

President's Column

By Collins Wohner



The holidays are around the corner. CABA's annual Christmas party is Thursday, December 5th, from 5:30 to 7:30 at the Old Capitol Inn. It is always a good time.

Plan to come and enjoy good food and fellowship with the CABA membership. Remember to bring a toy for JYL's Toys for Tots drive.

CABA is grateful to Dean Richard Gershon for making the trip from Oxford to speak at the August meeting. The Dean brought us up to date on developments at Ole Miss Law School. The turnout for the meeting is a testament to CABA's interest in and support for the law school.

We are also grateful to Mississippi Bar General Counsel Adam Kilgore and Deputy General Counsel Missye Martin for providing an hour of ethics CLE at the October meeting. Adam and Missye brought us up to date on Ethics Opinion 259 on metadata and then threw in a general overview of the attorney discipline process to boot. It was a useful presentation offered in a lively manner. Adam and Missye have worked out a dialogue format that keeps things interesting.

The pro bono committee reported success with their Lawyers in the Library event on October 21 at the Eudora Welty Library. As many as 70 people received help with family law, criminal law and expungements, social security, disability, and estate planning issues. Thanks to Carlyn Hicks and Tiffany Graves for spearheading the event. (See photos from the Lawyers in the Library event on pp. 14-15.)

The Community Outreach Committee had the benefit of great weather for the Gallant Hearts Dog Walk on November 2. Gallant Hearts breeds, raises and trains guide dogs for the blind. Thanks go to Committee Chair LeAnn Nealey for organizing the event and for the volunteers who turned out to represent CABA.

The CABA presidency has not previously been lacking in opportunities for embarrassment. Every membership meeting affords the chance to mispronounce a judge's name or two, to fail to introduce a judge who is there, to mistakenly introduce one who isn't, or to go for a grand slam of all of the above. Now the president also gets to attempt the feat of synchronized candle lighting before the assembled dignity of the *en banc* Mississippi Supreme Court, the Court of Appeals and many other honored guests during the annual Mississippi Bar

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2013 CABA CHRISTMAS Party

December 5th • 5:30–7:30 pm
at the Old Capitol Inn
Toys for Tots will be collected.



Upcoming Events

December 5

CABA Christmas Party

February 18

Membership Meeting

Noon at the Capital Club

Speaker: Dean Jim Rosenblatt, Mississippi College School of Law

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.

J. T. NOBLIN

The Man. The Myth. The Legend.

By Terryl Rushing

We knew the day would come, and yet we were unprepared. When J. T. Noblin announced his retirement to the Judges of the Southern District, the faces at the table said it all. You've seen happier people around a platter of liver at Thanksgiving. Running the Court without J. T. is like starting a fire with flint—theoretically possible, but few have seen it done. He was only appointed in 1990; wasn't he supposed to stay forever?

Officially, J. T. is the chief administrative officer of the District Court, who "works closely with the Chief Judge in assuring that the administrative and operational needs of the Court are effectively and efficiently met." When Chief Judge Guirola and I talked about this article, we tried to come up with an analogy for the Clerk's job. Judge Guirola said, "Plate spinner." "Plate spinner?" "Yeah, the guys at the circus who spin plates on poles, one after another. When they get the last one going, it's time to run back and spin the first one to keep it from falling." Pretty apt. According to his job description, J. T.'s plates include: human resources, systems technology, space and facilities, records management, civil and criminal case load management, budget and court staff management, accounting for funds, long-range planning, bar relations, court policies, and juror utilization. Oh, and that one last phrase that snags us all: "Performing other duties, as assigned."

Ah, the "other duties." In J. T.'s case, they have ranged from the inconceivable to the... well... more inconceivable. His tenure as Clerk has definitely had a Water Theme. The old federal courthouse in Jackson tortured him for years with its leaky roof and ancient plumbing. Judge Lee remembers an early Saturday morning call from J. T. to let him know that his chambers had been deluged by a wayward pipe. On another occasion, it was the Clerk's office that took a direct hit from the courthouse's water delivery system. And

then there's Colmer Lake, the attractive water feature that appeared outside the back door of the Colmer Federal Building in Hattiesburg last year. The Lake is the result of—you guessed it—leaky water pipes.

It's one thing for a pipe to leak—quite another for a blast of wind to hurl the ocean at you. Hurricane Georges in 1998 was a preview of disaster-by-sea. Advance warning gave enough time to back up files and secure computer equipment, but, although the winds at the old Biloxi courthouse were not quite hurricane-strength, they were strong enough to move the roof-top air conditioner units. There was some water damage, and power was not restored for several days. "It could have been a lot worse," J. T. reported to a federal newsletter. "As it is, when we design our new courthouse, we'll take a good look at storm protection."

Good thing they did. Georges was just a warm up for the big event, and the aftermath of Hurricane Katrina might have been J. T.'s finest hour. Or year. On the day that Katrina hit, he was the last person to leave the courthouse to go home and ride out the storm. The winds

and rain scattered judges and staff around the State, to the horror of the Marshals Service, which had to track them down, one by one. A few days later, the Marshals escorted Judge Guirola and J. T. back to the Coast to survey the damage. The new courthouse had barely been open for twenty months, but Katrina's winds and storm surge caused enough damage that the building had to be evacuated for another year.

After a few weeks at the Jackson courthouse, Judge Gex went to work in Vicksburg. Judge Roper and Judge Guirola presided in Hattiesburg, and Judge Senter moved to Mobile.

J. T. managed to scrounge the best accommodations of all for Judge Walker, who was the only Judge on the Coast whose home survived the storm. The exodus of casino workers freed up apartment space, and J. T. acquired three units. One of them soon housed the United States District Court's Southern Division. Judge Walker made the master bedroom his chambers; his law clerks worked in the other two bedrooms; and the deputy clerk claimed the dining room. Within a couple of weeks, J. T. procured the leases, furniture, and IT connections. Best of all, according to Judge Walker, J. T. found a court seal to hang on the wall. It was an official court site, and so well guarded by plainclothes deputy marshals that the other residents assumed it was a drug operation.



Photo of J. T., his wife, Larry, and granddaughters Keavy and Clayton at Keavy's high school graduation

Not all of the courthouse issues have been moisture-related. During J. T.'s term as Clerk, the old Meridian and Vicksburg courthouses have been closed. In the case of Vicksburg, the courthouse moved to Natchez, which was the site of the original federal court in the Mississippi Territory. The project to convert Memorial Hall, an historic Natchez building, to a federal courthouse was complex, but Senior District Judge Bramlette credits J. T. with ensuring "that the new construction was accomplished with minimal disturbance to the original elements of the structure in order that the character of both the exterior and interior could be maintained." In the case of Meridian, the 2013 closure forced the dissolution of the old Eastern Division, resulting in a complete re-shuffling of counties and cases. Changing the divisions requires, literally, an act of Congress, and a bill to accomplish the change has been introduced. If it is adopted before he retires, J. T. must preside over the resulting changes to the Local Rules and the jury wheel.

J. T.'s clerkship abilities are, deservedly, celebrated both locally and nationally. Judge Barbour calls J. T. the "best Clerk in the country," and says that hiring him was the best thing he did as Chief Judge. At the Capital Area Bar Association's 2011 Annual Judges' Banquet, J. T. received an Outstanding Service Award from the Mississippi Chapter of the Federal Bar Association, "For his outstanding service and continued dedication to Federal Courts in Mississippi, their judges, practitioners and the public whom they serve." Also in 2011, he was given the Green Eye Shade Award by the Federal Court Clerks Association. The Award was created to honor Bob Christ, a former Clerk of the District of Oregon. It is presented "to a clerk of the federal court who has 'best weathered the storm' during the preceding year, in a manner most consistent with Bob Christ's display of exemplary character and sound judgment, combined with an admirable sense of humor." That's right, J. T. was honored for his sense of humor. No one who knows him is surprised.

J. T. is the person who would be the most disturbed if this became a thank-goodness-you're-just-retiring-and-not-dead-but-my-doesn't-this-look-like-an-obituary type of article. While we will all remember his abilities, we will most

remember him for the man that he is, best demonstrated by his connection to his family. J. T. is a Jackson native who still lives, with wife Larry, in the house that his parents built. According to his daughter, Elizabeth, sports are a predominant interest in the Noblin family, and her father was willing to coach any sport that she and her brother, John, were willing to play. He was also willing to share his expertise with others; Elizabeth can still remember hearing his voice on the basketball court, imparting his wisdom to the referees. ("I would look up and see Mama tapping him on the leg and telling him to hush.") Son John directs the Mississippi Blues Marathon; Elizabeth coaches basketball. His grandchildren, Keavy and Clayton, are also accomplished athletes, and those who know the Noblins understand that nothing is planned without first consulting the girls' sports schedules.

J. T. was a performer from childhood, and Larry reported that he was often "invited" to stay after school at Duling Elementary—the result of his entertaining the rest of his class. He appeared on stage at both Murrah High School and Millsaps College. His talents include art and writing, and, as the result of a part-time job while in college, you can thank J. T. for the "Call the Redd Man" jingle. He likes muscle cars and country music. No one interviewed for this article was willing (or able) to relate an embarrassing story about J. T. Apparently, either he never stood on a bar and belted out the Millsaps fight song (if there is one), or else

he has the best friends money can buy. Since he was a Pike, I suspect the latter.

Elizabeth describes her Dad as "giving;" but Larry said it best, "He has a servant's heart." As a church usher, he is known for his "curb service," by which he fetches some of the more mature ladies from their cars and escorts them into the church building. At home, he has always been available to help his children, and now his grandchildren, with any project that needed doing. That spirit extends outside the home, as well, and J. T. has been a Fondren neighborhood supporter for many years. He and his late friend, Buddy Buchanan, were instrumental in getting the tennis courts and walking trail built at Parham Bridges Park in Jackson.

At work, J. T. is a stickler for detail. He cannot pass a crooked picture without straightening it, a habit observed with no small degree of humor by his employees. (There has been some suggestion that the pictures didn't get that way by accident, but I have no present recollection of where I heard that.) Setting up for a Judges' meeting, in the grand jury room of the old Eastland Courthouse, an employee dutifully set out pads and pens and made sure that a supply of coffee was available. Then she called J. T. to see if any other preparations were necessary. "Go back down there," he said, "and check the cords to the blinds. There's always some joker on the grand jury who ties them in a hangman's noose." His tenacity in editing a document is legendary; he will review it for

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November 25th Thanksgiving Day
December 25th Christmas Day

hours, correcting spelling, grammar, syntax and style. He even spell-checks email jokes, responding to one writer with the news that she had misspelled "harrumph."

We call ourselves a "court family," and J. T. is the uncle everyone looks forward to seeing at Christmas. He has a personal relationship with his employees, so much so that he has tried to chip in for the refreshments on Boss's Day. That doesn't mean that he won't tease you if he gets a chance and knows you can take it—he once wished a Catholic employee Happy Reformation Day. After one of the courthouse floods, his staff spent days working overtime to clean up their offices and their files, in, as he described it, "the 'reach, peel, gag, evaluate, toss' mode." To thank them, he sent out the following email:

It is written, that when NOAH, his family and friends and a few well-chosen animals finally saw dry land, Noah praised all on board for their faith and their courage, not so much some of the animals, but that's a story for another day. Once the rains stopped

and the great waters abated, Noah told his family and friends to go into the land and rejoice after their trial by flood. "Half of you," Noah said, "celebrate your faith and courage on Friday while the others work. The other half," he directed, "should celebrate on the following Monday, while the first half works." And thus was born the traditional holiday, "Noah's Long Weekend following the Flood," which falls this year on Friday, July 23, and Monday, July 26, and is observed by those who have survived a great flood—or alternatively, a four-story soaking and three week dry-out. Peace.

Sequestration and the recent government shut-down have probably tested that sense of humor and likely convinced J. T. that he made the right decision to retire. We are advised that the budget outlook is grim, and we should prepare ourselves for more belt-tightening. J. T. has confessed to thinking of his employees, not by name, but by financial obligations, such as "newlywed," "just bought a house," or "children in college." Several months ago, Judge

Bramlette asked him, "What do you do when you're not at work?" J. T. answered, "Worry."

He can stop thinking about us soon, but we won't reciprocate. No one who has worked for or with J. T. has been unaffected by the experience. Some people got positively misty-eyed when I approached them about this article. Several could not participate at all, convinced that ignoring J. T.'s departure would prevent its occurrence. Others of us are already preparing for the inevitable. I asked Larry recently if, when we needed a "J. T. fix" after he leaves, we could call the house and ask her to put on a pot of coffee. She sweetly replied, "The coffee's always on here." Get ready, Larry, we'll be coming. ➔

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Terry is the Death Penalty Law Clerk and Administrative Staff Attorney for the United States District Court for the Southern District of Mississippi, and she has pledged to protect the confidentiality of all of the sources for this article.

CABA Membership Meeting Photos

August

Dean Gershon gave an update on programs and students at the Ole Miss Law School. He also spoke on the current trends in legal education.



October

The October 15th CABA Membership Meeting featured a one hour CLE Ethics program. Speaking were Missye Martin and Adam Kilgore from The Mississippi Bar. They are pictured with Collins Wohner, CABA President, and Mike Malouf, Jr., Secretary-Treasurer.



A Fall of Fortuities

(A Paeon in Memory of John Hampton Stennis)

By James L. Robertson



It began with a September of fortuities, a few fateful days, twelve years ago.

I remember the day—the night—that slow motion moment I finally found (surely I was close) — that point on the Pont Royal above those five elliptical arches across the Seine that had moved in and out of my moods and anxieties and curiosities and hopes for so many years, like no other venue.

Would it disappoint?

I did not hear “the sound of a body striking the water,” nor “a cry, repeated several times, which was going down stream.”¹ Only silence.

That night, my night, was damp, dark. Off and on it rained those three extra days when we could not get a flight out of Paris and back home. Only stillness penetrated the mist.

That night, I communed with the soul of Jean-Baptiste Clamence, esteemed lawyer, defender of widows and orphans, turned judge-penitent *par excellence*.

“Too late, too far . . . ?” I’m not sure what my excuse would have been. Too cold? Never could swim well? Could I possibly have helped? Whatever.

Like J-BC “that particular night in November,” “I was still listening as I stood motionless. Then, slowly under the rain, I went away,” knowing well that I, too, would have “informed no one.”²

What, if anything, does it mean?

What does it mean to be consumed by that compulsive thought, I must do something, even if it might be wrong? Unavailing? On September 17, 2001? Ever? And live with the fact that I did nothing.

And fess up that I know it is a farce to

think such thoughts outside the context of the inescapable vastness of reality and our insignificance in it.

Stories of Voyager 1 leaving the Solar System proper and entering interstellar space — “the holy grail of heliosphere research” — culminated on Friday the 13th with Brooks Barnes’ front page picture piece in *The New York Times*,³ pushing aside reports of temporal inconveniences such as chemical weapons in Syria and the national debt. Voyager 2 will soon follow suit, in a different direction.

Courtney Humphries’ thoughtful piece “Life’s Beginnings”⁴ appeared in September 2013, and talked of core questions: how did life begin on Planet Earth? And, since somehow at sometime it began here, likely also on at least some of the now known exoplanets with like mass and structure and atmosphere — in the Goldilocks Zone?⁵

The statistical probability that our little place is not unique overwhelms. Kepler⁶ or some successor venture will some day replace probability with hard evidentiary facts.

For so many of my generation, these questions of reality are for science, and not philosophy or religion. We respect those who cling to older ways, and their freedom of thought, increasingly unable to understand them, or why they still believe.

“... another friend quoted John Hampton in the next day’s paper, “I re-read Camus,” and triggered my thoughts of the fortuities of Falls past and present.

More than ever I know Holmes was right when he told us morals are a contrivance of man to take himself seriously, a point Camus a/k/a J-BC applied, “To be sure, I occasionally pretend to take life seriously.”⁷ If only I could have a drink with J-BC in *Mexico City* the night we first know the terrible wonderful truth! And hear the words of the “worthy ape” at being told, though he sometimes “merely grunts.”⁸

A Soul’s Passing

The humanist soul of John Hampton Stennis passed on September 5. My friend would have understood this backdrop to our approaching 12th anniversary of 9/11. And of our national political contretemps of October, 2013, and as far beyond as the eye can see. And his, your and my tiny temporality and place in the Universe.

John Hampton read Camus.

Or, as another friend quoted John Hampton in the next day’s paper, “I re-read Camus,” and triggered my thoughts of the fortuities of Falls past and present.

I don’t remember why I was visiting John Hampton in his law office that day in 1980.

But I do remember *The Fall*, prominently displayed. On a coffee table, maybe? A stand alone place on a bookshelf? I’m not sure. Not that I was bored or uninterested in our discussion; he used words so well that would never happen. “I confess my weakness . . . for fine speech.”⁹

“So you, too, are acquainted with Jean-Baptiste Clamence.”

Each of us had been in the offices of other lawyers in other cities and noticed a copy of *The Fall*. We knew what that meant.

“That strange affection I had for you had sense to it then . . . [W]e practice the noble

profession of lawyer! I sensed that we were of the same species.”¹⁰ Lawyers display books so others will think better of us than we deserve, as we define “better.” John Hampton and I agreed *The Fall* in a lawyer’s office says something more and different. It was hardly a work that would impress clients, though a few may have been force fed *The Stranger* in high school. *The Fall* is not a book a lawyer would have without having at least read at it.

Besides, it's thin.

In that conversation, John Hampton told me, "I re-read Camus."

And so at my soulmate's passing and in the days that followed in the Fall of 2013, I re-read and re-read *The Fall*.

After the Fall

I had not been to Paris when I first read it, nor before my bonding visit with John Hampton. I knew I would get there at some point, and experience the Pont Royal at night, alone.

Once I became a judge, the matter took on a bit of urgency.

Yes, *mon cher compatriote*, I thought how I stacked up with J-BC, Parisian lawyer, defender of noble causes. With friends, we had freed political speech on the college campuses from the fierce fear-based opposition of M.M. Roberts dominated IHL Board appointees.¹¹

By what of my less than noble efforts of August 1964?¹² A little ends/means rationalization at best.

In the Fall of 1977, J. C. Redd and Claude Ramsay and John Maxey and *moi*, and a public interested coalition no one today could comprehend, had resurrected a beautifully equitable and efficient property tax system, clumsily affirmed by the Supreme Court,¹³ undone in an eyelash by the Legislature.

Ah, the Legislature! A few years earlier I had earnestly argued to a House Committee for some bill I thought worthy. After the meeting, Chairman Stennis put his arm around me and said, "Jimmy, you act like you think this issue will be decided on its merits. It won't. It will be decided by politics." His eyes twinkled, as inimitable as his smile, his wisdom dispensed.

I had cheated the hangman four times!¹⁴ But after "the Fall," J-BC would confront me, did I do it for them or for *moi*? And did I really have much to do with the Big Cheat besides getting the condemned's case before the court in a procedural posture so that a luckily drawn panel might do the rest?

More soberly and immediate in January of 1983, **how was I obliged** to confess my own wrongdoings in order to have the moral authority to judge others? Was there doubt how J-BC would answer that one?

"People hasten to judge in order not to

be judged themselves. What do you expect? The idea that comes most naturally to man, as if from his very nature, is the idea of his innocence."¹⁵

J-BC's penetrating insight—re-read in the wake of John Hampton's passing—seared my being a month ago when I read the Times' obit of warden Don Cabana whom I knew and admired. Strapped in the gas chamber, "this young man [Edward Earl Johnson] looked me in the eye with tears streaming down his cheeks, and he said, 'Warden, you're about to become a murderer. I did not kill that policeman, and, dear God, I can't make anyone believe me.'"¹⁶

I had once represented Edward Earl Johnson,¹⁷ but abandoned him to become a judge.

September 2001

Fast forward to early September of 2001. We had booked flights abroad, the centerpiece of which would be a visit to the south of France to see friends. The question was, how was I going to convince Linda during our brief time in Paris of the importance of my crossing the Pont Royal at night, alone, to gain a sense of J-BC and **that** damp chilly night?

Osama bin Laden and his co-jihadists made it possible. They gave me three extra days. I can see J-BC's wry smile at my confessing how I finally got there.

From J-BC I have learned that I am responsible for all that does harm. I am obliged to do something though reason tells me there is nothing I can do that will do any good. And even though I do not know and cannot know enough to know what will work, much less what is right or just!

So, do I escape guilt by having (sort of) done something a time or two, something befitting a pragmatic instrumentalist who deludes himself into thinking he is more or less trying?

Mexico City in Amsterdam

John Hampton's passing reminded me I've never made it to Amsterdam in search of *Mexico City*, where J-BC nightly practiced the profession of a judge-penitent. Or to Ghent to experience the *Alterpiece* and the false

Just Judges.

My heart skipped a beat on Sunday morning, Sept. 29. I devoured "The Ghosts of Amsterdam," front page picture story of the Travel Section of *The New York Times*, absorbing pages 6 and 7 as well.

Rembrandt. Van Gogh. Karl Marx. Anne Frank. I read the long story twice. Surely I'd missed it, skimming too fast, the part about the ghost of Camus a/k/a J-BC, John Hampton's muse and mine, and of others of our generation and those who have followed.¹⁸ I fired off an "I can't believe it" e-mail to Russell Shorto, author of the article with a book on Amsterdam now in the bookstores.

"Missed opportunities,"¹⁹ was Shorto's reply, which sent me back to "that particular night in November" when J-BC crossed the Pont Royal alone, had his Fall, and "informed no one." Shorto's post mortem plea was Camus' escape. "It's too late now. It will always be too late."²⁰

Understand that *Mexico City* is as much a state of mind as a bar in Amsterdam's red light district, over which the "worthy ape... presides" and where judge-penitent J-BC practices his profession. Access to J-BC's services is granted only to lawyers and others who read and re-read *The Fall*.

Of Judges Just And Not So Just

"The Just Judges" is a panel in the famous Ghent *Alterpiece*, or *The Adoration of the Mystic Lamb*, circa 1432, by Jan Van Eyck. "[I]f you read the papers^[21] [as a modern man without gaps in his culture should], you would recall the theft in 1934 in the St. Bavon Cathedral..."²²

"Notice, for instance, on the back wall above his head that empty rectangle marking the place where a picture has been taken down... Well, I was present when the master of the house received it."²³ "A frequenter of *Mexico City*... sold it to the ape for a bottle, one drunken evening."²⁴

"[F]or a long time, while they were being looked for throughout the world, our devout judges sat enthroned at *Mexico City* above the drunks and pimps.

"Then the ape, at my request, put it in my

custody here.”²⁵

And why “did [J-BC] not return the panel?”²⁶ Five reasons are offered, one being that it has been replaced by a copy so well done that “among those who file by ‘The Adoration of the Lamb’ no one could distinguish the copy from the original and hence no one is wronged by my misconduct.”²⁷

Then the reason that resonates. “False judges are held up to the world’s admiration and I alone know the true ones.”²⁸ Which was I on the day I voted to affirm a life sentence since served in full by an innocent man?²⁹

And on so many other days when I wrote opinions and cast votes, cursed with knowing that, with at least half of the seven or so thousand cases that crossed my desk in those ten years, a facially credible opinion could be written *sans* intellectual dishonesty to reach almost any result? Or what’s a procedural bar for??

And as for J-BC, with the true “Judges” locked up in his cupboard, everything was in harmony, “Justice being definitively separated from Innocence.”³⁰ ➔


1. Albert Camus, *THE FALL* 70 (translated by Justin O’Brien, ed., Alfred A. Knopf, 1956).
2. *Id.* at 69–70.
3. Brooks Barnes, *Exiting the Solar System and Fulfilling a Dream*, *THE NEW YORK TIMES*, Sept. 13, 2013 at 1.
4. Courtney Humphries, *Life’s Beginnings: Studying How Life Bloomed On Earth—And Might Emerge Elsewhere*, *HARVARD MAGAZINE*, September/October 2013, at 39.
5. Dennis Overbye, *Far-Off Planets Like the Earth Dot the Galaxy*, *THE NEW YORK TIMES*, Nov. 5, 2013, at 1.
6. <http://kepler.nasa.gov>
7. *THE FALL*, *supra*, at 87.
8. *Id.* at 3.
9. *Id.* at 5.
10. *Id.* at 147 (J-BC).
11. *Stacy v. Williams*, 306 F. Supp. 963 (N. D. Miss. 1969); *Molpus v. Fortune*, 311 F.Supp. 240 (N. D. Miss. 1970), *aff’d* 432 F.2d 916 (5th Cir. 1970).
12. See my “An August Memory,” CABA Newsletter (August 2013); www.caba.ms.
13. *State Tax Commission v. Fondren*, 387 So. 2d 712 (Miss. 1980).
14. See, e.g., *Bell v. Watkins*, 692 F.2d 999 (5th Cir. 1983), wherein my client Charles Sylvester Bell and I were told we “ma[de] three other unpersuasive ‘logical’ arguments,” and “the first two arguments are seductive but misleading.” *Bell*, 692 F.2d at 1005 fn. 8, but Bell’s sentence was vacated nonetheless. Among the fortuities of this September some three

decades later, I checked the Supreme Court’s hand down list on Thursday the 12th and found legally convincing evidence that my former client was quite alive and well and still pleading his case. See *Bell v. State, En Banc* Order, Sept. 12, 2013. Go Charles!

15. *THE FALL*, *supra*, at 80–81
16. Bruce Weber, *Donald Cabana, 67, Warden Who Loathed Death Penalty*, *THE NEW YORK TIMES*, Oct. 13, 2013, at 20 .
17. See *Johnson v. State*, 416 So. 2d 383 (Miss. 1982).
18. Mississippi born and bred Donna Tartt is a generation younger. Asked recently “if you could meet any writer, dead or alive, who would it be?” Tartt replied, “[I]f it was a dinner date? Albert Camus. That trench coat! That cigarette! I think my French is good enough. We’d have a great time.” *By the Book: Donna Tartt*, *THE NEW YORK TIMES BOOK REVIEW*, October 20, 2013, at 8 . Yes, for those who are too young to have known Camus’ countenance, or just aren’t sure, he did indeed remind one of

Humphrey Bogart in the final scene of *Casablanca*, and vice versa.


19. Another reader had remonstrated with Shorto that he made no mention of John and Yoko’s Bed-In for Peace at the Amsterdam Hilton.
20. *Id.* at 69–70, 147.
21. For J-BC’s a/k/a Albert Camus’ thought on modern man and reading the papers, see *THE FALL*, *supra*, at 6.
22. *Id.* at 128.
23. *Id.* at 5.
24. *Id.* at 128–29.
25. *Id.* at 129.
26. *Id.*; see also *id.* at 90.
27. *Id.*
28. *Id.* at 129–30.
29. See my “A Life Sentence Served By An Innocent Man,” CABA Newsletter at 8 (June 2011); www.caba.ms/archives.
30. *THE FALL*, *supra*, at 130.



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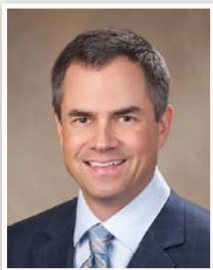


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BOOK REVIEW

Robert Khayat's *The Education of a Lifetime*

By Philip Thomas



The Education of a Lifetime is former University of Mississippi Chancellor Robert Khayat's memoir. Sprinkled with wisdom and humor, the book is an enjoyable read.

Divided into seventy-five short chapters, the book covers Khayat's childhood in Moss Point, playing football for Ole Miss and the Washington Redskins and ends with his term as chancellor at Ole Miss. Khayat's life intersected with many renowned Mississippians and important events over the last fifty years. Like Forrest Gump, Khayat hung out with Elvis, played for a legendary football coach and has a charming personality. Unlike Forrest Gump, Khayat is smart.

When I picked up the book I was eager to read Khayat's account of losing his bid to become dean of the Ole Miss Law School in October 1993. As one of Khayat's former students, I supported his being named dean. But in a surprising (to me) 14-7 vote, the law school faculty voted Khayat "not acceptable." The book explains that the fourteen faculty members who voted against Khayat viewed him as unacceptable because they wanted an African-America dean of the law school. Ironically, the faculty members who were trying to improve the law school's image on racial issues were voting against a man who would go on to lead the University's efforts to modernize its image on racial issues. The

faculty vote was hurtful to Khayat. But it all worked out for the best. Khayat was named Chancellor of the entire university. And it's likely that some of the faculty members who voted against Khayat now work in the new law school that bears Khayat's name. It's funny how things work out sometimes.

Two years after Khayat lost his bid to become dean of the law school, the Mississippi Board of Trustees of State Institutions of Higher Learning unanimously selected Khayat as the fifteenth chancellor of the University of Mississippi. Khayat served as chancellor for fourteen years. He led the transformation of Ole Miss from a second class university to a flagship institution of which the entire state can be proud.

When I arrived in Oxford as a law school student in 1990, two things quickly became apparent to me: (1) people who attended Ole Miss as undergraduates had a deep affinity for the University and Oxford; and (2) I did not understand why. I did not tell anyone that, but I remember thinking it. I also remember feeling a bit guilty about my thoughts. But now I do not have to feel guilty—Khayat basically says the same things in his memoir.

The transformation of the university and Oxford during Khayat's tenure was remarkable. When Khayat became Chancellor, the campus looked run-down and the main library was a bit of a dump. The appearance of the buildings and grounds on campus were vastly improved. Khayat led efforts to raise funds for projects like the Barksdale Honors College, Gertrude C. Ford Center for the Performing Arts (site of a 2008 presidential debate) and library improvements required for the school to obtain

a chapter of Phi Beta Kappa.

There was also little appealing about the City of Oxford in 1990 compared to today. A first time visitor to Oxford today would have a hard time envisioning the town just twenty years ago. During that time period, the square transformed from appearing to be on life support to arguably the coolest venue in the state. Twenty years ago people drove into Oxford on game days and left town after the game. Now, Oxford is a destination even on non-game weekends.

Rather than run from Ole Miss's embarrassing past on racial issues, Khayat tackled them head on. In Charles Eagles' book *The Price of Defiance—James Meredith and the Integration of Ole Miss*, Eagles examines the lingering damage caused to Ole Miss by the State of Mississippi's open resistance to Meredith's enrollment at Ole Miss. In *The Education of a Lifetime*, Khayat picks up where Eagles left off and describes the efforts in the 1990's to 2000's to repair the scars at Ole Miss caused by the resistance to end white supremacy. Khayat notes: "[i]hose of us who grew up in the white South, and particularly Mississippi, were so accustomed to Old South songs and sights and symbols during sporting events that the origins of the emblems weren't carefully considered. Nor was the pain they caused."

The two main symbols Khayat is talking about are the Confederate flag and the Colonel Rebel mascot. Khayat—at the urging of the head coaches of all the major sports on campus—realized that these symbols had to go. Yes, they hurt the university on the playing fields because it made recruiting black athletes harder. But more importantly, these symbols stained the university's perception nationally and linked the school to Mississippi's efforts to prevent desegregation and an end to white supremacy in the 1960's. To many people, the symbols made Ole Miss look racist.

The decision to eliminate confederate symbols at Ole Miss was deeply unpopular with some people. The school received hundreds of letters protesting the decision, including many filled with curses and threats. Honestly, many of those who were most offended were nuts. But unfortunately, it was not just crack-pots who were unhappy with Khayat's leadership on the symbol issue. Khayat had friends who

disagreed with the decision and let him know it. There was no convincing many people who disagreed with the decision to move forward by cutting some of the ties with the past. But it's hard to argue with the University's success since those decisions were made.

Getting rid of Colonel Rebel was fairly easy. Getting rid of Confederate flags at games raised First Amendment issues and was a trickier problem. Ultimately, the school did not ban the flag. Instead, it banned the sticks that flags are attached to. It was pretty clever. The implementation of the stick ban is a good story that Khayat covers in detail.

Khayat is about as humble of a former professional athlete as you will ever find. Most

of the football stories in the book center on Khayat's descriptions of being physically over-matched when he arrived at Ole Miss and in the NFL. Maybe so. But Khayat was a key member of Ole Miss' greatest football team ever: the 1959 team that gave up a total of twenty-one points for the entire season, shut out eight opponents, and lost only to Billy Cannon and LSU on the most famous single play in the history of college football. If Ole Miss stops Cannon's epic 89-yard punt return or punches it in near the goal line later in the game, the 1959 team goes down in history as probably the greatest college football team of all time. Khayat made the Ole Miss team of the century, played in an NFL Pro Bowl

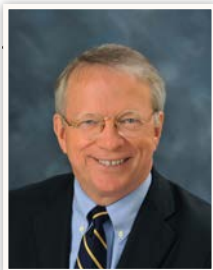
and was inducted into the Mississippi Sports Hall of Fame.

One of the funniest stories in the book is Khayat's description of introducing himself to Ole Miss' legendary football coach Johnny Vaught when Khayat arrived at Ole Miss as a freshman. Vaught, who was hitting golf balls in a campus field at the time, dismissed Khayat with, "I look forward to you being a Rebel, Eddie." Then, whenever Khayat kicked a field goal or extra point, Vaught would congratulate him with "good job, Eddie."

The *Education of a Lifetime* is both informative and enjoyable. Anyone with an interest in Ole Miss, Oxford or Mississippi history will probably like "Ed's" book. ➡

James Franco's Film Adaption of Faulkner's *As I Lay Dying*

By John C. Henegan, Sr.



Local Color

Crossroads Film Society of Jackson, www.crossroadsfilm-society.com, held an exclusive preview of James Franco's film adaptation of *As I Lay Dying* by William Faulkner on Tuesday, October 22, at Malco Grandview Cinema in Madison, Mississippi, as a fundraiser for the Society. Crossroads had announced that it would have a single screening with some members of the film's cast and crew attending. Publicity went out only a couple of weeks before the screening, but the demand for tickets was so great that, even with limited publicity, Crossroads had two showings rather than one as initially planned.

This was a preview, not a premiere. There were no floodlights scanning the night sky,

no red carpet, limousines, evening gowns or tuxedos, no flashing cameras. That may happen later after the movie is previewed for a week in New York and another week in Los Angeles. The screenings in Madison were sandwiched between a screening in Oxford and another on the Gulf Coast.

There was a low key buzz in the lobby and the theater in Madison that night. Word had begun to spread that a single screening fundraiser had morphed into two shows that evening. Early arrivers tried to appear casual as they craned to identify members of the cast and crew when they arrived and took their reserved seats in the first few rows. Crossroads had the coffin of Addie Bundren on display in the theater lobby. CABA's own energetic, imaginative, and talented Anita Modak-Truran, a successful documentary filmmaker and charter member of Crossroads, interviewed people for local television that night. Ward Emling, Director of the Mississippi Film Office, who has brought dozens of film projects and hundreds of people to Mississippi and created

untold jobs in the process, welcomed everyone. He then introduced the cast and crew that were there, and gave a little background about the sites used in the filming, all of which took place in Mississippi, before the lights went down and the screen came up.

The Book(s)

As I Lay Dying is the second of five novels that the autodidact Faulkner wrote in Oxford, Mississippi in a virtually unprecedented and unsurpassed display of creative imagination and genius between 1928 and 1936. The five works include *The Sound And The Fury*, *Sanctuary*, *Light In August*, and *Absalom! Absalom!*

The Sound And The Fury and *As I Lay Dying* are companions in contrast. Highly experimental in form, to borrow from Faulkner, they are about "the problems of the human heart in conflict with itself." More than 80 years after publication, they continue to be read, discussed, and re-issued in new editions with fresh commentary by scholars and novelists.

They have been translated into numerous foreign languages for Faulkner devotees around the world, found on virtually every list of the “top 100” works of American literature, included on most required summer reading lists in high school and college, and are the object of undergrad and post-grad literature courses.

The Sound And The Fury, which is also now in film production in Mississippi, is about the Compson family that lives a few blocks south of the square in Faulkner’s “apocryphal” Jefferson, Yoknapatawpha County, Mississippi. It was reportedly rejected by 13 different publishers before finally being accepted by an editor who understood Faulkner’s undertaking and had the courage to risk publication of what even today remains Faulkner’s most challenging work. The novel tells the same story four times from the perspective of four different people: three siblings—Quentin Compson, his sister, Caddy, and their idiot brother, Benjy—and an omniscient narrator. One of the novel’s most famous scenes occurs along the Charles River in Cambridge, Massachusetts. Such is its power that an anonymously placed brass plaque commemorates the site. The concluding scene—with Luster and Benjy entering the square of Jefferson in the Compson’s horse

“To take this novel...and transform it into a film would seem to be no small challenge.”

drawn carriage as they had a hundred times before, only this time turning *left*—is equally magisterial, and if you take it in, it will forever alter your experience of approaching the south entrance to the square of Oxford. As of this writing, no plaque marks the spot to tell the public what happened that fated Sunday afternoon, April 8, 1928. *The Sound And The Fury* was published in 1929, and its initial sales were limited.

Faulkner soon followed with *As I Lay Dying*. He once claimed that he wrote it in six weeks on the back of a wheelbarrow while working nights at the physical plant of the University of Mississippi, having been dismissed as its Post Master. The novel appeared in 1930. It is about the trials and ordeals of a single family living as far from Jefferson as possible while remaining within the county. The Bundrens

are simple, hardworking country folk; they are impoverished and uneducated even by the standards of an isolated, rural Mississippi. Faulkner again uses the stream of consciousness method: the story is told once rather than four times with each successive chapter told from the solitary view of a different member of the Bundren family.

The novel opens while Addie Bundren, who is dying, looks out her bedroom window and hears and sees her carpenter son, Cash, making her wooden coffin. Addie has asked that she be buried in the town cemetery in Jefferson, and for a variety of different and gradually revealed reasons, the Bundrens are determined, save one, to fulfill her dying wish. The other family members are Anse, the patriarch; their three other sons—Jewel, Darl, and Vardaman, who is a mere child; and Dewey Dell, their comely but unknowing teenage daughter. Following Addie’s death and a final at home visitation by their rural neighbors, the Bundrens’ pilgrimage by mule drawn wagon to the cemetery in Jefferson takes several days while her unembalmed body slowly decomposes before Addie is finally buried.

The title of the novel is taken from *The Odyssey*, and not since Sophocles’ *Antigone*

have individual members of a family sacrificed so heroically and all the while absurdly and tragically to see that their flesh and blood are buried within a city’s walls. *Antigone*’s desire to have her brother buried within the walls of Thebes is religious. While the novel is rich with Biblical images of prophetic dreams, gathering clouds and torrential rains, pilgrimage, the crossing of the river, flood, trial by fire, water, blood, and fish, each Bundren has his or her own separate motivation—most ir—or a-religious—for enduring their at first comedic and then grotesque journey. All except Vardaman, who is too young to understand the events of life and death that whirl around him yet gives us the novel’s most famous line: “My mother was a fish”, the sum total of one of the book’s chapters.

The Film

A film and a novel are entirely different art forms. Can a successful film be made from a classic, path breaking novel that eschews a standard narrative in favor of a story told through the intermittent, seemingly random interior monologues of its different characters, who are without unlimited access to the deeds and thoughts and therefore the motivations of their companions, without sacrificing the artistic integrity or central core and message of the medium of the novel?

The book is celebrated in large measure by its ability to convey the complexity of the personality and character of each member of what initially appears to be a very ordinary, even subnormal family that seems barely capable of making it outside their house and down to the road much less capable of overcoming the ordeals that they must endure to reach Jefferson and bury Addie. To take this novel (which in certain ways is a cult classic—how many rock bands take the name of a novel), and transform it into a film would seem to be no small challenge. From the perspective of this viewer, James Franco, who also co-wrote the screenplay, co-produced the film, and portrayed Darl, the prescient but lunatic brother, has met this challenge and admirably so.

The film’s depiction of the persona of each character within and without the Brunden family, the relationship of each Bundren to one another and to those outside the family—outsiders whom are not without their strong opinions and different convictions about the utility much less the wisdom of Bundrens’ journey—and the pace and unfolding of the events that move the novel forward to its climatic and stunning ending are all successfully captured cinematically and emotionally.

Franco, who has studied filmmaking formally at UCLA and NYU, is reportedly a voracious reader, and is also working on a Ph.D. in American Literature at Yale, directs the film with a deft mixture of image, humor, and suspense that surprises and even astonishes the audience with the ordeals and obstacles that the Bundrens create for themselves and the sacrifices that they endure to fulfill Addie’s wish. There is not a weak performance in the movie. The portrayals of each one of the Bundrens is

compelling. Tim Blake Wilson (“O Brother, Where Art Thou?”) fully conveys the slovenly, worthless, wholly selfish, ultimately despicable nature of Anse. Anha O’Reilly (“The Help”) captivates as the wholly naïve, fallen Dewey Dell. Logan Marshall-Green (“Prometheus”) is relentless and indefatigable as Jewel. The final scene of the film successfully captures the simultaneously exhausted and astonished faces of Jewel, Cash, Dewey Dell, and Vardaman as Anse approaches their mule-drawn wagon in an entirely unanticipated manner that shatters. It is a powerful, authentic rendering of the book’s ending.

There are several successful film adaptations of Faulkner novels, including *Intruder In The Dust* (Juano Hernandez), *The Long Hot Summer* (Paul Newman, Joanne Woodward, and Orson Wells), *Sanctuary* (Lee Remick), *The Reivers* (Steve McQueen), and *Tomorrow* (Robert Duvall), one of his short stories. Franco’s adaptation of *As I Lay Dying* is a worthy addition to this catalogue of films.

Between the date of the Grandview showing and this review, Millennium Films, which has the distribution rights, announced that rather than showing it in movie houses, it would release the film on iTunes on November 5, and it is now available through Amazon on DVD and VOD/iVOD. This reviewer has no idea about the basis for the decision, but it is presumptively based on economics. By coincidence, after not going to the movie house for several months, I saw “Gravity” and “As I Lay Dying” within a four day interval of one another. I am glad that I saw “Gravity,” but for all its special effects and outstanding performances by Sandra Bullock and George Clooney, I do not plan to see it again or any other movie about outer space for at least another five years. If I had the opportunity to see “As I Lay Dying” a second time at the movie house with a roomful of rapt moviegoers, which was the setting a few weeks ago, I would go as soon as it returned to Mississippi. The experience of a community coming together and watching actors perform comedy and tragedy and then leaving to discuss their *shared* experiences about the play or the film has been going on for over twenty five hundred

years. The film adaptation of *As I Lay Dying* is a part of that venerable tradition, and it is surprising to learn that it did not receive at least a limited release in selected theaters and different sections of the country. Perhaps the distributor will revisit its decision later. For now, viewing the film at home will be an evening well spent.

The Pitch

James Franco, who grew up in Palo Alto, California and was educated on the west and east coasts, is a painter, published author, screen writer, actor, and director, whose work is being taken seriously enough for him to land an evening solo on the Charlie Rose show. Franco is a voracious reader who may have been exposed to Faulkner at Yale from the work of Professor Cleanth Brooks, now deceased, or Professor Harold Bloom, both iconic American literary critics and admirers of the works of Faulkner. Franco is not only creative and talented, but he is willing to take risks as an actor and as a director beyond those associated with ordinary films, much less one based on a classic novel. Thus, he appears to be too unconventional to do another film adaptation of a Faulkner novel (unless he picked *Absalom! Absalom!*—once included on a list of novels least likely to be made into a movie).

Franco should make a film based on Faulkner’s *Intruder In The Dust*. Written 40 years before *Presumed Innocent* by Scott Turow and *A Time To Kill* by John Grisham, it is a suspenseful, crisply paced murder mystery with themes of redemption, reconciliation, and equal justice under the law, preceding *To Kill A Mockingbird* by Harper Lee by nearly 15 years. *Intruder* was a path breaking book with Faulkner owing a greater debt to *The Thin Man* by Dashiell Hammett and *The Big Sleep* by Raymond Chandler than any other authors, not to mention Howard Hawks who hired Faulkner to do the screenplay for the adaptation of Chandler’s most famous work.

Rather than do a film based on *Intruder*, Franco should do a film about the filming of *Intruder In The Dust*, which took place in

and around Oxford, and the time between Faulkner’s writing of the novel and his helping Clarence Brown, the director, with the script and the film, which had its world premiere in Oxford. During this period, Faulkner received the Nobel Prize for Literature, sold the movie rights to MGM for \$50,000, and suddenly had more money than he had had in his entire life as an author. Think of a cross between the raw violence of “Pulp Fiction” tempered by the gauntlet dropped to the artistic imagination by a monarchical authority in “Shakespeare In Love.” It would be right up Franco’s (and Hollywood’s) alley: a movie about a writer whose book set in an “apocryphal” town became a movie filmed in the actual town, with the book and the film having extremely satisfying endings.

Movies with small budgets are anathema in Hollywood. To address this, Franco should ask Morgan Freeman to play Juano Fernandez playing Lucas Beauchamp. Glenn Close or Sissy Spacek could play Elizabeth Patterson playing Miss Habersham. Franco or Brad Pitt or Leonardo Dicaprio could play Faulkner as he advises Clarence Brown played by Rob Reiner or Ron Howard. George Clooney or Franco could play Beauchamp’s lawyer, Gavin Stevens, etc. John Grisham could do the screenplay. Richard Howorth, the owner of Square Books and former Mayor and lifelong resident of Oxford, could be film consultant.

If the movie rights to *Intruder* are tied up, Franco could make a film of *The Moviegoer*, the existential novel by Walker Percy that is set in New Orleans and the Mississippi Gulf Coast. A film of *The Moviegoer* has been attempted twice—once in an adaptation by Terrence Malik with Sam Waterston as Binx Bolling—but never completed. Franco could play Binx Bolling, Anha O’Reilly could play Cousin Kate. Holly Hunter could play Binx’s mother. Meryl Streep could play Aunt Emily. Phillip Seymour Hoffman could play Lonnie, Binx’s half—brother. You get the idea. May Mississippi forever remain a fertile place for writers, film makers, and moviegoers. 🍷

John C. Henegan, Sr., is a member of CABA and a regular contributor to the CABA newsletter.

Ode to Home: Mother's Words Bring Life to the Practice of Law

By C. Meade Hartfield



My mother has a knack for saying funny little phrases that, with her thick southern accent, just seem to stick with me. Her quips have become my mantras for enjoying life and

the practice of law. Here are a select few of her wise words.

“Sing, baby, sing.”

I grew up with a passion for music, and my mother sat through many vocal solos in many settings. She used to eagerly tell me before I went on stage, “just sing.” It was such a simple phrase that meant so much more. She wanted me to relax, focus on the message of the song and connect with the audience. The same principle applies in practicing law. Whether your audience is a judge or jury, you want to engage them in your message. To do that, you must forget about the microphone, the size of the room, all the eyeballs on you and the number of listening ears. You must get motivated about the meaning behind your message and the need to captivate, entertain and move your audience as they sit in their seats.

Anyone who has ever performed in the courtroom, be it through a jury trial or motion practice, can appreciate the difference between an experience where you were so focused on the expectations of those around you that you failed to meet them, and an argument where your phrasing rolled off the tongue like prose from Walt Whitman. A bad experience will teach you that if you allow the setting to be a distraction, you miss the exhilaration of the moment, and you sacrifice the effectiveness of your argument.

A song tells a story, and so must your oral

argument. Just as important as the correct song choice, you must tell the story in a way that complements your vocal abilities, one in which you feel comfortable and about which you are passionate to share. Mother knew that, as a singer, I had to let go and yield to the music and just “Sing, baby, sing.” A talented litigator who does the same with his or her argument will be equally well received.

“Be good. Be quick. Be done.”

Many lawyers love the sound of their voices, and like a broken record, they play their song too loudly and too long. But brevity packs more punch, and my mother has always understood that. Anytime I had a speech to give at school, Mother pulled out the old zinger, “Be good. Be quick. Be done.” Mother understood that people have short attention spans. The last thing you want is for people to tune you out because they are tired of your voice and your worn out message. Make your points; make them well; move on. If you feel you must hammer home a particular argument, find a fresh way to say it—every time.

“Stand up!”

You would never know it by looking at her, a pillar of poise and strength, but Mother is a little bit of a rebel, maybe a lot. She has never been afraid to go against the grain of popular opinion, does not cave to peer pressure, and stands firm for her principles. As she puts it, you have to “Stand up!” and plant your feet for things that matter. There is nothing more entertaining to me than to watch her get fired up about something in which she believes. If she is seated, her back comes off the chair and her already erect posture becomes more pronounced, as she raises her always polished hand to make a point. If standing, she stands tall with her shoulders square to the person with whom she is debating, so that she can

meet his or her gaze dead on and be fully engaged in the discussion. With grace and conviction, she captivates your attention, and your ears perk up because you want to hear what she has to say.

Much the same, good lawyers fight hard for their cause, with panache. They channel their passion for finding the truth in a given situation, and they bring it with enthusiasm to the center of the judge’s and jury’s attention. They rally and inspire their legal team to find creative ways to tell the story and win the case. They do not give in to the majority opinion if their minority position would yield the right result, and they search incessantly for a way to shed new light on old theories to fit the facts at hand. Good lawyers will always “Stand up!” when it is time to do so.

“Work won’t kill you. Worry will.”

Those in my household were never short on work ethic. Mother made sure. But Mother also made sure that we tempered our drive for productivity and accomplishment with a reality check on our emotions and physical health. While Mother very much believes in hard work, she does not believe in getting worked up with worry over the task at hand. Rather than internalizing what may seem like an overwhelming, monumental task, Mother has always encouraged me to take one thing at a time, to put one foot in front of the other, to make forward progress. By focusing my energy on what I can do and then doing that, I can see in retrospect just how much I have actually accomplished, certainly a great deal more than if I waste my energy fretting.

Practicing law can be stressful. You worry over deadlines and stress about contributing to the firm’s bottom line. You fret over scheduling quagmires and how much time it takes to get even the smallest thing accomplished. You agonize over why you cannot find the case that

you know must be out there ... somewhere, in some state, where some court must have put your brilliant thought in writing. Sometimes you are just so tired and your perspective so distorted, worry feels like your constant companion. When it gets to be too much, take a minute and regroup. Remember yourself. Do what you can, when you can. Stop and rest. Then pick up where you left off. Your productivity will explode instead of your health and sanity.

“It’s a ‘flamingo’ day.”

After I started practicing law, my parents moved to the beach. Whenever I called in the mornings to check on them, I would ask Mother how she was doing. “Oh, it’s another ‘flamingo’ day,” she usually said while drinking out of a bright pink coffee mug decorated with tropical trees and a flamingo-neck handle. My mother made a point to say she was simply enjoying her day. At first, I was sure her flamingo perspective was based on her enthusiasm for her newly found freedom in the sun and sand. However, “flamingo” became a staple of her vocabulary and, after a while, I understood that the phrase was really a directive to me, a Mother-knows-best instruction to soak up the simple pleasures of each day.

If ever the burdens of litigation seem heavier than a stack of treatises, my mother’s words ring in my ear, and I am instantly reminded to enjoy the sunshine, appreciate the people around me, and to regain my perspective on the value of contentment and joy in such a demanding profession. I am reminded to take pleasure in the profession and to make the most of each moment. Lighten your load today, and remember that every day should be “a flamingo day.”

“Everybody has a choice in life: right or wrong. Choose right.”

Whenever I was faced with a dilemma growing up, and even today, Mother has always been wise enough not to tell me what decision to make. Instead, she listens closely and serves only as a sounding board and a facilitator to my decision-making. One statement she has made consistently over the years is, “Choose

“One statement she has made consistently over the years is, “Choose right.” Everybody needs that simple reminder. Lawyers need it every day.

right.” Everybody needs that simple reminder. Lawyers need it every day.

As professionals, lawyers are tasked with an extra layer of fiduciary duties, and we are constantly faced with ethical obligations that compel us to cling to this principle. Recording time accurately; billing clients appropriately; negotiating settlement at the logical time, in a truthful way with opposing counsel; doing thorough research and briefing—each task presents a choice. Choose wisely; do the right thing.

“Your name will go farther than you will.”

No, Mother was not saying I would not amount to anything—quite the opposite. She was saying that whatever I say and do will travel farther and affect more people than I ever thought it would. This is another way of saying, “your reputation precedes you.” Our words and actions do not stay in the bubble in which we live.

Your firm gets referrals based on this principle. Think about your firm’s best partners. Their names may be discussed in law firms across the country based on a result they achieved in a case (or consistently achieve in an area of the law). Those making the referral probably know very little about the specifics of the win, but for some reason, they remember that this attorney is known as a good lawyer, one you want on your team.

In the legal world, your reputation is critical to your success. You must carefully build, protect and preserve your identity as a lawyer who provides high quality service and adds value to any case. The saying has special meaning in the context of law firms, and you should also remember that “Your firm’s name will go farther than you will” as well. When you join a firm, you take on that firm’s identity, and you should protect it like your own. Everybody has a few stories in his or her pocket about “that lawyer from ABC firm.” No one wants to be that guy or gal.

Remember, your choices will outlast you and will shape your legal legacy. Make it a good one.

Mother surely has been right about a lot of things. ➔

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Postscript: Meade wrote the first version of this article in May 2010. In March 2012, Meade’s mother, Sherry Pierce Hartfield, was diagnosed with stage IV inflammatory breast carcinoma (IBC), a very rare and aggressive form of breast cancer with no known cure. More than a year and a half later, tests showed no evidence of the disease, a true testimony to the remarkable strides in treatment and the awesome power of prayer. While the latest scans have shown some activity, Sherry has kept her witty and wise perspective. Sherry continues cancer treatments, and she makes every day a “flamingo” day.

President’s Column
continued from page 1

Memorial Service—a dignified and moving ceremony. The CABA and JYL presidents have been asked to serve as *ex-officio* members of the Memorial Committee. They greet, usher and then light memorial candles during the beautifully solemn reading of the names of our fellow lawyers who passed away during the past year. A grown lawyer perhaps ought to be able to light some candles without palms sweating and knees knocking, but then...

Our next regular membership meeting is February 18, 2014. We look forward to hearing from Dean Jim Rosenblatt about developments at Mississippi College School of Law and his recent decision to step down as Dean and step in as a professor in the coming year. Be sure to join us. ➔

LAWYERS *in the* LIBRARY

Volunteer lawyers partner with local library to help people access legal information for problems ranging from divorce to social security and disability claims during Celebrate Pro Bono Week, Oct. 20–26.

By Carlyn M. Hicks



Through a new outreach effort, the Capital Area Bar Association, in partnership with the Jackson-Hinds Library System, provided over 70 patrons with free legal advice and counsel

on varying topics during Lawyers in the Library. Volunteer lawyers also discussed the pro bono resources available in Mississippi and how to access those resources to help patrons meet their legal needs. The event, held on October 21 at the Eudora Welty Library, was free and open to the public.

“Access to justice is a fundamental right we have as citizens of Mississippi, and that access must start with access to counsel, so we’re hoping this service provided patrons with legal advice and resources they may not have been able to access, otherwise” said Carlyn Hicks, public interest attorney and Pro Bono Chairman for the Capital Area Bar Association.

The event was a joint effort of the Capital Area Bar Association, Mississippi Volunteer Lawyers Project, and the Mississippi Access to Justice Commission. “It was important for the Mississippi Volunteer Lawyers Project (MVLP) to co-sponsor the Lawyers in the Library event because the state’s legal services programs are not able to respond to everyone who has a legal matter that needs to be addressed by an attorney. This event helped to fill the service gaps, while also giving individuals direct access to attorneys, and ultimately to courts, as they try to obtain the very important and often urgent legal relief they are seeking” said Tiffany Graves, Executive Director and General Counsel of MVLP.

“The Mississippi Access to Justice Commission was created by the Mississippi



Supreme Court to develop and implement initiatives designed to expand civil access to justice across the state. We are extremely excited about the success of the Lawyers in the Library event in Jackson, and we hope to see the program expand to other regions of the state” said Davetta Lee, Executive Director of the Mississippi Access to Justice Commission.

Charlotte Moman, Assistant Director for Public Service at the Jackson-Hinds Library System, shared her appreciation to the volunteer attorneys for their time and service. “We are so grateful to the Capital Area Bar Association for partnering with us in our efforts to meet the legal needs of our patrons, and meet the needs of our surrounding community” said Moman.

The Lawyers in the Library program is co-sponsored by the Mississippi Volunteer Lawyers Project and the Mississippi Access to Justice Commission. It is further supported

by the Jackson Young Lawyers Association, Young Lawyers Division of the Mississippi Bar Association, and Mission First Legal Aid Office. It would not be possible without the support and participation of several volunteer attorneys from the Jackson Area, including John Colette, Melissa Malouf, Tami Munsch, Kenya Randal, Davetta Lee, Tiffany Graves, Francis Springer, Kate Margolis, Diandra Hosey, Tchanavia Bryant, Arthur Calderon, and Carlyn Hicks. Lawyers provided legal advice, answered complex legal questions, reviewed legal documents, and helped point patrons in the right direction as to their next steps in their legal issues. Matters ranged from family law, criminal law and expungements, social security and disability claims, and estate planning. ➔

[More Photos on Next Page ...](#)



GALLANT HEARTS

4th Annual
5k Run, Dog Walk,
& Kids Festival

On Saturday, November 2nd, members of CABA's community outreach committee, Cheryn Netz, Margaret Smith, Melissa Baltz, Torri Martin, Susan Tsimortos, Anita Modak-Truran, Margaret Williams, and LeAnn Nealey worked as volunteers at the Gallant Hearts Fourth Annual 5k Run, Dog Walk and Kids Festival at Laurel Park in Belhaven.

About Gallant Hearts

Gallant Hearts is a non-profit organization that breeds, raises and trains guide dogs which are provided at no charge to persons who cannot see. We were proud to represent CABA at this great event, as we used our wrangling skills assisting in the Kid Zone at the space jump and agility challenge, as well as maintaining crowd control during the monkey rodeo.

Thanks to everyone who volunteered and contributed to the event's success!

LeAnn Nealey, Chair for Community Outreach



More photos on next page!



» On Computing

Focused on the Contemporary Lawyer



Free Law Resources

By Joel Howell



Courtesy of Mississippi College School of Law, a mobile/pc application is now available as a free fundamental resource. It is accessible at www.law.mc.edu/mlr.

This new application provides easy access to the Federal Rules (Civil Procedure, Criminal Procedure, Evidence, and Bankruptcy Procedure); Fifth Circuit Court of Appeals opinions; and Uniform Local Civil Rules, Uniform Local Criminal Rules, and opinions for the Northern and Southern District Courts of Mississippi. For Mississippi state resources, it provides links to the Rules of Civil Procedure, Evidence, Appellate Procedure, and Professional Conduct, as well as to the Mississippi Code of 1972, Supreme Court and Court of Appeals opinions. Also linked are the Mississippi Constitutions of 1817, 1832, 1868, and 1890 (with amendments from the Mississippi Secretary of State). Finally, it has links to the MC Law Library Online Catalog, the Legislative History Project (videos of floor debates from the 2012 and 2013 legislative sessions), and the Judicial Data Project (videos of oral arguments at the Mississippi Supreme Court and Court of Appeals, briefs filed, and statistical information).

At the time I first saw it, its rules updating was ahead of the official Mississippi sites. This promises to be a very useful addition to any practitioner's applications, particularly so with its mobile access features.

Over the years Robert Ambrogi and his articles in Law Technology News have provided many helpful hints. A salute as he retires from writing that column, with some comments in his penultimate column about judicial blogging.

Interestingly enough, judges of all kinds have started blogging about judicial challenges and responsibilities. Even though blogging has exploded in the legal profession in recent years, judicial blogging remains rare. Even more so are blogs from federal judges. Most judges probably refrain from blogging because of the potential consequences and constraints they face such as ethical rules and practical considerations. The U.K. has gone as far as threatening disciplinary action for inappropriate blogging.

However, a few judges have remained defiant and have pioneered a judicial blogging trail that spans any and all aspects of the law, from family law issues to personal preferences inside the courtroom. These judges typically write on a wide range of topics of interests giving insight on the judicial processes, as well as track notable cases and articles on judicial issues. Other judges blog about social issues such as bullying, discrimination, and abuse in the workplace

Examples of current judicial bloggers include Milwaukee County Circuit Judge John DiMotto (johndimotto.blogspot.com), Minnesota District Court Judge Tom McCarthy (countryjudge.blogspot.com), and Texas District Court Judge Bonnie Suddereth (judgebonniesuddereth.wordpress.com).

Another judicial blogger close to home is Chancery Judge Larry Primeaux of the 12th Chancery Court District of Mississippi

(<http://chancery12.wordpress.com>). Chancellor Primeaux typically provides news and information about practice in Lauderdale and Clarke counties. He offers insight into some of his preferences and predilections regarding his Chancery Court practice so as to better develop the learning process. Other judges around the country have performed similar services such as aiding teens in understanding their rights and the consequences of cyberbullying. ➡

Questions or comments?

Drop me an email: jwh3@mindspring.com





BYOD. *Bring Your Own Device Policies*

By Zachary Busey



Companies, big and small, spend a large amount of resources on IT infrastructure, IT logistics, and IT support. A quality workforce could become disorganized and swiftly crumble if employees cannot communicate quickly and effectively. This IT burden is a significant and often costly one, to which many companies dedicate a vast amount of human and financial resources. In an effort to alleviate some of this burden and stay competitive in the marketplace, companies, especially many small businesses, have started to develop and implement bring-your-own-device (“BYOD”) policies.

option will ever please everyone. Just ask the next person you see with an iPhone if he or she would mind switching to Android, or Nokia, or anything besides the iPhone. With a BYOD policy, employees are free to choose their own device—relieving the company of that decision.

It is also less expensive for the employer. A BYOD policy can significantly reduce day-to-day IT costs, as well as upfront costs for smaller or emerging companies. For example, think of all that comes with just one smart phone: the phone, a charger, multiple cables, an equal number of adapters, replacement parts, stands/cases/covers, and the nearly constant managing of firmware and software updates. A BYOD policy can significantly, if not entirely, reduce these hassles and costs.

issued BlackBerrys, outside of normal working hours. BYOD policies grant hourly employees tremendous freedom to check e-mails outside of normal working hours. But both employees and their employers must remain vigilant to ensure company policies and wage and hour laws are followed. As with any workplace issue, employees should be encouraged to ask, and employers should be prepared to answer, questions about how to handle work e-mails and telephone calls outside of normal working hours.

E-discovery. The ever-expanding realm of e-discovery would certainly include most personal devices used as part of a BYOD policy, for example, parties may be responsible for the preservation and collection of the information stored on the personal devices. That preservation and collection of information on a personal device comes with its own questions, concerns, and analysis that must be carefully considered.

What Are We Talking About?

A BYOD policy is fairly straight forward. Rather than providing company owned electronic devices (e.g., a smart phone, tablet, and laptop) to employees, an employee is simply allowed to use (i.e., brings to work) his or her personal electronic devices. A BYOD policy eliminates the proverbial company-provided device. In a BYOD workplace, the company provides the hardware and storage for the information, and the employees provide the devices through which that information is accessed.

What Concerns/Issues are There with BYOD Policies?

BYOD policies are a recent invention, so unfortunately there isn't yet a well-established body of law. In fact there aren't any publicized disputes or litigation in which a BYOD policy took center stage. But the scenarios that could trigger such disputes are not difficult to imagine:

Who owns the phone number? On their personal devices, sales employees make hundreds of calls a day to current and prospective clients. An employee leaves the company, but clients continue to call the former employee on what they believe is a company phone number. Can the company obtain the rights to the former employee's phone number? Did the former employee relinquish the rights to his personal phone number by using it at work?

Does checking e-mail count as overtime? This is already a hot topic in employment law. Over 200 police officers recently filed a lawsuit in Chicago claiming that they are owed millions of dollars in unpaid overtime for checking e-mails and taking calls on city-

What to Look for in a BYOD Policy?

There are many 'standard' workplace policies: policies forbidding harassment and discrimination, vacation and sick leave policies, and discipline policies. BYOD policies, however, are typically company and situation specific. That said, a good BYOD policy should have some form of the following:

- A brief explanation of what the policy is and how/when it will be implemented by the employer.
- A financial disclaimer and/or explanation. The BYOD policy will usually make clear that the employer will not purchase for the employee devices or replacement devices. Some employers, however, may choose to reimburse employees for certain items, e.g., \$30/month for a data plan or a one-time, \$100 reimbursement for the purchase of a smartphone with the ability

Why Would a Company Have a BYOD Policy?

It gives employees freedom to choose. A BYOD policy allows employees to choose the type of device they want. It is difficult for companies to be flexible in their technology offerings. Most hardware only becomes affordable when bought in relatively large quantities. And no matter what the option is, no single

- to perform certain functions.
- A reference to the employer’s electronic use policy, and an explanation that the electronic use policy applies equally to electronic device(s) used as part of the BYOD policy.
- A password requirement. A BYOD policy will often require all devices used as part of the BYOD policy to be password protected, as well as settings such that a password prompt appears after 1 minute of inactivity, when the device is powered on, or when the device is ‘woken up’.
- A privacy disclaimer. A BYOD policy will usually make clear that employees have no right to privacy in the device(s) used as part of the BYOD policy. Under any BYOD policy, employees will likely relinquish some privacy rights in the device(s) used as part of the BYOD policy.
- A liability disclaimer. A well-drafted BYOD policy will disclaim any liability or responsibility on behalf of the employer for damage to, or the loss/corruption of data stored on, a device used as part of the BYOD policy.
- A search/access agreement. Depending on the circumstances, a BYOD policy may grant the employer the right to physically and remotely access any device(s) used as part of the BYOD policy.
- A limitation on access/use. A BYOD policy may prohibit third-parties from using and/or accessing any device used as part of the BYOD policy. (In general, I am a fan of this type of provision in a BYOD policy. After all, we don’t want a young child accidentally e-mailing all contacts with something like: “aad;flkjafja;ls_sdfjads.”)
- A reporting requirement. A BYOD policy will often require employees to immediately report to a specifically identified individual a lost or stolen device.
- A written acknowledgment/verification. As with all workplace policies, employees using the BYOD policy will need to verify in writing that they received the policy, understand the policy, and agree to be

bound by it. The written acknowledgment/ verification will usually also include a description (make, model, color) of the employee’s personal device that he or she will use as part of the BYOD policy.

Lastly, there are applications/software available that create internal ‘firewalls’ on personal devices. These firewalls prevent the combining of company and personal data. The applications/software can also provide other security benefits, such as the remote locking or remote wiping of devices. Whether an employer makes use of these types of applications/software will depend on an employer’s specific needs and technological capabilities.

The body of law surrounding these issues will develop as litigation surrounding BYOD policies becomes more and more common. No doubt garden-variety tort claims will focus on the privacy interests of the employee, with other tort claims based on theories of trespass, conversion, and emotional distress

(just imagine the emotional distress stemming from the mysterious deletion of vacation photos or a Facebook account from a device used as part of a BYOD policy). A number of federal laws could also be implicated, likely including: the Wiretap Act (18 U.S.C. §§ 2510–2522); the Stored Communications Act (18 U.S.C. §§ 2701–2712); and Section 1030 of the Computer Fraud and Abuse Act (18 U.S.C. § 1030). Notably, Section 1030 is a two-way street; employers have successfully brought counterclaims against employees for alleged violations of Section 1030. The extent to which attorneys will have success using Section 1030, or any cause of action, as it relates to a BYOD policy remains to be seen. But one thing is clear, technology in the workplace is here to stay. So we should not have to wait long to get our answers. ➡

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MISSISSIPPI COLLEGE LAW 2013 LIBRARY HOURS

August 21 – December 20

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

EXCEPTIONS

THANKSGIVING: November 22 – December 01

Friday (Nov 22)	7:00 am – 5:00 pm
Saturday & Sunday (Nov 23 & 24)	CLOSED
Monday – Wednesday (Nov 25 – 27)	7:00 am – 5:00 pm
Thursday – Sunday (Nov 28 – Dec 01)	CLOSED

EXAM HOURS: December 06 – December 19

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

GRADUATION: Friday, December 20 7:00 am – 5:00 pm

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CAPTAIN EQUITY

BIG GOVERNMENT *Meets* TEA PARTY LOGIC

The late comic, Rodney Dangerfield, would often preface his classic appearances on *The Tonight Show* with Johnny Carson in the late 1970s and 1980s with this memorable phrase: “We got a lot of problems, Johnny; a lot of problems.” When one considers the deplorable paralysis that plagues federal, state and local government at nearly every level, never were Rodney’s cautionary words more true. Back in the day when I majored in Political Science at Millsaps College, I never used the pejorative term “politician” when referring to elected officials. Unfortunately, after decades of witnessing the ongoing hypocrisy, grandstanding, egomania, irresponsibility and borderline and not so borderline corruption that characterizes what our political system has become, “politician” is the only term I now use. Politicians of all stripes do what they do best—use misleading terms and feel good phrases to rationalize their serial irresponsibility so as to keep the masses distracted, confused and uninformed.¹ Yes, there are a few exceptions, but they are increasingly more difficult to find as each week passes. In sum, most politicians don’t give a happy damn about anybody other than themselves and their campaign contributors, be they wealthy individuals or corporate deep pockets. The quid pro quo they have to offer is measured in donor ego stroking, government funded favors, and/or the unending flow of taxpayer dollars to those who curry favor.

And so, given my ever expanding, cynical worldview, let me offer a comprehensive solution to all that ails us at the federal and local level. Captain Equity’s “Big Fix” is based on two seemingly inconsistent premises. One is that instead of Government being too big, I

contend it is not nearly big enough. The second guiding principle is that instead of the Tea Party being motivated largely by irrational hate and irresponsibility, it is rather the one rational approach to meeting and prevailing over all of our challenges. How does this work, you ask? Let me show you.

The Federal Fix

Wiping Out The National Debt. The biggest overriding problem America faces is our ever increasing federal debt.

Since an inordinate share of federal expenditures can be traced to Social Security and Medicare payments² (socialistic Democrat Party programs that Grumpy Old Tea Party Conservatives seem to like and depend upon) we could just raise the eligibility ages to 78 and 77 respectively. That buys us another dozen years of windfall FDIC and Medicare tax withholding which will quickly shrink the growth of federal borrowing down to zero and even allow us to reduce principal. As an added bonus, blue collar seniors will likely die off quicker if made to work longer while white collar employees would have an easier go of it. But in the long run, as the death rate grows the government gets to keep more of the money that all the soon-to-be deceased taxpayers have paid to the federal government over the years. Score one for fiscal sanity. There is of course a minor political problem, but not to worry. Under my “Federal Safety Net Solvency Act,” every senior citizen who makes a campaign contribution to their respective Congressman would receive a monthly amount back from the government equal to the federal benefits they would have lost under this dynamic new

program. These amounts would be known as “Sponsors of Liberty Freedom Vouchers.” In other words, contribute and live or sit tight and die. It’s the citizen’s choice. What could be more democratic? Wouldn’t Ted Cruz be proud?

Stopping Gun Violence In Its Tracks—In the aftermath of multiple mass shootings involving mentally unstable people in America, there is nearly universal agreement that something must be done. Since we know guns don’t kill people, it has to be mental illness that is the culprit. But treatment of mental illness is both problematic and expensive. So, drawing from another Democrat Party initiative created by Franklin Roosevelt, we would simply ship all mentally ill people to federal internment camps out West to be known as “Comprehensive Care Centers.” Hey, if it worked in World War II, why not now? Having large numbers of patients at central locations would cut treatment costs drastically. The government would purchase antidepressants in bulk, at deep discounts, from Canada and Mexico. These drugs would then be shipped to the centrally located Comprehensive Care Centers. This would allow government helicopters to drop large amounts of pills to patients in the CCC’ Exercise-Therapy Yards for the hour a day that these brave and courageous, mentally challenged American patriots would be allowed outside of their cells. Walmart couldn’t do it any more efficiently. Patients would of course get to keep their guns, but supervised internment would curb their ability to buy bullets. And even if they did, they would just be shooting each other rather than innocent American citizens. Now there is a solution even the NRA could get behind.

How To Transform Jackson From Detroit Lite To Paradise Found

On a more local level, we are all aware of the ills suffered by Jacksonians. Here are a few “Big Government—Sweet Tea” solutions.

Population Decline—This one is simple and saves money. Get the legislature to pass the “You Can Run, But You Can’t Hide” Jackson Metro Government Expansion” initiative. This would exponentially increase the tax base by making the Jackson City Limits co-extensive with Hinds, Madison and Rankin Counties. Besides more tax revenue, we could do away with duplicative local governments and city services. That spells EFFICIENCY in all caps, punctuated with dollar signs.

Farish Street—It has been almost a dozen years and nothing much has happened. I say embrace the minimalist approach by renaming the project, *The Ruins of Ephesus West* to celebrate the ancient civilizations of Greece and Rome. If the original is in Turkey, why can’t we have a branch here in Jackson? Nothing would change except perhaps buying a few camels and paying some city employees to dress up like Greek and Roman tribesman. This would allow us to change the name “Bold New City” to “Bold Old City” or if you prefer, “City That’s Old.” But here is the best part. After making these minor changes, Jackson sells Farish Street to the National Park Service for hundreds of millions of dollars and David Watkins is named by the Park Service as the Ranger in Charge to settle any lingering claims against JRA. Talk about a win-win.

The Jackson Zoo—Following along with the Bold Old City theme, we can rescue our financially troubled zoo by merely removing the fences and letting the animals roam amidst the ruins of West Capitol Street. Just think of the savings in maintenance. The animals could feed on squirrels and blue jays creating yet another substantial administrative cost reduction. This would be followed with an international marketing blitz aimed at diverting safari bound eco-tourists to Jackson. Tourism to *Ephesus National Park* and the newly opened West Capitol Street Wild Kingdom would

soar. But wait...there’s even more.

The Jackson State University Domed Stadium—Some people think this is a pipe dream given the fact that JSU already has a 60,000 seat football stadium on State Street while the City faces more pressing infrastructure problems. But once again, given the Bold Old City Theme, substandard streets between downtown and JSU would not be re-paved, avoiding an expensive, time consuming process. Rather, existing pavement would be removed turning the streets to dirt and dust. Cotton and soybean producers would be offered subsidies to grow tumbleweed and cactus that could be installed where sidewalks used to be. It would also require JSU to change its mascot and name from Tigers to Cowboys. City buses would be sold to purchase stage coaches and buckboards to take football fans to the new stadium for Wild West Tailgating. Hunting permits would be issued to sportsmen to control the occasional lion, tiger or bear who strays too close to the JSU campus from the West Capitol Street Wild Kingdom. Just think about the tailgating possibilities involving grilled polar bear steaks and barbequed peacock. And once a year during the JSU-Alcorn game, the Cowboys versus Indians theme would make Jackson a Deep South Dodge City that would draw even more tourists. And better yet, in light of our Governor “New Testament” Phil’s steadfast refusal to expand Medicaid for the working poor while advocating against abortion and for nativity scenes (his words, not mine) Veterans Memorial Stadium could be easily and inexpensively be transformed into an open air emergency room with seating for more than 60,000 Jacksonians as they wait to be seen by University Hospital ER personnel. The savings realized would more than pay for a Jerry Jones like domed stadium on Lynch Street. Hey, football, tourism and medical care all wrapped up in one big inexpensive package. How can you lose?

The Republic of New Afrika—Finally, the mayor’s long standing dream of a separate nation in the heart of the Deep South could finally be realized as the crowning achievement of an economic development tour de force for which I should rightfully take credit. Simply

create a new country located within the city limits which would include Hawkins Field and the Municipal Golf Course. Not only would we be eligible for foreign aid from the United States, but we would certainly draw military aid from China, Russia, Iran—you name it. By extending the runway at the newly commissioned RNA Edwin Finley Taliaferro Air Base, we could accommodate the RNA’s burgeoning new Air Force. The base would be home to RNA F-16s, MIG-17 s, C-5 cargo jets, Blackhawk helicopters and who knows what else from around the world. We keep the best military hardware and then sell the rest to other regimes around the world at a huge profit. Better yet, we could subdivide the golf course to build foreign embassies from countries around the world. The influx of diplomats and the money they would bring would allow every Jacksonian to receive an annual six figure guaranteed income for life. Raise the minimum wage? For what?

So, I say, what is wrong with Big Government driven by Tea Party logic? Not a thing. Not one single thing! Oh, and Mayor Lumumba and the City Council, no need to thank me. That is what patriotism is all about.

So here is to **JACKSON—THE BOLD OLD CITY** with dirt roads paved with gold—kind of. 🍷

1. For instance, when Democrats talk about the reduction of the federal deficit under their leadership, the reality is that they are in fact referring only to the slowing of the rate of increase in federal borrowing rather than the actual reduction of the debt. Not one penny of accumulated principal has ever been repaid. When the Republicans talk about their dedication to personal freedom and their unwavering pledge not to let the government come between a patient and their doctor, they never mention legislation they sponsor to require pregnant women to undergo compulsory vaginal ultrasound procedures. You get the idea.
2. **Truth In Labeling**—Since the Affordable Care Act, which permits the working poor to buy health insurance from private companies is now more or less officially Obamacare, isn’t only right that Social Security be renamed FDR Socialism Security and Medicare be renamed LBJ Care for consistency’s sake? Oh yeah, and don’t forget Part D—W-Care.



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