



JYL President's Corner — November 2015



Lane Williamson Staines
President,
Jackson Young Lawyers

I'm sure you've all heard the phrase "You get back what you put in" before. Although it's just a simple saying, I've found some truth in those seven little words over the last few years. Oftentimes, it's not until we've completed an activity or event that

we realize that truth. I've found that such is the case with JYL. My journey to leadership in JYL began with participation in the City Mediation committee as a new lawyer and then spending the following two years on the Outreach Projects committee. It was through participation on these committees that I came to know many of you (and even some JYL "alumni") and began to understand the impact of our organization, not only within the legal community but within the greater Jackson community as a whole.

Did you know JYL has twelve standing

committees and a special interest committee this year? Just in case you missed that information in our last newsletter, take a look at this list:

- 1) Athletic Committee
 - 2) City Court Mediation Committee
 - 3) Community Service Committee
 - 4) Diversity Committee
 - 5) Membership Committee
 - 6) Newsletter Committee
 - 7) Outreach Projects Committee
 - 8) Pro Bono Committee
 - 9) Social Committee
 - 10) Speakers Committee
 - 11) Solo/Small Firm Committee
 - 12) Social Media Committee
- Special Interest Committee:
Government Attorney Initiative

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Which committee(s) are you a member of? If you aren't involved in a committee yet and are interested in serving on one, have you reached out to a committee chair? Are you interested in serving as a committee co-chair next year? Let us know! Many of these committees only have a few members, so your participation would be a welcome addition.

Aside from regular attendance at our general membership meetings, committee participation is a great way to become more involved in JYL. Our committees have had a busy fall already! In September, our Membership Committee represented JYL at the Fall Admissions Ceremony where many new admittees were able to learn about JYL for the first time. (If you're reading this newsletter as a new admittee and JYL member, welcome!) That evening, our Social Committee co-hosted the joint social with the Capital Area Bar Association at the Iron Horse Grill.

In October, our Athletic Committee planned another successful Costumes and Cornhole tournament and silent auction at Fondren Public. Although it was raining cats and dogs that night, our Athletic Committee Co-Chairs made sure the tournament went off without a

hitch, and fun was had by all! We hope to announce the total amount raised for Boys and Girls Club of Central Mississippi at our next membership meeting in December. Be sure to bring your checkbooks and bid on a few late additions to our silent auction!

The last week of October was also National Pro Bono Week. JYL paired up with the Mississippi Bar's Young Lawyers Division to host another Lawyers in the Library event in Jackson. Many thanks to those of you who participated in this important event. We've got lots of other volunteer opportunities up our sleeve. 'Tis the season for giving! In December, we'll begin a canned food drive for the holidays with donations benefiting Stewpot Community Services. Early next year, for the NINTH consecutive year, JYL will be staffing a water/Gatorade station and cheering up runners at the Mississippi Blues Marathon. If you're interested in volunteering for this event, contact our Community Service Co-Chairs, Andrew Harris (aharris@joneswalker.com) and Brent Cole (bcole@bakerdonelson.com) now! Limited t-shirts are available for our first volunteers. Stay tuned for more Community Service announcements from

Andrew and Brent in the next JYL email.

I hope you enjoy our fall newsletter and are inspired to find new ways to participate in JYL. I'm thankful for your dedication to our organization!

Your 2015-2016 President,
Lane Williamson Staines

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Philanthropy



School Supply Drive

On September 22, 2015, JYL donated school supplies collected in the 2015 School Supply Drive to Dawson Elementary School. School officials were extremely grateful for JYL's thoughtful contributions.

Pictured in this photo are: Guidance Counselor Stephanie Wilson (left), Andrew Harris (center), and Principal Vicki Conley (right).

Lawyers in the Library

On October 29, 2015, JYL co-sponsored a Lawyers in the Library Pro Bono event at the Eudora Welty Library. Attorneys volunteered to offer legal advice in the areas of Criminal Law, Family Law, Wills & Estates, and Social Security Disability.



Mark Your Calendars for the 2016 Legal Beagle 5K

The 2016 Legal Beagle 5K is scheduled for Saturday, March 12, 2016. Mark your calendars for this great event! Also, like last year, sponsorships will be available for \$400 and will include 6 free entries and your firm's name on the event t-shirts. Please consider this opportunity when making plans for 2016 sponsorships. All proceeds will go to the Mississippi Volunteer Lawyers Project. For more information contact Samuel Gregory at sdgregory@bakerdonelson.com or (601)969-4656.



Feature

Improve Your Chances Of Winning On Appeal

Become the Appellate Judge

Presiding Justice Jess H. Dickinson

“ To know your Enemy, you must become your Enemy. ”
- Sun Tzu, Author of The Art of War

Tzu’s wisdom applies to more than our enemies—and most certainly to the juries, trial judges, and appellate judges that lawyers attempt to persuade. Self-centered lawyers who focus on their own views of the merit of their cases often are surprised that those they try to persuade take a different view. Litigation—which includes those pesky appeals—is all about persuasion. In the spirit of Tzu’s maxim, imagine you are an appellate judge or law clerk. Your job is to decide who you believe should win the appeals of cases you know nothing about when they reach your office. The court clerk has just delivered you an appellate record that includes two thousand pages of clerk’s papers (filings in the trial court), ten volumes of trial and hearing transcript, three briefs, and two sets of record excerpts. You decide to take the briefs and record excerpts home to read over the weekend.



As you open your briefcase to get started, your first thoughts are to read the briefs and get a general picture of the legal issues and what the case is about, so you dig right in to the appellant’s brief, written by attorney I. B. Loquacious. As you begin to read Loquacious’s Faulkner-like sentence/

paragraphs—so laced with profuse legalese that even Sir William Blackstone would be impressed—you realize you are going to need your Black’s Law Dictionary (which is back at the office) to check the meaning of the brief’s Latin phrases, including *consuetudo pro lege servatur*.

continues on page 5

Improving, continued from page 4

The facts section of Loquacious’s brief is replete with exact dates and detailed descriptions of many events. You follow your usual habit of writing down the dates and events on a legal pad in a time line, only to later learn that most of the dates and events have nothing to do with what you are being asked to decide.

In his argument section, Loquacious includes names you do not recognize from his statement of facts. Loquacious says certain critical exhibits and trial testimony favor his client’s arguments, but he includes no cite to the record or record excerpts. You look at the record excerpts anyway to see if they are there, but there are neither tabs nor a usable index. And the documents in the record excerpts appear to be copies of copies of copies—some completely unreadable.

Before you know it, you are half-way through the brief and you are pretty sure of two things: Loquacious has enormous English and Latin vocabularies—he never passes up the opportunity to say “whether

vel non” as opposed to “whether”—and he is exceedingly skilled at string-citing cases. In fact, one page of Loquacious’s brief begins with two lines of text, followed by twenty-two lines of string-cited cases that bleed over to the next page. You begin to wonder whether *vel non*,¹ rather than win a case on appeal, Loquacious is attempting to impress his fifth-grade English teacher. It occurs to you (to your embarrassment) that your mind is wandering to such subjects as where Loquacious went to law school, and how much he is being paid to write this massive labyrinth of legal mumbo jumbo. And you still are not quite sure of the true issues and controlling law for the case.

Mercifully, you reach the end of Loquacious’s brief. You realize—not a little annoyed, but somewhat impressed—that Loquacious skillfully has expanded his words, phrases, sentences, and paragraphs (sometimes going so far as to say the same thing three times), so that the last period after the last sentence is located at the very bottom-right corner of page fifty (the

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¹ (Oops! Latinitis must be contagious!)

Improving, continued from page 5

brief's page limitation). Loquacious never quoted the controlling statute, although in fairness, he did give you his view of what the statute said. He provided little context for much of what he said in his enormous recitation of facts, and he argued several issues that you are unable to relate to his statement of issues.

In frustration, you put down Loquacious's brief and pick up the appellee's brief, written by attorney I. R. Shortnclear. As you settle back to read her brief, you quickly realize that something is different. You are not bored, frustrated, or confused about the issues. There are no half-page paragraphs or string cites with sixteen cases—no Latin phrases, irrelevant dates, or detailed descriptions of meaningless events.

Shortnclear's writing style is excellent. She employs clear, understandable language, reserving the important points for the ends of her sentences and paragraphs, and she uses active voice

for her verbs. At the beginning of her brief she provides you with a short and clear description of the facts and issues on appeal, and a block quote of the controlling statute.

In her argument section, she often cites to the record excerpts, and every time she does, you quickly are able to find the document she cites because her record excerpts are clearly indexed and tabbed. And what is more, the documents in the record excerpts actually are readable! You end up voting to affirm the case.

Wait a minute!, you say. Shouldn't you appellate judges decide cases on the merit, not on the skill of the lawyers? Yes, of course we should, and we try to do that. But lawyers should write their briefs and prepare their records for appeal as if they were the ones who had to read them and decide the case. After all, everyone will have difficulty agreeing with you if they cannot understand what you are trying to tell them.

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Event Recap

Costumes and Cornhole Tournament

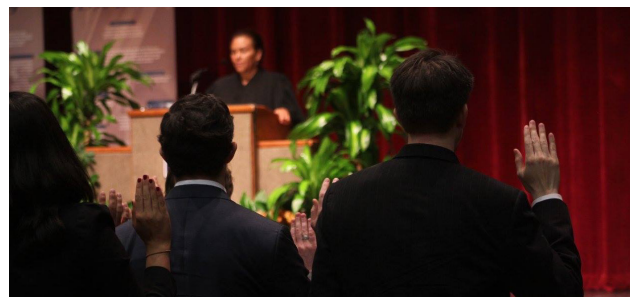
JYL held the Second Annual Costumes and Cornhole Tournament at Fondren Public on October 27, 2015. All proceeds from the silent auction went to the Boys and Girls Club of Central Mississippi. Congratulations to Sam and Haley Gregory for winning the cornhole tournament.



Member News

Fall 2015 Admissions Ceremony

JYL Welcomes the Newly-Admitted Attorneys!



Join JYL

All duly-licensed members of the Mississippi Bar who are residents of the Jackson, Mississippi metropolitan area and who are 37 years of age and younger or who have been members of the Mississippi Bar for less than three years are eligible for membership in this Association.

Benefits of membership include bi-monthly lunch meetings at Hal and Mal's Restaurant in Jackson, networking events at six social events throughout the Greater Jackson Metro Area, community service and pro bono opportunities, opportunities to participate in JYL's annual bowling tournament and Legal Beagle 5K run, and at least 1 hour of free CLE credit. Annual dues are \$110, and if you are currently employed in your first year as a government or public interest lawyer, membership in JYL is complimentary.

To become a member, please download, print, and complete the JYL Membership Form at: <http://www.jacksonyounglawyers.com/membership.html>. Mail the form, along with a check for \$110 (made payable to Jackson Young Lawyers Association), to the following address:

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