



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

APRIL 2009



President's Column

by Susan R. Tsimortos

As I write my final column as President of the Hinds County Bar Association, I am determined to look to the future of our organization rather than focus on this year's

accomplishments. We have much to anticipate.

May and June will be busy months. We are continuing our tradition of strong corporate citizenship by awarding grants to non-profit organizations in our area. The Community Grant Committee, under Cheryn Baker's leadership, has been busy soliciting and reviewing grant applications. At our April membership meeting you can meet representatives of the recipients and learn of their good works. If you want to be more involved in HCBA activities, consider working on this committee. The members consistently report receiving great personal satisfaction from their hard work. I know that Tom Alexander will appreciate early volunteers!

On May 14, we will celebrate our Evening Honoring the Judiciary at the MS Museum of Art. This is our opportunity to thank our local judges for their service to our profession and to recognize several of our members with awards for Professionalism, Pro Bono Service, and service to our organization. We will welcome U.S. District Judge Mike Mills as our speaker. Judge Mills brings his unique perspective as an acclaimed author, a former member of the MS Legislature, a law school classmate of many of us, and both a trial and appellate judge.

You will also notice improvements to our web site in the coming months. Scott Jones stepped forward and volunteered to chair this committee for us. The committee has done a great job of presenting new and fresh ideas that we will soon implement.

We are continuing our work on a Long Range Plan for the HCBA. We recognize that the way we practice law and communicate with each other is changing and we want to remain an important voice in our community. I recently had the experience of trying to contact several of my colleagues during non-working hours only to discover that they no longer maintain land lines. For many of us, that is a serious

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HCBA February Membership Meeting



Presenting a legislative update at the February Membership Meeting were state Senator Billy Hewes (left) and state Representative Cecil Brown (right). They are pictured with Peyton Prospere, Program Chairman; and Susan Tsimortos, HCBA President.

HCBA LUNCHEON MEETING

Tuesday, April 21, 2009 Capital Club Noon Cost: \$15.00

Speaker: Professor Matthew Steffey from Mississippi College School of Law

HCBA Calendar of Events

April 21, 2009

HCBA Membership Meeting

Noon

Capital Club



May 14, 2009

HCBA/JYL Evening

Honoring the Judiciary

6:00

Mississippi Museum of Art



June 11, 2009

HCBA/JYL

Annual Golf Tournament

Noon

Annandale Golf Club



June 16, 2009

HCBA Membership Meeting

Noon

Capital Club



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2008 Golf Tournament Proceeds Presented



At the February Membership Meeting, Lyle Robinson, Chairman of the 2008 HCBA Golf Tournament, presented Shirley Williams, Executive Director of the Mississippi Volunteer Lawyers Project, with a check for \$7,400, the proceeds from the event. Serving with Robinson on the committee were: Ben Piazza; York Craig, III; Collier Simpson; Rusty Brown; Keith Obert; Jay Kilpatrick; Debra Allen; Meade Mitchell; and Jay Bolin.

Captain Equity's Financial Recovery Plan: Making Every American Too Big to Fail

by Captain Equity

I don't understand why everybody is in such a state of panic over the worldwide financial meltdown. Come on people, the glass is more than half full here in the good ole USA. And even though Mississippi continues to battle Louisiana for last place in just about every objectively measurable quality of life category, things are even better here in the Magnolia State than the rest of the country. Before getting to my program to right the ship, let's look at the primary psychological culprit for the global economic downturn - Chronic Bad Attitude.

America might be in a little financial slump, but look on the bright side. We have Twitter, Facebook, e-Harmony.com not to mention Lindsey Lohan, Britney Spears and Miley Cyrus. We also have "American Idol," "Dancing With The Stars," and 55 varieties of "CSI." Now, just how bad can things be? Come on people, even if our pop culture sometimes tells the rest of the world more than we really want them to know, we are still America: land of casino gambling, fast food, and tattooed adolescents. Okay, it's not always pretty, but Americans should take pride in the fact that we annually top the list of God's Favorite People according to Focus on the Family and other divinely ordained organizations privy to such information. So stop the stinkin' thinkin', America. But I digress.

Captain Equity's Financial Recovery Plan

What Americans really want are pragmatic, common sense measures that will ensure our economy recovers quickly and completely. Much of the problem revolves around financial firms that have been deemed "Too Big To Fail." Consequently, the American taxpayer has been required to subsidize recklessness and failure by bailing out these companies with trillions of dollars we don't have. My first instinct in crafting an effective recovery plan was to advocate the repeal of the Glass-Steagall Act which eliminated the firewall between commercial and investment banks. It also occurred to me that we might want to bring back the antitrust laws from the dust bin of legal history. But no, that would be looking backward rather than forward to paraphrase the President. That kind of logic would require Congress to investigate allegations of war crimes, suspension of civil liberties, and politicization of the Justice Department et al. by the previous administration. We can't look backward because we might not like what we might find out and then be forced to do something about it. There is no problem denial won't fix. Better to move on, and move on I have. So, to channel my inner Stephen Colbert, brace yourself nation, this is strong medicine but the times demand nothing less. Here goes.

Rename Fannie Mae and Freddie Mac

These quasi-governmental mortgage institutions are badly in need of a new image and a fresh start. Fannie Mae shall henceforth be known as Barney Frank while Freddie Mac's new moniker will be Christopher Dodd. All paperwork from these agencies will be mandated to carry the image of their respective namesake on each and every page. As a result, loan applications will surely plunge allowing Barney and Christopher to keep more of their assets to offset financial troubles caused in part by adopting such wacky, loan friendly names like Fannie and Freddie. What was Congress thinking? Sounds like a couple of animated bears at Chucky Cheese. Come on America! Barney (not the purple one) and Christopher make a lot more financial sense in these stressful times.

Truth In Lending

In the name of transparency, it is time that financial organizations ditch their deceptively misdescriptive trade identities. For instance, Citi Group should be rebranded Village Individual to more accurately describe the net worth of their assets. A.I.G. should be renamed B.I.G. since they seem to be the biggest of those conglomerates that are too big to fail. And closer to home, First, Regions Bank should go back to its real name: Deposit Guaranty National Bank.

Subsidize American Handgun and Assault Rifle Manufacturing

While there is only anecdotal evidence connecting the economic downturn with an acute upswing in incidents of multiple fatality murder-suicides initiated by unbalanced people overwhelmed by a laundry list of grievances, it is rational to infer that a connection indeed exists. The bad news is that innocent people will be murdered. The National Rifle Association would call this collateral damage. Obviously, if it were really a problem, the gun lobby would discontinue its advocacy of assault weapons. But its support is unrelenting. Although I am not a sportsman, I guess assault weapons are necessary for squirrel hunters unwilling to buy blenders. And the good news? Well, because these maniacs invariably kill themselves or are shot by police, we have a sure fire (no pun intended) fast track method for eliminating threats to our personal safety. Meanwhile, millions of jobs are created in the weapons sector of the economy while exports to Mexican Drug cartels along the US-Mexican border soar; a real global win-win solution for America.

Rename Earmarks

The word "Earmark" is an unfortunate choice of

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Supreme Court Justice Ann Lamar

by Kate Margolis

When Mississippi Supreme Court Justice Ann Lamar was a new graduate of Delta State University – a degree in home economics in hand – she says she would have never dreamed that she would become a lawyer, much less a district attorney, a circuit court judge, and then a justice on the state's highest court. She didn't have a "master plan," she just kept her "eyes open for opportunities."

Justice Lamar had married her high school sweetheart from Senatobia, John T. Lamar, Jr., and together, they had attended Northwest Community College and graduated from DSU. Now they were moving to Jackson where John would attend law school at the Mississippi College School of Law. While in Jackson, she got a job as an administrative assistant in the Governor's Office of Education and Training.

After John's graduation, they returned to Senatobia where he began practicing law and Justice Lamar tried her hand at court reporting for two years. Justice Lamar says her observation of lawyers led her to realize "I can do this." She enrolled at the University of Mississippi School of Law. During that first year, she managed law classes and her first pregnancy at the same time. She graduated in 1982 and began practicing law with her husband, which she continued for five years.

Justice Lamar's interest in the work of the local district attorney's office had been piqued because she had a good friend in that office. She became an assistant district attorney and then D.A. herself for DeSoto, Panola, Tallahatchie, Tate, and Yalobusha Counties.

Justice Lamar says that even though some of her cases – such as those involving capital murder or child abuse – "were tough," she "enjoyed being a prosecutor," especially the "courthouse work" and "working with law enforcement." She has a courtroom sketch from one of her high publicity trials framed and hanging in her chambers at the new supreme court building.

Her appointment to the circuit court bench was a whirlwind. On November 1, 2001, when her current colleague, Justice George C. Carlson, Jr. was appointed to the Supreme Court, Justice Lamar was appointed the very next day to fill his circuit court seat. It happened "literally in twenty-four hours," she says.

As a circuit court judge, Justice Lamar had to immediately separate herself from the DA's office and "rethink" her role in the court system. She became immersed in civil cases because at first she had conflicts on many criminal cases. She says she was "blessed to have good role models" in the judges who had served in her district, as well as her father, Leon Hlannaford, who served

as a chancery court judge from 1974 (when Justice Lamar graduated from DSU) until 1992. "I had seen it done right," she says.

One of Justice Lamar's accomplishments as a circuit court judge is still one of her passions today. She and her fellow circuit court judge in the 17th District, Judge Chamberlain, started a successful Drug Court in 2006. She says that even the participants who prosecutors or law enforcement predicted would fail often successfully completed the program. The "key to drug court," she says, is the regular checking in: participants "come before the judge once a week, call in every day," and are randomly tested.

In May 2007, Justice Lamar became the third woman to serve on the Mississippi Supreme Court, following Justice Lenore Prather of Columbus and Justice Kay Cobb of Oxford. She was appointed to fill the unexpired term of Justice Cobb, who had decided to retire from the bench.

Justice Lamar admits this transition has been "a challenge." She "had been elected twice without opposition" as a circuit court judge and felt "happy and politically safe" where she was. She says that life has been "in flux" since her appointment: first, the "move" to Jackson during the work week, followed by the move to the new courthouse building, the flooding of her new chambers by "four feet of water" (along with other parts of the building), and finally, in November of last year, going through a contested election against her then colleague, Justice Chuck Easley of Caledonia. In fact, the flood at the courthouse occurred the "night she found out she had an opponent."

However, Justice Lamar has never shied away from a challenge. She advises against allowing our fears to "keep us from taking advantage of opportunities we have. Stay open to opportunities – don't dismiss things. What if I had said 'I've never tried a jury trial' and let that keep me from working for the district attorney. I really wanted to try it and it was a wonderful career." She adds that generally "you can have it all, just not all at the same time."

Justice Lamar says the support of her family throughout her law career has been "crucial." She has one sister and three brothers, one of whom practices law with her husband in Senatobia. Her eldest son, Trey – like his father – graduated from the Mississippi College School of Law and now practices with his dad and uncle. He and his wife are expecting a child in May – Justice Lamar's first grandchild. Her younger son, Vance, lives in Memphis.

"Public service has been a calling for me," she says, and "a very rewarding life."

Dr. Martin Luther King, Jr. Parade

Members of the Hinds County Bar Association along with family members and friends, participated for the first time in the Dr. Martin Luther King, Jr. Parade which was held on Saturday, January 17. John Henegan organized the bar's involvement. Commemorative bookmarks from the HCBA were handed out along the route.



John Henegan; Dean Jim Rosenblatt; Donna Jacobs; Steve Rosenblatt; Josh Wiener



Susan Tsimortos; Dean Jim Rosenblatt; Steve Rosenblatt



Governor William Winter; Marlena Pickering and her husband, Philip Pickering



Roy Campbell, LeAnn Nealey with her dad, Al Walber; Susan Tsimortos; Tom Stingley



Governor William Winter and John Henegan



Along the parade route



Tom Stingley; Willie Abston; Adam Spicer



Roy Campbell; Alex Purvis; Pat Evans



End of the Route!

Panel Discusses Process of Selecting Judges

by Kate Margolis

A distinguished panel of judges and lawyers gathered recently to discuss the process of selecting judges in Mississippi and the impact the process has on judicial independence and the public's perception of the judiciary. The program was part of a legal symposium presented by the Mississippi College Law Review on February 25, 2009, entitled "Corporations, Courtrooms, and the Constitution: Shades of Gray in the World of Legal Ethics." State Supreme Court Justice Ann Lamar, Circuit Court of Appeals Judge Virginia Carlton, Circuit Court Judge Michael Taylor, and attorneys Bill Goodman and James Robertson each weighed in.

Goodman, who for the past year has served on The Mississippi Bar's "Task Force to Strengthen Confidence in the Legal System," began by noting that "anyone can find criticism with the method of selection of judges." Judge Taylor agreed. "The process is corruptible no matter how we set it up," he said.

Judge Carlton said there are "six basic models" for selection of judges, and that most of the models call for some component of "public expression" through an election. She explained that she worked on this issue as a state legislator and learned how dearly Mississippians cherish their right to vote.

Robertson said he saw the pernicious effect of elections on judicial independence. He recalled "more than ten times" during his tenure as a supreme court justice when one or another of his colleagues would not join a correct opinion for political reasons.

Goodman pointed out that even the federal system of appointing judges is filtered through politics. He said he was "astounded" by the "ideological bent" of a questionnaire that a candidate for federal judge was required to complete. According to Goodman, "You can't take politics out of it."

The panel members acknowledged the effects of the rapid changes in judicial elections in recent years, including the increased amount of money needed to run a campaign, the new modes of communication such as e-mails, web sites, and advocacy ads.

Carlton noted that a state law "still on the books" allows judicial candidates to speak to the jury venire on the opening day of a term of court. She said she enjoyed the opportunity to "look voters in the eyes and tell them who you are and what you stand for." However, she acknowledged the old-fashioned way of campaigning is

now ineffective.

Goodman added that there is "no easy answer" to the complaint that there is "too much money" in judicial campaigns today, due to constitutional problems with limiting campaign contributions.

The panel members agreed that advertisements by advocacy groups have run amok. Justice Lamar said she found it "a little disturbing" when an advocacy group ran an ad about her without her knowledge. She also cited to advocacy ads in the recent judicial elections that erroneously criticized now former justice Oliver Diaz for opinions in criminal cases in which he did not even participate. Goodman said that although "very little can be done" about advocacy ads that comply with legal requirements, the "bar owes it to itself and its system to somehow let people of the state know that it's something that ought not to be happening."

Goodman also lamented "the problem of attracting people to the bench" because they must be willing to endure such a campaign — in addition to the "abysmal" pay.

Judge Taylor — who was appointed to replace Judge Keith Starrett when he became a U.S. District Court judge — agreed that appointment "opens up the field" of judicial candidates. He said he "never would have put his name in and run" because he was "not predisposed to campaign." Goodman added that many minority and female judges "first got there by appointment," including each one of the three women who have served on the supreme court.

Goodman summarized some of the key features of the task force recommendations. He explained that under the proposal, future members of the state supreme court would be "appointed by the governor from a slate selected by a carefully crafted nominating commission" made up of twenty-four members. The state bar would appoint one half of commission, picked equally among the three supreme court districts; the lieutenant governor and speaker of the house would each select one fourth of the commission. A justice wishing to serve another term would be "objectively reviewed." A "highly qualified" rating would result in "automatic reappointment;" a "qualified" rating would merit being placed on the list of candidates submitted to the governor; and an "unqualified" rating would result in expiration of that justice's term. The task force report with recommendation is available on the Mississippi Bar's web site.

Reviving the Dying Art of the Nasty Letter: Lawyer Bites Dog

Ms. Jane Doe
Jackson, MS

Dear Ms. Doe:

Our client was seriously injured when dogs in your possession attacked her without warning or provocation. As a result of this attack, she suffered painful lacerations and bites to her body which necessitated medical care and treatment and caused her undue worry and anxiety.

Based upon our investigation, it appears that you have a custom and practice of taking multiple dogs which you have no ability to control onto the public streets thereby exposing others to unprovoked and vicious attacks by the animals which you are obligated to keep under control. Our investigation reveals that even after the attack, you have continued this custom and practice without abatement.

We want to give you the opportunity to resolve this claim without the necessity of litigation. If you wish to discuss the settlement of this matter, please have your legal representative contact me within the next ten days. Otherwise, we will assume that you have no interest in attempting to resolve this matter voluntarily and we will proceed with the institution of legal action against you. It is suggested that a copy of this letter be forwarded to your liability insurance carrier.

Sincerely,

L. Lawrence Lawyer

L. Lawrence Lawyer
Jackson, MS

Dear Mr Lawyer:

I have been retained by Ms. Jane Doe in regards to your letter. It is unfortunate that the current state of our society has individuals threatening legal action over a minor dog bite that required \$35.00 in medical expenses.

First, let me state the facts as I understand them. Ms. Doe was walking her dogs when your client decided to force her way past Ms. Doe and the dogs instead of going around them. This resulting in your client bumping into Ms. Doe at which time her dog attempted to nip at your client. Your client then let out a blood curdling scream. The dog responded with more nipping which resulted in your client screaming even louder. In response to these exaggerated responses, the dog bit your client on her posterior. After the incident, your client and Ms. Doe spoke for approximately

ten minutes during which time the dog showed no aggressive behavior and your client did not demonstrate any fear or concern of the dog. Furthermore, later that morning and in the afternoon, your client left voice messages on Ms. Doe's phone (we have maintained copies) which do not suggest that there were any unresolved damages or concerns.

As a result of this unfortunate incident, Ms. Doe offered to pay for your client's medical expenses which she did. These amounted to \$35.00. She also provided your client with a \$25.00 gift card to cover the costs of replacing the damaged pants. At no other time has your client requested additional monies for medical or other damages. Furthermore, at no time during later discussions did your client state that she incurred other damages as a result of the incident. In fact, during a discussion after the incident, your client said "I don't know why I didn't walk around, but I have been walking past these dogs for years and have never experienced any danger or problems from them."

As I am sure you are aware, Mississippi law is clear that liability for such events only arises when it is shown that the dog owner "knew or reasonably should have known" of the dog's propensity or disposition to such behavior and "reasonably should have foreseen that the animal was likely to attack someone." The dog in this matter has never shown any aggressive behavior towards the general public. In fact, Ms. Doe has had the dog in many public settings where children and other dogs and cats were present without any aggressive behavior from the dog.

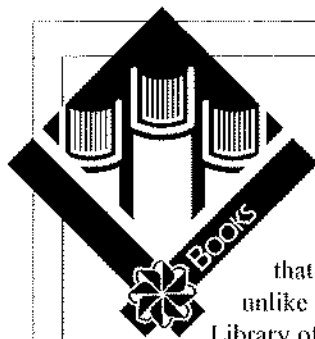
Your allegations that Ms. Doe walks her dogs without the ability to control them is completely unfounded. She has been walking several dogs for many years without any incident. Nonetheless, after this incident with your client, Ms. Doe now only walks no more than two small dogs at a time and when walking the dog involved in this matter, with a muzzle.

As your letter did not allege any specific damage, I can only assume you are attempting to collect some sum from Ms. Doe's insurance carrier for your client's other alleged damages. As there is no evidence that Ms. Doe has liability for your client's claim, I have been instructed to inform you that no offers of settlement will be forth coming. If I am incorrect on any other these facts, the law or other circumstances involving this matter, I am willing to hear your comments. Otherwise, we consider that this matter is closed.

Sincerely,

Andrew Attorney

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Black Boy (American Hunger) by Richard Wright

(HarperCollins ed. 2005) - Book Review by John Henegan

This is not the copy of *Black Boy* that you read in high school or college, if unlike me, you read it at all. This is the Library of America text based on the manuscript that Wright sent to his publisher, Harper & Row, under a different title -- *American Hunger*. The original manuscript had two parts. The first described Wright's experiences in the South which he leaves at 19. The second depicts his time in Chicago until 1937 before he moved to New York and began work on *Native Son*, which was destined to become a best seller in 1942, being critically acclaimed as a masterpiece and earning Wright international attention at the age of 32.

Harper & Row accepted *American Hunger* and sent it to the Book of the Month Club, which had previously published *Native Son* as a primary selection. Book of the Month Club agreed to publish the manuscript for *American Hunger* if Wright would delete the part about his years in Chicago and give the book a new title. Wright agreed, writing a new ending and recommending that the new text be called *Black Boy*. The revised text, a coming of age work about Wright's life in Mississippi, Arkansas, and Tennessee, became a national bestseller in 1945.

Upon publication, *Black Boy* was hailed as "powerful, moving, and horrifying" and as "one of the most memorable books of our time, a kind of twentieth-century *Uncle Tom's Cabin*." United States Senator Bilbo of Mississippi denounced the book before his fellow congressmen telling them that *Black Boy* was designed "to plant seeds of hate" in the minds of all Americans. Two years later, as Jackie Robinson was finishing his rookie season with the Brooklyn Dodgers, Wright and his wife and two children moved from the Village in New York to Paris, France.

There he lived, continued to write for the remainder of his life, dying of a heart attack on November 28, 1960, at 52, never seeing the second half of *American Hunger* published in tact, although a segment appeared in 1944 in the *Atlantic Monthly*. Not until 1991 did the original manuscript that Wright first sent Harper & Row finally appear when the Library of America published it as *Black Boy (American Hunger)* in its original format.

Part One -- *Southern Night* - addresses Wright's life from the ages of 4 to 20. Born on a farm outside Roxie, Mississippi, 23 miles east of Natchez, Wright spent most of the time moving with his father and mother and then his mother, after his father left them, between Jackson, Mississippi, Arkansas, or Memphis, Tennessee. His mother was chronically ill much of the time.

He was reared largely in the Jackson home of his grandmother, who is part Irish, Scot, American Indian, and African, and, like several of Wright's family members, is as "white" as any white person he encounters as a child. As a result, he became acutely conscious of the division between "white" and "black" in the Jim Crow South. He did not understand why, while his grandmother looked white, she was treated as a black person. He learned later that, when among whites, there were subjects that he may not talk about, jobs that he may not hold, and places that he was not allowed to go and that many of the black adults who he encountered and his fellow classmates had trucked to these views.

He found no solace or emotional comfort at home. A devout Seventh Day Adventist, his grandmother's religious beliefs were so entrenched that she did not understand why Wright as a child might be capable of saying obscene words that he did not understand and, for which, he was beaten by her and his mother. Similarly, his grandmother could not fathom why he wanted to work on Saturdays to pay for school clothes like those his classmates wore or to read anything but the *Bible*, literature in general being viewed as "the Devil's work."

The great bulk of his formal schooling, less than 5 full years, was in Jackson at Jim Hill and Smith-Robertson, where he was named the valedictorian of his class. While in school, Wright became absorbed in reading mysteries and westerns. He wrote his first short story, which was published in a local black-owned newspaper, but was only viewed with suspicion and distrust by his classmates, teachers, and family, none of whom could understand where he got the idea that he could write a story. Completing his formal education, he worked at local menial jobs until moving to Memphis, although he would remain in touch with a few of his Jackson classmates in later life.

In Memphis, he read a piece in *The Commercial Appeal* that attacked the views of H. L. Mencken so virulently that he obtained two of Mencken's books from the local public library under the pretence that he was doing an errand for a white person since it was not open to blacks. The experience of reading Mencken's two books, *A Book of Prefaces* and *Prejudices*, transformed his perception about the power of the written word. He was amazed that someone could use "words as a weapon, using them as one would use a club", amazed "not at what [Mencken] said, but how . . . anybody had the courage to say it."

Wright began to read the works of the authors that

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Mencken wrote about so passionately. *Main Street* by Sinclair Lewis was the "first serious novel" that he read. Dreiser's work profoundly affected Wright's views and influenced his later writings. Wright questioned whether it was possible for him "to know people sufficiently to write about them" as Dreiser and other American social realists did, exclaiming that "with [his] vast ignorance, [his] Jim Crow station in life, it seemed a task impossible of achievement." Now, he explained, he "knew what being a Negro meant . . . that the very breath of life itself was beyond my reach, that more than anything else hurt, wounded me. I had a new hunger." Wright soon left Memphis in 1927 for Chicago.

Part Two - *The Horror and the Glory* - describes the next 11 years of Wright's life, all in Chicago. He conveyed his profound uneasiness as he arrived: "What would happen to me here? Would I survive? My expectations were modest. I wanted only a job. Hunger had been my daily companion. Diversion and recreation, with the exception of reading, were unknown. In all my life -- though surrounded by many people -- I had not had a single satisfying relationship with another human being, and not having had any, I did not miss it. I made no demands upon others."

Wright worked at different jobs, failing to qualify for a permanent job with the Postal Service because he was so malnourished that he didn't weigh enough. He exclaimed how "[I] had almost got my hands upon a decent job and had lost it . . . Waves of self-doubt rose to haunt me. Was I always to hang on the fringes of life? What I wanted was truly modest, and yet my past, my diet, my hunger had snatched it before my eyes. But these self-doubts did not last long: I dulled the sense of loss through reading, reading, writing and more writing."

Shortly after the 1929 stock market crash, he took a job working for several black burial and insurance societies. He concluded that they were with some exceptions "rackets" that "exploited the ignorance of their black customers." He went on to write: "Each day now I saw how the Negro in Chicago lived, for I visited hundreds of dingy flats filled with rickety furniture and ill-clad children. Most of the policyholders were illiterate and did not know their policies carried clauses severely restricting their benefit payments, and as an insurance agent, it was not my duty to tell them." The depression arrived, and he was no longer able to "sell insurance to hungry Negroes." He soon found himself in the bread lines of the Cook County welfare office.

As a part of the New Deal's Federal Writers Project, he met other young aspiring black writers, including Margaret Walker, who would later write *Jubilee* and a literary biography about Wright.

Reflecting on his experience in living and working in the North in what remained a largely segregated and

divided society, he wrote:

. . . Culturally the Negro represents a paradox: Though he is an organic part of the nation, he is excluded by the entire tide and direction of American culture. Frankly, it is felt to be right to exclude him, and it is felt to be wrong to admit him freely.

If the nation ever finds itself examining its real relation to the Negro, it will find itself doing infinitely more than that; for the anti-Negro attitude of whites represents but a tiny part -- though a symbolically significant one -- of the moral attitude of the nation

. . . our America is frightened of fact, of history, of processes, of necessity. It hugs the easy way of damning those whom it cannot understand, of excluding those who look different, and it saves its conscience with a self-draped cloak of righteousness. Am I damning my native land? No; for I, too, share these faults of character! And I really do not think that America, adolescent and cocksure, a stranger to suffering and travail, an enemy of passion and sacrifice, is ready to probe into its most fundamental beliefs.

The scenes that Wright painted of the South Side of Chicago in the 1930's were eerily similar to those depicting Chicago in the 1980's in the *Promised Land*, written in 1991 by Nicholas Lemann, and in *Dreams from My Father* by Barack Obama, his own coming of age work.

During the mid-1930's Richard Wright became attracted to the Communist Party, joining the local John Reed club because of its professed opposition to racial discrimination but shortly afterwards learning that one faction in the club had used Wright's race to help oust another faction from the club. His account of the deception, manipulation, and hypocrisy practiced by party officials, including their attempts to use Wright to promote the party while trying to muzzle his talents as a writer, who wants to depict the conditions of his race and society, is a fascinating and devastating indictment of the party and its leadership.

As he became embroiled in the party's machinations, he realized that before he "had fled men who did not like the color of my skin, and now I was among men who did not like the tone of my thoughts." He decided that "there existed in the Western world an element that baffled and frightened the Communist party: the prevalence of self-achieved literacy. Even a Negro, entrapped by ignorance and exploitation . . . could . . . learn to read and understand the world in which he lived. And it was these people that the Communists could not understand." Witnessing the "trial" of a fellow party member that he

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Charlie Pearce Named 5th Circuit Librarian

On March 16, 2009, Charles A. Pearce (known to everyone as "Charlie") was named Circuit Librarian for the United States Court of Appeal for the Fifth Circuit. Charlie served as Mississippi's State Law Librarian since December of 1999. Charlie is only the third person to hold the position of Circuit Librarian, a job that was created by the Fifth Circuit in 1959. As Circuit Librarian, he will direct the operation of the Fifth Circuit's library in New Orleans and all federal court libraries in Texas, Louisiana, and Mississippi.

Charlie has an undergraduate degree from Mississippi State University, a Master's degree from Delta State University and a Master's in Library Science from the University of Alabama. Previously, he worked as a law librarian at Mississippi College School of Law and at the law firm of Brunini, Grantham, Grower & Hewes.

Charlie would like to express his appreciation to the Hinds County Bar for its very generous support of the Mississippi State Law Library. For the past four years, the Hinds County Bar through its Library Committee (chaired by Ben Piazza) has donated to the Mississippi State Law Library a portion of the state court filing fees which it receives making possible the purchase of many resources that would otherwise be unavailable.

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Mr. Andrew Attorney
Jackson, MS

Dear Mr. Attorney:

Please tell your client that my client was willing to resolve her claim against her in a civil and amicable manner which is the reason I wrote Ms. Doe to give her that opportunity. When I sent her your letter, she concluded that if Ms. Doe's attitude was as sanctimonious, insolent, and self-righteous as that reflected in your letter then it would be best to let a jury decide the issue.

Enclosed is a copy of the Complaint which we have filed. Hopefully, by the time this matter is concluded, Ms. Doe will not be so willing to trivialize injuries she caused another, no matter how minor her counsel, with no grasp of the facts, believes the injuries to be. You should no longer consider the matter closed.

Sincerely,

L. Lawrence Lawyer

continued from page 9

was compelled to attend, he realized that if the party had held the power of the state, he would have been declared guilty of treason and executed for his independent views. He unilaterally left the trial. In later encounters with party members, Wright was called a "Trotskyite" and a "traitor." The story of his break from the Communist party, including excerpts from *American Hunger*, appeared in 1944 in the *Atlantic Monthly*, while Russia, England, and the United States were allied against Germany in the Second World War.

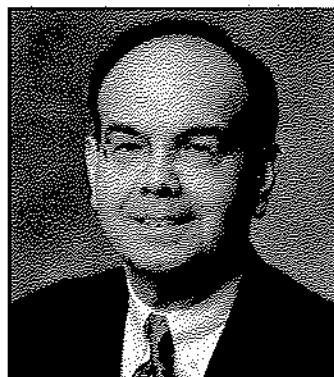
In the final chapter of Wright's original text, he lamented that "[s]omehow man had been sundered from man" and "that in all the sprawling immensity of our mighty continent the least-known factor of living was the human heart, the least-sought goal of being was a way to live a human life." He concluded that out of his "tortured feelings, [he] could fling a spark into this darkness. * * * I would hurl words into this darkness and wait for an echo, and if an echo sounded, no matter how faintly, I would send other words . . . to keep alive in our hearts a sense of the inexpressibly human." The *Library of America* text ends shortly before Wright's first extended work of fiction, *Uncle Tom's Children*, a collection of four novellas, is published to critical acclaim.

Not having received any emotional comfort from his

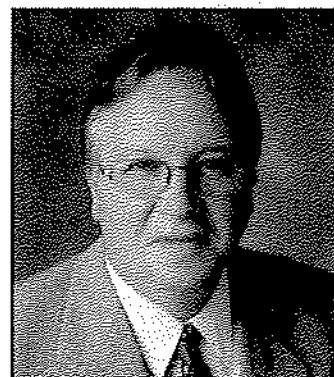
family while growing up, Wright never had any sustained personal relationships with any one during his lifetime, even those black authors whose careers he nurtured and encouraged, except for his two daughters. Throughout his life he always appears to have been angry and defiant, constitutionally incapable of submitting to what he perceived to be an injustice whether inflicted by members of his family, his teachers, his employers, any political institution, whites, or any one else. Finding no sustenance in personal relationships, he turned to reading and writing, which opened a new world of emotions and idea, and raised his self awareness to new levels. He was an autodidact who wrote with a self-confidence that makes his prose seem effortless, yet gripping. His trenchant analysis of his own position and that of his race in American society in the period covered in the *Library of America* text is as compelling, authoritative, and as fresh today as when it was first written.

Upon his death, Wright was cremated with a copy of *Black Boy*. The ashes are interred at Pere Lachaise Cemetery in Paris. His diploma from Smith-Robertson School is on display at the Smith-Robertson Museum. A statue of Wright, along with those of Welty and Faulkner, was unveiled on the one-hundredth anniversary of his birth in downtown Jackson.

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continued from page 1

impediment! For others, it is a mere redirection to Facebook or some other communication site. It is those differences that we want to address. We anticipate utilizing the services of the American Bar Association to guide us through this process. You may be called upon to participate in a survey that will help us craft our future. Please take a few minutes to help.

For the first time in several years, we will combine our Golf Tournament with that of the Jackson Young Lawyers Association. The tournament will be in June at Annandale and we will continue to use the event to raise funds for the MS Volunteer Lawyers Project. Our hope is that by combining forces and resources we can build an even stronger event. Please plan to support this tournament through your generosity and participation. Remember . . . it is a *fundraiser!*

It has been a tremendous honor and pleasure for me to serve as President of our Bar Association this year. Many of you stepped forward with ideas for new projects and events and the membership supported them. We represented the legal community well by maintaining a visible, strong, and positive profile in our community. I am now looking forward to assuming my new role as a past president and proud active member of the Hinds County Bar Association.

2009 Golf Tournament Plans Announced

For the first time in several years, the Hinds County Bar and the Jackson Young Lawyers will combine their respective golf tournaments. The tournament will be held on

Thursday, June 11,
at Annandale Golf Club.

Chairing the event for the HCBA is
Jay Kilpatrick, and the
JYL Chairman is Clarence Webster.

**For complete information and registration,
a flyer is included in this newsletter.**

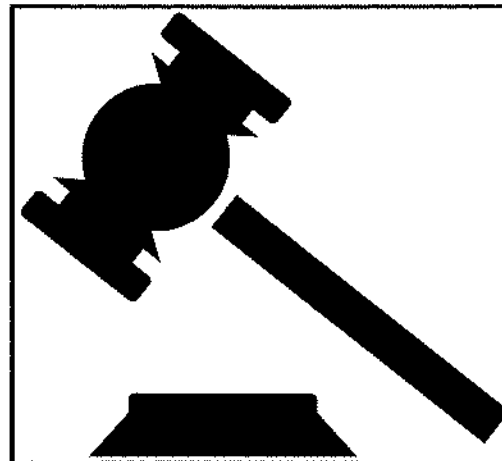
The flyer (which will not be sent in the mail)
will also be emailed to all members.

The deadline to participate is June 1.



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REMINDER

The Hinds County Bar Association

February Luncheon Meeting

will be held

Tuesday, April 21, 2009

at 12:00

Speaker:

Professor Matthew Steffey

from Mississippi College School of Law

The cost is \$15.00 for lunch

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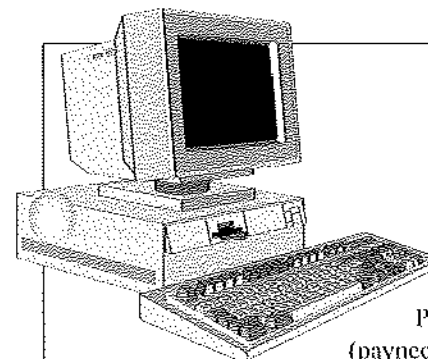
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On Computing

by Joel Howell

Everybody's crazy about Google. Thanks to Donna Payne of the Payne Consulting Group (payneconsulting.com, a site worthy of a look), and Law Technology News, here are some hints to sharpen your Google use.

Did you know that Google functions as a calculator on the command line? You probably also know that you can open a Word document by pressing CTRL-9, then type -- followed by a formula and press 9 to calculate the values. Do this within the Google search box and the result displays just under it. You can also type more complex formulas by using the +, -, *, / and () symbols.

You can also obtain conversion information quickly. For example, currency: 230 Euros = 292.7 U.S. dollars.

It's also easy to narrow the scope of a search. For example, typing "movie:" followed by the name of a movie and a given zip code will return a list of showings in that area. Searching for a musical artist or album title by putting "music:" before the name will return only the results related to the musical work, as opposed to the gossip and other effluvia a more general search would deliver. Typing "define:" before an unfamiliar word will return its definition, rendering dictionaries obsolete. (Although dictionary.com still has its charms.)

Google even makes it easy to search within specific sites. Simply typing "site:" before the name of a website and the keywords for which you are searching will return a list of instances wherein the keywords appear on that site alone.

Putting quotation marks around a specific phrase or set of keywords will ensure that your search is targeted towards what you actually want to find, as opposed to just anything with any one of the words in it. "Jackson MS" for example, will return information about the city, while Jackson MS without the quotes will result in a lot of random articles about the Jackson 5, Andrew Jackson, Jackson Pollack, and Ms. magazine.

Another useful search-refining tool is the exclusion

function. Typing a - before a word you wish to exclude from your search ensures that your results do not include extraneous information. For example, a search on bar journals will be much easier to slog through if you include "-pub" in the search parameters.

Google also makes it simple to track stocks. Just typing a stock symbol will return Google's most recent indexed price. Doing a search on your own phone number can also reveal important information: Google can tell you if anyone else has the same number and what sites might be giving out your information.

Identity and information theft is a threat that has been present in the collective consciousness for several years now, and as technological innovations make our information processing devices smaller and more portable, it becomes an even greater concern. Fortunately, there are several available methods for encrypting these devices so that the data they contain remains secure in the event of loss or theft.

There are two primary modes of encryption: file system-level encryption and whole disk encryption. Whole disk encryption renders the device totally useless and inaccessible without a password, but presents the risk of being unable to access your own information or even start up the device if you forget that password.

Alternatively, it is possible to encrypt only certain files and folders, but this presents its own issues. Setting up a system of specially encrypted files and folders can be very time-consuming and may not protect as much information as you think. Data stored in caches, temporary folders, and other locations will still be accessible.

All this goes well beyond your home or office computer or laptop. What might happen if you lost that nifty USB drive you carry around? These can be encrypted, but at a minimum should be password protected. Most of the better USB devices come with software to do so. SanDisk's Cruzer comes with onboard password-protection software, among other things. More on this in the future.

HCBA ELECTION RESULTS

Congratulations to our new officer and directors!

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DIRECTOR - POST 1
Peyton Prospere

DIRECTOR - POST 2
Cheryn Baker

HIGHWAY EATS

by The Road Lawyer

Aberdeen is a thousand miles from New York City. County seat of Monroe (accent on the first syllable) County, Mississippi, Aberdeen was established in 1837 and became a thriving cotton port in its early days. Today, it is a port on the west bank of the Tenn-Tom Waterway. The little city of 6,400 or so people hosts an annual pilgrimage to show off its antebellum houses. It's also full of courthouses and more than a few lawyers. The seat of the Monroe County Circuit and Chancery Courts, Aberdeen is also home to the U. S. District Court and Bankruptcy Court for the Northern District of Mississippi.

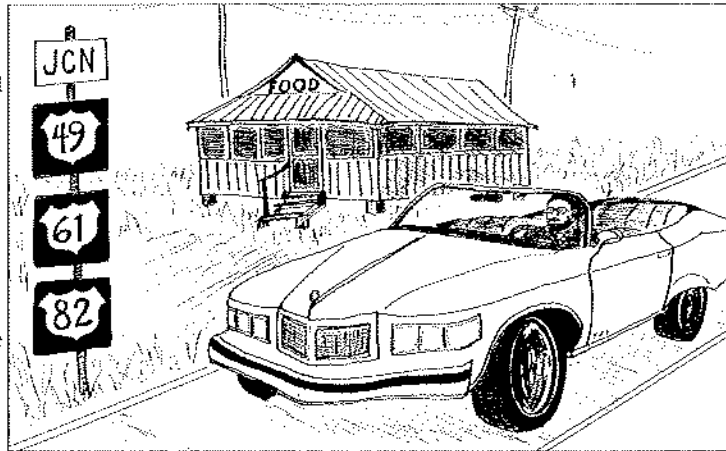
Yet right there in Hell's Kitchen, no less, at the Stage Left Studio Theatre on 37th Street between 9th and 10th Avenues in Midtown West Manhattan, they're talking a lot about Aberdeen, Mississippi. Every Wednesday evening until May 25, the Studio will present *Southern Gothic Novel: The Aberdeen Mississippi Sex-Slave Incident*. Never mind that the Studio Theatre is way off Broadway in an old industrial building, the theatre has only 30 seats and a few more stools, and there's no sign on the street, just a tiny note by the doorbell labeled "5A." The price is right: \$25 a ticket.

Senator Hob Bryan (Monroe County, Mississippi) invited the Road Lawyer to join him for a performance of SGNTAMSSI recently. Turns out it is a wacky sixty-minute play written by Frank Blocker who also portrays all 17 eccentric characters on a tiny stage with no props, scenery, or special costume — just a rubbery face and wonderfully facile voice.

Some of the characters are lawyers, and the best line in the play is uttered by a judge. Judge Percy, to Lawyer Pete Egley, upon holding him in contempt: "Do you want to pay cash, or do you want to run a tab?" Something like that, anyway, which in context was pretty funny.

The play is indeed set in Aberdeen, Mississippi, at such places as the Evans Memorial Library, a saloon, Chinese restaurant, the water tower, a mobile home park, and, of course, the Monroe County Courthouse. Most of the names were changed to protect the innocent/guilty. You'll have to see it to learn about the "sex-slave incident." The characters — familiar and engaging caricatures — engage in romance, kidnapping, and law enforcement.

Afterwards, we chatted with Mr. Blocker, to learn about his connection to our Aberdeen. He is an Oklahoma native who graduated from Cameron University in Lawton,



Oklahoma, and studied theatre and writing at Southeastern Oklahoma State University. It was a school writing assignment that turned into SGNTAMSSI. The novel became a one-man play, and now he plans to take it on tour (and make some money). All 30 plus seats in the theatre were filled when we were there, and the audience had fun watching the talented Mr. Blocker aka Viola, Big Otis, Junebug, Mama, Jimmy, Little Pete, Mrs. Wong, etc.

The director of the play, Cheryl King, created the Stage Left Studio in 2005. It is the only solo show repertory theatre in Manhattan. Ms. King has another life as resident acting coach at *All My Children*, ABC's daytime soap drama, and many other accomplishments. She is also a charming hostess to those who find their way to the Studio, and she even got out her camera to take a picture of Monroe County's own Senator Bryan with Mr. Blocker.

The 60-minute play allowed for a leisurely meal afterward at a Broadway spot that does not serve heart-stopping pastrami sandwiches or hunks of cheesecake: Haru, a Japanese restaurant on West 43rd Street just off Broadway and a short block from Times Square. The sushi and the calamari salad with lime-ginger dressing are always good there. The place is appropriately glittery, with a wall made of tree limbs and twinkly lights separating the central dining area from the bar.

We saw another unconventional show while in New York — *Hair*, subtitled *The American Tribal Love Rock Musical*. Just opened on Broadway after a recent successful run at the open-air Shakespeare Theatre in Central Park. Talk about retro — this play is 42 years old. Those of us who watched television way back when to see our draft numbers drawn in lottery-type fashion are now old enough to be the grandpa or grandma of the enthusiastic young singers on the stage in *Hair* today! Those winsome young folks can't possibly have a clue about what our world was like in 1967. But they are talented and energetic, and they fill the theatre with their voices and love beads and macrame and tie-dyed fabrics, singing the familiar "Aquarius," "Good Morning Starshine," "Let the Sunshine In," and others. At the end, the dancers/singers invite the audience to come up to the stage for some disco dancing.

After the show, we went to the bar at the Top of the Tower — the 26th floor of the Beekman Tower Hotel in East Midtown Manhattan (49th Street and 1st Avenue) to talk about the world as we knew it in 1967. The bar serves lovely and expensive cocktails that lend an extra magic to the lights of the various

continued on page 17

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boroughs and East River on view from the panoramic windows. The Beekman Tower was built in 1928 as the Panhellenic Tower, a clubhouse and apartment hotel for women college graduates, and it drips with exquisite specimens of Art Deco furnishings. In 1950, by the way, the United Nations Headquarters was completed on a large piece of property nearby.

Back to 1967. Remember the comely Jane Fonda in Neil Simon's *Barefoot in the Park*? Robert Redford was her co-star in the 1967 movie about young newlyweds setting up housekeeping near Manhattan's Central Park. It was *Cat Ballou* in 1965 that catapulted Ms. Fonda to fame.

You may also recall that Ms. Fonda was an anti-Vietnam War activist. How appropriate is it that she is currently starring on Broadway a few blocks from the theatre rocked by young singers and dancers playing the hippies with their message of peace and love in *Hair*? Hanoi Jane is 71 years old and still a brilliant, not to mention attractive, actress.

She stars in *33 Variations*, a new play written and directed by Moises Kaufman. Ms. Fonda plays a Ph.D. musicologist who just happens to be dying of Lou Gehrig's Disease while in

Bonn, Germany, researching Beethoven's motives and inspirations for composing 33 variations of a Viennese waltz for piano. Parallel stories of 19th and 21st century characters occupy the stage, along with an accompanying pianist, and enchant in this fictional, rather esoteric story. Music by Beethoven.

A young actor makes his Broadway debut in the play. When Colin Hanks walks onstage, you can't mistake the nose and furrowed brow inherited from his father.

After this matinee performance, we went to an all-time favorite New York City restaurant, Molyvos between 55th and 56th Streets on Seventh Avenue just south of Carnegie Hall. Here you will have Greek and other Mediterranean food at its finest. The Greek wine selection is excellent, and the whole fish are very fresh and perfectly prepared. Many other traditional Greek dishes are available. No one can prepare grilled octopus like Molyvos.

Let the Road Lawyer know your favorite New York City haunts and experiences. Contact me in care of Pat Evans, HCBA Executive Director.

People's Law School

by Lyndsey K. Eadler — first year student at MS College School of Law

The Hinds County Bar Association hosted an educational program Saturday, February 28 at Mississippi College School of Law. People's Law School, a free three-hour session open to the public, focused on issues relating to women and children. The event was organized by La'Verne Edney, Chairman of the Women and Children's Advocacy Committee for the Hinds County Bar Association. Local lawyers and program directors spoke on divorce, guardianship, child health care, child support, and domestic violence, with the focus on educating a lay audience about these areas of the law.

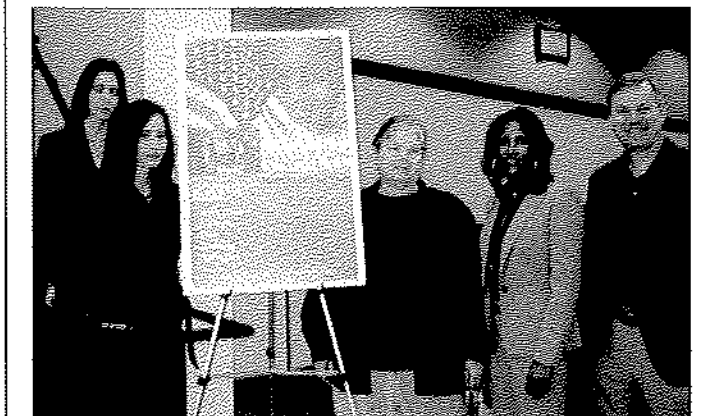
"The aim of People's Law School was to provide information to the community, especially those resources and services that are free to the public," said Edney.

Representatives from the Attorney General's Office, the Mississippi Volunteer Lawyers Project, the Mississippi Coalition Against Domestic Violence, and the Department of Human Services' Division of Child Support Enforcement were present along with other program representatives to provide valuable information on their topics of expertise.

Brandi Brown, senior attorney and program manager for the Catholic Charities Legal Assistance Clinic, spoke about the Mississippi Domestic Violence Protection Act and the other Mississippi laws that assist victims of domestic violence. In addition to providing information about the laws relating to women and children's issues, the guest speakers

provided practical, do-it-yourself information such as how an individual can obtain a Temporary or Permanent Restraining Order.

Also valuable to the People's Law School participants were the referral services provided, as well as the services of local programs specializing in these areas. Program Chairman Edney's twin aims of educating the public and providing resource information were well-accomplished at this event.



(from left) Committee members for the People's Law School: Leigh Ann Tingle; Carole Ann Tingle; Carol West; La'Verne Edney, Chairman; and Rob Wells

continued from page 3

terms. It refers to billions of dollars of pet projects inserted into thousand page federal appropriations bills at 2:00 A.M. on weekends by Congressional lawmakers. The most famous of these was the infamous bridge to nowhere in Alaska, compliments of Senator Ted Stevens and the Yukon State's lone Congressman, Don Young. I submit to you that the infamy surrounding this and other earmarks had less to do with substance and much more to do with perception. Let me explain. Federal appropriations have to be spent somewhere. Unfortunately, over the last six years, too many federal dollars were earmarked for Iraq to pay for an off budget military occupation or no bid contracts for Halliburton, Blackwater Security, etc. But when the dollars are spent in the United States everybody benefits, at least sometimes. Hey, construction companies in Alaska need contracts too, even if the cost/benefit analysis comes up a little short. The problem with the Alaskan earmark was Uncle Ted Stevens, front man for the project. Uncle Ted, who is now vacationing at Club Fed, is the legislative equivalent of Clint Eastwood in *Gran Torino*. "Hey you kids, get off my lawn." At the other end of the decorum spectrum is our own U.S. Senator, Thad Cochran, the reigning champ of earmarks emanating from the U.S. Senate. Senator Cochran is low key, courtly, and polite. Who doesn't like Thad? Thus, the solution to the earmark problem is to simply rename them, "Thadmarks." And if that doesn't go far enough for some of you Common Cause types out there, why not borrow a more appropriate term from Senator Roger Wicker, himself a top five earmarker in his relative short tenure as a U.S. Senator. By dubbing all federal earmarks as "Wicker Furniture," we could have a uniquely Deep South solution to a distinctly American Problem. I bet we could even contact Southern Living in Birmingham to do a photo

shoot linking mainland Alaska to an island inhabited by 50 people and an airport. One possible title: "Wicker Furniture Brings The Deep South to Palin Country." We could even have Roger and Sarah in rocking chairs on the bridge while lots of adorable kids in parkas shoot wolves from helicopters.

Criminalize Commercial Weight Loss Programs

All the foregoing is vitally important, but here is the centerpiece of my plan. In sum, we should enable average Americans to be "Too Big To Fail." Under my plan, every male weighing 300 pounds or more would be deemed to be "Too Big To Fail." The same status would be accorded to all females weighing 250 lbs or more. Once the target weight is achieved, the government would pay all personal bills, period. In the short run, farms, grocery and liquor stores, as well as bars and restaurants would all boom. And since obese people tend to have higher mortality rates, government expenditures would be automatically limited by premature death. But wait, there's more. For every pack of cigarettes smoked by those deemed "Too Big To Fail," subtract ten pounds per pack to qualify. For example, a 270 pound man with a 3 pack per day habit would still qualify. The benefits to tobacco farmers, convenience stores, and cigarette manufacturers would be immediate. And since mortality would occur sooner, fewer individuals would remain on the public dole over the long run. Quite simply, it is a short term fix coupled with a long-term solution.

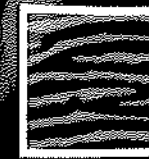
So what about it, Mr. President and Congress? It is time for America to eat, drink, and smoke its way back to fiscal health. If you agree, contact your Representative and share this plan with him.

Law Related Film Festival

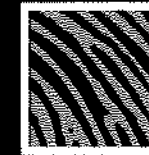
Virginia and Luther Munford discussed 'Ethics in Dueling' Professional Careers: A Contemporary Look at Adam and Amanda Bommer's Roles in *Adam's Rib* in a program led by Mary Libby Payne. This was part of the ongoing HCBA Law Related/CLE Film Festival series on legal professionalism. Anita Modak-Truran serves as chairman of the committee.



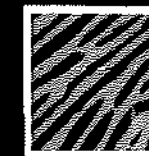
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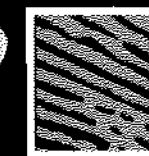
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EXCEPTIONS

Exam Schedule April 27th – May 15th

Monday - Friday	7:30 a.m. - midnight
Saturday	9 a.m. - midnight
Sunday	noon - midnight
Thurs. May 14th - Fri., May 15th	7:30 a.m. - 4:30 p.m.

*Summer hours will begin May 16th.
Hours subject to change without notice.
For more information call the Circulation Desk at 601-925-7170.*



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HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

AUGUST 2009



President's Column

by Thomas B. Alexander

The 2009-2010 Hinds County Bar Association year is well underway. Since the last Newsletter several exciting events have taken place. The Annual HCBA Golf Tournament was held on June 11, 2009, at the Annandale Golf Club. This year the HCBA will be donating the proceeds from the golf tournament and the silent auction

to the Mississippi Volunteer Lawyers Project. Thank you to all of the players and volunteers, especially to Golf Tournament Committee Co-Chairpersons, Jay Kilpatrick and Elizabeth Thomas, who made the Golf Tournament a huge success. Although a complete list of the names of the various winning teams in each of the 3 flights of golfers appears in this issue of the Newsletter, special recognition goes to the first place team in the Championship Flight: Craig Robertson, Travis Conner, Mark Power and Matt Easterling.

Additionally, the first bi-monthly membership meeting of the new bar year took place on June 16, 2009. George Fair, newly installed Mississippi Bar President, was the speaker and he shared some of the activities for the next year, as well as some of the challenges facing the Mississippi Bar. George also offered some encouragement to all of us to make a positive impact as lawyers. The winners of the HCBA Annual Essay Contest were also announced. First place winner, Mary Tabor Barron, from Madison Middle School read her winning essay on "Why 16 year olds should be allowed to vote." The second place essay winner was Miranda Barrett and the third place winner was Teryn Yazdani, both of whom attend St. Joseph's Catholic School. The HCBA Essay Contest is open to all 8th grade students in the area. Thank

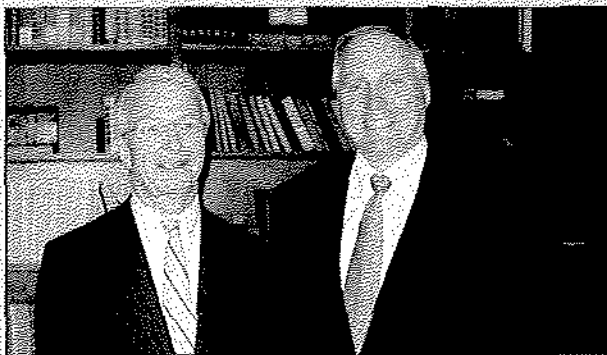
you to the entire Law-Related Education Committee, and especially to Lindsay Watts, who served as the Chairperson this past year, for their work with this successful effort to spark interest in law-related topics with our area students. You may read the winning essay and see a picture of the winner in this issue of the Newsletter.

You will want to attend our next bi-monthly membership meeting on Tuesday, August 18, 2009, where Adam Kilgore, General Counsel to the Mississippi Bar, will be the speaker. This will be a great opportunity for you to get 1 hour of CLE Ethics credit and enjoy a good meal with other HCBA members.

Also, I want to encourage you to read through this entire issue of the HCBA Newsletter since there are a number of very interesting articles written by several different HCBA members that you will enjoy reading. There are also a number of stories and pictures which describe and show the various activities of several of the HCBA Committees. For example, in this issue there are photographs of the recipients of the HCBA Community Grants. These grants are awarded after a thorough review of the numerous requests received by the HCBA Community Grant Committee, which was chaired this past year by Cheryn Baker. The HCBA awarded community grant money to the following organizations: the Mississippi Humanities Council; the Arts Therapy Program for detainees at the Hinds County Detention Center; and to the P.A.L.S. program of the Southern Christian Services. There are also pictures from the HCBA Annual Golf Tournament and the Social after the tournament during which a silent auction was conducted to raise money for this year's beneficiary, the Mississippi Volunteer Lawyers Project of the Mississippi Bar.

I also want to again encourage each of you to join a committee and get involved to help the HCBA make a positive impact in our community during the 2009-2010 bar year. To assist you in reviewing your opportunities, a complete list of the different

continued on page 8



HCBA June Membership Meeting

George R. Fair (left), President-Elect of The Mississippi Bar Association, was the guest speaker at the June HCBA Membership Meeting. He was welcomed by Tom Alexander, HCBA President.

HCBA LUNCHEON MEETING

Tuesday, August 18, 2009 Capital Club 11:30am Cost for lunch/CLE: \$25.00

The speaker for the Ethics Hour is Adam Kilgore.

HCBA Calendar of Events

August 18, 2009

**HCBA Membership Meeting
& One Hour CLE Ethics**
11:30 • Capital Club

October 20, 2009

HCBA Membership Meeting
Noon • Capital Club

December

HCBA/JYL Christmas Social
Day and place to be announced

February 16, 2010

HCBA Membership Meeting
Noon • Capital Club

April 20, 2010

HCBA Membership Meeting
Noon • Capital Club

ATTENTION

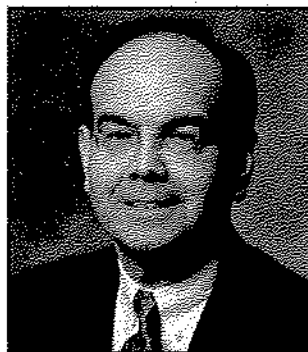
The Hinds County Bar Association Needs Your Assistance

During the month of August, the HCBA will be conducting a brief on-line membership survey to help your Board to improve the HCBA, both for today and in the future. The electronic survey will be completely confidential. The survey will be conducted for the HCBA by the American Bar Association's Division for Bar Services.

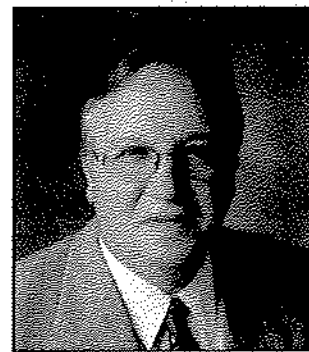


Corey Hinshaw (left) received the Jackson Young Lawyers President's gavel from Alex Purvis at the recent Evening Honoring the Judiciary Dinner

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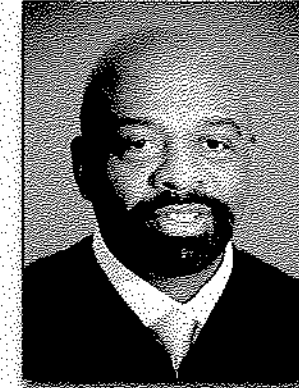
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Justice James Graves

by Kate Margolis



According to Mississippi Supreme Court Justice James Graves, leading a "balanced life" is not only a worthy pursuit, it's one of the secrets of his success. He credits his parents with instilling in him the value of making time for activities that nurture the body, mind, and spirit.

Graves' love of basketball began with a rim on a plywood backboard in the backyard of the tiny house in Clinton where he grew up with two younger brothers and three younger sisters. His love of cooking began in his mother's kitchen. Today, "cooking is like therapy" for Graves, who says "the worse the day, the better the meal." The "Sunday meal is a big deal" in his household, a weekly event that his father emphasized by requiring everyone to recite a Bible verse.

His father also encouraged love of learning. "No matter how hard my Daddy worked at the factory every day," Graves recalled, "he asked about my schoolwork every single day. And although he never finished high school, it was clear that he valued education." Every one of the Graves children would finish high school and go on to college. However, early on, Graves' father reminded him, "It's enough you don't know to make another world." Graves took that to heart and finds it as applicable today as it was then. "You can always learn more," Graves said. Graves' father went on to get his GED, earn a divinity degree, and become a minister in his 40's.

Graves graduated from Sumner Hill High School as valedictorian. (He also demonstrated his social panache when he and three friends all dressed alike for prom in "red dress shirts with a black and red tie, black and white shoes.") After that, all Graves knew for sure was that he "didn't want to be poor" and he "wanted to help other people."

Graves attended Millsaps College, where he received a Bachelor of Arts in Sociology, and met his future wife, Dr. Bettye Ramsey Graves, now an associate vice president at Jackson State University. He recalls they were an "item" by his junior year and on their first date, they saw a movie starring Billy Dee Williams.

After graduation, Graves worked for two years as a social worker with the Department of Public Welfare and then enrolled at the Syracuse University College of Law. While he didn't "love" law school course work, the competition with

law students from Harvard and Yale on a national appellate team fired his imagination. In addition to earning his law degree, Graves also earned a masters degree from the Maxwell School of Citizenship and Public Affairs at Syracuse, where he was recently honored with the 2009 Maxwell Public Administration Alumni Award.

Graves decided early on to return to Mississippi and began his career as a staff attorney at Central Mississippi Legal Services. He subsequently joined the Mississippi Attorney General's Office, serving as head of the Human Services Division, and later became director of the Division of Child Support Enforcement of the Mississippi Department of Human Services.

Friends began to encourage him to consider becoming a judge. In February 1991, Graves was appointed as a circuit court judge in Hinds County, a position he held until November 2001, when then-Governor Musgrove appointed him to the Mississippi Supreme Court.

Graves particularly enjoys working with his law clerks, who "provide a fresh perspective." One of his current law clerks, Delaware Native Cynthia Pong, a graduate of NYU Law School, specifically sought the job based on Graves' career-long commitment to public service and the recommendation of one of her professors, who told her Graves "was the best state court judge in the country." Pong, who plans to work for Legal Aid in New York City, said Graves is "probably the best boss I'll ever have."

Graves stresses that there is "no substitute for genuinely caring about other people, taking time to listen." His efforts to motivate students to strive for excellence have been repeatedly recognized on the national, state, and local level. He also does as much public speaking as time allows. Graves recently spoke at the opening of the "Contraband Camp," a new federal park in Corinth, where former slaves ran a Union Army camp, and served as the commencement speaker at the Mississippi School for the Blind, where there were only two graduates. "It's not often the salutatorian is at the bottom of the class," he quipped.

Graves says he is "proud to be from Mississippi" and considers it a "luxury to have chosen a profession," rather than just fall into whatever comes along. Two of Graves' sons, Chris and James, have already chosen law as a profession, and his son, Jeffrey, a mortgage loan originator with a local bank, is making plans to attend law school.

Graves is committed to reminding all of us who have chosen law as a profession that time for "developing family and social relationships, [and] spiritual development" is as important as work. His role models have been married for 56 years and they are still going strong.

OFFICE SPACE AVAILABLE

Affordable, high end office space available in 5500 and 3000 square foot sections at I-55 north of Meadowbrook. Easy I-55 access and visibility and convenient "walk up" parking. (Space sharing arrangements also available.)

Contact Sam Peters at Peters Realty, 601-977-0800.

2009 Golf Tournament

For the first time in several years, the Hinds County Bar and the Jackson Young Lawyers combined their respective golf tournaments. The event was held June 11 at Annandale Golf Club. Chairing the tournament for the HCBA was Jay Kilpatrick; Clarence Webster served as the JYL Chairman. The HCBA proceeds will be given to the Mississippi Volunteer Lawyers Project, and the JYL proceeds will go to Mississippi Boys and Girls Clubs. Both organizations, HCBA and JYL, are very appreciative of all the sponsors.

Congratulations to the Golf Tournament Winners!

Championship Flight

First:
Craig Robertson
Travis Conner
Mark Power
Matt Easterling

Second:
Steve Montagnet
Tad McCraney
Ken Miller
Eric Hamer

Third:
John Proctor
Bobby House
Scott Williamson
James McCullough

First Flight

First:
Anthony Simon
Phillip Thomas
Pieter Teeuwissen
John Giddens

Second:
Buddy Mitcham
Blair Bingham
Rick McCarty
Matt Harven

Third:
Bob Grenfell
Jim Streetman
Jim Moore
Ken Adcock

Second Flight

First:
Cory Radicioni
Paul Barnes
Charlie Russell
Jimmy Hall

Second:
Henry Chatham
Charles Ozier
Don Nichols
Ben Piazza

Third:
Michele Biegel
Craig Brasfield
Bill Featherston
Bettie Ruth Johnson



Kevin Buffington, Committee Member; Jay Kilpatrick, HCBA Chairman



Mason Lowe; Meredith Aden, Committee Member



Maggie Burns; Elizabeth Thomas, HCBA Co-Chairman; Jenny Wilson, Committee Member



Ben Piazza, Committee Member and past HCBA President; Damian Crooks and Cody Gibson, MS Volunteer Lawyers Project



Jay Kilpatrick; Pat Evans, HCBA Executive Director



Debbie Foley; Corey Hinshaw, JYL President

HCBA/JYL Golf Tournament Committee Members and Sponsors

COMMITTEE MEMBERS:

Jay Kilpatrick, Co-Chair
Elizabeth Thomas, Co-Chair

Ben Piazza
Debra Allen
Jay Bolin

Collier Simpson
Meredith Aden
Kevin Buffington
Jenny Wilson
Lindsay Watts
Lyle Robinson
Rob Dodson

Clarence Webster and the others members of the Jackson Young Lawyers Golf Committee

Special Thanks to Pat Evans

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Mississippi's Tamale Trail

by Amy and Steve Scott / Owner of Great Scott



Steve and I read an article on the Tamale Trail sometime ago and vowed it would be a fun experience we wanted to enjoy. So I decided to surprise him and plan the short get-away. Many times we find that 36 hours away can give us the boost we need for rest and rejuvenation. We began our trip at 4:30 on Friday afternoon heading to the Delta.

Our first stop would be a few miles from Leland at the Bourbon Mall and we were blown away. In the middle of a cotton field you will find the home of the deep fried hot tamale. We could not imagine a tamale being better, but the deep fried coating took it to another level of goodness. In the beginning of our trip, we planned to eat small amounts in order to taste as many hot tamales as we could in 36 hours. It was hard to hold firm to our plan at the Bourbon Mall. We left Leland and headed to Greenville where we stopped at Scott's Hot Tamales, a roadside tamale stand, where we picked up 6 tamales and took them with us to our room. We checked in our hotel, took a short rest, and then headed to one of our favorites, Doe's Eat Place. This was an unusual, interesting night at Doe's. We ate in the kitchen and were seated by a couple from France who spoke very broken English. They observed as we were served our salad and hot tamales, watching us unroll each hot tamale and oooh and ahh over each bite. We insisted that Florence bring them a round of hot tamales. Their first hot tamale experience. We thoroughly enjoyed the evening and wondered how we would enjoy another full day of hot tamales.



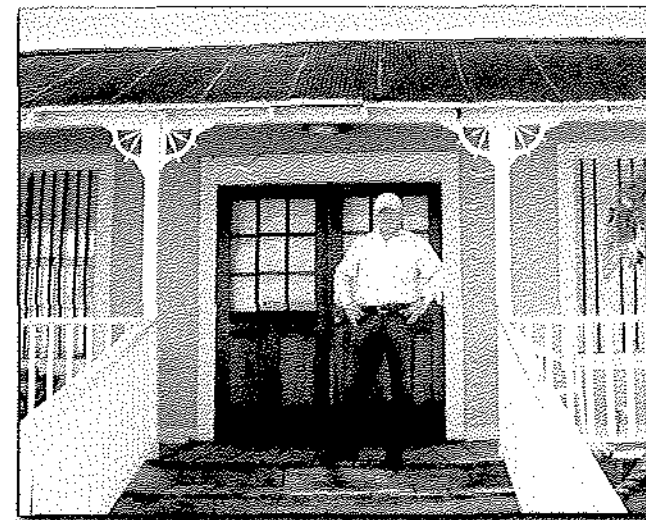
We started our day early with a run and walk to combat all the calories we were taking in over a 36 hour period. The exercise was just what we needed to get us ready for Hot Tamale Heaven, the first stop on our list for Saturday. It was a beautiful day and we enjoyed an

outdoor picnic brunch of tamales and ice tea.

Little did we know what was in store at our next stop! Rosedale, Mississippi, home of the White Front Café and the #1 hot tamale on our list. Barbara Pope is the owner and chef of these fine hot tamales. She was so kind and told us how she grinds her own meat and makes each tamale by hand.

We could not believe how delectable these tamales were and could not stop with six. I think we devoured 18. We ended up buying a cooler and packing five dozen frozen tamales in it to take home. We then headed to Cleveland;

but, being in a food fog, missed our turn and headed on to Clarksdale, our final destination. We were losing our interest in tamales, but decided to imbibe in a couple more stops. Hick's and Abe's in Clarksdale, both offered great hot tamales, but we were looking for a nap at this point and the little pink house!! We were greeted by a southern gentleman who gave us the keys to the little pink house and told us some great places to dine and dive in Clarksdale. We had a wonderful romantic dinner at Rust and took in some blues music at Ground Zero. All were in walking distance of the little pink house. What a fun get away! We were home the next day by 12:00 noon filled with tamales, love, and laughter as we recounted each tasty tamale we shared! Oh, what fun you can pack in 36 hours. We are also known for taking 24 hour vacations too!! Give the Tamale Trail a whirl and come by and tell us your favorite. If you are in Rosedale tell Barbara we will be sending our cooler soon!



Top Ten Mortal Enemies of America

by Captain Equity

Michael Jackson, Elvis Presley, Steve McNair, Sahel Kazemi, Sarah Palin, Bernie Madoff, Bernie Ebbers, Dickie Scruggs, Ed Peters, Trent Lott, John Breaux, Tom Daschle, Billy Tauzin, William Jefferson, William Jefferson Clinton, John Edwards, Eliot Spitzer, Newt Gingrich, Larry Craig, David Vitter, Mark Sanford, John Ensign, Duke Cunningham, Mark Sceepe, and, of course, Dick Cheney. These are some of the people I have been forced to think about as the summer has unfolded, none in a particularly positive way. So, with apologies to David Letterman, let me submit that America's future is in peril due to the following:

10. Tattoos -- Some would argue this is more a benign symptom of the evils caused by a confluence of the nine after mentioned enemies. Many younger non-readers of this column would make the case that I am just an out-of-touch, bitter old man; traits I used to think would one day qualify me for the federal bench. I guess teenagers are by definition immortal and free of the future beyond next week. Most never imagine that one day they might become lawyers and regret the fading barbed wire tattoo just below their short sleeve. That little permanent indiscretion can undermine client confidence on casual Fridays while doing damage to the hourly billing rate. Worse yet, how about being a cardiologist or university president and having to always wear long sleeves, even in the Mississippi summer?

9. Demise of the Adult Class -- For years you are a cute kid with pure motives. Then suddenly overnight you morph into a teenager with all the potential in the world for juvenile delinquency and worse. Traditionally, the role of parents, especially fathers, has been to subdue these tendencies and lead young people through this raging hormone storm to responsible adulthood. I am no exception. When I was on the brink of being rebelliously out of control at age 14, I was brought to my senses by harsh words spoken with a harsh tone, a lash or two from a parental belt (oooh, child abuse) and the two magic words that finally did the trick, "Military School." I have held a steady job ever since. But what happens when there is no father around at that critical time? Today in America, more than 40% of all births are out of wedlock. For African Americans the number rises to 70%. Children are increasingly being raised by grandparents while educational experts, social scientists, and editorial writers wring their hands wondering why so many children are "At Risk." Duh!

8. Guns -- Here is the ultimate hot button issue. I know, "If we outlaw guns only the criminals will have them." Query; when did Steve McNair's murderer become a criminal? Other than the previous day's DUI, was it when she pumped four bullets into the former NFL quarterback? Over the past decade, the United States has averaged about 8500 gun related homicides a year. That is roughly 25% of all traffic deaths annually. Aside from murders, research indicates that in households with guns there is an exponentially greater likelihood of a firearms related accident or suicide than in homes without guns. I can hear the Castle Doctrine crowd now. "That Captain feller wants Obama to take our guns away. Hell, I bet he ain't even a real Captain." (For the record, I am an honorary Captain -- you got me). As

to banning guns, I wouldn't go that far, but they should be the exception rather than the rule in a country with 300 million people and 250 million guns. I am just saying that when you combine #9 supra with #7 infra with a handgun, chances are the result will be bad. You can survive a punch in the nose and you can outrun a knife, but nobody is quick enough to dodge a gun propelled bullet.

7. Drugs -- Whether it be Jim Beam, Crystal Meth, Crack Cocaine, Nicotine or generic Xanax, America has a drug problem that is slowly destroying it. The most memorable victims are Michael Jackson and Elvis Presley and every other celebrity overdose since Janis Joplin and Jimi Hendrix. Sadly, drunk driving homicides and boozed fueled shootings, which are common place, are overshadowed by premature celebrity deaths. We tried Prohibition for booze and it didn't work. So now we have liquor stores for bourbon, prison for marijuana, and prescription happy doctors for celebrities. And that doesn't even factor in the street crime and outflow of dollars to narco-terrorists in South America and Asia. Actually, self restraint would help immensely, but unfortunately, it is in increasing doses of short supply, see #9 supra and #2 infra.

6. Corruption -- Like everything else, there are layers of corruption ranging from Duke Cunningham and Dickie Scruggs style quid pro quo to former Senators, Congressmen and their staffs who go from public office to private lobbying without so much as even a hint of embarrassment. It may be legal, but it is not right. Business as usual in Washington D.C. is merely a manifestation of just how corrupt government at all levels has become, not to mention big business that pays the tab for access and influence. Too harsh you say? Spare me all of the patriotic intonations and phony flag pin lapels. America is for sale and the system makes sure that the taxpayer pays much more for far less. Egregious case in point; the Medicaid drug benefit legislation signed by President Bush makes it illegal for the government to negotiate discounts with the Pharmaceutical Industry. Why? Because the drug companies have lobbyists and millions of dollars to give to politicians while average Americans just have health problems. See #5 infra.

5. Media Driven Narcissism -- Chief culprit; the television reality show. Whether it is a symptom or a cause is still debatable, but the primary inference to be drawn is this; everyone who wants to be in show business can be for the price of showing up for an America's Got Talent, American Idol, et al. audition. The worse you are, the better your odds of making it to television, at least for the audition shows. Talent and dignity be damned. Unfortunately, politics at all levels has descended into an ongoing reality show where lack of ability and/or integrity can be overcome by almost anyone with enough nerve and money to buy their way into American homes via television and the Internet. Think Sarah Palin and John Edwards and the legions of self absorbed snake oil salesmen, phonies, and crooks in love with their own voices and image. I suppose some of them even believe their narcissistic blather. Who knows and increasingly, who cares?

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President's Column

HCBA Committees and the names and contact information for the current Chairpersons appears in this Newsletter. You may also check the HCBA's calendar of activities and events by visiting the website: www.hindsbar.com.

Finally, in an effort to improve the Hinds County Bar Association and to better serve the membership, the Board of Directors, in conjunction with the American Bar Association, will be conducting a membership survey. The plan is to conduct an on-line survey of each member in August. The survey should only take about five minutes to complete and it will be completely confidential. The

responses will be compiled by the ABA, Division of Bar Services. Please take the time to respond to this brief electronic survey so that your HCBA Board can make your HCBA more effective and of better service to you, the members.

Please remember to join us at the next membership meeting of the HCBA on Tuesday, August 18, 2009 at the Capital Club and encourage others to come with you. As mentioned, you can enjoy good food, being with other members, and also get 1 hour of CLE Ethics, all for just \$25.00. I look forward to seeing you there.

Hinds County Bar Association Committees for 2009-2010

Bench & Bar Relations - This committee acts as a liaison between our local judiciary and the HCBA. Edward Watson, Co-Chairperson / (601) 968-8571 ew@alexanderandwatson.com, and Anna Furr, Co-Chairperson / (601) 965-4525 anna_furr@mssd.uscourts.gov

Budget - This committee works with the Board and Executive Director to establish and oversee the HCBA annual budget. Ronald Taylor, Chairperson (601) 985-4542 ron.taylor@butlersnow.com

Community Grant - This committee solicits grant proposals from local charitable organizations and makes recommendations to the Board for the grant awards. Doug Jennings, Jr., Chairperson / (601) 359-9052, djennings@sos.state.ms.us

Community Services Committee - This committee develops opportunities for our lawyers to participate in public service. Past projects have included a tutoring program at Barr Elementary School. Grace Tate, Chairperson / (601) 985-4407, grace.tate@butlersnow.com

Corporate Counsel - This committee identifies and addresses issues of unique interest to corporate attorneys - whether working in-house or in private practice. Michael R. Cooper, Chairperson / (601) 948-8733 Ext. 21, mcooper@molpus.com

Diversity - This committee promotes the importance of diversity and fairness in our legal community. Debra Brown, Co-Chairperson / (601) 352-2300 brown@dphelps.com and Shunda Pounders, Co-Chairperson / (601) 948-3101 spounders@brunini.com

Evening Honoring the Judiciary - This committee plans our annual awards dinner designed to celebrate Mississippi's local, state and federal judiciary as well as outstanding members of HCBA and JYL -- Pamela Prather, Co-Chairperson / (601) 949-4739 pprather@watkinsludlum.com and Tommy Siler, Co-Chairperson / (601) 360-9357 siler@dphelps.com

Golf Tournament - This committee plans and implements all aspects of this annual fundraiser. Elizabeth Thomas, Co-Chairperson / (601) 985-4546 elizabeth.thomas@butlersnow.com and Jay Kilpatrick, Co-Chairperson / (601) 948-6100 jay.kilpatrick@youngwilliams.com

Law-Related Education - This committee organizes an annual educational project designed to spark interest among area high school students in law-related issues. Past projects have included essay contests with cash prizes awarded. Rob Mink, Co-Chairperson / (601) 987-5324 mink@wyattfirm.com

Law-Related Film - This committee is organizing a series of CLE programs that will involve viewing and discussing films (both classic and modern) that revolve around legal issues. Anita Modak-Truran, Chairperson / (601) 985-4567, anita.modak-truran@butlersnow.com

Legislative - This committee will monitor and help inform our membership about issues of interest before the Mississippi Legislature during its regular and special sessions. Sandy Sanford, Chairperson / (601) 961-0050, sandy.sanford@att.com

Library - This committee oversees the funds statutorily designated for public use in the Hinds County Courthouses. Ben Piazza, Chairperson / (601) 956-2345, bjpiazza@scholaw.com

Newsletter/Editorial Board - This committee plans and publishes the HCBA's newsletters prior to our membership meetings. Luke Dove, Chairperson / (601) 352-0999, ldove81743@aol.com

Pro Bono - This committee helps provide opportunities for HCBA members to offer pro bono legal services in our service area. (Wills for Heroes) Marcy Forester, Co-Chairperson / (601) 948-3101, MForester@brunini.com and Leyser Hayes, Co-Chairperson / (601) 359-3680, lhayes@ago.state.ms.us

Professionalism - This committee selects the recipient of the HCBA's annual Professionalism Award. Susan Tsimortos / (601) 981-7452 susan_tsimortos@hancockbank.com

Programs - This committee plans and secures the speakers for our bimonthly membership meetings. Dean Jim Rosenblatt - Chairperson, (601) 925-7104, rosenbla@mc.edu

Social - This committee plans the social activities of the HCBA. Jennifer Hall, Co-Chairperson / (601) 351-2400, jhall@bakerdonelson.com and Tamara Cascio, Co-Chairperson / (601) 981-4920, tammra@gulfcoastonly.com

State & Federal Civil and Appellate Practice - This committee identifies issues and provides resources for lawyers practicing in our state and federal appellate courts. Donna Jacobs, Co-Chairperson / (601) 985-4538, donna.jacobs@butlersnow.com and Margaret Cripples, Co-Chairperson / (601) 592-9914, mcripples@babc.com

Website Committee - This committee will work to insure that our website is a valuable resource for our members by developing content and recommending features. Scott Jones, Chairperson / (601) 292-0794, scott.jones@arlaw.com

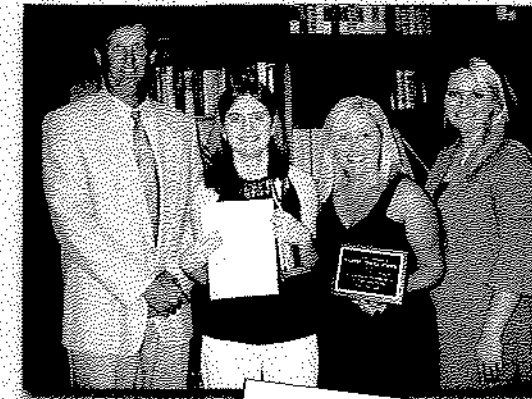
Women & Children's Advocacy - This committee plans programs designed to address the particular concerns of children and women in our community. (Peoples Law School) La Verne Edney, Co-Chairperson / (601) 948-3101 ledney@brunini.com and Amanda Alexander, Co-Chairperson / (601) 968-8571 aga@alexanderandwatson.com

Women in the Profession - This committee supports women lawyers by sponsoring programs and events that address issues of unique interest to them. Melissa Baltz, Co-Chairperson / (601) 985-4413, melissa.baltz@butlersnow.com and Sandra Strong, Co-Chairperson / (601) 360-9729, sandra.strong@dphelps.com

Membership Committee - Membership and meeting attendance. Cheryl Baker, Co-Chairperson / (601) 359-1401, cbaker@sos.state.ms.us and Mike Lanford, Co-Chairperson / (601) 359-3680, mianf@ago.state.ms.us

continued from page 1

HCBA Essay Contest



The Hinds County Bar this spring held its annual Essay Contest chaired by Lindsay Watts. The contest was open to eighth graders in the Jackson-Metro area.

First place winner was Mary Tabor Barron (Madison Middle School) and her essay is printed below. Second place winner was Miranda Barrett (St. Joseph's Catholic School) and third place was Teryn Yazdani (St. Joseph's Catholic School). The winners were recognized at the June Membership Meeting and received a cash prize as well as a trophy.

Lindsay Watts (right), chairman, presented the first place award in the essay contest to Mary Tabor Barron (second from left). Her principal, Brent Cofield, and teacher, Emily Jenkins, from Madison Middle School joined her at the membership meeting.

"Let freedom ring!" From the first days of fledgling America and its bold revolution to today's supersonic jets and Iraq wars, America's foundation has rested upon the right to live in equality as citizens of the United States. This essay will address an issue that has thrived through centuries of change, the right to vote. Anyone that can comprehend their rights and show that they have traits of an adult should have the choice to vote, and America needs to embrace this new era of politics.

Amending the Constitution of the United States is probably the largest and most controversial issue. Many think that we have reached the epitome of democracy in this modern age and that it would be absurd to once again amend this historic document. But denying the right to vote to 16-year-olds is denying these citizens their rights to choose a leader whose decisions will affect them for the rest of their lives. These decisions could open up whole different worlds for them that could allow them to one day revolutionize America's technological or medical world. Would the world be the same if Obama still labored under the blistering sun or Palin still served supper at the will of her husband? We need the inspiration of a new generation of thinkers and politicians.

Furthermore, YouTube, MTV and MySpace are being swamped in new political ideas that appeal to a younger and more technology efficient population. The usual sign up age for these sites to view the material is 13 or older, proving that candidates aren't discriminating against "teenagers" in their campaigns. Kids are learning more about politics at an adolescent age and 16-year-olds can become informed about any issue with just a few clicks of the mouse. The argument that teenagers aren't informed citizens is almost totally void!

Are sixteen-year-olds mature enough to make an educated decision? Studies by scientists, such as Jay Giedd, have proved that teenagers, during stages of puberty, are hurtled through a large growth in neurons, and their experiences in places such as school and other extracurricular activities defines their intelligence. With puberty starting at an average age of 11* and schools providing a realistic "life" environment 16-year-olds have developed to a point in which they are perfectly capable of making decisions independently. Of course, many teenagers also hold a beneficial job that causes them to pay income taxes, so teenagers at the age of 16 are tax-paying citizens of the United States which shows that the country recognizes them as self-sufficient members of this country.

If the voting age was lowered to 16 years old, the United States would become a role model of equality and expand the democratic values this nation was sketched from. Remember, "Rock the vote!" Show the world that America is the new age of politics.

*This information was found at "www.familydoctor.org" under the topic of puberty.

Grant Recipients



The Hinds County Bar Association recently awarded a grant to the Mississippi Humanities Council to purchase new children's books for its family literacy program that teaches young children and their families the love of reading. David Morgan accepted the award for the Council. Pictured are: (back row) Committee Members, Doug Jennings, Matthew McLaughlin, Ryan O'Beirne; (front row) Julie Ratliff, Committee Member; David Morgan; and Cheryn Baker, Chairman of the Community Grant Committee.



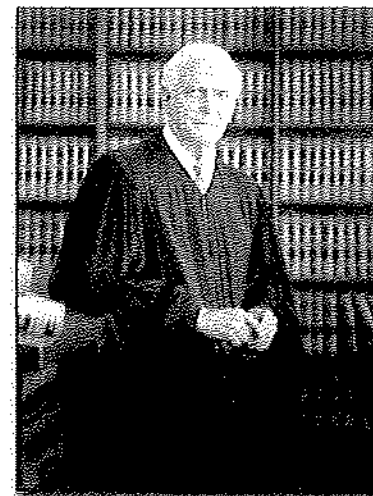
The HCBA awarded \$3,000 to the Art Therapy Program for women detainees at the Hinds County Detention Center. Presenting the grant for the HCBA Community Grant Committee were committee members: (back row) Doug Jennings; Matthew McLaughlin; Ryan O'Beirne; Cheryn Baker, Chairman; and Julie Ratliff; front row Shelley Blaine, Hinds County Sheriff's Department; and Amy Brooks, Art Therapist



The HCBA Community Grant Committee awarded a grant to purchase a new washer and dryer for P.A.L.S., a transitional group home for adolescents operated by Southern Christian Services. Karen Davis (center front row), Director of Development for SCS, accepted the award. Pictured with her are committee members: Doug Jennings; Matthew McLaughlin; Ryan O'Beirne; Julie Ratliff; and Cheryn Baker, Chairman

Chief Judge Charles Clark: A Profile in Integrity

by Judge Leslie H. Southwick



Charles Clark of Jackson was, from 1969 to 1992, a judge on the United States Court of Appeals for the Fifth Circuit. His career followed in the path of his three immediate paternal ancestors, all of whom had been lawyers.

The first in the line was his great-grandfather, also named Charles Clark. He practiced first in Fayette and then in Bolivar County.

Elected governor in 1863, Clark was arrested two years later by Union troops in his capitol office and imprisoned at Fort Pulaski, Georgia. Clark's wife went to the White House and pleaded with President Andrew Johnson for his release. Johnson told her to return in a week. When she did, the President said her answer was behind the door. Out from behind a door stepped General Clark.¹ Judge Clark adds detail from a Union officer's diary. After the governor's arrest in Jackson, the officer escorted him to Mobile in a boxcar, in which a bottle of bourbon or the like was enjoyed by all. They then went by boat to Fort Pulaski.

Governor Clark's only son, Fred, began the practice of law in 1874. He was briefly a partner with his first cousin, Walter Sillers, Sr., in Rosedale. (Sillers's mother was Governor Clark's sister.)

Fred's son, also named Charles, began his legal practice in 1906 in Rosedale then moved to Cleveland in 1909. From about 1919 to 1923, Clark practiced with Walter Sillers, Jr., the future Speaker of the Mississippi House, and with Sillers's father. Clark married Kathryn Foote in 1911. They had one child, Kate Foote Clark. After his first wife's death, Clark married Anita Massengill Tigrett in 1921. Their only child, future judge Charles Clark, was born on September 12, 1925. Though Charles was born in Memphis, the family resided in Cleveland. In 1927, Charles Clark died at age 42, when his son was only two years old. Clark's mother died unexpectedly of a heart attack in 1943, soon after Clark began college. Walter Sillers, Jr., was Clark's legal guardian.

Eighteen-year old Charles Clark began college and active military duty on 1 July 1943. Under the Navy's V-12 College Training Program, he attended regular college classes and also participated in military training. Clark began at Millsaps College, then transferred to Tulane University in March 1944. Commissioned as an Ensign on 3 July 1945, Clark was serving in the Pacific aboard a destroyer escort when the war ended.

Released from the Navy in July 1946, Clark spent the next two years at the University of Mississippi School of Law,

graduating in 1948. Clark married Emily Russell of Jackson in 1947. Emily's parents were Charles and Isabel Russell, who owned a statewide wholesale grocery business called the Russell Company. The Clarks made their home in Jackson, living for many years in the Eastover area and then in Woodland Hills. They had six children: Charles, Emily, John, James, Catherine, and Peter.

Clark began his practice in 1948 with the Jackson firm of Wells, Wells, Newman, and Thomas. Again in the Navy for two years during the Korean War, he was stationed in San Diego as a fleet gunnery and torpedo school instructor, with the rank of Lieutenant (j.g.).

Clark continued with the Wells firm until July 15, 1961. On that day, Vardaman S. Dunn, William Harold Cox, Jr. (whose father had become a district judge two weeks earlier), and Clark began a law practice that would be interrupted by Clark's judicial appointment.

The most public part of his practice was to serve from 1961 until 1966 as a Mississippi Special Assistant Attorney General. The part-time work often was all-consuming. His first case was to defend the state college board in the legal conflict on admitting James Meredith to Ole Miss. Clark's representation of the state college board placed him alongside other attorneys defending Governor Ross Barnett, who was leading the attempt to block Meredith.

The Fifth Circuit had numerous hearings and issued several orders for admission. Admission was effected when U.S. Marshals escorted Meredith onto the Ole Miss campus on Sunday afternoon, September 30, 1962. A large crowd started to gather. Until about 6:00 a.m. the next day, there was a riot on campus that required military force to quell. Judge Clark had gone to the governor's mansion the night of the fighting, urging Governor Barnett to make some statement to calm the situation.

Twelve days after the events on campus, the en banc Fifth Circuit heard oral arguments in New Orleans on issues that remained after Meredith's admission. A major question was whether the governor could be trusted to obey future court orders. The Attorney General had already assured the court the governor would comply. A judge asked if Clark also was confident that the governor would follow future orders.

Two law professors later wrote that "Charles Clark faced one of those rare moments in the life of an attorney where his candor and courage were severely tested." The question from the bench called for an unequivocal response. He answered, "I cannot make that assurance." Not to stand with the governor at that crisis period in the state's history, was to risk standing alone. It was a career-defining moment, when character was more important than quick-wittedness. One judge commented to another as they left the bench: "That is a young man that can be trusted."²

Summarizing Clark's work in the Meredith case, Judge John Minor Wisdom said that "Charles Clark emerged as a shining star. . . . He argued vigorously, made the best of a bad case, was deferential to the Court, acted with dignity and grace, and conducted himself in every way according to the

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Chief Judge Charles Clark: A Profile in Integrity

continued from p11

highest tradition of Anglo-American advocacy. He won my respect then and the respect of all the judges on our Court."³

Judge Clark's predecessor on the Fifth Circuit was Claude Clayton of Tupelo. After being hospitalized for over a year following a stroke, Judge Clayton died on July 4, 1969.

Griffin Bell, a Fifth Circuit judge from 1961 to 1976, years later told at least two individuals that when it became clear that Judge Clayton would not be able to return, Bell contacted some of the other judges. He told them it was essential that Charles Clark be the next judge. The others agreed. Senate Judiciary Committee Chairman James Eastland was to be contacted and urged to recommend Clark to the new President, Richard Nixon.

Jim Eastland did not need to be called. Not long after Clayton's stroke, Eastland called Clark to say that if there were a vacancy, Clark was his candidate. Judge Clark credits the Senator's support to Eastland's administrative assistant, Courtney Pace, a friend from Clark's hometown. In 2009, Judge Clark gave touching and wonderfully insightful remarks when he accepted an honorary doctorate of laws given him by Mississippi College. Clark credited others for additional achievements. "None of us accomplish anything alone," Clark said. "That is true, but Clark's integrity and ability also had made him the obvious choice to a broad range of people."

Before his nomination, Clark requested a meeting with state NAACP leader Aaron Henry. During their conversation, Clark mentioned his family, including his half-sister, Mrs. Kate Jordan. Henry probably knew of her and the bold work that she had been doing since 1954 in the African-American community through a Catholic religious center in Greenwood. Judge Clark believes that he likely owes his sister for some of the silence from possible opponents.

President Nixon nominated Clark on October 7, 1969. Eight days later, Clark had his hearing and then a favorable vote in the Judiciary Committee, both completed within thirty minutes. Very few members had been present. At the start of the day's session an hour later, Eastland reported the nomination. Majority Leader Mike Mansfield then asked for unanimous consent to consider Clark. No vote was taken. The *Congressional Record* for the day was terse: "The President pro tempore: Without objection, the nomination is confirmed."

In the next few years, Clark was twice considered for the Supreme Court. In the fall of 1971, there were two vacancies on the Court. President Nixon quite publicly sent six names, including Clark's, to the American Bar Association for its evaluation. Briefly, Clark seemed to be the President's choice

for one of the positions. None of the six would be chosen. Clark again was considered in 1975. He was enough of a contender that the FBI came to see him. President Ford placed Clark in a group just below the three finalists, but he did not get the prize.⁴

The Fifth Circuit (comprised of six states) had the most judges of any of the circuits, reaching twenty-six in 1978. The political and judicial difficulties of a split in the circuit were finally overcome in 1980. Congress placed Mississippi with Texas and Louisiana in a "new" Fifth Circuit with fourteen judges.⁵

As the Fifth Circuit's new Chief Judge, Charles Clark officiated at the ceremony in New Orleans, held on October 1, 1981, celebrating the start of the two new circuits. He was an accomplished administrator, innovative and courteous, who shared authority and kept his colleagues informed.

One of the frequently remembered and characteristically human episodes in Chief Judge Clark's service concerned judicial robes. He was in Washington in 1990 for meetings attended by judges from around the world. Judge Clark was struck by the vivid colors of many of the foreign judicial robes. Back in New Orleans, he moved for the adoption of more colorful attire. He was voted down. He obtained a crimson robe, though, which he would wear at ceremonial events. When he retired, he left it for his successors. Its use has declined.

The pinnacle of Judge Clark's judicial service may have been his work on the United States Judicial Conference. This committee, composed of the Chief Justice, the chief judges of the circuits, and a few other judges, is the principal policy-making body for the federal courts. Clark was chairman of its budget committee in 1981-1987. On January 1, 1989, Judge Clark was appointed by the Chief Justice as chairman of the Executive Committee of the Judicial Conference.

On January 15, 1992, Judge Clark resigned from the Fifth Circuit. He joined his former law partners, Vardaman S. Dunn and William H. Cox, Jr., at the Watkins & Fager firm in Jackson. There, Clark was an appellate advocate and a mediator.

In his twenty-two year career on the Fifth Circuit, Judge Clark authored over 2800 opinions. He was considered moderately conservative, a believer in following precedent, who applied the law conscientiously even as some of those laws were making dramatic changes from what he had known as a fourth generation Mississippian. As a judge, Charles Clark found his calling.

1. Florence Warfield Sillers (comp.), *A History of Bolivar County, Mississippi* (Jackson: Hederman Bros, 1948), 428-36.
2. Frank T. Read and Lucy S. McGough, *Let Them be Judged* (Metuchen, NJ: Scarecrow Press, 1978), 195-257; Jack Bass, *Unlikely Heroes* (Tuscaloosa: Univ. Alabama Press, 1981), 176-200.
3. George Cochran, "A Law Professor's Views of the Career of Charles Clark," 12 *Miss. C. J. Rev.* 365, 367 (1992).
4. John W. Dean, *The Rehnquist Choice* (New York: Free Press, 2001), 157-68; David M. O'Brien, "The Politics of Professionalism: President Gerald Ford's Appointment of John Paul Stevens," 21 *Presidential Studies Q.* 103, 119 (1991).
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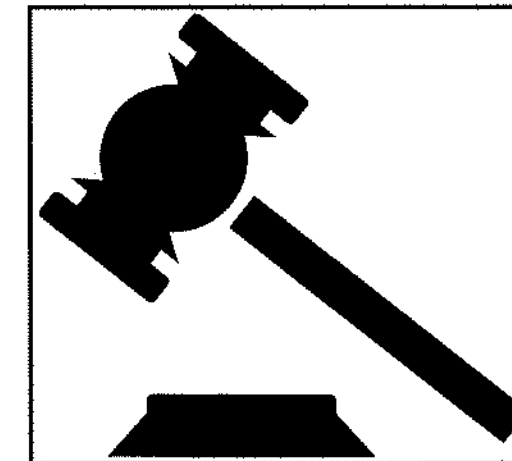
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HIGHWAY EATS

by The Road Lawyer

Big Apple Baseball That's Real, Fun And Affordable

The new Yankee Stadium in the Bronx and the Mets' new CitiField in Flushing are getting all the hype, but the cheapest single game ticket you can get in either where with normal eyesight you can see the infield is \$125.

For lawyers who love baseball and find themselves in the lawyering capital of the world, The Road Lawyer [TRL] has a better idea. Earlier this Summer TRL found a Big Apple area ball park with \$15 seats right behind home plate, and where the baseball is rich in reality and history and atmosphere.

Right field bleacher seats are \$8 in advance, \$9 on game day at KeySpan Park on Coney Island where play the Class A Brooklyn Cyclones. "The worst seat in the house would cost you \$150 at the new Yankee Stadium," according to one reviewer.

The sea breeze off the Atlantic Ocean is especially nice, if you've made several trips this Summer to see the Pearl Braves at Trustmark Park.

For a \$4.50 round trip fare, with no worries about parking, hie thee to Bryant Park, W. 42nd St. and 6th Ave. Take the Orange Line D train, Downtown and to Brooklyn. About 45 minutes later, disembark at the end of the line Stillwell Ave/Coney Island station.

If you're lost somewhere else in the Big Apple, the N and Q trains will also get you there. No extra fare, only a 6th grader's skill reading a subway map, will connect you to the D, N or Q. Pre-6th graders should just head for Times Square Subway Station.

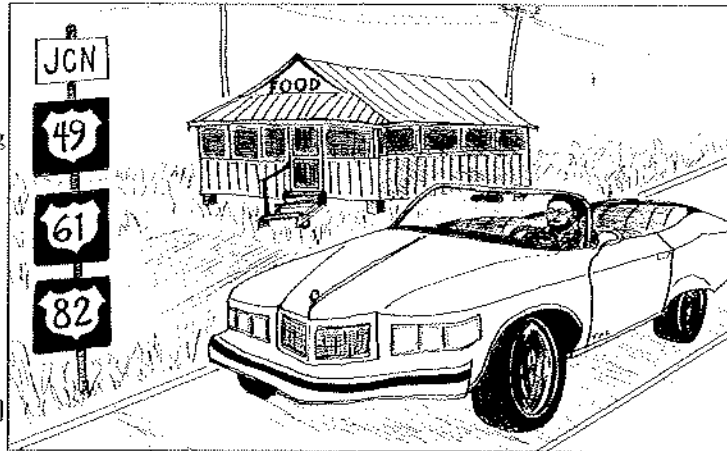
The Once And Future Coney Island

You are now on Coney Island, once the westernmost of the barrier islands along Long Island. Not even an island any more, the name of America's first famous beach town has never changed.

Walking those last two blocks of Stillwell Ave, the Wonder Wheel² stands out as your eye seeks the sea. 150 feet into the sky in Deno's Amusement Park, it is still said to be the highest Ferris wheel in the world. The Wonder Wheel seemed in constant slow motion that Sunday afternoon, dwarfing the Cyclone.

Long since deposed as the most thrilling roller coaster ride around, the all wood Cyclone still inspired the name of the new ball team, and in a popular vote no less.

Westerly to your right is the 260 foot tower from the now abandoned Parachute Jump, not so far behind the right field corner of KeySpan Park.



Once teeming with people, Coney Island was a summer playground par excellence a century ago, and at least until World War II. Its amusement parks are now relics when compared to Disney, Six Flags and other theme parks that dot suburban America, though a resurrection is under way.

Coney Island is a once and future life form. Few of those TRL's age went through college without

regular resort to their car torn paperback of Lawrence Ferlinghetti's *A Coney Island of the Mind*.

The Thunderbolt no longer competes with the Cyclone in the thrill ride business. But young Alvy Singer in Woody Allen's *Annie Hall* still grew up in a house under the Thunderbolt that shook wildly every time the roller coaster made its rounds. Alvy's father ran the bumper cars concession.

Coney Island is coming back. Mayor Michael Bloomberg's failed plans to bring the 2012 Olympics there have been rolled into the Coney Island Development Corporation [CIDC]. The Ringing Bros./Barnum & Bailey Circus is back for the Summer of 2009, for the first time since 1956.

And baseball is back in Brooklyn.

KeySpan Park In The Summer Of 2009

Two blocks straight ahead on Stillwell Ave you hit Surf Ave, the gently serpentine beach road that runs roughly northeasterly to southwesterly. Across Surf Ave is Flea By The Sea, a huge flea market.³ Then the Riegelmann Boardwalk.

The familiar sand beach lies beyond the Boardwalk sloping down to the Atlantic Ocean. Groomed and replenished regularly by the city, the beach stretches some 2½ miles from Scagate on the West through all of Coney Island and neighboring Brighton Beach on the East.

Turn southwesterly to your right on Surf Ave, and a few blocks later you're at West 17th Street and KeySpan Park. 1904

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HIGHWAY EATS

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Surf Ave, Brooklyn, NY 11224, to be exact. It's built on the site of Steeplechase Park, an old time Coney Island amusement park that closed in 1964.

KeySpan Park is the flagship and anchor of the Coney Island revival.

Not long ago KeySpan Park was hailed as one of the three best minor league ballparks in the land. The other two? Auto Zone Park in Memphis, favorably reviewed by TRL several years back, and Round Rock outside of Austin, home of the team once known as the Jackson Generals.

Mayor Rudy Giuliani decided the other two out-of-Manhattan boroughs needed baseball. The Cyclones and KeySpan Park resulted. That inveterate Yankee fan also inspired the Staten Island Yankees.

The Cyclones and Yankees compete in the 14 team New York-Penn League.

The Coney Island Institution That Never Faded

A gentle sea breeze welcomed TRL to Coney Island on that Summer Sunday afternoon. And so did Nathan's Famous Frankfurters, as it has visitors since 1916. Polish immigrant Nathan Handwerker took wife Ida's recipe for all beef hot dogs and created a part of Americana.

You quickly learn on Coney Island that everybody comes, not to Rick's, but to Nathan's.⁴ And you have to pass by Nathan's on Surf Ave to get to KeySpan Park a few block further west.

Al Capone, Eddie Cantor, Jimmy Durante, and Cary Grant are but a few of the (in)famous Nathan's regulars in days past. FDR served Nathan's Famous hot dogs to the King and Queen of England in 1939. "No man can hope to be elected in this state without being photographed eating a hot dog at Nathan's Famous," Nelson Rockefeller once said.

With his characteristic verve, Mayor Rudy Giuliani decreed Nathan's the "world's best hot dog." Jerry Seinfeld did several episodes at Nathan's. Jackie Kennedy served Nathan's all beef hot dogs at the White House. Walter Mathau ordered Nathan's dogs served at his funeral.

Three years ago TRL reported the prevalence of Nathan's hot dogs among the concessions offered at a Braves-Mets game at Shea Stadium.

No one was surprised when the list of New York's 100 most famous included Joe DiMaggio, Irving Berlin, Andrew Carnegie — and Nathan Handwerker.

You had to have had your TV off the entire Fourth of July to miss at least a glimpse of Joey Chestnut and competitors in the 94th Annual Nathan's Hot Dog Eating Contest. The question now is how long Joey's new world's record 68 dogs downed and digested in a single sitting will stand.

But that was still a week away when TRL reached 1301 Surf Avenue about 4:30 o'clock that Sunday afternoon. Nathan's was full of folk, the centerpiece hot dog concession flanked by a delicatessen and a clam bar.

The Boys Of Summer

There were 6702 in the stands on September 24, 1957, for Danny McDevitt's last pitch at Ebbetts Field, to catcher Joe Pignatano. There were more than 7900 at KeySpan fifty years later when McDevitt and Pignatano re-enacted that end of an era pitch.

The Ghosts of the 'Dem Bums⁵ are everywhere at KeySpan. The facade beneath the press box behind home plate features No. 17 Carl Erskine — he of that quintessential Brooklyn name "Oyskin," though he hailed from Indiana — along with No. 24 Don Newcombe, No. 42 Jackie Robinson, and No. 14 Gil Hodges.

The spirit of the Dodgers' 1955 World Series victory and the way they beat the hated Yankees still lives and is rivaled only by the Boston Red Sox in 2004.

Pee Wee's corner is a popular concession stand, featuring Nathan's Coney Island corn dogs, chicken tenders, pizza slices, and veggie egg rolls.

Real fantasy baseballers imagine a Duke Snider home run would have to have only a little more heft to clear KeySpan's 325 foot plus right field wall, but the boardwalk seems a bit further behind the right field bleachers and was Bedford Avenue.

The heart and soul of the Boys of Summer is captured in the sculptor's monument just outside KeySpan. Pee Wee Reese has his left arm around and left hand on the left shoulder of Jackie Robinson.

It speaks to a moment in the Dodgers' first appearance of the 1947 season in Cincinnati's Crosley Field. The game had not even started when many so-called fans were hurling taunts and jeers and even death threats at the rookie Robinson.

Pee Wee Reese always thought himself a Southerner and was from Louisville a little over 100 miles down the Ohio River and on the Kentucky side. He was also team captain. That day in May he walked over to his new teammate and publicly put his left arm on Robbie's shoulder. Ball players are like that.

The inscription reads, "This monument honors Jackie Robinson and Pee Wee Reese; teammates, friends, and men of courage and conviction."⁶

TRL was a little surprised KeySpan made no mention of Campy, the three time MVP catcher Roy Campanella, nor of Elwin Charles Roe⁷ from Ash Platt, Arkansas, dubbed "Preacher" before it became known he often threw a mean spitter, nor southpaw Johnny Podres who shut out the Yankees in the most celebrated game in Dodger history, the 7th game of the '55 Series.

All of this and more are no doubt in the Brooklyn Baseball Gallery on the west side of the ballpark. A museum dedicated to the history of baseball in Brooklyn, the Gallery is said to be filled with memorabilia of 'Dem Bums.' It was closed during that Sunday afternoon game.

On September 11, 2001, Brooklyn lost 346 Firefighters, 37 Port Authority Officers, 23 NYC Police Officers, 3 NYS Officers, 1 Fire Patrol and 1 K-9 rescue dog named Sirius. The Brooklyn Wall of Remembrance⁸ is a 30 x 12 foot granite wall that contains carefully etched laser images of each who paid the ultimate sacrifice. On the west wall of KeySpan Park, this moving tribute has the affect of the Vietnam Memorial on the Capitol Mall.

KeySpan's Food And Beverage Service

The culinary offerings at KeySpan were neither as exotic or lavish as at the new Major League ballparks TRL has reviewed in recent years. This is Class A Minor League baseball. As with the game itself, the basics were there.

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HIGHWAY EATS

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We began with the beverage service. The Brooklyn Lager draft was what — and all — a real baseball fan needs. The Bud, Miller, and Coors beers seemed abundantly and equally available.

Corona and Heineken's were only a little harder to find. And, as at any real baseball game, the beer man found you in the stands if you could not stand to miss a pitch or were keeping your scorecard current.

"\$5.50 a beer is a couple of bucks cheaper than the big boys charge."

Miller Lite sponsored the convenient beverage holders attached to the rear of the seats in front of every box seat, a real fan-friendly improvement from the ball parks of old.

Nathan's dominated the food scene, as one would expect, given the venue. Nathan's dogs came in several varieties: the Coney Island Dog, the foot longs, the corn dogs, and the Kid's Hot Dogs. At the end of the day, TRL had to concede that Nathan's Coney Island is a damn good hot dog.

Roam the concourse from well down the right field foul line around to left field and there's most every other food offering dad or the kids would really need. Brooklyn Burgers, several large sausages, pizza slices, chicken, and nachos in several formats.

One tolltale sign we weren't at old Ebbets Field was the calorie counts. At each concession stand, the wall menus listed the calories in each item offered. Nathan's Coney Island Dog came in at 420 calories. Top ranked Nachos Supreme hit 920 calories.

Condiments included a good semi-hot mustard and ketchup, but the same silly sweet relish packets you're stuck with at Trustmark and so many other low class ball parks these days.

Nathan's punctuates the point with its Hot Dog Race at every game. Three kids get to dress up as Ketchup, Mustard, and Relish and race from deep left field to near the third base batter's box. Relish finished a poor third.

Upon inquiry, TRL learned that the fix is in, that Relish almost always loses, sometimes going a whole season without a win. The interpretations range from fostering Brooklyn's tradition of producing lovable losers to a recognition just how silly sweet relish is with an otherwise fine Nathan's Famous All Beef Hot Dog!

The Game Itself

A few fortuities piqued TRL's interest in the Cyclones game hosting the Hudson Valley Renegades. New York Mets' southpaw Oliver Perez was making a rehab start coming off 45 days on the DL.

James Ewing had the clutch two out game tying single in USM's top of the 9th before the bullpen imploded and Texas "won" the first game of the College World Series. The Mets had

made Ewing their 12th round draft choice. The day before, the Cyclones announced second baseman Ewing as a new roster addition.

Behind five shut out innings from Perez, the Cyclones jumped off to a big lead and were up 9-0 by the 5th inning. We were hoping Ewing would get in the game.

Between innings TRL went out for another beer and spied a big guy wearing a black and gold USM shirt. Surely he was connected to Ewing and was at the game to see the former Golden Eagle's pro baseball debut. We introduced ourselves only to have the very friendly fan reply "Who is James Ewing?" followed by "my cousin played football there a few years ago, and I really like this shirt!"

More than just the occasional less-than-skilled play in the field left no doubt this was Class A ball. After the first inning, the Brooklyn Cyclone Beach Bums⁹ did a dance routine on top of the dugout of the visiting Hudson Valley Renegades.

In the 4th inning an aggressive base runner dislodged third base, which seemed a bit mobile for the next several innings.

A seagull freely watching the game nearly interfered with a high pop fly in the top of the 5th inning.

As at most new parks, the electronic scoreboard showed a picture of each batter as he came to the plate. When Renegades third baseman Burt Reynolds appeared, the photo was a very white haired photo of The Burt Reynolds, a good 30 years past his "Bandit" days. Renegade Burt got in his lick with a rbi double in the 6th, breaking up the Cyclones' shutout.

The final score: Cyclones 13, Renegades 3.

Cyclones baseball is as kid oriented as any TRL has ever seen. Several hundred uniformed kids ran on to the field with the Cyclones to start the game. A youth group sang the Star Spangled Banner.

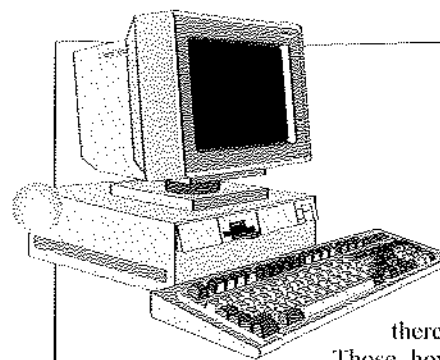
Sandy the Seagull is the primary mascot and is joined by his adopted son, Pee Wee. Yes, named for former Dodger greats Sandy Koufax and Pee Wee Reese. We never quite figured out King Henry, the "entertainment" guy one reviewer said was "super lame and corny," though he seemed to pay attention to the kids with birthdays.

To get the further flavor from a bunch of often cynical and never readily impressed Gotham locals, check out the reviews at www.yelp.com/biz/brooklyn-cyclones-brooklyn.

Brooklyn!

For those several Summer Sunday hours, there was a sense we weren't in Brooklyn at all. But after the game, no sooner had the D train pulled out of Stillwell station when there in the haze in the western sun setting sky stood the majestic edifice of the East tower of the Brooklyn Bridge.

¹If you find yourself at Yankee Stadium by mistake, or if there on purpose and realize the imminent risk to your immortal soul, the Orange Line will get you out of hell and straight to KeySpan Park, if you board the B train Downtown, then pick up the D Downtown Express at 145th Street. Same \$2.25 one way fare. Of course, if you're in the South Bronx to cheer *against* the Yankees, please stay as your services are needed, costly as they may be; ²www.WonderWheel.com; ³www.fleabythesea.com; ⁴<http://history.amusement-parks.com/nathans.htm>; ⁵www.sportsencyclopedia.com/ml/bdodgers/brooklyn.html; ⁶www.ci.nyc.ny.us/cgi-; ⁷www.preacherroc.com; ⁸www.brooklynwall.us; ⁹www.brooklyncyclones.com/fanzone/beachbums



On Computing

by Joel Howell

If you are not yet familiar with social networking, including Facebook and MySpace, there is much to learn about them.

Those, however, will be covered in future articles. Because of the considerable attention that Twitter attracts, here, thanks to Robert Ambrogi and Law Technology, is additional information on Twitter.

1. TweetCube, www.tweetcube.com, helps you to share files of any kind via Twitter. For example, you can tweet your images, videos, music, and share them with your followers.
2. TweetLater, www.tweetlater.com, allows you to compose and schedule your tweets in advance. It also allows you to send automated thank you messages to new followers and set up e-mail alerts to track key words and phrases.
3. TweetStats, <http://tweetstats.com>, actually graphs your usage to see how frequently you tweet, when you tweet, who you most often reply to, and much more. It provides a systematic way to monitor your Twitter activity.
4. Twellow, www.twellow.com, is a directory of Twitter users. You can search by name and location, or browse its listings by category. It has a law category as well as subcategories for lawyers, judges, and others.
5. Twistory, www.twistory.net, adds your history of tweets to your calendar so can see what you were tweeting and when. This tool is useful for tracking or reconstructing your time.
6. TwitBacks, www.twitbacks.com, creates a free background

for your Twitter profile that offers some extra features than the basic profile. For example you can add biographical information, links, a logo, and more.

7. TwitBlocker, www.tangerlineworks.com/twit_blocker, can block posts from someone you follow temporarily without unfollowing them.
8. TwitPic, <http://twitpic.com>, lets you share photos on Twitter via your mobile phone or through the site itself.
9. Twitter Grader, <http://twitter.grader.com>, is a tool that measures the reach and authority of a Twitter user. It assigns a percentile score based on the user's number of followers and their power within Twitter, the pace of the updates, the completeness of the user's profile, and more. A great way to find out where you or anyone else rank.
10. TwitterPacks, <http://twitterpacks.pbwiki.com>, is a tool for grouping and finding Twitter users by topics of interest or geographic location. Options include a lawyer pack, a law practice management pack, and a legal aid pack. It includes Autopack, a feature that lets you follow or unfollow everyone in a particular pack.
11. Twitzu, www.twitzu.com, blasts meeting plans to your Twitter followers. In a like vein, take a look at Twitvite, <http://twitvite.com>.
12. Twtpoll, <http://twtpoll.com>, conducts simple polls. When you tweet a question, it links to a page where followers can choose from several answers and see a pie chart of the results so far.

continued from page 7

4. Ubiquitous Over Connectivity – First there was the computer, then the Internet, followed by the cell phone. Before you know it, the iPhone and its progeny roll all three into a portable, hand held device which has enabled such abominations as Facebook, MySpace, and Twitter. While reasonable minds can differ on whether technology is leading us to a cultural abyss, there is no denying the danger caused to others by people who talk on cell phones while driving or worse yet, those who text and steer. Why not bring back the beer barn concept? At least a cocktail or two behind the wheel would numb one to the self inflicted pain and suffering that waits for them just up the road. Too bad that can't be said for the innocent victim/decedent.

3. Chronic Mass Ignorance and Superficiality – Just read most (certainly not all) of the letters to the editor section in The Clarion Ledger for a representative sampling of uninformed, black and white thinking without even a shade of nuance. Sadly, bumper sticker sentence fragments and incendiary buzz words increasingly carry the day. The tone is absolute certainty while the common denominator is fear and/or conspiracy thinking at its worst no matter the ideological slant. This is the logic that says science is for heretics while principled doubt is of the devil. The earth is 6000 years old – end of discussion – and the moon landing was fake because somebody's uncle thought he saw Neil Armstrong kick a Schlitz beer can as he stepped onto the lunar surface.

2. Universal Irresponsibility – Exhibit One is the looming Social Security – Medicare – Medicaid entitlement disaster that is about to consume the United States of America. Social Security Trust Fund – NOT! Add to this an unending sea of red ink that flows forever to bail out irresponsible, incompetent industries run into the ground by unregulated egomaniacs and borderline white collar criminals and we have the federal government at its worst. That doesn't even factor in millions of people with multiple maxed-out credit cards who took out interest only loans to flip unbuilt condos. Stop me before I explode. All I can say is: Res Ipsa Loquitur.

And the number one mortal enemy of America is: INSTITUTIONAL HYPOCRISY AND DECEIT. Did I mention crusading family values politicians like William Jefferson, William Jefferson Clinton, John Edwards, Eliot Spitzer, Newt Gingrich, Larry Craig, David Vitter, Mark Sanford, John Ensign, et al.? If their spouses can't trust them, why should the voters? Oh yeah, and I barely mentioned Bernie Madoff and his ilk, perpetrators of Medicaid fraud and all the prepaid funeral service scammers out there preying on the public. Oh, and now we find out that the CIA has been misleading Congress since 2001 even though it's "not their policy to do so." Could Uncle Dick have anything to do with it? Naw, I'm just being paranoid. Right?

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Death at Sea

by John Land McDavid

On a Saturday at 5:15 p.m. the ship departed on an eighteen day cruise from Port Everglades, Florida, with 2200 passengers and a crew of 800, bound for Copenhagen, with ports of call at the Azores, Lisbon, Bilbao, Le Havre, Harwich, Rotterdam, and then Copenhagen.

The ship had two systems for mass communication with passengers. Each stateroom had a speaker only used for emergencies. The passageways and public areas had speakers for housekeeping announcements such as the time of the next round of bingo and the Captain's daily noontime report on the weather and the ship's longitudinal and latitudinal location. The ship's GPS is accurate to within two inches.

On Sunday the Captain during his noon announcements said the ship would not be going directly from Port Everglades to the Azores as the most direct route appears on a flat map. Rather, it would take a circle route which, he explained, is shorter due to the shape of the earth. This would take the ship northerly parallel to the U.S. coastline west of Bermuda and then northeasterly to the Azores.

On Monday about 7:00 a.m., stateroom emergency speakers blared, "Star Bright Lido Deck! Star Bright Lido Deck! Star Bright Lido Deck!" The Lido Deck is primarily for casual dining cafeteria style. It opens at 6:30 a.m. for early risers. "Star Bright" obviously was a ship's code. Few, if any, passengers knew what it meant. A kitchen fire on the Lido Deck would have been a good guess.

At around 8:30 a.m., when most of the passengers were at breakfast, the Captain came on the general public address system and said there had been a medical emergency and, while the ship provided excellent medical services, the ship would be diverted to Bermuda. He stated the ship's agent in Bermuda was making arrangements so that when the ship arrived in Bermuda it would be met by a Bermuda harbor pilot. The Captain finally assured the passengers the scheduled arrival in

the Azores would not be delayed as the ship would now proceed at full speed. These announcements by the Captain at 8:30 a.m. Monday were the last information that day or for the remainder of the cruise from the Captain or the ship about the "medical emergency" or the diversion to Bermuda. It was as if it never happened.

In the absence of any information from the ship, by mid-afternoon the consensus of the scuttlebutt among passengers was that a male passenger died of a heart attack at breakfast on the Lido Deck.

Late Monday afternoon after sunset during the first seating for dinner, but while it was still daylight, the cruise ship anchored two or three miles offshore from and within sight of Bermuda opposite St. George's and the St. David lighthouse. St. George's harbor, a regular cruise ship dock, would not accommodate the new, larger cruise ships.

A harbor-patrol type boat came out from St. George's alongside the cruise ship. As a crowd of passengers looked over the rail on the Promenade Deck, an officer of the ship boarded the boat, which immediately sped away to St. George's. The ship's officer was going ashore probably to handle the legal and procedural details associated with a death on board the cruise ship and the transfer of the body to Bermuda.

After darkness fell, at around 9:30 p.m., when passengers were enjoying the indoor activities or were in their cabins, a passenger in a veranda stateroom on Deck 6 happened to see from his balcony a boat arrive and pull alongside. A platform extended out from the cruise ship and a gurney was carried, not wheeled, from the cruise ship onto the boat. The boat returned to Bermuda at a slow rate of speed unlike the first boat.

The cruise ship weighed anchor and proceeded at full speed for the Azores as if the dearly departed, now twice departed, had never been on board. Such is life — and death at sea.

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HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

JANUARY 2009



President's Column

by Susan R. Tsimortos

*Sometimes the lights all shinin' on me,
Other times I can barely see,
Lately it occurs to me what a long,
strange trip it's been.*

These lyrics from the Grateful Dead's "Truckin'" capture the essence of 2008! Most years I like to reflect on the closing year in hopes of learning from what I did well and preparing for the coming year. Making preparations for 2009 based on the experiences of this year seems futile since it was filled with the unexpected and unprecedented. None of us could have envisioned the economic and political turmoil our country would experience. Nor could we have known how those events would affect our lives. Each of us could tell of an unexpected way in which we have been touched. Companies that we have worked with for years have gone out of business and others are utilizing government funds to continue operating.

This uncertainty renders traditional plans and budgets ineffective. For each of us, however, opportunity lies ahead. We have a chance to prove our mettle by adapting to this new environment. The agile among us will find ways to keep our

practices viable and prosperous. The same is true of our bar association. In January, the HCBA Strategic Planning Committee will begin meeting. This group of present and future HCBA leaders will be charting a path for the organization to keep it relevant and responsive. Please let us know if you want to join this endeavor. The only requirement is an open mind and lots of ideas.

Our first event of 2009 will be on Saturday, January 17 – Jackson's Martin Luther King, Jr. Parade. Some of our members will be in Washington D.C. for the inauguration of President-elect Obama. Those who are in town are invited to join with area bar associations to march in this parade as a visible sign of honor, respect, and support for the principles that Dr. King espoused. We need your participation.

We have reached another milestone. Our updated website is live! Now is the time to put your creative energies to work and share your ideas for making the site even better. I am convinced that there are a few reticent readers who are ideally suited for this project. Please step forward.

In February the Women and Children's Advocacy committee, under LaVerne Edney's leadership, will present an updated version of the People's Law School. The emphasis will be on issues relevant to women and children including domestic violence, children's health and child support.

Happy New Year!

HCBA October Membership Meeting



Andy Taggart and Jere Nash presented a political update at the October HCBA Membership Meeting. They are pictured with Roy Campbell, HCBA Secretary-Treasurer, Susan Tsimortos, HCBA President, and Peyton Propere, HCBA Program Chairmen.

HCBA LUNCHEON MEETING

Tuesday, February 17, 2009 Capital Club Noon Cost: \$15.00

The February meeting will be an update on the 2009 legislative session by members of the Mississippi House of Representatives and Senate

HCBA Calendar of Events

February 17, 2009

HCBA Membership Meeting

Noon Capital Club



April 21, 2009

HCBA Membership Meeting

Noon Capital Club

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From Yes We Can To No We Can't

by Captain Equity

Barack Obama, the skinny black guy with the funny name is President Elect of the United States of America and the world hasn't ended. In fact, based on his nearly flawless transition and early Cabinet picks which have earned a 75% approval rating at this writing in early December, there is a good chance the world won't end anytime soon. Could the same be said back in September and October as the financial dominos fell making sure that the nation would finally reap what it has sown for the last decade or more in the form of an economic disaster not seen since the Great Depression? Ironically and sadly, the signs of the current economic meltdown were everywhere. Interest only loans, a plethora of sub prime loans and non-verifiable income on mortgage applications should have been a tip off. They were for me, but apparently, not for government, Wall Street, and to a great extent, Main Street. It was much more convenient for these vested interests to simply ignore the obvious and ominous in favor of businesses and ideology as usual. And now suddenly everybody is surprised, shocked, outraged, et al. Ultimately, the losers became the winners at the expense of the American taxpayer. Sprawling financial greed machines deemed too big to fail (Freddy, Fanny, AIG, Citibank, et al.) were rescued by an unprecedented, panic driven exercise in socialism. Hadn't Rush and Sean Hannity predicted the arrival of socialism in America if people voted for Obama? I guess they were just a little early. It reminds me of the 1964 Presidential election between LBJ and Barry Goldwater. LBJ warned voters that if they voted for Goldwater they would get war. And you know what? Those who voted for Goldwater got exactly that with a giant, deadly, open ended escalation of the Vietnam War. Funny how history repeats itself.

Yes We Can

But so much for doom and gloom, for the moment, let's focus on the optimistic slogan of the new President's campaign; "Yes We Can." Thus far, Barack Obama is everything I had hoped he would be; optimistic yet measured, thoughtful and pragmatic yet flexible; inclusive and bipartisan, and yes, normal. I for one have had enough of imperious and corrupt, egocentric politicians who live in their opaque world of power and privilege, completely out of touch with what goes on in the real world. I am sick of the Chencys and the Rumsfelds of the world who conduct the people's business guided by slogan "I know better than you, because it's me," and "What you don't know won't hurt you, yet." I have had enough of being lied to, of having the Constitution shredded and being governed by corrupt politicians and the incompetent cronies they appoint to work in the federal government. The election results for President and Congress confirm that I am not alone. Even thoughtful Republicans realize that their ideals were sacrificed at the altar of partisan politics and a personal gain. Unfortunately, the GOP suffered some undeserved casualties along the way like Chris Shays from Connecticut. However, some of the more notorious offenders like convicted felons Duke Cunningham and Bob Ney were recently joined by Uncle Ted Stevens whose 40 years of delivering the goods to his wealthy buddies in Alaska finally caught up with him.

And for those who think I am picking on Republicans in general and poor ole Uncle Ted in particular on partisan grounds, let me assure you that I haven't forgotten about Democratic Congressional leader Dan Rostenkowski's fall from grace in 1994. The Illinois lawmaker went to federal prison for stealing stamps from the Congressional Post Office; at least that is what they convicted him of doing. I wonder what else? In so doing, Rostenkowski paved the way for the repudiation of Congressional Democrats in the mid term elections of 1994 paving the way for Newt Gingrich's "Contract With America," which began as a noble reform initiative and ended up mutated into Tom Delay's infamous K Street Project wherein only Republican lobbyists could qualify for favors, loopholes, and an assortment of goodies for their special interest clients. The K Street Project gave us Jack Abramoff and thousands of other right leaning lobbyists which created a new and equally vicious cycle of corruption that eventually claimed Cunningham, Ney, and, now, Stevens.

The silver lining to this sad and dubious history of political excess is that the voters in the recent election made it clear they are sick of it. And, while severe recessions are no fun, such a crisis is probably the only thing that will get peoples' attention in sufficient measure to enact true and meaningful change. There is certainly no guarantee, but based on the President Elect's decisive actions and unwavering demand that his appointees be smart, experienced, transparent, and realistic, there is great hope in America that we can break the cycle of partisan corruption and business as usual. There is an optimism all around that we can finally restore America to a country capable of realizing our vast potential while reclaiming our moral authority around the world. Obama gives every indication that he will govern from the center as he reaches out across the political spectrum. If he does that then, "Yes We Can!"

No We Can't

The one glaring omission in the Presidential campaign from both Obama and McCain was their collective failure to challenge the voters to change their ways as well. It is political reality 101 that you never attack the electorate if you harbor any chance of getting elected to anything. But without individual change, rededication, and participation by the 300 million plus Americans, change will be marginal at best. We all bear responsibility for what America has become, good and bad. In the end, it is up to each of us when it comes to fostering meaningful change. Consequently, I have a representative list of "No We Can't's" if we are truly serious about Yes We Can. The actual list is as long as your imagination, but this is at least a start.

No We Can't continue to look at every issue that confronts us in black and white terms through the lens of wishful thinking, mythology, and misinformation fueled by talk radio ideologues and extremists regardless of your politics and ideology.

No We Can't expect others to change their ways while we cling to our own prejudices, shortcoming, and selfish agendas. Once again, good faith debate and compromise is

continued on page 10

Hinds County District Attorney Robert Shuler Smith

by Kate Margolis

As a youth, new Hinds County District Attorney Robert Shuler Smith and his older brother spent “long hours in church” and weekends and summers working on their grandfather’s farm in Utica (“from 5:00 a.m. to 7:00 p.m.,” Smith recalls with a chuckle). He says this provided him the foundation to weather adversity, including his first run for political office, the 2007 campaign for D.A.

Smith comes from a family of ministers (both grandfathers and his father), but politics also runs in the family – Smith’s grandfather, Robert L.T. Smith, was a leader of the Mississippi Democratic Freedom Party. According to Smith, his grandfather was also the first African-American in Mississippi to own a chain of grocery stores.

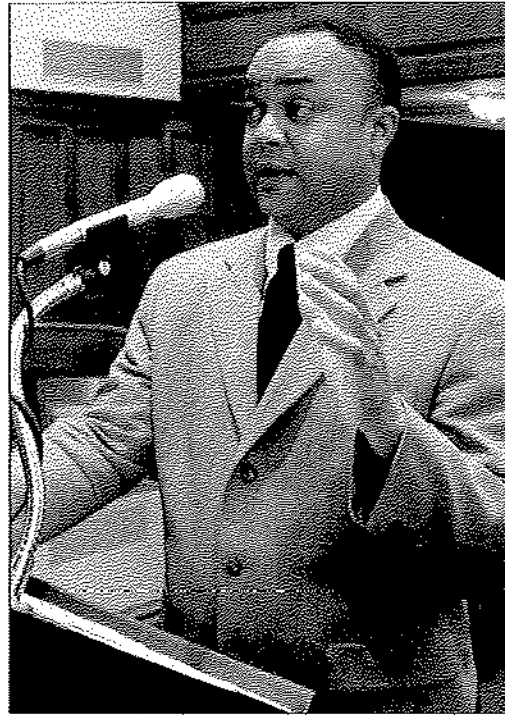
Smith grew up in Jackson near his grandfather’s grocery store in the area between Jackson State and downtown.

Smith says his favorite author is Richard Wright. On his mother’s recommendation, he read *Black Boy* in seventh grade. Smith found Wright’s work to be intellectually transformative then, and says it is still relevant today. Smith is disturbed by the high number of young black men in the Hinds County Detention Center. He says that adults must find ways to get involved as mentors early in a child’s life to help influence their decision making. Smith tries to do his part, serving as a volunteer mentor in the Jackson Public Schools.

After graduation from Forest Hill High School, Smith concentrated on business at Tougaloo, majoring in economics. He first became interested in a legal career during an internship in Congressman Mike Espy’s Washington, D.C. office in 1990, where Smith particularly enjoyed interacting with people “from all walks of life.” After graduation, he moved to Missouri to enter law school at Saint Louis University. It was his criminal procedure professor, Roger Goldman, who sparked Smith’s interest in criminal law.

Smith knew he did not want to stay in St. Louis, but considered Minneapolis after a visit there. Smith liked “the beautiful scenery” and pro-environment policies of that area, but that foundation of family and community brought him back to Mississippi.

Smith says he has had the benefit of “diverse mentors”



over the years. He took it to heart when he was repeatedly advised that being a litigator was “the best way” to make a name for yourself as a lawyer. After a short stint as a prosecutor for the City of Jackson, Smith began working for the public defender’s office under the tutelage of Tom Fortner, “a brilliant trial lawyer” who knew how “to ask the right questions.” Smith says that while public defenders are generally under-appreciated for the work they do, he found the work “rewarding” and stayed on for five and a half years.

Smith went into private practice, hanging out his shingle in the building that housed the old grocery store, which his grandfather had renovated into an office building. Smith says the community remains vibrant and thinks the success of

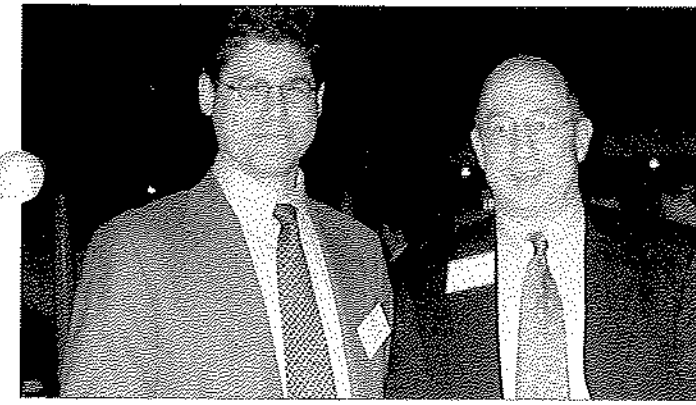
west Jackson is “key to downtown’s success.” Even today, Smith remains involved in the community, serving on the boards of the West Jackson Community Development Corporation and Central Mississippi Health Services, where Dr. Robert Smith (no relation) still makes house calls.

As a solo practitioner, Smith mainly handled personal injury cases and criminal defense, perhaps most notably serving as attorney for Mayor Frank Melton’s bodyguard, Marcus Wright. Smith says that running for district attorney was something he had been thinking about for a while, despite the lingering perception that Melton “put him up” to it.

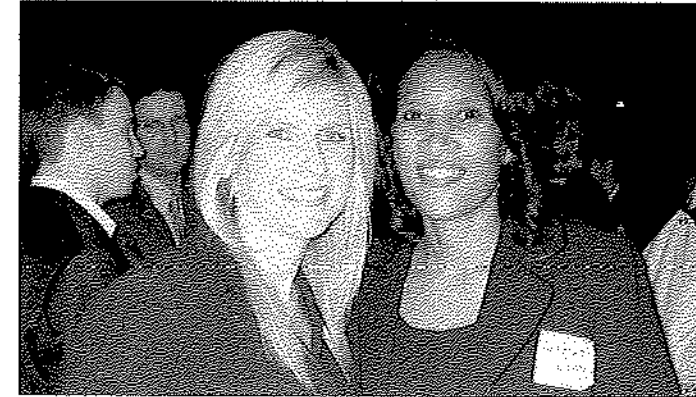
Reflecting on his first year as D.A., Smith is pleased to report that his office has completed some 2400 cases, 600 more than the previous yearly average. With a background in criminal defense, he says that being on the prosecuting side is equally rewarding, but adds that handling cases involving “repeated acts of violence” can be “draining.”

Smith says that perhaps the most difficult task of a political office is “trying to please a lot of people with different viewpoints.” However, Smith has always found it personally rewarding to “understand different people” from diverse backgrounds. Smith says that the key to success as a lawyer and a politician is to “really listen to people.”

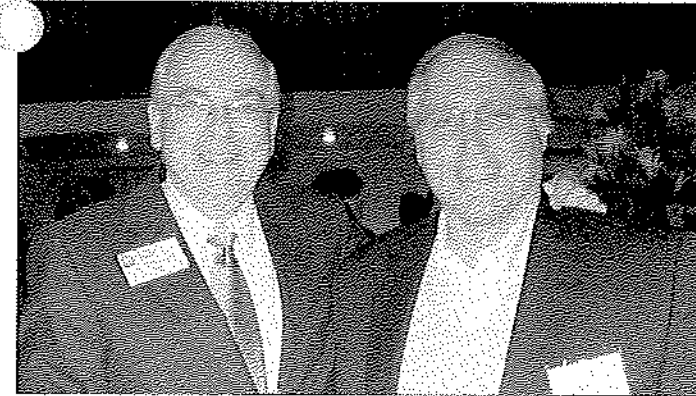
Smith strives to do just that, greeting visitors to his office just as his grandfather welcomed visitors to the grocery store – by shaking their hand and saying “come on in, my friend.”



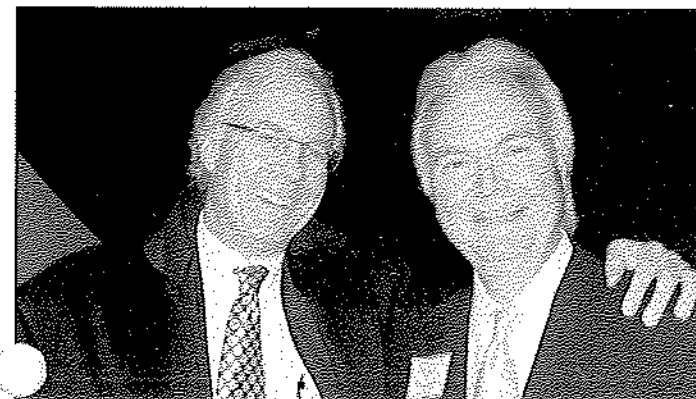
Collins Wolner, HCBA Board Member; and Peyton Prospere, HCBA Committee Chairman



Tammra Cascio, HCBA Board Member; and LaVerne Edney, HCBA Committee Chairman



Dean Jim Rosenblatt; and Tom Alexander, HCBA President-Elect



Marcus Wilson and Richard Roberts, HCBA Past Presidents

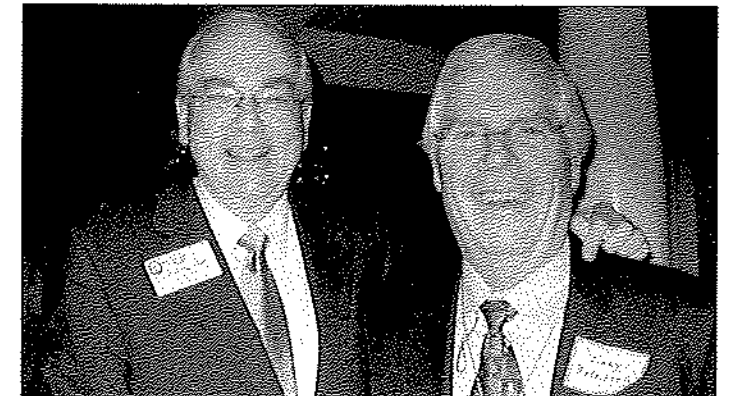


Annual Christmas Party

The HCBA and the JYL held their annual Christmas Party at the Old Capitol Inn on Thursday, December 4. Shown are scenes from the event.



Larry Lee and David Maron



Dean Jim Rosenblatt and Jimmy Robertson



Sylvia and John Land McDavid

Justice Randy "Bubba" Pierce

by Michael Hewes

Justice Randy "Bubba" Pierce is one of three new Mississippi Supreme Court Justices taking the bench in January. He defeated Justice Oliver Diaz in November and was elected from the Second District, Place 2, which covers 27 south Mississippi counties.

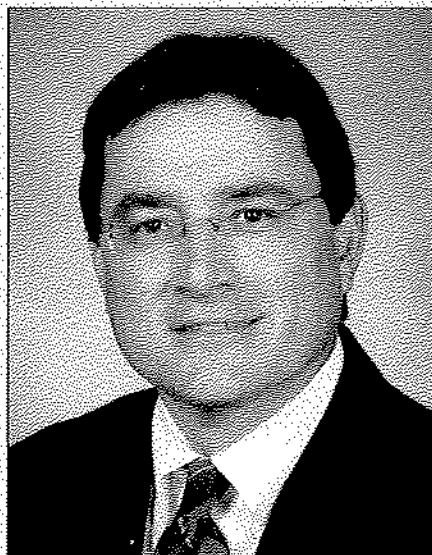
Justice Pierce grew up in the Unity Community near Leakesville. His father worked as an Ingalls shipfitter and his mother sewed in a garment factory in Neely. He is the youngest of four children and was greatly influenced by his parents' ethics and strong sense of family. Early on, his mother and father taught him the value of working hard, taking pride in what you do, and taking care of what you have. Justice Pierce heeded their advice and, while in high school, took a job at the local supermarket bagging groceries. There he first developed a rapport with the community and a calling for public service.

In March 1983, less than one year after graduating from Leakesville High School, he married his high school sweetheart, the former Gayla Smith. Justice Pierce's first full-time job was as a galley hand on an offshore oil rig and later as a welder's helper. After sustaining a potentially serious eye injury while working, Justice Pierce, married, not yet twenty years old and now with one child, began thinking about the future and the responsibilities and obligations that come with being the head of a young family. He and his wife both set goals to attend college and soon thereafter, he enrolled in Jones County Junior College.

Justice Pierce ultimately graduated in 1987 with honors from the University of Southern Mississippi with a degree in accounting. He took a job with a CPA firm and Gayla began her studies, ultimately receiving her education degree from the University of South Alabama. Justice Pierce, never a man to rest on his laurels, followed his undergraduate degree with a Masters Degree in Business from the University of Southern Mississippi's Gulf Park Campus.

Justice Pierce and his growing family (two children now) moved to Oxford in 1994 where he attended law school. During his third year, his law school classmates overwhelmingly elected him as the Law School Student Body President, an acknowledgment which still ranks as one of his highest personal honors.

After graduating from law school in 1997, Justice Pierce returned to Greene County to practice law while Gayla taught school. In 1999, he defeated a three-term incumbent to take a seat in the Mississippi House of Representatives. Justice Pierce received numerous awards as a legislator, including the Top Rated Freshman, and was reelected in 2003 with over 80% of the vote. While serving



as Chairman of the Education Committee, Governor Haley Barbour selected Justice Pierce to be the Chancery Court Judge for the Sixteenth Chancery Judicial District upon the retirement of the Honorable Glenn Barlow.

Justice Pierce now has three children and three grandchildren. He is an ardent NASCAR fan, and enjoys hunting, fishing, and working outdoors. He likes a good book and most people are surprised when they learn that his musical tastes vary from classic country and western to classical and new age. Justice Pierce spends much of his free time working through his church, Unity Baptist Church, and he currently serves as bi-vocational interim pastor in the

town that he still calls home.

Why the Mississippi Supreme Court?

Justice Pierce enjoyed his work as a chancellor, but when the opportunity to run for Supreme Court justice presented itself, he could not pass it up. He felt that if elected, he could bring balance to the Supreme Court and return it to the place where both sides were treated equally—regardless of race, class, or outside influence.

One of Justice Pierce's primary legal influences is Harper Lee's character, Atticus Finch; in fact, "To Kill a Mockingbird" planted the seed for Justice Pierce to pursue a legal career. Even today, he and Gayla try to at least every two or three years make the sojourn to Monroeville, Alabama to watch the stage version of the story. According to Justice Pierce, Atticus represents the great leveler—he is honest, civil, and learned—all traits which serve the legal profession in the highest manner possible.

Justice Pierce's Philosophy

Justice Pierce is a jealous protector of the three branches of government. He believes that laws should be made in the legislature and not by the judges. To that end, he is a strict constructionist and is troubled when courts become philosophical rather than follow the rule of law. As a Supreme Court Justice, he will ensure that his opinions and actions are within the bounds provided by the constitution.

Oral Argument Tips

Attorneys before Justice Pierce should know that he does not tolerate attorneys who fail to exhibit civility and professionalism in their written submissions and oral arguments. He is not swayed by theatrics and finds it distracting when advocates are sarcastic or try to be too cute when making their arguments. Simply stated: Justice Pierce has respect for lawyers who respect other lawyers.

He believes that attorneys should quickly and precisely

continued on page 7

Overview of the Study Groups, Proposed/New Changes to Mississippi's Business Laws and How They Will Help Businesses

by Cheryn N. Baker Assistant Secretary of State Division of Policy and Research

Earlier this year the Secretary of State's Office formed six different volunteer groups to study all aspects of our business laws with a goal of making them more business-friendly. People from all across the state were invited to participate, including many members of the Hinds County Bar Association and people who work for businesses of all sizes in Mississippi. These groups met over the summer and have made recommendations for legislation to the Mississippi Legislature. The following is a summary of their proposals.

Business Courts – This Group has recommended the establishment of a pilot program by Supreme Court Rule or order. This program will create a specialized docket within the Circuit and Chancery Courts in three areas of the state (Northern, Central and Southern) for handling business cases (such as shareholder disputes, partnership dissolutions, etc. and business disputes). The Group recommends that three sitting or former judges be selected to hear the cases assigned to the business dockets. Over 20 states have a form of a business court and additional states are studying it or are in the process of implementing it. A business court will reduce the litigation costs for Mississippi's businesses because business cases will be resolved more quickly, and it will create a stable, predictable body of corporate law businesses can come to rely upon.

Trademarks – The Trademarks Study Group has recommended changes to the State's laws on trademark infringement to include the most current protections under federal law and make it easier to prove infringement claims. The new act will also allow businesses that have famous trademarks to enforce their trademarks rights against those businesses that would damage the mark's reputation. In addition, the updates will provide greater protections to businesses that use competitor's trademarks in comparative advertising and to the media that use marks in news reporting.

Charities and Nonprofits – The Charities and Nonprofits Study Group has recommended a number of changes to the State's charitable solicitation laws which should ease regulatory burdens on charities while strengthening the Secretary of State's ability to enforce the law against dishonest charities. These changes include increasing the annual revenue threshold for charities registration with the Secretary of State from \$4,000 a year to \$25,000 a year; and expanding the Secretary of State's enforcement authority,

allowing the Office to subpoena witnesses and documents during investigations, and to bring actions in Chancery Court to stop illegal activities and collect fines. The Group also recommended a number of measures to increase transparency in our charities to help provide the public with the information it needs to make better informed decisions about donations.

Partnerships and Limited Liability Companies (LLCs) and Corporations – These Groups have recommended several changes to these laws to make them more business-friendly. They have recommended that the Secretary be able to establish filing fees by rule and that expedited services be established for a reasonable additional fee. The Groups also recommended that the Secretary be able to reduce fees when appropriate, such as allowing discounted fees for online filings. In addition, the Group recommended changing the corporation reinstatement laws to make it easier for corporations that have been administratively dissolved to get reinstated with the Secretary of State's Office. Finally, the Groups have recommended that LLCs be required file annual reports with the Secretary of State's Office, similar to the annual reports that corporations are required to file.

Securities – The Securities Law Group has recommended the adoption of a new Securities act, which will replace our current act, which is very outdated. This new act will bring Mississippi uniform with the most current state securities laws in other states and with federal law. Like the charities law changes, this act will enhance the enforcement powers for the Secretary to go after and punish dishonest companies and salespeople. It will also ease regulatory burdens of multi-state companies that sell securities in our state.

Since most of these changes require legislative approval, the Secretary of State's Office will begin educating and informing businesses about the final changes after the end of the 2009 legislative session. We will give businesses plenty of lead time so they can comply with these new laws. In the meantime, we invite the public to attend the study group meetings and to read the materials and minutes of the groups which are on the Agency's website, under the Policy and Research Icon. The Agency is also speaking to various business and civic groups and the Mississippi Bar about the potential changes to the business laws and will keep them informed of the progress of these reforms as they are introduced in the Legislature and make their way through the legislative process.

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state their case and present the law on behalf of their respective clients. As a Mississippi Supreme Court Justice, he looks forward to having the best of the best from Mississippi before him on a daily basis. His temperament and his experience as a lawyer, legislator, and judge make him uniquely qualified to objectively hear both sides of an argument and apply the law in an equitable, balanced manner.

Justice Pierce believes that the opportunity to serve at

this level is a gift from God. He takes this charge seriously and vows to give honor to God and honor to the Bench.

Today, Justice Pierce keeps his late father's Ingalls badge in his office. It serves as a constant reminder of where Justice Pierce came from and how hard his father worked to make life better for his children and family. Justice Pierce looks forward to carrying that same degree of commitment and service to the citizens of the State of Mississippi and is truly grateful for this opportunity.

Free Online Resources to Help You in Your Practice

by Brian Barnes

As we all know digital advances have changed the practice of law drastically in the past fifteen years. However, what many are not aware of are the free resources available to the public that can benefit you and your firm. This article will discuss several of these resources that are provided by the Mississippi College School of Law Library, and governmental or private resources that are largely underutilized.

First, as you may have seen in some of the recent Bar Briefs emails Mississippi now has an Appellate Court Video Archive. The Mississippi Supreme Court in conjunction with Mississippi College School of Law has undertaken this project to provide a website for archived oral arguments before the Mississippi Supreme Court and Court of Appeals free of charge for members of the bar and the public in general.

The easiest way to get to the archive is to use the address: <http://law.mc.edu/court>. You may also access the archive through the Mississippi Supreme Court's website and the MC Law Library website. This archive contains the recorded appellate arguments heard by the Mississippi Supreme Court and Court of Appeals dating back to January of 2004 and is currently updated at the end of every sitting. Each video entry also contains the party's names, the attorney's names, date of the oral argument, docket number, a link to the opinion after it is released, a synopsis of the opinion when available. Future videos will also link the briefs filed in the appeal. This archive is also hosted externally to Mississippi Supreme Court's system so any previous issues you may have had getting videos to load or videos dying out because of bandwidth issues should be solved with this system provided by Mississippi College Law.

What differentiates the Mississippi Appellate Court Video Archive from other states is the searchable and sortable features of the database and its easy to use interface. If you know the party's name you are looking for you can simply put that in the Party Name Box, likewise for attorney, docket number or date. Searching in the keyword box will search all of these fields in addition to searching the synopses that are included with the videos. In addition to searching for a case, you can go directly to a full listing of all of the videos which is sortable by docket number, date, or title. This archive also has an RSS feed that is updated when new videos are uploaded which can be used with all of the major feed readers. In addition to the viewing and research benefits this can provide there is also an opportunity for marketing. The archive welcomes firms to link an attorney's profile or e-mail to arguments in which they have participated. A prime example of this feature is in the case of *Laurel Yamaha v. Norman Freeman*. Also the url for each video is distinct and can be easily linked by firms on their own websites.

Second, is a related site to the above mentioned archive is the Mississippi Appellate Court Brief Archive. The easiest way to get to this archive is to use the address: <http://law.mc.edu/briefs/>. You may also access the archive through the MC Law Library website. The Brief Archive

contains over 1,000 briefs filed with the Supreme Court that range back to appeals beginning in 2002. These briefs are scanned into PDF format and are available at no charge.

The Brief Archive has also recently added a Google search feature allowing full text searching of the documents. This search ability is reliant on Google's scanning robots and does not allow searching of all archived briefs but over time will achieve this status. This brief archive brings several useful tools to Mississippi practitioners. It allows you to see what arguments were previously brought before the court which may influence which arguments you want to include in your own appeal or which arguments you may want to leave out if facing a page limit. Additionally, you may use this resource as a go-by for structuring briefs you are filing an appeal for the first time or filing on an original ground for you but others have briefs in the archive that are similar. Perhaps the most beneficial thing about this archive is that it is free. Westlaw and Lexis have briefs available for some of their cases but looking at them is often an additional charge to your firm or client.

Third, is a webpage run by the U.S. Library of Congress known best as THOMAS. The easiest way to get to this page is the address <http://thomas.loc.gov/>. The most used features on THOMAS by attorneys are the sections concerning the Congressional Record and Current Federal Legislation. The Congressional Record service contains all Records from 1989 to current. Additionally, "current" for THOMAS really means "very current," as most proceedings are posted by 10 a.m. the following day. The legislation section is also kept very up to date with bill updates often provided within a couple of days of offering by a Congressman or Senator.

Perhaps the most impressive feature of the THOMAS site is its multiple search field ability. For a bill you can enter a word or phrase, the bill number, or search by Senator or Congressman to find bills applicable to your matter. When doing this search, please be careful of the selected dates. Default settings search only the current Congress but by adjusting the settings under the "Find More Legislation" you may search multiple congresses, bills that are only sent to the President and set several other settings that can restrict your returns making your search much more efficient. The Congressional Record search works in much the same way as the legislation search and is equally as handy and to many attorneys is an easier tool to use than the books or even the Westlaw or Lexis databases of the same records. THOMAS can benefit you in your practice as its best features are its growing database with almost 20 years worth of Congressional Records, legislative materials, and more, its ease of searching, the fact you can do it from your office and its free cost.

The final free web source to be discussed here is PreCYdent. The main address for PreCYdent is: <http://www.precydent.com>. PreCYdent is a website similar to Findlaw and Justia in that it provides a searchable database of cases, for Mississippi 1999 - current and all Courts of Appeal.

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The Shack - Book Review

by John C. Henegan

"Do not be embarrassed that you cannot completely understand God. We cannot describe God with our own words, because this would not be God. However, we can know and feel with certainty that the God we cannot fully understand exists." - Leo Tolstoy

Contrary to common place belief, it is not man - or woman - who seeks God, but God who seeks us. This is so whether the story begins in the cool day of a garden or at the foot of Jacob's ladder or with the incarnation of the Son. And God disclosed, whether as a smoking firepot, a burning bush, a small still voice, an infant in a manger, or a suffering servant, is one who startles, and one whom we reject, for not meeting our expectations of whom God should be. So why should it be regarded as either incredible or scandalous that God would leave an invitation addressed to a forlorn and forsaken man, who has killed one person and who feels responsible for the death of a loved one, in a rural mailbox? In an age such as this, why wouldn't God call such a person to a ramshackle cabin in the mountains, and why wouldn't the man actually go?

These are the beginnings of *The Shack* by William Paul Young (Windblown Media, 244 pp., \$14.99). For the past six months it has been on The New York Times best seller list for paperback trade fiction. Initially its author could find no publisher. Now it sits atop the bestseller list where it may not only outsell any work of Rick Warren, Dan Brown, Stephen King or John Grisham but it may become the bestseller of all time excluding only *The Bible*.

I first heard about *The Shack* when a good friend said that an acquaintance had handed it to her saying that it "will change your life." Not exactly clear about the implications are you saying my life needs changing? - she had not yet read the book. Later I heard it was the text of a Sunday School class at church. Asking around, I heard that other churches were also using the book in their adult classes. Others from mainline dominations spoke passionately about the book. By accident I learned about its position on the bestseller list. Ordinarily resistant to "popular" literature in general and "pop" theology in particular, I succumbed and purchased a copy, wanting to see why the book stirred people as it did.

The book begins off-handedly with a rhetorical question, which, although less eloquent, is summed up "why am I opening this book about a guy who meets with God, Jesus, and the Holy Spirit in a desolate cabin in the woods? What could I possibly be thinking?" The author helps you over that barrier with only the most meager slight of hand. As you then read about Mack Philips, who has "a love/hate with Religion and maybe even with the God that he suspects is brooding, distant, and aloof," and his tragedies and joys that run-up to his weekend encounter, the author gets his tenterhooks deep into you. Soon you find yourself standing along side Mack, wanting to ask the same questions that Mack poses, often before he himself does, because his experiences are in many respects no different than our own or of others whom we know.

The question is how do we as human beings grounded in the physical world experience, having relation with a transcendent God, wondering about the nature of that relationship and why it appears to us at least always be turning out to be less than we had anticipated? The remainder of the book is a conversation between Mack and either God, Jesus, or the Holy Spirit - or all three of them - that addresses the fundamental subjects of human existence, viz., free will, who is in control, the presence of good and evil in the world, the human desire to retaliate, strike back, or avenge, how or why does a God who is good permit evil to happen to even the most innocent, the longing for forgiveness and redemption, the nature of our relationship with God and his creation and the desire to rebel against God and our fellow brothers and sisters, and more. It is nothing less than a modern day catechism, that is, a brief, clear explanation of orthodox Christian theology adapted for the uninstructed in the form of questions and answers.

What God, Jesus, and the Holy Spirit tell Mack about their relationship to one another and their relationship to Mack and the past and future events of his life and the lives of his family and, by extension, each one of us is presented in a deeply moving and personal level. This is a book with the capacity to engage not only the novitiate, but most of all those who believe that they are well "churched," and to open up a conversation across a broad spectrum of people who call themselves believers and followers of the Word.

We've moved!

The firm's Jackson office has moved to the Pinnacle at Jackson Place.
Please update your information with the new street address listed below.

The post office box and all phone numbers will remain the same.

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the order of the day.

No We Can't tolerate the current climate of special interest controlled funding of the political process. We must demand that the revolving door between government and industry be sealed. We must demand public financing of elections with realistic time limits. Perpetual political campaigns do not serve the overall interests of the nation.

And No We Can't expect other people to take care of us or educate us or live our lives for us. True quality of life and prosperity lies in the ability to finally confront the causes of crime, ignorance, and poverty, one person at a time. It requires us to be there for the very young, the very old, the sick, and the disabled. Whether we are rich, poor or in somewhere in between; liberal, moderate, or conservative, we are, in the end, all Americans. What has made us great in the past has been the recognition of the overarching requirement that we take responsibility for ourselves and our families, be moral in our actions, and charitable to our neighbors. That said, it is only fair to expect the same from them as well. Doing the right thing creates an undeniable viral momentum which lifts all boats.

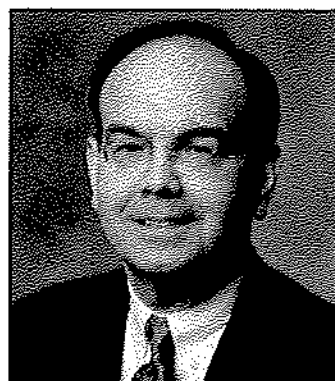
The bottom line is this: The Golden Rule still works. Difficult as it sometimes may be to live it out in real time, making the effort will translate into "Yes We Can" for all of us.

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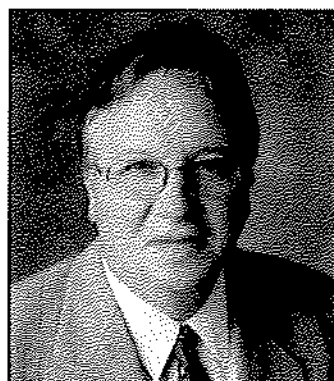
and Supreme Court back until 1950, free of charge but it takes the research further in a couple of different ways. First, PreCYdent has a built in citation system much like Shepards or Keycite. This citation system informs you of cases that have cited the case in question and provides a link to the citing case. Second, PreCYdent has internal links to most cases that are in opinions if the text of the case is available. For a Westlaw or Lexis user this is to be expected but with a free resource that is web based internal linking is a step forward. One final advance that PreCYdent uses that is becoming a highly used web tool is social searching or tagging. When one searches for an item using keywords the database returns certain results based on the text of the opinion, however, with social searching sites like PreCYdent allow users to view other suggested research terms which can be clicked on narrowing the search as it pools the results that all have that social search term. Additionally, tagging is a method that allows web site users to tag or label what a case is about and then clicking on a tag will pull only cases that have been assigned that tag. This is what many refer to as a web2.0 innovation as it is user driven and tags are done by the network of users.

Technology has completely changed how legal research is now done, many of the books that we as professionals so heavily relied on in the past now have their words digitized and waiting on us at our offices and homes with just a few clicks on a mouse or a few pecks on a keyboard, making our workdays (perceivably) shorter and more efficient by methods that can help any firm that runs that tight financial line that plagues many an office.

Your Clients Expect You To Know Everything.



JAMES A. KOERBER
CPA/ABV, CVA, CFE, CFF



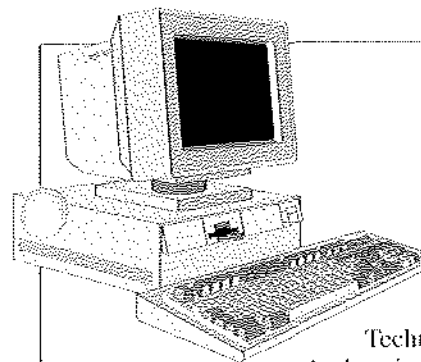
BRIAN SCHMITTLING
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On Computing

by Joel Howell

Legal resources on the web continue to expand in wonderful ways.

Here, thanks to Law Technology News and Robert Ambrogi, are some new ones:

Lexis Nexis has in beta its Lexis web search tool, www.lexisweb.com. Rather than being a general search site, it searches only legally relevant sites selected and validated by the Lexis Nexis staff. This is similar to the Quest search engine, quest.law.com, which searches selected legal sites in addition to law.com's own content.

Aside from the search results, a Lexis web search shows selected Lexis Nexis recommended sources, which requires you to have a subscription. Otherwise, Lexis web is free but the user guide indicates there may be charges at some point in the future.

A helpful area of free access is LitiReviews (<http://litireviews.lexbe.com>), which includes reviews of legal software and technology. It collects reviews from third party sources such as the American Bar Association and the Association of Legal Administrators, Law.com, and TechnoLawyer. Rather than republishing the reviews, it shows links to their original sources.

Thus, if you wish information on a specific product, you can click on the product name and find up to ten reviews compiled from legally relevant publications. This site is operated by Lexisbe.com, which has a similar site, LitiLaw (<http://litiilaw.lexbe.com>), with access to lawyer-written articles for CLE programs or publication.

The Library of Congress Law Division has converted its global legal monitor from a newsletter into a constantly changing, regularly updated website (www.loc.gov/lawweb/servlet/lloc_news). It allows you to browse legal developments by more than a hundred topics

in a hundred fifty jurisdictions including an RSS feed.

The operators of Public.Resource.org intend to put as much available law as possible into the public domain. Their site, Codes.gov (<http://bulk.resource.org/codes.gov>) publishes state and municipal codes from every state, though it is not all inclusive.

Electronic filing and litigation almost exclusively use Adobe's PDF format, with converters and viewers widely available in the public domain. With the introduction of Version 9, Adobe continues to improve its capabilities. Here's a brief look.

Version 8 added the highly desirable feature of built-in Bates stamping. Version 9 expands its capabilities by letting you select a folder or group of files rather than having to do so on individual files. In addition, you can now select a separate storage area for the stamped file, keeping it separate from the unaltered original.

Also introduced with 8 were redaction tools, now enhanced. In addition to redaction by selected black boxes, you can now redact a whole page or range of pages, as well as searching for and redacting alphanumeric patterns. (Social Security and telephone numbers being good examples.)

Finally, documents can be shared from online space at Acrobat.com with a click of the "Collaborate" button. Though perhaps less valuable for lawyers than the other new features, it nevertheless makes working on PDF documents in multiple locations far easier than before.

Be on the lookout for the newly designed website hindsbar.com. Meanwhile, direct questions or comments to webmaster@hindsbar.com.

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 2009-2010.

The Nominees for the three positions to be filled are:

<u>PRESIDENT</u>	<u>DIRECTOR - POST 1</u>	<u>DIRECTOR - POST 2</u>
Sharon Bridges	Rob Dodson	Cheryn Baker
Laura McKinley Glaze	Peyton Prospere	Rhea Sheldon

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 601-969-6097.

HIGHWAY EATS

by The Road Lawyer

We are now well into baseball's Hot Stove League season. Still, images remain of that last Thursday night in September, of what The Road Lawyer ["TRL"] experienced while and after strolling down Texas Street towards Houston's Minute Maid Park ["MMP"].

An all day client conference lay ahead on Friday. The night before offered one last 2008 culinary feast of beer and baseball and ballpark dining.

The Cincinnati Reds were in town to play the Houston Astros. An impressive late season surge had given hope to home team fans where reason counseled otherwise. One more loss meant the 'Stros' season was over.

MMP had even set up a big screen viewing area along the concourse down the left field line where the Cubs' game against the Mets, and the Brewers vs. the Padres, were streamed in live. The air of unreality was such that the Houston Chronicle proclaimed "Astros: Magic number down to 1;" it was Doomsday number that was down to 1.

Bad Omens Abounded

Earlier that Thursday the Bush Administration's first \$700 billion Wall Street bailout bill had bombed, as angry House Republicans balked.

No sooner were we seated just to the third base side of home plate than our eyes spied the sign on the right field wall, the giant bold letters AIG just above **The Strength To Be There**.

Well paid, well traveled, steroid taking Astros shortstop Miguel Tejada lined a shot at and off the selfsame AIG sign, but loafed to first base and was thrown out at second on what should have been an easy double.

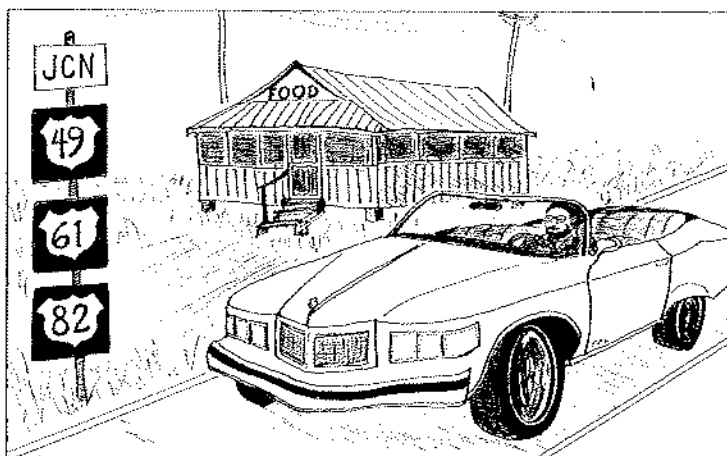
The big Budweiser sign high above the second deck in deep right field made no mention that two months earlier the brewers of American's best selling premium beer had been bought by Belgian beer giant InBev. TRL wondered whether those sipping their ZeigenBock Amber drafts saw the irony. [In 1995 Anheuser Busch introduced ZeigenBock Amber, proclaiming it an authentic Texas-style specialty light beer.]

And Not So Recent Omens

Eight Springs ago Houston opened a brand spanking new, retractable roof, baseball park and named it Enron Field for a fee. The Astrodome, once proclaimed as the Eighth Wonder Of The World, was left in obscurity.

On Opening Day in April, 2000, Kenneth Lay threw out the proverbial "first pitch." In 2001 Enron imploded, and the Astros new home was quickly dubbed "The Ballpark Formerly Known As Enron Field."

Coca-Cola's juice subsidiary picked up the last 28 years of Enron's commitment, for more than \$100 million. Hence Minute



Maid Park, which sounds even less like baseball than Citizens Bank Park, home of the now reigning World Champion Philadelphia Phillies.

It's more about money than the National Pastime.

The Retractable Roof Never Phased The Weather Man

The 31,204 paid attendance was more than we had expected, given the 'Stros certain fate. After all,

Thursday is a school night.

Our drive in from North Houston took us past block after block of damage from Hurricane Ike ten days earlier. Piles of debris were everywhere.

Right wing Texas Congressman Ron "Paul votes against Ike disaster aid," was the headline in the Houston Chronicle. "Congressman says constituents don't want [\$23 billion in Ike disaster aid and] FEMA oversight on coast." Never mind that many thousands had lost everything. "We would rather be ruined than changed."¹

But the lights were shining brightly and the roof was open that nice night in late September. It soon became obvious that some still without power had sought refuge from Ike and Paul and reality, for several hours of beer and baseball "to forget about life for awhile."²

"Malt Does More Than Milton Can To Justify God's Ways To Man"³

"When the historical process breaks down and armies organize with their embossed debates the ensuing void which they can never consecrate, when necessity is associated with horror and freedom with boredom, then it looks good to the bar business."⁴

W. H. Auden was writing near the end of World War II. What our "war on terror" left of Auden's "ensuing void" in late September 2008 was more than filled with economic meltdown, a national election at once hopeful and apocalyptic, and Ike's recent wrath upon Galveston Bay and Greater Houston.

"When even the most prudent become worshipers of chance, . . . [the bartender] can count on making his fortune."⁵

And so it was that malt and stronger drink were plentiful that evening. By accident or design, MMP's bartenders afforded solace to those with woes from weather, Wall Street, Main Street, or the 'Stros' ill timed late season surge.

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¹ W. H. Auden, "The Age Of Anxiety" in *Collected Longer Poems* 350 (1969).

² Billy Joel, "Piano Man" (1973).

³ A. E. Housman, "ference, this is stupid stuff," in *A Shropshire Lad* (1896). It's easily googled.

⁴ W. H. Auden, "The Age of Anxiety," in *Collected Longer Poems* 235 (1969).

⁵ *Id.*, at 236.

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MMP provides several large lounge areas for those content to watch the game on big screen HD television. Larry's Big Bamboo has a bar and lounge not far from the home plate area, and an abundance of Corona and Budweiser beer. Other lounges include Lefty's at Union Station deep down the left field line and Landry's in the upper level in left field.

For those who wanted to watch part of the game, "beer man" was everywhere, though his wine cooler offerings seemed largely without takers. No surprise that Corona beer was a prevalent as Bud and Bud Light, but you had to look for the other well known Mexican beers such as Dos Equis.

Back in the concourse, St. Arnold's, Houston's first microbrewery, had a notable market presence, as did Wisconsin based Leinenkugel Summer Wheat, and, as noted, ZeigenBock Amber. Miller beers and Foster's were also readily available.

The longest lines TRL noticed were at LaCantina's which offered frozen sangria and margaritas.

A Little Like Fenway Park

Houston is about as different from Boston, the capital of "the Peoples Republic of Massachusetts," as a city can be. Or is it? The Astros came into baseball with the Mets a half century ago and have built their own tradition of fine ball clubs with fine players who can do everything except win the big one.

In 1998 the Astros picked up Randy Johnson, in exchange for former Jackson Generals great Freddy Garcia, en route to 102 wins and the 'Stros' second straight NL Central title, but couldn't finish.

In 2005 Minute Maid Park played host to games 3 and 4 of the Astros' only World Series. Freddy Garcia got revenge on the team that dumped him with 7 shutout innings in game 4, pitching the White Sox to a 1-0 Series ending win.

Not just the team but much about this ballpark reminds you of Fenway. You are first struck by the high facade in left field, only 315 feet from home plate down the foul line. The mechanically operated scoreboard, where numbers slowly slide into place a half inning at a time against the great green back drop, replicates the lower part of the Green Monster.

There are even roof top fans atop the wall, not unlike the new seats recently installed high above the Monster in Fenway. And, you guessed it, a giant CFTGO sign sits high above the wall.

The left field bleachers jut out into what is foul ball country in most every other ballpark, leaving a narrow sliver of foul ground before the sprinting left fielder dodges and dances to avoid the disabled list. A towering Major League pop up into foul territory in short left field behind third base can put the shortstop and third baseman at risk as well.

Deep center field is as strange as Fenway, but it a different way. The not so gentle slope up the last 90 feet to the 436 foot maker leaves one wondering how it might have affected a present day Willie Mays making an over the shoulder catch of a 430 foot drive hit by Ryan Howard or some other present day Vic Wertz. Cincinnati's Crosley Field was the last of the old ballparks with such a slope in deep center.

For more, much more, about MMP, see, e.g., <http://en.wikipedia.org/wiki/MinuteMaidPark>

or A-Z Fan Guide on page 53 of *Astros Official Game*

Magazine (Sept. 2008).

Weir Wolf Wins

Weir, Mississippi, native Roy Oswalt took the mound for the Astros, on "short rest" of only three days. (When did Bob Gibson or Sandy Koufax ever need more than three days rest between starts? Or require relief after six innings?) Roy was the star of the game.

The Reds second batter was Corey Patterson, who rocketed a home run deep to left center -- a dinger in any ball park. After that, Roy was in charge, giving up only one more base hit. The former Weir "Wolf" singled and scored in the Astros' half of the second, then delivered a two out, bases loaded single over the second baseman's head in the bottom of the third.

To start the top of the 7th inning, Astros Manager Cecil Cooper sent Oswalt to the mound, but quickly replaced him with reliever Wesley Wright. The 31,000 plus in attendance honored Roy for another fine season. Five Reds runs in the 9th cut the lead to 8-6, and the Astros lived to fight another day -- one more, to be exact.

Among Former Generals, Only Berkman Is Left

Past Oswalt, the once prominent Jackson connection with the Houston Astros is down to a lone, still standing all star: Lance Berkman.

Many remember the days when the Jackson Generals fed fine young player after player to the Astros. TRL remembers the Atlanta Braves visiting Enron Field in 2001, and no less than six former Generals taking the field for the Astros at one point or another during the game. Bobby Abreu, Daryl Ward, Freddy Garcia and others are long gone. Only Berkman is left.

In 1998 a group of investors led by Nolan Ryan bought the Generals moved them to central Texas. The Round Rock Express today is among the most successful minor league franchises, along with the Memphis Redbirds and the Brooklyn Cyclones who play on Coney Island.

The decade when Houston's Astros sort of competed with the St. Louis Cardinals and the Atlanta Braves for the hearts of Mississippi fans is past.

A Full Panoply Of Ballpark Food

There was no danger of Ike's refugees and others leaving MMP hungry. There are four Union Station Grills, befitting a ballpark built on the site once occupied by Houston's Union Station. Each features today's staples: hot dogs, footlongs, chili cheese dogs, and super star dogs. The dogs are all beef, this is Texas, remember.

Maverick Smokehouse behind first base served bar-be-que beef ribs and brisket, also bar-be-que potatoes and "loaded" potatoes.

Three Round House Pizza stands are spaced around the concourse. They appear to offer pepperoni or plain cheese.

Astros Sizzling Grill served TRL a yummy spicy kielbasa. Mild kielbasa are available for more conservative patrons. Dining Car Grille was doing a brisk business with its bratwurst and similar offerings.

Tex-Mex dining is available in all ballparks these days. You have to look hard at the Metrodome in Minneapolis, but not in MMP. This is Tex with a lot of Mex as well.

Two Sheriff Blaylock's Nacho Express venues lie along the

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concourse behind third base and left field line. Rosa's Tanqueria seemed to be serving plenty of beef and chicken fajitas and tortillas. Goya Latin Café behind home plate served Cuban sandwiches, spicy beef picadillos, chicken chipotle, Goya Latin wafers, and margaritas.

MMP, like so many of the "new" ballparks, allows patrons to dine as though they were in a sports bar or restaurant. Amigo's offers sit down dining along the concourse behind deep center field.

The traditional offerings were there in abundance. Peanuts. Popcorn. Cracker Jacks. The Creamery and other venues provided ice creams for young and old. Yes, you can find Minute Maid orange juice as well, though TRL noted no takers.

But Would Mc Show?

More than mere seasons have changed since that deceitfully lovely late September evening at Minute Maid Park. It seems quaint that TRL's foremost thought, boarding Continental Express for home that Friday evening was, would John McCain show up at Ole Miss after all?

People's Law School

The Women and Children's Advocacy Committee is reviving the "People's Law School" with a new format. At 9:00 a.m. on Saturday, February 28th, the committee will host a three hour program at the Mississippi College School of Law with sessions focused on issues relating to women and children. A stellar group of lawyers will be speaking on Divorce, Guardianships, Child Health Care, Child Support, and Domestic Violence, focusing on educating a lay audience about the law in these areas. Organizations working in these areas are invited to come and/or send brochures. Local attorneys are welcome to attend. There is no cost to participants. The Women and Children's Advocacy Committee Chair is La'Verne Edney.

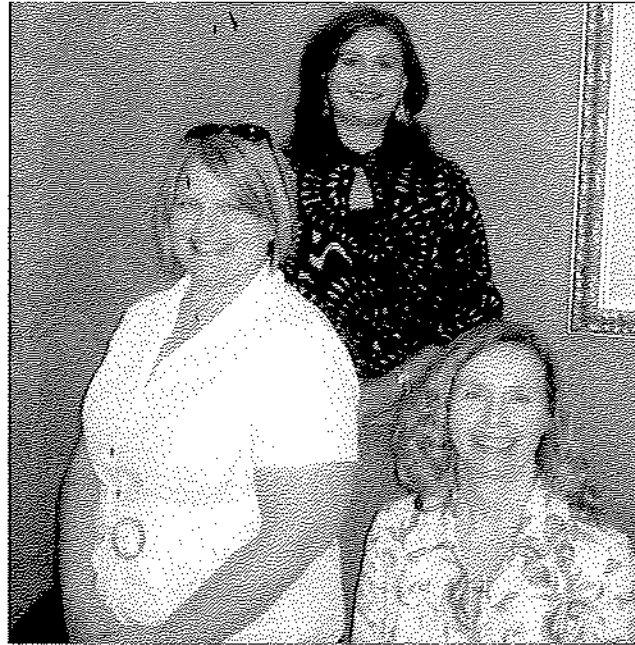
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Social Chairmen

Planning the HCBA's social events for this year, which included the Christmas Party on December 4, are the chairmen Rhea Sheldon (left) and Jennifer Hall (standing). They are with Susan Tsimortos (right), HCBA President.

Hinds County Bar Association Grant Committee Seeks Nominees

The Hinds County Bar Association Grant Committee seeks nominees for its 2009 grants. Since 2003, the HCBA has each year awarded a significant monetary grant to a non-profit located in Hinds, Madison, or Rankin counties whose primary mission is to help those who are without financial means or have special needs. Operation Shoestring, Christians in Action, Mississippi Society For Disabilities K.I.D.S. Clinic, Catholic Charities, Caritas Therapeutic Day Care, Center for Violence Prevention, The Gleaners, the Mississippi Children's Justice Center, and Deliver Me--among many more--have all received HCBA grants.

HCBA's Community Grant Committee, chaired by Cheryn Baker and Doug Jennings, is about to begin its annual process of accepting nominations of qualifying local area non-profits and selecting recipients of this year's grant, which will be approximately \$10,000. If you are aware of a well-managed local non-profit that fits this criteria, please encourage its executive director or the members of its board to inquire about HCBA's grant program. All inquiries should be sent to Cheryn Baker, Committee Chair, at cbaker_17@comcast.net. The deadline to apply for the grant is January 31, 2009.

The grant will be awarded in April, so anyone interested in the grant should contact Ms. Baker within the next few weeks.

HCBA Professionalism Award

At the HCBA Dinner Honoring the Judiciary in May, 2009, the HCBA will present its tenth 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, who must be an HCBA member, 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 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 Wednesday, March 11, 2009 at noon, has been set for receipt of nominations.

MISSISSIPPI COLLEGE LAW LIBRARY HOURS

January 14, 2009 – May 15, 2009

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

Sunday, January 18th	2 p.m. - 7 p.m.
Monday, January 19th	9 a.m. - 5 p.m.

Spring Break / Easter

Friday, March 13th	7:30 a.m. - 5 p.m.
Saturday, March 14th	9 a.m. - 5 p.m.
Sunday, March 15th	2 p.m. - 7 p.m.
Mon., March 16th - Wed., March 18th	7:30 a.m. - 5 p.m.
Thurs., March 19th - Sat., March 21st	9 a.m. - 5 p.m.
Sunday, March 22nd	2 p.m. - 7 p.m.

Exam Schedule April 27th – May 15th

Monday – Friday	7:30 a.m. – midnight
Saturday	9 a.m. – midnight
Sunday	noon - midnight
Thurs. May 14th - Fri., May 15th	7:30 a.m. - 4:30 p.m.

*Summer hours will begin May 16th .
Hours subject to change without notice.
For more information call the Circulation Desk at 601-925-7120.*



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 601-969-6097. The web site address is hindsbar.com.

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**HCBA Luncheon meeting
Noon, February 17**



HINDS COUNTY BAR ASSOCIATION

OCTOBER 2009



President's Column

by Thomas B. Alexander

Exciting events are continuing to take place at your Hinds County Bar Association. We had an overflow crowd at the last bi-monthly membership meeting on Tuesday, August 18, 2009, where Adam Kilgore, General Counsel - Mississippi

Bar, spoke on recent changes to the Mississippi Bar's Lawyers Creed and the accompanying Aspirational Ideals. You will not want to miss our next bi-monthly meeting on Tuesday, October 20, 2009, at which Mississippi Supreme Court Chief Justice Bill Waller, Jr. and Madison County Chancery Clerk Arthur Johnston, will be speaking on the State's new electronic filing system and will cover the new Administrative Procedures for Mississippi Electronic Courts. Please plan to attend and bring a fellow member or a guest and enjoy an excellent program and a good meal with other HCBA members.

In case you have not already heard, the Hinds County Bar Association's website (<http://www.hindsbar.com>) is new and improved. Scott Jones is serving as Chairperson of the HCBA's Website Committee and he and his committee are doing an outstanding job. To better serve our members, we added new features and information and upgraded the website's design. The most obvious change you will notice when visiting the website is our new and improved logo. Next, we have added a calendar that contains the HCBA's most up-to-date information and a list of upcoming events (<http://hindsbar.com/calendar.html>). Please be sure to visit the website and calendar regularly to make sure that you stay informed. The HCBA website now also contains articles from our newsletter. You can now read them in print form or online. As new articles are written, we will provide copies to our members through both the website and our newsletter. In addition to the articles, we created a page dedicated to pictures from past HCBA events and activities (<http://hindsbar.com/photos.html>).

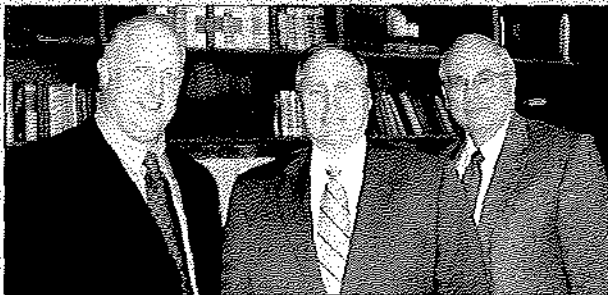
Currently, there are only a few pictures posted on the website, but we will be adding new pictures as new events occur.

Our goal for the HCBA website is to provide you with the information and resources you need. If you have any suggestions or recommendations for the website, please let us know. We truly welcome your comments and input to ensure that we are providing our members with relevant and useful information. Send us your thoughts at <http://hindsbar.com/contact.html> or at hindsbar@gmail.com.

Also, during the month of August, the HCBA conducted a brief on-line membership survey to help your Board to improve the HCBA, both for today and in the future. The American Bar Association's Division for Bar Services assisted the HCBA in conducting this survey. We had an outstanding level of participation since over 300 of you took the time to respond to this electronic survey. As you may recall, we also offered the opportunity to win a door prize if you participated in this survey. Congratulations to Stacey Stracener as the winner of the \$100.00 gift certificate to Char Restaurant. The survey responses have now been compiled by the ABA's Division of Bar Services. During the weekend of October 3-4, 2009, your HCBA Officers, Board of Directors, and a number of other HCBA members will take part in a work session designed to understand and develop an action plan based upon the responses to this survey. Again, this brief electronic survey will help your HCBA Board make your HCBA more effective and of better service to you, the members.

Finally, I want to recognize Pat Evans for her outstanding service to the HCBA as Executive Director for the past twenty years. Pat first became Executive Director in June, 1989. When you see Pat, or if you have time send her a note or an e-mail, tell her "thank you" for all that she has done for the past 20 years for the HCBA.

Please remember to join us at the next regular membership meeting of the HCBA on Tuesday, October 20, 2009 at the Capital Club and encourage others to come with you. I look forward to seeing you there.



HCBA August Membership Meeting

Adam Kilgore (left) was the speaker at the HCBA August Membership/CLE Meeting. He spoke on the new Lawyers Creed and Aspirational Statement recently approved by the Mississippi Bar Commissioners. He is pictured with Tom Alexander, HCBA President and Dean Jim Rosenblatt, HCBA Program Chairman. Not pictured: Mary Clay Morgan, President-Elect of the Jackson Young Lawyers.

OCTOBER MEMBERSHIP MEETING

Tuesday, October 20, 2009 12:00 \$15.00 Speakers: Chief Justice William L. Waller, Jr. and Madison Chancery Clerk, Arthur S. Johnston, III

HCBA Calendar of Events

October 20, 2009

HCBA Membership Meeting

Noon • Capital Club



December 3, 2009

HCBA/JYL Holiday Party

5:30-8 PM • Old Capitol Inn



February 16, 2010

HCBA Membership Meeting

Noon • Capital Club



April 20, 2010

HCBA Membership Meeting

Noon • Capital Club

HCBA Board



Elected to serve as 2009-2010 Officers and Directors of the Hinds County Bar Association are: (front) Cheryn Baker, Director; Tom Alexander, President; Laura Glaze, Secretary-Treasurer; (back) Susan Tsimortos, Past President; LeAnn Nealey, Peyton Prospero, Collins Wohner, Directors; Roy Campbell, President-Elect; and Corey Hinshaw, Jackson Young Lawyers President.

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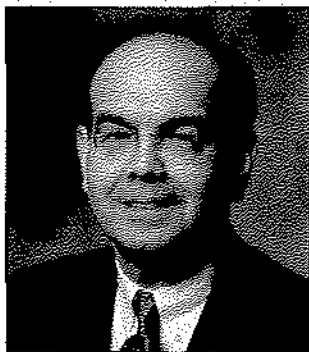
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William Bayard Shields -- First Chief Justice of the Mississippi Supreme Court and Mississippi's First United States District Judge

by John C. Henegan¹

William Bayard Shields was born in 1780 in the northeast corner of Maryland, at Bohemia Manor in Sassafras Neck. Shields and his younger sister, Francina Bayard Shields, were the only children of Archibald and Rebecca Bayard Shields.

Archibald and his brother, Thomas, who were both merchants, had come from adjoining Pennsylvania to Maryland, where Archibald served as a First Lieutenant in the Maryland militia during the Revolutionary War. By 1781, they had moved their families and their business to Kent County, Delaware. Archibald died in 1794, when William was 14. His mother passed away in 1799. By then, Francina had already married Robert Maxwell of Middletown, Delaware, who later recommended William to President Jefferson as postmaster of New Castle, Delaware in 1801.

Around this time, William became associated with the illustrious Rodney family of Delaware. The titular head, Caesar Rodney, who was suffering from cancer, had ridden on horseback to Philadelphia in 1776 to cast the deciding vote for Delaware when the colonies declared their independence from England, making the decision unanimous, although New York initially abstained. William studied law under Caesar Rodney's nephew, Caesar Augustus Rodney, Esq., who later served as U.S. Attorney General under Presidents Jefferson and Madison.

Eighteen hundred-and-three was a tumultuous and pivotal year for Shields. Shortly after being admitted to the Bar of Delaware, Shields nearly killed Henry Moore Ridgely on April 20 in a duel. Ridgely being severely wounded in the arm. Ridgely survived under the care of Sally Banning, whom he married soon thereafter, and he later became a prominent, successful banker and a popular political figure, elected to Congress and the United States Senate from Delaware. Four months after their duel, Shields left Delaware, never to live there again, the City of Natchez in the Mississippi Territory being his final destination.

Shields left Delaware with Colonel Thomas Rodney, the youngest brother of Caesar Rodney and father of Caesar Augustus Rodney. Colonel Rodney had commanded the Dover Militia during the Revolutionary War. He and his men had served under General Washington, crossing the Delaware River on Christmas night of 1776, and fighting General Cornwallis and the British at the Second Battle of Trenton and the Battles of Princeton and Morristown. After the War, Colonel Rodney had been an unsuccessful businessman, an undistinguished public official, and until then a mediocre lawyer. His oldest brother, Caesar, and his son, Caesar Augustus, had surpassed him in all these professions.

Colonel Rodney's life and career - along with that of Shield's - also took a dramatic turn in 1803. President Jefferson offered the Colonel two official posts - one as Land Commissioner and the other as Territorial Judge - in the Western District of the Mississippi Territory, which Congress had formed in 1798, and which is the bulk of present day Mississippi and Alabama. Colonel Rodney, then 59 years of age and widowed, accepted the appointments. Rodney encouraged the 23-year-old Shields to join him and to make his fortune in the West.

Thus, in late August 1803, Colonel Rodney and Shields traveled in Rodney's horse and carriage from Wilmington, Delaware, overland through Pennsylvania, to Wheeling, (West) Virginia. From there, Shields and Rodney would travel by boat along the Ohio and Mississippi Rivers. While waiting for Rodney's boat, the *Iris*, to be completed, Rodney and Shields entertained Captain Meriwether Lewis, another Jefferson appointee, who was having his own boat built in Wheeling. Captain Lewis, who had been a member of Jefferson's staff, was going to St. Louis to meet Captain William Clark, where they began their famous expedition across the newly acquired Louisiana Purchase. Lewis and Rodney wrote of their meeting in Wheeling in their separate travel journals.

On their 72-day voyage to Natchez, Shields and Rodney were joined by Major Richard Claiborne of Virginia, who with Shields often played music at night to entertain the six passengers and pilot. Robert Williams of North Carolina came aboard in Louisville, Kentucky. That summer was unseasonably dry, and the men had to push the *Iris* over the shallow Ohio River bottom at times. At one point on their voyage, Shields abandoned the *Iris*, but he returned three days later. This is the only recorded time of Shields ever entertaining thoughts of returning to Delaware.

Rodney served with distinction as a Land Commissioner and a Territorial Judge, becoming a popular figure and an integral part of the Mississippi Territory. He decided the seminal case establishing that the common law rather than the civil code applied to the Mississippi Territory, a proposition that was certainly debatable since the Mississippi Territory had been ceded by Spain - not England - to the United States and since Congress had failed to address the issue when creating the Mississippi Territory.

For the remainder of his life, Rodney was a mentor and trusted confidant of Shields, officiating at his wedding (and writing Caesar Augustus about it), even boarding with the Shields for a time while they lived in Washington, Mississippi, and naming Shields the administrator of his

Continued on p.4

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William Bayard Shields -- continued

estate. Colonel Rodney died in 1811 in Washington, Mississippi, where he is buried under three oaks in a now unmarked grave, a stone's throw from U.S. Highway 61.

Shields came to the Territory to practice law. He became one of its premier attorneys, arguing important questions of federal constitutional law and successfully striking down a Natchez Ordinance that sought to impose a tax on local cotton being shipped on the river, and serving as co-counsel to Aaron Burr when Judge Rodney convened a grand jury to determine whether Burr should be indicted for treason.² He used his legal skills as an elected member of the General Assembly, successfully arguing that a Territorial Judge, who had been elected to the General Assembly, was unqualified to serve based on separation of powers principles should not be seated.

When not in private practice, he held several public posts, including: (1) U.S. Agent in 1804 representing the United States in all contested land matters before the Board of Land Commissioners of the Territory, which had been created to resolve existing land title disputes; (2) Aide-de-camp and Major of the Militia in 1805 to Territorial Governor Robert Williams; (3) member of the General Assembly of the Territory in 1808-1809 and 1813-1814; (4) Superintendent in 1809 of the Bank of Mississippi, chartered by the General Assembly and one of the most successful banks of that era in the nation; (5) Attorney General of the Western District of the Territory from 1809 to 1812; (6) Superior Court Judge of Mississippi in 1817; (7) elected as the first Chief Justice of the Mississippi Supreme Court by the General Assembly in 1818; and (8) appointed as the first United States District Judge of the United States District of Mississippi. The only setback Shields appears to have had as a public servant in the Territory was in July of 1813 when President Madison nominated Shields as U.S. Attorney but withdrew his name two weeks later after the U.S. Senate had not approved the nomination.

On February 5, 1807, Shields wed Victoire Benoist, then 15, daughter of the late Gabriel Benoist and Elizabeth Dunbar Benoist. Gabriel Benoist, born in Nantes, France, came to the Natchez District of the Spanish Territory in 1786, acquired extensive land holdings, and served on the Permanent Committee of the District before Spain ceded the lands to the United States in 1795. Victoire's mother, Elizabeth, was the daughter of Robert Dunbar, an indigo and tobacco farmer in the Natchez District.

In 1812, William and Victoire, who by then had several children and were outgrowing their home in Washington, built a "rural pleasant" plantation home, "Rokeby," on land owned by Victoire. Their two-story, white sideboard home with front porch and shutters was of the style known today as Jeffersonian American. Rokeby stood on a thickly wooded hill in Jefferson County about 12 miles northeast of Natchez overlooking Fairchilds Creek. On the opposite side of the Creek in Adams County stood "The Hermitage," the home of Victoire's mother.

The 1820 Census reports that Rokeby had 10 occupants - 8 males and 2 females - with 41 slaves living on the plantation. The Shields' home included a 400-volume library with the finest law library in the State. The Shields had two

daughters, Francina Maxwell Shields and Elizabeth A. Shields, and five boys, with four reaching adulthood - Thomas Rodney Shields, William Bayard Shields Jr., Joseph Dunbar Shields, and Gabriel Benoist Shields. Tutors gave the children their initial education. They received a preparatory education that included Latin and Greek at Jefferson College, which Shields helped build, and the local Female Academy.

Shields played the flute, whist, and backgammon. After coming to the Territory, he continued to duel, both as a first and as a second, wounding a Dr. James Speed, who was later reported to be recovering "nicely" from the incident. He was an officer in the Mississippi Jockey Club, reputed to have the finest horse racing track between New Orleans and Nashville. He subscribed to national and local newspapers, using the local papers to make his positions known about controversial matters, such as acting Territorial Governor Cowles Mead's response to Aaron Burr's arrival in the Territory in 1807, and to advertise when stray domestic livestock came onto his plantation. He was active in political affairs and was a leader of the local Jefferson-Republican Party.

Appointed to the federal bench by President Monroe on April 20, 1818, Shields served for nearly five years receiving an annual salary of \$2,000. When holding court in Washington, he would stay at a local boarding house rather than travel home to Rokeby each night. On April 16, 1823, Shields suffered a severe stroke at his home, and on the evening of April 18, 1823, he "suddenly" took his own life as recorded in an obituary submitted to a local newspaper.

Seargent S. Prentiss, a recent arrival in the Mississippi Territory from Maine and who later became a member of Congress, tutored the Shields' children for a brief period at Rokeby in 1827. Thomas Rodney Shields, the oldest son, had just graduated from Transylvania College in Lexington, Kentucky, and had come home to manage the family home. Judge Shields' 200-volume law library, which included Blackstone's Commentaries and Coke on Littleton, was sold in 1829 at public auction for \$386.12 to 15 members of the local bar.

Victoire Shields, who, in the words of one of her sons, was a "refined and educated" woman, had this epitaph placed on her husband's tombstone:

In his character were concentrated/The amiable and virtuous Man

The faithful and beloved Friend/The useful and respected Citizen

The intelligent and upright Judge/And above all the affectionate Husband

The tender and exemplary Father/His loss in society will long be felt

But to his bereaved Family it will be irreparable

Lov'd friend, farewell!! A Long farewell!!/We meet in life no more.

Yet on thy worth shall memory dwell/Till life's last throb is o'er.

Victoire lived until July 31, 1855, when she died of malaria at Cooper's Wells. William and Victoire are buried in

Continued on p.5

William Bayard Shields -- continued

their family cemetery near Fairchilds Creek, a short distance from where Rokeby once stood. After the 1908 Great Tornado decimated large parts of Adams and Jefferson County, including Rokeby and the family cemetery, Thomas Rodney Shields III moved their tombstones to the cemetery of Christ Episcopal Church, at Church Hill, Mississippi, where they may be viewed today. Rokeby was later sold, moved, and restored at another location in Jefferson County.

Holding posts in the administrations of Jefferson, Madison, and Monroe and serving in all three branches of the

Territorial government, Shields was a central figure in building and molding the State of Mississippi out of the Mississippi Territory. Historians write that Judge Shields "was a gentleman of intellect, education, high character and of unquestioned courage and patriotism;" that in all positions of public office, he "acquitted himself with ability, dignity, and impartiality"; and that as a judge, he earned the reputation for being "patient, laborious, discriminating, and scrupulously impartial." His portrait is in the main courtroom of the federal district courthouse in Jackson.

The author sincerely appreciates the information about Judge Shields and members of the Shields family provided by Mrs. Elizabeth Shields McGehee of Natchez and Mrs. Surget Sanders of Birmingham, Alabama.

In December of 1806, word reached the Territory that Burr, the former Vice-President who had fallen into public disfavor after killing Alexander Hamilton in a duel, was approaching Natchez with a small flotilla of militia with plans to separate the Southwest from the United States Territory. Cowles Mead, acting Governor of the Territory due to Governor Robert Williams' prolonged absence in North Carolina, commissioned Shields and George Poindexter as Aides-de-camp and as majors of a militia formed by the General Assembly. After Burr landed in January of 1807 in Bruinsburg and visited with Peter Bruin, a friend and one of the Territorial Judges, Burr left for the west bank of the Mississippi

River. On instructions from Mead, Shields and Poindexter met Burr, and they agreed upon the conditions where Burr surrendered to the officials of the Territory rather than Burr and his men being arrested by General James Wilkinson, who was coming to Natchez from New Orleans. Judge Rodney held Burr over on a \$10,000 security bond. When the local grand jury convened on February 2, 1807 in Washington, Mississippi, Attorney General Poindexter moved to dismiss the grand jury, arguing that it lacked jurisdiction, a motion that Judge Rodney overruled. The grand jury found Burr, who was represented by Shields and Lyman Harding, not guilty of any high crime or misdemeanor against the United States. Judge Rodney refused to release Burr from his bond, and Burr fled in disguise. Governor Williams announced a \$2,000.00 reward for Burr's arrest. Burr still in disguise was arrested near Mobile and taken to Richmond, where a grand jury indicted Burr. He was tried for and acquitted of treason by a jury trial presided over by Chief Justice John Marshall.

HCBA Committee Chairs



Serving as HCBA Committee Chairmen and Co-Chairmen this year are: (front) Elizabeth Thomas, Golf Tournament; Pamela Prather, Evening Honoring the Judiciary; Donna Jacobs, State & Federal Civil and Appellate Practice; Cheryn Baker, Membership; (back) Melissa Baltz, Women in the Profession; Ben Piazza, Library; Amanda Alexander, Women & Children's Advocacy; Margaret Cupples, State & Federal Civil and Appellate Practice; and Edward Watson, Bench & Bar.



Also chairing HCBA Committees are: (front) Scott Jones, Website; Anna Furr, Bench & Bar; Rob Mink, Law Related Education; (back) Mike Lanford, Membership; Jennifer Hall, Social; Leysler Hayes, Pro Bono; Ronald Taylor, Budget; and Sandy Sanford, Legislative.



Hinds County Bar & Jackson Young Lawyers

Holiday Social

December 3, 2009 • 5:30 - 8:00

Old Capitol Inn



THE HELP By Kathryn Stockett

reviewed by Marlane Chill

The Help by native Jacksonian, Kathryn Stockett, is currently number one on *The New York Times* best seller's list for fiction, a remarkable accomplishment for a first-time author. Set in the early 1960's, her book tells the story of white women and their maids in Jackson, Mississippi. The segregated South is on its last leg - James Meredith is integrating Ole Miss, Medgar Evers is assassinated and there are sit-ins at the lunch counter at Woolworth's.

The principal characters are Skeeter Phelan, a recent Ole Miss journalism graduate, her friends, Elizabeth and Hilly and two maids, Aibileen and Minny. With her dream of being a writer, Skeeter applies for a publishing job in New York. Having no experience, she is advised by an editor at Random House to take any writing job she can get. Skeeter lands a job at *The Jackson Journal* writing a household advice column. With no knowledge of domestic skills, Skeeter enlists the help of Aibileen, the maid of her friend, Elizabeth. Skeeter stays in contact with Miss Stein at Random House and together they develop the idea of Skeeter writing a book about the lives of maids in segregated Jackson, Mississippi. Reluctantly, Aibileen agrees to be interviewed by Skeeter beginning in the first of many clandestine meetings that Skeeter has with twelve maids whose life stories she tells.

Through Skeeter's interviews, we learn of the maids' lives hard work, long hours, low pay and all of the many difficulties of living in the South in the 1960's - segregated schools,

hospitals, hotels, restaurants, libraries, churches, bathrooms, water fountains. The book's most endearing character is Aibileen, who has worked for many years helping to raise white child after white child. In the Afterword, Ms. Stockett tells us that the character Aibileen was based on a black woman who helped to raise her - one that she loved dearly without ever giving much thought to what her life was really like - *The Help* was written to fill that gap.

The villainess of the book is Hilly, the current president of the Jackson Junior League. Hill campaigns to make certain that all League members have separate bathrooms in their homes for their maids. In 1962, the Jackson Junior League does its fund-raising for "the Poor Starving Children of Africa" while treating the poor African-Americans of Jackson as if they are less than human. Hilly is the nemesis of each of the book's black characters and many of its white ones.

Reviewers, including *The New York Times*, have been effusive in their praise of this book; it has become a favorite of book clubs. Many readers have commented that "they couldn't put it down" and wonder if the characters are based on actual Jackson people. Stockett includes many Jackson place names - Bellhaven, Farish Street, Robert E. Lee Hotel, Beemon's Drugs and numerous others. At 451 pages, this book is long, but well worth reading. It is especially interesting if you remember the Jackson, Mississippi, of the 1960's.

Watkins Elementary School Playground Dedication



The ribbon cutting ceremony.



Recognition of the donors.

HCBA was recognized as one of the top sponsors (at \$4,100 donation). Only Lowe's was a bigger sponsor (\$25,000). The HCBA should be very proud of this important contribution to the local community.



Cheryn Baker, Doug Jennings, Ginger Weaver in front of the new playground. The children made a huge thank you card for each of the donors (pictured).

FAT, DRUNK AND STUPID

by Captain Equity

"Fat, drunk, and stupid is no way to go through life, son." These words of wisdom were uttered by the fictional Dean of Faber College, Vernon Wormer, to college student and general screw up, Kent "Flounder" Dorfman in the classic 1978 film, *Animal House*. Despite the comic underpinnings of the movie, it is difficult to argue with Dean Wormer's sage advice. Indeed, this terse formula for avoiding personal disaster in life should be heeded by much of America that is currently embroiled in exactly the same type of self destructive behavior, both literally and figuratively, that plagued Flounder in the movie.

In terms of reality, America has never been more rotund. Overweight citizens range from mildly pudgy to morbidly obese. The condition plagues seniors on Medicare all the way down to school children. The causes are obvious: fast food, second helpings, beer and cocktails all coupled with little or no physical activity or self discipline. Fewer Americans farm these days, while more and more sit behind desks. Children don't put in spontaneous dawn to dark days filled with hide and seek, exploring the woods near home or backyard football games like they used to. They increasingly live in virtual worlds dominated by snack fueled participation in computer games, texting their friends and hanging out at malls and fast food outlets.

America drunk? Just go to a bar, club, sporting event, concert or college campus. Or if you prefer, visit the city jail or stop at a roadside accident site and count all those taken into custody, charged with DUI. Half of all auto deaths are alcohol related. And if it isn't booze, there are plenty sources of consciousness altering substances of all kinds ranging from prescription abuse at the local drug store to street buys in the inner city. And one can only guess the number of meth labs that dot America's landscape while cocaine and heroin flow into the country relatively unabated despite the efforts of the latest Drug Czar.

Stupid? Space limitations preclude any adequate treatment of just how dumb and dumbed down America has gotten. Just look at standardized test scores, high school graduation rates or Jaywalking to understand how little too many Americans know about anything. This condition is exploited by the self-serving crazies on talk radio and cable news. Much of the problem is cultural. College students used to graduate in four years. Now it is okay to do it in five, six, seven, or more often, never. The ethic of education for education's sake has largely been lost. College is now viewed as a place to drink, find a husband or girl friend, prepare for a career in the NFL or NBA or just extend adolescence a few more years before becoming a waiter or a bell boy. This particular career path has been honed into a fine art in Southern California by aspiring surfers intent on avoiding real life. The ultimate fail safe option is to move back in with mom and/or dad. The epidemic increase in divorce coupled

with the rise of single parenthood has increasingly tasked grandparents to be the adults of choice to support the twenty something slackers of America. Unfortunately, too many of these people can be labeled qualified success stories when compared to other young Americans. At least they have a year or two of college under their belt. At the other end of the spectrum are inmates, petty criminals, drug dealers along with vast numbers of the voluntarily idle, under employed and unemployed that combine to make endemic, institutional poverty an intractable American problem. This incalculable loss of human capital ultimately becomes a burden, at least to some extent, on the taxpayer. It is both a waste and a shame, but nonetheless, a reality.

Too cynical? Probably so, only because society's losers tend to be more visible than those who are paying their dues to succeed in America. Those who took Dean Wormer's advice to heart years ago are busy attending class, going to work, raising their families and yes, going to the gym. These average and above average Americans are victims of a metaphorical version of Fat, Drunk, and Stupid. Let me explain.

Despite the grim picture painted above, it is my experience that most Americans are good hearted people who try to do the right thing. We call this "playing by the rules." The only problem is that the rules of the game are increasingly rigged by those drunk with power, fat with money and a sense of entitlement earned from selling out those who really do try. These people will say any stupid or untrue thing necessary to scare people into maintaining the status quo, even if it contravenes their own interests. I speak primarily of American politicians and big business. Because of perpetual campaigns to hold on to power and privilege, the political class has increasingly sold out their constituents over the years for endless campaign contributions given to them for the sole purpose of making it easier for big business to profit from the giant consumer feed lot that is America. The primary means for doing this is hypocritical public statements combined with underhanded, behind the scenes maneuvering to keep donors happy. Again, am I being too cynical? Not one bit.

The first step for politicians, especially those at the national level, is to get elected and re-elected and re-elected for as long as possible. An incumbent's life is made much easier by gerrymandered congressional districts, fine tuned to insure their return to office every election cycle. Case in point, my driveway in Fondren is in "Congressman For Life" Bennie Thompson's district. My back fence neighbor is in Gregg Harper's district. That means that Bennie's district runs roughly from Tunica to Natchez to the rear of my driveway. I guess that just must be a coincidence, huh?

Next, politicians put themselves up for sale to Big Pharma, Big Business, Big Finance, Organized Labor, you

continued on page 12

The HCBA Celebrates 20 Years of Outstanding Service by Executive Director Patricia H. Evans



For the past 20 years, Pat Evans has been the mainstay of the HCBA, the one who makes the presidents and the committee chairmen and women look good. She is the face behind the camera

and also the face of the organization – greeting members and speakers at membership meetings, hosting committee meetings, prodding the golf tournament into shape, cajoling the editorial board into 6 timely newsletter issues a year, writing the checks and collecting the dues, detailing the fabric

of dinners, and other social events to make sure the menu is appropriate and the flowers beautiful and the invitations mailed on time.

How can we describe how valuable she has been with just a page or two in this newsletter? Pat is smart, efficient, punctual, organized, observant, tough, and even formidable when the occasion requires. She takes her work seriously but her self not overly so. The most loyal of friends, Pat is handsome, stylish, charming, and full of good humor and fun to be around. She is the hostess with the mostest – our own Miss Manners and Coco Chanel rolled into one.

Pat – these 20 years of service have flown by in a hurry, probably because you make running this association look so easy. Thank you for everything!

And, oh yes, Pat is NOT retiring. We won't let her.



PAT'S FAMILY

Front row: Reesa Evans, Leslie Evans Dixon, Mary Reid Dixon; Second row: David Evans, Justyn Dixon, Sims Dixon; Back Row: Pat and Leigh Ann Evans



Pat Evans

New Executive Director

Patricia H. Evans ("Pat") joined the Hinds County Bar Association as Executive Director effective May 1.

She is also Director of Admissions and Placement at Mississippi College School of Law, having served in that capacity since 1987. Prior to that time, she spent seven years as Director of Public Relations and Marketing for the Jackson Symphony Orchestra Association. In that capacity, Evans received ten marketing and communication awards from the International Association of Business Communicators.

She has been the 1988-89 President of the Jackson Symphony League, the largest volunteer arts group in the state, and is also a member of the Orchestra Association's Board of Governors and its Executive Committee.

A licensed lay reader at the Chapel of the Cross Episcopal Church, Evans is a volunteer with the Manship House Museum and the Mississippi Museum of Art. She is active in the St. Andrew's Episcopal School Community and was chairman of its 1989 Literacy Competition.

A graduate of Memphis State University with a degree in Business Administration, she is the parent of three children.

-From HCBA News, June 1989



21 HCBA PRESIDENTS SERVED BY PAT:

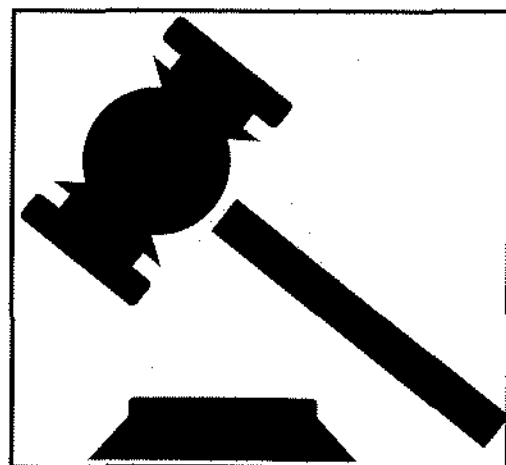
- 1989-90 Judith J. Johnson
- 1990-91 Leonard VanSlyke, Jr.
- 1991-92 Richard A. Montague, Jr.
- 1992-93 Harold D. Miller, Jr.
- 1993-94 Ben J. Piazza, Jr.
- 1994-95 Richard C. Roberts, III
- 1995-96 Marcus M. Wilson
- 1996-97 T. Harris Collier, III
- 1997-98 John M. McCullough
- 1998-99 Mark A. Chinn
- 1999-2000 Harris H. Barnes, III
- 2000-01 Robert C. Grenfell
- 2001-02 Patricia W. Bennett
- 2002-03 William R. Wright
- 2003-04 Stuart G. Kruger
- 2004-05 Linda A. Thompson
- 2005-06 Alveno N. Castilla
- 2006-07 John C. Henegan
- 2007-08 R. David Kaufman
- 2008-09 Susan R. Tsimortos
- 2009-10 Thomas B. Alexander

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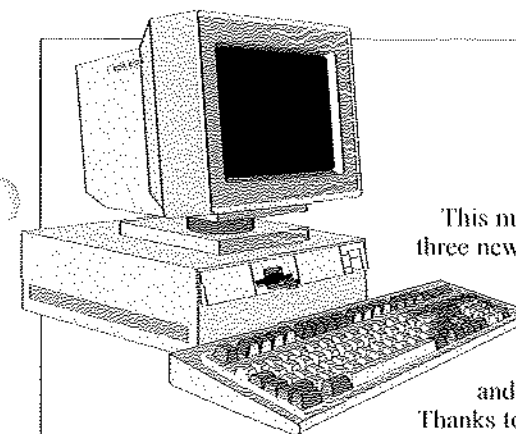
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On Computing

by Joel Howell

This month we explore three new and very noteworthy websites: HubStreet, TransactionSpace, and CorporateResource.

Thanks to Robert Ambrogi and Law Technology, for the

information on these excellent resources for legal professionals.

HubStreet, www.hubstreet.com, is a networking site for lawyers and other professionals which emerged from a face-to-face networking event. This program was designed to bring together lawyers, accountants, and eventually bankers.

Although HubStreet went live in June, it will not be formally launched until later this month. The site offers a "site coach" and organizes "virtual meet and greets" which are half-hour teleconferences for members to introduce themselves.

TransactionSpace, www.transactionspace.com, manages the deal-making process. The three step process starts when a lawyer identifies the documents that the transaction will require and the parties to the process. The next step is the negotiation process. The system tracks the negotiations and rewords the documents. The last step is to prepare the signature pages and deliver. While all of these steps are under way, the system documents the process graphically.

Corporate Resource, www.mycorporateresource.com, is a free website that aggregates corporate legal resources such as firm memoranda and then summarizes and sorts them by industry, corporate role, and area of law and geography. It highlights the most "noteworthy" memoranda and the most frequently read articles and allows firms to produce the information in a timely manner from a client's perspective.

Are you ready for Windows 7? According to Microsoft, it will be released in late October (but don't hold your breath on that one). It is, however, supposed to be a kinder and gentler operating system than Vista and the early returns are encouraging.

While your best bet is just to buy a new machine, obviously plenty of folks will not. Be advised however, that the upgrade procedure for Windows XP is relatively complicated. Vista users merely have to back up their data before choosing the upgrade option

from the install disk. However, XP Professional users will have to back up the data and choose custom from the install list. That will have the same effect as a clean install, but it will save your old data in a folder called Windows.old. You'll then need to select a partition of your hard drive that contains Windows XP and follow the instructions in your product key and reboot. This task is not for anyone less than the technically savvy.

While Windows 7 facially looks much like Vista, it is a full replacement operating system. The most immediately noticeable change is the new task bar using large, easy to see icons. If you mouse over to a program, all windows associated with that program appear in preview. Another task bar improvement is a jump list, which makes recently opened documents easier to get to. You can drag any program from icon pin to the task bar to see a list of files you have recently used. For example, in Internet Explorer, this will show recently visited website. Another interesting feature allows Windows Media Player to stream media from one Windows 7 computer to another. Also it has a device stage which makes managing peripherals preemptively easier combining printers, phones, and portable media players. There's even an XP mode, although the workability is no better than questionable.

Stay tuned, there will be lots more after the release.

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Jane Sanders-Waugh, JD, co-founder Professional Staffing Group (formerly Legal Resources) and active member of the MS Bar since 1991 assists firms in the Deep South with search and placement needs for attorneys.

Contract Attorneys • Paralegals • Legal Secretaries • Administrators
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name it, all the while saying that these campaign contributions play absolutely no role in their vote. This is where stupid comes in if you think this has an inkling of truth.

The more entrenched the politician, the more behind the scenes power they have to make deals, insert earmarks in legislation, and honor the wishes of their benefactors. Many items of the special interest "to do" list are often pitched to them while they enjoy free rides to "conferences" and "town hall meetings" on the corporate jet. This effectively turns oversight into overlooking the questionable practices of the so called sacred and godly, never-to-be-questioned private sector. (Hey, anybody remember unregulated credit default swaps?)

Before you yell out "You lie," like South Carolina Congressman, Crazy Joe Wilson, let me give you a few specifics. It was recently reported that drug giant Pfizer was fined \$2.3 billion for illegal advertising of its products. That was one paragraph in the newspaper. Did anyone die as a result? How long does it take to rack up a \$2.3 billion fine? What else have they been up to? To whom and how much did Pfizer make in campaign contributions last year?

Then there is the F-22 jet that was forced on the Pentagon by Congress. This weapons program was axed by Secretary of Defense Gates over the howls of Congressmen only after it came to light and got the negative publicity it so richly deserved. How many more boondoggles are out there in the solemn name of "Fighting the War on Terror." Oh yeah, then there is Blackwater Security, Uncle Dick's old company, Halliburton, Raytheon, and on and on and on. Are our elected representatives looking out for the taxpayer by weeding out fraud, abuse, and unneeded programs or are they looking out for their big money Sugar Daddies to make sure they keep their state of the art health care, tax payer funded junkets, not to mention their six figure pension for life when they finally decide to hang it up?

And finally, if all else fails, these principled, moral paragons can be defeated or resign from Congress to work the other side of the street as high dollar lobbyists. A few examples are our very own Trent Lott, Dick Armey, Billy Tauzin, John Breaux, Tom Daschle, Phil Graham, and on and on and on.

Until there is radical campaign finance reform in this country, there is no hope that meaningful change will occur. A few ideas include public financing of all federal elections.

We would save a fortune in the long run. Pay Congressmen and Senators \$500,000 a year with benefits and put them in prison if they so much as accept a free ride on a corporate jet or a convoluted "honorarium" or "consulting fee," not to mention a campaign contribution. Better yet, institute a zero tolerance policy. Any Congressman violating it would be required to wear a NASCAR inspired business suit with patches of corporate logos from his or her donors. Wouldn't you like to see good ole Mitch McConnell or tan man, John Boehner sporting the corporate logos of BLUE CROSS-BLUE SHIELD, MERCK, AIG, GENERAL DYNAMICS, BOEING, or LOCKHEED MARTIN? Senators and Congressmen with decades of seniority would literally be covered from head to toe.

This is not to say that lobbying can't be a positive way to disseminate information to law makers. Just make sure that anyone who serves in Congress or at a high level on their staffs can never become a registered lobbyist. Consider the sad case of Ann Copeland, a high level member of Senator Thad Cochran's staff for three decades who pleaded guilty earlier this year to providing legislative favors to Jack Abramoff in exchange for tickets to sporting events, concerts, and other considerations. Nobody elected her to anything, but she was still able to give away the store; the taxpayer's store. She is now in prison.

The bottom line is that those of us who are playing by the rules, know about as much about the pay to play culture in Washington as Congressmen do about what is in those thousand page health care reform or economic stimulus bills they vote on. The first step to turning the country away from the culture of Fat, Drunk, and Stupid is to demand far reaching campaign finance reform. Contrary to what Congress and its financiers would have you believe, the status quo is not just fine. It is time to embrace the wisdom of Dean Wormer and demand fundamental change in how we finance elections in America. Until we do, the *Animal House* culture in Washington will continue unabated.

Probably the most telling scene of all in the movie is at the end. Characters are freeze framed as a one line tag appears foretelling their future. Who can forget that the John Belushi character is destined to become Senator Bluto Blutarsky of Washington, D.C. Sometimes truth is stranger than fiction.

The opinions expressed by Captain Equity are his alone and may not be shared by the officers, directors, or editorial board of the Hinds County Bar Association.

REMINDER

The Hinds County Bar Association

October Luncheon Meeting

will be held

Tuesday, October 20, 2009

at 12:00/noon

Speakers:

Chief Justice William L. Waller, Jr. and
Madison Chancery Clerk, Arthur S. Johnston, III

The cost is \$15.00 for lunch

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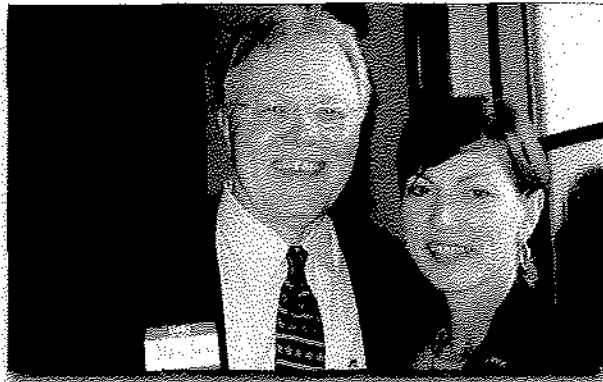


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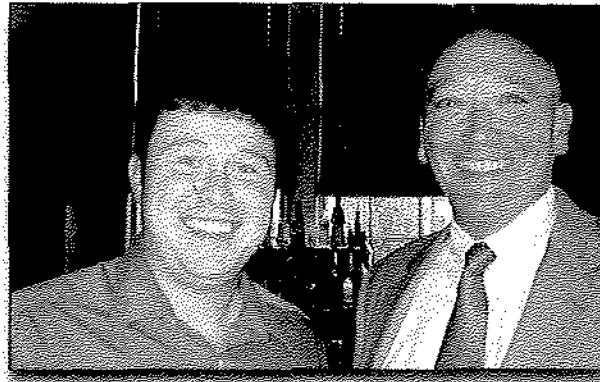
opproduction@comcast.net "Statewide Service"

Fall Social

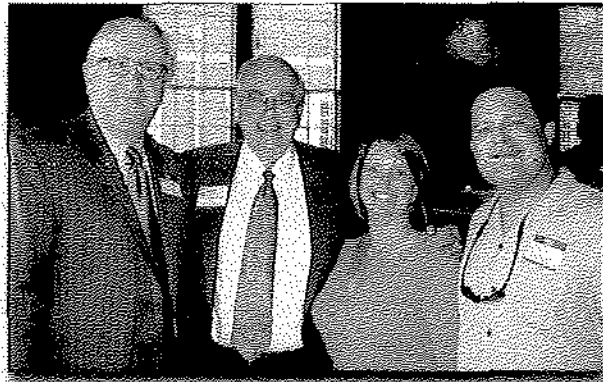
The Hinds County Bar and the Jackson Young Lawyers hosted a Fall Social. The party on October 1 was held at The Auditorium.



Stan and Angie Smith



Justin Starling and Jack Price



Steve Seale; Dean Jim Rosenblatt; Laura Glaze,
HCBA Secretary-Treasurer; Jimmie Reynolds



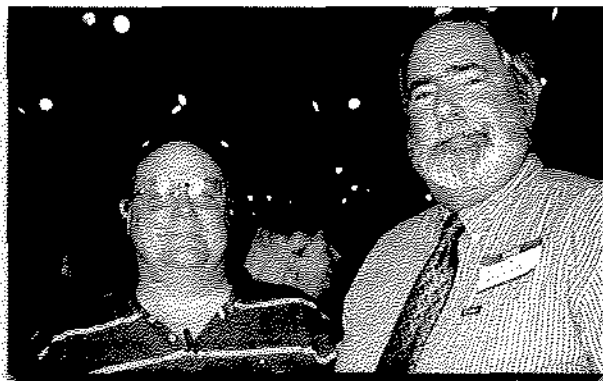
Jennifer Hall, HCBA Social Chairman; Gretchen Kimble;
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Friday :	7:30 a.m. - 9:00 p.m.
Saturday :	9:00 a.m. - 9:00 p.m.
Sunday :	noon - midnight

EXCEPTIONS:

Thanksgiving holiday / Fall Break	
Friday, November 20	7:30 a.m. - 5:00 p.m.
Saturday, November 21	
& Sunday, November 22	CLOSED
Monday, November 23	
& Tuesday, November 24	7:30 a.m. - 5:00 p.m.
Wed., Nov. 25 - Sat., Nov. 28	CLOSED

Exam Schedule: November 29, 2009 - December 16, 2009

Monday - Friday	7:30 a.m. - midnight
Saturday	9:00 a.m. - midnight
Sunday	noon - midnight
Thursday, Dec. 17 - Friday, Dec. 18	7:30 a.m. - 5:00 p.m.



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