

# HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

APRIL 1997

## President's Column

**T. Harris Collier, III**

Someone recently asked me what I have enjoyed most during my tenure as President of the HCBA. My quick response was working closely with all of the committees and their members and meeting more of the attorneys in the Hinds County area. I have been continually amazed at the cooperation and hard work of each committee chairman and member. In addition to their work and family commitments, they have given generously of their time to support the programs of the HCBA.

Since this is my last "dreaded" President's Column, I would be remiss in not thanking and expressing my appreciation to every committee chairman and member for their hard work and dedication. At the risk of offending anyone by leaving them out, I would especially like to thank Trip Barnes, our Program Chairman. Pat Evans, HCBA Executive Director, has my sincere appreciation and thanks for all the work she does. She sure helped make my job a lot easier.

It has been a privilege and an honor to serve as your President. I have tried to conduct myself in a manner that will reflect positively on the HCBA and the legal profession. As my boss is fond of saying "All we have is our reputation". It has been fun. Thanks. Good luck, John.

## Mississippi Volunteer Lawyers Project



*Phyllis Thornton, director of the Mississippi Volunteer Lawyers Project, was welcomed at the February Membership Meeting by the HCBA/JYL Golf Tournament Committee. The 1996 Golf Tournament raised \$3000 for the project. Committee members are Chairman Mark Chinn, JYL President Keith Obert and HCBA President Harris Collier. Not pictured are Karla Pierce, Debra Allen, Kemy Griffis, Stuart Kruger, Ben Piazza and Mike Maloney.*

## HCBA STATE AND FEDERAL COURT PRACTICE SEMINAR:

**A DAY WITH THE JUDGES**  
Six Hours of CLE (One Hour of Ethics)

**Friday, April 18, 1997**

**(See Page 3 for Program Agenda and Registration Form)**

## HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

April 15, 1997

12:00 Noon

\$10.00

Capital Club

## Jackson: Half Full or Half Empty

By Captain Equity

It's April in Jackson and azaleas and candidates for city office are popping out all over. Right now, the flowers are a lot more appealing, but as we start the countdown to the May elections perhaps we will sprout a political leader or two who has the vision, good judgement and motivational skills it takes to help make our state's capital city what it can and should be. I emphasize the word *help* as a way of highlighting what few want to acknowledge. The collective fate of all of our homes is in the hands of everyone with a roof over their head located between Gluckstadt and Byram; Clinton and Brandon. Hiding behind artificial lines doesn't help make our hometown any better. In the final analysis, our collective fates are tied to the ultimate fortunes of the City of Jackson. If it fails, so do the bedroom communities that ring it. This suggests the question of the day: if the Jackson metropolitan area were a giant ice tea tumbler, would it be half full or half empty?

It's easy for hardworking people who play by the rules to be cynical and downright disgusted when viewing some of what goes on around us in the name of public services. I speak of the televised skits of the Jackson City Council served up on public access cable. This cast of performance artists can make an old episode of Little Rascals look like deliberations of the U.S. Senate on C-Span. Jackson's governmental failures are compounded by an atmosphere of fear and despair caused by violent crime, rampant drug use, educational mediocrity, white collar corruption, and poverty of spirit all of which are dangerously close to being out of control. And finally, factor in the unspoken, omnipresent undercurrent of racial tension that pervades this city. This one unacceptable factor acts to diminish so many valid public initiatives and undermine genuine attempts at goodwill between individu-

als. Add it all up and, well ...

But if it makes you feel any better about your hometown, I have also just described Mobile, New Orleans, Birmingham, Shreveport -- you name it. Well, maybe not the part about the City Council. It couldn't be any worse than here, could it?

Of course, the optimist in all of us sees a city of genuinely friendly people; a great climate (most of the year), no snow (all year); one million trees; no smog and traffic which Houston and Atlanta envy everyday at rush hour. Jackson has a booming economy; low unemployment; non-stop jet service; an Indian restaurant, sushi bars and the America's best plate lunches; a professional baseball team; world class cultural events including theatre, ballet, the symphony, an art museum, the Palaces of St. Petersburg (just concluded) and the Palace of Versailles (coming soon); a zoo; golf, tennis and ice skating; Jubilee Jam; nearby casinos; easy access to New Orleans, etc. And if you don't fully appreciate all of the foregoing, try living somewhere else for a while. Jackson sure looks good from the snow belt or the traffic belt or both.

So, half full or half empty? Definitely half full. But while we're at it, why not fill that ice tea tumbler to the top? Charlotte has done it. So has Nashville and so have any number of other Southern cities. The recipe for urban renaissance is largely intangible. It requires collective self confidence bordering on civic arrogance; strong political and business sector leadership and a willingness of everyone to pull together for a greater common good. Above all, it requires involvement and participation from every quarter of a metropolitan population. A city out to reinvent itself demands performance and accountability from its elected leaders, builds consensus and provides support for civic initiatives while draw-

ing a line in the sand against criminals, drug users and those who prey on the goodwill of others. Luckily for Jackson such grass roots involvement is being manifested in the city's neighborhood association movements.

That brings me to the upcoming municipal elections. Voters should ask the candidates hard questions related to vision and competence. In this regard, if anyone needs a platform, I offer my own list of municipal initiatives drawn from various sources. And before you say it all costs too much, let me say you are right. However, that line in *Field of Dreams* applies to drawing new industry and growing a tax base. "Build it and they will come." Also please note, that every single suggestion should be read in context with the last one which pervades everything we do in Jackson, Mississippi (It's okay to skip ahead).

### CAPTAIN EQUITY'S AGENDA FOR REINVENTING JACKSON

- Get out of the habit of saying, "That's a good idea but it will never happen."
- Quit apologizing for living in Jackson, Mississippi.
- With a couple of notable exceptions, dump the City Council and start over. Ditto (no pun intended) with the Hinds County Board of Supervisors.
- Sign the Chief of Police to a longterm contract. Give him the resources and support to retain and hire professionals in sufficient numbers to regain control of our streets and neighborhoods.
- Lobby the legislature to create a metro government (as in Nashville) by creating LeFleur County which is defined as everyone with a roof over their head between Gluckstadt and Byram; Clinton and Brandon.
- Make the Capitol Complex and the proposed Jackson Medical District a reality.

...continued on page 4

## The Hinds County Bar Association proudly presents its: STATE AND FEDERAL COURT PRACTICE SEMINAR A DAY WITH THE JUDGES

FRIDAY, APRIL 18, 1997  
The Universities Center  
3825 Ridgewood Road, Suite 4-1  
Jackson, MS

8:15 - 8:45	Registration	
8:45 - 9:45	Ethics	Reuben V. Anderson, Esq. Mississippi Bar President-Elect
9:45 - 10:00	Break	
10:00 - 11:00	Chancery Court	Judge Stuart Robinson Judge Denise Owens Judge Bill Lutz
11:00 - 12:00	Circuit Court	Judge James E. Graves, Jr. Judge Robert L. Gibbs Judge Robert L. Goza Judge John B. Toney
12:00 - 1:15	Lunch on your own	
1:15 - 2:15	Supreme Court/Court of Appeals	Presiding Justice Michael Sullivan Justice Fred L. Banks Judge Leslie H. Southwick Judge Oliver E. Diaz, Jr.
2:15 - 2:30	Break	
2:30 - 3:30	Federal Court	Chief U.S. District Court Judge William H. Barbour, Jr. U.S. Magistrate Judge Alfred G. Nicols, Jr. U.S. Bankruptcy Judge Edward Ellington
3:30 - 4:30	Legislative Update	Lt. Governor Ronnie Musgrove

(Clip and Mail)

### HCBA STATE AND FEDERAL COURT PRACTICE SEMINAR APRIL 18, 1997

#### ADVANCED REGISTRATION FORM

Mail to: Pat Evans, Hinds County Bar Association      Amount Enclosed: \_\_\_\_\_  
151 E. Griffith St.  
Jackson, MS 39201      HCBA Members: \$75.00      Non-Members: \$90.00

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_      Phone Number: \_\_\_\_\_

## Chinn Attends ABA Institute

Joining some 250 other emerging leaders of lawyer organizations from across the country at the American Bar Association's Leadership Institute, March 7-8, was Mark A. Chinn, secretary-treasurer of the Hinds County Bar Association. Also attending was Patricia Evans, HCBA executive director.

The Leadership Institute 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.

## Captain Equity

(Continued from page 2)

- Build the proposed parkway from Jackson State University to the International Airport. In so doing, buy, condemn, etc. as much property as possible in and around JSU and start over. Meanwhile, use the Ayers decision to make Jackson State a truly comprehensive urban university which is open and attractive to all. Change its name to the University of Mississippi - Jackson.
- Either tear down or renovate the King Edward Hotel; turn the train station area into a French Market style produce and flea market and create the Farish Street Entertainment District. Put enough cops, gas lights and people into these fifteen or so square blocks to make it the safest part of Jackson.
- Lobby Washington and the Corps of Engineers to adopt oilman John McGowan's idea of a lake that would stretch from the Spillway to I-20. It would solve the flood problem while serving as an unprecedented vehicle

for economic and real estate development in Hinds and Rankin Counties. And please don't name it Lake Colonel Rebel, or Lake Jefferson Davis or anything taken from an African word. Something politically and racially neutral like Lake Lefleur will do just fine. Meanwhile, build a first class, downtown convention center on the west bank.

- Improve public education while making private education available to all qualified students without regard to race.
  - Lobby Senators Lott and Cochran to find as much money as possible to pay for at least some of this. Don't call it pork, call it an investment.
  - Work to get past the cancer of white and black racism once and for all.
- So, assuming Jackson is indeed a giant ice tea tumbler, will it be half full or half empty by the turn of the century? We're about to find out.



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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, 1997.

John M. McCullough  
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"/> Library Services           |
| <input type="checkbox"/> Bench & Bar Relations          | <input type="checkbox"/> Long Range Planning        |
| <input type="checkbox"/> Black Lawyer Involvement       | <input type="checkbox"/> Membership                 |
| <input type="checkbox"/> Budget & Finance               | <input type="checkbox"/> Newsletter Editorial Board |
| <input type="checkbox"/> By-Laws                        | <input type="checkbox"/> People's Law School        |
| <input type="checkbox"/> Child Advocacy                 | <input type="checkbox"/> Program                    |
| <input type="checkbox"/> Continuing Legal Education     | <input type="checkbox"/> Small Firm Practice        |
| <input type="checkbox"/> Golf Tournament                | <input type="checkbox"/> Tennis Tournament          |
| <input type="checkbox"/> Law Related Education          | <input type="checkbox"/> Women in the Profession    |
| <input type="checkbox"/> Lawyer Referral                | <input type="checkbox"/> Suggested new committees:  |
| <input type="checkbox"/> Legal Economics                | _____   |
| <input type="checkbox"/> Legal Problems of Homeless     | _____   |
| <input type="checkbox"/> Legal Secretary Placement      | _____   |

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

Cut on dotted line fold and return.

## Mabus to Speak at Annual Law Week Dinner



*Ray Mabus*

The Hinds County Bar Association and the Jackson Young Lawyers Association will sponsor the fourth annual Law Week Dinner, An Evening Honoring the Judiciary, on Thursday, May 1. The event will be held at Primos Northgate and invitations with reservation cards will be mailed.

Special guests will include state and federal court judges from Hinds, Madison and Rankin Counties.

The guest speaker will Raymond E. Mabus who has served as Governor of Mississippi and United States Ambassador to the Kingdom of Saudi Arabia. Currently, he is of counsel to Baker, Donelson, Bearman & Caldwell and is managing a family timber business. He is also on several corporate boards and was active in the re-election campaign of President Clinton.

During his tenure as Ambassador, a crisis with Iraq was successfully deterred, a terrorist attack was weathered, and contracts worth more than \$16 million were signed between Saudi Arabian and American companies. Also, Saudi Arabia officially abandoned the boycott of United States businesses that trade with Israel and more than \$8 million of proposed expenditures from the mission were cut.

As the youngest governor of Mississippi in more than 100 years at the time of his election, he stressed education and job creation. He passed B.E.S.T. (Better Education for Success Tomorrow), one of the most comprehensive education reform programs in America; gave teachers the largest pay raise in the nation; was named one of *Fortune Magazine's* top ten education

governors; balanced every budget; and never raised taxes. Mississippi also had record growth in new jobs, investments, tourism and exports.

Governor Mabus has been awarded the U.S. Department of Defense Distinguished Public Award, the U.S. Army's Distinguished Civilian Service Award, the National Wildlife Federation Conservation Achievement Award, the King Abdul Aziz Award from the Kingdom of Saudi Arabia, and the Mississippi Association of

Educators Friend of Education Award.

He is a fourth generation Mississippian who holds a bachelor's degree from the University of Mississippi, a master's degree from the John Hopkins University and a law degree, magna cum laude, from Harvard. He also served in the U.S. Navy aboard the cruiser USS Little Rock.

Governor Mabus is married to Julia Hines Mabus. They have two children: Elizabeth, six and Annie, four.

## 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 1, 1997*

*Primos Northgate*

*6:30 Reception 7:30 Dinner*

*Special Guests:*

*Hinds, Madison & Rankin County*

*State & Federal Judges*

*Guest Speaker:*

*Former Governor Raymond E. Mabus*

**RSVP**

**\$25 per person**

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## 1997 People's Law School

The HCBA would like to thank the following attorneys for donating their time to the 1997 People's Law School: Hinds County Circuit Judge Robert Gibbs, Mike Martz, Debra Allen, Mike Malouf, William Wright, Ed Lawler, Tammy Barham, Leyser Morris, Farris Crister, Paul Varner, Lindsay Patterson, Leonard VanSlyke and Marcie Fyke.

The programs were held March 18, March 25, April 1 and April 8 at the Mississippi Agriculture and Forestry Museum Ethnic Heritage Center.

A project of the HCBA, the People's Law School is co-sponsored by The Clarion-Ledger and the MS Agriculture & Forestry Museum.

The People's Law School is financially assisted by the Interest on Lawyers Trust Accounts Program of The MS Bar Foundation, Inc.



Several of the committee members who served on the 1997 People's Law School Committee are: Peter Doran, Chairman; Mitzi Dease Paige, Co-Chairman; William Townsend; John McCullouch; Richard Fountain; and John Henegan.

## HCBA February Membership Meeting



Samuel Casey, Executive Director of the Christian Legal Society (center), was the speaker at the February Membership Meeting. His topic was "Lawyers, Clients & Moral Responsibility." He is pictured with Harris Collier and Trip Barnes.

## Law Week Dinner



Planning the May 1 Law Week Dinner sponsored by the HCBA and the JYL are: Lynn Risley, JYL President-Elect; Harris Collier, HCBA President; John McCullouch, HCBA President-Elect; Trip Barnes, HCBA Program Chairman; and Keith Obert, JYL President. The annual event will be held at Primos Northgate and Former Governor Ray Mabus will be the guest speaker.

## TURN KEY 401(K) PROGRAM

Learn how easy it is to implement  
**The American Bar Association 401(k)**

for any firm with a minimum of two employees

Lunch Session (\$12.50)

Capital Club

Jackson, Mississippi

April 24, 1997  
12:00 noon - 1:30 pm

Reservations  
Call: Tiffany 366-8090

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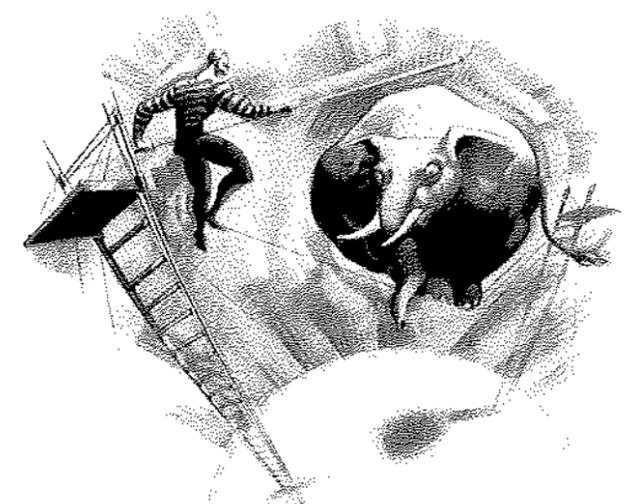
## Mississippi College School of Law

### Upcoming CLE Seminars

Annual Medical  
Malpractice Seminar  
Friday, April 25, 1997  
MS Sports Hall of Fame  
6 hours CLE

For Information, Contact  
William R. Townsend,  
Assistant Dean  
(601) 925-7173

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IS A TALENT ALL ITS OWN.



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## Law Schools Release Class of '96 Employment Data

By David L. Trewolla\*

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 1996. This data is not fully 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 practice area, applies to 105 law graduates of Mississippi College and 140 graduates of Ole Miss comprising the Class of 1996 (graduates from December 1995 through August 1996):

### PRACTICE AREAS

MS	Mississippi College	University of
	School of Law	School of Law
Private Practice	58%	57%
Business & Industry	1%	9%
Government	6%	9%
Judicial Clerkship	14%	14%
Public Interest	0%	<1%
Military (JAG)	2%	<1%
LL.M	5%	4%
Unidentified or Non-Legal Profession	14%	6%

The majority of those entering private practice are working in firms comprised of two to ten (2-10) lawyers. Only 5% are solo practitioners. Those in government employment include positions as assistant district attorney, public defender, EEOC compliance officer, counsel for the Choctaw Indian Nation, and attorneys with the U.S. Department of Justice, U.S. Patent and Trademark Office, Mississippi Attorney General's Office, Mississippi Department of Corrections and Mississippi Tax Commission. Students are obtaining LL.M. Degrees in tax, estate planning and admiralty law from the Universities of Miami, Florida and Tulane. Those working in business are employed by banks, accounting firms, power companies, investment brokerage firms and the National Republican Committee. One is happily farming 1,500 acres in the Mississippi Delta!

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

### PRACTICE AREAS

MS	Mississippi College	University of
	School of Law	School of Law
New England (CT, ME, MA, NH, RI, VT)	2%	0%
Middle Atlantic (NJ, NY, PA)	0%	2%
East North Central (IL, IN, MI, OH, WI)	6%	2%
West North Central (IA, KS, MN, MO, NE, ND, SD)	5%	0%
South Atlantic (DE, DC, FL, GA, MD, NC, SC, VA, WV)	15%	10%
East South Central (AL, KY, MS, TN)	64%	81%
West South Central (AR, LA, OK, TX)	5%	2%
Mountain (AZ, CO, ID, MT, NV, NM, UT, WY)	2%	1%
Pacific (AK, CA, HI, OR, WA)	1%	2%

Perhaps of more interest, the median starting salary for graduates entering private practice and industry is \$38,750, and for those entering the public arena is \$36,850. The median judicial clerkship salary is \$35,000. Law firm salaries range from a low of \$24,000 to a high of \$75,000. Considering the national trend toward private firm and corporate personnel reductions in a tightening marketplace for law graduates, the above statistics reflect highly upon the product generated by Mississippi's law schools. Career Services Directors Joyce Whittington of Ole Miss and Mike Maloney of Mississippi College are to be applauded for their success in finding quality employment for their students.

The Hinds County Bar Association extends its congratulations and best wishes to the 1996 graduates and cordially invites for membership those who have located in the Jackson area.

\* David L. Trewolla, Member, Dogan & Wilkinson, PLLC

## Position Announcement THE MISSISSIPPI BAR

**POSITION TITLE:** Assistant Counsel  
**SALARY RANGE:** \$32,000 - \$39,000  
**DUTIES:** Review, investigate and prosecute complaints of attorney misconduct. Act as lead and co-counsel in trials of disciplinary cases. Prosecute appeals before the Mississippi Supreme Court. Work with various Committees of the Bar. Assist in development and presentation of annual ethics seminar and other related seminars. (See position description for more complete description.)

**QUALIFICATIONS:** Member of The Mississippi Bar; Extensive trial experience required; strong law school academic record; particular interest, preference and expertise in litigation; work easily with others, both externally and internally.

**DESIRED QUALIFICATIONS:** Experienced in both civil and criminal law; extensive Mississippi law practice; law journal writing and/or judicial clerkship.

**DEADLINE FOR APPLICATION:** May 15, 1997 or until position is filed.  
**STARTING DATE:** Approximately July 1, 1997 or until position is filed.

**CONTACT:** Send resume of experience (with listing of cases where applicant has acted as lead counsel or second chair) and education, copy of law school transcript, a research or writing sample, references, two letters of recommendation and other pertinent information to:

Michael B. Martz, General Counsel  
 The Mississippi Bar  
 Post Office Box 2168  
 Jackson, MS 39225-2168  
 (601) 948-4471 (Jackson area) or  
 1-800-682-6423 (outside Jackson)

The Mississippi Bar is an Equal Employment Opportunity Employer.

## CLE Calendar of Events

- April 18*  
**Hot Tips.**  
 MS Bar. 948-4471
- Solo & Small Firm Practitioners Seminar.**  
 MS Bar YLD. 948-8631
- HCBA Federal & State court Practice Seminar.**  
*April 24*  
**Technology & the Law Office.**  
 MS Bar. 948-4471
- April 25*  
**Annual Medical Malpractice.**  
 MS School of Law. 925-7173
- Federal Practice & Procedure.**  
 UM-CLE. 601-232-7282
- May 9*  
**Will & Probate Fundamentals.**  
 UM-CLE. 601-232-7282
- July 25*  
**1997 Ethics Seminar.**  
 MS Bar. 948-4471
- PEG Program.**  
 UM-CLE. 601-232-7282

## HCBA Calendar of Events

- April 15*  
**HCBA Membership Meeting.**  
 Noon. Capital Club
- May 1*  
**HCBA/JYL Law Week Dinner.**  
 6:30 p.m. Primos Northgate
- June 17*  
**HCBA Membership Meeting.**  
 Noon. Capital Club
- August 19*  
**HCBA Membership.**  
 Noon. Capital Club

## Law Firm Updates

**Baker Donelson Bearman & Caldwell**  
 P.O. Box 24417  
 Jackson, MS 39225

William B. Grete has been named a shareholder.

# HCBA Election Results

**Secretary-Treasurer**  
Harris H. Barnes, III (Trip)

**Director - Post 1**  
Susan Tsimortos

**Director - Post 2**  
Samuel C. Kelly

□ HINDS COUNTY BAR ASSOCIATION □

## OFFICERS

T. Harris Collier, III  
*President*  
John M. McCullough  
*Vice President and President-Elect*  
Mark A. Chinn  
*Secretary-Treasurer*  
Marcus M. Wilson  
*Past President*

## DIRECTORS

Alvaro N. Castilla - Post 1  
Albert D. Malone - Post 2  
Marnet H. Williams - Post 3  
William R. Wright - Post 4  
Keith D. Obert - President,  
Jackson Young Lawyers  
Lynn P. Risley *President-Elect*  
Jackson Young Lawyers

## EXECUTIVE DIRECTOR

Patricia H. Evans

## NEWSLETTER EDITORIAL BOARD

Richard Montague      Debra Allen  
*Editor*                      *Co-Editor*

James L. Robertson  
Linda A. Thompson  
David L. Trewolla  
Carol C. West

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**  
**12:00 Noon, April 15**

# HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

AUGUST 1997

## President's Column

John M. McCullouch

This fiscal year of the HCBA is off to a good start. Membership is good and things are happening!

At our June membership meeting, Senator Grey Ferris, Chairman of the Mississippi Senate Education Committee, spoke on the recently enacted "Adequate Education Bill." Senator Ferris did an outstanding job of informing everyone about the bill and how it affects all of us. We had an overflow crowd and I apologize to those who had to eat in the main dining room before coming in to hear Senator Ferris' remarks. Jay Stewart's Program Committee has lined up another "winner" for our next meeting. Mayor Harvey Johnson will address the group on Tuesday, August 19, 1997. Given the attendance at the last meeting, you may want to come early to make sure you get a seat.

Committee Chairmen attended the June HCBA Board of Directors meeting and reported on their plans for the upcoming year. These Chairmen have ambitious goals and are dedicated to carrying them out. Evidence of this is found in the work of the Library Committee, featured in the "Committee Spotlight" on page 3 of the Newsletter. This Committee has succeeded in getting the Hinds County Board of Supervisors to approve acquisitions for the existing law libraries in the County Courthouse in Jackson and in the County Courthouse in Raymond, and

the establishment of new law libraries in the Chancery Court building in Jackson and in the Eudora Welty branch of the Jackson-Hinds Public Library System.

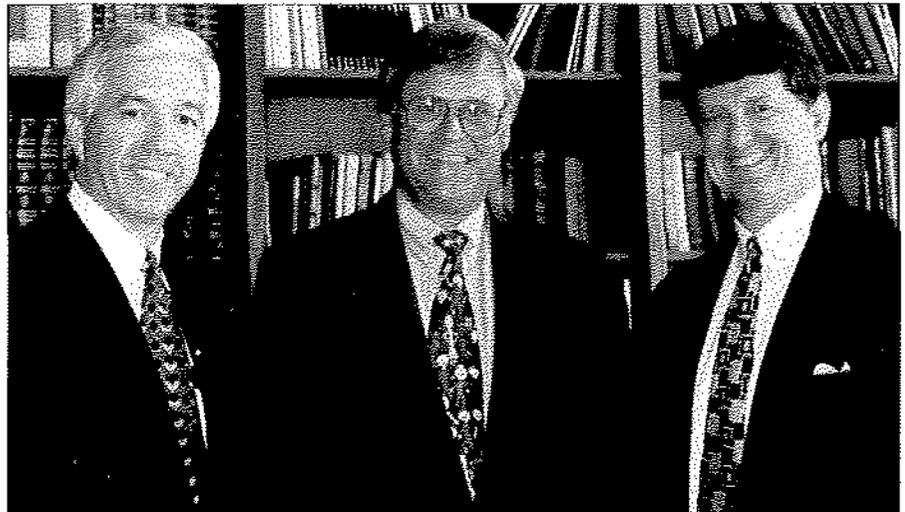
The Legal Economics Committee is sponsoring a Law Firm Survey of HCBA firms which have five or more attorneys. The purpose of the survey is to help our members manage their

practices. This Committee, under the leadership of John McDavid and Jim Neeld, is also working on an article for the Newsletter involving economic data with respect to associates, legal assistants and other staff personnel as well as an article involving the legal and economic aspects of law office file maintenance and storage. The

*continued on page 5*

**HCBA Brown Bag Professionalism Seminar - Last Chance for  
One Hour of Ethics CLE - 11:45 A.M., August 28, 1997  
(See insert in this newsletter)**

## June Membership Meeting



*The June Membership Meeting had an overflow crowd who listened to Grey Ferris, Chairman of the Mississippi Senate Education Committee, who spoke on the Adequate Education Bill. He is pictured with HCBA President John McCullouch and HCBA Program Chairman Jay Stewart.*

## HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

August 19, 1997

12:00 Noon

\$10.00

Capital Club

**Harvey Johnson, Mayor of Jackson, will be the speaker.**

**Door Prize: Dinner for two at the Capital Club.**

## Law Firm Survey

Law firms of five or more will soon be receiving the HCBA Law Firm Survey which is a project of the bar's Legal Economics Committee.

The results of the survey are confidential and only go to the firms which participate. The accounting firm of Grantham, Randall, Arrington & Company is responsible for compiling the survey.

The Legal Economics Committee is chaired by John Land McDavid and vice chair is James H. Neeld, IV. Committee members are: Margaret Williams, board liaison; James K. Dossett, Jr.; Armin J. Moeller, Jr.; Richard A. Montague, Jr.; Ken R. Adcock; John B. Dongieux; William C. Walter; and Barry Jones.

## CLE Calendar of Events

August 15, 20, 21, 22

**Computer Kindergarten Seminar.**  
The MS Bar. 948-4471.

August 28

**One Hour of Ethics.**  
HCBA Brown Bag Series. 969-6097.

September 5

**3rd Annual Debt Collection Seminar.**  
UM-CLE. 601-232-7282.

September 12

**Annual Family Law Update.**  
UM-CLE. 601-232-7282.

September 19

**Trial Techniques.**  
UM-CLE. 601-232-7282.

November 9

**Annual Workers' Compensation Practice and Procedure Seminar.**  
MC School of Law. 925-7173.

## Law Firm Updates

## HCBA Calendar of Events

August 15

**HCBA / JYL Golf Tournament.**  
Deerfield Country Club. Noon.

August 19

**Membership Meeting.**  
Capital Club. Noon.

October 21

**Membership Meeting.**  
Capital Club. Noon.

December 4

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

February 17

**Membership Meeting.**  
Capital Club. Noon.

April 21

**Membership Meeting.**  
Capital Club. Noon.

**Hubbard Pierce and Baria**

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## COMMITTEE SPOTLIGHT Improvements To Law Library System Approved

By Linda A. Thompson

On June 16, 1997, the Hinds County Board of Supervisors unanimously approved the recommendations of the HCBA Library Committee for extensive improvements to the County's law library system. Fulton Thompson, Committee Chairman, presented the HCBA's plan to the Board at its June 16 meeting. Other Committee members, Maurine Matson, Ben Piazza, and Carol West, and HCBA President John McCullough, attended the meeting, along with Marion Francis, Executive Director of the Jackson/Hinds Library System.

By statute, § 19-7-31 of the Mississippi Code of 1972, as amended, the board of supervisors of each county in the state has the power to establish and maintain a public county law library in its county courthouse or other suitable public building. A county with two judicial districts may have a county law library in each district. The board of supervisors is authorized to levy court costs for the funding of the law library system and may enter into arrangements with the county bar association for the care and operation of the law library.

A Library Fund has been established by the Hinds County Board of Supervisors. As of June 9, 1997, the Fund contained \$337,807.61, and it is expected to increase at a rate of \$5,000.00 to \$6,000.00 a month.

The HCBA has engaged in a three-year assessment of the needs of the Hinds County law library system, soliciting input from local lawyers, judges, librarians, and technology specialists. It is from this study that the recommendations arose.

The present county law library system includes a variety of law books on bookshelves in the two Courthouses in Jackson and Raymond. The Committee has recommended acquisitions of additional law books for the existing libraries in the two Courthouses and establishment of new, "high-tech" branch law libraries in the Chancery Court Building in

Jackson and in the Eudora Welty branch of Jackson/Hinds Library System on North State Street.

Instituting a law library at the Eudora Welty Library will make legal research more readily available to the public than in the libraries housed in the court buildings. The law library there will consist of four computer work stations and a CD-ROM network. Additionally, the plans are to provide salary for a part-time law librarian.

The library facility at the Chancery Court Building will have a single computer work station with CD-ROM reference materials and additional hard-bound materials. This facility will be located on the third floor.

At the Raymond Courthouse, bound material will be supplemented, and there will be a new computer work station similar to the one planned for the Chancery Court Building. The

Library Fund will also pay a part-time law librarian to update materials at all court locations.

Total initial expenditure is estimated to be \$117,016.46, followed by a total first-year maintenance cost of about \$37,659.00. That amount will decrease to an annual maintenance outlay of approximately \$29,379.00 for each year after the first.

The next step is implementation, and Thompson said he hopes it can be completed within six months. He expressed his special appreciation to Runa Haque, who is both Vice Chair of the Library Committee and Attorney for the Board of Supervisors, who has played a vital role in the planning stages of the Library Committee's work. Hinds County technical staff persons are now working on the computer cabling and purchasing aspects of the law library project.

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## Letter to Captain Equity

By Colonel Justice Delayed

Dear Equity:

It's REAL good to have you back. You put me in mind somewhat of Lewis Lapham in the *Atlantic Monthly* and somewhat of Ferroll Sams in his novels.

This is not, as you may have discerned, a literary (or even literate) age. A generation raised on the 30 second "spike" and mindless drivel of TV is ill equipped to read with enough thoughtfulness and depth to love reading for the beauty of the language and the piquancy of the thoughts conveyed. It's like my reading or speaking French: mostly I can't do it, and if I try, it's way more work than it is fun. So it is, I believe, with reading to this functionally semi-literate generation.

But, you, Dude, are a spark of light in a literary sky otherwise dark indeed. "Whereas", "oxymoron", and latinizations ("infra") cannot redeem other-

wise turgid and dull legalese shot through with tautologies ("grant, bargain, sell and convey"). Nor does one much encounter the talent for seeing we Southerners from beyond the margin of the village, which you exude.

I was blessed to get indoor plumbing in the first grade and television in the fourth, so I avoided some of the earliest and most severe damage. Also, and this is the imprimatur of the Old Southerner, I spent a lot of evenings on the front gallery with my grandparents just talkin'.

Sometime, come see me, and I'll buy your lunch and share with you my doggerel. I entice you to sweep aside your superhero mask and eat a bite at the Mayflower with me while Mike Kountouris is still around.

Your pal,  
Colonel Justice Delayed



### Mississippi College School of Law

#### Upcoming CLE Seminars

##### Annual Women in the Profession Seminar

Old Waverly Gold Club  
West Point, Mississippi  
Fri., Oct. 10 and Sat., Oct. 11, 1997

Mississippi College Law School is now a viewing site for nationally broadcast CLE Seminars. Some of our upcoming satellite seminars are as follows:

September 10

##### Managing Multiple Projects

September 18

##### Drafting Corporate Agreements

September 25

##### Annual Fall Estate Planning Practice Update

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## REMINDER: Golf Outing Just for Lawyers (All Lawyers and Judges in Hinds, Rankin & Madison Are Eligible)

### 5th Annual HINDS COUNTY BAR ASSOCIATION/ JACKSON YOUNG LAWYERS GOLF TOURNAMENT



Friday, August 15, 1997

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*

#### Mississippi Volunteer Lawyers Project

4 Person Scramble • Limit 116 Persons

ONLY \$75 Per Player

(Includes Lunch and Post-Tournament Cocktail Party)

Registration deadline was August 5, 1997, but space may still be available.

For information, call Debra Allen at 353-0001

#### The HCBA Thanks the Sponsors of our Golf Tournament:

- American National Lawyers Insurance Reciprocal
- First American Title Insurance Company
- BellSouth Telecommunications, Inc.

# HCBA Brown Bag Professionalism Seminar

## *Recent Developments in Professional Responsibility*

Presented by  
**Mike Martz**, General Counsel to the Mississippi Bar

**When:**  
Thursday, August 28, 1997  
Lunch 11:45 A.M. (Bring your own)  
Seminar 12:00 Noon - 1:00 P.M.

**Where:**  
Mississippi Bar Center  
Board Room

**Cost:**  
\$15 (members) \$25 (non-members)

**Registration at the door**

**Seminar Attendees will receive one (1) hour of ethics CLE Credit**

(which may be used to cure any CLE deficiencies for 1996-1997)

*Sponsored by the Hinds County Bar Association*

## Winter Bar Exam Results

The Mississippi Board of Bar Admissions announces that sixty-six applicants achieved passing results on the February 1997 Bar Examination. Sixty-five of these were certified for admission to The Mississippi Bar; one must still complete the Multistate Professional Responsibility Examination. Six lawyers were certified for reciprocal admission in Mississippi as a result of passing the examination given to attorneys who have practiced for five or more years in another state.

The Mississippi Board of Bar Admissions, a nine member Board, is appointed by the Mississippi Supreme Court. All persons seeking 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 approximately forty-six 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 ABA approved law schools. Both the University of Mississippi and Mississippi College are ABA approved. Of the first-time-takers, thirty-seven of forty-three graduates of in-state law schools achieved a passing result, a passage rate of 86.1%; twenty-three of thirty graduates of out-of-state law schools were successful, a passing rate of 76.7%. In comparison, the passage rate for applicants who had previously failed the Mississippi Bar Examination on one or more occasions was 37.5%.

The six applicants for attorney's exam were 100% of their group.

In 1992, the Mississippi Supreme Court adopted a rule requiring attorneys seeking reinstatement to practice after disbarment to demonstrate their current competency by passing the Mississippi Bar examination. Two disbarred attorneys sought to be reinstated by this route; one succeeded.

## Mississippi Code Index Revision

Last year, a number of Hinds County attorneys aided in a substantial revision to the Mississippi Code Index in an effort to make it a better tool for researching statutory law. Working with the Mississippi revisers suggested new headings and subheadings for the index and offered advice on Mississippi terminology. West Group sees this process an evolving one. In preparation for this year's index revision, they are calling on members of the Mississippi Bar for further comments, criticism, and ideas. The following titles have been selected by

Mississippi attorneys for this year's re-indexing efforts:  
title 19 -- Counties  
title 23 -- Elections  
title 47 -- Prisons  
title 49 -- Conservation and Ecology  
title 51 -- Waters  
title 65 -- Highways  
title 69 -- Agriculture  
title 97 -- Crimes

If you would like to "sign on" as a reviewer, contact Colleen Dunham at West Group; phone 1-800-527-0430, fax 1-716-527-0430, e-mail cdunahm@lcp.com.

## President's Column

*(continued from page 1)*

Committee is also exploring the possibility of an "Introduction to the Internet" workshop.

The HCBA Board of Directors has voted to re-appoint Glenda Haynes and Steven Orlansky and to appoint Richard Jones, Tommie Green and John Henegan as members of the Central Mississippi Legal Services Board of Directors. These HCBA lawyers are to be commended for giving their time and talent to serve on this very worthwhile Board.

The fifth annual HCBA / JYL Golf Tournament will be held Friday, August 15, 1997 at Deerfield Country Club. Last year over 100 lawyers participated in the tournament and over \$3,000 was raised for the Mississippi Volunteer Lawyers Project. Kenny Griffiths and his Committee have done a great job in putting this year's tournament together.

This coming year will be the seventh year for the HCBA People's Law School. Committee Chairman John Henegan plans to have this year's sessions in the Community Room of *The Clarion-Ledger* which co-sponsored this event as a local community service. Anyone seeing Duane McCallister, please thank him for all he has done for this project.

There are several items under con-

sideration by the HCBA. One is to consider changing the bylaws to allow attorneys to become HCBA members even though they are not members of The Mississippi Bar. Another item is an offer from Microsoft of a free Internet-and-software program for bar associations. Among other things, this program would allow the HCBA to build an Internet web site. HCBA member Joel Howell has spent a great deal of his personal time researching this proposal. A final item up for consideration is a proposal from American National Lawyer's Insurance Reciprocal (ANLIR) in which they request a non-exclusive endorsement from the HCBA for legal malpractice insurance for a two year period. In return ANLIR would give a special discount to HCBA members, purchase advertising in each edition of the Newsletter and contribute a yet to be determined amount of money toward the social activities of the HCBA.

As you can tell, things are happening in the HCBA and we want our members to know about them. Please do not hesitate to let me or any of the other Board members know if you have any thoughts or suggestions about any of the items mentioned.

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## Summer Means Time Off From Life

By Captain Equity

For Deep South-dwelling adults, the worst thing about the summer is the heat. Deep South children, who have less body mass and a lower complaint threshold relative to natural phenomenon they can't control, don't even seem to mind that. Otherwise, the months of June, July and August are the nearest approximation of time off from life that the real world has to offer grownups. It is the equivalent of the standing eight count for beleaguered victims of the never-ending, consumer-driven rat race. But just why is summer slower and expectations lower for just about everyone?

The heat is one reason. The deep-seated survival need to avoid a nervous breakdown is another. But in the final analysis, it is the all powerful, controlling role that the academic calendar plays in all of our lives. Because adults are just overgrown children forced out of school and off the academic calendar, largely against their collective wills and especially after a taste of the real world, old habits die hard. Add the fact that their children are constant reminders of the good old days of school vacation idleness and you understand why not a lot gets accomplished in the summer months. Concrete accomplishments are largely limited to vacation planning, vacations and calculating future vacation day eligibility in the immediate aftermath of the former and the latter. The result of all this is a brief time out from the relentless pressures of being a responsible adult.

Another refreshing aspect of summer is that the news gets a little less weighty and a bit more fluffy when the thermometer hits the 90 degree mark. Let's face it, compared to the rest of the year, not much newsworthy happens in the summer. Take war for example. In much of the world, it's just too hot to have a real old-fashioned blood and guts, no-holds-barred war in the summer. NATO retaliated against Saddam Hussein's Iraq in January for a reason. And of course we are all familiar with Israel's

October War a couple of decades back. July War? August War? In the Sinai Desert? Forget it. Even Hitler in seasonable Northern Europe waited until September to let Poland have it to kick off World War II.

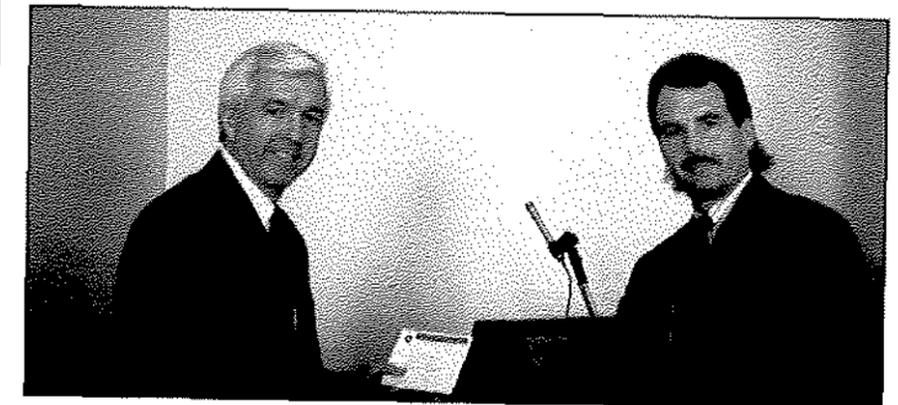
Instead of wars, international intrigue or grappling with intractable domestic issues, this year's summer vacation set has been treated to a convicted felon being paid 30 million dollars to bite off a chunk of another person's ear on closed circuit television. Or perhaps you have been following some of the other big summer stories: Frank and Kathie Lee's marriage, Princess Diana's closet clean-out, or Richard Simmons' guest appearances on late night television. Even NASA picked Mars over Earth for their summer fun. Closer to home here in Mississippi we are treated to the Governor's unsecmly public pouting over the Attorney General's good press and the state's tobacco litigation windfall. Maybe I'm wrong, but I thought the Governor was a private person. At least that's what he was telling the press back before June rolled around and it got hot. I suppose it's much like the Governor not being a politician or pledging not to run for a second term. But then, we're all entitled to change our minds -- especially in the summer. Besides, this Mississippi heat and humidity is

enough to make anybody cranky.

However, there are some institutions we can all rely on to fill up those long, lazy summer days. I'm speaking of baseball and Congressional Investigations. Baseball has been around forever. Congressional Investigations are a summertime johnny-come-lately staple. Watergate in the 70s and Iran-Contra aka The Ollie North Show in the 80s were two unforgettable summer classics. And now we have not one, but two Congressional Campaign Finance Investigations in full bloom like state-ly old twin Magnolia trees on the White House lawn in early August. Like baseball, another slow spectator sport, Congress has to have something to occupy itself during the languid summer months just as taxpayers need something to entertain them in between barbeques and ballgames. Save the government shutdowns for colder weather. Now is the time to point fingers and make political points. Unfortunately for most of the investigators, the hearings seem to have conflicted with the Asian vacations of most of the witnesses, but I guess that's what they get for trying to get anything done in the summer.

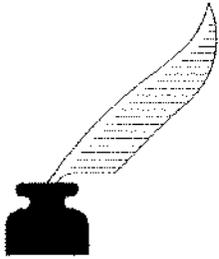
To all this I say, fire up the grill, catch a ball game, and checking your remaining vacation days in 1997. September will be here soon enough.

### June Door Prize Winner



Mark Hodges won the door prize, a dinner for two at the Capital Club, at the June Membership Meeting. He is receiving the gift certificate from John McCullouch.

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**HCBA Brown Bag Professionalism Seminar  
Last Chance for One Hour of Ethics CLE  
11:45 A.M., August 28, 1997  
(See insert in this newsletter)**

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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.**  
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Jackson, MS 39201

FIRST CLASS

**IMPORTANT**  
**HCBA Luncheon Meeting**  
**12:00 Noon, August 19**

# HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

DECEMBER 1997



## President's Column

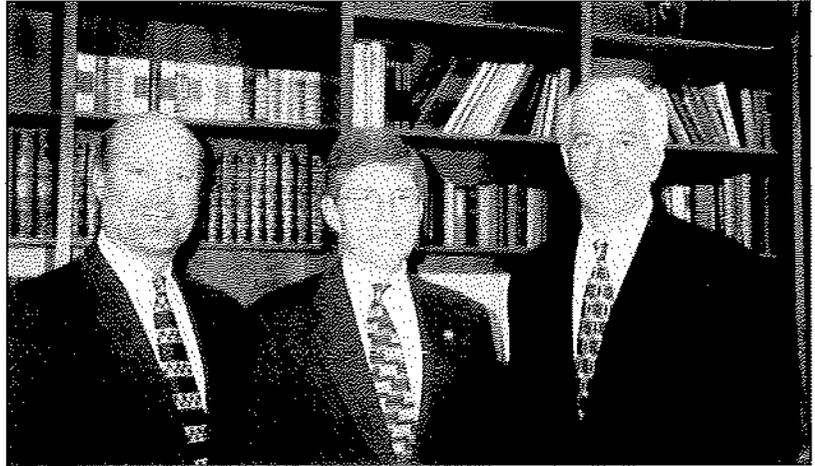
**John M. McCullough**

In my last column, I discussed the attention being given to the concept of "professionalism" in the legal profession. Recently, I received a letter and a proposed article on this subject from Jerome J. Shestack, President of the American Bar Association. Mr. Shestack's article is included in this issue of the Newsletter. I applaud the ABA's renewed commitment to professionalism in the Bar. Mr. Shestack's simple and straightforward approach to enhancing professionalism in the legal profession appears to be an excellent tool for advancing that goal. Take a minute to read the article and see if you agree with what he has to say.

On a different subject, many HCBA lawyers give generously of their time and talents to provide various services to the community. To highlight the importance of their efforts, the Newsletter now contains a new section entitled "Community Service." The format of this section will vary from issue to issue. A given issue may highlight the work of a single individual, the efforts of an organization, or it may just provide a list of various individuals and their community service activities. This month's article highlights the HCBA's involvement with Habitat for Humanity. It would be appreciated if you would let us know what you or your colleagues are doing in the area of community service. Please drop a note to the Newsletter Editor, 151 E. Griffith Street, Jackson, MS 39201, or call me at 601-961-1700, or our Executive Director, Pat Evans, 601-969-6097.

On a final note, during this holiday season, let us all be appreciative of our families, our health, our talents, and of our ability and opportunity to help others. Let us also be appreciative of our Creator who made all of this possible. Seasons Greetings!

## October Membership Meeting



*University of Mississippi Law School Dean Samuel M. Davis was the speaker at the October Membership Meeting. He is pictured with HCBA President John M. McCullough and Program Committee Vice-President Tommy Siler.*

## Fall Social



*Enjoying the Fall Social on October 23 were John McCullough, Scott Welch, Bob Weaver and Susan Tsimortos. The HCBA would like to thank the sponsors, Mike Malouf and the Old Capitol Inn for their hospitality, and American National Lawyers Insurance Reciprocal.*

## HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

February 17, 1998

12:00 Noon

\$10.00

Capital Club

A jury trial from the judge's perspective. Speakers: Judge Robert L. Gibbs and John B. Toney.

*Door Prize: Dinner for two at the Capital Club.*

## CLE Calendar of Events

*February 4*  
**Annual Winter Estate Planning Practice Update.**  
 MC School of Law/ALI-ABA Satellite Seminar. 925-7173

*February 12*  
**Employee Benefits Update.**  
 MC School of Law/ABA Satellite Seminar. 925-7173

*March 12*  
**Copyright and Trademark Law for Nonspecialists.**  
 MC School of Law/PLI Satellite Seminar. 925-7173

*April 23*  
**Annual Spring Employee Benefits Law & Practice Update.**  
 MC School of Law/ALI-ABA Satellite Seminar. 925-7173

## HCBA Calendar of Events

*February 13*  
**Election Ballot Deadline**

*February 17*  
**HCBA Membership Meeting.**  
 Capital Club. Noon

*March 24*  
**People's Law School**

*March 31*  
**People's Law School**

*April 7*  
**People's Law School**

*April 14*  
**People's Law School**

*April 21*  
**HCBA Membership Meeting.**  
 Capital Club. Noon

*May 6*  
**Annual Judges Dinner.**  
 Primos Northgate. 6:30 p.m.

## Law Firm Updates

Karla Pierce formerly with Hubbard, Pierce & Baria, PLLC (Jackson) has relocated to Colorado and is practicing with the law firm of:  
**Miller & Steiert, P.C.**  
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**AUTHENTICATION of Questioned Recordings:** Tapes tested for editing, tampering, originality, etc.

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## Captain Equity's Holiday Primer

*Or: Around The Buffet Table in 80 Days*

By Captain Equity

You know the signs. Leaving work early without the usual guilt. Daylight drinking. Men in red vests and women in green skirts hovering over silver serving trays, gobbling finger food like ravenous termites in a South American rain forest. Yes, the Holidays are here again and I for one am glad. But a word of caution. This round-the-clock bonanza of food, drink, friends and retail sales can have a down side without proper planning and necessary preparation to pace your finite caloric capacity and manage your limited charge card resources.

Our crack staff of Santa's Helpers has put together a primer for the Holiday-minded lawyer which dispels much of the conventional wisdom that tends to clutter our thinking at year's end. Driven by the true spirit of Christmas, the staff has devoted a collective half hour of pro bono journalism to remove this roadblock to true yule enjoyment. However, to do this, we found it necessary to expose and discredit some long held Holiday misconceptions. For this reason, we urge you not to leave this edition of the HCBA News where it might fall into the hands of sensitive children not yet ready for adult things.

**Misconception #1 - The Holiday period is defined as the long Thanksgiving weekend, Christmas Eve, Christmas Day and New Year's Eve and Day.**

This is a distortion of the first order, promoted by evil forces within State and Federal Government as well as by private sector employers who are desperately committed to minimizing time off for the work force so as to maximize their profits. In actuality, the 97/98 holiday period is an unbroken forty day stretch starting at 5:00 P.M. on November 26 and ending after the last down of the last football bowl game plus the next weekend which concludes on Monday morning, January 5, 1998. During this time, the work ethic is officially suspended, notwithstanding callous Scrooge-like employers, supervisors, clients and creditors.

**Misconception #2 - Sausage is high in fat and salt and should be avoided, except perhaps on Thanksgiving.**

Hogwash. Sausage, like bourbon, is a primary holiday building block. Lest you be tempted to cut this column out and send to deposition-taking buddies in correspondent Midwestern law firms, let me warn you that this proposition only holds water in the South. If your friends in Chicago or Omaha insist on praising the holiday virtues of corn balls, corn dressing and corn gumbo, just shower them with love and repeat the back-handed Southern mantra of care and understanding - "Bless Their Hearts."

**Misconception #3 - There is no free lunch.**

Once again, well meaning people who expound such usually sound notions as this miss the mark with this kind of talk around the holidays. Starting at Thanksgiving, this town is awash in enough free booze and food to float a carrier group and feed a small Asian nation over back to back weekends. And what's better, you don't even have to have any real friends to put on the feed bag. A case in point is the traditional Bank Open House. This is the one time in the year you can get something more than a gratuitous frown and some unsolicited double talk from your local, lapel pin-wearing loan officer. As a rule, they will even shake your hand and feign interest in your law practice without the usual necessity of calling up your Christmas Club account balance on their desk top computer screen. To our knowledge, no nicely dressed member of the bar has ever been turned away from the melba toast and curry dip at one of these holiday bashes. Our advice here is to get your money's worth while you have the opportunity. You can be sure these guys won't be sponsoring a Valentine's Day Love-In for those who couldn't make the Christmas party.

**Misconception #4 - Thanksgiving is a day to celebrate the family, just as Christmas is a religious observance.**

There are still some of us who are old fashioned enough to want to believe in this thoroughly American definition of the holiday season. However, the long and short of it is that Thanksgiving and Christmas represent the Alpha and Omega of retail. Just ask any retailer at North Park or the Metro Center.

Now that every thing is out on the table, you best hit the mini-bank en route to the nearest emporium of material things so as not to disappoint spouses, children, and in-laws. But whatever you do, make sure you go to a store with a liberal return policy and free gift wrapping. Santa would want it that way.

I know many of you can see we are nearing the end without any treatment of beating holiday traffic and minimizing contact with the inevitable crush of mall people. Though its too late for this year, make plans to pre-buy Christmas presents in London, Honolulu or the Napa Valley next summer when you suddenly find yourself interested in attending a fully tax deductible national CLE boondoggle on Law and \_\_\_\_\_ (you fill in the blank).

Now, before you dispatch this to your "Holiday 98/99 Tickler File," let me offer a parting piece of advice. Despite any precautions you can take against the much discussed Holiday blahs, you might as well face up to an inevitable post holiday slump. It will happen in early January, most likely on a cold and drab morning. You will unconsciously retrieve the morning paper, pour a cup of coffee and then it will hit you. Forty days of food, drink, friends and retail sales will have conspired to make you feel fat, broke and depressed. But it's okay, or at least it will be in a month or so. Well, to be exact, things will be back to normal around the middle of February after a self-hate induced diet and dry out period. That comes out to about forty days. Forty plus forty equals eighty, doesn't it?

Merry Christmas and Happy New Year.

## Lawyers Volunteer for Habitat for Humanity

What do Granville Tate, Bill Cheney, Walter Boone, Bill Smith, Jr., Leonard Van Styke, Heidelberg & Woodliff, Sai Ireland, Zack Taylor, James A. Peden, Jr., Foreman, Perry, Watkins & Krutz, John Clark, Brad Pigott, Dan Singletary, Phil Buffington, Watkins, Ludlum & Stennis, Harold Barkley, Ben Piazza, Kim Turner, Phelps Dunbar, Mark Chinn, Langston, Frazer, Sweet and Freese, Terry Williamson, Steve Younger, Julia Terry, Robert Houston, Bob Canada, Richard Montague, Larry Latham, Wayne Drinkwater, Bill Thompson, George Hewes, Hal Miller, Otis Johnson, William Winter and the Hinds County Bar Association have in common? All these Jackson lawyers and law firms have made a major contribution of time, money and/or influence to Habitat for Humanity/Metro Jackson. Many other lawyers in Hinds, Madison and Rankin Counties have made significant contributions to Habitat.

The Hinds County Bar Association sponsored Habitat's fourth house in Jackson in 1989. The HCBA Golf Tournament has benefitted Habitat for Humanity. Through the end of 1997, Habitat Metro Jackson has built and sold homes to 127 families. Working side by side with new homeowners who provide their own "sweat equity," the Habitat construction staff and volunteers drive nails, lay shingles and paint the walls of new and renovated homes. Jackson lawyers have at one time or another done just about everything that could be done to help build Habitat houses. Jackson lawyers have also played a significant role in the growth and management of Habitat/Metro Jackson, which has enabled the Jackson affiliate to rank 15th out of 1400 U.S. Habitat affiliates in the number of houses built per year.

Granville Tate has served on the Executive Committee and as board counsel (pro bono) for many years. Richard Montague has served on the

Executive Committee and as Board president for the past two years. Bill Cheney has served on the Board and has chaired the "in kind" donation effort. Walter Boone has served on the Board and has been heavily involved in fund raising and as a volunteer. Bill Smith and many other lawyers have done title work for Habitat at greatly reduced or no fees. Mississippi Valley Title, Stewart Title and First American Title have provided title services at reduced rates. Many lawyers worked on the Hinds County Bar-sponsored house and many lawyers work on houses sponsored by their churches or other organizations. John Clark and Richard Montague have even traveled to Honduras to build Habitat houses. Many others have worked many hours to help a neighbor

in need.

Habitat always needs new volunteers and contributors. Millard Fuller, the lawyer who founded Habitat, said lawyers and preachers are the two professional groups most represented among habitat volunteers. The feeling you get from working on a Habitat, besides fatigue, is nothing short of spiritual. Habitat is an ecumenical Christian ministry that partners with people of all faiths, or no faith, to build decent affordable homes for those in need who are willing to help themselves. If you come to a work site on any Saturday you might just catch "infectious Habititus." You will get more out of the experience that you contribute. To find out how you can volunteer for Habitat, call Nina Redding at 353-6060.

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## Professionalism

Jerome J. Shestack  
President, American Bar Association

People often ask me as the national representative of the legal profession what is the mission of the American Bar Association. My answer is simple. We seek to enhance the professionalism of all lawyers.

To some, this may seem a rhetorical statement. But I can assure you that the ABA today is very serious about advancing professionalism.

Why so serious now? For one, our profession's standing with the public is not stellar. More importantly, we have reason to be concerned as the legal profession is propelled by societal changes and the future seems uncertain. Our profession is more commercial and crass, our values seem fragile and often suspect. We could use a moment to reflect. Let us start by recalling what exactly we do profess as lawyers,

Didn't we become lawyers to be a part of a learned and noble profession? The best definition I know is that the lawyer is an "expert in the law pursuing a learned art in service to clients and in the spirit of public service; and engaging in these pursuits as part of a common calling to promote justice and the public good."

Let me amplify this in more specific terms. Here are the elements of professionalism that I believe define our calling.

First is fidelity to ethics and integrity. Ethical rules should not be a confinement, but a meaningful commitment — in the spirit of enlarging and enhancing one's adherence to the integrity of the profession.

Second is service to clients with competence and dedication — as well as independence. Independence is part of the lawyer's calling. Much of the reason so many lawyers face malpractice suits is that do not have the wisdom and fortitude to say "no" to a client when "no" should be said.

Third is a meaningful legal education — not as a chore to meet some point requirement but as a commitment to growth and replenishment.

Fourth is civility. We need to resist the Rambo-type tactics in which civility is mocked and ruckus is routine. But civility is more than surface politeness; it is an approach that seeks

to reconcile conflict, to diminish rancor and to reduce the antagonisms and aggressiveness of an adversarial society for a more civilized condition. As Justice Anthony Kennedy recently put it "civility is respect for the dignity and worth of a fellow human being." It is an end in itself.

Fifth is a commitment to improve the justice system and advance the rule of law. Today, our system of justice is overcrowded, under funded and dilatory. Today, the independence of judges is at risk. Today, access to justice is too often denied. There seems to be a war against the poor but as someone wryly observed, without lawyers, the poor are too weak to fight back.

The justice system is our trust and our ministry. We bear the brunt of public dissatisfaction with the justice system's flaws and deficiencies. It is the obligation of every lawyer to make a limping legal structure stride upright.

The final element of legal professionalism is pro bono service. There are many reasons for such service, apart from the common decency of helping those in need. Much has been given to our profession; it seems right to give something back — indeed, it is an ethical obligation. And if we are a profession committed to justice, then we should want to participate in making justice accessible. Finally, pro bono service almost always turns out to be a matter of great satisfaction in a profession that has its share of pain and tedium.

These six elements are the foundation of our professional values. I have asked every entity in the ABA to focus on these values. The response, to date, has been extraordinarily encouraging.

But we need the assistance of the state and local bar associations to help us advance and enhance these values as mainstays of our profession.

Take one justice issues: The independence of the judiciary. All of us need to stand up and protect members of the judiciary when they are singled out for vicious partisan attack by those who hold no respect for the necessity of an independent judiciary.

Or, take another need: Access to justice for the poor. Can there be any doubt that lawyers need to help to

ensure adequate funding for the Legal Services Corporation and, thereby, the local legal services offices funded by LSC.

These are the kinds of issues we need to work on collectively.

I recognize that pursuing professionalism is no sport for the short-winded. It requires constancy, commitment and all the resources available within the organized bar.

Let's hope that by being true to our professional values, we can help renew public confidence in our profession. At the very least, we can ensure our own self-respect.



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## Administrative Procedure Act Proposed

James L. Robertson  
Wise Carter Child & Caraway, P.A.

Practice and procedure before Mississippi's administrative agencies will be overhauled and modernized if the Legislature enacts a proposal recently put forth by Secretary of State Eric Clark's Business Law Advisory Group (BLAG).

The BLAG, chaired by Prof Daniel G. Hise, approved at its September 26 meeting a recommendation for enactment of the Model State Administrative Procedure Act. The Model Act has been proposed by the National Conference of Commissioners on Uniform State Laws (NCCUSL), which has presented many uniform laws that have been enacted in Mississippi. Most prominent of these is the Uniform Commercial Code.

The proposed Mississippi Act (MSAPA) is being specially tailored to Mississippi administrative practice. The MSAPA has been drafted by a BLAG Subcommittee chaired by former state Sen. John G. Corlew and will be presented to the legislature at its 1998 session.

First and foremost, the Act proceeds on the premise that administrative agencies exist to serve the public and not vice versa. In many instances, regulated persons and the general public will be assured greater access to and fuller participation in agency processes than at present.

If enacted, the MSAPA will apply to all state administrative agencies and will establish minimum standards for procedural rights and duties. Local administrative bodies such as school boards, boards of supervisors and civil service commissions will not be affected.

The new Act would make practice before state administrative agencies more uniform than it has been. The Act nevertheless will allow function driven individualized procedures.

The MSAPA would establish a uniform method for adopting administrative rules and regulations replacing the present rule making procedures enacted in 1976. These standards address the time and manner of notice to the public of proposed agency ruling making and sets procedures for public participation.

The new Act would require the Secretary of State to compile all agency rules and publish them in an administrative code, using a uniform format. This would be a state version of the Code of Federal Regulations.

The Act would also require the Secretary of State to publish periodic administrative bulletins akin to the Federal Register, with notices concerning new rules adopted by state agencies and changes and amendments to rules.

Each state agency would be

required to adopt a rule describing its organization, and all forms and instructions required to be utilized by the public and to identify procedural safeguards for its processes.

The Secretary of State would publish a Model Rules of Agency Procedure which would be available to each state agency for adoption or modification to the extent practicable and appropriate within the minimum standards of the Act.

Each agency making a rule would publish a regulatory analysis, weighing and balancing its costs and benefits, together with a concise explanatory statement of the proposed rule's purpose and effect. The Act puts a premium on the agency's finding less costly and less intrusive ways to do its legislatively mandated duty.

Under the proposed Act, each state agency would maintain a rule making docket. The Act provides for a ruling making record to be established and maintained by each agency. It also requires each agency to conduct periodic review of its rules.

One important innovation would establish a procedure for agencies issuing declaratory orders. Under this procedure, state agencies would have discretionary authority to give formal administrative advice and interpretations at the request of regulated and affected persons. This would supplement the Attorney General's Opinion process which is ordinarily only available to public officials.

In Article IV, the Act establishes uniform minimum standards for adjudicative proceedings. These include notice, the opportunity for filing pleadings and procedure. The Act establishes a procedure for designation of a hearing officer and criteria for disqualification. This would have minimal effect on state agencies such as the Workers Compensation Commission that already have their own cadre of professional administrative judges.

The MSAPA would address many widely perceived abuses and shortcomings in current administrative law. In enforcement actions, the Act would provide greater independence for hearing officers, largely freeing them from

*continued on page 8*

### October Meeting Winner



*Mississippi College School of Law Professor Shelton Hand was the winner of the door prize at the October Membership Meeting. He is being presented a gift certificate for a Dinner for Two at the Capital Club by HCBA President John McCullouch.*

## Act proposed

(continued from page 7)

the influence of the agencies. The new Act prohibits ex parte communications by and between parties to a proceeding and the hearing officer.

The MSAPA will make possible maximum flexibility in procedure, having due regard to the nature, controversy and interests at issue in the particular proceeding. The Act provides a pre-hearing conference procedure and sets forth a method for intervention by interested or affected parties.

The Act will establish guidelines for conference adjudicative hearings for minor matters, summary adjudicative proceedings not unlike summary judgment procedure in the trial courts. The Act will provide as well for emergency adjudicative proceedings.

The MSAPA would mandate what the Supreme Court for years has called "a good practice." All final orders of agencies must include findings of fact, conclusions of law and agency policy justifications of action. The Act will further provide a procedure for review and reconsideration within the agency.

The Act provides a single uniform and exclusive procedure for judicial review of final action by state agencies. In addition to review of final agency action, the Act provides certain limited circumstances where judicial review is available for non-final agency action.

In a change from present Mississippi practice, the proposed MSAPA provides for direct judicial review in the Supreme Court, or in the Court of Appeals by deflection. Time consuming and duplicative judicial review in the circuit or chancery courts would no longer be required.

The Act sets forth requirements for exhaustion of administrative remedies and provides by statute the scope of review and relief available. The traditional rule of judicial deference to agency authority is codified with respect to agency action within the authority of the agency.

The Act further provides for stay and other temporary relief pending judicial review in certain limited circumstances. The reviewing court may remand the matter to the agency for further factual development or to a special master appointed by the court.

Agencies may seek civil enforce-

ment of their orders by action in chancery court. In addition, any agency order providing for a monetary payment can be enrolled in the judgment rolls with the same effect as a civil judgment. Under limited circumstances, interested persons may bring and intervene in proceedings for civil enforcement in the chancery court. Proceedings for civil enforcement are appealable to the Supreme Court or the Court of Appeals by deflection.

Prof. Robert N. Davis of the University of Mississippi School of Law has served as Reporter to the BLAG Subcommittee. Prof. Davis is one of Mississippi's representatives to NCCUSL.

Other members of the BLAG Subcommittee serving with Chairman Corlew are George Fair, Tommy Shepherd, Robert Williamson and James L. Robertson. Leslie Scott and Donna Ross Phillip of the Secretary of State's office have actively served with and assisted the Subcommittee.

States as diverse as Arizona, New Hampshire and Washington have enacted versions of NCCUSL's Model Act. Legislatures in Florida, Iowa and Minnesota are expected to consider similar bills in their next sessions.

## Preservation and Disposition Of Client Files by Attorneys

Barry K. Jones

Wise Carter Child & Caraway, P.A.

A beginning point for determining what to do with all the client files accumulating at your firm is *ABA Informal Ethics Opinion 1384* (March 14, 1977). In pertinent part, the ABA Informal Opinion states: We cannot say that there is a specific time during which a lawyer must preserve specific files and beyond which he is free to destroy all files. Good common sense should provide answers to most questions that arise.

Suggested considerations are as follows:

1. Unless the client consents, the lawyer should not destroy or discard items that clearly or probably belong to the client. Such items include those furnished to the lawyer by or on behalf of the client, the return of which could reasonably be expected by the client, and original documents (especially when not filed or recorded in the Public Record).
2. A lawyer should use care not to destroy or discard information that the lawyer knows or should know may still be necessary or useful in the assertion or defense of the client's position in a matter for which the applicable statute of limitations period has not expired.
3. The lawyer should use care not to destroy or discard information that the client may need, has not previously been given to the client, and is not otherwise readily available to the client and which the client may reasonably expect will be preserved by the lawyer.
4. In determining the length of time for retention or disposition of a file, the lawyer should exercise discretion. The nature and contents of some files may indicate a need for longer retention than do the nature and contents of other files, based upon their obvious relevance and materiality to matters which can be expected to arise.
5. The lawyer should take special care to preserve, indefinitely, accurate and complete records of the

lawyer's receipt and disbursement of trust funds.

6. In disposing of a file, the lawyer should protect the confidentiality of the contents.
7. The lawyer should not destroy or dispose of a file without screening it in order to determine that consideration has been given to the matters discussed above.
8. The lawyer should preserve, perhaps for an extended time, an index or identification of the files that the lawyer has destroyed or disposed of.

While there are several Mississippi Ethics Opinions dealing with client files, these opinions primarily deal with related questions such as the determination of which part of the file belongs to the attorney and which part of the file belongs to the client, or the propriety of the attorney withholding the file from the client. *Mississippi Ethics Opinion 98* (October 5, 1984) addresses the question of the obligations of an attorney who proposes to destroy old files of a deceased attorney. The Opinion cites *ABA Informal Ethics Opinion 1384* (March 14, 1977) in detail and provides that the attorney proposing to destroy old files notify each client that the file will be destroyed and then proceed in a manner consistent with *ABA Informal Ethics Opinion 1384*. *Mississippi Ethics Opinion 105* (September 9, 1985) provides that in the absence of controlling language in any applicable employment agreement, an attorney discharged by the client in a pending matter may ethically charge the client for the actual cost of duplicating the client's file, but may not condition the release of the duplicate file to the client on the prior payment of the copying costs. *Mississippi Ethics Opinion 144* (March 11, 1988) addresses the right of a lawyer to withhold or retain a client's file to secure payment of the fee. The Opinion states that a lawyer may not retain a client's file in a pending matter if it would harm the

client or the client's cause. The lawyer should turn over to a client all papers and property of the client which were delivered to the lawyer, the end product of the lawyer's work, and any investigative reports paid for by the client but the lawyer is under no ethical obligation to turn over his work product to the client. *Mississippi Ethics Opinion 208* (May 28, 1993) provides that a request by a client for a return of a file constitutes a notice of discharge such that new counsel can begin representation. [See also *Mississippi Ethics Opinion 49* (May 4, 1979).] Finally, *Mississippi Ethics Opinion 234* (September 19, 1996) provides that an attorney who has been terminated during a pending case may ask the client to sign a receipt for the client's file that releases the attorney from any further responsibility on the client's case or that acknowledges responsibility of an owed legal fee plus interest, but the attorney may not require the client to sign the receipt as a condition for releasing the file. An attorney who has concluded a case, however, may require the client to acknowledge receipt of the file and to relieve the attorney from responsibility for maintaining the file.

A review of various materials contained in the bibliography mentioned in this article indicate that the appropriate time limit for retaining files is at least ten (10) years. An index of files that have been disposed of and trust fund records should be preserved indefinitely.

It is recommended that a firm should establish an office policy with regard to closing, retaining, and ultimately disposing of client files. The policy should address what the lawyer or firm does when the file is closed, what materials will be delivered automatically to the client upon closing, what procedure the client should follow to request additional materials from the file and whether there is a charge for copies, when the file will be discarded and whether the client will be notified before the file is discarded.

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## Preservation...

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The policy should also address what, if any, materials will be retained by the firm and what obligation the firm will assume with regard to those materials. For example, if the firm holds original client wills, the policy should specifically state whether the firm retains any responsibility for periodically reviewing the wills and advising the clients of relevant changes in law. The policy should also inform clients how to go about retrieving the original will at the appropriate time as well as what will happen to the file if the originating attorney retires or dies.

The policy should provide that upon closing a file, all original client materials, together with any documents prepared by the firm for the client and any other documents designated by the client, will be delivered to the client and that after a suitable period (10 years) the firm copy of the file will be destroyed without further notice to the client. It will be necessary to advise clients concerning the file retention policy (refer to attached sample language to be included in the engagement letters.)

The permanent firm records of discarded files should provide information concerning the client's name and last address, the date of the engagement, the name of the responsible attorneys, the identities of any opposing parties, the nature of the matter, the results of the representation, the date the file was closed and the date the file was destroyed.

Within the overall guideline of ten (10) years, when closing files, the attorney in charge should determine how long the file and its contents should be kept before destruction while considering the following factors:

1. A file should not be destroyed until the statute of limitations period for bringing a legal malpractice action for that particular file has expired.
2. A file involving minors or disabled individuals should not be destroyed until after the minor has reached the age of majority or the disability ends. The statute of limitations for

legal malpractice claims is tolled in the case of a minor or disabled claimant until the claimant reaches majority or is no longer disabled.

3. A file should not be destroyed if it pertains to a contract not fully paid or performed at the end of the ten (10) year period, or a judgment that must be renewed.
4. A file should not be destroyed if there is a need for information in the future, such as the retention of tax related files to establish the cost basis of assets.
5. Files related to estate planning or estate administration matters or containing permanent tax related information should be retained indefinitely. It may also be advisable to retain environmental related files indefinitely.
6. A file should not be destroyed until after all time requirements for appeal or for other statutory or law imposed purposes has expired. Clients should be notified of file retention policies of the firm at the time the representation is undertaken. Language similar to the following could be added to the engagement letter:

During the course of the matter, you may be required to provide us documents such as tax records, expense records, bank records, deeds, etc. We will hold these records as necessary for you during the pendency of your matter. At the conclusion of your matter, we will contact you and make arrangements for the return of the records you provided. We will retain the balance of your file for \_\_\_\_ years in accordance with the file retention policy of the firm. It is your responsibility to make arrangements to retrieve any other information you wish to retain from the file. If arrangements are not made for the return of information contained in the file within \_\_\_\_ years following the conclusion of your matter, they will be destroyed.

In addition to notification through the use of an engagement letter, the firm may wish to consider two alternative methods of insuring client notification:

1. Before destruction of a file, a letter is mailed to the client's last known address notifying the client that the

file will be destroyed on a particular date unless the client indicates to the firm that the client wishes to retain the file. [See *Mississippi Ethics Opinion 98* (October 5, 1984).]

2. At the beginning of the representation, the client is notified of the firm policy concerning the destruction of files and a separate written client consent is obtained for file destruction. The notification should set forth a specific period for the destruction, such as ten (10) years after the matter is concluded, and should describe steps that the client can take to claim the file prior to destruction.

For additional information, you may want to consult the following publications from the Association of Legal Administrators Management Resources Catalogue: *Legal Requirements for Microfilm, Computer and Optical Disk Records*, by Donald S. Skupsky, J.D., CRM; *Recordkeeping Requirements* by Donald S. Skupsky, J.D., CRM; and *Law, Records and Information Management: The Court Cases*, by Donald S. Skupsky, J.D., CRM and John C. Montafia, J.D.; *Records Retention Procedures*, by Donald S. Skupsky, J.D., CRM; *Developing and Operating a Records Retention Program - A Guideline*, by ARMA International's Standards Records Retention Task Force; *Guide to the Management of Legal Records*, by Barbara E. Corrigan, Helen Brook Dowd, Joan B. Gossage, Phillip L. Holloway, Clare M. Ledwith, Helene Lilly and Gloria Zimmerman; *Report on Issues Surrounding Retention of Client Files in Law Firms*, by Helen N. Andrews, Phillip L. Holloway, Clare M. Ledwith, K. Anne Mutchler, Roseanne M. Shea and Gloria Zimmerman; and *Vital Records - A Guideline*, 2d Ed., ARMA International Standards Vital Records Task Force.

Other valuable resources available for consultation are the following: *Archiving Legal Files: Document Retention of Closed Legal Files; Ethical Dilemmas and Hidden Traps*, *Texas Bar Journal*, Feb. 1994, by Jerry R. Selinger and Steven R. Borgman;

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## Hinds County Court Procedures

The County Court for Hinds County has two court administrators. Carolyn Broussard is the Senior Administrator for County Court. Sylvia Bennett is the newer Court Administrator. Their telephone number is 968-6648.

County court motions are heard in Judge Patton's cases on Monday morning, in Judge Healey's cases on Wednesday morning, and in Judge Barnett's cases on Friday morning.

Case numbers ending in 1, 3, 5 belong to Judge Patton; 0, 2, 4 to Judge Henley, and 6, 7, 8, 9 to Judge Barnett.

To obtain a motion hearing date or a trial date, call the court administrator's office. Settings do not have to be pre-approved by the other party's attorney, but good-faith conflicts must be honored.

A trial setting can be obtained before discovery is completed so long as the trial setting is far enough ahead to accommodate the discovery deadline.

In addition to civil litigation in matters involving \$50,000 or less, County Court Judges handle criminal misdemeanor cases (mainly appeals from municipal courts and justice courts), preliminary hearings in felony cases, bond reduction hearings, initial appearances in all criminal cases, eminent domain cases, and many child support and modification cases.

County Judges also conduct the "Bad Check Court" at night in the Raymond Detention Center, as well as the Initial Appearance hearings schedule for three times each week. The Judges rotate as Youth Court Judges each day of every week, and at present are presiding over the "Teen Court" coordinated through the Metropolitan Crime Commission.

The Special Drug Court developed in September of 1997 accommodates the Circuit Court on those designated drug cases, and the County Judges sit as Special Circuit Judges for three weeks of every court term in an effort to decrease the drug case backlog.

## New Circuit Court Policies/Rules for Judge Yerger

Effective January 1, 1998, Hinds County Circuit Judge W. Swan Yerger will have the following policies/rules:

1) Pursuant to Rule 26(c) of the Miss. R. Civ. Proc., all cases filed after January 1, 1998, will be required to have an agreed scheduling order submitted to the Court within thirty days after issue is joined. The scheduling order shall include deadlines for the following: (a) Completion of discovery; (b) Designation of plaintiff's expert witnesses; (c) Designation of defendant's expert witnesses and (d) Filing of all pre-trial motions, both dispositive and non-dispositive, excepting only evidentiary in limine motions. The order should also state that these deadlines may not be extended by agreement of the parties, but only by order of the Court, upon the showing of good cause.

2) Attorneys in all pending cases, (except those cases that have a current scheduling order or in which discovery has either been completed or has expired), will be expected to submit an agreed scheduling order to the Court on or before Friday,

January 30, 1998.

3) Except for good cause shown, evidentiary in limine motions must be heard by the Court at least two weeks before the scheduled trial.

4) The Court Administrator, Sandra Davis, should be notified of any cancellation of motions to be heard, no later than 5 P.M. on the Wednesday before a motion is scheduled to be heard on the following Monday. Failure to do so could result in sanctions. The reason for this rule is judicial economy. Judge Yerger customarily prepares for his motions on either Thursday or Friday of the week preceding the hearing of the motions on Monday. Also, if a hearing on a motion is cancelled, with reasonable notice to the Court, it is possible that another motion can be scheduled for that time slot.

5) The Court will continue its policy of only setting cases for trial after all discovery has been completed.

Judge Yerger appreciates the cooperation that the members of the Hinds County Bar have given him during his first year on the Circuit Court Bench.

## Preservation...

(continued from page 10)

*The Closed File Retention Dilemma*, *Wisconsin Bar Bulletin*, Jan. 1988, by Keith J. Kaap; *Records Retention Programs for Law Firms*, by Donald S. Skupsky, Jan. 1996; *Client File Retention Policy of Good Lawyer Law Firm*, by J. David Kerr, *Law Office Economics and Management*, Spring 1991; *How Long Should You Retain Client Files* by Anne E. Thar, *Illinois Bar Journal*, Dec. 1995; *When May I Destroy My Old Files?* by JR. Phelps and Terri Olson, *Florida Bar Journal*, Jan. 1994; *Records Retention: To Keep Or Not To Keep*, by Sheri Pepper, *California Society of Certified Public Accountants*, Mar. 1995; *How Long Do I Have To Keep Those Client Files Anyway?* by Robert W. Martin, Jr., *West Virginia Lamer*, Apr. 1997; *File Retention Schedules* by

Demetrios Dimitriou, *Law Practice Management*, Feb. 7 1990; *Files, Files And More Files*, by Sylvia Stevens, *Oregon State Bar Bulletin*, Nov. 1994; *Whose File Is It Anyway*, by George Riemer, *Oregon State Bar Bulletin*, Apr. 1996; *Document Creation Retention*, by Joshua F. Greenberg, *Antitrust Law Journal*, 1988; and *Do You Really Want To Be Your Client's Filing Cabinet?*, by John A. Doddsworth, *Accounting Today*, Jan. 1997.

The author desires to gratefully acknowledge the assistance of his colleagues, Margaret H. Williams, Esq., Chad M. Knight, Esq., and James P. Tinsley, Esq. in the research and preparation of this article.

## HCBA Nominations Announced for '98-'99

Harris H. Barnes, III, chairman of the HCBA Nominations Committee, announces the following candidates for office for the coming year.

Secretary-Treasurer	Director-Post 3	Director-Post 4
J. Richard Hurt	John Land McDavid	T. Kenneth Griffith, Jr.
Margaret H. Williams	R. Fulton Thompson	John E. Wade, Jr.

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 13. The results of the voting will be announced at the membership meeting on February 17.

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

### □ 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**  
**12:00 Noon, February 17, 1998**

# HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

FEBRUARY 1997

## Ethics CLE at February Membership Meeting

One hour of Ethics CLE "Lawyers, Clients & Moral Responsibility" will be offered at the February 18 Membership Meeting. Samuel Casey, Executive Director of the Christian Legal Society, will teach the course.

The luncheon portion of the meeting will begin at 11:30 and the course will start at 12:00. The cost for lunch is \$10 and the course will also be \$10. If an attorney plans on attending for CLE Credit, they will need their bar number.

Samuel B. Casey became CLS' Executive Director on June 1, 1994. Prior to his current assignment at CLS, he was a partner in the law firm of Larson & Casey. During the period 1990 through May 1994, Mr. Casey served as the Dean of the Simon Greenleaf University School of Law in Anaheim, California, where he taught

legal research & writing, legal ethics and professional responsibility and jurisprudence. Mr. Casey served as the General Counsel of the Western Center for Law and Religious Freedom from 1988 through 1990 where he was actively involved as legal counsel in the legal defense of the sanctity of human life and religious freedom. A CLS member since 1987, he has served on the board of directors and as chair of the Development Committee and a member of the Executive Committee and a member of the Executive Committee.

Born and educated through high school in Pittsburgh, PA, Mr. Casey received his Bachelor of Arts Degree in English from Stanford University in 1973 and his Juris Doctor Degree in 1977 with honors from the University of San Francisco, where he was arti-

cles editor at the *USG Law Review*. Mr. Casey has served as law clerk to California Supreme Court Justices Raymond Sullivan and Wiley Manuel. He has also served as a deputy district attorney for the city and county of San Francisco. Mr. Casey became a partner in the national firm Orriek, Herrington & Sutcliffe in 1986, specializing in civil litigation and labor law. Mr. Casey is licensed to practice law in California and before a number of federal courts including the United States Supreme Court where he has appeared as counsel of record or as counsel to "friends of the court."

Sam and his wife, Jill, live in Fairfax, Virginia and are the parents of two children; daughter, Kelly, age 16, and Sam IV, age 14. They attend Immanuel Bible church in Springfield, VA.

*An Introduction to Christian Legal Society*

Since its founding in 1961, CLS has grown to become a growing national non-denominational membership organization of over 4,500 attorneys, judges, law professors, and law students in over 1100 cities, all 50 states and 10 foreign countries, working in association with thousands of supportive lay people. CLS' mission is to be the national network of skilled legal professionals and supportive lay people committed to loving and serving Jesus Christ doing justice with the love of God, advocating reconciliation and, through its Center for Law and Religious Freedom, defending religious freedom and the sanctity of human life. CLS is a member of the Evangelical Council of Financial Accountability.

## President's Column

### T. Harris Collier, III

Congratulations to Judge Yerger upon his appointment as Hinds County Circuit Judge to fill the unexpired term of Judge Coleman. Elsewhere in the newsletter is an article by Jeff Reynolds, Chairman of the Bench and Bar Committee, chronicling Judge Yerger's legal career and tips for practice before Judge Yerger.

Much has been said and written lately about the recent judicial campaigns and the need for campaign financial reform. Bills have been introduced in the Legislature to provide for appointed judges and also to revamp the current campaign finance system. Both issues have been hotly

debated. We, as lawyers, should be for a fair and impartial judicial system for all regardless of whether we're for appointed judges or changes in the current campaign financial scheme.

Do you have enough money socked away for retirement? William Wright has made plans to have the ABA retirement representative here to talk to interested law firms. Look for the notice in the newsletter.

I will be attending the National Conference of Bar President meeting held in conjunction with the ABA mid-year meeting. I look forward to exchanging information and ideas with other bar association presidents. I'll give a report on the meeting in the next newsletter.

## HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

February 18, 1997 11:30 a.m. Lunch - \$10.00 12:00 Noon CLE - \$10.00 Capital Club

Samuel Casey, Christian Legal Society Executive Director, will be the speaker.

## CLE Calendar of Events

February 21  
**3rd Annual Mississippi Real Estate Transactions.**  
UM-CLE. 601-232-7282

February 22-23  
**Life Lawyering and the Pursuit of Happiness Communication Workshop.**  
MS Bar. 948-4471

March 12  
**Summary of Recent Mississippi Law.**  
Abbott & Weems. 601-234-6956

April 11  
**General Practice Seminar.**  
MS Trial Lawyers Association.  
948-8631

April 12  
**Lawyers Concerned for Lawyers State Convention.**  
MS Bar. 948-4471

April 18  
**Hot Tips.**  
MS Bar. 948-4471

**Solo & Small Firm Practitioners Seminar.**  
MS Bar YLD. 948-4471

## HCBA Calendar of Events

February 18  
**HCBA Membership Meeting.**  
Noon. Capital Club

March 18  
**People's Law School.**  
7:00-9:00. Ag Museum

March 25  
**People's Law School.**  
7:00-9:00. Ag Museum

April 1  
**People's Law School.**  
7:00-9:00. Ag Museum

April 8  
**People's Law School.**  
7:00-9:00. Ag Museum

April 15  
**HCBA Membership Meeting.**  
Noon. Capital Club

## Martha Gerald Remembered

by Jim Fraiser\*

With the great sorrow I related the passing, on January 6, 1997, of one of the most remarkable lives my fellow Mississippians have ever known – Martha W. Gerald. She will be remembered as eminent lawyer, pioneer in the advancement of women's rights, energetic community servant, generous friend and neighbor, and for me and my sister Martha, who was named after her, beloved aunt, mentor, and third parent. Although the resplendence of her lifetime of service to humanity was matched only by her uncommon humility in the face of the universal veneration offered her, I must nevertheless add another voice to those who have honored her remarkable life.

Many of us wondered from time to time how she came through so much adversity with such an incredible zest for life. Experiencing prejudice as one of the first women law students in Mississippi, she made the top of her class and served as the editor-in-chief of the University of Mississippi Law Journal. In her chosen profession, she ultimately became regarded as the leading Mississippi authority on oil and gas law, and, as senior partner of the firm of Gerald and Brand, was twice named to the prestigious list of Best Lawyers in America.

The answer to how she accomplished all of this lies in the qualities that she possessed. Blessed with a brilliant mind and an engaging and lively wit, she utilized them to achieve both professional success and personal contentment. She drew great satisfaction from the work of writers like Eudora Welty, and found solace in the meditations of the stoic emperor Marcus Aurelius. When advocating the passage of the Equal Rights Amendment, and upon being informed that women should be thankful that men placed them on a pedestal, Martha replied, no doubt with a mirthful glint in her eye, that "women can't make a living on a pedestal."

She was possessed of an uncommon, quiet dignity. Methodist Bishop Clay Lee, who came to know her when she served as the first chairwoman of the governing body of Galloway United Methodist Church, eulogized her as an authentic human being, one who understood and accepted her vulnerability, and offered it in the best spirit possible by not taking herself too seriously and by not seeing others as objects to be manipulated and exploited. Or as Percy McDonald, her carpenter, general handyman, client, and good friend of 30 years, put it, "there ain't gonna be no more of 'em like Martha Gerald."

Whatever a friend or family member needed from advice on a career move to help with college tuition, or spiritual support or guidance, she never hesitated to share her gifts or resources with whoever needed them. But it was her generosity with and compassion for neighbors, employees, total strangers, and even homeless dogs that both astonished and benefitted everyone who crossed her path. Her support of Millsaps College (which named her Alumna of the Year in 1980), the YWCA, Central Mississippi Legal Services, the Kappa Delta Sorority, the State, Woman Lawyer, and Hinds County Bar Association, the United Methodist Church Missions, and numerous charitable organizations, given through donations of her time, leadership, and all of her gifts, was always joyfully rendered.

Her sense of integrity found total consummation in both her personal and professional life. In a time that saw the legal profession attacked for a perceived lessening of ethical standards, she advised young lawyers to remember that they could "no more be a little dishonest than they could be a little pregnant." As every member of the Hinds County Bar Association knew, her word was her bond.

But the quality that many of us admired the most was her immeasurable depth of courage. Bishop Lee gave perfect expression to that courage when he said that Martha Gerald had never been afraid to risk what God had given her. She knew how to give, Lee declared, and she never missed a chance to live her life to the fullest.

Martha Gerald overcame long odds to live life on her own terms, and those terms included the sharing of her love, gifts, and professional services with everyone who sought or needed them, in precisely the manner and spirit that we were taught to offer them – with great joy and without reservation. As those of us who loved her realize the terrible sense of loss occasioned by her passing, we also feel eternally thankful for the opportunity to know Martha Gerald, and for the chance to further enrich our lives by meeting the standards of charity, courage, lawyerly excellence, and humility that she established for us.

\*Jim Fraiser is a Special Assistant Attorney General of the State of Mississippi in the Civil Litigation Division.

## Circuit Judge W. Swan Yerger

by Jeffery P. Reynolds\*

The newest Hinds County Circuit Judge is a fifth generation Jacksonian. His great grandfather, J. A. Campbell was a Circuit Judge prior to becoming a Supreme Court Judge and later Chief Justice of the Mississippi Supreme Court. Judge Yerger attended Virginia Military Institute during his first two years of undergraduate school. Thereafter, he received his undergraduate degree from the University of Mississippi in 1954. Judge Yerger obtained a BA in history, with a minor in English. He then served as an Air Force officer for two years. He graduated from University of Virginia Law School in 1958.

Until his appointment as Circuit Judge, he was a member of the Mississippi Defense Lawyers Association (a past president), and a member of the International Association of Defense Counsel. He is, also, a past president of the Mississippi Chapter of the Federal Bar Association. Prior to his appointment as Circuit Judge, he was a Fellow of the American College of Trial Lawyers. He is now a Judicial Fellow of the American College of Trial Lawyers.

Judge Yerger was an attorney Byrd, Wise and Smith in Jackson from 1958 to 1963. In 1963, he joined the Heidelberg & Woodliff law firm, where he remained for the next thirty-three years.

Judge Yerger is a past Chairman of the Ethics Committee of the Mississippi Bar and, also, of the Alternative Dispute Resolution Committee. He is a former board member of the Hinds County Bar Association, and he is a past Chairman of the Bench and Bar Relations Committee.

Judge Yerger's Court Administrator is Sandra Kirby, who has been with the Court for eighteen years. His Court Reporter is Connie Chastain. She has been with the Court approximately ten years.

Although Judge Yerger is new to the Bench, he has already developed several guidelines he believes will be helpful:

1. Every substantive motion should be accompanied by a concise

memorandum brief. The brief should be filed with the motion, or at the very least, several days before the hearing on the motion.

2. Following his predecessor's practice, Judge Yerger will require, before a case is set for trial, that all parties agree the case is ready to be tried.

3. Unless evidentiary in nature, Judge Yerger plans to hear motions in chambers.

4. Monday will be Judge Yerger's motion day, but if attorneys wish, he will be flexible to hear motions on other days of the week, particularly if time become available due to a settlement, etc.

5. Judge Yerger requests that attorneys provide to his court administrator a realistic amount of time that motions will take, because he plans to schedule short motions first and stagger the times of all motions for hearing. Thus, he may have short motions scheduled for 9:00, 9:15, 9:30, etc. He will schedule evidentiary motions last. All of this is geared towards being mindful of attorney's time, i.e., where they do not have to sit around for long periods of time waiting on their motion to be heard.

6. If out-of-town attorneys are involved, Judge Yerger will, in most instances, be agreeable to

having telephone hearings, if all parties agree. One of the attorneys should initiate the conference call.

7. Judge Yerger will expect that all legal issues of importance (even evidentiary ones) be raised in advance of trial by written noticed motions.

8. Judge Yerger is considering a requirement that the parties agree to a scheduling order in each case. This should expedite the prosecution and trials of cases.

9. Judge Yerger is open to suggestions as to how the Court can become more efficient and attorney friendly. He suggests that any such thoughts, if possible, be channeled through whoever is Chairman of the Bench and Bar Relations Committee of the Hinds County Bar Association.

10. In order to prevent the county from incurring the cost of unnecessary jurors for a trial setting, it will be Judge Yerger's policy to assess such cost to the parties in those cases in which the parties agree on settlement, but fail to notify Judge Yerger's Court Administrator prior to 4:30 p.m. on the day before the scheduled trial.

\*Jeff Reynolds is Chairman of the Bench and Bar Relations committee of the HCBA, and is a Director in Heidelberg & Woodliff, P.A.

## Coleman Reception



The HCBA honored Judge William F. Coleman with a Retirement Reception on December 19 at the Capital Club. He is pictured with Sandra Kirby, Court Administrator.

## Dr. King, Byron De La Beckwith and Ebonics

by Captain Equity

*Editor's Note - After a two year absence, The Hinds County Bar Association Newsletter is pleased to welcome Captain Equity back to the publication. We are making this move primarily to make the rest of the newsletter look better, however, along the way, we hope you will be at least modestly entertained and/or informed by the Captain's free ranging commentary and opinions. As always, we at the HCBA hereby put the whole world on notice that the Captain's views are strictly his (or is it her?) own. That said, we hope you will share our enthusiasm for Captain Equity's return.*

January 1997 rang in the American new year with irony only a student of history or a reader of current events could truly appreciate. As the nation, African Americans in particular, celebrated the hard-won federal holiday commemorating the Civil Rights Movement and its martyred leader, the television son-in-law of Archie Bunker was offering movie goers a chance to revisit the murder of Medgar Evers and the ultimate conviction of his killer thirty years later in *The Ghosts Of Mississippi*. Against the backdrop of these two powerful civil rights memoirs is the furor created by the Oakland, California School Board in legitimizing the term Ebonics, a manufactured reference taken from a confluence of the words ebony and phonics. What had always been dismissed as bad grammar cum 'hood street slang or alternatively embraced as Black English, had suddenly arrived. It was the linguistic equivalent of a trip to the World Series, a spot in the Super Bowl and a berth in the NCAA Final Four, all rolled into one. Within hours of the Oakland vote, everybody within snarling distance of a TV camera or word processor was zealously cheering or condemning Ebonics for the benefit of whomever would listen or read. Aside from the merits of the debate, we were once again sadly reminded that race remains the single most divisive issue facing America.

In light of these nostalgic remembrances of the struggle for equality of opportunity and personal dignity, it is

intriguing to contemplate what Dr. Martin Luther King, Jr. and Byron De La Beckwith, the two polar opposites of the civil rights drama played out over 30 years ago, would have to say about Ebonics. Since Dr. King was murdered in the midst of his quest and Beckwith is paying for a like crime in a Mississippi jail, we can only consider their legacies and make educated guesses on what they would have to say.

Beckwith's likely response would be both crude and predictable. But what Beckwith probably wouldn't tell anyone but another racist is that he is secretly tickled to death with the Oakland decision. "Best thing that ever happened to the white race. If they can't talk and write any better than that, they ain't likely to take jobs away from white men. Then it's just a matter of keep'n em down so the good ones can clean our houses and mow our lawns. The bad ones can just keep on buyin, and sellin, drugs till they kill each other off. Either way we win."

As for Dr. Martin Luther King, Jr., I imagine he would immediately grasp the fact that a part of the Ebonics debate is wrapped up in a struggle by black Americans for identity and self esteem apart from a white world. There is a desperate desire to preserve black culture in an increasingly homogeneous, lockstep world. Integration risks a loss of black identity, therefore separation is seen, in many quarters, as the centerpiece of cultural survival. Since language is the key to any culture, a cross section of black Americans is embracing Ebonics just as Jews have kept Yiddish alive through oral tradition.

Another part of the Ebonics movement stems from peer pressure in the black community. To many, proper English is white man's English. Talking white is acting white, and acting white is tantamount to treason for a segment of dispossessed, yet self-respecting black persons.

And then there is the fact that whether you call it Ebonics, Black English or Street Talk, it is still bad grammar as measured by the wider commercial world. Too many poor African American children don't know

any better and aren't likely to. They suffer from too many single parents who are suffering from too many social and economic problems to take care of themselves, much less their kids. On the education front, too many teachers are burned out, incompetent, or indifferent. It is this part of the Ebonics mosaic of cause and effect that Afrocentrists downplay. It is also the part that would surely cause Dr. King to despair.

In 1963, the same year that Byron De La Beckwith gunned down Medgar Evers in Jackson, Mississippi, Dr. King stood at the Lincoln Memorial in Washington and uttered the words that are celebrated by African Americans every January. "I Have A Dream." It was, ironically, his towering command of the English language combined with the cadences and splendid reso-



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nance of that magnificent voice that moved the nation and won the respect of the whole world. Indeed, Dr. King would be gratified by the contribution his inspirational words made to the unprecedented numbers of black Americans who have made the most of their hard-won opportunities. While not a perfect world, so many more people of color are today judged by the content of their character rather than the color of their skin than ever before. Yet, the Dream has not been realized by nearly enough.

Sadly, Dr. King's bottom line conclusion about the long term benefits of legitimizing Ebonics isn't likely to be all that different from Beckwith's secret delight. Literacy, education and communication skills are and will continue to be the keys that will unlock the doors to success in the wider world. Rev. King would likely observe that that world is not always fair and is still sometimes oppressively white. The only way it will ever change for the better is when people of all races and backgrounds embrace it, transform it and ultimately rise above it. For blacks, whites, Asians, Hispanics and whomever else seeks to fulfill their dream in America, if that means becoming proficient in proper English and saving the slang for off hours, so be it.

Better still, it's my guess that Dr. King would likely invite Americans of every stripe to spend time reading the biographies of African Americans who have commanded the respect of that wider world. He would be quick to point out that entertainers and athletes were intentionally left off his list. While Dr. King would be too modest to name himself, he probably would cite Richard Wright, Maya Angelou, Barbara Jordan, Thurgood Marshall, Jesse Jackson, Ron Brown and Colin Powell. In each instance, the success of these distinguished Americans can be traced to a command of traditional English language skills. Their examples should prove to every self-respecting, culturally proud black, white, yellow, red, green or purple person that attitude, hard work and a burning drive to excel share a common language that has no color.

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## On Computing

by Joel Howell

Of operating systems and languages . . .

In the beginning, there were no standards for operating systems, much less languages. Much of the early work, during the 1940's and 1950's, was spurred onward by the government and major defense contractors. My first exposure to "computing" was learning Fortran on an IBM mainframe the summer of 1967. (Anybody can remember the old punch cards and the huge tape drives?) Cobol, because of its relative speed, became the programming language of choice for business applications. Unfortunately, any application devised in these languages had to be rewritten for each operating system (no cross-platform compatibility, if you want to impress your friends with the jargon).

By the early 1970's, the technology advances in microcircuitry made the glimmerings of "personal" computers possible. Aside from the build-it-yourself models, perhaps the first genuinely personal computer was the old Tandy Model I, with an unheard-of 16K of RAM and a cassette recorder used for storage.

Come the early 1980's and Intel's development of the 8088 chip, everybody was building pc's, and there were almost as many varieties of operating systems as there was hardware. Before long, though, the disk operating system which captured most of the market was Bill Gates' brainchild which became Microsoft's disk operating system, MS-DOS. IBM still led the way in software, heralded by Intel's development of the 80286 chip, the foundation of IBM's AT computers. Apple showed up around this time period and carved out a small slice of the pie with its OS and proprietary hardware. Before too long, a mouse became the funny thing you slid around on a pad and performed strange double-clicking actions.

Time passed, and the combination of Intel chips and Microsoft's OS dominated the market. The upgrade cycles accelerated, Windows rolled in, became Windows 95, and, lest the

nomenclature became outdated, begot Office 1997.

Suddenly, however, Java is screaming to the forefront and it's vastly more than a casual cup of coffee. Specifically, it's a language designed by Sun Microsystems which is designed to run on any computer. Not only does this have the potential to free you from major hardware upgrades every two to three years, but it may be a software revolution as well.

Full-blown software applications can be written in Java (WordPerfect is writing a complete version of its bundled suite in Java), as well as applets, comparatively small programs stored not on a pc's hard drive, but on servers that can be Internet-accessed. Applets can run on any computer or digital device with Java-enabling software, transforming it into a standardized Java system, regardless of the resident operating system.

On a practical level, the effect on the user is transparent. Even so, do not minimize the implications. The biggest software war to be fought is between the leading World Wide Web browsers, Netscape's Navigator and Microsoft's Internet Explorer, yet both include what the computerese calls Java virtual machines, the standardizing effect just described.

The effect of this on end-users like us? Pricy programs like computer-assisted drawing programs which we may need on a one-shot basis can be downloaded for a small fee with a limited life expectancy. You could also mix and match any number applications, such as using WordPerfect with Jurisoft's ComparRite and Microsoft Word's outliner. On a higher level, the cover of this month's BYTE magazine seriously questions whether Java can replace Windows.

All in all, expect to see and hear a lot more about Java. It just may be that big.

Questions or comments? Drop me an email at 76616.1020@compuserve.com.

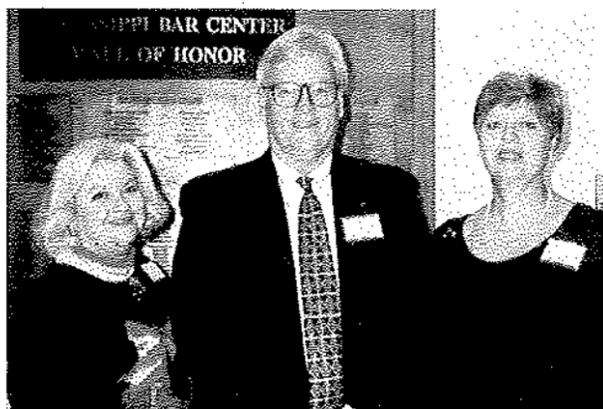
**Christmas Social**  
 HCBA members and guests  
 enjoyed the December 5  
 Christmas Social at the  
 Mississippi Bar Center



Richard Roberts, Larry Lee and Katie Hester



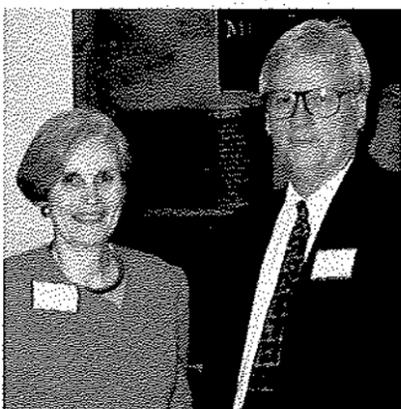
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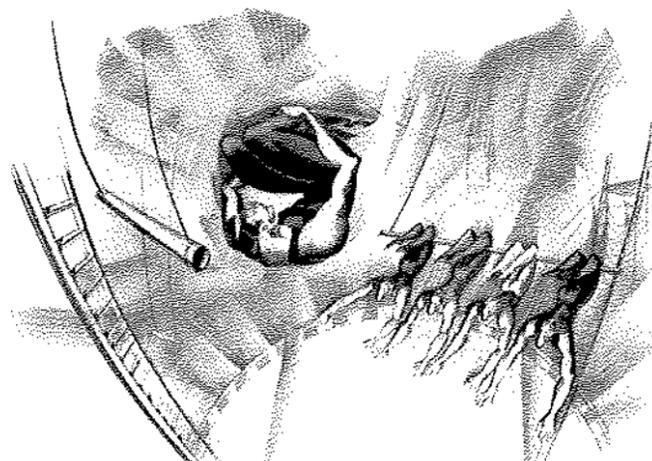


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**The State of Legal Services and the Pro Bono Project**

by Barry H. Powell\*

Deep cuts in federal funding for legal services programs have created severe stress on Mississippi's legal services programs and the Bar's attempt to supplement legal services programs through the Mississippi Pro Bono Project.

**Central Mississippi Legal Services**

Central Mississippi Legal Services provides free legal services to the poor in Hinds County and eight surrounding counties. At its peak funding level, CMLS employed twenty-two lawyers in six different field offices. Because of reductions in funding, CMLS now employs six lawyers and has offices only in Jackson and Vicksburg. Legal services programs have endured funding cuts of thirty percent over the past two year period.

CMLS concentrates on consumer, housing, income maintenance and child support and custody cases. Divorces are handled only in rare situations. The potential client can be screened by telephone without having to first make an appointment at legal services. CMLS telephone number is 948-6752. A parent earning minimum wage with one child is below the

poverty guidelines and is eligible for legal services. Clients who are eligible for legal services whose cases CMLS is not able to handle are referred to the Mississippi Pro Bono Project.

Lindia Robinson is in her seventh year as Executive Director of Central MS Legal Services. Julia Crockett is the Deputy Director. Attorneys practicing in Hinds County who are on the CMLS Board of Directors are David Clark, Glenda Haynes, Michael MacInnis, Stephen Orlansky, Onetta Whitley and until her death this year, Martha Gerald.

**Pro Bono Project**

The Mississippi Pro Bono Project is the Bar's effort to supplement the provision of legal services to the poor in Mississippi. Screened cases are referred by the Pro Bono Project to volunteer participating lawyers. Approximately 450 Hinds County lawyers participate in the Project, handling an average of one case apiece each year. The Project prefers to accept cases through referrals from the legal services programs, but if you have a client sitting in your office, you can call 960-9577 to determine eligi-

bility and make the referral. The biggest request for pro bono services is in the family law area.

Phyllis Thornton has been Executive Director of the Project for the past ten years. Sharonda Taylor is the Administrative Assistant. Phyllis singled out Bob Peterson of the Watkins & Eager firm and Ben Piazza of Watkins, Ludlam and Stennis, as lawyers who have been especially outstanding in contributing their time and expertise to handling cases from the Pro Bono Project.

Phyllis noted that the Mississippi Supreme Court has recently adopted an aspirational pro bono rule for lawyers to render at least fifty hours of pro bono legal services per year. She noted that if all lawyers would do just a little bit, the goal of providing needed legal services to those who are unable to pay a lawyer would come a lot closer to being fulfilled. She expressed her appreciation to all those lawyers who are participating in the Project and urged those who are not yet participating to come and help.

\*Barry Powell is a partner with Alston, Rutherford & Van Slyke and a member of the HCBA Editorial Board.



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## People's Law School

Session 1 • March 18

Session 3 • April 1

Session 2 • March 25

Session 4 • April 8

Classes held at Mississippi Agricultural and Forestry Museum

7:00-9:00 p.m.

Four sessions \$15 or \$5 per session

*This program is financially assisted by the Interest on Lawyers Trust  
Accounts Program of the Mississippi Bar Foundation, Inc.*

## A Day With the Judges

Federal & State Court Practice Seminar

*Sponsored by the HCBA CLE Committee  
6 hours CLE including 1 hour Ethics*

April 18, 1997

Details to follow in April Newsletter

### □ HINDS COUNTY BAR ASSOCIATION □

#### OFFICERS

T. Harris Collier, III  
*President*

John M. McCullough  
*Vice President and President-Elect*

Mark A. Chian  
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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

11:30 a.m. - Lunch

12:00 Noon - Ethics CLE

February 18, 1997

# HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

JUNE 1997

## President's Column

**John M. McCullouch**

The HCBA congratulates and thanks Harris Collier for an outstanding job as President this past year. We deeply appreciate all of the time and talent that Harris gave to our organization. We should all strive for his spirit of "giving back" to the profession.

The HCBA is a great organization and I am very proud to be a part of it. I look forward to working with our other officers, our twenty-three committees, our Executive Director, and with all our members. My goal for the upcoming year is to do my best to help carry on the HCBA tradition of service to our members, service to the judiciary, and service to the public. Hopefully, we can also have some fun along the way.

Speaking of fun, the recent Law Week Dinner, An Evening Honoring The Judiciary of Hinds, Rankin and Madison Counties, was a huge success. Approximately twenty-five active and retired Judges were in attendance as honorees at this annual event hosted by the HCBA and the Jackson Young Lawyers. Guest speaker, Ray Mabus, who has served as Governor of Mississippi and United States Ambassador to the Kingdom of Saudi Arabia, had everyone's undivided attention as he talked about life and customs in Saudi Arabia. It was truly an excellent presentation.

One of the keys to the success of the HCBA has been the work of our committees. We've all heard that if you want to kill an idea or a proposal

just refer it to a committee. Well, that's not true of the HCBA. Our committees are the lifeblood of our organization. If something gets done, it's typically because of the work of a committee. On page 4 of this Newsletter, you will find a listing of the Committee Chairs and Vice-Chairs for the new fiscal year. If you are interested in helping in a particular area, please contact the appropriate Committee Chair. Serving on a committee is an excellent opportunity to give back to our profession. To further highlight the importance of our committees, the Newsletter now contains a new section entitled "Committee Spotlight". This section will feature a different committee in each issue.

Our first meeting of this fiscal year will be June 10, 1997 and should be a good one. Program Chairman, Jay Stewart has arranged for Senator Grey Ferris, Chairman of the Mississippi Senate Education Committee, to

speak on "The ADEQUATE EDUCATION BILL - what it is and how does it affect our friends and clients in Hinds County?"

At our meetings, you will notice a couple of small changes. One is that our Board of Directors will be seated at the head table. If you have any ideas, suggestions, etc., please pass them along to these individuals or to me after the meeting. Unless we get feedback, we won't know how we're doing. Another fun sort of change is that at each meeting, we'll have a drawing for a door prize. The door prize at this meeting, and hopefully at each meeting, will be dinner for two (excluding alcoholic beverages) at the Capital Club.

I look forward to serving the HCBA as President and will do my best to do a good job. I would appreciate your help and your input during the year. Please feel free to call me at 961-1700 with any ideas, suggestions or complaints.

## April Membership Meeting



*Mississippi College School of Law Dean J. Richard Hurt was the speaker at the April HCBA Membership Meeting. He is pictured with John McCullouch and Harris Collier.*

## HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

**JUNE 10, 1997**

**12:00 Noon**

**\$10.00**

**Capital Club**

**Senator Grey Ferris, Chairman of the Mississippi Senate Education Committee, will be the speaker.**

*Please note that this meeting date has been changed from June 17 to June 10.*

## CLE Calendar of Events

July 25  
**1997 Ethics Seminar.**  
MS Bar. 948-4471

July 26  
**PEG-CLE Program**  
UM-CLE. 232-7282

November 6  
**Annual Workers' Compensation Practice and Procedure Seminar.**  
MC School of Law. 925-7173

## HCBA Calendar of Events

June 10  
**HCBA Membership Meeting.**  
Noon. Capital Club

August 15  
**HCBA/JYL Golf Tournament.**  
Noon. Deerfield Country Club

August 19  
**HCBA Membership Meeting.**  
Noon. Capital Club

October 21  
**HCBA Membership Meeting.**  
Noon. Capital Club

## Law Firm Updates

**Baker Donelson Bearman & Caldwell**  
P.O. Box 24417  
Jackson, MS 39225

Walker W. (Bill) Jones III and Sheryl Bey have joined the firm as litigators.

**Hubbard Pierce & Baria**  
P.O. Box 24627  
Jackson, MS 39225-4627

David W. Baria has joined the firm.

**Akers & Obert**  
P.O. Box 280  
Brandon, MS 39403

Michael A. Akers  
Keith D. Obert

**Lentz & Little, P.A.**  
P.O. Box 22642  
Jackson, MS 39225-2642

Kimberly R. Lentz  
William J. Little, Jr.

### Wanted: HCBA Cartoonist

The *HCBA News* is looking for repressed artists among the member of the HCBA who would be willing to share their talent in these pages. We will pay nothing for your contribution. If you have ever doodled during a deposition, or even if you haven't, you may qualify for this position. If you would like to have a cartoon published in the *HCBA News*, please submit an original cartoon to the *HCBA News* in care of Pat Evans, Executive Director, 151 E. Griffith Street, Jackson, MS 39201. The Editorial Board will select a winner for publication in the next issue.



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## The Oilers vs. The Palaces: Smokestack Chasing in 1997

By Captain Equity

Back in the 1960s and 70s, Southern governors and mayors spent a lot of their time trying to lure northern and midwestern based industry to their states and cities with a grab bag of tax incentives reinforced by the promise of low wage, union free labor and the implicit guarantee of warm weather and bourbon laced southern hospitality. Although this practice was officially labeled economic development, almost everyone in the know referred to it as smokestack chasing. Ross Barnett and the Johnsons, senior and junior, were all accomplished Smokestack Chasers. That was when the South had little to offer and much to overcome. But no more. Now, with some notable exceptions, the population centers of the Old Confederacy have most everything money can buy except the civic legitimacy that comes with being considered a major league city. That is precisely why hustling major league sports franchises and world class attractions such as the Palaces of St. Petersburg have replaced smokestack chasing in cities throughout the South.

As we all know, the NFL's Houston Oilers have become the smokestack of choice for the civic and business egos who fuel Nashville's obsessive drive for membership in the quality of life big time, just as Jackson's civic elite is still glowing over the cultural coup that put Mississippi's capital city on the national and international map last year. But which is better from the standpoint of geographical identity, civic ego and just plain fun? Assuming the foregoing objective criteria are used to measure overall impact, even the most pretentious culture-junkie would have to say it was the NFL. Here's why.

### Geographical Identity

The winner here is football. Free, round-the-clock exposure on Fox, ESPN et al; more and better sports bars; and an ongoing retail frenzy of logo impressed hats, jackets, beer mugs, etc. is no match for ETV and

History Channel specials and articles in magazines like *Russia Then* and *Modern Czar*. Admittedly, ads in the *Charlotte Observer* and the *Knoxville Sentinel* Sunday Travel sections helped put Jackson on the minds and lips of culture lovers throughout the Southeast and beyond, but such exposure still can't overcome the power of Terry Bradshaw and John Madden on Sunday television. I realize that is a scary thought, but unfortunately, it's true.

### Civic Ego

Let's face it, who in Jackson, Nashville or anyone else raised in the South has not silently wished for parity with smug New Yorkers or imperious Californians when comparing hometown notes. An NFL team will do that for you, especially a winning one. So, for that matter, will having the exclusive Western Hemisphere franchise on several centuries of accumulated loot from Russia's Royal families. In many ways the Palaces exhibit comes out on top here. How great can it be to make La Jolla Highbrows and Scarsdale Stuffed Shirts make their way to Pascagoula and Lamar to gaze upon never before seen treasures from a bygone age. The same can be said of the NFL in Tennessee. The Oilers represent Nashville's ultimate revenge for all those hillbilly jokes, all those episodes of *Hee Haw* and all those tacky postcards at the Cracker Barrel depicting the worst that a confluence of country music and rural mountain culture can produce.

When it comes to civic ego, whether it be Jackson, Nashville or wherever, it's not really about icons or football. or money. It's about belonging. It's about feeling good about who you are and where you live. On this count, we give Jackson the edge compliments of the Palaces.

### Just Plain Fun

Unfortunately, this is where Nashville with the Oilers is a big winner over Jackson and the Palaces. For

instance, football teams get to wear helmets with oil derricks or pirates or something fun painted on the side while their fans scream and holler at no one in particular. Russian exhibit-goers, on the other hand, walk around silently wearing headsets featuring Morgan Freeman whispering in their ears. "Stop ... gaze upon the exquisite roll top desk ... now, walk toward it." You tell me.

And what's more fun than a nickname? The Nashville Oilers, Nashville Cats, Tennessee Oilers, or my personal favorite, The Tennessee Fighting Sippin', Whiskey. Just imagine TFSW stenciled onto the side of a blue and white helmet with the traditional Houston oil derrick which would now be a water well. This would allow the team to throw a bone to teetotaler fans by explaining that while the Fighting Sippin', Whiskey is not necessarily the best name, it is made less offensive by diluting the offending part with authentic Tennessee Spring Water. Kind of a "know when to say when" angle. Ridiculous you say? Hey, not even I would have had the nerve to suggest the Anaheim Mighty Ducks.

On the other side of the ledger, just think about the Jackson Palaces of St. Petersburg or the Mississippi Fighting Czars or perhaps for Senator Mike Gunn, an oversized costumed Colonel Rasputin wrestling a Boris Yeltsin look-a-like to the ground while the official Exhibit Pep Band plays a march version of Laura's Theme from Dr. Zhivago (the Russian equivalent of Dixie). Just doesn't have the same snap, does it?

But so what if Jackson comes in second to the Music City Oilers, all of us who live here are still winners every time the quality of life index hits a new high. While Jackson might not be in line for an NFL team, Southwest Airlines and the Palace of Versailles along with a PGA golf tournament, Jubilee Jam and a Jackson General-Houston Astro exhibition isn't half bad. Here's to smokestack chasing in 1997.

## Hinds County Bar Association Committees 1997-1998

### Alternate Dispute Resolution

Chair ..... Harold D. Miller, Jr.  
Vice Chair ..... Tammy G. Harthcock  
Board Liaison ..... Harris H. Barnes, III

### Attendance

Chair ..... Michael E. Gieger  
Vice Chair ..... William C. Walter  
Board Liaison ..... John M. McCullough

### Bench and Bar Relations

Chair ..... Robert C. Grenfell  
Vice Chair ..... William A. Pyle  
Board Liaison ..... Daniel P. Jordan, III

### Black Lawyer Participation in the Profession

Chair ..... Dorian E. Turner  
Vice Chair ..... James L. Henley, Jr.  
Board Liaison ..... Lynn P. Risley

### Budget and Finance

Chair ..... James K. Dossett, Jr.  
Vice Chair ..... Anthony Simon  
Board Liaison ..... Samuel C. Kelly

### By-Laws

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Vice Chair ..... A.M. "Eddy" Edwards, III  
Board Liaison ..... Harris H. Barnes, III

### Child Advocacy

Chair ..... Francis C. Lynch  
Vice Chair ..... LeAnn Mercer  
Board Liaison ..... Margaret H. Williams

### Continuing Legal Education

Chair ..... Barry K. Jones  
Vice Chair ..... Joseph E. Roberts  
Board Liaison ..... Mark A. Chinn

### Golf Tournament

Chair ..... Thomas Kenneth Griffis, Jr.  
Vice Chair ..... J. Michael Maloney  
Board Liaison ..... Mark A. Chinn

### Law Related Education

Chair ..... Cliff Johnson  
Vice Chair ..... M. Binford Williams  
Board Liaison ..... Lynn P. Risley

### Lawyer Referral

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Vice Chair ..... Joy Lambert Phillips  
Board Liaison ..... Samuel C. Kelly

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Chair ..... John Land McDavid  
Vice Chair ..... James H. Neeld, IV  
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### Legal Problems of the Homeless

Chair ..... Brooks R. Buchanan  
Vice Chair ..... Terry Williamson  
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Board Liaison ..... T. Harris Collier, III

### Long Range Planning

Chair ..... Richard C. Roberts, III  
Vice Chair ..... Ben J. Piazza, Jr.  
Board Liaison ..... Mark A. Chinn

### Membership

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## Bar Exam to Include More Multistate Questions

by Linda A. Thompson

The Supreme Court of Mississippi has recently amended the rules governing admission to the Mississippi Bar by adopting the Multistate Performance Test (MPT) as part of the requirements for admissions to the Bar. On April 24, 1997, the Court ordered that effective February 1, 1998, all Bar applicants must take the MPT which "will measure skills required for performance of legal tasks, such as (a) problem solving, (b) legal analysis and reasoning, (c) factual analysis, (d) communication, (e) organization and management of a legal task and (f) recognizing and resolving ethical dilemmas."

The Bar examinee's grade will be based on answers to Mississippi essay questions (30%), Multistate Performance Test (MPT) (15%), Multistate Bar Examination (MBE) (40%), and Multistate Essay Examination (MEE) (15%). Under prior rules, scores on the Mississippi

essays comprised 45% of the Bar examinee's grade, with the MBE contributing 40% and the MEE, 15%.

According to Linda Knight, Bar Admissions Administrator, the Board of Bar Admissions will meet on June 27 to discuss possible changes in the format of the Mississippi essay examination portion of the Bar Exam. The Board members are Jerry Hafter of Greenville, Chairman, Jim Mazingo of Jackson, Vice Chairman, Jim Kitchens of Jackson, Jan Patterson of Aberdeen, Mary Brown of Oxford, Mark Lumpkin of Biloxi, Margaret Alfonso of Gulfport, and Mike Barefield of Jackson, formerly of Hattiesburg.

There is currently one vacancy on the Board caused by the resignation of one member from the Northern District. The nine Board members, three from each Supreme Court District, are appointed by the Court to serve staggered three-year terms.

## Spotlight on HCBA Lawyer Referral Committee

By J. Mark Franklin, III, Lawyer Referral Committee Chairman

Fulfilling a dual role of member benefit and public service, the Hinds County Bar Association's Lawyer Referral Service enters its third year of operation on June 1, 1997. The LRS assists would-be clients in locating a lawyer in the tri-county area. Our panel of almost seventy attorneys in Hinds, Madison and Rankin counties covers over twenty different practice areas. After screening out those seeking pro bono legal service, we refer callers to attorneys available to assist them concerning wills, divorces, child custody, social security benefits, personal injuries, wrongful death, bankruptcies, contracts, real estate, business formation, worker compensation, taxes, criminal defense, employment claims, DUI, consumer problems and other matters.

When a caller contacts the LRS at 948-5488, our trained staff gives them the name, address and telephone number of one of our attorneys and notifies the attorney that the caller will contact them. The caller pays no fee to the LRS - the referral is absolutely free. While the client is responsible for paying the attorney's fees, our attorneys have agreed to provide initial half-hour consultations at a reduced rate of only \$40.00. Consultations are free for matters involving personal injury, wrongful death and workers compensation.

Referral services have been common in the medical community for years. We have adapted this concept to meet the needs of the public in finding an attorney. While referrals by close friends or relatives are certainly desirable, not everyone has such opportunities. The LRS assists people in getting the help they need.

Under the administration of former HCBA President Richard Roberts, Al Malone began investigating the viability of a lawyer referral service in our area. The Mississippi Bar had previously provided such a service on a statewide basis but discontinued that effort. After much hard work by Malone, Ben Piazza and the HCBA Board of Directors, the LRS officially

commenced operations under President Marcus M. Wilson and has continued with the support of Harris Collier and John McCullough. In 1995, the HCBA hired Melissa M. Williams to serve as director of the LRS and has also employed, on a part-time basis, two Mississippi College law students, Vann Parrott and Lal Boodoosingh. All have provided excellent service to the HCBA. Our committee has worked diligently in support of the LRS. Thanks are due to committee members Joy L. Phillips (Vice-Chair), David Bowers, John S. McDavid, Thomas Crews and Don Evans.

Since commencing operations in 1995, our service has been a popular one, fielding about forty calls every

day. Our panel of attorneys has done an excellent job of servicing the clients referred to them. The LRS regularly receives calls from around the country from people needing Mississippi counsel. We have received a number of letters from clients commending both LRS and our panel of attorneys. This response reflects the excellent quality of the attorneys who comprise the HCBA membership.

Applications for membership on the LRS panel of attorneys for 1997-1998 are currently available. We believe it to be a valuable client development tool for you as well as a means for your participation in the Hinds County Bar Association's work. We encourage all HCBA members to enroll.

During 1996-1997, the following attorneys have served on our panel:

Gail S. Akin	James L. Martin
William Baxley	R. Conner McAllister
James D. Bell	John Sanford McDavid
K.F. Boackle	Tom Milant
Robert C. Boyd	Jack G. Moss
Brent M. Brumley	Charles R. Mullins
G. Todd Burwell	F. Kirk Nelson
Vernon H. Chadwick	Paul M. Neville
Mark A. Chinn	S. Craig Panter
Roger C. Clapp	Karla J. Pierce
Mel Coxwell	Peyton Randolph
Merrida Coxwell	Richard C. Roberts, III
John C. Crecink, Jr.	Charles E. Ross
John H. Downey	Thomas E. Royals
David C. Dunbar	Jackie W. Rozier
Donald E. Eicher, III	David E. Rozier, Jr.
Kathleen R. Fewel	James W. Shelton
R. Keith Foreman	John S. Simpson
W.E. Gore, Jr.	Daniel L. Singletary
Joshua Green	Paul Snow
T. Kenneth Griffis, Jr.	Lance Stevens
George T. Holmes	Lance L. Stewart
Dorothy G. Horecky	David L. Trewolla
William B. Howell	Robert O. Waller
Charles E. Hughes	William L. Waller, Jr.
Janice T. Jackson	Bill Waller, Sr.
Connie Collier Jones	David P. Webb
Hansel Anthony Jones	Jeff Weill, Sr.
Michael Knapp	Charles R. Wilbanks
R. Kelly Kyle	Charles Wellborn Witt
Richard M. Lingle	William R. Wright
Al Malone	

## Attorney Commends Lawyer Referral Service

"A client contacts the HCBA Lawyer Referral Service because they feel they will be provided with good services," stated R. Conner McAllister, attorney with McAllister and Rozier and LRS panel member.

McAllister's experience has been that, following the initial referral from the LRS, clients come back to his firm for further services. "Most of the time the client's subsequent cases are more lucrative than the reason they first came to us," McAllister continued. "All the advertising in the world can not compete with what satisfied clients can do for your practice!"

This LRS client recently wrote of the quality service provided by both the LRS and its panel attorneys - "Almost a year ago now I called the LRS. I was desperate and at our ropes end. I told the lady our plight. She immediately called me back with a name and phone number. She referred us to McAllister and Rozier Attorneys

... We have referred [them] to all our friends and family. Thank you so much for referring Conner to us."

Building clientele is a major benefit attorneys gain when participating in

the LRS. To enjoy this and other benefits provided, join now. For your convenience we have included an Application and Agreement in this newsletter.

## Lawyers Referral Committee



Front row (left to right): Lal Boodoosingh, LRS Interviewer; Joy Lambert Phillips, Vice Chair; J. Mark Franklin, III, Chair; Thomas Crews; Melissa Morgan Williams, LRS Director. Back row (left to right): Ben Piazza, Jr.; Marcus M. Wilson, HCBA Past President; John Sanford McDavid. Not pictured: David Bowers and John Simpson.

## Changes in Mississippi Rules

by Barry Powell

Several changes in the various Mississippi rules are scheduled to take effect on July 1. Highlights of these changes include the following:

Rule 45 has been amended to provide that subpoenas for depositions and for production or inspection shall issue from the court in which the action is pending, even though the deposition or inspection is to take place in another county. A resident of the state can be required to be deposed only in the county where he resides or is employed or transacts his business in person, unless otherwise ordered by the court. A nonresident of the state can be required to attend his deposition only in the county where he is served, unless otherwise ordered by the court.

Rule 45 continues to require that the party causing a subpoena to issue must tender to a nonparty witness at the time of service the statutory fee for one day's attendance plus mileage.

Amended Rule 45 provides a num-

ber of protections for persons subject to subpoenas, including the right to quash or modify the subpoena if it fails to allow reasonable time for compliance, requires disclosure of privileged or other protected matter, designates an improper place for examination or subjects a person to undue burden or expense.

The court can impose special conditions if the subpoena requires disclosure of a trade secret or other confidential research, development, or commercial information or requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party.

The amended rule specifically provides that a person commanded to produce and permit inspection and copying of documents or things or to permit the inspection of premises need not appear in person unless commanded by the subpoena to appear for a

deposition, hearing or trial. Copies of all subpoenas must be served immediately upon each party, in accordance with Rule 5.

When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications or things not produced sufficient to enable the demanding party to contest the claim. Sanctions are provided for the use of subpoena power in bad faith or "in such manner as unreasonably to annoy, embarrass or oppress the party or the person upon whom the subpoena is served."

Post-trial motions under Rules 50, 59 and 62 must now be filed within ten days from entry of judgment. Previously, such motions need only have been served within ten days after entry of judgment.

A significant Mississippi Rule of  
*continued on page 10*

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<b>TELEPHONE:</b>	\$300/\$900	\$1M/\$1M	\$4M/\$4M	
<b>FAX:</b>	\$500/\$500	\$1M/\$2M	\$5M/\$5M	
<b>CURRENT CARRIER:</b>	(Higher limits may be available in certain cases.)			
<b>EXPIRATION DATE:</b>	<b>DEDUCTIBLE DESIRED: (Circle one)</b>			
<b>CURRENT PREMIUM:</b>	\$1,000	\$2,500	\$5,000	\$10,000

- Has the firm maintained uninterrupted professional liability coverage for the preceding five years?  Yes  No
- Have any claims been made or suits been filed against the firm, any predecessor firm, or any of the firm's past or present partners? Please give details.  Yes  No
- Is any member of the firm aware of any circumstances which could result in a claim? If so, please attach a brief description.  Yes  No
- Is the firm's time/docket control system a perpetual calendar or tickler system which produces a weekly work schedule and/or notice slips?  Yes  No
- Does the firm's time docket control system use a dual calendar or diary which utilizes more than one independent control?  Yes  No
- Does your firm make it a practice to use engagement/non-engagement letters?  Yes  No
- Does your firm have a conflict of interest system (manual or computerized)?  Yes  No
- Please indicate the approximate percentage of the firm's practice time devoted to the following areas of practice:  
 (a) Financial institutions \_\_\_\_\_% (b) Corporate law \_\_\_\_\_% (c) Securities law (whether registered or exempt) \_\_\_\_\_%  
*Please place an asterisk next to the names of attorneys practicing securities law in the table below.*
- Does the firm or any member have an office sharing arrangement with any other attorney or firm?  Yes  No
- Please list any attorneys in the firm who have attended an approved CLE malpractice prevention or ethics seminar in the last 12 months.
- Please provide the requested information below for all attorneys in the firm. If more space is required, attach a supplemental sheet. Also, please include a copy of the firm's letterhead with your completed form.

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**Hinds County Bar Association Budget 1997-1998**

<b>Income</b>	<b>Budget</b>
CLE .....	\$1,000
Grants .....	5,000
Interest Earned .....	2,000
Law Firm Survey .....	1,000
Law Week Dinner .....	4,500
Lawyer Referral .....	19,000
Membership Dues .....	64,500
Membership Luncheon Fees .....	3,000
Miscellaneous .....	150
Newsletter Ads .....	500
Peoples Law School .....	1,000
Tournament-Golf .....	13,500
<b>Total Income .....</b>	<b>\$115,150</b>
<b>Expenses</b>	
ABA Conference & Dues .....	\$4,500
Board Luncheons .....	1,700
CLE .....	1,000
Committee Lunches .....	2,500

Grants .....	5,000
In-Town Travel .....	450
Insurance .....	300
Law Office Survey .....	500
Law Week Dinner .....	6,500
Lawyer Referral .....	23,370
Management Services .....	20,500
Members Socials .....	2,000
Membership Luncheons .....	4,500
Miscellaneous .....	500
Newsletter .....	9,750
Peoples Law School .....	1,000
Postage .....	7,500
Printing & Supplies .....	4,000
Social-Christmas .....	5,000
Storage .....	300
Telephone .....	750
Tournament-Golf .....	10,500
Tourn.-Golf Charitable Contrib. .....	3,000
<b>Total Expenses .....</b>	<b>\$115,120</b>

**Fifth Annual Golf Tournament Scheduled**

The HCBA/JYL Golf Tournament has been scheduled for Friday, August 15, at Deerfield Country Club. This will be the fifth year for the project. Last year's tournament contributed \$3,000 to the Lawyers Volunteer Project.

The event is being planned by committee members: Kenny Griffis, chairman; Mike Maloney, vice-chairman; Karla Pierce, Debra Allen, Harris Collier, Stuart Kruger, Ben Piazza, Stephen Carmody, Michael Gieger, Ken Adcock, Mark Chinn, and Keith Obert.

**Judicial Appreciation Dinner: Mabus Speaks**

by Barry Powell

Former Governor and United States Ambassador to Saudi Arabia Ray Mabus was the speaker for this year's Hinds County Bar Judicial Appreciation Dinner. Governor Mabus shared interesting and informative insights from his tour of duty in Saudi Arabia.

Saudi Arabia is a country of 17 million Saudis and 8 million foreigners. It has the fastest-growing population in the world. Half the population is under 15 years of age. The average Saudi mother gives birth to 8 children.

Saudis pay no taxes. Saudi Arabia sits on top of approximately 26% of the world's oil. Only 20% of Saudi Arabian oil has been recovered. If no more oil is discovered in Saudi Arabia, which is not yet been nearly fully geologically explored, the country will run out of oil in the mid-twenty-second century. Water is more expensive than gasoline. Everything is subsidized for Saudi citizens. The burgeoning population is putting stress on Saudi Arabia's ability to produce enough income to keep its population at the same standard of living.

Governor Mabus cited four major differences between Saudi Arabian culture and American cultures: (1) the justice system, (2) the political system, (3) religion, and (4) treatment of women.

In Saudi Arabia, religious law is the law. There is no separate civil law. If a party loses, there is no appeals process; the losing party seeks out the king or a prince and tries to obtain personal intervention in the case. As opposed to the uncertainty of the civil law process, the criminal process is certain and usually swift. Capital punishment is inflicted for the crimes of murder, rape, and drug dealing. Half of those executed are Saudis and half foreigners.

The family of a murder victim chooses either financial restitution from the perpetrator or, the death of the perpetrator. If the murder victim has minor children, the murdered languishes in jail until the youngest child reaches the age of 17 and participates in the decision as to whether the murdered pays restitution or dies.

Politically, Saudi Arabia is the

king's private country. The king rules, with input only from his extended family. There is no political input outside of the royalty family.

All religions are illegal except Islam. It is a capital crime to proselytize someone away from Islam. Children in kindergarten engage in Islamic studies four hours a day. One-third of the college graduates have studied only Islamic religion and law. All other college graduates have spent one-third of their studies in Islamic religion.

Women are prohibited from driving and from borrowing money. A woman cannot travel without written permission from her husband, father or brother. Women are kept secluded from male non-relatives. All marriages are arranged, marriage between first cousins being the marriage of choice.

All in all, Governor Mabus said that his experience in Saudi Arabia made him appreciate even more living in America. Governor Mabus further emphasized the important to the United States of its relationship with Saudi Arabia.

## An Evening Honoring the Judiciary

An Evening Honoring the Judiciary on May 1, sponsored by the Hinds County Bar Association and the Jackson Young Lawyers, was well attended by judges, lawyers and guests. Held at Primos Northgate, this was the fourth year for the event. Keynote Speaker was Raymond E. Mabus, former governor of Mississippi.

The HCBA presented its Outstanding Service Award to Peter L. Doran and its Pro Bono Publico Award to Michael Knapp. Recipients of the JYL Awards were Julia H. Terry, Outstanding Service, and Walter H. Boone, Pro Bono Publico.



Harris Collier and Ray Mabus



Walter Boone, Keith Obert, Julia Terry



Harris Collier, Pat Evans, John McCullough



Margaret and Harris Collier, Ray Mabus, Sheila and John McCullough



Elaine and Keith Obert, Lynn and Rod Risley



Pete Doran and Harris Collier

### Changes in Mississippi Rules *continued from page 6*

Evidence change is creation of a new rule permitting business records and other records of regularly conducted activities admissible under Rule 803(6) to be authenticated and admitted by an affidavit of the custodian or other qualified witness. Rule 902(11). Such records are not self-authenticating if the sources of information or the method or circumstances of preparation indicated lack of trustworthiness. An affidavit can be either under oath or by statement under penalty of per-

jury. Provisions for certification of foreign records are made.

Records so certified are self-authenticating only if the proponent gives notice to adverse parties of intent to offer the records as self-authenticating under Rule 902(11) and provides a copy of the records and of the authenticating certificate. Objections are waived unless made within fifteen days after receiving the notice. Sanctions are provided for if an objection is made without arguable good cause.

Random thoughts and comments...

### Hardware

RAM prices continue to nosedive. Don't even think about running Windows95 with less than 16 meg of RAM; 32 meg will give you breathing room, probably through Windows97 (which Microsoft has actually delayed until 1998), but, especially with leasing options, go ahead with 64 meg. Memory generally has to be added in pairs, so it would be best to use nothing less than 16 meg SIMMs, particularly with PCI architecture.

Storage gets cheaper, too. Ten years ago, 10-20 meg hard drives were a luxury. Now 1 gigabyte hard drives are relatively difficult to find. While bigger isn't necessarily better, go with at least 2 gig primary drives on workstations, and the sky is the limit on servers. Just be careful that you don't outrun your backup; the least expensive, but slow, option is typified by Iomega Ditto tape backup drives (street prices: \$99/internal and \$149/external for 2 gig drives; \$20 and less for 2 gig tapes).

Portable storage is all the current rage. In the face of competition, Iomega Zip drives, 100 meg to the disk, go for a street price of \$150; even better are the Jaz drives: \$299/internal, \$399/external with 1 gig to a disk and hard drive speeds! There is plenty of competition: Syquest competes with the Jaz via SyJet with 1.5 gig to a cartridge, faster speeds, and comparable prices; on the smaller side, it counters the Zip with its EX-Flyer and 230 meg cartridges.

Did you ever think that CD-ROM's with 600-plus megabytes of storage would go by the way? Well, they won't for quite a while, but DVD, with 5.25 inch optical disks and 2.6 gig of storage are coming; by this time next year, you'll wonder why you didn't have one (and your kids will probably be clamoring for a player for the house, since rental movies will be available in this media; 3-4 movies per disk!)

Don't forget about scanners. Hewlett-Packard is rapidly moving to

## On Computing

By Joel Howell

compete with Visioneer on the low end, but Visioneer's PaperPort Deluxe software is still in the lead.

### Software

WordPerfect Suites under Corel are competing impressively with Microsoft Office. You can't go wrong with either, since conversion to/from Wordperfect/Word formats is either incorporated or readily available.

Want to keep your software absolutely current? Oil Change by Cyber Media will automatically inventory your software, jump on the Web, and locate new updates, patches, and drivers. Incidentally, the best price I've seen on this is about \$25 at Sam's.

With hard drives increasing exponentially in size, partitioning software will become a must. In simple terms, your operating system stores data in clusters. Ever had to use Norton Utilities or like products to clean up a flaky system? The messages you see

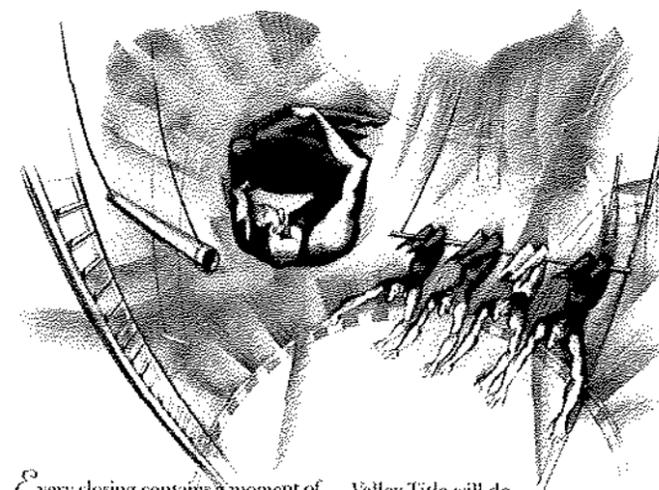
about chains and clusters are how your system's FAT (File Allocation Table) keeps up. Products like PartitionMagic reclaim wasted disk space amongst all those clusters. Try any of these products and you'll be impressed by the amount of free space you can reclaim without losing any data.

Games? While Doom is still around, its quasi 3-D technology has been displaced by the latest enhancement: in Quake or Duke Nukem 3-D, you can jump and look up or down. Shareware versions are readily available for the price of time spent downloading them on the Web.

Internet providers continue to proliferate; a review of those available with features and pricing is to follow in a later issue.

Questions or comments? Drop me an email at 76616.1020@compuserve.com.

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Saturday . . . . . 9:00 a.m. - 5:00 p.m.  
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Closed Friday July 4, 1997

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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  
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**FIRST CLASS**

**IMPORTANT!**  
**HCBA Luncheon Meeting**  
**12:00 Noon, June 10**  
**Door Prize - Dinner for Two**  
**Capital Club**

# HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

OCTOBER 1997



## President's Column

John M. McCullough

Iowa State University Sociologist Tom Rice caused quite a stir recently when he released his study ranking Mississippi last in the area of civility. To a people whose state is often referred to as the "hospitality state", this was an obvious slap in the face and they let Rice know about it. Rice

hastened to explain that civility is not the same thing as hospitality, but he was in it up to his neck by that time and besides, *Webster's New Collegiate Dictionary* does define civility as "courtesy, politeness."

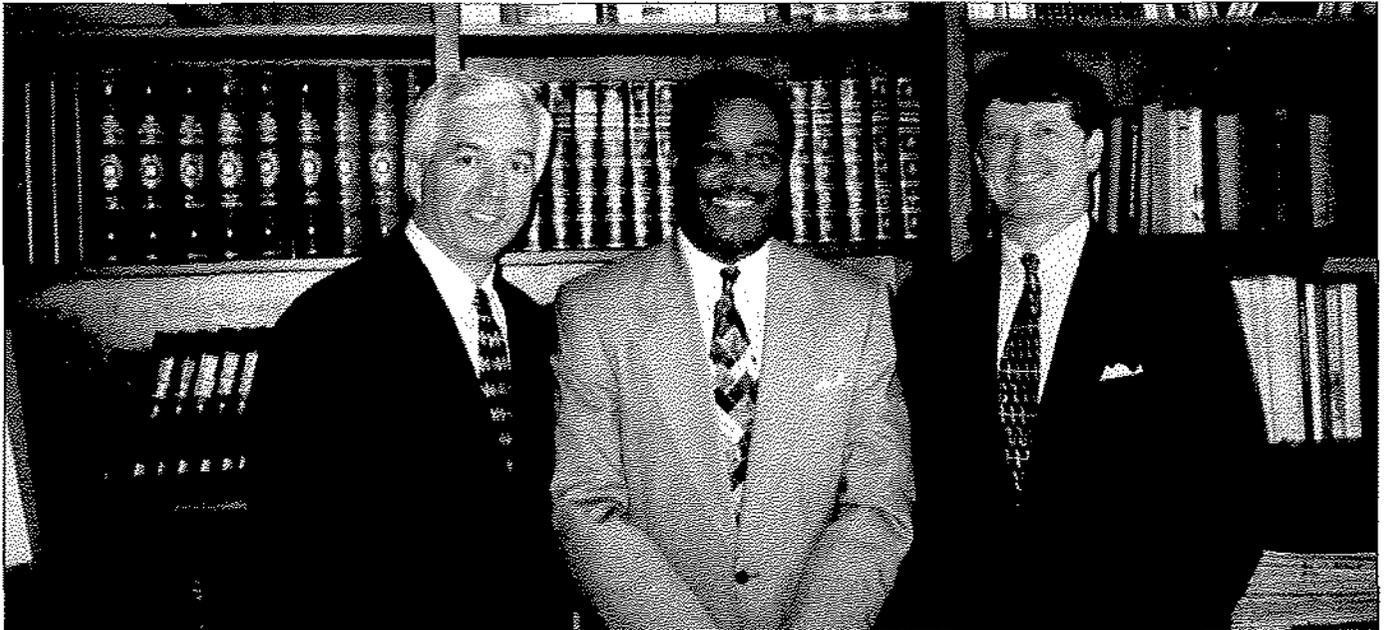
What, if anything does this rhubarb have to do with lawyers? Perhaps nothing, but it did get me to thinking about where lawyers in general, and HCBA lawyers in particular, rank in terms of civility, politeness, courtesy and professionalism towards one another, the Court, and the public. In fact, some of the leading jurists in the state have expressed a great need for

improvement in these areas.

What is being done by we lawyers to correct the situation? For one thing, attention is being given by The Mississippi Bar toward making lawyers more civil, courteous and professional. The Bar's Professionalism Committee has developed the *Professionalism Handbook* for our use and benefit. The State Board of Bar examiners has voted to include questions on the subject of professionalism on future bar exams, to advise applicants of this fact, and to provide them with copies

*continued on page 11*

## August Membership Meeting



Mayor Harvey Johnson spoke to an overflow crowd at the August HCBA Membership Meeting. He is pictured with HCBA President John McCullough and HCBA Program Chairman Jay Stewart.

## HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

October 21, 1997

12:00 Noon

\$10.00

Capital Club

Dean Samuel M. Davis, Dean of The University of Mississippi Law School, will be the speaker.

*Door Prize: Dinner for two at the Capital Club.*

## CLE Calendar of Events

November 6  
Annual Workers' Compensation Practice and Procedure Seminar.  
MC School of Law. 925-7173

## Law Firm Updates

Mark A. Chinn of Chinn & Associates, Attorneys at Law, Jackson, Mississippi, is teaching a course he designed in Law Office Management at the Mississippi College School of Law.

## HCBA Calendar of Events

October 21  
HCBA Membership Meeting.  
Noon. Capital Club

October 23  
HCBA Fall Social.  
Old Capitol Inn. 5:00-7:00

October 29  
Computer Seminar. MS Bar (see article in newsletter)

December 4  
Christmas Social.  
MS Bar Center. 5:30-7:00

February 17  
HCBA Membership Meeting.  
Noon. Capital Club

April 21  
HCBA Membership Meeting.  
Noon. Capital Club

Mark your calendars now!

# HCBA Christmas Social

Thursday, Dec. 4, 1997

5:30 - 7:00 p.m.

Mississippi Bar Center

## Princess Di, Elvis and Other Imaginary Friends

By Captain Equity

As any parent can attest, it is not unusual for small children to have imaginary friends. Child psychologists make a small fortune reassuring alarmed parents of this fact on a daily basis. Indeed, the gift of imagination often first manifests with the creation of invisible playmates. As any long-time reader of the late comic strip Calvin and Hobbes well knows, imaginary friends are merely a normal part of growing up.

But what happens when you have turned 21 or 40 or 65 for that matter and are still having significant interpersonal relationships with persons half a world away whom you've never met? Or worse yet, what is the deal when those same adults are having those same up close and personal relationships with famous people who are long dead - like, for 20 years? The recent tragic death of Princess Diana in Paris and the annual Memphis death vigil for the late Elvis Presley underscore the alarming fact that it is grown ups, millions of them, who have cornered the market on imaginary friends. The only saving grace is that they don't openly call it celebrity worship, which in fact, it is. Their grip on sanity is better served by calling it "fascination with pop culture" before swooning to Burnin' Love for the 432,000th time. This would seem to suggest that any number of people throughout the world either don't have enough to do or are in serious need of professional help, or both. But that is not the whole story. In reality, it demonstrates the compelling need of people for heroes. It also convincingly makes the case for the vast, albeit sometimes disturbing, power of the media.

### *Heroes, Beautiful People and Vicarious Travel*

It used to be that hero worship was part of growing up. Only recently has it become a permanent part of contemporary life. The benign part of this phenomenon is as understandable as the appeal of a cherry bomb to a twelve year old boy. Heroes are bigger than life. They're cool when we're not; they realize their dreams when we

only fantasize about ours. Diana was and remains a case in point. What little girl growing up didn't want to be a beautiful Princess, have a fairy tale wedding, live in a castle and see the world -- first class? Princess Di actually did all those things. In stark contrast, most women go on to something called real life which falls somewhere between the Waffle House, the Chi Omega House and a heavily mortgaged, excessively taxed, badly-in-need-of-painting-not-to-mention-new-carpet, suburban house. As dreams go, the latter two beat the former, but none of it holds a candle to Buckingham Palace, the Ritz Hotel or any of Princess Diana's other hangouts. Let's face it, instead of keeping company with the son of the owner of Harrods Department Store, Elton John and other assorted beautiful people in places like St. Tropez, Beverly Hills and Paris, most women are treated to a steady diet of deer hunting and golf stories from their husbands while being driven to such glamorous locales as the Issaquena County Hunting Preserve or the Hinds Community College / County Penal Farm Golf Course. Their idea of beautiful people are Dennis Franz, Drew Carey and Roseanne whom they see way too much of on their aging color tv sets. Glamorous locales? Try sitting in traffic on County Line Road waiting to make a left turn into Honey-baked Hams. Fantasy verses reality -- tough choice, huh?

Now, Elvis...well, that is a different matter, especially for those who choose to indulge in Vegas Jump Suit celebrity worship. Face it, some things are American. Some things are Southern. The Jump Suit-Elvis, circa 1973-77, is Deep South. Well, now come to think of it, Burnin' Love really is a pretty good song. Maybe this is getting too close. Perhaps I should change the subject and opt for some incisive analysis.

### *Incisive Analysis Re Power Of The Media*

All of this serves to illustrate my second point which is that the media, which drives this obsession with

celebrities, is immensely powerful, bordering on being totally out of control. Case in point: why did so many people think they knew Diana? One big reason is that she was on the cover of *People Magazine* a record 44 times. That just about equals the number of days per year the governor spends in Africa shooting big game. No wonder everyone identified with her. A steady diet of *The National Enquirer*, *The Globe*, *Hard Copy*, *Entertainment Tonight*, *Extra* and sixteen hours a week of NBC's *Dateline* with Stone Phillips (that can't be his real name) and it's not hard to understand how our real friends start to blend in with our imaginary ones. Stir in some uniquely American, 1990s conspiracy-thinking paranoia and you have all the ingredients you need to conjure up your very own set of custom-made, imaginary friends complete with storyline. And who are mine? Try this on for size.

It turns out that Rush Limbaugh posing at William Weld's Chief Of Staff was really making all of Al Gore's fundraising phone calls from the U.N. (thanks to Ted Turner's money) complete with a bogus back-link telecommunications line to the White House, all as part of an *X Files* episode come-to-life where the illegal campaign contributions really went to suppress the fact that Oprah, Sam Donaldson and Kathie Lee Gifford are all just Ross Perot-George Bush, Jr. media puppets who worked with unidentified dark forces out of the back of a Penn's Chicken-On-A-Stick Booth at the Mississippi State Fair in 1994 to secretary gain control of Cowboy Maloney Electric City Superstores, Miskelly Furniture and a rogue fighter wing of Iran's Air Force for the avowed purpose of creating artificial, alien-inspired El Ninos capable of crushing Red Cross morale, crippling the NASDAQ and driving up corn futures...uh...huh? ...oh...I have just been advised by my editor that I have run out of space. More on this later.

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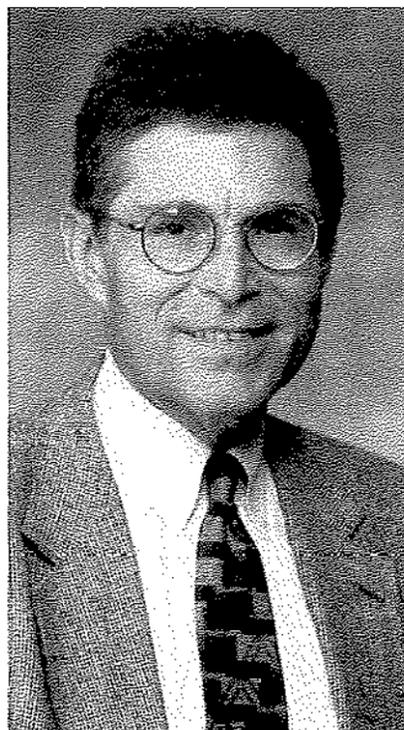
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## HCBA Meeting Speaker, Dean Samuel M. Davis



Dean Samuel M. Davis

Samuel M. Davis, newly appointed dean of The University of Mississippi Law School, will be the featured speaker at the October 21, 1997 meeting of the HCBA.

Following a national search, Davis has been beckoned back to the law school where he was editor in chief of the *Mississippi Law Journal* and graduated with honors in May 1969. The 52-year-old Pascagoula native attended the University of Virginia School of Law as a Dupont Fellow. His undergraduate degree in political science and history is from the University of Southern Mississippi.

As a longtime member of the Lamar Order, the school's support organization, Davis said, "I'm very excited about what I see as a marvelous opportunity to come home to Mississippi and make a difference -- to take a good law school and help make it an excellent law school. I'm totally committed to academic excellence through teaching, research and public service."

Davis comes to the Ole Miss Law School from The University of Georgia School of Law. He joined the Georgia law faculty in 1970, and most recently was the Allen Post Professor of Law and associate vice president for academic affairs. The children's law and family law specialist has also served appointments there as assistant dean and associate dean. He was a visiting professor of law at Ole Miss during the summer of 1979.

Addressing the self-study underway at the Law school in preparation for the AALS accreditation reinspection site visit in March, Davis said he will use the draft to get an overview of the current state of affairs. "I understand that now the energies of the faculty and administration are focused on the self-study, which coincides with developing a strategic plan for the law school. Much of what is being accomplished will be applicable to that strategic plan."

The new dean says he will help determine the best way of pursuing that vision. "A law school has to have a good sense of mission, then the other elements follow that are required to make an outstanding law school: outstanding students, outstanding faculty and an outstanding alumni base; a very good library and very good physical facility. I will be working on all of these areas."

"I foresee many challenges, but also many opportunities as I strive to help transform what is already a very good law school into a truly excellent law school," Davis continued. "Certainly I will channel much effort into private fund-raising, and I think opportunities there are tremendous. I believe our alumni are poised to step forward, to go the extra mile to help. Private giving will be the key in the transformation process to ensure that the law school has the enrichment kinds of things, including more scholarships, faculty salary supplements, and money for travel and research."

Another concern high on Davis's

agenda as dean is maintaining and improving a student body of the highest caliber. Applications are up this year at the Ole Miss Law School, but nationally they are down," he said. "Some even think that 20-30 law schools might be closing their doors. It will become more and more challenging to attract outstanding students, including minority students."

Davis says his wife and two daughters share his excitement about the deanship. "They are very supportive of this career decision, because they know I've been interested in doing this for a very long time," he said. "My career up to this point has prepared me for being dean at the law school. I have received many letters and phone calls already from alumni congratulating me on my appointment, and we're extremely grateful at the outpouring of support. We're excited about this opportunity."

Davis's wife, the former Carolyn Peele, received a bachelor of arts in education from Ole Miss in 1968 and holds a master's of education from the University of Georgia. As a teacher of the visually impaired, she plans to continue her profession upon relocating to Oxford.

They are the parents of two daughters: Samantha, who will earn a degree in elementary education at The University of Georgia in March 1998, with plans to be married next spring; and Sarah, who just completed her freshman year at The University of Georgia, and spends her spare time competing in dressage. Sarah and her horse are in Germany for four months schooling with a world-renowned German coach and going with her American trainer to international competitions.

At the HCBA meeting Dean Davis will speak on "Ole Miss and The Future of Legal Education."

*This article was adapted from the Spring 1997 issue of The University of Mississippi Law Center News.*

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## Driver's Ed For The Information Superhighway Seminar

The Legal Economics Committee will present a mid-day three hour introduction-to-the-internet seminar on Wednesday, October 29, 1997 beginning at 11:00 a.m. in the Board Room of the Mississippi Bar Foundation Building.

The seminar will cover:

\*The internet and world wide web in plain language.

\*The terms, abbreviations and meanings of computerese.

\*Specific hardware, security and provider selection guidelines.

\*The five classifications of people you will meet on the internet and the basic rules of "netiquette".

\*Explanation of gophers, browsers and search engines.

\*E-mail do's, don'ts and guidelines.

\*The difference between Netscape Navigator, Internet Explorer and commercial providers such as America Online and Compuserve.

This course was developed in response to the growing need for a

basic nuts-and-bolts course to help participants get comfortable with the technology of today. Designed as an introduction to the information superhighway, it is taught with the adult professional in mind and an emphasis on demystifying the terms and technology.

The seminar was prepared and will be presented by Cheryl Bullock. Ms. Bullock is the Executive Officer of the 1400 member Jackson Association of REALTORS®. She attended the University of Southern Mississippi with a major in computer science and has earned certificates of excellence in various phases of association management including *Computer Maximization, Legal Liability Management, Financial Management, Managing Leadership, Associations in Transition and the New Marketing Paradigms for the 90's*. Ms. Bullock is currently serving as the Mississippi vice president of the Mississippi chapter of the Real Estate Educators

Association. She was selected to host a beta-test site in Jackson for the National Association of REALTORS® Realtor-Link as well as a beta-test site for its national website, realtor.com. Realtor-Link connects NAR's national, state and local offices and members in a communications network via the internet.

Ms. Bullock recently was invited by Microsoft, along with approximately 140 Realtors and attorneys, to participate in a presentation in Seattle of its present and forthcoming internet services for real estate professionals and attorneys.

She originally developed this seminar for and is presently involved training Realtors in the use of the internet for business purposes. Ms. Bullock has amended and supplemented the program for presentation to attorneys. Through the use of an online computer and overhead projector she will be able to demonstrate her lecture online.

3 hours CLE credit will be given.

### REGISTRATION FORM

## Driver's Ed for the Information Highway Seminar

Board Room  
Mississippi Bar Foundation Building  
October 29, 1997, 11:00 a.m. - 2:00 p.m.

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Course fee is \$30 per person including seminar materials and a box lunch. Make checks payable to Hinds County Bar Association and send completed registration form and check to:

McDavid, Noblin & West PLLC  
Attn: Jill Tullar  
840 Trustmark Building  
248 East Capitol Street  
Jackson, MS 39201

**3 hours CLE credit will be given.**

## On Computing

By Joel Howell

COMING SOON: Your very own Hinds County Bar Association web site!

Thanks to a software gift from Microsoft, we have the tools in hand to set up what promises, with time and development, to be a dandy web site. Subject to technical refinement, we may even be able to publish this newsletter online. The software has just come in, and we still have to decide on a host site, as well as customizing the web page, but it should be up and running before the end of the year, if not sooner.

### Modems

If you haven't gotten around to net surfing yet, or if you're considering upgrading, the newest modems are nifty indeed. 28.8Kpbs is the absolute minimum for reasonably fast screen draws. Not so long ago, conventional wisdom was that 33.6Kpbs was the fastest possible speed for PSTN (Public Switched Telephone Networks read: what your phone line is now). New technology has increased data transfer speeds to the 56Kpbs. The U.S. Robotics Courier V. Everything 56K is the top of the line, or very close to it, with a street price of under three hundred dollars. Their Sportster is less expensive, but has fewer features. The Zoom Telephonics can be had for under two hundred dollars. External modems are recommended. Though somewhat more expensive than internal models (since the externals need their own power supply), they have definite advantages: the lights really DO mean something, and, in the event of a lockup, you can turn the external modem off and on again, rather than having to reset your computer. Virtually anything you buy will come bundled with enough software and internet provider offers to keep you occupied for the first month.

### Word Processing/Suite Technology

Corel is improving word processing/suite technology at an increasing rate. WordPerfect Suite8 is now out,

and, in several respects, betters Microsoft Office97. If you're already a user, be advised that the interface is different, with changes to the menu and tool bar, among other things. This should be an improvement, as the total package is designed toward Microsoft's windows conventions, with uniformity among different applications.

Corel has also released WordPerfect Suite 7, Legal Edition, a 16-bit version for Windows 3.1 (the Win95 edition is to follow shortly). Both versions include a fairly mind-boggling number of add-ons which may even justify the \$449 list/\$229 upgrade price: NexLaw, CompareRite, FullAuthority, HotDocs, Amicus

Attorney, Black's Law Dictionary, Quattro Pro, Presentations, Paradox, Envoy, Address Book, Netscape Navigator, American Heritage Concise Dictionary, and more TrueType fonts, clip art images, and photos than you'll likely ever even view. There isn't enough time or space in this column to go through all of these, but the normal upgrade price for WordPerfect alone and any one of the forgoing (especially CompareRite, used to show changes in each generation of a document, or FullAuthority, for checking the format of cites) would likely make the investment worthwhile.

Questions or comments? Drop me an e-mail at 76616,1020@compuserve.com.

## Committee Spotlight: Child Advocacy Committee

The Child Advocacy Committee, chaired by Frances Corley Lynch, LeAnn Mercer and Trish Aston, is currently working on the Aspiring Youth Program, a project designed to increase the aspirations of at-risk, middle school students by (1) demonstrating in an enjoyable way the importance of education, hard work and commitment, and (2) by providing mentoring relationships with attorneys and do other role models in the community. The Aspiring Youth Program also educates students on our legal system and the role of lawyers and judges in the legal system and society.

Another goal of the committee is to assist the Children's Legal Clinic (currently being developed in association with the Young Lawyers Division of the Mississippi Bar and Mississippi College School of Law) by providing volunteers who will work with the law students in assisting neglected or abused children within the legal system. Additionally, the committee will assist with promoting child-related bills in the upcoming legislative session.

If you are interested in becoming a member of the Child Advocacy Committee or would like to volunteer for any of these projects, please contact one of the committee chairs.

## Tips From The Small Firm Committee

You're a solo practitioner or a member of a small firm. The phone is ringing, you have a jury trial set next week, four depositions in two days, your discovery responses are due today, a summary judgement hearing in circuit at 9:00 a.m., an ex parte appearance in chancery at 10:00 a.m., and your response to a motion in district court is due the middle of next week. Your secretary reminds you that a new client with an "emergency" is scheduled to see you in fifteen minutes. Your daughter's soccer game is at 5:00 p.m., your son's football game is Friday night, your anniversary is next week, and your spouse is reminding you that you agreed to take a vacation after you finished your last trial. You're working harder than ever, but you don't seem to be making any more money and the satisfaction and enjoyment you get from your practice is less than it's ever been.

If this sounds like a typical day in

your office, you may have reached the conclusion your practice owns you rather than the other way around. How can you change your practice to allow you to balance the obligations of your practice with your personal life? A round table discussion with members of the Small Firm Committee came up with a few suggestions.

One way to put some balance in your life is to evaluate your clients. You may find that the clients that listen to your advice, pay their bills on time and who you enjoy working with are paying the majority of your total fees, but taking a relatively small percentage of your time. At the same time, the clients that question every decision, are constantly calling with complaints about their case and that seldom, if ever, pay their bill are taking the majority of your time, but are only paying a small percentage of your total fees. If you eliminate the deadwood clients and devote your

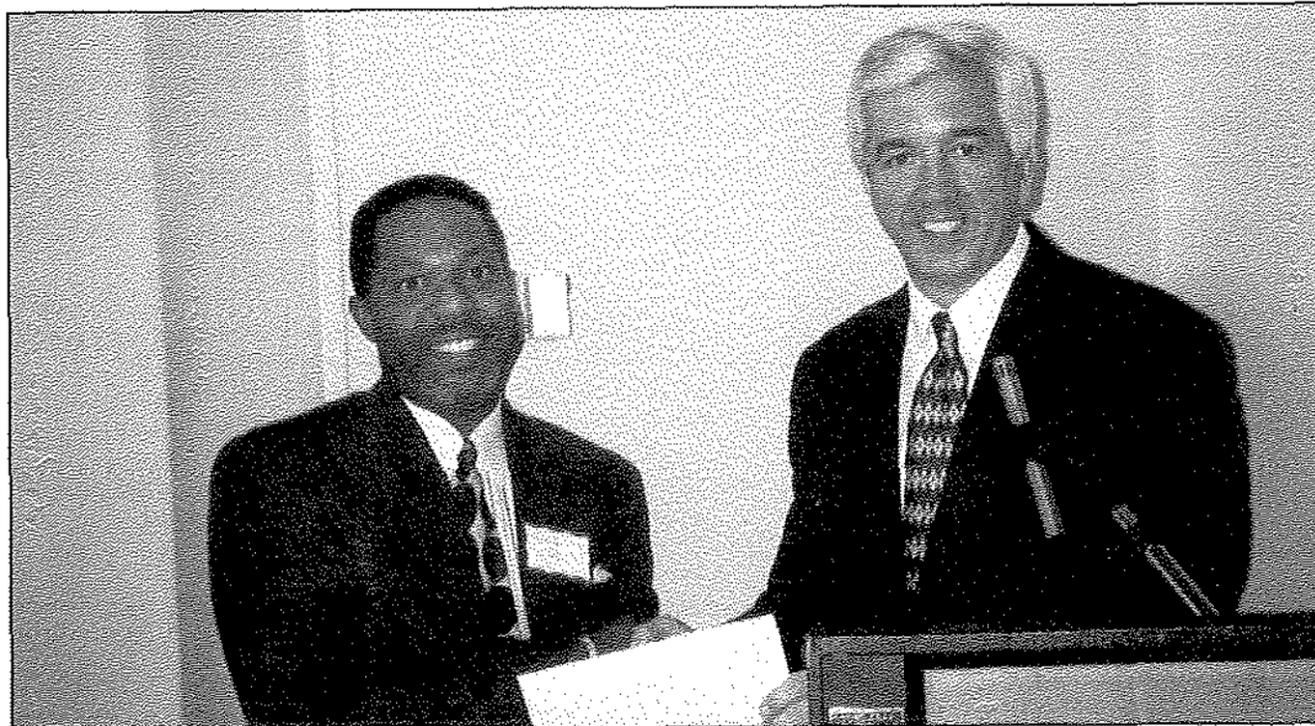
time to the clients that deserve your attention you should be able to devote more time to your personal life and obtain more satisfaction from your practice.

A few things you may consider:

- \* Get a retainer on cases with new clients. If a client has a case worthy of your time, he should be willing to make an investment in his case. If the client is unwilling to invest in his own case, why are you willing to invest your time, energy and money on a case which may be better spent on more productive matters?
- \* Be willing to say "no" when a new client comes to you with an "emergency" if it means cutting into the time you have reserved for your personal life.
- \* Bill your clients monthly. If you have a client that refuses to pay his bill, be willing to tell him it is time to find a new attorney and return his file

*continued on page 11*

## August Door Prize Winner



Judge Robert L. Gibbs won the door prize, a dinner for two at the Capital Club, at the August Membership Meeting. He is receiving the gift certificate from John McCullough.

## Road Builders

by Bonnie Parkison, President, Legal Secretaries Association

In his book, *50 Ideas That Can Change Your Life!*, Dr. Robert Anthony states that all of us are building either walls or roads throughout life. As people and members of a professional association, we must build road, not walls. Those roads also must contain bridges. Roads will reach people; walls will keep them out; but bridges may enable us to climb over some of the walls others may erect to keep us from reaching our goals.

In his book, *Leadership*, Chuck Swindoll tells us about four people characteristics to build relationships, a road to success: 1) sensitivity to needs; 2) affection for people; 3) authenticity of life; and 4) enthusiasm in affirmation.

Sensitivity to others should rank at the top of our list at necessary roads to build. To know your co-workers is to be attuned to them, to be sensitive to their needs, to read between the lines, to be aware of unspoken nuances. You may have to build some bridges on this road in order to overcome some of the obstacles between you and those you work with, but the result will be worth the extra effort. Beware of pre-occupation, of not giving full attention to the present. To quote Mark Van Doren on this topic:

"We can be completely present. We can be all there. We can control the tendency of our minds to wander from the situation we are in toward yesterday, toward tomorrow, toward something we have forgotten, toward some other place we are going next. It is hard to do this, but it is harder to understand afterward wherein it was we fell to short. It was where and when we ceased to give our entire attention to the person, the opportunity, before us."

The next two roads, affection for people and authenticity of life are very closely connected. Actually, one could say, in very simple terms, good leaders genuinely like people and good leaders are genuine people. For the last

road, we should be enthusiastic in affirmation. What does this mean? The simplified version is that we should offer reassuring encouragement to others. Be a mentor. Build people up, not down. Help others to travel a road to success. Affirm others in their leadership ability and aspirations. Our attitude (positive or negative) has a direct bearing on our own personal happiness and sometimes the happiness of others. Remember that enthusiasm and positive attitudes are contagious. Emerson tells us that "nothing great was ever achieved without enthusiasm."

We need to build positive roads to reach and bridges to connect. We must not let negative walls stop us from growing or obtaining goals. The following is definitely food for thought:

### The Builder

An old man going along the highway  
Came at the evening cold and gray,  
To a chasm, vast and deep and wide,  
'Twas needful to reach the other side.

The old man crossed in the twilight dim  
The swollen stream held no fear for him,  
But he stopped when he reached the other side,  
And built a bridge to span the tide.

Good friend, said a pilgrim standing near,  
You've crossed this chasm  
Though vast and deep and wide,  
Why build you this bridge at even tide?

The builder lifted his old gray head,  
Along the path I've come, he said,  
there followeth after me today  
A youth who too must pass this way.

Good friend, I'm building this bridge  
for him.

*Unknown*

I encourage you to be a road builder not a wall builder. Evelyn Hartwich wrote this short poem:

Great roads the Romans built that men might meet;  
Yet walls aros, to keep men apart, secure  
Now centuries are gone and in defeat  
the walls are fallen, but the road endure.

There are many great roads left to be built. Are you a road builder?

## HCBA/JYLA Golf Tourney Results

Following are the results of the Hinds County Bar Association / Jackson Young Lawyers Association Golf Tournament held on Friday, August 15, 1997.

### First Flight:

Tom Tardy, Fred Krutz, Ren Wilkes and Craig Brasfield

### Second Flight:

Mike Maloney, Jay Jacobus, Keith Keeton and Jeff Jackson

We would also like to thank our co-sponsors, First American Title Insurance Company, American National Lawyers Insurance Reciprocal and BellSouth Telecommunications, Inc. Our charity was the Mississippi Volunteer Lawyers Project.

## Bar Exam Results

September 1997 -- The Mississippi Board of Bar Admissions announces the following statistics for the September 1997 Bar Examination.

Of the 2366 applicants who took the exam, 212 (89.8%) passed. Two hundred and fifteen were first-time takers; of these 199 (92.6%) passed. Twenty-one were retakers; thirteen (62.0%) passed.

The swearing-in ceremonies were held at the Old Capitol Museum on Tuesday, September 30, 1997. The Hinds County Bar congratulates these new lawyers and welcomes them to The Mississippi Bar.

## Women Lawyers Networking Luncheon

An addition to the program of the West Central Regional Bar Meeting is a "Networking Luncheon" sponsored by The Mississippi Bar's Women in the Profession Committee. The luncheon will be held at noon on Thursday, November 20th, the day prior to the West Central Regional Bar Meeting. These informal regional meetings of women lawyers were initiated two years ago in an effort to create networking opportunities and have been well received.

All women lawyers are invited to participate. The luncheon will be held at Harrah's in Vicksburg; the cost of \$15.00. Reservations may be made by sending a check to:  
Regional Bar Meeting  
The Mississippi Bar  
P.O. Box 2168  
Jackson, MS 39225-2168

## Junior League Bargain Boutique

Attention Members of the Hinds County Bar Association  
Ready for an offer you can't refuse? Are there suits and clothing items in your closet which you no longer want or wear and you would feel good about contributing them to a worthy cause?

Old suits, jackets, dresses, etc. are needed for the community project in Meadowbrook Mart, the Junior League's "Bargain Boutique". Any donation of clothing is much needed and appreciated as we re-stock our resale shop for the fall. Your suits and work attire are popular items with our regular customers. Contact Ouida Holland at 981-3117 for more information or call The Bargain Boutique at 366-1661. Donation tax forms are available for tax purposes. Thanks for help keep the Jackson community dressed in style!

## Tips

(continued from page 7)

to him.

\* If you have a paying client that is constantly demanding your time, second guessing your legal decisions and otherwise making your life miserable, return his retainer and tell him that he will be better off with a different attorney. You will be happy with your decision.

\* If a new client comes to you with a case that has already been through one or more lawyers, proceed with caution. You may find that the client has unrealistic expectations and will never be happy regardless of the time and effort you devote to his case.

\* If you have a difficult case for a troublesome client that you are obligated to conclude, conclude it. Set it for trial or reach a settlement. Regardless of the ultimate outcome, a lingering case will continue to cause you grief until you are able to resolve it and move on to productive matters.

## President's Column

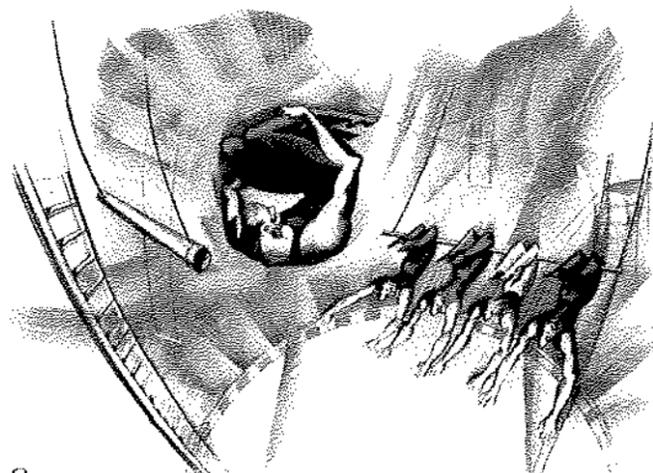
(continued from page 1)

of the Handbook. Action is also being taken by the two law schools in the state to offer sessions on professionalism for their students with members of the Bar making presentations at the law schools using the Handbook as reference materials. Efforts are also being made to assure that the four entities which provide most of the CLE in the state, i.e. the two law schools, The Mississippi Bar and the Mississippi Trial Lawyers Association, use the Handbook as reference material in presenting the mandated one hour session "in the area of legal ethics, professional responsibility or malpractice prevention." In addition, a pilot project is being planned in which a circuit or chancery court district bar meeting would be held so that a presentation can be made on the subject of professionalism. It is anticipated that the judges in the area would

assist in "encouraging" attendance at such a meeting. If this pilot project proves successful, then similar programs can be held throughout the state. So as you can see, a great deal of attention is being given to the subject of professionalism.

We have all heard the expression that so and so is a "lawyer's lawyer" or he's a "true professional". What an outstanding compliment! There are plenty of such lawyers in this state and in Hinds County and efforts are being made so that many more can be thought of in those terms. What lawyer comes to your mind when you think of professionalism or of someone being a lawyer's lawyer? If you will, please write me at P.O. Box 811, Jackson, MS 39205 and let me know your answer. We may, with your permission, print one or two of the letters that we receive.

BECAUSE A FEW TIMELY ANSWERS  
CAN PROVE INVALUABLE.

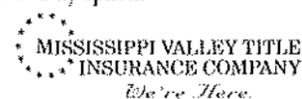


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## Mississippi College School of Law

### Upcoming CLE Seminars

Mastering The Six Challenges Facing Every Lawyer & Law Firm  
Featuring E. Tom Clark

October 16, 1997:  
Biloxi Holiday Inn Express, Biloxi, MS

October 17, 1997:  
MS Sports Hall of Fame, Jackson, MS  
6 hours of CLE Credit

### Annual Workers' Compensation Practice and Procedure Seminar

Thursday, November 6, 1997  
MS Sports Hall of Fame, Jackson, MS  
6 hours of CLE credit including 1 hour of Ethics

Mississippi College Law School is now a viewing site for nationally broadcast CLE Seminars. Upcoming satellite seminars include:

Critical Legal Issues for Nonprofit Organizations -  
Thursday, October 30

EEOC Basics: Practice Fundamentals of Employment  
Discrimination Law - Tuesday, November 18

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**H C B A**

*Fall Social*

Thursday, October 23, 1997

5:00 - 7:00 p.m.

Old Capitol Inn

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**Hinds County Bar Association, Inc.**

151 E. Griffith Street  
Jackson, MS 39201

**FIRST CLASS**

**IMPORTANT**

**HCBA Luncheon Meeting  
12:00 Noon, October 21, 1997**