

**MEMORIAL FOR
JAMES C. MCMICHAEL JR.
PRESENTED AT THE MEMORIAL AND RECOGNITION CEREMONY
HELD IN THE FIRST JUDICIAL DISTRICT COURT
NOVEMBER 14, 2024
UNDER THE AUSPICES OF THE
SHREVEPORT BAR ASSOCIATION**

GOOD AFTERNOON YOUR HONORS, MAY IT PLEASE THE COURT.

Family, Friends, and fellow members of the bar,

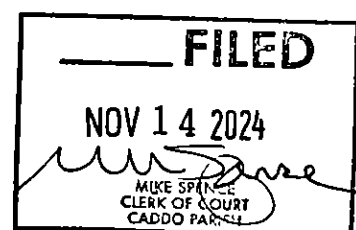
James Charles (Jim) McMichael, Jr. (72) of Shreveport, Louisiana passed away peacefully on August 2, 2024. He was admitted to the bar in 1976 and practiced law in Shreveport for the next forty-eight years.

To open on a personal note, Jim McMichael was my best friend. (It speaks to his value as a friend that I am almost certainly not the only person who would say that.) Our friendship began when we were in Mrs. Winterowd's class in seventh grade at Midway Junior High School and continued through our years at Fair Park High School. Neither of those schools still exists. We shared kind of a kinship from having graduated from Fair Park. Not because it was any harder to graduate from Fair Park, but because not many Fair Park graduates became lawyers. Our friendship never waned. We went to colleges about thirty miles apart. By sheer coincidence we pledged and were initiated into the same fraternity. We were both admitted to the LSU Law Center and shared an apartment our freshman year. Although I chose to practice law in Baton Rouge, we made it our business to see each other as often as we could and to keep in touch. I have many friends in the Shreveport bar whom I would probably never have met if it weren't for Jim. Although both of us had a trial practice, we never had a case together. It's something I'll always regret.

While we were in law school, Jim introduced me to the game of golf. We shared a love of the game and endured its frustrations. It gave us chances to play in tournaments together, which allowed us to see each other more often than we might otherwise have done.

I think it would be hard to find another lawyer who would speak ill of Jim. He was friendly, accessible and funny. But he was also smart, diligent and always prepared. Jim didn't need the Bar Association to tell him what was ethical and what wasn't.

He was a loving father to his three daughters and a devoted husband to his wife, Sharla. His legacy will be remembered in the stories he told, the perfectly delivered punchlines, and the love he shared with those closest to him. Jim was happiest on the golf course, in the river with a fly rod in his hand, drinking a Maker's Mark and water after hitting his limit in a duck blind, or cooking a meal for loved ones. Jim was an excellent cook. Other hobbies included giving grandchildren popsicles before they ate their dinner, reminding his daughters not to take (slang reference respectfully omitted) from anyone, and reading Dan Jenkins or watching Rumpole of the Bailey (again).



He lived a life marked by an unwavering commitment to justice. As an attorney, he was both well known and well respected. He was smart, and his intelligence shone when he made complex issues and facts understandable to clients and jurors. He was known for his relentless pursuit of fairness, and his effectiveness in the courtroom. His colleagues and clients admired his dedication to his profession, especially to helping develop aspiring trial attorneys by making complex legal matters accessible and understandable.

He began his career in the Caddo Parish District Attorney's office, where he was "almost undefeated." But it was his 40-year career handling civil litigation that solidified his reputation as an honest, formidable, and gifted attorney. Jim was an artist in the courtroom and loved nothing more than leading a witness into a trap on cross-examination. They never saw it coming.

That he was well-rounded is evidenced by the fact that he served as President of the Shreveport Bar Association and was a two-time Captain of the Krewe of Justinian. He was justifiably proud to have been the recipient of the Shreveport Bar Association Professionalism Award, given annually to the attorney whose practice and personal conduct exemplify the highest level of integrity, dedication and honor. Jim was a Founding Fellow of the Shreveport Bar Foundation, a non-profit dedicated to education and access to the practice of law in Northwest Louisiana. He was always proud to be part of the Shreveport-Bossier legal community.

Jim accomplished so much in his professional career, but more than any of that, he was a person who deeply valued the relationships he built throughout his life. He truly cherished his friends, and he had so many. They brought him laughter, wonderful memories, and comfort in the last few years of his life. There was no better storyteller than Jim McMichael, and his pride in his friendships was evident in the warm smile on his face when he would share an anecdote.

Jim is survived by his wife, Sharla Inman McMichael; his daughter, Lee McMichael Fischer, and her husband, Raymond, daughter, Nancy Jane Karam, and her husband, David, and daughter, Maggie McMichael Herndon, and her husband, Myles. His grandchildren, Fahy Karam, Oliver Herndon, Sally Herndon, Abigail Fischer, Mary Collins Karam, and Alice Fischer, all of whom brought him so much joy. He is also survived by his niece, Emily Bennett, her husband, Derek, and their daughter, Elly, his stepchildren, John, Ross, and Spencer Inman and their families, and the many friends who were part of Jim's chosen family.

He was predeceased by his parents Jimmy and Nancy McMichael, his brother John McMichael, and his nephew, James McMichael.

I think the Honorable Scott Crichton of the Louisiana Supreme Court did a wonderful job of discussing Jim and his relationship to other members of the bar, particularly Justice Crichton

himself. With his permission, part of his *Reflections on the Life and Legacy of Jim McMichael*, which appeared in a recent issue of the Shreveport Bar Journal, is made a part of this work:

Fresh out of law school and eager to watch a jury trial in action, I randomly stumbled into the second-degree murder case of *State v. Lewis Graham*. As fate would have it, the defendant was being prosecuted by Caddo District Attorney Paul Carmouche and Assistant District Attorney Jim McMichael. After witnessing Jim masterfully undermine an expert's credibility in this showcase trial and secure the conviction of Dr. Graham, I was hooked. I knew my next career move.

Shortly thereafter, I was hired by the Caddo District Attorney's Office and assigned to Section One, under the leadership of Jim who was chief of that section at the time. A few days before my start date, Jim introduced himself and, in the same breath, instructed that I should spend the weekend reading the Criminal Code and the Code of Criminal Procedure. I protested that I had "read both in law school." "Read them again," Jim retorted. Jim was a stickler for black letter law, but he also made sure I knew the way things were *actually* done—some of which were well-known formal rules and some of which could not be found written down anywhere (believe me, I looked). Jim was a devout student of Irving Younger, a lawyer, law professor and prolific author who taught trial advocacy.ⁱ Jim particularly loved Younger's "Ten Commandments on Cross Examination" and insisted that I commit them to memory, with a test to follow.

Jim was outstanding at identifying and exploiting weaknesses in the opposing party's case. He was preparing for the retrial in *State v. Bobby Ray Williams*, an aggravated rape/attempted second degree murder case which had ended in a mistrial.ⁱⁱ Jim asked me to serve as second chair, tasked with about 20% of the courtroom work. Excited, yet apprehensive, I spent days and nights poring over police reports, digging into physical evidence, reading and rereading the first trial transcript, and imagining my role in the case. Days before the trial began, Jim asked me to join law enforcement in a state police helicopter as it flew over the crime scene to take aerial photos—a thrilling opportunity! Criminal trials are often emotionally charged and contested, and this one was no different, with unexpected twists and turns almost resulting in a second mistrial. The most memorable point was Jim's brilliant cross-examination of the defendant, using the aerial photographs he had trusted me to obtain, which established that the events of that night could not have possibly occurred as the defendant had testified. The defendant's credibility was completely undermined, and the jury returned guilty verdicts in less than an hour.

In another case, an armed robbery that occurred in broad daylight, the defendant insisted he was innocent and testified he was home on the Saturday in question watching American Bandstand which, he explained, he religiously watched every weekend. Jim debunked this purported alibi by calling the programming manager at KTBS-TV, who testified that on that particular day, the ABC Network had preempted American Bandstand for a football game! Again, Jim's willingness to go the extra mile proved the defendant was lying and ensured a guilty verdict.

Jim wasn't all business, though! A Friday afternoon custom of the Caddo District Attorney's Office was to gather at a certain dive bar a few blocks from the courthouse. Jim was a

regular and, as my boss, mandated that I also attend those meetings. It was collegiality-building, fun and a great way to unwind from the week. As he had promised, and true to his personal commitments, Jim devoted three years of his career to the DA's Office before returning to private practice, where for the next 40 years he served his clients with the highest degree of both legal prowess and professionalismⁱⁱⁱ. Among his many accomplishments, Jim was a recipient of the Shreveport Bar Association Professionalism Award, which recognized that while Jim was the consummate litigator—well prepared and zealous, fighting hard for his clients—he also fought fair, and was known for his integrity.

Meanwhile, I took the teachings of my mentor and ran a decade-long course in the DA's Office, ending with my own showcase trial.^{iv} I applied the trial advocacy skills that I learned from Jim, including his ability to eloquently tell the story of his client through an opening statement, his thorough direct examination of witnesses on his side and, of course, his razor-sharp ability to cross-examine the adverse side applying Younger's Commandments.

When I announced my candidacy for Caddo District Judge in 1990, Jim was by my side. Nearly a quarter century later, in 2014, when I ran for Louisiana Supreme Court, Jim was there once again. He offered advice, counsel, friendship and, as always, mentorship. Through the ten years that followed, though my job was in New Orleans, we stayed in contact as much as our schedules would allow, visiting over lunch, sometimes for a beer, or indulging in one of his favorites: Maker's Mark and water. And of all the weddings I have performed during my time in the judiciary, perhaps the most memorable was that of Jim and Sharla on November 30, 2013. It was truly an honor of my life.

After receiving the distressing news in the fall of 2023 that Jim had diabetes with severe complications, I visited him in the hospital. Out of respect for Jim and his family, I planned for a short visit, but, at Jim's insistence, that precious visit lasted more than two hours. We talked of everything: the early days in the DA's Office, our (literal) trials and tribulations, his 40-year journey through civil practice and my 30-plus year journey with the judiciary, our families, and politics. He regaled me with his plans to learn to play golf with only one leg, and insisted that after my term ended, we'd litigate a case together—this time with me as first chair.

Jim bravely managed to make a few court appearances before his health took an even more serious downturn earlier this year. Through it all, Jim didn't complain; he maintained a resilient focus through the agony. I made one last visit with Jim in the summer of 2024. Once again, we fell into an afternoon marathon discussion covering every topic we could think of. By then Jim had resigned from the practice of law, so I suggested that he might serve as a litigation consultant and maybe, upon the conclusion of my term, a shared mediation practice. That seemed to excite both of us, if for just a moment. But as the visit drew to a close and reality set in, we came to the stark realization that we must make our final farewells. We exchanged deeply personal and important words. Jim died days later.

Until his funeral on August 16, 2024, I was not aware that Jim had performed legal work for St. Mark's Episcopal Cathedral and had developed not only a solid attorney-client relationship but also a friendship with the Very Rev. Alston Boyd Johnson. While Jim was hospitalized, Rev. Johnson visited him often. Together they embarked on a Christian journey, one never too late to start. As we learned from a heartfelt and moving remembrance delivered by his daughter Lee, Jim's last word following his receipt of Holy Communion from Rev. Johnson at his bedside was "Amen."

Delivering a powerful and impactful eulogy before a full capacity congregation at St. Mark's, Rev. Johnson spoke of Jim's life, peppering it with snippets submitted by Jim's close friends. I provided the following note about Jim: "Jim was the quintessential courtroom lawyer; he could take a complex case and distill it down to two simple issues, each with a resolution that would make total sense." As Rev. Johnson recited, others contributed the following:

One wrote: In thinking about Jim, one word that comes to mind is "comfortable." Jim was comfortable with himself, with his family and friends, with his profession, and with his interests. Whether it was duck hunting, fly fishing, golf, cooking or in the courtroom, he was comfortable with those he was with and what he was doing.

When I think of Jim, I am reminded of a four-letter word. Not the one you're thinking of. The word is nice. Jim was a really nice guy. That is why so many of us liked him, why he had so many friends and why so many people are here today at this service. I know he is finally resting in peace.

Another focused on Jim's last year: when any of us think of Jim, we think of him as happy. Happy to see you. Happy to talk with you, happy to laugh with you. But those closest to Jim know he had plenty of things to be unhappy about . . . His attitude? Same old Jim. Then he learned he had terrible kidney problems. Jim loved to cook and loved to enjoy good food in all forms. But Jim was put on a diet so strict that the doctor said, "If it tastes good, spit it out." He lost lots of weight. What he didn't lose was his sense of humor. He laughed at himself and made us laugh, too...

If Jim wanted to complain, to cry about all the pain, physical and emotional, he could have complained to me. We'd been best friends since we were in the seventh grade. No, what Jim wanted to talk to me about was getting to play golf again. We went through his bag, club by club, discussing whether or not each one should be one of the 14 he'd play with.

The last time I talked to Jim he sounded great. He'd finally faced the music and decided to retire. That gave him a great sense of relief. I thought Jim's luck had finally changed. Maybe it had. No more pain. No more worry. No more fretting over what driver would be best for a man with two prosthetic legs.

And, finally, a pallbearer presented a lighter, perhaps incriminating anecdote: Jim was one of a few of our law school classmates who made law school somewhat bearable, if that is possible. Jim and a few of us decided to concentrate more on golf than on law classes. We would send a designated person into the class to sign the roll sheet, and then meet at the golf course. Some of those individuals, who shall remain unnamed, are honorary pallbearers today.

Considering Jim's stunning list of contributions, I was left with the question: How can we keep his legacy alive? I remembered that it was Jim that originated the Shreveport Bar Association Lunch and Learn series. This series, conducted for two hours per day over the course of three summer days, focused on various aspects of a jury trial, from *voir dire* to closing arguments—imparting to others Jim's passion for effective courtroom advocacy.

In keeping with his commitment to excellence in legal advocacy, I am honored to recommend rededicating the seminar as the James C. McMichael, Jr. Summer Institute, offered with no tuition fee. My wife Susie and I are contributing \$5,000 to the Shreveport Bar Association to begin this endeavor. Those who have had the privilege of knowing, loving and learning from Jim, can contribute as they wish—for Jim and our next generation of young lawyers. This seems to be a fitting tribute to a man who loved the challenge of a courtroom trial and valued passing knowledge on to the community's youngest "incoming class" of attorneys.

Having now completed his course on earth and traversed the gate of eternal life, I imagine the "same old Jim" is well settled. I suspect that he has already offered himself for litigation or mediation (assuming there are any disagreements in Heaven), a golf game or fly fishing and followed by a cold beer or Maker's Mark while reflecting on a life well lived. A "quintessential courtroom lawyer," this "comfortable, nice, happy, never-complaining-in-the-face-of-adversity guy," we vow to honor and keep his legacy alive. As Jim said at his last Communion—we say, Amen.

. . .

Shreveport has lost someone who made the city a better place to live. Jim has been in and out of the hospital for a couple of years now, so his loss won't be felt as it might have been if Jim had died suddenly. But the friend I made in the seventh grade is gone and everyone who ever knew him grieves that loss.

Respectfully submitted:

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ⁱ Irving Younger was a lawyer, law professor, judge and writer “Hearsay – A Practice Guide Through the Thicket”; “The Advocate’s Deskbook: The Essentials of Trying a Case”; and several more.

ⁱⁱⁱ Tucker, Jeter and Jackson; Blanchard Walker O’Quin and Roberts; and McMichael, Medlin, D’Anna and Wedgeworth.

^{iv} *State of Louisiana v. Nathaniel Code*, 91-988 (La. 11/29/93), 627 So.2d 1373.