

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

AUGUST 1994



President's Column

Richard C. Roberts III

For a good time call Karla at 969-4700!

That's Karla Pierce, who is handling the registration for the Second Annual Hinds County Bar Association/Jackson Young Lawyers Association Golf Tournament to be held August 26, 1994. The tournament is open to all lawyers and judges in Hinds, Rankin and Madison counties. The cost is only \$50 per person and includes a hamburger buffet. Proceeds from the tournament will be donated to Habitat for Humanity.

The Committee has lined up some terrific prizes and awards. For example, East Ford is donating a car to be given away for a hole-in-one. Mississippi Valley Title is donating \$500. Stan LeFlore is donating a free suit from Stanford's. Southern Beverage Company is donating beverages which will be sold to the participants to raise money for Habitat. South Central Bell is providing pewter loving cups for the flight winners. We anticipate a number of additional prizes and awards being finalized by Tee Time.

A registration form is included in this newsletter. The field will be limited to 116 golfers, so don't delay in completing your registration form and returning it as soon as possible. Each team must have a combined handicap of not less than 40, with no more than

one player having a handicap under 10. Singles will be placed on teams according to their handicap.

We are expecting the tournament to be a huge success. Please take the time to thank Mark Chinn, Chairman, and John McCullouch, Vice Chairman, for their dedicated efforts in putting this tournament together.

George Street Socials

It costs approximately \$500 to mail the notice of the George Street Socials to our members. The Board has decided to re-direct those funds on a trial basis to an "open bar" for the next George Street Social. Hopefully, this will increase attendance and further our objective of providing opportunities for our members to get to know one another outside the courtroom and other business settings.

The next George Street Social will be held Thursday, September 1, from 5:30 p.m. to 7:00 p.m. at the George Street Grocery. Hors d'oeuvres will be served free of charge. This is the only notice you will receive about the social. Please take the time *now* to mark your calendars.

Lawyer-Teacher Partnership Program

This past year the HCBA Law-Related Education Committee developed and implemented a "Lawyer-Teacher Partnership Program." With the cooperation of the Jackson Public School District, the program paired lawyers with teachers of established law-related courses for a minimum of one school year. The lawyers visit the classrooms at least once a month to

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Professional Dispute Resolution Committee

by David R. Smith

I am pleased to announce the creation, effective immediately, of The Mississippi Bar Professional Dispute Resolution Committee. This Committee is a sub-committee of the Resolution of Fee Dispute Committee and was created for the sole purpose of resolving disputes between and among attorneys.

The next available issue of *The Mississippi Lawyer* will contain a synopsis of the operation of the Committee written by the Committee's Chair, Tommy E. Furby of Jackson. This Committee offers an expeditious and inexpensive means of resolving

disputes that arise from time to time between attorneys involving fees, partnership dissolution and other similar occurrences. It is hoped that this Committee will provide a non-judicial mechanism by which attorneys may resolve their differences without further congesting the judicial system, and without the necessity of subjecting themselves to adverse public opinion and ridicule.

Please contact Mr. Furby if you have any questions concerning the operation of this Committee.

David Smith is president of The Mississippi Bar.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

August 16, 1994

12 Noon

\$10.00

Capital Club

The speaker will be Representative Mike Parker.

Ex Parte

Editor's Note

Ex Parte: On one side only; by or for one party; done for, in behalf of, or on the application of, one party only.

The *Hinds County Bar Association Newsletter* announces the first of a new series of columns which will be written by various members of the association and which will be entitled "Ex Parte." The idea is to tap into the wit, creativity and even outrageous indignation that may be found amongst our members.

While the editors have selected an initial offering of columnists to be published, any member of the bar may submit a column of their own creation for consideration for future publication. It is not necessary that the columnists sign their columns, but may do so if they choose.

If you regularly read the latest commandments issued from Mount Gartin, you already know of the recent pronouncement which will undoubtedly threaten the critical role our esteemed profession plays in the smooth functioning of society. That's right, The Most Supreme High Commission on Lawyer Stuff has taken action which

would deny us, defenders of truth, justice and the contingency fee system, the same right guaranteed to virtually every other American: the right to hawk our services on TV.

Without any empirical evidence whatsoever to support this new move, the powers that be have unfairly decreed that henceforth, the content of

all lawyer advertising should be strictly limited to, get this, *truthful and factual information*. That's not an advertisement, that's a documentary. With these draconian limitations on our right to free expression in place, you can be certain that the colorful, informative, and delightfully entertaining billboards, TV commercials and yellow pages ads that have had such a positive impact on the public perception of our profession will soon be things of the past.

I just don't understand why these people want to deny the God fearing consumers of this State the right to make a careful, deliberate choice of attorneys using valuable information garnered from roadside billboards, in much the same way as they evaluate other billboards when deciding whether
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President's Column

(continued from page 1)

"team teach," assist with field trips and other activities, and serve as liaisons for providing other law-related resources to the class. During this process, the teachers and students develop an on-going personal relationship with their lawyer, and learn the law from a realistic perspective.

The HCBA Lawyer-Teacher Partnership Program is the first of its kind in Mississippi. According to Lynette McBrayer, Director of Bar Services and the Mississippi LRE Center, it is anticipated that the HCBA project will be the model for a statewide partnership program.

The HCBA program will be profiled during the upcoming "Put Your Class in the Law" conference at the Phi Alpha Delta National Convention in Houston, Texas on August 4-7. Pam Dill, HCBA Law-Related Education Committee Chair and Karen Redhead, her teacher partner from Murrah High School, will serve as consultants at the conference. Phi Alpha Delta provided valuable assistance to the HCBA LRE Committee in the formulation and implementation of the Lawyer-Teacher Partnership Program and continues to contribute to its success. Last year,

Margaret Williams served as Chair of this Committee and Pat Bennett served as Co-chair. Seven lawyers are currently participating in the LTP program: Gerald McWhorter, Callaway; Linda Anderson, Provine; Beth Orlansky, Forest Hill; Steve Orlansky, Jim Hill; Pam Dill, Murrah; Lee Tyner and Cliff Johnson, Jim Hill. New members of the committee are Newt Harrison, Don Moore, Terry Rushing and Barbara Wallace. If you are interested in being involved with the LTP, please call Pam Dill at 948-3101.

Legal Lines

John Giddens, Chairman of the Jackson Young Lawyers Associations' Legal Lines Committee has asked for our help in securing volunteers. Each Tuesday night from 6 p.m. to 8 p.m. at the Mississippi Bar Center, the JYLA provides attorneys to answer legal questions from the public. At least two lawyers are needed to service the five telephone lines. The action is fast and furious. We are asking for commitments from large and small firms to provide volunteers for a one month stint. Most of the questions are of a "general practice" nature involving contracts, torts, real property and commercial law. Actually, it's a lot of fun and provides a certain amount of sea-

soning for younger lawyers. More importantly, this is a tremendous service to the public.

Please contact John Giddens at 969-1111, or Co-Chairman Philip Hearn at 355-8855 to participate in this important public service.

IOLTA Grant

The HCBA has been awarded a \$5,000 IOLTA Grant to continue the Domestic Pro Bono Mediation Plan. Anyone interested in participating in the Domestic Mediation Plan should contact Phyllis Thornton at 948-4471.

Summer Clerk Luncheon

Once again, we are indebted to Neil Olack for his presentation to the Summer Clerks of local firms in the HCBA's Annual Summer Clerk luncheon. Neil draws from a vast array of sources in presenting an impartial view of the opportunities available to soon-to-be law school graduates. This enables current law students to obtain a realistic appraisal of their job opportunities and prospects. It also provides them with a glimpse of the "business of law" in making their career choices. Make a point to have your Summer Clerks attend this luncheon next year.

Second Evelyn Gandy Lectureship Series Scheduled

In an earlier newsletter, it was reported that the American Bar Association had selected the seminar "You've Come A Long Way, Counselor...Or Have You?" as a model to be presented at the Affiliates Outreach Program National Conference that was held in Portland, Oregon in May. This highly successful seminar which was held on October 1-2, 1993, at Cedar Grove Mansion in Vicksburg was co-sponsored by the Hinds County Bar through its Women in the Profession Committee. This seminar was so successful that it is being planned as an annual event and has been named the Evelyn Gandy Lectureship Series. Ms. Gandy, who has served as Lieutenant Governor of Mississippi, a member of the State Legislature, Assistant Attorney General, State Treasurer, Commissioner of Public Welfare, and Commissioner of Insurance, was the keynote speaker at the 1993 seminar.

This second annual Evelyn Gandy Lectureship Series, entitled "When the



Evelyn Gandy was the speaker at the June Membership Meeting. She is pictured with Richard Roberts, HCBA President (left), and Joe Lotterhos, HCBA Program Chairman.

Rules of the Game Change" will be held on October 7-8, 1994, at Cedar Grove Mansion in Vicksburg, Mississippi. Featured speakers include Judge

William H. Barbour, Jr., Chief Judge, United States District Court, Jackson, Mississippi; Chancellor Roger C. Clapp, Brandon, Mississippi; Judy Perry Martinez, a New Orleans attorney who is on the Commission on Women in the Profession of the American Bar Association; Professor H. Lee Hetherington of the Mississippi College School of Law; Vicky Loflin Gary of Magee, Mississippi; and attorneys Polly J. Covington, Kathryn H. Hester, Sara P. Springer, Jackie Tatum and Ann P. Veazey. There will also be a reception honoring Evelyn Gandy. The reception will be sponsored by Deposit Guaranty Investments, Inc.

The seminar is being co-sponsored by the Hinds County Bar and Mississippi Bar Women in the Profession Committees, the Mississippi Women Lawyers' Association, the Women and the Law Committee of the Mississippi Bar, Young Lawyers Division, and Mississippi College School of Law. The registration fee includes lodging at Cedar Grove Mansion, meals, breaks and a tour of Cedar Grove Mansion. For further information or to receive a registration form, contact William R. Townsend, Assistant Dean at Mississippi College School of Law, (601) 949-5621.

UNTIL NOW, TITLE COMPANIES WERE ABOUT AS EASY TO COMPARE



These days, a lot of title companies claim to be financially sound. But too often, what they promote are isolated ratios and statistics that are not a true measure of financial strength. In fact, they are often misleading.

At Mississippi Valley Title, we saw the need for standardized claims-paying-ability ratings for title insurers. That's why we asked to be rated by Standard & Poor's. We were given an A+ - the highest rating from S&P in the title industry to date - along with our affiliate and co-underwriter, Old Republic National Title Insurance Company, who received an A+ rating for the second year in a row.

Ask another title company for their rating from Standard & Poor's. If they don't have one, ask why, then call Mississippi Valley Title.

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Supreme Court Enacts New Uniform Rules Of Circuit and County Court Practice

by Julie E. Chaffin

On June 16, 1994, the Mississippi Supreme Court granted the petition of the Mississippi Combined Conference of Circuit and County Court Judges for adoption of Uniform Rules of Circuit and County Court Practice which will replace the existing Uniform Criminal Rules of Circuit Court Practice, uniform Circuit Court Rules, Uniform County Court Rules and Uniform Criminal Rules of County Court, effective from and after May 1, 1995. The new rules will be published in forthcoming issues of the advance sheets of the *Southern Reporter, Mississippi Cases*, and in the *Mississippi Rules of Court*. The rules will also be published in the next edition of *Mississippi Lawyer*.

The new rules comprise eighty-two pages and address both civil and criminal proceedings in the circuit and county courts. Particularly significant are the new rules regarding trial briefs and motion practice. Rule 2.05 imposes a 25-page limitation on trial briefs and mandates that attorneys submit copies of *all* authorities cited in briefs to the court. Rule 4.03 substantially revises current state court motion practice. The new procedures are quite similar, however, to those followed in our local district courts. At the time a motion to dismiss or from summary judgment is filed, a memorandum in support must be submitted to the Circuit Judge. Copies of the complaint and answer must also be submitted with such motions. The opposing party has ten days to file its reply and the movant has five days thereafter for rebuttal. The movant must also file with its motion for summary judgment, an itemization of material undisputed facts. With regard to other motions, anytime the movant serves a brief, the respondent has ten days within which to respond. Significantly, the new rules also provide that all dispositive motions are deemed abandoned unless heard at least ten days prior to trial. The onus is placed on the movant to pursue the motion to hearing and

decision by the court.

All orders and judgments presented must be signed by the attorney who presents them, consistent with the practice of most of our local judges. The rule allowing ninety days of discovery from the date of the filing of the answer is continued under the new rules. Additional discovery may, of course, be allowed with leave of court on written motion setting forth good cause. Expert witnesses must be designated at least sixty days prior to trial, or absent special circumstances, their testimony will not be allowed.

The new rules impose the requirement that an attorney filing a motion to compel must certify that he or she has conferred in good faith with opposing counsel and has been unable to resolve the dispute. The motion to compel must quote verbatim the discovery requests, the objection and the grounds therefor, and the reasons supporting the motion to compel.

Rule 4.05 sets forth the procedure for exercising peremptory jury challenges. Rule 3.07 continues the requirement that jury instructions be pre-filed twenty-four hours prior to

trial. Attorneys must select no more than six jury instructions on the substantive law of the case, although the court, for good cause, may allow additional instructions. Instructions will be given before closing argument and may be carried into the jury room when jurors retire to consider their verdict. Exhibits received in evidence, except depositions, may also be taken into the jury room.

Rule 5.03 sets forth the standard of review for appeals from administrative agencies: whether the order or judgment was supported by substantial evidence, was arbitrary or capricious, was beyond the power of the lower authority to make or violated some statutory or constitutional right of the complaining party. Numerous provisions are also included in the new rules regarding appeals from lower courts. Significantly, briefs filed in appeals on the record must conform to the practice in the Mississippi Supreme Court, including from, time of filing and service.

Julie Chaffin is a partner with Alston Rutherford Tardy & Van Slyke.

Law Firm Survey Held

For the eighth year, Grantham, Randall, Muns & Company has conducted the Hinds County Bar Association Law Firm Survey. The confidential survey provides statistical information on the management, administration, marketing efforts, personnel policies, production, and compensation levels of law firms in the Hinds County area. It has become a valuable management tool for those firms which participate, serving as a benchmark for measuring performance and as a source of new ideas.

Firms with five or more attorneys are encouraged to participate and the results are tabulated for large firms (15 or more attorneys) and medium firms (less than 15 attorneys). The survey results are confidential and available only to participating firms for their internal use.

If you would like to participate in future surveys, please contact Stephanie Maddox at our office (969-7164) or Pat Evans at the Hinds County Bar Association (969-6097).

CLE Calendar of Events

August 23

Effective Motion Practice.
Lorman Business Center. Jackson.
715-833-3940

September 13

Mississippi Survey Issues: Recognition and Remediation.
NBI. Jackson. 715-835-7909

September 22

Taxation of Partnerships and Corporations.
MS Assn. of Public Accountants.
Jackson. 800-321-1276

Winning with Computers.

ACLE, Inc. Jackson. 303-466-7971

September 23

Eighth Annual Bankruptcy Law Seminar.
MC School of Law. Jackson
949-5621

September 28

The Employee's Right to Privacy - Is There One.
Lorman Business Center. Jackson.
715-833-3940

September 30

Workers' Compensation for Self-Insureds.
Lorman Business Center. Jackson.
715-833-3940

October 6

Managed Care: Considerations and Suggestions for Providers.
Lorman Business Center. Jackson.
715-833-3940

October 7-8

Second Annual Evelyn Gandy CLE Lectureship Series: When the Rules of the Game Change.
MS College School of Law.
Vicksburg. 949-5621

October 14

Seventh Annual Workers' Compensation Practice & Procedure Seminar.
MC School of Law. Jackson
949-5621

October 28

Medical Malpractice.
MC School of Law. Jackson
949-5621

November 4

Environmental Law Seminar.
MC School of Law. Jackson
949-5621

HCBA Calendar of Events

August 16

HCBA Membership Meeting.
Noon. Capital Club

August 26

HCBA Golf Tournament.
1:30. Deerfield Country Club

September 1

George Street Social.
5:30-7:00. George Street Grocery

October 18

HCBA Membership Meeting.
Noon. Capital Club

December 8

HCBA Christmas Social.
5:30-7:00. MS Bar Center

Bench & Bar News

by Barry H. Powell

Judge Dillard now makes appointments for his *ex parte* morning. Persons without appointments are squeezed in when time is available. Appointments are made by calling Judge Dillard's court reporter prior to his *ex parte* day.

Judge Gibbs is trying to handle as many of his Friday scheduled motions by telephone conference with the parties on the preceding Thursday afternoon. If the parties feel strongly about personally appearing for the hearings, Judge Gibbs will hear them in person on Friday.

Barry Powell is a partner with Alston Rutherford Tardy & Van Slyke.

MISSISSIPPI COLLEGE SCHOOL OF LAW

CLE SCHEDULE

ANNUAL BANKRUPTCY LAW SEMINAR

Friday, September 23 • Ramada Plaza Hotel

Neil Olack, Chairperson

Watkins Ludlam & Stennis

WHEN THE RULES OF THE GAME CHANGE

The Second Annual Evelyn Gandy Lecture

(A seminar especially for women lawyers)

October 7-8 • Cedar Grove Mansion • Vicksburg, MS

ANNUAL WORKERS' COMPENSATION PRACTICE & PROCEDURE SEMINAR

Friday, October 14 • Ramada Plaza Hotel

Hon. Linda Thompson, Chairperson

For Information, Call
Office of Professional Services
(601) 944-1950

Mississippi College Law Library Between Semester Hours

(Effective through August 29)

August 6-7 (Saturday - Sunday)	..... Closed
August 8-12 (Monday - Friday)	..... 7:30 a.m. - 6:00 p.m.
August 13-14 (Saturday - Sunday)	..... Closed
August 15-19 (Monday - Friday)	..... 7:30 a.m. - 6:00 p.m.
August 20-21 (Saturday - Sunday)	..... Closed
August 22-26 (Monday - Friday)	..... 7:30 a.m. - 6:00 p.m.
August 27 (Saturday)	..... 9:00 a.m. - 6:00 p.m.
August 28 (Sunday)	..... 2:00 p.m. - 6:00 p.m.

(Regular library hours will resume on August 29)

Monday - Thursday	..... 7:30 a.m. - Midnight
Friday	..... 7:30 a.m. - 9:00 p.m.
Saturday	..... 9:00 a.m. - 9:00 p.m.
Sunday	..... 1:00 p.m. - 10:00 p.m.

Golf Outing Just for Lawyers

(All Lawyers and Judges in Hinds, Rankin & Madison Are Eligible)

Second Annual HINDS COUNTY BAR ASSOCIATION/ JACKSON YOUNG LAWYERS GOLF TOURNAMENT



Friday, August 26, 1994

Shotgun tee off: 1:30 p.m.

Hamburger Buffet: 12:00 noon

Deerfield Golf Course

All proceeds from the tournament will go to

HCBA/JYL • Habitat for Humanity

(Last year we gave \$2,200 to Habitat!)

4 Person Scramble • Limit 116 Persons

ONLY \$50 (Includes Hamburger Buffet)

Prizes will be awarded

REGISTRATION FORM

Registration Deadline August 20, 1994

Name _____ Your Handicap _____

Team Members _____ Handicap _____

Address _____

Phone _____

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

Send checks payable to: Hinds County Bar Association, c/o Karla Pierce, P.O. Box 24448, Jackson, MS 39225-4448.
For more information call Karla at 969-4700.

Ex Parte

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or not to take the next exit for the pecan roll at Stuckey's or hold out for the Taco Bell at exit 167. I'm telling you, it's really got me steamed.

I know, I know. People argue that advertising by lawyers encourages more litigation. But anyone with any sense knows that this is just as ridiculous as arguing that beer and cigarette ads encourage more drinking and smoking. We should follow the lead of those public spirited beer and tobacco companies, and explain to the critics of lawyer advertising that it doesn't encourage litigation, it simply develops brand loyalty.

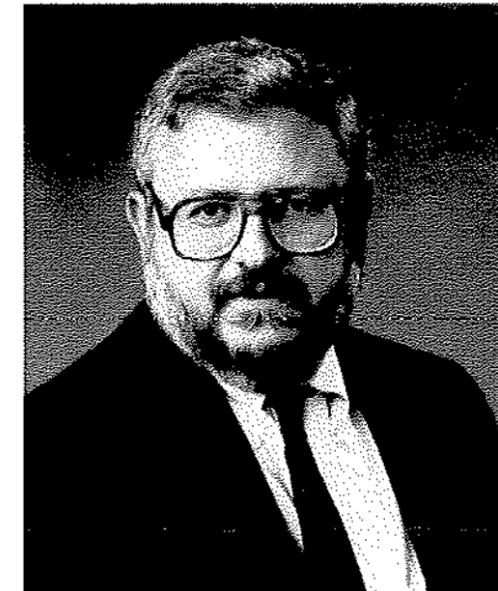
Of course advertising hasn't been completely banned, just emasculated. Jingles, sounds of car crashes, dramatizations, testimonials and celebrity endorsements, those elements that convey the very essence of our noble profession, are now forbidden. I ask you, how is the average consumer supposed to decide if you're a decent lawyer unless you've got a semi-famous quarterback in your ad to describe all the things you know about while he tosses you a football.

I'm sure that these measures weren't intended maliciously, of course. I just hope they will reconsider after they see the negative impact these restrictions will have on the economy. Oh sure, it's inevitable. There are the obvious losses of course, the advertising and media people who lose business. But the effects will be felt elsewhere as well. I mean, when the advertising dries up, the lawsuits slow down, the government needs fewer court clerks, insurance companies need fewer adjusters, orthopedists need fewer stockbrokers, defense lawyers won't be able to afford trophy wives, and lawyers everywhere will become destitute, forced to become wards of the state. Mark my words. If something isn't done soon, we may all have to get real jobs.

First American

Fastest Growing Title Insurance and Abstract Company

Introduces Phillip Poitevin



Dedicated to personal service, accuracy and reliability, First American Title Insurance and Abstract Company's tradition of excellence moves into its second century. We are a part of three hundred offices and four thousand agents in the fifty states, who make First American outstanding...worldwide.

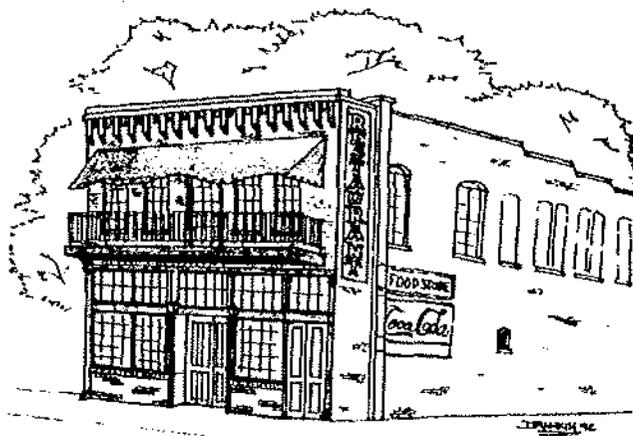
In Mississippi, State Manager **Phillip Poitevin** provides local know-how, vital experience, and an assurance of trust. An attorney with fourteen years legal experience in the title insurance business, Poitevin, has a keen understanding of your title insurance needs.



**First American Title Insurance Company
First American Abstract Company**

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SERVING TITLE INSURANCE AND ABSTRACT NEEDS THROUGHOUT THE UNITED STATES



Join the Hinds County Bar Association
 for an After Hours Social at
 George Street Grocery
 Thursday, September 1, 1994
 5:30 - 7:00 p.m.

Open Bar • Hors D'oeuvres • Spouses Invited

Please mark your calendar as individual invitations will not be mailed.

□ HINDS COUNTY BAR ASSOCIATION □

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Correspondence regarding the newsletter should be directed to: Editor, 151 E. Griffith St., Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 969-6097.

Hinds County Bar Association, Inc.

151 E. Griffith Street
 Jackson, MS 39201

FIRST CLASS

**IMPORTANT
 HCBA Luncheon Meeting
 12 Noon, August 16**

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

DECEMBER 1994



President's Column

Richard C. Roberts III

The Hinds County Circuit Court Judges will conduct an afternoon Circuit Court Practice Forum with a question and answer session on Thursday, January 19, 1995, in Judge Coleman's courtroom at the Circuit Courthouse. We hope that this will become an annual or perhaps semi-annual event in which the judges present to the local bar members a "State of the Court" presentation, along with an opportunity for lawyers to have their circuit court practice questions addressed directly by the judiciary.

The program will begin at 1:30 p.m., and will last for approximately two hours. If you have questions about circuit court practice, please reduce them to writing and mail to: Jeffrey P. Reynolds, Chairman, Bench & Bar Relations Committee, P.O. Box 23040, Jackson, Mississippi 39225-3040. Questions will be presented anonymously to the Court.

A number of questions have already been formulated by members of the Bench & Bar Relations Committee, such as:

- Whether requests for admissions must be filed within the discovery period, or whether they can be propounded at any time before trial.
- Whether an out-of-town or out-of-state plaintiff can routinely be required to appear in Hinds County to be deposed.
- Whether an out-of-town or out-of-state defendant can routinely be

required to appear in Hinds County to be deposed if a counter-claim has been filed, or, if a counter-claim has not been filed.

- Whether an interrogatory which requests (1) all facts, (2) all documents, (3) all evidence which (a) "supports, refutes, or relates to" a claim or defense, or, (b) which "discuss, refer or relate to" a claim or defense, is proper.
- Whether witness statements are routinely discoverable if (a) taken by the defendant prior to receipt of a demand letter, or (b) taken by the plaintiff prior to receipt of a demand letter.

We will not be asking the judges to give advisory rulings; however, if the Bar is made aware of the usual rulings in routine situations, then the Court's time and the lawyers' time can be saved on such routine matters.

In this same vein, the Hinds County Chancery Court Judges will be speaking at our next membership meeting on February 21, 1995. This program will follow the same forum of the October membership meeting when the Circuit Judges were our speakers.

Investiture Ceremony

The investiture ceremony for newly elected Hinds County Chancery Court Judge William H. Singletary and newly elected Hinds County Court Judge William R. Barnett will be held on Thursday, January 3, 1995, at the Circuit Courthouse in Jackson. The ceremonies will begin at 9:00 a.m. and should conclude before 10:00 a.m. The Hinds County Bar Association will provide refreshments after the ceremonies.

Membership Services

In an ongoing effort to provide increased services and benefits for our members, the HCBA Board of Directors has endorsed the Paul Revere Company for the purpose of providing individual non-cancelable disability insurance to members of the Hinds County Bar Association. As a result, HCBA members will receive a "members only" premium discount of 15% (23.5% with proper income documentation). There are also special features for female attorneys who normally are required to pay much higher rates. We
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People's Law School Plans Announced

Plans for the fifth People's Law School sponsored by the Hinds County Bar Association are underway. The dates will be March 21 and 28 and April 4 and 11.

The topics will include Wills and Estates, Employment Issues, Domestic Relations (including adoption and child custody), and Crime and Access to Local Government.

The programs (two hours each) are open to the public. The costs will be \$15 for all four sessions and \$5 per individual session. Mississippi College

School of Law will again provide the classroom facilities and *The Clarion-Ledger* will assist with publicity.

The People's Law School Committee is chaired by Rebecca Lee Wiggs. Committee members are Patricia W. Bennett; M. J. Bobinger, III; Ottawa E. Carter, Jr.; Peter L. Doran; Crane D. Kipp; John C. Henegan; Dan Jordan; Mitzi Dease Paige; George R. Thomas; Donna Wright; William R. Wright; and Marcus M. Wilson.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

There will not be a HCBA Luncheon Meeting in December.

The next meeting will be February 21, 1995.

Judge William F. Coleman

by Vaughn Davis, Jr.

Honorable William F. Coleman is the Senior Circuit Court Judge of the Seventh Circuit Court District, encompassing Hinds and Yazoo Counties. Judge Coleman was born in West Point, Mississippi, where he finished high school. He then attended Millsaps College and Mississippi State University. He graduated from the University of Mississippi Law School in 1952 where he was a member of the law journal and was chairman of the Moot Court Board.

After graduating from law school, Judge Coleman joined the United States Army JAG Corps. He retired from the military after serving 33 years (active and reserved duty) and achieving the rank of colonel. While serving in the United States Army, he attended and graduated from the military judges school located at the University of Virginia.

After completing his active duty in 1959, Judge Coleman began practicing law in Jackson with the law firm of Crisler, Crisler & Bowling where he soon became a junior partner. He continued in private practice until October, 1976, when he was appointed to the Circuit Court bench by then governor Cliff Finch. Governor Finch had apparently been impressed by Judge Coleman's legal abilities since he had associated him to work on many appeals.

He assumed the role of Senior Judge in March, 1978. One of the duties of the Senior Judge is to assign cases. Judge Coleman immediately assigned the entire criminal docket to himself. He continued to take responsibility for the criminal docket through 1987. In 1988 he divided responsibility for hearing criminal cases between himself and one other judge. Presently, the criminal docket, as well as the civil docket, is equally divided between all four judges.

Upon becoming Senior Judge, one of the first changes which he made was to the method by which guilty pleas were entered in criminal cases. Previously an unsworn petition to enter a guilty plea was signed by a defendant, no court reporter was present at guilty pleas, and no recording was made of the proceedings. Judge Coleman implemented a procedure which required a detailed sworn petition to be signed by each criminal

defendant as well as their lawyer. He insisted that these changes be made to ensure that defense attorneys fully advised their clients of all of their rights prior to entering a guilty plea. The detailed petition provided a sworn written certification that this had been done. This aided many young lawyers who were entering the practice of criminal defense law. Judge Coleman further required court reporters to make a full record of all of the proceedings at guilty pleas.

Judge Coleman has been on the bench during a period of great change to the Circuit Court. When he initially assumed responsibility for the criminal docket, approximately five hundred indictments were returned annually by the Hinds County Grand Jury. This figure jumped to approximately 1500 in 1982 and 1983. There are presently 2500 to 2600 indictments returned annually which are equally divided between the four Circuit judges.

During his tenure, Judge Coleman has overseen the computerization of the Circuit Court records. This has allowed the Court to become more efficient in maintaining equal work loads between the judges and tracking the activities of all of judges and open files pending before the Court.

Judge Coleman has observed a dramatic change in the most common type of civil case filed during his tenure. When he initially took the bench, most civil cases which he saw were automobile accident cases. He believes that more cases today arise from an allegation of professional malpractice or products liability.

During his term on the bench he has observed the implementation of the Mississippi Rules of Civil Procedure. He believes that the most dramatic impact of these rules is the method and manner by which discovery is conducted. He views these rules as being easily subject to abuse by attorneys.

He believes that the Circuit Court of Hinds County to be the busiest in the state. He believes this based on several factors. First, there is the obvious concentration of population in the greater Jackson area. Second, since Jackson is the seat of state government, many actions were filed here by and against governmental agencies. Finally, most of the large medical facilities are

located here. This allows many cases involving alleged medical malpractice to be filed here.

Judge Coleman has overseen the implementation of a public defender program in Circuit Court. Prior to the implementation of this program indigent defendants were represented by a group of attorneys who voluntarily accepted court appointments. Approximately three years ago a full-time public defenders office was created. Judge Coleman believes this to be one of the most significant improvements in the criminal system. From his perspective the public defender program has improved the overall efficiency of the court. It has also increased the amount of cooperation between the State and the defense.

During this tenure the makeup of juries in his court has changed dramatically. Juries have become much more representative of the general population of this area in terms of gender and race.

Judge Coleman has always been extremely active as a trial judge and cites his busiest year as 1980. During that year, he presided over 121 trials including 11 capital murder cases in which seven death penalties were returned. In 1992 he divided all new cases, both civil and criminal, equally between the four judges, he did not reassign responsibility for any of the criminal case which he already had on his docket.

Although the number of trials over which he presides has now decreased to approximately 50 per year, the length of the average trial has significantly increased. When he assumed responsibility for the criminal docket a capital murder case rarely, if ever, took more than one week to try. The trial of many felony cases required only one day. Presently, it takes as long one week to seat a jury in a capital case. There has been a similar increase in the time required to handle civil litigation. Although the number of trials has decreased, the amount of time devoted to each trial has increased.

Like many other judges, Judge Coleman finds it most irritating when a member of the bar appears unprepared. He also observes that attorneys sometimes tend to forget the multi-faceted

...continued on page 3

Soul of the Law Discussion Group To Begin

• Just what is this profession that we have gotten ourselves into?

• Why do lawyers congregate and talk shop at parties?

• What is it about practicing law that makes us different - that sets us apart from our former college classmates, from the business people and workers that we represent, from our spouses, our children, or non-lawyer friends?

• How has the law changed us since we started practicing?

• What are society's expectations of our profession?

• Has the practice of law changed for the worse in the last ten years?

• Why do so many lawyers quit practicing law?

• Why am I practicing law?

Sooner or later, every attorney comes face to face with these questions and the answers he or she gives will determine the future course of his or her practice.

If you are seriously asking yourself these questions, plan to join us at lunch each Wednesday beginning on January 11th for a series of discussion on *The Soul of the Law*, inspired by a new book by Benjamin Sills with the same

title. Although we believe that you would find reading the book to be interesting and informative, you may participate without doing the reading.

Galloway United Methodist Church is kindly allowing us to use its buffet lunch facilities and Conference Room II. Plan to arrive by 11:45 to pick up your lunch; we will finish by 1:00. Tom Lowe, attorney, musician, computer programmer, an amateur philosopher, will moderate the series. Your interests will determine the form and content of future series.

Betty Daugherty at the Mississippi Bar is coordinating book orders and lunch reservations. To participate, call her (948-4471) before January 4th. The only charge is the cost of lunch (\$3.00) and the book (\$22.95) if you choose to purchase one.

The project is co-sponsored by The Mississippi Bar Women in the Profession Committee and Lawyers and Judges Assistance Committee, the Hinds County Bar Women in the Profession Committee, the Mississippi Women Lawyers Association, and the YLD Women and the Law Committee.

President's Column

(continued from page 1)

have done a significant amount of investigation and analysis regarding disability insurance packages, and believe that the Paul Revere Group offers the best package for our members. We have been working with Jon Wimbish and Jonathan Smith, two local independent insurance specialists from different agencies, in evaluating the available products. We appreciate the work they have done on this project, and look forward to working with them in providing these benefits to our members.

The HCBA Board has also finalized a membership arrangement with the Jackson VA Federal Credit Union. HCBA members are now eligible for the numerous financial services offered by this organization. Please refer to the display ad in this newsletter for additional information on the services available through the Credit Union.

Pictorial Directory

Mark your calendars now for the

photography sessions for our 1995 Pictorial Directory. Pictures of HCBA members will be taken from January 23 through January 27, 1995, and from January 30 through February 3, 1995, at the Mississippi Bar Center on North State Street. The hours will be 8:30-5:30 on Monday, Wednesday and Friday, and 8:30-6:30 on Tuesday and Thursday. There will be an \$18.00 charge for each member to cover the costs of the Directory. This is the same charge that was made for our 1990 Directory. Over 700 members were pictured in our last Directory. We hope to have 1,000 members pictured in our new Directory. The Directory will contain additional useful information, such as firm affiliation, mailing address, telephone numbers and fax numbers. Only members of the HCBA will appear in the Directory.

It may be another five years before the next Directory is compiled, so don't miss the opportunity to be included in this one.

Judge Coleman

(continued from page 2)

nature of courtroom practice. He views a trial lawyer as addressing the court, the jury, and the record. He says that attorneys need to be ever mindful of maintaining some balance so that their courtroom presentation can be most persuasive. He sometimes sees an advocate forget one of the entities which he must address.

Judge Coleman states that the most unpleasant task a judge must perform is to chastise members of the bar and render punishment and reprimands. In doing this, as well as his other duties, he is ever mindful of maintaining a good judicial temperament.

Judge Coleman presently maintains approximately 500 criminal cases on his active docket. Of these, approximately one-fourth are bad check cases which are being maintained as open files while restitution is being collected. He also is responsible for one-fourth of all of the civil cases which are filed. He does not find the present work load to be excessive, but says it is certainly adequate to require all of his energy. He takes great pride in and enjoys his work. He derives a great sense of personal fulfillment from serving as a trial judge and hopes to continue on the trial bench. In November, 1994, he was re-elected to a four-year term.

Vaughn Davis, Jr. is a member of the Bench & Bar Committee and a partner with the firm of Davis, Furby & Rogers.

NOTICE

Panel Discussion

Hinds County Circuit Judges

The Circuit Judges of Hinds County will appear for a panel discussion Thursday, January 19, 1995, at 1:30 p.m. in the Hinds County Courthouse, Second Floor, East End, Courtroom No. 1

Questions or suggestions should be submitted in writing to the Bench & Bar Relations Committee Jeff Reynolds, P.O. Box 23040, Jackson, MS 39225-3040 no later than January 12, 1995

CLE Calendar of Events

January 12
Bankruptcy Reform.
 UM-CLE. 601-232-7282

Advanced Workers' Compensation in MS. NBI. 715-835-7909

January 19
Underfunded Pension Plans.
 UM-CLE. 601-232-7282

January 20
Social Security Disability.
 UM-CLE. 601-232-7282

Domestic Relations.
 MS Trial Lawyers Association.
 601-948-8631

Civil Trial Procedures in Mississippi. NBI. 715-835-7909

January 26
Mid-Winter MS Municipal Law Seminar. UM-CLE. 601-232-7282

January 31
New Developments in Federal Civil Procedure. UM-CLE. 601-232-7282

February 3
Workers' Comp.
 MS Trial Lawyers Association.
 601-948-8631

February 9
Choice of Business Entity.
 UM-CLE. 601-232-7282

February 16
Implementing the Clean Air Act.
 UM-CLE. 601-232-7282

HCBA Calendar of Events

January 5
George Street Social.
 5:30-7:00

February 21
HCBA Membership Meeting.
 Noon. Capital Club

February 23
HCBA CLE 1-Hour Ethics.
 11:45-12:45. MC School of Law

March 2
George Street Social.
 5:30-7:00

March 21 & 28
People's Law School.
 7:00-9:00. MC School of Law

April 4 & 11
People's Law School.
 7:00-9:00. MC School of Law

April 18
HCBA Membership Meeting.
 Noon. Capital Club

Mississippi College Libraries to Automate

Over the Christmas break, the Mississippi College School of Law Library and the Leland Speed Library in Clinton will begin the process of moving away from their traditional card catalogs to an integrated, online

automated system. The system, Innovative Interfaces, is the best and most popular in the nation. It will be known as "MICAL" which stands for Mississippi College Automated Libraries.

The automation process begins in January of 1995. The Law Library will be closed mornings from the 3rd of January through the 13th so that all materials can be barcoded. During this time period, the Law Library will open at 1 p.m. and close at 5 p.m. The Online Public Catalog (OPAC), the Circulation, and Cataloging modules should be ready for patron use by mid-March.

"MICAL" will allow patrons to access the card catalogs of both the MC Law Library and main library in Clinton from their personal computers at home or at their office. The long-term benefits of the new automated system will far outweigh any temporary problems, so please bear with us during the implementation phase of the project.



The Hinds County Circuit Judges Robert L. Gibbs, James E. Graves, Jr., L. Breland Hilburn and William F. Coleman spoke at the October Membership Meeting. They are pictured with HCBA President Richard C. Roberts, III.

MISSISSIPPI COLLEGE SCHOOL OF LAW

CONTINUING LEGAL EDUCATION SCHEDULE

Current Issues in Employment Law
 Co-sponsored by the Labor & Employment Section of the Mississippi Bar
 Friday, February 10, 1995
 Ramada Plaza Hotel
 6 hours CLE

Annual Business Law Seminar
 Co-sponsored by the Business Law Section of the Mississippi Bar
 Friday, March 24, 1995
 Ramada Plaza Hotel
 6 hours CLE

Back issues of all seminar manuals are available by calling the CLE Office

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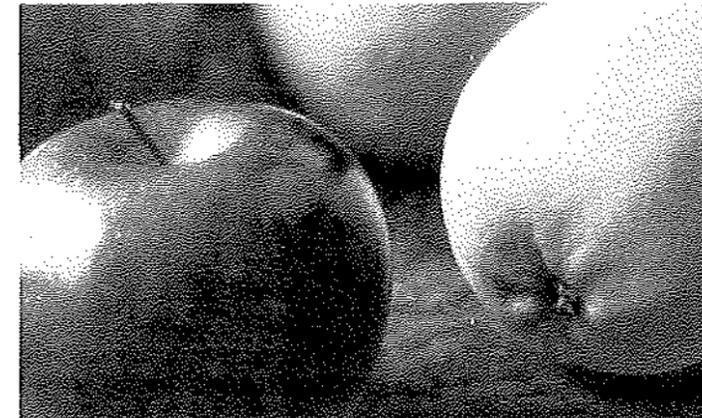
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July Bar Exam Results

The Mississippi Board of Bar Admissions has announced the results of the Mississippi Bar Examination administered on July 25-27, 1994. One hundred thirty-six applicants achieved passing results on the July Bar Examination. This included 135 examinees applying for initial admission plus one attorney from another state seeding reciprocal admission.

The passage rate for first-time takers was 67.6%. One hundred twenty-seven of the 172 persons taking the examination for the first time were suc-

cessful. In comparison, the passage rate for applicants who had previously failed the exam on one or more occasions was 28.6%. One of two applicants on the examination for attorneys previously admitted in other states achieved a passing result; a passage rate of 50% on that examination.

These percentages compare with the results of previous examinations as follows:

February, 1994.....	77.6%
July, 1993.....	76.0%
February, 1993.....	50.0%

July, 1992.....	67.9%
February, 1991.....	63.2%
July, 1991.....	79.4%

The Mississippi Bar Examination is administered by the Mississippi Board of Bar Admissions, a nine member Board appointed by the members of the Mississippi Supreme Court. Admission procedures are specified in Rules adopted by the Mississippi Supreme Court. All persons seeking admission to practice law in Mississippi must take and pass a written examination administered by the Board. The examination for initial admission in Mississippi presently consists of two days of essay examinations and the one-day Multistate Bar Examination, which is administered simultaneously in 46 states. Attorneys from other states eligible for reciprocal admission must take a one or two day essay examination on subjects relevant to practice in Mississippi.

Mississippi College Law Library Hours for Christmas Break

December 24 - January 2.....	CLOSED
January 3-6, Tuesday-Friday.....	1:00 p.m. - 5:00 p.m.
January 7-8, Saturday-Sunday.....	CLOSED
January 9-13, Monday-Friday.....	1:00 p.m. - 5:00 p.m.
January 14-15, Saturday-Sunday.....	CLOSED
January 16, Monday.....	Regular schedule resumes

HCBA Members Get A New Financial Edge

HCBA members can now take advantage of the wide range of financial products and services offered by Jackson VA Federal Credit Union. And, because we're a not-for-profit organization, our members have always had the financial edge with services such as:

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HCBA Nominations Announced for '95-'96

Richard Montague, chairman of the HCBA Nominations Committee, announces the following candidates for office for the coming year.

Secretary-Treasurer
John C. Henegan
John M. McCullough

Director - Post 1
Alveno Castilla
Dorian E. Turner

Director - Post 2
Peter L. Doran
Albert D. Malone

The Association's bylaws provide that any other member of the HCBA may be nominated by petition signed by not fewer than 20 members in good standing and filed with the secretary-treasurer on or before January 15.

A ballot and biographical sketch of each nominee will be mailed to each member in good standing during the month of February. To be counted, ballots must be returned to the Association and received not later than February 15. The results of the voting will be announced at the membership meeting on February 21.

For further information please call Pat Evans at 969-6097.

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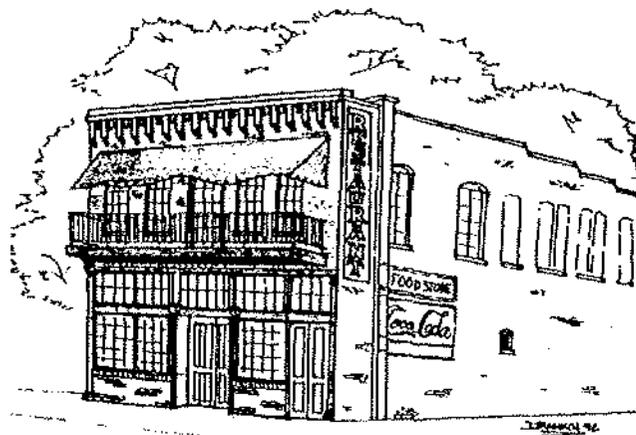
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Join the Hinds County Bar Association
for an After Hours Social at
George Street Grocery
Thursday, January 5, 1995
5:30 - 7:00 p.m.

Open Bar • Hors D'oeuvres • Spouses Invited
Please mark your calendar as individual invitations will not be mailed.

□ HINDS COUNTY BAR ASSOCIATION □

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Correspondence regarding the newsletter should be directed to: Editor, 151 E. Griffith St., Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 969-6097.

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

FIRST CLASS

IMPORTANT
There will not be a HCBA
Luncheon Meeting in December.
The next meeting will be
February 21, 1995.

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

FEBRUARY 1994



President's Column

Ben J. Piazza, Jr.

In the center of this issue you will find the HCBA Membership Survey prepared by our Membership Services Committee, chaired by Tommy Furby. Please take a minute or two to complete the Survey and mail it back to us in the envelope provided herein. We want your input concerning a number of important proposals affecting the future of the HCBA.

The size of the HCBA Board of Directors has not changed in several years although our membership has increased significantly. In order to encourage more participation and diversity on the Board we are considering increasing its size by adding at least two more Director positions. We also wish to strengthen our ties and relationship with the Jackson Young Lawyers Association. According to our bylaws, the immediate past president of JYL, currently Binford Williams, serves as a voting member of the Board. Ben has suggested that it might be more appropriate to have the current JYL president serving on the Board. It might be better still to also make the JYL president-elect a member. It has also been suggested that we include representation from special interest bar associations such as the Women Lawyers Association, the Magnolia Bar or the Federal Bar Association.

The Survey also asks for your opinion on possibly changing the HCBA name to more accurately reflect our current membership. In recent years, more and more of our members live outside of Hinds County but still main-

tain their practice in Jackson. A number of Hinds County lawyers also have extensive practices in surrounding counties, while many Rankin and Madison County lawyers with substantial practices in Hinds County have joined the HCBA.

Two years ago the HCBA increased annual dues from \$35 to \$50. This fee level adequately funds the current programs and activities of the Association. However, it does not take into account the basic economics of law practice. Generally, the longer one is in practice the higher is one's income. This is particularly true for the younger lawyers who have just passed the bar. In order to encourage HCBA membership among these younger lawyers, we are

considering instituting a variable fee structure, with a first year fee waiver.

The Membership Services Committee has also come up with a number of suggested services that the HCBA might sponsor or consider offering if they would be of assistance to our members. Please give us the benefit of your opinions on these and the other issues in the Membership Survey.

Start Up of Homeless Clinic

The Legal Problems of the Homeless Committee, chaired for the HCBA by Mike MacInnis and for JYL by Frances Corley, will hold its first monthly Homeless Legal Clinic on

...continued on page 2

Habitat Contribution



The Hinds County Bar Association and Jackson Young Lawyers Association recently contributed the proceeds, \$2200, from the jointly held Golf Tournament to Habitat for Humanity. Presenting the check to Frank Mullett of Habitat (center) were Kenneth Griffis, JYL President (left), and Ben Piazza, HCBA President (right).

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

February 15, 1994

12 Noon

\$9.00

Capital City Petroleum Club

The speaker will be James L. Roberts, Jr., Mississippi Supreme Court Justice.

CLE Calendar of Events

February 23
Collection Law in Mississippi.
 Lorman Business Center, Jackson.
 715-833-3940

February 25
Update on the Law Seminar (Chancery/Circuit/Federal).
 MS Trial Lawyers Association.
 Jackson. 948-8631

March 4-5
Mid-Year Meeting.
 MS Bar, Biloxi. 948-4471

March 4
Workers' Compensation.
 Lorman Business Center, Jackson.
 715-833-3940

March 16
Summary of Recent Mississippi Law.
 Abbott & Weems, Jackson.
 1-232-7361

March 24
Business Law Seminar.
 MC School of Law, Jackson.
 949-5621

March 25
Products Liability Seminar.
 MS Trial Lawyers Association.
 Jackson. 948-8631

April 8
Strategies in Handling DUI Cases.
 Lorman Business Center, Jackson.
 715-833-3940

May 6
Federal Practice Seminar.
 Federal Bar, Jackson. 949-4554

May 6
Real Estate Law.
 MC School of Law, Jackson.
 944-1950

HCBA Calendar of Events

February 15
HCBA Membership Meeting.
 Noon. Capital City Petroleum Club

March 3
HCBA Social.
 5:30-7:00. George Street Grocery

March 22 & 29
People's Law School.
 7:00-9:00. MC School of Law

April 5 & 12
People's Law School.
 7:00-9:00. MC School of Law

April 19
HCBA Membership Meeting.
 Noon. Capital City Petroleum Club

May 5
HCBA/JYL Law Week Dinner.
 6:30. Primos Northgate

President...

(continued from page 1)

February 24, 1994. Thereafter, the clinic will be held the fourth Thursday of every month. With the help of Phyllis Thornton, Director of the Mississippi Pro Bono Project, the HCBA and JYL jointly sponsored a CLE program in December to provide training for the attorneys who have agreed to participate in the Homeless Legal Clinic. Two to three attorneys will provide one to two hours per attorney during the day at the Stewpot headquarters on West Capital Street. If you are interested in volunteering, please contact Phyllis at the MPBP, 948-4471.

Law Week Dinner

Please mark your calendars for Thursday, May 5, 1994, for the first annual (hopefully) HCBA/JYL Law Week Dinner. The event is being held during Law Week to honor the judiciary in the metro Jackson area. The HCBA/JYL will be recognizing outstanding members of our Association for their efforts on behalf of the bar and our community at large. Frank W. Hunger, assistant attorney general of the United States, will be the speaker.

W. O. "Chet" Dillard

by Barry H. Powell

Hinds County Chancellor W. O. "Chet" Dillard has had a varied legal career. A Jones County native, he has been a practicing attorney, a city prosecutor, district attorney, State Commissioner of Public Safety, Assistant Attorney General, and now Chancellor. Judge Dillard began his service as a Chancellor on January 1, 1988, having been appointed by Governor Bill Allain.

One of the aspects of being a chancellor that interests him most, says Judge Dillard, is the uniqueness of every situation that comes before him. No matter how similar two cases may appear at first glance, no two cases are the same when a judge starts applying equitable principles. The most difficult cases he handles, says Judge Dillard, are child abuse, molestation, and neglect cases. It is a great burden to decide what is in the best interest of a child.

During his tenure, Judge Dillard has handled a large number of high profile cases. He has ordered the release to the media of a video tape of the beating of a prisoner at the Jackson City Jail. He has ruled that meetings of the Jackson Library Board are subject to the Open Meetings Act. He has shut-down BINGO as an illegal lottery. He has struck down the city ordinance banning topless dancing as being unconstitutional gender-based discrimination. He has upheld the use of the Mississippi state flag.

He has ruled that the provision in the Mississippi State Constitution prohibiting payment of state bonds issued in 1841 is unconstitutional, but that a suit to collect on the bonds is barred by the statute of limitations. Recently, he ruled that the Governor cannot exercise a line item veto on an act for the issuance of state bonds. He has handled the proceedings concerning Dr. Lewis Nobles, former President of Mississippi College. (Judge Dillard's first hearing in this case was an emergency hearing held in the den of his home in Clinton on a Saturday morning.)

Recently, Judge Dillard conducted a rare chancery court jury trial involving three young women in their late teens

suing for damages for sexual molestation that occurred when they were ten to twelve years old. The case involved eleven lawyers and took nineteen trial days and approximately that many more days in motions. The jury returned a non-unanimous verdict in favor of the defendants. Based on the evidence and what he felt to be confusing instructions to the jury, Judge Dillard set the jury verdict aside and awarded some \$800,000 in damages against the two defendants.

The most far-reaching case pending before Judge Dillard right now involves an attack by eight counties on the state aid road formula. The case involves millions of dollars and affects all eighty-two counties with respect to money counties receive from the State with which to construct and maintain roads.

When asked why he seemed to get so many controversial, high-profile cases, Judge Dillard told the story of the owner advertising for his lost dog. "Lost: Dog with one ear, one eye, crippled left hind leg, deep scar over right flank. Answers to the name 'Lucky.'"

Asked for suggestions for lawyers practicing before him, Judge Dillard emphasized that lawyers should not belabor their cases. "When you show what you need to show on a particular point, check off that point and move on." Judge Dillard also observed that most lawyers tend to cross-examine too long and to the detriment of their case by simply rehashing the direct examination. He believes this is particularly true with experts; the cross-examiner should not want to simply emphasize the expert's direct testimony.

Judge Dillard also pointed out that trial judges much prefer that lawyers not automatically launch into extensive arguments in support of their objections to testimony or evidence. Lawyers should simply state their objection and the reason for it, e.g., "Objection, hearsay." If the trial judge wants argument, the judge will request it. Otherwise, lawyers should not consume a lot of trial time by needlessly arguing objections.

Judge Dillard is the author of a

recently published book, *Clear Burning: Civil Rights - Civil Wrongs*. He describes writing this book as a "unique experience." The book arose out of Judge Dillard's experiences as district attorney in Jones County during the civil rights era. People kept asking him questions about what happened and his experiences. It took three years to write the book. Judge Dillard said that he was just trying to describe what happened and let the reader decide what were "rights" and what were "wrongs." The book is available at most local bookstores. Judge Dillard will be glad to autograph any copies.

Barry Powell is Chairman of the HCBA Bench and Bar Committee and is a partner with Alston Rutherford Tardy & Van Slyke.

People's Law School

Session 1 • March 22
Mississippi College School of Law

- **Overview to the Legal System**
 Judge Robert L. Gibbs
 Judge Denise Sweet-Owens
- **Finding the Right Lawyer**
 W. Scott Welch
 Mike Martz

Session 2 • March 29
Mississippi College School of Law

ADA/EMPLOYMENT RIGHTS SEMINAR

- **Title VII**
 Charlene Priester
- **Sex Harassment/Age Discrimination Act**
 Lindsey Patterson
- **Employment at Will, MESC**
 John Jones
- **ADA/Family Leave**
 Jeffrey A. Walker
- **The EEOC**
 Mildred Stuckey

Classes: 7:00-9:00 p.m. • Four session \$15 or \$5 per session
 For additional information: 969-6097

Session 3 • April 5
Mississippi College School of Law

DOMESTIC RELATIONS AND INSURANCE

- **Domestic Relations**
 Mark Chinn and William Wright
- **Insurance for the Home**
 Mary Login, John Land McDavid and John Walker
- **Health Insurance**
 Mel Priester and Helen Wetherbee

Session 4 • April 12
Mississippi College School of Law

WILLS & ESTATES AND REAL ESTATE LAW

- **Wills & Estates**
 Leonard D. Van Slyke, Jr.
- **Real Estate Law**
 H. Farriss Crisler, III

MISSISSIPPI COLLEGE SCHOOL OF LAW

CLE SCHEDULE

LIMITED LIABILITY COMPANIES IN MISSISSIPPI

March 24, 1994

Ramada Plaza Hotel

Chairman: Daniel G. Hise

Butler, Snow, O'Mara,

Stevens & Cannada

6 hours

INTERPERSONAL FACTORS IN THE COURTROOM

April 8, 1994

Primos Northgate

Chairman: Allan Campo

Allan Campo & Associates

3 hours

REAL ESTATE LAW

May 6, 1994

Ramada Coliseum

Chairman: Vernon H. Chadwick

6 hours

For Information

(601) 944-1950

Mediation: Another Tool for the Competent Lawyer

by Mike Maloney

Alternative Dispute Resolution, or ADR, encompasses a wide range of methods from adjudication and arbitration to mediation and summary jury trials. Currently, at least ten forms of ADR are being explored in the federal courts. ADR is challenging the traditional adversarial system and the way lawyers have functioned and will function in the future.

With the creation of the Mississippi Center for Dispute Resolution much interest is now being focused on one ADR option, mediation. Mediation employs a neutral party, often an attorney, to help parties negotiate a solution to their dispute. Domestic mediation is already operating in Rankin and Lauderdale Counties. Pilot mediation programs are pending in Hinds County to educate the parties to the uses and advantages of mediated settlements. The federal courts are vigorously studying ADR alternatives to comply with the Civil Justice Reform Act of 1990. In this Act, Congress encouraged all federal courts to enact some ADR program or policy to help reduce civil case backlog and delay.

Not only is the judicial system rapidly moving in this direction, but increasingly top U.S. corporations are now engaging in non-litigious forms of dispute resolution. In a recent survey of the legal departments of "Fortune 1000" companies, 72% reported at least some experience with ADR, and 14% were considered extensive users. Mediation was the most preferred form of dispute resolution. Time and cost savings (up to 50%) were far ahead of all other categories as to why companies preferred ADR over litigation. In the future, 83% of all company counsels indicated they anticipated more use of ADR.

Additionally, a 1992 Harris Executive Poll further emphasized the dissatisfaction with the contentious nature and cost of traditional litigation. Top executives surveyed felt that the cost and fear of law suits were hampering their businesses and the entire United States economy. Of those polled, 97%

avored greater use of ADR as a possible reform. The company heads stated that settlement in this fashion, as opposed to litigation, enabled the company to retain a good relationship with workers, customers, the government and others with whom it had a dispute.

For all of the above mentioned reasons, mediation lends itself even more to domestic than commercial disputes. When opposing interests have continuing relationships, mediation permits flexible settlement options; allows parties to be heard; involves the clients in the resolution process; and may enable the parties to avoid future confrontations. Generally, when a domestic dispute reaches the courthouse there are very few winners.

If lawyers are primarily trained to be "problem solvers", why shouldn't mediation be another tool for the competent lawyer. Those who insist on keeping their clients on the litigation track may become marginal as the marketplace dictates other solutions. More enlightened attorneys will realize they can attract and maintain clients by showing more concern for the cost of litigation, providing options to trial and placing clients interests ahead of their

legal position.

There is a feeling among some that mediation is not lawyering but rather is giving up a client and case to someone else. Lawyers fear they will "lose control" if a case is not taken to trial. Actually, a mediated settlement requires an agreement on both sides, while a judge and jury may be far less predictable. Again, the competent lawyer, with multiple tools, will recognize which clients and cases are best suited for mediation.

The Mississippi Bar has spent thousands of advertising dollars to show the public how valuable lawyers are to our society, and this is commendable. Still, too many in our profession are viewed as mercenaries who look first at the value of the case before the interest of the client. Non-lawyers see mediation as a more civilized form of problem solving for many disputes. The attorney who is versed in a variety of remedies, with litigation as a last resort, will do as much as anything to promote the standing of our profession.

Mike Maloney is an Assistant Dean at Mississippi College School of Law and a Certified Commercial Mediator.

Habitat for Humanity Needs You!

by Terry S. Williamson

Habitat for Humanity is getting ready to kick off another round of construction, this time on Millsaps Avenue, beginning in March. While Habitat will be bringing in groups of college students to work during the week. Habitat needs our help working on Saturdays throughout the month of March. Please contact Terry Williamson at 948-6882 if you are interested in participating through the Hinds County Bar Association on a team during the month of March. We will need between ten and fifteen volunteers for at least one of the Saturdays in March in order to fill out a team. Please let your office staff know

about this opportunity also.

In addition to the need for work teams in March, there may also be an opportunity to work on February 12, 19 or 26, 1994. If you are interested in working one of these weekends in February, please contact Terry Williamson immediately. We will need to let Habitat know as soon as possible that there is a Hinds County Bar Association team available to work.

Terry Williamson is Chairman of the HCBA Habitat for Humanity Committee and is an associate with Alston Rutherford Tardy & Van Slyke.

HINDS COUNTY BAR ASSOCIATION Membership Survey

Please Return by February 25, 1994

INSTRUCTIONS: For each question, fill in the blank or circle the number of the appropriate response.

DEMOGRAPHICS

1. What is your sex?
1. Male 2. Female
2. What is your age? _____
3. What is your race?
1. White 2. Black 3. Other
4. In what year admitted to bar? _____
5. What type of employment
1. Private practice
2. In-house counsel
3. Government
4. Public interest
5. Judicial
6. Other
6. What is your position?
1. Sole practitioner
2. Partner/Shareholder
3. Staff Attorney
4. Manager Legal Department
5. Salaried Associate
6. Other
7. What is size of your firm/legal department?
1. Sole practitioner
2. 2-5 attorneys
3. 6-12 attorneys
4. 13-24 attorneys
5. 25+ attorneys

HCBA GOVERNANCE

The HCBA Board of Directors consists of 3 officers, 4 directors and the immediate past presidents of the HCBA and JYL. In order to encourage more participation and diversity in governance the HCBA is considering increasing the overall size of the Board, adding JYL representatives, and/or possibly including representatives from special interest bars or groups.

8. Do you feel the size of the Board should be
1. increased
2. decreased
3. remain the same

9. Would you support having the JYL president and president-elect on the Board instead of the JYL past president?
1. Yes 2. No 3. No opinion
10. Would you support changing the composition of the Board to include representation from special interest bar associations such as, the Women Lawyers Association, the Magnolia Bar or the Federal Bar Association?
1. Yes 2. No 3. No opinion

HCBA NAME

In recent years, more and more of our members live outside Hinds County, many have extensive practices in surrounding counties, and many Rankin and Madison County lawyers with substantial practices in Hinds County have joined the HCBA.

11. Would you support changing the name of the HCBA to more accurately reflect our current membership?
1. Yes 2. No 3. No opinion
12. If yes, what name would you like best?
1. Metro Jackson Bar Association
2. Central Mississippi Bar Association
3. Tri-County Bar Association
4. Other _____

HCBA DUES

Currently all of our members pay the same annual dues of \$50/year which adequately funds the program and activities of the HCBA. In order to encourage HCBA membership among younger lawyer, we are considering instituting a variable fee system, for instant no fee for first year members, \$25 for 1-5 years, \$50 for 5-10, \$75 for more than 10 years.

13. Do you feel we should
1. Keep present annual fee
2. Initiate variable annual fee
14. Would you support a fee waiver or reduced fees?
1. for newly admitted lawyers
1. Yes 2. No 3. No opinion
2. for unemployed/under employed lawyers
1. Yes 2. No 3. No opinion
3. for government or public interest lawyers
1. Yes 2. No 3. No opinion

MEMBERSHIP SERVICES

The HCBA is considering expanding membership services in a number of areas. We do not want to duplicate services already provided by other bar association.

15. In which of the following areas would you like the HCBA to sponsor business affiliates that would offer discounts, either on a local or statewide basis?

- a. Hotel 1. Yes 2. No 3. No opinion
- b. Travel 1. Yes 2. No 3. No opinion
- c. Automobile 1. Yes 2. No 3. No opinion
- d. Purchase discounts 1. Yes 2. No 3. No opinion
- e. Pager/beeper or answering services 1. Yes 2. No 3. No opinion
- f. Printing/copying companies 1. Yes 2. No 3. No opinion
- g. Office equipment 1. Yes 2. No 3. No opinion
- h. Florists/gift shops 1. Yes 2. No 3. No opinion
- i. CD Rom equipment 1. Yes 2. No 3. No opinion
- j. Records, storage/retrieval 1. Yes 2. No 3. No opinion

16. Assuming that a separate user fee might be charged for the service, which of the following services do you think HBCA should offer?

	Should offer	Would use
a. Brief filing service	1	2
b. Computer research service	1	2
c. Computer/technology assistance	1	2
d. Computer/technology resource library	1	2
e. Computer/technology vendor referral service	1	2
f. Fee arbitration service	1	2
g. Lawyer referral service	1	2
h. Lawyer placement service	1	2
i. Paralegal placement service	1	2
j. Legal secretary placement service	1	2
k. Student law clerk placement service	1	2
l. Other _____	1	2

LIBRARY

A \$2.50 per case filing fee is being levied on all circuit, chancery and county court filings for operation of a County law library. Mississippi law authorizes the HCBA to make recommendations to the Board of Supervisors concerning the operation of the County law library.

17. Are you satisfied with the condition and resources of present law library in the Hinds County Courthouse in Jackson?
1. Yes 2. No 3. No opinion

18. Are you satisfied with the condition and resources of the present library in the Hinds County Courthouse in Raymond?
1. Yes 2. No 3. No opinion

19. Do you believe a law library should be established in the Hinds County Chancery Court Building in Jackson?
1. Yes 2. No 3. No opinion

20. What do you believe would be the most effective utilization of available library resources.
1. Hire full time law librarian
2. Provide computer research capability
3. Purchase additional books
4. Purchase CD Rom materials
5. Other _____

ETHICS

21. The HCBA is considering establishing a panel of experienced attorneys which would serve in an analogous fashion to the ethics partner in larger firms by providing informal, non-binding ethical opinions, when requesting an opinion of the State Ethics Committee is not practical. Would this be a useful service to you?
1. Yes 2. No 3. No opinion

SOCIAL

The HCBA has bi-monthly membership meetings, a Christmas party, regular after-hours socials at George Street Grocery and in May is planning on jointly sponsoring an annual Law Week dinner meeting with the JYL in honor of the judiciary in our area.

22. During last year, how many of these activities have you attended?
1. One 2. Two 3. Three 4. Four or more

23. Do you believe HCBA provides sufficient opportunities to meet and socialize with other members.
1. Yes 2. No 3. No opinion

OTHER COMMENTS

MAIL TO:
HINDS COUNTY BAR ASSOCIATION
151 E. GRIFFITH STREET
JACKSON, MS 39201

ABA Recognizes Hinds County Bar CLE Program



Hinds County Bar members planning the CLE seminar "You've Come a Long Way, Counselor...Or Have You?" at Cedar Grove Mansion in Vicksburg. Left to right, Lynn Fitch Mitchell, LeAnn Mercer, Kathleen Conway, Tammy Harthcock, Joy Lambert Phillips



"You've Come a Long Way, Counselor...Or Have You?" program chair Carol West with keynote speaker Evelyn Gandy following the Vicksburg CLE Seminar.

The American Bar Association has selected "You've Come a Long Way, Counselor...Or Have You?" as a model to be presented at the May Affiliates Outreach Program National Conference to be held in Portland, Oregon in May. This landmark CLE program was co-sponsored by the Hinds County Bar through its Women in the Profession Committee.

Concerned by the small number of women lawyers moving into leadership roles in key activities, the Women in the Profession Committees of the Hinds County Bar and the Mississippi Bar joined with the Mississippi Women Lawyers Association to identify women lawyers in leadership roles. These lawyers participated in a CLE designed to present their experiences as leadership training models.

Speakers addressed the status of women in government, the judiciary,

private practice, and professional organizations. Featured speaker Evelyn Gandy forecast "The Role of Women in the Law in the 21st Century" and

asked "Is There a Glass Ceiling?"

The highly successful seminar was held October 1-2, 1993 at Cedar Grove Mansion in Vicksburg.

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Reminder

The Hinds County Bench & Bar Relations Committee maintains copies of a number of opinions of Circuit Judges Robert L. Gibbs and James E. Graves, Jr., in the county law library in the Hinds County Courthouse.

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Helping the Legislature Spend the Slot Machine Windfall

by Captain Equity

Well, it's February in Mississippi and that can only mean two things: Valentine's Day and another legislative session. But this year, something is different. There is money in the General Fund, lots of money. What a switch. Usually at this time of the year our governmental leaders are peddling spending cuts and tax increases. This year it is exactly reversed. Everyone has a wish list for all the new revenue and I'm no exception. I only hope our elected officials will think of my suggestions as a kind of political valentine. However, a word of warning for the less mirthful lawmaker, some of my proposals are a bit more tongue-in-cheek than others, but in the spirit of cupid's big day, I can certify that every one of them is absolutely heartfelt.

Captain Equity's 1994 Legislative Agenda

1. Clearly, top priority should be given to passing the Public Officials Pronunciation Act. This would require the Governor to pronounce business without a "d". Likewise, Jackson Mayor Kane Ditto would be prohibited from using his newly coined word, "casina" as a substitute for casino.

2. Speaking of proposed new casinos, (I realize we are operating without needed legislation) I don't think Jackson's mayor has gone far enough. In addition to approving casinos on the Pearl River and in and around the old King Edward Hotel, our lawmakers ought to allow all Mississippians to place bets on the ongoing shell games being conducted by the Jackson City Council and the Hinds County Board of Supervisors. An Exacta Grand Prize should be awarded to the bettor who successfully picks the precise date and location of Jackson's new jail grand opening. Talk about long odds. And if that works, how about another new lottery game: pick the next prominent elected official, corporate officer or college president to be indicted. Admittedly, this will be an easier game thus justifying a reduced payout.

3. Another pressing matter is resolution of the Ayers litigation. If state

officials and litigants are really serious about ending the vestiges of segregation in higher education, they should move to create a new University of Mississippi System. This would require Jackson State to be closed. In its place would be UM-Jackson, a new color-blind urban university with campus centers at the Med Center, R&D Center and in Southern Madison County off I-220. Like Arkansas-Little Rock, Alabama-Birmingham and Georgia State, it would be a comprehensive, commuter university with an extensive evening program and perhaps even a basketball team. Is Gene Bartow available? The UM System would also merge Delta State and Mississippi Valley State into UM-Delta. Alcorn State and USM would become UM-Pine Tree with its new campus located on the Mississippi Gulf Coast.

Finally, the state legislature would merge MUW and MSU into UM-Golden Triangle. In the alternative, it would allow MUW to be sold to private interests along with any of the other closed or merged schools that could find a buyer. And so everyone won't think UM-Oxford is the big winner, the legislation would require Ole Miss fans to carry cowbells; refer to itself as Ole UMO; and adopt the colors black, gold, maroon and green. Ole UMO athletic teams would henceforth be known as the Brave Tigers. While this realignment would solve the problem, it would probably meet with more than token opposition. The alternative would be to keep things as they are while changing the collective name of our state's universities to MTMUS - Mississippi's Thoroughly Mediocre University System.

4. With regard to crime, the legislature should rethink its entire approach to juvenile offenders who are, according to Justice Department statistics, responsible for 60% of all offenses. The focus should be on prevention and socialization. However, with regard to a small identifiable group of hardcore felons of all ages who, also according to the Justice Department, average 132

felonies per year, a separate community should be created for them on Cat or Horn Island. Give them a tent, a bedroll, a hoe, some lima bean seeds and a one way boat ride. Perhaps they could form a support group with their new friends.

5. Give qualified, motivated public school teachers a big raise while providing job retraining for unqualified, unmotivated educators who should, with the help of the Department of Education, be looking for new careers.

6. Send the Governor's Inspector General on an extended fact-finding mission to outer space to find out if Mississippi road contractors had anything to do with the disappearance of the Mars Probe.

7. Have the House and Senate pass a joint resolution acknowledging that bringing the Super Conducting Super Collider to Mississippi turned out to be a bad idea after all.

8. And finally, if the legislature wants to continue the state's traditional brand of conservatism which, in the view of Sid Salter in his January 23 *Clarion-Ledger* column, has brought us to this point in our history, our lawmakers should take the following steps: Continue to posture about school prayer and hand out tax refunds while continuing inadequate educational funding. Meanwhile, our elected representatives should triple car tag assessments, add another point to the sales tax and build more casinos. Sure, we'll have bigger problems, but then we'll have more money not to spend on them.

Mississippi College Law Library Regular Hours

Mon.-Fri.7:30 a.m. - midnight
Fri.7:30 a.m. - 9:00 p.m.
Sat.9:00 a.m. - 9:00 p.m.
Sun.1:00 p.m. - 10:00 p.m.

HCBA Christmas Social

Approximately 300 HCBA members and guests enjoyed the annual Christmas Social held December 9 at the MS Bar Center.



Jan Hurt, Dean Richard Hurt, Ben Piazza



Bill Colbert, Leonard Van Slyke, Patricia Herlihy, Richard Roberts



Dan Hise, Anne Winter, Judge James Sumner

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Correspondence regarding the newsletter should be directed to: Editor, 151 E. Griffith St., Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 969-6097.

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

FIRST CLASS

IMPORTANT
HCBA Luncheon Meeting
12 Noon, February 15

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

APRIL 1994



President's Column

Ben J. Piazza, Jr.

I can hardly believe that my year as HCBA President is finally drawing to a close. So much has happened and there are so many people to thank for the successes we have enjoyed this year. Unfortunately, I have neither the time nor the space to properly thank everyone.

HCBA/JYL

One of my main goals at the beginning of my term was to establish closer relations with the Jackson Young Lawyers Association. With the outstanding cooperation and assistance of JYL President Kenny Griffis, I believe that we are well on our way towards accomplishing that goal. Although not officially a member of the HCBA Board of Directors, at my invitation, Kenny attended almost all of our board meetings and he reciprocated by inviting me to the JYL Board meetings. As a direct result, the HCBA and JYL have co-sponsored many events this year and will be doing so again at the "Evening Honoring the Judiciary" on May 5, 1994. I hope that our membership will continue this progress by approving the proposed Bylaw change which institutionalizes having the JYL President and President-elect serve as full members of the HCBA Board.

Law Week Dinner

As I noted, the HCBA and JYL will jointly sponsor a Law Week Dinner on Thursday, May 5, 1994, at Primos Northgate. This "Evening Honoring the Judiciary" will begin with a reception at 6:30 sponsored by Trustmark National Bank, and a great dinner is planned for 7:30. We are inviting all of the judiciary in Hinds, Madison and Rankin Counties and their spouses to be our guests for this event. The guest speaker will be Assistant United States Attorney Frank W. Hunger, and we also intend to recognize outstanding members of the HCBA and JYL for their contribution to our profession and the community. The all inclusive cost of the evening will be \$25.00 per person. Please join your brothers and sisters of the bar in honoring our judiciary.

Membership Survey Results

One hundred ninety-seven of the HCBA Membership Surveys included in the February newsletter were completed and returned to the HCBA. This represents approximately 18% of our membership and is a statistically significant rate of return. A detailed report on the Survey will be published in a future newsletter.

HCBA Committees

Our successes this year have in a large part been built on the programs established by past HCBA presidents, but the current implementation of these programs is a direct result of the outstanding and dedicated work per-

formed by our committee members and leaders. Space does not permit me to list all of the accomplishments of these dedicated people. However, I would like to point out just a few.

One of our most active committees as always, was the Peoples Law School, which under John Henegan and Tom Alexander's leadership put on our most successful program to date. This year, Mike MacInnis again chaired the Legal Problems of the Homeless Committee, which in February implemented the long planned monthly Homeless Legal Clinic. The Women in the Profession Committee, chaired by Tammy Harthcock co-sponsored a highly successful CLE seminar focusing on the professional development of women as lawyers. Bench and Bar Relations, again chaired by Barry Powell, provided several articles for the newsletter and continued our close contact with the judiciary. Black Lawyer Participation in the Profession, Doris Turner, chair; Budget, chaired by Alveno Castilla; CLE with Arnold Dyre as chair; Law-Related Education, Margaret Williams; Small Firm Practice, Reeve Jacobus and Lance Stevens; Newsletter Editorial Board, Debra Allen; Child Advocacy with Stephanie Daughdrill; Habitat for Humanity, chaired by Terrell Williamson; Membership, Marsha Smalley; and Legal Economics, chaired by past HCBA president Richard Montague, all continued to provide excellent programs and

...continued on page 2

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

April 19, 1994

12 Noon

\$10.00

Capital Club

The speaker will be Carolyn Ellis Staton, Acting Dean of the University of Mississippi Law Center.

1994 People's Law School Committee



Planning the fourth annual People's Law School sponsored by the Hinds County Bar Association and The Clarion-Ledger were (front row) John Henegan, Chairman; Mitzie Dease Page; Rebecca Wiggs; Thomas Alexander, Co-Chairman; (back row) Ben Piazza, HCBA President; Marcus Wilson and William Wright. The sessions were March 22, 29, April 5 and 16. The People's Law School was financially assisted by the Interest on Lawyers Trust Account Programs of the Mississippi Bar Foundation, Inc. (Not pictured are committee members: Patricia Bennett, Trey Bobinger, Peter Doran, Crane Kipp, Ottawa Carter and John M. McCullough.)

President's Column

(continued from page 1)

services to our members and communities.

Special thanks go to Bob Barnett for almost single-handedly putting on our first ever tennis tournament and to Mark Chinn and his committee for chairing a superb golf tournament. I am happy to report that your new president intends that the golf and tennis tournaments will continue as annual events. Our Programs and Social Committees were successfully chaired by Joe Lotterhos and David Thomas, respectively.

The Special Planning Committee chaired by Linda Thompson and Linda Robinson, and Membership Services

chaired by Tommy Furby have taken an extensive look at the operations of the HCBA and some of their recommendations are embodied in the proposed bylaw changes that are being presented at our April meeting. Finally, I need to thank Al Malone and all the members of the ADR Committee for their work in helping educate our members and judges about alternative dispute resolution. I have never been involved with a more active committee, and I am sure that with the help of HCBA past president Hal Miller's Mississippi Bar ADR Committee, they will soon bring the committee's various pilot ADR programs to fruition. In

part, I know they will do so because of the phenomenal support provided the committee by a non-HCBA member, Phyllis Thornton of the Mississippi Pro Bono Project. I would also be remiss if I do not thank Phyllis and the Pro Bono Project for her extraordinary role in the successful implementation of the HCBA Homeless Legal Clinic.

Finally, none of our committees nor the Board of Directors or HCBA officers could function as well as we do, without the superb assistance and counsel of our Executive Director, Pat Evans. I can never say it enough: "Thank you, Pat."

A Second Look at Gaming, Greed and Good Sense

by Captain Equity

Some eighteen months ago, this column took a snapshot of Mississippi's initial plunge into the casino gambling business. Based on what I saw and experienced, I wrote that, "...for now, Nevada has nothing to worry about." It still doesn't, but Louisiana, Tennessee and Alabama do with respect to where an ever increasing share of their entertainment dollars is going. Arkansas would if anybody could figure out how to get to Mississippi from there. Only one bridge connects the Whitewater state and the Magnolia state, but unfor-

There is no reason why the Mississippi Gulf Coast should not anchor a world renown regional tourist destination stretching from New Orleans to Destin, Florida.

unately, the Mississippi Department of Transportation under the Mabus Administration collectively forgot to write down its location before Kirk Fordice took office. Little Rock is no better. Rumor has it that the directions to the bridge are encoded in Virginia Clinton's autobiography. I guess we'll have to wait until it's published to find out. But make no mistake, if anybody remembers where that bridge is, Arkansas will be worrying about an outward migration of greenbacks into Mississippi as well.

Usually, first reactions tend to be both accurate and lasting, but not in the case of casino gambling in Mississippi. Oops, I meant to say gaming. Whatever you call it, there are two funda-

mental facts no one in this state can afford to overlook or underestimate. One - The state's gaming and related industries are Big Business - VERY BIG BUSINESS. Two - It and they are here to stay, contrary to the scoffers who say it will never last.

It is now clear to me that very few legislators knew what they were doing when they let the gaming genie out of the bottle. One minute lawmakers were in a life and death struggle to defeat a relatively innocuous lottery bill, the next moment the whole state was hovering around a giant craps table screaming for the shooter to roll a hard four. At the time of our first visit to the Coast in October, 1992, there were four relatively modest gambling boats. Today, there are twenty-two casinos, operating 24 hours a day, seven days a week. Some of these so called "boats" are the size of outlet malls with about the same chance of sailing off into the sunset. Even more mind boggling is the number of additional groups and corporations seeking gaming permits. At last count, there were five pending applications for each existing operation. Because every major corporate player in gaming is already involved in current and prospective projects, there is no reason to think they will abandon their huge investments and/or compete against themselves by moving to a contiguous state. Why would they? Mississippi is already as wide open as it can get with relatively low taxation rates to boot. What is more, our anti-gambling, non-politician governor and his hand-picked Gaming Commission have made it abundantly clear that there is no limit on permits, operating hours or the definition of a navigable waterway. (Gaming Commission motto - Gulf of Mexico, Mississippi River, manmade canal, ditch, mud-puddle - hey - water is water). As long as construction booms, tax revenues are up and investors continue to spread political contributions around to ensure the status quo prevails, (i.e. witness the

major anti-gambling movement in the Alabama legislature funded largely by Mississippi casino operators), there is no reason to believe anything is about to change. As self-improvement guru Stuart Smalley would say on Saturday Night Live, "And that's - Okay." Indeed, it is more than okay for the overall economy of Mississippi. The question is, how can this state take maximum advantage of the new economic opportunities currently unfolding?

For openers, Mississippi as well as the river and coastal cities should do some collective planning. Orlando, Florida, would be a good model. That city has parlayed Disney's Central Florida theme park into a world class destination complete with movie and television production facilities, theme parks, an NBA franchise and a high volume international airport. While all of it is not applicable, a lot of it is.

If done correctly and marketed aggressively, it might finally be possible for us to reinvent ourselves and sell an image of Mississippi to the world of which every state resident could be proud.

There is no reason why the Mississippi Gulf Coast should not anchor a world renown regional tourist destination stretching from New Orleans to Destin, Florida. For starters, a major regional

...continued on page 4

Notice of Proposed Bylaw Changes

Pursuant to Section 8 of the HCBA Bylaws we are notifying the members of the HCBA of proposed Bylaws amendments which will be voted on at the Tuesday, April 19, 1994, regular meeting. There are three substantive Bylaw changes being proposed:

(1) Change the beginning of the fiscal year of the Association from May 1 to June 1.

(2) Delete the December regular meeting and provide for the annual meeting to be in May instead of April.

(3) Change the Jackson Young Lawyer Association representation on the Board of Directors from the immediate past President to the current President and add the JYL President-Elect to the Board.

The references in the Bylaws to elections of officers and the order of business at the annual meeting are being deleted to conform with previous Bylaw changes. The proposed changes are set forth below, with the deletions ~~overstruck~~ and the insertions in bold:

ARTICLE IV. Membership

Section 2. Annual Meeting. The annual meeting of the members of the Association for ~~the election of officers and Board of Directors and~~ the transaction of business shall be held ~~on the third Tuesday of April~~ **in May** of each year, at the place designated in the notice, ~~at which time reports of officers and committees shall be made and officers and directors shall be elected.~~ Notice of the time and place of the meeting shall be given to the members by the secretary by mail not less than three (3) days prior to the meeting. (Officers and directors elected each year shall take office immediately after the adjournment of the ~~April~~ **May** meeting.) Robert's Rules of Order shall govern the proceedings of all meetings.

Section 3. Regular Meetings. Regular meetings of the members of the Association shall be held on the third Tuesday of June, August, October, ~~December,~~ February and April of each year at a place to be des-

ignated by the Board of Directors; provided however the Board of Directors shall have the power to change the date of any regular meeting including the annual meeting by giving at least ten (10) days written notice to the members. Business may be transacted at such meetings.

Section 6. Order of Business. At the annual meeting the order of business shall be **as determined by the President as follows:**

- ~~1. President's Report.~~
- ~~2. Report of Secretary-Treasurer.~~
- ~~3. Reports of Standing Committees.~~
- ~~4. Reports of Special Committees.~~
- ~~5. General Business.~~
- ~~6. Election of Officers.~~

ARTICLE VII. Board of Directors

Section 2. Number, Tenure and Qualifications. The number of Directors of the Association shall be ~~nine (9)~~ **ten (10)**. The members of the Board of Directors shall consist of the President, Vice-President, Secretary-Treasurer, the ~~immediate past~~ **President and President-elect** of the Jackson Young Lawyers Association and four (4) members elected from the membership of the Association. Two Directors shall be elected each year in order to have staggered terms for the Directors. The President, Vice-President, Secretary-Treasurer, and the **President and President-elect** of the Jackson Young Lawyers Association shall serve on the Board of Directors only for the ~~one year~~ term of their office. The immediate past President shall serve only for the year immediately following his or her service as President. Upon the adoption of these Bylaws by the Association, two (2) persons shall be elected to the Board to serve for the fiscal year ending April 1983, and two (2) persons shall be elected to the Board to served for two (2) years terminating at the completion of the fiscal year ending April 30th, 1984. At the expiration of the initial

term of office of each respective Director, his or her successor shall be elected to serve a term of two (2) years.

ARTICLE VIII. Miscellaneous

Section 5. Fiscal Year. The fiscal year of the Association shall commence on ~~May~~ **June** 1 of each year and end on the 30th day of ~~April~~ **May** each year.

A Second Look...

(continued from page 3)

airport north of I-10 along with high speed bullet train service from New Orleans to Mobile should receive top priority. A master regional development plan which makes the most of Mississippi's favorable weather, good food and friendly people is a sure winner. The same can be said for development of Highway 61 through the Delta down to Natchez. Music and history; golf and tennis; hunting and fishing, not to mention food and drink on a first class road between Memphis and New Orleans beats Atlantic City and Davenport, Iowa, like paper covers rock. If done correctly and marketed aggressively, it might finally be possible for us to reinvent ourselves and sell an image of Mississippi to the world of which every state resident could be proud. It is also the best chance we've ever had to attract the financial and human capital needed to get Mississippi off the bottom once and for all.

Of course this all takes leadership and a proactive attitude which accentuates the positive and the possible while relegating, "we ain't never done it like that before," to the past. It is readily apparent that nobody in this state or region has ever done anything like this before. The slate is clean and the opportunities almost unlimited. As ironic as it is, Governor Fordice is in the enviable position of promising every citizen of this state that "Mississippi will never be last again."

Caveats: Domestic Relations – What's Happening?

by Judge W. O. "Chet" Dillard
Chancellor, Division II
Fifth Chancery Court District
Jackson, Mississippi

It is difficult for the judges to keep up with new developments in domestic relations cases and almost impossible for practicing attorneys. Especially is this true where the practices vary substantially from district to district and judge to judge. There are three recent developments that should be brought to the attention of the Bar we judges have only recently become aware of.

OMCSO – A Qualified Medical Child Support Order under §609 of the Employment Retirement Income Security Act of 1974, as amended (ERISA), was enacted into federal law by the Omnibus Reconciliation Act of 1993. This act allows the custodial parent to enroll children under the noncustodial parent's health plan and submit claims to receive payments themselves without the approval of the noncustodial parent. The key to qualifying is to prepare the order so that it qualifies under this provision of the law much the same as the QDRO, or Qualified Domestic Relations Order, where tax benefits are concerned.

There are forms available for such orders. The states are required to enact laws by April 1, 1994, implementing these regulations; however, the attorney should be aware of the statutes, which for §609 of ERISA is codified at 29 U.S.C. §1169, and the amendment to §1908 of the Social Security Act is codified at 42 U.S.C. §1396g-1.

The Family Support Act – This act

of 1988 (Pub.L.No. 100-485) imposes requirements upon the state concerning procedures to enable the Department of Human Services and the recipients themselves to enforce child support orders. It encourages the development of *pro se* procedures at 55 F.Reg. 33418 (1990). The states are to provide forms for custodial parents to petition *pro se* to modify and enforce support judgments. It is suggested that at least once every three years families receiving AFDC have a review of the child support orders. It also suggests that a kit be prepared containing the basic forms needed to request a change in a support judgment or to respond to a request for a change.

My suggestion would be, even though these forms may be available and a person may proceed *pro se*, they should contact the Lawyer Referral Service of the Mississippi Bar if the party is unable to obtain the advice of their own lawyer. The toll-free number for the referral service is 1-800-682-6423.

This same act is part of the federal program that led to our statutory guidelines for setting child support obligations in April of 1990 as found in §§43-19-101 through 103.

Forced Mediation Service – The 12th Chancery Court District and the 20th Chancery Court District are ordering mediation in divorce cases. As set forth in the pamphlet prepared

for the 20th District, "For refusal to appear or mediate in good faith, the court may impose sanctions for disobeying a court order, such as a fine for contempt of court." (The Rankin County Chancery Court Mediation Service at page 7.) By order of the court, mediation is required and a \$50 or \$60 charge for the mediator's services must be paid by the parties. Counsel may or may not attend the
...continued on page 6

MISSISSIPPI COLLEGE SCHOOL OF LAW

CLE SCHEDULE

NINTH ANNUAL REAL ESTATE LAW SEMINAR Friday, May 6, 1994

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Chairman: Vernon H. Chadwick
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Mississippi Attorneys for
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Friday, June 24, 1994

Ramada Coliseum
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UNDERSTANDING THE REVISED ARTICLES III, IV & IV(A) OF THE UNIFORM COMMERCIAL CODE

Friday, July 22, 1994
Ramada Plaza Hotel
Speaker: Paul A. Carrubba
6 hours

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Regardless of the procedure to be followed, if it is to be changed from the historically tried and trusted method whereby the attorneys try to reach a fair and equitable settlement for their clients...it should be done by legislative enactment after debate and not by judicial fiat.

Caveats...

(continued from page 5)

mediation sessions at the discretion of the attorney in both districts.

This practice poses a problem for the client who is not able, first, nor willing, second, to pay their attorney to attend the mediation sessions. Upon their failure to do so, will they be in contempt? They are in a quandary as to whether to accept the decision of the mediator or, when they confer with their attorney, if they have one, to accept the decision of the attorney. Another serious problem in my judgment is the question of the authority of the court to impose such procedure and cost upon a litigant without statutory authority. Of great concern is whether the attorney could be derelict in his duty for allowing his client to go to mediation without his counsel. Certainly, it would require additional time and expense for

the attorneys for which they may not be compensated.

Assuming most attorneys attempt to mediate their client's case before filing suit, or at least before the matter is set for trial, it appears this practice invades the province of the attorney and distorts the attorney/client relationship. The attorney, of course, is the one who should advise his client as to whether any settlement is in their best interest based on experience, knowledge of the facts, circumstances and the evidence they will be able to present to the court. It also seems to be an unwise delegation of authority by the court. The court cannot possibly know whether the settlement is in the best interest of the parties without inquiring of the attorneys as to what evidence they intend to present. If there is to be mediation, we should allow the court to do so in pretrial conference with the attorneys.

Regardless of the procedure to be followed, if it is to be changed from the historically tried and trusted method whereby the attorneys try to reach a fair and equitable settlement for their clients, knowing the facts and circumstances and taking into consideration their experience, it should be done by legislative enactment after debate and not by judicial fiat.

There is another program entitled the "Pilot Mediation Program" for the circuit and county courts of Hinds County which is sponsored by the Mississippi Bar and administered by the American Arbitration Association. The Mississippi Center for Dispute Resolution, established in 1991 by the Board of Bar Commissioners of the Mississippi Bar, is offering a program of mediation to disputants in the state of Mississippi pursuant to an administrative order from the Supreme Court.

Legislature Revises Judicial Election Process

by Ben Piazza, Jr.

On April 7, 1994, House Bill 1809 which makes extensive changes to our judicial election system was approved by Governor Fordice. If the bill receives Voting Rights Act preclearance from the Justice Department, it will revise several chancery and circuit court districts, revises the method for the appointment of family masters, provide for nonpartisan judicial elections, change the times for candidates to qualify for party primaries, increases the number on judges of the new Court of Appeals to ten and provides for two new district attorneys and eight new assistant DA's.

The bill adds six new chancellors, one each in the Third, Eighth, Ninth, Fourteenth, Seventeenth and Twentieth (Rankin County) Chancery Court Districts. It also adds an additional circuit court judge in the Second, Fourth, Sixth, Eleventh, Fourteenth and Seventeenth Circuit Court districts and creates two new circuit court districts, the Twenty-First, in Holmes, Humphreys and Yazoo Counties, and the

Twenty-Second in Claiborne, Copiah and Jefferson Counties. With the creation of the new Twenty-first Circuit Court District, Hinds County Circuit Judges will no longer be responsible for Yazoo County.

Circuit and chancery court districts which consist of a single county are required to have the court open the same times as state agencies and political subdivisions, excluding legal holidays. This has the effect of abolishing terms in these districts. The bill also provides that the senior chancellor for a chancery court district that wishes to appoint a family master must state in writing to the Chief Justice of the Supreme Court that a need exists to warrant appointment of a family master. If the Chief Justice finds that the need exists, a family master may be appointed.

Sections 76 through 87 of the bill is the "Nonpartisan Judicial Election Act." Hereafter, all judicial offices (excepting justice court judges) are nonpartisan and campaigning or quali-

fying for judicial office based on party affiliation is prohibited. Candidates for judicial office must file their intent to be a candidate and pay the qualifying fee not later than the first Friday after the first Monday in May prior to the general election for judicial office, which is in November. The names will appear on a separate portion of the ballot with no reference to party affiliation. If a runoff is necessary, it will be held two weeks after the general election.

The number of judges of the new intermediate Court of Appeals is increased from five to ten, with two judges to be elected from each congressional district. There will be two positions with staggered terms in each of the five congressional district. House Bill 1809 also provides a non-severability clause which states that if any part of the bill is rejected by the Justice Department, the entire act will be void and of no effect.

Where Is Miss Bass?

If you attended Ole Miss Law School between 1946 and 1967, you may have asked this question. After a full career as the omnipresent law librarian, she joined her family in New Orleans to enjoy her retirement. However, she certainly qualifies for the "gone but not forgotten" axiom. Any time that her name is mentioned in a group of members of the senior bar, "Miss Bass stories" are traded with gusto.

Last year, Sherry Young, a member of the current Ole Miss Law Library staff published her New Orleans interview with Miss Bass in the Law Library Newsletter. Because many of you may enjoy this update, the HCBA Newsletter is reprinting it.

Interview with Corinne Bass by Sherry Young

During the first weekend of April, I traveled to New Orleans to interview a former director of the law library.



Miss Corinne Bass.

Corinne Bass, the school's law librarian from 1946 to 1967, met me at the door neatly dressed in a dark green silk shirt and matching print skirt. She treated me to a tour of her elegantly

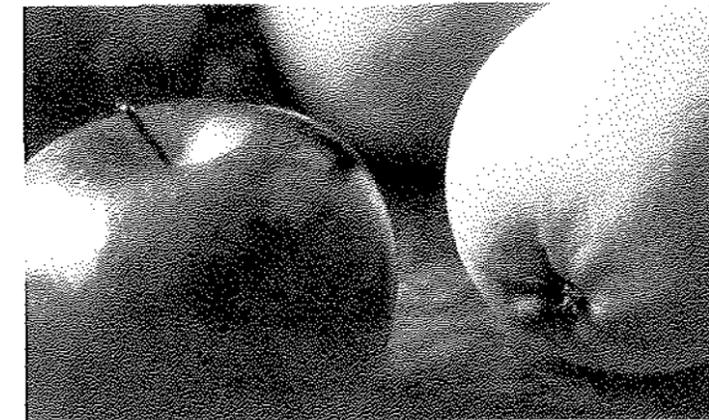
furnished St. Charles Avenue apartment, complete with a trip to her glassed-in balcony. "I cleaned in your honor," she said.

We sat at her dining table where she told me of her career life. Ms. Bass earned an advanced degree in library science at Columbia and worked in the Memphis public library as a reader's advisor. From that position she moved to Ole Miss to run the law school's library. She enrolled in law school and earned a law degree in 1958. A faculty member, Ms. Bass taught the legal bibliography course and developed a reputation for being demanding and thorough in her role as a professor. She gave a speech titled "The One Man Library" at the 1957 American Association of Law Libraries conference which was published in the *Law Library Journal*.

Ms. Bass posed for a photograph, first seriously, and then with a smile upon request. My conversation with the former librarian affords a glimpse into the library's history, and the staff members appreciate her willingness to share her remembrances with us.

Reprinted from Newsletter of the University of Mississippi Law Library, August 1993, Vol. 2, No. 1

UNTIL NOW, TITLE COMPANIES WERE ABOUT AS EASY TO COMPARE



These days, a lot of title companies claim to be financially sound. But too often, what they promote are isolated ratios and statistics that are not a true measure of financial strength. In fact, they are often misleading.

At Mississippi Valley Title, we saw the need for standardized claims-paying-ability ratings for title insurers. That's why we asked to be rated by Standard & Poor's. We were given an A+ - the highest rating from S&P in the title industry to date - along with our affiliate and co-underwriter, Old Republic National Title Insurance Company, who received an A+ rating for the second year in a row.

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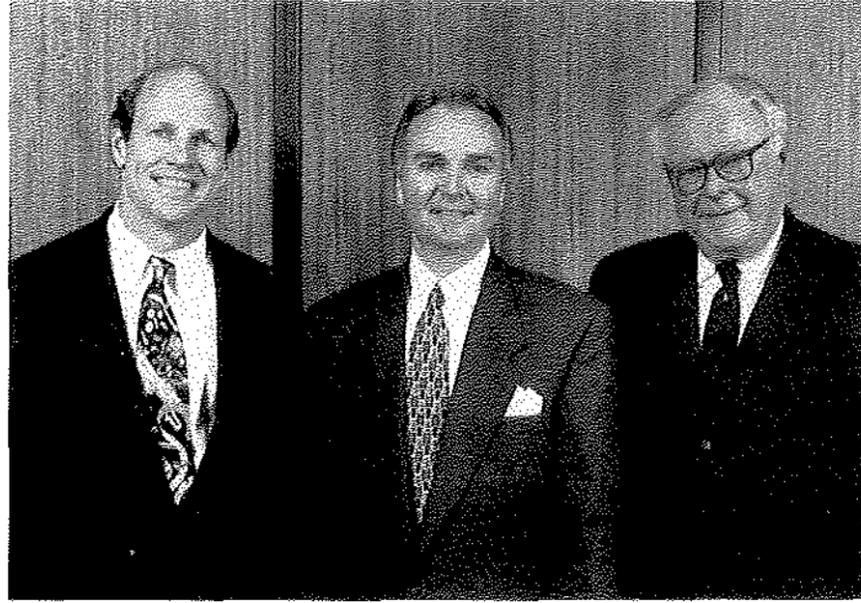
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Roberts Participates in ABA Leadership Institute

Joining some 250 other emerging leaders of lawyer organizations from across the country at the American Bar Association's Leadership Institute (BLI), March 11-12, was Richard C. Roberts, III, President-Elect of the Hinds County Bar Association. Also attending was Marcus M. Wilson, HCBA Secretary-Treasurer.

The BLI is held annually in Chicago for incoming officials of local and state bars and special constituency lawyer organizations. The seminar provides the opportunity to confer with ABA officials, bar leader colleagues, executive staff and other experts on the operation of such associations.

Various ABA entities briefed the participants on resources available from the ABA. Sessions were held on bar organization and management, justice system issues and communications techniques.



Richard Roberts, HCBA President-Elect (center), recently participated in an ABA Bar Leadership Institute. He is joined by ABA President R. William Ide, III (left) and ABA President-Elect George E. Bushnell (right).

NOTICE OF ANNUAL MEETING

Hinds County Bar Association/Jackson Young Lawyers Association, Inc.

*Invite you to join us during Law Week for an
EVENING HONORING THE JUDICIARY*

May 5, 1994

Primos Northgate

6:30 Reception

7:30 Dinner

Special Guests: Hinds, Madison & Rankin County

State & Federal Court Judges

Guest Speaker: Honorable Frank W. Hunger

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RSVP

\$25 per person

2nd Annual

Hinds County Bar Association Tennis Tournament

Parham Bridges Park

Saturday, May 21, 1994

9:00 a.m. till 12:00 noon

FREE TENNIS TOWELS &
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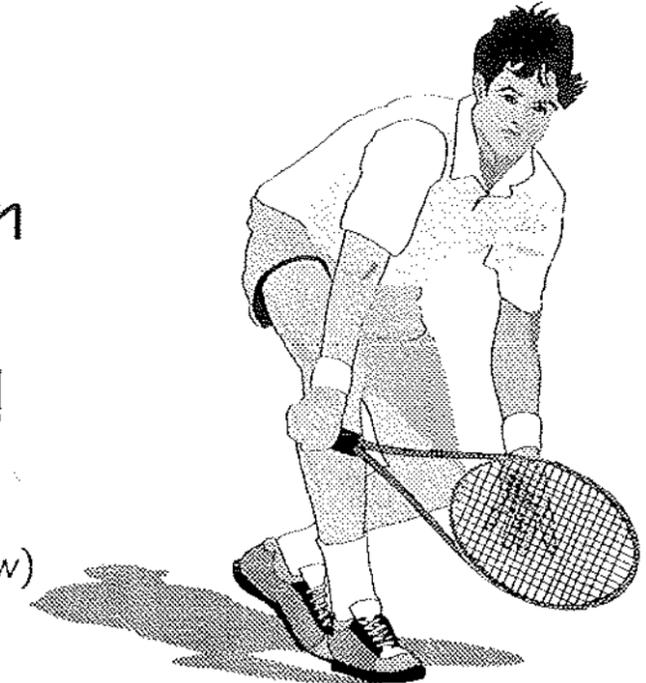
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Judge Denise S. Owens

by Jeffrey P. Reynolds

Judge Owens began serving as Chancellor in July of 1989. Previously, her legal practice was of a civil nature. She litigated cases in Chancery, Circuit, and Bankruptcy Court. She has served as Assistant City Prosecutor for the City of Jackson.

Judge Owens has had several accomplishments since becoming a Chancellor. One of her first cases was the federal retirees tax case, which was recently affirmed by the Mississippi Supreme Court. She is especially proud that her docket allows cases to be heard expeditiously. Normally attorneys can get a first setting in three months.

...lawyers just need to remember the basics like being timely and being prepared.

She noted that as a Chancellor, she sees cases on a day-to-day basis that really affect the lives of the litigants involved. She really sees this with divorce cases and cases involving decedents' estates. It is interesting for her to watch the wheels of justice turn, as cases begin and close in her court.

I asked Judge Owens if she had any points that lawyers could bear in mind when appearing before her. She said that lawyers just need to remember the basics like being timely and being prepared. She mentioned that lawyers should be generally familiar with the Uniform Chancery Court Rules and should always bring their Rule Book to court. She also mentioned that efforts to settle the case should take place before the day of trial and pretrial conferences should be scheduled with the court for trials scheduled for over one day.

Judge Owens also mentioned that these are instances where an attorney

should meet with her first before bringing his clients into court. She gave an example of an adoption proceeding where the lawyer brought his clients and witnesses into her chambers but the papers were not correct. She had to tactfully bring out that corrections had to be made. She said it is a better practice to submit pleadings to her beforehand so as to avoid any embarrassment in front of clients.

On the subject of sanctions, Judge Owens said that she has rarely had to levy sanctions against attorneys. She did stress that an attorney seeking sanctions should always seek to resolve the issue before asking for sanctions. On the other hand, if an attorney seeking sanctions makes it clear that he or she tried to persuade the other side to, say, drop a frivolous motion, but to no avail, she would consider levying sanctions.

Judge Owens' ex parte day is on Tuesday. She hears contested motions on her ex parte day if the argument will

...it is a better practice to submit pleadings to her beforehand so as to avoid any embarrassment in front of clients.

not exceed fifteen minutes. For pretrial conferences and for arguments over fifteen minutes, the attorney could set the motion between 8:00 a.m. and 9:00 a.m. Monday through Friday. This allows pretrial matters to be resolved quickly while the case is prepared for trial.

Jeff Reynolds is a shareholder in the Litigation Section of Heidelberg & Woodliff, P.A. He is a member of the Bench and Bar Relations Committee of the Hinds County Bar Association.

Thank You to The Clarion-Ledger



Dewayne McAllister, Publisher of The Clarion-Ledger (center), was presented a plaque by the Hinds County Bar Association in appreciation of its co-sponsorship of the 1993 People's Law School by Ben Piazza, HCBA President (right) and Thomas Alexander, Co-Chairman 1994 People's Law School.

Circuit Judges Invite Comments to Proposed Pilot Mediation Program

by Joseph P. Wise

The Circuit Judges of Hinds County have invited members of the bar to submit comments directly to them on a proposed pilot mediation program for Hinds County Circuit Court. Hinds County practitioners may submit comments to any of the four circuit judges. Copies of the proposed program may be obtained from the Hinds County Circuit Court Administrator.

The proposed program is patterned after a pilot mediation program that began September 1993 in the Civil District Court for the Parish of Orleans, Louisiana. Initial reports from that program indicate a final resolution in 40% of the civil cases submitted. Mediation, unlike arbitration, requires agreement of the parties. The mediator makes no findings of fact or conclusions of law. As in any compromise and settlement, a final resolution can only be achieved through the signed written agreement of the parties. However, a mediator brings a skilled, neutral person to the parties' settlement negotiations who can often facilitate movement and prevent the parties from becoming rigidly fixed in their positions. The procedure is non-binding and does not prejudice any party's right to full judicial process, including trial by jury.

The proposed program for Hinds County Circuit Court is presently scheduled to commence on July 1, 1994, and run for a period of two years, unless otherwise extended by order of the court. A petition to authorize the program is presently pending before the Mississippi Supreme Court. The program would apply to all civil cases in the Circuit Court. A similar program for domestic cases in Hinds County Chancery Court is also pending before the Chancery Judges, and the Alternate Dispute Resolution Committee for the Mississippi Bar has championed the program for other courts in Mississippi.

Unlike the Orleans Parish program, the proposed program for Hinds County is entirely voluntary. Parties will not be ordered to mediation, and the court will not consider disputes over whether to mediate. However, the program does require the litigants to attend one of the short public seminars in order to acquaint them with the mediation process. The litigant's lawyers are, of course, welcome to attend, but are not required to do so. The programs will be provided through volunteers from the Hinds County Bar Association at no cost on the first and third Tuesdays of each month after commencement of the pilot program.

The Mississippi Center for Dispute Resolution will administer the program. This is another difference from the Orleans Parish program, which is administered through a specially established task force. Here, however, a vehicle for alternate dispute resolution has been in place for three years. In 1991, the Board of Bar Commissioners of the Mississippi Bar established the Center to offer a program of mediation to both those in litigation and those whose disputes have not yet reached the courts. The Center is sponsored by the Mississippi Bar and is administered by the American Arbitration Association. AAA will be responsible for selecting an impartial, trained mediator.

Both attorneys and non-attorneys will be eligible to qualify as mediators. However, interested persons must have participated in and successfully completed a mediator training and certification course of at least thirteen hours credit sponsored by the Mississippi Bar Continuing Legal Education Committee, the American Arbitration Association, or any other provider certified by the Mississippi Bar Continuing Legal Education Committee. The parties may, of course, agree to choose a mediator independently of the Center

and establish their own level of qualification. However, all mediators, whether provided by the Center or independently selected by the parties, must as a condition precedent to mediation agree to mediate 10% of their assigned cases *pro bono*.

The cost of mediation shall initially be borne equally by the parties but shall ultimately be taxed as costs of litigation in the event the mediation does not resolve the dispute. At the close of mediation, whether or not successful, the parties shall pay the mediator's fee according to the fee schedule maintained by the Center, or as agreed upon. The average mediation in a simple two party case approximates 4.5 hours, and a mediator's fee can vary from \$100 per hour and up, depending upon the experience of the mediator.

If the parties reach a mediated settlement and execute a written agreement disposing of the dispute, the agreement is enforceable in the same manner as any other written contract. The parties may require confidentiality of the terms as in any settlement, and the mediation process itself is confidential. In fact, unless expressly authorized by the disclosing party, the mediator may not disclose to any party information given in confidence and shall at all times maintain confidentiality with respect to communications relating to the subject matter of the dispute.

Joseph P. Wise is a partner with Lilly and Wise and a member of the Alternative Dispute Resolution Committee of the Hinds County Bar Association.

Attention

Please note the Membership Luncheon Fee is now \$10.

The Office of Circuit Clerk, Hinds County

by Tommie S. Cardin*

Someone pointed out once that it doesn't seem to make any sense for one to receive a marriage license from the Circuit Clerk, yet obtain a divorce by filing in the Chancery Court. Why not end it at the same place where it all started? Perhaps this doesn't make sense until we remember that from a political perspective, what better way to engender good will than to issue a love smitten couple their marriage license! Surely this couple would remember that dispenser of good will when election time rolls around!

Issuance of a marriage license is but one of many duties fulfilled by Circuit Clerk Barbara Dunn. The office she holds is established in Section 168 of the Mississippi Constitution, and its duties are set forth by statute, Miss. Code Ann. §§ 9-7-121-141 (1972, as amended). The Circuit Clerk's statutory duties include: (1) serving as Clerk of the County and Circuit Courts [7 judges in Hinds County]; (2) receiving and filing all lawsuits, indictments, motions and other related papers in all civil and criminal cases filed in County or Circuit Courts, and issuing all process, including summonses and subpoenas; (3) drawing and qualifying jurors; (4) recording all judgments and executions; (5) issuing marriage licenses and recording same; (6) recording medical and other professional licenses; and (7) registering citizens to vote and conducting elections.

Filings

Perhaps the most frequent contact with the Clerk's office for most lawyers involves the filing of documents connected with a lawsuit and the issuance of summonses, subpoenas, etc. The sheer volume of cases handled in the County and Circuit Court of Hinds County is staggering: 7,000 to 10,000 cases per year in both courts. What actually goes on from the Clerk's perspective when a suit is filed?

First, a party brings the suit to the Clerk for filing, along with a filing fee

of \$45.00 (other fees include \$25.00 if the case is transferred and \$15.00 for filing a garnishment). Upon receipt, the case is put on the docket and entered on computer. The Clerk's office is now completely computerized, maintaining a computerized tracking program for every lawsuit on file. The suit is then placed in a jacket and stored in the filing cabinet.

Parties can either complete their own summons and request the Clerk to issue same, or they can request the Clerk to prepare and issue summonses. If a party requests the Clerk to issue summonses, such is done immediately upon receipt of the suit. If the party requests that the Sheriff serve process, then the summons is placed in a basket and the Sheriff comes over 3 to 4 times daily to pick up the summonses. The Clerk does not collect the fee for service of process; that fee is collected by the Sheriff and is now \$25.00 per defendant, unless the defendants reside at the same household, in which case the fee is \$25.00 plus \$1.00 per each additional defendant.

With regard to subpoenas, parties can either complete same and send to the Clerk for issuance, or they can request that the Clerk both complete and issue same. If one requests that the Clerk complete the subpoena, it is imperative that all the information be provided so as to not cause any delay. The same procedure for issuance of a summons applies to issuance of a subpoena.

When it comes to filing other court documentation, the Clerk's office is set up to be as much of a self-service operation as possible. Whenever something is sent by runner to be filed, the runner is encouraged to simply take the Clerk's stamp available at the front desk and stamp the original(s) "filed" and put it in the basket on the front desk. The runner may also stamp all copies "filed", and bring back whatever copies are needed. There is no reason to seek the assistance of a clerk in

the office for filing matters. Once the document is stamped "filed" it is deemed filed. If searching for a particular pleading, rather than go to the docket book and then the minute book, etc., now one can simply pull it up on computer and locate its whereabouts.

Jurors

Juror selection has become far more advanced in recent years. The fundamental goal for juror selection is achieving as random a selection as possible. To achieve this, juror selection is done completely by computer. The process begins by requesting the computer to randomly select 325 persons for jury duty. These prospects are divided into 3 panels of Petit A, B and C. It depends on the number of cases to be heard as to how many jurors are actually called in on the first day jurors are needed for the week. On that day, all excuses are taken. Prospective jurors are asked to complete questionnaires about themselves. They are then put into panels of 12 persons, and this information is fed back into the computer and the computer prints out panel sheets. Copies of the completed questionnaires are made available for the parties in the particular lawsuit and are attached to the panel sheets. The number of days a juror has to come to the courthouse is entered into the computer, which at the end of the week generates the payroll. Jurors are paid \$40.00 per day and \$.20 per mile every day they come to the courthouse.

Orders

Proposed orders are to be sent directly to the judge handling the case. Once each day and sometimes twice, the Clerk sends someone to each judge's office and collects all of the executed orders for filing. The orders are then filed and entered by the Clerk's office.

...continued on page 13

Office of Circuit Clerk...

(continued from page 12)

Court Administrator

There is a separate office of Court Administrator which is often times confused as being part of the Circuit Clerk's office. The Court Administrators are not employees of the Circuit Clerk. They are employees of the Judges who hire them and set their salaries. Currently, the Court Administrators and their respective judges are as follows: Ms. Pat White (Judge Gibbs); Ms. Sandra Kirby (Judge Coleman); Ms. Lynn Stevens (Judge Hilburn); Ms. Pat Burton (Judge Graves); and Ms. Carolyn Broussard (County Judges). Any time a lawyer sets any type of hearing or other matter before a particular judge, it behooves that lawyer to contact the particular judge's Court Administrator

and inquire as to the particular procedure preferred by that judge.

Clerk Personnel

The Circuit Clerk has numerous employees available to serve the public. These are as follows: Demetra Hendrick (Judgments and Orders for Minutes); Henry Brinston (juries); Loretta Wells (Supreme Court); Tondelay McLaurin (County Court filing); Doris Shelby (Circuit Court filing); Peggy Wilson (keeps books, dockets, does a little bit of everything); Pat Hendrix (County Court); Sharon Haley (Garnishments); and Ann Giles (Circuit, Civil and Criminal).

Conclusion

Keeping track of all of the litigation

pending in Hinds County is quite a formidable task. What impresses one the most about Circuit Clerk Barbara Dunn and her staff is that they are working very hard to modernize their tracking system so as to make the entire process more efficient and convenient for all parties involved. As it turns out, issuing marriage licenses is a piece of cake compared to all of the other responsibilities.

**Special thanks is given to Honorable Barbara Dunn for her assistance in preparing this article.*

Tommie Cardin is an associate with Crosthwait Turney and a member of the Bench and Bar Relations Committee of the Hinds County Bar Association.

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HCBA Committee Preference Survey

Committees are vital to the programs and activities of the HCBA. Committee effectiveness depends on the selection of interested, experienced, and capable members. Bar Committee work is an excellent way to do your part in promoting the profession. Committees meet regularly and a free lunch is provided. Please assist us by completing the questionnaire and returning it by May 1, 1994.

Richard C. Roberts, III
President-Elect

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

- | | |
|---|---|
| <input type="checkbox"/> Alternative Dispute Resolution | <input type="checkbox"/> Membership |
| <input type="checkbox"/> Bench & Bar Relations | <input type="checkbox"/> Membership Services |
| <input type="checkbox"/> Black Lawyer Involvement | <input type="checkbox"/> Newsletter Editorial Board |
| <input type="checkbox"/> Budget & Finance | <input type="checkbox"/> People's Law School |
| <input type="checkbox"/> By-Laws | <input type="checkbox"/> Program |
| <input type="checkbox"/> Child Advocacy | <input type="checkbox"/> Public Relations |
| <input type="checkbox"/> Continuing Legal Education | <input type="checkbox"/> Small Firm Practice |
| <input type="checkbox"/> Golf Tournament | <input type="checkbox"/> Social |
| <input type="checkbox"/> Habitat for Humanity | <input type="checkbox"/> Special Planning |
| <input type="checkbox"/> Law Related Education | <input type="checkbox"/> Sponsorship |
| <input type="checkbox"/> Legal Economics | <input type="checkbox"/> Tennis Tournament |
| <input type="checkbox"/> Legal Problems of Homeless | <input type="checkbox"/> Women in the Profession |
| <input type="checkbox"/> Legal Support | <input type="checkbox"/> Suggested new committees: |
| <input type="checkbox"/> Library Services | _____ |
| <input type="checkbox"/> Long Range Planning | _____ |

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

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

Name _____

Firm/Agency _____

Address _____

City _____ State _____ Zip _____

Telephone (Business) _____ (Residence) _____

Mail to: Patricia Evans
151 E. Griffith
Jackson, MS 39201

CLE Calendar of Events

April 26

Premises Liability: Preparation and Trial of a Difficult Case in Mississippi.

NBI, Jackson. 715-835-7909

Domestic Law in Mississippi.

NBI, Jackson. 715-835-7909

April 28-29

Family Violence: MS Statewide Conference on Child Abuse and Neglect.

Attorney General's Office, Jackson. 371-1742

May 5

Financial Planning.

MS Chapter International Association for Financial Planners, Jackson. 981-9834

May 6

Federal Practice Seminar.

Federal Bar, Jackson. 949-4554

Real Estate Law.

MC School of Law, Jackson. 944-1950

June 24

Guardian Ad Litem Seminar.

MS Bar Young Lawyers Division, Jackson. 948-4771

July 19-21

UM-CLE Summer Mini-Seminar Series.

UM Center for CLE, Jackson. 601-232-7282

July 28

Annual Ethics Seminar.

MS Bar, Jackson. 948-4471

HCBA Calendar of Events

April 19

HCBA Membership Meeting.
Noon, Capital Club

May 5

HCBA/JYL Law Week Dinner.
6:30, Primos Northgate

May 21

HCBA Tennis Tournament.
9:00-12:00, Parham Bridges Park

June 21

HCBA Membership Meeting.
Noon, Capital Club

August 16

HCBA Membership Meeting.
Noon, Capital Club

February HCBA Membership Meeting



Mississippi Supreme Court Justice James L. Roberts, Jr. (center) was the speaker at the February HCBA Membership Meeting. Attending were his clerks, Jane L. Mapp and Barbara Melamed. They are pictured with Ben Piazza, HCBA President.

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Correspondence regarding the newsletter should be directed to: Editor, 151 E. Griffith St., Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 969-6097.

Hinds County Bar Association, Inc.

151 E. Griffith Street

Jackson, MS 39201

FIRST CLASS

IMPORTANT
HCBA Luncheon Meeting
12 Noon, April 19

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

JUNE 1994



President's Column

Richard C. Roberts III

The Hinds County Bar Association has grown to almost 1100 members and is second in size only to The Mississippi Bar. At last count, we had 25 active committees that are responsible for the numerous projects and activities of our association. As I focus on the goals we hope to accomplish this year, I gain a deeper appreciation for the hard work and leadership provided by Ben Piazza and the other past presidents of our association.

Law Week Dinner

Our first (and we hope annual) Law Week Dinner, which the HCBA sponsored jointly with the Jackson Young Lawyers Association, was a resounding success. Over 30 judges and their spouses attended, including judges from the Mississippi Supreme Court, the Fifth Circuit Court of Appeals, the Federal District Court, and trial judges from Hinds, Rankin and Madison counties. Our guest speaker, the Hon. Frank W. Hunger, Assistant United States Attorney General, gave a clever "Day in the Life" comparison of his former Greenville law practice with his current Washington, D.C. law practice. We are especially grateful to Trustmark National Bank for sponsoring the pre-dinner reception with open bar.

Kenny Griffiths, President of the Jackson Young Lawyers, presented the JYL Pro Bono Publico Award to

Frances Corley. Tommy Furby received the Pro Bono Award from the HCBA. Phillip Gaines received the JYL Outstanding Service Award, while the HCBA Outstanding Service Award was presented to Al Malone.

Secretary Placement Service

This year we will begin exploring the possibilities of a Legal Secretary Placement Service for members of the HCBA. Other bar associations provide this service, either through an in-house agency, a private contractor, or some combination of the two. There is no question in my mind that a service such as this is needed, and would be a tremendous benefit for our members. This project will require a lot of hard work. We will need volunteers from large firms, small firms, the public sector and the corporate sector in formulating the optimum structure. We will need to work closely with the Jackson Legal Secretaries Association and

other groups with similar goals.

I am in the process of appointing a task force for this important project. Please let me know if you are interested in serving.

Pictorial Directory

Can people still recognize you from your picture in the last HCBA Pictorial Directory? If you've aged as much as I have, probably not! In any event, it is time to update our directory. This is another project we will be working on during the coming year.

Tennis Tournament

The HCBA's Second Annual Tennis Tournament was held May 21 at Parham Bridges Park. (See photos and participants on page 8.) Like last year, everyone had a great time. I appreciate the work of Trip Barnes and Bob Barnett in putting the tournament together for us. Also, we appreciate the

...continued on page 2

Legal Research For the Layman

Law firm support personnel who want to improve their training in legal research will want to know that Carol West, formerly law librarian at MC Law School, will be teaching a four session course titled "Legal Research for the Layman" this summer. Each Tuesday night (6:30-8:00) in July, she will lecture and supervise "hands-on" research projects for enrollees in the class. All classes will be held at the Mississippi College School of Law.

The course is designed to provide a background in the basic tools of legal

research. Research strategies in both primary and secondary authority will be covered, as well as sources of both federal and state law. The course is designed for the beginner, but will also be of value to more experienced researchers.

The course is offered through the PACE Program, a part of Mississippi College's Division of Continuing Education. For more information, contact Ellen Preston on the Clinton Campus (925-3831). The cost for the series of four lectures is \$75.00.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

June 21, 1994

12 Noon

\$10.00

Capital Club

The speaker will be Evelyn Gandy.

President's Column

(continued from page 1)

sponsorship of First American Title Insurance Company, which provided prizes for the winners as well as towels, sweatbands, drinks and food for all of the participants. The winners were:

Men's Advanced: First place, Mike Malouf (This must be a mistake!); Second place (tie): Whit Rayner and J. T. Noblin;

Men's Intermediate: First place, Larry Jones; Second place, Richard Wise; Third place, Stan Smith (No, not that Stan Smith);

Women's Advanced: First place, Lyn Crawford; Second place, Sarah Martin; Third Place (tie), Vicky Edwards and Kathleen Patrick;

Women's Intermediate: First place, Kathy Boteler; Second place, Katie Hester; Third place, LeAnn Mercer.

Golf Tournament

Our second annual HCBA Golf Tournament will be held Friday, August 26, at Deerfield Country Club, beginning at 1:30 p.m. Profits from the tournament will be donated to Habitat for Humanity. Mark Chinn is chairing the committee. If you played last year, then I know you are looking forward to the tournament again this year. You will be receiving additional information about the tournament soon.

Committee Appointments

As most of you know, the real work of our association is performed by the various volunteers who serve on the association's committees. I sincerely appreciate those of you who donate your valuable time and energy to the bench, the bar, and our community through your committee service.

Finally, I hope that each of you will take the time to thank Pat Evans, our Executive Director, for the outstanding job she does. Pat is involved in every aspect of the association's work, and frankly, very little could be accomplished without her able organization and assistance.

February Bar Exam Results

The Mississippi Board of Bar Admissions has announced the results of the Mississippi Bar Examination administered on February 21-23, 1994.

Sixty-two applicants achieved passing results on the February Bar Examination. This included 58 examinees applying for initial admission plus four attorneys from other states seeking reciprocal admission in Mississippi.

The Mississippi Bar Examination is administered by the Mississippi Board of Bar Admissions, a nine member Board appointed by the members of the Mississippi Supreme Court. Admission procedures are specified in Rules adopted by the Mississippi Supreme Court. All persons seeking admission to practice law in Mississippi must take and pass a written examination administered by the Board. The examination for initial admission in Mississippi presently consists of two days of essay examinations and the one-day Multistate Bar Examination, which is administered simultaneously in 46 states. Attorneys from other states eligible for reciprocal admission must take a one or two day essay examination on subjects relevant to practice in Mississippi.

Since 1984 all applicants for initial admission to practice in Mississippi must be graduates of law schools approved by the American Bar Association. The University of Missis-

issippi and Mississippi College are the only ABA approved law schools located in Mississippi. Twenty-five of 32 graduates of in-state law schools taking the Mississippi Bar Examination for the first time in February 1994, passed, a passage rate of 78.1%. Twenty-seven of 35 graduates of out-of-state law schools taking the Mississippi Bar Examination for the first time achieved a passing result, a passage rate of 77.1%. In comparison, the passage rate for applicants who had previously failed the Mississippi Bar Examination on one or more occasions was 38.5%.

Four of six applicants on the examination for attorneys previously admitted in other states achieved a passing result, a passage rate of 66.7% on that examination.

The new admittees are graduates of the following schools: (The figure in parenthesis indicates the number of graduates from that school.) University of Mississippi (21), Mississippi College (12), Baylor (2), Boston University (1), Cumberland (3), De Paul (1), Emory (3), Hastings (1), LSU (1), Marquette (1), Thurgood Marshall (1), Tulane (3), University of Alabama (4), University of Oklahoma (1), University of Texas (1), University of Virginia (2), Vanderbilt (1), Wake Forest (1).

The Hinds County Bar congratulates these new lawyers.

Jackson Firm Selected for ABA Honor

Alston Rutherford Tardy & Van Slyke has been selected by the ABA as a recipient of the 1994 ABA Pro Bono Publico Awards.

ABA President R. William Ide, III will make the presentation at the Pro Bono Publico Awards Assembly Luncheon. The luncheon and presentation will be held at 12:00 noon on

Monday, August 8, during the 1994 ABA Annual Meeting at the New Orleans Hilton in Grand Salon C and D, first floor.

Other law firms chosen to receive this award are from Washington, D.C.; Miami, FL; Tampa, FL and Philadelphia, PA.

Honoring Mississippi's Political Ancestors

by Captain Equity

The latest round of the *Ayers* case is in full tilt in a federal courtroom up in Oxford. Despite intentions to the contrary, the tangled mess that passes for public higher education in Mississippi will not be straightened out anytime soon, no matter what decision is handed down by Judge Biggers. In the meantime, Mississippi and the rest of the nation are in for some world class preening and posturing by the litigants along with a stiff dose of irony that will be offered up by the plaintiffs under the guise of revisionistic constitutional law. And in the end, the United States Supreme Court will most likely have to write an opinion that will surely make *Roe v. Wade* look like a garden variety zoning variance case.

At the heart of this jurisprudential calamity is the sad history of white Mississippians' treatment of black Mississippians. To be sure, it started with slavery, was fueled by Reconstruction and came to fruition as the sharecropper system took root in the late nineteenth century. By the mid-twentieth century, a dual system of society based on race was, to quote a favorite Citizen's Council phrase, "Mississippi's Way of Life." A big part of the social order was a state sanctioned system of separate and unequal education that white politicians trumpeted as being separate-but-equal. The U.S. Supreme Court put its stamp of approval on the general concept of separate but equal in the case of *Plessy v. Ferguson*. In the meantime, black citizens got the short end of everything. In most of the Deep South the job of black people was to tend white people's fields and homes. Most white people liked it that way; most black people didn't have a whole lot of say about it.

During the hey day of separate-but-equal, educating black people was considered to be either a waste of time, dangerous or both. Understandably, the white power structure was not exactly

head over heels about the concept of equity funding back in the 1940s and 50s. But, for this make believe dual system of separate-but-equal to have even a shred of credibility, it was necessary to have some state funded institutions of higher learning for black citizens. Thus, many of the historically black colleges came into being. Half a century or so later, the result of this racially motivated vision and leadership is more than twice the number of publicly supported colleges and universities than can be justified, along with an inordinate concentration of poverty, ignorance and ill will.

As this decade's long chapter of history was being written, the separate-but-equal doctrine was unanimously repudiated in every walk of American society, especially in the area of education. In the 1970s, Jake Ayers filed his suit to implement the holding in *Brown v. Topeka Board of Education*. More recently, the College Board came to the realization that Mississippi is indeed institution-heavy and quality-light when it comes to higher education. They saw the *Ayers* case as a blessing in disguise to force closure of some of the excess institutions that their predecessors had first created as colleges and then upgraded to universities, often in name only. Unfortunately, when colleges are created and then made universities, they tend to acquire football teams, budgets, and alumni associations. That spells trouble when it comes to finally doing what makes sense for the people who are funding and/or are to be served by these institutions of higher learning.

And finally the irony: after so many years of hearing white politicians recite "separate-but-equal" with a straight face, we have black politicians reciting "separate-but-equal" with a straight face. And just because pay-backs are a function of human nature, those same black leaders are asking for the choice cuts of the educational steer,

i.e. medical schools, law schools, etc. They also want to increase access to higher education by dropping the American College Test score to 10 at the historically black institutions. This proposal seems to be based on the premise that a junior high school reading level can be miraculously upgraded to that of a pre-med student by simply ignoring the deficiency. I wonder if prospective employers will be willing to do the same when it comes time to hire this crop of imposter college grads? This is not to suggest that remedial education of black and white students isn't important. Of course it is. But it shouldn't be done in a university classroom to the detriment of those students of every race who are indeed ready to perform and excel on the college level.

Well, there it is. A first class mess. I'm just glad I'm not Judge Biggers. He didn't make the mess, but it looks like he is going to have to help clean it up. While the judge deserves our collective prayers and good wishes, there is another group that deserves much of the credit for what is now being addressed in the Northern District. On behalf of all black and white Mississippi taxpayers, Captain Equity issues a heartfelt thank you to Mississippi's visionary white political ancestors who planted what we are about to harvest. Thanks, guys — thanks a bunch.

People's Law School Videotapes

Most of the programs presented over the years that the People's Law School has been held have been videotaped. Those videotapes are now cataloged and available at the Mississippi College Law Library.

An Evening Honoring the Judiciary

Over 200 judges, attorneys and guests attended An Evening Honoring the Judiciary on May 5 during Law Week sponsored by the Hinds County Bar Association and the Jackson Young Lawyers Association, Inc.

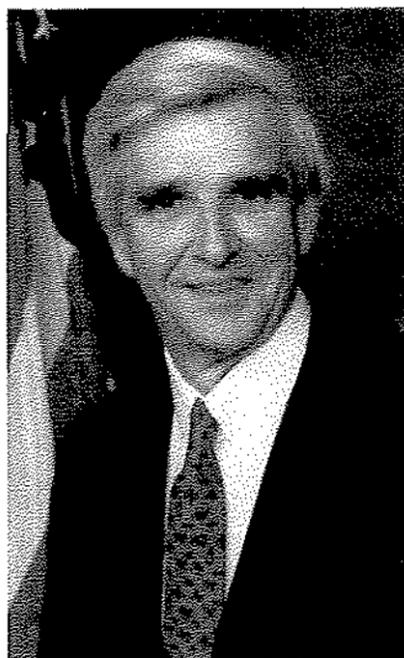
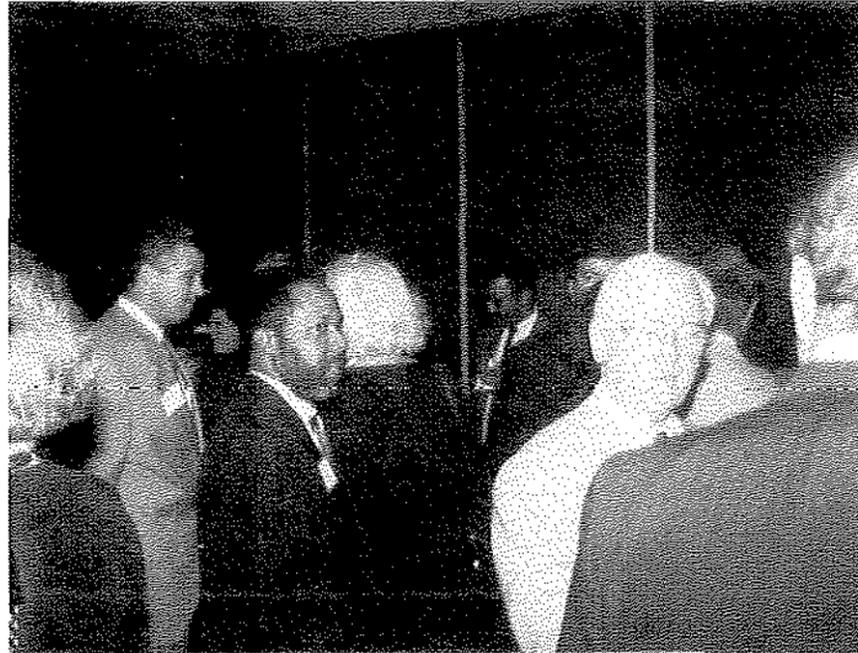
Trustmark National Bank hosted the reception prior to the dinner with the Honorable Frank W. Hunger as the keynote speaker.

Hunger, a native of Winona, Mississippi, received his undergraduate degree from the University of Mississippi and obtained his law degree from Duke University. After law school, he clerked for the Honorable James P. Coleman of the United States Court of Appeals for the Fifth Circuit. Before joining the Department of Justice, he was a full-time practitioner with the law firm of Lake, Tindall, Hunger and Thackston of Greenville, Mississippi where he served as the managing partner while specializing in litigation.

After being nominated by President Clinton and confirmed by the U.S. Senate, Mr. Hunger was sworn in on

July 1, 1994, by the Attorney General to his current position as Assistant Attorney General over the Civil Division of the United States Department of Justice.

As Assistant Attorney General of the Civil Division he currently manages a docket of approximately 22,000 cases and oversees the work of 630 of lawyers in Washington, D.C.



Honorable Frank W. Hunger
Assistant Attorney General
Civil Division
Department of Justice.

In Defense of Mediation – A Rebuttal

by Chancellor Roger C. Clapp
Twentieth Chancery Court District

In the April 1994 *Hinds County Bar Association Newsletter*, my friend, Chancery Judge W. O. "Chet" Dillard does great damage to our lengthy effort to educate attorneys about mediation. There are at least two absolutely incorrect notions and several insidious inferences advanced in his article entitled "Caveats: Domestic Relations – What's Happening", under the alarming subtitle "Forced Mediation Service."

Now understand, Judge Dillard and I are able to discuss our occasional disagreements with remarkable frankness, without undermining our respect for each other. We energetically discussed his attack on court-ordered mediation, and I requested he print an apology to the bar for his misinformation. He suggested I write an article to express my opinion. I had to admit the likelihood of his accepting my suggestion was considerably less than the likelihood of getting a rebuttal printed. Here it is. Please hear me out. And remember, we are talking about mediation, not arbitration.

Judge Dillard's expressed concern is two-fold. First, he believes neither our Supreme Court nor any trial judge has authority to require mediation. This challenges the fundamental rule-making power of the Supreme Court and ignores the duty and authority of a trial judge to control the docket. Our authority for court-ordered mediation in domestic relations matters is a Mississippi Supreme Court Administrative Order dated February 1987, unmentioned by Judge Dillard but found at the end of the Uniform Chancery Court Rules in West's *Mississippi Rules of Court*. I don't agree this is a matter for the legislature, but if it is I hope someone is proposing a bill in 1995 to allow it.

The Rankin County Chancery Court Mediation Service, begun in 1991, is fully authorized by and founded upon

that order, inspired by Chancellor George Warner's pioneering effort in Lauderdale County and the nationwide movement toward Alternative Dispute Resolution (ADR) which has left Mississippi behind in the past decade. Interestingly enough, Judge Dillard sees nothing wrong with requiring parties to sit in chambers with their attorneys and the trial judge at a pre-trial conference or on the day of trial for the purpose of avoiding the trial. Why wait? Why risk recusal of the judge, who would have to decide the case if it is not settled? Actually, many who are "forced" to mediate express great thanksgiving for the early opportunity and for the quick resolution which mediation often brings long before that trial date. Many couples would have settled within a month of suit being filed if they had been permitted by counsel to talk to each other.

The second concern expressed by Judge Dillard is based upon some attorneys indicating resentment of court-ordered mediation in Rankin County because it supposedly interferes with their professional responsibility as advocates. The mistake of this second concern is grounded on a misunderstanding of either (1) the Code of Professional Responsibility or (2) the definition of mediation. I'll address both.

Only recently have the law schools begun to offer courses in Alternate Dispute Resolution. In my opinion, this is another short-coming in legal education which should be corrected by focusing the entire first year of law school on the ethics and ADR in the junior year when it may be too late to offset students' hunger for "the kill" through zealous advocacy. The Code of Professional Responsibility squarely places dispute resolution ahead of winning the day and urges counselors at law to favor and advocate a win-win resolution, as is offered by mediation,

over the win-lose solution offered by progressively adversarial advocacy. The latter leads to trials or desperate settlements on the courthouse steps, whereas the former leads to early, economical, satisfying, lasting, and relationship-preserving settlements.

A total misunderstanding of the definition of mediation apparently lingers. I would like to illustrate this with two of the most blatantly misleading and mistaken statements in the April article, both of which I believe Judge Dillard is willing to reconsider after our eyeball-to-eyeball discussion. Of course, I maintain that anyone who has read our pamphlet describing the Rankin County Chancery Court Mediation Service would be hard pressed to misunderstand. Judge Dillard and every attorney who represents a client ordered to mediate have received a copy.

Mediators never "decide" anything! Judge Dillard asks readers to believe clients "are in a quandary as to whether to accept the decision of the mediator or, when they confer with their attorney, if they have one, the decision of the attorney." This not only is a false premise, but it plays into the fears of an uninformed bar. As I told Judge Dillard, I would fire any mediator who ever decided for the parties he or she is serving. Mediators, unlike arbitrators, have no role in deciding what is the "right" solution or who "wins", but, instead, are only concerned with aiding the parties in reaching their own agreement. Mediators never decide! The tragedy is that this has been said and heard and written and read but is still not understood by some.

The professional duty of attorneys is not diminished or complicated by mediation! Judge Dillard says..."it appears this practice invades the province of the attorney and distorts the attorney/client relationship." This

...continued on page 6

CLE Calendar of Events

June 23
Successful Judgement Collections in Mississippi.
NBI, Jackson. 715-835-7909

June 23-24
Guardian Ad Litem Seminar.
MS Bar Young Lawyers Division.
Jackson. 948-4771

Criminal Law Seminar: The Ultimate Cross-Examination.
MC School of Law and MS Attorneys for Criminal Justice.
Jackson. 949-5621

June 28
Insurance Litigation in Mississippi.
Lorman Business Center, Jackson.
715-833-3940

July 19
Alternative Dispute Resolution in Mississippi.
NBI, Jackson. 715-835-7909

July 19-21
UM-CLE Summer Mini-Seminar Series.
UM Center for CLE, Jackson.
601-232-7282

July 20
Appellate Law.
Lorman Business Center, Jackson.
715-833-3940

July 22
Overview of UCC Articles III, IV, and IVa.
MC School of Law, Jackson.
949-5621

July 26
Self-Insured in Mississippi.
NBI, Jackson. 715-835-7909

July 28
Annual Ethics Seminar.
MS Bar, Jackson. 948-4471

HCBA Calendar of Events

June 21
HCBA Membership Meeting.
Noon, Capital Club

July 7
George Street Social.
5:30-7:00, George Street Grocery

August 16
HCBA Membership Meeting.
Noon, Capital Club

August 26
HCBA Golf Tournament.
1:30, Deerfield Country Club

September 1
George Street Social.
5:30-7:00, George Street Grocery

Rebuttal...

(continued from page 5)

also is false and plays into fears and inhibitions of advocates. Attorneys should encourage and decide whether or not to attend mediation sessions out of the same concerns (and with the same eye toward hourly billing) as are involved when deciding on any step in the process of representation, such as attending or taking a deposition. In fact, any hours charged for aiding in mediation will most likely be much more appreciated and may be much more of a bargain than hours spent in trial preparation or in any of the pre-trial skirmishes which may be avoided if the parties can reach their own solution.

What is also important is the fact (left out of Judge Dillard's article, of course) that no agreement reached in mediation is ever implemented without approval by attorneys of record for both parties! Contrary to Judge Dillard's inflammatory suggestion, no attorney is ever left out or denied control of the client by the process or result of mediation (unless, of course, the client discovers the attorney is protracting the litigation unnecessarily

and is reluctant to allow compromise, in which case the attorney may well be discharged). What everyone should remember is that judges and attorneys have a responsibility for dispute resolution which begins at their first involvement in each case. Some attorneys, rationalizing their fear of mediation, may be forgetting that it is the client's case. The client is in charge of the decision of whether to settle, go ahead with expensive discovery, or run the risk of trial. If the client makes a stupid compromise which the attorney truly cannot support, it is the attorney's professional responsibility to express his disagreement and offer or insist upon withdrawal. Any other understanding is a misunderstanding of professional responsibility. Mediation enforces professional responsibility and assists attorneys in carrying it out. Mediation does not detract or interfere. It is an easy step in representation, as legitimate as pre-trial discovery. In fact, avoiding or sabotaging mediation may be malpractice.

There is much more I'd like to say about the remarkable success of mediation of domestic relations matters in Rankin County Chancery Court. Without the program my docket would be

hopelessly bogged down. As it is, delay in this very busy court is no worse now than it was two and a half years ago when we began in earnest our effort to get a second Chancellor. The truth is that mediation is often the right thing to try. Court-ordered mediation can allow the advantage of an off-record discussion among parties and the impartial third party expediter, often revealing the true demands and the compromise position of the other side at the earliest stages.

Mediation is coming whether or not Judge Dillard or some members of the bar want it. If we do not provide it, the burgeoning ADR industry will eventually take the clients because dispute resolution will be seen as better accomplished entirely outside the legal system. I believe mediation is a friend of the good attorney and the sincere judge, not an enemy. I hope that the bench and bar will publicly embrace this friend and then take public credit for advocating mediation in Mississippi. Nothing could do more to enhance the embattled image of the Mississippi lawyer and maybe even us judges.

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HCBA's Second Annual Tennis Tournament

The HCBA's Second Annual Tennis Tournament was held May 21 at Parham Bridges Park. Organizing this year's event were Trip Barnes and Bob Barnett. First American Title Insurance Company, our sponsor, provided prizes for the winners as well as towels, sweatbands, drinks and food for all of the participants.

Participating in this year's tennis

tournament were:

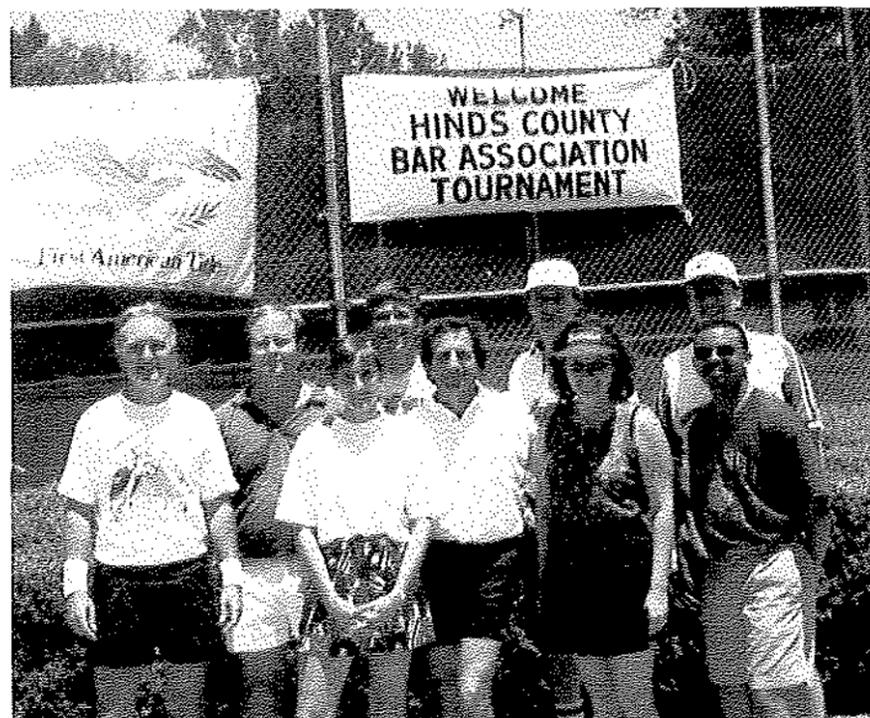
Men's Advanced: Trip Barnes, Mike Malouf, John Noblin, Thomas Powell, Whit Rayner, Richard Roberts;

Men's Intermediate: Greg Harper, Larry Jones, James L. Pettis, Stanley Smith, Richard Wise;

Women's Advanced: Lyn Crawford, Vicky Edwards, Sara Martin, Kathleen Patrick;



The Men's Advanced Winners were (from left to right) White Rayner (second place, tie), Mike Malouf (first place), and J. T. Noblin (second place, tie).



Some of the participants enjoying the tennis tournament were (from left to right) Richard Roberts, Jim Pettis, Kathy Patrick, Trip Barnes, Mike Malouf, J. T. Noblin, Kathy Boteler, Whit Rayner, and Thomas Powell.

Women's Intermediate: Kathy Boteler, Katie Gilchrist, Katie Hester, Gina Jacobs, LeAnn Mercer.

Congratulations to the winners of this year's tournament. They were:

Men's Advanced: First place, Mike Malouf; Second place (tie): Whit Rayner and J. T. Noblin;

Men's Intermediate: First place, Larry Jones; Second place, Richard Wise; Third place, Stan Smith;

Women's Advanced: First place, Lyn Crawford; Second place, Sarah Martin; Third Place (tie), Vicky Edwards and Kathleen Patrick;

Women's Intermediate: First place, Kathy Boteler; Second place, Katie Hester; Third place, LeAnn Mercer.

Second Annual HCBA/JYL Golf Tournament Date Announced

The golf tournament committee of the Hinds County Bar Association has decided to hold the Second Annual Golf Tournament on August 26, 1994 at Deerfield Golf Course at 1:30 p.m. Please place this date on your calendar. In addition, if anyone knows of any reason why this is not a smart date to hold the tournament, please contact Mark Chim, Committee Chairman, at 366-4410.

There were a lot of requests by firms to sponsor holes at the tournament and anyone interested in sponsoring a golf hole for \$100.00 should immediately contact Kenny Griffis, Sponsorship Chairman, at 969-4140.

Do not send in a request for registration at this time, but please put the date on your calendar. Once again, we will sponsor Habitat for Humanity. Last year we contributed \$2,200.00!

Law Schools Release Class of '93 Employment Data

by David L. Trewolla
Associate, Heidelberg & Woodliff, P.A.

The Mississippi College School of Law and University of Mississippi Law Center have released a variety of informative statistics about postgraduate employment of each school's Class of 1993. Such data is not available until at least six months after graduation because of student involvement with bar examinations and job interviews. The following breakdown, arranged by percentage of students employed in specific areas of practice, applies to 109 law graduates of Mississippi College and 135 graduates of Ole Miss comprising the Class of 1993:

PRACTICE AREAS

	MS College School of Law	University of MS Law Center
Private Practice	69%	56%
Business & Industry	3%	7%
Government	14%	3%
Military	0%	2%
Academic (LL.M.)	1%	6%
Public Interest	2%	2%
Judicial Clerkship	6%	9%
Not Identified or Non-Legal Profession	5%	15%

The majority of those entering private practice are employed in firms comprised of no more than 25 lawyers. Only 3% have "hung out a shingle" as solo practitioners.

Although these graduates have primarily located in Mississippi and other Deep South states, the following is a more detailed analysis of their geographic locations as reported by the schools pursuant to guidelines of the National Association of Law Placement:

EMPLOYMENT LOCATIONS

	MS College School of Law	University of MS Law Center
New England (CT, ME, MA, NH, RI, VT)	1%	0%
Middle Atlantic (NJ, NY, PA)	3%	5%
East North Central (IL, IN, MI, OH, WI)	0%	0%
West North Central (IA, KS, MN, MO, NE, ND, SD)	0%	1%

South Atlantic (DE, DC, FL, GA, MD, NC, SC, VA, WV)	25%	8%
East South Central (AL, KY, MS, TN)	51% (MS - 47%)	77% (MS - 72%)
West South Central (AR, LA, OK, TX)	20%	5%
Mountain (AZ, CO, ID, MT, NV, NM, UT, WY)	0%	1%
Pacific (AK, CA, HI, OR, WA)	0%	2%
Foreign	0%	1%

Perhaps of more interest, the approximate average starting salary for these graduates is \$32,700.00. In the current national atmosphere of firm and corporate reductions in an ever tightening job marketplace, the above statistics reflect highly upon the product generated by Mississippi's law schools.

To enhance opportunities for graduates, the Mississippi College School of Law and University of Mississippi Law Center this year jointly instituted a regional job fair on the Mississippi Gulf Coast. Its purpose was to bring potential employers together with qualified students for employment interviews. The fair attracted eight employers from south Mississippi and 35 students from both law schools. This event was such a success that it will be repeated in March 1995 with a goal of markedly increasing the number of participating employers and students.

The Hinds County Bar Association extends its congratulations and best wishes to the 1993 graduates and cordially invites for new membership those graduates who have located in this area.

Mississippi College Law Library Summer Hours

Monday - Thursday 7:30 a.m. - 10:00 p.m.
Friday 7:30 a.m. - 6:00 p.m.
Saturday 9:00 a.m. - 6:00 p.m.
Sunday 2:00 p.m. - 6:00 p.m.
July 3-4 (Sunday - Monday) Closed

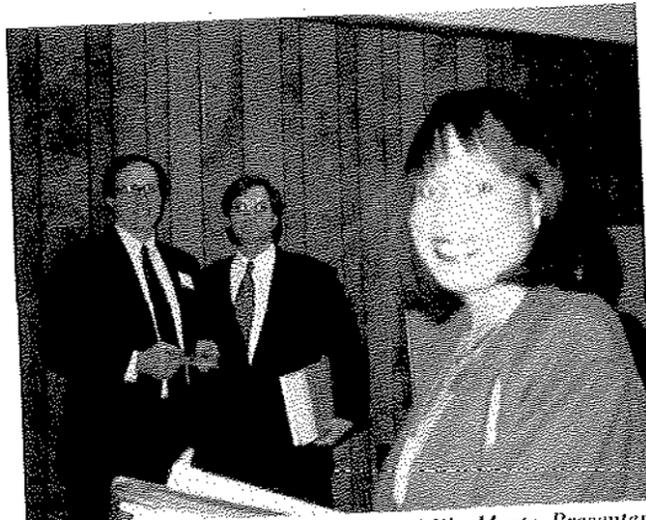
People's Law School

The fourth annual People's Law School, sponsored by the Hinds County Bar Association and *The Clarion-Ledger*, was held March 22 and 29, April 5 and 12. The classes were



Committee members Ottawa E. Carter, Jr.; John Henegan, Chairman; Patricia W. Bennett; Peter L. Doran

attended by over 80 at each session. The project was financially assisted by the Interest on Lawyers Trust Accounts Program of the Mississippi Bar Foundation.



Thomas B. Alexander, Co-Chairman; Mike Martz, Presenter; Mitzi Dease Paige, Committee Member

Judge Gibbs Teaches Judicial Education Course

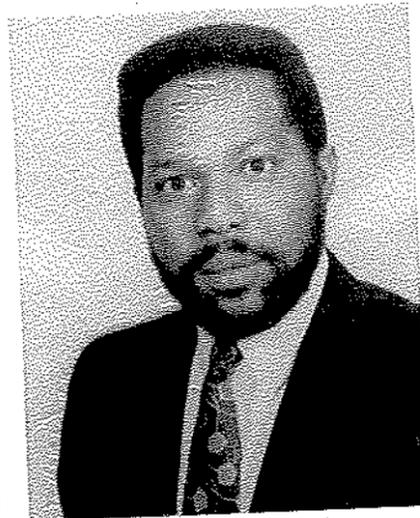
Judge Robert L. Gibbs of the Hinds County Circuit Court taught the *Effective Sentencing and Probation Management* course held May 8-13, 1994 at The National Judicial College.

The purpose of *Effective Sentencing and Probation Management for Judges and Probation Officers* was to develop the judge and probation officer into a team to identify and develop effective sentencing resources. Topics covered included identifying the major problems inherent in sentencing options and developing strategies for solving or minimizing those problems, creating a working relationship with the probation department on developing and monitoring sentencing options, and implementing sentencing alternatives which realistically meet the needs

of the community, the victim, and the defendant.

As a first year faculty member, Gibbs assisted in the planning and implementation of the *Effective Sentencing and Probation Management* course. Gibbs has served on the Circuit Court since January of 1991 and is seeking re-election this year.

Located on the campus of the University of Nevada, Reno, the Judicial College was featured on CBS's *60 Minutes* as the leading national training and education center for trial judges. This perception was further endorsed in the 1993 *Eye to Eye* segment on violence in the courtrooms. Since the college was founded in 1963, more than 30,000 certificates of completion have been issued to graduates,



Judge Robert L. Gibbs

including U.S. Supreme Court Justices Sandra Day O'Connor and David Souter.

New Videos at the Mississippi College Law Library

The following videotapes have been recently added to the collection of the Mississippi College Law Library:

1. *Guide to the Fiduciary Duties of Directors of Charitable Corporations*
2. *The Thin Blue Line* (the 1988 motion picture)
3. *Expert Witnesses and Demonstrative Evidence in the Courtroom*
4. *Women Rainmakers; Strategies for Effective Networking*
5. *Professional Responsibility in Practice*
6. *Environmental Concerns of Fiduciaries*

Additionally, the library has purchased a six cassette set of audio tapes titled "May It Please the Court: The Most Significant Oral Arguments Made Before the Supreme Court Since 1955." These audio tapes contain 23 live recordings of landmark cases as argued before the Supreme Court.

Evelyn Gandy Lectureship Series

The Women in the Profession Committee announces the date for the second in the series of women's CLE programs that have been named the Evelyn Gandy Lectureship Series.

Again, the program will be held on the first weekend in October (October 7-8) at Cedar Grove Mansion in Vicksburg. This year's program is titled "When the Rules of the Game Change" and features Judy Perry Martinez, a member of the ABA Women in the Profession Committee and a New Orleans practitioner. The other topics, covered by a broad group of outstanding local lawyers, are "New Rules of Federal Discovery," "Rainmaking," "Stress and Time Management," and "Negotiation and Dispute Resolution."

As in the past, the program is co-sponsored by the Mississippi Women Lawyers Association, the Women in the Profession Committee of the State Bar, and the Office of Professional Services of the Mississippi College School of Law. Brochures containing full information will be in the mail in a few weeks.

UNTIL NOW, TITLE COMPANIES WERE ABOUT AS EASY TO COMPARE



These days, a lot of title companies claim to be financially sound. But too often, what they promote are isolated ratios and statistics that are not a true measure of financial strength. In fact, they are often misleading.

At Mississippi Valley Title, we saw the need for standardized claims-paying-ability ratings for title insurers. That's why we asked to be rated by Standard & Poor's. We were given an A+ — the highest rating from S&P in the title industry to date — along with our affiliate and co-underwriter, Old Republic National Title Insurance Company, who received an A+ rating for the second year in a row.

Ask another title company for their rating from Standard & Poor's. If they don't have one, ask why, then call Mississippi Valley Title.

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MISSISSIPPI COLLEGE SCHOOL OF LAW

CLE SCHEDULE

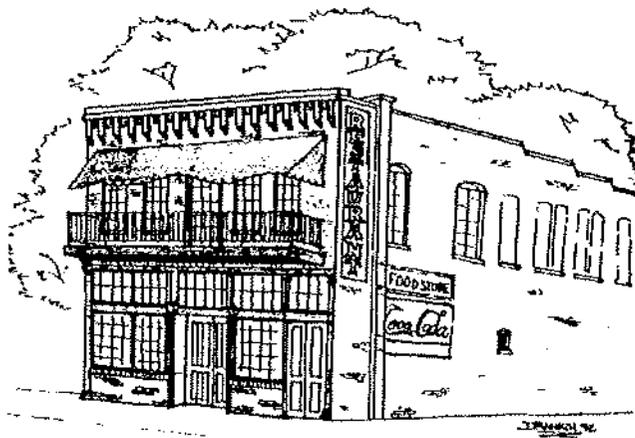
THE ULTIMATE CROSS-EXAMINATION SEMINAR

Friday, June 24, 1994
Ramada Coliseum
6 CLE / 1 Ethics
Featuring six of the best trial lawyers in the USA

WORKING WITH THE REVISED UCC ARTICLES

3 AND 4 AND 4A
Friday, July 22, 1994
Ramada Plaza Hotel
6 hours of CLE
Featuring Paul A. Carrubba

For Information, Call
Office of Professional Services
(601) 944-1950



*Join the Hinds County Bar Association
for an After Hours Social at
George Street Grocery
Thursday, July 7, 1994
5:30 - 7:00 p.m.*

Cash Bar • Hors D'oeuvres • Spouses Invited
Please mark your calendar as individual invitations will not be mailed.

HINDS COUNTY BAR ASSOCIATION

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Correspondence regarding the newsletter should be directed to: Editor, 151 E. Griffith St., Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 969-6097.

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

FIRST CLASS

**IMPORTANT
HCBA Luncheon Meeting
12 Noon, June 21**

HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

OCTOBER 1994



President's Column

Richard C. Roberts III

Free drinks will draw a crowd of lawyers every time! That's the inescapable conclusion drawn from the turnout at our last George Street Social. As we announced in the last newsletter and at the Membership meeting, the Board of Directors decided to re-direct the \$500 cost of mailing the notices of our George Street socials to an "open bar" for the benefit of our members. This action was well received. Where *did* all those young lawyers come from? We will continue this policy for the next George Street social scheduled for Thursday, November 3, from 5:30 p.m. to 7:00 p.m.

Habitat for Humanity

Nina Redding, Executive Director of the Metro Jackson Habitat for Humanity, has announced the Chapter's "*Habeas Habitat*" program. This is a work day for lawyers, spouses, and children (ages 15 and up). *Habeas Habitat* is scheduled for **Saturday, October 29**. There will be two shifts: 8:30-12:00 and 1:00-4:30. The plan is to complete a house on Manship Street in midtown Jackson and to continue working on a house in Brandon. This would be a great project for firms of all sizes. Call the Habitat office at 353-6060 to sign up.

Seminar Series

The HCBA CLE Committee, chaired by Richard Montague, plans to conduct a series of one hour seminars on the topics of professional responsi-

bility, ethics, and malpractice prevention. The seminars are part of an effort by the HCBA to improve the delivery of legal services to the public. Each seminar attendee will receive one hour of ethics CLE credit. The CLE Committee plans to hold these seminars on the Thursday following the regular Tuesday HCBA lunch meetings. The Mississippi College School of Law has graciously agreed to provide one of its lecture halls at no charge to the association. Cost for the seminars will be \$15.00 for members and \$25.00 for non-members. The seminars will begin at 11:30 a.m. with introductory remarks and time to eat a brown bag lunch. The one hour ethics CLE presentation will begin promptly at 11:45 a.m. and conclude at 12:45 p.m.

The first of the "lunch and learn" seminars will feature HCBA member Floyd Sulser discussing the ethics of limited liability companies and malpractice exposure for lawyers. The

seminar will be held October 20, 1994, in Room 202 at the Mississippi College School of Law. Registration will begin at 11:15 in the Mississippi College Law School Lobby.

Credit Union Privileges

The Board of Directors has approved a resolution authorizing a request for membership with the Jackson VA Federal Credit Union. Originally founded in 1935 as a credit union for the 100-plus employees stationed at the Jackson, Mississippi Veteran's Bureau, the JVAFCU has grown into a multi-million dollar financial institution serving over 7,000 members and more than 60 employee groups located in and around the Jackson area. In a nutshell, if the HCBA's application for membership is accepted, HCBA members will have access to the credit union's full range of financial services, such as auto

...continued on page 2

NOTICE

- WHAT:** HCBA Brown Bag Professionalism Seminar Series
TOPIC: Ethics of Limited Liability Companies and Malpractice Exposure
SPEAKER: Floyd Sulser
WHEN: Thursday, October 20, 1994
Lunch 11:30 (bring your own)
Seminar 11:45 - 12:45
WHERE: Room 202, Mississippi College School of Law
COST: \$15 (members) • \$25 (non-members)
CREDIT: Seminar attendees will receive one hour of ethics CLE credit.

Sponsored by the Hinds County Bar Association

For additional information, see Richard Montague's article on page 11.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

October 18, 1994

12 Noon

\$10.00

Capital Club

The speaker will be The Panel of Hinds County Circuit Judges.

President's Column

(continued from page 1)

loans, mortgage loans, student loans, savings accounts, checking accounts and investment accounts. The JVAFCU advertises higher rates on savings and lower rates on loans than competing financial institutions. Stay tuned for further developments.

Small Firm Survey

For a number of years the HCBA has conducted an economic survey of the large firms which has proven beneficial for the administration of those firms. In hopes of achieving a similar benefit for small firms, the Small Firm Practice Committee has prepared and issued a survey for firms composed of five or fewer lawyers in the tri-county area. Our small firm mailing list is less than perfect. If you did not receive a copy of the survey, please contact Joel Howell, Chair of the Small Firm Practice Committee. To defray expenses, we are asking that each firm participating in the survey send a check for \$5 payable to the HCBA, Attention: Pat Evans, 151 E. Griffith Street, Jackson, MS 39201. The results of the

survey are being compiled by the accounting firm of Grantham, Randall, Muns & Co. A copy of the survey results will be distributed to all those who pay the \$5 charge.

Lawyer Referral Service

The Mississippi Bar has discontinued the statewide Lawyer Referral Service. A committee of HCBA members, chaired by Al Malone, is investigating the feasibility of our Association sponsoring a local area Lawyer Referral Service. In many states, lawyer referral services are administered by local bar associations. Generally speaking, the services have been net income generators for the local bar associations and have provided needed assistance for consumers of legal services. The committee is working closely with the ABA's Standing Committee on Lawyer Referral and Information Services in an effort to structure a self-supporting lawyer referral service for lawyers in our area. If you have any comments or suggestions for this committee, please direct them to Al Malone, Chair, or Vic Carmody, Vice-Chair.

UNTIL NOW, TITLE COMPANIES WERE ABOUT AS EASY TO COMPARE



These days, a lot of title companies claim to be financially sound. But too often, what they promote are isolated ratios and statistics that are not a true measure of financial strength. In fact, they are often misleading.

At Mississippi Valley Title, we saw the need for standardized claims-paying-ability ratings for title insurers. That's why we asked to be rated by Standard & Poor's. We were given an A+ — the highest rating from S&P in the title industry to date — along with our affiliate and co-underwriter, Old Republic National Title Insurance Company, who received an A+ rating for the second year in a row.

Ask another title company for their rating from Standard & Poor's. If they don't have one, ask why, then call Mississippi Valley Title.

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IN THE CIRCUIT COURT OF THE SEVENTH CIRCUIT COURT DISTRICT STATE OF MISSISSIPPI

ORDER

I, William F. Coleman, the Circuit Judge who has been for the longest time continuously a Judge of such Court, hereby set the terms of the court for the Seventh Circuit Court District of the State of Mississippi, as follows:

HINDS COUNTY, FIRST DISTRICT

On the first Monday of January, 1995, 54 days
On the first Monday of March, 1995, 48 days
On the first Monday of May, 1995, 54 days
On the first Monday of July, 1995, 54 days
On the first Monday of September, 1995, 54 days
On the first Monday of November, 1995, 48 days

HINDS COUNTY, SECOND DISTRICT

On the second Monday in January, 1995, 12 days
On the second Monday in April, 1995, 12 days
On the fourth Monday in July, 1995, 12 days
On the fourth Monday in October, 1995, 12 days

IT IS FURTHER ORDERED AND ADJUDGED that a copy of this Order be placed on the minutes of the Circuit Court of the First Judicial District of Hinds County, Mississippi, and the Circuit Court of the Second Judicial District of Hinds County, Mississippi, and that a certified copy be posted in the Office of the Circuit Court in each Judicial District of Hinds County, Mississippi and that a certified true copy be mailed to the office of the Secretary of the State of Mississippi and that a certified copy of the Order be delivered to the Clerk of the Board of Supervisors of Hinds County, Mississippi.

SO ORDERED AND ADJUDGED this the 19th day of September, 1994.

Signed
William F. Coleman
Circuit Judge

Patricia D. Wise

by Anita Mathews Stamps

As the attorney prepares for trial, he/she reflects on the ideal.

This icon finds itself well realized in our own Hinds County Chancery Court, embodied in Chancellor Patricia D. Wise.

Judge Wise is one of four Chancellors of the Fifth Chancery Court District of Hinds County, Mississippi; one of only seven (7) African-American trial judges in the state. Formerly she was managing attorney and partner in the law firm of Dockins & Wise, Attorneys at Law, Jackson, Mississippi. Her private practice was in the area of Domestic Relations — Family Law, Personal Injury and General Civil practice. She also served as family law resource attorney for Central Mississippi Legal Services.

In the operations of her courtroom, Judge Wise demands that attorneys be on time and prepared. The prepared attorney always knows that he has done well and the "unprepared" respects the way he/she has been treated despite his/her shortcomings. Judge Wise's judicial temperament and demeanor have nurtured and commanded the respect of the Hinds County Bar.

In revealing her thoughts on the judiciary, Judge Wise believes that attorneys should invest the time to become familiar with the local rules and practice before appearing in that forum.

Generally, as to chancery court estate matters, Judge Wise notes that most attorneys are well prepared. She suggests that an attorney who has not tried an estate matter before should come to court to observe the resolution of an estate and a settlement hearing. That way they will have some case in conducting their own hearing.

Another elemental observation as it relates to estates which is often overlooked by attorneys involves the drafting of the petition. In presenting his/her case an attorney should simply follow his/her petition in examining his witnesses.

Attorneys should not expect the

Court to ratify any settlements made outside the four-corners of the petition or any "side" agreements. The attorney should always make sure his contracts have been approved by the court, particularly in case of settlements, although the court has the final discretion in determining the amount of the award.

Over the years, Judge Wise has made certain helpful observations that can assist both new attorneys and seasoned veterans of chancery court.

For trials that last more than one (1) day, and especially in trials that last longer, the attorney should consider preparing a trial notebook. It is very beneficial to the bench to have the documents laid out in an orderly manner and aids in the attorneys being able to stipulate to certain exhibits.

Using the example of a trial involving a custody matter, pictures of the children and their living environment are recommended. It tends to make the whole situation more real to the court.

Continuing with this example, an attorney should also include the party's financial statement as defined by chancery court rules.

Another concern of the Court is the failure of an attorney to assign a realistic period of time for trying his/her case. The simplest way to do so is to call the opposing attorney and ask him/her how much time he/she would need, and secure sufficient time for presentation of the entire case.

Chancery Court presents the new attorney with an ample opportunity to acquire trial experience over a short period of time. However, Chancellor Wise has observed that oftentimes attorneys do not appear to take the time in preparation that they would for a jury trial. She cautions that attorneys should spend quality time with their clients in preparing them even though the hearing may only last from fifteen (15) minutes to a couple of hours; a judge can tell if you just picked up the file that morning.

Another peculiarity of chancery

court, as opposed to circuit court, is that an attorney does not have to object to every single objectionable matter. Doing so not only interrupts the flow of the trial, but the court, as fact-finder, establishes a good balance based upon the court's experience. Therefore, if the attorney makes an objection, he should be specific in reasons and objectionable grounds.

Chancellor Wise usually conducts pre-trial conference in order to identify issues.

Two philosophies of Judge Wise are noteworthy for all attorneys:

One, she believes that it is important that everybody who comes through her courtroom should feel that they have had a fair trial, that they have been treated with respect and dignity and that they have had an opportunity to be heard.

Two, she believes in opening up the courthouse and outside facilities to the community, especially young people, to enable them to feel more comfortable in this environment. After all, this is their building; we all pay taxes for them to be able to enjoy and use those facilities.

Finally, Chancellor Wise reflected upon the adversarial roles of attorneys in chancery court. She believes that, although you have an opposing counsel, you do not necessarily have to view yourselves as adversaries. In most domestic cases, there is not a win-lose situation. For example, when the Court makes a decision in a child custody cases, it is not a negative ruling for one parent against the other, rather it determines what is beneficial or in the best interest of the child.

Chancellor Wise brings a wealth of practical experience to the bench and sets a standard of excellence for practicing attorneys who appear before her for the betterment of both the Bench and Bar, and ultimately, the public.

Anita Mathews Stamps is a member of the Hinds County Bench and Bar Relations Committee and is a partner in the firm of Stamps & Stamps.

Hinds County Bar Association Committees 1994-95

The following is a list of the current Chairs, Vice-Chairs and Board Liaisons of the Hinds County Bar Association Committees. Members are encouraged to contact these persons with any questions you may have, information that may be helpful to the committee or assistance you might offer.

Alternative Dispute Resolution

Chair Harold Miller
Board Liaison Ben Piazza

Bench and Bar Relations

Chair Jeffrey Reynolds
Vice-Chair Julie Chaffin
Board Liaison Bob Owens

Black Lawyers Participation in the Profession

Chair Patricia Bennett
Vice-Chair Dorian Turner
Board Liaison Bob Owens

Budget and Finance

Chair Alveno Castilla
Board Liaison Harris Collier

Child Advocacy

Chair Frances Corley
Board Liaison Philip Gaines

Continuing Legal Education

Chair Richard Montague
Vice-Chair Arnold Dyre
Board Liaison Ben Piazza

Golf Tournament

Chair Mark Chinn
Vice-Chair John McCullough
Board Liaison Mark Chinn

Law Related Education

Chair Pam Dill
Board Liaison Harris Collier

Legal Economics

Chair Robert Williamson
Board Liaison Harris Collier

Legal Problems of the Homeless

Chair Michael MacInnis
Vice-Chair Claiborne Barksdale
Board Liaison Marcus Wilson

Library

Chair Vernon Chadwick
Board Liaison Carol West

Membership

Chair Peter Doran
Vice-Chair Marcia Smalley
Board Liaison Mark Chinn

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Co-Editor Debra Allen
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Board Liaison Jeffrey Rawlings

People's Law School

Chair Rebecca Wiggs
Board Liaison Marcus Wilson

Pictorial Directory

Chair Stephen Edds
Board Liaison Richard Roberts

Program

Chair Joe Lotterhos
Vice-Chair Donna Wright
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Public Information

Chair Leonard Van Slyke
Board Liaison Ben Piazza

Small Firm Practice

Chair Joel Howell
Board Liaison Jeffrey Rawlings

Social

Chair David Thomas
Board Liaison Philip Gaines

Tennis Tournament

Chair Harris Barnes
Board Liaison Richard Roberts

Women in the Profession

Chair Tammy Harthcock
Board Liaison Carol West

CD-ROM Technology Now Available At Mississippi College

The Mississippi College Law Library has recently acquired two CD-ROM workstations for patron use, including members of the practicing bar. One is located on the second floor of the Library, near the WESTLAW and LEXIS terminals. The other is located on the third floor of the Library, near the Government Documents Assistant's desk. Please come to the Library prepared to show a driver's license or similar photo ID if you plan on using either of these workstations.

All of the CD products are located behind the Circulation Desk in the Library and include the following:

- *Casebase* – covers Mississippi Reports from 1954 to the present, the Mississippi Code and Mississippi Court Rules
- *Index to Legal Periodicals* – covers 1981 to the present
- *Mississippi Cases* – a West product, covering Southern 2d from Vol. 20 - Vol. 632, p. 960 and the Mississippi Court Rules

- *Matthew-Bender "Search Master" Libraries* – covers Federal Practice, Collier's Bankruptcy, Intellectual Property, Environmental Law, Personal Injury, Business Law, and Workers' Compensation

- *RIA On-Point Tax Library* – includes the Federal Tax Coordinator 2d, the Master Federal Tax Manual, the Internal Revenue Code, the Federal Tax Regulations, and the Weekly Alert Archive

- *U.S. Code on CD-ROM* – published by the Government Printing Office

- *Congressional Masterfile 2* – CIS Index material for research in federal legislative history

Each of the CD titles are on *one* disk, and each disk contains a multitude of individual publications. New titles will be added to the collection as need arises and funds permit. Come on by and give these CD-ROM workstations a workout on your next visit to the Mississippi College Law Library.

MISSISSIPPI COLLEGE SCHOOL OF LAW

CONTINUING LEGAL EDUCATION SCHEDULE

*Seventh Annual
Workers' Compensation
Practice & Procedure Seminar*
Thursday, November 3, 1994
Ramada Coliseum
Chair: Linda A. Thompson
6 hours

Medical Malpractice Seminar
Friday, October 28, 1994
Primos Northgate
Chair: C. R. "Bob" Montgomery
6 hours

Environmental Law Seminar
Friday, November 4, 1994
Ramada Plaza Hotel
Chair: John E. Milner
6 hours

*Back issues of all seminar
manuals are available
by calling the CLE Office*

Contact: William R. Townsend
Assistant Dean
(601) 949-5621
Fax (601) 353-7111

Mississippi College Law Library Regular Hours

Monday - Thursday 7:30 a.m. - Midnight

Friday 7:30 a.m. - 9:00 p.m.

Saturday 9:00 a.m. - 9:00 p.m.

Sunday 1:00 p.m. - 10:00 p.m.

Mark your
calendars now!

HCBA
*Christmas
Social*

Thursday, December 8, 1994
5:30 - 7:30 p.m.
Mississippi Bar Center





Dean Louis Westerfield The University of Mississippi Law School

by David L. Trewolla



Dean Louis Westerfield

Louis Westerfield began his tenure as Dean of the School of Law, Director of the Law Center and Professor of Law at the University of Mississippi in July. He came to Ole Miss from the Loyola University School of Law in New Orleans, where he had served as Dean and Professor of Law since 1990. He held the same positions at the North Carolina Central University School of Law in Durham from 1986 to 1990. No stranger to Ole Miss, he was a visiting professor of law at the school during the summers of 1980 and 1989 and a professor of law from 1983-86. His teaching has been concentrated in the areas of constitutional law and criminal law and procedure.

When asked for his impressions of the law school at this point in his service, Dean Westerfield commented, "My familiarity with the faculty from the three years and two summers that I served here as a law professor leads to my conviction that our faculty is now the best ever — an aggressive, relatively young faculty, productive in research and writing, who are first and foremost excellent teachers. And I believe that the quality of our student body is com-

parable to that of any law school in the country."

A native of Kemper County, Dean Westerfield obtained his undergraduate education at Southern University in New Orleans, graduating in 1971 with a political science degree. He attended the Southern University Law School in Baton Rouge and ranked number one in his class before transferring to Loyola University in 1972, where he earned his law degree in 1974. Dean Westerfield also holds a Master of Law Degree from New York's Columbia University.

Upon graduating from Loyola, he served one year as an assistant district attorney in New Orleans, and became Assistant Professor of Law and Director of the Law Clinic at Southern University Law School in 1975. Prior to becoming a law professor at Ole Miss in 1983, Dean Westerfield was a professor of law at Loyola from 1978-83 and a Louisiana Court of Appeals judge in 1994. He served ten years as a member of various arbitration boards and panels, including those for the United Steel Workers and Continental and American Can Companies (1975-83) and for the New Orleans Longshoremen's Union and Steamship Association (1982-85).

In addition to his professional duties and membership in numerous State of Louisiana and New Orleans law-related committees, Dean Westerfield has made significant civic contributions through his involvement in Boards of Directors for the Children's Bureau, Urban League and Big Brothers of Greater New Orleans. Selected an Outstanding Young Man in America by the United States Jaycees in 1977, he has also found time to co-author a hornbook — *Westerfield and Harges, Louisiana Evidence* — which is now available in second edition from the Harrison Company. He chaired the Mississippi Advisory Committee to the U.S. Commission on Civil Rights from 1975-86 and was a member of the

Mississippi Governor's Constitutional Study Commission in 1986.

At Ole Miss Dean Westerfield will work with 25 faculty members administering a legal curriculum to an average of 500 students annually. The position of law school dean encompasses supervision over the following programs sponsored within the L.Q.C. Lamar Law Center: Mississippi Law Research Institute, Mississippi-Alabama Sea Grant Legal Program, Mineral Resources Law Institute, Mississippi Judicial College and the *Natural Resource Update* legal journal.

One of Dean Westerfield's goals is to gain an Order of the Coif chapter for the school. He notes, "Meeting the qualifying criteria for that encompasses many improvements that I believe are necessary — upgrading our library, adding more scholarships, increasing faculty salaries, as well as additional funding for faculty travel and research. Working toward that goal is a win-win situation where many other goals will be accomplished." Admitting that this goal may take up to five years to achieve, he intends to actively promote the school in future meetings with bar associations across the state and alumni everywhere. He also seeks more diversity in both the faculty and student body.

Dean Westerfield resides in Oxford with his wife Gelounder and their three children — Anthony, 21, who is a visiting student at Ole Miss this fall semester and will return to Stanford in the spring of 1995 to complete his senior year; and Anika, 18, and Anson, 16, who are students at Oxford High School.

The Hinds County Bar Association extends its congratulations to Dean Westerfield, invites him to attend the Association's functions whenever possible and to call upon its members for assistance as needed.

David L. Trewolla is an associate with Heidelberg & Woodliff, P.A.

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CLE Calendar of Events

October 20
Professional Responsibility.
HCBA. 969-6097

October 21
Family Law Litigation in MS.
NBI. 715-835-7909

October 28
Medical Malpractice.
MC School of Law. 949-5621

October 28
Criminal Law.
MS Trial Lawyers. 948-8631

November 2
Charitable Giving Conference.
Millsaps College, Estate Planning
Council. 974-1029

November 3
Seventh Annual Workers'
Compensation Practice &
Procedure Seminar.
MC School of Law. 949-5621

November 4
Environmental Law Seminar.
MC School of Law. 949-5621

November 16
Divorce Court and Tax Implication.
Internal Revenue Service. 965-4142

November 17
Construction Claims and Job
Profitability in Mississippi.
NBI. 715-835-7909

November 18
Accounting Malpractice.
Lorman Business Center.
715-833-3940

December 7-8
Individual Income Tax - 1994 Laws.
MS Assn. of Public Accountants.
800-321-1276

December 13
Business Succession.
Lorman Business Center.
715-833-3940

HCBA Calendar of Events

October 18
HCBA Membership Meeting.
Noon. Capital Club

October 20
HCBA CLE 1-Hour Ethics.
11:45-12:45. MC School of Law

November 3
George Street Grocery Social.
5:30-7:00

December 8
HCBA Christmas Social.
5:30-7:00. MS Bar Center



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Hinds County Bar Association officers and directors for 1994/95 are: Philip Gaines, Director; Harris Collier, Secretary-Treasurer; Mark Chinn, Director; Richard Roberts, President; Ben Piazza, Past President; Carol West, Director; Jeffrey Rawlings, Director; and Marcus Wilson, President-Elect. Not pictured are Directors Bob Owens and Samuel C. Kelly.

Lawyers Golf Tournament Winners Named

The Second Annual Hinds County Bar Association/Jackson Young Lawyers Association Golf Tournament at Deerfield on August 26, 1994, was a resounding success. We had almost 100 lawyers and judges participating and were able to raise approximately \$3,000 for the Metro Jackson Chapter of Habitat for Humanity. Our thanks to Mark Chinn, Chair; John McCullouch, Vice-Chair; Harris Collier; Kenny Griffiths; Ben Piazza; Karla Pierce; and David Thomas for the outstanding job they did in organizing and running the tournament. The following is a list of the winners in the main competition and in specialized categories.

First Flight Winners:

Bob Germany
Joe Roberts
Lamar Pickard
Skip Clark

Second Flight Winners:

Mark Chinn
Jim Galloway
Richard Roberts
Dale Danks

Third Flight Winners:

Jack Bethany
Mike Segura
Murray Fincher
Kirk Nelson
Paul Snow

Longest Drive No. 1:
Mark Chinn

Longest Drive No. 4:
Joe Roberts

Longest Drive No. 16:
Joey Warwick

Longest Drive No. 18:
Mike Baxter

Closest to the Hole No. 3:
Jim Becker

Closest to the Hole No. 12:
Bob Germany

Closest to the Hole No. 14:
Joey Warwick

Longest Putt:
Mike Myers

When Pop Culture Takes Over

by Captain Equity

The summer of 1994 was in large measure dominated by three events which consumed the collective attention of America. Had those events been the health care reform debate, North Korea's nuclear threat and the genocide-induced refugee crisis in Rwanda, I would say this country's priorities were correctly focused. But we all know those stories only provided filler for what scarce air time and ink remained after the media had reported on the real news of the summer. Of course I speak of the O.J. Simpson murder case, the major league baseball strike and the Michael Jackson-Lisa Marie Presley union. While all of these stories did and still do generate varying degrees of genuine interest and curiosity, the public obsession with them reflects a disturbing reality in America. In short, pop culture has taken over. The looming repercussions for a society already seemingly on the ropes are more than a little scary.

In typical Southern California fashion, a brutal and tragic double murder has turned into a three ring circus with enough instant celebrities to keep six dozen tabloids in business for years. Granted, O.J. is a legitimate personality who personifies the American Dream. His arrest and indictment constitute legitimate news. But now Assistant D.A. Marcia Clark and defense attorney Robert Shapiro are America's newest sex symbols. The White Bronco has become the transportation of choice for the trendy. And then there is Cato Kaelin. PLEASE! Somebody stop it before the unthinkable happens -- O.J. gets a fair trial based on hard evidence. If recent Los Angeles criminal trial verdicts as illustrated by the Rodney King, Reginald Denny and Menendez cases are any indicator, some form of anti-justice will come from all of this, followed by enough book deals to wipe out what's left of the rain forest in South America.

As far as the baseball strike is concerned, rich young celebrities are fighting with much older and richer semi-celebrities to legitimize their respective spin on greed and avarice. The wishes of the fans, best interests of the game or economic reality have nothing to do with anything. These people expect to pad their already bulging wallets and send the bill to Joe Middle Class in the form of \$25 bleacher tickets and eight dollar hot dogs. These celebrity role models are sure setting an example for the youth of today. Their message -- it's okay to be a selfish, greedy little whiner. And if you are really good at it, you too can amass enough to buy a baseball team and gouge the public. It sure beats Junior Achievement.

And finally, the most bizarre example of celebrity excess yet is Mr. and Mrs. Michael Jackson and their publicity stunt honeymoon in Hungary. Can't you just see Elvis now? But hey, maybe I'm wrong. Maybe they really are deeply in love. Maybe the multi-million dollar out of court settlement with the teenager was just an expensive nuisance suit and this is not a scheme to do plastic surgery on the King of Pop's career. For the sake of the newlyweds and for the sake of all the kids who idolize Michael, I really hope I'm wrong. After all, despite his problems, Michael Jackson has done some very positive things with his celebrity status.

And so you say, what's the big deal? While all of this may be a bit silly, it's not the end of civilization as we know it. Well, no. At least not yet. However, our increasing dependence on celebrity heroes and role models says a lot about our nation's values. For one it tells kids that being famous is more important than being a good person. It teaches that if your job isn't high profile and high paying, it isn't worth doing. Let's face it, how many well known scientists, teachers and nurses are there in

society? There is a much greater ego and financial payoff in playing one on T.V. as opposed to being one in real life. This fame and money phenomenon also preaches a dual set of rules, one set for the wealthy and celebrated, and another for everyone else. In a time of increasing adolescent dysfunction, do you really think our obsession with dollars and publicity is going to help improve our collective values? Deep down, you know the answer. And so, the next time you turn on *A Current Affair*, do so knowing what you are encouraging.

Hub? Do I watch *A Current Affair*?
Uh, well, sometimes.

And on a Personal Note

After writing exactly forty of these columns since 1988, I find myself in the same unenviable position as a holdover, non-civil service Reagan-era Federal Chicken Inspector two years into Bill Clinton's term. While Captain Equity will live on in other publications, this will, unfortunately, be the Captain's last effort for *The Hinds County Bar News*.

It has been a privilege and a joy to share this column with you over the years. I thank the Past Presidents of the association; the newsletter editors and staff; and, Pat Evans, our Executive Director, for a wonderful experience. But most of all, I thank each of you for taking the time to read these words every other month. And for those of you who have been dedicated non-readers, thanks for not complaining.

And so, in the best tradition of the masked wrestler who has been pinned in a Texas Death match, it's only fair to finally remove the mask that has served me so well for the past six years. Thanks again -- Professor Lee Hetherington, Mississippi College School of Law.

HCBA Plans Brown Bag Professionalism Seminar Series

by Richard Montague
CLE Committee Chairman

The HCBA CLE Committee plans to conduct a series of one hour seminars on the topics of professional responsibility, ethics and malpractice prevention. The seminars are part of an effort by the HCBA to improve the delivery of legal services to the public. Each seminar attendee will receive one hour of CLE credit towards the ethics requirement. The CLE Committee plans to hold these seminars on the Thursday following the regular Tuesday HCBA lunch meetings every

month except December. The Mississippi College School of Law has graciously agreed to provide one of its lecture halls at no charge to the association. Cost for the seminars will be \$15.00 for members and \$25 for non-members. The seminar will begin with introductory remarks and time to eat a brown bag lunch at 11:30 a.m. The one hour ethics CLE presentation will begin promptly at 11:45 and conclude at 12:45.

The first of the brown bag profes-

sionalism series seminars will feature HCBA member Floyd Sufser discussing the topic of "The Ethics of Limited Liability Companies and Malpractice Exposure for Lawyers." The seminar will be held October 20, 1994 in Room 202 at Mississippi College. Registration will begin at 11:15 in the Mississippi College Law School Lobby.

Richard Montague is a shareholder with Heidelberg & Woodliff, P.A.

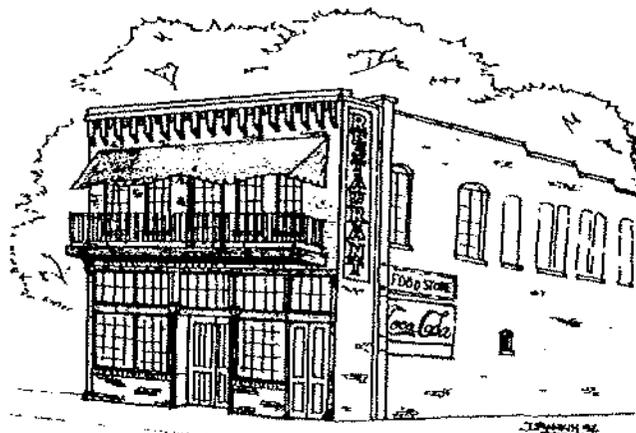
You are invited to attend
a reception for
Mississippi Trial & Appellate Court Judges

Thursday, October 27, 1994

6:00 p.m. to 8:00 p.m.

Ramada Plaza
County Line Road

Co-sponsored by:
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Join the Hinds County Bar Association
for an After Hours Social at
George Street Grocery
Thursday, November 3, 1994
5:30 - 7:00 p.m.

Open Bar • Hors D'oeuvres • Spouses Invited
Please mark your calendar as individual invitations will not be mailed.

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Correspondence regarding the newsletter should be directed to: Editor, 151 E. Griffith St., Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 969-6097.

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

FIRST CLASS

**IMPORTANT
HCBA Luncheon Meeting
12 Noon, October 18**