



## President's Column:

*Hoping for the Best but Preparing for the Worst*

By Tiffany P. Grove



Preparing for the worst is part of our job description. We, lawyers, are specially trained to minimize the worst-case scenario. When drafting that contract, that last will & testament, that antenuptial agreement, that settlement agreement or that employee handbook, we in the legal profession work hard to advise clients so the worst case is not their reality. That preparation is based on our life experiences and years of training. Yet this global pandemic is unlike anything that has occurred in any of our lifetimes. The result is that we are admittedly unprepared.

As a child growing up in southern California, earthquakes happened every so often, some much bigger and scarier than others. I was accustomed to regularly conducted earthquake drills at school. Each school year, we had to bring an earthquake emergency kit to school with items like water, non-perishable food, a flashlight, tissues, and extra clothes. We hoped for the best but prepared for the worst. I remember times of severe drought in California, city officials ordered severe water

restrictions. You couldn't water your lawn, everything was brown. You couldn't wash your car. We took showers with buckets to reuse water. The motto in many homes when going to the restroom was "if it's yellow, let it mellow. If it's brown, flush it down." Then came the wildfires. We hoped for the best but prepared for the worst. Perhaps ten years from now blue light phototherapy will be an option on our cell phones and portable ventilators will be household products. Whatever preparation looks like going forward, all of our lives have significantly changed in a short period of time and there are presently more uncertainties than answers.

Just ten days ago, I was off enjoying spring break in New Orleans. I was not yet paying close attention to China or Italy; I thought the media was just being dramatic. Scientists and the World Health Organization were warning of the risks of not going all-out to stop the virus but I was too busy to listen yet. How quickly my perception changed. For Hinds County, a state of emergency has been declared on a national, state and local level. All gatherings of 10 people or more are being canceled or postponed throughout the country for the eight weeks due to the rapid

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### Congratulations

To Our Newest CABA Officers

## Rescheduled Events

### Postponed (TBD)

- Legal Beagle 5K
- CABA's Golf and Croquet Outing

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.

# SPRING EVENT CANCELLATIONS

The following CABA events are cancelled and will not be rescheduled:

1. Membership Meeting / Bench and Bar Presentation in April
2. Spring Social in April
3. Evening Honoring the Judiciary in May

## COVID-19 Announcement

In response to the COVID-19 pandemic and the federal government's request for social distancing and no group meetings of ten or more persons through May 15, 2020, the CABA golf tournament scheduled March 23rd will be rescheduled for a date in June (date to be announced).

Questions or concerns, please contact our Executive Director, Jane Collins Harkins

spreading of COVID-19. For the first time in over a hundred years, the US Supreme Court announced it is postponing arguments. The situation has shifted dramatically in a single week and I'm realizing our country is facing what will be the most profound changes to the daily lives of Americans during peacetime. Companies like Hanes have jumped in to make medical masks. GM offered their plants to make ventilators; it seems fitting given that they produced tanks for our country during World War II. US factories helped us win WWII and they are now being called upon to win this war against COVID-19.

Our new normal seems to be social distancing, a term we all now know, and even more screen time. These are unprecedented times and we are all unsure how to prepare; the full impact on the legal system remains unclear. Because the American judiciary is so decentralized, there is no single contingency plan that governs all courts in case of an emergency. Most state and federal courts are making up their own rules as they go. In most states, individual trial and appeals courts are struggling to meet their legal obligations without contributing to the spread of the virus. You can't just shut down the public safety function in a crisis. Our state court system must remain operational; our Constitution says so. See Miss. Const. Art. 3, §§ 24, 25, 26, and 26A. To what degree the court is operational varies from one courtroom to the next. Our Mississippi court system feels like it is in pause mode. Many courts have suspended non-essential hearings, but we struggle to effectively clarify which hearings qualify as essential. For the most part, court administrators are trying to limit their footprint, while still carrying out emergency issues. There are matters that must proceed—bail hearings, juvenile detention hearings, requests for temporary restraining orders in domestic

## MISSISSIPPI COLLEGE LAW LIBRARY

### SPRING 2020

***At this time, no classes will be held on campus  
and the law library is closed.***

*The ongoing goal of the MC Law administration is to safeguard our MC Law community and allow our students, faculty, and staff to successfully complete the semester. The law school has taken proactive steps to minimize health and welfare risks. In the coming days, Mississippi College officials will continue to actively monitor the local and global status of the COVID-19 impact.*

**For more information and status updates, please visit our website at:**  
[law.mc.edu/students/coronavirus-information](http://law.mc.edu/students/coronavirus-information)

violence cases and attempts to remove abused children from their homes, etc.

Most chancery courts have cleared their dockets for the next two weeks or longer; only emergent and/or essential matters are being heard. Ex parte matters are being entertained via email. Telephonic conferences are replacing status conferences and hearings whenever possible. Circuit courts are on hold until after May 15th, unable to impanel jurors or move inmates. As for motion practice, both circuit and chancery courts are ruling on pleadings as much as possible. As for CABA, the board has voted to postpone the golf tournament and cancel all other scheduled events for the next eight weeks, including our April Membership Meeting, April Spring Social and our Evening Honoring the Judiciary in May—every event

scheduled for the rest of CABA's fiscal year.

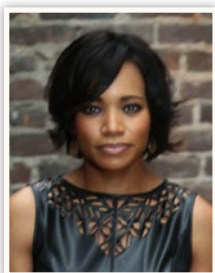
My advice for practitioners during this time—get comfortable using email as the sole way to communicate with the court and staff. Agree to and request the court to consider ruling on the pleadings whenever possible. Figure out how you and your employees can work from home and figure it out now. This pandemic is forcing the legal profession to change and adapt rapidly. This is a minute by minute situation and we lawyers must be receptive to changing quickly. By doing so, the legal profession can help prepare for the worst. Meanwhile, I hope each of us will continue to hope and pray for the best. 🍀

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



# How Mississippi's Courts Are Responding to the Coronavirus

By Tiffany M. Graves<sup>1</sup>



The uncertainty of the coronavirus has left many scrambling, including our courts. Courts across the country have taken different approaches in the wake of efforts to combat the coronavirus. Many courts have suspended in-court proceedings and closed business operations to the public through administrative orders. Details vary with each jurisdiction, and many courts are amending their orders soon after they enter them as new information about the pandemic becomes available.

Several of Mississippi's local, state, and federal courts have recently entered orders to explain how they are adjusting their court operations in response to the coronavirus. Nearly all have left open the possibility that the orders can be extended or modified. It is important for lawyers and members of the public to be aware of these court orders as courts continue to monitor the situation and seek to limit further transmission of the virus.

## Mississippi Supreme Court

The Mississippi Supreme has entered three administrative orders in response to the coronavirus since March 13, the latest of which orders that "local courts remain open." The Court's administrative order of

1. Tiffany M. Graves is the pro bono counsel at Bradley.

March 15 gives judges the discretion to control their dockets and postpone trials scheduled through May 15. It also requires parties, jurors, attorneys, and witnesses who have traveled to areas with confirmed coronavirus cases and those who are the primary caregivers for a vulnerable person who has been diagnosed with the virus to contact court clerks before coming to courthouses.

On March 19, the Mississippi Supreme Court issued an order to temporarily suspend the portion of Rule 1.8 of the Mississippi Rules of Criminal Procedure regarding the use of Interactive Audiovisual Devices in criminal proceedings. Rule 1.8(b)(3) requires defense counsel to be in the same location with a defendant during preliminary proceedings. The emergency administrative order temporarily suspends the part of the rule that requires an attorney to be physically present with the defendant, but it does not "suspend the requirement for defense counsel to participate in the proceeding."

[March 13: Emergency Administrative Order, In Re: Emergency Order Related to Coronavirus \(COVID-19\)](#)

[March 15: Emergency Administrative Order-2, In Re: Emergency Order Related to Coronavirus \(COVID-19\)](#)

[March 17: Emergency Administrative Order-3, In Re: Emergency Order Related to Coronavirus \(COVID-19\)](#)

[March 19: Emergency Administrative Order-4, In Re: Emergency Order Related to Coronavirus \(COVID-19\)](#)

## United States District Court for the Northern and Southern Districts of Mississippi

The Northern and Southern District Courts both entered orders on March 13. The Northern District Court's order requires attorneys or parties to notify the Court and opposing counsel if they have reason to believe that a "party, attorney, witness, or other case participant scheduled to appear before the Court, or that has recently appeared before the Court, has been in contact within the past 14 days with someone who may be infected by COVID-19."

Should such notice be given, parties must "promptly confer regarding the appropriate means to conduct the hearing, trial, or deposition," and file a joint notice or motion identifying the concern, explaining the steps they have agreed upon to alleviate the concern, setting forth relief requested from the Court, and setting forth any disagreements.

The order further mandates that all in-person proceedings be continued or conducted by video or telephone conference and restricts public access to courthouses only when "absolutely necessary."

The Southern District Court's order was "effective immediately" on March 13 and lasts through March 31. It continues "all non-essential civil and criminal matters set for hearing or trial in any federal courthouse." It defines as "essential" initial appearances, arraignments, detention hearings, and issues of warrants. It gives presiding judges sole discretion to determine whether other matters set during the period "are essential and should go forward, or whether they can be

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conducted by videoconference or telephone.

For matters deemed essential, and all bankruptcy proceedings, the order requires counsel to notify presiding judges or bankruptcy trustees if an attorney or other individuals the attorney plans to bring to the courthouse has certain risk factors outlined in the order. The Court leaves it up to presiding judges to determine whether proceedings should go forward if they receive such notice. The Southern District has authorized the United States Marshals Service and the Court Security Officers to screen visitors and prevent them from entering if they present a risk of contamination.

[Standing Order of the Northern District of Mississippi, In Re: The Novel Coronavirus \(COVID-19\) 3:20-MC-9 \(March 13\)](#)

[Special Order of the Southern District of Mississippi \(March 13\)](#)

## United States Bankruptcy Court for the Northern District of Mississippi

In accordance with the Northern District Court's Standing Order, the Bankruptcy Court for the Northern District has suspended all live docket calls and limited public access to the courthouse. The Court is currently investigating telephonic docket calls and will consider in-person hearings.

[Bankruptcy Court of the Northern District of Mississippi, Coronavirus Communication One \(March 17\)](#)

## Mississippi Workers Compensation Commission

The Mississippi Workers Compensation Commission released a statement on March 13 that stated that their offices would not be open to the public starting on March 16 through April 1. The Commission is requiring individuals to mail or file settlements and holding hearings on the record through April 1. Further, "as much as reasonable," the Commission is asking administrative hearings to be conducted telephonically or to take place

in "Hearing Room C to provide ample distance between parties and Commission staff."

[Policy Statement of the Mississippi Workers' Compensation Commission](#)

Several local courts have also entered orders in response to the coronavirus, including Hinds County Circuit Court, Hinds and Rankin County Chancery Courts, and the Rankin County Youth Court.

## Hinds County Circuit Court

Effective March 16, all civil and criminal matters scheduled for in-court appears in Hinds County Circuit Court are continued pending further order of the Court. The same is true for all grand jury proceedings. The order does not "affect or impede any judge's consideration of civil and criminal motions that can be resolved by the Court without oral argument or in court appearances." It also does not preclude any telephone conferences. The order is currently set to expire on April 3. The Hinds County and Justice Courts have entered similar orders.

[General Order of the Circuit Court of the First Judicial District of Hinds County, Mississippi, In Re: Court Operations Under the Exigent Circumstances Created by COVID-19 and Related Coronavirus, 14-9001 #283](#)

[Statements from the Hinds County and Justice Courts regarding coronavirus orders](#)

## Madison and Rankin County Chancery Courts

The Circuit Courts of Rankin and Madison Counties have issued orders continuing all criminal cases set for trial on April 20. The orders also reset all deadlines for criminal cases that have been continued. Civil motions will still be heard as scheduled. No new summons will be issued for jurors to appear in Circuit Court prior to May 19.

[Statement from the Rankin and Madison County Circuit Courts](#)

## Hinds County Chancery Court

The Hinds County Chancery Court has continued all matters set through March 31. For cases set between April 1 and May 15, judges will use their discretion with regard to their own dockets.

[In the Chancery Court of Hinds County, the Fifth Chancery Court District of Mississippi, In Re: The Novel Coronavirus \(COVID-19\), Statement Regarding Court Operations](#)

## Rankin County Chancery Court

Rankin County Chancery Court has continued all matters set for hearing or trial through April 3.

[In the Chancery Court of Rankin County, Order Regarding Court Operations During National State of Emergency](#)

## Rankin County Youth Court

The Rankin County Youth Court is conducting emergency shelter and/or detention hearing by telephone conferencing and restricting in person appearances to "only those parties who have been ordered by the Court to appear." A memorandum from Judge Tom Broome states that, "Only authorized parties shall come to the courthouse and no other persons shall appear without receiving approval from court personnel."

[Memorandum from Judge Tom Broome, Respond to Coronavirus Disease](#)

## United States Supreme Court

On March 19, the United States Supreme Court extended the deadline to file petitions for writ of certiorari to 150 days after the date of lower court judgments, orders denying discretionary review, or orders denying timely petitions for rehearing. The Court further ordered that motions for extensions of time pursuant to Rule 30.4 be ordinarily

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granted by the Clerk if the grounds for the application are difficulties related to COVID-19. Finally, the Court will allow the Clerk to entertain motions to delay distribution of a petition for writ of certiorari where the grounds are that the petitioner needs additional time to file a reply because of

COVID-19. [https://www.supremecourt.gov/orders/courtorders/031920zr\\_d1o3.pdf](https://www.supremecourt.gov/orders/courtorders/031920zr_d1o3.pdf)

**Conclusion**

The coronavirus pandemic is developing rapidly, and courts are doing their best to

monitor and adjust to the ever-changing circumstances. The orders above are current at the time of the publishing of this article. Please consult court websites or call court clerks for updated information about court operations. ➔

# My “Peak Experience” as a Lawyer

By Terryl Rushing

My tenure with the federal court began in 1997, but I still call myself a Recovering Litigator. The ten years that I practiced with Thomas, Price, Alston, Jones & Davis provided enough “excitement” (read: “stress”) for a lifetime, even though my involvement was pretty much to keep the second chair seat warm, carry the partner’s briefcase, and order lunch. I was fortunate to be on the winning side of one of the first cases in Mississippi involving an EPA-designated Superfund Site and also in a libel case where we represented *Newsweek* magazine. I’m not sure it was fortunate, but it was definitely interesting, to represent the National Iranian Oil Company in a lawsuit over assets that had been frozen during the hostage crisis, and I appeared in one sentencing hearing in a death penalty case.

The highpoint of my legal life, however, came in the spring of 1990 and involved another media client, Gannett River States Publishing

Company, which owns *The Clarion Ledger*. I had just come back from maternity leave, and the partner who ordinarily handled matters for the newspaper, Leonard Van Slyke, was out of town. A call came in from one of the editors, who reported that a proceeding in a criminal trial in the Delta was going to be closed to the press and the public, and the editor asked me to make an appearance on behalf of the newspaper to oppose the closure.

A brief summary of the facts of the case should appear here. The victims were a rural white farm family in Quitman County—mother, father, 12-year-old son and 9-year old daughter. Responding to a report of a fire, members of a volunteer fire department entered the family home and found three of the four family members dead. The father and son had been bound and shot twice. The daughter had been raped, shot three times, and left to die of smoke inhalation. The wife’s body was found much later, burnt beyond recognition. Two black men, Robert Simon and Anthony Carr, were arrested for the crime, and the proceeding that was to be closed was their initial appearance. Community feelings were high, and the lawyers may have felt safer in a courtroom where attendance was limited.

Closure of trial proceedings had been an issue in the earlier prosecution of Marion Albert

“Mad Dog” Pruett. *Mississippi Publishers Corp. v. Coleman*, 515 So. 2d 1163 (Miss. 1987). Based on that experience, as well as others, I knew that the issue would likely move quickly and that I would be on my own miles from Jackson. Keep in mind that this was occurring well before cell phones and electronic filing were commonplace. As a precautionary measure, I called the then-Administrator of the Mississippi Supreme Court to ask whether the court would entertain an emergency motion filed via fax. She said that would be permissible.

So what happened at the preliminary hearing in Quitman County? Here’s a brief synopsis from the Mississippi Supreme Court, quoted from a later murder case in which closure was sought:

Earlier this year, this Court confronted a similar situation in *State v. Carr and State v. Simon* in Quitman County. In that instance, a preliminary hearing involving both Simon and Carr was closed by a Quitman County Justice Court [sic], including the files and transcript of the preliminary hearing, without a public hearing. On March 14, 1990, this Court remanded the matter to the Quitman County Circuit Court for a hearing as to the appropriateness of closing the preliminary hearing, the transcript,

1. Lawyers for the press are shunned everywhere. Leonard and I have walked into courtrooms where a criminal defendant has asked for closure, so we sat at the prosecutor’s table. Prosecutors have actually moved to sit with the accused rather than with lawyers for the media.

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and the files. *In re Gannett River States Publishing Co. and Memphis Publishing Co.*, 90-M-267

*Gannett River States Pub. Co. v. Hand*, 571 So. 2d 941, 944 (Miss. 1990).

Well, that's the Cliffs Notes version of what occurred. Here's the rest of the story. I stopped in Indianola to hand my baby girl off to my in-laws and drove to Marks. There was one friendly face in the courtroom, and it belonged to Russell Headrick, attorney for *The Commercial Appeal*. We were both puzzled by the fact that both defendants were in the courtroom, as were bailiffs and the court reporter, but there was no judge and no lawyers. That mystery was solved a few minutes later when the lawyers and the justice court judge exited chambers, and she took the bench to

that the petition had been denied. What?? We decided that the problem must have been the lack of evidentiary material, so we executed affidavits and re-filed the motion. Justice was much swifter that time, and we got a denial in about five minutes. Guess which Jackson lawyer had to go back in the courtroom and admit defeat?

We reported the outcome to our respective newspapers, and editors from each of them asked us to contact corporate counsel. So Russell got on the phone with the folks at Scripps Howard and I called Barbara Wall, counsel for Gannett, whose office was in D.C. Barbara asked me whether we wanted to go to the Supreme Court. But we did, gulp, oh you mean *that* one? Uh... sure. So we gathered up all of the documents, and, since the bank

it's in the catacombs under the Library of Congress, in a box with Dolley Madison's cupcake recipe.

At any rate, I convinced a partner to leave his supper and return to the office. I dictated whatever it was that was requested, and Bill dutifully filed it with a Gartin Building security guard on his way home. When I reported to Justice White's law clerk that it had been done, he asked me if I thought that the Mississippi Supreme Court would take it up the next day, which was Saturday. I smothered a laugh, but promised the law clerk that I would check. The next day, I called the court administrator at home, who didn't bother to smother her laugh.

With no ruling by Monday, the U.S. Supreme Court entered an order. Again, I don't have a copy of it, but it essentially requested that the Mississippi Supreme Court revisit its earlier ruling. As you can see from the earlier quote, the court ultimately did so, and remanded the case to the Circuit Court for review. I'd like to say that the Circuit Judge was warm and accommodating when the media and its attorneys showed up. Unfortunately, it's one of the two experiences in state court where I believed I was going to jail for the First Amendment, but we did finally get the transcript of the hearing. As a result of this experience, later, in the *Hand* case, we asked for, and received, a set of procedural guidelines to follow when a party requests closure.

And I got a great war story and a brief ego boost. Barbara once introduced me to lawyers at a First Amendment conference as, "That girl I told you about, who went from Quitman County Justice Court to the United States Supreme Court in an afternoon." I did, but, sad to say, that was pretty much the apex of my legal career. It's like being the head cheerleader in high school, with nothing much to show for life after.

So what's the lesson here? Be respectfully, but boldly tenacious when representing your client. Understand and use technology to your advantage (I'm laughing at myself as I type this). Practice with people who are crazy, or indulgent, enough to leave their dinner table to go on some wild goose chase for an associate. And most of all, from the standpoint of your career satisfaction, don't peak too early! 🍌

**“Be respectfully, but boldly tenacious when representing your client. Understand and use technology to your advantage. And most of all... don't peak too early!”**

announce the closure of the courtroom that had been decided behind closed doors.

Without boring everyone on the law regarding closed courtrooms, I can just tell you that's not the way to do it. I immediately popped up (Russell had not been granted *pro hac* admission), objected, and gave a brief summary on the law of closure. The judge was, to put it mildly, unimpressed. (Any lawyer from the metro area has probably had the experience of appearing before a judge who has an active dislike of "Jackson lawyers.")<sup>1</sup> When the judge declined the opportunity to reconsider her order, I asked whether she would briefly stay it, so we could present the issue to the Mississippi Supreme Court by fax. She agreed.

Russell and I bolted for the circuit clerk's office, where the ladies were gracious enough to give us some paper and loan us a typewriter. We drafted an emergency petition for a writ of mandamus, and Russell took it to one of the two known fax machines in Marks—the one at the bank. He faxed the order, and we waited for what we were sure would be an easy win. Nope. About thirty minutes later, we got word

was closed for lunch, Russell took them to the *other* fax machine in town, located at a social services organization in Marks. (When he got back I offered to pay for half of the cost of sending the fax, and he told me that it was free. Apparently, when he walked in wearing a suit and asking to fax something to Washington, they assumed he was with the Justice Department.) It was so late in the afternoon by then that I knew I'd be spending the night in Indianola, so (remember, no cell phones) I left my in-laws phone number in case anyone needed to contact me.

While we were eating supper, my in-law's phone rang, and my father-in-law, looking pretty puzzled, handed it to me. On the other end was a law clerk for Justice Byron White. He told me that we needed to file one more document with the state Supreme Court to position our case for review. I wish I could remember what it was, but I didn't take a copy of the file with me when I left the firm and came to the court, and the Mississippi Supreme Court's pre-1996 M files have been destroyed. I'm sure there's a SCOTUS file somewhere, but it's not available online, probably because

# LAST POST

By Philip Thomas<sup>1</sup>



In January I announced I would stop blogging after a final post. Maybe I'll start back later, but that's not the current plan. I have practiced law for 26 years. When I started this blog 11 years ago, I planned to practice for 50 years. I won't make it. This post is a self-exploration of what changed.

I've heard some of the speculation. I don't have another job lined up. I have no plans to move (before I stop practicing). The chances of those happening in the next year are not 0%, but neither are likely. My life is complicated. Muddling through as a solo might be my best move.

My blog is not as good as it used to be. I know it. It's because I don't spend as much time on it as I once did. I used to spend 8–10 hours a week writing blog posts. It's hard to

**“I had to choose. What is best for my career is not what's best for me personally.”**

maintain the quality when that number goes down to 1 hour a week. People ask me about blogging all the time. Blogging is hard. It takes a lot of time. Having an idea for 5 posts is a lot different from being able to write 50 posts. It's hard to come up with topics. Some people don't like what you write. They let you know. It's not a great feeling.

There are posts I'd like to have back. Especially when I started, I didn't have a good feel for what topics I should not write about.

It's easy to fall into viewing page views and chasing them by writing about subjects that garner the most attention. Viewer stats were exciting at first. I remember getting excited when 10, then 50 or a hundred people read my blog. It was neat.

It took a while, but I figured out that writing for page views wasn't for me. I stopped looking at viewer stats years ago. If people mention my blog, I figured I was reaching my audience—the approximately 5,000 attorneys in Mississippi.

Some lawyers who lost a trial don't like to see me write about the verdict. I understand. I'm not proud of my losses either. But when I hear about a trial result, I never think the lawyer for the losing side blew it. Litigators are better off having a record of trying cases and losing them than never trying a case.

Litigators are interesting. We wrap our identity in the results of our cases. But we don't apply that standard to our colleagues. We judge colleagues on diligence, not wins and losses. It sucks that we don't apply that standard to ourselves.

I'm old enough to have friends who are judges. If they are a representative sample, judges do not judge attorney competency by won-loss records. It would be disingenuous if I said I did not start blogging for attention. At the time, I would have told you it was to address a deep frustration I felt about ignorance within the Mississippi legal community about the mounting obstacles to litigating cases in Mississippi.

Hard as it is to believe now, a common refrain among defense lawyers when tort reform was enacted was: “plaintiff lawyers will always file cases.” I still remember some lawyers who said that. Not one has thrived in the current environment. Ironically, some

no longer practice law. If you think about it, that shouldn't be a surprise.

According to the Miss. Jury Verdict Reporter, in 2019 there were 0 products liability trials in Mississippi. Zero! There were 10 medical malpractice trials with plaintiffs going a respectable 3–7. Good luck to the 3 winners on appeal. There were 35 car wreck trials. Most trials were fender benders. There were 10 employment cases. God bless the plaintiff employment lawyers. I took one employment case and vowed it would be my last when at the settlement conference the magistrate advised us to accept a mid 3-figure settlement offer.

Every Sunday and Monday attorneys from Butler Snow and other firms board planes and travel to places where significant litigation is happening. I'm not saying Mississippi should be one of those places. But it's tough to see when it once was.

I'm not proud of results. I'm proud of work ethic and effort. I learned how to work at age 16 on the underground crew at Coast Electric Power Association in Gulfport. The underground crew put in the buried power lines. My job was to dig trenches with post hole diggers. On my first day, we had a about a 15 ft. stretch of primary trench that had to be dug by hand. We buried primary lines 4 ft. deep. That's deeper than it sounds if you've never dug a 4 ft. hole. It's the length of the shaft on a shovel—that's how we measured whether the hole was deep enough. They broke that news the first time I asked how deep I needed to dig. I still had about 3 ft. to go.

I dug the entire 15 ft. myself. I didn't know it, but it was a test. Usually, others on the crew would chip in and help. But they wanted to see if I had it. It took me 2 hours. When I was done, my hands were bleeding. But I never complained and I never stopped. I arrived at the job that day a pampered outsider. I left a respected member of the crew. Only then did they tell me the stories of the many people who couldn't hack it.

Not that the job became easy. It was a hard job. It was summer. It wasn't just digging—you had to go at a minimum pace and had to get sufficient dirt on every shovel or post-hole dig. I wasn't hazed constantly. But I was hazed, particularly by the crew foreman.

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1. Philip Thomas is an attorney based in Jackson, Mississippi. His practice focuses on commercial litigation, business disputes, and other complex litigation.

Now I appreciate it. There is no way I would have made it to law school, through law school and to where I am without that hazing and that experience.

I used to think I had a work-life balance. Only lately did I understand I didn't. Work came first. Life came second. As far as where I devoted mental energy, work was always first. I was like that from 1993 to July 2015.

For me, to be the best attorney I could be, I had to let it consume me mentally for long stretches, particularly if a trial was approaching. My wife calls it my 'turtle mode.' I go into my shell and mentally disappear. It's a fair analogy. Anyone who has ever tried a case with me understands.

I was in turtle mode a lot. Too much actually. I have regrets on that, but not on the whole. Work had to come first for me. It wouldn't have worked for me otherwise.

The journey was the reward—not the results. The journey was litigating cases. I loved it more than anyone I knew. I can't tell you how much I loved litigating cases. And now I don't. It's okay. But I don't love it. Even if I did, it wouldn't be smart for me to do it much longer. It's not good for me. Not mentally; not physically.

What changed? My wife got sick. 2015 was a hard year. I had hip surgery at end of 2014 and my hip just got worse in 2015. I couldn't hike, which is my happy place the same way being in the outdoors is healing for hunters or fisherman. I couldn't even walk more than a quarter mile pain free. I was in chronic pain and depressed. Then shit got really bad.

My wife played on a national championship basketball team at Delta State and is

the best female athlete I've ever known. In 20 years, I've beaten her in horse once. Ten years ago she could still play shortstop. Her having health problems was not something I considered remotely possible.

In 2015 Deb was feeling off. She'd go up a flight of stairs and almost pass out. She had been experiencing terrible fatigue a while. She went to a cardiologist and they did a heart echo. I still remember where I was when she called to tell me the diagnosis of pulmonary hypertension. It didn't sound that bad. Plenty of people have hypertension. It can't be that bad, right? Wrong.

That night I researched pulmonary hypertension. It's a rare, progressive life-threatening disease. It is sometimes called an invisible disease because the person can look fine, but not be well. When I Googled 'pulmonary hypertension life expectancy' it said 2.5–3 years. She was 43. Our daughters were 19 and 9.

A week later we were at the Mayo Clinic in Rochester Minnesota. We were there a week and a half and have returned often. At a minimum, we go every summer when our youngest daughter is at camp.

The news was not all bad. We caught it early before she had heart damage. An early diagnosis and treatment doubles life expectancy. Some people live with the disease for years. Hopefully, she will be one of them. But as someone who has spent my fair share of time in casinos and betting my own money funding cases, I'm respectful of the odds.

I've learned tough lessons in my life. One is what I want to do when a loved one is sick. My mother died of lung cancer in 1998 and I blew it. I didn't spend enough time with her. I

will have guilt and regret about it for the rest of my life. I didn't repeat the mistake when my father got sick in 2010. I will never make that mistake again.

So when Deb got sick, I went to the house for a month. I had to contemplate a future in which I may raise our youngest daughter alone. One thing I figured out was that future would not include me litigating cases. I would have quit working until she left for college and sorted the rest out then.

I also had to decide how much time I would spend with Deb and the quality of that time. For the first time, I put family first. It changed me as a person. I stepped back in a way I never had before. Enough to get a glimpse of myself when I'm not consumed with litigation. It was illuminating. It's nearly impossible for me to be present with my family when I'm focused on litigation.

I take at least 2.5 hours to unwind from work, and that's only to a point. If I want to be present at 5:00 p.m., I need to be winding down by 2:30. That's hard to do all the time. I still revert to hyper-focus on work at times—just not all the time. It's made me a better person. My mood is better. I'm more patient. I'm more present. I feel better.

When I'm consumed with litigation, I focus on being professional all day. Then I go home and act like a jackass half the time. Usually, I don't even know it until it's pointed out. Don't worry, Deb is not reluctant to point it out.

Bars are full of litigators at 6:00 p.m. Most don't know it, but they're trying to medicate with booze to speed the unwinding process.

For 20 years my work schedule was 7:30

## SOCIAL MEDIA

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a.m. to 5:45 p.m. I did my deep work in the morning and spent the afternoon on the phone, blogging or doing administrative or mindless tasks. If I was busy, I brought work home and worked two hours at night. I usually worked 4 hours on weekends. A few times a year, I worked at least 30 straight days. I went many years without taking a week off at one time.

Not anymore. Depending on my workload, I may start now at 4:30 a.m. The goal is to be wrapping up by 2:30 p.m. Ideally, I will hit the gym and be home and present by 4:00 p.m. I take off several weeks per year.

I had to choose. What is best for my career is not what's best for me personally. I think I've made the right choices lately. But who knows?

If I knew I would practice law for 10+ years without my family dynamic, I would move out of Mississippi. Nashville is the hot destination city, so I'd look there first. I would start over career wise. The work I like doing barely exists in Mississippi anymore. It's like trying to farm in bad soil. I still may make a big move. But my life-work balance makes it a hard decision.

As recently as a decade ago, I thought I would practice at least 50 years. I won't make it 35. If I don't stop before I'm sixty, I'm afraid something bad will happen. I'm in tune with my body enough to know that litigating cases is terrible for my health. If something hurts, litigation makes it hurt worse. I have no idea why. I just know it's true.

I've had 4 surgeries in the last 20 years including a total hip replacement. I'm certain that my job and related stress impeded healing. Some believe stress causes heart disease. It makes sense.

We all know attorneys who had heart attacks at young ages. A good friend suffered a heart attack in court at a young age and had bypass surgery. I can name more than a few attorneys who died or had close calls with heart attacks before age 60. I want to get out before that's me.

I view litigators differently than I used to. Most litigators are insecure and trying to hide it—myself included. A litigator's job is to resolve disputes. But that's not why any of us became litigators. Litigators want to litigate and win. That's not necessarily a good thing. There is tremendous intangible value for a client

in ending a dispute. It's rarely considered by their attorneys. I'm as bad as anyone on this. I'm much better at convincing other people to settle their cases than I am convincing myself.

I wonder if we need dedicated ADR lawyers who will not be litigating in the trenches if cases don't settle. The problem with ADR now is it's done by litigators, so they litigate in the alternative forum.

The few times I've dealt with 'settlement counsel' have been refreshing. The cases have not always settled, but settlement counsel's whole approach and communication style differs completely from negotiating with litigators. The system needs more settlement counsel.

I have a growing fear that litigation changes people for the worst. Not everyone and not always, but the trajectory of what it does to the humanity of the person is usually down.

The reasons for this are numerous and complex. Always being immersed in conflict can't be healthy. Having to deal with parties who—without exception—are emotional about their dispute is wearing. And as an astute colleague once observed, all the stress is cumulative. It never leaves the system.

Ego is another problem for attorneys. Ego is the enemy of litigators. All good litigators have an ego. I doubt there is an exception to the rule. The best of us can control and manage our egos. Some attorneys with the most trouble managing their egos go crazy.

A lawyer's relationship with his/her ego seems to change during their career. Many lawyers get better with their ego. Some do worse. A lawyer with a runaway ego seems to stand out more the deeper into their career they get. I hope my ego is not what it once was, but if I'm like most people, self-awareness is not my strongest trait.

But the disease may be curable. I've encountered many former litigators who seemed like a burden had been lifted. They smiled more, were warmer, seemed less anxious and uptight and had an all-around healthier vibe.

Ego is not the most damaging trait I see in attorneys—that would be envy. For some, it starts in law school with students at the top of the class and never goes away.

Envy is poison. It's toxic. It ruins people. I don't know how common it is. It's one of the few problems this career causes that I've never,



or almost never, suffered. Some people try to contain their envy, but it emerges occasionally.

Attorneys speaking from a place of envy often have venom in their voice. It's visceral. It's unfair because it makes the envied person disliked by the envier without good reason. It's also unfair because the envier would happily trade places—that's what they're mad about.

Litigators with big egos are mostly just fooling themselves. Litigators are replaceable. I am replaceable. You are replaceable. Almost no one is as bad a lawyer as you think. Almost no one is as good a lawyer as they think. Just because someone else would do it differently doesn't mean the outcome would be different. Hundreds of people in Mississippi can do your job as well as you.

Here's a take a lot of lawyers will disagree with: trial attorneys peak in their 40's. I'm talking about as courtroom lawyers. The reason is that it is so physically hard to stay sharp day after day during trial.

Anyone who has tried a case for a week or more knows the toll it takes. I've tried cases that lasted two weeks where when the adrenaline crashed, I thought I would never feel right again. Ideally, trial lawyers should be arguing appeals or in management and consultant roles in their 50's and 60's. That

*Continued on page 10...*

would be better for them, their firms and their clients.

The future for career litigators in Mississippi has never looked worse. Other than car wrecks, workers comp., criminal and domestic, litigation is on life support as a practice area. According to the Miss. Jury Verdict Reporter, in 2019 here is the number of trials in Mississippi by practice area: 0 products liability; 5 premises liability; 4 civil rights; 10 employment; and 10 medical malpractice. Those numbers should petrify defense lawyers.

Attorneys who want to work on more complicated civil cases are waiting on a bus that will never arrive. I am one of those attorneys. Prospects are bad.

I don't know what my professional future will be. I'm at an inflection point in my career. It was researching for this blog post in 2010 when I fully realized how bad of trouble small firm litigators who want to work on big cases are in. I ended that post with this:

*It will be interesting to see how plaintiff firms in Mississippi will look 10–15 years from now. My guess is that we are getting close to an era where plaintiff firms in Mississippi get larger. And while this would cause plaintiff lawyers to lose some of their autonomy, it would put them in a better position to compete for leadership slots in national litigation.*

That turned out to be true. When was the last time you checked how many attorneys Richard Schwartz and Morgan & Morgan employ in Mississippi? The numbers may surprise you. They surprised me and I try to keep up with these things. Quietly, the plaintiff firms spending the most on advertising are growing.

My personal life makes it complicated. I want to make another run with a big case or group of cases, but it looks unlikely if I stay in Mississippi. I could leave and have a good chance of working on what interests me, but it might not be best for my family.

I know I want to go out at the height of my skills. I never want to be the old litigator who the young litigators hear used to have it. I will be one of the first in my age group to retire from practicing law. Finances will not be a deciding factor. I still know how to work.

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January 1 . . . . .	New Year's Day
January 20 . . . . .	Dr. Martin Luther King, Jr. & Robert E. Lee's Birthday
February 22 . . . . .	George Washington's Birthday
April 27 . . . . .	Confederate Memorial Day
May 25 . . . . .	Memorial Day & Jefferson Davis's Birthday
July 4 . . . . .	Independence Day
September 7 . . . . .	Labor Day
November 11 . . . . .	Veteran's Day
November 26 . . . . .	Thanksgiving Day
December 25 . . . . .	Christmas Day

I could do it for less money and still be happy. I took a year off from college and law school. I was poor. I remember two-week paychecks in Montana that were sub \$200. It was a great year. I should have stayed out west for several years.

It took practice, but I sleep better on the ground in a tent than in a noisy hotel. I can survive happily on much less than my current standard of living. I'm about to turn 53. Anything can happen, but I will be surprised if I'm still practicing when I'm 60. I see myself practicing 4–5 years and walking away.

I used to have a mental list of attorneys I wanted to try cases against. It's long gone. My list now is of the trails I want to hike. At least once and as many as 3 times a summer, I hike 60–75 miles in 5 days.

Sometimes I hike in groups of 10–12 hikers in supported treks so we don't have to carry all our gear between camps. I see other hikers break down physically over the week.

The reverse happens to me. I get healthier and stronger. The last day, I'm passing people

on climbs who were leaving me behind day 1. I feel great at the end of the week. Something must be wrong when I start these weeks. It's stress—it has to be.

I'm a different person when I'm hiking. I even use a different name, my 'trail name.' I like that person better than Phil the attorney. You probably would too.

My mother died at 58. My father had open heart surgery in his 50's. At the rate I'm going, I will too.

My wife has a terminal illness. The clock is ticking. I will not kill myself practicing law just in case I live to 90. I do not want to spend my golden years answering discovery. I've got to get my daughter out of high school. Then, we will move someplace I can see a mountain out the window. And every day I feel like it, I go hiking.

I'm not saying you should go hiking. But attorneys should get out of their professional bubble. Find your 'hiking,' whatever it is. Do it as much as you can. Because whatever your hiking is, it will beat the hell out of practicing law. 🏃

» To read Philip's post-script to this article please click here: [Last Post – Post-script](#)

# A Public Order of Human Dignity for All

By James L. Robertson



In the CABA Newsletter, September of 2018, we explained that “The Vision of Myres (Smith) McDougal Is Needed Now More Than Ever.”<sup>1</sup> It is still so, only more so.

Mac was born in November of 1906 in the rural Burton community in Prentiss County, east of Booneville. In early May of 1998, he passed into history.<sup>2</sup> By that time, Mac had lit and illuminated “the guiding light of a preferred future world public order of human dignity.”<sup>3</sup>

*A fortiori* each man and woman who walks planet Earth—cull none—is worthy (his or her sins or other inadequacies notwithstanding) of having his or her personhood respected—enriched—cherished by the rest of us, by one’s community, state and country, and by organized society as a whole.

Of course, Myres McDougal did not labor alone. Prolific social science prodigy Harold D. Lasswell was Mac’s professional colleague for close to forty years. The Yale Law School was their home, providing platform and pulpit for McDougal and Lasswell. In 1943 they reformed and enriched legal education, the way would-be lawyers should be taught

to think and reason and act—and to lead,<sup>4</sup> but that was only the beginning.

Three quarters of a century later, “The New Haven School” remains.<sup>5</sup> Through the years, it has included disciples, acolytes, students and so many more who would come, stay for a while and learn, then elaborate, practice and spread the word and the imperative, the idea of a world public order of human dignity in which each person—every person—might participate, his and her being enriched, honored, as optimally practicable.

Nor did Mac forget his Mississippi roots. For decades many marveled at the number of professors at the University of Mississippi School of Law who received Sterling Fellowships at Yale Law School, took a year off from teaching in Oxford, spent that year in New Haven earning an LL.M., and—from that point forward—enjoyed an enhancement of the otherwise scandalously modest compensation that Ole Miss provided its law faculty. Chancellor-to-be Robert C. Khayat is believed to have been the last such. Guess who was dean of the graduate legal education program at Yale during these years?

In March of 1996, Mac made his last visit to that special part of the world where he’d been born and raised. Highlights of the tribute to one of the state’s favorite sons are chronicled in the *Mississippi Law Journal*, Vol. 66, pages 1–36 (Fall 1996), pages that

will reward a periodic perusal by Mississippi lawyers and leaders, and by others as well.

## Eight Value-Institution Corner Stones of Human Dignity

“A public order of human dignity is defined as one which approximates the optimum access by all human beings to all things they cherish.”<sup>6</sup> For further context, “we characterize the social process as human beings interacting with one another and with resources.”<sup>7</sup>

In the universe of human aspirations where Mac and his colleague labored,<sup>8</sup> eight corner stones of human dignity still come in two inter-related dimensions. Each has a value component, and each also has a practice or institutional component. Each of the eight has evolved with society, its processes, their stratagems and their yield. Of course, each overlaps and interacts with the other seven, more or less. These evolutions will continue, as the social processes and their yields evolve. Each has outlived its progenitors and will continue to do so. As time goes by.

The irreducible “eight” that Mac, his colleague and their acolytes saw, studied, preached—and practiced, were, are and will remain, more or less:

1. **Power**, *viz.*, “government, law, politics.”<sup>9</sup> Men and women value having a say-so in government, individually and collectively.

1. More formally, that effort is labeled “Where have all the Lawyers Gone? *The Vision of Myres McDougal is Needed Now More Than Ever*,” Posted September 2018, <https://caba.ms/articles/features/where-have-all-the-lawyers-gone>.  
 2. Byron S. (“Whizzer”) White, a McDougal student and acolyte at Yale Law School, later a long serving Justice of the Supreme Court of the United States, told of Myres McDougal with affection and respect in his *Tribute to Myres S. McDougal*, 66 *Miss. L.J.* 1–8 (Fall 1996).

3. W. Michael Reisman, et al., “The New Haven School: A Brief Introduction,” 32 *Yale Journal of International Law* 575, 576 (2007).  
 4. Legal Education and Public Policy: Professional Training in the Public Interest, 52 *Yale L. J.* 203 (1943).  
 5. *Ibid.*, fn. 3.  
 6. See, e.g., Harold D. Lasswell and Myres S. McDougal, *Jurisprudence in Policy-Oriented Perspective*, 19 *U. of Fla. L. Rev.* 468, 506 (1966); W. Michael Reisman, et al., “The New Haven School: A Brief

Introduction,” 32 *Yale J. Int’l L.* 575, 576 (2007).  
 7. Harold D. Lasswell and Myres S. McDougal, *Jurisprudence in Policy-Oriented Perspective*, 19 *Fla. L. Rev.* 468, 506 (1966–67).  
 8. Reisman, et al., at 580.  
 9. Lasswell/McDougal, at 506. After setting out each of their eight building blocks for experiencing a world order of human dignity, Mac and his colleague supplied several further illustrations, one of which is quoted above, with others at the outset of each subsequent part.

*Continued on page 12...*

Front and center is the right and practice of voting, the *a priori* “political precondition of human hope.”<sup>10</sup> Then there is access to public officials, the right to seek office, as we slide into those treasured highlights of bills of rights, including freedoms of speech, of the press and of faith, due process of law, the right to counsel, privacy rights vis-a-vis government, among others. Then there are legislative bodies, executive officers, administrators and regulatory agencies, courts, judges, and lawyers as officers of the court, each an exemplar of the practice or institutional corner stone of that dimension of human existence that Mac and Lasswell labeled **power**.

2. **Wealth**, *viz.*, “production, distribution, consumption.”<sup>11</sup> Not just a flush bank account, a nice middle class home and accouterments, but freedom from want, given the draw one has made in the lottery of human existence, a value that enriches human dignity. People cherish the fruits of the cycle of socio-economic activity that yields goods and services that they reasonably need, and the markets that gather and distribute. The technology that Mac’s generation never knew is a major corner stone today, one that has opened opportunities once beyond belief, that make human dignity possible for all, if only we will let it, or just won’t fight it, or fear it.
3. **Respect**, *viz.*, “social class and caste.”<sup>12</sup> People value their active participation within and among their gender, race, nationality, geography, language, religion, and other classes and castes. Interest groupings, such as business associations, economic councils, classmates, clubs, and of the other more natural classes and

castes are exemplars of the practice or institutional corner stones, that enable human and mutual respect, that in turn enables human dignity. A touch or two of humility would enrich the practice and experience of respect and self-respect in most any context, one on one and in culturally mixed mass settings as well. Turning one’s other cheek a time or ten would add to the mix as well.

4. **Well-being**, *viz.*, “health, safety, comfort arrangements.”<sup>13</sup> Well-being is valued because it makes so much more possible within a person’s time in this humanity, this existence. Protection of life, liberty and property are three prominent and invaluable exemplars. Hospitals, medical clinics, health-plexes, retirement homes and other facilities are practice and institutional corner stones than enable well-being and longevity, as are criminal justice, including law enforcement, police, public safety and fire protection enablers of well-being and thus human dignity. Indeed, each of these enablers generates its own challenges and opportunities for practicing and cherishing human dignity.
5. **Affection**, *viz.*, “family, friendship, circles, loyalty.”<sup>14</sup> Family speaks for itself, along with the fortuity of how much of a family, its humanity and longevity one is privileged and fated to enjoy. One values friendship both received and given, experiences circles of colleagues, acquaintances and passers-by, and each of us cherishes loyalty given and experienced. Practical and institutional corner stones make each more tangible, enriching each, that reciprocal affections may enhance the capacity of connection as progenitor of “a public order of human dignity on the widest possible scale.”<sup>15</sup> Of course, the McDougal-Lasswell relationship

said it all until Harold Lasswell’s untimely death in December of 1978.<sup>16</sup>

6. **Skill**, *viz.*, “artistic, vocational, professional training and activity.”<sup>17</sup> Perhaps more so than the other seven, skill is luck-of-the-draw. That having a skill enhances one’s chances for enjoying human dignity is cherished—valued—cannot be doubted. Still, developing and learning to apply one’s skill in turning a phrase, playing the violin or painting a picture, in belting a baseball or in writing novels or sprinting down a track—or as leading a people or opening new vistas for thought—are as important as having the skill in the first place. The stories, the lives, the legends of Rembrandt, Tennyson, Oliver Wendell Holmes, Jr., J. W. M. Turner, Luisa May Alcott, Mohandas K. Gandhi, Joe Louis, Albert Einstein, Ted Williams, Leontyne Price, Isaac Stern, and Usain Bolt—to name but a few—are as much a function of practice and the availability of institutions that have enabled them and so many others to endure and flourish, as of the raw inner stuff of skill standing alone. These help light the way to a world public order of human dignity.
7. **Rectitude**, *viz.*, “churches and related articulators and appliers of standards of responsible conduct.”<sup>18</sup> Most people have a fair sense of “right and wrong” and even shades of gray, and how these inform and nourish the other seven corner stones of human dignity itemized herein. As “a public order of human dignity on the widest possible scale”<sup>19</sup> is our goal, little more need be said. I posted discussion of a few exemplars in September of 2018.<sup>20</sup> Back in Mac’s era, I took a shot at this one largely for the benefit of soon-to-be rookie lawyers. Hardly a year passes without

10. *Wilbourn v. Hobson*, 608 So.2d 1187, 1196 (Miss. 1992) (concurring opinion, to quote myself a generation ago).  
 11. Lasswell/McDougal, at 506.  
 12. Lasswell/McDougal, at 506.  
 13. Lasswell/McDougal, at 506.  
 14. Lasswell/McDougal, at 506.  
 15. Lasswell/McDougal, at 508.  
 16. McDougal and Lasswell’s two volume magnum opus, *Jurisprudence for a Free Society; Studies in Law,*

*Science and Policy* was a work in process at the time of Lasswell’s passing. The work was published in 1992, albeit some of the parts Lasswell had been developing were never fully completed.

17. Lasswell/McDougal, at 506. It is surprising that Mac appears not to have mentioned athletic prowess or skill, given his two years of playing college football at Ole Miss. Of course, for Mac this was a means to an end, *viz.*, in those days two years of college athletics were a pre-requisite—one of many—to

eligibility for a Rhodes Scholarship, and two years of study at THE Oxford.

18. Lasswell/McDougal, at 506.  
 19. Lasswell/McDougal, at 508.  
 20. “Where have all the Lawyers Gone? *The Vision of Myres McDougal is Needed Now More Than Ever*,” Posted September 2018, <https://caba.ms/articles/features/where-have-all-the-lawyers-gone>.

*Continued on page 13...*

a former student or two commenting that he or she recalls “The Lawyer As Hero,”<sup>21</sup> which began as a last-day-of-class discussion, evolved into a commencement address and then the piece published in the Mississippi Law Journal. Of course, I have had—earned—detractors and shortcomings as most everyone has, each in his or her own way.<sup>22</sup> As it should be.

**8. Enlightenment**, *viz.*, “mass media, research.”<sup>23</sup> Education is quickly added here, as a value and a prime exemplar of the practice or institutional corner stone of the dimension of human existence that Mac and Lasswell labeled Enlightenment. And that all cherish. Resources and opportunities for practice and availability of institutions

have expanded enormously since Mac’s salad days half a century ago. The Internet, today’s information highway, or is it the Information Super Highway, also speaks for itself. Formal education is accessible as never before. Perhaps more than any of the other seven, enlightenment enables our way to a world public order of human dignity.

### A Closing Perspective

On October 4, 1957, the Soviet Union successfully launched Sputnik, the world’s first artificial satellite which soon began to orbit the Earth on its elliptical path every 98 minutes or so. This was a game changer. In 1963, the Yale University Press published the

massive 1147 page work, *Law and Public Order in Space*, authored by Myres S. McDougal, Harold D. Lasswell and a new colleague, Ivan A. Vlasic. Mac and his followers were not known for letting grass grow under them.

In short order, the University of Mississippi School of Law opened what has become the National Center for Remote Sensing, Air and Space Law, with encouragement and support from you know who. Today the nation’s leading—and only—law school program for the study of air and space law.<sup>24</sup>

Suffice it to say that the vision of Myres Smith McDougal—and those he recruited, worked with and inspired—for a public order of human dignity for all, was never limited to Planet Earth. ➔

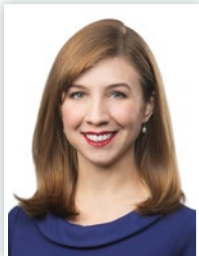
21. *The Lawyer as Hero*, 53 Miss. L. J. 431–469 (1983).  
22. Not sure Mac ever forgave me for attending the Harvard Law School, or approved altogether of its

influence on me to this day.  
23. Lasswell/McDougal, at 506.

24. <https://law.olemiss.edu/academics-programs/concentration-programs/remote-sensing-air-space-law-concentration/>

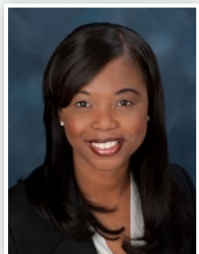
# Congratulations New Officers!

## Kaytie Pickett: Secretary-Treasurer



Kaytie Pickett is a partner with Jones Walker LLP. She primarily practices commercial and financial litigation, with an emphasis on appellate practice. Kaytie graduated from Mississippi College School of Law in 2009 and Tulane University in 2002. After graduating law school, Kaytie served as a law clerk for Judge Barksdale of the United States Court of Appeals for the Fifth Circuit. Kaytie has served on the board of CABA, the Jackson Young Lawyers and the Young Lawyers Division of the Mississippi Bar, as well as on the executive committee of the Appellate Practice and Alternative Dispute Resolution Sections of the Mississippi Bar. Kaytie and her husband, Dr. Drew Hayslett, live in Jackson with their six-year-old son, Harry.

## Keishunna R. Webster: Director — Post 3



Keishunna R. Webster is a member of Butler Snow LLP’s Tort, Transportation, and Specialized Litigation group and primarily defends personal injury cases arising out of trucking and automobile accidents, premises liability cases, and general negligence matters. Her practice also involves insurance-related litigation, including coverage, bad faith, and subrogation disputes. She is a cum laude graduate of the University of Mississippi School of Law, and received a Master’s degree in Public Policy and a Bachelor of Arts in English and German, with honors, from Belhaven College. As a member of CABA, Keishunna has served as a co-chair of the Women’s Initiative Committee (2017-2018) and Chair of the Diversity and Inclusion Committee (2018-2019). Her efforts as Diversity Chair earned her CABA’s Outstanding Service Award. Keishunna is a current board member of the Mississippi Women Lawyers Association, and she was recently appointed a member of the ABA Section of Litigation’s Diversity and Inclusion Committee for 2019-2020. Keishunna enjoys playing tennis and pickleball and spending time with her husband Clarence and their daughter Ilana.

## Stephanie Taylor: Director — Post 4



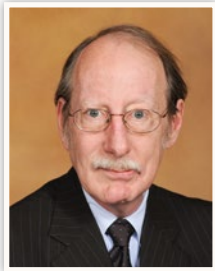
Stephanie Taylor is counsel for the Mississippi Public Service Commission, practicing in the area of regulatory law. Stephanie previously practiced at Scott, Sullivan, Streetman & Fox, P.C. and then Butler Snow LLP, where she was a defense litigator. Stephanie presently serves as Co-Chair of the CABA Evening Honoring the Judiciary/Judge’s Dinner Committee. She previously served as Co-Chair of the CABA Social Committee for two years. Stephanie also currently serves as Secretary on the Board of Directors of 7 Cedars Farm Regenerative Center, a facility offering post-treatment support to young men recovering from substance abuse. Stephanie received her B.A. degree, with honors, from Belhaven College in 1995. Thereafter, she graduated from the University of Mississippi School of Law in 1999. Stephanie was admitted to practice law in all state and federal courts in the State of Mississippi in 2000 and was later admitted before the United States Court of Appeals for the 11th Circuit. She is an avid runner and regularly competes in area races. Stephanie and her three sons—Jackson, Jude, and Maddox—live in Madison and attend Madison Heights Presbyterian Church.

# » On Computing

Focused on the Contemporary Lawyer



## Working From Home Made Easier...



By Joel Howell

This time around, the focus is on apps to aid businesses to function with more efficiency. Many of these apps are geared towards those tasks we didn't learn in law school—like sending out mass client emails, payroll, invoices, collection of payments, screen time tracking, and digital project management.

**MailChimp**, this app helps you with organizing, creating, and sending newsletters to people on your company's mailing list. (MailChimp is extensively used by MSB and CABA). There are many customizable options, as well as the ability to generate resulting performance reports. Plans start from free all the way up to \$14.99 per month.

**Polaris Office**, offers many options to edit, create, and sync files from a phone or device, as well as up to 1TB of cloud storage. You can download for Windows, Mac, Android, and iOS devices. Pricing starts at \$7.99 per month.

**Gusto**, provides payroll, tax, and benefits processing through providing ease of use and efficiency. It handles new-hire reporting and all local state and federal tax filings, automates benefit deductions (i.e. medical, dental, vision), worker's comp payments, while also emailing digital pay stubs to employees. You will also have access to certified HR experts, and help with compliance matters. For the top of the line (all services provided) There is a \$149 per month base price and \$12 per person charge. The core essentials are \$39 per month base price and \$6/month per person.

**FreshBooks**, allows for business owners and freelance workers to track and manage their invoices. The ability to create invoices is a feature many users enjoy because they are professional looking and match your business. Through the app's features, you can set up recurring invoices and accept credit cards on your mobile devices. You can also track and organize your monthly and yearly expenses through the app and create customizable business reports. This app will work on PCs, iOS, and Android devices. Pricing starts as low as \$15 per month and is based off the number of clients you bill. There is also the ability to customize your billing.

**Wave**, is a multi-functional app, allowing the user to work on accounting (tracking income and expenses), invoicing (create and send professional invoices), payments (through accepting credit cards and bank payments online), payroll (allowing you to pay employees and independent contractors and handles taxes easily), and aiding you in tracking receipts (through scanning receipts anytime, anywhere right from your phone). Pricing depends on the features you choose. Accounting, invoicing, and receipts are free. Payments— credit card processing (2.9% + 30¢ per transaction) and bank

payments (1% per transaction with a \$1 per minute fee) do cost. Payroll— tax service \$35 monthly base fee with additional charges per employee.

**Addapp**, is used to manage contacts, set reminders, and create groups for better group communication. One of the best features is when a person updates their contact information on their phone, the app will automatically update the person's contact info in the app (provided the friend also uses the app). This app is free.

**Fuze**, is a videoconferencing app. It allows users to host online meetings for all devices and operating systems (including iPads and tablets). It has quality video, crisp audio, and ease of use/set-up. Pricing varies with outbound toll rates (\$0.02 per minute), meeting rates (\$0.08 per minute), and call recording (\$0.02 per minute).

**Pushover**, is available for Android, desktop, and iOS devices. It allows management of all messages and notifications from your devices in one common place. After a onetime \$5 fee, the first 7,500 messages each month are free (with unlimited notifications).

**Rescue Time**, is automated time tracker that helps you to know how much time you are spending on applications. Users can build better digital habits through setting digital goals. With the free version, you can track time on sites and in apps, set goals and see your progress in a weekly email report. This app works across many platforms (desktop, mobile, and browser). By paying \$6 per month you get all that comes with the free version, as well as time distraction blocker, offline time tracking, real-time alerts, daily highlights, custom work hours, and unlimited historical data. There is also the team option, allowing for entire offices to track their used, productivity trends, and have office wide comprehensive reports. Pricing ranges from free all the way up to \$6 per month.

**Trello**, is an app designed to manage projects through the tracking of your team's workflow. First you start out by creating a card which represent an assignment or task. Then you can add members, comments, attachments, checklists, due dates, labels, and stickers to make the cards as descriptive as possible. Group notifications allow for members to know when a task/ assignment has been achieved and when to move on to the next card. Depending on your needs, the free version might work just fine. However, there are pricing options as low as \$9.99 per user per month, all the way up to \$20.83 per user per month varying on the number of users. ➡



Questions or comments?

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