

# ONE ON ONE WITH JOHN H. MUSSER IV, 72<sup>ND</sup> LSBA PRESIDENT: MUSSER DESIGNATES HIS TERM AS 'THE YEAR OF THE SOLO'

Interviewed by Edward J. Walters, Jr.



# VITAL STATISTICS JOHN H. MUSSER IV

**Profession:** Attorney

**Age:** 67

**Born and Raised:** Yazoo City, MS (1944-45, 1947-55); New Orleans (1945-47, 1955-58, 1962-present); Jackson, MS (1958-62).

**Parents' occupations:** Father, salesman, died at 27; stepfather, doctor; mother, florist.

**Siblings:** Susan Musser (died in 1952), June Woodbridge, Laurie Woodbridge Higgins and Ann Woodbridge Stillman.

**Spouse:** Stephanie M. Musser

**Children:** Susan B. Musser, John Musser V, Chris Musser, David Musser, Charles Richards III and Beth R. Schott.

**High School:** Wm. B. Murrah, Jackson, MS

**College:** Tulane University

**Law School:** Tulane Law School

**Law Practice:** Litigation — criminal law, family law, personal injury (both sides).

## Journal: Why did you become so active in the Louisiana State Bar Association?

**Musser:** All my life I have taken an active role in activities that I was interested in and believed in. Being a lawyer, it was natural to be involved with the Bar Association since that's what I do for a living. When I ran for the Board of Governors, I was fortunate that there were no other candidates from major law firms that would have made it more difficult to win. That was my beginning involvement with the Board; prior to that, I had served on various committees. When I got on the Board, I realized that is where the real work of the Bar Association occurs. As I was approaching my third year, the New Orleans rotation for the presidency was coming up and I thought it might be my time. Truthfully, to get to that point, I had been at a party when a former classmate said he thought I would be a good candidate for the presidency. I thought he was joking but, over the course of the evening, it became obvious to me that he was being serious. Not being one to make serious decisions quickly, I thought about it for some time. I chose to go ahead and I was fortunate enough to be nominated unanimously and not have any opposition. So here I am and we are approaching year five of my service on the Board of Governors and I feel both prepared and energized. I certainly paid attention over those four years and tried to absorb as much as I could of the inner workings of the Bar Association, as well as develop some ideas about what might be good to do in the year coming.

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**Journal:** Let's talk about that.

**Musser:** I was opening the Solo and Small Firm Conference back in March when it occurred to me, while I was speaking, that an appropriate direction in which I could lead the Bar Association would be to emphasize the role of the solo and small firm practitioner. I declared this coming year to be “The Year of the Solo.” That emphasis is

appropriate because nearly half of us are solo or small firm practitioners and it has been some time since they were featured. The other side of it is solos tend to be multifaceted when they're covering several different areas of the law — criminal, family, litigation — all areas in which I have practiced. During the course of this year, that will be my emphasis: to highlight what the Bar Association does for solos and what solos can do for the Bar Association, and try to focus on things that will mean a lot to them, not to the exclusion of the other parts of the Bar Association, but certainly to give some deserved emphasis to the solo practitioner.

**Journal:** Does being a solo practitioner impact your ability to be the president of this organization, for instance, going to Shreveport to cut a ribbon or whatever you have to do?

**Musser:** Being a solo, I can basically schedule my time as I see fit within the restraints of a litigation practice.

**Journal:** Are there any particular objectives or challenges that you need to address during your year?

**Musser:** We expect to work on a new approach to CLE, implementation of mentoring, office practice programs in law schools, and creating a synergy



between the new senior and young lawyers divisions. We hope to foster an emphasis on professionalism and a new area of study may be a proposal to implement a federal style of discovery practice in state court litigation. Of course, it's always the unknown challenges that you don't expect, such as when Frank Neuner had to deal with the aftermath of Hurricanes Katrina and Rita. Often outside events impact your presidency — for example, last year there was the issue of the revamping of the bar exams. That was not a project of the Bar Association, but it impacts all of us and we had to address it. There is always something that one doesn't anticipate that may prove necessary to tackle.

**Journal:** What do you see as the challenges for the legal profession as we go into the next decade — such as the economy for lawyers? I don't know how the economy is in New Orleans for lawyers, but it's kind of tough everywhere.

**Musser:** The fact that only about a third of law school graduates in Louisiana have jobs upon graduation suggests that the economy is clearly lagging. I think that the next 10 years are going to be difficult because they represent a transition in many different ways — one being the economic reality of the declining number of jobs for new lawyers. Another area of transition is going from the World War II/Baby

Boomer generations to the GenX/GenY and Millennials. Those two segments of our legal population seem to have an entirely different way of practicing law. Another area is the impact of changing technology on the practice of law. I can remember when fax machines became common and we were horrified because that demanded quick answers to problems which in the past would have been studied and given more thought. That has been accelerated with email so that people not only can send things quickly, but they can demand quick answers — which is not always a benefit to either party.

For our Board of Governors retreat this year, we included a program on what the practice of law would be like in 10 years. We asked members of the Board to give us an idea of what they thought the challenges would be then. We had a very full and frank discussion of that, because I feel that is something we have to address, whether we want to or not, since we need to make sure that our association is prepared. One of the concerns in our law schools has been how to find a new way to prepare students, particularly in bad economic times, for the daily practice of law. They do a great job with the theoretical practice, teaching people how to think like lawyers, but you have to be prepared to not only think like a lawyer, you also have to be prepared to operate the business side of a law practice. You have to be prepared to properly administer a business and understand the

effect of our ethics rules on the practice of law. All too often, some of the mishaps by young lawyers could have been avoided if they had had an office procedures class in law school. This is something our Supreme Court is concerned about and one that the Bar Association will also be addressing in the near future.

**Journal:** Tell me a little bit about your law practice.

**Musser:** This is my 43rd year of practice and it has been almost exclusively litigation in one form or another over those years, from private practice to the U.S. Attorney's Office to corporate practice and ultimately to becoming a solo practitioner.

**Journal:** How long have you been a solo?

**Musser:** Since 1986, almost 27 years. Of course, being a solo and doing litigation makes for interesting challenges but it's been very rewarding even though it requires a lot of juggling to be successful.

**Journal:** Why don't you tell me something about your practice that had a profound impact on you or a case you handled that changed your thoughts or your life or your career?

**Musser:** It's not just one case. I was at the U.S. Attorney's Office and, over the course of some three years, I tried 45



# WHAT I'VE LEARNED...

**Growing up I always wanted to be** a lawyer.

**The best advice I ever got was** never give up.

**The best advice I ever gave was** never give up.

**The best lesson I ever learned was** tomorrow is another day.

**I was always taught** to listen before replying.

**Being a lawyer allowed me to** help people.

**I always looked up to** my mother.

**One of the jobs I had as a kid was** as a soda jerk!

**My parents taught me** to treat everyone fairly.

**If I could, I would** hike the Appalachian Trail.

**The turning point in my life was when** my wife and I separated and I had four children to raise.

**I miss** not growing up with and knowing my father and sister who both died when I was very young.

**I'd like to be 26 again because** I'd have more time to do all I still want to do.

**I would like to have dinner with (3 non-family members dead or alive):** Benjamin Franklin, Thomas Jefferson and Francis Hopkinson, during the Age of Enlightenment at the beginning of our country.

**If I hadn't been a lawyer, I would have been** an Episcopal priest.

**I have the most fun** with friends and family and maybe a golf club.

**I've never been able to** not try to solve problems.

**On my iPad I listen to** free music from Starbucks, Edith Piaf, Neil Diamond, country and classical.

jury cases in federal court and that taught me what I liked doing and that in which I found satisfaction. So while it wasn't any one case in particular, that experience of preparing for and trying that many jury cases with good results encouraged me to keep going in a litigation practice.

**Journal:** Did you always want to be a lawyer?

**Musser:** The short answer to that is, I am the grandson of a well-known sixth-generation doctor here in New Orleans. The one thing I didn't want to do was to follow in his footsteps as another doctor so I determined in the seventh grade that I

would be a lawyer and never wavered in that desire. Some years later, I did some genealogical research and discovered that, while on my grandfather's side there were generations of doctors, on my grandmother's side there were six generations of lawyers. In running from one profession I embraced another to which I am genetically predisposed.

**Journal:** What do you do for fun?

**Musser:** I play golf.

**Journal:** Are you good at it?

**Musser:** I'm fair at it. I have a group that I play with on a regular basis and we have as much fun during the week kidding each other about our success, or lack thereof, as we do playing the game itself. We're all about the same so we have a lot of fun together — lawyers and non-lawyers.

**Journal:** Who have been the people that you have admired throughout your practice that had any impact on you?

**Musser:** The partners at Montgomery, Barnett, Brown & Read who gave me such



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a good beginning education on how to be a good lawyer and Gerry Gallinghouse at the U.S. Attorney's Office along with his senior staff who taught me how to successfully try jury cases. I have had the privilege of working with and against many good litigation practitioners, all of whom provided wisdom along the way. I also have been privileged to appear before superb state and federal judges. All have had an impact on my career.

**Journal:** Tell me a little bit about your family.

**Musser:** I have a very supportive wife, Stephanie, to whom I have been married for 22 years. I have four children, Susan, John, Chris and David by a former marriage, and two stepchildren, Charles and Beth. Between us, we have 11 grandchildren

**Journal:** What do you think about your role as improving the perception of the Bar Association for lawyers and improving the perception of lawyers to the public?

**Musser:** I think those are two very good questions. A goal I have this year is to make our membership more aware of how much we actually do for them. We are there as a union so to speak and we try and accomplish things for the benefit of all. Some of us, particularly the solos, don't realize how much the Bar Association has to offer them. For example, I think Fastcase is an excellent way to do legal research. It is available to our membership without cost other than the Bar dues. The Bar Association also offers a number of free CLE opportunities for members. One reason I became a lawyer was because I believe in service. I think that what we do as lawyers is to serve the public, generally on an individual basis, one at a time, sometimes more so with class actions, but generally one person, one family at a time. What we really do in solving their legal problems, be they civil or criminal, is to perform a service for them, a very meaningful service, because we tend to deal with the most important problems people have in life, whether they are personal, financial, social, criminal or otherwise. It is our job to try and help people. Furthermore, if we



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can make the public also understand that our whole country was founded on the backs of lawyers, we will have improved their perception of us. So much of what we understand as the basis for our country comes from the work of lawyers, the rule of law and our governmental process. We need to let people understand how important that is and that we are really

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there to serve them, and, to the extent that we serve them, we get greater satisfaction for ourselves. That should also impact their feelings towards lawyers as well.

**Journal:** Unfortunately the only lawyers they see are the ones on TV. This is not helping our image, is it?

**Musser:** You know, many of those are good lawyers, but it presents the profession in a fashion that doesn't distinguish us from other professions. We need to get back to the concept that we are serving the public, one person, or one family at a time, and we need the public to understand that.

**Journal:** What about the fact that our Legislature is about 25 or 30 percent lawyers and it used to be 80 percent?

**Musser:** The result of that decline is that we have less legal advice in the passage of new laws. I would suggest that some of the problem comes not from malice but from just misunderstanding how to set up new laws within our existing system. I think there's a need for lawyers to participate in the political process more than they have in recent years.

**Journal:** How important is CLE to the membership?

**Musser:** It's important for us as a Bar Association to provide meaningful programs that address specific needs of



the different segments of the Bar. The best CLE is that which is meaningful within your own practice and is easily available locally. It is incumbent on us as lawyers to continue to improve our education as we go through the practice of law. Right now, we are exempt from CLE at age 65 but we probably should be doing it as long as we have an active license since the law is always changing.

**Journal:** How do you perceive your role as president?

**Musser:** I believe it is very important as the president of a service profession that I lead from within rather than out front. I mean to be the spokesman for the Board of Governors, but it is the Board of Governors that is leading our profession for the next year. The Board needs to be responsive to our members, and we need to have a dialogue with the public that helps them look at us in a new and different way. Unfortunately, at times the practice of law has gotten to be very confrontational. You need to represent your client avidly and vigorously and, at the same time, maintain your relationship with other lawyers. At the same time, to the extent that we can instill professionalism in our members, particularly as they come out of law school, we will have benefited the whole profession.

**Journal:** How do you plan to do that or work toward that?

**Musser:** We are currently working on a mentoring program. It is something that we hope will be forthcoming. If we implement that program, it will be a major benefit just as it has been in other states. This year one of the things we did at our Board retreat was to take the

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young lawyers and the senior lawyers and ask them to propose programs in which they both work together. Both have something to give to one another. The young lawyers bring exuberance, technology and energy. The senior lawyers bring years of learned wisdom, knowing when to be aggressive and when to be not so aggressive. I think both groups can benefit from one another and I would hope that this year we start a continuing program of having the two groups work together.

**Journal:** What is your philosophy as a lawyer and how can it impact your service as president this year?

**Musser:** My primary goal as a lawyer has always been to try and make a difference in the lives of my clients. I believe that same philosophy should hold true in service to the Bar Association.

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