

OF NOTE

June 26

The Fifteenth Annual JYL Golf Tournament will be held at Patrick Farms Golf Club in Brandon on Thursday, June 26, 2008. A buffet lunch will be served from 11:30 a.m. to 12:30 p.m., and there will be a shotgun start at 1:00 p.m. It is a 4-person scramble. The entry fee is \$100/player or \$400/team of four. This includes a t-shirt, lunch, and beverages on the course, and there will be lots of great prizes as well. As always, the proceeds from this year's tournament will benefit The Boys and Girls Club of Metro Jackson. In 2007, JYL donated \$8,200 in proceeds from the tournament to The Boys and Girls Club of Metro Jackson, and hopes to exceed that donation amount this year. The deadline for registration is Thursday, June 12, 2008. A sponsorship and registration form are attached to this e-mail. If you are interested in sponsoring the event or registering a team, contact Clarence Webster at cwebster@bradleyarant.com.

Don't forget that past issues of the Newsletter are available at jacksonyounglawyers.com.

Check out past interviews with Mississippi Supreme Court Justices Jess Dickinson, and Ann Lamar, Hinds County Circuit Judge Swan Yerger, and catch up on past JYL activities as we continue to serve the metro area.

Blues Marathon Brings Young Lawyers at Early Hours

On Saturday, January 5, 2008, at 5:30 a.m., a group of thirteen dedicated, if sleepy, JYL community service-minded volunteers met in Belhaven to set up and manage the last "aid station" at mile 11.7 of the half marathon race of the inaugural Mississippi Blues Marathon. After the race, by all accounts, Jackson's first world-class marathon was a rousing success, due in large part to the great job all of the volunteers, especially those who kept the athletes hydrated and enthused! JYL was one of several organizations, including large corporations, local hospitals, and community groups that helped with this endeavor. The JYL volunteers, who generously made a six-hour commitment for their Saturday morning, were as varied as the participants. However, only one of JYL's volunteers had actually participated in and completed a marathon.

From a firsthand perspective, we were all amazed at the athletes that passed our water table on Riverside



JYL Marathon Volunteers manned a water station on Jan. 5, a very dedicated group as they had to report for duty at 5:30 a.m. They included, pictured from left to right, Ceejaye Sneddon, Tami Munsch, Erin Pridgen, Jay Phillips, Karen Clay, Jeremy Clay, Ann Heidke, Christen Kazery Hobbs, Karen Futch, Ellie Word, Loreleigh Phillips, Clarence Webster, and Holladay Burnham.

Drive for the next two and a half hours – athletes of all shapes, sizes, and ages – moving at a run (or even sprint), jog, or walk. Some were friends, fiances, relatives, fellow JYL members, and neighbors, but mostly the participants who passed us were strangers – very appreciative strangers! As the athletes approached our water tables, we greeted each racer with raucous cheers and genuine hand-clapping, and they greeted us with wide smiles and outstretched hands, as they grabbed a swig of water or Gatorade.

Continued on Page 8

PRESIDENT'S CORNER

This has been an interesting year for everyone practicing law in Mississippi. Even before the law news went haywire, everything seemed a little new and strange, at least for those of us in litigation practice. Into an already changing environment lumbered what will hopefully be the highest-profile scandal our bar will ever face. The first draft of this column contained all sorts of assurances (for me as much as newsletter readers)



David Pharr
2007-08 JYL President

that our great profession would weather the storms without any major bumps or bruises. On review, those comments looked trite and unnecessary. Perhaps because tort reform, judicial influence scandals, and the election cycle have coincided, I have found myself thinking and talking a lot about the public's "approval rating" of lawyers. I think an often missed, but important distinction in this conversation is that between popularity and propriety. To some extent, all of us are obligated to be unpopular at one time or another. For example, we are sometimes required to deliver bad news. Some of the people we encounter in our official roles have been dreading the sight of us for days by the time we appear. On some mornings, we wake up knowing that doing a

great job for our client will require us to ruin that day for someone else. We occasionally have to act against the interests of our friends (or at least their clients) because we are bound by duty to our clients. These are not the kinds of things you would do to win a popularity contest. In some situations, law practice involves some downright unpleasant moments and the resulting stress can be a bear.

It does not bolster our enthusiasm when we find out that someone has stacked the deck against us. In fact, it feels a little like a punch in the stomach. It certainly makes us all less popular when someone with a law license gets caught up in scandal. It stirs up bad feelings about our

Continued on Page 7

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

MEMBERSHIP & DUES

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 4. Your name will be placed on the membership roster and you will receive notices informing you of upcoming JYL events.

Annual CLE focuses on judicial influence

On March 28, 2008, JYL held its annual CLE program. This year's program was held at the University Club and the topic for discussion was improper judicial influence and whether Mississippi's legal system is equipped to prevent it. Speakers at the event were, Professor Jeffrey Jackson, Owen Cooper Professor of Law at Mississippi College School of Law; Wayne Drinkwater, a partner in the Jackson office of Bradley Arant Rose & White LLP; and Carlton Reeves, a partner at Pigott, Reeves & Johnson. There was no charge for this event. Local judges were invited and all participants received two hours of CLE credit, including an ethics hour.

Professor Jackson began the program with a discussion of the rules governing ex parte communications between lawyers and judges and the practical implications of the rules. Professor Jackson provided useful written materials with the pertinent rules and discussion of case law. His comments touched on the difficulties of maintaining the right balance of separation between bench and bar in small communities and allowing judges to have personal lives. Professor Jackson noted that there are no deficiencies in the current rules governing this subject matter.

The second half of the program was comprised of Mr. Drinkwater and Mr. Reeves presenting opposing viewpoints on Mississippi's system of judicial selection and the potential benefits and burdens of elective and appointive systems, both

socially and with respect to prevention of undue influence. Mr. Drinkwater began the second hour and advocated for judicial appointment rather than election. Mr. Drinkwater proposed creating an independently selected appointment committee, which would in turn be responsible for appointing all judicial officials to the State court bench. Crucial to Mr. Drinkwater's proposal was that the committee must be selected without input from the State's executive branch in order to prevent political influence on the bench.

Next, Mr. Reeves advocated for the continued election of judicial officials in the State, citing racial inequities as the primary basis for his opinion. According to Mr. Reeves, election of judicial officials is the only way to make the court system accurately reflect the minority population in the State. Without the voice of the minority vote, the courts would become disproportionately skewed in favor of the majority to the detriment of those without political influence. In Mr. Reeves's opinion, merely insulating an appointing committee from the reach of the executive branch would do little to alleviate the potential inequities suffered by the minority population as the result of an appointed judiciary.



Pictured at the March CLE program are (from l to r) David Pharr, Wayne Drinkwater, Prof. Jeffrey Jackson, Carlton Reeves, and Jason Fortenberry.

BY JASON FORTENBERRY & DAVID PHARR

Mr. Fortenberry is an associate, and Mr. Pharr is a partner, at Bradley Arant Rose & White.

Legal Beagle 5k Run a Success, Growth Continues



Several cold athletes complete their run as their official time is displayed.

JYL held the ninth annual Legal Beagle 5K Run/Walk on March 8, 2008.

The race raised \$5,750.00 for the Mississippi Volunteer Lawyers Project. Leigh Vernon and JYL President David Pharr presented a check to Shirley Williams of the MVLP on Friday, May 16, 2008, during a JYL luncheon at Hal & Mal's.

This year's race was one of the largest to date. Despite the snow and frigid temperatures, there were 403 race finishers with a record number of 288 5K runners. The organizers for this year's event say they have been astounded each year to see runners finishing the course with average mile times of less than 6 minutes.

"I have been so pleased with the consistent annual growth of the event,"

said Leigh Vernon, one of the original organizers of the event. "Each year, we have seen an increase in the number of top runners in Mississippi participating in the 5K run. It is great that we have been able to create a top-notch event to benefit an organization that helps many underprivileged people."

The JYL Athletic Committee expressed thanks to all of those who volunteered and helped make this year's race a success.

BY BRAD MOODY

Mr. Moody is an associate at Baker, Donelson, Bearman, Caldwell, & Berkowitz.

Boys & Girls Club of Metro Jackson receive JYL Golf Tournament Proceeds



Jackson Young Lawyers recently donated the proceeds of its 2007 JYL Golf Tournament totaling \$8,200 to the Boys & Girls Club of Metro Jackson. The 2008 JYL Golf Tournament is scheduled for Thursday,

June 26. Pictured (from left) are: JYL President David Pharr, Boys & Girls Club Executive Director, Billy Redd, and JYL President-Elect Alex Purvis. For more information, or to sponsor the 2008 event, please contact event chair, Clarence Webster, at cwebster@bradleyarant.com.

May Meeting featured Bradley

Jackson Young Lawyers recently held its May Membership Meeting at Hal & Mal's, featuring guest speaker Betsy Bradley, center, Director of the Mississippi Museum of Art, pictured with David Pharr and Alex Purvis.



Dues Statements to be Mailed

Dues statements for the upcoming year are slated to be mailed on June 1, the same day the newly-elected JYL board takes over. Remember to make sure you are current on your dues to continue being a part of the Jackson Young Lawyers.

Legal Lines Volunteers Needed

Legal Lines volunteers for the Mississippi Volunteers Lawyers Project are still needed for each day left in May, except for Memorial Day, May 26th. If you are interested in volunteering, please contact Aboye Jikiri with MVLP at ajinkiri@msbar.org.

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

Mail Check for \$100 to: Jackson Young Lawyers Association ■ Post Office Box 22842 ■ Jackson, MS 39225-2842

May It Please the Court

With The Honorable Mike Parker

Currently a Hattiesburg resident, Federal Magistrate Judge Mike Parker is no stranger to practicing law in the Jackson area. After he graduated from Mississippi College School of Law in 1986, Judge Parker spent 17 years in private practice in the Jackson area. During eight of those years, he worked double duty also serving as a municipal judge in the city of Clinton. In 2002, Parker was elected to the state court bench as Hinds County Court Judge, a role he undertook for about four years. In 2006, Parker was appointed to the federal judiciary as a Magistrate Judge in the Southern District of Mississippi by the district court judges. Parker has been a sitting magistrate ever since.

What general advice would you have for a young lawyer?

Well, several things: First, I would suggest – as I was fortunate to have as a young lawyer – to have some mentor lawyers you could go to help you develop as a lawyer. I was fortunate to be around some really terrific lawyers when I practiced law who I could bounce ideas off of and whose experience I could draw from. Practicing law is just that – you are constantly learning and I’m certainly constantly learning. Just having a mentor or other lawyers with experience whom you trust I think is just incredibly valuable.

As far as practice goes, these answers are pretty trite, but I think are still important and that is: be prepared when you come to court, know your case. It’s always helpful to the judge when the judge asks a question and the lawyers know the answer or at least have thought about the issue in preparation. You can be assured that will happen.

The other suggestion I would make is just always be professional. It’s just easy sometimes for lawyers in the heat of battle to let the moment overwhelm them, or maybe cloud their judgment. The best lawyers are the ones who are always able to keep their cool and be professional and confine their passion to the arguments and not to the personality.

So those are the observations I would have just off the cuff.

What are your general “dos” and “don’ts” that you’ve seen as a sitting judge for young lawyers in court?

Well, what magistrates deal with on a fairly regular and routine basis are discovery disputes. We get a lot of that. That’s part of the job, but what I like to see, and what

the rules require – and which I would require as well – is that you take the obligation to have a good faith conference with the other lawyer seriously, and really do try to hash out the issues that separate the parties in discovery so that ultimately what gets to court is a good-faith issue that the court can concentrate on. So many times, the lawyers are willing to dump all of the discovery issues in the judge’s lap – and the judge certainly doesn’t mind doing the work – but the concern is do you want to relinquish control of the discovery to a third party? I just urge lawyers to try and resolve as much of that as they can and confine their discovery disputes to things that really important.

Occasionally, I get called in to referee about when a discovery deposition is going to be taken. Well, naturally, the lawyer is much, much better suited at dealing with their own calendars and can resolve that much better than the judge ever could. Those kinds of things should probably never make it here, so I would say lawyers should take the obligation to confer in good faith about discovery seriously – and most do, of course.

Another thing magistrates do a good bit of are case management conferences. It’s easy to view that as something that’s perfunctory and unproductive, but that’s not the way it should be. It’s really a good opportunity, if lawyers would take

advantage of it, to really evaluate the case early, really come up with a discovery plan that is specific enough that allows you to meet the deadlines and to save as much time and money as possible and only do the discovery that’s actually needed. A lot of those times the parties, because they’re busy and maybe don’t view those conferences as productive, will kind of gloss over that and then we re-visit later on issues about discovery and settlement that we might have been able to resolved early on and saved a lot of time and money.

“The best lawyers are the ones who are always able to keep their cool and be professional and confine their passion to the arguments and not to the personality.”

Continued on Page 6

Continued from Page 5: Judge Parker

So, I guess the two things I would urge young lawyers to do is 1) take the case management conferences and to deal with issues that you sort-of see on the horizon, and 2) try to avoid putting discovery disputes before the court that could be avoided by a good-faith conference.

What about the same advice for those in county court?

I don't view there as being much of a difference. The same things that I observed earlier about preparation and professionalism really permeate everything we do as lawyers, whether it's dealing with a client, dealing with a lawyer on the other side, or dealing with the court. In fact, to me that applies to pretty much everything in life. If you're well-prepared and professional, it just creates an opportunity for success in pretty much whatever you do.

How would you say your role as a judge changed from your days in county court to being a federal magistrate?

In County Court, I did mostly criminal work – much different, frankly, than the type of work I did in private practice which was primarily civil in business or commercial litigation. So what I'm doing now as a magistrate is sort of a combination of the two. The magistrates do a lot of preliminary work in criminal cases – sign warrants, and handle initial appearances and arraignments and such – just as I did in state court, but the civil litigation that I handle now is much more akin to what I did as a lawyer in private practice. So the present job is in a lot of respects a combination of my prior two.

The jobs are a little different, the procedures are a little different, but the magistrate does a lot of different things than the county court judge obviously.

Tell me about your appreciation of the position of a law clerk and what he or she means to you and what he or she can benefit from the experience of serving as a law clerk.

That's one of the most important distinctions between being a state court judge and a federal court judge. I've been fortunate to have two law clerks available and I've had some really fine ones. It's a tremendous help to have smart people around you to help you get your work accomplished. I've always thought you could do better by hiring people who are smarter than you and then listening to them whenever possible.

And I've got two law clerks now – I'm in my second group, I had two law clerks the first year and then two this second year. And I've been fortunate to have some really, really good ones. I've got some really fine law clerks with good experience. Having them available has really made my job much, much easier.

Some observations in that regard – the law clerks in our chambers work extremely hard. They have a large volume of material to go through. And everyday they do a tremendous amount of research and writing. It's easy to assume that a law clerk's duties are defined by what

you might see in them as a lawyer – that is, you might see them sitting in court during a proceeding – but that's such a minor, minor part of what they do. While they may be in court with us while the hearing or trial is going on, for every minute they spend in court, they spend 100 in the office researching and writing and clarifying and reviewing documents and records. They have a much more substantial job than you might think, and they're just critically important for the system to operate effectively because so much

research and writing has to be done, it's almost impossible for one person to do it without some really good help. So I greatly appreciate of having law clerks, especially the really good ones I've had available to me.

Anything else you want to add about your experience?

I want to be clear that I consider it an honor and a privilege to be a public service and I don't take that lightly. While every time someone comes before the court, somebody walks away maybe more pleased than the other, it's my goal every time to do my very best to try to get it right, regardless of who it is or what it is or where it is, but to try to get it right based on the facts and the law. I try to do my very best every time I'm in court, or making a decision to do just that, but I don't take the position for granted or take it lightly. And again, I just consider it an honor and a privilege to be a magistrate judge.

BY JOHN SCANLON

Mr. Scanlon is an associate at Sessums, Dallas & Morrison.

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@sdmlaw.com.

“If you're well-prepared and professional, it just creates an opportunity for success in pretty much whatever you do.”

JYL Community Service Project Cleaned-Up Town

Keep Jackson Beautiful kicked off its “Great American Cleanup” in Jackson in March. It is an annual nationwide campaign to clean up local parks, neighborhoods, and public spaces, a fitting project for the start of spring and “spring cleaning,” taken literally, as well as a chance to get outside and do some good.

On Saturday, April 12, 2008, KJB also organized the cleaning of the Battlefield Park neighborhood in south Jackson off Terry Rd. Pizza was available afterwards to the volunteers and JPD provided security for the event. The JYL Community Service Committee organized a group of JYL volunteers to help out through the hard work of Community Service Committee Chair Ann Heidke, at amh321@hotmail.com for details.

Continued from Page 2: President’s Corner

authority to manage their justice system – the greatest system in recorded history. Articulate voices with megaphones call for our collective heads and make us all out to be bribers and liars. The anti-lawyer crowd paints us with a broad brush and only our friends and family can muster any sympathy for us. Nevertheless, just like every other setback, we are left with more of an opportunity than anything else. As young lawyers, with most of our careers ahead of us, we only have to renew our commitment to doing the right thing and we can easily see past the mess. Most of us believe we would never seriously consider doing the things that are now recorded in sworn confessions and guilty pleas, but to rest on that reaction would be an error, I think. No system is perfect and as long as there is money at stake, someone will be out there scheming to corrupt it. In fact, we are often encouraged to bend and stretch rules without breaking them as we zealously represent our clients. To be sure, the lines between right and wrong, legal and illegal, and ethical and unethical, are almost always bright, but that doesn’t mean we can simply sit back, point fingers, and say the scandal is not our problem.

We are obligated to help restore the public’s faith in its judicial system by doing the right thing and showing non-lawyers that we will not get anywhere near the wrong thing. Renewing our commitment to fighting for justice and doing more work pro bono publico would not hurt, either. We still may find ourselves with an unimpressive approval rating (lawyer jokes are just too easy), but we can’t let that deter us. As good lawyers, we can have such a positive impact on society and the people around us, and it begs the question: why do we need mass popularity anyway? I will not deny that a vein appears on my forehead every time I hear “I’m not a lawyer, I’m not a politician...” rhetoric from politicians (or non-politicians, or whatever they are). We know that being a lawyer is a great honor and privilege, even if we sometimes have to rely on our other roles for popularity.

I have enjoyed serving JYL as President this year. Our committees did outstanding work and it was a treat to see the complete picture of JYL’s impact on the bar and community. It would be my pleasure to help you get more involved, so please give me a call or email with questions or comments about what we are doing.

David Pharr is a partner at Bradley Arant Rose & White.

Continued from Page 1: Blues Marathon



Runners grab water on the go from JYL volunteers.

At around 10:30 a.m., as the last of the nearly 700 participants of the half marathon made their way past our aid station, we stopped cleaning up long enough to give them the cheers, water,

and respect they deserved. After our duties were over, some of us continued the Blues Marathon "experience" by going to Missy Rose's JYL social down the street or to hear the blues music at the Fondren finish line. Others went home to collapse, having felt like they participated in a marathon of a different sort. All agreed that it had been a most rewarding experience and a great event for Jackson. Some volunteers were inspired to run or walk for the first time in the Legal Beagle 5K. Others realized that they would be quite content to sit on the sidelines and hand out water at any road-race event.

And still others have acknowledged that offering their time for a community service project – even just half a day out of the year – may be a way to obtain something often lacking in the daily life of a young lawyer: a sense of purpose and appreciation. Hopefully, next year's Mississippi Blues Marathon will be an even greater success, and JYL will be a part of it again, as well.

ON THE MOVE

Melody McAnally joined the Memphis office of Butler Snow in January, 2008. Previously with the Jackson office of Bradley Arant Rose & White, McAnally is an associate in Butler Snow's commercial litigation practice group. McAnally was recently awarded the Mississippi Volunteer Lawyers Project Curtis E. Coker Access to Justice Award by the Mississippi Bar. She recently married John Lawrence and they have relocated to Midtown in Memphis.



Made a change, made partner, or just made good? Tell us, and we can spread the news your fellow JYL members. Visit the JYL website at jacksonyounglawyers.com and drop us a line through the "On the Move" link.

BY ANN HEIDKE

Ms. Heidke is a law clerk with the Mississippi Court of Appeals and the JYL Community Service Chair.



JYL recently donated \$5,750 to the Mississippi Volunteer Lawyers Project. From Left: JYL President-Elect Alex Purvis, MVLP Executive Director Shirley Williams, Legal Beagle Committee Member Leigh Vernon, and JYL President David Pharr.