

President's Column

By Jennie A. Eichelberger



As I sat down to write my first CABA presidential column, I reflected on what a strange beginning we have experienced for the 2020–2021 membership year. As opposed to receiving the gavel from Immediate Past President, Judge Tiffany Grove at the Evening Honoring the Judiciary in May, our years simply virtually transitioned. Since March, we have been faced with difficult issues as a society and as a profession. The workplace has changed for many of us, with working from home, virtual school and figuring out how to litigate and practice law virtually and remotely. We issued a joint statement with JYL on Racism and Taking Action, and formed a subcommittee to consider ways that our organizations can work together.

In looking at the upcoming year, CABA is focusing on how to bring the greatest benefit to our members when we are faced with the obstacle of not being able to meet in person for our usual meetings and events. One of the benefits of your membership with CABA is that there is not a charge for the CLEs that we have offered with our membership lunches. This year, we are focused and dedicated to bringing you additional CLEs at no additional charge as a perk of your membership. We have just finished a three-part CLE series in which esteemed members of our Judiciary discuss law practice in their courts in the time of COVID-19. We thank our Small and Solo Firm Committee for creating this CLE series. We will be offering additional CLEs in the very near future.

Until this point, CABA's in-person events have been cancelled. However, planning is underway for our Annual Golf Tournament and Evening Honoring the Judiciary. We look forward to the time that we can gather with all of our colleagues in the profession. Until then, we will continue to do all we can to advance our profession. 🏹

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Upcoming Events

March 22, 2021

Golf Tournament

May 13, 2021

Evening Honoring the Judiciary



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Jane Harkins

Charitable Giving During a Pandemic

By Nathan Smith, J.D., LL.M.¹



Several pandemics have afflicted the United States during the 20th century, including the 2009 H1N1 Pandemic (the “Swine Flu”), and the influenza outbreaks of 1968 and 1957. The

most deadly outbreak recorded in recent history remains the Spanish Influenza of 1918; however, the current outbreak of Coronavirus (“COVID-19”) is unprecedented for a number of reasons. First and foremost, the outbreak has rocked our modern healthcare system on its heels. Seeing the example of other nations, the United States, through the patchwork of our various governmental entities, has enacted massive “shutdowns” in order to “flatten the curve” of the spreading virus, thereby preventing overloaded hospitals and intensive care units. The great fear is that the virus will affect so many individuals that the healthcare systems will be forced to refuse treatment and prioritize patients, leading to a potential catastrophe.

The shutdown of vast sections of the economy to combat the spread of the virus has led to record unemployment. Financial hardship has proven to be insurmountable for many businesses, which have shuttered their doors. Unfortunately, some of the hardest-hit businesses have been in the medical sector itself. With the suspension of elective procedures to make room for COVID-19 treatment, dollars

have poured out of healthcare facilities (both profit and non-profit) like a sieve. Educational institutions are also hard-hit, being forced to operate remotely, or considering whether students can attend classes in person.

Thus, charities are being forced to turn over every rock and stone to find the funds needed for the organization to survive. A recent survey by Fidelity Charitable² finds that, from the perspective of a nonprofit, fully 51% of fundraising and development will be significantly impacted, with an additional 28% expecting to be at least “somewhat impacted.” Ninety percent of respondents also believe that delivery of programs and services will be impacted to some extent.

So, considering that businesses are closing, unemployment is at record numbers, the actual staff of nonprofits believes that their organizations are in dire straits, and everyone is broke, what is the silver lining, if any? Interestingly, the same survey notes that 25% of respondents actually intend to donate *more* as a result of COVID-19, while 54% expect they will donate the same amount. Only 9% of respondents indicated they would donate less.

Let’s get down to brass tax (pun intended). What tax incentives are available to the 79% of individuals who affirmatively indicate they will contribute the same or more in 2020? Consider the following:

1. The CARES Act

The CARES Act, an acronym for Coronavirus Aid, Relief, and Economic Security

Act, was signed into law on March 27, 2020. It contained various economic stimulus provisions, but for our purposes, it also relaxed certain restrictions on charitable giving deductions.

A. Universal Deduction

Most people are now familiar with the increase to the standard deduction which was phased into law with the Tax Cuts and Jobs Act of 2017.³ For single filers, the standard deduction is now \$12,000, while joint filers may deduct \$24,000. The net result is that far more taxpayers now claim the standard deduction than itemize.⁴ In fact, most salaried workers saw almost immediate benefit in 2018 as the withholding tables were adjusted downward to account for the increased deduction.

Another effect is that the charitable deduction became useless to many of the taxpayers who benefitted from the increased standard deduction. The CARES Act aims to combat this by introducing a separate charitable deduction (the “Universal Deduction”) of up to \$300 for taxpayers who claim the standard deduction. Three hundred dollars doesn’t sound like much, but the overall effect could be substantial. Everyone should gift at least \$300 to public charities this year!

A final note about the Universal Deduction: it is valid only for *cash* contributions. Congress reasoned that IRS has neither the time nor the resources to audit the value of in-kind donations of property in such a small amount.

B. Increased Itemized Deduction

Taxpayers who itemized deductions were

1. Nathan is the Director of Planned Giving at the University of Mississippi Medical Center. Prior to his current position he has served as Senior Attorney at the Mississippi Department of Revenue and as an Associate at Baker Donelson. He also had a stint at another firm that has changed its name

2. so many times there is no point in mentioning it. “COVID-19 and Philanthropy: How Giving Behaviors are Shifting Amid Pandemic.” <https://www.fidelitycharitable.org/insights/how-covid-19-is-shifting-donor-giving.html> (last retrieved July 22, 2020)

3. Note that the tax cuts of the TCJA, as it is called, are set to expire on December 31, 2025, at which point I will probably have to write a new article.
4. Per the internet, approximately 85% of taxpayers now claim the standard deduction.

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historically limited to a charitable deduction equal to 50% of their adjusted gross income (“AGI”) in any given year. Any excess is carried forward up to five years. The TCJA did taxpayers a solid and increased the 50% cap to 60%. The CARES Act goes one (giant) step further and eliminates the AGI limitation for 2020. It is conceivable that an employee with plenty of money in the bank could donate his or her entire salary to charity in 2020 and get a refund that TurboTax would properly label “maximum.”

Clearly the lifting of the AGI ceiling will only benefit the truly heavy hitters of charitable giving. However, it may also be used to deplete a pesky retirement account. Assuming you are not dependent on the funds from the retirement account, and are between the ages of 59 ½ and 70 ½, you can take a cash contribution from your IRA, and then donate the cash to the public charity up to the amount of your adjusted gross income. To sum up, if you have been considering making a large charitable donation for some time, the CARES Act may make 2020 the year that it will be most advantageous for you to do so during your lifetime.

C. Increased Corporate Deduction

Congress historically has not rewarded corporations for charitable giving to the same extent it has individuals. The CARES Act does offer additional incentive to corporate giving by increasing the cap on the charitable deduction from 10% of taxable income to 25% of taxable income.

2. General Thoughts

Aside from the CARES Act, there are some general thoughts to keep in mind when giving in a bear economy. First, the stock market is generally down, although it has bounced back considerably since its worst point in March. Some may be tempted to gift stock to charity in lieu of cash, but note that there is no benefit to doing so unless the stock is appreciated (i.e., if it has built-in gain). Appreciated stock can be gifted tax free and the donor will receive a deduction for the fair market value of the stock. Loss stock, however, should be sold first, at which point the proceeds can be gifted to

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charity. The donor will generally not be able to take the loss on the sale, though, unless they have sales of other stock which is appreciated. Better for the donor to hang onto stock and ride the rollercoaster in a down market.

Second, the applicable federal rate (“AFR”) is almost impossibly low. At the time of publishing this article, the rate is 0.4%. This comes into play in the estate planning arena. Typically tax-advantaged vehicles such as the charitable remainder unitrust, an annuity trust, or a gift annuity, provide maximum charitable deduction benefits to the donor when the AFR is *high*. Donors may avoid creating such vehicles until the AFR bounces back. A low AFR does benefit lead trusts and reserved life estates, though.

Finally, note that estate planning includes both preparing documents which take effect after the decedent’s death or incapacity *and* making lifetime gifting decisions to control what assets will end up in a donor’s estate. In years past, the charitable deduction for the

estate and gift tax was a hot topic. However, under current law, the estate and gift tax exemption is almost \$23 million for married couples. Unless the donor expects their estate to exceed that value, they should focus on the potential *income tax* consequences for their estate. Generally, the most income tax-expensive asset that can affect a donor over time is the retirement account. Thus, as mentioned above, now may be the time to leverage a retirement account for a maximum charitable deduction.

Never forget the cardinal truth that donors are much more likely to give to a public charity because they believe in a cause that the charity is advancing, not simply to claim a tax break. The pandemic has created a plethora of causes that we as individuals are uniting to support, from the health of our population to the strength of our economy. Give because we need it right now, but take advantage of the CARES Act so you can potentially give more. ➡

Payroll Tax Deferral Raises Questions

This is a companion article to the previous article, also written by Nathan Smith: [“Charitable Giving During a Pandemic”](#)

By Nathan Smith, J.D., LL.M.



“payroll tax.”¹

The deferral applies to the tax levied under 26 USC 3101(a), commonly known as the employee’s portion of the Social Security tax.² This tax is equal to 6.2% of an employee’s wages. Employers are required to withhold the tax from an employee’s paycheck and submit it to the Treasury each pay period.³ The executive order is effective through December 31, 2020, and applies to employees who gross \$4,000.00 or less each bi-weekly pay period. This works out to include employees who have annual salaries of \$104,000.00 or less.

It is important to note that the executive order establishes a deferral of the 6.2% tax, not a forgiveness. The executive order also states that the deferred tax will not be subject to the accumulation of penalties and interest. It is unclear whether the \$104,000.00 income cap applies to combined incomes (as in married couples) or individual incomes, although it appears that the deferral will

be available for each individual employee (regardless of marital status). As it stands the executive order will only be in effect for four months, so the maximum that most employees can benefit is approx. \$2,100 of tax deferral.

President Trump has stated that he will seek to extend the deferral and forgive the deferred tax, if re-elected. Even a casual observer will note that this is no more than an unenforceable promise, and thus the possibility of recapture of the deferred tax will remain an open-ended question for some time. Actual forgiveness of the tax, of course, will require an act of Congress.

The uncertainty surrounding the deferral should cause discomfort for employers, who are responsible for submitting the deferred tax. Will the employer be required to withhold all deferred taxes in a lump sum from employees’ paychecks in January of 2021? With this in mind, employers have considered withholding regardless, or requiring an “opt-in” from employees who want deferral, so the deferred tax can be spread out over more pay periods. It appears that there is currently no right answer to the employer’s conundrum.

This brings up another point: the executive order will almost certainly be challenged in court as an abuse of Executive power. So it remains to be seen 1. Whether the payroll deferral will actually take place, and 2. If the deferral does take place, whether employees

will be required to pay it back in January. If you have any further questions about this topic, I will be happy to tell you that I do not know the answer. ➡



1. President Obama cut the Social Security tax in 2010 and extended the cut through 2011 and 2012. This was accomplished via Congressional action, however.
2. Payroll taxes also include the Medicare Tax, levied

under 26 USC 3101(b). This tax is equal to 1.45% and is left unaffected by the executive order.
3. Employers are also responsible for submitting the “employer’s portion” of the payroll tax for each employee, which is equal in amount to the

employee’s portion. Note that the CARES Act, passed in March of 2020, already gives employers the option to defer the employer’s portion of the tax.

The Almost (But Not Quite) “Client”

By James L. Robertson



If you open the front cover of John Grisham’s novel, *The Client*, you’ll see the usual stuff. Title page. Copyright 1993. Stop at that one. No one begrudges John’s claiming copyrights in the book, and the tale so well told. But not the title. That word, “client,” is still out there to be used by lawyers and others as appropriate. Besides, John would be the last to take offense at a Mississippi lawyer bragging about having Gladys Montgomery as a “client,” formally or otherwise. Provided that client-lawyer relationship was practiced—and cherished—in the proper professional loyal and caring way.

What follows is a story of race relations, Mississippi variety. And building upon a particular instance of such relations, the story of a “client” like the fabulous fish, nibbling, oh so close but never reeled in, then for years so admired from afar. Only in Mississippi?

Gladys Delores Montgomery was born on October 31, 1934. I was not born until July 30, 1940. By then, Gladys was three months short of becoming a six year old herself. In time, all would come together in L. D. and Susie Lawton Robertson’s modest residence at 818 Cedar Street in Greenville, Washington County, Mississippi.

I was a teenager during the years when Gladys was a housekeeper in the Robertson home. More accurately, I was a particularly self-centered teenager during those years, no

doubt in substantial part because my mother made me feel as though I was the very important center of the Universe. My younger brother and two younger sisters completed the household.

I was just finishing up my tenure as an 8th grader on May 17, 1954, when the U. S. Supreme Court decided *Brown v. Board of Education*. I more or less understood what the Court had said. My primary concern was that interracial sandlot baseball that I had enjoyed for any number of summers was suddenly off limits. None of the white guys who were my friends were allowed to come to Sportsman’s Park—a hop, skip and a jump from Coleman High for the black kids—and play ball.

Over the years I have often reflected on the summer of 1954. In candor, I’ve never been quite sure to what extent reduced sandlot baseball was a function of the fact that girls were becoming much more interesting than I had theretofore thought.

When Gladys Was Our Housekeeper

It was during my high school years—early post *Brown* years—that Gladys was “the help” in the Robertson home on Cedar Street in Greenville. The homes of most of my friends had not dissimilar housekeepers. I remember Gladys from those days. She was a big woman. Not fat. Just, as the saying went, a big boned woman. And, of course, her skin was black.

I have no memory of any awareness that, while she was housekeeping in the Robertson home, Gladys had given birth to three sons, the last of whom was born on July 1, 1956. Of course, I had no idea that in time Gladys’ no. 3

son, Cleotha Montgomery, would be wearing a Super Bowl XVIII (18) championship ring for his play with the NFL champion Los Angeles Raiders. The only reason that Cleotha’s more prolific, almost two years older big brother didn’t have a ring from the next year’s Super Bowl was that no. 2 son Wilbert’s defensive teammates on the Philadelphia Eagles could not stop the Raiders’ offense.¹

Nor did I foresee that I might one day become a lawyer, much less that as a lawyer I might begin some connivance as to just how I might gain Gladys’ confidence as a *de facto* client, as soon as the sons of Gladys might become hot items for drafting, recruitment and contracting by National Football League teams.

When My Connivance Began

By 1965, nonetheless, I had become a lawyer. “Admitted to the bar,” as the saying goes. I was one of five with a downtown Greenville firm led by soon-to-be-U.S. District Judge William C. Keady and Greenville School District President Roy D. Campbell, Jr.² Fred DeLong, down from Tutwiler and as crafty in the courtroom as any I’ve known, and Billy Keady, Jr., more my age, rounded out the five.

Fast forward to the Fall of 1971. Along with so many other Greenville High School Hornets football fans, I was often in speechless awe at the gridiron skills and achievements of Gladys’ second and third sons. Several other young lawyer contemporaries and I began to twit each other about who could negotiate the best pro football contract for the Montgomery boys. Wilbert was the best high school running

1. Wilbert Montgomery had a substantial and impressive coaching career in the NFL, once his playing days were over. As running-backs coach for the Baltimore Ravens, Wilbert earned his ring in Super Bowl

XLVII (47), when the Ravens defeated the San Francisco 49ers.

2. Roy was the father of Roy D. Campbell, III, former president of the Mississippi State Bar and for a

number of years now, practicing law in Jackson with the Bradley firm.

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back any of us—or likely anyone else anywhere else, for that matter—had ever seen. Cleotha, a grade—or was it two—behind his brother, was a wide receiver and punt return specialist. At least, at the time that’s how he was slotted. The Hornets were state champions that year, and then co-champs in 1972.

I kept my mouth shut about my ace in the hole. More of a touch of anxiety how Gladys might recall what, as far as I knew, had been her first job. Did Gladys remember me? What were her thoughts? I had no doubt at all about the closeness and other nuances of mother-son relationships in that community.

But college was first. For Wilbert’s senior year at Greenville High, the college scouts and less formal representatives were swarming. Ole Miss folk were in touch with me and several others. Everyone was looking for an angle. I saw Wilbert’s high school record. I can’t recall exactly how it happened, but I came to understand just who Wilbert was.

Or, rather, to confirm who Wilbert’s mother was; herein of “the client.” And all of the above had led to confirming what a powerful influence Gladys was on the lives and futures of her sons. I was not the only young lawyer in Greenville well aware that Wilbert was a definite NFL prospect, and that in time he was going to need a lawyer. And suspecting that Gladys was going to have quite a “say so” in all aspects of Wilbert’s future. For all practical purposes, Gladys was going to be “the client,” and we all knew it.

A Mother’s Fear of Football Injuries

Many a mom worries about her son playing football and getting hurt. No racial divide on that one. This fear quickly became a reality for Gladys Montgomery. The 1967

season for powerhouse Coleman High, in at-that-time—*Brown* notwithstanding—still segregated Mississippi high school football, had not begun when Gladys’ oldest son was suffering injuries. Born in May of 1949, Alfred “Bimbo” Montgomery was looking forward to his senior year, 1967. After all, he had been switched from guard to running back. But it never happened. As a journalist put it later, “Wilbert’s older brother[] back in Greenville was injured playing football years ago. Gladys Montgomery outlawed football for the rest of the family.”³

The matter quickly became more complicated. The year before, little Daren Dwayne Montgomery had been born. In October of 1971, the then five year old child “died at his home after a lengthy illness. He had been an invalid since birth.”⁴

Bimbo and Wilbert

But the story of Gladys’ first son is foundational. Many have long argued, and remain of the view, that Bimbo Montgomery was the best of all of the great football players who came out of the Montgomery family in Greenville. The Los Angeles Times once reported that Bimbo “is considered by the family as the most talented athlete, but his career was shortened because of injuries.”⁵ Not too many years later, Wilbert overheard his mother comment on a football radio announcer’s mention of his name. “She thought it must have been another Wilbert Montgomery, because her son didn’t play football.”⁶

As fate would have it, no Southeastern Conference school could successfully recruit Wilbert. After flirting with Jackson State College, Wilbert wound up at Abilene Christian University in west Texas, where he broke every record anyone ever heard of. The rest, as they say, is history.

Mama’s concerns notwithstanding, Wilbert had the most productive pro-football career of all of the Montgomery boys. The one-liner that says all is “The Eagles’ Wilbert Montgomery has a history of injuries—but more often than not it’s Philadelphia opponents who get hurt by him.”⁷

Cleotha Montgomery

On July 1, 1956, some 22½ months after Wilbert’s birth, Gladys gave birth to Cleotha, still in Greenville. Housekeeping for the Robertsons was long past. During Wilbert’s eye popping senior season with the Greenville High School Hornets, Cleotha was his big brother’s perfect complement. In addition to catching passes as a wingback, after quarterback Bill Hammett had faked a handoff to Wilbert, Cleotha was also a defensive back who got more than his share of interceptions. He also returned punts for touchdowns. After a senior year on his own, Cleotha followed his brother to Abilene Christian.

Cleotha’s college career on the same team with big brother Wilbert should have been illegal.⁸ It certainly wasn’t fair to the opposition.

Cleotha spent four years (1981–1985) with the NFL’s Los Angeles Raiders, primarily returning kickoffs and punts. And he had that Super Bowl ring. Two more years with other NFL teams followed.

Willie Earl Montgomery

Willie Earl Montgomery was the next oldest boy in the family. He was a running back, who followed Wilbert and Cleotha to Abilene Christian, where he suffered a knee injury which ended his football career.⁹

By this point it was crystal clear that there was a plentiful supply of Montgomery

3. *Clarion Ledger* Jackson, Mississippi, Sat. Jan. 24, 1981, page 20.

4. Daren Montgomery, *The Delta Democrat-Times*. Page 23 (Sun. Oct. 17, 1971)

5. Lonnie White, “Into the Breach: Raiders’ Montgomery Has Family Tradition on His Side as New Third-Down Back,” *Los Angeles Times* (Aug. 17, 1993); <https://www.latimes.com/archives/la-xpm-1993-08-17-sp-24598-story.html>.

6. *Clarion Ledger* Jackson, Mississippi, Sat. Jan. 24,

1981, page 20. As fate would have it, Bimbo died on August 1, 2010, at age 61. Gladys died two days later. She was 75 years old.

7. Rick Ostrow, Eagles Running Back Wilbert Montgomery is a Gamebreaker, Playing with Pain, Pro Football Hall of Fame Official Site; <https://www.profootballhof.com/news/playing-with-pain/>; Wilbert Montgomery’s complete record for his nine year career (1977-1985) with the Eagles is found at Wilbert Montgomery Stats;

Pro-Football-Reference.com.

8. See Greg Jaklewicz’ article, “Wilbert and Cle – oh brother, they were special.”

9. Lonnie White, “Into the Breach: Raiders’ Montgomery Has Family Tradition on His Side as New Third-Down Back,” *Los Angeles Times* (Aug. 17, 1993); <https://www.latimes.com/archives/la-xpm-1993-08-17-sp-24598-story.html>.

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football players in Greenville, such that would be contract counsel should not give up. One could bet the farm that Gladys had only been reinforced in her fear of injuries to her boys. Equally clear, however, the world open to the Montgomery boys was now so much bigger than mere Mississippi.

Jerry Montgomery

Jerry Montgomery was a wide receiver who played college football at Cal State Long Beach. Jerry came back much closer to home for pro ball, as a wide receiver with the New Orleans Breakers of the now-defunct United States Football League [USFL].¹⁰

Leonard Montgomery

Leonard Montgomery was a running back who attended Cal State Long Beach. In his senior year, Lenny rushed for more than 1,000 yards and caught 50 passes, before suffering a career ending knee injury.¹¹

Fred Montgomery

Then there was Fred Montgomery, a wide receiver with the Philadelphia Eagles, who had established school punt return records at New Mexico State University.¹²

Tyrone Montgomery—Runt of the Litter

Tyrone was the youngest Montgomery, courtesy of Gladys and Greenville. He was the first to stay in Mississippi for any part of his college experience. After two years of junior college play at Tyler Junior College in Texas. Tyrone spent his last two years at Ole Miss as a wide receiver. Lamentably, albeit confirming Gladys’ perennial fears, Tyrone suffered football injuries both of his seasons in Oxford.

Tyrone arrived in Los Angeles in time for

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the 1993 NFL season. *Los Angeles Times* sports reporter and staff writer Lonnie White soon pieced together the Montgomery family story, which he summarized and published as “Into the Breach: Raiders’ [Tyrone] Montgomery Has Family Tradition on His Side as the New Third-Down Back.”¹³ In addition to his time with the L. A. Raiders, Tyrone also played for the St. Louis Rams.

Fifteen years later, Gladys’ youngest was found visiting the High Desert Premier Academy in Apple Valley, California. Tyrone told middle school and high school students of the trials and hardships he had faced growing up without a father, and that “he and his 11 siblings were the first in their family to graduate high school.”¹⁴ He credited a “father figure” —no doubt Wilbert—who challenged him and his siblings. Then Tyrone added

“No matter what vicious cycle you guys are going through at this point in your lives, you can break through and you can turn the dynamics around in your family so that those who are coming up behind you don’t have to suffer and go through what you are going through... This is your moment.”¹⁵

The Montgomery Family—Full Circle

In the interest of journalistic completeness, it need be added that Roosevelt Montgomery, the boys’ “dad was a brick layer.”¹⁶ Wilbert was once asked about his dad years earlier, and the *Clarion Ledger* had reported, *viz.*, otherwise tabbed a bridge-welder, Gladys’ significant other left home when Wilbert was in junior high. “Ten kids is too much for anybody,” Wilbert said philosophically.¹⁷

The boys also had two sisters, in time Marsha Linn Montgomery Pruitt and Rosalyn Montgomery Williams. I’ve been unable to find much about younger brothers John and Anthony.

Gladys’ boys tied the Browner brothers from Warren, Ohio—Ross, Jim, Joey and Keith—for the most brothers to play in the NFL since World War II. Tyrone argued that all nine Montgomery boys “really could have played in the NFL. Whatever the NFL record is, we could have broken it.”¹⁸

At the end of the day, Gladys Montgomery—once the housekeeper at 818 Cedar

10. Id.

11. Id.

12. Id.

13. Id.

14. “Tyrone Montgomery inspires students at High Desert Premier Academy,” Apple Valley Unified School

District News, April 10, 2019; <http://avusdnews.blogspot.com/2019/04/tyrone-montgomery-inspires-students-at.html>.

15. Id.

16. Ron Higgins, “Wilbert Montgomery’s path to Mississippi Sports Hall of Fame has surprises,”

Mississippi Clarion Ledger (Oct. 24, 2018).

17. *Clarion-Ledger* (Jackson, Mississippi), Sat. Jan. 24, 1981, page 20; Newspapers by Ancestry, <https://www.newspapers.com/image/185644257>.

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Street in Greenville, MS—had raised ten boys who went to college on football scholarships. Eight earned college degrees. Five played football professionally, four in the NFL. Two wear Super Bowl championship rings. And Gladys—in whatever iteration she may be enjoying—proud though she no doubt is, can rest easier that her boys won't get hurt playing football anymore.

But what about those grandsons!?

“The Client” that Exceeded All Expectations

Oh, yes. “The client” never materialized, formally, that is, for yours truly or any of the other Greenville area lawyers. No SEC school had dared touch Wilbert, who'd had a disastrous high school academic record. I have long thought this was in large part because of administrative snafus in the reorganization of the high school component of the Greenville public school district. *Alexander v. Holmes County Board of Education* had been decided in late 1969. Wilbert's 10th grade year was the year of the big transition and, by all accounts, a disaster for many, not just the innocent ones, the students.

Why Wilbert left Mississippi for Texas doesn't much matter now. Yet, “going to Abilene showed a lot of Mississippians they can go outside the state and get a better education,” he once said. “My idea of going to Abilene was about the education, because pro football was

not in my mindset.”¹⁹ Two of my sons and a number of Greenville ex-pats were in Jackson on that evening in the Summer of 2018 when Wilbert was enshrined in the Mississippi Sports Hall of Fame. Wilbert had brought his son from Maryland down to Jackson for the occasion.

No one at the Greenville table doubted that Gladys was there in spirit.

Wilbert Montgomery was humble and appreciative of this recognition accorded by his home state. “It's an honor and blessing,” he said. “Not only for family and friends, but for people who I've come in contact with along the way.”²⁰ Yet, truth be known, of the six athletes enshrined that evening, only one other had athletic credentials remotely approaching Wilbert's.²¹ And it was absurd that Wilbert, who had been honored so often and for so long in NFL circles across the country, had to wait twenty plus years for his home state to accord recognition. I rather suspect most any good lawyer could establish the proposition that Wilbert's race had had more than a bit to do with his being so belatedly honored.

Nonetheless, the Wilbert we honored that evening was still ever so much the son Gladys had birthed and raised so many years ago. All things considered, Wilbert, Cleotha and their brothers have done rather well without the assistance of Mississippi lawyers. Yet it's sad that all left Greenville and their home state, never to return except for visits.

No doubt, Wilbert could have invited

his family to Jackson for the events that first week in August of 2018. No doubt the special circumstances of the family that Gladys Montgomery reared could have justified an extra effort on the part of Mississippi Sports Hall of Fame. For the moment it may be enough (1) that Wilbert accepted his enshrinement with such humility and class, (2) that MSHOF has a number of additional opportunities ahead, and (3) that maybe it's better that some would-be “clients,” like some beautiful bass or trout, slip off the hook or avoid it altogether.

But Gladys' painfully shy mama's-boy contributed in another way. He allowed author Edward J. Robinson to use his class countenance as the vehicle for telling the story of young black men trying to make it in the American world of sports.²² And of how men like Gladys' son, Wilbert, did so much to blur the racial divides that are a lot less with us than before.

Epilogue

Anyone want to wager, or just guess, what John Grisham could do with Gladys' story? And what he would name that book, “The Client” having been used up, and maybe wouldn't be such a good fit anyway.

And what such an effort by John, that born and bred Mississippi lawyer, my former student from teaching days at the U of M Law School, could do to advance the ball further towards the eradication of racism in our state. 🍀

18. Lonnie White, “Into the Breach: Raiders' Montgomery Has Family Tradition on His Side as New Third-Down Back,” *Los Angeles Times* (Aug. 17, 1993); <https://www.latimes.com/archives/la-xpm-1993-08-17-sp-24598-story.html>.
 19. Ron Higgins, “Wilbert Montgomery's path to Mississippi Sports Hall of Fame has surprises,”

Mississippi Clarion Ledger (Oct. 24, 2018).
 20. Id.
 21. Ron Oswalt, pitcher, a graduate of Weir High School and Holmes Junior College, then foremost starter with the Houston Astros, who concluded his career with strong showings with the Philadelphia Phillies, and two others. The four other inductees

were also white. See Inductees, Mississippi Sports Hall of Fame (2019), <https://msfame.com/inductees/>.
 22. Edward J. Robinson, *Wil the Thrill: The Untold Story of Wilbert Montgomery* (Sport in the American West), published October 15, 2013.

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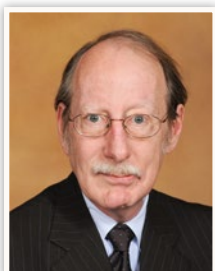


» On Computing

Focused on the Contemporary Lawyer



More Apps to Help You Do Your Work Remotely...



By Joel Howell

It seems as the pandemic continues, the more apps evolve and provide greater productivity, particularly remotely. Here are a number that can help.

Wise (\$29.99) is a word processor with enhancement that is designed to make writing more accessible. With accessibility and comprehension being its main objective, it is designed for user engagement within the document. The play button allows the user to have text read aloud (speed is determined by the user), easy to use shortcuts to advance or retreat within the document, and a tagging system that allows users to determine what gets read (perfect for when you want to skip footnotes). A neat feature is the ability to play the document in Apple music and access it on an iPhone or Apple Watch. This application is only for Mac users.

Microsoft To Do (free) helps you to stay organized and manage your day-to-day life. Users can make task lists, take notes, record collections, set reminders, and more, all with the aim of individual productivity. One of the best features lets you sync your lists with your Microsoft 365 account so you can access them anywhere. Users can capture tasks from different Microsoft 365 applications on their devices and integrate them into their tasks each day. This app can work across all platforms.

Bear (In-app purchases of \$1.49/month or \$14.99/annually) is for those who want security for their notes as a top priority. Users can encrypt their notes, sync notes, organize with nested tags, and export notes to a variety of formats. Encryption is determined by users, who can encrypt all notes or pick individual notes, using Face/Touch ID to access them after encryption. With an Apple Watches you can dictate and amend recent notes. Customization options include themes, the ability to grab images, text, files and clip web pages through the Bear app extension, tag options, or the archive features. This application is only for Mac users.

Unclutter (\$19.99) is a 3-in-1 approach to maximize your productivity. It allows users to store notes, files and pasteboard clips. Unclutter stays hidden above your desktop and opens instantly when you need it using a simple gesture on the MacBooks, which opens the app. With it, you can access clipboard history, take quick notes, and have a file hub. First, the clipboard history enables accessing and tracking everything you copy into your clipboard, and users can browse the list of recent clips, recalling you feel are useful. Second, quick notes allow users to jot down casual notes without launching a text editor, which allows you to search using keywords for past notes. Third, the files hub allows users to drop casual files to the board, without cluttering your desktop. This feature is ideal when you have just begun a research project and haven't had the time to set up a file (and sub-files) for the project. This application is only for Mac users.

Fantastical (\$4.99/month) is a calendar app loaded with features. It has quick-access mini windows for tasks on your schedule, time zone support, integration of the calendar with all your Apple devices, and weather displays to help you plan your day. This application is only for Mac users.

Gestimer (\$3.99) is a Mac menu bar app for reminders during the day. Users just have to drag the Gestimer menu bar icon onto the screen to create a reminder. These reminders can be synced with your Apple reminders, so that you can the reminders pop up on your iPhone or Apple Watch. This application is only for Mac users.

Klokki (\$30/year) is ideal for tracking billable time. You can track revenue by defining an hourly rate on folders and tasks. Users can manage billable sessions by marking them as billed or paid, right from the report's windows, and the files are easy to get back into and change the status of a billed-out session from the session inbox. This app is designed to get out of user's way yet is accessible through one click at the top menu bar, giving users the ability to have a quick glance to check how much time they have spent and not lose focus. Klokki Slim works offline, meaning you can track timing for a project even when you don't have internet access. This application is only for Mac users.


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Endel: Focus, Sleep, Relax (free) is designed to create endless soundscapes to give your mind what it needs to achieve total immersion into a task. It also works as a meditation tool, giving you the ability to improve concentration, minimize distractions, and cure brain fatigue. Endel is available offline, so you can use it anywhere. It's available across all platforms.

Bumper (\$2.99) is a productivity app that allows users to choose which internet browser they want to open a link. Each internet browser offers different features or works better with different websites. If you get an email with a link attachment, a click on that link brings up a pop-up menu asking which browser you would like to open the link with. This app is only available for Mac users.

Cardhop (\$19.99) allows users to manage and interact with contacts using a simple sentence. Just type a contact's name (ex: "John S") and John's card will instantly appear. Users can create a dynamic smart group that automatically updates based on specific criteria. It has a birthday feature, allowing users to see upcoming birthdays and easily send a note on the day. Also, the customizable quick action allows for users to customize per contact. This app is only available for Mac users.

Amphetamine (free) is designed as a keep-awake utility. Users can keep their Macs awake with the app and have quick-start session with one click while also being able to customize the duration. All these features can be customized whether it be indefinitely, set to when a file is downloading, or when a specific application on the Mac is running. The innovative design of the app uses triggers (which can be customized) to automate when your Mac should sleep. This app is only available for Mac users.

Tyme3 – Time Tracking (prices vary with the lowest being \$3.99/month) is designed to aid users track time spent on a project. It syncs with all your devices. The interface is designed to provide an overview recorded times, projects, budgets, and deadlines. Free time slots are automatically displayed to help plan your schedule. You can also sync your calendar, which lets you view recorded times as calendar entries and change as needed. 



Questions or comments?

Drop me an email: jwh3@mindspring.com

“Bad Advice Column”

By Christina Seanor



Maybe you landed your dream job at an AmLaw 200 or a non-profit that was made-for-you, maybe you just hung a shingle in your home town, or maybe you can't find a job and you're contemplating selling your plasma with (fingers crossed) COVID-19 antibodies. Whatever your current job situation, you're new to the profession and you want to be successful. There is no shortage of advice on the topic but it's not all created equal.¹ In this Bad Advice Column, I'm taking the classic career advice and explaining why you can dump it.

Bad Advice: Emulate your boss

When you start working at a new job, it's only natural that you try to fit in. Chances are, there is at least a decade between you and your boss, but probably closer to three. No doubt they have a never-ending supply of legal knowledge to share with you, but you may have more to offer them than you think.

New Advice: Be a boss at tech

I just heard a well-respected attorney ask a colleague "did I computerize that research?" Nope. Nope-ity, nope—just no. Do not get stuck in the technology rut that the Boomers have created. If your boss is "computerizing" things wrong, run. If you can't run because you need a paycheck, spend some time on the

front end discussing the issues and finding a method that's best for everyone involved. Let your boss know that it will probably involve the "cloud." Give him or her time.

Bad Advice: No phone at work

I've heard rumors about law firms prohibiting associates from being on social media or limiting access to social media on work computers. LOLz. ROTFLMFO.²

If you're not posting on social media, how do people know that you're a lawyer? The only people perusing the bar directory are spambots. You probably aren't making enough money (yet) to pay the Google algorithm for your face to pop up in lawyer searches. Quite frankly, if you're *not* on social media, you'll miss the work. If your firm

1. It is highly doubtful that the advice provided in this column is superior in any way to previous

career advice. In fact, following the advice in this article could result in poor performance reviews,

demotions, rescinded job offers, or even termination.
2. Laughing out loud. Rolling on the floor laughing

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is not on social media, its days as a going concern are numbered.

My advice: Claim your face-space in the Algorithm (and bill it to “client development”)

When our firm was moving offices, I spent way too long on an Insta story about my new office and my RBG action figures. I felt self-conscious that I was “bragging” about my new fancy office, but my RBG-induced joy needed to be shared (and I’ll take all the attorney superheroes I can get, am I right?). The next day, I got a call from an acquaintance who said her friend needed an attorney and, “your name came to mind.” *Did it now?* 😊 When we communicate on social media we become part of the algorithm.

While writing articles about legal developments is a great way to distinguish and market yourself, it takes a lot of time to create quality content worth reading. But spending fifteen minutes to make a lawyer joke with a cute picture of your kid on Instagram is less time consuming, and frankly, a lot more fun. Granted, your phone can be an unnecessary distraction, but the ten minutes it takes to mindlessly scroll could just as easily be turned into an investment. Spend time reminding your audience (“friends”) about your work. Let them know when you’re at a CLE, conference, staying up late working on a draft (but, please, don’t share the actual draft), going to Court and living the lawyer life. Be yourself.³

Bad Advice: Don’t talk politics.

When I first started working—admittedly my first soiree into the professional world—it was jarring realizing that certain, seemingly benign, topics were off limits. I know the age-old wisdom says to avoid politics, religion, and sex, and that’s largely true. But it’s illogical to me that the most educated individuals—who are by definition trained to think critically—should



actively avoid discourse on something as critical as politics.

My advice: Be an advocate for change

Anyone else find themselves oddly anxious in May and June? Like, one minute your reading emails about your firm’s back-to-work policy and contemplating whether you need to shower (it has been three days, after all) for a client-call in thirty minutes and, the next second, you’re crying at your home-office desk (which smells like feet because your closet was the only place available for your office) because of the videos you saw the night before of black men and women being murdered by vigilantes and police officers? That was a new stress for me.

Then a friend confided in me that for the black community it was so much worse because of the added stress—and very real safety risk—that communities of color were being hit hardest by COVID-19. I was so full of pain and frustration and anxiety, I couldn’t focus on work. So, instead of working, I spent a

day drafting an email to my female colleagues to talk about Ahmaud Arbery, George Floyd, Breonna Taylor and COVID-19, reminding them to check in on their black colleagues and to speak out about what is happening. Out of that came a lot of pain, discussions, community, and eventually a book club.⁴

You don’t have to be bold or go out of your comfort zone (though I highly recommend it) to advocate for change. If you feel like talking about politics, don’t be discouraged by your jaded husband who thinks that social media comments are the downfall of civilization (I love you, Dustin). People are changing their opinion based on what they see on social media. Just ask Russia. You can be part of that. *But with great power comes great responsibility.* If you have seven years of higher education, you are decidedly too educated to make your point with a *memé*. Sharing an academic article with a reputable source is much more productive and your audience may even read more than just the title. On second thought, just make sure you cite check the *memé*.

The Young Lawyers Division of the American Bar Association first published this article prior to Justice Ginsburg’s passing, under the title “Classic Career Advice and Why You Can Dump It” in After the Bar September 2020. ➡

3. Be yourself following the applicable ethical and professional rules.

4. It’s not enough, but learning more about systemic racism in this country is a step in the right direction.



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