



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

APRIL 2003



President's Column

by William R. Wright

Important Reminders

Again, I want to remind you of two outstanding HCBA events scheduled for May. At 6:30 P.M. on Thursday, May 15 we will again sponsor our Evening Honoring the Judiciary at the Old Capitol Inn in downtown Jackson. Most of the appellate and trial court judges from the federal and state judiciaries sitting in the tri-county area will be present as they are honored for their service. Mike Slive, commissioner of the Southeastern Conference and a former judge, will be our keynote speaker. Also, several awards to lawyers and judges in our area will be presented. We expect a sellout, so send in your reservation card that was mailed to you with the dinner invitation and expect an entertaining evening.

A week later, on Thursday, May 22, golfers will tee up at Amundale for our annual golf tournament. Not only will you have the opportunity to play a beautiful course, but also your participation will help fund the substantial contribution the HCBA makes to the Mississippi Volunteer Project. Make plans to play Amundale on May 22.

War

War is truly Hell on earth, and very few of us can view our attacking Iraq without ambivalent feelings. Our leadership believes world peace is not possible without taking out Saddam Hussein; yet, taking him out creates anything but

peace. Soldiers and civilians are dying daily, and the end is not in sight as we go to press. What will be the death toll? What collateral wars will break out in the area? How will this "live and in color" war affect our children? What will the war cost us in dollars? What about our economy? We have no definitive answers.

This war is scary. However, whether we like it or not, we are in this war together, and we must support our troops in any way possible. Remember, these brave folks are not draftees, forced against their will to fight. They are professional soldiers who chose to defend our freedoms while we go about our business "as usual" here. Our guys are simply the best and bravest in the world. Not only do we owe them our gratitude, but we also need to pray daily that God will guide and direct them and to bring them home safely to their families. May God also bless this country and our President.

Final Column

The next newsletter will be published after I step down as HCBA president on May 31. So, this is my last of six columns. Writing columns under a deadline has made me appreciate newspaper and magazine journalists who face writing deadlines often on a daily basis. It is not easy, even when the deadline is only bi-monthly.

Continued on page 2.

FEBRUARY MEMBERSHIP MEETING

Mississippi Supreme Court Chief Justice Edwin Pittman was the speaker at the February HCBA Membership Meeting. He is pictured with Stuart Kruger, HCBA President-Elect, and William Wright, HCBA President.



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HCBA LUNCHEON MEETING

Tuesday, April 15, 2003 Capital Club 12:00 Noon \$12.00

The speaker will be Faye Peterson, Hinds County District Attorney

HCBA Calendar of Events

April 15, 2003
HCBA Membership Meeting.
 Noon. Capital Club

May 15, 2003
HCBA/JYL Evening Honoring the Judiciary.
 6:30 p.m. Old Capitol Inn

May 22, 2003
HCBA/JYL Golf Tournament.
 Noon. Annandale Golf Club

June 17, 2003
HCBA Membership Meeting.
 Noon. Capital Club

CLE Calendar of Events

April 22, 2003
Real Evidence for the Trial Practitioner.
 Lorman Business Center. 715-833-3940

April 23, 2003
Construction Litigation.
 Lorman Business Center. 715-833-3940

April 25, 2003
Children's Records Law in MS.
 Lorman Business Center. 715-833-3940

May 2, 2003
Advanced Construction Law in MS.
 NBI. 800-930-6182

May 6, 2003
Evictions & Landlord/Tenant Law in MS. NBI. 800-930-6182

May 9, 2003
Choice of Business Entity in MS.
 NBI. 800-930-6182.

May 16, 2003
10th Annual Hot Tips Seminar.
 MS Bar. 355-9226

May 22, 2003
Closely Held Corporations.
 Lorman Business Center. 715-833-3940

May 28, 2003
Advanced Tax Planning in MS.
 Lorman Business Center.
 715-833-3940

May 29, 2003
Erisa Fiduciary Responsibility Issues Update (ALI-ABA Video Review).
 MC Law School. 800-253-6397

June 6, 2003
6th Annual Video Conference CLE Seminar. MS Bar. 355-9226

June 12, 2003
MS Sales and Use Tax Update.
 NBI. 800-930-6182

President's Column

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I also now appreciate more than ever those lawyers in our membership who have been unselfishly writing columns and stories for this newsletter and making sure it is published for many years. Those folks are Lee Hetherington, Joel Howell, Kevin Humphreys, Nonie Joiner, John Land McDavid, Jimmy Robertson, Linda Thompson and Carol West. By the way, if any of you wish to contribute a column or a story to the newsletter, feel free to contact our editor, Luke Dove. He and the newsletter committee would be delighted to receive your input.

So, I end my short but enjoyable stint as a columnist and turn this space over to our very capable incoming president, Stuart Kruger. May he enlighten you all.



Former Hinds County Bar Association Board member and current committee member, T. Kenneth Griffis, Jr., was given the oath of office as a Judge of the Mississippi Court of Appeals by Chief Judge Roger H. McMillin, Jr. on February 28. Joining Judge Griffis was his wife, Mary Helen.

HCBA ELECTION RESULTS

Congratulations to our new officer and directors!

Secretary-Treasurer	Director-Post 1	Director-Post 2
Alveno Castilla	Nonie Joiner	R. David Kaufman

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Mediation is a Bargain

by Thomas W. Crockett*

Clients don't like to pay legal fees, and they hate to pay legal fees that they think are a waste of money. They, like all of us, love bargains. And, mediation is a bargain. About 80% of all mediated cases settle. Even if the entire case is not settled, money saving agreements such as mutual disclosure of information or stipulations on non-controverted facts are usually reached. The cost of a mediation is a fraction of the cost of trial, especially if the mediation is held early on in the proceedings. Preparation and cooperation are the keys to a successful mediation. To save time and money, follow these simple suggestions.

- Select a competent mediator who has experience in mediating and litigating in the area of law involved. Ask for references.
- Bring to the mediation all advisors who must be consulted to make a final decision. If the advisor does not go through the mediation process, she will not have ownership in the result and may well veto it.
- Mediate as early as possible. The parties can usually get enough information through mediation to make a decision without exhaustive discovery.
- Communicate with the mediator so he can understand and advocate your position to your adversary. The mediator wants to help you settle the case, and the more he knows about your position, the better he can persuade your adversary.
- Prepare a draft settlement agreement and final judgment with as many agreed upon provisions as possible and bring a disc to the mediation session. If agreement is reached, fill in the blanks, have the parties sign the agreement and consent judgment at the mediation session, and the matter is concluded with no further expense or delay.

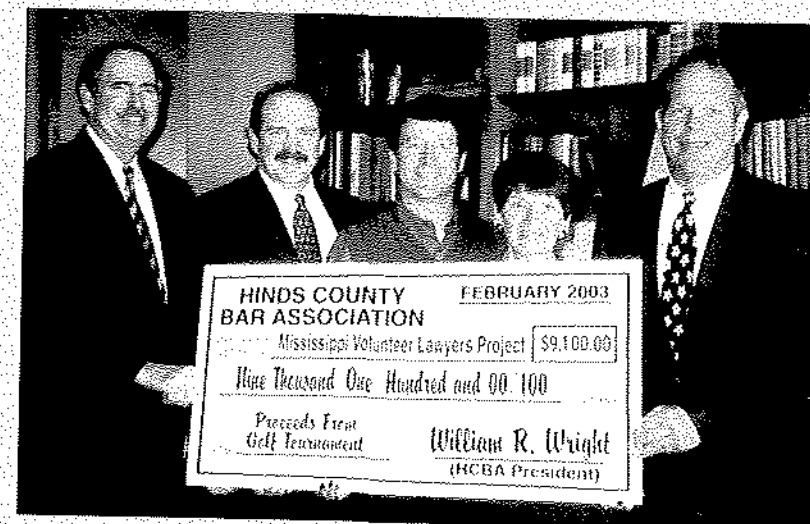
- Disclose information to the other party sufficient for her to decide to accept your proposal, and make sure you have enough information for your client to make a decision. No one can be expected to make a decision without all the necessary facts. Use the mediator to help on this matter.
- Make experts available to the other side prior to the mediation and, if not personally at the mediation session, at least on the telephone for the mediation. Disputes can frequently be resolved by having the experts talk directly to each other.
- Educate the client to understand that mediation is not "win-lose" but "win-win." The resolution probably will not be the one the client initially seeks; it must be one that meets both parties' needs. Each party must give a little. The dispute will come to an end. The question is whether the decision will be made by the parties in cooperation with each other or by the court.
- Prepare an opening statement which will be a polite but forceful explanation of your case. This is your only chance to persuade the other party face to face without going through her lawyer. Make the most of it. Use demonstrative evidence where appropriate.

If both parties want to settle and their lawyers will follow these tips, mediation will be a bargain. It will save your client and our over-crowded court system time and money.

*Thomas W. Crockett practices in mediation and litigation. He is a shareholder of Watkins Ludlam Winter & Stennis, P. A., 633 North State Street, Jackson, Mississippi; mailing address: P. O. Box 427, Jackson, MS 39205-0427; ph: (601) 949-4881; e-mail: tcrockett@whwslaw.com

2002 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 \$9,100, the proceeds from the May 2002 Golf Tournament chaired by Keith Obert. The Mississippi Volunteer Lawyers Project provides free civil legal service to low-income citizens utilizing private attorneys who donate their time.



Pictured with Ms. Thornton and HCBA President William Wright are: Golf Tournament Committee Members: Ben Piazza, Keith Obert, and Stuart Kruger.

On the Eve of Gulf War II

by Captain Equity

If it were a heavyweight fight being held at a glitzy Las Vegas Hotel/Casino, the ring announcer, splendidly dressed in his tuxedo, would step to the center of the ring. After a brief pause to heighten the effect, his exaggerated ring master voice would boom from the huge speakers surrounding the giant indoor arena just off the Vegas Strip.

"And now, ladies and gentlemen, the feature event of the evening." The ringside crowd made up primarily of high rollers and celebrities would lean forward to get a better look as the two fighters shadow boxed away nervous energy in their respective corners. Pay-per-view spectators in homes and sports bars across the country and around the world would take their cue, beer and snacks in hand, to find their seats on couches and bar stools in anticipation of the culmination of months of hype and promotion.

"Let's get ready to rumble!"

The crowd would roar with approval as the home audience would collectively hoist their filled beer mugs to the event, now only moments away.

"In this corner, fighting out of Baghdad, Iraq, the Tigris and Euphrates Bully Boy and Unanimously Elected Baath Party Champion - Saddam "Mustard Gas" Hussein."

As the Iraqi President danced to the center of the ring amidst conscripted Iraqi applause and Kurdish and American boos, his beret wearing Republican Guard handlers would collectively fire assault rifles into the air.

"And in this corner, fighting out of Crawford, Texas, by way of the District of Columbia, here is the Leader of the Free World and defending Heavyweight Champion of Right over Wrong, President George "The W. Stands For Whup The Evil Doers" Bush.

The announcement would be greeted by a surge of good ole boy cheers and few French hecklers while nervous Dean-Sharpston Democrats would sit on their hands saying nothing.

As the grim-faced President, decked out in red, white and blue trunks and his signature turquoise necktie, swaggered to the center of the ring, his handlers Dick Cheney and Don Rumsfeld would surely fire off tiny smart bombs and miniature cruise missiles which would take out the Turkish Coffee Kiosk and the Hummus Stand in the Food Court.

Finally, the referee, wearing a blue U.N. Peacekeeping helmet would nod to the scorekeeper to sound the bell that would start the fight.

And so you ask, what would happen next? The answer is I really don't know. Nobody does. It is St. Patrick's Day as this is being written and we are only days from unleashing a military onslaught against Iraq to ostensibly disarm and dispose of Saddam Hussein. Perhaps as you read this in early April, the answers will already be clear, but I suspect not.

Instead of a heavyweight fight in Las Vegas, this is a life and death proposition in which Iraqis and Americans will undoubtedly be killed. Win or lose, it will most probably spawn more terrorist attacks here and abroad. So, is it worth it? Is war necessary? Are the legitimate national security

interests of America and much of the rest of the world really at stake? Based on the evidence, the answers are probably yes in each instance. Time will tell. But whatever the outcome, the world is unlikely to ever be quite as safe as it is on St. Patrick's Day 2003 before the first missile is fired, before the first person's life is lost.

As many war profesters argue, why open Pandora's box in the Middle East? The answer can be traced to one of Saddam Hussein's chilling reflections on Gulf War I. According to the Iraqi leader, his biggest mistake a decade or so ago was in attacking Kuwait before he had nuclear weapons. Had it not been for the Israeli Air Force's unilateral bombing of an Iraqi nuclear reactor in 1981, Saddam would have had those weapons a dozen years ago and with them most of the Middle East and its oil fields masquerading as Iraqi provinces. Given Hussein's stated ambitions coupled with his delusions of becoming a modern day Nebuchadnezzar, there is little doubt that the policy of containment would fail, sooner rather than later. For an apt parallel, one need only recall the late 1930s, Neville Chamberlain, Adolph Hitler and the deal that sacrificed Czechoslovakia to avoid World War II. That worked out well, didn't it?

The uncomfortable reality for Americans is that being flanked by two oceans no longer provides the security it once did. September 11 was a sucker punch that will likely never be replicated. Not so with the anthrax episode in Washington a month later.

Iraq is known to have developed every sort of chemical and biological weapon known to mankind. All it would take is for one or two suicide terrorists outfitted by Iraq, infected with smallpox and toting a suitcase of anthrax to enter the United States illegally. The damage they could potentially cause would make the receding memory of September 11 seem like a tray of appetizers at a six-course meal. A poll taken recently indicated that 88% of Americans agree.

Assuming the case for opening Pandora's box is made, at least in eyes of most Americans and the leaders of Britain, Spain and Bulgaria, the details as to exactly how it is opened can make all the difference as to the Bush legacy and the future of our country and the world. In the best-case scenario, Hussein would either opt for exile or be taken out by his inner circle to avoid war or minimize casualties. If neither of these two options materializes, the war must be fast and as surgical as possible. The last thing the allies need is for Israel to be drawn into the fighting or in its aftermath, to have Iraq occupied by United States troops. Indeed, the scariest thing about the President's vision, who by the way won the White House by campaigning against nation building, is the idea that Iraq is primed for democracy. A cursory reading of history and analysis of Middle Eastern culture would quickly tell anyone that the chances of turning Iraq or any other Arab country in the region into a model for Western-style-democracy is naive at best. Just look at how successful democracy

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A Do-It-Yourself Vacation

by John Land McDavid

This is an account of an out-of-country vacation Sylvia and I enjoyed without the help of AAA, travel agent, tour company, cruise line or even the advice of friends and acquaintances. All arrangements were made on a lark and within a couple of hours. On a rainy weekend last Spring, we read an article about problems with frequent flyer miles and decided to use our Delta frequent flyer miles before they expired, devalued or were lost in bankruptcy.

As Sylvia and I had traveled to all of the Maritime Provinces of Canada (New Brunswick, Newfoundland, Nova Scotia and Prince Edward Island) on previous occasions, we decided to return again to one of our favorite vacation destinations.

First, Sylvia dialed her way through Delta's electronic telephone system and found a time slot for our frequent flyer tickets (this is getting harder) and also reserved a rent-a-car. We then went to a local Comfort Inn and picked up one of its worldwide directories. Sylvia called the 1-800 number and made reservations in Bangor, Maine, St. John, New Brunswick, Truro, Nova Scotia, and Moncton, New Brunswick. Within an hour we had e-mail confirmation of all reservations. I went to the website of the provinces and, among other things, obtained a schedule of the various ferry crossings. Sylvia then made a reservation for us and our rent-a-car for a crossing from St. John, New Brunswick, to Digby, Nova Scotia. Within about two hours, we completed arrangements for a vacation in Canada where, among other benefits, the exchange rate of the U.S. dollar to the Canadian dollar is highly favorable. About 1:1.5.

Incidentally, there are two ferry crossings from Maine to Nova Scotia. A ferry runs from Portland to Yarmouth. It is an overnight crossing and takes about twelve hours and is promoted as a mini-cruise with state rooms, gambling and fine dining. A day trip of about six hours goes from Bar Harbour to Yarmouth.

New Brunswick and Nova Scotia are geographically and topographically extensions of Maine, with miles of beautiful shorelines and extensive evergreen forests onshore. The most unique feature of New Brunswick and Nova Scotia are the tides in the Bay of Fundy, the highest in the world, between forty and fifty feet. The tides are a popular attraction at various sites.

In Moncton, New Brunswick, which is located upriver from the Bay of Fundy, when the tide goes out, the river basin is totally drained of water. When the tide comes in, it comes in as a solid wave of water from about one foot to three feet high with a great rushing sound. Bleacher seats are set up on the river bank for viewers. For nighttime tides, floodlights come on to light up the river basin. The night Sylvia and I were there on a previous visit a light rain was falling, yet the bleachers were filled. It was an amazing sight, both onshore and in the river. Out on the street, the city maintains an electronic sign which displays the exact time of tides to assist spectators.

In Truro, Nova Scotia, the tide phenomena is different. The river bed does not drain completely. With each incoming tide, a solid wave of water comes in over and on top of the water already on the river. You have to see it to believe it. On the late afternoon Sylvia and I were there, the river bank was crowded with viewers.

At St. John, New Brunswick, are the Reversing Falls Rapids, where, when the tide comes in, the river runs in reverse across an area of rapids and literally flows in reverse.

In addition to tides, the Maritime Provinces are a seafood lover's delight. We enjoyed lobster, scallops, halibut, haddock, salmon and cod, all at reasonable prices.

The Maritime Provinces are predominately rural. The urban areas consist of several medium-sized towns. It is what I imagine Middle-America looked like in the 1920's with well maintained Victorian homes still lived in next to downtown areas. In the country, beautiful white wooden churches are located every few miles.

The Maritime Provinces, along with eastern Canada, were first settled by the French. Then the British defeated the French. After the American Revolution, many Loyalists moved to Canada. As a result, there is a diversity of nationalities and cultures. Some towns are French speaking with surnames in the phonebook almost identical to those in Lafayette, Louisiana. Other towns are predominately Scotch, Irish or even Basque. On various trips, Sylvia and I have attended Scottish highland games, an Irish festival and in Sheticamp, Nova Scotia, a comedy/musical review entirely in French, on the loose plot that Evangeline returned to Nova Scotia to find her bridegroom Gabriel, with fiddles, guitars, singing, dancing and skits. In the back of the hall, chowder and beer were on sale. We did not understand a word being said or sung, but enjoyed every minute. In many ways, it reminded us of a Saturday night we spent at Mulate's in Breaux Bridge, Louisiana. As for the Loyalists, in newspaper feature stories

continued on page 10

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Smart Bombs

by Luke Dove

In the aftermath of September 11, 2001, neo-conservatives finally convinced an American president to adopt the policy of "preemption". This doctrine holds that the President may identify perceived threats to our safety or sovereignty and order a pre-emptive military response. It is no longer necessary for another state to have actually initiated, engaged in or even threatened a hostile act. As President Bush explained, it would be "suicide" to wait for an attack. Thus, on the perception of threat, we preemptively attacked Iraq.

We are now fighting the first war in American history to have been condemned by the Pope. We call it a war of liberation. But the living voice of liberation, Nelson Mandela, calls it a war of domination. There is a vast difference of opinion about this war and its ultimate cost to America and the world. Only two things are certain: military victory is assured and anti-American/anti-war protests have occurred on all seven continents. (Small peace protests were held at a research station on Antarctica).

There is no question but that we must remove non-conventional weapons a/k/a "weapons of mass destruction" from the hands of a tyrant. But how, and at what cost? Well, the war has begun and, by the standards of wars, it will be short. The debate about whether to go to war is over. Now we must address future policies.

On September 11 (note the date), 1773, in a letter to a friend, Benjamin Franklin wrote: "There never was a good war or a bad peace." But America lost patience with diplomacy. America decided very early that a war in Iraq would be a "good" war.

Pre-emptive war became feasible as a result of the development of bombs guided by global positioning satellites and lasers. These "smart" bombs or "precision munitions" as the military now prefers to call them, greatly reduce "collateral damage", otherwise known as televised images of maimed civilians, of burning homes and places of worship, and of crying mothers holding dead babies. Smart bombs, we believe, also reduce the risk of thousands of American casualties. Smart bombs make war a TV spectator sport. We can watch fireball explosions but we don't have to see dying civilians.

Without smart bombs, America would not have launched war against Iraq because the degree of the threat in the eyes of the public would not have justified massive civilian casualties. It just wouldn't sell very well to slaughter thousands of Iraqi citizens in order to liberate them. Civilian casualties would also cast this as a war against Muslims. But we do have smart bombs, and so we can attack "the regime" and not the people of Iraq.

Following the collapse of the Soviet Union, America's military might came to make right, or so the theory goes. As superpower of the free, America intends to reshape the world to defeat international terrorism. In the "war on terror", America will impose order, democracy and social justice by the force of arms; in particular by smart bombs. Democracy

will fly into Iraq on the wings of Tomahawk missiles.

But some believe pre-emptive war actually makes America the major threat to world peace. Some believe pre-emptive war will make America less secure. Some believe the danger is that our leaders will recall how well we used smart bombs in Iraq and order our military to use them again in another pre-emptive war. This may be a grave mistake.

As I listen to Defense Secretary Rumsfeld pronounce the certainty of success, I am reminded of a cold afternoon in Washington, D.C. I was standing by the Vietnam Memorial looking for the names of young men I had known years ago; young men who died as soldiers in the most decorated American military unit since the civil war. As I searched, I also reflected on a confession made by another Secretary of Defense thirty years after these young men gave their lives. The war in Vietnam, said Robert McNamara, had been "a mistake". So sorry.

Perhaps America will have to fight other pre-emptive wars to secure peace in the 21st century. But such wars, like Vietnam, may also be a mistake unless we come to regard pre-emptive military action not as our first or second choice, not even as our third choice, but as truly the very last resort. A pre-emptive military response, like a nuclear weapon, must be employed only when absolutely and finally necessary. Pre-emptive wars should never replace diplomacy, no matter how slow, and strong and steady alliances, no matter how frustrating, as the center and focus of our national policy.

Smart bombs cannot substitute for smart policies. Let's pray that our political leaders become as smart as our bombs.

*The Hinds County Bar Association and
the Jackson Young Lawyers Association
invite you to join us for an*

Evening Honoring the Judiciary

*Mike Slive, Commissioner of the Southeastern
Conference and Former Judge, will be the Speaker*

Thursday, May 15, 2003

at The Old Capitol Inn

226 North State Street

Reception at 6:30 p.m.

Dinner at 7:30 p.m.

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

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, 2003.

Stuart G. Kruger
President-Elect

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

- | | |
|---|---|
| <input type="checkbox"/> Bench & Bar Relations | <input type="checkbox"/> Newsletter Editorial Board |
| <input type="checkbox"/> Black Lawyer Involvement | <input type="checkbox"/> Program |
| <input type="checkbox"/> Budget & Finance | <input type="checkbox"/> Small Firm Practice |
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Social |
| <input type="checkbox"/> Community Grant Project | <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"/> Library | _____ |
| <input type="checkbox"/> Membership | |

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

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

Name _____

Firm/Agency _____

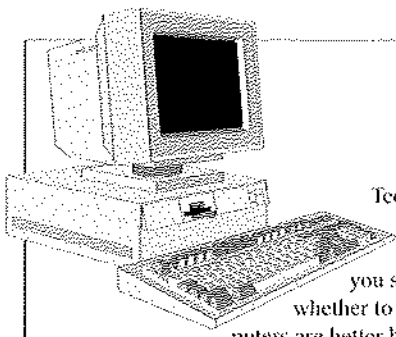
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City _____ State _____ Zip _____

Telephone (Business) _____ Residence _____

Email Address _____

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



On Computing

by Joel Howell

Technology advances at an increasing rate. Previously we have addressed issues as to how long you should keep a computer and whether to upgrade. Even so, today's computers are better built than ever. However, there is

going to be a time when you absolutely need a new PC. With thanks to Kim Komando of Microsoft Central, here are three signs that you need a new one:

1. Assuming you have a sound card and speakers, if you happen to hear Beethoven's "Fuer Elise" or Disney's "It's a Small Small World," you're getting a verbal diagnostic that the microprocessor or the fan has failed or is about to fail. It also may mean that there is a problem with the power supply. If it is as simple as a fan, you can actually replace it yourself for less than twenty (\$20.00) dollars. But simple diagnostics and replacing the power supply can cost two hundred (\$200.00) dollars or more. If you hear only a couple of notes on startup you may have time, but if you regularly hear the music it's time to do something about it.

2. When you start your computer, if you get a sound similar to a cat squealing or if you get a message such as "Drive C: could not be found," this is indicative of a hard drive problem. Rebooting is your best initial action, but if you have not backed up your data do so at this time. (More on that later) If it is the hard drive, new drives are relatively inexpensive and your data can be transferred, but again that may cost two hundred dollars (\$200.00) or more.

If it's a BIOS problem, you can if you are even somewhat technically proficient, "flash" the BIOS yourself. In general, if your computer is two or more years old, a new one is likely to be less expensive than your time and trouble plus the cost of repair of the old one.

3. Your computer won't handle Windows XP or certain software applications. While there may be conflicting versions, Windows XP takes reliability to a new level. If you remember Windows 95 and its frequent crashes, XP is unquestionably more reliable. However, XP requires a more powerful microprocessor and more memory than Windows 95, Windows 98 or Windows ME. If you go to the Microsoft web site, Upgrade Advisor will check your computer's compatibility without retaining any personal information. If you're running Windows 2000, the upgrade is not as crucial.

Disposing of an old PC? All computers have toxic materials and disposal of your old PC is a matter worth considering briefly. First, you need to get all the data off your hard drive. Erasing the data and formatting the drive is not sufficient. You need to use a utility. Two free ones are Autoclave and Eraser, which Google will take you to easily enough. Symantec's System Works (\$99.95 retail) includes Wipe Info. After you've disposed of the data, one option is a charitable donation; there are numerous opportunities in Jackson. A final option is to trade it in. Gateway, which has a local office here in Jackson, and Dell both accept trade-ins. IBM and Hewlett Packard offer recycling, and Apple claims its parts are engineered to be recyclable.

Komando also offers backup considerations that fall hand in hand with upgrading or replacing your present computer.

First, you should have a regular plan for data backup. This takes far less space than the applications. Obviously, you should retain your applications for reinstallation if needed, but data backup can be readily done to Zip or Jaz drives.

In addition to backing up your data, you particularly need to keep your Registry backed up. Most backup programs allow you to back up the Registry automatically. If not, you can easily do it manually. Here's how:

- Click Start > Run.

In the box, enter "regedit" (without the quotes). Click OK.

- In the Registry, click File > Export (or Registry > Export Registry File in Windows 98). Navigate to your backup medium.

- Name the file and click Save.

Keep a copy of any backup off-site in case of absolute disaster. Your best media choices for backup are tape drives, Jaz and Zip drives. Tape drives will be your most expensive media, but with DVDs decreasing rapidly in price and recordable ones available, DVDs or CDs are excellent choices. Most CDs will hold up to 700 megabytes while DVDs will hold 4.7 gigabytes.

Another choice is an internal or external hard drive. If you have a large operation RAID (Redundant Array of Inexpensive Disks), drives can be set up so that one drive mirrors another and, in the event of the failure of one, the system uses the other until the bad drive is replaced. Finally, there are a number of online backup services available, but this option is best considered only if you have high speed access; doing so by dial up access may literally take hours.

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

GOLF OUTING JUST FOR LAWYERS

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

11th Annual



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

**GOLF
TOURNAMENT**

Thursday, May 22, 2003

Shotgun Tee Off: 1:00 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 6, 2003**

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.

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Captain Equity *continued from page 4*

has been in Russia, a culture shaped by centuries of czarist rule followed by 70 years of domination by its surrogate, the communist party. Even today, the Russian people fondly recall mass murderer Uncle Joe Stalin as the last guy who could bring order to their now "democratic" country, which is today plagued by organized crime and governmental corruption.

The best possible approach for post war Iraq is to have U.N. troops from Arab countries help bridge the gap between Gulf War II and a new, more representative regime made up of Iraqis, democratic or not.

And then there is the cost of the war and the aftermath. The U.S. economy is already on the skids, the Treasury is barely afloat on a sea of red ink, and Congress has yet to appropriate one extra penny for any of what is about to transpire.

In my view, based on everything we know, the United States and its few allies are faced with an impossible choice. We can't afford not to take action in Iraq. Simultaneously, it is quite apparent that the cost is clearly prohibitive both in terms of dollars and world stability.

What hangs in the balance? Everything. Whether or not

George W. Bush follows his father as a one-term President will largely depend on how carefully and skillfully Pandora's Box is opened. Recall President Bush's father was backed by a worldwide coalition and enjoyed a 90% approval rating and still lost his bid for reelection because of his inattention to the economy.

Beyond politics, everything else about being an American from our financial solvency to how we live and deal with the rest of the world down to our personal safety is at stake. We have had the luxury of not knowing what it feels like to go to the mall or a football game only to walk into a blood bath caused by some faceless bystander drenched in hatred who happened to be wearing a concealed belt made of eight sticks of dynamite.

I truly hope and pray things turn out all right and that my worst fears are never realized. I'm sure the President and his advisors do as well. To be sure, it is indeed an impossible situation. Here's hoping that in two months I can go back and write a column targeting the legislature, mayor or some other hapless public official that is mildly amusing or at least innocuously foolish and not nearly as ominous as this one.

John Land McDavid *continued from page 5*

and obituaries, references are still made to Loyalist origins. As we were leaving Canada at St. Stephens, New Brunswick, we drove past an old and fairly large cemetery, which on its iron entrance arch was written "Loyalist Cemetery".

A vacation to any of the Maritime Provinces is unforgettable and almost as easy to arrange as one to Gulf Shores, Alabama. It is an experience you will want to repeat as often as possible.

Endnotes

1. During our trips to the Maritime Provinces, Sylvia and I have moved about staying one to three days in each place. It is my impression most visitors stay at one location for a week, a month or the whole summer. If you prefer to stay at one location and still visit at least three of the provinces, you might

consider Moncton, New Brunswick. It is a fair-sized town, with a McDonald's where you can buy a "McLobster", and is within easy driving distance of Nova Scotia and Prince Edward Island.

2. This article has us flying to Maine and driving into Canada. You may fly into Canada, but it will add to your cost in dollars or frequent flyer miles. Beginning in Maine has its own advantages as Maine is a prime vacation site as well. In addition to enjoying Bangor and returning again to Captain Jack's Restaurant, which features a one, two or three lobster dinner (last year the two lobster dinner was \$16.95), we enjoyed a side trip to Bar Harbor, Maine, another famous vacation destination.

Slive to Speak at Evening Honoring the Judiciary

Mike Slive, Commissioner of the Southeastern Conference, and Former Judge, will be the Speaker at the Evening Honoring the Judiciary, Thursday, May 15, 2003.

From his early days as an athletic administrator to his current post as commissioner, Slive has maintained an integral role in the ever-changing world of intercollegiate athletics. He was named the seventh commissioner of the Southeastern Conference on July 2, 2002.

"We are delighted to have Mike Slive join the Southeastern Conference and serve as its Commissioner," said Dr. John White, Chancellor of the University of Arkansas and President of the SEC. "Mike is familiar with the league and he has been active on NCAA committees. We think he will build on the successes that the SEC has enjoyed in the past. We're excited about what Mike will be able to do working with the presidents and chancellors, athletics directors and coaches of the SEC in the league's continuing efforts to be the premier athletic conference in the nation."

Prior to joining the SEC, Slive was the Commissioner of Conference USA. He was named the first-ever Commissioner of the newly-formed league on April 24, 1995. Under his direction, Conference USA has quickly emerged as one of the nation's top conferences.

Presently, Slive is the chair of the first NCAA Infractions Appeals Committee and the National Letter of Intent Appeals

Committee. He is also chair of the Board of Directors of the NCAA Football USA and is the President of the Collegiate Commissioners Association (CCA). Last month, he was named to the Executive Committee of the National Association of Collegiate Directors of Athletics (NACDA) and also serves on the Board of Advisors of the Marquette Sports Law Institute.

A native of Utica, N.Y., Slive was senior partner and founder of the Mike Slive-Mike Glazier Sports Group. Prior to the formation of the Slive-Glazier Sports Group in 1990, Slive was a partner in the Chicago law firm of Coffield Ungaretti Harris & Slavin. He operated his own practice in Hanover, N.H., and served as judge of the Hanover District Court from 1972-77.

Slive graduated from Dartmouth College with a Bachelor of Arts degree in 1962. He earned a Juris Doctor from the University of Virginia Law School in 1965 and an LLM from the Georgetown University Law Center in 1966.

Slive and his wife, Elizabeth, are the parents of a daughter, Anna.



Mike Slive
SEC Commissioner



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Friday, April 18	9:00 a.m. - 5:00 p.m.
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EXAM SCHEDULE (May 2 - May 14)

Monday - Friday	7:30 a.m. - midnight
Saturday	9:00 a.m. - midnight
Sunday	noon - midnight

Hours are subject to change without notice.



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HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

AUGUST 2003



President's Column

by Stuart Kruger

The focus of the Hinds County Bar Association ("HCBA") is to provide quality services to our members and to the community. We strive to include all perspectives in our leadership and in every aspect of the HCBA. Since service to our membership is and has been a highly successful part of our mission, I have chosen to focus on community service for this year. In the last newsletter, I briefly addressed the Community Grant Project, which we established last year. An article was presented in that newsletter explaining the Community Grant Project in more detail. I also introduced the new project focusing on the elderly, which we will implement this year. More detail will be presented in later newsletters regarding this project. Appearing elsewhere in this newsletter is an article about the One Jackson One Book Project in which we are involved.

The focal point for this article is on our involvement with the Mississippi Volunteer Lawyers Project "MVLP". Ten years ago, we started an annual golf tournament to provide our membership with an opportunity for an afternoon of fun and fellowship. Our initial goal was to create an atmosphere, which fostered the development of personal relationships

within our membership. Aside from the inevitable fudging of handicaps, impermissible foot wedges, and pencil-whipping of score cards, which any reasonable person would expect when 120 lawyers compete for anything, the tournament has been a raging success in promoting this goal.

In 1996, we decided to incorporate the community service component into the golf tournament. At that time, we began to focus an equal amount of our efforts on raising money for a worthy cause. We selected the MVLP as the recipient of the fund raised through the tournament. Since that time, we have donated some \$64,000 in much-needed funds to the MVLP. This money has been utilized to offset losses from major funding sources and to defray costs of operating the Legal Line, a free call-in service for the general public to obtain basic legal information. Legal Line handles from ten to twelve thousand calls annually. The funds also have been utilized to provide services in cases where Legal Services has a conflict. In addition, the MVLP has defrayed the costs of the Stewpot Legal Clinic, a project where volunteer lawyers donate their time every Tuesday at Stewpot to provide counsel and advice to participants.

continued on page 3



Justice William L. Waller, Jr. was the speaker at the June HCBA Membership Meeting, and a copy of his remarks on Recent Rules Development is published in this newsletter. Attending with Justice Waller was Summer Intern Jennifer Lindsey, and Clerk David Ayo.

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HCBA LUNCHEON MEETING

Tuesday, August 19, 2003

Capital Club

11:30 a.m.

\$20.00 for Luncheon and CLE (Ethics Hour)

CLE Program Presented by: Luther Munford

HCBA Calendar of Events

August 19, 2003

HCBA Membership Meeting

& One Hour CLE Ethics.

11:30 a.m. Capital Club

October 21, 2003

HCBA Membership Meeting.

Noon. Capital Club

December 4, 2003

HCBA Christmas Party.

5:30-7:00 p.m.

Old Capitol Inn

February 17, 2004

HCBA Membership Meeting.

Noon. Capital Club

April 20, 2004

HCBA Membership Meeting.

Noon. Capital Club

Letter to the Editor

Dear Editor:

John Maxey's letter to the editor and Captain Equity's article, "Crime, Culture and Family" (*HCBA News*, June 2003) offer opportunities for agreement, rebuttal and synthesizing.

Maxey, my frequent honorable opponent at the bar and full time Democrat, checks in with gloom and doom predictions concerning the war in Iraq and with what he describes as a policy of "preemption." Posing a number of rhetorical questions concerning our country's actions in Iraq, he condemns that action as a "sharp turn in American foreign policy" and predicts that "undesirable international consequences" will flow from that action.

Captain Equity, in the same issue, speaks of the astonishing rise in major crime in Jackson and of the fear and trepidation of Jackson citizens. The Captain reports that the City of Jackson police chief describes this situation as a "matter of perception" and points out the inconsistency between the chief's analysis and those who have been physical and financial victims of their "perception."

I (full time Republican) offer the following comments. First, it is arguable whether the war in Iraq is/was actually a preemption event. Frankly, given the Iraqi regime's support of Al Qaeda and other terrorist activities [including its own] such as the infamous 9/11 attacks, whatever the action may be called, it was, in the final analysis, effective. That there is always cost, both in terms of money and international criticism, is a part of existing in this world. For me, I would gladly suffer the criticism of France et al in exchange for the security of this great nation and its citizens. France's concern is not for the U.S.

It seems, therefore, that the chief of police of Jackson, on a much smaller scale, could learn some lessons from this, adopt the policy that Maxey condemns and strike against crime in the city of Jackson. Of course, there would always be the inevitable "nay sayers" whose daily existence is dominated by worry over criticism from the New York Times, Los Angeles, Vermont and Massachusetts, but, at least the citizens of Jackson would be safe and sound. Isn't that, after all, his job?

Whether one calls it "preemption" or "plain horse sense," I'm for it. What is there to debate about preempting suicide bombers, murderers, thieves, car jackers, rapist and other form of local and international terrorism?

M. Curtiss McKee

Solutions for Ole Miss

by John Land McDavid

The University of Mississippi is in the process of assessing its nickname, logo and other symbols to make them contemporary. The University has employed a New York firm to assist and intends to invite its students, alumni and others to offer suggestions for making its symbols inoffensive and appropriate for the 21st century. I offer the following suggestions to solve all of the University's concerns except one.

Nickname. "Rebels" is replaced by "Buttercups" and, when exuberance is appropriate, "Loving Buttercups." The Buttercup, *oenothera speciosa*, is a beautiful, inoffensive flower with a pleasant fragrance indigenous to Mississippi which grows wild throughout the state. It has been the inspiration of poets with Robert Browning writing:

*All will be gay when noontide awakes anew
The buttercups, the little children's dower.*

Also, the buttercup has no plantation connotation as do, for example, the magnolia, jasmine and honeysuckle.

Logo. The mustached old man dressed in 19th century styled clothes is updated by a timeless logo consisting of two buttercup blossoms on a background of buttercup leaves within a circle of alphabet letters which spells "Peace" four times.

School Colors. The present school colors of blue and red, traditionally symbolic of royalty and the heroic shedding of blood in battle, are changed to the less patrician colors of the buttercup-pale pink and yellow.

Field Mascot. Instead of the ejected "Colonel Rebel," the outfit for the new field mascot, which may be worn by male or female, will be a costume which resembles the stem of a buttercup, with leaves at the top and crowned by

a large foam rubber buttercup blossom. The new field mascot will be called "The Buttercup."

Game Conduct. During games, The Buttercup and the Cheerfacilitators ("Cheerleaders" is also out for being too authoritative sounding) will not cheer or be demonstrative in any way when the University of Mississippi team scores points or makes a good move. To do so might offend the opposing team. More importantly, it might indicate University fans consider their team better than the opponent's team. When, however, the opponent's team scores points or makes a good move, The Buttercup and the Cheerfacilitators will stand on their tiptoes and, with palms close to chest, clap vigorously while saying, "Go", "Go", "Go". Such game conduct will show people in New York and California that University of Mississippi fans are real nice.

School Yell. The famous "Hotty Totty," revered by students and alumni as the most defiant, profane and nonsensical yell in the history of college yells, is discarded in favor of the more sensitive "Buttercup Yell," as follows:

*Buttercups love our opponents so much,
We don't fight and we don't fuss.
If they prefer to win,
It's alright with us.
Yea, Buttercups!*

Let's see where we are now. The nickname, logo, school colors, field mascot, game conduct and school yell problems are solved. This takes care of all of the University's concerns except one. How to persuade a six-foot-seven-inch, 285-pound all-state tackle to sign a letter of intent to play for the Loving Buttercups.

continued from page 1

Numerous members of the HCBA have donated significant time and effort to the MVLP. Jay Jacobus, Alex Alston, Sheldon Alston, Steve Orlansky, Terry Williamson, Philip Thomas, Angelo Damico, Carlton Reeves and Gee Ogletree, among others, have received recognition at the State level for their outstanding contributions to the MVLP. Of the roughly 1,800 lawyers statewide who participate in the project, approximately 25% to 30% are from the Jackson Metro Area.

Our members also have served as faculty for the MVLP continuing legal education seminars, participated in fundraising, and provided actual representation to qualified recipients in court. Additional opportunities include mentoring the less-experienced lawyers, representing children and adults in youth court cases

and SSI cases, drafting manuals for volunteers and community education brochures, and teaching *pro se* divorce clinics held monthly in Hinds County. The greatest need at this time is in the area of family law. For those of us who are not specialists in this area, the MVLP continuing legal education seminars are available for you. The seminars provide sufficient training for you to handle these cases. This is a great opportunity to train younger lawyers and provide them with early courtroom experience.

Service to the community is not only a vital focus of our organization, but it is a significant aspect of our profession as a whole. I encourage you to dedicate your time, talents, and resources to assisting those in need in our community through participation in the MVLP and the other projects supported by the HCBA.



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2003 HCBA/JYL Golf Tournament

The Hinds County Bar Association and the Jackson Young Lawyers sponsored their 11th Annual Golf Tournament on May 22 at Annandale Golf Club. The event, which benefitted the Mississippi Volunteer Lawyers Project, was chaired by Paul Miller. Serving as committee members were: Debra Allen, Rusty Brown, Harris Collier, Rob Dodson, Judge Kenneth Griffis, Stuart Kruger, Keith Obert, Ben Piazza, John Proctor, and Lyle Robinson.



Keith Obert, Committee Member; Charlie Russell, and Kyle Fulcher.



Stuart Kruger, 2003-2004 HCBA President and Committee Member, and York Craig.



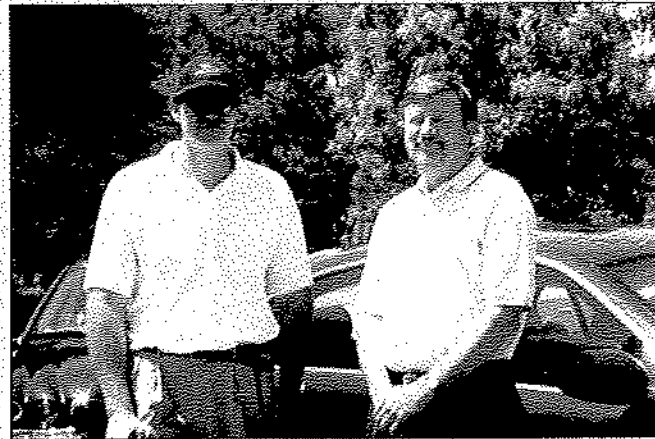
Lyle Robinson, John Proctor, and Ben Piazza, Committee Members.



Tina Ginn with Trustmark, and Harris Collier, Committee Member.



Phyllis Thornton, Executive Director of the Mississippi Volunteer Lawyers Project; Jane Lewis with Legal Resources, and Angie Cook, IOLTA Coordinator with The MS Bar Foundation.



Hank Holman with Holman Jaguar, Audi, Volkswagen, Tournament Lunch Sponsor, and Paul Miller, Tournament Chairman.

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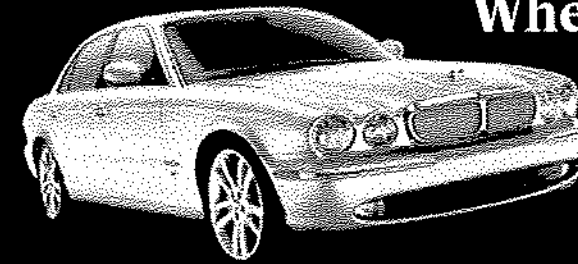
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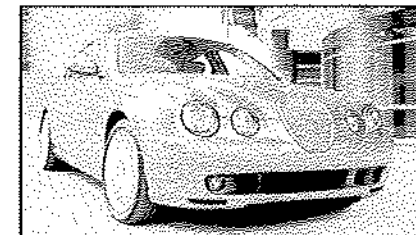
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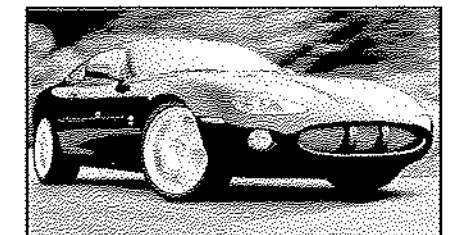
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The Maple-Linder-Equity Five Point Problem Solving Plan

by Captain Equity

Poor Harvey Johnson! It seems as if the Mayor has more problems confronting him than Democrats who want to be President. Crime, Police Ineptitude, Urban Blight, Annexation Woes, Infrastructure Development Projects Way Behind Schedule, Middle Class Flight to the Suburbs, Kenneth I. Stokes, Dale Danks - and that's just for openers. What is the mayor of the Bold New City to do? Well, never fear, Captain Equity is here with a sure fire, low-cost, form over substance solution. Think of it as a proactive, semantic "Pride Ride" without the air-conditioned bus and the three-motorcycle police escort. I think that all of you readers out there with a stake in Mississippi's Capital City will quickly conclude that Jackson's seemingly intractable problems can be solved faster than the Police Chief can say, "Five Point Plan" by adopting my positive, action-oriented approach. I'm just sorry I couldn't fit the word leadership in somewhere, but then, that's why I'm not the mayor.

First of all, following the lead of the mayor, no problem solving plan is worth its salt in this town if it doesn't have a name and is not accompanied by a ribbon cutting and an editorial cartoon by Marshall Ramsey in *The Clarion Ledger*. I am confident that the mayor has stockpiled thousands of miles of ribbon and knows where to find his oversized ceremonial "ribbon cutting scissors." As for the cartoon, I will be e-mailing this to Marshall Ramsey later this morning. That leaves the name. Hmmm. I know, let's call it the Maple-Linder-Equity Five Point Problem Solving Plan. The fact that it doesn't have five points is apparently of no concern these days if you can launch a war against Iraq to capture Weapons of Mass Destruction and stop Saddam's nuclear weapons program even when it appears that neither existed. The key is to divert public attention by demonizing everything French along with slamming the Dixie Chicks while tapping Toby "Ford Truck Man" Keith to be our mandatory Patriotic Ambassador at Large. If the problem persists, merely say "my bad" and blame it on the CIA. Seems to work like a charm, at least so far, but I digress.

Now that we have a name for the plan, let's do the unthinkable here within the city limits of Jackson and consider the substance. In the words of Ross Perot, "it's real simple, see. We just need to get under the hood and clean out the barn." I mean, who can argue with that? And so you ask, where is the barn and exactly what needs to be cleaned out and how will getting under the hood help us locate the barn in the first place? Come to think of it, maybe this is part of the reason Ross Perot was not elected President. But getting past all of that, the quick answer (if you can even remember the question), is to put it bluntly, "Stinkin' Thinkin'." For example, too many people think that The Bold New City is not the Best of the New South as the Mayor insists that it is. Rather, these nabobs of negativism who personify the evils of "Stinkin' Thinkin'" would likely characterize "The J" (if I may use pop culture, short cut slang for the state's seat

of government), as a blighted, crime and corruption infested urban sore that would be worthy of the Third World.

This is just not true. A more apt description of much of downtown Jackson from Farish Street to the once proud Iron Horse Restaurant would be "Ancient Ruins." Farish Street from Amite to Griffith looks just like Venice without the water. Flanking this dusty, abandoned canal are bombed out buildings that look a lot like Rome after the glory days. More ruins are evident on Mill Street as one approaches the derelict King Edward that towers eerily over the workerless Union Station - Intermodal Transportation Hub that sits alone waiting day after day for an errant Greyhound Bus or even less likely, a construction crew. A little farther South is the Iron Horse, a monument to the miracles of arson. It makes one long for the good old days when Mongol hordes would sack and burn hapless cities. And then westward and southward as far as the eye can see is something approaching an inhabited ancient ghost town that could only be loved by an archeologist or a location scout for a Hollywood producer filming a remake of *The Road Warrior*.

So you are asking, how can all of this be turned into a positive? By annexing Byram? Well, yes, that is one way, but not the only way. Instead of touting Jackson as The Bold New City that is the Best of the New South, why not bill it as the Bold Old City - The Eighth Wonder of the Ancient World. The Mayor could wear a Roman tunic to ribbon cuttings; Jackson Police Officers would be called Centurions. Their police cruisers could be chopped in half and refitted as chariots. Besides introducing a Roman theme to law enforcement, we could double police vehicles overnight with little additional expense. Instead of trying to lure state organizations for conventions, the Chamber of Commerce could pitch more exotic groups like the International Society For Carbon Dating. Foreign tourists could come to Jackson for adventure vacations complete with guided urban spelunking tours of the King Edward that would conclude with mead and roasted goat at the abandoned tenth floor Patio Club. Why, I bet we could even attract Federal Homeland Security dollars by dressing up city employees to look like Osama Bin Laden and Saddam Hussein and turning them loose in the bowels of the Iron

continued on page 7

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Horse or the block of Baghdad style buildings over on Farish Street. Random sightings by off duty airport screeners could really spice things up downtown.

And here is the economic development clincher. Ole Miss could change their name to Old Miss complete with their new, more athletic Old Southern (European) mascot, Colonel Sparticus. Pete Boone could then schedule the likes of Rhodes College, Rome (GA) State and the staff at Old Venice Pizza Company for old world football matches in Memorial Stadium. At halftime, city officials could press the lions from the Jackson Zoo into service for some thrill-packed mascot eating. Meanwhile, the Mayor could switch out the name Memorial Stadium with that of the Yellow Circus Tent Building over on the Fairgrounds - starting to get the picture here? Thereafter, on Saturdays in the Fall, the Disney like Colonel Sparticus mascot could circle the track in his red and blue cartoon chariot exhorting Ole Miss fans to give a hearty

Roman Cheer in lieu of a Rebel Yell in its adopted home, the renamed Capital City Coliseum. After the game, the Mayor, Police Chief, Chancellor Khayat and Pete Boone could all host a big outdoor Toga Party in Schimmel's parking lot. Togas fashioned out of Confederate flags would not be allowed. Yes, the return of SEC football to Jackson would certainly create an economic boon (or is that Boone) for everyone in the Bold Old City.

The only problem I see with this winning proposal is that given all of the other ongoing projects on the drawing board here in Jackson, my "plan" could not possibly be scheduled until 2176 with a projected completion date in the early 3000s. But who cares, right? It is not about who gets the credit, but rather doing the right thing for the right reasons (and then claiming credit). Hey, maybe Phase Two could include a replica of the Trevi Fountain, broken of course, filled with petrified catfish outside City Hall. There are just so many possibilities. Whattya think, Mayor?

Richard Roberts Assumes State Bar Presidency

by Noni Joyner

Former HCBA President Richard Roberts was sworn in on July 26 as the President of the Mississippi Bar. Richard, a 1976 *cum laude* graduate of the University of Mississippi School of Law, was HCBA president in 1994-95. He has served on the Board of Commissioners of the Mississippi Bar and is also a past President of the Mississippi Chapter of the Federal Bar. He is a Master of the Bench in the Charles Clark Chapter of the American Inns of Court, and is listed in *The Best Lawyers in America*.

Before leaving for Destin and the annual meeting of the Mississippi Bar, he responded to questions from the HCBA Newsletter.

Newsletter: What do you remember most about your year as president of the HCBA?

Roberts: I remember what a pleasure it was to work with Pat Evans. I remember thinking what a privilege it was to serve as president and to be listed on the same page of a program with past presidents I admired so greatly. Also, I remember going to the ABA Leadership Conference in Chicago which is attended by many of the state bar presidents and thinking about all the things the Hinds County Bar Association was doing which were being done by state bar associations in other areas. Our programs, activities, and benefits matched up with organizations much larger than we were, and

that made me very proud. It was a testimony to the untold hours of volunteer work by our members.

Newsletter: When did you first know that you wanted to be a lawyer?

Roberts: Actually, it was after I had been practicing law for a year or so. Growing up, I always wanted to be a doctor. My freshman year at Ole Miss, however, I partied hard and studied little. Even though I made good grades after that first year, I had pretty much torpedoed any future career in medicine. I went to law school because I knew there were a number of things you could do with a law degree other than practice law. Surprisingly, I did pretty well in law school which opened up several nice employment options for me when I graduated. It took me a couple of years to form my own sense of identity as a lawyer and to know that was what I wanted to do as my life's work.

Q: If you had it to do over again would you be a lawyer?

Roberts: Absolutely. Lawyers have more opportunities to help people, on a number of different levels, than any other profession. People come to us with their problems, and we have the privilege of helping to solve those problems. They come to us with their opportunities, and we help them realize those opportunities. Many times the

people who come to us are experiencing a crisis or personal tragedy. They look to us for help, and we have the opportunity, through our training, judgment and experience to assist them.

Newsletter: Did you enjoy law school?

Roberts: Are you kidding? Law school is kind of like boot camp - I wouldn't take anything for the experience, but I'm not sure I'd want to do it again. The best thing about law school are the friendships that you form there which continue for the rest of your life.

Newsletter: Do you see a difference between law school graduates from 27 years ago and recent graduates?

Roberts: The main difference I see is that graduates now have higher expectations than we did then. I think that goes hand-in-hand with increased opportunities that are available for law school graduates now. When we graduated from law school there were only a handful of big firms in Mississippi. By that, I mean firms with 15 or 20 lawyers. Those firms usually hired only one associate per year, sometimes two, and the competition among graduates for those limited positions was very keen. The smaller firms added new associates very infrequently, and usually you had to know someone to get an offer. There are a lot of good lawyers today, who

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are highly successful, that did not even get job offers when they graduated from law school 25-30 years ago. Also, since it was a "buyer's market" salaries were relatively low, and a young lawyer did not have a lot of choice about the type of practice he would do within a firm. Today, we have many large firms, several with more than a hundred lawyers who hire several associates each year. The competition now is between the firms for the available associate talent. Salaries are high and signing bonuses are common. The top law graduates can pretty much choose the type of work they want to do. Back then, lawyers very seldom changed firms. Now transfers seem to be a way of life. It occurs to me that I sound like an old geezer.

Q: What do you consider the biggest issues facing lawyers today?

Roberts: Well, individually we face the same problems that any business has

day-to-day. We have to get work in, get work out, and get paid for it so that we can provide for our families and employees.

On a broader basis, I would say that the public's perception of our profession is a major issue. In my view, the public's perception of lawyers is based on a lack of knowledge and understanding about what we do and the system in which we operate.

Many people have preconceived opinions about lawyers and the legal system and they have no facts or experiences to support their beliefs. It's like the preconceived opinions some people have about Mississippi and Mississippians. There are many people who have never been in Mississippi, who don't even know anyone in Mississippi, and yet have strong negative opinions about us. There is a certain stereotypical image of Mississippi that they have adopted and they are not going to be confused with the facts. I think there is a similar thing going on with regard to the public's attitude toward

lawyers.

I'm proud to be a Mississippian and I've tried to do what I can to be a good ambassador for our state. Likewise, I'm proud to be a lawyer and I try to be a good ambassador for our profession. In my view, each of us must think of ourselves as ambassadors for our profession. The way to change our image is one-on-one. As we come in contact with people in the day-to-day routine of our lives, and they find out we are lawyers, I would hope that their opinion of the legal profession and lawyers would be raised and that their negative opinions would be erased.

Of course, one problem we have is that our legal system is in large part an adversarial system. People tend to view the lawyer on the opposite side of the controversy as their enemy. It's up to us to do our job in such a professional way that they realize we are not the enemy, we are simply representing our client and doing it in a way that would make them want you for their lawyer the next time there's a controversy.

Law Firm Evolution

by Luke Dove

(Editor's Note: Many aspects of law practice in Mississippi have changed dramatically in the last 20 years. This article describes some changes encountered by larger firms.)

Charles Darwin discovered that species of birds on the Galapagos Islands had developed genetic traits which allowed them to evolve and survive in a changing environment. But birds are not the only organisms to have evolved. Like Darwin's birds, law firms in Jackson are evolving to compete and prosper in a changing legal environment. Many Jackson firms are no longer "local" and neither are their clients.

Several Jackson firms were founded or expanded after World War II by lawyer-veterans who were fortunate, skillful and persistent enough to secure banks, power companies, hospitals, insurers, businesses and retailers as clients. Some developed insurance defense practices. As firms added clients, associates and partners, they all maintained a common core. They competed for and prospered from legal services performed principally for local businesses and residents. They did not have to plan further than to meet the immediate needs of local clients. Jackson firms focused on representing Jackson businesses. The key to growth and success was the personal relationships the partners developed with local business leaders.

In the 1980's Congress enacted legislation which allowed national banks to merge and operate across state lines. This led to the development of regional banks. It also led to the emergence of regional law firms in the southeast. The regional and multi-state evolution of law

firms was also accelerated in the 1990's by corporate mergers and acquisitions in insurance, healthcare, technology, energy, and banking.

A very brief list of Jackson businesses which formerly retained local law firms includes: Mississippi Power and Light, South Central Bell, Deposit Guaranty National Bank, McRae's, Lamar Life, Jitney Jungle, Mississippi Valley Gas, and Chemfirst. Where are these businesses today? Many have been acquired or merged as businesses consolidate nationally. Their headquarters and executives are no longer in Jackson. At best, Jackson is only an outpost.

Slowly the handwriting on the wall came into focus. With the continued loss of local businesses, law firm growth meant looking beyond Mississippi for clients. Law firms recognized that to attract regional or national clients they needed depth and location. Depth and location became the guiding stars. Depth requires a sufficient number of lawyers with a sufficient variety of legal skills to handle the client's legal needs. Location requires offices where the client needs legal services.

The emergence of regional firms in Jackson began about 15 years ago with the merger of Jones, Mockbee, Bass and Hodge and the large New Orleans corporate and defense firm, Phelps, Dunbar, Marks, Claverie and Sims. The Jones, Mockbee firm had prospered due to the skill of the partners and referrals from larger firms. However, the frequency of referrals is in inverse proportion to the size of the firm. As the Jones, Mockbee firm grew, their partners had to look for new clients. The development of regional

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banks presented both an opportunity and a challenge. While the partners may have believed they had the expertise to represent regional banks and insurers, they also knew that general counsel would insist upon retaining larger firms with greater capabilities. And so, a decision was made to merge Jones, Mockbee with Phelps, Dunbar. This merger ultimately resulted in the creation of one of the first, if not the very first, regional law firms in the southeast. While smaller than the New Orleans office, Phelps Dunbar in Jackson has consistently maintained over 50 lawyers and has been involved in major litigation and in significant corporate and commercial transactions. The merger has been a success.

Within a few years, other New Orleans firms followed. Both McGlinchey Stafford and Adams and Reese established Jackson offices. They recruited and hired local lawyers, several of whom have now become leading partners in their firms. Both firms have been very successful in developing and retaining regional clients and each now has about 25 lawyers in Jackson.

Two Memphis firms, Armstrong Allen and Baker Donelson also established local offices. The Baker Donelson merger has been especially successful and the firm now has over 50 lawyers in Jackson, in large part due to the significant amount of litigation in Mississippi. The Jackson office generates more annual revenue than any of the Tennessee offices.

More recently, Jackson has seen an influx of Birmingham firms which have merged with local firms or established offices, including Bradley Arant, Balch Bingham and Berry Forman. To an extent, Birmingham firms have opened offices in Mississippi because, to paraphrase Willie Sutton, that's where the money is. These firms have corporate and insurance clients who are involved in Mississippi litigation. Rather than refer their clients to Mississippi firms, they decided to become Mississippi firms. The result has been successful for the partners both in Jackson and Birmingham.

But the multi-state trend is not a one way street. Jackson

firms are not only colonials; they are also colonizers. Butler, Snow, long a pre-eminent Jackson firm, has almost 100 lawyers in Jackson and offices on the coast and in Memphis. The Memphis office now has over 25 lawyers and serves numerous regional and national clients. Forman, Perry, with about 40 lawyers in Jackson, has a Dallas office with over 20 lawyers. Watkins, Ludlam recently opened offices on the coast and in New Orleans.

The trend toward multi-state or regional law firms in Jackson has resulted from three principal factors: the decline in the number of business clients headquartered in Jackson, the attendant decline in transaction legal work, and the explosion of litigation involving national companies. To attract national clients who pay high hourly rates, law firms have merged and expanded to have the necessary "depth" in legal talent and skills to serve a variety of client needs. Although transaction work may have slowed, there has been an increase in Mississippi litigation involving national and even international companies. The result has been a corresponding increase in lawyers and law firms in Jackson.

To continue to attract new clients and achieve higher revenues, all firms, and especially regional and multi-state firms, must incur higher overhead. Greater overhead, in turn, necessitates that firms charge higher and higher hourly rates and "leverage" even greater legions of associates and paralegals. The cycle is not only endless, it continues to expand exponentially like the universe. Law practice becomes more and more a business which must be successfully "marketed" as a part of the service industry. Large firms are now divided into "practice groups" which encompass more than one office, and which are also involved in marketing their own particular skills. Nationally, and in Jackson, the law firm motto has become: grow or die.

As we contemplate the evolution of law firms in Jackson, we may wonder where this inexorable evolutionary trend will lead us. And why. But one thing is certain. The evolution of Jackson law firms has led to much higher income for lawyers.



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HCBA Essay Contest

For the second year, the Hinds County Bar Association sponsored an essay contest for seventh and eighth grade students in the metro-Jackson area. The theme for the essays chosen by the Law Related Education Committee was "Balancing our Personal Freedoms with our Nation's Security."

The winners of the top four essays were all from Madison Middle School and received cash prizes. They were invited to the June HCBA Membership Meeting with their parents,

teacher, Beth Kellogg, and principal, Ted Poore.

The winning essay by Emily Richards is published in this newsletter. Receiving second place was Jamara Redd; third place was Sara McKay; and honorable mention was Kelli Dawson.

Bo Gregg served as chairman of the Law Related Committee and members included: Christy Carroll, Gaye Nell Currie, Cheri Gatlin, Deanne Mosley, Elizabeth Maron, and Jay Kilpatrick.



First Place Winner of the HCBA Essay Contest, Emily Richards (second from left) receives her award from Bo Gregg, Law Related Education Chairman. They are pictured with Beth Kellogg, Emily's Madison Middle School English Teacher; Tammara Cascio and Jay Kilpatrick, Committee Members.

Balancing Our Personal Freedoms With Our Nation's Security

by Emily Richards - Hinds County Bar Essay Contest Winner

"There is no freedom without discipline." This is a famous quote by Janet Collins, the first African American Prima Ballerina in New York's Metropolitan Opera. She knows the importance of balancing rules with freedom. She says that self-discipline brings self-control. Self-control leads to personal freedom and happiness. In other words, by being self-disciplined, one has the freedom and the ability to achieve their goals in life.

In order for America to be a safe and secure nation, there have to be rules to protect all of its citizens. Everyone deserves to live in a safe environment. If one cannot feel safe where they live, then can they really be happy? No! We should all be free to be safe and happy. We should all be able to live happily without wondering if we will even survive to see tomorrow. When people know that they are safe, they will feel happy and secure, and that's true freedom.

There will always be some people who will try to threaten our personal freedom. Some will be Americans, our own brothers and sisters plotting against us. Some will be outsiders, jealous of the wonderful freedom that we have here in America. We must set up strict rules to protect our freedom from these terrorists. We will not allow our freedom to be taken away at any cost. Our ancestors worked so hard

to achieve the freedom that we now take for granted. It's only right that we give our children the same opportunities that have been offered to us.

Instead of complaining about the rules of the American government, we should respect them and realize that whoever made these rules only wanted to make our lives better. These rules protect us and allow us to live freely in a safe environment. We should accept the rules and obey them. Americans need to realize that rules offer protection and security. If one person breaks a rule, it can endanger the freedom of many. Criminals should be properly dealt with. Punishment should teach them that they can never take away someone's personal freedom, and if they do, then they must be willing to sacrifice their own freedom to time behind bars.

If we all follow the rules, peace and security will reign over us, and we will become a stronger nation. Personal freedom can bring us closer to one another because we will feel safe to interact with those around us. Freedom is a wonderful privilege that we should never underestimate. Security is the only way that we can be free to live our lives to their absolute fullest. Rules bring the security to keep every American safe and happy. Living safely together in happiness is what freedom is all about.

BOOK REVIEW:

by John Henegan

A LESSON BEFORE DYING

by Ernest J. Gaines (256 pp. Vintage Contemporaries, paper, \$12.95, 1993)

This is the story of Jefferson, a 21-year-old black man convicted in a small Cajun Louisiana hamlet in 1948 of capital murder, a crime for which it is exceedingly unclear that he ever had the requisite mental capacity to commit. As Grant Wiggins, a young black teacher in a one-room plantation church school, explains to his beautiful girl friend, Vivian, "The public defender, trying to get [Jefferson] off, called him a dumb animal He said it would be like tying a hog down into that chair and executing him - an animal that didn't know what any of it was all about. The jury, twelve white men good and true, still sentenced him to death. Now his godmother wants me to visit him and make him know - prove to these white men - that he's not a hog, that he's a man. . . ." Thus, we enter a world that is as richly textured and vibrant as any found on that "postage stamp" created by William Faulkner, whose storytelling has admittedly strongly influenced, Mr. Ernest Gaines, the novel's author.

The story is about Wiggins's struggle to honor the godmother's request without compromising his integrity or demeaning himself before the local white sheriff and his deputies who have placed bets against Wiggins's being able to succeed before Jefferson is executed. The story is also about Jefferson's coming to grips with the terrible reality that awaits him.

Why is Jefferson's godmother so persistent in her convictions? How and why does Wiggins respond? How does he approach Jefferson who now believes, like his public defender said, that he is a hog? What lessons can Wiggins possibly teach Jefferson that will enable him to confront his impending execution "like a man"? What enables the black members of a segregated society to stay bound together and accept the consequences of an irretrievable decision made by a community in which they have had no voice? The answers that Mr. Gaines provides to these questions in *A Lesson Before Dying* are as authentic and convincing as any novel that you are likely to read. His love for the people and the place where he grew up radiates throughout the entire story, a story told without bitterness or rancor and as compellingly as any Grisham or Turow page-turner.

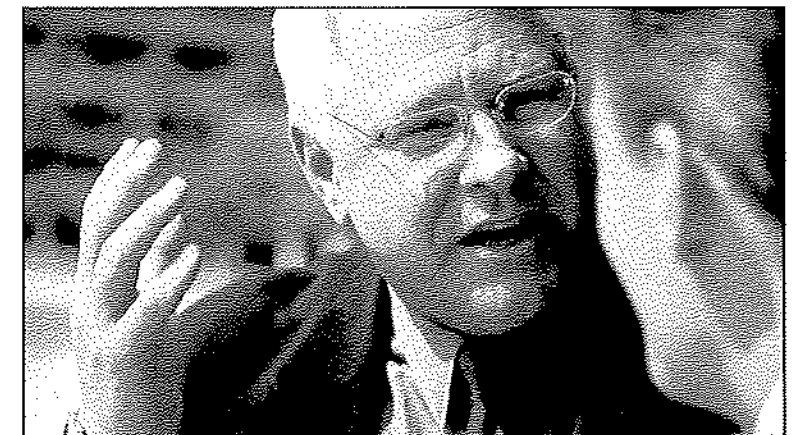
Mr. Gaines, an African-American born on a Louisiana plantation in 1933, left at age 15 to finish high school in California where his parents lived. He later went to Stanford University. He now divides his time between San Francisco and Lafayette, Louisiana, where he is a writer-in-residence at the University of Southwestern Louisiana. *A Lesson Before Dying*, which received the 1993 National Book Critics Circle Award for Fiction, is his eighth novel.

As explained in an interview with Mr. Bill Ferris, Mr. Gaines still writes about the Deep South because "I left a place I could love. I left people there that I loved. . . . I can sit at my desk [in California], see roads, bayous, towns, and houses and hear voices and dialogues." Just as

Eudora Welty took photographs in her early years as a writer, Mr. Gaines takes photographs each time he returns to Louisiana. These photos line the walls of his California home "because most of the[] places are gone now. . . . I don't think that anything like that will ever be there again, ever again." This sense of place and community pervades *A Lesson Before Dying* and his entire body of work, which the McArthur Foundation cited for its "rare historical resonance" when awarding Mr. Gaines one of its grants.

A Lesson Before Dying tells us about chance, faith, love, courage, death, family, and justice not in sterile, abstract terms but in a way that draws us into the story from the first instance when Jefferson makes the fateful decision that leads to his trial and conviction. The novel has been selected by Friends of the Jackson Public Library for its ONE CITY ONE BOOK Project. As a part of these activities, Mr. Gaines will be here on 30-31 October to read from and publicly discuss his book. This is a rare opportunity to hear someone who is a master at his craft discuss what others hailed as a "classic" when it was first published. Ten years later *A Lesson Before Dying* has lost none of its original luster. Take the time to read this book; it remains as engrossing and as affirming of life and love and family as when it was first published.

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EXCEPTIONS

July 4, 2003 CLOSED

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HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

DECEMBER 2003



President's Column

by Stuart Kruger

Although our annual celebration of Thanksgiving has come and gone, our focus on community service continuously reminds me that Thanksgiving should be a daily, rather than annual, event. When a spirit of thanksgiving is interwoven with our daily routines, a desire to provide blessings to others springs forth. Stewpot Community Services provides terrific opportunities to bless others in need. Many current and former members of the HCBA have been involved in various aspects of Stewpot, including the current and former Director.

Stewpot was organized by several Jackson congregations in 1981 to provide assistance to people in Central Jackson who need food, shelter, clothing, love, and encouragement. Headquartered in Central Urban Ministry Center at 1100 West Capitol Street, Stewpot is supported by over 60 Christian and Jewish Congregations, as well as hundreds of individuals, institutions, and businesses. Although most people typically think of serving food when Stewpot is the topic of conversation, the breadth of services provided by Stewpot actually is quite staggering. These services include the following:

COMMUNITY KITCHEN

The noon meal is how Stewpot was started, and it is still the center of Stewpot's philosophy. Over a nourishing meal, rich and poor alike come together as one community. More than 100 people a day are fed, both physically and spiritually.

MEALS ON WHEELS

Each weekday, neighborhood volunteers help make lunches for over 50 elderly, ill, and disabled people who cannot make it to Stewpot. This team of local volunteers delivers the lunches. Often, this is the only human contact the recipients enjoy.

FOOD PANTRY

The Food Pantry is a mini-grocery store that provides a four-day supply of food for carefully screened applicants. Volunteers from local congregations staff the Pantry. They sort, stock, and bag groceries for each family who comes for assistance. The pantry is stocked with donations from supporters and the Mississippi Food Bank.

SIMS HOUSE

Sims House is a transitional shelter for women and their children. It provides a ninety-day stay for its residents and serves over 150 guests a year. While at Sims House, residents must find a job, participate in group and individual therapy with a licensed family counselor, help with chores around the house, and learn more about financial planning and wise money management.

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OCTOBER MEMBERSHIP MEETING



The Speaker at the October HCBA Membership Meeting was Judge Mike Parker (center). He is pictured with Richard Roberts, Mississippi Bar President and former HCBA President, and Stuart Kruger, HCBA President.



Other members and guests attending the luncheon meeting included (from left) Dean Jim Rosenblatt of Mississippi College School of Law, HCBA President-Elect Linda Thompson Robertson, and Dick Bennett, former President of both the HCBA and The Mississippi Bar.

Happy New Year!

HCBA Calendar of Events

February 17, 2004
HCBA Membership Meeting.
Noon. Capital Club

April 6, 2004
HCBA Membership Meeting.
Noon. Capital Club

May 6, 2004
HCBA/JYL Evening
Honoring the Judiciary.
6:30 p.m. Old Capitol Inn

May 20, 2004
HCBA/JYL Golf Tournament.
Noon. Annandale Golf Club

June 15, 2004
HCBA Membership Meeting.
Noon. Capital Club

Mississippi College Law Review to
Publish History of the Jackson
School of Law

Graduates of Jackson School of Law,
the Mississippi College Law Review
is looking for your anecdotes, photos,
and memories for a history of the
too-long ignored institution that
continues to be a key contributor to
our Bench and Bar. If you are interested
in writing about your times at the
Jackson School of Law, whether you
were a student or teacher, or have
materials related to the school, please
contact David McCarty at
dnm1@usa.net or 601.594.2477.

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 2004 - 2005.

The nominees for the three positions to
be filled are:

Secretary - Treasurer

John Henegan
John Land McDavid

Director - Post 1

Roy Campbell
Sandy Sanford

Director - Post 2

DeAnne Mosley
Tammra Cascio

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.

CLE Calendar of Events

January 20, 2004
Collection Techniques & Law.
Lorman Business Center.
715-833-3940

January 22, 2004
Winter MMA.
UM-CLE. 662-915-7282

January 23, 2004
Legal Technology Review.
UM-CLE. 662-915-7282

January 23 & 24, 2004
Advanced Mediation Skills.
UM-CLE. 662-915-7282

February 2, 2004
MS Real Estate Title Law.
NBI. 800-930-6182

February 12, 2004
**Litigating the Class
Action Lawsuit in MS.**
NBI. 800-930-6182

February 19, 2004
MS Nursing Law Update.
NBI. 800-930-6182

February 20, 2004
**Discovery of Electronically
Discovered Documents.**
MS Trial Lawyers Assn.
948-8631

February 27, 2004
Probate Practice Fundamentals.
UM-CLE. 662-915-7282

New Dean Takes the Helm at Mississippi College School of Law

By Linda A. Thompson

Energy and enthusiasm about Mississippi College School
of Law are what you first notice when you meet the gregarious
new Dean, Jim Rosenblatt. On the fourth of August this year,
Dean Rosenblatt took over the helm of the Law School,
plunging headlong into building a major addition to the physical
facilities of the school and committing himself to the dedicated
faculty and staff.

"Let Justice Roll" is the motto the
Dean has adopted for the school. It has
its source in the Book of Amos, 5:24:
"Let justice roll down like waters, and
righteousness like an ever-flowing
stream." The Dean thinks the biblical
connection most appropriate for a school
with religious ties. He also likes the
similarity to the call to action, "Let's
roll," the battlecry of the passengers of
the hijacked plane that crashed in
Pennsylvania on September 11, 2001,
which has become the symbol of
America's refusal to surrender to terrorist
threats. And, of course, there is the obvious
relationship of "justice" to the law school.

Dean Rosenblatt is no stranger to
Mississippi. He was born in Natchez,
and he is the brother of longtime HCBA member Steve
Rosenblatt. There are four brothers in all and a sister in the
Rosenblatt family. The Dean describes them as the children of
caring parents who valued education.

Brother Tom Rosenblatt is the third lawyer in the family,
practicing in Natchez. The Dean's sister and youngest brother
live on the family farm in rural Wilkinson County near the
Mississippi River.

The Dean and I were contemporaries at Vanderbilt
University and recently pored over an annual from our time
there, sharing fond memories from the exciting Sixties. The
three lawyer brothers all completed undergraduate studies at
Vanderbilt University.

Earlier their father had earned an undergraduate, graduate,
and law degree from Vanderbilt. Mr. Rosenblatt practiced law
in Atlanta for two years but found himself drawn back to the
family farm in Mississippi. He had met his wife in Boston.
Her dowry included three Hereford bulls!

At Vanderbilt, Dean Rosenblatt focused his studies on
philosophy and mathematics. A long way from the Woodville
Attendance Center and the fifty good people of the old town
of Ft. Adams, Mississippi, he was selected for the elite
Omicron Delta Kappa service organization and elected president
of his senior class. He graduated *cum laude*.

After Vanderbilt, he pursued law studies at Cornell
University in Ithaca, New York, where he was active on the
Moot Court Board. He served as a teaching and research assistant

and, in this time of the military draft, joined the ROTC.

Following admission to the New York Bar, Dean
Rosenblatt entered The Judge Advocate General's Corps
(JAG), and he completed thirty years of service. He retired
from the service in 2003 as a Colonel. He holds the
Distinguished Service Medal and three
awards of the Legion of Merit.

In the service, Dean Rosenblatt
traveled throughout the world. He had
assignments in Hawaii, Kansas,
Germany, Missouri, Maryland,
Pennsylvania, and Virginia. He lived in
Virginia for fifteen years, including four
years in Charlottesville. He lived in
Alexandria, Virginia, while serving two
years at the Pentagon. The hijacked airline
that crashed into the Pentagon on
September 11, 2001, destroyed the office
that he had occupied there earlier.

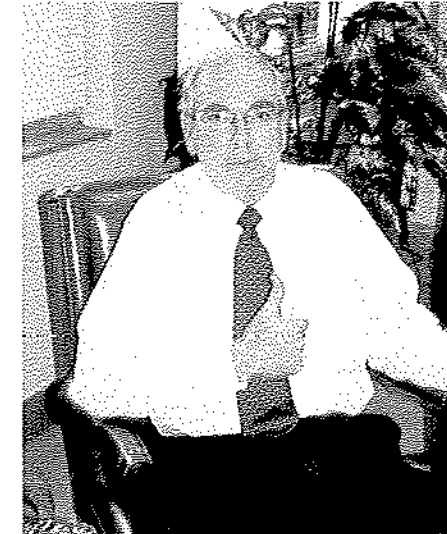
Dean Rosenblatt is a member of
the bar of New York and Missouri and
has been admitted to practice in the state
courts of those states. He also has been
admitted to practice before the U. S.

Supreme Court, the U. S. Tax Court, the U. S. Court of Federal
Claims, and military courts, and he is a member of the
American Bar Association.

During his last year in law school, Dean Rosenblatt met
his wife, the former Lauren Van Buskirk, whom he describes
as "the heart and soul of the family." Originally from New
Jersey, she was a French teacher. The Rosenblatts have four
sons: Frank, an Army Captain attending the University of
Virginia Law School; John, an Army Sergeant stationed at
Fort Meade, Maryland; Drew, a senior at Virginia
Commonwealth University in Richmond; and Paul, a junior at
Longwood University in Farmville, Virginia, who is living
abroad in Australia this semester. All four sons are Eagle
Scouts.

The Rosenblatts are active Presbyterians. The Dean's
wife has taught High School Sunday School, and Dean
Rosenblatt has taught Adult Sunday School and provided lay
sermons. Although he says that work is his true love, he
claims to raise the best tomatoes east of the Mississippi River.
He also enjoys flower gardening and running. His wife is an
avid walker and quilter. Antiquing is another family interest.

Dean Rosenblatt says that he and his wife have never
before encountered such gracious and giving people as those
who have greeted them on their move to Mississippi this year.
Dean Rosenblatt is excited about the future of the law school
and considers his appointment as Dean a great opportunity at
this significant juncture in the history and future of
Mississippi College School of Law.



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MATT'S HOUSE

Matt's House, named for former Executive Director Matt Devenney, provides emergency shelter for homeless women and children who have no other place to go. For over 500 guests a year, Matt's House offers a safe, nurturing environment, while staff assist residents in finding housing, employment, or transportation back to their families.

BILLY BRUMFIELD SHELTER

Billy Brumfield Shelter is an emergency shelter for men. The shelter provides three services for over 700 men a year. First, it serves as an emergency shelter for homeless men. Second, it has an alcohol and drug rehabilitation program. Finally, it provides room and board for disabled men and helps them find permanent housing.

VIRGINIA'S PLAYHOUSE

This program offers a variety of enriching morning activities for the elderly and mentally disabled. The participants engage in art therapy, creative writing classes, bingo games, and field trips. They also stock and operate the Clothing Closet.

CHAPLAINCY FOR PERSONAL CARE HOMES

Many personal care homes in the vicinity are filled with elderly and disabled people who cannot make it to Stewpot on their own. The Stewpot Chaplain visits these personal care homes and offers a pastoral presence to the residents through regular visitation, prayer, counseling, and communion services. Personal care home residents are integrated into Stewpot activities.

CLOTHING CLOSET

The Clothing Closet provides quality clothing for all who come to Stewpot. The Clothing Closet is staffed by the participants in Virginia's Playhouse, who sort, size, and assist with quality control. The Clothing Closet is stocked with clothing donated from residents of the Jackson Metro area.

LEGAL CLINIC

Every week, lawyers from the Mississippi Volunteer Lawyers Project provide free legal counsel during the lunch hour. These lawyers are trained to handle the kinds of legal matters that are most commonly encountered by the poor, elderly, and disabled people served at Stewpot.

NEIGHBORHOOD CHILDREN'S PROGRAM

Stewpot's Neighborhood Children's Program provides an atmosphere of love and second chances for all the children who pass through its doors. Stewpot offers both an after-school program and a summer camp for elementary, junior high, and high school students. Throughout the year, over 200 children are given educational help, self-esteem building, positive role models, and good, wholesome fun.

LIBRARY AND LEARNING CENTER

The Library and Learning Center, located in the Stewpot Community Center, houses a computer lab with free Internet access. Stewpot offers free job training, GED, and Internet classes and educational software. The Library and Learning Center is a community resource that is especially important to the children.

FAMILY COUNSELING

Stewpot provides access to trained family counselors for all Stewpot programs. These counselors help community members deal with difficult family issues, as well as stress, depression, self-esteem, and relationships.

COMMUNITY GARDEN

The Community Garden is located behind Stewpot Community Center. The children in the Neighborhood Children's Program and participants in other Stewpot programs plant and harvest the vegetables. The fresh produce is used in the Community Kitchen and Food Pantry.

BRATTON STREET PROJECT

The Bratton Street Project, Stewpot's first community redevelopment program, is located on the street directly behind Stewpot. Through this project, abandoned and dilapidated homes are purchased and then renovated. Since the program was started in 1998, Stewpot and partner, Habitat for Humanity, have built or renovated 19 homes. The new homeowners have started their own Neighborhood Association with monthly meetings, enrichment programs, and holiday parties.

CHAPEL

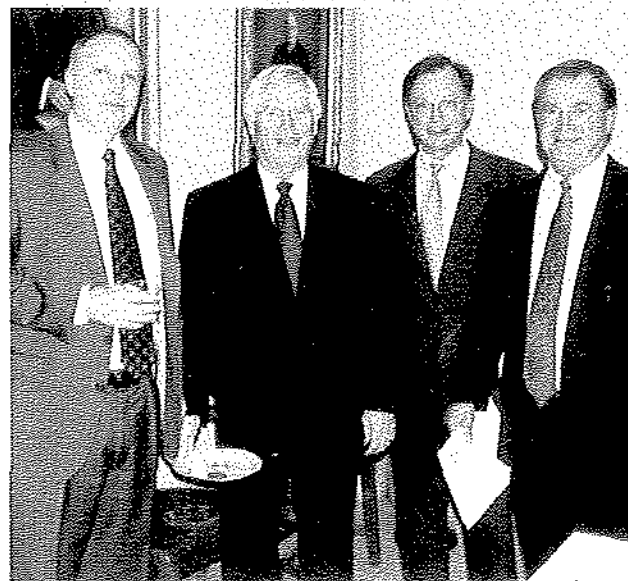
Stewpot has an inter-faith worship service six days a week immediately preceding lunch. Ministers of different faiths lead the services. All are encouraged to share their gifts during this time of singing, Scripture reading, and prayer. Participation is strictly voluntary.

MADISON COUNTY STEWPOT

Stewpot's newest ministry is a Community Kitchen in Canton, where they serve a hot lunch to many of that city's neediest citizens. The kitchen also serves more than 200 elderly and handicapped men and women through a Meals on Wheels program.

To state the obvious, a legion of opportunities exists for involvement at Stewpot. I am proud that many of our members have contributed through contributions of time, money, clothing, food, and leadership. I encourage you to continue your involvement, and for those who have not experienced the blessing of blessing others, call 353-2759 and enter the number in your Rolodex (for the old-timers), computer, Palm Pilot, Blackberry, or whatever the latest and greatest technological advancement it is that you utilize. Unlike Brother Schwartz, one call just won't do it. You will call again.

MCSOL Moot Court Finals



Several HCBA members participated in the finals of the Mississippi College Moot Court Competition held November 10, 2003, at the Mississippi Supreme Court. Pictured at the reception following the competition are (from left) Dean Mike Maloney, Jimmy Robertson, Ray McNamara, and Supreme Court Justice George Carlson. McNamara represented his firm, Copeland Cook Taylor & Bush, the sponsor of the competition.

HCBA Participates in City-Wide Project

The Hinds County Bar recently participated in a city-wide project, One Jackson-One Book, that was initiated by the Friends of the Jackson Library. A panel discussion on *A Lesson Before Dying* by Ernest J. Gaines was held by the HCBA at the Old Capitol Museum on October 23.



Serving as chairmen for the bar were John Henegan and Robert Gibbs. The panel included: Henegan, Gibbs, Faye Peterson, Fred Banks, Tom Fortner and George Evans.

Save The Judges

By Luke Dove

"Judges are apt to be naïf, simple-minded men..." Justice Oliver Wendell Holmes. Speech to Harvard Law Association of New York City, 1913.

As slogans go, "Save the Judges" will never convey as much appeal on a bumper sticker as "Save the Manatees". For starters, judges are not nearly as appealing or as intelligent as manatees. More important, however, it is not individual judges who need to be saved. What we must preserve is the independence and impartiality of the judiciary.

Good judges are critical to the democratic process. Good judges possess several traits. Some are more important than others, but two are absolutely essential: independence and impartiality. An impartial judge can fairly apply the law without bias for or against a party to a legal proceeding, and without overriding preconception in favor of or against a particular legal viewpoint. An independent judge is able to decide cases on individual merits free from political, economic or social influences. We have been fortunate to maintain an independent and impartial judiciary despite the fact that in Mississippi -- as in most states -- judges are elected.

But even in Mississippi, judicial independence and impartiality are in danger of being compromised by the escalating costs of political campaigns, by competing economic and social interests, and by partisan politics. In order to preserve the independence and impartiality of our judiciary, the Mississippi Bar and the public must act to help judges avoid the pressures of campaign financing and special interest groups.

Public confidence in the judicial system depends on both the actual and perceived integrity of the judiciary. Special interest and partisan political groups already have extraordinary access to and influence over the executive and legislative branches of government. Many citizens have become cynical about the integrity

of elected public officials. With apologies to RCA, citizens feel that the master's voice their representative hears most clearly is the one which promises the largest campaign contributions. Thus far, however, the public does not have a perception that the independence and impartiality of the judiciary is unduly influenced or compromised by special interest groups and large campaign contributors. However, if current trends continue, judges may be added to this dismal litany.

Judicial candidates in Mississippi have recently spent more far more -- on campaigns than in prior years. The most recent Mississippi Supreme Court race cost the three candidates almost 2.5 million dollars. The money was principally raised from groups with very divergent views of the justice system. On one hand, doctors and business owners provided campaign contributions. Other candidates received contributions almost exclusively from the plaintiff's bar.

The unfortunate fact is that neither "side" makes campaign contributions because they expect their candidate to be truly "fair and impartial". That may be the last thing they want. These contributions are made precisely because the contributors expect and anticipate that the judge will demonstrate at least some bias in favor of their point of view -- normally either "pro-business" or "pro-plaintiff".

This situation has become even more difficult because of the appearance of national groups in judicial races. The U.S. Chamber of Commerce, for example, spent well over 1 million dollars. Supported by financial contributions from manufacturers, the Chamber has begun "grading" judges. Depending upon the grade, the Chamber may then "target" judges in election ads. The Chamber is determined to rid some states of judges they regard as anti-business. Mississippi is one of the targeted states. Thus far, their success rate has been very high. Our neighboring state of

Alabama is a prime example. Within three years, the Supreme Court of Alabama changed from a court which routinely sustained large plaintiff's verdicts to a very conservative or "pro-business" court. A by-product of this change has been the rapid migration of many Alabama plaintiff's lawyers into Mississippi courts.

Judicial elections have been further complicated by the recent U. S. Supreme Court ruling in *Republican Party of Minnesota v. White*, in which a 5-4 majority held the "announce" clause to be unconstitutional in judicial elections. As a result, judicial candidates are now ethically free to take or "announce" positions on controversial legal issues during the campaign. In order to attract campaign contributions, judicial candidates may now promise special interest groups they will rule or vote in favor of or against certain legal positions.

None of this bodes well for the continued independence and impartiality of the judiciary. We must act to ensure that judges, especially on the Mississippi Supreme Court, can continue to fairly and impartially apply the law in all cases.

Despite our heritage of Jacksonian democratic values, Mississippi must now consider a new method of selecting judges particularly judges on the Supreme Court. If we continue to elect

judges, we will run an increased risk that our judges will become subject to partisan political interests. The result will be the loss of independence and impartiality and the loss of public confidence in the judiciary.

The ABA has proposed that states establish neutral, non-partisan and diverse commissions to assess the qualifications of judicial candidates and limit the candidate pool to those who are well qualified and can remain truly independent and impartial. An alternative is to have judges to the Mississippi Supreme Court appointed by the governor, from a list of candidates selected by a non-partisan and diverse commission appointed by the governor and the legislature. Moreover, judges should be appointed for a single term of 8 to 12 years with no opportunity for reappointment.

As Justice Holmes noted, judges may be naïf and simple-minded. But, if we continue to elect judges to the Supreme Court, judicial candidates in the future may not be so naïve or simple-minded as to fail to understand what they must say and do and what groups they must cultivate in order to raise campaign funds for their election. We need judges whose only loyalty is only to the law. We need to help save the independence and impartiality of our judges from campaign finances.

"A Look Back Into History"—Martindale Hubbell listings from the 1953 directory

As space permits, the HCBA Newsletter will publish others at a later time.

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Robert C. Cannada, born Edwards, Mississippi, July 22, 1900; admitted to bar, 1942, Mississippi.

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George Hamilton Butler (1877-1942). Charles B. Snow, born New Orleans, La., Nov. 5, 1892; admitted to bar, 1916, Mississippi; Preparatory education, public schools, Meridian, Miss.; legal education, Cumberland University (LL.B., 1917); Fellowship, Sigma Xi Phi; Member, Jackson and Hinds County and American Bar Associations, Mississippi State Bar Association, Mississippi State Bar, International Association of Insurance Counsel.

George H. Butler, Jr., born Jackson, Miss., 1917; admitted to bar, 1940, Mississippi; Preparatory education, public schools, Jackson, Miss.; University of Mississippi (LL.B., 1941); Fellowship, Phi Delta Phi; Member, Mississippi State Bar.



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The Three Wishes of Christmas

By Captain Equity

Editor's Note: In view of the fact that this is a Christmas Column that will be published in January, Captain Equity appealed to the Editorial Board for a ruling as to whether such subject matter would be permissible. The Captain was assured that since the Twelve Days of Christmas do indeed stretch into the first month of the New Year, his column would be considered timely. In the event you disagree, please do not send him hate mail on this account. You are, of course, free to send him hate mail for any other reason. Merry Christmas and Happy New Year from the Hinds County Bar Newsletter Editorial Board!

While I don't expect any of you to readily embrace my recently adopted tradition of "The Three Wishes of Christmas," let me assure you that this innovative yule custom is at least as legitimate as most other instant creations of pop culture such as Kwanzaa, American Idol, or the newest craze inspired by the Spanish tradition of Running With the Bulls. I am, of course speaking of "The Predawn, Day After Thanksgiving, Walmart Super Center, Running of the Consumers" in which glassy eyed bargain hunters run the considerable risk of being trampled to death in a mad dash for unbelievable inventory mark downs such as a \$29 "Made in China" DVD Player. Indeed, you may have read a recent account of a Florida woman who was a little slow off the mark due to the ingestion of massive amounts of turkey, dressing and pecan pie only hours before. Luckily, she survived. Sadly however she was unsuccessful in her quest for the DVD Player. With a good medical insurance plan, physical therapy and a little luck, she should be able to answer the bell next Thanksgiving. Based on leaked classified documents from the U.S. Customs Service and an exemption from the provisions of the Homeland Security Act buried on page 2385 of the bill, the featured sale item next year could well be a miniature, shoulder-launched toy Chinese Silkworm cruise missile recommended for children ages 4 to 10. Just think of the fun on Christmas morning when the kids go outside to play with their brand new Christmas ornament. What fun it would be to see the neighborhood kids riding fully armed tricycles and Big Wheels at breakneck speed seeking to engage in some old fashioned hit and run fun just like in Iraq, but without the muss and fuss of those depressing body bags and awkward military funerals. What a great time to be a kid!

At any rate, as my special, albeit late Christmas Gift to you the reader (please see Editor's Note, Supra) I would like to relate my Three Wishes of Christmas in the innocent spirit of a wide-eyed child who seeks simple, charming solutions to the world's most vexing problems.

Christmas Wish One

With all the problems of modern urban life including drugs, crime, corporate corruption, mutual funds scandals, illiteracy and racism, wouldn't it be great to live in the make believe land of TV back in the Golden Age of that medium? That's why my first Christmas Wish is to transport some of our public officials to a couple of my favorite TV Shows. For instance, how about if Jackson Police Chief Robert Moore traded places with Sheriff Andy Taylor of *Mayberry RFD* where crime actually was more perception than reality. In *Mayberry*, Chief Moore's biggest crime threat would be Otis, the town drunk. Besides solving the problem of apprehending criminals, there would be little need for a District Attorneys Office or Case Load Administrator because of the preexisting natural tendency to lose track of Otis with the comfort of knowing he would soon return to check himself back into his jail cell. Helping Chief Moore would be zealous crime fighter Frank Melton who could play the part of Barney Fife. Of course, we would have to figure out a way to trade Barney's squad car for

a helicopter, but I imagine that wouldn't be a problem since we are operating in the realm of fantasy. To round out the new cast, Barbara Blackmon could play the part of Aunt Bea. In one episode, she could challenge Thelma Lou, played by Amy Tuck, to sign an affidavit that she had not stolen Aunt Bea's blueberry pie recipe. Ronnie Musgrove with his distinct voice would be a natural for Gomer Pyle and Ben Allen of the Jackson City Council would play Mayberry public official Howard Sprague. And finally, if we mixed in a little *Dukes of Hazard*, we could have Haley Barbour play Boss Hogg and Harvey Johnson's SUV could be the General Lee. I know what you are thinking, this is stereotypical type casting. Well, you're right, but remember, I am making my wishes with the simplicity of a child. And speaking of children, my wish would make sure that Michael Jackson would be off in Europe or Japan playing a concert to raise bail money. We wouldn't want our little fantasy world to be spoiled by an untoward incident with Opie at the Neverland Pig Farm in Mount Pilot.

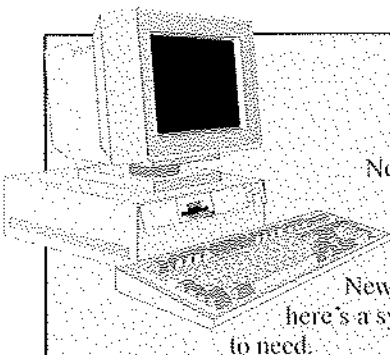
Christmas Wish Two

My second Christmas Wish involves a contemporary remake of one of my favorite children's tales. I am speaking of the story of the wooden puppet Pinocchio who wanted to come alive to be a boy. I'm sure you recall that every time Pinocchio told a lie his nose would grow. In my version of the story the character of Pinocchio, rather than wanting to be a boy, wants to be reelected to a second term as a conservative Republican President of the United States. Thanks to Gepetto, the puppet master played by Karl Rove, and an ineffectual cast of Democratic Presidential candidates, the puppet gets his wish. But everytime he gives a speech about curbing the growth of federal spending with his veto pen his nose grows longer. By the end of his second term he is suffering from extreme breathing difficulties due to the length of his nose. However, because of his Medicare Reform Bill, the prescription he needs to maintain his breathing costs so much that he has to pawn Air Force One, take a second mortgage on the White House and activate National Guard Units for ten years at a time to save money on the Defense budget. The story ends happily when he wakes up to realize he has been in Texas the entire time and that the story along with his breathing difficulties is just a dream. In my wish, I borrowed this ending from the television show *Dallas*. You may remember that the writer's had written Patrick Duffy's character Bobby Ewing into such a disastrous corner that the only way out of the quagmire was to have him wake up in the shower and realize that the entire preceding television season had been a dream. Like the *Dallas* television scriptwriters, maybe this is a creative way to avoid a hundred trillion dollar national debt while preserving the myth of rock solid conservative leadership. I love happy endings.

Christmas Wish Three

My final Christmas wish is that all the boys and girls, moms and dads and other adults were one color that was neither black nor white. I would pick burnt sienna, which is a personal favorite, but it could be orange, green, aqua, or hot pink. With no white people and no black people there would be no letters to the editor of *The Clarion Ledger*. Come to think of it, there would be no *Clarion Ledger* at all, which would free up everyone to spend more time watching cartoons and less time developing health problems from being upset, mad, and resentful. Maybe, just maybe, people could let go of their consuming animosities and learn to actually respect and work with one another for mutual gain. Did I mention that I just love happy endings?

Merry Christmas and Happy New Year!



On Computing

By Joel Howell

Need U.S. Supreme Court resources? There's a lot more than just opinions out there. With thanks to Law Technology News and Robert J. Ambrogi, here's a synopsis of more than you're likely to need.

Though the Supreme Court has not addressed the legality of downloading MP3's, their oral arguments have been available for downloading since 1996 when the Oyez Project made arguments available in the MP3 format. Since its inception in 1995 the audio library boasts more than 2,000 of the Supreme Court's arguments. The project's goal is to create an audio collection of all arguments since 1955. The project also includes summaries of Supreme Court opinions, biographical materials on all justices and a virtual reality tour of the Supreme Court Building. The Oyez Project may be found at www.oyez.org.

In the year 2000, the Supreme Court launched www.supremecourtus.gov which includes opinions from the 1999 term to the present. The site also contains an argument calendar, transcripts, orders, notices, press releases, Supreme Court Rules, a visitors guide and other helpful information. Briefs may be found at supreme.lp.findlaw.com. A comprehensive index of links to the Supreme Court may be found at jurist.law.pitt.edu/issues/issue_scotus.htm.

Other websites offer a different perspective on the Supreme Court. journalism.medill.northwestern.edu/docket, a project of Northwestern University's Medill School of Journalism, casts a journalist perspective on the Supreme Court. This site, begun in the 1998 term, lists pending and current cases with a story on each, feature stories on selected cases and information provided by attorneys and parties to the cases.

For those who would like information on what the Supreme Court has done in the past, the Supreme Court Historical Society offers www.supremecourthistory.org. To look at related appellate cases and some Supreme Court issues go to www.appellate.net.

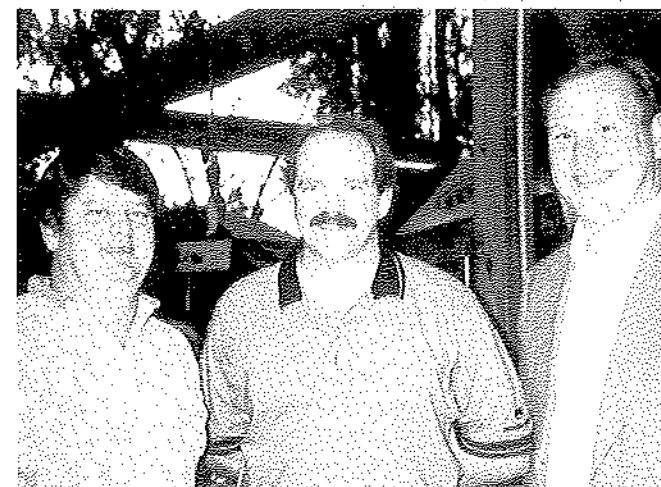
There are many resources available for opinions rendered and they vary in the terms they cover. The Supreme Court website offers opinions rendered since 1999. Other sources of opinions include supct.law.cornell.edu/supct which dates back to 1990. For older opinions one can view either www.fed-world.gov/supcourt/index, www.usseplus.com. For free opinions one may look at libulletin.law.cornell.edu and newsletters.findlaw.com. However, one should note that the Findlaw site offers only daily abstracts of the Supreme Court's opinions.

Questions or comments?

Send email to webmaster@hindsbar.com.

Fall Social

The Hinds County Bar Association held its annual Fall Social on Thursday, October 23, at the 930 Blues Café. The event was chaired by Keith Obert, Social Committee Chairman.



Hugh Tedder; Keith Obert, Social Committee Chairman; John Sanford McDavid



Kathy Fewel, Gretchen Kimble and Betty Daugherty



Melissa Malouf and LaVerne Edney

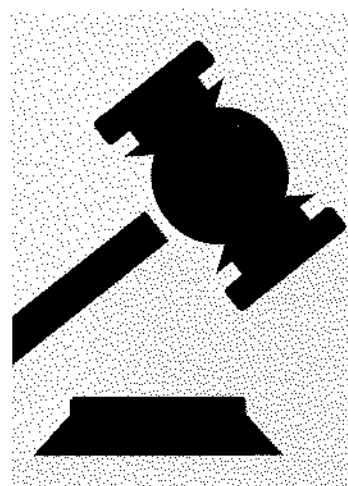


Leyser Morris-Hayes; Rhonda Cooper, HCBA Director; LaShundra Jackson; and John Hall



Armin Moeller, Lynn Carlisle and Mike Farrell

Judge Wingate Becomes Chief Judge



On Monday, November 10, 2003, Judge Tom S. Lee stepped down from the position of chief judge of the U. S. District Court for the Southern District of Mississippi and passed the gavel to Judge Henry T. Wingate. A standing-room-only crowd paid tribute to the two judges in a federal courtroom and at the reception afterward. Judge Carolyn King, chief judge of the U. S. Court of Appeals for the Fifth Judicial District, presided over the ceremony.

Judge Wingate, Mississippi's first and only

African-American federal judge, has served on the federal bench since 1985, when he was appointed by President Ronald Reagan. Born in 1947, Judge Wingate is a native of Jackson. He received his undergraduate degree from Grinnell College and his law degree from Yale Law School.

Judge Wingate will serve a seven-year term as chief judge through the year 2010. In addition to conducting trials, the chief judge also handles administrative duties within the District Court.

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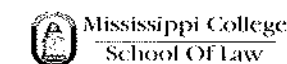
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Book Notes

By Nonie Joiner

Not too long ago, it was easy to do a year-end checkup in order to be sure that you were maintaining a complete collection of all recently published books which were written by Mississippians or which were about Mississippi. At that time, even if some of the books were of questionable quality, the total number published was so small that the tendency was to just buy all of them anyway in order to keep the collection complete. Now, it's necessary to be a great deal more selective in making purchases, not just because there are so many more Mississippi books, but because there are so many more really bad Mississippi books.

I've said this in this column before, but we've got to stop being so nice and supportive of everyone in the state who thinks they can write fiction. Mississippi developed its reputation as a literary breeding ground because its published authors were superior. We are now seeing books published by people whose works of fiction shouldn't be in any libraries except those of their immediate families. We also have a little circle of state authors who write mediocre books and compound the problem by writing glowing reviews of each others' works, which friendly local newspapers then publish. I realize that some people think that creativity is a wonderful thing that should always be encouraged. I also understand the tendency that Mississippians have to try to be nice because our mothers told us not to say anything bad about anyone because this is a very small state and we all sort of know each other, and what

we said might get back to their family and hurt their grandmother's feelings. This in general is good advice and we should try to follow it as much as possible. However, just because we don't say something bad doesn't mean we should say something good about a bad novel, and we certainly shouldn't buy it. Histories and biographies are different; even poorly written ones can have value, if properly documented. Memoirs, however faulty the writer's memory may be, are valuable too. It is still almost possible to keep up a collection of all of these, even though the number of them is also exploding.

Mississippi has been an interesting place during the last century, and this bar association has a lot of members who could contribute to a better understanding of just what has been going on here. I wish that Erskine Wells, a genuine war hero, had written about his experiences, not just in World War II but in Mississippi before and after the war. In addition to reporting on events they have actually observed, lawyers make good authors of historical works. They know how to do research, they have a unique perspective of how things really work, and they generally write pretty well, too. Look at Minor Buchanan's book on Holt Collier - it's well written and researched, and extremely interesting. Finding time to write it is a problem, I know, but I really feel that some of you out there owe us a book or two. You know who you are.

Now insofar as this year's selection of Mississippi books is concerned, it seems that most of them are published near year end, and I haven't had time to read very many of them. I am looking forward to reading *Cotton* by Harris Barnes (Trip's father). It's been many years since I had any income from cotton, but I still worry about the crop every year. This is a history by a man who had a long involvement with his topic. People used to say that almost everyone in this state, whatever their present occupation, was only a generation or two removed from a farm. Farming usually involved cotton, not just on the big Delta farms but on small farms as well. A few years ago, one of our LICBA members mentioned in a meeting that she had spent the previous weekend stomping cotton. It was apparent from the reactions of some of the people in the meeting that if there was a farm in their background, it was pretty far back there. There was a similar reaction recently in a group at an Ole Miss football game, when someone said that her husband couldn't come to the game because he was scrapping. I'm glad that someone has written about cotton. I've already looked at the pictures, and they're great.



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And speaking of pictures, Joe Mac Hudspeth has a newly published collection of wildlife photographs, *In the Southern Wild*. The photos are truly breathtaking. Many of you may be familiar with his work because of his Duck Stamps, but you don't have to be a hunter or an outdoorsman to enjoy this book. The fact that his grandmother was my grandmother's Cousin Emma, a very nice lady from Ashland, Mississippi, did not influence my opinion. Look at it and judge for yourself.

I enjoy the writings of Robert St. John, whose column appears on the second page of the food section in the Wednesday Clarion Ledger. He is not related to me, as best I can tell, and I did consult my mother, because I'd like to be related to him. His joint work with Wyatt Waters, *A Southern Palate*, was a big seller last Christmas. They didn't do a joint project this year, but both have new books out just in time for Christmas, and have done a number of joint signing sessions. St. John's offering is *Deep South Staples, or how to survive in a southern kitchen without a can of cream of mushroom soup*. Yes, it is a cookbook, but it is a very entertaining cookbook. If you read his column, you know he has a wicked sense of humor. The book contains a series of essays on southern foodways, as the sociologists would say. Its cover is an attractive avocado green, and it has interior accent pages of harvest gold, the exact colors of my kitchenware and appliances in the 1960's. The pages, faintly yellowed around the edges as though the book had been shelved since 1970 or so, are illustrated with 1960's-era drawings and photographs. It's all very funny and very perceptive, and has good recipes as well. I do regret his stance on the mushroom soup issue. For those of you who don't cook and may be unaware of this great social issue, let me enlighten you. Cream of mushroom soup was labeled socially unacceptable some years ago. This has caused a great deal of trouble, forcing cooks with hopes of social advancement to place their mushroom soup cans in secure containers before putting them in the garbage, so that if the garbage should be attacked by stray dogs and strewn about, the neighbors wouldn't see the cans. The great social divide in regard to cream of mushroom soup comes dangerously close to class and age warfare. Slick cookbooks aimed at the upscale crowd never offer recipes utilizing cream of mushroom soup. These are the same cookbooks that suggest that black-eyed peas should be served cold as salads. Cookbooks aimed at those who cook on limited budgets or with limited time are full of recipes in which cream of mushroom soup is a major ingredient. People who as

children ate cream of mushroom soup casseroles view mushroom soup as comfort food. Hopes that an accord could be reached were raised when the makers of cream of mushroom soup began offering versions low in fat or low in sodium. The title of St. John's book serves only to fan the flames of an already volatile issue.

St. John's co-author of last year, Wyatt Waters, has on offer a probable best seller in this area, *An Oxford Sketchbook*, with Waters' watercolors and handwritten musings on Oxford by twenty-seven different commentators, including William Beckwith, Larry Brown, Jane Rule Bardine, Keith Mansel, Mike Moore, Archie Manning, Bill Ferriss, Ron Shapiro, Richard Howorth, Glenn Ray Tutor, Jere Allen, Bill Dunlap, William Lewis, Jr., M.C. Chookyi Falkner, and John and Ellen Case. The book comes with a cover which could be removed and used as a poster of the Oxford Square, with a panoramic view from the courthouse looking south along Lamar - the reverse of the usual version. The book contains no print. Everything is handwritten and looks as though it had been written with a pencil. Not everyone has clear handwriting, so that some of the essays are a little difficult to read, but the handwriting gives an immediacy and intimacy to the essays and somehow lends greater weight to what is said than standard print would have done. The watercolors were done over a period of many years and cover some of the old Oxford landmarks that have been lost. Waters' titles are clever. His subjects include the standard Oxford sites but also include a number of offbeat and unexpected views. This will be of interest to anyone who has spent time in Oxford. The Oxford Chamber of Commerce should love it, although many of the essays address the changes and problems that have occurred as a result of the fact that almost everyone who has spent time there would like to go back.

Go to your favorite bookstore and check out the other offerings by Mississippi authors. Remember, your gifts to your loved ones should always include at least one book per person. Just exercise discretion in regard to what you buy.

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January 13, 2004 - May 14, 2004

Monday - Thursday 7:30 a.m. - midnight
Friday 7:30 a.m. - 9 p.m.
Saturday 9 a.m. - 9 p.m.
Sunday noon - midnight

EXCEPTIONS

Martin Luther King, Jr. Day

Monday, January 19th 9 a.m. - 5 p.m.

Spring Break

Friday, March 12th 7:30 a.m. - 5 p.m.
Saturday, March 13th 9 a.m. - 5 p.m.
Sunday, March 14th 1 p.m. - 5 p.m.
Monday, March 15th - Thursday, March 18th
..... 7:30 a.m. - 5 p.m.
Friday, March 19th - Saturday, March 20th
..... 9 a.m. - 5 p.m.

Easter

Friday, April 16th 9 a.m. - 5 p.m.

Exam Schedule

May 4th - May 12th
Monday - Friday 7:30 a.m. - midnight
Saturday 9 a.m. - midnight
Sunday noon - midnight

*Summer hours will begin May 13th.
Hours are subject to change without notice.*



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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 2003



President's Column

by William R. Wright

Lawyer Involvement

Our membership is at an all time high of 1,360, up 39 from 2002 and 243 from 1998. Of course, there are now more lawyers in the tri-county area than there were five years ago, but HCBA's board members believe we are doing something right by providing benefits which our members value at least to the extent of the dues being paid.

In any organization, only a small percentage of members choose to become actively involved. The Hinds County Bar Association is no exception. This is not a criticism but only an acknowledgment that many of our members are active in other activities such as other lawyer associations, and religious, civic, athletic and other organizations. But the HCBA is only capable of delivering benefits at a level that is directly proportionate to the percentage of members who are willing to contribute.

There are a myriad of services the HCBA could offer both to our membership and also to the people of Hinds, Rankin and Madison Counties but only if more members will get involved. One of the amazing things I have learned from being a lawyer for nearly 30 years is that virtually every lawyer has at least one non-legal related talent. Such talents could be channeled through the HCBA to not only benefit our membership but also our communities.

Simply stated, I am merely encouraging each member of the HCBA to let us know you want to get involved. We will find a place for you-guaranteed. You will find that working for the HCBA is enjoyable and fulfilling. Call Pat Evans, our Executive Director, or me, if you want to help. You will not be disappointed.

Evening Honoring the Judiciary

As most of you know, the signature event of the HCBA is our Evening Honoring the Judiciary which we sponsor each May. This year's event will be on May 15 at the Old Capitol Inn, a great facility in downtown Jackson owned and operated by Mike Malouf and his family.

The event is regularly attended by Mississippi's representatives on the Fifth Circuit Court of Appeals as well as U.S. District Court Judges, Mississippi Supreme Court Justices, Mississippi Court of Appeals Judges, and Circuit,

Chancery and County Court Judges from Hinds, Rankin and Madison Counties. That's a truckload of judges.

One of the highlights each year is our ability to attract topnotch speakers. This year is no exception. We learned in late January that our first choice for a speaker, Mike Slive, has accepted our invitation. Mike is currently Commissioner of the Southeastern Conference, a position he accepted last year after having served as Commissioner of Conference USA since its inception in 1995. So, he has significant Mississippi connections.

Mike Slive has a law degree from the University of Virginia and a LLM from Georgetown University. More importantly, he served as Judge of Hanover (N.H.) District Court from 1972-1977. So, if he used to be called "Judge", that is all we needed to invite him to speak at our dinner. By the way, Chancellor Robert Khayat from Ole Miss will introduce Mike Slive. So mark your calendars now for the evening of May 15, 2003. You will not want to miss this event.

For the Evening Honoring the Judiciary we will again be offering sponsorships to law firms and individual lawyers at \$200 each. Sponsors' names will again appear on the program cover. Sponsor letters will be sent out in March.

HCBA Golf Tournament

Our annual golf tournament will be held at Annandale on Thursday, May 22, 2003. This is a great event, so if you play golf, this is a tournament you will not want to miss. Further, if you wish to be a sponsor or have a client or business associate who is interested in sponsoring a hole or an event, contact Pat Evans.

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HCBA LUNCHEON MEETING

Tuesday, February 18, 2003 Capital Club 12:00 Noon \$12.00

The speaker will be Chief Justice Edwin Pittman

HCBA Calendar of Events

February 18, 2003
HCBA Membership Meeting
 Noon. Capital Club

April 1, 2003
HCBA Membership Meeting
 Noon. Capital Club

May 15, 2003
HCBA/JYL Evening Honoring the Judiciary
 6:30 p.m. Old Capitol Inn

May 22, 2003
HCBA/JYL Golf Tournament
 Noon. Annandale Golf Club

June 17, 2003
HCBA Membership Meeting
 Noon. Capital Club

CLE Calendar of Events

February 18, 2003
Major Land Use Laws in MS
 NBI. 800-930-6182

February 20, 2003
Medicaid & Elder Law Issues in Mississippi.
 Lorman Business Center
 715-833-3940

March 3, 2003
Adoption Law in MS. NBI.
 800-930-6182

March 13, 2003
Sales and Purchasing Law.
 Lorman Business Center.
 715-833-3940

March 14, 2003
Summary of Recent MS Law.
 Abbott & Weems. 662-234-6956

March 17, 2003
Medical Records for MS. Attorneys. NBI. 800-930-6182

March 20, 2003
Mississippi Estate Planning.
 Lorman Business Center.
 715-833-3940

March 21, 2003
Discovery Skills for Legal Staff.
 Lorman Business Center.
 715-833-3940

March 25, 2003
Keys to Successful Pre-Trial Preparation in MS.
 NBI. 800-930-6182

March 25, 2003
Successful Handling of Wrongful Death Cases in MS.
 Lorman Business Center.
 715-833-3940

March 26, 2003
Mississippi Foreclosure and Repossession.
 NBI. 800-930-6182

March 27, 2003
Collection Law.
 Lorman Business Center.
 715-833-3940

March 27, 2003
Children's Records Law in MS/
 Lorman Business Center.
 715-833-3940

April 2, 2003
Bad Faith Litigation in MS.
 NBI. 800-930-6182

Christmas Social

HCBA members and guests enjoyed the Christmas Social at the Old Capitol Inn on December 3, 2002.



Joel Howell and Jimmy Robertson, HCBA Editorial Board Members; and Linda Thompson, HCBA Secretary-Treasurer.



Anthony Simon; Doug Levanway, HCBA Board Member; Stuart Kruger, HCBA President-Elect; Will Manuel, HCBA Board Member.



Richard Roberts, Past HCBA President and President-Elect of the MS Bar; and Dan Hise.



DeAnn and William Wright, HCBA President.



Patricia Bennett, Past HCBA President; and Phyllis Thornton, Executive Director MS Volunteer Lawyer Project.



Sylvia and John Land McDavid, HCBA Editorial Board Member.

The Hinds County Bar Association and the Jackson Young Lawyers Association

invite you to join us for an

Evening Honoring the Judiciary

Mike Slive, Commissioner of the Southeastern Conference and Former Judge, will be the Speaker

Thursday, May 15, 2003
 at The Old Capitol Inn
 226 North State Street
 Reception at 6:30 p.m.
 Dinner at 7:30 p.m.

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

Innovator Award Nominees

For the past four 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 include Judge James E. Graves; the Mississippi Supreme Court; two-time award recipient and Judge Breland Hilburn. The Innovator Award will be presented at the Evening Honoring the Judiciary on May 15, 2003.

The HCBA encourages your nominations for this Award. Please send nominations by March 7, 2003 to Pat Evans, HCBA Executive Director, 151 E. Griffith Street, Jackson, MS 39201.

Living in the Paternalistic Shadow of the Morally Superior

by Captain Equity

There is a new breed of morally superior crusader that walks the land these days. These self appointed vigilantes drawn mostly from the ranks of Congress, cable and print journalism and one issue interest groups are devoted to the noble quest of rooting out evil thinkers and avenging even the most inconsequential transgression against their own preconceived notion of truth, goodness and the American way. Notwithstanding the founding fathers' wisdom of adopting the First Amendment as a way to avoid a replication of centuries of well documented political and religious persecutions in world history, these self appointed arbiters of contemporary speech and thought are hard at work to silence any public utterance that may be at odds with their enlightened albeit subjective and self serving world view. Whether the subject be race relations, national security or even political, personal or religious association, they enthusiastically ignore the biblical admonition to "judge not, lest you be judged" as they gleefully go about destroying careers and demonizing individuals, groups and even entire regions of the country. Factual accuracy is often overlooked or manipulated; historical context is ignored; and forgiveness is out of the question. Consequently, what used to pass for stupid and ill advised is now a zero tolerance capital offense. And heaven forbid if one should ever dare to question the assumptions or pronouncements of the morally superior or for that matter, turn the spotlight on their own personal shortcomings. One need only delve into the horrific details of China's Cultural Revolution to understand the dangers that can be wrought by a self anointed and unchallenged politically correct elite.

Before I continue let me confess my own transgressions to all invisible power brokers of correct speech and thought. I am a white male from Mississippi. Yes, I know this is probably enough to have me shipped off to a month long sensitivity training workshop in Northern California, Sedona, Arizona or perhaps an obscure Third World venue for political and moral rehabilitation under the auspices of UNESCO. I also realize that in the most extreme quarters, this alone probably makes me a racist, or at the very least identifies me as someone who should be "watched." Let me just say that I have already resigned from everything I could think of in preparation for writing this article.

However, in my defense, (but only to some as you will soon see) I received my undergraduate education (some old timers would call it "indoctrination") at Millsaps College in the late 1960s where I listened to Joan Baez and Bob Dylan on record and Otis Redding and James Brown live at Jackson State's College Park Auditorium amidst all black audiences. I was a proud proponent of the Civil Rights Movement and an opponent of the Vietnam War. And yes, I drove a used VW Bug to the polls in my first Presidential election to vote for Vice President Humphrey just like many other college age members of the Proletariat back then. And by the way, I live in the city limits of Jackson and listen to National Public Radio. To many in the white Mississippi power structure circa 1968 that resume' would be more than enough to have

me labeled as a Communist (the worst thing you could say about someone back then) and to be "watched" by the Mississippi State Sovereignty Commission, which back in those days was the politically correct, official arm of state government. I imagine that there are even some contemporary readers that would continue to find my background, suspect. Such reader abhorrence, if any, simply underscores my point: that political correctness, no matter what hue, endangers basic American ideals of free thought and expression that have set us apart from the excesses and abuses that have stained so much of human experience.

Certainly, much of this article was prompted by the Trent Lott meltdown and the partisan attempt by Congressional Democrats to demonize and defeat Judge Charles Pickering's appointment to the Fifth Circuit Courts of Appeals. What bothers me the most is that once again Mississippi was portrayed by and to the rest of the nation as some kind of red-neck backwater where all the white people are snarling, homicidal, low IQ racists randomly committing unspeakable acts of violence against docile, helpless albeit backward African Americans who are being maintained in some form of perpetual bondage by a small, privileged Deep South aristocracy that all live in antebellum homes managing immense cotton fortunes. Only through the grace and benign paternalism of morally superior crusaders living in splendid and far removed affluence and comfort in places like Malibu, California and the Upper East Side of Manhattan (and who have never been within a thousand miles of the Magnolia State except maybe for a convention trip to New Orleans) can even a shred of civilization be preserved here in the repressive hinterlands. Variations of this stereotypical view, which I have personally experienced while working in

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Southern District Court Judge Charles W. Pickering will be the guest speaker for the Mississippi College Law School Christian Legal Society Prayer Luncheon on March 4, 2003, at 11:30 a.m. at the First Baptist Church of Jackson. The price for the luncheon is \$6.00 for students and M.C. staff and faculty and \$10.00 for judges, attorneys and other guests. R.S.V.P. by February 25, 2003. Mail the check or money order to Christian Legal Society, 151 E. Griffith St., Jackson, MS 39201 OR deliver it to Debbie Foley, Room 111 at the M.C. School of Law.

Some Really Dumb Ideas

by John Land McDavid

Are you tired of being inflicted with a lot of "Really Great Ideas"? If so, the following ideas are offered as blessed relief.

1. When a Mississippi lawyer dies, The Mississippi Bar numbers of all surviving lawyers should be moved up to the next consecutive number.
2. Wednesday should be set aside as a "day of rest" for atheists, who should work on Sundays.
3. In addition to the persons who are required to receive a copy of pleadings or motions in a litigated action, a copy should also be served on three adults, three juveniles and three residents of a foreign country, who have no relationship to the action, in order to receive diverse and neutral advice on the subject matter of the pleading or motion, which advice the court or jury should take into consideration in reaching its decision.
4. In order to prevent intersection accidents, intersections should be eliminated by closing the east-west access into all north-south streets and highways.
5. At the beginning of each trial, the judge, jury, lawyers, parties, witnesses, court reporter and bailiff should play a game of musical chairs, led by the court administrator, at the end of which each person should assume the authority and duty of the person in whose chair, box or bench they have landed.
6. Legislators should not be elected. Instead, for each regular or special session, a set of legislators should be randomly selected from Mississippi telephone and cell

phone subscribers by a computer program named LEGIPIX. Caveat: Do not think about this idea too much. The more you think about it, the better it sounds. It might just be a "Really Great Idea!"

7. In capital murder cases, during the trial, the accused should be required to spend the night at the home or hotel room of each juror on a rotating basis so the jury may better understand the accused and better determine whether he or she is really guilty of, for example, murdering six members of his or her family with a pickaxe.
8. In order to improve the public image of lawyers (about which we have heard so much lately), all lawyers should take vows of poverty, chastity and service (and really mean them). Imagine Mother Teresa with a set of the Mississippi Code Annotated and a yellow pad. Is this really a dumb idea?
9. When a divorce is granted, each party should be ordered to live for a year in the home of their then former mother-in-law.
10. Rather than by legal education and bar exams, licenses to practice law should be granted once a year in a statewide lottery administered by the Game and Fish Commission, which has years of experience issuing licenses.

I know you are thinking you have heard dumber ideas from your law partner or your spouse, but this is the best I can do at this time.

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Highway Eats by the Road Lawyer

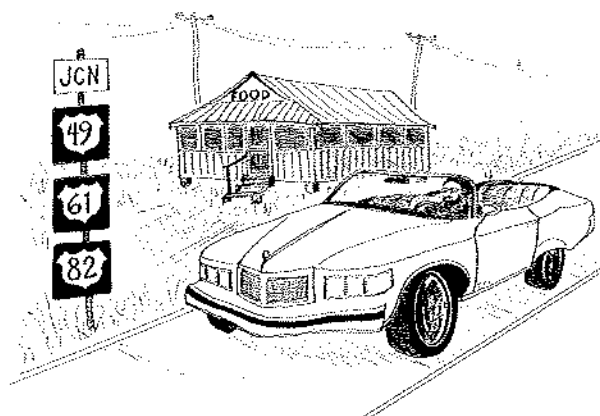
The long holidays around the Wednesday Christmas and New Year's made for not many highway trips lately. Not to repeat myself too often, but on the one recent trip I've made down Highway 49 South the old convertible seemed to hit a magnetic field just south of the Highway 59 crossover and veered on its own into the Farmers Market All You Can Eat Buffet. I put on sun shades so I wouldn't have to look at the stuffed/dead animal decorations and headed to the station piled high with fried catfish, chicken livers and gizzards, and smoked chicken. A blob of coleslaw had to do for fiber, and I ate until I groaned. Still can't understand the pathetic array of desserts at this place, but I tried a couple of homemade-looking chocolate chip cookies that were really pretty good.

My friend John Raymond Tullos recommended a barbecue place in Raleigh, and I tried it on my last trip to Smith County. It's the Round Back Ribs and BBQ on Highway 35 about half a mile north of the 4-way stop. It's called "Round Back" because it's 'round back of the Movie Source, Raleigh's country town version of Blockbuster Video.

Round Back is a small place with not many tables, but the day I was there the room was full. I spotted the sheriff and a couple of deputies, so you know it's tasty food. The owners appeared to do a brisk to-go business also.

As you know, someone who likes to eat as much as I do also likes to cook. And cooking at home means shopping for groceries. I've always longed for shopping like the residents of Manhattan have -- a specialty shop of some sort at every corner and purveyors of fresh bread, cheese, wine, fruit, vegetables, flowers, fish, meat, and unusual prepared dishes within walking distance of one another in every neighborhood.

I have to say that in the last several years, while Jackson is no rival to the Big Apple and we don't really have neighborhood convenience, gourmands/gourmets have seen the establishment of an astonishing array of



good fresh-food markets.

Broad Street Baking Company is a fine example. The breads there could compete with those from Up East or down in N'Orleans. The choices are wide, varied somewhat from day to day (seven days a week), and there is a fine selection of international cheeses and olive oils as well. Cookies, brownies, and other desserts can complete a meal beautifully. And that's not to mention the sandwiches, soups, salads, and other main menu items that can be packed to go for home eating or picnicking.

Broad Street will also make up trays to your order. The cookie and bar platter is always a hit, and I recommend the Italian cream cake the next time you need to take a dessert to a friend's house.

A new favorite of mine is Paul Anthony's Butcher Market at 4760 I-55 Frontage Road North, between the Play Pen and the Red Arrow Carwash. Since it opened last fall, I've been a regular for their prime, center-cut tenderloin beef (which you can cut with a fork), lamb and veal chops, small whole chickens, freshly made sausage, and fresh seafood. This Market works at accommodating its patrons, and there are new items every time I go in. Lots of stuff to accompany the meat: baking potatoes, salad makings, incredible portobello mushrooms, fresh asparagus, cheeses (limited selection), and many rubs and sauces for the cooking process.

The Butcher Market also does smoked meat (chicken, ribs, chops, etc.) for plate lunches to go. The style and flavor is reminiscent of Big Jim's Smokehouse (gone now from

Ridgeland to make way for the famous Golden Arches).

McTaggart's Meat Market is another excellent meat and fish market -- on the east side of Highway 51 between Ridgeland and Madison. It's not as convenient to my neighborhood, but it has its devoted Madison County fans. The prime beef is excellent, and the fish selection is impressive. They also have prepared foods like crabmeat-stuffed mushrooms you just heat, serve,

and love to eat. Their Greek salad becomes a complete meal when topped with the smoked chicken breasts, and they sell a variety of tempting casseroles. A specialty of the house is a porkchop stuffed with homemade sausage.

I can't talk about fish markets without mentioning Mississippi Seafood Exchange at 795 East McDowell Road (right next to UPS) over the railroad tracks from the exit off I-55 South. They deliver to most of the restaurants in town and to the Butcher Market but also sell to individuals. Good folks work there, and they know how to cut the fish and can tell you how to cook it. If you're in South Jackson, it's the place to get salmon, sushi-grade tuna, scallops, red snapper, swordfish, and more.

For something different, I recommend the Mediterranean Grocery & Deli at 6712 Old Canton Road in Ridgeland. That's on the east side of Old Canton a couple of blocks north of Amerigo's and just south of the Empress Restaurant. The Grocery is owned and operated by Elias and Joanna Habib. Mrs. Habib does the cooking, and Mr. Habib is quite the gregarious proprietor. He grew up in Galilee in Israel on a farm where his father grew olives. Years ago he came to Mississippi from school in Europe; he's had the grocery business for three years.

The Habibs serve up (for take-out only) numerous freshly made Middle Eastern foods such as kibbi, felaful, hummus, baba ganoush (eggplant dip), lentil pilaf, spinach and meat

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HCBA Professionalism Award

At the HCBA Dinner Honoring the Judiciary on May 15, 2003, the HCBA will present its fifth 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 Patricia W. Bennett, Chairman of the Professionalism Award Selection Committee, at 151 E. Griffith St., Jackson, MS 39201, 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, 2003, has been set for receipt of nominations.***

Captain Equity *continued from page 4*

such places as Malibu, California and the Upper East Side of Manhattan, is demeaning and unfair to both black and white citizens of this state. I for one am tired of being stereotyped by the moral elite. I strongly suspect I am not alone.

For the record, Trent Lott's widely publicized comments at Senator Thurmond's birthday party were no doubt stupid and ill advised. By attributing his views to all Mississippians, he gave all the old negative stereotypes a big B-12 shot. Did he believe what he said? On some level, I'm sure he did although no one has yet pinned down exactly what he meant by "all these problems." Trent said something about Strom favoring a strong national defense but it must be remembered that a couple of years before President Truman had dropped a couple of Atomic Bombs on Japan, so I don't think that was it. But be that as it may, does his stupid and ill advised statement make him a racist? Not in light of the many positive things he has done for all citizens of Mississippi over the span of a career. By this standard, Jesse Jackson's infamous characterization of New York City as "Hymie Town" would surely qualify him as a card-carrying racist as well. However, in light of his memorable and inspirational "Early Bus" and "Keep Hope Alive" speech at the 1988 Democratic National Convention in San Francisco, and many other good works, I don't think so.

Don't get me wrong; stupid and ill advised is not good. It is reason for one to lose respect and withhold support and in an elected official's case, to vote against, but not to dismiss out of hand in light of a lifetime of service. In fact, when it comes to labeling people racists based on factoids and hearsay, which seems to be the favorite past time of the morally superior these days, I would think the burden of proof should be high indeed. The best example of a beyond a reasonable doubt racist is the late Byron De La Beckwith. He made it pretty clear where he stood.

As to Judge Pickering, while Democratic Senators like Hillary Rodham Clinton who as an adult had always lived in state and federal government housing until she relocated to be nearer her beloved Buffalo Bills may disagree with his judicial philosophy in a party line vote, the record is clear that his

nomination is payback for all the Clinton judicial nominees that were held up by the Republicans in the Senate Judiciary Committee. It would be more in keeping with American ideals of fundamental fairness if politicians and pundits would do the unthinkable and look at his record - his entire record. And after doing that, if he is such a monster, let the whole Senate vote him down.

In the end, to silently tolerate the insidious tyranny of political correctness only serves to harden hearts and evaporate the reservoir of good will that innately exists in all of us: black, white, red, brown and yellow. Demonizing people does absolutely nothing to improve race relations or to lend a helping hand to those who are trapped in a seemingly endless cycle of poverty, crime and hopelessness. Unfortunately, there is too much condemnation and not enough good faith effort to improve everyone's lot in life here in Mississippi and throughout America these days. It is something to think about and discuss - freely.

Road Lawyer *continued from page 6*

pies. They have stuffed grape leaves and baklava and other pastries that they "almost make." The most popular home-made specialty of the house is tabouli which sells out early, so call ahead. They also make the big New Orleans style muffaletta sandwiches, using delicious olive salad from New Orleans that I can eat with a spoon.

Walking into the Mediterranean Grocery will remind you of the Central Grocery. That rich aroma of marinating olives and deli meats and spices and beans and coffee.

The Grocery shelves are full of unfamiliar canned goods - fava beans and chickpeas and anchovies, all manner of wonderful things much like the Central Grocery that I'd like to know how to cook. The Mediterranean Grocery is open 10:15 a.m. until 7:00 p.m. Monday through Saturday.

There are others. Let me know your favorite place to shop in Jackson with an e-mail c/o webmaster@hindsbar.com.

GOLF OUTING JUST FOR LAWYERS

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

11th Annual



HINDS COUNTY BAR ASSOCIATION and JACKSON YOUNG LAWYERS

GOLF TOURNAMENT

Thursday, May 22, 2003

Shotgun Tee Off: 1:00 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 6, 2003**

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.

Must send check with registration, and checks should be 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.



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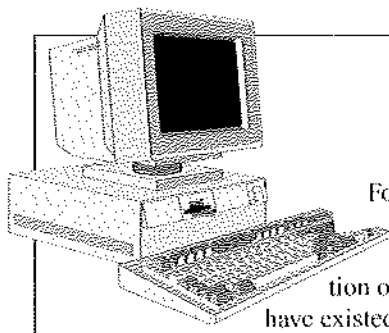
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On Computing

by Joel Howell

For the web, 2002 was the year of the blog. You may not have heard of the term, a contraction of "web log," even though they have existed for several years. Their number totals in the hundreds of thousands. In addition to the number of blog sites, a number of other law-related websites started in 2002. Law Technology News has picked a number of the most notable.

The earliest blogs were a little more than personal journals, but there are a number. Two interesting sites are appealing. <http://www.appellateblogspot.com>, is a blog devoted to appellate litigation by Howard Bashman, chair of the Appellate Group of Philadelphia's Buchanan Ingersoll. The Washington, D.C. firm Goldstein & Howe, has within its own website www.goldsteinhowe.com/blog/index.cfm.

There are also a number of sites devoted to specific legal topics. For those of you accustomed to federal litigation, Daubert on the Web, www.daubertontheweb.com, is devoted to analysis of the U.S. Supreme Court's 1993 decision in *Daubert v. Merrell Dow Pharmaceuticals*. Created by Philadelphia litigator Peter B. Nordberg, it offers hundreds of appellate cases, along with a procedural guide, tactics and a continually updated treatise.

The Legacy Tobacco Documents Library, <http://www.legacy.library.ucsf.edu>, which is maintained by the University of California, San Francisco, contains a compilation of documents tobacco companies agreed to publish on the web until 2010. It houses more than 20 million pages from tobacco industries' sites dating as early as the 1930s.

The Women's Law Initiative, <http://www.womenslaw.org>, is a nationwide resource for victims of domestic violence. It has a state by state listing of methodology for securing a restraining order, as well as applicable statutes and court forms. It includes documents on domestic violence and links to state and local domestic violence resources.

Denver law firm Rothgerber Johnson & Lyons sponsors the Religious Liberty Archives, www.churchstatelaw.com, which follows religious freedom law and full text of relevant Supreme Court cases since 1915. Another site, www.chillingeffects.org, is devoted to protection of online free speech. It was launched by the Electronic Frontier Foundation and four law schools and includes annotated cease-and-desist letters with comments on applicable law. Creative Commons, <http://www.creativecommons.org>, which originated from a combination of Harvard and Stanford Law Schools, works to develop web applications and allow licensing on more generous terms than copyright.

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Book Notes

A Review by Nonie Joiner

Christmas brought a gratifying number of books as gifts which my husband and I are still in the process of reading. He reads biographies and histories dealing primarily with American, political, and military history. I read biographies and histories pertaining to England and Europe, with a focus on my favorite historical place and time, England between the Wars (I and II). He has to be forced to read fiction, and I find that I read less fiction than I once did, as taste in current fiction seems to have left me behind. That's another sign of age, I suppose. I've started noticing those signs now, having been given unmistakable evidence of aging by receiving "early" retirement. I knew the bloom had left the rose, but hadn't realized I was eligible for deadheading.

Speaking of roses, among the books we received was the new edition of *Classic Roses* by Peter Beales. I keep trying to grow classic roses, which the books as well as my gardening friends assure me are virtually care free and not subject to the problems of hybrid teas. All my classic roses have black spot and some sort of virus. I have a Cecile Bruner and a Mme Isaac Percire that by mid July have almost no leaves but lots of vicious thorns that serve to keep the men who mow the lawn a good five feet away, so that there are circles of grass and weeds surrounding two carefully mulched really ugly clusters of sticks with some sickly blooms here and there. However, I keep looking at books like this and therefore plan

to keep trying.

We received several Stephen Ambrose books, which of course are always excellent. It's so sad to realize there won't be any more. *The Mississippi*, co-authored by Douglas G. Brinkley, a history professor at the University of New Orleans, has photographs by Sam Abell, National Geographic Photographer-in-Residence. *Pegasus Bridge* is an accounting of the planning and execution of the first engagement of D-Day, when a group of British paratroopers secured a vital bridge. Larry particularly liked *Crazy Horse and Custer: The Parallel Lives of Two American Warriors*, an older book now available in paperback.

An Army at Dawn by Rick Atkinson also got a good report from Larry, but he read it immediately after reading *Crazy Horse* and kept complaining that Atkinson doesn't write as well as Ambrose. It's probably a good idea to alternate fiction and nonfiction to avoid situations like that. I'm now reading *The Viceroy's Daughters* by Anne de Courcy, which is about Lord Curzon's three daughters, and it's very interesting but written in a somewhat journalistic style. I was given *What Southern Women Know (That Every Woman Should)* by Ronda Rich but can't report on it as I quit reading after the first chapter due to severe nausea.

continued on page 11



Book Notes *continued from page 10*

The most interesting and by far the most lyrical fiction I've read recently is *The Heaven of Mercury* by Brad Watson, who grew up in Meridian. The setting is the town of Mercury, obviously based on Meridian, gypsies in the cemetery and all. The book received excellent, virtually rave reviews from all sorts of prestigious literary commentators, and elicited a lot of comparisons to Faulkner, which I attribute to the fact that it's set in Mississippi and has lots of long sentences. It didn't make me think of Faulkner. James Joyce, maybe. It was frequently described as "Southern Gothic," whatever that is, and the thing that puzzled me about it is exactly why virtually all of the characters in the novel are old southern stereotypes. Maybe he just wanted to prove that he could make them interesting and non-stereotypical, which of course he did. But why bother? I wish one of you here in Jackson would read it and call me up and explain that to me. But it doesn't really matter. He writes so eloquently, and the closing chapters are quite beautiful. You can kind of relax into the flow of the language and just float along on those long lovely sentences. I could

hardly make myself stop reading it, although it was to me ultimately unsatisfying, as though all that talent had been wasted on an unworthy project. Still, I can't wait to read his next effort.

On Computing *continued from page 10*

Google.com, remains the best search engine around, but teoma.com is more law-oriented than Google and may help in more specific searches. Myway.com, challenges web index Yahoo.com with the campaign slogan, "Yahoo is toast." It has many of Yahoo's features, however, it excludes advertising, charges no fees and has its search and index powered by Google.

Ever forget your product key? Try magicaljellybean.com.

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



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REGULAR LIBRARY HOURS

Monday - Thursday	7:30 a.m. - midnight
Friday	7:30 a.m. - 9:00 p.m.
Saturday	9:00 a.m. - 9:00 p.m.
Sunday	noon - midnight

EXCEPTIONS

SPRING BREAK

Friday, March 7	7:30 a.m. - 5:00 p.m.
Saturday, March 8	9:00 a.m. - 5:00 p.m.
Sunday, March 9	1:00 p.m. - 5:00 p.m.
Mon. - Thurs., Mar. 10-13	7:30 a.m. - 5:00 p.m.
Fri., Sat., Mar. 14, 15	9:00 a.m. - 5:00 p.m.

EASTER

Friday, April 18	9:00 a.m. - 5:00 p.m.
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EXAM SCHEDULE (May 2 - May 14)

Monday - Friday	7:30 a.m. - midnight
Saturday	9:00 a.m. - midnight
Sunday	noon - midnight

Hours are subject to change without notice.



HINDS COUNTY BAR ASSOCIATION

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Correspondence regarding the newsletter should be directed to: HCBA Newsletter Editor, 151 E. Griffith Street, Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 969-6097. The web site address is hindsbar.com.

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HCBA Luncheon Meeting
12:00 Noon, February 18



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

JUNE 2003



President's Column

by Stuart Kruger

As with all incoming Presidents, I feel compelled to thank our outgoing President, William Wright, for his outstanding service and dedication to the HCBA. Under his leadership, we continued the trend of increasing our membership, improving the quality and scope of our services to our membership, and providing additional opportunities for involvement of the membership in the community. Thank you to William and all those who actively participated in the HCBA last year.

In addition to improving our existing services, considerable time and effort was devoted last year to the development of the Community Grant Project. The Project awards an annual grant to a worthy civic or social organization whose primary mission is to assist persons without financial means or provide certain social services to persons with special needs. The recipient for 2003 is Operation Shoestring, Inc., which focuses primarily on child care. Each year, the Project Committee will evaluate the needs of the community and select an appropriate recipient. A more detailed article regarding

the Project appears elsewhere in this Newsletter. Thank you to Roy Campbell, III and his Committee for their tireless efforts in establishing the Project.

For this year, we plan to continue to provide the same high quality services to our membership. We also plan to consider additional services to our membership and the community. One goal will be to develop a project for providing education to the elderly regarding the court system in an effort to facilitate the understanding of, access to, and protection by the court system.

The fastest growing segment of the population in this country is the elderly. By the year 2010, the total elderly population in central Mississippi is estimated to reach nearly 13%. While the majority of the issues related to the elderly and the court system are obvious to us, most of those issues have not been addressed adequately. The elderly are particularly vulnerable to abuse and scam artists. We will develop a plan to participate in assisting this important segment of our community. Please consider becoming involved in this and all other aspects of our organization this year.



Speaking at the April HCBA Membership Meeting was Faye Peterson, Hinds County District Attorney (center). She is pictured with Justice William Waller, Bob Taylor, with the Hinds County District Attorney's office; Linda Thompson, 2003-2004 HCBA President-Elect; and Justice James Graves.

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HCBA LUNCHEON MEETING

Tuesday, June 17, 2003 Capital Club 12:00 Noon \$12.00

The speaker will be Justice William L. Waller, Jr.

HCBA Calendar of Events

June 17, 2003
HCBA Membership Meeting.
 Noon. Capital Club

August 19, 2003
**HCBA Membership Meeting
 & One Hour CLE Ethics.**
 11:30 a.m. Capital Club

October 21, 2003
HCBA Membership Meeting.
 Noon. Capital Club

December 4, 2003
HCBA Christmas Party.
 5:30-7:00 p.m.
 Old Capitol Inn

February 17, 2004
HCBA Membership Meeting.
 Noon. Capital Club

April 20, 2004
HCBA Membership Meeting.
 Noon. Capital Club

CLE Calendar of Events

June 26, 2003
**Advanced Workers'
 Compensation.**
 Lorman Business Center.
 715-833-3940

June 26, 2003
**Intellectual Property Issues
 in Structuring Deals.**
 PLI. 800-260-4754

July 10, 2003
**Insurance Coverage Law
 in MS. NBI. 800-930-6182**

July 11, 2003
**Nuts & Bolts of SSI &
 Workers' Comp.**
 UM-CLE. 661-915-7282

July 11, 2003
**Selecting & Terminating
 Employees in MS.**
 NBI. 800-930-6182

July 15, 2003
**Construction
 Payment Rights.**
 Lorman Business Center.
 715-833-3940

July 17, 2003
**Handling a Social Security
 Disability Case in MS.**
 NBI. 800-930-6182

July 18, 2003
MS Evidence Workshop.
 PESI. 800-826-7155

July 18, 2003
HIPAA Compliance.
 Lorman Business Center.
 715-833-3940

July 22, 2003
**The Probate Process from
 Start of Finish in MS.**
 NBI. 800-930-6182

July 22, 2003
**A Guide to the No Child
 Left Behind Act of 2001.**
 Lorman Business Center.
 715-833-3940

July 24 & July 25, 2003
CLE by the Hour.
 UM-CLE. 662-925-7282

July 24, 2003
Nuts & Bolts of 401 (K) Plans.
 Lorman Business Center.
 715-833-3940

July 29, 2003
Zoning and Land Use in MS.
 Lorman Business Center.
 715-3940

August 4, 2003
**MS Construction Law:
 What Do You do When...?**
 NBI. 800-930-6182

August 6, 2003
**Strategies in Handling
 DUI Cases in MS.**
 Lorman Business Center.
 715-833-3940

August 7, 2003
**Solving Water Intrusion &
 Mold Problems.**
 Lorman Business Center.
 715-833-3940

August 19, 2003
**HCBA Membership Meeting
 & One Hour CLE Ethics.**
 11:30 a.m. Capital Club

August 22, 2003
Bankruptcy in MS. Lorman
 Business Center. 715-3940

August 28, 2003
**Advanced Expert Witness
 Deposition Tactics in MS.**
 BNI. 800-930-6821

Letter to the Editor

Dear Editor:

Anyone aware of Luke Dove's record in Vietnam will realize his "Smart Bombs" article offers a view of war's reality. Smart bombs may well give the U.S. cover for the short term impact of the policy of preemption. Their detonations will leave a wounded American role in the globalization of the world economy.

The reputed author of the policy of preemption, Paul Wolfowitz, proposed the policy to the first Bush Administration. A president with extensive foreign policy experience in the CIA and United Nations rejected the suggestion. The September 11 attacks appeared to give new life to the concept of preemptive military action. The doctrine authorizes a military response to a perceived threat to U.S. national security.

One of the advantages of war "as a last resort" is the clarity among our citizens that such war is just and justified. The policy of preemption is less clear. For example, who judges the threat of imminent attack is sufficient to invoke a preemptive strike? At what point do the acts of a few criminal thugs become the acts of a sovereign state against which preemptive action is proper? In this democratic government, does not an act of war require congressional approval? The shoot first, ask questions later preemption policy undermines our carefully balanced domestic processes.

This sharp turn in American foreign policy risks both undesirable international consequences as well as an adverse impact on domestic policies. The preemption policy promotes considerable domestic political and economic unrest. Wars, even small ones, are expensive. The costs preoccupy the treasury and crowd out other expenditures. Citizens find themselves competing for the ever shrinking pie. The unfortunate effect is divisive. Some of this is happening now where the Democrats are labeled by the Republicans as unpatriotic and the Republicans are labeled by the Democrats as warmongers, etc. Hardly a partisan issue, after all, recent history would have more Democrats in power at wars' beginnings rather than Republicans.

There is little doubt that we will succeed in stamping out this or that dictator/thug/criminal and we might intimidate some of the rest, but leave seething, anti-Americanism. With the accompanying butcher's bill and economic drain, left unaddressed is the Israeli/Palestinian conflict which is, arguably, the root cause of Middle East unrest. The Jordanian Ambassador to the U.S. recently said in Jackson that if the issues between Israel and Palestine had been solved, there likely would have been no "Osama."

Capitalism is a lethal threat to tyrannical economies and democracy is its fertile medium. Recent years have seen the "lexus and the olive branch" topple autocratic governments. Spending on military development has plummeted. But return to the perceived neo-colonialism of the 19th century promises the sad prospect of more wars and restraint on the spread of freedom.

Before this policy of preemption becomes a doctrine of our governmental culture, a vigorous debate must take place. To proceed in this direction without consensus could well plant the seeds of our own demise.

John L. Maxey II

An Evening Honoring the Judiciary

The Evening Honoring the Judiciary, co-sponsored by the Hinds County Bar and the Jackson Young Lawyers, was held on Thursday, May 15, at the Old Capitol Inn. David Maron served as chairman of the tenth annual event. The speaker, Commissioner of the Southeastern Conference Mike Slive, was introduced by Robert Khayat, Chancellor of the University of Mississippi.



Chancellor Robert Khayat; David Maron, Dinner Chairman; and Mike Slive, SEC Commissioner



Stuart Kruger, 2003-2004 HCBA President; and William Wright, 2002-2003 HCBA President



Pat Evans, HCBA Executive Director; James Robertson; and Linda Thompson, 2003-2004 HCBA President-Elect



Will Manuel, 2003-2004 JYL President; Melissa Williams, JYL Executive Director; and Doug Minor, 2002-2003 JYL President.



William and DeAnn Wright; Liz and Mike Slive



Judge Swan Yerger; Roy Campbell, HCBA Community Grant Chairman; and Chancellor Robert Khayat

Hinds County Bar Association Supports Reading Program

A newly formed HCBA Committee needs you to sign up and support "ONE JACKSON ONE BOOK," an ambitious program initiated by Jackson Friends of the Library. The program is designed to encourage people of all ages to read and discuss Ernest J. Gaines' novel, *A Lesson Before Dying*. Set in the rural Deep South in the late 1940s, *A Lesson Before Dying* addresses issues of faith, family, love and justice in the context of a young African-American who awaits execution for a murder he did not commit. The novel was nominated for a Pulitzer Prize, won the National Book Critics Circle Award for Fiction and was an Oprah's Book Club selection. Seventeen cities in eleven other states have selected *A Lesson Before Dying* for reading and discussion for their own "ONE CITY ONE BOOK" programs. Mr. Gaines, an African-American Professor and Writer-in-Residence at the University of Southwestern Louisiana in Lafayette, is also author of *The Autobiography of Miss Jane Pittman* and *A Gathering of Old Men*. In 1993, he was awarded a McArthur Foundation Grant.

Stuart Kruger, President of HCBA, has appointed an ad hoc committee, co-chaired by Robert Gibbs and John Henegan, to support ONE JACKSON ONE BOOK. The co-chairs are seeking HCBA volunteers who are willing to serve on a Speakers' Bureau, sit on panel discussions, or help moderate group discussion. Jackson Friends of the Library has already prepared all the resource materials needed for each task.

ONE JACKSON ONE BOOK has been instrumental in placing *A Lesson Before Dying* on the Fall curricula of many of the local area schools and colleges with plans being made for students and teachers from different schools to meet and discuss the book. A series of discussion groups for the public will be held, leading up to a visit by Mr. Gaines who will read from his works and speak to student and adult groups

during a two-day stay.

"The project is an excellent opportunity for members of the Hinds County Bar to give their time and talents to the Jackson community. It is important for younger people to see that adults can become as excited about a book as about who will be coming out for the NBA draft," Robert Gibbs said. Because of our involvement in the judicial system, attorneys have an important perspective to share about the issues of justice and capital punishment that are found in the book. "The book is like a magnet that draws the reader from the very first pages to its compelling conclusion. We hope that HCBA members will pick up a copy as they head out of town for a long weekend or summer vacation, read it and decide for themselves how good it is, and come back ready to volunteer," said John Henegan.

ONE JACKSON ONE BOOK is patterned after similar programs in more than 130 cities throughout the United States. Ruth Campbell, Deputy Director for Cultural Services for the City of Jackson, and Ward Sumner, President of the Jackson Friends are co-chairs of this city-wide effort. Kathy Johnson, wife of Jackson Mayor Harvey Johnson, is Honorary Chair of this project. If you want to be an HBCA volunteer, please call Robert Gibbs at 948-3101 or e-mail him at rgibbs@brunini.com or call John Henegan at 985-4530 or e-mail him at john.henegan@butlersnow.com.

- For more about ONE JACKSON ONE BOOK, see www.jhlibrary.com
- For more about *A Lesson Before Dying*, see authors.aalbc.com/ernest.htm
- For more about Ernest Gaines, see "A Conversation with Ernest Gaines," www.nch.gov/news/humanities/1998-07/gaines.html

Thompson Participates in ABA Bar Leadership Institute

HCBA Secretary-Treasurer Linda Thompson joined some 300 other leaders of lawyer organizations from across the country at the ABA's Bar Leadership Institute in Chicago on March 6 and 7, 2003.

This annual program is sponsored by the ABA Standing Committee on Bar Activities and Services and ABA Division for Bar Services as part of the ABA's long-standing goal of fostering partnerships with state and local bars and related organizations. The seminar provides local bar leaders the opportunity to confer with ABA officials, bar leader colleagues, executive staff, and other experts on the operation of such organizations.

Charles J. Swayze of Greenwood, future president of The Mississippi Bar, also attended the Leadership Institute.



Pictured at the ABA's Bar Leadership Institute in Chicago are (from left) Dennis W. Archer of Detroit, Michigan, ABA President-Elect, a former Justice of the Supreme Court of Michigan and former Mayor of Detroit, James L. Robertson of Jackson, a former Justice of the Supreme Court of Mississippi, HCBA Secretary-Treasurer Linda Thompson, and ABA President Alfred P. Carlton, Jr. of Raleigh, North Carolina.

Cameras Allowed in Mississippi Courtrooms

by Beverly Pettigrew Craft

The Mississippi Supreme Court recently adopted rules to permit broadcast and still camera coverage of trial and appellate court proceedings, with some restrictions. The Mississippi rules for Electronic and Photographic Coverage of Judicial Proceedings become effective July 1, 2003, and apply to the Mississippi Supreme Court, Court of Appeals, chancery courts, circuit courts and county courts.

The new rules define electronic media coverage as "any reporting, recording, broadcasting, narrow casting, cable casting, and webcasting of court proceedings by the media using television, radio, photographic, recording, or other electronic device."

The new rules specifically allow judicial discretion to limit electronic media coverage. The presiding justice or judge "has the discretion to limit or terminate electronic coverage at any time during the proceedings if the court deems such necessary and in the interest of justice to protect the rights of the parties or witnesses, or the dignity of the court, or to assure orderly conduct of the proceedings."

The rules further provide that: "All electronic coverage is subject at all times to the authority of the presiding justice or judge to (i) control the conduct of the proceedings, (ii) ensure decorum and prevent distraction, and (iii) ensure fair administration of justice in the pending case. The rights of the parties to a fair adjudication are recognized as paramount."

Videotaping or photographing jurors or potential jurors before their final dismissal is prohibited. Electronic coverage is prohibited, unless authorized by the presiding judge, in cases of divorce, child custody, support, guardianship, conservatorship, commitment, waiver of parental consent to abortion, adoption, delinquency and neglect of minors, determination of paternity, termination of parental rights, domestic abuse, motions to suppress evidence, proceedings involving trade secrets, and in camera proceedings. Electronic coverage is also prohibited for certain classes of witnesses, including: police informants, minors, undercover agents, relocated witnesses, victims and families of victims of sex crimes, and victims of domestic abuse. No audio recording is permitted of off-the-record conferences in the courtroom between the court and counsel, or between counsel and co-counsel, or between counsel and clients or witnesses. Rules also state that judicial proceedings held in chambers and proceedings generally closed to the public shall not be subject to electronic coverage.

Parties to court proceedings may object to electronic media coverage. The provision states, "Any party may object to electronic coverage by written motion, which may be supported by affidavits. Such motions shall be filed no later than fifteen (15) days prior to commencement of the judicial proceedings, unless good cause exists to shorten the time for filing." A notice requirement states, "Media representatives who propose to engage in electronic coverage of a judicial proceeding shall notify the clerk and the court administrator of the court of such intention at least forty-eight (48) hours

prior to the commencement of the proceeding. The presiding justice or judge may shorten or waive the time for advance notice."

A pool requirement states, "No more than one television camera or video recorder, one audio system for radio broadcasting, or one still photographer shall be allowed in any judicial proceeding. Any pooling arrangements among the media required by these limitations on equipment and personnel shall be the sole responsibility of the media without calling upon the presiding justice or judge to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. In the absence of advance media agreement on disputed equipment or personnel issues, the presiding justice or judge shall exclude all contesting media personnel from a proceeding."

The rules provide that electronic coverage must not pose a distraction or disrupt proceedings. Movement of reporters or equipment shall be limited and may be prohibited during proceedings. The rules state: "Only equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. No flash or strobe lighting shall be used. All running wires shall be securely taped to the floor. No other artificial lighting device of any kinds shall be employed in connection with electronic coverage unless otherwise authorized by the court."

Finally, the rules provide that in the interest of decorum, "Court customs shall be followed, including appropriate attire." A copy of the rules is available on the web site of the Mississippi Supreme Court at www.mscc.state.ms.us.

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HCBA Grant Given to Operation Shoestring

The Hinds County Bar Association presented its first Community Grant to Operation Shoestring at the Evening Honoring the Judiciary Dinner. The HCBA Board and the Community Grant Committee chose child care as the emphasis for this year, and, at its May meeting, the Board voted to accept the recommendation of the Committee to select Operation Shoestring as the grant recipient. The \$10,000 award was given to Operation Shoestring's Executive Director Robert Langford by Roy D. Campbell, III, Committee Chairman.

"The Committee believes Operation Shoestring is a deserving recipient of the HCBA's initial community grant award," said Campbell. "Its child care programs are well planned and professionally administered. The grant will help to leverage considerably more funding for the much needed library and art studio, thereby enhancing the center's child care programs."

Located at 1711 Bailey Avenue, Operation Shoestring has provided services to and resources for one of Jackson's most disadvantaged communities since 1968. A major part of its focus is child care, provided in order to enable parents to become and remain gainfully employed. Included among its current programs are Project KIDS after-school and summer camp programs and home-based day care in 68 private homes in Hinds, Rankin, and Madison Counties. The after-school and summer camp programs emphasize academics, and those



William Wright, 2002-2003 HCBA President; Robert Langford, Operation Shoestring Executive Director; Roy Campbell, Community Grant Committee Chairman; and Stuart Kruger, 2003-2004 HCBA President.

programs support the benchmarks of both the Jackson Public Schools and the Mississippi Department of Education. The staff includes salaried certified teachers and volunteer college students from Millsaps and Jackson State.

Serving on the Community Grant Committee with Campbell were Omar L. Nelson, Gilbert C. Van Loon, Gordon U. "Sandy" Sanford, and William Wright, Board Liaison.

Justice Pittman and Others Honored with Special Awards

Mississippi Supreme Court Chief Justice Edwin L. Pittman on Thursday was named the recipient of the Judicial Innovation Award presented by the Hinds County Bar Association and the Jackson Young Lawyers Association.

The award was announced at the tenth annual Evening Honoring the Judiciary. The dinner and reception honored federal judges, state appellate judges and members of the chancery, circuit and county courts in Hinds, Madison and Rankin counties.

Outgoing Hinds County Bar Association President William R. Wright, in announcing the award noted Justice Pittman's record of public service in three different branches of government.

Wright said, "I think Justice Ed Pittman has made his biggest impact on our state as chief justice. He's done so many things in an innovative way."

Wright noted the Supreme Court's broadcast of its oral arguments via the

Internet since April 2001 and its recent adoption of rules to permit camera coverage of court proceedings.

"I think the public will finally see what goes on in the courtroom," Wright said.

Wright also cited Pittman's leadership in adopting extensive revisions to the Code of Judicial Conduct.

Pittman said afterwards, "I accept it for the Rules Committee...I accepted the award, but that committee really earned it."

The Rules Committee is made up of Justices William L. Waller Jr., Kay B. Cobb and George C. Carlson Jr. Jackson attorney Alex A. Alston Jr. was honored as the recipient of the Hinds County Bar Association Professionalism Award.

Pittman said of Alston afterwards, "He is the epitome of what a lawyer ought to be."

Pittman noted Alston's service as president of the Mississippi Bar in

1991 and his receipt last year of the Hinds County Bar Association Pro Bono Award. Alston was recognized last year for donating his time in free legal representation.

Jackson attorney Carlton W. Reeves was named this year's recipient of the Hinds County Bar Association Pro Bono Award. Patricia W. Bennett, a professor of law at Mississippi College School of Law and former president of the Hinds County Bar Association, was the recipient of the Hinds County Bar Association Outstanding Service Award.

The Jackson Young Lawyers Pro Bono Award went to Philip W. Thomas. David F. Maron, past president of the Jackson Young Lawyers, received the JYL Outstanding Service Award.

Operation Shoestring received the HCBA Community Grant Award for its work in child care services. The award includes a \$10,000 check.

Outstanding Service and Pro Bono Awards

At this year's Evening Honoring the Judiciary Dinner, HCBA President William R. Wright (2002-2003) and JYL President Doug Minor (2002-2003) presented their respective associations' awards for Outstanding Service and Pro Bono Contributions. Also, Chief Justice Edwin Pittman was recognized with the Judicial Innovator Award, and Alex Alston received the HCBA Professionalism Award.



William Wright, 2002-2003 HCBA President; and Patricia Bennett, HCBA Outstanding Service Award Winner



Mrs. Pittman, Judicial Innovator Award Winner, Chief Justice Pittman; William and DeAnn Wright



Doug Minor, 2002-2003 JYL President; David Maron, JYL Outstanding Service Award Winner; Philip Thomas, JYL Pro Bono Award Winner; and Will Manuel, JYL 2003-2004 President



Patricia Bennett, Chairman of the Professionalism Award Committee; and Alex Alston, HCBA Professionalism Award Winner



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Crime, Culture and Family

by Captain Equity

Major crime in north and northeast Jackson is up 45% this year. People are scared and paranoid. Major crime in the rest of Jackson is up 20%. Many of these residents have been scared and paranoid for a very long time. Too many citizens feel alone and ignored by a Police Chief, Mayor and Criminal Justice System that don't quite seem to be on the same page with each other, much less the victims.

Like the crime statistics JPD has been reluctant to release, Chief Moore would tell us that it is really a "perception" problem. Excuse me Chief, but that rings a little hollow with our family whenever we think about one of our favorite neighbors who was murdered in her bed last October by someone high on crack who has since pleaded guilty to the crime. I can only imagine how the "perception" comment plays with her family as they try to make some sense out of why their mother was murdered for no good reason or for that matter, anyone else who has been forced to stare down the barrel of a gun as the price for walking in their neighborhood.

And then there is Harvey Johnson, city planner turned mayor. I know the mayor to be a good guy; a politician after all, but then that is by definition what he is. He is also someone who never met a plan he didn't love. Remember how he campaigned for the Maple-Linder plan despite the hefty price tag? These were the same consultants who helped Rudy Guiliani get New York City's crime epidemic under control. From everything I know about Maple-Linder, I think it was and is sound. Unfortunately, most of the recommendations have been gathering dust since 1999. Now the Mayor and the Chief have cooked up a new Five Point Plan for fighting crime. While all of these "plans" pay lip service to "community involvement," it is apparent that the Mayor and the Chief don't see the wisdom in working with citizen's groups like the Metro Crime Commission or the new group headed by former media personality Rick Whitlow. Are we starting to see a pattern here?

Then there is that world unto itself, the so called Criminal Justice System comprised of the District Attorney's Office, the Public Defender's Office, the criminal defense bar, the judiciary, the city jail and the county detention center. Two observations are worth noting. First, there seems to be too little communication concerning suspects once the police have apprehended them. It would seem that if the City of Jackson can afford to purchase and maintain 800 city vehicles, it should be able to set up a computerized criminal data base that could give prosecutors and judges adequate information on suspects for bail hearing purposes. Second, if there is no jail space to hold suspects charged with multiple violent crimes, something is wrong with our fiscal priorities.

A case in point concerns my next-door neighbor in the Fondren area of Jackson (also a lawyer and thankfully still alive). He related to me the details of how his brother was robbed at gunpoint in our neighborhood while walking his

dog. I was amazed to find out that the suspect, who was apprehended by JPD shortly after the crime, was also charged with armed robberies of diners leaving Char and Scrooge's around that same time. Despite this fact, the suspect was granted bond and is apparently back out on the street. The obvious question is, did everyone participating in the bail hearing have this information? If they did not have all the facts, the question is why not? Even scarier, suppose they did have this information and the suspect was granted bail anyway.

Notwithstanding any of the foregoing and putting aside the fact that the starting salary for a Jackson police officer is \$22,344, Metro Jackson's crime problem is not primarily the fault of the Chief Moore, Mayor Johnson or the Criminal Justice System. It is also not a matter of race, socio-economic status or as some would have us believe -- evil. It is rather one of culture.

Consider these statistics on contemporary American culture. In the United States, there are more than two million people in prison making us the world's per capita leader in incarcerated citizens. Nearly 50% of all children born in the United States are babies of unmarried women. The number climbs to 75% nationally for African American births. The percentage of grandparents who are the primary caregivers of children has reached an all time high in this country. As the need for tangible skills and literacy increase, drop out rates continue at unacceptable levels. Teacher recruitment and retention, especially in Mississippi are a major problem due primarily to pay and working conditions. And of course there is the drug trade, which generates high, tax free profits. It is a deadly yet viable employment opportunity for people with minimal skills thanks to patrons affluent enough to create a ready market.

Certainly, most of us are aware of all these root causes of crime. But also consider some additional facts relative to our national cultures that are seemingly more applicable to the suburbs than the inner city. Grade inflation in many American high schools has caused many colleges and universities to disregard high school transcripts. Duke University and the University of North Carolina recently released a joint report showing a significant increase in academic dishonesty at their institutions. The average time to earn a four-year college degree is now five, six or even seven years at many colleges and universities. Undergraduate binge drinking is at epidemic levels. Systematic theft of intellectual property (downloading copyrighted CDs and DVDs) by computer savvy kids in their teens and early twenties is viewed as a morally permissible entitlement.

To quote Frank Melton, the bottom line is this: In America success is increasingly measured by money and what it can buy. The message is get it anyway you can. Hard work, sacrifice and ethics seem to be taking a back seat to

continued on page 12

Great Scott! Last of the Legendary Law Book Salesmen

by Carol West

When I last saw Chester Scott five or six years ago, he was full of vigor and eager to talk about his golf game. Finding his obituary in the Clarion Ledger was an unhappy surprise.

I first met Scotty when I was a student at Ole Miss and I did not like him much. He seemed just a bit too obvious to me in his attempts to curry favor with the male students by sponsoring events like shrimp boils and beer busts on Friday afternoons. Clearly, he saw these guys as future customers, but the women students were just not on his radar.

My fondness for him developed over the years as I came to know the kind of man he really was. Many senior members of the bar may have similar recollections of this non-lawyer who knew more about lawyers than any of us.

For almost two decades, until his retirement in 1984, Scotty was the Lawyers Cooperative Publishing Company's representative in Mississippi. His territory was the entire state. Scotty was more than just a traveling book salesman; he was like an old time "drummer" who carried the news from community to community. Scotty knew which firms were merging, who was moving, who had died, who won/lost an election and all of the details those events involved. He would show up at your office to sell you books, but he also shared a sense of community.

In the years that I was a law librarian and attended national law librarians' meetings, I would always go by the Lawyers Coop booth because the top executives were there to hobnob with folks who had more money than I had. After a couple of years, I never had to introduce myself because these "big dogs" knew that I knew Chester Scott. Why would they have known and remembered the salesman in one of their poorest territories? Because he won every sales contest the company devised. He won the President's award five times, was a charter member of the Million Dollar Club, and was a two million dollar producer. The year the 1972 Code was published, his reward for outstanding sales was a trip to Monte Carlo (he was there when Princess Grace died). Other

trips as top sales reward took Scotty and his wife Mary to Spain, Bermuda, Alaska, Lake Tahoe, and San Francisco. He loved the trips and he loved wearing the "top salesman" rings with diamonds and rubies.

At the beginning of the Mississippi College Law Library, the school received many gifts of law books. Each needed to be evaluated. I would save the inventories and Scotty would come by when he was in the neighborhood. Sometime, I would put tentative values on sets and Scotty would take me on if he thought that I was too low. We received some gifts because Scotty would advise a widow or merging law firms that we might be worthy recipients of their unwanted volumes. He never mentioned that he could be paid for this work -- it was his form of pro bono service.

LCP expected Scotty to talk to lawyers who were in arrears with their book payments. He hated this, but it made him aware of which lawyers were having financial problems and which lawyers had just gotten a good settlement and were solvent again.

Scotty always had his personal inventory of used books for sale. He could be counted on for a "good price." In fact, I discovered that he was very reasonable in his pricing and that many young lawyers benefitted by the fact that Scotty would work out a time payment plan that would fit the stretched budget of the new lawyer.

In the days before answering machines, Mary was one of Scotty's greatest assets; she took his messages and made sure he got them. Today, Mary struggles with Alzheimer's disease, unaware that Scotty no longer makes his twice a day visits to the nursing home.

Saddened by the obituary, I called Terry Montgomery, Scotty's former son-in-law to ask what happened and was told that Scotty, age 84, had taken a bad turn after shoulder surgery that was supposed to make his golf game even better. Those lawyers who never met Chester Scott surely missed one of the rites of passage into full bar membership.



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Highway Eats by the Road Lawyer

You know, some of the best road food in the southeast is served up pretty close to home. It's hard to beat the black skillet cooking at the Fannin Mart Restaurant. Good country vittles is how they bill it, and that it is.

If you're coming from Jackson, drive east on Lakeland Drive about 15 miles from I-55, turn left at the sign that says "Fannin," turn north on Highway 471, and go a short distance until you see the low building on the left surrounded by fine-looking cars and trucks. That's the Restaurant.

It's been there since the 1970s. First there was a country grocery store, then they added a short-order grill, then about 1978 the folks gave up the grocery and started serving plate lunches.

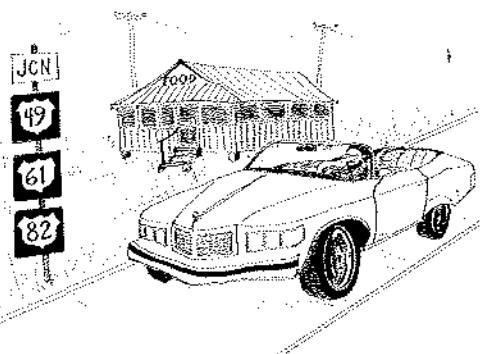
They're open for all-you-can-eat affairs Tuesday through Friday nights and lunches on Tuesday through Sunday. Closed all day on Monday.

For about \$7.00, you can eat fried chicken like Mama used to cook (or baked chicken breast with lemon like Mama eats these days), fried okra, mashed potatoes and gravy, cole slaw, lima beans, green beans, macaroni and cheese, or other choices. The yeast rolls are homemade, and there's cornbread cut into squares. Desserts - extra - may include banana pudding, pear cobbler, and no-sugar-added peach pie. You'll get your iced tea in a quart Mason jar. It's a real old-fashioned experience - worth the drive from Jackson.

On a recent trip to Hattiesburg, I enjoyed lunch at the Hub City Grill at 103 E. Front Street, just two doors off Main Street and two blocks from the Chancery Court Building (toward the railroad tracks).

There was a plate lunch featuring hamburger steak, grilled onions, rice and gravy, several other vegetables, and a roll. I passed up that attractive offering, however and tried the chicken salad of the week, which was "homemade" from white meat of chicken (not from a can). It had a touch of sweetness from chopped apricots, a good taste combination, and was served on fresh green leaf lettuce (not iceberg) with raspberry vinaigrette dressing. I was tempted by the soup of the day, roasted red pepper and crab bisque, but the chicken salad was a big meal by itself.

I recommend this place for a good and pleasant meal. They also serve sand-



wiches, po-boys, burgers, and the usual selection of salads.

While in Jackson I've been spending a lot of meal time on Fondren Hill, enjoying the Renaissance of both shops and eateries. For you newcomers, Fondren took its name from the family that once owned the land and lived there. And remember when the Everyday Gardener, formerly Everyday Gourmet, was Mr. Hearn's filling station? Well, do you even remember when gas stations were known as filling stations, and someone besides you did the filling? Did you ever eat a pizza and sing along in what is now the post office? Oh, well, things do change.

Back to food, it's everywhere in the neighborhood. Que Sera Sera has undergone a swell face lift recently, with a rather grand patio and fine canopied entrance. The food is as good as ever.

Walker's Drive-In has become a popular place for seafood lovers again. The home of Redfish Anna with Lump Crabmeat serves up this perennial favorite, along with steaks and veal, salmon, tuna, calamari, and other fish dishes. Not long ago, I dined there and had a delicious grilled swordfish on black bean and avocado risotto, along with a very nice white wine. The appetizer special was a flash-fried soft shell crab in a light tomato cream sauce which was quite delicious. Not everything on the menu was as good, however. The crab cake was made from canned, pasteurized crabmeat, not from fresh lump crabmeat, and it was barely palatable. I wish I had tried the tamales, an advertised house speciality.

The lunch menu is more informal than the one at dinner, with such offerings as a fried oyster po-boy and fried green tomato BLT, other sandwiches, salads, and shrimp and spicy grits.

Walker's desserts are divine. The warm brownie with fudge sauce and

vanilla ice cream was platonic and huge. The desserts are made two doors down at the Urban Grocery, Walker's sandwich, salad and dessert place and gourmet take-out shop at 2906 N. State Street. They have ready-to-take-away entrees in addition to the sandwiches that they make up by order. I have tried the roast beef and brie on south dough bread with horseradish sauce, red onion, lettuce and tomato; also the southwestern turkey with avocado and hot pepper jack cheese, lettuce, tomato, and cumin mayonnaise on wheat bread. You can't get better.

Another comment about Walker's Drive-In and dinner. There was a big weeknight crowd when I was last there, and a sense of disorganization and frantic activity among the wait staff was disconcerting. Service was slow at first, and wait people were dashing about knocking into the folks waiting for tables. The noise level was a bit jarring. Seems like a change of floor plan might be in order. Is there just one door for patrons to come in and wait staff to go out while serving the tables outdoors?

Roosters, the hamburger constabulary, is a new addition to the Fondren area. It's in the same Fondren corner building as the Urban Grocery, and is a sit-down eatery.

And, of course, down the hill one way is the Rainbow Health Food "High Noon Café," serving vegetarian delights (vegan, actually). They may be planning to close a short while for renovation, however.

Cups continues to thrive round the clock. Great coffee and snacks.

Don't forget Brent's Drug Store and one of the last lunch counters where you can get a grilled cheese on white Sunbeam bread and an ice cream soda.

It's Margaritaville - no, sorry, El Rancho Mexican Restaurant, Grille, and Cantina, down on Old Canton Road, a casual place with some splendid outdoor seating.

And then, on the side of the hill, toward the stadium, fine dining at Schimmel's. No lunch but the folks pack in for dinner.

I'm probably forgetting one of my favorite Fondren area places. If so, let me hear about it - or other comments. Write me in care of Pat Evans, HCBA Executive Director, 151 E. Griffith Street, Jackson, MS 39201, or email to webmaster@hindsbar.com.

Justice Reform Update

by Beverly Pettigrew Craft

The American Bar Association Coalition for Justice surveyed courts and bar associations concerning justice reform. The following is condensed from the Mississippi Supreme Court's April 30, 2003, report to the ABA:

Internet Access

The Mississippi Supreme Court in April 2001 began broadcasting its oral arguments live via the Internet. The Court of Appeals began broadcasting oral arguments in August 2001. The case docket of the Supreme Court and the Court of Appeals was made available via the Internet on March 30, 2001.

Camera Coverage

The Supreme Court on April 17, 2003, adopted rules that permit broadcast and still camera coverage of trial and appellate court proceedings, with some restrictions. The Mississippi Rules for Electronic and Photographic Coverage of Judicial Proceedings will become effective July 1, 2003, and will expire December 31, 2004, unless extended by order of the Supreme Court. The rules apply to the Mississippi Supreme Court, the Court of Appeals, chancery courts, circuit courts and county courts.

Electronic Evidence Presentation Equipment

Between November 2001 and October 2002, courtrooms in Coahoma, DeSoto, Harrison, Jackson, Jefferson, Lee, Pike and Rankin counties received computerized audio and video display systems as part of the Court Relay Reduction Program of the Administrative Office of Courts.

Drug Courts

The Mississippi Legislature in April 2003 passed a statewide drug court statute, Senate Bill 2605, the Alyce Griffin Clarke Drug Court Act.

Judges in the 4th, 7th, 14th and 19th Circuit Courts and the Adams County Youth Court operate drug courts. Two other circuit court districts are poised to begin operating drug courts. The 14th Circuit Drug Court expanded April 1, 2002, with a separate program for alcoholics facing felony charges of driving under the influence of alcohol.

FOCIS

The Supreme Court on January 3, 2002, made the Focus on Children in Separation program permanent for the Rankin County Chancery Court. Rankin County Chancellor Thomas L. Zebert started a pilot program in 2000. He requires divorcing parents and minor children to attend classed designed to prepare them for life apart. Chancery Judge Jaye Bradley created similar FOCIS programs in George County in February 2002 and in Jackson County in May 2002.

Code of Judicial Conduct

The Supreme Court on April 4, 2002, revised the Code of Judicial Conduct. Changes include:

1. Creation of a five-member Special Committee on Judicial Election Campaign Intervention.

2. Requirement of a two-hour course for judicial candidates in campaign practices, finance and ethics.
3. Adoption of language addressing recusal of judges from hearing cases involving major campaign donors.
4. Adoption of anti-bias language.

Recusal

The Supreme Court on April 4, 2002, adopted Uniform Rules of Circuit and County Court Practice 1.15 and Uniform Chancery Rule 1.11, procedures for recusal motions in trial courts. The rules provide for an on-the-record hearing of a motion to recuse within a specific time.

The Supreme Court on October 17, 2002, adopted Rule 48C, disqualification of Justices or Judges of the Appellate Courts, to provide en banc review of motions to recuse appellate judges.

Timely Decisions

The Mississippi Supreme Court adopted advisory time standards for trial judges on November 20, 2001. Time standards became effective January 1, 2002.

Acting on a petition of the Mississippi Bar and the Judicial Advisory Study Committee, the Supreme Court on October 17, 2002, adopted an amendment to Rule 15 of the Mississippi Rules of Appellate Procedure, establishing a new way of handling mandamus requests.

Regulation of the Practice of Law

The Mississippi Supreme Court on April 4, 2002, revised Rule 12 of the Rules of Discipline for the Mississippi Bar, making ineligible for reinstatement an attorney convicted for any felony crime that "involves interference with the administration of justice, false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, the sale or distribution of a controlled substance, or an attempt, conspiracy or solicitation of another to commit such a crime."

The Mississippi Supreme Court on January 16, 2003, amended Rule 46(b) of the Mississippi Rules of Appellate Procedure, the pro hac vice rule, effective March 1, 2003.

Access to Justice

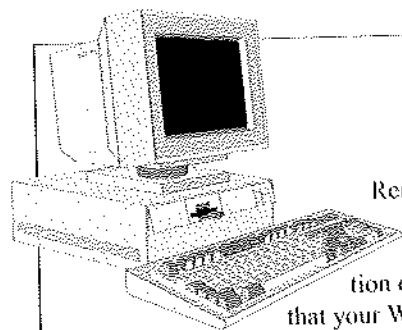
The Mississippi Access to Justice Summit brought together lawyers, judge and other elected officials and religious leaders from across the state on September 6, 2002, to discuss solutions to poor people's problems in getting access to the civil justice system.

The Conference of Mississippi Judges by resolution on April 23, 2003, urged lawyers in private practice to donate their time to represent poor people.

The Supreme Court also looked at access to the appellate courts for those facing punitive damage awards. The Supreme Court also looked at access to the appellate courts for those facing punitive damage awards. The Supreme Court on April 26, 2001, revised Rule 8 of the Mississippi Rules of Appellate Procedure to limit supersedeas bonds in appeals of punitive damages awards. continued on page 14

On Computing

by Joel Howell



Remember the concern everyone had for Y2K? Many people bought new PCs in anticipation of it. Now, you should be aware that your Windows 95/98/NT machines

are becoming an endangered species.

While the need to replace such PCs likely applies to the corporate world and large firms with more force and effect, these general principles should be considered by all. Peter Kastner of the Aberdeen Group and Internet Week notes that there are more than fifty million PCs with these legacy systems installed.

You may think software does not wear out, but it is programmed and supported by businesses that need to be efficient and profitable, just like their customers. Ford Motor Company, for example, only guarantees spare parts for five years after a car is built. Guess what? Microsoft will only support an operating system for five years after it is introduced. Windows NT goes into a non-support stage on June 30, 2003, and Windows98/SE on January 16, 2004.

Your Pentium I and II machines are not really worthy of operating systems updating. While Pentium III and higher processors will adequately support Windows XP, there are a number of reasons for implementing a regimented program of replacing such legacy machines.

There are hardware reasons for this as well as software reasons. Intel's new Springdale chipset looks to inaugurate an eighteen-month period of platform and software stability. Intel's Pentium IV microprocessor with hyperthreading is now mainstream and is far more adept at handling the multitasking prevalent in the XP operating system. Increasingly, new PCs will be laptops and can also be used in the office on a docking station. Intel's Centrino chips support wireless laptops with long battery life and wireless productivity that rival desktops and enhance portability.

On the software side, Windows XP Pro Service Pack One is now a mature release and working well. Windows Server 2003, just out, will replace NT and Windows 2000. Moreover, hardware costs have gone down; wouldn't you really like one of those nice shiny new flat screen monitors rather than your

old boat anchor? In any event, the time to give these matters some thought is now.

The Internet continues to grow exponentially, and so do the number of search engines available. They now number in the hundreds. While Google is still the leader, you would be wise to be familiar with several.

The leaders of search engine resource sites are SearchEngineWatch.com and SearchengineShowdown.com. SearchEnginesWatch provides lots of information on search engines, including searching tips, reviews, ratings, test resources, and a listing of search engines categorized by type. It is also the home of SearchDay, a daily report on Internet search news as well as many other resources.

Other sites are known as search engine directories which provide links to hundreds or sometimes thousands of specialized search engines. One review of these sites is the Guide to Specialized Search Engines (www.searchability.com) which provides reviews of each site mentioned. Another is Finderseeker.com, which bills itself as "the search engine for search engines." A similar one is SearchEngineColossus.com. Another is SearchEngines.com. Finally, SearchEngineDictionary.com is not really a directory, but a resource to help you learn more about search engines. Take a look at all the foregoing; you'll be surprised at what you can learn.

The following are listings of a few helpful new web sites which were noted by Law Technology News.

- Everything needed for bankruptcies is at www.bankruptcyclearinghouse.com.
- Materials and cases dealing with American Federalism are located at www.agh-attorneys.com/3_camo_contents.htm.
- To find federal government documents, go to www.gpoaccess.gov.
- For the corporate world, go to www.leaplaws.com to find forms, definitions of terms, guides, and useful links. At Legal Reference Services, www.lrsi.online.net, you can chat live with a law librarian.

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

Captain Equity *continued from page 8*

glamour and instant gratification. Luxuries have become necessities. Curiosities are now obsessions.

No doubt people are scared to death of home invasions, car jacking and armed robbery. That grabs headlines and can get you killed. Cheating on a test or cooking the books to boost the stock price, earn a bonus or get a promotion are much more subtle. Both are troubling. The cold hard truth is this: teenagers and young adults are going to test limits. They are going to rebel. They are going to look to their peers for approval. For good or bad, they are going to be influenced and motivated by the culture that surrounds them. This is when they need intense care, guidance and tough love from

committed parents supported by the broader society. Those parents will surely be tested, but will ultimately be respected and emulated provided they are there to act. Police, prosecutors, judges, politicians, teachers and social workers are the societal support system that should speak with one voice to back them up. But they are not and should not be expected to be viable substitutes for absent parents who aren't there to say no and make it stick when it counts.

Are there plenty of great parents out there of every race, faith and socio-economic strata? Absolutely. Are there enough? The newspaper headlines sadly tell us the answer is no.

Arbitration – A Different Perspective

by Hal Miller

Arbitration is a centuries old alternative to litigation. Mississippi has had a unique, and sometimes contradictory, approach to arbitration. Historically, courts tended not to enforce contractual arbitration agreements. However, the federal and state legislatures responded by enacting statutes giving statutory sanction to the enforceability of arbitration agreements. Although Mississippi has a general arbitration statute, enforceability of arbitration agreements was limited. The enforceability of arbitration agreements was finally resolved by the Mississippi Supreme Court in the 1998 decision *I.P. Timberlands v. Denmiss*.

Most disputes concerning the enforceability of arbitration agreements results from agreements to arbitrate entered into pre-litigation. But lawyers should consider a different perspective - entering into post-litigation arbitration agreements. A tremendous opportunity is missed by the failure of the parties to voluntarily use arbitration post-dispute - simply to agree after the claim is asserted or the suit filed that the issue at hand is more suitable for arbitration than for litigation in court. There are important factors which demonstrate that arbitration, rather than litigation, can be more beneficial to the parties. They are:

1. Speed. Generally, scheduling an arbitration hearing is significantly more flexible than in court and the parties can have the matter resolved months, and possibly years, before a court resolution.

2. Expense. Although both court litigation and arbitration involve the presentation of evidence to a decision-maker, rules of procedure are more informal and flexible in arbitration than in litigation. This flexibility reduces expense of litigation.

3. Amount Involved and Complexity of Issues. Not all litigation involves significant damage claims requiring determination by a jury, rather than by a judge sitting without a jury, or in the case of arbitration, a single arbitrator or panel of arbitrators. Matters being litigated are increasing in complexity. Complex matters may need the judgment of persons having considerable experience in the

respective field.

Arbitration also offers flexibility in procedure to fit the complexity of the case, i.e. stipulations of fact, affidavits and limited evidentiary presentations. In appropriate situations, the parties may use "hi-low" arbitration where damage boundaries are agreed to before the hearing, or "baseball or last offer" arbitration where both parties submit their best and last offer privately to the arbitrator and he selects the best.

4. Finality. Some matters are not of sufficient economic importance to demand appellate review. Arbitration offers finality at the trial level.

5. Procedure. Don't be concerned about having to establish a procedure. Call The Mississippi Bar and ask for a copy of the model arbitration rules adopted and promulgated by the ADR Section of The Mississippi Bar.

Take a fresh look at the litigated matters on your desk. Discuss with your adversary whether a full trial is really necessary, and consider a post-dispute agreement to arbitrate.

Thanks

For their participation in the Evening Honoring the Judiciary, the HCBA and the JYL want to thank the following:

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Book Notes

by Nonie Joiner



Someone who reads this column -- I was glad to learn that someone did -- accused me of being a serious reader. I deny that and offer as proof the fact that my most frequent reading material is mysteries. I read Tony Hillerman and Linda Barnes and Nevada Barr and Sue Grafton and Martha Grimes and P.D. James and M.C. Beaton, and I'm particularly attached to Elizabeth Peters' Amelia Peabody.

My introduction to real mystery novels came the summer I turned eight, when my family went to the beach for our summer vacation, and encountered a solid week of downpours. We were all readers, and had brought books with us; I had a new Nancy Drew, but that didn't last long given the fact that the beach was inaccessible and my parents wouldn't let me swim in the pool in the rain. Fortunately, my father, a fan of Erle Stanley Gardner's Perry Mason books, had brought a stack of paperbacks.

After that week, while I remained fond of Nancy and the girls, I had a whole different perspective on mysteries. I'll never forget sitting in a lawn chair on a small porch in front of our room, with the rain pouring down, and the Gulf pounding across the street, reading about Perry and his Girl Friday Della Street, and Paul the private detective, and the Hollywood Hills, and aging starlets, and telephone taps, and a whole world unheard of in Greenville, Mississippi, which as far as I knew didn't have anything like private detectives or unfaithful wives,

not that I had any idea what being an unfaithful wife involved. The Perry Mason books had no bad words, no writing about sex (that I recognized, anyway), and no violence unless you want to count murder described in the least violent way possible, as in, "he had been shot." If it was really bad, maybe "he had been shot multiple times." At least, that's the way I remember it.

These books were way more interesting than the usual 1950's children's books; I couldn't get too worked up about *The Little House on the Prairie* when there were crooked bookies in LA who needed my attention. My mother, a first grade teacher, had serious reservations about my choice of reading material, but my father would always read them first, and may have pulled one or two which he thought might be a bit advanced for me. I stuck with Erle Stanley Gardner for several years before moving on to Agatha Christie, Dorothy Sayers, Rex Stout, Ngaio Marsh, and Georgette Heyers. These authors offered reasonable plots, played fair with the reader by giving adequate clues so that you could figure out whodunit without being offered an unheard of villain or a supernatural solution in the final chapter, and didn't get bogged down trying to write about sex and violence.

I still prefer authors who observe these general rules, but they're hard to find. I read a lot of mystery authors in addition to the ones listed above, but not many fit my comfort zone. It's par-

ticularly irritating when authors who are otherwise good writers throw in gratuitous sex and violence scenes which don't advance the plot or characterizations, and in fact usually serve only to interrupt the flow of the book. John Grisham has proved that sex and violence aren't required for commercial success, and it's a shame that more writers and publishers haven't learned from his example.

The mystery genre is an old and established one, with a long history of success, but it has seriously deteriorated. There aren't too many offerings that don't involve detailed descriptions of sex and violence, the supernatural, science fiction, or the latest headline from the *Enquirer*. However, there are a number of series of "pure" mysteries evidently aimed at little old ladies, who must be perceived to be the only audience left for them and who must also be perceived as somewhat lacking mentally. If you want to read boring books about mysteries involving cats or recipes or flowers or birdwatching or something else aimed at a niche audience of nursing home inhabitants, they're out there. Mainstream mysteries are generally mixed together now with "thrillers," a description which if employed on the cover almost ensures that I won't read the book. Maybe I am a serious reader after all -- or just a certifiable little old lady.

Justice Reform Update *continued from page 11*

Studies

The Mississippi Judicial Advisory Study Committed in a December 2002 report said a study of state court districts shows an imbalance in case load and population among districts. The report called for adding more judgeships in six circuit court district and four chancery court districts. No additional judgeships were created by the 2003 Legislature.

The Study Commission on the Mississippi Judicial System in January 2002 addressed elections, campaign finance, judicial salaries, case management and Justice Courts. The 2002 Legislature allowed appellate judges appointed to unexpired terms to serve the entire term without

a special election if less than half the term remains. Judicial salary increases were approved in April 2003.

Chief Justice Pittman in November 2002 created the Impartial Justice Task Force to formulate a constitutional amendment to create an appointive system for appellate judges. Legislation was introduced in the 2003 Regular Session, but died in committee.

The Gender Fairness Task Force in November 2002, concluded that gender bias is not a widespread problem, but said the lingering perception of some vestiges of bias should be addressed by the Supreme Court, the Mississippi Bar and the Mississippi Judicial College.

BAR EXAM RESULTS

Your HCBA reporter slipped up in getting last July's bar exam results to press. That means that both the July 2002 and February 2003 results need to be reported. For comparative purposes, I have also included the July 2001 results.

Which exam?	How many passed	Pass Rate	*Atty's Exam	Atty's Exam P-Rate	**In-State	In-State P-Rate	***Out-State	Out-State P-Rate	1st Time Takers	1st Time P-Rate	Repeat Takers	Repeat Takers P-Rate
July-01	208	91.2%	7	85.8%	147	90.8%	54	91.6%	****	****	****	58.5%
July-02	237	85.6%	9	90.0%	167	84.3	70	88.7%	225	91.8%	12	37.5%
Feb-03	136	81.9%	8	88.9%	****	****	****	****	****	****	****	****

*for attorneys admitted in another jurisdiction

**examinees who graduated from Ole Miss or MC

***examinees who graduated from an out-of-state law school

****not available

The overall passage rate has varied significantly over the past few years. These are the overall percentages from earlier exams.

February 2001 -- 80%

July 2000 -- 83.1%

February 2000 -- 70.5%

July 1999 -- 78.1%

The HCBA Newsletter is indebted to Linda B. Knight, Bar Admissions Administrator, for making these statistics available.

The most recent "Swearing-In Ceremony" was held at the Old Capitol on April 29th.



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Saturday noon - 5:00 p.m.
Sunday 2:00 p.m. - 6:00 p.m.

EXCEPTIONS

July 4, 2003 CLOSED

August 8, 2003 - August 23, 2003

Monday - Friday 7:30 a.m. - 6:00 p.m.
Saturday & Sunday CLOSED

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*For more information, please call 925-7120.
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HCBA Luncheon Meeting
12:00 Noon, June 17



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

OCTOBER 2003



President's Column

by Stuart Kruger

In previous columns, I have focused on several worthwhile community programs, including the Mississippi Volunteer Lawyers Project, the Community Grant Project, and the Project for the Elderly. The HCBA directly supports each of these projects through involvement of its membership and through financial contributions. Many other opportunities exist for our members to make a difference in the community. One such opportunity is Willowood Development Center. While the HCBA does not directly support Willowood, many of our members have served on the Board or devoted time and resources in support of this fine organization. Through numerous programs, Willowood serves adults and children with mental and physical challenges, as well as normally developing children.

The Willowood Community Living Program supports 38 adults in three group homes and four apartments. Independent living skills such as cooking, cleaning, budgeting, grooming, and household management are taught by the home manager and staff.

The Preschool Program serves all children, from typical children to those with special needs, in a setting

where each child's strength adds to the richness of the play-based learning environment. Learning centers with developmentally appropriate activities that provide the means of sensory stimulation, which aids in brain development while the children are having fun, are a major part of the curriculum. Over 100 children from six weeks to five years of age are provided services from 6:45 a.m. to 5:45 p.m., Monday through Friday, year-round.

A trans-disciplinary early intervention team, consisting of occupational, physical, and speech therapists and special educators, provide developmental assessments for any child under the age of three in Health District V. If the child requires services in any developmental area, the team participates in the development of an Individual Family Service Plan. The individual team members then can provide services to children in their home or daycare or in Willowood's Daycare Program. Services are provided in an atmosphere of collaboration with family and caregivers to provide optimum services for the family. Training is provided on the specific needs of each child. The team also provides training opportunities on various topics for other professionals in Mississippi

continued on page 3



Luther Munford (center) presented the One Hour CLE Ethics Seminar at the August HCBA Membership Meeting. He is pictured with Stuart Kruger, HCBA President, and Barry Powell, Chairman of the Speakers Committee.

AUGUST MEMBERSHIP MEETING

In This Issue...

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HCBA LUNCHEON MEETING

Tuesday, October 21, 2003 Capital Club 12:00 noon \$12.00
Speaker: Judge Mike Parker

HCBA Calendar of Events

October 21, 2003

HCBA Membership Meeting.
Noon. Capital Club

October 23, 2003

HCBA Fall Social.
5:30-7:30 p.m. 930 Blues Café

December 4, 2003

HCBA Christmas Party.
5:00-7:00 p.m. Old Capitol Inn

February 17, 2004

HCBA Membership Meeting.
Noon. Capital Club

April 20, 2004

HCBA Membership Meeting.
Noon

May 6, 2004

**HCBA/JYL Evening Honoring
the Judiciary.**
5:30. Old Capitol Inn

May 20, 2004

HCBA/JYL Golf Tournament.
Noon. Annandale Golf Club

Board and Committee Leaders



Serving as HCBA Board Members for 2003-2004 are (front row) Alveno Castilla, Secretary-Treasurer; Linda Thompson, President-Elect; Stuart Kruger, President; and John Henegan, Director. Serving as Committee Chairmen for 2003-2004 are (back row) Roy Campbell, Special Grant Project; Keith Obert, Social; Barry Powell, Speakers; Ben Piazza, Library; and Omar Nelson, Small Firms.



**HCBA
Christmas Party**

Mark your calendars for the
HCBA Christmas Party to be held at the
Old Capitol Inn
Thursday, December 4
5:00 - 7:00 p.m.

GLE Calendar of Events

October 20, 2003

**Current Issues in Subdivision,
Annexation & Zoning.**
NBI. 800-930-6182

October 28, 2003

**Special Education Law in the
Post-NCLB Education World.**
MEDS/PDN. 715-836-9900

October 29, 2003

**Mental Health & the Law
in Mississippi.**
MEDS/PDN. 715-836-9900

October 29, 2003

**Family Limited Partnerships
in Mississippi.**
NBI. 800-930-6182

October 31, 2003

Criminal Law Seminar.
MS Trial Lawyers Association.
948-8631

November 13, 2003

**Mississippi Construction
Defect & Mold Litigation.**
NBI. 800-930-6182

November 19, 2003

Hiring & Firing.
Sterling Education Services, Inc.
715-855-6495

Dec. 11 & Dec. 12, 2003

23rd Annual Seminar.
MS Bankruptcy Conference.
956-2374

continued from page 1

The Work Activity Center is designed to provide evaluation, training, and work opportunities for individuals who are at least 18 years old. Individuals learn proper work habits and attitudes as they work on contracts for regional businesses. Many of the higher functioning adults ultimately transfer the skills developed at Willowood to regular jobs in the community.

The Supported Employment Staff assists individuals who want to work at job sites in the community. The Staff works closely with referrals and employers to match individuals with the type of work they desire. Individuals receive the initial training and support needed and have ongoing appropriate supports for job retention and potential for promotion.

Willowood's Day Habilitation Services support individuals with more severe disabilities in acquiring, retaining and improving daily living, social, communication, self-help and other adaptive skills.

Obviously, Willowood provides critical services to an important segment of our community in need. Opportunities for involvement include participation in and contributions to the Golf Tournament in the spring and the "Music for the Masses" in the fall. The Golf Tournament is

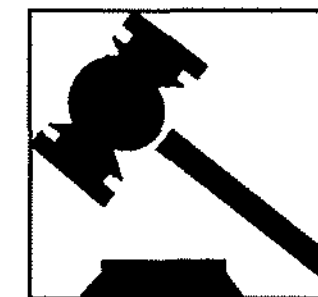
held at Annandale, and the "Music for the Masses" is an evening of music with the Mississippi Mass Choir, which includes silent and live auctions, held at the Old Capitol Inn.

Since many of the higher functioning participants at the Willowood Work Activity Center are capable of maintaining regular jobs, additional opportunities for support include hiring these participants to perform jobs within your office. Employment opportunities which may be appropriate for these individuals in an office setting include courier services, janitorial services, copying, document shredding, and similar types of jobs. If you have no need for these services in your office, the Work Activity Center may be able to assist you through mass mailings, sorting and organizing of documents and materials, and similar activities. If you are unable to participate in any of these activities, direct financial contributions, of course, are much-needed and welcomed. When considering your calling to involvement in community service, add Willowood to the list of worthwhile opportunities to make a difference in the lives of those in need.



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Mississippi Politics: It Ain't What It Used To Be

by Captain Equity

With the November general election about a month away, I began reflecting nostalgically on the Golden Age of Mississippi politics. Granted, the same vague, meaningless slogans that are uttered by today's politicians were uttered by politicians of old. What is missing today is the comedic inspiration of yesteryear's candidates that consistently guaranteed voters a smile and even an occasional belly laugh. In stark contrast, this year's statewide races involve nothing more or less than deadly earnest pandering by mostly craven politicians who spend millions of dollars to get a job that pays in the mid-five to low-six figures. All of them make sure to wrap themselves in the flag, although in the case of Amy Tuck it's a couple of flags, while suggesting that every notable figure in Western Civilization from Moses to Ronald Reagan would be in their corner if only they were registered to vote in places like Yazoo City or Batesville. Today's campaigns are characterized by subtle name-calling, hokey photo opportunities and an almost complete aversion to delivering anything close to hard fiscal truth to voters. The bottom line is that Mississippians of both parties want more and more government without increasing taxes even though the state is broke. Of course, Mississippi is not as broke as California and surely not as broke as the Federal Government with its new colonies Iraq and Afghanistan, but it is broke nonetheless. But that doesn't stop spineless candidates from inflating revenue projections, taking irresponsible "No New Tax Pledges" and promising more and more programs and initiatives we can't or won't fund while simultaneously taking credit for every conceivable positive occurrence that has ever materialized within the borders of the Magnolia State since the beginning of time.

Candidates always talk about fighting waste and corruption and dismantling bureaucracy, but the culture of computer solitaire remains vigorous in too many state agencies. They trumpet the panacea of education as if it were an STP-like additive we can just pour down children's throats and magically erase the crippling effects of seemingly intractable social problems brought about by disinterested, undereducated and/or overindulgent parents. Meanwhile, teachers are held almost totally responsible even though they are required by their political masters to spend most of their valuable class time coaching students to pass meaningless C.Y.A. standardized "achievement" tests. The balance of a teacher's workday is consumed by endless hours of having to document exactly why no child is being left behind. The result is too much teacher turnover and burnout and too many children suffering from the 2+2=yellow syndrome.

Rather than lament the present state of educational hypocrisy which will surely lead to an even more precarious and uncertain future as more and more "no clue" students turn into "no clue" adults, why not put on those rose colored glasses and look back to the Golden Age of Mississippi politics?

1967: The Last Great Mississippi Governor's Race

In my view, the Golden Age of Mississippi politics peaked in the summer of 1967. The governor's race that year

featured former Governor Ross Barnett, Congressman John Bell Williams, white supremacist radio personality Jimmy Swan, a much younger William Winter and perennial candidate, Blowtorch Mason, a welder from Magee. The high point came at the Neshoba County Fair that August. Old Ross was in a dogfight with John Bell Williams for the Democratic nomination. That was back in the days when Republicans only came from states like New Hampshire, Oregon or Mars. Progressive candidate William Winter, who was portrayed by the rest of the field as a flaming "Son of Satan" liberal had only an outside chance with Swan being a long shot and Mason having no chance at all. I remember vividly Ross introducing all of the other candidates from the podium at the Fair. It just so happened that William Winter was the last candidate on the platform. Ross stood facing the crowd to Winter's right.

"Ladies and gentlemen, I would like to introduce my esteemed opponents." Ross paused for effect. "To my far left," Ross pointed toward Winter as the all white crowd laughed, "is Wee Willie Winter, the weak kneed liberal candidate." With that, Ross's knees began to buckle to the wild cheers and laughter of the crowd. Then Ross turned to Congressman Williams who was a last minute entry in the Governor's race after having been stripped of his seniority by House Democrats. "Ladies and gentlemen, meet Johnny Bell 'Come Lately' Williams." Moments later, not to be outdone, Congressman Williams began his stump speech by flatly promising every Mississippian a check for \$50. He also insinuated that Ross owned a farm in Madison County in 1963 that he had not owned when he first became Governor in 1959. To support his implicit insinuation of misdealing, John Bell waved a photostatic copy of the deed to the farm as if it were the smoking gun of impropriety.

Ross bounded to the podium for his rejoinder. "Friends, Johnny Bell wants to give you \$50." His gravelly voice boomed over the loudspeaker. "Well, old Ross will give you \$75." The place went wild, but he wasn't finished.

"Now it seems like Johnny Come Lately says Old Ross owns a farm in Madison County." A silence fell over the crowd as supporters of the former governor shot nervous glances to one another. "Why friends, Old Ross wants to own ALL of Madison County." Amidst howls of approval and laughter, that was the end of that. Ross finished his remarks by saluting the Tung Nut industry in Picayune and taking credit for the longest manmade beach in the world (26 miles from Biloxi to Waveland). He then grabbed a battered old guitar and belted out an enthusiastic albeit off key rendition of *Are You From Dixie?* He was rewarded with a standing ovation.

Quick thinking and off key singing weren't Ross's only talents. When it came to handling the press, he was a master.

Question: "Governor, what is your position on Qemoy and Matsu?" (A reference to two disputed Chinese islands held by the Nationalist Chinese, which were being bombed by the mainland Communist regime during Governor Barnett's term in office).

continued on page 5

continued from page 4

Answer: "Put 'em on the Game and Fish Commission." Even hard-bitten reporters couldn't help but laugh.

Those were the days. Unfortunately, I doubt we will be treated to such high quality political entertainment ever again.

Handicapping the November Elections

And so what about the two big statewide races coming up? We'll take the most important one first which is the race for Lieutenant Governor where the winner will be the presiding officer of the Senate for the next four years.

Barbara Blackmon (D) vs. Lt. Gov. Amy Tuck (R)

For the first time ever, two women square off as nominees of their parties in a statewide race. Barbara Blackmon has the best shot at being the first black candidate to hold statewide office since Reconstruction. Blackmon, a lawyer from Canton is a self-styled crusader for the little guy. She also drives a big, black, expensive Bentley. I guess the littler the guy the bigger the car.

Meanwhile, the incumbent Tuck who recently became a Republican wants all of her new found friends to know that she really wanted to keep the old flag with the Confederate inlay. In my view, Blackmon will win solely because her car is way more cool than Amy Tuck's truck.

Mississippi Corporate Counsel Association

One of several Jackson-based professional groups whose members include HCBA members is the Mississippi Corporate Counsel Association. Organized in 1986, the group meets quarterly at the Capitol Club. Membership is limited to attorneys who are admitted to the Mississippi Bar and who are in-house counsel with corporations doing business in Mississippi.

Current officers are President, John Flynt of Mississippi Chemical; Vice President, Tom Alexander of BellSouth; and Secretary-Treasurer, Tim Young of Trustmark. Board members include Michael Cooper of Molpus Timber Management, Chad Russell of Southern Farm Bureau Life, and Bill Jordan of Chemfirst.

Although the economic decline of the past few years has caused fluctuation in membership, the group still has about 45 members representing 15 to 20 corporations. Meetings focus on economic issues affecting business in the state, discussions of proposed legislation, recent business-related decisions, and other matters of interest to the clients represented.

Speakers frequently are politicians or lobbyists; however, once a year, the focus is on ethics. Many HCBA lawyers have attended the annual CLE ethics hour co-sponsored by the Mississippi Corporate Counsel Association and the Business Section of the Bar. Cleverly scheduled for just before the CLE deadline, the seminar always sells out quickly.

Anyone who qualifies and is interested in joining the group may call Tim Young at 208-5089 for additional information.

Gov. Ronnie Musgrove (D) vs. Haley Barbour (R)

Our current Governor is a remarkable person. While Americans are losing jobs hand over fist, he single-handedly created over 7,000,000 new jobs in Mississippi in the last four years. That is two and a half jobs for every man, woman and child in Mississippi. Although I am a little foggy on the details, thanks to the Governor, I think I am moonlighting at Popeye's, dealing blackjack at the Isle of Capri and bagging groceries at Kroger after I leave my day job. Maybe that's why I am so tired. Oh yeah, and did you know Governor Musgrove is responsible for the Nissan plant?

On the GOP side of the ledger is Haley Barbour, a humble Yazoo City lawyer who bought a round trip ticket to Washington D.C. in the late 1970s with an open return.

Now he is back shopping for a hickory stick that will enable him to personally restore discipline to every Mississippi classroom. He promises to whip more butt than Kirk Fordice at a Bert Case Roast. Haley also promises "Stronnnnnng, Honnnnnmest, Leaddddership." I think the small town Yazoo City lawyer has a good chance of winning; however, we will have to lengthen his term of office to six years just to allow him to finish his State of the State address.

My prediction is that Haley Barbour and Barbara Blackmon will win their respective races and then drive each other crazy for the next four (six) years. Maybe the fun in Mississippi politics is not over after all.

William Winter Honored by Ole Miss

Former Governor William Winter, a member of the HCBA, was recently honored when the University of Mississippi renamed its Institute for Racial Reconciliation for him. Announcement of the William Winter Institute for Racial Reconciliation came at a public reception in the state's historic Old Capitol Building during a day of events marking Winter's 80th birthday.

"Early in his career, William Winter recognized that issues related to race are among America's greatest challenges" said Chancellor Robert Khayat. "He stepped forward and has firmly maintained a position of respect for the dignity of all people." Speaking in the Old Capitol rotunda, Khayat described Winter as one of America's great statesmen. "Mississippi has been blessed by his leadership and service," he said. "Throughout his career, Governor Winter has taken the moral high ground and has been willing to confront difficult issues."

A UM alumnus in private law practice in Jackson, Winter was the state's chief executive from 1980-1984. Passage of the groundbreaking Education Reform Act of 1982 is widely recognized as one of his administration's most significant achievements, but his belief in racial equality has been a leading factor in accomplishments throughout his personal and public life.

Remember to Vote November 4th!

The Poor You Will Always Have With You....

by Luke Dove

As computerized lawyers scroll the pages of their computerized calendars, some may pause to note that, among the pressing deadlines, Hanukkah and Christmas are only weeks away. A few may briefly recall that our holiday season has come to be associated with giving lavish gifts and, to a much smaller extent, helping the disadvantaged of society.

Since the holidays fortuitously fall near the end of the individual taxable year, it's the time to make those last minute charitable (and tax-deductible) contributions. It's also the time to deliver a frozen turkey to Gateway Rescue Mission and drop your loose change in the Salvation Army pail. Our contributions, even if modest, made during the warmth and glow of the holiday season, help us satisfy an ambiguous ethical and social commitment and enable us, in the immortal words of James Brown, to "feel good."

But if you are like me and like most lawyers you are not doing nearly enough and you are not doing it often enough. The disadvantaged need socks and soup in July as well as December. How often you give may be as important as how much you give—perhaps more so.

With your indulgence, I would like to remind you of a story from the Christian Gospels. Even if you are not religious, this story is worth consideration:

Two days before his death, Jesus had dinner at the home of a man afflicted with leprosy. Because Jesus was present, a large crowd, including disciples, gathered in and around the house. A woman, who was probably unremarkable and modest, slowly made her way through the crowd. As she approached the table, she reached inside her garment and removed an alabaster jar containing very expensive perfumed oil. She broke the seal and anointed the head of Jesus with the precious oil. This was a symbolic act of great reverence. But it was not well received by the crowd. The disciples were especially self-righteous and indignant.

"Why such waste", they demanded to know. "This perfume could have been sold at a high price and the money given to the poor." Apparently the crowd around the table agreed with this assessment and the implicit condemnation of the woman's extravagant act. It certainly sounded right. But, reciting a phrase from the Hebrew Book of Deuteronomy, Jesus rebuked his disciples and said, "She has done a beautiful thing...the poor you will always have with you, but you will not always have me."

To the modern reader, these words sound strange, indifferent and even callous. But to ancient readers, the words of Jesus conveyed a powerful and profound truth about our moral responsibility to the disadvantaged, the weak and the poor.

"The poor you will always have with you..." is far from indifferent and callous. It is an urgent reminder (and for the religious, a command) that it is the moral or ethical responsibility of those who are blessed with social and material resources to care for, to help, and to assist the sick, the afflicted, the needy and the disadvantaged every day and not only during holidays, not only when we are flush with extra cash and not only for a tax break. According to these scriptures, it is the duty of those with resources to help the needy each day. It is not enough to give

when giving does not require sacrifice. The poor and disadvantaged have needs every single day, and our duty to care for the disadvantaged and the needy arises daily. Giving and caring should not be limited to the holidays. Especially, giving and caring should not be limited to Christmas or Hanukkah.

Some may certainly disagree, but lawyers, by virtue of our privileged place in society, may have an obligation even greater than others to accept the social and ethical responsibility of helping those who have far fewer advantages and resources than we. The material blessings we have obtained as lawyers derive from the communities where we live and practice law. It should be our choice to generously share these blessings.

Mississippi is the poorest of the United States. Many of the very poorest persons in this the poorest state, including needy children, live within a mile of several Jackson law offices, including those of some of our most prominent and prosperous lawyers. Lawyers have been financially blessed as much or more than any other segment of our society. Many say we have been financially rewarded far beyond the true value of our services to society. There are counties in Mississippi in which the largest single landowner is a lawyer. There are lawyers in Mississippi, including Jackson, who have become wealthy through law practice. Most lawyers are, or will become, financially comfortable.

But no matter what our financial condition, we, as lawyers, because of our privileged status, should accept a special responsibility to aid and assist the most needy and disadvantaged within our community. There are several organizations which will welcome whatever contribution of money and time you choose to offer. Habitat for Humanity, Stewpot, Gateway Rescue, Shoestring, Grace House, Brumfield House and The LifeShare Foundation are some of the organizations which provide critical services for those most in need. Churches including Northminster Baptist, First United Methodist and First Baptist sponsor inner-city service programs, and all will welcome your involvement and your contributions.

The need for your help, your time and your contribution is great and urgent. A few of your resources will make life a lot better for many others, including children. You don't have to tell them you are a lawyer. Just call and offer to help. And have a happy holiday season.

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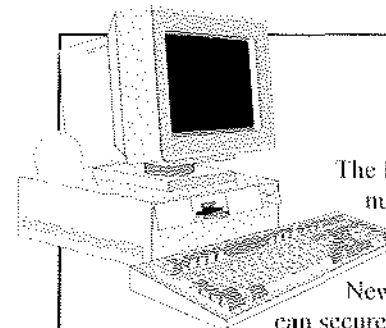
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The Internet provides access to any number of resources. Want free copies of briefs? Here, with thanks to Law Technology News, are a number of sites where you can secure exactly that.

First, you should be aware of the fee-based sites. Westlaw, www.westlaw.com and LexisNexis, www.lexisnexis.com, offer Supreme Court briefs for a fee. Westlaw provides briefs from October of 1990, and Lexis has briefs as early as January 1979.

Other services selling copies of briefs include Brief Reporter, www.briefreporter.com, and BriefServe.com, www.briefserve.com. Brief Reporter offers a variety of state and federal briefs, contributed by lawyers who wrote them. The briefs, which are arranged by topic, are priced at \$40.00, or you can subscribe for a \$35.00 a month and pay \$10.00 per brief. BriefServe has Supreme Court briefs beginning with the 1984 term. In addition, it offers all U.S. circuit court briefs since 1981, and a selection of California and New York appellate briefs. These briefs are priced as \$25 each, with a two brief minimum.

A number of sites offer free copies of briefs from various courts on a variety of topics.

FindLaw's Supreme Court Center, http://supreme.lp.findlaw.com/supreme_court/briefs, includes briefs beginning with the 1999-2000 term. These files are downloadable in various formats.

Although American Law Sources On-Line, www.lawsources.com/also/usa.cgi.usb, does not provide copies of briefs, it has assembled links to anticus curiae briefs available elsewhere on the Web. Briefs are available from both state and federal courts.

Boalt Hall Law School's Samuelson Law, Technology, and Public Policy Clinic maintains a brief bank for law, technology and public policy. It has briefs filed in U.S. courts indexed by case name at <http://briefbank.samuelsonclinic.org/notices.cfm>.

Over 250 state and federal briefs covering a variety of topics are available from Appellate.net, www.appellate.net/briefs. All were written by Supreme Court and Appellate Practice Group lawyers of Mayer, Brown, Rowe & Maw. The briefs include citations to the appellate decision and are listed by case and subject matter.

Another free site, Stanford Law School's Securities Class Action Clearinghouse, <http://securities.stanford.edu>, maintains an archive of filings in federal class-action securities fraud litigation. Its collection encompasses more than 2,000 litigation documents, including briefs.

A number of appellate courts are now publishing briefs they receive on the Web. Two U.S. circuit courts of appeals, the Seventh

On Computing

by Joel Howell

Circuit, www.ca7.uscourts.gov/briefs.htm, and the Eighth circuit, www.ca8.uscourts.gov/briefs/brFrame.html are included in this list. The Seventh Circuit site has briefs filed with the court beginning in 2001. The Eighth Circuit's files begin with 2000.

Several state supreme courts have also made filed briefs available, including:

- Florida, www.flcourts.org/pubinfo/summaries/archives.html
- Kentucky, www.uku.edu/~case/library/kysctbriefs.htm
- North Dakota, www.court.state.nd.us
- Texas, www.supreme.courts.state.tx.us/ebrief/current.htm
- Wisconsin, <http://library.law.wisc.edu/elecresources/databases/wb>

The federal government is an excellent source of free briefs. The U.S. Department of Justice's collection, www.usdoj.gov/05publications/05_2.html, includes all Supreme Court briefs filed by the solicitor general since 1988 and selected briefs beginning in 1982. Additionally, it includes a vast range of appellate briefs filed by the Antitrust Division dating back to 1993, and selected briefs filed by the Civil Division and the Civil Rights Division.

- Other Federal entities that publish briefs on the Web are:
- Federal Trade Commission, www.ftc.gov/ogc/briefs.htm
 - U.S. Equal Trade Commission, [www.eeoc.gov/litigation.app_briefs.htm](http://www.eeoc.gov/litigation/app_briefs.htm)
 - U.S. Securities Exchange Commission, www.sec.gov/litigation/briefs.shtml

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 Friday 7:30 a.m. - 9 p.m.
 Saturday 9 a.m. - 9 p.m.
 Sunday noon - midnight

EXCEPTIONS

Thanksgiving

Wednesday, November 26th 7:30 a.m. - noon
 Thursday & Friday (Nov. 27th & 28th) . . . CLOSED

Exam Schedule December 5th - 17th

Monday - Friday 7:30 a.m. - midnight
 Saturday 9 a.m. - midnight
 Sunday noon - midnight

Christmas

December 18th & 19th 7:30 a.m. - 6 p.m.
 December 20th & 21st CLOSED
 December 22nd 7:30 a.m. - 6 p.m.
 December 23rd 7:30 a.m. - 4:30 p.m.
 December 24th - January 1st CLOSED
 January 2nd 7:30 a.m. - 6 p.m.
 January 3rd & 4th CLOSED
 January 5th - 9th 7:30 a.m. - 6 p.m.
 January 10th - 11th CLOSED
 January 12th 7:30 a.m. - 6 p.m.

Regular hours will resume Tuesday, January 13th.



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HCBA Luncheon Meeting
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