

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

APRIL 1996



President's Column

Marcus M. Wilson

It has been a pleasure to serve the Hinds County Bar Association. The enthusiasm and dedication of the mem-

bership makes this a great organization.

I want to express my gratitude to the committees listed on the next page for many enjoyable and constructive meetings which we shared. Thank you for your hard work.

The Lawyer Referral Service would never have become a reality if Melissa J. Morgan, Ben Piazza, Mark Franklin and the LRS Committee had not worked so diligently. LRS boasts a membership of almost 100 HCBA

attorneys and receives approximately 40 calls daily from people needing representation. The HCBA thanks you.

Last, but not least, I thank Pat Evans for being first rate. She is easy to work with and keeps the HCBA running smoothly.

The time has come to turn over this column to Harris Collier. Congratulations, Harris. The HCBA is proud to have you lead us next year.

...continued on page 2

Habitat Director Welcomed



Nina Redding, executive director of Habitat for Humanity, was welcomed at the February Membership Meeting by the HCBA Golf Tournament Committee. The Golf Tournament in 1995 raised \$5000 for Habitat. Committee members are Ben Piazza, John McCullouch, Kenny Griffis, Chairman Mark Chinn, and Harris Collier. Not pictured are Karla Pierce, Debra Allen and Mike Maloney.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

April 16, 1996

12:00 Noon

\$10.00

Capital Club

The moderator will be James L. Robertson and will feature Warren Ludlam, James Child, Jr., James Becker, Martha Gerald, and Erskine Wells. The speakers will reminisce about their careers and discuss the future of the practice of law.

President's Column...

(continued from page 1)

Thank you to the following committee members for your hard work.

Alternative Dispute Resolution

Chair: Harold D. Miller, Jr.
Vice-Chair: X. Mike Frascogna, Jr.
Board Liaison: Albert D. Malone

Bench and Bar Relations

Chair: Jeffrey P. Reynolds
Vice-Chair: Julie E. Chaffin
Board Liaison: Alveno Castilla

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Chair: Dorian Turner
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Vice-Chair: Ernest Taylor
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Vice-Chair: J. Paul Varner
Board Liaison: Richard C. Roberts, III

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Chair: David M. Thomas, II
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Chair: Louis G. Baine, III
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Board Liaison: John M. McCullough

Golf Tournament

Chair: Mark A. Chinn
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Newsletter Editorial Board

Chair: Richard A. Montague, Jr.
Vice-Chair: Debra L. Allen
Board Liaison: Carol C. West

People's Law School

Chair: Peter L. Doran
Vice-Chair: Mitzi Dease Paige
Board Liaison: John M. McCullough

Pictorial Directory

Chair: Samuel C. Kelly

Program

Chair: Harris H. Barnes, III

Small Firm Practice

Chair: Donna H. Wright
Vice-Chair: Reeve (Jay) Jacobus, Jr.
Board Liaison: Albert D. Malone

Tennis Tournament

Chair: Harris H. Barnes, III
Vice-Chair: Michael J. Malouf
Board Liaison: Mark A. Chinn

Women in the Profession

Chair: Rebecca Lee Wiggs
Vice-Chair: Tammy G. Harthcock
Board Liaison: Carol C. West

How I Spent My Summer Vacation

by Carol West

If I told you that last July I attended a conference on "The Role of an Independent Judiciary" and that the keynote speaker was Supreme Court Justice Antonin Scalia, you would think that was nice, but not particularly special. If I then told you that the conference was held in Yerevan, Armenia, you might understand why I found the experience to be one of the most important events of my professional life.

Last spring, I replied to a United States Information Service request for an American law librarian with legislative library experience to serve as a consultant to the Republic of Armenia on the creation of a parliamentary library. I was accepted for the position. Five months and five inoculations later, I was in Armenia, a land-locked country slightly smaller than Maryland, but as old as civilization.

I did my work in Yerevan, the capital city. I worked closely with the United States Information Service at the American Embassy and was assigned an interpreter at all times when I needed to communicate with other professionals. All Armenians speak Russian and Armenian; many speak English. The country has a 99% literacy rate; education and intellectual endeavors are highly valued in Armenian culture.

Through a bit of good fortune, the judicial conference was scheduled for my first week in the country. A half dozen American judges (half of Armenian heritage) were joint-presenters with an equal number of Armenian judges at this extraordinary conference. Armenia is a former communist country that is striving to bring democratic ideas into an existing judiciary that had been based in communist traditions. The Armenian judges were eager and interested participants, but somewhat dubious about their personal job security in an uncertain political climate.

Armenia had adopted its first constitution the week before I got there. What was happening with the judiciary

is only one aspect of the great challenge of refashioning the former communist country into a modern democracy. Nothing I had ever experienced prepared me for my five weeks in this country.

So many things that we as lawyers take for granted do not exist. For instance, laws relating to ownership of real property had to be developed. A California lawyer of Armenian-American heritage is the chief architect of this project. Basic governmental services were in disarray because there is no tax base in place to support paying for such things as postal employee wages. Many enterprises previously owned by the state were being sold to entrepreneurs - for instance, the large and quite beautiful motion picture theater was struggling to succeed under private ownership.

Though I had sought out as much information about the country as possible beforehand, I was unprepared for how captivated I would be by my experiences and by the people I worked with. I stayed in rooms in a private home, rented for me by the Armenian government. Each morning, I awoke to the sight of Mt. Ararat (if the morning haze permitted); each evening I took my cold bath by lamplight. Armenia is at war with its neighbor Azerbaijan and their main pipeline is blockaded, resulting in severe shortages of electricity. Having an hour of electricity at night for reading was a great treat.

The blockade has limited the access to goods; consequently, privately owned shops and retail business are being very slow to develop in ways that we would recognize. Instead, produce is sold in the previously state-run farmers market and consumer goods are sold in a huge open-air street market each weekend. Very few of the articles sold are made in Armenia, most are transported through the two small borders that are not closed.

Armenia is the oldest Christian country in the world and has preserved many, many of its antiquities and historic places. On weekends, I would

hire a car and driver and go up in the mountains to the ancient monasteries or to Lake Sevan, a great resort in communist days.

The people are very intelligent, well-educated and imaginative. When the power is off, most families hook a small TV up to a car battery for entertainment and news. When I asked, "Are you better off now or under communism?" I was disappointed, but not surprised, to be told that life for most was much better when the government was in charge and personal freedom was limited. Libraries no longer are stocked with shipments from Moscow, factories no longer arrange workers' vacations on the Black Sea, salaries are minuscule, and unemployment is extraordinarily high. The museum to the Armenian holocaust is closed because there is no electricity for the lights; automobiles rush helter-skelter down six lane thoroughfares because the street lights are without power.

My five weeks in Armenia slipped by very quickly, leaving me with a sense of exotic bewilderment about the variety and nature of experiences that were packed in this adventure. Leaving behind a fifty page plan for developing a parliamentary library did not bring closure to this project; I still find myself clicking into the Armenian web-site just to check out the English language headlines for the week and hoping that I will find something that lets me know that conditions are improving for the hospitable people I found in that ancient land.

Carol West is a director of HCBA and is a Professor of Law at MC School of Law.

Congratulations

Congratulations to HCBA member Reuben Anderson, who will serve as the President of The Mississippi Bar. His term begins in the summer of 1997.

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CLE Calendar of Events

April 17
Federal Practice and Procedures.
UM. 601-232-7282

April 18
**Small Estates Seminar: Structuring
& Administering the Non-Taxable
Estate.** MC School of Law. 925-7173

April 19
Nursing Home Law in MS.
NBI. 715-835-7909

April 20
**Computer and Internet for Small
Offices.** MS Oil & Gas Lawyers
Assn./MS Assn. of Petroleum
Landmen. 948-6800

April 23
School Law Issues in MS.
NBI. 715-835-7909

April 24
Tax Aspects of Divorce in MS.
NBI. 715-835-7909

April 25
**Basic Probate Procedures &
Practice in MS.** NBI. 715-835-7909

April 26
**Fundamentals of Chapter 13
Bankruptcy.** UM. 601-232-7282

**Counseling the Small Business
Client in MS.** NBI. 715-835-7909

May 3
**Second Annual MS Tax Law
Conference.** UM. 601-232-7282

Child Advocacy. MS Bar Young
Lawyers Division. 948-4471

May 10
Real Estate Law Seminar.
MC School of Law. 925-7173

**Fifth Annual Federal Practice
Institute.** MS Chapter of the Federal
Bar Association. 949-4709

May 15
Evidence in Trial Practice in MS.
NBI. 715-835-7909

May 17
Hot Tips Seminar. MS Bar Family
Law Section. 948-4471

HCBA Calendar of Events

April 16
HCBA Membership Meeting.
Noon. Capital Club

May 2
HCBA/JYL Law Week Dinner.
6:30. Primos Northgate

June 18
HCBA Membership Meeting.
Noon. Capital Club

August 20
HCBA Membership Meeting.
Noon. Capital Club

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ANNUAL MEETING

*Hinds County Bar Association
Jackson Young Lawyers Association, Inc.*

Invite you to join us during Law Week for an

EVENING HONORING THE JUDICIARY

May 2, 1996

Primos Northgate

6:30 Reception

7:30 Dinner

Special Guests:

Hinds, Madison & Rankin County

State & Federal Judges

Guest Speaker:

Ronnie Musgrove

Lieutenant Governor of Mississippi

RSVP

\$25 per person

Law Schools Release Class of '95 Employment Data

by David L. Trewolla

The Mississippi College School of Law and University of Mississippi Law Center have released a variety of informative statistics about postgraduate employment of each school's Class of 1995. This data is not available until at least six months after graduation because of student involvement with bar examinations and job interviews. The following breakdown, arranged by percentage of students employed in specific areas of practice, applies to 109 law graduates of Mississippi College and 181 graduates of Ole Miss comprising the Class of 1995.

PRACTICE AREAS

	Mississippi College School of Law	University of Mississippi School of Law
Private Practice	67%	59%
Business & Industry	5%	9%
Government	5%	7%
Judicial Clerkship	13%	9%
Public Interest	0%	3%
Military	2%	0%
LL.M.	8%	5%
Unidentified or Non-Legal Profession	0%	8%

The majority of those entering private practice are working in firms comprised of two to ten (2-10) lawyers. Only 4% have "hung out the proverbial shingle" as solo practitioners.

Although these graduates have primarily located in Mississippi and other Deep South states, the following is a more detailed analysis of their geographic locations pursuant to guidelines of the National Association of Law Placement.

EMPLOYMENT AREAS

	Mississippi College School of Law	University of Mississippi School of Law
New England (CT, ME, MA, NH, RI, VT)	2%	<1%
Middle Atlantic (NJ, NY, PA)	0%	0%
East North Central (IL, IN, MI, OH, WI)	6%	<1%
West North Central (IA, KS, MN, MO, NE, ND, SD)	5%	<1%
South Atlantic (DE, DC, FL, GA, MD, NC, SC, VA, WV)	15%	7%
East South Central (AL, KY, MS, TN)	64%	86%

West South Central (AR, LA, OK, TX)	5%	5%
Mountain (AZ, CO, ID, MT, NV, NM, UT, WY)	2%	<1%
Pacific (AK, CA, HI, OR, WA)	1%	0%

Perhaps of more interest, the average starting salary for graduates entering private practice and industry is \$35,000, and for those entering the public arena is \$32,500. Salaries range from a low of \$12,000 to a high of \$65,000. Considering the national trend toward private firm and corporate personnel reductions in an ever tightening marketplace for law graduates, the above statistics reflect highly upon the product generated by Mississippi's law schools.

To enhance opportunities for their graduates, both law schools again held a regional job fair on the Mississippi Gulf Coast in March 1995. Career Services Directors Joyce Whittington of Ole Miss and Peggy Brown of Mississippi College are discussing methods to attract more employer firms before committing to a 1996 job fair. Firms interested in participating are encouraged to contact Joyce and Peggy with their suggestions for improving this event.

The Hinds County Bar Association extends its congratulations and best wishes to the 1995 graduates and cordially invites for membership those graduates who have located in the Jackson area.

David Trewolla is a member of the HCBA Editorial Board and an attorney with Dogan & Wilkinson, PLLC.

February Membership Speaker



Chief Justice Dan M. Lee (center) was the speaker at the February HCBA Membership Meeting. He is pictured with HCBA President Marcus Wilson and Program Chairman Trip Barnes.

HCBA Committee Preference Survey

Committees are vital to the programs and activities of the HCBA. Committee effectiveness depends on the selection of interested, experienced, and capable members. Bar Committee work is an excellent way to do your part in promoting the profession. Committees meet regularly and a free lunch is provided. Please assist us by completing the questionnaire and returning it by May 1, 1996.

T. Harris Collier, III
President-Elect

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

- | | |
|---|---|
| <input type="checkbox"/> Alternative Dispute Resolution | <input type="checkbox"/> Library Services |
| <input type="checkbox"/> Bench & Bar Relations | <input type="checkbox"/> Long Range Planning |
| <input type="checkbox"/> Black Lawyer Involvement | <input type="checkbox"/> Membership |
| <input type="checkbox"/> Budget & Finance | <input type="checkbox"/> Newsletter Editorial Board |
| <input type="checkbox"/> By-Laws | <input type="checkbox"/> People's Law School |
| <input type="checkbox"/> Child Advocacy | <input type="checkbox"/> Program |
| <input type="checkbox"/> Continuing Legal Education | <input type="checkbox"/> Small Firm Practice |
| <input type="checkbox"/> Golf Tournament | <input type="checkbox"/> Tennis Tournament |
| <input type="checkbox"/> Law Related Education | <input type="checkbox"/> Women in the Profession |
| <input type="checkbox"/> Lawyer Referral | <input type="checkbox"/> Suggested new committees: |
| <input type="checkbox"/> Legal Economics | _____ |
| <input type="checkbox"/> Legal Problems of Homeless | _____ |
| <input type="checkbox"/> Legal Secretary Placement | _____ |

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

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

Name _____

Firm/Agency _____

Address _____

City _____ State _____ Zip _____

Telephone (Business) _____ (Residence) _____

Mail to: Patricia Evans
151 E. Griffith
Jackson, MS 39201

Cut on dotted line, fold, and return.

1996 People's Law School



Several of the committee members who served on the 1996 People's Law School include Stephen Leech, Keith Foreman, Marcus Wilson, Chairman Peter Doran, Patricia Bennett and John Henegan. The program which ran four Tuesday nights was financially assisted by the Interest on Lawyers Trust Accounts Program of the Mississippi Bar Foundation, Inc.

UNTIL NOW, TITLE COMPANIES WERE ABOUT AS EASY TO COMPARE



These days, a lot of title companies claim to be financially sound. But too often, what they promote are isolated ratios and statistics that are not a true measure of financial strength. In fact, they are often misleading.

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Ask another title company for their rating from Standard & Poor's. If they don't have one, ask why, then call Mississippi Valley Title.

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Law Firm Updates

■ **Byron T. Hetrick**
Attorney at Law
P. O. Box 3407
Jackson, MS 39207-3407
601-969-7090
601-353-4128 (Fax)

Byron T. Hetrick, Attorney at Law, is pleased to announce the relocation of his office to 744 Poplar Boulevard, Jackson, Mississippi 39202.

■ **Spivey & Spivey**
141 East Center Street
P. O. Box 8
Canton, MS 39046
601-362-4600 (Jackson)
601-859-5258 (Fax)
601-859-5251 (Canton)

Lloyd G. Spivey, Jr. and Daniel S. Spivey are pleased to announce their association for the general practice of law, located at 141 East Center Street, Canton, Mississippi 39046.

If there are law firm updates you would like to have in the newsletter, send them to: HCBA/Newsletter, 151 East Griffith St., Jackson, MS 39201.

HCBA Luncheon Meeting

The HCBA luncheon meeting at 12:00 noon on April 16 will feature a panel discussion entitled "The Way Things Are and the Way They Ought to Be." Panel members include Warren Ludlam, James Child, Jr., James Becker, Martha Gerald, and Erskine Wells. The moderator will be James L. Robertson. Please join us for this reminiscence of Jackson's legal community by seasoned attorneys.

STEP 2 - Fold on dotted line and tape above to seal mailer.

Patricia Evans
151 E. Griffith
Jackson, MS 39201

Place
Stamp
Here

STEP 1 - Fold on dotted line.

On Computing

by Joel Howell

QUO VADIS: THE INTERNET

Back in the '60's, when some of us were into flowers, love beads, and bell bottoms, the military and NASA began to get serious about information transmission in the event of national emergency.

This "internetworking" was begun by The Advanced Projects Research Agency (ARPA), later known as DAPRA (Defense Advanced Projects Research Agency). To allow different computers to connect and transfer data readily, a protocol of conventions had to be developed to allow handshaking. This development led to a communications suite known as TCP/IP (Transmission Control Protocol/Internet Protocol). Try that on your system administrator and impress him/her with your new-found knowledge.

Time passed, and virtually every large university became a part of this interconnection of networks, which by the 1970's had become known as The Internet. Today, fortunately, we end users can be more concerned with what network provider. As noted last time, your choices are between the national services (America Online, Compu-Serve, Microsoft, etc.) or local providers (Meta3 is a good one).

In earlier days, software control was provided by a suite of Unix protocols in a character-based environment. Thanks to the graphical interfaces now available (since the advent of Windows for DOS and X Windows for Unix) through the Worldwide Web, navigation is far easier. Meta3 provides a copy of Netscape with their service, and some of the national providers supply proprietary software. In any event, you are far better off holding your nose and diving in as soon as possible.

SOFTWARE NOTES

As noted in my last article, WordPerfect has sold, by Novell to Corel. While Microsoft has long since

released its 32 bit-tuned version of Word for Windows95 (and several interim patches), WordPerfect has yet to release its like version. In fact, they anticipate shipping that release May 31, but there are not guarantees.

The advice from here: if you have or determine to stay with Windows 3.11 or Windows for Workgroups, stick with WP Win 6.1, but don't miss any chances to begin the learning curve to Word, particularly if you buy new equipment. Many dealers, such as Gateway or Dell, are bundling Word and the suite it is in with Windows95 on new systems: these represent excellent values.

While Unix has become even more refined with the introduction of SCO's Open Server5, Microsoft has upped the ante with its aggressive marketing of Windows NT, a true 32 bit operating

system. Those of you in larger offices may wish to consider this avenue if you are in the market for upgrading systems.

More next time. If you have questions, comments, or requests for topics coverage, drop me an email at 76616,1020@compuserve.com.

HCBA Election Results

Secretary-Treasurer
Mark A. Chinn

Director - Post 3
Margaret H. Williams

Director - Post 4
William R. Wright

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HCBA Plans to Compile a History

The Newsletter Editorial Board is seeking information about the formation and early years of the Hinds County Bar Association. The only charter on file with the Secretary of State's Office dates to December 1981. The minutes in the possession of the Executive Director of the HCBA are from the 1970s. The oldest newsletter in the association's files is dated 1982.

We believe the Hinds County Bar Association may not have been organized until 1932, at the same time as the enactment of the law creating the

"unified" Mississippi State Bar and requiring the membership of all lawyers practicing in the state. Before that legislation, at least from 1906 until 1931, the local or county bar associations were affiliated with the Mississippi State Bar, a voluntary organization, and each county had a representative serving as "vice president" of the State Bar.

HCBA records show that Leon J. Hendrick was Hinds County Bar Association president in 1932-33. There is no information dating before

1932, and nothing is known about the association during the years 1933 to 1936.

F. J. Lotterhos served in 1936-37. Ross R. Barnett was president two years from 1937 to 1939 and again for three years, 1947 to 1950. L. L. Posey presided in 1939-40, and William Harold Cox, 1944-45. All the presidents are listed on page two of the 1995 Pictorial Directory.

If any lawyer or firm has a file of minutes, committee reports, correspondence, photographs, or other information relating to the early days of the Hinds County Bar, please contact Linda Thompson, Editorial Board Historian, 987-4267, and share this resource with us. Telephone if you have any interesting anecdote from "olden times." We hope to put together a history for publication in the Newsletter.

New MC Law School Phone Numbers

Effective March 19, MC School of Law has new phone numbers:

Main Number	925-1700
Admissions	925-7150
Student Services	925-7106
Professional Services	925-7173
Office of the Dean	925-7105
Library/Reference Desk	925-7127



Mississippi College School of Law

Upcoming CLE Seminars

Planning and Administering the Small, Non-Taxable Estate
Thursday, April 18, 1996
Ramada Plaza Hotel
6 hours CLE

Eleventh Annual Real Estate Law Seminar
Friday, May 10, 1996
Ramada Coliseum
6 hours CLE
includes 1 hour ethics

Annual Medical Malpractice Seminar
Friday, June 21, 1996
Primos Northgate
6 hours CLE

For information, contact
William R. Townsend,
Assistant Dean
(601) 925-7173

McCullough Attends ABA Institute

Joining some 250 other emerging leaders of lawyer organizations from across the country at the American Bar Association's Leadership Institute, March 15-16, was John M. McCullough, secretary-treasurer of the Hinds County Bar Association. Also attending was Patricia Evans, HCBA executive director.

The Leadership Institute is held annually in Chicago for incoming officials of local and state bars and special constituency lawyer organizations. The seminar provides the opportunity to confer with ABA officials, bar leader colleagues, executive staff and other experts on the operation of such associations.

Various ABA entities briefed the participants on resources available from the ABA. Sessions were held on bar organization and management, justice system issues and communications techniques.

LRS - Hot Off the Press!

by Melissa J. Morgan, LRS Director

The HCBA Lawyer Referral Service has a new brochure! We are in the process of distributing the brochures in the tri-county area to several public buildings and offices, including but not limited to, local libraries, courthouses, bankruptcy court, social security administration.

The pamphlet sets forth the purpose of the LRS, telephone number and general information regarding our operation. Also included is the HCBA logo.

The new LRS brochure is an example of our continued attempts to market the LRS to the public in Hinds, Madison and Rankin counties. We will keep you posted with further marketing efforts!

Are you overwhelmed by
work-related stress,
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Linda A. Thompson
David L. Trewolla
Carol C. West

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
12:00 Noon, April 16

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

AUGUST 1996

President's Column

T. Harris Collier

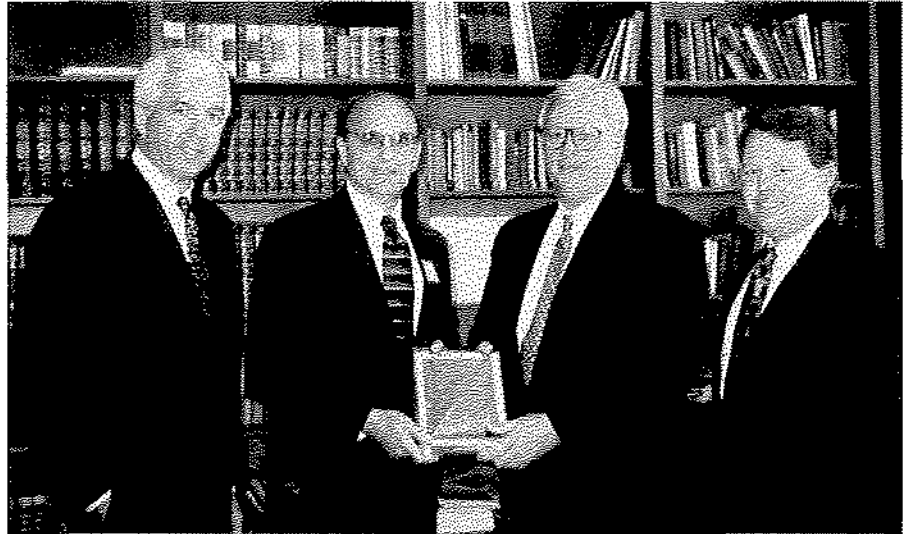
What's wrong with the criminal justice system? At the June meeting of the HCBA, City of Jackson Police Chief Robert Johnson talked about his efforts to improve the quality of police protection in Jackson. He also expressed his frustration with the District Attorney's office and the criminal court system. While not offering any solutions to the problem, he said that we should all accept responsibility for improvement in the system.

Recent news reports indicate that violent crimes are down. There are indications that juvenile crime is on the rise and will be with us for some time. Most members of the HCBA both live and work in the Jackson area; we must be prepared to offer whatever assistance is necessary to make the Jackson Metro area a safer place to live.

If you would like to be a member of the Lawyer Referral Service, please complete and send in the application found in this newsletter. The continued existence of the LRS depends on enrollment fees from panel members and contingency fees from referred cases.

Your golf committee has been busy preparing for this year's tournament. It will be held at Deerfield Country Club on Friday, August 23. Proceeds from the tournament will benefit the Mississippi Voluntary Lawyer Project. An application for participation is in the newsletter; call Mark Chinn, Kenny Griffis or Ben Piazza if you're interested in being a hole sponsor.

Peoples's Law School



Duane McCallister (second from left), Editor and Publisher of The Clarion-Ledger, was presented with a plaque for the paper's sponsorship of the People's Law School. Making the presentation were John McCullouch, HCBA President-Elect and a past People's Law School Chairman (left), and Harris Collier (second from right), HCBA President, and Pete Doran (right), 1996 People's Law School Chairman.

Central District Supreme Court Candidates

Voters in the Central District of Mississippi, which includes Hinds County and the Jackson metropolitan area, will cast ballots for two Mississippi Supreme Court seats November 5, 1996. Seven candidates, including incumbent Dan M. Lee, filed qualifying papers for Position 1 of the Central District. Judge Lee has indicated he will not seek reelection, although he has not formally withdrawn. This leaves the following six candidates, listed in alphabetical order: Billy G. Bridges, W. O. (Chet)

Dillard, H. Gerald Hosenmann, Leslie H. Southwick, William L. (Bill) Waller, Jr. and Ed Williamson. If no candidate wins a majority, a runoff election will be held November 19, 1996.

Two candidates have filed papers to run for Position 2 of the Central District. Incumbent Fred L. Banks will face a challenge by Ryan Hood. For more information on the candidates or the election, you may contact the Election Division of the Secretary of State's office at 359-6357.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

August 20, 1996

12:00 Noon

\$10.00

Capital Club

Boyce Holleman will be the speaker.

August Membership Meeting Speaker Boyce Holleman

Boyce Holleman received his Liberal Arts and Juris Doctorate degrees from the University of Mississippi and practices law with his sons, Tim and Dean, in Gulfport, Mississippi.

He was a decorated naval aviator in World War II on the U.S.S. Gambier Bay until his combat disability retirement as a Lieutenant Commander in 1946.

A member of the Mississippi House of Representatives for six years, he served as District Attorney for the Mississippi Gulf Coast for 19 years, and attorney for the Board of Supervisors of Harrison County, MS for 18 years.

A past president of The Mississippi Bar Association, Holleman has been

named as one of America's top lawyers in The Best Lawyers in America since 1987. He was recently honored by the City of Gulfport by the naming of the street that runs in front of the Harrison County Courthouse in Gulfport, "Boyce Holleman Boulevard."

A member of the Screen Actors Guild, he has appeared in a number of cameo roles in national television productions and movies.

Holleman is now in his 46th year of practicing law and lectures at legal seminars. He is also well known as an after-dinner speaker who blends humor with inspiration.

He resides in Gulfport, Mississippi, with his wife, Annie Louise, and has four sons and two daughters.

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Tom S. Lee United States District Judge

by William A. Pyle

Basic Information

Honorable Tom S. Lee
United States District Judge
Southern District of Mississippi
245 East Capitol Street, Suite 110
Jackson, MS 39201
Telephone: (601) 965-4963
Court Room Deputy: Gwen Bryant
Secretary: Jo Wall
Law Clerks: Caren Peters and Dave Fulcher. (Dave Fulcher will leave in August, 1996 and will be replaced by Diane Coxwell.)
Spouse: Norma Ruth Robbins Lee
Children: Elizabeth Robbins Lee and Tom Stewart Lee, Jr.
Born: 1941

Background

Professional excellence and a strong tradition of service to the bench and bar are traits that run deep in the Lees of Scott County, Mississippi.

Judge Lee's father, the late Percy Mercer Lee, Sr., and Judge Lee's brother and former law partner, Roy Noble Lee, both served as Chief Justice of the Mississippi Supreme Court.

Continuing that tradition, Judge Lee finished first in his class at Mississippi College where he received his B.A. degree in 1963. He then went on to graduate cum laude from the University of Mississippi Law School in 1965. For his excellent work at the University, he was named the University's outstanding graduate for 1965.

Judge Lee practiced law in Forest, Mississippi in the partnership of Lee & Lee from 1965 until 1984 when President Reagan appointed him to the bench of the United States District Court for the Southern District of Mississippi.

Operation of Court

Motions

In regard to motion practice, Judge Lee noted that most motions submitted to him were decided on the basis of the attorney's submissions. Oral argument is the exception rather than the

rule. In making submissions on legal issues, it is helpful to the Court for the attorneys to submit highlighted copies of case authority relied upon by counsel.

Law Clerks

Lawyers have called the law clerks to request advice on what to do in regard to procedural matters. Judge Lee takes the position that this is a request for an advisory opinion and the law clerks are not permitted to advise attorneys on how to proceed with their case.

Opening Statements

Judge Lee noted that from his observation of trials, many lawyers fail to take full advantage of their opportunity to make an opening statement. While the opening statement cannot be argument to the jury, the attorney can make detailed representations as to what the proof will be. This affords the attorney an important initial opportunity to present the outline of his case.

Experts

Pursuant to the Daubert case, the Court is under an enhanced obligation to screen the relevance and reliability of expert testimony. Counsel offering expert witnesses need to be prepared to meet the requirements established by the United States Supreme Court in that case. [Note the Federal Judicial Center's Reference Manual on Scientific Evidence (West Publishing 1994, 637 pages, price \$12.50) is a good reference on these issues.]

Professionalism

The Court insists on civility and professionalism by attorneys. Attorneys can be aggressive in presenting their cases without losing the element of civility towards opposing counsel and the Court.

Voir Dire

Attorneys are permitted supplemental voir dire. This is limited to

questions which the Court does not cover in the Court's initial voir dire of the jury panel.

Instructions

On the first day of trial, counsel for each party submit suggested instructions. During the trial, Judge Lee and his Law Clerk prepare a full set of instructions. At the conclusion of the presentation of evidence, a conference is held with counsel. The conference begins with a discussion of Judge Lee's tentative instructions. These instructions will cover all issues in the case. Counsel are permitted to suggest additions or revisions of those instructions. However, Judge Lee has found that few changes are requested.

Judge Lee will instruct the jury before final argument. Further, a copy of the instructions will be given to the jury to use in the course of their deliberations.

Lawyer's Evaluation

The Almanac of the Federal Judiciary, Volume 1, published by Aspen Law & Business, reports the following comments from attorneys who have practiced before Judge Lee:

"Lawyers praised Lee for his intellect, courteousness and trial management skills. Lawyers said Lee has excellent legal abilities. 'He is the finest U.S. District Judge in the United States. He should be on the Supreme Court.' 'I have the highest regard for him. I think he's tops on intelligence. He writes well and cuts through to the point.' 'He is by far the most excellent judge over there. He has superb legal ability and comes from a long line of lawyers. His legal ability is outstanding.' 'He may be the best legal scholar on the bench. He's more academically-oriented.' 'Probably if Mississippi has ever had a better, more qualified judge than Tom Lee, I don't know who it was. He works so hard and he's so bright and he has so much courage.' 'He's the best of the best. His legal ability is beyond excellent.' 'He's just a superb judge and probably one of the

continued on next page

June Membership Speaker



Chief of Police for the City of Jackson, Robert L. Johnson, was the speaker at the June Membership Meeting. He is pictured with Trip Barnes (left), HCBA Program Chairman, and Harris Collier (right), HCBA President.

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Tom S. Lee

continued from previous page

best in the country.' 'He's the best judge in this district by far. He's fair, evenhanded and patient. He's very smart and prompt.' "

"Lawyers see Lee as polite to lawyers and litigants. 'He's probably one of the most cordial judges that I have ever seen. He has a very nice personality.' 'He's very pleasant.' 'His demeanor, is to me, perfect. He's a very unassuming and a very nice person.' 'He's unfailingly courteous...'

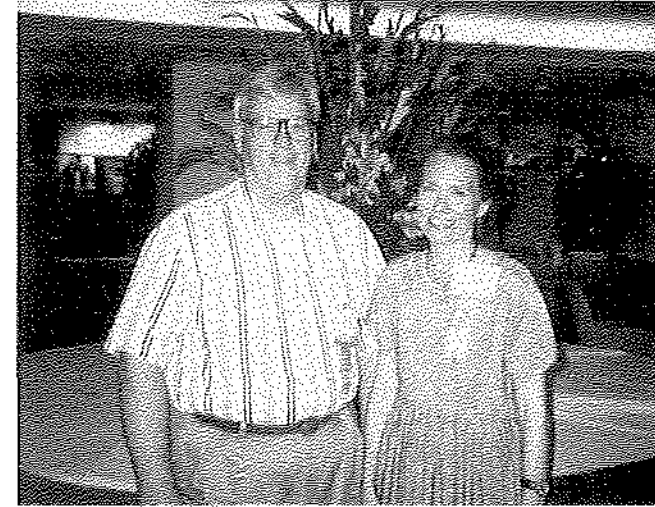
"Lawyers said Lee is an excellent trial judge. 'He's low-key and a real Southern gentleman. But he may get riled up and doesn't put up with any foolishness.' 'He will let the people try the cases and he's fair with them. And once you've done that, he's not afraid to rule.' 'He's a good solid, trial judge.' 'When a lawyer walks into his office whether on routine motion or a big trial, he's read every line on every document -- or you certainly believe he has. The only thing wrong with that, is that he expects you to be as prepared as he is. He doesn't have much patience with that, because he is prepared. He's a really outstanding judge.' 'He's probably one of the finest trial judges in the U.S. for all that that means in terms of fairness, ability and management skills -- whatever -- you name it, he has it.' 'He has a good reputation and he has no peculiarities in trial. The book on him is that he's pretty straightforward and it's true.' "

"Civil lawyers pegged Lee as a conservative-to-moderate. 'I'd say he's conservative-to-moderate.' 'If he has any leanings, I think it is toward the defense in personal injury litigation, but he is unaffected by any kind of prejudices.' "

"Criminal defense lawyers said Lee is fair during trial, but a tough sentencer. 'He's very good in criminal cases.' 'He's probably the smartest judge in Mississippi, but he's hell on criminal cases in sentencing.' 'He tries to be very fair and does not lean toward the government, but he will sentence your defendant. You don't want to get convicted in front of Tom Lee.' "

Mr. Pyle is President of Pyle, Dreher, Mills & Dye, P.A.

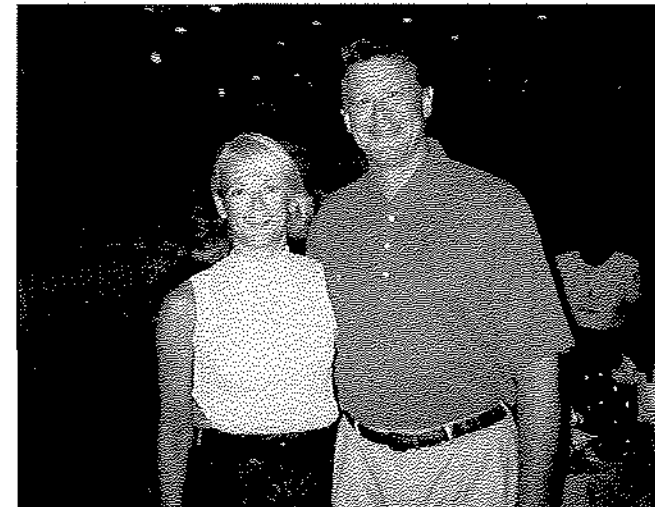
HCBA Members Enjoy the Mississippi Bar's Annual Meeting at Destin



HCBA President Harris Collier and former President Judy Johnson.



Left to right, Pete Doran, Linda Thompson, Dan Hise, and Claire Porter.



HCBA member Mark Chinn, recipient of the Mississippi Bar's prestigious Award of Merit, and his wife, Cathy.



Left to right, Dean Richard Hurt, Trip Barnes, and Bill Townsend.

Anyone interested in attending a meeting of the Domestic Relations Inn of Court may do so at the next scheduled meeting, on September 25, 1996 at 12:00 noon at the Capital Club. The Inns of Court movement is a select group of lawyers and judges dedicated to meeting socially and for education to foster civility and competence in the Bar. The cost of lunch is \$15.00. Please forward your lunch payment (made out to Domestic Relations Inn of Court) to Chinn & Associates, Post Office Box 13483, Jackson, Mississippi 39236 by September 20, 1996. For more information about the Domestic Relations Inn of Court, call Mark Chinn at 366-4410.

CLE Calendar of Events

October 25
Criminal Law Seminar.
 MTLA 948-8631

November 20-21
Individual Income Tax - 1996 Laws.
 MS Association of Public Accountants. 1-800-321-1276

HCBA Calendar of Events

August 20
HCBA Membership Meeting.
 Noon. Capital Club

August 23
HCBA Golf Tournament.
 Noon. Deerfield Country Club

September 19
George Street Social. 5:30-7:00.
 George Street Grocery

October 15
HCBA Membership Meeting.
 Noon. Capital Club

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Women in the Profession... Inventing Change
 Fri., Sept. 20 & Sat., Sept. 21, 1996
 Old Waverly Club, West Point, MS
 6 hours CLE

Tenth Annual Bankruptcy Law Seminar
 Friday, September 27, 1996
 MS Sports Hall of Fame, Jackson
 6 hours CLE
 includes 1 hour ethics

Annual Workers' Compensation Seminar
 Thursday, November 7, 1996
 Ramada Coliseum
 6 hours CLE

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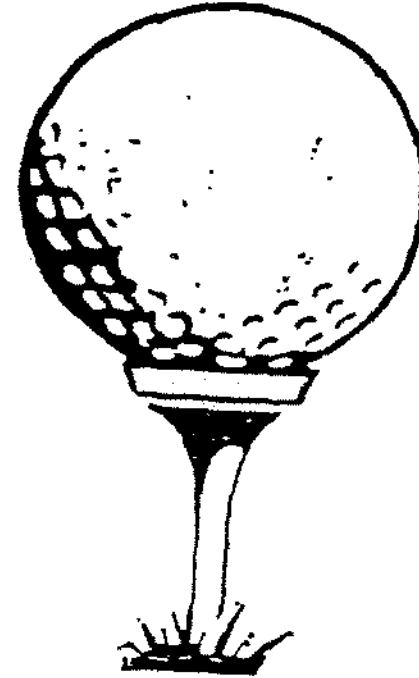
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4th Annual

Hinds County Bar Association/ Jackson Young Lawyers **Golf Tournament**

Friday, August 23, 1996

Shotgun tee off: 1:30 p.m.

Hamburger Buffet 12:00 noon

Deerfield Golf Course

All proceeds from the tournament will go to

HCBA/JYL Mississippi Volunteer Lawyers Project

4 Person Scramble
 Limit 116 Persons

Only \$75 (Includes Lunch and Post-Tournament Cocktail Party)

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GREAT FUN!

REGISTRATION FORM REGISTRATION DEADLINE AUGUST 20, 1996

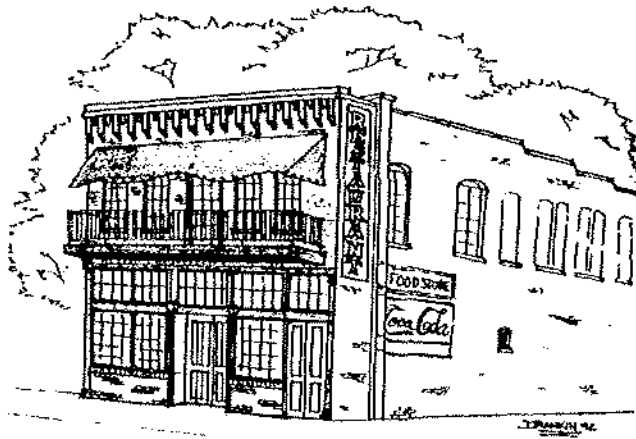
Name _____ Your Handicap _____

Address _____ Team Members _____ Handicap _____

Phone _____

Each competing "4" some must have a combined handicap of at least 40 or more with only 1 member having a handicap of 10 or less.

Send checks payable to: Hinds Co. Bar Assn., c/o Karla Peirce, P.O. Box 24627, Jackson, MS 39225-4627.
 For more information call Karla at 969-9692.



Join the Hinds County Bar Association
 for an After Hours Social at
 George Street Grocery
 Thursday, September 19, 1996
 5:30 - 7:00 p.m.

Open Bar • Hors D'oeuvres • Spouses Invited
 Please mark your calendar as individual invitations will not be mailed.

□ 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
12:00 Noon, August 20

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

DECEMBER 1996

President's Column

T. Harris Collier, III

It's hard to believe that my term in office is more than halfway over. At a conference I attended as President-Elect, taking over as President was aptly described as jumping on a fast-moving freight train. With nearly 1100 members and 18 committees, the first part of my term has been a real challenge.

Your HCBA Committees continue to be active. The Women in the Profession Committee, along with the MS Bar Women in the Profession Committee, have begun making plans for next year's Evelyn Gandy Lecture

Series Seminar. It is tentatively scheduled for the third weekend in October, 1997 at Old Waverly.

The Peoples Law School Committee has scheduled its seminars for the public on the last two Tuesdays in March and first two Tuesdays in April, 1997. Times and locations will be announced later. The CLE Committee continues to meet and make plans for a CLE seminar to be held during the Spring.

The Goff Committee (which seems to have a life of its own) has begun making plans for next summer's HCBA/JYL tournament.

As most of you know, Judge William Coleman, Hinds County

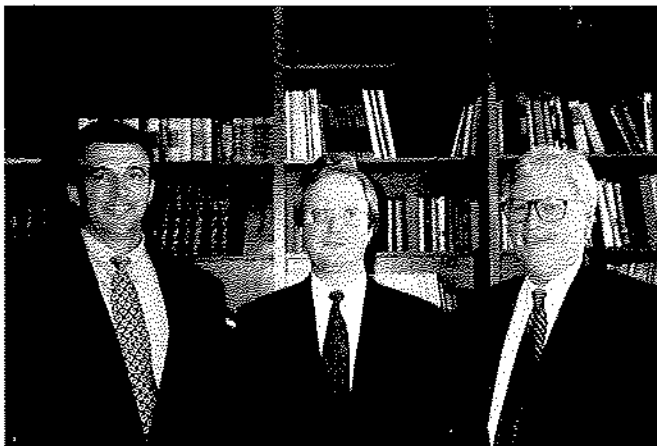
Circuit Judge, has announced his retirement for December 31, 1996, after 20 years on the bench. I have enjoyed knowing Judge Coleman and appreciate his dedication and professionalism. The HCBA hosted a reception for Judge Coleman on December 19, at the Capital Club. Hope you were able to attend.

The HCBA Christmas Social was held on Thursday, December 5, at the MS Bar Center and was very well attended.

I hope you will take time from your busy schedules to enjoy, and remember the reason, for the season.

Happy Holidays!

HCBA October Membership Meeting



Brad Pigott, U.S. Attorney for the Southern District of Mississippi, was the speaker at the October Membership Meeting. He is pictured with Trip Barnes, HCBA Program Chairman, and Harris Collier, HCBA President. (Article on Page 7.)

1996-97 HCBA Officers and Directors



Serving as 1996-97 HCBA Officers and Directors are: (seated) T. Harris Collier, III, President; John M. McCullough, Vice President and President Elect; (standing) Margaret H. Williams, Keith D. Obert, William R. Wright, Directors; Marcus M. Wilson, Past President; Alveno N. Castilla, Director. Not pictured are: Mark A. Chinn, Secretary-Treasurer; Albert D. Malone and Lynn R. Risley, Directors.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

There will not be a Hinds County Bar Association Luncheon Meeting in December.

The next meeting will be held on February 18, 1997.

HCBA Calendar of Events

February 15
Election Ballot Deadline

February 18
HCBA Membership Meeting,
Capital Club. Noon.

March 18
People's Law School.

March 25
People's Law School.

April 1
People's Law School.

April 8
People's Law School.

April 15
HCBA Membership Meeting,
Capital Club. Noon.

May 1
Annual Judges Dinner.
Primos Northgate. 6:30 p.m.

CLE Calendar of Events

January 11
Reimagine the Law.
MS Bar. 601-232-7282

January 17
Workers' Compensation / Social
Security.
MTLA. 948-8631

Probate Fundamentals: How to
Draft Wills & Trusts in MS.
UM-CLE. 601-232-7282

January 23
MMA Mid-Winter Seminar.
UM-CLE. 601-232-7282

January 30
Annual Medical Malpractice.
MS School of Law. 925-7173

February 21
3rd Annual Mississippi Real Estate
Transactions.
UM-CLE. 601-232-7282

February 22-23
Life Lawyering and the Pursuit of
Happiness Communication
Workshop.
948-4471

March 12
Summary of Recent Mississippi
Law.
Abbott & Weems. 601-234-6956

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Mississippi College School of Law

Upcoming CLE Seminars

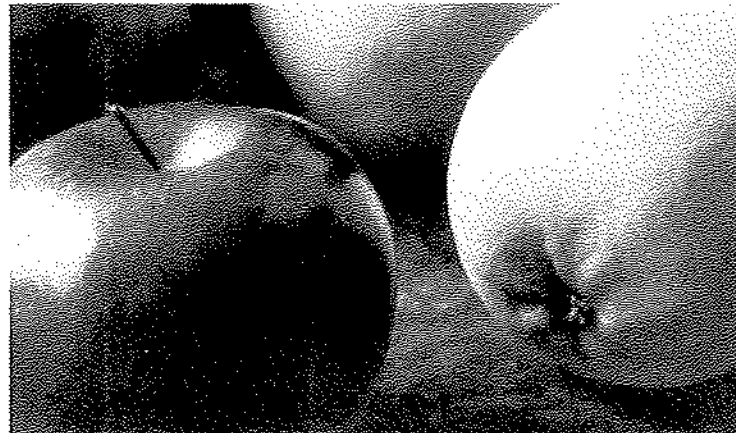
Annual Labor and
Employment Law Seminar
Thursday, February 13, 1997
Ramada Plaza Hotel
6 hours CLE

Seventh Annual
Business Law Seminar
Thursday, March 20, 1997
Ramada Plaza Hotel
6 hours CLE

Annual Medical
Malpractice Seminar
Friday, April 25, 1997
Site to be announced
6 hours CLE

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Law School News

by Carol West

OLE MISS

It was a dreary afternoon just before Thanksgiving when I called Acting Dean Bill Champion at the Ole Miss Law School. "We want to do a HCBA Newsletter column on law school activities," I said, immediately after telling him what a good choice I thought he was to serve as interim dean. "You can write that we are hoping to have a new dean in this position by the first of July," he responded with characteristically dry wit.

He went on to tell me that the law school's sabbatical visit by the American Bar Association / Association of American Law Schools is already scheduled for Spring of 1998. Associate Professor Ron Rychlak has been appointed chair of the Self Study Committee and the committees that will be part of the activity have been organized.

I commented that a difficult election choice is being presented by the ballot that pits Professor Guthrie T. Abbott against alumnus Cham Trotter

for the top spot in The Mississippi Bar.

Moving into the job of Acting Associate Dean for Administration is Sandra Cox McCarty, who I pointed out is an MC law alumnae. Recent graduates will remember that Sandra moved to this new slot from a position in the law library.

Professional Larry Bush has just returned from his most recent foray into the former communist republics. This time he spent a week in Rumania consulting on labor law.

MISSISSIPPI COLLEGE

Earlier in the semester, I made a similar phone call to my dean, J. Richard Hurt. He reminded to mention that Professor Scott Norberg has moved down to the Dean's Suite to serve as Associate Dean. He replaced Professor Sid Moller, who has returned to full time teaching.

New to the MC faculty this year is Assistant Professor Todd Zywicki, a University of Virginia Law School

graduate. He did his undergraduate work at Dartmouth College and has a M.A. from Clemson. Immediately prior to his move to Mississippi, he was an associate with the Atlanta firm of Alston and Bird. He also has clerked for the Hon. Jerry E. Smith, United States Court of Appeals for the Fifth Circuit. His teaching will be in the business law area.

Professor Judith Johnson is heading the Consulting Group on Criminal Code Revision. The group of law professors, judges, prosecutors, public defenders, and private attorneys meets monthly to study proposed revisions to Mississippi criminal law statutes.

Professor Lee Hetherington returned this fall from a sabbatical spent in Nashville. Professor Bill Page was on sabbatical during the fall semester; he spent his semester in residence working on his scholarly activities.

Carol West is a Professor at Mississippi College School of Law and a member of the HCBA Editorial Board.

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On Computing

by Joel Howell

Random thoughts and comments...

Not so many years ago, when I got my first 300 baud modem, I spent countless hours discovering the nifty things that could be done with it and a simple terminal program. A couple of years after that, I thought, like the owner of the first Model T, that life could get no better than a 2400 baud modem with MNP Error Compression.

Now, should you want to surf the net, you will find it indescribably slow from any provider at a modem speed of less than 28.8 baud.

If you really wish to become dangerous, consider ISDN (or, to impress your friends, Integrated Services Digital Network) because a software download that would take a full hour at 28.8 baud would take less than 15 minutes, and you can positively become a silver surfer on the net.

By forewarned however, that it is not as simple as unplugging or replacing your old modem with a new one. To begin with, you will have to have your friendly local telephone company install an ISDN terminal adapter for \$200 to \$300, as well as installing an ISDN line or converting an existing line. Most exchanges in Jackson can be converted to ISDN, and BellSouth has charitably been waiving the service charge because once they have their hooks in you, they are in for good. By the way, the monthly charge alone for the ISDN line is going to be approximately \$60 to \$90, while still paying your internet provider, although most in the area offer unlimited access for \$19.95 per month.

Several months ago I noted that WordPerfect was for sale and subsequently noted that Corel had picked it up. Corel has a very extensive line of good art software, and has made a rather impressive commitment to WordPerfect. For example, if you had purchased one of their old WordPerfect Suites, they will give you a free upgrade to the WordPerfect Suite 7 for Windows, which includes:

WordPerfect; Quattro Pro; Corel Presentations; Corel Flow; a graphics program; Starfish Software Sidekick 95 and Dashboard 95; fonts; clip art; and tools for internet connections, including Netscape Navigator. By the way, Netscape and Microsoft were waging quite a war for net browsing supremacy (Version 3 of either will stand you in very good stead indeed).

Got a laptop or notebook computer yet? If not, wait a few months, as those meager 12 inch screens will be soon supplemented by 13 and 14 inch screens. Do not jump too quickly, though because the 10 and 11 inch

screens will provide ample viewing space and they are going to get a LOT cheaper with the new versions coming out.

If you are sufficiently technical, you may even wish to get a docking station and replace that computer by your desk (everybody has a computer by their desk by now, don't they?) so that you can become a true road warrior.

Questions or comments? Drop me an email at 76616.1020@compuserve.com. Happy holidays!

Joel Howell is a solo practitioner in Jackson.

Soul of the Law Discussion Group started December 6, 1996

Finding the practice of law frustrating lately? Join the SOTL Group to have fun -- a healthy alternative to relieve some of the frustrations. *The Soul of the Law discussion group*, inspired by a book by Benjamin Sello with same title, meets Thursday for lunch. There is no pressure of reservations or commitment. Lively discussions ensue whether the individuals have read the book or not! This is just for fun and relaxation.

The group started a new book *The Soul's Code: Character and Calling* by James Hillman on December 6, 1996.

Hillman explores the daemons of the soul's calling that must be honored in each of us through the exploration of "archetypes" or the universal expressions of community of soul and imagination. Hillman's book is an interpretation of the unconscious process which Carl Jung developed in his theory of "archetypes", a concept first named by St. Augustine.

The daemon of the soul is that thing which drives and compels us to rise above the ordinary and to seek the calling and passion of our souls. It is the force which rises from the earth, from the seasons, from the imagination. It is the code of the soul guiding us on our journey, leading us to be what we are to be. It is the thing which is the spirit of the law that continues to draw us back into the fray in the belief that justice will surface. It is the search for the Holy Grail.

It is Paulkner's belief that man will not only endure, but will prevail. It is the glue in the laminate. It is the cream in the tira mirsou of life. It is the archetypes within: eros and yearnings, instinct and religion, enlightenment and imagination. It is the things that demands of us community and civilization. It is the acorn which grows into the tall tree supported by the roots of character and calling.

To join the group call Betty Daughtery at the Mississippi Bar at 960-7593. *(Evidence of a soul is not required to join.)*

EDITOR'S NOTE: The following letter was found in the Mississippi College Law Library archives. H. V. Watkins founded what is now Watkins, Ludlam & Stennis, P.A.. This letter contains timeless advice.

H. V. WATKINS & RALPH B. AVERY

LAWYERS

815-816-817 Standard Life Building
Jackson, Mississippi

July 29, 1935

Mr. H. V. Watkins, Jr.
University, Mississippi

My dear Brother:

I am enclosing you herewith check for \$10.00, which I hope will be sufficient for your expenses this week. In your letter you wrote that you owed nothing except \$3.00. I hope you are right, but I thought you owed another installment of \$11.25 for board. I still hope you are right.

I do not know yet what I will recommend to mother about coming up on the 2nd. The tires on the car are rather thin. While they do all right around town on paved streets, I do not know what they would do on a 400-mile trip over gravel roads. In addition to this, the oil consumption is simply horrible. It would be necessary for mother and Frances to leave here the afternoon of the 1st, and spend a night in Oxford, and all in all I expect the trip would cost \$25.00, and while I do not want prudence to always be the deciding factor in every matter, prudence has to be my companion constantly at this time.

I want to congratulate you on the approximately 27 months of hard work on your law. I am grateful to you for the studious and gentlemanly habits and reputation which you have created. I am grateful to you for the economy with which you have acquired your education. I am grateful to the University of Mississippi for having made it possible for you to have received a professional education, because as conditions are now it would be impossible for me to have bought a professional education for you unless part of it had been furnished by the State.

I sincerely hope that when you come home that Ralph, M.A., you and myself will be so able to conduct ourselves that our friends will feel that we will well, properly, and promptly attend to all business entrusted to us to the extent that we may make a living for our respective responsibilities.

There are a few things which I would like to mention to you. I know that they are true. I know that they are trite. But the fact that any statement becomes trite shows that it is true, and it continues as a part of the general information and knowledge of mankind.

1. The law is a jealous mistress. It demands constant, laborious work. It does not permit side lines. I admit that the law gives opportunities for side lines, which may be profitable, but to the extent that you engage in the side lines you take away something from yourself as a lawyer.
2. In the practice of law you handle other people's personal and business secrets. They are not secrets in the intention of concealing something that is wrong. They are secrets in that they are personal and confidential. Your clients may put out any information about their business that they want to. You can put out none.
3. In the practice of law you will handle other people's money. After practicing law 30 years, I tell you that this is the testing point of a man's character. Do not mix client's money with your money. The very day that you collect money belonging to a client, turn it over to him, taking out your fee when you turn it over to him. If there is going to be any delay in turning the money over, from whatever cause, go put it in a bank to a special account, and wait for bread before you attach it for any other purpose.
4. Do not procrastinate. Attend to each piece of business which you are furnished, giving it prompt and proper attention. Read the letters which you receive with great care. Be exceedingly careful to get the facts. After you get the facts, find out the law on the case as made by these facts.
5. Treat your clients with courtesy, honesty, and diligence. Treat your opponents fairly, openly and as a good sportsman. Always uphold the law. Be courteous and respectful to the Courts.
6. Get along with people. Do not carry chips on your shoulder. A thousand courtesies will be paid to you for every offense that you receive. Do not let the one offense spoil the effect of so many courtesies. Do not let other people's bad dispositions or discourtesies, or hard words shake you from a good-natured tolerance. Tolerance is a great virtue.
7. Keep your mind and your hands off of other women. There are many foolish men in the world on this subject and some foolish women. You are about to be married. There is no maximum to the amount of faithfulness that you will owe.
8. Do as little business with your relatives as possible. Go hungry before you borrow money from a relative. If you need money do not borrow from a relative. Do not borrow or lend to a relative. If a deserving relative needs help, and you have the money to help him within moderation, do so but not as a loan. As a loan you will lose money and the friendship of the relative both.
9. Do not get in debt. A man in debt is a slave. I have been a slave all of my life. Do not buy anything you cannot pay for. Do not buy on 30 days' time even. If you, however, can pay for it in 30 days, wait 30 days before you buy it, and pay for it in cash.
10. Do not go surety upon any bond for any friend. Do not endorse any note for any person or corporation, which you may be interested in.

see Timeless Advice on page 6

Handling Domestic Abuse Cases

by Tammy G. Harthcock

You are sitting in your law office one cold winter day. A woman bursts in the door, obviously very frightened, with no shoes or coat. You quickly find out that she has fled in terror from her abusive husband, who was brandishing a knife and threatening her life. What do you do besides give her legal advice?

Connie Jones, an attorney in private practice in Brandon, can tell you. For some time, she has handled situations just like this one. I turned to her for advice for new attorneys and reminders for experienced attorneys in the area of domestic violence. From a legal standpoint, the primer for attorneys is the *Guide to Women's Legal Rights in Mississippi*. This guide is available for purchase through the Mississippi Bar for \$16.00. It is a significant source of information, covering such areas as general domestic relation laws, housing and tenancy laws, public benefits, finances, etc.

Another good legal resource is membership in the Domestic Relations Section of the Mississippi Bar. As a member, you will come into contact with some of the leading experts in this field. These members can be part of a valuable support network for advice and assistance.

A must for every attorney's Rolodex is the phone number for the Resource Center Network's 24-Hour Crisis Line (1-800-266-4198). The Resource Center Network ("RCN") provides shelter, counseling and support services for victims of domestic abuse. These services are available to anyone involved in spousal abuse, child abuse, sibling violence, violence by a child against a family, and violence against elderly family members. Some of the no-cost services include the crisis line program, shelter, step-down housing, professional counseling and therapy programs, a teens-in-crisis program, a child-care program, a

court advisory services program, and many other valuable programs. The court advisory services program provides therapy evaluations and early intervention into domestic violence/abuse situations prior to the court actions.

According to John Kendrick, Associate Director of RCN, if a family is having difficulties, the sooner the family gets good counseling services, the less you will see them in your law office and in the court system. One final piece of advice from Ms. Jones: Think very hard about practicing in this area, because you will be involved in your clients' lives. If you do decide to practice in the area, it can be tremendously gratifying to be able to use your law degree to help people in this area.

Tammy Harthcock is a Senior Attorney with the Mississippi Secretary of State and is chair of the HCBA Women in

Timeless Advice

continued from page 5

11. Live economically and prudently financially. Save money for sickness, old age and disaster, which are bound to come.
12. Out of every month's earning save something. Make it a rule to open up a savings account and put into it at least 10% of every month's earnings.
13. Take out a reasonable amount of life insurance, but not too much. I took too much. I think that \$5,000 would be enough now.
14. I would make all of the contacts through the Church, the Lodges and the Clubs possible, taking into consideration what you can afford to pay as dues.

I want you to consider the need of mother, of any of your brothers or sisters if time should be kinder to you than to them. I want the family group preserved as far as it is possible to do so.

Yours very sincerely and affectionately,
Daddy

HCBA October Membership Meeting

Brad Pigott, United States Attorney for the Southern District of Mississippi, was the program speaker for the October meeting of the Hinds County Bar Association. Mr. Pigott's address focused on the Federal False Claims Act, which provides for damages and civil penalties against any person who, directly or indirectly, makes a false claim for money or services against the federal government or any recipient of federal money. The False Claim Act authorizes *qui tam* or private attorney general actions by private citizens to prosecute violations of the Act. The local United States Attorney has the option to join any private actions under the Act.

A "whistleblower" or anyone filing a *qui tam* action which is based on information of false claims otherwise unknown to the Government and not otherwise disclosed in the media is entitled to a personal recovery of 15%-25% of any award of damages and penalties. Examples of *qui tam* actions include an \$88 million recovery against a defense contractor in

Utah based on information provided by a former machinist that the contractor was filing false certificates of inspection of military parts and recovery of \$27.6 million against a state Blue Cross Insurance Company based on information from a former auditor that the company did not do required audits of hospital costs before certifying Medicare payments to hospitals.

Pigott reports that his office has several False Claims Act cases pending in the Southern District of Mississippi, including suits against a government contractor who billed the United States for payments paid to

foreign consultants to help the contractor obtain foreign contracts and a suit against a defense contractor who certified torpedo parts as being tested when there was no testing actually done. Another suit involved claims by a private physician, who, if he had done everything he certified as done in his claims, would have been working 56 hours in a day.

Pigott pointed out that federal spending in Mississippi last year amounted to \$14 billion -- the total aggregate value of the Mississippi economy was \$50 billion. For each \$1 spent on welfare in Mississippi, \$19

Bar Exam Results

The Mississippi Board of Bar Admissions announced the following statistics for the Bar Examination administered on July 29-31, 1996.

One hundred ninety-two achieved passing results on the examination. One hundred eighty-nine who passed the general three-day test were certified for admission. One hundred fifty-four of the candidates were graduates of either Mississippi College or Ole Miss. Of those, one hundred forty four were successful, giving a passage rate of 93.5% for in-state graduates. Thirty eight candidates were alumni of out-of-state law schools. Of those, thirty-six were successful, giving a passage rate of 94.7%. The passage rate for applicants who had previously failed the Mississippi Bar Examination on

one or more occasions was 54.5%.

By comparison, last year's July bar examination had a passage rate of 82.6%, with 171 successful candidates. One hundred thirty five were from in-state law schools, with a passage rate of 84.4%; thirty-six were from out-of-state, with a passage rate of 76.6%. The candidates who had previously failed the examination passed at a rate of 54.4%.

In 1992, the Mississippi Supreme Court adopted a rule requiring attorneys seeking reinstatement to practice after disbarment to demonstrate their current competency by passing the Mississippi Bar Examination. One of the two disbarred attorneys seeking reinstatement was successful.

Evelyn Gandy Lectureship



Some of the participants in the 4th Annual Evelyn Gandy Lectureship this fall held at Old Waverly were: Susan Shands, Dencise Lott, Lydia Quarles, and Judge Lenore Prather.

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HCBA Nominations Announced for '97-'98

Marcus Wilson, chairman of the HCBA Nominations Committee, announces the following candidates for office for the coming year.

Secretary-Treasurer Harris H. Barnes III (Trip) T. Kenneth Griffis, Jr.	Director - Post 1 Mitzi Dease Paige Susan R. Tsimortos	Director - Post 2 Samuel C. Kelly Jeffrey P. Reynolds
--	---	--

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 15. The results of the voting will be announced at the membership meeting on February 18.

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

□ 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
There will not be an HCBA
Luncheon Meeting in December.
The next meeting will be held on
February 18, 1997

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

FEBRUARY 1996



President's Column

Marcus M. Wilson

Throughout Hinds County, Mississippi, and the nation, violence has become more common, vicious and random. According to some reports, it may get worse. The Council on Crime in America, chaired by William Bennett and former Attorney General Griffin Bell, warns that by the year 2000, a huge increase in the number of 14 to 17 year-old males will cause violent crime to spiral out of control. These adolescents, far more dangerous and violent than the generation before, will be, in the Council's words, "like teenage wolf packs."

In a recent article in the *Wall Street Journal* ("The New Criminal Class," *Wall Street Journal*, Jan. 24, 1996, at A12, col. 3), Charles W. Colson, founder and chairman of Prison Fellowship Ministries, cites the Council's report and writes about how the youths now jamming our prisons have changed. Colson describes these young criminals as cold, remorseless, and without conscience. He quotes a prison warden: "Ten years ago, I could talk to these kids about right and wrong. Now they don't know what I'm talking about."

All young people must learn about right and wrong, including deep respect for such fundamental character traits as honesty, self-discipline, work, faith, responsibility, compassion and courage. We must be encouraged by those who are learning and developing such character. They will inherit the leadership of our community in the

years to come. Many other youth, however, are in the sway of cultural forces which nurture deceit, selfishness, cruelty, disrespect, irresponsibility and hate. Our community pays a terrible price in the violence these young peo-

ple breed. Unless we respond now, we will all suffer for generations to come.

As lawyers and community leaders, let's find ways to deter violence and to make Hinds County, Mississippi, and the nation a better place.

Revisions Begin on Index

Lawyers Cooperative Publishing is beginning a major revision of the *General Index to the Mississippi Code*. Colleen Dunham, a company representative, has been working with Mississippi lawyers over the last several months to develop the project in ways that will be most beneficial to the Mississippi Bar.

Responding to the suggestions for improving the index, LCP has targeted the 12 titles listed below for re-indexing this year. The new index aims to provide a straightforward, easy-to-use tool for finding Mississippi statutes, designed for busy researchers. All re-indexing must pass the muster of Mississippi attorneys who will review the new index and suggest alternative points of entry based on local terminology and their practical experience.

Target titles:

- 11 Civil Practice and Procedure
- 13 Evidence, Process and Juries
- 15 Limitations of Actions and Prevention of Frauds
- 17 Local Government; Provisions Common to Counties and Municipalities
- 21 Municipalities
- 31 Public Business, Bonds and Obligations
- 63 Motor Vehicles and Traffic Regulations
- 83 Insurance
- 89 Real and Personal Property
- 91 Trusts and Estates

- 93 Domestic Relations
- 99 Criminal Procedure

Mississippi lawyers are invited to "sign on" as reviewers. If you would like to participate, contact Colleen Dunham at Lawyers Cooperative Publishing Company; phone, 1-800-527-0430; fax, 1-716-258-3781; or e-mail, cdunham@lcp.com.

People's Law School

Session 1 • March 19

The First Amendment

Session 2 • March 26

Access to the Legal System

Session 3 • April 2

Elder Law

Wills and Estates

Session 4 • April 9

Real Estate Law

Domestic Relations

Classes held at Mississippi College School of Law

7:00-9:00 p.m.

Four sessions \$15 or \$5 per session

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

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

February 20, 1996

12:00 Noon

\$10.00

Capital Club

The speaker will be Chief Justice Dan M. Lee.

CLE Calendar of Events

February 28
Proving and Disputing Damages in Mississippi.

NBI. 715-835-7909

March 7
Annual Business Law Seminar.
 MC School of Law. 949-5621

March 8
Worker's Compensation.
 UM-CLE. 601-232-7282

Mastering Real Estate Titles and Title Insurance in Mississippi.
 NBI. 715-835-7909

March 13
Summary of Recent MS Law.
 Abbott & Weems. 601-234-6956

March 22
Environmental Law.
 MTLA. 948-8631

April 12
Insurance Litigation.
 MTLA. 948-8631

April 17
Federal Practice and Procedures.
 UM-CLE. 601-232-7282

April 18
Small Estates Seminar: Structuring & Administering the Non-Taxable Estate. MC School of Law. 949-5621

April 26
Fundamentals of Chapter 13 Bankruptcy. UM-CLE. 601-232-7282

May 3
Second Annual MS Tax Law Conference.
 UM-CLE. 601-232-7282

May 10
Real Estate Law Seminar.
 MC School of Law. 949-5621

Fifth Annual Federal Practice Institute. MS Chapter of the Federal Bar Association. 949-4747

HCBA Calendar of Events

February 20
HCBA Membership Meeting.
 Noon. Capital Club

March 7
After Hours Social.
 5:00-7:00. Emporium Cafe

March 19
People's Law School.
 7:00-9:00. MC School of Law

March 26
People's Law School.
 7:00-9:00. MC School of Law

April 2
People's Law School.
 7:00-9:00. MC School of Law

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

April 16
HCBA Membership Meeting.
 Noon. Capital Club

May 2
HCBA/JYL Law Week Dinner.
 6:30. Primos Northgate

Habitat for Humanity Thanks HCBA



Habitat for Humanity/Metro Jackson Board President Richard Montague presents HCBA President Marcus Wilson with a plaque to acknowledge a generous gift of \$5,000 from the HCBA. The \$5,000 was raised entirely by the annual HCBA Golf Tournament. The HCBA was the first organization other than a church to build a Habitat house in Jackson.



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Mississippi College School of Law

Upcoming CLE Seminars

Annual Business Law Seminar
 Thursday, March 7, 1996 • Ramada Plaza Hotel
 6 hours CLE

Planning and Administering the Small, Non-Taxable Estate
 Thursday, April 18, 1996 • Ramada Plaza Hotel
 6 hours CLE

Eleventh Annual Real Estate Law Seminar
 Friday, May 10, 1996 • Ramada Coliseum
 6 hours CLE

For Information, Contact William R. Townsend, Assistant Dean, (601) 949-5621

HATS OFF!

The HCBA Newsletter uses this column to give accolades to those members of our profession for the good they do for our community. That may be anything from doing pro bono work, to coaching baseball or soccer, to working at the Stewpot. We hope to thank as many people and firms as we possibly can for their efforts in making a better case for our community. So please drop us a line and let us know who you think deserves a "Hats Off".

HATS OFF TO GRANVILLE TATE

Granville Tate, a partner of the law firm of Brunini, Grantham, Grower & Hewes, concentrates his practice on commercial transactions, mergers and acquisitions, and real estate. Granville is married, has three children, and is an active member of St. James Episcopal Church.

Granville has also tirelessly and

selflessly served as attorney for the Board of Habitat for Humanity/Metro Jackson. In that capacity, Granville has personally closed the sales of over 65 homes to Habitat homeowners. Granville has contributed many thousands of dollars worth of pro bono legal work for Habitat without fanfare of any kind.

Granville has been an integral part of the Habitat for Humanity/Metro

Jackson team that will build its one hundredth house in Jackson this year. Granville has asked nothing in return. Like many others doing pro bono work, Granville doesn't "toot his own horn," according to HCBA president Marcus Wilson.

Granville has served on Habitat's executive board since February of 1990 and has brought a practical approach to the everyday issues which face non-profit organizations such as Habitat. Besides giving valuable input on the executive board, Granville acts as a sturdy rudder, keeping Habitat on a legal course.

"Granville believes in benefiting others in order to give back to the community," says Nina Redding, executive director of Habitat for Humanity/Metro Jackson. "He is very involved in the entire process here."

The Hinds County Bar Association salutes Granville Tate for his outstanding community service.

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Do you...

- have entrepreneurial drive?
- have self discipline?
- have skills to influence people?
- desire an income of \$100,000+?

Are you...

- happy with your position?
- seeking a rewarding career?

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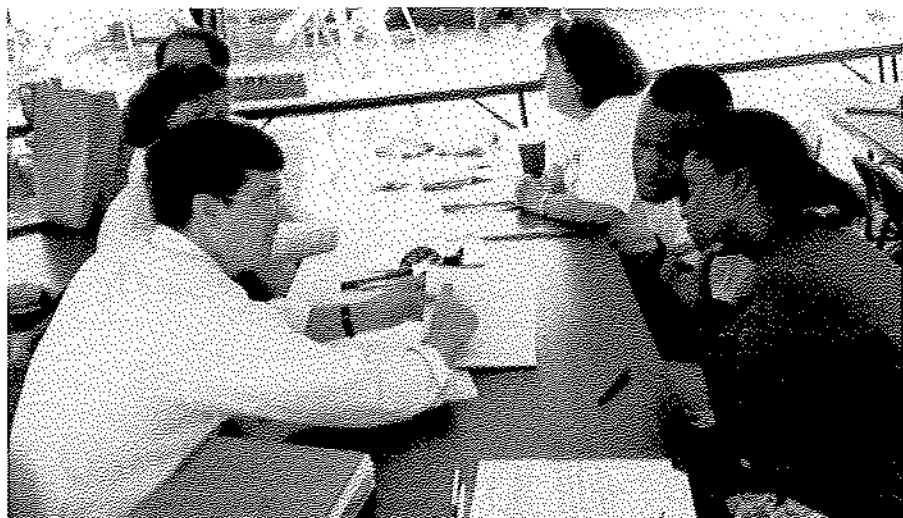


SUMMIT GROUP

Highland Village, Suite 278
Jackson, Mississippi



(Left to right) Walter Boone, Betty Adams, and Granville Tate closing the sale of a new house to Ms. Adams.



Granville Tate explains the details to two new Habitat homeowners.

Hot Tips on Computing

by Joel Howell

If you're not computer-literate yet, there's never been a better time.

If you are totally clueless, buy copies of *DOS for Dummies* and *Windows for Dummies*, read each one twice, then dive into whatever word processing program you have and follow its tutorial. (If you're not too proud, your secretary, paralegal, or spouse experienced with that program can be a big help.)

The foregoing assumes that you already have a computer (or so) on hand. If you don't, the minimum new purchase is a fast 486, 16 meg of RAM, a 500 meg hard drive, and a VGA monitor with 28 mm dot pitch. If buying new, go ahead and dive into Windows95. Otherwise, now is not the time.

If you have existing equipment, stay with old Windows (preferably Windows for Workgroups 3.11, which will economically accommodate peer to peer networking and tuning that regular Windows can't do). Upgrading to Windows95 will probably require upgrading your hard drives and RAM (see the minimum requirements above), not to mention replacing virtually ALL your software with 32 bit-tuned versions.

You have no idea how big the Internet will be.

For starters, the day is not far away when your computer will be able to substitute for your television and telephone. Seriously. However, that day won't come until ISDN lines are the minimum. (Don't worry about what

the heck ISDN is - more on that and the net in future columns.)

If you're not already on the net, start in a small way: \$9.95 a month buys you five hours on America Online or CompuServe. Watch your time there, because net browsing can be addictive. (If your habit gets that heavy, spend thirty bucks for a copy of *The Ultimate Doom*; you won't have to worry about the online charges, but your spouse may not see you nights or weekends for a long time.)

If you don't have a fast modem, get one. The minimum is 14,400 baud. (In fact, that's the highest rate the Jackson CompuServe node supports.) A good monitor is a big help: go at least 15 inches, but 17 makes a geometric difference. Larger offices will need one or more lines dedicated to the modem. If your firm is that big, go ahead and get separate lines for the fax and the modem; otherwise they can share a line with appropriate switching devices.

Software Notes

While WordPerfect has been the de facto standard for many law offices, watch out: mere months after buying out WordPerfect, Novell is now shopping it (and may have sold it by the time you read this). Software suites are the decided wave of the future, and nobody is better than Microsoft. Don't ignore Microsoft Word: it has some legal-specific features (automatic tables of cases and the like) that are otherwise only available in add-on programs.

That's all for now. If you're interested, the future will probably include lots on the net, web sites, document imaging, hardware, and software. Want input? Drop me an email at 76616,1020@compuserve.com.

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Have You Ever Said, "I Hate Lawyers"?

"It is worth \$5.00 (the price of lunch) to be around a group of lawyers that I like," said a lawyer recently as he left the weekly book discussion group. For him the Thursday lunch break with colleagues who enjoy looking below the surface of a lawyer's work-day to explore issues and ideas was a welcome respite from the problems of his clients.

The group, dubbed "Soul of the Law" after the first book selected for discussion, will reconvene on Thursday, February 22, at 12:00 to begin weekly consideration of James Hillman's *Kinds of Power*.

Hillman's thesis is that "Business, as defined by the ideas of Western capitalism has become the fundamental force in human society and, in the manner of any monotheism, promulgates a fundamentalist faith in its basic tenets." *Kinds of Power* examines "the psychology business" and, more par-

ticularly, "ideas about power", which, "among the ideas of business...rules the roost."

The book has three goals:

- "to disturb sedimented habits of thinking about power"
- "to differentiate the bundles of ideas that compose the word 'power' and constitute its baggage," and
- "to extend the ideas of power into regions of feeling, intellect, and spirit that reach beyond the exercise of power by the human will."

These topics flow naturally into discussions of the nature and influence of power in our justice system. The relationships of these goals to the "business" of practicing law will surely spark lively and provocative discussions.

The discussion will be facilitated by Steve Allen of Phelps Dunbar.

If you want to be part of the group,

call Betty Daugherty at The Bar Center, 948-4471, for more information. The atmosphere is cordial and casual; the conversation is spirited and insightful.

Join us! Who knows, you might meet a lawyer you can actually like!

Law Firm Updates

In the new HCBA Pictorial Directory, please correct Larry Yarbrough's phone number to 948-3080 and Call First is not needed for his fax number.

- **Kullman, Inman, Bee, Downing & Banta**
2160 Deposit Guaranty Plaza
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Jackson, MS 39201
601-355-1994

Kullman, Inman, Bee, Downing & Banta, P. C., of New Orleans has opened a Jackson office at 2160 Deposit Guaranty Plaza. The Kullman firm limits its practice to labor and employment law on behalf of management. The 40 attorney firm has other branch offices in Memphis and Birmingham. Mike Farrell, formerly with Wells, Moore, Simmons & Neeld, is the resident attorney in the new Jackson office.

- **Wiener & Wiener**
P. O. Box 55728
Jackson, MS 39296-5728
601-353-1444
601-353-2444 (Fax)

Joshua J. Wiener and Judith M. Wiener, Attorneys at Law, are pleased to announce the relocation of their office to 1438 North State Street, Jackson, Mississippi 39202.

If there are law firm updates you would like to have in the newsletter, send them to: HCBA/Newsletter, 151 East Griffith St., Jackson, MS 39201.

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

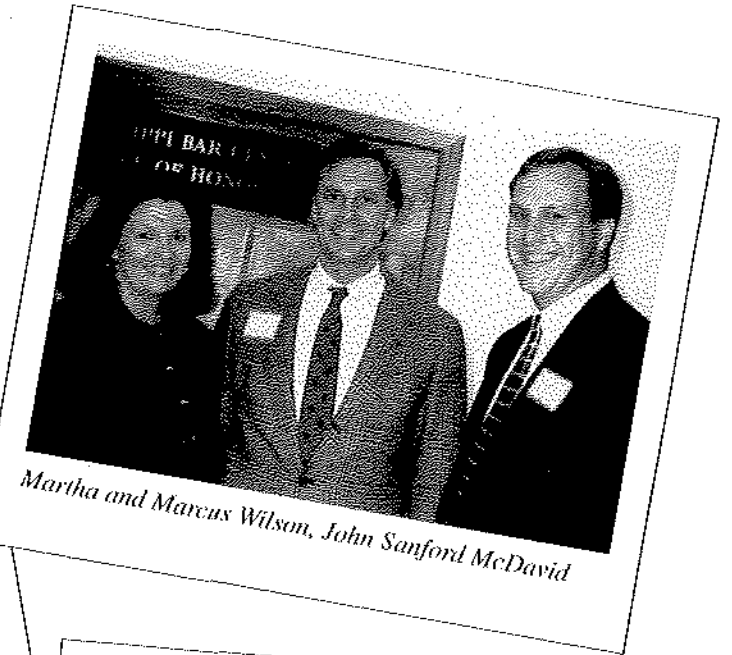
There is help through the Lawyers' Assistance Program

Call 968-5032
Mississippi Baptist Medical Center

A service of the Hinds County Bar Association

Christmas Social

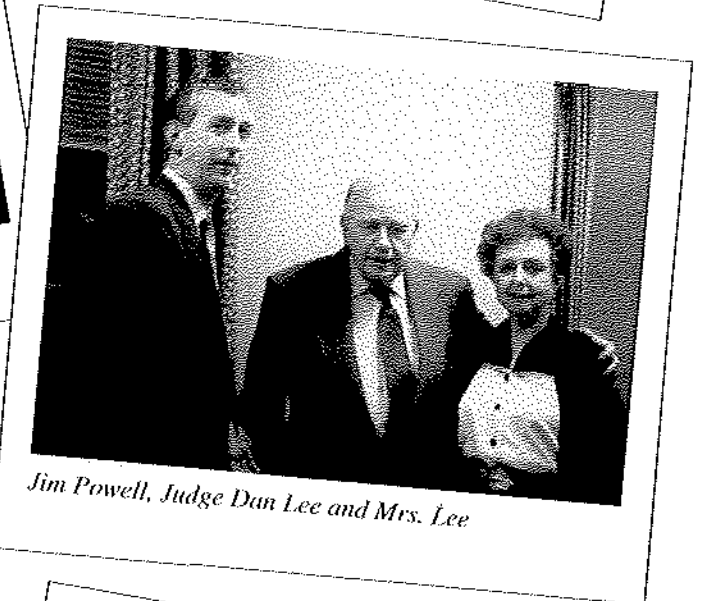
HCBA members and guests enjoyed the December 7 Christmas Social at the Mississippi Bar Center.



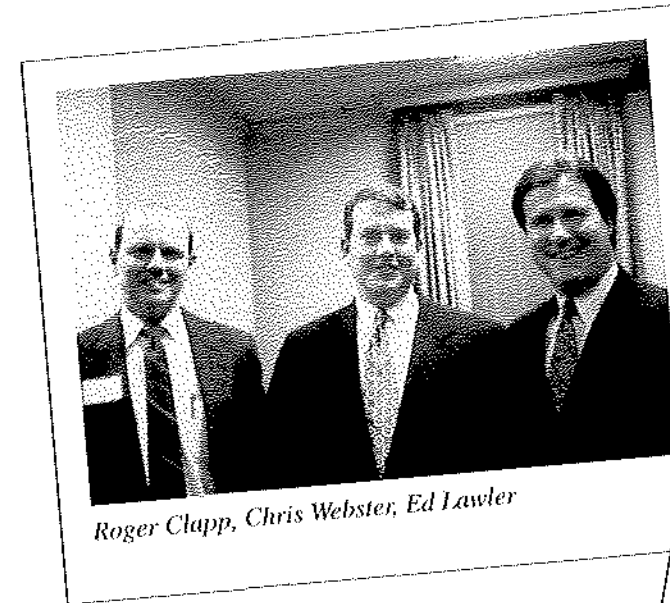
Martha and Marcus Wilson, John Sanford McDavid



Denise Schreiber, Susan Tsimortos, Catherine Scallan



Jim Powell, Judge Dan Lee and Mrs. Lee



Roger Clapp, Chris Webster, Ed Lawler



Jay Travis, John McCullouch, Bob Barnett, Richard Roberts

Justice Michael P. Mills'

by Jeffery P. Reynolds

Justice Michael P. Mills is a seventh-generation native of Itawamba County. The "Clay Hills Justice" graduated from Itawamba Agricultural High School in 1974, after attending primary and secondary schools in Tishomingo, Iuka and Fulton. He attended Itawamba Community College and graduated from the University of Mississippi in 1978 with a bachelor's degree. He received his Juris Doctorate from the University of Mississippi Law School in 1980.

Mills practiced law in Monroe and Itawamba Counties until 1995 when he was appointed to the Mississippi Supreme Court to fill the unexpired term of Chief Justice Arnis Hawkins.

Mills served 12 years in the Mississippi Legislature. He held the positions of Chairman of the Judiciary "A" and Judiciary En Banc committees. He is a Commissioner on the National Conference of Commissioners on Uniform State Laws and he is a member of the Mississippi Bar and the Federalist Society. He has practiced before the United States Supreme Court, the Fifth

Circuit Court of Appeals, and all Mississippi state and federal courts. He is a member of the Scottish Rite.

Justice Mills is married to the former Mona Robinson. They have four children: Alysson, Chip, Rebekah and Penn.

Justice Mills, at 39 years old, may be the youngest Supreme Court Justice in the history of the Court. However, Justice Mills has always been a quick study. He finished law school in 26 months and tried his first lawsuit at age 23 before Judge Keady.

Throughout his legal career, Justice Mills has had several specialties. They include oil and gas law, fifth amendment taking cases before the United States Claims Court, and telecommunications law before the Public Service Commission and the Federal Communications Commission.

Justice Mills said that his proudest accomplishment, however, was in an area of law in which he has no expertise. He successfully tried a custody case in which he "got a child out of a very bad situation and into a good situation."

Of all his many trials, that is his proudest accomplishment.

While serving in the Legislature, Justice Mills authored many significant laws. For example, he authored the law that created the Court of Appeals and the law that created the Administrative Office of the Courts. He authored the legislation redrawing the districts for the chancery and circuit courts and his plan was approved by the United States Justice Department. Furthermore, he was the chief architect of the 1993 tort reform law.

Justice Mills said that although he has not served long on the Supreme Court, he would have two pieces of advice for practitioners: (1) give an honest rendition of the facts, and (2) be professional in dealing with counsel opposite.

Jeff Reynolds is Chairman of the Bench and Bar Relations Committee of the Hinds County Bar Association, and is a shareholder in the law firm of Heidelberg & Woodliff, P.A.

Interview with Secretary of State Eric Clark

Eric Clark of Taylorsville is Mississippi's seventh Secretary of State this century. This interview with the new official was conducted by his brother, HCBA member John Clark.

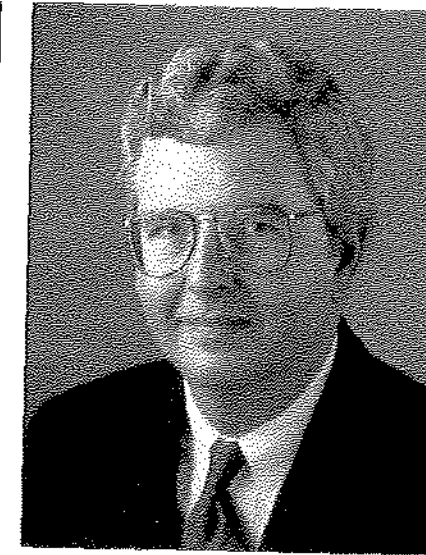
Why did you want to become Secretary of State?

Being Secretary of State is a perfect job for me. My education, business experience and public service prepared me to understand this office and how it can better serve all Mississippians. I have always fervently advocated the importance of open, honest, accessible elections to our democracy. As Secretary of State, I can see that every person's vote counts. I have long been an advocate for Mississippi's economic development. This office interfaces with all business community activity in the state. Much of my legislative career was devoted to enhancing public education, and the schools' 16th section land welfare comes under the Secretary of State's purview. I managed our family's tree farm; this office manages over three million acres of publicly owned land. I couldn't have written a better job description for myself than being Secretary of State.

What changes do you plan to implement in the agency?

As I said during the campaign, I plan to make the Secretary of State's Office the most user-friendly agency in state government. I have already imparted that vision to our management and employees, and they are proving their eagerness to respond to the public in a friendly manner. I am encouraging our employees to implement changes that will increase our efficiency and effectiveness. We will continue to upgrade our technology so that the public will one day have electronic access to our documents. We are acting every day to implement this customer-first philosophy. I especially want the public to know that we want to hear their ideas, suggestions and any problems associated with service delivery from our Office.

What impact does the Secretary of State's Office have on the legal community?



My commitment to both the legal community and the public at large is that all services offered by this office be provided courteously, promptly and with accuracy. To the many attorneys whose work brings them in contact with one or more of our business services, the impact of this consistent good service is tremendous.

The Secretary of State, with state-wide advisory groups, studies and recommends revisions to the State's business-related laws. In areas of business, corporate, commercial and securities law, these efforts will continue to help in simplifying and modernizing Mississippi's statutory schemes and help contribute to the creation of a progressive business atmosphere - favorably affecting business attorneys.

How do you plan to increase efficiency in serving the legal community through your office?

The Business Services Division of this office already has a good reputation for providing sound information and service to the legal community. However, all of us at the Secretary of State's Office are challenged every day to meet higher standards because of greater work loads and advancing technology. We plan to make use of all available technology to help us provide the fastest and most accurate information. I believe this increased efficiency will benefit the legal community, and it will free employees to take on more and varied tasks - another benefit.

How do you feel about present 16th Section land laws?

The 16th Section lands of Mississippi are our public schools' heritages. Many hard battles were fought and won to protect these trust lands for future generations. I was a part of that fight, and I intend to see these laws upheld. I believe in strong management of 16th Section lands to produce a good return for our school children. Having children in the public schools myself, I know the importance of this source of school funding.

Does the state have an inventory of publicly held lands?

We have a partial inventory of publicly held lands. Creating a full inventory of publicly held lands is a project we will be undertaking in the near future. Right now we are researching availability of funds for this project.

Do you believe your administration will be able to annually "return" \$2+ million to the general fund of the state?

We will be looking closely at the fee structure of this office to make sure we are not overcharging for our services. We are a "special fund" agency, and that means we generate our own monies to exist - we are not tax supported. But, we are supported by our customers - the users of our services. Therefore, we owe it to them to charge only what it costs us to operate.

Having just been through a campaign season, did you find problems in present campaign laws? What do you intend to do about them as Secretary of State?

Yes. We have introduced a package of legislation that, if enacted, will straighten out some of the problems with our campaign finance laws. First, we're asking to lower the reporting threshold to \$100; I believe the public has the right to know who is supporting a candidate. Second, we're asking to implement a state-wide voter registration program; this is necessary to eliminate duplicate voter registrations and also to give more people access to registering. Third, we're asking that candidates who are campaigning as

Mississippi College School of Law

Christian Legal Society

Annual Prayer Breakfast

with Judge Antonin Scalia

Associate Justice United States Supreme Court

Tuesday, April 8, 1996

7:30 a.m.

First Baptist Church

For information: 949-5620

Tickets \$10

individuals come under the same reporting restrictions that candidate committees are currently under – we have a dual system of enforcement now, and we're trying to level the playing field for everybody involved.

Technology has grown tremendously over the past four years. How do you intend to integrate the latest technology into your plans for the Secretary of State's Office?

Obviously, increased use of available technology will enable us to expedite the required filings and registrations with this Office – and we are quickly moving to make use of this technology. Soon, we will complete an imaging project in our uniform commercial code services section that will result in faster, more accurate delivery of responses to search requests. We are beginning work on a Web page which will include the information most users ask from this agency – election information, corporate filing information. We plan to have our filing forms available for downloading which should help expedite paperwork for everybody involved.

Eric Clark can be reached at 359-1350. His office is located at 104 Mississippi Street, the Heber Ladner Building, across from the capitol. His mailing address is P. O. Box 136, Jackson, MS 39205. The Secretary of State welcomes suggestions and ideas which will help his office run more efficiently and effectively.

In Memoriam

The Hinds County Bar Association wishes to extend its sympathy to the families of
Craig Geno, Jr.
 and
Robert Morgan, Jr.

The Art of Investing

Treating each investor as an individual – designing investment programs tailored to his or her needs – this is the art of investing.

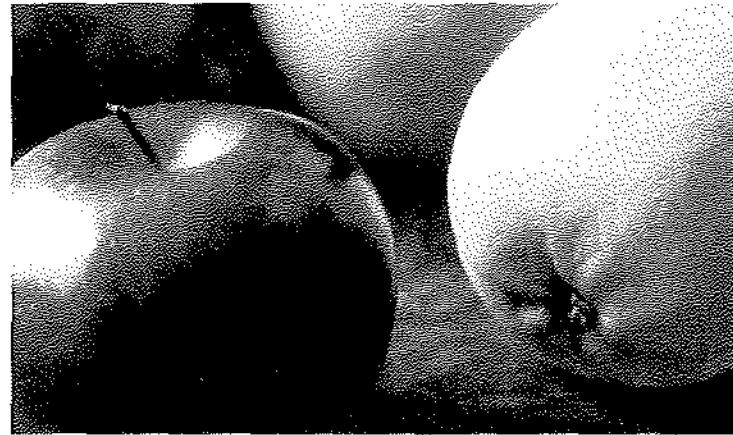
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UNTIL NOW, TITLE COMPANIES WERE ABOUT AS EASY TO COMPARE



These days, a lot of title companies claim to be financially sound. But too often, what they promote are isolated ratios and statistics that are not a true measure of financial strength. In fact, they are often misleading.

At Mississippi Valley Title, we saw the need for standardized claims-paying-ability ratings for title insurers. That's why we asked to be rated by Standard & Poor's. We were given an A+ – the highest rating from S&P in the title industry to date – along with our affiliate and co-underwriter, Old Republic National Title Insurance Company, who received an A+ rating for the second year in a row.

Ask another title company for their rating from Standard & Poor's. If they don't have one, ask why, then call Mississippi Valley Title.

MISSISSIPPI VALLEY TITLE
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 Jackson, MS 39225-2428
 (601) 969-0222 (800) 647-2124
 (AL/MS/TN)

Lawyers and Client Selection

by William R. Wright

We all know that in this age of specialization, lawyers tend to be selective as to which kinds of cases they will take. However, lawyers tend to spend too little time on selecting their clients.

Lawyers often take any client who comes through the door out of the fear of losing business. However, in order to avoid trouble down the road, lawyers, during the first telephone call or office visit, should size up the client and make a decision as to whether or not this is a client that the lawyer wants to represent.

In the October edition of *Law Practice Management*, a publication of the Law Practice Management Section of the ABA, there is an excellent article by Linda J. Ravdin, a Washington, D.C. attorney, relating to the collection of fees. She suggests that the first step in collecting fees is to determine whether or not to select a particular client's case. She offers the following danger signs that every lawyer must learn to spot:

- When the client's first question is, "How much do you charge?"
- When you learn that the client has switched lawyers several times, it should be a suggestion that the client has unreasonable expectations and will eventually find fault with the lawyer's work.
- If, after you say your hourly rate is \$150 per hour, the client tells you there is someone else out there who will do the same job for \$100 per hour.
- Where, during the initial phone call, the client insists on giving you the entire story followed by a request for legal advice before agreeing to come in for an office visit.
- A client who thinks it is unreasonable to pay a retainer.
- The client who still owes his or her previous lawyer money.
- The client who appears to be very demanding but does not appear to be willing to pay for services.

- The client who arrives in your office with a shopping bag or a box filled with documents in disarray and requests you to sort them out.

- The client, after you request that he or she bring documents, shows up with nothing without an excuse.

- The client who, after you request he or she bring documents, refuses to provide them because the client has decided you do not need them after all to resolve the issues.

- The client who tends to blame everyone else for his or her problems.

- The client whose level of anger is out of proportion with the perceived transgression committed by the other party.

- The client who insists on getting revenge.

- The client who expects and demands a miracle.

- The client who will not listen to realistic assessments of the prospects for success.

- The client who demands that the lawyer predict the outcome and cost of a case when predictions cannot be made.

- The client who, after learning of the estimated cost of handling a matter that is complicated, merely asks you to keep it simple.

- The client who is never satisfied regardless of the quality of the legal work.

- The client you find you just do not like.

Ms. Ravdin goes on to say that in addition to the list of danger signs, lawyers should just pay more attention to the instincts. If you have uneasy feelings after meeting a client, just don't take the case.

William R. Wright is the chairman of the HCBA Legal Economics Committee and a partner of the Wright law firm.

Library Committee



Members of the HCBA Library Committee are (seated) Linda Thompson; Carol West, Board Liaison; (standing) David Rozier, Vice-Chair; Vernon Chadwick, Chairman; Bob Biggs. Committee members not pictured are Ruma Haque, John Sneed and Andrew Sweat.

Join the Hinds County Bar Association

for an After Hours Social at

The Emporium Cafe

400 East Capitol Street

Thursday, March 7, 1996

5:00 - 7:00 p.m.

Open Bar • Hors D'oeuvres • Spouses Invited

*Please mark your calendar as individual
invitations will not be mailed.*

□ 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

12:00 Noon, February 20

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

JUNE 1996

President's Column

T. Harris Collier, III

At a recent meeting of the HCBA's Long Range Planning Committee, Phyllis Thornton, Director of the Pro Bono Project, presented some startling statistics. In Mississippi, there are more than 800,000 people eligible for pro bono services. In Hinds County alone, there are 66,000 people eligible for pro bono services.

We in Mississippi, as in other states, have relied upon the Legal Services Corporation for much of our pro bono work. Cutbacks in federal funding have reduced the LSC's operating budget by nearly 50% and the long term future of the LSC remains uncertain. In Central Mississippi, legal services offices have been reduced from three to two and attorneys have been cut from nine to six.

The April issue of *The Washington Lawyer* reported that providing legal services to the poor in Washington, D.C. has reached crisis proportions. Law firms there have gotten together to try to resolve the problem. While I don't think we have reached a crisis situation locally, the HCBA does need to be prepared.

In anticipation of further funding cutbacks for the LSC, I have appointed Ben Piazza to chair a committee to explore options in providing legal services to the poor. Some suggestions made by Phyllis to help out: 1] pay money if you don't have time, 2] con-

duct fund raisers for local legal services, 3] underwrite training for legal service lawyers, 4] provide Westlaw or Lexis for legal services and 5] encourage all lawyers to do pro bono work.

Thanks to Lt. Gov. Ronnie Musgrove for speaking at the HCBA's dinner honoring the judiciary on May 2. If you missed the event, make plans to attend next year.

The Lawyer Referral Service is entering its second year of operation. This will be a critical year for the LRS

because it is expected to become self-supporting. The LRS gets some of its income from membership fees, but its main support will come from contingency fees. This year's budget is based on 125 attorney members. If you would like to become a panel member, fill out and send in the application found in the newsletter.

I look forward to the challenge of serving as your HCBA president. Thanks, Marcus, for your leadership and service.

April Membership Meeting



The HCBA April Membership Meeting featured a panel of Jackson lawyers who reminisced about their careers and discussed the future of the practice of law. Pictured are (seated, left to right) Erskine Wells and Martha Gerald. Standing (left to right) are panelists Warren Ludlam; James Becker; Jimmy Robertson; Trip Barnes, Program Chairman; Marcus Wilson, 95/96 HCBA President and panelist James Child, Jr.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

June 18, 1996

12:00 Noon

\$10.00

Capital Club

Robert L. Johnson, Chief of Police for the City of Jackson, will be the speaker.

CLE Calendar of Events

June 21
Law Update. MTLA. 948-8631
Annual Medical Malpractice Seminar. MC School of Law. 925-7171

June 22
Mineral Law in Louisiana. MS Oil & Gas Lawyers Assn./MS Assn. of Petroleum Landmen. 948-6800

July 26
PEG Program. UM-CLE. 601-232-7282
CLE for the General Practitioner. MTLA. 948-8631
1996 Ethics Seminar. The Mississippi Bar. 948-4471

HCBA Calendar of Events

June 18
HCBA Membership Meeting. Noon. Capital Club

August 20
HCBA Membership Meeting. Noon. Capital Club

August 23
HCBA Golf Tournament. Noon. Deerfield Country Club

October 15
HCBA Membership Meeting. Noon. Capital Club

Law Firm Updates

■ **Baker Donelson Bearman & Caldwell**
P.O. Box 24417
Jackson, MS. 39225
 is pleased to announce the following new Associates:
 Charles W. Ferguson
 Eugenia R. Gaerig
 J. Randall Patterson

Long Range Planning Committee



(Front, l to r) Leonard Van Slyke, Richard Bennett, Chairman Richard Roberts, Pat Evans; (middle row) Harris Collier, Scott Hemleben; (back row, l to r) John McCullouch, Hal Miller, Marcus Wilson and Richard Montague.

UNTIL NOW, TITLE COMPANIES WERE ABOUT AS EASY TO COMPARE



These days, a lot of title companies claim to be financially sound. But too often, what they promote are isolated ratios and statistics that are not a true measure of financial strength. In fact, they are often misleading.

At Mississippi Valley Title, we saw the need for standardized claims-paying ability ratings for title insurers. That's why we asked to be rated by Standard & Poor's. We were given an A+ - - the highest rating from S&P in the title industry to date - - along with our affiliate and co underwriter, Old Republic National Title Insurance Company, who received an A+ rating for the second year in a row.

Ask another title company for their rating from Standard & Poor's. If they don't have one, ask why, then call Mississippi Valley Title.

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 (601) 969-0222 (800) 647-2124
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Service to Honor Attorneys Held

The Chapel of the Cross Episcopal Church held a Feast of Saint Ives on Sunday, May 19, to honor attorneys.

Ives, priest and lawyer, born at Kermartin near Tréguier; died at Lovanec, on May 19, 1303. Ives (Ivo) Hélyory was the son of a Breton landowner and was sent to the universities of Paris and Orléans, where he became a very competent civil and canon lawyer. He was appointed a diocesan judge, first to the bishop of Tréguier; in this office he was distinguished for his equity, incorruptibility, and concern for the interests of the poor and ignorant. In 1284 Ives was ordained priest, and from 1287 gave himself wholly to parochial work, at Trédrez and Lovanec. His legal knowledge was always at the disposal of his parishioners, as were his time and his goods; he gave an example of frugal and unassuming living, and found his forensic experience valuable in the pulpit. His countrymen have always had a great regard for St. Ives, 'an attorney who was an honest man' (lawyers, like bishops, are apt to have a 'bad press'); Ives is a favorite christening name in Brittany.

Former HCBA President Hal Miller spoke at a reception after the service. The following are his remarks:

A Christian Lawyer

"All the world lost faith in the American court system." So said Muammar Gaddafi in reflecting on the Rodney King verdict and Libya's refusal to hand over two suspects in the Pan Am Flight 103 bombing to the United States. Similar remarks were made following the O.J. Simpson verdict.

America is obsessed with its legal system and lawyers. Criminal trials and the participating attorneys have become media folklore. My generation was raised knowing the names of baseball heroes and public leaders. This generation is raised knowing the names of litigants and their lawyers.

The public figures of today are O.J. Simpson, the Menendez Brothers, Dr. Kevorkian, Johnnie Cochran, F. Lee Bailey, Robert Schapiro, and others.

If daily news reports on legal happenings are not enough, we now have a court channel on TV which devotes itself exclusively to reporting of legal proceedings.

Historically, the moral fiber of American society was influenced dramatically or subtly by religious, spiritual notions. We have always considered ourselves in some vague way to be a religious nation. A recent Gallup Poll advises that for the period from 1957 to 1994, the percentage of persons polled who believe that religion has no relevance to today's problems has grown from 18% to 38%. During that same period of time we have substantially increased our dependence upon the judicial system to tell us the morals of our society. We are completely enamored of litigation. One wonders if the American slogan "In God We Trust" has not been replaced by SUE THE BASTARDS.

Where is the lawyer in all of this? The love/hate relationship continues. As Abraham Lincoln said on July 1, 1850:

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

Lincoln's comments apply today. Slanderous remarks, some humorous, some not, abound. "Kill all the lawyers", the popular misquotation of Shakespeare: "my lawyer can beat your lawyer", "trust me, I'm a lawyer" are displayed on T-shirts, coffee mugs, and paper. The one I like the most is the statement "IS THE TITLE A CHRISTIAN LAWYER AN OXY-MORON?". I like it the best, because I said it.

In April of 1995, I wrote to the Christian churches and the synagogue listed in the Jackson yellow pages, some approximate 250 churches. The first thing I learned is that in an alarmingly large number of cases, the addresses reflected in the yellow pages were considered insufficient by the postal authorities and the letters were returned. I'm sure that has some theological significance. If you are insufficient in the eyes of the postal authorities, how must you appear to God? The second thing I learned is that no one cared to answer or discuss the letter as I received no responses. That is, unless the invitation a year later to speak today is such a response. The Lord has been known to operate in mysterious ways.

Let me share the letter with you: "The first week in May is set aside nationally for recognition of the American legal system as the best in the world..."

We should rightfully celebrate our legal system. May I suggest that you use this opportunity to call upon the lawyers in your congregation to also affirm and celebrate the relationship between their Christian faith and the manner in which they conduct their practice of law. I have attached my personal statement on that subject for consideration."

The attachment read:

"We are Christian attorneys, not Christians and attorneys. One person, not two. There is nothing in our legal system and laws inconsistent with conducting our lives and our practice of law in accordance with Christian principles. We should be governed by Christian principles in our relationship with clients, other attorneys and their clients, the judicial system and all of society. We should recognize and foster the relationship between our Christian witness and the manner in which we practice our profession."

A slightly different version went to the synagogue.

Christianity and the lawyer have much in common. Both have been per-

secuted, and both have the capacity to be the catalyst for change.

Christianity is the belief in one who, among other things, was persecuted by society, and was crucified as society's scapegoat. Throughout history, Christians have been persecuted, and in the opinion of many, myself included, are currently being intellectually persecuted in the United States. Lawyers likewise have been the subject of persecution. Sir Thomas Moore, the one whom some think should be the patron saint of lawyers, literally gave his life as a result of his confrontation with Henry VIII over the issue of in whom did authority over divorces reside, Henry or the Church. Sir Thomas Moore did not defend the particular Pope. He defended the system, i.e., the law. A more recent example is that of a young prosecutor in California who lost his job because he felt the punishment prescribed by the law was too severe. Lawyers throughout history, and during the period of time I have practiced in Mississippi, have been persecuted economically for representing persons in unpopular situations. Atticus Finch in *To Kill A Mockingbird* comes to mind as a fictional example.

To this day, as it did with Christians, society continues to conveniently use the lawyer as the scapegoat for society's problems. For example, the alleged ineffective criminal justice system is blamed for our crime problem when we all know that the cause and solution to that problem is in the home, is in society, and not in the courtroom. Society blames the lawyer for the current litigation explosion while conveniently ignoring the fact that it is society which demands more rights with fewer responsibilities and seeks vindication and retribution for every alleged wrong, however absurd or trivial.

The Christian and the lawyer will continue to be persecuted as they both believe and stand for something which sets them apart from society at large. What sets the Christian and the lawyer apart is the uniqueness of their callings. The mandate given to the Christian by Jesus Christ is to be different and to be the catalyst for

change. The charge given to the legal profession is to maintain that thin line which separates civilization from chaos, that thin line we call the law.

What if these somewhat similar characteristics and traits were blended into a single person, a Christian lawyer? The lawyer might be more of a counselor than an attorney. When I commenced the practice of law, lawyers were commonly denominated attorneys and counselors at law. Now the general expression is attorneys at law indicating a subtle abandonment of the role of counselor in favor of the role of the advocate, the litigator.

The lawyer might view his client more as a human being rather than simply another file. He might bring compassion to the representation.

Most importantly, the lawyer might become more of a problem solver rather than the advocate who prolongs the problem.

In the area of disputes, the lawyer might "see Jesus in the face of his adversary", a haunting suggestion made by one of my law partners to a younger lawyer having difficulty with the current level of incivility existing in our judicial system. This image, "seeing Jesus in the face of my adversary," might dramatically change the character of the interaction between the parties as they attempt to resolve the dispute at hand. The lawyer might counsel more toward reconciliation than vindication.

The lawyer might fit the description written by Alexander Stephens, a lawyer, a U.S. Congressman, and the Vice President of the Confederacy who wrote in his diary while imprisoned after the civil war:

"A good lawyer is ever a peace maker. The tangled web of most private controversies can be better unraveled and straightened by bringing the parties together in private conference than by carrying them into court."

A few years before, Stephens' good friend, Abraham Lincoln had this to say on the subject:

"Discourage litigation. Persuade your neighbors to compromise whenever you can... as a peacemaker, the lawyer has a superior opportunity of being a good man..."

A Christian lawyer fits the following comment made by a law professor:

"I know of no asset a lawyer can have which will contribute so much to a legitimate and enduring success at the bar as the confidence of other people that he can be trusted always to do the decent thing."

Society will continue its love/hate relationship with the lawyer. Nevertheless, society expects the lawyer to lead. The question is how we will lead. Will it be more of the same or will it be radically different in keeping with being a Christian lawyer? If more of the same, I wish for you a strong constitution and a tenacious personality as you continue to SUE THE BASTARDS. If as a Christian lawyer, I wish for you that which you will need, the support of St. Ives. Sir Thomas Moore, the whole Communion of Saints, but most of all, the peace of the Lord to sustain you. Peace.



Mississippi College School of Law

Upcoming CLE Seminars

**Annual Medical
Malpractice Seminar**
Friday, September 6, 1996
Ramada Coliseum
6 CLE

**Fourth Annual Evelyn Gandy
Lectureship Series**
Friday, September 20 and
Saturday, September 21, 1996
Old Waverly Club
West Point, MS
6 CLE

**Annual Workers'
Compensation Seminar**
Thursday, November 7, 1996
Ramada Coliseum
6 CLE

**For Information, Contact
William R. Townsend,
Assistant Dean
(601) 925-7173**

Jackson Police Chief to be Speaker at June Meeting

Chief of Police for the City of Jackson, Robert L. Johnson, will be the speaker at the June 18th Membership Meeting. Johnson was appointed to the Jackson position in December, 1994. Prior to that time, he served nine years as Chief of the Jackson, Michigan Police Department.

His topic will be "Law and order, and what lawyers of the Hinds County Bar Association can do to help promote the rule of law and peace and harmony in the community."

A native of Tennessee, Chief Johnson attended Tennessee State University, obtained a Bachelor of Arts Degree from the Spring Arbor College and a Masters of Public Administration Degree at Western Michigan University. He is a graduate of the F.B.I.'s Executive Development Course, the U.S. Justice Department's Drug Enforcement Administration Course and numerous Police Command Level Courses. He holds Basic and Advanced Police Officer Certifications in Mississippi and Michigan.

Chief Johnson has been responsible for a number of significant initiatives and innovative programs during his career in law enforcement that have resulted in major decreases in crime and safer neighborhoods. One such program was a finalist for the Prestigious International "Webber-Seavey Award" for Quality in Law Enforcement. He has also gained widespread attention for his tough, no-nonsense policies and programs on drug enforcement, violent crimes and domestic assaults.

He has always been active in the communities where he served. His past service includes President of the Michigan Association of Chiefs of Police, as a Bank Director, and numerous civic and charitable organizations. He was first elected to the Board of Trustees of Jackson (Michigan) Community College in 1984 and re-elected in 1990. He served as Board Chairman from 1991 until resigning in 1994. He was appointed by and served

two Michigan Governors on the State Community Corrections Board and served on Michigan Governor John Engler's Criminal Justice Policy Council.

Chief Johnson and his wife, the former Doris Smith of Jackson, have four children and three grandchildren.

Contracts Update: End of the World

Thanks to Donnie Cannada for this End of the World clause with which you will probably want to replace the End of World clause you currently use in your standard Deed of Trust:

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PROVIDING FINANCIAL SERVICES TO HCBA MEMBERS SINCE 1994.

Mississippi Library Commission Patent and Trademark Research Library

by Tom Henderson

The Mississippi Library Commission Patent and Trademark Research Library was designated by the U.S. Patent and Trademark Office to make information more readily available to users. Although inventors are our most frequent clients, attorneys working on patent applications or infringement cases also make use of the collection. Advertising agencies regularly use the trademark files, and local companies find new products and processes in the patent files. Even antique collectors call upon us to help identify objects.

Resources in the collection are sufficient to conduct preliminary searches of U.S. patents and trademark registrations. The PTRL staff will provide an orientation and will take users through a sample search. A search should be conducted at an early stage to help determine if the idea might infringe on an existing patent or trademark.

After conducting a search, users can review patents in the *Official Gazette*, the weekly announcement of new patents, or they can see the full text and drawings of any U.S. patent since 1790 on microfilm. Requests for specific information, such a copy of a patent or a trademark registration, may be accepted over the phone, but generally the searcher is best served by performing the search on the premises where all the results can be seen and search strategies can be altered. The Patent and Trademark Research Library staff is strictly prohibited from interpreting intellectual property law, offering legal advice or opinions, or performing patentability searches or trademark registration searches for users.

Briefly, patent searching involves several steps. Begin with a clear understanding of the invention and a list of key words which describe it. Second, identify classification numbers. All patents are classified in a complex numerical classification system which groups inventions with similar characteristics. Third, generate

lists of possibly relevant patents. The searcher should review each patent, checking for similar features found in the claims, drawings, and other technical disclosures. The object is to discover whether the invention has already been patented.

In addition to patents, searchers also have access to files of currently registered U.S. trademarks since 1884 and limited access to "dead" marks. Trademarks can be searched by using a word or phrase, logo description, registrant, or classification of goods or services. Clients putting new products or services on the market should at least conduct a preliminary search to determine if the mark is already registered. The *Official Gazette* Trademarks and other sources are used to see logos and graphics.

The PTRL collection includes CASSIS, an electronic search and index system for patents and trade-

marks produced by the U.S. Patent and Trademark Office; micro film files of patents back to 1790; *Official Gazette* back to 1876. The PTRL is open to the public 8 am. to 5 pm. Monday through Friday. In addition to the PTRL, five Patent Satellite Libraries around the state (Tupelo, Starkville, Greenville, Natchez, and Gulfport) have the basic patent search sources, and some will be getting the trademark sources. Users are encouraged to schedule an appointment with us or any of the five public libraries.

For more information contact the Patent and Trademark Research Library, Mississippi Library Commission, 1221 Ellis Avenue, Jackson, MS 39209-7238; phone 601/359-1036; FAX 601/354-7007; internet mlref@mlc.lib.ms.us.

Tom Henderson is Depository Services Coordinator with the Mississippi Library Commission.

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An Evening Honoring the Judiciary

An Evening Honoring the Judiciary on May 2, sponsored by the Hinds County Bar Association and the Jackson Young Lawyers, was well attended by judges, lawyers, and guests. Held at Primos Northgate, this was the third year for the event. Keynote Speaker was Mississippi Lieutenant Governor Ronnie Musgrove.



Ed and Susan Lawlor, Ronnie Musgrove, Alaine and Keith Obert.



Harris and Margaret Williams, Ronnie Musgrove



Sam Kelly and Bill Cheney



John McCullouch and Ben Piazza

The HCBA presented its Outstanding Service Award to Ben J. Piazza, Jr. and its Pro Bono Publico Award to Granville Tate, Jr. Recipients of the JYL Awards were Philip W. Gaines, Outstanding Service, and William G. Cheney, Jr., Pro Bono Publico.



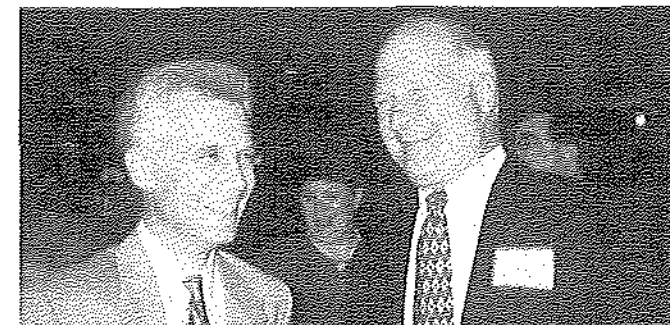
Marcus Wilson and Granville Tate



Philip Gaines and Sam Kelly



Sandy Sams, Mark Chinn, and Richard Hurt



Judge William Singletary, Jan Hurt, and Judge Stuart Robinson

On Computing

by Joel Howell

Last time we looked at the Internet from its inception. To bring things to the current state of the art, it's time to take a look at the Web, also known as the World Wide Web, or WWW.

Originally, the net was accessed by character-based Unix applications. The advent of graphic user interfaces (GUI's), exemplified by Windows for Intel-based pc's and x-Windows on the Unix side radically changed all that.

The Web is neither a network nor a specific protocol. Instead, it uses a client application called a browser as a GUI to roam the net. Netscape is by far the most popular, though there are many others, such as Mosaic. Most net providers bundle a fundamental version of a browser with their services, or you can download it from many sites, including Netscape's home page. (Perish the thought, you can even go to one of the local computer stores and BUY it).

With a browser, you utilize net resources, such as File Transfer Protocol (FTP), from a single screen.

To leap beyond the old character-based limitations, the browser uses a new brand of multimedia document format called Hypertext Markup Language (HTML) to utilize a corresponding network protocol known as Hypertext Transfer Protocol (HTTP), which has the capability to transfer multimedia sound and light at impressive speed.

The combination of HTTP and HTML effectively allow interactive online multimedia publishing. Moreover, hypertext documents can do more than just look good; through links, a single mouse-click can instantly take you to another page or net site that focuses on that subject.

What does this mean to us as lawyers? For starters, the Ayers decision was downloadable from the Ole Miss net site the day of the decision. Even closer to home, our Supreme Court has been far-sighted enough to set up its own Web page, and now their decisions, as well as those of the Court of Appeals, can be downloaded

on the day rendered in HTML or WordPerfect format.

Incidentally, don't be intimidated by HTML. Any current highgrade Windows word processing program (WordPerfect, Word) can convert to or from that format with the same ease as an ASCII conversion.

As always, reading about the Web isn't nearly as much fun as doing. If you don't already have access, America Online and CompuServe, among many others, are an excellent way to start, given their books of free software and online time on an introductory basis. Beware, however, time-based billers; in the long run, you'll want a local net provider who offers unlimited online time at very reasonable rates (try \$19.95 a month).

Try it; you'll get a real eye-opener. Questions or comments? Drop me an email at 76616,1020@compuserve.com. Hopefully, by the next issue you can even get my home page, which is under development.

Search Continues For HCBA History

By Linda A. Thompson

During the early years of this century, the Mississippi State Bar Association was a voluntary organization to which an attorney could petition for membership if endorsed by two members and approved by an executive committee. The State Bar met once a year in different locations in the state. The minutes of annual meetings can be found in *Mississippi Lawyer* and are especially interesting for chronicling the active leadership of state court judges in Bar Association activities.

The constitution of the State Bar provided that a local or county bar association could become affiliated with the State Bar upon vote of the local members and acceptance by the State Bar's executive committee. Each affiliated county bar association elected or appointed a representative to serve as "County Vice-President" of the State Bar. In 1928, W. Calvin Wells of Jackson was County Vice-President for Hinds County. W. H. Powell of Canton represented Madison County, and S. L. McLaurin of Brandon, Rankin County. In 1931, the County Vice-Presidents included J. O. S. Sanders of Jackson, Hinds County, H.B. Greaves of Canton, Madison County; and J.R. East of Brandon, Rankin County.

By House Bill No. 281, the Mississippi Legislature enacted the Unified Bar Act in 1932, authorizing the organization, regulation, and government of the Mississippi State Bar. The Act required all lawyers practicing in the state to be members of the State Bar. Annual dues were set at \$5.00. The first annual meeting was held September 1 and 2, 1932, in Jackson.

With the formation of the newly unified State Bar, the Hinds County Bar Association was either organized or reorganized. Circuit Judge Leon F. Hendrick was president of the HCBA in 1932-33. He later recollected that the association adopted a constitution and bylaws when he was president.

In 1970-71, HCBA President Robert C. Cannada formed an Archives and History Committee to research the history of the association. Martha Gerald was committee chair-

person, and Richard T. Bennett, E. Clifton Hodge, Jr., Shirley Norwood Jones, Roland D. Marble, J.A. Travis, III, and Calvin L. Wells served with her. Shirley Norwood Jones was chairperson of the committee in 1972.

The Committee learned that there were no extant minutes of past HCBA meetings. They compiled a list of all the presidents of the HCBA and recommended the association give each living past president a commemorative plaque at the April 1971 meeting. That committee started the practice of presenting each retiring president with an appropriate plaque recognizing his or her service to the HCBA.

In an effort to obtain historical information about the association, the Committee wrote each living past president to request a summary of accomplishments from his term of office. Martha Gerald has kindly turned her file of HCBA correspondence over to the association, and it includes the past presidents' letters of response. The letters reveal that most of the past officers responded with more modesty than significant historical facts.

R. Gordon Grantham of Brunini, Everett, Grantham & Quin, HCBA president in 1964-65, acknowledged with relief that while he could not remember any great accomplishments from his tenure as president neither could he "recall any ghastly mistakes of which a record should be made."

John C. Sullivan, Sr. of Sullivan, Sullivan & Keyes, president in 1960-61, said that during his term of office the HCBA sponsored the organization of the Hinds County Lawyers' Wives Association.

Judge Charles Clark, Circuit Judge of the United States Court of Appeals, Fifth Circuit, reported that during his presidential term in 1968-69 the HCBA, caused the Hinds County Board of Supervisors to create a third circuit courtroom after a bond issue for a new court building failed. He said the HCBA "also kept the germ of a legal assistance program alive."

Governor Ross R. Barnett, HCBA president for an unprecedented number of years, 1937-39, 1940-43, and 1947-50, happily recalled that "many

prominent speakers" came to Jackson during those years. He particularly remembered Harold Gallagher of New York, President of the American Bar Association, who addressed the HCBA at its annual banquet at the Robert E. Lee Hotel.

According to Governor Barnett, "During the afternoon prior to the banquet some of the lawyers asked me to entertain him. I bought a pair of coveralls for him and carried him out with me squirrel hunting in the Pearl River swamps. I loaned him a double-barreled shotgun and furnished him with a box of shells. This was the first time he had ever been hunting and apparently had never shot a gun before. At that time, I owned a wonderful hound dog and also a good squirrel dog. As we entered Pearl River Swamp, we saw a large drove of blackbirds in an oak tree and Mr. Gallagher asked me this, 'Are those what you call geese down here in Mississippi?' He shot at them and missed the whole tree."

It was not until 1981 that the HCBA presented a charter of organization to the Secretary of State. There were a few newsletters printed and distributed in the 1960s. Then in 1982, the HCBA hired its first executive director, Ben Davis, under the leadership of HCBA President Lauch M. Magruder, Jr. In October of that year, the first edition of the HCBA Newsletter as we know it today was published.

The Newsletter editorial board invites anyone who knows of other anecdotes from the early days of the HCBA to share those with us for publication in future issues. If any firm has HCBA minutes or files in its archives dating to before 1982, please send them (or a copy) to Pat Evans for inclusion in the association's official records.

Martha Gerald and Erskine Wells recollected that Webb Overstreet undertook a compilation of HCBA history many years ago, but neither of them could locate a copy of what he may have written. We would like to hear from anyone who knows the whereabouts of his notes or completed history. Call Pat Evans at 969-6097 or Linda Thompson at 987-4267.

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Ten Rules for Avoiding Bar Complaints

by William R. Wright

The thought of receiving certified mail from the Mississippi Bar Association is enough to invoke that seasick feeling in the pit of a lawyer's stomach. Bar complaints create even more mental unrest than a notice of delinquency sent by the Internal Revenue Service. Serious bar complaints -- for the most part -- can be avoided by following ten basic rules which are continuously violated by members of the Bar.

1. Return your phone calls. From September of 1994 through April of 1996, the Consumer Assistance Program of the Mississippi Bar reported the disposition of 2,159 docketed cases. By far, the biggest complaint -- 35% of all cases -- was related to failure of the attorney to contact the client. Even though we lawyers receive an overwhelming number of phone calls on a daily basis, calls should be returned within 24 hours either by the attorney or someone in the office who can do so.

2. Keep the client informed. Clients must know everything that is happening in their case. We have been told countless times in seminars to make sure a client gets a copy of everything that comes in or goes out of the office relating to the client's case. This includes pleadings, correspondence and memoranda.

3. Discuss the fees at the outset. Again, this is basic. In the initial conference with a client, the client should be told everything regarding the attorney's fees, including how the lawyer charges, expenses, when payment is due, etc. And, of course, the agreement regarding to the fee must be reduced to a written agreement. The written agreement should generally not include an estimate of a total amount to be charged unless the lawyer is working on a fixed fee basis.

4. Bill the client regularly. Clients do not want to be surprised. They

should be sent a statement on a monthly basis which includes all fees for services rendered and cash advanced. It is difficult for the client to dispute the final amount after having received regular monthly billing statements throughout the course of representation. Remember, monthly bills should be sent even when there is a credit balance.

5. Encourage the client to communicate when there are problems. At the first meeting, the client should be told that any problems he or she is having with the attorney must be communicated as soon as they arise. If the client is upset, you should be informed so you will have an opportunity to explain what you have or have not done.

6. Calendar everything. This is another basic task for attorneys. Everything must be calendared. Remember, there is no defense to a bar complaint when the statute of limitations has been blown, a discovery date missed or a hearing missed.

7. Clients should be introduced to associates and paralegals. If the attorney plans to use other personnel in the office and bill for their services, it is important that the client personally know who is working on the case. Make sure there is an agreement that there may be additional timekeepers working on the case.

8. Avoid conflicts. If in doubt, don't. If you have a funny feeling that a case may create a conflict -- either with a client or an issue -- chances are there is a conflict. Where they are minor conflicts, problems can be resolved by the execution of written waivers prior to commencing representation.

9. Beware of the client who creates uneasiness. If, during the first few minutes of the initial conference with a potential client, you realize this person could drive you nuts or create a

need for strong drugs, don't take the case. There is no retainer large enough to represent a genuine nut. Viewed another way, don't take the case where you simply do not like the client.

10. Close the case. At the end of your representation of a client, all loose ends need to be tied together. Depending on the type of case, you may have leases to prepare, deeds to have executed and correspondence to send out. The client is not going to know how to tie up the loose ends and expects you to take care of them.

There are other rules to follow, of course. But, if we all follow the ten rules cited in this article, the chances of receiving a grievance will be drastically reduced.

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Fourth Annual Golf Tournament Scheduled

The HCBA/JYL Golf Tournament has been scheduled for Friday, August 23, at Deerfield Country Club. This will be the fourth year for the project which has benefited Habitat for Humanity. Last year's tournament contributed \$5,000 to Habitat.

The event is being planned by committee members: Mark Chinn, chairman; Karla Pierce, vice-chairman; Debra Allen; Harris Collier; Kenny Griffis; Mike Maloney; Ben Piazza; John McCullough and Keith Obert.

HCBA Budget 1996-1997

INCOME	BUDGET
CLE	\$1,000
Grants	5,000
Interest Earned	2,500
Law Firm Survey	1,000
Law Week Dinner	5,000
Lawyer Referral	31,200
Membership Dues	64,200
Membership Luncheon Fees	3,000
Miscellaneous	150
Newsletter Ads	2,500
Peoples Law School	1,000
Secretarial Placement	3,000
Tournament - Golf	10,000
From Retained Earnings	2,110
TOTAL INCOME	\$131,660

EXPENSES	BUDGET
ABA Conference	\$4,500
Board Luncheons	1,700
CLE	1,000
Clerk Function	400
Committee Lunches	3,000
Grants	5,000
In-Town Travel	450
Insurance	300
Law Office Survey	500
Law Week Dinner	6,000
Lawyer Referral	42,340
Management Services	19,500
Member Socials	1,500
Membership Luncheons	4,500
Miscellaneous	500
Newsletter	9,750
Peoples Law School	1,000
Postage	8,000
Printing & Supplies	3,500
Secretarial Placement	3,000
Social - Christmas	4,500
Telephone	720
Tournament - Golf	10,000
TOTAL EXPENSES	\$131,660

Bar Exam Results

The Mississippi Board of Bar Admissions announces that sixty candidates passed the February 1996 Bar Examination. This includes fifty-six examinees applying for initial admission plus four attorneys from other states seeking reciprocal admission in Mississippi. Thirty-five graduates of the two Mississippi law schools took the exam for the first time; of these, twenty-six (74.3%) were successful. Twenty of the twenty-two graduates of out-of-state law schools were successful in passing as first-timers, achieving a success rate of 90.0%. In comparison, the passage rate for applicants who had previously failed the Mississippi Bar Examination was 31.2%. Four of the four applicants on the examination for attorneys previously admitted in other states achieved a passing result.

The Mississippi Bar Examination

is administered by the Mississippi Board of Bar Admissions, a nine member Board appointed by the members of the Mississippi Supreme Court. All persons seeking admission to practice law in Mississippi must take and pass a written examination administered by the Board. The examination for initial admission presently consists of two days of essay examinations and the one-day Multistate Bar Examination, which is administered simultaneously in approximately forty-six states. Attorneys from other states eligible for reciprocal admission must take a one or two day essay examination on subjects relevant to practice in Mississippi.

Since 1984, all applicants for initial admission to practice in Mississippi must be graduates of law schools approved by the American Bar Association.

□ 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.

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FIRST CLASS

IMPORTANT
HCBA Luncheon Meeting
12:00 Noon, June 18

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

OCTOBER 1996

President's Column

T. Harris Collier

More than 100 members of your association participated in the HCBA/JYL Golf Association held at Colonial Country Club-Deerfield on Friday, August 23. Proceeds from the tournament will go to the Mississippi Volunteer Lawyer Project. Thanks to all the hole and prize sponsors for their generous contributions. Tournament winners are listed in the newsletter. Thanks also to the Golf Committee for making this event possible: Mark Chinn, Chairman; Karla Pierce, Vice Chair; Kenny Griffis; Ben Piazza; Stuart Kruger; Mike Maloney; Keith Obert and Debbie Allen.

Your Legal Economics Committee is conducting a Law Firm Economic Survey of law firms with five or more attorneys. The committee is working in conjunction with Grantham, Randall, Muns & Company, CPA's, for the preparation of the survey and compilation of its results. Participant's answers are confidential and results will only be shared with those firms that participate. I encourage your firms' support in this survey.

It was a pleasure having Boyce Holleman as our speaker at the August membership meeting. I have heard many favorable comments about his speech. While entertaining, he also pleaded for a return of professionalism and civility among lawyers. He told of a recent incident where one lawyer invited the opposing lawyer to "step out in the hallway" to settle their differences during the taking of depositions. It is our responsibility as attorneys to maintain professionalism and civility in our practice.

August Membership Speaker



Gulfport attorney, Boyce Holleman, was the speaker at the August Membership Meeting. He is pictured with Mrs. Holleman, Harris Collier, HCBA President, and Trip Barnes, HCBA Program Chairman.

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HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

October 15, 1996

12:00 Noon

\$10.00

Capital Club

Brad Pigott, U.S. Attorney for the Southern District of Mississippi will be the speaker.

Law Office Technology: How One Lawyer Uses a Computer

by Richard Montague

(Editor's Note: We have two articles on law office computing in this issue, one by Joel Howell, who apparently knows a great deal about computers, and one by me. If you would like to share with us what you do with computers in your office, please let me know.)

Unless you've been sleeping during the last ten years, you have witnessed a revolution in the use of computers in the delivery of legal services. The revolution continues at an ever increasing pace. I wonder if there is a law office in the Metro Jackson area without a computer?

Ten years ago, I was the equipment committee for a seven lawyer firm. I was responsible for purchasing new word processors. The firm bought one extra which sat on my credenza while I made my first of several attempts to

become computer literate. As soon as we added a new secretary, that first computer was gone from my office. I think that in the six months or so that I shared space with that computer, I actually printed a document that I produced. I did not get a new computer for about five years.

"Every law office should have a grayscale flatbed scanner."

Today, I am typing this text myself on my laptop, which is actually sitting on my lap. What a concept. My laptop is wired to my secretary's computer, on which I will electronically store this text when I am finished. My computer is also plugged in to a telephone line through which I will electronically fax these words to Martha Royalty at Graphic Reproductions, who does

such a tremendous job getting this newsletter printed every other month. I will not produce a paper copy in my office, although I could because I am wired to my secretary's printer. My computer is connected to the internet through a dedicated telephone line. I have an e-mail address that I rarely use (rmont@teclink.net). I spend way too much time jumping from one internet site to another through hypertext links. I have a small law library on compact disc (CD) and a cd-rom drive (a place to put the CD so the computer can read it) built into my laptop. My laptop will also play musical CDs. When writing a brief or letter opinion, I can copy text from cases that are stored on a CD or downloaded from Westlaw and insert the text into the document I am producing, all without getting out of my comfortable office chair. I can also play solitaire, tetris, golf, and blackjack.

Who knows what we will be doing with computers ten years from now? One trend is the increasing use of computers in the presentation of evidence in court. Another trend is the increasing use of computers for remote communications. Lucky for us we don't have to guess where the information revolution will take us. We have scouts like HCBA member Joel Howell, who are willing to venture into unknown electronic territory and share their experiences and insights with the rest of us. Joel has written several excellent articles on computers and law practice for the *HCBA News*. His writing on computers may contain the most practically helpful and concise advice about effective use of computer technology in the delivery of legal services that you can find in any publication. This month's message: no law office should be without a grayscale flatbed scanner. Oops, I don't have one. See you at the office supply store.

Now, I wonder how my e-mail works...?

CLE Calendar of Events

October 24-25
Public Defenders Fall Seminar.
MS Judicial College

October 25
Criminal Law Seminar.
MTLA. 948-8631

November 1
Soft Tissue Injury.
UM-CLE. 601-232-7282

November 15
Debt Collection in MS.
UM-CLE. 601-232-7282

November 20-21
Individual Income Tax-1996 Laws.
MS Association of Public Accountants. 1-800-321-1276

HCBA Calendar of Events

October 15
HCBA Membership Meeting.
Noon, Capital Club

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

Law Firm Updates

Dossett, Barnes and Broom, PLLC
1817 Crane Ridge Drive, Suite B
Jackson, MS 39216

P.O. Box 13956
Jackson, MS 39236-3956

Phone 981-6336
Fax 981-7075

Harris H. Barnes, III
William E. Dossett
Gordon Broom
Robert E. Box, Jr.
Henry N. Dick, III

Baker Donelson Bearman & Caldwell
700 North State Street, Suite 500
Jackson, MS 39202

Phone 351-2400
Fax 351-2424

Announces the expansion of the Firm's Tax Group:

James K. Dossett, Jr.
Leonard C. Martin
William E. McLeod
Stacy E. Thomas

On Computing

by Joel Howell

While the paperless office is not yet here (nor probably ever will be 100%), today's technology has jumped to the point that, both in terms of economy and efficiency, we all need to know the fundamentals.

Electronic access to the court system is rapidly becoming a reality (the Supreme Court's Web page is now well-established; modem access to some of the bankruptcy courts has been around for some time), and electronic filing is not far away (more on that in the future).

To get to those things, among the other tools you will need is a scanner, the prices for which have dropped rapidly. Any scanner can digitize whatever is "read" into it; printed text is now a snap with optical character recognition (OCR) software having reached an acceptably high degree of accuracy with little need for cleanup. Beyond that, however, faxes, photos, artwork, and anything else that can be scanned are convertible into electronic images and can then be manipulated with a great variety of tools.

Flatbed scanners represent the best technology. State of the art color imaging with bundled software can be had for less than a thousand dollars; grayscale only with software is less than five hundred dollars. Delrina has just released a handfed WinFax scanner in an upright version that weighs less than three and a half pounds for under a hundred and thirty dollars.

This leads to any number of immediately practical applications. Assuming you aren't already receiving faxes electronically, you can scan in the draft of a contract, make changes appropriately highlighted and print hard copy or fax it back. If you use preprinted forms, these can be scanned and duplicate copies made to be customized as needed without your secretary having to use that old

kludgy typewriter to fill them out painstakingly. In a pinch, a scanner can be used as a copier; you can also take a scanner image and increase or decrease size, adjust brightness and contrast, collate, tile, add headers and/or footers with date, time and page numbering. You can even change typeface and the size of header or footer text. In addition to other bundled software, many include business card scanning software, allowing you to build a name and address database.

Sophisticated software packages are available to take all documents from complex litigation and build databases. If you have the storage problem that all of us do, old files can be scanned and archived on electronic media, giving you the capability to reproduce all information, including newspaper and magazine articles, on demand. Pages of tabular data can be scanned and made into instant spreadsheets.

For starters, you can go with one of the smaller handfed units, but a grayscale flatbed scanner is preferable. You can add a paper feeder to this for large jobs. Virtually anything you buy will come with at least fundamental software that can "read" accurately (such as being able to distinguish between upper case and lower case), as well as being able to recognize columns, font sizes, and graphics.

There is, however, one danger: once you get one of these, your secretary will be spoiled beyond belief, but you will have the benefit of a much more productive office.

Combined with a fax machine, a scanner can do wonders, more on this and electronic filing in the future. Questions or comments? Drop me an e-mail at 76616,1020@compuserve.com.

Joel Howell is a sole practitioner in Jackson Mississippi.

UNTIL NOW, TITLE COMPANIES WERE ABOUT AS EASY TO COMPARE



These days, a lot of title companies claim to be financially sound. But too often, what they promote are isolated ratios and statistics that are not a true measure of financial strength. In fact, they are often misleading.

At Mississippi Valley Title, we saw the need for standardized claims-paying-ability ratings for title insurers. That's why we asked to be rated by Standard & Poor's. We were given an A+ — the highest rating from S&P in the title industry to date — along with our affiliate and co-underwriter, Old Republic National Title Insurance Company, who received an A+ rating for the second year in a row.

Ask another title company for their rating from Standard & Poor's. If they don't have one, ask why, then call Mississippi Valley Title.

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Jackson, MS 39225-2428
(601) 969-0222 (800) 647-2124
(AUMS/IN)

Supreme Court Adopts New Pro Bono Rules

by Ben Piazza

On September 12, the Mississippi Supreme Court on petition of the Mississippi Bar amended Rule 6.1 of the Mississippi Rules of Professional Conduct by adopting the following Rule and Comment. The new Rule is based on Rule 6.1 of the ABA Model Rules of Professional Conduct. Although the new Rule is aspirational, it makes clear that every lawyer has an ethical responsibility to annually provide at least fifty (50) hours of pro bono legal services.

In addition to quantifying the minimum number of pro bono hours expected, the biggest change in the new Rule is that "a substantial majority" of the 50 hours are to be provided directly to indigent persons or to organizations on behalf of indigent persons. The Rule no longer allows a lawyer to discharge his pro bono obligation by providing legal services to public service or charitable groups or organizations, unless such services would be on behalf of indigent persons. Additional pro bono services could be provided to individuals or organizations to protect civil rights or liberties, by reduced fees to persons of limited means, or participation in bar activities.

The Comments to the Rule recognize that it will not always be feasible for an individual lawyer to provide direct pro bono legal services, and as an alternative the lawyer could provide the equivalent financial support to legal aid organizations. The Comments also note that a law firm may collectively satisfy its members pro bono responsibilities. Although the Rule now sets forth a specific standard for a lawyer's professional responsibility, it is not intended to be enforceable through the Mississippi Bar's disciplinary process.

Anyone who would like information on how they can meet their pro bono obligations should contact Phyllis Thornton, Executive Director of the Mississippi Voluntary Lawyers Project (formerly known as the Pro Bono Project) at 948-7746.

Rule 6.1 Voluntary Pro Bono Public Legal Service

A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

(a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:

- (1) persons of limited means; or
- (2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and

(b) provide any additional services through:

- (1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise appropriate;
- (2) delivery of legal services at a substantially reduced fee to persons of limited means; or
- (3) participation in activities for improving the law, the legal system or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

Comment:

Every lawyer, regardless of prominence or professional work load, has a responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. All lawyers are urged to provide a minimum of 50 hours of pro bono services annually.

It is recognized that in some years a lawyer may render greater or fewer hours than the annual standard specified, but during the course of his or her legal career, each lawyer should render on average per year, the number of hours set forth in this Rule. Services can be performed in civil matters or in criminal or quasi-criminal matters for which there is no government obligation to provide funds for legal representation, such as post-conviction death penalty appeal cases.

Paragraphs (a)(1) and (2) recognize the critical need for legal services that exists among persons of limited means by providing that a substantial majority of the legal services rendered annu-

ally to the disadvantaged by furnished without fee or expectation of fee. Legal services under these paragraphs consist of a full range of activities, including individual and class representation, the provision of legal advice, legislative lobbying, administrative rule making and the provision of free training or mentoring to those who represent persons of limited means. The variety of these activities should facilitate participation by government attorneys, even when restrictions exist on their engaging in the outside practice of law.

Persons eligible for legal services under paragraphs (a)(1) and (2) are those who qualify for participation in programs funded by the Legal Services Corporation and those whose incomes and financial resources are slightly above the guidelines utilized by such programs but nevertheless, cannot afford counsel. Legal services can be rendered to individuals or to organizations such as homeless shelters, battered women's centers and food pantries that serve those of limited means. The term "governmental

organizations" includes, but is not limited to, public protection programs and sections of governmental or public sector agencies.

Because service must be provided without fee or expectation of fee, the intent of the lawyer to render free legal services is essential for the work performed to fall within the meaning of paragraphs (a)(1) and (2). Accordingly, services rendered cannot be considered pro bono if an anticipated fee is uncollected, but the award of statutory attorney's fees in a case originally accepted as pro bono would not disqualify such services from inclusion under this section. Lawyers who do receive fees in such cases are encouraged to contribute an appropriate portion of such fees to organizations or projects that benefit persons of limited means.

While it is possible for a lawyer to fulfill the annual responsibility to perform pro bono services exclusively through activities described in paragraphs (a)(1) and (2), to the extent that any hours of service remained unfulfilled, the remaining commitment can be met in a variety of ways as set forth in paragraph (b). Constitutional, statutory or regulatory restrictions may prohibit or impede government and public sector lawyers and judges from performing the pro bono services outlined in paragraphs (a)(1) and (2). Accordingly, where restrictions apply, government and public sector lawyers and judges may fulfill their pro bono responsibility by performing services outlined in paragraph (b).

Paragraph (b)(1) includes the provision of certain types of legal services to those whose incomes and financial resources place them above limited means. It also permits the pro bono attorney to accept a substantially reduced fee for services. Examples of the types of issues that may be addressed under this paragraph include First Amendment claims, Title VII claims and environmental protection claims. Additionally, a wide range of organizations may be represented, including social service, medical research, cultural and religious groups.

Paragraph (b)(2) covers instances in which attorneys agree to and

receive a modest fee for furnishing legal services to persons of limited means. Participation in judicial programs and acceptance of court appointments in which the fee is substantially below a lawyer's usual rate are encouraged under this section.

Paragraph (b)(3) recognizes the value of lawyers engaging in activities that improve the law, the legal system or the legal profession. Serving on bar associations committees, serving on boards of pro bono or legal services programs, taking part in Law Day activities, acting as a continuing legal education instructor, a mediator or an arbitrator and engaging in legislative lobbying to improve the law, the legal system or the profession are a few examples of the many activities that fall within this paragraph.

Because the provision of pro bono services is a professional responsibility, it is the individual ethical commitment of each lawyer. Nevertheless, there may be times when it is not feasible for a lawyer to engage in pro bono services. At such times a lawyer may discharge the pro bono responsi-

bility by providing financial support to organizations providing free legal services to persons of limited means. Such financial support should be reasonably equivalent to the value of the hours of service that would have otherwise been provided. In addition, at times it may be more feasible to satisfy the pro bono responsibility collectively, as by a firm's aggregate pro bono activities.

Because the efforts of individual lawyers are not enough to meet the need for free legal services that exists among persons of limited means, the government and the profession have instituted additional programs to provide those services. Every lawyer should financially support such programs, in addition to either providing direct pro bono services or making financial contributions when pro bono services is not feasible.

The responsibility set forth in the Rule is not intended to be enforced through disciplinary process.

Ben Piazza is a former president of HCBA and a Shareholder with Watkins, Ludlam, & Stennis, P.A.

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PROVIDING FINANCIAL SERVICES TO HCBA MEMBERS SINCE 1994.

Chancellor Stuart Robinson

by Bob Grenfell

Judge Robinson had a number of comments concerning trial practice not only in his court, but in other judges' courts as well. Judge Robinson commented that lack of organization and communication among lawyers, clients, and judges lead to some of the most common problems.

One of the most obvious abuses occurs during the discovery process. "Must of the excess cost of litigation is caused by flagrant abuse of the discovery process," he said. "What I have found in most cases is that the duration of the process goes hand-in-hand with the amount of money one or both parties have. If both parties are 'broke,' there won't be much discovery. One way I sanction lawyers for knowingly abusing this process is to discount the fees they request by their excessiveness in their discovery."

Robinson noted that pre-trial communication between lawyers of opposing sides is imperative in order for the hearing to move as quickly and painlessly as possible. "I almost always call the attorneys in for a short conference before the hearing starts and expect them to have conferred with each other and to have established the critical issues of the case. I realize that sometimes a client relishes 'going to battle' and wants to hear a judge say he or she is right or wrong; however, the two lawyers should try to agree on as many issues as possible."

Once these critical issues have been established, the attorney should try to focus on these issues. According to Robinson, however, this is not always the case: too often lawyers waste everyone's time asking redundant or irrelevant questions that clutter the record, in hopes of stumbling upon information that will help his or her case. "I appreciate an attorney who goes straight to the main issues," he said. "The attorney who asks the same questions over and over only causes me to question his abilities. I once became frustrated when two lawyers prolonged a relatively simple case for

two days. When the trial was over, I called them into my office and told them that I could have tried that case in the same amount of time as a Mike Tyson fight."

Belligerence in the courtroom is as equally ineffective. "Lawyers, including some of the most experienced, choose this style to try to impress their clients, who may assume that the meanest lawyer is impressing the judge and has the upper hand," Robinson said. "In my court, at least, it doesn't work that way. A lawyer who is combative and rude makes me wonder whether this type of presentation is being used to cover up a weak case." This bombastic style and haranguing is also boring. "I will usually give credit to the lawyer who calmly presents his or her case for saying something worth hearing and will be able to concentrate much better," he said.

No matter how irritating some of these annoyances can be, Robinson believes that it is just as important for a judge to practice tolerance and understanding while dealing with lawyers and their case. "A judge needs to remember what it is like to be a lawyer and avoid separating him or herself from the difficulties of the everyday practice," he said.

Judge Stuart Robinson has served as a Hinds County Chancellor since January, 1983, and as Senior Chancellor since 1989. Prior to his election, he had practiced law in Jackson for twenty-two years. He is one of two Chancery judges on the Mississippi Judicial Performance Commission. He has addressed the HCBA's Peoples Law School; members of the Mississippi Legislature who are attorneys; the State Chancery Judges Conference; the Joint Conference for Mississippi/Louisiana Trial Judges, New Orleans, Louisiana, and various other groups. He received his B.B.A. from the University of Mississippi in 1959 and his LL.B. from the University of Mississippi in 1961. A native of Jackson, Robinson

continues to reside in Jackson with his wife, Lynett G. Robinson. He has two children: Stuart Robinson, Jr., a partner with Heidelberg & Woodliff; and Lyn Robinson Brewer; and four grandchildren.

In addition to handling a regular case load, Judge Robinson, as Senior Chancellor, handles most of the administrative matters involving chancery court. He also oversees the handling of the large volume of Department of Human Services child support cases by a family master and the handling by special masters of all lunacy cases filed in Hinds County.

Bob Grenfell is the Director of Regulatory Affairs for Entergy Mississippi, Inc.



Mississippi College School of Law

Upcoming CLE Seminars

**Workers' Compensation
Practice & Procedure Seminar**
Thursday, November 7, 1996
Ramada Coliseum
6 hours CLE inc. 1 hr. Ethics

**Annual Medical
Malpractice Seminar**
Thursday, January 30, 1997
Ramada Coliseum
6 hours CLE

**Annual Labor and
Employment Seminar**
Thursday, February 13, 1997
Ramada Plaza Hotel
6 hours CLE

**Seventh Annual Business
Law Seminar**
Thursday, March 20, 1997
Ramada Plaza Hotel
6 hours CLE

**For Information, Contact
William R. Townsend,
Assistant Dean
(601) 925-7173**

Supreme Court Allows Court of Appeals to Publish Certain Opinions

by Linda A. Thompson

On July 26, 1996, the Supreme Court of Mississippi, sitting *en banc*, adopted an amendment to Rule 35-B of the Mississippi Rules of Appellate Procedure changing the rules concerning publication of opinions by the Mississippi Court of Appeals. The change was made at the request of the Court of Appeals Judges. Supreme Court Justice Edwin Pittman voted to deny the change.

For the first nineteen months of its existence, the Court of Appeals was required to denote its opinions "Not Designated for Publication." The recent amendment allows the Court to publish certain opinions when at least one of the following standards is met:

(1) The opinion clarifies an existing rule and the matter is not presently pending in a case for review by the Supreme Court; or

(2) The opinion involves a factual situation or a legal issue of broad and/or continuing public interest not addressed in recent Supreme Court opinions; (This criterion shall apply only upon a determination that significant changes in the public perception of the issue suggest the necessity to reaffirm an established rule of law), or

(3) The opinion resolves an apparent conflict of authority and the matter is not presently before the Supreme Court for review; or

(4) The opinion contains a professionally useful, nonduplicative review or summary of existing law on a specific issue or area of law not addressed in recent Supreme Court opinions.

The Court of Appeals will publish an opinion only when two judges of a three-judge panel of the Court vote in favor of publication and when, upon

circulation of the proposed written opinion to the full Court, there is not more than one participating judge voting against publication. The Court will publish the opinion only after it is final. If the Supreme Court ultimately grants further review of the case, the Supreme Court will decide whether the opinion of the Court of Appeals will be published.

Attorneys and trial courts shall not cite, quote, or refer to the opinions marked "Not Designated for Publication" in any argument, brief, or other materials presented to any court except in continuing or related litigation upon an issue such as res judicata, collateral estoppel, or law of the case.

Linda A. Thompson is an Administrative Judge with the Mississippi Workers' Compensation Commission.

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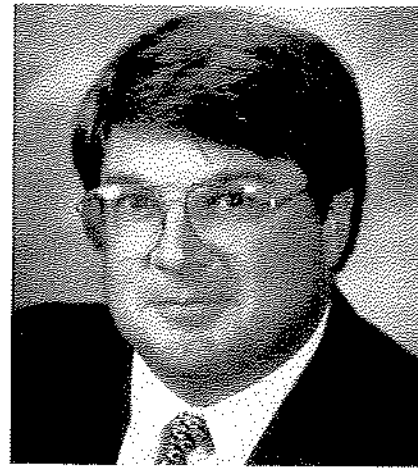
Finally... A Home-Owned Title Insurance Company Again

by Rowan H. Taylor, Jr.

In July of 1996, several Mississippi attorneys, bankers and real estate professionals joined with me to incorporate and license Mississippi Guaranty Title Insurance Company, the first new Mississippi title insurer in more than 50 years. This is an exciting time for me and our company's Board of Directors. Our company's announcement, including our address and telephone number and the names of our officers and directors, appears elsewhere in this newsletter.

Many people have asked me, "Why

start a title insurance company when there are so many already out there?" On the other hand, many others have told me that they too have thought about starting one in the past few years. There are several reasons to form a new title insurance company, but it all boils to just one reason in the end. None of the other title insurance companies are Mississippi-owned; all are either foreign corporations or owned by foreign corporations, in most cases, multi-national corporations. Based on my experience and



tenure with multi-nationals, decisions regarding agency operations are not always made locally.

The title insurance business is a unique and very personal business. The attorney/agent and the title company have to rely on each other and maintain a relationship based on mutual trust and respect. MGT was started by Mississippians to be owned and run by Mississippians insuring Mississippi properties through Mississippi agents. Mississippi people know Mississippi people and are in a better position to provide the service that Mississippi people expect and deserve.

When my grandfather, Judge O.B. Taylor, organized Mississippi Valley Title Insurance Company in 1941, he gathered together a group of local attorneys and business people for that purpose. That company was capitalized with approximately \$45,000. After successfully operating for 38 years, the company was sold to a Minnesota title company owned by an Illinois life insurance company.

Mississippi Guaranty Title Insurance Company was organized and licensed on July 2, 1996 by a group of Mississippi attorneys and business people who believed that it was time again for a Mississippi-owned title insurance company, as there has not been one recently. In 1978, the total Mississippi title insurance market was approximately \$3.875 million. (See Chart) By the end of 1994, this market had grown to approximately \$15.433 million, an

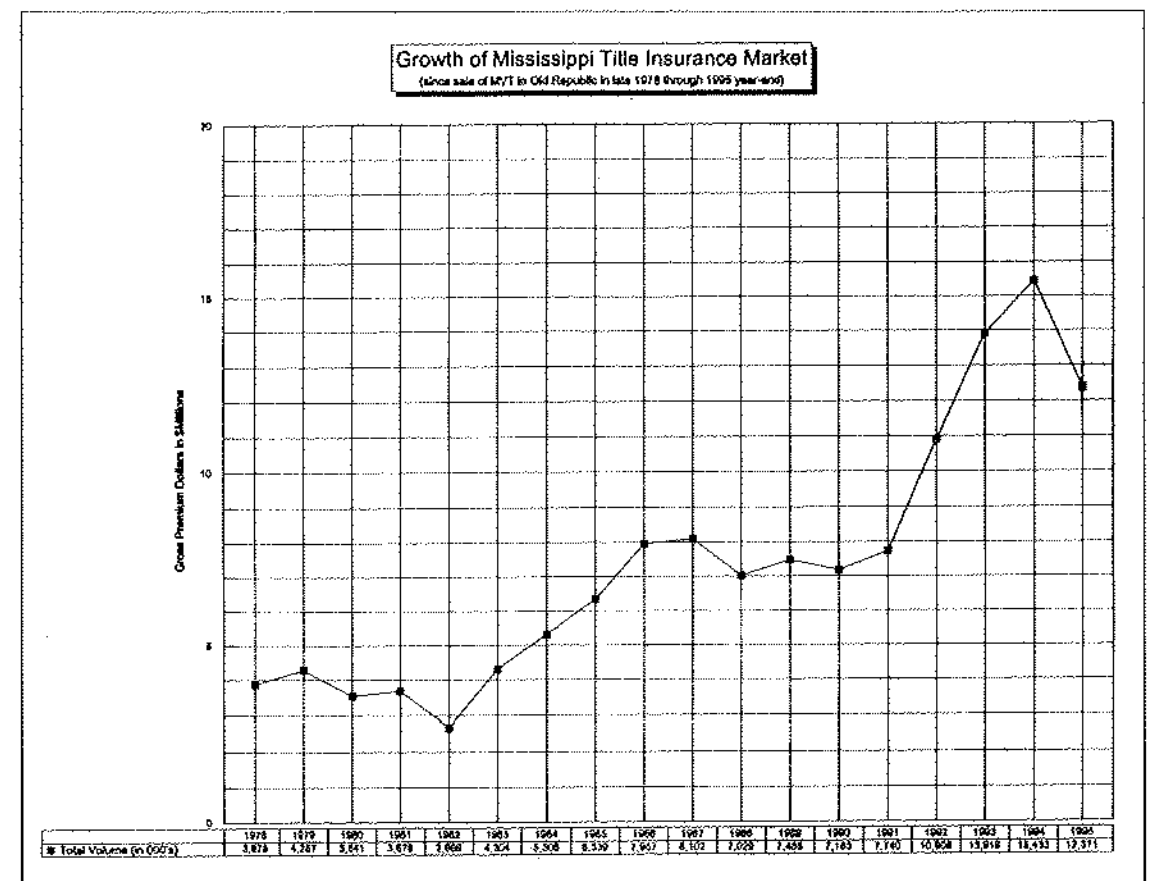
almost 400% increase.

Unfortunately, since the end of 1978 the entire Mississippi market has been served exclusively by foreign corporations and those with foreign-ownership, there having been no Mississippi-owned company until this year.

MGT was initially capitalized to meet Insurance Department requirements and intends to increase that capitalization over time. MGT's policies are accepted by Fannie Mae, which buys most of the loans originated in Mississippi. For any policy greater than a

certain amount, all companies for business and regulatory reasons must obtain reinsurance from other companies in the business. We have entered into a reinsurance treaty (with attractive reinsurance premium rates) which allows the company to compete with any other title underwriter regardless of size. With this treaty, MGT will be able to write policies in any amount necessary to serve the client. For example, the company recently was asked to insure a \$12,000,000 transaction by an agent. Because of the attractive rates under the reinsurance treaty, the company is able to write policies and cede to the reinsurer all liability in excess of \$100,000, while paying only a small reinsurance premium.

MGT plans to be supportive of the Bar and to operate exclusively through agents. MGT does not plan or desire to do direct business. Direct business is when the company issues the policy directly with no agent involved, a practice viewed by agents as competing with them. We will not do direct business unless requested to do so, for example, when an agent has a conflict



and does not want to refer his client's policy to another attorney. According to 1995 results filed with the Mississippi Insurance Department, the top 2 insurers doing direct business were First American (11.3%) and Mississippi Valley Title/Old Republic (7.5%). In fact, these companies did so much direct business that their direct operations alone would have earned a 5th and 8th place in market share for 1995. Not included in these is Stewart Title, which bought an attorney's real estate closing practice and opened several other offices, closing real estate transactions directly through a 90% owned corporate subsidiary as agent.

Over the past several years, many people have wished for a Mississippi company again, the idea being that we can take care of ourselves, manage ourselves, and send the reinsurance to those elsewhere. MGT has an increasing number of agents, with many more applications in progress. Our agents are issuing policies. We believe in the attorney/agent system and believe that it is the only viable way to do business in Mississippi. We support the idea of

real estate attorneys closing loans in Mississippi and do not plan to provide closing services in competition with them.

In closing, our focus at MGT will be on service to real estate attorneys and their clients. As a locally-owned and operated business, we look forward to working with you. I appreciate this opportunity to tell you about our new company.

Rowan H. Taylor, Jr., is a graduate of the Mississippi College School of Law (J.D., 1978). He is the immediate past President of the Dixieland Title Association, an association made up of title insurance underwriters, agents and real estate attorneys in Alabama, Georgia and Mississippi. He has worked in the title insurance industry both as attorney/agent and in the employ of three different underwriters, serving in positions such as Vice President, State Manager and State Counsel. He is a frequent speaker on title insurance-related issues.



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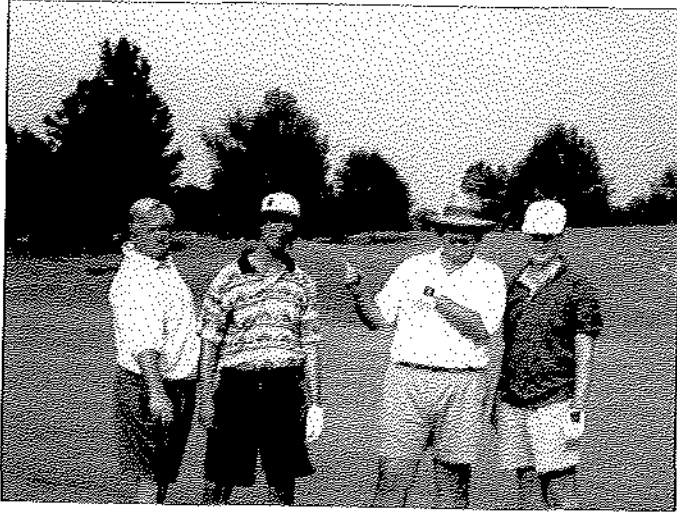
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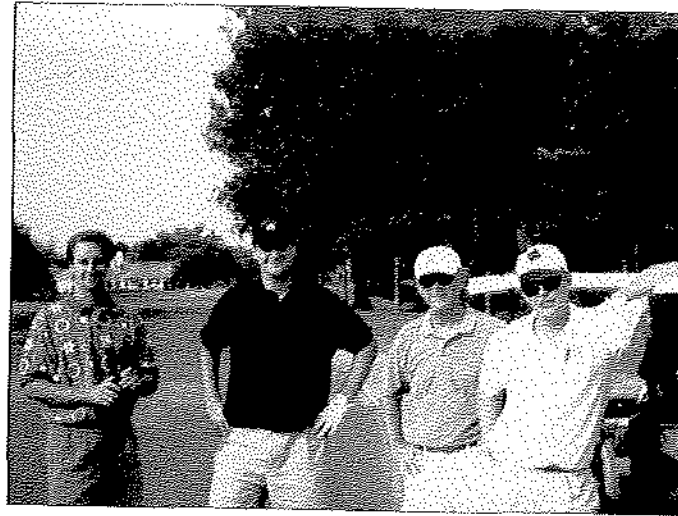
Shirley A. Bowen
Director

Organized and licensed July 2, 1996

Scenes from the 1996 HCBA Golf Tournament



Left to right: Don Lacy, Reeves Jones, Jim Mozingo, Jimmy Knight.



Left to right: Brian Jamyson, Meade Mitchell, Bob Wood, David Dunbar.



Left to right: Gram Meadors, Kenny Griffis, Phyllis Thornton, Director, MS Volunteer Lawyer Project.



Left to right: Todd Waycaster, Todd Woods, Pete Doran, Jeff Hubbard.



Left to right: Tom Milam, Ro Taylor, Marcus Wilson.



Left to right: Mike Maloney, Eddy Edwards, Randolph Woods, Bill Featherstone, Paul Snow.

Winners in the 1996 Golf Tournament

Long Drive

- #1 Bob German
- #16 Danny Spivey
- #18 Tom Milam

Closest to Hole

- #3 Steve Younger
- #7 Ro Taylor
- #12 Pete Doran
- #14 David Webb

1st Flight

- #1 David Webb
- Taylor Simmons
- Walter Newman
- Collier Simpson

#2

- Don McGraw
- Sam Goza
- Danny Spivey
- Derek Henderson

#3

- Joe Roberts
- Bob Germany
- Lamar Pickard
- Johnny Wade

2nd Flight

- #1 W. G. Watkins
- Rick Forman
- Tom Fardy
- Fred Krutz

#2

- Kenny Griffis
- Steve Carmody
- Rod Kland
- Gram Meadors

#3

- Bill Featherston
- Paul Snow
- Eddy Edwards
- Randolph Wood

3rd Flight

- #1 James Mozingo
- Don Lacy
- Jimmie Knight
- Reeves Jones

#2

- Bob Greafell
- James Sumner
- David Kaufman
- Chris Shapley

#3

- Pete Doran
- Jeff Hubbard
- Todd Woods
- Todd Waycaster

Client Thanks LRS

"During the past year I had occasion to use your lawyer referral service. I am writing to thank you for the service rendered and to commend the work of the law firm to which you referred me," writes an HCBA Lawyer Referral Service client.

This is just one example of the successful services rendered during our first year in operation.

Since June of 1995, the LRS has received almost thirty phone calls per day. Of the approximately forty fee-paying referrals made each week, twenty-five percent are in matters of family law and more than ten percent are labor and employment related.

The LRS also receives calls concerning personal injury, general litigation, criminal defense, real estate, social security and wills, trust and estate administration.

Join our LRS team and assist us in continuing to provide this valuable service in the tri-county area. (An application is enclosed.)

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HCBA

Christmas Social

Thursday, December 5, 1996
5:30 - 7:00 p.m.
Mississippi Bar Center

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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
12:00 Noon, October 15, 1996