

HINDS COUNTY

BAR ASSOCIATION

FEBRUARY 2010



President's Column

by Thomas B. Alexander

The Hinds County Bar Association closed out 2009 with the always popular Annual Christmas Party which was held on December 3, 2009 at the Old Capitol Inn. Everyone who came scemed to enjoy themselves. Although there was a

large turnout, I hope that if you were not able to attend that you will make it a point to do so this year. Hopefully, you are already adjusting well to life in 2010, but to help you do so, please plan to attend our next bi-monthly lunch meeting to be held on Tuesday, February 16, 2010. Our special guests will be Representative Percy Watson, House Ways and Means Chairman, and Senator Alan Numelee, Senate Appropriations Chairman. Representative Watson and Senator Nunnelee will be speaking on the State's current legislative session, including the budget crisis facing our judiciary and other pending legislation of interest to lawyers.

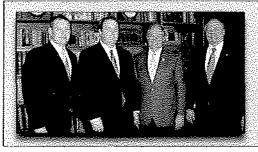
Your Hinds County Bar Association has a number of programs, events and activities that will hopefully provide everyone who is interested with one or more opportunities to participate this Bar year. First, your HCBA Board of Directors and the Diversity Committee, co-chaired by Debra Brown and Shunda Baldwin, are encouraging all members to assist with the establishment of two HCBA minority law school scholarships, one at each of our two in-state law schools, which are intended to help deserving minority students fulfill their dream of becoming a lawyer. In establishing these two minority law school scholarships, we will also be honoring one of our own members, Reuben V. Anderson. As many of you know, Reuben Anderson is a trail blazer in the Mississippi Legal Community and it is fitting that we honor Reuben by

naming these scholarships for him. The goal is to raise a minimum of \$50,000 in order to fund two \$25,000 minority law school scholarships, one at the University of Mississippi and one at Mississippi College. The plans are to raise the needed funding in time to present checks to the Deans of both law schools at the Annual Dinner Honoring the Judiciary held each spring. Your participation in this effort, no matter the size of your financial contribution, will have a lasting impact on the lives of future minority law students. For more details on how you can help with the establishment of the Hinds County Bar Association, Reuben V. Anderson Minority Law School Scholarship Fund, please see the letter to all members of the HCBA included in this Newsletter.

Beginning in late February, the HCBA's Pro Bono Committee, co-chaired by Leyser Hayes and Marcy Forester, in conjunction with the Young Lawyers Division of the Mississippi Bar, will be participating in a program called Wills for Heroes, in which our attorneys will be preparing basic wills for members of our community's first responders (such police, fire, etc.). If you have ever desired to participate in a great pro bono project, then this project is for you. No prior experience in drafting wills is needed. The Pro Bono Committee will have everything that you need ready to prepare you for this program since the Wills for Heroes program has provided the necessary materials in advance. This may be the easiest way to get all of your pro bono hours in one easy project that will truly be as rewarding to you as it will be to our first responders. We will provide more information on the Wills for Heroes in the coming weeks. You will not want to miss out on this оррогинийу.

Additionally, the HCBA's Community Grants
Committee is currently seeking applicants for its 2010 slate of grants. Each year since 2003, the HCBA has awarded significant monetary grants to charities located in Hinds, Madison, or Rankin Counties whose primary mission is to

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HCBA October Membership Meeting

At the October HCBA Membership Meeting, speakers on the state's new electronic filing system and the new administrative procedures for Mississippi Electronic Courts were Clint Pentecost with the Mississippi Supreme Court; Madison Chancery Clerk Arthur S. Johnson, III; and Chief Justice William L. Waller, Jr. They are pictured with Tom Alexander, HCBA President.

FEBRUARY MEMBERSHIP MEETING

Tuesday, February 16, 2010 Capitol Club 12:00 \$15.00 Speakers: Representative Percy Watson and Senator Alan Nunnelee

HOSA Galandar of lavenies

February 16, 2010

HCBA Membership Meeting

Noon • Capital Club

March 16, 2010

HCBA Membership Meeting

Noon • Capital Club

April 20, 2010

HCBA Membership Meeting

Noon • Capital Club

HCBA OFFICER CANDIDATES ANNOUNCED

The nominations committee is pleased to announce the following HCBA members who have graciously agreed to run for office for the year 2010-2011.

The nominees for the three positions to be filled are:

Secretary-Treasurer David Maron Meade Mitchell

Director-Post 3 Jennifer Hall Melissa Baltz

Director-Post 4 John Hall Jamie Travis

A ballot and biographical sketch of each nominee will be mailed to each member in good standing. For further information, please call HCBA Executive Director Pat Evans at 601-969-6097.

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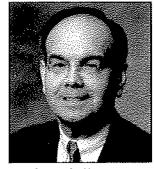
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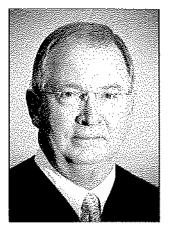
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Supreme Court Justice George Carlson by Kate Margolis



Presiding Mississippi Supreme Court Justice George Carlson has an internal compass that always leads to one place - his home town of Batesville. As circuit court judge for DeSoto, Panola, Tallahatchie, Tate, and Yalobusha counties for nearly twenty years, Justice Carlson regularly traveled from Batesville to the eight courthouses in the district. (Three of

the ten Mississippi counties with two judicial districts were in his district. Justice Carlson may challenge you to name all ten.) During his eight years on the supreme court, Justice Carlson has travelled 1-55 between Batesville and Jackson every week. He knows, for example, that Vaughn is mile marker 133 and Vaiden is 174, and once he passes Vaiden, he's "half way home." (He says it's about the same distance as a trip from Batesville to Hernando, a trip he made many times on the circuit.)

The trip to Batesville takes on particular meaning during high school football season. Despite his years of service on the bench, Justice Carlson is convinced his legacy won't be in the courtroom, but as the voice of the South Panola Tigers, his alma mater's football team. (For those of you who have been living under a rock, the Tigers have been state champions many times over. Last year they beat top ranked Madison Central in the playoffs and rolled over Oak Grove in the championship.)

He began in 1992 to fill the need for a public address announcer and statistician, subsequently moving up to color commentary and finally play by play in 2005. He says the job fell in his lap. However, it's not a stretch to surmise that Justice Carlson's reputation for dedication to his day job extends to his duties in the press box. Case in point: he starts his pre-game work up on the Saturday before the game the next Friday night, which includes the full history of the upcoming match.

There's no doubt this is a gig Justice Carlson truly enjoys. His enthusiasm is contagious. The Tigers' games are broadcast on Batesville radio station WBLE, but anyone with internet access can listen at panola.com. South Panola alumni and friends from across the country regularly send text messages to the production team from as far away as Maine, Massachusetts, and Washington. This season, Justice Carlson got word from a doctor in Iraq that he and his patients were enjoying the game. Justice Carlson's strong sense of place truly resonates around the world.

His father, George Senior, was one of eight children who grew up in Clarke County outside Ouitman, and his mother grew up in Pocahontas, Arkansas. His parents met at the Old Baptist Hospital in Memphis where he was a medical resident and she was a nursing student. They were married by the well-known fire and brimstone pastor Robert G. Lee at Bellevue Baptist Church and settled in Moorhead, "where the Southern crossesthe dog." When Justice Carlson was a baby, the family moved to Batesville, where he recalls an "idyllic childhood."

Justice Carlson eventually ventured off to Mississippi State where he met his future wife and found his career path. During his sophomore year, he took Jane Ivy Russel, a freshman at "the W," on a blind date that "went good" (even though the date was a fraternity "goat cooking" party at the crossroads of Highways 45 and 82, which Justice Carlson says was all the rage at the time). A constitutional history course taught by a retired municipal judge inspired him to try law school, reasoning that he would "go into teaching" if law school "didn't work out."

After law school at Ole Miss, Justice Carlson began a decade-long practice in Batesville with a law firm that fluctuated between two and four lawyers. He "never thought he'd be a judge," but it's a role he has relished. He has been an active. participant in transitioning the court system into the modern age. When he began in 1983, the circuit court had "hardly any staff." The circuit clerk would give him his phone messages during breaks from the courtroom. Because he and Circuit Judge Baker had eight court calendars to keep up with, they had to meet regularly to make sure courtrooms were not double booked. Finally, in 1989, he and Judge Baker hired an assistant, invoking the court's inherent. powers to manage the docket. They were successful in securing the approval of each county board of supervisors to pay that county's share of the cost.

More recently, Justice Carlson has been pained by the "hits" our court system has taken, but he says it's time to look forward. The law has always been a "service profession," he says, "don't treat it like a business. To make a good living, you have to have management skills, but don't let it get to the point that it's all about money." Likewise, he rejects the rationale that it's okay to "act out of character" in the courtroom because the lawyer believes such conduct is "what the client wants." He urges practitioners to remember their "oath to serve the court as well as the client."

Justice Carlson's advice is simple: "Work and prepare. Be respectful." Set that as your internal. compass and "you will be successful."

assist persons without linancial means or with special needs. If you have an interest serving on this committee it is not too late. Just contact Doug Jennings, the Committee Chairperson, Also, in February, the HCBA's Law Related Film Committee. chaired by Anita Modak-Truran, will show its first film, Armistead, in honor of Black History Month. Then in March, the Committee will host a showing of My Cousin Vinny, If you enjoy movies you will want to attend one or both of these events. More information, including the exact dates and times, for these movies will be sent out soon. Finally, the HCBA's Law Related Education Committee is well underway in conducting its annual essay writing contest in area schools. In late December, the committee mailed out the HCBA's essay writing materials to 32 area schools. If you have an interest in assisting this committee in selecting the winners of our annual essay writing contest, please contact Rob Mink, the Committee Chairperson.

As you can see, there are a number of activities and events in which you may want to participate this Bar year. For more information on the above programs and activities as well as the

work being done by the many other HCBA committees please visit the HCBA's website at http://hindsbar.com/contact.html or at ltindsbar@gmail.com. Once there, you can also find other articles and pictures covering past programs and events such as the approximately 22 members, family and friends of the HCBA who participated on January 16, 2010, for the second year, in Jackson's Parade celebrating Dr. Martin Luther King, Jr.'s birthday. Members of the HCBA, lead by past president John Henegan, marched in the parade as a group and handed out beautiful HCBA bookmarks to parade viewers.

Finally, please note that the HCBA will be holding its annual elections during February for the 2010-2011 Bar year for new officers and members of the board of directors. The names of each of the nominees and their respective positions are listed in this Newsletter. Your careful consideration of each candidate and your vote will be greatly appreciated.

Please remember to join us at the next regular membership meeting of the HCBA on Tuesday, February 16, 2010 at the Capital Club and encourage others to come with you. I look forward to seeing you there.

MLK DAY PARADE



The threat of rain, a family reunion, and a noon wedding at First Baptist cut into the size of our group, but we were well-represented on January 16 at the 2010 MLK, Jr. Parade. This is a list of the people who marched with the Hinds County Bar Association (including Steve Ray who was out of town but supported us by letting us use his truck).

Willie Abston, Melissa Baltz, Roy Campbell, Wayne Drinkwater, Andy Frame, Laura Glaze, John Henegan, David Pharr, Ryan Pratt, Peyton Prospere, Alex Purvis, Anna Purvis, Steve Ray, Clarence Webster, Josh Wiener, Willona Leopold, Jasmine Leopold, Keyenna Miggins, Teandria O'Keke, Nikki Weathersby, Sedric Weathersby, and Gabrielle Weathersby.

HOW MUCH IS POSTAGE FOR LETTERS ROGATORY?

by John Laud McDavid

Letters Rogatory is an ancient and honorable, but little known and seldom needed, trial procedure. Many attorneys have yet to experience letters rogatory. An attorney may encounter the procedure only once or twice in a forty or fifty year practice. This article is intended to be of help to attorneys who have yet to experience letters rogatory.

Letters Rogatory has been defined as a formal request by a court in which an action is pending to another court in an independent jurisdiction, such as another state or foreign country, asking that an examination of a witness present in the latter jurisdiction be taken and transmitted to the requesting court. The term has also been defined as a formal request from a court in one country to the appropriate judicial authority in another requesting compulsion of testimony or documentary or other evidence or effect service of process. "Rogatory" comes from the Latin word rogare meaning "to ask." One court "asks" assistance in an action before it from another court.

The procedure for letters rogatory has been a part of the common law from the earliest times. It exists without statutory or constitutional authority as a matter of comity. The word "rogatory" does not appear in either the Miss. Code of 1972 or the 1890 Constitution. *Letter Rogatory* is mentioned in Rule 28 (b) of the Mississippi Rules of Civil Procedure (MRCP), which became effective January 1, 1982, as one of three methods by which depositions may be taken in a foreign country. The rule assumes the pre-existent validity of letters rogatory.

The authority of a court to issue a letter rogatory (or letters rogatory) is said to be inherent in a court in the reasonable exercise of its discretion. The Mississippi Supreme Court in Electric Reduction Co. of Canada, Ltd. v. Crane, 120 So.2d 765 (Miss, 1960) recognized that courts have inherent powers to honor and execute letters rogatory. The court pointed out that "no statute in Mississippi expressly confers jurisdiction (to issue or honor letters rogatory) on the circuit courts, but Section 156, Constitution of Mississippi of 1890, confers on the circuit courts original jurisdiction in all matters... not vested... in some other court," Both the trial court and the Supreme Court were of the opinion the Circuit Court of Lowndes County could honor the letter rogatory from the Ontario (Canada) Supreme Court requesting the oral examination of a witness. The action occurred before the adoption of the MRCP, when mandatory discovery was not available for litigants in Mississippi. The party sought to be deposed unsuccessfully argued the letter rogatory was in the nature of a compulsory discovery procedure which was then unauthorized under the laws of Mississippi. While the objection was accurate as to Mississippi law at that time, the holding of the court was

that the extent of the request as set forth in the letter rogatory generally controls the discovery proceedings.

In Barnes v. a Confidential Party, 628 So.2d 283 (Miss. 1993), letters rogatory were issued in a divorce proceeding by a Georgia trial court to a Mississippi court requesting that the deposition be taken of a male Mississippi resident who had a relationship with the wife in the divorce proceedings while they were students at Ole Miss (before the marriage). The deposition taken pursuant to the letters rogatory sought information concerning their relationship at Ole Miss and a chance meeting in Aspen (during the marriage), which the wife in the Georgia litigation was not required to disclose because Georgia law contained a privilege against testifying as to matters which shall tend to bring infamy, disgrace, or public contempt upon herself or any member of her family. The party seeking the letters rogatory deposition of the Mississippi resident argued Mississippi had no such privilege so that the MRCP required the deponent answer all questions. The trial court disagreed. The Supreme Court affirmed the trial court because Georgia law applied.

The rule to be deduced from *Electric Reduction* and *Barnes* is that the law of the jurisdiction issuing the letters rogatory will generally control. Attorneys defending against letters rogatory issued for discovery in Mississippi should be aware of the law of the issuing jurisdiction as well as Mississippi law. *Electric Reduction and Barnes* both contain additional holdings concerning letters rogatory which for brevity are not discussed in this article.

The ancient common law procedure for letters rogatory has been supplemental by rules, statutes, and treaties. MRCP, Rule 28(a) provides depositions may be initiated by an oath or affirmation administered...by an officer authorized to administer oaths. Rule 28(b) authorizes depositions in foreign countries (i) before a person authorized to administer oaths in the place where the examination is held, (ii) by a person commissioned by the court, or (iii) pursuant to a letter rogatory. The rule also provides that evidence obtained in response to a letter rogatory shall not be excluded because it is not a verbatim transcript or was not taken under oath or "any similar departure from the requirements for depositions taken within the United States under these rules." It is the apparent intention of the drafters of the MRCR that the common law procedure with respect to letters rogatory shall remain in effect and not limited by the more formal modern civil practice rules.

Attorneys needing discovery in a foreign jurisdiction (including another state) should take into consideration the three options under MRCP, Rule 28. As the standard for obtaining evidence under a letter rogatory is less formal,

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TRUE COMPASS BY EDWARD M. KENNEDY

Reviewed by Marlane Chill

Ted Kennedy's autobiography, *True Compass*, was released three weeks after his death. "With so many books about the Kennedys, my father wanted to tell his story" said Ted Kennedy Jr. Much of the information in this book is very familiar. What is different is the way it is told.

Ted Kennedy had a great love for his family, especially his mother and his brother John who also was his godfather. Another passion was the United States Senate where he had a trail blazing career in which he championed legislation such as the Voting Rights Act and the Americans with Disabilities Act. He continued to work for passage of universal healthcare (the cause of his life) until his death. The book is dedicated to his wife Victoria whom he married in 1992 and whom who described as "the woman who changed my life." Beginning with the title, there are many references to his lifelong love of sailing and the many hours of enjoyment and relaxation that this sport gave him.

Born in 1932, Ted Kennedy was the youngest of nine children. Although the book is fiercely loyal to every member of the close-knit family, there are occasional

acknowledgments of their harshness. He remembers his father whom he both feared and adored warning him at age 13: "You can have a serious life or a non-serious life, Teddy, I'll still love you whichever choice you make. But if you decide to have a non-serious life, I won't have much time for you."

The book does not gloss over Kennedy's flaws: his expulsion for a year from Harvard, his responsibility for the death of Mary Joe Kopechne and the failure of his first marriage damaged by womanizing and the couple's shared abuse of alcohol.

Kennedy settled scores with those he believed had wronged him, including CBS newsman, Roger Mudd, who asked him why he wanted to be president in 1980 and former president, Jimmy Carter, whom Kennedy described as a "difficult man to convince of anything." Before challenging Carter in 1980, Kennedy had differed from Carter on healthcare and Carter's refusal to appoint Archibald Cox to a vacancy on the First Circuit Court of

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HOW MUCH IS POSTAGE FOR LETTERS ROGATORY? continued

but just as admissible, a letter rogatory may be preferable in some instances. Should there be defects in the taking of the deposition, Rule 28 seems to allow irregularities which would not be allowed under the other two options. Letters rogatory under MRCP, Rule 28 may, however, include a formal deposition.

Miss. Code Ann. §7-1-17, which has been Mississippi law since the 1880 Code, authorizes the governor to appoint commissioners in each state and in foreign countries to, among other things, "take and certify depositions and affidavits to be used in this state." The statutory need for this statute has been superceded by MRCP, Rule 28, which authorizes Mississippi trial judges to appoint commissioners in foreign countries for the same purpose.

The difference between letters rogatory and commissioners should be noted. Letters rogatory procedure involves two independent courts. Discovery through a commissioner involves the trial court and the commissioner.

USCA, Title 28, §1782 authorizes U.S. district court judges to order a person in their district to give testimony or produce documents pursuant to a letter rogatory or request from a "foreign or international tribunal." Brevity prevents a discussion on what constitutes a "tribunal."

Federal Rules of Civil Procedure, Rule 28 provides for who may take depositions. The rule contains separate

provision concerning the taking of depositions within the United States and in foreign countries. Rule 28(b), when providing for the taking depositions in foreign countries, refers to "any applicable treaty or convention." The Hague Evidence Convention is the currently applicable convention. Under FRCP Rule 28(b) letters rogatory are treated as separate from discovery under "treaty" or "commission." The federal procedure also retains traditional letters rogatory. For further discussion of obtaining evidence at the federal court level from foreign jurisdictions, see 6 Moore's Federal Practice, Chapter 28, Persons Before Whom Deposition May Be Taken.

The U.S. State Department has produced an article entitled "Preparation of Letters Rogatory," which is a fourteen page comprehensive treatment of the use of letters rogatory in foreign countries. (Google search: state dept letters rogatory)

Comments, a checklist, and forms for letters rogatory may be found at 8A Am Jur Pleading and Practice Forms, Letters Rogatory, §150 et. seq.

Readers who do not have a letter rogatory on their professional resume might want to toss this article in that desk drawer where you keep things for future reference and wait for the mail person to arrive with your letters rogatory.

THANK YOU

I was quite astounded to find myself being featured in the October HCBA Newsletter for serving twenty years as Executive Director. I joked that finally I had become a centerfold (which has been a secret goal). The article was very generous in its praise and I couldn't help but be flattered. I also loved all the pictures that brought back many wonderful memories from the various events over the years.

The October HCBA Membership Meeting provided an additional surprise for me when the presidents presented me with a bouquet of long-stemmed roses and a beautiful fall arrangement.

Each one of the presidents was a delight to work with and individually spent so much of their time on behalf of the bar and the legal profession. Their contributions are to be lauded and I'm just glad to have gotten to tag along. It has been my pleasure to be part of the HCBA and thank you for the recognition.

Pat Evans

October Membership Meeting

At the October Membership Meeting several past presidents celebrated 20 years of service by Executive Director Patricia Evans. She was presented with long stem roses from the presidents.

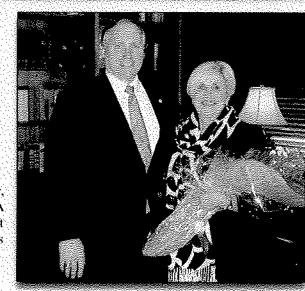
(seated) Pat Bennett, Judy Johnson, Pat Evans, John Henegan (standing) Tom Alexander, Alveno Castilla, Marcus Wilson, Ben Piazza, David Kaufman, Mark Chinn, Bob Grenfell, Richard Roberts





Lestie Dixon,
Newsletter
Co-ordinator and
Pat's daughter,
Pat Evans

Tom Alexander, HCBA President Pat Evans



THE NEW VIETNAM AND THE SAME OLD MILITARY INDUSTRIAL COMPLEX

by Captain Equity

We were warned explicitly, implicitly, and repeatedly. But as we have learned - uh, make that "found out" - the hard way and always after the fact, hubris, unbridled power, and self interest trump good judgment every time, especially when the subject is the funding and use of America's military. The biggest losers are the families of America's killed service personnel, disabled and displaced veterans, the American taxpayer, and the U.S. Government's ever dwindling credit score. But because of the shameless conduct of politicians, hawkish pundits, and other stakeholders in the vast military industrial complex, any honest questioning of the military is tantamount to treason, or at the very least, an act of "cut and run" cowardice. Meanwhile the increasingly opaque game continues relentlessly and unabated, all too often to the country's detriment.

The Good, the Bad, and the Unmitigated Disasters

What makes national defense issues so prone to demagoguery is the fact that history is replete with enough Pearl Harbors and 9-11s to illustrate the fact that America has enemies and legitimate national defense issues that require courage and collective sacrifice. Unfortunately, there have been, are, and always will be people in public life who equate every international challenge as a license to use our military as a first resort. Sometimes the provocation is even more minimal if nonexistent. The most egregious example was George W. Bush, prodded by "the more experienced" Uncle Dick and Rummy not to mention an assortment of neoconservatives like William Kristol and his fellow travelers at the Project For The New American Century, to attack Iraq in 2003 on the basis of wishful thinking, faulty intelligence, and outright lies. Fear and deceit against the very real backdrop of the September 11 attacks was sufficient to trigger a rush to judgment that has been nothing less that an unmitigated disaster in terms of needless American and Iraqi deaths not to mention a trillion dollars and counting squandered on the very nation building that W. scotled at during his 2000 campaign. Worse yet, the Iraqi debacle provided an effective and ongoing recruiting tool for our real enemies while turning much of the post 9-11 good will toward us from outside our borders into enmity.

As awful as Iraq has been for America, there have been many other unnecessary disasters. In 1961 the military advised John Kennedy that the invasion of the Bay of Pigs in Cuba was a sound and necessary use of military force. That didn't turn out well. Eisenhower and Kennedy planted the seeds of Vietnam even after the

French were expelled from Indochina in 1954, by sending U.S. military advisers to South Vietnam. But it was LBJ's ego and Ford Motor whiz kid Robert McNamara's arrogance and lack of understanding that guaranteed 58,000 Americans would die, not to mention hundreds of thousands of U.S. veterans who would never be the same. by turning an Asian civil war into an American war of necessity. Why? Because of the so called, now discredited, "Domino Theory," which discounted the power of nationalism and ignored the fact that countries have unique cultures of their own, not to mention corrupt regimes that can trigger and sustain revolt. Oh, and by the way, it is estimated that 1.5 million or more Vietnamese died in the Vietnam War. In 1975 the Communists finally prevailed. But it's all okay now. Vietnam is one of our leading trading partners in Asia, kind of like China, only smaller. You might remember Communist China from the Korean War. I wonder what happened to that particular "Evil Empire?" I guess they decided to open up Walmarts and export cheap consumer goods to America, so everything is okay. Never mind.

Because we are Americans, we have traditionally harbored feelings of superior values we feel compelled to export with a missionary zeal despite not being invited. When this is combined with our own economic interests. we are quite adopt at rationalizing intervention around the world. Just look at our early twentieth century relations with Central and South America. How many dictators did we prop up to make sure Americans had plenty of bananas to cat and that United Fruit Company prospered? To be sure, Castro's Cuba and Chavez's Venezuela are reactions to our past intervention in that part of the world.

And I would be remiss not to mention that in 1953 the CIA along with the Brits overthrew an unreliable nationalistic government in Iran. We installed the Shah, armed the country, and turned a blind eye to internal suppression of human rights by the Shah's secret police, SAVAK. When the Iranian Revolution deposed the Shah in 1979, we armed a new friend in Iraq named Saddam Hussein. If you haven't seen the photo of a smiling Rummy shaking Saddam's hand, you should and you can, thanks to the "Internets" as W. has dubbed the World Wide Web.

To be sure, America didn't invent empire building. It is coextensive with the collective ego that comes with nationalism. Rome was really good at it as were the Persians, the Spanish, the French, the Russians and the Ottoman Turks to name a few. The Brits were at one time the world champs of colonial empire building. It is ironic that while many politicians and talk radio narcissists want to remind us of the sanctity of the Declaration of

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TO: ALL MEMBERS OF THE HINDS COUNTY BAR ASSOCIATION

of the Hinds County Bar Association are seeking your support in order to assist minority students to attend law school that might not otherwise be able to do so. Toward this end, the Hinds County Bar Association is establishing two minority law scholarships, one at each of the in-state law schools, to assist deserving minority students to attend both the Mississippi College School of Law and the University of Mississippi School of Law. Eligible recipients of these two law scholarships must be minorities who are residents of the State of Mississippi and who at least attended grades 10-12 in Mississippi.

In doing so, the Hinds County Bar Association is also honoring one of our very own, Reuben V. Anderson. As you are probably aware, Reuben is a trailblazer in the Mississippi Legal Community. Reuben was the first African American attorney in Mississippi to serve as a municipal court judge, a county court judge, a circuit court judge, and as a justice on the Mississippi Supreme Court. In 1997, he became the first African American to serve as President of The Mississippi Bar Association.

In order to achieve our goal of establishing these two minority law school scholarships, the Hinds County Bar Association is seeking contributions from lawyers, law firms, businesses and others to assist with ensuring adequate funding. We must raise at least \$50,000 in order to fund these two scholarships at the required minimum of \$25,000 each. We already have a strong start with an initial fund balance of slightly over \$17,000 remaining from the Hinds County Bar Association

The Board of Directors and the Diversity Committee Diversity Roundtable Event held in 2006, but we need your assistance to make the dreams of deserving minority students to attend law school a reality. This money will be placed into trust at each law school with the intent that the corpus for the scholarships will grow until they can provide the recipient with enough money to pay for a full year's tuition and books,

Sponsors who contribute to the funding of these two scholarships will be recognized in all of our publications and at the Hinds County Bar Association's Annual Dinner Honoring the Judiciary in the spring of 2010, where we plan to hand over two checks of at least \$25,000 each to the deans of both in-state law schools. This is an extraordinary opportunity to impact the lives of a number of minorities in our State by assisting them to be able to attend law school.

Will you help us with a gift? Checks can be made payable to the Hinds County Bar Association, Reuben V. Anderson Minority Law School Scholarship Fund. Contributions are tax deductible. Please send your contribution in as soon as possible, but before April 1, 2010, to HCBA - 151 East Griffith Street: Jackson, MS 39201.

For the Board of Directors: Thomas B. Alexander, President

For the Diversity Committee: Debra Brown, Co-Chairperson Shunda P. Baldwin, Co-Chairperson

HCBA Grant Committee

The Hinds County Bar Association's Community Grant Committee is seeking applicants for its 2010 slate of grants. Each year since 2003, the HCBA has awarded significant monetary grants to charities located in Hinds, Madison, or Rankin counties whose primary mission is to help persons without financial means or with special needs. Recipients of HCBA's 2009 grants were the Hinds County Sheriff's Department, the Mississippi Humanities Council, Southern Christian Services for Children and Youth, and Watkins Elementary School.

The Community Grant Committee, chaired by Doug Jennings and Matthew McLaughlin, anticipates that it will have access to at least \$5,000 in grant funds to distribute

to the finalist or finalists in April 2010. Preference will be given to those applicants requesting funds for a one-time specific item, project, or service, while requests to cover general operating expenses will not be considered.

If you are aware of a well-managed charity serving the Jackson metro area that could benefit from an HCBA grant, please encourage its executive director or other representative to request a grant application. Inquiries or requests for grant applications should be sent to Doug Jennings at doug.jennings@gmail.com. Those without access to e-mail may request an application by phone by calling Doug at (601) 359-9052. The deadline to apply for the grant is February 1, 2010.

REMINDER

The Hinds County Bar Association
October Luncheon Meeting
will be held
Tuesday, February 16, 2010
at 12:00

Speakers:
Representative Percy Watson
Senator Alan Nunnelee

The cost is \$15.00 for lunch
Capital Club
19th Floor
Capital Towers Building

No reservation necessary

ROSA PARKS BY DOUGLAS BRINKLEY

Book Review by John Henegan

Fifty years ago, Mrs. Rosa McCauley Parks, a 42-year-old African American woman, lived in Montgomery, Alabama. She was a respected member of the black community - well known for her work as a Sunday school teacher and stewardess at St. Paul AME Church, a mentor for black female high school students, and the Secretary of the Statewide Conference and the Montgomery Branch of the NAACP. Raymond Parks, her husband, was a barber at Maxwell Air Force Base. They had no children. Her mother, Mrs. Leona McCauley, lived with them at Cleveland Courts, Apartment 634, in a poor neighborhood known as Peacock Tract.

Mrs. Parks rode the bus each work day to Montgomery Fair Department Store where she worked as a seamstress. On December 1, 1955, Mrs. Parks refused as required by state law to yield her seat in the "colored" section of the Cleveland Avenue bus when ordered by the bus driver, James Blake. Stopping the bus, Blake walked back to Mrs. Parks and told her to leave the row where she was then sitting - just as three other African-Americans had done - so that a white customer who had just boarded could sit down without having any black people sit on that row, When Driver Blake told Mrs. Parks that unless she moved, he would have her arrested, she replied "You may do that," Blake called the Montgomery Police, who dispatched Officers F. B. Day and D. W. Mixon to the scene. They spoke to and then arrested Mrs. Parks, escorted her off the bus, placed her in their patrol car, and took her to the station. She was booked, fingerprinted, given a trial date, and beld in a cell for two hours before finally being allowed to call home, where she spoke to her husband telling him what had happened and assuring him that she had not been mistreated.

Mrs. Parks' decision to stay seated - and the events that followed - galvanized the entire nation and large parts of the world. These events included: (1) the successful 381-day black boycott of the City's bus system, which was later ruled unconstitutional; (2) the rise of the newly arrived 27-year-old Southern Baptist minister, Reverend Martin Luther King, Jr., from virtual anonymity to a position of local leadership and then national prominence due to his courage and his eloquent oratory; and (3) the ensuing adulation of Mrs. Parks as "the mother of the civil rights movement." The incident became a watershed event in the history of our country and the civil rights movement, not only in our country but elsewhere, including Africa.

No one in Montgomery knew if the boycott would work for one day, much less 13 months. The first challenge was to gather the leaders of the black community and reach a consensus about whether and how to support Mrs. Parks and then plan how to carry out their decision. A successful boycott required providing a reliable alternative method of transportation, which was accomplished through a coordinated system of carpooling and taxi cabs that Reverend King put together after closely studying how a successful, but far shorter boycott in Baton Rouge had operated. Long range success - ending the segregated bus system - required a voluntary agreement with the Mayor and the City Council or, if necessary, litigation. Although the City of Mobile had already successfully instituted a desegregated bus system, which the black leaders asked the City of Montgomery to adopt, the Mayor and City Council refused to follow suit.

The boycott produced significant hardship. Mrs. Parks was found guilty of violating state law; her appeal was dismissed for failing to comply with state law. Montgomery Fair Department

Store soon fired Mrs. Parks. Her husband quit at Maxwell when the barber shop's manager forbid discussion of the boycott or Mrs. Parks' name. Her lawyer, Fred Gray, was charged with barratry. The City raised the bus fare from 5 to 15 cents, and local insurance agencies cancelled the commercial liability policies of the black-operated taxi companies. They were able to continue to operate only after Reverend King obtained other coverage from a black-owned insurance company in Atlanta that was backed by Lloyd's of London. Reverend King's home and the homes of other local black ministers, including Reverend Ralph Abernathy, and several black churches were bombed, during and after the boycott. A Montgomery County grand jury indicted Mrs. Parks and 88 others, including King and 20 other ministers, for participating in a boycott "without just cause or legal excuse." Only King was tried. He was found guilty, and the Alabama Supreme Court affirmed his conviction in 1957 after the federal courts had ruled that the segregated system was unlawful in Browder v. Gayle, 142 F. Supp. 707 (M.D. Ala.) (Rives, J.), aff'd, 352 U.S. 903 (1956) (per curiam).

The boycott ended on December 21, 1956, and for two days, the integrated buses operated without incident. Then Snipers fired into King's home. The buses soon became prime targets; five white men assaulted a black woman while she waited for a bus, and a sniper shot a pregnant black woman in both legs as she was boarding a bus. The violence and terrorism related to the bus system subsided only after seven Klansmen were indicted for the church bombings.

Four months before Mrs. Parks refused to leave her seat, she had taken a leave of absence from Montgomery Fair and attended the Highlander Folk School on a two-week scholarship in Monteagle, Tennessee, west of Chattanooga. Others who attended Highlander through the years included Julian Bond, John Lewis, and Martin Luther King, Jr. Before arriving, Mrs. Parks had already evidenced a deep spiritual commitment to her religious faith. While there, the School's instructors taught Mrs. Parks about passive resistance and civil disobedience as espoused by Tolstoy and Gandhi, who had extensively written each other about the subject. Mrs. Parks and Reverend King took their teachings about passive resistance to heart, placed them into practice, and inspired a generation of people, black and white, to do the same.

Professor Brinkley, a distinguished author, journalist, lecturer, and presidential historian, is the authorized biographer of Mrs. Parks. His compact biography, Rosa Parks (Lipper/Viking 246 pages 2000), is part of the Penguin Lives series. The book is based on extensive interviews with Mrs. Parks and many of her contemporaries, access to her papers, and his encyclopedic review of civil rights literature, including the key primary and secondary sources. His writing is entertaining, briskly paced, a worthy introduction to the subject, and full of rich, at times ironic, detail. At the very outset Brinkley takes the reader to what is now the intersection of Rosa L. Parks and West Jefferson Davis Avenues in Peacock Tract. There a professor of United States history who told us about the lives and times of Mrs. Parks and Mr. Davis could teach us much of the significant history of our country certainly much that is as important today as it was when each one of them was alive. Perhaps Professor Brinkley will tackle the subject one day. For now, Rosa Parks is a worthy beginning and recommended reading.

TRUE COMPASS BY EDWARD M. KENNEDY continued

Appeals in 1979.

He speaks poignantly of the period in June 1968 when having already lost older brothers Joe and Jack, he culogized his brother Bobby at St. Patrick's Cathedral. He writes of that dark hour: "Life and politics went on . . . but not me. I was shaken to my core."

On a lighter note, anyone who remembers Senator Jim-Eastland will enjoy Chapter 9 of the book, entitled, "Drinks.

with the Senator." He describes his first meeting with Eastland. As Kennedy writes, "My education in the ways of the senate reached another colorful plateau."

This book is honest, gripping and in many parts, exceptionally moving. As he tells the story of his life, we see how Ted Kennedy's hard work and perseverance helped to establish an enduring legacy of public work that finally eclipsed his private failings.

SLOW HORSES AND FAST WOMEN: POP LYRICS AS HAIKU Compiled by Luke Dove

Sometimes I'se haves a great notion. "Goodnight Irene," Huddie Ledbetter

You can't run away forever, but there's nothing wrong with a good head start. "Rock and Roll Dreams," Meatloaf

> If everybody wants you, why isn't anybody calling? "Gloria," Laura Branigan

We got all the friends money that can buy so we never have to be alone. "Cover of the Rolling Stone," Dr. Hook

When I think of all the crap I learned in high school, it's a wonder I can think at all. "Kodachrome," Paul Simon

> Lucille! Baby satisfy my heart. "Lucille," Little Richard

She's so fine you'll wonder where the money went. "Simply Irresistible," Robert Palmer

> In the clearing stands a boxer. "The Boxer," Simon & Garfunkel

You can check out anytime you want, but you can never leave. "Hotel California," The Eagles



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Does your email pile get
higher and harder to
keep up with?
Thanks to
Donna Payne
and Law Technology
News for an introduction to
a great new tool from Vulcan

Technologies called Xiant Filer. It works with Outlook 2003 and 2007 to reduce or even eliminate your inbox clutter at a cost of \$19.95.

Xiant Filer, www.xiant.com, is an easy-to-use filing system for your emails. For example, emails from the state bar can be recognized and automatically filed in an inbox folder so designated,

Xiant works how you want it to work. You can make it file messages immediately upon receipt. However, if that is too quick for you, automatic filing can be delayed for up to two weeks. Messages can automatically be set to file by specific senders. Xiant can also file your sent messages.

Xiant, however, is not the only software filing system on the market. A few other viable options are SpeedFiler, SimplyFile, and ClearContext Professional.

SpeedFiler, www.claritude.com, requires Outlook 2003 or 2007 and runs with Windows 2000 Professional, Windows XP, and Windows Vista. It's available in both personal and professional versions, though it's pricier than Xiant Filer at \$34,95.

SimplyFile, www.techhit.com/simplyfile, is another alternative to Xiant Filer. It closely resembles Xiant Filer and uses the same algorithms to recognize your filing habits. SimplyFile can be yours for \$39.95.

ClearContext Professional, www.clearcontext.com/pro, organizes not just your emails but any projects you may be working on, too. This is perfect for project managers as it allows you to see a consolidated view of all related messages, attachments, and contacts. ClearContext Professional also allows this information to be shared with others, the project team for example. ClearContext Professional is more than an email filer, so for that, the price is

increased to \$89.95.

While Xiant Filer is not the only email filing software on the market, it seems to be one of the best. Being reasonably priced is also an extra perk!

More on Windows 7

The arrival of Windows 7 provides us with an upgrade on a few old programs. WordPad has been updated and can now access files in Rich Text Format (RTF). WordPad can also open and save as Office 2007 documents (.docx) or OpenDocument (.odt). Although Office 2007 is supported, take note that prior versions of Word are not supported and have not been since Vista,

The calculator gets a face-lift with more features and functions. It does more than just add and subtract and is now sufficiently sophisticated enough to make loan payment calculations. It provides information helpful for programmers and will also calculate dates.

Stay tuned for more to come on Windows 7!



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

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continued from page 8

Independence and the wisdom of the founding Fathers, few realize that American colonists were fed up with the British Military Industrial Complex. They also fail to point out that it was an emerging sense of American nationalism that combined with getting ripped off by King George and Parliament that led to what is now the United States of America. Oh yeah, revolution and insurgency are okay if we do it. Like Vietnam, Great Britain long ago decided to bury the batchet with us. Had they not, there is a good chance that German might be the official language of England and the rest of Europe for that matter, which brings us back to another legitimate use of American military power. The irony is that we were bound and determined to remain neutral isolationists. But for Pearl Harbor and Hitler's blunder of breaching his non aggression pact with Stalin before finishing off Great Britain, German might well be the official American language east of the Mississippi River with Japanese spoken to the West. Can you only imagine what Jackson and Shreveport might look and sound like today? But I digress.

The Military Industrial Complex

On January 17, 1961, President Eisenhower, himself a U.S. Army General of some note, explicitly warned us against the potential dangers posed by an out of control military industrial complex in his farewell address as President. His words furned out to be prophetic. The Pentagon has become a symbol for what can go wrong when politicians, defense contractors and their lobbyists and high ranking career military officials get together to do business with minimal oversight in the name of freedom, democracy and God's will. Too much? Go back and read some of W's speeches. Anybody remember "Mission Accomplished," Blackwater atrocities, or Halliburton subsidiary KBR's Electric Shower in Iraq? Here are two facts that should tell you that everything is not necessarily on the up and up behind the secretive, closed door world that is national defense. Each additional soldier we send to Afghanistan carries a one million dollar per year price tag in terms of logistical support. It costs \$400 to import a gallon of gasoline to that region - I can't call it a country, because it is not. This is the tip of the iceberg funded by earmarks

inserted into thousand page defense bills by members of the House and Senate from every state because defense is big business for their corporate campaign contributors. In reality, the tab is paid for by taxes and money borrowed from overseas. Some of our creditors are the very same people who are denounced on the floor of Congress as our enemies or potential enemies.

The New Vietnam

And so, like Victnam, we are escalating our involvement in Afghanistan where we have been for eight years. How many more years and why, exactly? Afghanistan is rated as the second most corrupt failed state in the world behind Somalia. The topography makes the Great Basin in Nevada look like the Kansas prairie. President Hamid Karzai just got through stealing an election. His brother is the biggest drug trafficker in the region. The entire system of government is hopelessly corrupt. An article in USA Today documented that it took 51 signatures to transfer ownership of a house. Each of those signatures required a bribe. One must even bribe doctors to gain access to medical treatment. And, I almost forgot, official estimates place only about one hundred or so members of AI Qaeda in Afghanistan. This is the same track that finally did in the late Soviet Union.

Yes, I know much of the problem is next door in nuclear armed Pakistan. I know it's complicated. But the question remains, notwithstanding President Obama's December 1 speech; what is the mission? What is the exit strategy? Does he really know? Does anybody?

The Solution

It is all quite simple, really. Reinstate the military draft and levy a war tax on every single American citizen over the age of 18 with no exemptions or deductions. Then, step back and watch how necessary this war or weapon system or you name it REALLY is. I predict it would be a lot cheaper to just open a Walmart or a McDonald's in Kabul and be done with it.



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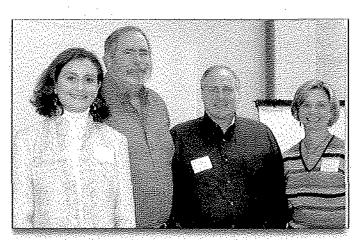
STRATEGIC PLANNING MEETING

The Hinds County Bar Association Board of Directors is in the process of developing a Long Range Plan and has partnered with the ABA Division of Bar Services. A Strategic Planning Task Force meeting was held on October 2 and October 3 to discuss the future direction of the association with Jennifer Lewin of the ABA facilitating the discussion. A follow-up session was held on November 20, and another meeting is scheduled for May 14.

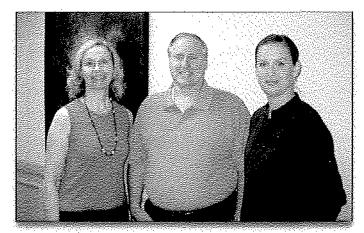
Participating were: Tom Alexander, Cheryn Baker, Melissa Baltz, Pat Bennett, Roy Campbell, Mark Chinn, LaVerne Edney, Pat Evans, Laura Glaze, Jennifer Hall, John Henegan, Corey Hinshaw, Meade Mitchell, Mary Clay Morgan, LeAnn Nealey, Ben Piazza, Peyton Prospere, Susan Tsimortos, and Collins Wohner.



Mark Chinn, Pat Bennett, Peyton Prospere, Susan Tsimortos



Jennifer Hall, Ben Piazza, Tom Alexander, Cheryn Baker



Susan Tsimortos, Tom Alexander, Jennifer Lewin with the ABA



Seated: Mary Clay Morgan, Laura Glaze Standing: Meade Mitchell, Collins Wohner



Seated: LeAnn Nealey, LaVerne Edney Standing: Corey Hinshaw, Roy Campbell, John Henegan



Members hard at work

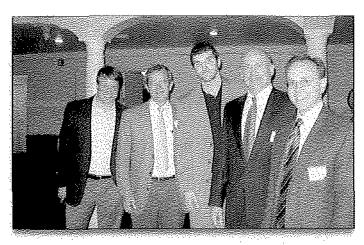
ANNUAL CHRISTMAS PARTY



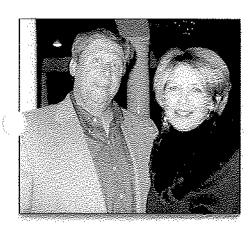
The HCBA and the JYL held their annual Christmas Party at the Old Capital Inn on Thursday, December 3. Shown are seenes from the event.



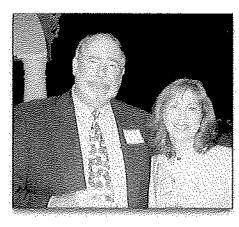
Jennifer Hall, HCBA Social Co-Chairman; Marlena Pickering; David Stovall



John Nisbett; Judge Leslie Southwick; Todd Butler; David Kaufman, HCBA Past President; Cory Wilson



Jay and Pam Jacobus



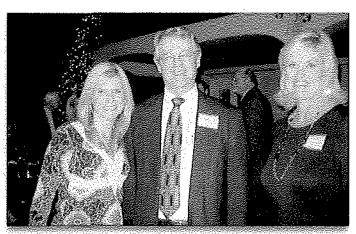
Ben Piazza, HCBA Past President; Melissa Baltz



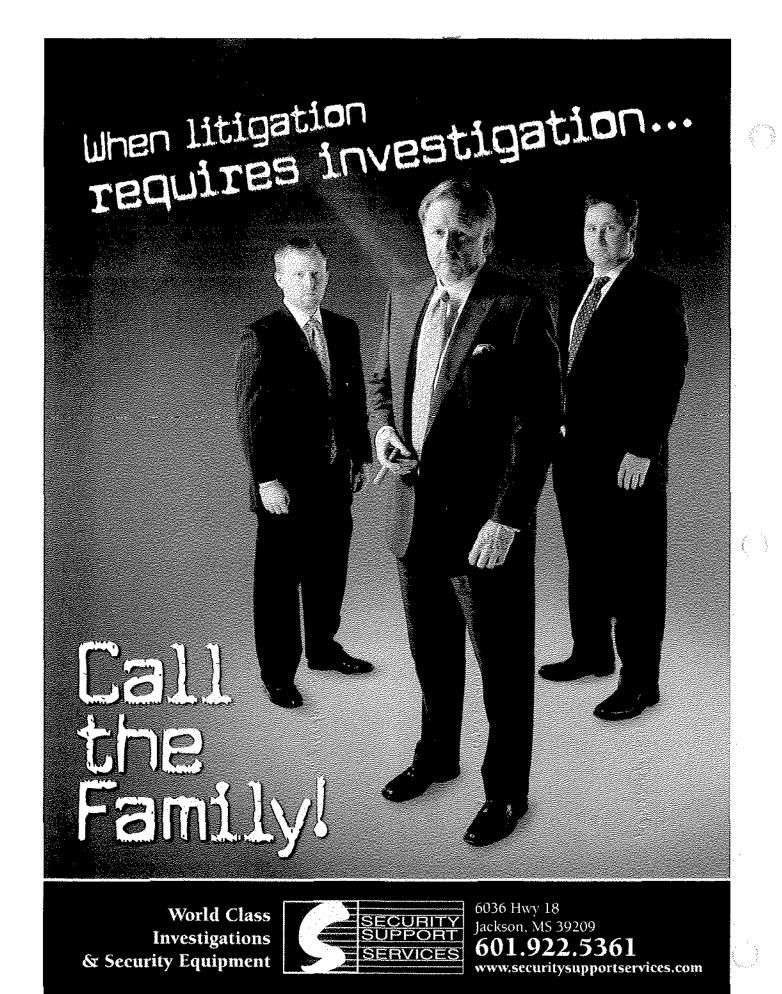
John Land and Sylvia McDavid



Pat Evans, Executive Director, with all the toys collected by the JYL for the Toys for Tots Drive. Thank you to everyone who participated.



Tammra Cascio, HCBA Social Co-Chairman; Larry Lee; Marilyn Sutton



HCBA Professionalism Award

At the HCBA Dinner Honoring the Judiciary in May, 2010, the HCBA will present its eleventh 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 10, 2010, at noon, has been set for receipt of nominations.

Hinds County Bar Association, Inc.

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HCBA LUNCHEON MEETING Tuesday, February 16, 2009 Noon

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EXCEPTIONS:

Martin Lather King, Jr. Day Sunday, January 17th

Monday, January 18th Spring Break

Friday, March 12th Saturday, March 13th - Sunday, March 14th Monday, March 15th - Thursday, March 18th Friday, March 19th

Friday, March 19th Saturday, March 20th

Easter Friday, April 2nd Saturday, April 3rd Sunday, April 4th

Exam Schedule April 30th - May 16th Monday - Friday Saturday Sunday

Thursday May 13th — Friday, May 14th Saturday, May 15th — Sunday, May 16th 7:30 a.m. - midnight 7:30 a.m. - 9:00 p.m. 9:00 a.m. - 9: 00 p.m.

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9 a.m. 5 p.m. 9 a.m. 9 p.m. CLOSED

7:30 a.m. - midnight 9 a.m. - midnight noon - midnight 7:30 a.m. - 4:30 p.ru. CLOSED

Summer hours will begin May 15th . Hours are subject to change without notice.



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Correspondence regarding the newsletter should be directed to: HCBA Newsletter Editor, 151 E. Griffith Street, Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 601.969,6097. The web site address is hindsbar.com.