

# HCBA NEWS

August 1989

## President's Column



Judith J.  
Johnson

I want to welcome those of you who are not presently members of the HCBA and urge you to join. Those of you who live and have an office in other counties are also eligible to join if a substantial portion of your practice is in Hinds County. The Hinds County Bar Association is growing and developing, and we want you to be a part of it. Membership is on a yearly basis, and we have purposely kept the dues as low as possible, only \$35.00 a year.

### SERVICES PROVIDED HCBA

All our committees work to provide services to members and the public. For example, the Small Firm Practice Committee has provided CLE and other support services to single practitioners and other members in small firms; the CLE Committee has provided short, inexpensive CLE programs for members; the Bench and Bar Committee has worked to help the judges, as well as to resolve problems between judges and lawyers; the Newsletter Committee has provided this informative newsletter six times a year; the Speakers Committee has provided us with excellent speakers at our meetings which are held every other month; and the Library Services

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## Your Hinds County Bar Association

By Ben J. Piazza, Jr.  
Co-Chair, HCBA Membership Committee

The HCBA is given direction and leadership by its officers, board of directors and Executive Director. But implementation of the Association's goals is primarily through its committee structure. Since with this issue many of you are receiving the *HCBA News* for the first time we wanted to tell you something about these committees' activities. The following is a brief synopsis of some of the past and planned future activities of the HCBA committees.

### AD HOC COMMITTEE ON HCBA ROOM IN THE COURTHOUSE

A room in the newly renovated Hinds County Courthouse has been designated for use by the Hinds County Bar for its members. The HCBA room is located on the third floor on the south side of the courthouse on the east end of the "old" part of the building close to the new law library in the east annex. The president of the HCBA has appointed an ad hoc committee to obtain furnishings for the room.

Linda Thompson Greaves, chair of the committee, states that the room is to be furnished for HCBA members to use as a waiting area or a meeting room. The room will be comfortably furnished with tables, chairs and a small sofa in the traditional law office style of furniture, with upholstery of burgundy, mauve and gray, and wood pieces of mahogany and walnut.

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## New Rules On Joint And Several Liability

By Silas W. McCharen and  
Jeffrey T. Webb

The "Tort Reform" bill recently passed by the Mississippi Legislature significantly changes the prior law in Mississippi on joint and several liability. See 1989 *General Laws*, Chapter 311. These changes took effect July 1, 1989, and apply only to causes of action accruing on or after that date.

### SUMMARY

Under prior Mississippi law, a defendant only one percent responsible for plaintiff's injuries could be held liable for all the plaintiff's damages. Although not entirely clear, it appears that in all civil actions accruing after July 1, 1989, based upon fault, the general rule is that the liability of two or more defendants is several only. A joint tort-feasor is liable only for the amount of damages allocated to him in direct proportion to his percentage of fault. This is a significant departure from prior Mississippi law on joint and several liability in view of the fact that Mississippi has never recognized apportionment of fault among or between defendants.

The new law requires the trier of fact to determine and allocate the percentage of fault for each defendant.

For example, if a plaintiff received a \$100,000 judgment against tort-feasor A and tort-feasor B, and both tort-feasors

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## HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

August 15, 1989

12 Noon

\$8.25

Capital City Petroleum Club

The speaker will be the Honorable Kane Ditto, Mayor of Jackson.

# CLE CALENDAR OF EVENTS

**August 15**  
**HCBA Membership Meeting.** Capital City Petroleum Club. Jackson, MS.\*

**August 18**  
**Evidence.** Sponsored by Gulf Coast Law Institute. Biloxi, MS.

**August 18**  
**Bankruptcy Law.** Sponsored by MC School of Law. Jackson, MS.

**August 22**  
**Better Earlier Settlements Through Economic Leverage.** Sponsored by UM Center for CLE. Oxford, MS.

**August 25**  
**Bankruptcy Law.** Sponsored by MC School of Law. Jackson, MS.

**September 8**  
**The New DUI Law & Practice.** Sponsored by MC School of Law. Jackson, MS.

**September 8**  
**Representing Debtors in Chapters 7 and 13.** Sponsored by MS Bankruptcy Conference. Jackson, MS.

**September 8**  
**Criminal Law.** Sponsored by MS Trial Lawyers. Jackson, MS.

**September 12**  
**Coping with Environmental Enforcement and Compliance.** Sponsored by UM Center for CLE. Oxford, MS.

**September 22**  
**Lender Liability: Defending & Attacking.** Sponsored by UM Center for CLE. Oxford, MS.

**September 29**  
**Taxation of Partnerships & Corporations.** Sponsored by MS Assoc. of Public Accountants. Jackson, MS.

**September 29**  
**Legal Protection for Elderly & Disabled.** Sponsored by MC School of Law. Jackson, MS.

**October 6**  
**Current Environmental & Resource Problems in the Areas of Water, Oil & Gas Operations, & Solid Waste.** Sponsored by MS State Bar, Natural Resources Section. Jackson, MS.

**October 6**  
**Divorce.** Sponsored by MC School of Law. Jackson, MS.

**October 12**  
**Winning Before Trial: Practical Pre-Trial Practice.** Sponsored by UM Center for CLE. Memphis, TN.

**October 13**  
**The Keys to Effective Trial Advocacy.** Sponsored by UM Center for CLE. Memphis, TN.

**October 17**  
**HCBA Membership Meeting.** Capital City Petroleum Club. Jackson, MS.\*

**October 17**  
**Trial Tactics: A Trial Demonstration by the Superstars.** Sponsored by UM Center for CLE. Oxford, MS.

**October 20**  
**Estate Planning 1989.** Sponsored by MC School of Law. Jackson, MS.

**October 25**  
**Recent Developments in Bankruptcy Law.** Sponsored by National Business Institute. Jackson, MS.

**October 27**  
**Post Judgment Remedies.** Sponsored by MC School of Law/South Central MS Women Lawyers. Hattiesburg, MS.

**November 10**  
**Workers' Compensation Practice & Procedure.** Sponsored by MC School of Law. Jackson, MS.

**November 10**  
**Special Issues in Corporate Practice.** Sponsored by UM Center for CLE. Corinth, MS.

**November 16**  
**Toxic Tort or Environmental Litigation in MS.** Sponsored by MS Chapter Federal Bar. Jackson, MS.

**December 6**  
**HCBA Christmas Social.** Ms Bar Center, Jackson, MS.\*

\*Not approved for CLE credit.

## President's Column continued . . .

Committee has worked to improve services to lawyers provided by the Mississippi State Law Library and the Mississippi College Law Library.

### NEW SERVICES

All of these committees and others will continue to work. In addition, we have new committees working on such diverse projects as designing a lounge in the new Hinds County Courthouse for members of the Association, while another committee is working to inform and help lawyers who have problems with addiction. Other new committees are the Women in the Profession Committee, Black Involvement in the Profession Committee, the Committee on the Homeless, the Committee on Senior Lawyers, and the Law-Related Education Committee, all of which will be responding to specific problems in those areas. I am also planning to appoint a Child Advocacy Committee soon, so if anyone is interested, please call me.

### SPECIAL THANKS

I want to thank Harrison McIver, Co-Chairperson of the Bench and Bar Committee for his hard work in preparing the excellent reception for the new Hinds County judges.

I also want to thank Bob Williford, Chairperson of the Bicentennial of the Constitution Committee, for his diligence in designing and executing the essay contest for the Jackson Public Schools. We were all very proud of the three deserving young women who won the contest and appeared at our last meeting.

### CLERK OF COURT OPENING

The United States District Court for the Southern District of Mississippi is seeking an experienced administrator to fill the position of Clerk of Court. The Clerk serves as the chief administrative officer of the Court and operates under the supervision of the Court. General responsibilities include the administrative management of the non-judicial functions and activities of the Court. For application and further information, please contact the Honorable William H. Barbour, Jr., Acting Chief United States District Judge, Southern District of Mississippi, 245 E. Capitol Street, Suite 430, Jackson, MS 39201.

The Mississippi Women Lawyers Association and the Trust Division of Sunburst Bank hosted a wine and cheese reception honoring the members of the Mississippi Supreme Court and special guest United States Supreme Court Justice Antonin Scalia on July 14th during the Mississippi State Bar annual meeting in Sandestin. Several of the Women Lawyers, also HCBA members, are shown here hosting the Justices.



Pictured with Justice Joel Blass, left, and Justice Reuben Anderson, right, of the Mississippi Supreme Court is Linda Thompson Greaves, HCBA News Editor.



Justice Michael Sullivan is shown with HCBA members Joy Phillips, left, and Lynn Fitch Mitchell, right, President-Elect and President, respectively, of the Mississippi Women Lawyers Association.



HCBA member Mary Libby Payne, right, is pictured at the reception bragging on her grandchild to Justice Lenore Prather.

On June 30th, following the swearing-in ceremony for Hinds County judges at the Hinds County Courthouse, the Hinds County Bar Association, Chancery Clerk Pete McGee, and Circuit Clerk Barbara Dunn sponsored a reception honoring the judges. Many HCBA members attended the ceremony and reception to honor the judges.



Shown at the reception are, from left, William F. Coleman, Circuit Court Judge; Patricia A. Wise, Chancery Court Judge; Judith J. Johnson, HCBA President; and Denise Sweet Owens, Chancery Court Judge.



HCBA members congratulating the judges included, from left, John C. Crecink, Jr., John H. Downey, and Richard A. Montague, Jr., HCBA Secretary-Treasurer.



Also attending the reception are HCBA members, left, Harrison D. McIver III, chairman of the reception, and, right, Robert C. Grenfell.

## Bar Association continued . . .

Fulton Thompson, co-chair of the committee, is in charge of raising funds for the purchase of the furniture. Contributions in the amount of \$100, \$250 or \$500 will be requested. Those contributing will be honored at a reception where a plaque with each contributor's name will be hung in the room.

### BENCH AND BAR RELATIONS

This committee functions as an invaluable line of communication between the Hinds County judiciary and HCBA members. Currently chaired by Harrison D. McIver and John H. Downey, the Committee recently co-sponsored a reception following the judicial swearing-in ceremony at the County Courthouse on June 30, 1989.

### BLACK LAWYER PARTICIPATION IN THE PROFESSION

This new committee, with Robert Gibbs, Chair, and Hal Dockins, Vice-Chair, is tasked with one of HCBA President Judith Johnson's main goals for this year - increasing minority participation in the HCBA.

### BUDGET AND FINANCE

The Budget and Finance Committee of the HCBA is in charge of preparing the annual budget in cooperation with the officers and directors of the Association. The 1989-90 budget prepared by the committee was approved by the Board of Directors in early June and is shown on page 8 of this issue.

Throughout the year, the committee monitors the receipts and expenditures of the Association and works with the Board to insure that the HCBA's finances are properly handled and a proper accounting is made. The committee will meet again in April of 1990 to review and recommend a budget for the 1990-91 year.

### BY-LAWS

The By-Laws Committee is currently considering six proposed amendments to the HCBA's By-Laws: (1) The feasibility of changing the time for HCBA elections; (2) Changing the dates of monthly meetings to avoid a December meeting; (3) The need for a provision to remove nonperforming chairpersons and directors; (4) The benefits of honorary and/or student memberships; (5) Reworking the By-Laws to avoid sexist references; and, (6) The feasibility of changing the public relations committee into a non-standing committee. The committee anticipates making formal proposals on these issues at the August HCBA meeting.

## CONTINUING LEGAL EDUCATION

The CLE Committee recently published and distributed a listing of the videotapes available at the MC Law School Library. Over the years the HCBA and the Jackson Young Lawyers have purchased tapes covering a broad range of legal topics, from the late Irving Younger's riveting lectures on trial techniques to the ABA's "Dilemmas in Legal Ethics." These tapes may be checked out of the MC Law Library, without charge, for up to two weeks, or persons without access to a VCR may view the tapes at the law school.

### JUDICIAL POLL

Although the need for a judicial poll this year is not anticipated, the Committee is actively addressing issues that the Committee considers vital to its continued existence. When the Judicial Poll was first begun, the number of lawyers in Hinds County was much smaller, and most members knew all of the candidates. Recently, a large number of the responses have been "no opinion." Consequently, the committee will be addressing the question, does the poll still provide a good service? Additionally, approximately 500 of the 1500 lawyers in Hinds County do not belong to the Association. The committee is studying the issue of whether or not the poll should include these 500 non-members automatically, rather than by request.

The committee will also be looking at the basic objectivity and/or fairness of the poll, as well as alternative poll designs or formats. The committee is interested in input from the Association membership regarding these questions and would welcome your suggestions. Please forward any suggestions or comments to Committee Chair Beth C. Clay, Post Office Drawer 1532, Jackson, MS 39215-1532.

### LAW RELATED EDUCATION

The purpose of the Law Related Education Committee is to increase public understanding of the law. Committee activities during the past year included sponsoring an essay contest for Jackson Public School students on the topic "The United States Constitution - Our Key to Freedom." The contest winners were recognized and cash awards were presented to them at the June HCBA meeting. The committee's focus this year will be on making junior and senior high school students more aware of the importance of our legal system and how it works, by having HCBA members participate in classroom activities directed toward these goals.

### LEGAL ECONOMICS

This year's Legal Economics Commit-

tee will endeavor to continue many of the programs established by predecessor committee members. The committee will prepare a series of articles for publication in the *HCBA News* on topics of general interest and will try to present one or more programs on topics pertaining to the effective and economical operation of a law office. The committee will also consider sponsoring a series of breakfast or luncheon roundtable discussions for those most interested in exchange of ideas on law firm management topics. The committee will review the economics survey that has been conducted in past years to ascertain if its content and scope are relevant to members of the HCBA and if it merits continuation.

Ideas for new projects to be pursued by the committee are earnestly solicited. Members of the committee are as follows: David B. Grishman, Chairman; Robert C. Williamson, Jr., Vice-Chairman; Joseph L. McCoy, Frank D. Stimley and Armin J. Moeller.

### LIBRARY SERVICES

The HCBA Executive Committee has authorized the Library Services Committee to explore the possibility that the library fees being collected as a part of filing fees in the courts of Hinds County be used to enhance the services available to HCBA members at the Supreme Court and MC School of Law libraries. The committee has determined that to the extent that the court clerks have collected these fees, the amounts are far in excess of those required to maintain the court libraries at their current levels. This surplus could be used to improve the already excellent services at the two large libraries located in downtown Jackson. Governmental reorganization has resulted in the State Law Library being moved to the jurisdiction of the Supreme Court.

Success in this project will call for the cooperation of the Board of Supervisors, the judiciary in Hinds County, the HCBA members, the Supreme Court and its staff, and the staffs of the two libraries.

### LONG RANGE PLANNING

This committee is chaired by the current HCBA President, Judith J. Johnson. The Long Range Planning Committee's purpose is to develop and update strategic plans for the future direction and goals of the HCBA.

### MEMBERSHIP

This committee has the duty of attracting and maintaining membership in the HCBA. Co-chair Ben J. Piazza, Jr., is re-

## Bar Association continued . . .

sponsible for recruitment of new members and is hoping to do so this year by getting the word out as to the many benefits the HCBA provides to its members. Just a few of these benefits are the *HCBA News* itself, and the many activities described in this article. Co-Chair R. Fulton Thompson has the responsibility of generating ideas for membership services. In addition to fund raising for furnishing the HCBA Room in the newly renovated County Courthouse, Fulton has proposed that the major activity of the membership committee this year will be putting together a new pictorial directory of HCBA members.

### NEWSLETTER EDITORIAL BOARD

The *HCBA News* is published bi-monthly and mailed to all members of the Hinds County Bar the week before each luncheon meeting of the HCBA. The newsletter always includes notice of the luncheon with information regarding the speaker and program to be presented. Regular features include a President's Column, CLE calendar of events, Mississippi College Law Library hours, news of HCBA committee activities, and other columns of interest to those practicing law in Hinds County.

Linda Thompson Greaves is the editor of the *HCBA News*, and Sam DiConcilio is the co-editor. Other members of the Editorial Board are C. Phillip Buffington, Jr., William J. Little, Jr., Carol C. West, and R. James Young. Contributing editors include Phyllis Thornton and Captain Equity.

### PROBLEMS OF THE HOMELESS

During the past year this committee arranged to have the Rev. Molly McBride, a Canon at St. Andrew's Episcopal Cathedral, on the program for one of the HCBA regular luncheon meetings. Rev. McBride gave an informative and challenging presentation on "The Legal Problems of the Homeless."

### PROGRAM

This committee is charged with making arrangements for the speaker at the HCBA's bi-monthly membership meetings. These luncheon meetings are held at the Capital City Petroleum Club on the second Tuesday of February, April, June, August, October and December.

### PROFESSIONAL ETHICS

This committee has been one of the most active in presenting timely articles in the *HCBA News*, covering topics of ethical concern to all lawyers. During the past year, these topics have included: "Finan-

cial Assistance to Client"; "Interest on Lawyers' Trust Accounts"; "Withdrawal From or Termination of Employment" and "Solicitation."

### SMALL FIRM PRACTICE

The primary goal of the committee is to provide information and services to small firm practitioners which otherwise might be unavailable due to financial and logistical limitations. The committee defines small firm practitioners as lawyers in firms with five or fewer attorneys. As a preliminary matter, the committee is attempting to identify members of the HCBA who fall within this definition of "small firm practitioners". With the assistance of Pat Evans, Executive Director, the committee intends to compile a mailing list of small firm practitioners who will receive information from the committee regarding programs and services.

The committee has plans for three separate programs to aid the small firm practitioners in their practices. First, the committee intends to secure high quality video tapes from such groups as the American Bar Association and the Association of Trial Lawyers of America to be shown in small mini-seminars, with group/panel discussions following the video tapes. Second, the committee is planning a simplified economic survey on issues such as hourly rates, secretarial salaries, office rent and so forth. Finally, the committee is attempting to assemble a group of qualified law students from the Mississippi College School of Law to be available on short notice to perform research and other functions.

Small firm practitioners are requested to complete the informational box contained below and mail it to Patricia H. Evans, Executive Director, HCBA, 151 East Griffith Street, Jackson, Mississippi 39201.

#### SMALL FIRM PRACTITIONERS (FIVE OR FEWER ATTORNEYS)

NAME

FIRM NAME

ADDRESS

TELEPHONE

## SOCIAL

The main project of the Social Committee this year will be to plan and coordinate the Hinds County Bar Christmas party, which will be on Wednesday, December 6, 1989. The Christmas party will be held at the Mississippi Bar Center on North State Street, from 5:30 to 7:00 p.m. All HCBA members, as well as their spouses, are invited and encouraged to attend.

### WELLNESS

This committee is made up of lawyers whose lives have been affected by chemical addiction. The goal of the committee is three-fold: to educate the HCBA as to the effects of chemical addiction, not only on the individual but family members as well; to set up a hot line which will provide families of addicted individuals with assistance; and to set up an employees' assistance program with a treatment facility within the Jackson area. This facility would give counseling to family members and provide treatment for various addictions including, but not limited to, chemical addiction.

### WOMEN IN THE PROFESSION

This newly formed committee met initially in June and began formulating plans to do an analysis of the following objectives and present the results to the HCBA. The primary objectives are: to assess the current status of women in the legal profession and to identify career paths of women attorneys and their goals; to identify barriers that prevent women attorneys from full participation in the work, responsibilities and rewards of the profession; to assess quality of life issues in the profession which affect both female and male attorneys; to identify unique problems encountered by women in pursuing their professional careers; and to make recommendations to the HCBA for action to address the problems the committee identifies. The committee members are as follows: Lynn Fitch Mitchell, Margaret Williams, Cecile Edwards, Christy Jones, Velia Mayer, Amy Smith, Julie Sneed, and Regina Quinn.



HCBA Membership Meeting - Pam Martin-Hovis, left, owner of The Turning Point addiction treatment center in Jackson, presented a talk on "Everything You Never Wanted to Know About Addiction" at the June luncheon meeting. She is shown pictured with HCBA President Judy Johnson.

**Tort Reform continued . . .**

were financially responsible (i.e. able to respond in full to their respective shares of the judgment), the liability of each would be several only. If the jury found tort-feasor A to be ten percent at fault and tort-feasor B to be ninety percent at fault, tort-feasor A would pay \$10,000 and tort-feasor B would pay \$90,000. Tort-feasor B would have no right of contribution because the liability imposed on the two defendants would be several only and not joint and several.

However, there are two important exceptions to the several only liability rule. The first exception applies when it is necessary in order for the person suffering injury to recover at least fifty percent of his recoverable damages. Using the same hypothetical as above, this means that if tort-feasor B were uninsured or otherwise financially unable to respond to the judgment, tort-feasor A would be responsible for paying fifty percent of the \$100,000 judgment, even though the jury has assessed its liability at only ten percent.

Under these circumstances, the bill provides a right of contribution for tort-feasor A. Assuming the same facts and application of the fifty-percent rule, tort-feasor A, in turn, would have a right of contribution against tort-feasor B for \$40,000, the amount he was required to pay the plaintiff in excess of his ten percent portion of the judgment. However, from a practical standpoint, tort-feasor A may not be able to recover all or any of the \$40,000 from a financially insolvent B.

It should be noted that these examples assume that there was no finding of contributory negligence on the part of the plaintiff. If the plaintiff were contributorily negligent, the plaintiff's recoverable damages would be reduced by the percentage of fault attributed to the plaintiff's own acts.

The second exception is that the statute does not apply to multiple intentional tort-feasors. The bill provides that the several liability rules do not apply to two or more persons who "consciously and deliberately pursue a common plan or design to commit a tortious act, or actively take part in it."

Although the ramifications of these significant changes in the law cannot be known at present, the new rules attempt to do justice to both plaintiffs and defendants. The plaintiff will know that if one defendant is financially solvent, he can recover at least fifty percent of his damages, rather than futilely attempting to enforce a judgment against an insolvent defendant under a pure fault standard. In exchange, a defendant who may only be one percent at fault is not burdened with full liability for the

plaintiff's damages while other defendants avoid any payment of damages whatsoever.

**THE UNANSWERED QUESTIONS**

The bill leaves some important questions unanswered. The statute is silent on the mechanics of determining when it is "necessary" to apply the fifty percent joint liability exception. At some point in the litigation, a judicial determination of the tort-feasors' financial ability to bear a judgment will have to be made. A defendant's assets, credit rating and insurance coverage will, no doubt, be important factors. Whether this determination is made before trial, after years of collection proceedings, after a discharge in bankruptcy, or sometime in between is a question that will inevitably confront the Mississippi Supreme Court in the near future.

Another issue not directly addressed by the legislature is whether the new rule of contribution allows the defendant to bring a joint tort-feasor into the action by way of a third-party complaint. The language of the bill supports this proposition. Section 4 states that "any defendant held jointly liable under this section shall have a right of contribution against fellow joint tort-feasors." Whereas Section 6, which addresses intentional torts, states that "any person held jointly and severally liable under this section shall have a right of contribution from his fellow defendants acting in concert."

Rule 14 of the *Mississippi Rules of Civil Procedure* has been construed to permit a third-party claim only in actions for indemnity, i.e., those based on derivative or secondary liability of a third-party defendant to the third-party plaintiff. See generally *McPhearson v. Hoffman*, 275 F.2d 466 (6th Cir. 1960), and *Campbell Construction Engineers, Inc. v. Waterworks and Sewer Board* 290 So.2d 194 (Ala. App., 1974). Since contribution only applies to a defendant held jointly liable, that defendant should be permitted to implead the remaining joint tort-feasors since they may be liable to the original defendant by way of contribution. After all joint tort-feasors are brought into the action, a valid fault determination can then be made by the jury that is binding on all parties.

As an alternative to Rule 14, Rule 19 (Joinder of Persons Needed For a Just Adjudication), could be applied to bring in the remaining tort-feasors because they may be necessary and indispensable parties. Any other approach may allow the plaintiff to thwart the purpose of the statute. For example, if a plaintiff decided to sue one joint tort-feasor alone, the outcome may be the same as if the old law of joint and several liability were still in effect. If the individual defendant could not join the other tort-feasors, a valid determination of percentage of the remaining tort-feasors' respective fault could not be made. The lone defendant would be liable for all damages, and no right of contribution would exist,

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**Tort Reform continued . . .**

since the remaining joint tort-feasors could not be bound by a judgment to which they were not party.

An additional unanswered question is the impact settlement by one defendant will have on this process. Presumably the holding in *Witley v. City of Meridian*, 530 So.2d 380 (Miss. 1988), will continue to be adhered to, and the amount of the settlement will be deducted from the verdict outside the presence of the jury. Still, a settlement by one defendant will make it difficult for the jury to allocate a percentage of fault to each remaining defendant without the remaining tort-feasors in the litigation.

**OTHER CHANGES**

Attorneys should be aware that the bill also makes changes with respect to rules governing statutes of limitation. The general statute of limitations has been reduced from six years to three years, and the "borrowing statute" has also been amended. Additionally, rules governing statutes of limitations on some persons under a disability have been changed. The bill also makes certain changes with respect to the award of pre- and post-judgment interest.

The changes with respect to joint and several liability will probably be the ones which spawn the most appellate litigation. While many of the mechanical aspects of the new statute on joint and several liability remain to be determined, the changes will prevent the harsh results of requiring one whose fault is minimal from paying the full amount of damages. On the other hand, the plaintiff is guaranteed at least fifty percent of his recoverable damages, regardless of each defendant's degree of fault. Furthermore, where joint and several liability exists, the right of contribution now provided for should aid in distributing damages more equally among joint tort-feasors.

**Charles Clark  
American Inn Of Court**  
By Christy D. Jones

The Charles Clark American Inn of Court has recently been organized in Jackson. It is one of a growing number of Inns throughout legal communities in the U.S. The concept of the American Inns of Court originated with former Chief Justice Warren E. Burger's perception that many bene-

fits found in the English Inns of Court could be gained in the United States from a similar organization adapted to fit the United States practices and history. The overall purpose of the American Inns of Court is to increase advocacy skills and professionalism among its members and in the Bar generally. The organization also aspires to promote understanding, respect and good will between the Bar and Bench.

In early December 1988, Hal Freeland, one of the organizers of the William Keady American Inn of Court in Oxford, contacted ten lawyers, judges and law professors concerning the possibility of establishing an American Inn of Court in Jackson. This group of lawyers, judges and professors met to elect officers and select, in accordance with the guidelines for establishing an Inn, lawyers to serve as Masters of the Bench ("Bencher"). The Benchers are generally representative of all facets of the trial and appellate practice, including civil, criminal, plaintiff and defense, plus professors and judges, and have an indefinite term of membership.

The Benchers then selected Barristers who serve for limited terms. Twenty-one trial and appellate lawyers from the Jackson area were selected as Barristers. Barristers selected were those with five to fifteen years of experience.

Educational programs are presented at each meeting. For example, in May, the program was entitled "Reflections on Jury Service: The Views of a Group of Jurors." Eight people who had recently served as jurors in state and federal court formed a panel and gave their views of their jury experiences, commented on the flaws in the system and performances of lawyers, and responded to questions from the audience. The program was then followed by dinner.

**New Decedent's Estate  
Notice Requirements  
Effective July 1, 1989**

Creditors of decedent's estates can no longer be notified of their right to probate a claim against a decedent's estate by publication only.

Effective July 1, 1989, Miss. Code Ann. Section 91-7-145 now requires the executor or administrator to make reasonably diligent efforts to identify persons having claims against the estate and to give such creditors notice by mail at their last known address. The notice should inform the credi-

tor that a failure to have its claim probated and registered by the clerk of the court within ninety days from the date of first publication of Notice to Creditors will bar the claim.

Of particular import is the requirement that the mailing of the notice be completed prior to publication of the Notice to Creditors in the newspaper. Additionally, the executor or administrator is required to file an affidavit with the clerk prior to the first date of publication. The affidavit is to state that the executor or administrator has made reasonably diligent efforts to identify persons having claims against the estate and has given such creditors notice by mail. The requirements as to the publication of the notice in the newspaper have not changed.

The amended statute is silent as to whether the notice sent by mail is required to specify the intended first date of publication of the Notice to Creditors in the newspaper. Since publication usually takes place three to four days after delivery of the notice to the newspaper, the safest practice would be to deliver the notice to the paper, determine the date of first publication, mail notices on the same day of delivery, specifying the first date of publication, and then to file the affidavit prior to the first date of publication.

For the complete text of the amended Section 91-7-145, see *1989 Mississippi Laws*, Chapter 582.

**Memorial Service**

The 1989 Mississippi State Bar Memorial Service honoring the memory of Mississippi attorneys who died this past year will be held in the Old Supreme Court Chambers, Room 216 at the New Capitol in Jackson, on Monday, September 11, 1989, at 10:30 a.m. Deceased Hinds County attorneys to be honored are:

- Paul Alexander
- James Arden Barnett
- Stephen Leeds Beach, Jr.
- J. Ruble Griffin
- Heber Ladner, Jr.
- Thomas E. Mullen
- James Bruce Payne

If you are aware of any other Hinds County attorneys who died since September 1, 1988, please contact Larry Houchins, Executive Director of the Mississippi State Bar.

**MISSISSIPPI COLLEGE  
Law Library Schedule**

**Special Summer Hours**

August 7-11	(Monday - Friday)	8:00 a.m. - 4:30 p.m.
August 12 & 13	(Saturday & Sunday)	CLOSED
August 14-18	(Monday - Friday)	8:00 a.m. - 4:30 p.m.
August 19 & 20	(Saturday & Sunday)	CLOSED
August 21-25	(Monday - Friday)	8:00 a.m. - 4:30 p.m.
August 26	(Saturday)	9:00 a.m. - 9:00 p.m.
August 27	(Sunday)	2:00 p.m. - 10:00 p.m.

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**Regular Hours Will Resume On August 28**

Monday - Thursday	8:00 a.m. - 10:30 p.m.
Friday	8:00 a.m. - 9:00 p.m.
Saturday	9:00 a.m. - 9:00 p.m.
Sunday	2:00 p.m. - 10:00 p.m.

## Hinds County Bar Association 1989-90 Budget Highlights

1. **Membership Dues.** The Budget Committee projects 1,100 dues-paying members at \$35.00 per member.

2. **Membership Luncheon Fees.** In order to break even on the luncheon charges from the Petroleum Club, it has been necessary to increase the luncheon charge to \$8.25. Based on the 1988-89 attendance, we project an average of 70 paying members for each of the six meetings held during the year.

3. **From Retained Earnings.** The Budget Committee recommends that \$4,000.00 be added to the budget from retained earnings for unexpected needs during the year. This money would be drawn only if the other funds were insufficient to cover the projects and expenses.

4. **Membership Luncheons.** This number differs from the income because we generally have four or five people at each meeting who are not charged. These include our speakers, judges, and other guests.

5. **Committee Activities.** The Budget Committee has significantly increased the amount allocable to committee activities. The Board is encouraging the committees to become more involved in projects, and the increased available funds should help.

6. **Management Services.** The proposed budget represents a decrease in the expenses which is accomplished by the change in our Executive Director.

7. **Conferences.** The Budget Committee has included an additional \$1,200.00 in the amount for conferences to allow the new Executive Director to attend the Bar Leadership Conference if the Board so votes.

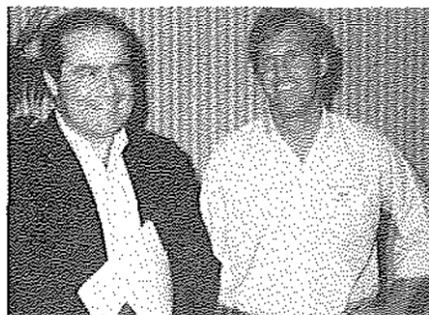
8. **Judicial Poll.** Since it is unlikely that judicial elections will be held this year, we have not budgeted any amount for the judicial poll. Should a poll become necessary, an amount from retained earnings could be appropriated.

9. **Videotape Mailout.** A list of the Videotape CLE Programs available at Mississippi College Law Library has been compiled and mailed to members of the Association. The printing and mailing costs are reflected in this item.

## Hinds County Bar Association, Inc. Budget

	1988-89 Actual	1989-90 Budget
<b>INCOME</b>		
Membership Dues.....	\$36,155.00	\$38,500.00
Membership Luncheon Fees .....	2,960.00	3,465.00
Interest Earned.....	3,680.13	3,600.00
CLE Programs .....	[100.00]	
Law Firm Survey .....		900.00
Miscellaneous .....	950.00	
From Retained Earnings .....		4,000.00
<b>TOTAL INCOME</b>	<b>\$43,645.13</b>	<b>\$50,465.00</b>
<b>EXPENSES</b>		
Membership Luncheons .....	\$ 3,513.50	\$ 3,725.00
Board Luncheons .....	989.07	1,000.00
Other Committee Activities .....	217.80	3,000.00
Social Activities .....	2,731.25	3,500.00
Receptions for Judges .....	350.00	2,000.00
Dues & Subscriptions .....	56.00	
Management Services .....	18,700.00	13,500.00
Newsletter .....	3,646.15	3,700.00
Postage.....	3,098.51	3,400.00
Printing & Supplies .....	4,918.31	4,700.00
Telephone .....	27.47	100.00
Conferences .....	1,170.00	2,400.00
In-Town Travel.....	408.25	450.00
Judicial Poll .....	848.72	.00
Law Related Projects .....	1,000.00	1,000.00
Miscellaneous .....	942.17	500.00
Law Firm Survey .....		625.00
Legislative Expenses .....		250.00
Insurance .....		1,210.00
Videotape Mailout .....		
<b>TOTAL EXPENSES</b>	<b>\$42,617.20</b>	<b>\$45,060.00</b>
<b>INCOME</b>	<b>\$ 1,027.93</b>	<b>\$ 5,405.00</b>

The Young Lawyers Division of the Mississippi State Bar presented the Honorable Antonin Scalia, United States Supreme Court Justice, for an address at their annual meeting at Sandestin on July 14th. Justice Scalia and his wife attended several social functions of the State Bar Annual Meeting, and many HCBA members had opportunity to get acquainted with them during their stay in Sandestin.



Pictured with Justice Scalia, left, before the meeting is F. Hall Bailey, HCBA Board Member and President-Elect Designee of the Young Lawyers Division.



Linda Thompson Greaves, editor of the HCBA News, had opportunity to meet Justice Scalia at the reception given by the Mississippi Women Lawyers Association.

## State Bar Convention Recap

By Captain Equity

Now that the bar convention is history, I thought it would be both interesting and informative to review the highlights of the recently concluded Florida confab. Okay, okay, I know what you're thinking. Another bar convention piece? Doesn't Captain Equity have anything better to write about? The short answer is yes. Actually this summer has provided enough material for two or three columns. There is Teapot Dome with a deck and fireplace, otherwise known as the HUD scandal; and of course the fascinating tales of government insured investments in snow leopards, water rights on Venus et al. by the nation's savings and loans. There is China, the oil spill of the week, Jim Wright, and on and on.

Before you devour another word, I have a confession to make. I lied about thinking that a recap of the bar convention would be the least bit interesting, but it wasn't my fault. (You see a lot of this blameless, truth-on-reflection kind of thing lately, usually when the reflection is under oath.) Some unnamed heavyweights at HCBA and their powerful "consultant" friends leaned on me. My first instinct was to make an impassioned defense of the first amendment, subject of course to exceptions for punks who burn -- no, make that desecrate the flag. Or should it be flags? Well, anyway, I fully intended to speak out about free speech, how much I love my God and the need for stronger ethics laws; but instead, I caved in under the pressure, fearing that removal of my byline would lead to a corresponding loss of valuable tax deductions, not to mention the end to self-serving and self-aggrandizing pro bono claims and my already flimsy status as an approved CLE provider. So, in the spirit of the times, you get to read about the 1989 Annual Meeting of the Mississippi State Bar.

And what a wonderful meeting it was. Sandestin is a beautiful resort setting capable of hosting a first class convention of lawyers from two states away. Of course, it would be naive to think everybody could be happy with anything these days up to and including world peace. Take for instance the Mayor of Biloxi, who moped amidst a sea of happy convention goers, with his hands in his pockets and his lip poked out. And then there were a score or so of artificially cheerful officials from the Mississippi Gulf Coast who arrived with burlap sacks of Mississippi oysters and enough Jack Daniels Sour Mash to make Exxon's Captain Hazelwood take the LSAT. It would

have probably been more appropriate for them to show up with a sushi chef and 200 pounds of yellowtail or perhaps a termite inspector bearing a clean bill of health for competing Harrison County convention facilities.

Well, whatever the outcome, you have to give it to the Coast. They do seem to be quick studies. Borrowing from China's Li Peng, that lovable, panda-like public relations genius on the order of a world class Joe Isuzu, we understand that the headline in the July 12 edition of *What's Happening Biloxi* read: STATE LAWYERS DON'T NEED BAR CONVENTION. When confronted with the inaccuracy, the editors admitted a minor typo - Bar Convention was somehow substituted for the word Biloxi. Accidents do happen.

Food, drink and fun aren't the only things that go on at a bar convention. There is the opportunity to hear outstanding speakers addressing current issues of critical importance bearing on the future of American jurisprudence. The Young Lawyers aimed to do just that with Justice Antonin Scalia of the U.S. Supreme Court. The conservative jurist, who the affable Chief Justice calls Nino (just as Private Citizen Reagan and John Wayne surely referred to each other as Duke and Dutch back in the GE Theater days), was fresh from casting the deciding vote in the flag case. Even more recently, the Associate Justice was seen sliding a copy of *Webster vs. Reproductive Health Services* to the press underneath a Crown Room door, minutes before vanishing down a jetway in route to the Florida panhandle. Upon arriving at convention headquarters, the distinguished member of the High Court obliged his hosts with an interesting and informative history of the U.S. Constitution. The presentation was vintage law day stuff, but not exactly what those assembled were hoping for.

Certainly, Justice Scalia was a viable choice - oops - however we understand he was not the Young Lawyers' first choice. Prompted by a joint resolution of the Real Estate Practice and Criminal Law Sections, the YLS leadership had previously invited former Housing and Urban Development Secretary "Silent" Sam Pierce to deliver his motivational pantomime, "Nothing Down and All You Can Stuff In Your Pockets - But I Don't Want To Know About It." Unfortunately, when we called to confirm this report, the former cabinet official whispered, and we quote, "I didn't know about it." Oh well, now we may never be able to confirm another prevalent convention rumor that the Hilton elevator system was financed by a 1.8 billion dollar HUD grant from a program designed to help migrant white collar workers "rise above"

their circumstances. Maybe Jack Kemp can get to the bottom (or top) of all this.

As with Congress, ethics was another popular topic at this year's convention. However, in a new twist, the debate moved to the ballroom of the Hilton at Friday night's Beach Bash Ball. Surprise entertainers were the duo of Buz & Booze. You probably know them as Rep. Donald E. "Buz" Lukens, R-Ohio, and former Texas Senator and unsuccessful Secretary of Defense Designate, John Tower. The two delighted the ethics conscious crowd with lively renditions of "Sweet Little Sixteen," "Don't Come Home Drinking, With Lovin' On Your Mind" and "Love Theme From Little Big Man." We think we spotted Lee Atwater playing a custom-made, funny looking black guitar that some Air Force guy from nearby Eglin AFB said cost more than \$500 million, but we couldn't be sure.

Yes, it was ... uh ... something's happening - I'm having trouble breathing and think I might black out. I'm going to put my word processor on automatic pilot, and let me just say that if you or the editors of the *HCBA News* discover a gunshot wound to my foot, I hereby deny it in advance. Better yet, I'll take the fifth, which reminds me of another oil spill joke....

### HINDS COUNTY BAR ASSOCIATION

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Correspondence regarding the newsletter should be directed to: Linda Thompson Greaves, Editor, Post Office Box 4554, Jackson, Mississippi 39296-4554. Letters to the editor must be signed, but the writer's name will be withheld upon request. The editor reserves the right to reject any letter.

## HCBA INVITES YOU TO JOIN NOW!

If you have not already joined the Hinds County Bar Association, we invite you to do so. Just fill out the form and return it with a \$35 check to:

Hinds County Bar Association  
151 E. Griffith Street  
Jackson, MS 39201

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Membership privileges include: six informative luncheon meetings a year, CLE, social events, receiving the HCBA newsletter (with membership meeting notices) and many other services.

**Hinds County Bar Association, Inc**  
151 E. Griffith Street  
Jackson, MS 39201

**FIRST CLASS**

**IMPORTANT**  
**HCBA Luncheon Meeting**  
**12 Noon, August 15, 1989**

## President's Column

Judith J.  
Johnson



At the December luncheon meeting we will present a number of by-law changes for your entertainment and approval.

The Board of Directors has approved the following changes:

- 1) to provide for honorary memberships for distinguished lawyers and judges, if such ever appear;
- 2) to provide for a student membership;
- 3) to move the elections up two months to give the incoming president more time to plan her administration;
- 4) to remove the sexist language from the by-laws to indicate the Hinds County Bar's commitment to equal opportunity and right thinking;
- 5) to provide for an executive director, who has been doing the work for several years anyway;
- 6) to provide for removal of nonperforming directors and committee chairpersons;
- 7) to change the notification and quorum requirements for amending the by-laws.

If you have any questions or comments about the by-laws, please call me. Copies of the by-laws will be available at the meeting for your edification.

## New Decade Resolutions

By  
Captain Equity

There is nothing quite like the end of a decade when it comes to rationalizing away bad habits and poor choices in favor of a fresh start on the future. And sometimes our solemn resolutions of excellence, which are often pronounced atop the bathroom scales or in the shadows of early morning reality checks, even find their way to fruition, but seldom without some serious reflection and rumination. Since today's focus is on ten-year goals rather than next week's diet, let's take a quick, albeit earnest look back at the 1980's.

The decade had a definitive beginning (as most decades do) quite apart from the calendar. The 80's began precisely at noon EST on January 20, 1981. You will recall then Chief Justice Burger administering the oath of office to our newest President. You will also recall an airplane lifting off the ground in Tehran.

It was a decade determined to leave behind the stain of scandal and paralytic malaise that defined the beginning and end of the 70's. The new leadership preached a return to fundamental values and a restoration of American esteem. We were eager for that formula to succeed. Lower taxes, higher military spending and a balanced budget were all suddenly and simultaneously within our grasp, thanks to some-

...continued on page 3

## Are You an ACOA?

By Belinda J. Stevens  
Chairman, Wellness Committee

Are you an attorney who was raised in a home with one or more alcoholic parents or a parent who suffered from some other addiction, such as workaholism, gambling, food addiction, etc.? If so, you are qualified to be a member of a recently organized group known as adult children of alcoholics (ACOA).

There are certain characteristics that are common to most adult children of alcoholics:

- 1) Fear of authority figures;
- 2) Approval seeking or people pleasing, losing self identity in the process;
- 3) Difficulty with intimate relationships;
- 4) Either super responsibility or super irresponsibility;
- 5) Fear of confrontation, feeling guilty about standing up for oneself;
- 6) Denial, inability to feel or express feelings;
- 7) Low self-esteem;
- 8) Fear of rejection and abandonment, yet rejecting others;
- 9) Addiction to excitement;
- 10) Reacting rather than acting;
- 11) Guessing at what is normal;
- 12) Poor time management, inability to set priorities correctly;

...continued on page 4

# HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

December 19, 1989

12 Noon

\$8.25

Capital City Petroleum Club

The speaker will be Jeannette King, ACSW, talking about healthy families.

# CLE CALENDAR OF EVENTS

*December 15*

**Fundamentals of Real Estate.** Sponsored by MC School of Law. Jackson, MS.

*December 15*

**Insurance Litigation (Uninsured Motorists/Bad Faith Insurance).** Sponsored by MS Trial Lawyers. Jackson, MS.

*December 15*

**Family Law Update.** Sponsored by MS Pro Bono Project. Jackson, MS.

*December 15*

**Evidence for the Trial Lawyer.** Sponsored by UM Center for CLE. Jackson, MS.

*December 15*

**MS Depositions: Strategies, Tactics & Mechanics.** Sponsored by Professional Education Systems. Biloxi, MS.

*December 15*

**Fall Seminar 1989.** Sponsored by Southeast MS Legal Services. Hattiesburg, MS.

*December 15*

**MS Elder Law.** Sponsored by National Business Institute. Jackson, MS.

*December 15*

**Construction Law in MS.** Sponsored by Lorman Business Center. Jackson, MS.

*December 19*

**HCBA Membership Meeting.** Capital City Petroleum Club. Jackson, MS.\*

*December 27*

**Real Estate Contracts.** Sponsored by K.F. Boackle. Jackson, MS.

*December 27*

**MS Real Estate License Law.** Sponsored by K.F. Boackle. Jackson, MS.

*December 30*

**Real Estate Law.** Sponsored by K.F. Boackle. Jackson, MS.

*January 5*

**Successful Techniques in Personal Injury.** Sponsored by MS Trial Lawyers. Jackson, MS.

*January 11*

**Ethics.** Sponsored by MS State Bar Association. Jackson, MS.

*January 12*

**1990 Employment Law Preview.** Sponsored by MC School of Law. Jackson, MS.

*January 12*

**Business Law and Procedure-Recent Developments.** Sponsored by MC School of Law. Jackson, MS.

*January 24*

**CLE for Municipal Attorneys.** Sponsored by UM Center for CLE. Jackson, MS.

*January 26*

**Motion Practice.** Sponsored by Jackson Young Lawyers Association. Jackson, MS.

*January 26*

**Managing the Workforce in the 1990's.** Sponsored by Lorman Business Center. Jackson, MS.

*February 7*

**Intervention in Child Sexual Abuse: Investigation & Assessment.** Sponsored by MS Committee for the Prevention of Child Abuse. Jackson, MS.

*February 9*

**Winning at Jury Trials.** Sponsored by UM Center for CLE. Jackson, MS.

*February 16*

**Representing the Injured Worker.** Sponsored by MS Trial Lawyers. Jackson, MS.

*February 20*

**HCBA Membership Meeting.** Capital City Petroleum Club. Jackson, MS.\*

\*Not approved for CLE credit.

## Women in the Profession Luncheon Meeting

By Lynn Fitch Mitchell

On November 6, 1989, the HCBA Women in the Profession Committee, together with the Women's Student Bar Association at MC School of Law, held a luncheon meeting and panel discussion at the law school. Members of the panel were Judy Johnson, HCBA President, Lynn Fitch Mitchell, Chairmen of the Women in the Profession Committee, Julie Sneed Muller and Cecile Edwards.

Panel members gave presentations to the group on such topics as private practice, public service, teaching, clerkships, and the special trials and tribulations for women associated with each area.

Many thought-provoking questions were brought forth during the discussions. The meeting was well attended and considered very successful and beneficial to all those



Participants in the recent HCBA Women in the Profession Committee luncheon meeting and panel discussion, which was held jointly with the Women's Student Bar Association at MC School of Law, included (seated, from left) Cecile Edwards, Julie Sneed Muller and Lynn Fitch Mitchell, chairman of the Women in the Profession Committee; and (standing, from left) Chelye Prichard, president of the MC Women's Student Bar Association, and Judy Johnson, HCBA president.

## New Decade *continued...*

thing called the Laffer Curve and someone called David Stockman. Aside from a cock-eyed bunch of crazies in Iran and Libya, our chief adversaries were a flagging national spirit and an overtaxed, inflation ravaged economy; nothing that old fashioned American optimism couldn't conquer.

The first half of the 80's seemed to be going according to the 1980 campaign script with the symbolic midpoint being the triumphant 1984 Los Angeles Olympics, followed by the landslide vote of confidence America gave its President. A short time later, Jim Baker left his job at the White House and Jim Bakker began to hit his stride at PTL. Hardly omens of trouble, but...

January 1986: the Space Shuttle command "throttle up" had become as routine as America's newly rediscovered recipe for success. But in an instant, the surreal replays of the videotaped explosion etched itself on the national psyche like nothing since Dallas in '63. In a second the dream was a nightmare. A budget deficit, trade deficit and stock market crash dominated the financial pages while arms-for-hostages, Contras, Crack and AIDS ruled the front pages. The headlines weren't fun to read anymore.

And finally 1989, the end of the 80's. It will go down with 1945 and 1968 as one of the extraordinary years of this or any other century. The culmination of the 80's will be remembered as the year the Bamboo Curtain shook and the Iron Curtain rusted out. Though certainly not to all, it will be the year that Gorbachev finally convinced the suspicious cold warriors of the west that he was for real. Not that the Soviet President was a born again, free market capitalist in search of a stock tip or franchise opportunity, but rather a smart, if not desperate pragmatist committed to necessary, yet risky reforms aimed at salvaging an empire that could no longer conceal or deny its impending collapse.

For Americans, this will forever be the year of the second San Francisco earthquake and Hurricane Hugo, just as it will mark the assumption of power by a decent man swept into office by dubious means. A Thousand Points of Light, resurrection of the abortion debate, flag burning, a controversial Drug Czar, and Dan Quayle jokes provide a shorthand reference for political watchers. And of course let's not forget General Noriega, the passing of the Ayatollah,

or Batman.

'89 will also go down as a year of fallen heroes. Pete Rose was banned from baseball; Jim Wright, from the Speaker's Chair. That other Jim, the fund-raising evangelist, was carted off to a federal penitentiary in chains while Bart Giamatti came out a premature loser to cigarettes and stress. The wholesale looting of the nation's S&Ls and systematic ransacking of HUD along with high dollar influence peddling practiced by everyone from former Cabinet members to U.S. Senators continued a decade of grabby example setting calculated to teach untold legions of young politicians and business leaders the true meaning of ethics, values, integrity, etc. And everybody wonders what's wrong with our kids.

1989 was also the year of the great Japanese silent auction: Rockefeller Center, Columbia Pictures and downtown Los Angeles come quickly to mind. The trend toward foreign ownership of the USA showed no signs of slowing as the new decade moved in to replace the old.

The 90's have begun. It happened somewhere between John Tower and the Berlin Wall. When and where, I'm not quite sure; historians will let us know later. But for now, what does all of this say about the next ten years? Will it be the decade of Europe or of the Pacific Rim or perhaps even of the onset of world peace dictated by intertwined economic interests rather than the deterrent capability of nuclear missiles? It will be increasingly difficult for the President of the United States to obliterate Moscow and then explain to the CEOs of Pepsico and McDonald's why he took it on himself to trash those corporations' foreign operations and most of the Russian Diet Pepsi and Big Mac market with it. All in all it looks like a good ten years ahead for much of the world, especially the emerging industrialized nations of Europe and Asia. It's a bit more problematic for the increasingly unrealistic USA, at least as long as our leaders, urged on by the voters, continue to prefer red ink to black.

All of which brings me closer to home. What does the decade of the 90's hold for Mississippi? As with the USA, much of it depends on the truths we are willing to confront and the collective resolutions we choose to make and keep. A cursory glance back at Mississippi history should be instructive on how to take a state with a lot of talented and caring people, abundant natural resources, favorable geography and a livable climate, right to the bottom of most

categories that count in measuring economic health and overall quality of life. Despite some progressive leadership and attitude reversals of late, Mississippi remains the victim of many of its own stewards, dating back to the secessionists and before. Thank goodness most of us finally agree on that much.

The appropriate question for 1989 is simply, what are we going to do about it? That query brings me to this year's round robin of New Year's resolutions. In the busy world of law practice, it's easy to confine our resolutions to diets, abdicating the social and political agenda to others by humming the anthem of the status quo: "I'm fine, my family is fine, things are fine." Perhaps. However, despite pockets of affluence in and around I-55 N and a growing sphere of good intentions, the numbers would indicate otherwise. No one has to tell us why: failure to fully come to terms with public education, race relations, economic competitiveness and counterproductive attitudes born in the late century which cling stubbornly to life. Together they spell **MISSISSIPPI'S IMAGE TO THE REST OF THE WORLD**. Since preparation is often reality, it is not difficult to grasp why Mississippi remains at or near the bottom.

The good news is that we don't have to accept a permanent spot in the educational - human relations - economic cellar of America. Europe has demonstrated the lightning speed of change when people come together to demand it. Mississippi's next decade is at hand; its economic future is at stake. And by the way, so is yours. "Yes, but" or "Well, maybe" just aren't acceptable responses any longer. At least, I hope they're not.

Happy New Year - Happy New Decade.

### Christmas Holidays

Governor Mabus has authorized all state offices to be closed on Tuesday, December 26th, in addition to Christmas Day.

The State Law Library and the Hinds County Chancery and Circuit Courts will be closed on that day.

Offices of the City of Jackson will be open on December 26th.

ACOA continued...

- 13) Living life from the viewpoint of a victim and being attracted to that weakness in others;
- 14) Criticism of oneself.

Whatever the addiction or dysfunction exhibited by the parent, the entire family is affected. It may be that neither of your parents suffered from the dysfunction but one of your grandparents did. The dysfunctional family characteristics can be handed down from generation to generation.

As a result of being raised in a dysfunctional household, a child may assume one of four roles: (1) the family hero, (2) the scapegoat, (3) the lost child, or (4) the mascot. Each role, as well as being a coping mechanism, has certain positive and negative aspects that the child carries with him or her into adulthood. Because ACOA lawyers frequently take on the role of the family hero, it is important that they know both the positive and negative aspects of this psychological phenomenon. "The Family Hero" by Mike Sweeney.

The positive characteristics of this particular role include (1) independence, (2) ability to accomplish goals, (3) focus, (4) attentiveness, (5) organizational ability, (6) responsibility, (7) success, (8) leadership abilities, (9) high achievement, and (10) ability to survive.

The negative aspects or characteristics of an ACOA include (1) fear of rejection, (2) avoidance of risk taking situations, (3) perfectionism, (4) inability to get needs met, (5) low self-esteem, (6) inability to feel or express feelings, (7) fear of intimacy, (8) inflexibility, (9) fear of failure, (10) guilt, (11) procrastination, (12) fear of confrontation, and (13) unreasonably high expectations of others. "Leaving The Enchanted Forest" by Covington and Berkett.

The practice of law is a natural drawing card for the ACOA. He or she has already spent a lifetime taking care of others and dealing with the problems of others. Unfortunately the problem of caring for everyone else usually means that the ACOA forgets to take care of his or her needs in the process. He or she has difficulty in saying "no" to people, thereby creating a greater caseload than can be handled reasonably. How many ACOA lawyers secretly regret or resent their caseload, civic commitments or neglected home life!

Workaholicism is common among ACOA's. They are prime candidates for burn-out and are prone to depression, be-

cause they are unable to effectively deal with stress. "Home Away From Home," by Janet Waititz. ACOA lawyers take the practice of law very seriously and do not believe it to be something to be enjoyed. Vacations or time off are usually out of the question. If he or she does take time off, the ACOA feels guilty about it. Procrastination and difficulty in following a project through are common problems with ACOA's. Waiting until the last minute to prepare a motion, research a brief or file a case is a prevalent response among ACOA lawyers.

The greatest difficulty for the ACOA is his or her ability to form healthy relationships. As a child, the ACOA learned to trust in family relationships that did not work. As he or she grew older, the ACOA learned to hold back and not to give a hundred percent to relationships. Years of unmet needs leave the ACOA feeling unloved and unworthy. An ACOA has difficulty with intimate relationships, a problem which may adversely affect his or her law practice and career.

If you are a lawyer and either of your parents or grandparents were alcoholics or suffered from some other addictive behavior, you may be an ACOA. If so you now have the unique opportunity to experience personal growth before stress, depression, burn-out or problems with personal relationships overwhelm you. For information about ACOA support groups, call Belinda Stevens, Chairman, HCBA Wellness Committee, at 359-3847.

## STATE LAW LIBRARY FAX SERVICE AND BOOK SALE

By Susan Hicks

The Mississippi Library Commission has provided the State Library with a Library Services and Construction Act grant to install telefacsimile equipment in order to participate in a statewide library fax network. The new machine is also being used to enhance the Library's photocopying service to attorneys for filling rush requests for documents and for receiving lengthy photocopying requests. The fax number is 359-2912. In the event of an unsuccessful transmittal, telephone 359-3672.

The State Library is accepting sealed, written bids until 10:00 a.m., December 15, 1989, for the sale of surplus copies of retrospective volumes of *Mississippi Reports* and *Mississippi Cases*. Most of the volumes are in good to excellent condition. Volumes 1-94 of the *Reports* may need rebinding. In the near future, *House and Senate Journals*, *General Laws*, and superceded editions of *Mississippi Codes* (territorial laws, Hutchinson's, Hemingway's, and 1930 codes) will also be offered for sale.

To be placed on the bid lists or for further information, contact Susan Hicks at 359-3672, or write to the State Library, P.O. Box 1040, Jackson, MS 39215-1040.

### Mississippi College Law Library

#### Christmas Schedule

December 20 & 21 (Wednesday & Thursday)	8:00 a.m.-4:30 p.m.
December 22 (Friday)	8:00 a.m.-12:00 noon
December 23-January 2 (Saturday-Tuesday)	CLOSED
January 3-5 (Wednesday-Friday)	8:00 a.m.-4:30 p.m.
January 6 & 7 (Saturday & Sunday)	CLOSED
January 8-12 (Monday-Friday)	8:00 a.m.-4:30 p.m.
January 13 & 14 (Saturday & Sunday)	CLOSED

\*\*\*\*\*

#### Regular Hours Resume on Monday, January 15, 1990:

Monday through Thursday	8:00 a.m.-12:00 midnight
Friday	8:00 a.m.-9:00 p.m.
Saturday	9:00 a.m.-9:00 p.m.
Sunday	2:00 p.m.-10:00 p.m.



HCBA Membership Meeting - Louisa O. Dixon (right), Commissioner for the Mississippi Department of Public Safety, was guest speaker at the October HCBA membership meeting. She is shown pictured after the meeting in conversation with (from left) Federal District Judges Walter J. Gex III and Dan M. Russell, Jr. and HCBA members, John M. McCullough and Lawrence J. Franck.



The HCBA was pleased to have several judges as guests at the October membership meeting, including (left to right) Federal District Judges Tom S. Lee and Henry T. Wingate and Hinds County Circuit Judge William F. Coleman.



*Wishing You and Yours  
a Joyous Holiday Season and a  
Happy New Year!*

**DON'T FORGET  
YOUR CLE REQUIREMENT**

## HINDS COUNTY BAR ASSOCIATION

### Officers

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### Newsletter Editorial Board

Linda Thompson Greaves - Editor  
Sam DiConcilio - Co-Editor  
C. Phillip Buffington, Jr.  
William J. Little, Jr.  
Carol C. West  
R. James Young

### Contributing Editors

Captain Equity

### Executive Director

Patricia H. Evans

Correspondence regarding the newsletter should be directed to: Linda Thompson Greaves, Editor, Post Office Box 4554, Jackson, Mississippi 39296-4554. Letters to the editor must be signed, but the writer's name will be withheld upon request. The editor reserves the right to reject any letter.

Hinds County Bar Association, Inc  
151 E. Griffith Street  
Jackson, MS 39201

FIRST CLASS

**IMPORTANT**  
**HCBA Luncheon Meeting**  
**12 Noon, December 19, 1989**

# HCBA NEWS

June 1989

## President's Column



Judith J. Johnson

Thank you for allowing me this opportunity to serve as your president. I am looking forward to continuing the excellent programs of my predecessor, in addition to adding some new and different and, I think, important programs. A list of committees and committee chairpersons appears elsewhere in the newsletter. I do want to highlight the work of some new committees I have appointed.

Our first meeting will present Pam Martin-Hovis, who will speak on addiction. In a recent study in Georgia, 18% of the lawyers were identified as chemically dependent, and I doubt that Mississippi would fare better. Alcoholism and drug addiction are unfortunately not the only addictions that plague our profession. Workaholicism is rampant, and even rewarded, in the legal profession. In addition, many attorneys are affected by the alcoholism of family members, and adult children of alcoholics abound in the legal profession. There are also attorneys who have eating disorders and other compulsive behavior problems. To further my modest goal of curing all of our addictions, I have appointed a Wellness Committee chaired by Belinda Stevens. One of the goals of this committee is to  
... continued on page 2

## HCBA Room in the Hinds County Courthouse

A room in the newly renovated Hinds County Courthouse has been designated for use by the Hinds County Bar for its members. The HCBA room is located on the third floor on the south side of the courthouse on the east end of the "old" part of the building close to the new law library in the east annex. The president of the HCBA has appointed an ad hoc committee to obtain furnishings for the room.

Linda Thompson Greaves, chairman of the committee, states that the room is to be furnished for HCBA members to use as a waiting area or a meeting room. "We will have comfortable seating areas with tables, chairs and two telephones. The furniture will be of the traditional law office waiting room style with upholstery of burgundy, mauve and gray and wood pieces of mahogany and walnut."

Fulton Thompson, co-chairman of the committee, is in charge of raising funds for the purchase of the furniture. He says that all HCBA members are invited to participate in the purchase of the furnishings. Contributions in the amount of \$100, \$250 or \$500 will be requested. Those contributing will be honored at a reception where a plaque with each contributor's name will be hung in the room.

"Several members of the HCBA are talented artists as well as attorneys, and we want to solicit from them some original art to decorate the walls of the room,"  
... continued on page 2



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  
... continued on page 2

## HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

June 20, 1989

12 Noon

\$8.25

Capital City Petroleum Club

Pam Martin - Hovis will speak on "Everything You Never Wanted to Know About Addiction."

## CLE CALENDAR OF EVENTS

**June 20**  
**HCBA Membership Meeting.** Capital City Petroleum Club. Jackson, MS.\*

**June 22**  
**MS Collection Law.** Sponsored by Professional Education Systems. Jackson, MS.

**June 23**  
**MS Collection Law.** Sponsored by Professional Education Systems. Biloxi, MS.

**June 27**  
**Employee Benefits in MS.** Sponsored by National Business Institute. Jackson, MS.

**July 8-22**  
**Cambridge University Study Program.** Sponsored by the Univ. of MS. Cambridge, England.

**July 10-12**  
**1989 Summer School.** Sponsored by MS State Bar Association. Destin, FL.

**July 11**  
**Education Law Institute.** Sponsored by the Univ. of Southern MS. Hattiesburg, MS.

**July 21-22**  
**Board Attorneys Summer CLE Seminar.** Sponsored by MS Association of County Board Attorneys. Biloxi, MS.

**August 15**  
**HCBA Membership Meeting.** Capital City Petroleum Club. Jackson, MS.\*

**August 18**  
**Evidence.** Sponsored by Gulf Coast Law Institute. Biloxi, MS.

**September 8**  
**Representing Debtors in Chapters 7 and 13.** Sponsored by MS Bankruptcy Conference. Jackson, MS.

**September 29**  
**Taxation of Partnerships and Corporations.** Sponsored by MS Association of Public Accountants. Jackson, MS.

**October 17**  
**HCBA Membership Meeting.** Capital City Petroleum Club. Jackson, MS.\*

**November 10**  
**Workers' Compensation Practice & Procedure.** Sponsored by MC School of Law. Jackson, MS.

**November 16**  
**Toxic Tort or Environmental Litigation in MS.** Sponsored by MS Chapter Federal Bar. Jackson, MS.

**December 1**  
**HCBA Christmas Social.** MS Bar Center. Jackson, MS.\*

**December 4-5**  
**Individual Income Tax Seminar - 1989 Tax Laws.** Sponsored by MS Association of Public Accountants. Jackson, MS.

**December 7-8**  
**Annual Conference.** Sponsored by MS Bankruptcy Conference. Jackson, MS.

**December 12**  
**HCBA Membership Meeting.** Capital City Petroleum Club. Jackson, MS.

\*Not approved for CLE credit.

### President's Column continued . . .

establish a Lawyer's Assistance Program with a local hospital to furnish confidential counseling and referral to members of the Hinds County Bar Association.

Another one of my primary goals this year is to involve black lawyers in the HCBA and in the profession. The Black Lawyer Participation in the Profession Committee, headed by Robert Gibbs, is assuming this responsibility. We hope to have a program later in the year in this regard.

Another new committee is Women in the Profession chaired by Lynn Fitch Mitchell. The ABA has recently published a study detailing problems of women in the profession, the bottomline of which is that the quality of life for all people in the legal profession is deteriorating. Even in Jackson, with our strong sense of family values, many attorneys are finding their practice leaving little time for family life. Obviously this ties in with the work of the Wellness Committee, so we will be attacking this issue from both perspectives.

I am looking forward to an exciting year, and I hope that if any of you have any suggestions, or criticisms, you will call me.

### HCBA Room continued . . .

Thompson said.

Contributions may be mailed to the HCBA, Pat Evans, Executive Director, 151 E. Griffith Street, Jackson, Mississippi 39201.

For further information, please call Linda Greaves at 987-4267, or Fulton Thompson at 354-5910.



**HCBA Membership Meeting** - At the April 1989 membership meeting, George L. Phillips, United States Attorney for the Southern District of Mississippi, was guest speaker. Pictured at the luncheon are, from left, Phillips, J. Jerry Langford and Jay A. Travis III.

## The Bold New Convention City

By Captain Equity

Imagination + Marketing = Magic.

If you don't believe it, just look at Brian Bosworth or Geraldo or even Kane Ditto. Where were they only a few short years ago? And what does this have to do with anything, you ask. Well, I for one think it provides a valuable object lesson for the City of Jackson and the Mississippi State Bar. Dream with me for a minute, will you?

It's a Tuesday in April, 1990. The mail has just arrived. CLE junk mail, bills...wait, is that the bar convention mailer? Trembling hands rip at the oversize envelope. Six minutes of unfolding later, there it is, smack in the middle of the poster-sized info sheet. Is it my imagination or does this thing really get that much bigger every year?

### 1990 MISSISSIPPI STATE BAR ANNOUNCES JACKSON AS SITE

Not inconceivable. There is no law that says lawyers have to have sailboats and salt water within eye view for an annual meeting. Imagine the choices available to the Kansas or Nebraska insurance defense bar when they want to pass resolutions on Tort Reform or the need for Pro Bono tax credits. We read on.

Jackson's fabled "Crossroads of the South Convention Complex And Entertainment Centre" will serve as the focal point for this year's annual meeting. Resort style hotel accommodations, four-star dining, state-of-the-art meeting facilities and an unlimited range of recreation and shopping options promise to make this year's meeting memorable.

Sound good? And that's before we even total up the tax revenue and calculate the economic impact. Before you dictate a letter to Larry Houchins to champion the nomination of the Bold New City as a future convention site, let me assure you that magic is within the grasp of every reader. Just apply the simple formula (Imagination + Marketing) and begin to realize the benefits in your own life. However, a few details remain. For one, it might be a good idea to pinpoint the Crossroads of the South Convention Complex etc. before we messenger the meeting notice over to the printer. Now I know this is a tougher assignment than coming up with compelling ad copy, but I do have an idea that would merely require a little refurbishment and the outlay of a few bucks to some bright, young idea man to capture just the right sales spin. Just imagine next year's giant announcement poster.

The Terry Road Entertainment Corridor and the Highway 80 Miracle Half Mile provide conventioners with just the right blend of Southern Hospitality and No-Nonsense Convenience against a backdrop of urban elegance.

Do you think lawyers in Bay Springs or Corinth would buy it?

### RESORT HOTELS

**THE OLD SCOTTSDALE ALAMO PLAZA** - Deluxe private bungalows with a rustic, Southwestern flavor.

**THE TRUMP TARRYMORE** - Manhattan sophistication blended with Deep South style and comfort. Visit our Hong Kong inspired Tai Hong Restaurant or just splash in our fabulous City Scape Pool.

**THE ROYAL HAWAIIAN REDWOOD COURT** - The islands beckon out-of-towners to enjoy this resort locale favored by Hollywood stars which include Oscar Nominee Gene Hackman.

### RESTAURANTS

**THE KRYSTAL PALACE** - Hamburgers are the rage here.

**MR. GEORGE'S CELEBRITY CAFE-TERIA** - This Raymond Road gem is unlike any cafeteria you've ever been to. If you're lucky, Mr. George himself may spin one of his yarns as you dine on southern fare.

**CAFE LE CHEF SPORTS RESTAURANT** - Gourmet offerings in a setting that was once home to Hall of Famer Dizzy Dean's far flung business and restaurant holdings.

**THE HILL** - Nightlife at its best perched on a promontory overlooking Jackson's prime transportation artery (I-20). Meet great gals like Kandi and Boots at Jackson's Own Top of the Mark.

### SHOPPING

**MART 51 GALLERIA** - Fifth Avenue, Rodeo Drive...okay, they might be a little more stylish, but they're certainly not in walking distance of the convention. This is!!

### SPECIAL EVENTS

**KING EDWARD HOTEL GALA WELCOME - ROOFTOP OPEN GRILL** - Convention goers are invited to kick off the 90's with this unusual barbecue employing a unique new cooking technique developed by a former arsonist turned special events chef. Steaks, chops and seafood are lovingly placed on the asphalt roof as members of State Bar Welcome Committee pack the rooms below with worn radials sautéed in a kerosene - ethanol solution. Add flame and presto. Your Mississippi State Bar Open Grill will be ready to savor before the first hook and ladder makes its appearance at this downtown Jackson Hot Spot.

Executive Director Houchins, State Bar President Elect Crosthwait, Mayor Ditto and economic development minded members of the Hinds County Bar -- what do you think?

## Bargain Book Bazaar at MC Law Library

By Carol C. West

On Wednesday, July 19th, the MC Law Library will hold a "Bargain Book Bazaar." A large number of law books that have been given to the library over the last decade, but that were not needed for the collection, will be offered for sale at prices that would cause Matt Wiggins to weep.

The sale will be held from 9:00 a.m. to 4:00 p.m. in the "Annex," the single story building on the west side of the law school at 151 E. Griffith St.

This is a one-time opportunity to get law books at bargain prices. Treatises, reporters, encyclopedias, and practice books are included in the offering. Come yourself or send your law librarian to take advantage of this opportunity. For more information call the law library (944-1970).

### HINDS COUNTY BAR ASSOCIATION

#### Officers

Judith J. Johnson, President  
 Leonard D. Van Slyke, Jr., Vice President and President-Elect  
 Richard A. Montague, Jr., Secretary-Treasurer  
 Jay A. Travis III, Past President

#### Directors

Patricia W. Bennett - Post 1  
 Harold D. Miller, Jr. - Post 2  
 Richard A. Courtney - Post 3  
 Tommy E. Furby - Post 4

#### Newsletter Editorial Board

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## Financial Assistance To Clients

By James M. Anderson

Financial assistance to clients by attorneys is governed by Mississippi Rules of Professional Conduct Rule 1.8(e) (1987) which states:

A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

(1) A lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and

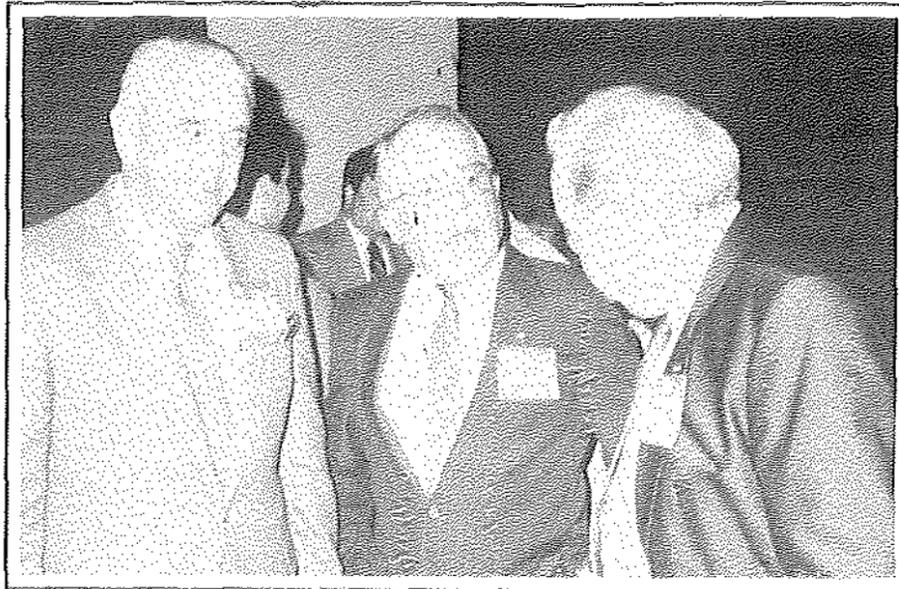
(2) A lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

The rule is written with the imperative term "shall not"; thus, the rule defines proper conduct for which failure to conform as dictated provides a basis for invoking the disciplinary process.

The Ethics Committee of the Mississippi State Bar Association considered the issue of whether an attorney can ethically maintain a proprietary interest in pending litigation by advancing and/or being ultimately responsible for litigation expenses in their Opinion No. 136. Here the Committee noted that Rule 1.8(e) of the Rules of Professional Conduct is significantly different from its predecessor, DR 5-103 of the Code of Professional Responsibility of the Mississippi State Bar Association.

Under the Code, an attorney could not under any circumstances acquire a proprietary interest in a cause of action unless there was an explicit agreement with the client that the client would remain ultimately liable for the expenses. Under the new Rule 1.8 (e) of the Rules of Professional Conduct, an attorney may provide financial assistance to the client by advancing court costs and expenses of litigation and may condition repayment on the actual outcome of the matter. If the attorney's client is indigent, the lawyer may pay the court costs and expenses of litigation without any requirement that the client repay him.

One should note that the exceptions to the rule, which in general state that a lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, only apply to financial assistance for court costs and expenses of actual litigation. The exceptions do not provide for advancement or paying of moneys for any other expense that the client may have other than court costs and litigation expenses.



Celebrated attorney and author, F. Lee Bailey (center), was the featured speaker at the annual Law Day banquet held by Mississippi College School of Law at the downtown Holiday Inn on April 14th. Pictured at the event with Bailey are, left, Alton H. Harvey, Dean of MC Law School, and, right, Dan M. Lee, Presiding Justice, Mississippi Supreme Court.

## Judges To Be Sworn In June 30th

All members of the HCBA are invited to attend a swearing-in ceremony and reception on Friday, June 30th at 9:30 a.m. in Courtroom No. 1 at the Hinds County Courthouse. Supreme Court Justice Reuben Anderson, a former Circuit Judge, will administer the oath to all the newly elected Chancery Judges for the Fifth Chancery District, Circuit Judges for the Seventh Circuit Court District, and Hinds County County Court Judges.



HCBA Board for 1989-90 - Members of the board of the Hinds County Bar Association for the coming year are: front row, from left, Leonard D. Van Slyke, Jr., vice president and president-elect, Judith J. Johnson, president, and Richard A. Montague, Jr., secretary-treasurer. Back row, Harold D. Miller, Jr. and Patricia E. Bennett, directors, Jay A. Travis III, past president, Tommy E. Furby, director, and F. Hall Bailey, past president of the Jackson Young Lawyers. Not pictured is Richard A. Courtney, director.

## Supreme Court Support Services

By Susan Hicks  
State Librarian

The 1989 Mississippi Legislature has passed S.B. 2442, effective July 1, 1989, amending Secs. 39-1-1 through -33, Miss. Code Annot. (1972), to place the State Library under the supervision and control of the Mississippi State Supreme Court and to vest the Court with the authority to promulgate rules and regulations for the operation of the Library. The Library will function essentially as it does presently and, generally, to the shared resources and expertise throughout the consolidated body in legal and fiscal matters and systems management. Streamlined operations will free administrative staff somewhat to concentrate their activities on library management and enhancement of public services.

Concerning Library services, photocopying and accounts receivable services were expanded recently. You now have three payment options for fee-based services: 1) by cash or check, 2) by billing per transaction payable upon receipt of bill, or 3) by a monthly billing service. In the last-named method, the Library will keep account of all charges for the month and send a statement with the signed receipt of each transaction. Remittances can be made once per month rather than each time a charge is made. There is a \$2 per month assessment for this service. Photocopying requests may be phoned or mailed in and will usually be filled by the Library staff within half-a-day of receipt.

Another new service, offered as of May 1, 1989, by the Court through the Clerk and Law Library, is a standing subscription service to the Supreme Court opinions. Specifically, this subscription service will allow you to receive full copies of the Court's opinions, mailed on the day the cases are decided. You may opt to receive both civil and criminal opinions or criminal or civil opinions only. Each subscription includes a copy of the weekly list as well as copies of unpublished opinions. The opinions subscription schedule by quarter is as follows:

Weekly receipt of civil cases--\$125.

Weekly receipt of criminal cases--\$100.

Weekly receipt of civil and criminal cases--\$180.

Weekly receipt of list only--\$50.

The next quarter begins July 1. For further information, contact Sue Gordon, Supreme Court Clerk.

We hope the expansion of these support services of the Court are beneficial. We encourage your comments and suggestions.

## HCBA Committees Appointed for 1989-90

President Judith J. Johnson has appointed 23 committees to serve during 1989-90.

The committee chairmen, vice chairmen (or co-chairmen) are:

**Ad Hoc Committee on HCBA Room in the Courthouse**

Linda Thompson Greaves, Chm.; R. Fulton Thompson, Vice Chm.

**Bench and Bar Relations**

John H. Downey and Harrison D. McIver III, Co-Chm.

**Black Lawyer Participation in the Profession**

Robert Gibbs, Chm.; Hal Dockins, Vice Chm.

**Budget and Finance**

A. M. Edwards, Chm.; Granville Tate, Vice Chm.

**By-Laws**

Cynthia Lee Perry, Chm.; Terryl K. Rushing, Vice Chm.

**Continuing Legal Education**

John C. Henegan, Chm.; Connie Slaughter Harvey, Vice Chm.

**Judicial Poll**

Beth C. Clay, Chm.; Issac Byrd, Vice Chm.

**Law Related Education**

Wm. M. (Don) Nichols, Chm.; Mary Lawrence Gervin, Vice Chm.

**Legal Aid**

A. Spencer Gilbert III, Chm.; Gwen G. Combs, Vice Chm.

**Legal Economics**

David B. Grishman, Chm.; Robert C. Williamson, Jr., Vice Chm.

**Legislative**

Clifford C. Thompson, Chm.; W. Wilson Golden, Vice Chm.

**Library Services**

John L. Maxey, Chm.; Carol C. West, Vice Chm.

**Long Range Planning**

Judith J. Johnson, Chm.

**Membership**

Ben J. Piazza, Jr. and R. Fulton Thompson, Co-Chm.

**Newsletter Editorial Board**

Linda Thompson Greaves, Editor; Sam DiConcilio, Co-Editor.

**Problems of the Homeless**

Lisa Bourdeaux, Chm.; Barry Powell, Vice Chm.

**Problems of Older Lawyers**

Walker L. Watters, Chm.; William H. Cox, Jr., Vice Chm.

**Professional Ethics**

Kathryn H. Hester, Chm.; Paul O. Miller III, Vice Chm.

**Program**

Peyton Prospere, Chm.; Mildred Morris, Vice Chm.

**Small Firm Practice**

Richard C. Roberts, Chm.; Robert W. Sneed, Vice Chm.

**Social**

J. Carter Thompson, Chm.; Shane Langston, Vice Chm.

**Wellness**

Belinda Stevens, Chm.

**Women in the Profession**

Lynn Fitch Mitchell, Chm.; Margaret Williams, Vice Chm.

Anyone interested in serving on these committees should contact Judy Johnson or the appropriate committee chair.

## February Bar Exam Results

Catherine Baber, executive secretary of the Mississippi Board of Bar Admissions, announced that 79.4% of the examinees taking the February 1989 bar examination attained a passing score. Ninety-seven persons took the test; seventy-seven passed it. This compares with previous testings as follows:

July 1988	75.1%
February 1988	78.0%
July 1987	85.0%
February 1987	83.1%
July 1986	80.6%

Sixty-one of the candidates were graduates of an in-state law school. Of these fifty-five passed, giving an in-state pass rate of 90.2%.

Applicants from out-of-state law schools had a 61.1% pass rate with 22 out of 36 passing.

Five lawyers sought admission through the attorney's examination; three of these were successful.

The swearing-in ceremony was held on April 27th in the House of Representatives Chamber of the Old Capitol.

The out-of-state law schools represented were: Baylor, Cumberland, Emory, Hastings, Howard, John Marshall, LSU, Loyola (New Orleans), North Carolina Central, SMU, Texas Southern, Tulane, U. of Alabama, U. of Arkansas, U. of Illinois, U. of Iowa, U. of Texas, and Washburn.

Using figures from the 1988 Statistical Abstract of the United States, these new lawyers won't make much difference in the state's ranking of number of lawyers compared to the general population. Mississippi has one lawyer for every 608 inhabitants. Nationally, the United States has one lawyer for every 360 residents, with the greatest lawyer density being in D.C. with one lawyer per 22 inhabitants and the lowest percentage being in West Virginia with one lawyer per 689. For our neighboring states, the lawyer ratio to general population is as follows:

Arkansas	1 out of 286
Alabama	1 out of 597
Louisiana	1 out of 422
Tennessee	1 out of 537



### Martin-Hovis to Speak at June HCBA Luncheon

Pam Martin-Hovis is the owner of The Turning Point, an outpatient treatment center for major addictions located in Jackson. She has been working in the field of addiction for twelve years. She earned her Bachelor's Degree in Psychology from Mississippi University for Women, and she holds a master's level certification in Alcoholism and Eating Disorders.

A pioneer in the field of eating disorders in Mississippi, Martin-Hovis is the author of the forthcoming book *The Grazing Syndrome: Losing Weight Forever*.

## MISSISSIPPI COLLEGE Law Library Schedule for Summer, 1989

### Regular Summer Hours

Monday - Thursday .....	8:00 a.m. - 10:30 p.m.
Friday .....	8:00 a.m. - 9:00 p.m.
Saturday .....	9:00 a.m. - 9:00 p.m.
Sunday .....	2:00 p.m. - 10:00 p.m.

\*\*\*\*\*

### Special Summer Hours

July 4 .....	(Tuesday) .....	CLOSED
August 1 .....	(Tuesday) .....	8:00 a.m. - 5:30 p.m.
August 2-4 .....	(Wednesday - Friday) .....	8:00 a.m. - 4:30 p.m.
August 5 & 6 .....	(Saturday & Sunday) .....	CLOSED
August 7-11 .....	(Monday - Friday) .....	8:00 a.m. - 4:30 p.m.
August 12 & 13 .....	(Saturday & Sunday) .....	CLOSED
August 14-18 .....	(Monday - Friday) .....	8:00 a.m. - 4:30 p.m.
August 19 & 20 .....	(Saturday & Sunday) .....	CLOSED
August 21-25 .....	(Monday - Friday) .....	8:00 a.m. - 4:30 p.m.
August 26 .....	(Saturday) .....	9:00 a.m. - 9:00 p.m.
August 27 .....	(Sunday) .....	2:00 p.m. - 10:00 p.m.

**Regular Hours Will Resume On August 28**

**Hinds County Bar Association, Inc**  
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**FIRST CLASS**

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**HCBA Luncheon Meeting**  
**12 Noon, June 20, 1989**

# HCBA NEWS

October 1989

## President's Column

Judith J. Johnson



I want to thank Fulton Thompson and Linda Greaves for their work on the Bar Room Committee. The Bar Room, as we affectionately call it, is the presently empty room in the new Hinds County Courthouse which is dedicated to the HCBA. The Board voted last year to furnish the room as a lounge for members to use when dallying at the courthouse.

Michael Grogan, interior designer, has drawn a plan for us, consisting of two seating areas, one with a table and chairs, the other with a sofa and armchairs. We will have two telephone lines for local calls.

Fulton is presently contacting firms and individuals for contributions. The donation categories are: Associate (\$100); Partner (\$250); Leader (\$500); President's Club (\$1000). There will be a reception for the donors and a plaque for each category. We welcome contributions in any category or any kind. We have one framed photograph of the HCBA in 1933 which should add interest. We are also receiving memorial contributions. Fulton will be glad to hear from you if you wish to contribute. Please call him at 354-5910.

## A View From The Probate Bench

by Chancellor W.O. Dillard  
Fifth Chancery District  
Hinds County, Mississippi

The Uniform Rules of Chancery Practice were approved by the Mississippi Supreme Court and became effective on February 1, 1989. Rules concerning probate matters are Rule 6.01 through 6.17, and are found at pages 473 through 477, *Mississippi Rules of Court - State and Federal*, 1989, West Publishing Company. These rules are self-explanatory; however, they should be reviewed prior to presenting a probate matter. There are also local rules for the Fifth Chancery Court District which were adopted and were made effective on the same date, and local rules should be reviewed as to the particular chancery court district where the matter is to be presented.<sup>1</sup>

There were a number of amendments to our statutes and some new legislation in 1989 concerning matters which must be followed. Some of these are as follows:

1. Chapter 311, House Bill No. 1171, provides that in civil actions based on fault, the liability for damages caused by two or more persons shall be joint only to the extent necessary for the person suffering injury, death or loss to recover 50% of his recoverable damages. This bill also amended the statute of limitations on certain actions, limiting the general §15-1-40 to three years, and also amends §75-17-7 to

...continued on page 2

## A Few Thoughts On Motivation of Lawyers

by David B. Grishman  
Chairman  
Legal Economics Committee

Because individuals desiring to become lawyers must first proceed through a course of training marked by its competitiveness and rigorous scholastic demands, many assume that all lawyers are intrinsically motivated. While many lawyers are so motivated, there are others who are not, and it is the latter who frequently must receive a good dose of positive reinforcement. Although techniques which work in several instances may not work in all instances, there are some generalizations that prove helpful in trying to keep a staff of lawyers functioning at high levels of productivity within the structure of a law firm.

One must recognize that lawyers first and foremost are individuals with their own goals and desires. But even with their idiosyncrasies, there are a number of common stages through which all lawyers pass during the course of their professional careers. The types of motivation required for each of these stages may vary, however.

A new lawyer joining a firm frequently begins as an apprentice, learning, helping others and following directions from more experienced practitioners. The young lawyer in such an environment may be aided by a good mentor who strives to provide the new lawyer with good work

...continued on page 4

## HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

October 17, 1989

12 Noon

\$8.25

Capital City Petroleum Club

The speaker will be Louisa O. Dixon, Commissioner for the Mississippi Department of Public Safety.

# CLE CALENDAR OF EVENTS

**October 17**  
**HCBA Membership Meeting.** Capital City Petroleum Club. Jackson, MS.\*

**October 20**  
**Estate Planning 1989.** Sponsored by MC School of Law. Jackson, MS.

**October 25**  
**Recent Developments in Bankruptcy Law.** Sponsored by National Business Institute. Jackson, MS.

**November 3**  
**Chancery Court Practice.** Sponsored by MS Trial Lawyers. Jackson, MS.

**November 10**  
**Workers' Compensation Practice & Procedure.** Sponsored by MC School of Law. Jackson, MS.

**November 15**  
**Real Estate Law.** Sponsored by K.F. Boackle. Jackson, MS.

**November 15**  
**MS Real Estate License Law.** Sponsored by K.F. Boackle. Jackson, MS.

**November 16**  
**MS Practical Probate.** Sponsored by Professional Education Systems. Jackson, MS.

**November 16**  
**Toxic Tort or Environmental Litigation in MS.** Sponsored by MS Chapter Federal Bar. Jackson, MS.

**November 17**  
**Special Issues in Corporate Practice.** Sponsored by UM Center for CLE. Jackson MS.

**November 17**  
**Criminal Law.** Sponsored by MC School of Law. Jackson, MS.

**November 30 - December 1**  
**Mastering the Art of Trial Advocacy.** Sponsored by UM Center for CLE. Jackson, MS.

**December 1**  
**Structuring & Organizing Business Enterprises.** MS Law Institute. Jackson, MS.

**December 4-5**  
**Individual Income Tax Seminar - 1989 Tax Laws.** Sponsored by MS Association of Public Accountants. Jackson, MS.

**December 6**  
**HCBA Christmas Social.** MS Bar Center, Jackson, MS.\*

**December 19**  
**HCBA Membership Meeting.** Capital City Petroleum Club. Jackson, MS.\*

\*Not approved for CLE credit.

## A View continued...

provide that judgments or decrees not based on contract shall bear interest at a per annum rate set by the judge, from a date to be determined by the judge. This statute repeals the section providing that joint tortfeasors share equally in any judgment rendered against them and provides for contribution. The bill allows the trier of fact to determine the percentage of fault for each party and then allows contribution only for the percentage of fault for each party and then allows contribution only for the percentage of fault assessed to each defendant.

This new bill must be taken into consideration in making a determination as to a compromise and settlement of a doubtful claim, and the attorney must be familiar with the consequences of the same. There are numerous questions that have recently been raised; for example, in one recent case where there was an attempt to release one joint tort-feasor. You can see from the language of the statute that there would have to be some determination of the percentage of fault for each party unless the settlement is with all defendants, and then a new issue is raised, e.g. the solvency of each tort-feasor involved. Without question, the most important aspect of this bill is, of course, the limitations on certain actions, and particularly for minors, so that the parties do not lose sight of this fact during the negotiations for settlement. All of these factors should be considered in light of *Moyo*,<sup>2</sup> in determining whether or not the settlement and compromise is in the best interest of the petitioner.

2. Chapter No. 443, House Bill No. 619, provides that the court shall allow an executor or administrator as compensation for his trouble, either in partial or final settlement, such sum as the court deems proper, considering the value and worth of the estate, and considering the extent or degree of difficulty of the duties discharged by the executor or administrator. In addition to which the court may allow him necessary expenses, including a reasonable attorney's fee to be assessed out of the estate, in an amount to be determined by the court.

This becomes important in setting the fee allowed an executor or administrator, and especially where an attorney's fee is assessed out of the estate in light of the Mississippi Supreme Court's opinion in *Key Constructors, Inc.*<sup>3</sup> which requires that some predicate be placed in the record on which the court may exercise its discretion

in determining what is a reasonable amount of time and reasonable hourly rate and other factors in assessing the fees. It is suggested that whether it be executor's or administrator's or attorney's fees, the amount of time and a suggested hourly rate be presented to the court as an exhibit when the fees are requested.

3. Chapter 446, House Bill 695, amends the statute to require that no party in criminal cases, matters in probate, or matters in special proceedings, where the property or demand is in the amount of \$50.00 or more, shall be required to proceed without his consent, unless the case is attended by a court reporter. However, this requirement may be dispensed with on hearings for temporary support, maintenance and child custody in domestic cases.

This statute becomes extremely important in probate matters because so many of the attorneys present matters of probate without their client being present or being aware of when these matters are to be presented. While this statute has not been tested, it is suggested that the attorney either consult with his client and determine whether or not the presence of a court reporter will be waived, and, if not, the court reporter should attend the presentation of the matter and make her notes thereon in the event the party desires to question the same or a contest results over the matter presented. This would certainly resolve many issues on settlement of doubtful claims, where frequently contest arises, and there is a claim that the settlement terms were not agreed on.

4. Chapter 582, Senate Bill No. 2640, allows the guardian of beneficiaries who are under a disability to sign for the beneficiaries a petition to have a will probated as a muniment of title. Also, it amends §91-7-145 to require the executor or administrator to make a reasonably diligent effort to identify persons having claims against the estate and to give those persons notice by mail to probate their claims within ninety days after notice to creditors is published, and to require an affidavit stating the same, to be filed with the clerk of the court before the notice to creditors is published.

This bill corrects what was thought to be an oversight by some to allow the guardian of beneficiaries to sign a petition to have a will probated as a muniment of title. However, the significant part of the bill is the amendment of §91-7-145. The amendment to require the executor or administrator to make reasonably diligent effort to

identify persons having claims against the estate and to give notice by mail to such persons prior to the publication of notice to creditors has caused some confusion. This was an effort to bring our statute into compliance with the decision of the United States Supreme Court in the Oklahoma case, which held that where the executor knew of a claim, then they must give actual notice for the claim to be barred. Here the statute requires that the affidavit be filed before the notice to creditors is published. In the opinion of some, this could be accomplished by allowing the affidavit to be filed later, and there is a discussion among many of the feasibility of having the statute amended. While this statute was made effective July 1, 1989, it would seem to be the better practice to file such an affidavit in any estate that is being closed, regardless of the date that it was opened.

5. Chapter 438, House Bill No. 523. This act amends §93-9-9 to provide that an adjudication of paternity after death of the defendant must be made only upon clear and convincing evidence. And after paternity has been lawfully determined or acknowledged, the father may be required to furnish reasonable expenses of pregnancy, confinement, education, necessary support and maintenance, medical or funeral expenses for the mother or child; however, no proceeding shall be instituted after the child has reached the age of eighteen years.

The significance of the above statute is that it now prohibits the proceedings to determine paternity after the child has reached the age of eighteen years. It also requires that the proof be made only upon clear and convincing evidence after the death of the defendant. The attorneys should be aware of this statute in determining heirship in probate matters where illegitimates are involved.

6. Chapter 439, House Bill No. 2524. This is an act to establish uniform child support award guidelines as to gross income that should be awarded for child support from 17% to 34%, depending on the number of children due support. These guidelines must be applied unless the court makes a written finding of fact that the amounts would be unjust or inappropriate because of certain specific criteria, as set forth in the Act.

While this bill does not fall within the probate category, it has been the custom for some time to allow irreconcilable differences to be presented during ex parte hearings, and the question does arise in connection

with certain probate causes. The attorneys should be aware that these guidelines requiring a specific percentage of adjusted gross income to be allowed for child support unless one of the statutory exceptions is specifically found by the court. The fact that causes the most problems is the proper determination of gross income, and it should be noted that this is as defined under Section 62(a) of the Internal Revenue Code. It is suggested that if the child support provision of the agreement does not comply with the guidelines, then there should be included language in the agreement showing that it comes within one of the exceptions, so that each of the parties are aware of the same in the event there is a substantial change of income, and these same guidelines will be applied upon modification.

7. Chapter 508, Senate Bill No. 2155. This bill amends §37-15-29 and 31 to provide that no minor child may enroll in or attend any school except in the school district of his residence unless such child be lawfully transferred from the school district of his residence to a school in another school district in accord with the statutes of this state now in effect, or which may be hereafter enacted. The Act provides that any legal guardianship formed for the purpose of establishing residency for school district attendance purposes shall not be recognized by the effective school board.

This is a clear effort on the part of the legislature to prevent the formation of guardianships for the purpose of placing the child in a particular school district. Our Attorney General has recently circulated a memorandum and copy of this statute to all chancery judges and to the school districts, so that if the only purpose of setting up the guardianship is for school attendance, it will not be recognized by the school board. It may be considered to be in conflict with the federal court's orders where the school is under the desegregation mandates. Here again, the guardianship should be set up for the legitimate purposes provided by law, but the clients should be made aware that it cannot be used for the purpose of allowing the child to attend a school of their choice.

## CONCLUSIONS

These suggestions are not an attempt to interpret the statutes for you, but to bring them to your attention so that when you present the matter to the court, you are aware of the same. If any suggestion that I could make had to take top priority over all

...continued on page 4



HCBA Membership Meeting - The Honorable Kane Ditto, Mayor of Jackson, center, was guest speaker at the August membership meeting. Standing with him are Judy Johnson, HCBA President, and Peyton Prospere, HCBA Program Chairman.



mark your calendar now!

**HCBA**  
**Christmas Social**

5:30 - 7:00 p.m.  
 Wednesday, December 6, 1989  
 Mississippi Bar Center

## A View continued...

others, it would be to obtain the file when presenting a probate matter to the court, since otherwise it is difficult to answer the questions that the chancellor needs to know in order to approve your request. The dates of filing, items required to be filed, work that has been done and is to be done, plus fees previously allowed are all much easier for the chancellor to determine upon a quick examination of the file, and you should not require him to guess at these important factors.

These statutes, along with many others, should be considered in all probate matters. Where there is a question, it is certainly not offensive to the chancellor to call him or her and ask for suggestions as to a matter which is unique or where you have had difficulty in finding the procedure or statute to follow. This should not open the door to earwiggling or to eliciting an opinion in advance as to how the court would rule, but should be a joint effort by the attorney and court to serve the needs of the public for which the court was established.

1. Unless the rules have been submitted and published by the Mississippi Supreme Court, the local rules are not effective. *In Re Approval of the Local Rules Adopted by the Fifth Chancery Court District*, 529 So.2d XIX, (Miss. 1988); Miss. R. Civ. P. 83.
2. *Miss. State Bar Assn. v. Moyo*, 525 So. 2d 1289 (Miss. 1989).
3. *Key Constructors, Inc. v. H & M Gas Co.*, 537 So.2d 1318 (Miss. 1989).

## Motivation continued...

assignments in a conducive work environment -- not just the physical layout of the office but an environment in which understanding and compassion are apparent.

Once a lawyer gains more experience, he or she may move from the apprentice stage into the colleague stage and thereby function more as an independent contractor. At this stage, the lawyer should go through a weaning process and may seek to make an independent contribution to the firm's practice. As practice specialization begins to manifest itself, the lawyer may gain additional self esteem and confidence. A new sense of contribution to the firm may be acquired and the lawyer may begin to feel a greater sense of independence in his or her professional career.

The third stage through which an attorney may pass is the mentor/supervisor stage in which the lawyer may spend more time training and interfacing with others. It is at this stage that the lawyer may start to pull away from many of the more tedious and time-consuming details of practice, entrusting those tasks to others more junior. The lawyer at this stage should have developed management skills and frequently may derive much of his or her enjoyment from the practice of law in seeing younger lawyers develop and mature. Much of the satisfaction of practice in this phase of one's career is derived from the good work of others.

Finally, a lawyer may move into the sponsorship phase of practice during which the lawyer may do more to shape the direction and future of his or her firm as a whole. It is in this stage of a lawyer's career that the lawyer generally comes to trust the organization and others within it to be directly responsive to the needs of the firm's clients.

During each of these phases of a lawyer's career, the sources of motivation may be significantly different. The natural drive that may come with the demanding academic training necessary to become a lawyer generally is not enough to carry a lawyer throughout an entire career. There are, necessarily, other factors which may become essential to keep a lawyer properly motivated.

A firm may well know what it wants to achieve, but young lawyers generally have their own senses of priorities and desires. Young lawyers today frequently seek sets of values tailored to their own personalities. They seek not only self respect but the pursuit of a personal and professional life that is meaningful and rewarding. It is not enough simply to work hard. Life must have other personal aspects if lawyers are going to be able to withstand the many demands and pressures made upon them by their chosen field of endeavor.

It is important, therefore, for the lawyers of a firm to share a common vision. Such a vision generally will enhance individual lawyer effectiveness because each lawyer can focus on a future firm objective while continuing to develop his or her own career within the framework of the organizational goals and objectives.

The firm vision should be sufficiently clear to be readily understood, yet it should hold challenges to the organization as a whole. There is nothing wrong with honoring and having respect for the past. Often planners believe it necessary to start with a

clean slate, but preservation of the best from the past while focusing on the future can provide a real sense of stability necessary to meet the challenges that lie ahead. An organization needs a sense of its history as well as an orientation toward its future.

To assure that all of its lawyers are properly motivated, a firm needs direction, and its various units should have clearly defined goals which may be used as the basis for guiding future actions. If all lawyers share a common commitment to make the firm's and its units successful, the goals of the firm and its members should be realized. Concerns for excellence should not be within the exclusive province of the firm's management. All lawyers within the firm should share a sense of responsibility and take initiative within the framework of the goals of the firm without waiting for specific direction.

The principal focus of a firm's efforts should be on quality, service, responsiveness and innovation. All the lawyers within the firm should join together as a single cohesive force to achieve the commonly shared goals. Diversity within a firm generally means that each person does not think and act the same, but within the context of the firm and its goals, they nevertheless should work together.

The management style of a firm should encourage independent thought and pursuit of firm as well as individual goals. Lawyers have been trained to function as independent thinkers, and any system that discourages independent thought ultimately will be counterproductive to the individual lawyers and the organization. Management should shift away from controlling individuals to creating the conditions within which individual lawyers can find their own sense of motivation.

The organizational structure of a firm should facilitate decision making at the appropriate level to get the job done. If all decisions are pushed to the top, ultimately the decisions are going to be made by those who are less equipped to make the decision because they probably are too far removed from the immediate problem or its best solution. Thus policies and procedures should focus not on controlling individuals but in enabling the individuals to function within the firm environment. Policies and procedures should be enabling, not restrictive, ones. The organization must learn to trust the sound judgment of its personnel.

Participation in the process also is important. Having input into firm decisions,

responsibility for client and firm management issues, and professional training are all important. The ability and opportunity to participate in a meaningful way speaks to one's growth as an individual and one's contribution to the firm as a whole.

Though individuals do not need to be (and generally do not want to be) involved in every detail of a matter or decision making process, they do need to know what is going on and why. Some things may require detailed explanations but others may not.

If one accepts the premise that the various personnel of a law firm are among its most important assets, it is clear that a firm must strive to assure that these assets are well trained and developed. It is not enough simply to rely on law schools for this training and development. To provide lawyers with a sense of vitality and continued self growth, the learning process must continue through some form of internal training program. Many firms rely on their own personnel to provide this training and development while others seek help from outside professionals. Indeed, a good balance can be reached by using one's own personnel for certain areas within their fields of expertise while relying on outside assistance for the balance.

It is important for training to become a part of the firm culture. By giving the message that professional growth is a goal valued by the firm, the entire organization fosters one of the primary reasons a young person chooses the legal profession.

It is important to provide lawyers with an attractive and comfortable work environment. A great deal of a lawyer's time is spent at the office, and those surroundings should be tasteful, comfortable and as functional as possible to permit ease of work. Certainly the office should have sufficient furnishings, equipment and personnel to permit the lawyer to provide the services sought by clients in a professional, timely and efficient manner. Management should strive to provide sufficient support staff and technologically advanced equipment and systems consistent with the firm's practice objectives. Keeping in mind that lawyers are in a service business, it is important to enable the lawyer to provide that service without undue obstruction and frustration.

Though compensation is very important, it probably is not the most important factor in motivation. Whatever the firm's compensation system, however, it should strive to compensate or reward perform-

ance that is expected within the firm. Lawyers desire a sense of contribution and reward, but the ability to have input into the operation of a system and a free forum for exchange are equally, if not more, important. Everyone desires to have a measure of self worth, and that is difficult to achieve in a vacuum.

An essential element in keeping lawyers properly motivated is trust. Lawyers must be hired to do a job and they must be allowed the flexibility to do it. No one likes to feel that he is merely occupying space. One of the strongest motivators is the feeling that comes from gaining a sense that one is making a meaningful contribution to the success of a project or an organization. Thus it is essential to hire good people and give them responsibility for a job and then allow them to do it. An older lawyer may need to remain in contact and continue to have involvement with a particular client or project, but all parties must have the freedom to perform and serve in their individual roles. Sometimes a mistake may be made by a younger practitioner, but if he or she is the right person for the job, with encouragement and support he or she will learn and improve.

In making assignments to younger lawyers it is best, if possible, to assign an entire project rather than simply fragments. Even if the more experienced lawyer needs to retain control over the case, it is important to advise those sharing responsibilities of the results obtained. Good feedback at the completion of a task is important.

A lawyer receives a great deal of personal satisfaction from a demonstration that a client or other attorney relies or depends on him or her. It is important to feel part of a professional organization; responsibility and respect go a long way toward creating that atmosphere of professionalism.

Since much of law practice is a team effort, all members of the team should have the opportunity to share in the success of

mission. Praise of the team and recognition of the contributions made by individuals to that success are crucial. There is probably no greater motivator than the feeling of self worth one derives from a job well done that does not pass without appropriate acknowledgment.

Recognition is a strong motivator. While extra money or a bonus may be a convenient way to give recognition, there are others that are equally effective. Rather than simply providing a cash bonus, it may be appropriate to give additional time off or a weekend vacation. Something tangible such as an item for one's office may serve as a daily reminder of the recognition and appreciation expressed.

Good communication is also essential in any cooperative effort. While it may be easy to forget to keep lines of communication open, it is imperative that lawyers constantly strive for good communication within their organization. Effective communication can help build and preserve mutual trust, respect and self esteem.

As lawyers pass through each of the stages detailed above, consider setting goals that cause them to reach ahead. Goals too easily attained probably have not been properly set. Developing the habit of setting goals early in one's career, however, can have continuing positive motivational effects for the future.

If lawyers within a firm are properly motivated, the firm and each of the lawyers within it should achieve not only the firm's but also the individual's goals that have been set. The results can be most positive. Qualified individuals should not only be attracted to the firm but should also remain with the firm because of the personal sense of accomplishment that each should feel. A highly motivated group of trained people working together, sharing a common sense of direction, ownership and commitment can be a powerful force.

### Mississippi College Law Library Fall Schedule

Monday through Thursday .....	8:00 a.m. - 12 midnight
Friday .....	8:00 a.m. - 9:00 p.m.
Saturday .....	9:00 a.m. - 9:00 p.m.
Sunday .....	2:00 p.m. - 10:00 p.m.

The library will be closed Thanksgiving Day. Special hours for the Christmas holidays and between semesters will be posted in December and published in the December issue of the *HCBA News*.

## July Bar Exam Results

One hundred twenty-three new lawyers qualified for admission to the Mississippi State Bar by passing the July 1989 bar examination. One hundred seventy-one applicants took the examination, giving an over-all passage rate of 71.98%. First-time takers scored 77.1% when 118 of 153 successfully completed the exam; retakers scored 27.8% with only 5 of 18 passing. One lawyer applicant passed the attorney examination.

This compares with previous testings as follows:

February 1989.....	79.4%
July 1988.....	75.1%
February 1988.....	78.0%
July 1987.....	85.0%
February 1987.....	83.1%

How do the Mississippi percentages rank against other states? Using the July 1988 statistics released by the National Conference of Bar Examiners, one finds that Mississippi applicants compare fairly well with those of neighboring states.

State	No. of applicants	No. passing	%
Alabama.....	395	245	62.0
Florida.....	1,978	1,461	73.9
Louisiana.....	685	530	77.4
Tennessee.....	472	338	71.6
Texas.....	2,008	1,473	73.4

The law schools represented by the successful test-takers (with the number of graduates in parentheses) were: Duke (1), Emory (2), LSU (2), Memphis State (3), Mississippi College (31), Tulane (8), Vanderbilt (2), Univ. of Alabama (3), Univ. of Kansas (1), Univ. of Mississippi (65), Univ. of San Diego (1), Univ. of Tennessee (1), and Univ. of Virginia (4).

The swearing-in ceremony was held in the Old Capitol on September 28, 1989. The Hinds County Bar Association congratulates these successful new lawyers and welcomes them to the Mississippi State Bar.

### Mississippi College Law Library Needs Back Issues of *The Mississippi Lawyer*

Do you keep your back issues of *The Mississippi Lawyer*? If you have any of these issues, please call Carol West at the Mississippi College Law Library (944-1970).

Year	Vol. No.	Issue Number
1970	17	1,2,3,4,5,6,7,8,9,10,11
1971	18	1,2,3,4,5,6,7,8,9,10,11
1972	19	1,2,3,4,5,6
1978	25	2
1980	26	10,11

The Mississippi College Law Library is cooperating with the William Hein Company by providing them with back issues of *The Mississippi Lawyer*. The Hein Company microfilms the issues and makes the journal available to law libraries throughout the country.

Please help if you have these issues. If you want to keep your collection, the library will photocopy your issues and return the originals to you.

## Concept Home, Midway Best Bets For Autumn by Captain Equity

A chance to see the Cubs play baseball in October, sweater weather, and pitiful, poor-mouthing SEC college football coaches moaning about their chances for victory while praising the vaunted attacks of Ohio U., Southwestern La., et al. It's Fall in the South and just about everybody is happy about it. Metro Jackson is certainly no exception. September and October offer the capital city more than warm days and cool nights. Much more. But, of course, I'm not telling you anything. By the time you read this, the first installment of Jackson's annual Autumn Classic of Culture and Enlightenment will be history and you will surely be basking in the afterglow of memory. Of course I'm talking about Parade of Homes '89.

Every September the Homebuilders Association of Jackson unleashes a sales and marketing onslaught on the three-county area which is the logistic equal to D Day or the Children's Crusade. It starts innocently enough with the September 24th Sunday edition of *The Clarion-Ledger*. From your vantage point at the front door of your aging, paint-chipped, foundation-plagued home, nothing appears amiss. Oh sure, the paper might look a little thicker than usual, but you can probably explain that away by citing a new influence-peddling scandal in Washington or perhaps that the Sovereignty Commission Files have finally been unsealed, printed à la Pentagon Papers and inserted in the *Ledger* compliments of Gannett. But no. It's the long awaited PARADE OF HOMES ADVERTISING TABLOID SUPPLEMENT which prompts an audible, albeit unintelligible sentence fragment.

"Honey, did you say they are bringing *Parade Magazine* back?"

After clarifying your discovery to spouses and children, everyone pours a cup of coffee and heads for the den.

"You know honey, if we had a new house, we could read the paper in the Great Room instead of this cramped little enclosed carport." You silently agree, trying not to give her any encouragement.

Three hours later, the family car is speeding towards Parade of Homes Nirvana: Tour 4 - Madison/N. Jackson. Here you will trudge through an unending array of newly built, high dollar dwellings situated proudly in recently converted Madison County cotton fields. Once there you will exchange muffled comments with your loved one like "That carpet will show dirt," "Where do you put the chair?" and "I love the built-ins." In the interest of civility, you make a point to smile insincerely at the armies of real estate agents bivouacked in

the Gasmark kitchen. Periodically, you and the family will retreat to the red and white striped Parade of Homes Courtesy Tent where you will down oceans of Kentwood Spring Water, provided for your convenience by the ever thoughtful Homebuilders Association of Jackson.

Your forced march through the foyers and family rooms of Trace Ridge, Wood Trace and Trace Wood Ridge are titillating to be sure, but nothing in comparison with the ultimate thrill of the 1989 Concept Home of Dinsmor. As the sun arcs westward towards Tallulah, you arrive at the subdivision (scratch that -- planned community). You arrive at the planned community only to discover that you must catch a shuttle bus from a Parade of Homes Staging Area near St. Andrews High School. After parking in Goofy (or is it Pluto?), you board a retired Golden Eagle for the short ride to paradise. Once in your seat, you realize that the sinister forces of marketing have invaded the gentle pastures of Madison County. An unfortunate, indentured, twenty-five-year-old teller from Trustmark National Bank reads a prepared spiel about "legendary homesites, tree-lined vistas and planned living." What started as an adventure into the remotely possible is somehow turning ugly. You fight these dark impulses, somehow trying to justify your involuntary cynicism as simply a reaction to not being able to make payments on a \$245,000 house.

Once at the Concept Home, things are better. There are more real estate agents and more Kentwood Spring Water. There is also a big house dressed up with oriental rugs and pianos you suspect aren't part of the deal should you take the plunge. There are more muffled comments mixed with obligatory oohs and aahs and finally a last paper cup of Kentwood Spring Water.

That night you sit on the couch in the enclosed carport in a funk of a heightened awareness. Worn carpet strips, hairline wall cracks and scuffed baseboards scream at you and the wife as you sit silently. It's all made worse by the unspoken recognition of your failure to visit one of the E3 Treasure Homes to sign up for the free Caribbean cruise that will now go to some undeserving gawker who didn't have a prayer of qualifying for a thirty-year fixed mortgage. Mercifully, the malaise is broken by a timely half question from your life partner.

"Isn't the fair coming up pretty soon?"

The fair. Pig races, dangerous rides, and a biscuit compliments of Jim Buck and the State of Mississippi. Yeah. The fair. It won't be long. An afternoon of master suites and crown molding begins to fade, replaced by the rush of anticipation that only a taffy overdose and a spin on the Tilt-A-Whirl can bring. Ah. Fall in the South.

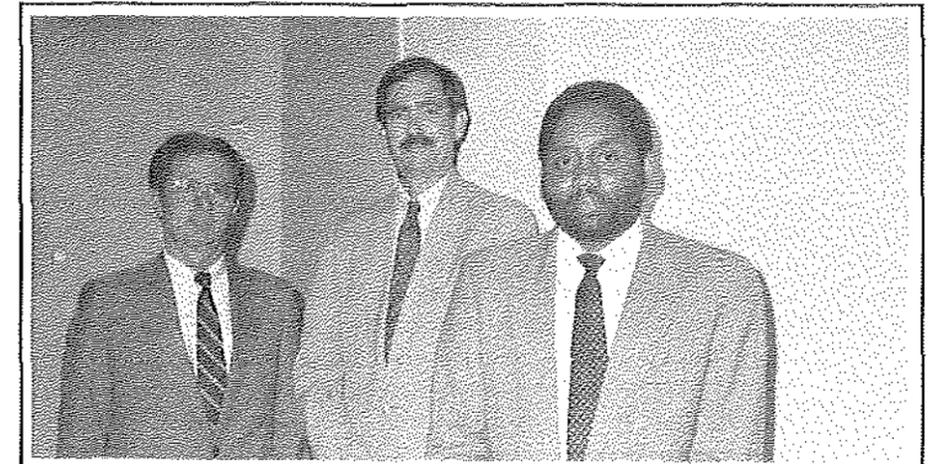
Your Hinds County Bar Association is served well by the leaders of its committees. Pictured below are some of the committee chairmen for 1989-90



From left, John L. Maxey, Jr., Library Services; William M. Nichols, Law Related Education; and Belinda Stevens, Wellness.



Left to right, Lynn Fitch Mitchell, Women in the Profession; Peyton Prosper, Program; J. Carter Thompson, Social; and Kathryn H. Hester, Professional Ethics.



From left, R. Fulton Thompson and Ben J. Piazza, Jr., Membership Co-Chairmen; Harrison D. McIver III, Co-Chairman, Bench and Bar Relations.



**Louisa O. Dixon  
October Speaker**

Louisa O. Dixon, speaker for the October HCBA luncheon meeting, has been Commissioner for the Mississippi Department of Public Safety since January 1988. She was formerly Director of the Investiga-

tive Audit Division of the State Department of Audit for nearly four years. She worked with the John Glenn Presidential Committee in Washington, D.C., from January 1983 until January 1984. From August 1979 until May 1982, she was Assistant Solicitor for the Office of Special Counsel, Economic Regulatory Administration in Washington, D.C. She had previously been law clerk for the Honorable Albert G. Schatz, U.S. District Judge for the District of Nebraska, and law clerk for the Honorable Donald R. Ross, U.S. Circuit Judge, Eight Circuit Court of Appeals.

Ms. Dixon received a B.S. degree, summa cum laude, in clinical psychology from Ohio State University and a law degree from Creighton University. She is married to Wilton J. Johnson III, a partner with Ott & Purdy, Ltd., in Jackson.

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Correspondence regarding the newsletter should be directed to: Linda Thompson Greaves, Editor, Post Office Box 4554, Jackson, Mississippi 39296-4554. Letters to the editor must be signed, but the writer's name will be withheld upon request. The editor reserves the right to reject any letter.

**Don't Forget Your  
Annual CLE Requirement**

**Hinds County Bar Association, Inc**  
151 E. Griffith Street  
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**FIRST CLASS**

**IMPORTANT  
HCBA Luncheon Meeting  
12 Noon, October 17, 1989**