



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

APRIL 2001



President's Column by Robert C. Grenfell

The Secret of Life...

As attorneys, we work very hard and endure incredible pressure and stress. This makes the use of our leisure time extremely important and critical to our happiness.

Some of us play golf or tennis, jog, fish, hunt, or enjoy time with our family and friends. I am a seasoned golfer and fisher, but my favorite pastime is enjoying my family and friends.

A couple of weeks ago I arose on a beautiful Saturday morning. I read the newspaper and enjoyed my breakfast and coffee. After a pleasant walk with my beautiful wife, Amy, I decided to inform her that several of my friends were to meet at The Forum (a sports bar at the location of the former Rodco's) to watch an Ole Miss basketball game. Amy wasn't overjoyed at the idea, but knew that a sports/friends fix would be good for me.

When I entered The Forum, I saw that there were at least 2,000 televisions, including one the size of the Superdome. I spotted three of my friends, David Kaufman, Bobby Sneed and Chris Shapley, sitting at our reserved table. After exchanging pleasantries, I ordered a beer and a sandwich, and we discussed sports topics and local legal gossip and rumors.

Enjoying a perfect day so far, I decided (with guilt cascading down upon me) to call Amy and offer to wine and

dine her that evening. She thanked me but said she preferred to spend a peaceful evening at home (the kids - Robert, Mallory and Ross - were away). I stopped by McTaggart's Market for fresh fish and by the video store for an evening movie.

Why all these details? Well, that simple Saturday turned out to be a perfect day. Truly enjoyable.

Remember that our time on Earth is an irreplaceable gift, one to be relished and treasured every moment; life is a fragile gift delivered to us a bit at a time, and only achieves meaning as we cherish and blend the pieces - even the seemingly insignificant pieces - into a full, complete whole. (Author unknown)

Just like James Taylor's lyrics in the "Secret of Life" on his "J.T" CD:

*The secret of life is enjoying the passage of time
Any fool can do it
There ain't nothing to it
Nobody knows how we got to
The top of the hill
But since we're on our way down
We might as well enjoy the ride*

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February Membership Meeting



Ed Peters, Hinds County District Attorney (third from left), was the speaker at the February HCBA Membership Meeting. Pictured with Peters are (from left to right) Robert Grenfell, HCBA President, Patricia Bennett, HCBA President-Elect, and Glenda Hays, Hinds County Assistant District Attorney.

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HCBA MEMBERSHIP MEETING

Tuesday, April 17, 2001

Capital Club

12:00 Noon

Lunch \$12.00

Speaker: The Honorable Edwin L. Pittman, Chief Justice, Mississippi Supreme Court

HCBA Calendar of Events

April 17
HCBA Membership Meeting.
 Noon. Capital Club

April 24
People's Law School
 7:00-9:00 p.m. Community Room of
 The Clarion Ledger Building

May 1
People's Law School
 7:00-9:00 p.m. Community Room of
 The Clarion Ledger Building

May 3
Evening Honoring the Judiciary.
 6:30 p.m. Old Capitol Inn

May 8
People's Law School
 7:00-9:00 p.m. Community Room of
 The Clarion Ledger Building

May 15
People's Law School
 7:00-9:00 p.m. Community Room of
 The Clarion Ledger Building

May 24
HCBA/JYL Golf Tournament
 Noon. Annandale Golf Club

June 19
HCBA Membership Meeting
 Noon. Capital Club

The Secret of Life...

*The secret of love is in
 opening up your heart!
 It's okay to feel afraid
 But don't let that stand
 in your way*

*'Cause anyone knows that
 love is the only road
 And since we're only here
 for a while
 Might as well show some style
 Give us a smile*

*Isn't it a lovely ride
 Sliding down
 Gliding down
 Try not to try too hard
 It's just a lovely ride*

I think Mr. Taylor hit the nail on the head...the secret of life is enjoying the passage of time.

continued from page 1.

*Now the thing about time
 is that time
 Isn't really real
 It's just your point of view
 How does it feel for you*

*Einstein said he could never
 understand it all
 Planets spinning through space
 The smile upon your face
 Welcome to the human race*

*Some kind of lovely ride
 I'll be sliding down
 I'll be gliding down
 Try not to try too hard
 It's just a lovely ride*

*Now the secret of life is
 enjoying the passage of time.*

CLE Calendar of Events

April 17
Workers' Compensation Hearings in Mississippi.
 NBI. 715-835-7909

April 17
Writing and Revising Student Handbooks in MS.
 Lorman Business Center. 715-833-3940

April 18
How to Litigate Your First Civil Trial in MS.
 NBI. 715-835-7909

April 18
MS Construction Law.
 Lorman Business Center. 715-833-3940

April 25
The Probate Process from State to Finish in MS.
 NBI. 715-835-7909

May 3
Exploring Probate Issues in MS.
 Lorman Business Center. 715-833-3940

May 4
Malpractice Seminar with ANI,IR.
 MS Bar. 948-4471

May 15
MS Workers' Compensation.
 Lorman Business Center. 715-833-3940

May 16
**How to Effectively Use Mediation in
 Your Practice.** MS Bar. 948-4471

May 18
Taxation Section's Annual Tax Clinic.
 MS Bar. 948-4471

May 18
**8th Annual Family Law Section
 Hot Tips Seminar.** MS Bar. 948-4471

HCBA ELECTION RESULTS

Secretary-Treasurer
 Stuart G. Kruger

Director - Post 1
 La'Verne Edney

Director - Post 2
 Douglas E. Levanway

Congratulations to our new officer and directors!

Spring Social Held

A Spring Social was co-hosted by the Hinds County Bar Association, the Jackson Young Lawyers Association and the Magnolia Bar Association at Hal & Mal's Brewery on March 22. A thank you to American National Lawyers Reciprocal and Fox-Everett for their sponsorship of the event.



Rhonda Cooper, Tony Gaylor, Patricia Bennett, HCBA President-Elect, and Trey Bobinger



Katie Hester, Ruma Haque, HCBA Board Member, and Ben Piazza, Past HCBA President



Will Manuel, JYL Treasurer; Melissa Williams, JYL Executive Director; Tina Hill; Cheryn Netz; and Bin Williams



Bob Grenfell, HCBA President; and Judge Joe Lee

The Hinds County Bar Association and The Jackson Young Lawyers Association, Inc.

invite you to join us during law week for an

Evening Honoring the Judiciary

*on May 3, 2001 at Old Capitol Inn
 226 North State Street*

*Reception at 6:30 and Dinner at 7:30 p.m.
 Speaker: The Honorable Charles Clark*

Special Guests: Hinds, Madison and Rankin County State and Federal Judges

Highway Eats by the Road Lawyer

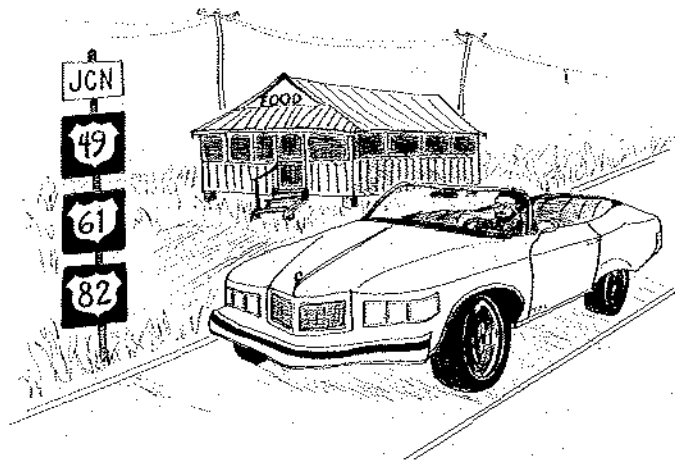
Not long ago, my wife and I were invited to a wedding brunch at the historic Dupree House in Raymond. Actually, it's out from Raymond, on a tract of land about five miles west of town. At the wedding party we had wine and bloody maries and nonalcoholic beverages on the veranda, overlooking the country scenery. Then we were served a beautiful buffet brunch featuring mounds of deliciously fried quail, melt-in-your-mouth biscuits with gravy, grits, and hot, spiced fruit. Desserts were homemade brownies and lemon bars. The 19th century ambience was warm and inviting as we ate at small tables around the wide dogtrot hall and screened porch.

I learned that Dr. H.T.T. Dupree moved on the land in 1877 and began to add onto an existing three-room structure to make a spacious, two-story Greek Revival/Italianate plantation dwelling. In the late 19th century, the property was a fine working plantation with a saw mill and grist mill. Dr. Dupree died in 1909, but his wife and daughter, Mamie, lived there until 1919. Then they moved to town and lived in a 1840's cottage next to the Raymond United Methodist Church. Mamie lived there until 1975, when she died at age 90.

In 1997, the current owners of the Dupree House, Charles and Brenda Davis, moved Mamie's cottage to the Dupree House site, and they have turned it into a bed and breakfast guest suite. The Dupree House itself is available for private luncheons and dinners, wedding receptions, rehearsal dinners, family reunions, and other parties and tours. Call 877/629-6051 for more information.

If you haven't been to Oxford in the last six months, you are in for some surprises when you do go. The sleepy little college burg is growing and changing. One change makes me a little sad. Remember Grundy's? It became Smitty's years ago, but you could hardly distinguish the difference other than the first five letters of the name.

Grundy's/Smitty's was a classic small-town emporium of greasy eggs and grits, where old men in overalls felt comfortable whiling away an hour or so each morning



with steaming mugs of coffee. No more. Now it's "The Blue's Deli" and has words like "Delicatessen" and "Coffeehouse" brightly lettered on sparkling glass windows.

I guess I'll go in the place and try it the next time I'm there, but I couldn't do it this trip. There's another new eatery about a block south of the Blue's Deli (south of Square Books) on South Lamar called Pearl Street Pasta. I can't figure the name except that I've eaten at a nice little café by that name in Natchez which is on Pearl Street there. The window says, "Food and Wine," and I've put it on my list.

Now I always start out a day in Oxford with a "bowl of soul" at the Bottletree Bakery. The selection of pastries is enough to get the thinking processes going early in the morning. I love the ham and Swiss croissant which they warm in a toaster oven (not a microwave). The Bottletree bakers have croissant making perfected to a true art, something the Broad Street Bakery in Jackson has yet to achieve. Perfect, tender layers of buttered crusty goodness.

There wasn't time for a leisurely sit-down lunch, so I went by B's Bar-B-Q at the Shell Food Mart on South Lamar just north of Highway 6. I passed up the delicious looking and homemade vegetable soup with hamburger meat cooked in it for a plate lunch. B's has good hickory-smoked barbeque, and I had some country-style ribs, baked beans, cole slaw, and sweet corn muffin for \$5.49. They had other tempting smoked meat selections - slabs of baby ribs, sliced brisket, chicken quarters, fat sausages, and pork steaks. I didn't see marinated quail or Cornish

game hen, but those items are on the menu they gave me. These folks like to do tailgate trays, by the way. Call 662/236-7090 or visit the website, 222.bsbbq.com.

My favorite new dinner place in Oxford is at the intersection of two alleyways a block south of the Square. Actually the alleys have names: South 11th Street, which is one-way north up to Van Buren Street, and Harrison Avenue. This restaurant, called the Two

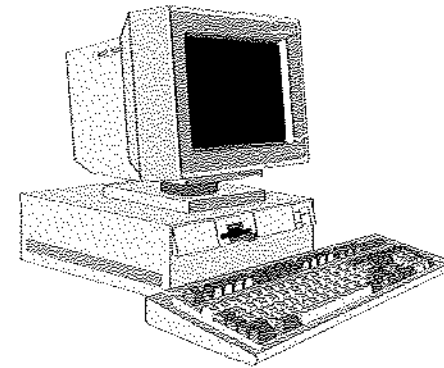
Stick, is in the back of the old brick Lyric Theater Building that faces Van Buren Street, and across from the old Elliott Lumber Company building. As I recall, the Lyric was the lesser of the two theaters in old Oxford. The fancier place, the Ritz, also on Van Buren, is now a condominium. The front of the Lyric has various businesses in it and the Oxford branch of the Markow, Walker, Reeves law firm upstairs.

Someone told me the name of the restaurant comes from an old saying about the Lyric Theater, "If you're going to the Lyric, take two sticks, one to prop up the seat and one to beat off the rats." I don't believe that. I think the name refers to chop sticks, as the restaurant has a primarily Japanese menu. There is an impressive sushi list, miso soup, my favorite appetizer - edomame (salted, steamed green soybeans in the shell), hot or cold sake, and other Japanese selections. I had a delicious entree of grilled seafood and sweet peppers on Japanese soba or buckwheat noodles. There are also American items such as soup of the day, mixed green salad, and grilled fish.

The food at the Two Stick was excellent. It was a little more expensive than Little Tokyo in Jackson but as well presented. The decor of the restaurant is awful. Only in a college town can you get away with such a hodge podge of so-called decorative items thrown together without taste or recognizable artistic scheme. But the place was packed, and the primarily young crowd seemed oblivious to anything but each other and the good food.

Have a good suggestion for us? E-mail me in care of the webmaster@hindsbar.com.

On Computing by Joel Howell



The next development in the Microsoft operating system world is the introduction, perhaps later this year, of Windows XP (short for Windows Experience). At the same time, the office applications suite, which is customized to the operating system, will be introduced as Office XP. Those of you interested in operating system architecture are doubtless aware that the earliest flavors of Windows to the present for personal users have been based upon and overlaid over DOS. Windows XP is not built from the ground up, but rather is based on Windows 2000 code without a separate DOS. However, you still may, for legacy applications, be able to boot to a "DOS" prompt. XP will have a new interface called Luna that is purported

to be cleaner. It also makes shutdown easier and facilitates multiple users sharing one machine. One feature in the beta test, which hopefully will not be released with the final product, is the Windows Products Activation scheme. It will require you to contact Microsoft via the Internet or telephone in order to get a code that enables Windows XP and keys it to a specific machine. For more details on the basis of the Windows 2000 kernel and the new operating system, which is undoubtedly designed to compete with the Apple Macintosh, take a look at the Windows XP website. Windows XP should be a great deal faster, especially for media related tasks such as displaying photos. In addition, Windows XP will be to Windows media player what Windows 98 was to Internet Explorer. The media player has been dramatically improved and integrated into the operating system. Remote support is built into Windows XP, enabling trouble-shooters to log on to machines over a network or to the Internet and fix problems. While this looks like a consumer operating

system, there will be two versions: one for home users and a professional edition for offices. All in all, it looks like interesting times are ahead. The product will go through at least one, if not two, more beta versions before general distribution to the public.

★ ★ ★ ★ ★

If you're even so much as a casual entrant into the bankruptcy arena, there is much more information available for free, ranging from the very simple to the very complex. The current issue of *Law Technology News* provides a number of interesting sites to visit. The full text of the U.S. Bankruptcy Code can be found in hypertext at Cornell Law School's Legal Information Institute at www4.law.cornell.edu/uscode/11. There is also an overview section with a general introduction to bankruptcy law and related Internet resources at www.law.cornell.edu/topics/bankruptcy.htm. The Administrative Office of the U.S. Courts offers a complete set of bankruptcy forms at

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2001 People's Law School

The HCBA People's Law School Committee, chaired by Leyser Morris-Hayes, is finalizing its plans for the 2001 People's Law School. This is the eleventh year for this program, a public service project of the bar. Co-sponsoring is *The Clarion-Ledger*.

The 7:00 to 9:00 p.m. sessions will be on four Tuesday nights: April 24, May 1, May 8, and May 15. The classes will again be held in The Community Room of *The Clarion-Ledger* Building, 302 S. Congress Street, in Jackson. The cost is \$5 for one evening and \$15 for all four.

The People's Law School is designed to answer everyday legal questions, and the HCBA thanks all of the volunteer speakers. The topics and presenters include:

April 24 -

Family Law/Domestic Relations

Honorable Patricia Wise and Debra Allen

Small Claims/Municipal Court

Honorable John Shirley and Honorable Gail Lowery; and

The Criminal Justice System Joe N. Tatum

May 1 -

Cleaning up your Credit

Pat Frascogna and Jim Powell;

Bankruptcy Thandi Wade; and

Employment Law Marcie M. Fyke.

May 8 -

Tax Planning & Advice Kurt Rademacher;

Wills & Estates Paige Purvis; and

How to Get Free Legal Services Phyllis Thornton.

May 15 -

Vulnerable Adults Donna Hodges;

Elder Law Cliff Johnson; and

Americans with Disabilities Act Pshon Barrett.

Serving on the People's Law School committee are: Felicia Adams, LaVerne Edney, Melissa Patterson, Vangela M. Wade, John C. Henegan, Peter L. Doran, Cammie Wyatt and David Maron.

GOLF OUTING JUST FOR LAWYERS

(All Lawyers and Judges in Hinds, Rankin & Madison Counties are eligible.)

9th Annual



**HINDS COUNTY BAR ASSOCIATION and
JACKSON YOUNG LAWYERS**

**GOLF
TOURNAMENT**

Thursday, May 24, 2001

Shotgun Tee Off: 1:30 p.m.

Hamburger/Chicken Buffet 12:00 noon

Annandale Golf Course (Soft Spikes Required)

All proceeds from the tournament will go to the
MISSISSIPPI VOLUNTEER LAWYERS PROJECT

4 Person Scramble*

Limit 116 Persons

COST ONLY \$125 Per Player includes Lunch and Post-Tournament Cocktail Party

**REGISTRATION FORM
DEADLINE, MAY 7, 2001**

Name _____ Your Handicap _____

Address _____ Team Members _____ Handicap _____

Phone _____

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

Send registration and checks payable to: Hinds County Bar Association, c/o Debra Allen, 812 N. President Street, Jackson, MS 39202. For more information call, Debra at 353-0001.

Oral Arguments at the Mississippi Supreme Court to be Broadcast on the Internet

On March 6, technicians began installing cameras and other equipment to allow live Internet broadcasts of oral arguments before the Mississippi Supreme Court. Michael Jones, information systems director for the state court system, said the broadcasts are to begin during the first week of April.

"This is a first," Jones said. No other state agency in Mississippi makes its proceedings available for viewing live on the Internet. Broadcast media will also have access to video connections in the lobby outside the third floor courtroom in the Gartin Justice Building. Five separate portals will allow broadcast media to capture the video recorded by two cameras inside the courtroom.

A wide angle camera will be trained on the nine members of the Court, and a second will record attorneys at the podium. The cameras are voice-activated, but can be controlled manually by a bailiff. The system also

includes capability for video conferencing from a remote location. That portion of the system will be developed later.

Supreme Court Chief Justice Edwin Pittman said the Internet availability of oral arguments will benefit the general public as well as lawyers and judges. "They can watch and hear and know what happens at the Supreme Court," Pittman said.

Pittman said cameras on Supreme Court oral arguments will be educational and will promote accountability. "We have to assure the people of this state that the judicial system is fair to every man, woman or child that has a need in this court," Pittman explained. "We want the public to know what we do and how we do it. It's the right thing to do and it's timely and we can do it."

The Internet broadcast will be live. While the Court may allow rebroadcast at specific times yet to be determined, the material will not be archived for

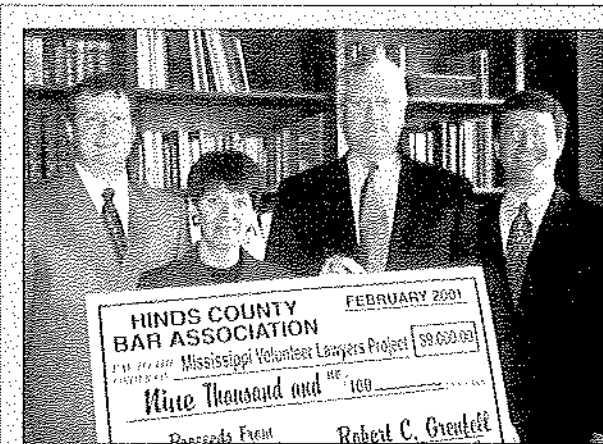
later retrieval via Internet access.

The project will cost \$55,610. Jefferson Audio and Video of Louisville, Ky., is the contractor. The company, which has a long history of designing and installing courtroom video systems, was selected from four bidders for the project.

Internet access will be available on the Supreme Court web site at www.msstate.ms.us. Further details about the video equipment and its installation are available on the web site. Click on the "NEWS" icon then go to "Request for Proposal, Courtroom Audio/Video."

Cameras in the courtroom are limited to the Supreme Court. The state's trial courts operate under Canon 3 of the Mississippi Code of Judicial Conduct, which prohibits cameras in the courtroom.

For more information, contact Beverly Pettigrew Kraft, public information officer for the state court system, at 601-354-7452.



Golf Tournament Proceeds Presented

At the February membership Meeting, the Hinds County Bar Association presented Phyllis Thornton, Executive Director of the Mississippi Volunteer Lawyers Project, with a check for \$9,000, 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 Ms. Thornton are (from left) Kenny Griffis, Golf Tournament Committee Member; Robert Grenfell, HCBA President; and Stuart Kruger, Golf Tournament Committee Member and HCBA Board Member.



Technology in the Courtroom

Judge James E. Graves, Jr., Hinds County Circuit Court, recently hosted a "Technology in the Courtroom" CLE seminar sponsored by the Hinds County Bar Association. The seminar, which featured the latest multimedia and presentation capabilities available in Judge Graves' courtroom, enabled trial lawyers to learn to use state-of-the-art equipment to make high tech electronic courtroom presentations. Seminar participants learned the cutting-edge, easy-to-use technology and were allowed to experiment and practice with the custom-built system.

Seminar instructors included Staci O'Neal, an associate with Armstrong, Allen; Stephanie Sills Lee, Law Clerk to Judge Graves; and Judge Graves.

Mississippi Court of Appeals

by Kevin L. Humphreys

In the wake of last fall's elections, we thought now might be a good time to take a closer look at the members of our Mississippi Court of Appeals, which features two members who've been on the court for a year or less. By contrast, six of the ten members have been on the court since it was created in 1995. Under each judge's name, we list the Congressional district they represent and the year they joined the Court of Appeals.

Chief Judge Roger H. McMillin, Jr. (1995) First Congressional District

Judge Roger H. McMillin, a native of New Albany, graduated from New Albany High School in 1963. He completed his undergraduate studies at Mississippi State University where he received a B.A. degree in 1967. Following a stint in the military, he enrolled in the Memphis State University Law School under the G. I. Bill. Judge McMillin received his J.D. from Memphis State in 1972. Judge McMillin eventually returned to New Albany and entered private practice. He became a member of the firm of Summers, Carter and McMillin in 1983. He served as City Attorney for New Albany from 1982 through 1994.

Judge McMillin served as Bar Commissioner for the Third Circuit District from 1986 to 1989. He has twice been President of the Union County Development Association, and in 1990, was named Industrial Development Volunteer Laureate by the Governor. He has been President of the New Albany Rotary Club, chairman of fund drives for his local Boy Scouts and Cancer Society, and served a term as President of the Union County Library Board. Chief Justice Prather of the Mississippi Supreme Court appointed Judge McMillin Chief Judge on February 17, 1999, to serve until January 5, 2003. He is a former Elder and Congregational Chairman of the Cleveland Street Presbyterian Church.

Judge McMillin is married to the former Frankie Robbins of New Albany. They have five children and three grandchildren.

Judge Leslie D. King (1995) Second Congressional District

Judge Leslie D. King is a native of Greenville, where he began practicing law in 1973. He graduated from the University of Mississippi in 1970, and from the Texas Southern University School of Law in 1973.

Prior to his election to the Court of Appeals, Judge King served in the Mississippi House of Representatives continuously beginning in 1980. During his tenure, he was named vice-chairman of the Ways and Means Committee (1988-1991) and vice-chairman of the Conservation and Water Resources Committee (since 1992). Other committees on which Judge King served include: Judiciary, Insurance, Environmental Protection Council, Housing Finance Oversight, and Universities and Colleges. He was also chairman of the Mississippi Black Legislative Caucus in 1988. Judge King has been Youth Court Counselor for Washington County, Public Defender, Youth Court Prosecutor, and Municipal Court Judge for the Town of Metcalfe. Judge King and his wife, the former Patricia Smith of Greenville, have two daughters. They attend the St. Matthew African Methodist Episcopal Church in Greenville.

Judge Leslie H. Southwick (1995) Fourth Congressional District

Judge Leslie H. Southwick is a Texas native who has resided in Mississippi since 1976. He graduated cum laude with a B.A. degree from Rice University in 1972, and earned a J.D. from the University of Texas in 1975. Following his law school graduation, Judge Southwick clerked for the Presiding Judge of the Texas Court of Criminal Appeals and for Judge Charles Clark of the U. S. Fifth Circuit Court of Appeals. He was an associate in the Jackson law firm of Brunini, Grantham, Grower and Hewes from 1977 to 1983, and a partner from 1983 to 1989. From 1985-86, he was a member of the Governor's Constitution Study Commission.

Judge Southwick pursued government service in 1989 when he became a Deputy Assistant Attorney General for the U. S. Department of Justice (Civil Division). He has also been an adjunct professor of law at Mississippi College. He is a member of the Charles Clark Chapter, American Inns of Court.

Judge Southwick has written several legal and historical articles that have been published in the Mississippi Law Journal, the Mississippi College Law Review, the Wall Street Journal, and various historical journals. He is the author of *Presidential Also-Rans and Running Mates*, which won an American Library Association "Best Reference Work of the Year" award in 1985. A second edition is being published in 1997.

Judge Southwick is married to the former Sharon Polasek, and they have two children, Philip and Cathy. The Southwicks are members of St. Richards's Catholic Church in Jackson.

Judge Mary Libby Payne (1995) Third Congressional District

Prior to her election, Judge Mary Libby Payne was a Professor of Law and a former Dean of the Mississippi College School of Law. She had been associated with the school since 1975. Judge Payne did her undergraduate work at Mississippi University for Women and the University of Mississippi where she graduated with distinction with a B.A. in Political Science. She earned a J.D. from the University of Mississippi School of Law where she graduated first in her class.

Judge Payne was involved in private practice in Jackson and Brandon before entering public service. She served all three branches of state government. She was a legislative draftsman, the Executive Director of the Mississippi Judiciary Commission, and an Assistant Attorney General.

In 1987, MUW bestowed its Alumnae Achievement Award upon Judge Payne. In 1988, she received life membership in the Fellows of the American Bar Foundation (membership in which is limited to 1/3 of 1% of all lawyers). In 1989, Judge Payne was named "Woman of the Year" by the Mississippi Association for Women in Higher Education, and in 1990, MUW gave her its highest award, the Medallion of Excellence.

Judge Payne is married to Bobby R. Payne, and they are the parents of two grown sons. They are active in the McLaurin Heights Baptist Church in Pearl. The Paynes often lead seminars on Time and Stress Management and the Problems and Delights of Dual Career Marriages.

Judge Billy G. Bridges (1995) Third Congressional District

Judge Billy G. Bridges of Brandon practiced law in Rankin County for thirty three years. He graduated from Pearl High School in 1952. He then attended Hinds Community College before going to the University of Mississippi where he earned a BBA degree in 1958. Judge Bridges pursued his study of law at the University of Mississippi School of Law and was awarded an LL.B degree in 1961 and a J.D. in 1968.

Judge Bridges has served in a wide range of legal positions including Board Attorney for the towns of Florence and Pelahatchie, the Rankin Medical Center, and the Rankin County School Board. He has also been Rankin County Prosecuting Attorney, District Attorney for the 20th Circuit District, and Chancellor for the Twentieth Chancery Court District. Judge Bridges served as Chief Judge of the Court of Appeals from January 31, 1997, until February 17, 1999.

Judge Bridges has held membership in a number of prestigious legal organizations including: Who's Who of American Judges, Conference of Mississippi Trial Judges, American College of Trial Judges, Mississippi Bar Foundation, Mississippi Municipal Attorneys Association, American Society of Hospital Board Associations, Mississippi Hospital Board Attorneys, and the Mississippi Continuing Judicial Education Committee.

Judge Bridges is married and has four children. He is a member of Crossgates Baptist Church in Brandon and is affiliated with Gideons International.

Presiding Judge James E. Thomas (1995) Fifth Congressional District

Presiding Judge James E. Thomas was born in Columbia but grew up in Gulfport, where he graduated from high school in 1968. Judge Thomas did his undergraduate work at the University of Southern Mississippi where he earned a B. S. in History and Political Science in 1971. He then entered the University of Mississippi School of Law where he earned a J.D. in 1973.

Following graduation from law school, Judge Thomas returned home to Gulfport where, after a brief period of private practice, he was named Assistant District Attorney for the Second Circuit District (Harrison, Hancock, and Stone Counties). He served in that capacity from 1974 to 1982, and was sworn in as Circuit Court Judge in January, 1983.

Judge Thomas has been a guest lecturer at William Carey College and at the Mississippi Highway Patrol Training Academy. He is a past chairman of the Circuit Judges' Conference of Mississippi. His professional memberships include the American Bar Association; Mississippi State Bar; American Judges Association; and Board of Governors, Mississippi Judicial College. Judge Thomas is a past member of the Mississippi Judicial Performance Commission.

Judge Thomas resides in Biloxi and is the father of two children.

Judge L. Joseph Lee (1999) Fourth Congressional District

Larry Joseph (Joe) Lee was born in 1945. After graduating from Lumberton High School, he attended the University of

Southern Mississippi and earned his bachelor's degree from William Carey College. He received his Juris Doctorate from the Jackson School of Law. Judge Lee has been in private law practice since 1973. He was owner and operator of Baldwin-Lee Funeral Homes in Jackson for twenty years. Judge Lee was also an adjunct professor at William, Carey College.

He belongs to the Mississippi Bar Association, the Texas Bar Association, the American Bar Association and the Mississippi Trial Lawyers Association. He is a member of the Mississippi Funeral Directors Association. Lee was elected to the Court of Appeals in November 1998 to begin serving January 1 1999 for a term ending 2003. He has two children, Joey and Jud.

Judge Tyree Irving (1999) Second Congressional District, Place 1

Judge Irving was born on July 12, 1946, in Greenwood, Leflore County, Mississippi. However, he grew up on a plantation in southern Leflore County. From a small boy, he worked in the fields plowing, chopping and picking cotton until 1964, when he graduated first in his class, of more than a hundred, from Amanda Elzy High School.

In 1968, he graduated from Jackson State College and taught for four years in the public schools of the Mississippi Delta before going to law school. In 1974, he graduated from the University of Mississippi School of Law. In 1975, he became the first African American attorney to clerk for the Mississippi Supreme Court when he was hired as a law clerk to the late Chief Justice Robert G. Gillespie.

In 1976, he served as an Earl Warren Fellow intern with the NAACP Legal Defense and Educational Fund in New York, New York. In 1978, he became the first African-American to serve as an assistant United States Attorney in Mississippi since reconstruction when he was hired as an assistant United States Attorney for the Northern District of Mississippi. In 1988, he became the first African-American attorney to serve as board attorney for a county when he was hired by the Board of Supervisors of Humphreys County.

Prior to being elected to the Mississippi Court of Appeals, Judge Irving was in a general, solo practice in Greenwood. His public clients included: Leflore County School District, city of Ita Bena, Housing Authority of Greenwood, Mississippi, Inc., cities of Shaw, Jonestown, Sledge and the Shaw School District. Additionally, Judge Irving has served as attorney for the city of Mound Bayou (founded by ex-slaves and one of the oldest black towns in the United States), the Mound Bayou School District, and the town of Winstonville.

Judge Irving is a past president and treasurer of the Magnolia Bar Association. He is a member of the Mississippi Bar Association, Magnolia Bar Association, Leflore County Bar Association, the NAACP, and Alpha Phi Alpha Fraternity, Inc. He is a former member of the American Trial Lawyers Association and the Council of School Board Attorneys. He is a Methodist and member of Wesley United Methodist Church in Greenwood.

Judge Irving is married to the former Ethola Garrett Collins, and they have six children.

continued on page 10

Mississippi Court of Appeals *continued from page 9*

**Judge William H. "Bill" Myers (2000)
Fifth Congressional District**

Judge Myers graduated from Murrah High School, Jackson, Mississippi, in 1960. He graduated from Mississippi State University and received a J. D. from the University of Mississippi School of Law. From 1964 to 1966 he served in the United States Army, where he received the Army Commendation Medal and was honorably discharged as a First Lieutenant.

For 23 years he practiced law in Pascagoula in association with Rex Gordon, Sr. Judge Myers has served as Chancellor for the Sixteenth Chancery Court District since 1992. He has served as Secretary, Vice-Chairman, and Chairman of the Chancery Judges Conference.

Judge Myers has served as a Board Member and President of the Mississippi Gulf Coast YMCA. He is a member of the American Legion and the Masons. Ocean Springs named him outstanding citizen in 1981. He is a fifth generation Mississippian. Judge Myers is married and the father of three children. He is a Methodist.

**Judge David A. Chandler (2001)
First Congressional District**

Judge Chandler, a native of Choctaw County, graduated from Weir High School in 1964. He attended Mississippi State University, where he earned his bachelors, master's and doctoral degrees in education. He spent twenty years in education, including almost ten years as a Research and Curriculum Specialist at Mississippi State University.

He attended law school at the University of Mississippi where he earned his Juris Doctorate. Following law school he began practicing law in Tupelo. In January 2000 his law firm opened a branch office in Ackerman. From January until December 2000, he represented the Board of Supervisors in Choctaw County. He also served as municipal judge for his hometown of Weir in 1999 and 2000.

Judge Chandler and his wife, Glenda, live in Ackerman where they attend the Enon Cumberland Presbyterian Church. He is the father of two children.

Sidebar

When the editorial board decided the time was right to profile the Court of Appeals, our editor John Land McDavid raised the notion of how the Court of Appeals would be affected if, as expected, Mississippi lost one of its five Congressional seats; each district has two representatives on the Court of Appeals. The Mississippi Code contained no answers for this intrepid reporter. Although Section 9-4-5 provides that each Congressional district shall have two representatives on the Court of Appeals, it makes no reference to what would happen if one of those districts ceased to exist.

Feeling certain that someone at the Court of Appeals must have anticipated this contingency, I contacted Judy Lacy, the Assistant Administrator of the Court of Appeals. She informed me that a bill is pending in the Mississippi legislature that would maintain existing Congressional districts as the basis for the Court's composition. According to Ms. Lacy, Court personnel are hopeful that the bill will pass the Legislature in the near future.



Seated, from left to right, are President Judge Leslie H. Southwick, Chief Justice Roger H. McMillan, Jr., and President Judge Leslie D. King. Standing from left to right are Judge William H. Myers, Judge Tyree Irving, Judge James E. Thomas, Judge Mary Libby Payne, Judge Billy G. Bridges, Judge L. Joseph Lee, and Judge David A. Chandler

On Computing *continued from page 5*

www.uscourts.gov/bankform. These forms are in Adobe Acrobat format and can be downloaded or viewed online. It also provides Bankruptcy Basics at www.uscourts.gov/bankbasics.pdf, a 72-page pamphlet published in June 2000 by the Bankruptcy Judges Division. A good starting point for bankruptcy research is The Bankruptcy Lawfinder at www.agin.com/lawfind. Another excellent site is that of The American Bankruptcy Institute at www.abi-world.org, which claims that it is the "premier site for bankruptcy information on the Web."

If you do extensive amounts of bankruptcy work, the site at the U.S. Trustee Program, www.usdoj.gov/ust, contains information about the U.S. trustee program, and the federal bankruptcy system. It also has substantive handbooks and reference materials for cases under Chapter 7, 12, and 13.

Another resource site is www.bankruptcydata.com, which provides information on all publicly traded companies with total assets of \$10 million that have filed for bankruptcy, defaulted on public debt, or proposed a distressed-exchange offer since 1986. Also take a look at the

Internet Bankruptcy Library, bankrupt.com, which offers both original materials and links to a number of other online sites. While there are fee-based services available as well, the foregoing should give you more than enough information for either an overview of the law or provide a springboard for a far more detailed analysis. Development continues on our web site, hindsbar.com, and the last couple of newsletters are now available online. Hopefully the newsreader will be up by the time you read this. Questions or comments? Send email to webmaster@hindsbar.com.

HCBA Committee Preference Survey

Committees are vital to the programs and activities of the HCBA. Committee effectiveness depends on the selection of interested, experienced, and capable members. Bar committee work is an excellent way to do your part in promoting the profession. Committees meet regularly and a free lunch is provided. Please assist us by completing the questionnaire and returning it by May 1, 2001.

Patricia W. Bennett
President-Elect

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

- | | |
|---|--|
| <input type="checkbox"/> Beach & Bar Relations | <input type="checkbox"/> People's Law School |
| <input type="checkbox"/> Black Lawyer Involvement | <input type="checkbox"/> Program |
| <input type="checkbox"/> Budget & Finance | <input type="checkbox"/> Small Firm Practice |
| <input type="checkbox"/> Continuing Legal Education | <input type="checkbox"/> Women in the Profession |
| <input type="checkbox"/> Golf Tournament | <input type="checkbox"/> Suggested New Committees: |
| <input type="checkbox"/> Law Related Education | _____ |
| <input type="checkbox"/> Membership | _____ |
| <input type="checkbox"/> Newsletter Editorial Board | |

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

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

Name _____

Firm/Agency _____

Address _____

City _____ State _____ Zip _____

Telephone (Business) _____ Residence _____

Email Address _____

Mail to: Patricia Evans, HCBA Executive Director, 151 E. Griffith Street, Jackson, MS 30201, or Email: pevans@mc.edu

Let's Run it like a Bidness: a Plan to Cure Mississippi's Woes

by Captain Equity

I don't know about you, but I sure miss ole Kirk Fordice. While his eight years on Capitol Street couldn't exactly be described as Kudzu Camelot, he did have many admirable traits that were overlooked, especially by me. Looking back, I think the two most endearing were his sense of personal responsibility and his fearlessness. I mean, would Captain Kirk let a prison trustee walk his black lab? Not on your life. The governor wouldn't hesitate to grab a leash and head for the mansion door when it came to taking care of his four-legged buddy. And what about his security detail on those early morning High Street walks? Are you kidding? Our governor didn't need a Highway Patrol trail car or sharp shooting snipers perched atop Wendy's. It was just the Chief Executive packing heat down by the fair grounds, daring the criminal element to mess with him and his dog. Love him or hate him, you always knew where Governor Fordice stood.

Given Mississippi's problems with budget and image issues - not to mention its bloated system of higher education, the Ayers debacle, and well, you name it - I am reminded of the former Governor's plain spoken approach to solving the government's problems. "Let's Run It Like a Bidness," he was always fond of saying. Well, I think that is exactly how we can extricate the state from its current spate of problems.

A Businessman's Plan for Solving Mississippi's Woes

When a business is in financial trouble, what are the two obvious steps that are always taken? No, the answer is not to appoint a commission and hold a press conference. You sell assets and cut expenses. To wit, the legislature and the governor should consider the following:

Partner with the Corporate World to Change the Name of the State

Let's face it, with all this flag flap, not to mention the public relations disaster that has been a thirty year outgrowth of the Civil Rights Movement, the name Mississippi is really not doing us a lot of good. Combine this with the trend in business to sell naming rights of everything from stadiums to bowl games and you have a sure fire, revenue raising, win-win scenario. Instead of Mississippi "The Magnolia State" we could be Microsoft "The Computer State" or maybe Archers Daniel Midland "The Supermarket to the

World" state. The export heavy, agribusiness tie-in here would be a natural. Hey, what image problem?

Assign Naming Rights to the Mississippi River to Louisiana

Since Mississippi is out, we ought to maximize the opportunity by also selling naming rights to North America's most famous river. Unfortunately, most of the obvious candidates already have a river named after them: Tennessee, Missouri, Arkansas and even Illinois are already set. I suppose a deal could be struck whereby a Big and Little Tennessee or Missouri River could be created but... a better idea is to simply assign the rights to Louisiana. The state sure needs a river. In consideration, maybe we could get the New Orleans Saints, St. Francisville and exclusive rights to the Tabasco trademark and formula. Throw in some French Quarter condos and offshore drilling rights and things are looking pretty sweet.

Sell the Mississippi Delta to Nevada

Let's face it; the only thing rich about the Delta is the land. Sure, cotton and catfish are fine, but the state needs hard cash. The natural fit here is Nevada, America's fastest growing state. There is plenty of gambling money, but almost no good land to grow things. As a result, Nevada plays second fiddle to its arch-rival, California. You just know that the "Silver State" would like to become known as the "Artichoke or Broccoli State." Well, here is a way to do it. As a bonus, since gaming is already legal in Nevada, Tunica, Luda and Vicksburg's casinos would be a seamless fit. And best of all, since Delta State and Mississippi Valley State would go with the deal, we will have found an effective way of reducing the higher education budget deficit.

Auction Northeast Mississippi off to Alabama and Tennessee on E-Bay

This one is made in heaven. Not only do we get a truckload of cash and other good and valuable consideration, we also further downsize our bloated system of higher education by off loading Ole Miss and Mississippi State. In addition to higher education savings, we are finally rid of a continuing source of Rebel vs. Bulldog enmity between a substantial segment of our people. Come to think of it, we are also rid of a substantial segment of our people, period! This means fewer license tags with Colonel Rebel and Bully will have to be manufac-

ured, not to mention savings for everything from road construction and maintenance to fewer legislators. The per diem savings alone from January to April in Jackson could be staggering.

Go After Pro Sports Franchises

Everybody knows that a pro sports franchise is the key to becoming a big league player in the economic development sweepstakes. All we have to do is get the legislature to slightly alter the name of Bay Saint Louis to Green Bay - Saint Louis. By doing this, we can convince the Green Bay Packers and the Saint Louis Cardinals to move their franchises to Hancock County without the inconvenience of changing their team names. And as a bonus, the newly acquired New Orleans Saints from the Louisiana River deal will have a place to play for the cost of a 55-gallon drum of white out to reduce the team nickname from plural to singular.

Merge Law and Equity Courts

Follow the lead of 46 other states and reduce the judiciary by 50% overnight. And this savings doesn't even factor in the salaries of those former state judges who will now be ruling on motions and issuing injunctions for Nevada, Alabama or Tennessee by virtue of the Delta and Northeast Mississippi deals.

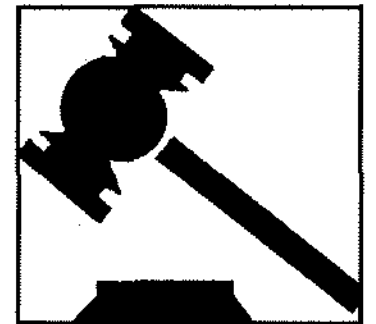
Hey, Governor Musgrove and all you worry warts over in the Legislature, what were you saying about budget deficits and shortfalls? And this is just for openers. What do you think Kansas would pay for some Ship Island beachfront land? Don't you think those shrimp and oyster starved people in Idaho and Kentucky might like some Back Bay Biloxi action? And for the real visionaries out there, don't you know we could lease some heat and humidity to those frozen souls up in Ontario, Canada. I bet they wouldn't even complain about the mosquitoes. So see, it really doesn't take a genius to finally maximize the state's resources while ridding it of its nagging image problems once and forever. Would bidnessman, turned politician, turned elder statesman Kirk Fordice be proud or what?

[Editor's Note: Captain Equity is an opinion column. It expresses the viewpoints of Captain Equity, which are not necessarily those of the Hind County Bar Association, its officers and directors or its editorial board.]

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Book Notes

by Notie Joiner

Food writers and others have made much in recent years of "comfort food." Originally used, I believe, to describe Kraft's macaroni and cheese, the phrase refers to food fed to children by their mothers in those glorious days long ago before anyone cared much about cholesterol, fat grams, or trans fatty acids. Think roast beef, mashed potatoes with gravy, peach cobbler made with lots of butter and sugar and a homemade crust made with lard. The theory is that when people are sick or lonely or depressed or things just aren't going too well, they can sit down with the food of their childhood and be comforted. I think this is true.

I also think that there are "comfort books" which have the same effect. One can turn to these books in times of stress, with even better, longer lasting results, not to mention fewer calories.

Comfort books, however, in my opinion, need not be limited to books read during childhood. While my personal number one choice for a comfort book (other than the Bible, which for me and many others is unbeatable in this category) is in fact a children's book, I think books first read during adulthood can also serve. The main requirements, I think, are that the book present a setting in which one can feel safe, that it not require too much analytical thinking, and that a satisfactory if not happy ending is assured. While the Hundred Acre Wood may be thought to contain

hazards such as heffalumps, the reader knows there are no real dragons there!

I've asked a number of people for their suggestions for comfort books, and while most agree that there are such books, I've been surprised at what some find comforting. Many of the choices are obvious, particularly the children's books: *Winnie the Pooh*, *The House at Pooh Corner*, *The Wind in the Willows*, the Hardy Boys series. Many people still have their Hardy Boys and Nancy Drew books. Series books, or genre books by certain authors, are good comfort books, as one knows generally what to expect even if a particular book hasn't been read before.

I like to read the Patrick O'Brian historical novels about Captain Jack Aubrey and Dr. Stephen Maturin; they are so well written that they truly do transport the reader away from his troubles to a different time and place, in this case to a British navy ship in the eighteenth century. There are many mystery authors with series featuring continuing characters which can be read with a high level of security. While not every book ends with the heroes in safe harbor, with these as with most other successful series, just because it is a series, you know they will survive.

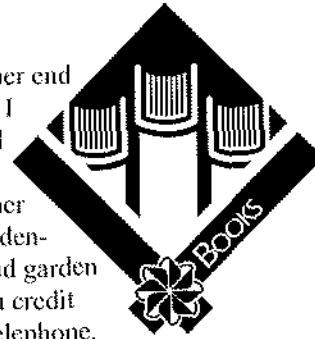
One friend said he reads Shelby Foote's Civil War series whenever he's stressed; it's hard for me to understand finding it comforting to read about war, but apparently he does.

At the other end of the range, I have a friend who, when ill, takes to her bed with gardening books and garden catalogues, a credit card and a telephone. She says she can spend hours looking at one catalogue.

One or two people I questioned were surprised at the question because, they said, they never read a book twice and can't understand why anyone would do such a thing. I can't understand why anyone wouldn't. What is the difference between liking music and buying a CD, so you can listen to it not just once more but multiple times, and rereading a book you like? It takes more time to read a book, they said, and when you're reading that's all you can do, and besides, you already know what's in it. Of course you do, I said, that's why you're reading it again.

I couldn't convert them but I still think it's a shame to read a great book only once. Perhaps it's just me, but with some books, I don't even realize what I've read until the second or even third time around.

In any event, a book may not produce the instant gratification that you get from chocolate fudge, but the next time you're feeling down, pick up an old favorite together with the chocolate fudge and see what the combination does for you.



William Wright Attends ABA Leadership Institute

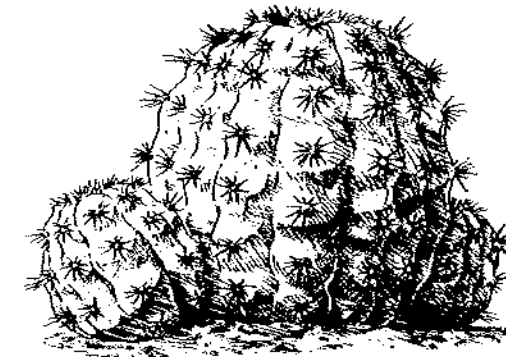
Joining some 250 other emerging leaders of lawyer organizations from across the country at the American Bar Association's Leadership Institute, March 15-17, 2001, was William Wright, Secretary-Treasurer of the Hinds County Bar Association.

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 communication techniques.



Ouch!

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EXAMS

Friday, April 27 through Wednesday, May 9

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

**END OF EXAMS UNTIL SUMMER
REGULAR HOURS BEGIN**

| | |
|-----------------------------------|----------------|
| Thursday, May 10 | 7:30 am-6:00pm |
| Friday, May 11 | 7:30am-6:00pm |
| Saturday & Sunday, May 12 & 13 | CLOSED |

Monday, May 14 through Sunday, May 27

| | |
|-------------------|---------------|
| Monday-Friday | 7:30am-6:00pm |
| Saturday & Sunday | CLOSED |



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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 Membership Meeting
12:00 Noon, April 17**



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

AUGUST 2001



President's Column by Patricia W. Bennett

Membership and Member Services

In May 2001, at the end of our budget year, HCBA had 1332 members. It is time to renew your membership, and we are hoping to increase membership to exceed the number for last year. The board has met with Meta Swain, chairperson of the Membership Committee, and we are working hard to increase membership and consider what additional services we can provide to members. You can expect more programs and services this year. We are considering a CLE Program and participation in a Judicial Symposium. So, don't forget to renew your membership. Membership allows participation in professional activities and social mixers.

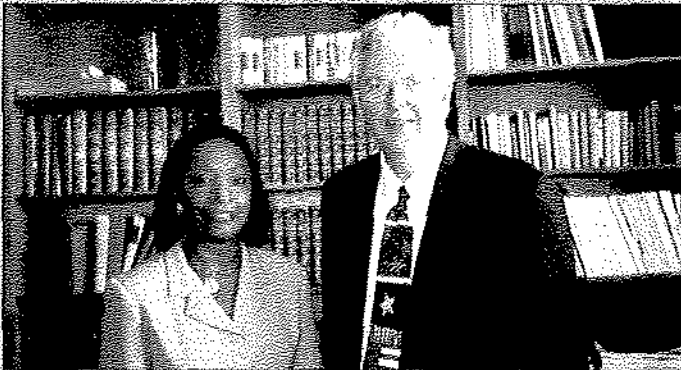
I have appointed the chairpersons of the committees. The chairpersons are in the process of selecting members. If there is a committee that you would like to work on, please contact the chairperson or me. The chairpersons are as follows: African American Lawyer Participation, Tony Gaylor; Bench and Bar Committee, David Kaufman; Budget Committee, Anthony Simon; Golf Tournament Committee, Keith Obert; Law Related Education, Deanne Mosley; Membership, Meta Swain; Newsletter/Editorial Board, Linda Thompson; Professionalism Award, Robert Grenfell;

Small Firm Practice, Carlton Reeves; and Women in the Profession, Lindia Robinson.

The annual Hinds County Bar Association Golf Tournament was a big success. The tournament was at Amundale in May and the weather was ideal. We had a record number of golfers. I especially appreciate the number of women and African American golfers that we had to make this a more diverse event. This was an opportunity for us to mix socially and we all had a good time. This being our major fund-raising event, I thank the co-chairmen of the Golf Tournament Committee, Jody Varner and Keith Obert and their entire committee and the Executive Director of HCBA, Pat Evans, for all the planning and hard work that they provided to make the event a success. We will again be able to make a sizable contribution to Mississippi Volunteer Lawyer's Project. We thank our sponsors for the many and varied contributions.

We will have a one-hour Ethics CLE on August 21 at our Membership Luncheon. Professor Jeffrey Jackson will be the speaker. He is a wonderful speaker and the resource materials will be superb. You don't want to miss this. I hope to see you there.

June Membership Meeting



The Honorable Eric Clark, Mississippi Secretary of State, was the speaker at the Hinds County Bar Association's Membership Meeting in June. Clark was welcomed by Patricia W. Bennett, Hinds County Bar Association President.

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HCBA LUNCHEON MEETING

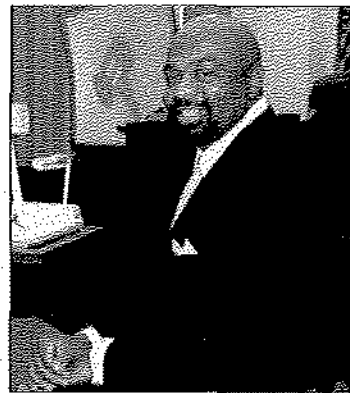
Tuesday, August 21, 2001 Capital Club 11:45 a.m. \$20.00 For CLE (Ethics Hour) & Lunch
No Advance Registration CLE Program Presented by Professor Jeffrey J. Jackson

HCBA Calendar of Events

- August 21, 2001*
HCBA Membership Meeting & One Hour CLE Ethics. Noon. Capital Club
- October 16, 2001*
HCBA Membership Meeting. Noon. Capital Club
- November 8, 2001*
Wine & Cheese Social. 5:30-7:00 p.m.
 The Mississippi Bar Center
- December 6, 2001*
HCBA Christmas Social. 5:30-7:00 p.m.
 The Mississippi Bar Center
- February 19, 2002*
HCBA Membership Meeting. Noon. Capital Club
- April 16, 2002*
HCBA Membership Meeting. Noon. Capital Club
- May 9, 2002*
HCBA/JYL Evening Honoring the Judiciary. 6:30 p.m. Old Capitol Inn

Judge Graves Honored at National Conference

Hinds County Circuit Court Judge James E. Graves, Jr., was recently selected to receive the Commissioner's Award at the 13th National Conference on Child Abuse and Neglect held in Albuquerque, New Mexico. This award is given by the Commissioner of the U. S. Department of Health and Human Services for outstanding contributions in the field of child abuse and neglect. One recipient is chosen from each of the 50 states and territories.



Governor Ronnie Musgrove nominated Judge Graves for this prestigious award because of his commitment to helping children. Judge Graves regularly hosts student groups and youth classes at the Hinds County Courthouse, where he provides instruction about the legal system. He has given speeches and seminars and served as a mentor to children throughout Mississippi, and for more than ten years he has coached high school mock trial teams.

CLE Calendar of Events

- August 17*
Ins & Outs of the UCC in MS.
 Lorman Business Center. 715-833-3959
- August 22*
Integrating Retirement Plans Into Estate Planning.
 Lorman Business Center. 715-833-3959
- August 24*
Re-Imagine the Law Through Change & Balance.
 MS Bar. 601-956-1644
- August 24*
Individuals & Corporate Income & Franchise Tax.
 Lorman Business Center. 715-833-3959
- August 31*
Collection & Enforcement of Judgements.
 UM-CLE. 662-915-7292
- September 5*
The Basics of Cross Examination in MS.
 NBI. 715-835-7909
- September 12*
The Complete Trust Workshop.
 PESI. 800-826-7155
- September 18*
Annual Ethics Seminar. MS Bar. 948-601-948-4471
- September 25*
Insurance Coverage Laws in MS.
 NBI. 715-835-7909
- October 2*
Commercial Lending in MS. NBI. 715-835-7909
- October 25*
Joint Seminar of the MDLA & The MS Claims Assn.
 MS Defense Lawyers Assn. 601-992-2645
- October 26*
DUI. UM-CLE. 601-915-7282

In recognition of his ongoing efforts to support youth initiatives, Judge Graves was recognized as "Champion Adopter" for his mentoring in Lake Elementary School's "Boys for a Brighter Tomorrow" Program. For more than a decade, Judge Graves has given generously of his time to Jackson Public Schools as a parent, mentor, and resource speaker. He was recently selected from among nominations at 58 schools as Jackson Public Schools "Parent of the Year" for 2000-2001.

Judge Graves has dedicated his legal career to the philosophy of fairness and equal justice under the law. He has been recognized by numerous organizations for his commitment to the principal of "equal justice for all." Before his appointment to the Circuit Court, Judge Graves served as Director of Child Support Enforcement for the Mississippi Department of Human Services.

2001 HCBA/JYL GOLF TOURNAMENT

The Hinds County Bar Association and the Jackson Young Lawyers sponsored their 9th Annual Golf Tournament on May 24 at Annandale Golf Club. The event was chaired by Jody Varner. Serving as committee members were: Debra Allen, Harris Collier, Bob Grenfell, Kenny Griffis, Stuart Kruger, Ken Miller, Keith Obert, Ben Piazza, John Proctor, Paul Miller and Pat Bennett.



Stacey Wall with Pinnacle Trust (left) and Jody Varner, Tournament Chairman



Debbie Allen, Committee Member (left), and Jana Howell with Sprint



Phyllis Thornton, Executive Director of the Mississippi Volunteer Lawyers Project; Harris Collier and Ben Piazza, Committee Members and Past HCBA Presidents; Tina Gim with Trustmark; and Paul Miller, Committee Member



From left, Jody Varner, John Proctor and Paul Miller, Committee Members



From left, Debbie Allen and Ken Miller, Committee Members; Stuart Kruger, Committee Member and HCBA Secretary-Treasurer; Alahna Toigo with ANLIR



Pat Evans, HCBA Executive Director, and Pat Bennett, HCBA President

Highway Eats by the Road Lawyer

If you happen to be at one of those law firms in the Highland Village area at Northside Drive, I-55, and Old Canton Road in the middle of the day, then you are in my idea of hog heaven for lunch choices. The eats in that neighborhood just get better and better. Even if you have to drive to get there, the food purveyors are giving one another stiff competition, all to the detriment of my waistline.

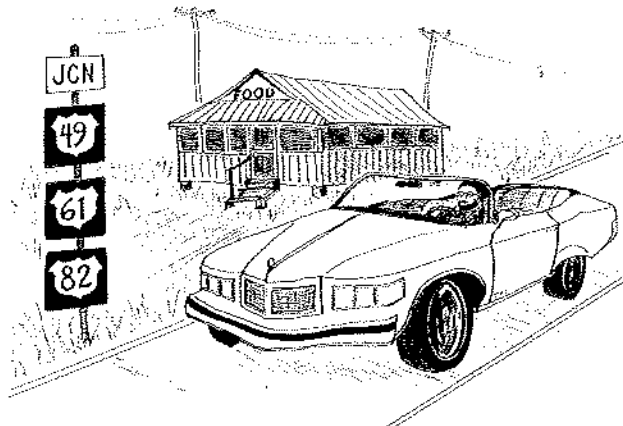
Bravo has been a cool place to have lunch for years. No one else in town can duplicate that pork tenderloin sandwich with caramelized onions on focaccia. Or the Caesar's salad, especially when they plop a few grilled shrimp on top, or any of the pizzas or pastas. It's a very civilized place to go for fine food -- and fine wine, if you so desire, as well -- and it's open every day for lunch, seven days a week.

As you know by now, good bread is the staff of my life, and Bravo and their sister establishment, the Broad Street Baking Company and Café are unsurpassed in that category. Broad Street is on the other side of I-55 and is more geared to quick meals and take-out than its sophisticated relative. I always order either the Cobb salad (with smoked turkey, applewood smoked bacon, avocado, and blue cheese) or the smoked chicken B.L.T. (also with applewood smoked bacon). The smoked chicken is not sliced off something shaped like a football and wrapped in cellophane - it's genuine chicken pulled off smokey bones. Each of these items is big enough to feed two hungry folks. The dinner plates at Broad Street look like the platters in my kitchen at home. Broad Street is also open for lunch seven days a week.

There's serious competition, though, at the New Deli Grill that opened several months ago in the former "Olde Tyme Deli" spot at the corner of Highland Village nearest the main Northside Drive traffic light. Charles Hyneman, whom you may remember as the chef/owner of Walker's Drive-Inn in its heyday of Redfish Anna, has reinvented the Deli. There's only one way to get in now -- at what used to be the back and the bakery area, in other words, through the Promenade.

Serious renovation has altered the appearance of the deli, although a few remnants of the old interior structure are integrated into the rather witty, contemporary design of the new place. It's all open inside, not chopped up into small rooms like in Irv and Judy's time, and there are windows out in the wall where the cheese and beer cooler used to be. There's a lunch counter with bar stools where the old deli cases once were.

But, enough about interior design. The



food is delicious. You'll recognize some of Irv's old specialties. Remember the Peak, the Belhaven, the Tiger, the Bulldog Blitz sandwiches? You can get them again - bigger and better and with a zestier Thousand Island dressing. Seafood gumbo and split pea soup are still regulars on the menu, and the batter bread looks just the same. I looked for the pickle barrel but didn't see it.

I couldn't wait to sink my teeth into my old Olde Tyme favorite, the Capital City Sandwich, which is a cross between a salad and a turkey, ham, and Swiss sandwich, and it was better than ever with good fresh lettuce. The deli slices were of a very good quality, too, not that fat-free, taste-free stuff you get many places. And, like the Broad Street, the quantity of food filled a platter and was enough for two meals. There are shelves of tempting sweets like eclairs and caramel cake and cinnamon buns, too, ready for take out if you can't hold another bite at the Grill.

The rest of the menu is new and innovative. I recommend the Maytag Burger, so named for the Maytag blue cheese stuffed into the meat patty. Does the term "Dagwood" mean anything to you when applied to a sandwich? I saw folks all over the dining room trying in vain to open their mouths wide enough for the sandwiches. The New Deli Grill is also open for lunch seven days a week.

Scrooge's is still around - up on the hill with the Rogue and Harold's - although it's changed hands a few times since Bill Latham opened it quite a number of years ago. The decor has stayed essentially the same, and the menu has the old mainstays on it, like the Scrooge's burger and red beans and rice. It's the only place in town I know I can find fried chicken livers with horseradish sauce. That's what I want served at my funeral wake. When I die and folks ask what from, just say, "Scrooge's fried chicken livers and horseradish sauce."

They also have the best Come Back dressing in town and always have - it's that

touch of horseradish in it. Now, if they'd just start buying some nutritious variety of lettuce instead of white iceberg. Scrooge's upstairs is open for lunch each weekday, and they have a blue plate special each day. Downstairs is good for Saturday lunch.

Speaking of Bill Latham, I hear he's redoing the old Shoney's at Highland Village. So, stay tuned for another addition to this culinary corner.

Across in Maywood Mart there are more food offerings. Jim Hudson's Bon Ami has become a very popular place to meet for lunch,

and they're open midday Monday through Saturday. There are numerous unusual salads. My favorite is one with a sauteed crab cake and caper mayonnaise over spinach and mixed greens tossed in lemon vinaigrette. I also recommend the grilled tuna club sandwich, and nobody does vegetable lasagna better than Jim. Or cookies and brownies that melt in your mouth.

Bon Ami has a pleasant, arty, European feel to it. There are even tables outdoors on the sidewalk surrounded by huge potted plants.

If the little woman has put you on a diet or if you find the summer too hot for a large meal, then drop into We Love Yogurt, also in Maywood Mart, not far from BeBop Records on the side. They serve deli sandwiches Monday through Friday, including a veggie burger, as well as a variety of refreshing frozen yogurt smoothies made with fresh fruit or even Slim Fast shakes if you can imagine such a thing. Actually, I'm a late afternoon devotee of the waffle cones filled with frozen yogurt, and I've enjoyed getting to know the charming lady whose family has three We Love Yogurt locations in Jackson. The other two, in Woodland Hills shopping center (next to the Paper Place) and on Highway 51 in Ridgeland, also have healthful middle eastern salads and soups to choose from at lunch.

The proprietor, Ferial Awabdy, tells me that she was born an Arab in Nazareth in the Holy Land. She and her husband Isaac have been in Jackson and in the food business since 1985. You can meet everyone in the family at We Love Yogurt. Ferial's son and daughter and sister Loranza Sahwani, all work there. Ferial makes the Middle Eastern specialties like lentil soup and tabouli and hummus that draw in the health conscious folks who want something tasty at lunch.

Let me hear your suggestions for places in Jackson or on the road. The more remote the better - I've been stuck in the metropolitan area for a while. Contact me in care of the webmaster@hindsbar.com.

Judge Payne Steps Down From the Court of Appeals

Court of Appeals Judge Mary Libby Payne brought an end to her career as a full-time lawyer on July 31, 2001, when she stepped down from an eight-year term on the Mississippi Court of Appeals.

Judge Payne entered the practice of law in 1955, when she graduated "first in her class" at the Ole Miss Law School. Her plan was to practice law with her father Reese Bickerstaff in Gulfport, but his untimely death put an end to that. She describes that time in her early career this way:

"My Daddy was a great role model, both as a beloved lawyer who spent his career helping people and as a statesman devoting himself to public service as a five-term legislator. When he died, less than a year after I graduated from law school, the only lawyer on earth who was willing to have me practice law with him was gone."

She and her husband Bobby R. Payne decided to make their home in the capital city area. After closing out the offices of Bickerstaff and Bickerstaff, she went to work at the Jackson law firm of Henley, Jones, and Henley.

In 1963, as a young mother, she opened a solo practice in Brandon and worked during the session for the Mississippi Legislature. That led to her appointment as the Executive Director of the Mississippi Judiciary Commission, the organization created to study the state's judicial system in 1968-70.

When a full-time bill drafting office was established by the legislature in 1970, she took over as Chief of Drafting and Research for the House of Representatives. In 1972, she was

appointed Assistant Attorney General in the State and Local Government Division.

Mississippi College prevailed on her in 1975 to become the first dean of its newly acquired law school. She moved to full-time teaching 1978. Her major course assignments included Ethics, Judicial Administration, Real Estate Transactions, Local Government, and Legislation.

She prevailed in a hard-fought election to become one of the original members of the newly formed Mississippi Court of Appeals in 1994. When her four-year term ended, she was reelected to an eight-year term without opposition.

Throughout her career, Judge Payne has been active in the Mississippi Bar, the Mississippi Association of Women Lawyers (founding member), and local bar organizations. She has served on the national board of the Christian Legal Society. She is a member of the Mississippi Bar Foundation and the American Bar Foundation.

In making his State of the Judiciary Address to the Mississippi Bar Annual Meeting last month, Court of Appeals Chief Judge Roger H. McMillin, Jr. had these words to say about her decision to step down from the bench:

"She has rendered dedicated service to the Court and has been a delightful colleague. She has those attributes that make a good appellate judge - a firm conviction in her core beliefs but a sense of consideration for the contrary views of her colleagues on the Court that permits us to seek compromise when compromise is appropriate and to disagree without personal rancor when a consensus cannot be reached. She will

be missed on the Court, and we wish her the best."

On July 24, 2001, Judge Payne's retirement ceremony was held in the Old Supreme Court Chamber of the New Capitol. A stellar group of speakers honored her and her career. In responding to those words of praise, she had this to say:

"I have always considered being a lawyer a high and holy calling.

"A few days ago as I was going through the yellow pages trying to find the phone number of one of my graduates, I saw something I had not noticed before. In the yellow pages, one finds attorneys between astrologers and auctioneers.

"An astrologer tells you something about yourself that you already know and it excites you so that you take the advice that follows and pay the advisor.

"An auctioneer sells off all your belongings and you pay regardless of the fact that the price at which he sells them may have no true relationship to the value they possess.

"An attorney, on the other hand, listens to your problem, applies the knowledge of the law and the wisdom gained from experience and helps you fashion a solution you can live with -- many times never getting paid at all.

"I often told my students that I believe that a lawyer operating within the rule of law is the only thing that keeps us from anarchy in the streets. I am proud to be a lawyer. I hope the legal profession and my world is better for my having served as one."

Professor Jackson To Present CLE Program at Membership Luncheon

Jeffrey Jackson is the Owen Cooper Professor of Law at Mississippi College School of Law, where he teaches Civil Procedure, Professional Responsibility and Ethics, Conflict of Laws, and Insurance. Professor Jackson earned his undergraduate degree from Haverford College. He received his law degree, *magna cum laude*, from the University of Pittsburgh School of Law, where he served on the Law Review.

Before joining the law faculty at Mississippi College, Professor Jackson was in private practice with a West Virginia law firm. Professor Jackson served as the Tom C. Clark Judicial Fellow at the Administrative Office of United States Courts and later as Senior Research Analyst for the Long Range Planning Office of that agency from 1991 until 1993.

He is a former Consultant for the United States Judicial

Conference Committee on Long Range Planning, former Reporter for the Mississippi Supreme Court Advisory Subcommittee on Appellate Rules, and former editor/author of *Mississippi Rules Annotated*.

In addition to law review articles and a monograph on federal judicial planning, Professor Jackson's publications include *Mississippi Civil Procedure* (West Group). His forthcoming works include *Mississippi Insurance Law & Practice* (MLI Press, 2001) and *Encyclopedia of Mississippi Law* (West Group, Editor with Mary Miller, 2001).



Family Values and Leadership: Do as I Say, Not as I Do

by Captain Equity

Seems like you can always count on summer for that juicy little news item that reconfirms what you probably suspected all the while about high profile, self-proclaimed "leaders" who excel at making high-sounding pronouncements aimed at helping others become more enlightened beings. These "leaders" always seem to share two traits that should be dead giveaways: they are always deadly earnest about both themselves and their message, in that order.

Of course, it isn't long before we are treated to that predictable summer tidbit that has them tumbling back down to earth among us mere mortals. Were the only consequence of these ongoing disappointments the public spectacle of a lesson in humility learned the hard way, I'd never let the television remote out of my sight from early June to late August. But unfortunately, these little bouts with hubris have wider consequences. In a word, the collective level of cynicism grows a little more with each new revelation. After a steady diet of "do as I say, not as I do," served up over the span of several decades, people start to paint every public official and community leader with the same indiscriminate brush. Once that happens, society and its institutions suffer, not to mention those individuals who happen to be caught in the path of the latest indiscretion or failure by the "leader" du jour.

On the national stage thus far in 2001, we have been treated to revelations concerning former President Clinton's conduct in "Pardogate and Office Spacegate" which follow on the heels of "Monicagate" and "Kitchen Sink et al. gate." We also learned about one of the former president's spiritual advisors, the Rev. Jesse Jackson and his involvement in "Daddygate."

And, of course, we have the usual assorted investigations, ethics probes, and, for the first time in memory, a missing person's report involving a blow dried, philandering, California Congressman. You would think, however, that living in Mississippi would give us a measure of immunity from the endless scandals and repeated tales of arrogance and excess by those charged with a fiduciary obligation of enlightened leadership for the collective good. Well, think again!

I refer to last month's twin headlines: "Mississippi's First Couple to Divorce", and "MUW President Clyda Rent Resigns to Return to the Classroom." At first glance, neither of these summer news items could stand up to revelations of then Governor Fordice's extracurricular Paris fling with a former sweetheart. After all, neither Governor Musgrove nor President Rent threatened to whip anybody's a--- over reporting the respective stories. However, a

closer look at these two summer headlines reveals a troubling pattern.

If you accept the implicit proposition that media reports of any given news item carry at least some level of unintended distortion or fail to provide the full story or both, then it follows that there is more here than is being told. In the case of the Governor, he has been plagued by months of rumors as to his marital status and the reasons therefore. Who knows the real story? But at the very least, having been elected in the wake of the Fordice scandal and in light of the usual "family values" spiel that is always featured prominently in every gubernatorial campaign as well as in succeeding speeches and pronouncements, it seems like, to quote Yogi Berra, "Déjà vu all over again."

It recalls not only Fordice, but also the recent domestic riff between Ray and Julie Mabus with a headline-making postscript allegedly involving a well-known local clergyman. It also conjures up the never proven charges of male prostitution that crippled Governor Bill Allain's administration before it ever began and the mysterious raptured appendix/possible shooting of Governor Finch aboard the state plane, allegedly at the hands of his wife.

In fact, in the last quarter century, only Governor William Winter has totally avoided the stain of damaging allegations both in and out of office. Given that people are human and things happen, there is still a cloud generated by these stories that casts a shadow over public confidence. Notwithstanding that some or all of these allegations may ultimately be proven untrue, the public trust is nevertheless damaged whenever such charges are made. At the very least, they underscore the need for a return of the old standard of years gone by of avoiding even the hint of impropriety when high elected office is involved.

But, to be sure, Mississippi governors haven't cornered the market when it comes to arrogance and excess. The seemingly matter-of-fact announcement of President Rent's resignation was tendered, according to accounts in *The Clarion-Ledger*, after a "seven and one-half hour meeting of the College Board." The "return to the classroom" occurred in an ongoing atmosphere of tension and rancor at MUW that resulted in an overwhelming no-confidence vote by the faculty a couple of years ago, which the College Board then saw fit to roundly ignore. The euphemism here is "difficult management style." The translation is arrogance combined with contempt for anyone who is in a subordinate position. Just ask the MUW faculty, or better yet, review the turnover rate at the Columbus campus

over the past few years.

Of course, Dr. Rent is far from alone. It seems as if "difficult management style" or worse seems to plague other college presidents who are seemingly accountable to no one but himself or herself, notwithstanding Boards of Trustees charged with oversight responsibility that never seem to be around when solid matter hits the fan. Early this spring, Mississippi College's Dr. Howell Todd "retired" at the ripe old age of 57 after severe financial problems at the Baptist College he characterized in a faculty meeting as being "unknowable." This is in spite of a record \$93-million-dollar fundraising campaign by the college. The one thing that was knowable was the fact that loyal MC employees lost their jobs and a two-year moratorium on salary increases has been imposed.

This sad state of affairs came on the heels of Dr. Lewis Nobles' high profile embezzlement case that resulted in millions of dollars in donations being illegally appropriated by the former President for less than "Christian" purposes. Ironically, Dr. Nobles has just been released from federal prison at the very time the President's job is open at MC. It recalls that old line about Nixon being tanned, rested, and ready in 1968 to bounce back from successive election losses for President and California Governor. Had we only known what would transpire four years hence. As with so many other bouts with unaccountability, we had to find out the hard way. The Presidency and the country have never been quite the same since.

Fortunately, not every public official or college president is painted with the same disappointing brush. Governor Winter's integrity and leadership has been matched over the years by most who serve Mississippi's system of public and private higher education. These individuals have been and are leaders in the best sense of the term. They have heeded the fiduciary obligation of enlightened leadership for the greater good, and in so doing, they serve as an antidote for the insidious spread of cynicism throughout society.

Nonetheless, there exists too much intrigue for the Captain here in the dog days of August. If the cause of all of this is summertime, then I can't wait for October. But if it is merely one more repetition of hubris at the highest levels, then maybe this will be a reminder worth noting for those of us out there who are or will be called to leadership.

[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.]

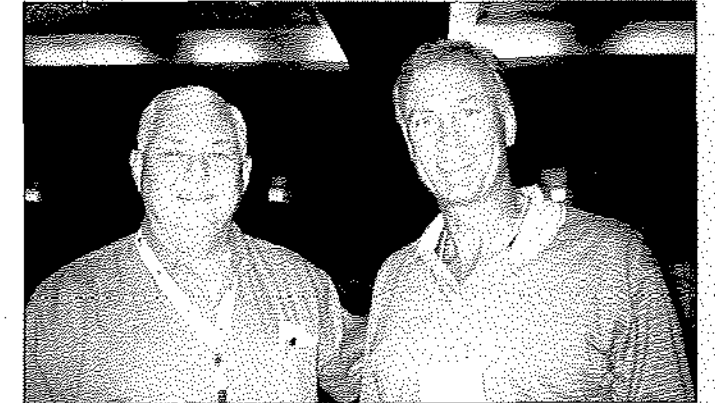


HCBA Members Enjoy the Mississippi Bar Association Annual Meeting in Sandestin

Rubel L. Phillips (50-year Lawyer) and Camille Evans



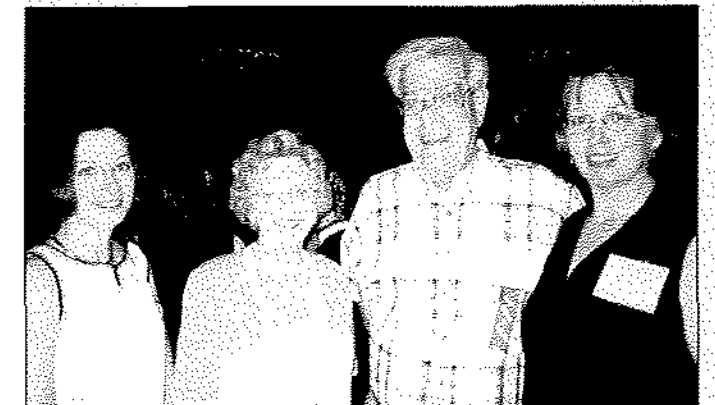
Dick Bennett, Immediate Past President of the Mississippi Bar, and Jerri Bennett



Joe Lotterhos (left) and Marcus Wilson, former HCBA President



Melinda Mullins Jackson, Jeff Jackson, and La'Verne Edney, HCBA Board member



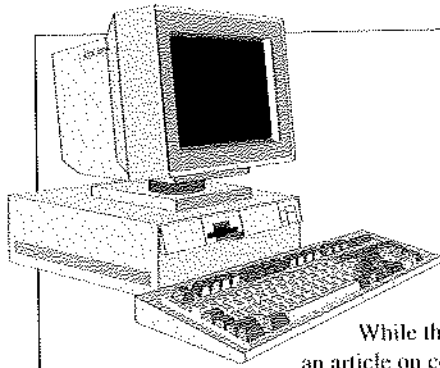
Pamela Prather, Lenore Prather, Steve Kirchmayr, and Kathy Kirchmayr



Kim and Sam Kelly



Randy Patterson and La'Verne Edney, HCBA Board member



While this is an article on computing, it is also interesting from a factual standpoint to see how legal developments in general affect computing, and, in this instance, what the Microsoft litigation now means.

The litigation against Microsoft began in May of 1998 with a filing by the Justice Department and 19 states of antitrust charges. After 76 days of trial, U.S. District Judge Thomas Jackson ruled in April of 2000 that Microsoft violated two sections of the Sherman Antitrust Act and, about a month thereafter, ruled that Microsoft would be broken in two and restricted the company's business conduct. Both rulings were stayed pending appeal.

Microsoft then appealed to the U.S. Court of Appeals for the District of Columbia, which was heard before a full panel. Of the seven members, four were appointed by Republican presidents and three by Democrats.

The primary issues involved whether Microsoft used anti competitive acts, such as illegally maintaining a monopoly on its operating system, whether it attempted to extend the monopoly through the browser market, and whether tying in Internet Explorer to the Windows operating systems was legally impermissible. The remedy in the case was also at issue.

While widely touted as a victory for Microsoft because the attempted monopoly claims were reversed, the panel did affirm most of the monopoly maintenance claim. All, including the breakup remedy, were remanded to the District Court for reconsideration.

On Computing by Joel Howell

The D.C. Circuit also found that Judge Jackson was not impartial and ordered that the case be assigned to another judge.

While there are prospects for settlement, it seems likely that this litigation will continue for some time.

Competition for broadband access is increasing across the board.

Earthlink is now offering satellite access around the country in conjunction with DirectPC. While the monthly charges are competitive with commercial cable modem and telephone DSL services, the one-time hardware and installation costs are considerably more daunting. Such services are generally said to be more reliable and on a par with broadband delivery levels of other providers.

Another interesting option is a wireless network, provided by Air2Lan in Jackson. These provide broadband access and allow you to use wireless devices to surf at broadband speeds in your office without hardware connections. Installation cost varies depending on the length of the service contract and monthly charges are somewhere between pricing for satellite and telephone/cable modem connections.

While Microsoft continues about its business, Windows XP is entering final testing. It will apparently contain code which will require providing a serial number directly to Microsoft to remain activated, essentially locking it to the installed PC. The final code should be available by September and most OEM's will be pre-loading it on new PC's around that time.

There will be two versions: Home and Professional. Basic features will include the latest edition of Internet Explorer, 6.0,

Windows Media Player, Windows Messenger, and an integrated Internet firewall. The home version will be the first to be built from the ground up, rather than based on older operating systems, and will be an upgrade to Windows 95, 98 and ME, while the Professional version replaces Windows NT and 2000. The recommended PC configuration includes a 233 MHz Pentium processor and 128 meg of RAM, but realism suggests at least a 600 MHz Pentium III processor would be better. In addition, if you are networking, more RAM should be provided; as cheap as memory is now, you should load the boat with at least 256 if not 512 plus add-ons for additional network usage.

The new OS will also include support for HailStorm, which will be used to provide connection and services to a wide range of devices including PC's, handhelds and cell phones. Incidentally, look for integration with cellular phones and net surfable handhelds within the next year or two.

Amazon has already started taking pre-release orders for Windows XP, with the consumer upgrade offered for \$100 upgrade or \$200 for the full version, somewhat more expensive than the street price for the upgrade to Windows ME or 98 when they were introduced. Amazon will sell the commercial upgrade for \$200.00 and the full commercial version for \$300.00.

Insofar as hardware is concerned, PC prices are falling rapidly, with particular aid from plummeting processor and memory prices. When Windows XP is released on new computers, ZDNet predicts fairly loaded Pentium IV models will sell for less than \$1,000.00 and very good notebooks from around \$1,200.00

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UM Law School Announces New Faculty Appointments

Law Dean **Sam Davis** at Ole Miss sends word down to Jackson that the Law School has brought five new faculty on board for the fall semester. The three women and two men bring strong credentials to an already outstanding faculty.

Assistant Professor **Lisa Roy** received the B.A. in Administrative Studies from the University of California, Riverside and the J.D. from the University of Southern California. Before coming to Ole Miss, she served as a judicial clerk for a United States District Court judge and was an associate for the last two years with Knapp, Marsh, Jones & Doran, a Los Angeles law firm.

Former adjunct professor and partner in the Tollison Law Firm, **Farish Perey** is entering full-time teaching as an assistant professor. She received her B.A. in Economics from the University of North Carolina at Chapel Hill and the J.D. degree from the University of Virginia. She served a judicial clerkship with the United States Court of Appeals for the Fifth Circuit, was an associate with Latham & Watkins in Washington, D.C. for a year, and for the past eight years has been with the Tollison Law Firm in Oxford.

Coming from a two-year stint as an attorney in the Civil Division of the United States Department of Justice is **Matthew Hall**. He received the A.B. in Government from Harvard University and the J.D. from the University of Kentucky. He served judicial clerkships with a United States

District Court judge and also the United States Court of Appeals for the Seventh Circuit. He, also, has the faculty rank of assistant professor.

The new Director of the National Center for Justice and the Rule of Law is **Thomas Clancy**. He received his B.A. from the University of Notre Dame and his J.D. degree from the Vermont Law School. He has served several years in solo practice in Washington, D.C., was an Assistant Attorney General for the State of Maryland in the Criminal Appeals Division, and for the last two years has been Chief of the Post-Conviction Unit of the State's Attorney's Office for Prince George's County, Maryland. In addition to his duties as director of the center, he serves as a visiting professor.

Professor **Joanne Gabrynowicz**, newly named Director of the National Remote Sensing and Space Law Center and Research Professor, received the B.A. in History and Literature from Hunter College of the City University of New York and the J.D. from Cardozo School of Law, Yeshiva University. She was an associate with Lester, Schwab, Katz & Dwyer in New York City, was managing attorney for Helfenstein & Matza also in New York City, and for the last 13 years has been with the John D. Odegard School of Aerospace Sciences at the University of North Dakota, achieving the rank of Professor in the Space Studies Department.

A Modest Proposal for Taxation

by John Land McDavid

I have never been able to find a home in a political party. The Democratic, Republican, Reform and Libertarian Parties engender no enthusiasm. My qualification for the Know Nothing Party is obvious, but it has gone the way of the Whig Party. I would look into the anarchist movement, but I can't find where they meet or who they are. They only appear in public wearing ski masks while burning cars outside world trade meetings.

The Democrats and Republicans have come up with a few good programs. For example: Social Security, the G.I. Bill and Medicare. They have also enacted some bad laws, such as: income tax, capital gains tax, death tax, gasoline tax, tobacco tax, windfall profits tax, payroll tax, telephone tax, airline ticket tax, import tax. I could go on.

We need a government that does not take your money. Your government should only give you money. If you think this is impossible or unheard of, please read on. In his book *For Good and Evil: The Impact of Taxes on the Course of Civilization* (Madison Books, 1994), Charles Adams presents an informal survey of the history of taxation. The book's premise is that nations, empires or kingdoms with reasonable tax policies become great and their citizens prosper. Those with oppressive taxes ultimately fail and their citizens suffer.

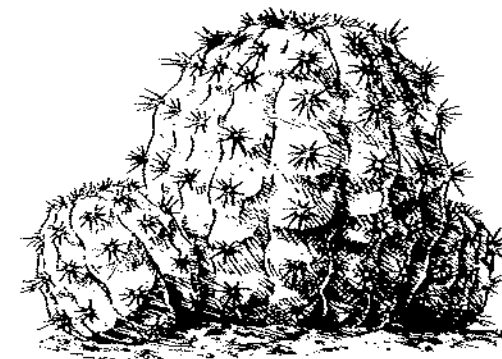
In a chapter on Islam, which came out of Arabia and the Middle East and moved across North Africa and into Europe,

the author states that "no religion, before or since, has spread so far, so fast." He attributes this to the tax policies of the Moslems. When the Moslems overran a country, they gave the conquered people a choice of paying a tax, which was less than the Roman tax, or converting to Islam. If you converted, you owed no tax, as Moslems did not tax themselves. They only taxed infidels. Adams states that in time a shortage of revenue developed because of a shortage of infidels.

A tax scheme for taxing others is not without historic precedent. The Vandals and Visigoths did not tax themselves. They taxed Rome. The technical name for this tax method is *tribute*. Another tax program which taxed others and was popular for centuries was *loot and pillage*. The Vikings and the Golden Horde were excellent tax collectors. Do you see where I am going with this?

The United States is the world's most powerful nation. Why should the world's only superpower tax its citizens when it could be taxing Estonia? If the aircraft carrier U.S.S. John C. Stennis appeared off the coast of Bangladesh, you know a fair and reasonable assessment would be paid in a minute. It makes no sense for the United States to tax its own citizens when there is a whole world out there to be taxed.

I, therefore, propose that the United States stop taxing its citizens. Tax someone else. It's the right thing to do.



Ouch!

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| Labor Day, Sept. 3 | 9:00 am - 5:00 pm |
| Nov. 21 | 7:30 am - noon |
| Thanksgiving, Nov. 22 & 23 | CLOSED |
| Dec. 20 & 21 | 7:30 am - 6:00 pm |
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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
11:45 a.m. August 21



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

DECEMBER 2001



President's Column by Patricia W. Bennett

Happy Holidays

We have had a good year as a bar association and are working on activities to continue our progress into the new year.

We are planning the Judicial Dinner in the spring and working on an essay contest for middle school students. The golf tournament will be May 24, 2002.

The Nominating Committee has met, and you will find the nominees for the positions of secretary-treasurer and directors listed in another section. I thank the nominees for their willingness to serve. We will send biographical information on the nominees in early February.

After the Judicial Selection Symposium presented by Mississippi College School of Law, the HCBA sponsored a wine and cheese reception. I thank the judges and members who attended and shared the evening with the symposium presenters.

Last year the HCBA sponsored a joint social with the Magnolia Bar. It was an opportunity for members of both bar associations to get to know each other better and share

common ideas and goals. It was a great success, and we decided to repeat the event this year.

Jointly sponsored by the HCBA, Magnolia Bar, and Jackson Young Lawyers, this year's Fall Social was held at Freelon's. It was well attended, the atmosphere was warm and relaxing, the food was good, and it was quite an enjoyable evening. I thank Justice Chuck McRae, Judges Patricia Wise and Houston Patton, and retired Judge William Coleman for sharing the evening with us. We had a large number of young lawyers in attendance. I encourage their continuous support of bar activities.

We will have had our Christmas party by the time you read this column. But I hope you took time out of your busy schedule to attend. The party is always a festive evening with delicious food. I thank Executive Director Pat Evans for the time and work she has given to make our many social events a success this year.

As I seek to have my spiritual boundary enlarged, I hope the spirit of Christmas flows from my heart to your heart and vice versa. I wish you the very best this holiday season.

October Membership Meeting



Speaking at the October HCBA Membership Meeting was Cham Trotter, President of the Mississippi Bar. He is pictured with Patricia W. Bennett, HCBA President.

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May there be peace on earth and good will toward all people.

Happy New Year!

HCBA Calendar of Events

February 19, 2002
HCBA Membership Meeting.
 Noon. Capital Club

April 16, 2002
HCBA Membership Meeting.
 Noon. Capital Club

May 9, 2002
HCBA/JYL Evening Honoring the Judiciary.
 6:30 p.m. Old Capitol Inn

May 23, 2002
HCBA/JYL Golf Tournament.
 Noon. Annandale Golf Club

June 18, 2002
HCBA Membership Meeting.
 Noon. Capital Club

HCBA Officer Candidates Announced

The Nominations Committee is pleased to announce the following HCBA members who have graciously agreed to run for office for the year 2002-2003.

The nominees for the three positions to be filled are:

| | |
|----------------------------|--------------------------------|
| Secretary-Treasurer | Ruma Haque Lynn Ladner |
| Director - Post 3 | John Henegan David Kaufman |
| Director - Post 4 | Rhonda Cooper Anthony Simon |

The Association's bylaws provide that any other member of the HCBA may be nominated by petition signed by not fewer than twenty HCBA 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.

PICTORIAL DIRECTORY UPDATE

The HCBA Pictorial Directory will be published in January 2002.

CLE Calendar of Events

January 8, 2002
Fundamentals of Real Estate Closings in MS.
 Lorman Business Center. 715-833-3940

January 8, 2002
Major Land Use Laws in MS. NBI. 800-930-6182

January 11, 2002
Medicaid, Medicare & Medical Assistance in MS.
 Lorman Business Center. 715-833-3940

January 15, 2002
ABA-What Employers Need to Know.
 MC School of Law. 925-7173

January 17, 2002
MS Wage & Hour Law Update.
 Lorman Business Center. 715-833-3940

January 24, 2002
The Thursday Thing: Business Organization Debtor/Creditor.
 UM-CLE. 662-915-7282

January 25, 2002
Administrative Law/Workers' Comp Sec 42 USC 1395. MS Bar. 800-682-6423

January 29, 2002
ABA-2002 Update: Health Care Fraud.
 MC School of Law. 312-988-6208

February 7, 2002
ALI-ABA-Tax-Advantaged Techniques for Financing Higher Ed.
 MC School of Law. 925-7173

February 8, 2002
14th Annual Worker's Compensation Practice & Procedure Seminar.
 MC School of Law. 925-7173

February 12, 2002
ABA-Employee Benefits Update.
 MC School of Law. 800-285-2221

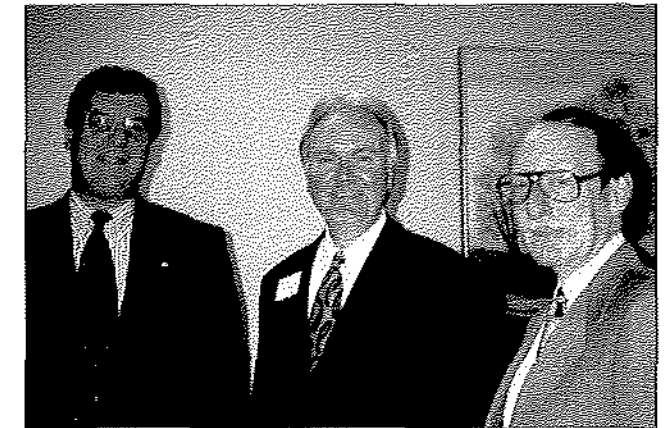
February 14, 2002
ALI-ABA Video Law Review-Annual Winter Estate Planning Practice Update.
 MC School of Law. 800-253-6397

Judicial Symposium Reception

The Hinds County Bar hosted a reception on November 8 after the Judicial Selection Symposium sponsored by the Mississippi College Law Review. Attending were members of the Judiciary, the HCBA and the MC Law Review, as well as Symposium presenters.



Patricia W. Bennett, HCBA President, and J. Larry Lee, MC Law School Interim Dean



Judge Kent McDaniel; Richard Roberts, Past HCBA President; Joel Howell, HCBA Editorial Board member



Mike Maloney, MC Law School Assistant Dean; Judge Leslie Southwick, Symposium presenter; Justin Smith, MC Law Review member; University of Pittsburgh School of Law Professor Arthur Hellman, Symposium presenter; Lynelle Williams, MC Law Review member



Adrienne Dupre, MC Law Review member; Ben Piazza, Past HCBA President; Ruma Haque, HCBA Board member

July Bar Exam Results

Bar Admissions Administrator Linda B. Knight has announced the statistics from the July 2001 Bar Examination. 208 candidates passed the examination, a pass rate of 91.2%.

A comparison with the previous four examinations reveals that this is a significant increase in the pass rate:

February 2001 – 80%

July 2000 – 83.1%

February 2000 – 70.5%

July 1999 – 78.1%

Of those taking the exam, seven were attorneys who were previously admitted in other states; six were successful (85.8%).

Analyzing the statistics on the basis of out-of-state candidates versus in-state candidates, the out-of-staters had a slightly higher pass rate. In-state candidates had a 90.8% (147 of 162) pass rate. Out-of-state candidates had a 91.6% (54 of 59) pass rate.

The passage rate for applicants who had previously failed the Mississippi Bar Examination on one or more occasions was 58.4%.

The Hinds County Bar welcomes the new Mississippi Bar members and wishes them well.

The Mississippi Bar Election Process Underway

The procedure for electing the president-elect of the Mississippi Bar allows every member to participate and ensures that presidents are selected from three geographical regions of the state on a rotating basis. The three geographical districts are North Mississippi, South Mississippi and Hinds County. Candidates are selected by the Nominating Committee of the Mississippi Bar, which committee consists of four immediate past presidents, two immediate Young Lawyer past presidents and six other members, two from each of the districts.

Mark A. Chinn and Richard C. Roberts III, both Hinds County Bar Association members and past presidents, have been nominated as president-elect candidates for the

2002-2003 term of office. Articles about each candidate appear elsewhere in this issue of this Newsletter.

Ballots will be mailed to all members during the first week in January 2002. The ballots must be returned to Bar headquarters by noon on Tuesday, January 22. On the same day, the Election Committee, a three-person standing committee appointed by the Bar President each year, will count the votes and certify the winner. Each candidate may have a representative at the count.

The winner of the election will become President-Elect on July 13, 2002, at the conclusion of the Bar's Annual Meeting. He will become President at the Annual Meeting in 2003.

Richard Roberts Candidate for Mississippi Bar President-Elect

Richard C. Roberts III, a member of the Hinds County Bar Association, has been selected as one of two candidates for President-Elect of the Mississippi Bar. Richard is a past President of the Hinds County Bar Association. He served as a member of the HCBA Board of Directors from 1990 until 1995. He has served as chairman of a number of HCBA committees, including the Long-Range Planning Committee and the Solo and Small Firm Practice Committee.



Richard C. Roberts, III

On the state and regional level, Richard has served as President of the Mississippi Chapter of the Federal Bar Association. He also served on the National Council and as Judicial Liaison for the Southern District of Mississippi. He is a past Attorney Delegate from the Southern District of Mississippi to the Fifth Circuit Judicial Conference.

Richard served a three-year term on the Board of Mississippi Bar Commissioners. He has served on and chaired numerous committees for the Mississippi Bar. He was the first chairman of the Bar's Solo and Small Firm Practitioners Task Force. He served two terms on the Bar's Long-Range Planning Committee. In recent years he has served on the Professionalism Committee, the Multi-Disciplinary Task Force, and currently, the Bench-Bar Liaison Committee.

He is past Chairman of the Family Law Section of the Mississippi Bar and served three years on the Executive Committee. He is also a member of the Labor and Employment Law Section and the Litigation and General Practice Section. He is a member of the National Lawyers Association, American Bar Association, and the Bar Association of the Fifth Federal Circuit. Richard is a Master of the Bench in the Charles Clark Chapter of the American Inns of Court.

Mark Chinn Candidate for Mississippi Bar President-Elect

Mark A. Chinn, a member of the Hinds County Bar Association, has been selected as one of two candidates for President-Elect of the Mississippi Bar. Mark was President of the Hinds County Bar in 1998-99.



Mark A. Chinn

The theme for Mark's year as HCBA President was "professionalism." As a part of his professionalism drive, Mark created the Hinds County Bar Professionalism Award, the first of which was presented at the May 1999 dinner for the judiciary.

Mark wrote several columns on the topic of professionalism and "how we treat each other." Each of the six membership luncheons was set aside for a speaker on professionalism.

Mark appointed Ben Piazza to chair a long-range planning and logo committee which came up with the logo that is now being used. Mark was able to procure the funds for creation of the technology courtroom requested by then Circuit Judge James Graves.

During his tenure as HCBA President, Mark started parenting classes in domestic cases in Madison County. Mark was the recipient in 1996 of the Award of Merit for distinguished service to the Bar and the public and was enrolled as a Fellow of the Mississippi Bar Foundation in 1997. Mark has been Chairman of the Family Law Section of The Mississippi Bar twice and is a member of the governing council of the Family Law Section of the American Bar Association.

His other work with the Mississippi Bar has included: Chairman of the Solo and Small Firm Practice Committee in 1995-96 and past service on the Ethics, Client Relations, Women in the Profession, and Fee Dispute Resolution Committees. Mark is the current Chairman of the Lamar Order and is a Master of the Bench in the Charles Clark Chapter of the American Inns of Court. He is Vice Chair of the Supreme Court's Gender Fairness Task Force and has been appointed by the Governor to the Children's Justice Task Force.

Jackson Put on High Alert for Suspected Late December Incident

by Captain Equity

As Vice President Cheney has said on several occasions since September 11, life in the United States will never be as it was before the terrorist attacks. And while he didn't mention Jackson and Mississippi specifically, there is mounting intelligence that the Capital City could be the target for an unspecified incident before the end of the year. Thanks to highly placed, albeit unidentified sources in the global intelligence community, here is what we know for sure.

Intelligence Profile

On November 23, the day after Thanksgiving, which coincidentally is the biggest shopping day of the year, (more on this disturbing connection later), Homeland Security Chief Tom Ridge along with Attorney General Ashcroft and CIA Director George Tenet received some disquieting information from highly placed intelligence operatives concerning a possible incident in Jackson, Mississippi, in late December. These multiple intelligence intercepts all seem to point to a shadowy foreign national, most probably of German origin, who heads a cell of fanatical followers believed to be operating several hundred kilometers north-west of Nord, Greenland, in the Arctic Circle region.

The man, who we will call Nicholas, wears a prominent beard and paramilitary uniform of red with white trim and a black field marshal's belt. He is known by a variety of aliases some of which have religious overtones. He is surrounded and protected by a fanatical band of followers who are characterized by incredible industriousness, short stature and beards. While the exact whereabouts of this cell is unknown, reliable reports indicate that the leader and his lieutenants are housed in a "toy factory." While there is nothing definitive, the circumstantial evidence of fanatical followers housed in a "toy factory" points unmistakably to the development of weapons of mass destruction. To make matters worse, it would seem obvious to even the most casual CNN viewer that this is merely a transparent cover calculated to minimize the possibility of Allied air strikes.

Operating Profile

The leader of this cell is known to have previously traveled to the United States on numerous occasions on some form of unconventional aircraft that has stealth capability. He is frequently seen with an oversized bag filled with "suspicious packages." Numerous attempts to screen his luggage or check his passport have failed due to his ability to evade detection - despite being badly overweight.

He reportedly has extensive special operations capability and is reputed to be an expert in home invasion, often entering from rooftops. His trademark is to leave these "suspicious packages" wrapped in brightly colored paper in the homes of his victims. Anyone finding one of these so called "gifts" or "presents" in their home should immediately notify the FBI, CDC, EPA and the Office of Homeland Security. Only then should you call the police.

Evidence of Conspiracy

As if the threat posed by this aging, bearded loner and his devoted militia were not enough, there is reliable information that he has conspired with some of America's top retail corporations to place look-a-likes in malls and department stores. They have orders to lure innocent children onto their laps and invite them to provide unspecified intelligence that can later be used against them and their parents. According to Governor Ridge's office, agents have been tracking these doubles since as early as November 23, which, as has been previously reported in this column, just so happens to be the biggest shopping day of the year. Coincidence? This columnist doesn't think so and neither do the White House and the United States Intelligence community. Such an elaborate and massive disinformation campaign can only mean that ominous repercussions are imminent, all made possible by fellow travelers in the U.S. retail community.

Specific Threats To City and State Leaders

Intelligence intercepts of cell phone conversations and analysis of mail from

Jackson addressed to a North Pole mail drop indicates three specific threats against governmental officials within the state. This so call "gift list" purports to reveal the contents of these brightly colored packages that are to be left at Jackson City Hall, the New Capitol, and the Governor's Mansion respectively. Because of the high probability that this hit list is in code, it should not be taken at face value.

Jackson Mayor Harvey Johnson - One package is said to contain a police chief. The other will provide the means for a monthly municipal election to ensure maximum use of all city asphalt paving machines.

Members of the Mississippi Legislature - Gift certificates for remedial math and economics courses in light of the 4.3% projected economic growth rate that legislators have adopted to guide their fiscal deliberations in the coming year.

Governor Ronnie Musgrove - A coach's whistle and clipboard etched with Colonel Rebel to be used in his new part-time job as Ole Miss football recruiting coordinator. It should be noted that additional on-the-ground intelligence by FBI informants in east central Alabama indicate that upon the completion of the Governor's term of office that he will become recruiting coordinator for Auburn University.

How Can You Protect Yourself?

Governor Ridge's office has told us to tell you that first and foremost, don't worry. Go about your business; don't let these suspected terrorists disrupt your life.

On the other hand, understand that Jackson, Mississippi has been placed on the highest alert. Translation, don't just be prepared, be scared - really scared - Freddy Kreuger scared. That means buying bottled water, emergency generators, gold bullion, and plenty of ammunition when the grounds forces come for you. We have been assured that General Ashcroft is already rounding up the sleepers or so called "Department Store Santas," together with the domestic traitors that comprise

continued on page 6

Highway Eats by the Road Lawyer

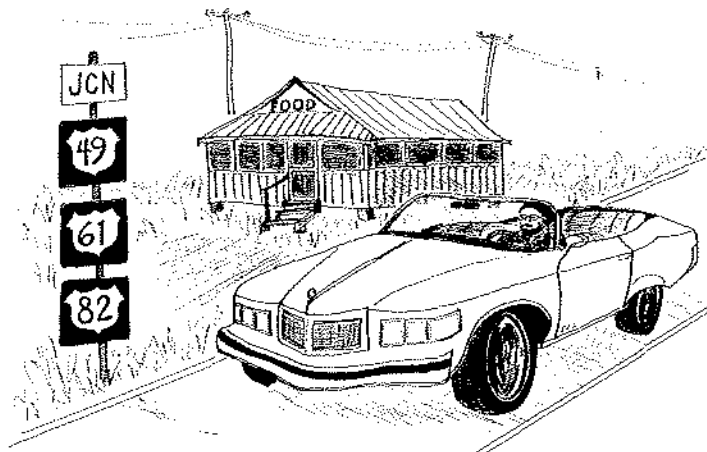
I don't know about you, but a spate of bad food has befallen me lately. You may have noticed I took a couple of months off - hoping (in vain) the situation would improve. Except for the usual excellent dining in Jackson, the Road Lawyer has been out of luck and material.

What is it? The economy? Has the bursting of the technology bubble brought us bad taste/bad food?

It's meant a different tack entirely for this ole boy on the road. Skip the beloved blue plate special. Drive and eat early. Breakfast, it seems, is recession proof. And I don't mean those little microwaved out-of-the freezer perfect round slices of something resembling eggs and sausage. I mean breakfast like my mother used to make.

Roy's Kitchen in Columbus, the diner on the Square, can do it. They make pancakes and French toast from scratch and do eggs any way and have more ham and bacon and sausage than you ought to even think about eating. Breakfast is from 5:30 until 10:30, and then they start on lunch.

And, in spite of everything I just said, the blue plate at Roy's is not bad - especially if you like a sweet home-



made chess-type coconut pie to top off comfort food like macaroni and cheese and salmon croquettes.

I also tried the Bakery and Café on the Square in Carthage recently. I couldn't recommend the lunch I had there - bad chicken spaghetti - but they cook a breakfast of eggs or omelettes and meat and toast or home-made biscuits that is good and hearty fare. They start serving at 6:00 a.m. six days a week.

My real gripe in the last few months is with the fast fast food at the gas stations. I like to munch on crunchy fried things while I'm driving and listening to Public Radio. A couple of juicy chicken fingers/livers or catfish filets and a cup of joe can really dispel some of the tedium of a long trip. My eyes used to light up at the

sight of the Chester Fried Chicken logo on a Texaco station, but not lately.

And what a disappointment the Cock of the Walk Express has been at the Exxon Station on Highway 25 Bypass in Louisville. This is the classiest gas station in Mississippi. I'm talking black fixtures and expensive looking tiger-design wallpaper in the bathroom. Jazz on the intercom - but bad food.

Enough of that. I hope you attended the fall social at Freelon's "Bar and Groove" at 440 Mill Street downtown, sponsored by the HCBA, Magnolia Bar, and Jackson Young Lawyers. Freelon's Bar and Groove is a great place, with live and lively keyboard entertainment, and there was a huge mound of fried catfish that was the best I ever ate. The adjacent, spacious restaurant is airy and inviting in appearance, and I notice there is a midday Sunday buffet. I hope to pay this establishment a return visit for lunch soon.

If you have to be on the road during the holidays, take extra care. If you find a good place to eat, let me hear about it. E-mail the Road Lawyer in care of webmaster@hindsbar.com. And God bless you and yours.

Captain Equity *continued from page 5*

the department store and shopping mall hierarchy in this country.

NORAD is on highest alert with orders to shoot down any stealth aircraft that shows up on the radar screen disguised as a sleigh and flying reindeer.

The USS Enterprise is reportedly en route to the North Pole with hundreds of conscripted employees of the Walt Disney Company dressed in dwarf outfits left over from the filming of Snow White. These U.S. operatives will be on the Arctic ice cap by mid-December to seek out and destroy the fanatics who are hiding in the "toy factory."

And finally, thanks to a Department of

Defense grant, "Hardball," hosted by Chris Matthews, will be airing on MSNBC on a 24/7 round-the-clock basis until this threat has passed. It is hoped that his constant interruptions and screaming at guests will rattle the terrorists.

Advice That Can Save Your Life

In sum, go about your business, but always look over your shoulder. Don't go to Department Stores. Internet Shopping is okay, but don't open the packages when they come to your home. Rather, notify immediately the FBI, CDC, EPA and the Office of Homeland Security. As to the police,

let's face it; you are on your own so don't even bother. Also, don't open any presents that might be left anonymously under your Christmas Tree on, before or after December 24 or 25. And it might even be a good idea to leave tainted cookies and poison milk out on December 24 in preparation for an almost certain home invasion. Otherwise, have a very, merry Christmas with faith, hope and charity to all.

[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.]

Brantley Named Newest Member of the Mississippi Court of Appeals

by Kevin L. Humphreys

Following Judge Mary Libby Payne's resignation from the Mississippi Court of Appeals, which was effective July 31, 2001, Governor Ronnie Musgrove named James Palmer (Jim) Brantley, a native of Walnut Grove, to fill the vacancy. Judge Brantley's tenure on the Court began September 1.

Judge Brantley graduated from Walnut Grove High School in 1956. He served in the United States Air Force from 1956-1960. In August 1962, he completed his B.S. degree in Business Administration, with a minor in accounting, from Mississippi State University. He received his J.D. degree from the University of Mississippi School of Law in 1970.

Following law school, Judge Brantley worked in private practice and for the Mississippi State Senate in its legislative service committee where his primary responsibilities were performing research and drafting legislation. From 1975 through 1983, Judge Brantley served as General Counsel for the State Department of Mental Health. In 1983, he joined the firm of Snow and Brantley. From 1986 until appointed to the bench, he served as senior and managing partner of the firm of Brantley and Knowles. Judge Brantley is also certified as a Mediator/Arbitrator by the Mississippi Supreme Court.

In 1992-93, Judge Brantley served as president of the Mississippi Trial Lawyers Association. He is a member of the Mississippi Bar, Hinds County Bar Association, American

Trial Lawyers Association, and numerous other professional organizations. Judge Brantley is married and is the father of two children.

When asked what his time on the Court of Appeals has been like so far, Judge Brantley described it as "absolutely fantastic." He noted that his fellow judges have been a tremendous help to him, as have the Court's four staff attorneys. Judge Brantley also emphasized the quality of his law clerks, one of whom had previously clerked for Judge Southwick.

Because Judge Brantley considered himself a "trial person" in his previous life as a lawyer, the experience of being on the Court of Appeals has required a period of adjustment. In some ways, it's been "like starting over again." He described himself as pleasantly surprised to have received the appointment to the Court, particularly because there were so many other qualified people the Governor could have chosen.



Judge Jim Brantley

Thanks to the 9th Annual Golf Tournament Sponsors

The 9th Annual HCBA/ Jackson Young Lawyers Golf Tournament, held at Annandale Golf Course on May 24, 2001, was an unprecedented success. The tournament committee members were Chairman Jody Varner, Debbie Allen, Pat Bennett, Harris Collier, Bob Grenfell, Kenny Griffiths, Stuart Kruger, Ken Miller, Keith Obert, Ben Piazza, John Proctor, Paul Miller, and Executive Director Pat Evans.

The HCBA would like to thank the generous sponsors for the event. Primary sponsors were American National Lawyers Insurance Reciprocal, BellSouth Telecommunications, Blue Cross-Blue Shield of Mississippi, East-Holman Motorcars, Entergy Mississippi, Lexis-Nexis, Mississippi Valley Title Insurance Company, and West Group.

Hat sponsor was Gilsbar of Mississippi, lunch sponsor was Pinnacle Trust Company, and cocktail party sponsor was Sprint.

Prizes and awards were given by BellSouth Telecommunications, Nevada

Bob's, Lexis- Nexis, West Group, East-Holman Motorcars, McAlister's Deli, Gridley's Restaurant, Fireside Fly and Field, Trustmark National Bank, Sprint, Butler Snow O'Mara Stevens & Cannada, Blue Cross-Blue Shield of Mississippi, Copeland's Restaurant, Amerigo's Restaurant, Fernando's Restaurant, Red Lobster, and Great Scott.

Silent auction items were donated by Sandestin Golf and Beach Resort and the Silver Star Resort and Casino.

Hole sponsors included: Attorney General Mike Moore, Adams & Reese, Akers & Obert, Allen & Conway, Alston & Jones, AmSouth Bank, Baker Donelson Bearman & Caldwell, BancorpSouth Bank, Barnes Broom Dallas & McLeod, Bennett Lotterbos Sulser & Wilson, Brunini Grantham Grower & Hewes, Butler Snow O'Mara Stevens & Cannada, Chinn & Associates, John M. Colette & Associates, Copeland Cook Taylor & Bush, Carrie Johnson Griffin Gaines &

Myers, Daniel Coker Horton & Bell, Dogan & Wilkinson, Edmonson Biggs & Mazingo, Forman Perry Watkins Krutz & Tardy, Fox-Everett, Inc., Frazer Davidson, Graphic Reproductions, Heidelberg & Woodliff, IKON Office Solutions, Kelly Gault & Healy, Langston Sweet, LawNetCom Inc., Legal Resources, Inc., Maxey Wann Fyke & Hawkins, McGlinchey Stafford, Merrill Lynch, Mitchell McNutt & Sams, Mockbee Hall & Drake, Nick Clark Printing, Ott & Purdy, Page Kruger & Holland, Phelps Dunbar, Pittman Germany Roberts & Welsh, Rimmer Rawlings MacInnis & Hedglin, Steen Reynolds & Dalehite, Stevens & Ward, Stewart Title, Trustmark National Bank, Upshaw Williams Biggers Beckham & Riddick, Watkins & Eager, Watkins Ludlam Winter & Stennis, Watson & Jernigan, Wells Marble & Hurst, Wells Moore Simmons & Hubbard, West Group, Williford McAllister & Jacobus, Wise Carter Child & Caraway, and Young Williams Henderson & Fuselier.

Candor in Mediation of Civil Disputes

by Thomas W. Crockett*

Mediation is the preferred way to resolve civil disputes in many parts of the country. As the trial judges feel the pressure from the Mississippi Supreme Court to reduce the time from filing to disposition of law suits, they will use more court ordered mediation to clear their dockets. With this change underway in the resolution of civil disputes, it is appropriate to examine how we lawyers should conduct ourselves in mediation. To be specific, how candid should we be?

This issue is not black and white. Gray areas abound. The minimum standards of candor to avoid civil liability are well known: deceit in the form of outright misstatements, failure to correct bad information, and failure to disclose required matters can lead to civil liability for fraud or intentional or negligent misrepresentations.

Rule 4.1 of the Mississippi Rules of Professional Conduct tells us what we already know: a "lawyer shall not knowingly make a false statement of material fact or law." This minimalistic rule is based on the same provision in the ABA Model Rules of Professional Conduct which has been under fire for several decades. Many respected bar leaders have attacked this rule as not imposing sufficiently high standards. In spite of the efforts of

reformers, the draft of the ABA's Ethics 2000 Commission fails to raise the standards of candor. Ethically, lawyers have few, if any, restraints in negotiations not already imposed by civil liability.

These standards add little to what ethical lawyers already know and do. You simply do not lie in negotiations or otherwise act in bad faith. The question arises, however, "Should we exhibit more candor than is required by the minimum standards of tort liability?" We all know that just because we can do something does not mean that we should do it. Obviously, we should not reveal some things to the other party, or even the mediator. We never tell our bottom line. Also, the obvious long term advantages of candor when negotiating an ongoing relationship, such as a joint venture or partnership, do not usually apply when settling a lawsuit.

I suggest, however, that when we are mediating a civil dispute, enlightened self-interest tells us that we hold ourselves to a higher standard of conduct than that required by the minimum standards. It is in our best interest to take the high road and display more candor than required for several reasons. While misleading behavior in a mediation or other negotiation may

result in a favorable outcome for our client in that one case, this behavior damages a lawyer's reputation and makes it more difficult to get good results for our clients in the future. Preservation of a lawyer's reputation for integrity is far more important than using trickery to obtain the best possible deal for a client.

Additionally, an agreement to mediate is a signal that both parties are willing to spend the time and money to make a serious, good faith effort to resolve this dispute. A court ordered mediation is a part of the court's procedure; and, out of respect to the court, lawyers should attempt to reach a good faith settlement.

Candor, like civility, tends to breed a like response, especially in the presence of a respected third-party neutral, the mediator. If all parties conduct themselves in the mediation process in good faith and with civility, we will be much more likely to reach a settlement with which all parties are pleased. We extract our clients from unpleasant and expensive litigation and let them get on with their lives.

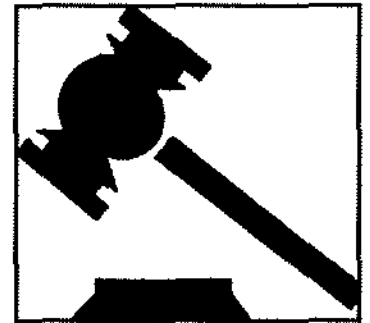
This is what good lawyers do.

** Mr. Crockett is an attorney/mediator and a shareholder in Watkins Ludlam Winter & Stennis, P.A.*

LEFOLDT & Co., P.A.
CERTIFIED PUBLIC ACCOUNTANTS

LITIGATION CONSULTING

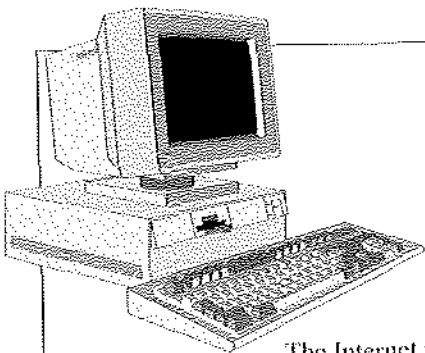
All of our experience is directly relevant to your need for professional excellence from your accounting experts. Our services include expert witness testimony at depositions and trials, trial assistance relating to opposing experts, consultation on litigation options and approaches, support during the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



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145-B Main Street ■ Post Office Box 263 ■ Biloxi, MS 39533 ■ (228) 435-7903



On Computing by Joel Howell

The Internet is a tremendous resource for all kinds of research. For all things non-legal, try your hand at any number of these, thanks to *Time and On*:

Dictionaries / Thesauruses

Alta Vista's Babel Fish
babelfish.altavista.com/translate.dyn
Refdesk.com
www.refdesk.com
Thesaurus.com
www.thesaurus.com
THOR: The Online Resource
thorplus.lib.purdue.edu/reference/dict.html
Xrefer
www.xrefer.com
Merriam-Webster Online
www.m-w.com
Yourdictionary.com

Encyclopedias / Almanacs

Britannica.com
www.britannica.com
Encyclopedia.com
www.encyclopedia.com
The Encyclopedia Mythica
www.pantheon.org/mythica
Infoplease.com's Almanac Search
www.infoplease.com/almanacs.html
The Old Farmer's Almanac
www.almanac.com

Statistics / Calculators

Economy.com's The Dismal Scientist
www.dismal.com
Martindale's Reference Desk:
Calculators On-line Center
www.sei.lib.uci.edu/HSG/RefCalculators.html
FedStats www.fedstats.gov
Search Systems
www.pac-info.com
Timeanddate.com: The World Clock
www.timeanddate.com/worldclock

United States Historical Census
Data Browser
fisher.lib.virginia.edu/census
University of Michigan Documents
Center: Statistical Resources on the
Web
www.lib.umich.edu/govdocs/stats.html

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atlapedia.com
Capitals.com
www.capitals.com
Earth and Moon Viewer
www.fourmilab.ch/earthview/uplabel.html
Historical Atlas of the Twentieth
Century
users.erols.com/mwhite28/20centry.htm
Map Collections: 1500-1999
memory.loc.gov/ammem/gmdhtml/gmdhome.html
MapQuest
www.mapquest.com
Perry-Castaneda Library Map
Collection
www.lib.utexas.edu/maps

Entertainment

AMG All Music Guide
www.allmusic.com
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www.billboard.com/billboard/index.jsp
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www.culturefinder.com
Lyrics.ch: The International Lyrics
Server
www.lyrics.ch/index.htm
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www2.canisius.edu/~emeryg/time.html
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Lives, the Biography Resource
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Federal Government
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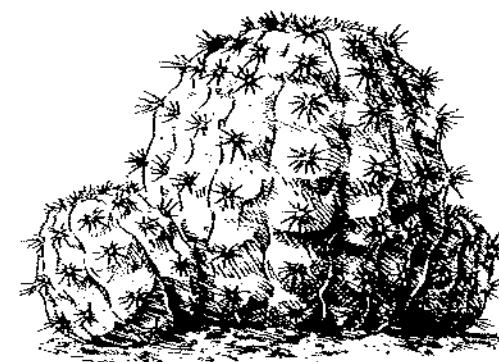
Science / Health

Ask Dr. Weil
www.drweil.com
The Merk Manual Home Edition
www.merckhomeedition.com
The Megasite Project
www.lib.umich.edu/megasite Room 103
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RxList
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library.thinkquest.org/11771/?taskip=1
The Why Files: Science Behind
the News
www.whylfiles.org

A smattering of everything

www.speechbot.com
www.media-awareness.ca
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| Sunday | noon - midnight |

EXCEPTIONS

| | |
|------------------|-------------------|
| Dec. 20 & 21 | 7:30 am - 6:00 pm |
| Dec. 22 - Jan. 2 | CLOSED |

EXAM SCHEDULE: DECEMBER 7-19, 2001

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

For more information, please call 925-7120.
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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

FEBRUARY 2001



President's Column by Robert C. Grenfell

The State of the Bar

As President of your local Bar Association, I am pleased to announce that the Hinds County Bar Association ("HCBA") is in superb shape.

Membership is at an all-time high. The HCBA is more diverse than ever and continues to grow in that direction. More and more members are interested and are getting involved in HCBA activities and committees. Operating within our budget (special thanks to Anthony Simon, Chairperson of the Budget Committee), the HCBA continues to raise a substantial sum of money annually to donate to the Mississippi Volunteer Lawyer's Project ("MVL.P").

In other bar matters:

Bad news for golfers who love heat prostration, dehydration and profuse sweating. The HCBA Annual Golf Tournament has been moved from the toasty days of August to Thursday, May 24. Under Jody Varner and Keith Obert's leadership, the golf committee has once again booked Annandale as its venue. It's a great tournament for a great cause. Last year the tournament raised \$9,000 for the MVL.P. The tournament was a lot of fun and a tremendous success, so please mark your calendars for this upcoming event.

Leyser Morris Hayes and her committee have put together another great program for the People's Law School. The dates for the People's Law School are April 17 and 24 and May 1 and 8. In the upcoming months, this event will be publicized with the local media.

La'Verne Edney and her Black Lawyer Participation Committee have come up with several innovative ways to continue to encourage the HCBA membership to become more diverse. You will hear more about these ideas in future publications.

John Land McDavid, editor of the HCBA Newsletter, and his committee should be commended for publishing a very professional newsletter that is both entertaining and informative. John and his committee do a fantastic job.

The Social Committee, headed by Ann Corso and supported by Pat Evans, has scheduled a Spring Social at

Hal & Mal's on Thursday, March 22. The Social is being held in conjunction with the Magnolia Bar Association and the Jackson Young Lawyers Association.

The HCBA will publish a 2001 color pictorial directory. By now, you should have received a correspondence from me advising you when your picture is scheduled to be taken. The dates are February 5-16 at the Mississippi Bar Center.

Doug Levanway and his Membership Committee have begun making phone calls to local attorneys encouraging their participation in the HCBA.

The Bench & Bar Committee, under the leadership of David Kaufman, has scheduled its annual Judicial Appreciation Dinner on Thursday, May 3, at the Old Capitol Inn. David has promised to deliver a great speaker. Who will the speaker be? Local rumors have included such names as Jimmy Carter, Bill Clinton, Judge Wopner, and Judge Judy. While these are probably just rumors, we will just have to wait and see who this Committee books for this event.

All things considered, our local bar is in very good shape. I want to thank each of you for making this not only the largest local bar in the State of Mississippi, but also the best.

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HCBA MEMBERSHIP MEETING

Tuesday, February 20, 2001

Capital Club

12:00 Noon
Lunch \$12.00*

Speaker: Ed Peters

*Note price increase

HCBA Calendar of Events

February 20

HCBA Membership Meeting. Noon. Capital Club

March 22

HCBA Social. 5:30-7:00. Hal & Mal's

April 17

HCBA Membership Meeting. Noon. Capital Club

April 24

People's Law School.

7:00-9:00. Community Room of *The Clarion-Ledger*

May 1

People's Law School.

7:00-9:00. Community Room of *The Clarion-Ledger*

May 3

Evening Honoring the Judiciary.

6:30. Old Capitol Inn

May 8

People's Law School.

7:00-9:00. Community Room of *The Clarion-Ledger*

May 15

People's Law School.

7:00-9:00. Community Room of *The Clarion-Ledger*

June 19

HCBA Membership Meeting.

Noon. Capital Club

REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current term of the office of the United States Magistrate Judge James C. Sumner is due to expire September 30, 2001. The United States District Court is required by law to establish a panel of citizens to consider the reappointment of the magistrate judge to a new eight-year term.

The duties of a magistrate judge position include the following: (1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct of various pretrial matters and evidentiary proceedings on delegation from the judges of the district court; and (4) trial and disposition of civil cases upon consent of the litigants.

Comments from members of the bar and the public are invited as to whether the incumbent magistrate judge should be recommended by the panel for reappointment by the court and should be directed to:

Thomas E. Royals, Chair
Magistrate Selection Panel
c/o Thomas E. Royals & Associates
P.O. Box 22909
Jackson, MS 39225-2909

Comments must be received by March 23, 2001.

CLE Calendar of Events

February 22

Workers' Compensation: Combined Medical/Legal Conference. MS Bar. 948-4471

February 22

Emerging Issues in Employment Law & Litigation
(ALI-ABA Video Law Review).
MC School of Law. 925-7173

February 23

**Law & Life-Enjoy Both Program Re-Imagine
the Law Through Change & Balance.**
MS Bar. 956-1644

February 23

Insurance Litigation Seminar.
MS Trial Lawyers Assoc.
948-8631

March 3

MS Estate Planning.
Lorman Business Center. 715-833-3940

March 7

Adjusting the Automobile Injury Claim in MS.
NBI. 715-835-7909

March 8

**Labor & Employment Law Section
Annual Seminar.** MS Bar. 948-4471

March 9

Summary of Recent MS Law. Abbott & Weems.
662-234-6956

March 9

Collection Law in MS.
Lorman Business Center. 715-833-3940

March 15

Health Plans, HIPPA & COBRA Update
(ALI-ABA Video Law Review).
MC School of Law. 925-7173

March 16

**8th Annual Family Law Section Hop Tips
Seminar.** MS Bar. 948-4471

March 22

**Copyright & Trademark Law for the
Non-Specialist (PLI).** MC School of Law.
925-7173

May 4

Malpractice Seminar with ANLIR.
MS Bar. 948-4471

HCBA Christmas Social

HCBA members and their guests enjoyed the Christmas Social held on December 7 at the Mississippi Bar Center



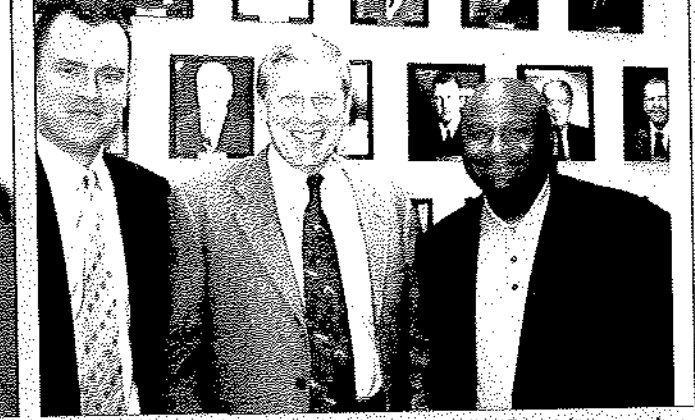
Richard Roberts, HCBA Past President; James Robertson, Chuck Adams; Jay Travis, HCBA Past President, and David Clark



Claire Dickerson and Linda Thompson, HCBA Newsletter Co-Editor



Phyllis Thornton; Susan Tsimortos; David Maron, HCBA Board Member, and Elizabeth Buine



Phillip Hearn; Butch Cothren, HCBA Past President; and Anthony Simon, HCBA Budget Committee Chairman

LITIGATORS WANTED

Several outstanding Jackson firms are seeking good associates with 1-5 years of experience in commercial and general civil litigation. Excellent compensation and benefits offered. All inquiries are strictly confidential. Please contact Richard G. Brock, Esq. Phone (205) 871-3223. Fax (205) 871-3224. Email: richard@acymtech.com

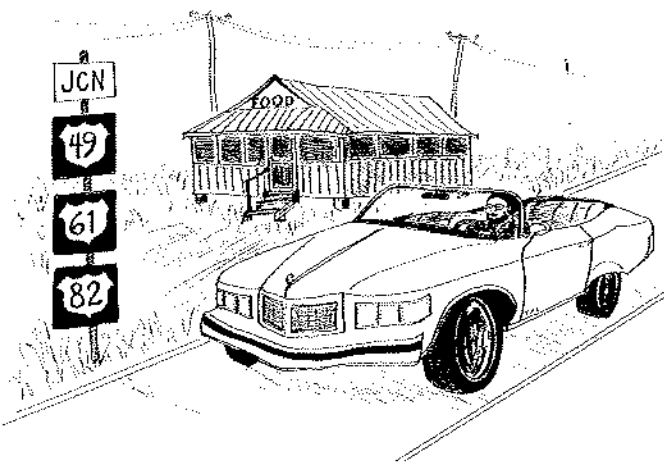
Highway Eats by the Road Lawyer

Well, this issue I thought I'd be writing about the good life of a football fan enjoying male bonding with about 60,000 others of my type and enjoying all the fantastic ball park food you can get in the big leagues. You see, I'm a lifelong Redskins fan (Robert Khayat kicked a few field goals there in a former life), and when my friend George Cochran, Mercedes aficionado and a career 'Skins fanatic and season's ticket holder (George also teaches Con Law at Ole Miss), offered me two tickets to a game of my choice, I was ecstatic.

I called my brother-in-law in Virginia and we decided on the Sunday afternoon event between the 'Skins and Giants on December 3rd. The wife called Land's End and ordered all the right down-filled stuff to wear, and we made fancy plans for a weekend in Washington.

ESPN billed it the Game of the Week. The day was crisply cold but sunny, and we left early, ready for some football. At each Metro stop more and more politically incorrect fans boarded the train with all varieties of brick red and gold 'Skins garb. Not exactly your Capitol Hill crowd, or even the sort you'd expect to see at the Inauguration madhouse. Though the 'Skins had lost their last two, these fans still believed that Snyder had bought them a Super Bowl. The shuttle bus finally deposited us somewhere in Landover with the Fed Ex Stadium in sight (a garishly colored stadium that looks like it was designed by Toys'R'Us). We were struck with the rows and rows of cars and campers. Tailgating at twenty degrees.

Right off we looked for snacks, and what a disappointment. The food kiosks showed culinary creativity matched that day only by the 'Skins offense. The Jackson Diamond Kats have better feed. There was beer, to be sure, or we would have died, but only Bud and Miller and nothing more, not even a Michelob. Of course, there were the obligatory peanuts, but lukewarm



hotdogs with no relish or mustard were the best we could find. We saw a small "Memphis Bar-B-Que" stand, lonely and tucked away in the concession area on the upper deck, with hardly a taker, not even us. And to think that not far up the road at Camden Yards, at every game Boog's Barbecue serves up more ribs and pork plates than Corky's or Red Hot and Blue in a week.

If you're a fan, you know the outcome of the game. The Super Bowl-bound Giants did make a few first downs but never crossed the goal line. The 'Skins fourth place kicker of the year managed to hit the upright with one field goal while a 50 yarder in the last minute fell a foot short of the cross bar. Giants won 9-7. It was the day the 'Skins' coach got fired.

My brother-in-law told it right when he said, into the second half, "If I were watching this game on TV, I'd turn it off." I don't know why the season's tickets are sold out every year. What bums. And lousy food.

Fortunately, the wife and sister-in-law had a great time. Museum exhibits and a cozy lunch at a genuine Spanish tapas place called Jaleo at 7th and Eye Streets near the Gallery Place Metro stop. That evening we all had delicious Indian food at the elegant Bombay Club Restaurant on Connecticut Avenue between H and Eye Streets, just north of the White House. Even Republicans eat there, though it was one of Clinton's favorites. On Saturday night, we visited our perennial favorite for Tuscan food, tiny Obelisk at DuPont Circle. Put

those places on your "to do" list for the next trip to Washington (and reserve a table at Obelisk well in advance).

Back in Jackson, we're getting more excellent dining opportunities. Luis Bruno (chef at the Governor's Mansion during the Fordice years) and his wife, Kathleen (culinary arts professor at Hinds Community College in Jackson) have just opened

Bruno's, serving an eclectic cuisine. This sparkling new restaurant is in a recently completed, three-story brick addition to the Quarter on Lakeland Drive, in the very back of the complex not far from Poets.

The menu is unlike anything else in Jackson, featuring Spanish, Thai and Caribbean items, as well as New York style pizza. Luis and Kathleen share cooking duties with a chef from Thailand and another from St. Thomas, so the foreign flavors are authentic.

You should try my favorite, the New Yorker, the ultimate meat lover's pizza. Of course, the wife likes the vegetarian pizza with portobello mushrooms and goat cheese, one of many vegetarian offerings. We both recommend the chicken and seafood paella, the saffron pasta, and the conch fritters with papaya honey mustard sauce served on banana leaves. Marinated chicken strips skewered and cooked over the wood-burning grill and served with spicy Thai peanut sauce were one of several divine appetizers, beautifully presented on an Asian-style dish hand-made in New York especially for Bruno's. The Cuban sandwiches are wonderful, and all the desserts are made from scratch. Try the caramel banana tart and the guava cheesecake.

For starters, there are specialty drinks - my pick, Sangria, and a Cuban Mojito, among others, and there are lovely Spanish sherries for dessert. The extensive wine list includes an unusual selection of Spanish, Argentinian, and German wines.

Continued on page 5

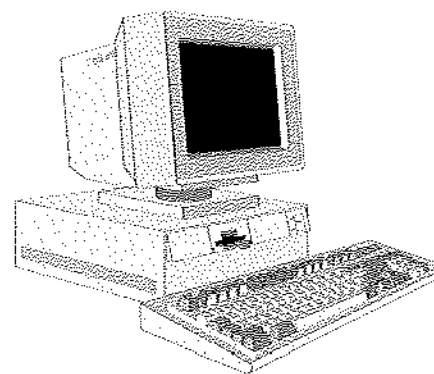
Highway Eats *Continued from page 4*

The interior of the restaurant has been brilliantly designed to complement the food. There are lemons on curtains and cushions and hand-wrought sconces, fresh white blinds on the windows, and dramatic still life paintings by local artist Patrick Grogan on tomato red walls accented by key lime green

trim. Stop by for lunch Monday through Friday and dinner Tuesday through Saturday and be transported from the mundane to the sublime.

Chad Hammons at Rimmer, Rawlings, MacInnis & Hedglin recently e-mailed me some encouraging words. He also suggested that the HCBA pub-

lish a list of places to eat on the road and establish a website or chatroom where lawyers can swap ideas about highway and other cateries. Good idea, and thanks, Chad. I'll pass it along to the HCBA Board. Let me have some more comments - just e-mail the Road Lawyer at hindsbar.com.



Law Technology News is an excellent resource, and the current issue includes a number of hot topical sites for tort lawyers.

For those dealing with breast implant litigation, Public Broadcasting System's Frontline is one of the top sites. Breast Implants on Trial, viewable at www.pbs.org/wgbh/pages/frontline/implants, is based on a report broadcast February 27, 1996. The site has sections dealing with all aspects of this topic, though it has not been updated since the broadcast.

David E. Burnstein, an associate professor at George Mason University School of Law, has his own site, Breast Implant Litigation Home Page, <http://hometown.aol.com/deliotb/breastimplants.html>.

Another PBS Frontline offering is based on a documentary that aired in 1998, Inside the Tobacco Deal, www.pbs.org/wgbh/pages/frontline/shows/settlement. It tells a story of how Mississippi counsel took on the tobacco industry, including deposition excerpts, interview transcripts, the criminal probe of the tobacco industry, and a timeline of significant events.

States' Attorneys General who joined forces against the tobacco industry created the State Tobacco Information Center, www.stic.neu.edu/index.html. This site now serves as an archive of

On Computing by Joel Howell

trial documents, organized by state.

An even more extensive collection is Tobacco Industry Documents, www.cdc.gov/tobacco/industry-docs/index.htm, sponsored by the Centers for Disease Control. This is a depository of more than 27 million pages of documents from the trial in Minnesota v. Philip Morris Inc., which also includes other documents in the public domain.

Toxic-tort litigators utilize www.toxlaw.com as a web-based news and production forum featuring a Usenet-style forum where visitors can post and reply to questions and other matters in the area.

There is also a site devoted to latex allergies, ELASTIC, www.latex-allergy.org, and includes a number of helpful links.

For those dealing with vehicular collisions, the National Health and Transportation Safety Association has an automobile recall database, www.nhtsa.dot.gov/cars/problems/recalls/recmmy1.cfm, as well as the Fatality Analysis Reporting System, www.fars.nhsta.dot.gov, which provides data on all fatalities resulting from motor vehicle crashes on public roads.

Another helpful site is Crashtest, www.crashtest.com, which compiles safety assessments from federal and insurance sources allowing comparison of cars of different makes and years. Crash test ratings are also available from the industry-sponsored Insurance Institute for Highway Safety www.hwysafety.org.

For automotive engineering research, the Society of Automotive Engineers, www.sae.org, posts technical standards and specifications relating to vehicles of all types.

For a primer on tires, Goodyear's Tire School, www.goodyear.com/us/tire_school/index.html, is a good overview, but many sites now focus on Firestone/Bridgestone's files, including the company's own sitededicated to the recall, http://mirror.bridgestonefirestone.com/news/atx/newsmain_ATX.html. Also take a look at www.safetyforum.com, which is sponsored by two plaintiffs' law firms.

In the field of aircraft safety, the Federal Aviation Administration hosts Aviation Safety Data, <http://nasdaq.faa.gov/internet>. AirSafe, <http://airsafe.com>, is a searchable archive for fatalities by aircraft type and location.

For general products-related research, the U.S. Consumer Product Safety Commission's site, <http://cpsc.gov>, provides extensive information on product recalls. Other helpful government sites include the Department of Transportation, www.dot.gov, and the Food and Drug Administration, www/fda.gov.

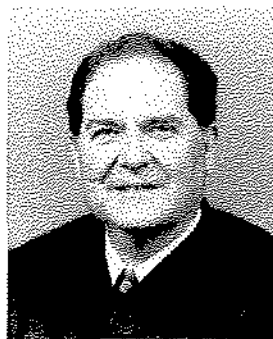
The Center for Disease Control can tell you how many deaths resulted from a specific type of product at the Injury Statistics Query and Reporting System, www.cdc.gov/ncipc/wisqars.

Another starting point for product safety research is Standards & Specifications, www.scholarlysocieties.org/standards.html, with many links.

By the time you read this, our web site, hindsbar.com should be significantly upgraded and the newsletter will be viewable online. Questions or comments? Send email to webmaster@hindsbar.com.

Mississippi Supreme Court Elections

by Sheldon Alston



New member of the Mississippi Supreme Court, Justice Charles "Chuck" Easley, Jr.

Chuck Easley, a former assistant district attorney and city judge from Caledonia, defeated Chief Justice Lenore Prather, who had served on the Supreme Court since 1982. Justice Easley previously practiced in Columbus and is a graduate of both the University of Mississippi and University of Mississippi School of Law.

Justice Kay Cobb of Oxford defeat-

The last Supreme Court elections involved four seats. The winners were Charles D. "Chuck" Easley, Jr., Kay B.

Cobb, Oliver E. Diaz, Jr. and James W. Smith, Jr.

ed challenger Percy Lynchard, a chancellor for the Third District in Hernando. Justice Cobb, a former Mississippi Senator, was appointed to the bench on April 1, 1997.

Justice Oliver Diaz, appointed to the bench by Governor Musgrove in March of 2000 after spending five years as an Appellant Court Judge, had two challengers in Circuit Judge Billy Joe Landrum from the Eighteenth District and Circuit Judge Keith Starrett from the Fourteenth District. Justice Diaz failed to receive a majority of the votes, and a runoff on November 21, 2000 with Judge Keith Starrett was necessary. Judge Starrett, a former assistant district attorney and Circuit Court Judge for eight years in Lincoln, Pike and Walthall counties, was unable to unseat incumbent Justice Diaz in the runoff.

Justice Jim Smith from Brandon defeated Circuit Judge Frank Vollar from Vicksburg in a close race.

Justice Edwin Lloyd Pittman, a

member of the bench since 1989, as the senior justice became the new Chief Justice on Monday, January 22, 2001. Justices Banks and McRae are now Presiding Justices.

Justices Fred L. Banks, C.R. "Chuck" McRae, Michael P. Mills, Edwin L. Pittman and William L. Walker, Jr were not up for election in 2000. Justice McRae will be subject to an election in 2002 with his term expiring in 2004. Justices Banks, Mills and Pittman will be up for election in 2004 with their terms expiring in 2005. Justice Waller will also be up for election in 2004, however, his term will not expire until 2006.

Mississippi Supreme Court justices serve for a term of eight years.

The Court's excellent web site is found at <http://www.mscc.state.ms.us>.

Editor's Note: The Newsletter will publish a group picture of the current Mississippi Supreme Court as soon as one is available.

July Bar Exam Results

by Carol West

Bar Admissions Administrator Linda B. Knight has announced the statistics from the July 2000 Bar Examination.

Two hundred and thirty-one applicants sat for the exam with 192 (83.1%) scoring a passing grade. First-time-takers (178 of 206) passed at a rate of 86.4%; while retakes (14 of 25) passed at a rate of 56.0%.

Two attorneys took the exam administered to qualified lawyers coming in from another state. Of those, one was successful. No disbarred lawyers sat for the July Bar.

Analyzing the statistics on the basis of out-of-state candidates versus in-state candidates shows that the Mississippi examinees have a slightly better pass rate. In-state candidates had a 83.8% (150 of 179) pass rate; out-of-state candidates had a 80.8% (42 of 52) pass rate.

The cohort that showed the highest pass rate was in-state candidates taking the examination for the first time: 87.4% (139 of 159).

July 2000 - 83.1%
(with 231 applicants)

February 2000 - 70.5%
(with 122 applicants)

July 1999 - 78.1%
(with 260 applicants)

February 1999 - 64.0%
July 1998 - 80.3%

The new lawyers were sworn in at the Old Capitol House Chamber on September 26, 2000. The Hinds County Bar welcomes these new Mississippi Bar members and wishes them well.

Innovator Award Nominees

For the past two years the HCBA has given an Innovator Award to a judge who has begun various innovative ways to improve the administration of justice, such as an approach to speed up the docket, to better communicate with the public, to advance technology in the courtroom, and many others.

Past recipients of the Innovator Award are Judge James E. Graves and the Mississippi Supreme Court. The 2001 Innovator Award will be presented at the Evening Honoring the Judiciary on May 3.

Your nominations are encouraged. Please send them to: Pat Evans, HCBA Executive Director, 151 E. Griffith St., Jackson, MS 39201.

The Power of Symbols, Imagination, Integrity and Resolve

by Captain Equity

Though I am never asked, I often fantasize that a reader will pose the following question.

"Captain Equity?"

"Please, just call me Captain."

"Captain," the questioner utters my name, which happens to correspond to my imaginary college ROTC rank, in a halting yet awed voice, "just how do you keep coming up with those hard hitting, timely topics six times a year?"

"Well" (please imagine the voice and mannerisms of television's Frazier Crane). "Actually, to tell you the truth, I've never really thought about that, but I must say, you ask an excellent question." My reply drips with feigned modesty as I try to make sure the questioner hasn't detected my near toxic level of insincerity.

The truth is, that on the day of my deadline, it is my time honored custom to wait for the morning newspaper in desperate hope it will suggest something to write about that will be at least mildly amusing, or, in the alternative, will bear upon some issue that busy bar members will care about more than how the Sacramento Kings did the night before or whether backflow devices will be required for home swimming pools and irrigation systems, notwithstanding a city ordinance to that effect. (This of course presupposes that the reader has no ties to Sacramento and is only dreaming about a swimming pool and/or home irrigation system). If my idea can pass these two, admittedly, less than stringent tests, I know I am on to something.

Well, this morning's *Clarion-Ledger* did the trick. I read stories about the coming flag election, engineer John McGowan's Two Lakes flood control and development proposal, the state budget crunch, the reduction of Mississippi's congressional delegation, the fact that the renovation of Jackson's Union Station is way behind schedule and Jesse Jackson's surprise revelation that he is the father of a 20-month-old child not born to his wife. And, by the way, the Sacramento Kings weren't scheduled last night and it looks as if those backflow devices won't be required after all. A column is born!

As to the flag, our legislature earlier this week overwhelmingly passed the buck to the voters. Governor Musgrove and Attorney General Moore, to their credit, came out in favor of a new flag, while our Lieutenant Governor and Speaker of the House are missing in action. I urge the

leadership and the rank and file of the Hinds County Bar Association, Jackson Young Lawyers and the Mississippi Bar to follow the lead of the state's chief executive and top legal officer in supporting adoption of a new state flag.

My call to the bar to champion a new flag relates to this morning's stories on the state budget shortfall and the loss of a congressman. More specifically, Mississippi is the only state in the Southeast to lose representation in Congress. Couple this with the obvious but true observation that tax revenue is in part a measure of reduced economic growth. Now, by applying long forgotten law school principles of proximate cause, one might conclude that, just perhaps, a tangible message is being sent to us by the rest of America relative to our image (not to mention by 35% of our own citizens). Regardless of whether it is hate or heritage, neither or both, there is a problem here that can be easily remedied by a show of good faith compromise and consensus by all of our people. History is just that, the past. Luckily, we don't rewrite the history books here in Mississippi and the United States, although I admit we do edit. By contrast, in George Orwell's fictional *1984* or in the old Soviet Union, every time a new leader came to power, history changed. We all know how appealing that turned out to be. Translation: the civil war and its battle flag will always be with us as historical fact. It isn't going away. But because we write new pages of history every day, why not start fresh as we did in the 1970s? Instead of symbolically being known for the Sovereignty Commission and the 1964 murders of three civil rights workers in Philadelphia, we should instead be acknowledged as the state with the most black elected officials in the country and the state that leads the nation in per capita charitable giving. Which of the symbols embodied in the two flag designs on the April ballot will best do that?

But image isn't the only reason we tread water here in Jackson and Mississippi while the rest of the region booms. This point relates to the Two Lakes and Union Station articles. Here in Jackson, we are in what seems like year seven of the mayor's master plan to build a shining new Jackson despite the fact there are actually less than six months remaining in Harvey Johnson's first four year term. In point of fact, some of the grand renovation projects supposedly on Jackson's front burner date back to the Dale

Danks administration. Anybody who lives here knows only too well that it is SOSQ (Same Old Status Quo) here in the Bold (If Not Somewhat Seedy) New City of the South. One need only look at the imaginative redevelopment in other southern cities to understand their appeal and population growth. And so, downtown Jackson languishes, the mayor plans, the city council squabbles and the tax base erodes. Mr. McGowan, on the other hand, has come up with a plan that will once and for all solve our flooding problems while opening up 10,000 acres for development. It is indeed a bold plan that would be the urban equivalent of a B-12 shot. And guess what, he isn't even an official "leader."

And speaking of "leaders," just this morning I learned that Jesse Jackson has joined the ranks of former President Clinton, Newt Gingrich, and the legions of other high profile, self-professed leaders and moral role models in once again disappointing all of us. And people wonder why cynicism is at epidemic levels.

When you consider all of these stories together, the theme becomes quite clear. Symbols, imagination, integrity and resolve are intangible qualities that greatly affect tangible measures of civic success, individual well-being, and overall quality of life. Certainly, all of our economic ills and deficiencies can't be cured with one public works project. One election over a flag will not wash away the negative opinions and outmoded stereotypes that continue to plague us. Having a dream and doing what is necessary to see it come true will not be a panacea for all of our problems. But it's a start!

And so, to bar leaders and fellow attorneys, I hope you are reading and reflecting. I would request that you send a copy of this to your friends who are elected officials. Better yet, go to www.hindsbar.com and forward this by e-mail to everyone you know. The truth of the matter is this: you are more influential than you know. And your influence is needed by your city and home state as never before.

Editor's Note: Captain Equity is an opinion column. It expresses the viewpoints of Captain Equity, which are not necessarily those of the Hinds County Bar Association, its officers and directors or its editorial board.]

HCBA Professionalism Award

At the HCBA Dinner Honoring the Judiciary on May 3, 2001, the HCBA will present its third annual Professionalism Award. The recipient of the award will receive a plaque bearing his or her name, the year the award was presented, and the criteria for the award. In addition, the recipient's name will appear on a trophy on permanent display at the Mississippi Bar Center.

Nominations are being sought for this award. The recipient will be chosen by a selection committee comprised of the Senior Hinds County Chancery, Circuit and County Court Judges, the Senior United States District Court Judge from the Jackson Division, and three HCBA members.

The criteria for the award are that the nominated member 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.

HCBA members are encouraged to submit the names and addresses of suitable candidates to Harris H. Barnes, III, Chairman of the Professionalism Award Selection Committee, at P. O. Box 13956, Jackson, MS 39236, or to Pat Evans, HCBA, 151 E. Griffith St., Jackson, MS 39201. A brief statement as to why the nominee is deserving of the award may be included with the submission of his or her name. *A deadline of March 7, 2001, has been set for receipt of nominations.*



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Book Notes

by Nonie Joiner

Harold Evans, writing in The New York Times of January 14, 2001, reported that he had examined the reading habits of the 42 United States presidents and had concluded that 22 of them could properly be classified as bibliophiles. He then compared that list of presidential readers to published performance rankings of presidents, and found that the readers "trail[ed] clouds of glory," with all of the top 8 presidents being among the 22 heavy readers, while only 2 of the readers were among the lowest rated presidents. This isn't news, of course, we all know that reading is good for us; our mothers and teachers told us so. It would be interesting to see a similar analysis of Mississippi governors, but I doubt that data is available.

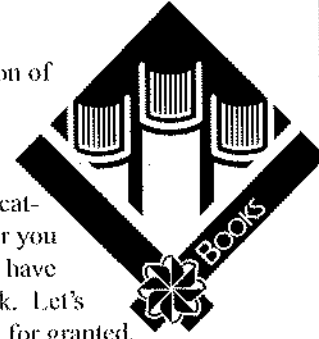
Those of you old enough to remember Mel Leventhal from his years here as a civil rights lawyer may be interest-

ed in a new book by his daughter, Rebecca Walker, who is also the daughter of his former wife, the noted author Alice Walker. Rebecca Walker is a 31 year old Yale graduate; the book is *Black, White and Jewish: Autobiography of a Shifting Self*.

Please continue to shop at Choctaw Books. It's so convenient to have a good used bookstore that is handy to downtown, and I would hate to see it close or move to the suburbs. Shopping at Choctaw Books years ago, when they were on a corner of Northwest Street, was a challenge. The rooms were so tiny and crowded that the stacked books seemed to close over you as though you were in a tunnel. Fred Smith seems headed in that direction again, as things are beginning to stack up a bit, but this is a place where I, at least, always find something I want to read. He keeps a

good selection of Mississippi material on hand, and he is great at locating books for you if he doesn't have them in stock. Let's not take him for granted.

Speaking of used bookstores, our Editor recommends George Herget on Magazine Street in New Orleans, and I second that. It's rather small but carries a good selection of books, heavy on non-fiction, is well organized, and is a good place for browsing. It also features a dog named Bear, a cross between a St. Bernard and a black lab, who is worth getting to know. He guards the front door, which is usually open. The shop is at 3109 Magazine Street, just a block up from As You Like It, the antique silver shop.



The Hinds County Bar Association and The Jackson Young Lawyers Association, Inc.

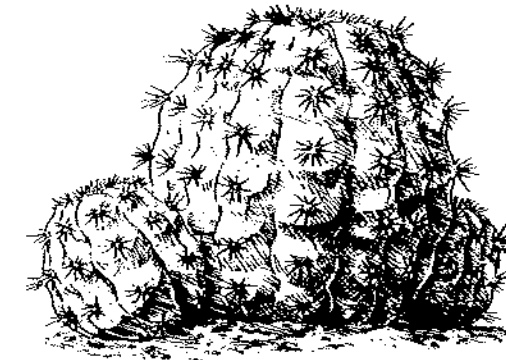
invite you to join us during law week for an

Evening Honoring the Judiciary

*on May 3, 2001
at Old Capitol Inn
226 North State Street*

Reception at 6:30 and Dinner at 7:30 p.m.

*Special Guests:
Hinds, Madison and Rankin County
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Ouch!

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Risk Retention Group

Hinds County Bar Association
Jackson Young Lawyers Association
Magnolia Bar Association

Spring Social

Thursday, March 22, 2001
5:30 p.m - 7:30 p.m.
Hal & Mal's Brewery

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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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HCBA Membership Meeting
12:00 Noon, February 20



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

JUNE 2001



President's Column by Patricia W. Bennett

A Partnership in Legal Education

I have always espoused the view that the law school and Bar should have a partnership in legal education. I view my role with the law school and as President of the

Hinds County Bar as a unique opportunity to forge that partnership.

Lawyers are held to the highest professional standards. Maintaining this degree of professionalism includes responsibilities in the areas of legal ethics, client protection, professional regulation, and discipline. The Bar needs to take an active and continuous role in professionalism projects and programs with law students to help mold and shape our young and future lawyers. There are numerous activities and programs that may be undertaken, including clerkships, mentors, CLE programs, teaching as adjuncts, and pro bono volunteers that will benefit both student and lawyer by improving professional judgment through dialogue.

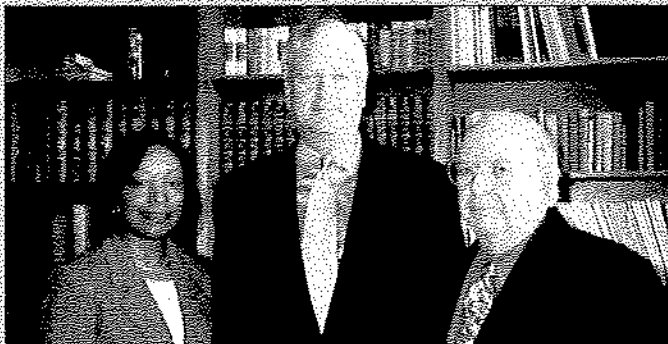
In the fall semester at Mississippi College School of Law, I will initiate and supervise the ABOJA (American Board of Trial Advocates) Program which will be administered by Bill Jones. Attorneys will teach the class skills vitally important in trial work. They will also serve as role models for law students, instructing them about civility and

integrity. This will be an opportunity for practicing lawyers to become directly involved in legal education. I challenge each lawyer, whether participating in this structured program or not, to form a partnership with a young lawyer or law student. Such partnerships can only improve the access to and delivery of justice now and in the future.

Another matter in which I have a special interest is the jury system, and I will seek the assistance of the Bar in making improvements. There has been a dramatic increase in the volume of litigation in both state and federal courts over the past few decades. Trust and confidence in the courts are often shaped by the public's personal experiences within the justice system. The jury system is an effective mechanism for individuals to acquire knowledge and gain confidence in the justice system. Therefore, the level of service provided to jurors should ensure that the system is understandable, convenient, and easy to use. User-friendly issues include things as simple as accurate and readable signage, waiting areas, parking availability, self-service centers, courthouse maps and guides to other services, and handbooks for jurors. I ask the Bar to join me in considering programs to improve jury service, communication with

continued on page 2

April Membership Meeting



The Honorable Edwin L. Pittman, Chief Justice of the Mississippi Supreme Court, was the speaker at the April HCBA Meeting. Pictured with Justice Pittman (right) are Robert Grenfell, HCBA President (2000-01) and Patricia Bennett, HCBA President (2001-02).

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HCBA LUNCHEON MEETING

Tuesday, June 19, 2001 Capital Club 12:00 Noon Lunch \$12.00

The program will be presented by The Honorable Eric Clark, Secretary of State

HCBA Calendar of Events

June 19
HCBA Membership Meeting.
 Noon. Capital Club

August 21
**HCBA Membership Meeting & One Hour
 CLE Ethics.** Noon. Capital Club

October 16
HCBA Membership Meeting. Noon. Capital Club

December 6
HCBA Christmas Social. 5:30-7:00 p.m.
 The Mississippi Bar Center

February 19
HCBA Membership Meeting.
 Noon. Capital Club

April 16
HCBA Membership Meeting. Noon. Capital Club

May 9
HCBA/JYL Evening Honoring the Judiciary.
 6:30 p.m. Place to be Announced.

CLE Calendar of Events

June 22
Workers' Compensation Update.
 Council on Education in Management. 800-942-4494

June 22
MS Sales & Use Tax Update. NBI. 715-835-7909

June 29
Elder Law in MS. UM-CLE. 662-915-6738

July 6
Auto Torts 2001. UM-CLE. 662-915-6738

July 18
Corporate Trade Secret Protection in MS.
 NBI. 715-835-7909

July 18
Hot Topics in School Law.
 Lorman Business Center. 715-833-3959

July 19
Practical Legal Ethics in MS: Issues & Answers.
 NBI. 715-835-7909

July 19
Police Liability in MS.
 Lorman Business Center. 715-833-3940

July 20
Practical Aspects of Defending the DUI Case.
 SBI Seminars. 800-826-7681

July 20
MLVP Annual CLE Seminar.
 MS Volunteer Lawyers Project. 601-948-4471

July 21
Practical Aspects of Defending the DUI Case.
 SBI Seminars. 800-826-7681

July 24
Changing Business to E-Business in MS.
 Lorman Business Center. 715-833-3940

July 25
Employee Discharge & Documentation in MS.
 Lorman Business Center. 715-833-3959

July 26 & 27
CLE by the Hour. UM-CLE. 662-915-6738

July 26
**Fundamentals of Bankruptcy Law &
 Procedure in MS.** NBI. 715-835-7909

July 31
**Commercial Lending Requirements/Loan
 Documentation.** Lorman Business Center. 715-833-3940

A Partnership in Legal Education

continued from page 1

jurors, juror participation in trials, and efficiency of juries. This will improve the jury system and also increase and strengthen confidence in the overall justice system.

I wish to thank Leyser Morris-Hayes and the entire committee for the 2001 People's Law School Program. I especially thank the volunteer speakers for their time and service to the community. They are as follows: Judges Patricia Wise, John Shirley and Gail Lowery; Attorneys Debra Allen, Joe N. Tatum, Pat Frascogna, Jim Powell, Thandi Wade, Marcie M. Fyke, Kurt Rademacher, Paige Purvis, Donna Hodges, Cliff Johnson and Pshon Barrett; and Phyllis Thornton, Executive Director of the Mississippi Volunteer Lawyers Project.

The Evening Honoring the Judiciary was a great success, and a record number of guests attended. It was on that evening that I accepted the gavel as President. My special thanks to David Kaufman and Pat Evans, Executive Director of the HCBA, for making it a grand occasion at (Mike Malouf's) Old Capitol Inn. The speaker was Judge Charles Clark, and he encouraged us with words of wisdom.

The chairpersons for the standing committees have been named. If you are interested in serving on a committee, contact me or the chairperson. I am working on a database of e-mail addresses for the membership in order to communicate effectively with you. I look forward to an active and productive year, and I hope to visit with you at the bimonthly membership meetings.

Outstanding Service and Pro Bono Awards

At this year's Evening Honoring the Judiciary Dinner, HCBA President Robert C. Grenfell (2000-01) and JYL President Steve Montagnet (2000-01) presented their respective associations' awards for Outstanding Service and Pro Bono Contributions. Also, the Mississippi Supreme Court was recognized with the Judicial Innovator Award.



HCBA Pro Bono Award Winner, Powell G. Ogletree, Jr. (left), pictured with Bob Grenfell, 2000-01 HCBA President.



HCBA Outstanding Service Award Winner, Leyser Morris-Hayes.



JYL Pro Bono Award Winner, Lee Lott (center), with David Maron (left), 2001-02 JYL President, and Steve Montagnet, 2000-01 JYL President.



JYL Outstanding Service Award Winner, Aileen McLain, pictured with David Maron (left) and Steve Montagnet.

J. Larry Lee Named MCSOL Interim Dean

On July 20th, Sid Moller will leave his position as fifth dean of the Mississippi College School of Law and return to full-time teaching. Moller became dean in 1999, after serving a year as interim dean.

J. Larry Lee, longtime MCSOL faculty member, will become interim dean while a national search is conducted to fill the position. No stranger to Jackson and its legal community, Lee grew up in the capital city, received his undergraduate degree from Mississippi College, and attended law school at Ole Miss. He took his LL.M. in Taxation at New York University and returned home to become a partner of the firm of Dosssett, Magruder and Montgomery. He also has experience as an IRS attorney.

Lee's association with the law school began almost as soon as the new school was founded. In 1976, he began teaching as an adjunct. In 1979, he accepted a full-time teaching post and has continued there ever since. A popular teacher, he has taught a significant percentage of all the students who have graduated from the school. He has several times received the outstanding teacher award.

With his wife Jane, who is a guidance counselor at Jackson Academy, Lee has two grown sons, Stephen and Richard.



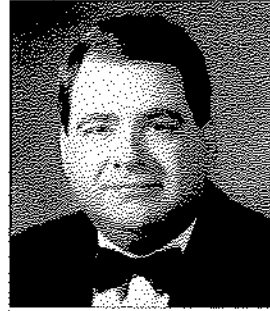
Hurt Appointed Dean of Florida Coastal Law School

Florida Coastal School of Law has appointed J. Richard Hurt, former dean of Mississippi College School of Law, to a three-year term as dean, effective July 1, 2001. Florida Coastal was established in Jacksonville in 1996.

Until last fall, Dean Hurt was the Deputy Consultant to the ABA Section on Legal Education, with offices in Indianapolis, Indiana. In his capacity as Deputy Consultant, he managed the law school accreditation process and was party to Florida Coastal's successful application for provisional approval. Dean Hurt is a member of the Standards Review Committee which is responsible for framing and assessing the ABA Standards for Approval of Law Schools.

In addition to his eminent credentials in ABA circles, Dean Hurt also has had extensive leadership experience with Mississippi College School of Law, an institution that rose from unaccredited to fully approved status. He served as Associate Dean at MCSOL from 1984-88 and 1990-91 and as Dean from 1991-98.

Dean Hurt describes Florida Coastal School of Law as "an institution with an uncommonly bright future." He has expressed excitement at having the opportunity to put his "entire heart and soul into fulfilling its potential to be a great law school."



Slabach to be Dean of Academics

Former Mississippian Frederick G. Slabach has accepted an offer to serve as Dean of Academics and Professor of Law at Florida Coastal School of Law in Jacksonville, Florida, leaving his position on the faculty at Whittier Law School in Costa Mesa, California. He will be joining Richard Hurt who recently has been named Dean of Florida Coastal Law School. Slabach formerly was Associate Dean and Assistant Professor of Law at Mississippi College School of Law.

Slabach notes that Jacksonville has a population of more than one million. He describes Florida Coastal as "a new freestanding law school that has a very specific mission to create an 'Infusion Curriculum' which incorporates lawyering skills, ethical values and multicultural/ international perspectives into the curriculum. And their mission also specifically includes faculty mentoring of students outside the classroom."

Slabach and his wife, Melany Neilson, a celebrated Southern writer, are looking forward to returning to the South with their two three-year-old sons.

Chief Justice Pittman Addresses HCBA Membership

Chief Justice Edwin Lloyd Pittman was the speaker for the April membership meeting of the Hinds County Bar Association. Justice Pittman's remarks covered a range of topics having to do with the administration of justice. He expressed his concern about the increasing amount of money, both hard and soft, being spent for judicial campaigns and the negative perceptions which reflect on the judiciary in particular and the legal profession in general. Justice Pittman proposes revisions to the Code of Judicial Conduct so that candidates would be asked to subscribe to standards regarding the conduct of their campaigns.

The Chief Justice also suggests changes with respect to the Commission on Judicial Performance, so that it could act more promptly in connection with campaigns within guidelines of due process and free speech rights. The legislation he proposes includes the broadening of the make-up of the Commission on Judicial Performance and making sure it is adequately funded, moving the qualifying deadline for judges from May to August, and extending the terms of circuit court and chancery judges to eight years. Justice Pittman also stated that the Commission should have more funding in order to adequately investigate complaints, interview witnesses, and take depositions. He stated that the Supreme Court is also working on rules which will address timely handling of proceedings in trial court.

According to Justice Pittman, equipment is being installed at the Mississippi Supreme Court so that oral arguments before the Court can be viewed "live" via the Internet. In the near future, the Supreme Court will accept electronic filing of motions and briefs with pleadings available for electronic retrieval via the Internet.

Justice Edwin Lloyd Pittman has had a distinguished public service career, as a State Senator, State Treasurer, Secretary of State, Attorney General, brigadier general, as well as being Chief Justice of the Mississippi Supreme Court.

FEBRUARY BAR EXAM RESULTS

Bar Admissions Administrator Linda B. Knight has announced the statistics from the February 2001 Bar Examination.

One hundred applicants sat for the exam, and 80 (80%) scored a passing grade. First-time-takers (61 of 68) passed at a rate of 89.8%, while retakers (19 of 32) passed at a rate of 59.4%.

Five attorneys took the exam administered to qualified lawyers coming in from another state. All were successful.

Analyzing the statistics on the basis of out-of-state candidates versus in-state candidates shows that the outsiders had a slightly better pass rate. In-state candidates had a 79% (45 of 57) pass

rate; out-of-state candidates had an 81.4% (35 of 43) pass rate.

Statistics for the past three examinations show that the overall pass rate this time was higher than in February 2000 but lower than in July 2000.

February 2001 - 80% (with 100 applicants)

July 2000 - 83.1% (with 231 applicants)

February 2000 - 70.5% (with 122 applicants)

July 1999 - 78.1% (with 260 applicants)

The new lawyers were sworn in at the Old Capitol House Chamber on April 24, 2001. The Hinds County Bar welcomes these new Mississippi Bar members and wishes them well.

Book Notes

by Nonie Joiner

The easy availability of material on the internet regarding literature almost makes you want to go back to graduate school. However, the amount of available material is so massive that it almost negates the value of having it there, at least for a casual researcher. Not only does it take a lot of time to check out all the results that pop up in response to a query, the results that are offered are often, although off point, so alluring that they cannot be resisted.

The academic site offerings vary greatly. Some provide direct access to original documents as well as to theses and dissertations, and many contain bibliographies and other material pertaining to authors who have some connection with the school or who are of particular interest to the faculty or students of that school. Others are less useful, apparently having been put up as a student project and then abandoned after the student's graduation, surviving as a sort of internet version of the living dead.

For a casual browser, the Yahoo>Arts>Humanities>Literature site is a good beginning. It offers 30 to 40 categories and site listings, most of which in turn contain links to another

20 or more categories and sites, each of which etc., ad apparently infinitum.

For instance, click on "Authors" and you arrive at a site which includes 30 categories and 14 site listings. Categories are both traditionally academic - American Transcendentalism, Beat Generation, Bloomsbury Group, Children's Classics, Folk & Fairy Tales, Poets - and less so - Food Writers, Harlem Renaissance, Pulp Fiction. The major categories of popular fiction are well represented: Horror (191 sites), Mystery (459), Romance (271), Science Fiction & Fantasy (891), and Westerns (18).

What if anything do those numbers tell you? And about whom?

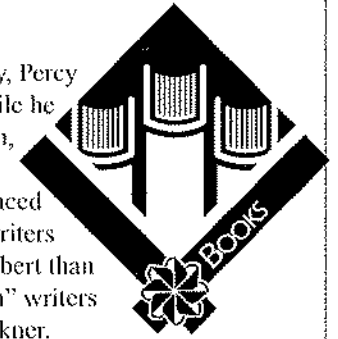
The category "Southern U.S." brings up a list of categories and sites for most but not all of the writers usually described as "southern." In fact, categorization as a "southern" writer is a major subject of discussion on a number of these sites. Some writers embrace it, while other writers and critics reject it as insulting, an implied limitation on the universality of their work.

An article by Marion Montgomery discusses Walker Percy's reaction to being called "southern." According to

Montgomery, Percy said that while he was southern, he had been more influenced by French writers such as Flaubert than by "southern" writers such as Faulkner.

Also from the Southern authors site, there is a link to the Willie Morris category, which has three sites, one a comprehensive bibliography, another a reprint of eulogies published by *The Southerner* shortly after his death, and another a site put up by the Ole Miss English Department. The Ole Miss site which covered Mississippi authors was good but has apparently been abandoned; the last update was in the spring of 1999.

My favorite site of those I reached through the Yahoo Literature site was "First Lines." The easiest path to it is Yahoo>Arts>Humanities>Literature>Trivia. It gives the first lines of works and lets you name the author. It features a number of categories of fiction from which to choose, and is fast with answers. It originates at Cornell.edu.



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Fax (205) 871-3224. Email: richard@acymtech.com

Highway Eats by the Road Lawyer

You may find this hard to believe, but there is now a swell eating establishment in Tupelo – the Park Heights Restaurant. I suggest you try it on your very next trip up to that part of the state. Tupelo has never had anything like it before. You have to wonder if there's a reason.

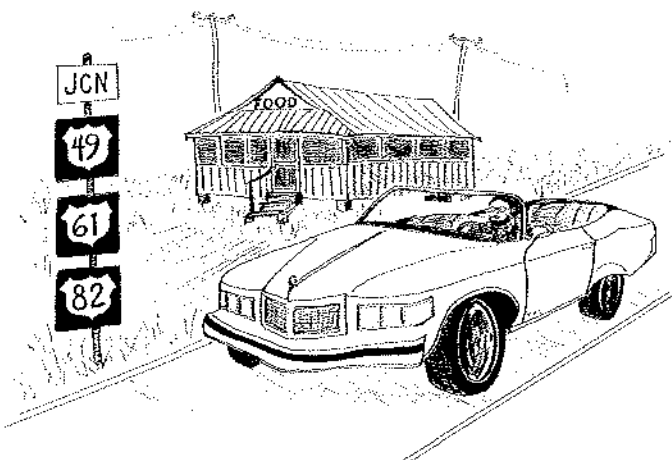
A sophisticated young woman named Blair Bean has opened Park Heights in a former frame shop location on the south side of West Jefferson Street at number 825, next door to the Jefferson Place Restaurant and in the same block as Gloster 205. But Park Heights is classy. Polished wood floors of old wide boards. Original art on the stark white walls. Fresh flowers at the entrance and handsome cutlery on the tables.

I was there on a Wednesday evening. I noticed the patrons all appeared to be professional/corporate people that were nattily attired. Definitely not the Cracker Barrel crowd.

But the reason to go to Park Heights is the food. There is a genuine "chef" in the kitchen, and the menu includes appetizers like peppered calamari with lime dipping sauce, Riesling poached shrimp with fennel, leeks, and brown garlic sauce, and spring greens with Roquefort, walnuts, and pear vinaigrette. I started with a tomato soup, a warm concoction of pureed tomatoes and seasonings, not with cream but fresh tangy farragon and creme fraiche. From there I moved on to the romaine and radicchio salad with creamy toasted Parmesan dressing and frizzled onions.

I chose an entree from the likes of pan roasted wild black grouper with white bean ragout and champagne scalion vinaigrette, veal porterhouse with lemon and capers, grilled beef filet in Roquefort crust, lamb chops au poivre with polenta and ratatouille, and Abita Springs quail. Does this sound like Tupelo? I sure hope those furniture moguls support this restaurant.

Well, to get to the point, the main dish I selected was crispy sea bass with



Thai tamarind sauce, a stir fry of fresh spring vegetables, and jasmine rice prepared with coconut milk. Now, not to drop too many names lest it detract from my country boy appeal, but I've had sea bass at celebrated places such as Le Cirque in Manhattan (the old one, not the new one), the Striped Bass in Philadelphia, Pennsylvania, and Obelisk in Washington, D.C.. But that fish at Park Heights was better than any other I've ever been served. Perfectly crispy sauteed, fresh, and flavorful with just the right vegetables and sauce to enhance it.

Not surprisingly, at dessert time I just watched the other diners tasting luscious looking bread pudding and other artistically presented delectables. The restaurant does have a limited but nice wine list, and somewhere in the house is a bar. I found a glass of Murphy-Goode Fume Blanc was an excellent accompaniment to the fish.

The tab was rather steep, but not like at any of the above named Eastern restaurants. And, after all, for the HCBA newsletter I'll make any sacrifice. The price was comparable to Nick's or Bruno's or Bravo in Jackson.

At the other end of the spectrum is a pleasant new lunch place at 124 West Main Street, on the north side of the street, in downtown Tupelo, just a couple of blocks from the Lee County Justice Center. It's Faye's Place, and Miss Faye herself whips up the blue plate specials in the kitchen.

I'm always looking for cafes that serve a real homestyle breakfast, and you can get one at Faye's anytime you

want it – at least during their working hours of 11:00 a.m. to 2:30 p.m. and 5:00 to 9:00 in the evening. Faye makes the biscuits from scratch.

Faye's Place has been located in the former location of Rosson's Restaurant since December 2000. There's a pleasant dining area with exposed brick walls and gospel music drifting overhead. Nothing fancy, mind you.

The food was good and plentiful. I had roast chicken

(the real thing, not from a can or pressed cellophane package) with cornbread dressing that would have made my momma proud, lima beans cooked with ham, fried okra, and scalloped potatoes. Included were a yeast roll and a sweet corn muffin and a sugary rice pudding for dessert. Total cost, with iced tea, was \$6.00.

If you happen to be in Tupelo for an extended time and need to pick up good take-out snacks for munching during breaks in depositions or trial preparations, you might want to stop in the new Albertson's grocery store on West Main Street between Park Street and Industrial Road. That's several blocks west of Gloster Street. The elaborate deli section of the store offers a quality selection of fresh and healthy prepared items like Caesar salads with grilled chicken and fruit plates and sandwiches in addition to the usual array of deli meats, potato salad, and so forth.

Then, of course, there's always mall food – as in Barnes Crossing Mall in north Tupelo just off Highway 45. That's where I get my ice cream fix at Bressler's. Several of the other kiosks offer well-prepared buffet meals that can be substantial, ranging from Southern style to Cajun to Chinese, with the ubiquitous Sbarro pizza and spaghetti stand. The entrance to the food court is right by the cinema part of the mall, back facing Highway 45.

If you have any suggestions to share with the readers, let me know. Please write the Road Lawyer in care of webmaster@hindsbar.com.

An Evening Honoring the Judiciary

The eighth annual Evening Honoring the Judiciary, co-sponsored by the Hinds County Bar Association and the Jackson Young Lawyers, was held on Thursday, May 3, at the Old Capitol Inn. David Kaufman served as the chairman of the event, and Judge Charles Clark was the speaker. The HCBA and the JYL wish to thank American National Lawyers Insurance Reciprocal and Fox-Everett for hosting the reception before dinner and Trustmark for sponsoring the flowers



Pictured at the Evening Honoring the Judiciary Dinner are (from left to right) Judge Charles Clark, HCBA President Bob Grenfell, Past HCBA President Harris Barnes, and William Goodman.



2001-02 JYL President David Maron (left) and 2000-01 JYL President Steve Montagnet.



HCBA President (2000-01) Robert Grenfell and HCBA President (2001-02) Patricia Bennett.



Pat Evans (left), HCBA Executive Director, and Melissa Williams, JYL Executive Director.

MC Law Library Expands

For several months the construction around the Mississippi College School of Law building has been hard to ignore. The first thing that visitors noted was that the coveted faculty parking was gone, as well as the shortcut to the parking lot.

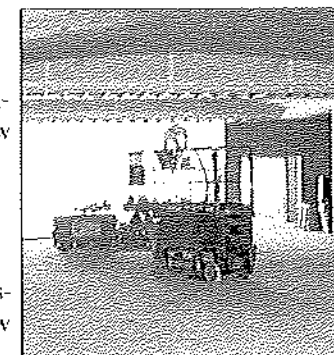
By the end of August, the new space on the ground level will become a 10,000 sq. ft. addition to the Law Library. Materials now in storage will be returned to the collection and shelved on that level, with many of the books being housed in compact shelving.

The curved ceiling and large windows will provide a very pleasant atmosphere for the expanded seating/study area. More than fifty seats at tables will be accommodated



in the expansion.

This construction is "Phase I" of the renovation and expansion of the existing Law School Building. After strong consideration about moving the Law School from its Griffith Street location, the decision was made last year to stay on the present site, which affords easy access to the courts, executive offices of government, legislature, and downtown law firms. "Phase II" will include a major expansion of the building to the west side of the location. A model of the plan is on display in the lobby of the law school building.



The Flag Trilogy – Part III

by Captain Equity

Over the years I have noticed something about people who can't seem to change the subject. Most of these folks are characterized as being unimaginative, stuck-in-a-rut, Johnny One Notes. In the political arena, they are referred to as single-issue politicians. In their more extreme form, they are often described as being boorish, myopic, obsessive, and limited in their thoughts and actions. Whether they are encountered at work, parties or family events, they are to be avoided at all cost.

However, the great and splendid exception to all of the above applies to otherwise unimaginative, stuck-in-a-rut, Johnny One Note writers who cleverly cover their affliction with the grand literary term "trilogy." As we all know, trilogy connotes a carefully crafted master plan in three well-conceived parts. Consequently, when someone gives voice to a negative thought by saying something like, "Oh no, not that again," the immediate retort is, "You poor linear soul, don't you know that this is simply the final installment of the trilogy?"

Hey, what can they say? Any comeback from an over 50 critic would surely confirm suspicions that the negativity was emanating from an undereducated double digit IQ whose literary ambition probably peaked with the classic Dell comic book *The Adventures of Huey, Dewey and Louie* which recounts the antics and misadventures of Donald Duck's three duckling nephews. And if the commentator is under the age of 25, substitute the paperback novelization of the major motion picture *Space Jam* starring Shaquille O'Neal – or perhaps the best selling biography titled *The Rock* ostensibly written by WWF wrestler, The Rock. As to anyone between 25 and 50, space limitations preclude an abundant storehouse of examples, but you get the idea.

I bring this up only because I sense that some of you out there are already

muttering under your collective breaths - "Oh no, not another flag column." My response is simply; it is all part of the trilogy.

Part one was a fervent plea to dump the old flag in the name of economic progress and what I perceived to be the right thing to do where more than a third of Mississippi's citizens were concerned. When it became apparent in the polls how the vote would go, I turned to my time honored friends, satire and ridicule, to suggest that we sell the name Mississippi and substantial parts of the state to Nevada, Alabama and Tennessee. Although the legislature doesn't convene until next January, I am hoping a sponsor for such a bill will step forward.

In the meantime, in the limited space remaining, I thought it might be constructive to ask why the vote went as it did: 2 to 1 for retaining the 1894 stars and bars of the Confederate Battle Flag.

To gain perspective on this question, I traveled to two distinctly different locales: Bassfield, Mississippi, and New York City. I might as well have gone to North Yemen and the ringed planet Saturn. While Madison County with its affluent white suburbs barely approved the new flag and several Delta counties with nearly 70% black voting majorities cast ballots to retain the old flag, the battle was largely decided in places like Bassfield.

After only a few minutes in the South Mississippi town that makes Collins and Prentiss look like Dallas and Fort Worth, you get the feeling that most residents, white and black, not only don't care what people in New York City are saying about them, but that they have no concept of what New York City is and what goes on there every day. That is not a slap at Bassfield, it's just the truth.

And as to what is going on in Bassfield, I can assure you that even

fewer New Yorkers are following the post election fallout or are even remotely aware of just how good the tomatoes are down there. Check that. Folks in Soho, the North Bronx, and on Flatbush Avenue in Brooklyn know much more about North Yemen and Saturn than they do about Bassfield.

And so it is with the election. There was and is some hate, some heritage, some stubbornness, and a whole lot of inertia, which almost always spells success for the incumbent whether it be a candidate or an idea. Just look at Congress.

Add to that the fact that the new flag looked exactly like something created by a government commission - which it was. Offering voters the Magnolia Flag or having a ninth grade art class submit entries would have made a whole lot more sense. In the end it was the Governor and the legislature that passed the buck knowing full well the outcome.

It was akin to allowing registered Jim Crow-era Mississippi voters to veto Supreme Court desegregation decisions in the 1950s with the popular ballot, justifying this act of nullification with the enduring aphorism of then and now that "in a democracy, majority rules." This twisted view of Constitutional Law as interpreted through the filter of a uniquely southern form of divinely inspired, result-oriented albeit superficial brand of civics continues to be trumpeted confidently and even arrogantly by the very same people who don't quite grasp the concept of a trilogy.

In the end, I agree with actor Morgan Freeman who philosophically stated in this morning's *Clarion Ledger*. "The people voted, and we are the people. It's our flag. We're going to have to wrap ourselves in it. We're going to have to somehow change the image of that flag. It can't continue to mean inferiority to the world."

I say Amen to that. Three times!

Hinds County Bar Association Budget 2001/2002

| Income | Budget |
|--------------------------|------------------|
| ANLIR | \$ 3,000 |
| CLE | 500 |
| Grants (\$5,000) | 5,000 |
| Interest Earned | 4,000 |
| Law Week Dinner | 7,250 |
| Membership Dues | 70,500 |
| Membership Luncheon Fees | 3,500 |
| Miscellaneous | 150 |
| Newsletter Ads | 1,500 |
| Peoples Law School | 500 |
| Pictorial Dictionary | 5,000 |
| Tournament - Golf | 29,000 |
| Total Income | \$129,900 |

| Expenses | Budget |
|-------------------------|----------|
| ABA Conference and Dues | \$ 5,000 |
| Board Luncheons | 1,500 |
| CLE | 150 |
| Committee Lunches | 2,500 |
| Computer Website | 2,500 |

| Expenses Continued | Budget |
|-----------------------------------|------------------|
| Grants | \$ 5,000 |
| In-Town Travel | 450 |
| Insurance | 300 |
| Judicial Symposium | 2,500 |
| Law Week Dinner | 8,000 |
| Management Services | 22,000 |
| Members Socials | 4,500 |
| Membership Luncheons | 5,000 |
| Miscellaneous | 500 |
| Newsletter | 14,000 |
| Peoples Law School | 500 |
| Pictorial Dictionary | 5,000 |
| Postage | 9,500 |
| Printing & Supplies | 5,500 |
| Social - Christmas | 5,000 |
| Storage | 300 |
| Telephone | 1,200 |
| Tournament - Golf | 20,000 |
| Tourn. - Golf Charitable Contrib. | 9,000 |
| Total Expenses | \$129,900 |

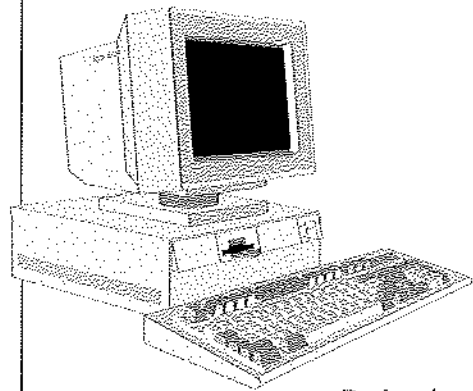
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During the course of life all of us have had bugs of varying degrees. There are just as many nasties floating out there for your computer, particularly in this age of high speed access. This, with a little helpful advice from ZDNet, can give you some fundamental information on the nature of the virus beast and how to protect your computer.

Definitionally, a virus is software that has been written to enter the files on your computer by stealth and cause selected infections. Some are actually benign, while others can actually destroy your entire system or otherwise wreak havoc.

Viruses tend to try and replicate themselves and infect as many files and systems as possible. Thus, if you have an infected system, saving a file to a disk will infect the disk, which will in turn infect any subsequent user of the disk. There are fundamentally four major categories: boot sector, file or program, macro, and multipartite.

Boot sector viruses are usually transmitted when an infected floppy is left in a machine which is subsequently rebooted. Viruses are then read from the infected boot sector of the floppy and written to the master boot record of your system hard drive, the first place your system reads when booting. This effectively loads the virus into the system.

File or program viruses attach themselves to executable programs. When the program is run, the virus then transfers itself to your system's memory and further replicates.

The most common variety of viruses now is macro. Microsoft products, such as Word, Excel, or Exchange are the most vulnerable because of their macro languages. The virus looks like a

On Computing

by Joel Howell

macro in the file, but, when opened, it executes commands understood by the application's macro language.

Multipartite viruses have characteristics of both file and boot sector viruses, either starting in the boot sector and spreading to applications or vice versa.

Programs such as Worms and Trojan Horses are not technically viruses, but they have the same effect and must be guarded against as well. A Worm is a program that replicates itself without necessarily infecting other programs. Recent examples are "Melissa" and "ILOVEYOU" which replicate themselves by email, making use of Outlook address books.

Trojan Horses, on the other hand, contain a concealed surprise, just like the myth. They reside in a seemingly harmless file until a given condition triggers their awakening.

Viruses can be written into almost any type of file, so you should be aware of this when any software, either data or program, is transferred to or installed in your system.

Two main ways viruses enter your system are through files added by removable media such as floppies or Zip disks, and from internet downloading. You can also get a virus through an email attachment, or, rarely, through a plain text email alone.

The KAK Worm, which showed up recently on the MTLA listserve, finds itself in the signature file of an Outlook Express email. There is a patch available from Microsoft for Outlook Express to fix this file signature vulnerability. If, on the other hand, you use an anti-virus program, set it to scan all files rather than just program files, and it will catch these viruses as well.

Be aware that viruses can enter your system through more than simply executable program files. Normally you would not expect a virus to replicate until the program holding the virus was launched, but macro viruses such as "MELISSA" can exist inside any document whose application uses macro language. The commonality of Microsoft's macro languages thus means that a

Word document can be infected with an Excel virus and vice versa.

ZDNet lists eight ways to protect your PC from viruses:

1. Download Microsoft's Outlook Security Patch.
2. Turn off Windows Scripting Host.
3. Don't open attachments without first scanning for viruses.
4. Stay informed. Keep up-to-date on breaking viruses and solutions by bookmarking the [_Viruses, Bugs, Security Alerts _](#) page at ZDNet (also accessible through [msn.com](#)).
5. Get Protected. If you don't have it already, get virus protection software on your machine.
6. Scan your system regularly.
7. Update your anti-virus software.

Recent virus outbreaks have exploited known vulnerabilities in Visual Basic Scripting under Windows. For example, "NewLove" and "ILOVEYOU" both contain attachments ending in .vbs which the user must click on to become infected. In order to limit the risk of infection, users of Windows should turn off Windows Scripting Host. Doing so will prevent you from executing .vbs scripts by double-clicking. For Windows 98, in order to turn off this feature:

- Click on Start (the button on lower left of your Windows desktop).
- Click on Settings.
- Chose Control Panel
- Click on Add/Remove.
- Chose the Windows Setup tab.
- Click on Accessories to obtain details.
- Uncheck Windows Scripting Host if it is checked.
- Click on OK to save any changes.

Development continues on our web site, [hindsbar.com](#). In addition to the last few newsletters being viewable online, the newsreader is now working. Questions or comments? Send email to webmaster@hindsbar.com.

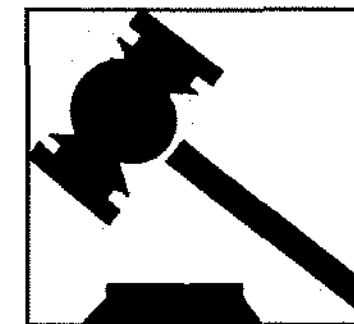


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William F. Goodman, Jr Receives 2001 Professionalism Award

by Kevin L. Humphreys

The third Hinds County Bar Association Professionalism Award was presented to William F. Goodman, Jr. during the annual Evening Honoring the Judiciary dinner on May 3, 2001.

Three years ago, professionalism was established as one of the principal themes of the Hinds County Bar Association, and the Bar decided at that time to present a professionalism award on an annual basis. As the recipient of this year's award, Goodman received an individual award, and a permanent award listing his name as this year's winner is on display at the Mississippi Bar Center.

The professionalism award selection committee, chaired by Harris H. (Trip) Barnes, III, 1999-2000 HCBA President, was comprised of the four senior judges from the Federal, Circuit, Chancery and County Courts along with three attorneys, each of whom was a past president of the HCBA.

The professionalism award is presented each year 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.

Trip Barnes noted that the members of the award selection committee, in reviewing the list of previous winners, strongly felt that Goodman should be in the company of those past winners. Barnes noted that support for Goodman as recipient of this award was unanimous and all of the members of the committee were on the "same wavelength" in selecting him. Typically, Goodman felt that he was undeserving of the award, and Barnes emphasized his deep sense of humility at being named this year's winner of the award. In describing Goodman, Barnes noted that "he treats us all alike, even though we are not his equals." On a personal note, Barnes also emphasized how courteous and helpful Goodman was to him when he first began practicing law in Jackson.

William F. Goodman, Jr. was born in Jackson, Mississippi, on February 14, 1929. He is a graduate of the Webb School in Bell Buckle, Tennessee, and was valedictorian of his graduating class. He then entered Millsaps College, receiving a B.A. with honors in 1949. He graduated from the University of Mississippi with an LL.B. degree, with distinction, in 1951. Goodman served as a first Lieutenant with the United States Army from 1951 to 1953. Following his time in the Army, he began practicing law in 1953 with Watkins and Eager, where he continues to practice to this day. He main-



Pictured at the Evening Honoring the Judiciary dinner are Harris H. (Trip) Barnes, III (left), past president of the HCBA, and Bill Goodman, recipient of this year's Professionalism Award.

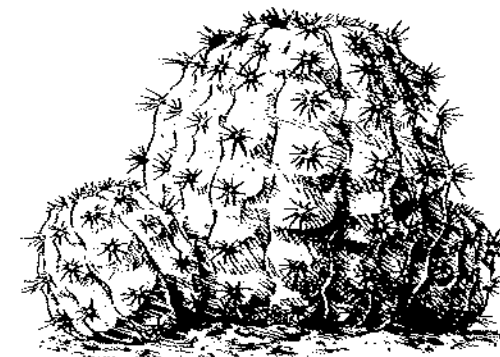
ains a general practice in state and federal courts, and has made three arguments before the Supreme Court of the United States. His practice is concentrated in banking and the business and commercial litigation areas.

Goodman has served as president of the Hinds County Bar Association and as president of the Mississippi Defense Lawyers Association. He has been a member of the International Association of Defense Council for over 25 years.

Goodman has also been honored with invitations to become a fellow of the American Bar Foundation, the Mississippi Bar Foundation, the American Academy of Appellate Lawyers, and, since 1971, he has been a fellow of the American College of Trial Lawyers. Goodman has served as a director and member of the executive committee for Trustmark Corporation and Trustmark National Bank. In 1997, he was honored as the Millsaps Alumnus of the Year.

Goodman is married to the former Edwina McDuffie, and they have three children and six grandchildren. His son, Will Goodman, III, also practices law with Watkins and Eager. Goodman is a lifelong member of Galloway Memorial United Methodist Church, where he has served as Chairman of the Board of Stewards and Chairman and Finance Chairman of the Church's Council on Ministries.

The Hinds County Bar Association congratulates William F. Goodman, Jr. upon receiving its Third Annual Professionalism Award.



Ouch!

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| Friday | 7:30 am - 6:00 pm |
| Saturday | noon - 5:00 pm |
| Sunday | 2:00 pm - 6:00 pm |

EXCEPTIONS

| | |
|--|-------------------|
| JULY 4, 2001 | CLOSED |
| August 17, 2001 - August 25, 2001 | |
| Monday - Friday | 7:30 am - 6:00 pm |
| Saturday & Sunday | CLOSED |

Fall hours begin Sunday, August 26, 2001.

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



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HCBA Luncheon Meeting
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HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

OCTOBER 2001



President's Column by Patricia W. Bennett

A Time of Reflection

As I prepared to leave home for work on September 11, I watched Katie Couric on the Today Show issue a news alert which reported that a plane had crashed into the World Trade Center. I was standing there watching when suddenly I could hear screams from the live broadcast. I heard a description of how, from initial appearances, a second plane intentionally had crashed into the second tower of the World Trade Center. I saw instant replays of the scene showing the second plane crashing into the tower. I along with all America experienced immediate shock and confusion. I could not comprehend what I was seeing. How could two planes make the mistake of crashing into the twin towers on the same day and within minutes of each other?

At that moment I had to pause and pray. My heart ached for the people on the planes. They were the ones to whom I instantly related because so often I have to travel in airplanes. The events of the morning continued to unfold with the third plane crashing into the Pentagon and a fourth crashing outside Pittsburgh. We then knew that something was terribly wrong. It didn't take long to realize that these were attacks on America.

My shock and confusion were replaced with anger, sorrow and fear. As I tried to sort through this, I became attached to the media coverage. I could not get enough information to fully understand. The crashes caused instant death to many persons and severe injuries and resulting death to others impacted by the crashes. It is now several weeks into the search, rescue and recovery efforts. We anticipate that the death toll will greatly increase because more than five-thousand persons are reported missing. Many of the missing are presumed dead. We mourn and have great empathy for the families and for all America.

This attack on America has caused me to pause and evaluate things that are important to me. I'm better able to prioritize my connection with people, places and things. I find that this is helpful to me in dealing with the uncertainties of life that we rarely think about. Let's all take moments of reflection to see if we can make a difference in providing some help or service to another person or our community.

By the time you read this newsletter, we will have a great deal more information about the attack. However, let's not be quick to forget what we personally experienced when

continued on page 2

August Membership Meeting



Mississippi College School of Law Professor, Jeffrey J. Jackson, presented an Ethics CLE Program at the August HCBA Membership Meeting. He is welcomed by HCBA President, Patricia W. Bennett, also a Professor at Mississippi College School of Law.

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HCBA LUNCHEON MEETING

Tuesday, October 16, 2001

Capital Club

12:00 Noon

\$12.00

The speaker will be Cham Trotter, President of the Mississippi Bar

HCBA Calendar of Events

October 16, 2001
HCBA Membership Meeting.
Noon. Capital Club

November 8, 2001
Wine & Cheese Social.
5:30-7:00 p.m.
The Mississippi Bar Center

December 6, 2001
HCBA Christmas Social.
5:30-7:00 p.m. The Mississippi Bar Center

February 19, 2002
HCBA Membership Meeting.
Noon. Capital Club

April 16, 2002
HCBA Membership Meeting.
Noon. Capital Club

May 9, 2002
**HCBA/JYL Evening Honoring
the Judiciary.**
6:30 p.m. Old Capitol Inn

CLE Calendar of Events

October 19
Annual Technology Seminar. MS Bar. 948-4471

October 25
**Joint Seminar of the MDLA & The MS Claims
Association.** MS Defense Lawyers Assn. 992-2645

October 25
Bankruptcy Law & Practice Update. PLI. 212-824-5811

October 26
Bridging the Gap. MS Bar. 948-4471

October 26
DUI. UM-CLE. 662-915-7282

October 30
2001 Update Clean Air Act.
ABA/MC School of Law. 800-285-2221

November 1
Annual Fall Employee Benefits Law & Practice Update.
ALI-ABA Video/MC School of Law. 925-7173

November 8
**Americans With Disabilities Act: Current Employment
Law.** ALI-ABA Video/MC School of Law. 925-7173

November 13
**Business Valuation: What Every Lawyer Should
Know.** ALI-ABA Video/MC School of Law. 925-7173

November 13
Partnerships, LLC's & LLP's.
Lorman Business Center. 715-833-3940

November 16
Introduction to Workers' Compensation in MS.
Lorman Business Center. 715-833-3940

November 27
2001 Update: Health Care Fraud.
ALI-ABA Video/MC School of Law. 925-7173

November 28 & 29
Individual Income Tax.
MS Assn of Public Accountants. 267-4887

November 29
**Privacy Law: Current Developments in the Information
Age.** ALI-ABA/MC School of Law. 925-7173

November 30 & December 2
Trial Advocacy Seminar. MTLA. 948-8631

December 7
The New Article 9. UM-CLE. 662-915-7282

PICTORIAL DIRECTORY UPDATE

The HCBA Pictorial Directory
should be mailed before the
first of the year. Thank you
for your patience.

September 11

by Captain Equity

What's in a date? Every new calendar shipped in December preceding the upcoming New Year comes with certain special days already pre-marked. For many Americans, Thanksgiving, Christmas and New Year's Eve stake out the holiday season. They stand for family, food and fun. Here in the South, you can add football to that list. There are other dates: January 1, July 4th, the first Monday in September and October 31. And of course there is April 15 or Financial Halloween as it has become known to millions of U. S. taxpayers. Add to this list a personal collection of birthdays, anniversaries and traditions that define and shape the contours of each of our lives.

And then there are those seemingly random dates that lurk in the dark shadows of memory. These are the dates that aren't marked, but everyone knows them just the same. They are dates that provide us with recurring, albeit unwanted reminders of trouble, tragedy and forced change of years past. They are dates better forgotten if that were possible. But it is not possible.

Every American regardless of age and experience knows or has come to know December 7, the date that the Empire of Japan suddenly and savagely attacked Pearl Harbor in Honolulu, Hawaii, killing thousands and plunging the U. S. into a world war where national and personal survival was suddenly at stake. November 22 is another distinctively American date etched in sorrow that crops up around Thanksgiving every year. That was the day President John F. Kennedy was murdered in Dallas, Texas, ostensibly by a lone gunman despite overwhelming evidence to the contrary. JFK's killing marked the psychological beginning of the decade of the 60s and all the loss of American innocence that accompanied those turbulent years. And now we have been coerced into adding September 11 to this dubious list.

Like Pearl Harbor and JFK's killing, the recent terror attacks on the heart of America seem to signal a new direction in the unfolding American story. Like a

plot point in a suspense novel, the most unsettling aspect relates to the uncertainty of exactly what those changes will be. However, given the shocking and graphic portrait of American vulnerability to such previously unthinkable multiple suicide missions launched by hidden forces half a world away, the indicators do not portend a new era of national optimism and well being.

In the short run, several things should be noted. First, September 11 was an act of war waged not just on New York and Washington or the United States - but was rather an act of armed outrage against all of civilization. Indeed, 80 nations lost people to this act of unprovoked terror.

Second, this is not a holy war of Islam against the Judaeo-Christian tradition. The act of hijacking and flying wide body jets into occupied buildings has about as much to do with the legitimate practice of Islam as Timothy McVeigh's act of blowing up the Murrah Federal Building in Oklahoma City had to do with a demonstration of patriotism or that the act of a hidden sniper in murdering an abortion clinic doctor in Pensacola had to do with living out one's Christian beliefs. There is nothing holy about the so-called war waged by the terrorists; it was and remains cold blooded murder, plain and simple.

And so, what to do about it? The first step to accomplishing anything is getting peoples' attention. Sadly, that has been done. Of course in America, it appears that change is always a reactive concept. Nothing seems to get done until something bad happens. Well, it has, but if you think it can't get worse, think again. Those jets could have been carrying anthrax spores or a tactical nuclear weapon, both of which could probably be purchased this afternoon on the black market in some far recess of the globe for the right price.

With the collective attention of America focused on a problem that is by no means new, we have to be willing to be smart, resourceful, and patient. Smart and resourceful are American

hallmarks, but not patience. That must change. A reactive, feel good act of revenge against innocent civilians anywhere in the world will forfeit our moral authority while accomplishing little of substance beyond the fleeting satisfaction of expending some of our high tech firepower. As George Will has pointedly observed, "we don't need to send a million dollar cruise missile to destroy a \$14 tent."

Given that many people seem to hate America throughout the world, we can't hope to win everybody over with a sustained charm offensive. Rather, we need to prevent these people from possessing the capacity to pull off a sequel to September 11. That means going after the money that allows them the capacity to strike at the heart of our country and its way of life. If someone wants to hate us in the Gaza Strip, the mountains of Afghanistan, or down on Capitol Street in Jackson for that matter, it is okay with me. Let those people demonstrate to their hearts content, even throw a few rocks and burn our flag if they must. We can deal with that. It's the big stuff we should be worried about.

This will take years of resolve, discipline, surveillance, on-the-ground intelligence and international cooperation. It lacks the glamour, speed and finality that would warm the hearts of a Hollywood producer. It won't be an antiseptic, high ratings television war like Desert Storm. We don't necessarily need to know every detail of what is being done. Sometimes we forget that terrorists watch cable television too.

As you read this, it is probable that the coalition built by the Bush Administration has launched its first strike. I only hope our response is in keeping with the pragmatism needed for the mission and the spirit that has made our country the envy of the civilized world.

Finally, is there a silver lining to be found here? Without question, America is more unified than I can remember since JFK's assassination. Many of the

continued on page 8

Divining the Mysteries of Business Casual

by Kevin Humphreys

The uninitiated reader might think that the concept of business casual, although a trend that has caught on in legal attire, is not one that has widespread significance or impact across numerous industries. Such a conclusion would be in error.

Business casual dress is important indeed to Hene Amiel. Ms. Amiel is a consultant who operates a business entitled, cleverly enough, "Business Casual Consulting." According to her website, Ms. Amiel teaches employees the art of dressing well while wearing business casual attire.

What then is business casual? Is it a case of, as the late Justice Potter Stewart once said of obscenity, "I know it when I see it," or does it encompass some hard and fast concepts that are known to all?

My research indicates that it is occasionally a combination of the two. Although most people would probably have no trouble concluding that a Metallica t-shirt would be inappropriate for "business casual" dress, other rules concerning business casual attire are not so clear.

As a consequence, Dell Computer executive Jack Steeg felt compelled to hire an image consultant to help give him pointers on choosing casual outfits that "befit his station." For us common "schmos" on the street who can't afford to hire an image consultant, a few simple rules will probably suffice when it comes to business casual attire.

Almost everyone agrees that mixing styles of dress does not work. By that, I mean that a pair of khakis, although appropriate for business casual attire, should never be paired with wingtips and a dress shirt for men.

For both men and women, blazers should be considered a staple of the business casual wardrobe. This is so because blazers can formalize any outfit and allow an individual the opportunity to "dress up" their attire. Women also have the option of wearing blazers in different colors, such as bright pink or orange.

On the other end of the spectrum, most people agree that casual T-shirts and micro-mini skirts, shorts or platform shoes are inappropriate examples of business casual attire. Furthermore, although I realize that some companies do encourage their employees to wear jeans and tennis shoes, most well-dressed profes-

sionals would generally be well advised to leave their Reeboks at home.

It is also important to know, however, that what constitutes appropriate business casual wear can vary fairly significantly depending on the region of the country in which you work. It should come as no great surprise to discover that the East coast and the Midwest are generally more conservative than the West coast. Another interesting trend I uncovered during some of my research for this article is that, in certain parts of the country, there are signs of a return to the "dress for success" look.

For example, I ran across articles in national publications noting that Wall Street is experiencing a retro-fashion revival of sorts – the return of the suit and tie. Not only have suits and ties taken over again, but the concept of business casual has been restricted in some quarters by a requirement that a blazer or jacket be worn at all times in order to satisfy company rules concerning business casual dress. Although "dressing up" is on the upswing, most people seem to agree that casual Fridays are probably here to stay.

What does all of this mean for attorneys who practice law in the beautiful tri-county area? I conducted a very informal survey of sorts by asking attorneys I knew, both in the private sector and the corporate sector, what their company and/or firm policies were concerning business casual attire.

Although my survey was extremely unscientific and was biased toward people I knew and considered friends, a few interesting trends did emerge. First of all, although there may be a return to more formal attire on Wall Street, it appears that business casual is firmly entrenched in the Jackson metropolitan area. Most people I spoke with said that their firm or company had gone to a policy of business casual attire on a full-time basis, whether as a result of an official change in policy or more often, as a gradual *de facto* process. At the very least, almost everyone I spoke with expressed a preference for business casual attire on a full-time basis during the summer and year-round on Fridays.

Several people were unable to pinpoint precisely for me when their company or firm began using business casual attire as the normal dress code. However,

most of them felt certain that their firm had begun doing so within the last three to four years. Furthermore, the use of business casual attire was equally prevalent throughout law firms and companies.

The basic consensus for all parties I spoke to was that business casual attire was the norm and that attorneys were only expected to "dress up" when they were appearing in court and/or had depositions scheduled. One good friend of mine said that he even tries to get opposing counsel in litigated cases to dress down for depositions so that there is a more relaxed environment, especially when he is the one conducting the deposition.

I also found some indications (no letters, please!) that younger lawyers prefer the business casual dress, while older lawyers do not, and, given a choice, older lawyers would continue to dress in coat and tie (or corresponding ladies' attire) all the time.

I did find a couple of interesting exceptions to the business casual preference. One lawyer who heads up his own firm said that his rule for all attorneys was no business casual attire at any time. Because of the nature of his business/corporate practice, he feels it is important to dress as well or better than his clients. He said that although this might make him "old fashioned," he really believed that lawyers should dress more formally all the time.

This view was echoed by a solo practitioner friend who said that although he allows his employees to observe a casual Friday, on which they are even allowed to wear jeans, he himself had been reluctant to observe casual days, believing that clients expect their lawyers to look as well as be professional. He did concede, however, that due to the brutal Mississippi summers, he had resorted to wearing slacks and more casual shirts in the hot months.

As you can see, business casual has caught on in a big way in the central Mississippi legal community. I for one will be interested to see if the Wall Street trend of dressing up again takes hold in central Mississippi. Having grown accustomed (spoiled?) the last several years to business casual attire myself at our company, I urge my fellow attorneys to fight the urge to become overly "well-suited."

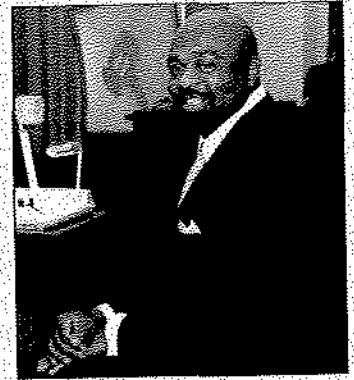
Judge Graves Attends Court Technology Conference

Hinds County Circuit Court Judge James E. Graves, Jr., attended the Seventh Court Technology Conference in Baltimore, Maryland, which was held August 14 to 16, 2001. The conference was sponsored by the National Center for State Courts and provided an opportunity to learn how technology can assist in the management of cases and the timely resolution of disputes.

Judge Graves' attendance at the technology conference was supported by a scholarship by the State Justice Institute (SJI), a nonprofit organization established by federal law to award grants to improve the quality of justice in state courts nationwide, facilitate better coordination between state and

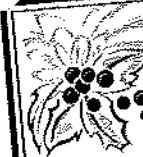
federal courts, and foster innovative, efficient solutions to common problems faced by all courts.

Judge Graves spearheaded the campaign to bring technology to the Hinds County Courthouse. In February 2000, he unveiled Courtroom 2000 which features the latest in multimedia and presentation capabilities.



Chinn Elected Chairman of the Lamar Order

Mark A. Chinn, former President of the HCBA, has been elected Chairman of the Lamar Order of the Alumni Chapter of the University of Mississippi Alumni Association in cooperation with the University of Mississippi Foundation. Named in honor of L. Q. C. Lamar, founding father of the University of Mississippi School of Law, the Order administers substantial gifts for the benefit of the Law Center to encourage its recognition as one of the outstanding legal education centers in the United States.



Hinds County
Bar Association

Christmas Party

Thursday, December 6, 2001
5:30 P.M. to 7:00 P.M.
Mississippi Bar Center
643 North State Street

Guests Welcome
Sponsored in part by
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Serving as Officers and Board Members on the 2001-02 Hinds County Bar Association Board are: (seated) Robert C. Grenfell, Past President; Patricia W. Bennett, President; William R. Wright, President-Elect; (standing) LaVerne Edney, Director; Douglas E. Levanway, Director; Ruma Haque, Director; J. Douglas Minor, Jr., President-Elect of the Jackson Young Lawyers; and Lynn P. Ladner, Director. Not pictured are: Stuart G. Kruger, Secretary-Treasurer; and David F. Maron, Jackson Young Lawyers President.

Old Capitol to be Site of Conference on Methods of Judicial Selection

Legal Scholars from across America will bring their expertise to the November 8th Judicial Selection Conference sponsored by the Mississippi College Law Review. Law Review Editor-in-Chief Andy Gipson has announced that Professors Erwin Chemerinsky, Lino Graglia, Arthur Hellman, and Carl Baar have accepted invitations to participate in this timely program.

Noted constitutional law expert Erwin Chemerinsky is Irmas Professor of Public Interest Law, Legal Ethics and Political Science at the University of Southern California. Sometimes controversial Professor Lino Graglia is Cross Professor of Law at the University of Texas. Federal courts specialist Arthur Hellman is a law professor at the University of



Erwin Chemerinsky



Lino Graglia

Pittsburgh. The international viewpoint will be brought by Canadian professor Carl Baar, who is serving as a consultant to Pakistan on court restructuring.

Mississippians who will be making presentations are Supreme Court Chief Justice Edwin Pittman, Court of Appeals Judge Leslie Southwick, Counsel to the

U.S. House of Representatives Subcommittee on the Constitution Bradley Clanton, Assistant Secretary of State for Elections Leslie Scott, and Mississippi College Law Professors Phillip McIntosh and Jeffrey Jackson.



Arthur Hellman

The program is scheduled for Thursday, November 8th from 9:00 until 4:30, and will be held in the House Chamber of the Old Capitol Building.

The chief focus of the conference will be a discussion of the pros and cons of various systems of judicial selection, with a special emphasis on the implications of an elected judiciary in Mississippi. There will no charge for the daylong program. All members of the Hinds County Bar are invited to attend.

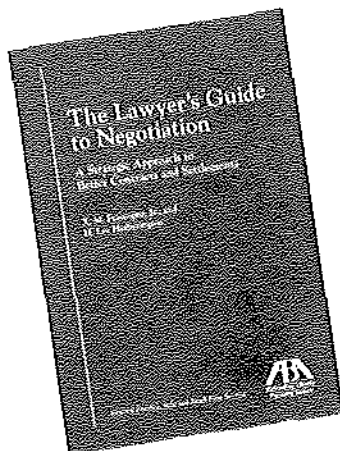


Carl Baar

For more information, call the Mississippi College School of Law at 601-925-7100.

Following the program on November 8th, the Hinds County Bar will host a wine and cheese reception for all participants, attendees, and interested members of the bar, from 5:30 until 7:00 at the Mississippi Bar Center, 643 North State Street.

HCBA Members' Negotiation Book Published by ABA



HCBA members Mike Frascogna and Professor H. Lee Hetherington are the authors of *The Lawyer's Guide To Negotiation: A Strategic Approach to Better Contracts and Settlements*, which was recently published by the General Practice, Solo and Small Firm Section of the American Bar Association.

It is the first book on the general subject of negotiation within the context of a law practice to be published by the ABA. The book, which focuses on specific aspects of bargaining from the unique standpoint of a law practice, provides a systematic approach for preparing, conducting and concluding successful negotiations within the dual contexts of transactional work and litigation.

According to officials at ABA Headquarters in Chicago, the early response to the book throughout the nation has been extremely positive. The book is also currently being used as a text in several law schools, including Mississippi College School of Law, where both authors teach an innovative course in legal counseling and negotiation.

For more information, or to order, you may contact American Bar Association Publishing at 1-800-285-2221 or at the official ABA website located at <http://www.ababooks.org>.



Mike Frascogna



H. Lee Hetherington

Mississippi Supreme Court and Court of Appeals Arguments are on the Internet

by Beverly Pettigrew Kraft, Public Information Officer, Administrative Office of Courts

Oral arguments of the Mississippi Supreme Court and the Court of Appeals are on the Internet.

Supreme Court Chief Justice Edwin Pittman said Internet broadcasts are intended to make the courts more accessible and accountable to the public. "They can watch and hear and know what happens at the Supreme Court," Pittman said.

At the Supreme Court and the Court of Appeals, seven voice-activated cameras cover the judges and lawyers and provide a wide-angle view of the courtroom. Anyone with a computer equipped to receive audio visual material can view the oral arguments live.

Internet broadcasts of Supreme Court oral arguments began April 2, and Court of Appeals arguments went on the Internet on August 7. In other technology advances, the case docket of the Mississippi Supreme Court has been available on the Internet since March 30. Work is underway at the Supreme Court to allow electronic filing and retrieval of documents via the Internet. Decisions of the Supreme Court and the Court of Appeals have been available on the Internet since 1996. <http://www.mscc.state.ms.us/decisions/search/default.asp>

Court of Appeals Chief Judge Roger H. McMillin Jr. said, "With access to information comes understanding. It is our hope that this new form of access to the court system will, among other benefits, become an effective tool in our schools to acquaint students with our judicial system."

Court of Appeals Judge Leslie King said, "I envision high school civics classes who are studying the court system having the opportunity to sit in the classroom and watch first-hand what is occurring and discuss that. Long-distance learning is now one of the big things in education. This fits right into that mode."

King said that with the popularity of television programs that dramatize court proceedings, access to real courtroom proceedings will give the public a more accurate look at how the judicial system works. "This gives them the opportunity to see first-hand," King said.

Attorney David Calder of Oxford, who has watched oral arguments on the Internet, said, "I think this is a valuable service that will enable lay persons to gain insight into how the judicial system operates. Also, law students and attorneys who have not previously participated in an oral argument will benefit from this service."

The August 7 docket of arguments before the Court of Appeals included appeals of employment termination, employment suspension and workers compensation. McMillin, who presided, said afterwards, "It was, at least within the courtroom, a rather undramatic event that seemed largely forgotten once the arguments got underway. That is as it should be, since there would be cause for concern if the presence of cameras altered the nature of our formal proceedings in any significant way."

Court of Appeals Judge David A. Chandler said, "I have heard that the video provided the audience with a sense of

sitting in the courtroom during the oral arguments. I believe the cameras provided the audience with this benefit, without distracting the lawyers or judges."

Oral arguments of at least six other state appellate courts are available on the Internet through court web sites, universities or public broadcasting systems. The state of Washington became the first in 1995, with audio of oral arguments available on an Internet site and a broadcast on cable television. The Florida Supreme Court followed in 1997 with audio and video on the Internet. The West Virginia Supreme Court of Appeals began broadcasting its oral arguments to a limited audience early this year, and made arguments available to the public at its web site June 5. The Indiana Supreme Court experimented with oral arguments on the Internet in July 1999 and plans to broadcast all oral arguments starting in October. Some proceedings of the Indiana Court of Appeals and the Tax Court will also be available on the Internet.

Audio of the Missouri Supreme Court's oral arguments has been broadcast on the Internet since January 2000 over MissouriNet, a state radio network. The North Dakota Supreme Court experimented with audio broadcasts on the Internet for Law Day 2000 and in January began broadcasting audio of all oral arguments except mental health commitment appeals.

Between April 2 and Aug. 31, oral arguments of the Mississippi Supreme Court were viewed 1,676 times on the Internet. Statistics were not available for the Court of Appeals.

The Internet and camera system for the Supreme Court cost \$55,610. The Court of Appeals Internet project cost \$43,583. Jefferson Audio and Video of Louisville, Kentucky, is the contractor.

Internet broadcasts are live. Material is not archived for later retrieval via the Internet. However, arguments are available on CD Rom from the office of the Supreme Court Clerk. The cost is \$25. Still photo images may be reproduced from the CD Rom recordings.

At the Mississippi Supreme Court, broadcast media may record the proceedings using one of the five audio and video connections outside the courtroom. The Court of Appeals system does not have audio and video recording portals.

Cameras other than those operated by the courts are prohibited at the appellate courts. In the trial courts, no cameras are permitted in the courtroom. State trial courts operate under Canon 3 of the Mississippi Code of Judicial Conduct, which prohibits cameras in the courtroom.

To view oral arguments on the Internet, go to the Supreme Court's web site, www.mscc.state.ms.us, and click on the DOCKET CALENDAR icon. This links to the LIVE BROADCAST SCHEDULE. Select Court of Appeals or Supreme Court to view the schedule of arguments. When a broadcast is in progress, click on the scheduled argument to watch and listen.

Book Notes

by Nonie Joiner

The summer of 2001 marked the first time in recent years that nonfiction topped bestseller lists more often than did fiction. What's more, not only did nonfiction outsell fiction, it outsold it three or four times over. That applies to newly issued hardcover titles only, and to number of volumes sold rather than to dollar totals.

Fiction titles may well have outsold nonfiction in total dollar amounts since there aren't many inexpensive new works of fiction; most sell for \$25.00 and up. The nonfiction books which are big sellers are frequently among the least expensive nonfiction offerings. In fact, the price of what was probably the best-selling nonfiction book was less than one third the price of another recent nonfiction success: *The Prayer of Jabez* by Bruce H. Wilkinson lists at \$9.99, while *John Adams* by David McCullough is \$35.00.

It's difficult to combine or even to compare best seller lists, since sources such as *The New York Times*, *The Washington Post*, *The Wall Street Journal*, Amazon, and Barnes and Noble all use different methods of selection and reporting. Some include new issues only, some combine hardcover and paperbacks, while others list them separately. Some give total sales and some don't.

By looking at all the lists, however, some conclusions can be drawn. One is that readers like books that are short

and cheap. In addition to *The Prayer of Jabez*, *Who Moved My Cheese* by Spencer Johnson, and *Fish! A Remarkable Way to Boost Morale and Improve Results* by Stephen C. Lundin, and others at \$20 each were at the least expensive end of the price range and could be read extremely quickly, which leads to another conclusion, applicable to fiction as well as nonfiction: people like to read books that don't require too much thought.

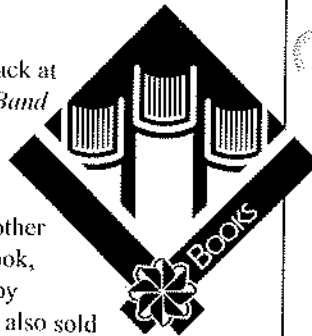
Quick fixes for life's difficulties obviously have great appeal. Many of the books on the bestseller lists appear to offer consumers today's equivalent of a snake oil cure for whatever ails them. Then there are the usual business books: consultants' marketing brochures disguised as books, or memoirs of executives who have retired and are yesterday's news. I think these sell largely either to business executives who think displaying them in their offices will make subordinates think they know what they are doing, or as gifts to coworkers whom one doesn't like.

On the bright side, however, the renewed interest in American history which started several years ago with works by Stephen Ambrose and Tom Brokaw seems to be continuing. Besides *John Adams*, summer best sellers included *Founding Brothers: The Revolutionary Generation* by Joseph J. Ellis and *The Wild Blue* by Stephen Ambrose. Ambrose had a second best-

seller in paperback at the same time, *Band of Brothers*, which has been made into a TV miniseries. Another World War II book, *Ghost Soldiers* by Hampton Sides, also sold well. Katherine Graham's death resulted in additional sales of her autobiography, *Personal History*, and I do not mean for her to be included in the category of retired executive mentioned above.

Other nonfiction bestsellers included *Seabiscuit: An American Legend* by Lauren Hillenbrand and *Body for Life* by Bill Phillips. At the beginning of the summer, Oprah Winfrey chose a nonfiction work, *Stolen Lives* by Malika Oufkir, for her book club, only the second nonfiction work chosen in the last five years.

I suspect that the people who buy the cheap and easy nonfiction which constitutes much of the bestseller list are the book-reading versions of the people who have made hits of the TV "reality" shows. Maybe they're the same people, and people who watch "Fear Factor" really can read after all. However, I suppose that we should be grateful that they do buy these books. If they'll keep buying, perhaps books in print will last for another decade or so before they're entirely displaced by electronic media.



Captain Equity *continued from page 6*

superficial differences that divide the nation have vanished or at least retreated. The obsession with pop culture and the worship of overpaid athletes as well as the endless game of political bickering, posturing and fault finding has taken a well-deserved backseat to what and who is important.

Instead, the headlines of the past few weeks have focused on random acts of kindness and the bravery of firemen, police and ordinary office workers who sacrificed their own lives

to help others escape a fiery death. It is ironic that these were the values and heroes we admired as children. Suddenly and unexpectedly, they have made an overnight come back in the adult world.

Perhaps the most inspiring story of all is that of the airline passengers on doomed United 93 that crashed in Pennsylvania. Cell phone accounts indicate that the passengers knew the plane was on a suicide mission against the White House or Capitol Building in Washington. Their courage to fight

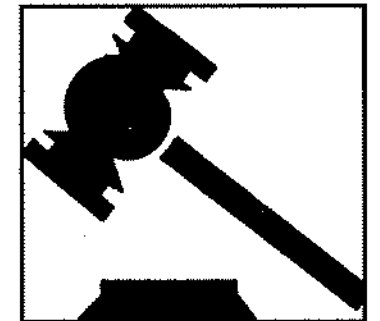
back against the terrorists denied America's enemies their greatest symbolic prize and saved untold number of lives on the ground, even though it meant the ultimate sacrifice. This was heroism more dramatic than any account I have ever read in a novel or seen on a movie screen. If that does not reassure us all that the American spirit is alive and well, nothing ever will.

Indeed, in the midst of unspeakable tragedy, God does work in mysterious ways. America and the world will be better for it.

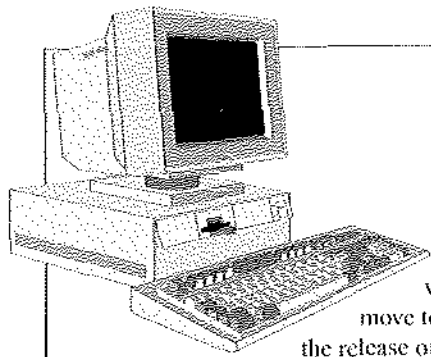
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On Computing

by Joel Howell

While we move toward the release of

Microsoft's Windows XP Operating system, there are other technical developments worthy of your notice. Most offices of any size now have local area networks (LAN). It is now possible to do so wirelessly, a viable alternative to traditionally wired networks. The typical WLAN (wireless LAN) configuration involves a transmitter/receiver or transceiver known in the jargon as an access point (AP), which connects to the wired network from a fixed location using Ethernet cable. The AP receives, buffers, and transmits the data between the WLAN and the wired network infrastructure. A single AP can support a number of users and function within a range of from one to several hundred feet. Users access the WLAN through wireless LAN adapters, implemented as a PC card in a notebook computer, an adapter in a network computer, or fully integrated in handheld devices. WLAN adapters provide an interface between the client network operation system (NOS) and the airways (via an antenna); the wireless connection is transparent to the NOS.

There are a number of potential benefits. You can use a laptop at home or the office without a docking station or the need to pull cables through walls and ceilings. At the office, a WLAN end user has access to real time information anywhere in the network, and can still move about at will. Should there be frequent changes to the network, the freedom from wires can also be economic.

All of this is made possible through

the IEEE (Institute of Electrical and Electronic Engineers) 802.11b standard, which allows a WLAN user to purchase equipment from multiple competing but compatible vendors. Insofar as security is concerned, most of the products use spread spectrum technology, which requires use of a system security identification code (SSID), with more than 16 million variables. In addition, the wired equivalence privacy (WEP) standard is an optional IEEE 802.11 feature that provides confidentiality equivalent to that of a wired LAN that does not employ cryptographic techniques for enhanced privacy. When WEP is enabled, each station has a key that scrambles data before it is transmitted, thus requiring the use of a matching key to unscramble it.

WLANs are subject to environmental factors which may affect frequency waves, including density barriers, which may require careful placement of APs for desired RF coverage.

Within the last year, the Electronic Signatures in Global and National Commerce Act has become law. While perhaps of more immediate consequence in trade, the legal ramifications are interesting.

To utilize an electronic or digital signature, certain infrastructure is required, of which a public key is most common. This allows users to exchange data and funds securely through the use of the public key with a private key pair obtained and shared from a certifying authority. The public key can be known to anyone accessing a public key registry or directory, but the private key is only known by the user.

The needed infrastructure provides a

digital certificate which identifies an individual or organization that can store, and, if necessary, revoke the digital certificate. A public key infrastructure consists of a certificate authority (CA), a registration authority (RA), one or more directories where certificates are held and a certificate management system. The CA issues and verifies a digital certificate containing the sender's name, a serial number, expiration date, a copy of the certificate holder's public key, and the digital signature of the CA so a recipient can verify its authenticity. The RA acts as the verifier for the certificate authority before a digital certificate is issued.

The Act contains some very specific exceptions, including wills, codicils and testamentary trusts, family law matters, including divorce and adoption, court orders and notices, cancellation of utility services, default, repossession or like events under a credit or rental agreement for a primary residence, cancellation or termination of life or health insurance, product recalls, or certain specified contracts or records governed by the UCC.

Viruses and worms are becoming more prevalent, as any subscriber to the various listserves now available can attest. SirCam and Code Red are recent examples. Your best protection is through one of the available vendors: Norton and McAfee are both good. You must be careful to update the virus identification files at least weekly, or on notice of a new strain. If economics is a problem, try antivirus.com for a free check and delousing.

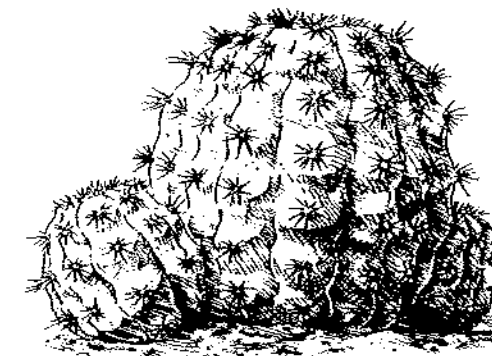
Questions or comments? Send email to webmaster@hindsbar.com.

LITIGATION POSITIONS

Prominent Jackson firms are seeking good lawyers with 1-7 years experience in civil litigation and/or employment law. These firms offer excellent compensation benefits packages. **All inquiries are strictly confidential.**

Please contact Richard G. Brock, Esq. Phone (205) 871-3223.

Fax (205) 871-3224. Email: richard@acymtech.com



Ouch!

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OF LAW LIBRARY HOURS
THROUGH JANUARY 2, 2002**

REGULAR LIBRARY HOURS

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

EXCEPTIONS

| | |
|----------------------------|-------------------|
| Nov. 21 | 7:30 am - noon |
| Thanksgiving, Nov. 22 & 23 | CLOSED |
| Dec. 20 & 21 | 7:30 am - 6:00 pm |
| Dec. 22 - Jan. 2 | CLOSED |

EXAM SCHEDULE: DECEMBER 7-19, 2001

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

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



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Hinds County Bar Association, Inc.
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FIRST CLASS

IMPORTANT
HCBA Luncheon Meeting
12:00 Noon, October 16