

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

APRIL 1999

“Just Say No. Choose to Value Principles”



President's Column

by Mark A. Chinn

In a recent episode of the television show, “The Practice,” a prosecutor was faced with the dilemma of whether to continue a prosecution of a rape charge after arriving at the gut instinct that the defendant was not guilty. She had no proof, she just felt it in her bones that the defendant was not guilty. What would you do? Well, she went to the judge in private and told her that she felt it was likely the defendant was not guilty. If you were the judge, what would you do? The judge chastised the prosecutor and told her it was not her job to decide guilt or innocence; it was the jury’s. The judge also warned the lawyer not to “tank” her closing argument. In the end, the defendant was convicted. The show left the distinct impression he should not have been. This show presented the fundamental question: Can lawyers fulfill their role as advocates while valuing principles? The show seemed to be conveying the message that the answer is “no.”

Many people seem to think that there was a better era when lawyers were held in higher esteem than today. I’m not so sure about that, since I find many less than flattering references in ancient literature, including both the New and Old Testaments. But let’s assume that there has been a recent decline in the public perception of lawyers. To what can we attribute that decline?

It has occurred to me that one major contributor to the decline in respect for the legal system is the

abdication by lawyers of their own moral imperative. This abdication has its roots in modern theory on the attorney-client relationship.

Before we discuss that, though, let’s look for a moment at the moral dilemma we face. We know that the duty to represent the client brings with it the fundamental principle that the lawyer’s job is to represent the client’s interest and not his own. This duty immediately separates the lawyer’s work from his own perspective.¹

Lawyers are also trained in the early stages of law school that what they personally believe to be “right” is not relevant, that what precedent says is right is the only relevance. Good examples of this occur in Constitutional Law class where we learn that the Nazis have the right to march in the Jewish town of Skokie, Illinois, and women have the right to abort a birth. One author has opined that it is through this law school training that law students

become “morally neutered.”²

Well, our duty of advocacy and our law school training were around before the decline of respect for the system. So, what happened?

Before the 60’s most lawyers followed the “traditional view” of legal counseling. The traditional view holds that the lawyer should exercise a great deal of influence over how the client’s legal decisions are made, and that the client should stand by passively and delegate decision making to the lawyer.³

In the 1960’s, a new, “client-centered” model for attorney-client counseling appeared. Many of its proponents were former legal services or public interest lawyers who entered academics as clinical law teachers.⁴ Client-centered counseling may be defined as a legal counseling process designed to foster client decision making.⁵ Some supporters of this approach state that it is crucial that the

Continued on page 8

February Membership Meeting



Speaking at the February HCBA Membership Meeting were: Betty Daughtery, Ben Sanders (second from right), Judge Donald Patterson (right). They are pictured with Mark Chinn, HCBA President.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

April 20, 1999

12:00 Noon

Capital Club

Lunch \$10.00

CLE \$5.00

CLE Presentation by Reuben V. Anderson, Isaac K. Byrd, Jr. and Constance Slaughter-Harvey
“Issues in Rainmaking and Networking for Minorities in the Profession”

HCBA Calendar of Events

April 20
HCBA Membership Meeting and One Hour Ethics CLE. Noon.
 Capital Club

April 22
HCBA Social Honoring Members with 30 years or more of service. 5:30 - 7:00 MS Bar Center

May 6
HCBA/JYL Dinner Honoring the Judiciary. 6:30 p.m. Primos Northgate

June 15
HCBA Membership Meeting and One Hour Ethics CLE. Noon.
 Capital Club

August 17
HCBA Membership Meeting and One Hour Ethics CLE. Noon.
 Capital Club

Notice of "Children Divided" Program

by Lisa Milner

As a result of the efforts of the Hinds County Bar, beginning April 1, 1999, Judge William Lutz will be implementing a program for divorcing parents. In all divorces filed in Madison County involving minor children and requesting a temporary hearing on issues of custody and visitation, the temporary order will include language mandating the parties to attend "Children Divided."

This program has been designed to assist divorcing parents with issues pertaining to children and to provide ways of handling stressful situations which arise out of visitation and financial conflict. The purpose is to enlighten parents to the impact of divorce on children, to give parents viable options in the handling of difficult situations, and to keep children from being placed in the middle and from being torn apart. It is a two-hour program which will be facilitated by Angela Herzog, Ph.D. in clinical psychology, and staff.

Parties will be required to file certificates of compliance stating their date of attendance. Hopefully this will take much of the burden of "cooperative counseling" off of the court and enhance the ability of divorcing parents to recognize the child impact consequences of inappropriate post-divorce practices and to prevent further trauma to those children who without assistance have no voice in these matters.

CLE Calendar of Events

April 21
MS Labor & Employment Law.
 NBI. 715-835-7909

April 22
Commercial Lending in MS.
 NBI. 715-835-7909

April 22
Bankruptcy First Day Orders/ABA Center for CLE.
 MC School of Law. 925-7173

April 23
Tax Clinic 1999.
 MS Bar Taxation Section.
 948-4471

April 23
MS Business Entity Update.
 UM-CLE. 232-7282

April 27
Insurance Coverage Law in MS.
 NBI. 715-835-7909

April 30
Health Law Seminar.
 MS Bar Health Law Section.
 948-4471

May 5
Boundary Law in MS.
 NBI. 715-835-7909

May 6
Drafting and Enforcing Trademark, Copyright & Software Licensing Agreements/PLI Satellite Seminar.
 MC School of Law. 925-7173

May 7
Third Annual Will & Probate Seminar.
 UM-CLE. 232-7282

May 7
MS Tort Claims Act Law.
 NBI. 715-835-7909

May 7
Law Practice Management Seminar.
 HCBA. 969-6097

May 11
Limited Liability Companies in MS.
 NBI. 715-835-7909

May 12
MS Sales & Use Tax Update.
 NBI. 715-835-7909

May 13
Annual Spring Estate Planning Update/ALI-ABA Satellite.
 MC School of Law. 925-7173

May 14
Hot Tips from the Experts.
 MS Bar Family Law Section. 948-4471

May 20
Estate Planning Distributions from Qualified Plans & IRAs/ALI-ABA Satellite.
 MC School of Law. 925-7173

May 20
Beating the Odds on Legal Malpractice.
 Great American Insurance Companies. 407-667-7880

May 27
Annual Spring Estate Planning Update/ABA Satellite for CLE Seminar.
 MC School of Law. 925-7173

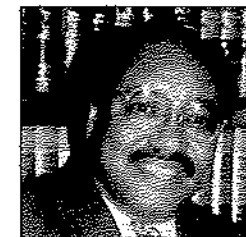
June 3
ERISA Fiduciary Responsibility Issues/ALI-ABA Satellite Seminar.
 MC School of Law. 925-7173

June 17
Litigation Case Management for Legal Assistants/PLI Satellite Seminar.
 MC School of Law. 925-7173

April CLE Presentation



Reuben V. Anderson



Isaac K. Byrd, Jr.



Constance Slaughter-Harvey

At the April luncheon meeting of the Hinds County Bar Association, to be held at the Capital Club on Tuesday, April 20, 1999, the CLE presentation will be made by Reuben V. Anderson, Isaac K. Byrd, Jr., and Constance Slaughter-Harvey. They will discuss "Issues in Rainmaking and Networking for Minorities in the Profession."

Former Supreme Court Justice Reuben V. Anderson is a partner in the law firm of Phelps Dunbar, L.L.P. He received his B.A. degree from Tougaloo College in 1964 and his J.D. degree from the University of Mississippi School of Law in 1967. He is Past President of the Mississippi Bar.

Isaac K. Byrd, Jr., heads a law firm in Jackson, with practice emphasis on medical malpractice, products liability, personal injury litigation, and pro bono

progressive issues. He is general counsel of the Mississippi NAACP. He graduated from Tougaloo College, magna cum laude, in 1973 and Northwestern University in 1976.

Constance Slaughter-Harvey practices law and serves as president of Elections, Inc. She is also an adjunct professor at Tougaloo College, where she is president of the Parents' Club. She earned her bachelor's degree, cum laude, from Tougaloo College in May 1967, and she was the first African American female to receive a law degree from the University of Mississippi, in January 1970.

Please join these celebrated attorneys, whose accomplishments are too numerous to list in this newsletter, for what promises to be a stimulating CLE program.

ASSOCIATE SOUGHT

The Kullman Firm, a defense firm specializing in labor law and employment litigation, seeks an associate with 1-3 years of litigation experience for its Jackson office.

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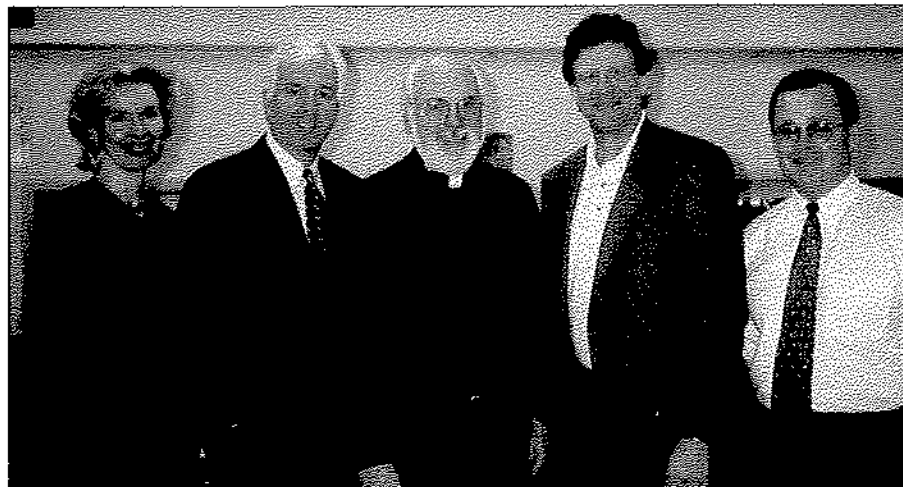
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HCBA Board Meets at Stewpot



The HCBA Board held its February board meeting at Stewpot to discuss possible projects for the HCBA. Pictured are: Susan Tsimortos, Board Member; John McCullough, HCBA Past President; Luther Ott, Stewpot Director; Mark Chinn, HCBA President; Samuel Kelly, Board Member.

HCBA Newsletter/Editorial Board



Serving on the 1998/99 HCBA Newsletter/Editorial Board are: (seated) John Land McDavid, Linda Thompson, Editor; Keith Obert; (standing) David Trewolla, Carol West, Jimmy Robertson, Lee Hetherington.

Hinds County Bar Association Mission Statement

The mission of the Hinds County Bar Association is to serve the lawyers, judges and public in our membership area by organizing, promoting and administering programs and member benefits in order to increase professional competence and responsibility, foster collegiality among our members, improve the public's understanding and appreciation of our judicial system, and advance the administration of justice.

Task Force on Gender Fairness

by Carol West

Last August, the Mississippi Supreme Court created the Mississippi Task Force on Gender Fairness in the Courts by Order No. 97-M-01581.

The mandate of the Task Force is:

To consider whether gender bias does exist in the Judicial System and Bar of Mississippi, and if such gender bias does exist, to determine the nature and extent of such bias and to propose measures for its reduction and ultimate elimination.

The Court named the forty members of the Task Force and prevailed upon former Lt. Governor Evelyn Gandy to serve as Honorary Chair. She called an organizational meeting on November 9, 1998. This was followed by a meeting on January 25th at which the Task Force was divided into two committees, each of which has specific responsibilities.

The Operations Committee is headed by Mark Chinn, who is assisted by Deanne Mosley and Vangela Wade. The Issues Committee is headed by Constance Slaughter-Harvey, who is assisted by Polly Covington and Robert Gibbs.

The next meeting of the Task Force is set for April 28th. At that meeting, the plan of action for Mississippi's study will be discussed.

Quite clearly, this major undertaking cannot be accomplished without the assistance of many non-Task-Force members, both lawyers and non-lawyers. Many of you will be called to help when the "hands on" part of the study gets underway. The court order limits the Task Force to a period of three years to complete its work.

Various states and federal courts have undertaken "Gender Fairness in the Courts" studies. These efforts began in the early 1980's and have continued until eight federal circuit courts and more than forty states have completed their initial research and issued reports.

WANTED: Cartoonist
for newsletter. Salary negotiable.
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Spring: God's Gift to The Last Year of The Twentieth Century

by Captain Equity

It's April. It's Spring. Thank God! Other than perhaps October, April is the very best month to be in Mississippi. Azaleas, dogwood, wild onions, and warmth. Just what the body and soul need.

And never was that more true than in the last year of this century. Now, I know that uneasy feeling that is beginning to creep over some of you, but don't worry. This is not going to be a nostalgic Larry King look back over the last hundred years of America or an Orley Hood baby boomer reprise of the good old days in Jackson (that article will most likely come later this year).

Nor is it some kind of cleverly disguised lead-in to yet another Y2K article written from the perspective of some sort of heavily-armed Eric Rudolph psycho survivalist holed up in a cave guarding his net worth of \$213,000 which was recently converted from IRAs and a 401-K account and is now comprised solely of canned food and gold bars. No, I solemnly promise to leave Y2K to Joel Howell, and if we are really fortunate, he'll opt to leave it alone altogether.

(But, in the spirit of Presidential leadership, I must clarify that my solemn promise is subject to a device known to children as King's X. Consequently, all readers are hereby put on notice NOT to fly a domestic, commercial airline in Russia or Northern or Western China on New Year's Eve night. However, if you absolutely must go to Siberia, Tibet, Mongolia or some other cold weather Russian-Sino destination to ring in the New Year, and if the plane doesn't lose it's computer controlled hydraulics and the airport's runway lights don't disappear on final approach, be sure not to check your heavy coat and wear an extra pair of socks. It is quite likely that your hotel's heating system is controlled by a desktop computer, circa 1964 built by Gulag convicts or Red Guards).

Okay, now the solemn promise is in effect. So, rather than writing one more tedious millennium retrospective, or Y2K disaster piece, this article is about the undeniable power of good weather to foster rebirth and renewal of body and spirit.

If we were to take a purely Felder Rushing worldview, Spring is a time most likely invented by cosmic landscape architects long ago to make the owners of Lakeland Yard & Garden, Callaway's and their ilk wealthier still. April is also the signal to would be "Lawn Of The Month" hopefuls to get out in the yard and dig, or, in the alternative, give the lawncare hired guns that proliferate around the end of March, like Mayflies on riding lawnmowers, vague directions about where to spread the fertilizer and what not to cut.

For the anti-yardwork crowd, of which I am a proud member, all of this is done with quiet thanks for a service sector that provides more time to clutch a cold beer while conducting an exhaustive search for the Braves and Cubs via handheld remote control.

Yes, Spring means daylight savings time, propane, low electric bills, and packing the wool blankets up for another year. It also means pollen, allergies and hay fever, and on workday afternoons, bouts of lowered ambition and productivity.

The symptoms are easy to spot - long outdoor lunches at Keifers or Que Sera Sera and periodic episodes of golf and fishing-based daydreams. And though this may be shocking to some employers, I must warn them that some will even act on these impulses, covering their tracks with mysterious references to pollen, allergies and hay fever.

But for all its glory, April is also the source of some periodic anxious moments. We all know what it's like to be glued to David Hartman and Woody as they report on a line of dangerous thunderstorms that always seem to be crossing the Mississippi River at Vicksburg or that ever-present storm cell in the Raymond area that always seems to contain a possible tornado. The only more unwelcome sound of Spring other than a Weedeater in need of a muffler being operated too early on a Saturday morning is the dreaded and eric tornado warning sirens that sound at least once a season in the Capital City. Otherwise, April in Mississippi is a tonic for bodies that have stayed indoors too long; it is early release for attitudes imprisoned by the winter siege

mentality.

Aside from the obvious and traditional pleasures of Spring, April is especially welcome this year. Like an endless ice storm with no heat or lights, we have endured every kind of public indignity imaginable over the winter months. These assaults have ranged from Presidential impeachment to the saga of the Armstrongs to Olympic bribery, college basketball cheating scandals, Reverend Henry Lyons (the latest incarnation of Jim Bakker and Brother Swaggart) looting the National Baptist Convention USA, and more.

But you know what? The sun is out, the flowers are blooming, and we are still here. For all the trying moments of this past winter, those who should have been discredited have been; those trying to make this a better city, state and nation still are; and our lives continue to be largely what we choose to make them.

Add to this the fact that it was possible this Spring in Jackson, Mississippi, to see Elton John, Kirk Franklin, and the Lord of the Dance all within a period of a couple of weeks. That the dreadful Today Show and Food Club Coffee have been replaced by Imus In The Morning and Starbucks.

And most incredibly, it's suddenly possible to go to an airport that really looks like one and catch a nonstop jet flight to someplace other than Atlanta or Dallas. And even more astounding is the fact that Mississippi has finally matched Las Vegas by having a hotel on the Gulf Coast with real trees in the lobby together with a sushi bar and Italian trattoria, all under one roof. Will wonders never cease?

But best of all, it is finally warm and not yet hot, pleasant and not yet humid, and at 4:53 p.m. on any given afternoon, it is no longer dark. All of this is God's way of reminding us that life is pretty good after all. So lift your spirits and companion aluminum can to Spring. Translation - it's okay to ice a six pack and act on that golf or fishing-based impulse.

[Editor's note: The viewpoints expressed in this column are solely those of Captain Equity and are not to be attributed to the Hinds County Bar Association, its officers and directors, or its editorial board.]

Year 2000 Coverage

by Eric Elam

We have heard many stories relating to Year 2000 (Y2K) problems and insurance. Some insureds are naturally more worried than others on this matter. As with all industry, in insurance there are still many unanswered questions regarding Year 2000. Here is what we do know, however.

It is a fact that most insurance carriers are endorsing renewals prior to Year 2000 with a Y2K exclusion. This includes most all policies including, but not limited to, property, business interruption, extra expense, computer, boiler and machinery, general liability, directors and officers' liability, professional liability, crime, employment practices, and fiduciary liability. As with asbestos and pollution issues, most carriers want no part of the Y2K problem.

Very little has been done to design and provide Year 2000 protection on any insurance policy. We understand that American International Group (AIG) has designed a form that esti-

mates your liabilities, charges that amount as a premium, and then returns a prorated portion should you have no claims or liabilities. We have not heard of many "takers" on this offer and it appears to be for the Blue Chip market.

The only other coverage solutions we have found is that some directors and officers and professional liability carriers will renew coverage through the year 2000 without a Y2K exclusion on their particular policy. Some limited Y2K coverage is also available to publicly held companies for security related derivative shareholder claims for Y2K related loss of value. These require extensive applications proving most of the Y2K liability has been reduced or eliminated.

It appears the best practice to manage this potential risk is through alternative risk management techniques. Investigate the downside risk and your options. Employ all reasonable means to recognize and eliminate exposure

and risk. Reconfigure hardware and software. Make vendors and others on which you depend submit evidence they have remedied their Y2K problems. Rethink every possible scenario where you might be affected by your own or others Y2K risk.

If you think you have serious exposure to Y2K risk we recommend you contact a Y2K computer consultant who has specific expertise in diagnosing, managing, and correcting Y2K problems. It is our sincere hope that Y2K will not be a problem for the majority of the service-related sector.

* * *

Eric Elam is the owner of Elam Consulting, Inc., an independent insurance consulting firm in Jackson, specializing in risk analysis, bid specifications and analysis, claim assistance and expert witness services. Elam Consulting does not sell insurance products.

Bob Grenfell Attends ABA Leadership Institute

Joining some 250 other emerging leaders of lawyer organizations from across the country at the American Bar Association's Leadership Institute, March 11-13, was Robert C. Grenfell, 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 organizations.

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.



The most difficult problems require the most innovative responses.

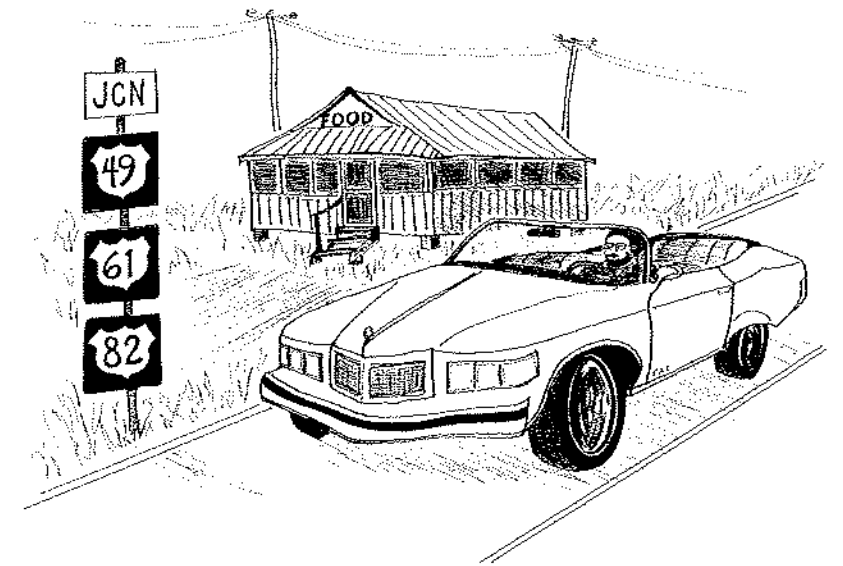
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Highway Eats

by The Road Lawyer



Spring always brings two happy things around for me — the Braves are back on TV and the Farmers' Market on North West Street has the year's first fresh produce for sale. Doris Berry and Nell Cody have been at their place on the end of the first market row for several weeks, bagging up those wonderfully acidic Louisiana strawberries, piles of greens, and shelled English peas, as well as a lot of other stuff that couldn't be local but looks better than what you see at the grocery store. And there are plenty of green things and bedding plants for the yard and patio. Won't be long before we have field-grown tomatoes and Smith County cantaloupes, not to mention a fresh crop of peanuts to eat during the Braves' games.

I hope you've patronized the new Broad Street Baking Company and Café at Banner Hall on the West Frontage Road just south from Northside Drive. You may wonder what this country boy is doing at a place where you'd more likely expect to see Captain Equity and his sophisticated friends, but that bread is the real thing. Big hearty crusty floury yeasty loaves that make you want to buy a loaf, a hunk of cheese, and a jug of wine and head out with a witty girl for a picnic under a flowering dogwood tree somewhere. There's never been a real bread place in Jackson before, and I hope you'll give the Broad Street some business. They sell very good meals and desserts, too.

Had some good barbecue at the legendary Abe's in Clarksdale about a month ago. I love the cole slaw that comes on the side of the pork plate — it's unique in being salty as well as vinegary — none of that sweet mayonnaisey stuff.

One of the lawyers in my Clarksdale group recommended the Lebanese food at the Rest Haven Restaurant, which advertises American and Italian specialties also. Abe's Barbecue is just east of the intersection of Highways 49 and 61 as you come in from the south on Highway 49. Rest Haven is to the west, on the north side of Highway 61 just on the west side of the Sunflower River. It's first on the list for next time, although it seems you should have that saucy barbecue when in Delta

Blues country.

The ugly 1950s Coahoma County Courthouse is under renovation in downtown Clarksdale. I could hardly recognize the public structure under all the scaffolding, and my business there was interrupted by the jarring sounds of construction. I hope some of the work is to beautify the exterior of the place.

Tunica has really changed. If you haven't been up there since the casino development, you're in for a real surprise. The renovation of the Tunica County Courthouse is complete, and the handsome 1922 Classical Revival building has been tastefully updated with some of the newfound wealth of the county.

One thing in Tunica really hasn't changed — the 1930s eatery with the amusing name: Blue and White Restaurant and Grease Rack Lounge. It's still in the old Pure Oil Station on Highway 61 (those signs are getting to be rare) where you turn left to go downtown to do Courthouse business.

The Delta folk are in there ordering slaw burgers and chili and spaghetti, usually while watching the weather channel on the elevated TV set. The blue plate lunch is quite good, and I recently enjoyed the homemade chicken pot pie and turnip greens, pinto beans, and cole slaw, topped off with a melt-in-your-mouth yeast roll. And the prices haven't kept up with the modern development up the highway in Robinsonville.

The economic picture in Tunica

County is unbelievable. Did you know the Grand Casino there is the largest dockside casino in the world?

Attached to the Casino are three hotels and a \$30 million golf course, and the Grand employs 5,000 workers. And that's just one of the casinos in the area. The casinos send their shuttle buses out not only to pick up tourists and gaming enthusiasts but also to take employees from places like Drew and Marks to work and back. It's a new world.

Anyone interested enough in this column to read this far needs to know about a book that you will find food for the soul or spirit if you haven't already: Wyatt Waters' newest collection called *Painting Home*. His luscious watercolors are of the places you and I like to visit, like the old Vicksburg Courthouse, Elvis's birthplace in Tupelo, Doe's in Greenville, and the Neshoba County Fair.

Wyatt Waters even did a portrait of Buddy's Antiques in Hernando, one of my favorite road-trip haunts where you can really make a find in the dusty shelves within. *Painting Home* is a book that makes you smile, maybe get a little wistful for a less complicated time, and definitely wonder at the skill it takes to do such vibrant town and country scapes in a medium not usually so full of color.

If you want to share a country culinary experience, write me in care of the HCBA at 151 E. Griffith Street, Jackson, MS 39201, or e-mail at hindsbar.com.

President's Update

by Mark Chinn

1. Membership and Recruiting.

There are more than 2200 lawyers in our area, 1200 of whom belong to the Hinds County Bar. That's good, but it can be better. We have hired a student to assist us with promotions and membership recruiting.

In addition, we have obtained some very special benefits for our members. If a person joins our organization in the two months after our next mail out of member applications, the benefit will be FREE MEMBERSHIP in:

THE COURTHOUSE
THE UNIVERSITY CLUB
THE CAPITAL CLUB

2. Parenting Classes.

We have done it! With the help of Madison County Chancellor Bill Lutz and his staff, we have implemented a program designed to teach parents how to parent while in divorce. The program started April 1. All parties requesting a temporary hearing in divorce cases will be ordered to attend classes designed and taught by mental health professionals. Thanks to Lisa Milner for helping with this.

3. Relationship Training.

Thanks to Melissa Gardner and to Jane Sargent and the Jackson Public Schools, we have successfully sponsored relationship training in four Jackson public high schools. Melissa reports that the response from the schools and students has been enthusiastic! With the addition of a successful pilot program at Jackson Academy last fall, we met our goal of placing this program in five high schools!

4. Professional Clothes Drive.

Our Black Lawyer Participation Committee, chaired by Dorian Turner and Rhonda Cooper, has successfully collected professional clothing and turned it over to the Jackson Urban League's store at the Jackson Medical Mall.

5. **Lucky Winner.** Karen Spencer was the lucky winner of lunch at Nick's for correctly guessing that I am the white knight. Rob Wells has filed an objection to the contest, stating that it was not clear whether the contest sought which person I really was, or which person I thought I was, or which

person others thought I was. I am overruling Mr. Wells' objection.

As a Hinds County Bar Member in 1999 - 2000, you will be entitled to free membership in

THE CAPITAL CLUB
THE COURTHOUSE
THE UNIVERSITY CLUB

If you join the Hinds County Bar in the two months after membership applications are mailed out this Spring, you will receive a free membership in The Capital Club and The Courthouse and The University Club!!!! Please pass this exciting news to nonmembers and new law school grads.

(This includes the initiation fees for each club and does not include monthly dues. The Courthouse will require at least a six-month membership. Details will be provided upon request to each entity.)

President's Column

(continued from page 1)

lawyer communicate neutrality to the client and that he should even "parry" any request from the client for an opinion.⁶

There may be considerable merit to the client-centered approach. But I believe it has gone too far. Client-centered counseling has resulted in a multitude of frivolous claims and litigation tactics by plaintiffs and defendants alike. It has resulted in the glorification of the "loop hole." It has resulted in a loss of joy and pride in our life's work.

In his book, *Law and The Heart*, Merit Bennett writes that "[i]f public confidence in the legal system is to be restored, lawyers must decline to represent people and causes that offend the lawyer's conscience."⁷ Bennett implores lawyers to "say no." He writes:

I have since learned that although every person may be entitled to legal representation, the people who offend my sense of right and wrong do not have to be represented by me. I do not

have to practice law as a hired gun or puppet. My license to practice law does not have to suspend my right to follow my conscience. If enough lawyers say "no," maybe the current level of client amorality will begin to decline, and some of the lost faith in lawyers can be restored.⁸

In his new book, Stephen Covey writes:

So how can we learn to make better choices?

We can choose to value principles. We can choose to look beneath the thin veneer of social conditioning and deep into the true nature of life and leadership. We can look for principles, seek to really understand and apply them, and live in harmony with them.

Principles control consequences; values control behavior.

The more our values are in harmony with principles, the better decisions we will make . . . and the more inner peace we will have.⁹

I call upon lawyers to look into their hearts and choose to value principles. I call upon them to "just say no" the next time a client asks them to "be aggressive" or to advance a purely technical

but non-substantive argument, or to show a lack of common courtesy to opposing counsel or party. If we just say no, and follow our principles, it is likely that our choices and our results will be better and that — as Merit Bennett writes — the public faith in lawyers and the system will be restored.

(1) Model Rules of Professional Conduct, Rule 1.2 "A lawyer shall abide by a client's decision concerning the objectives of representation. . . ."

(2) Backman, Walt, *Law v. Life*, Four Directions Press, 2d ed. 1996, p. 57

(3) Diverstein, Robert D., "Client-Centered Counseling: Reappraisal and Refinement," 32 *Ariz. L. Rev.* 501, 502, 506 (1990).

(4) *Id.* at 518

(5) *Id.* at 506

(6) *Id.* at 509

(7) Bennett, Merit *Law and the Heart*, (1994), p. 91

(8) *Id.* at 89

(9) Covey, Stephen R., and A. Roger Merrill and Dewitt Jones, *The Nature of Leadership*, Franklin Covey Co., 1998, p. 94

The Hinds County Bar Association Continuing Legal Education Committee

LAW PRACTICE MANAGEMENT SEMINAR

FRIDAY, MAY 7, 1999

Ethnic Center - Mississippi Agriculture & Forestry Museum

Lakeland Drive

Jackson, Mississippi

(6 hours CLE credit - Does Not Include Ethics)

8:00 - 8:30 a.m.	Registration and Opening Remarks	Barry K. Jones Mark Chinn
8:30 - 9:30 a.m.	Communication and Public Relations	Mark Chinn (Introduction by Dean Mosley)
9:30 - 10:30 a.m.	Monitoring Monica (or Listening to Lewinski) Legal and Ethical Issues in Surreptitious Tape Recording	Armin J. Moeller, Jr. Louis H. Watson, Jr. (Introduction by Tammy Barham)
10:30 - 10:45 a.m.	Morning Break	
10:45 - 11:45 a.m.	Legal Assistants	Jacqueline Watkins (Introduction by Barry Jones)
11:45 - 12:45 p.m.	Lunch	(On Your Own)
12:45 - 1:45 p.m.	The Electronic Court	Honorable James Graves Hinds County Circuit Court Judge (Introduction by Ed Lawler)
1:45 - 2:45 p.m.	Technology and Internet Issues	William V. Westbrook III (Introduction by Paul Barnes)
2:45 - 3:00 p.m.	Afternoon Break	
3:00 - 4:00 p.m.	File Management	Sheila M. Bossier (Introduction by Kenneth Miller)

(Clip and Mail)

HCBA LAW PRACTICE MANAGEMENT SEMINAR

May 7, 1999

Advance Registration Form

Mail to: Pat Evans, Director, HCBA
151 E. Griffith Street
Jackson, MS 39201

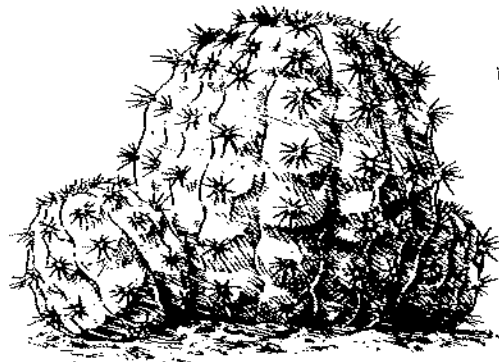
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HCBA Members: Free Non-Members: \$60.00

Name: _____ Firm: _____

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Risk Retention Group

On Computing

by Joel Howell

It may, finally, be time for voice recognition software. Much water has gone under the bridge since we first saw voice recognition in Star Trek and 2001: A Space Odyssey. As for the real world it has been undergoing development since the early 1980's, but it is only just poking its head above the water of genuine utility.

While there are a number of products available, the top choices are ViaVoice 1998 from IBM, which allows creation, editing and formatting of documents in Microsoft Word 1999, or, perhaps even more tempting, WordPerfect Suite 8 Legal, which comes with Dragon NaturallySpeaking.

The suite itself comes bundled with HotDocs, a document assembly engine; Amicus Attorney, a personal information and contact manager; NexLaw which gives supplemental legal capable toolbars to WordPerfect; CiteLink, a nifty table of authorities generator; and Lexicon from Black's Law Dictionary that adds more than fourteen thousand legal terms, abbreviations, and common cases. Given WordPerfect's upgrade pricing, and the impressive bundled third-party software, it may be your best choice.

Be aware, however, that you must

have sufficient hardware to get optimum use from it. The supposed minimums are a Pentium II 266 Processor, sixty-four meg of ram, and a quality sound card. The brand new Pentium III Processors are probably an even better choice, and 128 meg of ram should be your defacto standard now. You will also need a big hard drive, but that's common place with today's new systems.

Suite 8 Legal requires 180 meg for full installation, and you will draw rapidly on hard drive space as you train the computer to your voice. Incidentally, you can buy Dragon NaturallySpeaking as a stand alone product, but, curiously, only the Suite 8 Legal edition allows more than one user to train the software to his or her voice.

Training any of the speech recognition software will be your most important task, and it will not be a short one. While you can bring it to functionality in perhaps a couple of hours, an hour a day for a couple of weeks, and refreshers after that is more realistic.

Any speech recognition software includes program-specific commands, and you will need to take the time either to memorize those or to prepare a detailed reference chart. Likewise,

voice commands allow you to navigate the document, but this will take time to which to adjust. Finally, you can customize your program by establishing scripts, just as you would create a macro for a word processor or spreadsheet.

Dragon NaturallySpeaking incorporates several lengthy documents that allow you to train the program to your specific voice intonation. Note, however, this is a process that will necessarily need to be revisited as colds and background noise can affect like words at different times.

Dragon comes with a quality microphone, but you may need more than one, particularly if you are determined to do dictation to a laptop and also to a larger office machine. Another consideration, although a very pricy one, is a Dragon upgrade which allows you to purchase (for approximately \$600.00) a handheld digitizer that you can use for dictation, then upload to your computer. Practically speaking, however, given today's laptop prices, it makes a lot more sense to use one of those than the expensive digitizer.

* * *
Questions or comments? Send email to webmaster@hindsbar.com

Justice Kay Cobb Joins the Mississippi Supreme Court

by Michelle Partridge

Justice Kay B. Cobb of Oxford recently became only the second woman ever to serve on the Mississippi Supreme Court. Justice Cobb, who was sworn in on April 1, 1999, was appointed by Governor Kirk Fordice to fill the vacancy left by Justice James L. Roberts, Jr. who resigned earlier this year to enter the Governor's race.

Justice Cobb, a native of Cleveland, Mississippi, was born February 28, 1942, and she has been a resident of Oxford for the last 24 years. She attended Mississippi University for Women and earned a B.S. degree in 1963. She graduated from the University of Mississippi School of Law with a

J.D. degree in 1977.

Upon graduation from law school, Justice Cobb engaged in a general law practice in Oxford. In 1982, she became the Director and Coordinator of Prosecutor Programs for the Mississippi Prosecutors College at the University of Mississippi School of Law. While holding this position, she directed training and research for district attorneys throughout the state. From 1984 to 1988, Justice Cobb worked as a senior attorney for the Mississippi Bureau of Narcotics.

In 1988, she served as a Special Assistant Attorney General for North Mississippi. Cobb established, staffed, and managed the

Northern Regional Office of the Attorney General in Oxford. She remained in this position until she became a State Senator in January 1992, representing Calhoun, Lafayette and Yalobusha Counties. After serving in the State Senate for four years, Justice Cobb returned to the private practice of law in Oxford until her appointment to the Supreme Court.

Justice Cobb has been married for 36 years to Larry D. Cobb. They have two daughters, Barbara Murphy and Elizabeth DeBusk. She is also the grandmother of five grandchildren: Megan, Erin, Robert, Lauren, and Michael.

Patricia W. Bennett

by Carol West



My HCBA assignment this month is to write a profile of Patricia W. Bennett, our president-elect. Actually, she was elected secretary, but that positions

her to be vice president in 2000-2001 and HCBA President in 2001-2002.

My office is across the hall from Pat's and I think that I know her pretty well. That escalates the difficulty of my assignment. If I tell you all of the good things that I know about her, the editor will not have space to print the article.

I could remind you that she will be the third female president of HCBA (Martha Gerald and Judy Johnson were the first two.) I could point out that she will be the first African-American president, but that is not what really defines her. I think that what distinguishes Pat Bennett as a future President of the Hinds County Bar Association is that she is a lawyer of great versatility.

In the twenty years since she graduated from law school, she has been an administrative lawyer, a prosecutor for both state and federal courts, an outstanding professor, and a recognized scholar.

Half of her career has been spent teaching law at her alma mater, Mississippi College School of Law, where she was named Butler, Snow, Stevens and Cannada Lecturer in Law for 1995-97. That she is extraordinarily good at teaching is attested to by the invitations she has received to teach trial advocacy techniques at Harvard, Emory, the U. of Arkansas, and NITA. At MCSOL, her teaching assignments fall in the areas of: Federal Courts, Evidence, Criminal Procedure, Trial Practice, and Pretrial Practice.

Immediately out of law school, Pat did a short stint at the Jackson office of the Small Business Administration. Her first move from there took her to criminal prosecution, an area of law that serves as a signature for her career. As an Assistant Attorney General for the Mississippi Justice Department, she was in both state and federal courts. From there, she became an Assistant District Attorney for Hinds and Yazoo

Counties, where her work centered on violent crimes — capital murder, murder, robbery, rape, child abuse, kidnaping, and aggravated assault. Five years later, she took an appointment as Assistant U.S. Attorney for the Southern District of Mississippi. She did extensive work prosecuting criminal violations of federal law, especially fraud, firearms violations, official corruption, white collar crimes and violent crimes.

Even after she began teaching at the law school, she served as special prosecutor in U.S. v. Winn, the highly publicized prosecution for extortion and conspiracy to kidnap. Some days, she still can be found at the Hinds County Circuit Courthouse when she accepts a special appointment to try a noteworthy felony case.

This would be enough to show you what a busy and committed lawyer Pat Bennett is, but she is not completely described by her work resume. Clearly, Pat believes that service is a part of good lawyering. A partial list of her service record includes: membership in the Mississippi Bar Foundation, the Governor's Commission on Criminal Justice Reform (1997), the Mississippi Supreme Court Task Force on Gender Fairness, the Mississippi Board of Bar Commissioners (1992-93), Board of Directors of the Mississippi Commission on CLE (1991-94), the Commission on Colleges of the Southern Association of Colleges and Schools Accreditation Committee, the U.S. Department of Transportation's

Prosecution and Adjudication Implementation Group, the American Inns of Court, the Board of Trustees of Leadership Jackson (1995-98), the Mississippi Bar's Ethics Committee (1996-98) and Professionalism Committee (1990-91) and Conference on the Profession Committee (1993-95), the Board of Directors of the Central Mississippi Legal Services Corporation (1989-93), the Advisory Board of the Farish Street Heritage Festival, the Board of Directors of the Association for the Preservation of Smith Robertson School and Museum (1992-94), the Board of Directors of the YMCA of Metro Jackson (1993-98), the Board of Directors of the Millsaps Arts and Lecture Series (1990-93), Advisory Board of Children's Trust Fund of Mississippi (1995-98), Mississippi Children's Trust Fund Commission, Leadership Jackson Alumni, Board of Directors of HCBA (1989-92), Board of Directors of the Mississippi Prosecutors Association (1986-89), Jackson Civil Service Commission (1990), Magnolia Bar CLE Committee (1994), and reporter for U.S. District Court Advisory Group (1991-97).

From 1984-92, she was a Captain and Trial Judge Advocate in the U.S. Army Reserve JAG Corps. The Hinds County Bar Association will reap many benefits from the leadership of such an energetic, vibrant young woman at the peak of her career.

HCBA Election Results

Secretary-Treasurer

Patricia W. Bennett

Director-Post 1

Leyser Morris-Hayes

Director-Post 2

Stuart G. Kruger

Congratulations to our new officer and directors!

MC Law School Names Moller Permanent Dean



Sid Moller

After an extensive, nationwide dean search, Mississippi College President Howell Todd has selected Professor Sid Moller as the law school's fifth dean. Moller, who has served this past academic year as Interim Dean, received his J.D. with honors from the University of Wyoming College of Law where he served as Editor-in-Chief of the school's law review. Dean Moller also holds a B.A. from Louisiana State University and a Masters in Industrial and Labor Relations from Cornell University. Prior to joining the MC Law faculty in 1989 he served as a faculty member at the University of Wyoming College of Law after having been engaged in private law practice in Denver, Colorado, and Laramie, Wyoming.

Before attending law school, Dean Moller was a Labor Relations Specialist at an Exxon mining subsidiary in Gillette, Wyoming. Dean Moller, who has written articles that have appeared in a number of law journals, most recently authored *Birth of Contract: Arbitration in the Non-Union Workplace* which was published in 1998 by the South Carolina Law Review. His primary teaching interests include Employment Law, Contracts, Law and Medicine, and Wills and Estates. He has been recognized for excellence in the classroom with four Outstanding Professor awards at MC and Wyoming.

When asked for his vision for the law school, the new Dean replied, "My hope is that we will continue to build on the strengths that have established our reputation as a private, relatively small, regional law school that is dedicated to providing individual attention to students and optimum access to a diverse and highly qualified faculty." Moller pointed out that the law school has always made it a priority to provide students with an a more "user friendly" alternative to larger, often impersonal institutions.

Dean Moller noted a recent Princeton Review survey that placed MC Law School in the top ten schools in the country out of 180 accredited law schools in terms of quality of life for law students. (The "quality-of-life" index factored in student responses to questions concerning three aspects of the law school experience: the degree of com-

petitiveness among students, the "sense of community" among students, and the quality of relations between students and faculty.) "Law school is a tough enough experience even when the environment is positive. We want our students to know that the faculty and staff are committed to them and their well being. In short, we want our students to feel valued at our school."

Dean Moller also emphasized the practical aspects of a Mississippi College legal education relative to bar passage and placement. "MC students consistently score at the very top of bar passage rates within the Southeast region." As to placement, Moller referred to a recent *U.S. News & World Report* survey which placed MC Law School within the top fifteen law schools nationally in placement statistics. "We have been fortunate in placing our students in highly desirable jobs in Mississippi and the Southeast. Additionally, recent graduates have been hired into good positions in such places as New York City, Washington, D.C., Dallas, San Francisco, and Seattle, to mention a few." Moller also pointed out that in 1998, 18% or almost one in five MC law graduates were selected as judicial clerks in state and federal courts throughout the United States. "This obviously speaks well for the quality of our students and our placement office here at the law school."

According to Moller, another primary strength of Mississippi College School of Law has been its downtown Capital City location, which provides students with opportunities to interact with state and federal courts, administrative agencies, and many of the most prominent law firms within the state and region. "We believe that we do a good job at the law school, but to be truthful, one of our greatest assets is the quality of the lawyers and judges that most of our students are exposed to in the course of their law school careers. Right here in the tri-county area, we have an abundance of exceptional legal talent. Lawyers and judges in the Jackson area teach as adjuncts, judge moot court exercises, coach competition teams, supervise externs, serve on our Board of Visitors, hire our students as clerks, and mentor our students in one fashion or another. We could never have enjoyed the success we have had without the involvement of the local bench and bar."

When asked for any final thoughts about the future direction of the law school, Moller replied, "One of our goals is to further enhance the school's quality and repu-

tation while intentionally remaining as one of the nation's smaller schools in terms of enrollment. We also want to do a better job of serving the legal community, not only here in Jackson, but throughout the state and region as well. Our most fundamental objective, though, will be the same one we have always had — to train competent, highly ethical lawyers, who will bring credit to their profession, their communities and themselves. I am excited by the opportunity that has been given to me to help lead the law school in meeting all of these challenges."

Beloved Receptionist at the Mississippi Bar Will be Missed

Cindy Hardin Murphy, receptionist for the Mississippi Bar for the past six years, died March 9, 1999, after collapsing at the Bar Center. She was thirty-seven years old and had had a heart condition and pacemaker since a teenager.

Cindy was born in France while her parents were stationed overseas. Her father, an Air Force pilot, was killed when she was an infant. She grew up in Columbus, Mississippi, graduating from Heritage Academy there. She attended Wood Junior College at Mathiston and graduated from Mississippi State University where she was a member of Delta Gamma Sorority.

She was married to Rod Murphy of Brandon, where they lived for seven years. She was an active member of the Meadow Grove Baptist Church in Brandon. The family has asked that memorials be made to the American Heart Association or the Meadow Grove Baptist Church.

Co-workers at the Mississippi Bar have described her as "rare" and "unique" and "beautiful inside and out." They have said of her, "Cindy smiled at you and made you feel like you were the most important person in the world. Everyone thought they were her closest friend, because she made everyone feel that way."

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1998
1999

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1999 People's Law School

Session One/April 20

Introduction to Mississippi's Judicial System
(30 Minutes)

- Discussion of the criminal justice system from the booking to the trial
Former Judge Robert L. Gibbs, Brunini, Grantham, Grower & Hewes

Small Claims Court & The Municipal Court System
(30 Minutes Each/1 Hour)

- What claims can be brought in small claims court
- Can I file a complaint in small claims court myself
- How do I collect if I win in small claims court
- What cases are handled by the Municipal Court
Clyde Chapman, Justice Court Judge Carmen Castilla, Municipal Court Judge

How to Find a Lawyer
(30 Minutes)

- What to look for when searching for a good lawyer
- Where to look for a lawyer
Michael Martz, Mississippi Bar

Session Two/April 27

Landlord/Tenant Law
(30 Minutes)

- The duties and responsibilities of a landlord/tenant
Hillman Frazier, State Senator

Fair Housing Initiative
(30 Minutes)

- What do I do when I think I'm being discriminated against in getting housing
Mitzi Dease Paige, Assistant U.S. Attorney

Consumer Protection
(30 Minutes)

- Laws that protect consumers in the

marketplace

- What to do with a consumer complaint
- Who can help you with a complaint
Mike Rhodes, Attorney General's Office

Session Three/May 4

Family Law/Domestic Relations
(30 Minutes)

- What factors are considered in determining child custody
- Divorce laws and how they affect the parties involved
Michael Malouf, Sr. Malouf & Malouf Law Firm

Employment Law
(1 hour)

- Employers/Employees' rights and duties in the workplace
Marcie Pyke, Maxey, Pigott, Wann & Begley Anne Sanders, Brunini, Grantham, Grower & Hewes

Session Four/May 11

Bankruptcy & The Fair Debt Collection Act
(45 Minutes)

- The collection process and overview of bankruptcy
- What are my rights/duties under the Fair Credit Collection Act
Ed Lawler, Bennett, Lotterhos, Sulser & Wilson James McCollough, Brunini, Grantham, Grower & Hewes

Wills & Estates
(45 Minutes)

- Why you should have a will
- Estate taxes
- Use of trusts
- Durable power of attorney
- Living wills
Leonard Van Slyke, Heidelberg & Woodliff

Golf Outing to Dancing Rabbit

by Stuart G. Kruger

The HCBA Golf Committee has organized a golf outing to Dancing Rabbit on Thursday, April 29, 1999. As you may recall, we scheduled this trip for last November but had to postpone it due to the condition of the greens. This time we will be playing the new course, which I understand is fantastic. The total cost — including green fees, cart, lunch, and transportation — is \$97.50. Unfortunately, the cost has increased since the fall, but I believe that it will be worth the extra expense.



Participation is limited to 24 people, which requires that I reserve spots on a first-come, first-served basis. To reserve your place, please contact me at 949-4869 (voice), 949-4804 (fax), P. O. Box 427 (39205-0427), or skruger@wslaw.com. Your reservation will not be complete until I have received a check in the amount of \$97.50 made payable to the Hinds County Bar Association.

This promises to be another fun outing, so sign up now while the spots are available. We will leave at 8:30 sharp from Smith-Wills Stadium parking lot on the Silver Star bus. Tee times begin at 10:30. Box lunches will be provided courtesy of LEXIS/NEXIS, and we will depart for home at 5:00. See you on April 29th.

HCBA Golf Outing to Dancing Rabbit Thursday, April 29, 1999

- Silver Star bus departs Smith-Wills Stadium parking lot at 8:30 a.m.
- Return trip leaving Philadelphia at 5:00 p.m.
- Box lunch courtesy of LEXIS/NEXIS.
- Contact Stuart Kruger at 949-4869 to make a reservation.
- Cost: \$97.50 Includes green fees, cart, lunch, and transportation.

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

Invite you to join us during Law Week for an

Evening Honoring the Judiciary

May 6, 1999

Primos Northgate

6:30 Reception 7:30 Dinner

Special Guests:

**Hinds, Madison & Rankin County
State & Federal Judges**

Guest Speaker:

The Honorable A. Michael Espy

□ **HINDS COUNTY BAR ASSOCIATION** □

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Correspondence regarding the newsletter should be directed to: HCBA Newsletter Editor, 151 E. Griffith Street, 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. The web site address is hindsbar.com.

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IMPORTANT
HCBA Luncheon Meeting
12:00 Noon, April 20



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

AUGUST 1999



President's Column

by Harris H. Barnes, III (Trip)

It is hard to believe that this is the second President's Column. Much has happened in the last two months, and much more is going to happen in the next ten.

As some of you may have seen, I was interviewed by a young reporter for the *Northside Sun*. If you read the column, it appeared that we just rambled, talking about everything in general and possibly nothing in particular. He asked about the usual things, such as what the Bar Association did, tort reform, and the image of lawyers.

Quite frankly, I didn't do as good a job as I had hoped in expressing to him the good feeling I have about lawyers. I got to thinking; if I have such trouble verbalizing the good that lawyers do, possibly there is a similar problem within the community of lawyers.

Why are lawyers held in such low esteem? Why are there so many lawyer jokes? Why do people often give you smart answers when you tell them that you are a lawyer? Quite candidly, it didn't use to be that way.

I can remember growing up in Clarksdale, Mississippi. I wanted to be either a doctor or a lawyer. Why? Because I thought both of them rendered a valuable service to the community. Plus, the people who practiced those professions were exemplary citizens and leaders in the community. People like Chester Curtis, Pat Holcomb, Elzy Smith, Charlie Sullivan, Bill Bradley, Harvey Ross and Ed Connell had a very direct influence on my life. These were the Sunday School teachers, the Boy Scout leaders, the members of the Board of Education, the high school supporters, the presidents of the Booster Clubs, and all were very loyal and active in the Clarksdale and Coahoma County communities.

So, what has changed? In a very broad sense, nothing. As I said in the interview,

some of the most wonderful, honest, trustworthy and forthright people that I know are lawyers. Otherwise, why do they keep asking us to serve as Sunday School teachers, Boy Scout leaders, Board of Education members, Booster Club presidents, chairmen of the Salvation Army Advisory Boards, presidents of the Board of Deacons, etc.?

The problem is not only with the public but also within ourselves. We have allowed ourselves to be covered by the perception. I have often heard that, for many, perception is reality. Reality is that still some of the finest people serving in Jackson, and in Hinds, Madison and Rankin Counties are lawyers. Quite candidly, we need to do a better job of promoting our own image and defending it against those who would demean it.

Where would the United States be today without lawyers? Who invented corporations, partnerships, the Uniform Commercial Code, civil and criminal justice, etc.? Without lawyers, there would be anarchy.

Much has been said about the quote

from Shakespeare that the first thing we must do is kill all the lawyers. As with many quotes, this was taken out of context, for it was actually prefaced by a statement in general terms saying that to take over the country and to create anarchy, the first thing we must do is to kill all the lawyers. When the Soviet Union collapsed, one of the first group of professionals that the new Russian government requested was lawyers. Why, the Russians had no sense of justice, as we know it, and they needed our expertise in setting up a free enterprise, capitalistic, legal system.

Lawyers are necessary for an orderly society and are some of the most wonderful people I know. We must do a better job of communicating that and defending ourselves from those within and without who would tarnish our reputations.

Get to know your fellow attorneys. Come to the meetings. Come to the socials. Serve on the committees. We need your input and your interaction. In this way we can all become better for it.

HCBA Board



Serving as Hinds County Bar Association Officers and Directors for 1999-2000 are: (seated) Mark A. Chinn, Past President; Harris H. Barnes, III, President; Robert C. Grenfell, Vice President and President-Elect; (standing) John E. Wade, Director; O. Stephen Montagnet, III, Director; Patricia W. Bennett, Secretary-Treasurer; Meade W. Mitchell, Director; and John Land McDavid, Director. Not pictured are Directors Leyser Morris-Hayes and Stuart G. Kruger.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

August 17, 1999

12:00 Noon

Capital Club

Lunch \$10.00

Speaker: The Honorable Harvey Johnson, Jr., Mayor of the City of Jackson

EDP and Communication Equipment Coverage

by Eric Elam

Insuring computers and technology equipment in the legal office can be accomplished in different ways, and there are significant differences with each method in most cases.

An insured may insure computers and related equipment under the fire contents policy for the same identical coverage as provided for their contents, basic or special perils. Note carefully that artificially generated electricity and surge are not covered by this policy as a rule. Software and media are usually not covered either.

How valuable are your computers, software, research and client files should your system melt down during a surge? You should beware that even the best surge protectors cannot handle a major surge.

The second method is to add an Electronic Data Processing (EDP)

coverage endorsement to the fire or package policy to pick up many of the extra coverages provided typically under a separate EDP policy discussed below. Coverage forms do vary, however.

The third method is to obtain coverage under a separate EDP policy. In contrast to the fire policy some additional coverages are surge protection, mechanical breakdown, software and media coverage, equipment in transit or off premises, functional replacement, restoration of records and disks, business interruption, extra expense, and so forth. Coverage forms may vary with each carrier. Some policies require surge protection on all covered equipment.

Finally, communications equipment such as telephones, switchboards, and fax machines is generally not covered as Electronic Data Processing equipment leaving a sizeable coverage void

regarding the surge peril. As stated above, communications equipment covered under a regular fire policy has no surge coverage. Under most EDP policies, communications equipment is generally not considered computer-related equipment unless specifically designated covered as such. Thus, a big potential coverage gap exists. Confirm with your agent in writing under which policy communications equipment is covered particularly for the surge peril.

Eric Elam is the owner of Elam Consulting, Inc., an independent insurance consulting firm in Jackson, Mississippi, specializing in risk analysis, bid specifications and analysis, claim assistance, and expert witness services. Elam Consulting does not sell insurance products.

HCBA Calendar of Events

August 17
HCBA Membership Meeting.
Noon. Capital Club.

August 26
HCBA/JYL Golf Tournament.
Noon. Patrick Farms Golf Club.

October 19
HCBA Membership Meeting.
Noon. Capital Club.

December 2
Christmas Social.
5:30-7:00. MS Bar Center.

February 15
HCBA Membership Meeting.
Noon. Capital Club.

April 18
HCBA Membership Meeting.
Noon. Capital Club.

Hinds County Bar Association Mission Statement

The mission of the Hinds County Bar Association is to serve the lawyers, judges and public in our membership area by organizing, promoting and administering programs and member benefits in order to increase professional competence and responsibility, foster collegiality among our members, improve the public's understanding and appreciation of our judicial system, and advance the administration of justice.

Newsletter Invites Helpful Hints

The Newsletter invites articles or article ideas containing helpful practice hints which might prevent professional embarrassment or save time. If you know of a statute, decision, regulation or procedure which is obscure or a trap or of a source for data, goods or services which is difficult to locate, write it up in any format (narrative, outline, checklist) and send it to the Newsletter.

If you have an idea but cannot write an article, then send in the idea and the Newsletter staff will write it up. Your article or idea will be published under your name or without attribution, at your request.

Send your articles or ideas to HCBA Newsletter: mail to 151 E. Griffith Street, Jackson, MS 39201; fax to 601-925-7115; or e-mail to webmaster@hindsbar.com.

Hinds County Bar Association Summer Social

A large crowd enjoyed the Summer Social that was jointly hosted by the Hinds County Bar Association and the Jackson Young Lawyers at Hal & Mal's on June 10th. The event was sponsored in part by the American National Lawyers Insurance Reciprocal and Fox-Everett.



Harris H. Barnes, III, HCBA President; Ann Corso, HCBA Social Chairman; and Richard C. Roberts, III, 1994-95 HCBA President



Ronnie McMillan, Trey Jones, Mark Fijman, and Shelly Gunn Burns.

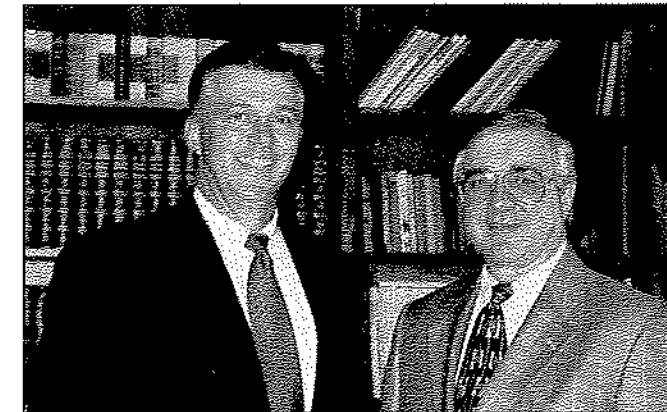


John E. Wade, HCBA Director; Meade W. Mitchell, JYL President; and Daniel P. Jordan, III, Past JYL President.



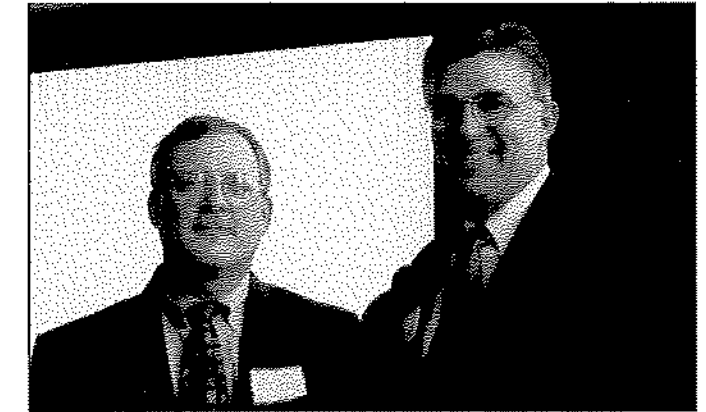
Larry Bourne with ANLIR; Martha Ashley with Fox-Everett; and Alahna Toigo with ANLIR.

June Membership Meeting



James O. Dukes (right), 1999-2000 President of The Mississippi Bar, was the speaker at the June Hinds County Bar Association Membership Meeting. His topic was Professionalism which will be the focus of the HCBA and The Mississippi Bar this year. Pictured with Dukes is Harris H. "Trip" Barnes, III, HCBA President.

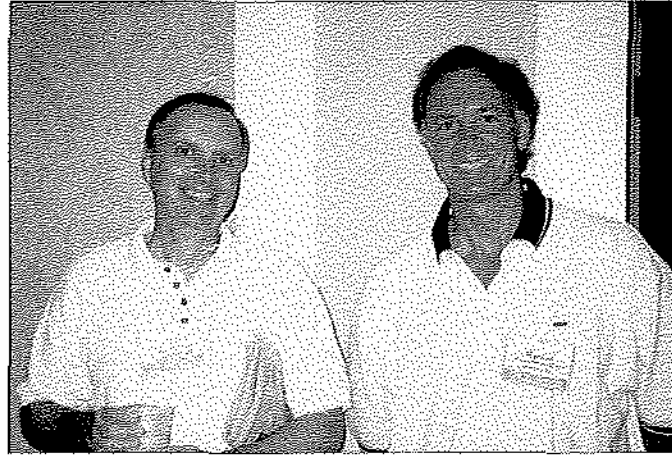
June Door Prize Winner



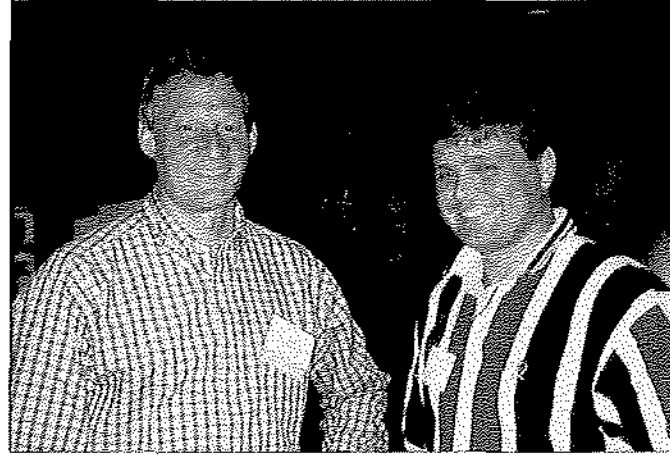
Neville Boschert (left) won the door prize, dinner for two at the Capital Club, at the June Membership Meeting. He is being presented the gift certificate by HCBA President Harris H. "Trip" Barnes, III.

HCBA Members Enjoy Annual Mississippi Bar Meeting

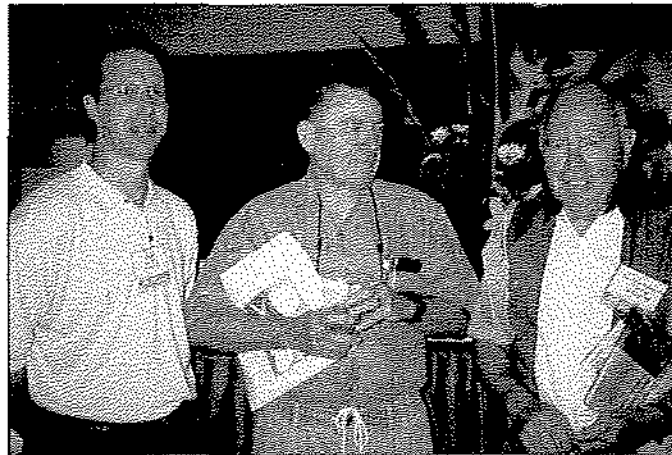
Many HCBA members enjoyed the annual meeting of The Mississippi Bar at Sandestin, Florida, in mid July. Shown below are some scenes from the Sandestin Hilton:



Mike Maloney (left) and Marcus Wilson, HCBA past president.



Sid Moller, Dean of MC School of Law (left), and Todd Coker.



Paul Gunn (left), Bill Smith, and retired Mississippi Supreme Court Justice Dan Lee (right).



Johnnie Ruth Hudson (left), Mike Maloney, Shirley Jones, and Bill Townsend.



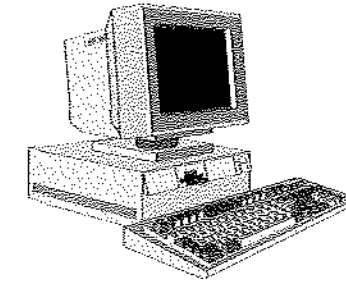
State Senator Charlie Ross, Wayne Drinkwater, Jimmy Robertson, and Dick Bennett, past HCBA President and President-Elect-Designate of The Mississippi Bar.



Featured speaker, Ken Starr of Washington, D.C., and Wayne Drinkwater.

On Computing

by Joel Howell



Doubtless you've heard about year 2000 problems. How does this concern you and your PC? Here are a few thoughts for guidance.

Years ago when RAM was expensive, CPUs slow, and hard drives small, program coding had far more limitations than today. A simple but effective programming trick was to delete the first two digits from date items, thus making "1981," "81." That foundation led to what we call today Year 2000 (Y2K) problems. Computers that are not Y2K-compliant, at 12:00 a.m. on January 1, 2000, therefore will believe it's 12:00 a.m. 1900. The most probable result is a system crash.

A popular myth is that only mainframe computers may have Y2K problems. Actually, Intel-based PC's are at risk if they have older BIOS (basic input-output systems). On boot, the BIOS initializes the PC and gets the system date and time from the real time clock, which, in older systems, contained a two-digit year. While this will not likely be a problem in Pentium-based computers, it may well exist in older equipment.

Your first step is to determine if your PC is Y2K-compliant. If you have Internet capability (and you all really should by now), check the manufacturer's web sight for information. If that's not available for whatever reason, see if you can determine the manufacturer of your motherboard and contact the manufacturer to see if a BIOS upgrade is available.

There are a number of ways to determine if your computer is Y2K-compliant. A simple way to do this is to see if the system will survive a BIOS rollover from 1999 to 2000. Get to a DOS prompt, set the date and time to December 31, 1999 at 11:59, then turn the PC off. Wait a few minutes, then turn it back on. If it reports that the date is January 1, 2000, you're home free; otherwise, best read further.

Another way of testing is to set your computer's date after January 1, 2000. Turn the computer off, then turn it back on, and see if it maintains the date input. If not, there's likely a problem with your system clock.

There are also automated programs to check Y2K compliance. Visit www.RightTime.com and download Test2000.Zip. Unzip the file and read Test2000.txt, which will give you the protocol. If you are using Windows (who isn't by now?), go to a MSDOS prompt, then run test2000.exe. It will conduct a series of comprehensive tests and give you the verdict in short order.

Microsoft has a year 2000 resource page at www.microsoft.com/year2000/; WordPerfect has a like page at www.corel.com/2000.htm. These will help you identify any problems with older versions of software and most likely provide access to a patch. The Internet is a bonanza for Y2K compliance information. There are numerous resources available. These include: Small Business Help for the Year 2000—<http://www.sba.gov/y2k>, Federal Year 2000 Commercial Off-the-Shelf Product Database—<http://y2k.policyworks.gov>, Score Y2K & Small Business—<http://www.score.org/y2k>

What does it take to undo a potential Y2K problem? Warren Reid, a computer consultant notes, "It has been a longstanding rule of thumb that if a programmer makes one fix to a program that is 100 lines of code long, there is a one in six chance that a new error will be introduced. This is like Russian Roulette!"

A further complication of the millennium bug is its prevalence. Computerization has invaded almost every aspect of our life including not only computers (such as personal computers, networks, and automatic teller machines), to such things many people would not even realize are computerized, including cash registers, taxis, telephones, appliances, and medical equipment.

On July 1, 1999, a bill was passed in both the House and Senate which could mitigate potential Y2K damages for companies. The legislation calls for up to a 90-day cooling off period before suits can be filed, a \$10 million dollar or 100-plaintiff minimum for class action law suits in federal court, and a \$250,000 punitive damages cap for small businesses (fewer than 50 employees full-time). As of this writing (July 8), HR 775 was on the President's desk awaiting action.

Modifications were made to the bill from earlier drafts due to White House veto threats. The bill also responds to proportionate liability, determining

economic losses, and enforcing existing contracts. The new law, which is expected to be signed by President Clinton, will not apply to personal injury or wrongful death claims.

For more information on pending, as well as recently passed, state and federal legislation on this topic, one can visit the Information Technology Association of America Internet website at <http://www.ita.org/year2000/legis.htm>.

Potential ethical pitfalls for a practitioner include not only calendaring and accounting glitches, but failure to advise clients of potential ramifications. A look at potential areas of litigation shows only the tip of this iceberg.

Possible litigation may include:

1. Vendor Liability for defective computer systems (equipment and software). Theories may include breach of express or implied contractual warranties, copyright infringement, simple negligence, products liability, and deceptive trade practices.

2. Vendor Liability for failed Year 2000 upgrade strategies.

3. Vendor and User Liability for negligently followed Year 2000 plans.

4. Vendor and User Liability for disruptions in critical supply, manufacturing, and distribution relationships.

5. Vendor and User Liability for failing to negotiate a Y2K clause in a merger and/or acquisition.

6. User Liability of business and government leaders for non-compliance.

7. User Liability for financial institutions that do not comply with regulatory guidelines.

8. Insurance Liability for vendors and users.

The most readily discernible area would be suits by software purchasers against vendors for breach of contract or product liability. The clear consideration would be claims by systems purchasers against professional consultants and service providers for breach of contract and fraudulent inducement. This would also lead to shareholder suits against law offices and directors naming breach of fiduciary duty, material misstatement; this could even go beyond that to accounting firms and law firms given on breach of duty and provision of professional advice.

Y2K could also lead to personal injury claims. If medical device manufacturers have products containing non-compliant embedded chips which cause injury or death, litigation could ensue. One potential example would be a manufacturer of a heart implant device

(continued on page 6)

On Computing (continued from page 5)

that malfunctions because of a non-compliant embedded chip.

Y2K Resources

Internet Websites:

General Information

<http://www.lycos.com/computers/y2k/>

<http://year2000.com/>
*Year2000 Information Center; resources and information
<http://year2000.com/y2kbugbytes.html>
*news clippings

http://headlines.yahoo.com/Full_Coverage/Tech/Year_2000_Problem/
*Yahoo Year 2000 Headlines; news clippings

<http://www.countdown2000.com/>
*general news

<http://www.everything2000.com/>
*articles and links

Law-Related Information

<http://www.mgrossmanlaw.com/clt.htm>
*Computer Law Tips and resources

*5/31/99 Computer Law Tip of the Week— useful article

<http://www.Sheller.com/links.htm>
*law and general Y2K resource links

<http://www.y2klawcenter.com/>
*Y2K Law Center; resources and information

http://www.ljextra.com/practice/computer/ct_y2k.html
*Law Journal Extra; Year 2000 Dilemma
*Y2K cases, resources, links

<http://www.kl.com/PracticeAreas/y2k/page3.stm>
*Legal articles and publications on Y2K

<http://www.comlinks.com/y2kmenu.htm>
*various links

<http://www.comlinks.com/legal/menu.htm>
*legal information

<http://www.comlinks.com/mag/faq.htm>
*frequently asked questions (about Y2K bug)

http://www.gahtan.com/cyberlaw/Year_2000
*Cyberlaw Encyclopedia: Year 2000

*links to law related Y2K articles, etc.

<http://www.gahtan.com/year2000/>
*The Year 2000 Legal Site

<http://gahtan.com/alan/articles/lpic.htm>
*Lawyers and the Year 2000 Issue

<http://gahtan.com/alan/articles/2000bug.htm>
*The Year 2000 Bug: Legal Issues

Books and Articles:

The Year 2000 Problem Legal Handbook by Howard A. Gutman

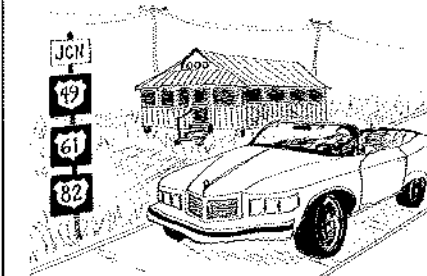
Year 2000 Computer Crisis: Law, Business, Technology by Warren S. Reid and Michael D. Scott

Year 2000: Best Practices for Y2K Millennium Computing by Dick Lefkon

Beckman, David, and David Hirsch. "A Little Y2K Wisdom Goes A Long Way." *ABA Journal* Jan. 1999, 76.

Questions or comments? Send email to webmaster@hindsbar.com.

Highway Eats by The Road Lawyer



Man, alive, have you been to the Mississippi Gulf Coast lately? Some of my friends are actually going down there for *vacations!* How long since you've had that notion? No, it's not the Broadwater or the Buena Vista, the old haunts of the Mississippi State Bar, as it was called then.

The Buena Vista is no more, of course, long since torn down as a used up old relic of the past. But the Mirage casino group has made like a phoenix on its former premises, for out of the rubble has risen the beautiful new Beau Rivage Hotel and Casino. And this one is different from the garish neon and theme park look of all the other casino and hotel complexes on the Coast. The high, imposing hotel building which is built right on the beach side of Highway 90 in Biloxi (unlike the old Buena Vista which was on the north side of the road) actually has a refinement and sophistication that is refreshing – and surprising – obviously an intentional attempt to impart an appearance worthy of Monaco or other European location.

Once inside the Beau Rivage you see vast flower gardens laid out under huge, fully grown magnolia trees. Everything is beautifully manicured and fragrant. I'm told they had 90,000 tulip plants under the 45-foot tall, arching magnolias for the grand opening, and both ladies and gentlemen were swooning over the opulence of it all.

Walk past the multi-tiered fountain, and you know you are not at any run-of-the-mill casino hotel. No glaring neon or bright lights here, just elegance everywhere you look from the mosaic floors that glitter like diamonds, custom-made carpeting, miles of marble, expensive decorator fabrics, original Gail Pittman pottery, fine Villeroy & Boch china, paintings, and abundance of fresh flowers everywhere. I'm told even the ladies' room in the ballroom/convention area is decorated with hand-painted lavatories and artisan-made vanity stools.

The odd thing about the lobby is that it is not a "see and be seen" kind of place. There is nowhere to sit down! Apparently, the notion is to keep everyone moving – most assuredly into the gambling rooms that are adjacent to and behind the hotel or to the shopping

promenade to the side that beckon with pool attire, men and women's designer clothing, lingerie, pottery, and golf accessories, as well as the customary gifts and souvenirs. The in-hotel jeweler's was a magnet for my wife who said the only place she had seen jewelry like that before was at Neiman Marcus.

You think the enormous pool area with its cabanas is more like something found on the Mediterranean than the Mississippi Coast. One of the six lounges, the Pelican Perch, is located there as well as a complete spa and exercise room.

A dozen places to eat provide a definite variety. In good casino form, you must walk through either the gaming room or the shopping mall to get to most of the eateries, hopefully spending some money on the way. They include the Take Maki, serving traditional Japanese fare and sushi; a Chinese café called (and serving) Noodles; the Buffet, with pasta station, oriental woks, and rotisserie; Memphis Q steakhouse and barbecue; the Roasted Bean with all the popular coffee choices; an ice cream parlor; and Mississippi's first brew pub.

The two restaurants most highly recommended, Coral (specializing in steaks and seafood) and La Cucina (Northern Italian cuisine), are hard to get into. Reservations in advance of your stay are a must. Both places were booked when we got there. Friends who had thought to call ahead bragged about the Italian fare, and folks who live on the Coast say Coral is a five-star restaurant serving the best food anywhere around. The interior of Coral is dominated by a 120-foot long aquarium with thousands of fish gliding through coral reefs and tropical plants.

We had supper at the Café Jardin, the 24-hour-a-day spot for casual dining,

which is adjacent to the lobby in the shade of the magnificent magnolias. We had a fine meal (and not particularly expensive) of prime rib, roasted new potatoes, and fresh asparagus – all of which were cooked to perfection. The service at night was excellent, although at breakfast the next morning it was a bit sketchy.

The show, Alegria Cirque du Soleil, which will run for two years, is outstanding. It is a rare combination of a very sophisticated circus and musical theatre. As with everything at the hotel, there was no expense spared in this production with its imaginative staging and fanciful costumes. You marvel at the incredible agility of the performers during the ninety minutes of sheer entertainment. Because of the popularity of the Cirque, as with the fine dining spots, reservations are needed in advance. Everyone will tell you it's well worth the \$45 per ticket tab.

With all there is to do at the hotel and elsewhere on the Coast you may not be too inclined to spend a lot of time in the guest rooms, but they are well appointed with attractive and cheerful French-inspired furnishings. The magnolia motif is repeated in the fabrics used for the bed and drapery treatments. The bathrooms are quite large with marble vanities, soaking tub, phone, and separate glassed-in shower.

It was not a perfect experience, and the hotel still has some glitches to work out. Check-in and checkout were a nightmare. It took over an hour-and-a-half to valet park, check in and get the luggage delivered to the room, and leaving took almost as long. Others voiced the same complaint. But it is obvious that the staff had been well schooled in courtesy and hospitality.

On the whole, the Beau Rivage was a real pleasure to visit – a day or two's escape from the mundane, everyday world – and isn't that the definition of a vacation? It is without a doubt Mississippi's premier hotel – I haven't seen the likes of it in these parts ever.

The Beau Rivage phone number is 888-567-6667 and the website is www.beaurivageresort.com.



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Risk Retention Group

On Friday, January 22, 1999, a tornado struck Clarksville, Tennessee, causing substantial damage to the courthouse and damaging in varying degrees seventy-five percent of the city's law offices. This event resulted in the accompanying article, "If Disaster Strikes, Will Your Firm Be Ready?" by Suzanne Rose, which is reprinted with permission from the March 1999 issue of the Tennessee Bar Journal. The HCBA Newsletter thanks Suzanne Robertson, TBJ Editor, for granting permission and forwarding an electronic copy of the article. Suzanne Rose is the management consultant for the Tennessee Bar Association TNBAR Management Services Program and provides consulting and management services to law firms.

If Disaster Strikes, Will Your Firm Be Ready?

by Suzanne Rose

Take this disaster plan self-audit to determine your state of readiness should disaster strike.

Safety: Do you have a written disaster response plan?

- Do you have a written evacuation plan for your office personnel in the event of fire, tornado or flood?
- Has the evacuation plan been distributed to everyone in your office?
- Is a person or group of persons in your firm assigned the responsibility for evacuating everyone from the office or building in the event of a disaster?
- Do your employees know where the emergency exits are in your office and building?
- Have you selected a location outside your building for your employees to regroup in the event your office or building has to be evacuated?
- Do you perform emergency evacuation drills on some periodic basis?
- If your office is in a multi-story building, have you coordinated your office evacuation plan and training with that of building management?
- Do you keep emergency exits clear?
- Have you requested the fire marshal to inspect your office for possible fire hazards?
- Is emergency equipment on site and located throughout the office (i.e., fire extinguishers, walkie-talkies), and do your employees know how to use them?
- In the event personnel cannot be evacuated, do you maintain emergency supplies on site (i.e., flashlights, radios, batteries, bandages and other first aid material, blankets, food and drinking water)?
- Have you provided your employees with training in emergency first aid procedures and CPR?
- Do all personnel have a list of emergency numbers?

Business Continuity: If disaster struck and you could not access your office, could you continue business?

Communication: Do you have a written procedure for communicating with employees and clients in the event of a disaster?

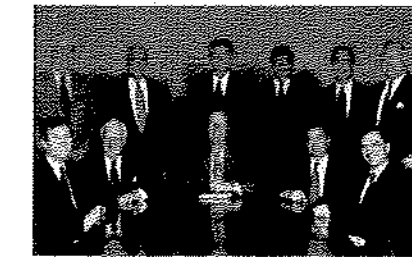
- Do all of your employees have a current roster of firm employees, addresses and phone numbers that is kept at their home?
- Do you have a current list of clients, including contact names, addresses and phone numbers that is maintained off site?
- Do you have an "alert notification" telephone tree for all employees to assist with the dissemination of information in the event of disaster?

Records: Do you keep copies of "paper" documents critical to the continuation of your business off site? Such information would include:

- Current client list, including contact names, addresses and phone numbers
- Current docket or master calendar, including names of opposing and co-counsel.
- Firm business records, i.e., lease agreements; partnership/shareholder agreements; inventory of physical assets; insurance policies, including name and phone number of agents; equipment leases, warranties and maintenance agreements, contact names and phone numbers of equipment vendors; and list of library services, name and phone number of representatives
- Client documents, i.e., wills, agreements, settlements, and corporate documents
- Note: paper records that are updated on a weekly or monthly basis should

(continued on page 10)

We're Directing Your Trust.



Standing: Morton Marick, Jackson; Richard A. Cecchetti, Minneapolis; Robert Khayat, University; Dudley Bridgforth, Jr., Southaven; Mark L. Williamson, Jackson; W.R. Newman, III, Jackson.

Seated: Harry M. Walker, Jackson; Howard L. McMillan, Jr., Jackson; John T. Cassar, Jackson; Donnie D. Riley, Gulfport; James M. Sellar, Jackson.

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If Disaster Strikes, Will Your Firm Be Ready? (continued from page 9)

be taken off site at least monthly, preferably weekly.

Data Back-Up and Storage: Do you perform computer data back up & storage on some frequent basis?

- Examples of data and documents to be backed-up and stored off site at least on a monthly basis are: firm accounting data (i.e., financial statement, general ledger, A/P and A/R ledgers, trust and retainer account transactions and history); current billing information (i.e., unbilled time and disbursements, and accounts receivable information); and payroll data and information.
- Examples of documents and data to be (ideally) backed up on a daily basis are: word processing documents, firm accounting and client billing data, spreadsheet and database information, litigation support systems and data, and other practice management data.
- Do you maintain the most recent copies of your operating and application software off site? Examples of such software include: network and computer; telephone switch; voice mail; copy and call accounting; firm accounting and client billing; payroll; spreadsheet and database; practice management; and library software.

Note: If your accounting and client billing is not automated and you do not maintain paper copies of your accounting and billing transactions off site, you will likely lose a significant amount of that data in the event of a disaster, which will severely hamper your cash flow in the weeks and months following the disaster. If your firm accounting and client billing are automated but you are backing up your firm accounting and client billing data on a monthly basis, you will lose the current month's business transactions and time and billing transactions in the event of a disaster. It is preferable that this information be automated and backed up daily.

Physical Plant, Equipment & Furnishings: Will you have access to office space, furnishings and equipment should your office be damaged?

Office Space: Is there alternative space from which your firm could operate on a temporary basis?

- Your home
- Other vacant commercial space (Get

to know a commercial real estate agent and/or get yourself on a mailing list from the commercial real estate companies for notices of vacant space in your area.)

- Other law firms (Arrange a reciprocal agreement with another firm to use each other's facilities in the event of disaster.)
- Branch office within commuting distance

Furnishings: Are you familiar with furniture rental companies or used furniture companies that will be able to provide you temporary furnishings or replacement furniture at a reasonable cost?

Office & Computer Equipment: Is your equipment adequately protected?

- Do you have a written procedure for shutting down critical computer equipment?
- Do you have a smoke detection device in or around your computer and telephone switch rooms?
- Do you have supplies on hand that will protect your equipment from water and debris; i.e., plastic dropsheets?
- Are you familiar with your office and computer equipment leases, warranties and maintenance agreements as to the obligations of your vendors to replace equipment damaged in a disaster? (Negotiate, if necessary, a provision in your equipment leases for equipment replacement in the event of disaster.)

Advice: Be a loyal customer to office equipment, computer equipment, software and supply vendors so that if disaster strikes, they will be loyal to you.

Insurance: Do you carry adequate insurance to cover all types of disasters? Does your policy cover the following types of losses?

- Replacement costs of office space, and of your current inventory of office equipment, computer hardware and software, valuable papers, library, and office furnishings
- Loss of income and extra expense
- Business interruption due to disaster that hits you directly or that prohibits accessibility to your office building even though your office is not damaged
- Malpractice coverage for possible missed actions as a result of business disruption
- Crime insurance
- Fidelity bond

Note: Be sure your policy covers your specific office address (specific floor), rather than just the building address.

No amount of planning is adequate to prepare for such disasters as we have seen in the past year. However, planning will go a long way in assuring the personal safety of your staff and the continuation of your business should disaster occur.

1999 HCBA/JYL Golf Tournament Committee



Planning the 1999 Hinds County Bar Association/Jackson Young Lawyers Annual Golf Tournament are committee members: (seated) Debra L. Allen; John H. Proctor, III, Chairman; Robert C. Grenfell; (standing) T. Harris Collier; Keith D. Obert; Ben J. Piazza, Jr.; T. Kenneth Griffith, Jr.; and Harris H. Barnes, III, HCBA President. The event will be held Thursday, August 26, at Patrick Farms Golf Club, and proceeds will benefit the Mississippi Volunteer Lawyers Project. Not pictured are committee members: Stuart G. Kruger; Kenneth C. Miller; and Joseph E. Varner, III.

What Are You Reading?

Most lawyers love to read, and we frequently try to get suggestions from each other in regard to reading material. We asked for recommendations and reviews from a few HCBA lawyers, and their comments appear below.

Guns, Germs, and Steel, by Jared Diamond. This book won the Pulitzer for nonfiction in 1997. The author, a UCLA physiologist and evolutionary biologist, wrote it in an attempt to explain why some early societies developed at a faster rate than others. Why did Cro Magnon man survive while Neanderthal man didn't? And which one was Alley Oop, anyway? For those of you who took anthropology courses twenty or more years ago, this is a good refresher course as well as an innovative look at how humanity developed.

When the Storm Breaks by Derek Thomas. An analysis of the story of Job. There have been innumerable explanations and interpretations and

variations and adaptations of the Book of Job. The reader who recommended this interpretation says it is one of the best.

Pride and Prejudice, by Jane Austen. Forget *You've Got Mail* and all those movies and TV series. Jane Austen is a great writer, and she was originally made popular by male readers. To understand how good she is, you have to read her books. She is as perceptive in regard to human nature as any writer ever has been.

A Prayer for Owen Meany, by John Irving. Owen Meany is a very small boy with a loud, high-pitched voice - so small that he is passed around Sunday school over the heads of his classmates - but he does not seem to mind. His one and only hit in Little League kills his best friend's mother and forever affects those around him. I'm about 100 pages into this, and despite some dark spots, I look forward to a comic and humorous read. *Editors note: the Amazon review described this as "... the oddest*

Christian mystic novel since Flannery O'Connor's work."

Making History, by Stephen Fry. Stephen Fry, the actor who played Jeeves in the BBC's *Jeeves and Wooster* series and who has also starred in several movies, is an accomplished writer who has published three novels and an autobiography. *Making History* is a complicated story involving Hitler, time travel, Cambridge, and the CIA. The plot, when summarized, sounds trite, but this book is extremely funny while unquestionably serious. The best thing about it is the ride. Pay close attention; Mr. Fry is a very clever man.

Have you noticed that no one seems to be reading current best sellers? Or at least, no one is admitting to it.

If you've read something you would like to recommend, write us at HCBA Newsletter, 151 E. Griffith Street, Jackson MS 39201, or e-mail us in care of webmaster@hindsbar.com. We won't use your name unless you insist.

New Season for Book Discussion Begins September 9, 1999

The Soul of the Law Book Discussion Group*

Cordially invites you to

Come to lunch on Thursdays

To share, enjoy, and discuss interesting books:

September:

The Decline of Males, by Rutgers anthropologist Lionel Tiger, discusses the dwindling role of human males over the past 4,000 years, especially the recent past 200 years.

Facilitators: Steve Allen and Tom Lowe

October/November:

You Just Don't Understand, by Dr. Deborah Tanner, discusses the differences in male and female communication.

*The Soul of the Law Book Discussion Group is an informal group of lawyers who gather to promote civility and congeniality. Mark your calendars for every Thursday at lunch to join a fun discussion with no talk of cases, files or court. The discussion group will reconvene from its summer hiatus on September 9, 1999. The Soul of the Law Book Discussion Group is sponsored by The Mississippi Bar Committee "Law & Life: Enjoy Both."

For more information contact Betty Daugherty or Amanda E. Green at The Mississippi Bar at 601/948-4471.

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Mississippi and Orange County California: New Takes on Old Stereotypes

by Captain Equity

Ask anybody outside the Deep South who has never set foot in Mississippi about the state and see what they have to say. Except on the rarest of occasions, the feedback will undoubtedly involve some degree of distortion involving a stereotype. And while not all of it is necessarily bad, it nonetheless features an element of misinformation. Example: Someone who lives in the desert and reads Faulkner and Tennessee Williams - "I find the languid humidity of a Mississippi summer romantically appealing." Wrong!

But of course, when it comes to uninformed impressions of places one has never been, the same can be said of most locales. Take for instance Orange County California. While I previously lived in Los Angeles, I have only passed through Orange County. I reluctantly admit to having never stopped to find out what is behind the Orange Curtain, as the locals have dubbed the county line. To my surprise, it is definitely not what I thought it was: a carbon copy of LA impressed with hyper-conservative politics, notwithstanding old B- I Bob Doman.

This summer, due to equal parts of serendipity and circumstance, I found myself working in Costa Mesa, living in Irvine, and discovering places like Newport Beach, Santa Ana, Tustin and Laguna Beach. Everything from the traffic to the air to the attitudes are far different and infinitely better in Orange County than anything I have ever experienced in Los Angeles. In sum, it reminded me of the danger of viewing people and places through the distorted lens of uninformed, dare I say, ignorant stereotypes.

Unfortunately, in Mississippi's case, many of those stereotypes are painfully accurate. Regrettably, many of our predecessors worked with sustained diligence to build the enduring negative perceptions of Mississippi that unfortunately still exist in too many corners of the country. And while most of our wounds are self-inflicted, I must say that Hollywood doesn't help. With the notable exceptions of movies like *Sling Blade* or *The Apostle*, the South in general and Mississippi in particular is portrayed on the big and little screen as the worst sort of malevolent backwater imaginable, where everyone speaks in an exaggerated language loosely based on English but uniformly devoid of one syllable pronunciations or consonants at the end of words.

And of course, everyone, and I do mean everyone, sweats all the time, even in late January. It is as if air conditioning just never made it to Dixie and/or as if Mississippi is situated three miles northeast of the Equator. If you think I am exaggerating, rent *A Time To Kill* and watch poor Ashley Judd melt before your very eyes.

Of course, most of these "real life depictions" are turned in by 28-year-old Ivy League graduate screenwriters who have never been farther south than the Polo Lounge in Beverly Hills. They think the Mississippi Gulf Coast is the Mississippi Delta with Ocean Front Plantations akin to a rundown Santa Monica, as was the case on an earlier episode of ER. As far as southern culture goes, these House of Blues regulars think that B.B. King is some sort of high-tech air rifle and that Little Milton is the son of the author of *Paradise Lost*.

Now I know some of you are saying, "there he goes stereotyping." Maybe so, but having known many of these people first hand, I am prepared to take a polygraph test that will confirm that I am hovering at the 98th truth percentile.

And speaking of stereotypes that are uncomfortably close to reality, imagine my dismay as I sat in Irvine, California, this past June watching the 11:00 p.m. local television news. The female anchor, who was reading the news as if it were a screen test, announced, "Sex Scandal In Mississippi." My immediate reaction was probably much like yours. "Now what?" Already, the words sex scandal and Mississippi had unleashed a flood of stereotypical precedents which in turn conjured up mental images of Ministers of Music, College Presidents, Gubernatorial Candidates, et al.

To my horror, the videotape rolling across my television screen bore the unmistakable likeness of Mississippi's "Family Values" Governor standing beside a mailbox in front of a house that was clearly not the Governor's Mansion. A shadowy figure inside an automobile spoke in the equally unmistakable voice of WLBT's Bert Case. Incredulously, I watched as Mississippi's shirt-sleeved Chief Executive barked something to the man in the car that ended with "I'll whip your ass!"

I sat stunned, not believing what I was seeing and hearing. Then it occurred to me that way too many of Southern California's sixteen or so million residents were being treated to the reinforcement of the worst kind of

redneck Mississippi stereotype — the kind that has dogged my personal and professional life ever since my first job in New York City to my latest temporary employment in Orange County, California. In an instant, the nude photo of Cliff Finch in a heart-shaped bathtub and the comic, albeit, mostly unintelligible mutterings of Kenneth Stokes, Charles Tisdale, and Richard Barrett morphed into more disturbing images of an earthen dam in Philadelphia; Freedom Riders being ferried in Jackson garbage trucks to a Fairgrounds Stockade; a smirking, forty-something Byron De La Beckwith running for Lt. Governor; Ed Cates attending his own funeral; and a hundred more embarrassing and shameful moments that I have spent my whole life explaining away and living down when outside the borders of the Magnolia State.

The lesson? You can publish all the 16-page Forbes Magazine special inserts you want; you can air all the slick Pro-Mississippi media ads that money can buy; but you can't undo the damage of reinforced negative stereotypes that twenty seconds of videotaped bad judgment can bring - especially when that stereotype is so deadly accurate. Hey, whatever happened to "Only Positive Mississippi Spoken Here?" It is enough to make a native son cross the line and join the ranks of those 28-year-old screenwriters socking soul down on Sunset Boulevard.

After a few minutes of stewing, I heard myself muttering the words I thought would never roll off my tongue.

"Well, what do you expect from a bunch of Mississippi rednecks?"

Later that night, I had a vivid dream. I was on the deck of my Laguna Beach ocean-front house. The cool summer breeze brought the aroma of oranges and eucalyptus. The sun was a huge fiery ball that was quickly sinking into the Pacific Ocean. Suddenly, I realized I was talking on the telephone.

"Hello, California Department of Motor Vehicles? I would like to inquire about getting a driver's license." Pause. "Yes, that's right, I'm a new resident." Pause. "What state am I moving from?" I hesitate for second, glad that the call is anonymous. "I'd rather not say."

[Editor's note: The viewpoints expressed in this column are solely those of Captain Equity and are not to be attributed to the Hinds County Bar Association, its officers and directors or its editorial board.]

Mary Miller New Director of MC Law Library

On August 1, 1999, Mary E. Miller became the new Law Library Director at the Mississippi College Law School. She is familiar to Mississippi lawyers as "State Librarian," a position she has held since 1991. The State Librarian, one of the oldest and most historic of the state officials, is head of the Mississippi State Law Library, housed in the Gartin Justice Building.

With educational credentials that include an undergraduate degree in History and Business Management from Asbury College in Wilmore, KY; a Master of Library Science degree from the University of Southern Mississippi; and a law degree from Mississippi College School of Law, she began her law library work as a reference librarian at MCSOL, served as Supreme Court Law Clerk for Justice Michael Sullivan, and has experience as an assistant court

administrator. She has membership in The Mississippi Bar and in the American Association of Law Libraries.

Ms. Miller is author/editor of the Evidence and Civil Procedure Annotations included in Mississippi Rules Annotated, published by the Litigation/General Practice Section of the Mississippi Bar. In addition, she contributed the chapters entitled "Finality of Judgments" and "Time Considerations under the Rules of Civil Procedure" that are included in Prof. Jeffrey Jackson's *Mississippi Civil Procedure*.

Ms. Miller replaces Mary Mahoney, who resigned as MCSOL Law Library Director at the end of the current academic year to join her husband in Wisconsin.



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Correspondence regarding the newsletter should be directed to: HCBA Newsletter Editor, 151 E. Griffith Street, 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. The web site address is hindsbar.com.

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HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

DECEMBER 1999



President's Column

by Harris H. Barnes, III (Trip)

As 1999 comes to an end, we all look forward to the year 2000. It will be interesting to see who is right and who is wrong about Y2K.

However, I am not too worried about it, because we Americans seem to have a way of fixing things and making them work in spite of any difficulties that might arise.

Such has certainly been the case with the Hinds County Bar Association. This year has been a wonderful year.

We have had several great socials; good speakers at the meetings; a great golf tournament; a wonderful Christmas party; and many individuals who not only are willing to serve and help with the association's activities, but are doing an exemplary job.

Next year is shaping up to be equally as good or better. We have additional socials planned, the tribute to judges in May, the People's Law School in April and May, and we are even thinking about doing a wine tasting, the proceeds of which would benefit Habitat for Humanity.

The Nominating Committee has also met and nominated individuals to run for secretary/treasurer and for directors of Post 3 and Post 4. At the writing of this column, those individuals have been contacted, but

not all have accepted, so I can't mention them here. However, by the time the Newsletter goes to press, they will be listed for your consideration in a separate column. Please give a lot of thought as to who will guide the HCBA in the future. As you are aware, the secretary/treasurer moves up to the presidency within the next several years. Likewise, those who are chosen as directors guide and shape the policy of the Hinds County Bar Association.

We have a wonderful association, and I am most grateful for all of those who have participated in it.

I trust that each of you and your families had a wonderful Thanksgiving, and will have the merriest and happiest of Christmases and New Year. My best to all of you in the new Millennium.

October Membership Meeting



At the October Membership Meeting, members of the Hinds County Bar Association listened to a political forum with speakers representing gubernatorial candidates Mike Parker and Ronnie Musgrove. Pictured are Ed Lawler, HCBA Program Chairman, Rusty Fortenberry with the Parker campaign, George Shelton with the Musgrove campaign, and Harris H. Barnes, III, HCBA President.

Merry Christmas and a Happy New Year

Malcolm Harrison Elected New Hinds County Attorney

by Carol C. West

Winning his first bid for public office, Malcolm Harrison will serve Hinds County as County Attorney for a term beginning in the year 2000. Harrison defeated the incumbent Joe Moss in the November General Election.

Harrison, a native Jacksonian, graduated with honors from Provine High School in 1987 and from Jackson State University in 1991. During his childhood years, he and his brother were educated for part of a school year in Tanzania, while his mother, a JSU professor, was engaged in scholarly pursuits.

Choosing a law school out of state, Harrison graduated in 1994 from Cumberland School of Law at Samford University in Birmingham, AL. He returned to Jackson, was admitted to the Mississippi Bar in 1995, joined the law firm of Langston Frazer Sweet & Farese and worked in that firm's Jackson office until 1998 when he formed his own law firm, The



Harrison Law Office.

In addition to his Mississippi Bar membership, Harrison belongs to the

American Bar Association, National Bar Association, Hinds County Bar Association, Magnolia Bar Association, Mississippi Trial Lawyers Association, Jackson Young Lawyers, and Charles Clark Inn of Court.

Some of his civic activities include: Advisory Board Member, National Youth Sports Program, JSU; City of Jackson, Juvenile Delinquency Prevention Board; NAACP; SCLC; Big Brothers/Big Sisters volunteer; COHA Mentoring Program volunteer; Junior Achievement volunteer for Rowan Middle School; Trustee Board Member of Farish Street Missionary Baptist Church; State Assistant Keeper of Records and Seals for Omega Psi Phi Fraternity, Inc.; T.C. Almore Lodge #242 F&AM; and JSU National Alumni Association.

Harrison is married to the former Tammiko Walker, and they have one son, Khari Nyrere Odinga Harrison. Malcolm Harrison enjoys football, golf and jazz.

Law Firm Updates

Frascoigna Courtney, PLLC is proud to announce the association of Shawnaessey B. Howell (Mississippi

College School of Law, 1999) and Matthew I. Hetzel (Mississippi College School of Law, 1999).

HCBA Calendar of Events

February 15

HCBA Membership Meeting. Noon. Capital Club

April 18

HCBA Membership Meeting. Noon. Capital Club

May 4

HCBA/JYL Dinner Honoring the Judiciary. 6:30 p.m. Primos Northgate

June 20

HCBA Membership Meeting. Noon. Capital Club

HCBA Christmas Social

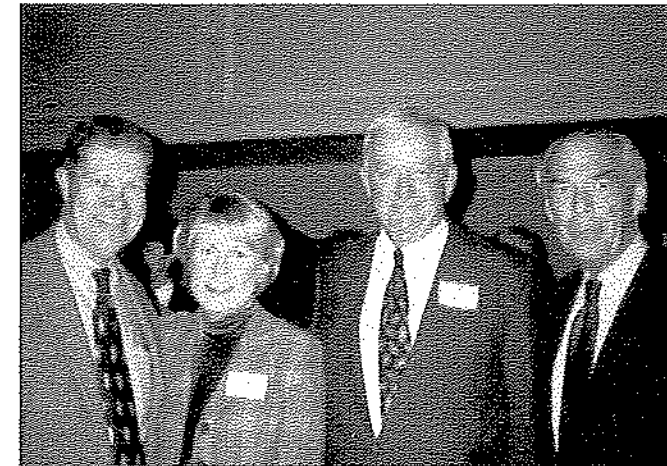
HCBA members and their guests enjoyed the December 2nd Christmas Social at the Mississippi Bar Center. Pictured, from left to right, are:



Mike Farrell; Ed Lawler, HCBA Program Chairman; Bob Grenfell, HCBA President-Elect; Trip Barnes, HCBA President; Jack Pannier



Heber Simmons; Brooks Buchanan; Stuart Kruger, HCBA Board Member



Past HCBA Presidents Jay Travis, Harold Miller, and Scott Welch, with Ann Corso, HCBA Social Chairman



Scott Hemleben and Richard Edmonson, Past HCBA Presidents, with Nancy Edmonson



Doug Minor, Justice Kay Cobb, Lee Hetherington



Patricia Bennett, HCBA Secretary-Treasurer; Mike Maloney; Armin Moeller; Leyser Morris-Hayes, HCBA Board Member; Laverne Edney, HCBA People's Law School Committee Co-Chairman

When the Big Odometer of Life Rolls all the Zeroes Over

by Captain Equity

In a world already too busy, one of the wonderful things about milestones is their capacity to induce much needed personal reflection on what has been, and a sense of anticipation for what is to come. New Year's Day, birthdays and anniversaries have always had that effect on me. So imagine, as I'm sure you already have, what the dwindling days of the twentieth century can do for some badly needed introspection. And, although the millennium technically ends next year, one would not be doing his duty as a citizen of the world were he not to mention the ultimate in milestones. The plain fact is, there is just no precedent for how one should feel when the big odometer of life rolls all the zeroes over into the uncharted new decade of the aughts. So how do you sum up a thousand or even a hundred years in just a few paragraphs?

LOOKING BACK

Having only been an eye witness to half of the twentieth century, my sense of relevance might tend to be skewed. But thanks to Mr. Joe K. Moore, my eighth grade American History Teacher at Bailey Junior High School, I am committed to the unwavering principle that history is indeed mankind's collective memory. It is appreciation of the past which anchors the continuity of human existence; makes a sense of place possible; and, probably most important of all, provides us with the vision necessary to anticipate and prepare for the future. Without a sense of history, every Monday, Wednesday and Friday would be exactly the same; every event more important than the one before it due only to its proximity to what is happening at any given moment in the present.

Luckily, this is not the case. An apt example has to do with American Pop Culture. The decade of the 1970s, with its emphasis on polyester, disco music and inflation, was nothing more than a well deserved, albeit empty-headed break from the '60s and a compelling reason for something (anything) different in the 1980's and '90's. As decades go, I'd give it a one out of ten

in terms of taste if not significance.

Using these criteria, World War II is clearly the defining event for America and much of the world in the twentieth century. It was the last worldwide conflict which in turn set in motion a new paradigm of world social and economic order. Some theologians, not to mention talk radio disciples, even hypothesize that the Second World War was indeed Armageddon, an argument made plausible by the unthinkable slaughter of fifty to a hundred million people, depending on whose count you rely. Had the leadership and collective spirit of the United States been anything less than it was, our present reality could be far different from our current level of affluence and personal freedom that so many of us take for granted today.

I sometimes wonder what would happen to us if our security was threatened as it was in the middle of the century. The only thing of which I am certain is that it would all be televised live on CNN and that Tommy Hilfiger would be making cool, logo-embossed military uniforms for our troops. In any event, it has certainly been the American Century.

And within the unprecedented and prosperous American Century, the State of Mississippi has spent much of the last hundred years on the bottom of the heap. Like Sicily to Northern Italy, and Newark to Manhattan, Mississippi has carved out an anti-reputation which, though not totally deserved, has been unfortunately earned, thanks mostly to the central defining theme of race. Just as America was emerging from depression and war, and television was coming of age, the racial divide was being exploited officially by Mississippi's political leadership and unofficially by the White Citizen's Council which was the more respectable, sheetless version of the Klan.

The result was fear and uncertainty which hardened the hearts of too many essentially good people, first white and later black, all of whom found

themselves caught up in a most unfortunate chapter of history. Like the 1850s and '60s, all of the Deep South was doomed to repeat the Civil War. But instead of fields and creeks, these losing battles were fought at lunch counters, bus stations, high schools and ultimately, in the courts. Because of it, the state and the region squandered much of its social, economic and moral capital. We have been paying ever since.

Those searing images of federal troops occupying Ole Miss, Freedom Riders being arrested in Jackson and an earthen dam in Neshoba County showed the ugliest side of us to the rest of the world. And despite so much progress to get past those dark days, those images have by and large stuck. Anybody who has ever been on the wrong end of a Mississippi slur can thank the so called "leaders" of Mississippi's past.

But there is so much more to Mississippi that is good. Ironically, for the self-proclaimed Buckle of the Bible Belt, it is the emerging resort destinations on the Coast and south of Memphis, made possible by casino gambling, that are bringing the rest of the world to Mississippi for a second look.

Those visitors are discovering what we have always known: Mississippi is gumbo, fried catfish, and tamales; it is college football; it is October in the Delta; it is the writers, musicians, artists and just plain characters; it is the true goodness of its people. They are discovering that Mississippians are indeed different. We are friendlier, more considerate, more generous, more polite, more willing to help a stranger, more willing to laugh and share a story or a meal or just about anything they have that others don't

It is a phenomenon that transcends age, race, gender and socio-economic status. If you think I am exaggerating, ask visitors to Mississippi. Ask transplant residents. Ask ex-patriots in New York or California at the Mississippi Picnic. They will all tell

you the same thing. Indeed, the irony of Mississippi is that to fully appreciate it, it is necessary to live somewhere else, at least for a while.

LOOKING AHEAD

If asked even twenty years ago, who could have possibly predicted that MCI-Worldcom would even exist and be headquartered in Clinton, or that the Magnolia State would be second to Nevada in casino square footage? So what is ahead for us in the new century? While everyone has his own personal wish list, mine is imminently realistic. It includes: a new state

constitution, a revitalized downtown Jackson, mandatory liability auto insurance, reasonably priced car tags, more sushi bars and a Vietnamese Restaurant. Being at or slightly above the national median in everything from teacher pay, reading test scores, poverty, teenage pregnancy, and car theft would be substantial progress as would fewer governmental corruption prosecutions. Besides a Pay Per-View-Ticket to the Kirk Fordice - Bert Case Madison County Death Match (We probably won't have to wait too long for that one.), it is my hope that we don't become so homogenized as to

lose what is best about us

And, above all, here's hoping the future brings continued health, frequent laughter and a lot more memories with friends and family. Oh yes, and may Mississippi always be treated to the antics of wacked out politicians. We're gonna miss you, Governor!

Happy New Century!

[Editor's note: the viewpoints expressed in this column are solely those of Captain Equity and are not to be attributed to the Hinds County Bar Association, its officers and directors, or its editorial board.]

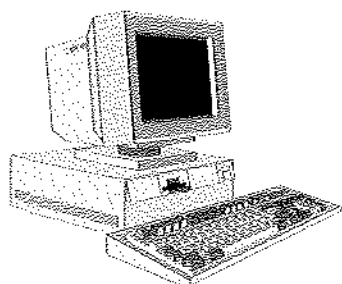
To Promote the General Welfare

by John Land McDavid

The general welfare would really be promoted by some laws like these:

1. No separate advertising material shall be stuffed in newspapers, nor shall tear-out subscription cards be inserted in magazines.
2. In the event of an airliner crash at sea, the news media shall not ask a question which suggests the crash was the fault of the manufacturer, the airline or a government agency unless the media has credible evidence that such is the case, nor shall the media ask stupid questions or ask the family of victims questions which begin with the words "how do (did) you feel . . ."
3. No highway right-of-way shall be littered with signs which identify the organization which has agreed to keep that stretch of the highway right-of-way free of litter.
4. Printed disclaimers in television commercials must be the same size as the name of the product being advertised and shall be displayed during the entire commercial.
5. A candidate for public office shall not utter or print cliches in behalf of his candidacy.
6. Telemarketers shall not address persons called by their first name and shall use courtesy titles; provided further any telemarketer who engages in small talk before beginning the sales pitch shall be shot.
7. Educational institutions engaged in fund raising shall not designate monetary categories of contributions with meaningless terms such as "President's Club," "Benefactor" and "Sponsor." Categories in the amount of contributions shall be designated with terms which accurately reflect the opinion of the fund raiser, such as "Grossly Ostentatious," "Generous," "Adequate," "Cheap" or "Pitiful."
8. Whenever a gambling casino publishes the picture of a winner, the casino shall in the same publication alongside the winner's picture publish the picture of a loser of an equal or greater amount.
9. When performing in music videos musicians shall wear only prison orange jump suits; provided further rock musicians violating this law shall, as community service, be required to take music lessons.
10. No politician:
 - (a) shall claim to support education unless she has given half of her assets to educational institutions;
 - (b) shall claim to be a friend of working families unless he takes a working family to his house for dinner at least three times per week;
 - (c) shall advocate protecting the environment unless she travels only on foot or by horseback; or
 - (d) shall claim to support senior citizens unless he has taken his aged parents or grandparents into his home where he personally cares for them.
11. Automobile salesmen in television commercials shall not speak louder or be more animated or dress more flamboyantly than Mr. Rogers.

On Computing by Joel Howell



Here's a follow-up to the last article. Want to know how quickly (slowly?) you're actually surfing the net? Here's one way. Go to msn.com. On the left top menu, double click on Computing Central; at the next screen, double click on Hardware; at the next screen, double click on Bandwidth Forum; when you reach that, double click on Bandwidth Speed Test, and wait for the results. The several pages then attached will give benchmark information. Results will vary, depending upon the amount of concurrent traffic and the phase of the moon.

Windows 2000 is now scheduled to be released generally in February. Remember, this is the product which will merge NT and Windows 98, so if you have the warm fuzzies with the latter, particularly the second release version, don't be in too big a hurry to jump. Seasoned larger office users, however, may want to bite the bullet early.

That major release aside, what's hot as 1999 winds down and the millennium approaches? Comdex, the biggest computer convention in the world, has recently been held, and it

offers a view of exactly that.

Speech recognition technology continues to advance, with Dragon leading the way and Microsoft coming up quickly from the rear. Novell's NetWare 5.1 was chosen as the best networking software, and Sony's fifteen inch Multiscan monitor, all of half an inch wide, was best peripheral with a price down to \$1,499.

Linux, the FREE operating system (you will pay for support) is expanding, and Corel is releasing a full office suite just for Linux, to upgrade its present version of WordPerfect tailored for Linux. Red Hat, a leading of supplier/supporter which is building on its hugely successful public offering last summer, is making a major investment in Mozilla, a browser which was created and funded by Netscape, as well as buying Cygnus Solutions, doubling its work force. With the

greater availability of an array of software, Microsoft could actually see genuine competition on this front.

The Universal Serial Bus (USB) really will become universal, because of its ease of use and higher degree of functionality (my newest uninterruptible power supply doggedly refused to work on a parallel port, where it's supposed to, but works like a charm on the USB port). Get one of those bigger, cheaper hard drives if you like music, because downloading MP3 files is going to be the newest and neatest way to have your music with you. Intel and Artisoft are teaming on a telephony platform, which, among many other features, will let a PC user receive not only notice of an incoming call, but caller id as well.

Want to network your small office or home, but daunted by the wire-pulling? ZoomAir offers wireless networking cards. You'll see a lot more of that in the future, not to mention infrared printer connections.

Questions or comments? Drop me an email at 76616.1020@compuserve.com, or better yet, webmaster@hindsbar.com.

July Bar Exam Results

Bar Admissions Administrator Linda B. Knight has released the statistics for the July 1999 Bar Examination.

The regular examination was administered to two hundred and sixty applicants. Two hundred and three (78.1%) were successful. Twenty-seven were "retakers." Of those, twelve (44.5%) passed. Two hundred thirty-three took the test for the first time; one hundred ninety-one (82.0%) passed.

The overall pass rate for the past three examinations has been:

July 1999 — 78.1%
February 1999 — 64%
July 1998 — 80.3%

Two lawyers took the attorney's exam and both were successful.

The Swearing-in Ceremony was held on Tuesday, September 28, 1999, in the Old Capitol House Chamber. The Hinds County Bar congratulates each of these new lawyers.



Ouch!

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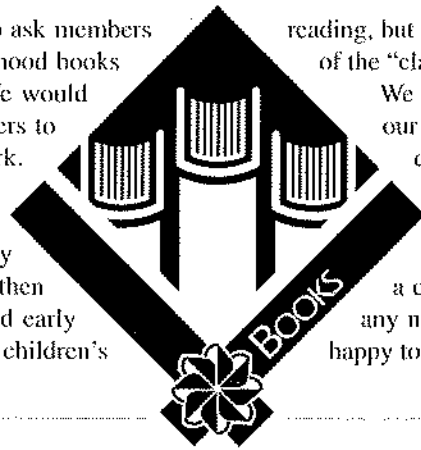


Risk Retention Group

Do You Remember Anything You Read As a Child?

by Nonie Joiner

Our plan for this month's column was to ask members to give us the names of their favorite childhood books and the favorite books of their children. We would then recommend these books to our members to buy as Christmas gifts. This plan did not work. When asked their own favorites, a number of members couldn't come up with the name of even one book. They spoke vaguely of Nancy Drew and the Hardy Boys and then lapsed into memories of Disney movies and early TV series. They did better in recalling their children's



reading, but not one mentioned their children reading any of the "classic" children's books. This won't do.

We therefore are taking this opportunity to invite our readers to look over the following list of children's classics. Find your own favorites and buy them for a child. Be sure to get a copy with the original illustrations. If you don't have a child on your Christmas list, buy a child a book anyway; the folks at Stewpot or any number of other service organizations will be happy to pass them along for you.

Younger Children:

The Tale of Peter Rabbit. Beatrix Potter.
The Story of Babar, the Little Elephant. Jean De Brunhoff.
The Velveteen Rabbit. Marjorie Williams.
Winnie-the-Pooh. A.A. Milne, illus. Ernest H. Shepard.
The Little Engine That Could. Watty Piper, illus. George Hauman.
The Little House. Virginia Lee Barton.
The Runaway Bunny. Margaret Wise Brown, illus. Clement Hurd.
Blueberries for Sal. Robert McCloskey.
Madeline. Ludwig Bemelmans.
Mike Mulligan and His Steam Shovel. Virginia Lee Burton.
The Complete Adventures of Curious George. Margret Rey, ill. H.A. Rey.
The Snowy Day. Ezra Jack Keats.
The Story of Ferdinand. Munro Leaf, illus. Robert Lawson.
A Child's Garden of Verse. Robert Louis Stevenson.

Others:

Charlotte's Web. E.B. White.
The Chronicles of Narnia. C.S. Lewis.
Little Women. Louisa May Alcott.
The Secret Garden. Frances Hodgson Burnett.
Alice in Wonderland. Lewis Carroll.
The Sword in the Stone. T.H. White.
The Wind in the Willows. Kenneth Grahame.
The Wonderful Wizard of Oz. L. Frank Baum.
Understood Betsey. Dorothy Canfield Fisher.
Mrs. Piggle-Wiggle. Betty MacDonald, illus. Hilary Knight.
Stuart Little. E.B. White.
Caddie Woodlawn. Carol Ryrie Brink.
Where the Red Fern Grows. Wilson Rawls.
Harriet the Spy. Louise Fitzhugh.

You should, of course, add to this list the modern Willie Morris classics, *My Dog Skip* and *Always Stand in Against the Curve*.

Mississippi Library Commission Provides Attorneys Free Patent and Trademark Resource

by H. Lee Hetherington

As everyone is aware, the growth of Intellectual Property practice, which is an outgrowth of the information economy and communications revolution, is one of the hot areas of law practice. More and more, questions regarding trademarks and trade identity as well as issues related to patent rights are cropping up in law offices throughout the metro area. But what most members of the Hinds County Bar probably do not know is that since 1990 the Mississippi Library Commission has been an official U.S.

Department of Commerce Patent and Trademark Depository Library (PTDL). What this means for attorneys checking to do Patent or Trademark Searches or other IP research, is that a trip to the Patent and Trademark Office in Washington, D.C. is no longer necessary.

Jackson's PTDL, which is located at 1221 Ellis Avenue, has complete files of all U.S. patent and trademark registrations as well as pending applications. The services are free and open to the general public. The staff at

the Library Commission is well versed in intellectual property search techniques and is available to help attorneys at no charge.

This is a resource to all lawyers in the Jackson area that is being funded by your federal and state tax dollars. For that reason, I urge you to take advantage of it.

For more information about the PTDL and its services, call (601) 961-4111. Outside the Jackson area call toll free 877-594-5733 or visit the PTDL web site at: www.mlc.lib.ms.us.

The Small Firm/Solo Practitioner Committee ("Committee") of the Hinds County Bar Association ("HCBA") has determined a referral/consultant service ("RCS") would be helpful to our small firm and solo members in properly dealing with matters which they are not equipped or are not otherwise in a position to handle. Also, our members may have other matters on which they would like to consult with or associate other members but do not know whom to call. Anyone who is interested in participating in RCS should complete the following questionnaire and return to HCBA SMALL FIRM/SOLO PRACTITIONER COMMITTEE c/o Patricia H. Evans, Executive Director, Hinds County Bar Association, via e-mail at pevans@mc.edu or by facsimile transmission to 925-7185. All responses received will be compiled into a Small Firm/Solo Practitioner Referral/Consultant Source Manual and distributed to all HCBA small firm and solo members.

HCBA REFERRAL/CONSULTANT SERVICE PARTICIPATING ATTORNEY APPLICATION AND AGREEMENT

NAME _____

ADDRESS _____

TELEPHONE NO. _____ FAX NO. _____

E-MAIL _____ MISS. BAR NO. _____

DATE ADMITTED TO PRACTICE IN MISSISSIPPI _____

LICENSED TO PRACTICE IN THE FOLLOWING OTHER COURTS:

- U. S. District Court for the Southern District of Mississippi
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 Fifth Circuit Court of Appeals
 United States Supreme Court
 Other Courts: _____

PLEASE CHOOSE ANY FIVE (5) OF THE FOLLOWING CATEGORIES:

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| <input type="checkbox"/> Consumer Protection | <input type="checkbox"/> Corporate |
| <input type="checkbox"/> Criminal Defense | <input type="checkbox"/> Domestic Relations |
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| <input type="checkbox"/> Worker's Compensation | <input type="checkbox"/> Other: _____ |

The Small Firm/Solo Practitioner Committee of the HCBA is making available to me the opportunity to participate in a Referral/Consultant Service. In exchange for this opportunity I agree to the following conditions and covenants:

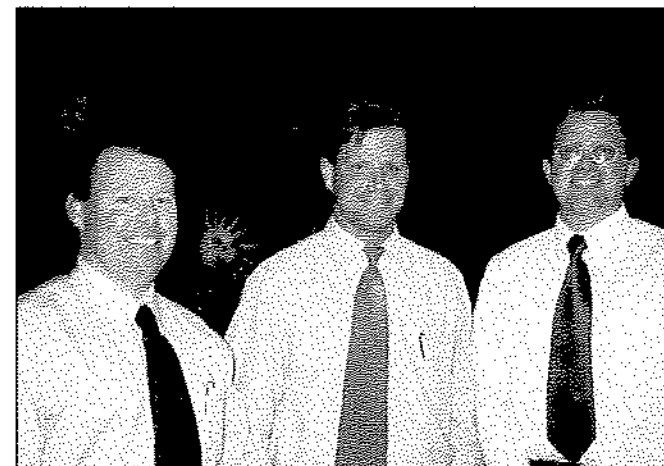
1. I agree to be available as a source of referral and/or consultation to other members of HCBA on matters within the panels selected above.
2. I represent that I am a member in good standing of The Mississippi Bar, a member in good standing of the HCBA (or have applied for membership herewith); have not been previously removed, disbarred or suspended from the practice of law in Mississippi or any other jurisdiction, am not the subject of any disciplinary proceeding by The Mississippi Bar or like organization in any state; have no criminal charges (excluding traffic violations) pending against me anywhere; have not been convicted of a criminal offense (excluding traffic violations) since having been admitted to the practice of law, and have had no disciplinary proceeding by The Mississippi Bar, or like organization in any other state, adversely resolved against me.
3. I represent that I am covered by professional liability insurance and that such insurance shall be maintained throughout the time in which I am enrolled in the R/CS.
4. I shall indemnify and hold harmless the HCBA, its officers, directors, members and employees and the Small Firm/Solo Practitioner Committee for any claim, demand, action, liability, expense or loss resulting in whole or in part from my participation in the R/CS or by my failure to comply with any provision of this agreement.
5. I shall immediately notify the Committee should I become ineligible or unable to accept referrals or provide consultation, whereupon I shall be removed from the R/CS.
6. I understand that the information herein contained shall be furnished to the extent determined appropriate by the Committee to participants in R/CS or others.
7. I certify under penalty of perjury that I am proficient and competent to handle the types of cases within the panels I have selected.

Date: _____ Signature: _____

Name: _____
(Please type or print legibly)

HCBA Fall Social

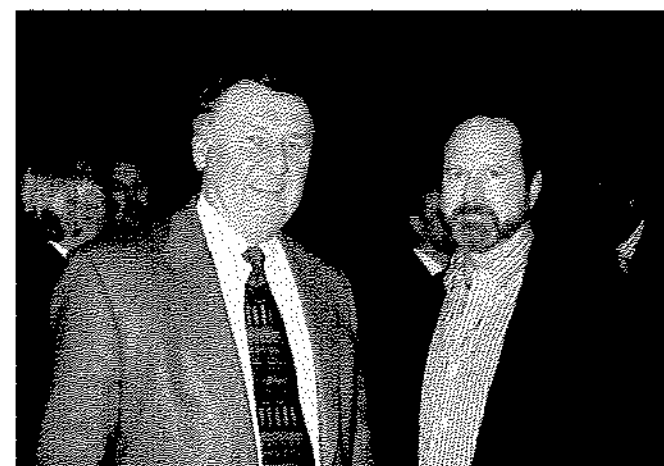
The HCBA hosted a Fall Social at Hal & Mal's new Brew Pub on Thursday evening, October 21. The bar would like to thank American National Lawyers Insurance Reciprocal and Fox-Everett for helping to sponsor the event. Shown, from left to right, are some of the HCBA members enjoying refreshments and fellowship are:



Peter Doran, Scott Minyard, and Barry Campbell



Ruma Haque, HCBA Social Committee Co-Chairman, Ben Piazza, and Kevin Broughton



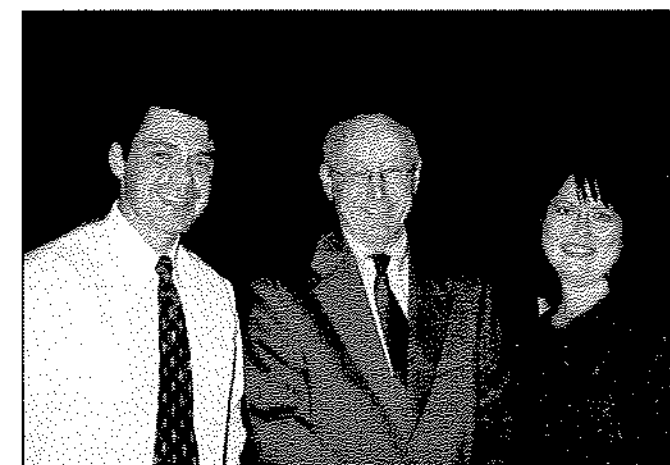
Judge Joe Lee and Judge Breland Hilburn



HCBA Past Presidents Ben Piazza, Jay Travis, Harris Collier, John McCullouch with John Proctor, 1999 Golf Tournament Chairman (second from left)



Ann Corso, HCBA Social Committee Chairman, Spence Flatgard, and Susan Tsimortos



Jody Martin, Dick Bennett, Mississippi Bar President-Elect, and Lisa Williams

Highway Eats by The Road Lawyer

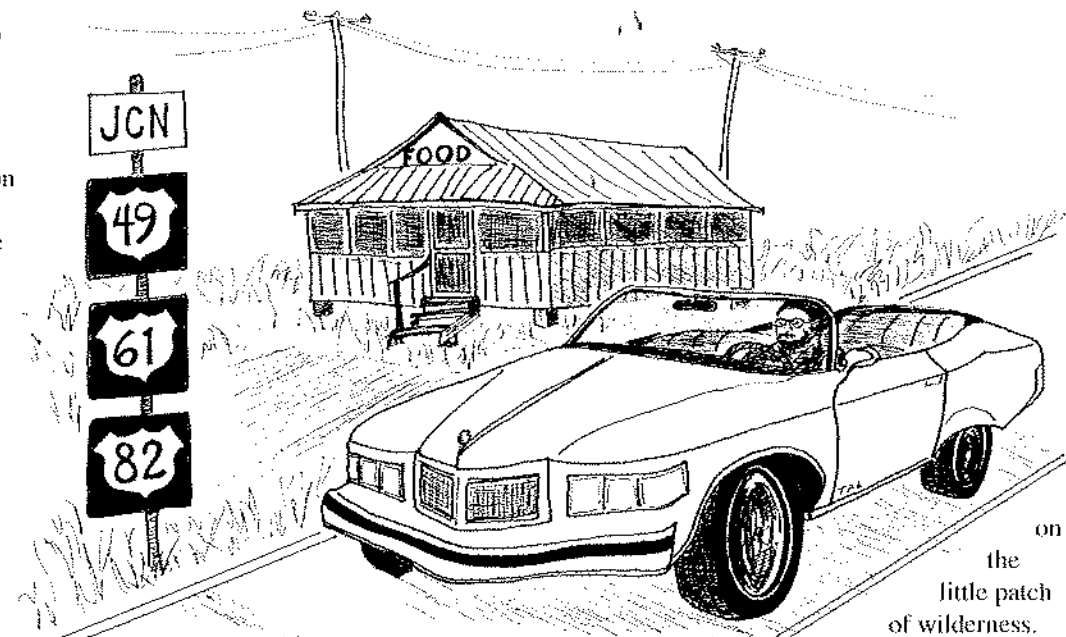
There aren't many traditional "local" eateries on the Mississippi Gulf Coast anymore, now that the place has been all slicked up and infused with money from all those Nevada gaming corporations. Now even the few old-timey places still left are changing.

For me a trip to Gulfport means a lunch at the White Cap overlooking the water at the Gulfport Yacht Harbor. But how many frustrating times have those meetings been on Tuesday, the one day of the week the White Cap would be closed? Well, now, it's open seven days a week. And the place is always packed with tourists from the casinos speaking in foreign tongues or at least accents.

Fortunately, the menu and the food offerings seem to be the same. My taste buds tingle for the large shrimp remoulade salad – that plastic seashell piled high with iceberg lettuce and peeled shrimp and thick dressing – finished perfectly with a few drops of Tabasco. I know some folks who start dreaming about a fried oyster po-boy when they hit the Gulfport city limits, and the White Cap has a fine one. The gumbo is good, seems to be really homemade.

If you're in Biloxi and near the marina, then you've surely been to McElroy's, an old establishment tucked in between hotels and casinos on the water at that end of Harrison County. You haven't lived until you've hoisted one of those heavy, seemingly huge beer glasses only to find the glass must be an inch and a half thick, more glass than brew. I especially like the crab cakes on the menu and whatever is the fresh fish of the day. The brave-hearted love those oysters on the half shell, and if you're going to take the hepatitis risk McElroy's is a good place to do it.

I was surprised and somewhat disappointed on my last eating



on
the
little patch
of wilderness.

The wall between the main room and the old porch has been removed, and the bar, as well as the rest of the café, is decorated with color-book blow flies colored by children waiting for their kid's meals.

The steaks and barbecue ribs are still on the menu, with that old warning "No guaranty on well-done steaks," and the catsup bottle is part of the table decoration, but there's some fancy-smancy stuff taking over. Can you imagine the Blow Fly serving "Pasta Bernard with Cream Sauce" or "Veal, Crabmeat, Asparagus, and Creole Hollandaise?" Check it out. I had to have fried oysters and onion rings and the long-neck Barq's, myself. Somehow it just didn't have the cozy feel of the old place, but I'm going to try to like it. There was a cooler chock full of homemade desserts that were awfully appealing, and that quintessential decoration was still prominent – beer neon.

Speaking of time-honored places, I stopped by Lillo's up in the Delta on Highway 82 at the outskirts of Leland. Takes me back to the days when my mother served up two pasta dishes she didn't know to call "pasta": spaghetti and macaroni and cheese. Lillo's was founded by Jimmy and Conchetta Lillo in 1947. Newspaper clippings on the walls of the restaurant recount that their daughter Marie sang with the

excursion on the Coast when I went to an old favorite, the Blow Fly Inn in Handsboro (take West Pine off Cowan Road a few blocks north of Pass Road, just before you cross the little Handsboro Bridge). I remember it as a wonderful seedy road house specializing in steak and ribs and fried fish, with greasy paneling and a homey atmosphere back in the days when we didn't even know words like "ambience" or "deja vu." The legend is that the Blow Fly Inn was started in the 1950s as Hickory's Bar-B-Que, run by Al and Mary Malone. There was another restaurant in the vicinity and people would ask the owner where Al's place was. The other proprietor would answer, "Go to Pass Road, take a right, and follow the string of blow flies." Al Malone passed away, Mrs. Malone has retired to her fishing camp, and the Inn has been bought by some younger folks with an updated view of family restauranting.

The inside of the Blow Fly Inn now has white painted walls, and the outside sports a new-looking deck overlooking Bernard Bayou. The view once gave you the feeling of being out in the middle of nowhere, like a private fishing camp on a bayou in the woods. Now you can see the new subdivisions – economic progress! – encroaching

Metropolitan Opera, resulting in some celebrated visitors to the restaurant. Mr. Lillo had been born in Benoit, but he moved to New Jersey and learned to make pizza. He came back and brought home-cooked Italian food and New Jersey pizza to the Delta.

Lillo's is only open in the evening, and I found out the hard way that the 4:30 opening time means the doors open then but the food isn't ready. Longtime patrons remember Lillo's as a place to take your own bottle of wine, but they sell it now and you can get a glass to Paisano or Chianti to go with your food, or of course some California offerings or a beer.

The specialty of the house is touted as Shrimp Supreme, shrimp broiled in a thickened lemon butter sauce and served over spaghetti, and the flounder is good. The offerings are old-fashioned and served with a small salad of iceberg lettuce and the tangy Lillo's dressing that would make Johnson grass taste good. Of course,

in the midst of catfish country, there is plenty of catfish on the menu prepared in all the various ways. I prefer the pizza, the first famous offering.

And the drive back to Jackson? Miles of sun-parched soybeans and the local metal sculpture, irrigation equipment, and puffs of cotton dropped along the side of the road. Great big sky over the flat fields. No one's in a hurry.

I'm spoiled, though, and I just don't think there's any seafood as good as what I get every week at the Mayflower Café right here in Jackson. Sometimes things don't work out so well when a younger generation of a family takes over a place. But Mike Kountouris's family have done well by Mr. Mike, who is still there at the noon hour. The interior got a new coat of paint for its cameo appearance in "Ghosts of Mississippi," and there are real fresh flowers on the tables and wine goblets for the wine you bring in. I hope they don't get too fancy and

start buying aluminum ice buckets to use instead of the tin olive oil cans wrapped with white napkins.

On the weekends you can get special appetizers of crab cakes or eggplant Josephine, thin slices of eggplant deep fried a golden color and topped with crabmeat and a light Hollandaise, or of course those delicious onion rings. They don't have oysters on the half shell anymore, probably afraid of the travel time from the Coast to Jackson and the fear of patrons' illness. The come-back dressing is still the tangiest in town, however, or the diet-conscious can get oil and vinegar. The fish is beyond compare, always fresh and always well prepared.

Well, now I'm hungry. How about joining me for some Redfish Jane?

Don't forget to write. The Road Lawyer, c/o Pat Evans, HCBA Executive Director, 151 E. Griffith Street, Jackson, MS 39201, or c/o webmaster@hindsbar.com.



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key-board (KE/BOUR)
organ, or the like. 2. a set of keys, usually arranged in tiers, for operating a typewriter, typesetting machine, computer terminal, or the like. — **Key/board/ist**, *n.*

Key-Cite (kē/sīt) *v.* 1. To determine the subsequent history of a case by using the online citator of the same name, often known informally as establishing that a case is still "good law"; — *n.* 2. the act of locating those documents which cite a given case, statute or other document. — **KeyCiting**.
club a private night club to which each member has

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VANESSA ADDISON
P.O. BOX 20642
JACKSON, MISSISSIPPI 39289

May 17, 1999

HINDS COUNTY BAR
ATTN: PAT EVANS
P.O. BOX 151
East Griffith St.
Jackson, MS 39201

Dear Ms. Evans:

Once again, I have had the opportunity to attend People's Law School. After attending for the past four or five years, I had to write and let you know what a wonderful job you are doing with the People's Law School. People's Law School gets better and better each year. The environment is always relaxed and user friendly.

I would like to let Ms. Leyser Morris-Hayes know what an outstanding job she did as Chairperson of the People's Law School. I'm sure she could tell by the atmosphere that everyone was thoroughly enjoying themselves.

Your choice of speakers, once again, was excellent. The judges and attorneys provided valuable and knowledgeable information. Their willingness to answer questions and stay past their scheduled times to make sure all questions were answered was impressive and did not go unnoticed. I'm sure when the attendees are in need of a good attorney, they will definitely remember the ones who spoke and gave freely of their time at People's Law School.

Once again, I would like to commend your staff for a great job and all of their hard work in organizing this great event. I will look forward to seeing you next year at the Tenth People's School of Law.

Sincerely,

Vanessa Addison

HCBA Officer Candidates Announced

The Nominations Committee is pleased to announce the following HCBA members have graciously agreed to run for office for the year 2000-2001.

The nominees for the three positions to be filled are:

Secretary-Treasurer	Samuel Kelly William Wright
Director - Post 3	Lynn Risley Brooks Buchanan
Director - Post 4	Ruma Haque Dennis Miller

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. For further information, please call HCBA Executive Director Pat Evans at 969-6097.

Henley Scholarship Memorial

A scholarship fund has been established in memory of Judge Chet Henley at Union Planters Bank.



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Correspondence regarding the newsletter should be directed to: HCBA Newsletter Editor, 151 E. Griffith Street, 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. The web site address is hindsbar.com.

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MAKING OUR CASE FOR A BETTER COMMUNITY

FEBRUARY 1999

“We Are All Uncivil In Our Own Way”



President's Column

By Mark A. Chinn

I received many letters and personal comments from our members on my last article on “what we do to each other.” The tenor of most of them was that there is a need for those things to be said. Several complained that young lawyers are the problem, because they don't know how we do things. I have heard this before, and there probably is need for more law school and young lawyers indoctrination. But, to tell you the truth, most of my trouble is with older lawyers, and not necessarily lawyers you would expect. It's with *you and me*, depending on the circumstances.

Here's who we are (by the way, I am one of these people below and I'll buy lunch at Nick's for the first person who writes me and tells me which one I am). Which one are you?

1. **Bam Bam.** This is the baby lawyer with his big stick. The young lawyer aggressively trying to make his name for himself. He operates under the assumption that litigation is like a boxing match and your objective is to knock the other lawyer's head off. He thinks it's fun.

2. **The Adolescent.** The lawyer with about ten years experience. This lawyer is just coming into his own and feeling the power. He wants people to know that he arrived and is a force to be reckoned with. He knows what to do and he understands the force that he has at his disposal. The problem is that he is like a teenage boy. He has the strength and attributes of an adult, but not the experience.

3. **The Advocate.** The lawyer who believes that the client is boss. This

lawyer operates under the philosophy that people are paying him to be a sonofabitch. He believes the client is King and has the right to aggressive advocacy of his position no matter what. This lawyer does not believe that it is his place to try to counsel his client on the long-term consequences of his action or on the “right thing to do.” This lawyer will assist a man in not paying child support.

4. **Rambo.** The lawyer who has personal problems. This lawyer has anger in his heart from personal history. He does not know how to control his anger, so he uses it in the attempt to control results. Unfortunately, these lawyers are usually very smart and cunning.

5. **Albert Einstein** (this is not me). These are good—usually very intelligent—lawyers who have little patience for what they regard as the inadequacies of the rest of us. They are going to teach the other lawyers a lesson. If the other lawyer doesn't promptly return His Excellency's telephone call, he will strike, to teach a

lesson. If the other lawyer should dare to disagree with the intellectual's decree as to the law in the case, the intellectual lawyer will penalize him.

6. **Oscar.** This is the sloppy lawyer. He does not have the training, ability or interest in organization of his office. He has work—sometimes a lot of it—and he believes that he is in the practice of law to help people, but he is not particularly intense about it. He doesn't charge a lot, and he takes on little “causes.” Unfortunately, he doesn't earn enough for his efforts to have the staff necessary to meet his volume of business. He finds himself in court all the time litigating. He usually believes the client is King, but not in the truly dangerous way of the Advocate. Because of his disorganization, he doesn't return phone calls, he misses depositions, and he files things without thinking. He really doesn't intend to be uncivil, but that's how it feels when you are on the other end of it.

7. **The White Knight.** This lawyer

Continued on page 15



December Membership Meeting - Judge Henry Wingate, United States District Judge, was the speaker at the December Hinds County Bar Association meeting. He is pictured with Terry Wallace (left), HCBA Program Chairman, and Mark Chinn, HCBA President.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

February 16, 1999

12:00 Noon

Capital Club

Lunch \$10.00

CLE \$5.00

CLE Presentation by Betty Daugherty

Lawyer Psychological Problems and Substance Abuse As it Affects the Profession

HCBA Calendar of Events

February 16
HCBA Membership Meeting and One Hour Ethics CLE.
 Noon. Capital Club

April 20
HCBA Membership Meeting and One Hour Ethics CLE.
 Noon. Capital Club

May 6
Dinner Honoring the Judiciary.
 6:30 p.m. Primos Northgate

June 15
HCBA Membership Meeting and One Hour Ethics CLE.
 Noon. Capital Club

CLE Calendar of Events

February 19
Tort Law Update.
 UM-CLE. 601-232-7282

February 26
Fifth Annual Workers' Compensation.
 UM-CLE. 601-232-7282

March 10
Summary of Recent MS Law.
 Abbott & Weems. 601-234-6956

March 19
14th Annual Federal Practice & Procedure.
 UM-CLE. 601-232-7282

March 25
Limited Liability Vehicles (ALI-ABA Satellite Seminar).
 MC School of Law. 925-7173

April 8
Copyright & Trademark Law for the Nonspecialist (PLI Satellite Seminar).
 MC School of Law. 925-7173

Advertisers Wanted

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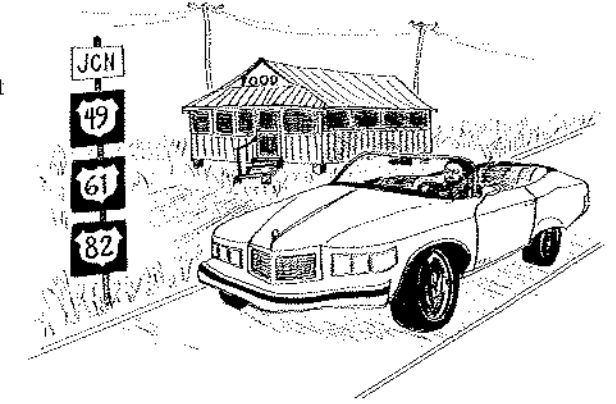
All of our experience is directly relevant to your need for professional excellence from your accounting experts. Our services include expert witness testimony at depositions and trials, trial assistance relating to opposing experts, consultation on litigation options and approaches, support during the discovery process, damage analysis and review, investigative auditing, forecasting of economic losses, fraud audits, asset searches and tracing of funds.



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HIGHWAY EATS

By The Road Lawyer



Have your secretary make a special note of this name: Green Oaks Bed and Breakfast in Biloxi. Next time you need to be on the Coast overnight, try this elegant inn on the beach at 580 Beach Boulevard. It's owned by Court of Appeals Judge Oliver Diaz and his wife Jennifer and is listed on the National Register of Historic Places.

In December I had the pleasure of several nights there while preparing for a trial in Harrison County, and this enchanting place made an otherwise dreary week more like a vacation than work. We felt guilty having such a good time on the job, and our group didn't want to leave — we called our wives to come down for the weekend instead of going home.

The porch swings on the second-story verandah were the perfect viewing point for Biloxi's annual Christmas parade of boats, while we sipped wine and ate in the balmy evening breeze. The lovely Jennifer, originally from some far-distant Northwestern state, is absolutely the quintessential Southern hostess. She has elevated breakfast to an art form, and she served mouth-watering sweet breads, cookies, and other gourmet offerings — such as crepes with crabmeat — to her adoring guests — on fine old china, of course.

I knew not to utter those blasphemous words, "I'm on a diet," in her presence. Instead, I told myself that oft-repeated refrain of the moderately obese, "I'll start again next week."

Green Oaks was built about 1826 upon property gained at one point by Spanish land grant, and the great house is appointed with handsome antiques, family heirlooms, and pretty linens. The rooms have been intelligently restored to accommodate the modern business traveler, however, with telephones and computer data ports in each room. There is a fax machine in the office, and Jennifer allowed us to transform the breakfast room into a conference and working area for our group after breakfast.

There are five rooms in the main house and three in the guest cottage on the back of the spacious, romantically landscaped grounds. The streets behind the house and the sidewalk in front made for a very pleasant jogging path in the mornings. I can't say enough nice things about this place.

While on the Coast, I made it to one casino spot, the place to eat on the Coast as far as I'm concerned, LB's Steakhouse at the Biloxi Grand. Try the almond encrusted salmon filet for one of the best dinners you'll ever eat. The salads are something to write home about. I prefer the excellent Caesar, but what they call the summer salad of sliced tomatoes, mozzarella cheese, and basil is really tasty. The popover-style rolls are to die for, and the oyster and artichoke soup made you want to slap your grandma it was so good.

LB's is really a classy place (an oxymoron in a way — I'm told the nearby ladies' room has been decorated in a style our women described as "Jurassic whorehouse"). It's not inexpensive, and — apparently because the bubbas and gamblers want to eat 99 or so items on the all-you-can-eat buffet elsewhere in the Casino — this restaurant has not been filled to capacity when I was there. They also serve grilled steaks and claim prime rib "the Grand way" as a specialty. And it's possible to get a very nice bottle of wine.

Now, some of the other folks in our group went to Fisherman's Wharf and vociferously and downright obnoxiously proclaimed that food as the best on the Coast. They liked all the many seafood offerings and the more casual atmosphere.

Had time for one afternoon off for an arty excursion to Ocean Springs. The Walter Anderson Museum of Art — they're calling it WAMA now — is a real credit to our state and a delightful place to think on the right side of the brain for an hour or so, no matter how many times you've been there before.

Nearby Shearwater Pottery is another throwback to a kinder, more tranquil time where folks make clay things with their hands. The glazes on the pottery always intrigue me and really pique my artistic sensibilities. And gentle Miss Marjorie is such a dear.

To fortify myself for an afternoon of gallery looking, I stopped for repast at Le Croissant, the French Bakery Café at 612 Washington Avenue in Ocean Springs, just before you get to WAMA.

I had a homemade chicken salad sandwich on a whole-grain baguette — slap grandma again.

As to the northern part of the state, I hate to report a recent trip to Batesville revealed that a restaurant I lauded back last October closed its doors before Christmas — Sweet Basil's on the square downtown. It looked to me as if Mrs. Broome's Collector Antiques might be closed in a permanent sense too. So, it was back to Bogie's Deli on Highway 6 for an Italian salad with Greek dressing and Boonie Mac's across the street for a commendable blue-plate special. Hope they both stay around a while.

While I was in Batesville, I drove about a mile north on Highway 51, up from Highway 6, and visited the Clothes Closet to see Peter's Pottery. He's the craftsman who once worked with the McCarties in Merigold. His pottery resembles the McCarty ware, some items more than others.

On another visit to Grenada, I tried Aunt Clara's Café at 131 South Main Street. I highly recommend this place — it's open for full, artery-clogging breakfast from 6:30 to 10:30 and lunch from 1:30 to 2:00. I had a fine plate lunch for \$5.00, chicken pot pie that was made country-style with biscuits instead of thin pie pastry, three well-prepared vegetables, and iced tea. I passed up a tempting list of desserts but couldn't resist the splendid yeast roll and corn muffin. The former Thrift Shop down the street was closed up and vacant.

Hope you've been on the road looking for places to recommend. Let me hear from you at HCBA Headquarters, 151 E. Griffith Street, Jackson, MS 39201, or at hindsbar.com.

1999 People's Law School

The HCBA People's Law School Committee, chaired by Leyser Morris-Hayes, is finalizing its plans for the 1999 People's Law School. This is the ninth year for this program, a public education project of the bar. Co-sponsoring is *The Clarion-Ledger*.

The 7:00 to 9:00 p.m. classes will be four Tuesday nights: April 20, April 27, May 4, and May 11. The programs will again be held in the Community Room of *The Clarion-Ledger*. The cost is \$5 for individual sessions and \$15 for all four.

The People's Law School is designed to answer everyday legal questions. The topics include:

April 20 - Introduction to Mississippi's Judicial System; Small Claims Court/ the Municipal Court System; How to Find a Lawyer.

April 27 - Landlord/Tenant Law; Fair Housing Initiative; Consumer Protection.

May 4 - Family Law/Domestic Relations; Employment Law.

May 11 - Bankruptcy/The Fair Credit Collection Act; Wills and Estates.

Serving on the People's Law School Committee are: Elizabeth Baine, Sherri Flowers, John C. Henegan, Joann Nelson, Peter Doran, LaVerne Edney, Mike Rhodes, Mitzi Dease Paige, Vangela Wade.

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A. Lincoln On Legal Fees

By John Land McDavid

Every lawyer knows Abraham Lincoln said, "A lawyer's time is his stock in trade." Had he been politically correct he would have said "her or his stock in trade" or even "her stock in trade."

Honest Abe also made an astute but lesser known statement about legal fees. The Library of America's two volume set *Abraham Lincoln Speeches and Writings 1832-1858* includes the following letter, written while the Great Emancipator was practicing law in Springfield, Illinois:

Springfield, Nov. 2 1842
Jas. S. Irwin Esqr.

Owing to my absence, yours of the 22nd. ult. was not received till this moment.

Judge Logan & myself are willing to attend to any business in the Supreme

Court you may send us. As to fees, it is impossible to establish a rule that will apply in all, or even a great many cases. We believe we are never accused of being very unreasonable in this particular; and we would always be easily satisfied, provided we could see the money - but whatever fees we earn at a distance, if not paid *before*, we have noticed we never hear of after the work is done. We therefore, are growing a little sensitive on that point. Yours &c.

Many think Cuba Gooding, Jr. was the first famous American to say, "Show me the money!" In fact, it was the Railsplitter, A. Lincoln, sixteenth president of the United States, whose birthday (February 12) we celebrate on Monday, February 15th this year.

Agency Records Archiving

By Barry Powell

If you have ever need non-current records from the State agencies or county or municipal offices, you will want to become familiar with the "retention schedules" that are in place or in process for all records created by all levels of government in Mississippi.

Retention schedules are suggested by state agencies according to the use they make of records; reviewed by State Records Manager Dwight Harris and other officials at the Mississippi Department of Archives and History in light of laws, archival value, confidentiality and other considerations; and presented to the **State Records Committee** for action.

At their quarterly meetings, the SRC's five members decide how long particular types of State agency records are to be kept. Most will probably be disposed of or destroyed after those specified periods of time. Some are "scheduled" to become permanently located in the agency or the State archives.

Similar submissions, reviews, and decisions are made concerning the various kinds of records kept in courthouses and municipal offices throughout the state. These proposed schedules are submitted to the **Local Government Records Committee**, whose 16 members also meet quarterly.

To find out about the schedules for records of potential interest to you, contact:

Dwight Harris
State Records Manager
929 High Street
Jackson, MS 39202
Telephone (601) 354-7688
Fax (601) 354-7393

or

Bill Hanna
Local Government Records Office
Post Office Box 571
Jackson, MS 39205-0571
Telephone (601) 359-6894
Fax (601) 359-6975
You can also get some details at www.mdah.state.ms.us/index.html.

Leadership: The Most Misused, Abused & Misunderstood Word

By Captain Equity

Other than the term "family values," "leadership" is surely the most misused, abused and misunderstood word in the English language, especially where public officials are concerned. Leadership, like excellence, family values and other cliches of the 90s, is much too easy to repeat in public and exceedingly more difficult to practice on an everyday basis.

Leadership requires elements of vision, good will, commitment and courage in the face of so much entrenched negativity that pervades the modern world. It also requires a healthy dose of self-confidence and a corresponding sublimation of ego if it is to be done effectively.

As it is often said, leaders are individuals who want to do something rather than just be something. And so as we enter another election year in Mississippi and the millennium creeps ever closer, I offer you my picks, pro and con, for leadership over the past few months and years with the hope that in the days to come it may inspire those who have the ability and inclination to lead to step forward for the common good.

Captain Equity's Leadership Top Ten

1. Attorney General Mike Moore - The four billion dollar tobacco settlement tops a lengthy list of accomplishments over the past eleven years. Even more important is the positive impression our Attorney General makes on the national stage. Mississippi could use more Mike Moores in state government and on the network news.

2. The Mississippi Legislature - While it is a popular pastime to take shots at the legislature, all in all they have done a commendable job in raising Mississippi from the bottom of just about every objective measuring criteria to a position of economic progress and social promise. No, they're not perfect, but they are sure doing better than Congress.

3. Mississippi's University and College Presidents - Just look at what Robert Khayat has done for Ole Miss; Howell Todd, for Mississippi College; and the list goes on. If we could only replicate their vision and energy for K through 12.

4. Jackson Mayor Harvey Johnson - After an unsure start, the Mayor is letting his accomplishments speak for themselves. Jackson City Council take note.

5. Lieutenant Governor Ronnie Musgrove - The President of the Senate

proves what your parents always told you: People catch more flies with honey than with vinegar. Governor take note.

6. MCI WorldCom Chairman Bernie Ebbers - Ten years ago, LDDS was just another local niche company reselling long distance service. And now... I still find it hard to believe that what was just an idea on a napkin in 1983 is now one of the giants in the global telecommunications industry. And it's based here in Metro Jackson. Bernie Ebbers and company have done a lot to erase decades of negative image and institutional inferiority that have plagued Mississippi seemingly forever.

7. The Jackson Airport Authority - Think back ten years and ask yourself: are we better off now than then? The answer is clearly yes. Besides the addition of Southwest Airlines and the return of American Airline's jets, there are other positive factors. Air freight is way up, there is an ever increasing number of carriers, and, best of all, Thompson Field finally looks like a real airport as opposed to a location for Pleasantville.

8. Mississippi Prosecutors - Who had the guts, patience and skill to put Sam Bowers, Pete Halat and the Dixie Mafia, and other notorious felons behind bars.

9. Jackson Area Charities - From the Animal Rescue League to the Stewpot to Habitat For Humanity, Jackson's charity organizations prove that charity is far from dead in the city and that there are plenty of selfless people trying to do the right thing.

10. The Hinds County Bar Association - Despite the more-than-occasional bad rap lawyers get, everything in number nine can be said again for the many and varied positive programs sponsored by the Hinds County Bar.

Captain Equity's Leadership Bottom Ten

Unfortunately, not all the news is good. The following is my offering of would be leaders who could do better:

10. & 9. Governor Kirk Fordice (one spot for each failed term as Governor) - For yelling, vetoing and forgetting his way through eight years as Governor.

8. Former Governor Ray Mabus - For spending his last year in the Governor's Mansion pouting after the legislature wouldn't give him everything he wanted, thus unwittingly becoming the proximate cause of the last eight years of government by tantrum.

7. President Bill Clinton - He says all the right things about values; he makes all the best use of symbols; but he has the credibility of a hungry, talking dog who solemnly promises to bring you a steak home from the butcher shop if you will just tuck a twenty dollar bill in his collar.

6. The Jackson City Council (Most, but not all) - Due to space limitations, I ask that you take judicial notice of this one.

5. Local Talk Radio (with a few exceptions) - For its mindless, uninformed conspiracy theory treatment of just about any issue from race relations to impeachment to global warming to municipal government.

4. Policemen, Sheriffs Deputies And Other Law Enforcement Officers who commit crimes - People sworn to uphold the law shouldn't be selling drugs or stealing petty cash from blind vendors at the Courthouse. Nothing causes people to lose hope quicker or become cynical faster than a bad guy who hides behind a badge.

3. The Mississippi Legislature - For continuing to tax groceries and medicine; for not requiring mandatory liability insurance as a condition for driving an automobile in this state; and, for not reversing the Governor's veto on nursing homes.

2. The Mississippi Baptist Convention - For opposing legislation to allow Mississippians to take courses in our higher education system so as to fully participate in the state's multi-billion dollar gaming industry. Nothing helps the soul and the economy better than a good, honest job. Why not train our people to fully participate in this important sector of the economy?

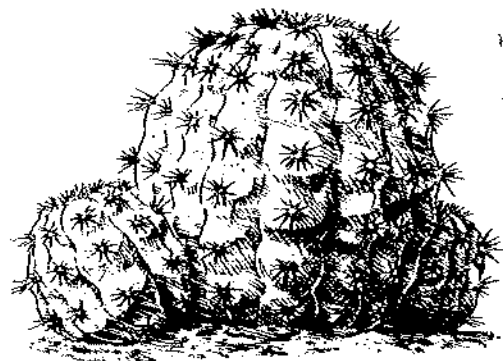
1. Racists Of All Colors - Things are bad enough in this area already. Everyone of every color and ethnic background should uniformly and consistently refuse to let these jerks continue to exploit race in this city and state for their twisted agendas which are both public and personal.

So here's to leadership. Long may it flourish - even in an election year.

[Editor's note: The viewpoints expressed in this column are solely those of Captain Equity and are not to be attributed to the Hinds County Bar Association, its officers and directors, or its editorial board.]

Hinds County Bar Association Mission Statement

The mission of the Hinds County Bar Association is to serve the lawyers, judges and public in our membership area by organizing, promoting and administering programs and member benefits in order to increase professional competence and responsibility, foster collegiality among our members, improve the public's understanding and appreciation of our judicial system, and advance the administration of justice.



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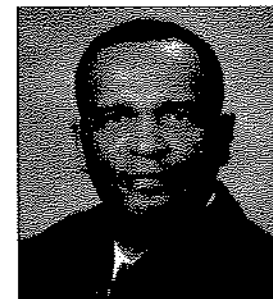


Risk Retention Group

Court of Appeals Welcomes New Judges to Represent 2nd and 4th Congressional Districts

By David L. Trewolla

On January 4, 1999, Chief Judge Billy G. Bridges presided over the investiture of newly elected Judges Tyree Irving and L. Joseph "Joe" Lee to begin four-year terms on the Mississippi Court of Appeals. They were elected to represent the Second and Fourth Congressional Districts, respectively.



Judge Tyree Irving is a native of Greenwood, where he graduated from Amanda Elzy High School. He earned an undergradu-

ate degree from Jackson State University and taught four years in public schools before seeking his law degree from the University of Mississippi.

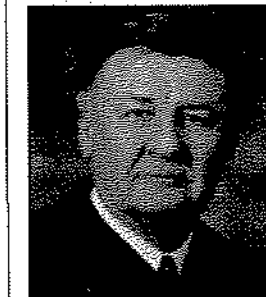
After admission to law practice in

December of 1974, Judge Irving began his legal career as law clerk to the late Chief Justice Robert G. Gillespie of the Mississippi Supreme Court. He has enjoyed a varied legal career, which includes service as an Earl Warren Fellow intern with the NAACP Legal Defense Fund, Assistant U.S. Attorney for the Northern District of Mississippi, and partner in the private firm of Walls, Buck & Irving, Ltd.

From 1989 until his election to the Court of Appeals, Judge Irving was a solo practitioner in Greenwood. Judge Irving is a member of Wesley United Methodist Church and past president and treasurer of the Magnolia Bar Association. Judge Irving is married to the former Ethola Garrett Collins, and they have six children.

When asked to voice concerns he may have about the current status of the legal profession, Judge Irving noted, "The public does not have a balanced perspective regarding the tremendous increase in litigation and the cost

associated with it." While he is committed to the speedy disposal of cases before the Court of Appeals, his expeditious handling of cases will not sacrifice "thorough and thoughtful consideration of the issues presented by the litigants."



A Lamar County native, **Judge Joe Lee** is a graduate of Lumberton High School. He attended the University of Southern

Mississippi and graduated from William Carey College. He earned his J. D. Degree from the Jackson School of Law and was admitted to law practice in 1973.

In addition to his longtime private practice in Jackson, Judge Lee is a former owner/operator of Baldwin-Lee Funeral Homes and is an adjunct professor of business law at William Carey. He is professionally associated with the Mississippi Trial Lawyers and Criminal Defense Lawyers Associations, having served the latter as its president. Judge Lee has two adult sons and is a member of the Catholic Church.

Admitting that he is "no stranger to hard work," Judge Lee intends to apply that same work ethic to his position on the court. He strongly believes that lawyers can have a positive impact on society by becoming more involved in their communities, thereby stemming the growing tide of criticism toward the profession. He further acknowledges the importance of achieving more than the minimum continuing legal education in order to stay abreast of the law.

Both of these new judges expressed their sincere honor to be seated on the Court of Appeals. Their extensive experience will be invaluable as they seek to improve the administration of justice. They especially expect lawyers to be prepared and punctual when appearing before the court.

The Hinds County Bar Association extends its congratulations to Judges Irving and Lee, invites them to attend Association functions whenever possible, and encourages them to call upon its members for assistance as needed.

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— Will Denton, trial attorney, Biloxi, Mississippi

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President's Update

By Mark Chinn

Here's an update on many of the things that our members are working on.

Homeless Shelter and Relief. Brooks Buchanan has been working on a couple of projects to help the "homeless." Brooks has met with Luther Ott on at least two occasions. Luther is a lawyer and minister who operates the Stewpot and its ministry.

There are people who get discharged from Whitfield who need a home until they can be returned to their families. These people typically receive around \$500 per month in SSI or other benefits. They are housed in privately run homes in the Stewpot area. The private homeowners become custodians of the funds and apply most of the funds to rent and fees for providing housing. We feel there is a need for lawyers to serve as custodians for these funds and to help these people obtain the best level of care possible under the circumstances.

I have been to the Stewpot several times now at lunch to sit and talk with the patrons. Sitting with them is rewarding. Many of them are suffering from mental problems which prevent them from entering the mainstream. Others are recovering from addiction. It is inspiring to see how these people maintain their good nature and spirituality in the face of their difficulty. They are worthy of our support.

Any lawyer who is interested in experiencing the rewards of being among these people can do a couple of things. You can call on Brooks or Luther to see how you can help, or, you can simply go down to the Stewpot at lunch time and have lunch. It's good and it's free. Brooks and I are looking at setting up a vehicle for us to serve as guardians for these people.

Luther says there is a pressing need for a well-run home for people who have been discharged from Whitfield and other institutions. He says there are funds available to build such a building. When the building is built, there are people with SSI and other benefits who could pay those benefits for care.

All Luther needs is an entity such as us to act as catalyst to make it happen.

The project seems too ambitious, but all of the elements are there, and I would like to take a shot at it. We are working on it, and I ask anyone who would like to help to let me or Brooks or Luther know.

Partners Training. Partners is a program designed to teach high school seniors how to be better marriage partners. It is sponsored by the ABA Family Law Section of which I am an active member. The vehicle for the program is a manual with a video tape which contains skits of confrontations of a young married couple.

After the confrontation, a counselor teaches the students how the situation should be handled. The couple is shown handling the situation properly. After the tape is played, the teacher takes the students through some fun drills to learn the techniques.

Lawyers fulfill the role of educating the students about the divorce system. We have just completed a pilot program at Jackson Academy. For six weeks we taught three classes each Thursday. The students were very receptive and enjoyed the program. Perhaps JA will have a higher percentage of successful marriages.

Melissa Gardner has agreed to try to implement the program in other schools such as MRA and Jackson Public Schools. Here's what we need. We need firms to ante up \$400 for each school's program to purchase the tape and manual. We also need lawyers who are well versed in family law to attend some of the classes.

If you would like to see this project in your child's school, let Melissa know. As with the Stewpot, you will find that participation in this program is just as fun and rewarding for you as it is the people you are trying to assist. By the way, *The Clarion-Ledger* did a nice feature on our work in this project at JA.

Parenting Classes. People going through divorce need help with parenting their children in divorce. Those of you with children who are not divorced know how important it is to maintain a stable, unified front in dealing with the needs of your children. Just imagine how difficult this is when the marriage is destroyed and there is distrust, resentment, and anger between the

parents! Those of you who have been through this can attest to the difficulty.

Another problem is that children in divorce often blame themselves for the divorce. And the worst problem to me is the fact that when one parent attacks or criticizes another parent in front of the children, they are really attacking or criticizing the child's sense of identity. It is very destructive to the child.

Many people either don't know these things or they do not have the education and training to refrain from the destructive conduct. Parenting classes for divorcing couples can help with these problems. Many jurisdictions require these classes of divorcing parents. A leading program is in Dallas.

We want to institute these programs in our area. Lisa Miller has agreed to help. Lisa and I have met with Chancellor Stuart Robinson on this, and he is supportive. We have also met with Chancellor Bill Lutz, and he will implement our first program. We hope to also meet with Chancellors John Grant and Tom Zebert.

Clothes for those who need them. Dorian Turner and Rhonda Cooper are working on providing professional clothing to JUL's Closet, a discount clothing store sponsored by the Jackson Urban League. The store is located at the Jackson Medical Mall. Our Hinds County Bar will have a special section of the store which contains professional clothing for purchase or borrow for people to wear to job interviews or to work. Dorian and Rhonda will be making the first delivery of clothing shortly. They have a list of firms who are contributing. If you or your firm is interested in helping, please call Dorian or Rhonda.

Professional Award. John McCullough is heading a committee designed by Larry Franck and his committee to select one of our members for leadership in professionalism. The award will be presented at our May banquet. The Board has allocated up to \$1,000 for the award! It will be special! Please send the name of a nominee to John McCullough.

Professionalism Institute. Louis Baine, III, is working on creating a Professionalism Institute. Such institutes exist in Texas and Georgia. Louis will be visiting the institute in

Atlanta in early February.

Member Benefits. We have contacted the Capital Club and the University Club about offering a reduced or free membership in their club to our members. We have a positive response from both and a proposal from the Capital Club. We hope to have a selection at our next Board meeting. I envision providing this benefit to our members. In addition, though, I envision creating a Hinds County Bar lunch day and table each week where members can congregate and eat and socialize. This could be expanded, of course, to create a cocktail hour each week.

Free CLE. The CLE committee will be presenting a free six hour seminar for our members. You will see publicity on this. With this free six hour seminar and our free luncheon CLE, our members can obtain all their CLE for free.

Advertising. This association has not even begun to tap the advertising resources that exist. There are many direct legal providers and other businesses who are probably very interested in carrying their message to our 1200 members. We want to give them an opportunity to do that and to also provide our organization with funds and benefits. This is a very important project to our organization.

Keith Obert is working on this because I am confident in his ability to really make some things happen. If you know of a business or provider that would want to provide benefits or advertise in our newsletter or our banquet program, please call Keith. It is my hope that law firms will also help us with program advertising for our May banquet, just as they have for the golf tournament.

Long Range Planning. Ben Piazza is working on our long-range plan. This organization has the capacity to do more than it is doing: More for its members and more for the community. We need to decide just how much and what we want to do in the future. Ben is also working on a motto and symbol for the organization. The Hinds Community College marketing class is working on this for us.

I have also asked Ben to look into obtaining golf shirts, coffee cups, and the like for us to purchase with the new Hinds County Bar logo on it. It is my

opinion that this organization needs staff to assist Pat Evans. I also believe we have the opportunity to have an office or building.

Judges Committee. Robert Gibbs is chair of our Judges Committee. We have already had one unprecedented meeting of Hinds, State, and Federal Judges. To my surprise, some of them did not know each other. The meeting was very productive and all of the participants wanted to continue with meetings, so a second one was scheduled for the Capital Club at lunch January 26. We will probably try to have one more before my term ends.

Robert is also working hard on plans for our banquet. We have asked John Grisham to come. We shall see. If he doesn't come, we are thinking of shortening the banquet, and not having a speaker, and enlarging the social hour.

The Judges Committee is also working on using our library fund to provide technology for our court rooms. Ruma Haque, chairman of the library fund, is assisting with this.

People's Law School. Leyser Hayes has agreed to chair this committee. She got a late start because I delayed making a decision on continuing this program. Attendance has slackened in the last couple of years. We decided to go forward with the program because it is the right thing to do, no matter how many people attend. Too often we are preoccupied with numbers. Leyser has done a heroic job of assembling a panel of speakers. The program will run in April and May.

Dancing Rabbit Excursion. Stuart Kruger is working on plans for a day excursion to Dancing Rabbit in the Spring. An attempt at a fall excursion was scuttled by the demise of the Dancing Rabbit greens. If you are interested, call Stuart.

The golf tournament will take place again in August. This last year, we had over 100 golfers and contributed a record \$7,000 to the Volunteer Lawyers Project run by Phyllis Thornton at the Mississippi Bar.

Blast Fax. Our Board has appropriated funds necessary for Pat Evans to institute a "blast fax" to our membership. This will allow us to get information to all of our members instantaneously.

Membership. We have a record membership this year of nearly 1200 members, but there are approximately 1,000 lawyers in our area who are not members. We are appointing a membership committee and looking into hiring a marketing student or intern to assist us on a part-time basis to reach out to the non-members.

Publicity. We are trying to publicize our organization and its members more. Leslie Bobo agreed to help us with this. In the recent months, you have seen a feature on our professionalism lectures in *The Clarion-Ledger*, pictures of our Board in several papers, Stuart Kruger on T.V. about the golf tournament's contribution to Volunteer Lawyers Project, and a feature article in *The Clarion-Ledger* about the Partners Course. We want the public to know about the service that lawyers and our organization provide to the community.

Professional Clothes Needed

In March 1999, the Black Lawyers Participation in the Profession Committee will open a clothes closet outlet. The Jackson Urban League has graciously agreed to allow the Committee to use a portion of its closet outlet, which is located at the Jackson Medical Mall on Woodrow Wilson Drive, for this project.

The purpose of the clothes closet is to assist persons who have interviews, or who are beginning new jobs, and do not have appropriate or good clothing to wear. Therefore, the donated clothes should be of a good quality and condition.

The Committee is seeking lawyers and law firms to donate work clothes that will be rented or sold, at reduced prices, to disadvantaged or homeless individuals. A commitment to donate as many clothes as possible and on a regular basis will keep the inventory stocked.

For more information, you may contact Committee members, Dorian Turner, 353-3234, JoAnne Nelson, 960-8916, and Rhonda Cooper, 856-2594. With your help and participation, this endeavor can be successful.

Civility: Its Costs and Rewards

By Thomas W. Crockett

General Sherman is reputed to have said "War is hell and the more hell you put in it, the better war it is." Likewise, some lawyers seem to believe that law is an adversary system and the more adversity we put into it, the better the system is.

Seriously, some lawyers do seem to believe that adversity is a necessary part of the legal system and that civility — that is, politeness and courtesy, — is un-lawyer-like. To a degree, this belief is understandable. (It is not acceptable, however. See the Mississippi Bar Guidelines for Professional Conduct and Standards of Litigation Conduct.)

As lawyers, we are expected to be fighters, and our sworn duty is to vigorously represent our clients. Therefore, in spite of our inclination to be civil, we are concerned this will be viewed as weakness by our adversaries and lack of vigorous representation by our clients. Thus, civility, if it is not understood by our client, may cost us the trust and eventually the representation of that client. This, of course, is a serious problem, especially for younger lawyers with new clients and who have not yet gained the measure of client confidence that comes from long experience.

Before taking the easy way out and building a reputation as a Rambo-type lawyer, however, I ask you to consider the following.

We lawyers not only owe our clients a duty of vigorous representation but also a duty of *effective* representation. That is, we owe it to our clients to achieve their goals quickly and with a minimum of cost. To do so we need to remember that, regardless of our practice area, to achieve these goals we must deal with other lawyers. Civility breeds civility, and things go more smoothly and get done more quickly when lawyers are civil to each other, even if this means we respond to rudeness with courtesy.

Clients do have a legitimate complaint if we appear too friendly to the opposing lawyers, and civility should never be confused with friendliness. Our personal feelings toward the other attorneys, friendly or otherwise, should never be a factor in this equation.

Civility does mean, however, being respectful. It also means keeping our commitments — small and large, written and unwritten, expressed and implied — and confining the conflict between the parties to just that and keeping it from

being a conflict between the lawyers.

This last point may be the most difficult. When the other lawyer conducts himself with a lack of civility, it takes a real professional not to reply in kind. A firm and forceful but courteous reply, however, accomplishes three ends for our clients.

First, it completely throws the other lawyer off balance. A civil reply is not what he expected. He does not know how to handle it.

Second, it focuses everyone's attention to where it belongs — resolving the conflict between the parties. Third, it sends a signal that you have confidence in the merits of your cause and in your own competence to prevail on the merits.

Done properly, this is a strong message that is not likely to be lost on your adversary. A bit of advice — you may wish to explain to your client your reasons for responding in this matter to be sure that she does not mistake it for weakness.

The truly professional lawyers will act to absorb the hostility between the parties and not escalate it. They will focus their energies on winning for their client and not vindicating a personal insult. In

other words, they represent not themselves but their clients and represent them well.

This pays off. In the long run, conducting yourself with civility will build your practice and enhance your reputation among your peers.

That is not the only reward of civility. Civility benefits the legal system within which we work and for which we are responsible. We have an adversary system because society has decided that this is the best way to resolve disputes fairly and with the least cost to society. The adverseness in our system is not the end but is a means to this end. Civility on the part of everyone in the system simply makes it work better.

Not only does civility enhance our reputation and improve the system within which we work, but there is one more reward which may be the most important. When we set our own standard of behavior and refuse to allow others to cause us to depart from this standard, we demonstrate to ourselves that we respect our own decisions and control our own actions. This is called self-respect. In the final analysis, civility is its own reward.

Impeachment Brief

By John Land McDavid

With brevity exceeding the Genesis account of the Creation, the provisions of the Constitution of the United States concerning the impeachment of the president, just one hundred and eighty words, are:

Article I, Section 2. The House of Representatives shall ... have the sole Power of Impeachment.

Article I, Section 3. The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States:

but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Article II, Section 2. The President ... shall have Power to grant reprieves and Pardons for Offenses against the United States, except in Case of Impeachment.

Article II, Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes or Misdemeanors.

Article III, Section 1. The Trial of all Crimes, except in Cases of Impeachment; shall be by Jury...

If history repeats itself the next impeachment trial of a president will be in the year 2130. Be there!

On Computing

By Joel Howell

Ready for Y2K? Some are, some aren't, but before we get there, most of 1999 is ahead of us. Here's an inkling of what's in store.

New processors will get faster, and old ones will get cheaper. Not a week after announcing its 450 MHz Xeon chips, Intel has announced that its latest chip, known in development as Katmai, will be the Pentium III with first-quarter shipments to run at 450 MHz and 500 MHz and improved audio, video, and speech recognition capabilities. If, however, you want the real future, Intel will show in the Millennium year with the IA-64 and 64-bit processing technology. For lawyers, the gain in word-processing speed will be scarcely noticeable, but for gamers (Quake II, anyone?), the envelope will be pushed yet again.

That means that prices of the low-end Celeron and Pentium II's will fall; thus, a computer that would have knocked your socks off a couple of years ago can now be had for under a thousand dollars. According to Giga Information Group, in 1998 the average price of a PC dropped from \$2,200 to \$1,800, and this year the average will fall to under \$1,200.

Insufficient toys to play with? We should all be carrying laptops with docking bays at the house and office, but palm tops are now serious players. 3Com's PalmPilot, 4.5" x 3" x 0.5", runs on two AA batteries and includes a backlit screen, date book, calculator, memo pad, to-do list, address book, and expense manager, and, of course, infrared technology to synchronize with your desktop instead of those silly cables.

Monitors? Flat panel displays have been out for some time now, but are still very pricey. ViewSonic's VG180, for example, is an 18.1" viewable, 160 degree viewing angle, 1280 X 1024 resolution LCD ViewPanel that takes less space than my briefcase. The marketing pitch? "PC sold separately." '98 and NT 4.0 will continue to evolve with service pack releases, awaiting the release of Windows 2000 next year, combining both systems. This year, Microsoft will introduce Office 2000, whose screen views will look just like an Internet browser, but which will also be a real resource hog.

Linux, the freeware operating system, will draw more attention. Yes, Virginia, it's yours for the asking, but tricky. Simply put, the source code is really FREE, meaning the kernel of the operating system can be downloaded for nada. It's a far cry from plug and play (on the other hand, ever tried a Windows upgrade on your own?). However, distributors will begin selling compiled versions with support, flattening a daunting user curve. Available software now includes a WordPerfect version, with most of the major players (save Microsoft) joining the bandwagon.

This year will also see the fifth generation of internet browsers from Microsoft and Netscape. While you can still wait on these, the desktop of the future will fully integrate the browser with applications (all true, to varying degrees, of the Microsoft, Macintosh, and Linux systems). Got an office network and email? The future will be intranets with uniform browser looks for

all uses. Time to get a good consultant and start planning!

Need more legal bookmarks for your browser? Here are some good ones:

1. Findlaw (www.findlaw.com), the Swiss Army knife of legal research.
2. Thomas (<http://thomas.loc.gov>), which includes the full text of pending bills and a lot of related information.
3. Law Lists (www.lib.uchicago.edu/~llow/lawlists/info.html), a list of law-related discussion groups.
4. Legal Information Institute (www.law.cornell.edu), which is the finest Supreme Court offering in all the land.
5. Martindale-Hubbell (www.wfd.com and www.martindale.com) The content of these two doesn't coincide, so check both if you're looking for local counsel or a law school classmate.

Questions or comments? Drop me an email at 76616.1020@compuserve.com, or better yet, webmaster@hindsbar.com.



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An Editorial To Share

By Carol West

One quiet afternoon a couple of months ago, I was working on a project at the Mississippi Department of Archives and History. This undated newspaper article fell under my gaze. I copied it and brought it back to check the date of the statute.

I discovered pretty easily that the statute was enacted in 1916. That led me to check the subjects tested upon. Applicants needed pretty broad back-

ground in law, since the statute listed the subjects for testing as: real property, personal property, pleading and evidence, commercial law, criminal law, chancery and chancery pleading, statute law of Mississippi, constitutions of the United States and Mississippi, federal and state practice, federal statutes relating to the judiciary and bankruptcy, professional ethics, and *such other subjects as the board may deem proper.*

The statute recognized diploma privilege for Ole Miss "Bachelor of Laws" graduates. The chancellor is only required to carefully inquire into the moral character of the applicant, determine if he were a citizen of the United States and resident of Mississippi over the age of 21, and examine the original of his diploma. Then he may be admitted to practice without examination.

STATE BOARD BAR EXAMINERS NAMED

Appointment is Radical Change From System That Has Been in Vogue—In Future Applicants For License to Practice law Will Face Trio Instead of Chancellor.

On and after January 1 applicants for admission to the law bar in Mississippi will have to face a state examining board instead of taking their examinations before a chancellor.

Governor Theo. G. Bilbo this morning appointed the three men who will constitute the state examining board. These are W. A. Shipman of Poplarville for the Southern District; Judge R. F. Cochran, of Meridian, for the middle district; and George T. Mitchell, of Tupelo for the Northern District.

The board was created by the past session of the legislature and the act gave the governor the appointive power. The commission retains power for two years and will hold examinations in Jackson on the first day

of July and February of each year. Applicants are required to pay a fee of \$10 and this is divided among the board as compensation for their services.

In the past applicants for admission have gone before a chancellor during the regular terms of court and have been questioned. The new system will assure a uniform list of questions and a more rigid test.

This places law on equal terms with medicine and the other professions and means a new era in the legal development of the state. Law students and others seeking to practice in Mississippi will be required to travel to Jackson instead of merely going before a chancellor at whatever place he happens to be holding a term of court.

Alabama State Bar Changes

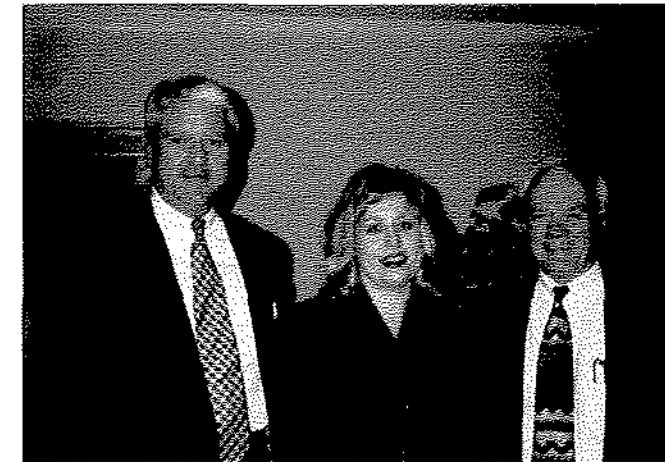
During its December 1998 board meeting, the Alabama Board of Bar Commissioners approved numerous changes to the MCLE Rules and Regulations of the Alabama State Bar. Effective immediately, all organizations not having "approved sponsor status" and individual attorneys who submit applications for accreditation, must pay an application fee of \$5.00 for each application submitted during a calendar year to be submitted with the application.

The following Regulation 4.7 has been added:

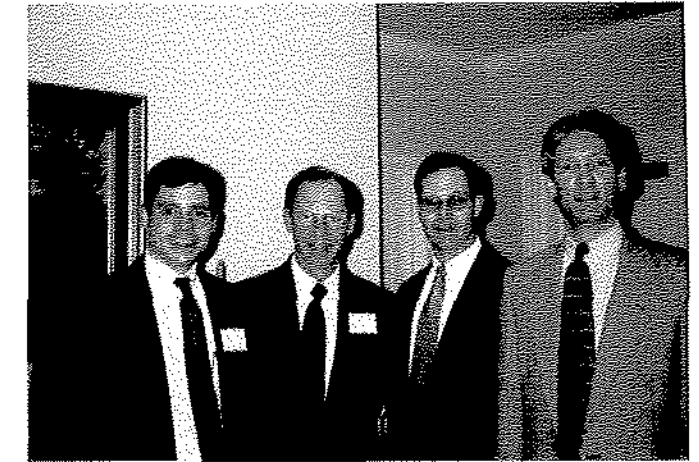
Any organization that has not been designated an "approved sponsor" by the commission must pay an application fee of \$5.00 for each application submitted during a calendar year. This application fee must be attached to the application form in order for the application to be considered. Attorneys who submit applications also must attach a \$5.00 application fee.

CHRISTMAS SOCIAL 1998

Hinds County Bar Association members and their guests enjoyed the December 3rd Christmas Social at the Mississippi Bar Center.



Bob Grenfell, Molly Miller, Judge Billy Bridges



Trey Jones, Jack Pannier, Keith Foreman, Mark Franklin



Mike Maloney, Pat Bennett, Mark Chinn



Marcus Wilson, Trip Barnes, Richard Edmonson



Whit McKinley, Bill McLeod, Dan Jordan



John Hampton Stennis, Phyllis Thornton, Ben Piazza

Hinds County Bar Association Professionalism Award Established

The Hinds County Bar Association has established Professionalism as a principal theme of the Hinds County Bar this year. In keeping with this theme, a Professionalism Award has been created, which will be awarded annually to an HCBA attorney. The recipient of this award will be chosen by a Selection Committee composed of the Senior Hinds County Chancery, Circuit and County Court Judges, the Senior United States District Judge from the Jackson Division, and three attorneys. The Committee is chaired by John McCullough.

The criteria that will be used in selecting the recipient of the award is as follows: The recipient must have consistently demonstrated adherence to professional standards of practice, ethics, integrity, civility and courtesy; have encouraged respect for, and avoided abuse of, the law and its procedures, participants, and processes; have shown commitment to the practice as a learned profession, to the vigorous representation of clients, and to the attainment of the highest levels of knowledge and skill in the law; and have significantly contributed time and resources to public service.

The Selection Committee is soliciting nominations for this year's award. A deadline of March 1, 1999, has been set for receipt of such nominations. HCBA attorneys are invited to submit the name and address of suitable candidates to the HCBA at 151 East Griffith Street, Jackson, MS 39201 or to John McCullough at P.O. Box 811, 790 Landmark Center, Jackson, MS 39205.

A brief statement as to why the nominee is deserving of the award may be included with the submission of his or her name. The recipient of this year's award will be announced at the May 6, 1999, HCBA Dinner Honoring the Judiciary.

Law Firm Support Benefits Moot Court Programs

Across the United States, legal education looks to the practicing bar for support in many different ways. In fact, most law schools could not offer First Year moot court/apellate advocacy programs without the direct involvement of local attorneys. The un-named and un-sung heroes are practitioners who serve as volunteer judges and coaches each Spring as the new crop of "would be" lawyers readies themselves to stand before the bench for the first time.

In the last several decades, regional and national moot court programs have developed to provide a forum for the fledgling advocates to hone their skills on a grander scale. When the law schools looked for ways to provide resources for their students to participate in these programs, law firms stepped forward to meet the need.

Both law schools in Mississippi have outstanding records of success in regional and national competition. Those opportunities might have been passed by were it not for the generosity of some of the state's leading law firms.

The University of Mississippi School of Law acknowledges with gratitude the following three law firms: Currie Johnson Griffin Gaines & Myers; Heidelberg & Woodliff; and Steen Reynolds & Dalehite.

Mississippi College School of Law expresses its sincere appreciation to three local firms and one bar group: Byrd & Associates; Copeland Cook Taylor & Bush, P.A.; Heidelberg & Woodliff, P.A.; Kirkland & Barfield, P.A.; and the Mississippi Bankruptcy Conference, Inc.

MISSISSIPPI COLLEGE LAW LIBRARY HOURS

January 6, 1999-May 4, 1999

Regular Library Hours

Monday-Thursday	7:30am-midnight
Friday	7:30am-9:00pm
Saturday	9:00am-9:00pm
Sunday	noon-midnight

Exceptions: Spring Break-March 5th-13th, 1999 & Easter-April 2nd-4th, 1999

Friday, March 5th, 1999	7:30am-6:00pm
Saturday, March 6th, 1999	9:00am-5:00pm
Sunday, March 7th, 1999	noon-5:00pm
Monday-Friday, March 8th-12th, 1999	7:30am-6:00pm
Saturday, March 13th, 1999	9:00am-5:00pm
Sunday, March 14th, 1999	noon-midnight
Easter-April 2nd-4th, 1999	CLOSED

Exam Schedule: April 23rd-May 5th, 1999

Monday-Friday	7:30am-midnight
Saturday	9:00am-midnight
Sunday	noon-midnight

For more information please call 925-7120. Subject to change without prior notice.

Golf Tournament Proceeds Presented



At the December Membership Meeting, The Hinds County Bar Association presented Phyllis Thornton, Executive Director of the Mississippi Volunteer Lawyers Project, with a check for \$7,000, the proceeds from the HCBA Golf Tournament. The Mississippi Volunteer Project provides free civil legal service to low-income citizens utilizing private attorneys who donate their time. Pictured with her are: (front row) Stuart Kruger, Golf Tournament Chairman; (back row) Mike Maloney, Golf Tournament Co-Chairman; Ben Piazza, Committee Member; Mark Chinn, HCBA President; and Kenny Griffiths, Committee Member.

President's Column

continued from page 1

takes his client's causes personally and is on a mission to rescue his client. He is generally a good lawyer who thinks he is civil, but sometimes his rescue mission obscures his objectivity. He has a tendency to attack with righteousness.

8. **The Southern Gentleman.** This lawyer thinks that as long as he is a complete gentleman he can do just about anything he wants. He is so darn nice that the judges love him. When you are on the other side from him, you find yourself "pulling punches" because you don't want to be uncivil to him but, when you do that, you are caught in his web. They will lead you to believe time after time that they are going to work with you, so you will pull back, but the true cooperation you thought you were going to get never comes. The Southern Gentleman also has the capacity to court you like an old pal and then stick you right in the heart at the most unexpected time.

9. **El Destructo.** The Bad Lawyer

(none of our members). This lawyer simply doesn't know what he is doing. Because he doesn't, he usually causes a lot of damage, even though he is not winning. He is like the Chicago Bears of the late 60's. He may not beat you, but when you are through with the game, half your team is injured. Unfortunately, El Destructo has a lot of the qualities of Rambo, but not the skill.

Civility starts with common courtesy. The simplest example is calling the other lawyer before scheduling depositions or hearings. Unfortunately, lawyers as a group have a lot of work to do on this. But there are many kinds of incivility that occur just because of who you are. Each of us, no matter how good a lawyer we are, or how well-intentioned, has the capacity to act in ways which put the other lawyer on guard to our incivility. We should examine who we are and understand how we, too, can be uncivil.

I would be interested if any of you have suggestions as to other lawyer personalities. If so, send them to me.

Children of the Cold War

The names Eisenhower, Nixon, and Krushchev will once again be linked in debate when Mississippi College hosts the children and grandchildren of those leaders as the major program of its Spring lecture series.

On Thursday, March 25th, Julie Nixon, her husband David Eisenhower, and Sergei Krushchev will be in the spotlight at Swor Auditorium on the Clinton Campus. Julie, a biographer of her mother Pat Nixon, is the daughter of Richard Nixon; David, a professor at the University of Pennsylvania, is the grandson of Dwight Eisenhower, and Sergei, a Fellow of the Brown University Thomas Watson Institute for International Studies, is the son of Nikita Krushchev.

The program will be free, but advance tickets will be required. For further information, call Dr. Debbie Pierce at 925-3323 or Carol West at 925-7158.

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

Invite you to join us during Law Week for an

Evening Honoring the Judiciary

May 6, 1999

Primos Northgate

6:30 Reception 7:30 Dinner

Special Guests:

**Hinds, Madison & Rankin County
State & Federal Judges**

□ HINDS COUNTY BAR ASSOCIATION □

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Correspondence regarding the newsletter should be directed to: HCBA Newsletter Editor, 151 E. Griffith Street, 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. The web site address is hindsbar.com.

Hinds County Bar Association, Inc.
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IMPORTANT!
HCBA Luncheon Meeting
12:00 Noon, February 16



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

JUNE 1999



President's Column

by Harris H. Barnes, III (Trip)

It is hard for me to believe that I am beginning my term as the President of the Hinds County Bar Association. I can still recall a number of years ago when I was contacted by the Nominating Committee as to my availability of serving as the Secretary/Treasurer. I considered that nomination a great honor, and being the President of the Hinds County Bar Association, is the greatest of honors. Little did I realize, however, when I accepted that nomination, what would be required of me, and the amount of work it would take to meet the needs of this great organization. This is indeed a working organization.

I want also to express my gratitude to Mark Chinn, the past President. Mark has worked tirelessly to enhance the benefits for the members, as well as to meet the needs of the public and to serve our constituency. I am in awe of his energy and ideas, that benefit not only the Hinds County Bar Association, but the public which we are called to serve.

So what do I hope to accomplish? Several years ago, when it was apparent that Mark and I would be succeeding one another, we developed a concept that there should be some consistency in the programs of the Hinds County Bar. For years past, the Presidents would come and go, and often the programs would suffer because there was no consistency from one administration to the other. Bob Grenfell was elected the Secretary/Treasurer and will succeed me. Pat Bennett has been elected to succeed him. The four of us have met, and hope to develop strategic plans for carrying the Hinds County

Bar Association's programs well into the next decade. To do that, we will need more participation by our members. I do hope that when you are called upon to serve, you will be glad to do so.

In that regard, the following have been named as committee chairpersons: Bench and Bar – Robert L. Gibbs; Budget – Anthony Simon; Golf Tournament – John Proctor; Law Related Education – Lisa B. Milner; Library – Ruma Haque; Long Range Planning – Marcus Wilson; Newsletter/Editorial – Linda A. Thompson; Professionalism Award – John M. McCullough; Program – Edward E. Lawler, Jr.; Public Relations – Leslie J. Bobo; Social – Ann Corso; Membership – Doug Levanway; and Small Firm/Solo Practice – Jim Martin.

If you have any desire to serve on these committees, would you please contact them so that they can place you on a committee? The Hinds County Bar Association functions through its committees. That is one way you can be of service.

We will have at least four meetings

per year. Please attend those so that you cannot only be benefitted from the programs, but you can also spend an hour breaking bread with your fellow attorneys. We are also going to have four socials, and the Christmas Party. The socials have not been as well attended as we would hope. The best way for us to know one another and be able to get along with one another is to get together, and that is the purpose of the socials. Please look in the newsletter and mark your calendar for the dates of the meetings and for the socials, and try to attend. We need and solicit your participation.

At some point in time you chose to become a lawyer, indicating you must think it is a pretty good profession. I would, therefore, solicit your participation in the Hinds County Bar Association – to enhance both your knowledge of the Association and its missions and your ability to meet and get to know other lawyers in the Association.

I look forward to a wonderful, productive year.

April Membership Meeting



Speaking at the April HCBA Membership Meeting on "Issues in Rainmaking and Networking for Minorities in the Profession" were Constance Slaughter-Harvey, Isaac K. Byrd, Jr., and Reuben V. Anderson. They are pictured with Mark Chinn, 1988-99 HCBA President.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

June 15, 1999

12:00 Noon

Capital Club

Lunch \$10.00

CLE \$5.00

CLE Presentation by James O. Dukes, President-Elect of the Mississippi Bar

HCBA Calendar of Events

June 15
HCBA Membership Meeting and One Hour Ethics CLE.
 Noon. Capital Club.

August 17
HCBA Membership Meeting and One Hour Ethics CLE.
 Noon. Capital Club.

August 26
HCBA/JYL Golf Tournament.
 Noon. Annandale.

October 19
HCBA Membership Meeting.
 Noon. Capital Club.

December 2
Christmas Social.
 5:30-7:00 MS Bar Center.

February 15
HCBA Membership Meeting.
 Noon. Capital Club.

April 18
HCBA Membership Meeting. Noon.
 Capital Club.

CLE Calendar of Events

June 17
Litigation Case Management for Legal Assistants/PLI Satellite Seminar.
 MC School of Law. 925-7173

July 15
Real Estate License Law.
 K. F. Boackle. 956-6444

July 22
How To Write A Contract.
 K. F. Boackle. 956-6444

July 23
The Key To Effective Trial Advocacy featuring James McElhaney.
 UM. 601-232-7282

July 29-30
CLE by the Hour.
 UM. 601-232-7282

August 5
Preventing Malpractice in Real Estate Transactions.
 K. F. Boackle. 956-6444

Hinds County Bar Association Mission Statement

The mission of the Hinds County Bar Association is to serve the lawyers, judges and public in our membership area by organizing, promoting and administering programs and member benefits in order to increase professional competence and responsibility, foster collegiality among our members, improve the public's understanding and appreciation of our judicial system, and advance the administration of justice.

Saluting Those With 30 Years of Service to the Bar

by Cynthia Lee Brewer

On April 22, 1999, the "party of the year" was held at the Mississippi Bar Center. The place was packed with attorneys and other people interested in the celebration of longevity. The faces were those of proud persons – the kind of people who dedicate themselves to an ideal, then follow through with that same dedication.

The Hinds County Bar Association welcomed the long-standing members with refreshments and a beautiful array of food. More importantly, though, the setting was relaxed and friendly. The evening was filled with back slapping and reminiscing of days gone by. The time together flew that night, much as the years of practice from the past thirty or more.

Who was there? There were corporate counsel, appointed persons, elected persons, retired persons, still-working persons, and always-will-work persons – all of them lawyers, the true counselors of our time.

Congratulations to all who have enjoyed the privilege of practicing law for thirty years or more. In conclusion, this writer offers the following quote:

"He that loves the law will get his fill of it." Scottish proverb, *Complete Collection of Scottish Proverbs*, 1721.

Senior Lawyers Survey

The HCBA Board of Directors and President Mark Chinn recently made an informal survey to determine the advisability of establishing a senior lawyers committee of the HCBA. This was done in recognition of the growing trend among bar associations, national, state and local, to form senior lawyers sections or committees. After contact with representatives of bar associations in Mississippi and other states and the American Bar Association, the Board decided it would not form a committee at this time. The Board may sponsor programs and activities of specific interest to senior lawyers.

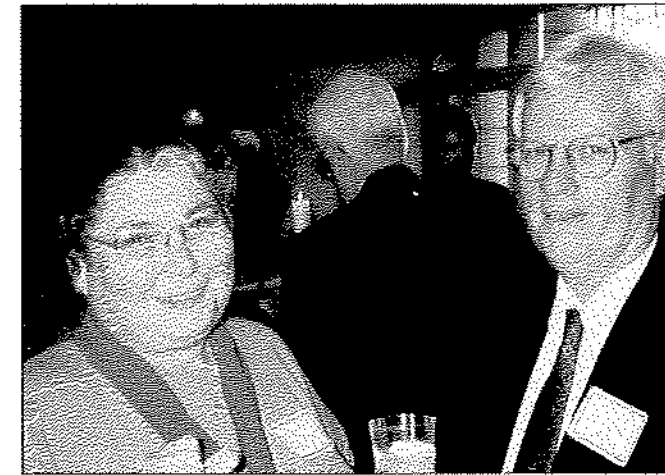
Before abandoning entirely the possibility of establishing a senior lawyers committee or offering special programs, however, the Board seeks comments and suggestions from the entire HCBA membership. Please let us have your comments and suggestions and, in particular, your response to the following questions:

- Should HCBA form a senior lawyers committee?
- Would you join such a committee as an active member?
- Should the HCBA sponsor programs and activities of particular interest to senior lawyers?
- What programs and activities do you recommend?

Please send your response in writing to:
 Senior Lawyers Survey, HCBA, by mail to: 151 E. Griffith Street, Jackson, MS 39201, by fax to: 925-7115, or by e-mail to: webmaster@hindsbar.com.

Spring Social

On April 22, the HCBA hosted a Spring Social at the Mississippi Bar Center that honored its members with over 30 years of service to the profession. The event was sponsored by American National Lawyers Insurance Reciprocal and Fox Everett.



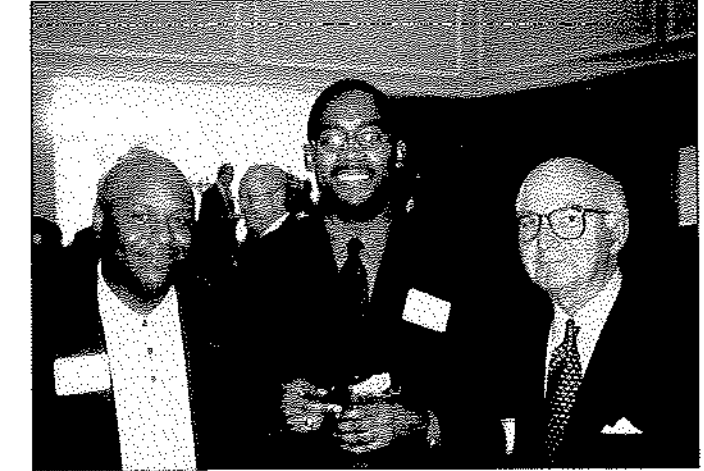
Carol West and Harris Collier



Retired Justice Dan Lee, John Land McDavid and Sylvia McDavid



Jay Travis, Fulton Thompson and Justice Lenore Prather



Anthony Simon, Doug Minor and Jim Child



Mississippi College

School of Law

Seventh Annual Evelyn Gandy CLE Lectureship Seminar Retreat to Professionalism

Friday & Saturday, September 24 & 25, 1999

Duncan M. Gray Episcopal Center

Canton, Mississippi

6 hours CLE, including 1 hour Ethics

For information, call (601) 925-7173

Gain knowledge and networking opportunities and inspiration from women lawyers and judges in a retreat exploring the balancing of duty and ethics in the legal profession.

An Evening Honoring the Judiciary

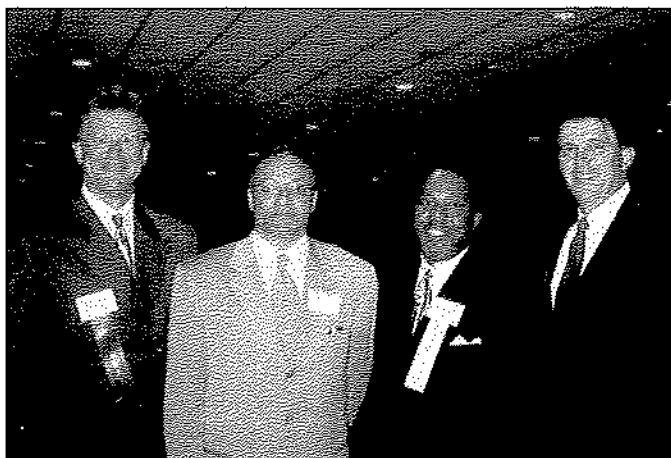
The sixth annual Evening Honoring the Judiciary was held Thursday, May 6 at Primos Northgate. The Keynote Speaker was Mike Espy. The event, co-sponsored by the Hinds County Bar Association and the Jackson Young Lawyers Association, was chaired by Robert Gibbs. The HCBA and the JYL wish to thank Trustmark National Bank for hosting the reception before the dinner and Mississippi Valley Title Company for providing the flowers.



Meade Mitchell and Dan Jordan



Swan Yerger and Gingia Yerger



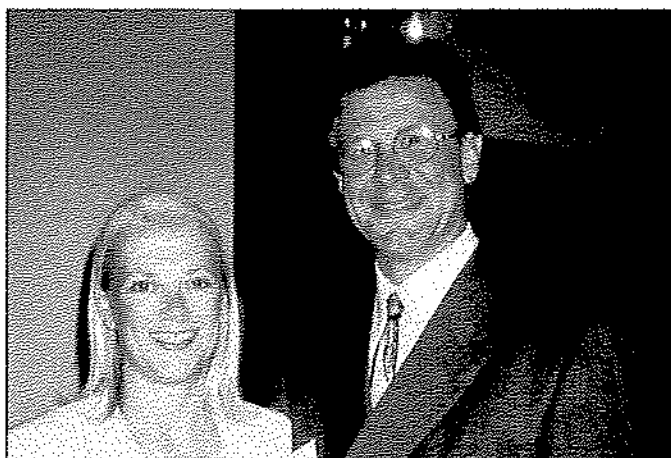
Mark Chinn, Mike Espy, Robert Gibbs and Trip Barnes



Mike Espy and Catherine Sullivan



Lynn Risley and Dean Sid Moller



Cathy and Mark Chinn

Outstanding Service and Pro Bono Awards

At this year's Evening Honoring the Judiciary Dinner, HCBA President Mark Chinn and JYL President Daniel Jordan presented their respective associations' awards for Outstanding Service and Pro Bono Contributions. Also, the Mississippi Supreme Court was recognized for its computerization updates with the Innovator Award.



JYL Pro Bono Publico Award: presenter Dan Jordan and winner Sara Freeman

HCBA Pro Bono Publico Award: winner Jay Jacobus and presenter Mark Chinn



HCBA Special Pro Bono Publico Award to the U.S. Attorney's Office: presenter Mark Chinn and Al Jernigan accepting for the U.S. Attorney's Office

JYL Outstanding Service Award: presenter Dan Jordan and winner Amanda Jones



Innovator Award: Justices James Smith, Lenore Prather, Edwin Pittman, Mike Sullivan, Kay Cobb, William Waller and Chuck McRae with Mark Chinn

HCBA Outstanding Service Award: presenter Mark Chinn and winner Melissa Gardner

Hal Miller Receives 1999 Professionalism Award

by John McCullouch

Chairman, Professionalism Award Selection Committee

On May 6, 1999, the first ever Hinds County Bar Association Professionalism Award was presented to Harold D. "Hal" Miller, Jr. during the annual Hinds County Bar Association Dinner Honoring The Judiciary.

Hinds County Bar Association President Mark Chinn established professionalism as a principal theme of the HCBA this year and created a committee to address whether the Association should establish a Professionalism Award. That committee, which was composed of judges and lawyers, determined that an individual award should be presented each year and that a permanent award listing each winner should be placed on public display at the Mississippi Bar Center. That committee also recommended the nomination and selection process as well as the criteria for the award.

The Hinds County Bar Board of Directors adopted the recommendation of that committee and set up a Professionalism Award Selection Committee, which was composed of the four senior judges from the Federal, Circuit, Chancery and County Courts - Judge Tom Lee, Judge Breland Hilburn, Judge Stuart Robinson, and Judge Houston Patton. Three attorneys

— Alex Alston, Carlton Reeves and John McCullouch — also served on the Selection Committee.

The Committee was directed to present the award to the Hinds County Bar Association attorney who has:

Consistently demonstrated adherence to professional standards of practice, ethics, integrity, civility and courtesy; has encouraged respect for, and avoided abuse of, the law and its procedures, participants and processes; has shown commitment to the practice as a learned profession, to the vigorous representation of clients, and to the attainment of the highest levels of knowledge and skill in the law; and has significantly contributed time and resources to public service.

In response to articles in the HCBA Newsletter and a personal letter from Mark Chinn to every member of the Association, the Selection Committee received numerous written nominations. These letters all contained passionate arguments in support of the nominees. Because of this, and because of the superb quality of the nominees, the selection process was not easy. The Committee is grateful to those members of the Bar who submitted written nominations and who thus assisted the

Committee in its endeavor.

In the end, the Selection Committee chose Hal Miller because he best exemplifies those qualities described in the aforementioned criteria. Hal Miller has been practicing law with the Butler Snow law firm in Jackson since 1959 and has served as a mediator and arbitrator for the past several years. He received his undergraduate degree from Millsaps College in 1957 and his law degree from the University of Mississippi School of Law in 1969. He is a member of numerous professional organizations and participates in many community activities. He is also an Adjunct Professor at the Mississippi College School of Law, where he teaches Alternative Dispute Resolution.

Most importantly, Hal is the epitome of professionalism in his dealings with his peers, with the courts and with everyone he encounters. He is a wonderful role model for us all as we strive to assist our clients and labor in the cherished profession of the law.

The Hinds County Bar Association congratulates Hal Miller upon receiving its first ever Professionalism Award.



Harold D. "Hal" Miller (second from right) received the first Professionalism Award given by the Hinds County Bar Association. The announcement and presentation were made at the May 6th Evening Honoring the Judiciary Dinner. With Miller are (from left) Harris H. Barnes, III, 1999-2000 HCBA President; John M. McCullouch, 1997-1998 HCBA President; and Mark A. Chinn, 1998-1999 HCBA President.

Computation of Periods of Time in Legal Proceedings

by John Land McDavid

Statutes, regulations and ordinances prescribe various periods of time, the most important of which is a period of time for which notice must be given of a trial, proceeding or hearing. In most instances failure to give a notice for the proper period of time is a jurisdictional error which renders the event for which notice is given void. This article is intended to be of some assistance in avoiding calculation errors.

Calculation of Time - Statute.

When process shall be required to be served or notice given any number of days, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, a Sunday or a legal holiday, or any other day when the courthouse or the clerk's office is in fact closed, whether with or without legal authority, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, a legal holiday, or any other day when the courthouse or the clerk's office is closed. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. § 1-3-7 MCA.

Calculation of Time - Rules of Court. In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included,

unless it is a Saturday, a Sunday, or a legal holiday, as defined by statute, or any other day when the courthouse or the clerk's office is in fact closed, whether with or without legal authority, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, a legal holiday, or any other day when the courthouse or clerk's office is closed. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. In the event any legal holiday falls on a Sunday, the next following day shall be a legal holiday. Rule 6 MRCP, Rule 26 MRAP and Rule 2.05 URJIC.

Westgroup's *Mississippi Rules of Court* (1998) comment to MRCP Rule 6 (a) states that MRCP 6 (a) is contrary to § 1-3-67 MCA. This comment is out of date as § 1-3-67 was amended in 1991 and is now substantively the same as Rule 6, Rule 26 and Rule 2.05.

Week. When publication shall be required to be made in some newspaper "for three weeks," such publication shall be made once each week for three successive weeks, and the time within which the noticed party is required to act or within which the noticing party may proceed shall be computed from the first date of publication. This rule shall furnish guide for any similar case, whether the time required be more or less than three weeks. § 1-3-69 MCA.

Month. The term "month," when used in any statute means a calendar month, unless a contrary intention be expressed. § 1-3-29 MCAP. Where the beginning is not coincident with the

first day of a calendar month, the month is computed to a day numerically corresponding thereto in the following month less one, if the following month has so many days, and if not to the last day thereof. *Barnes v. State*, 154 So. 544 (Miss. 1934).

Year. The term "year," when used in any statute, means a calendar year, unless a contrary intention be expressed. § 1-3-63 MCA.

Read Carefully. Provisions stating time periods should be read carefully. Not all thirty-day periods are the same. For example, § 53-3-7 MCA, which authorizes the force integration of oil and gas drilling units, provides that thirty days shall lapse between the date the notice is last published or is mailed and the date of the hearing for which notice is given.

Research Carefully. In many instances, court decisions have added time requirements or methods for calculation not apparent from a reading of the provision. For example, § 89-1-55 MCA, which provides for the foreclosure sale of land, states notice "shall be advertised for three consecutive weeks proceeding" the sale. Decisions interpretive of § 89-1-55 have held the sale must be held within seven days after date of the last publication.

Because the calculation of a period of time only involves simple counting (usually not higher than thirty), attorneys are sometimes lulled into carelessness. It is a good idea to approach the task of time period counting with a reasonable amount of professional apprehension.

February Bar Exam Statistics

Bar Admissions Administrator Linda B. Knight has released the statistics for the February 1999 bar examination.

Examinations were administered to 110 applicants. Of that number, one was a disbarred attorney who was unsuccessful. All nine out-of-state lawyers who took the attorney's examination achieved a passing score.

One hundred applicants took the regular examination. Sixty-four (64%)

were successful. The group of 100 included 75 first-time-takers, who had a slightly higher passage rate of 74.7% (56 out of 75) and twenty five applicants retaking the test, who dropped to a passage rate of 32% (8 of 25).

Thirty eight (74.5%) of the 51 men taking the examination passed; 26 (53.1%) of the 49 women were successful.

These statistics represent a drop from the August 1998 examination.

For that test, the over-all pass rate was 80.3% with 175 of 318 applicants achieving successful scores. First-time-takers had a pass rate of 83.9% and retakes were successful at a rate of 45.0%.

The Swearing-in Ceremony was held on Tuesday, April 27, in the Old Capitol House Chamber. The Hinds County Bar Association congratulates each of these new lawyers.

High School Confidential

by Captain Equity

Well, it looks like Luke Woodham got his wish. From the obscure shadows of what had been just one more dysfunctional and disconnected life on the rough road to adulthood, the Parchman, Mississippi, teenager seems to have unwittingly achieved fame, or rather infamy, for pioneering the latest in a long line of ever more alarming adolescent phenomena. But, did he? Really?

With all due respect to the conventional wisdom being manufactured and mass marketed at live, in perpetuity town meetings by mobs of well-meaning social scientists, hand-wringing politicians, blow-dried media anchors and assorted other agenda-driven experts led by no one less prominent than the President of the United States, I would submit that the hate and rage being played out in our nation's schools is not new at all. In fact, it is all too familiar. It is called the dark side of adolescence and it has been around as long as there have been bullies and nerds; prom queens and ugly ducklings; cliques and loners. All Luke did was give his unfocused, outside-looking-in hatred of his classmates and teachers a distinctly American voice by resorting to some good, old-fashioned USA firepower.

Unfortunately, the wall-to-wall media coverage of the Pearl tragedy gave other less imaginative, but equally disaffected children, a new and deadly idea. The repeated scenes of horror at Pearl High that started as breaking news and quickly degenerated into exploitive, ratings-driven infotainment was distorted permission to similarly situated members of the last-to-be-chosen club to think the unthinkable. The result: Jonesboro, Paducah ... and now Littleton. What is perplexing is that so many people are surprised.

Any adult who has ever attended high school knows in excruciating detail about the social order that seems to replicate itself perfectly, year in and year out, in every school on the planet. The roles are the same; only the names and faces change. Jocks, pets, brains, preps, hoods, jerks, nerds, geeks. Sound familiar? And while the specific labels may differ from school to school and evolve in different decades, the basic pecking order never does. Nor do the feelings of disaffection, isolation,

and disconnection - not to mention the pressure to conform, the need to be accepted, and the singular feeling that you are the first person to ever experience any of this. It is, quite simply, the emotional and psychological amalgam we call high school.

For most, it is an experience that ranges from wonderful to tolerable to sometimes awful - frequently all in a single day. For a few, high school is the peak life experience after which all is down hill. For a few others, it is a living and unending personal hell. It is the latter extreme that was once inhabited by Luke Woodham, Eric Harris, Dylan Klebold, and all the other teenage escapees from Pandora's Box who dared to think the unthinkable - and then act on it.

Causes? Immoral and nihilistic rock music lyrics; violent movies and video games from Hollywood; absentee or overly indulgent parents; indifferent or intimidated teachers and school administrators; a permissive society; lack of family values; the absence of God in our schools; the media; the Internet; maybe even too many Twinkies. Those and more provide sufficient sources to arm the experts and allow them to provide "the answer" that too many of us seem to require before we can allow ourselves to forget the latest assault on civilization while bracing for the next.

Let me suggest that the cause is elusive, multi-faceted and often beyond either rationality or our power to do anything meaningful about it. Indeed, we should count our blessings that so many kids today are essentially normal, well adjusted people whose high school years will be not too different from yours and mine. Rather, we should be worried about the means that allow children to turn schools into killing fields. There are two which are both obvious, and yet profoundly discomforting for Americans. One is guns. The other is the unparalleled personal freedom that is the hallmark of this country. Let's start with personal freedom.

A few weeks ago I saw a startling item on one of the news wires. China reported its first bank robbery since the early 1990's. The early 90's? What does that tell you about personal freedom and its relation to crime? Believe me, we could stop school violence by

late tomorrow afternoon with a few timely constitutional amendments and a well-funded escalation of resolve. But at what price? There is already something very disturbing about police officers and metal detectors being permanently stationed at high school campuses.

And then there are guns. Unfortunately, in America, unlike any other country on earth, criminals and patriots agree on one thing. They like guns. Each for their own reasons to be sure, but they like them. A lot. All kinds of guns. And they like them so much that they lack the collective and political will to do little beyond repeating trite old aphorisms like "stick 'em up" (criminals) or "guns don't kill people, criminals do." (patriots). Like the mythical tort rule on dog bites, all Americans seem to get one free shot before being transferred from the good guy to bad guy category. Put another way, when did Luke, Eric and Dylan become criminals? When they hatched their plan of premeditated revenge or when they finally manifested those plans by actually aiming and pulling the trigger?

Now, before all the hunters, NRA members, self-defense advocates and armed Second Amendment scholars reach for pen and paper to vent outrage against the preceding paragraph of cultural blasphemy, let me put it in the simplest terms I know how. Anyone who has ever been threatened by a bully knows the value of a good set of fists and/or legs. When it comes to knives, the emphasis is on legs. But when you are on the wrong end of a gun, for whatever reason, you are done. That is the situation in which the victims in Pearl, Jonesboro, Paducah and Littleton found themselves. Unfortunately, it was also the last situation they were to ever encounter.

In the final analysis, the common denominator in every one of these school shootings has been homicidal rage caused by any number of factors already suggested - and a gun. As memories of Pearl, Jonesboro, Paducah and Littleton subside only to be brought to the surface by the next rage-induced shooting by some screwed up kid, be angry, be saddened, be afraid. But don't be surprised.

Law Schools Release Class of '98 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 1998. This data is not fully 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 practice areas, applies to 131 law graduates of Mississippi College and 148 graduates of Ole Miss comprising the Class of 1998 (graduates from December 1997 through August 1998):

	PRACTICE AREAS	
	Mississippi College School of Law	University of Mississippi School of Law
Private Practice	63%	59%
Business & Industry	3%	3%
Government	4%	9%
Judicial Clerkship	21%	16%
Public Interest	2%	1%
Military (JAG)	1%	2%
LL.M. or Other Degrees	0%	2%
Unidentified or Non-Legal Profession	6%	8%

The majority of those entering private practice (26%) are working in firms comprised of two to ten lawyers. Moreover, 2% from MC and 7% from Ole Miss have become solo practitioners. Those in government employment include positions as assistant district attorney, public defender, staff attorney for the 8th Circuit Court of Appeals, with the U. S. Trademark and Patent Office, and with the Child Support Division of the Mississippi Department of Human Services. Graduates working in business are employed by banks, accounting firms, real estate title companies and the cotton industry. One is editor of a publishing company. JAG Corps members are currently stationed in the United States with the Army, Navy and Air Force. An unusually high number of students have entered clerkships with both state and federal courts in Mississippi, Tennessee and Georgia.

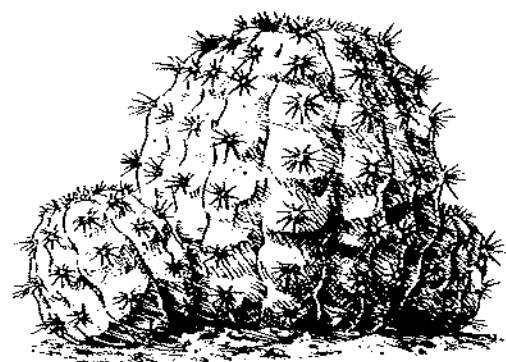
Although these graduates have primarily located in Mississippi and other Deep South states, the following is a more detailed analysis of their geographic locations based

upon 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)	1%	0%
Middle Atlantic (NJ, NY, PA)	2%	1%
East North Central (IL, IN, MI, OH, WI)	0%	0%
West North Central (IA, KS, MN, MO, NE, ND, SD)	1%	2%
South Atlantic (DE, DC, FL, GA, MD, NC, SC, VA, WV)	25%	9%
East South Central (AL, KY, MS, TN)	61%	85%
West South Central (AR, LA, OK, TX)	7%	2%
Mountain (AZ, CO, ID, MT, NV, NM, UT, WY)	2%	1%
Pacific (AK, CA, HI, OR, WA)	1%	0%

Perhaps of more interest, the median starting salary for graduates entering private practice is \$45,500 (average \$44,175), for business employment is \$42,000, for judicial clerkships is \$33,800, and for those entering the government arena is \$30,700. Law firm salaries range from a low of \$21,000 to a high of \$90,000, the latter salary being garnered outside of Mississippi. With the continuing national business trend toward personnel reductions in a tightening marketplace for law graduates, the above statistics reflect highly upon the product generated by Mississippi's law schools. Career Services Directors Joyce Whittington of Ole Miss and Peggy Brown of Mississippi College are again to be applauded for success in finding quality employment for their students. Almost 90% of graduates used the assistance of Career Services to secure employment.

The Hinds County Bar Association extends its congratulations and best wishes to the 1998 graduates and cordially invites for membership those who have located in the Jackson area.



Ouch!

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Risk Retention Group

Circuit Judge Tomie T. Green

by Barry Powell

On January 4, 1999, Judge Tomie T. Green took the oath of office to become the first woman ever elected to be a Circuit Judge in Hinds County. Judge Green was in the private practice of law some fourteen years. She served six years in the Mississippi House of Representatives and was vice chair of the Ethics Committee and a subchair of the Judiciary A Committee.

Judge Green is an adjunct professor at Mississippi College School of Law, teaching litigation and trial court practice. She is a graduate of Tougaloo College, and she earned a Master of Science degree from Jackson State University and her J.D. from Mississippi College School of Law.

When Judge Green assumed the bench, few if any criminal cases on her division's docket had been tried since March of 1998. Judge Green's civil trial docket is now set two-to-three cases deep through the first four months of the year 2000. Judge Green plans, beginning in June, to have docket calls on all her civil cases, grouped by age, to learn about their status. She will hold status conferences telephonically if the parties agree.

Criminal Matters

Beginning in June, Judge Green will conduct arraignments, revocations, bond reductions and pleas on the second and fourth Thursdays of each month beginning at 9:00 a.m. for criminal defendants incarcerated at the Hinds County Detention Facility. This will expedite these procedures and avoid having to bring the inmates a few at a time from Raymond to Jackson.

Civil Case Procedures

Motions: Judge Green hears motions every Friday beginning at 9:00 a.m. except the first Friday of each month, when motions begin at 1:00 p.m. Motions are heard in the order in which they have been set. Motions are set through Judge Green's court administrator, Frances Ashley (968-6658). If a motion hearing is expected to last more than 30 minutes, it will be scheduled at 4:30 p.m., on a day other than Friday.

Scheduling Orders: Judge Green wants a scheduling order entered in each case shortly after the answer is filed. The scheduling order should

have discovery deadlines, deadlines for designation of experts and answering expert witness interrogatories, a date for a pretrial conference, and a trial date. Pretrial conferences and trial dates must be obtained through Judge Green's court administrator. Cases will not be set for trial without a scheduling order. In cases where discovery has been completed, the case will not be set for trial unless a date for pretrial conference is also included in the order setting a trial date.

Pretrial Conferences and Orders:

Judge Green requires a pretrial conference in each civil case. These are heard on the second Friday of each month beginning at 11:00 a.m. At the pretrial conference, the parties should present a joint pretrial order setting forth issues, stipulations, respective lists of witnesses and exhibits and length of trial. Basically the order should follow the federal court pretrial order format. Judge Green will hear in limine motions and other unresolved motions at the pretrial conference.

Telephonic Hearings: Judge Green will hold telephonic hearings by agreement for brief motions where there is a deadline or upcoming scheduled event such as a deposition or trial. She is willing to do so to accommodate out-of-town attorneys. Telephonic hearings must be scheduled by the attorneys, upon approval by the court administrator, and may be used for emergencies. In her first five months on the bench, Judge Green has heard about 20 telephonic hearings, usually during lunch time or after hours. Telephonic hearings are limited to cases where there are no more than four separate persons participating in the hearing. No court reporter is available for telephonic hearings.

Discovery Motions: Judge Green expects the attorneys to have conferred in good faith before presenting a discovery motion to her. Her basic philosophy is that a matter is discoverable if it is relevant in the broadest sense. She will deal with admissibility at trial. Medical discovery is an exception. Judge Green allows discovery only on the portions of the body that the plaintiff has put in issue in the case. Penalties may be levied against non-prevailing parties in motions to compel

discovery.

Subpoenas Duces Tecum:

Opposing counsel must be notified when a subpoena duces tecum is served. If opposing counsel objects to any of the material covered by the subpoena, the attorney must file a motion for a protective order. Any documents produced where a motion for protective order has been filed must then be kept under seal until the Court's ruling. Judge Green announces that she has not burned out on in camera review, although that is certainly not her favorite judicial pastime.

Summary Judgment: Unless the movant's right to summary judgment is "overwhelmingly clear," Judge Green leans toward submitting a case for a jury trial. It is her position that if there is a genuine issue of fact, it must be presented for resolution to a jury and not the judge. Judge Green believes that she is getting a high volume of summary judgment motions at this time because she is a new judge. She believes that this practice will soon slow down.

Voir Dire: Judge Green usually gives about 30 minutes to each side for voir dire. If the case is complex, she may increase the time for voir dire. Judge Green asks only the most basic questions herself and leaves it to the lawyers to conduct their voir dire. Challenges for cause and peremptory challenges are to be made out of the presence of the jury, after voir dire is completed.

Multiple Defendants in Civil Trials: If there is more than one defendant, Judge Green gives each defendant two peremptory jury challenges. The plaintiff receives an equal number of challenges. So if there are two defendants, the defendants get a total of four challenges and the plaintiff four challenges. If there are three defendants, each side gets a total of six challenges. At trial with multiple defendants, defendants present their cases and do their questioning in the order they appear on the pleadings.

Trials: Judge Green generally does not allow any surprises at trial - either surprise witnesses or surprise exhibits. Prior notice must be given. This is the purpose of the pretrial order. Judge Green has

(continued on page 12)

Circuit Judge Tomie T. Green

(continued from page 11)

generally refused to allow witnesses to testify who were not listed in the pretrial order. Rebuttal witnesses may be an exception to the rule. Generally, counsel should stay at the podium. If the counsel needs to approach a witness, the Court's permission must be asked. Likewise, counsel is not permitted to pass exhibits to or invade the safety zone of the jury.

Exhibits: Exhibits must be listed in the pretrial order. If not stipulated to, counsel must show the exhibit to the opposing counsel and then ask to approach the witness. If after the exhibit is admitted into evidence, the lawyer wants to publish the exhibit to the jury, ask permission of the Court. Judge Green will permit the exhibit to be passed to the jury either at the close of direct or the close of cross-examination. The exhibit should be given to the bailiff to give to the jury, not handed directly to the jury by the lawyer.

Mediation: Judge Green will consider requests for mediation and will refer some cases for mediation sua sponte. The kinds of cases Judge

Green believes are amenable to mediation are those where liability is clear or admitted. She is hesitant about referring complex cases for mediation.

Trial Seating: Because they carry the burden of proof, the plaintiff or prosecution is to sit at the table closer to the jury. The defendant is to sit at the table farther from the jury.

Evidence Objections: Objections to testimony or evidence at trial should be made succinctly, should be non-speaking. If something needs to be discussed, the lawyer should approach the bench and request the jury be excused. Lawyers whom Judge Green finds making speaking objections can expect to be reminded of this rule. Continuous violation of this rule may result in penalties against the attorney, or admonishment in front of the jury.

Trial Deportment: Judge Green demands civility between attorneys and by attorneys to the Court and witnesses. Lawyers are expected to be zealous in representation of their clients, but not rude or disrespectful or contemptuous. Lawyers who are can

expect to be admonished by Judge Green in front of the jury. Judge Green's trial experience indicates to her that attorneys should object only if the objection is significant. She finds that generally for every hearsay objection, there is an exception unless the hearsay is being presented for the truth of the matter asserted involving one of the main issues in the case. Judge Green's proclivity is to sustain leading objections.

Suggestions for Lawyers at Trial: Jurors have mentioned to Judge Green that they do not like lawyers to stand too physically close to the jury. Jurors complain that lawyers spend too much time in presenting their cases or in cross-examining. Jurors do not like lawyers who are arrogant and disrespectful to other lawyers, to the witnesses or to the Court. Jurors tend not to believe plaintiffs who claim to be hurt worse than they actually appear actually to have been hurt or whose stories are too perfect. Witnesses should talk to the jury, not to the lawyer.



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Highway Eats

by The Road Lawyer



Thank you, readers, for the new road food suggestions. One attorney wrote in to recommend Rossen's Restaurant on Main Street in Tupelo, describing the fare there as "culinary art."

Wish I'd known about it before I went to the 23' annual Gum Tree Run last month. (Don't ask where I finished.) I noticed all manner of new places and evidence of significant economic growth in Tupelo but dropped in to an old favorite, Vanelli's on North Gloster Street, for the house special pizza and a brew. Paid for it the next morning, too, out pounding the pavement in the hot sun. Managed to make all 10 kilometers, however, plus a loop around the courthouse square for the Gum Tree Arts Festival that just gets better and better each year. Everywhere I looked there were dressed-up politicians out grinning and shaking hands and kissing babies.

Best meat of the trip was in the backyard of Soper, Dent & Logan - Ben Logan and his father did the cooking, and the slow-cooked ribs were the best I've ever had. If Ben ever gets tired of the law, he can make a living off his barbecue grill.

Another fan advised me to check out "the best turnip greens in central Mississippi" and delicious Southern-cooked plate lunch at "the nameless hole-in-the-wall next door to the Black Rose Theatre in downtown Brandon, where two pleasant ladies serve working folks a good feed in very modest accommodations." The Black Rose is on Black Street off Highway 80. I really appreciate the tip and hope to get there before the greens run out.

I did get back to the Revolving Tables Restaurant at the Mendenhall Hotel a few weeks ago. I know one day I'll go there and be disappointed - good things just don't last forever - but my recent repast at the big lazy susan was as fine as I can remember. Mrs. Morgan, the mother of the proprietor, entertained all the diners with old-fashioned favorites at the organ - how long since you've heard "Tennessee Waltz" and "Let Me Call You Sweetheart" beautifully rendered by a sweetly smiling great-grandmother imploring you for a special request? The platters of steaming fried chicken and catfish and all the vegetables and rolls and corn

muffins and condiments like -real homemade sweet pickles and corn relish couldn't have been better.

Then who should come into the dining room while I was eating but the still living legend Coach Johnny Vaught, stopping on his way to a golf tournament with some devoted Ole Miss folks. Forget about Halloween 1959, forget all those last minute losses to the Bear in the '60s, forget even that Peyton turned into a Big Orange. One glance at Archie's coach, knowing that Eli's on his way to Oxford, left little doubt that "next year" is just around the corner. Well, right there in Mendenhall, it was great food, live Music, and celebrities - and memories and dreams - and all for just \$10.00, tax included.

Other readers keep telling me to get by the other round tables in the southern part of the state, that is, the Dinner Bell in McComb and the Round Table in Brookhaven, but I haven't had business there in the last year. One friend said to go to the Round Table on Monday, Wednesday, or Friday because that's when they put out their specialty, chicken fried steak. The fried chicken is well prepared, too, though, on Tuesday and Thursday.

Speaking of plate lunches, I sure have had some good ole home-cooked vegetables at the Crystal Grill downtown on Carrollton Avenue at Lamar Street and the railroad track in Greenwood. The old tile floor in this place gives away the age of this place, a restaurant since the early 1900s. The current owners, the Liollo-Ballas families, have had it since 1932.

The Crystal has at least a dozen choices of main courses for lunch, including salmon croquettes, something that sure reminds me of my mother's favorite dish to fix for our family, not to mention sauteed calf

liver and onions, something else she used to do, before any of us worried about eating *organ meats*. You can also get a plate of four vegetables, melt-in-your-mouth yeast rolls and corn muffins, dessert, and tea or coffee for about \$5.00. All the prices at the Crystal are more than reasonable, and the meringue on top of those homemade pies is so tall you can't believe it.

I've got to get back to Greenwood sometime soon for a dinner at Lusco's which is not far from the Crystal on the other side of Carrollton Avenue. It's been too long since I had their special broiled pompano swimming in that divine lemon and butter sauce, all enhanced, of course, by a delicious, brown-bagged white Burgundy. Four generations of that family have been serving up excellent seafood since before the Great Depression.

I've always been fascinated by those curtained booths, hinting you can dine in privacy and with whomever you choose, legal or not. But the times I've been there, the spirits have always lifted the voices so you surely know who's in the next booth. (Isn't this the Delta where everybody *still* knows everybody?)

Now, several folks have recommended a newer place in Greenwood, but I haven't yet had a chance to partake of the steaks and seafood at Yianni's on Yalobusha Street. They say it's quite good, and it's open for lunch and dinner both. But there are no curtained booths and thus no mystery - just good food.

I was disappointed on a trip to Greenwood not long ago to learn that Malouf's Deli is no more. It was just south off Highway 82 before you reach the bridge over the Yazoo River (going from east to west). Someone said it might be called KK's or something like that and located in a shopping center on Grand Avenue, but I haven't checked it out. Malouf's "round the world" and muffaletta sandwiches could flat fill you up and make you lick your lips for more.

Send me your comments or suggestions, please. Contact me in care of the HCBA Executive Director, Pat Evans, 151 E. Griffith Street, Jackson, MS 39201, or in care of the webmaster@hindsbar.com.

Insuring Buildings and Office Contents

by Eric Elam

Insuring office contents and other related equipment is a seemingly easy task on the surface, but a closer look at the caveats of coverage may come as a surprise to some. Most businesses are now written on a package policy which include both property and liability coverage. Property coverage is usually written on a Special Form that is basically an all-risk form subject to policy exclusions.

Regarding valuing your property, we always recommend you consider replacement cost (RC) valuation in lieu of actual cash value (ACV). ACV is simply replacement cost less deduction for depreciation. Few claimants are ever satisfied in the end under the ACV method when they receive 15% or so of replacement cost less their deductible. Recovery is minimal in many cases.

Then there is that often-troublesome issue of coinsurance, an insurance company's method of forcing you to insure to value or suffer the consequences. Usually set at 80% or 90% of the insurable value, it is important to remember the valuation method (RC or ACV) should be closely observed. An insurable value set at 90% of actual cash value is substantially lower than one set at 90% of replacement cost. A significant penalty awaits those who ignore this when establishing values.

A simple method to eliminate the coinsurance problem is to request agreed amount coverage wherein the coinsurance is waived or eliminated. An additional method is to request your building and contents limits at all locations be covered on a *blanket limit basis*, a combining of the various coverage limits in to one blanket limit. Please note however the carrier is obligated only to pay the actual cash value or replacement cost less any deductible regardless of the blanket limit. For example, regardless of the blanket limit amount, don't expect RC claim settlement if you chose ACV as your policy valuation clause.

Various types of contents need to be specifically insured with additional limits such as fine arts, antique furni-

ture and rugs, cameras, video cameras, and other portable type equipment. Many of these items have low policy sublimits and some may be excluded. Fine arts and items or antiquity should be covered on an *agreed or stated value* basis. Identify these items and values in writing to your agent.

Finally, not all fire policies automatically cover computer and other technology related equipment. Assuming your policy does, we recommend you request a *functional replacement* valuation on technology equipment. This valuation method is designed to replace the obsolete computer no longer manufactured with a new system that is compatible and in most cases better than its predecessor is. Values must in turn relate to the functional replacement cost each item.

A good meeting with your insurance agent should identify most trouble spots insuring your building and office contents.

Eric Elam is the owner of Elam Consulting, Inc., an independent insurance consulting firm in Jackson, MS, specializing in risk analysis, bid specifications and analysis, claim assistance and expert witness services. Elam Consulting does not sell insurance products.

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Legislative Report

The following bills were adopted in the 1999 regular session of the Mississippi Legislature and approved by the Governor:

Senate Bill 2300. An act to amend Section 9-1-36, Mississippi Code of 1972, to proceed for full funding of trial court support staff and office allowance; and for related purposes.

Senate Bill 2479. An act to amend Section 25-3-35, Mississippi Code of 1972, to increase the salaries of the elected judiciary; to amend Section 25-31-10, Mississippi Code of 1972, to increase the compensation of criminal investigators employed by district attorneys; and for related purposes.

Senate Bill 2563. An act to amend Section 8901049, Mississippi Code of 1972, to provide that mortgages or deeds of trust that secure lines of credit shall not be extinguished upon payment of the money secured; to amend Section 89-5-21, Mississippi Code of 1972, to specify when satisfaction of mortgages or deeds of trust securing a line of credit shall be entered upon the record; and for related purposes.

Senate Bill 2643. An act to making an additional appropriation of state general funds for the purpose of defray-

ing the expenses of the Mississippi Commission on Judicial Performance for fiscal year 1999.

House Bill 542. An act to amend Section 73-3-401, Mississippi Code of 1972, to extend the date of the repealer on Section 73-3-2 through Section 73-3-59, Mississippi Code of 1972, which create the Board of Bar Admissions and prescribed its powers and duties and establish regulations regarding the practice of law in Mississippi; to reenact Sections 73-3-2, 73-3-25, 73-3-11, 73-3-35 through 73-3-51 and 73-3-55 through 73-3-49, Mississippi Code of 1972, which relate to the Board of Bar Admissions and the practice of law; and for related purposes.

House Bill 613. An act to reenact Sections 13-7-1, 13-7-5, 13-7-7, 13-7-9, 13-7-11, 13-7-13, 13-7-15, 13-7-17, 13-7-19, 13-7-21, 13-7-23, 13-7-25, 13-7-27, 13-7-29, 13-7-31, 13-8-33, 13-7-35, 13-7-37, 13-7-39, 13-7-41, 13-7-43, 13-7-45, 13-7-47 and 13-7-49, Mississippi Code of 1972, which create the State Grand Jury Act; to amend Section 99-11-3, Mississippi Code of 1972, to extend the exemption of the State Grand Jury Act from the law governing local jurisdiction and venue; to

amend Section 27 of Chapter 55, Laws of 1993, as amended by Chapter 382, Laws of 1998, to extend the repealed on the Grand Jury Act; and for related purposes.

House Bill 1145. An act to amend Section 97-19-57, Mississippi Code of 1972, to revise the notice provision of the bad check law regarding transactions involving motor vehicles; and for related purposes.

House Bill 1362. An act to amend Section 97-19-75, Mississippi Code of 1972, to revise the service charge payable to the complainant in a bad check case; and for related purposes.

House Bill 1672. An act to authorize the issuance of general obligation bonds of the State of Mississippi in the amount of \$20,000,000.00 for the purpose of renovations for constructing a justice facility to accommodate the state supreme court, court of appeals and law library, and for moving a build-out expenses related to such construction; and for related purposes.

Copies of these bills may be obtained from the Mississippi Legislative Reference Bureau web site at www.ls.state.ms.us or by calling the Bureau at 601-359-3135.

HINDS COUNTY BAR ASSOCIATION BUDGET 1999-2000

Income	Budget		
ANLIR		In-Town Travel	450
CLE	\$4,000	Insurance	400
Grants (\$5,000 98/99)	500	Law Firm Survey	500
Interest Earned	5,000	Law Week Dinner	6,800
Law Firm Survey	2,700	Management Services	21,500
Law Week Dinner	1,000	Members Socials	4,000
Membership Dues	5,000	Membership Luncheons	5,000
Membership Luncheon Fees	66,000	Miscellaneous	500
Miscellaneous	4,000	Newsletter	13,000
Newsletter Ads	150	Peoples Law School	1,000
Peoples Law School	500	Postage	8,500
Tournament-Golf	14,000	Printing & Supplies	5,000
Total Income	\$104,850	Projects: PAIRS	500
		Professionalism Institute	500
Expenses			
ABA Conference & Dues	\$5,000	Social-Christmas	5,000
Board Luncheons	1,500	Storage	300
CLE	500	Telephone	1,000
Committee Lunches	3,000	Tournament-Golf	10,500
Computer/Website	1,500	Tournament-Golf Charitable Contribution	3,500
Grants	5,000	Total Expenses	\$104,450

1997 1998 1999

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1999: Exciting enhancements on the way

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On Computing

by Joel W. Howell, III

Spending a lot of time browsing on-line? If so, you may be wondering whether to upgrade and consider the relative strengths and merits of Microsoft's Internet Explorer and Netscape Communicator.

Internet Explorer 5.0 has recently been released. It includes a number of new features. IntelliSense helps automate tasks. It includes AutoComplete, which can fill out forms automatically; AutoCorrect, which incorporates intelligent correction of typographical errors, much like the technology now utilized by Word and WordPerfect; AutoInstall, to install any components that may be needed while visiting a web page; AutoDetect, which gives the system the ability to get visual clues about items that are unavailable off-line; and AutoConfiguration, which connects the directory to a proxy server.

The new AutoSearch, utilizes multi-screen technology by allowing you to type requests into the address bar, rather than an additional window, browse search results in the left pane of Internet Explorer 5.0, and view the suggested page in the right window. Related Links helps you find like sites. The windows Radio Toolbar is an interesting new feature that allows you to listen to the radio while going about your browsing.

Perhaps the most important feature currently used is e-mail, and Outlook Express has similarly been upgraded to Version 5.0. Now, you don't have to open Outlook Express to get Internet Explorer, or vice versa. Its new features include designer stationery, message downloading off-line, synchronizing address books of various e-mailers, and following news groups.

Internet Explorer continues to use the Favorites Bar (as opposed to Netscape's bookmarks), which can also be viewed off-line. Internet Explorer 5.0 also includes off-line browsing, but this can use a lot of disk space.

The latest version of Netscape Communicator is 4.51, although version 5.0 should be forthcoming this summer. It does have a plug-in that

uses Norton Anti-Virus to check downloaded files before they ever save them, which Internet Explorer does not have as of this writing. With the proliferation of viruses, this has become an increasingly important and desirable feature. By the time Version 5.0 of Netscape Communicator is released, it should effectively compete with Internet Explorer but for now IE 5.0 appears to have somewhat of an advantage.

Pentium III's are getting faster and cheaper. This week, Intel releases a 550 megahertz chip, and, in the third quarter, it will be shipping 600 megahertz and faster Pentium III chips. Mobile Pentium III chips will be shipping in September at 450 megahertz and 500 megahertz, and you can expect to see 700 megahertz by the first of the year.

Omega has introduced a 250 megahertz Zip drive, which will also be fully compatible with and utilize the old 100 meg cartridges. The 1 gig and 2 gig Jaz drives remain options for large storage, and can also be utilized to boot as if from a hard drive.

For those of you who have not yet made it to WordPerfect Suite 8 Legal Edition, which includes Dragon Naturally Speaking, there's still time. However, WordPerfect 9 is on the way as WordPerfect Office 2000. Designed to compete directly with Microsoft Office 2000, it utilizes essentially the same suite of programs as WordPerfect Suite 8, but updated to Version 9.0: WordPerfect, Quattro Pro, Corel Presentation, CorelCentral 9, and Paradox.

WordPerfect 9.0 will include productivity enhancers, including AutoScroll, a new navigation button for browsing documents by headers, footers, tables, and endnotes, real time preview, better print preview, and a save to doc.pdf files.

Those of you actively involved with the word processing and printing options will like the print preview, which, like real time preview, allows

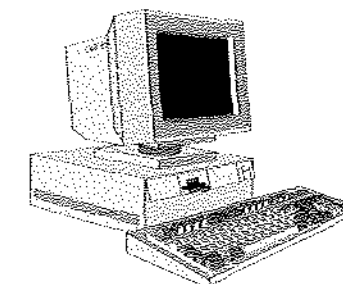
you to play with formatting options such as fonts, lines, tables, borders, and shadings, without applying them to the document.

If you use spreadsheets, Microsoft Excel is probably preferable to Corel's Quattro Pro, but, that, of course, involves switching between office suites.

WordPerfect Suite 8 incorporated Amicus, a personal information manager (PIM), which is specially designed for the law office and a very nifty tool. An interesting alternative yet to be evaluated is CorelCentral 9, a PIM including a day manager, a calendar, memo feature, card file, and address book. This synchronizes with the address book feature of WordPerfect.

If you do any on-line viewing at all, Adobe Acrobat Reader, a simple version of which is downloadable for free, allows you to view, navigate, and print doc.pdf files. Incorporated in many other products, it is also included in the WordPerfect Suites and is a definite must have. Finally, it will also be interesting to see what upgrades there will be to Dragon Naturally Speaking. Be advised, as noted in the last article, that it is a resource-intensive product. One option of which you should be aware, although a pricey one, is the NaturallyMobile recorder, which will hold up to 40 minutes of continuous speech in built in memory, and up to 80 additional minutes on removable memory cards. This can carried with you and then attached to your office computer to transcribe dictation. For \$699 retail, it is, however, an expensive luxury.

Questions or comments? Send email to webmaster@hindsbar.com.



New HCBA Logo

The Hinds County Bar Association has a new logo that was unveiled at the Evening Honoring the Judiciary on May 6th. Through the efforts of past president Ben Piazza, a contest for an HCBA logo was held in one of the design classes, taught by Mike Hataway, at Hinds Community


College.

The HCBA Board voted on the entries at the April meeting and selected John Barlow's design as the winner. Other finalists included: 2nd Place, Jenny Robertshaw; 3rd Place, Jennifer Jeffreys; and 4th Place, Shalon Hopkins.



Mark Chinn unveils the new HCBA Logo at the May 6th Dinner that was designed by John Barlow (center), a Hinds Community College student. Also attending was Mr. Barlow's design class professor, Mike Hataway.

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


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Correspondence regarding the newsletter should be directed to: HCBA Newsletter Editor, 151 E. Griffith Street, 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. The web site address is hindsbar.com.

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IMPORTANT!
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HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

OCTOBER 1999



President's Column

by Harris H. Barnes, III (Trip)

As many of you know, the annual golf tournament was recently held at Patrick Farms. I can't say enough about the fine work that John Proctor, III, and his committee did. Special thanks go to Debra Allen, T. Harris Collier, III, Patricia H. Evans, Robert C. Grenfell, T. Kenneth Griffis, Jr., Stuart G. Kruger, Kenneth C. Miller, Keith D. Obert, Ben J. Piazza, Jr. and Jody Varner. We had many hole sponsors, as well as corporate sponsors who paid for our food and drink. If you get the chance, please make it a point to do business with the sponsors, and thank those who so generously provided funds for the tournament. We had a wonderful time.

It's hard to believe that this year is rapidly coming to a close. Football season is here. The weather is getting a little bit cooler, and Thanksgiving and Christmas will soon be upon us. That means the year is almost half over (at least the Bar year), so if you are going to work on some of the committees, you need to get going.

In the Newsletter there is an article by Melissa Gardner. As you can see, she needs some help for this most worthwhile project. We often ask ourselves what do we do to benefit the community; the Partners program is such a program. If you get the chance, call Melissa and volunteer to assist her with this program. It has shown itself to be of benefit to all.

Last but not least, check the events calendar for the socials and the

Christmas party. Put these on your calendar and be there.

Conclusion

Now, one final matter. A number of months ago I was interviewed by a newspaper concerning my personal opinion on tort reform. Those of you who know me know that I have spoken out on quite a few occasions on the issue of tax reform. In many speeches I have also talked about welfare reform and health care reform. However, on each of those occasions I was doing so as a private individual and not as the President of the Hinds County Bar Association. In

retrospect, I should not have said anything concerning tort reform, tax reform, health care reform or welfare reform, since the Hinds County Bar Association takes no position on any of these matters.

In retrospect, I should have kept my personal opinions to myself. To those members of the Hinds County Bar Association whom I offended, I sincerely apologize. It was certainly not my intention to offend you or to give anyone the belief that the Hinds County Bar Association took any position whatsoever on any of these matters.

August Membership Meeting



The Honorable Harvey Johnson, Jr., Mayor of the City of Jackson, was the speaker at the August Membership Meeting. Pictured with Mayor Johnson are Ed Lawlor, Program Chairman (left), and Trip Barnes, HCBA President.



Hinds County Bar Association

Fall Social



Thursday, October 21, 1999 • Hal & Mal's Brew Pub • 5:30 - 7:00 p.m.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

Tuesday, October 19, 1999

12:00 Noon

Capital Club

Lunch \$10.00

Gubernatorial candidate Ronnie Musgrove and Rusty Fortenberry, Campaign Advisor for Mike Parker, will be the speakers.

CLE Calendar

November 4

12th Annual Workers' Comp Practice & Procedure Seminar. MC School of Law. 925-7173

November 4

MDLA/MS Claims Association Joint Seminar. MS Defense Lawyers Association. 992-8645

November 10

Insurance Law: Bad Faith Claims. Lorman Business Center. 715-833-3940

November 30

ABA Center for CLE 99 Update: Clean Air Act. MC School of Law. 925-7173

December 1-2

Individual Income Tax - 99 Laws. MS Association of Public Accountants. 1-800-321-1276

December 2

Understanding, Preventing, & Litigating Y2k Issues. MC School of Law/Practicing Law Institute. 925-7173

Law Firm Updates

Chinn & Associates, PLLC is proud to announce the association of William D. Ketner, Jr., J.D., Mississippi College School of Law, 1999, and Dennis L. Sharp, formerly

a partner in the tax law firm of Paley, Rothman, Goldstein, Rosenberg & Cooper in Bethesda, Maryland.

HCBA Calendar of Events

October 19
HCBA Membership Meeting.
Noon. Capital Club.

October 21
Fall Social.
5:30-7:00. Hal & Mal's.

December 2
Christmas Social.
5:30-7:00. MS Bar Center.

February 15
HCBA Membership Meeting.
Noon. Capital Club.

April 18
HCBA Membership Meeting.
Noon. Capital Club.

Hinds County Bar Association Mission Statement

The mission of the Hinds County Bar Association is to serve the lawyers, judges and public in our membership area by organizing, promoting and administering programs and member benefits in order to increase professional competence and responsibility, foster collegiality among our members, improve the public's understanding and appreciation of our judicial system, and advance the administration of justice.

Newsletter Invites Helpful Hints

The Newsletter invites articles or article ideas containing helpful practice hints which might prevent professional embarrassment or save time. If you know of a statute, decision, regulation or procedure which is obscure or a trap or of a source for data, goods or services which is difficult to locate, write it up in any format (narrative, outline, checklist) and send it to the Newsletter.

If you have an idea but cannot write an article, then send in the idea and the Newsletter staff will write it up. Your article or idea will be published under your name or without attribution, at your request.

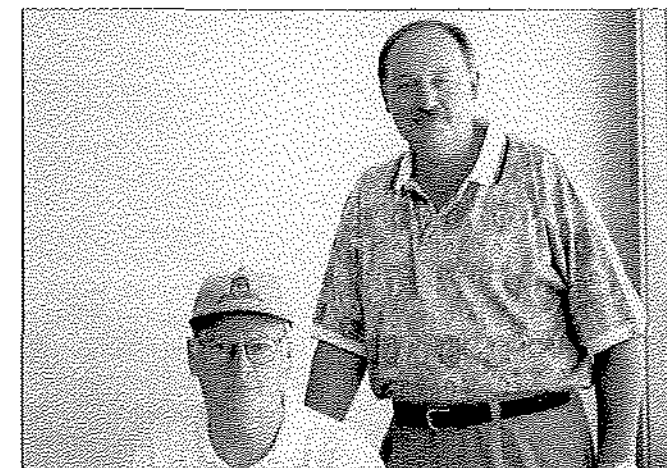
Send your articles or ideas to HCBA Newsletter: mail to 151 E. Griffith Street, Jackson, MS 39201; fax to 601-925-7115; or e-mail to webmaster@hindsbar.com.

1999 HCBA/JYL Golf Tournament

There were over 100 participants in the HCBA/JYL Golf Tournament held August 26 at Patrick Farms. The annual event was chaired by John Proctor. Serving as committee members were: Debra Allen, Harris Collier, Stuart Kruger, Ben Piazza, Jody Varner, Ken Miller, Robert Grenfell, Trip Barnes, and Kenny Griffis. The proceeds from the tournament will go to the Mississippi Volunteer Lawyers Project. Shown below are some of the participants in the tournament.



From left, golfers York Craig, III, Heber Simmons, and Doug Miracle.



Harris Collier, Committee Member and Past HCBA President (left), and John Proctor, Tournament Chairman.



In the foreground, from left, Randolph Wood, Jeff Jackson, and Mike Maloney.



From left, W. O. "Chet" Dillard, Ben Piazza, Committee Member and Past HCBA President, Phyllis Thornton, Executive Director of the Mississippi Volunteer Lawyers Project, and Trip Barnes, HCBA President.



From left, Ken Rogers, John E. Wade, Steve Carmody, Brooks Eason, and Jody Varner, Committee Member.



Josh Wiener (left), Danny Crotwell (standing), and Mark Chim, Past HCBA President.

Q AND A WITH MISSISSIPPI COURT OF APPEALS JUDGE D. ROOK MOORE, III

by Richard A. Montague, Jr.

Judge D. Rook Moore, III has been engaged in the general practice of law in Holly Springs since 1968. A native of Byhalia, he graduated from Byhalia High School in 1959. He completed his undergraduate studies at the University of Mississippi with a B.S. degree in 1963 and earned his J.D. from the University of Mississippi School of Law and was admitted to the Bar in 1966. Judge Moore represents the First Congressional District on the Court of Appeals.

In 1968, he was elected County Attorney of Marshall County in 1968, and he served in that capacity for 8 years. He served as Board Attorney for the City of Holly Springs, the Town of Byhalia, the Town of Potts Camp, Marshall County Hospital, and Marshall County School District, and was general counsel for Bank of Holly Springs and Citizens Bank.

Judge Moore served as Municipal Judge for the Town of Byhalia and the City of Holly Springs, Marshall County Youth Court Judge, and Master in Chancery.

He has been President of the Holly Springs Rotary Club and a member of the Byhalia Lions Club. He is a Deacon at the First Presbyterian Church in Holly Springs.

Judge Moore is married to the former Marie Sigman of Holly Springs. He and Marie are the parents of one son, the late Dudley Rook Moore, IV, and two daughters, Marie Austin Moore of Alexandria, Virginia, and Susanna Thornton Moore.

Following are Judge Moore's answers to our questions:

When did you assume the Court of Appeals bench?

July 1, 1999

Were you elected or appointed to fill an unexpired term?

I was appointed to fill the vacancy created by the resignation of Judge Thomas A. Coleman.

When does your term expire?

January 1, 2001.

Do you plan to run for re-election?

Yes, I certainly do.

Do you have a particular judicial philosophy, and, if so, what is it?

I have a great respect for legal precedents and principles. Respect and observance of legal precedents are the cornerstone of our profession and enable us to predict the legal consequences of our actions. To maintain order in a modern, democratic

society, we must abide by mutually agreed upon rules.

How does serving on the Court of Appeals compare to your law practice?

There is no comparison. My practice was hectic, with never enough hours in the day. Working at the Court of Appeals is serene by comparison, much like working in a library. As a Judge for the Court of Appeals, I have time to carefully consider all sides of an issue and the legal rights of all the parties involved. This is a very different focus than that of advocate for one side of a legal dispute.

Have you moved to Jackson or do you commute?

My family has an apartment on Old Canton Road in Jackson. We are here during the week but back in Holly Springs on the weekends. We are all impressed by the kindness and courtesy shown to us by the people in Jackson. Everyone has made a special effort to make us feel at home and we appreciate that very much.

Do you have any spare time? If so, what do you do with it?

Time permitting, I like to travel. I'm also an avid sports fan. I enjoy any sport played with a ball. When I am in Holly Springs, I enjoy working in my yard.

How does serving on the Court of Appeals compare to your previous service as a Municipal Court Judge, Youth Court Judge and Master in Chancery?

These are difficult comparisons. Practically all of the decisions made by me in these courts were without the benefit of briefs, and made under the pressure of the need for immediate ruling. Here at the Court of Appeals, the Judge is removed from the heat of battle, and the Judge has more time to carefully consider the parties' legal positions. This results in decisions that are well considered and deliberate. Further, the process of deliberating with the other Court of Appeals Judges, either in panel discussions or en banc, provides me with further perspectives that I may not have previously considered.

How did your law practice and prior judicial experience prepare you for service on the Court of Appeals?

Thirty years of the general practice of law is an invaluable experience for service on the Court of Appeals. My

previous judicial experience has taught me not to be impulsive, and to weigh and consider the evidence and issues from both parties before making a decision. Over the thirty-year span of my law practice, I encountered many types of cases. This has given me a good foundation and insight to handle the huge variety of issues presented to the Court of Appeals daily. These can range from novel, complicated issues in civil cases, to important evidentiary and constitutional issues in criminal cases. Is serving on the Court of Appeals what you expected?

Yes, I'm really enjoying my work.

Has any aspect of serving on the Court of Appeals surprised you?

I wouldn't say surprised, but I'm very impressed with the professionalism and integrity of the Judges and staff of the Court of Appeals.

What is the current caseload of Court of Appeals Judges and Supreme Court Judges? Our administrator informs me that the Court of Appeals has decided 541 cases thus far in 1999, and we've issued a written opinion in each case. I do not know the Supreme Court's caseload, but I would expect it to be less due to the structure of our appellate system.

Is there anything about the structure of the Mississippi appeals process you would change?

I do not feel I've been a member of the Court long enough to validly answer this question.

Do you have any complaints about the Court of Appeals or lawyers practicing before the court that you would care to make public?

See above answer.

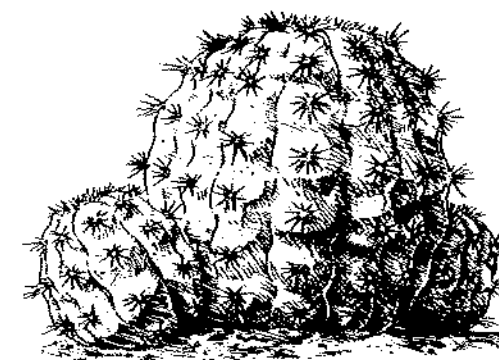
Have you noticed any recurring mistakes made by lawyers appearing before the court?

See above answer.

Do you have any advice or any other general comments for the readers of the HCBA News?

My advice would be for us to do our utmost to practice law in a civil and courteous manner and with such integrity that we would be known as an attorney whose word is his or her bond. And, further, never forgetting the memorable words of Jerry Jeff Walker:

"Life is mostly attitude and timing."



Ouch!

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Risk Retention Group

Do You Know What I Did Last Summer and Do You Care?

by John Land McDavid

My wife Sylvia and I went on a cruise last May. This article contains some comments, observations and facts about our trip.

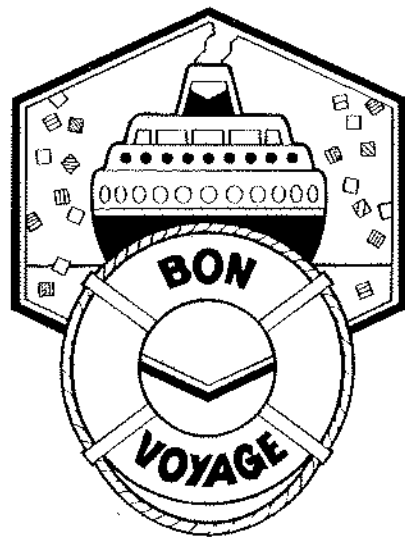
Swissair. The trip over on Swissair from Atlanta to Zurich to Istanbul was a pleasure. Besides roomy seats, the courteous Swissair flight attendants worked continuously to make the flight comfortable and enjoyable.

Istanbul. One-half of Istanbul's twelve and one-half million population live in Europe and the other half in Asia. Mosques are visible in all directions. Prayers broadcast over loudspeakers from balconies on minarets could be heard from our hotel room. The three main tourist sites are the Basilica of Hagia Sophia, dedicated in 537 A.D. by Emperor Justinian on the site of a church built by Constantine, the Blue Mosque, built in the late 1600's by the Ottoman Turks to surpass Sophia, and the Grand Bazaar, with over a thousand shops under one roof. During daylight hours, our ship, the M.S. Maasdam, passed through the Dardanelles.

Athens. The ship's travel lecturer, ever the diplomat, referred to Athens as "untidy." The streets were crooked and narrow, yet it did not seem to matter when I stood on an Athens street, looked up to the Acropolis and the Parthenon and realized I was standing in the cradle of Western Civilization.

Bombing Belgrade. We made our travel plans long before we heard of Kosovo. About two weeks before departure, our travel agent called and said there had been cancellations among the Luxury Suites, which suites include a large stateroom, a spacious private veranda, a separate dressing room and various perks. As a result of the cancellations, which the agent assumed was caused by the war in the Balkans, we could bump up. So up we bumped and enjoyed our cruise in a Luxury Suite (with spacious veranda, etc. etc.).

Malta. The harbor at Valletta is uniquely beautiful. Buildings great and small in Malta are made of a local sandstone which has a khaki-to-yellow color. As described by a travel publication, "Golden in color, Valletta at first sight resembles a beautifully sculptured sand castle." Because of



Malta's strategic location in the middle of the Mediterranean, it has been occupied by, among others, Phoenicians, Romans, Arabs, Normans, Knights of the Order of St. John of Jerusalem (now known as the Knights of Malta), Napoleon and the British. The British controlled the island for 165 years. Paul of Tarsus was shipwrecked on Malta. Acts: 27, 28. English and Maltese are official languages. The most important event in the history of Malta was its occupation by the Knights of Malta from 1530 to 1798 A.D. After the Knights were driven by the Moslems out of the Holy Land, Cyprus and Rhodes, Holy Roman Emperor Charles V gave Malta in perpetuity to the Knights for the rent of a single falcon to be delivered annually to the Viceroy of Sicily. Hence the Maltese Falcon.

Palma De Mallorca. Palma is the principal city of Mallorca, one of several islands which together comprise a separate province of Spain. Mallorca is said to be a playground of the rich and famous and claims six to seven million visitors per year. Local tour guides boast that Michael Douglas owns a house on the island. Bordering the harbor and the palm-tree lined shoreline drive is a street containing upscale shops on the ground level with hotels and apartments on the upper floors. Behind the harbor front are more tree lined streets, shops, apartments, hotels and attractive parks with lush shrubs and flowers. Palma is a clean and attractive resort city.

Gibraltar. We sailed past the Rock

and through the Strait. The Rock is a familiar sight to any American after years of seeing Prudential ads. As you go through the Strait you can see both Europe and Africa in one line of vision.

Bingo. While playing bingo aboard ship, Sylvia won a Holland American Caribbean cruise for two. Five people, including Sylvia, bingoed. In a five-person playoff game, Sylvia won. As Sylvia stood up in our Luxury Suite (with spacious veranda, etc., etc.) on her way to play bingo, she said, "I am going to win us a cruise." And she did.

Lisbon. Lisbon is a modern city of one million people. The Portuguese are said to be warm, friendly and even humble. Portugal reached its political peak during the fifteenth century when, encouraged by Prince Henry the Navigator, its explorers such as Vasco de Gama went where man had never gone before - around the world in a wooden ship. Portugal has two "riviera" areas and a number of tourist sites including the Fatima shrine. Compared to other western Europe countries, Portugal is a travel bargain. It is probably overlooked by Americans as a vacation destination.

Vigo, Spain. Vigo is a port on the Atlantic in the northwest part of Spain. The area was settled by Celts. We visited a village of stone houses built by Celts in the third or fourth century B.C. Although the regional language is basically Spanish it has a Celtic influence. Bagpipes are still part of the regional tradition. The area is obviously prosperous. The tour guide boasted of numerous industries including several American plants and an automobile factory. 20,000 fishing vessels sail from Vigo.

Honfleur, France. The last port of call is located on the Seine River estuary across from Le Harve. Both Champlain and La Salle sailed from Honfleur to explore North America. Among several day trips, I chose the Normandy D-Day Beaches. Although few signs of the D-Day landing remain on the beaches, it was a particular experience to walk on Omaha Beach. Bomb and shell craters and concrete German coastal gun emplacements are still at Point Du Hoc where, in the dark hours before the D-

(Continued on page 7)

Do You Know What I Did Last Summer and Do You Care?... (Continued from page 6)

Day landing. American Rangers scaled sheer cliffs to capture and silence the guns. They succeeded and then had to defend their position for two and one-half days until relief arrived suffering 60% casualty.

In addition to the beaches, the American cemetery, Point Du Hoc and other World War II sites, the tour, which took an hour-and-a-half each way by bus, had unexpected enjoyments. The Normandy countryside, towns and villages are seamlessly picturesque. On the way to the beaches we drove by green pastures in which cows grazed against a backdrop of tall trees. On return we drove along side Mississippi-Delta sized fields green with wheat and yellow with rape. I lack the ability to describe the beauty of Normandy.

There is one other Normandy surprise worth relating. My past experience had been that lunch on a bus tour is a ham sandwich. On the way back from the beaches, we traveled through a rural area on a two-lane, farm-to-market type road and then turned off on a lesser road. After a while on this road, the bus

turned off on to the grounds of what appeared to be a two-story residence which, as it turned out, is now a restaurant. This was our lunch stop.

Upon entering the restaurant, we were greeted and seated by an attractive young woman in a full-length black dress. I assumed she was Vietnamese. The waiters wore black bolero jackets and black bow ties as part of their uniform. The tables, covered with white tablecloths, were set with dinner plates, an array of silver and wine and water glasses in the manner of expensive American restaurants. A delicious, three-course lunch with wine was attractively presented and professionally served. In Normandy they know how to do a bus tour lunch.

My Normandy experiences made me want to rent a room, a bicycle and an English-French dictionary and stay a month. This could have been a mistake as our local guide was an Australian who had lived in Normandy for over twenty years. I did not ask him if he had jumped a cruise ship as I was considering.

A Literal Truth Or If I'm Lyin'?

I'm Dyin'. Most southerners live in a world of similes, metaphors, hyperbole, understatement, irony and on - really bad days - sarcasm and ridicule. Most others do not. The difference is quickly apparent when I go on a cruise or bus tour which does not include some southerners or others who understand southern talk. I will say, "We must have walked ten miles from the bus up to this castle." They will say, "You are wrong! The tour guide said the distance is eight-tenths of a mile." On a day when the temperature is 95 degrees in the shade, I will say, "If the temperature gets much worse, we will all freeze." They will say, "Freeze? Why it must be 95 degrees in the shade." Most southerners would have known exactly what I meant in each instance and replied in kind from their own vocabulary of similes, hyperboles or even ridicule learned while growing up southern. It must be dull living in the literal world.

The End. And now as the sun slowly sinks in the West, we bid a fond farewell to what I did last summer.



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Mississippi Code Provides Surprising Abundance of Authority for Granting Attorney's Fees

by David L. Trewolla

It seems that we attorneys are often confused when discussing the issue of whether attorney's fees may be granted in specific causes. In general, we conclude that such fees may only be granted when provided by a contract at issue or when authorized by statute. You may be surprised to find that the Mississippi Code contains three pages of citations on this subject. Therefore, we offer for your convenience the following list of statutory authorities providing for reasonable attorney's fees (hereinafter fees) in addition to damages, costs and other relief. The list is not exhaustive but will hopefully enlighten even the most learned (Hand) among you:

Code Section	Subject Matter
11143	Shipper is entitled to fees, costs and damages incurred as the result of a party's illegal seizure of the shipper's perishable commodity through a judicial writ.
11163	A product manufacturer found liable for a defective product shall indemnify the product seller for the costs, fees and damages awarded as the result of litigation, unless the seller exercised substantial control over that aspect of the design, testing, manufacture, etc. of the product that caused harm.
11341	When the Mississippi Supreme Court assesses costs against an appellee, the appellant shall be entitled to a judgment against the appellee in the amount of the appellant's costs, including fees.
11133, 5, 7	Party found wrongfully enjoined may recover costs, fees and damages incurred from an injunction to stay proceedings at law.
1115119, 121	Arbitrator may award fees and costs to the prevailing party in controversies arising from construction contracts and related agreements.
11213	In all cases of the partition or sale of property for division of proceeds, the court may allow fees to the attorney or plaintiff.
112737	Prevailing defendant may recover costs and fees incurred in defending an eminent domain action.
113385	Court may award fees and costs to a defendant debtor for a wrongful attachment at law.
113531	Garnishee who fails to answer summons is liable to judgment creditor for costs and fees in addition to the amount of plaintiff's demand.
115337	Chancery court may award costs and fees to a party instituting a class suit which recovers or preserves property or a fund for the common benefit of the class.
115381	Prevailing party in a suit on open account is entitled to recover fees.
11555, 7	Court may award fees and costs under the Litigation Accountability Act of 1988 for meritless claims or defenses.
31557	Prevailing party may recover fees incurred in suit by subcontractor against contractor or surety on a payment or performance bond securing a public works contract.
317309	Public bodies shall pay fees to vendors who prevail in administrative or judicial actions to collect interest due in payment for goods and services.
35523	Fees may be allowed for a guardian's attorney from the estate of the ward for legal services to the estate or to the ward under the Uniform Veterans Guardianship Law (§§ 3551 to 33).
3733162	Mississippi Department of Rehabilitation Services shall recover fees incurred in action filed pursuant to its subrogation rights against a third party liable for injuries to a client who has received medical or rehabilitation assistance.
417201	Prevailing party may recover costs and fees on appeal of a final order by the State Department of Health in a Certificate of Need proceeding.
411338	A community hospital may recover fees expended to collect repayment of a loan granted to a physician, student or employee by the hospital board of trustees.
4129529	A person whose wire, oral or other communication is intercepted, disclosed or used in violation of the laws governing interception of wire or oral communications (§§ 4129501 to 537) may recover damages, costs and fees from the perpetrator.
4141221	Healthcare providers and/or persons who intentionally violate the Uniform HealthCare Decisions Act (§§ 4141201 to 229) or an individual's advance healthcare directive are subject to liability for damages plus fees.
416728	Prevailing party may recover costs and fees in a lawsuit resulting from violation of the Mississippi Individual OnSite Wastewater Disposal System Law (§§ 41671 to 31).
43127	Mississippi Department of Human Services may recover fees and costs incurred in an action to recover sums paid to any person as a result of any false statement, concealment of fact, or misrepresentation given in order to obtain aid.
4313125, 315	Recipient of Medicaid assistance payments may recover such payments, in addition to costs and fees allowed by the court, in an action against a third party for causing the injuries, disease or sickness for which the payments were made. The Mississippi Medicaid Commission has subrogation rights for the recipient's proceeds from such action, and any entity who refuses to honor the Commission's subrogation rights shall, if found liable, be required to pay double the amount of Medicaid benefits paid, including the assessment of costs and fees.
431931, 37	Mississippi Department of Human Services may recover fees and costs incurred to recover child or other family support from an individual obligor.
4321619	Youth Court may order parents to pay fees and costs, in addition to other expenses, found necessary to provide for the best interest of a child.
432315	Family Court may order parents to pay costs and fees resulting from proceedings involving a delinquent child/juvenile offender.
43377, 9	Where an inverse condemnation proceeding is instituted by the owner of any interest in real property because of use of his property in any project in which federal funds are used, the prevailing plaintiff shall be awarded costs and fees in addition to just compensation for the taking. Similarly, where a condemnation proceeding is instituted by the state, or a subdivision thereof, for such federally funded project and the condemnation is not concluded, the entity seeking to condemn the property shall pay the owner of the property all professional fees incurred because of the condemnation proceedings.
53967, 69	Fees may be assessed by the Mississippi Commission on Environmental Quality in administrative proceedings, or by a court upon judicial review of the same, arising from violations of the Mississippi Surface Coal Mining and Reclamation Law (§§ 5391 to 91), and the Commission is entitled to fees if it initiates a civil action to compel compliance with this law.
57131	The board of supervisors of any county, or the governing authorities of any municipality or other political subdivision, shall have the power to pay reasonable compensation to attorneys employed for the issuance of bonds authorized by the Mississippi Department of Economic and Community Development.
592141	Party who brings action for injury or damage resulting from another's unauthorized duplication of a manufactured boat hull, or component part of a boat, by use of the directing molding process may recover fees and costs.

6921165	Mississippi Board of Agricultural Aviation may recover costs and fees in any lawsuit to enforce a penalty previously assessed for violation of Board rules and regulations.	773615	Prevailing party shall recover costs and fees in action involving a violation of the laws governing unsolicited residential telephonic sales calls (§§ 773601 to 619).
71359	Party who files frivolous workers' compensation claim shall be liable for costs and fees incurred by the opposing party.	7947.46	Upon termination of a shareholder derivative proceeding, a court may award fees to the plaintiff if the proceeding has resulted in substantial benefit to the corporation, or order the plaintiff to pay any defendant's fees incurred if the proceeding was unjustifiably commenced.
71723	Fees may be awarded, in addition to damages, to an employee who obtains a judgment against an employer for violation of the laws governing Drug and Alcohol Testing of Employees (§§ 7171 to 33).	79413.31	Court may award fees to prevailing party in a corporate exercise of dissenters rights and upon a judicial appraisal of shares.
73221	Mississippi State Board of Architecture may recover fees incurred in court action to enjoin a violation of, or enforce compliance with, the laws governing landscape architectural practice (§§ 7321 to 27).	79416.04	Shareholder may recover fees incurred to obtain court order to allow inspection and copying of corporate records.
734115	An athlete agent who is convicted of violating the laws regulating the conduct of athlete agents in Mississippi (§§ 73413, 11, 15) shall pay fees and costs incurred by an athlete suing the agent.	7911201	Upon application by a member of a nonprofit corporation, a court may order that a special meeting of the corporation be held and that the corporation pay the member's costs and fees incurred to obtain the order.
754A305	Fees are recoverable when a receiving bank wrongfully fails to execute a payment order if demand for compensation is made and refused before an action is brought on the claim by a sender or beneficiary of the payment.	7914305	Court may award fees to partner bringing action against limited partnership for noncompliance with this section's mandate that each limited partner has the right to inspect and copy partnership records and to obtain from the general partners information about the financial condition and other affairs of the limited partnership.
755111	Prevailing party in an action for wrongful dishonor or other breach of obligation under a letter of credit shall be awarded fees and costs.	79141004	Court may award fees to successful plaintiff in a derivative action on behalf of a limited partnership.
759504, 506	Secured party upon a debtor's default shall recover expenses and fees incurred to retake and dispose of collateral.	812117	A premium finance agreement may provide for payment of incurred costs and fees equal to 20% of the outstanding indebtedness if the agreement is referred for collection to an outside attorney.
752323	The State Tax Commission, or any person injured by a violation of the Unfair Cigarette Sales Law (§§ 75231 to 27), may recover costs and fees in addition to damages or injunctive relief sought for such violation.	835217	Mississippi Insurance Commissioner and/or his examiners and representatives shall be entitled to fees and costs incurred if they are the prevailing party in an unsubstantiated action against them for libel, slander or other relevant tort arising out of the Insurance Commission's examination activities.
752415, 19	Prevailing defendant in a lawsuit alleging unfair methods of competition affecting commerce and unfair or deceptive trade practices may recover costs and fees. Attorney General may recover fees and costs incurred to obtain an injunction against person using unfair methods of competition and unfair or deceptive trade practices.	832151	Plaintiff may recover fees in suit against an unauthorized foreign or alien insurer for refusal to pay on an insurance contract.
752527	Prevailing party may recover fees in suit for wrongful manufacture, use, display or sale of counterfeit or imitation of a registered trademark.	832455, 83, 91	Fees shall be paid for claimants pursuant to proceedings for the rehabilitation and liquidation of insurers.
75269	Prevailing party may recover fees in action for wrongful acquisition or disclosure of a trade secret pursuant to the Mississippi Trade Secrets Act (§§ 75261 to 752619).	835755	Plaintiff may recover fees in suit against a person for violation of laws governing the issuance of home warranties (§§ 83571 to 79).
7531511	A milk processor who fails to pay for raw milk as provided by the Milk Processor's Regulation Act of 1988 (§§ 7531501 to 511) shall be liable to the dairy farmer for fees incurred to collect payment.	857151	Builder shall be liable for fees incurred by plaintiff in suit to enforce a construction lien.
754435	Fees and costs are recoverable in action against surety company for wrongful failure to pay the holder of a warehouse receipt, upon demand for redemption of receipt, after loss due to nondelivery of grain by warehouseman.	857181	Owner who denies indebtedness through contractor to materialmen and/or laborers shall pay costs and fees incurred by said materialmen and/or laborers in resulting judgment against owner.
7571717	Buyer of securities sold illegally or fraudulently in violation of the Mississippi Securities Act (§§ 7571101 to 701) shall recover fees in resulting civil action to recover consideration paid plus interest.	857193	Party suing on bond for performance of a construction contract shall recover fees from proceeds.
757711	Retailer of farm equipment may recover fees in suit against the supplier (manufacturer, wholesaler, distributor) for failure to repurchase and pay the retailer for inventory upon termination of contract.	932551	Obligee who prevails in action against obligor under the Uniform Interstate Family Support Act (§§ 93251 to 115) may recover costs and fees.
7581119	Prevailing party may recover fees and costs in suit for loss of money or property, either real or personal, as a result of fraud, dishonesty, or violation of the laws governing dance studio lessons (§§ 7581101 to 125).	95521	Owner of a dog which kills or injures poultry or livestock shall be liable to the owner of such poultry or livestock for the value of such loss and all costs of collection, including fees.
75839	Prevailing party may recover fees and costs incurred in action against health spa for violation of the laws regulating health spas (§§ 75831 to 15).	971753	Victim owner of stolen livestock shall recover costs and fees incurred to recover the livestock.
75877	Any outofstate principal who fails to timely pay a sales representative upon termination of a commission sales contract shall be liable to the sales representative in a civil action for up to triple the commissions due and for fees and costs.	972554	A telecommunication service provider may recover costs and fees in a civil action for theft of telecommunication services.
		972385	Merchant or other business owner shall recover fees incurred in a civil action for unlawful restraint of trade.
		972396	Victim of shoplifting who can prove by clear and convincing evidence that he has been injured in any fashion may recover costs and fees incurred in resulting civil action.

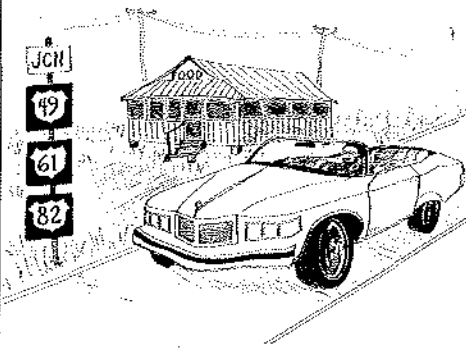
Highway Eats by The Road Lawyer

Surely anyone who's been to an Ole Miss football/basketball/baseball game in the past year or so has noticed all the signs of prosperity around Oxford and the University. New restaurants, shops, businesses, and houses are the products of an obviously booming economy. Well, have you been to Hernando lately?

Economic growth is quite apparent in Desoto County. The handsome redbrick, Colonial Revival courthouse (circa 1941) sits serenely in downtown Hernando, but all around the square is teeming construction and renovation work. I believe Oxford may have a competitor in the works in the courthouse square attractiveness category. Storefronts on all sides are getting first-class facelifts, and there is a monumental Desoto County Administration Building going up on the southwest corner of the square. It's a good-looking design being venerated with red brick in a style quite compatible with that of the Courthouse across the street.

After a morning of business, I had lunch at J. W. Miller's on the south side of the square. The "courthouse special" is what to order. It's always a very tasty blue-plate offering of a meat and three vegetables, homemade corn muffins and yeast rolls, tea or coffee, and dessert that doesn't come from a mix or a freezer box. There are also the usual sandwiches and salads on the lunch menu.

Coleman's Bar-B-Q is an old-time favorite of mine in Hernando, right there on the north side of Highway 304 just west of I-55. They serve fine fried catfish and chicken if you're off the pork, but I highly recommend the pulled pork and BBQ beans. I've got friends in the area that get large orders to go for backyard parties on the weekend, when they're not having dinner out at J. W. Miller's, that is. Coleman's also serves a real breakfast, as in pancakes and eggs and bacon, until 11:00 a.m.



Desoto County is getting lots of spillover from Memphis, of course, including some of its excellent medical facilities, but I'm sure the casino and hotel development in Tunica is contributing to the growth as well. The unemployment rate in Desoto County is about 2.5%, rivaling such busy counties as Lafayette, Rankin, and Oktibeha, with an extremely low rate, and I'm told there are building permits being issued all the time.

Hope this new affluence does not have an adverse effect on one of my special haunts on the south side of Highway 304, Buddy's antiques, in Hernando. What a great place to shed the stresses of the world and just wander among the dusty old trash/treasures in the hodgepodge of buildings presided over by Buddy (former mayor of Hernando) and his brother. There's old and new of all varieties, and some homespun humor and politics if you stop to talk with the proprietors.

Grenada is on my regular travel route, and I stopped in Jake & Rip's on Highway 8, not far from the Interstate, for some barbeque not long ago. I'm always most comfortable in a place that has some neon beer advertisements in the window and a few pickup trucks outside the front door, so you know I love this restaurant and bar. The place was named

for the owner's childhood bird dogs, and the interior features roughly finished knotty pine walls with deer heads and old bottles and other collectibles for decorations.

The menu there has soul food, pub food (like fried cheese), catfish and fancier varieties of fish, blackened and otherwise, steaks and 10-ounce burgers, and different offerings of smoked chicken and pork, served wet or dry. It's a man's kind of place, and sure enough most of the customers were men, talking about local politics and telling Bill and Hillary jokes, last time I was there for lunch.

Occasionally I have to go to Pascagoula, and I've found a favorite hangout there near the temporary courthouse downtown. It's Scranton's Restaurant, and it's located in the old (1924) Scranton Fire House. Their blue-plate is known as a "chalkboard" special, with such things as chicken-fried steak and pepper gravy, red beans and rice, and spaghetti and meat sauce. I had the gumbo, which is good, and I saw a lot of folks having the appealing house speciality, artichoke pasta with chicken and black olives in a light tomato sauce.

Some folks would say the place could stand a new coat of paint and some general redecorating, but I find the atmosphere pleasant and cozily public. It's a collection of small dining rooms and a bar with names like the "Courtroom," "Jail Cell," "Mayor's Office," and "Engine Room," with corresponding memorabilia.

Haven't heard much from you readers, lately. I need some new places to try. Let me know where you've been eating on the road. Write a note to me c/o of Pat Evans, HCBA Executive Director, 151 E. Griffith Street, Jackson, MS 39201, or e-mail The Road Lawyer at hindstar.com.

The American Lawyer's Quick Reference for Understanding the Role of British Barristers and Solicitors in the United Kingdom

by Diane Baugh Roy

Up to a jaunt to Merry OLE England to indulge yourself in rich scenery, history and culture? You will experience an initial culture shock if this is your first visit. The omnipotent traveler will be bombarded with the oddities of the British way of life such as the right-handed steering wheels and the left-handed side-of-the-road driving, learning to 'queue up' and cross only at the 'pelican walk', ordering food only at the bar and not waiting on an official waitress, etc. A sense of stepping through an inter-dimensional portal will not cease if you're crossing the Atlantic to experience the quintessential world of the British legal system.

Rumpole of the Bailey notwithstanding, the average American lawyer's perception of how the English legal system was formed and operates today is limited, and only after delving into the true distinction of the terms, 'Barrister' and 'Solicitor,' can one appreciate the true gap between the professional makeup of American and British law practice.

After a two-year stay in the East Midlands of England, my education in this topic may assist one trying to learn the basics of how lawyers work in the United Kingdom. I have obtained a Certificate of Eligibility to become a British Solicitor. In this endeavor, I have taken and passed the Litigation Head of the Qualified Lawyers Transfer Test. I have yet to take and pass the Property and the Professional Responsibility Heads of the test. Because of my past experience, I was exempt from having to take a two-year training contract with a solicitor's firm, but normally, this is also required. This route is how a qualified US lawyer may enter into The Law Society of England.

If one chooses to enter the world of Barristers, however, he/she must follow the testing route through The Bar Council and enter into a practicing pupillage with a Chambers. Sound complicated already? The first and foremost lesson to learn as a newcomer to Britain is that there are rules for everything from how to open your umbrella in a crowded pedestrian area to how to take tea at the Ritz. The British society is ensconced in rule making and rule following. These traits take what is already a rule-oriented profession, that of being a lawyer, to new heights.

Be that as it may, a quick overview of 'Solicitors' and 'Barristers' and their

roles in the English legal system follows.

A Solicitor is a lawyer who has limited rights of appearances. For many years, these were the lawyers who never entered a courtroom. They were the document preparers for the 'real' lawyers to use. There have been major changes to the roles of the solicitors in the recent years, however. They have gained rights to enter the lower level courts and argue cases. This experience has brought about a new breed called the 'solicitor advocates', those who can enter the higher courts and argue cases that were normally reserved for barristers.

The solicitor is still the lawyer who takes the client in on litigated cases and prepares the case for trial. The solicitor hires the barrister to argue the case; the client pays both the solicitor and the barrister for the representation. Approximately 60,000 solicitors practice in England and Wales. These are the advice-givers who now can give some representation of clients in court. Most solicitors work in private practice, often in a partnership of solicitors who offer a variety of services to clients. Others may work as employed solicitors for Central and Local Government, the Crown Prosecution Service, the Magistrate's Courts Service, or in-house for

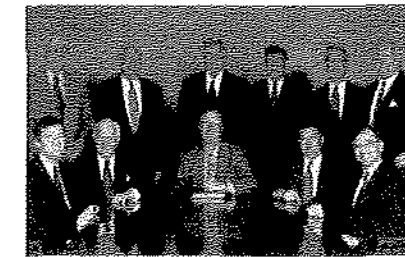
companies. A solicitor's firm can vary from a large organization with hundreds of partners, thousands of employees and offices all over the world, to a small firm above a shop in a local 'high street', or what we know as 'main street'. They prepare wills and probate estates, handle divorces, provide 'conveyancing services' or real estate closings, as we know them.

Barristers are the wiggled and robed lawyers who try the majority of the cases in England. They usually specialize in particular areas of law. They have the distinction of being the high-fee lawyers and normally only spend a small amount of time on the case compared to the solicitor's time. Approximately 9,000 barristers are in independent practice in England and Wales today, with over 300 categories of expertise. They get their 'instructions' mostly from solicitors who hire them for the specialist advocacy they can provide. The majority of the barristers practice from London, with only about a third operating in other major cities or small towns throughout the country.

The advent of the national legal insurance program in England, known as Legal Aid, has brought about an upsurge of cases to lawyers, both solicitors and barristers. This system provides for

(Continued on page 12)

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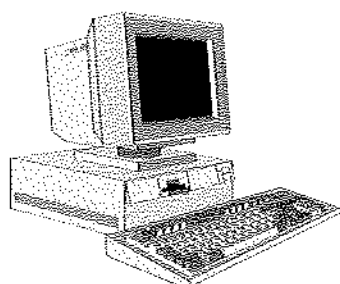
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Gender Fairness Task Force Survey

The Gender Fairness Task Force appointed by the Mississippi Supreme Court and chaired by the Honorable Evelyn Gandy is formulating a survey to be mailed to all members of the bar seeking their perceptions of gender bias and fairness in our legal system. The Task Force hopes to distribute the survey shortly after the first of the year.

On Computing

by Joel Howell



Tired of your web browser crawling to a halt? High speed access is the way to go.

While I can remember the thrill of going from a 300 baud modem to the relative fast lane of a 2400 baud MNP modem, that was in a character-based environment which was in what seems like a universe far far away a long long time ago. Now, in an age where two thousand dollars plus or minus gets a 500 MHz Pentium III with 128 meg of RAM, the real limitations are coming from the vehicle you use to connect to the Internet.

It hasn't been that long ago that 28.8/33k modems were the de facto standard, only to be currently replaced by 56x2 technology, which is fast by comparison to the recent past, but durned slow compared to those fortunate enough to have access to an academic, governmental, or large company network which gives the instant gratification of T1 speed (more on this in a bit).

Faster speeds than the current standard are limited, to an increasing degree by the limitations of traditional telephone copper lines (fiber optic cabling, anyone?). The outer limit of Ma Bell's phone lines will probably be ISDN (Integrated Services Digital Network) service. This allows a user to communicate (simultaneously, no less) through voice, data, and video transmissions over a single access conventional copper wire. ISDN is essentially a two-channel telephone line; thus, you can connect a computer and a telephone to the same line, but talk on one channel and surf the net on the other. Did I forget to mention that it's fast? Try

four times the speed of a normal phone line with a 28.8k modem! There is, naturally, a price for the fast lane. A recent BellSouth quote for residential service (there's no good reason for business service being more expensive, but it is) ball parked in excess of two hundred dollars for installation and monthly charges going on a hundred dollars, not to mention you'll need a new modem. For this, however, you get a B channel circuit switched voice/data connection (did I neglect to mention that there's a third channel you can activate for extra cost?), at ISDN speed, caller id, call forwarding, variable feature button-voice conference, drop, hold, and transfer. Oh, yes, there's also a charge for usage over three hundred twenty hours a month.

Wait, you say, what is this flier I got from BellSouth hyping FastAccess? Now things really get interesting. This product is ADSL (Asymmetric Digital Subscriber Line) technology, which in lay terms is a separate line with an always-on Internet connection. You keep your old phone line and use this one to surf. Installation, new modem, and network

card come with the package. Why this, you ask? How about speeds up to fifty time faster than a 28.8k modem! (!)

To put all this into perspective, here's what BellSouth says are comparisons of the time needed to download a 3.75 meg video clip:

	Min:Sec
14.4 k modem	35:33
28.8 k modem	17:47
33.6 k modem	15:14
56 k modem	09:09
64k ISDN	08:00
128k ISDN	04:00
1.5 mg ADSL	00:20

By the way, T1 speed (incidentally, that's download-only speed both for ADSL and T1) is 1.5444 million bps, comparable to ADSL.

No question, you say? Aha! Heard of cable modems? They are now offered in Rankin County, but will not be available in Hinds County until maybe next year. This involves installing a cable or splitting your present television cable, a network card, and a cable modem, and, viola!, the same always-on high speed Internet connection as an ADSL line. The cost of cable modems and ADSL will run in the ballpark of fifty dollars a month, plus installation (though this does include your Internet provider fees).

All this is just the beginning, but it will give you a notion of what's out there.

Questions or comments? Drop me an email at 76616,1020 @compuserve.com, or, better yet, webmaster@hindsbar.com.

The American Lawyer's Quick Reference for Understanding... (continued from page 11)

payment to lawyers where normally a person may not be able to afford a lawyer. It has made many a solicitor's firm a lot of fees and because of that fact, it is under Parliamentary review for reforms. It does, however, serve a major function in bringing civil and criminal cases to conclusion as compared to the American system for legal aid where this is just not the case.

One of the first major gaps that an American lawyer will have to appreciate about the British lawyers is that their educational base is quite different. A high-school aged student who decides to become a solicitor can actually be a lawyer in about three years. That fact alone puts lawyers on the streets in England at age 21, where it is virtually impossible to practice law in America before completing a four-year

undergraduate program and a 2.5 to 3 year Juris Doctorate program. The obvious focus of the British Law Society and the Bar Council is experience rather than education. They require the passing of professional tests after completing either the one-year, full-time Legal Practical Course for the solicitors or the one-year full-time Bar Vocational Course for the Barristers. Then students must complete the two-year training contracts for solicitors or the 1 year pupilages for the barristers. Our jurisprudential system requires more course work and no experience. The 'learn it out of the gate' American practitioner can only be amazed at the amount of practical experience the youngster British lawyer has.

I would suggest that anyone wanting to learn more about the legal system in

Britain take a tour of any Magistrate's Court, Queen's Court, or County Court and listen in to the daily workings. It is also helpful to review a couple of websites, i.e. www.lawsociety.org.uk, www.barcouncil.org.uk, and any barrister or solicitor's WebPages. These can provide additional insights for the novice. The National Gallery of Justice, Nottingham, is also a treat of a tour, but be prepared to be arrested on sight and not released until proven an innocent 'tour taker'.

For any additional information, you may contact me and I will try to assist you in your indoctrination to the lovely legal arena I have experienced. My phone number is 601-824-4008, Brandon, Mississippi, or you may contact me by E-mail: msdbroy@bellsouth.net.

What Are You Reading?

Our readers/reviewers this month are officers of the HCBA.

Pillars of the Earth, by Ken Follett. This novel set in 15th century England concerns the trials and tribulations of a family supported by a man whose dream was to build a major cathedral. At times, the book expresses the utter despair of a society in the 15th century provided no safety net for those without means and resources as we have today. It then follows with the triumph of the human spirit in that the son finally realized the dream of the father. It is a riveting book that will make you sad, depressed, happy, and, at the end, glad that you read it. Reviewed by Trip Barnes.

The Razor's Edge, by Somerset Maugham. Told in first person narrative, this story is an enlightening tale of a war vet (Larry) who, during World War I, witnesses the death of a good friend. When Larry returns to Chicago, he is a changed man who has concluded that life is too precious to waste. Armed with this insight, Larry shocks his fiancée, family and friends when he turns down a plum job and goes to Europe. His travels take the reader from southern France to Tibet

in a thought-provoking search for life's meaning. A must read and re-read. Reviewed by Bob Grenfell.

A Man in Full, by Tom Wolfe. As part of my training for converting from an "A" personality to a "B" personality, my coach assigned me the task of reading some fiction. My friend Bill Purdy suggested *A Man in Full*. It seems only fitting that my first experiment with reading something without a business purpose would turn into a mission to finish this 742-page behemoth. Despite its forbidding length, *A Man in Full* is a pleasant escape into the lives of three unlikely heroes who ultimately find each other at the improbable end. The allure of Wolfe's book is the incredible, detailed, imaginative description of people, places and events.

The main character is Charles Croker, a 60-year-old Atlanta developer who was once an All American at Georgia Tech. He is juxtaposed against Georgia Tech's present day star running back, Fareek "the Canon" Fanon, a hometown product of Atlanta's slums. The thread that binds the three main characters together is the defense of "the Canon" on a charge of "date raping" the daughter of one of Croker's rich cronies. Roger "Too White"

is a corporate lawyer, an intelligent, attractive graduate of Morehouse College and the University of Georgia Law School. He has been asked by the mayor of Atlanta to engineer a quiet resolution of "the Canon's" date rape charges, which the mayor fears may divide Atlanta along racial lines. Conrad Hensley is a young employee of one of Croker's companies in San Francisco. His life ruined by an unfortunate chain of events, he is sent to prison, escapes in an earthquake, and flees to Atlanta, where he ultimately finds our other two heroes.

An enjoyable subplot involves bankers who seek to take Charles Croker down and repossess all of his worldly possessions. Raymond Peepgrass is the senior loan officer through whose eyes we take a humorous look at the world of banking. Harry Zale is the bank workout artist who wears skull-and-crossbones suspenders and makes it his mission to destroy Croker. Scenes of the bankers' confrontations with Croker, a rattlesnake hunt, and the breeding of a horse are described in unforgettable detail.

The book is truly a great escape from the real world, well worth the time and effort to read, even though the ending ... well, I can't tell you.

Reviewed by Mark Chinn.

Partners Program

by Melissa Gardner

Beginning in January, the Hinds County Bar Association will once again go into area high schools with the Partners Program. The Program, distributed by the Family Law Section of the American Bar Association, was introduced to the Jackson area during the 1998-99 school year and was taught at Jackson Academy, Madison Ridgeland Academy, Forest Hill, Murrah, and Callaway High Schools. Because of the success we experienced last school year, the schools have asked that we return.

The course consists of five units over a ten-week period with a legal concept and a communication skill being taught for each unit. Each unit consists of one in-class videotape, approximately twenty minutes in duration, along with skits and exercises for the students to role play or discuss in a free-flowing forum.

The legal concepts are introduced during the second week of each unit which is geared toward providing necessary information for the students to use in their everyday lives both now and in the future. The communication topics include talking tips, fighting fair, anger release, and alternative dispute resolution. The legal concepts include

grounds for divorce, child custody, support, domestic violence, and general expectations of marriage.

The objectives of the Partners Program are to provide students with practical information to help them make informed choices about their life partners and the obligations such choices create, to expose students to the legal system for dissolving marriages and those identifiable problems that often lead to divorce/marital dissolution and the impact of marital dissolution on the participants and their children, and to teach students the importance of positive communication systems in a relationship and the destructive impact of negative communication styles, as well as the ways that negative styles can lead to the dissolution of relationships and marriages.

We are looking for attorneys and judges who are willing to donate a small amount of time each week to these high school students in an effort to provide them with invaluable information and a clearer understanding of these adult issues. If you are interested, please give me a call at Gardner & Grant, 939-1515, and you will be paired with a school and put in touch with the appropriate contact person.

KeyCite It!

Key-board (n. & v.) *n.* an organ, or the like. *v.* to operate. **Key-board/ist, n.** an organist, or the like. **Key/Cite** (kē/sīt) *v.* 1. To determine the subsequent history of a case by using the online citator of the same name, often known informally as establishing that a case is still "good law"; — *n.* 2. the act of locating those documents which cite a given case, statute or other document. — **KeyCiting.** *n.* a private night club to which each member has

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Money, Good Looks, a Famous Daddy and Not Much Else

by Captain Equity

Even though we are still a year away from Presidential Election 2000, some disturbing trends are throwing a long shadow over what should be the serious business of choosing the most qualified American to lead the most powerful nation in the world into the next century.

At the moment, the leaders for their respective political party's nomination are George Bush, Jr. and Al Gore, Jr. Besides identical suffixes, these two men are nearly carbon copies in too many of the ways that media-driven America has come to value. Both have huge war chests; each has a recognizable name and face which, by the way, looks pretty good for a baby boomer in his 50s; and each has a famous daddy who has held national office in the White House and U.S. Senate respectively. Consequently, long before any sort of coherent debate on the issues, each appears to be a finalist for continued employment in the family business.

The strategy for each now seems to be smile, shake hands, make the right public appearances, and, more importantly, the most lucrative private appearances so as to pocket the check while saying as little of substance as possible. A year or so out from November 2000, the overriding goal of both men is to pile up enough money and IOU's so as to scare any would-be challenger out of the nomination sweepstakes. They have largely succeeded, although not totally. And while Mr. Bush, Jr. and Mr. Gore, Jr. look to be the big winners in the Fall of '99, will the same be said a year from now?

The truly wonderful thing about politics and sports is that nothing is for certain. That is why despite the experts, pundits and professional prognosticators, elections and athletic events are held. Remember the 1948 headline, Dewey Defeats Truman or perhaps more recently, Ole Miss Heavy Favorite Over SEC Doormat Vandy? This lesson should not be lost on President Bush, Jr. and President Gore, Jr.

THE BUSH DOWNSIDE

If I had a choice between being the Governor of Texas and the Vice President, I would clearly take the former. The Republican Party (a Latin phrase meaning "we will find a way to lose") are so desperate for a winner that they appear willing to anoint the Texas governor on

the spot. And while Steve Forbes or Liddy Dole have some appeal in certain quarters, can you really see them in the White House? Or how about Quayle, Bauer or the rest? Big time Republican money apparently can't. The road to 1600 Pennsylvania Avenue appears traffic free, but for the "did you use drugs" question and the Governor's biography. Let's take the second issue first.

While clearly a nice guy with a beloved father, the George W. Bush, Jr. story to date is one of late-in-life success with the help of other people's money and family connections, not that there is anything wrong with that, unless you are talking about becoming the President of the United States. I for one would like some hard information about how he intends to preserve domestic prosperity and keep employment and stock prices high and inflation low. I'm even more concerned with how the Governor intends to deal with an increasingly vicious and fragmented foreign threat that comes from such places as China, North Korea, Iraq, the Balkans, mafia-controlled, dead-broke nuclear Russia, and on and on. So far I haven't a clue, nor do I know how much the Governor even knows about the geography of these places, let alone the issues.

Now if his dad were running using his son as a surrogate (as I suspect many secretly hope), I would feel a lot better. It would mean that James Baker, Brent Scowcroft and the rest of the adults would be coming back. I don't feel nearly as comfortable when I see the likes of Nolan Ryan as a potential National Security Advisor or Dallas Cowboy Owner Jerry Jones as Chairman of the Federal Reserve.

And then there is the Clintonesque evasion of the drug question. The bottom line is that Texas is the incarceration capital of the Western Hemisphere. When a law and order Governor signs legislation that sends people to prison for what he may or may not have done as a young adult is unsettling. For the record, most Texas drug felons are similarly young adults, but without the money, good looks and famous daddy. And beyond that substantive issue is the ever-so-tiresome, evasive word games. (That depends on what your definition of "is" is.) People are beyond just tired of it, given the last eight years. All of this

combines to make Senator John McCain look both appealing and electable.

THE GORE PROBLEM

But if Governor Bush, Jr. is having problems, Vice President Gore, Jr. is on the verge of a political meltdown, not helped one bit by private citizen Bill Bradley. Even without the former Rhodes Scholar, New York Knick, Senator from New Jersey, the Vice President is toting a lot of Clinton baggage without the same charm and political skills of the current President to unload it. His public appearances inspire the following reactions: wooden, manic, polarizing, unconvincing and ultimately, unelectable. And while Senator Bradley is clearly not the Democratic version of Ronald Reagan from a personal presentation standpoint, he comes across as a thoughtful, experienced and relatively straight shooting adult, not unlike a Democratic version of George Herbert Walker Bush, Sr. Lately, this has translated into the Vice President's poll numbers dropping like the Mir Space Station immediately after the latest gravity-free, onboard fire.

To all of this, add the Hillary Clinton for Senate "Listening Four" factor; the unforeseen world event factor; and if we are lucky, from a spectator sport perspective, the bizarre possibility of a Pat Buchanan, Dan Quayle, Ross Perot, Jesse Ventura, Warren Beatty, Donald Trump Reform Party Wrestler Royal between now and late next year.

Predictions are easy, the hard part is getting them right, but...who has that ever stopped? Odds are that substance, while not prevailing, will at least get something short of equal time between now and November next. Further, I predict that one of the persons mentioned in this piece will be the next President of the United States. Who that will be is impossible to say, but I bet it won't be Dan Quayle. (That spelling, by the way, is indeed with an "e.") Call it a hunch. But even if I'm wrong about that, I hope the collective judgment of the U.S. electorate will be based on more than just money, good looks, a famous daddy.

[Editor's note: The viewpoints expressed in this column are solely those of Captain Equity and are not to be attributed to the Hinds County Bar Association, its officers or directors, or its editorial board.]

Judge Graves Elected to State Trial Judges Committee

Judge James E. Graves, Jr., Hinds County Circuit Court, was recently reelected to serve a full two-year term on the Executive Committee of the National Conference of State Trial Judges (NCSTJ), an organization within the Judicial Division of the American Bar Association. Judge Graves was elected the representative from Area Ten, which includes Georgia, Florida, Alabama, Mississippi, and Puerto Rico. Judge Graves was also appointed to

serve as Chairman of the Law and Technology Committee.

The NCSTJ gathers, studies, and disseminates information to state trial judges throughout the United States regarding the problems of trial judges and the handling of litigation. It also presents and conducts educational programs at regional, state, and other Bar meetings, as well as developing methods to improve the administration of justice in state trial courts.

MISSISSIPPI COLLEGE SCHOOL OF LAW

Law Library Hours

August 21, 1999 - January 3, 2000

Regular Library Hours

Monday - Thursday 7:30 a.m. - midnight
 Friday 7:30 a.m. - 9:00 p.m.
 Saturday 9:00 a.m. - 9:00 p.m.
 Sunday Noon - midnight

Exceptions:

Labor Day, Thanksgiving & Christmas
 Labor Day, Sept. 6 9:00 a.m. - 5:00 p.m.
 November 25 & 26 CLOSED
 December 17 7:30 a.m. - 6:00 p.m.
 December 18 & 19 CLOSED
 December 20 - 22 7:30 a.m. - 6:00 p.m.
 December 23 7:30 a.m. - noon
 December 24 - January 2 CLOSED

Regular hours will resume on Monday, January 3, 2000.



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