States Supreme Court noted that the city of New London had “carefully formulated a development plan that would provide appreciable benefits to the community, including, but not limited to, new jobs and increased tax revenue.”<sup>8</sup> Even more telling is the posture of the court with respect to the overall goal of the city’s economic vision – here the court stated “the city is trying to coordinate a variety of commercial, residential, and recreational land uses, with the hope that they will form a whole greater than the sum of its parts.”<sup>9</sup>

The International Economic Development Council, a non-profit membership organization dedicated to helping economic developers do their job more effectively and raising the profile of the profession, posits that “economic development seeks to improve the economic well-being and quality of life for a community by creating and/or retaining jobs and supporting or

growing incomes and the tax base.”<sup>10</sup> To achieve this aim, not only do communities in today’s economy have to be able to compete, but they must tailor their missions towards aggressive multi-pronged approaches that utilize both incentives and the other traditional non-economic resources of the state.<sup>11</sup> With the well documented uncertainty of the market, rising corporate income tax rates, the regulation of practically every business entity and the escalating cost of doing business, economic development, *vis-à-vis* the industry that it has developed into, has become the subject of regulation itself.<sup>12</sup>

In the mid-90s, the South began to see a boom in automobile manufacturing. Alabama was one of the first states to lure a large multi-million dollar auto manufacturing project to a megasite consisting of over 1,000 acres of real estate with both access to and visibility of an interstate highway. For Alabama, Mercedes-Benz represents to date approximately \$2 billion in investment and 5,000 jobs. After Mercedes-Benz, then came Honda and Hyundai for Alabama. For other Southern states, the highly coveted economic development prize is more or less the same. Tennessee attracted auto manufacturing plants Nissan and Volkswagen. South Carolina lured auto manufacturing plants

*Continued on next page*



*By Tray Hairston<sup>1</sup>*

BMW and Honda. Georgia has Honda, Porsche, and Kia, and Mississippi has a Nissan auto manufacturing plant in Canton, MS and Toyota has an auto manufacturing plan in Blue Springs, MS. During this time of growth in the South, not only did states and communities engage in a hearty competition with each other to entice auto manufacturers and suppliers, but keen economic development professionals have also made sure their communities are considered for the next big project by certifying and investing in large-scale megasites. For Mississippi, the targeted recruitment of the auto manufacturing industry and its investment in this philosophy and necessary human capital to aid in its recruitment has paid great dividends. The principal question here is what other sustainable industry could do the same? Viewing the health care and life science industry similar to the early 90s rise of the auto manufacturing industry in the South could be tantamount for Mississippi like it has been in states like Florida. In Florida, for example, then Governor Jeb Bush, approached billionaire British trader Joe Lewis, owner of the Tavistock

Group,<sup>13</sup> in 2002, seeking his assistance in hopes of improving the economy of Central Florida. Bush's goal was to create better-paying jobs. Through Tavistock and developing the Lake Nona Medical City, Governor Bush's appeal has elicited to date approximately \$3 billion in health care based investment, 5,000 permanent higher-paying jobs (with 25,000 more expected by 2019), and an expected overall economic impact of \$7.6 billion over the next 10 years.<sup>14</sup>

For years municipalities and counties in Mississippi through their elected leaders and stakeholders have been arduously seeking creative ways to enhance the quality of life of local citizens and improve economic development opportunities for their communities. Simultaneously, the entire State, from its *Balance Agriculture With Industry Plan* in 1935, juxtaposed to its aggressive recruitment of the automotive and aerospace industry, has also sought to promote economic development; however, it has been challenged by authorities like Fitch Ratings Inc., ("Fitch") a nationally recognized credit rating agency, which revised the State's

2013 outlook to negative and noted the following regarding the State's manufacturing based economy: "The economy continues to diversify and some successful economic development initiatives should bolster employment in the coming years; however, the manufacturing concentration well exceeds national levels."<sup>15</sup> To thwart findings like Fitch's, the State should diversify its economy and adopt health care or life science based economic development initiatives like H.B. 1582 (2014)<sup>16</sup> – the Mississippi Health Care Industry Zone Master Plan Act (the "Health Care Zone Master Plan legislation") – where municipalities could potentially issue health care zone municipal bonds and lease the facilities of the project back to a private industry in a revenue generating capacity or use a special allocation of new market tax credits specific to health care zones for gap financing. Such an endeavor will not only require additional economic development incentives such as the Health Care Zone Master Plan legislation, but it will also require a strong partnership with the Mississippi Development Authority ("MDA") that genuinely looks at this target-rich industry the same way it would the automotive boon from circa 1993 - 2011.

### II. Mississippi Health Care Zone Act (2012)

In 2012, the Mississippi Legislature passed the Mississippi Health Care Industry Zone Act (the "Act") codified at Miss. Code Ann. § 57-117-1 *et seq.* The Act incentivizes medical supply companies, biologic companies, laboratory testing companies, medical product distribution companies, diagnostic imaging companies, biotechnology companies, medical service providers, nursing and assisted living facilities, and medical equipment or medicine production and related manufacturing or processing companies that create 25 jobs or make a \$10,000,000 investment in health care industry zones ("Health Care Zones") in the State. Health Care Zones are characterized by a five mile radius around a hospital or hospitals in a county in the State that either has 375 acute care hospital beds or more or a county that is contiguous<sup>17</sup> to three counties which in the aggregate account for up

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to 375 acute care hospital beds. If a certified health care facility or company locates in one of these Health Care Zones and creates the requisite amount of jobs or makes the requisite investment, then it can be eligible for certain health care zone tax incentives.<sup>18</sup>

### III. The creation of Health Care Zone Master Plans in Mississippi

In 2013, Governor Phil Bryant used the Health Care Zone concept to facilitate more affordable housing in Mississippi for workers associated with the health care industry and tied the five mile zone concept to a document called the Qualified Allocation Plan (the "QAP"). The QAP is a federally mandated planning requirement that states annually use to explain the basis upon which they distribute their Low-Income Housing Tax Credit Program ("LIHTC or LIHTCs") allocations. The Mississippi Home Corporation (the "MHC") is the Housing Finance Agency ("HFA or HFAs") created by the Mississippi Legislature pursuant to Miss. Code Ann. § 43-33-701 which administers the State's QAP in addition to raising funds from private investors to finance the acquisition, construction and rehabilitation of residential housing for persons of low to moderate income in the State.

To qualify for these very lucrative LIHTCs under the Health Care Zone section of the 2013 QAP, developments must have been located within a county which has certificates of need for more than 375 acute care hospital beds and be within 5 miles of a hospital with acute care hospital beds in that county. The 2013 QAP provided that counties that currently have more than 375 acute care beds are Lee, Lauderdale, Rankin, Hinds, Forrest, Jackson, and Harrison counties respectively. Additionally, DeSoto County is also eligible for this scoring category in the Health Care Zone section of the 2013 QAP.

The 2013 QAP also provided that developments could also locate in a county that have less than 375 acute care hospital beds so long as the county's health care zone i.e., its five mile radius zone had a master plan from an AICP certified planner (American Institute of Certified Planners) with experience working in the

State. The Governor's Office issued a memo dated March 8, 2013 and titled "Official Health Care Zone Master Plan Requirements for 2013 QAP" explaining the rules and requirements for Health Care Zone Master plans.<sup>19</sup> The memo provided that the goal with respect to master planning was to provide an asset to Mississippi communities that would make a sizable economic impact.<sup>20</sup> With a Health Care Zone Master plan, the intent was to give communities the blueprint for growing successfully their health care economy. In order to qualify for LIHTCs in a county with less than 375 acute care beds, the private housing developer was required to finance the county's Health Care Zone Master plan. In addition, the AICP planner and developer were also required to work closely with their community's local economic developers and local leadership to create the final product. This requirement has resulted in a true public-private partnership. Inevitably, these plans, similar to those used at the Research Valley Biocorridor in Texas, are blueprints for local economic development directors to create jobs.

There are currently twelve (12) communities that have Health Care Zone Master plans in Mississippi. As a result of the MHC's program, the policies put in place by the Governor's Office, and the funds of private housing developers, the communities that have Health Care Zone Master plans are Clarke County (Quitman, MS), Clay County (West Point, MS), Copiah County (Hazelhurst, MS), Hancock County (Bay St. Louis/Waveland, MS), Humphreys County (Belzoni, MS), Madison County (Canton, MS), Marshall County (Holly Springs, MS), Montgomery County (Winona, MS), Noxubee County (Macon, MS), Panola County (Batesville, MS), Scott County (Morton, MS), and Yazoo County (Yazoo, MS).<sup>21</sup> In addition, MDA designated the 12 communities above as certified Health Care Zone Master plan communities and each was given a certificate reflecting the title.

With respect to affordable housing tax credit developers, the MHC program that was put in place within the 2013 QAP could be repealed in the 2015 QAP when new LIHTCs are allocated and a new QAP is adopted. The program was meant to be a

one-time jump start to the health care based housing industry.

### IV. The Health Care Zone Master Plan legislation and the certification of Health Care Zone Master Plan Communities

The Health Care Zone Master Plan legislation introduced during the 2014 Mississippi Legislative Session would have codified MDA's process for certifying Health Care Zone Master Plan communities. The 12 communities given certificates by MDA met the nine (9) requirements below.<sup>22</sup> The certification requirements are as follows:

1. An Environmental scan & asset mapping of existing resources of the five mile radius that the health care zone master plan contemplates as further defined by MDA regulation;
2. A market demand analysis, target industry study, and center of excellence determination as further

*Continued on next page*

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## How to Make Health Care an Economic Driver: Prolegomena to a Future Economic Development

defined by MDA regulation;

3. Benchmarking and best practice models of similar communities or developments that serve as a model example or approach to generating successful and positive target development as further defined by MDA regulation;
4. Zone or district parameter identification as further defined by MDA regulation;
5. Healthcare district and zone site master planning as further defined by MDA regulation;
6. Overlay district regulatory outline as further defined by MDA regulation;
7. Incentive opportunity identification as further defined by MDA regulation;
8. Economic impact analysis as further defined by MDA regulation; and
9. Public relations/marketing and recruitment strategy as further defined by MDA regulation.

Essentially, Health Care Zone Master Plans take detailed snapshots at existing assets and economic-demographic conditions, create a physical framework master plan for health care industry development, and provide detailed recommendations and strategies for implementing the plan and growing the local health care industry. Principles such as these can result in rich public-private partnerships. Inevitably, the Health Care Zone Master plans used in Mississippi, similar to the master planned center for education, research, development, commercialization and the production of pharmaceuticals and vaccines used at the One Health Plus™ Biocorridor in College Station, TX, are blueprints for local economic development directors to create jobs.<sup>23</sup> “As the world’s first large scale, integrated program dedicated to interdisciplinary collaborations and research in health care for humans, animals and the environment, the One Health Plus™ Biocorridor, is driving innovation in the biopharmaceutical and biotherapeutic industries by enhancing collaboration among scientists, researchers, clinicians and industry.”<sup>24</sup>

With respect to the master plan concept, the same model and approach applies to the Lake Nona Medical City near Orlando, Florida. The Lake Nona Medical City is not only a residential development but it also encompasses a 650-acre health and life sciences park that was put together with robust incentives and an ambitious vision.<sup>25</sup> Located near Orlando International Airport and within the master-planned community of Lake Nona, the city is home to the University of Central Florida’s Health Sciences Campus. In addition, the medical city currently serves as a home to the UCF College of Medicine, UCF Burnett Biomedical Sciences Building, Sanford-Burnham Medical Research Institute, Nemours Children’s Hospital, M.D. Anderson Orlando Cancer Research Institute, a University of Florida Academic and Research Center and Valencia College at Lake Nona. In the future, the campus will house UCF’s College of Nursing, College of Dental Medicine, a teaching hospital, and Orlando Veterans Affairs Medical Center.<sup>26</sup>

The medical city is surrounded by

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education facilities described *surpa*, five million square feet of commercial and retail space, and a mix of residential living options. Upon completion of construction of the various development projects, UCF's Health Science Campus will accommodate as many as 5,000 upper division, professional, and graduate students and faculty members in the health-related programs, and include up to two million square feet of research and instruction space.<sup>27</sup> Forty percent of the community has been reserved for open green space and lakes, and Lake Nona's amenities include a planned 334-acre city park, 44 miles of planned trails, a number of community parks and 1,000-acre of lakes and waterways.<sup>28</sup>

## V. Incentives for a Certified Health Care Zone Master Plan Community

If the Health Care Zone Master Plan legislation were to become law in Mississippi in 2015, the legislation would create additional incentives for communities with certified Health Care Zone Master Plans and allow other communities to create certified Health Care Zone Master plans. The requirements for the Health Care Zone Master plans would be codified. In addition, the legislation would require the Health Care Zone Master plans to be created by an AICP Certified Planner with experience in Mississippi.<sup>29</sup> The AICP designation brings additional value and expertise to the project and attempts to create a sense of identity with the community's current health care assets while at the same time creating a strategic framework to determine the community's direction with respect to recruiting new health care or life sciences industry.

The additional incentives that a community would qualify for as a result of having a certified Health Care Zone Master plan are as follows:

### 1. *Health Care Zone Grant Fund* ("HCZ Fund")

Proceeds from the HCZ Fund could be used for soft costs for public, private, for-profit and non-profit entities to initiate new ventures, institutions, and educational anchors. The HCZ Fund would be allocated an initial \$5 million by the Mississippi

Legislature with the understanding that health care and life science industries and companies do not simply begin overnight but are the by-product of planning (albeit the required Health Care Zone Master plans *surpa*), vision, and strategic investments in both the public and private sector. With the HCZ Fund, the State has the opportunity to not only keep its best and brightest but recruit the best scientists and researchers while at the same time creating valuable jobs and help start up enterprises.

### 2. *Health Care Zone Revolving Loan Fund* ("HCZ Loan")

Like the HCZ Fund, proceeds from the HCZ Loan could be used for soft costs for public, private, for-profit and non-profit entities to initiate new ventures, institutions, and educational anchors. The HCZ Loan would also be allocated an initial \$5 million by the Legislature and MDA would designate the projects where-in loan funds could be utilized.

### 3. *Health Care Zone Master Plan Job Training Grant Fund* ("HCZ Training Fund")

The HCZ Training Fund could be used to help Mississippi workers remain competitive in an increasingly global market place by incentivizing the training in any health care or related field at community colleges and other institutions of higher learning in the State.

### 4. *Health Care Zone Master Plan Advantage Jobs* ("HCZ Advantage")

Under the HCZ Advantage program, a rebate of a percentage of the new health care facility's Mississippi payroll could be paid to that health care related business for a period up to 10 years as a result of locating in one of the certified health care zone master plan communities. The threshold capital investment or requirement would be \$10,000,000 and/or 25 jobs.

### 5. *Health Care Zone Master Plan State New Market Tax Credit Allocation* ("HCZ Credits")

For certified health care zone master plan communities, HCZ Credits could be used as gap financing for projects with more flexible terms than conventional financing. Health care related enterprises locating within a Health Care Zone Master plan community would benefit from below market interest rates and underwriting terms on HCZ Credits. HCZ credits could be ideal for rural hospitals seeking funds for upgrades it facilities.

## 6. *Health Care Zone Municipal Bonds* ("HCZ Bonds")

The funds derived from issuing HCZ Bonds would be limited to communities that have gone to the lengths of having their Health Care Zone Master plans certified by MDA. The HCZ Bonds would have a maximum term of 30 years and would not be subject to any statutory debt limits. Similar to Urban Renewal Bonds, HCZ Bonds could be secured by the income, revenues and funds of the City derived from the health care zone project itself.

## VI. Conclusion

The incentives in the Health Care Zone Master Plan legislation would be limited to communities that have gone to the lengths of having their Health Care Zone Master plan certified by MDA. Such a threshold requirement could target the communities that truly want to make health care an economic driver like Lake Nona in Florida. The additional tools in MDA's bag of economic development incentives could be transformational for Mississippi and could go a long way toward boosting the State's economy. ■

<sup>1</sup> Tray Hairston is an attorney with Butler Snow LLP and is a member of the firm's Public Finance, Tax Incentives and Credit Markets Group. Prior to joining Butler Snow, Tray was Counsel and Policy Advisor to Governor Phil Bryant. Mr. Hairston advised the Governor on economic development and public finance matters. Prior to joining Butler Snow, Tray served as a Project Manager at the Mississippi Development Authority. Tray is a graduate of Mississippi College School of Law, earned his M.B.A. from Belhaven College, and his B.A. from Tougaloo College. I would like thank to my colleague Ashton Bligh for assisting me with editing.

*Continued on next page*

## How to Make Health Care an Economic Driver: Prolegomena to a Future Economic Development

- 2 See, e.g., organizations such as the International Economic Development Council, Site Selectors Guild, Corenet, Southern Economic Development Council, and Mississippi Economic Development Council.
- 3 See e.g., Kimberly E. Smith, *The Go Zone Act: An Innovative Mechanism for Promoting Economic Recovery for the Gulf Coast*, 77 Miss. L.J. 807, 835 (2008) (noting that “[the Mississippi Business Finance Corporation’s] MBFC’s Industrial Development Bond (IDB) Program is designed to create jobs and promote economic development in Mississippi”).
- 4 Site Selection firms like McCallum Sweeney, Deloitte, and The Austin Group offer their corporate clients the complete one-stop shop. Firms like those serve as consultants to corporations in the site selection process, incentive negotiation and economic analysis. For large multi-million dollar projects, confidentiality is of paramount interest to corporations to prevent incidents of industrial or corporate espionage. Site selection firms are often times chosen for their ability to protect the confidentiality of a corporation’s plans for expansion or relocation. For instance, those within the economic development industry commonly refer to economic development projects by code name.
- 5 Each year Southern Business & Development Magazine publishes an article entitled the “Top Ten Law Firm’s that Understand Economic Development.” The magazine takes the perspective that over the past decade, law firms have become increasingly aware of the reality that companies need assistance finding the best locations, identifying the best tax structures, maximizing their incentives, and building the most cost-effective buildings.
- 6 An entire industry has been created around economic development. In fact, college degree programs and graduate level degrees have been created to teach students and professionals the skills necessary to help their respective communities compete in a global economy. See e.g., the University of Oklahoma’s Economic Development Institute at <http://edi.ou.edu/> for more detail on the number of courses and programs offered. Law firms too have become a driving force for economic development. In the Southeast, firms have begun to provide counsel to municipalities and states for negotiations that bring large economic development projects to various regions throughout the country. The state of Mississippi spends millions of dollars to keep the Mississippi Development Authority (MDA) running. The Mississippi Development Authority is the State of Mississippi’s lead economic and community development agency. More than 250 employees are engaged in providing services to businesses, communities and workers in the state. See the Mississippi Development Authority website <http://mississippi.org/locate-here/the-mississippi-advantage/> (accessed July 30, 2014).
- 7 *Berman v. Parker*, 348 U.S. 26, 33 (1954).
- 8 *Kelo v. City of New London*, 545 U.S. 469, 469-470 (2005).
- 9 *Id.*
- 10 See e.g., the International Economic Development Council website <http://www.iedc.org/> (accessed November 19, 2013). (A study of nearly 5,000 economic development professionals was conducted by IEDC, the International Economic Development Council, the world’s largest organization for economic developers. IEDC worked closely with Development Counselors International (DCI), a leader in the field of marketing cities, regions, states and countries, to conduct the survey. The survey attempts to tie the issues of Main Street to Wall Street).
- 11 See e.g., Jere Nash and Taggart Andy, *Mississippi Politics: The Struggle for Power, 1976-2006* 69 (University Press Of Mississippi 2006) (providing that the non-economic resources of the state are vast. Although one of the smallest economies when compared to other states in the union, Mississippi wields a great deal of political clout).
- 12 See e.g., Brian Gongol, “The Self-Delusion of Contemporary Economic Development” <http://www.gongol.com/research/economics/economicdevelopment/> (accessed July 20, 2014).
- 13 Tavistock Group is an international private investment organization that provides capital structured for investment opportunities in a variety of sectors throughout the world. The company was founded by Joe Lewis more than 35 years ago. Tavistock has investments in more than 200 companies across 15 countries. The company’s investment sectors include sports, restaurants, real estate including resort properties and private clubs, master planned communities, life sciences, finance, energy, consumer products and retail.
- 14 See e.g., Jennifer Reingold, *How To Build a Great American City*, Fortune Mag. Vol. 169, No. 9 (June 30, 2014) (available at <http://fortune.com/2014/06/12/lake-nona-florida/>).
- 15 See e.g., Fitch Ratings Inc., “Fitch Rates \$338MM Mississippi GO Bonds ‘AA+’; Outlook Revised to Negative,” (November 5, 2013).
- 16 H.B. 1582 (2014) passed the Mississippi House of Representatives on February 25, 2014 with a vote of 117 to 0; The bill died in the Mississippi Senate in the Senate Finance Committee on March 18, 2014.
- 17 Before the Act reached Governor Bryant’s desk, the goal was to focus only on communities/counties that had over 375 acute care hospital beds. Those communities are Lauderdale, Rankin, Hinds, Lee, Forrest, Desoto, Jackson, and Harrison. Through an amendment that was offered at the end of the 2012 Mississippi Legislative Session that increased the number of Health Care Zones in Mississippi [which can be seen here - <http://www.youtube.com/watch?v=6tkLFGdeB9g&feature=youtu.be>] and found at Miss. Code Ann. § 57-117-5(1)(a)(i). The amendment provided that a county can also participate as a Health Care Zone enabling it to reach up to 375 beds by using 3 contiguous county language. For example, Hinds County and Rankin County have well over 375 acute care hospital beds. Madison County which borders those two counties does not. As a result of the amendment which is a part of the Act, Madison County and many other similarly situated counties can qualify to be Health Care Zones as well.
- 18 (i) **Accelerated 10-Year State Income Tax Depreciation Deduction.** See Miss. Code Ann. § 17-29-7 which provides that the accelerated depreciation deduction shall be computed by accelerating the depreciation period required by Title 35, Part III, Subpart 5, Chapter 4, Mississippi Administrative Code, to a five-year depreciation period. Chapter 4 on depreciation cites Miss. Code Ann. § 27-7-17(1)(f). The rules states that a reasonable allowance for the exhaustion, wear and tear and obsolescence of property of income shall be allowed as a depreciation deduction. The allowance is that amount which should be set aside for the taxable year in accordance with a consistent plan, so that the aggregate of the amounts set aside will equal the cost or other basis of the property. The allowance shall not reflect amounts representing a mere reduction in market value. Mississippi will follow Federal depreciation guidelines as are not deemed contrary to the context and intent of Mississippi Law.
- (ii) **Sales Tax Exemption** for Equipment and Materials purchased from the date of the project’s certification until three months after the facility is completed. See Miss. Code Ann. § 27-65-101(pp). (iii) **Fee in Lieu** of Property Taxes. Miss. Code Ann. § 27-31-104. (iv) **Ad Valorem Tax Exemption** (not state ad valorem taxation, school district) for 10 years for any certified project with an investment of more than \$10,000,000 or 25 jobs at the city or county’s discretion. Miss. Code Ann. § 27-31-101(j).
- 19 Memo. from Tray Hairston, Assoc. Counsel & Policy Advisor, Off. of Gov. Phil Bryant, Miss. Home Corp., Official Health Care Zone Master Plan Requirements for 2013 QAP 1-2 (Mar. 8, 2013) (available at <http://www.mshomecorp.com/hc/pdf/2013/2013%20Memo%20re%20Health%20Care%20Zone%20Master%20Plan.pdf>)
- 20 *Id.*
- 21 See e.g., Governor Phil Bryant website for more detail on “Health Care Zone Master Plan Certified Communities.” <http://www.governor-bryant.com/health-care-zones/> (accessed February 5, 2014)
- 22 Mississippi Health Care Zone Master Plans are public-private partnerships similar to those used at the Research Valley Biocorridor in Texas and Texas Medical Center. Ultimately, health care zone master plans are blueprints for local economic development directors to create jobs and will require participation from both the public and private sectors.
- 23 See e.g., Research Valley One Health Plus Biocorridor Open for Business, July 1, 2011. <http://researchvalley.org/in-the-news/one-health-plus-biocorridor-open-for-business/> (accessed on July 13, 2014).
- 24 *Id.*
- 25 See Reingold, Fortune Mag. Vol. 169, No. 9 at 3.
- 26 *Id.*
- 27 *Id.*
- 28 *Id.*
- 29 AICP is the American Planning Association’s professional institute, providing recognized leadership nationwide in the certification of professional planners, ethics, professional development, planning education, and the standards of planning practice.



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**VISION**

# Lead Chair Lawyer – A Vision for Business

*By E. Robinson McGraw*



# VISION

**V**ision - it's the strategic direction that leaders provide for organizations. I have always admired leaders who temper action with wisdom to accomplish their vision.

*Continued on next page*

To reach a desired outcome for any organization, or put simply, to succeed, one must have both a vision for the future and a real means of achieving it. Strategy and tactics are each essential. The joining of strategic vision with tactics for implementation is essential; neither alone is sufficient for real achievement.

Our management team's vision of turning Renasant from a small Mississippi community bank into a diversified southern regional banking and financial services leader has been one of both success and challenge and, as the old saying goes, it "began with the end in mind."

To me, the idea of beginning with the end in mind starts with education. I earned my BBA degree in banking and finance from the University of Mississippi and, subsequently, began my banking career in 1969 with the U. S. Treasury Department, Office of Comptroller of the Currency in Atlanta. I might well have had a challenging and successful career with the Office of the Comptroller of the Currency. But the challenge of the legal profession had always intrigued me. Consequently, soon after joining the OCC, I decided to take an expansive leap of faith and apply to law school.

In retrospect, like most career-changing decisions, it involved a bit of calculated risk. Returning to school, I enrolled in Ole Miss Law School, and earned my Juris Doctorate in 1973. It proved to be a wise decision.

Although at the time I certainly didn't know just how important the legal education provided to me at Ole Miss would be, almost every aspect of my banking career - from trust and estate planning to human resources management and administration to in-house counsel and ultimately overall banking leadership - has benefited from and been augmented by the invaluable analytical skills I acquired during my tenure in law school.

We have a comparatively small, close legal community in Mississippi. One byproduct of this situation is that we are afforded the luxury of relying frequently upon important connections and relationships that are long-lived, often run along parallel professional, social and other tracks, and exist across virtually the entire geographical expanse of our state.

Whether fair or not, when you have the

title of attorney, judge or even CEO, much is expected of how you serve your clients and neighbors. From the courthouse to the corporate board room, I believe that you are obligated to give of your time, your talents, and your tithes - whether it's to your church, other charitable organizations or civic and community projects.

And through cultivating these relationships and serving others, both in the business and legal community, I believe we can continue to combat any negative stereotypes.

The negative media attention recently given to banks and bankers overlooks the fact that banks are the cornerstones of their communities and, without banks, most community charities and civic organizations would have a difficult time surviving. We all know current times are tough for every business and industry. It is our job as the pillars of our communities to portray confidence and make sure our clients know that their money is safe and sound in our state's financial institutions.

In the traditional sense, most legal professionals do not run large corporations in the private sector. In fact, according to the American Bar Association, only 8% of all lawyers work in private industry.

While the standard route of an eventual financial services CEO might have been the taking of an MBA or Banking School Executive Degree rather than a law degree, I credit my legal background with my success in dealing with ever increasing financial regulatory burdens, complicated M&A dealings and corporate operational challenges.

The myriad of issues facing those who run publicly traded companies can be daunting, even overwhelming. Effective communication is critical, and language is the key to communication. For better (and sometimes worse), lawyers are trained to trade in the use of language, to a variety of ends. In the business world, stakeholders tend to use their own "dialects." Few groups have a higher stake in the use of clear and effective language than those, including lawyers, who are involved in risk analysis and management.

On occasion (well, to be honest, most times), they speak variations of legalese. For the most part, because of my background, I had somewhat of a head start on the dialect and the concepts underlying it.



*By E. Robinson McGraw*

As Chief Executive Officer of a publicly traded company, my learning curve in that respect was not as steep. That was a good thing. My ability to relate to the legal jargon used in securities law, to understand why both in-house counsel and our advisors make the recommendations they do, and to use this knowledge to make wise decisions efficiently and effectively comes in significant measure from my legal training — a non-traditional banking background.

Soon after graduation from law school, I joined what was then the Peoples Bank and Trust Company in 1974 and served as Trust Officer and Senior Trust Officer until 1993 when I became Executive Vice President and Headquarters Operations Group Manager. Through a lengthy interview and selection process by an executive search firm, the Board put their trust in me, and I was fortunate to be selected as CEO of the Company in 2000 after serving as Executive Vice President and In-house Counsel since 1998.

It was humbling and exciting - as well as somewhat intimidating - to be just the

*Two of the big picture initiatives I, along with the Board, envisioned when asked to lead the company were (1) expanding the bank into more diversified markets, and (2) differentiating the bank from our competitors in a crowded marketplace.*

eighth CEO of the now 110-year old bank. Two of the big picture initiatives I, along with the Board, envisioned when asked to lead the company were (1) expanding the bank into more diversified markets, and (2) differentiating the bank from our competitors in a crowded marketplace.

In 2000, when I began leading the

company, there were only two things happening in the banking world on a corporate level — you were either “getting acquired” or “acquiring,” and our Board decided we would do the latter of the two. To our Board and executive management team’s credit, we have successfully grown Renasant through prudent and timely acquisitions into thriving southern markets.

We began expanding the Bank outside of our legacy footprint in 2004 when the bank, at that time known as The Peoples Bank and Trust Company, acquired Renasant Bank of Memphis, Tennessee. Ironically, through this acquisition and another that followed, and in a successful stroke of paying close attention to the effective use of the language of words, we found, and seized, the opportunity to begin differentiating our bank by simultaneously renaming our entire system “Renasant.”

To me, Renasant was a distinctive name which implied a constant renaissance and reflected the distinctive compa-

*Continued on next page*

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ny we were becoming. Our decision to adopt the Renasant name also removed potential obstacles to our future growth. This decision resolved confusion which too often resulted from the common use of the "Peoples" name by others in Mississippi and adjacent states.

In 2005, we acquired banks in Birmingham, Huntsville and Decatur, Alabama – giving us a tri-state reach. Renasant Bank, with our new and unique name, was now on the move. In 2007, through our acquisition of Capital Bank and Trust, we acquired multiple banking locations in the Nashville region of Tennessee.

In 2010 and 2011, Renasant acquired Crescent Bank and Trust of Jasper, Georgia and American Bank and Trust of Roswell, Georgia thru FDIC banking transactions which gave Renasant 13 locations in the North Georgia and suburban Atlanta markets. This \$1 billion FDIC acquisition expanded our footprint into Georgia – giving us over 75 locations in four southern states and a total of \$4.2 bil-

lion in assets at the end of 2012.

In 2013, Renasant acquired First M&F Corporation, the parent of M&F Bank of Kosciusko, Mississippi, which added \$1.6 billion in assets and 42 banking and insurance locations throughout our Mississippi, Alabama and Tennessee banking franchises. The merger significantly increased our deposit market share in the Birmingham and Memphis Metropolitan Statistical Areas and the key Mississippi markets of Tupelo, Oxford and Starkville, while providing entrance into the markets surrounding Jackson, Mississippi.

In addition, during 2013, we completed our de novo expansion into the East Tennessee markets of Jonesborough, Maryville, Bristol and Johnson City. The expansion gave us a total of 17 locations covering all three major regions of the Volunteer State.

Since 2000, Renasant has grown from a \$1.2 billion, 36-location Mississippi-only bank into a \$6 billion diversified financial services company with more than 120 locations in Mississippi, Tennessee, Georgia and Alabama. Without the support of our Board and the leadership of our management team and efforts from our employees at all levels, we could not have achieved such a high level of success and execution in our organization's growth.

As I look back on nearly 40 years of experience in the banking industry and my 14 years leading Renasant, I often think about the foundation of knowledge I acquired through my legal training and how it has helped as a solid guide throughout my career. But more than this, the relationships I've built and the wise counsel from these relationships has sustained me in times of success and challenge.

Our success at Renasant has not been by chance and not without challenge. We began with the end in mind by having a vision for where we wanted to go and creating the means to eventually get there. ■

*Mr. McGraw graduated from the Ole Miss Law School in 1973 and is currently Chairman and Chief Executive Officer of Renasant Bank, a publicly traded banking corporation headquartered in Tupelo, Mississippi.*

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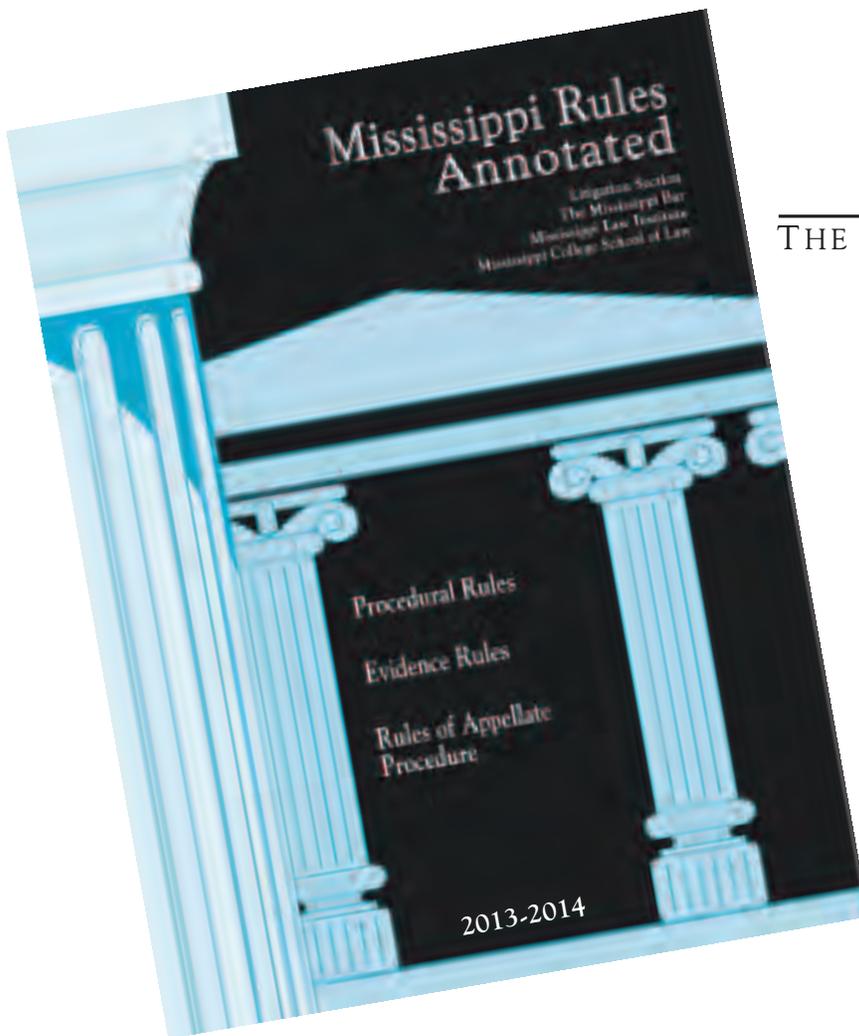
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# It Couldn't Have Gone Better if I Had Planned It (Which I Didn't)

**A**s one who has just passed the 30-year mark in my legal career, I would like to be able to say that every move I have ever made during that time has been strategic – that it followed a path of progression carefully charted sometime back in elementary school in Columbus.

I am a goal-oriented person, so that I can truthfully say that I have periodically set goals, decided how I would go about achieving them and then executed on the plan. But things do not always go according to plan – sometimes they go even better. Which is the short version of how I went from practicing law in the Mississippi Delta to being deputy general counsel of a \$5 Billion publicly traded company in California to opening a nationwide practice based in the Windy City.

## **That's Why They Call It Law "Practice"**

I received my law degree from Ole Miss, but I learned how to practice law after I graduated. Still learning in fact. Armed with nothing but a good education and some street smarts, I came out of law school just hoping someone would be willing to pay me to do what I thought I could do. My first position as an attorney was at a small, long-established firm in the Mississippi Delta. The legal community in Greenville was small and close knit. The people you battled in court during the week, you sat by in Rotary Club on Thursday, ate dinner with at Doe's on Friday night, played golf with on Saturday and went to church with on Sunday. So for the most part, folks played nicely together in the legal sandbox and, perhaps surprising to our more urban brethren, "stuff" got done, with rarely a word uttered about sanctions. It was a time and place where collegiality was prevalent in the legal community and those under whom I learned to

practice honored that tradition. It would later define the kind of attorney I would become and the degree of success I would experience.

As a young lawyer just starting out, I had a lot to learn about both the legal and the business side of practicing law. In retrospect, it is not the difficulty of starting a practice in a small town that marks my reflections of the first two years of law practice. It's the effort of those around me, who worked to help me make it, whose contributions I continue to appreciate. Jim Robertshaw believed in keeping one's nose to the grindstone (his own and mine), being earliest to the office and the best at what you do, delivering value to the client and, in the case of young associates, trial by fire. He threw me into water over my head to see if I would sink or swim. Perhaps I emerged from the water gasping for air, but ultimately I did swim. Another senior partner, veteran political figure Sonny Merideth, impressed on me the importance of meeting people at their station in life, a lesson not only in the practice of law in a small town, but in all of life.

Our local circuit and chancery judges, Gray Davis and Nate Adams, were mentors of a different kind. Perhaps because they were being gracious, or probably because they hated to see me commit malpractice while I was still paying off law school loans, they skillfully guided me through my first few courtroom encounters. They allowed me to make my own mistakes, mostly of the procedural kind, correcting my course as necessary so that

*Continued on next page*



*By Timothy V. Kemp*

## It Couldn't Have Gone Better if I Had Planned It (Which I Didn't)

in the end, I learned what I needed to learn and justice was done for the clients I served. As a result, even now as I work with younger attorneys, I do my best to mentor them in the same constructive manner. My most recent position included the supervision of a number of attorneys. Unlike large law firms, most companies (large and small) have no programs aimed at cultivating a young attorney's career, so it falls to the individual supervisor to fill that need. After all, the practice of law is not a company's primary business. I've always taken very seriously the responsibility of supervising other attorneys, particularly younger ones. I want them to feel good about the work they do and to enjoy it, to know that I trust their instincts and ability, to compensate them as well as I can and to see a path of career progression.

### Greener Pastures

After learning "all I ever needed to know" about seining catfish, irrigating with center pivots, distinguishing one rice grain from another and scrubbing dragonflies off my front grill after a day trip to Belzoni, my bride and I set off for the

bright lights of Jackson. I left the courtroom behind, richer for the experience but never again to darken the doorway of a courtroom except as counsel in ex parte matters, a juror, a witness or a client (to be clear, the corporate kind). Under the tutelage of the Bobby Covington and Bill Smith, both consummate gentlemen and professionals well-respected in their areas of practice, I put into practice everything Guff Abbott had taught me in theory about real property law and drew from my two years of searching land titles for my older brothers' law firm during law school. At this firm I gained real-world experience in corporate and real estate law – simple residential closings, condemnation proceedings, foreclosures, Section 8 housing, real estate syndication, zoning variances, boundary line disputes and, inevitable when one practices real estate law long enough, bankruptcy. Our firm was closely affiliated with Mississippi Valley Title Insurance Company and after almost five years of working closely with them, I could read a survey, quiet title, navigate my way through title insurance policy provisions and even chat future interests with the best of them. I did not realize it at the

time, but in many respects my work at this firm would be the foundation on which the rest of my legal career would be built. When I started to work with my most recent employer, I not only knew the law that applied to the company's business, I knew the business itself. Throughout the 20 years I was there, that ground-floor knowledge continued to be my ace in the hole.

### At Your Service

With significant real estate expertise "in hand", I left private practice to work as Senior Attorney during Dick Molpus' last term as Mississippi Secretary of State – primarily overseeing the management of Sixteenth Section school trust lands. It also gave me an opportunity to exercise my inner politician without unleashing it altogether. Whether in private practice, government service or in-house, there is always a client who must be served. All of us work at the will and pleasure of someone else, even if we are self-employed. It was in public service that I learned the art and importance of constituent/client/customer service – how to be calm under pressure, to communicate in laymen's

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terms, to deliver hard messages when circumstances required it, to think like a regulator and negotiate like a legislator. I also developed some political savvy and I rounded out what was already a fairly robust real estate background. As native Mississippians will recall, the late 80's/early 90's were tough years for those who worked in the public lands arena and while I always led with diplomacy first, I could wield the Big Stick if I was left with no other choice – all skills that, though I didn't realize it at the time, would ultimately serve me well.

### The Making of a Company Man

While at the Secretary of State's office, I had the pleasure of working with several of the senior underwriters from First American Title Insurance Company who visited on several occasions from their offices in New Orleans and Santa Ana, California for the purpose of discussing the underwriting of Sixteenth Section School Trust Land leases and water column leases on Public Trust Tidelands, the latter of which helped facilitate the development of offshore gaming. Before long, I became one of those underwriters – first as state counsel in the company's Mississippi office, and four years later as a senior underwriter at the company's international headquarters in Southern California.

It quickly became clear to me that working as in-house counsel is in the purest sense, very much like practicing law in a firm. You're the one to whom your client looks for legal guidance. But that is where the similarities end. Unlike private practice, every decision one makes as in-house counsel has a revenue impact and you don't have the luxury of moving on to the next client once your legal analysis is done. For that reason alone, a legal wonk will almost never be successful in house. While the amount of the impact may vary and it may or may not ultimately change your analysis or direction, it must always be a factor in it. I often joked that when I first started work for the company, I never thought I would spend so much time with accountants. Thanks to professor Steve Wells at Millsaps, I knew my way around a balance sheet and over time in the insurance business, I learned more than a little about statutory account-

ing and how it differed from GAAP.

At the state level, my job was a multifaceted one. I investigated and resolved claims, I underwrote title insurance policies, I worked as title counsel to First American's 200-plus agents and I did a lot of public speaking. As part of a relatively new state office with a small staff, I learned the title insurance business from the ground up and I realized early on that no job was beneath me. What benefitted one of us benefitted all of us and as a team, we did great things together. The ability to collaborate well with others, as a leader at times and as a follower at others, cannot be overvalued.

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*My colleagues learned about the “velvet hammer” as I call it – referring to a Southerner’s unique ability to deliver a hard blow with a soft touch – and they learned not to underestimate, if not to appreciate, its effectiveness.*

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### The “Obstacle” of My Southernness

Except for summers in North Carolina, I had lived all my life in Mississippi. I was comfortable with a gracious, easy-going lifestyle. Southern California is very much like Mississippi in that respect. In my new workplace, I found bright and talented colleagues with whom I became fast friends. But from the start there were those who, having never lived in or even visited our fair state, had their own notions about what Mississippi is and how much Mississippians could really know about anything. While some were charmed by the cadence of a Southern accent and the manners of a Southern gentleman, others equated both with ignorance and naïveté. I took it in stride, but resolved to change their misconceptions. Over time, I was able to get people to focus on what I said rather than the way that I said it and I found it much easier to do that one-on-one, which is still my preferred way of dealing with people. My colleagues learned about the “velvet

hammer” as I call it – referring to a Southerner's unique ability to deliver a hard blow with a soft touch – and they learned not to underestimate, if not to appreciate, its effectiveness. And everywhere from Seattle to DC, they continue to marvel at my ability to reduce six degrees of separation to one or two in no time flat given just one name with a connection to Mississippi.

### Helping Make the Sausage

By the time I moved to California, I assumed I was past the point in my career of learning hard lessons and doing work that my heart wasn't in. On both counts, I was wrong. One of the assignments I was given by the director of corporate underwriting was to take responsibility for the filing of, and documenting the legal support for, new title insurance and escrow rates for the state of California. For those baptized in the minutiae of title insurance, the title and escrow rate manual in California at that time was over 100 pages long; thankfully those days are gone. Putting aside the complexities of title insurance rates at that time and the amount of brain damage inflicted on anyone who worked with them regularly, the work was just boring and I believed I was underutilized. But I persisted and was “rewarded” with the opportunity to expand that work to other parts of the country. After two years, I knew almost every key business leader in the company and those relationships would not only be gratifying on a personal level, but they would also serve me well later in my career as I sought to help implement major changes in the company's culture and structure. And at the time I could calculate a title insurance or escrow rate in a New York minute - manually. But I didn't inherit the math gene and thankfully, there were other projects involving meatier issues like mechanics liens, Native Hawaiian rights and creditors' rights to spice things up a bit. Relatively speaking.

### I Love It When a Plan Comes Together

It was at the point when I left my corporate underwriting position that all the pieces of the puzzle started to come together. The director of underwriting and I moved into full-time new product devel-

*Continued on next page*

## It Couldn't Have Gone Better if I Had Planned It (Which I Didn't)

opment and together we crafted specialized title insurance policies insuring both real and personal property for markets in the United States, Canada and the United Kingdom. An important aspect of bringing any new insurance product to market is gaining the requisite regulatory approval. I had already begun to develop relationships with many of our insurance regulators from my work with those “darned” rates, so most were happy to sit down with me so that I might explain our new insurance products. Like plaintiffs, you take regulators as you find them – many exceedingly bright and passionate about their work, and a few watching the retirement clock, waiting for it to strike “20”. I was able to find common ground with all of them. I knew their pressure points. I could anticipate their questions. I knew these products and I knew our company. I knew I had found my niche.

Before long, I moved into full-time regulatory and legislative work, at both state and federal levels on behalf of First American's then-parent company, a global, \$9 Billion Fortune 500 company. In the early years, some of the industries in

which our company was engaged were under siege by state and federal regulators. I spent more time defending examinations and enforcement actions than I would like to admit but in doing so, I earned credibility with our regulators and demonstrated to company officials an ability to gain the best results possible under the circumstances. Our CEO charged me with reversing the trend toward more, and more expensive, enforcement actions. Over the next four years, while I continued to lead the company's regulatory and government relations efforts, I developed and managed a comprehensive internal compliance program that, through the efforts of my staff of dedicated compliance professionals, indeed did help turn the tide. Today, regulatory actions are at an all-time low and the company routinely defends itself from a position of strength.

The company has undertaken major structural changes over the past four years through a series of complex transactions including the spin-off of a second, separate publicly traded company and multiple mergers and dissolutions to streamline its operations. As deputy general counsel, I

helped centralize the company's corporate legal department so that the senior attorneys reported to the corporate legal department rather than to the businesses they supported to protect their ability to exercise independent judgment and to ensure that our reporting to our executive management, our auditors and our board of directors was timely, accurate and complete. With a team of accomplished senior attorneys in place, we were able to support the organization more efficiently and effectively than ever before.

What does any of this have to do with lessons learned practicing law in Mississippi? More than you might think. Helping lead a 120 year-old, highly decentralized, publicly traded company through major cultural and structural changes in ways that meet with the approval of regulators and ensure the support of its management at every level doesn't just happen. Just as finding common ground with regulators determined to exact a pound of flesh doesn't just happen. It takes building relationships first – before you need them, when there's no agenda. It takes powers of persuasion and a lot of trust. It takes cred-

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## It Couldn't Have Gone Better if I Had Planned It (Which I Didn't)

ibility earned over time, with a history of forthright dealings. It takes a showing of mutual respect. It takes empathy and understanding the impact of decisions at every level of an organization. It takes being able to exhibit grace under fire. In some cases, it takes an added measure of diplomacy. In others, only when diplomacy has failed, it takes the ability to wield the Big Stick – and the occasional demonstration of that ability. Even the attorney to whom these qualities come naturally must learn how to develop them to the advantage of the attorney and his or her client. Law school can't teach you that, but practicing law certainly can.

### *The Circle of Life*

In June of this year, after 20 years at a company where my coworkers had become more like family and my work much more fulfilling than I ever imagined it would be, I decided it was time to take on a new challenge – to return to the private practice of law to build a nationwide insurance and consumer finance regulatory practice. I've learned over time that the ability to analyze legal risks is only part of the job of being a

good business lawyer. One must also know how to achieve a balance between addressing legal and regulatory risks and helping the client achieve his or her business objectives. Practicing law for over 20 years in house has taught me how to do just that and I am confident in my ability to do for others what I've been able to do for my company these past years.

What has changed about private practice in the 24 years since I last practiced with a firm? Not timekeeping, that's for sure. And there's no denying that I am older but I have always heard that one should want to hire a young doctor and an old lawyer. I'm counting on that to hold true.

I'm not certain there is the same collegiality there once was in the way we attorneys practice with and against each other and if that is the case, I find that regrettable. What I do know is that the lessons I learned in my years as a "baby lawyer" in Mississippi have been lasting ones – year after year, job after job, state to state and country to country, and they largely account for my being who I am, and where I am, today.

### **The Rest of the Story**

One of the greatest compliments I could hope to receive came from the CEO of my former company in California after I left, when he was interviewing the person who would eventually succeed me as deputy general counsel. To paraphrase, he remarked that one reason he thought I was so successful in my position with the company was because I understand well how to connect with people and how to sit down and work things out with them. And for the same reason, he surmised that my successor would likewise experience success in the job. And what do my successor and I have in common? We're both Mississippi lawyers, of course. ■

*Mr. Kemp graduated from the Ole Miss Law School in 1983, was Deputy General Counsel of First American Financial Corporation in California, and is currently a Partner in the Chicago office of Locke Lord LLP, where he can be reached at <http://www.lockelord.com/professionals/k/kemp-timothy?lang=en>.*

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GROW

# Looking Back: Impact Economic G

*By Nakimuli O. Davis-Primer*



# Did Tort Reform rowth in Mississippi?

**I**n 2004, during a lengthy special-session, the Mississippi legislature enacted legislation that the Wall Street Journal deemed “the most comprehensive tort reform law” of any state at the time.<sup>1</sup>

*Continued on next page*

## Looking Back: Did Tort Reform Impact Economic Growth in Mississippi?

The law in its simplest form placed limits on lawsuits filed in Mississippi. For decades leading up to 2008, Mississippi ranked one of the poorest and most litigious states. By the early 2000s, Mississippi was known as a lawsuit haven for plaintiffs because juries and judges were sympathetically handing out significant verdicts ranging from tens to hundreds of million dollars. Many referred to Mississippi as “sue city” or “the home of jackpot justice.” According to then-Governor Haley Barbour, whose platform was largely based on tort reform, “Three years in a row, the U.S. Chamber of Commerce picked Mississippi as the worst state in the country for lawsuit abuse. Our system was just wildly out of control. You had places like Jefferson County where there were more plaintiffs in mass tort lawsuits than the population of the county.” Barbour further stated that “Every small business in Mississippi was one lawsuit away from bankruptcy. . . . Businesses would not consider coming to Mississippi because of lawsuit abuse.”

Many are aware of Barbour’s grassroots efforts to pass House Bill 13, better known as the 2004 Tort Reform Act; but the Mississippi Economic Council (“MEC”) also played a major role in the enactment of the law. According to its website, the MEC “has been the voice of Mississippi business since 1949” and “deals with broad issues that relate to businesses through advocacy, research, resources and leadership.” Given its proscribed purpose and the state of litigation in Mississippi in 2004, it is no surprise that the MEC agreed with placing caps on a plaintiff’s monetary recovery in tort cases in Mississippi in hopes of attracting new businesses to and maintaining businesses already in the state. But why was tort reform successfully passed in Mississippi?

According to Barbour, the governor, along with small businesses, must lead the charge for tort reform. Barbour stated that trial lawyers have been called “the third political party in America” because they gave democratic candidates more money than the democratic party.<sup>2</sup> These trial lawyers are wealthy, smart, and able

to fight tort reform efforts so it was necessary that the governor lead the charge. Consequently, in 2004 Barbour gathered small business owners, taxpayers, doctors, and others to engage in a mostly partisan fight that resulted in legislation that limited the amount of money a jury could award a plaintiff as punitive and noneconomic damages in a lawsuit. The law also, among other things, changed the venue rules to be very strict about where lawsuits could be brought. It further removed joint-and-several liability and protected innocent sellers and landowners, which ultimately ridded many pharmaceutical cases to the extent that the FDA had concluded the drug was appropriate for the purpose upon which it was used. The law was signed by former Governor Barbour on June 16, 2004 and applied to civil actions filed on or after September 1, 2004.

Almost overnight, tort cases filed in Mississippi declined. For one, the number of medical malpractice cases declined by at least 90% in one year.<sup>3</sup> According to the Institute for Legal Reform, the 2004 tort reform package led to “measurable improvements.” In its *Lawsuit Climate 2010* report, the institute concluded that: “[t]hese reforms helped pull the state out of a medical liability crisis, whereby high premiums and an exodus of insurers had led physicians to leave the state, causing shortages in critical medical services. In fact, the state’s tort reforms have lowered medical liability premiums by as much as 60 percent and reduced medical liability claims 91 percent from their peak.” The number of tort lawsuits being filed in Mississippi also significantly decreased. According to statistics compiled for and shared in a presentation presented at an American Inns of Court meeting earlier this year titled, “Dorothy, We’re Not in Fayette Anymore: How Law Practice and Legal Education Are Changing,” about 9,174 tort cases were filed in Mississippi in 2004 while only 3,551 cases were filed in 2012. Not only did the number of lawsuits decline, but many, including Barbour, believed that economic growth increased as a result of tort reform and the resulting decline in the number of tort



By Nakimuli O. Davis-Primer

## Looking Back: Did Tort Reform Impact Economic Growth in Mississippi?

cases being filed in Mississippi. Barbour is not alone in his sentiment. Bryan Hawkins, a small-business owner in Tupelo, Mississippi, stated “If tort reform had not been passed, I firmly believe that we would be witnessing a deadly death spiral of economic development in this state, and we would be telling a completely different story than we’re telling today.”<sup>4</sup>

As the tenth anniversary approached, a conference was held on May 14, 2014 at the Jackson Convention Complex titled “Tort Reform: After Ten Years” to discuss the impact of tort reform in Mississippi. Many of the leaders who spearheaded the reform spoke during this event to provide an overview of the progress and growth that has occurred in Mississippi since the law was passed. State policies affect economic development particularly if they provide a welcoming environment for businesses to move into and operate within. According to the U.S. Department of Agriculture, policies key to this welcoming philosophy are the adequate funding of community infrastructure, such as public works projects, favorable business taxation laws and the availability of financing through bond initiatives. But litigation is also an important consideration, which is why many believe there was economic growth in Mississippi after tort reform. One of the most public indications supporting this belief was made by Toyota, who chose Mississippi, over about a dozen other states, as its location for a \$1.2 billion, 2,000 worker auto plant. Toyota publicly indicated that it would not have selected Mississippi save the tort reform efforts. In addition, Federal Express invested \$1 billion in a new Mississippi facility after the tort reform.<sup>5</sup> Indeed, according to Barbour, after Toyota chose Mississippi to build its auto plant, “GE decided to build a big plant in Mississippi; Paccar, which makes Peterbilt and Kenworth trucks, decided to build a big plant in Mississippi; and the biggest Russian steel company, Severstal, and a big Indian steel company, PSL, came to Mississippi.”<sup>6</sup> Barbour is convinced that these businesses would not have noticed Mississippi had it not been

for Toyota.<sup>7</sup> Other economic benefits are that up at least until 2008, about 60,000 new jobs were created in Mississippi and malpractice insurance costs were cut by 30-45% depending upon the county.<sup>8</sup>

Given the above, it seems that the litigation climate is certainly a factor a business weighs when deciding whether to

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locate in Mississippi. In light of tort reform, which placed at least some caps on the amount of recovery a plaintiff may receive and other limitations on lawsuits, attorneys are better equipped to advise clients seeking to expand its operations or create new businesses in Mississippi. Indeed, many attorneys, including Barbour, were instrumental in getting the law passed. Barbour has said that one thing did not change in light of tort reform law and that is an aggrieved person’s right to have his or her day in court and seek to be made whole. But now, according to Barbour, “we have got the playing field back level for both sides.” This purported “level playing field” is certainly something that could entice further economic growth in the state of Mississippi. ■

1 Haley Barbour and Edwin Meese III, *Tort Reform in the States: Protecting Consumers and Enhancing Economic Growth in Mississippi*, <http://www.heritage.org/research/lecture/tort-reform-in-the-states-protecting-consumers-and-enhancing-economic-growth-in-mississippi>.

2 See *supra* note 1.

3 Barbour’s State of the State Address, 2011, <http://latimesblogs.latimes.com/washington/2011/01/haley-barbour-mississippi-state-of-the-state.html>.

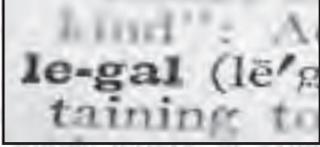
4 Boger, Paul, *Victory for State* (May 15, 2014), [http://mpbonline.org/News/article/some\\_mississippi\\_leaders\\_hail\\_tort\\_reform\\_as\\_economic\\_victory\\_for\\_state](http://mpbonline.org/News/article/some_mississippi_leaders_hail_tort_reform_as_economic_victory_for_state).

5 Pacific Research Institute Article (May 10, 2008), <http://www.pacificresearch.org/business-economics/be-article-detail/mississippi-tort-reform-triumph/>.

6 See *supra* note 1.

7 See *supra* note 1.

8 See *supra* note 5. Notwithstanding, with the recession and other issues post 2008, some believe that job creation is stagnant and the effects of tort reform is not as evident.



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# Final Disciplinary Actions

## Disbarments, Suspensions and Irrevocable Resignations

**J. Allen Derivaux, Jr. of Vicksburg, Mississippi:** The Supreme Court of Mississippi **affirmed** Mr. Derivaux's **two year suspension** for violations of Rules 1.15(b) and 8.4(a, b, c and d) of the Mississippi Rules of Professional Conduct (MRPC).

**Scott David Beal of Chicago, Illinois:** The Supreme Court of Mississippi **suspended** Mr. Beal for **two years** based upon his two year suspension imposed by the Supreme Court of Illinois.

**Stephen R. Colson of Biloxi, Mississippi:** A Complaint Tribunal accepted Mr. Colson's **Irrevocable Resignation** in Cause No. 2009-B-1608. Mr. Colson's submission of an irrevocable resignation and acceptance by the Complaint Tribunal is considered tantamount to the proof of guilt on the matter for which he was charged. Mr. Colson is forever barred from seeking reinstatement in accordance with Rule 10.5 of the Rules of Discipline for The Mississippi State Bar (MRD).

The Bar received informal (Bar) complaints alleging violations of Rules 1.15 and 8.4(a,c,d) for Mr. Colson's failure to properly safeguard monies held in trust for clients and third parties. These complaints were based in part on a lawsuit filed by Lawyers Title Insurance Company following an audit of Mr. Colson's real estate closing records.

In one complaint a client alleged that he closed a real estate transaction through a real estate closing company owned by Mr. Colson. As a result of the sale of the real estate, Mr. Colson was supposed to have paid the client the sum of \$29,793.41 and pay off the client's existing debt to Trustmark National Bank. Mr. Colson issued a check to a Revocable Living Trust in the amount of \$29,793.41, which was subsequently returned for non-sufficient funds. In addition, Mr. Colson failed to pay off the loan at Trustmark National Bank.

Later the Bar received another informal [Bar] complaint filed by another client who had closed a loan through a loan closing company owned by Mr. Colson. The client had intended to refinance their home to take advantage of a lower interest rate. They paid an additional \$21,252.78 over to Mr. Colson to complete the transaction. Approximately three weeks after the transaction closed, the client was notified that the checks Mr. Colson had issued to pay off the mortgage and to establish the new escrow account at the new mortgage company had been returned due to "uncollected funds." Mr. Colson failed to personally cover the failed deposits involving either of the clients' transactions within three business days as allowed by Rule 1.15(j)(1), MRPC, and both clients suffered actual damage as a result of Mr. Colson's conduct.

## Public Reprimands

**John Hubert Anderson of Hattiesburg, Mississippi:** The Committee on Professional Responsibility imposed a **Public Reprimand** for violations of Rules 1.2(a), 1.3, and 1.4(a), MRPC.

A client filed an informal [Bar] complaint against Mr. Anderson alleging she hired Mr. Anderson to handle a Mississippi property issue connected to a California estate in 2010, but that he neglected the case and would not communicate with her. The client attempted to discharge Mr. Anderson's services in November of 2011, but he did not respond until March of 2012, at which time he indicated the estate would be complete in three months. Mr. Anderson did not complete the estate until August 2013.

Rule 1.2(a), MRPC, requires a lawyer to abide by the decisions of his clients regarding the objectives of the representation. Rule 1.3, MRPC, requires a lawyer to act with reasonable diligence and promptness in his representation. Mr. Anderson failed to complete the work he was hired to perform for three years in violation of Rules 1.2(a) and 1.3, MRPC.

Rule 1.4(a), MRPC, requires a lawyer to keep a client reasonably informed about the status of the matter and promptly comply with reasonable requests for information. Mr. Anderson did not return the client's calls and failed to keep her reasonably informed as to the status of the estate matter in violation of Rule 1.4(a), MRPC.

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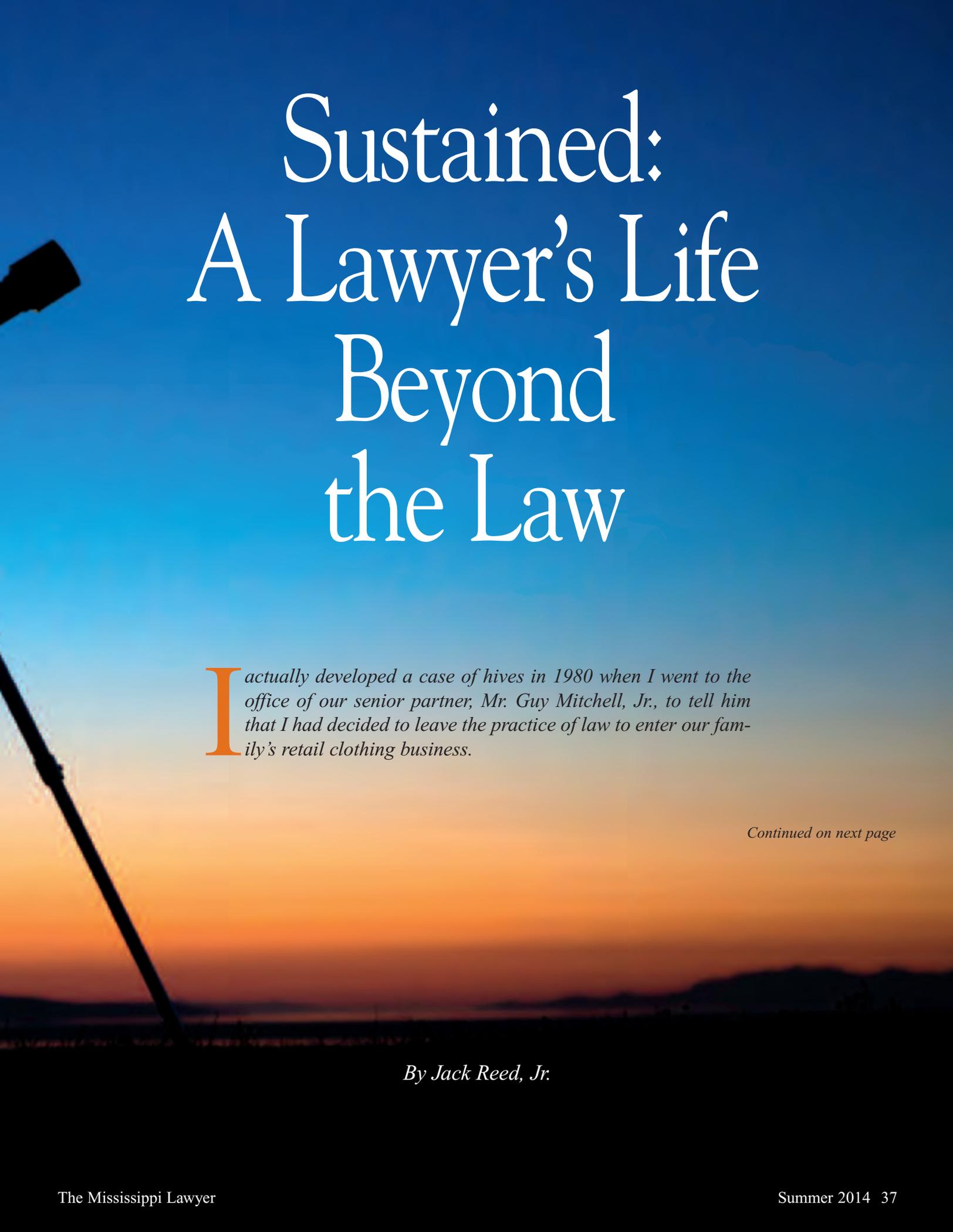
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# Sustained: A Lawyer's Life Beyond the Law

**I** actually developed a case of hives in 1980 when I went to the office of our senior partner, Mr. Guy Mitchell, Jr., to tell him that I had decided to leave the practice of law to enter our family's retail clothing business.

*Continued on next page*

*By Jack Reed, Jr.*

To say I was nervous was an understatement. Why? First, because of my respect for him as a person I admired and whose respect I had tried hard to earn. Second, because I enjoyed much of law practice, was proud to be an attorney at law, and was unsure what the future outside law would hold.

Thirty-four years later I am still proud to claim the title of “attorney”, and I have no doubt that three years of law school and my four years of actively practicing law have enriched the quality of my business life, my civic (elected and volunteer) life, and my personal life.

Interestingly, my revised vocational bucket list (revised once the odds began to be a bit daunting on “playing shortstop for the St. Louis Cardinals, quarterback for the Baltimore Colts, point guard for the Boston Celtics, winning Wimbledon, and becoming a sports broadcaster in my spare time”) included “being a lawyer, contributing to the success of our family business and going into politics.”

### Business

How did my law experience affect our success at Reed's, our family's 109-year-old retail business? (I describe Reed's as “a ring, not a chain” as we own four stores in Mississippi: Historic Downtown Tupelo, The Mall at Barnes Crossing (Tupelo), Jackson Square Columbus, and Historic Downtown Starkville).

One simple answer is that I was able to justify part of my salary as an “in-house counsel.” For example, as an attorney with Mitchell, McNutt, Bush, Lagrone, and Sams I helped draft Reed's Employee Stock Ownership Plan in 1976. Fifteen years later I was able to terminate it by working through the mazes of the Pension Benefit Guaranty Corporation and the IRS rules and regulations by myself. I have often represented our stores in lease negotiations – both as lessor and lessee – although I often rely on paid expert legal help if the amount in question is significant or a particular issue is complicated.

One amusing anecdote provided proof that law school itself had been valuable. One of our store's leases had required a long (one year) “notice not to renew” clause. We missed it by a week. Having

paid our rent on time for ten years, plus overages each year for surpassing sales targets, I assumed our written notice to renew sent eleven months and three weeks from termination would suffice. Not so. Our out-of-state landlord decided to play hardball. “Too late” they wrote, “but we are willing to renegotiate at a higher figure.” This did not set well with our company.

After a weighing of options, I recalled from my studies that the Mississippi “Blue Laws” remained on the books, prohibiting Sunday sales by department stores. At that time McRaes (our state's largest home-owned chain) was anchoring our mall. They had begun opening on Sunday afternoons, and were selling a lot to our Bible Belt neighbors despite it being the Sabbath. This is the letter I sent back to our landlord (on my “Chief Counsel” stationery):

“Dear Sirs:

I regret that you are not accepting our notice to renew sent last week. If you do not reconsider and grant it, I will call my good friends in the Tupelo Police Department and file criminal charges against you and McRaes Department Store for violating Mississippi's Blue Laws. While they may not still be in effect in your state, they are here. I am sure the loss of Sunday's business will be a disappointment to your most valuable tenant – and I will also call the other seven Mississippi cities in which they operate to remind them of this same illegal behavior. Looking forward to hearing from you soon.”

The next week we received this terse, one sentence response:

“Dear Mr. Reed, we accept your “Notice to Renew” your lease.”

I'm glad I attended class that day.

Understanding the rather precise details of Mississippi's shoplifting laws and how retailers can legally respond to these maddening situations has also been a very practical help in my years at Reed's – when, as is true for all retailers of any size, theft can be a significant cost of doing business.

In this context, both serving on the



By Jack Reed, Jr.

Mississippi Law Journal and practicing law came in handy. In Law School at Ole Miss I wrote a "Note" for the Mississippi Law Journal on the then-current (1975) state of the law in Mississippi involving shoplifting. (It actually may still be the most recent learned tome on this fascinating subject. I have been told by lawyers many years later that they have used it in their research).

In law practice I assisted one of our partners in defending a fairly large suit against a major retailer by a customer claiming slander and false imprisonment once he was stopped by a store clerk who believed the man was shoplifting. The customer did not have any merchandise on his person but we prevailed because, in fact, in Mississippi one can stop a suspect with "reasonable cause."

Knowing what we can – and can't – do in these situations can make a big difference in avoiding expensive mistakes in this thorny area at the intersection of a store's right to defend its merchandise and the individual shopper's rights.

Other occasions of law practice which have served as valuable business tools have been (a) incorporating new sister companies, (b) possessing a working knowledge of corporate tax law, (c) filing trademarks with Mississippi's Secretary of State, (d) working through the inevitable labor law requirements when termination is unavoidable, (e) and updating our Employee Handbook when new laws or new case law arises (such as enhanced employee protection for sexual harassment). I even wrote deeds in the 1980s, back in the days when we researched titles by hand in the big books in the Chancery Clerk's office. (I actually enjoyed searching titles; it felt like successfully solving a math problem when I finished, and I enjoyed chatting with the friendly ladies in the Lee County Chancery Clerk's office). I'm sure there have been many other occasions in the past 34 years where a general knowledge of the law has come in handy to our business, but I'll close with one humorous time that it did not.

When I came into the family business, my father (with his brother) had been running the company for twenty years, largely unquestioned in his decisions. Let me

say that I have enormous respect for my father and his abilities, but one day I did beg to differ – as youth will do – and did not concede to his wisdom on the particular point. Finally Dad took off his glasses, looked at me across his desk and exclaimed, "I don't know why in the hell you left a profession that paid you to argue to come over here and argue with me for free!"

### The Business of Politics

I had never wanted to be the Mayor of Tupelo, Mississippi. At one time, a United States Congressman – yes, a United States Senator – yes, President of the United States – yes. Then life happened: a lovely wife, two wonderful children, enjoying the quality of life at home, all combined with Mississippi's history of returning veteran lawmakers to Washington (Congressman Jamie Whitten – our First District. U.S. Representative – served for decades); and by the time a seat opened up, I wasn't interested.

Then, in 2008, some friends (whose

names will remain anonymous to protect them from my critics!) asked if I would be willing to run for the office of Mayor of my hometown. I said, "No, thank you. I have a job. I've never aspired to that one, but count on me to, with you, support a good candidate when you find one." Several months passed – apparently they didn't look very hard in the meantime – and they asked if they could have lunch with my wife Lisa and me to discuss it one more time. Here we are five years later, reflecting my now concluded, very busy, sometimes frustrating, sometimes rewarding, sometimes disappointing and sometimes uplifting four-year long mayoral term.

How did my experience as an attorney impact my ability to serve? (I hope the folks in Tupelo would tell you I served well – but honestly that would depend on which voters you talked to!). Bottom line, it was enormously helpful.

Here is an obvious example: using one's own independent judgment in evalu-

*Continued on next page*

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## Sustained: A Lawyer's Life Beyond the Law

ating law suits filed against the City. I was fortunate to have an excellent working relationship with John Hill of Mitchell, McNutt & Sams, our City Attorney. Occasionally, other members of the firm were also called on to assist in the City's legal business, but John and I were in weekly – often daily – communication. Inevitably, a city the size of Tupelo (37,500 population, with 500 employees) is at times the target of an active bar. My prior experiences in having been in court personally as a litigator and having been involved in past settlement negotiations provided invaluable insights in helping me analyze and assess issues alongside our City Attorney as decisions needed to be made – sometimes very quickly – and presented to the Tupelo City Council whose members made the ultimate legal decisions on settlements and related issues.

On one occasion in particular it was enormously helpful to have been in the courtroom prior to my service as Mayor. This was during a very unpleasant and combative annexation law suit brought by the City of Tupelo and hotly contested by the Lee County Board of Supervisors.

In my attempts to avoid annexation litigation, my skills as a negotiator, or mediator, apparently had not been impressive. I had run on a platform of consensus-building and personally went to visit with every member of the Board of Supervisors to try to persuade them of the futility of their position and the unnecessary expense of public funds if the case went to trial. (This was particularly true of citizens Tupelo, who are, obviously, also citizens of Lee

County. They were paying the lawyers on both sides!). Regrettably, I could not convince a majority of supervisors so away to court we went.

While the annexation effort had begun years before my term, the case finally went to trial in Chancery Court during my years in office.

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*Perhaps surprisingly to some I have put my law background to use most often since 1980 in my roles as a non-paid volunteer for civic causes in which I have believed.*

*It has been enormously helpful, both to me and to these organizations, to have a pro-bono lawyer at the table.*

---

Having had the experience of preparing witnesses for trial was particularly helpful in preparing myself as one of the City's chief witnesses. As the trial progressed I was on the witness stand for eight hours defending the City's annexation as reasonable and affordable. A successful annexation needs to meet a good many criteria and each one was challenged aggressively by the attorney for the County. Being able to remain relatively

composed, and having somehow found, or made, the time it took to be prepared, were all critical to my role and, I believe, to the Chancellor's ultimate finding for the City. There is no question that my legal training contributed to our success, although the City's attorneys, Guy Mitchell III and Billy Spencer, deserved the lion's share of the credit.

Once our annexation was complete the City needed to redraw our ward lines to include our newest citizens. Here a working knowledge of constitutional law came in handy because Mississippi was still under the requirements of the Voting Rights Act which required us to submit our new ward lines to the United States Justice Department for their approval. They were closely examining whether the black/white majority districts that were in effect before annexation had been diluted to the detriment of black majorities under the more stringent rules of analysis that applied at that time. (Since that time the United States Supreme Court has relaxed those requirements for Mississippi and the other Southern states).

It will be a better day when race is not an issue in our elections. In 2010 we put a time capsule in the ground beside Tupelo City Hall to be opened one hundred years later. Among the contents is a letter from me to the citizens of Tupelo in 2110. One of my comments is that I hope they no longer speak in terms of "race relations" but only of "human relations." The sooner our society gets there, the better.

One unintended consequence of the insistence on majority districts is the disappearance of contested districts. Now candidates move to the right in right-leaning districts and to the left in left-leaning districts and no one needs to move to the middle. Moderates are not making it to the general elections. Consensus builders are not rewarded for willingness to see both sides. This is less noticeable in municipal elections than national ones but still exists.

I once gave a civic club speech entitled "The Courage to Be a Moderate." The Greeks believed that tolerance was one of the three great virtues. For a progressive mayor, the value of a vision can only be realized by actual enactment of the laws or policies that effect that vision. Believe me,



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it takes a lot of work to move an idea along to passage. Arguing louder than your opponent never changes his mind. You have to listen and then respond. Oftentimes, hitting a double when a home run is not going to be possible against the opposition's pitching beats striking out. I think law practice and a lawyer's efforts at negotiating solutions – whether in business deals or family disagreements – was excellent training for the difficult business of governance.

### Citizenship

Perhaps surprisingly to some I have put my law background to use most often since 1980 in my roles as a non-paid volunteer for civic causes in which I have believed. It has been enormously helpful, both to me and to these organizations, to have a pro-bono lawyer at the table. Whether reviewing deeds and property law entanglements for Habitat for Humanity, serving as an incorporator and

by-law developer for the Tupelo Police Athletic League, supporting a “Good Samaritan” statute for doctors for the Good Samaritan Free Clinic, or opining on an employment contract for United Way paid staff, my background as an attorney has come in mighty handy.

There is no doubt that my personal experience with non-profits has been replicated thousands of times by other attorneys all over Mississippi – and continues to be. But I feel that it is important to mention it here in my own autobiographical musings because that time spent giving back to our community has been such a meaningful part of my life; and I could not have been as valuable a member of all of these teams had I not had my legal training.

### Conclusion

I believe in the value of having heroes. I wanted to go to a law school, in part, because Abraham Lincoln and Thomas

Jefferson were lawyers. I entered our family's business, in part, because my father is one of my heroes, and I admired his quality of life and the independence running his own business gave him to spend time beyond the business for our family and contributing his leadership to our community. Perhaps all three men had something to do with my willingness to serve as Mayor of Tupelo.

At our best attorneys-at-law remain heroes – to our clients who need an advocate to speak for them – to our businesses if that is our role – to our communities who need our best thinking and passion – and to our families. Because I studied law and practiced law I have been a better businessman, a better mayor, a better citizen. ■

*A former Mayor of Tupelo, Mr. Reed was graduated from Ole Miss Law School in 1976 and currently serves as President of R. W. Reed Company.*

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*MBF President Steve Rosenblatt of Ridgeland, Betsy Rosenblatt of Ridgeland, Polly Henson of Greenwood, Johnny Henson of Greenwood and John Henson of Madison.*



*Jay Gore of Grenada and Judge Gene Fair of Hattiesburg.*



*MBF Secretary-Treasurer Larry Houchins of Jackson, Vera and Flip Phillips, both of Batesville.*



*Elise Winter of Jackson, Constance Slaughter-Harvey of Forest and former Governor William Winter of Jackson.*



*Nina Stubblefield Tollison of Oxford, Jim Greenlee of Oxford and David Houston of Aberdeen.*



*Richard Edmonson, Cathy Page and Tommy Page, all of Jackson.*



*Tiffany Graves of Jackson, La'Verne Edney of Jackson, Pat Bennett of Jackson and Cindy Mitchell of Clarksdale.*



*Anita Alexander, Tom Alexander and Tommy Siler, all of Jackson.*



*Jane and Larry Lee of Jackson with Ginny and Richard Roberts of Jackson.*

# Annual Meeting, April 17, 2014



Mary Blackwell of Biloxi, Len Blackwell of Biloxi, Judge Joe Pigott of McComb, and Brad Pigott of Jackson.



Judge Carlton Reeves of Jackson, Sharon Bridges of Jackson, Justice Jim Kitchens of Crystal Springs and Bernard Bridges of Jackson.



Bob Biggs of Jackson, Karl Steinberger of Pascagoula and Therese Steinberger of Pascagoula.



MS Bar Past President Guy Mitchell of Tupelo and James Graves III of Jackson.



Bill Dalehite of Jackson and Bill Whitfield of Gulfport.



David Kaufman of Ridgeland, Debbie Kaufman of Ridgeland, Hilda Povall of Cleveland and Kirk Povall of Cleveland.



Mike Malouf of Jackson, Joanne Bell of Jackson and James Bell of Jackson.



Pictured (3rd row, L to R) – Charles Johnson, III, Ridgeland; Robert Gholson, Laurel; Judge Michael Parker, Hattiesburg; R. David Kaufman, Jackson; William McDonough, Jr., Gulfport; W. McDonald Nichols, Jackson. (2nd row, L to R) Tom Calhoun, III, Greenwood; J. Bradley Pigott, Jackson; John Henson, Greenwood; Lawrence Little, Oxford; Walter Dukes, Gulfport; James Rosenblatt, Ridgeland. (Seated, left to right) – Sharon Bridges, Jackson; Anne Veazey, Ridgeland; and Judge Margaret Carey-McRae, Greenville. Not pictured: Delbert Hosemann, Jr., Jackson

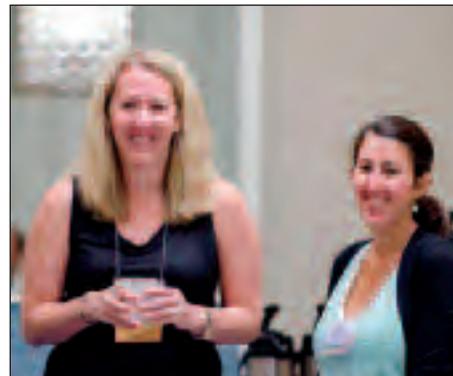


*Jennie Eichelberger (pictured left) receives the Young Lawyers Division President's gavel from outgoing Young Lawyers Division President Julie Gresham.*



*Robert Khayat addressed the 78th Annual General Assembly of the Young Lawyers Division on "Visionary Leadership."*

*Justice Randy Pierce addressed the YLD Board Meeting on Friday morning during the Annual Meeting.*



*2014-2015 Young Lawyers Division President Jennie Eichelberger visits with 2015-2016 Young Lawyers Division President Diala Chaney.*

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*Young Lawyers Division Board meets at Annual Meeting with guest speaker Justice Randy Pierce. Pictured (front row) Julie Gresham, Justice Randy Pierce, Jennie Eichelberger; (back row) Mike Carr, Ann Marie Pate, Brannon Kahlstorf, Matt Eichelberger, Graham Carner, Michael Bentley, Diala Chaney and Jessica Dupont.*

# 109th Annual Meeting Highlights of the 2014 Bar Convention



*Bar President Guy Mitchell, pictured right, presented the gavel to incoming President Gene Harlow of Laurel*



*Robert Khayat was the speaker for the YLD General Assembly, pictured with YLD President Julie Gresham*



*Past Bar Presidents*



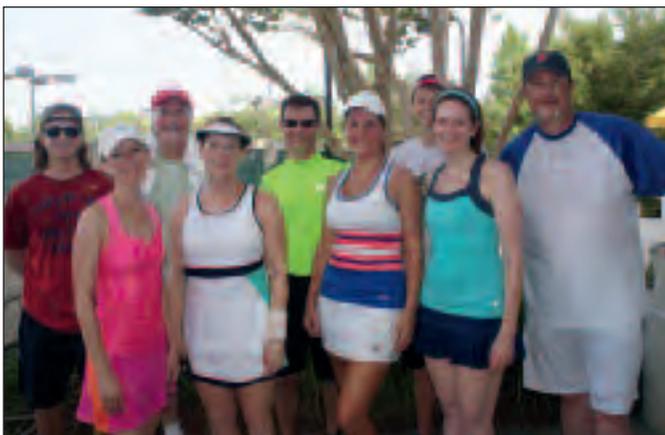
*Chief Justice William Waller addressing the Annual Business Session*



*Senator Sally Doty addressed the Annual Business Session*



*Legal Run-Around*



*Tennis Tournament*



*Legal Run-Around*



*Price-Prather Luncheon – Luncheon Sub-Committee Chair Julie McLemore of Jackson and Women in the Profession Committee Chair Alison Baker of Gulfport*



*Price Prather Luncheon – Tiffany Graves of Jackson, Jessica Dupont of Pascagoula, and Laura Glaze of Jackson*



*Price-Prather Luncheon – Charlotte Walker, Chief Justice William Waller, and Diala Chaney*

## Breakfasts and Luncheons



*Roy and Nancy Campbell of Jackson*



*Judge Donna Barnes of Tupelo and Lydia Quarles of Jackson*



*Kristi Brown and Judge Jennifer Schloegel, both of Gulfport*



*Price-Prather Luncheon-Pelicia Hall, Amanda Alexander, Nina Tollison, Jan Harlow, and Judge Jacqueline Mask*



*Price-Prather Luncheon - Jenny Tyler Baker of Biloxi and Dean Jim Rosenblatt*



*Maura McLaughlin of Hattiesburg and Clare Hornsby of Biloxi*

*Officers and Newly Inducted Fellows of the Young Lawyers – Grant Bennett, New Inductee;*

*Judge Gene Fair, Fellows Vice-President; Tiffany Graves, New Inductee; Nina S. Tollison, Fellows Secretary – Treasurer; and Keith Obert, Fellows President*



## Bingo



*Bingo Winners*

# Book Signing Reception & Section Reception



Mississippi Legal Authors at the Book Signing Reception – Seated: Judge Leslie Southwick, Judge Charles Pickering, Mary Libby Payne, Alex Alston, James Bell, and Len Blackwell. Standing: Tom Dawson, Joe Lee, Jim Fraiser, Neil White, Justice Randy Pierce, and Robert Khayat



Book Signing Reception – Justice Randy Pierce with Tammy Upton



Book Signing Reception – Alex Alston with Judge Carter Bise



Book Signing Reception – James Bell



Book Signing Reception – Jim Fraiser



Book Signing Reception – Robert Khayat



Meade Mitchell of Jackson, JoAnne Nelson Shepherd of Jackson, and Carlos Moore of Grenada



Keith Kantack of Tupelo and Justice David Chandler of Ackerman



Matt Easterling and Craig Robertson, both from Ridgeland



Cliff Harrison of Ridgeland, Joy Phillips of Gulfport and Stan Smith of Jackson



*Larry Houchins, Guy Mitchell, and Jan and Gene Harlow*



*Gram and Kathryn Meadors of Alpharetta, GA*



*Donna and Hugh Keating of Gulfport*



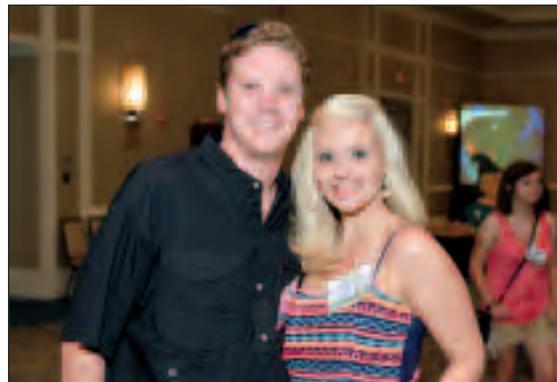
*Chad, Scout, Adrian, and Rooks Russell of Brandon*

## Welcome Reception

*Sherri Flowers-Billups, pictured right, and family*



*David and Catherine Case of Oxford and Anna Claire, Kim and Sam Kelly of Madison*



*Will and Amanda Janoush of Jackson*



*Jo Ann Kitchens and Judge Jim Kitchens of Columbus with Mary Libby Payne of Pearl*



*Judge Kathy King Jackson and David Jackson*



*Judge Joey Kilgore of Philadelphia and family*

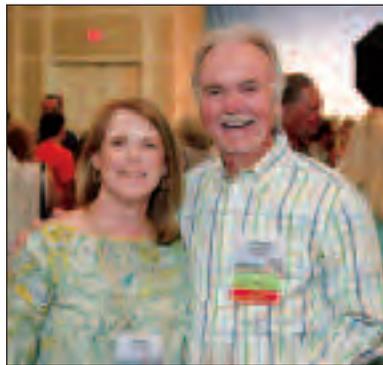


*Everyone enjoyed the Welcome Reception*



*Fred Banks, Guy Mitchell, Keshia Sanders, Judge Lillie Blackmon Sanders, and Everett Sanders*

## Welcome Reception



*Ginny and Richard Roberts of Ridgeland*

*Ellen Doleac of Hattiesburg, Shevaun and John Festervand of University, and Judge Ronald Doleac of Hattiesburg*



*Cham Trotter of Belzoni and Lisa and Floyd Melton of Greenwood*



*Will Ivison of Ridgeland and Ken Adcock of Jackson*



*Jim and Susan Pettis of Jackson*



*Lem and Marcia Adams of Brandon, Bill Ready Jr. of Meridian and Ginger Brooks*



*Bill and Laura Spencer of Tupelo*



*Kristen Martin and family of Laurel*



*Litigation and Appellate Practice Sections*



*Litigation and Appellate Practice Sections*

## Section Meetings



*Intellectual Property Section*



*Estates and Trusts and Taxation Section Meetings*



*SONREEL Section*



*Business Law and Health Law Section Meetings*



*Business Law and Health Law Section Meetings*



*Business Law and Health Law Section Meetings*



*Government Law Section*



*Prosecutors Section*

*Workers Compensation  
and Labor and  
Employment Law  
Section Meetings*



## Section Meetings



*Family Law Section*



*ADR Section*



*Workers  
Compensation  
and Labor and  
Employment Law  
Section Meetings*



*Gaming Law Section*

# President's Reception



*Elvis with Guy Mitchell & family*



*Dean Jim Rosenblatt of Jackson; Judge Lee Howard, Starkville; and Lee Howard, Grenada*



*Mitch & Brooke Driskell of Oxford & family*



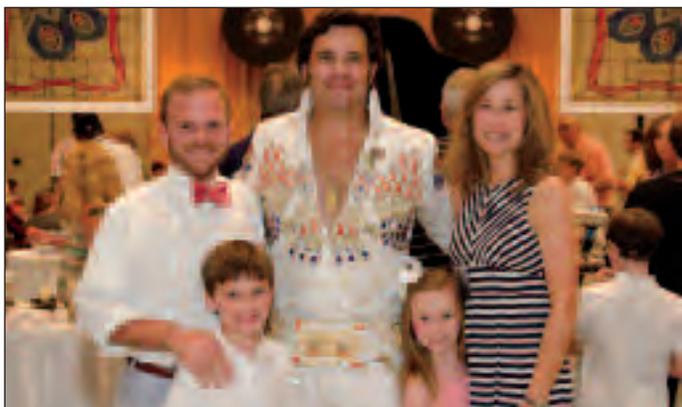
*Judge Dale Harkey and family of Pascagoula*



*Grant and Leah Claire Bennett of Hattiesburg*



*Shronda Taylor - Leggett and family of Hattiesburg*



*Matthew & Karen Thompson of Madison with children*



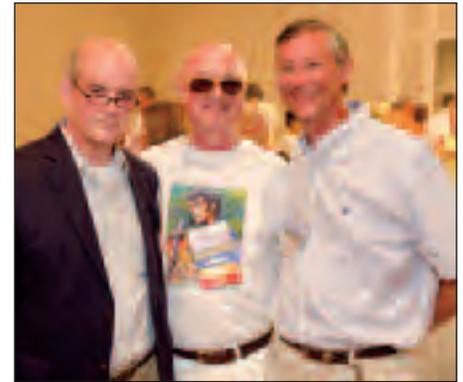
*Blake & Stacey Teller of Vicksburg*



*Cham Trotter of Belzoni, Sheila & John McCullough of Ridgeland*



*Arthur Johnston of Madison with daughters Avery, Anna & Abby*



*Judge Mike Taylor, Brookhaven; Bar President Guy Mitchell, Tupelo; and Judge Smith Murphey, Batesville*



*William, Wesla, and Annie Leech of Mendenhall*

## President's Reception



*Judge John Gargiulo and family of Gulfport*



*Doug & Frances Hassell of Vicksburg*



*Wayne Lennep and Jessica Dupont*

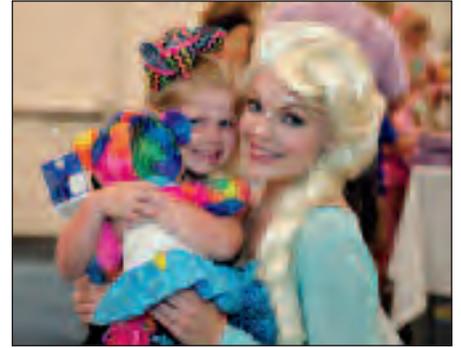


*Chip and Laura Glaze of Jackson*

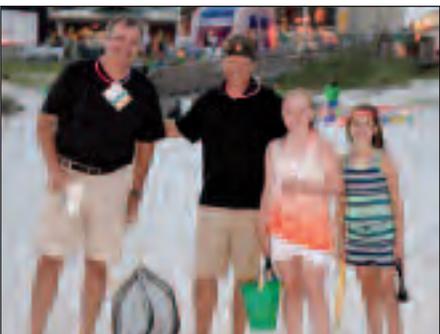


*Seth McCoy of Madison*

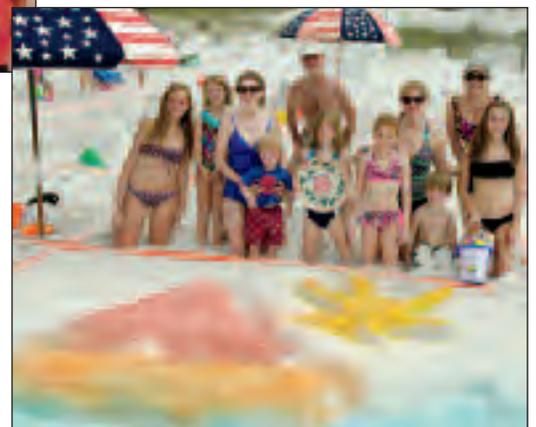
## Children's "Build-a-Bear" Party



## Family Beach Bash



## Sand Castle Contest



## 2013-2014 Distinguished Service Award

Patricia C. Gandy  
Jackson



*The MS Bar President Guy Mitchell of Tupelo presents the 2014 Distinguished Service Award to Patti Gandy of Jackson during the Awards Program at The Mississippi Bar's Annual Meeting.*

## 2013-2014 Judicial Excellence Award

Chief Justice William C. Waller, Jr.  
Jackson



*Chief Justice William L. Waller, Jr. of Jackson, pictured left, accepts The Mississippi Bar's 2014 Judicial Excellence Award from MS Bar President Guy Mitchell of Tupelo during the Awards Program at The Mississippi Bar's Annual Meeting.*

## 2013-2014 Lifetime Achievement Award

W. Scott Welch, III  
Jackson



*Scotty Welch, III of Jackson, pictured left, accepts The Mississippi Bar's 2014 Lifetime Achievement Award from MS Bar President Guy Mitchell of Tupelo during the Awards Program at The Mississippi Bar's 2014 Annual Meeting.*

## 2013-2014 50 Year Anniversary Members



*50 Year Anniversary Members attending convention were from left: (front) Robert G. Johnston of Cleveland; W. Scott (Scotty) Welch, III of Jackson; and Alexander A. Alston, Jr. of Jackson; (back) Albert L. Necaise of Gulfport; J. R. (Robert) Sullivan, Sr. of Laurel; and Henry S. Davis, Jr. of Laurel.*

2013-2014  
**Susie Blue Buchanan  
 Award presented by the  
 Women in the  
 Profession Committee**

Judge Jacqueline Mask  
*Tupelo*



*Judge Jacqueline Mask of Tupelo (pictured right) accepts the Susie Blue Buchanan Award from Women in the Profession Committee Chair Alison Baker of Gulfport during The Mississippi Bar's Annual Meeting.*

2013-2014  
**Outstanding Young Lawyer  
 Award presented by the  
 Young Lawyers Division**

Michael Carr  
*Cleveland*



*The Mississippi Bar Young Lawyers Division President Julie Gresham of Pascagoula presents Michael Carr of Cleveland with the 2014 Outstanding Young Lawyer Award at the recent Mississippi Bar's Annual Meeting.*

# 2015 Calendar

published by The Mississippi Bar Young Lawyers Division

## CONTENTS INCLUDE

- County, Circuit, Chancery, Court of Appeals and Supreme Court Judges
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- U.C.C. Filing Fees
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# Khayat Honored as 2014 UM Law Alumnus of the Year

By Neil White

During the recent Annual Meeting of the Mississippi Bar in Sandestin, Florida the University of Mississippi School of Law announced Robert C. Khayat as the recipient of the 2014 Law Alumnus of the Year Award. The award, which was announced at the UM Law Alumni Chapter's luncheon, is given annually to an individual who has shown dedicated encouragement of excellence in legal education by a major commitment of support and unwavering loyalty to the Ole Miss Law School.

Greenwood attorney and UM Law Alumni Chapter President Floyd Melton introduced the recipient. "This year's honoree has brought positive, national attention to our School of Law, the University of Mississippi, and our state," Melton said. He went on to list accomplishments that included All-American academic honors, degrees from Ole Miss and Yale, and the NFL Lifetime Achievement Award. Melton concluded the introduction by listing the extraordinary milestones Khayat achieved during his 14-year tenure as Chancellor at the University of Mississippi — and most recently his Silver IPPY for best memoir in the nation awarded for his 2013 memoir, *The Education of a Lifetime*.

A surprised Khayat was greeted with a standing ovation. As he reached the podium and the applause ended, Khayat, a former law professor, addressed the audience, "Before I thank you for this most generous award, a bit of history. . ."

Khayat told the group that during his second year of law school, Dean Joshua Morse approached him. "Robert," he asked, "do you need a job?"

"Yes, sir, I do," Khayat said.

"I'd like you to launch a law school alumni chapter," Dean Morse told him. During 1964 Khayat and an assistant gathered the names and addresses of every UM Law graduate. "We typed them



*University of Mississippi Law School Dean Richard Gershon, Law Alumnus of the Year recipient Robert C. Khayat, University of Mississippi Law School Law Alumni Chapter President-Elect Wesla Sullivan Leech, and University of Mississippi Law School Law Alumni Chapter President Floyd Melton III.*

on 3" x 5" index cards," Khayat said. Then he added, "I still remember the first, middle, and last names of just about everyone who graduated from the Ole Miss law school."

The Destin event marked *exactly* 50 years from the formation of the Law Alumni Chapter to the presentation of its annual recognition to Khayat.

UM Law School Dean Richard Gershon, who also gave a report to the group, said, "It was humbling for me to play a role in honoring Robert with Alumnus of the Year. His impact on the law school, the university, and Mississippi cannot be overstated."

Mike Randolph, Presiding Justice of the Mississippi Supreme Court, echoed the Dean's sentiments. "I can think of no alumnus more deserving of the award. For those of us who were privileged to study under his tutelage, it's difficult to think of

Ole Miss, without reflecting on Dr. Khayat's positive impact on the university, its law school, and the alumni of both."

Mississippi Bar President Gene Harlow added, "Robert Khayat is not only a man's man but he is a lawyer's lawyer. He has contributed so much to Ole Miss and to our profession. We are proud to have him as an outstanding member our Mississippi Bar."

Since 1974 the Law Alumni Chapter of the Alumni Association of the University of Mississippi has selected one person to be named the school's Alumnus or Alumna of the Year at a luncheon held in conjunction with the Annual Meeting of the Mississippi Bar. Other notable alumni who have received this recognition in the past include Gov. William Winter, Chief Justice Lenore Prather, Professor Bill Champion and Justice Reuben Anderson, to name just a few. ■

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## IN MEMORIAM

### Barry C. Blackburn, Sr.

Barry C. Blackburn, Sr., 48, of Olive Branch, died March 21, 2014. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1992. He opened his own firm in 1998.

### Joe R. Colingo

Joe R. Colingo, 74, of Fairhope, AL, died March 21, 2014. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1964. He served as a member of the Board of Directors for Signal Industries, The First Bank of Pascagoula, and the Jackson County Chamber of Commerce. He was honored by being admitted as an Advocate by The American Board of Trial Advocates in 1996.

### George Marion Fleming

George Marion Fleming, 75, of Ridgeland, died April 1, 2014. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1966. Fleming proudly served his country as an officer in the United States Navy where he was Gunnery Officer and ship's Legal Officer aboard the U.S.S. Neosho. Fleming's professional law practice began in 1966 in Clarksdale, MS, where he was in private law practice and later served as Prosecuting Attorney for Coahoma County. After moving to Jackson, he served as an Assistant District Attorney in the Hinds County District Attorney's office, and later served as General Counsel for Mississippi Public Utilities Staff for over twenty-five years. He represented the Mississippi Public Utilities Staff and Mississippi Public Service Commission in state utility cases and argued cases brought before Federal Energy Regulatory Commission in Washington, D.C.

### Alan M. Hathorne

Alan M. Hathorne, 60, of Holly Springs, died May 5, 2014. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1978.

### Ashley A. Hopkins

Ashley A. Hopkins, 47, of Gulfport, MS, died April 26, 2014. A graduate of the University of Mississippi School of Law, she was admitted to practice in 1992. After graduation, she was employed by Mississippi Valley Title Insurance Co., where she served as Vice President and General Counsel.

### Phillip W. Jarrell

Phillip W. Jarrell, 54, of Gulfport, died March 4, 2014. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1985. He was an active member of Trinity United Methodist Church in Gulfport since 1989, where he served on var-

ious boards and committees. After law school, he worked for Shell Oil Co. in Texas and California as a land representative. In 1988, he moved to Gulfport, where he began work at Dukes, Dukes, Keating, & Faneca as an associate. He worked at Dukes continuously since then, until becoming a shareholder and, more recently, a director. In his early days at the law firm, he defended the sheriff's department, but mainly focused on defending employers in worker's compensation. He served on the Employment Law Committee of the International Association of Defense Counsel. He was also active with the Workers Compensation Sections of the Bar and the Defense Research Institute.

### Floyd J. Logan

Floyd J. Logan, 73, of Pass Christian, died March 15, 2014. A graduate of Loyola University New Orleans College of Law, he was admitted to practice in 1965. Logan was a Circuit Judge for 7 years, Chairman of Circuit Judge Selection Conference of Mississippi Judges for 4 years, member of Mississippi Jury Instruction Committee for 6 years, and a pilot in the 122nd Tactical Fighter Squadron of the Louisiana National Guard.

### Precious T. Martin

Precious T. Martin, 41, of Ridgeland, died May 11, 2014. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1997. He began his career at Byrd & Associates, where he was named partner in 2002. He went on to form Precious Martin, Sr., and Associates. Martin became the first African American President of the Mississippi Trial Lawyers Association in May 2005. Martin was a member of New Hope M.B. Church in Jackson.

### Harry Dale Owen

Harry Dale Owen, 94, of Madison, died April 10, 2014. A graduate of Mississippi College School of Law, he was admitted to practice in 1947. During World War II he enlisted in the Marine Corps, and in response to the need for pilots, he transferred to the US Army Air Corps and taught flying for the remainder of the war. He began the practice of law with Green and Green; was a partner in the firm of Lumpkin, Bacon and Owen; and was General Counsel, Vice President, Executive Vice President, and President of Larco Drilling and Exploration Corporation. During the administration of Governor Bill Waller, Owen was the Executive Director of the Mississippi Agricultural and Industrial Board, the economic development agency for the State of Mississippi. He was Executive Vice President of Ergon, Inc. until his retirement. He held memberships in American Management Association, Hinds County Bar Association, American Bar Association, Fellow of the Mississippi Bar Foundation, Sigma Delta Kappa, and Rotary Club of Jackson. He received the Honorary Master of Law Degree awarded by the Mississippi College School of Law.

*Continued on next page*

**Robert G. Ramsay**

Robert G. Ramsay, 65, of Pascagoula, died May 6, 2014. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1977. He was a member of First United Methodist Church of Pascagoula, Singing River Yacht Club of which he was a past commodore, Kiwanis Club and Southern Miss Alumni Association. He had also served as a member of the Mississippi Army National Guard and had recently retired from his law practice of 40 years and was a former attorney for the City of Gautier.

**Louis E. Ridgway, Jr.**

Louis E. Ridgway, Jr., 82, of Kerrville, TX, died May 2, 2014. A graduate of Mississippi College School of Law, he was admitted to practice in 1963. A veteran of the Korean War, Louis left college to join the Army and fight for his country. Ridgway built his family's company, Ridgway Energy, an oil and gas exploration company that was eventually acquired by Denbury in 2004.

**William F. "Duke" Selph, III**

William F. "Duke" Selph, III, 54, of Jackson, died May 13, 2014. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1989. He was a lifelong Episcopalian.

**Joseph Wilmot Thomson, Jr.**

Joseph Wilmot Thomson, Jr., 92, of Starkville, died April 11, 2014. A graduate of the University of Virginia School of Law, he was admitted to practice in 1948. Thomson joined the Navy soon

after serving throughout World War II from 1942-1946. He established his law practice which was active for 50 years in Starkville. He served the city of Starkville as mayor from 1961-1965 and his church as a lifelong member and Elder Emeritus of First Presbyterian Church of Starkville. He was also president and a lifelong member of Starkville Rotary.

**Edwin W. Tindall**

Edwin W. Tindall, 65, of Greenville, died April 11, 2014. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1974. He practiced law as a partner in Lake Tindall, LLP for 35 years, and he served as an officer of the Mississippi Defense Lawyers Association. He was a member of First Presbyterian Church and served as a Deacon.

**William F. Vick**

William F. Vick, 65, of Clarksdale, died May 15, 2014. A graduate of Mississippi College School of Law, he was admitted to practice in 1978. Vick was an attorney with Vick & Associates of Jackson. He was of Baptist Faith, and a Veteran of the Vietnam Conflict.

**Daniel Dale Wallace**

Daniel Dale Wallace, 38, of Olive Branch, died March 11, 2014. A graduate of the University of Mississippi School of Law, he was admitted to practice in 2002. He worked as an attorney for Jones Law Firm.

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# Mississippi College Names New York University Law Graduate Wendy Scott as New Law Dean

Dr. Lee Royce, the president of Mississippi College, announced that Professor Wendy Scott will serve as the new dean of Mississippi College School of Law (MC Law) effective August 11, 2014.

A graduate of Harvard University and New York University School of Law, Wendy Scott will make history as the first African-American to serve as dean at the Mississippi College School of Law. This summer, Scott becomes the 8th law dean at MC Law, which became part of the Christian university in 1975. Mary Libby Payne broke ground as the first woman to lead the law school, with Professor Scott now the second woman to hold that distinction.

Scott succeeded Dean Jim Rosenblatt, who helped build the regional and national reputation of the law school in Jackson over the past 11 years. Rosenblatt became a full-time professor at the private law school in August.

Scott has taught at the North Carolina Central School of Law since 2006, where she served as associate dean for academic affairs from 2009 to 2012. She previously taught at Tulane Law School in New Orleans for 17 years and served as vice dean for academic affairs. While teaching at Tulane, Scott was active in community service - from the Christian Bible Fellowship Ministries to the New Orleans Human Relations Commission. MC President Lee Royce commended the career accomplishments of Scott who has taught Constitutional Law, Civil Procedure, Evidence, Native American Law, and Women and the Law. Her scholarship has focused on constitutional theory and school desegregation. Her work on the desegregation of public colleges and universities has been widely cited. She is also active in the Association of American Law Schools.

Early in her career, Scott did employment law as a staff attorney at the Legal Action Center of the City of New York, worked as an associate at Vladeck, Waldman, Elias & Engelhard in New York City, and directed litigation as the associate counsel for the Center for Law and Social Justice, a community law office in Brooklyn, New York. She has been an adjunct professor at Hunter College, Brooklyn Law School, and CUNY Law School.

“Professor Scott brings a lifetime of



exceptional service to the position, having distinguished herself as a lawyer, teacher, legal scholar and administrator,” Dr. Royce said, “We are so pleased to have someone so well known and respected in the legal academy provide leadership for our law school.”

Scott has also faithfully served in a number of positions with Baptist institutions, alongside her husband Reverend Eddie Scott. The incoming MC Law dean and her husband are the parents of a 15-year-old son, Christian. Royce noted, “Wendy Scott is an excellent fit for the Christian mission of Mississippi College.”

Dr. Royce commended the work of the Dean Search Committee led by Mississippi College General Counsel and Vice-President for Advancement Bill Townsend. “It was gratifying for me to see all segments of the Dean Search Committee so enthusiastically support the candidacy of Professor Scott. Our committee members representing the faculty, students, alumni, community, administration and staff were confident that Professor Scott had the qualities, experience, energy, personality, and commitment to lead MC Law in this era of legal education.”

MC leaders began a national search for a new law dean after Rosenblatt announced that after 11 years he was ending his tenure as dean to join the faculty. During his tenure as dean, there's been more than \$10 million of facility improvements to the vibrant Baptist-affiliated law school whose modern, attractive campus sits one block from the state Capitol and

the Mississippi Supreme Court.

In recent years, the MC School of Law enjoyed success in the advocacy arena and sent 26 moot court teams to regional and national competitions. The law school's mission is truly global with overseas study programs in Germany, France, Mexico, Cuba, China and South Korea. MC Law has also instituted an LLM program in American Legal Studies for international attorneys and established an Executive Program that allows students to attend law school part time while working. The law school offers the only course of study in Civil Law outside of Louisiana.

MC Law has created a series of Centers to allow its faculty and students to focus their interests in Children and Family Law, Litigation and Dispute Resolution, International and Comparative Law, Bioethics and Health Law, Business and Tax Law, and Public Interest Law. The law school has also created two award winning web sites to allow the public access to the workings of Mississippi's appellate courts and the Mississippi Legislature.

In addition, MC Law has reached out to serve the legal needs of low-income residents in inner city Jackson with a legal aid clinic and hosted televised debates to keep citizens better informed about key political races. Rosenblatt commented, “Professor Scott has the background and interest to tie MC Law's legal education mission with community initiatives to promote social justice and to provide practical learning opportunities for its law students.”

“MC Law has what any dean would want,” says Scott. “MC Law has a talented faculty, exceptional students, a hard working staff, dedicated alumni, an attractive facility and a supportive university administration. I look forward to working with all of the constituents of the Law School to continue providing an excellent educational experience to our students and service to the people of Mississippi.”

Dr. Royce and other members of the Mississippi College family believe Scott will be an enormous asset to the law school in the heart of Mississippi's capital city. “We look forward to her fine leadership of the law school.”

Reprinted from Mississippi College News Release: Media Contact - Hannah Wallace, Public Relations Assistant, hwallace@mc.edu, 601.925.3262

# CLE Calendar of Events

The following live programs have been approved by the Mississippi Commission on Continuing Legal Education. This list is not all-inclusive. For information regarding other programs, including teleconferences and online programs, contact Tracy Graves, CLE Administrator at (601)576-4622 or 1-800-441-8724, or check out our website, [www.mssc.state.ms.us](http://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.

## AUGUST

- 7 Halfmoon, Inc. "Mississippi Land Laws." 6.5 credits. Jackson, MS. Contact 715-835-5900.
- 8 MC School of Law "16th Annual Guardian Ad Litem Training." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 13 US Bankruptcy Court "Practice & Procedure Seminar." 5.0 credits. Oxford, MS. Contact 662-319-3544.
- 22 MC School of Law "MS Juvenile Defender." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 22 US Bankruptcy Court "Practice & Procedure Seminar." 5.0 credits. Tupelo, MS. Contact 662-319-3544.
- 27 NBI "Damages in Personal Injury." 6.0 credits (includes ethics). Jackson, MS. Contact 715-835-8525.
- 27 Lee County Bar Association "Legal Services Clinic & Family Law Clinic." 1.0 credit. Tupelo, MS. Contact 662-842-3871, Stephen Spencer.

## SEPTEMBER

- 9 Lorman Business Center "Document Retention & Destruction in MS." 6.7 credits. Jackson, MS. Contact 715-833-3940.
- 9 MS Volunteer Lawyers Project "Pro Se CLE & Legal Clinic." 4.0 credits. Hernando, MS, DeSoto County Chancery Court. Contact 601-960-9577.
- 18 MS Volunteer Lawyers Project "Pro Se CLE & Legal Clinic." 4.0 credits. Clarksdale, MS. Contact 601-960-9577.
- 22 NBI "Advanced Business Contracts: Acquisition Agreement." 6.0 credits (includes ethics). Jackson, MS. Contact 715-835-8525.
- 30 Lorman Business Center "Construction Claims in MS." 6.0 credits. Jackson, MS. Contact 715-833-3940.

- 30 Lorman Business Center "Construction Lien Law in MS." 6.0 credits. Tupelo, MS. Contact 715-833-3940.

## OCTOBER

- 10 MS Volunteer Lawyers Project "How to Hang Your Shingle & Start Your Own Firm." 6.0 credits (includes ethics). Jackson, MS. Contact 601-960-9577.
- 16 MS Defense Lawyers Assn "Joint Seminar with MS Claims Association." 6.0 credits (includes ethics). Flowood, MS, Table 100 Conference Center. Contact 601-992-8645, Jane Brown.
- 16 Morton Law Firm "Trusts, Estates & Elder Law Bootcamp for Advisors." 6.0 credits. Clinton, MS. Contact 601-925-9797.
- 17 Morton Law Firm "Trusts, Estates & Elder Law Bootcamp for Advisors." 6.0 credits. Clinton, MS. Contact 601-925-9797.

## NOVEMBER

- 3 MS Volunteer Lawyers Project "Pro Se CLE & Legal Clinic." 4.0 credits. Hernando, MS, DeSoto County Chancery Court. Contact 601-960-9577.
- 3-7 Children's Advocacy Centers of Mississippi "Childfirst Forensic Interview & Court Preparation." 18 credits. Jackson, MS. Contact 601-940-6183.

- 13 Sterling Education Services, Inc. "Landlord-Tenant Law: How to Prosper in the New Market." 6.7 credits (includes ethics). Jackson, MS. Contact 715-855-0495.

## DECEMBER

- 5 MS Bar "CLE on the Road." 6.0 credits (includes ethics). Cleveland, MS. Contact 601-353-1703, Kellie Freeman.

## JANUARY

- 30 MS Bar "CLE on the Road." 6.0 credits (includes ethics). Laurel, MS. Contact 601-353-1703, Kellie Freeman.

## FEBRUARY

- 13 E. Farish Percy "Summary of Recent MS Law." 6.0 credits (includes ethics). Oxford, MS. Contact 662-832-8605.
- 20 E. Farish Percy "Summary of Recent MS Law." 6.0 credits (includes ethics). Jackson, MS. Contact 662-832-8605.
- 27 E. Farish Percy "Summary of Recent MS Law." 6.0 credits (includes ethics). Biloxi, MS. Contact 662-832-8605.

## MAY

- 1 MS Bar "CLE on the Road." 6.0 credits (includes ethics). Tupelo, MS. Contact 601-353-1703, Kellie Freeman..

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