



President's Column

Roy Campbell

Fifty years ago, in the spring and summer of 1961, more than three hundred American citizens came to Jackson, Mississippi to challenge state laws that they believed were unconstitutional and immoral. They were black and white, male and female, and each was determined to effect change peacefully. Ironically, they were arrested, convicted, and imprisoned at Parchman for "breach of the peace." The Freedom Riders, as they became known, were dedicated to opening up the South to civil rights. Their mission was to desegregate dozens of bus depots, along with some train stations and airports, from Virginia to Texas. Their campaign lasted more than seven months and produced monumental changes. The first buses left Washington, D.C. on May 4, 1961 (following a dinner the night before referred to by some as "The Last Supper"). Ten days later they arrived in Alabama. One bus of Freedom Riders was set on fire. The second bus drove into a savage ambush by Ku Klux Klansmen.

Henry "Hank" Thomas was one of the original thirteen Freedom Riders who left Washington, D.C. on May 4, 1961. At age nineteen he was on the bus fire-bombed outside Anniston, Alabama on May 14, 1961, and he was on another bus two weeks later when those arrests were made in Jackson. He later served in Viet Nam and was a Purple Heart recipient. Mr. Thomas is our keynote speaker at the "Evening Honoring the Judiciary," scheduled for May 5, 2011 at the Mississippi Museum of Art. This year's annual dinner will be hosted by the Capital Area Bar Association



and the Jackson Young Lawyers, together with the Magnolia Bar Association. We hope you will come and hear Mr. Thomas speak—of remembrance and of reconciliation—on the eve of the 50th anniversary of those historic events. More information can be obtained from the CABA website or by emailing Pamela Prather, the event chair, at pprather@watkinsludlam.com.

We are grateful to the Bench-Bar Relations Committee, co-chaired by U.S. District Judge Dan Jordan and William Liston, III, for its excellent CLE lunch seminar, "Pet Peeves—A Two-Way Street," conducted at CABA's bi-monthly lunch meeting on February 15, 2011. In addition to the committee co-chairs, the panel for that discussion consisted of the following well respected, highly regarded members of the Hinds County judiciary and practicing attorneys: Hon. Denise Owens, Chancery Court Judge; Hon. Patricia D. Wise, Chancery Court Judge; Hon. Winston Kidd, Circuit Court Judge; Scotty Welch (Baker Donelson); and Kathy Nester (Office of the Federal Public Defender). The observations from the Bench and the Bar were instructive and entertaining and all present thoroughly enjoyed the discussions.

On Saturday, April 16, 2011, from 10 a.m. to 2 p.m., CABA's Women & Children Advocacy Committee will host its annual Legal Fair at Fresh

"President's Column", Page 4

Inside

6

Book Review

The United States of Arugula

10

Update on LJAP

How the Bar's assistance program works

14

Mississippi History

Learn about the Courthouse at Jacinto & the Married Women's Property Act

17

Time for a Sabbatical?

The sabbatical peregrinations of one attorney

Upcoming Events

Tuesday, April 19

CABA Membership Meeting
Noon • Capital Club

Thursday, May 5

CABA/JYL Evening Honoring the Judiciary
6:00 Reception, 7:00 Dinner
Mississippi Museum of Art

Tuesday, May 17

CABA/JYL Golf Tournament
Noon • Annandale Golf Club

Tuesday, June 21

CABA Membership Meeting
Noon • Capital Club

CABA Luncheon Reminder

Tuesday, April 19, 2011 at 12:00 @ the Capital Club

Speaker: Lt. Governor Phil Bryant

The cost is \$15.00 for lunch

CAPTAIN EQUITY

A WARNING FROM 1935

Did Sinclair Lewis, Huey Long, and the Great Depression Foreshadow America's Future?

I can thank the incessant blather of cable TV news and the over-connectivity of the Social Media and Twitter, et al, for one thing—their collective noise and inane hyperactivity has sent me back to some classic books I never got around to reading. Specifically, I am speaking of the novel by Pulitzer Prize winner and Nobel laureate Sinclair Lewis, *It Can't Happen Here*, published in 1935 at the height of the Great Depression. The second book is the 1969 National Book Award and Pulitzer Prize winner, *Huey Long*, by historian T. Harry Williams.

Add to this list *1984* by George Orwell and *Brave New World* by Aldous Huxley, both of which I read in my late teens, and you have the *Perfect Storm* for the future of an America that is broke and polarized, yet is living far beyond its means on borrowed money and denial while the ruling corporate class laughs all the way to the bank. Too much you say? Let me give you my book report which will hopefully send you to wherever you buy books these days and then you decide.

The year 1935 was not unlike 2011. The Great Depression was in its sixth year. FDR—who bears some resemblance to President Obama—had replaced Herbert Hoover in 1932. Hoover, who shared some similarities to George W. Bush, got much of the blame for the depression even though it was more than a decade in the making. By

In essence, Lewis sets forth the creation of a fictional...fascist state in America in which a dictatorial government suspends basic civil rights to enforce the interests of big business.

1935, FDR was ramping up his reelection bid, but all was not sweetness and light in the Democratic Party.

The depression had not abated despite bold efforts from the federal government, led by deficit spending. Can anybody say “stimulus”? Populist Louisiana Senator Huey Long, ever the ruthless opportunist, was engineering his own ambition-fueled challenge to the President of his own party. Demagogue pundits like Father Coughlin stoked the fear and anger that dire economic times produced, not unlike what Rush Limbaugh, Glenn Beck, and their ilk are doing today. In the background, Wall Street and big business, whose unregulated greed and recklessness in the Roaring 20s set the stage for the stock market crash in October, 1929, scrambled to pick up the pieces and protect their own selfish interests. Meanwhile, in Europe, Hitler, Mussolini, and Franco

garnered popular support for their authoritarian regimes as a desperate answer to solve their nations' own dire economic predicaments. Does any of this sound familiar?

It Can't Happen Here describes how Senator Berzelius “Buzz” Windrip, from an unidentified state, hijacks the Democratic nomination from FDR in 1936 and wins the election by saying all the right things about God, country, patriotism, and a guaranteed income for every American family. Windrip's message is embellished by scare tactics about Jews, labor racketeers, and Communists in a carefully scripted propaganda initiative calculated to win votes. The candidate's political philosophy is set forth in a book length manifesto entitled *Zero Hour—Over The Top*, ghost written by his chief of staff and puppeteer, Lee Sarason.

Windrip is elected over a Republican named Walt Trowbridge and declares an emergency upon being sworn into office. He orders the arrest of opposition Congressmen, the suspension of basic constitutional rights, and the creation of concentration camps to house political dissenters. Think of the Patriot Act gone wild as a pretext to silence domestic dissent. The process is helped along by the appearance of a paramilitary force of blue shirted Minute Men—or MMs as they came to be known—who enforce the Windrip orthodoxy on a local level.

Obviously, Lewis was borrowing the concept from Hitler's Brownshirts, but viewed against the backdrop of contemporary America, it is not difficult to find a loose parallel to some of the armed Tea Partiers who appeared in the fall of 2010.

In essence, Lewis sets forth the creation of a fictional, yet totally believable fascist state in America in which a dictatorial government suspends basic civil rights to enforce the interests of big business, or as Lewis refers to it, the Corpo state, even as it conveniently forgets about the promised guaranteed annual income and all the other results oriented populist rhetoric.

The setting for *It Can't Happen Here* is rural Vermont. A liberal local newspaper editor named Doremus Jessup writes an editorial criticizing Windrip's Corpo state. This results in his ouster as editor, a government takeover of his newspaper, and his arrest, torture, and detention at the local concentration camp. (As a pro bono op-ed writer myself, believe me when I say that none of this is lost on me.) Ironically, a shiftless handyman named Shad Ledue who works for Jessup is elevated to the job of local

commissioner, a position that allows him to become his employer's chief tormentor. After an ill-fated effort to have his family smuggled into Canada to escape the Corpo regime, Jessup and a close circle of friends and family organize a local underground opposition group.

Meanwhile, in Washington, Windrip's Vice President is arrested by the regime and stripped of his office while his Republican opponent, Walt Trowbridge, helps lead the underground opposition from Canada. But in a dictatorship, turnabout is fair play. Windrip is deposed and exiled to Europe by his right hand man, Lee Sarason, who assumes the Presidency. Sarason is in turn murdered in cold blood by Colonel Dewey Haik, the administration's chief military leader, who ascends to head the government. In essence, the story makes the Egyptian Revolution look like a day at the beach.

In reading Williams' award-winning biography on Huey Long, it is obvious that Lewis had the Kingfish in mind as a prototype

for Buzz Windrip. Because the book was published just before Long's assassination in September 1935, he could not have known that the Louisiana Senator would be unable to make good on his attempt to unseat FDR for the 1936 Presidential nomination with his "Share Our Wealth" program, just as the author had no way to know of the scope of moral depravity the Nazis would unleash on the world over the next decade. But Lewis was obviously aware of Long's ruthless and unquenchable thirst for power, albeit from the left rather than the right.

For those who have not read the Williams book, the seventy-five years since Long's violent death have turned the Kingfish into a kind of Everyman Louisiana folk hero and larger than life political character who paved the way for his brand of politics. Think Edwin Edwards. Unfortunately, Louisiana is today still the poster child of government corruption, as it has been over most of the last three quarters of a century. Yes, Long was a colorful character

who accomplished some admirable things, but a close reading of the book reveals a person who had charted a path to the White House even as a child by whatever means necessary. There is no doubt that Long had the intelligence, energy, unbridled arrogance, and ambition required to become a real life Buzz Windrip, and he wouldn't have needed a puppet master to do it.

That all brings us to today, where we are still suffering from the polarized governmental abuses by Republican and Democratic politicians who have given us a de facto Corpo state. Many, but certainly not all of these politicians, aided by party surrogates, lobbyists, cable news demagogues, and corporate money, are shameless masters of the use of fear and hate to manipulate voters. All the while they dutifully serve their masters on Wall Street and in Big Oil, Big Pharma, Big Insurance, Big—fill in the blank. Even as we hear Republicans and the Tea Party decry activist judges, a bare majority of the United States Supreme Court

THE KOERBER COMPANY, PA

Valuation & Litigation Services



JAMES A. KOERBER
CPA/ABV, CVA, CFE, CFF

- Business Valuation Services
- Calculation of Damages
- Forensic Accounting



BRIAN SCHMITTLING
CPA/ABV, CVA, CFE, CFF

- Lost Profits Analysis
- Personal Injury/Wrongful Death
- Shareholder Disputes



EDWARD T. SIMMONS
CPA, CVA, CFE, CFF

- Healthcare Valuations
- Intangible Asset Valuations

103 Madison Plaza • Hattiesburg, MS 39402 • Toll Free 888.655.8282 • www.koerbercompany.com

ignores decades of established legal precedent in the alarming *Citizens United* case that effectively provides the Corpos with nearly unlimited power to influence political elections and policy. Add Justice Scalia's seminars on Constitutional Law for the Tea Party and Justice Thomas's failure to report his wife's right wing-derived six figure income, and one can easily conclude that even the traditional rock solid independence of the judiciary has come into question. In sum, for all of the hypocritical posturing of the Republican Party, as well as too many mainline Democrats, we already have a Corpo State. To back up this assertion, consider the Obama administration's toothless overhaul of Wall Street. The law only deals with the margins of Wall Street's business as usual profit taking that brought the United States to the brink of the very same type of Great Depression that

inspired Sinclair Lewis's chilling novel. Do you want other examples? How about the seemingly regulation-free gross negligence of BP's deep water drilling practices that brought about the unprecedented disaster in the Gulf of Mexico? Or perhaps consider Big Pharma's insistence that it be illegal for Medicare to use its free market, volume purchasing power to negotiate reduced rates down from the retail plus that they charge the American taxpayer. Or how about the insistence of Congress to pay hundreds of billions of dollars for weapons systems to the Military Industrial Complex that the Pentagon does not even want? And that doesn't even count the latest union busting excesses in the solemn name of fiscal responsibility. The examples are both endless and deeply troubling.

Can a fascist dictatorship take hold in the United States? Probably not. But a Corpo

state? We already have one supported by hypocritical politicians of every stripe who ignore our ever growing national debt to serve their Corpo masters with tax breaks, government contracts, and endless loopholes. The Corpos return the favor by financing their reelection campaigns and providing them free rides on their corporate jets for fact finding missions that should be more accurately labeled as junkets.

Sinclair Lewis said that if fascism ever came to America, it would do so under the guise of a cross wrapped in the flag. I invite you to read these two books and then take a good, hard, objective look at our political landscape. One very realistic conclusion might just be that a dictatorship on the order of Hitler's Germany isn't necessary. The Corpos have already triumphed. 🚩

President's Column

continued from page 1

Start Christian Church, 5210 Manhattan Road, in Jackson. The purpose of the Fair is to provide general information on such issues as domestic violence, child support, divorce, and guardianships, as well as financial education, fire safety, and health and nutrition information. To learn how you can support the Legal Fair by becoming a sponsor or volunteer, contact Women & Children Advocacy Committee Chair, Amanda Green Alexander, at 601-968-8571 or alexanderlawfirm@bellsouth.net.

CABA's Annual Charity Golf Tournament will be held on May 17, 2011, again this year at Annandale Golf Club. Lunch will be served before the tournament and winners of the silent auction will be announced afterwards during the social hour. We hope all our former duffers will return, but even if your pride won't allow that come out for lunch or the social hour afterwards. You can obtain more detailed information or entry forms on CABA's website or by emailing Golf Tournament committee

chair, Elizabeth Thomas at Elizabeth.Thomas@butlersnow.com.

On behalf of the entire CABA membership I congratulate the following on their recent elections: Collins Wohner (Watkins & Eager)—Secretary—Treasurer; Scott Jones (Adam and Reese)—Director, Post 1; and Rob Mink (Wyatt, Tarrant & Combs)—Director, Post 2.

Congratulations are also in order for Lem Adams of Adams & Edens in Brandon, on his recent election to the position of President-elect of the Mississippi Bar.

CABA's Library Committee, under the careful stewardship of chair Ben Piazza, recently responded to a request for new Elmo™ projection equipment in the largest of the four Circuit Courtrooms in the Hinds County Courthouse in Jackson. On that committee's recommendation CABA's Board approved the purchase and installation of up to \$40,000.00 in equipment with funds from the Hinds County Library Fund and recommended that expenditure to the Hinds County Board of Supervisors. That expenditure is in addition to over \$19,000.00 from the Library Fund expended a year ago for the purchase of less

sophisticated Elmo™ equipment for the other three Circuit Courtrooms.

Under the able leadership of past President Susan Tsimortos, CABA's Strategic Planning Committee has continued to meet and address the following previously established goals: enhance activities and services to ensure they remain relevant, worthwhile, and of high quality; raise membership and increase member involvement; reach out to members and prospects in Hinds, Madison, and Rankin Counties; and continue programs that have a substantial positive impact on the community. Topics discussed at the last meeting on February 11, 2011, included the creation of a standing committee to lobby the Mississippi Legislature and Congress for pay raises for judges and their personnel.

Our final bi-monthly lunch meeting of the 2010-2011 year will be on Tuesday, April 19, 2011. Program chairman Meade Mitchell has arranged to have Lt. Governor Phil Bryant as our speaker and we look forward to seeing you at the Capital Club for that luncheon. 🚩

On Computing»

Joel Howell
A Column for the Contemporary Lawyer



» A Review of 10 Cloud Computing Applications

This issue's focus looks to the Cloud for new applications and considers new uses for all your toys. With thanks to Real Life Practice, here are ten tech tips worth taking a look at.

1. Use of the Cloud is rising, and MozyPro is one good reason why. This offsite backup can also let you share files with others and store ALL your data, probably for less than ten dollars a month.
2. Dropbox is another Cloud application. You can save and share documents and access them from any computer, anywhere. The price cannot be beat: free for up to two gigabytes! Easy to download, with automatic updating from your base computer.
3. While perhaps more commonly seen as a generic business usage, project management can only enhance your law practice. Behance's Action Method Online is free and easy to use. Put another way, this can help you get your to-do list done. It progresses through action steps, which are tasks to be completed. Along the way, you can add references, note back burners for future action, manage ongoing discussions with others, & schedule events or key occasions.
4. SimplyFile is an Outlook plugin for InBox organization. For example, if you reply to an email, a dialogue box will prompt you, allowing the original email and your reply to be filed appropriately, clearing your InBox. Though fee-based, a free trial is available.
5. Everyone has at least an occasional need to search for files on their computer or network. There are many for-pay applications, but Google Desktop is free and efficient. Enter a short phrase in the search box, and your continuously indexed comp-

uter provides the needed file. Copernic also works well and comes in several versions, one of which is free.

6. A nifty and relatively new resource is Google Scholar. Real Life Practice gives this example: googling the style of a 1953 case returned not only the full text of the opinion, but also hyperlinks to all other cases cited in the opinion, as well as a list of how other courts have cited the googled opinion.
7. The iPad has been out long enough for some very mature applications to develop. One example is Line2, which can turn your iPad into a phone with conference calling capability.
8. Another plugin for Outlook and case management software is Credenza, which provides time, billing, and case management in

a package easily shared by others. Free for thirty days, less than ten dollars a month thereafter.

9. Back to the Cloud, for other case management applications: Clio and Rocket Matter. Each has its own nuances, and all it takes is your time to evaluate and perfect the use.
10. Last, but far from least: if you've never tried dictation software, Dragon Dictation is a free application for iPhones and Androids. You can dictate notes to yourself, email to others, tweet, or even update your Facebook page. ➡

As you can see, old applications continue to evolve, both through use via the many devices we now have, as well as being accessible any time, any place. Try one or two of the foregoing. They can improve your life and your law practice.

The Capital Area Bar Association & the Jackson Young Lawyers Association invite you to join us for

AN EVENING HONORING THE JUDICIARY

THURSDAY, MAY 5, 2011
MISSISSIPPI MUSEUM OF ART
380 South Lamar Street

6:00
Reception

7:00
Dinner

KEYNOTE SPEAKER
Henry "Hank" Thomas
Special Guests include Hinds, Madison, & Rankin County State & Federal Court Judges

\$60
per person
Invitations will be mailed

BOOK REVIEW

THE UNITED STATES OF ARUGULA

Reviewed by Pat Evans

One day we woke up and realized that macaroni had become pasta, our WonderBread had been replaced by organic whole wheat, a simple cup of coffee was now a double Latte, salsa had surpassed ketchup as America's most popular condiment, sushi was fast food, and our tomatoes were heirlooms.

How did this all of this happen and who made it happen?

David Kamp chronicles this amazing transformation in *The United States of Arugula: The Sun-Dried, Cold-Pressed, Dark-Roasted, Extra Virgin Story of The American Food Revolution*. In reviewing the book, I have chosen to highlight the beginning of the food revolution because I found it to be the most intriguing.

Kamp is not a restaurant owner, a food reviewer, or an Iron Chef. He is a writer and editor for *Vanity Fair* and *GQ*. But right from the beginning of the book, he lets the reader know that he is a food fan—a foodie, a term that was coined in the early 1960's.

Italian foods were alien to all but Italian Americans. To America's wealthy elite, eating Italian food was beneath contempt and déclassé.

The United States of Arugula is about one of the happiest developments of our time: the quantum leap forward in food choice, food quality, and culinary sophistication in America in the last sixty years or so.

According to the author, we have a greater variety of ingredients and products available to us representing a wider-than-ever range of ethnic influences. And if we care to, we can eat better, healthier, and more flavorful food than

our ancestors could have ever dreamed.

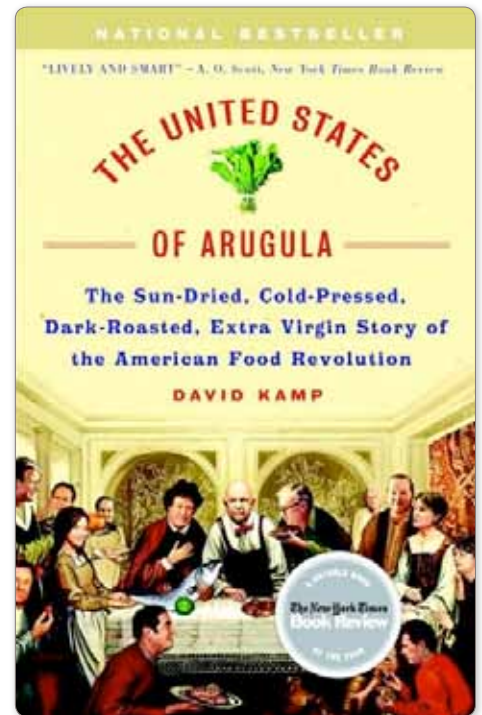
It is a fabulous time to be an eater. Food is one area of American life where things just continue to improve. The book examines not only the social forces that effected this transformation, but the visionaries who changed American food for the better—among them James Beard, Julia Child, and Craig Claiborne.

In Kamp's view, their contributions to American life are on a par with those of Americans who were innovative in other fields: Mark Train, Susan B. Anthony, Orson Welles, Walt Disney and even Elvis! He feels that food people are *interesting* people, as passionate, brilliant, charismatic, contrary, and strange as leaders in other creative fields. Their rich stories are told in *The United States of Arugula*.

The action in *The United States of Arugula* begins in 1939 when a New York female food journalist (there was a tiny contingent of them) explained in a column how to pronounce pizza and described what it was. This speaks volumes about the gastronomic world Americans inhabited at the time.

In 1939, dining out was for special occasions, ordering in was nearly unheard of, and most Americans adhered to a diet of what was familiar to them locally and culturally. Italian foods were alien to all but Italian Americans. To America's wealthy elite, eating Italian food was beneath contempt and déclassé.

This lack of prestige in America's food culture left the door open for people like Beard, Child, and Claiborne to come in and make it their own.



They didn't fit into conventional mid-century society, Beard and Clairbone were gay men who had endured the pain of feeling other their entire lives, and Child was six foot two, unpretty, and on a perilous path to becoming—in her own future husband's phrase—an old maid.

In their stumbling, halting efforts to figure themselves out, Beard, Child, and Claiborne found their salvation in cooking and eating. Thanks to them, America had a food revolution and Kamp supplies an engaging account of their careers.

James Beard was born in 1903 and grew up as the spoiled, overfed, only child of a independent Englishwoman who ran a boarding house/hotel in Portland, Oregon and a father who worked at the city's customs house. At the boarding house, he became a hand in the kitchen; by the time he was eight, he was baking his own bread.

After a brief stint at Reed College in Portland from which he was expelled for homosexual activity, Beard went on the road with a theatrical troupe. For several years, he lived abroad studying voice and theater.

In 1939, a despairing Beard, who had moved to New York in 1937 to pursue a life on the stage, recognized that he was no Lionel Barrymore (after all he was hulking six-four with a head like a potato and ears that stuck like pull tabs—not

exactly leading man material). To supplement his meager income, he and a friend capitalized on the cocktail party craze by opening a catering company, *Hors d'Oeuvre, Inc.* which led to the publication of Beard's first cookbook, *Hors d'Oeuvre and Canapes*, a compilation of his catering recipes. This was the first step in his massively influential food career.

In 1942, despite being thirty-nine and in no shape to fight, Beard tried to enlist partly out of a genuine sense of national duty and partly out of a desire to once again travel to France. He wasn't an attractive prospect to the U.S. Army; but, in 1943 he found a place where he was welcome, the United Seaman's Service which was responsible for providing food, shelter, and recreation to sailors in the merchant marine.

When World War II was over, Beard returned to New York and became totally immersed in the culinary community. In the next ten years, he wrote several cookbooks, appeared on his own segment on television's first cooking show on NBC (in 1946), contributed articles and columns to magazines, served as a consultant to many restaurants and food producers, and ran his own restaurant on Nantucket. He became the focal point of the entire American food world. According to Kamp, he realized that part of his mission as a food connoisseur was to defend the pleasure of real cooking and fresh ingredients against the assault of the Jello-Mold people.

In 1955, he established *The James Beard Cooking School* and continued to teach men and women for the next thirty years. There were plenty of other cookbook writers and cooking teachers before James Beard, but none who had his knack for engaging so large and varied an audience for legitimizing American cooking.

When James Beard died at age 81, he left a legacy to generations of home cooks and professional chefs. His name remains synonymous with American food. As the patron saint of American culinary values, he was often quoted like Will Rogers or Vince Lombardi.

In 1957, there was another man besides Beard in the ranks of the food establishment—**Craig Claiborne.**

Claiborne was a troubled soul, an unusual, squintyeyed kid from Indianola, MS with a set of psycho-sexual complexes worthy of a Tennessee Williams character. Claiborne

was born to a proper Southern family just as it was experiencing a reversal in fortune. As a small boy, he saw his home transformed into a boardinghouse.

Slight, unathletic, and hopeless of fitting in with the other Mississippi boys, he found solace in the boardinghouse kitchen. Unlike Beard, Claiborne was more aggravated by, than devoted to his mother. In 1963, he and his mother had their final dust-up and never spoke or saw each other again. After the incident, he did receive a check from her, accompanied by a

letter that said: My darling son, I think you are ill. I want you to take the money and go to a psychiatrist. Which he did. His relationship with his father was also unusual.

Claiborne started college at Mississippi State University, but wound up transferring to the University of Missouri with vague thoughts of becoming a journalist.

He served in the U.S. Navy during World War II and the Korean War. After deciding his true passion lay in cooking, he used his G.I. Bill scholarship to attend a prestigious Swiss hotel-management school. When he returned



In an attempt to further the occasionally humorous side of our profession, we hope to periodically publish some stories from the past that need to be preserved for posterity.

.....
Johnson grass is a weed which, unchecked, will grow tall. It is seen in the unimproved patches of land growing along our county roads and highways. Two generations ago Johnson grass proved to be the undoing of a defense lawyer from Jackson trying a case in the Mississippi delta in which the defendant was charged with negligence in causing an automobile accident, resulting in personal injury to the plaintiff.

The plaintiff called a man to the stand as a witness who testified that he had seen the defendant's car just moments before the collision. He was a field hand working in a field adjacent to the highway and had seen the defendant's car pass by. Although he had not seen the actual collision, he heard the noise of the wreck just after the defendant's car passed him. He testified

that the defendant was speeding.

The defendant's lawyer cross-examined the witness: "Do you have a driver's license?"

"No, sir." "Do you know how to drive a car?"

"No, sir."

"Have you ever tried to drive a car?"

"No, sir."

"Then you have never sat behind the wheel of a car and determined your speed from the speedometer, have you?"

"No, sir, I ain't never done it."

"Now if you've never driven a car and don't know how to judge speed from a speedometer, how can you sit there and tell the jury that my client was speeding?"

"Well, I don't know exactly how fast that car was going. But you know that Johnson grass that grows on the side of the highway? When that car went by, that Johnson grass on the side of the road just lay down to the ground." As he said it, he bowed down to his waist with his arms stretched forward to make the point.

"No further questions."

To share your war story, contact Will Manuel at wmanuel@babc.com.

to the US, he scrapped around and landed in New York as a freelancer for a few years.

He would emerge, in the late fifties, as *The New York Times* food journalist. He was the first man to supervise the food page at a major American newspaper and is credited with broadening the Times' coverage of new restaurants and innovative chefs. A typical food section of a newspaper in the 50s was largely targeted to a female readership and limited to columns on entertaining and cooking for the upscale homemaker. Claiborne brought his expert knowledge of cuisine and own passion for food to the pages, transforming it into an important cultural and social bellwether for New York and the nation at large. The *Times* referred to him as a discriminating one man Guide Michelin to restaurants not just in Manhattan, but throughout the nation.

His columns, reviews, and cookbooks introduced a generation of Americans to a variety of ethnic cuisines, particularly Asian and Mexican, at a time when average Americans had fairly conservative tastes in food. What little gourmet cooking was available in cities like New York was exclusively French.

He created the now-famous four-star system of rating restaurants still used by the *Times*. He authored or edited over 20 cookbooks on a wide range of foods and culinary styles.

His descent into lonely, inebriated misery in the 80s was tragic and the descent was exacerbated by the auto-crash death in 1986 of his companion, Henry Creel, and the poor sales and reception of his memoir *A Feast Made for Laughter* (1982). The book laid out his memories of explicit sexual contact with his own father and his simmering contempt for his mother, and then oddly enough, in the back, were recipes for grapefruit sherbet and seafood crepes.

A Feast Made for Laughter was published a good decade before frank confessionals and psychosexual drama became the norm in contemporary non-fiction with tell-all books from celebrities. People were interested in him food-wise, but they didn't want to hear all the family business.

His palate shot by alcohol, his stamina reduced by bypass surgery, he was no longer the inexhaustible, curious, culinary adventurer. Consumed by the notion that the

world hadn't given him his due, he took a hairpin turn into bitterness.

Somehow he hung on all the way to the year 2000, though by then he had long been confined to a wheelchair and behaved badly to the most loyal members of his dwindling circle of friends.

When he died, few people under the age of fifty had any sense of his mammoth contribution to America's eating habits or even of who he was. James Beard, on the other hand, was an exalted figure until the day he died.

Julia Child. Behind the kooky, happy-go-lucky persona that Julia Child presented to the world was a determined, competitive woman. In the first three decades of her life, she had few outlets for this drive, save the theater stages and tennis courts of the schools she attended and the country clubs to which she belonged.

Not until age 38, in the spring of 1951, when she received her Cordon Blue diploma, did she put her formidable energy into her belatedly discovered main purpose—to educate America about French cookery.

Child was born in 1912 to a prominent family in Pasadena, CA. She graduated from Smith College in 1934. Following her graduation, Child moved to NYC where she worked as a copywriter for a home-furnishing firm. Returning to California in 1937, she spent the next four years writing for local publications.

During World War II, she joined the OSS, Office of Strategic Services, because she was too tall to enlist in the Army Corp or Navy Waves. She was posted in Washington, Ceylon, and China. While in Ceylon, she met Paul Child, also an OSS employee and they were married in 1946. Paul, an artist and poet, was known for his sophisticated palate and introduced her to fine cuisine. He joined the United States Foreign Service and in 1948 the couple moved to Paris.

In Paris at a woman's cooking club, Child met Simone Beck and Louisette Betholle who were writing a French cookbook for Americans. They proposed that Child work with them to make the book appeal to Americans.

For the next decade, while the Childs moved with Paul's job around Europe and, finally, to Cambridge, MA, the three women researched and repeatedly tested recipes. Child translated the French into English, making the recipes detailed, interesting, and practical.

The three would-be authors initially

signed a contract with publisher Houghton-Mifflin which later rejected the manuscript for seeming too much like an encyclopedia.

Finally, when it was first published in 1961 by Alfred A. Knopf, the 734-page *Mastering the Art of French Cooking* was a best-seller and received critical acclaim that derived in part from the American interest in French culture in the early 1960s.

It did the amateur cook the best favor possible by assuming that she knew nothing. Probably no other cookbook in American history better combines breadth, thoroughness of explanation, and culinary authenticity better than *Mastering the Art of French Cooking*.

Her cooking show, the *French Chef*, had its debut on February 11, 1963, and was immediately successful. Child's antics and locutions were so alien that many viewers presumed she was drunk, unwell, or actually French. She was anything but slapdash, and Child put nineteen hours of preparation into each half-hour episode. The show ran for ten years and won Peabody and Emmy Awards. Even though she was not the first television cook, Child was the most widely seen. In the 1970s and 1980s, she was the star of numerous television programs, including *Julia Child & Company* and *Dinner at Julia's*. Her kitchen—designed by her husband for her shows—is now on display at the Smithsonian.

Paul died in 1994 and Julia in 2004.

Kamp tells us that food is more than just a lifestyle choice or fodder for the leisure Pages; it is more than a hobby for the Zagat survey. The movements we've seen embraced—such as nouvelle cuisine, California cuisine, New American cuisine, and fusion cuisine—have turned out to have a lasting, positive impact.

Because of the food revolution, our cooking is lighter, our ingredients fresher and better, our tastes more wide-ranging and our palates more adventurous.

James Beard was far ahead of the curve in recognizing that it wasn't silly for us Americans to give serious consideration to what we eat, as the French and Italians do. He believed we have a rich and fascinating food heritage that occasionally reaches greatness in its own melting pot way. 🍴

Bon Appetit!

LEFOLDT & Co., P.A.

CERTIFIED PUBLIC ACCOUNTANTS

LITIGATION CONSULTING



All of our experience is directly relevant to your need for professional excellence from our accounting experts. Our services include expert witness testimony at depositions and trials, trial assistance relating to opposing experts, consultation on litigation options and approaches, support during the discovery process, damage analysis and review, investigative auditing, forecasting of economic losses, fraud audits, asset searches, and tracing of funds.

690 Towne Center Blvd • Post Office Box 2848 • Ridgeland, MS 39158 • (601) 956-2374
145-B Main Street • Post Office Box 263 • Biloxi, MS 39533 • (228) 435-7903

Mississippi's Lawyers and Judges Assistance Program

Kate Margolis

Mississippi's Lawyers and Judges Assistance Program (LJAP) is one of the "oldest and most respected" assistance programs for lawyers in the United States, says LJAP Director Henry M. "Chip" Glaze, Jr., who succeeded long-time director Betty Daugherty when she retired in February.

As he recounts LJAP's history, Glaze is clearly in awe of what it took to reach this national status, with less funding and staff than programs in sister states:

In 1982, the Mississippi Bar established

an "impaired lawyers" committee under the leadership of such "elder statesmen" as Walter Epps, Virgil Gillespie, and other dedicated lawyers who recognized the need to assist colleagues who were dealing with alcohol and substance abuse. LJAP was an all-volunteer program until 1990, when a part-time staff position was funded; in 1994, LJAP began operating as a full time program, with Daugherty as the first full time director. In 1995, the mission of the program expanded to include assistance to lawyers suffering from depression and other mental health issues.

In 2006, LJAP tapped Glaze as coordinator of the Bar's Katrina Outreach Project,

funded by an Ohio Bar Foundation grant. Glaze lived and worked on the Coast four days a week, drawing on his background as a professional therapist prior to graduating from Mississippi College School of Law and practicing law solo for a few years. When the project concluded, Glaze stayed on with LJAP as assistant clinical director.

Glaze credits the past and current members of the standing LJAP Committee, currently led by Mike Holleman, as the superheroes of the program. These volunteer lawyers actively work to "de-stigmatize addictive disease" and mental health issues, regularly speaking at venues across the state and personally participating in investigation and intervention, he says.

"The program is about community, about not being isolated," Glaze says. "It's really about caring for this profession. We have a real sick profession."

The reasons for this are varied, but Glaze says people who become lawyers may be "more

NO GECKOS
NO CAVEMEN
NO TALKING BABIES

*... because real clients
speak for GilsbarPRO*

Scott Wolfe
Wolfe Law Group
GilsbarPRO Client Since 2005

Get a **PRONTO QUOTE** for
LAWYERS' PROFESSIONAL LIABILITY INSURANCE

Get a premium estimate during your first phone call.

Get a customized quote within 6 hours.

Get your CNA policy at your desk within 1 business day.

CNA is the largest underwriter of legal malpractice coverage in the U.S. GilsbarPRO is the exclusive administrator for the CNA Lawyers Professional Liability Program in the State of Mississippi.

Call the PROs.

thousands of attorneys already have.

800.906.9654 • gilsbarpro.com

Title Professionals E&O Insurance is also available through CNA and GilsbarPRO!

One or more of the CNA insurance companies provide the products and/or services described. The information is intended to present a general overview for illustrative purposes only. CNA is a registered trademark of CNA Financial Corporation. Copyright (c) 2011 CNA. All rights reserved.

bent toward this kind of disease,” particularly after law school, where students are taught to “weed out [and hide] any sign of weakness.” Glaze confirms that lawyers are often twice as likely to suffer from serious health issues such as depression, anxiety, mood disorders, and addiction to alcohol and drugs. According to Glaze, “seven out of ten discipline cases” that come before the Bar involve one or more of these issues.

Even though the Bar’s Office of General Counsel (OGC) does refer cases to LJAP, Glaze hopes to finally dispel the common misperception that LJAP refers callers or participants for discipline. He emphasizes that LJAP is independent of OGC and plays no role whatsoever in reporting lawyers for discipline. Glaze notes that one of the main sources of this misperception is the unfortunate placement of the rule creating LJAP under the Rules of Discipline.

The harm caused by this misperception was brought home during hearings conducted by the Commission to Address Concerns for Impaired Lawyers, a committee of lawyers from around the state (appointed by the Mississippi Supreme Court in 2005), who studied and evaluated “all things lawyers assistance” for three years. An attorney whose husband had committed suicide testified that neither she nor her husband called LJAP because he feared losing his license. One of the commission’s ten recommendations is the removal of LJAP from the disciplinary rules—a goal yet to be accomplished.

However, another of the commission’s recommendations—conditional admission to practice law—has been approved by the Mississippi Board of Bar Admissions. According to Glaze, conditional admission allows “otherwise qualified [bar] applicants who have demonstrated recent recovery” from past addiction and mental health issues to practice law in Mississippi by agreeing to a “contract” with LJAP.

A new LJAP participant typically enters a five year contract with LJAP, in which he or she commits to a recovery process. (By contrast, doctors in similar assistance programs typically enter contracts for seven to ten years, Glaze says.) The general path consists of an initial consultation and then referral to a treatment professional. “We don’t try to serve

as therapists or sponsors,” Glaze says. Rather, LJAP has “a network of people across the country” who fill that role. Thereafter, an LJAP volunteer monitors the participant’s progress and encourages the participant to maintain his or her process of recovery through once a week phone calls and in person meetings once a month. Glaze says LJAP seeks to offer what we all need as human beings—“community, support, feedback, accountability, [someone to] speak a kind word, [and] look out for each other”—as well as provide a solid foundation for “lifelong disease management.”

Participation in LJAP is “confidential” and “no cost.” The program gets “100-120 new cases per year: roughly half [of participants are] self-referral;” 30% are referred by an “employer, judge, family member, or concerned

colleague;” and 20% are referred by OGC.

“There’s not a bad reason to call LJAP,” Glaze says. “Concerned you’re strange or different, [or that] no one’s suffering in the way you’re suffering? That’s a perfectly good reason to call.” Glaze agrees that more “people are struggling” with the down economy and bleak job market, which are “exacerbating pre-existing issues.”

“If [LJAP has] some small part in helping recovery, you don’t even have to tell us,” Glaze says. “This is about someone’s recovery, not LJAP.” LJAP has a “strong committee” and dedicated volunteer lawyers—many of whom have gone through the program themselves and who are—“still out there doing this work. It can get okay. When you think there’s a problem, call.” ➡

Talented Attorneys Lead ProStaff Legal Team

Quentin Daniels & Gretchen Gentry have partnered with Jane Sanders Waugh of Professional Staffing Group to provide turn key contract services to any size firm.



Professional Staffing Group

601-981-1658 prostaffgroup.com
Fondren Corner Building
2906 North State Street, Ste. 330
Jackson, MS 39216

Whether a small research assignment or A-Z project management of complex litigation, the ProStaff Legal Team can provide experienced “On Call” Associates, paralegal teams, legal technology support, and more. Free consultative needs analysis to explore ways to cut costs, increase profits, and grow your practice in changing times.

Our expertise is understanding yours!

Contract Attorneys • Paralegals • Legal Secretaries • Administrators
Executive Search • Direct Hire • Temporary • Temp-to-Hire

"Can you
handle
the
truth?"

Call The Family.



6036 Highway 18
Jackson, MS 39209
(601) 922.5361
securitysupportservices.com

*World Class
Investigations
and Security
Equipment.*



19th Annual GOLF OUTING JUST FOR LAWYERS

Annandale Golf Club

Tuesday, May 17
Lunch: 12:00 Noon
Tee Time: 1:00 P.M.

Registration Form Inside!

February 2011 CABA Membership Meeting



"Pet Peeves—A Two Way Street" panel of judges & lawyers was held at the February CABA meeting. Participating were: Judge Winston Kidd; Kathy Nester; Scott Welch; Judge Denise Owens; Judge Daniel Jordan; and William Liston, III (not pictured Judge Patricia Wise).

STATE LAW LIBRARY OF MISSISSIPPI

HOURS

Monday - Friday
8:00 a.m. - 5:00 p.m.

Gartin Justice Building

450 High Street
Jackson, MS 39201
Telephone: 601-359-3672

HOLIDAY HOURS

January 1st. New Year's Day
Jan. (3rd Monday) Robert E. Lee & Dr. Martin Luther King Jr.'s birthdays
February (3rd Monday) George Washington's birthday
April (Last Monday) Confederate Memorial Day
May (Last Monday) National Memorial Day and Jefferson Davis' birthday
July 4th Independence Day
September (1st Monday) Labor Day
November 11th Armistice / Veteran's Day
November 24th Thanksgiving Day
December 25th Christmas Day*

*In addition to Christmas Day, any day(s) designated, at the Governor's discretion, for the observance of the Christmas Season are fixed by proclamation by the Governor.



Luke Dove

One of the finest examples of Federal style architecture in America is located a few miles south of Corinth in the virtually abandoned town of Jacinto, Mississippi. This graceful and stately building is popularly known as the Jacinto Courthouse. Until 1870 it served as the courthouse and seat of government of (Old) Tishomingo County.

Jacinto, Mississippi was incorporated in late 1836 by veterans of the Battle of San Jacinto. This famous battle in Texas stirred the imagination of settlers in the great county of Tishomingo. They mangled the Spanish pronunciation but remained true to their ideals of liberty.

Today we don't know much or think much about the Battle of San Jacinto in April, 1836. But we surely know the story of the siege of the Alamo Mission at San Antonio one month earlier in March, 1836. General Santa Anna and his army besieged and killed all of the mission defenders except two. Those who died at the Alamo included the frontier legends Jim Bowie and Davey Crockett.

The perceived justice of the cause for independence for the fledgling Republic of Texas coupled with sensational reports

of cruelty at the Alamo incited hundreds of Southern patriots and adventurers to join the ragtag army of General Sam Houston as he retreated across east Texas. Those who were able to remain sober during the daylight hours found themselves marching with General Houston over a wooden bridge which spanned the San Jacinto River. Most of Santa Anna's army had already crossed the same bridge and was patiently waiting for the Texans on the other side of the river.

Having perhaps more courage than judgment, the famous Texas scout "Deaf" Smith burned the bridge behind Sam Houston's army thus effectively reducing their tactical choices. Deaf thought that, having fought off a band of Comanche a few years earlier,

Shouting "Remember the Alamo," the Texans and their allies killed over 600 Mexicans and captured 700 more. Only nine Texans died.

1,500 Mexicans could hardly be a challenge.

Deaf turned out to be right because, as the fates of war would have it, the Mexican army was (literally) taking a siesta with their camp followers during the midday heat. By late afternoon Houston formed his men into battle lines and attacked.

The infantry charge lasted only eighteen minutes. But the slaughter continued for some time thereafter as Mexicans were shot while attempting to retreat across the San Jacinto River. Shouting "Remember the Alamo," the Texans and their allies killed over 600 Mexicans and captured 700 more. Only nine Texans died.

Santa Anna sought to facilitate his own escape by discarding his colorful gold-braided uniform. Unluckily, however, he continued his hasty retreat wearing silk underwear and was thus recognized and captured by a perceptive Texan who probably did not have any underwear. Sam Houston spared the life of Santa Anna and negotiated a treaty which led to the independence of the Republic of Texas.

And now, back to the tale about our Mississippi heritage.

Tishomingo County was organized in February, 1836 from a vast tract of land ceded by the Chickasaw Indians after their Chief Tishomingo made his mark on the Treaty of Pontotoc. The chief and hundreds of other displaced Native Americans later died along the "Trail of Tears."

The county seat of Jacinto was incorporated later in 1836 and named in honor of the famous battle in Texas. Within ten years, Jacinto became a flourishing town with stores, hotels, schools, churches, and of course, taverns. It served as the center of government and commerce for Tishomingo County which contained millions of acres of virgin forest.

The elegant Tishomingo County courthouse was commissioned in 1852. It was built from bricks fired on the site. Construction was completed in 1854 for a cost of less than \$8,000. Both the courthouse and the town

of Jacinto were busy places for several years. No doubt justice was swift and certain at the courthouse in Jacinto since hapless prisoners could reflect upon the stout limbs of the hanging tree from the window in the jail. But just a few years later, between 1856 and 1860, the railroads laid their tracks through Corinth and

bypassed Jacinto. This was both good and bad.

The bad part was that the town of Jacinto quickly withered as commerce and trade went through Corinth. The good part was that when General U. S. Grant disembarked from a steamer at Pittsburg Landing on the Tennessee River in April, 1862, he marched to the railroad junction in Corinth after a brief, but very bloody, detour at a place called Shiloh Church. Jacinto and its courthouse were spared.

In 1870 Tishomingo County was divided into three counties: Tishomingo, Alcorn, and

Prentiss. Corinth became the county seat of the newly established Alcorn County. The county seat of the much reduced Tishomingo County was organized at the town of Iuka, named for a son of Chief Tishomingo.

After 1870, the courthouse was gradually abandoned as the town of Jacinto diminished in size and importance. There were no longer terms of court, and the business of the county moved to Iuka. The building was used as a school for about thirty years. But the school was closed. For the next fifty years, it housed a small Methodist church. Then the church

disbanded. The congregation sold the building for salvage to a wrecking company for \$600. In 1964 a group of Mississippi citizens bought the building from the salvage company for \$2,000 and saved it from certain destruction.

Today the “Old Courthouse at Jacinto” has been refurbished and is listed in the National Register of Historic Places. It is open to visitors and is considered to be one of the most elegant and graceful Federal style buildings in the United States. ➡

The Mississippi Married Women’s Property Act of 1839

John Land McDavid

The Mississippi High Court of Errors and Appeals in 1837 emancipated married Chickasaw Indian women. In 1839 the Mississippi legislature emancipated married white women. Mississippi’s black slaves had to wait until 1865 for emancipation. The word “emancipation” when applied to married women’s property rights refers to the removal of the doctrine of coverture under the common law of England and the United States. Coverture involved a number of rules having to do with the rights, or lack thereof, of married women with respect to their property and the right to own property while married. Under coverture married women had no rights in property which they owned at the time of their marriage. The wife’s property, for all practical purposes, belonged to the husband, who could sell the property without regard to concerns of the wife.

The concept behind coverture was that when a man and a woman married they became “one person” with the husband being “the person.” While coverture might today seem primitive at best, it was the law of the land in England and the United States (except in Louisiana where the civil law applied, which was less restrictive toward married women). It was of some significance when, in 1839,

Mississippi adopted the Mississippi Women’s Property Act and removed, to some extent, the limitation of coverture. In 1839 no state had ever removed or restricted coverture. Mississippi is universally credited with being the first state to “emancipate” married women. What is interesting is the disagreement among historians of why, in 1839, Mississippi happened to be the first.

LeAnne Howe, in *Mississippi History Now* contends that Betsy Love, a Chickasaw woman, was responsible. Elizabeth “Betsy” Love was born sometime in the late 1780s in a section of the Chickasaw Nation in what is now the State of Mississippi. She was a daughter of Thomas Love and Sally Colbert. Both the Love and Colbert families were bi-cultural (Chickasaw and European) and owned slaves. Betsy married James Allen in the 1790s. They resided in the Chickasaw territory and were married and lived according to Chickasaw custom and tradition. Betsy Love Allen owned slaves, including a slave named Toney. In the 1830s a creditor of Betsy’s husband, James Allen, filed an attachment for Toney to satisfy the debt. In 1837, the Mississippi High Court of Errors and Appeals held in *Fisher v. Allen* that a creditor of the husband of Betsy Love Allen could not attach Toney under the law of coverture because Betsy Love Allen was a Chickasaw Indian married in a Chickasaw ceremony, while living in the

Chickasaw Nation. Also, she and her family lived according to the Chickasaw laws and customs, under which married women had the right to own and control property without any right or control by the husband. Chickasaw law applied. Howe suggests that in 1839 the Mississippi legislature passed the Mississippi Women’s Property Act because the legislature was embarrassed that Chickasaw married women had rights which white married women did not have.

Howe took particular issue with a Michigan Law Journal article written in 1944 by Elizabeth Gaspar Brown, which argued the most influential person for the passage of the 1939 Act was Piety Smith Hadley, who along with her husband, Thomas B. J. Hadley, owned a boarding house near the Capitol (in the block bounded by North State, North, and George Streets) where many legislators boarded while the legislature was in session. Thomas Hadley was a state senator. Brown states Mrs. Hadley used the opportunity as a boarding house matron to influence the legislature. Brown writes about the *Fisher v. Allen* decision and indicates it might have had some bearing on the 1839 Act.

In 1985, Sandra Moncrief, then a graduate student in history at the University of Southern Mississippi, wrote an article for the *Journal of Mississippi History* which comprehensively discusses both Betsy Love Allen and Piety

Smith Hadley as they relate to the Act of 1839. Moncrief does not take sides but credits the 1839 Act to “two strong-willed women.”

Which woman was more influential in the passage of the 1839 Act may be argued, but there can be little doubt the one person most responsible for the passage of the 1839 Act after it was introduced in the legislature was Senator Gordon Boyd, a senator from Attala County. Information about Senator Boyd was developed incidental to research by CABA members Linda Thompson Robertson and Jimmy Robertson about the Oaks House Museum (823 North Jefferson Street, Jackson, Mississippi) formerly known as the Boyd House, built by James Boyd, brother of Gordon Boyd. Gordon Boyd came to Mississippi in 1823 from Kentucky looking for opportunity in the new State. He first settled in the Woodville area, but later moved to northeast Mississippi as the government agent to collect the proceeds from the sale of Indian lands. In an article by Jimmy Robertson, Boyd was described as a “rascal,” in part because of his mishandling of a substantial sum of money belonging to the federal government. In any event, in 1839 Gordon Boyd was an attorney and a state senator from Attala County.

The bill, which became the 1839 Act, was introduced by the previously mentioned Senator Thomas B. J. Hadley, husband of Piety Smith Hadley, on January 21, 1839. There was considerable opposition to the bill. Moncrief in her article gives considerable detail about the opposition, including verbatim quotes. One opponent, Senator Tucker, said “female delicacy forbids

their participation in the turmoil and strife of business.” Jimmy Robertson’s research includes a speech given by Gordon Boyd in support of the bill, which was published in the February 16, 1839 issue of the Jackson, Mississippi Tri-Weekly Mississippi. The speech is impressive because of Boyd’s broad knowledge including the rights of women under the Koran, the civil law, and the common law. His remarks were apparently extemporaneous as he responds to statements which had been previously made in floor debate by two senators in opposition. Boyd said English laws (which included coverture) were “the relics of barbarians and the ancient feudal system and with respect to the rights of women are not constant with the spirit and genius of our free institution and our republican government.” He used ridicule saying:

Mr. President, the determined opposition manifested by two of the senators who stand high in the legal profession, I am not inclined to attribute so much to their want of gallantry or any unkindness towards the sex, as I am to their tenacious adherence to old established laws with which they have become familiar. Lawyers, taken as a body of men, are usually the most hostile to anything like innovations, or changes from that which from their early reading they have learned to be law, and which they usually regard as good law, merely because they have become familiar and well acquainted with it, and have found a source of profit and the means of giving distinction to themselves. Precedent is the lawyer’s

tyrant, and one who views any subject or proposed change in the laws merely as a lawyer, will always pronounce it bad, unless he can find something of the kind in the musty old volumes which he has been plodding over.

After commenting on the Declaration of Independence and the U. S. Constitution, Boyd also said:

As our laws now stand, Mr. President, females have achieved nothing by our independence—they are now no more free in this country than they are in Great Britain, and not half as much so as they are in France, Spain, Italy, and those countries where the civil law prevails. Yes, sir, it is a remarkable fact; that females enjoy more of liberty, and their rights are more extended and better guaranteed in France, Spain, Italy, and the half of Europe, than they are in any of these United States, except the state of Louisiana.

On February 11, 1839, the bill passed the Senate 18-11. On February 15, it passed the House with opposition. The next day the 1839 Act was signed by Governor Alexander McNutt.

While Betsy Love Allen and Piety Smith Hadley contributed to bringing the bill to the floor of the senate, it is apparent the “rascal” Gordon Boyd was directly responsible for its passage so that Mississippi became the first state to remove the restrictions of coverture. 📌

1. *Fisher v. Allen*, 3 Miss. 611, 2 Howard 611 (Miss. High Court of Errors and Appeals, 1837).

The opinion in *Fisher v. Allen* was written by Chief Justice William L. Sharkey. He served on the court for eighteen years. In 1851 he was offered the post of Secretary of War by U. S. President Millard Fillmore, but declined the appointment. Sharkey served as the U. S. Consul to Havana from 1851 to 1853 and afterwards compiled the *Mississippi Code of 1857*. He opposed secession and remained a Unionist throughout the Civil War, refusing to do business with the Confederate government. It is said Sharkey lived peacefully with his Confederate neighbors because of their high regard for his stature as a jurist. He served on a two-man committee to negotiate with U. S. President Andrew Johnson concerning the readmission of Mississippi into the Union. President Johnson appointed him Provisional Governor of Mis-

issippi pending an election. Sharkey was elected to the U. S. Senate, but was not seated because Mississippi had not ratified the 13th Amendment. He, thereafter, practiced law in Jackson until his death on March 30, 1873 at age 83. Sharkey’s obituary appeared in The New York Times. He is buried in Greenwood Cemetery, Jackson, Mississippi. Sharkey County is named for him.

2. Mississippi Married Women’s Property Act of 1839, Miss. Laws, 1839, c. 46, p. 72.
3. Howe, LeAnne, *Betsy Love and the Mississippi Married Women’s Property Act of 1839*, Sept. 2005, *Mississippi History Now*. <http://mshistory.k12.ms.us/articles/6/betsy-love-and-the-mississippi-married-womens-property-act-of-1839>.
4. Brown, Elizabeth Gaspar, *Husband and Wife: Memorandum on Mississippi Women’s Law of 1839*, 42 Michigan Law Review 1113 (1944).

5. Moncrief, Sandra, The Mississippi Married Women’s Property Act of 1839, 47 Journal of Mississippi History 110-125 (No. 2, 1985),

6. The continued interest in Mississippi’s pioneering effort in married women’s emancipation is indicated by a masters thesis by Amanda Sims entitled *Patriarchy and Property: The Nineteenth-Century Mississippi Married Women’s Property Acts* submitted in 2007 to Brigham Young University. <http://contentdm.lib.byu.edu/ETD/image/etd2004.pdf>.

7. The Act of 1839 was not a complete emancipation of married women’s right to own property. Thereafter, the Mississippi legislature in 1846, 1857, 1871, and 1880 made further changes until all of the restrictions of coverture were removed, culminating in what is now Miss. Code Ann. §93-3-1. A provision abolishing coverture was included in the Mississippi Constitution of 1890 as Article 4, Section 94.

A Law Firm's Sabbatical Program and the Sabbatical Peregrinations of One Attorney

by John Henegan

My law firm's sabbatical program was initiated under the leadership of Phineas Stevens in the late 1970s, but only after some initial resistance from some of the members to the notion that a law firm would be able to support such a program. The program has now been in place for more than thirty years. In its current form, an equity member may take a sabbatical after fifteen years of service (of which, up to seven years may come from prior service in the practice of law as an associate or at another firm). The sabbatical is for three full months.

Members are strongly encouraged to take the sabbatical during their first year of eligibility, but the firm recognizes this is not always possible. Members who have not reached the age of sixty-one may take a second sabbatical after another eight years with the firm. There is no requirement that an attorney do anything while on sabbatical. Some have taught, some have worked on building boats or cabins, some have taken classes, and some have traveled throughout the United States or abroad.

In the latter part of 2010, I spent the first five weeks of my second sabbatical traveling by ferry with Jim, my 27-year-old son, through the Grecian islands of Samothraki, Lesbos, Samos, Patmos, Rhodos, Thera, and Crete—with side trips to Philippi and Ephesus along the way—and the last three days in Athens. It is difficult to go where we traveled and not run into Homer, Sappho, Socrates, Alexander the Great, Paul the Apostle, the Turks and the Ottoman Empire, not once but again and again and in places where you weren't even looking for or expecting to find them. One example: In the foyer of a high school in Lesbos, busts of Alexander the Great adorn the walls at eye level, and verses of *The Iliad* are inscribed over

the main doorway into the classrooms. They are impossible to miss or ignore as one enters.

After returning home for a couple of weeks, I then traveled by car to southwest Texas, northeast New Mexico, and southwest and north central Colorado. I drove to different places where I would likely not go on a one or even two week vacation because of their out of the way location. Before finally returning home, I had an extended stay with family in Fort Collins, Colorado, at the base of the Eastern slope of the Rocky Mountains.

The bulk of my time on sabbatical was spent enjoying being with Jim, who had been living and working in central California for much of the past three years, and relaxing on the beaches of the Thracian, Aegean, and Cretan Seas or hiking worn trails to ancient marble ruins. I ate Greek and Mexican food and wine and learned about classical and modern Greece; the Trans Pecos of southwest Texas, New Spain, and New Mexico; the Pueblo Indians; and Navajo jewelry. I also read some things that I should have read while in college; but never did, and I began writing something for Morella, my wife, and our two sons about my mother whom they never met. I have made a good start on it, but it remains unfinished, a work in progress.

This was my last sabbatical. My first was in 2002, after having been delayed for two years for health reasons. The first was similar to the second. I traveled in Europe. Clark, my other son who was then 22-years-old, went with me for six weeks. We played links golf; attended the theatre; explored museums and churches; took walking tours conducted by professors and actors; punted along the Cam; visited pubs, distilleries, and wineries; went to see American movies in Parisian movie houses; read books—not travel guides—about the cities we were in; and ate some wonderful Chinese, Indian, French, and Italian meals.

My professional colleagues outside the firm are often curious about how our firm's program works in practice and what we do with our time while out. That type of curiosity was in part the genesis for this short piece. They are often skeptical about whether it will work at their own firm just as some of our members here were when it was first proposed. The intent of our sabbatical program is to give our members the opportunity to refresh and recharge their mental and spiritual batteries and not become burned out. Thus far, it seems to have worked. As far as I can recall, every member has returned to the firm after being away for three months with a renewed, reinvigorated interest in their work. That prospect is worth, in my judgment, at least a conversation and possibly more within other firms as well. ➔

i. John Henegan is a member of Butler, Snow, O'Mara, Stevens & Cannada PLLC in Ridgeland.

CABA OFFICERS ELECTED

Congratulations to our newly elected officers and directors for the CABA 2011-2012 year.

Sec-Treasurer:
Collin Wohner

Director, Post 1:
Scott Jones

Director, Post 2:
Rob Mink

CABA EVENTS



CABA Participates in the Martin Luther King Day Parade



MISSISSIPPI COLLEGE LAW LIBRARY HOURS

JANUARY 12, 2011 – MAY 13, 2011

Monday – Thursday 7:30 a.m. – midnight
 Friday 7:30 a.m. – 9:00 p.m.
 Saturday 9:00 a.m. – 9:00 p.m.
 Sunday noon – midnight

EASTER

Friday, April 22nd 9:00 a.m. – 5:00 p.m.
 Saturday, April 23rd 9:00 a.m. – 9:00 p.m.
 Sunday, April 24th CLOSED

EXAM SCHEDULE (APRIL 30 – MAY 13)

Monday – Friday 7:30 a.m. – midnight
 Saturday 9:00 a.m. – midnight
 Sunday noon – midnight
 Thursday, May 12th – Friday, May 13th 7:30 a.m. – 5:00 p.m.
 Saturday, May 14th – Sunday, May 15th CLOSED

Summer Hours will begin May 16th.

Hours are subject to change without notice.



OFFICERS

Roy D. Campbell III President	Laura McKinley Glaze Vice President & President-Elect
David F. Maron Secretary - Treasurer	Thomas B. Alexander Past President

DIRECTORS

Peyton D. Prospere - Post 1	Mary Clay Morgan
Cheryn N. Baker - Post 2	President, Jackson Young Lawyers
Jennifer G. Hall - Post 3	Melissa A. Rose
John C. Hall - Post 4	President-Elect, Jackson Young Lawyers

EXECUTIVE DIRECTOR

Patricia H. Evans

NEWSLETTER EDITORIAL BOARD

A. Kate Margolis - Editor

H. Lee Hetherington	James L. Robertson
Joel W. Howell, III	Linda A. Thompson
Luke M. Dove	Carol C. West

Leslie Dixon - Newsletter Coordinator

Correspondence regarding the newsletter should be directed to: CABA Newsletter Editor, 151 E. Griffith Street, Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 601. 969. 6097. The web site address is www.caba.ms

Newsletter and web site design by Crema Design Studio, Ridgeland, MS



151 E. Griffith Street • Jackson, MS 39201

FIRST CLASS

PRE-SORTED
 FIRST CLASS MAIL
 U.S. POSTAGE PAID
 JACKSON, MS
 PERMIT NO. 1005