

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

APRIL 1991

President's Column

Leonard Van Slyke



It has truly been an honor to serve as your President during the past year. You have displayed a magnificent spirit as we all worked together in "Making a Case for a Better Community."

We are ending the year on a high note with our People's Law School. Many of you have given freely of your time to help make this a success through work with the committee that planned it and as speakers. The public has responded magnificently with more than 40 registrants for the first session and even larger registrations for some of the later sessions. This is truly a public service of a type in which lawyers should be involved. We are deeply indebted to *The Clarion Ledger* for its help in advising the public of the availability of this educational opportunity through free advertising and printing, as well as a news story.

The People's Law School and the Habitat project, as well as ongoing projects such as your essay contest and legislative tours for school children, typify the public service commitment that I see evident in the bar. Perhaps we simply need to allow the public to see more of this side of us as one way of improving the image problem of which we are all acutely aware.

This is my last column, and I would be remiss if I did not extend a special thank you to our Executive Director, Pat Evans for all of her

MC Law School Dean Announced

J. Richard Hurt has been named Dean of the Mississippi College School of Law by President Lewis Nobles and the Board of Trustees. Hurt, MC Law School Associate Dean and Professor of Law, will succeed Dean Alton H. Harvey who is retiring on May 31, 1991.

"I look forward with great enthusiasm to working with my colleagues on the faculty, our alumni, and other members of the practicing bar to ensure that Mississippi College not only provides the highest quality legal education, but continues to promote the highest standards in the legal profession itself," says Hurt.

A native of Laurel, Hurt was reared in Cleveland and received a Bachelor of Arts with Honors from Mississippi College, a Master of Arts and a Juris Doctor from Baylor University, and a Master of Laws from Yale University.

While a student at Mississippi College, he was the recipient of the Eugene I. Farr Scholarship, a member of Omicron Delta Kappa, editor of the Mississippi Collegian and selected for Who's Who Among Students in American Universities and Colleges. At Baylor, he was president of the law school's senior class, a member of the Student Bar Association Board of Governors and Phi Delta Phi.

Hurt was honored as the Outstanding Young Lawyer of Mississippi in 1990 by the Mississippi State Bar Young Lawyers Division and was the MC School of Law Outstanding Professor of the Year in 1988 and 1990. A past participant in Mississippi Economic Council's



Leadership Mississippi, he is included in Who's Who in American Law and was a National Endowment for the Humanities Fellow for the U.S. Constitution Bicentennial Seminar for Law Professors held at New York University in 1987.

In 1980, Hurt began his teaching career as an assistant professor at MC School of Law, becoming a full professor in 1988. He has also served as Assistant Dean for Academic Affairs and has chaired numerous law school committees. In the summer of 1988, he was a Visiting Professor of Law at Baylor University.

Admitted to practice in Mississippi, he is a member of the Jackson Young Lawyers, Hinds County, Mississippi State and American Bar Associations. For six years, he represented the law school on the Board of Directors of the Mississippi State Bar Young Lawyers Division.

Dean Hurt and his wife, the former Jan Jones, have two daughters, Rosanna Marie and Jan Elizabeth. The family is active at Northside Baptist Church in Clinton where he served as chairman of the deacons.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

April 16, 1991

12 Noon

\$8.90

Capital City Petroleum Club

The speaker will be Charles Mikhail.

President's Column cont...

work in making the Hinds County Bar a strong and vital association. It is impossible for the membership to be totally aware of the commitment she makes to this "part-time" job and the splendid job that she does.

I also very much appreciate the time and devotion of the Board of Directors and all of the committee chairs. The depth of involvement of these people make the difference between "business as usual" and the type of results of which we can all be proud. Special bouquets to Rowan Taylor, Ben Piazza, and Liza Purcell of the Habitat Committee, Richard Hurt of People's Law School, Marcus Wilson and his Membership Committee who led us to a record membership, to Don Nichols for his usual fine job with Law Related Education, to Henry Clay and Leyser Morris of the Black Lawyer Participation Committee who helped us begin to understand how we can become more inclusive and involve all lawyers in building a stronger bar, and to Linda Greaves and Fulton Thompson who struggled mightily so that we could have both a bar directory and attorney rooms in both the Circuit and Chancery Courthouses which will be of use to our members for years to come. The Legal Economics and Women in the Profession have served us through surveys and informational programs that advise the members of the bar and law students of valuable factual data that help us achieve our financial goals in an atmosphere of professionalism. Other committees such as Continuing Legal Education, Child Advocacy, Long Range Planning, and Medical-Legal Liaison have laid the foundation for results to be reaped in the future.

And now this President and Board leave the leadership of this Association in great hands. With Richard Montague stepping up as your President, Hal Miller as President-Elect, Ben Piazza as Secretary, and Marcus Wilson and Henry Clay as new directors, the future is bright. We celebrate the accomplishments of this year and look forward to an even better year in the 12 months that follow.

HCBA CALENDAR OF EVENTS

April 16

HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

June 18

HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

August 20

HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

October 15

HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

December 17

HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

CLE CALENDAR OF EVENTS

April 20

Ole Miss Law Weekend. UM Center for CLE. Oxford, MS.

April 23

Transfer of Wealth Considerations - Is Estate and Tax Planning Still Possible? UM Center for CLE. Jackson, MS.

April 24

What to Worry About in Forming and Dissolving a Law Practice Partnership. UM Center for CLE, Jackson, MS.

April 25

Understanding Bankruptcy for the Nonspecialist. UM Center for CLE. Jackson, MS.

April 26

Legal Writing. UM Center for CLE. Oxford, MS.

April 26

Rules of Evidence. MTLA. Jackson, MS.

May 2 & May 3

Spring Pension and Employee Benefits Update. UM Center for CLE. Jackson, MS.

May 7

Tax, Personal and Estate Planning for Lifestyles of the '90's. UM Center for CLE. Jackson, MS.

May 9

Hazardous Waste and Superfund Update. UM Center for CLE. Jackson, MS.

May 10

Legal Writing. UM Center for CLE. Jackson, MS.

May 14

Special Issues of Professionalism and Ethics in Bankruptcy. UM Center for CLE. Jackson, MS.

May 17

Fundamentals of Chapter 7 and Chapter 13. MS Bankruptcy Conference. Jackson, MS.

May 22

How Legal Secretaries Can Help in the Preparation and Litigation of a Products Liability Case. UM Center for CLE. Jackson, MS.

May 23

Litigation Program. UM Center for CLE. Jackson, MS.

May 24

MTLA Annual Convention. Jackson, MS.

The Triumph of Politics*

By Captain Equity

What was the best thing about the Persian Gulf War aside from it being over? Without even three seconds of doubt, it was the unexpected, albeit welcome six week respite from partisan politics. While I'm not saying that war is preferable to politics, I am suggesting almost anything else is. And if public opinion polls count for anything, apparently a large percentage of Americans agree.

As stressful as Desert Storm was, it was satisfying and at times inspiring to share a common hope and purpose with so many nameless faces scattered about America, joined only for a little while by circumstance. After living through the nightmare of Vietnam where innocent kids were sent off to kill and be killed for uncertain reasons only to return home under a cloud of disdain and contempt, this was a clarifying national experience. Regardless of where Americans stood on the advisability of hostilities, almost everyone understood that our troops were making a personal sacrifice to rectify a tyranny not of their own making. The near unanimity of home support was a healthy response by an American public bloodied and demoralized by a decade of victimization at the hands of lawless thugs armed with their respective weapons of choice — Saturday Night Specials and Waterman fountain pens. For once, that broad cross section of non-celebrities once described by Richard Nixon as the Silent Majority permitted themselves to care and contribute with one voice. Notably absent were the cellular phone-addicted, Beltway bandits wheeling around in their late model, bottom-of-the-line BMWs with Virginia plates; the precocious, easy smiling PAC men paying their dues toward an Under Secretaryship or a VP slot with Raytheon or both; and the herds of artificially interested, ambition-driven Presidential candidates boarding commuter flights at O'Hare en route to Davenport and Des Moines. Instead, for a few weeks we were given some genuine heroes who exemplified the best of

American idealism — duty, leadership, competence, toughness, and compassion. These values, missing in action for much of recent memory, were personified by Generals Powell and Schwarzkopf, Secretary Cheney, and yes, a temporarily apolitical President of the United States, George Bush. It is a shame that it took a war and 124 dead American soldiers to bring the country together by sending politics into hibernation. Unfortunately, earthquakes, floods, assassinations and precious little else prompt the same results. That is a tragedy. But that aside, it sure felt good. And it sure didn't last.

Item: Shortly after the cease fire, President Bush spoke to a joint session of Congress which was nationally televised. Republican operatives showed up at the Capitol with carloads of little American flags to be handed out to GOP Senators and Representatives strictly for the benefit of the television audience. Craven Democratic Party operatives realized they had been out flanked by equally craven, flag bearing Republican foot soldiers. Frenzied bargaining ensued. By air time, all 525 elected "leaders" were securely wrapped in the stars and stripes, eagerly prepared to usurp and exploit the bravery of half a million uniformed service men and women who have never taken a dime from the S&L lobby, the NRA, or anybody else with an agenda, a shiny suit and a bank roll. Bigtime national politics replete with its grand hypocrisy and stomach-turning silliness was back with a vengeance.

Item: Sen. Alan Simpson (R-Wyo.) questions Peter Arnett's patriotism. Rep. Newt Gingrich (R-Ga.) and Sen. Phil Graham (R-Tex.) question the allegiance of Democrats who voted against the war resolution. And though we'll never know, thank goodness, had thousands of human remains pouches started turning up at the Air Force Base in Dover Delaware, there would have been those elected officials with a D suffix who would have surely taken the 52 Senators voting yes on the war to task along

with all the other hawks who were compelled to abandon sanctions in favor of air strikes. Forget about freedom of conscience. Forget about why the first amendment is a fundamental national value. Forget about the 124 dead and the hundreds of thousands of American families from San Diego to Virginia Beach turned upside down by the deployment to Saudi Arabia in the name of safeguarding conscience and expression. Once again, witness the triumph of politics.

Meanwhile, back in the United States of America, far from Kuwait City, Basra, and Baghdad, handgun murders climb, the deficit grows and domestic grid lock returns. But something is different. Many of us had a rare opportunity to experience life as Americans rather than life as Republicans or Democrats. For some, it was the first time. Perhaps, there is enough momentum, enough good feeling, enough consensus left in the afterglow of this defining American experience to alter business as usual as it is practiced in the halls of government and in the warrens of K Street offices in D.C. by our glorious "leaders" and their hordes of disingenuous logisticians.

Perhaps.

* With apologies to David Stockman, author of a book by the same title with essentially the same message.

Public Defender's Position

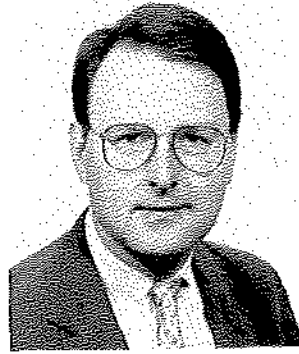
The HCBA is accepting applications for a Hinds County Public Defender position. The salary will be commensurate with the District Attorney.

**Application Deadline - May 1
Decision to be Made - July 1**

Applications (resume/cover letter) should be sent to:

HCBA
151 E. Griffith St.
Jackson, MS 39201

Montague To Head HCBA



Richard A. Montague, Jr. will assume the office of president of the Hinds County Bar Association at the April 16, 1991 luncheon meeting of the association. A native of Hattiesburg, Montague received his

undergraduate degree, Magna Cum Laude, and his law degree from Vanderbilt University. Since entering private practice in Jackson in 1980, Montague has developed a bankruptcy, loan workout, and commercial litigation practice. He has appeared on several seminar programs and has lectured on a variety of topics in the areas of workouts, foreclosures, and bankruptcy. He is a partner in the law firm of Heidelberg & Woodliff where he chairs the bankruptcy practice group.

Currently president-elect of the HCBA, Montague has previously served as a director and as secretary-treasurer of the HCBA, as chairman of the Budget and finance Committee and as editor of the HCBA Newsletter. He currently serves on the Board of Directors of

Habitat for Humanity/Metro Jackson, Inc. He previously served as president of the Jackson Vanderbilt Club. Active at Northminster Baptist Church, Montague serves as chairman of the Usher Committee and as a member of the Finance Committee. He and his wife, Noni, have two children, Katherine, age 8, and Lois, age 6.

Serving with Montague will be: Vice President and President Elect Harold D. Miller, Jr.; Secretary-Treasurer Ben J. Piazza, Jr.; Director-Post 1 Henry C. Clay, III; Director-Post 2 Marcus M. Wilson; Director-Post 3 Linda Greaves; Director-Post 4 Richard C. Roberts, III; Past President Leonard D. Van Slyke, Jr.; Past President - Jackson Young Lawyers John E. Wade, Jr.

Charles Mikhail To Speak at April Meeting

"Zionism Versus Palestinian Nationalism: A Brief History and the Prospects for Settlement"

Charles Mikhail was born in Jerusalem, Jordan (now Israel), in 1956, to an American mother and a Palestinian father. He was raised on the Israeli-occupied West Bank, has travelled widely in the Middle East, and is fluent in Arabic. He received his undergraduate train-

ing at Bir Zeit University on the West Bank and at Bob Jones University in South Carolina and earned a master's in history and a law degree from Mississippi College. He was admitted to the Mississippi Bar in 1980 and the Wisconsin Bar in 1983.

In 1986, after serving as Adjunct Professor of Legal Research & Bibliography at Mississippi College, Charles pursued additional graduate study at Harvard University in affiliation with its Committee on Middle Eastern Studies. He was poised to begin work on his doctorate at Cornell University in the fall of 1987 but suspended his plans,

returned to Jackson, and assumed his current positions as Assistant General Counsel of the Mississippi State Bar and Adjunct Professor of Modern Middle East History at Mississippi College.

Charles is married to the former Wanda Whigham of Pascagoula, Mississippi, and together with their three children, make Clinton their home.



JUDICIAL RECEPTION

The Hinds County Bar Association recently hosted a reception at the MS Bar Center honoring two new judges, Supreme Court Justice Fred L. Banks, Jr., and Circuit Judge James E. Graves, Jr.



Supreme Court Justice Fred L. Banks, Jr. and Mrs. Banks.



Circuit Judge James E. Graves, Jr. with his parents, Mr. and Mrs. James E. Graves, Sr.

Law Office Economics: Is a Defined Contribution Plan Right for Your Firm?

By: James E. Moss, Jr., Trust Officer, Trustmark National Bank

A decision about the type of retirement plan which best suits the needs and goals of a corporation or professional association must be weighed on the facts and circumstances surrounding its working environment. Normally, a defined contribution plan will suffice any economic atmosphere. A defined contribution plan is a retirement plan that provides for contributions to be allocated into individual participant accounts together with any income and expenses which arise during the plan year. Defined contribution plans exist in different ways and fashions. The three most popular defined contribution plans are: profit sharing plans, money purchase pension plans, and 401(k) plans.

A profit sharing plan is a defined contribution plan in which the company makes discretionary contributions to the plan each year. Although contributions are theoretically based on the company's profits, profits are not necessary to make a contribution. Further, no annual contribution is required even if profits are made during the year. The maximum contribution in a given plan year is 15% of compensation of eligible employees, with a maximum contribution of \$30,000 to any participant.

A money purchase pension plan is a defined contribution plan in which the contribution is a defined percentage of each participant's compensation. The contribution is mandatory each year even if the company has no profits. Some companies have both a money purchase plan and a profit sharing plan. However, if a company does have a profit sharing plan and a money purchase plan, the maximum contribution for any individual would be the lesser of \$30,000 or 25% of compensation.

A 401(k) plan is a defined contribution plan which offers eligible employees the opportunity to voluntarily elect to defer part of their compensation instead of receiving it in cash. By making this election, the participant contributes the deferral by payroll deduction to the plan and avoids paying income tax on the

amount until he or she withdraws it from the plan. The maximum elective deferral for any individual for 1991 is \$8,475, subject to annual addition set forth above. As an incentive to contribute to the plan, the employer may match the employee's contribution to the plan as well. Further, the 401(k) can also allow profit sharing contributions described below.

Although most plans run smoothly, problems can arise very easily. A few of the common problems in plan administration include the discrimination tests of 401(k) plans, coverage requirements, and costs in maintaining a retirement plan.

A special non-discrimination test must be performed each year on plans which have elective contributions. This test, the actual deferral percentage test (ADP Test), is devised to limit the percentage of elective deferrals made by "highly compensated employees" in relation to elective deferrals made by "nonhighly" compensated employees." Without getting into the mechanics and the complexity of the test, if the test fails, corrective refunds of excess deferrals must be made to highly compensated employees within 2 1/2 months after the end of the plan year or the Employer must pay a ten percent penalty tax on the amount of the excess deferrals. If the excess deferrals are not corrected within 12 months, the plan could risk disqualification. If that weren't enough, the recipient of the excess deferral must include the amount as ordinary income in the year the deferral was made. Employer Matching Contributions must also pass the same rigorous test as well, but under a different name, the ACP Test.

Another area where problems could arise is coverage requirements. Depending on eligibility and participation requirements that each particular plan imposes, prime candidates for administrative oversights include runners, part-time law clerks, and shared office personnel. When preparing year end informa-

tion for your actuary or CPA, always include an employee if you have any doubt as to his or her eligibility.

Maintaining a retirement plan also involves some expenses. An allocation of contributions and investment earnings must be performed at least annually. A participant should receive a statement of his individual account at least annually. An IRS Form 5500 Series must also be prepared and filed with the IRS no later than seven months after the end of the plan year. Further, a Summary Annual Report must be provided to each participant no later than nine months after plan year end. Investment expenses such as trustee's fees, investment manager's fees, and/or custodial fees are also considered as costs for maintaining a retirement plan. All expenses can be paid directly from the plan or, in the alternative, directly paid by the employer. If paid directly by the employer, the employer may take a tax deduction for this expense.

As one can see, the decision to implement a retirement plan should not be taken lightly. All factors must be considered on the front end. The employer must determine first if a defined contribution plan can fit into his budgetary circumstances and secondly which type of plan would best benefit all employees.



HCBA MEMBERSHIP MEETING - I.S. Leevy Johnson, (center) former president of the South Carolina Bar, was the speaker at the February meeting. He is shown with Leonard Van Slyke, HCBA President, and Mildred Morris, HCBA Program Chairman.

OFFICERS

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Past President

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Linda Thompson Greaves - Post 3

Richard C. Roberts, III - Post 4

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Patricia H. Evans

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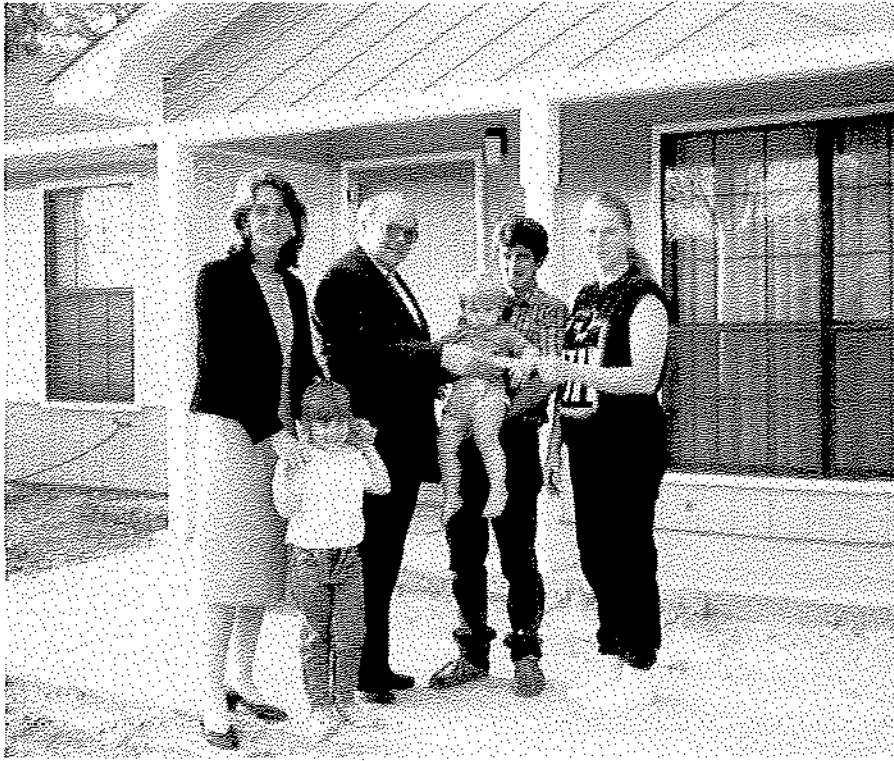
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Captain Equity
Contributing Editor

Correspondence regarding the newsletter should be directed to: Editor, 151 E. Griffith St., Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 944-1950.



The HCBA recently presented a "house warming" gift certificate to our Habitat family. Pictured are Liza Purcell, HCBA Habitat Family Liaison Chairman, Leonard Van Slyke, HCBA President, Raymond and Sharon Skinner, homeowners, with their children, Heather and Jeremy.

Hinds County Bar Association, Inc.

151 E. Griffith Street
Jackson, MS 39201

FIRST CLASS

**IMPORTANT
HCBA Luncheon Meeting
12 Noon, April 16**

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

AUGUST 1991



President's Column

Richard Montague

George Woodliff, III, a truly fine gentleman and consummate professional, recently resigned from law practice to become an Episcopal Priest. During his 17 years as a lawyer, George exemplified the highest standards of quiet leadership and stewardship. No doubt he has chosen a higher calling. One of George's parting comments to those of us privileged to be his law partners identified what maybe the central issue facing lawyers during the next decade. Paraphrasing George: How can we maintain our professionalism and survive in the marketplace? As in most of life's issues, there is no easy answer.

Lawyer advertising has become the lightning rod for public complaints about the lack of professionalism among lawyers. A review of the yellow pages might lead one to think that competition in the marketplace now completely overshadows professionalism. The flight of lawyers to Bhopal after the chemical disaster is often cited as a glaring example of the lack of professionalism among lawyers today. Most of us would never fly to a disaster area for personal gain, would never chase an ambulance, but simply want to make a decent living practicing. As we treat our

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Alex Alston to Speak at HCBA Luncheon

Our speaker at the August 20, 1991 HCBA luncheon will be Alex Alston. His topic will be "The Mississippi Bar - Professionalism and Civility." Alex, whose hometown is Hollandale, Mississippi, graduated from Millsaps College with a Bachelor's degree in 1958. After serving four years as an officer in the United States Marine Corps., he returned to Mississippi to attend the University of Mississippi School of Law, from which he was graduated with distinction in 1964. Alex is a partner in the firm of Thomas, Price, Alston, Jones & Davis.

While in law school, Alex was a member of Phi Delta Phi and Omicron Delta Kappa. He also served as the Case Note Editor and Editor-in-Chief of the *Mississippi Law Journal* and was awarded the Dean Robert J. Farley Award for having attained the highest grade point average in the graduating class. Since entering practice, Alex has been chosen to serve as member of the American Law Institute. He is an elected member of the American College of Trial Lawyers and past president of the Jackson Young Lawyers Association. Alex has also served as

...continued on page 2



Rob McDuff (left) was the speaker at the June HCBA Membership Meeting. He is pictured with Richard Montague (center) and Henry Clay (right).

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

August 20, 1991

12 Noon

\$9.00

Capital City Petroleum Club

The Speaker will be Alex Alston.

President's Column cont...

law practices more like businesses, must professionalism necessarily suffer? Probably. Lawyers have no one to blame for decline in professionalism except ourselves. As Pogo once said, "We has met the enemy, and they is us."

Unfortunately, all of us must spend some of our time "marketing." How we do this may be the key to maintaining lawyer professionalism. One small suggestion: give more of yourself than you expect to get in return. Try to take a long term view of your career. Do this for your paying clients and your non-paying clients. Let all of us, those of us who market with full page ads in the yellow pages and those of us who market on the golf course, concentrate first and foremost on the quality of our work. Isn't that the real issue?

One way to enhance the quality of our work is through continuing legal education. One way to enhance the quality of our lives is

through family vacations. The Hinds County Bar Association is offering you a way to enhance both at the same time by scheduling a CLE program in Park City, Utah during Spring Break 1992. If you are considering a family ski vacation in 1992, please consider the Park City CLE program offered by the HCBA described elsewhere in this newsletter.

One final comment. Thanks to Captain Equity for the culinary tour of Jackson in the June issue of *HCBA News*. C.E. overlooked one of the most interesting and enjoyable dining experiences in Jackson - The Everyday Gourmet Cooking School. Never mind that you might learn something during the class - you get to eat the lesson. I recently attended "Fish on the Grill," taught by Chan Patterson. The education and the grilled salmon, snapper and catfish were excellent.

Speaker cont...

Commissioner of the Mississippi State Bar, Chairman of the Budget Committee, and Trustee of the Mississippi Bar Foundation. As a Division Chairman, he raised substantial funds for the construction of the Mississippi State Bar Association building. Alex is a member of the Lamar Order, University of Mississippi, and serves as master and program chairman of the Charles Clark American Inns of Court.

His local civic activities include serving on the boards of the Pearl River Basin Development District, Mississippi Indigent Defender, Inc., the Heritage School for special children, and, for over twenty years, Scoutmaster of a local Boy Scout troop.

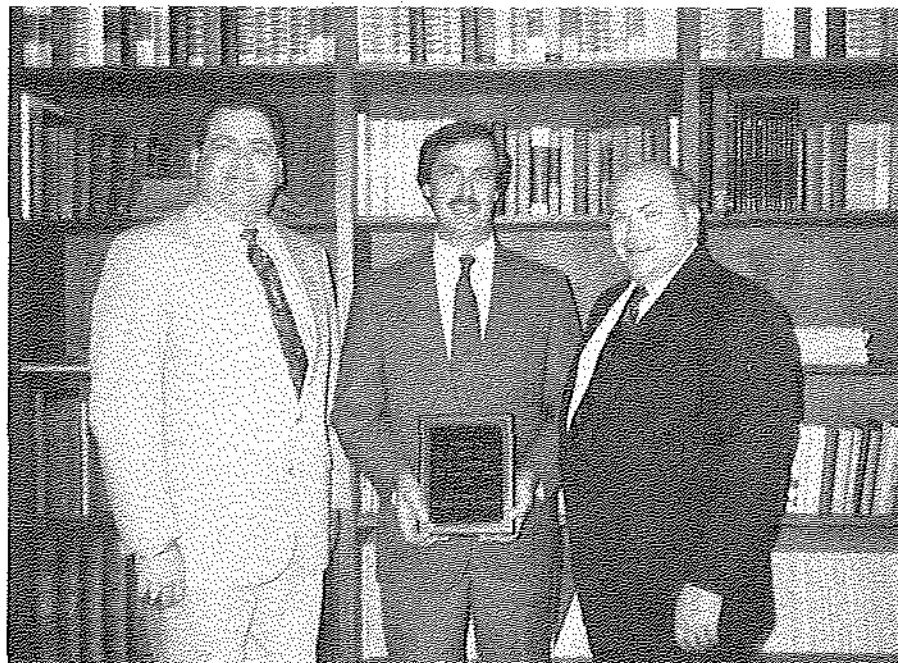
Effective September 1, 1991 Chancery Court Cost Deposits Will Be As Follows:

- (1) No Fault Divorce - Deposit of \$30.00
- (2) Complaints Other Than Ex Parte Matters - Deposit of \$75.00
- (3) All Ex Parte Matters - Deposit of \$25.00
- (4) Upon Filing A Counterclaim Or Crossclaim, The Defendant Shall Deposit \$25.00
- (5) The Clerk May Require An Additional Deposit When The Deposit Is Exhausted.

PASSED BY CONFERENCE
OF CHANCERY JUDGES
APRIL 18, 1991
(EFFECTIVE THAT DATE
PER MRCP 3(a))

THIS IS UNIFORM
THROUGHOUT THE STATE OF
MISSISSIPPI IN CHANCERY
COURT.

NOTE:
All deposits not used will be refunded.



The *Clarion Ledger* was given a plaque at the June HCBA Membership Meeting in appreciation of its co-sponsorship of the 1990 People's Law School. Presenting the plaque to Thomas J. Shafer (center), President and Publisher of the *Clarion Ledger*, were Richard Hurt (right), Chairman of People's Law School, and Leonard Van Slyke (right), HCBA Past President.

ALI-ABA Videotapes Available

Members of the Hinds County Bar Association have access to VHS tapes produced by the American Law Institute-American Bar Association Committee on Continuing Professional Education. Through a cooperative arrangement with HCBA, the Mississippi College Law Library allows bar members to check video tapes out for a one-week period.

The current ALI-ABA collection includes:

- From Law School To Law Practice, Parts I & II
- Rule 11 Sanctions
- Legal Opinion Letters
- Representing Corporations in Environmental Criminal Cases
- When an Individual or Small Business Goes Broke: Bankruptcy Law Basics for General practitioners
- Federal Civil Tax Practice Penalties Reformed: Impact of the 1989 Improved Penalty Administrative and Compliance Act
- How to Establish the Criminal Insanity Defense
- Tax Planning for Individuals and Businesses Under COBRA, 1990
- Effective Opening Statements: Your Case in "Word Pictures"
- Effective Closing Statements: The Use of Word Pictures
- Estate Planning For the Unmarried
- Law Firm Marketing and Professional Responsibility
- Getting Inside the Jury Room: Using Mock Juries to Predict Damage Awards
- Counseling the Business Client in a Changing Antitrust Environment

New tapes are received on a monthly basis.

Tapes can be "checked out" at the Circulation Desk for one week but are only available between 8:00-6:00, Monday-Friday.

Under Mississippi's CLE rules, home viewing of video tapes does not qualify for CLE credit.

Hinds County Bar Plans CLE Seminar in Park City, Utah March 7-11, 1992

The HCBA Continuing Legal Education Committee is pleased to announce the First Annual Hinds County Bar Association Litigation Seminar scheduled March 7-11, 1992 at Park City, Utah. CLE Committee Chairperson Ed Lawler has arranged an excellent package with Bryan Tours of Jackson, which will enable seminar participants to combine 12 hours of CLE with a family ski vacation in one of the world's premier ski areas, Park City, Utah.

The seminar will coincide with spring break for Jackson public and private schools. The format of the seminar will include four hours of CLE per day beginning Sunday, March 8, 1991 and continuing through Wednesday, March 11, 1991 from 7:30 a.m. to 11:30 a.m. each morning. This will give all participants free time for skiing or other winter mountain recreational activities each afternoon, plus full days of skiing Thursday and Friday, if participants intend to make a week long trip.

HCBA and Bryant Tours have reserved a block of rooms at the Olympia Resort Hotel and Convention Center, the location of the seminar. Brochures will be mailed out to all attorneys in the Hinds, Madison and Rankin Counties with cost information and information about the educational program.

The committee chose Park City for the location of this seminar because of the excellent skiing, the excellent facilities and easy access from the Salt Lake City airport. Park City is approximately 45 minutes from the Salt Lake City airport. It is possible to leave Jackson on an early flight and be on the slopes at Park City by 1:00 p.m.

The Hinds County Bar Association must have at least 20 reservations for the seminar by October 15, 1991 in order to avoid cancellation. We hope there is enough interest among the approximately 2,000 lawyers in the Hinds, Madison and Rankin County practice areas to make this an annual event.



Newly elected board members of the Hinds County Bar Association for 1991-92 are: (seated) Harold D. Miller, Jr., President Elect; Richard A. Montague, Jr., President; John E. Wade, Jr., director; (standing) Ben J. Piazza, Jr., Secretary-Treasurer; Richard C. Roberts, III, Director; Linda Thompson Greaves, Director; Henry C. Clay, III, Director; and Marcus M. Wilson, Director. No pictured is Past President, Leonard D. Van Slyke, Jr.

Questions About Guns, Pregnancy, and Children

By Captain Equity

As it turns out, the Gulf War came at just the right time. In classic, turn-back-the-clock American fashion, we finally found ourselves on the right side of a fight someone else started. When diplomacy failed, we substituted our money and national resolve for the rhetoric of the Japanese, Germans, French, Soviets et al. The result was a first round TKO while the other self-proclaimed heavyweights shadow boxed in their dressing rooms. As long as we could dismiss 100,000 dead Iraqi soldiers and many more displaced Kurds, Palestinians and Iraqi civilians as merely unfortunate, yet necessary victims of Mr. Hussein's ambitions, (which we have), the way was cleared for a sparkling moment in our national history. The confluence of our collective will and overwhelming techno-muscle in Desert Storm, along with the export of our consumer-friendly culture to most of the noncombatant, industrialized world has demonstrated that America is not only a form of government and a way of doing business to be copied, but that we are also a faithful ally not to be taken lightly. Thanks to Americans as disparate as George Bush, Madonna, Norman Schwarzkopf, Michael Jackson, and James Baker, the 90's has witnessed a rush of nation-states seeking to emulate the American democratic-model. They are waving the stars and stripes in such unlikely places as Eastern Europe, much of the oil producing Middle East, and even Tirana, Albania, of all places. The strident threats of our detractors have been replaced with muted grumbles and grudging respect in the aftermath of the desert war.

Not bad America. We have good reason to be proud of our accomplishments. Unfortunately, too many have mistakenly used our foreign policy triumphs to exploit, escape or just ignore a malignant shame and panic that is tearing at the guts of America's domestic health and vitality. To paraphrase Dr. Hunter S. Thompson, the hog is out of the tunnel; there is a fear and loathing about in the land. At the risk of pounding everybody's hot

buttons simultaneously, let me reference some recent news items to give shape to the menace that threatens to melt down the melting pot even as millions seek to embrace the American example.

Item: Matt Devenney, 33 is fatally shot outside the Stewpot in Jackson, Mississippi, by deranged soup kitchen regular John Smith, 37. Murder Weapon: Handgun purchased at a pawn shop.

Item: Louisiana Legislature overrides first gubernatorial veto this century to adopt a draconian anti-abortion bill that makes no allowance for pregnancy termination in the event of a deformed fetus or a rape reported after seven days; Doctors performing abortions can be sentenced to ten years in prison. Meanwhile, the U.S. Supreme Court in *Rust v. Sullivan* effectively subverts the Doctor-Patient relationship by forbidding physicians working in clinics receiving federal funding from even discussing pregnancy termination as an option for their patients.

Item: National Commission On Children reports that one of every five children in America lives in poverty. It cites single parent homes, parental drug and alcohol abuse, minimal formal education and systemic welfare dependence as root causes of an exploding domestic crisis.

Meanwhile, back in workaday America, highly paid analysts endlessly proclaim the end of the recession as millions look for work; pro basketball players are paid not so small fortunes to dangle \$100 plus pump-shoes in front of too many kids who have never heard of Ben Franklin or who can't count to a hundred or both; well heeled NRA lobbyists fight a minimal gun purchase waiting period to perpetuate their compensation packages and the gun industry's recession proof status; Pro-life press releases advocate forced births without any mention of what happens to the kids after they trade in the label of unborn for unwanted.

On the solution side of the ledger everyone agrees education is the long term answer. Yet, the reality is that public school funding declines,

test scores continue in free-fall, school dropouts increase, and the brightest college grades scramble to get into law school, med school or business school. The Haves do better; the Have-Nots do worse.

Front and center in the national self esteem department, there is always another yellow ribbon ticker tape parade or diversionary TV Special featuring Bob Hope, Lee Greenwood et al.; John Sununu entertains us with yet another explanation of yet another personal trip at government expense while his boss declares war on yet another domestic evil while ducking questions about money to pay for it. And out there on the street, almost everybody with something to lose rightly derides street criminals, during users and deadbeats. The frustrated and frightened too often respond with pointed fingers. Labels (conservative, liberal, Anti-American, Anti-____) pass for solutions; punishing enemies gives the illusion of control. All the while America desperately searches for something positive and/or non-threatening to occupy its collective attention span.

Bottom Line: Hysteria mounts, shame spreads, and panic gains. Each numbing day we are all a bit more cynical, scared, and saddened and certainly poorer of spirit for the dream that has become America's nightmare.

So, there it is, our seemingly insoluble domestic shame perched uncomfortably astride our glittering international calling card. All of it prompts the following questions: (1) In General - It is possible that all of these problems might just be connected? If so, are single issue PACs and slogan-shouting, ambition-driven ideologues the best we can offer to fashion lasting solutions? Could common sense, citizen involvement, tolerance for others, and re-examination of long held perceptions and attitudes help? Would consistent, non-self-serving practice of Judeo-Christian principles, held so dear and proclaimed so loudly and so piously by so many help solve any of our internal problems.

...continued on next page

Captain Equity *continued...*

(2) Pregnancy - Does anyone besides God really know when life begins? Is the right to quality of life a valid consideration in the debate over abortion? Does anyone really think that a pregnant woman relishes the horrific decision about how to deal with an unwanted pregnancy? Will wives, girlfriends and daughters of means from St. Charles Avenue to the Shreveport suburbs circumvent Louisiana's restrictive law by traveling to another state to have their unwanted pregnancies terminated? Might this include the female loved ones of Louisiana legislators? If you

were a woman in this situation, who would you rather consult in making a decision about your pregnancy? (Please choose one).

A. Your physician, the father, and your own personal code of moral and religious beliefs?

B. The Louisiana Legislature and Chief Justice Rehnquist?

(3) Children - If we really think educating our children is an important national priority, would it be appropriate to make teaching an attractive alternative to law school, med school or business school as is the case with public school teachers in Japan who average about \$60,000 per year and are universally re-

spected by the society at large? If the Education President were to declare another shooting war, would he give General Schwarzkopf 500,000 troops and hundreds of billions of dollars in weapons and logistical support or would he tell Stormin' Norman to get the job done ASAP with a dozen "goals" and a thousand points of light?

(4) Guns - Had there been a national, seven day waiting period as a precondition to the purchase of a handgun, would Matt Devenney be alive today?

These are just my questions. I'm sure you have yours.

Mississippi Bar To Consider Designation of Legal Specialists

By Luke Dove

For the first time in over 20 years, the Mississippi State Bar Association is considering a proposal to establish a Board of Legal Specialization and authorize the designation of legal specialists in certain areas of practice. A specialization committee, chaired by Charles Brocato of Jackson, was appointed to consider this issue following recent decisions of the United States Supreme Court upholding the First Amendment right of a lawyer to advertise certification as a specialist. The Mississippi Bar, in conjunction with the ABA and other state bar associations, is considering various plans to control the certification of specialists or to license and certify the different groups which offer specialist certifications. The stated purpose of the proposed specialization plan is to provide the public with information about lawyers who specialize and a method of finding a lawyer who is competent in a particular field.

At the recent bar convention, the specialization committee presented a draft plan of specialization to the Board of Bar Commissioners. The committee advocated the designation of legal specialists in four areas: Bankruptcy, Estate Planning and Probate; Labor and Employment Law; and Taxation. The Commissioners did not vote on the plan,

but it was presented to the membership for discussion. The specialization committee may also schedule regional meetings to discuss the plan with members of the bar and the public.

The committee originally considered designating ten areas of practice as fields of specialization. These areas were Bankruptcy, Civil Trial Advocacy, Corporate Finance and Commercial Law, Criminal Law, Domestic Relations, Estate Planning and Probate, Labor and Employment Law, Real Property Law, Taxation, and Worker's Compensation. However, six of the proposed specialty areas were eliminated in the draft plan. The committee recommended that a Board of Specialization initially establish designated specialties in the areas of Bankruptcy, Estate Planning and Probate, Labor and Employment Law and Taxation.

The proposed Mississippi plan is similar to a plan of specialization adopted in South Carolina. This plan will permit the Mississippi Supreme Court, acting by a Board of Specialization, to recognize the "designation" of lawyers as specialists in certain fields of practice. A "designation" as a legal specialist will differ from "certification", in that a designated specialist may not be required to be tested in his field of

specialty. Physicians, for example, may be board certified only after they have passed written and oral examinations administered on a national basis. Some states, such as Florida, permit both the "designation" and the "certification" of legal specialists.

The plan would empower the Mississippi Supreme Court to appoint a Board of Legal Specialization consisting of nine members to include lawyers who are in general practice as well as those who specialize. members would hold office for staggered terms of three years. The Board of Specialization would have general jurisdiction of all matters pertaining to regulation of specialization and recognition of specialists, and would have the power to establish procedures and criteria and to establish additional specialty areas of practice. This plan also contemplates that sub-committees would be established by the board to administer the designation of specialists within each recognized area.

Any lawyer designated as a specialist under this plan would be entitled to advertise that he or she is a "Board Recognized Specialist" in the particular specialty field of practice to the extent permitted by the Code of Professional Responsibility. This advertisement may include a note

...continued on next page

Designation continued...

on the attorney's letterhead and/or an advertisement in the yellow pages.

The proposed minimum standards for designation as a legal specialist would include: (1) payment of a fee (estimated to be \$100.00 to \$200.00 per year); (2) be licensed and currently in good standing to practice law in Mississippi; (3) have adequately demonstrated to the Board a "substantial involvement" in the proposed specialty area. The "substantial involvement" criterion requires the applicant to make a satisfactory showing, as determined by the Board after advice from the appropriate specialty sub-committee, of substantial involvement in the specialty during the five year period immediately preceding the application "according to objective and verifiable standards". Under the proposed plan, the substantial involvement requirement may vary from specialty to specialty, but, if measured on a time spent basis, in no event shall the time spent in the practice of the specialty be less than 50% of the total practice of a lawyer engaged in normal full time practice. Other criteria may be used to measure "substantial involvement" including the number or type of matters handled within a certain period of time. The committee proposed that, "in no event should (the requirements) be either so restrictive as to unduly limit recognition of lawyers as specialists or so lax as to make the requirement of substantial involvement meaningless as a criterion of competence".

In addition, the applicant must make a satisfactory showing of attendance at Continuing Legal Education programs for a minimum of twelve hours credit for each of the three years immediately preceding the application and must furnish, as references, the names of at least three lawyers, all of whom are licensed and currently in good standing to practice, or judges, who are familiar with the competence and qualification of the applicant as a specialist.

The period of recognition of a specialist would be for five years.

The Board of Specialization would require the specialist to pay an annual fee and demonstrate continued knowledge and competence in the specialty area, including "substantial involvement" in the specialty area during the period of recognition, together with continuing legal education credits of an average of 12 hours in each year during the period of recognition. The Board may also establish additional standards.

The proposed plan also empowers the Board to revoke recognition of a lawyer as a specialist under objective criteria including the failure to abide by rules and regulations and to pay the required fees, or the failure to be a member of the Mississippi Bar Association. Any lawyer who is denied recognition as a specialist or whose designation has been terminated or suspended shall have the right to a hearing before the Board and, thereafter, the right to appeal an adverse ruling to the Supreme Court under such rules and regulations as may be prescribed.

The proposed plan also provides that the financing of the specialization plan shall be derived solely from fees paid by applicants and participants in the plan. The Supreme Court may establish these fees in such an amount as may be necessary to defray the expenses of administering the plan.

A potential criticism of the proposed plan is the requirement that applicant spend at least a minimum of 50% of his practice in the specialty. In most communities other than Jackson, it may be difficult to satisfy this requirement due to the general nature of law practice. A well qualified tax attorney who practices in a smaller community may not be able to devote 50% of his practice solely to tax matters. Likewise, there may be attorneys throughout in the state who are well qualified in the proposed specialization area, but who, because of the size of their firm or the nature of their practice, are unable to devote 50% of their practice to the field of specialization.

The Specialization Committee plans further study of this issue before resubmitting the plan to the Board of Bar Commissioners.

HCBA CALENDAR OF EVENTS

August 20

HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

October 15

HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

October 29

Judicial Conference Reception. MS Bar Center. Jackson, MS.

December 5

HCBA Christmas Social. MS Bar Center. Jackson, MS.

December 17

HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

CLE CALENDAR OF EVENTS

August 29/30

Consumer and Housing Law Roadshow. MS Legal Services Coalition and SE Training Center. Jackson, MS

September 6

Bankruptcy Law Seminar. MS College School of Law. Jackson, MS.

September 27

Medical Malpractice Seminar. MS College School of Law. Jackson, MS.

October 24/25

Trial Advocacy Skills. MS Legal Services Coalition. Jackson, MS.

The Lawyers and Judges Assistance Program

By Helen Ridgeway

The problem of substance abuse (both alcohol and other drugs) among lawyers is not a new one. Each of us has observed this tragedy in our community, with clients and even among colleagues in law firms and the judicial system. We can no longer afford the illusion that substance abuse does not represent a real problem in the legal profession or that, if ignored, it will resolve itself with the passage of time.

Alcohol and drug addiction are not moral issues but are treatable illnesses. In the 1950's the American Medical Association formally recognized this condition as a disease, and the more recent research suggests that in a large number of cases it is a genetically transmitted disease. The technical definition of chemical dependency is that it is a physiological disease, and it has been likened to diabetes because it shares several common traits with that disease. Substance abuse may be arrested, not cured, by appropriate treatment. It is a progressive illness which only gets worse, never better, without treatment. It knows no social, economic or age barriers - lawyers and judges are no exception.

Characteristically, the lawyer who suffers from this disease denies that he or she has a problem and is unlikely to seek assistance as the disease progresses. Most often, family, partners, and other attorneys are aware of the problem and start out by covering up for the impaired person due to lack understanding of the disease. When we recognize that we are dealing with a disease which can be arrested, then we all want to be involved in the recovery process. The intervention of caring persons can often break through the denial barrier and lead to effective treatment. In fact, statistics show that the earlier the intervention, the better the chance for recovery. The myth that substance abusers cannot be helped until they "hit bottom"

and want help needs to be dispelled. Fortunately for attorneys, no one knows that better than the people who are involved in the various lawyers' assistance programs.

Currently, bar associations in all 50 states have established some type of lawyer assistance program. Attorneys can use these programs for confidential advice and counsel in handling concerns about their own chemical dependency or that of a colleague or family member. In 1988 the Mississippi Supreme Court amended the rules of discipline to establish a program of intervention and assistance for attorneys with substance abuse problems. This program was implemented by the Lawyers and Judges Assistance Committee. In February of this year, a director was hired part-time to administer the routine operations of the program.

The Lawyers and Judges Assistance Program is first and foremost an **absolutely confidential** method of providing help to impaired lawyers and their families and associates. Telephone calls or other communications from or about an impaired lawyer are received by the program director who is then responsible for getting immediate and confidential assistance to the lawyer. Often a lawyer from the same area who has recovered from the same type of impairment is contacted and will make a personal call to the lawyer in question. The program director may be personally involved in visiting with and assisting an impaired lawyer. If any type of treatment is necessary, the program director will help the lawyer find a place that suits his or her needs and work with the family and/or office to complete the details. The director also serves as a resource for callers seeking information about the disease and is available for presentations to law firms, local bar associations, etc. In short, the program and its many resources are

available to any lawyer in the state free of charge and in absolute confidence.

It is the responsibility of all of us to help those who may not recognize the need for assistance, and we need to take every step necessary to provide that assistance. Only by recognizing this responsibility can we prevent impaired lawyers from causing further harm to themselves and others.

How To Become a Positive Influence Towards Recovery:

- Never do for the addict what they should do for themselves
- Stop protecting
- Don't cover up; i.e., lie, cover bad checks, etc.
- Don't make things easy
- Stop trying to control
- Be realistic about events
- Respect their dignity
- Allow success or failure
- Be informed about addiction and its effects

How to Seek Recovery for Yourself:

Call 948-4471
and ask for
Helen Ridgeway
for
Confidential Assistance

Are you overwhelmed by
work-related stress,
marital conflicts, drug
or alcohol dependence,
depression or other problems?

There is help through the
Lawyers' Assistance Program

Call 968-5032

Mississippi Baptist Medical Center

**A service of the
Hinds County Bar Association**

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Correspondence regarding the newsletter should be directed to: Editor, 151 E. Griffith St., Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 969-6097.

Hinds County Bar Association, Inc.
151 E. Griffith Street
Jackson, MS 39201

FIRST CLASS

**IMPORTANT
HCBA Luncheon Meeting
12 Noon, August 20**

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

DECEMBER 1991



President's Column

Richard Montague

Are you an "information hoarder?" Do you shield information from your opponents, from your clients? Lately, I have been sensitive to criticisms of lawyers from whatever source. One criticism I have heard is that lawyers routinely conceal information from others, dole it out piecemeal and charge exorbitant fees for doing this. This criticism, like many criticisms of lawyers these days, is fair only to a degree.

There are many instances when hoarding information or keeping secrets is our ethical duty. In other instances making information available to others is our duty. We must continually exercise professional judgment to determine when it is appropriate to give out information and when it is not appropriate to give out information. It is our duty to know the rules, regulations and principles when govern the dissemination of information and it is our professional duty to apply those rules judiciously, effectively, efficiently and without improper purpose.

Our legal world today is so complex that it is often difficult to know which course of action is the right course of action in any given circumstance. The perception that lawyers inhibit information flow for personal gain only compounds the pressure on us when we must choose a course of action.

I recently had the pleasurable experience of having my deposition

...continued on page 2

Sue G. Hathorn to Speak at HCBA Meeting

Sue G. Hathorn, is currently Director of the Mississippi Committee for Prevention of Child Abuse, which sponsors the CASA (Court Appointed Special Advocate) Program and the Children's Advocacy Center. She has served as Volunteer Coordinator at the Hinds County Youth Court and as Director of SCAN (Suspected Child Abuse/Neglect) treatment center, which is now the Exchange Club Parent/Child Center. She earned a BS degree in Psychology from Belhaven and a MA degree from Vermont College. She holds memberships in several professional associations and councils concerned with child and family issues; and has been approved and received national Accreditation in Child Protective Services. She is the recipient of the 1989 Commissioner's Award from the



U.S. Department of Health and Human Services's Division of Administration for Children, Youth and Families for making a significant contribution in preventing child abuse in Mississippi.



Thomas Shafer, President and Publisher of the Clarion-Ledger (second from left), was the speaker at the October HCBA Membership Meeting. With Shafer are Leonard Van Slyke, Harold Miller and William Little.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

December 17, 1991

12 Noon

\$9.00

Capital City Petroleum Club

The Speaker will be Sue G. Hathorn, Director of the Mississippi Committee for Prevention of Child Abuse, and Judge James W. Smith, Jr.

President's Column cont...

taken by a Jackson attorney, who in this column shall remain nameless. Keith Raulston, one of my partners, represented me during the deposition. Keith objected to the form of several questions, thus impeding the flow of information. After one such objection, the deposing attorney smiled and told us that the objection had just caused him to make up his mind about something he had been seriously thinking about for several weeks. After the deposition was over, the attorney informed us that Keith's objection to the form of his question had cemented his decision to retire from law practice and go into private business. He said he was tired of the obstructionist and seemingly wasteful behavior that is so much a part of the practice of law. I empathize and sympathize with my deposing attorney but I'm not quite ready to throw in the towel.

At another point in the deposition, Keith objected to a question in which I was asked what position I was going to take on an issue in the case. Keith also instructed me not to answer. The objection was a good one that I would have made myself. The information sought was simply not a discoverable fact. After a brief argument between the deposing attorney and my attorney, during which "calling the judge" was discussed, we maintained our position and I did not answer that question on the record. We then went off the record and I told him exactly what my position would be. As a party

litigant I was quite willing to tell the lawyer on the other side exactly what my position was in the case and exactly what I intended to do. My lawyer wouldn't let me answer on the record. I agreed that I shouldn't answer the question, but I also know how a party in a lawsuit feels when the legalisms (even when used properly) inhibit the flow of information and thereby retard the dispute resolution process.

RULE 7 - RULES OF PROFESSIONAL CONDUCT

Please take notice that The Mississippi Bar will hold a public hearing December 17, 1991 at 1:30 p.m. at the Capital City Petroleum Club following our lunch meeting to receive comments concerning a draft of Rule 7 of the Mississippi Rules of Professional Conduct which will govern advertising in this state. A copy of the proposed Rule 7 is published in the October-November, 1991 issue of The Mississippi Lawyer.

These Rules were drafted by a task force of the Mississippi Bar appointed in 1990 to study how advertising of an attorney's services in Mississippi could be best regulated to inform and protect the public about what to expect from lawyer advertising. These Rules were authorized by the Board of Bar Commissioners to be the subject of public hearings at which time any lawyer, media representative or other member of the general public could comment upon any provision of the

proposed Rule.

While it is best to read the entire Rules to get an accurate understanding of them, the Rules will address many varied topics including:

- (1) The use of testimonials and comparison between attorney's services and fees;
- (2) The type of media that can be utilized when advertisements are used;
- (3) The format, tenor and content of radio and television advertisements;
- (4) The style and use of required disclaimers;
- (5) Pre-approval of advertising and solicitation materials by the Bar's General Counsel and fees for such services;
- (6) A 45-day waiting period before an attorney can send written material to a prospective client concerning an action for personal injury or wrongful death which relates to an accident or disaster;
- (7) The use of a factual statement detailing the background, training and experience of each lawyer or law firm that advertises;
- (8) Requirements that advertising material and specimen contracts use language that adequately informs the recipient that such materials are advertisements or are sample contracts; and
- (9) The listing of specific fields of practice and the requirements to be met for the right to list such fields of practice.

Skiers Gain CLE Bargain

By Edward E. Lawler, Jr.

If you plan to hit the slopes this ski season, have we got a bargain for you.

On Mary 7 through March 11, 1992 (Spring Break week), the Hinds County Bar Association and Bryan Tours are sponsoring a seminar at the Olympia Resort Hotel and Convention Center in Park City, Utah. For those making plans for Spring Break, here is the perfect trip. Park City combines a location easily accessible with fun, relaxation, great food and facilities, and more. Each of you should have received a brochure in September detailing the event. However, we have not received the avalanche (if you will pardon the expression) of registrations we had hoped. But you still have time. Frankly, we feel this is a unique opportunity to

obtain CLE credit and enjoy a ski vacation at the same time. If you and your family are skiers, you really should take a close look at the advantages. The resort has held the line on prices, and we have tremendous discount packages which give you the most for your money.

The CLE education sessions will be taught by a superior faculty in a mornings-only format which will give you the afternoons on the slopes or to enjoy the many other activities available in this picturesque setting. Park City has three outstanding ski areas, all within five miles of the resort. Each facility offers terrain suitable for the first-time skier and the expert, and lessons are available.

The final deadline for registration

is January 20, 1992. We must receive your registration prior to that date. Seminar registration is \$225 for Hinds County Bar members and \$250 for non-members. Hotel registration is \$465 for a single/double room and \$520 for a studio condominium. Additional nights can be requested at a rate including tax of \$120 for a single/double room or \$130 for a studio condominium. For hotel, round-trip airfare or other travel services, we suggest you contact Karin Gorboff at Bryan Tours. If you have any other questions concerning the seminar, please feel free to contact me or Pat Evans at the Hinds County Bar.

For you bargain hunters out there, we feel there is no better value for CLE and a ski-package available.

HCBA CALENDAR OF EVENTS

December 17
HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

January 15
Portrait Presentation for Judge Clark. James O. Eastland Courthouse. Jackson, MS.

February 18
HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

March 7-11
HCBA CLE Meeting/Ski Trip. Park City, Utah.

March 24 & 31
People's Law School. MC School of Law. Jackson, MS.

April 7 & 14
People's Law School. MC School of Law. Jackson, MS.

April 21
HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

CLE CALENDAR OF EVENTS

January 16
Basic Real Estate Law in Mississippi. NBI. Jackson, MS.

January 17
Appellate Practice Seminar. MS College School of Law. Jackson, MS.

January 21
Developments in Products Liability. UM Center for CLE. Jackson, MS.

January 23
Employment and Labor Law. Lorman Business Center, Inc. Jackson, MS.

January 24
Automobile Torts. MTLA. Jackson, MS.

MS Construction Law: What Do You Do When?" NBI. Jackson, MS.

January 28
A Mastery of Financial Statements for Lawyers. UM Center for CLE. Jackson, MS.

January 29
MS Sales and Use Tax. NBI. Jackson, MS.

January 31
From the Bench: A Judicial Perspective on Litigation in the 1990's. MDLA. Jackson, MS.

February 11
How to Diagnose and Treat Your Bank or Thrift Client. UM Center for CLE. Jackson, MS.

February 14
Adversaries and Evidence: Courtroom Weapons. MS Law Institute.

February 25
Legal and Business Aspects of Film, TV and Music. UM Center for CLE. Jackson, MS.

February 28
Second Annual Business Law Seminar. MS College School of Law. Jackson, MS.

People's Law School Plans Announced

Plans for the second People's Law School sponsored by the Hinds County Bar Association are underway. Dates and topics selected are:

MARCH 24
First Amendment/Bill of Rights

MARCH 31
Insurance/Personal Injury

APRIL 7
Consumer Protection
Bankruptcy

APRIL 14
Wills and Estates
Real Estate Law

The programs (two hours each) are open to the public. The costs will be \$15 for all four sessions and \$5 per individual session.

For the second year, the HCBA has received the support of the Clarion Ledger and Mississippi College School of Law will provide the classroom facilities. This project is again being financially assisted by the Interest on Lawyers Trust Accounts Program of The Mississippi Bar Foundation, Inc.

The People's Law School Committee is chaired by Trey Bobinger and members include: John McCullouch, Patricia Bennett, Michael Gwin, John Henegan, J. Richard Hurt, Larry Joseph Lee, Thomas Williams, Crane Kipp and Marcus Wilson.

The Members of the Hinds County Bar Association are invited to a Portrait Presentation

Honoring Chief Judge Charles Clark United States Court of Appeals For the Fifth Circuit

on his retirement

*Wednesday, January 15, 1991
Four O'Clock*

*Fourth Floor Courtroom
James O. Eastland Courthouse*

*Reception Following in
Downstairs Lobby*

CAPTAIN EQUITY'S 1992 CRYSTAL BALL

By Captain Equity

FEBRUARY

2/9 - Republican presidential Challenger David Duke captures 47% of the vote in the New Hampshire primary. Pat Buchanan is second, and the president finishes a distant fourth to favorite son John Sununu. White House adopts wait and see attitude while declaring, "The economy is on the move."

MARCH

3/21 - Mississippi Governor Kirk Fordice makes good on a campaign promise by closing every state university except Mississippi State. The Governor, who also announces construction of a more centrally located campus in Vicksburg, states that MSU survived solely because its athletic program was "run like a bidness." In a related matter, Jackie Sherrill is given a lucrative 10 year contract with a generous tax-exempt bond option and a new title of CEO of University Pigskin.

APRIL

4/7 Atlanta Braves yield to pressure from Native American groups and adopt the name of their long-time minor league baseball franchise which represented the city in the 1940s and 50s. The new Atlanta Crackers immediately adopt the "Redneck Tobacco Spit" to replace the Tomahawk Chop.

4/8 - Republican presidential Hopeful David Duke throws out the first ball at Atlanta's Fulton County Stadium as the defending National League Champs open their season against the Cincinnati Crimsonlegs (formerly the Reds) who were forced to change their name after Russian President Boris Yeltsin threatened to withhold vodka shipments to the United States.

MAY

5/20 - Rain threatens Jubilee Jam.

JUNE

6/29 - After a break-even April, the Atlanta Crackers are mired in last place in the National League West.

6/30 - Ku Klux Klan calls on the Atlanta Crackers to change their name because it denigrates racist whites.

JULY

7/18 - The newly named Atlanta Peachpickers are mathematically eliminated from pennant contention. Migrant workers demonstrate outside Fulton County Stadium.

7/17 - Democratic National Convention drafts New York attorney John F. Kennedy, Jr. as its nominee for president of the United States. Party Chair Ron Brown holds a press conference to announce the revitalized Democratic message for the 90s: "Good Looks, Name Value, And Celebrity Pals The Middle Class Can Understand."

7/18 - JFK, Jr. holds a 21-point lead over President Bush in a post convention poll.

AUGUST

8/6 - Despite a huge lead in delegate votes, the Republican National Convention's Credentials Committee disqualifies Presidential Hopeful David Duke, declaring that he is not a real Republican because "he has never played golf and does not own mutual funds."

8/7 - George Bush and Dan Quayle receive their party's nomination for President and Vice President respectively.

8/8 - While protesting that he once shot an Eagle in KKK PuttPutt tournament, and that he owned shares of Dillard's, Inc. (formerly Holmes) because he "liked their white sales." Duke states that he will not appeal the Credential Committee's decision, but that he will run for President as an Independent.

8/31 - Talk Show Host Arsenio Hall becomes the fourth candidate to enter the Presidential Campaign. While denying race figured in his decision, he does say that he knows

...continued on next page

Captain Equity continued...

more celebrities than John Kennedy, Jr., is more popular than President Bush and is better looking than David Duke, "with or without cosmetic surgery."

SEPTEMBER

9/3 - Hot Temperatures and high humidity grip Mississippi over the Labor Day Weekend.

9/10 - The last phase of the Mississippi Veterans Memorial Stadium's move to the MSU campus is completed just in time for the Bulldog's home opener against the Tampa Bay Bucs, the newest member of the SEC.

OCTOBER

10/19 - Hundreds of huge earthquakes rock California causing major damage from the Oregon line to just north of the Mexican Border.

NOVEMBER

11/1 - With less than a week before polling, President Bush visits the campus of Mississippi State University in Vicksburg where he declares the recession "Finally, really over."

11/6 - On election eve, Sen. Edward Kennedy tells The National Enquirer that it would be a "tragedy" if his nephew does not win the Presidency.

11/7 - George Bush, John F. Kennedy, Jr., David Duke, and Arsenio Hall finish in a dead heat in Presidential balloting. With no clear electoral winner, the election is thrown into the U.S. House of Representatives. The outcome will not be determined until January, 1993.

11/8 - The Atlanta Peachpickers announce at major league baseball's winter meeting that they will henceforth be known as the Atlanta Clinging Humidity. Weathermen from across the country mobilize.

DECEMBER

12/10 - Former Mississippi Governor Ray Mabus turns up at the Metro Center in Jackson, Mississippi, as a "Department Store Santa." Asked to comment, Mabus replies, "It's a living."

12/27 - In a stunning announcement only days before Mississippi State's Sugar Bowl date with Notre Dame, CEO Jackie Sherrill resigns to accept a similar position at the University of Oklahoma, which days earlier was awarded an NFL expansion franchise created when Tampa Bay joined the SEC. Sherrill, who is accused of breaching his contract replies, "Not at all. I'm just exercising freedom of choice in higher education." Meanwhile, Ex-Ole Miss Coach Billy "Dog" Brewer expresses interest in replacing Sherrill by saying "I think my name is a plus. It never hurts to listen."

12/29 - Mississippi Lt. Governor Brad Dye is spotted at Christ's in Jackson, Mississippi, huddling with U.S. Speaker of the House, Tom Foley. Speculation centers on Dye as a compromise candidate for President of the United States in the event of a second ballot House deadlock among President Bush, John F. Kennedy, Jr., David Duke, and Arsenio Hall. Dye's bi-partisan appeal stems from his resemblance of former Texas Governor and Secretary of the Treasury, John Connally, America's best known Demopublican. Dye's experience in House of Representative elections is also rated as a positive.

12/31 - Governor Fordice sells out the newly relocated Governor's Mansion on Clay Street in Vicksburg for his first annual, twenty five dollar-a-head "Run It Like a Bidness New Year's Eve 'Pin The Tale On The Donkey' Bash." Many partygoers reportedly pay with winnings from Mound, Louisiana's Off Track Betting Parlor or proceeds from the Louisiana lottery. After counting the money, the Governor calls the White House shortly before midnight to advise the potential lame duck President that he was indeed right about the economy.

HAPPY NEW YEAR - I HOPE

Brief Summary of Mississippi Laws, 1991 Session, Applicable to Chancery Court Practice

Chancellor W.O. Dillard
Fifth Chancery District

APPEALS - Chapter 560, Senate Bill No. 2447, reenacted and amended Section 73-3-2 (Mississippi Code of 1972 and hereafter) to allow an appeal to the chancery court of Hinds County for applicants denied admission to the bar. The bill also revised the requirements for admission to the bar for lawyers from other states and imposed penalties for making false statements to the Board of Bar Admissions; prohibited lawyers convicted of certain felonies in any state or federal court from obtaining a license and, if convicted in our state court, requires the attorney to be disbarred and also extended until December 31, 1999, the authority of the State Board of Bar Admissions.

ATTACHMENT AND HOMESTEAD EXEMPTION - Chapter 479, House Bill No. 572, amended Code sections 85-3-21 to provide for exemptions for homestead not to exceed 160 acres nor the value thereof, inclusive of improvements, the sum of \$75,000. It also included tangible personal property of any kind not exceeding \$10,000 in value from seizure under execution or attachments effective July 1, 1991.

RULES - Chapter 573, Senate Bill No. 2792, is an effort to amend the statutory sections to conform to the Rules of Procedure adopted by the Mississippi Supreme Court and to repeal sections in conflict with those rules. There are too many sections involved to be enumerated herein. The practical effect is to eliminate any conflict by recognizing the rules of our Supreme Court as controlling in all questions of procedure.

WEAPONS - Chapter 609, Senate Bill No. 2102, revised the weapons permit law and authorized the

...continued on next page

Brief Summary continued...

Commissioner of Public Safety to issue permits to carry concealed pistols or revolvers. Also, it declared there would not be a violation of this statute, or any other, for judges of the Mississippi Supreme Court, circuit, chancery, and county courts to carry such weapons while in the performance of their duties.

GUARDIANS - Chapter 441, House Bill No. 47, amended Section 93-13-61 to provide that the chancery court of the county in which a guardianship is established may allow the guardian to remove the person and personal property of his ward to another county yet retain jurisdiction. The bill also amended Section 93-13-75 to provide that the guardianship of a minor may cease, in the discretion of the chancellor, when the ward reaches the age of 18 years or when the property of the ward does not exceed the sum or value of \$2,000 and there is no prospect of further receipts to come into the hands of the guardian.

WARDS - Chapter 338, House Bill No. 972, amended Section 93-13-217 to increase from \$2,000 to \$10,000 the maximum value of a ward's interest in real property that may be sold without the appointment of a guardian.

PROBATE OF CLAIMS - Chapter 413, Senate Bill No. 2372, amends Section 91-7-149 to allow the use of duplicates of promissory notes for the probate of claims except in certain instances. Also, if there be no written evidence of the claim, the creditor may make an affidavit and file his claim for probate.

LIENHOLDERS - Chapter 319, House Bill No. 629, repeals Section 63-19-5 requiring that a retail installment contract for motor vehicles be filed in the office of the chancery clerk of the county of the residence of the owner within ten days after delivery of the vehicle to be effective against subsequent lienholders or purchases for value without notice.

GAMBLING - Chapter 588, House Bill No. 74, defines those organizations which are exempt

from the laws prohibiting gambling when conducting bingo games and regulates the activity, codifying the same as Section 97-33-52.

CHECKING ACCOUNTS - Chapter 399, Senate Bill No. 2308, requires after July 1, 1991, any financial institution offering checking accounts to print on the face of each check the month and year the holder of the account first opened such account. For accounts five years or older to show an opening date of January 1986 if the opening date is unavailable.

CHILD SUPPORT - Chapter 406, House Bill No. 1022, amends Section 71-5-516 to provide that requests for intercept of unemployment benefits in satisfaction of unpaid child support shall be stated in terms of specific dollar amounts for weekly deductions.

CHILD SUPPORT ORDERS - Chapter 496, House Bill No. 1007, amends Section 43-19-35 to provide that child support orders relating to recipients of public assistance shall be amended by operation of law to provide for the payment of such support to the County Department of Human Services. The statute goes on to require that any attorney initiating legal proceedings shall be deemed to represent the interest of the State Department of Human Services exclusively under Section 43-19-31 through 53. No attorney-client relationship shall exist between the attorney and the recipient of public assistance for and on behalf of the child or children regardless of how the legal proceedings are initiated. The assignment to the Department of Human Services shall be free of any legal or equitable defense to the payment of child support that may accrue to any person legally liable for the support of any child or children receiving aid from the Department.

DOMESTIC ABUSE - Chapter 598, House Bill No. 983, amends Section 41-21-97 to authorize physicians, psychologists, and licensed master social workers to communicate actual threats of violence against potential victims to law enforcement agencies or the parent or guardian of such victims if a minor. Hospital records and other information pertaining to patients

at treatment facilities or patients being treated by physicians, psychologists, or licensed master social workers otherwise shall be confidential. Effective April 15, 1991.

CONVICTION OF A FELONY OR A SEX OFFENSE - Chapter 448, House Bill No. 1290, requires each district attorney and circuit clerk to provide notice to the State Department of Education of the conviction of certain personnel employed by a public or private school of any felony or sex-related offense.

TRANSPORTATION OF SCHOOL-AGE CHILDREN - Chapter 349, Senate Bill No. 2055, amends Section 37-15-29 and other sections to allow the transfer of school-age children to the schools of an adjacent school district where transportation on a school bus to or from the home of the parent or guardian exceeds 30 miles.

JUDGMENT OR DECREE IN FAVOR OF THE STATE - Chapter 503, Senate Bill No. 2797, amends Section 15-1-51 to provide that a judgment or a decree rendered in favor of the state or any subdivision or municipal corporation thereof shall not be a lien on the property of the defendant for a longer period than seven years from the date of filing notice of the lien unless an action is brought before the expiration of such time or notice of the lien is refiled.

STATE WILDFLOWER - Chapter 339, House Bill No. 1027, designates the Coreopsis sp. as the state wildflower (for those who don't know what it is).

NOTE: UNIFORM CHANCERY COURT RULES - AMENDMENTS THROUGH APRIL 15, 1991. 8.04 The attorney is required to appear before the Court with the file for approval of an irreconcilable differences divorce. 8.06 In all domestic cases involving children, each party shall keep the other informed of their address, including state, city, street, house, and telephone numbers. Within five days of any change, the Clerk of the court and other party shall be notified by incorporating the information in the court order.

"Lee B." Remembered

It is rare that I go to funerals for those deceased who haven't been good friends. However, in the case of Lee B. — I felt compelled.

Lee B. Agnew, Sr. I called him simply Lee B. I had known of him since I was a boy. As a lawyer, I had only one small domestic relations case with him a few months before he died and we settled it without any problem. I had seen him around the Courthouse numerous times before his health broke. He was one to always speak with a mellifluous "Helloo. How aaare you? Fiiine, thank you." With his distinctive toupee and sometimes loud sport coats, I found him to be an anachronism among tight lipped lawyers in pin striped suits.

Lee B. had an interesting background. He was born in Jackson the son of an Illinois Central Railroad switchman. He finished high school at French Camp Academy, attended Ole Miss, and then graduated from Bowling Green Business University in Bowling Green, Kentucky. In a bit of reverse discrimination, Lee B. obtained his first job as secretary to the President of Russell Manufacturing company in Alexander City, Alabama, because the president believed that a woman's place was in the home and hired only male secretaries. For two years Lee B. worked there and then enlisted in the U.S. Navy even though he was exempt

from military service because his employer made underwear for the armed forces. After being honorably discharged from the Navy he returned to Jackson where he again worked as a secretary to the general counsel for the GM&O Railroad. He then began attending night law school.

Lee B. graduated from law school, passed the bar exam and then worked as an intern with the law firm of Satterfield, Ewing, and Hedgepeth. He worked directly under John Satterfield, a noted attorney who was later president of the American Bar Association.

Apparently Lee B. decided insurance defense was not his choosing and he wanted his own shop. He opened a partnership with William Slaymaker in an office above the Jitney Jungle, then located on Capitol Street. Although the law did not sit well with Slaymaker who later left to attend seminary and become a missionary to South America, it did with Lee B. and he continued to practice until shortly before his death.

At his funeral the minister spoke to a packed chapel. He spoke of Lee B.'s love not only for the law but for his family. He spoke how Lee B. taught his children and grandchildren the art of hunting and fishing and his memories of fish fries and barbecues held for relatives and

friends. Without doubt his interests went beyond the courtroom.

Later, I chose to attend the graveside service. While the pallbearers were placing the casket on the platform, a portion of it broke and the casket almost dropped on its side. The pallbearers and the funeral personnel worked quickly to lift the casket and a makeshift platform was arranged. Afterward his sons Lee, Jr. and George just remarked that their father was probably laughing and saying "You can't even get me into the ground."

Lee B. won't go down in history as a member of the Supreme Court or a noted author of law review articles. He will be remembered by his many clients and friends as a lawyer who expected the good side of people to emerge and who went out of his way to help everybody who needed help even when they couldn't pay. However, in this day when the legal profession is actually publicly concerned with lawyer incivility and workaholicism is praised while wives and children are often neglected, Lee B. provided an example all can learn from.

Perhaps the legal profession could stand more lawyers like Lee B. I tend to think so.

George Luter

HCBA Nominations Announced for 1992-1993

Leonard D. VanSlyke, Jr., chairman of the HCBA Nominations Committee, announces the following candidates for office for the coming year:

Vice President & President-Elect

Linda Thompson Greaves
Ben J. Piazza, Jr.

Secretary-Treasurer

J. Richard Hurt
Richard C. Roberts, III

Director, Post 3

Lynn Fitch Mitchell
Julie Sneed Muller

Director, Post 4

T. Harris Collier, III
Neil P. Olack

The Association's bylaws provide that any other member of the HCBA may be nominated by petition signed by not fewer than 20 members in good standing and filed with the secretary-treasurer on or before January 15.

A ballot and biographical sketch of each nominee will be mailed to each member in good standing during the month of February. To be counted, ballots must be returned to the Association and received not later than February 14. The results of the voting will be announced at the membership meeting on February 18.

For further information please call Pat Evans at 969-6097.

Videotapes Available

Three new videotapes are available at the Mississippi College Library. HCBA members may check tapes out for one week.

The most recent additions are produced by the American Law Institute and the American Bar Association. Those tapes are:

"Counseling the Business Client in a Changing Antitrust Environment"

"How to Protect Your Clients' Property Interests in Divorce Cases"

"Law Firm Policies on Sexual Harassment: Development and Implementation"

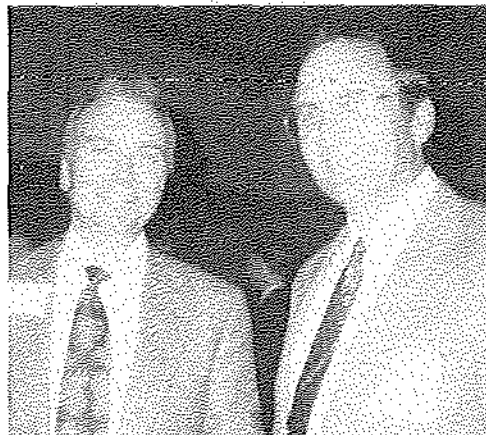
Ask at the Circulation Desk when a librarian is on duty to check out a tape or to see a list of the tapes that are available.



**Scenes from the
October 29
Judicial Conference
Reception**

...hosted by the Hinds County Bar Association and the Jackson Young Lawyers Association at the MS Bar Center.

Chancery Court Judge Patricia Wise, Dean J. Richard Hurt, Pamela Banks.



Chancery Court Judge Richard Roberts, Chancery Judge John Love of Kosciusko



Hollaman Raney, Supreme Court Justices Lenore Prather and James Robertson, Linda Greaves.



Wayne Drinkwater, Jay Travis, Circuit Court Judge James Sumner of Winona, Paula Graves.

Mississippi Clerkship Interaction Program

The nationally acclaimed Mississippi Clerkship Interaction Program enters its third year in 1991-92. The program, sponsored by the Young Lawyers Division of the Mississippi Bar, is designed to provide minority and non-minority students with meaningful experiences in law firms and law offices which otherwise might not be available.

Under this program, minority participants who have completed the first year of law school are placed in predominantly non-minority law firms and legal offices for summer clerkships, and non-minority participants are placed in predominantly minority firms and offices.

The purpose of the Mississippi Clerkship Interaction Program is to overcome the informal barriers which have caused the Mississippi legal community to remain largely segregated. The Mississippi Bar Association and its Young Lawyers Division are committed to pro-

viding full and equal opportunities for participation in the bar and profession by all members of the Mississippi legal community.

All law firms, regardless of size, which have an office in the state of Mississippi are eligible for program participation. Law students who have completed the first year in good academic standing will be placed with Mississippi law firms

following a rigorous interview process conducted by members of the Young Lawyers Minority Involvement Committee and representatives of the two Mississippi law schools.

For more information about the Mississippi Clerkship Interaction Program, contact Fred Slabach at 969-6094 or E.J. Russell at 982-6418.

**LAW LIBRARY HOURS
Christmas Schedule 1991**

December 18-20 (Wed.-Fri.)	8:00 a.m. - 4:30 p.m.
December 21 - January 2 (Sat.-Thur.)	CLOSED
January 3 (Fri.)	8:00 a.m. - 6:00 p.m.
January 4 & 5	CLOSED
January 6-10 (Mon.-Fri.)	8:00 a.m. - 6:00 p.m.
January 11 & 12 (Sat. & Sun.)	CLOSED
January 13 (Mon.)	Resume Regular Hours

HCBA Newsletter to Have Advertisements

The HCBA has begun accepting advertisements and legal announcements for its newsletter.

The sizes and prices are as follows:

SPACE ORDERED:	
___ Full Page	7-1/2 x 10
___ Half Page	7-1/2 x 5
___ 1/3 Page	4-3/4 x 4-3/4
___ 1/6 Page (vertical)	2-1/4 x 4-3/4
___ 1/6 Page (horizontal)	4-3/4 x 2-3/8

PRICE SCHEDULE:		
Full Page	1 time	\$ 325
	6 times	\$ 270 each
Half Page	1 time	\$ 185
	6 times	\$ 155 each
1/3 Page	1 time	\$ 95
	6 times	\$ 75 each
1/6 page	1 time	\$ 55
	6 times	\$ 40 each

Artwork must be CAMERA READY

FOR ADDITIONAL INFORMATION, CONTACT PAT EVANS 969-6097.

Are you overwhelmed by
work-related stress,
marital conflicts, drug
or alcohol dependence,
depression or other problems?

**There is help through the
Lawyers' Assistance Program**

Call 968-5032

Mississippi Baptist Medical Center

**A service of the
Hinds County Bar Association**

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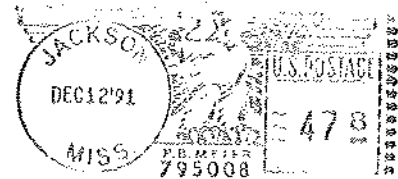
Correspondence regarding the newsletter
should be directed to: Editor, 151 E. Griffith
St., Jackson, MS 39201. Letters to the editor
must be signed, but the writer's name will be
withheld upon request. Telephone inquiries
should be made to the Executive Director at
969-6097.

Hinds County Bar Association, Inc.

151 E. Griffith Street

Jackson, MS 39201

PRESORTED
FIRST CLASS
85170 1081



FIRST CLASS

**IMPORTANT
HCBA Luncheon Meeting
12 Noon, December 17**

**Public Hearing on
Lawyer Advertising
1:30 p.m., December 17
Capital City Petroleum Club**

Patricia H. Evans
787 Lancelot
Jackson, MS 39206

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

FEBRUARY 1991

President's Column

Leonard D.
Van Slyke, Jr.



The Habitat for Humanity project is now complete. The family is in the house and our Association can be justly proud of its contribution. Our theme for the year is "Making Our Case for a Better Community" and we have indeed done so with this project.

There are many to thank for the success of this project. Rowan Taylor served as the chairman of this special effort. He orchestrated a highly successful fund-raising effort from the membership, thereby getting us over the major hurdle. Rowan then tapped Ben Piazza to organize and coordinate the volunteers from our members who participated in the physical building of the house. Liza Purcell was the individual designated to maintain contact with the family for whom the home was being built and to counsel with them as first-time home owners in all kinds of matters, including understanding the legal process, budgeting, decorating and the like. Pat Evans, our Executive Director, has handled numerous items in connection with the project and the Board of Directors has been most supportive of this special effort. And you, the membership, have responded beautifully by giving of your time and money. To everyone who participated in any way -- I thank you.

...continued on page 2

The Honorable I.S. Leevy Johnson To Be Speaker at February Meeting

In 1985, Mr. Johnson was elected to the presidency of the South Carolina Bar. Election to this office was the crowning achievement in a distinguished legal career which has included service as a trial advocate, legislator, lecturer in law, college instructor, administrative law judge and community servant.

Mr. Johnson graduated from C.A. Johnson High School in 1960 and then enrolled at the University of Minnesota where he received the Associate of Mortuary Science degree in 1962. After graduation, he matriculated at Benedict College and received a Bachelor of Science degree in 1965. He then enrolled at the University of South Carolina School of Law and was awarded a Juris Doctor degree in 1968. Embarking on a career of public service in 1970, I.S. made history by becoming one of the first three blacks elected to the South Carolina General Assembly since Reconstruction.

While his law practice has been diverse, I.S. has concentrated to a large measure on trial work and administrative disputes. His peers have honored him by inviting him to regularly serve as a speaker for



their mandatory continuing legal education programs each year.

Married to the former Doris Wright, they are the parents of two sons, George C. and Christopher J. Doris is a former public school teacher and currently serves as the Coordinator of the Lower Division Advisement and Counseling Center at Benedict College. Their son George is a student at the University of North Carolina in Chapel Hill. Chris is an honor roll student and is enrolled in the academically talented programs at A.C. Flora High School.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

February 19, 1991

12 Noon

\$8.90

Capital City Petroleum Club

The speaker will be I.S. Leevy Johnson.

President's Column cont...

And, now it's on to our second special community project of the year -- The Peoples Law School. This is an educational program designed to give basic information about common legal matters. Topics to be covered will be: The Legal System and Selecting an Attorney; Domestic Relations and Family Law; Real Estate Transactions; Consumer Protection; Debtor and Creditor Rights and Wills and Estate Planning.

Several of our members have agreed to share their expertise during these sessions including Supreme Court Justice Fred Banks, Chancellor Stuart Robinson, Farris Crisler, Trey Bobinger, and Dick Bennett. The sessions will run from 7-8:45 p.m. on March 19 and 26, and April 2 and 9. The Mississippi College School of Law is serving as a co-sponsor and in that capacity is providing the classroom space. *The Clarion Ledger*, another co-sponsor, is providing free advertising. A \$500 grant from The Mississippi Bar Foundation is helping to defray costs of materials and administration, enabling us to keep the cost for participants at a minimum level - \$15.00 for all four sessions, or \$5.00 for a single session.

This promises to be a useful and successful program. The unknown factor is participation by the public. We need the help of all of our members in promoting the project in your neighborhood, civic and church groups to those who you believe will benefit from its content.

The Board will soon be addressing the future of our Judicial Preference Poll. For a number of years, we have conducted such polls and publicly released the results of our collective views on the approval rating of judicial candidates. Our Black Lawyer Participation in the Profession Committee has recommended to the Board that the poll be discontinued. To the extent that you have views on whether the poll should be continued or discontinued, you should contact a member of the Board and let your views be known.

CLE CALENDAR OF EVENTS

February 20
Basic Bankruptcy in MS. NBI. Jackson, MS.

February 21
Clean Air Act. UM Center for CLE. Jackson, MS.

February 22
1st Annual Alternative Dispute Resolution Seminar. MC School of Law. Jackson, MS.

February 26
Insurance Litigation Defense Strategies and Innovations. UM Center for CLE. Jackson, MS.

February 27
Boundary Law in MS. NBI. Jackson, MS.

February 27
The Use, Overuse and Abuse of Expert Witnesses. UM Center for CLE. Jackson, MS.

February 28
Health Care and Financial Planning for the Elderly. UM Center for CLE. Jackson, MS.

March 1
Workers' Compensation in MS. Lorman Business Center. Jackson, MS.

March 1
1st Annual Business Law Seminar. MC School of Law. Jackson, MS.

March 5
Annual Commercial Paper Paralegal Seminar. UM Center for CLE. Jackson, MS.

March 7
Understanding Financial Statements: Accounting for Lawyers. UM Center for CLE. Jackson, MS.

March 12
Defense of the DUI Under the New Stricter Standards. UM Center for CLE. Jackson, MS.

March 13
Estate Planning and Probate in MS. UM Center for CLE. Jackson, MS.

March 13
Summary of Recent MS Law. Abbott & Weems. Jackson, MS.

March 14
Hazardous Waste Considerations in Real Estate Investments/Closings. UM Center for CLE. Jackson, MS.

March 21
Contaminated Property: Considerations During Real Estate Investments and Closings. UM Center for CLE. Jackson, MS.

April 4
Corporate Workouts. UM Center for CLE. Jackson, MS.

April 9
Complying with the Fair Labor Standards Act. UM Center for CLE. Jackson, MS.

April 11
Defense of the DUI. UM Center for CLE. Jackson, MS.

April 23
Transfer of Wealth Considerations - Is Estate and Tax Planning Still Possible? UM Center for CLE. Jackson, MS.

April 24
What to Worry About in Forming and Dissolving a Law Practice Partnership. UM Center for CLE. Jackson, MS.

April 25
Understanding Bankruptcy: Bankruptcy for the Nonspecialist. UM Center for CLE. Jackson, MS.

April 25
Rules of Evidence. MTLA. Jackson, MS.

HCBA CALENDAR OF EVENTS

February 19
HCBA Membership Meeting. Capital City Petroleum Club.

February 26
Reception honoring Fred L. Banks, Jr. MS Bar Center.

March 19
People's Law School. MC School of Law.

March 26
People's Law School. MC School of Law.

April 2
People's Law School. MC School of Law.

April 9
People's Law School. MC School of Law.

Lawyers' Wives Plan Membership Party

The Hinds County Lawyers' Wives annual membership coffee will be held on Wednesday, April 10 from 11:00-1:00 at the home of Mr. and Mrs. Jefferson D. Stewart. Membership dues are \$18.00 per person and directly endow a yearly scholarship awarded to a law student at Mississippi College or the University of Mississippi. This year's scholarship goes to a student at Mississippi College.

In addition to the marvelous food traditionally served at the coffee, this year there will also be an exhibit of watercolor paintings by one of the group's members, Mrs. William F. Goodman, Jr. All spouses of lawyers who are members of the Hinds County Bar and female attorneys are invited to attend.

Officers of the Hinds County Lawyers' Wives for 1991 are: Mrs. Glen Bush, President; Mrs. Tom Kirkland, President-Elect; Mrs. Keith Raulston, First Vice-President; Mrs. Collier Graham, Second Vice-President; Mrs. Don Cannada, Third Vice-President; Mrs. Lewis Bell, Secretary; and Mrs. Clifford K. Bailey, Treasurer. For information about the coffee, call Mrs. William L. Smith, Membership Party Chairman, at 355-0987.



HCBA MEMBERSHIP MEETING - Secretary of State, Dick Molpus, was the speaker at the December HCBA membership meeting. He is shown with guest, Etta Smith, Principal at McLeod Elementary, and HCBA President Leonard Van Slyke.

HCBA Room in the Courthouse

HCBA members now have a comfortable sitting area to call the office, meet with a client, discuss a settlement, or just gather their wits while at the Hinds County Courthouse. The telephone has been installed, and the basic furnishings are in place. The room is on the third floor, east end, between the law library and the deposition room. Take the central elevator to the third floor, turn right and go east down the main corridor, follow the law library signs through a door, turn left, and the room is second on the right.

Hinds County officials designated the room for use by the Bar Association during the recent renovation of the courthouse. Telephone programming in the courthouse system requires that the extension telephone in the HCBA room be restricted to outgoing local calls only. Please be reminded that no smoking is allowed in the building.

Fulton Thompson, chairman of the committee in charge of the room, reports that the handsome furnishings were made possible through the generosity of the fol-

lowing contributors: Butler, Snow, O'Mara, Stevens & Cannada; Gerald & Brand; B.B. McClendon, Jr.; Watkins & Eager; Watkins, Ludlam & Stennis; and the family of W. Calvin Wells. Funds from the HCBA treasury were also used for the project which was coordinated by Michael Grogan, interior designer.

Lawyer's Conference Room in Chancery Building

A room has been furnished and designated for use by lawyers as a conference room in the Chancery Building. Conference table, chairs and a telephone have been provided by the county. The room is located on the third floor and may be reserved through the Court Administrator's office.

HCBA members are invited to use this room. Inquire at the Court Administrator's office on the third floor for the key.

WAR and PEACE

By Captain Equity

(Editor's Note: Captain Equity wishes to thank Leo Tolstoy posthumously for coming up with just the right title for this month's column. Additional thanks to the Berne Copyright Convention for its advantageous approach to public domain material which allows me to use Leo's title on a royalty free basis.)

Even as recently as last July the fourth, who could have conceived of an all out war between the United States and its strange bedfellow allied partners (including Syria, Bangladesh, and Qatar of all countries) and Iraq? No one you say? How about the CIA with its sophisticated satellites and seasoned political and military analysts? I guess the covert crowd out in Northern Virginia was too busy trying to figure out how they got blindsided when communism was cancelled in Eastern Europe for lack of interest. Certainly the western arms merchants along with the Soviets, Chinese and just about everyone else in the industrial world who helped design and build Saddam's war machine should have had an inkling. And let's not forget the governments of all those arms exporters who approved the sales in the name of national self-interest, positive international balance of payments or what have you. Of course some had better reasons than others. Back in the 80's, anybody looked better to America than Iran, who coincidentally was also unwittingly armed by the USA by virtue of our military aid to the Shah. We, after all, could not afford to allow the hostage-taking Islamic fanatics of Teheran to overrun Iraq and export their anti-western religious revolution to the rest of the energy rich Middle East. It is difficult to imagine that the West German industrial complex could offer up as good an excuse to explain supplying our newest enemy du jour in Baghdad with poison gas technology and a 20,000 square foot bunker complete with heated pool for the bloodthirsty President of Iraq.

But now, you are saying, is not

time for recrimination and fingerpointing. Well, you are absolutely right. We've got a war on our hands. A nasty, brutal killing war. But at some point we will have peace again. Whether the silenced artillery and hangered war planes will signal only a brief timeout, or as we all hope, a more enduring respite from the thousands of years of institutional hate that pervades the holy desert home of three of the world's great religions, will depend on how much attention we pay to history and how much vision we will allow ourselves to have.

But before peace, there is the war. And what a strange war it is. Like some apocalyptic Super Bowl, it's the first war to have a scheduled kickoff and a four billion plus advance gate. One recalls the great heavyweight fight classics; "The Thrilla in Manila" or perhaps "The Rumble in the Jungle." This could be billed as ten rounds or less of Star Wars verses Patton in the "Jihad Near Riyadh," complete with villains more deserving of a spot on The Friday Night Main Event than in a World Boxing Association non-title bout. Is there any doubt that a tag team of Saddam and the Scud Missile managed by Yassar "Mr. Tablecloth Turban" Arafat could make twenty-one skillion dollars on the pro rasslin' circuit starting as soon as this evening. And of course it would all be broadcast from a Baghdad hotel corridor by CNN, which has come of age on the shores of the Persian Gulf as the "Little Network That Could."

And speaking of video, Operation Desert Storm aka World War III is certainly the most accessible TV war yet. But at the same time it has, at least in the early stages, a scrubbed antiseptic quality to it. Part of it has to do with the magic new weaponry of the laser age; cruise missiles that fly between buildings as they methodically trace boulevards below to their targets; Patriot missiles that play a fiery game of "gottcha last" over the skies of Israel and Saudi Arabia. The hospital standard for cleanliness is also communicated in the language of this war: sorties and ordinance; BDA and KIA - all bloodless terms of military efficiency. But the families of the dead

and missing and POWs know better.

Yes, the coalition has the military muscle to win. In fact as soon as Saddam's nuclear, chemical and biological plants were taken out in the early days, the world won. With every destroyed tank and missile launcher, we win a little more. But what happens when the shooting finally stops? That's when we find out if we are really the winners after all.

So what should the Bush Administration be doing on the post war diplomatic front? For starters, it should work toward a comprehensive policy that will disarm the region and make it impossible for a Syrian or Iranian or any other would-be Nebuchadnezzar to become the new Saddam. This envisions a strict curb on arms shipments and an enforceable international accord on nuclear, chemical, biological and environment warfare. It also means finally facing the Palestinian issue. It is no longer acceptable for Israel to pretend there are not valid claims by the Palestinians, just as it is no longer morally defensible for the United States to look the other way because Israel is our friend and our friend can do no wrong. As a quid pro quo, other Arab countries must follow Egypt's example of self-interested pragmatism where its Jewish neighbor is concerned. A demilitarized Palestinian state on the West Bank in exchange for an acknowledgment of Israel's right to exist and a Syrian withdrawal from Lebanon must be part of the deal. A U.N. peacekeeping force dominated by blue helmeted Arab and non-aligned troops from places like Norway, Brazil and Kenya should be deployed along the borders of the new Mideast map. Americans and Brits should go home and Soviets should stay at home. Anything that even hints of a Christian and/or Russian occupation of a Muslim country or countries carries the potential for perpetual disaster. And finally, America must end its love affair with imported oil and open ended debt. Initially this means developing a meaningful energy policy so as not to ever have an oil gun pointed at this nation's

...continued on page 5

pointed at this nation's head by any future Arab blackmailer demanding a ransom for its sweet light crude. It also means coming to terms with a totally out of control budget deficit, an unraveling social fabric and an underfunded, obsolescent educational system that is helping sow the seeds of a coming crisis in national productivity that will make February, 1991 seem like the good ole days as we reminisce ten years from now over a noon meal of sushi and strudel down at the celebrity t-shirt factory lunchroom.

Sadly, none of these steps will prevent the next Middle East Crisis. The history of the region suggests that the New World Order is no more a panacea to ancient tensions than the League of Nations was for the phenomenon of world war. But, despite this fact, we must still make the effort. If we do it right after the bombs stop falling, the next Saddam will surely be a tyrant with a terror capacity closer to that of Idi Amin than Adolf Hitler.

February 3, 1991

Dear Members of the Hinds County Bar Association:

We would like to thank everyone in the Hinds County Bar Association for all you have done to help build our new home. It is truly a dream come true for us.

Every weekend we were overwhelmed by all the support and help the volunteers gave us. We will never forget what the members of the Hinds County Bar Association did for our family.

It is hard for us to explain what this has meant to us. All we know to say is it's the best thing that has ever happened to our family.

Thank you.
Raymond & Sharon Skinner

HCBA Committee Preference Survey or There's No Such Thing as a Free Lunch

Committees are vital to the programs and activities of HCBA. Committee effectiveness depends on the selection of interested, experienced, and capable members. Bar Committee work is an excellent way to do your part to promote the profession. Committees meet regularly and a free lunch is provided. Please assist me by completing the questionnaire below and returning by **March 1, 1991**.

Richard A. Montague, Jr.
Vice President and President-Elect

1. I am interested in serving on the following committees (Indicated in order of preference)

- | | |
|---|---|
| <input type="checkbox"/> Bench & Bar Relations | <input type="checkbox"/> Membership |
| <input type="checkbox"/> Black Lawyer Involvement | <input type="checkbox"/> Newsletter Editorial Board |
| <input type="checkbox"/> Budget & Finance | <input type="checkbox"/> Professional Ethics |
| <input type="checkbox"/> By-Laws | <input type="checkbox"/> Program |
| <input type="checkbox"/> Child Advocacy | <input type="checkbox"/> Public Relations |
| <input type="checkbox"/> Continuing Legal Education | <input type="checkbox"/> Senior Lawyers |
| <input type="checkbox"/> Judicial Poll | <input type="checkbox"/> Small Firm Practice |
| <input type="checkbox"/> Law Related Education | <input type="checkbox"/> Social |
| <input type="checkbox"/> Legal Aid | <input type="checkbox"/> Unauthorized Practice of Law |
| <input type="checkbox"/> Legal Economics | <input type="checkbox"/> Wellness |
| <input type="checkbox"/> Legal/Medical Liaison | <input type="checkbox"/> Women in the Profession |
| <input type="checkbox"/> Legal Problems of Homeless | <input type="checkbox"/> Suggested new committees: |
| <input type="checkbox"/> Legislative | _____ |
| <input type="checkbox"/> Library Services | _____ |
| <input type="checkbox"/> Long Range Planning | _____ |

2. I offer these suggestions to make HCBA even more effective:

3. Should the HCBA have practice sections?
Yes _____ No _____ Don't Care _____

4. Would you attend an HCBA sponsored CLE seminar at a ski resort _____?
Beach resort _____? Pelahatchie _____?

5. Would you favor or oppose changing the name of the Hinds County Bar Association to the Metropolitan Jackson Bar Association or some similar name including "Jackson?"
Favor _____ Oppose _____ Don't Care _____

Name _____

Firm _____

Address _____

City _____ State _____ Zip _____

Mail To: Richard A. Montague, Jr.
Post Office Box 23040
Jackson, Mississippi 39225

Plans For Peoples Law School Near Completion

The first Peoples Law School sponsored by the Hinds County Bar is scheduled for March 19, March 26, April 2, and April 9 at Mississippi College School of Law.

The program which is opened to the public will consist of four two-hour sessions and will feature the following topics and speakers:

MARCH 19

The Legal System and How to Select an Attorney

Speaker: Honorable Fred L. Banks, Jr., Associate Justice Mississippi Supreme Court

MARCH 26

Consumer Protection

Speaker:
Honorable Trey Bobinger
Consumer Protection Division,
Attorney General's Office
State of Mississippi

Debtor/Creditor Rights

Speaker:
Honorable Richard T. Bennett
Bennett, Lotterhos, Sulser
& Wilson

APRIL 2

Domestic Relations and Family Law

Speaker:
Honorable Stuart Robinson
Chancellor, 5th District

APRIL 9

Real Estate Law

Speaker:
Honorable Faris Crisler, III

Wills and Estates

Speaker:
Honorable Leonard Van Slyke
Thomas, Price, Alston,
Jones, Davis

The cost for the program is \$15 for all four sessions or \$5 per individual session. The Peoples Law School Committee is currently get-

ting information about the program out to the general public. Members of the committee are speaking to civic clubs and a brochure is being developed for mailing to appropriate groups. The committee is also working on a co-sponsorship with the *Clarion Ledger* and is seeking public service announcements on

television and radio.

If you know of someone who would be interested in the Peoples Law School, please refer them to Patricia H. Evans, Executive Director of the Hinds County Bar (353-3907), or Richard Hurt, Chairman, Peoples Law School Committee (969-6094).



New Officers for the Tri-County Real Estate Lawyers Association are (left to right) Mark Mayfield, Sec./Treas., Fariss Crisler, Pres., and Roy Perilloux, V. Pres. Tri-County provides a forum for round table discussions among Hinds, Madison and Rankin County attorneys engaged in real estate law practice. Interested attorneys should call 948-3591.



The Habitat house sponsored by the Hinds County Bar Association was completed in January. Present at the closing were (seated left to right) Raymond and Sharon Skinner (homeowners), Granville Tate (Closing Attorney), (standing) Liza Purcell (Family Liaison Chairman), Leonard Van Slyke (HCBA President), and Nina Redding (Executive Director of Habitat).

Hinds County Bar Association Sponsors Legal Economics Seminar For Law Students

By: Neil P. Olack
Watkins, Ludlam & Stennis

The Legal Economics Committee of the Hinds County Bar Association sponsored seminars for Mississippi College and Ole Miss law students. The goal of these seminars was to provide the law students with information about legal economics that might be useful in the recruiting process and as a new associate.

According to a Price Waterhouse report, revenues per lawyer at mid-size and large firms nationally have doubled since 1978. While this statistic appears encouraging, it does not provide an accurate assessment of law firm profitability. Expenses have nearly doubled during this same period. Studies have shown that expenses have risen significantly for malpractice and health insurance, associate salaries, occupancy, and technology. The result is that partners' earnings nationally have increased only one percent against inflation. This trend is expected to continue.

The impact of rising expenses should be negative for law firms since studies project slower growth in firm revenue. Slower growth in revenue can be attributable, in part to the recession. Additionally, hourly rates are peaking for the near future. The traditional approach to expense increases and revenue decreases in the legal profession has been to raise hourly rates, increase the number of billable hours and hire more lawyers. During the 1990s this approach may prove ineffective; it ignores the availability of business, the needs of the client and the national and world economics.

Experts in legal economics have some recommendations for law firms during the 1990s: 1) it will be crucial for everyone - partners, associates and staff - to make a significant contribution to the firm; 2) peer review and evaluation will be a necessity; 3) training programs for attorneys will become common-

place as lawyers will be expected to improve their skills and work habits; 4) firms will expand only in practice areas in which the firm should excel; and 5) teamwork will be emphasized. These same experts suggest that firms should avoid drastic reductions in lawyer hirings, technology expenses, training, and internal communication.

Law firms will also need to develop short and long-term plans. The plan must focus on diversification, retooling and allocation of resources. The firm's plan must be flexible in order to shift strategies to meet changes in the legal market.

Law students were encouraged to ask firms about the firm plan during recruiting. For example, what areas of practice is the firm developing or phasing out? What

training does the firm provide? Can the law student match his or her goals with the firm's goals?

It is important for new associates to know the law firm's expectations. For example, does the firm require a certain number of billable hours? Also, new associates should: 1) understand the evaluation process; 2) participate in training programs which strengthen weaknesses and enhance existing skills; and 3) specialize in areas that are compatible with the firm's goals. While specialization is important, lawyers will need to be flexible to meet the changes in the legal profession.

Bob Williamson and Richard Montague also participated in these programs. The law schools have requested that similar programs be offered by the Hinds County Bar Association in the future.

Scenes From The Christmas Social

A large group of HCBA members and guests enjoyed the Association's Christmas Social held December 6th at the Mississippi Bar Center.



From left, are Dana Kelly, Andy Sweat and Shane Langston



James Peden and Richard Bush



Bob Biggs and Luther Ott



Janet McMurtray, Swan Yerger, Richard Montague and Patricia Bennett



Lee Hetherington and Leyser Morris

Are you overwhelmed
by work-related stress,
marital conflicts, drug or
alcohol dependence,
depression or other problems?

There is help through the
Lawyers' Assistance Program

Call 968-5032

Mississippi Baptist Medical Center

**A service of the
Hinds County Bar Association**

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withheld upon request. Telephone inquiries
should be made to the Executive Director at
944-1950.

Hinds County Bar Association, Inc.

151 E. Griffith Street
Jackson, MS 39201

FIRST CLASS

**IMPORTANT
HCBA Luncheon Meeting
12 Noon, February 19**

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

JUNE 1991



President's Column

Richard Montague

Deadline - Friday, May 31, 1991. My first president's column is due today. Sometimes law practice seems like nothing but one deadline after another. Some are more important than others. One thing I learned during my expensive education at Vanderbilt was how to get an extension. You ask for it. Term paper due tomorrow - no problem - get an extension. This system works very well in the laid back academic atmosphere in our institutions of higher learning and I used to think it worked well in law practice. Trial tomorrow - no problem - get an extension. Brief due tomorrow - no problem - get an extension.

Sometimes extensions and continuances are necessary and warranted. I will almost always agree to a reasonable extension of a deadline or postponement of a meeting or hearing, unless there is real prejudice to my client. However, we must also remember that postponements, extensions and delays for our personal reasons or to gain a tactical advantage are, in a word, unprofessional.

I commend to your reading and re-reading the Lawyer's Creed, the Guidelines of Professional Conduct, and the Standards of Litigation Conduct which together form the Mississippi Code of Professional Conduct, adopted by the Mississippi State Bar on March 16, 1990. The Lawyer's Creed states in part:

I will not seek accommodation from a fellow member of the Bar for the rescheduling of any Court setting or discovery unless a legitimate need exists. I will not misrepresent conflicts, nor will I ask for accommodation for the

...continued on page 2

Rob McDuff to be June Speaker

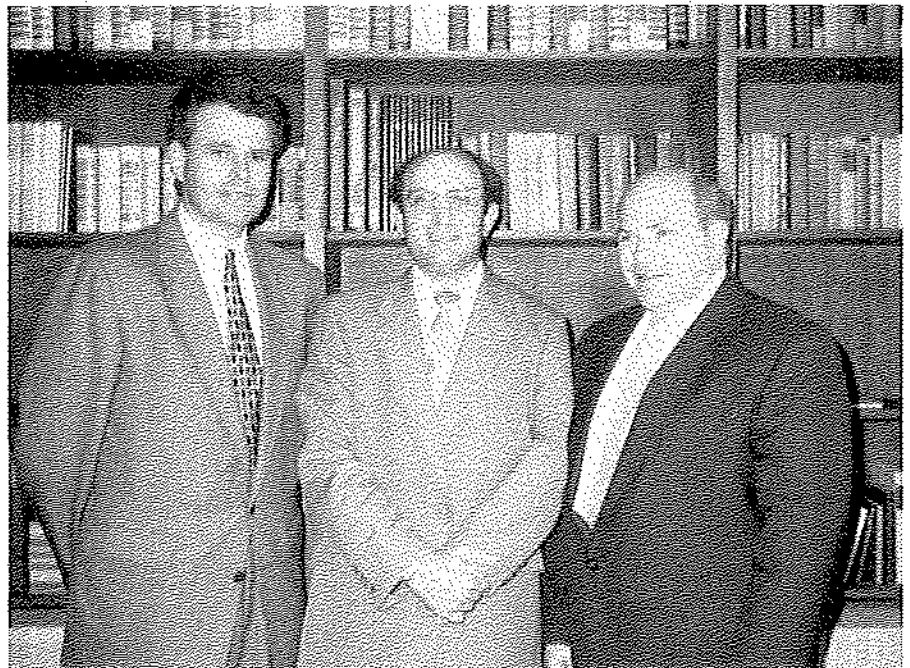
Robert Bruce McDuff will be the speaker at the June 18 HCBA Membership Meeting. His topic will be electoral redistricting.

McDuff received his undergraduate degree with honors from Millsaps College and his law degree, *cum laude*, from Harvard Law School.

He is an attorney with the Lawyer's Committee for Civil Rights Under Law in Washington, D.C. and is involved in race discrimination litigation around the country, primarily in the area of voting rights. He has represented plaintiffs in judicial redistricting cases in Mississippi (Martin v. Allain), Louisi-

ana (Clark v. Roemer) and Florida (Nipper v. Martinez and Davis v. Martinez). On April 22, he argued Clark v. Roemer in the U.S. Supreme Court.

Prior to joining the Lawyer's Committee, he was an Assistant Professor of Law and Director of the Federal Criminal Defense Program at the University of Mississippi Law School for three years. He was also an attorney with the firm of Ratner and Sugarmon, Memphis, Tennessee, and a Law Clerk to the Honorable William Wayne Justice, United States District Judge for the Eastern District of Texas.



Charles Mikhail (center) was the speaker at the April HCBA Membership Meeting. He is pictured with Crane Kipp (right) and Leonard Van Slyke (left).

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

June 18, 1991

12 Noon

\$9.00

Capital City Petroleum Club

Rob McDuff will speak on electoral redistricting.

President's Column cont...

purpose of tactical advantage or undue delay.

The Lawyer's Creed also states:

If a fellow member of the Bar makes a just request for cooperation, or seeks a scheduling accommodation, I will not arbitrarily or unreasonably withhold consent.

I recognize that effective advocacy does not require antagonistic or obnoxious behavior, and as a member of the Bar, I pledge to adhere to the higher standard of conduct which we, our clients, and the public may rightfully expect.

With all this rolling around in my head, I continue dictating with about an hour left before the deadline. But wait...this is not a real deadline...I can probably still get it in next week...but since that would be unprofessional...and since it really doesn't matter what I say in this article...I'll just continue dictating...my secretary will transcribe my ramblings...they will be faxed to Newsletter Editor Jeff Rawlings...I will meet the deadline...you will be reading this and wondering, "How did this guy ever get elected to anything?"...and my re-

sponse to that is, "Your guess is as good as mine"...No, I better get Rawlings on the phone...969-1030..."Jeff, may I have an extension?"..."Yes," says Rawlings. "Great, I'll fax it to you over the weekend."

Success!...Unprofessional? I hope not.

If you are concerned like I am about how you should act in order to be "professional," please read the April/May, 1991 issue of *The Mississippi Lawyer*. If you are not concerned, you should be. In that issue there are several excellent articles on professionalism from several perspectives. These articles and the Code of Professional Conduct tell us that in order to act professional, we must act with dignity, integrity, civility and decency. We should have learned this in kindergarten. Some of us have forgotten.

The adoption of the Mississippi Code of Professional Conduct gives me optimism about the future of law practice. If we all follow these guidelines and standards established in the Code of Professional Conduct, we may actually reduce the costs of litigation, increase our collective standing in the community and still make a decent living. Voltaire said, "I was never ruined but twice - once when I lost a lawsuit, once when I won one." If we stipulate to

undisputed facts in order to avoid needless costs or inconvenience as the Lawyer's Creed admonishes, at least the winners in our lawsuits won't feel ruined.

The presidency of the HCBA is for me another job in what now seems like a career of positions of Voluntary Uncompensated Leadership (VUL). At age 37, I am probably no longer a Yuppie (Young Urban Professional) and no one talks about Ouppies (Old Urban Professionals) so I now consider myself a VULLIE (Voluntary Uncompensated Leader). I will volunteer for anything as long as there is no pay involved. You will find a list of Vullies, otherwise known as Hinds County Bar Association Committee Chairpersons, below. You will also find their phone numbers. If you want to join the legions of Voluntary Uncompensated Leaders, give me or one of them a call. You will read elsewhere in this newsletter about some of the activities of the HCBA which these Vullies have been and will be leading. These activities will make a real contribution to our profession and to our community.

Thank you for the privilege of serving as your president. Since I get no compensation for this, I can assure you that you will get your money's worth.

Richard Montague

**Hinds County Bar Association
1991-92 Committee Chairpersons**

AD HOC COMMITTEE ON HCBA ROOM IN THE COURTHOUSE
R. Fulton Thompson 354-5910

BENCH AND BAR RELATIONS
Barry H. Powell 948-6882

BLACK LAWYER PARTICIPATION IN THE PROFESSION
Leyser Q. Morris 359-3150

BUDGET AND FINANCE
James K. Dossett, Jr. 948-3160

BY-LAWS
Powell G. Ogletree, Jr. 948-6100

CHILD ADVOCACY
Julie Sneed Muller 939-3895

CONTINUING LEGAL EDUCATION
Edward E. Lawler, Jr. 944-0466

HABITAT FOR HUMANITY
Liza Purcell 948-6882

LAW RELATED EDUCATION
Mark Hodges 968-5500

LAW STUDENT MEMBERSHIP
Donna H. Wright 944-0005

LEGAL AID
David Watkins 948-3101

LEGAL ECONOMICS
Neil P. Olack 949-4900

LEGAL/MEDICAL LIAISON
Richard G. Cowart 949-4900

LEGAL PROBLEMS OF THE HOMELESS
Michael S. MacInnis 969-1030

LEGISLATIVE
T. Calvin Wells 354-5400

LIBRARY SERVICES
John L. Maxey 355-8855

LONG RANGE PLANNING
Judith Johnson 353-3907

MEMBERSHIP
T. Harris Collier, III 354-5088

NAME CHANGE/GEOGRAPHIC EXPANSION
Leonard D. Van Slyke, Jr. 948-6882

NEWSLETTER EDITORIAL BOARD
Jeffery D. Rawlings 969-1030

NEWSLETTER MANAGEMENT
Pete Doran 354-5400

PEOPLES LAW SCHOOL
Trey Bobinger 359-3680

PROFESSIONAL ETHICS
Sam E. Scott 969-4140

PROGRAM
William J. Little, Jr. 948-2291

PUBLIC RELATIONS
Leonard D. Van Slyke, Jr. 948-6882

RACE RELATIONS SYMPOSIUM
William F. Winter 949-4900

SMALL FIRM PRACTICE
Dale Hubbard 969-4700

SOCIAL
T. Mark Sledge 354-0044

WOMEN IN THE PROFESSION
Susan M. Lawler 354-5400

**Peoples Law School
'Exceptionally Informative'**

I thank the Hinds County Bar Association and *The Clarion Ledger* for the legal sessions held at the Mississippi College School of Law March 19 - April 9 and offer my condolences to all who did not attend.

These programs were exceptionally informative. Although we paid a nominal fee for four sessions, my calculations show a minimum of 10 hours wherein professional speakers educated us on a wide range of subjects.

Laws are continually changing and the public needs a source that will help us educate ourselves. The programs were well coordinated with excellent speakers who shared their time and expertise with us. All who attended left with a better knowledge of our legal system, the selection of legal counsel and how to utilize resources within the Consumer Protection Division.

Usually none of us learns about bankruptcy laws, debtor/creditor rights, wills, estates, and legal trusts and power of an attorney until after we needed them.

I especially appreciate the Bar Association offering tapes of these programs. It was impossible to absorb all of the information given during each session. The Certificate of Attendance was a nice added touch.

Whoever thought of offering such a program to the public is to be commended. We have needed a program of this status for years, and the revenue it generates cannot hurt the budget. Maybe others will not how everyone involved benefited and initiate similar programs.

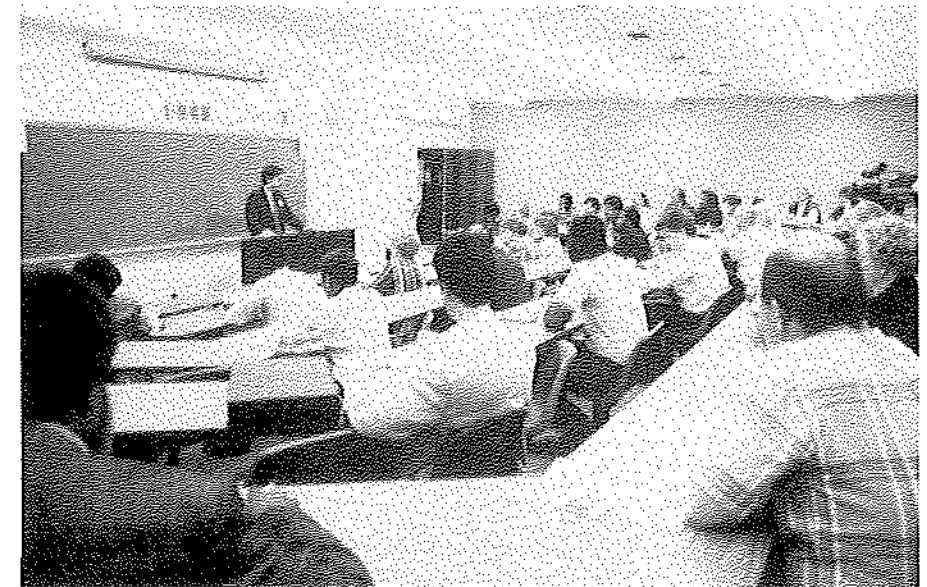
I hope the next sessions offered received wider advertisement. I would have been very disappointed had I missed these introductory classes.

Judy McClure, Jackson

Reprinted from *The Clarion Ledger*

Editor's Note:

On an effort to address our fair share of ecological responsibility, this edition is printed on recycled paper. Your comments and thoughts are solicited.



Trey Bobinger teaches a class at the People's Law School on Consumer Protection.

**"PEOPLES LAW SCHOOL"
A Big Success**

Offered this spring for the first time in the Jackson area, the People's Law School was a series of classes taught in the evenings to give practical legal information to the general public.

The 1990-91 session of People's Law School lasted one month, with participants choosing topics based on their own needs. Classes were held at Mississippi College Law School. The series, designed to answer everyday legal questions, met on four separate evenings and covered matters such as: how to select an attorney, the laws protecting consumers in the marketplace, an overview of bankruptcy laws, divorce, custody and child support, the basics of buying and selling a home, and the law of wills and estates.

On average, about 60 people attended each of the four sessions. And, without exception, there were people in each session wanting the class to last longer so they could receive more information.

Reported one participant, "I wish the topics and time would be expanded next year."

The sessions were co-sponsored by the Hinds County Bar Association, *The Clarion Ledger*, and funded by an IOLTA grant. Each session was led by volunteer attorneys or judges skilled in the particular field of practice. Volunteers for this year's People's Law School included: Justice Fred L. Banks, Jr. - Associate Justice, Mississippi Supreme Court; Richard T. Bennett, Attorney - Bennett, Lotterhos, Sulser & Wilson; Trey Bobinger - Special Assistant Attorney General, Consumer Protection Division; H. Fariss Crisler, III, Attorney at Law; Honorable Stuart Robinson - Senior Chancellor, 5th Chancery Court District; Leonard D. Van Slyke, Jr. Attorney - Thomas, Price, Alston, Jones & Davis. J. Richard Hurt, MC School of Law Dean, served as chairman.

**HCBA Sponsors Luncheon Seminar
For Summer Law Clerks**

The Legal Economics Committee of the Hinds County Bar Association will sponsor a luncheon seminar for summer clerks on August 1, 1991, at 12:00 p.m. at the Capital City Petroleum Club. Neil Olack and Richard Montague will make the presentation. Information will be provided about legal economics that might be useful to the summer law clerks in the recruiting process and as a new associate. HCBA will provide lunch for participating clerks and interns.

Third Annual HCBA Food & Drink Hotspots Poll

By Captain Equity

It's that time again! Hard to believe but, yes, it has been exactly one year since we shared the results of our Second Annual HCBA Luncheon Hotspots Poll. And now we're back with our own subjective slant on Metro Jackson's best and worst eateries.

As has become our custom, we have once again unilaterally adjusted the rules to suit our purposes. This popularly known in the legislature as "redistricting." We prefer to think of it as expanding our informational reach. Like the legislature, this is merely euphemistic subterfuge. While their motive is to "get even," ours is to cast a wider defamatory net. But at least we can guarantee that no two incumbent restaurants from last year's poll will end up in a runoff.

Be that as it may, we've expanded the eligibility requirements from lunchspots to the more inclusive definition of "food for money." The main thrust of our poll still centers on lunch spots, since most Jackson lawyers are either too tired or too broke to eat out at night. This reference explicitly exempts partners in insurance defense firms who think the term "post-deposition activity" is a Latin phrase which means "get an early reservation at a pricy, expense-account restaurant."

The geographic boundary line for this year's poll has likewise been extended from downtown and thereabouts to anywhere within the Jackson Metro area. Consequently, we were able to consider substantially more entrants and make a few jokes which would otherwise be considered non-germane and stupid.

Our theme and emphasis this year is on the new, novel and previously ignored, thus the explanation for beginning with a brief review of those dining experiences most and least favored in 1990.

Oh, and by the way, if you don't remember voting, you didn't. We decided to use the increasingly popular device of "illusion voting" as it is practiced in Congress and the Mississippi Legislature.

THE BAKER'S DOZEN BEST FROM 1990

Jackson Bar & Grill - Named by readers as Jackson's top lunch spot in 1990. Thanks to fish from the Pacific and Bass Ale, this favorite remains a viable candidate to repeat in 1991.

Hal & Mal's - The 1989 winner of the

Best Downtown Luncheon Spot remains as a high visibility venue for power lunching Jackson attorneys and ubiquitous civic volunteers.

400 East Capitol - Still the leading exponent of expense account dining in downtown Jackson. Also a Happy Hour triumph.

Nick's - Better food than 400 East Capitol, but not by much. The Captain's new favorite watering hole and old favorite dining spot (especially when someone else is picking up the check).

House of Wong North - Luncheon buffet features best Chinese lunch buffet in town. A gourmand's delight.

Little Tokyo - Something different for lunch and dinner. Try the sushi just once before you say "...but I don't eat raw fish."

CS's - Still Captain Equity's personal plate lunch favorite. These people understand meat loaf and black-eyed peas. The displayed collection of beer can history is a lunchtime bonus.

George's Cafeteria - Blue collar lunch on Raymond Road. This South Jack-

son melting pot is truly the crossroads of noon-hour Jackson. Snubbed by the defense bar, it is favorite of many with Lt. Governor potential.

Keifer's - The gyro and Greek salad champ of Jackson. Located across from Ray and Julie's downtown residence. A second location within walking distance of their Belhaven digs.

Christo's in Belhaven - Neighborhood dining as it should be. First rate sandwiches and primo red beans and rice.

Iron Horse Grill - Superior downtown Mexican food with great decor. The closest thing Jackson has to the Great Northern Hotel dining room from Twin Peaks fame sans the characters.

Mayflower Cafe - Food fit for a Greek deity; service with a gripe and a grimace. A likely target for an OSHA investigation.

The Elite - Another Capitol Street landmark with vintage Jackson waitresses. Try the enchiladas, breaded veal cutlet and homemade rolls - but not at one sitting.

...continued on next page



Winners of the HCBA sponsored Essay Contest on Freedom of Speech were presented their awards at the April Membership Meeting. They are: (seated) Cathy Covington, Forest Hill; Ali Allen, Murrah; Christine Anderson, Murrah; (standing) Paul Matchen, Murrah; and Christopher Twifford, Murrah. They are shown with the HCBA Law Related Education Project Chairmen, Don Nichols and Bob Williford.

Captain Equity *continued...*

THE BOTTOM FEW (AND STILL WITH US)

Sun-n-Sand - Actually, the food is fine. It's just all the bad karma left behind every January to April by out-of-town visitors to the Capitol.

Ruby Tuesday's, Bennigan's & Chili's - Brass, noise, and pseudo-food for trendy people who are into "authentic Mexican food adapted specially for yuppies."

Chimneyville Cafe - As we said last year, "Nice people, but the food and price structure need work." While there has been some progress, this appraisal still stands. Does licking stamps at the Post Office do something to a patron's taste buds?

Holiday Inn Downtown - Food fit for a "Last Chance CLE Straggler." It is only marginally better than the acoustics in the meeting rooms.

NEW, NOVEL AND/OR PREVIOUSLY IGNORED

The Gallery Restaurant - Located in Jackson's emerging Soho District between Mill and West Streets on Millsaps. A truly imaginative effort featuring original art, glib real-city-like waiters, and gourmet lunch fare at nearly plate lunch prices. Where else can you start with red lentil soup and then move to pork tenderloin served with brown rice, topped with a fruit chutney and a blue basil garnish? And to think, all this near a major rail yard? These people deserve our support and encouragement.

Sunflower Food Stores - Abominations all!

The Food Court at Northpark Mall - A close second to Sunflower Food Stores.

El Chico at Metro Center - Taken for granted, but perhaps the most consistent Mexican food in town. Wednesday is enchilada day.

The Arbor - Just another sandwich/soup/salad place in a pleasant spot at Deposit Guaranty Plaza.

Ralph & Kacoo's - A long wait for too much fried seafood. Like a big overpriced Shoney's.

Colours - The outdoor seating at Highland Village is very nice. Good food but leisurely service means take plenty of time for lunch.

Two Sister's Kitchen - Located in an old Congress Street House around the corner from the corpse of the George Street Grocery. They offer fried chicken or chicken fried steak with unlimited vegetables, salad bar and an apple crisp that will make you wiggle and giggle. And all at reasonable prices. A new lunchtime leader for downtown lawyers.

High Street (in the flood plain) For Fast Food Lunch - cite as HS(itfp)FFFL - The poor man's County Line Road.

My Favorite Spaghetti - The thinking lawyer's alternative to HS(itfp)FFFL. Corner of High and Jefferson.

Times Change (Dinner only) - This may well be the best food in town. Everything cooked before your very eyes on the equivalent of a high tech, chef-tendered hot plate. These people know what they are doing and who they are doing it for. Located in LeFleur's Gallery, I-55 N. frontage road.

Red Hot and Blue - A Washington D.C. barbeque favorite brought to Jackson by Malaco Records at the urging of the late Lee Atwater. It's a cross between Bennigan's and Bobby Bland, but the barbeque is good. Try the onion ring loaf.

Stockyard Cafe - Located at the Livestock Producer's Barn on Beasley Road and North State. Take a walk on the wild side as you make those noon market reports come alive.

Penn's Chicken On a Stick - Only at the Fair, Jubilee Jam and other special events - big time good. Not for the health conscious.

Leadership Jackson Snowball Booth at Jubilee Jam - The nadir of Metro Jackson food offerings (aside from Sunflower Food Stores), of course. Word is that the LJ Snowballers can expect some fierce competition in the future from a competing group of the city's elite -- Leadership Meadowbrook Mart has made application to sell Redbird Vienna Sausages from institutional sized cans (purchased from you know where) at next May's Jam. Look out Northpark Food Court, you could be next.

AWARDS

Readers Favorite Lunch Spot: Jackson Bar & Grill and 400 East Capitol

Readers' Favorite Over Food Venue: Nick's

Readers' Favorite Watering Hole: Christo's, Belhaven

Captain Equity's Improved Award: Primos Northgate

Captain Equity's Favorite Lunch Spot(s): The Gallery Restaurant and Two Sisters' Kitchen

Captain Equity's Favorite Overall Food Venue(s): Times Change and Nick's

Captain Equity's Favorite Watering Hole(s): Nick's and Homes of Wealthy Friends Who Buy and Serve Expensive Red Wine In The Late Afternoon (list unpublished)

CHOW!

(Editor's Note: The opinions expressed by Captain Equity are not necessarily those of the HCBA.)

MISSISSIPPI COLLEGE LAW LIBRARY SUMMER HOURS

Monday-Thursday	8:00 a.m. - 10:30 P.M.
Friday	8:00 a.m. - 6:00 P.M.
Saturday	9:00 a.m. - 6:00 p.m.
Sunday	2:00 p.m. - 10:00 p.m.
July 4	CLOSED

Personnel Changes

Mississippi Board of Bar Admissions

In May, Catherine Baber left her position as executive director of Mississippi Board of Bar Admissions. The latest word from their headquarters is that Catherine can be found these days on her farm out from Canton.

James R. Mozingo, a board member, is serving as acting director until a permanent director is named.

The board's offices moved to the Gartin Justice Building in early June.

Mississippi State Library

Mary E. Miller has been named State Librarian, succeeding Susan U. Hicks, who is now librarian to the Fifth Circuit Court of Appeals in Jackson. Mary will take over her duties as State Law Librarian on August 1, 1991. Until that time, she will continue to serve as law clerk to Mississippi Supreme Court Justice Michael Sullivan.

Mary has a B.A. degree from Asbury College (Kentucky) and a J.D. from Mississippi College. Prior to taking the judicial clerkship with Justice Sullivan, she was Evening Reference Librarian at the Mississippi College Law Library.

University of Mississippi Law Library

One June 1, 1991, Herbert E. Cihak will replace J. Wesley Cochran as Director of the Ole Miss Law Library. Prof. Cochran is returning to Texas to be Law Librarian at Texas Tech.

Herb has been Public Services Librarian at Ole Miss since 1988. Prior to that, he worked in the San Bernardino County (California) Law Library, the Dallas County (Texas) Law Library and the Oklahoma City University Law Library. He holds the B.A., M.A., and M.L.S. degrees from Brigham Young University and the J.D. degree from the university of Nebraska.

Hinds County Law Gives Scholarship

Wes Williams, a second year student at the Mississippi College School of Law, was recently awarded a \$1500 scholarship provided by the Hinds County Lawyer's Wives. Making the presentation at the annual Law Day ceremony was Mrs. Glen Bush, President of the Lawyers' Wives. Wes is the son of Mr. and Mrs. H.W. Williams, Jr. of North Jackson.

CLE CALENDAR OF EVENTS

June 18

Escape from Chapter C: Tax Planning for the Closely Held Business. UM Center for CLE. Jackson, MS.

June 19

What a Lawyer or CPA Needs to know about Elder Care and Elder Law. UM Center for CLE. Jackson, MS.

June 21

Environment Concerns in Real Estate. K.F. Boackle. Jackson, MS.

June 21

Preventing Malpractice in Real Estate. K.F. Boackle. Jackson, MS.

June 21

Ethics and Evidence. Jackson Young Lawyers Association. Jackson, MS.

June 21

New Issues in Civil Rights Litigation. UM Center for CLE. Jackson, MS.

July 19

Basic Issues in Employment Law in MS. NBI. Jackson, MS.

HCBA Leadership Seminar Held

On May 7, 1991 the newly elected officers of the HCBA led by President Richard Montague conducted a luncheon seminar to review the past year's activities and establish the direction and goals of the HCBA for the next year. In attendance were the various committee chairpersons, each of whom gave a short presentation on plans for committee activities during the next year.

The guest speaker Dr. Ben Canada, Superintendent of the Jackson Public Schools, addressed the bond issue, the status of Jackson Public Schools and the future of our children. Dr. Canada espoused the "eagle" theory of action. He noted that eagles pick their target, make their choice and then "go for it." Buzzards, however, procrastinate and continue to circle until their target is dead, cold and picked apart. Dr. Canada concluded that the future of Jackson Public Schools and our community may well be decided by the number of eagles in our midst and encouraged everyone present to strive to be an eagle.

July 26

Current Issues in Income Taxation of MS Corporations. NBI. Jackson, MS.

HCBA CALENDAR OF EVENTS

June 18

HCBA Membership Meeting. Capital City Petroleum Club. Jackson

August 1

HCBA Summer Law Clerk Luncheon Seminar. Capital City Petroleum Club. Jackson, MS.

August 20

HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

October 15

HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

December 5

HCBA Christmas Social. MS Bar Center. Jackson, MS.

December 17

HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

February Bar Exam Results

One hundred nineteen person took the February bar exam, of that number, eighty-six passed (72.3%). Eighty were first-time-takers; sixty-four of these passed (80%). Thirty-nine were re-takers; twenty-two passed (56.4%). One of the two persons taking the attorney's examination passed.

Eighty-two of the successful applicants were admitted to practice in Mississippi; five have additional requirements to meet.

The passing applicants represent the following law schools (The number from each school in parenthesis): Baylor (1), Case Western Reserve (1), Cumberland (4), George Washington (1), Georgia State (2), Hastings (1), LSU (1), Loyola (1), Memphis State (2), MC (16), Ohio Northern (1), Southern (1), St. Mary's (1), Tulane (3), Alabama (2), Iowa (1), Ole Miss (42), U. of the Pacific (1), Vanderbilt (2), Washington & Lee (1), Wayne State (1).

The swearing-in was held in the Old Capitol House of Representatives Chamber. The Hinds County Bar extends its best wishes to each of these new lawyers.

Hinds County Bar Association, Inc.

BUDGET

INCOME:	1990-91 Actual	1991-92 Budget
Interest Earned	\$ 4,081.56	\$ 3,800.00
Law Firm Survey	1,350.00	1,400.00
Membership Dues	39,340.00	38,500.00
Membership Dues (Students)	120.00	250.00
Membership Luncheon Fees	3,347.50	3,300.00
Miscellaneous (includes habitat contributions from members)	14,897.76	
Newsletter Ads		7,500.00
Pictorial Directory	4,644.00	
Habitat House	3,668.48	
Peoples Law School		1,200.00
From Retained Earnings	2,498.94	4,300.00
Total Income	\$ 70,279.76	\$ 60,250.00
EXPENSES:		
ABA Conferences	\$ 1,431.41	\$ 3,000.00
Board Luncheons	965.55	1,000.00
Committee Activities	3,039.56	2,500.00
Committee Lunches		2,000.00
In-town Travel	450.00	450.00
Insurance	300.00	300.00
Law Office Survey	725.00	800.00
Law Related Education	665.00	1,250.00
Management Services	14,000.00	16,000.00
Membership Luncheons	3,650.80	3,800.00
Miscellaneous (includes habitat contributions)	17,359.93	1,500.00
Newsletter	5,929.64	7,500.00
Peoples Law School		1,000.00
Postage	5,097.39	6,000.00
Printing & Supplies	3,875.13	4,500.00
Public Relations	1,421.41	500.00
Receptions for Judges	4,425.34	4,000.00
Social Activities	3,275.12	3,750.00
Telephone		400.00
Total Expenses	\$ 70,279.76	\$ 60,250.00
Income (Loss)		

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marital conflicts, drug
or alcohol dependence,
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must be signed, but the writer's name will be
withheld upon request. Telephone inquiries
should be made to the Executive Director at
969-6097.

Hinds County Bar Association, Inc.

151 E. Griffith Street

Jackson, MS 39201

FIRST CLASS

IMPORTANT

HCBA Luncheon Meeting

12 Noon, June 18

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

OCTOBER 1991



President's Column

Richard Montague

Thomas Jefferson said, "The man who reads nothing at all is better educated than the man who reads nothing but newspapers." Oscar Wilde repeated that theme when he said, "There is so much to be said in favor of modern journalism. By giving us the opinions of the uneducated, it keeps us in touch with the ignorance of the community." Newspaper bashing may be a more time honored tradition than lawyer bashing. Thomas Jefferson and Oscar Wilde made these statements without the benefit of *The Clarion Ledger*. They must have had their own favorite newspaper.

In light of the distrust that I perceive the general public has for both journalists and lawyers and the distrust that each profession may have for the other, The People's Law School stands as a model of professional cooperation between the Hinds County Bar Association and *The Clarion Ledger*. It is refreshing that each organization is making a positive contribution to our community. The first People's Law School, a series of four weekly lectures on general topics of the law for lay people, was a tremendous success. We owe that success in large part to the hard work of the lecturers, who have been recognized in previous Hinds County

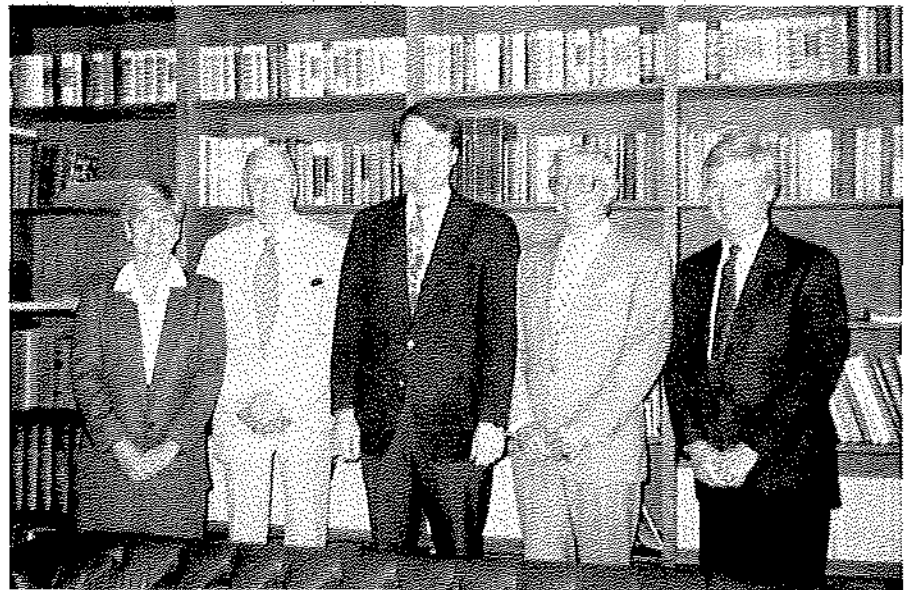
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HCBA To Cosponsor First Amendment Program and Champagne Reception

On Thursday evening, November 14, 1991, the Hinds County Bar Association and the Millsaps Arts & Lecture Series will cosponsor a program at the Academic Complex Recital Hall on the campus of Millsaps College entitled "Silencing The Voices: The First Amendment On Trial." The program features Judge E. Grady Jolly of the United States Fifth Circuit Court of Appeals; Judge Tom Gee, recently retired from the Fifth Circuit and now of Counsel to the law firm of Baker & Botts in Houston,

Texas; John Kramer, Dean of the Tulane School of Law in New Orleans, Louisiana; and Luther Munford, a partner with Phelps Dunbar in the Jackson office. Judge Jolly will preside as the other participants argue a multi-faceted First Amendment case. The audience will serve as the jury. A champagne and dessert reception honoring the program participants will follow at the Mississippi Bar Center starting at 9:15 p.m. Tickets to

...continued on page 2



Alex Alston (second from right), MS Bar President, was the speaker at the August HCBA Membership Meeting. Joining Alex are Linda Greaves, HCBA Board Member; Sherwood Wise, a Past HCBA President; Richard Montague, HCBA President, and James Robertson, MS Supreme Court Justice.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

October 15, 1991

12 Noon

\$9.00

Capital City Petroleum Club

The Speaker will be Thomas V. Shafer.

President's Column cont...

Bar newsletters, to the Mississippi Bar Foundation for its grant to defray administrative expenses, to Mississippi College School of Law for providing the facility and videotaping the lectures, and to *The Clarion Ledger* for its invaluable publicity and support. Tom Shafer particularly should be commended for his commitment to continue *The Clarion-Ledger's* support of The People's Law School scheduled for this spring. Tom will be the featured speaker at our luncheon meeting on October 15, 1991. Please make an effort to thank him for his support of this worthwhile project.

You may have recently read in *The Clarion Ledger* that Circuit Judge William Coleman has appointed Tom Fortner to the newly established position of Hinds County Public Defender. Pursuant to a state statute, the HCBA established a committee to screen applicants and recommend candidates for the position to Judge Coleman. Thanks to Frank Trapp and his committee for their tireless efforts in reviewing applications and interviewing applicants.

If you haven't done so lately, please re-read the Mississippi Code of Professional Conduct adopted by the Board of Commissioners of the Mississippi State Bar on March 16, 1990. I mentioned this in my first president's column and I will continue to mention it. Following this Code would not eliminate lawyer bashing, but it would eliminate its validity. I wonder if journalists have a code of conduct. Be sure to ask Tom Shafer on October 15, 1991.

Finally, I was disappointed to learn that my write-in vote in the recent primary may not have counted. I didn't write in a vote in the race that is now the subject of controversy between the Republican and Democratic parties, but I did write in Dan McDaniel for Public Service Commissioner. I am now disappointed to learn that write-ins may only be valid if the candidate on the ballot is deceased. Oh well.

First Amendment cont...

the Arts & Lecture performance may be purchased through Millsaps College at a cost of ten dollars. Tickets will also be available at the door on the evening of the performance. The reception is free to all members of the Hinds County Bar Association and their guests.

HCBA News has been assured that the audience will certainly be entertained and perhaps enlightened. Federal Marshals will be in attendance in the event of overzealous jury deliberations. No CLE credit given. For more information call Kyle Dice at Millsaps College (974-1027) or Pat Evans at the Hinds County Bar Office (969-6097).

Fall Bar Examination Results

The Mississippi Board of Bar Admissions reports that 154 of the 194 persons (79.4%) taking the July test were successful in achieving passing scores. Of these, 144 of 171 (84.2%) were first-time-takers and 10 of 23 (43.5%) were retakes.

This compares with overall pass rate for the four previous examinations:

February, 1991	72.3%
July, 1990	81.0%
February, 1990	65.7%
July, 1989	71.98%

The successful applicants represent the following law schools (number from each school in parenthesis): Ole Miss (81), Mississippi College (37), LSU (1), Vanderbilt (5), Tulane (7), University of Virginia (1), Washington & Lee (2), William & Mary (2), University of Alabama (3), Cumberland (4), Memphis State (1), University of Denver (1), Loyola (2), University of Minnesota (2), Notre Dame (1), Florida State (1), Emory (1).

Fifth Circuit Judge E. Grady Jolly addressed the new members at the September 26th admission ceremony held in the House Of Representatives Chamber of the Old Capitol.

Seminar To Be Held

A seminar dealing with representation of abused children will be presented by the Hinds County Bar Association, the Interest of Lawyers' Trust Accounts program, the Jackson Young Lawyers Association, and the Children's Advocacy Center on October 11, 1991, at the Ramada Inn Coliseum beginning at 8:30 a.m.

Speakers for the seminar include Justice Armis Hawkins and Rankin County Judge James W. Smith, Jr. Justice Hawkins will speak about the evidentiary aspects of children's testimony in court. Judge Smith will present information regarding the Court Appointed Special Advocate Program (CASA). Tom Royals, Esquire, will address other legal issues involving crimes against children.

Additionally, Catherine L. Meeks, Ph.D., a counseling psychologist on staff at the Children's Advocacy Center, will address a child's view of abuse and the court system.

Leigh Johnson, R.N., will speak of physical and sexual abuse of children. She is a former victim of physical and sexual abuse who was coordinator of the National Children's Advocacy Center. She is currently employed by the Madison County District Attorney in Huntsville, Alabama.

The seminar has been approved for 6 hours of continuing legal education and application has been made for seven social work contact hours. The registration fee for the seminar is \$25. For more information contact Julie Sneed Muller at 939-3895 or the Children's Advocacy Center at 969-7111.

CLE CALENDAR OF EVENTS

October 22
Asset Protection Planning: Protecting Assets from Plaintiffs and Other Predators. UM Center for CLE. Jackson, MS.

October 23
Developments in Trusts and Estates. UM Center for CLE. Jackson, MS.

October 23
Trial Advocacy Skills. MS Legal Services Coalition. Jackson, MS.

October 25
Workouts and Bankruptcies. The Cambridge Institute. Jackson, MS.

October 29
School Law. MS School Boards Assoc. Jackson, MS.

October 31
Insurer, Broker and Agent Liability. UM Center for CLE. Jackson, MS.

November 1
The Americans with Disabilities Act of 1990. UM Center for CLE. Jackson, MS.

November 1
Fourth Annual Workers' Compensation Seminar. MS College School of Law. Jackson, MS.

November 2
Real Estate Contracts. K.F. Boackle. Jackson, MS.

November 2
Real Estate License Law. K.F. Boackle. Jackson, MS.

November 5
RICO. UM Center for CLE. Jackson, MS.

November 7
Making Health Care Decisions. UM Center for CLE. Jackson, MS.

November 8
Innovative Approaches to Maximizing Damages. MTLA. Jackson, MS.

November 8
Law Office Management Seminar: Working Smarter, Not Harder. MS College School of Law. Jackson, MS.

November 12
Annual Fall Pension and Employee Benefits. UM Center for CLE. Jackson, MS.

November 14
Franchising. Lorman Business Center, Inc. Jackson, MS.

November 15
Real Estate: Preparing for Troubled Times. Lorman Business Center, Inc. Jackson, MS.

November 19
Developments in Trusts and Estates. UM Center for CLE. Jackson, MS.

November 19
Charitable Giving Seminar. Millsaps College. Jackson, MS.

November 20
Trying the Automobile Injury Case in MS. NBI. Jackson, MS.

November 22
91 Fall Seminar. MSB Natural Resources Section. Jackson, MS.

December 2-3
Individual Income Tax Seminar. MS Association of Public Accts. Jackson, MS.

December 3
Title Insurance. UM Center for CLE. Jackson, MS.

December 4
How to Try a Family Law Case. UM Center for CLE. Jackson, MS.

December 5
Litigation Techniques for Legal Assistants: Become a More Effective Member of the Litigation Team. UM Center for CLE. Jackson, MS.

December 6
Medical Malpractice. MTLA. Jackson, MS.

December 7
Real Estate Brokerage Law. K.F. Boackle. Jackson, MS.

December 7
MS Real Estate License Law. K.F. Boackle, Jackson, MS.

December 10
LBO's, Fraudulent Transfers, and Equitable Subordination. UM Center for CLE. Jackson, MS.

December 12
Advanced Tax Issues in Estate Planning. UM Center for CLE. Jackson, MS.

December 13
Second Annual Federal Practice Institute Seminar. Federal Bar Association. Jackson, MS.

December 13
Real Estate Agency. K.F. Boackle, Jackson, MS.

December 13
MS Real Estate License Law. K.F. Boackle. Jackson, MS.

HCBA CALENDAR OF EVENTS

October 15
HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

October 29
Judicial Conference Reception. MS Bar Center. Jackson, MS.

November 14
Champagne Reception with Millsaps Arts & Lecture Series. MS Bar Center. Jackson, MS.

December 5
HCBA Christmas Social. MS Bar Center. Jackson, MS.

December 17
HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

February 18
HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

March 7-11
HCBA CLE Meeting/Ski Trip. Park City, Utah.

March 24 & 31
People's Law School. MC School of Law. Jackson, MS.

April 7 & 14
People's Law School. MC School of Law. Jackson, MS.

April 21
HCBA Membership Meeting. Capital City Petroleum Club. Jackson, MS.

"Free Biscuits" Equity Can Handle The Legislature

By Captain Equity

Why is it that nearly 100% of Mississippi's white male children want to grow up to be Governor? The job is not particularly fun, other callings pay more, real power is illusory, and it is a proven political dead end. Yet, seemingly every ambitious Caucasian boy who has tasted the intoxicating delights of power as a fourth grade hall monitor or homeroom version of Lieutenant Governor secretly or not so secretly aspires to live rent free in that big white house on Capitol Street. I guess it's a lot like Ole Miss coeds and Miss America or great writers and bourbon, but whatever it is, count me in for the November general election sweepstakes.

Heretofore, I thought not having a substantial stand of timber, a string of radio stations, or a gubernatorial grandpappy would be an instant disqualification. Apparently not. A fun run candidate named Blair was able to squeeze 55,000 votes out of a \$300 investment. I figure I can do at least that well, and maybe better. But, and this is a But with a capital B, there are some absolute musts if a zero name value political darkhorse like me is to pull off a November surprise.

First and foremost, any newcomer to Mississippi politics worth his poll tax receipt has to have a catchy nickname, to wit: "Wagon Wheel" Blair, "Blowtorch" Mason, "Jim Buck" Ross Barnett. Oh sure, the political pros can use names like Ray or Pete and still win. Even nonpolitical "businessmen" candidates can get by with their given names provided they are Republicans and sport silver-gray Gil Carmichael-Jack Reed nonpolitical "businessman" hair. It's a pity, I suppose, that I don't qualify for this rather narrow exception. Consequently, I've got to get busy choosing a flesh pressing moniker with populist appeal. A few come to mind: "Car Tag" Equity, "I Won't

Be An Impediment" Equity, or perhaps "When The Mississippi Democratic Party Turned Liberal About The Same Time I Figured Out I Couldn't Get The Democratic Nomination So I Switched Sides Hoping To Tap Into Big Oil And National Republican Slush Fund Money" Equity. Close, but not quite. Actually the political nickname "Jim Buck" is my favorite. (That has to be a nickname, don't you think?) But since it has been claimed by our incumbent, twelve-term Secretary of Agriculture For Life, I thought I could at least utilize the underlying vote getting concept behind it. As we all know, the Ag Commish is a every-four-year shoe-in solely because of those free biscuits and molasses he gives away like clockwork every October at the Fair. This fact is not lost on your newest candidate for Governor. My name, as it shall appear on the ballot, will be Captain "Free Biscuits" Equity. Who knows, if elected, I might be even able to start my own Museum. Perhaps we could call it the "Mississippi Poverty and Ignorance" Museum celebrating feudalism in state government. What a great place to house those Sovereignty Commission files.

Well, with a name like "Free Biscuits" I guess I'm ready to roll. Uh oh...that reference to rolling makes me think of Ole Ross, and when you think of him you naturally think of another essential — the campaign song. There was "J.P.'s The Man," "Roll With Ross," and "Stand Up For Johnson (Sing Out For Paul)." As I recall, even Wayne Dowdy had a song in the first primary, but I can't recall the title. The literal translation was something like "I God The Out of Office, I Just Got To Get Elected To Something Blues," sung to the tune of the New Jesse Jackson TV Talk Show theme song.

Well, if it's good enough for

Wayne, it's good enough for me. But then again, look what happened to him. Actually, I don't think the song will make or break me. I'm just going to pick "Louie Louie" and change the title to "Equity, Equity." Come to think of it, nobody can understand the words. That should make it the perfect campaign song — especially for this election.

Well there you have it, except for one last trivial matter that apparently no other candidate seems to worry about — issues. Call me old fashioned, but I guess I ought to at least take thirty seconds out of my campaign to come up with a platform. I'll worry later about watering it all down with misleading and meaningless slogans calculated to capture the all important moron vote and its campaign, the glandular-lunatic fringe-emotional impulse vote (GLFEI VOTE). According to my expensive, out-of-state political handler, attracting the GLFEI VOTE is usually a piece of cake. However, it will be decidedly tougher since there are apparently no holdover communists in state government or in my opponents' campaign organizations or in what's left of the Soviet Union. I don't want to whine, but I never seem to get a break.

Well, anyway, where were we? Oh yes, a Platform...Hmmm. Give me a minute...okay, how about this for a platform: 79 cent car tags, big pay raises for every state employee (and pay raise vouchers for private citizens), mandatory death penalty for all crimes and a lots of tax incentives and free golf to lure high tech, Japanese industry to the state. Now, before all the know-it-all readers with accounting backgrounds (you know who you are) start to lecture me on how we will have to make up an unprecedented revenue short fall, let me assure

...continued on next page

Captain Equity *continued...*

you I have a plan. And, unlike my opponents, I'm going to tell you what it is. My first revenue enhancer will be a hefty sin tax on the legalized sale of sex and drugs by nonprofit organizations. However, there is one essential proviso to any such enabling legislation — this conduct MUST be referred to as Bingo. Second — the state phone system should be retooled to handle 1-900 psychic predictions and sports betting advice. Finally, huge savings could be realized by dismantling the public school system. We would simply bus our school children into Tennessee, Alabama, Arkansas and Louisiana border towns during the day for their educations. If we can go "out of state" to buy lottery tickets and place bets on horse races in Shreveport, why not expand into readin', writ'n, and rithmetic. Heck, our teachers are going to those states anyway, why not send the kids with them? On this point, I'm squarely in accord with the no nonsense, businessman candidate from Vicksburg (or is it Delhi, Louisiana - oh, what does it matter, they're real close to each other) when he says "Education, Smeducation."

Well, there you have it. Now, let's start having some \$1000 a plate get-togethers and out-of-state fundraisers. And for those of you who might accuse me of being just a wee bit cynical, I can only echo what a number of our previously elected officials and continuing Democracy role models have said at various times to various federal judges after extensive plea bargaining negotiations — Guilty! Oh, and by the way, I can handle the legislature.

See you at the Mansion for drinks.

Mississippi Investment Trusts

By Michael S. Macinnis

The next time a client asks you for advice about how to structure a Mississippi business venture, you might want to keep in mind a Mississippi Investment Trust ("MIT"). While MIT's are not new on the block by any means, a quick telephone call to the Securities Division Secretary of State shows that they are very rarely used.

The Mississippi Investment Trust Law is found at Miss. Code Ann §79-15-1, *et seq.* (1972). The MIT law is neither very long nor very complex. Simply put, MIT's are hybrids of a general trust, a limited partnership and a corporation, with some features of each. The number of trustees is controlled by statute and a minimum of three (3) must be appointed by a written Declaration of Trust. *See* Miss. Code Ann. §79-15-3(1). A MIT, however, is declared expressly to be neither a general nor a limited partnership despite the fact that trustees may hold certificates of beneficial interest in the trust.

MIT's can exist for any lawful purpose including investment in real and personal property. The income, dividends, etc. received may be invested or distributed to the beneficial owners pursuant to the express terms of the declaration of trust. Miss. Code Ann. §70-15-05(1). One of the limitations in organization, however, is that at least one of the trustees at all times during the existence of the MIT must be a natural person and a resident of the State of Mississippi. *Id.* at §70-15-5(2).

Much like a corporation's articles or bylaws, the Declaration of Trust must include certain things such as the address of the principle office and place of business of the MIT; the initial trustees; the aggregate number of shares the MIT shall have authority to issue; their unit value in dollars; a statement that each share shall be equal to every other share; and a requirement that the trustees maintain accurate and com-

plete books of account that may be inspected during normal business hours and upon reasonable notice by all holders of a certificate of beneficial interest. Miss. Code Ann. §79-15-7(a)-(h).

Liabilities

One of the most attractive features of the MIT is that the liability of both the trustees and the holders of certificates of beneficial interest is clearly defined by statute. The trustees are empowered to hold title to all property belonging to the investment trust and to have complete control over its management, operation, etc. The chairman may be selected from the trustees as well as other officers, and one or more trustees may be designated to act on behalf of the trust in the execution of deeds, notes and other written instruments. *Id.* at §79-15-11(1). With such a broad range of powers, it is good to know that liability of trustees to third persons cannot attach for any act, omission, or obligation, "unless such trustee with respect to such act, omission, or obligation engaged in intentional fraud or other unlawful conduct prohibited by statute." *See* Miss. Code Ann §79-15-9(3).

It is possible that such a provision expressly defining the liabilities of trustees to third persons would enable the organizer of the investment trust to obtain the agreement of a well-respected financial institution to act as one of the trustees. Of course, the presence of an objective and well-respected bank as a trustee would be a plus, particularly when the investment trust is being marketed to third parties via a private placement or other offering.

The holders of certificates of beneficial interest, much like limited partners in a limited partnership, cannot be personally or individually

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liable "in any manner whatever for any debts, acts, omission, or obligations incurred by the trustees or by the investment trust." Miss. Code Ann. §79-15-3. Even though the similarity to a limited partnership is clear, the statute expressly provides that the holder of a certificate of beneficial interest in a MIT is not considered to be either a general or limited partner, and the holder's limited liability is not affected by the fact that a MIT must have a provision for the election of the successor trustees. *Id.* Most potential investors desire, if not require, limited liability. Having that limited liability clearly expressed by statute is appealing.

Restrictions Upon Investments of the MIT

One distinguishing factor of a MIT is the type of investments which the trustees or the MIT itself may make. While traditional trusts generally are restricted as to the types of investments trustees make (See Miss. Code Ann. §91-13-1 (1972)), the trustees of the MIT are expressly excused from those limitations. See Miss. Code Ann. §70-15-9(2). Trustees of the MIT have those powers of investment and management that are set out in the written Declaration of Trust, without regard to the restrictions of investments placed upon trustees in the traditional trust.

GENERAL PROVISIONS

The MIT is similar to corporations with respect to: the election and removal of trustees (Miss. Code Ann. §75-15-15) which is akin to the election and removal of officers or directors of a corporation; the amendment of the Declaration of Trust (Miss. Code Ann. §79-15-17) which is comparable to amending articles or bylaws of a corporation; recording the trust instrument (Miss. Code Ann. §79-15-19) which requires that

the Declaration of Trust be filed with the Secretary of State of Mississippi and in the office of the clerk of the Chancery Court in the County of the principle place of business of the MIT; and the calling of meetings for the MIT and the dissolution of the MIT (Miss. Code Ann. §79-15-21). There is no need, however, to designate a registered agent for service of process. The trustees serve severally as agents. Miss. Code Ann. §79-15-23(2).

TAXES AND SECURITIES IMPLICATIONS

While the author is not a tax attorney, the MIT law expressly states that the income of a MIT is to be taxed as if the entity was a business corporation except that the MIT is allowed the dividend deduction pursuant to Miss. Code Ann. §27-7-17. See Miss. Code Ann. §79-15-25. Also, the MIT is subject to the franchise tax imposed by Miss. Code Ann. §27-13-1 (*et seq.* (1972)).

Likewise, MIT's are subject to the Investment Securities chapter of the Mississippi UCC, the Mississippi Blue Sky Law, The Fiduciary Transfer Law, and any laws applicable to business corporations organized for profit so long as these laws are not inconsistent with the provisions and purposes of the MIT statutes. See Miss. Code Ann. §79-15-29 (1972).

PROS AND CONS

On the plus side, MIT's appear to combine the best qualities of a traditional trust, a limited partnership and a business corporation. This is done while expressly limiting the liability of the trustees to third persons and the personal liability of any investors in the MIT. From a "non-legal" perspective, the MIT is expressly not a limited partnership, but has many of the same qualities ranging from limited liabilities of investors to exclusive management and control by designated entities or persons. Due to the unattractiveness and negative connotations

sometimes associated with limited partnerships in today's market, an investment trust might be more attractive from a marketing standpoint.

The biggest minus could be the question of taxation. While there is no room here for a tax opinion (I would not give one even if there were), because the MIT is treated like a business corporation for taxation purposes with the exception of the dividend deduction being allowed, it is conceivable that the MIT would not be deemed a pass-through entity for tax purposes. Of course, this could be a very big negative to potential investors. Another minus, as with any venture, would be that the disclosure requirements under Federal and State law would be applicable to a MIT. A private placement or prospectus, if required, is not fun or easy no matter what entity is chosen, particularly when the entity is something employed as infrequently as the MIT is apparently used.

Nevertheless, you might want to consider a Mississippi investment trust as a possibility, or at least as a conversation piece to prove your vast knowledge of available options, the next time you are discussing potential entities with a client.



Mark your
calendars now!

HCBA
Christmas Social

5:30-7:00 p.m.

Thursday, December 5, 1991
Mississippi Bar Center

Jefferson Meeting On The Constitution

HCBA members are invited to join other Mississippians on Saturday, November 9, 1991 for this state's first "Jefferson Meeting." Since the mid-1980's, such meetings have been held to involve citizens in the process of debating the principles underlying our constitution in order to see how these principles shape the operation of our system of government and affects our daily lives.

The Mississippi forum will focus on four of the freedoms guaranteed by the First Amendment -- freedom of speech, religion, press and assembly. The meeting will convene at 9:30 a.m. with a symposium led by First Amendment scholars. Former Governor William Winter will give the keynote address following lunch. The participants will then divide in groups to examine, through informed and rational discussion, the fundamental reasons for this amendment and its application to contemporary American government. Each discussion group will make a presentation at a final plenary session with an opportunity for all participants to discuss the issue. The assembly will adjourn at 4:30 p.m.

The Jefferson Meeting on the Constitution will be held at the ETV Auditorium, 3825 Ridgewood Road. Delegates will be selected from applications received by the conference sponsors. For more information and/or an application form, contact Associate Dean Frederick Slabach, Mississippi College School of Law, 151 E. Griffith St., Jackson, MS 39201 or call 944-1950.

Mississippi's Jefferson Meeting is sponsored by the Mississippi College School of Law and Jackson State University and funded with grants from the Jefferson Foundation and the Mississippi Humanities Council.

To The Hinds County Bar Association

There will be a docket call of ALL open cases filed prior to October 15, 1990, at the Hinds County Courthouse. If trial settings have not been made prior to October 8, 1991, attorneys of record in pending cases number 26,220 through 90-66-166 will attend this docket call or send a designated representative with full information as to the status of the cases and with a calendar of the attorney will result in the dismissal of cases or other action. Attorneys will not be required to attend if settings have been obtained by AGREEMENT of all parties and the Court Administrator notified prior to October 8, 1991.

In order to conserve attorney's time, the docket will be called on the following schedule.

Thursday, October 15, 1991

9:00 a.m.	26,220	thru	38,428
10:00 a.m.	38,432	thru	90-65-027
11:00 a.m.	90-65-029	thru	90-66-166

A computer printout of all open cases will be available in the Circuit Clerk's Office. Attorneys are requested to review this printout and present Orders on any cases that have been finally disposed of but not properly closed.

Sincerely,

William F. Coleman
Circuit Judge

LAW SCHOOL CONVOCATION

The first annual Mississippi College School of Law Faculty Convocation will be held November 1, 1991 at 3:00 p.m. at the Northminster Baptist Church, 3955 Ridgewood Road in Jackson. The convocation will be held in conjunction with the investiture of J. Richard Hurt as the fourth dean of the law school.

Angus S. McSwain, Jr., dean of the Baylor Law School from 1965 to 1984, will give the convocation address.

Dean McSwain is the Governor Bill and Vara Faye Daniel Distinguished Professor at Baylor. He has published extensively in the areas of trust and probate administration and real property.

A reception will be held in the Great Hall at Northminster immediately following the investiture.

For more information about the event, call Tracy Graves at the Law School, 944-1950.

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Correspondence regarding the newsletter should be directed to: Editor, 151 E. Griffith St., Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 969-6097.

Hinds County Bar Association, Inc.
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FIRST CLASS

IMPORTANT
HCBA Luncheon Meeting
12 Noon, October 15