

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

AUGUST 1993



President's Column

Ben J. Piazza, Jr.

The first Hinds County Bar Association Tennis Tournament is now history. It was a great success and thoroughly enjoyed by all who participated. Particular thanks go to Bob Barnett who did a masterful job as chair of the Tennis Committee, and to Ro Taylor of First American Title Insurance Company, the corporate sponsor of the tournament. Congratulations to L. C. James, Men's Advanced winner; Kelly Simpkins, Men's Intermediate winner; and Sara Martin, Women's winner.

Next on our social agenda is the first HCBA Golf Tournament. Be sure and mark Friday, August 27, on your calendar, get your team together, and come out to the Colonial Country Club Deerfield Golf Course for fun and fellowship. The modest cost of \$40.00 per person will include a hamburger buffet and beverages. In addition, the profits from the tournament will benefit Habitat for Humanity/Metro Jackson, Inc. Hopefully, both the Golf and Tennis Tournaments will become annual events.

Pro Bono ADR Grant

The newly established Alternative Dispute Resolution Committee is off to a fast start. Under the leadership of Chair Al Malone and Vice-Chair Bill Little, the committee has been awarded a \$3,500.00 Mississippi Bar Foundation IOLTA grant to establish a

pilot pro bono ADR project in the Jackson metro area. The committee is also exploring funding from other sources and hopes to cooperate with both the Mississippi Pro Bono Project and the Jackson Young Lawyers in implementation of the project. Anyone interested or experienced in mediation or arbitration should contact Al or Bill for further information.

West Jackson CDC

Thanks to the many HCBA members who responded to our solicitation letter in support of the West Jackson Community Development Corporation. West Jackson CDC is a non-profit, tax-exempt community based organization dedicated to revitalizing the West Jackson community surrounding Jackson State University. With the help of funding from HCBA

members, its Summer/After School ("SAS") program provided basic skills development, tutorial services, parenting intervention and supportive services this summer for nearly forty low-income children, ages 5-10, from the West Jackson area. The West Jackson CDC now plans to continue SAS as an after-school program during the regular school year. If you would like to help in this effort you can send your tax deductible contribution to the West Jackson CDC, P.O. Box 10325, Jackson, Mississippi 39289-0325.

Elsewhere in this newsletter you will find a listing of the 1993-94 HCBA Committees and their Chairs and Co/Vice Chairs. If you are interested in serving on any of these committees, please contact me or the committee chair.

James E. Graves, Jr.

by Barry H. Powell*

When he first took the bench in 1991, Circuit Judge James E. Graves, Jr., only handled civil cases. Now all four circuit judges handle civil and criminal cases.

Judge Graves is dedicated to moving the criminal docket as expeditiously as feasible and to get the criminal backlog to a manageable level. As a result, he will not grant continuances by agreement only in criminal cases, but only for a substantial reason.

Judge Graves finds sentencing in criminal cases to be one of the most difficult responsibilities of a judge. He requires a presentence investigation

and affords an opportunity for the victim and the victim's family to provide their input in the sentencing process. Judge Graves also invites the victim and the victim's family to appear at the sentencing hearing at which time they can make any statement they desire.

In civil cases, Judge Graves attempts to run his court for the benefit of the litigants, the attorneys and the jurors. His goal is to provide motion hearings within thirty days. His Friday motion day begins at 8:00 a.m. For the convenience of lawyers,

...continued on page 2

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

August 17, 1993

12 Noon

\$9.00

Capital City Petroleum Club

The speaker will be T. Calvin Wells.

James E. Graves...

(continued from page 1)

he schedules three motions at a time at half-hour intervals. To facilitate the motion process, Judge Graves insists that lawyers notify his court administrator, Patricia Burton, prior to the hearing date if a motion has been canceled. If a lawyer simply does not appear at a motion, Judge Graves will enter a show cause order requiring the lawyer to appear in open court and provide the reason for failing to appear at the motion.

As a convenience to lawyers, Judge Graves will hear motions by agreement via telephone conference call or with out-of-town lawyers participating by telephone and with the local lawyers in person in his office. Judge Graves is particularly willing to handle pretrial motions in this manner on urgent matters or when a trial date is imminent. Arrangements for telephone motion hearings should be made through his court administrator.

Judge Graves urges lawyers to try to resolve their discovery disputes before presenting them to the court by motion. Many times lawyers do not confer until shortly before the motion hearing and then they are able to resolve the matter. Judge Graves did observe that sometimes the problem of communication appears to be not with the lawyer who has had to file the motion to compel, but with the lawyer who has refused to provide the discovery.

Judge Graves welcomes memoranda and briefs on motions. On Thursday afternoons, if he is not in trial, Judge Graves reads all motions set for Friday, any supporting briefs and memoranda, and also the complaint and answer in the case, and any prior rulings in the case. If he is in trial on Thursday afternoons, Judge Graves will take the files home and read them that night. On discovery motions, it is helpful for presenting and ruling on the disputed issues if the movant would type out the contested request, the response to the request, and the reason the information is sought.

Judge Graves does not require

scheduling orders as a matter of course. However, the first time a motion is presented to him in what is apparently going to be an involved or protracted case, Judge Graves will require a scheduling order in that case. He gives the parties thirty days to agree on the scheduling order. If no agreement is reached, each side submits their proposals to the court. The court will then enter its own scheduling order and send copies to the parties. The scheduling order should include discovery deadlines, designation of experts, and dispositive motions. Such discovery orders will be modified only for good cause.

At trial, Judge Graves insists on lawyers treating each other, the witnesses and the court courteously. He has "Ten Commandments of Etiquette and Decorum" for trials before him that he provides to each attorney prior to trial. Judge Graves wants the jury to be able to focus on the evidence and testimony and not be distracted by extraneous matters.

After each trial, Judge Graves talks with the jury. He is very impressed with the quality of persons serving on juries in Hinds County and their conscientiousness in trying to reach a fair and just decision in the cases they hear. Judge Graves had several interesting observations based on his discussions with jurors that he shared. Jurors do read jury instructions. In fact, he discovered that time was being taken by jurors passing the jury instructions around to each other to read. As a result, when the case is submitted to the jury, he provides each juror with a packet of the granted instructions.

Judge Graves provides notebooks and pens to each juror at the beginning of the trial. He instructs the jurors that the provision of these notebooks and pens is not to be taken as any indication by the court that they should be taking notes. It is entirely up to each individual juror. The notebooks are turned in at the end of each day before the jurors leave the courthouse. At the end of the trial, Judge Graves instructs the jurors that any notes taken by a juror are to be used only for the individual use of that juror and should not

be used to attempt to persuade any other jurors. At the end of the trial, the notebooks are turned in and destroyed.

Judge Graves notes that jurors expect an adversary proceeding and expect lawyers to be engaged in spirited representation of their clients. Jurors do not seem to hold lawyers' objections against the lawyer or the client so long as the objections are not to the point of being obnoxious or obstructionist. The two biggest complaints of jurors to Judge Graves about lawyers are lack of preparation and rudeness to each other. Judge Graves' experience is that jurors take the burden of proof seriously. He has had jurors tell him that the case was decided when they received the burden of proof instruction from the court.

Judge Graves said he had noted with interest that in cases in which he had granted a motion in limine to prohibit certain evidence reaching the jury, such as the existence of a homosexual relationship or the failure of a party to file a tax return, the jurors invariably had figured out what was going on.

Judge Graves has started the practice of providing to each juror when qualified a copy of the Mississippi Bar Association's Juror's Handbook, which he thinks is an excellent tool for the jurors. The jurors seem to take an interest in the book, perhaps too much interest. The circuit clerk's office has not been able to collect enough of the handbooks back from the jurors so that now there is a need for more handbooks.

**Barry H. Powell is a member of the Hinds County Bench and Bar Relations Committee and is a partner in the firm of Alston, Rutherford, Tardy & Van Slyke.*

Lawyer Referral List for Civil Cases in the Federal Court System

United States Magistrate Judge Alfred Nicols has expressed a need for the Southern District to have a referral list of attorneys to which civil cases could be assigned on a pro bono basis. These cases are filed by pro se plaintiffs, and primarily include complaints filed pursuant to 42 U.S.C. Section 1983; social security disability appeals; and Title VI EEOC litigation. Since there are no federal funds allocated for attorney fees and expenses in these cases, your work would be on a pro bono basis. If you prevailed in the case for your client, however, you

could collect a contingency fee by contract with your client.

The cases for assignment would have first been screened by the court so that the only ones assigned would be those with some possible merit. Examples of the type of cases assigned would be a complaint by a jail or prison inmate about discriminatory practices within the prison system or of an unprovoked beating by a prison guard.

According to Judge Nicols, volunteer attorneys could greatly assist and facilitate the handling of these cases.

He especially requests that large firms consider volunteering as their pro bono project.

The Mississippi Chapter of the Federal Bar Association has committed itself to assist the court in compiling such a list. If any individual or firm would be willing to be placed on this list, please send your name, address and telephone number to Ned Currie, Steen, Reynolds, Dalchite and Currie, P.O. Box 900, Jackson, Mississippi 39205.

Problems Worth Worrying About

by Captain Equity

Just as the water level hit an unprecedented 47 feet in St. Louis, summer crossed the midpoint while the much maligned Clinton Administration passed the six month mark. Convergence of these milestones was accompanied by a distinct mood shift in the national consciousness. Congressional grandstanding and White House Press Corps whining has been temporarily dispatched to the backburner while rank and file Americans struggle against the relentless floods on the Mississippi and/or do their best to survive the sweltering blast furnace summer that has gripped much of the USA. Finally and mercifully, the focus has shifted to problems worth worrying about.

All of this came at just the right time for the President. It has given him time to make some badly needed repairs in his besieged Presidency. Foremost among them is the employment of former Reagan White House manipulator David Gergen, a seasoned pro at the use of Presidential power. To illustrate Gergen's salutary effect on the Clinton Presidency, soon after leaving his post at *U.S. News & World Report*, Gergen held a discreet meeting with Ross Perot in the Bahamas to politely request that America's self-appointed conscience put a sock in it for the national good. The 1996 Presidential aspirant has acceded - at least for now.

Of more strategic importance, Gergen has resumed practicing his specialty, massaging Washington's massive media ego. Within days on the job, Gergen reversed the Clinton policy of bypassing the media and then sealed the deal by throwing a kiss and makeup barbecue in the Rose Garden for the press hosted by the President of the United States. Proving the old adage that flattery gets you everywhere, the tone of White House press coverage began to change almost before the draft beer ran out. At the urging of Gergen, Clinton has junked the Nixon media relations model and is earnestly studying the Reagan primer on how to let the press help carry the ball. While placating the likes of Sam Donaldson and Brit Hume may be reprehensible, it is a necessary fact of life for a President who wants to get things done.

Another obvious Presidential self-improvement project is a good faith effort to curb his incessant habit of thinking out loud on every conceivable issue, appointment and decision. It certainly must be like kicking a three pack-a-day cigarette habit, but the President is trying. On a related note, rumor has it that Hillary and Gergen are also making the President cut back on Big Macs and Happy Meals as well. If there is a link between junk food and audible mind clutter, a cure might be at hand.

A trend toward competence is emerging in the Clinton White House. Our President, complimented by the First Lady, starred at a flawless G7 Summit in Tokyo, both in terms of photo ops and substance. Clinton's Supreme Court choice, Judge Ginsburg, looks like she is headed for unanimous Senate confirmation. Louis Freeh appears to be cut from the Janet Reno mold as the President's pick for Director of the FBI. The Health Care plan waits patiently for its turn while Congressional conferees attempt to reach compromise on deficit reduction which Clinton is finally pushing.

With better press relations and a Presidential self improvement program in full bloom, Congress remains the festering sore of national inaction. Our elected representatives would do well to check their partisan party labels at the door and show some resolve to work for the national interest. Perhaps they could even bring some meaning to those American flag lapel pins they are so fond of displaying as they strut and spout off before C-SPAN cameras and empty Congressional galleries. If the President can do it, maybe they can too.

But a word of caution. Summer recess for politicians won't last much longer. David Letterman will be back on the air August 30.

Bench and Bar Committee News

Motions in civil cases in Hinds County Circuit Court are set by each Judge's Court Administrator.

Judge William Coleman
Sandra Kirby, Court Administrator
Direct Telephone #: 968-6657

1. Judge Coleman has no regular motion day. He will hear three or four motions each morning before beginning trials.

2. He reviews cases the day before set for hearing. If never set, never heard.

3. He does not like to receive copies of notices or motions.

4. If a lawyer fails to appear for a motion hearing without prior notification to Judge Coleman's Court Administrator, he will issue an order for the lawyer to appear in open court to show cause why he/she did not appear.

Judge Breland Hilburn
Lynne Stevens, Court Administrator
Direct Telephone #: 968-6656

1. Judge Hilburn has no regular motion day. Lynne sets his motions on

Monday and Friday at 9:00 a.m., and at 8:30 a.m. on Tuesday, Wednesday and Thursday. All motions are set at the same time.

2. Motions are heard as they are docketed, or on a first come, first served basis. That is, if someone is waiting and the party who is docketed has not arrived, the waiting lawyers will be heard.

3. Supporting memoranda should be sent directly to Judge Hilburn, along with copies of all authorities cited.

4. If a lawyer fails to appear for a motion hearing without prior notification to Judge Hilburn's Court Administrator, he will issue an order for the lawyer to appear in open court to show cause why he/she did not appear.

Judge Robert Gibbs
Patricia White, Court Administrator
Direct Telephone #: 968-6658

1. Friday is Judge Gibbs' regular motion day. The motions are generally set at 9:00 or 9:30 a.m., during the term. When court is in vacation (and sometimes during the term, his calen-

dar permitting), he will hear motions at 8:30 a.m.

2. Motions are heard in case number order, except motions to compel, which are heard last.

3. If no date is available, the attorney requesting motion can send letter to Judge Gibbs noting the importance of the motion and requesting him to give it his immediate attention, in which instance he will have Patricia set up a conference call to agree on a date and time to hear the motion telephonically. When reviewing cases each week (which he does on Wednesday and Thursday afternoons), if he sees that the motion can be handled telephonically, he'll initiate the call to counsel.

4. Judge Gibbs wants supporting memoranda sent directly to him, along with copies of all non-federal, non-Mississippi authorities cited.

5. If a lawyer fails to appear for a motion hearing without prior notification to Judge Gibbs' Court Administrator, he will issue an order for the lawyer to appear in open court to show cause why he/she did not appear.

Judge James Graves
Patricia Burton, Court Administrator
Direct Telephone #: 968-6688

1. Judge Graves' regular motion day is Friday at 8:00 a.m. He will hear some motions on Monday morning, depending on his schedule. Motions are set three at a time one-half hour apart.

2. He does telephonic hearings on urgent matters and when a trial is imminent. His Administrator sets them up when requested.

3. If a lawyer fails to appear for a motion hearing without prior notification to Judge Graves' Court Administrator, he will issue an order for the lawyer to appear in open court to show cause why he/she did not appear.

4. The original of supporting memoranda should be filed with the Clerk's office and a copy sent to Judge Graves, along with copies of non-federal, non-Mississippi authorities cited.

Summer Clerk Luncheon



Neil Olack (right) was the featured speaker at the annual HCBA Summer Clerk Luncheon in June. Over 80 clerks and attorneys attended. Richard Montague (left) is Chairman of the Legal Economics Committee which sponsored the event.

CLE Calendar of Events

August 20
Government Liability Seminar.
MS Trial Lawyers. 948-8631

August 24
MS Construction Law.
NBI. 715-835-7909

September 10
Medical Malpractice Seminar.
MC School of Law. 944-1950

September 16
Environmental Law Seminar.
MC School of Law. 944-1950

September 17
Bankruptcy Law Seminar.
MC School of Law. 944-1950

October 8
Real Estate Brokerage Law.
K. F. Boackle. 956-6444

October 9
Real Estate Leases.
K. F. Boackle. 956-6444

October 15
Law Office Management Seminar.
MC School of Law. 944-1950

October 22
Workers' Compensation Seminar.
MC School of Law. 944-1950

October 29
Criminal Law Seminar.
MS Trial Lawyers. 948-8631

November 12
Natural Resources Seminar.
MS Bar. 948-4471

December 10
Workers' Compensation Seminar.
MS Trial Lawyers. 948-8631

HCBA Calendar of Events

August 17
HCBA Membership Meeting.
Noon. Capital City Petroleum Club

September 9*
HCBA Social.
5:30-7:00. George Street Grocery
*(Date change because of Labor Day weekend)

October 19
HCBA Membership Meeting.
Noon. Capital City Petroleum Club

November 4
HCBA Social.
5:30-7:00. George Street Grocery

December 9
HCBA Christmas Social.
5:30-7:00. MS Bar Center

December 21
HCBA Membership Meeting.
Noon. Capital City Petroleum Club

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Gender Bias Conference Report

by Denise Sweet-Owens
Hinds County Chancellor

In May 1993, I attended the second conference on Gender Bias in the Courts in Williamsburg, VA, at the request of Chief Justice Hawkins.

The conference was co-sponsored by the National Association of Women Judges, the National Center for State Courts and the Women's Judges Fund.

The impetus of the first Gender Bias conference was the result of a 1989 study that concluded gender bias permeates the court system in many forms.

The study conducted by the State Justice Institute found "Sexist Language" and behavior are still common, despite an increased understanding that these practices are wrong. Beyond these overt signs of bias, many practices and procedures exist that may not appear motivated by bias but nonetheless produce bias results.

The report concluded female judges, lawyers, litigants, witnesses, defendants, court workers are the subject of discrimination in the court system.

The area of family law was viewed as the most impacted by judicial bias. State courts were viewed as causing women and children to live in poverty because of inadequate support awards that were inadequately enforced. For example, social scientists found that while women's disposable income decreased after divorce, males' disposable income increased because of court decisions and the gender disparities in employment and earnings.

The second conference focused on a follow-up to the implementation of Task Force plans. Mississippi is one of about 11 state court jurisdictions without a Gender Bias Task Force. Conference leaders focused on Mississippi

and other jurisdictions, providing strategic methods to implement a task force.

The first step to implementation of a task force is the collection of data in three specific aspects; those aspects are stereotypes of the roles of women and men, society's devaluation of women, and myths and misconceptions about the social and economic realities of women's and men's lives. After the collection and dissemination of data, the core aspect of a task force is the utilization of the data in judicial education programs.

Whether Mississippi implements a task force will depend primarily on the judiciary, the bar associations, and those seeking equality for men and women in the courts. Information on the task force is available from the National Center for State Courts.

August Meeting

T. Calvin Wells will be the speaker at the August 17 Membership Meeting. He will discuss how the disciplinary process works. In particular, he will advise on what attorneys should do when a complaint against them is filed. He will also discuss some of the problems the Professional Responsibility Committee of the Mississippi State Bar faces in reviewing the complaints and deciding whether to refer same for further investigation. Mr. Wells will also discuss the most common causes of complaints reviewed and make some suggestions to the HCBA regarding the complaint process.

The Langdellian Positivists

Little positivists
Scouring through printed books
Memorizing rules
To manipulate others.
- William Timothy Jones

1993-94 Hinds County Bar Association Committees

The following is a list of the current Chairs, Vice-Chairs, and Board Liaisons of Hinds County Bar Association Committees. Members are encouraged to contact these persons with any questions you may have, information that may be helpful to the committee or assistance you might offer.

Alternative Dispute Resolution Committee

Chair.....Albert D. Malone
Vice-Chair.....William Little
Board Liaison.....Harold Miller

Bench and Bar Relations Committee

Chair.....Barry H. Powell
Vice-Chair.....David W. Clark
Board Liaison.....Bob Owens

Black Lawyer Participation in the Profession

Chair.....Dorian Turner
Vice-Chair.....Henry C. Clay, III
Board Liaison.....Bob Owens

Budget and Finance Committee

Chair.....Alveno N. Castilla
Vice-Chair.....Lyn P. Crawford
Board Liaison.....Richard Roberts

Child Advocacy Committee

Chair.....Stephanie Daughdrill
Vice-Chair.....Elena L. Guida
Board Liaison.....Binford Williams

Continuing Legal Education Committee

Chair.....Arnold D. Dyre
Vice-Chair.....Dennis C. Sweet, III
Board Liaison.....Harold Miller

Golf Tournament Committee

Chair.....Mark A. Chinn
Vice-Chair.....John M. McCullough
Board Liaison.....Harris Collier

Habitat for Humanity Committee

Chair.....Terrell S. Williamson
Vice-Chair.....Carmen Castilla
Board Liaison.....Jeff Rawlings

Law Related Education Committee

Chair.....Margaret H. Williams
Vice-Chair.....Patricia W. Bennett
Board Liaison.....Harris Collier

Legal Economics Committee

Chair.....Richard A. Montague, Jr.
Vice-Chair.....Anson Bob Chun
Board Liaison.....Richard Roberts

Legal Problems of the Homeless Committee

Chair.....Michael S. MacInnis
Vice-Chair.....Claiborne Barksdale
Board Liaison.....Marcus Wilson

Legal Support Committee

Chair.....Anna C. Clements
Vice-Chair.....John B. Little, Jr.
Board Liaison.....Harold Miller

Library Committee

Chair.....Frank M. Holbrook
Vice-Chair.....Halbert E. Dockins, Jr.
Board Liaison.....Richard Roberts

Membership Services Committee

Chair.....Tommy E. Furby
Vice-Chair.....Joy L. Phillips
Board Liaison.....Jeff Rawlings

Membership Committee

Chair.....Marcia M. Smalley
Vice-Chair.....Peter L. Doran
Board Liaison.....Bob Owens

Newsletter Editorial Board

Co-Editor.....George S. Luter
Co-Editor.....Debra L. Allen
Board Liaison.....Jeff Rawlings

Peoples Law School Committee

Chair.....John C. Henegan
Vice-Chair.....Thomas B. Alexander
Board Liaison.....Marcus Wilson

Program Committee

Chair.....Joseph E. Lotterhos
Vice-Chair.....Donna H. Wright
Board Liaison.....Lynn Mitchell

Public Information Committee

Chair.....Leonard Van Slyke
Vice-Chair.....Regina R. Quinn
Board Liaison.....Harold Miller

Small Firm Practice Committee

Chair.....Reeve (Jay) Jacobus, Jr.
Vice-Chair.....Lance L. Stevens
Board Liaison.....Lynn Mitchell

Social Committee

Chair.....David M. Thomas, II
Vice-Chair.....Rhonda C. Cooper
Board Liaison.....Binford Williams

Special Planning Committee

Chair.....Linda Thompson
Vice-Chair.....Lindia P. Robinson
Board Liaison.....Binford Williams

Tennis Tournament Committee

Chair.....Robert G. Barnett
Vice-Chair.....W. Mack Cameron
Board Liaison.....Marcus Wilson

Women in the Profession Committee

Chair.....Tammy G. Harthcock
Vice-Chair.....Carol C. West
Board Liaison.....Lynn Mitchell

Law Firm Survey Held

For the seventh year, Grantham, Randall, Muns & Company has conducted the Hinds County Bar Association Law Firm Survey. The confidential survey provides statistical information on the management, administration, marketing efforts, personnel policies, production, and compensation levels of law firms in the Hinds County area. It has become a valuable management tool for those firms which participate, serving as a benchmark for measuring performance and as a source of new ideas.

Firms with five or more attorneys are encouraged to participate and the results are tabulated for large firms (15 or more attorneys) and medium firms (less than 15 attorneys). The survey results are confidential and available only to participating firms for their internal use.

If you would like to participate in future surveys, please contact Stephanie Maddox at our office (969-7164) or Pat Evans at the Hinds County Bar Association (969-6097).

This Is No Time To Take Chances.

Sure, doing business today involves taking chances, but Mississippi Valley Title is there to handle certain unforeseen risks.

For over half a century, we've taken a steady hand in evaluating alternatives, and we've made sound, carefully targeted business decisions...all to secure a stable financial base for our customers.

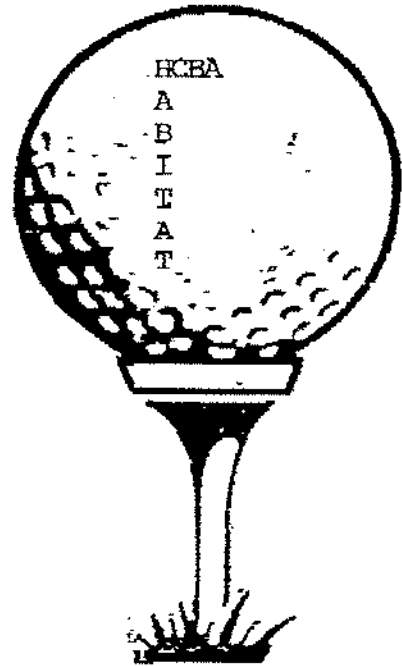
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Golf Outing Just for Lawyers

(All lawyers in Hinds, Rankin and Madison are eligible)



First Annual Hinds County Bar Association – Jackson Young Lawyers Golf Tournament

Friday, August 27, 1993
Hamburger Buffet: 12:30 p.m.
Shotgun Tee Off: 1:30 p.m.
Deerfield Golf Course
Only \$40 (Includes Hamburger Buffet)

Prizes will be awarded

All proceeds from the tournament will go to
Hinds County Bar Association • Habitat for Humanity

On Friday, August 27, 1993, the Hinds County Bar Association and the Jackson Young Lawyers will co-sponsor the first annual golf tournament "just for lawyers." All lawyers in Hinds, Rankin and Madison counties are eligible. Proceeds from the tournament will go to Habitat for Humanity.

Deerfield Golf Course will host the event this year with a hamburger buffet beginning at 12:30 p.m. There will be a shotgun start at 1:30 p.m. Registration fee is \$40.00 per person.

The format will be that of a four person scramble and the field is limited to seventy-two entrants. Deadline

for registration is August 20, 1993. A registration form is provided below.

You may register as a full team of four, as a partial team, or individually. If you intend to form your own team, you should include all team members' names, along with their handicaps, on your registration form. *Each person listed in your preferred foursome must send in his or her individual registration form to be included in the tournament* with each member listing the other members of their team on their individual registration form, along with each member's handicap.

In addition, if you have requested a

specific foursome, it is required that each competing foursome have a combined handicap of *at least* 40 or more, with only one member having a handicap of 10 or less. Tournament sponsors will make necessary changes in foursomes not in compliance with this rule. Additional tournament and local rules will be provided at the tournament.

Any questions may be directed to Mark A. Chinn, Chair of the Golf Tournament Committee, or to Vice-Chair, John M. McCullough.

Registration Form Registration Deadline August 20, 1993

Name _____	Handicap _____
Address _____	Team Members _____
_____	Handicap _____
_____	_____
Phone _____	_____

Please make checks payable to: Hinds County Bar Association, 151 E. Griffith St., Jackson, MS 39201.

For more information call Pat Evans at 969-6097.

Where Can I Hire a Good Five-Dollar-an-Hour Lawyer?

Editor's Note: In 1988 local attorney and HCBA member Bill Waller, Jr. wrote New York Times columnist Russell Baker in response to a column Baker wrote lamenting the greed of high salaries paid to New York City associates. Waller wrote that in Jackson things were different and told of a recent case he had completed that when his fee was reduced to an hourly rate, he received \$5.00 per hour. To Bill's surprise, Baker wrote him back and we have reproduced his response for the enjoyment of the HCBA readership.

Dear Mr. Waller:

If you will notify me where I can hire a lawyer as good as you for \$5 an hour in New York, or even in Leesburg, Virginia, I will give him more work than he can handle, and he will be able to raise his fee to \$6 an hour.

The fact of the matter, of course, is

that most people of modest income do not go to law when they have a genuine grievance because they assume, usually correctly, that they won't be able to afford it. Another fact of the matter is that large organizations which push people around are aware of the first fact, which is what encourages them to go on pushing people around. This brings me to a third fact of the matter; to wit, whatever happened to all those high-minded law-school graduates of fifteen and twenty years ago who did a little pro bono work? Every year the Times runs a law-school graduation piece about the big law combines of Wall Street and Washington bringing kids to town to offer them starting incomes of \$75,000 p.a. while dining them at the flossiest French restaurants, taking them out to the old ball game at Yankee Stadium and the hard-ticket musicals on Broadway, and corrupting them with God only knows what other

carnal temptation. It would be amusing if it weren't disgusting.

I'm glad to hear that things work differently in Jackson. I surely didn't mean that piece to be any more offensive to lawyers than to doctors and the insurance-industry finaglers. When it comes to greed these days, there is no business I can think of that isn't in there doing its damndest to get its snout into the trough.

Your observations about the value of law to our institutions are indisputable. Doubtless you know the lawyer's classic rebuke to the doctor who had been denouncing your profession: "Sir, when your profession was treating tuberculosis by applying leeches to the human body, my profession was writing the Constitution of the United States."

Sincerely yours,
Russell Baker

Legal Copying Division

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BANKRUPTCY LAW

Friday, September 17
Chairman, Richard Montague
Heidelberg & Woodliff

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Office of Professional Services
(601) 944-1950

HCBA First Annual Tennis Tournament Held

The 1993 First Annual Hinds County Bar Association Tennis Tournament was held Saturday, June 5, 1993, at Parham Bridges Park in Jackson from 9:00 a.m. until noon with a picnic following the event.

There were twenty-four players in three groups: nine Men's Advanced, eight Men's Intermediate, and seven Women. The format consisted of Round Robin Doubles, with anew partner drawn each round, and a total of six games with each partner. Scores from 0-6 were logged with the professional, Barney Chadwick, who organized and ran the tournament for the Bar Association.

The player in each class with the most points won, with prizes of \$25.00 gift certificates going to the winners and \$15.00 gift certificates going to the second place winners. First place winner in the Men's Advanced class was L. C. James; David Marchetti came in second. First place winner in the Men's Intermediate class was Kelly Simpkins with Lance Stevens placing second. Sara Martin took first place honors in the Women's category while Lynn Mitchell placed second. Consolation prizes of a free hour on the automatic tennis ball machine were awarded to the three players with the lowest score in each category.

Much thanks and gratitude go to First American Title Insurance Company for their generous support and sponsorship. Thanks also go to Barney Chadwick for an outstanding job and for the contribution of the consolation prizes. And, of course, last but not least, we all thank Bob Barnett, Tennis Committee Chairman, and his team of committee members who volunteered their time to make this event a success. Congratulations to all who participated.

We all look forward to the continuation of this annual event and to making it bigger and better next year.

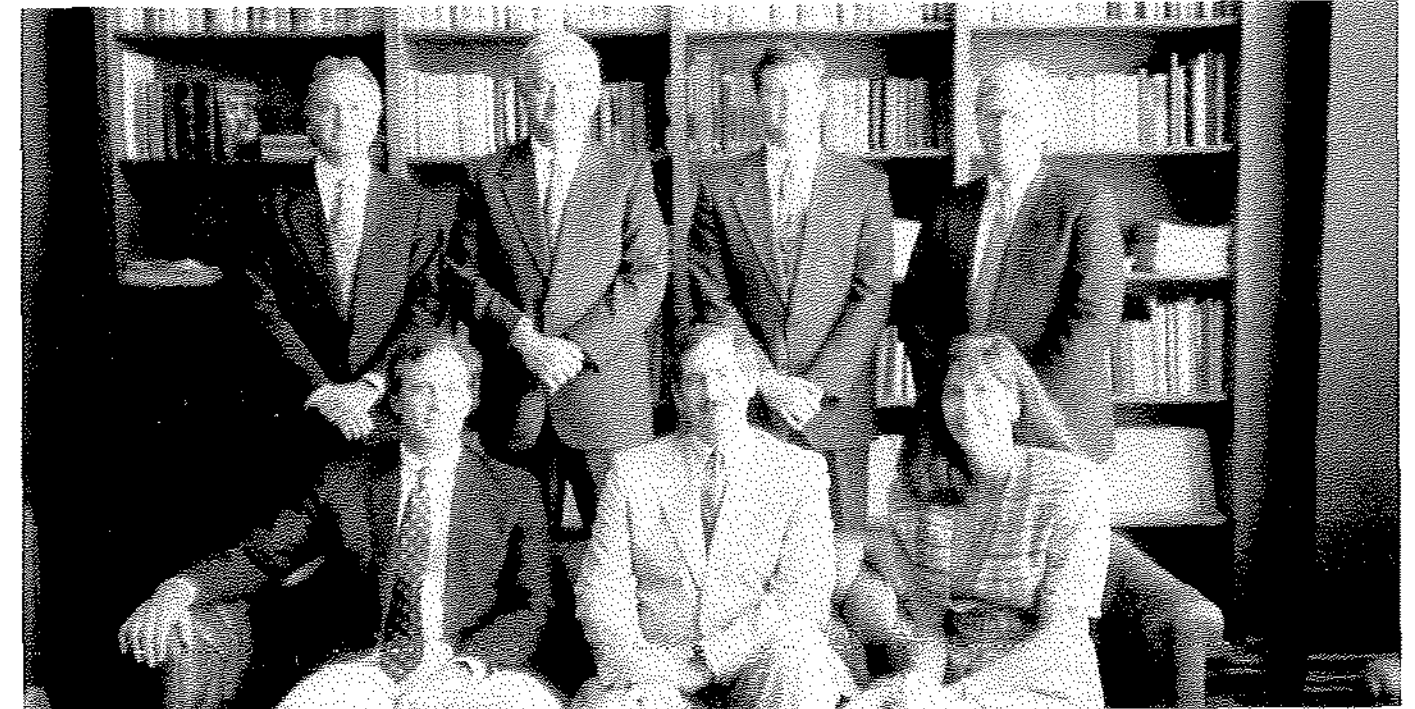


Winners in the First Annual Hinds County Bar Association Tennis Tournament were (left to right) Kelly Simpkins, Lance Stevens, Sarah Martin, L. C. James, David Marchetti, Lynn Mitchell, and Bob Barnett.



Sarah Martin (left) receives her first place award from tennis professional Barney Chadwick (right) while Lynn Mitchell, second place winner in the Women's class, looks on.

HCBA 1993-94 Board of Directors



Elected as 1993-94 Hinds County Board of Directors are: (seated) Marcus M. Wilson, Secretary-Treasurer; Ben J. Piazza, Jr., President; Lynn Fitch Mitchell, Director; (standing) Richard C. Roberts, III, Vice President/President-Elect; Harold D. Miller, Jr., Past President; T. Kenneth Griffis, Director; and T. Harris Collier, III, Director. Not pictured are Directors Bob Owens and Jeffrey D. Rawlings.

June Membership Meeting



Judge James Graves (second from right) was the speaker to an overflow crowd at the June Membership Meeting. He is pictured with (from left) Barry Powell, Chairman HCBA Bench and Bar Committee; Ben Piazza, HCBA President; and Bob Owens, HCBA Director.

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

Hinds County Bar Association, Inc.

151 E. Griffith Street

Jackson, MS 39201

FIRST CLASS

IMPORTANT
HCBA Luncheon Meeting
12 Noon, August 17

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

DECEMBER 1993



President's Column

Ben J. Piazza, Jr.

On November 7 and 8, I, along with some 200 other bar leaders, bar executives and state supreme court judges, attended a "Summit on the Profession" leadership forum in Washington, D.C. sponsored by the American Bar Association.

The focus of the forum was client-lawyer relations. It introduced initiatives to improve those relationships ranging from a "Declaration of Commitment to Clients" for lawyers to display in their offices to a campaign to make state lawyer discipline systems more "consumer friendly."

I know that HCBA lawyers are truly concerned about the welfare of their clients, and want clients to know that we care. I believe that actually following the steps set out in the "Declaration of Commitment to Clients" would help convey the message to our clients that their interests come first, and that our allegiances are unwavering in their behalf.

We are all rightly concerned about the public image of lawyers. But realistically we are not going to change that image through a public relations campaign. What we as a profession really need to do is to address our own clients' concerns. According to Allan Tanebaum, chair of the ABA's Commission on Partnership Programs, when clients define lawyers as being unethical, their definition of unethical doesn't relate to what we would consider an attorney discipline matter. What clients define as "unethical" are

things such as "lawyers who don't return phone calls" or "who don't send the check the next day" or who just don't keep them informed. This is borne out by the fact that the vast majority of complaints filed against lawyers, both across the country and in Mississippi, are based on lack of communications and do not rise to the

level of violations of the Rules of Professional Conduct.

The "Declaration of Commitment to Clients" is a 10-point list of principles of client service designed to foster healthy relationships of mutual respect between lawyers and their clients. The list speaks of the need for lawyers to

...continued on page 2

My Declaration of Commitment To Clients

- To* treat you with respect and courtesy.
- To* handle your legal matter competently and diligently, in accordance with the highest standards of the profession.
- To* exercise independent professional judgement on your behalf.
- To* charge a reasonable fee and to explain in advance how that fee will be computed and billed.
- To* return telephone calls promptly.
- To* keep you informed and provide you with copies of important papers.
- To* respect your decisions on the objectives to be pursued in your case, as permitted by law and the rules of professional conduct, including whether or not to settle your case.
- To* work with other participants in the legal system to make our legal system more accessible and responsive.
- To* preserve the client confidences learned during our lawyer-client relationship.
- To* exhibit the highest degree of ethical conduct in accordance with the Code of Professional Responsibility/Model Rules of Professional Conduct.



Subject to the professional rules of conduct in effect in each state.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

December 21, 1993

12 Noon

\$9.00

Capital City Petroleum Club

The speaker will be Phyllis Thornton, Pro Bono Director, Mississippi Bar Association.

Domestic Mediation Orientation in Rankin County

by Anne Veazey

Here's an ADR pop test question. Your divorce client has been ordered by the court to attend an orientation session explaining mediation of domestic suits; are you in Florida or California? Neither. Your client is a party to a domestic suit in Rankin County, Mississippi.

Judge Roger Clapp, of the Twentieth Chancery Court District, has been utilizing court-ordered mediation in contested domestic cases for several years and in a systematic fashion since March of this year. Committed to alternative dispute resolution, Judge Clapp has been refining and modifying the Rankin County mediation program to meet specific problems and needs. The primary obstacle to a successful program has been a lack of understanding of mediation in general, and of the Rankin County program in particular, not only by the parties, but also their attorneys.

The Rankin County program has recently been modified to reflect this need for education. Most parties to contested domestic actions in Rankin County are ordered to attend a free, one-hour orientation session at the Rankin County Courthouse. The sessions are conducted by court-appointed mediators on the first and third Mondays of each month at 6:00 p.m. Husband and wife are ordered to attend separate sessions. The general public is also invited to attend.

The purpose of the orientation session is to describe mediation as an alternative to litigation. The session leader emphasizes that the mediator seeks a workable solution that is fair and acceptable to both parties. He or she also enumerates the other advantages of mediation over litigation: less expensive, faster, more flexible, confidential. The parties are told to bring settlement offers and other financial records to the mediation to facilitate the proceedings.

The session leader also explains the role of legal counsel: the mediator does not give legal advice to either party and is not a substitute for an attorney. However, the attorney's presence is not required at the mediation session. Any mediated settlement is subject to

review by each party's attorney.

Of those attending the orientation sessions, some will be ordered to mediate while others may request mediation upon joint petition. Mediation is then scheduled by the Court Administrator. An order is entered by Judge Clapp assigning a mediator and setting the case for mediation.

Though mediation orientation is a recent innovation, the early reviews from litigants and their attorneys is

positive. Once the mediation process is fully understood, it becomes an attractive alternative for resolving disputes and clearing court dockets in a cost-sensitive and time-effective manner.

Anne Veazey holds a J.D. degree from Mississippi College School of Law and is a court approved mediator in Rankin County Chancery Court. She is a certified domestic mediator.

HCBA Nominations Announced For 1994-1995

Judith Johnson, chairman of the HCBA Nominations Committee, announces the following candidates for office for the coming year.

Secretary-Treasurer

T. Harris Collier, III
Linda A. Thompson

Director - Post 3

Lynn Fitch Mitchell
Carol C. West

Director - Post 4

Mark A. Chinn
William J. Little Jr.

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 11. The results of the voting will be announced at the membership meeting on February 15.

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

President...

(continued from page 1)

treat clients with respect and courtesy; charge reasonable fees and explain in advance how the fee will be computed and billed; return telephone calls promptly; keep clients informed; work to ensure that the legal system is more accessible and responsive and exhibit ethical conduct. A copy of the Declaration should be framed and hung in every lawyers' offices.

While not creating new legal rights on the client's behalf, the declaration is intended to inform clients of a pledge by participating lawyers to extend to them the enumerated courtesies and loyalties. As part of the leadership forum, the ABA launched a partnership initiative with state and local bar associations to encourage lawyers to

prominently display the declaration in their offices and to routinely provide clients with copies of the principles, laying the foundation for improved relations. The HCBA is assisting in this initiative by publishing the Declaration in this issue of the newsletter, and, upon request, we intend to make additional copies available to our members.

The leadership forum also premiered a videotape and companion training program on client communications that the ABA intends to market to bar associations, law firms, law schools and other related entities offering lawyer training. The HCBA plans on having a copy of the videotape available through our CLE Committee early next year. It is my hope that many of you will make use of this opportunity.

Taking on Handguns, Crime and Fear

by Captain Equity

Something is wrong in America. For a country that prides itself on such values as generosity of spirit, caring and compassion and optimism, there is little of it in evidence. Instead, there is a pervasive hardening of attitudes and a growing suspiciousness that was once the exclusive province of a few very bad neighborhoods in a handful of very large cities. Unfortunately, what was once considered an aberration is the developing norm in America. And most all of it is caused by fear. Not the irrational variety harbored by small children or paranoids, but a well-founded fear grounded in a reality that is and should be the source of national shame and outrage.

Consider these chilling statistics. In 1990, more than 30,000 people were murdered in this country, making it the world leader by a wide margin. Only Johannesburg, South Africa, has a higher per capita murder rate than Washington, D.C., home of the annual Omnibus Federal Crime Bill. Homicide is the leading cause of death for African-Americans, age 15-34.

As scary as those facts might be, the anecdotal evidence from our own city is even more frightening. Drive-by shootings and car-jackings are becoming common place. Junior high students are taking loaded pistols into school classrooms. People walking out of a downtown Jackson nightclub are gunned down for no apparent reason. And on and on and on and on...

Even more revolting is the official response from the likes of the National Rifle Association, which even opposes efforts to ban automatic assault weapons and the sale of guns to minors. Excuse me, but "Ban Criminals, Not Guns" just doesn't wash anymore. Fortunately, an ever-growing majority of scared-silly American citizens agrees. Consequently, disingenuous Congressmen and women who for years have preached law and order before casting their votes for more firepower, are finally being forced to forsake the seemingly bottomless NRA slush fund in favor of standing up to the gun lobby.

The plain fact is that the irresponsible manufacture, importation and sale of handguns and assault weapons is killing innocent people at a rate second only to automobile accidents. Sixty percent of all homicides involve firearms. Another quarter million people a year are victims of nonfatal gun shots. Notwithstanding Wayne LePierre, the lavishly compensated Executive Vice President of the NRA, even Beevis and Butthead know that guns play a starring role in the physical and psychological reign of terror that holds even the most decent corners of our nation hostage. And to add insult to the carnage, an already victimized America is paying for it. Because many who are involved in shoot-outs don't have insurance, the public picks up 80% of the tab for medical care associated with gunshot victims. The average cost of trauma care and hospitalization due to a firearm injury is \$33,159. Tack on the added legal costs to prosecute and defend gun-toting offenders and suddenly fear turns to anger.

So what should be done? I have a few thousand ideas, but in the interest of time, I'll offer just three. First, tax ammunition into the stratosphere with limited exemptions extended to legitimate sportsmen and police officers who can prove who they are with a hunting license or badge. While we might have a 200 year supply of guns, we have a decidedly more limited stockpile of bullets. The proceeds from this ultimate sin tax should go to offset the \$14 billion the public pays every year in direct and indirect costs associated with America's gun-generated bloodbath.

In addition to funding more police, prosecutors and prisons, why not convert closed military bases into Self-Esteem Schools which offer a double major in discipline and direction to young offenders. If parents, schools, the media and local communities can't or won't, somebody should. There are a lot of out of work military drill instructors, not to mention teachers, counselors and psychologists that

could use a good federal or state job. Let's call it a human resources version of the WPA. Savings from reduced crime, lower welfare payments, etc., etc., etc. would more than pay for it.

Finally, use your vote, influence, time and talents to make criminal behavior unappealing, unacceptable and unprofitable. At the same time, let's finally ditch the rhetoric and get on with the tedious work of addressing the root causes of crime. In the process, we will surely begin to regain the generosity of spirit, caring and compassion and optimism fear has taken from us.

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Phelps Dunbar

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February 11, 1994

Co-sponsored by MSB Labor &
Employment Section
Chairperson: Alison Steiner
Adelman & Steiner

BUSINESS LAW SEMINAR

March 24, 1994

Co-sponsored by MSB Business
Law Section
Chairman: Dan Hise
Butler, Snow, O'Mara,
Stevens & Cannada

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CLE Calendar of Events

December 17
Advanced Real Estate Law in Mississippi.
 NBI, Jackson. 715-835-7909

December 29
Ad Valorem Taxation.
 K. F. Boackle, Jackson. 956-6444

December 30
Various Real Estate Topics.
 K. F. Boackle, Jackson. 956-6444

January 6-7
A Course in Practical Legal Skills.
 MS Bar Young Lawyers' Division,
 Jackson. 948-4471

January 7
Auto Tort Seminar.
 MS Trial Lawyers Association,
 Jackson. 948-8631

January 18
Workers' Compensation in Mississippi.
 NBI, Jackson. 715-835-7909

February 3
Appellate Practice Seminar.
 MC School of Law, Jackson.
 949-5621

February 11
Labor Law Seminar.
 MC School of Law, Jackson
 949-5621

February 25
Update on the Law Seminar (Chancery/Circuit/Federal).
 MS Trial Lawyers Association,
 Jackson. 948-8631

HCBA Calendar of Events

December 21
HCBA Membership Meeting.
 Noon, Capital City Petroleum Club

February 11
 Ballots for 94/95 Officers due back to HCBA.

March 3
HCBA Social.
 5:30-7:00, George Street Grocery

March 22 & 29
People's Law School.
 7:00-9:00, MC School of Law

April 5 & 12
People's Law School.
 7:00-9:00, MC School of Law

April 19
HCBA Membership Meeting.
 Noon, Capital City Petroleum Club

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Disaster Planning

by William D. Freeland

"Tornado Strikes Downtown Office Building

"HOUSTON — A tornado struck the west side of downtown Houston Tuesday, injuring four people, damaging buildings and scaring thousands of workers in office towers.

"The morning twister struck as heavy rains pounded much of the Houston-Galveston area. The storms ripped off sections of roofs, shattered windows, damaged cars and downed power lines and trees.

"National Weather Service officials said the tornado hit around 10 a.m. There were no other reports of other twisters touching down, but a tornado watch remained in effect until Tuesday evening.

"Four people were injured at the Enron Corp. building in Houston."

Reprinted by Permission of *The Clarion-Ledger*, November 17, 1993

During the past few years we have witnessed the devastation caused by floods in the mid-west, earthquakes in California and tornadoes which have touched down at various locations around the country. We also have witnessed the havoc created by a hurricane on the east coast of Florida and a bomb explosion at the New York World Trade Center. Such events serve as a stark reminder that disasters, whether man-made or caused by an act of nature, can strike anywhere and frequently with little or no warning.

It is impossible to protect ourselves, our employees and our place of business from all forms of disaster. However, with proper planning, we can minimize the extent of the losses which might otherwise be sustained in most disaster situations. What do you do if a tornado is sighted approaching your office building? What action do you take if you receive a bomb threat? How do you handle a medical emergency? What do you do if a fire breaks out in your office? These examples are only a few of the scenarios for which you should be prepared. The key to preparation is a sound, written, disaster plan and to have a responsible individual in charge of implementing and coordinating the plan.

In many cases the management of

the building in which you are located will have in force a tenant emergency operations plan. When such a plan is available, obtain a copy for use in developing your own disaster plan. Much of your planning will hinge on procedures already in force, and you may be required to abide by them. Review the building emergency plan thoroughly, and if you have questions, or if certain aspects of the plan are unclear or appear to be incomplete, contact the building management for clarification. Plans can always be improved, and your input and interest will be appreciated by the building management.

Although every effort should be made to minimize loss resulting from a disaster, do not lose sight of the risk that, in addition to the loss of your own furniture, fixtures, and equipment, valuable and irreplaceable firm records, client files, original client wills and other documents may be damaged or destroyed. Consider also, in a "worse case" scenario, you may be required to vacate your office space until a restoration project is initiated and completed. Although the problems may be enormous, they are by no means insurmountable.

In most instances, furniture, office machines and equipment and other firm assets can be repaired or, if necessary, replaced in a relatively short period of time. The loss of valuable firm data can be greatly reduced by backing up your data processing system on a daily basis and storing your back-up tapes or disks at some off premises location, preferably a bank safety deposit box. Consider storing original client wills, negotiable instruments and other valuable documents at a secure off premises location.

One of the more difficult and costly problems you may encounter is the reconstruction of client files that have been damaged by fire, water or some other occurrence of widespread destruction. Can your secretarial staff devote adequate time to handle the task and still provide ongoing services on active client matters? Probably not. More than likely, an outside secretarial service will be required to assist in the matter.

Consider your insurance needs whenever developing a disaster plan. Is there adequate coverage on the fixed assets so as to avoid a financial calamity should they need to be replaced? Does the policy cover the loss of valuable papers and records? Have you considered carrying business interruption insurance? These are but a few of the insurance matters to consider.

A well developed disaster plan is intended to reduce confusion and expense should a disaster be catastrophic in nature, and it should provide the guidelines for the quick recovery of services. Parts of the disaster plan, such as those related to medical emergencies, severe weather and fire procedures and what to do in the event of a civil disturbance, should be incorporated into your Office Manual. Developing the plan will take time, but it will be a valuable tool should a disaster strike.

After reading of a natural or man-made disaster, we have probably at one time or another said to ourselves, "Thank heaven it didn't happen here," and we allow ourselves to be lulled into a false sense of security. We should not permit this to happen as emergencies do arise, and we must know what action should be taken. Sometimes, such as in the case of a fire, our response must be immediate. In other situations we may have time to deliberate over the problem before the action must be taken. We must be prepared to react to emergency situations efficiently and promptly; there is *no* room for complacency. To re-coin a well known phrase, "An ounce of preparedness is worth a pound of cure."

It is almost inevitable that we, at some time or another, will experience a man-made or natural disaster. It is in our best interest to be prepared and do everything possible to reduce the risks of the loss of property, income and possibly even lives. Your written disaster plan may very well be the tool which will enable you to do so.

Mr. Freeland is the Office Administrator for the firm of Dossett, Goode, Barnes and Broom.

Suzanne Ainsworth Charitable Gifts Fund

The Hinds County Bar would like to take this opportunity to remind the bar and the community that Suzanne Ainsworth is still in need of additional funds to secure treatment for her ongoing battle with cancer. The response thus far has been very good but she is only about one-third of the way there with current donations totalling approximately \$49,000.00. She will need a total of \$175,000.00 to complete the treatment.

A fundraiser was held for Suzanne at Hal and Mal's Restaurant on December 9. There was a band and a live auction with the proceeds donated to the fund. Thanks go to Carol English and all who donated items or services

for the auction.

Plans for the future include the continued solicitation of donations from firms and individuals. We would like to encourage all bar associations to consider making a donation on the behalf of their membership. Donations should be made to "Suzanne Ainsworth Charitable Gifts" and may be mailed to Carol English at P.O. Box 686, Jackson, MS 39205.

On behalf of Suzanne, thank you to all of you who have been so thoughtful and generous. The response of the community has bolstered Suzanne's spirits as well as her chances for complete recovery.

Legal Administrators to Meet with Lawyers

The Hinds County Bar Association and the Mississippi Chapter of the Association of Legal Administrators will jointly sponsor a dinner and panel discussion on Thursday, January 13, 1994, at 6:00 p.m. at the Edison Walthall Hotel. A panel consisting of a lawyer from a small firm, a lawyer from a large firm and a law office administrator will discuss management issues common to large and small firms, including procedures for managing malpractice avoidance systems, conflict systems and billing procedures.

The meeting will provide an excellent opportunity for the exchange of management ideas between large firms and small firms and solo practitioners. Paralegals and secretaries with responsibility for malpractice avoidance systems, conflict systems and/or billing systems are also encouraged to attend.

Each attendee will be responsible for the price of his or her dinner. For more information, please contact HCBA Law Office Economic Committee Chairman Richard Montague at 968-8401.

Solos and Small Firm Practitioners

The Small Firm Practice Committee, in conjunction with the Mississippi Bar's Solo and Small Firm Practitioner Task Force, is sponsoring a "Roundtable Discussion" for solo practitioners and small firm practitioners, on January 11, 1994, at the Capital City Petroleum Club, from 4:30 p.m. until 6:00 p.m.

The topics for discussion will be:

1. Setting and collecting fees;
2. Hiring and training of associates and paralegals;
3. Technological aides for small firm practitioners.

At the conclusion of the discussion session, there will be a cash bar and free hors d'oeuvres. The discussions will be designed to facilitate the useful exchange of valuable information among small firm practitioners in order to make their practices more efficient and more profitable.

Space may be limited. Please call Pat Evans, Executive Director, at 969-6097 to reserve a spot in the discussion groups. No preparation is necessary, but you will be expected to share your ideas, problems and comments with other members of the group on the topics listed above.

Free Books!!

The Mississippi Library Commission has a number of volumes of law books that it will give to firms or individuals that request them. All books are available on a "first call" basis and must be picked up at the Mississippi Library Commission offices on Ellis Avenue by Friday, December 17, 1993. Recipients must bring their own boxes.

Books available are:

- *General Laws of Mississippi* (including extraordinary sessions): 1948-1950, 1954-1962, 1966-1977, 1979-1980, 1982-1983, 1985.
- *Journal of the House of Representatives...Mississippi*: 1992-1928, 1932-1942, 1946-1952, 1969-1983, 1986.
- *Journal of the Senate...Mississippi*: 1932, 1936, 1942-1964, 1968-1980, 1985.
- *Mississippi Reports*, Vols. 226-251, 253-254.
- *Southern Reporter, 2d Series, Mississippi Cases*, Vols. 375-390.

For more information, call Velma Champ at 359-1036.

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U. S. Magistrate Judge James C. Sumner

by David L. Trewolla

The Hinds County Bar Association congratulates and welcomes James C. Sumner upon his appointment as U. S. Magistrate Judge for the Southern District of Mississippi effective October 1, 1993. Judge Sumner's appointment follows the retirement on September 30 of Magistrate John R. Countiss, III, after twenty-two years of distinguished service to the federal judiciary.

A native of Winona, Judge Sumner is married to the former Ward Whittington of Greenwood, and they have three children — Anna (18), Wilson (16), and James, III (14). Judge Sumner graduated from Washington & Lee University in 1966 and received his Juris Doctorate from the University of Mississippi in 1969. Following law school, he worked two years as law clerk for Mississippi Supreme Court Justice William Inzer. From 1970 to 1983, Judge Sumner practiced law in partnership with his brother, John M. Sumner, in the Winona firm of Sumner & Sumner. During this period he was also elected to the Mississippi House of Representatives, where he served from 1972 to 1983.

The recent appointment to Magistrate is not Judge Sumner's first judicial experience. His current position follows ten years on the Circuit Court bench as Judge for District Five, which encompasses Attala, Carroll, Choctaw, Grenada, Montgomery, Webster and Winston Counties. As Chairman of the Circuit Judges Conference during 1992-93, his contributions were instrumental in passing legislation to increase the salary and support staff for state trial judges. Regarding his achievements as Circuit Judge which brought special satisfaction, Magistrate Sumner is pleased that he maintained a current docket and a court regarded by district constituents as a place where participants were treated fairly. Indeed, one of his primary goals has been consistently to place courtroom participants — whether parties,

witnesses, jurors or attorneys — at ease and without fear of the trial process.

Judge Sumner looks forward to presiding over more civil lawsuits as U. S. Magistrate, for the majority of his circuit work involved criminal matters. The latter can become especially frustrating for a state judiciary seeking to influence some degree of crime prevention.

He considers one of the most challenging aspects of the Magistrate position to be implementation of the Civil Justice Reform Act of 1990, 28 U.S.C. §471-482, which was adopted as a Uniform Plan on October 1, 1993 by the Judges of the Northern and Southern Districts of Mississippi. This plan applies to all civil cases filed on or after January 1, 1994, and to civil cases filed previously at the discretion of the assigned judge. It is a common plan for both districts which preserves the traditional Uniform Local Rules and seeks to increase efficiency in court management of the civil docket by reducing costs and unnecessary delay through Differentiated Case Management ("DCM"). This is a process whereby the Court screens civil filings and assigns cases to management "tracks" based upon case characteristics and complexity. The process will require earlier case involvement by the Magistrates, and Judge Sumner is confident the plan will greatly expedite the progress of cases through his court. Alternative Dispute Resolution techniques will be encouraged in appropriate cases. All attorneys who are not already familiar with the Uniform Plan should promptly obtain copies from the District Court Clerk.

Judge Sumner expects the lawyers who appear in his court to be prepared and honest in evaluating the merits of their cases. At all times, they should be civil toward one another and toward all participants in the litigation process, and should display a spirit of cooperation during the course of discovery and

at trial. Diligent attempt should be made to resolve discovery disputes before presenting the same to the court by motion.

On the subject of particular office practices he permits for the convenience of lawyers, Judge Sumner will hear motions by telephone conference call and will allow filing by facsimile. The new Differentiated Case Management Plan will ensure his preference for early status conferences on case issues, discovery, scheduling, and settlement or alternative dispute resolution. He welcomes the opportunity for contending parties to consent to Magistrate jurisdiction throughout the litigation. Judge Sumner appreciates legal briefs that live up to their name as being focused and succinct. He further requests that lawyers submit highlighted copies of the case opinions cited in their memoranda. The attorneys appearing before him should know that he will have read their previous submissions and researched the issues of law to be argued at hearing or trial.

The Hinds County Bar is again most fortunate to have a local Magistrate who not only has significant experience on the state bench, but who is highly respected for his legal knowledge and interpersonal skills in resolving disputes. Judge Sumner and his staff are located in offices comprising Suite 400 of the U. S. Courthouse Building in Jackson. The staff includes Law Clerks May Lipe Mintz and David Case and Courtroom Deputy Clerk Jenny Griffin. The Judge encourages lawyers to contact this group to address any administrative considerations. From personal experience, I can attest to the cordial and efficient manner in which this staff receives inquiries and offers assistance to the bar.

Mr. Trewolla is an Associate in the Litigation Section of Heidelberg & Woodliff, P.A.

New Videos at Mississippi College Law Library

The Mississippi College Law Library subscribes to the American Law Institute series "CLE TV: The Lawyer's Video Magazine." These video tapes are available for check out by any member of the Mississippi Bar. The loan period is two weeks. The videos recently added to the collection are:

How to Interview Clients Effectively

Instruction on opening the interview, eliciting information, testing theories, and dealing with ethics problems.

Marital Deduction Trusts

Examines the planning, formation, and administration of marital deduction trusts.

Advising Clients on Expanding Businesses

Produced in the Summer of 1993 for CLE TV.

Effective Discipline Policies for Law Firm Employees

Explains how to develop a formal discipline policy and administer it according to the ABC's of positive discipline: Always be Consistent and Document Everything.

Using Computers in the Practice of Law

Surveys a variety of functional applications and encourages lawyers to make the switch from pen and paper to an automated desktop computer.

Techniques for Deposing and Defending Lay Witnesses

Explains how to prepare non-expert witnesses for questioning and demonstrates practical techniques for eliciting crucial information during depositions.

Financial Planning and the Practice of Law

Defines financial planning and examines the issues surrounding the transition from lawyer to financial planner.

The law library has a large audio tape collection. Lawyers often stop by the library to check out tapes when they are driving out of town. Two recently acquired audio tapes may also be of interest:

Storytelling

This is a Professional Education Group tape that features popular CLE speaker Paul Lisnek discussing trial preparation using a "storytelling" strategy.

...And the Pursuit of Happiness

Again PEG's Paul Lisnek discusses quality of life issues and lawyering.

Mississippi College Law Library Holiday Hours

Final Exams

December 4 (Saturday).....	7:30 a.m. - midnight
December 5 (Sunday).....	1:00 p.m. - midnight
December 6-10 (Monday - Friday).....	7:30 a.m. - midnight
December 11 (Saturday).....	9:00 a.m. - midnight
December 12 (Sunday).....	1:00 p.m. - midnight
December 13-16 (Monday - Thursday).....	7:30 a.m. - midnight
December 17 (Friday).....	7:30 a.m. - 6:00 p.m.

Christmas Break

December 18-27.....	Closed
December 28-30 (Tuesday - Thursday).....	7:30 a.m. - 6:00 p.m.
December 31-January 2 (Friday - Sunday).....	Closed
January 3-7 (Monday - Friday).....	7:30 a.m. - 6:00 p.m.
January 8 (Saturday).....	Noon - 5:00 p.m.
January 9 (Sunday).....	1:00 p.m. - 10:00 p.m.
January 10 (Monday).....	Resume Regular Hours

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Mississippi Attorneys for Constitutional Justice

by Merrida Coxwell, President-Elect, MACJ

In October of 1992, five or six lawyers got together with the idea of forming an organization for attorneys who practice criminal law. The goals of the organization were to provide unity, support and education to the attorney regularly practicing criminal law and to the attorney who occasionally practices criminal law and needs quick assistance or advice. As a result of these efforts, the Mississippi Attorneys for Constitutional Justice was formed as a non-profit organization. In the first seven months, membership grew from five or six lawyers to over one hundred fifty lawyers across the entire state. In addition to welcoming new lawyers, the organization also opened a membership plan for law students who wished to pursue a career in criminal defense.

MACJ held its first annual seminar on July 30, 1993 focusing on the defense of DUI cases. The seminar was an astounding success and the capacity of the room the organization rented for the seminar was stretched to its maximum. It was very unusual to see lawyers staying until 5:00 on a Friday. As the lawyers were leaving the seminar, several remarked that it was the first time they had ever stayed to the end of a seminar. Others stated that it was the best seminar they had ever attended. MACJ had the foresight to video tape seminar and the tapes are on sale by request.

MACJ is also completing its first year of the newsletter *The Defender*. The chairman of the newsletter committee is Cynthia Stewart and under her leadership the newsletter has improved and brought readers a wealth of useful information on current trends in the law, ethics, and general information.

Sebastian Moore chaired the Legislative Committee and was responsible for getting MACJ members an invitation to attend a Legislative Committee discussing mandatory sentencing guidelines and mandatory minimums in Mississippi. Members from MACJ attended the hearings and provided voluminous material against the sentencing guidelines. As a result of their efforts and the

efforts of others who attended the seminar, MACJ believes that the Legislature is convinced sentencing guidelines that in any way resemble the Federal Sentencing Guidelines are not a good idea for the citizens of the State of Mississippi. In addition to the above activities, MACJ also has a strike force to assist attorneys and a hot-line if a member has a question and wants to talk it over with another lawyer. All of these developments and improvements have been made under the guidance of President Tom Royals. In October, Tom Royals will step down as President and I will take over leadership of MACJ for the next year. I want to welcome and urge anyone who is not presently a member of MACJ to join. MACJ is going to be around for many years to come and will have political input and educational benefits for its members.

Already the seminar committee chaired by Vic Carmody is planning

several seminars for the upcoming year. These seminars will be co-hosted with criminal defense organizations from other states and by affiliation with the National Association of Criminal Defense Lawyers. If combining seminars and vacations is your preferred method of obtaining CLE, don't miss the seminar in the Grand Caymans in July, 1994.

The members of MACJ look forward to its continued growth and improvement each month. If you are not a member, please join with us and give criminal defense lawyers a voice throughout this state. In addition to carrying political strength through unity, MACJ will offer you definite and tangible educational benefits. We have other ideas planned for the organization but they will take some time to develop. Through a strong and active membership, MACJ will continue to grow and be a viable organization.

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Bench & Bar News

Hinds County Chancery Motion Settings

Carol English.....968-6521
Chancery Court Administrator

Paulette Bryant.....968-6521
Assistant Court Administrator

Carol and Paulette set motions for all of the Chancellors. What follows is a list of the general "rules," which is applicable to all of the Chancellors. Specific requirements of the Chancellors follow the general rules.

GENERAL RULES

1. Copies of motions should not be sent to the Chancellors. Each Chancellor will review the original motion when the court file is received from Court Administrator.

2. Each Chancellor requests that the original of supporting briefs be sent directly to the assigned Chancellor, along with a copy of all cases cited in the brief.

3. Carol will call attorneys to confirm motion settings. If no one shows, nothing is done with the file.

4. Chancellors will occasionally

hear motions telephonically if the attorneys involved are unable to agree on a date/time for the motion hearing.

5. Attorneys must sign-off on all orders submitted to the Chancellors, either by an "approved as to form" or "submitted by" signature line(s).

Judge Stuart Robinson

Motions are set on Thursday at 9:00 a.m. All motions are set at 9:00 a.m., but are heard as they appear on the docket.

Judge W. O. "Chet" Dillard

No regular motion day. Motions are set along with other matters on the trial docket. Short motions are heard first.

Judge Denise Sweet-Owens

No regular motion day. Motions are set along with other matters on the trial docket. Short motions are heard first.

Judge Patricia Wise

Regular motion day is Friday beginning at 9:00 a.m. All motions are set at 9:00 a.m., but are heard as they appear on the docket.

People's Law School Plans Announced

Plans for the fourth People's Law School sponsored by the Hinds County Bar Association are underway. The dates will be March 22 and 29 and April 5 and 12.

The topics will include Access to the Legal System/Educating the Legal Consumer; Americans with Disabilities Act/Employment Rights Seminar; Domestic Relations and Insurance; 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 C. Henegan and co-chaired by Thomas B. Alexander. Committee members are: Patricia W. Bennett, Trey Bobinger, Ottawa E. Carter, Jr., Peter L. Doran, Crane D. Kipp, John M. McCullough, Rebecca L. Wiggs, Mitzi D. Piage, William R. Wright and Marcus M. Wilson.

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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 21**

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

FEBRUARY 1993



President's Column

Harold Miller

Be a Positive Influence

On July 1, 1850, Abraham Lincoln said:

There is a vague popular belief that lawyers are necessarily dishonest. I say vague, because when we consider to what extent competence and honours are reposed in and conferred upon lawyers by the people, it appears improbable that their impression of dishonesty is very distinct and vivid. Yet the impression is common, almost universal.

In 1936, Chief Justice Charles Evans Hughes said:

The highest reward that can come to a lawyer is the esteem of his professional brethren. That esteem is won in unique conditions and proceeds from an impartial judgment of professional rivals....It is an esteem which is born in sharp contest and thrives despite conflicting interest.

The two statements were made 76 years apart, yet their message is timeless, and, in my opinion, related. The origin and appropriateness of the honesty dilemma can be debated, yet no one can deny that feeling exists. For example, on January 28, 1993, I heard an address by the head of Mexico's Environmental Agency on the subject of pollution. You guessed it. Lawyers were mentioned and apparently implicitly blamed for Mexico's problems -- "Mexico City has 80,000 lawyers and only 8 environmental scientists!!"

Chief Justice Hughes' message is obvi-

ous. Given the fact that we are members of a profession, those who can judge us most accurately are members of our profession.

What application do these messages have in 1993? We must recognize this perception of dishonesty, and do everything within our power to correct it. We must be honest and scrupulous in our every dealing, and insist upon the same from every other member of the Bar. We must take every opportunity to educate the public concerning the law, lawyers, and the patent unfairness of an indictment of an entire profession.

We must make certain that we are not guilty of that which we deplore, i.e., unwarranted criticism of members of the profession and impugning of their integrity. If another member of the profession performs competently, we must so state in unequivocal terms. By contrast, if a member of the profession is not performing within the prescribed standards of the profession, these actions should be brought to the attention of the appropriate authorities.

BE A POSITIVE INFLUENCE. Act professionally. Defend your profession and its members where appropriate.

People's Law School

Session 1 • March 23
Hinds County Courthouse

MOCK TRIAL

Demonstration of a criminal case trial. Mississippi College School of Law students will serve as the defendant and witnesses.

Judge: Hinds County Circuit Court Judge William Coleman

Defense: Frank W. Trapp, Attorney, Phelps Dunbar

Prosecution: Patricia W. Bennett, Associate Professor, MC School of Law

Session 2 • March 30
Mississippi College School of Law

FAMILY LAW

• Domestic Relations

L. C. James, Attorney

Michael J. Malouf, Attorney

• Juvenile Law

James W. Smith, Jr., MS Supreme Court Justice

Session 3 • April 6
Mississippi College School of Law

LAWS AFFECTING THE ELDERLY

• Medicaid and/or Medicare Considerations

Helen Wetherbee, Attorney/Executive Director, MS Department of Medicaid

• Property and Financial Considerations

James Pettis, Attorney, Dossett Goode Barnes & Broom

• Health Care Directives -- Durable Power of Attorneys and Living Wills

Lyn Pryor Crawford, Attorney, Martin Young & Wright

Session 4 • April 13
Mississippi College School of Law

Participants will attend one:

• Real Estate Law

H. Fariss Crisler, III, Attorney

• Wills and Estates (Probates)

Leonard D. Van Slyke, Jr., Attorney, Alston Rutherford Tardy & Van Slyke

Classes: 7:00-9:00 p.m. • Four sessions \$15 or \$5 per session
For additional information: 969-6097

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

February 16, 1993

12 Noon

\$9.00

Capital City Petroleum Club

Bob Hosford, Psychologist — "Communication: Switching from the Courtroom to the Living Room"

Judge Nicols

by David W. Clark*

Judge Nicols appreciates lawyers that are prepared. This does not mean prepared simply for the motion or other matter that is before the Judge. Rather, the lawyer should be prepared to look at the *whole* case and where it stands. The lawyer should have looked ahead to the ultimate posture or objectives of the case and have evaluated each side's strengths, weaknesses, objectives, etc.

Along this line, Judge Nicols appreciates lawyers who are realistic about their cases, who are honest (with themselves and the Judge) about their case, and who have made an honest evaluation of their case. Judge Nicols believes that part of his role as Magistrate Judge is helping the lawyers who are before him make such an evaluation, if they have not already done so. When pressed to point to some achievement or something that has given him satisfaction in his time on the court, Judge Nicols said he felt he has been somewhat successful and effective at getting lawyers to take a hard, honest look at their cases. He wants the lawyers to focus on the big picture at all times.

Judge Nicols gets frustrated with lawyers who are not prepared and particularly frustrated with lawyers who appear at a

pre-trial without being prepared, particularly if they have not even completed the pre-trial order. He said with one case this might not be a problem, but when he has scores of cases set for pre-trial and a number of them are not ready, that is a problem.

One expediting practice which Judge Nicols has tried, and with which the parties involved have seemed to be satisfied, is a "no pre-trial, no pre-trial order" method of trying smaller cases before the magistrate by consent. The parties agree at a Rule 16 conference that Judge Nicols can try the case, with or without a jury, the parties agree to their discovery schedule and they get the case to trial sooner than usual. This may be particularly appropriate for smaller cases that do not justify the full expense of preparing a pre-trial order.

Judge Nicols summed up the challenge of his job as doing a good job (1) with a large volume of case work (2) in a short time (3) with limited judicial power. First, each Magistrate Judge handles pre-trial matters on about 700 civil cases (in addition to their work on the criminal docket). Second, all of the matters that come before the Magistrate Judges need immediate attention. Whether he is dealing with a motion to remand or a motion to preclude

discovery of allegedly privileged information or some other such matter, the Magistrate Judge must reach a decision, so the case may proceed. Finally, the Magistrate Judges recognize that their authority is limited, by the Constitution and statute, and this restricts their ability to deal with the "whole case" before them.

Full-fledged computerization is reaching federal courts. The Clerk's office is fully automated. Within a month, everyone in the judges' and magistrate judges' offices will have computer access to the docket sheet of each case. Judge Nicols and his staff utilize electronic mail and the office has a computerized "motions pending" list which, among other things, shows the briefing schedules for all pending motions. His office has his calendar on computer with daily or "month at a glance" views. Judge Nicols's office now has the capacity to print out an order for the Judge to enter at the end of a motion hearing, while the parties are still in his office, and he is able to do this ninety percent of the time.

**Clark is a partner with Wise Carter Child & Caraway.*

Good Morning America

by Captain Equity

political analyst or an international political economist.

So, you ask, what is so historic about all this. First is the shift in mind set. We have seen our last President to be shaped by the Great Depression and World War II. Living through either one of those events would be enough to make you stop believing in Santa Claus and start believing in nuclear survival. For good or bad, the baby boomers don't carry that baggage. Of course they have their own luggage, but the contents have little to do with the forces that created a George Bush or Ronald Reagan.

One of the big problems with history is knowing whether or not you are a part of it, or at the very least, a witness to it. In most instances it takes a couple of decades and a battalion of historians to know for sure. Only then do you kick yourself for not having had a blank video tape or loaded camera handy. This past January 20 was such an occasion. Was it merely a change of U.S. Presidents or did it portend something more? I took no chances and had the VCR whirring early that Wednesday morning.

Actually, the event that triggered last month's potentially historic changing of the guard was ironically, an accomplishment of truly historic proportions which none of the experts saw coming. How does that joke about military intelligence go? It was President Bush and his predecessor's tough talk backed up by kid-in-a-candy-store defense procurement which kept a lot of Americans on the job while the Iron Curtain slowly rusted out and the Soviet Union finally collapsed under the weight of 70 years of bravado and bad decisions. As the Berlin Wall came down, the domino theory of Eisenhower and John Foster Dulles finally became reality, albeit in reverse. Almost overnight the enemy had disappeared. Jobs at army bases and California defense plants soon followed. Mercifully for George Bush, but for few others, an Arab bully tried to shake down his rich cousins for more than just their lunch money, staving off the final acknowledgement that World War III had become a highly improbable event.

With no more communists and no more evil empire, what was a cold warrior to do? The answer became apparent in the last year of the Bush Presidency. Only Bill Clinton and a few other Democratic presidential wannabes recognized the opportunity created by the Republican triumph over an old archenemy turned ally. Of course, junk bonds and S&L looting didn't hurt, but in the end, George Bush's success was to be his undoing. He, along with every President since Truman had finally freed up Americans to think about such neglected matters as their own job security, health care, personal safety, educational achievement, governmental solvency and integrity, etc. Sixty-two percent of Americans reflected and then voted for change, which brings me back to the historical significance of January 20.

From my vantage point, the inauguration of President Clinton was indeed a watershed that will be studied and written about by historians in the decades ahead. Pretty bold, huh? And what if I'm wrong you ask? No sweat, I'll be fully qualified to become an economist or an international

Secondly, Clinton and Gore, unlike many in the John Wayne generation concede that countries like Japan, Germany, and Korea are capable of outproducing and out-marketing us and that others like Mexico, Indonesia, and Brazil can and are undercutting us on labor costs. Like it or not, economic competition has gone global at a time when most of us don't care to learn Japanese, German or Korean and have only been as far west as California. The business cycle notwithstanding, too many of our industries have immigrated across the Pacific or to the EC while low skill jobs have deflected to Asia and Latin America. And they're not coming back, ever. Ditto for gobs of white collar middle management jobs thanks to the efficiencies of technology. That means we have to create new jobs to replace the old ones, which calls for adult doses of high tech education. Millions of high school dropouts and teachers who earn less than \$20,000 a year won't get the job done. Clinton and Gore understand this too, but given an out of control budget deficit and little national will to do anything about it, there isn't much reason to think the future will be better and brighter. Remember, I just said January 20 was historic, not necessarily happy or appealing.

So here we are in the last decade of the 20th Century. In fact, I suspect that historians in a couple of decades will tell us that the 21st century actually started a little early, like in 1993. I also suspect the new President understands this as well. But what is he going to do about it? Actually, the better question is, what are we going to do about it? The President's inaugural speech gave us the essential ingredients for American Renewal. The key themes he used were change, compassion, service, sacrifice, and responsibility.

Change is the most difficult of these words to reconcile. It's human nature to cling to what has always worked before and ignore the unpleasant and difficult realities of tomorrow. We've already seen denial at work in the Rust Belt — steel workers in

Youngstown waiting for the mills to reopen; auto workers in Flint confident that GM will call them back when they economy turns up. And for white collar middle managers who thought layoffs were only for lunch pail toters, ask anybody you know at IBM about job security. Economic development is no longer about luring factories from Illinois and New Jersey to Mississippi with cheap labor and tax breaks, it's about keeping Mississippi factories from moving to Juarez or Jakarta for cheaper labor and no taxes. Change comes with many faces. It will require a willingness to abandon old jobs and learn new skills; impetus to create new products and services; an ability to look at the world through new eyes.

Probably the biggest change required is that of attitude. Division, separation and grid lock based on race, class, political affiliation and all the other "us" and "them" categories must finally be addressed seriously, if for no other reason than self-interest and ultimately survival. Compassion and service can help create the new opportunities necessary for renewal; personal responsibility can allow us all to make the most of them.

Finally, there is sacrifice. As the President said in his speech, "it is time we break the bad habit of expecting something for nothing from government and from each other." Everybody must pitch in by working harder, paying more in taxes while receiving less in benefits, deductions, subsidies, entitlements, and perks. Everybody.

Can America make the necessary adjustments? Yes, provided we are willing to step forward, each in our own way, one citizen at a time. In the final analysis, Bill Clinton's legacy will depend on his ability to inspire and motivate us take that step and do for ourselves and our neighbors. It should be a matter of patriotism; one that has nothing to do with guns and missiles and everything to do with realizing America's human and spiritual potential.

Poet Maya Angelou brilliantly summed up this historic moment of opportunity in her poem, "A Rock, A River, A Tree."

Here on the pulse of this new day
You many have the grace to look up
and out
And into your sister's eyes and into
Your brother's face, your country
And say simply
Very simply
With hope
Good morning.

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Christmas Party



Approximately 300 members attended the Christmas Party on December 10 at the Mississippi Bar Center. (Top photo, left to right) Mark Jicka, Carter Thompson, Dana Kelly. (Bottom photo, left to right) Ricky Luke, Karla Pierce, Mike Maloney.

December Meeting



HCBA members attending the December meeting enjoyed Christmas music provided by the Chastain Singers Honors Choir. The choir is pictured with William J. Little, Program Chairman, and Sue Ellen Sanders, Choir Director.

Small Firm Practitioner Seminar

April 7, 1993

4:00 - 6:00

6:00 - 7:00 Social Hour (Cash Bar)

Capital City Petroleum Club

Jerry Schwartz, Speaker
Law Office Management for the Small Firm

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HCBA Calendar of Events

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

People's Law School.
7:00-9:00. Hinds County Courthouse

March 30

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

April 6

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

April 13

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

April 20

HCBA Membership Meeting.
Noon. Capital City Petroleum Club

CLE Calendar of Events

February 20

Oil and Gas and Environmental Law Update. MS Oil and Gas Lawyers. Jackson, MS 948-6800

February 25

MS Elder Law. NBI. Jackson, MS 715-835-1405

February 26-27

'93 Mid-year Meeting. MS Bar. Natchez, MS 948-4471

March 10

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

March 11

Ins and Outs of Bankruptcy. Lorman Business. Jackson, MS 715-833-3940

March 26

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

April 8

Tort Reform vs. Insurance Reform. UMCLE. Jackson, MS 232-7282

April 15

Attorney Marketing. UMCLE. Jackson, MS 232-7282

April 22

Discovery. UMCLE. Jackson, MS 232-7282

April 23

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

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Mississippi Valley Title

Chancellor Stuart Robinson

by Barry H. Powell*

Judge Stuart Robinson has been a Chancellor for ten years and is now the Senior Chancellor. Seniority was abruptly thrust upon Judge Robinson by the sudden deaths of Chancellors Paul Alexander and James Arden Barnett. Reportedly, after the second funeral, Judge Chet Dillard stated to Judge Robinson, "Well, it looks like we're going in order of seniority," to which Judge Robinson replied, "At the rate we're going, that shouldn't be much comfort to you."

Judge Robinson believes it is important for a judge not to forget what it is like to be a lawyer. Judge Robinson holds informal pre-trial conferences the morning of his trials in an effort to establish the real issues involved and to try to persuade the lawyers to try and stick to those issues. Often, Judge Robinson observes that lawyers sometimes feel pressured by their clients to raise issues that are not really relevant. In such situations, Judge Robinson urges that lawyer to deal with the client by blaming the narrowing of issues on the court. If there is a battle between the lawyer and the client, Judge Robinson is willing for the lawyer to "blame it on the judge."

Judge Robinson believes that the biggest drains on the court's time are summary judgment motions and protracted trials. His observation is that it is often just as easy to try the case on the merits as it is for the parties to get into a summary judgment battle. In general, as a chancellor, it is extremely rare that he is going to grant summary judgment unless the parties agree

that there are no issues of fact or there is a dispositive issue of law involved.

Protracted trials also divert a chancellor's time away from handling the business of other lawyers. Prior to trial, lawyers seldom seem to communicate with each other to narrow the issues to the pertinent issues that need to be tried. Some lawyers insist on making every objection known (and some unknown), both disrupting the trial and trying the judge's patience. Generally, evidence objections should be expected to be less in a trial before a chancellor than in a trial involving a jury.

In trying their cases, many lawyers seem to want to try to put into evidence every possible fact concerning the matter involved. In addition to unnecessarily lengthening the proceedings, such lawyers also take the risk of diminishing the judge's interest and attention in the testimony the lawyer is presenting and also forcing the judge to search for the wheat among the chaff. Judge Robinson strongly believes that the most effective way a lawyer can try a case is to go straight to the meat of the case — put on the proof on the real issues of

the case and stop. He likens some trials to deep sea fishing trips he has taken. There will be a few minutes of productive activity where the boat is traveling through a school of fish and then long interludes of catching absolutely nothing.

During his trials, Judge Robinson tries to tell the lawyers the issues he is concerned about for briefing. He does appreciate lawyers attaching the significant cases (especially non-Southern Reporter cases) to any post-trial brief. Highlighting the particular points of the case the lawyer is relying on is also helpful to a judge.

Judge Robinson notes for lawyers practicing in Chancery Court that, except for no-fault divorces, an *ex parte* matter can be taken to any judge. Assignments of cases are for matters that are contested, not pure *ex parte* matters. However, because of frequent problems that come up later in divorce cases, a no-fault divorce case should be presented only to the judge to whom it has been assigned.

*Powell is a partner with Alston Rutherford Tardy & Van Slyke.

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HCBA Committee Preference Survey

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, 1993.

Ben J. Piazza, Jr.
Vice President and President-Elect

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

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

2. I am willing to chair the following committees: _____

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

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Firm/Agency _____

Address _____

City _____ State _____ Zip _____

Telephone (Business) _____ (Residence) _____

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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 16

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

JUNE 1993



President's Column

Ben J. Piazza, Jr.

With this column I officially launch my year as President of the HCBA. As always, the new President will have to live in the shadow of his predecessor's accomplishment, and this year is no exception. Hal Miller will be a hard act to follow...but I know that I can rely on his advice and assistance to continue the many excellent programs started during his and preceding administrations.

This year I intend to take a hard look at all aspects of the HCBA operations, particularly focusing on our structure and organization. Just because we have been doing something one way does not mean that is necessarily the best way (although it may be). Judge Linda Thompson and Central Mississippi Legal Services Director Linda Thomas have agreed to serve as Chair and Vice Chair of a new Special Planning Committee. This Committee will study and make recommendations concerning increasing the size and/or the composition of our Board; whether we should consider charging reduced dues to new members, and other changes to our dues structure; changing our name to more accurately reflect our membership; enhancing our relationship with the Jackson Young Lawyers; and similar matters.

Working in parallel with the Special Planning Committee will be

our new Membership Services Committee, chaired by Tommy Furby with Joy Phillips as Vice Chair. This Committee is going to survey all Hinds, Rankin and Madison County lawyers, whether HCBA members or not, to try and find out what they think we are doing right or wrong, and to solicit suggestions as to how we might improve services to our members. We hope to bring together the results of these two committee's efforts next spring, and we may have extensive by-law changes to propose at that time.

Young Lawyers

We have already started the process of creating closer ties to the Jackson Young Lawyers Association by co-sponsoring with them the very successful Judicial Reception held on May 6, 1993, at the Mississippi Bar Center. We have received a number of thanks from our judges for giving them this recognition during Law Day Week. As noted elsewhere in this newsletter, we will also be co-sponsoring a Softball Tournament with the Young Lawyers on Saturday, June 26, 1993. Hopefully, there will be many more of these joint activities in the future.

Golf and Tennis Tournaments

This year the HCBA will also inaugurate its first annual (hopefully) golf and tennis tournaments. With Bob Barnett as Chair, the Tennis Tournament Committee has already put together an outstanding event for Saturday, June 5, 1993, at Parham Bridges Park. Not only will this be a lot of fun, but the participants will

receive free T-shirts thanks to the sponsorship of First American Title Insurance Company. Mark Chinn has agreed to chair the Golf Tournament Committee and we will soon be reporting on its status.

I thank everyone who has agreed to chair or serve on an HCBA committee and I look forward to working with you. If I have missed or forgotten to appoint anyone, I apologize. If so, or if anyone else desires to serve on any HCBA committee, please get in touch with me or Pat Evans, our Executive Director.

Softball Tournament Scheduled

The Jackson Young Lawyers and Hinds County Bar Association are co-sponsoring a co-ed softball tournament to be held at Millsaps College on Saturday, June 26, 1993 from 9:00 a.m. until 4:00 p.m. There is no charge for the tournament, however, registration will be limited to the first sixty entrants. Food and non-alcoholic beverages will be provided.

Following the tournament, all participating and non-participating members are invited to the Cherokee Inn for free beer from 4:30 p.m. to 7:00 p.m.

A flyer containing a registration form will be mailed to members of both organizations. For questions, please call Karla J. Pierce at 969-4700 or Blake Teller at 948-3101.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

June 15, 1993

12 Noon

\$9.00

Capital City Petroleum Club

The speaker will be Judge James Graves.

Captain Equity's Enemies List

by Captain Equity

When Richard Nixon was President of the United States, he purportedly maintained an Enemies List. It included prominent members of the liberal establishment, the media, et al. At the time, I thought this was an unhealthy and unnecessary exercise in paranoia. Now I'm not so sure. Back in the early 1970s it was probably a schizoid excess. But now it's 1993 and I don't think I'm the only one around who thinks things are out of control. I also think I know who some of the culprits are.

Captain Equity's Enemies List

10. ALL pollsters, entertainment lawyers and would-be broadcast journalists. Where did all the harmless jobs in banking and insurance go?

9. Robert Novak aka General Law – Even though I can't prove it, I know in my bones they are the same person.

8. The feigns responsible for coining and perpetuating the term "Inside The Beltway." This unfortunate phrase has gotten so out of hand that I almost prefer to hear people pepper their conversations with such idiomatic classics as "Sorry 'bout that" or "Get real." Almost.

7. Ross Perot whenever he talks about the need for openness in the political process, to wit:

Q – Mr. Perot, how many people are members of United We Stand America?

A – None of your business.

Or when he talks about being a non-politician:

Q – Mr. Perot, do you want to be President of the United States?

A – Absolutely not. It's the worst job in the world. I'd much rather be at home with Margo and the kids, but this is what the volunteers want, so I have no choice. I just hope the administration (Clinton, Yeltsin, Social Security – pick one) won't force me to have to run against my will. Hey, I'd like to talk to you folks all day, but I

got three more TV appearances and a fundraiser to attend

Or, especially when Ross gives us chapter and verse on being a straight talker:

"Okay, here it is. It's real simple, see. What we need to do is solve a ten year problem in ten minutes by gettin' under the hood and cleanin' out the barn – follow?"

6. Athletic shoe companies, fragrance manufacturers and all other sellers of non-essential goods and services that spend big media bucks to convince kids, poor people, neurotics, me, etc. that all of us are automatically barred from being worth human beings unless we purchase and consume the advertiser's products. A survey of *Esquire* and *Cosmopolitan* magazines will provide a more specific listing.

5. Roseanne and Tom Arnold – America's leading exponents of the crybaby-bully-tantrum-pout school of public personal behavior. A double nadir when it comes to role modeling for anybody or anything. Thanks to ABC, the tabloid media, and *Entertainment Tonight*, these two get plenty of opportunities.

4. Al Sharpton for obvious reasons including, but certainly not limited to hair style. (See 3A, *Infra*.)

3. Professional Celebrities – Defined as well known people who expend undue energy perpetuating what they were rather than creating something new of value to society. Secondary definition – anyone who appears on *Hollywood Squares*. Also see number 4, *supra*.

3A. (Hey, I'm running out of numbers, but I'm sure you understand.)

Any sitting President of the United States who holds up air traffic for an hour while some guy named Cristophe gives him a haircut aboard Air Force One while the 747 literally cools its jets on the tarmac of the Los Angeles International Airport.

3B. Rush Limbaugh – "What Ought Not to Be."

2. The NRA and The Tobacco Lobby (Tie). These are the lavishly compensated, talking-power-ties that tell us (with a straight face) that guns (cigarettes) don't kill people; criminals (cancer) do (does). The judicial parallel: the apocalyptic "Floodgates of Litigation."

AND NOW, the number one enemy of Captain Equity and all right minded citizens of planet earth, especially Americans:

1. The Burger King Guy. You know him. "I love this place." This guy personifies the image of American culture as it appears to many of our global competitors – a self-absorbed, hyperactive hamburger flipper who majors in loud, crass, and stupid. *Res Ipsa Loquitur*.

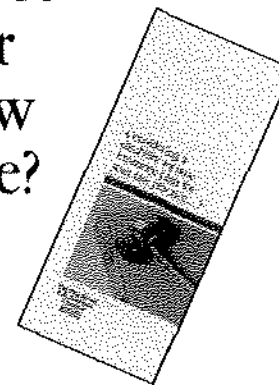
I am sure many readers are contemporaneously penciling me in as part of the problem. Let me assure each of you that I fully intended to set a positive example by including a list of my heroes to offset any down vibes I might have created. However, the Powers That Be on the *Hinds County Bar Association News* Editorial Board (see number 17 on my unpublished Top 100 Enemies List) cut me back on ink and space. Consequently, I'll have to give you my short list:

1. Attorney General Janet Reno.

2. Any public official who tries to do their job with honest and integrity and/or without pandering or grandstanding. See Kane Ditto. Or Guy Hunt.

3. Bill and Hillary Clinton when they are trying to change the status quo for the better by rolling public interest boulders up hill, i.e. deficit cutting, national service initiative, health care reform, etc. (but not when either of them is getting a new 'do from Cristophe).

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EMERGING TRENDS
IN CRIMINAL LAW
Thursday, June 24

Chairperson, Amy D. Whitten
Tollison, Austin & Twiford
6 hours / 1 ethics

MEDICAL MALPRACTICE
Friday, September 10

Chairman, Bob Montgomery
Montgomery, Smith-Vaniz
& McGraw

ENVIRONMENTAL LAW
Thursday, September 16

Chairman, John Milner
Brunini, Grantham,
Grower & Hewes

BANKRUPTCY LAW
Friday, September 17

Chairman, Richard Montague
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HCBA Calendar of Events

- June 15**
HCBA Membership Meeting.
 Noon. Capital City Petroleum Club
- June 23**
Summer Clerk Luncheon.
 Noon. Capital City Petroleum Club
- July 1**
HCBA Social.
 5:30-7:00. George Street Grocery
- August 17**
HCBA Membership Meeting.
 Noon. Capital City Petroleum Club
- September 2**
HCBA Social.
 5:30-7:00. George Street Grocery
- October 19**
HCBA Membership Meeting.
 Noon. Capital City Petroleum Club

CLE Calendar of Events

- June 18**
Annual MS Court Rules Update.
 UMCLE. Jackson, MS 1-232-7282
- June 24**
Criminal Law Seminar.
 MC School of Law. Jackson, MS 944-1950
- July 2**
Legal Writing.
 UMCLE. Jackson, MS 1-232-7282
- July 28**
Summer Mini-Seminar Series.
 UMCLE. Jackson, MS 1-232-7282
- September 17**
Bankruptcy Law Seminar.
 MC School of Law. Jackson, MS 944-1950

Judge Robert L. Gibbs

by Jeffery P. Reynolds*

I recently met with Judge Gibbs regarding his tenure on the Bench since January 2, 1991. Judge Gibbs has accomplished several things during that time period. One, he stressed that a case will be tried quickly in his Court. One thing that he would call to the attention of lawyers in Hinds County is that cases in his Court should be pushed to conclusion. He will not grant a continuance unless it is for very legitimate reasons. The Judge feels that continuances create a backlog in the court system and cost attorneys' clients money.

The Judge also pointed out that over the last two years, briefs have improved substantially. He pointed out that he reads every brief that is submitted to him and does so before the hearing. You can trust that Judge Gibbs will know the case and the issues before him by the time of the hearing.

Judge Gibbs also feels that written opinions are quite helpful to the Bar. He noted that the Hinds County Bar Association has been publishing the opinions of the trial judges. He particularly likes to write an opinion when an issue is unsettled or controversial. He noted that he has seen attorneys

back off their positions because he had already ruled on similar positions in published opinions.

I asked Judge Gibbs if he had any suggestions for attorneys appearing before him. He said that the problem he most often sees is unprepared lawyers, both for motion hearings and for trials. Judge Gibbs told me that he often hears jurors criticize attorneys for not being well prepared. He also noted that if all the attorneys are well prepared, the case runs very smoothly.

I asked about his policy on sanctions. He said that he very frequently sees sanction requests in motions, particularly discovery motions. He did state that in most instances, the attorney seeking the sanctions does not push it at the hearing. Judge Gibbs said that it is his policy to give an attorney the benefit of the doubt, and noted that he has only ever considered sanctions in two or three cases. Those cases involved failure to comply with a court order. Judge Gibbs did stress that he will definitely consider sanctions in the appropriate case.

*Jeff Reynolds is a shareholder in the Litigation Section of the firm of Heidelberg & Woodliff, P.A.

New Phone Numbers For Mississippi College Law Library

The new phone system recently installed at the Mississippi College School of Law has allowed each office of the Law Library to have a separate number. The 944-1970 number that you are used to calling now only rings at the library secretary's desk. To reach other offices, use these numbers:

Carol West, Director.....	949-5677
Mitch Counts, Associate Director.....	949-5679
Circulation Desk (JoAnn Neil, etc.).....	949-5671
Reference Librarian.....	949-5664
Karin Den Blayker, Catalog Librarian.....	949-5670
Joyce Zeigler, Acquisitions Librarian.....	949-5673
Virgie Brister, Government Documents Assistant.....	949-5674
Diane Chaffins, Library Secretary.....	944-1970
FAX machine (no change).....	944-1377

Summer Clerk Luncheon

Sponsored by
Hinds County Bar Association
Legal Economics Committee

Wednesday, June 23
Noon

Capital City Petroleum Club

The HCBA Legal Economics Committee will again sponsor a legal economics program for all law clerks working this summer in Metro Jackson. Neil Olack will be the featured speaker.

Lunch will be provided for the summer associates as a service of the HCBA. HCBA members are also invited at a cost of \$9.00 per person.

Please call Pat Evans at 969-6097 by June 21 with the number attending from your firm. (It will be fine to leave a message on the HCBA machine.)

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Committee News

Alternative Dispute Resolution

The ADR Committee will be chaired by Al Malone. Its primary focus will be establishment of a pro bono ADR project. The goal will be to make ADR "user friendly" for small claims and problem cases where litigation is not a realistic option. A panel of attorneys with ADR training or experience will soon be established, and volunteers should contact Al Malone at 981-7040 to get on the panel early.

Legal Support

The Legal Support Committee will act as a liaison to organizations of legal secretaries, law librarians, paralegals, law office managers, and court administrators and reporters.

Special Planning

The Special Planning Committee, under the leadership of Linda Thompson, chairman, and Linda Robinson, vice chairman, is a new committee assigned the tasks of (1) examining the dues structure of the HCBA for desired changes or adjustments, (2) reviewing a possible expansion of the board of directors, (3) looking for ways to strengthen the HCBA's relationship with the Jackson Young Lawyers Association, and (4) exploring other internal avenues to respond to the needs of our growing Metro-area legal community.

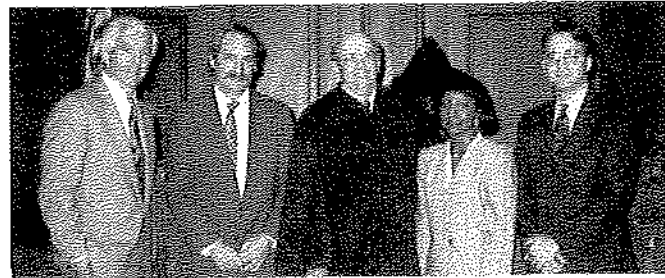
Bench and Bar

The Bench and Bar Committee exists to facilitate communication and understanding between judges and lawyers. If you have any suggestions for the Committee, please communicate them to Barry Powell, Chairperson, or to David Clark, Vice Chairperson.

The Committee tries to make available to members of the Bar copies of the Hinds County Circuit civil opinions. These copies are maintained in the law library of the Hinds County Courthouse.

People's Law School

The third annual People's Law School sponsored by the Hinds County Bar Association and The Clarion-Ledger was held March 23, 30, April 6 and 17. The project was financially assisted by the Interest on Lawyers Trust Accounts Program of the Mississippi Bar Foundation, Inc.



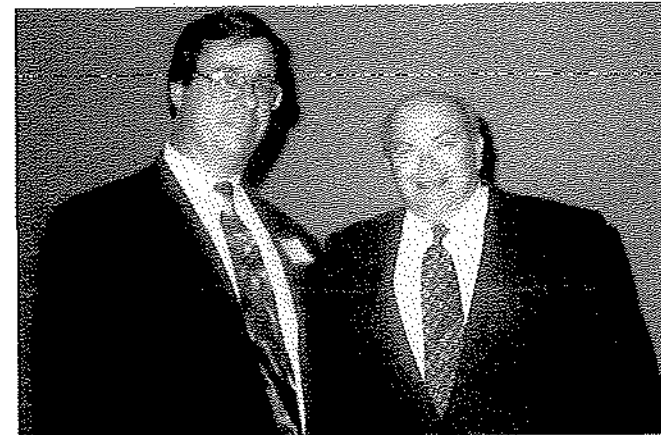
Session 1 – Mock Trial. John M. McCullouch, Chairman; Frank W. Trapp, Presenter; Judge William Coleman; Patricia W. Bennett, Presenter; and Trey Bobinger, Committee Member.



Session 2 – Family Law. Justice James W. Smith, Jr., Presenter; Michael J. Malouf, Presenter; Ben J. Piazza, Jr., HCBA President; Rebecca L. Wiggs, Committee Member; L.C. James, Presenter; and John Henegan, Committee Member.



Session 3 – Laws Effecting the Elderly. Helen Wetherbee, Presenter; John M. McCullouch; James Pettis and Lyn Pryor Crawford, Presenters.



Session 4 – Real Estate Law and Wills & Estates. H. Fariss Crisler, Jr. and Leonard D. Van Slyke, Jr., Presenters.

MC Law Library Makes Video Tapes Available to the Bar

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:

Alternate Billing Practices For Lawyers

This issue of CLE TV examines the structure and implementation of pricing policies and alternatives.

Financial Planning and the Practice of Law

This issue of CLE TV defines financial planning and examines the issues surrounding the transition from lawyer to financial planner.

Justice for All, All for Justice

The promise contained in our Pledge of Allegiance, "justice for all" is becoming a lost dream for America due to the lack of funding and budget cuts to the justice system.

Presenting and Arguing Damages In Tort Cases

This issue of CLE TV teaches tort litigators how to develop – and defend against theories of damages.

Practical Strategies for Structuring Charitable Gifts

This issue of CLE TV examines practical ways to structure gifts of tangible personal property, closely held stock, and life insurance.

Spring Bar Exam Pass Rate Drops to 50.9%

The February 1993 bar examination produced the lowest "pass rate" in more than a decade. Linda B. Knight, Bar Admissions Administrator, announced that 56 of the 110 candidates achieved a passing score. This overall pass rate of 50.9% compares with the five previous examinations as follows:

July 1992	67.9%
February 1992.....	63.2%
July 1991	79.4%
February 1991.....	72.3%
July 1990	81.0%

Sixty-seven of the candidates were classified as "in state". Of those, thirty (44.8%) passed. Twenty-six (60.5%) of the forty-three "out of state" applicants passed.

Fifty-seven took the test for the first time; forty-two (73.7%) passed. Fifty-three were "retakes"; fourteen (26.4%) passed.

Four persons took the "Attorney Exam"; each of them passed.

In addition to Mississippi College and Ole Miss, law schools represented by the new lawyers are: Baylor, Georgetown, La Verne, South Carolina, Brigham Young, Cumberland, Florida State, Haslings, LSU, Loyola (New Orleans), Memphis State, South Texas, Thomas M. Cooley, Tulane, Alabama, Arkansas, Florida, Houston, Tennessee, Virginia, Washington & Lee.

The May admission ceremony returned to the Old Capitol House Chamber.

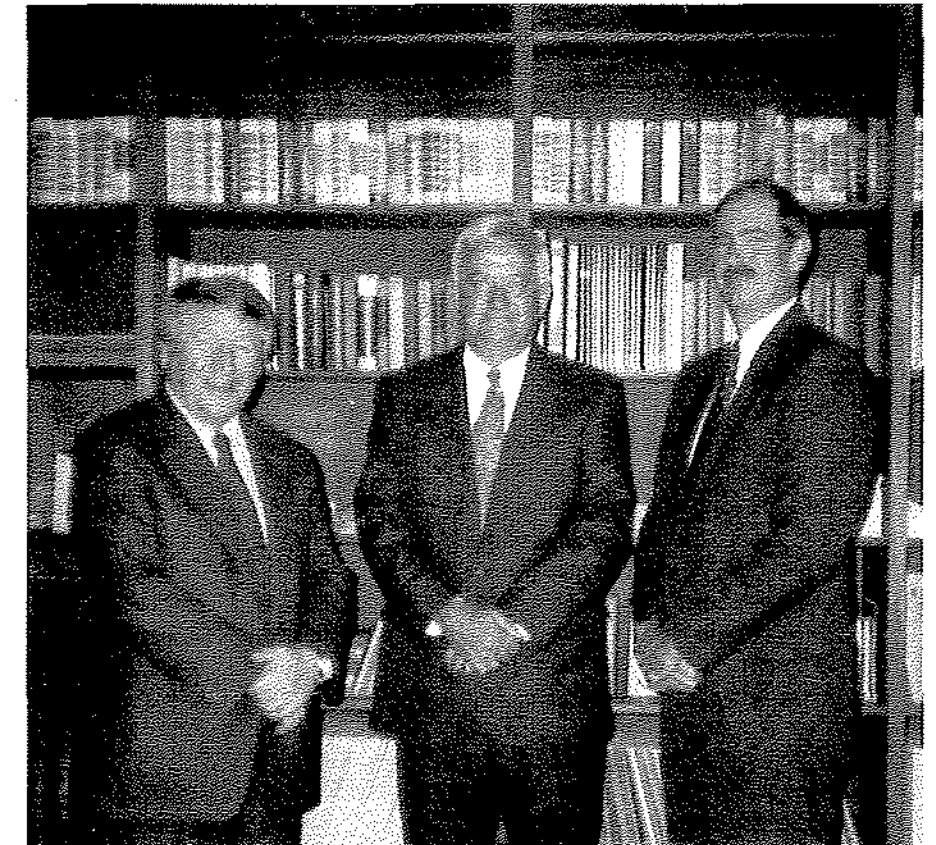
The Hinds County Bar Association welcomes these new members of the Bar.

Mississippi College Law Library Summer Hours

"Early Birds" please note that the Law Library will open at 7:30 a.m., Monday-Friday.

Monday-Thursday	7:30 a.m. - 10:30 p.m.
Friday.....	7:30 a.m. - 6:00 p.m.
Saturday	9:00 a.m. - 6:00 p.m.
Sunday	2:00 p.m. - 10:00 p.m.

The Library will be closed on the Fourth of July.



Grady E. Tollison, Jr. (left), President of the Mississippi Bar Association, spoke at the April HCBA Membership Meeting on "A World Without Lawyers." He is pictured with Harold D. Miller, Jr. (center) and Ben J. Piazza, Jr.

Ethics Seminar

1 Hour CLE Credit

Ethics of Trial Advocacy

Thursday, June 24, 1993

4:00 p.m. (Cash Bar after Seminar)

Primos Northgate

Cost: \$15 HCBA Members – \$25 Non Members

Co-sponsored by
The CLE Committee – Hinds County Bar Association
and
The Mississippi Bar

For more information, contact Pat Evans at 969-6097

□ HINDS COUNTY BAR ASSOCIATION □

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

Hinds County Bar Association, Inc.

151 E. Griffith Street

Jackson, MS 39201

FIRST CLASS

IMPORTANT

HCBA Luncheon Meeting

12 Noon, June 15

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

OCTOBER 1993



President's Column

Ben J. Piazza, Jr.

If you wondered where your law partner or associate was on the afternoon of Friday, August 27, you probably had to look no further than the Colonial Country Club Deerfield Golf Course. There you would have found some ninety-seven of our brethren (and sisters) participating in the first annual HCBA/JYL Golf Tournament. Every aspect of the tournament was a rousing success and all who assisted are to be congratulated. Particular thanks go to the Tournament Committee, chaired by Mark Chinn, with Vice Chair John McCullough, Karla Pierce, Harris Collier, David Thomas and JYL President Kenny Griffis. Congratulations to all of the winners and thanks to all of the hole and prize sponsors, especially Mississippi Valley Title Insurance for the first place gift certificates for all three flights and to South Central Bell for the beautiful Jefferson cup trophies. Not only was a good time enjoyed by all but we will be making a donation of \$2,000.00 to the Habitat for Humanity/Metro Jackson, Inc.

See additional story and pictures on pages 6-7.

HCBA Member Needs Assistance

One of our fellow Hinds County attorneys, Suzanne Ainsworth, is in need of our help and prayers. Suzanne has metastatic breast cancer and has

been accepted into a program at Duke University Medical Center for an autologous bone marrow transplant. This treatment consists of very high doses

of chemotherapy, followed by reinfusion of her own bone marrow and peripheral blood cells, which have
...continued on page 2



Greg Copeland and Ben Piazza



(Left to right) Steve Younger, Lee Brannon (golf pro), Karla Pierce and Mark Chinn

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

October 19, 1993

12 Noon

\$9.00

Capital City Petroleum Club

The speaker will be Deann Gladwell, Regional Vice President
for the American Arbitration Association.

ADR – The Reality of Reform and Change

by H. Lee Hetherington

Reform and change – not a day goes by without hearing or reading those words. While the Clinton Health Care Initiative and NAFTA grab the headlines, reform and change are also affecting the legal profession in fundamental ways. Simply stated, the traditional adversarial system of resolving conflicts and disputes is breaking down. For many, it is just too expensive, complicated, and time consuming. These realities about a system lawyers have heretofore taken for granted is at the heart of increasing public enmity toward lawyers and the legal system. Like health care, the system must be reformed. It must be changed. The good news for the profession as well as the public is that the process of change has begun. With change comes opportunity, provided we make the effort to understand, embrace, and facilitate these emerging avenues of conflict resolution.

Alternative Dispute Resolution or ADR refers to a wide range of mechanisms aimed at resolving conflict in the most efficient and cost effective manner possible. ADR encompasses mediation, arbitration, conciliation and fact-finding as well as early neutral evaluation, moderated settlement conferences, mini-trials, and summary jury trials.

Mediation and arbitration are the two ADR vehicles most frequently utilized. Mediation employs a neutral party, which is often an attorney, to help parties negotiate a solution to their dispute. Arbitration, on the other hand, is an expedited adversarial proceeding. An arbitrator, again, often an attorney, is chosen by the parties to hear evidence and make a binding decision as to their dispute. Regardless of the decision on the merits, the parties benefit by a substantial savings computed in time and reduced expense.

Much of the resistance to ADR by lawyers has been based on the erroneous perception that lawyers are bypassed. Mediation and arbitration are legal services which are rendered for financial remuneration as well as on a

pro bono basis. Increasingly, law firms throughout the country are integrating ADR into their practices. Federal and state court systems are turning to mandatory ADR to reduce or expedite their civil dockets. Thirty-three state jurisdictions require domestic disputes regarding custody and visitation be referred for mediation. In sum, ADR is not a substitute for litigation – it is a compliment.

The next HCBA luncheon on Oct-

ober 19 will feature Deann Gladwell, Regional Vice President of the American Arbitration Association, who will be speaking on ADR and your role in it. This will be an excellent opportunity to learn more about the many opportunities that exist in the field of Alternative Dispute resolution.

H. Lee Hetherington is a professor of law at Mississippi College School of Law.

President...

(continued from page 1)

previously been removed and frozen to protect them from the toxic effects of the chemotherapy. She will then be confined in the hospital for approximately a month. The cost of this transplant will be approximately \$175,000.00 and Suzanne does not have any medical insurance.

Carol English, Hinds County Chancery Court Administrator, is coordinating fund-raising to help Suzanne pay for this treatment. She has opened

an account at Deposit Guaranty National Bank, styled Suzanne Ainsworth Charitable Gifts. Anyone desiring to make a contribution can do so at any Deposit Guaranty branch or by sending a check to Carol English, P.O. Box 686, Jackson, Mississippi 39205. You are also invited to a fund-raiser on Suzanne's behalf which will be held at George Street Grocery on Wednesday, October 13, 1993 from 5:30 to 7:30. Hors d'oeuvres have been donated by George Street and there will be a cash bar.

Supreme Court Requires Civil Case Filing Form

The Supreme Court has adopted an order effective October 1, 1993, requiring the use of a Civil Case Filing Form in all circuit, chancery and county court actions.

Mississippi Administrative Office of Courts Form AOC/01 has been distributed to all circuit and chancery court clerks, and they have been directed not to file any pleading which initiates, re-opens, reinstates, or otherwise concerns a civil action, unless the attorney/party has completed the form.

District Judge William H. Barbour, Jr.

by Julie E. Chaffin

Prior to his 1983 appointment to the federal bench by President Ronald Reagan, District Judge William H. Barbour, Jr., Chief Judge of the United States District Court for the Southern District of Mississippi practiced law with his father and cousins at Henry, Barbour & DeCell in Yazoo City, Mississippi. Both Judge Barbour's father and his grandfather practiced law, as did his wife's father and grandfather. Judge Barbour's son is currently attending law school, as is his daughter's husband. Hailing from a family of lawyers, and having himself practiced law for seventeen years, Judge Barbour is sensitive to the stresses and conflicting demands on a lawyer's time that accompany the private practice of law. Thus, he welcomes suggestions from the bar as to how the court's rules and procedures might be improved to make litigation less costly, less time consuming and easier on litigants, jurors, lawyers and the Court alike.

Indeed, for the past two years, Judge Barbour has been extensively involved in the formulation of a plan mandated by the Civil Justice Reform Act to reduce costs to litigants and to decrease the time required for the ultimate resolution of conflicts pending in the District Courts sitting in Mississippi. The work of the committee charged with devising such a plan is drawing to a close and the fruits of that labor are expected to be unveiled by the end of September 1993, to become rules effective in January 1994. Judge Barbour indicates that the plan will effect substantial changes in current practice. Trial dates will be set in the early stages of litigation, with corresponding discovery and motion deadlines tied to those trial dates. Early judicial intervention is anticipated and continuances will become less frequent. Substantial disclosure of matters ordinarily requested during discovery will be required upon service of the Complaint and Answer.

In light of the new changes expected, Judge Barbour's present procedure regarding the scheduling of trials will

change. Yet, a brief overview of the current practice may nonetheless prove helpful to lawyers practicing in his court. Judge Barbour's trial calendars are presently devised by setting the oldest pending cases first, with the number of cases set on a particular calendar being dependent on the anticipated length of trial in each case. Generally, no case will be set for trial less than sixty days after the expiration of the motion deadline in the applicable scheduling order. Cases are scheduled for pretrial conferences approximately two weeks before the beginning of the calendar. Although continuances will be granted for good cause, they are not freely given by Judge Barbour. He will, however, accommodate lawyers where possible by shuffling trial dates within the calendar. Judge Barbour characterizes himself as "reasonably arbitrary" in continuing cases.

In any given year, Judge Barbour hears only a handful of oral arguments on pending motions, with the vast majority of motions pending before him being decided on the briefs submitted by the parties. Although a lawyer may request to be heard when he or she believes that a particular motion merits oral argument, it is quite a rarity that such a request will be granted. If a particularly complex issue is presented for which Judge Barbour believes oral argument would be beneficial, or if he finds that the parties have not adequately addressed an important issue in their beliefs, oral argument may be scheduled. Judge Barbour's general practice is to then call the attorneys and tell them precisely what issues need further elucidation or elaboration.

Short of trial, however, it is through the briefs that the litigant may best capture Judge Barbour's attention and obtain the favorable resolution of pending issues. While Judge Barbour's law clerks initially read the motions and accompanying briefs and then prepare memoranda or draft opinions for his review, Judge Barbour personally reads every brief submitted to him before a decision is rendered. Because

he does so, lawyers should be careful to proofread their submissions – Judge Barbour is quick to notice errors in grammar, punctuation or spelling.

Judge Barbour similarly reads proposed jury instructions before trial, using them to anticipate objections and issues of law that may require rulings. As advice to the bar, Judge Barbour stress that lawyers should focus on their jury instructions at the beginning of a case. He counsels that researching the applicable law at the outset will help a lawyer to more ably focus on obtaining the evidentiary proof that will be relevant and necessary at trial.

Judge Barbour conducts most of the voir dire in jury trials and is quite thorough in his questioning. However, he gives lawyers a limited opportunity to ask questions themselves or to submit questions for the court to ask on sensitive issues. He will not allow an attorney to use voir dire as an opening statement or closing argument. Rather, the examination of prospective jurors must be directed to gathering information for cause and peremptory challenges.

If a lawyer requests, Judge Barbour will often allow jurors to take notes in complex or multi-party civil cases. Indeed, jurors sometimes ask for notepads and he has granted those requests. It is Judge Barbour's practice to give the jury charge before closing arguments in civil cases. Thus, lawyers may discuss the applicable law in closing.

When asked to impart some words of wisdom to the younger attorneys who practice before him, Judge Barbour noted that when he was appointed to the bench, Judge Cortwright told him that he would be amazed how quickly a Judge can see that a lawyer is unprepared. Judge Barbour expects lawyers to be prepared. Sage advice indeed – preparation is surely the key to successful advocacy by a lawyer of any age in any courtroom.

Julie Chaffin is a partner with Alston Rutherford Tardy & Van Slyke.

Hinds County Public Defender's Office

by Godfrey R. Tillman
Hinds County Public Defender's Office

Coming on to the scene with a bang, the Hinds County Public Defender's Office was established in October 1991 as an alternative to the court appointed system already in place. The Public Defender's Office handles felony cases arising anywhere in Hinds County for persons deemed indigent or financially unable to hire private counsel. Representation commences at the Initial Appearance and continues through trial and post trial matters, including appeals to the Mississippi Supreme Court. Long hours are the norm, not the exception.

Tom Fortner is the Public Defender for Hinds County. Previously he served in the same capacity for ten years in Jackson County Mississippi. Beth Davis, previously the Jackson City Public Defender, is the Deputy; Mikell Buckley, Pat Frascogna, Louis Coleman, Sanford Knott and Ron Tillman are assistants. The administrative duties are in the capable hands of Senior Administrative Assistant Genolia Lindsay along with Legal Secretaries Pamela Young, Jennifer Ervin and Monica Jackson. David

"Tootie" Fondren and Patrick Kelly handle investigatory matters. The staff's diverse backgrounds have made the office a legal "melting pot", with different strengths, divergent views and perceptions on procedures, but a common thread runs throughout. Everyone is totally dedicated to providing quality legal services to those less fortunate and committed to insure those person's legal rights are fully protected. An example is the recent Habeas Corpus Petition filed concerning conditions in the Jackson City jail.

While it is estimated over 80 percent of previously court appointed cases are now handled by the Hinds County Public Defender's Office, the Court appointed system is still alive and well. Many cases cannot be totally handled by the office, due to conflict with co-defendants, previous representation of witnesses, etc. An attorney will be appointed by the Hinds County Circuit Court Administrator in those cases. Attorneys wishing to represent indigent persons should contact the Circuit Court Administrators Office for more details.

October Meeting

The speaker for the October HCBA membership meeting will be Deann Gladwell, Regional Vice President of the American Arbitration Association's New Orleans office. She is responsible for the overall direction of the New Orleans office which encompasses the states of Louisiana and Mississippi. She is a frequent speaker on Alternative Dispute Resolution to audiences in the commercial, construction and insurance fields. She has lectured on dispute resolution topics at Tulane, Loyola, Mississippi and Southern Universities. Prior to joining the AAA, she was an assistant underwriter at Lloyd's of London. Deann is a graduate of West Texas State University with a degree in Business Administration. She's listed in Who's Who Among Young American Professionals and volunteers for Court Appointed Special Advocates for children. She participated in the Metropolitan Area Committee Leadership Conference and is currently serving as president of the Industrial Relations Research Association. Ms. Gladwell's topic will be "Alternative Dispute Resolution in the 90's."

NAFTA: Tag Team Border Wrestling to the Death

by Captain Equity

It's going to be better than Cowboy Bill Watts and Andre the Giant going after the Fabulous Freebirds in a best two out of three falls Texas Death Wrestle Royal, with the prize being decidedly more precious than custody of an oversized, silver-plated championship belt. The economic future of the Western Hemisphere as well as a lasting solution to America's southern border immigration onslaught hangs in the balance as "Slippery" Bill Clinton and Bob "The Candidate" Dole take on Ross "The Big Suckin' Sound" Perot and Dick "The Protector" Gephardt in a gargantuan struggle for the hearts and minds of the U.S. Congress.

The big question mark relates to sorting out the good guys and bad guys. In most wrestling matches, good and evil are readily apparent. Not this time. The North American Free Trade Agreement has shattered traditional alliances like no other issue in years. The free traders are led by a Democratic President, a clear majority of Congressional Republicans, 41 Governors, every living ex-President and a swarm of economists. The protectionists, led by America's richest bumper sticker phrase-maker, include a curious mix of labor leaders, some environmentalists, liberal Congressional Democrats and far right Buchanan fear freaks. All bets are off when trying to define this issue in traditional political terms. This might explain why a recent *Wall Street Journal* - NBC poll indicated a whopping 39% of Americans as having no opinion on the treaty.

So, who should get thrown over the top rope? For my money, there is no choice. Bill should use his superior weight advantage to pin the "Free Trade Frightmeister" by his ears. Once Ross is on the canvas, the Prez should tag off and let Bob Dole put the GOP Steeper Hold on Perot. And when Gephardt predictably charges to the aid of his tag team partner, Slippery Bill

should execute a Flying Ozark Clock-Cleaner from atop the turnbuckle and give old Stealth Eyebrows a smart forearm smash to the kisser. Then, for the thrilling climax, the team's managers, Al and Hillary, should each lift a bad guy over their heads, twirl them around like twin beany propellers and simultaneously pitch them into the first row of ringside folding chairs occupied by EC and Japanese partisans cheering for NAFTA's defeat.

Even if you are not a wrestling fan, you should be a NAFTA fan. Mexico and Canada are already our biggest customers. A phase out of tariffs and duties over a 15 year period would create a permanent trade surplus for us here in the hemisphere. This is especially true in Mexico which needs double handfuls of everything from telephones and computers to tractor-trailers. All of this means sustained job creation in the United States to supply these big ticket items. Which buying alternative is more attractive to a country needing to get the biggest bang for its peso: Quality products at factory outlet prices which can be shipped from warehouses in Texas and California OR quality products at full retail price which have to be shipped from Honshu or Bavaria? It doesn't take a multi-billionaire to figure it out. Just ask any shopper at Wal-Mart. Follow? And the best part is the near certainty that the gigantic emerging markets of Brazil, Chile, and Argentina will follow suit in short order.

Despite these obvious benefits, old Ross is exploiting fear. He says American jobs will relocate south of the border. A look at the facts tells us that has already happened without NAFTA. According to the Congressional Budget Office, 20 million American jobs were lost in the 1980s, some of which went to Mexico. Others went to Indonesia, Korea, Ireland -

just name a country. A lot more just went away because America only needs so many telephones, computers and tractor-trailers.

But what kind of jobs have and will continue to leave the USA? Most, but certainly not all, are low skill, low pay jobs that will relocate without regard to NAFTA. The same thing has happened in Japan, Germany and every other economy with a high standard of living. A death grip on doomed sectors of any economy will not restore them to health. Just ask the steel workers in Gary and Youngstown who are still waiting for the mills to reopen.

Yes, there will be some pain for some Americans. The domestic lime, glassware and beer industries will likely take a hit. But on balance, NAFTA is a great deal for America. The key to continued U.S. prosperity is aggressive product innovation and global marketing by educated, productive people. The alternative is a workforce of black-jack dealers and hamburger flippers. Just look around. Then call Mike Parker's office.

Mississippi College Law Library Regular Hours

Monday - Thursday7:30 a.m. until midnight
Friday7:30 a.m. until 9:00 p.m.
Saturday9:00 a.m. until 9:00 p.m.
Sunday1:00 p.m. until 10:00 p.m.

The Problem with Law

The law is a compass
coursing men toward virtue.
The law is a tool
by which society expresses
its morality or lack of it.
The law is the conscience
of society.
But —
The law is often an involuntary
harlot of economic egotism
held in slavery of the flesh
Forced by greedy men
to perform for money.

- William Timothy Jones

Golf Tournament A Great Success

On Friday, August 27, 1993, the Hinds County Bar Association and the Jackson Young Lawyers Association jointly sponsored their first golf tournament which will be an annual event. Held at Deerfield Golf Course this year, the purpose of the tournament was two-fold: to provide an opportunity for lawyer fellowship and to benefit Habitat for Humanity. Ninety-six lawyers from the Hinds, Rankin and Madison County area participated with the tournament fee formulated to cover expenses. Surplus funds were generated primarily through hole sponsorships with the result that we were able to make a sizable donation to Habitat for Humanity.

The Hinds County Bar Association and the Jackson Young Lawyers would like to show their appreciation to Phillip Simmons, golf pro at Deerfield and Michael Moore, beverage manager. Also instrumental were Tina Ginn, Patricia E. Herlihy, Leigh Rogers and Ruma Haque.

Much thanks go to the Golf Tournament Committee, Mark Chinn, Chair; John McCullough, Vice Chair; Karla Pierce, Harris Collier, David Thomas, Kenny Griffis, Jackson Young Lawyers President, and Ben Piazza, HCBA President. The tournament was well organized, successful, and a lot of fun and fellowship for all. Most importantly, Habitat for Humanity, and our community, benefitted.

Our congratulations to the flight winners and various special winners:

Flight Winners (\$50 Gift Certificates and Jefferson Cup Trophies)

1st Flight	2nd Flight	3rd Flight
Reuben Anderson	Jay Jacobus	Charles Keeton
Skip Jernigan	Mike Maloney	Andy Stewart
Ross Bass, Jr.	Lance Stevens	Jason Womack
David Mockbee	Eddie Edwards	Dave Galyon

Longest Drives

- #1 Steve Younger - \$100 Gift Certificate from Custom Tailoring
- #4 Rod Ward - Olympic Coat
- #16 Garland Lyell - \$25 Gift Certificate from the Rogue
- #18 Steve Younger - Trustmark Golf Umbrella

Closest to Pin

- #3 Marcial Forester - MCTA telephone
- #7 Crymes Pittman - Suit from Stanford's
- #12 Chase Bryan - Budweiser Golf Bag
- #14 Eddie Edwards - Trustmark Golf Umbrella

Longest Putt

- #9 Jason Womack - George Archer Putting Doctor from Steve's Golf Shop

Special thanks go to the businesses and members of the bar who sponsored holes and donated prizes. Because of their generosity we were able to generate funds to donate to Habitat for Humanity. In appreciation, we list those donors and thank them for making the First Annual Hinds County Bar Association/Jackson Young Lawyers Golf Tournament a great success for all.

Mississippi Valley Title Insurance - \$500 donated for Gift Certificates for 1st place prizes

\$100.00 Sponsors:

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- Brunini, Grantham, Grower & Hewes
- Butler, Snow, O'mara, Stevens & Cannada
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- Fox-Everett, Inc.
- Information Resources, Inc., Detectives
- Law Offices of Debra L. Allen
- Magnolia Federal Bank for Savings
- MCTA
- Ott, Purdy & Scott
- Phelps, Dunbar
- Pittman, Germany, Roberts & Welsh
- Rimmer, Rawlings, MacInnis & Hedglin, P.A.
- Stanfords
- Trustmark National Bank
- Watkins & Eager
- Watkins Ludlam & Stennis
- Wise, Carter, Child & Caraway

Prize Donations:

- Jefferson Cup Trophies - South Central Bell
- Golf Bag - Southern Beverage
- Olympic Coat - Coca-Cola
- \$100.00 Gift Certificate - Custom Tailoring
- Free suit - Stanfords
- Phone - MCTA
- Umbrellas - Trustmark National Bank
- George Archer Putting Doctor - Steven's Golf Shop
- \$25.00 Gift Certificate - The Rogue

Beverages donated by:

- Southern Beverage
- Coca-Cola



Kenny Griffis, JYL President; Rod Ward, Steve Carmody, Gram Meadors



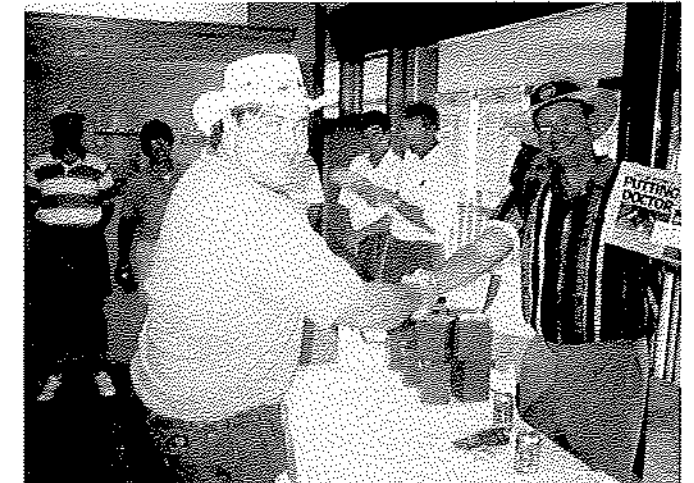
Winners of 1st Flight - (left to right) David Mockbee, Reuben Anderson, Ross Bass, Jr., Skip Jernigan



(Left to right) Deerfield golf pros Lee Brannon and Phillip Simmons, Karla Pierce, Mark Chinn



Eddie Edwards receives Trustmark golf umbrella from Mark Chinn for closest to pin on #14.



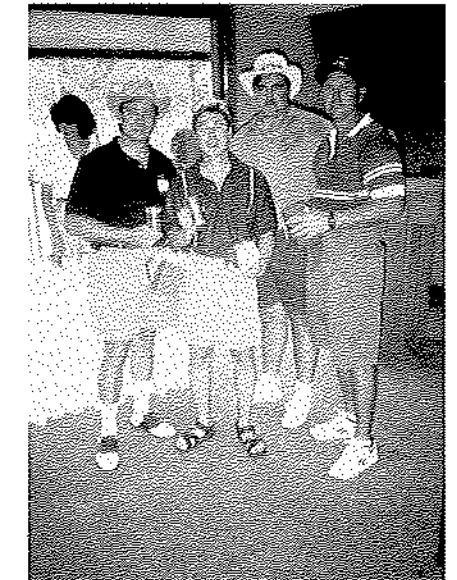
Mark Chinn presents Jason Womack, longest putt winner, with George Archer's Putting Doctor, courtesy of Steven's Golf Shop.



Winners of 2nd Flight - (left to right) Lance Stevens, Eddie Edwards, Jay Jacobus (Mike Maloney not shown)



Karla Pierce watches as Chase Bryan receives Budweiser golf bag from Mark Chinn.



Winners of 3rd Flight - (left to right) Andy Stewart, Dave Galyon, Jason Womack, Charles Keeton

CLE Calendar of Events

October 8
Bread and Butter Issues for Criminal Defense Lawyers.
 MS Attorneys for Constitutional Justice

October 20
Mississippi Labor and Employment Law.
 NBL 715-835-7909

October 22
Workers' Compensation Seminar.
 MC School of Law. 949-5621

October 29
Criminal Law Seminar.
 MS Trial Lawyers. 948-8631

November 4
Health Law.
 Lorman Business Center.
 715-833-3940

November 11
Mississippi State Taxation.
 Lorman Business Center.
 715-833-3940

November 12
Natural Resources Seminar.
 MS Bar. 948-4471

December 10
Workers' Compensation Seminar.
 MS Trial Lawyers. 948-8631

December 29
Ad Valorem Taxation.
 K. F. Boackle. 956-6444

December 30
 • Sellers and Agents.
 • Real Estate Agency Law.
 • Procuring Cause.
 • Mississippi Real Estate License Law.
 K. F. Boackle. 956-6444

HCBA Calendar of Events

October 19
HCBA Membership Meeting.
 Noon. Capital City Petroleum Club

November 4
HCBA Social.
 5:30-7:00. George Street Grocery

December 9
HCBA Christmas Social.
 5:30-7:00. MS Bar Center

December 21
HCBA Membership Meeting.
 Noon. Capital City Petroleum Club

January 6
HCBA Social.
 5:30-7:00. George Street Grocery

Local Law Firm Recipient of ABA Award

Alston, Rutherford, Tardy & Van Slyke, a local Jackson law firm, has been selected as a recipient of the ABA Litigation Section's John Minor Wisdom Public Service and Professionalism Award.

Alex A. Alston, Jr., senior partner of Alston Rutherford, will accept the award on behalf of the firm in Washington, D.C. during the Litigation Section's Annual Fall Meeting on October 21, 1993.

The award, named in honor of the United States Fifth Circuit Court of Appeals Senior Judge John Minor Wisdom, has been given annually since 1989 to lawyers who make the legal system available to the poor, the

disenfranchised and other under-represented groups.

The firm was nominated by Phyllis Thornton, Executive Director of the Mississippi Pro Bono Project earlier this year. Ms. Thornton stated, "The Mississippi Pro Bono Project appreciates the work of the participating attorneys at Alston Rutherford. Their work is indicative of the countless hours most lawyers devote to their cases; work that by and large goes unrecognized and unheralded by the larger community." Thornton stated, "Alston Rutherford personifies the commitment of Mississippi's legal community to provide equal justice for all."

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CLE SCHEDULE

YOU'VE COME A LONG WAY COUNSELOR... OR HAVE YOU?

(A Seminar for Women Lawyers)

**Friday - Saturday
 October 1-2, 1993**

**Cedar Grove Mansion
 Vicksburg, MS**

WORKING SMARTER, NOT HARDER: LAW OFFICE MANAGEMENT SEMINAR

Friday, October 15, 1993

**Cabot Lodge, Millsaps
 Presented by: E. Tom Clark
 Mesa, Arizona**

6TH ANNUAL WORKERS' COMPENSATION SEMINAR

Friday, October 22, 1993

**Ramada Renaissance
 Chair: Linda A. Thompson
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A Psychic Comment on Fear

Face fear.
 Do not avoid.
 Yet do not run out in front of trucks.

- William Timothy Jones

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Rowan Taylor has performed in every position in the title insurance business, from entry level to CEO of one of the leading insurers. After retiring from that company, he joined his son, state manager for First American, as First American's state counsel. Rowan lends experience and expertise that are unequalled in Mississippi. An industry pioneer, he saw one of his ideas develop into the "Short Form," the nationwide standard for coverage and time-savings. His practical approach to problem-solving – shared by the entire First American staff – expedites transactions that, in the hands of others, might halt. With a respected name like Rowan Taylor on our side, we're quickly becoming the new name in title insurance in Mississippi. Call us and you'll see why we're the nation's second largest – and Mississippi's fastest growing – title insurer.

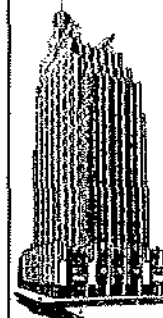
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Summer Bar Examination Results Show Improvement Over Spring Stats

With a pass rate of 76%, the new attorneys taking the July bar examination bettered the disastrous 50.9% of the February bar. Linda B. Knight, Bar Admissions Administrator, announces that one hundred fifty-five of the two hundred and four candidates taking the July 1993 bar examination achieved a passing score. This compares with the four previous examinations as follows:

February, 1993	50.9%
July, 1992	67.9%
February 1992	63.2%
July, 1991	79.4%

One hundred seventy-two took the test for the first time; one hundred forty-three (83.1%) passed. Only twelve persons of the thirty-two retaking the exam passed (37.5%).

Six attorneys successfully completed the "Attorneys Exam", giving a 100% pass rate to those seeking admission by reciprocity.

Two disbarred attorneys took the examination; one passed.

In addition to the Mississippi College and Ole Miss graduates, successful candidates represent the following schools: Antioch, Boston College, California Western, Catholic, Columbia, Cumberland, Dickinson, Emory, LSU, Loyola New Orleans, Marquette, Memphis State, Southern Methodist Univ., Southern Univ., Texas Southern, Tulane, UNC Chapel Hill, Univ. of Alabama, Univ. of Arkansas Fayetteville, Univ. of California-Hastings, Univ. of Florida, Univ. of Georgia, Univ. of Houston, Univ. of Miami, Univ. of Tennessee, Univ. of Virginia, Vanderbilt, Wake Forest, Washington and Lee, Willamette Univ.

The admission ceremony was held on September 30, 1993

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

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- ENVELOPES
- BROCHURES



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Hinds County Bar Association, Inc.

151 E. Griffith Street

Jackson, MS 39201

FIRST CLASS

IMPORTANT
HCBA Luncheon Meeting
12 Noon, October 19