



President's Column by David Maron



Happy New Year! Now is the time folks make resolutions to start or stop doing one thing or another. I hope yours are going well. The New Year is also a time to review the past year and plan for the new one. And whether or not you make any resolutions, the New Year is also a good time to reflect on what's important.

"Reflect upon your present blessings — of which every man has many — not on your past misfortunes, of which all men have some."

Charles Dickens

Reflecting on 2012, there were many successful CABA events. We celebrated CABA's 80th year at the annual Christmas party; we honored the past presidents of this association; we recognized CABA members who served in our nation's armed forces; we raised funds for the Mississippi Volunteer Lawyers Project in our fall tennis tournament; and we published several newsletters with articles addressing substantive issues. Recently, CABA also supported our federal judiciary ([read our letter](#)) in its plans for the restructuring of the divisions within the Southern District of Mississippi. None of these efforts would have been possible

without hours of dedicated planning by CABA committees, the generosity of CABA sponsors, and, above all, the enthusiastic participation of CABA members. Congratulations and thanks to all.

Looking ahead 2013

CABA has several events planned over the next several months. So mark your calendars. As of the writing of this column:

- **January 29 CLE**—organized by CABA bench and bar relations committee co-chairs Judge Carlton Reeves and Cliff Johnson;
 - **March 1** diversity program entitled *Diversity Through Building Better, Stronger and Lifetime Relationships*—organized by diversity committee co-chairs Charles Griffin and Ashley Wicks;
 - **March 25** CABA Golf Tournament benefiting the MVLP—organized by golf committee co-chairs Kevin and Mary Margaret Gay; and
 - **May 16** annual Evening Honoring the Judiciary Banquet—organized by committee chair Gretchen Kimble.
- Stay tuned for information on the CABA Spring Social and for other service and pro-bono opportunities for CABA members to be involved.

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Upcoming Events

March 1

Diversity Program Entitled: Diversity Through Building Better, Stronger and Lifetime Relationships

March 25

CABA Golf Tournament (proceeds benefiting the Mississippi Volunteer Lawyers Project)

The views expressed in the articles published are solely those of the authors and do not represent the views of CABA, its officers, directors, or staff.



\$15 Lunch
for members

***\$40 Lunch & CLE**
for Non-Members

CABA Luncheon & CLE

January 29, 2013 • 11:30 LUNCH • 12:00 CLE

Capital Club: 19th Floor of Capital Towers Building

Turning the Tables featuring a panel of 6 distinguished judges

United States District Judge Reeves, United States Magistrate Judge Ball, Circuit Judge Green, Circuit Judge Weill, Chancery Judge Owens, & Circuit Judge Emfinger

Resolutions for the New Year

The CABA board is resolved to ensure that we listen to our membership and continue to be a resource for each member. How? By engaging in current legal issues and publishing related articles; supporting our state and federal judiciary; providing free CLE to members at bi-monthly meetings; continuing support of pro bono service opportunities; addressing diversity and related issues that affect law practice; and finally, by promoting civility and professionalism within the practice. And if you have ideas about how CABA can

“Always bear in mind that your own resolution to succeed is more important than any other.” Abraham Lincoln

improve, please let us know.

One resolution that all lawyers can share is the continued support of the rule of law and access to justice for all — giving an equal voice to all litigants, supporting pro bono legal services, and, above all, by supporting our judges. Perhaps more than any other public office, our judiciary is vital to ensuring that the rule of law — and that “government of the people, by the people, and for the people” — continues to function. The Founders established our system of government with three independent branches, each to serve as a check against the others. An independent judiciary is vital to preserve the freedoms we enjoy.

Another resolution lawyers could make, or hopefully renew, is to promote civility and professionalism within the practice of law.

Maintaining civility has always had its challenges. New challenges emerge as the practice changes. And there have been changes — some enthusiastically welcomed, some necessary, and some others that will be judged in time. Not everything has changed. Fortunately, Gregory Peck and Spencer Tracy, who played iconic lawyers on the silver screen, would still recognize today’s trial. They’d just see fewer of them. But technology has certainly generated many changes, most of them overwhelmingly for the better, such as greater accessibility and more resources for all litigants not just those with access to extensive libraries.

As useful as technology may be, however,

it has made incivility an even greater temptation — case in point, the hot-tempered email and its vitriolic response. This has been studied. As noted in the January 2013 ABA JOURNAL article *You’re Out of Order!*, “by far, technology is cited most often as the foundation for boorish behavior.” The article continues: “a close second and third place behind technology are just-licensed lawyers who perhaps watch too many rouge lawyers on TV and in movies. The labor market has forced many to hang their own shingles without the mentoring they’d have through a traditional employer.”

As a self-governing profession, vigilance

in guarding our own conduct is essential, as is mentoring fellow lawyers — especially these newer members of the bar. <http://www.caba.ms/articles/features/good-lawyer-golden-rule.html> The lack of a mentoring relationship does not excuse, but certainly may underlie, many lapses in professional judgment. Professor Jackson succinctly captured this in the foreword to his ethics treatise “in law practice, I had a mentor...”

Whether formal or informal, even if unintended, mentoring happens. The example we set can make the difference. The Mississippi Bar’s *Lawyers’ Creed* <http://www.msbar.org/ethics-discipline/professionalism/lawyers-creed.aspx> is both an excellent model and a helpful reminder. Ultimately, to preserve a culture of professionalism in an honorable profession, each of us should resolve to be

vigilant examples and defenders of it. It’s our profession after all; and it’s our responsibility.

“Always bear in mind that your own resolution to succeed is more important than any other.” Abraham Lincoln

As time passes, whether at the New Year or not, we are all reminded to take stock of the really important things. There will always be an array of good, fun, or useful things vying for our time, but not all are necessary. And none of them can have its proper context until, as the saying goes, “we put first things first.” That’s as true in personal and family life as it is in law practice. How and on what did we spend our time?

Sometimes reflection is forced on us. Just when we get settled into a comfortable routine, life can have a way of refocusing us. Many of us have experienced one of life’s reminders over the past year by the loss or illnesses of family, friends and loved ones. Life is not only finite, it is fragile and it is precious. You don’t have to read *The Diving Bell and the Butterfly* or *Tuesdays with Morrie* to appreciate it (but I recommend them if you haven’t).

Eighteenth-century theologian, Jonathan Edwards wrote a number of resolutions in the early 1700s. One of them reads: *Resolved that I should live so as I shall wish I had done when I come to die.* I recently watched a Lexus car commercial: *Someday your life will flash before your eyes. Be sure it’s worth watching.* A life worth watching probably has very little to do with driving a beautifully engineered luxury car, but I think Jonathan Edwards and the Lexus marketing department are onto something. They make us ask the right questions. ➔

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HISTORY YIELDS TO ECONOMY

as the Federal Courthouse in Meridian is Set to Close

By Michael Bentley



Erected in 1933 and placed on the National Register of Historic Places in 1984, the United States courthouse in Meridian, Mississippi will soon be permanently closed.

The building, which also houses Meridian's main Post Office, will remain open, but the courtroom and court facilities, which occupy the upper floors, will be abandoned. And a chapter in Mississippi and American history will be closed.

In September 2012, the Judicial Conference of the United States announced that it would close the Meridian courthouse, along with five others in the Southeast, as a cost-saving measure. (The Meridian courthouse space is leased by the federal judiciary from the General Services Administration, the federal agency responsible for government property; the annual rent is about \$115,000.) The judiciary's most immediate concern was the "fiscal cliff" and the threat of sequestration, which would have cut its budget by \$500 million. But cost-saving measures, such as the relinquishment of

The courts must do what they can, wrote the Chief Justice, to help right a national fiscal ledger that has "gone awry."

underused courthouse space, are necessary even in the long term, according to Chief Justice John G. Roberts's annual report on behalf of the federal judiciary. The courts must do what they can, wrote the Chief Justice, to help right a national fiscal ledger that has "gone awry." The country avoided the cliff, but the Meridian courthouse could not.

When the doors of Meridian's federal courthouse are finally closed, on a date that has not been set, the functional impact on court operations in the Southern District of



Courthouse 1933—National Archives

Mississippi should be minimal. A proposal has been made to realign the divisions of the Southern District, eliminating the Eastern Division and dividing its counties into new divisions that are tied to the courthouses situated in Jackson and Hattiesburg. No federal district judge or magistrate judge is stationed in Meridian. There are no court staff members there either, the last ones having left when the clerk's office closed its Meridian location in the 1990s. (Currently, the clerk's office maintains a physical presence in Jackson, Hattiesburg, and Gulfport.) Today, most filings are made online. The courtroom and adjacent offices sit vacant unless a judge is visiting from Jackson to conduct court business. Federal trials in Meridian are rare.

United States District Judge Daniel P. Jordan, III has presided over five or six trials in Meridian. He called me to discuss the closure from the Meridian courthouse, where he was in the first week of a five-week criminal trial against debris-removal contractors who allegedly defrauded FEMA after Hurricane Katrina. Judge Jordan said that he will miss conducting trials in Meridian. "The courtroom is an impressive setting," he said, "and the courthouse has served the people of the Eastern Division well for many years." While he



Interior Image of Courthouse—District Judge Daniel P. Jordan, III

appreciates the architecture and traditional style of the courtroom, Judge Jordan admits that it is a "functionally difficult courtroom" for modern trials; the acoustics are not ideal and the courtroom was not designed with today's computer technology in mind. Still, he enjoys Meridian cases, which can be conducted without the interruptions and distractions that attend work at his Jackson chambers.

Senior District Judge Tom S. Lee has presided over dozens of cases in Meridian since his appointment to the bench in 1984, including a number of high-profile public corruption cases. He recalls trying an average of six or eight trials per year in Meridian in the 1980s and 1990s, though the number of trials has dwindled significantly in recent years, as it has in all federal courts. The last case that Judge Lee tried in Meridian may turn out to be one of his most significant in terms of its impact on Mississippi law. In *Learmonth v. Sears, Roebuck & Co.*, 2009 WL 2252878 (S.D. Miss. July 28, 2009), a federal jury awarded the plaintiff \$4,000,000 for injuries stemming from an automobile accident. Judge Lee enforced Mississippi's statutory caps on noneconomic damages, rejecting the plaintiff's challenge to the constitutionality of those caps, and remitted the damages by more than \$1,000,000. In an appeal that has been closely watched in legal and business circles, the Fifth Circuit certified the constitutional question to the Mississippi Supreme Court, but the Justices

declined to answer on procedural grounds. The Fifth Circuit will now decide whether the caps violate Mississippi's Constitution.

For Meridian practitioners, the symbolic impact of the closure is significant. Attorney Bill Hammack, who has practiced in Meridian for 30 years, is disappointed that the federal court will no longer have a physical presence in his community. Hammack understands the economic reasons for the courthouse closure, noting that the courthouse is infrequently used, but regrets that federal court matters—matters that are often important to the local community and its citizens—will no longer be heard in Meridian.

For many Mississippians, particularly those who lived through the civil rights era and the grim decade of the 1960s, Meridian's federal courthouse is a symbol that some justice could be done here. This reputation is traced primarily to two suits that challenged Mississippi's system of segregation—a system so pervasive and notorious that the Fifth Circuit took judicial notice of it in the case of *Meredith v. Fair*, 298 F.2d 696 (5th Cir. 1962)—and the brutal and murderous tactics that were employed by some to preserve that system. But local attorney William E. Ready, Sr. says the historic significance of the courthouse is broader than just those two suits.

For Ready and some other attorneys in the civil rights era, Meridian's federal courthouse was a refuge from the biases that

Bordeaux is sad to see the courthouse close, not only because she believes that the courtroom could still be used today, but because of the civil rights history that it represents.

prevailed in state courts, a place where they and their clients could receive a fair hearing. Ready, a civil rights attorney and, as the *New York Times* recently called him, a “dedicated contrarian,” recalls that, because he represented black clients and organizations promoting civil rights and racial equality, he couldn't get a fair shake in state court in the 1950s and 1960s. The judges and jurors, who were all white in those days, were predisposed to rule against him on account of his civil rights work. In federal court, though, the judges, particularly those at the Fifth Circuit Court of Appeals, were more evenhanded.

As for the two significant cases, the first,



FBI Broadside—Mississippi
Department of Archives & History

already noted above, was James Meredith's suit to integrate the University of Mississippi, filed in the Meridian federal courthouse on May 31, 1961. The initial hearing on Meredith's request for an injunction requiring Ole Miss to enroll him for the summer term, presided over by District Judge Sidney J. Mize, was conducted in Meridian. Most of the later hearings were held in Jackson, as was the trial. The rest is well-documented history: Meredith prevailed when, after two appeals, the Fifth Circuit reversed Judge Mize and ordered Ole Miss to enroll Meredith as its first black student. (In an unprecedented maneuver to delay the integration, Fifth Circuit Judge Ben Cameron, a Meridian native, issued four stays of the Fifth Circuit's order, each of which was set aside by Judge John Minor Wisdom, who had written the opinion in Meredith's favor.

Supreme Court Justice Hugo Black ultimately set aside Judge Cameron's stays, finally clearing the way for Meredith's entry into Ole Miss.)

Coincidentally, only a few weeks after the Judicial Conference announced the closure of the Meridian courthouse, Ole Miss celebrated the 50th anniversary of Meredith's integration of the University. The United States's first black attorney general, Eric Holder, gave the keynote address.

The second Meridian suit was the U.S. Justice Department's prosecution of eighteen Mississippians, many of whom were members of the Ku Klux Klan, for violating or conspiring to violate the civil rights of James Chaney,

Michael Schwerner, and Andrew Goodman, who were murdered in neighboring Neshoba County. Despite the evidence against the defendants, the State of Mississippi refused to prosecute them. The federal government stepped in, and the case was tried in October 1967 by Assistant Attorney General John Doar and U.S. Attorney Robert E. Hauberg, Sr. District Judge William Harold Cox, a college roommate of Senator James Eastland and reputed supporter of segregation, presided over the trial in a no-nonsense manner, surprising some in his refusal to tolerate appeals to white prejudice that were common in state courts. An all-white jury convicted seven of the defendants for violating the victims' civil rights, a first in Mississippi history.

Norma Bordeaux, who lived in Meridian at the time, served on the federal grand jury that indicted the Klansmen and attended every day of the trial. Bordeaux recalls that the courtroom was full, mostly with the defendants' family members and supporters. But outside of the courtroom, most people in Meridian were “just not very interested in the case and didn't pay much attention to it.” She recalls that the local newspaper, *The Meridian Star*, devoted no special coverage to the trial despite its newsworthy and sensational nature. Bordeaux is sad to see the courthouse close, not only because she believes that the courtroom could still be used today, but because of the civil rights history that it represents.

I grew up in Meridian. My grandfather, Lawrence Rabb, who practiced law there for 50 years, was one of the few white attorneys in Meridian who represented black clients in the 1950s and 1960s. Both of my grandparents were targeted by the Klan for their civil rights activism. In their Meridian home, there is a room dedicated to the display of family photographs; the photos line the walls, from shoulder level to the ceiling. There, among dozens of family photos, hangs a copy of the FBI poster picturing Chaney, Schwerner, and Goodman, and seeking information about their disappearance, evidence that some, at least, were paying attention.

The federal courthouse in Meridian will close, its useful life having run its course, but the deeds that were done there will endure. ➡

Realignment of Divisions within the SOUTHERN DISTRICT OF MISSISSIPPI



REALIGNED DIVISIONS



EXISTING DIVISIONS

The Fifth Circuit Judicial Council, Judicial Conference of the U.S. Courts, has determined that Meridian Courthouse will be closed. As a result of that closure, the U.S. District Court for Southern District of Mississippi has prepared a proposed plan of realignment reflected in the color-coded maps to the left. CABA's Board of Directors and Bench and Bar Committee have offered support for the District Court's plan. That plan has now been submitted to the Fifth Circuit Judicial Counsel for review, which is the next step in a process for legislation that, if approved by the Judicial Conference of the U.S. Courts, will ultimately be submitted to Congress.

Letter of Support for District Realignment



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December 7, 2012

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Honorable Louis Guirola, Jr.
Chief Judge, United States District Court
Southern District of Mississippi
2012 15th Street, Suite 814
Gulfport, Mississippi 39501-2036

Re: Southern District of Mississippi, Proposed Division Realignment

Dear Chief Judge Guirola:

Thank you for providing the opportunity for the Capital Area Bar Association to offer input and support for the proposed realignment of the current divisions of the Southern District of Mississippi.

Your presentation explaining the history and process for the Southern District's realignment proposal was very informative. The color-coded maps of the federal courthouse in Meridian, the purpose of this letter is to inform you and those interested in this process that we, the Officers, Board of Directors and Bench and Bar Committee of the Capital Area Bar Association, fully support the judges within the Southern District of Mississippi and the plan which you have proposed.

Thank you again for the opportunity to offer our input and support. We sincerely appreciate your work and leadership as chief judge. If there is anything further we can provide to assist you and the other judges in the Southern District, please let us know.

Sincerely,

David F. Maron
President, Capital Area Bar Association

cc: J. T. Noblin, Clerk, US District Court, Southern District of Mississippi
Board of Directors, Capital Area Bar Association
Bench and Bar Committee, Capital Area Bar Association



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CELEBRATION



CABA Past Presidents with Executive Director Patricia Evans and President David Maron





ANNIVERSARY

CELEBRATION



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Useful Apps for your New iPad



Get an iPad or an iPad mini for Christmas? Thanks to a variety of sources from Networkworld, here's some of the best available applications for your new toy.

Many magazines are worth trying; most include digital subscriptions with print subscriptions. **National Geographic** only costs twenty dollars (or less) per year. The

digital version offers several features that the print version does not, such as interactive graphics, audio, video, and the latest online news.

iWork contains creation devices such as Pages, Keynote, and Numbers, which allow you to create content compatible with Microsoft Office (which, incidentally, is said to be coming for iPad use). These can be downloaded as a suite or separately for ten dollars each.

Instapaper is an app that allows you to save a Web page in a highly legible format for both multiple device and offline access, important if you do not have cellular data capability. Instapaper is more manageable and user friendly than Reading List and only costs four dollars.

Dropbox, an application I've mentioned more than once for PC's, is a free service for saving your photos, documents, and videos in the cloud. You can get up to 18GB of storage if you refer the required number of people to the app. If that isn't enough space, you can upgrade to higher storage levels for a subscription. Dropbox is accessible on multiple platforms and is the best data center for online use.

Flipboard allows you to create a personalized magazine filled with content from social network newsfeeds, Web sites, and other media sources. Flipbook is tantamount to the Facebook app, but many choose it instead due to its greater content hub and aesthetically pleasing nature.

IMDb is a free internet movie database, which allows you to access movie reviews, actors, and viewer feedback. The days of aimlessly roaming the aisles at Blockbuster are all but extinct.

TiVo Premier, HBO Go, Netflix, and Hulu all have iPad apps that let you use your favorite home viewing devices anywhere on the go. You can now watch your favorite shows and movies from anywhere in the world, instead of being limited to your sofa at home.

Facebook for the iPad and other mobile devices is not as user

friendly as it should be. Even though you can access and use most everything on Facebook via mobile devices, Facebook on the go remains the most inept option available.

Tweetbot is a must have for Twitter enthusiasts because of its multiple timeline feature and the ability to switch quickly between lists. Yours for three dollars.

AIM allows you to create short messages and responses via the

MISSISSIPPI COLLEGE LAW LIBRARY HOURS

JANUARY 2, 2013 – MAY 12, 2013

Monday – Thursday	7:00 am – midnight
Friday	7:00 am – 9:00 pm
Saturday	9:00 am – 9:00 pm
Sunday	noon – midnight

EXCEPTIONS

WINTER INTERSESSION

Wednesday, January 2nd – Friday, January 4th	7:00 am – 5:00 pm
Saturday, January 5th – Sunday, January 6th	CLOSED
Monday, January 7th – Tuesday, January 8th	7:00 am – 5:00 pm

MARTIN LUTHER KING, JR. DAY

Monday, January 21st	9:00 am – 5:00 pm
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SPRING BREAK

Friday, March 8th	7:00 am – 5:00 pm
Saturday, March 9th – Sunday, March 10th	CLOSED
Monday, March 11th – Thursday, March 14th	7:00 am – 5:00 pm
Friday, March 15th	9:00 am – 5:00 pm
Saturday, March 16th – Sunday, March 17th	CLOSED

EASTER

Friday, March 29th	9:00 am – 5:00 pm
Saturday, March 30th	9:00 am – 5:00 pm
Sunday, March 31st	CLOSED

Summer hours will begin May 13th.
Hours are subject to change without notice.

touch keyboard. It makes conversations easy to manage, and allows you to chat directly with Facebook and Google Talk friends. Most importantly, you can now send instant messages to phones via wi fi connected iPads; these appear as regular text messages.

GarageBand turns your iPad into a music studio. For five dollars, you can strum chords on an electric guitar, play an electric drum, bass, or piano. You can also create and share

songs with friends.

With **iMovie**, you can create movies for five dollars. You can add videos, photos, and music from your iPad library to create your very own personalized movies and trailers.

GoodReader is like a PDF reader, with the very helpful abilities to highlight text, take notes, and record freehand drawings.

Angry Birds Star Wars is a new face on an old app. All of your favorite characters

from the saga are depicted for play in their respective bird versions, allowing The Force to be with you for only three dollars.

Weather HD gives you the latest weather forecast for a specified city for a dollar. You can view an hourly or weekly forecast or even get push weather updates for instant information.

Questions or comments? Drop me an email: jwh3@mindspring.com. ➡

MLK JR PARADE

Saturday, January 19, 2013



Jim Rosenblatt (left) and John Henegan (right) represented CABA in the parade honoring Martin Luther King, Jr. held in Jackson on Saturday, January 19, 2013. They are proudly displaying the commemorative CABA ribbon that they distributed to parade attendees.

CAPTAIN EQUITY

Maybe the Mayans Were Right... (ABOUT THE REPUBLICAN PARTY)

End of the world predictions have been around for as long as there has been a world. Remember our old doomsday buddy Harold Camping? He predicted the end of the world not once but twice and we are still here. Our most recent fascination has been the prediction of the ancient Mayans that the world would end on December 21, 2012.

Since you are reading this sometime in early 2013 it would seem that the Mayans were wrong. But actually, they may have gotten it right if the “world” is defined as the National Republican Party. And rather than one Grand Old Party explosion, the demise of what used to be the political party of adults has occurred incrementally starting with the Presidency of George W. Bush. After Bill Clinton’s second term affair with intern Monica Lewinsky coupled with the Democratic nomination of Vice President Al Gore, who at times could make even Michael Dukakis look charismatic (Remember Saturday Night Live’s Darrell Hammond—“Can I Make Two Closing Statements?” and “Lockbox”) it seemed as if the GOP offered the country a breath of fresh air.

Compared to the former Clinton VP, the seemingly down to earth former Texas Governor and First Son looked like a promising successor to Clinton-Gore, despite his occasional tussles with the English language (Remember “Strategy”? SNL’s words; W’s spirit). My most vivid memory of W’s 2000 campaign was his unambiguous denouncement of nation building. For a country that still maintains military bases in Germany and Okinawa dating back to the post WW II mid 1940s, the GOP candidate seemed to be making a lot of sense. While he was being tutored on foreign policy by Stanford University academic Condoleezza Rice, he asked his dad’s ole pal Dick Cheney to find him a Vice Presidential running mate. We all know how that turned out. Before you knew it we had a skin tight national election that came down to hanging chads in Florida, *Bush v. Gore* et al. Thanks to the defacto election commissioners on the U.S. Supreme Court, we had a second President Bush in the White House. Luckily, the former Texas Governor was left with a budget surplus by the outgoing administration along with the most peaceful world in recent memory. Peace and prosperity seemed the order of

the day, but not for long.

9-11 changed everything, but as history tells us, it didn’t have to be. According to Bob Woodward, CIA Director George Tenet repeatedly tried to warn W’s foreign policy tutor turned National Security Chief Rice and her boss of reliable intelligence of Bin

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2013 HOLIDAY HOURS

January 1	New Year’s Day
January 21	Birthdays of Robert E. Lee’s and Dr. Martin Luther King, Jr.’s
February 18	George Washington’s Birthday
April 29	Confederate Memorial Day
May 27	Nat. Memorial Day / Jefferson Davis’ Birthday
July 4	Independence Day
September 2	Labor Day
November 12	Armistice / Veteran’s Day
November *	Thanksgiving Day
December 25	Christmas Day

* The date of Thanksgiving is fixed by proclamation by the Governor and shall be fixed to correspond to the date proclaimed by the President of the United States. The Governor, at his discretion, designates any additional day(s) for further observance of the Thanksgiving Season by the same proclamation.

** 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.

Laden and company's planned attack on New York and Washington. Rice and Bush couldn't be bothered. A few months later it happened, followed quickly by the neocon directed, unpaid for quest to bring Bin Laden to justice in Afghanistan and the unjustified invasion of Iraq (Remember Shock and Awe?). Meanwhile, despite promises to the contrary, we got into serious nation building in Iraq and Afghanistan, the Patriot Act, government sponsored torture and all the rest. Can anybody say Defense Secretary Rumsfeld? These are all documented facts that the Republican campaigns of John McCain and Mitt Romney conveniently forgot to ever mention.

On the domestic front, the GOP fiscal conservatives passed the across-the-board Bush tax cuts which disproportionately benefited the super wealthy while giving Big Pharma a gigantic gift in the form of the Medicare Part D Prescription Drug benefit that made it unlawful for the Social Security Administration to bargain for discounts. Anything but full retail was explicitly made unlawful. And then there was FEMA's botched Hurricane Katrina non-response led by "Heckuva Job Brownie." And finally, the Bush Administration in the sacred name of less government regulation ignored the subprime mortgage scam and casino culture that their deep pocket donors on Wall Street had put into high gear that would eventually plunge the nation into the worst economic crisis since the Great Depression.

By January 20, 2009 all of this was suddenly the fault of the country's first black President, Barack Hussein Obama who was allegedly born in Kenya, a closet Muslim and an incompetent "community organizer" incapable of governing. At least this was the new script written by the likes of Karl Rove et. al and repeated by rote by all the suddenly out of power Republicans who had walked away from the multifaceted governmental mess that they conveniently left for the new popularly elected Democratic administration.

Since then, the Republican agenda as repeatedly expressed by Republican Senate Minority Leader Mitch "The Turtle"

McConnell et. al has been to make Obama a one term president by blocking anything and everything that might inure to the benefit of the country. And as if things couldn't get worse, the Tea Party came into being with a vengeance in 2010 with its relentless, albeit selective, religiosity and dogmatic purity that preached small government unless it came to micromanaging anything having to do with women's sexual organs and health. This new breed of far right Republican also went out of their way to deny science at every turn, tell us the world was 6000 years old etc. while aggressively sponsoring voter suppression campaigns, trying to destroy labor unions, telling Hispanics to self deport and branding 47% of the country as shiftless welfare takers. My goodness. And they still can't figure out why they lost the last two elections. And most recently, as a tribute to their serial irresponsibility they let the country go over the fiscal cliff, if for only a few hours, by forsaking the national interest for their own brand of selfish devotion to anything but common sense and compromise. The next needless drama is a Republican threat not to

It is time that common sense and people of goodwill come together and honestly address an America that is on the brink of economic and moral ruin."

raise the debt ceiling which would dispatch the economy and our national credit rating into the abyss. As Dana Carvey's SNL Church Lady would surely say, "Isn't That Special?"

For all of you Mississippi Republicans out there who are still reading this, let me assure you that the National Democratic Party is far from blameless on so many fronts. The refusal to address the structural mathematical deficits of Social Security and Medicare Programs are only the tip of the iceberg. Continuing to run trillion dollar deficits will at some point destroy America as we know it. Nation Building in the Arab World invented by the Bush Administration must end. President Obama says it will; we'll see. Subsidies to global corporations under

the guise of rock solid American values, i.e., Agribusiness, (Farm Bill), Big Pharma (Healthcare), Big Oil (Energy Independence), you name it, are equal opportunity outrages. Even more problematic is the overstaffed, needlessly complicated federal bureaucracy. And yes, there are segments of broken American culture that must be addressed (but never are) to reverse single teenage mothers, gun violence, obesity, school dropouts, crime and on and on and on. Just drive around Jackson and take a look. The seemingly intractable problems are constantly on display. And so, what did the Republican dominated 112th Congress do about it? Virtually nothing. They were judged the most ineffective Congress in American history. In fairness, the Democrats were not far behind the GOP in this regard.

It is time that common sense and people of goodwill come together and honestly address an America that is on the brink of economic and moral ruin. But as long as politicians continue to profit at the expense of their constituents there is little hope of a healthier America. Things have to change from the bottom up and not from the top

down. Given the current polarized political mess in Washington D.C. and in too many state capitals, there is little to be hopeful about.

Thanks to the Mayans, maybe the first step is the impending obsolescence of the modern Republican Party. Perhaps step two is for the Democratic Party to follow suit allowing the country to start over. Then maybe we could find a way to outsource our own government to a new breed of American that shares little with what now passes for our so called political leaders. Here's hoping... Oh, and Happy New Year! 🍀

Capital Area Bar Association NOMINEE BIOGRAPHIES

SECRETARY TREASURER



Scott Jones

Scott Jones is a Partner with Adams and Reese LLP in Jackson. He practices in the areas of commercial litigation, employment law, banking and finance law, insurance, and construction.

Scott has served the Capital Area Bar Association in a number of capacities, including serving on and chairing the Website Committee (2008-2010) and serving on the Board of Directors (2010–present). Scott was significantly involved in the last two website revisions and has assisted in efforts to increase sponsorships and member participation.

Scott is a native of Memphis, Tennessee and graduated high school from E.C.S. He attended Mississippi College where he obtained a bachelors of science degree in marketing and a juris doctorate. In between undergraduate school and law school, Scott worked as a pricing and revenue analyst at Verizon Business. While in law school, he served as chairman of the Moot

Court Board and competed in numerous competitions, including the Conrad B. Duberstein Bankruptcy Competition where he advanced to the final argument and received an award for the best brief.

Scott and his wife, Maggie, live in Jackson and have two daughters. He serves as an officer and clerk of his church, Highlands Presbyterian Church. Scott is a 2011 graduate of Leadership Mississippi, is involved with the Mississippi Economic Council, and routinely provides pro bono legal services through his church and with the Mississippi Volunteer Lawyers Project.

Mike Malouf, Jr.

Mike is a partner of Malouf & Malouf in Jackson. He primarily practices in the areas of personal injury, auto accidents, workers' compensation and products liability. He received his B.A. from the University of Mississippi in 1992 and his law degree from Mississippi College School of Law in 1996. Mike is very active in the legal community.

He is a past officer of the Jackson Young Lawyers, where he has served as Treasurer, Child Advocacy Chairman, Social Chairman, Membership Chairman, and Sykes Boys & Girls Club Tutoring Program leader. In 2000, he was recognized by JYL as an Outstanding Young Lawyer. In 2001, he was an Associate Member of The Charles Clark American Inns of Court. He is also an active member of The Mississippi Bar, where he has served on the Board of Directors for the Young Lawyers Division, and Child Advocacy Committee.

Mike is very active in the Jackson community. He currently serves on several boards, including Habitat for Humanity, and is currently president of the JFC soccer organization. Mike is married to Susan Stanfill Malouf and is the proud father of a daughter, Ann Leighton, and two sons, Michael, III., and Chambers. They attend Christ United Methodist Church.



DIRECTOR POST 1



Kevin E. Gay

Kevin Gay is a partner at the MacNeill Law Group, PLLC in Flowood.

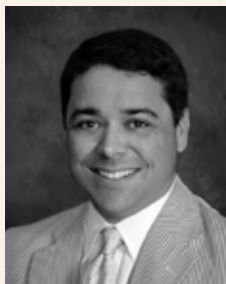
He graduated from the University of Georgia in 1998 and received his law degree from Mississippi College School of Law in 2002. After graduation, he joined MacNeill & Buffington law firm. His practice continues to focus on litigation, insurance defense and commercial transportation defense and real estate and title insurance.

Kevin is a member of the Mississippi Bar Association, Capital Area Bar Association, and the Rankin County Bar Association. Kevin is currently serving as Chairman of the Capital Area Golf Tournament, which is held annually each year to raise money for the Mississippi Volunteer Lawyer Project. Kevin received the Capital Area Bar Association's Outstanding Service Award

in 2012. Kevin has been listed in the 2010, 2011 and 2012 edition of Mid-South Super Lawyers.

Kevin is married to Mary Margaret Gay, a partner with Forman Perry Watkins Krutz & Tardy, LLP. Kevin and Mary Margaret live in Brandon with their two sons, Drew and Owen, and attend Galloway United Methodist Church in Jackson.

DIRECTOR POST 1 (CONTINUED)



Troy F. Odom

Troy Odom is a member of Blair & Bondurant, P.A. He graduated cum laude from the University of Mississippi School of Law in 2002. His practice focuses on general chancery matters with an emphasis on oil, gas and other natural resource law.

Troy is active with the Mississippi Bar Association, where he presently sits on the Professionalism Committee and the Summer School for Lawyer's Committee. In 2011, Troy graduated from the inaugural Mississippi Bar Leadership Forum, and in 2012, he chaired the Nominating Committee for Bar Commissioner for the 20th Circuit Court District.

Troy is Co-Chair of the Pro Bono Committee for the Capital Area Bar Association; a position he has held for two years. Troy is also Vice-President and Treasurer of the Rankin County Bar Association, past President of the Mississippi Oil & Gas Lawyer's Association, and past Associate Director of the Mississippi Association of Petroleum Landmen.

Troy and wife, Brittany, are members of First Presbyterian Church of Jackson, where he serves as usher and Treasurer of his Sunday school class.

DIRECTOR POST 2



Tiffany M. Graves

Tiffany M. Graves is the General Counsel of the Mississippi Volunteer Lawyers Project. She attended Hollins University and received her law degree from the University of Virginia School of Law. She began her legal career as the Lewis F. Powell, Jr. Fellow at the Mississippi Center for Justice. She was a Litigation Associate at two Jackson area law firms after completing her fellowship. Tiffany is President of the Jackson Young Lawyers Association, Secretary of the Young Lawyers Division (YLD) of the Mississippi Bar, Chair of the Child Advocacy Committee of the YLD, and Past President of the Mississippi Women Lawyers Association. She received the YLD's "Outstanding Young Lawyer Award" in 2011. She was also selected for membership in the Mississippi Bar's inaugural Leadership Forum class that same year.

Tiffany has served on the Board of Directors of the Capital Area Bar Association for the past two years. She chaired the organization's Pro Bono Committee in 2009-2010 and has served on the association's Women in the Profession and Women & Children Advocacy Committees.

Tiffany is married to James Graves, III, an attorney at Wise Carter Child & Caraway, P.A. Tiffany and James live in Ridgeland.



Kristina M. Johnson

Kristina has practiced law in Mississippi for 20 years. Kristina has focused her practice on commercial bankruptcy cases, representing primarily creditors in Chapter 11 and commercial Chapter 7 cases. She occasionally defends creditors and other non-debtor parties in "mass tort" or class action type cases in the Chapter 13 bankruptcy case context and handles commercial litigation cases primarily in federal court. Kristina's law practice with Watkins Ludlam Winter & Stennis, P.A. merged effective November 5, 2011 with Jones, Walker, Waechter, Poitevent, Carrère & Denègre, L.L.P. where she continues to practice as a partner in the Jackson, Mississippi office. In addition, she is Board Certified in Business Bankruptcy Law by the American Board of Certification.

Kristina is a graduate of the University of Mississippi, where she received a Bachelor of Business Administration, summa cum laude, and earned her juris doctor degree, magna cum laude, from The University of Mississippi School of Law. While in law school, she served on the Editorial Board of The Mississippi Law Journal. Kristina is a member of The Mississippi Bar, the Sections of Business Bankruptcy, Litigation, and Alternate Dispute Resolution of the American Bar Association, and the current president of the Mississippi Bankruptcy Conference. She is also a past president of the Mississippi Women Lawyers Association.

Kristina has served on numerous committees for state and local bar associations, including serving on the Steering Committee to rewrite the Mississippi Local Bankruptcy Rules, and as co-chair for the CABA Tennis Tournament Committee in 2011. She is an annual contributing author to West's Bankruptcy Exemption Manual.

Kristina lives in Madison with her husband of 20 years, Bruce, her son, Gray (14), and her daughter, Carlisle (9). Kristina attends Broadmoor Baptist Church.

The Storied Career of Former Supreme Court Chief Justice Roy Noble Lee

By Chris Shaw

“Many men, including this writer, feel that a person who has never seen squirrels jump from limb to limb in the deep swamp on a frosty Fall morning; or has never heard a wild turkey gobble in April or seen him strut during mating season; or has never watched a deer bound through the woods and fields, or heard a pack of hounds run a fox, or tree a coon (raccoon); or has never hunted the rabbit, or flushed a covey of quail ahead of a pointed bird dog; or has never angled for bass or caught bream on a light line and rod, or taken catfish from a trotline and limb hook; has never lived.”

Justice Roy Noble Lee—*Strong v. Bostick*, 420 So. 2d 1356, 1364 (Miss. 1982)

The stories of former Mississippi Supreme Court Justice Roy Noble Lee’s are the stuff of legend.

“I was sitting in the courtroom ... where a man was charged with assault and battery ... I jumped up and said, ‘judge, I’m not a lawyer, but I’d like to defend him.’”

There is, of course, the time when he tried his first criminal trial in the 1920s. He was 19. He had no law degree, no training, and no license.

“I was sitting in the courtroom in Brandon and a case was called where a man was charged with assault and battery,” Lee said in an interview on Mississippi Moments for the Center for Oral History and Cultural Heritage (“the Center”) and the University of Southern Mississippi. “I jumped up and said, ‘judge, I’m not a



returned, the courtroom was packed. After closing arguments, the jury returned with a verdict of not guilty.

“I had ridden over from Forest with my father, and when we got into the car he hadn’t said a word and I hadn’t said a word,” Lee told the Center. “He finally looked at me and said ‘son, you’re going to make a lawyer one day.’”

And so he did. Of course, it was all he had ever wanted to do. He grew up around it. It also didn’t hurt that his father, Percy Mercer Lee, was a lawyer, District Attorney, Circuit Court Judge and later served on the

lawyer, but I’d like to defend him.’ The judge said ‘ok, son. I’ll give you 15 minutes to coach up your witnesses, if you’ve got any.’ I didn’t have any witnesses.”

When Lee

he made me available to the law.”

Lee joined the Mississippi Supreme Court in 1976. He served as chief justice of the Court from 1987 to 1992 when he retired from the bench. In his term on the Court, Lee is credited with creating the Mississippi Court of Appeals, the administrative office of the courts, and being a quiet, but powerful force for the judiciary in Mississippi. The important decisions he participated in as a supreme court justice are too numerous to mention.

“He was just visionary,” said former law clerk Amy Whitten, who also served as Lee’s courtroom administrator. “He helped create the architecture for the 21st century court system. He also worked on improving the pay scale for judges and district attorneys. As chief justice, he felt like he was the advocate for everyone that worked in the third branch, rather than having them have to advocate for themselves.”

But perhaps Lee’s greatest legacy is his legendary quiet, steely demeanor and the influence it gave him throughout the State of Mississippi. He could twist arms with his eyes. He used that influence to get things done, including the Court of Appeals “which would have taken 50 years to get done nowadays,” said Whitten.

“He was so quietly strong that he just never garnered a lot of opposition,” said Whitten. “He would plant and stand and other things would back up, but he was always such a gentleman.”

Lee succeeded Justice Neville Patterson as the chief justice. Patterson is described as the quintessential inside-the-court politician, friendly to everyone with the skills to work the crowd.

“Roy was the opposite,” said former Supreme

Court Justice Jimmy Robertson. “He had a way of earning your respect. You respected Roy and you liked Neville. He would always do his best to keep a poker face and not let anyone know what he was thinking. When we would have an en banc conference and go around the court, he would listen and loved knowing what everyone else thought about the case before he would say a word.”

Lee loved hunting and the outdoors almost as much as he loved the law. Robertson recalls that the Court schedule revolved around the various hunting seasons. He would be seen sometimes in the parking lot “pulling out dead turkeys out of his trunk” to show others, said Whitten.

“He would even hunt some mornings at daybreak — in his tie — before making the 45-mile trip west along Interstate 20 from Forest to Jackson.”

He would even hunt some mornings at daybreak — in his tie — before making the 45-mile trip west along Interstate 20 from Forest to Jackson.

“We called that the 90-mile rule,” said Whitten. “Whatever decisions we were trying to get him to make, he would drive 45 miles to Jackson and back before making a decision. I don’t know if he ever knew that.”

Robertson learned first-hand about the quiet, but effective influence Lee could wield over those around him, especially when it came to his passion for hunting. In 1984, a criminal case involving headlighting deer was appealed to the Supreme Court from Leflore County. But Justice Lee was not assigned the case. Instead, it was assigned to one of the newest members of the Court at the time, Robertson, who had never been hunting in his life.

“Roy being the hunter learned about the case and was very interested,” said Robertson. “I’d been at the Court long enough to know he was not a guy that would normally come visit with you in your office, but he came to my office and said ‘Jimmy, I understand you’ve drawn the deer headlighting case. Now, you know this is a really important case and I know you’ll give it the attention it deserves. It needs to get some publicity.’”

For the next few months, Justice Lee appeared in Justice Robertson’s chambers on five separate occasions to remind him this was a case where a message needed to be sent.

“Many of the other justices were politicians, and they would come by the office and sit and talk and tell jokes,” said Robertson. Justice Lee was not one of those justices. Rather, “he was very close to the vest, but each time he visited he would mention the case,” said Robertson. “He was a true hunter and he thought deer poachers and those who headlighted deer should be put under the jail.”

Justice Lee’s silent, but effective authority won over the newly-minted Supreme Court Justice. The opening paragraph of the deer

headlighting case of *Pharr v. State* reads as follows:

Headlighting deer is a sorry form of human behavior made unlawful by the wildlife conservation laws of this state. The deer, usually a doe, hit with the blinding light stands stupified and is slaughtered. In addition to his unsportsmanlike conduct, the poacher operates at night and endangers other each time he fires. He is of Snopesean genre.

Justice Lee’s point was made, and “Roy never mentioned the story again,” said Robertson.

But as strong as his personality was, Lee never allowed himself to be forever wedded to all of his original notions. Whitten was his first female law clerk, and “someone really had to talk him into me,” said Whitten. “He was so traditional, and had not been around a woman who was not a wife, mother, or secretary. When I would tell him what the law was, you could tell he was having to wrap his mind around that.”

Yet he hired Whitten when the job of court administrator later became available, and she stayed with Lee until he retired in 1992.

“That’s another feature a lot of people never saw or understood,” said Robertson.

“Just because he came in with one view didn’t mean he wouldn’t change his mind,” said Robertson, recalling Lee’s initial opposition to the adoption of the Mississippi Rules of Civil Procedure. “But that view better carry the burden of proof to change his mind.”

Lee’s legacy and legend was made off the bench as well. He practiced law in Forest before joining the Mississippi Supreme Court, in private law practice and as a district attorney in Scott County. He made his mark as one of the most prolific courtroom lawyers in the state and served as the first president of the Mississippi Trial Lawyers Association.

“In my 28 years as a federal judge, I have not seen a better trial lawyer,” said federal District Judge Tom Lee of his older brother by 25 years, who swore the younger Lee in and spoke at his investiture. “He had a state-wide reputation as a superior trial lawyer before he went to the bench. He was called upon to defend capital cases from around the state. He was not a good, but a great trial lawyer. There was no better lawyer in Mississippi.”

“Intellectually, he just blew me away,” said Sid Salter, former publisher of the Scott County Times in Forest. “He was scary smart, but not pretentious. He could make the most ignorant, uneducated person in the county feel important. He just had the knack about him.”

During his tenure on the Court, Lee never once moved to Jackson and probably never even thought about it. He was a champion for his hometown of Forest, where he still lives today at 97. He was a confidante of a number of mayors in Forest for years and helped use his influence to get things done in Forest. He was “the kind of person small towns cannot do without,” Salter said.

But no matter the acclaim he garnered at the top of the Mississippi judicial heap, he was never too far away from his Forest roots.

“He was really kind of a quiet guy,” said Salter. He was not a guy to do a lot of high society stuff; he did what he had to do and what his wife made him do. If I ran into him at the post office on Saturdays, I never felt like I was talking to Judge Lee. He was just Roy Noble.” 🍷

New Justice Coleman Begins Eight-Year Term on Supreme Court

By Kate Margolis

Although Mississippi Supreme Court Justice Josiah Dennis Coleman is brand new to the bench, becoming a judge one day was something he had seriously considered since his days as an undergraduate in history and philosophy, and later, a law student at Ole Miss. A class on the philosophy of law particularly “piqued his interest,” which became “more solidified” when he discovered in law school that he absolutely “loved researching and writing briefs and arguing issues” as a member of the moot court board.

After receiving his J.D. in May 1999, Coleman spent two years as a law clerk to federal Magistrate Judge Allen Alexander in Oxford, an experience he describes as a “perfect” foundation for a career in civil litigation, while also offering the opportunity to learn “how to be neutral.” After his clerkship, Coleman began his career as a civil litigator at Holland Ray Upchurch & Hillen in Tupelo, and most recently practiced law with Hickman Goza & Spragins in Oxford. His thirteen years of practice focused on medical negligence and all types of insurance defense at the trial and appellate levels.

He continued to be especially drawn to appellate work, however, and a fire-in-the-belly experience in that arena early in his practice added passion to his academic interest in the judiciary. Coleman says an initial loss in an appeal, followed by a reversal of that loss on a motion for rehearing, “showed the system worked,” and brought home the vital role of our appellate judges.

Coleman is not the first in his family to become an appellate judge. His father, Thomas, served as a judge on the first Mississippi Court of Appeals in the 1990s. While Coleman was a policy research intern at the Secretary of State’s office prior to entering law school, he often had lunch with his father, who was

in Jackson during that time two to three days a week. Coleman’s grandfather, former Mississippi Governor J.P. Coleman, served on the U.S. Court of Appeals for the Fifth Circuit from 1965 into the 1980s. (He passed away when Coleman was a freshman at Ole Miss.)

Coleman is not the first in his family to become an appellate judge.”

Despite this family legacy, Coleman is the sole lawyer among five siblings (whose professions include the practice of medicine and atmospheric physics), and Coleman himself readily admits he never had “a political bent.” Prior to his election to the state’s highest court in November, Coleman had only run for any office once before, for student body president at Ackerman High School. (He lost.) Yet when he learned that Justice George Carlson was retiring, Coleman wondered if the time was ripe, and if there might be a “space for somebody like me” to enter the

race. Coleman says he had made up his mind he would enter the race only if he would be “considered a serious candidate,” and not “the Ron Paul of the judicial election.” Coleman met with trusted friends and advisers around the state to discuss that question. He and his wife, Ashleigh—at the time seven months pregnant with the couple’s first child—“prayed about it.”

Coleman, who ultimately received 58% of the vote in the race, says he was humbled by the positive response he received and the efforts of supporters to help him, including his father and mother, Frances, a longtime educator in the Choctaw County public schools, who both worked tirelessly, personally distributing “10,000 push cards.” Coleman says “name recognition helped in his campaign,” especially in Choctaw County where his family has deep roots.

On the subject of names, those of us who previously knew Coleman by his middle name, “Dennis,” have been a little curious about his



Josiah Dennis Coleman, his wife, Ashleigh, and their daughter, Merrimac

later-in-life decision to go by his first name, Josiah. (Coleman is named for one of his great-grandfathers, Josiah Barkley Dennis.) Obviously having fielded this question during his campaign, Coleman diplomatically explains that he has always preferred Josiah and starting using his first name a few years ago, prior to his first date with now-wife, Ashleigh. Coleman used his full name in the campaign so there would be no confusion.

Home in North Mississippi is a turn-of-the-century farmhouse in Toccopola (in Pontotoc County), renovated for the most part by Coleman himself over a number of years. He bought the house while working in Tupelo because of its location between Oxford and Tupelo, so he could “be back closer to Oxford.” Coleman had always wanted to renovate a house, and even though he was “not handy

to begin with,” he “wanted to be better with tools.” During his first winter in the house, the kitchen had no floor, the house had no heat, and for a time, no running water, just a “faucet in the front yard.” The final renovations were put on overdrive when he got engaged to Ashleigh. (A nice feature on their nuptials appeared in the January/February 2012 issue of Mississippi Magazine. See www.mismag.com/pdf/JF12/3WED_FEATUREColeman.pdf.)

Coleman, now 40, has had lifelong connections with Jackson. His “mom grew up in Belhaven,” and the family has always had friends here. He, Ashleigh, and their daughter, Merrimac (named for the Merrimac River in Maine, not the Civil War ironclad) are currently living in an apartment downtown, so Coleman “can walk home for lunch.” He’s excited about what’s happening in downtown

Jackson, including the fact that “there are two restaurants” within blocks of his apartment. Don’t be too surprised in the off-chance you catch him in a game of ultimate frisbee, if he can convince younger players to allow an “old guy with a blown up knee” to join in.

Officially sworn in for duty earlier this month, our newest (and currently, youngest) justice is still in the process of settling into his office and the routines of the court, and is grateful to his colleagues, each of whom has been “incredibly helpful” during his transition. Coleman observes that the justices represent “nine different paths” to the supreme court, and now that his path has led him here, he’s ready to begin. 🍷



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