

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

APRIL 1992



President's Column

**Richard
Montague**

My last day as president of the HCBA is April 21, 1992. I am excited about the transition and look forward to Hal Miller taking over the job. As I begin my last column as president of the Hinds County Bar Association, I want to thank those individuals who most influenced my writing style and made all of this possible. First, I want to thank Strunk & White, whose short book, *The Elements of Style*, still reigns as the preeminent work on effective writing. I also want to thank my first semester freshman english teacher at Vanderbilt, whose face and voice I can vividly picture, but whose name escapes me, who taught me how to find logic and order in southern prose, even in Faulkner. I want to thank Dr. Hunter S. Thompson for reminding all of us that life is lived in rough draft form. Among other things, Dr. Thompson gave me a great respect for deadlines. (I have almost recovered from law school, in which we were taught how to write so that no one can understand us, except law professors.) Finally, I'd like to thank all the members of the Academy...

Now for the news portion of my column. I am pleased to report that the first annual Changes in Altitude Hinds County Bar Association Seminar was a great success. Seminar Chairman Ed Lawler put together an excellent program which was actually fairly well attended. We hope to continue this

...continued on page 2

MILLER PARTICIPATES IN ABA BAR LEADERSHIP INSTITUTE

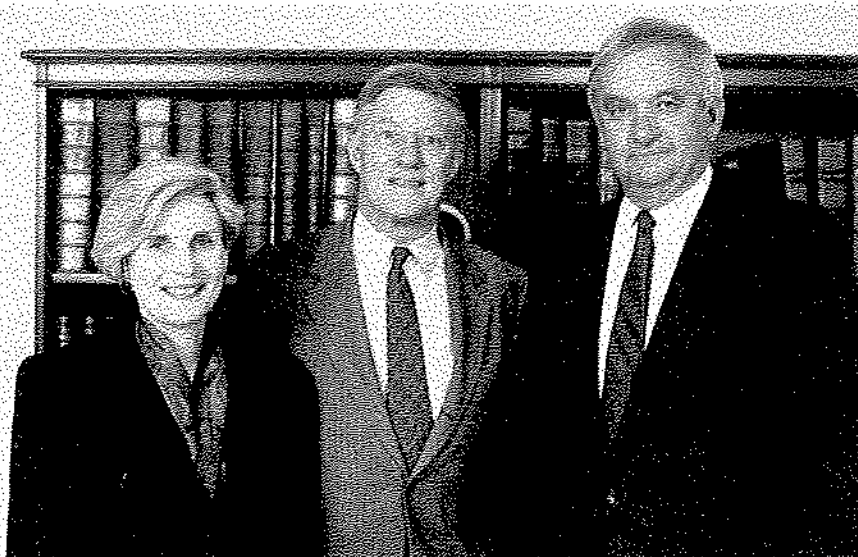
Joining 250 other emerging leaders of lawyer organizations from across the country at the American Bar Association's Bar Leadership Institute March 12-14 was Harold D. Miller, Jr, President-Elect of the Hinds County Bar Association. Also attending was Pat Evans, Executive Director.

The BLI is held annually in Chicago for incoming officials elected by local and state bars and special-constituency lawyer organizations. The seminar provides the opportunity to confer with ABA officials, president-elect colleagues, executive staff and other experts on the operation of such associations.

Miller joined ABA President Talbot S. D'Alemberte of Miami and ABA President-Elect J. Michael McWilliams of Baltimore in sessions on bar organization and management, justice system issues, and communications techniques.

Various ABA entities briefed the participants on resources available from the ABA for local, state, national and specialty bar associations.

"Participation in the BLI," D'Alemberte said, demonstrates a bar association's commitment to excel in serving the public, the justice system and its lawyer members."



Attending the recent ABA Bar Leadership Institute held in Chicago were Executive Director Pat Evans and President-Elect Harold D. Miller, Jr. With them is ABA President Talbot S. D'Alemberte of Miami.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

April 21, 1992

12 Noon

\$9.00

Capital City Petroleum Club

The Speakers will be Neil Olack, Chair of HCBA Law Office Economics Committee, Dale Hubbard, Chair of HCBA Small Firm Committee, and John B. Little, Director of Administration at Watkins, Ludlow, & Stennis, on the future of law practice in Mississippi.

President's Column cont...

tradition next year, perhaps at a Colorado resort. Registration fees paid all of the expenses of putting on the seminar, except for publicity. No HCBA dues money was spent in Utah. I was particularly concerned about the finances of this trip, because at the Board meeting just prior to the ski trip, I mean seminar, the HCBA Board voted to raise dues from \$35.00 to \$50.00 per year. Faced with the rising costs and expanding services, we passed a dues increase for the first time since 1985 in order to avoid spending any of our capital. The budget will be printed in the next issue of HCBA News. If you have any comments about the dues increase, please do not hesitate to call new HCBA President Hal Miller.

As I write this column, the second annual People's Law School is at its midway point. Over 80 attended the first session. Last year's People's Law School Chairman and Mississippi College Law School Dean Richard Hurt, Mississippi Supreme Court Justice Fred Banks, and Fifth Circuit Court of Appeals Judge Rhessa Barksdale, sat as an appellate panel hearing arguments on a hypothetical first amendment case argued by Luther Munford and Mississippi College Professor Matt Steffey. The court declined to rule, but the audience, by a show of hands, voted to allow a high school valedictorian to make a religious speech at a public school graduation. We'll see what the U.S. Supreme Court does with this issue.

Almost 100 people attended the second program on insurance law. Supreme Court Justice Mike Sullivan moderated a panel of plaintiff's lawyers, Jim Nobles and Isaac Byrd, and defense lawyers, Tom Murphree and Christy Jones. All lawyers in Hinds County owe these people, the People's Law School Committee Chairman Trey Bobinger, the People's Law School Committee, and last year's President, Leonard Van Slyke, who started the People's Law School, a debt of gratitude for spending their time on educating the public about the legal system.

I also want to thank The Clarion-Ledger for its generous support in co-sponsoring the People's Law School, Mississippi College School of Law for providing a location and for providing technical and video support, the Mississippi Bar Foundation for its generous funding, and last but not least, Pat Evans, our under-compensated Execu-

tive Director, who makes this and every other activity of the Hinds County Bar Association work.

As a parting comment, I want to especially thank VicePresident, and noted lawyer, Dan Quayle, for focusing our attention on the question of whether there are too many of us lawyers. I don't know about you, but I find it hard to take too much responsibility for America's international economic problems. I'm just a bankruptcy lawyer in Jackson, Mississippi. Dan, it's not my fault. I'll take responsibility for the HCBA dues increase, but not our trade imbalance with Japan. Are there too many lawyers? I don't know. There may be too many of you, Dan, but I am satisfied that one of me is not too many.

HCBA INVESTIGATES RES IPSA

(April 1, 1992) HCBA President Richard Montague announced today an investigation of the Jackson Young Lawyers Association Newsletter Res Ipsa Loquitur. Citing recent comments about particular law firms and lawyers, Montague stated that humor has no place in the law.

"We'll get to the bottom of this," said Montague. "The Res Ipsa staff is obviously staffed with lawyers whose elevators don't go to the top floor."

When asked if this attack on humor wasn't contrary to the regular Captain Equity feature in the HCBA newsletter, Montague replied, "I've never seen any humor in Equity."

Bench and Bar Committee Expands Services

1. We will continue to make available unpublished civil opinions of the Hinds County judges. I will write Judge Coleman and Judge Hilburn asking for their opinions. I will see if we can add a notice to the Hinds County Circuit Court Local Rules that some of the opinions of the Hinds County Circuit Judges are available in the Hinds County library.

2. I have roughly indexed Judge Gibbs' and Judge Graves' opinions. Each judge's opinions are in a separate red rope. There is a separate file for each index heading. The opinions are simply placed in the appropriate file. There is no further indexing done. I enclose a copy of the indices on Judge Gibbs and Judge Graves. Unless and until we come up with another system, I will obtain the opinions periodically from Patricia White, assign them index categories and give them to Barbara Neill, the Hinds County law librarian, to file in the library.

3. We will distribute Judge Countiss' standard rulings on routine discovery matters to the Hinds County Bar, State Bar, Magnolia Bar, Federal Bar, Mississippi Trial Lawyers, Defense Lawyers, and Hinds County Young Lawyers for them to publish if they choose.

4. Committee members are encouraged, when the opportunity arises, to express appreciation to Judge Gibbs and Judge Graves for their agreement to provide us with their standard rulings on routine discovery matters and to indicate to the judges that we would be interested in getting those rulings when they have an opportunity to get them to us.

Barry Powell, Chair of Bench and Bar Relations.



Dr. Ben Canada, Superintendent of the Jackson Public Schools, was the speaker at the February HCBA Membership Meeting. Joining Dr. Canada are Thomas E. Williams and Linda Thompson Greaves.

HINDS COUNTY FILLS PUBLIC DEFENDER'S POSITION

The Honorable Thomas Fortner has recently been selected as the Public Defender for Hinds County, Mississippi. Mr. Fortner and his wife, Linda Alley Fortner, have located to the Jackson area from Pascagoula, Mississippi, where Mr. Fortner has been the Public Defender for Jackson County, Mississippi for the last 10 years. According to "Tom", as he is known, "we have lots of animals, and no kids." Fortner's interests outside of the representation of indigent defendants include working in the yard of his new Jackson home, cooking, and reading.

Thomas Fortner attended Laurel High School, in Laurel, Mississippi, and then went on to Tulane University as an undergraduate, where he entered under a football scholarship. Mr. Fortner completed his first year of law school in Idaho, and later completed his legal education at the University of Mississippi at Oxford.

When asked why he sought a career in Public Defense work, Fortner replied "I always wanted to do criminal law. I interned in Jackson County in the Public Defender's office right out of law school, and I just got hooked on it. I thought, and still think, that it is real important work. There is never a dull moment, always a new twist, some new case, some new law that keeps me interested and excited about the work." In addition, Fortner relishes litigation and says, "I like being in the courtroom. There is nothing as challenging to me as litigation."

Over the last few months, Mr. Fortner has been occupied with the administrative details of securing suitable office space, interviewing and hiring Assistant Public Defenders, and purchasing computer hardware and software to assist in the operation of the Public Defender's office.

While Fortner obviously warms to the challenge of starting the new Hinds County Public Defender's office and is also obviously a little impatient to be-

gin accepting his full case load, he recognizes the need to allow his assistants and support staff time to familiarize themselves with the computer system and software purchased specifically for this office. A portion of indigent work is still being forwarded to appointed counsel until the office is fully operational. Fortner says that it will not take long before the Public Defender's office is operating at full capacity.

As of April 1, 1992, the Public Defender's office will be staffed with 5 full time attorneys, including Fortner. He expects to increase this number by two or more attorneys in approximately three months. Mr. Fortner is assisted by his Deputy Public Defender, Beth Davis, who has been the Public Defender for the City of Jackson for the last 13 years. In addition, Mikell Buckley has joined Fortner's staff. Ms.

...continued on page 11

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Editor's Note:

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

HARNESSING SMOKE AND MIRRORS TECHNOLOGY

by Captain Equity

As the early April spring blossoms signal the onset of another 16 month stretch of Mississippi summer, there is a lull on the political horizon. President Bush seems to have beaten back the Crossfire Bully. Now we'll have to wait until 1996 to find out if the Mercedes driving "America Firstmeister" will really name Robert Novak as his running mate. The only issue now is whether Pat will go "mano a mano" with John Sununu to get his TV swivel chair back.

In the other primary race, Slick Willie looks like a lock for the Democratic nomination, provided the other high heel doesn't drop. Word is that Jerry Brown is having his 800 number installed in Biosphere II in anticipation of another run for the Presidency in four years. Lorne Michaels is talking to Paul Tsongas about replacing Dana Carvey in the role of Garth in "Wayne's World II - The Final Hurl."

Closer to home, the Governor continues to get his back up and yell whenever he is out in public, though he does not have the sense to be a little more camera shy when he does it. Even the legislature seems calmer than usual. Let's face it, with no Brad Dye around, it's just not the same. About the only hope for some good old fashioned fun is the Mississippi Supreme Court, but we're going to have to wait till next year for that.

So, with nothing much going on, I could make this a short column and let the editors run another one of those exciting luncheon speaker profiles. Or... I could offer another one of my innovative solutions to yet another one of America's seemingly insoluble problems. Hmmm. This has all the makings of one of those USA TODAY phone polls. Call 1-900-RICHARD MONTAGUE to vote for an exciting luncheon speaker profile; call 1-900-CAPTAIN EQUITY AS A WRITE IN CANDIDATE FOR PRESIDENT (Or perhaps, the Mississippi Supreme Court) if you want tough, no nonsense answers that will put dollars in your pocket and food on your table. The choice is yours. Actually, it's not because I've decided to tackle an insoluble problem if only to spare you from the speaker profile.

THE INSOLUBLE PROBLEM

Recession, lay offs, trade deficits. Not to worry, says the Adminis-

tration, just a temporary blip in the business cycle. Recovery is just around the corner. And when that didn't work, the President got down to dishing out some bitter economic medicine. As you know, this is almost unheard of in an election year. His prescription for a speedy and lasting cure? Gerrymander the tax withholding table, of course.

"Gimmickry," railed the Democrats. "Smoke and Mirrors," cried the pundits. President Bush expected as much. But he certainly did NOT anticipate a pre-bedtime USA TODAY/SESAME STREET poll of children in a Muncie, Indiana, day care center who stayed up late to watch the State of the Union Address. The disquieting results revealed serious reservations among many, but certainly not all, four year olds. The Vice President was immediately dispatched to supervise damage control.

But wait. Has the country in its rush to judgement overlooked the genius underlying the Administration's proposal? I submit that President Bush is on to something. Yes, it's gimmickry. Smoke and mirrors? You betcha. But that, after all is America's strong suit these days. I mean, really! Bitter economic medicine - yes, provided you don't equate the word "bitter" with some sort of unpleasant, reality-based measure calculated to address the problem.

Rather than deride what might be borderline to obvious sham, I say use Smoke and Mirrors Technology to restore America to its rightful place — which is **FIRST IN EVERYTHING** - even cars and fireworks.

Since our nation's strength lies in concocting gimmicks which usually

have something to do with pop culture icons and beer consumption, all of which are palmed off to the masses via manipulative marketing and media campaigns, consider the following product innovations that would surely dazzle the Japanese and Western Europeans, not to mention the Bulgarians and even American citizens. Let me illustrate by addressing two of Americas' most pressing economic problems.

SUB-INSOLUBLE PROBLEM #1: Nobody in Japan seems to want to buy American made left hand drive cars.

ANALYSIS: Left hand drive cars are admittedly less popular in Japan because everyone there drives on the wrong side of the road. Plus, there is a general perception that U.S. cars are crummy.

SOLUTION: Since making right hand drive cars would cost money and because Detroit is already doing the best it can, simply market left hand drive Chevy Cavaliers and Chrysler LeBarons under the trademarks **NASCAR ROAD WARRIOR DESTRUCTO-ROVER** and **TERMINATOR TOW ALL TERRAIN DEATH CAR**. These real life, action "Stunt Vehicles" would allow thrill seeking Japanese consumers to be involved in high speed automobile accidents brought on by center line disorientation syndrome. These hair-raising head-ons would culminate in a realistic near-death experience immediately before the occupant walks away from the adventure, compliments of the redesigned driver side air bag which resembles a realistic life size blowup of Madonna sans the little pointed metal

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THE ROGUE & GOOD COMPANY
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JACKSON, MISSISSIPPI 39211
601 / 362-6383

Captain Equity continued...

cones (for safety reasons, of course.) Planned obsolescence ensures volume sales. Not recommended for families.

SUB-INSOLUBLE PROBLEM #2: How can America retool scores of idle defense plants on a capital expenditure budget of a couple of hundred bucks?

ANALYSIS: While there exists a ready market for our state of the art ICBMs and cruise missiles in countries like Iraq, North Korea, and Libya, it would be uncool to sell arms to these renegade, terrorist nations...at least for now. To make matters worse, all this talk about the peace dividend and the emphasis on making useful products is likely to be with us for some time.

SOLUTION: One man's weapon system is another man's fireworks display. Being against fireworks is akin to being for crime. Once you buy that fundamental assumption, boom times are just around the corner for the Defense...strike that...for the Fireworks Industry. Just think of the fun next July 4 when the whole population of North and South Dakota celebrates the first ever Budweiser-Lawrence Welk Beer Barrel Polka Festival within a cheese wheel throw of a Minuteman Missile Silo. Just as Larry Chesky and His Polka Sausage-Makers rip their way through the last encore, the SDI-BUD LIGHT FLYING CHERRY BOMB makes its debut from deep beneath the prairie to the delight of the crowd. The Spuds McKenzie nose cone is sure to charm kids and adults alike.

The Law Firm of
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and the name of the firm has
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While Americans love their fireworks, Asia, the spiritual home of the M80 and the bottle rocket, provides the most lucrative export market. A simple, yet spectacular idea which would instantly help erase Taiwan's Huge Trade Surplus with us would be a game of Captured Chinese MIG 17 - Patriot Missile Chicken over the skies of Taipei. This pyrotechnic exhibition could be held immediately following the Far East Little League World Series Finals. The U.S. Government could even rent out some of our mothballed Polaris Submarines to help light up the South China Sea evening. Ground damage would be minimal and worth it. And for an absolutely unforgettable finale, just throw in some tactical nuclear warheads. U.S. defense contractors could fill thousands of orders out of inventory - this afternoon! Radiation suits and high intensity goggles would be extra, thus creating a whole new secondary market.

These are just two of many examples of how old fashioned Yankee Ingenuity can be utilized to harness America's World Class Smoke and Mirrors Technology. What do you think of Lee Iacocca? USA...USA...USA...

ATTORNEYS AND PHYSICIANS COMPETE FOR CANCER BENEFIT

A benefit banquet utilizing "celebrity waiters" will be held at Primos Northgate on Friday, May 22, 1992, to raise funds for the American Cancer Society. Twenty (20) physicians and twenty (20) attorneys serving as celebrity waiters will compete for tips for cancer benefit. Tickets are \$25.00 per person and include the banquet, live and silent auction, open bar, and dance band. Anyone interested in participating or attending should contact Chairman Mike Malouf, at (601) 948-4320.

HINDS COUNTY LAWYERS WIVES MEMBERSHIP COFFEE

Anyone interested in joining HCLW is invited on April 28 to the home of Mr. and Mrs. Ed L. Brunini, Jr., 4270 Quail Run Road. The annual dues are \$18.00. The money this year will be used to award a scholarship to an Ole Miss law student. Cheryl Becker will display her impressionist paintings. For more information call 981-5714.



Shown planning the party are Mrs. Tom Royals, Mrs. Dana Kelly, and Mrs. Tom Kirkland.

HCBA CALENDAR OF EVENTS

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

June 16
HCBA Membership Meeting.
 Capital City Petroleum Club.
 Jackson, MS

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

October 20
HCBA Membership Meeting.
 Capital City Petroleum Club.
 Jackson, MS

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

THE LAW FIRM OF
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IS PLEASED TO ANNOUNCE THAT

BEN J. PIAZZA, JR.

HAS BECOME COUNSEL TO THE FIRM AND WILL
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 IN EDUCATION AND GOVERNMENT LAW.

APRIL 1, 1992

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 J. Randall Pitterson

H. Vaughan Watkins
 (1884-1944)

Warren V. Ludlam, Jr.
 Of Counsel

*Listing of these previously mentioned areas of practice does not indicate
 any certification of expertise therein.*

CLE CALENDAR OF EVENTS

April 23
**Springs Pension and Em-
 ployee Benefits Update.** UM
 Center for CLE. Jackson, MS.

April 24
**Oil and Gas Seminar. MS Oil
 & Gas Institute.** Jackson, MS.

April 24
**Joint Seminar-MS Claims
 Association/MDLA.** MDLA.
 Jackson, MS.

April 28
Computer Law Update. UM
 Center for CLE. Jackson, MS.

April 30
**Understanding Financial
 Statements: Accounting for
 Lawyers.** UM Center for CLE.
 Jackson, MS.

May 8
Law Office Economics. MS
 Bar. Jackson, MS

May 15
Annual Convention. MTLA.
 Jackson, MS.

May 29
92 Annual Ethics Seminar. MS
 Bar. Jackson, MS.

June 12
Criminal Practice Seminar.
 MS College School of Law. Jack-
 son, MS.

June 19
Specialized Practices. MTLA.
 Jackson, MS.

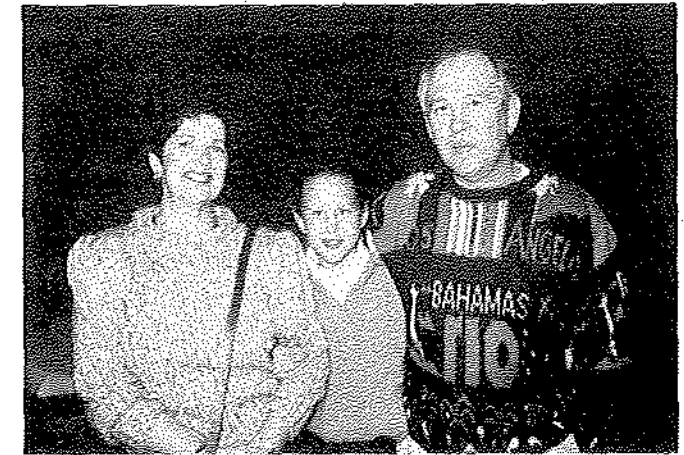
June 26
Legal Writing Workshop. UM
 Center for CLE. Jackson, MS.

June 26
Family Law Seminar. MS
 College School of Law. Jackson,
 MS.

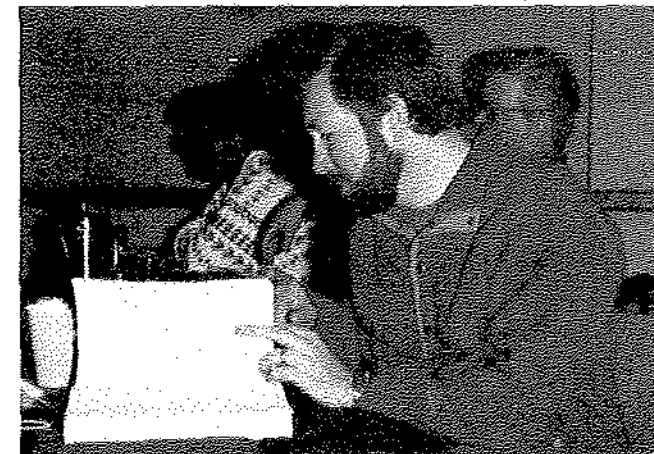
July 17
Family Law Seminar. MS Pro
 Bono Project. Jackson, MS.



Everyone enjoyed the reception sponsored by the Hinds County Bar. Pictured here left to right, are Patrick McDavid, Ben Hammond and Jason McDavid.



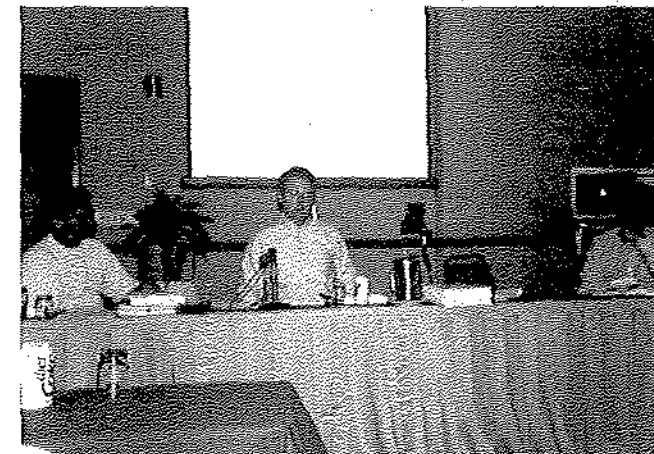
The Hinds County Bar was host to Tommy Dickerson of Waynesboro and his wife Marie, and daughter Katie. We understand Katie became quite an expert on the bunny slopes before the week was out.



Jeff Hammond studies his similar materials prior to making an inciteful comment



After a day or two of skiing, David Dogan apparently felt the added security of a crash helmet was in order.



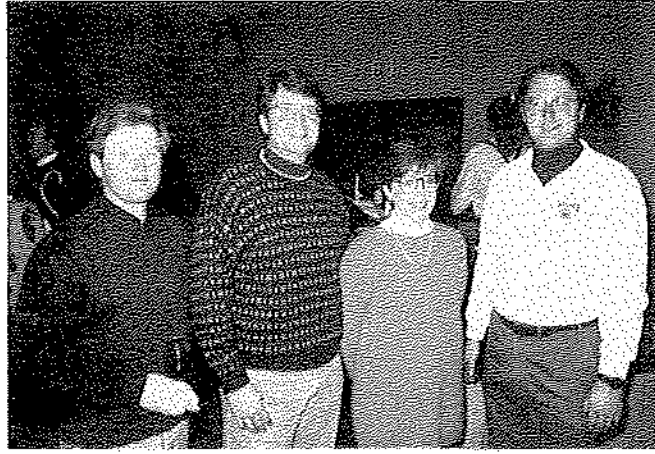
Mike Martz, Richard Montague and Judge Breland Hilburn discuss their views on standards of conduct by lawyers.



Judge Breland Hilburn joined Barbara and David Dogan, and Richard Montague for an evening out in Park City.



One of our featured speakers, James Holland and his wife Ouida, join Ed and Susan Lawler for dinner after a long day on the slopes.



Richard Montague welcomed guests to Park City. Pictured here with Richard are Hinds County Bar members Rick Mitchell, David and Jackie Rozier.

Heidelberg & Woodliff

Attorneys at Law
take pleasure in announcing
that

WILLIAM J. LITTLE, JR.

has become an associate in the firm
March 1, 1992

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Butler, Snow, O'Mara, Stevens & Cannada

Criminal Law Seminar
June 12, 1992
Coliseum Ramada Inn
Chairperson: Amy D. Whitten
Administrator, Mississippi Supreme Court

Family Law Seminar
June, 1992
Coliseum Ramada Inn
Chairman: Robert W. King
King & Spencer

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Basic Corporate Law in Mississippi

May 1 - Jackson

Ramada Inn Coliseum
400 Greymont Avenue

9:00 a.m. - 4:30 p.m.

Agenda

Initial Considerations
How to Set Up a Corporation
Operating a Corporation
Limited Partnerships
Partnerships
Legislative Update

Faculty

C. Michael Pumphrey of *Holcomb, Dunbar*
Thomas B. Shepherd III of *Watkins, Ludlam & Stennis*

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Basic Corporate Law in Mississippi

(M05J21022)

May 1 - Jackson

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Mississippi Valley Title

RESOLUTION

WHEREAS, the Hinds County Bar Association has a long history and tradition of support for high quality and effective legal services for the poor; and

WHEREAS, the Hinds County Bar Association and its members have participated in the delivery of legal services to the poor through pro bono representation and other volunteer efforts to supplement government and privately funded legal services; and

WHEREAS, the Hinds County Bar Association strongly supports a federally funded legal services program which allows for allocation of resources and determination of program priorities to be made at the state and local level; and

WHEREAS, the Hinds County Bar Association believes that the principle of equal access to justice demands that lawyers for the poor be afforded the same array of advocacy tools that are available to lawyers in general, including legislative and administrative advocacy; and

WHEREAS, the Hinds County Bar Association believes that the determination as to the most effective use of private and other non-public funds, including IOLTA funds, provided for the delivery of legal services to the poor should remain the prerogative of the source providing those funds; and

WHEREAS, the Hinds County Bar Association believes that even with the volunteer commitment of the private bar and the infusion of IOLTA and other private and non-public funds, the level of funding for legal services is grossly inadequate to meet the existing needs of America's poor citizens for legal assistance.

NOW, THEREFORE, BE IT RESOLVED that the Hinds County Bar Association, in keeping with its long tradition of support for full and effective legal representation for poor people, strongly supports H.R. 2039, which was adopted by the House Judiciary Committee on a bi-partisan vote of 25-7; and

BE IT FURTHER RESOLVED that the Hinds County Bar Association strongly opposes any amendments which may be offered to H.R. 2039 which would undermine the mission and purpose of the Legal Services Corporation and its grantees including:

1. Any amendments that would restrict or prohibit lawyers for the poor from engaging in legislative and administrative advocacy on behalf of their clients;
2. Any amendment that would restrict the use of non-LSC funds, including IOLTA funds;
3. Any amendments that would place unethical requirements of disclosure upon LSC-funded attorneys with regard to privileged information; and
4. Any amendment that would dismantle the current proven system for the delivery of legal services to the poor, which includes federally funded legal services programs as the vital anchor for the volunteer efforts of the private bar.

BE IT FURTHER RESOLVED that the Hinds County Bar Association supports a significant increase in the appropriation for the Legal Services Corporation that will begin to address the growing poverty population in America and the well documented urgent need for legal assistance to the poor; and

BE IT FURTHER RESOLVED that the Hinds County Bar Association urges all members of the Mississippi congressional delegation to support H.R. 2039, to oppose further restrictive amendments to the bill which may be offered, and to support the recommendation of the Legal Services Corporation Board for a 1993 appropriation of \$525 million.

SO RESOLVED this 18th day of February, 1992.

/s/
Richard A. Montague, Jr.
President

ATTEST:

/s/
Ben J. Piazza, Jr.
Secretary/Treasurer

PUBLIC DEFENDER'S POSITION FILLED (cont. from page 3)

Buckley served for three years in the Washington County Public Defender's office, after her tenure as a law clerk for Supreme Court Justice Michael Sullivan. Ron Tillman, discharged recently from the United States Navy Judge Advocate General Corps and Pat Frascogna, a Mississippi College School of Law graduate and a local private practicing attorney, have also joined Fortner's staff. In addition, Genola Lindsey, formerly the Municipal Court Clerk for the City of Jackson, has come aboard as Fortner's Administrative Assistant and Office Manager. There will be two full time secretaries and two investigators who will assist Fortner and his staff. At this time, Fortner and his staff have begun accepting cases in preparation of assuming the full parameters of their duties.

In addition to his new duties as County Public Defender, Mr. Fortner is active in the Mississippi Public Defenders Association. Both he and Beth Davis, Deputy Public Defender, have been long time members and active participants in the Association's activities and they hope to use the Hinds County Public Defender's office as a "clearinghouse" for other, smaller Public Defender's offices throughout the State.

Fortner says that he would like to begin building a brief "bank" and mo-

tion "bank" in the Hinds County Public Defender's office for use by his office and the other Public Defender offices in the State.

County Public Defender offices are purely creations of statute and are specifically provide for in Mississippi Code Annotated 25-32-1, et seq. Pursuant to the statute, funding for the Public Defender offices is provided solely by the counties within which Public Defenders offices are situated. The general statutory scheme is that the Public Defender's office is funded and staffed commensurate with the office of the county prosecuting attorney, or, in the case of a Public Defender representing an entire Circuit Court District, commensurate with the office of the District Attorney.

If a request for appointed counsel is made, an arrestee is required to sign an affidavit stating that he or she is an indigent person and unable to employ counsel. An alleged indigent defendant is required to list all assets available to the indigent for the payment of attorney fees, including the ownership of any property, real or personal, and to set out within the affidavit the alleged indigent's employment status, number of dependents, income from any source, the ability of his parents or spouse to provide an attorney's fee, and any other information which might prove or disprove a finding of indigency. The presiding judge will then review the affidavit, any statements or other appropriate evidence given by the al-

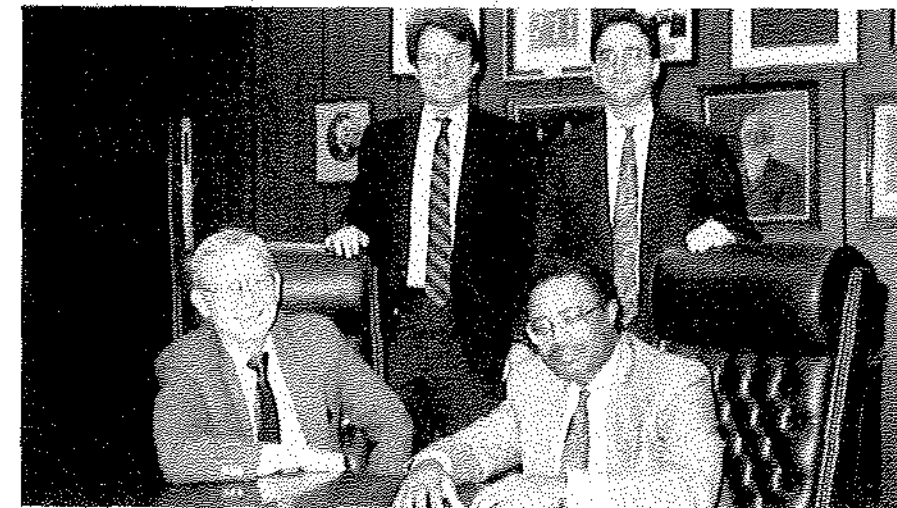
leged indigent, and make the determination whether or not the defendant is eligible for representation by the Public Defender.

Mr. Fortner was appointed for a four year term by the Hinds County Board of Supervisors, whom he praises for their support and cooperation in helping him establish this new office. Because recent Mississippi Supreme Court decisions centering on minimum hourly payments for court appointed counsel have resulted in increased costs to the county for the representation of indigent defendants, Fortner is confident that the move to a county funded Public Defender's office will, indeed, save the county money.

The Hinds County Public Defender's office is only the third full time Public Defender's office in the State of Mississippi, and it will be first in the sense of number of attorney staff and support personnel. As for the day to day workings of the office, Fortner contemplates that, initially, all attorneys in his office will be prepared to handle all types of criminal cases, rather than each attorney being assigned a certain type of case, i.e., property crimes vs. forgery. He believes this will build a well-rounded and flexible staff that would best suit the needs of Hinds County. He also contemplates that each attorney assigned to a particular case for trial would handle that case on appeal, if the need should arise.

Fortner is confident that some local attorneys will be necessary to perform court appointed services in those cases where conflicts of interest arise. Recent Mississippi Supreme Court opinions have turned on the issue of conflict of interest in criminal cases, and Tom is confident that there will be a number of cases that his office simply cannot handle because of that problem.

Fortner maintains that the establishment and development of this office will be a continuing process, with the final goal being that the Hinds County Public Defender's office is run as efficiently and effectively as possible. "I want, and will solicit, opinions from local attorneys who have practiced here in this jurisdiction, and will welcome any assistance that is offered."



Planning the Second Annual People's Law School sponsored by the HCBA and the Clarion-Ledger were: (seated) Justice Michael D. Sullivan and Justice Fred L. Banks, Jr.; (standing) HCBA President Richard A. Montague, Jr. and People's Law School Chairman Trey Bobinger. Justices Sullivan and Banks and Trey Bobinger participated in the various sessions. The People's Law School is financially assisted by the Interest on Lawyers Trust Accounts Program of the Mississippi Bar Foundation, Inc.

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

FIRST CLASS

IMPORTANT
HCBA Luncheon Meeting
12 Noon, April 21

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

AUGUST 1992



President's Column

Harold Miller

Be a Positive Influence

In June, 1992, the following letter was sent by me to elected officials and other community leaders.

"I write to share the concern of the Hinds County Bar Association concerning public attitude toward the judicial system and reactions and predicted reactions to jury verdicts. Los Angeles saw riots of unparalleled proportions. Hinds County has seen violence in the Chancery Court, unwarranted criticism of the Circuit Court decision in the contested supervisor's election, and the June 15, 1992 *Clarion-Ledger* headline BECK-WITH ACQUITTAL COULD MEAN RIOTS, ACTIVIST PREDICTS.

"The United States is founded on the principle of law, and although the system is not perfect, it has served us well. Recent events indicate the emergence of a philosophy 'If I do not agree with the law, I may take it into my own hands.'

"We ask you, a community leader, to take a stand in favor of the principle of law and against the philosophy that unwarranted criticism and riots are acceptable responses to displeasure with a judicial decision. What occurred in Los Angeles is deplorable. There should be no likelihood of its occurrence in Hinds County. Someone is always displeased with a jury verdict or a court decision. Nevertheless, Hinds County has a good judicial system and it deserves the support of the community.

...continued on page 2

The Women and the Law Committee Prepare Handbook on Women's Legal Rights

The Women and the Law Committee of the Mississippi Bar Young Lawyers Division, 1991-92, started a project to publish "A Guide to Women's Legal Rights in Mississippi." The Committee, chaired by Hinds County Bar member, Joy Lambert Phillips, laid the groundwork for the project, with drafts of some sections of the Guide being prepared by students in Professor Carolyn Ellis Staton's Discrimination Class at Ole Miss Law School. Various attorneys, many of them members of the Hinds County Bar, have donated their time to edit the student material or to draft other sections of the Guide. The project was put on hold, pending an IOLTA grant application. The grant was recently approved and the project is underway again.

The handbook will present a layperson's guide to legal rights in various areas, such as divorce, employment rights, social services, alternative dispute resolution, etc. While these topics are universal, there are other topics included that affect women more often, i.e., child support, discrimination laws and reproduction rights.

The reason the handbook is targeted to women is because of statistics showing the number of households in Mississippi headed solely by women and the vast discrepancies in the incomes of those households versus the incomes of households headed by men or by couples. The lack of income and corresponding lack of accessible legal information affects not only women but their children as well.

The handbook will be distributed pri-

marily to public libraries in Mississippi and service providers such as shelters and relief agencies. The handbook will contain reference lists to service agencies, including federal and state government agencies, as well as shelters and other caregiving entities.

Joy Lambert Phillips has indicated that there are a few areas of the manual left to be drafted, such as landlord-tenant law, alternative dispute resolution, criminal law and some areas of social services, if anyone is interested in donating some expertise. She also is trying to develop a listing of shelter and relief agencies in Jackson, as well as in the rest of the state. Anyone with such information should contact her at 354-8371.

Bench News

As an accommodation to lawyers, United States Magistrate Judge Alfred G. Nicols, Jr., will hear motions by telephone. Telephonic hearings are available by agreement of the lawyers involved even if all of the lawyers are in Jackson. A time and date certain for a telephonic hearing can be scheduled through Judge Nicols' office.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

August 18, 1992

12 Noon

\$9.00

Capital City Petroleum Club

The speaker will be Dean J. Richard Hurt, Mississippi College School of Law.

President's Column

(continued from page 1)

"The Hinds County Bar Association thanks you for your community leadership, and stands ready to furnish whatever support your leadership on this matter requires."

The response was generally favorable. The transfer of the Beckwith trial from Hinds County does not solve the problem. The attitudinal problem addressed in the letter goes beyond one situation. It reflects, in my opinion, a growing public attitude about the judicial system. It behooves each of us, as officers of the Court, to improve the administration of justice, and to support our judicial system. **BE A POSITIVE INFLUENCE.**

As Jackson and its metropolitan area has grown so has the Bar. Our voluntary Association has approximately 1200 members, and the area has many more attorneys who are not members of our Association. Practice was once courthouse oriented, and we frequently saw one another at the Courthouse, on the street, or for coffee. No more. We are now a voice on the phone, a signature on a pleading or document, or the adversary in a formal setting. This has affected the quality of our professional life and relationships.

One of the goals for this year is to improve relations between members of the Bar through frequent informal social gatherings. Why this is important is best explained in an article in the July, 1992 issues of the *ABA JOURNAL* explaining the use of funds left to a New York Bar Association by a deceased member to underwrite annual social gatherings of the Bar.

"We hear much these days about our profession's current lack of collegiality, about our lack of interest in one another, and about how the practice of law has become a monied business and is no longer the honorable and lawful profession it once was. Eugene F. X. Gilhuly, the country squire — the lawyer's lawyer in a way — to whom income was not God, continues each year to remind us there in rural upstate New York about collegiality, about professional relationships among colleagues, and about some of the important things in life."

BE A POSITIVE INFLUENCE.
Participate in this social experiment.

Habitat Committee Report

by Terry S. Williamson

Everyone attending the June Association Luncheon heard about the wonderful work Habitat for Humanity is doing in Jackson. Now, Habitat has its sights set on improving the quality of housing in the troubled Midtown area. And now, more than ever, Habitat needs the help of Association members.

What can you do to help Habitat? Habitat needs volunteers to serve on committees, particularly the Family Support Committee and Family Selection Committee. Habitat can always use in-kind donations. While the need list is always changing, Habitat's current needs include the following:

- Filing Cabinet (two or four drawer)
- Office Supplies
- Utility Truck (new or used)
- Pallet Racks
- Building Materials

What skills do you have as a lawyer that would help Habitat? Granville Tate of the Brunini Firm is volunteering his time to serve on the Board of Directors for Habitat in Jackson. He is also responsible for doing all of Habitat's loan closings. Granville can use your help with title work and drafting deeds for property donated to Habitat.

The Association Board is also consid-

ering sponsorship of a seminar on legal aspects of home ownership to be presented to new Habitat families on the road to home ownership. If approved, the first seminar will be presented on a Saturday in September. You can help as a lawyer by sharing your legal expertise with these exceptional Habitat families in this seminar.

If you care about the future of your community, you should care about Habitat. If you helped build the Habitat house two years ago, you remember that tremendous success and how much the family appreciated our help. Today, even more families will need our help as Habitat moves into Midtown. And if you missed out on helping build the Association-sponsored Habitat house two years ago, now's your chance to get involved! If you are interested in contributing a little of your time to a tremendously important cause, please contact me at 948-6882 or Nina Redding, Executive Director of Habitat for Humanity, at 353-6060.

Terry Williamson is the HCBA Habitat for Humanity Committee Chairman and is an associate with Thomas Price Alston Jones & Davis.

Mississippi College Law Library Schedule for August, 1992

August 1-2	(Sat. & Sun.)	.....Closed
August 3-7	(Mon. - Fri.)	.....8:00 a.m. - 6:00 p.m.
August 8-9	(Sat. & Sun.)	.....Closed
August 10-14	(Mon. - Fri.)	.....8:00 a.m. - 6:00 p.m.
August 15-16	(Sat. & Sun.)	.....Closed
August 17-21	(Mon. - Fri.)	.....8:00 a.m. - 6:00 p.m.
August 22	(Sat.)	.....9:00 a.m. - 3:00 p.m.
August 23	(Sun.)	.....2:00 p.m. - 10:00 p.m.
August 24	(Mon.)	.....Resume Regular Hours

Regular Hours

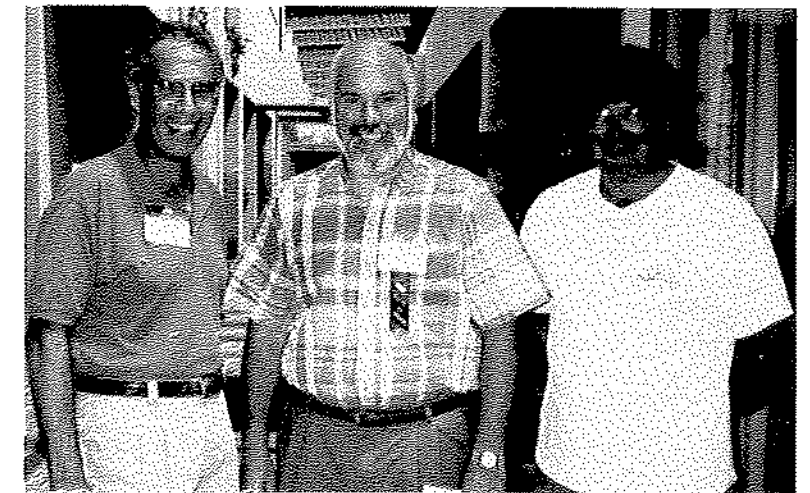
Mon. - Thurs.	.....8:00 a.m. - Midnight
Friday	.....8:00 a.m. - 9:00 p.m.
Saturday	.....9:00 a.m. - 9:00 p.m.
Sunday	.....2:00 p.m. - 10:00 p.m.

Mississippi Bar Convention

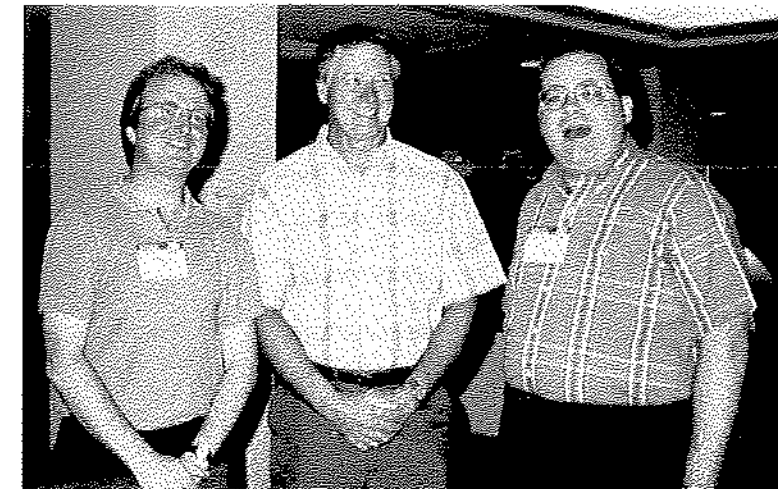
Many Hinds County Bar members and their families enjoyed the beauty of the beach and opportunities for relaxation and fellowship, along with the official business, at the recent Mississippi Bar annual meeting in Sandestin, Florida. A few happy moments are captured in pictures below.



HCBA President-Elect Ben Piazza and his wife Kathy.



Scott Welch, Luther Ott, and Ro Taylor.



Brad Pigott, Walker Watters, and Dean Richard Hurt.



Mark Chinn and Mississippi Supreme Court Justice Fred Banks.



Butch Cothren and his wife Pat.



Lynn Watkins, Terry Williamson, and Bill Cheney.

Ross Perot and the Myth of the Perfect Daddy-Savior

by Captain Equity

Whatever you might think of Ross Perot after he abruptly ended America's biggest sandlot political football game by taking his three billion dollar pigskin home, we all owe him a debt of gratitude. Not because he gave a voice to millions of voiceless Americans; not because he inspired millions more apolitical sideline spectators to become involved citizens; and not because he scared the smugness out of the political establishment. Rather, we should thank him for helping deflate the Myth of the Perfect Daddy-Savior who would ride into town on a big white horse and take it back from the bad guys in black hats. In the end, H. Ross Perot, the self-proclaimed Texas incarnation of Winston Churchill did what the embattled Prime Minister and millions of grassroots Perot foot soldiers never did — quit. Thanks, Ross.

In this election year when so many are obsessed with questions of character and

values, we were treated to yet another 55 gallon drum of cold water from yet another self-righteous egomaniac who succeeded in luring millions of trusting Americans into discipleship with a time-tested blend of charisma and pious rhetoric. Remember Jim and Tammy? Or how about Jimmy Swaggert or Oliver North? While Richard Nixon swore he wasn't a crook, his tax evading Vice President attacked honest dissenters as domestic enemies of America. John Gotti actually got more than a few ordinary citizens to believe he was just a plumber from Queens who had somehow been wronged by the system. And even as S&L mogul Charles Keating railed against pornography, he systematically looted IRA's and savings accounts of the very Americans he claimed to represent. And we wonder why people are cynical and jaded. But being burned early and often doesn't seem to inoculate us from

catching the same bug over and over.

So, the question is, why do we keep doing it? One reason can be traced to our national character. At heart, America is a country of optimists and romantics who have always believed in underdogs and happy endings. But there is another reason. I call it the Myth of the Perfect Daddy-Savior. Simply stated, too many of us have come to have almost deity-like expectations of the person who occupies or aspires to the Oval Office. Because we all struggle with our own shortcomings, because life is often confusing and ambiguous, and most of all, because we aren't perfect, we demand that our Presidential candidates display none of these human frailties. This superhuman's job description is not really Leader of the Free World, Commander-in-Chief, or Head of the Executive Branch; it is rather All-Purpose Guarantor of Our Personal

...continued on page 6

What Happened to the "Real" Practice of Law?

by Scott Hunter

Although cost-cutting and more efficient management will benefit many law firms, these remedies will not defuse — and may, in fact, intensify — the dissatisfaction many partners and legal professionals feel about their work.

Walk into many law firms and it's easy to see why. There's usually a strained quiet in the air. Worried men and women pass each other in hallways without acknowledging each others' presence. Most comments about work are critical. The lawyers are all busy — too busy to return client phone calls, to spend time with their families, to take time for themselves. People are constantly looking over their shoulders — gossip, jealousies, and unsettling emotions threaten the apparent calm. And fear is everywhere — about meeting deadlines, making the right decisions, making partner...about everything. Even if a firm is profitable and expanding, the people who work there are often flat-out unhappy.

As basic as it sounds, the remedy to the problems of the modern law practice involves partners and their firms aligning themselves with the principles virtually every human society honors — honesty, integrity, fairness, concern for other human beings, courage, justice, and patience. When people and organizations abandon these characteristics, they tend to become disaffected, disillusioned, and cynical.

Changing behavior. When a partnership decides that the firm should live by a set of principles, it requires more than jotting down a few high ideals and adopting them as policy. It means agreeing to changes in behavior that will literally transform the partners' lives.

Take for instance the principle of integrity. Integrity involves more than telling the truth. It requires being true to your word.

You may think you are acting with integrity as long as you represent your clients the best way you know how. But when you are too busy to take a client's

phone call, and then don't return the call for several days, you are not acting with integrity.

The same principle applies when you can't meet a client deadline. Acting with integrity means calling in advance, explaining that you cannot keep your commitment, and negotiating a new one. Most clients, flabbergasted at such candor, will be more than willing to push back the deadline.

The same holds for your dealing with judges and employees, even your spouse. By developing a habit of operating with integrity you will free yourself from the constant voice in your head reminding you when you have not kept your word.

Your clients can get good work from thousands of attorneys. But they will get treated with respect by only a handful.

The decision to operate by a guiding set of principles cannot be accomplished by a simple vote at a partnership meeting. It requires that the partners themselves can learn to communicate what's important in ways that can be heard by the others. It requires collective decisions about what the firm stands for, where it's going, and how each partner's personal agenda fits into the overall goals of the firm.

This process must start with partners learning non-threatening ways to communicate their feelings and concerns to each other. Although this may sound threatening itself, it is, on the contrary, extraordinarily beneficial. Slates are cleared, hidden agendas exposed, complaints articulated and overcome.

Building a collective vision. From this baseline, partnerships can begin building a collective vision of their firms. The partners can determine what they stand for, what principles they want to operate under, and how they want to serve their clients. Rather than having, say, 20 partners, each operating under his or her own personal agenda, a collective vision for the firm can guide all partners and staff.

A common mission for a firm also provides guidelines under which decisions about the future can be made. When there's a common vision, there is little equivocation about what a firm should do, or how it should behave.

One law firm that established a set of principles committed itself to excellence in the service it would provide its clients. It included a statement of those principles in the firm's retainer agreements. Among other things, the firm promises

...continued on page 6



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Ross Perot...

(continued from page 4)

Prosperity and Ultimate Protector Against Every Inevitable Curve Ball of Life More Serious Than a Flat Tire. Like a collective six year old, America has come to expect and even demand that the President of the United States be the Perfect Daddy-Savior. But since we have nagging doubts about how realistic this is, our fall back is to require the appearance of perfection or engage ourselves in denial of non-perfection. Either way, we are ultimately disappointed. That's when hope and optimism invents a Ross Perot, or somebody like him, as a messianic manifestation of the Perfect Daddy-Savior.

Finally, at long last, America will have someone to erase the deficit "without breaking a sweat"; someone to provide everyone with a grad school education and a cushy, secure job. Meanwhile, we are confident that Perfect

Daddy-Savior Perot will be using his spare time to make Saddam give himself up, reverse the Japanese trade imbalance, lower our taxes and provide another dozen hours of leisure time for each of us. And just imagine a second term: ice cream induced weight loss, hangover-free gin, an average 23 percent return on mutual funds coupled with 2 percent mortgages. Happy days are here again.

But look what happened. We found out Perot couldn't measure up to his own ego-inflated image of Superhero Billionaire Savior of America. And so -- here we are disappointed again. Thank goodness we didn't have to endure four years of a Perot "Run It Like A Bidness" Presidency; though I suspect four months would have been quite enough to convince the voters of their mistake.

So, now what?

Grow up and look in the mirror. The Perfect Daddy-Savior is a myth. He does not exist. The real solution is right there, staring back at each of us. You want to erase the deficit? Cap entitlements, phase-in a 50 cent a gallon gas tax, quit defending Europe against itself. Education? Attract top college grads to teaching by paying them what first year law firm associates make; test teacher competency; demand performance from students by insisting on parental involvement; make sure the homeroom Vice President knows how to spell potato.

Difficult, yes. Impossible, no. But then, what's the alternative? If past history is any guide, it will be another version of H. Ross Perot with another name and another face, but the same seductive charisma and pious rhetoric.

I can wait. How about you?

What Happened...

(continued from page 5)

to give its best efforts, to keep all promises, to return all phone calls promptly, and to tell the truth -- even when it is unpleasant.

Imagine the security and loyalty engendered when clients see these promises being met. Imagine also the power the firm experiences when it abides by its promises and then insists that clients do the same.

Law firms that "live" these kinds of principles seldom have difficulty, for example, collecting the fees they have been promised. When one side of an agreement abides by its commitments, there is a far greater likelihood that the other will follow suit.

Moving toward a relationship-oriented practice. One of the most critical transformations in law practices that operate with principle is that they tend to become less results-oriented and more relationship-oriented. Although this notion may seem blasphemous under the win-at-virtually-any-cost ethic of the legal profession, it is actually more likely

to induce success and produce deeper personal and professional satisfaction.

Two things occur in a relationship-oriented firm. First, clients treated with respect tend to treat their lawyers with respect. Second, principle-based practices get better work from their staff because everyone is operating with a common vision of the firm -- and is proud of that vision.

Take the oft-heard complaint of law firm staff that "the only feedback I get is criticism." Attorneys often justify such treatment as necessary to ensure that staff produce quality work. But can anyone still believe that a climate of constant criticism produces better work than a climate of support.

When employees know that their firm is committed to their well-being, that their work is appreciated and applauded, that their concerns are important, they are far more likely to produce at a consistently high level than they would in a firm where emotional terrorism is the operative management philosophy. Time

and again, a commitment to relationships produces better results than a commitment to results at any cost.

The idea that law firms can actually re-create themselves, transforming toxic environments into healthy ones, is almost alien to many partners. Lawyers tend to be isolated individualists who rebel at any suggestion of collective action. Yet they do gravitate toward partnerships for both personal and professional reasons.

When a law firm is melded together in a single unit, struggling to attain common goals and concerned about the well-being of both its clients and its staff, the results can be incredible -- both personally and professionally.

Scott Hunter is a legal management consultant in Newport Beach, California.

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HCBA Calendar of Events

August 18

HCBA Membership Meeting.
Capital City Petroleum Club.

October 20

HCBA Membership Meeting.
Capital City Petroleum Club.

December 10

HCBA Christmas Party.
MS Bar Center.

December 15

HCBA Membership Meeting.
Capital City Petroleum Club.

February 16

HCBA Membership Meeting.
Capital City Petroleum Club.

April 20

HCBA Membership Meeting.
Capital City Petroleum Club.

CLE Calendar of Events

August 25

Key Issues in Wetlands Regulation in MS.
NBI, Jackson, MS.

September 25

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

October 30

Workers Compensation Practice and Procedure.
MC School of Law, Jackson, MS.

November 6

MS Real Estate Foreclosure Law.
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FIRST CLASS

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HCBA Luncheon Meeting
12 Noon, August 18**

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

DECEMBER 1992



President's Column

Harold Miller

Be a Positive Influence

As I write this column, I am looking forward to Thanksgiving. When you read it, you will be looking forward to Christmas and New Years. I hope my comments have relevance whatever the season. The past few months have produced an increase in that ever popular American past-time, lawyer bashing. It is found in such diverse publications as the Fort Walton Beach, Florida *Daily News* "LAWYERS' IMAGE IS A BAD JOKE;" Carl Rowan, Syndicated Columnist's, "GOP ATTACK ON LAWYERS NOT FUNNY," and Charley Reese, *The Orlando Sentinel*, "THE IDEAL LAWYER' DOES EXIST." Let us not forget Larson J. Pettifogger, who humorously bashes us with his appearances in the Wizard of Id.

Lawyer bashing will not end, no matter what positive steps we take. However, we have it in our power to diminish the causes for such bashing. Perhaps it's the season, but the following time honored advice seems most appropriate. Alexander Stephens, a lawyer, a U.S. Congressman, and the Vice President of the Confederacy, wrote this in his diary while imprisoned after the Civil War.

"A good lawyer is ever a peacemaker. The tangled web of most private controversies can

People's Law School Plans Announced

Plans for the third People's Law School sponsored by the Hinds County Bar Association are underway. The dates will be March 23 and 30 and April 6 and 13.

The topics will include a Mock Trial; Family Law; Health Care Law; Wills and Estates; and 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. Mississippi College School of Law will again provide the classroom facilities.

The People's Law School Committee is chaired by John M. McCullouch and committee members are: Trey Bobinger, Patricia W. Bennett, John C. Henegan, Dean J. Richard Hurt, Larry Joseph Lee, Crane D. Kipp, Tom Alexander, Rebecca Lee Wiggs and Marcus M. Wilson.

be better unravelled and straightened by bringing the parties together in private conference than by carrying them into court."

Stephens' good friend, Abraham Lincoln, had this to say on the subject.

"Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is so often a real loser -- in fees, expenses, and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. There will still be business enough."

Lincoln also said:

"The leading rule for the lawyer, as for the man of every other calling, is diligence. Leave nothing for to-morrow which can be done to-day. Never let your correspondence fall behind. Whatever piece of business you have in hand, before stopping, do all the labour pertaining to it which can then be done."

BE A POSITIVE INFLUENCE. Follow the advice of Stephens and Lincoln. Charley Reese said, "Believe it or not, there are such lawyers today and there could be more." Be an ideal lawyer. May you have a happy and prosperous New Year, and may your actions be a credit to you and your profession.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

December 15, 1992

12 Noon

\$9.00

Capital City Petroleum Club

Christmas music with members of the Chastain Singers Honors Choir

The Development of a Law Firm Business Plan A Suggested Methodology – Part II

Editor's Note: Part I of this article appeared in the October issue of the Hinds County Bar Association newsletter.

ITEM V. Assess the Probabilities and Costs of Acquiring the Missing Required Assets and if Unobtainable or Too Expensive, Reassess the Goals for Which Required. You may find that a necessary asset is simply not available, or available only at a prohibitive cost. If this be the case, your goal must be revised. Never adopt a plan which is based upon a non-attainable goal, but always plan in such a manner as to preserve the usefulness of what you have already done.

ITEM VI. Identify Assets or Capabilities Which Will Be Helpful in Realizing Your Goals, But Which You Do Not Presently Possess. In the process of evaluation of your preliminary Ultimate Goals you will have identified certain assets which, while not required, will be helpful or useful in realizing your goals. You should further review and assess your inventory of assets to identify other assets which can be used in reaching your goal.

ITEM VII. Establish Plans to Acquire the Helpful, But Not Presently Possessed, Assets or Capabilities. Plans should then be developed to acquire access to these additional assets. Next, you should begin the process of division into manageable segments, and the first phase of this process is the definition of Interim (or Collateral) Goals.

ITEM VIII. Define Interim (or Collateral) Goals and Determine Appropriate Time Frames for Accomplishment. The preceding analysis of your Ultimate Goal will likely reveal several logical subdivisions of the attainment process. These subdivisions are considered Interim Goals. Occasionally you will find that related steps converge at some point and these related matters may be referred to as Collateral Goals.

Establishment of Interim and Collateral Goals is important in the implementation of your business plan because these goals serve as points of measurement of your progress in actually carrying out the plan. If analysis of your Ultimate Goal fails to reveal readily apparent Interim or Collateral Goals, you should reassess that analysis and strive to identify Interim or Collateral Goals, if for no other reason than to have these "check points" along the way.

ITEM IX. Repeat Steps III-VII for Interim and Collateral Goals. The steps identified above as Items II through VII should be repeated with the focus on each Interim and Collateral Goal.

ITEM X. Identify Specific Tasks (Including Acquisition of Needed or Helpful Assets) Which Must or Should Be Accomplished to Reach Your Interim and Ultimate Goals. The final aspect of division into manageable segments is to identify specific and definite tasks which must or should be accomplished to reach your Interim (or Collateral) and Ultimate Goals. Ideally, if you have established appropriate goals and tasks, successful completion of all specific tasks should lead to successful accomplishment of all interim goals and, in turn, to attainment of your Ultimate Goal. Specific tasks should be readily capable of designation as "completed", such as acquisition of a certain piece of office equipment, attending a certain seminar, becoming acquainted with a certain person or speaking before a certain civic organization. When specific tasks have been decided upon, review the assets which are or will be available to complete each task and determine the most effective utilization of those assets to successfully complete each task.

ITEM XI. Determine the Most Effective Utilization of Available Assets to Successfully Complete Each Specific Task. Coordination in utilization of assets is important to ensure that persons charged with different tasks do

not find themselves competing for assets. The next steps of preparation of a business plan involve development of detailed plans of action to accomplish the specific and definite tasks designed to accomplish the goals within set time frames.

ITEM XII. Develop Detailed Plans of Action to Accomplish the Specific Tasks Within the Set Time-Frames, Including Allocations of Available Assets and Assignment of Responsibility. One person should have final responsibility for seeing to the completion of each specific task to avoid confusion and assumptions that someone else will do it. Finally, you should see that the plans of action to accomplish specific tasks are coordinated to ensure that implementation of one task plan of action will not conflict or interfere with implementation of another.

ITEM XIII. Coordinate Plans of Action to Ensure that Implementation Will Not Conflict or Interfere with Another. This can also serve as cross-check on duplication of effort and may result in re-assignment of responsibility.

This business plan development methodology is summarized:

THE ULTIMATE GOAL:

- I. First review, summarize and analyze your historical exposure and experience, *i.e.*, Where have you been and where are you now?
- II. Next, preliminarily determine your ultimate goals for the relevant time-frames.
- III. Based upon I and II above, identify and assess the assets which you possess and which will assist in realizing your ultimate goals.
- IV. Identify assets or capabilities which will be *required* to realize your goals, but which you do not presently possess.
- V. Assess the probabilities and costs of acquiring the missing assets,

...continued on page 10

Gaming, Greed and Good Sense

by Captain Equity

My curiosity finally got the better of me, so I talked some friends into an excursion to Las Vegas by the sea on the Mississippi Gulf Coast. Luckily, we went to Gulf Shores first to have some real fun, but did manage a brief familiarization tour of The President Casino in Biloxi and Casino Magic in Bay Saint Louis. That was enough.

Now, before you get the wrong impression, let me assure you that Captain Equity is not a gambling basher, nor does he/she think everybody who places a wager or buys a chance on the lottery is ticketed for hell. Somehow, I just can't equate bingo, commodity futures trading and office football pools with murder, child molestation and Satan worship. Maybe I'm wrong, but if I am, we've all got more problems than we ever imagined. Also, being personally overwhelmed by our state's floating casinos should not imply I am a member of the self-appointed, paternalistic, moral superiority crowd who resents any sort of governmental restriction on their personal conduct, but who remains so eager to protect the poor, ignorant and misguided against themselves. Last time I checked, it was still a free country — for everybody, even those who choose to risk their money gambling.

Actually, I am an enthusiastic fan of recreational casino gaming as it is practiced in Las Vegas, Reno and Lake Tahoe. I think it makes a great deal of sense as a means of improving our state's tourism industry not to mention our tax revenues. If used correctly, legalized wagering also provides an excellent tool for upgrading our state's image and broadening its economy. But, at least from what I could tell, it is not necessarily being done correctly, which takes me back to my recent, yet brief gambling junket.

The first indication that something was different on the Old Spanish Trail came in Gulf Shores. There were billboards for Mississippi Gulf Coast Casi-

nos in Baldwin County, Alabama. It was strange, like seeing snow skiing advertisements for Woodall Mountain near Iuka or white water excursions down the Yazoo River. Such things are simply not done, but there it was. As my companions and I breathed in the sea air on the Fort Morgan car ferry en route to Dauphin Island, anticipation began to mount. Soon we would be soaking up the fun and glamour of an authentic seaside casino, in Mississippi of all places. It was like we were extras in an episode of the Twilight Zone which was being shot on location in Harrison and Hancock Counties.

As we rolled westward on Highway 90, I was full of anticipation. I imagined a new Biloxi transformed into an American Monaco. Gone was goofy golf and seedy motels, with not a waffle house or donut shop in sight. In their place was an affluent beachfront oasis of live oaks and luxury; tuxedos and turtle soup. It was potential finally realized — a world class resort destination tucked neatly between the old world charm of New Orleans and the white sand beaches and blue-green surf of the Alabama/Florida panhandle. The Mississippi Gulf Coast had finally arrived.

"Hey, Captain. Snap out of it, we're almost there." My friends rudely interrupted my rosy little daydream. As I looked out the car window, I recognized a familiar landscape of goofy golf courses, seedy motels, waffle houses and donut shops. The marquee on the boarded up Golden Nugget club still read "Fabulou Fannie" in a perfect parody of the "Hot I Baltimore." Nothing had changed. But, maybe it would be different at the casino.

As we turned into a crowded landfill parking lot, things were indeed different. A replica of a Mississippi River paddlewheeler was docked within a short stroll of the Broadwater Beach Hotel. The gangplank was staffed with costumed employees and uniformed

security guards who strictly controlled ingress and egress. As we passed through the portal from deck to casino, our eyes began to dance. The glitter of the slot machines and the bustle of the table games held promise of a tourism bonanza. But a closer look suggested something else. Minimum bets at the blackjack tables ranged from \$10 to \$25 per hand. The craps table was no different. Not surprisingly, the mood was tight and grim. We had come for a little fun, not a mandated flirtation with financial ruin. These table stakes were clearly designed for two distinct types of customers: high rollers with cash to burn and the deluded and desperate with a roll of C notes and all the judgement of a drunk driver. Their business to be sure, but for the Captain, time for a ride down the beach where things weren't so perilously expensive.

Casino Magic — what a great name. Luckily, the Federal Trade Commission either has its hands full with other deceptive trade practices or hasn't yet gotten around to the lone jewel of the Hancock County gaming industry.

Disappointment set in early. To get there, we had to negotiate a series of turns through coastal piney woods scrub until we arrived at a dumpy three hundred dollar plastic sign that announced, CASINO MAGIC. We crept inland on a temporary strip of asphalt behind a single file parade of cars and pickup trucks, dodging road graders and earth movers that were still carving out the site even as business boomed. This much heralded tourist destination had all the charm of a jungle landing strip on Guadalcanal.

Casino Magic is a more or less permanent building, half on land and half on a barge which floats on a brackish slough somewhere in Hancock County. Parked at the entrance of the casino was a white, executive stretch three-axle pimpmobile complete with outdoor hot tub where the trunk should be. Real class.

...continued on page 4

Captain Equity...

(continued from page 3)

We were greeted by a Casino Magic Security Guard who had us wait in line until a like number of patrons exited to make room. Once inside, we were assaulted immediately by the "gift shop" which was comprised of several long tables placed end to end in the lobby, piled high with overpriced Casino Magic keepsakes. Women in Casino Magic tee shirts hawked the tacky stuff as we pushed through the crowd. Just across from the barkers was the buffet. People were loading down their paper plates with tempting servings of artificial mash potatoes and barbecue mystery meat. Not quite the Golden Nugget Champagne Brunch. For the entertainment pleasure of diners who sat at tiny little tables in the cluttered foyer-lobby, was an ancient one-man band who simultane-

ously played a saxophone and bass drum from a bandstand comprised totally of a floor level metal folding chair. And here I was hoping for Wayne Newton.

Once in the casino proper, my depression deepened. Every seat at every table and machine was taken. Hundreds more milled about feverishly, hunting for the opportunity to put their money down. The betting minimums and mood were the same as on the President. Cigarette smoke, which hung like a low pressure system over the multi-level mirrored room, mingled with dull sunlight that filtered through the prefab skylights. The place and most all of the people in it had an unhealthy look. The feel of greed and desperation was pervasive. Time to go home.

As I said at the outset, I'm not anti-gambling, nor do I condemn self-selecting high rollers. To the contrary,

there is nothing as much fun as blackjack and craps with reasonable minimums and maximums, or for that matter, nickel, quarter or even dollar keno and poker machines. The lure, however, is greatly enhanced by good restaurants, first rate entertainment, outdoor recreational activities and excellent hotel accommodations. That is what Las Vegas is. That's not what gaming Mississippi-style is. Perhaps after the novelty wears off and neighboring states legalize gambling, things will change for the better. Specifically, I hope Vicksburg will opt to create a gaming and entertainment district complete with casinos, restaurants, and entertainment that will appeal to adults out for an evening of fun, rather than a financial referendum on the rest of their lives. If done right, all of Mississippi will benefit. But for now, Nevada has nothing to worry about.

Hinds County Bar Association presents...

A Change in Altitude About CLE 1993

THE VILLAGE
at Breckenridge

March 9-14, 1993
March 12-17, 1993

Spring Break in Colorado! The Village Resort is just a few feet from the lift to 112 trails and 1500 acres of skiing fun. Excellent facilities for children and adults, for the novice and for those who would not climb back up the mountain to avoid the black diamond runs.

The actual seminar will run in the mornings, leaving afternoons for the slopes. The first session, March 9-14th, will leave Wednesday and Thursday available for skiing and the seminar program will run Friday, Saturday and Sunday mornings. The second session, March 12-17th, has seminar sessions on Saturday, Sunday and Monday mornings leaving Tuesday and Wednesday free.

Bryan Tours has put together an excellent package with ski-in and ski-out studio apartments at THE VILLAGE in Breckenridge, Colorado. Special group rates are available for skis and equipment, lift tickets, snowmobiles and sleigh rides. Transportation is available from the Denver airport, if desired. The best air fares available can be reserved through Bryan Tours.

The Seminar speakers are preparing presentations covering all aspects of the changing face of Mississippi practice. Glen Bush, Honorable Breland Hilburn, Circuit Judge, Shane Langston, Michael Martz, Bill Reed, Joe Roberts, and Mike Ulmer lead the experienced faculty. New developments in civil trial practice, premises liability, environmental law and Ethics will be presented, along with in depth written materials.

Tired of the same old last minute CLE in a local motel on a topic you haven't thought about since law school? Tired of the same old spring break at the beach? The Second Annual HCB Ski Seminar is the answer.

Registration is due no later than January 15, 1993. Each member of the Hinds County Bar Association will soon receive a registration form in the mail; if you are not a member or have any questions, please call the HCBA office at 969-6097 or James Holland at 944-0005. Don't miss the January 15th deadline.

Proposed Bylaw Amendments

At their December meeting the HCBA Board of Directors recommended adoption of bylaw changes to provide for the election of a Secretary-Treasurer who would automatically succeed to the position of Vice President/President-Elect. The specific proposal is as follows (Deletions are in brackets and struck through and additions in bold):

Section 3. Election of [~~Vice-President and~~ Secretary-Treasurer.

Nominating Committee. Immediately after November 1 of each year, the President shall appoint a Nominating Committee consisting of five (5) persons. The President shall appoint to this Committee two (2) former Presidents of the Association and three (3) persons from the Association's membership. The Nominating Committee shall meet before December 1 of each year and shall nominate at least two (2) members for the office of [~~Vice-President and two (2) members for the office of~~] Secretary-Treasurer. Such nominations shall be immediately made public by the officers to the membership.

Section 6. Secretary-Treasurer. **The Secretary-Treasurer shall succeed to the Vice-Presidency for a one year term at the expiration of his/her term as Secretary-Treasurer.** The Secretary-Treasurer shall receive and disburse, keep records of and account for the funds of the Association, subject to approval of the Board of Directors. He/she shall deposit all Association money in the name of the Association. He/she shall keep all membership records and collect all dues. He/she shall be the administrative officer of the Association, cause notices to be sent, and shall preserve its official minutes and correspondence. He/she shall perform such other duties as may be assigned to him by the President.

This proposal will be voted upon at the HCBA membership meeting at the Capitol City Petroleum Club at 12:00 noon on Tuesday, December 15, 1992. If approved by the membership, the amendment will first apply to the Secretary/Treasurer to be elected in February 1993.



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Computer Controlled Dockets in Seventh Circuit

by Debra L. Allen

Hinds County recently took a great step forward into the future with the installation of computer hardware in the main courtroom of the Hinds County Courthouse in Jackson, Mississippi. Using a computer program created and developed by Hinds County's employees expert in the field of computer technology, the Circuit Court Administrator can now draft, format and print an individual criminal defendant's applicable sentencing order simultaneously with the defendant's court appearance. The computer program also allow the Court Administrator to permanently update a defendant's file and insures that all orders, including any appropriate probation and commitment orders, are signed before the defendant leaves the courtroom.

Judge William F. Coleman, Senior Circuit Court Judge for the Seventh Circuit Court District, who has long seen the need to use computer technology more aggressively, indicates that the new computer program saves a tremendous amount of time and allows for much greater consistency in final orders in criminal cases. While the customized program is currently used to help monitor both criminal and civil cases, the majority of the case load in the Seventh District consists of criminal cases. However, Judge Coleman indicates that the civil docket is growing and that he expects the specially developed software to be indispensable in monitoring civil cases as well. Plans are already in place to install a second computer for use in the Circuit Court.

Judge Coleman also foresees a much more comprehensive tracking of criminal cases involving all offices of law enforcement located within the Seventh Circuit District. Coleman's ultimate goal is for all municipal and county law enforcement agencies to be linked with the Circuit Court's tracking system. While the district attorney's office is currently linked with the Circuit Court's

system, the district attorney's office is not currently sufficiently staffed to allow full interoffice access to the Circuit Court's system. If Judge Coleman's goal is reached, the computer assisted tracking of criminal matters would begin immediately with either an individual being arrested or charged with a felony. At that point, the defendant's name would be entered into the computer tracking program and the arresting agency would be responsible for the beginning phase of computer documentation.

Once fully linked, the arresting agency, whether it be municipal or county, could immediately enter the defendant's name, personal statistics, arrest date, date of offense, the initial charge, case number and arresting agency. At such time as the case was bound over for review by the Grand Jury, the district attorney's office could then assume computer tracking of the case. Currently linked with the Circuit Court's system, the district attorney's office is now responsible for supplying the name of the arresting agency, any complainant's name and the original arresting agencies' file number. At such time when the district attorney's office is sufficiently staffed, it could conceivably furnish additional information at an earlier stage.

The Circuit Court Administrator's Office is currently responsible for entering the vast majority of information. This information cannot be entered until such time as an indictment has been returned by the Grand Jury and the indictment is forwarded to the Hinds County Clerk's Office and the Court Administrator's office. When an indictment is returned, the court administrator now enters the indictment date, arrest date, date of offense, name and personal information concerning the defendant, the charge, co-defendants, defense attorneys, district attorney assigned to the case, judge assigned to the case, and if

known, the bonding company who has written a bail bond for the defendant.

Under a system totally linking municipal and county arresting agencies, the district attorney's office, and the Circuit Court, the entering of information could be divided equally among those three agencies and done chronologically as the events occur. This would both divide the work load between those agencies actually responsible for the particular events that occur in criminal cases and allow for immediate recordation of information, which would only have to be updated and entered once to be available to all offices. Access to the actual computer file would be limited to that agency monitoring the case while it was within their jurisdiction.

In addition to achieving a more orderly and efficient maintenance of records concerning a particular case, computer assisted tracking of criminal and civil matters provides the ability to keep accurate and precise statistical records of criminal cases and court calendars. Further, the work load of each judge could be more closely monitored, with immediate access to the types of cases that are assigned to judges and the ultimate length of the disposition of these cases. Thus, the district would have invaluable information relative to the question of whether reapportionment was necessary.

Ultimately, Judge Coleman predicts the interoffice linkage through the custom designed software of all municipal and county law enforcement offices, the district attorney's office and the Circuit Court Administrator's office. Criminal cases could be processed more efficiently, defendants arrested or charged could be located immediately, and trial delays, always a concern, avoided. Judge Coleman also predicts that eventually the state would be linked in a statewide system with all courts linked to the Mississippi Supreme Court.

In addition to implementing the

computer tracking system, Judge Coleman discussed other steps he has taken to streamline procedure and expedite the disposition of pending cases. Coleman recently issued an order adding two additional weeks to each of the six terms held in the Seventh Circuit Court District. These two additional weeks will allow uninterrupted periods during which pleas and motions may be heard. A great percentage of criminal cases are resolved by plea and the additional time is necessary to accommodate those hearings and to avoid conflicts with previously scheduled trials.

In addition, civil and criminal cases are now divided equally among all Circuit Court judges on a rotating basis. Effective immediately, each judge has been assigned a court administrator who is responsible for assisting that judge in his docket management. Ms. Sandra Davis has been designated as the court

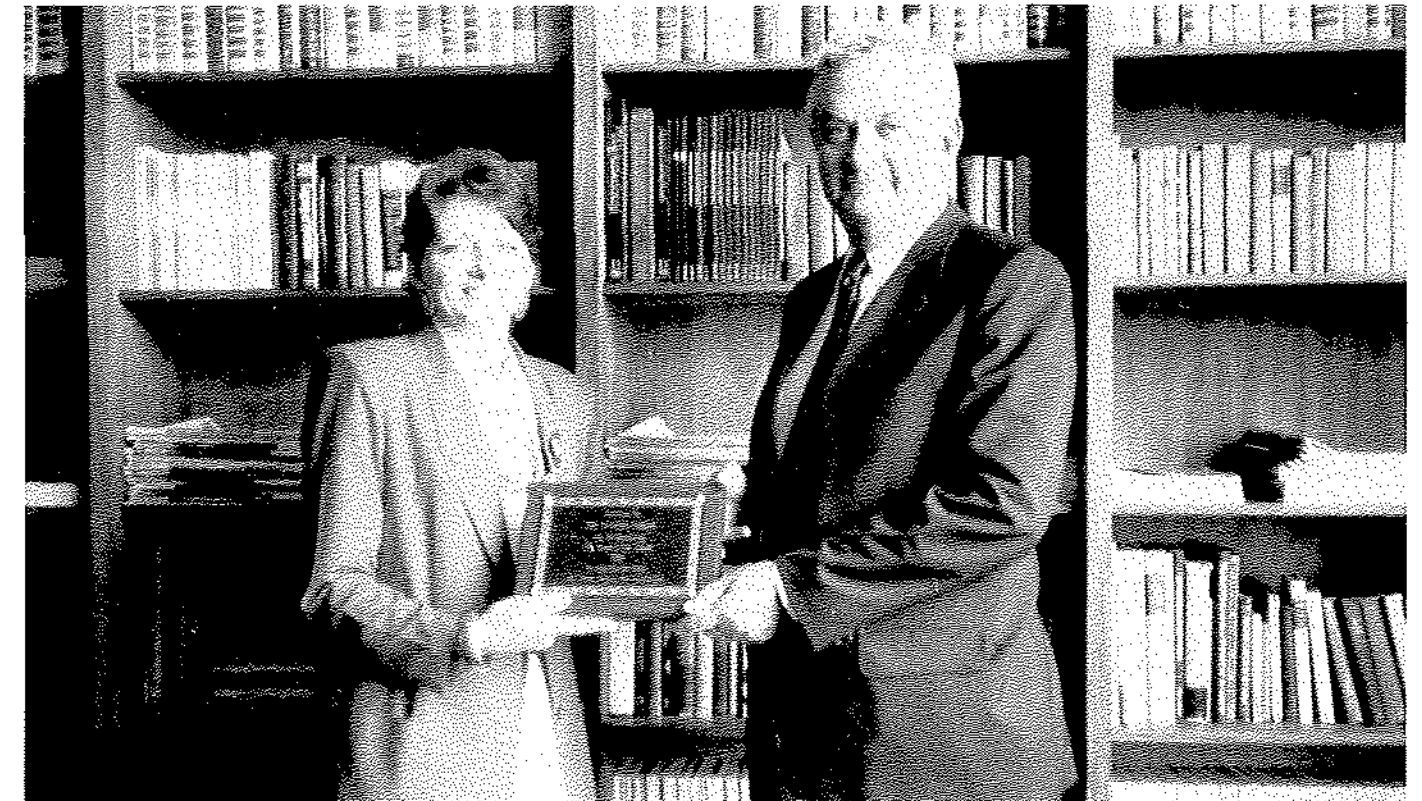
administrator for Judge William F. Coleman; Ms. Lynn Stevenson for Judge L. Breland Hilburn; Ms. Pat White for Judge Robert L. Gibbs; and Ms. Pat Burton for Judge James E. Graves. Judge Coleman is also currently studying the feasibility of issuing standard or uniform rulings in certain areas where the same issue arises on a regular basis, such as in the case of discovery disputes.

Finally, Judge Coleman is concerned that a number of attorneys often file matters with the court rather than with the Clerk of the Circuit Court. He indicates that not only is it unnecessary for attorneys to file motions and correspondence with the court itself, but often it is improper. Rather, attorneys should file motions and briefs with the Circuit Clerk, and the proponent of the motion filing the initial brief should notify the court only of the date set for the hearing. Attorneys should however, notice the

court administrator in advance of the hearing if the attorneys are of the opinion that the motions and briefs require preliminary review by the court before the hearing.

Eliminating backlogs in our courts and insuring reasonable access to the judicial system should be a concern of all members of the bar. The backlog in our courts is a reflection not only of the judicial system itself, but of the bar practicing within that system. Judge Coleman asks for the cooperation of the bar in implementing measures to address the court backlog. Computer tracking of cases by all segments of the justice system, more efficient use of court personnel, and increased commitment and cooperation by all members of the bar can only help reach the goal of providing an accessible and "user-friendly" judicial system.

The Clarion-Ledger Thanked



The Clarion-Ledger was given a plaque by the Hinds County Bar Association in appreciation of its co-sponsorship of the 1991 People's Law School. Presenting the plaque to Judy Foster, Public Affairs Manager of The Clarion-Ledger, is Harold D. Miller, HCBA President.

Law Office Management: Planning for the Next Century

by Richard A. Montague, Jr.

How old will you be on New Year's Eve 1999? I'm not sure whether this century ends in the year 1999 or the year 2000, but I suspect that whichever date the calendar bureaucracy decides is the end of the century will be remembered as a significant event in our lives. I predict that we will always remember where we were at the beginning of the century just like those of us who were alive at the time remember where we were when John Kennedy was shot and where we were when Neil Armstrong set foot on the moon.

I will be 45 years old at the beginning of the year 2000. If God had given me any great athletic skill (or any at all some of my Junior High School coaches might say), I could have been a retired professional athlete at age 45. Most professional athletes who will be rookies in 1993 will play their entire careers before the end of 1999. By contrast, seven years may be less than one-fifth of my legal career.

I chose to write about the topic of planning for the next century because I wanted a topic narrow enough to write about it thoroughly and completely, leaving no questions unanswered. Instead of answering all of the questions you may have about planning, I will make a few suggestions related to planning the management of your law practice which may or may not help you during the next few years. I claim no expertise or any record of success in planning. My only qualification for writing this article is that I was asked to find an article for the newsletter. Following are the five easy steps for planning for the next century that I thought of during the last thirty minutes:

1. Plan — Am I being redundant by saying the first step in planning is to plan? Maybe so, but it's really amazing how little of our time is actually spent on planning for the future. Two fundamentals of planning are setting goals (and writing them down) and developing an action plan for meeting your goals. You should set daily goals, monthly goals, yearly goals, and seven year goals, the deadline for which will be December 31, 1999. You may not exactly follow your plan, but chances are that if you set

goals, write them down and embark on a plan to meet them, you will, one way or another, meet or exceed your goals. Once you have set specific goals and written them down you will have a VISION OF THE FUTURE and a seven year plan.

2. Talk to Your Partners — If you are in a firm, you need to share your VISION OF THE FUTURE with your partners. If you do not share the same VISION with your partners of the future, perhaps you should consider working somewhere else. After all, a law firm should be a group of lawyers with a shared VISION OF THE FUTURE.

3. Promote Professionalism — This suggestion may seem out of place in an article about planning in law office management. Perhaps it is. In recent years, the practice of law has seemed to become more and more like a business. I firmly believe that promoting the ideals of professionalism is an integral component of a profitable law practice and should be part of your seven year plan. Dean Roscoe Pound wrote four decades ago,

The term (profession) refers to a group...pursuing a learned art as a common calling in the spirit of public service — no less a public service because it may incidentally be a means of livelihood. Pursuance of the learned art in the spirit of a public service is the primary purpose.

Do your part by getting involved in the pro bono project, working on Bar committees, taking more continuing legal education than the required minimum and volunteering in community projects such as Habitat for Humanity. Above all, know and follow the Canons of Ethics and the Code of Professional Responsibility. Resist the urge to overlook conflicts to take that ease you think you need to keep yourself busy.

4. Get Fee Arrangements in Writing and Bill on a Monthly Basis — All lawyers know that we cannot give our client's legal matters the attention they deserve if we are worrying about collecting our fees. Unless you can develop a successful plaintiff's practice with

enough contingency fees to endow your children's education fund and service your monthly cash needs, you need to generate at least enough monthly billing to cover your overhead. Translation — what you keep is the difference between what you earn in fees and what you spend. One of your goals should be to enlarge that number on a monthly basis.

5. Get Expert Help — Whether you spend mega-bucks for an Aultman & Weil retreat or read any one of several good books on law office planning, take advantage of someone else's expertise and experience. Planning is much more art than science, but what science there is should not be ignored.

Did I mention the part about setting goals?

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Mississippi College School of Law

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HCBA Social Held



Enjoying the first Hinds County Bar Association's Social held at George Street Grocery in October were: Dorian Turner, Henry Clay, Tucker Mitchell and Lynn Mitchell. Clay and Lynn Mitchell are HCBA Directors. Another Social has been scheduled for January 7 again at George Street from 5:30-7:00.

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Mississippi Valley Title

CLE Calendar of Events

December 18

Persuasion in Trial Advocacy. MTLA. Jackson, MS. 948-8631

Real Estate Law Seminar. MC School of Law. Jackson, MS. 944-1950

January 8

Annual Automobile Torts Seminar. MTLA. Jackson, MS. 948-8631

January 29

Employment Discrimination. MC School of Law. Jackson, MS. 944-1950

February 5

Handling the Defective Product Case: From Toys to Implants. MTLA. Jackson, MS. 948-8631

February 12

Guardian Ad Litem Training Seminar. MB YLD. Jackson, MS. 948-4471

March 10

Summary of Recent MS Law. Abbott & Weems. Jackson, MS. 1-234-6956

March 26

Business Law Seminar. MC School of Law. Jackson, MS. 944-1950

April 23

Let's Talk Settlement: Effective Negotiation in Trial Practice. MTLA. Jackson, MS. 948-8631

May 7

Environmental Law Seminar. MC School of Law. Jackson, MS. 944-1950

HCBA Calendar of Events

December 15

HCBA Membership Meeting. Noon. Capital City Petroleum Club

January 7

HCBA Social. 5:30-7:00. George Street Grocery

February 16

HCBA Membership Meeting. Noon. Capital City Petroleum Club

March 4

HCBA Social. 5:30-7:00. George Street Grocery

March 12-15

CLE/Ski Trip. Breckenridge, Colorado

March 23 & 30

People's Law School. 7:00-9:00. MC School of Law

April 6 & 13

People's Law School. 7:00-9:00. MC School of Law

April 20

HCBA Membership Meeting. Noon. Capital City Petroleum Club

May 6

HCBA Social. 5:30-7:00. George Street Grocery

Business Plan...

(continued from page 2)

and, if unobtainable or too expensive, reassess the goal(s) for which required.

- VI. Identify assets or capabilities which will be helpful, but not presently possessed, assets or capabilities.

INTERIM (OR COLLATERAL)

GOALS:

- VIII. Define interim (or collateral) goals and determine appropriate time-frames for accomplishment.
IX. Repeat above steps III-VII for interim goals.

SPECIFIC TASKS:

- X. Identify specific tasks (including acquisition of needed or helpful assets) which must or should be accomplished to reach your ultimate and interim goals.
XI. Determine most effective utilization of available assets to successfully complete specific tasks.

PLAN DEVELOPMENT:

- XII. Develop detailed plans of action to accomplish the specific tasks within the set time-frames, including allocation of available assets and assignment of responsibility.
XIII. Coordinate plans of action to ensure that implementation will not conflict or interfere with another.

Next comes making sure that all your efforts in developing the plan are not wasted. No business plan is worth any effort if there is insufficient dedication to see that it is carried out. But, that is up to you.

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Note

Rankin County Chancellor Roger Clapp is seeking legislative authorization for a second chancellorship. The HCBA urges all members to support the chancellor's efforts to obtain swifter justice.

HCBA Nominations Announced for 1992-1993

Richard A. Montague, Jr., chairman of the HCBA Nominations Committee, announces the following candidates for office for the coming year:

Vice President & President-Elect

Richard C. Roberts, III
Linda A. Thompson

Secretary-Treasurer

James K. Dossett, Jr.
Marcus M. Wilson

Director, Post 1

Leyser Morris
Bob Owens

Director, Post 2

William J. Little, Jr.
Jeffrey D. Rawlings

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 12.

The results of the voting will be announced at the membership meeting on February 16.

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

Bench and Bar News

For over a year, Circuit Judge James E. Graves, Jr., has been handling some motions by telephone. If agreed to by all attorneys involved, Judge Graves will hear motions by telephone conference call or with some lawyers present in his office and others on the telephone. Judge Graves is particularly willing to handle pretrial motions in this manner when a trial date is imminent. Arrangements for telephone motion hearings should be made through Patricia White, Court Administrator.

Circuit Judge Robert L. Gibbs prefers to hold most of his hearings with counsel present in person and prepared, but Judge Gibbs will also conduct motions

by telephone, particularly where one or more counsel is from out of town. Also, don't be surprised if a day or two prior to a scheduled hearing Judge Gibbs calls the attorneys to resolve the issues by telephone. Many times after reviewing motions and briefs, Judge Gibbs is of the opinion that oral argument is not necessary. Therefore, he will initiate a telephone hearing to save counsel the time and expense of coming to court.

REMINDER: Judge Gibbs' and Judge Graves' opinions in civil cases are available in the Hinds County Law Library, located on the third floor of the Hinds County Courthouse.

Law Library Hours Final Examinations and Christmas Break 1992

Final Exams

December 4 (Fri.) 8:00 a.m. - Midnight
December 5 (Sat.) 9:00 a.m. - Midnight
December 6 (Sun.) 1:00 p.m. - Midnight
December 7-11 (Mon. - Fri.) 8:00 a.m. - Midnight
December 12 (Sat.) 9:00 a.m. - Midnight
December 13 (Sun.) 1:00 p.m. - Midnight
December 14 (Mon.) 8:00 a.m. - Midnight
December 15 (Tues.) 8:00 a.m. - Midnight
December 16 (Wed.) 8:00 a.m. - 6:00 p.m.

Christmas Break

December 17-18 (Thurs. - Fri.) 8:00 a.m. - 6:00 p.m.
December 19-28 (Sat. - Mon.) Closed
December 29-30 (Tues. - Wed.) 8:00 a.m. - 6:00 p.m.
December 1-January 3 (Thurs. - Sun.) Closed
December 5 (Sat.) 9:00 a.m. - Midnight
January 4-8 (Mon. - Fri.) 8:00 a.m. - 6:00 p.m.
January 9 (Sat.) 12:00 Noon - 5:00 p.m.
January 10 (Sun.) 2:00 p.m. - 6:00 p.m.
January 11 (Mon.) Regular Hours

Regular Hours

Mon. - Thurs. 8:00 a.m. - Midnight
Friday 8:00 a.m. - 9:00 p.m.
Saturday 9:00 a.m. - 9:00 p.m.
Sunday 2:00 p.m. - 10:00 p.m.

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**

HINDS COUNTY BAR ASSOCIATION

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Ben J. Piazza, Jr.
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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, December 15

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

FEBRUARY 1992



President's Column

Richard Montague

Have we killed the messenger? Without much fanfare, the HCBA Board abolished its Judicial Preference Poll at the April, 1991 Board meeting. Two committees, the Black Lawyer in the Profession Committee and the Judicial Poll Committee recommended that the poll be abolished in its then present form. Prior to its abolition, we conducted the judicial poll to "discharge our duty to secure the election and retention of qualified judges." The poll had two phases. In the first phase, ballots were issued regarding incumbents seeking re-election. The choices on the ballots were as follows:

Recommend Endorsement ()
No Opinion ()
Recommend No Endorsement ()

If 75% of the responses recommended endorsement, there was no additional polling. If there was no incumbent running or if the incumbent did not receive the 75% endorsement, a second poll would be conducted giving the members of the HCBA and other Hinds County lawyers who wished to vote the following choices about each candidate:

Acceptable ()
Unacceptable ()
No Opinion ()

Based on results of several recent polls, the two committees and the Board abolished the poll with a

...continued on page 2

First Woman Elected Chancery Clerk in Hinds County Takes Office

by Linda Thompson Greaves

"Striving to serve the public" is the motto of Alice Bolin James. She was sworn in as Chancery Clerk of Hinds County on January 6. Although a woman, Mrs. Tom Virden, was once appointed to the office. James is the first woman to be elected to that position in this county.

James is a native of Lamar County, where she graduated from Oak Grove High School. She worked as a deputy clerk in the Chancery Court of Lamar County for ten years, then in the Chancery Court of Rankin County for about a year, and in the Hinds County Chancery Clerk's office for over fourteen years before running for her current position.

"The transition has been smooth, with no problems at all," James said of her move from deputy clerk to Clerk. She reports that Pete McGee is enjoying his retirement from that office. "He's playing golf, going to Destin, and visiting his grandchildren in Columbus."

James was there when everything in the Chancery Clerk's office was computerized in July 1987, and she plans to implement more in-depth utilization of the existing computer system. The office has five computer terminals available for public use. Those attorneys who haven't been to the record room in the last five years may not know

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Alice Bolin James is shown being sworn in as Hinds County Chancery Clerk by Circuit Judge William F. Coleman on January 6, 1992.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

February 18, 1992

12 Noon

\$9.00

Capital City Petroleum Club

The Speaker will be Ben Canada.

President's Column cont...

mandate to come up with something better, perhaps using a set of detailed objective criteria rating the judges' job performance. The results of the recent polls created a perception of sexual and racial bias in the voting. The questions asked were so vague that there is no way to determine whether the poll measured the abilities of the judges or the bias of the membership. The message was unclear at best, indicative of racial and sexual prejudice at worst. The messenger is dead, long live the messenger.

Since we now have no organized vehicle to discharge our duty to secure the election and retention of qualified judges, that burden now falls on us individually. Following is a list of candidates running in contested elections for the Mississippi Supreme Court in the March 10, 1992 primaries:

DISTRICT 1 (Central), Position 3

Democratic Party

Frank Barber
Post Office Box 395
Jackson, Mississippi 39205
981-4087

Laurel G. Weir
Post Office Box 156
Philadelphia, Mississippi 39350
656-1931

Republican Party

James D. Bell
860 East River Place, Suite 209
Jackson, Mississippi 39202
355-5632

W. O. (Chet) Dillard
121 East Lakeview Circle
Clinton, Mississippi 39056
924-7884

Jim Smith
Post Office Drawer 1599
Brandon, Mississippi 39043
825-9238

DISTRICT 3 (Northern), Position 1

Democratic Party

James L. Roberts, Jr.
Post Office Box 485
Pontotoc, Mississippi 38863

James L. Robertson
Post Office Box 117
Jackson, Mississippi 39205
359-3697

Please make a personal effort to discharge your duty to secure the election of qualified judges by talking to your clients and friends about the candidates. Also, please make an effort to vote.

The Child Advocacy Committee members of the Jackson Young Lawyers Association and the Hinds County Bar Association have recently begun to meet jointly in an effort to coordinate activities of the two committees. The members are currently sponsoring a series of child abuse awareness seminars which feature speakers addressing the psychological symptoms of child abuse; the physical symptoms of child abuse; and the reporting duties for suspected child abuse cases. This excellent program is financially assisted by the Interest on Lawyers Trust Accounts Program of The Mississippi Bar Foundation, Inc. The program has been selected as one of two Affiliate Outreach Projects explaining how the project was coordinated and developed will be made at the Spring National Public Service Conference sponsored by the American Bar Association, Young Lawyers division. The JYLA committee is to be commended for this national recognition.

The program's goal is to reach those groups that deal primarily with children to increase their ability to detect possible child abuse victims. Earlier in the year, the program was presented to the Jackson public school teachers, with over 75 school teachers in attendance. On January 25, 1992, and again on February 1, 1992, the program was presented to Jackson area child care workers, with well over 130 child care workers in attendance. The program is presented free of charge, and where applicable, continuing education credits are made available. The active members of the Child Advocacy Committees include Julie Sneed Muller (Chairman - HCBA), Frances Corley (Chairman - JYLA), LeAnn Mercer (Vice-Chairman - JYLA), Ben Piazza (Board Liaison - HCBA), David Baria, Stephanie M. Daughdrill, Doug Ford, Elana Lopez Guida, Joyce Hall, William Martens, Randy Patterson, Dale Schwindaman, Jr., Chip Wilbanks, Lee Woodruff, Patty Flynn, George Luter, and William Selph.

Ed Lawler informs me that the Park City seminar will be a reality. Except for yours truly, Ed has as-

sembled an excellent faculty which is listed elsewhere in the newsletter.

Any registration deadlines you have seen printed in this publication or elsewhere regarding the seminar are probably meaningless. If you show up at the door in Park City, we will take your money. I'm sure all seminar registrants will be excited to know that Seminar Chairman Ed has scheduled me as the last speaker on the last day of the seminar to discuss the "Revolution of the Legal Profession." I'm sure that attendance will be 100%. For those of you signed up for the seminar who plan on skipping all seminar sessions that begin after the lifts open, please be reminded that Mike Martz is on the faculty.

MEMORANDUM

In cooperation with Circuit Judges Robert L. Gibbs and James E. Graves, Jr., the Bench and Bar Committee of the Hinds County Bar Association is undertaking a project to make unpublished civil opinions of the Circuit Court of Hinds County available to members of the Bar. Judge Gibbs' and Judge Graves' opinions will be available in the law library on the 3rd floor of the Hinds County Courthouse. The opinions will be stored by Judge and by subject matter.

Judge Gibbs' opinions include the following subjects: Administrative Agency Review, Agency, Attorney's Fees, Automobile Negligence, Banks, Civil Service, Closing Argument, Construction Contract, DUI, Emotional Injury, Expert Witness, Indemnity, Insurance, Materialmen's Lien, Medical Malpractice, Medical Privilege, Minimum Wage, Personal Injury Damages, Premises Liability, Rule 11, Witnesses, Worker's Compensation, and Wrongful Death.

Judge Graves' opinions include the following subjects: Additur/Remittitur, Arbitration, Contract, Employee Appeals Board, Negligent Entrustment/Hiring, Personal Jurisdiction, Preemption, Venue, and Wrongful Discharge.

CLERKSHIP PROGRAM FOR SMALL FIRMS

by James K. Dossett, Jr.

For a number of years, a technique utilized in the recruiting of associate attorneys for law firms has been a clerkship program. Typically, this program has been implemented by larger law firms and many smaller firms have not engaged in this program. It is the belief of this author that many small firms could benefit greatly by initiating a clerkship program. For these purposes, a small firm is considered one with five or fewer attorneys.

There have historically been advantages to both the law firm and the clerk/law student which result from the relationship. From the viewpoint of the firm, the most important benefit is the opportunity to review the performance and personality of the clerk over an extended period of time. In a typical hiring interview, perhaps lasting one day or less, it is extremely difficult to judge these factors. The exposure over several weeks benefits greatly in the ultimate hiring decision.

The benefits to the clerk are traditionally twofold. First, the clerk has the opportunity to actually experience the practice of law. This not only may benefit the clerk in future courses, but may assist the clerk in the decision on whether private practice is the preferable career alternative.

The second benefit to the clerk is exposure to the particular type of practice and firm. Similar to the benefits obtained by the firm, the clerk has the opportunity to view the practice and the people over an extended period of time to make the best career decision.

Beyond the advantages present in almost all clerkship situations, there are particular advantages to the small firm engaging in a clerkship program.

First, the hiring of a new associate attorney may be more important to a small firm than a larger one. For example, if a three attorney firm hires an associate, that firm has grown by 33 1/3% in one step. This is the equivalent of a firm with eighteen attorneys hiring six additional lawyers. Because the decision to hire and the choice of an associate is so critical to the small firm, the oppor-

tunity for consideration over an extended period of time may be even more important than to a larger firm.

A second factor is the ability of the small firm to judge whether an additional attorney is actually needed. By having a clerk available to perform work over several weeks or even months, the small firm can judge the volume of work available to be handled by a new associate and can evaluate the ability of the attorneys within the firm to delegate work to an associate attorney. In larger firms, the delegation process may occur as a matter of routine, but if the small firm structure is not one which previously permitted delegation, the existing attorneys may need to determine if they are comfortable with an associate handling a portion of their workload.

A clerkship program may permit a smaller firm to bring work very current or to have time for matters unrelated to services for a specific client. For instance, the clerk might provide the extra assistance necessary to get office forms in good order or to free another attorney in the firm to take care of administra-

tive matters. Similarly, a clerk might relieve an attorney to take vacation time.

Finally, for the smaller firm, a clerkship program may enable the firm to defer permanent hiring in a situation in which the need for an additional associate attorney is not certain. By utilizing clerks from a local law school on a part-time basis or by utilizing clerks during Christmas and other breaks in addition to summer, a firm can have the benefit of additional assistance throughout a significant portion of the year without the commitment of permanent hiring.

Although it has been clear that clerkship programs are beneficial to many firms, and many firms already have such programs in place, the smaller firm can obtain many benefits from clerks. Careful consideration should be given to this type of arrangement by many smaller firms.

The author expresses appreciation to Joyce M. Whittington, Director, Career Services, Law Center, University, Mississippi, for her advice and comments on this topic.



Speaking on child advocacy at the December HCBA Membership Meeting were Sue Hathorn (second from left) and Judge James W. Smith, Jr. Pictured with them are Professor Mary Libby Payne (left) and Julie Sneed Muller (right), Chairman HCBA Child Advocacy Committee.

DEAR GOVERNOR FORDICE,

by Captain Equity

Dear Governor Fordice:

You don't know me, but I know you from television and the newspaper. I also know some people who know you personally. They have been talking about you a lot lately. So have quite a few other people like me who have never met you. I suspect all of this intense interest in you and what you have to say has been a bit of a surprise. Wouldn't it have been great to be this popular back in junior high?

Since we've never been introduced, let me do the honors. First of all, I'm a lawyer. I suspect that's not your favorite profession. That's understandable. I don't particularly like IRS Special Agents or telemarketers, though I imagine there are some very nice people in those professions provided you were to be introduced by a mutual friend. Maybe that will happen to us one day. Besides being a lawyer, I am a self-appointed political pundit with a smirky, wet-behind-the-ears writing style that seems to either provoke a random chuckle or alternatively, cause readers to smash their fists through wall board. I am told that such attacks on inanimate objects are often accompanied by incoherent mumbling, or in the alternative, by the emoting of highly articulate, albeit emotional epithets. The intensity of such negative reactions seems to correspond to the degree of snideness with which a particular observation or opinion is offered. Even though you are not a "professional" politician, just as I am not a "professional" pundit, I would rather imagine you would tend to fall into the latter group. Only because it is my job as a pundit to write about elected officials, professional or otherwise, and because there are three years, 11 months left in your term, I want to urge you not to pay undue attention to things I might have to say about you between now and 1995. Somehow, I don't think I have to worry too much about that, but I did want to go on record so as to avoid future misunderstandings.

Now, to the real purpose of my letter, which is quite simply to share with you some of my impressions and offer a bit of unsolicited advice.

I imagine you've been getting a lot of this sort of thing since taking up residence on Capitol Street. From a positive standpoint you are to be congratulated for your openness and accessibility. As you are well aware, your predecessor, for all of his virtues, was not one to plunge into a situation. Well, at least not until he had a chance to take a poll, evaluate it with key advisors, and then set up an impromptu town meeting to address average citizens who would seem to just magically appear from nowhere. And even stranger, they always seem to agree with him. Of course, it was all pure coincidence, though I am told that a lot of those citizens received mysterious phone calls suggesting they magically appear at these spontaneous town meetings. I am also told that some curious soul took the trouble to trace all those mysterious calls to a phone bank located on a high floor in the Sillers Building. Well, I guess we all know about how your predecessor was rewarded for his blind-faith risk taking. Yet, here you are, daring to follow suit before such groups as the NAACP and the presidents of the state's traditionally black colleges and universities without the aid of those impetuous polls or those random phone calls. That takes guts, or at the very least, less people.

You are also to be commended for a willingness to speak with candor and directness about our problems, even when no one wants to hear it. A great many of our problems in the state and nation can be traced back a decade or so when President Carter tried to tell Americans that we had some problems that required action and sacrifice. Maybe it was the cardigan sweater, maybe it was the problems; whatever it was, nobody wanted to hear it. The real answer, so we thought, was to get a new social director that knew how to throw a good party. Better yet, a good party that cost absolutely nothing and featured a lot of jet flyers, tax cuts, and neat party slogans like, "Stay The Course" (translation - keep partying - the food and booze is free).

And that brings me to some of the more disquieting aspects of your

announced goals, like the part about wanting a mini-Reagan revolution for Mississippi. Other than wiring the stock market with junk bonds, inflating real estate with a gold rush mentality, and nearly tripling the national debt in eight years, it's difficult to see what so great as to make us want to do again. In fact, many of Mississippi's budget problems are a direct result of irresponsible tax cuts, increased deficit spending, and some high sounding, spin-doctored buzz concept called "New Federalism" which in fact was a massive unloading of federal services onto state government with no corresponding transfer of dollars to pay for all of it. Is it, after all, just a coincidence that almost every state government in America is experiencing a severe financial crunch without regard to the particular party label that is appended to the political party calling the governmental shots?

You as a businessman know better than anyone there is no free lunch. You also know that rhetoric does not provide a ready substitute for hard cash. Must we consciously replay the devastating failures of the last decade here in Mississippi just because President Reagan succeeded at making us feel good about ourselves? His contribution is noted, but don't invest it with supernatural powers. As with an emotional speech or a nostalgic vision, too many martinis can make us feel good about ourselves as well - for a little while.

Texan H. Ross Perot, another noted businessman who shares my fondness for alcohol metaphors (you know about those metaphors, don't you?) summed up my feelings recently when he said, "The president and Congress have got to do what an alcoholic does: Admit there is an economic problem." Those who have lost their jobs or who are chronically underemployed already know this. Apparently, so do you. The next time you talk to our "leaders" in Washington, please pass it on.

The crucial issue facing us in Mississippi today is what do we do about it? The formula is pretty simple: Make the state more attrac-

...continued on next page

Captain Equity continued...

tive to economic growth by making its citizens more productive. How do you do that? Promote the state's image and invest in the education of its people. Let's face it, corporations, investors, and tourists have no interest in states perceived to be backward, intolerant, hostile, and unproductive. More importantly, bright young Mississippians with aspirations and career options won't remain in such a place just because they were born here. And for those who would have you adopt a low paying, unskilled factory jobs strategy, forget it. Factory work is high tech today. The menial, minimal skill positions that remain in any numbers to have an impact are headed for Juarez, Jakarta, and Recife; not Poplarville, Amory, or Morton. That brings me to education. You say "throwing money at education won't improve it." Is \$15,000 a year enough to attract the brightest college grads to teach and more importantly, to inspire our kids? Will America 2000 goals purchase computers and teach Base Two math theory to tomorrow's workers? Will freedom of choice mean anything to kids in Issaquena County who can't even spell it?

The saddest thing about your predecessor and the last legislature was the fact that Mississippi was just about to turn a corner on the issues of image and education. But then ego, ambition, and petty little turf battles victimized us all. Many of those responsible got just what they deserved - a permanent one way ticket back onto private life. And now, here we are again. Unfortunately, time is not on our side. If you are what you say you are - not a professional politician - you'll forget about devious labels such as liberal and conservative; Democrat and Republican. You'll end the self-defeating, time wasting cycle of blame. You'll forget who coined the terms BEST and AMERICA 2000. If you really want to help people and make history in the process, you'll rise to the challenge and find the way to build a long term consensus that will work this time.

Please!

- NEWS RELEASE -

Child Abuse Awareness Seminar Jackson Area Day Care Workers On Saturday, January 25, 1992 and February 1, 1992, the Child Advocacy Committee's of the Jackson Young Lawyers and the Hinds County Bar Association will sponsor child abuse awareness seminars for all day care workers in the Jackson area.

Key speakers will address how to recognize the physical and psychological symptoms of child abuse and the reporting guidelines for suspected child abuse.

The seminars are from 9:00 a.m. - 11:30 a.m., and will be held at St. James Episcopal Church, 3921 Oakridge Dr., Jackson, MS 39216.

For further information, please contact Frances Corley at 949-4865.

This program is financially assisted by the interest on Lawyers Trust Accounts Program of the Mississippi Bar Foundation, Inc.

First Woman Elected Chancery Clerk cont...

that now one can use the computer there to check judgment rolls, land assessment rolls, license tag information from the tax collector's office, current year taxes and redemption of tax sales, construction liens, and more. The latest addition to be made to the computer information is a listing of bankruptcy filings. The same services are available in both the Jackson and Raymond offices.

When asked what attorneys can do to help make James's job easier, she responded with two suggestions. She asked that attorneys preparing deeds make certain that each land description be worded to include the property's location within a certain quarter-quarter section, if described by metes and bounds or courses and distances, or specify the exact lot and block if described by reference to a subdivision plat. This enables the deputy clerks to index the instrument on the appropriate section index. Otherwise, the deed must be noted in that rather odious book with the enigmatic title of "Miscellaneous and Indefinite Description Index."

She also asked that attorneys remember to put the names, addresses and telephone numbers of grantors and grantees on all deeds. This requirement is set out in Section 27-3-51 of the Mississippi Code of 1972, as amended in 1987.

During her campaign, James learned that the public was often mystified upon entering the record room and frustrated at the myriad of books and complicated system of recording land instruments. James has created a new service which she calls "public liaison" in that department. Deputy clerk Steve Pickett performs the duties of liaison from his station in the record vault. He will give training on how to use the computer terminal and any other assistance desired by an individual interested in examining a land title. Should anyone need a deputy clerk to look at a particular instrument and give certain requested information over the telephone, Pickett may be reached at 968-6517. And certainly any lawyers who wish to learn to use the computer terminals may avail themselves of Pickett's expertise.

If you don't already know Alice Bolin James, drop by her office on the second floor of the Chancery Building in Jackson. You'll meet a lady committed to making her office accessible to the public, following true to her campaign slogan: "I am proud of the efficiency of this office and plan as your Chancery Clerk to continue offering the best service possible to all citizens of Hinds County at the lowest possible cost."

LIBRARY NEWS

State Law Library

One of the first acts of the 1992 legislature was to elect Mary Miller to a full four year term as State Librarian. She was first elected to serve Susan Hicks' unexpired term last summer. Ms. Miller is a graduate of Asbury College (Kentucky) and the Mississippi College School of Law. She is working on her library degree at the University of Southern Mississippi. Prior taking her present position, she was a reference librarian at Mississippi College Law Library and clerked for Mississippi Supreme Court Justice Michael Sullivan.

"State Librarian" is the official title of the Supreme Court Librarian. The office was created by Sec. 108 of the 1880 Constitution. Originally, the constitution specified that the librarian would be a woman. Prior to 1890, the office existed, but only a "qualified elector" could serve in state office. Only males were "qualified electors."

Historically, a man would be elected and he would appoint a woman as "deputy state librarian." Specifying gender in the constitution allowed a woman to have the title as well as to do the work.

Mississippi College Law Library

Deborah Love is serving as the new Reference Librarian at MC Law Library. Ms. Love is a 1991 graduate of the University of Mississippi School of Law. She has her undergraduate degree from Jackson State University, with some course work at the college of Great Falls (Montana).

HCBA CALENDAR OF EVENTS

February 18

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

February 20

People's Law School on Public Access. 6:00 p.m.-7:00 p.m.

February 27

People's Law School on Public Access. 6:00 p.m.-7:00 p.m.

March 5

People's Law School on Public Access. 6:00 p.m.-7:00 p.m.

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.

June 16

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

Jeff Reynolds of Heidelberg & Woodliff (968-8424) has one plane ticket for sale to the HCBA ski seminar in Park City, Utah. The departure time is on Saturday, March 7, at 9:45 a.m. and the return time is 9:05 a.m. on Friday, March 13, 1992. The ticket cost him \$387.62 (non-refundable), but he will take the best offer.

CLE CALENDAR OF EVENTS

February 21

Key Issues in Environmental Litigation in Mississippi. NBI. Jackson, MS.

MS Court Rules Update. UM Center for CLE. Jackson, MS.

February 25

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

February 27

Ins and Outs of Bankruptcy. Lorman Business Center. Jackson, MS.

February 28

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

March 13

Child Custody and Visitation in Mississippi. NBI. Jackson,

March 20

OSHA Compliance in Mississippi. NBI. Jackson, MS.

Women Trial Lawyers Seminar. MTLA. Jackson, MS.

March 25

Workers' Compensation. Lorman Business Center, Inc. Jackson, MS.

April 24

Joint Seminar-MS Claims Association/MDLA. MDLA. Jackson,

May 8

Law Office Economics Section Seminar. MS Bar. Jackson,

May 15

Annual Convention. MTLA. Jackson, MS.

May 29 92

Annual Ethics Seminar. MS Bar. Jackson, MS.

Don't Get Snowed Under by CLE Requirement in 1992 — Hinds County Bar Offers Solution

If your daily mail is like most, it generally includes a variety of seminar brochures covering any number of legal topics. Chances are you pay very little attention to most of it until the end of the year draws near and you realize you need a few CLE hours. If you wait, however, you may find yourself attending a seminar meaningless to your practice and conducted at a less-than-desirable location.

Since your CLE dollar must go as far as possible in the current economic climate, why not make the choice to attend a seminar sponsored by a local organization (not one of those out-of-state groups), learn some law, have some fun, and conquer the CLE gloom?

The Hinds County Bar Association has taken great strides to establish itself as a strong contender for your CLE dollar and has scheduled an impressive seminar for March 7, 1992 to March 11, 1992, in Park City, Utah. We are fortunate to have assembled an outstanding faculty for the seminar which will be taught in a mornings-only format at the Olympia Resort Hotel and Convention Center. In addition to comprehensive written materials, the seminar faculty will provide lectures and panel discussions on the following topics.

Saturday, March 7

6:00 p.m. - 8:00 p.m. Registration

Sunday, March 8

Honorable L. Breland Hilburn

Circuit Court Judge

James D. Holland

Upshaw Williams Biggers Page & Kruger

Michael W. Ulmer

Watkins & Eager

I. Recent Developments in State and Federal Civil Practice

II. Common Mistakes in Post-Trial Practice: Distinctions Between MRCP 59 and MRCP 60(b)

III. Proposed Amendments to Federal Rules of Civil Procedure

IV. The March of Hedonics

V. Recent Changes in Summary Judgment Practice

VI. Is Your Expert Really Qualified?

VII. Panel Discussion

Monday, March 9

David W. Dogan III

Heidelberg & Woodliff

Walker ("Bill") W. Jones III

Phelps Dunbar

I. Recent Developments in Toxic Torts and Legislation

II. Toxic Tort Litigation: Sources of Liability

III. Current Review of Developing Toxic Tort Theories and Consequences

IV. Federal Environmental Statutes

V. State Environmental Regulation and Its Limits

VI. Unresolved Issues in Insurance Coverage Cases and Cost Recovery Actions

Tuesday, March 10

Honorable L. Breland Hilburn

Circuit Court Judge

Michael B. Martz

General Counsel

The Mississippi Bar

Richard A. Montague, Jr.

Heidelberg & Woodliff

I. Disqualification or Recusal of Judges: What are the Grounds, Procedure and Circumstances?

II. Conflicts of Interest

III. Ex parte Communication with Former Employees of a Corporation or Governmental Entity: What are the Restrictions?

IV. Tape Recording Conversations

V. Revolution of the Legal Profession

VI. Panel Discussion: Ethical Problems in General Litigation

All those attending will receive up to 12 hours, including 1 hour of ethics, of CLE credit. For more information concerning seminar registration, hotel or air reservations, please contact Pat Evans at the Hinds County Bar Association.

HCBA Committee Preference Survey or How to Get 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, 1992**

Harold D. Miller, 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"/> Black Lawyer Involvement
<input type="checkbox"/> Budget & Finance
<input type="checkbox"/> By-Laws
<input type="checkbox"/> Child Advocacy
<input type="checkbox"/> Continuing Legal Education
<input type="checkbox"/> Judicial Poll
<input type="checkbox"/> Law Related Education
<input type="checkbox"/> Legal Aid
<input type="checkbox"/> Legal Economics
<input type="checkbox"/> Legal Problems of Homeless
<input type="checkbox"/> Legislative
<input type="checkbox"/> Library Services
<input type="checkbox"/> Long Range Planning | <input type="checkbox"/> Membership
<input type="checkbox"/> newsletter Editorial Board
<input type="checkbox"/> Professional Ethics
<input type="checkbox"/> Program
<input type="checkbox"/> Public Relations
<input type="checkbox"/> Senior Lawyers
<input type="checkbox"/> Small Firm Practice
<input type="checkbox"/> Social
<input type="checkbox"/> Unauthorized Practice of Law
<input type="checkbox"/> Wellness
<input type="checkbox"/> Women in the Profession
<input type="checkbox"/> Suggested new committees:
<hr style="width: 100%;"/> <hr style="width: 100%;"/> |
|--|--|

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

Name

Firm

Address

City State Zip

Mail to: Harold D. Miller, Jr.
P.O. Box 22567
Jackson, Mississippi 39225-2567

HCBA Christmas Party

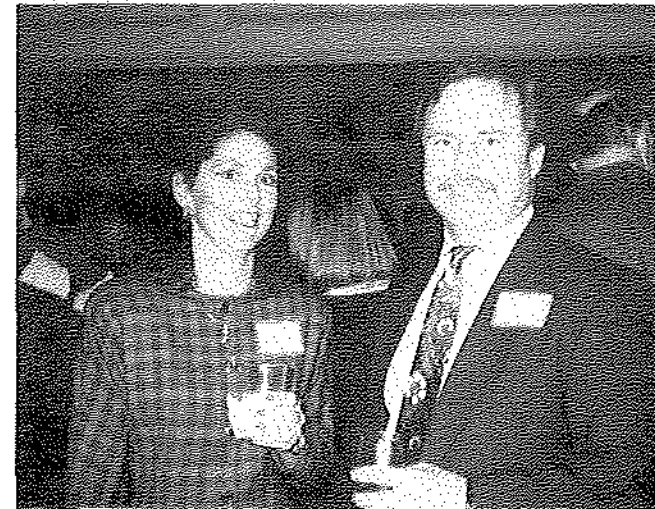
A large number of HCBA members and their guests enjoyed the December 5 Christmas Party.



Leonard Van Slyke, Louis Watson, Jr., Donna Van Slyke.



Wayne Ferrell, Judge William Coleman, Richard Montague, Dale Hubbard.



Lynn Mitchell, Bob Arentson.



Julie Muller, Jim Martin, George Evans.



Bill Little, Ben Piazza, Neville Boschert.



Jan Hurt, Dean Richard Hurt, Claire Porter.

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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, February 18

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

JUNE 1992



President's Column

Harold Miller

Be a Positive Influence

"All the world lost faith in the American courts system." So says Muammar Gaddafi in reflecting on the Rodney King verdict and Libya's refusal to hand over two suspects in the Pan Am Flight 103 bombing to the U.S. If the commentary were limited to Gaddafi, my reaction would be to consider the source and ignore the comment. However, there have been many similar comments following the Rodney King verdict. On a different front, the President's Committee on Competitiveness seeks to blame lawyers and the judicial system for all or much of the current economic condition. In a lighter vein, consider the person in Dallas who started an anti-shyster newsletter to vent his frustration over his experience with the system, and John Daly of golfing fame who uniquely blamed his lawyer for his marital problems.

Our reaction might be that those reports, regrettable or humorous, do not refer to Hinds County and do not affect us. If that is your reaction, I suggest you consider the local scene. The Mississippi Bar's efforts to improve the number of judges and their salaries; Judge Patricia Wise's call for a study of violence in the courtrooms of Hinds County; and the unwarranted criticism of the local judiciary by a local newspaper concerning the disputed Hinds County supervisor's

...continued on page 2

People's Law School Another Big Success

The Hinds County Bar Association sponsored the People's Law School for the second year this spring in Jackson. Classes were offered four Tuesday nights at Mississippi College School of Law and provided practical legal information to the general public.

On the average, about 95 people attended each of the four sessions, the largest being the last one with 150 participants. The classes covered: First Amendment/Bill of Rights; Insurance/Personal Injury; Consumer Protection; Bankruptcy; Real Estate Law; and Wills and Estates.

The People's Law School was co-sponsored by the *Clarion-Ledger* and funded by a grant from IOLTA. Each session was led by volunteer attorneys or judges; Honorable Rhesa H. Barksdale,

Honorable Fred L. Banks, Jr., Dean J. Richard Hurt, Matthew S. Steffey, Luther T. Munford, Honorable Michael D. Sullivan, Christy D. Jones, James W. Nobles, Jr., Thomas M. Murphree, Jr., Issac K. Byrd, Jr., Trey Bobinger, Richard T. Bennett, H. Fariss Crisler, III, and Leonard D. Van Slyke, Jr.

The classes were taped by the media department of Mississippi College and will be shown on Public Access (dates to be announced).

Trey Bobinger served as chairman and the committee included: John M. McCullough, co-chairman, Patricia W. Bennett, John C. Henegan, Dean J. Richard Hurt, Larry Joseph Lee, Thomas E. Williams, Marcus M. Wilson, and Crane D. Kipp.



Leonard Van Slyke teaches an overflow class of 150 at the People's Law School on Wills and Estates.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

June 16, 1992

12 Noon

\$9.00

Capital City Petroleum Club

The speaker will be Robert H. Canizaro.

President's Column...

(continued from page 1)

election. A recent chance meeting with a former high school teacher included her remark that public school teachers and lawyers have the same problem. "They don't look or act like teachers and lawyers."

National or local, these remarks affect you and me. You and I, not someone else, must respond. We can ignore the messages, or we can respond. LET US BE A POSITIVE INFLUENCE. How?

First, be proud to be a professional practicing within the finest judicial system in the world. Recognize that this imposes unique obligations. Implicit in the Gaddafi comment is the recognition that the American court system is the world standard. Implicit in the rampant lawyer bashing is the awareness that the profession voluntarily ascribes to higher standards, and that society is disappointed with some of our behavior. Your belief that the system is the finest and that you have high professional obligations is essential to your being a POSITIVE INFLUENCE.

Second, take every opportunity to educate and to explain the system. Law, like medicine and engineering, is not commonly understood. Explain, for example, that the process, i.e., watching television, by which many apparently concluded that an obvious miscarriage of justice had occurred in the Rodney King trial is highly dangerous. Explain that the decision in a case which takes weeks to try is based on more than 30 seconds of evidence no matter how horrible that 30 seconds of evidence may be. The dangerous second guessing of a jury verdict by persons witnessing only 30 seconds of evidence included such notables as President Bush and Mayor Bradley as well as the common man. Explain that if one does not like the message, he must be careful not to kill the messenger. If the message of racism allegedly implicit in the King verdict is disliked, and I share that dislike, let us not kill the messenger, the jury system.

Explain that it is understandable that someone will disagree with every decision of a jury or a court. It is dangerous, however, to transform disagreement with a decision into an attack upon the integrity of the process or decision maker.

Third, in affirming that the American judicial system continues to be the

world's standard, let us acknowledge that it, like other institutions, can and should improve. After our initial negative reaction to the message from the President's Council on Competitiveness, let us acknowledge that within that criticism there is some truth and some change is necessary. Let us set about accomplishing those changes. Let us support the organized bar in its study of judicial reform, and be open to proposals of new procedures and techniques. LET US BE A POSITIVE INFLUENCE.

Fourth, recognize that the individual

lawyer is the only one who can effectively act. If you and I do not offer our clients competent representation coupled with compassion, understanding and an education in how the system works and how it applies to the particular situation at hand, it matters not what efforts are made by the organized Bar. An individual's opinion of the system is generally more influenced by his participation in or reaction to a specific legal situation than by abstract principles. He reacts to you and me. LET US BE A POSITIVE INFLUENCE.

Bench News

United States Magistrate Judge John R. Countiss, III, has shared with the Hinds County Bench & Bar Committee his standard rulings on some of the routine matters that are presented to him in discovery matters. These are the rulings that Judge Countiss applies unless he is shown there is some circumstance in the particular case or factual situation that would cause him to not follow his usual ruling.

1. Interrogatories must be propounded more than thirty days prior to the expiration of discovery in order to be answerable. (However, if attorneys have been diligently pursuing discovery and file their interrogatories twenty for twenty-five days before discovery, Judge Countiss will generally require that the interrogatories be answered.)

2. Similarly, requests for production of documents must be propounded more than thirty days prior to the end of discovery.

3. Requests for admission are not discovery and can be propounded after the expiration of discovery.

4. Evidentiary depositions for use at trial may be taken outside the discovery period without leave of court.

5. The Rule can be invoked at depositions.

6. An out-of-town or out-of-state plaintiff can be routinely required to appear to be deposed in the county in

which the complaint is filed.

7. An out-of-town or out-of-state defendant cannot be routinely required to appear to be deposed in the county in which the complaint is filed even if the defendant has filed a counterclaim, unless the deposition is solely on the allegations of the counterclaim.

8. In a personal injury case, the depositions of treating physicians may be routinely taken as fact witnesses.

9. Witness statements taken by attorneys are considered to be work product and not discoverable. Witness statements taken by lay persons are considered on a case-by-case basis to determine whether they were taken in anticipation of litigation and, therefore, are work product.

10. The identification of treatises relied upon by an expert witness can be obtained by interrogatory.

11. An interrogatory is overbroad which requests (i) all facts (ii) all documents (iii) all evidence which (a) support, refute or relate to a claim or defense or (b) discuss, refer, or relate to a claim or defense.

12. An interrogatory that seeks a description of the investigation conducted by the attorney for a party is improper.

13. An interrogatory requesting the identification of documents claimed as privileged is proper.

Moral Imperative and the L.A. Riots

by Captain Equity

Usually, this column attempts to provide you with something mildly amusing as a stress-relieving alternative to those fascinating stories about the People's Law School and those long anticipated announcements of upcoming CLE events. Unfortunately, I lost my sense of humor after the Rodney King verdict and the ensuing L.A. riots. Only Vice President Quayle and Murphy Brown prevented my loved ones from checking me into Charter Hospital for the 30 day anti-depression program.

In the wacked-out world in which we find ourselves, it is almost impossible not to find some tiny morsel of unintended humor on the front page of the newspaper. But not this time. Rather, we witnessed a volcanic eruption of fear and rage. We no longer needed a Rambo movie to get our violence fix, we could see the real thing, live, in burning palm tree technicolor. It was not unlike the Desert Storm mini-series which dominated the network ratings a little more than a year ago. Only this time it wasn't Norm's good guys versus Saddam's bad guys; it was black Americans and white Americans and hispanic Americans and Asian Americans in a deadly game of all-against-all Beirut-style urban war.

Until the riots, I thought Rodney King's videotaped beating had set the standard for human revulsion. But I was wrong. I still replay mental images of those horrible moments when Reginald Denny was dragged from this truck and subjected to monstrous acts of violence as a news chopper hovered above, making sure I saw what it was like to have a brick thrown at a helpless human head. In only a matter of hours a substantial portion of Los Angeles had consumed itself; showing no respect, mercy or compassion for anyone or anything. The toll: 58 dead, 12,000 arrested, \$1 billion in property loss and damage.

And then...And then it was time for our leaders to respond. There were the tours of ravaged neighborhoods, the press conferences, the appearances on television news shows where the elected and unelected of every stripe did what they do best — point fingers and assign blame. Everybody from LBJ to a TV sitcom character was held personally responsible. The Los Angeles police, the white Simi Valley jury, black gang members, arrogant Koreans, absentee fathers, federal social programs etc., etc., all came under fire. Whites blamed black hoodlums, blacks blamed

white and Asian racism. Everybody blamed everybody for everything.

Meanwhile, there are no more grocery stores or drug stores or department stores in much of South Central L.A., and there probably won't be for a long time, if ever. People of every race who were trying to lift themselves up had their businesses, their property and their lives destroyed. It will take a great deal more than an Enterprise Zone to convince them to rebuild. If you don't think so, look at neighborhoods in Newark, Detroit, and Washington that are still boarded up after the 1967 and '68 riots. So much for the American Dream.

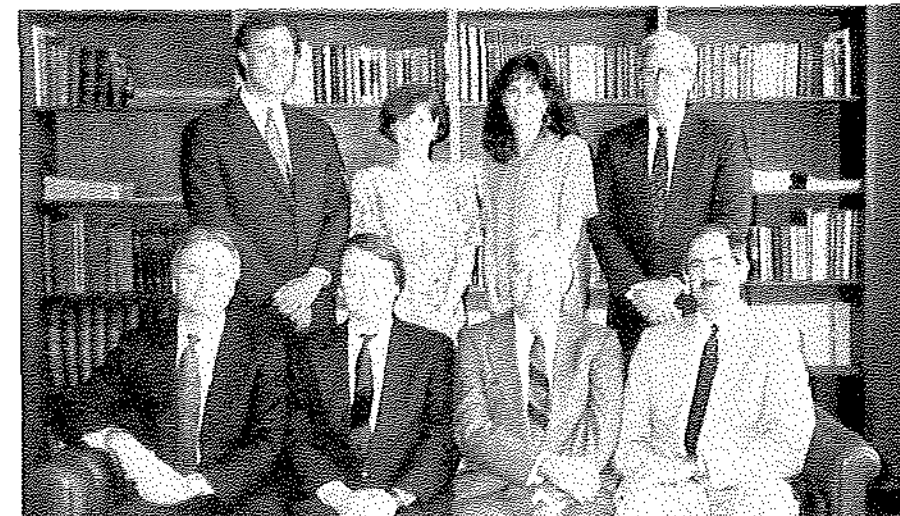
And so, what is to be done?

The starting point is to quit blaming, quit taking sides, and start seeking to understand what is going on in vast segments of 1992 America. Whether we are rich or poor, white, black, hispanic, or oriental, this will require a reexamination of some of our most deeply ingrained assumptions. For starters, the American norm is NOT the white, middle class, two parent nuclear family portrayed on "Leave It To Beaver." Just paying taxes and expecting the government to take care of the disadvantaged will not and does not work. There is a difference between racism and acknowledgement of the fact that blacks as well as whites are capable of criminal behavior and moral dereliction. Political exploitation and empty rhetoric on core issues such as family values, education etc. can no longer be tolerated. In sum — America's social problems are everybody's problems. Continued institutional denial mixed with hyper-polarized faultfinding is a sure recipe for a looming domestic disaster that will diminish each of us.

The problems of race, drugs, guns, gangs, crime, school drop-outs, teen pregnancy, unemployment, ignorance, hate and poverty are admittedly so woven into the fabric of American society as to seem insoluble. Adding fuel to the fire is the fact that every finger-pointer from Dan Quayle to Al Sharpton is partially correct as to the causes. Yet, almost no one knows how to even approach, let alone solve any of it. Some of us have more ideas than others, but in the final analysis, there is no magic pill or fool-proof panacea. While conceding specific

...continued on page 5

1992-93 Hinds County Bar Association Board



Newly elected board members of the Hinds County Bar Association for 1992-93 are: (seated) Richard C. Roberts, III, Secretary-Treasurer; Richard A. Montague, Jr., Past President; Harold D. Miller, Jr., President; Ben J. Piazza, Jr., President-Elect; (standing) Marcus M. Wilson, Director; Paula A. Graves, Director; Lynn Fitch Mitchell, Director; and T. Harris Collier, III, Director. Not pictured is Henry C. Clay, III, Director.

Hinds County Bar Association 1992-93 Committee Chairpersons

Bench and Bar Relations

Barry H. Powell 948-6882

Black Lawyer Participation in the Profession

Dorian E. Turner 948-3101

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Child Advocacy

Julie Sneed Muller 939-3895

Continuing Legal Education

James D. Hoffland 944-0005

Habitat for Humanity

Liza Purcell 948-6882

Judicial Poll

Richard A. Montague, Jr. 968-8401

Legal Economics

Neil P. Olack 949-4900

Legal Problems of the Homeless

Michael S. MacInnis 969-1030

Long Range Planning

Judith J. Johnson 944-1950

Membership

Marcia Smalley 956-3200

Newsletter Editorial Board

Jeffrey D. Rawlings 969-1030

People's Law School

John M. McCullouch 961-1700

Program

William J. Little, Jr. 948-3800

Public Relations

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

School Participation

Margaret H. Williams 968-5500

Small Firm Practice

Dale Hubbard 969-4700

Social

William I. Gault, Jr. 939-3895

Women in the Profession

Tammy G. Harthcock 359-1350

Spring Bar Examination Results

Linda B. Knight, Bar Admissions Administrator, announces that fifty-five of the eighty-seven candidates taking the February 1992 Bar Examination achieved a passing score. This overall pass rate of 63.2% compares with the previous examinations as follows:

July, 1991 79.4%

February, 1991 72.3%

July, 1990 81.0%

February, 1990 65.7%

In addition to Mississippi College and Ole Miss, successful candidates represent the following schools: Arizona State, Baylor, Harvard, Lewis and Clark, Louisiana State University, Loyola (Los Angeles), Loyola (New Orleans), Memphis State, Tulane, University of Alabama, University of Dayton, University of Iowa, University of Tennessee, Vanderbilt, and Washington and Lee.

Two other persons successfully completed the "Attorneys Exam".

The admission ceremony was held on April 30 in the Old Capitol House Chamber.

The Hinds County Bar Association welcomes these new members of the Bar.

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Moral Imperative...

(continued from page 3)

solutions will probably come one at a time, let me suggest one proven big picture approach for beating impossible odds.

In the 1940s, Gandhi vanquished the might of the British Empire on the strength of moral imperative. Twenty years later, Martin Luther King, Jr., used the same principles to defeat an entrenched system of state sanctioned racial discrimination in the American South. In contrast to what we see from our leaders today, both movements were characterized by commitment and unity for a cause greater than any individual. Both in India and the Deep South, the objectives of the respective movements were clear. Likewise, moral authority led the way, attracting supporters which transcended the racial and socio-economic makeup of the disaffected. Reluctantly, the populace, the political establishment, and eventually, even the persecutors were won over or at least silenced. In both instances, selfless moral integrity that never wavered carried the day.

Admittedly, the current social climate is not directly on point, yet there are many parallels I feel would respond positively to morally-centered leadership aimed at breaking down the barriers of fear and mistrust that currently exist in much of America. It is a basic rule of human nature that kindness begets kindness. Conversely, the kind of random hate and violence we saw in L.A. tends to exist only in a highly impersonal environment where the object of contempt wears only the name "them." It is exceedingly difficult to throw bricks at people you know by name and in whom you have a personal stake.

The first step in establishing a sense of moral imperative is for each of us to call a cease fire from further blame and finger pointing. That would free up a lot of energy and imagination that could be focused on an objective, good faith effort to understand different cultures, attitudes and situations as they are, and not as you think they should be. This will not always be a painless process. For instance, I'm still struggling with militant rap music, as I can imagine some of my black counterparts are scratching their heads over Hec Haw and the Kentucky Headhunters. (Come to think of it, so am I.) While rap will likely never be my musical entertainment of choice, I'm coming to realize that it can provide

some insight into what young urban blacks are thinking and feeling. And lest you think this lecture is just for whites, it's not. People with black, brown, red, and yellow skin need to make the same good faith effort for this to have any chance of working.

Next, we need to determine what kind of *personal* investment each of us can make to rectify or improve a given situation or change a negative perception. It's highly likely that many of these adjustments will be inner-directed. Even with this level of personal commitment, one shouldn't expect miracles. Building bridges of good will and trust is an ongoing process that will take time. Even when there is a measure of success, there will be many problems which can't or

won't be solved or even dented by your efforts. As your involvement deepens, the more tempting it will be to judge, blame or turn away altogether. But in the final analysis, that would only be deferring more serious consequences to another day.

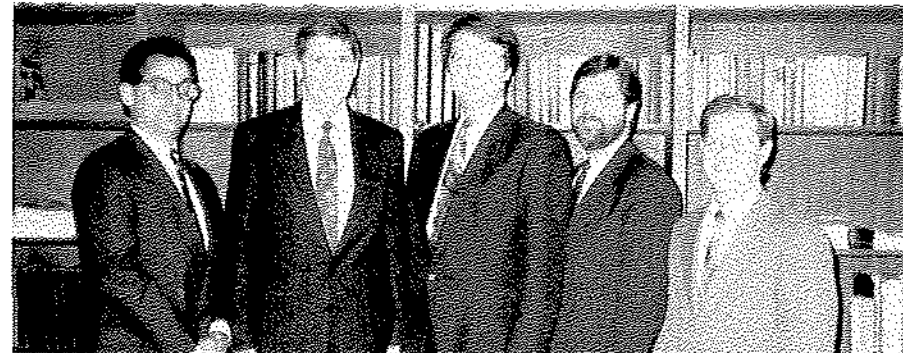
To its credit, Jackson, for all of its racial and economic problems, is making progress. The leadership of the Hinds County Bar Association should be commended for playing a positive role in this respect. However, notwithstanding past initiatives and achievements, I suspect we can all do more.

As Los Angeles burned, Rodney King made the following, simple, yet heartfelt plea: "Can't we just get along?" Let's help find some ways.

Hinds County Bar Association, Inc. Budget

	1991-92 Actual	1992-93 Budget
INCOME:		
Grants	\$ 0	\$ 0
Interest Earned	2,733.01	2,500.00
Law Firm Survey	1,050.00	1,100.00
Membership Dues	38,585.00	52,500.00
Membership Dues (Students)	480.00	250.00
Membership Luncheon Fees	4,003.60	3,700.00
Miscellaneous	5,462.03	0
Newsletter Ads	1,930.00	2,600.00
Peoples Law School	2,710.00	1,200.00
From Retained Earnings	1,916.14	0
Total Income	\$59,869.78	\$63,850.00

	1991-92 Actual	1992-93 Budget
EXPENSES:		
ABA Conferences	\$ 2,767.32	\$ 1,500.00
Board Luncheons	1,071.32	1,200.00
Committee Activities	1,913.15	2,500.00
Committee Lunches	2,144.31	2,200.00
Grants	0	0
In-town Travel	450.00	450.00
Insurance	598.00	600.00
Law Office Survey	575.00	800.00
Law Related Education	0	1,000.00
Management Services	16,000.00	16,500.00
Membership Luncheons	4,671.40	4,200.00
Miscellaneous	4,306.65	1,500.00
Newsletter	6,825.22	7,500.00
Peoples Law School	1,301.03	1,000.00
Postage	6,452.10	6,000.00
Printing & Supplies	3,461.75	4,500.00
Receptions for Judges	3,100.45	4,000.00
Social Activities	3,899.56	4,000.00
Telephone	332.52	100.00
To Retained Earnings	NA	4,300.00
Total Expense	\$59,869.78	\$63,850.00
Income (Loss)	0	



Participating in the April HCBA Membership Meeting were: Neil P. Olack, John B. Little, Richard A. Montague, Jr., Dale Hubbard and William J. Little, Jr. The program was on the future of law practice in Mississippi.

HCBA Sponsors Luncheon Seminar For Summer Law Clerks

The HCBA will sponsor a luncheon program on June 23, 1992, at 12:00 noon at the Capital City Petroleum Club for summer associates and representatives of firms with summer associate programs. The topic will be "Law Firm Economics: What Summer Associates Need to Know to Select a Firm and Succeed as an Associate." The speakers will be Harold D. Miller, Jr., Richard A. Montague, Jr. and Neil P. Olack. A similar program was held last summer and was well received by the attendees. Please make every effort to attend with your summer associates. For additional information or to make reservations, call Pat Evans, 969-6097.



The 46th Annual Mississippi Law Institute was held February 14 on the subject, "Evidence and Advocacy: the Evidentiary Weapons That Count." The speaker was Professor Stephen A. Saltzburg, Howerly Professor of Trial Advocacy at the George Washington University National Law Center. Pictured are: (seated) Chip Porter, Editor-in-Chief; Tom Alexander, Promotions Chairman; Carter Thompson, Chairman; Bill Mendenhall, Vice-Chairman; Gilbert Van Loon, Arrangements Chairman; (standing) Dean David Shipley, University of Mississippi; Dean J. Richard Hurt, Mississippi College School of Law; Dorian Turner, Arrangements Committee; Professor Saltzburg; Denise Schrieber, Arrangements Committee; Paula Graves, Jackson Young Lawyers President; Mark Hodges, Editorial Board; and Keith Raulston, Chairman Emeritus.

Library Summer Hours 1992

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.
Closed July 3-4

Canizaro to Speak

Robert H. Canizaro, FAIA, co-owner of Canizaro Triggiani Architects and board member of Habitat for Humanity-Metro Jackson, Inc., will speak at the HCBA luncheon meeting on June 16 at the Capital City Petroleum Club. He will discuss Habitat's plans to build and rehab residential structures in the Mid-town area of Jackson. Canizaro will explain how Habitat's effort in the area coordinates with other profit, nonprofit and governmental efforts to change this area back into a viable residential community.

Library Now Available

The Hinds County Law Library, located on the third floor of the Hinds County Courthouse, has recently been organized and brought up-to-date by Barbara Neil, Law Librarian.

Having a well-maintained law library in the courthouse should be advantageous to all attorneys who work there. The library consists of:

- Southern Reporter
- Southern Reporter 2d
- C.J.S.
- Mississippi Code
- Mississippi Digest
- U.S. Supreme Court Reporter
- ALR 1st*
- ALR 2d ed.*
- ALR 3d ed.*
- Unpublished civil opinions of the Circuit Judges of Hinds County

The library is open anytime the Hinds County Courthouse is open, usually 8:00 a.m. to 5:00 p.m., Monday through Friday.

If you have suggestions about the library or requests for library purchases, please contact Barbara Neil at 956-1807.

*The library contains incomplete sets of these books.

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CLE Calendar of Events

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MTLA. Jackson, MS.

June 25
Collecting Judgments in Mississippi.
NBI. Jackson, MS.

June 26
Legal Writing Workshop.
UM Center for CLE. Jackson, MS.

June 26
Family Law Seminar.
MC School of Law. Jackson, MS.

July 1
MS Labor and Employment Law.
NBI. Jackson, MS.

July 11
Controlling Law Office Overhead.
UM Center for CLE. Jackson, MS.

July 14
Getting the Most out of Your Law Firm's Wordperfect System.
UM Center for CLE. Jackson, MS.

July 17
Family Law Seminar.
MS Pro Bono Project. Jackson, MS.

July 23
Ethics in Mississippi.
Lorman Business Center. Jackson, MS.

July 24
Real Estate Agency.
K. F. Boackle. Jackson, MS.

HCBA Calendar of Events

June 16
HCBA Membership Meeting.
Capital City Petroleum Club.

August 18
HCBA Membership Meeting.
Capital City Petroleum Club.

October 20
HCBA Membership Meeting.
Capital City Petroleum Club.

December 10
HCBA Christmas Party.
MS Bar Center.

December 15
HCBA Membership Meeting.
Capital City Petroleum Club.

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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, June 16

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

OCTOBER 1992



President's Column

Harold
Miller

Be a Positive Influence

To be an active, positive member of any organization, one needs to feel a part of the organization, to know its members, to know its activities, and its goals. The growth and diversity of our practice in this area leaves us little time to socialize and get to know one another. One of the goals of this association is to rectify that situation by the sponsorship of bi-monthly, informal, unstructured mixers designed for no purpose other than to create the time and place for lawyers to get to know one another. The first such event was held on October 8. If you attended, thanks for your support. If you did not, make plans to attend the next such event.

To be A POSITIVE INFLUENCE, one must know and be proud of the activities of the Association. Lawyer bashing aside, there are few, if any, professional organizations who perform more community services that does your Bar Association. We annually produce THE PEOPLE'S LAW SCHOOL which educates the general public as to their judicial system. We are actively involved in Child Advocacy Programs, HABITAT FOR HUMANITY, and are exploring possible areas of involvement in the schools and in the needs of the homeless. We are working closely with the Courts

to improve the administration of justice.

What is our geographic area of involvement? Although the name implies involvement in a single county, reality is that we are actively involved in the tri-county area of Hinds, Madison and Rankin. For example, we have committed our support for Rankin County's attempt to obtain legislative authoriza-

tion for an additional Chancellor in that county, and we have offered our meetings and newsletter to Judges in the three counties to disseminate information concerning their courts.

We encourage your involvement in the activities of this association and in your community. BE A POSITIVE INFLUENCE.

About the Candidates

The candidates in the Central District Supreme Court race will address the Hinds County Bar Association at its next meeting on October 20.

JIM SMITH

Jim Smith is 48 years old, is married to the former Shirley Ewell, and they have two daughters, Shannon and Amanda. He obtained his B.S. degree from the University of Southern Mississippi, a Masters degree from Mississippi College, and his J.D. degree from the Jackson School of Law. His experience includes 20 years in the practice of law, six years as district attorney for Madison and Rankin Counties, 10 years as youth court and county court judge in Rankin County and a three year tenure on the Mississippi Supreme Court Advisory Committee on Rules. Judge Smith is also active in community and civic matters and has served as a Boy Scout leader, college instructor, high school teacher, and in 1992 was awarded "A Child Forever Award" for service to children. He also served in the U.S. Army Intelligence for three years.

FRANK BARBER

Frank Barber is 63 years old, is married to the former Mary Jane Burch, and they have two children, Rosebud and Will. He obtained his B.A. degree from the University of Southern Mississippi and his J.D. degree from the George Washington University National Law Center. His experience includes tenure as a member of the Mississippi State Senate, executive assistant to Governor Paul B. Johnson, Jr., legislative assistant to Senator James O. Eastland, and 10 years in private practice. From 1989 to 1992, Mr. Barber was secretary of the Mississippi State Senate. His civic contributions have included active membership in the Governor's Commission on Constitutional Reform. Mr. Barber is a Korean War veteran and served four years in the U.S. Army.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

October 20, 1992

12 Noon

\$9.00

Capital City Petroleum Club

The speakers will be Judge James W. Smith, Jr. and Frank D. Barber,
candidates in the Central District Supreme Court race.

In Memorium Charles Ray Davis

A dear friend is gone: a friend of mine, a friend of many of you who read this piece and a friend of the law and those who truly love its practice. Though in the midst of doing something he genuinely loved, Charles Ray Davis, past president of the Mississippi Chapter of the Federal Bar Association, was tragically taken from us when the plane he was piloting crashed recently in Arkansas.

Charles Ray Davis was born and raised in Canton. He took his undergraduate and law degrees from the University of Mississippi, the latter in 1964. While in college, among other honors, Charles was elected to the prestigious national leadership fraternity, Omicron Delta Kappa. Charles later served as Comment Editor of the *Mississippi Law Journal*. After serving with the Jackson law firm of Wells, Thomas & Wells, Charles became a founding member of the present Jackson firm of Thomas, Price, Alston, Jones & Davis.

Charles Davis was first and foremost a trial lawyer. His practice was primarily focused upon the broad spectrum of complex business litigation, business torts in particular. Charles participated in cases from coast to coast in state and in federal courts.

Charles Ray was free with his knowledge and experience in assisting other lawyers in their efforts to become better educated and to provide better service to their clients. Charles could always be counted upon to take a phone call and offer advice or recommendation to other lawyers in his area of emphasis. Charles spoke on complex business litigation issues at continuing legal education forums ranging from the Mississippi Law Institute to the Mississippi Trial Lawyer's Association.

The father of two lovely girls, over the years Charles Ray found and made time for his family and his community. While juggling his law practice and his family responsibilities, Charles served as Chairman of the Hinds Cancer Crusade and as a member of the board of directors of the Mississippi Chapter of the American Cancer Society. He also served for

many years on the Economic Development Committee of the Mississippi Economic Council.

But it would be neither fitting nor proper to recall Charles Ray's accomplishments, the events of his life, and not remember the man who was so much more than will ever appear on a curriculum vitae. To measure Charles Ray Davis merely by his accomplishments and the activities in which he was involved leaves out much which should be remembered. His long-time law partner and friend, Alex Alston, has often described Charles Ray as a man who truly loved to be in the trenches of litigation, who yearned for the sting of courtroom battle. Charles Ray Davis always fought hard, tirelessly and faithfully for his clients. He also fought fairly and exhibited an attitude toward the practice and our legal system which the practice of law will surely miss.

Trial lawyers always yearn for the time when they can ask that one question of an opposing witness, and preferably of the opposing party, which at one time sums up their case and at the same time illustrates the fallacy of the opponent's position. Those times are rare, if they occur at all, for most of us, but I saw Charles Davis leave opposing parties with no good answer and his case made on a number of occasions in exactly that way. He knew how to get to the nub of an issue.

Perhaps the best way to capture Charles' memory and what was the best of him, at least as I have known it, is to briefly relate a story now some fifteen years old. In the midst of his busy law practice involving many important clients and many important cases, Charles Davis referred a case involving one of his clients to a young lawyer just starting out. When trial rolled around, the fledgling lawyer's first jury trial, Charles voluntarily took two days out of his busy practice to devote to that young lawyer's career, to tell him he had confidence in him and to provide his support to a young friend. Charles put his practice on hold, sat through two days of trial and did everything from offer sage advice to go for

coffee. He sat up with the young lawyer much of the sleepless night between trial days and then held his hand the next night while they waited for that lawyer's first jury to return. Charles then proceeded to sponsor that first celebration when that first jury had been won over. Charles Ray Davis gave those two days of his practice and his life for no reason other than he had a young friend who needed him and in whom he believed. That story is but some measure of the man we have lost at such a young age.

Charles Ray Davis was always that kind of caring, giving supportive person. He gave unselfishly of himself both to causes, as can be seen from the brief recount above, and to individuals. Charles Ray Davis actively cared for his friends. He did not merely pay lip service to those things in which he believed, he acted upon them. Charles touched and permanently affected many lives. To say he will be sorely missed by his friends, his family and by the Bar is to merely state the obvious. But Charles Ray Davis' memory, his legacy, will live on with those of us whose lives he touched. Perhaps we can pass along some of what Charles brought to us. It would be a more fitting tribute than any words we might pen to paper.

Thank you, Charles Ray, and may God bless you.

(Reprinted with permission of the Federal Bar Newsletter.)



Mark your
calendars now!

HCBA
Christmas Social

Thursday, December 10, 1992
5:30 - 7:30 p.m.
Mississippi Bar Center

Psychic Hotline Predictions for November

by Captain Equity

The other night while watching my weekly quota of wrestling, Crossfire and VH-1 on cable television, I made a startling discovery. Somewhere between John Sununu (Crossfire or wrestling) and Madonna (VH-1 or wrestling — if all runs together after a while), I remote-controlled myself into an infomercial for something called the Psychic Hotline. For just \$4.95 a minute you could talk to somebody named Glenda or Sybil and find out anything you cared to know about the future. Given a perceived interest by the readership in November and beyond, I decided to test the Hinds County Bar's commitment to incisive new age political commentary by punching up the 900 number on the screen.

"Psychic Hotline, this is Sybil...and you must be Captain Equity."

"Impressive start," I thought to myself.

"Thank you," she quickly replied.

"Hmmm. Looks like the bar association is getting its money's worth," I observed wryly to myself. She said nothing, obviously trying to save the HCBA from being charged for unnecessary small-talk. Needless to say, her gesture was appreciated, even though I didn't express it in so many words.

"You're welcome," said Sybil as naturally as if I had.

For the first time, I made a conscious effort to keep my mind trained on business and off the most memorable scene in *Basic Instinct*.

"So, what do you want to know?"

Despite thinking this question was somewhat unnecessary, I nonetheless decided to humor her.

"Well, for starters, is Ross Perot going to get back into the race?" (Note: due to my deadline, this conversation is taking place the third week of September.)

"Hey, I'm a psychic, not a comedian's straight man. I won't charge you for that one. Try again."

In order not to repeat my 1-900 number gaffe, I adopted another approach.

"Will the President use the power of incumbency to get the federal government to pick up the entire tab to rebuild

South Florida in the wake of Hurricane Andrew?"

"Better than that. He'll push for bipartisan emergency legislation that will index the damage. House trailers get upgraded to split-levels; more expensive homes will be replaced by private estates or theme parks, depending on the owner's preference."

"But that will significantly add to an already crushing deficit."

"The President agrees wholeheartedly. That's why he'll veto the bill once it gets to his desk sometime in mid-November."

"This lady's good," was my only thought.

"Thanks again. What else?"

"I know you do the future; can you do the past as well?"

"Shoot."

"Okay. How about Bill Clinton and the draft. What's the real scoop?"

"Well, uh...I, uh."

It was obvious that Sybil was having some trouble with this one. Perhaps she didn't understand the question.

"I understand the question just fine. My crystal ball is fogging up on me. Now it's clearing up — I see a young man ad an ROTC Colonel...Oops, it's fogging up again...Okay, now it's coming back. There's the young man again, but no colonel — the young man seems to be breathing a deep sigh of relief. Does that help?"

"Kind of, but could you be a bit more precise?"

"Look, this stuff isn't always a hundred percent. It's kind of like being a weather forecaster or stock broker. You can't always explain every thunder-shower or market correction, much less see it coming. How about if I charge you half price for that one?"

"That's a better deal than I'd get from one of my lawyer buddies," I thought to myself.

"You can think that again."

"Hey now, look out." I was getting a little sensitive. I mean it's alright for me to say it, but when some lay psychic starts in with lawyer bashing, well...

"Don't be so thin-skinned. You're

starting to jam my Ross Perot vibes."

She had a point.

"Okay," I said looking at my watch, "it's time to pop the big question. Who's going to take all the marbles?"

"It's already happened; the guys in the Armani suits and power ties who cleaned out the S&Ls."

"In November. I meant to ask, who is going to take all the marbles in November?"

"Oh, I get it now."

I waited in earnest for a response. After a suspenseful pause, the answer finally came.

...continued on page 4

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Coliseum Ramada Inn

Chairperson:

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Captain Equity...

(continued from page 3)

"Bush."

"Bush?" I was incredulous. What a turn around. What a come from behind victory.

"NOT!"

Sybil had broken into fits of laughter. There's nothing like a practical joking psychic at \$4.95 a minute.

"Actually, it will be Clinton with 311 electoral votes — book it."

Who was I to dispute her supernatural word. I wrote it down on the back of an envelope next to Jerry Brown's 800 number. I had every intention of looking into the legality of political wagering at one of the Biloxi casinos.

"If that's the case, what will become of Bush and Quayle?"

"Don't worry about the President. George and Bar will move back home to Houston and redecorate the hotel suite. Besides playing horseshoes and writing his memoirs, expect to see him to make a surprise run for Governor of Maine. As for Dan Quayle, he'll wind up with a big Washington, D.C. law firm he'll claim to hate, representing media elite entertainment clients he'll claim to hate. His first deal will be a six figure advance for the movie rights to *Embrace the Serpent*."

Sybil said she thought this was funny, too. Actually, she meant funny peculiar rather than funny ha ha, though she didn't say as much.

"Hey, Sybil, is this stuff contagious?"

"Hub?"

"Never mind — so what's going to become of Perot?"

"Let me check."

There was a slight pause.

"The crystal ball says to 'ask the volunteers.'"

"How about Clinton and Gore?"

"Oh, they'll be fine. In a nutshell, no more bus trips and a lot more marine helicopters and Air Force One."

And America? I mean, what will happen with the deficit; the economy; the trade deficit?

Sybil mumbled something in Japanese. I think it was a stock tip, but I'm not sure. It's just a feeling.

Mississippi College Law Library News

Maurine Mattson has temporarily returned to the Mississippi College Law Library to provide reference service during the evening hours. She will be available to assist library patrons Monday through Thursday, 5:30 p.m. until 10:30 p.m.

The Library is continuing its "Book Sale". Sets of books donated to the library, but not needed for its collection are sold by closed bid. Among the sets offered this fall are: Vernon Texas Code, Texas Forms, Texas Jurisprudence, and Texas Practice.

The sets available for bid are on shelves directly opposite the Circulation Desk. Bid information is available from Bill Fershoff, JoAnn Neil, or Maurine Mattson.

Other single volumes and short sets are included. Many good bargains are available.

The MC Law Library continues to subscribe to the American Law Institute's CLE TV. Members of the bar may check these VHS video tapes out for a period of two weeks. Recent acquisitions are:

• **What clients need to know about the public accommodations provisions of the ADA.**

Summary: Examines the statutory provisions of Title III of the ADA and

offers practical advice to lawyers and their business clients on complying with the Act's sweeping accessibility requirements.

• **The sale and purchase of financially troubled businesses.**

Summary: Examines the procedures and problems associated with sales and purchases of companies and their assets in bankruptcy.

• **Hedonic damages: litigating the loss of enjoyment of life. (54 minutes)**

Summary: Examines the types of loss, economic evidence admissibility and controversial future of hedonic damages in state and federal civil trial practice.

• **The right to die: decision making and documentation. (52 minutes)**

Summary: Examines the issues to be raised, the decisions to be made, and their conversion to legally sound provisions in living wills, health care proxies, and durable powers of attorney.

• **Advising business clients on trade secrets. (53 minutes)**

Summary: Explains how to identify and protect your clients' valuable business secrets.

• **Forfeiture under RICO and federal civil law. (52 minutes)**

Summary: A guide to the procedures, rights, defenses, and consequences of asset forfeitures.

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Summer Bar Exam Results

Linda B. Knight, Bar Admissions Administrator, announces that one hundred fifty of the two hundred twenty-one candidates taking the July 1992 Bar Examination achieved a passing score. This overall pass rate of 67.9% compares with the four previous examinations as follows:

February, 1992 . . .	.63.2%
July, 1991 . . . . .	.79.4%
February, 1991 . . .	.72.3%
July, 1990 . . . . .	.81.0%

One hundred seventy-three of the candidates were classified as "in state". Of those, one hundred seventeen (67.6%) passed. Thirty-three (68.8%) of the forty-eight "out of state" applicants passed.

Two hundred took the test for the first time; one hundred forty-four (72%) passed.

One person successfully completed the "Attorney's Exam".

In addition to sixty-three Mississippi

College graduates and one hundred eight Ole Miss graduates, successful candidates represent the following schools: Brigham Young, Columbia, Creighton, Cumberland, Emory, George Mason, Georgia State, LSU, Memphis State, Ohio Northern, St. Louis University, Tulane, University of Alabama, University of Georgia, University of Illinois,

University of Miami, University of Pennsylvania, University of Texas, University of Virginia, Vanderbilt, Washington and Lee.

The admission ceremony was held on September 30, 1992, in the Jackson Municipal Auditorium.

The Hinds County Bar Association welcomes these new members of the Bar.



Dean J. Richard Hurt (left) of Mississippi College School of Law was the speaker at the August HCBA Membership Meeting. Dean Hurt is with Harold D. Miller, Jr., HCBA President, and William Little (right) HCBA Program Chairman.



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The Development of a Law Firm Business Plan A Suggested Methodology - Part I

Editor's Note: Part II of this article will appear in the next issue of the Hinds County Bar Association newsletter.

Everybody needs a Plan! In the increasingly complex business world in which lawyers and law firms must function today, a business plan is a must in order to realize the full potential of the various capabilities, capacities and experiences which all of us possess. Business schools have for years stressed to their students the advisability (if not the necessity), from a management standpoint, of development and implementation of a business plan; so much so, in fact, that the idea of a business plan has become so common as to risk being called trite.

The value of a business plan, however trite the idea, should not be ignored by lawyers, who after all are attempting to run what amounts to nothing less than a business. Being a lawyer is a profession, but practicing law is a business.

The process of developing a business plan often has beneficial results far beyond the plan itself. In order to really develop a plan, one must not only consider external forces such as the market place, but one must also internalize and look introspectively at one's own skills, needs and desires. An occasional hard look at the past and present is good medicine from a business, professional and psychological standpoint.

Developing a business plan is not a one-time event; it is, or should be, a continuous process of devising, implementing, revising, expanding and extending a plan for fulfillment of goals. A business plan should not be viewed as a static document which remains inviolate for its stated duration. Rather, a business plan should be considered as a very generalized overview of an approach to realizing certain goals which have been established as a part of the process itself. Everything about a business plan should be subject to change based upon changes in circumstances.

Following is one approach to the development of a business plan. The methodology here suggested is premised upon Goal Setting and Division into

Manageable Segments.

Goal setting is the *sine qua non* of development of a business plan. How can you develop a plan to get to where you want to go if you don't know where that is? Division into manageable segments is recognition that as humans we have a tendency to be overwhelmed by the enormity of the prospect of a wide ranging long-term business plan, and we tend to be better able to focus on (and therefore accomplish) smaller segmented portions of the whole; therefore, our ability to accomplish a greater proportion of the whole is enhanced.

As can be readily discerned from the prior statements, the first series of steps in devising a business plan revolve around goal setting. Two different types of goals should be considered: what might be referred to as "the Ultimate Goal" and what will be called "Interim (or Collateral) Goals."

It is impossible to resist the urge to draw the ubiquitous road map analogy, perhaps because it most vividly draws our mind's visualization of rather abstract thought processes into an understandable perspective. If you want to get from Point A to Point B, common sense dictates that you must determine the location of Point B. However, of at least equal importance is the exact location of Point A.

Therefore, the first step in developing a business plan should be getting a firm fix on where you are (Point A), and in so doing you must remember that in the law business, where you are is a direct result of where you have been.

ITEM I. Review, Summarize and Analyze Your Historical Exposure and Experience in the Legal Market Place. Things to consider here include education, training, experience and expertise. All of these should be analyzed in terms of the perceived needs and demands (present and future) of the market place. Once you have an understanding and recognition of these facts, then turn to an initial determination of your Point B (your Ultimate Goal). Remember, this is a preliminary determination and subsequent steps in the planning process may indicate that you have been either too

aggressive or not aggressive enough in setting your Ultimate Goal.

ITEM II. Preliminarily Determine Your Ultimate Goal. Of course, an integral part of establishing the goal is establishing a relevant time frame (estimated time of arrival?). The relevant time frame should be fairly long because one of the purposes of the process is to establish a long-term plan to guide your decision making and actions on a long range basis. Five years is a common time frame for business plans. Don't be concerned about inability to forecast or anticipate conditions so far into the future; the planning process and methodology are designed to permit you to adapt to changes in conditions over which you have no control, and to have at least some influence on conditions which you, to some degree, can control.

When you have made your preliminary determination of your Ultimate Goal, you should look back at the results of your inventory of capabilities and experience derived in Item I of the process. This body of knowledge, ability and expertise constitutes the assets which you currently have available to employ in the implementation of your plan to reach the Ultimate Goal. These existing assets should be honestly and critically assessed for use in implementation of your plan. Some will be irrelevant or not useful, but others will or may be capable of utilization in your plans.

ITEM III. Identify and Assess the Assets Which You Currently Possess Which Will Assist You in Realizing Your Ultimate Goal. next, identify the assets and capabilities which you perceive to be *required* for realization for your Ultimate Goals; that is, those assets without which you cannot possibly accomplish your Ultimate Goal.

ITEM IV. Identify Assets or Capabilities Which Will Be Required to Realize Your Goals, But Which You Do Not Presently Possess. This begins the process of testing your goals for realism and rationality. The prospects of acquisition of these required assets should be assessed to determine if they can, in fact, be obtained and at what cost.

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CLE Calendar of Events

October 30
Annual Criminal Law Seminar.
MTLA. Jackson, MS. 948-8631

Workers Compensation Practice and Procedure.
MC School of Law. Jackson, MS. 944-1950

Third Annual Federal Practice Institute.
Mississippi Chapter of the Federal Bar Association. Jackson, MS. 949-4554

November 5
Planning Opportunities with Living Trusts in MS.
NBI. Jackson, MS. 715-835-7909

November 6
MS Real Estate Foreclosure Law.
K. F. Boackle. Jackson, MS. 956-6444

November 10
Natural Resources Section Seminar.
MB. Jackson, MS. 948-5711

November 17
Health Law.
Lorman Business Center. Jackson, MS. 715-833-3940

November 19
MS Sales and Use Tax for Manufacturers.
NBI. Jackson, MS. 715-835-7909

November 20
Estate Planning Seminar.
MC School of Law. Jackson, MS. 944-1950

December 18
Persuasion in Trial Advocacy.
MTLA. Jackson, MS. 948-8631

Real Estate Law Seminar.
MC School of Law. Jackson, MS. 944-1950

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October 20
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Capital City Petroleum Club.

December 10
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MS Bar Center.

December 15
HCBA Membership Meeting.
Capital City Petroleum Club.

February 16
HCBA Membership Meeting.
Capital City Petroleum Club.

March 23 & 30
People's Law School.
MC School of Law. Jackson, MS.

April 6 & 13
People's Law School.
MC School of Law. Jackson, MS.

April 20
HCBA Membership Meeting.
Capital City Petroleum Club.

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FIRST CLASS

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12 Noon, October 20