



## President's Column: *Count the Ways*

By Meade Mitchell<sup>1</sup>

Throughout the year, I have told you of the fine works performed by the Capital Area Bar Association and the opportunities our bar association affords each of you. I wanted to let you know the impressive things that CABA is doing for our community and for our members this year. Let's count the ways:

1. Diversity—During each CABA membership meeting the Diversity Committee presents a "Did You Know" moment on diversity and inclusion. The committee is also sponsoring a generational diversity presentation on April 18, 2017;
2. Community Outreach and Pro Bono—The Community Outreach/Pro Bono Committee, along with the Mississippi Access to Justice Commission and others, sponsored two free legal assistance workshops in October and November to help individuals qualify for and obtain expungements. The committee conducted a Toys for Tots drive in connection with the CABA Christmas party and also served at Stewpot in December;

3. Social—Opportunities to interact are important in our organization and the Social Committee has been exceptionally busy. It conducted a Fall Social, the annual CABA Christmas Party, and the first ever Bar Review at the Apothecary. The committee is planning a Spring Social and additional Bar Reviews this year;
4. Law Related Education—Your Law Related Education Committee will again conduct an essay contest for 6th and 7th graders in the Jackson area. Each year essays are submitted by students throughout the area. Last year over 190 essays were received and prizes were awarded to authors of the top legal essays;
5. Women's Initiative—The Women's Initiative Committee sponsored a luncheon earlier this month to discuss issues impacting women lawyers. Two female judges presided over a panel discussion on these issues. The committee also sponsored a law student to attend the

Continued on Next Page ...

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## Upcoming Events

**March 27**

25th Annual CABA Golf Tournament  
Jackson Country Club

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.



# 25th Annual GOLF OUTING

March 27, 2017 • Country Club of Jackson

**MVLP**  
MISSISSIPPI  
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PROJECT  
Proceeds  
Benefit

- 6. Evelyn Gandy Lecture Series in February;
- 7. Golf Tournament—This year’s golf tournament will be on March 27, 2017 at the Country Club of Jackson. Each year the substantial proceeds from this well attended event are donated to the Mississippi Volunteer Lawyers Project;
- 8. Solo and Small Firm—The Solo and Small Firm Committee will sponsor a CLE event this year for small firm practitioners. This event will be a continuation of the “Hang Your Shingle” event sponsored last year;
- 9. Bench and Bar—The Bench and Bar Committee will sponsor a CLE event during the March 21 CABA membership meeting. Chancery, Circuit and County Judges from Rankin, Madison and Hinds Counties will present their “View from the Bench.” Additionally, the Committee is working to compile procedures, including possible “how-to” videos, for the operation of courtroom technology in each courtroom in the tri-county area. Also, each year the committee sponsors the Dinner for the Judiciary, which affords an opportunity for fellowship and a chance to thank the state and federal judges who provide so much to our profession. This year’s dinner is on May 18 at the Country Club of Jackson. Chief Judge Carl Stewart of the Fifth Circuit is the keynote speaker;
- 10. Library—The Library Committee administers a sizable fund which maintains various law libraries in our area and provides funding for several free Westlaw access portals for our members. This year the committee also approved an allocation to purchase courtroom technology equipment for two circuit courtrooms in Hinds County;
- 11. Professionalism—Each year, after an extensive review of many nominations submitted from throughout the area, the Professionalism Committee selects an outstanding lawyer as the recipient of the prestigious CABA Professionalism Award;
- 12. Membership—The Membership Committee actively recruits new members in the tri-county area and participates in the two yearly Mississippi Bar swearing-in ceremonies. Also, please take a look at our Facebook site and active Twitter feed;

- 13. Newsletter—This is the third of four outstanding newsletter editions planned this year;
- 14. Composite—Over 500 lawyers were photographed for the first courthouse composite in recent memory;
- 15. Programming—Speakers this year have included Briggs Hopson, Mississippi Bar President; Adam Kilgore’s CLE presentation; Duane O’Neill, CEO, Greater Jackson Chamber Partnership; and Mississippi Lieutenant Governor Tate Reeves.

Over 100 lawyers have participated in the CABA committees that make these activities possible. I believe CABA has provided and will continue to provide value to each of you and to our community. So, if you have not attended a CABA event recently, please do. If you want to become more involved, you need only contact Pat Evans, CABA’s Executive Director, or any member of the CABA Board and they will work to help you engage as fully as you desire.

I look forward to seeing you soon. ➡

## MISSISSIPPI COLLEGE LAW LIBRARY HOURS

### SPRING 2017

#### *January 11—May 11*

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

### EXCEPTIONS

#### **SPRING BREAK: *March 10—March 19***

Friday (Mar 10) .....	7:00 am—5:00 pm
Saturday & Sunday (Mar 11—Mar 12).....	CLOSED
Monday—Thursday (Mar 13—Mar 16) .....	7:00 am—5:00 pm
Friday—Sunday (Mar 17—Mar 19).....	CLOSED

#### **EASTER: *April 14—April 16***

Friday & Saturday (April 14 & April 15) .....	9:00 am—5:00 pm
Sunday (April 16).....	CLOSED

#### **GRADUATION: *May 12***

Friday.....	7:00 am—5:00 pm
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***Final Exam Hours to be posted at a later date.***

*Hours subject to change without notice. For more info call the Circulation Desk at 601-925-7120*

# Join us for CABA's Annual An Evening HONORING THE JUDICIARY Banquet

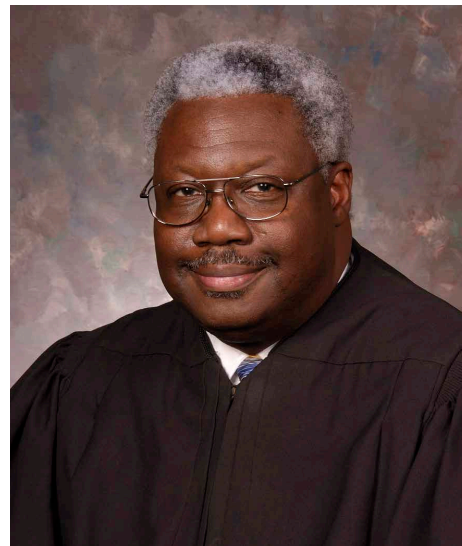
by Margaret Cupples

The Capital Area Bar Association and the Jackson Young Lawyers Association will hold their annual "Evening Honoring the Judiciary" on Thursday, May 18, 2017. The event will again be held at the Country Club of Jackson, beginning with a reception at 6:00 p.m., followed by dinner at 7:00 p.m. This year's event will pay tribute to the critical role of this co-equal branch of government in ensuring and preserving the rule of law established under our Federal and State constitutions. In addition, Mississippi Supreme Court Chief Justice Waller, Jr. will provide a preview of the judicial branch's role in upcoming celebrations of the State's bicentennial.

The Honorable Carl E. Stewart, Chief Judge of the United States Court of Appeals for the Fifth Circuit, has graciously agreed to provide the keynote address for the event. He became Chief Judge of the Fifth Circuit Court of Appeals in 2012, after having been appointed to the Fifth Circuit by President William J. Clinton in 1994.

Chief Judge Stewart graduated from Dillard University in New Orleans before earning his juris doctor from the Loyola University New Orleans College of Law. He holds honorary Doctor of Laws degrees from Centenary College of Louisiana, Loyola University New Orleans College of Law, Mississippi College School

of Law, and Suffolk University School of Law. He is a charter member of the Harry V. Booth and Judge Henry A. Politz Chapter of the American Inns of Court in Shreveport, Louisiana, and currently serves as President of the American Inns of Court. He is a member of the American, National, Federal, Louisiana, and Shreveport Bar Associations, and the Federal



Judges Association. He is a past chair of the Advisory Committee on the Federal Rules of Civil Procedure of the Judicial Conference of the United States, and a member of the National Bar Association Judicial Council

and the Just the Beginning Foundation of African-American Federal Judges.

Chief Judge Stewart is a frequent speaker, having participated in events from the America's 400th Anniversary Rule of Law Conference in Jamestown, Virginia, to the Magna Carta Celebration and Rededication of the American Bar Association Memorial in Runnymede, England in—to give only two examples. He also has authored a number of publications on topics central to the practice of law and to the role of the judiciary, including *Contemporary Challenges to Judicial Independence*, in *Loyola Law Review* (1997); *Balancing Professionalism, Ethics, Quality of Life and the Successful Practice of Law*, in *Southwestern Legal Foundation's Proceedings of the 45th Annual Institute on Labor Law Developments* (1999); and *Abuse of Power & Judicial Misconduct: A Reflection on Contemporary Ethical Issues Facing Judges*, in the *University of St. Thomas Law Journal* (2003).

Please join CABA and JYL on May 18th in this annual celebration to honor our State and Federal judiciary, as well as the recipients of the organizations' annual outstanding service, pro bono and professionalism awards. We are looking forward to an evening of fellowship with colleagues over cocktails, a delicious meal, and hearing from Chief Judge Stewart and Chief Justice Waller. ➡

CABA Members: *Click Here to*  
**PAY DUES ONLINE!**



# CABA February Membership Meeting

Shown are pictures from CABA's February Membership Meeting Luncheon held on February 21, 2017 at the Capital Club.

Meade Mitchell, CABA President; Jack McCants, Program Chair; and Lt. Gov. Tate Reeves were the speakers for this event.



# CABA Community Outreach

On December 5, 2016 CABA members volunteered at Stewpot Community Services. The event was organized by Amy Champagne and Ashley Hendricks, co-chairs of CABA's Community Outreach & Pro Bono Committee.



# HOW TO KEEP IT REAL AT THE FIFTH CIRCUIT

*A Law Clerk Asks Three Fifth Circuit Judges Four Questions*

by Candice Rucker



Chief Justice Rehnquist once said, “The client remembers the lawyer, the lawyer remembers the judge, and the judge remembers the porter who lost his luggage at the airport.”

The lawyer’s task in written and oral advocacy is to differentiate himself in the judge’s mind from his lost luggage or his cold coffee or other distractions that may present themselves. Since I started a judicial clerkship last fall, I’ve seen advocacy—both written and oral—at a cerebral level. Unfortunately, not all advocacy is created equal. One of the most practical lessons I’ve learned in my short time as a clerk is that some techniques or practices really work. Others don’t.

Of course, I haven’t had enough time to compile a comprehensive list of the things that I find impressive or that seem to influence judges the most. Nor will I have the time to do so before I move on in August. Fortunately, three gracious Fifth Circuit judges agreed to let me pick their brains on the topic—which led to some of the most illuminating conversations I’ve had yet.

**“Never lie or misrepresent yourself. Give an honest answer, and concede when necessary.”**

Selfishly, I would have liked to sit for hours and listen to these judges talk. For their sakes, though, I kept my investigation simple and asked only four questions. First, I wanted to know the most impressive thing

these judges had seen in written and oral advocacy during their years on the federal bench. My next question provided comedic relief: What do advocates do that is most bothersome? Third, I asked for advice to new lawyers. Finally, I wanted to know their best advice for the underdog. Despite being an Alabama fan, which I must reference in everything I write, I have a soft spot for the underdog, or the person who has neither the law nor the facts on her side.

## What works?

As for being impressed, judges want advocates to present a clear and accurate statement of the facts and the law in as concise a way as possible. Excessive length is problematic. To quote Jerry Maguire, as one of the judges did during our conversation, their plea to advocates is simple: “Help me help you.” A brief the length of *War and Peace* makes it hard to digest arguments and determine which information is helpful—or even relevant. And footnotes are not preferred, especially those in font small enough to strain even the healthiest eyes. The substance of the brief is usually more important than what you say at argument, so research the problem thoroughly.

(and their grateful law clerks). Finally, and unsurprisingly, candor is expected, appreciated, and rewarded. Don’t argue beyond what the facts and the law permit. If you do, they’ll know. There’s no way that three judges and ten to twelve law clerks, all of whom study the cases extensively before argument, won’t be aware that you are misrepresenting yourself in some way. Keep yourself from falling into unflattering folklore by acting with integrity at each turn.

## What doesn’t work?

Judges are, of course, bothered by different things. For one judge, it’s saccharine introductions. Advocates who attempt to curry favor with the panel or ingratiate themselves come across as unprofessional, at best, and phony, at worst. There’s no need to remind the judges that you’re *so* honored and *so* privileged to be arguing before the court; they already know that. Instead, spend the introductory time making a real impression. Another judge is bothered by ad hominem attacks on opposing counsel. Attorneys should always act with civility, even if their opposition is an Auburn or (God forbid) a Clemson fan. No one expects praise for the other side, but appellate work is not the place for emotion. Passion, yes; outright meanness, no. Another judge emphasized how bothersome it is for advocates to talk over the judge during oral argument. In his words, all attitudes of arrogance should be checked at the door.

As an aside, one of the judges was quick to caution lawyers arguing before the Fifth Circuit in New Orleans about the dangers of the French Quarter. The worst thing that could happen at oral argument is a deregulation of blood flow and oxygen to the brain. So

*Continued on page 6...*

consider staying at the hotel the night before you argue. The nightlife will be there when you're done.

**Advice for new lawyers?**

According to one judge, new lawyers, especially those arguing before the Fifth Circuit, should read Fifth Circuit briefs and listen to Fifth Circuit arguments before their own is scheduled to take place. Frighteningly, it's obvious to the judges when an advocate is nervous, which becomes distracting. Become comfortable with the courtroom before an argument, and you'll rely less on the podium for physical support and can focus instead on making your presentation. Another judge emphasized the value of first impressions. Advocacy, especially oral advocacy, is not easy. With experience, though, advocates develop a certain skill set and understanding of procedure that lends to valuable institutional knowledge. Before becoming a "repeat player," be aware of how judges might perceive you. Reputations—good and bad—are hard, if not impossible, to shake. Become an advocate the judges can rely on. Become the one they look forward to seeing at the table.

**Advice for the underdog?**

One judge's (sarcastic) advice: "Yell louder than your opponent." Joking aside, judges are aware that attorneys occasionally must represent unpopular causes or clients unlikely to win. Even still, attorneys have a moral and professional obligation to represent those clients with the same zeal they would anyone else. That said, *never* lie or misrepresent yourself. Honesty is an advocate's most important attribute, from the way she writes her brief to the way she answers questions at argument. And the panel will have questions, which judges urge you to welcome. Give an honest answer, and concede when necessary. According to one judge, if an advocate exhibits an understanding of the case and tries to be likeable, the panel may rule against her, but it won't call her a fool. Also, be aware of the Fifth Circuit's Rule of Orderliness. Absent an intervening change in the law by statutory amendment, the Supreme Court, or the Fifth Circuit's en banc court,

one panel cannot overrule the decision of another. So advocates with losing arguments should be aware of a case's en banc potential. Put simply, you may live to fight another day.

I add a parting note about something my co-clerks and I have noticed that draws the ire of every panel, at least in our experience. Rule 28(j) letters should only be used for one purpose: citation of supplemental authorities (which, for the slow on irony, is the title of the rule itself). A Rule 28(j) letter is not for citing cases from 1982 that might, at some remote point in the future, become relevant. I remember one advocate being bitterly scolded by a judge during oral argument because of his misuse of the 28(j) process. Don't be that guy.

The lesson is simple: Do it right, and keep it tight.

*Special thanks to Judge E. Grady Jolly, Judge Rhessa H. Barksdale, and Judge Leslie H. Southwick. ➔*



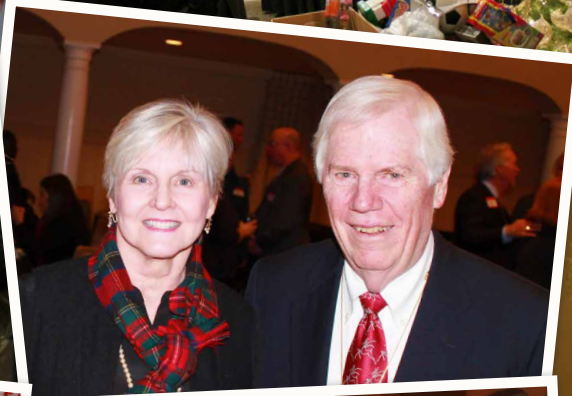
**New CABA Officers!**

2017 CABA Officer Election Results

- Tiffany P. Grove..... Secretary-Treasurer
- Christina Seanor..... Director — Post 1
- Clarence Webster ..... Director — Post 2

# 2016 CABA CHRISTMAS Party

On December 1, 2016, CABA and JYL held the annual Christmas Party at the Old Capital Inn. Donations were accepted for Toys for Tots. Shown are scenes from the party.



# Meet Newly Elected Mississippi Supreme Court Justice

# ROBERT P. CHAMBERLIN

by Blake Smith



Newly elected Mississippi Supreme Court Justice Robert P. Chamberlin has some advice for a lawyer appearing before him for the first time: “Be prepared, and be concise,” he said.

Chamberlin won a runoff election on November 29, 2016, when he received around 55% of the vote for District 3, Place 1. Justice Ann H. Lamar held the position that covers 33 Mississippi counties before she retired after nearly a decade on the Mississippi Supreme Court.



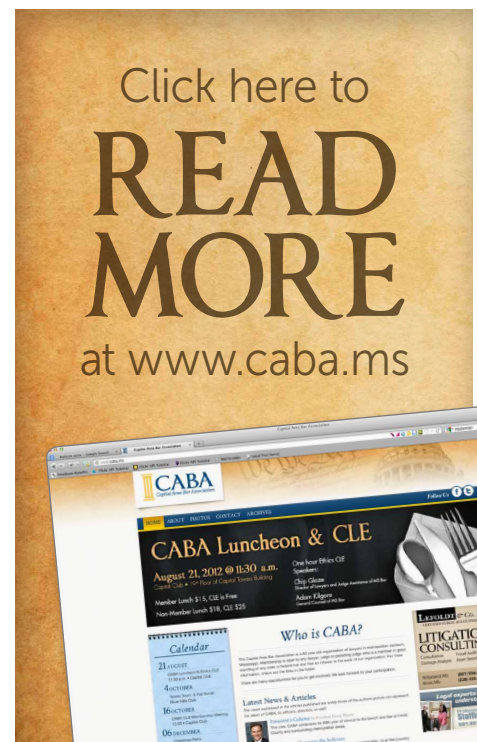
“I felt like, with the retirement of Justice Ann Lamar, that my qualifications and experience were things I had to offer and that this was the right time to offer myself for this position,” Chamberlin said. He has more than 12 years of experience as a judge.

On November 24, 2004, former Gov. Haley Barbour appointed Chamberlin as circuit judge of Mississippi’s 17th Judicial District, including DeSoto, Tate, Panola, Tallahatchie, and Yalobusha counties. During his time on the bench, Chamberlin and Lamar created the district’s drug court. He also was a chairman and vice-chairman of the Mississippi Conference of Circuit Judges.

Before he was a circuit judge, Chamberlin was elected state senator for District 1, Desoto County. The Mississippi Law Enforcement Officers’ Association selected him as “Legislator of the Year” in 2003. From 1991–1999, Chamberlin was a municipal judge for Hernando. He was a municipal prosecutor for Horn Lake in 1992. Chamberlin was in private practice for 14 years and was the DeSoto County Board of Supervisors’ attorney for four of those years. He was admitted to the bar in 1990 and received a B.A. from the University of Mississippi.

Chamberlin’s approach to deciding a case is straightforward. “Apply the law to the facts of the case to reach a just and proper decision,” he said.

But brief writers beware; there are three words and phrases Chamberlin dislikes the most. “Ludicrous, preposterous or any other such disrespectful language, followed closely



by the phrase ‘strongly argue,’” he said.

Chamberlin’s eight-year term began in January 2017. He took the oath of office on January 3 at the Mississippi Supreme Court in Jackson, Miss, and held a formal investiture ceremony on January 8 at the DeSoto County Courthouse in Hernando, Miss.

“It is my honor and privilege to be allowed to serve the citizens of Mississippi on their highest court,” Chamberlin said. ➡





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## 2017 HOLIDAYS

- April 24 . . . Confederate Memorial Day
- May 29. . . . National Memorial Day & Jefferson Davis' Birthday
- July 4 . . . . . Independence Day
- September 4. . . . . Labor Day
- November 23 . . . . . Thanksgiving Day
- December 25 . . . . . Christmas Day

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We value your thoughts and want to make sure you don't forget to leave them in our **"Comments"** section under each article on our website.



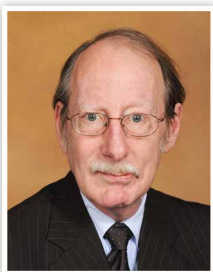
Start the discussion...

# » On Computing

Focused on the Contemporary Lawyer



## Need to get away? These apps may be particularly helpful.



By Joel Howell

**Hotspot Shield VPPN** (free at <https://play.google.com/store/apps/details?id=hotspotshield.android.vpn>): A VPN, or virtual private network, can disguise your online identity to help you access blocked websites/apps. This can be very helpful when traveling in a different country, where some apps that

you use every day will be blocked. Some examples? Southwest Airlines and StubHub are blocked in Bulgaria.

**Memrise** (<https://www.memrise.com>) isn't just another language app. It was created by a neuroscientist who made learning a language into a game. It will teach you need to know phrases when traveling.

The **Avast Photo Space** app (<https://itunes.apple.com/app/applestore/id1099203586?mt=8>): is perfect for the individual who takes lots of pictures and doesn't like getting the "Storage Full" notifications. This app puts your photos into the cloud so you don't have to worry about not having enough storage.

The free app, **Flight Stats**, does exactly that. It's available on iTunes, Google Play, and even Apple Watch. (<https://itunes.apple.com/us/app/flightstats/id572700574?mt=8>)

**Units Plus** (<https://itunes.apple.com/us/app/units-plus-converter-best/id593306620?mt=8>): This is another wonderful travel app that downloads currency exchange rates every 15 minutes. It also converts weight, volume, area, distance and more.

The free **Mobile Passport** (<http://www.mobilepassport.us/>): This app was created by Customs and Border Protection. It does away with the long customs forms you get before coming to the U.S. You answer all the questions on the app; once you land you submit the e-form to customs. Now you can skip the line.

The new Apple update also gives a much needed makeover to the whole iPhone. One of the biggest changes is that now you can get rid of all the apps that come with the phone that you never use! The notifications have also changed, along with some new things you can do with your text. Someone's birthday? Send a text with balloons! Are you excited? You can make the text "Slam" onto the screen. Below are some helpful apps for the new Ios10 and the new iPhone 7. All can be found at the App Store

First off is **Sticker Pals**: Since the I Message has changed

with the new update, it now allows for you to make a few changes to your keyboard. This app allows you to have tons of animated cartoon characters on your keyboard and allows you to send them to your friends.

**Words with Friends**: Most people know about this app already, however with this update it makes chatting with your friends during the game easier.

**Doodle**: Schedule Maker lets individuals have a voting system within an I Message. It's great when you are trying to pin down a good time for everyone in a group message. The only downside? Everyone in the group message needs an iPhone.

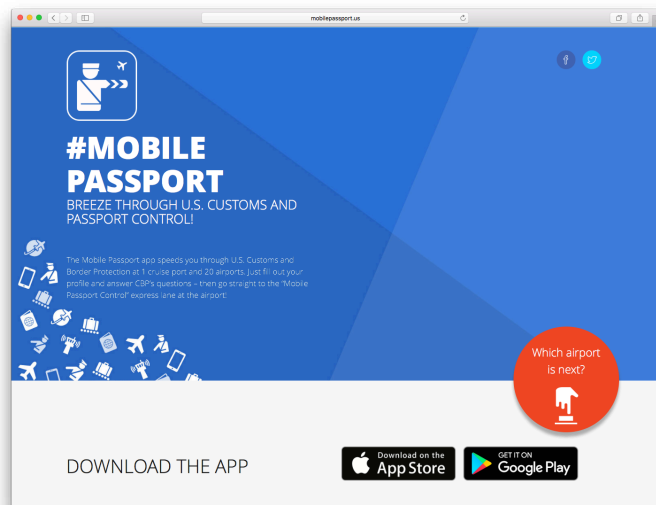
**Circle Pay**: Do you ever go out with friends and try to figure out how to split the cost when some of you have cash and some have a card? This free app lets you do a digital money transfer over I Message.

The final app is similar to Google Translate. It's called **Translate** ([www.translate.com](http://www.translate.com)) and allows you to translate a conversation with an individual in real time. However, like Google Translate, the text might come out sounding like Yoda. 🗣️



Questions or comments?

Drop me an email: [jwh3@mindspring.com](mailto:jwh3@mindspring.com)



# BAR REVIEW

January 19, 2017 • Apothecary • Hosted by CABA and JYL

When Meade Mitchell asked the Social Committee to create new opportunities for CABA and JYL members to interact with each other, the committee members looked to their law school experiences for inspiration. Before bar review became synonymous with long hours of cramming and stressing, for some it was an excuse to blow off steam with classmates at a local bar or pub after a long week of hoping a professor did not single you out on the one day you did not do the reading, struggling through book pulls and source citing, and drafting moot court briefs.

CABA and JYL hosted the first “Bar Review” on January 19, 2017, from 5:30 to 7:30 PM, at Apothecary, which is owned by

fellow CABA member Brad Reeves. Brad and Scott Murray were instrumental in ensuring that the event went off without a hitch. Although the weather was bleak early, Bar Review — which was billed as an opportunity for “face-to-face social networking” — was well-attended. Apothecary was a great venue for the Bar Review as the drink offerings were unique and diverse, and the mixologists were on their A-game all night.

CABA and JYL also raffled a \$100 gift card to Brent’s Drugs/ Apothecary that was won by Brandon Dorsey. The initial plan was to hold two Bar Review in 2017; however, given the success of the first event, CABA and JYL look forward to hosting a number of other events around the Capital Area. 🍷

EVENT PHOTOS



*Continued on page 12...*

EVENT PHOTOS (continued)





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