

### OF NOTE

#### Thursday, June 11

HCBA/JYL Golf Tournament at Annandale Golf Club, proceeds to benefit MVLP and Mississippi Boys & Girls Clubs. For information contact Clarence Webster at [cwebster@bab.com](mailto:cwebster@bab.com).

#### Friday, June 12

JYL Membership meeting at Hal and Mal's at noon.

#### Pay your 2009-2010 JYL dues now.

Forms are available at [www.jacksonyounglawyers.com](http://www.jacksonyounglawyers.com) and in this newsletter. \$100 for members; \$50 for government of public interest employees; complimentary for first-year government or public interest employees. Email any questions to [jyl@bellsouth.net](mailto:jyl@bellsouth.net).

#### Don't Forget!

Past issues of the JYL Newsletter are available at [www.jacksonyounglawyers.com](http://www.jacksonyounglawyers.com).

Submissions to the Newsletter can be made to the editors:

#### John Scanlon

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#### David McCarty

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## Hope Haven becomes focus of Community Service Committee

Because the initial recipient of JYL's Community Service Committee, Our House, no longer operates as a youth shelter, the focus of the committee shifted to another charity, Hope Haven, a therapeutic crisis center.

Lindsay Watts and Tiffany Piazza-Grove, co-chairs of the JYL Community Service Committee, had initially sought a way for JYL to help out Our House, an emergency shelter for runaway and homeless youths ranging from 12 to 17 years of age which provides shelter and crisis counseling.

JYL's front-end focus to help provide basic amenities to make the youths' lives better was in collecting basic amenities like shampoo, soap, toothbrushes, toothpaste, deodorant, socks, hair combs & brushes, lotion, bath towels, wash cloths, dawn dishwashing detergent, laundry detergent, twin sheets, and similar items. Despite the change in recipients, the items were of great benefit. Since Hope Haven's services involve short-term residency at the center, the personal care items were

well received.

"This is great," said Michelle Crumbly, Program Director of Hope Haven. "We are very appreciative and all these things are very nice. The kids are really going to like all of this."

JYL's donations consisted of two heavy boxes containing shampoo, toothbrushes, lotion, shaving cream, soap, and much more. Watts said those who donated items should feel good knowing they helped a young person feel better about themselves.

Like Our House, Hope Haven, is also operated by Catholic Charities, Inc. Hope

Haven looks like any other home in the neighborhood, but provides an invaluable service to the community by offering residential services for youths, ages 12 to 17. By encouraging its residents to take responsibility for their actions, Hope Haven offers both direction and support.

Watts said a special thanks goes to two particular law firms, Anderson, Crawley & Burke, PLLC; and Williford, McAllister & Jacobus, LLP, for all their donations.



Tiffany Piazza-Grove, JYL Community Service Committee Co-Chair, and Michelle Crumbly, Hope Haven Program Director, at Hope Haven in Jackson, MS.

## PRESIDENT'S CORNER

This is my last column as JYL President. Corey Hinshaw will take over soon and will serve JYL as an outstanding President. I hope that each of you will help start his year off with a bang at the first Membership Meeting on June 12. Bring your summer associates, too.

I should probably recount some of the classier JYL events and achievements of the past year, but I am proud to draw inspiration from a new, less refined JYL tradition, the First Annual Pre-St. Paddy's Parade Crawfish Boil. Even if measured only in terms of crawfish consumed, the event was a success. I look forward to many more of these in the coming years.



**Alex Purvis**  
2008-09 JYL President

The Crawfish Boil also gave me a chance to reflect on recent JYL progress. One of the crawdad connoisseurs commented, "This is what JYL should be!" After all, we were a group of young professionals, spending time together voluntarily, getting to know one another, and at some level enjoying our common bond. Some might have even called it "networking." Moreover, we were a diverse group: plaintiff lawyers, defense lawyers, government lawyers, very young lawyers, and not so young lawyers. I was encouraged by the collective energy and potential for that energy to be channeled

toward things only slightly more important than crawfish in the future.

Let me make a final pitch. At this time, you should be receiving your dues statement from JYL. When you do, I hope that you will do three things:

- Pay your dues or see that they are paid by your employer. \$100 is a small investment in this organization, considering all that it provides in return. As this newsletter reflects, the opportunities to make professional connections and gain valuable experience are only limited by your capacity to get involved and the amount of money in the JYL budget.
- As you pay your dues, indicate your committee interest. Every contribution is appreciated and as I have mentioned numerous times, committee leadership is the stepping stone to JYL leadership.

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## JYL OFFICERS & BOARD MEMBERS

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## MEMBERSHIP & DUES

If you are 37 or younger, or have practiced law fewer than 3 years, you are eligible for membership in JYL

Membership in Jackson Young Lawyers is open to any duly licensed member of the Mississippi Bar who is a resident of the greater Jackson, Mississippi metropolitan area and is either 37 years of age or younger, or has been a member of the Mississippi Bar for less than three years.

The annual membership dues for JYL are \$100 and are billed once a year to each member. (First year member-

ship dues are waived for federal, state, and local government employees.) The dues cover JYL monthly luncheons, newsletters, and various social functions during the year.

To become a member of JYL, complete the membership application, available on Page 9. Your name will be placed on the membership roster and you will receive notices informing you of upcoming JYL events.

## Innocence Project leader Carrington challenges Batson

The recent JYL membership meeting & CLE held on March 27 at the Mississippi Museum of Art provided more than just lunch and an hour of CLE credit. Those in attendance also received the benefit of hearing a discussion of ethics involved in jury selection against the context of a recent non-fiction book examining circumstances surrounding the early-60s arrest of a Mississippi man accused of crimes attributed to the "Boston Strangler."

Tucker Carrington, Director of the Mississippi Innocence Project, specifically addressed the potential conflicts between an attorney's ethical obligations and the prohibitions against using race and gender as factors in jury selection. The discussion was based in part on Sebastian Junger's book "A Death in Belmont."

The Mississippi Innocence Project, which started in August of 2007, is a part of the University of Mississippi School of Law. The MIP's mission states in part that the organization is "committed to providing the highest quality legal representation to its clients: Mississippi state prisoners serving significant periods of incarceration who have cognizable claims of wrongful conviction." Though it has many aims, the MIP primarily works to give redress and a judicial remedy to those who claim they were wrongly committed, to advance public policy initiatives such as legislative reform, and to provide a clinical learning opportunity for law students. More information is available on the MIP webpage at <http://www.mississippiinnocence.org>.

### JYL: Explain the most rewarding and challenging aspects of your job:

Carrington: The job is interesting – every day. You know, exonerations are great, when they happen, but they don't happen too often. So you have to find something else to sustain you. I like the teaching and exposing of students to this work. Many of them have no idea what the criminal justice system does to people – the general lack of respect, poor lawyering, and institutional unfairness. I have both future

## Legal Beagle raises more than \$6,000 for MVLP

Following great success of the 2008 event, the tenth annual JYL Legal Beagle 5K Run/Walk took place on Saturday, March 14, 2009. This year's event raised more than \$6,000 for the Mississippi Volunteer Lawyers Project. The JYL Athletic Committee was pleased with the large turnout of runners and walkers who participated. Additionally, \$700 in prize money was awarded this year.



2008-2009 JYL President Alex Purvis presents Shirley Williams, Executive Director of the Mississippi Volunteer Lawyers Project, with a check for \$6,150 raised by JYL's 2009 Legal Beagle 5K Run/Walk.

defense attorneys and prosecutors in the class – and, assuming they hold true to what they claim, I think the general administration of justice in Mississippi will improve over time. That's pretty satisfying. As far as challenges are concerned – they run from a shortage of resources and adequate staff – and adequately paid staff – and the like. There is simply too much work to do and not enough hours in the day to do it all.

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## Members enjoy JYL's First Annual Pre-St. Paddy's Parade Crawfish Boil

Right and bottom right: JYL members attending the First Annual Pre-St. Paddy's Parade Crawfish Boil enjoyed conversation, crawfish, cold beverages, and music provided by the Delta Mountain Boys.

Below: David McCarty, Alex Purvis, and Missy Rose enjoy a laugh at the First Annual Pre-St. Paddy's Parade Crawfish Boil held recently at the Crawdad Hole on Lakeland Drive.



## Upcoming Jubilee!JAM final JYL community service event

Anyone interested in doing JYL volunteer work should mark their calendars for Jubilee!JAM on Saturday, June 20, 2009. As the final community service project for the 2008-2009 fiscal year, JYL will be volunteering at Jubilee!JAM. Volunteers get

into the festival free on the day of volunteering and also get a free t-shirt. Anyone interested in volunteering should contact Lindsay Watts, Community Service Chair, at [lwatts@youngwilliams.com](mailto:lwatts@youngwilliams.com). For more information about Jubilee!JAM,

check out [www.jubileejam.com](http://www.jubileejam.com). The announcement of the 2009 music lineup is expected soon.

**BY LINDSAY G. WATTS**  
*Ms. Watts is an associate at YoungWilliams.*

# May It Please the Court

## With Justice James E. Graves, Jr.

**M**ississippi Supreme Court Justice James E. Graves, Jr., a Clinton native, began his term as judge on the Mississippi Supreme Court on November 1, 2001. A graduate of Millsaps College and Syracuse University College of Law, Justice Graves was first appointed by the Governor and then later elected by the people in November 2004. Justice Graves previously served as a Circuit Court Judge for 10 years. He was appointed in February 1991 to serve as Circuit Court Judge.

Before that, Justice Graves worked as a staff attorney at Central Mississippi Legal Services; as a special assistant attorney general, where he was head of the Human Services Division of the Attorney General's Office; as director of the Division of Child Support Enforcement of the Mississippi Department of Human Services; and as an attorney engaged in the private practice of law for more than three years.

### **JYL: What is your advice to the young lawyer?**

Justice Graves: A young lawyer should be ever mindful of the principles which should influence virtually all legal work. Those are brevity, honesty and civility. These three principles apply to oral advocacy as well as legal writing. They are principles which, if applied, will enhance any lawyer's standing in the profession.

### **Appellate practice contains its own unique set of rules and tradition. What are your suggestions to counsel appearing before the Supreme Court? What mistakes should be avoided?**

As regards appellate brief writing, I offer the following suggestions:

#### **CLARITY**

- Identify the issues.
- Identify the correct standard of review.
- Don't be afraid to concede and/or abandon weak issues.
- If there is little or no law on a point, then say so.
- If there is law on a point, then cite it.

- Be comprehensive with regard to providing relevant facts and law. Your argument should be effectively made without the necessity for the reader to refer to external sources.

#### **BREVITY**

- Use short and simple sentences.
- Your language should make it easy to read your brief.
- Avoid repetition.
- Be specific regarding the issues, the errors, the ruling below and the facts.

#### **HONESTY**

- Provide accurate cites to the record where helpful in providing relevant facts.
- If you declare that something is in the record, be sure that it is in the record.
- Be sure that your research is current.
- Be very honest about a ruling, a statement by counsel opposite or witness testimony. If your characterization of what was said does not comport with what the record reflects, then your honesty and integrity may be questioned. You do not want to appear to be dishonest.

#### **CIVILITY**

- But for the fact that it would violate one of my cardinal rules of having no more than three important points in a presentation, I would add that civility is important in appellate brief writing.
- Avoid hostile, rude, discourteous, and impolite language.

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“A young lawyer should be ever mindful of the principles which should influence virtually all legal work. Those are brevity, honesty and civility.”

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## Continued from Page 5: Justice Graves

### What is something that a lawyer in the 21st century should never forget?

A lawyer in the 21st century should strive to maintain balance in his or her life. Work, family and spiritual growth are all very important components to a well-rounded life. The quality of your life is profoundly affected by your ability to do your job well, to develop and nurture strong relationships with family and friends and your spirituality and spiritual growth.

For many young lawyers the tendency is to give an inordinate amount of attention to your professional life and career. While that is important, it cannot

be done at the expense of spending meaningful time with family and friends. And certainly professional success can leave one feeling empty and unfulfilled where there is no spirituality. All three things are equally important and all three must be attended to simultaneously. It's not easy but it's necessary in a lawyer's pursuit of happiness.

**BY DAVID MCCARTY**

*Mr. McCarty is a sole practitioner who also collaborates with JYL member Drew Martin of the Martin Law Firm.*

*May It Please the Court is an opportunity for the members of JYL to learn directly from learned members of the Bench. If you've got a suggestion for a future column, send an email to John Scanlon at [jscanlon@pdmd.biz](mailto:jscanlon@pdmd.biz).*

## ON THE MOVE

Newsletter co-chair **David McCarty**, has opened his own office as a sole practitioner at 1635 Lelia Drive, Suite 102, in Jackson. David will be doing both plaintiff and defense work, and has started a brief writing service with Drew Martin of the Martin Law Firm.

**Anderson, Crawley & Burke** has recently moved to a new office location at 216 Draper Court in Ridgeland.

*Made a change, made partner, or just made good? Tell us, and we can spread the news to your fellow JYL members.*

## Continued from Page 2: President's Corner

- Finally, make sure your friends and colleagues follow your lead. We need to increase the financial resources available to JYL. For the fiscal year 2008-2009, less than 25% of eligible lawyers in the Jackson Metro area paid JYL dues. Corey, Mary Clay Morgan (this year's President-Elect) and I will make a push in the next month to seek out and encourage participation from that remaining 75%. We will reach out to many of you individually and ask that you serve as JYL liaisons in your respective firms or businesses. With very little effort (cutting the check and filling out the committee form), you can help increase membership significantly and increase JYL's financial ability to serve its members and this community. If you are interested in serving as a liaison for your firm, please do not hesitate to contact any of us.

Finally, I want to say thanks. Thank you for allowing me to serve as President of JYL. Many thanks to the JYL Executive Committee and the committee chairs that served with me. You did the real work. I also congratulate and say thanks to the newly-elected EC members. Finally, many thanks to JYL's Executive Director, whom I will allow to remain behind the thin veil, [jyl@bellsouth.net](mailto:jyl@bellsouth.net). "She" keeps this organization moving on a daily basis and JYL simply would not function without her.

I look forward to seeing all of you at the upcoming JYL events. Thanks.

*Mr. Purvis is the outgoing 2008-2009 JYL President, and an associate with Bradley Arant Boult Cummings.*



## Continued from Page 3: Carrington challenges Batson

### What gave you the idea to incorporate "A Death in Belmont" into a CLE presentation?

Cal Mayo [of Mayo Mallette in Oxford] asked me to do the ethics hour – and I don't know why he asked me, actually. But I had read Junger's book and was interested in the racial aspects of it. I also have an interest in the way that I think the law is, under the guise of fairness, unequally applied. *Batson* has always seemed like a good example of that. The more I thought about it, the more it occurred to me that if we were to try the *Smith* case today, which is sort of what we did at the CLE, it'd be very difficult to get a jury that was going to be comfortable with the trial theory that I thought was necessary in that case – in essence, a theory that asked people to empathize with Smith's experience as an African American in the Belmont/Boston area.

**You said during your CLE presentation to the JYL that if the Roy Smith was tried today, *not* making racially-based jury challenges would have given him something less than the representation he would be due under the law, notwithstanding that such types of jury challenges are unlawful under the *Batson* decision. Can you explain what you mean by this?**

As I said above, your theory has to be in part that the reason the police targeted Smith was because of his race.

He stood out simply because he was a black guy in that part of town – the testimony from the trial says as much. In order to convince a jury, though, to recognize that experience, you have to be able to choose members who are open to that – and from what Junger reports, that may have



2008-2009 JYL President Alex Purvis and Tucker Carrington discuss the subject matter of Carrington's presentation and address at the recent March membership meeting.

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“I also have an interest in the way that I think the law is, under the guise of fairness, unequally applied. *Batson* has always seemed like a good example of that.”

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been difficult to do in Belmont circa 1963. You may therefore have to use race-based strikes in order to get Smith a fair trial – and if you're zealously defending your client then that's what you would have to do, even if it seems like you're acting in contravention of Supreme Court case law.

**What steps do you think can be taken with respect to the "Batson-challenge" rules, judicially or legislatively, to lessen the danger which the book illustrates still exists?**

Well, for one – *Georgia v. McCollum* [reported at 505 U.S. 42, 112 S.Ct. 2348, 120 L.Ed.2d 33 (1992)] needs to be overruled. That is a terrible basis for that decision, and it really implicates a lot of other issues for defense attorneys if the state-actor part of the ruling applies.

I think the answer may well lie in

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## Looking back with Past President Patrick McCraney

Patrick McCraney served as the JYL president from 2005-2006. He is a graduate of the University of Mississippi and earned his law degree from Washington and Lee University. He currently practices with the Willoughby Law Group.

### **JYL: What were some of the benefits you enjoyed from your early involvement with JYL?**

McCraney: Since I went to law school out of state and clerked out of state for the most part, JYL was the vehicle that allowed me to establish contacts and make friends within my peer group in the Jackson Legal Community. These contacts that I established early on are now the people that send me business or that I can call on when I have a question outside my core practice areas.

JYL also provided an outlet for me to participate in community service projects (e.g. habitat houses, Bratton Street renovation project, Gateway rescue mission renovation) that I probably would not have otherwise participated in.

There were countless other benefits – such as social functions, golf tournaments, 5K Legal Beagle, etc. – that provided an opportunity to interact with other lawyers outside of a business and/or adversarial sitting. I now have business and personal relationships with people that I would simply not have met, but for JYL.

### **What made you want to get more involved?**

I sensed that JYL was a worthwhile organization and the leadership that preceded me really drew me in the organization. They could tell by my attendance at meetings and projects that I saw value in the organization, so they asked me to run for office. After serving as a two year term as board member, I was then asked to run for president.

### **What were the benefits of getting more involved?**

Just like any organization or any endeavor, you get out of it what you put into it. In addition the networking and practice development aspects mentioned above, the organization also provides a nice platform for young lawyers to get involved in the local and state bar organizations. As an example, the JYL president and president elect also serve as members on the board of the Hinds County Bar Association. You also get to serve as one of Mississippi's delegates to the ABA Young Lawyers Division national meeting.

Also, running an organization is much like running a law firm or business. You have to allocate financial resources, organize a management committee, and

execute on various goals and initiatives. This is an invaluable life experience.

### **What was your proudest moment/biggest accomplishment as JYL president?**

I followed Amanda Jones as JYL president. Amanda is probably one of the most dedicated and organized people I have ever met, so my proudest accomplishment was not completely undermining all of hers. That being said, it is hard to make dramatic changes in a 1 year term, but I do think we established some positive momentum. Specifically, we started an objective to use interest earnings from JYL's cash surplus to fund pro bono projects. We reorganized the committee structure to make it more streamlined and effective. We created the logo for the organization, and we brought on Mary Purvis as executive director to fill the shoes of Melissa Williams. We also revived the newsletter and converted it to electronic format.

### **What changes have you seen taken place in JYL since your involvement?**

Like any organization, I would point out positive and negative changes. On the positive side, I have seen JYL really advance on its diversity initiative and make a concerted effort to involved all lawyers of various backgrounds and practice areas. We really wanted to dispense with some of the misconceptions concerning JYL and I think there have been some really positive developments out of that commitment.

On the disappointing side, I noted during my time in leadership that it became more of a struggle to get people involved. I think that was attributable to a variety of factors, but I hope that young lawyers coming out of law school will recognize that not getting involved would mean really missing out on an invaluable opportunity to enhance their professional life.

### **What changes would you like to see for the organization in the future?**

I think the organization is in good hands and under great leadership right now. I would just encourage current leadership to remain mindful of the importance of the organization to lawyers and the Jackson community in general and thank them for contributing to such an outstanding organization.

**BY JOHN SCANLON**

*John Scanlon is an associate at Pyle, Mills, Dye & Pittman.*



## Continued from Page 7: Carrington challenges Batson

“Practicing is too important and too intellectually stimulating for you to dislike it. Don’t choose a practice area because of money or because it’s the path of least resistance. ”

giving defense attorneys greater autonomy in using strikes – which would mean that we’d have to trust defense attorneys to use their strikes in an ethical, but zealous

and responsible way. From a more institutional perspective, we need to find a way to have the venire panels be reflective of a client’s peers. Too often these days a black client, for example, will have a panel that is 90 percent white, say, when the demographic is 75 percent black. Blacks in those situations are not being included in the summons – and we need to figure out why that is happening. It is usually not conscious racism – but more a system of issuing summons which has not kept up with changes in demographic behavior.

### What are the future plans for the Innocence Project?

We’d like to continue what we’re doing – but doing a greater volume of work as we get up to speed in the new office and start to use some of the new legislation which will make litigating more expeditious.

Assuming our financial picture improves, as we expect it to, we’d

also like to expand the office to include additional staff attorneys.

### What advice would you have for the young lawyer entering criminal defense, or just in general?

Make sure to choose a line of lawyering that engages you – that you really enjoy. If not, then you should quit and do something else. Practicing is too important and too intellectually stimulating for you to dislike it. Don’t choose a practice area because of money or because it’s the path of least resistance. I know too many friends who are lawyers who really dislike what they’re doing – and there exists this huge need of unmet legal services. Switch practice areas, leave the firm, or join one, but do good work and do it well.

**BY JOHN SCANLON**

*Mr. Scanlon is an associate at Pyle, Mills, Dye & Pittman.*

## JYL Membership Application

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_ Method of Payment \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Employer \_\_\_\_\_

Committees or Activities of Interest \_\_\_\_\_

Law School \_\_\_\_\_ Date of Graduation \_\_\_\_\_

Check, made payable to Jackson Young Lawyers

Please bill me for the total amount