

MARKETERS UPDATE

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Congratulations 2015-2016 Scholarship Winners



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For almost four decades, John E. Milner has practiced law in Mississippi for the firm of Brunini, Grantham, Grower & Hewes, PLLC. A nationally recognized expert in the field of environmental law, he also represents his clients in lobbying and monitoring activities

concerning a variety of business and industry issues before the Mississippi Legislature. He is a member of the Board of Directors of the Mississippi Energy Institute and also served as chair of the Board of Directors of the Boys and Girls Club of Jackson. We thank him for giving us some time to chat.

So, when did you first decide on a legal career?

“Well, at the beginning of my junior year at Ole Miss I realized I really had to make some type of decision regarding my future course of studies and ultimate career path. I decided I wanted to be an attorney and continued my major in English. That choice ultimately served me well.”

What factors in your life while growing up prepared you for success in school and in your professional life?

“I have always had the ability to focus on the tasks at hand. From even the first grade I had a great desire, and the drive, to excel. I fondly recall my sixth grade teacher, Sally Davis. To get an A in her class you had to ace the tests, of course. But, if you really wanted that elusive A each week you had to write five reports on the six subjects we were studying. That meant each week you had to produce 30 reports. We’re not talking about pages and pages of writing. But it took a lot of time and effort to get those reports done. I had the determination to do it. Not everyone did.

Most importantly in this equation are my parents. My father was a lifelong educator, and he brought us up to study hard and be accountable for our actions. My mother taught piano, and obviously for her students to succeed there had to be high level of personal discipline, which she tried to instill, in addition to talent. Dad raised cattle, as well, on the family farm that still exists. My mother excelled in a variety of sports, and because dad worked so much she was the one who actually helped me become a pitcher. She was my catcher, and her glove hand was often black and blue.

And you have to remember that back in the 60s and 70s as I grew up there weren’t as many distractions as there are today for young people. I liked to read and write and enjoyed board games. Without those reading and writing skills law school for anyone would be very challenging, if not impossible.”

You have quite an amazing story about how you got your scholarship to Ole Miss.

“When I was a senior in high school I learned about unclaimed scholarships. I went to the library and found a book that listed many of them. I sent out 110 letters to foundations. One that contacted me was the Maud Glover Folsom Foundation based in New York City. Charles Stuart Folsom created the foundation in the name of his wife, Maud Glover Folsom, as a way of honoring her memory and spirit, and it was established to provide financial aid to young men who had the heritage to be their sons. In order to apply for the scholarship you had to be of German and/or Northern European descent on both paternal and maternal sides for at least four generations.

I received an invitation to meet with them at the New York City offices, so I flew up and back to for a one-day interview in Queens in April of my senior year. It was quite an adventure for a Mississippi boy. I arrived at their offices and the door was locked. As I walked around the floor of the building for an hour trying to figure out what was going on, three men finally came by, and they were the ones I had to meet. In August I received a letter notifying me that I was a full beneficiary. Now, part two of the story is this: You had to remain in school but grades really didn’t matter. What was of highest importance was that each year during the course of your studies you had to attend a graveside service in New York on July 20th to honor the memory of Maud Glover Folsom and celebrate her personal character and philanthropy. All of the 36 scholarship winners would tell everyone what they had done that year. It was a wonderful experience. I am still in touch with Foundation members and am forever grateful for the wonderful opportunity they gave me.”

First job out of law school.

“I clerked with the Brunini Law Firm during the summer after my second year of law school. I guess I did a pretty

good job because even before classes began for my third and final year of studies they offered me a position upon graduation. I began working on June 19, 1978, and am still here. Surely, we have grown extensively over the years, and the firm remains a great place to call home. We have a superb team, and I have many lifelong friends here.

The Jackson office of Brunini was actually started in the late 1800s in Vicksburg. There were 15 lawyers when I joined the firm. In the mid-1980s a former partner and I had an understanding that environmental law was a growing field, and that if the firm began to offer counsel on its many aspects we would open up an entirely new client base. I took the lead on this, and things moved along very quickly.

Your experiences with the MPMCSA.

“Jerry Wilkerson hired me. He was a wonderful man, fully dedicated to the Association. He also liked to have fun. Jerry had been a legislator for many years and had worked with other Brunini partners in the firm on legislative issues. I came in contact with Jerry during these times.

As for working with Jerry, an interesting story occurred after Katrina. Mike Moore was Attorney General at the time, and his office claimed that MPMCSA members had gouged pricing to take unfair advantage of consumers. Jerry and our board members knew that our members were not price-gouging, but the statute is ambiguous and caused confusion. Subsequently, Jerry, the board, and I drafted a legislative bill to improve the price-gouging law. Jerry and I worked in a collegial fashion with Attorney General Hood’s office and legislative leaders to move the bill through the process. At the last moment, the ‘rug was pulled out from under us,’ and the bill was killed. Jerry and I were furious. Well, two years later, the AG proposed his own price-gouging bill. It was unacceptable to Jerry and the board, but Jerry and I met with the AG’s staff anyway. Jerry bided his time. At the point that the AG’s staff were ready to move forward, apparently reading Jerry wrong that he would support the bill, we were in a meeting at the AG’s office, and Jerry announced that they could ‘stick that bill where the sun don’t shine.’ Jerry never forgot the earlier disrespect he had received and did not hesitate to invoke the old adage, “turnabout is fair play.”

MPMCSA members face numerous challenges these days.

“There are so many. From regulations about everything from emissions to underground storage, to concerns regarding c-store products, swipe fees, premise liability...it really is a regulatory and legal minefield. Members have to navigate that minefield and still make a profit, which becomes a

more daunting task every day. Safety is key in our industry, and everyone understands that. Still, no member welcomes what are deemed unreasonable regulations and laws that place even more burdens on them. I am always available to Philip and the members as we all work hard to keep the interests of the Association and members, as well as the safety of consumers, as a daily focus.”

Have you ever been nervous in court?

“Early in my career, the brother of Mr. Brunini, Sr., Joseph Brunini, was the Bishop of the Catholic Diocese here in Jackson. He started the Mississippi Foundation for Alcohol and Narcotics Education. It was an effort to educate young people about the dangers of drinking and drugs, and most of the leadership of the state’s churches were onboard with this effort. A case arose regarding the advertising of alcohol, primarily on billboards. The plaintiffs felt they had the right to advertise anything they wanted to as “commercial free speech.” This case was tried in the U.S. District Court for the Southern District of Mississippi. We represented the Foundation to team with the Attorney General’s office to uphold the statutory ban. We won and the plaintiffs appealed to the U.S. Court of Appeals for the 5th Circuit, which met in New Orleans. I made the argument for the Foundation before the district court and before the 5th Circuit three judge panel. It was the first time that I had made arguments before a federal district judge and a three-judge federal appellate panel. Additionally, this wasn’t just any normal case but involved the constitutionality of a state statute on free speech grounds.

I was nervous at the beginning at both arguments but adrenaline kicked in and I made my argument and answered the judges’ questions within the time limit, which is enforced by a green light to talk, a yellow light to tell you that you have one minute left, and a red light that stops you—sometimes in mid-sentence. Again we won—the three-judge panel upheld the constitutionality of the statute. But the best was yet to come. The plaintiffs requested that the matter be heard ‘en banc’—before all of the 5th Circuit judges. The request was granted. I was ushered into a large horseshoe hearing room with all of the 5th Circuit judges. Hardly had I begun my argument when the questions started flying and hardly had I tried to answer one question when another question was fired off. The same green, yellow, and red lights were staring at me. It was a whirlwind experience. Thankfully, the en banc court ruled in our favor.”

Tell us a bit about your family life.

“My daughter, Amanda, is an RN, and she has two boys, Banks and Hayes. My son, Adam, is a CPA with three

children, Sam, Jack, and Morgan Marie. We all live here in the Jackson area, so it makes being a proud grandfather much easier. I throw a lot of batting practice. I have a house in Oxford, so we go to football games and other events whenever possible. For me, I take a lot of satisfaction in getting on my bicycle for long trips. Each July 4th holiday I join about twenty friends for a 500-mile ride through the mountains in the Northeast U.S. Those road-bike training

sessions provide quite a workout in an effort to avoid being left behind when we're climbing the mountains, and staying in shape helps me in so many ways."

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