



GIMMEE GIMMEE SOME

LOVIN' (EVERY DAY)

By W. Christopher Barrier
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Friday afternoons when her docket cleared a little early, it was not unusual to find Caddo County Circuit Judge Opal Sage in chambers with her boots up on her desk, waxing philosophical. While Opal took her sartorial cues from Judge Mule “Bill” Wilson, her beau ideal as a judge, as she often told Melangé Maison, her long-time case coordinator, was the late U.S. District Judge Gordon Young.

Young at heart...

Judge Young was a vocal exponent of the notion that most cases could and should be settled, to hold down time, risk and expense, if for no other reason.

He would call opposing counsel in and review the strengths and weaknesses in their respective cases. Lawyers on both sides would leave these “lovin' sessions” convinced that settling was necessary to avert disaster.

The week in review...

These Friday afternoon sessions were often frequented by Coon Dog Twichell, bearing a cold six-pack of root beer. After speculating on the upcoming performance of the local community college team, the River Valley Varmints, they moved on to recent cases, usually those that should have been settled, but weren't.

“You know,” mused Twichell, “I believe that in this contentious era it is harder and harder for good lawyers to get clients to be reasonable about compromise and settlement, even about piddly cases.”

Out of bounds...

“Like Crit Roberts’ numerous boundary line cases,” agreed Opal, “some of which have involved inches! He could get his neighbors in most instances to recognize an overstep with a recorded memorandum of permissive use---agreeing to take some action if and when it made diddly squat difference!”

“I have tried to get Crit to read Cliff McKinney and Professor Foster’s seminal article in the Spring 2011 UALR Law Review on Adverse Possession and Boundary Lines by Acquiescence, but would he do that? Of course not.”

Melangé also reminded them that it was frequently beneficial to compromise such matters before they ever get to be standoffs: Crit had refused to close a purchase down by Big River because the owner, Wingfield Baucom, wouldn’t make his uncle give up his vegetable garden on the land, although Baucom had offered a simple compromise.

Two months later Baucom sold it to a marina developer, for a lot more money and the same compromise.

And out of luck...

“Which reminds me” said Melangé to the judge, “don’t we need to get Mr. Twichell and J. Noble Daggett in here to settle that contested partition suit that involves 27 heirs, if you count the ones born out of wedlock?” Which took all of the fizz clean out of Coon Dog’s root beer...

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