EDITOR'S MESSAGE

Our Friend Jim

By Barry H. Grodsky

We all know special people, and, when we refer to them, it's not just "Bill" or "Mary." We first say "our friend" before the name. It is reserved for those we really enjoy seeing and spending time with, sharing a good story or two. It does not matter if we don't see them very often but, when we do, it is always an enjoyable time, something we look forward to.

Such is the case of Our Friend Jim — The Honorable James McClelland of the 16th Judicial District Court. Also known among his friends and colleagues as Mac or simply Judge, Jim lives in Franklin which is 200 miles and a world away from New Orleans, where I live and practice. We don't get to see each other very often, but our time together at Bar events has always been special to me.

I recently had a chance to visit with Jim at his home, but this was not just an ordinary visit. Jim was diagnosed with amyotrophic lateral sclerosis — commonly known as ALS and Lou Gehrig's disease — almost three years ago and he had recently decided to retire from the bench effective March 1, 2015.

Jim epitomizes all that is good about the practice of law: professionalism, honesty, integrity and fairness. He has given so much to the profession as the quintessential small-town lawyer, then judge, and active participant in the Louisiana State Bar Association (LSBA), the Inn on the Teche Inn of Court and the Louisiana Bar Foundation (LBF). I thought it was important for our members to get to know Jim as I do.

Jim is from Elton, La. (population 1,100), where he grew up on his family's farm. He had not initially planned to become a lawyer. He went to Louisiana State University where he earned a bachelor's degree in chemical engineering (which he admits is a lot harder than being a lawyer) and an MBA. During this time, he met and married Sandra (Sandy) Tate. They have been married for 44 years.

While at LSU, Jim was in ROTC, which resulted in active military duty after graduation. Because the war in Vietnam was winding down, he was fortunate enough to serve all of his brief active duty stateside.

He loved small-town Louisiana life and soon learned that a career as a chemical engineer would ultimately mean relocating, possibly every few years. While pondering his future, Jim was intrigued by certain Supreme Court cases which indicated to him that there would be a need for lawyers so he took the LSAT and enrolled in LSU Law School. A devoted Tiger fan since his undergraduate days at LSU, Jim's love for his alma mater is evident throughout his home. Counting himself among Les Miles' supporters, Jim and his son Joe traveled to every football game during the Tigers' 2012 season. And did I mention that in addition to football, the McClellands hold season tickets for baseball, basketball and softball?

After graduating from law school, Jim settled in Franklin with Sandy and raised sons Joe and Jeff, as well as twin foster daughters Jodie and Jamie. He began his practice in the indigent defense system and became the chief of that operation. Because of his success as an indigent defender, he was wooed away by the District Attorney and began prosecuting felony cases. During this time, he also practiced with Aycock, Horne & Coleman, where he later became litigation partner and remained until his election to the bench (the only time in his adult life that he has held only one job!).

Jim epitomized the small-town practice. He appreciated the collegiality and professionalism and notes that it is good to know everyone you practice with and against.

Giving back has always been a part of Jim's life and his career. Since helping to found the Inn on the Teche a number of years ago, he has remained active in an effort to promote professionalism and assist young lawyers with their transition into the practice of law. It was no surprise that in 2012 the Inn honored Jim with its Professionalism Award, voted on annually by members of the Inn.

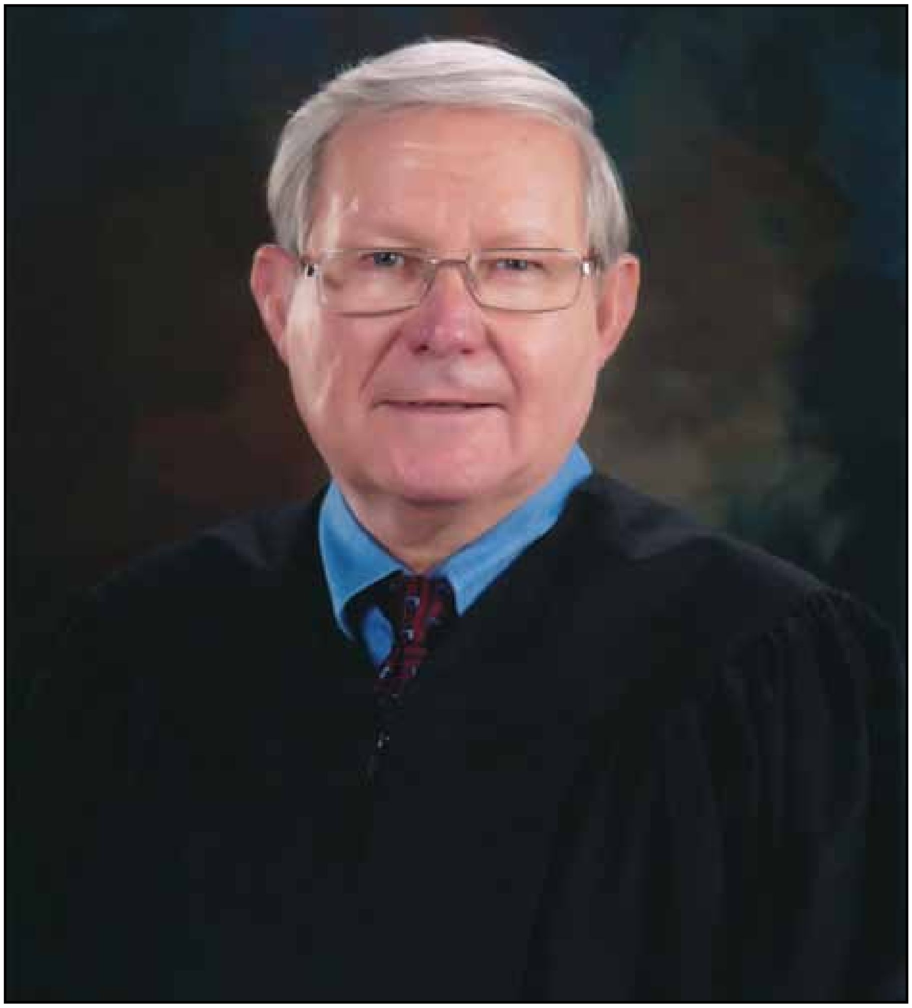
The LSBA and LBF have likewise been the beneficiaries of Jim's commitment to the profession he loves. He served for roughly 20 years as a member of the LSBA House of Delegates, and three terms on the Board of Governors, one of those as Secretary. Once a Board member, he began to serve as the parliamentarian for the House of Delegates, a position he held until becoming a judge. His work with the LBF includes starting the Community Partnership Panel for the Bayou Region (comprised of Terrebonne, Lafourche and

St. Mary parishes) and serving on the Board of Directors (his term ends this April).

Jim thought about being a judge early in practice. He saw what judges did and knew he could do it (he was, of course, correct, as he has served on the bench with distinction). In 2008, there was a vacant seat and he ran unopposed. He credits the collegiality and support of the judges of the 16th JDC for his smooth transition to the bench and he loved being a judge — even more than he loved being a practitioner. The 16th is a general jurisdiction court where the judges "ride the circuit" between the parishes of Iberia, St. Martin and St. Mary. Jim enjoys the variety of the bench, but finds domestic cases involving non-support to be the most difficult. As a father and an all-around good guy (my assessment not his), he cannot understand people who do not want to support their children.

In 2011, Jim started to notice some physical changes, which he initially attributed to age. Over time, these changes impacted his ability to comb his hair, shave or continue with his bowling (which he loved to do), and that's when he knew there was some other issue. Jim underwent fusion surgery but that did not relieve the problems. Then on April 17, 2012, the diagnosis came — it was ALS.

He never wallowed in self-pity or wondered "why me?" Instead he and Sandy resolved to face this challenge with their usual resourcefulness and tenacity, so that their lives could continue uninterrupted for as long as possible. They knew that Jim wanted to continue to serve on the bench, and that they wanted to spend time with family and friends and to travel as much as possible. Being pragmatists, early in his diagnosis, they modified their home to accommodate what they knew would be Jim's needs once his disease progressed. Jim consulted with his physicians who advised him that he could and should continue his career as long as it was comfortable for him to do so. So, he did what he truly loved: he stayed on the bench and served as a judge. While ALS affected him physically, his considerable intellectual abilities remained unchanged. Never let Jim's claim that "I'm just a country boy" fool you. While his fairness cannot and should not be questioned, he is truly a force to be reckoned with.



Hon. James R. McClelland

Judge McClelland has nothing but praise and appreciation for his colleagues on the 16th Judicial District Court bench and the Louisiana Supreme Court, calling them great judges and great people. Since Jim's diagnosis, they have been supportive of his decision to continue his work and have assisted in any way necessary. His fellow judges have pitched in whenever necessary, and when Jim could no longer sign his name, the Supreme Court accommodated him by allowing the use of a stamp for his signature as long as he supervised its use. Quite simply, Jim says, "They are the best."

While his disease progressed some in the first two years, it had no impact on his ability to serve as judge. In 2014, he qualified for a second term, again being elected without opposition. But ALS is an insidious disease and, after routine but necessary surgery in October, Jim says he never fully recovered. His doctors had warned that any trauma to the body could accelerate the disease and that is apparently what happened in Jim's case. By mid-December, he had lost the ability to walk and was having trouble with his voice. Both he and Sandy could see how much he was struggling as he continued to go to the court every day. "At this stage, the disease really saps your energy," he confided.

While home during the holidays, Jim and his family, which has now expanded to include 11 grandchildren, noticed how much better he was doing. He was breathing easier and could go longer periods without having to rely on the ventilator. His body benefited from not having to make the trip to the court every day. So, after the holidays, he began working from home, where his secretary Julie LeBourgeois and his law clerk Brady Holtzclaw visit each day at lunch to discuss Jim's docket. Here, Jim's theme of appreciativeness continues, as he praises Julie, the *only* secretary he has had since becoming a lawyer in 1975, and Brady, his law clerk since August 2014.

After much soul-searching and in consultation with his family and Justice John Weimer (who oversees the 16th JDC for the Supreme Court and who Jim considers a personal friend), Judge McClelland decided to step down from the bench effective March 1, 2015. He says that he would have never qualified for a second term had he known his disease would progress so rapidly, but it is still hard to leave a position he loves and people for whom he has so much respect and admiration. Both Jim and Sandy could not stress enough how the assistance of his fellow judges, staff and lawyers who appeared before him was instrumental in his ability to remain on the bench as long as he did.

Jim cherishes his time on the bench and sees his life's work as a legal career and not just a job. The love for his profession is best seen by those who have so much respect and admiration for Jim now. Without exception, when you mention his name, people have only positive things to say about Judge Jim McClelland. It is obvious that he is held in very high esteem among his peers on the bench and the lawyers who appear before him.

Judge James McClelland with his wife of 44 years, Sandra.

Virtually every day Jim has visitors and well-wishers. Jim said that "people have come out of the woodwork" to spend time with him and Sandy. They come to see their friend; someone who has given so much not just to the legal community but to the community he calls home. He treasures these visits and those who make them.

Jim and Sandy also draw strength from their faith, symbols of which fill their home. One such symbol which is especially dear to him is a painting of St. Thomas More — the patron saint of lawyers — which was a gift from their parish priest. It hangs just above the recliner where Jim spends much of his time these days.

What the McClellands believe is truly touching, and a great show of respect, is the support they have received from those they do not even know, people who live in their community and who have heard about their plight through mutual friends. They are also most appreciative of the support they have received from the Veterans Administration, which has determined that veterans develop ALS at rates higher than the general population. They have provided Jim with much of the equipment required to live with ALS, including a power wheelchair, hospital bed, patient lift, ventilator and specially outfitted van, to name just a few. The McClellands credit the VA assistance to the fact that in 2008 ALS became a presumptively compensable illness for all veterans with 90 days or more of continuously active military service.

Despite the challenges of life with ALS, both Jim and Sandy are quick to tell you that they are blessed. Blessed with a loving family, wonderful friends and supportive professional colleagues. Blessed to have enjoyed small-town life and all the benefits it has to offer. Blessed to have had a career in a profession he loves, capped off by serving as judge.

Jim engaged in his legal career for as long as he was able. He has been so influential and embodies what professionalism is on every level, as a judge, a lawyer and a friend. It was good to spend time with my friend Jim.

Barry Grodsky

Background: Amyotrophic Lateral Sclerosis (ALS)

Amyotrophic lateral sclerosis (ALS) was first found in 1869 by French neurologist Jean-Martin Charcot, but it wasn't until 1939 that baseball great Lou Gehrig brought national and international attention to the disease. The disease is now often referred to as "Lou Gehrig's Disease."

ALS is a progressive neurodegenerative disease that affects nerve cells in the brain and the spinal cord. Motor neurons reach from the brain to the spinal cord and from the spinal cord to the muscles throughout the body. The progressive degeneration of the motor neurons in ALS eventually leads to their death. When the motor neurons die, the ability of the brain to initiate and control muscle movement is lost. With voluntary muscle action progressively affected, patients in the later stages of the disease may become totally paralyzed.

Early symptoms of ALS often include increasing muscle weakness, especially involving the arms and legs, speech, swallowing or breathing. When muscles no longer receive the messages from the motor neurons that they require to function, the muscles begin to atrophy (become smaller). Limbs begin to look "thinner" as muscle tissue atrophies.

Most commonly, ALS strikes people between the ages of 40 and 70, and as many as 30,000 Americans have the disease at any given time.

Although the cause of ALS is not completely understood, there is new scientific understanding regarding the physiology of this disease. While there is not a cure or treatment today that halts or reverses ALS, one FDA-approved drug, riluzole, modestly slows the progression of ALS. Other drugs are in clinical trials.

There are significant devices and therapies that can manage the symptoms of ALS to help people maintain as much independence as possible and prolong survival. ALS is a variable disease, so no two people will have the same experiences.

To learn more about ALS, visit the ALS Association's website: *www.alsa.org*.