



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

APRIL 2006



President's Column

by Alveno N. Castilla

This is my final column as president of the HCBA for the 2005-06 year. It has been an exciting year thus far, and I am pleased to report that much has been done and several efforts are continuing. Of course, the theme of my presidency has been pro bono service—more particularly having the HCBA focus on creating opportunities for and strongly encouraging our members to become more engaged in meaningful pro bono activity. While there were already plenty of opportunities in this regard (in fact, in my last column I talked about the documented “justice gap”), the unfortunate unforeseen assault of Hurricane Katrina has dramatically increased these challenges. In fact, the need for assistance on the part of Katrina victims alone is mind-boggling.

I am proud of the response of our membership to this call to action for both direct pro bono service and indirect support of pro bono activities. Soon after Hurricane Katrina, the HCBA became one of the first responders to the Mississippi Bar’s relief efforts when it donated \$10,000 to the Lawyers Relief Fund. Our members have been involved in and supportive of the Herculean role played by the Mississippi Young Lawyers Division in its provision of pro bono services and other help to the Katrina victims. Through our newly formed Pro Bono Committee, the HCBA is partnering with several other organizations, such as the

Mississippi Center for Justice, the Lawyers Committee For Civil Rights Under Law, the Mississippi Center for Legal Services, and the Mississippi Volunteer Lawyers Project (along with many local and national pro bono volunteers), to sponsor a “Free Legal Aid For Hurricane Victims” workshop on March 30, 2006. We expect this to be well attended and one of the most helpful sessions that our Katrina-affected neighbors will have a chance to attend.

A few other HCBA initiatives bear mentioning. First, as you know, we are publishing a new HCBA directory—the first in about 5 years; it should be completed soon. Even in this digital information age, it will be good to be able to refer to a “face book” of local lawyers from time to time.

Second, the Diversity Committee, under the leadership of Sharon Bridges, has been very active in planning a couple of programs that we were unable to roll out this spring because of HCBA’s already full calendar. However, those events will come to fruition in our next fiscal year.

Finally, remember to mark your calendars and plan to attend our Annual Evening Honoring the Judiciary event. It will be held on Tuesday, May 9, 2006, at the Old Capitol Inn, at which time I will pass the President’s Gavel into the capable hands of John Henegan.

Thanks to all of our committee chairs and committee members for your work and dedication this year, and thanks to our entire membership for your support and cooperation.

HCBA LUNCHEON MEETING

Wednesday, April 26, 2006 Capital Club 12:00 Noon Cost \$15.00

Speaker: Honorable Dunn Lampton, U.S. Attorney for the Southern District of Mississippi

HCBA Calendar of Events

April 26, 2006

HCBA Membership Meeting

Noon. Capital Club

May 9, 2006

HCBA/JYL Evening

Honoring the Judiciary

6:30 p.m. Old Capitol Inn

June 12, 2006

HCBA Golf Tournament

Noon. Reunion Golf Club

June 20, 2006

HCBA Membership Meeting

Noon. Capital Club

August 15, 2006

HCBA Membership Meeting

Noon. Capital Club

The Hinds County Bar Association and the Jackson Young Lawyers Association invite you to join us for an

Evening Honoring the Judiciary

Judge Leslie H. Southwick
as Speaker

Tuesday, May 9, 2006
at The Old Capitol Inn
226 North State Street
Reception at 6:30 p.m.
Dinner at 7:30 p.m.

Special Guests: Hinds, Madison and Rankin County State and Federal Judges

Castilla Participates in ABA Bar Leadership Institute

Chicago—Joining nearly 300 leaders of lawyer organizations from across the country at the American Bar Association's Bar Leadership Institute (BLI), March 9-11 was Alveno Castilla of Jackson, Ms President of the Hinds County Bar Association.

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

Castilla joined ABA President Michael S. Greco of Boston, Massachusetts, and ABA President-elect Karen J. Mathis of Denver, Colorado, in sessions on bar governance, finance, communications and planning.

Various ABA entities briefed the participants on resources available from the ABA for local, state, national, and specialty bar associations and foundations.

The BLI is sponsored by the ABA Standing Committee on Bar Activities and Services and the ABA Division for Bar Services as part of the association's long-standing goal of fostering partnership with bars and related organizations nationwide. Cooperating ABA staff entities included the Division for Media Relations and Communication Services.

For BLI information, contact Pamela Robinson, Associate Director, ABA Division for Bar Services, 321 N. Clark Street, 20th Floor, Chicago, Illinois 60610, phone: 312-988-5345, e-mail: robinson@staff.abanet.org.

The American Bar Association is the largest voluntary professional membership organization in the world. With more than 400,000 members, the ABA provides law school accreditation, continuing legal education, information about the law, programs to assist lawyers and judges in their work, and initiatives to improve the legal system for the public.

Member of the Jury

by Mike Farrell

In spite of skepticism in some circles about the state of the law practice in our post tort-reform environment, I recently had a refreshing experience by serving as a member of a jury in Hinds County Circuit Court - one part of our legal system that has been cited as an area of much needed reform.

I always wanted to be a fly on the wall during jury deliberations. Sitting on the jury is the next best thing. When I was summoned for jury duty, my first hope was that one of the lawyers would mercifully strike me during voir dire. I was more convinced than ever that I would be back in the office before lunch when I realized that I knew the lawyers on both sides. Things did not work out that way. I was selected and had to settle in for the duration. For the next two days, I had the best CLE on trial practice that anybody could have.

The demographics were a good representation of Hinds County. There were 6 whites and 6 blacks and 7 females and 5 males. The plaintiff was black and the owners of the corporate defendant were white. The plaintiff was represented by Craig Panter and Terrence Harris. The defendants were represented by Luke Dove and Laverne Edney.

The case was a commercial dispute - no blood, guts, sex or intrigue. A business deal that went bust. A car dealership in Copiah County loaned about 22 cars to a Jackson car salesman who was opening up his own lot. He wanted the cars to film a TV commercial about his grand opening. Of course, if he sold any cars, that would certainly be good for everybody. The rub came when he sold one of their cars without a clear understanding of what the Copiah County dealer would be paid for the car. The Jackson dealer claimed the agreement was that he could sell the car for the loan value. The Copiah County dealer thought otherwise.

Things got interesting when the Copiah County dealer had the Jackson dealer arrested for embezzlement. He then quickly paid the amount demanded by the Copiah County dealer. The criminal charges were later dropped by the District Attorney and the Jackson dealer sued for breach of contract and malicious prosecution.

After two days of testimony, the jury got the case about 6 p.m. on the second day of trial. One surprise was that all of the arguments made by counsel (even those that seemed to be a little far-fetched) connected with one or more of the jurors. I was surprised to see that some of those off-beat arguments were repeated by jurors during deliberations. Although the hour was late,

the jury did not rush the deliberations. I had always wanted to see how jurors would grapple with jury instructions. I did not get that experience. The jurors started off by asking me what the instruction meant. I expedited the process writing on the blackboard that we were voting on (1) breach of contract and (2) malicious prosecution. There was a thorough discussion of the facts. The jury as a whole had a good grasp of the facts. Both lawyers did an excellent job of reducing their cases to some simple themes which were presented very well. Most jurors faulted the Jackson dealer for not making a phone call to clarify the matter. They concluded it was a real dumb mistake but only 1 juror thought it was anything close to embezzlement.

The vote was 11-1 that neither party had met its burden of proof. The Jackson dealer did not prove a breach of contract and the Copiah County dealer did not meet its burden of overcoming a presumption in favor of a finding of malicious prosecution.

The issue of damages got interesting. Before any numbers were even discussed, the jurors did a secret non-binding vote on damages. The spread ranged from 0 to \$150,000 with an average of about \$10,500. With four votes at \$1,000 or less, it seemed that it was going to be difficult to come up with 9 votes for a verdict. In any event, we started with some idea of the center of gravity. After some pointed discussions, 8 jurors were willing to vote for \$20,000. At that point, the positions started to harden and a 9th vote for that amount could not be found in the room. At about 7:30, one juror announced that she was hungry and tired and ready to go home. I expected the judge to excuse us for the evening. However, the judge polled each juror on whether further deliberations would change their vote. Everyone said no. The judge then sent us back into the jury room. I thought he was going to excuse us and bring us back in the morning. While we were waiting on the judge, the conversation in the jury got lighthearted. Somebody joked that we should have awarded a verdict for the value of the car, \$23,500. There was spontaneous agreement. A quick re-vote yielded 11 votes for that amount. Only minutes earlier we could not get 9 votes for a lower amount. The prospect of having to come back in the morning had swayed a few votes. We knocked on the door and announced to the bailiff that we had a verdict. By the look on his face, something was amiss. Judge Kidd called us back to the courtroom and advised us that he had declared a mistrial just before the knock on the door.

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The Political Round Up: From D.C. to the Big J

by Captain Equity

Since we last visited in February the news from Washington has come fast and furious. The most memorable and fortunately the least consequential development involved Uncle Dick's ill-fated hunting trip in Texas. Luckily, for the victim who happened to be one of our brother lawyers, the gunshots resulted in only a series of flesh wounds - in the face and heart. He is recovering and will soon be able to file more frivolous lawsuits on behalf of hurricane victims. Certainly Trent Lott was relieved to hear this. The handling of the Vice President's accident served to reassure the public that secrecy in government has been safely preserved to keep terrorists and taxpayers alike in the dark. Terrorists haven't been polled but the Vice President's latest job approval rating with taxpayers is running around 19%. But since Cheney doesn't have to stand for re-election, the deafening non-explanation from the country's Number 2 Guy and his spin-doctors roughly translates to "screw 'em" or better yet, "wiretap 'em." The real value of the hunting accident lies in the substantial jump in the late night humor quotient not to mention all those way too clever Cheney hunting club web sites that are circulating on the internet. To quote the Commander in Chief, "America's Strong." Well, at least its collective sense of humor is. Of course there are always those humor-challenged individuals who take themselves a tad bit too seriously. Here I am speaking of Donald Trump and Martha Stewart who clearly deserve each other. I must also include most of the smug self-congratulatory members of the Academy of Motion Picture Arts and Sciences led by George Clooney. According to the former ER actor's Oscar speech, he would have us believe that the Hollywood elite rank just ahead of Martin Luther King Jr. and Rosa Parks in the battle for civil rights. And speaking of humorless, thin skinned infotainers, there is the moralistic king of the dirty phone call, Bill O'Reilly, who threatened a caller on his show with a visit from the authorities. Why? Only because the caller had the temerity to utter the name of O'Reilly's MSNBC nemesis, Keith Olberman. You just can't make this stuff up.

But wait, there's more. In March an opaque committee comprised of bureaucrats in the Bush Administration rubberstamped the sale of port operations at 21 locations in the United States

including Gulfport to a company owned by the government of the United Arab Emirates. This is the same UAE that furnished two of the 9-11 suicide hijackers and has a notorious track record for money laundering and facilitating every form of shady commerce ranging from drug trafficking to nuclear proliferation emanating from Pakistan. Strangely, our self avowed "War President" who is obsessed with battling terrorism to the death by ignoring constitutional protections of civil liberties and blowing off inconvenient federal laws said this was no big deal. He even threatened his first veto in five plus years to make sure the deal went through. Well, as Paul Harvey would say, you know the rest of the story. Even as I write this President Bush's approval rating hovers around 34%. Based on a leaked classified document, Vice President Cheney is reputed to have asked the President, "What's your secret?"

Okay, what else? Oh yeah, thanks to the Associated Press we now know that back in late August 2005 the President was urgently warned that the levees in New Orleans were in serious jeopardy of being topped. This is in direct contradiction to what the President told the press days later. Bush also recently cut a deal with India to provide nuclear technology and fuel in exchange for mangoes. All the Indian reactors will be monitored to make sure the fuel and technology is not used to make weapons. Well actually, only 22 of the 30 reactors will be monitored but that's just a little detail. I guess the Indian government borrowed the President's favorite line, "Trust me."

On the war front, Secretary Rumsfeld continues to tell us that the good news in Iraq just isn't getting out. The blame clearly falls on evil journalists. That may be true, but for whatever reason, it seems as if those rambunctious Sunnis and Shiites just can't help themselves from filling up minibuses and mass graves with dead bodies. If we follow the Defense Secretary's reasoning to its logical conclusion, people in Iraq should just stop looking for burned out vehicles and freshly turned soil. Such a simple solution; why didn't I think of that? I suppose Rummy will next tell us that there can be no civil war in Iraq unless the warring factions wear blue and gray respectively. Well, I can certainly understand that bit

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Bermuda

by John Land McDavid

From Jackson one hour by air to Atlanta then two and a half hours to Bermuda and you are in a different place, with moderate climate year round, sub-tropical trees, shrubs and flowers, narrow roads and pastel houses with white wedding cake roofs. Every view is beautiful.

Bermuda, located only 600 miles east of Cape Hatteras, has been a British crown colony since the early 1600s. Its in the Mid-Atlantic, not the Caribbean. After the Revolutionary War, England built a large naval base in Bermuda to keep an eye on its former colony. The naval base is now a museum called the Dock Yard. The adjacent area has shops and restaurants. During the War of 1812, England launched an invasion of the United States from Bermuda during which the Capitol and the White House were burned and President James Madison and wife, Dolly, had to flee.

Bermuda is old and historic. Hamilton has been the "new" capital for nearly 200 years. Before that, the capital was St. Georges for more than 200 years. Bermuda is a fishhook shaped string of islands about 23 miles long and no wider than about one and one half miles at their widest point. Prior to 1946, no automobiles were allowed on the island. They were finally allowed after considerable resistance. Before the approval of automobiles, a railroad ran the length of the island. After the introduction of automobiles, the railroad was sold to British Guyana. Now most of the right-of-way is used as a public hiking, horse and bike trail. Sylvia and I have walked most of it. You get a different view of Bermuda as the trail runs along a slight ridge down the center of the islands. At some points you can look down at backyards. Other parts are narrow, deep cuts through volcanic rock. When you are tired of hiking, it takes about five minutes to walk off the trail to a bus stop. Because the roads in Bermuda are narrow, automobile ownership is limited to one small car per household. There are no rental cars. Taxis are expensive. Those young enough or brave enough rent a moped. Others use the excellent bus (the "little pink buses") and ferry system.

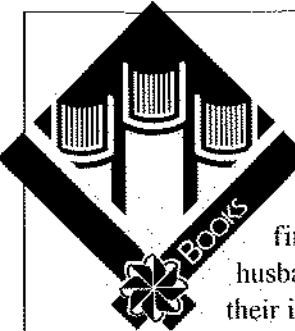
Most visitors to Bermuda, who don't arrive on a cruise ship, go to a resort hotel or exclusive club and live on the resort premises to enjoy tennis, golf,

snorkeling and dining. They see little of the rest of Bermuda. On our first trip, Sylvia and I more or less did the resort thing. On subsequent trips, we developed a routine whereby we get to see all of Bermuda and learn how Bermudians live. How we now visit Bermuda follows.

We stay at Oxford House, a twelve room award-winning guest house located adjacent to the business district of Hamilton within easy walking distance of a drug store, a supermarket, Front Street, the main shopping area in Bermuda, restaurants, parks, and importantly the ferry terminal and, at another site, the island's bus terminal. About a half a block down the street is a moped rental place. The Rosedon, where HCBA and Editorial Board member Carol West goes from time to time to grade law school exam papers, is a small hotel a block or so further from downtown. Also nearby is the Fairmont Hamilton Princess Hotel, which you might want to consider if you prefer a full service hotel and an astounding buffet breakfast. In the basement of the Hamilton Princess, during World War II, hundreds of young women secretly steamed open and read all mail from America to Europe as the United States attempted to prevent its citizens from cooperating with its enemies.

As soon as we check in at the Oxford House, we go to the ferry terminal to buy a three or seven day bus/ferry pass. This covered, each day, after a hardy Oxford House breakfast, we head out to explore and experience Bermuda. We ride the buses and ferries all day getting on and off to visit the botanical gardens, the aquarium, the crystal caves, the museums (up to seventeen), St. Georges, the Dock Yard, having lunch, walking the railroad trail, going down to one of the beaches, stopping at the Fairmount Southampton Princess for an afternoon drink. Generally bumming around and soaking up Bermuda. At the end of a long and exhausting day, we will frequently get an "early bird" dinner or an excellent salad from the deli in the nearby supermarket. It's a lucky experience to be riding one of the little pink buses on an afternoon when the grammar schools let out and the children, all in school uniform, come piling onto the bus, struggling and stumbling with their coats and backpacks as the older kids help the first graders find a seat. The bus

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Book Notes

by Nonie Joiner

Sixpence House, by Paul Collins (Bloomsbury, 2003), is a first-person narrative by a young husband who, together with his wife and their infant son, moved from San

Francisco to Hay-on-Wye. Descriptions in tourist guides have made Hay-on-Wye, which is a town on the border between England and Wales, sound really appealing. It has a population of 1500, and has forty used and/or antiquarian book stores; unfortunately it is not conveniently located for visits on short trips to England. Anyone who does make the effort to go there will, after reading this book, certainly see it with an entirely different perspective from that presented by the guide books.

Paul Collins is the son of British parents who immigrated to the United States. His wife and siblings are British as well, but Collins carries an American passport and considers himself an American. He has an "A.B.D." but fled the academic world after learning his first book was to be published. He and his wife decided to move from San Francisco to England, where living would be less expensive. Where did they get that idea? In any event, their sojourn in Britain didn't last long and they repatriated to the United States. While in Hay-on-Wye, Collins worked in a book store and observed the locals as if they were lab animals. Collins has a tendency to make sweeping generalizations contrasting the British with Americans; unfortunately, his understanding of Americans at least is somewhat shaky. In addition to growing up in a British family, albeit in Pennsylvania, he says that he has moved thirty-two times, so it seems that all of his observations have been made on the fly, so to speak, and that his adult life was spent mostly in academia, which is certainly not representative of the rest of the country.

However, he is funny in a Dave Barry sort of way (but not as funny as Dave Barry, of course. No one is as funny as Dave Barry.). He also is obsessed with old, obscure books and dead, obscure writers. While the book was promoted as a sort of Under the British Clouds version of books about Tuscany or Provence, it actually is about books and authors and the process of publishing and selling and ultimately disposing of books, and is worth reading for that reason. It's hard to warm up to this author - and it's usually hard to read a first-person journal if you don't do that - but in this

case his mind, and therefore the book, jump around so much that you enjoy the ride and appreciate his humor and intelligence without having a warm and cozy feeling about him. He likes to poke around old book stores the way a lot of us do, and this book is really informative in regard to how books find their way to these stores, and what happens to them after they get there. It will make you want to go to the next Buy the Book day at the local library, and rescue as many books as possible.

Collins notes that his own book also may well end up some day in used book stores. I would add, if there are any used book stores in the future. The internet has revolutionized the world of dealing in old books, and has taken a lot of the fun out of it. Once, if I possibly could, I would visit used book stores in every town I went to. Now, I still like to do that, but the thrill of the hunt is gone, and there's no longer that feeling of urgency to get to the bookstore before it closes, the sense that I'm going to miss a first edition of The Faun if I don't check every shelf of that bookstore in the old warehouse by the tracks that's run by the man in the overalls. I know that now the man in the overalls probably has his entire inventory online and I can check it any time I want to. But I also miss the fun of finding what I'm not looking for, of seeing books I didn't know I wanted because I didn't know they existed. That's why people go to new and used bookstores, and why, so far, real bookstores are still surviving despite the ability of their customers to go online and have any book they want delivered right to their door.

Edward Hamilton, for those of you who are not on their mailing list, is a discounter of books who for many years marketed them only through mailings of a quarterly newspaper-type list, printed with smudgy ink, twenty or more pages long, in tiny print, with three columns of books on each page. Books are listed by category but there are multiple lists for each category, scattered about apparently at random through the twenty pages. Categories are also overlapping. A book about the Revolutionary War might appear under the heading Revolutionary War but it also might appear under the heading American History, or History, or Wars, or Military. In any event, it is listed only once, and with multiple lists for each category, one could be forced to read twenty or more category groupings in order to have thoroughly searched for a particular topic.

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What is Best for Mississippi: Elected or Appointed Appellate Judges?

by James W. Smith, Jr. Chief Justice Supreme Court of Mississippi

Although Mississippi has tried most of the various methods available for selecting our judges, there remains one method not yet tried; merit selection appointment. Given the extreme expense and distasteful politics prevailing in our more recent campaigns for various appellate judgeships the time has arrived to try merit selection by appointment for appellate judges.

First, we should examine the judicial selection systems which have existed at various times in Mississippi. As noted by then Chief Justice Lenore L. Prather, in 1817, when Mississippi drafted its first Constitution, it provided that judges would be appointed. Lenore L. Prather, *Judicial Selection-What is Right for Mississippi?*, 21 Miss. C.L. Rev. 199, 203 n.90 (2002). Although the Constitution did not specify who would be appointing the judges, appointive power was given to the general assembly by an act passed in 1822. *Id.* In 1832, when the Constitution was revised, Mississippi became the first state to provide for the election of all judges. *Id.* Subsequent to the War Between the States and the drafting of a new Constitution in 1868, judges became appointive, except the Governor was the specific appointee, with the advice and consent of the Senate. *Id.* This method remained in effect when Mississippi's current Constitution was adopted in 1890. *Id.*

In 1898, however, the Legislature adopted a resolution which was submitted to and approved by the voters that amended the Constitution to provide for elective judges instead of appointive judges for the Supreme Court and chancery and circuit courts. *Id.*, n.95. However, the Supreme Court ruled that the process by which the amendment had been adopted was violative of Section 273 of the Constitution. *Id.*, n.98. Later, in 1910, the Legislature adopted a concurrent resolution proposing to amend the Constitution for the purposes mentioned above, and this resolution

was, again, adopted by a majority of the voters. Accordingly, the resolution was passed in 1912, and in 1914, the Supreme Court upheld the amendment in its decision. *Id.*, n.100. Again, in 1914, the Legislature passed a resolution to amend the Constitution to provide specifically for the election of supreme court judges. *Id.*, at 204, n.102. The amendment was approved by the voters and inserted into the Constitution when the Legislature met in 1916. *Id.*, n.103. From 1916 to 1994, the elective process was partisan. Leslie Southwick, *The Least of Evils for Judicial Selection*, 21 Miss. C.L. Rev. 209, 210 n.5 (2002). The elective process became nonpartisan in 1994 and continues to the present.

Next, we should examine the various methods of selection of appellate judges that are presently being utilized in the United States. They are:

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"My financial campaign reports indicate that I spent \$125,000 during my 1992 Supreme Court race and \$312,314.03 in my Supreme Court race in 2000.



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of logic, but what color do the Kurds get to wear? I guess the Middle East is just a complex place beyond my capacity for understanding. Thank God we have prescient visionaries like Rumsfeld to steer us on a rational steady course to victory.

Closer to home, President Bush's chief domestic policy advisor was recently arrested for 25 counts of tipping off Target Stores by purchasing merchandise, taking it to his car and then returning to the store to pick out identical merchandise to be presented for a refund on the strength of his receipt for the purchased items. Sort of brings new meaning to a "2 for 1" sale. By the way the President had previously nominated this guy to serve on the Fourth Circuit Court of Appeals. I suppose he would have to recuse himself from all the shoplifting cases. All I can say is, "Big Time W, Big Time." You really know how to pick 'em.

Oh gosh, where did the time go? I didn't mean to dwell so much on national and international affairs at the expense of state and local politics, which I have admittedly neglected in the past year or so. In the space remaining lets review the good, the bad and the disingenuous developments at the Governor's Mansion, New Capital and City Hall.

First, the good news. Thanks to the legislature and the governor, the casino industry on the Gulf Coast will no longer be hamstrung by the fiction of dockside gambling. This will enable the industry to realize its potential to become a legitimate world-class resort destination. The Captain sends kudos to everyone for not playing politics when it comes to getting the coast back on its feet. Now if only our universities could help train Mississippians for top jobs in the coming economic renaissance, but hey, it's a start.

Now for the bad. As if the post Katrina legislature didn't have anything better to do, the Mississippi House passed a clearly unconstitutional ban on all abortions supposedly to set up a challenge to Roe v. Wade before the reconstituted U.S. Supreme Court. Unfortunately, House members, South Dakota's regressive Frostbelt legislators beat you to it. Just when Mississippi is taking steps to shed its lingering image of being a Neanderthal backwater, here we go again. It is reminiscent of the 50s and 60s when Mississippi poured millions of dollars of public money down the judicial drain to delay the inevitability of equal rights without regard to race.

Mississippi's long discredited policy of state sanctioned racial discrimination is a primary reason for our negative image in the eyes of the rest of the nation and world, which persists to this very day. If you don't believe me, just travel around the country and tell people where you live. Yes, it is getting better, but our image is far from what we would like it to be. This is precisely why our legislators would have done well to let South Dakota play the role of redneck snowman with nothing better to do than spend state tax dollars to pass a clearly unconstitutional statute.

And then there is the disingenuous. We all know that Mississippi's cigarette tax is one of the lowest in the country while its food tax is the highest. We also know that former tobacco lobbyist turned governor, Haley Barbour "doesn't believe in raising anybody's taxes." This explains his two vetoes on the cigarette tax increase and food tax decrease bills, doesn't it? Well, no. What big Haley fails to mention is that he also believes in loyalty - to the tobacco executives that helped make him a millionaire. And as the former Republican National Chairman who presided over the GOP during the "Read My Lips, No New Taxes" years well knows, any future Republican national aspirations for him would be DOA if he ever signed off on tax hikes of any kind here in Mississippi. Politics trumps responsible public policy every time. Finally, the Governor won't articulate the original reason for taxing groceries in the first place. To wit, Mississippi is a very poor state where many citizens pay no tax of any kind but do benefit substantially from state services. By taxing groceries at 7% everybody is required to contribute something to the state treasury. Personally, I feel there is some merit to this contention, especially when the 7% tax saving is squandered by the poor on cell phones, slot machines and cognac. But of course, this goes unsaid as the veto pen gets a lot more use here in Jackson than it does in Washington.

And finally, there is Frank Melton who is certainly America's most rootin' tootin' mayor. Personally, I love the guy but there is no doubt that someone needs to tell him he is not the police chief or a vice officer or a PI or a bounty hunter or a one-man eminent domain machine. I propose the CLE committee put together a mandatory "Due Process" seminar for the mayor while still encouraging him to continue to err on the side of shaking up the status quo here in the capital.

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Lessons Learned: Jurors pick up on little things that lawyers often overlook. During deliberations, jurors were quick to point out that the plaintiff during the course of the litigation had moved from Pearl to an expensive subdivision in Madison County. In addition, his tailor-made suits made it hard to believe that he had suffered a lot of mental anguish.

It was truly an intriguing experience that revealed a lot of the things I had always wondered about how juries reached their decisions. Overall it reinforced my confidence in the jury system. The jurors were still listening. During deliberations it was clear that all of the relevant facts came out and there was a thorough discussion of those facts.

I did not see any evidence of a runaway jury or any of the other disparaging comments sometimes heard about juries in Hinds County. In any jurisdiction as diverse as Hinds County, you can expect a wide range of opinions, and simply have to deal with in picking juries and making arguments that will connect with a jury. Here, the process of getting 9 votes for a particular amount proved to be more difficult than expected.

Epilog. The following day I was trying to get back into the routine of getting caught up on some matters, when I got a conference call from Luke and Craig. They wanted some feedback. While I congratulated them for presenting their cases very well, I could not let the opportunity pass to mention some things.

I suggested to Craig to get his client to leave his tailor-made suits at home for the next trial. After all, a downtrodden plaintiff who has been suffering a lot of mental anguish does not wear Brooks Brothers' suits. His claims of emotional distress were hard to fathom when he was the best dressed person in the courtroom. Craig explained that he was heavy set and he had to wear tailored suits. I suggested that he shop at Goodwill for something in his size for the next trial.

I had to kid Luke Dove about his closing argument. He was trying to make the point that the Jackson dealer was selling expensive cars. He pointed out that "these were not dog cars like Escorts or Kias." I told him that I thought that more people on the jury drove Kias and Escorts than Mercedes or BMWs.

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Supreme Court Appeal Papers to be Housed at William F. Winter Archives Building

David Pilcher of the Mississippi Department of Archives and History (MDAH) reports that the agency is currently in the process of transferring Mississippi Supreme Court case files from temporary storage at the State Records Center to their permanent home at the William F. Winter Archives and History Building, 200 North St., Jackson. The Court will hold case files for five years beyond issuance of the mandate before releasing them to MDAH.

To request a case file, contact MDAH at 601-576-6876. Please be prepared to provide the case number and case name. If the case file has already been transferred to the Winter Building, you will be informed that you can come and view the file in the MDAH Library's Archival Reading Room. If the case file remains offsite at the State Records Center, it will be retrieved and brought to the Winter Building for viewing in the Archival Reading Room.

If the request is made before noon, every attempt will be made to make the file available by 10 a.m. the next working day. If the request is made after noon, every attempt will be made to make the file available by 1 p.m. the next working day.

On your first visit to MDAH you will need to present photo identification and obtain a researcher's card. Bring a check if you intend to request that photocopies be made because payment is required in advance and MDAH does not accept credit cards or make change for cash. The photocopying charge is .25 per page. Mailed orders have a minimum \$2.00 postage and handling fee; very large orders may require additional postage charges. Please be aware that the turnaround time for copy orders can be as long as fourteen working days. MDAH reading room regulations, hours, and directions may be found at http://www.mdah.state.ms.us/arlib/search_regs.html.

Hinds Chancery Ex Parte Procedures

Ex Parte matters are handled in Chancery Court in Jackson on Mondays through Thursdays from 9:00 a.m. until 11:30 a.m. Ex Parte sign-up procedures are:

- MONDAY: Judge Wise (Division 4) - sign up with her Courtroom Clerk, John Wicks, when you arrive in Courtroom 4
- TUESDAY: Judge Owens (Division 3) - call and set time with her Court Administrator, Terrence Miles (973-5542)
- WEDNESDAY: Judge Robinson (Division 1) - call and set time with Paulette Myers or Alison Ainsworth, Court Administrators (968-6521)
- THURSDAY: Judge Singletary (Division 2) - call and set time with his Court Reporter, Ruth Olenski (968-6547)
- FRIDAY: No Ex Parte

HINDS CHANCERY MOTION SETTINGS

Paulette Myers.....968-6521
Chancery Court Administrator
Alison Ainsworth.....968-6521
Court Administrator

Judge Robinson's regular motion day is Thursday. The other Chancellors do not have regular motion days. Call Paulette or Alison to obtain a setting.

GENERAL RULES

1. Original motions must be filed with the Chancery Clerk.
2. Original briefs should be sent directly to the Chancellor assigned to the case.
3. Attorneys must sign-off on all orders submitted to the Chancellors, either by "approved as to form" or "submitted by" signature line(s).

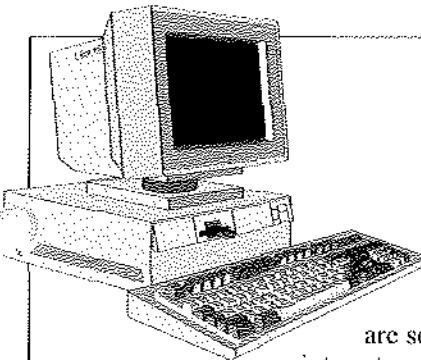
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On Computing

by Joel Howell

Got any spare browsing time? Here, thanks to Robert Umbrage and Law Technology News, are some sites that may be of interest.

The Music Plagiarism Project at Columbia Law School archives court cases alleging infringement of music copyrights. The project provides decisions (with commentary) along with recordings and scores of the songs in dispute. See <http://ccnmtl.columbia.edu/projects/law/library>.

Funded by Goggle and Sun Microsystems, Harvard's Beckman Center and the Oxford Internet Institute have created what they call a "neighborhood watch." This site allows visitors to check on spyware and pop-ups on downloadable programs, as well as their own spy/pop-up stories: <http://stopbadware.org>.

Mentioned here before, Daubert Tracker, www.dauberttracker.com, is a website intended to help lawyers track cases involving admissibility of expert witness testimony (and how witnesses fared). It now allows you to search the database for free, as well as download the first 10% of the case for free. The actual documents may be purchased: \$7.50 for members, \$15.00 for nonmembers.

An interesting blog by Will Hornsby, "The Boundaries of Legal Marketing," reports on changes in state rules regarding advertising, solicitation, ethics, opinions interpreting rules, and the like: www.willhornsby.com

Going to play road warrior any time soon? Thanks to Alan Cohen and PC Magazine, here's a predeparture checklist for maximum preparation and protection.

- Make a list of all the tech tasks you'll want to do on your trip starting with: checking e-mail, editing documents, making phone calls, and watching DVD's. Then, gather the equipment needed. Check that your hardware has all the software you'll need.
- If you're taking a digital camera, round up your memory cards (and offload old photos).
- Take the files you've put on your flash drive and e-mail them to an account you've created on a Web-based service such as Gail, Hotmail, or Yahoo! Mail. Even if you lose your laptop and your flash drive, your content is safe on an easily accessible server.
- Connect all your devices before you pack. This will ensure that you haven't forgotten any necessary cables, which can be expensive, inconvenient, or downright impossible to replace on the road.
- Before your trip, cycle, charge, use, and recharge again all your batteries in the gear you'll be taking. Battery life dwindles over time, so avoid surprises: It's always easier to buy a new battery before you leave town.
- Set an auto-respond message for your e-mail, so people don't think you're ignoring them.
- Synchronize your PDA with a computer you're leaving behind. If your PDA goes south, your data won't. Ditto for needed data files and browsing favorites.
- Make a list of everything you've packed and store it on your PDA, your computer, and in your desk drawer. It'll save you time when you pack for your next trip.

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is filled with childhood chatter, laughter and innocence. During one trip, we were riding a bus near Somerset Village when we spotted a baptismal service. We quickly got off the bus and witnessed a baptizing like the one in "O Brother Where Art Thou?". The participants were all dressed in white standing waist deep in a shallow inlet near the road. The people of Bermuda are sincerely religious. Bermuda is unique. There is no illiteracy, no poverty and no ghettos. The average annual income is about the same as the United States. English (well spoken by everyone) is the only language. Bermuda has its own currency, which exactly matches in denomination and value US money. More Bermuda bonuses. No language or money exchange hassles.

Sylvia and I have visited Bermuda only in the months of January, February, October or November. This is the off-season for tourists. The summer months are the heavy tourist season and are hot. During the Easter break, Bermuda is a destination for college students from the Northeast and the Atlantic seaboard. In January and February, the temperatures are mild, although on a particular day when it is rainy or windy, the wind chill factor can be lower, but still comfortable in a light jacket.

As Bermuda is a vacation destination for British royalty and other rich and famous (Michael Douglas

and Ross Perot have homes there), Front Street and adjacent streets in Hamilton have first class shopping for imports from Great Britain and Ireland such as English woolens, Harris tweed jackets, Irish linen, watches and jewelry. Bluck's, established in 1844, features china and crystal from top international brands. Gosling's is a wine and liquor store opened in 1806. A.S. Cooper, started in 1897, is the oldest department store, which will move into a new building on Front Street later this year. There is no sale tax in Bermuda. St. George's and Dockyard offer unique boutique shops and local artists. For food while shopping Front Street, go to the Hog Penny pub, a half block off Front Street at 5 Burnaby Hill and try the shepard's pie. Or visit the Harborfront, 21 Front Street, a second story continental restaurant with a balcony overlooking Hamilton Harbor. One October afternoon, Sylvia and I were having lunch on the balcony while a large cruise ship was docked in front of us across Front Street. We were so close, we could look directly into the cruise ship and watch passengers moving about, enjoying themselves aboard ship.

We first went to Bermuda for long weekends. Then for as long as a week. We wanted to see if there was a point in time when we would tire of Bermuda. We have yet to reach that point. Why don't you test your own Bermuda tolerance?

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Edward Hamilton has joined today's world, finally. For years they not only didn't have a web site, they didn't even have a phone ordering service. You had to fill out a little form on the back page of the list, mail it in with a check, and they would eventually - at some unspecified time in the future - send you a book. This went on until the last year or so, when they finally set up a web site. Thankfully, they still send out the list, now with a front page in color, no less. The disorder, however, remains the same. It is rather like a used book store, since you have to wander all over to find what you are or aren't looking for.

I wasn't looking for it. Although it was published three years ago and sold rather well, I had never heard of Sixpence House; it caught my eye in a listing in a flyer from Edward Hamilton. It appears to be well on its way to the future its creator foresaw for it, with a

current sales ranking of #236,480 on Amazon and #467,734 on Barnes and Noble. Collins has written more books, however, including a recent one, *The Trouble with Tom*, about the posthumous travels of Thomas Paine's body. He has a presence on the web, and edits the Collins Library for McSweeney's Books. The Collins Library is a series of reprints of out-of-print unusual books, such as *English as She is Spoke*, which is described as a phrase book for Portuguese students written by two men who didn't speak English and wrote the book using a Portuguese to French dictionary and then a French to English dictionary. I have not read *English as She is Spoke* and don't think I will; however, according to Collins' web site (www.collinslibrary.com, which is a pretty interesting site), Mark Twain pronounced it "Perfect." With all this going for him, Collins may escape the fate he predicted for himself.

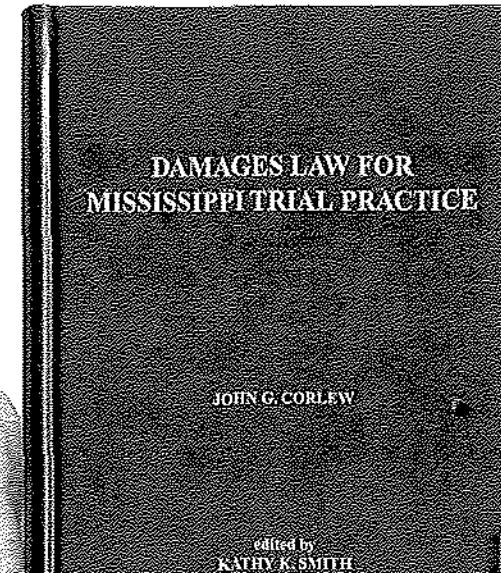
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- (1) Appointment by the governor without a nominating commission-9 states.
- (2) Appointment by the governor from a list provided by the nominating commission; or the subsequent retention election ("Missouri Plan")-15 states.
- (3) Appointment by the legislature-3 states.
- (4) Partisan elections-8 states.
- (5) Nonpartisan elections-14 states.

Id. at 211-12, n.8. A summary from the United States Department of Justice for 1998 is that twenty-one states select appellate judges through gubernatorial appointment, three by legislative appointment, fourteen by nonpartisan elections, eight by partisan elections, and four by retention elections. *Id.* at 212, n.9.

A. Merit Selection

The concept of merit selection is that a small group of individuals are appointed by specific governmental and Bar officials to a nominating commission. *Id.* They may chose to undertake preliminary work such as interviews and background investigations, and then they agree on a list of names to submit to the governor. *Id.* The governor must then chose an appointee from this list, and after the passage of a designated period as judge, the appointee will be voted on by the people in a retention election, instead of one against an opponent. *Id.* Since Missouri was the first state to adopt a plan such as this in 1914, this judicial selection method is also known as the Missouri Plan. The American Bar Association supports merit selection and has approved standards to serve as a guidelines for states that chose to move in a direction such as this. Prather, at 204, n.111.

Under this plan as first proposed by Albert Kales, who served as the vice-president of the American Judicature Society, the chief justice of the district would be given the authority to appoint judges in his district. *Id.* To act as a control on the chief justice's power, he would be subject to a retention election at frequent intervals. Likewise, the appointed judges would also face retention elections at intervals of three years, six years, nine years, and then until retirement by death, resignation, or age limit. *Id.* at 205, n.112. Revisions of this plan include the governor being the appointing authority instead of

the chief justice.

In this case, the plan consists of a judicial nominating commission, appointment by the governor, and a nonpartisan, noncompetitive retention election. *Id.* This is the basis of the merit systems in place today. *Id.* Thirteen states have adopted this plan in its entirety for their highest courts: Alaska, Arizona, Colorado, Florida, Indiana, Iowa, Kansas, Missouri, Nebraska, Oklahoma, South Dakota, Utah, and Wyoming. Of these, the only states that have adopted this plan for both appellate and trial judges are Alaska, Colorado, Iowa, Nebraska, Utah, and Wyoming. *Id.* at 205, n.114.

Although Mississippi has had no experience with statutorily required merit selection, three governors did voluntarily employ a variant of the approach to fill vacancies. Southwick, at 215. Although there are criticisms of such a method of judicial selection, Judge Leslie H. Southwick of the Mississippi Court of Appeals acknowledged that "this brief experience with a similar process produced some justices who would have had a difficult time initially being elected and who proved to be able members of the court." *Id.* Likewise, there is valid criticism of this method because it is the governor who appoints the Committee and then ultimately appoints the judges as well.

However, there are some states which have considered and rejected merit selection. These states include Arkansas, Illinois, Louisiana, Minnesota, North Carolina, Ohio, Pennsylvania, Texas, and West Virginia. Prather, at 206, n.118-26. Daniel R. Pinello conducted an empirical study on whether the judicial selection method affects policy made by state supreme courts. *Id.* He chose six states, and upon the conclusion of his study, concluded that the selection method does impact judicial policy. *Id.* He also concluded that *elected judges are reactive to public opinion, while appointed ones who never face popular confirmation are largely free from the constraints therein.* *Id.* at 207.

According to former Chief Justice Prather, "[a] merit selection plan for the Supreme Court has a greater chance of success with voters than does a plan which would change the method of selection for the entire state." *Id.* She further noted that a study of proposed merit judicial selection plans from 1941

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until 1980 found that merit plans have been more successful before the voters when limited to the selection of appellate judges. *Id.* Judge Southwick, however, was less encouraged by the merit selection plan. "It is the philosophical agenda of the governor and a majority on the nominating commission that can control the judges." Southwick, at 216. He concluded that "there is a considerable risk that nominating commission politics is more likely to lead to an extremely partial judge. That core partiality may well dominate over every other consideration as the stakes in the tort wars get higher." *Id.*

B. Executive Appointment, Legislative Confirmation

Nine states follow the federal model of appointment by the executive without any initial nominating commission, coupled with confirmation by the legislature. *Id.* at 216. As mentioned previously, in Mississippi, the gubernatorial appointment and senate confirmation was the system that was implemented by the Constitution of 1869 and persisted until the constitutional amendment of 1916. *Id.* However, there was no lifetime tenure, and the justices had nine-year terms and had to be reappointed and reconfirmed in order to continue on the bench. *Id.* As has been noted, "[w]ith a federal-style system, the problems of the veiled politics of nominating commissions and gubernatorial selection already discussed under the 'merit system' analysis are altered by making the politics simpler. No longer is the need for controlling the commission necessary for a governor who is so inclined." *Id.* Under this method of judicial selection, the governor's discretion is limited only by his need for ratification by another political body-usually the senate, but potentially both legislative houses. *Id.* Common sense mandates a recognition of the obvious possibility of the lack of quality of an appointment under such a system. If the politics of the governor and the legislature are the same, then the confirmation of the appointment is not a likely meaningful check on the quality thereof. *Id.* at 217. However, if the politics are not the same between the governor and the legislature, then the confirmation could serve as a meaningful check on the quality of the appointee.

Judge Southwick concluded that "[t]here is a risk that the philosophy and not the experience, intellect and temperament of the judge will control." *Id.* He

further observed that "[a] fair assessment of gubernatorial appointment is that 'executives appoint judges who reflect their own values on important legal, political, and social issues.' That is no surprise, but the effect that has on the credentials and confirmability of judges needs to be considered." *Id.* (footnote omitted). Research shows that the recurring issue is the struggle to reach the proper balance between accountability and independence.

As previously noted, there are a few states that follow the federal model of executive appointment and senatorial confirmation. However, state appointive systems are diverse and include appointment by the governor, legislature, or sitting judges, and confirmation by executive councils or legislative bodies. David W. Case, *In Search of Independent Judiciary: Alternatives to Judicial Elections in Mississippi*, 13 Miss. C.L. Rev. 1, 22 (2002). Case asserted that since the appointive system is greatly dependent on the appointing officer's discretion and he is usually an elected official, this system substitutes one form of political pressure for another. *Id.* Case recognized this method of judicial selection does, in fact, remove judges from electoral politics and the evils thereof. However, he believes that these judicial appointments become critical components in the partisan election campaigns of the appointing officer. *Id.* n.159. Case suggested that partisan concerns may be a factor in judicial appointments, with considerations such as ideology or party loyalty overriding issues of individual merit. *Id.* n.160. He does point out that the strength of the appointive system is "its maximization of judicial independence, due to the lack of any significant restraint on the judge after confirmation." *Id.* If accountability to the public is the goal, then Case considers this method faulty. *Id.* n.162. Case stated that an effective judicial selection system "does not necessarily require, however, adoption of a system emphasizing judicial independence to the exclusion of public accountability." *Id.* at 29. He further stated that:

One need look only to the federal model of executive appointment, senate confirmation, and life tenure, to realize that partisan influences are not eliminated simply because a selection system places a high premium on independence. Such a system merely substitutes other, perhaps equally

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dangerous, political forces. The evolution of commission selection, however, has demonstrated the greatest ability to reinforce both independence and accountability, while simultaneously striving to eliminate, to the extent possible, the dangerous effects of partisan politics.

Id. at 29-30. However, I submit that a balance between accountability and independence is more likely obtained by using the appointive system.

C. Legislative Selection

Some states allow the legislature, instead of the governor, to appoint judges. The legislatures in Connecticut, South Carolina, and Virginia choose their state's judges. Southwick, at 217. South Carolina's judicial selection process starts with nominations from a merit system commission and then the legislature makes its final choice from the nominations. *Id.* Virginia does not have a commission, but instead, the legislature simply elects the judges. *Id.* at 218, n.34. Connecticut's judicial selection system involves merit selection with legislature confirmation. However, the legislative action is not called "confirmation." *Id.* Connecticut's Constitution provides that the judges be nominated by the governor, exclusively from "candidates submitted by the judicial selection commission," and then "[j]udges so nominated shall be appointed by the general assembly. . ." *Id.* n.35. Judge Southwick stated that "[l]egislative selection does not offer any obvious advantages over other systems . . . Mississippi tried the procedure from 1817 until 1833. It does not appear sufficiently likely to reappear to merit further discussion." *Id.* at 218. Judge Southwick concluded that:

In my view, the worst appointive system is traditional merit selection. That is because the retention election feature, meant to be a review of the quality of judges once in office, is a complete failure. It is better to combine the features of an independent and competent nominating commission, followed by gubernatorial appointment and senate confirmation for a definite term. At least in that situation, each component has the potential to add something useful.

Id. at 223.

D. Nonpartisan Elections

As mentioned earlier, the popular election of

judges without partisan labels arrived in Mississippi in 1994. The obvious purpose of this approach is to remove politics by removing party labels. *Id.* at 219. By doing so, the voters are, theoretically, left with only the qualifications of the judicial candidates. Unfortunately, this method of selection has neither removed politics from the judicial campaigns, nor has it made voters focus solely on the qualifications of the candidates. Judge Southwick has observed that "[t]he artificiality of nonpartisan judicial elections, which are as political as any campaigns in Mississippi, serves no demonstrable purpose. Distortions in voting behavior likely result, as voters do not vote without party labels in the same manner as they would if given them." *Id.* at 222. However, he also noted that "[s]ince the 1994 nonpartisan election law, campaigns for the Supreme Court have without pause moved rapidly down the path of increasing expense, disappearing dignity, and heightened controversy. It would be too much to say that nonpartisanship was the cause. It at least can be safely said that it is not part of the solution." *Id.* He admits that voters look for "cues" or information as to who to vote for, and that reformers felt that a party label was the wrong cue. However, although it may have been imperfect, after its removal, nothing has replaced it. *Id.* Judge Southwick claimed that the nonpartisan election system fails for the same reason that the retention election concept has been "a total failure-it 'succeeds' in causing voters to focus on an incumbent judge only if the campaign is caustic enough-nonpartisan judicial elections give nothing that voters take to the voting booth unless the campaigns have been dramatic, which usually means negative." *Id.*

It could be argued that the removal of party labels has only caused the negativity of the campaign messages to intensify as well as increasing the expenditures because otherwise, voters will have retained nothing as they cast their votes for these offices. *Id.* at 220. Judge Southwick conclusively determined that "[m]ore likely, the intensity of campaigns would have increased without regard to their partisan or nonpartisan nature." *Id.* He believes that it is readily apparent that voters are "not likely to be making decisions based on judicial temperament, quality of law school, or the performance of the

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candidate as a lawyer in the courtroom. If the idea of removing party labels was that voters would then shift to such matters, the idea has been proven false." *Id.*

Case asserts that the primary argument of "those favoring popular election of judges is that the judiciary, as with other public officials, should be accountable to the people." Case, at 2, n.5. Seemingly, by remaining accountable to the people, this allows majoritarian control of public policy through the electoral control of the judicial policymakers. *Id.* at 3. Another purported benefit of popular election is that it benefits the judiciary by allowing it to function as a co-equal to the elective legislative and executive branches.

However, the critics of this method of judicial selection note that the price of judicial accountability may be the loss of judicial independence. *Id.* Case believes that "[n]otwithstanding the policymaking function inherent in the judicial role, therefore, the courts should also be independent of temporary public majorities and shifting popular opinion." *Id.* at 3. Case determined that:

It makes perfectly good sense in a free, democratic society to suggest that the people's representatives occupying the legislative branch of government should be selected by the people whom they are to represent. Likewise, it makes perfectly good sense to suggest that the head of the executive branch of government should be selected by the people whom he or she represents. It makes no sense at all to talk about representation when examining the judicial branch of government. Legislators have constituents and, therefore, should be popularly elected. Governors have constituents and, therefore, should also be popularly elected. Judges are prohibited by law from having constituents; therefore, subjecting them to popular election is totally without reason.

Id. at 14-15, n.101. Judge Southwick stated that "[t]he mass of voters, though, are not able to be told a party label because, perhaps like children being offered a choice between candy and vegetables, they will always choose what is bad for them."

Southwick, at 221. Purportedly, as a result, the voters are given other useful information to help them in making their determination. That information,

according to Judge Southwick, is "disseminated through aggressive campaigns, is more likely than not something memorable about toughness on crime. Extremism in the pursuit of electoral victory is the norm; moderation in order to defend judicial dignity is the exception." *Id.*

Out of all of the election procedures, Judge Southwick determined that nonpartisan election was the worst. Southwick, at 225. I agree with that conclusion. Judge Southwick stated that this system is "built on denying voters what they really want to know about judicial candidates. If there are to be elections, then partisan elections are preferable. They should be free of unconstitutional restrictions on political speech." *Id.* He contends that it is more possible than not that the winner in such an election could be determined more by a party label than any other consideration. *Id.* However, he said that "at least that is a reasonable if imperfect gauge of significant ideological differences between the candidates." *Id.*

E. Partisan Elections

As previously mentioned, eight states continue to choose their judges by partisan elections, and gubernatorial appointment is the standard approach for filling vacancies, while merit selection may be included as well. *Id.* at 220. Case averred that during the time Mississippi utilized partisan elections for judges, it over-emphasized public accountability to the exclusion of judicial independence. Case, at 22. Case further averred that "[t]he judiciary's role as a check on legislative and executive power, and as protector of individual rights and liberties, however, requires some measure of insulation from self-indulgent partisan interests and transient popular politics." *Id.* Case's article was written in 1992, which was during the time when Mississippi held partisan elections for its judges. Although this method is no longer used, Case stated that Mississippi could not "continue to require judges to compete for popular support in the arena of public opinion, as do executives, legislators, and other politicians, and avoid devastating consequences to judicial decision-making." *Id.* at 29.

Case's criticism of this judicial selection method pointed to other problems as well. Case noted that another major problem with this method was due to

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the fact that due to the expensive and contentious political climate which permeates partisan elections, deters highly qualified and desirable candidates from seeking judicial office. *Id.* at 10, n.65. Case stated that:

[a]n elected judge's equivocal job security, inadequate compensation, the continual campaigning and participation in competitive politics, and a system that rewards the politically skillful, rather than those with superior judicial credentials, are among the factors that discourage many well-qualified lawyers from pursuing an elective judgeship. This is said to create "an implicit self-selection effect" that eliminates many of the most qualified before the selection process even begins.

Id. at 10-11, nn.66-67 Proponents of this selection method believe that "democratic ideals are best served by a judge's initial mandate being bestowed by the electorate, which may then reaffirm or withhold its approval through periodic elections." *Id.* at 2, n.6. Clearly, the problems with this method far outweigh any possibility of its effectiveness in achieving the ultimate goal.

In conclusion, research shows that political consequences of judicial decisions made by elected judges are inevitable. Therefore, even after the election, the selection process may, very likely, hover about the judge. Southwick, at 224. Former California Supreme Court Justice Otto Kaus vividly described attempting to ignore political consequences of decisions as being like attempting to "ignore a crocodile in your bathtub. You know it's there, and you try not to think about it, but it's hard to think about much else while you're shaving." *Id.* n.63. Judge Southwick concluded that this concept applies to "all systems that do not provide for lifetime tenure." *Id.* This includes judges who face future contested elections, future retention elections, or a future need to be reappointed and reconfirmed—they "all have tub crocs." *Id.* at 225. Even though Judge Southwick concluded that "there is very little hope that objectivity will reign among the insiders of the appointment process," in my view, it most certainly does not remain with predisposed, unconcerned, and blissfully ignorant massive number of voters. Attempting to remove politics or the influences

thereof from the election process in Mississippi—whether or not it is nonpartisan, is like trying to keep a pig from rolling in the mud—it just will not happen.

Therefore, the lesser of all evils is readily apparent: merit appointment preferably for life. However, alternatively, an appointment for a minimum term of 12 years followed by a retention election by the people would suffice. In my view, this modified Missouri Plan would foster an independent and more accountable appellate judiciary. Additionally, to counteract ongoing criticism about too much gubernatorial politics in the process, I propose that a Judicial Selection Commission be appointed that is completely separate from the governor's office. The Commission should be comprised of lawyers, judges and lay persons appointed by the Supreme Court, the Mississippi Bar, and the leadership of the Legislature. That Commission would submit three to five names to the Governor and although having the right to reject them all, if he appointed at that time he would be required to select from the group of names submitted by the Commission. If he rejected them all, the process would resume all over again. This would remove some of the obvious political complaints now voiced concerning the usual Committee makeup all being appointed by the governor and the ultimate selection of the judge also being made by the governor.

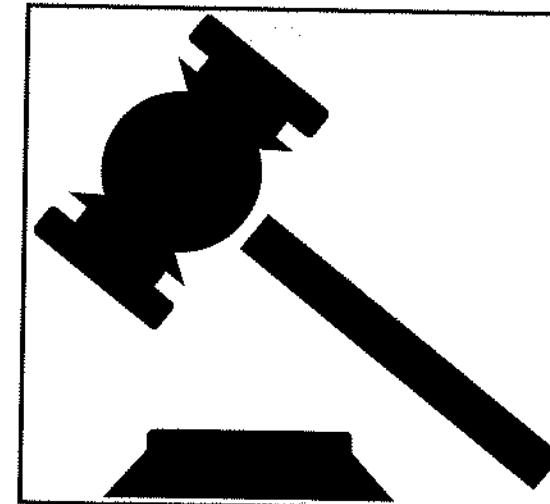
The only other viable alternative would be to completely remove the money from judicial elections. Lawyers should not be giving money to judges in judicial campaigns. In fact, many lawyers tell me they would prefer not to be involved financially. This speaks very well for our bar. This common procedure in past elections is perceived as improper by the public and for good reason. It simply looks bad and further erodes the public's confidence in the judicial system. However, in view of recent United States Supreme Court decisions, in all likelihood, preventing lawyers from contributing to judges' campaigns by statute would be unconstitutional. Thus, by necessity we quickly eliminate this option.

While there remains some difficulties with all systems, I am convinced the time has now arrived where Mississippi should adopt merit selection as a reasonable alternative for selection of our appellate judges.

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Friday, April 14th	9:00 a.m. - 5:00 p.m.
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Correspondence regarding the newsletter should be directed to: HCBA Newsletter Editor, 151 E. Griffith Street, Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 601-969-6097. The web site address is hindsbar.com.

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HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

AUGUST 2006



President's Column

by John C. Henegan

It can be easy with the absence of new information, the lapse of time, or the lack of daily contact with the people who live there to be lulled into believing that things are now or soon will be back to normal on the Mississippi Gulf Coast. Recently, however, some of my partners and I drove along the Gulf of Mexico on U.S. Highway 90 in Harrison County, and the amount of rebuilding that remains to be done as a result of the damage from Hurricane Katrina continues to take one's breath away. More recently several chancellors and circuit judges from the Gulf Coast spoke at the State Bar Convention in July about the basic needs, including office supplies, which those courts continue to have. Let's be clear about this: monumental resources are still required to help the Gulf Coast return to where it was, and we shouldn't forgo the opportunity, when appropriate, to make this point with

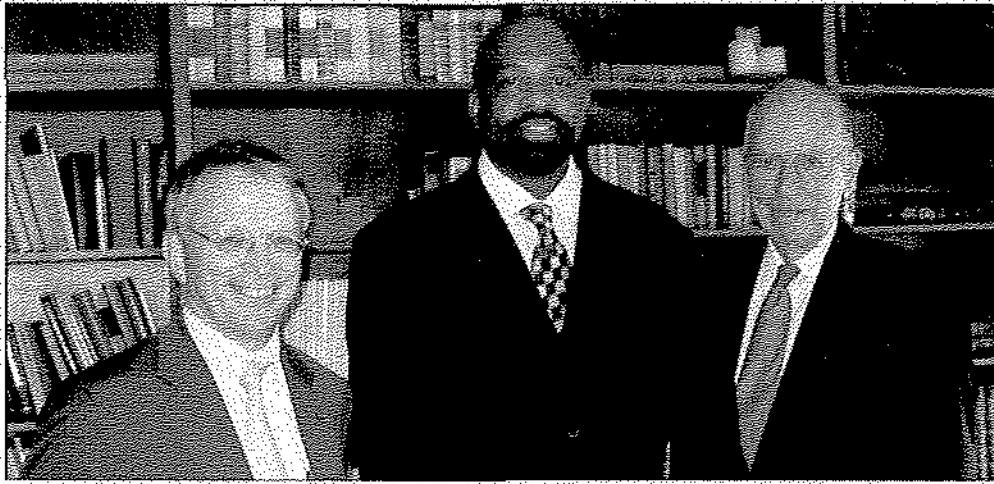
others. Calls to assist our Gulf Coast neighbors with financial, in-kind, and physical assistance through government, private and church organizations will rightly continue for some time, and we should continue to support those efforts and call on others to do so when and as we are able.

You will not want to miss our August 15 HCBA membership meeting at the Capital Club. Fred Banks, former Hinds County Circuit Judge and State Supreme Court Justice, will be our featured speaker, and he will talk about judicial disqualification issues under state and federal law. Attendees will receive 1-hour of CLE ethics credit. The HCBA will take care of the CLE-related paperwork once you sign in. Admission for lunch and this talk will be \$25.00. It will be difficult to find a more informative, more convenient, and less expensive CLE program than this.

We have had a record response to the HCBA Committee survey that was included in the HCBA June Newsletter. Yet most of our committees could use a few more hearts and minds: Several are now or will be involved in projects that

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June Membership Meeting



Mississippi Supreme Court Justice James Graves and Former Governor of Mississippi William Winter conducted a program on diversity at the June HCBA Membership Meeting. They are pictured with John C. Henegan, HCBA President.

HCBA LUNCHEON MEETING & ETHICS CLE PROGRAM

Tuesday, August 15, 2006 Capital Club 11:30 a.m. Cost \$25.00 Lunch & CLE
The one-hour Ethics CLE Program will be presented by Fred Banks

HCBA
Calendar of Events

August 15, 2006
HCBA
Membership
Meeting
Noon, Capital Club



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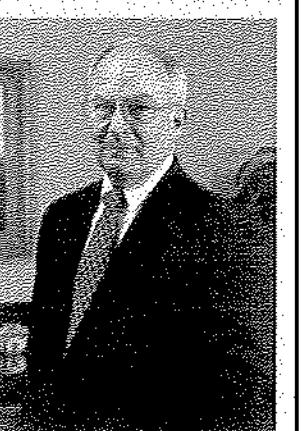


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The Trusty Trustee

by Luke Dove

met Joe Tally, Superintendent of Education of Smith County in the 1970s.

Although Smith County is not universally recognized for the rectitude of its citizens, Joe Tally was determined to obtain fair rental value for 16th section property to benefit schools. Legislation had been enacted to provide that 16th sections lands which were classified as "forest lands" could not be re-leased after the existing leases expired. This did not deter those who simply had the property reclassified in order to renew their 25 year leases for 40 cents per acre. Joe Tally, represented by Larry and John Clark, filed suits against the Smith County Board of Supervisors and the state Land Commissioner alleging that the reclassification of forest lands was improper and that nominal lease payments amounted to a donation of public land. Both cases were appealed and decisions were rendered in 1975. The Mississippi Supreme Court held that 16th section lands were public trust property which must be administered in accordance with laws applicable to trusts. There was now a judicial remedy for violations of the public trust.

Thomas Jefferson, like Governor Ross Barnett, trusted trustees. Jefferson believed that it was appropriate to cede 16th section land to the states because accountable public officials would discharge their trust responsibilities, particularly to school children, in a diligent and honest manner. However, Jefferson never had the opportunity to meet a Mississippi county supervisor.

From 1817 to 1974, many county supervisors, as trust officers for the State of Mississippi, flagrantly and systematically abused the 16th section public school trust. Supervisors leased 16th section school lands to political cronies and shiftless relatives for pennies per acre. Long term leases were granted without appraisals or competitive bidding and often without public notice. The courts were not disposed to entertain challenges to the supervisors' discretion, or to their political power. The fact that school children were being shortchanged did not deter the greed and corruption.

Unlike Jefferson, Diogenes the Cynic did not trust trustees, or anyone else for that matter. Jefferson perhaps did not have the opportunity to read the anti-Platonic wisdom of Diogenes. If he had, Jefferson would have known that about 400 B.C. E., Diogenes stalked the streets of Athens each mid-day carrying a lighted torch. When asked about his behavior, Diogenes replied he was searching for an honest man. The search was apparently fruitless in classical Athens. If Diogenes had walked the blacktop roads of non-classical Mississippi he would have experienced similar discouraging results, at least until he

But Tally's greatest success was in the legislature. After repeated efforts and many personal threats, Tally helped convince the legislature in 1974 to adopt Section 29-3-1 Miss. Code Ann which provides that county supervisors may not enter into a 16th section lease unless it is also approved by a majority of the members of the local school board. These efforts of Joe Tally have enormously benefitted our public schools and schoolchildren.

Tally was subsequently elected a Smith County supervisor and continued his lonely campaign against public corruption. For his trouble, Tally was himself indicted and charged with 22 counts of embezzlement in the Circuit Court of Smith County.

Supervisors traditionally had two methods of employing county equipment and property to serve constituents: digging graves and graveling driveways. Joe Tally used county trucks and county gravel to cover 22 muddy driveways in his district. One can only imagine the consternation this caused among other elected officials of Smith County who were no doubt appalled that their reputation for honest government had been tarnished. So,

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Diversity Roundtable

by John Henegan

On June 1-2, I attended the first Diversity Seminar hosted by the Defense Research Institute in Chicago, Illinois. When planning the event, DRI had hoped 150 people would come but over 300 people attended, and it was SRO at the combined sessions and luncheons. The attendance roster did not include everyone who showed because they could not keep up with all the late registrants. By my count, at least one attorney from no less than 12 different law firms with Mississippi offices attended this seminar.

The DRI Seminar addressed a variety of different issues related to diversity. One of the clearest and most persistent messages is that corporate America is fully gearing up for and supporting diversity initiatives. Why? The message can be summed up by a cover story in Time magazine several years ago about "The Browning of America." The story reported that if then current demographic trends continue, Caucasians would by the year 2050 no longer be in the majority in the United States. At the DRI seminar we were told that this process has accelerated even faster than originally projected and that this will happen as much as 10 years earlier than the date reported in Time. One speaker said that 137 million new people will enter the domestic consumer market between 2006 and 2050 and that the overwhelming majority will be people of color. Based on this type of data, businesses and companies that sell good and services directly to the public want their representatives, including their attorneys, to reflect their purchasing public.

Diversity is the theme of the Hinds County Bar Association in 2006-2007. Former Governor Winter and State Supreme Court Justice James Graves spoke to a packed crowd at HCBA's June 2006 membership meeting about the need for breaking down racial stereotypes, achieving meaningful reconciliation, and improved race relations. Our October 2006 membership meeting will focus on women in the legal profession with Pamela Roberts, Chair of the ABA's Women In the Profession Commission, being our guest speaker.

The HCBA's Diversity Roundtable will address diversity as it relates to businesses and law firms in Mississippi. The Diversity Roundtable will be at the Downtown Marriot in Jackson on Thursday, November 16, from 9:00-1:30 p.m., which includes a keynote luncheon, with individual tickets costing \$50.00 per person. Our keynote luncheon speaker is Joaquin Carbonelle, Executive Vice-President and General Counsel of Cingular Wireless LLC. Our panelists for the Roundtable discussions that precede the luncheon event include: Atiba D. Adams, Senior Corporate Counsel, Pfizer Inc.; Ronnie Agnew, Executive Editor of The Clarion-Ledger; Henderson Brown, Associate General Counsel, Tyson Foods, Inc.; Stacey Y. Dixon, Diversity Director and Assistant General Counsel, Baxter International, Inc.; James C. Morton, Jr., Senior Vice President, Nissan North America, Inc.; Mary Jo Peed, Vice President and General Counsel, BellSouth Corp.; Thomas L. Sager, Vice President and Assistant General Counsel, E. I. du Pont de Nemours & Co.; and Cheryl Turner, Counsel, Coca-Cola North America. All of these people and their respective companies are nationally recognized for their efforts in promoting diversity within their companies and their communities and the vendors with whom they do business.

To help underwrite the expense of bringing our guest speakers to Jackson, HCBA has written our local area law firms and other organizations asking them to help support and promote the Diversity Roundtable. Thus far, both of our in-state law schools and certain bar associations, trade organizations, state-wide businesses, and some law firms have already agreed to help by making financial and in-kind donations to aid the work of the HCBA Diversity Committee which is planning and putting on this event under the leadership of Sharon Bridges, Chair of the Committee. We hope you will be able to attend and that your law firm will help sponsor what promises to be a major event not only for the members of HCBA but the entire State's business community.

From the Bench & Bar Committee

County Judge William R. Barnett's Basic Rulings and Policies are now available on his website at www.co.hinds.ms.us/pgs/county/barnctrules.html

Circuit Judge Bobby DeLaughter notifies lawyer appearing in his court in civil cases of the following:

Pretrial Orders in civil cases are not required.

Judge DeLaughter does not utilize nor provide form jury instructions.

In multi-party suits if a hearing date has been secured to hear a particular motion, other pending motions in the case are not to be "piggy-backed" onto that hearing date without express permission from the Court Administrator and/or the LawClerk.

If both sides agree this, Judge DeLaughter will utilize M.R.C.P. 78 and decide the motion on the briefs without the necessity of oral argument.

Chancellor Denise Owens shares the following concerning heirship petitions and petitions to settle minors' claims in her Court:

Heirships

All of the known heirs must join in or be served with process. Known out-of-state heirs who will not join must be served with process by publication and mailing, unknown heirs must be published. Publication must be in Hinds County and run three times.

This is a Rule 81 Hearing. At least 30 days service of process is necessary. At the hearing, must have a witness to testify. Also, **Judge Owens requires a copy of the deceased's obituary** so that she can see who is listed as

relatives of the deceased. Documentation such as marriage licenses and birth certificates should also be produced.

Minors' Settlements

All minors' settlements must be approved by the Chancery Court.

For a minor's settlement involving more than \$10,000, a guardianship must be established. In the absence of exceptional circumstances, (*see Miss. Bar Association v. Moyo*, 525 So. 2d 1289, 1296 (Miss. 1998)), both parents must either join in the petition or, if not, be served with process. Any relevant custody orders should be established. If a parent is asking for reimbursement for payment of medical bills for the minor, the bills and proof of payment must be produced.

Judge Owens discourages structured settlements when the amount of the settlement will provide only a relatively small monthly or annual stipend. Judge Owens has had a number of recipients of structured settlements come back into her Court seeking approval to sell the structured settlement for a grossly discounted lump sum payment.

Attorneys must provide a clear disclosure of fees and expenses sought. There must be attorney testimony as to the work done by the Plaintiff's attorney and the likelihood of liability. A Chancellor is not bound by any contract for attorneys' fees, but the amount of attorneys' fees in a minor's settlement are subject to the discretion of the Chancellor. Judge Owens considers the difficulty of the case, the amount of work done by the attorney, and the amount of net recovery to the child in approving attorneys' fees in a minor's settlement.

continued from page 3

Joe Tally was indicted on embezzlement charges for graveling driveways.

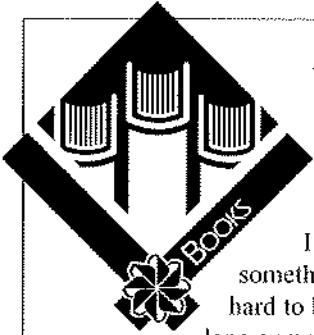
There was a smug feeling around the courthouse in Raleigh. Joe Tally was finally going to get his due. On the first day of the trial, a Smith County civil lawyer was present at the DA's table. Asked if he had abandoned his personal injury practice to become an Assistant D.A., he replied that he had not, and also responded that Joe had "hurt" a lot of his friends around Raleigh and that he was present to see that an impartial jury was selected.

Unfortunately for the Smith County bar and law enforcement, an impartial jury was selected.

In securing Joe's indictment, the prosecutor somehow managed to overlook the arcane fact that the legislature

had made it legal to gravel driveways in many instances including school bus turns, postal delivery to invalids, etc. The fact that Joe gravelized driveways where it was legal to do so registered with the Smith County jury and he was acquitted of all charges, although it took an excruciating seven hours for the jurors to return their verdict.

Joe Tally was responsible in large part for reforming 16th section lease procedures in Mississippi. His efforts have undoubtedly resulted in millions of additional dollars being available for county schools and school children. The current 16th section lease procedure is probably what Jefferson had in mind. Maybe if Diogenes had been around another 2,500 years or so, he would have finally found an honest man.



My Summer Book Report: *The World Is Flat*

by Captain Equity

I know that many of you thirty something parents out there will find this hard to believe, but in ancient times on those long summer days when it was just too hot to go outside kids actually read books. Of course reality television, video games and play dates have changed all of that forever. That said, I thought it would be nostalgic to do an old-fashioned book report to let you know how I passed the time this past oven hot July waiting out summer in favor of the eventual return of October. The book I have selected is entitled *The World Is Flat: A Brief History of the Twenty First Century* by New York Times columnist Thomas L. Friedman.

In a nutshell, which is book report talk for executive summary, Mr. Friedman makes a compelling case that the global technology genie is out of the bottle never to return. The result is the warp speed reinvention of planet earth economy with millions of new players from places like China, India and Russia who until lately have been excluded from the game. These new players are poised and highly motivated to move out of poverty into the emerging global middle class. They are educated in math, science and technology and are driven to work long hours for dimes on the dollar at jobs that were formerly the exclusive province of wage earners in the developed countries of Europe and North America. Thanks to the dot com boom of the late 90s a number of soon to be bankrupt Internet companies connected the world with fiber optic cable. This byproduct of irrational exuberance permitted the smartest guys and gals in India to staff Bell South call centers in Bangalore to assist Jacksonians with their customer service needs. Like it or not, these workers half a world away are now in the mix to sell their expertise to the rest of the world at bargain prices. As a result of this new connectivity the end of guaranteed Western economic dominance over the rest of the world is clearly in sight.

Despite all the hand wringing over globalization, the new paradigm of the twenty first century knowledge worker is not necessarily good or bad, just more uncertain. That uncertainty cuts both ways by leveling the playing field for everyone with the ambition and skill to turn it into opportunity. For those who are determined to cling to the past, they are much more likely to emulate all of those unemployed steel workers in Youngstown Ohio who are still waiting for the mills to reopen. In the future, one's standard of living will be much less dependent on geography in favor of meeting the twin challenges of maximizing their own human potential while coping effectively with cycles of constant change.

If you accept Mr. Friedman's premise, this does not necessarily bode well for citizens of the United States in

general and Mississippi in particular. As far as America goes, the country's not undeserved national superiority complex (some call it collective self confidence) combined with a troubling drift towards complacency and a growing sense of arrogance and entitlement brought on by sixty years of post WWII affluence is not the ideal mindset needed to succeed in the decades ahead. All of this is compounded by the shortsighted, self-serving silliness that passes for political leadership in this country. This all adds up to a likely future for an aging USA population that, to quote the late songwriter Warren Zevon, "Ain't that pretty at all."

But before we delve any further into the future, let's examine Mr. Friedman's thesis for why the world is getting flatter by the day. According to his analysis of recent history there are ten forces that have flattened the world. They are: 1. The Fall of the Berlin Wall; 2. The Netscape IPO (thanks in large part to native Jacksonian Jim Barksdale); 3. Work Flow Software; 4. Open Sourcing; 5. Outsourcing - Y2K; 6. Offshoring; 7. Supply Chaining; 8. Insourcing; 9. In-forming (Google, Yahoo, MSN Web Searching); 10. The Steroids (Digital, Mobile, Personal and Virtual). Before you start to mutter under your breath, let me warn you that Mr. Friedman loves to coin shorthand terms to explain historical events, technological breakthroughs and cultural phenomena i.e. see In-forming and Steroids supra. Nonetheless, you get the idea. But even if you don't, I can assure you that Mr. Friedman discusses each of the ten flatteners in detail. He also effectively illustrates how companies like Wal Mart, UPS and Southwest Airlines have managed to move to the front of the line by using the flatteners to their economic advantage. If you make the not insubstantial time investment to read the book you will consistently find yourself saying "I didn't know that," "Isn't that interesting" and "Hmmm." For instance, I learned that UPS is comprised of far more than a privatized postal service that makes house calls in noisy brown trucks.

After the first couple of hundred pages, it suddenly begins to sink in that the concept of job security that became a hallmark of the American middle class in the twentieth century is fast becoming the wage earner's equivalent of the blacksmith. To combat this, Friedman coins another one of his terms, to wit: "Untouchables." In Flat World Speak, an Untouchable is someone who has Twenty First Century Job Security. To achieve Untouchable status, a worker must fall into one of four categories: "Special," "Specialized," "Anchored," or "Really Adaptable." The "Special" category is exceedingly narrow. It includes people like Barbara Streisand, Michael Jordan and Bill Gates. When it comes to members of the Mississippi Bar, I suppose John Grisham is the only sure thing. "Specialized" workers include intellectual property lawyers, brain surgeons and plumbers.

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Law Firm Diversity: Are You Really Committed?

by Sharon E. Bridges

Diversity Training

Diversity training and development is imperative in creating a collaborative work environment. Attorney and support staff views on diversity must be examined and clarified. Diversity practices should not only encompass race and gender, but also ethnicity, culture, religion, nationality, age, lifestyle, and physical disability. Building employee awareness will assist law firms in achieving its diversity goals.

Law firms who are committed to diversity include goals in the firm's strategic planning and business development plan that specifically address diversity. Mentoring, professional development and retention strategies are typically included in the business development plan. As more and more corporate counsel begin to require diversity in their hiring practices involving outside counsel, law firms who refuse to address the diversity issue, may be left on the side lines and not given the opportunity to enter the hiring game. Indeed, those law firms that want to maintain their competitiveness in this challenging legal market, should embrace diversity.

continued from page 1

were not even on the horizon when the Chairs signed up for their respective committees. As a result, the survey is enclosed again with this newsletter. If you think you have the time to help in any of these areas, please fill it out and send it by e-mail to Patricia Evans, HCBA's Executive Director, at pevans@mc.edu. Some of the HCBA committees have already begun to meet and plan their activities for 2006-2007. Most will not begin until after Labor Day so there is plenty of time to roll up your sleeves and get involved.

On June 12 we had another successful HCBA Golf Tournament, which is our annual fundraiser for the Mississippi Volunteer Lawyers Project. Many people believe that this is the best annual golfing fundraiser in the Jackson Metro area. The tournament was held for the first time in Madison County at Reunion Golf and Country Club. From the glowing comments everyone had about the course, it may become a regular part of the HCBA "Tour." Rob Dodson has done an excellent job the past couple of years in chairing this

committee, and he is now passing the mashie to Lyle Robinson, this year's committee chair.

Pamela Roberts, Chair of the Women In The Profession Commission of the American Bar Association and a partner in the Nelson, Mullins, Riley and Scarborough, LLP law firm of Charleston, South Carolina, will be our featured speaker at the October 17 HCBA membership meeting. As a part of HCBA's effort in 2006-2007 to address diversity in the legal profession, Pamela will talk about issues that impact women and therefore all of us in our profession. More about her address and other events related to her visit will appear in our next issue.

If you haven't seen Patricia Evans in the past few weeks, you should know that she recently had a partial knee replacement. She is working from home while undergoing intensive physical therapy. She is full of good cheer, determination, and grit, and she has already progressed from using crutches to walking with a temporary cane. We are looking forward to when she will be back with us.

14th Annual Hinds County Bar Association Golf Tournament Committee Members & Sponsors

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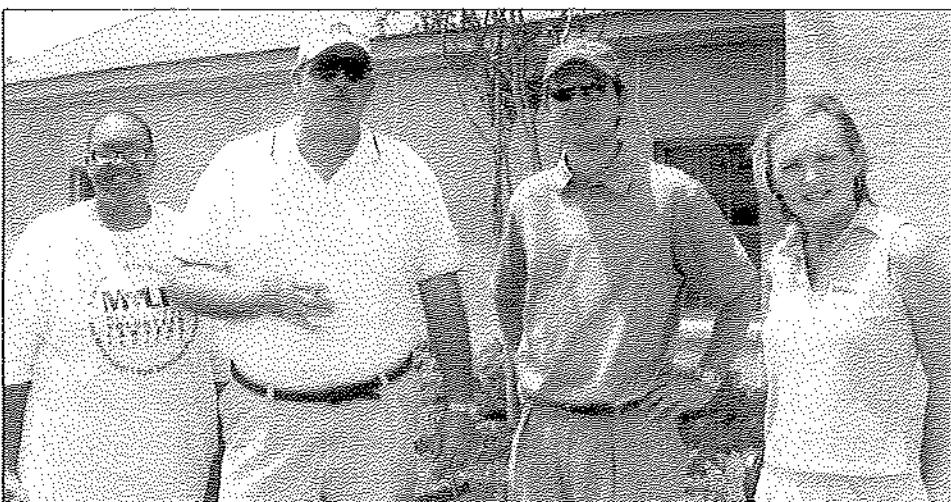
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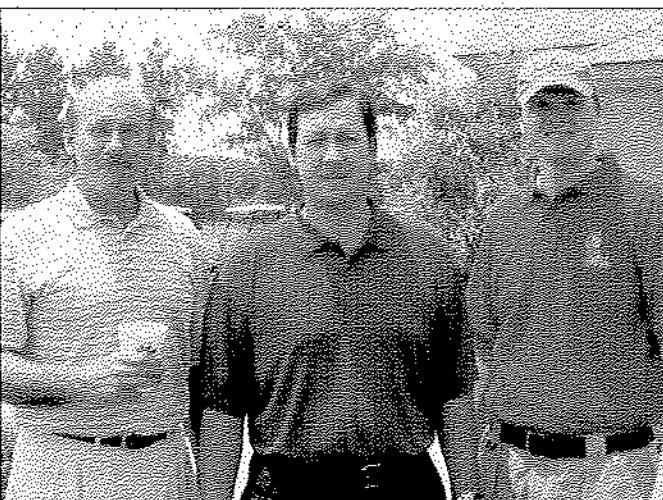
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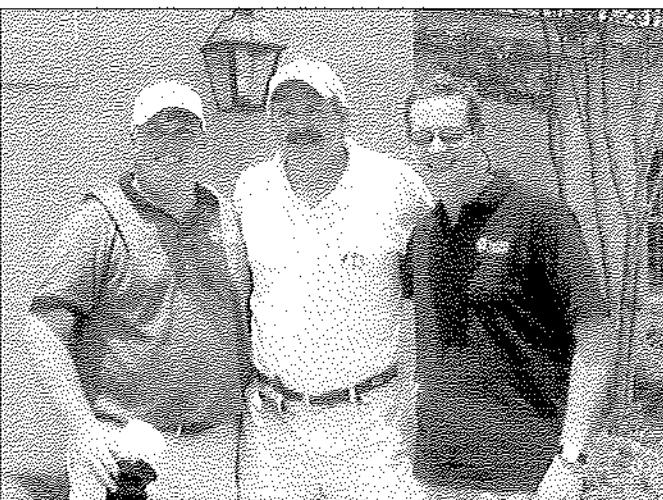
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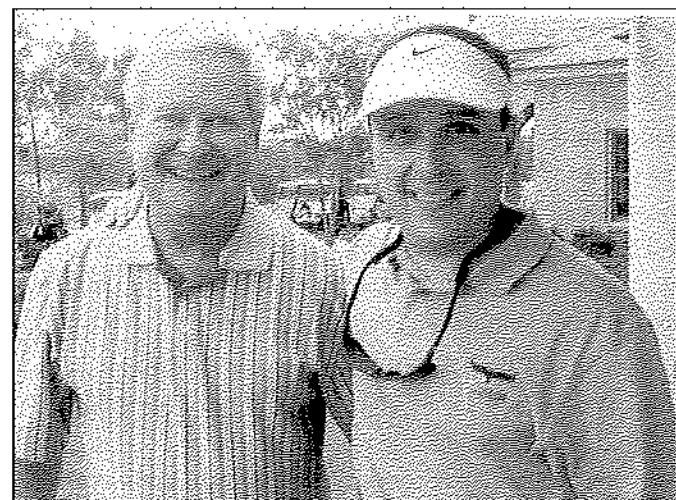
David Kauffman, HCBA President-Elect; Lyle Robinson, Tournament Co-Chair; Jay Kilpatrick.



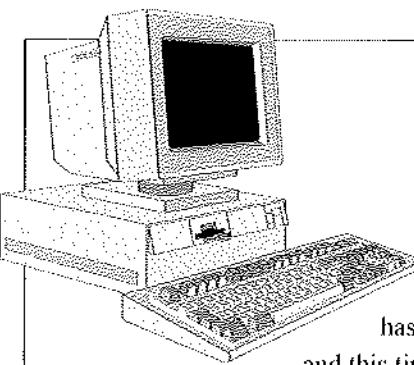
York Craig, III, and Rusty Brown, Committee Members; and Tina Gwin, Trustmark.



John Gordon (right) and Cole Taylor (left) with the Data Company; Keith Obert, Committee Member.



York Craig, Jr., Mississippi Bar President; and York Craig, III,



On Computing

by Joel Howell

The Internet lends itself to many avenues of cooperation. This article has previously discussed blogs, and this time around deals with wikis.

Ever heard of those? Defined by Wikipedia, a wiki is a type of website "that allows users to easily add, remove, or otherwise edit all content, very quickly and easily, sometimes without the need for registration."

The leading exemplar is Wikipedia (www.wikipedia.org), which is a free user-edited encyclopedia. You should spend some time browsing there. Its range and breadth is impressive.

Another example is the legal dictionary and encyclopedia of the Legal Information Institute at Cornell (www.law.cornell.edu/wex) which has been around for almost a year. A recently launched similar site is Wikilaw (www.wiki-law.org).

Thanks to Law Technology News and Robert J. Ambrogi, here are some examples of other wikis:

Encyclopedia of Congress: Congresspedia (www.congresspedia.org) is another new web resource modeling itself on Wikipedia. Congresspedia is a tool for citizens to research and share information about members of Congress. It was launched in April with 539 articles, one for every member of Congress, the non-voting delegates, and one former representative. Congresspedia expects users to build from there by adding articles on any subjects related to Congress. The site is a collaboration between the Center for Media and Democracy and the Sunlight Foundation.

MySpace for lawyers: Lawbby (www.lawbby.com) wants to be the site "where lawyers mingle," whether for business or pleasure. Like MySpace, which is where teens and college students meet and mingle, users can create their own profiles and groups, post photos and create blogs. Users can also post classified ads in categories such as jobs, expert services and lawyer referrals. Launched just over a month ago, the site has attracted only a smattering of activity so far. But, now all those lonely legal hearts have a home.

Supreme Court zeitgeist: Interested in what the collective voice of the web is saying about the Supreme Court? You can find out at The Supreme Court Zeitgeist (<http://judgejohnroberts.com>), a site that tracks news stories, blog entries, web links and books and magazines related to

the Supreme Court. This site achieves this tracking by aggregating the results of searches through tools including Google News, Technorati blog search and del.icio.us link aggregator.

Real estate research: If you practice real estate law, then check out Zillow.com (www.zillow.com). It's a real estate site launched in February, which provides free valuations and other information on more than 40 million homes in the United States. Most U.S. homes, not just those for sale, are included on this site. These valuations, which the site calls "Zestimates," are estimated market values computed using comparable sales and other data.

In addition, the site offers a variety of useful information, including historical value changes charted over the past one, five or 10 years; historical value changes as compared to surrounding zip code, city, state or the entire U.S.; all comparable home sales in an area; and individual home data, such as number of bedrooms/bathrooms, square footage, lot size, stories and year built.

You can use the site's My Zestimator tool to refine the listed value of a home, based on changes or additions to the home.

Zillow also provides satellite, aerial and parcel views of many homes. In addition to standard satellite images, Zillow uses the Bird's Eye View images of Microsoft Virtual Earth, providing multiple perspectives and amazing detail.

Need help finding public records? DetectiveForums.com (www.detectiveforums.com) is a new website which provides links to public records resources on the web alongside free bulletin boards where users can share resources and post questions on public records.

Currently, the site only has links in eight categories, but says it will soon have more than 75 categories. However, it is still very limited compared to the public records sites SearchSystems.net (www.serachsystems.net) or Pretrieve.com (www.pretrieve.com).

However, the site's bulletin boards could prove useful in helping researchers locate hard-to-find records. That, of course, will depend on how many users the site gets and how much information they have to share. But if you regularly search for public records online, this site is worth watching.

Questions or comments? Email
webmaster@hindsbar.com.

continued from page 6

"Anchored" employees can range from Mississippi Attorney General Hood to Krystal Hamburger cooks on North State Street. That leaves "Really Adaptable" employees who have the correct mindset, aptitude and education needed to stay one step ahead of unemployment. Everyone else is at risk.

This brings me to my concerns about Mississippi with its suspect education system where the average teacher's salary is about \$36,000 per year. Add to that deluded high school students who are convinced they are ticketed for the NFL, NBA or *American Idol* finals. (Yes, I know I have a thing about Simon Cowell and Ryan Seacrest but in the spirit of Bill O'Reilly, I invite you to "prove me wrong, prove me wrong.") Then there are the children of privilege who feel entitled to the six figure incomes of the parents without a clear idea of who is going to be signing those high dollar paychecks. And finally there are all of those other juvenile underachievers who can expect a lifetime of minimum wage employment but only if they are lucky and stay healthy. And in the worst case scenario there are way too many alienated high school drop outs that go on to be small time criminals, single teenaged mothers or both. Luckily, maturity is a proven cure all for the indiscretions of youth. But the bad news is that age and maturity alone won't supply the

necessary skills to confront the myriad of unfolding challenges in the new century. By then, the fate of too many people will already be sealed. Sure there are a lot of focused hardworking kids excelling in math and science, just not enough. And even if Mississippi could produce thousands of more of them there would still not be enough opportunity and money to pay off the crushing health care and retirement debt that aging baby boomers are about to run up.. If I sound pessimistic and just a tad cynical it is only because I am.

So what is the solution? Mr. Friedman advocates a genuine national conversation led by our political leaders about how to motivate, educate and otherwise develop our human capital to fit into one of Friedman's four categories of Untouchables. That conversation should include concrete measures to deal with America's aging demographic profile, like all of that is really going to happen. I sincerely hope that our current leaders and future generations will take up my O'Reilly like challenge and indeed prove me wrong. The first step to doing that is to realistically understand the challenges of a shrinking (read flatter) interconnected world economy. Reading *The World Is Flat: A Brief History of the Twenty First Century* would be a good starting place.

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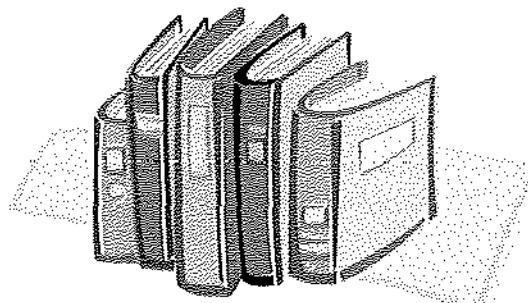
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Correspondence regarding the newsletter should be directed to: HCBA Newsletter Editor, 151 E. Griffith Street, Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 601-969-6097. The web site address is hindsbar.com.

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IMPORTANT

**HCBA Luncheon Meeting
& Ethics CLE
11:30 a.m., August 15**



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

FEBRUARY 2006



President's Column

by Alveno N. Castilla

THE JUSTICE GAP IN AMERICA

"Equal justice under law is not merely a caption on the façade of the Supreme Court building. It is perhaps the most inspiring ideal of our society...it is fundamental that justice should be the same, in substance and availability, without regard to economic status."

Former U.S. Supreme Court Justice Lewis Powell, Jr.

In this column, I am returning my focus to the primary theme of my presidency, pro bono service, and in doing so, I want to highlight a very important study. The above quote is quite appropriately used to introduce a report recently released by the Legal Services Corporation (the "LSC") entitled "Documenting the Justice Gap in America-The Current Unmet Civil Legal Needs of Low Income Americans" (the "Justice Gap Report"). In creating LSC in 1974, Congress recognized that there was (and still is) a need to provide equal access to the legal justice system in our country for those who would otherwise be unable to afford adequate legal counsel. In the LSC enabling legislation, Congress explicitly recognized that "providing legal assistance to those who face an economic barrier to adequate legal counsel will serve best the ends of justice, assist in improving opportunities for low-income persons," and "has reaffirmed faith in our government of laws."

In September 2004, LSC set out to try to document the extent to which civil needs of low-income Americans were not being met, taking into account all the changes in the civil justice system in the last decade, including both LSC-funded services and non-federal resources. (The difference between the current level of legal assistance and the level which is necessary to meet the needs of low-income Americans is referred to as the "Justice Gap.") A Justice Gap Committee

was formed, comprised of members from both within and outside LSC with experience in documenting unmet legal needs, and conducted a year-long study culminating in the Justice Gap Report. This study (some 19 pages, with several detailed appendices) is the first comprehensive national statistical study ever undertaken, and its results are very telling.

The study used three different methodologies to examine the Justice Gap question. First, LSC asked its grantees to meticulously document over a two-month period the potential clients that came to their offices but could not be served due to a lack of resources. The compilation of these results established that for every client who receives service, one applicant is turned away, indicating that 50 percent of the potential clients requesting LSC assistance are turned away for lack of program resources at the local level.

Second, the Justice Gap study carefully analyzed the nine studies undertaken over the last five years in certain individual states about the civil legal problems faced by their low-income residents, examining them for nationally applicable conclusions as well as comparing the results to the 1994 American Bar Association national study on the subject. This analysis demonstrated that less than 20 percent of the legal needs of low-income Americans were being met. Moreover, eight of the nine state studies found an unmet legal need greater than the 80 percent figure determined by the ABA in its 1994 national survey.

Finally, the Justice Gap study totaled the number of legal aid lawyers-those in both LSC and non-LSC funded programs, and compared that to the total number of lawyers providing civil legal assistance to the general population in the United States. On this score, the report concluded that there is one (1) legal aid attorney per 6,861 low-income persons. By contrast, the ratio of attorneys providing civil legal services to the general population is approximately one (1) for every 525 persons, or thirteen times more.

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HCBA LUNCHEON MEETING

Tuesday, February 21, 2006 Capital Club 12:00 Noon

Speaker: Joy Lambert Phillips, President of the Mississippi Bar

HCBA Calendar of Events

February 21, 2006

HCBA Membership Meeting

Noon Capital Club

April 18, 2006

HCBA Membership Meeting

Noon Capital Club

May 9, 2006

HCBA/JYL Evening Honoring the Judiciary

5:30 p.m. Old Capital Inn

June 20, 2006

HCBA Membership Meeting

Noon Capital Club

August 15, 2006

HCBA Membership Meeting

Noon Capital Club

Christian Legal Society Spring Luncheon

The Christian Legal Society of the Mississippi College School of Law invites you to attend our annual Spring Luncheon.

The guest speaker this year is United States District Judge Karon Bowdre.

The date is Thursday, March 9, 2006, at the First Baptist Church of Jackson.

Ticket price is \$12.

Please contact Judy Burnett at 601-925-7105 by March 2nd to reserve a ticket.

Ticket price will be collected at the door.

If you have any questions, contact CJ Robinson at (601) 354-9678 or (205) 389-0682.

Report of the Bench and Bar Committee

County Judge Mike Parker

For the past three years, Judge Mike Parker has served as Criminal Court County Judge for Hinds County. Judge Parker's duties include presiding over criminal appeals from municipal and justice court, conducting preliminary hearings in felony cases, administering and judicially enforcing the drug court, handling bad check court and the civil and criminal docket for the County Court for the Second Judicial District of Hinds County and also presiding over cases, mostly criminal, but some civil, assigned to him by the Circuit Court.

Bad check court meets two days per month in Raymond, which has the only courtroom big enough to handle that many people. Some 100 bad check cases are disposed of at each court sitting. Most bad check cases seem to come from checks written to grocery stores, discount stores or pizza establishments.

Preliminary hearings are held twice a month at Raymond for county and state felony cases and twice a month in Jackson for felony cases occurring in the city. City preliminary hearings are held in county court rather than city court only when the defense lawyer wants to make a record of the proceedings.

To dispose of de novo criminal appeals and original cases, Judge Parker conducts periodic docket calls. His court administrator sends out notice of the docket call and gives the attorneys involved an opportunity to set the case for trial by agreed order rather than having to appear at the docket call. Judge Parker believes strongly in the importance to the criminal justice system of getting criminal cases resolved in a reasonably timely manner.

Drug Court is an alternative means for dealing with drug users other than straight criminal prosecution. Drug Court is open to persons accused of first offense drug possession. Participation is voluntary. Usually a non-adjudicated plea of guilty to possession is taken.

The Drug Court participant then spends two years in the program. The participant must first go through 30 to 40 days of treatment at a treatment center and then report to a probation officer once or twice a week. After treatment, the offender must participate in an aftercare program such as Alcoholics Anonymous 3 to 4 times a week, maintain a steady job and submit to drug screen urine testing both on a regular basis and a random basis. The Drug Court has its own screening equipment at the courthouse.

Hinds County Drug had 40 participants when Judge Parker assumed the bench. Participation is now up to 120 persons. The success rate is approximately 55%, which is considerably higher than other treatment methods for drug offenders.

In preparing a grant application in 2003, Judge Parker examined the booking information at the Hinds County Detention Facility and found that 62% of inmates processed through the detention facility were charged with direct drug related crimes. This does not take into account other crimes that were only indirectly related to drugs, such as burglary or larceny committed in order to obtain money to buy drugs.

Judge Parker is from McComb. He attended Mississippi College as an undergraduate and then graduated from Mississippi College School of Law. Before becoming a County Judge he engaged in private practice for some 16 years. He also served for 8 years as Municipal Judge for the City of Clinton. Judge Parker lives in Clinton. He and his wife have three daughters.

Judge Parker has found serving as a County Judge to be interesting and challenging. He notes that County Judges do not have law clerks. He must, therefore, do his own research and analysis on unusual legal questions that may arise in county court. In one case, he was faced with an issue involving a non-possessory unwritten security interest in a horse taken as collateral for a loan. Judge Parker tries to take as few cases as possible under advisement. When he does take a case under advisement, he notifies the litigants and their attorneys in open court the date by which they will receive a ruling.

Judge Parker provided the following advice to lawyers litigating in his court "Be prepared. Be on time. Be professional. Argue to the Court, not to each other." Judge Parker has found his service as Criminal Court County Judge in Hinds County to be satisfying and rewarding. "I especially enjoy my work as County Judge because it gives me an opportunity to make a difference in the community in which I live."

HCBA Supports Stewpot Christmas in July

The Hinds County Bar Association is grateful to all attorneys and their staff members who participated in the Stewpot's Christmas in July. The response to requests for nonperishable food for the Stewpot pantry was overwhelming. A special thanks to committee members Melody McAnally and LeAnn Nealey and the following firms:

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Arrogance, Incompetence, Corruption, Ignorance and Denial

by Captain Equity

Back in the good ole days of my excellent Jackson Public School education there was no such thing as a learning disability. If you didn't do well you were generally dubbed by your teachers as dumb, lazy or both. The best you could hope for on your report card was, "your son has potential but doesn't apply himself." As you can imagine I got plenty of those. I went to college, not because I was a prescient teenager but because my parents who were not college educated informed me in no uncertain terms that more was expected from me in the realizing my potential department. I also worked to pay my tuition because I had to.

Once at college I discovered that people who drank too much were drunks, not substance abusers. People who didn't go to class weren't counseled and provided a tutor; they flunked out and got a job working construction. Society was far from perfect back in the late 1950s and '60s, especially if your skin was any color but white. But despite this character flaw for which Mississippi and the rest of the nation is still paying, there was collective agreement by adults of both races that honesty, competence and work ethic counted for something. Most people were appropriately humble, helpful and realistic about a world that was admittedly much more simple than today's. The line between right and wrong was well defined. If you did wrong you didn't make a mistake or an unfortunate choice, you did wrong. It wasn't someone else's fault, it was yours. And when you did wrong there were consequences that usually involved pronounced parental displeasure followed by corporal punishment, shame and contrition. This led to a process called maturity that resulted in responsible living and tangible accomplishment at all levels of society. Sure there were exceptions but that's exactly what they were: exceptions.

Unfortunately this America no longer exists. It has been replaced by a pervasive culture of arrogance, incompetence, corruption, ignorance and denial. This distinctly unflattering new American culture is mirrored daily by our government at all levels as well as by business, education, religion, the media, sports, entertainment and popular culture. The new paradigm of the successful American is characterized by all consuming self-centered ambition. The new focus is a fast track multi-tasking life where the single aim is to simply win at whatever the cost. The distinctly American concept of paying your dues has been replaced by a sense of entitlement to succeed in a big way, fast. Everybody else be damned. Rational debate and a sense of collective destiny as Americans have been replaced by an "us" and "them" mentality in everything we do. Partisan politicians fuel it, as do cable television news and radio talk show personalities that preach incessantly to the choir. Endless sensational redundancy passes for news while systematic character

assassination passes for honest opinion. Of course everyone in the "us" group intuitively knows the unvarnished truth when it presents itself. There are even a few clairvoyants like Pat Robertson and Ray Nagin who are also privy to the vengeful details of God's will as well. Anybody that dares disagree is summarily dismissed. When it comes to Pat Robertson they get the added bonus of being targeted by a hurricane or consigned to hell or both. As a result, we have become largely incapable of seeing life from the perspective of others either here in America or overseas.

I think this all started with the assassination of President Kennedy. Before that Americans tended to trust their Presidents and their government. This was particularly true with FDR and Eisenhower. The first time I can recall being lied to by a President was LBJ who escalated the Vietnam War by telling Americans in a televised nationwide address that one of our ships had been the target of an unprovoked attack in the Gulf of Tonkin. It turned out to be false, but President Johnson got his resolution from Congress to widen the war. A decade later 58,000 American servicemen had given their lives. Many more were maimed and living in V.A. Hospitals while still others with psychological wounds wound up living under bridges or behind liquor stores back in America.

Why had all those people died? Fighting communists was the official government line. However, historians later discovered taped phone calls between the President and Congressional leaders. One of the most telling was a conversation between LBJ and Georgia Senator Richard Russell in which LBJ told him flatly, "I will not be the first U.S. President to lose a war." The culture of the ego-driven imperial Presidency had taken root. As a reaction to LBJ we got Richard Nixon; a talented man whose tragic flaw was a sense of paranoia that ended up landing untold members of his administration in federal prison. Tricky Dick dodged becoming America's most famous writ writer thanks to President Ford's controversial pardon. America's slide into distrust and cynicism was accelerating.

Fast-forward to the Bush Administration as it begins its sixth year in office. These guys are a perfect reflection of the new American culture of arrogance, incompetence, corruption, ignorance and denial. Just pick the topic: the reckless and fraudulent Iraq war, Torture Gate, secret unlawful domestic spying, record budget deficits, loss of control of our borders, FEMA's Katrina response, the Medicare prescription drug fiasco, the Abramoff-Delay lobbying scandal, the Scooter Libby indictment, and on and on and on it goes.

But then the Democrats offer little solace and even less in

continued on page 12

Anti-Gouging Laws Are Bad-Gougers Are Good

by John Land McDavid

Anti-gouging laws are a form of governmental price control, which in the history of mankind has never resulted in anything good. Price controls always create shortages, cause hoarding and impede replacement of scarce goods. That price controls create these results is obvious from past experience and knowledge of human nature. Assume an extended power outage results in an extraordinary demand for ice and anti-gouging laws are in effect. When the first, panic-stricken person, who really needs only two bags of ice, gets to the ice store, what does he do? Realizing that the ice is still so cheap at the regular price, he buys the two bags he really needs and then buys six more bags "just in case" (if the price had increased to five dollars a bag, he would buy only two bags, curse the store owner as a "gouger" and move on). As ice is still selling for eighty-nine cents, the next buyer does the same and buys eight bags. This continues until the ice is gone. Twenty-five percent of the ice sold is actually needed. Seventy-five percent is being hoarded. When the next person needing ice arrives at the ice store, no ice is available at any price (if ice had gone to five dollars a bag, ice would be available for those who really need two bags). Everyone who follows suffers harm and damage as a result of there being no ice. The shortage has been caused by hoarding, which has been caused by anti-gouging laws. Allowing the price of a scarce item to increase allows for a wider distribution of the scarce product among the people who really need it instead of having it bought up at an undervalued price by hoarders. Mississippi anti-gouging laws provide for fines and jail time only for the retailer who raises prices. The anti-gouging laws do not provide punishment for hoarders. A balanced anti-gouging law would ideally provide fines and penalties for both the retailer and the hoarder. Such a law, however, would be unenforceable just as the present law creates shortages, causes hoarding and impedes the replacement of the scarce products. Price control not only creates shortages by causing hoarding, it causes shortages by discouraging, if not preventing, manufacturers and wholesalers from placing more of the scarce product on the market as the replacement product would have to be sold, under the anti-gouging laws, at less than market value, if not less than actual costs. Anti-gouging laws also create shortages by reducing a new supply of the scarce product by reducing the funds which the retailer has to replace the product. When the wholesale price of a scarce product is going up, a retailer has to prepare to replace the same amount of the product by immediately increasing the retail price. If he cannot, under price gouging laws, raise the retail price, he will not be able to replace the same

quantity of the product. When an emergency shortage occurs government should, if it does anything at all, take action to immediately end the shortage, which would end the price increase. Government should not harass consenting adults who engage in economic transactions such as selling and buying a tank of gas or a sack of ice. During the Katrina emergency, some Jacksonians would gladly have paid a thousand dollars for a generator in order to save thousands of dollars worth of perishable goods or to operate life saving devices. When government steps in to interfere with voluntary transactions, it rewards hoarders, creates shortages and prevents citizens from protecting their lives and property.

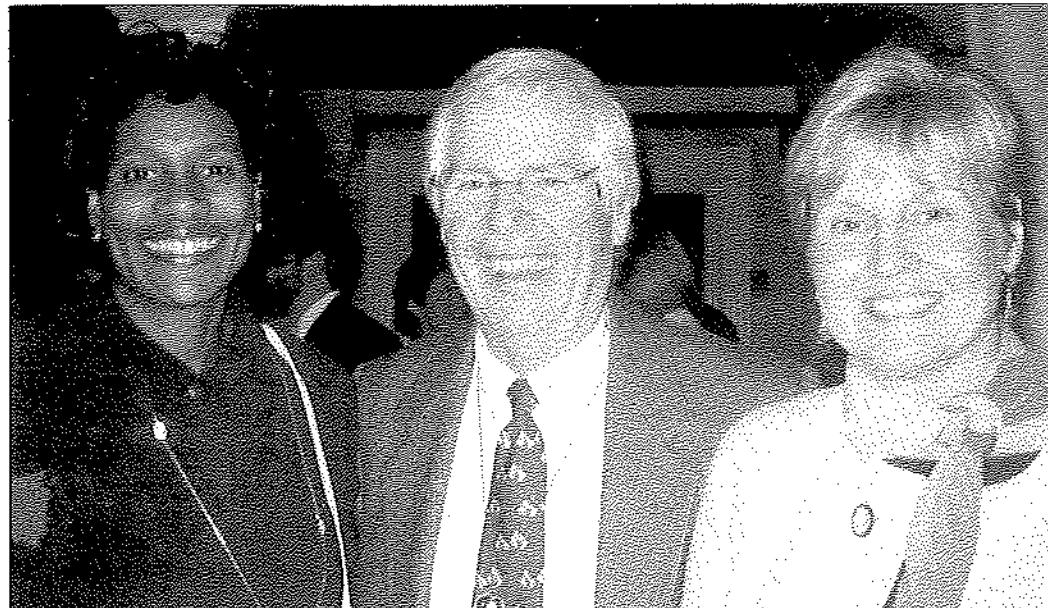
If government wants to do something intelligent during an emergency shortage, it would do the following:

1. Repeal or not enact anti-gouging laws;
2. Enact laws which suspend, during an emergency as to scarce products, all licenses, regulations or other restrictions on the sale of these items during the period of the emergency;
3. When an emergency occurs and a shortage develops for a product, a mayor (or a significant government figure) should announce far and wide by all means possible that there are no anti-gouging laws in place in, for example Jackson, and that gougers are urged to bring the scarce item to Jackson where they will be welcomed;
4. Provide gougers a parking lot or building or other space where the scarce goods can be stored and presented to the public, which locations are convenient to the public;
5. Provide the gougers with police protection when needed so the goods cannot be stolen or their activities interfered with.
6. Provide out-of-town gougers an allowance for room and board; and
7. Award each gouger a "Hero of the City" certificate along with a photo opportunity with the Mayor.

If this program is carried out enthusiastically, in all probability large trucks filled with ice (to continue the ice hypothetical) will arrive in Jackson from Montgomery, Nashville and Little Rock within a matter of hours and the shortage would be over. There is a good chance, if the government really promotes the program, so much ice will arrive the price will plummet to lower than before the emergency. So, government, the next time there is a shortage caused by an emergency, don't get "stuck on stupid". Call on gougers to save the day.

Christmas Social

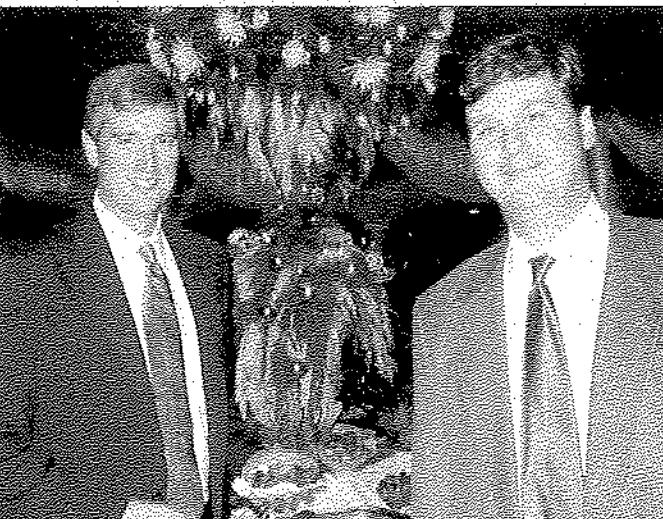
A record number of HCBA and JYL members and guests enjoyed the annual Christmas Social held at the Old Capital Inn on December 8.



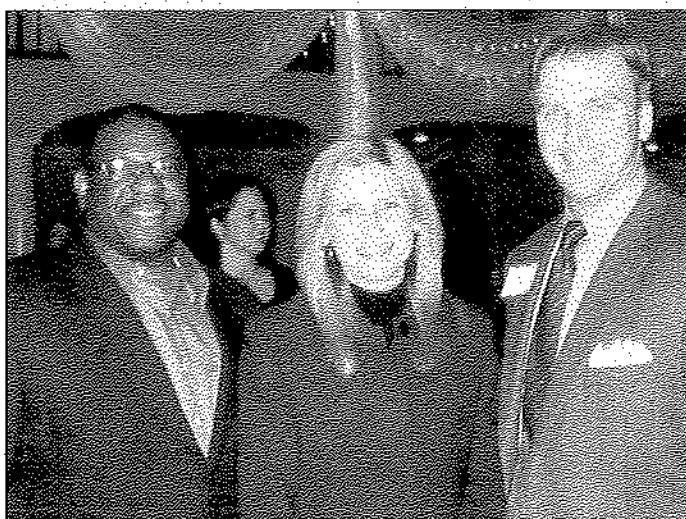
Venecca Green, James Robertson and Linda Thompson



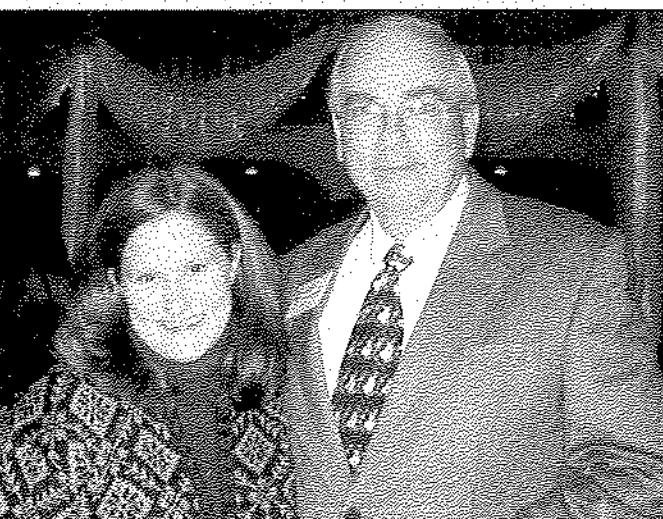
LaVerne Edney, Laura McKinley and Venecca Green



Dan Jordan and Meade Mitchell



Alveno Castilla, HCBA President, Tammra Cascio and David Maron



Gretchen Winstead and Dean Jim Rosenblatt

HCBA Professionalism Award

At the HCBA Dinner Honoring the Judiciary on May 9, 2006, the HCBA will present its seventh annual Professionalism Award. The recipient of the award will receive a plaque bearing his or her name, the year the award was presented, and the criteria for the award. In addition, the recipient's name will appear on a trophy on permanent display at the Mississippi Bar Center.

Nominations are being sought for this award. The recipient will be chosen by a selection committee comprised of the Senior Hinds County Chancery, Circuit and County Court Judges, the Senior United States District Court Judge from the Jackson Division, and three HCBA members.

The criteria for the award are that the nominated member must have consistently demonstrated adherence to professional standards of practice, ethics, integrity, civility and courtesy; have encouraged respect for, and avoided abuse of, the law and its procedures, participants, and processes; have shown commitment to the practice as a learned profession, to the vigorous representation of clients, and to the attainment of the highest levels of knowledge and skill in the law; and have significantly contributed time and resources to public service.

HCBA members are encouraged to submit the names and addresses of suitable candidates to Pat Evans, HCBA, 151 E. Griffith St., Jackson, MS 39201. A brief statement as to why the nominee is deserving of the award may be included with the submission of his or her name. *A deadline of March 10, 2006, has been set for receipt of nominations.*

Westlaw Open House and Recent Acquisitions

The State Law Library will host a Westlaw open house during National Library Week (April 2nd - 8th). Susan Ham of Thomson/West will be here to update us about new features, and she will have plenty of handouts. Please contact Charlie Pearce (601-359-3672) if you are interested in attending.

Below is a list of State Law Library book acquisitions made possible by Hinds County law library funds for the period from July 2005 until January 2006.

CALL #	AUTHOR	TITLE
HF 5549 .I7 .P47		The personnel manager's encyclopedia of prewritten personnel policies
HV 6017 .E53 2002		Encyclopedia of crime and punishment
HV 9471 .E53 2005		Encyclopedia of prisons & correctional facilities
KF 1045 .R47 2005		The restatement of suretyship & guaranty : a translation for the practitioner
KF 1070 .Z9L48	Levy, Steven Mark	Regulation of securities : SEC answer book
KF 1071 .Z9H39 2003	Hazen, Thomas Lee	Broker-dealer regulation in a nutshell
KF 1164.3 .D63 2003	Dobyn, John F.	Insurance law in a nutshell
KF 1175 .M48	Meyer, William E.	Life and health insurance law
KF 1190 .B69 2002	Boyer, Michael H.	Property investigation checklists : uncovering insurance fraud
KF 1218 .8 W53	Widiss, Alan L.	Uninsured and underinsured motorist insurance
KF 1223 .H36 2005		Handling fidelity bond claims
KF 1260 .S66	Speiser, Stuart M.	Recovery for wrongful death and injury
KF 1290 .A8 B53	Blashfield, De Witt C.	Blashfield automobile law and practice
KF 1290 .A9 K73	Krause, Charles F.	Aviation tort and regulatory law
KF 1296 .Z9P48 2003	Phillips, Jerry J.	Products liability in a nutshell
KF 1325 .C58S74	Steinglass, Steven H.	Section 1983 litigation in state courts
KF 1325 .C64N34 2004	Nahmod, Sheldon H.	Constitutional torts
KF 1380 .Z9M37 2001	Martin, Alson R.	Limited liability company & partnership answer book
KF 1380 .Z9M63 2005	Mancuso, Anthony	Nolo's quick LLC : all you need to know about limited liability companies
KF 1384 .Z9S53 2003	Shade, Joseph	Business structures in a nutshell
KF 1388 .G85 2005		Guide to nonprofit corporate governance in the wake of Sarbanes-Oxley
KF 1388 .Z9M36 2005	Mancuso, Anthony	How to form a nonprofit corporation
KF 1422 .Z9K78	Krus, Cynthia M.	Corporate secretary's answer book
KF 1440 .R37 2005	Ratner, David L.	Securities regulation in a nutshell
KF 1449 .W35 2006	Walton, Wesley S.	Corporate communications handbook
KF 1524 .C633		Collier bankruptcy practice guide
KF 1524 .L46 2004	Leonard, Robin	Bankruptcy : is it the right solution to your debt problems?
KF 1527 .S73 2005	Stern, Marc S.	Letters for bankruptcy lawyers
KF 1610 .M36 2004	McManis, Charles R	Intellectual property and unfair competition in a nutshell
KF 1611 .K36	Kanwit, Stephanic	Federal trade commission
KF 1627 .Z9P75 2005		A primer on the federal price discrimination laws
KF 1649 .S75	Stickells, Austin T.	Federal control of business. Antitrust laws.
KF 2231 T39	Taylor, Lawrence	Drunk driving defense
KF 240 .C54 2000	Cohen, Morris L.	Legal research in a nutshell
KF 251 .C53 2000	Ciampi, Maria L.	The question presented : model appellate briefs
KF 2750 .D54	Dienes, C. Thomas	Newsgathering and the law
KF 2765 .Z9T45 2005		Telecom antitrust handbook
KF 2905 .3 .P43	Pegalis, Steven E.	American law of medical malpractice 3d
KF 2905.3 .Z9B68 2003	Boumil, Marcia M.	Medical liability in a nutshell
KF 2910 .P75S25 2005	Sales, Bruce Dennis	Laws affecting clinical practice
KF 300 .Z9D35 2004	Daicoff, Susan Swaim	Lawyer, know thyself : a psychological analysis of personality
KF 303 .D37 2003	Darrow, Suzanne	The bar exam in a nutshell

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KF 306 .M67 2005	Morgan, Thomas	Lawyer law
KF 306 .Z9R72 2003	Rotunda, Ronald D.	Legal ethics in a nutshell
KF 314 .C45C65 2005		Compendium of client protection rules
KF 3463 .Z95T67 2004		Tortious interference in the employment context : a state-by-state survey
KF 3464 E68 2005		Equal employment law update
KF 3469 .Z95 S87	Susser, Peter A.	Disability discrimination and the workplace
KF 3471 .P73 2005		The practitioner's guide to defense of EPL claims
KF 3490 .G75 2005	Griffin, Tony B.	Wage and hour answer book
KF 3509 .Z9D69 2006	Downey, Barry K.	Nonqualified deferred compensation answer book
KF 3512 .B835 2006	Buckley, John F.	ERISA law answer book
KF 3512 .C66	Cooke, Ronald J.	ERISA practice and procedure
KF 3512 .E75 2005		ERISA survey of federal circuits
KF 3512 .K73 2006	Krass, Stephen J.	The 2006 pension answer book
KF 3512 .Z36 2005	Zanglein, Jayne E.	ERISA litigation
KF 3512 .Z9C38	Cavanaugh, Amy L.	Coverage and nondiscrimination answer book
KF 3512 .Z9M34	McGhie, G. Neff	Defined benefit answer book
KF 3517 .Z9A146 2006		401(k) answer book
KF 3615 .Z9H66 2005	Hood, Jack B.	Workers' compensation and employee protection laws in a nutshell
KF 3650 .P72	Pratt, David A.	Social security and Medicare answer book
KF 3735 .R46 2004	Renne, Jennifer L.	Legal ethics in child welfare cases
KF 3790 .G76 2005	Gross, Joel M.	Clean Water Act
KF 3821 .H435		Health law practice guide
KF 4119 .S37	Schneider, Ronna Greff	Education law : first amendment, due process and discrimination litigation
KF 4159 .Z9L46 2005	Lentz, Mary A.	Lentz school security
KF 4549 .O54 2004		One hundred Americans making constitutional history : a biographical history
KF 4550 .C43	Chandler, Ralph C.	Constitutional law deskbook : individual rights
KF 4550 .K55 2004	Kmiec, Douglas W.	The history, philosophy, and structure of the American constitution
KF 4550 .Z95M37 2003	Marks, Thomas C.	State constitutional law in a nutshell
KF 4550 .Z9P83 2006		The public debate over controversial Supreme Court decisions
KF 4764 .Z9 K87 2005	Kushner, James A.	Government discrimination : equal protection law and litigation
KF 479 .L44		Legal rights of children
KF 480 .R67	Rothstein, Laura A.	Disabilities and the law
KF 4819 .6 .B73 2005	Bray, Ilona M.	Fiance & marriage visas : a couple's guide to U.S. immigration
KF 4893 .V68 2006		The Voting Rights Act : securing the ballot
KF 524 .Z9W66 2004	Woodhouse, Violet	Divorce & money : how to make the best financial decisions during divorce
KF 535 .A37 2002		ADR options : a client handbook
KF 535 .D586 2001		Divorce forms : a handbook for clients : gathering information for your case
KF 535 .H36 1999		Handbook for the newly divorced
KF 535 .S87 2004		Surviving your divorce and beyond : a client manual
KF 535 .W43 2003		What your children need ... now! : a divorcing parent's handbook
KF 5402 .K63	Koch, Charles H.	Administrative law and practice
KF 5569 .T37	Tarlock, A. Dan	Law of water rights and resources
KF 5698 .B53 2005	Blaesser, Brian W.	Discretionary land use controls : avoiding invitations to abuse of discretion
KF 577 .Z9M35 2004	Makdisi, John	Estates in land and future interests : problems and answers
KF 590 .F75	Friedman, Milton R.	Friedman on leases
KF 590 .Z9S74 2004	Stewart, Marcia	Every landlord's legal guide
KF 593 .S24	Saft, Stuart M.	Commercial real estate leasing
KF 6491 .Z9F57 2004	Fishman, Stephen	Deduct it! : lower your small business taxes
KF 6606 .A93 2005		ABA sales & use tax deskbook
KF 7210 .S53 2004	Shanor, Charles A.	National security and military law in a nutshell

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KF 748.1 .W55	Wilkins, Robert P.	Drafting wills and trust agreements
KF 755 .Z9C54 2005	Clifford, Denis	Nolo's simple will book
KF 7685 .A73G85 2005		Guide to homeland security
KF 849 .F45	Feldman, Steven W.	Government contract awards; negotiation & sealed bidding
KF 849 .K49	Keyes, W. Noel	Government contracts under the Federal Acquisition Regulation
KF 8700 .S38	Schwartz, Victor E.	Guide to multistate litigation
KF 8700 .Z9R4 2003	Reynolds, William L.	Judicial process in a nutshell
KF 8720 .B37 2000	Barnes, Patricia G.	Congressional Quarterly's desk reference on American courts
KF 8745 .O25B57 2005	Biskupic, Joan	Sandra Day O'Connor
KF 8841 .K36 2003	Kane, Mary Kay	Civil procedure in a nutshell
KF 8863 .M38 2001	Matthews, Joseph L.	The lawsuit survival guide : a client's companion to litigation
KF 889 .3 .S68 2005	Stone, Bradford	Uniform Commercial Code in a nutshell
KF 8900 .B43 2005	Becker, Susan J.	Discovery from current and former employees
KF 8915 .Z9M34 2005	McElhaney, James W.	McElhaney's trial notebook
KF 8925 .C55 B87		Business and commercial litigation in federal courts
KF 8925 .P7B47 1991		Best of Trial: products liability
KF 8925 .S7.M33	Magnuson, Roger J.	Shareholder litigation
KF 8925 .T67W35	Wall, Dennis J.	Litigation and prevention of insurer bad faith
KF 8935 .L57	Lipson, Ashley S.	Is it admissible?
KF 8935 .Z9G7 2003	Graham, Michael H.	Federal rules of evidence in a nutshell
KF 8959 .A7A88 2004		Attorney-client privilege in civil litigation
KF 8961 .M63 2006		Modern scientific evidence : the law and science of expert testimony
KF 8972 .Z9G74 2003	Greene, Edie	Determining damages : the psychology of jury awards
KF 8990 .C34		Judgments in federal court
KF 9050 .A7B46 2004	Bentle, Ursula	Appellate advocacy : principles and practice
KF 9050 .T54	Tigar, Michael E.	Federal appeals: jurisdiction and practice
KF 9084 .Z9V36 2005	Van Winkle, John R.	Mediation : a path back for the lost lawyer
KF 9227 .C2 S77 2003	Streib, Victor L.	Death penalty in a nutshell
KF 9305 .B35	Bailey, F. Lee	Crimes of violence : homicide and assault
KF 9325 .B35	Bailey, F. Lee	Crimes of violence : rape and other sex crimes
KF 9430 .P38 2005		Patriot debates : experts debate the USA Patriot Act
KF 9618 .W45	Weinreb, Lloyd L.	Criminal process : cases, comment, questions
KF 9619 .B35	Bailey, F. Lee	Complete manual of criminal forms
KF 9630 .F57 2005	Fisanick, Christian A.	Vehicle search law deskbook
KF 9642 .D53	Diamond, Paul S.	Federal grand jury practice and procedure
KF 9642 .R47		Representation of witnesses before federal grand juries
KF 9646 .B87	Burkoff, John M.	Ineffective assistance of counsel
KF 9646 .G53 2004		Gideon's broken promise : America's continuing quest for equal justice
KF 9664 .N572	Nissman, David M.	Law of confessions
KF 9670 .C37	Carr, James G.	The law of electronic surveillance
KF 9685 .S66 2002	Spohn, Cassia C.	How do judges decide? : the search for fairness and justice in punishment
KF 9690 .P87	Purver, Jonathan M.	Handling criminal appeals
KF 9728 .Z9B73 2002	Branham, Lynn S.	The law of sentencing, corrections, and prisoners' rights in a nutshell
KF 9780 .F45 2003	Feld, Barry C.	Juvenile justice administration in a nutshell
KFM 6694 .B45	Bell, Deborah H.	Bell on Mississippi family law
KFM 6694 .Z9C53 2004	Clapp, Roger C.	Equitable distribution in divorce settlements in Mississippi
KFM 6730.5 .F6H35	Haley, Elbert E.	Mississippi foreclosure and related bankruptcy and title issues
KFM 6950 .C4N67	Nored, Lisa A.	Child advocacy in Mississippi
QA 76.76 .T49M37 2005	Masters, David L.	The lawyer's guide to Adobe Acrobat
R 121 .P35 2006		PDR medical dictionary
RM 671 .A1 P48 2006		PDR for nonprescription drugs, dietary supplements, and herbs
RS 75 .37 2006		PDR guide to drug interactions, side effects, and indications

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It is clear from the Justice Gap Report research that there is a serious Justice Gap in America. The research shows that at least 80 percent of the civil legal needs of the poor are not being met, and at least half of those eligible for assistance through LSC-funded programs have to be turned away for lack of LSC program resources. The analysis for the report was concluded in August 2005, before the devastating effects of Hurricanes Katrina and Rita, and consequently, none of the data in the report reflects the vastly increased need for legal assistance for these low-income disaster victims, either within the directly affected states or across the nation where evacuees have been relocated. The Justice Gap in Mississippi is certainly even more pronounced than the report indicates because of our higher poverty level to begin with, coupled with the greater direct impact of Hurricane Katrina. I am sure that the Justice Gap Report merely reinforces what the Mississippi Volunteer Lawyers Project and Mississippi's Legal Services Programs have known for a long time.

With the Justice Gap having now been well documented, what next? Lawyers render service; that is the essence of our profession. Having a responsibility to do our part to ensure that justice is the same, in substance and availability, without regard to economic status, it is our challenge to find meaningful ways to become engaged in pro bono service. Thankfully, the profile of pro bono activity across the profession and our community has risen over the past several years. Here are a couple of direct and immediate ways that you can participate in pro bono activity. First, you can volunteer to assist our Pro Bono Committee in its activities. We are in need of lawyers who will assist in our pro bono education program, whereby various seminars are held to make low-income individuals aware of their legal rights in

certain areas of the law. Such knowledge in and of itself can go a long way toward reducing the Justice Gap. We need attorneys at every experience level and in virtually every specialty. The Pro Bono Committee is also compiling a list of attorneys who are willing to assist those clients who do not qualify for assistance from the Mississippi Volunteer Lawyers Project or the Mississippi Center for Legal Services. Even though they may not meet the income guidelines of these programs, these are clients who still cannot afford to pay for needed legal services, or who can pay reduced rates. Veneca Green, chair of this committee, is doing an outstanding job and you can contact her at 601-354-4747 to let her know of your interest.

Second, you can contact Shirley Williams at the Mississippi Volunteer Lawyers Project (601-960-9577), or Linda Robinson at Central Southwest MS Legal Services (601-948-6752, ext. 232) to find out how you can help one of those organizations in their mission. Finally, if you have more money than time, you can always engage by contributing financially to one of these organizations (of course, under Rule 6.1 of the Mississippi Rules of Professional Conduct, one way lawyers can discharge their pro bono responsibility is to make an annual contribution of at least \$200 to the Mississippi Bar for use in providing legal service to the poor through legal aid organizations; donations to the Mississippi Center for Legal Services should be made through the Mississippi Equal Justice Foundation (800-959-6752, ext. 225)).

Again, as lawyers, there are countless ways that we can help reduce this Justice Gap. If you have not already done so, I urge you to identify either an area of service, large or small, where you can make a difference, or a financial contribution target. You will not regret it.

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the way of a coordinated policy to remedy these maladies. George Bush was elected by razor-thin margins in two elections because Al Gore came off as the ultimate "entitled" baby boomer philosopher-king whose demeanor was akin to that of an evolved elementary school monitor, the kind of kid we all hated in grade school. He should have just been satisfied with inventing the Internet. Then we get the ultimate in double talk with the imperious, self-important John Kerry whose talents include ill-advised wind surfing in the midst of the campaign and marrying a billionaire ketchup heiresses. While the disingenuous likes of Bill Frist and Tom Delay are bad enough, we were recently treated to world-class exhibition in blowhardism starring Senators Kennedy and Biden in the Judge Alito hearings. And of course there is always Howard Dean to spice up a slow news day. A lot of what Dr. Dean says is true, but he still has a penchant for making Karl Rove and his spin-doctor cronies look like geniuses. Meanwhile China and India buy more of America's debt every day while both countries continue to graduate many more engineers and scientists than does America. Iran, led by its hard right Islamist President races to build an atomic bomb and dares the world to do anything about it while the Palestinian extremist group Hamas is the new elected governing authority in the Gaza Strip. For that we can thank the Bush Administration that pushed for Palestinian elections over the desires of everyone else in the region. Even democracy can have a downside. And all the while we do our best to pretend nuclear North Korea doesn't exist thirty miles from Seoul's 9,714,000 residents.

But it is the American public that deserves the most criticism for the achievement of stunning new levels of denial and ignorance. For example, in a recent poll, 63% of Americans had no idea who Jack Abramoff is: 63%! That's after the guilty plea and the accompanying picture that makes him look like a don from the Tataglia crime family. Rather than demand energy independence, fiscal responsibility, reform of Social Security, Medicare, Health Insurance and Immigration policy, and the end to public corruption, 35 million Americans are just too busy to be bothered. They would rather watch *American Idol*. The show itself is a study in American denial. It features tens of thousands of young people who have no earthly idea how bad they are. Yet these "would be rock star" teens and twenty-somethings get missed when some rude Englishman in a black tee shirt points out this unassailable reality to them. Actually, I have watched the show a few times myself, but only as research for this piece mind you. I must admit it does bring a certain sense of perverse pleasure, but then I turn off the TV before *Dancing With The Stars* to read *Newsweek* and *The New York Times*.

The bottom line is this; things aren't going too well these days in America. Hoping to a return of the America I grew up in is too much to ask. However, I certainly hope some rational and responsible candidates from the two major parties will emerge in time for the midterm elections in November. But even if they do, the only people that will vote will be over 60. Everybody else will be trying to get on *American Idol* as a contestant.

*The Hinds County Bar Association and
the Jackson Young Lawyers Association
invite you to join us for an*

Evening Honoring the Judiciary

*Tuesday, May 9, 2006
at The Old Capitol Inn
226 North State Street
Reception at 6:30 p.m.
Dinner at 7:30 p.m.*

*Special Guests: Hinds, Madison and
Rankin County State and Federal Judges*

Innovator Award Nominees

The HCBA has given six Innovator Awards to judges who have begun various innovative ways to improve the administration of justice, such as an approach to speed up the docket, to better communicate with the public, to advance technology in the courtroom, and many others.

Past recipients of the Innovator Award include Judge James E. Graves; the Mississippi Supreme Court, two-time award recipient, Judge Breland Hilburn; Justice Edwin Pittman, and Justice Bill Waller, Jr. The Innovator Award will be presented at the Evening Honoring the Judiciary on May 9, 2006.

The HCBA encourages your nominations for this Award. Please send nominations by March 10, 2006 to Pat Evans, HCBA Executive Director, 151 E. Griffith Street, Jackson, MS 39201.

Hinds Circuit Court Information

Judge Yerger

Court Administrator: Karla Watkins (601-973-5576)

E-mail: kwatkins@co.hinds.ms.us

Law Clerk: Meta Poole (601-973-5576)

For scheduling motions, Judge Yerger uses a first come - first serve sign-up sheet for discovery motions, which are heard in his courtroom. Other motions are scheduled for a specific time and are heard in his chambers.

Judge Green

Court Administrator: Frances Ashley (601-968-6658)

E-mail: fashley@co.hinds.ms.us

Law Clerk: Andrea Barnes (601-968-6792)

Motions are heard in Judge Green's courtroom. Docket sheets showing the motion schedule for that day are available at each counsel table.

Judge Kidd

Court Administrator: Evelyn Hunter 601-968-6688

E-mail: ehunter@co.hinds.ms.us

Law Clerk: Gerald Munford (601-973-5577)

Judge Kidd's motions are heard in his courtroom. A docket sheet showing the motion schedule for that day is posted on his bulletin board right outside his courtroom.

Judge DeLaughter

Court Administrator: Mary Gaines (601-857-8098)

E-mail: mgaines@co.hinds.ms.us

Law Clerk: Lee Turner (601-968-6656)

Judge DeLaughter hears his motions in his courtroom. He does not call up his motions in any pre-set order, but in the order that he believes would be the most appropriate.

Information furnished by Hinds County Bench and Bar Relations Committee

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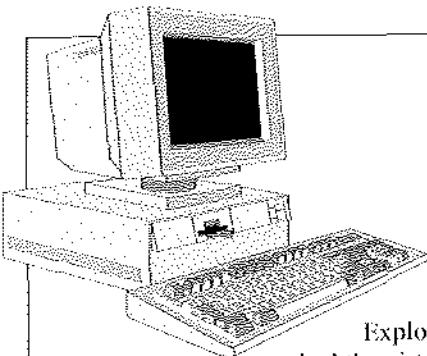
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On Computing

by Joel Howell

A long, long time ago in a universe far, far away, the only choices in browsers were Internet Explorer and Netscape, which had the virtue of being mostly first, but now is little used.

Today, the choices are qualitatively and quantitatively greater: Internet Explorer, Netscape, Flock, Opera, Safari (Mac only) and Mozilla's Firefox. The latter is a robust product and worthy of your attention, but the help files and site accessibility leave a lot to be desired. Here's a closer look, with thanks to Kim Komando for some details and particularly the links at her web site.

Surfing can be more convenient with tabbed browsing, which lets you open tabs, each displaying a web page, within a single Firefox window. To open a new tab, among many other ways, press Ctrl+T, then browse wherever you wish. To close it, among other ways, press Ctrl+W. Switch from site to site by clicking on the tabs.

The scalability of viewing options is particularly nice. Use Firefox's Image zoom feature for viewing small pictures. To view a larger image simply right click on an image to access the zoom menu and choose from preset zoom sizes. You can also enlarge or reduce text.

Firefox can be enhanced by "extensions," Mozilla's word for programs that add features and functionality to Firefox, such as dictionaries and weather forecasts. Some can be installed on your toolbar, while others can be accessed by right-clicking.

Extensions can be found by opening Firefox and clicking Tools, Extensions and the "Get More Extensions" tab at the bottom of the dialog box, which opens a new browser window. This allows you to begin your search for extensions through groups such as newest, most popular, highest rated, and category. Each of these provides a brief description, ratings, and user comments, as well as a link for downloading. The installation process begins by clicking the download link, followed by a dialog box that will walk you through the installation process. To activate the extension, close Firefox, then reopen it.

With more than eight hundred extensions available, not all intuitively accessible, take a look at some of the best, readily found at www.komando.com/firefox.html, which has links to each.

The Answers extension lets you left-click your mouse and depress the Alt key over any word. This gives you facts and definitions associated with this word, taken from sources such as dictionaries and encyclopedias. You can also highlight the phrase with your mouse, right click

and select "Look up on Answers.com."

Another handy tool is Forecastfox which displays current weather and forecasts. After installation, click Tools, Extensions and double-click Forecastfox, which opens a dialog box to customize the forecast location and display options. This can be handy for travelers with laptops.

There is an extension for email as well. Gmail Manager and Yahoo Mail Notifier monitor your email accounts from those providers and notifies you of new messages in your inbox, with a number of display options, which can be visual and verbal.

Firefox does not always properly display Web sites, but you can create an IE tab. This launches Internet Explorer in a Firefox tab, so you can stay within an active Firefox session and still switch to IE for a particular site.

Finally, you can download and install Cards, which provides access to more than thirty solitaire games. To access games, simply click Tools, Cards and the games open in a pop-up window.

To uninstall an extension that you no longer find useful, Just click Tools, Extensions, then click on the extension that you no longer want installed, and click Uninstall. Restart Firefox to finish the removal.

Questions or comments? Email webmaster@hindsbar.com.



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- ◆ Divorce
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LEGAL BEAGLE 5K

Run/Walk

USATF CERTIFIED COURSE (MS02006RH)

Sponsored by: THE JACKSON YOUNG LAWYERS ASSOCIATION to benefit THE MS VOLUNTEER LAWYERS PROJECT

Saturday, March 11, 2006

Registration: 7:00 a.m.

Run/Walk Start: 8:15 a.m.

Refreshments by Beagle Bagel! **A MS Track Club GRAND PRIX Event!** Door Prizes by Fleet Feet Sports!

Join Jackson Young Lawyers and other sponsors for this fun filled run/walk on the **OLD PHIDIPPIDES WATERMELON CLASSIC 5K (3.1 miles)** COURSE, a flat and fast USATF certified course through residential streets of Northeast Jackson. The run will start on Old Canton Road near the LeFleur Station U.S. Post Office and finish alongside the I-55 Kroger on Jacksonian Plaza. Run proceeds will benefit the Mississippi Volunteer Lawyers Project of the Mississippi Bar Association, which places pro bono cases for underprivileged people with volunteer lawyers. There will be awards for M/F runners and walkers for overall, masters, grand masters, and senior masters and top three awards for the standard five-year age groups from under 14 to over 70. There will be a trophy for the firm or business with the most overall participants. The popular Legal Beagle T-shirts are included in the race materials and are also available for sale without race entry. A one mile fun run will be held at 9:15 a.m. In the fun run, there will be awards for overall male and female, and top three awards in the following age groups: 5 & under, 6-7, 8-9, 10-12, & 13-15. Registration will be held in the parking lot of Regions Bank alongside the I-55 Kroger (between the post office and Krystal).

This year's race will also feature a corporate team competition (5K run and walk only). Team members must be part or full-time employees or retirees of company. Entries and fees must be submitted in a single envelope. Teams may have 3 to 5 members, but only the top 3 finishers for each team will be scored. Company may enter more than one team. No race day team registration, please. Team registration fee is \$40. Awards to top 2 teams in 5K run and walk.

REGISTRATION FORM

5K WALK: []

5K RUN: []

1 MILE FUN RUN: [] (children 15 and under)

Name: _____ Phone: (home) _____ (work) _____

Address and e-mail: _____

Date of Birth: _____ Age: (as of March 11, 2006) _____ Male: [] Female: []

T-shirt size: S[] M[] L[] XL[] XXL[] (\$2.00 extra) Name of Participant's Firm or Business: _____

Name of Corporate Team (if applicable): _____

Cost: Pre-registered (5K run, walk, and fun run): \$15
Race Day (5K run and walk): \$20
Race Day (fun run): \$15
T-shirt: \$15
Family (5 maximum): \$45

Make checks payable to:
Jackson Young Lawyers Assoc.

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Sunday	noon. - midnight

EXCEPTIONS

Spring Break

Friday, March 10th	7:30 a.m. - 5:00 p.m.
Saturday, March 11th	9:00 a.m. - 5:00 p.m.
Sunday, March 12th	1:00 p.m. - 5:00 p.m.
Mon., March 13th - Thurs., March 16th	7:30 a.m. - 5:00 p.m.
Fri., March 17th - Sat., March 18th	9:00 a.m. - 5:00 p.m.

Easter

Friday, April 14th	9:00 a.m. - 5:00 p.m.
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EXAM SCHEDULE

April 28th - May 10th

Monday - Friday	7:30 a.m. - midnight
Saturday	9 a.m. - midnight
Sunday	noon - midnight

Summer hours will begin May 11th.

*For more information please call 925-7120
Hours are subject to change without notice.*



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Correspondence regarding the newsletter should be directed to: HCBA Newsletter Editor, 151 E. Griffith Street, Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 601-969-6097. The web site address is hindsbar.com.

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HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

JUNE 2006



President's Column

by John C. Henegan

The Hinds County Bar Association, with Alveno Castilla as President, has had an active and productive 2005-2006 term. Under his leadership, HCBA immediately responded with volunteer and financial assistance for those Mississippi Gulf Coast attorneys whose practices were devastated by Hurricane Katrina. It also supported and extended its pro bono and community services. HCBA co-hosted with Jackson Young Lawyers Association "The Evening Honoring The Judiciary", which is our annual event and continues to grow. HCBA also planned its annual golf tournament to be held June 12, which is the fundraiser for Volunteer Lawyers Project. Notably, HCBA also began laying the ground work for a Diversity Roundtable Conference, an event that you will read and hear more about. None of this would have been possible

without the unselfish volunteer efforts of countless HCBA members and the enthusiastic, efficient, and tireless support of Patricia Evans, our Executive Director.

The 2006-2007 term is the 75th anniversary year of the HCBA. We plan not only to continue these same activities but also to re-establish some old committees and begin some new ones. You can find a list of the committees elsewhere in this newsletter.

The 25 committees are chaired by some of the most capable people that I have had the good fortune to know in any profession or business. They come from a cross-section of our profession. Many are past presidents of this or other bar associations or organizations. All are very busy, but they have unselfishly agreed to give their time to the HCBA. I am optimistic about the promise that their leadership and efforts holds.

This theme of the 2006-2007 HCBA year is diversity. This topic has for me a number of different dimensions that will I hope become apparent as the year unfolds. State Supreme Court Justice James Graves and William Winter,

continued on page 7

April Membership Meeting



The April Membership Meeting program was given by John Dowdy, Assistant U. S. Attorney. Pictured with Dowdy is Dean Jim Rosenblatt of Mississippi College School of Law, and Alveno Castilla, 2005-2006 HCBA President.



At the April Membership Meeting the Hinds County Bar Association presented \$8000 through its Community Grant Committee to The Center for Violence Prevention. Accepting the check from Alveno Castilla and Melody McAnally, Chairman of the Community Grant Committee, is Josh Turner, a board member of the center.

HCBA LUNCHEON MEETING

Tuesday, June 20, 2006 Capital Club 12:00 Noon Cost \$15.00
Speakers: Honorable William Winter and Justice James Graves

HCBA Calendar of Events

June 12, 2006
HCBA Golf Tournament
Noon. Reunion Golf Club

June 20, 2006
HCBA Membership Meeting
Noon. Capital Club

August 15, 2006
HCBA Membership Meeting
Noon. Capital Club



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William Winter Receives HCBA Professionalism Award

William F. Winter was presented the eighth annual Professionalism Award by John Henegan, 2006-2007 HCBA President at the Evening Honoring the Judiciary. Linda Thompson chaired the Professionalism Award Committee. Winter received a glass plaque bearing his name, the year of the award, and the criteria for the award. In addition, his name will appear on a trophy on permanent display at the Mississippi Bar Center.

The criteria for the award are that the nominated member must have

consistently demonstrated adherence to professional standards, ethics, integrity, civility and courtesy; have encouraged respect for, and avoided abuse of, the law and its procedures, participants and processes; have shown commitment to the practice as a learned profession, to the vigorous representation of clients, and to the attainment of



William F. Winter received the 2006 Hinds County Bar Association Professionalism Award. He is pictured with John Henegan and Alveno Castilla.

the highest levels of knowledge and skill in the law; and have significantly contributed time and resources to public service.

Past Professionalism Award Winners are: Hal Miller, Reuben Anderson, William Goodman, George Hewes, Alex Alston, Thomas Crockett, and Louis Watson.

The HCBA Diversity Roundtable - November 16, 2006

by John C. Henegan, HCBA President

Diversity is this year's theme of the Hinds County Bar Association. The word has a currency today that it did not have 15 years ago, and its meaning can vary depending on the experiences and the religion, age, gender, or race of each person that uses it. Exploring these differences in a candid way might be a challenge, even unsettling, for some, but, if so, it might prove also to be beneficial and productive. To this end HCBA will host a morning-long Diversity Roundtable followed by a keynote lunch on Thursday, November 16, 2006.

The Roundtable will address the broad issues of diversity as they relate to law firms and businesses in Mississippi. Officers and in-house counsel of Fortune 500 firms with a presence in Mississippi will be panelists and speakers. Along with HCBA, other organizations that will co-host this event include Leadership Jackson 2000, Mississippi College School of Law, Mississippi Economic Council, and University of Mississippi Law Center. Not only will the members of these host organizations be invited for a modest fee, but we also plan to invite the State Legislature, our state-wide elected officials, and other key county and local public officials to attend.

Our co-hosts and several of our local law firms have already agreed to help provide in-kind support and/or underwrite the expenses of this event. Each law firm with members in HCBA is being invited to be a sponsor of the Roundtable with those letters having already gone out as of today.

Why a Diversity Roundtable under the banner of HCBS, in this place, and this year? Diversity means to me that every person, regardless of race, color, gender, religion or creed, has a fair opportunity to play a role in the significant decisions of our republic that affect or influence their individual lives and those of their families. Mississippi has the sixth most diverse population among the 50 states, trailing only Hawaii, New Mexico, California, Texas, and Maryland, with Georgia and Florida following Mississippi. This is not a recent trend. In 1980, Margaret Walker Alexander, the Mississippi writer and Professor at Jackson State University, noted that Mississippi was "a part of the

great pluralistic fabric of this nation" being "home to four races in the family of mankind; the red men . . . white men . . . black Africans . . . [and] Oriental Americans." Since then, Mississippi like the rest of the country has only become more culturally and ethnically diverse, and current demographics predict that Caucasians will make up by 2050 less than 50 percent of the country's population.

Since Alexander's remarks, some gains have been made in the State related to the issue of diversity. Today, Mississippi has the highest percentage of minority public elected officials of any State. Three African-Americans and two women have since served or are serving on the State Supreme Court, with many more serving in our state trial courts. The Choctaw Nation in Neshoba County has obtained an economic self-sufficiency that many people would have not believed was possible 30 years ago. But much still remains to be done. Indeed in a recent state-wide poll of community leaders and public officials, improved race relations was identified as the number one priority of those responding.

Recalling the barriers of the past that have divided us may be one place to begin. Recognizing that while we are different we all have the same basic needs and wants is certainly another place to start. Obtaining a better understanding within the business and professional community about issues that are unique to minorities and women is another. Discussing the tangible social and economic benefits that can arise from a diverse professional and business community is another. No doubt there are other issues worth exploring as they relate to diversity. State Supreme Court Justice James Graves and William Winter, former Governor of the State, will be exploring different aspects of these subjects as our featured speakers at the HCBA's June 20 membership meeting.

The HCBA will address them further in later editions of this newsletter and in other ways leading up to the Diversity Roundtable and throughout the remaining year. As President of the HCBA, I hope that you will follow, and become a part of, this discussion.

Among the Idiots

by Luke Dove

In The Common Law, Justice Oliver Wendell Holmes observed that "Judges are apt to be naïf, simple-minded men". Today, Holmes' perceptive characterization must be amended to include naïve, simple-minded women. But whatever the gender of the wearer, Holmes understood that donning a judicial robe does not confer wisdom.

Justice Antonin Scalia apparently does not subscribe to Holmes' maxim, for he regards himself the keeper of a wellspring of a judicial wisdom untapped by others. In particular, Justice Scalia is fond of appearing before sympathetic venues to publically deride the notion of a "living constitution".

Speaking before disciples of the Federalist Society, Justice Scalia labeled as "idiots" those who regard the Constitution as a "living" document. He said:

But you would have to be an idiot to believe that. The Constitution is not a living organism, it is a legal document.

It says something and doesn't say other things."

It is true that the Constitution is a legal document. But it is not a real property lease, nor a Bill of Lading. It is not a Letter of Credit, nor a surety bond. It is the embodiment of our fundamental law, our principles of self governance and individual liberties. As others have said better, the Constitution is a framework to protect and nurture liberty, not a straitjacket to bind liberty to the 18th century.

But Justice Scalia would demur. He professes to be an "originalist" and asserts that judges must adhere to the precise text of the Constitution. The meaning of those venerable words, he believes, was locked in place at the time they were written. This meaning, Justice Scalia insists without irony, can be discerned by a study of contemporaneous writings. Thus, a judge who properly applies principles of originalism can neither create nor destroy constitutional rights. Those rights are fixed. Justice Scalia argues that proponents of a living constitution want fundamental issues decided by

appointed justices who answer to no one and who may twist and torture the words of the Constitution to create new "inherent rights" which must be applied regardless of public will and Constitutional strictures.

Justice Scalia was appointed to the Supreme Court because of brilliant polemics. But, brilliant polemics may not equate to the most brilliant judgment.

Fortunately, our system of stare decisis and multi-member appellate courts constrains the ability of individual judges, no matter how brilliant, to unilaterally advance personal preferences. They must, by persuasion and reasoning, convince a majority of colleagues to adopt their view. Because Justice Scalia has been unable to fully accomplish this to date, he resorts to lampooning others through public ridicule.

I am neither qualified nor inclined to address the doctrine of originalism in depth. But I feel confident enough to say that the genius of our Constitution is that its principles are sufficiently broad to allow responses to new conditions while remaining faithful to the original intent. It is easy enough to argue that Madison and Jefferson never intended that an abortion or the practice of consensual homosexual acts should become constitutionally protected rights. But consider the pending appeal of Bernard Ebbers who alleges that the deliberate refusal of the government to offer immunity to three crucial witnesses prevented him from being able to call these persons as defense witnesses and thus deprived him of his Constitutionally protected right to a fair trial and due process of law. No doubt that was not a right contemplated in 1789, but it is a right which the Second Circuit may now finally recognize due to the extreme circumstances of the Ebbers case.

So I am happily living and playing among the idiots. I believe in a "living constitution", and certainly as opposed to a dead one. But even though I may be a idiot, I at least remain comforted by the knowledge that, as Justice Oliver Wendell Holmes observed:

"Judges...are simple-minded".

Back to the Future

by Captain Equity

Where has the time gone? It seems like only yesterday that America entered what historians now nostalgically refer to as its "Police State Lite" period. Those were the good old days when the NSA egged on by Vice President Cheney from an undisclosed location aspired to become the American secret police equivalent of the KGB, SAVAK, and a dozen other twentieth century internal security arms of the ruling elite. These acronyms were scattered throughout the world, but were all dedicated to keeping the home folks in line. Actually, secret police is a little harsh. I like to think of these organizations as merely being the muscle of executive branch human nature that must be flexed whenever the rank and file attempts to speak truth to Power. Anyway, back in 2006 a majority of self-absorbed, multi-tasking Americans didn't seem too concerned. After all, the stated purpose of domestic spying was to keep Americans safe from the boogeyman (terrorists, communists, traitors, Howard Stern). It was reminiscent of former Mississippi Governor Ross Barnett's famous aphorism, "If you can't trust a Trustee, who can you trust?" Just substitute government for Trustee and there you go. You would have thought that past abuses of civil liberties by the likes of Joe McCarthy, J. Edgar Hoover and Richard Nixon would have tipped off Americans of things to come. George Orwell's 1984 or perhaps a study of German political history in the 1930s should have also done the trick. But, thanks to the nation's fragile attention span most Americans were just too busy to be bothered. And for those who did attempt to pay attention, there was always the omnipresent American Idol not to mention CMT's Search for Coyote Ugly, the Iron Chef, the NBA, et al to distract them. Ah, the good old days of carefree ignorance.

Yep, that was 26 eventful years ago when we had real larger than life heroes like Simon Cowell, Emeril Lagasse and Katie Couric. Yes those were the days when an "It's me" attitude coupled with old fashioned half hearted effort made it possible for every entitled American kid to be a college student athlete charged with a felony, an illiterate millionaire rapper or a gorgeous albeit dumb as dirt television spokesmodel. Heck, even a kid with a 2.1 GPA, a string of business failures and chronic bad judgment could go on to be President of the United States. Yes, it was 2006 and the USA was the envy of the world for having pioneered the interest only mortgage. Unfortunately, I doubt we will ever revisit those high

riding days again. I guess that is why I am writing this little essay (in secret of course). Thanks to advances in quantum physics not to mention a corrupt NSA block captain who looks the other way for a half pint of Heaven Hill, I am able to alert past generations to just how good things were back then while there is still time to make the most out of every precious moment in the present.

It all really started with the 2006 mid-term elections. Faced with a disenchanted electorate fed up with unprecedented levels of corruption, incompetence and just plain dumb decisions, the Democrats took back control of the House and Senate. By late 2007 it was clear that the Democrats would win the White House. The only uncertainty was the identity of the nominee. Senator Hillary Clinton was the odds on favorite back in 2006, but other ambitious Democrats diluted her commanding lead as November 2008 neared. No less than 83 Democrats were considered serious contenders in January 2008. The list included everybody from Senate Majority Leader Harry Reid and Speaker of the House Nancy Pelosi to former nominees Al Gore and John Kerry. Even Mississippi's former Lieutenant Governor Amy Tuck, again a Democrat, was polling well. Political experts said that given the number of Presidential hopefuls, a 2% following was considered viable. In the end, Senator Clinton fell victim to an anti New York backlash. It started in 2007 when the Mets beat the Yankees 4 games to 3 in the World Series. The 2008 Super Bowl was won by the Eli Manning led New York Giants over the New York Jets. But the clincher was American Idol, the true barometer of American culture and politics. Rhonda Berkowitz of Queens beat out Candles Portera of Manhattan for the crown. America and the Democratic Party were suddenly sick of the Empire State.

John Kerry defeated Senator Clinton by two votes at the annual convention held in Burlington, Vermont as a nod to Party Chairman Howard Dean. The ticket of Kerry-Pelosi routed Presidential nominee Bill Frist and his running mate Porter Goss later that November. Yes, looking back, Americans had high hopes as the country headed into 2009. Unfortunately, that is when things began to seriously unravel. President Kerry's unprecedented levels of imperiousness and incomprehensibility made his 2004 campaign look downright Reaganesque. By 2012 even Democrats

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Dear Senator Specter, Senator Leahy, and Members of the Committee on the Judiciary:

I urge that the Senate confirm Michael B. Wallace to the office of Circuit Judge, U. S. Court of Appeals for the Fifth Circuit.

Mike Wallace's Ability, Experience And Professional Integrity Are Beyond Dispute

You do not need me to tell you about Mike's outstanding academic credentials, the breadth of his experience in the law, or the high regard in which he is held by his peers. No one disputes that Mike is a brilliant lawyer. His reputation for personal integrity is exemplary.

Mike Wallace Understands And Respects The Judicial Role

Complaint is made of the causes of some of Mike's clients. He has represented lots of Republicans, and in some hot button cases. In 1999 he counseled the Senate Majority Leader Trent Lott in the Clinton impeachment proceedings. Many like me thought the cause wrong headed, though I have never heard it suggested that Mike gave Senator Lott anything other than insightful professional advice and counsel. Mike's participation in reapportionment litigation leaves no doubt he knows his way around the courthouse, the Constitution and the Voting Rights Act. He was dead right in his legal arguments advanced on behalf of Republican Governor Kirk Fordice in the Mississippi tobacco litigation in the 1990s.

What is less well known is that Mike Wallace has not shied away from clients whose causes seldom find favor in conservative Republican circles. He represented African American citizens in Claiborne County in opposing a bizarre effort to strip the county of ad valorem tax revenues from the Grand Gulf Nuclear Plant. He represented asbestos plaintiffs in state court actions against manufacturer defendants in the mid-1980s. In 1993-94, Mike helped a partner successfully cheat Louisiana's hangman. He has strongly supported the pro bono activities of his firm, which range from post-conviction proceedings on behalf of more than a dozen condemned murderers to post-Katrina relief.

Mike Wallace has shown that he understands the public responsibilities of a lawyer in our society. This strongly suggests to a fair-minded observer that Mike understands and will adhere to the limited role of an intermediate court of appeals within our government.

He will respect the principles embodied in the interpretive precedents emanating from the Supreme Court.

I know whereof I speak. I served almost ten years on the Supreme Court of Mississippi. I had the personal experience of encountering cases where, had I had my personal druthers, the decision would have gone one way, but, because the controlling legal principles suggested otherwise, I wrote against my druthers.

The ultimate "look at yourself in the mirror" test for any appellate judge is the case where, coming out of post-argument conference, the judge is charged to write along certain principles agreed upon by the panel, only to find that such an opinion "just won't write," so that you have to go back to the panel and say "We've missed this one."

Writing opinions that respect the process of reasoned elaboration of the law is crucial to the integrity of the judicial process for many reasons. Most important, it minimizes mistakes. Any appellate judge who has served for any length of time and does not have a folder of draft opinions that "just wouldn't write" is not as much of a judge as he or she ought to be. That folder is a powerful reminder that the judge should not succumb to caseload pressures and acquiesce in decisions without full published opinions, except in the clearest of cases.

As smart as Mike Wallace is, I know that after a few years on the Fifth Circuit he will have his folder of draft opinions that "just wouldn't write." And in his "writes" and "re-writes," Mike has the intellectual integrity and personal backbone to respect the process of reasoned elaboration of the law, even when it cuts against views strongly held on other grounds.

We Must Stop Proposing - and Opposing - Judicial Candidates Because Of How We Expect The Candidate May Rule In This Case Or That

I have more global concerns. Andy Jackson nominated Roger B. Taney as Chief Justice to undo the perceived mischief of John Marshall. Franklin Roosevelt had something similar in mind with his court packing plan in 1937, as did Ronald Reagan in the 1980s. The cynic who says it has been ever thus confuses the familiar with the necessary. I find it the lesson of history that the Nation has been best served

continued on page 7

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when political agendas and the passions of the moment have played a lesser role in the judicial nomination and confirmation process. We simply must stop proposing - and opposing - otherwise qualified persons who respect the constraints of the judicial role because of perceptions of how they may be expected to rule in specific cases.

The legal process is not about a judge doing his sums. There is no mechanical jurisprudence. "General propositions do not decide concrete cases." *Lochner v. New York*, 198 U. S. 45, 76 (1905). Mike Wallace knows this, and he has been in the trenches long enough, and in a sufficient variety of legal contexts, to understand Holmes' insight in practice. So it is the attitude and experience that one brings to the enterprise of legal interpretation that is important, even if it is not dispositive.

In the end, the reasons I support the President's nomination are simple. Michael B. Wallace understands the role of Article III judges. Given his ability, experience, temperament and intellectual integrity, I have no doubt that Mike is committed to the faithful and competent discharge of the duties of the office for which he has been nominated.

I Know Mike Wallace

I confess I am influenced by knowing Mike the man. Importantly, there is not a hint of racism in Mike Wallace's being. The African American lawyers he

works with every day will be the first to tell you this. By example, he has helped many of us to see that a genuine political conservative is not necessarily a racist.

There are many Republicans who argue "let the private sector do it" as a ruse for making sure nothing will be done. Mike is not that kind of Republican. He and his wife Barbara are extraordinarily active in private charitable efforts, not only in supporting colleges like Stanford that their daughters have attended. Barbara makes a difference through her work with the Mississippi Children's Home. On several occasions, Mike has built houses for the poor in Central America on church missions.

The voice he was born with still booms. Yet, Mike Wallace has mellowed through the years. It is not just through his citizenship in Red Sox Nation, or that his home town was ravaged by both Camille and Katrina, that Mike has come to that understanding most imperative for a judge: a genuine empathy with the plight of the underdog and the less fortunate and those who have had just plain bad luck.

Yours very sincerely,
James L. Robertson

cc: Stephen L. Tober, Esq.
Portsmouth, N. H.
Members of the Standing Committee on Federal
Judiciary, American Bar Association

continued from page 1

former Governor of the State, will speak about diversity at our first monthly membership meeting, to be held Tuesday, June 20, at 12 noon.

Diversity is a principal but not exclusive topic of the HCBA's committees. These topics suggest as a whole the pervasive reach and scope of the law in our society - its potential to be an instrument of justice rather than, in Bentham's words, "an infraction of liberty." At bottom the 25 committees have a common purpose: for HCBA through its members to make a positive, if modest, contribution - even a personal connection - with the larger community.

Recently I read about a coming-of-age ceremony that included these two questions: "If not I for myself, who then? And being for myself, what am I?" One young man replied with a single question: "I affirm myself, but if I am

for myself only, it is inadequate, and unless standing up for myself and others happens right now, whenever can it happen?" On reading this, it struck me that this was such a precocious, socially aware answer that I never would have been able to articulate it for myself at that young man's age or even now. But having read it, the response does identify for me what distinguishes a profession, especially ours, from other businesses and trades, which is the willingness to band together as volunteers and work for the commonweal, giving back some measure of what others have given to us.

In closing, I encourage you to look over the list of committees and their chairs. If the timing is right and this is a year that you can take part in the HCBA, please complete and return the survey telling us what committees that you would like to work on. Thanks. We hope to hear from you.

I Wonder

by John Land McDavid

Recently, I had some time to wonder. The following are some of the things about which I wondered.

Now that China has become a world economic power with a growing upper and middle class, do we still have to eat all our vegetables to help the starving children of China?

If dependence on foreign oil and high gasoline prices are bad, why don't we have laws and regulations which promote the production of oil and gas from the onshore and the offshore of the United States? Not only would this lessen our dependence on foreign oil and lower gasoline prices but the monotonous and repetitious ocean views off the Atlantic, Gulf and Pacific coasts would be greatly improved and transformed by hundreds, if not thousands, of offshore oil and gas drilling platforms, particularly when they are lighted at night displaying such brilliance and beauty each one would make the Eiffel Tower after dark look like a refrigerator light.

As the Gannett corporation, primarily through the *Clarion-Ledger*, regularly files law suits to require the disclosure of confidential and classified information, should not the people of Mississippi have the right to

know how much money Gannett makes from its Mississippi newspapers and websites, USA Today, and its other money making "schemes"? Could it be "big media" Gannett is making "obscene profits" on the "backs" of Mississippians?

If it was an injustice to Native Americans for white Europeans to occupy and develop what is now the United States, what, if anything, should be done about it now? Should European-Americans go back to where they came from? Should European-Americans, before they leave, be required to restore the land to its pristine condition before 1492 A.D.? If so, where will the rubble be piled? Canada? Mexico? As the southwestern United States, from Texas to California, was first occupied by Spanish speaking Europeans before the remainder of the United States was occupied and developed by English speaking Europeans, does this mean Spanish-Americans should leave first? Will those who are required to leave be allowed to return to the United States on tourist visas to gamble at Indian Casinos?

When I wonder I wander, so I wonder should I stop wondering and wandering for awhile?

HCBA Diversity Committee Update

by Sharon F. Bridges, Esq.



Sharon F. Bridges
I am indeed honored to serve as Chair of the HCBA Diversity Committee. I am grateful to President Alveno Castilla and Pres.-Elect John Henegan for entrusting me to advance this committee whose mission includes the promotion of diversity within the legal profession in Hinds County. The committee will advance its mission by disseminating

information on diversity and sponsoring special diversity programs. We are excited that our first Diversity Program will be held on Nov. 16, 2006, and will feature Corporate Counsel and Corporate Executives from major corporations across the country. You will hear more about this program in the ensuing months.

With your support, we can achieve our mission and advance diversity within the legal profession in Hinds County. Join Us!

An Evening Honoring the Judiciary

The Evening Honoring the Judiciary, co-sponsored by the Hinds County Bar and the Jackson Young Lawyers, was held Tuesday, May 9, at the Old Capitol Inn. A record crowd heard speaker, Judge Leslie H. Southwick. Roy Campbell served as chairman of the thirteenth annual event which honors federal, state supreme court and appellate judges, as well as judges of the chancery and circuit courts in Hinds, Madison and Rankin Counties.

HCBA President Alveno Castilla (2005-2006) and JYL President Patrick McCraney (2005-2006) presented their respective associations' awards for Outstanding Service

and Pro Bono contributions.

Two Jackson lawyers, Barry Powell and Rob Dodson, received the HCBA Outstanding Service Award. The Bradley Arant Rose & White law firm was named this year's recipient of the HCBA Pro Bono Award.

The Jackson Young Lawyer's Pro Bono Award went to Amanda Jones, and Seth Hunter received the JYL Outstanding Service Award. The HCBA and the JYL would like to thank the Dinner Sponsors who are listed in this newsletter for their support of the Evening Honoring the Judiciary.



John Henegan, 2006-2007 HCBA President; Judge Leslie Southwick; Pat Evans, HCBA Executive Director; Alveno Castilla, 2005-2006 HCBA President



Members of the Bradley Arant Rose & White receiving the HCBA Pro Bono Award. This is the first time this award has been presented to a law firm rather than an individual.



Barry Powell received the HCBA Outstanding Service Award from Alveno Castilla.



Rob Dodson received the HCBA Outstanding Service Award from Alveno Castilla.

HINDS COUNTY BAR ASSOCIATION
JACKSON YOUNG LAWYERS ASSOCIATION
An Evening Honoring the Judiciary

May 9, 2006

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2006-2007

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Hinds County Circuit Judge Websites

The Hinds County Bench & Bar Relations Committee calls your attention to the wealth of information available on the websites of the Hinds County Circuit Judges. These websites can be accessed at www.co.hinds.ms.us and then by clicking the circuit court judges link. Each website contains motion and trial setting calendars and biographical information on the Judge. Information specific to the individual Judges' websites include:

Judge W. Swan Yerger's website contains detailed information and instructions concerning the requirement for scheduling orders, the scheduling of evidentiary in limine motions, the possibility of telephonic hearings, trial setting and motion setting procedures and the submission of proposed findings of facts and conclusions of law and orders. Judge Yerger's website also includes his basic discovery rulings/policies on thirteen different discovery issues such as discovery depositions of expert witnesses, what documents of the expert the adverse party is entitled to review when deposing the expert, and time limits for designating trial witnesses.

Judge Tomie Green's website includes her 10 Commandments of Etiquette & Decorum in Trials, her rules for motions, pretrial and trial settings in civil cases, which include procedures for obtaining motion settings, requirements concerning discovery disputes, and her procedure for summary judgment motions and motions to dismiss, amendments, presentation of orders and pretrial and trial settings. Judge Green's website also sets forth her policy on mediation referrals and referrals to county court. Her website also has a description and fact sheet

concerning the audio visual and electronic equipment available in her courtroom and the possibility of daily trial transcripts. Her website also includes her standard court's civil jury instructions.

Judge Winston L. Kidd's website includes his 10 Commandments of Etiquette & Decorum in Trials, his rules for motions, pretrial and trial settings and mediation referrals in civil cases, his general position on amendments and motions for summary judgment and motions to dismiss, and his requirements concerning presentation of orders. Under trial matters, Judge Kidd's website sets forth his jury instruction requirements, the requirement that the Court shall be provided copies of any depositions to be read to the Jury or shown by video and copies of all exhibits and the requirement of a pretrial order. His website also includes Judge Kidd's standard court's civil jury instructions.

Judge Bobby B. DeLaughter's website includes detailed civil and criminal case policies and procedures, including procedures for trial settings and continuances. Under discovery, Judge DeLaughter sets forth his adherence to the Uniform Rules of Circuit Practice ninety day discovery period, his requirements concerning answering expert witness interrogatories, his position on boiler plate discovery objections, and procedures for motions to compel discovery. Judge DeLaughter's website has detailed instructions concerning motion settings and hearings. The website also sets forth requirements concerning orders and jury instructions.

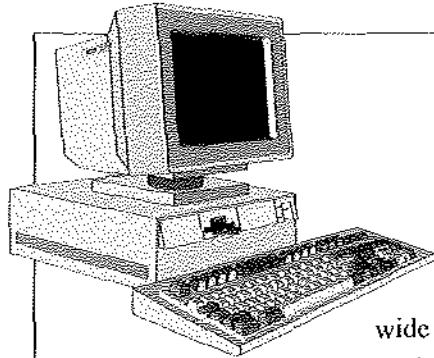
Neil P. Olack Appointed Bankruptcy Judge

On May 1, 2006, Neil P. Olack was sworn in as United States Bankruptcy Judge for the Northern and Southern Districts of Mississippi by Chief Judge Henry T. Wingate, joined by Judge Edward Ellington and Charlene Kennedy, Clerk. The ceremonial investiture will be held on June 29, 2006, in Jackson.

Judge Olack graduated from Lehigh University (1978) and Emory University School of Law (1981). He

practiced in Jackson from 1981-1999 and in Atlanta from 2000-2006. Judge Olack is a past president of the Mississippi Bankruptcy Conference; a former officer and director of the American Bankruptcy Institute; board certified in business bankruptcy by, and a former director of, the American Board of Certification; and a fellow of the American College of Bankruptcy.

He and his wife, Rebecca, have four children, 13 to 20 years old.



On Computing

by Joel Howell

Small firm and solo practitioners can on occasion need help on a wide variety of matters. Thanks to Law Technology News and Robert Ambrogi, here are some helpful sites.

About a year ago, CompuLaw launched Deadlines on Demand (www.deadlines.com) which helps calculate calendar deadlines on a pay for use basis. While litigation practitioners, particularly in the federal system, routinely calculate those, determining due dates can be a challenge for those unfamiliar with the process. You select your jurisdiction including all federal courts in all fifty states, and select the court in area of practice (civil litigation, for example, and the event). DOD researches the jurisdiction's rules, including holidays, and calculates time lines. DOD gives you a summary of the information provided and the potential cost. Once you key that information and make payment arrangements, it generates a template of deadlines and sends it to you via email in an iCalendar format that can be imported into Microsoft Outlook. In addition, it has a change notification service which will go out automatically in the event the jurisdiction you have specified generates a rule change that could alter the previous results.

A helpful resource for personal injury attorneys is Medical Image Databases on the Internet, www.library.uthscsa.edu/internet/ImageDatabases.cfm. Rather than being an actual storage facility for images, it gives you databases, directories, and search engines for finding them and is sponsored by the University of Texas Health Science Center Library.

Florida State University's College of Criminology and the St. Thomas University School of Law offer fraud update, www.fraudupdate.com, which tracks federal agency actions against any practices that victimize consumers, businesses, and governments.

CMP Media offers SmallBizResource, www.smallbizresources.com, with original articles and expert advice on a range of small-business issues. It also has a weekly newsletter, BizBuzz, on a variety of business topics.

Finally, the Department of Labor redesigned its Compliance Assistance Web Portal, www.dol.gov/compliance, to help workers and employers understand and comply with federal employment laws and regulations. It includes fact sheets on a variety of employment law matters, regulatory text and consumer assistance information.

Does your firm have a website? There could be a whole year's worth of columns or books written about such, but here are some brief and interesting examples of "mini" websites which may pique your interest.

The Washington D.C. Law Firm of Keller & Heckman maintains a web site called PackagingLaw.com which is separate from the firm's primary web presence. It serves as a reference source for news and analysis in the field of packing law and has a nice demonstration of the firm's expertise in that area.

Another example of this is Electronic Discovery Law, www.ediscoverylaw.com, a site maintained by Preston Gates & Ellis in addition to the firm's primary web site. Not only does it include a blog with various reporting on issues, news, and practices by firm lawyers, but it has a library of resource materials on electronic data discovery law.

Yet another good example is CyberLaw@Sidley, www.sidley.com/cyberlaw, which is the subsite of Sidley Austin Brown & Wood devoted to internet information technology and intellectual property law.

Lastly, Mayer Brown Rowe & Maw maintains a mini site called Appellate.net, www.appellate.net, which features news about the appellate practice group and cases which its lawyers are involved. This site also provides reports on the Supreme Court's docket and summarises cases of interest to the business community, including briefs and arguments from its attorneys, which prove to be a beneficial resource to other lawyers.

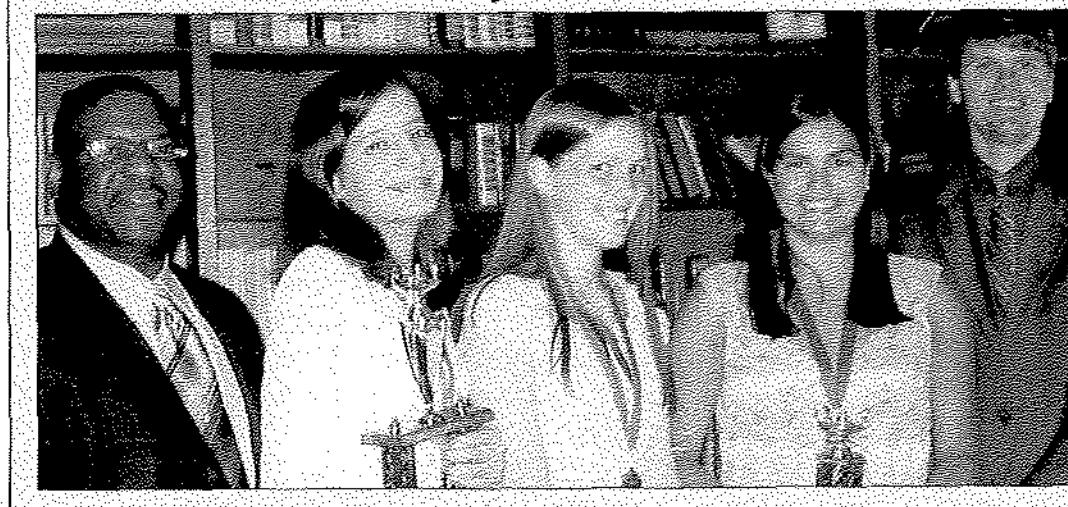
Questions or comments? Email webmaster@hindsbar.com.

HCBA Essay Contest

For the fifth year, the Hinds County Bar Association sponsored an essay contest for seventh and eighth grade students in the metro-Jackson area.

The theme for the essays chosen by the Law Related Education Committee, chaired by Jay Kilpatrick, was "Separate Branches; Balanced Powers."

The winners were invited to the April HCBA Membership Meeting with their parents and teachers and received a cash prize, a trophy, a certificate for participating, and a t-shirt. The winning essay by Rebecca Ann Fairbank of St. Joseph Catholic School is published in this newsletter. Receiving second place was Kristen Newman, and the third place recipient was Gracie Boland. Both of these young women are also from St. Joseph Catholic School. Serving on the Law Related Education Committee with Kilpatrick were: Jenny Wilson, Gayle Walker, LaVerne Edney, Elizabeth Maron, John Henegan, Marge Busching and Terri Jacobs.



Checks And Balances

George Bernard Shaw once said, "Democracy is a device that ensures that we shall be governed no better than we deserve." His words explain to us how our democracy gives people the choice of how they are governed. It also is a comment on how a powerful nation cannot prosper without strong leaders and a system of balances which separates a democracy from a dictatorship.

Our national government consists of three branches, the legislative branch, the executive branch, and the judicial branch. Each branch of government has its own job. The legislative branch makes the laws, the executive branch enforces and carries out the laws, and the judicial branch interprets the laws. Our system of "checks and balances" ensures that no one branch gets more power than the other.

All branches of our national government have particular powers over the other two in order to maintain the balance. For example, Congress may pass laws, but the President may veto them. The President can veto laws, but Congress can override the veto with a two-thirds vote, and the judicial branch can declare any law unconstitutional. Through this process the balance is maintained, and all powers among the branches are equal.

The system of checks and balances has kept our nation united! for many centuries. Although seemingly messy and slow at times, the separation of powers has kept our leaders from getting too powerful by binding them to the law. Throughout history, there have been some dictators that were successful in leading their countries to prosperity. This prosperity, however, may only last while that particular dictator is in power. Nothing can guarantee that the next leader will be as successful. In our democracy with three strong branches of power, the system of checks and balances has kept our government stable and strong for a very long time.

In conclusion, it is obvious that the system of checks and balances is needed to keep our nation steady and stable. No one person can run an entire nation without laws or limitations on power. The system that our forefathers created has kept the United States from the tyranny it once endured and secured for us our freedom and democracy.

Alvaro Castilla, 2005-2006 HCBA President, and Jay Kilpatrick, Chairman of the HCBA Law Related Education Committee, announced the winners of the 2006 Essay Contest at the April Membership Meeting. Rebecca Ann Fairbank, first place; Kristen Newman, second place; and Gracie Boland, third place.

wanted Bush-Cheney back in a big way. And in a round about way that is exactly what the country would get.

As historians will attest, today's America had its roots in a bipartisan resolution passed by a unanimous voice vote in both houses of Congress in the summer of 2011. The so-called "To Hell With It" resolution paved the way for a fast track procedure to amend the U.S. Constitution. The then controversial 31st Amendment provided that the House of Representatives could amend the Constitution with a mere 40% vote. Forget the Senate and forget the states; 40% and presto! As a result, there have been 211 Constitutional Amendments since 2011. The far-reaching 37th Amendment requires that the President be forever named Bush and the Vice President be forever named Cheney. Consequently, we have been treated to a series of lackluster one-term administrations since 2012 all of which have been Republican. In 2012 we elected Jeb Bush and Dick Cheney. In 2016 it was Neil Bush and Lynn Cheney. In 2020 thanks to the 98th Amendment we had the first all female administration of co-presidents Jenna and Barbara Bush and Mary Cheney better known as the gal pal dream ticket. In 2024 it was Jeb's troubled daughter Noel and Hank Williams Jr.-Cheney (yes he went to Chancery Court in Tennessee and changed his name). This was known as the "Are you ready for some football - are you ready to party" administration. Even Noel and Hank Jr. admit it was the worst ever. This paved the way in 2028 for the first African American President, Reggie Bush, former USC and New Orleans Saints football great. Thanks to the help of Mormon genealogists in Salt Lake City, A.B. "Bud" Cheney an illiterate prospector and three times removed great cousin of Dick Cheney was located in a Cheyenne, Wyoming flop house and added to the ticket. Reggie was often confused, referring to Bud as a running back instead of a running mate. But it didn't matter, he won anyway thanks to the overwhelming Republican majority.

So what does the country look like today in June of 2032? It now takes college students an average of 8.3 years to get their degree despite a 69% drop out rate. Thanks to the Federal Self Esteem in Education Act, the median GPA of all college students is 3.85 while the mid point high school GPA is 4.36 on a 4.0 scale. Child obesity continues to be a problem for males. Average weight of all fifth grade boys is 197 pounds. The good news is that thanks to the Federal Female Peer Pressure Act, the average weight of all fifth grade girls is 43

pounds. Surgeon General Calista Flockhart has hailed this as a public health triumph.

As for jobs, the number one growth profession in America is still lobbying. The biggest K Street firm is the Delaybramoff Group which employs 124,500 fulltime lobbyists. Thanks to George W. Bush's mass pardons in January 2008, Tom Delay and Jack Abramoff were able to create their influence peddling firm a day after being released from prison on Super Bowl Sunday. The Delaybramoff Group received a big shot in the arm in 2013 when Congress legalized bribery subject to strict caps. The idea came from Mexico's legalization of small amounts of heroin, cocaine and LSD. Now it is a felony for any federal employee to accept a bribe of more than \$50,000 from any one source. The result has been greater efficiency in government.

And on the political front, the Republican majority is now permanent thanks to the 186th Amendment. So you ask, what became of the Democrats? Well, Hillary Clinton saw the handwriting on the wall in 2010. She resigned her Senate seat, moved to Montreal and became the Canadian Prime Minister, a post she still holds. Meanwhile, the Democratic Party has become so marginalized that it now exists only in Massachusetts, Vermont and one county in New Hampshire. In 2021 the party officially changed its name to the Democratic Whig Party.

And as for me? Well, I am way up in my 80s living at the refurbished Sun 'N Sand assisted living facility in the heavily fortified Green Zone in downtown Jackson. The old motel was redone 20 years ago in a 1970s theme complete with piped in disco music and nurses in go go boots and mini-skirts. The place is only available to elderly lawyers, legislators and lobbyists and is completely paid for by Medicare Part L coverage. There are a lot free drinks and prescription drugs dispensed in the reopened Patio Club to make us feel good. Best of all, the freight is totally paid for out of proceeds from the federal government's surplus property fire sale of Alaska back to the Russians, Hawaii to the Japanese and Chinatowns throughout the country to Taiwan who flipped them to Mainland China. And the best part of my golden years experience is that American Idol has expanded to three hours a night, seven days a week, 365 days a year. What a country!

This is Equity Senior - OUT!!

Hinds County Law Library Computer Research

If you are in the middle of a trial in Hinds County Circuit or Chancery Court in Jackson and the Judge is giving you a short recess to find a case or statutory reference - What do you do? Well, you could run back (literally) to your office to do the research, but the smart move is to avail yourself of the computer research resources of the Hinds County Law Library.

On the third floor of the Chancery Building just outside the Chancery Clerk's office is a room with the Chancery branch of the Law Library, while the Circuit Court branch is in a separate room in the Circuit Clerk's basement office. Access to either room is available to any lawyer by simply asking the Clerks' staffs for the key to the rooms. Both rooms are equipped with copies of the Mississippi Code and Digest, the Encyclopedia of Mississippi Law and a computer terminal with internet access. The computer is equipped with word

processing software, a printer and free LexisNexis usage. The LexisNexis service provides unlimited access to all Federal Circuits, US Supreme Court, USCS, all 50 States' case law, all 50 States' statutes and full jurisdiction Shepards. Of course, you can also access the Casemaker service at the Mississippi Bar website with your Bar number.

Since the Hinds County Law Library has recently switched its computer research service from WestLaw to LexisNexis, the HCBA has arranged for LexisNexis representatives to provide one hour of LexisNexis training at the Eudora Welty Library on July 13, 2006, from 9:00 to 10:00 a.m. This training is free and is eligible for one hour of CLE credit. However, in order to attend you must register in advance by sending an email to bipiazza@schoolaw.com no later than July 1, 2006.

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MISSISSIPPI COLLEGE LAW LIBRARY HOURS

May 13, 2006 - August 19, 2006

Monday - Thursday	7:30 a.m. - 9:00 p.m.
Friday	7:30 a.m. - 6:00 p.m.
Saturday	1:00 p.m. - 6:00 p.m.
Sunday	2:00 p.m. - 6:00 p.m.

EXCEPTIONS

July 4, 2006

Fourth of July	Closed
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August 5, 2006 - August 19, 2006

Monday - Friday	7:30 a.m. - 6:00 p.m.
Saturday & Sunday	Closed

Fall hours will begin August 20, 2006.

*For more information please call 925-7120
Hours are subject to change without notice.*



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Correspondence regarding the newsletter should be directed to: HCBA Newsletter Editor, 151 E. Griffith Street, Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 601-969-6097. The web site address is hindsbar.com.

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INFORMATION

HCBA Luncheon Meeting

12:00 Noon, June 20



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

OCTOBER 2006



President's Column

by John C. Henegan

In October and November, the Hinds County Bar Association is putting on some truly outstanding programs for its members and the general public that address issues of diversity in our profession and society as a whole. As we have in the past, the HCBA will also let its professional hair down and relax a bit. This is what we have in store.

Women in the Legal Profession



Pamela Roberts

First, Pamela Roberts, a partner at Nelson, Mullins, Riley & Scarborough LLP in Columbia, South Carolina, will be our featured speaker at HCBA's regular October 17 membership meeting at the Capital Club. As Chair of the ABA's Women in the Profession Commission, Pamela is one of the legal profession's most knowledgeable

speakers about those issues that influence and impact women in our profession. During this meeting, she will discuss those ABA programs that are designed to foster the full and equal participation of women in our profession and our justice system.

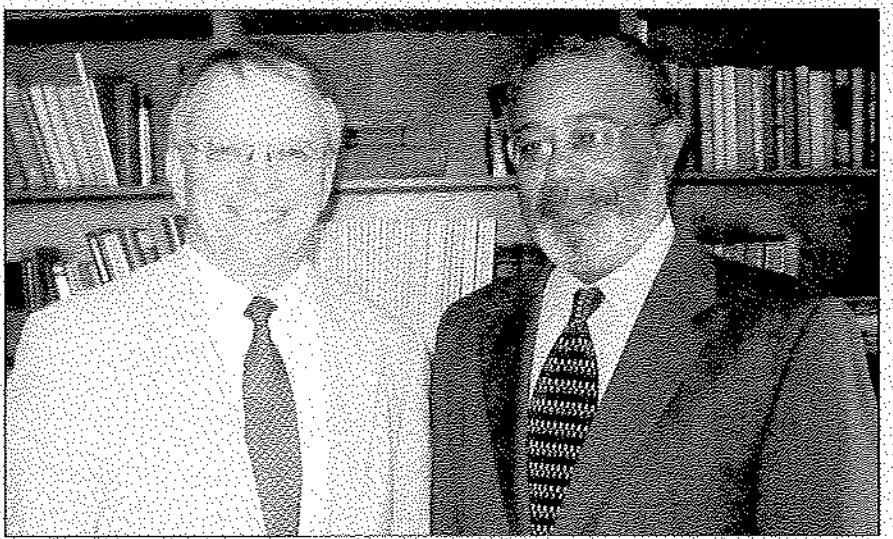
Later that same day, the HCBA Women in the Profession Committee, along with several professional women associations, including the Metro Jackson Black Women Lawyers Association, will be co-hosting a reception for Pamela from 5:30-7:00 p.m. at the Old Capital Inn. At this reception, Pamela will discuss issues that affect women in all professions in an address entitled "Today's Professional Woman: Common Issues, Uncommon Solutions." Do not let the title fool you - what Pamela has to say will be of interest not only to women but men as well.

Food and beverages will be served that evening, and tickets are \$15.00 per person. Every female attorney, law professor, and law student in Mississippi has been invited. Complimentary invitations have been sent to all the female judges in the State, as well as a special invitation being sent to the managing partner or chair of every law firm in the State.

continued on page 7

August Membership Meeting and CLE Ethics Hour

Former Mississippi Supreme Court Justice Fred L. Banks, Jr., presented an ethics program at the HCBA's August luncheon and CLE meeting. Justice Banks (right) is pictured with John Henegan, HCBA President.



HCBA LUNCHEON MEETING

Tuesday, October 17, 2006 Capital Club Noon \$15.00

Speaker: Pamela Roberts, Chair, ABA's Women in the Profession Commission

HCBA Calendar of Events

Wednesday, October 11

Swearing-In Ceremony

Thalia Mara Hall Hall, 3:00

Thursday, October 12

HCBA/JYL Fall Social

Hal & Mal's, 5:30-8:00

Tuesday, October 17

HCBA Membership Meeting

Capital Club, Noon

Mississippi Bar Memorial Service

Old Supreme Court Chambers
(Room 216-Mississippi Capital).
2:00

Reception for Pamela Roberts

Old Capitol Inn, 5:30-7:30

Thursday, November 16

HCBA Diversity Conference

Downtown Marriott Hotel.

9:00-1:30

Thursday, December 8

HCBA Christmas Social

Old Capitol Inn, 5:30-7:00

Tuesday, January 16

HCBA Membership Meeting

Capital Club, Noon

New Federal District Judge Named for the Southern District of Mississippi

On September 5, 2006, the President of the United States asked the United States Senate to consent to his appointment of Halil Sul Ozerden, with the Gulfport firm of Dukes, Dukes, Keating & Feneca, P.A., to the position of United States District Judge for the Southern District of Mississippi.

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White House Fellows

by Cory Wilson

represent truly heroic American values, spirit, and dedication. They lead by serving.

Outside the Pentagon, I met many other leaders, often ordinary people doing extraordinary things because of their love for country and their conviction that Americans have a duty to do heavy lifting both at home and in the world. Some of the best leaders were right here in Mississippi. In January, the Fellowship again hit home during one of our domestic policy trips. A day in Jackson and another on the Gulf Coast allowed me to show off world class leaders (and lawyers) like Governor Haley Barbour, former Governor William Winter, and Bar President Joy Phillips, to my very impressed classmates.

Non-partisan, the Fellows program was begun in 1964 by President Lyndon Johnson. The mission of the program was, in President Johnson's words, "to give the Fellows first hand, high-level experience with the workings of the Federal government and to increase their sense of participation in national affairs." In return, President Johnson expected Fellows to "repay that privilege" by "continuing to work as private citizens on their public agendas."

President Johnson's vision in 1964 is more than a reality today. It was my great privilege to spend the past year as part of the 40th class of White House Fellows. Now, I find myself in the company of alumni who have more than repaid the privilege by serving: former Secretary of State Colin L. Powell, Former Chairman/CEO of CNN Tom Johnson, General Wesley K. Clark, and U.S. Senator Samuel D. Brownback. Chief Judge Deanne R. Tacha, U.S. Court of Appeals for the 10th Circuit, and Judge Margaret M. McKeown, U.S. Court of Appeals for the 9th Circuit, among other lawyers, are also Fellows. Given these and many other examples, I feel a deep obligation to give back to the country, to Mississippi, and to our profession-to repay the privilege by bringing the Fellowship experience home.

During my Fellowship year, I worked at the Pentagon as a special assistant to Defense Secretary Donald H. Rumsfeld. Ironically, my first project last fall brought me home: I worked on the military's response to Katrina (think: the Posse Comitatus Act) and later facilitated Katrina witness testimony before Congressional committees. The closest I came to legal work was a trip to Guantanamo Bay, Cuba, where I got to see first hand the detention facility and the procedures through which enemy combatants are held and handled there. It was a year wholly removed from life as a commercial litigator.

I learned about leadership. I traveled abroad and domestically with Secretary Rumsfeld, and I got to know some of the military's top brass. I also got to know enlisted men and women and saw firsthand what they do every day to keep us safe and free. I spent the night on an aircraft carrier and operated a refueling boom in an Air Force tanker. I worked with the team developing ways to counter terrorists' improvised explosive devices before they are used against our soldiers and Marines on the front lines of freedom. The nation's military men and women

Not that I forgot about being a lawyer. I learned how Washington works, but I also gained new perspective on our profession and how it is seen by non-lawyers. The year in DC was full of reminders that lawyers have played a profoundly important role in preserving the genius of the American experiment. Our system, much as people may gripe, still works. It works in no small part thanks to the role our profession has played in safeguarding it.

But the impact of lawyers today is far more debatable than in times past. Many now view lawyers as a significant drag on the very Constitutional system that two centuries ago they helped to conceive. Almost without exception, business leaders I met ranked America's overly litigious culture among the top threats to our nation's continued prosperity.

That is how our clients view us. Our self-image is not much better. Leading lawyers (including a couple on the Supreme Court) opined that the profession has abandoned its role as "counselor to the community" in favor of an obsession with the bottom line. Our lack of civility resembles the rancorous partisanship in the nation's capital. People are sick of both. There is a sense that, just when society needs the noble sense of greater good that lawyers have historically offered, too many of us have abdicated.

Food for thought. The Fellowship year provided incredible examples of the impact leaders can have when they simply step up and lead. If we decide to tackle the challenges faced by our nation and our profession, then lawyers will strengthen and sustain the American experiment into the future. We will also shape our profession in a way befitting the examples of the leaders who came before us. Step up and lead.

Editor's note: Jackson lawyer, Cory Wilson, recently completed a year's service as a "White House Fellow".

Diversity in and at the Legal Bar

by John Henegan

Since announcing that diversity is this year's theme of the HCBA and that the HCBA Diversity Roundtable will be November 16 at the Downtown Jackson Marriott, members of the HCBA have frequently sent HCBA Board members and the HCBA Diversity Committee information about the diversity meetings, activities, and publications of other state, county and local bar associations. At times I thought that my lap top would melt down from the number of excellent articles that I had received, not to mention the many brochures and flyers about diversity conferences being held in our region and elsewhere across the nation.

These articles certainly help create an increased awareness about diversity. But as citizens of an increasingly multi-cultural, pluralistic society, most of us have at least a rudimentary idea of why diversity is vital in a democratic republic founded on the principle that all people are created equal and endowed with certain inalienable rights including life, liberty, and the pursuit of happiness. Many of the articles assess where we are and how far we have come in achieving diversity. They also address in concrete terms how to encourage, increase, and maintain diversity within our profession.

Today these articles appear not only in national publications, such as The National Bar Journal and the ABA Journal, but other more specialized bar publications as well. For example, an excellent piece entitled "Teaching Can Help - Diversity Training At Your Law Firm" appears in the September/October 2006 edition of Business Law Today, the magazine of the Business Law Section of the ABA. If you have not already come across and read this five-page article, you will want to take time to find a copy and review it.

Besides writing and publishing about diversity, what are other bar associations doing? Depending on the section of the country, the goal of diversity is articulated not surprisingly on behalf of a variety of groups, viz., "minorities", "people of color", "women", "ethnics", "lawyers with disabilities", etc. Some state, county, or local bars have adopted diversity-related goals, initiatives, strategic plans, policy statements, or statements of principle. The content of these policy statements are also expressed in different ways.

For example, this is the diversity policy of a local mid-western bar group:

The United States of America was founded upon ideals of equality and the inherent worth of the individual. Despite this heritage, racism, discrimination and injustice have historically prevented our ideals from being realized - to the detriment of all citizens. Lawyers have an obligation and a unique opportunity to pursue these ideals.

Therefore, it is [our] policy... to champion equal justice for all by:

- Advocating fairness, equity and equality;
- Promoting diversity and opposing discrimination; and

- Fostering respect and civility within the [bar], in the administration of justice, and throughout the community.

This is policy of a state bar located in another section of the country:

- Partnering with statewide minority bar associations to organize, develop, and implement diversity plans in the legal profession.
- Organizing, developing, and implementing diversity training plans and programs for statewide use in the legal profession.
- Partnering with law firms and legal departments of corporations, businesses, and government agencies on recognizing the benefits and core values of diversity and increasing diversity in their organizations.
- Educating [our] leadership and staff on the benefits and core values of diversity in the legal profession.
- Organizing, developing, and implementing diversity leadership and outreach programs for minority students interested in a legal profession, minority law students, and minority attorneys within colleges, universities, law schools, and the community.
- Providing information and serving as a resource center to the [state bar], including its leaders, staff, and members; law firms; the legal community; and the public on diversity in the legal profession.

To be sure some members of our profession argue that policy statements like these are cosmetic and largely self-promoting or are of limited or no value. Others believe, however, that they are important, not symbolically, but because of the thinking and self-examination that occurs as they are prepared, studied, discussed, and adopted.

To counter such objections or as a key first step to their adoption, many state bars such as the Arkansas and Mississippi Bar Associations have established commissions or committees to address how they can encourage, increase, and maintain diversity within our profession. These bars' executive staffs help support and promote diversity activities statewide as well as those of local bar groups such as HCBA. These efforts can take a variety of forms. To this end, both the Georgia and Tennessee Bar Associations have this year held or will be hosting diversity conferences for their members. Indeed, the response to the first "Diversity Summit" of the Tennessee Bar, held in Memphis in April of 2006, was so enthusiastic that the Tennessee Bar will be holding its "Diversity Summit II" on October 27 in Nashville.

Some of these bar associations have been examining diversity within our profession for nearly 20 years and others have been doing so more recently. All this activity should encourage us to explore all aspects of the issue of diversity in Mississippi, not only in our own profession but in all aspects of our society.

Two Anniversaries and An Election

by Captain Equity

We all recently observed the one year anniversary of Hurricane Katrina followed by the five year anniversary of 9-11. And now in less than thirty days we will go to the polls for the second mid-term election of the Bush Presidency. Instead of tracking the antics of the Tomkat, Baby Surry, Mel Gibson and Bradgelina not to mention bags of killer spinach, I have spent a lot of time recently reflecting on the two transformative tragedies of the Twenty First Century and the affect they are likely to have on the approaching elections. Specifically, I sat through the fascinating rebroadcast of the Today Show of September 11, 2001 that replayed the events of that infamous day as they unfolded in real time. I also watched the powerful four hour Spike Lee documentary on Katrina. I supplemented my video intake with a healthy dose of newspaper commentary, talk radio and Sunday morning news shows and even read a couple of new books on the subjects. Based on all of this I have concluded that much of America (at least the one that is paying attention) is doing okay to fine with some notable exceptions like New Orleans, the Gulf Coast and 37 million people living below the poverty level. But unfortunately, most if not all of the federal government is irretrievably broken despite living way above the poverty level. Four disturbing themes recur: deceit, incompetence, corruption and inattention. They do not bode well for our collective future.

Deceit

We all remember that Tuesday morning five years ago as the unthinkable manifested itself in New York City, metro Washington and Western Pennsylvania. We remember the President's finest hour a few days later atop the rubble at Ground Zero with his bullhorn. A month later we responded militarily in Afghanistan against Osama Bin Laden and his protectors, the Taliban, with almost universal support around the globe. And then came Iraq. Secretary of Defense Rumsfeld's unique interior monologue style is ironically appropriate to sum up what happened from there.

"Were Americans told in effect that Saddam Hussein was connected to 9-11 and was on the verge of attacking the United States with weapons of mass destruction?"

"Absolutely."

"Was credible intelligence ignored or twisted by the Administration to green light a war against an imaginary enemy that had nothing whatsoever to do with the 9-11 attack against America?"

"You bet."

"Did anybody bother to think through the repercussions of invading and occupying a Middle Eastern country hallmark by centuries of smoldering sectarian hatred?"

"Probably not."

"Would this administration do it again knowing everything that is now known?"

Vice President Cheney recently assured Tim Russert on *Meet The Press* that there was no doubt they would.

"Have we squandered every bit of worldwide good will that was amassed by the afternoon of September 11, 2001?"

"No question about it."

"And does the Bush White House have a clue what to do now?"

"Nope."

Actually, that is not totally accurate. Every time the President and his inner circle are wrong about Iraq (which should be more aptly named Irong) they just follow Karl Rove's latest script and label anyone who questions the Administration's mindless non-strategy of "stay the course" as the non patriotic work of cut and run cowards and appeasers.

When one considers the breathtaking scope of this ongoing deceit and obstinate denial, one is reminded of Rumsfeld's response to a Hillary Clinton diatribe aimed at him earlier this summer.

"My Goodness."

Incompetence

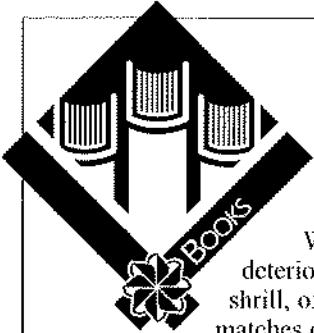
If the President's finest hour was his handling of the immediate aftermath of 9-11, there is no doubt that his administration's response to Hurricane Katrina was the nadir. As a viewing of any of the news footage of the disaster will confirm, Michael "Heckuva Job" Brownie didn't even know that the levees had broken in New Orleans until three days later, notwithstanding the fact that all he had to do was turn on a television. And then there was our President out raising money in San Diego while people were dying at the Superdome and Convention Center. How hard would it have been for the Commander In Chief to don his USS Abraham Lincoln flight jacket and dispatch every military helicopter anywhere near New Orleans to evacuate desperate American disaster victims? And then there is the now legendary story of the sheriff in Forrest County Mississippi that commandeered a FEMA truck full of ice and water that just sat idling in a parking lot while people were literally dying of thirst. And what is FEMA's response? Prosecute the sheriff.

The story of post invasion Iraq is no better. Or how about the FAA's failure to send Comair updated diagrams of the Blue Grass Airport in Lexington, Kentucky? As a result, a regional jet takes off on the wrong runway and kills 49 people this past August. We are victimized by all of this fatal bungling despite hundreds of billions of dollars spent in the name of Homeland Security. Why? Because this administration recklessly appoints political hacks and cronies to responsible jobs for which they aren't vaguely qualified. Meanwhile, experienced career federal employees quit government service in droves out of anger, protest, utter frustration or all of the above. Is there any chance I can get some of my tax money back? If the federal government was Best Buy or William Sonoma, I would be due a full refund.

Corruption

Congress leads the way on this one. Jack Abramoff, Duke Cunningham, Tom Delay, Bob Ney and William Jefferson with his freezer full of hundred dollar bills are the names that jump off the page. The more unsettling fact is that what passes for federal appropriations these days is largely the byproduct of what has become legalized bribery. The applicable euphemism is "earmarking" which is done in secret by individual lawmakers with no oversight who slip huge chunks of federal favors for contributors into thousand page bills nobody bothers to read. To make matters worse, Congressmen and Senators can't be shamed into making even minor reforms. To this end, every incumbent up for reelection should be made to find honest work in the private sector starting next January. They should also be made to forfeit their generous Congressional retirement benefits just like the rest of America's workforce in

continued on page 13



Mississippi Political History: Fair and Balanced Actually Means That

by Sid Salter

With the tenor of public discourse deteriorating over the last 20 years into the shrill, often incomprehensible shouting matches of "talking head" cable news television program, it's refreshing to find a new take on Mississippi's political history over the last 40 years that really is "fair and balanced."

On November 1, University Press of Mississippi will release *Mississippi Politics: The Struggle for Power, 1972-2006* by Jere Nash and Andy Taggart with a foreword by Mississippi author and former state legislator John Grisham.

The Book is an exhaustive, inclusive and scholarly treatment of the most recent 30 years of Mississippi's political history.

The book also represents a fair, even-handed and factual account of Mississippi's transition from a state dominated from the county courthouses to the statehouse by a monolithic Democratic Party to a vibrant two-party system in which the GOP is an equal partner in power.

The co-authors are an unlikely pair. Nash, a consultant, was chief of staff to former Democratic Gov. Ray Mabus. Taggart, a lawyer who is now a Madison County supervisor, is a former chief of staff to the late Republican Gov. Kirk Fordice.

Nash remains a "yellow dog" Democrat while Taggart is a hardcore Republican.

But the pair has produced a warts-and-all look at how Mississippi moved from a 1976 political reality of Democratic dominance to one in 2006 that sees Republicans firmly in the drivers' seats.

The authors document the 1976 state political roster that saw Democrats controlling the Governor's Mansion, all seven down-ticket statewide offices, both U.S. Senate seats and three of five seats in the U.S. House. Democrats also held 169 of 174 seats in the state Legislature.

Currently, Republicans control the Governor's Mansion, four of seven down-ticket statewide offices, both U.S. Senate seats, two of four U.S. House seats and 69 of 174 state legislative seats.

How Mississippians journeyed from supporting Democrat Jimmy Carter in 1976 to being one of George W. Bush's most reliable states in both 2000 and 2004 is a story worth telling. Nash and Taggart hit most of the high spots, but don't ignore the low spots in crafting their history.

The book provides an honest assessments of the tumultuous 1976 presidential campaign in Mississippi that saw Carter eke out a 49.6

percent plurality of the vote as the state's GOP leadership engaged in a civil war between supporters of eventual nominee Gerald Ford and Ronald Reagan.

An analysis of the forces that saw the GOP wrestle both the state's U.S. Senate seats from Democratic control after the retirements of "Big Jim" Eastland and "the little judge" John C. Stennis is also extremely valuable and well-written.

The book focuses on major political movements like Gov. William Winter's education reform movement and the "boys of spring" who shaped and followed it. Readers will also get an insider's view of the 1983 gubernatorial campaign that saw Democrat Bill Allain made the target of perhaps the muddiest political campaign in state history - and the starting implosion of the political career of the later Republican U.S. Rep. Jon Hinson.

The House Revolt of 1984 is recounted and the authors accurately note the impact of those political sea changes to the approach of legislative party that now exists in the Legislature. The political force of nature that was Kirk Fordice is chronicled - as is the rise, fall, and reemergence of Mike Espy.

This book is a must-read for any serious student of Mississippi politics and a valuable reference for those who will study the subject in years to come.

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News from the Hinds County Bar Community Services Committee

by LeAnn W. Nealey and Frankie Walton White - Co-Chairs

The Community Services Committee's New Project: The committee has chosen a new project this year and we look forward to your participation: *Tutoring at Barr Elementary* (1593 W. Capitol - just a few minutes west on Capitol from downtown). If you are interested after reading the details below, please contact LeAnn Nealey (leann.nealey@buffersnow.com).

Here are the details:

Who Are We Helping: Barr Elementary is an "under-performing" school under State accountability standards. 220 students attend this school, from pre-kindergarten through fifth grade. These children will really benefit from our help!

Areas of Need: Primarily reading, some math.

Am I Qualified: The highest level is fifth grade - even we can do the math! A one-hour training session for tutoring reading will be given by the Barksdale Institute. We are working with Barksdale and Barr Elementary to schedule a convenient time for all HCBA volunteers to attend this session.

Time Commitment: Half-hour sessions at the school between the hours of 10:00-2:00 p.m. or in the after-school program from 2:30-3:30 p.m. (If you choose to tutor for a full hour you will help two students).

How Often: Barr will work with our schedules. You may choose to do this weekly, bi-weekly, monthly or simply as a substitute.

Please consider helping with this worthwhile project!

Christmas in July - Thanks to All: Frankie and I want to thank all of you who participated in Stewpot's Christmas in July. Stewpot was very appreciative and we worked with many other community organizations in restocking Stewpot's shelves!

For those of you that are unfamiliar with this program (and would like to participate next year), from June 30 to July 31 participating organizations collect non-perishable food items for Stewpot. Stewpot delivers the empty boxes on June 30; picks up the boxes at the end of the month; and furnishes flyers for each organization to post to publicize the event. This year, HCBA had 17 law firms participating. Thanks again to all of you!

continued from page 1

Several law firms and local businesses have graciously agreed to help sponsor this reception. I hope that you can support these events by attending at least one and that you will make plans and invite a friend as your guest to what will I believe will be two outstanding discussions.

Diversity in the Legal Profession and Beyond

After more than a year of planning, the HCBA, with our two in-state law schools and several state and local professional and business organizations, will co-host a Diversity Roundtable that brings together some of the country's leading speakers on diversity-related issues. The Roundtable will be at the Marriott Downtown Jackson on November 16, from 9:00 a.m.-1:30 p.m. Joaquin Carbonell, Executive Vice-President and General Counsel of Cingular Wireless LLC and Chair of the Litigation Committee of the U.S. Chamber of Commerce, will be the key note speaker for this program.

Corporate in-house counsel and executive officers from more than a dozen Fortune 100 and 500 companies with a presence in Mississippi will take part as panelists or moderators. Many of our guest panelists have former or current ties in Mississippi, and during this program, they will discuss the relevance and importance of diversity to American business and the legal profession including issues such as recruiting, mentoring, and retaining minorities and

women in the legal profession.

Tickets are \$50 per person, and space for this program and the key note lunch is limited. HCBA has mailed registration brochures to every attorney in the Metro Jackson area and extended complimentary invitations to every state and federal judge in the area as well as certain other state, county, and local officials. You can find out more details about this event on the home page of the Mississippi Bar at www.msbar.org. HCBA would not have been able to put on the Diversity Roundtable without the generous financial and in-kind support of numerous companies, law firms, and other organizations. We hope that you will support this event by attending and taking part in what should be an outstanding half day event.

The HCBA-JYLA Fall Social for New Bar Members

As they have for the past several years, HCBA and the Jackson Young Lawyers Association will co-host on October 12 a Fall Social for the newest members of the Mississippi Bar practicing in the Metro Jackson area. This year it will be at Hal & Mal's from 5:30-8:00 p.m. with food, beverages, and live music. There is no charge for admission, and it is always a celebratory yet relaxed event. I hope that you can come, stay, and enjoy yourself as you meet some of the newest members of our profession.

Linda Anderson Enters Third Career as Magistrate Judge

by Steve Ray

[Editor's Note: Following is the first in a series of HCBA Newsletter articles on the remarkable changes taking place this year in the federal judiciary of Mississippi's Southern District where HCBA is located. Long-time District Judges William Barbour, Tom Lee, and David Bramlette have taken Senior Status, Magistrate Judge Alfred Nicols has retired, new Magistrate Judges Mike Parker and Linda Anderson have taken the bench, new District Judge Dan Jordan is already trying cases, and presidential nominees Leslie Southwick and Halil Ozerden await Senate confirmation as district judges. Not since early in the Reagan Administration when Judges Barbour (1983), Lee (1984), and Wingate (1985) were named have so many new judicial officers entered service here.]

Linda Randle Anderson assumed the office of United States Magistrate Judge in July 2006. Chosen by the district judges from among those recommended by a merit selection panel, she has an eight-year term.

Growing up on the family farm in Holmes County, "United States Magistrate Judge" was not a title Linda Anderson imagined she would one day hold. She didn't even know a lawyer. But she knew that farm work—yes, chopping cotton and keeping the vegetable garden—was hard and she wanted off the farm. Fortunately, her family not only believed in, but insisted on, education.

Asked what she hopes to accomplish in her new role, Judge Anderson is reflective. "I want to leave a legacy of fairness. That carries over from my prosecutor days—fairness was always my goal." Though "keenly aware" that for the Southern District she breaks new ground as the first female on the bench and only the second black judge, she wants simply to be a "good, fair judge," not a good woman judge but a role model for all. She's determined to be as fair to defendants as to prosecutors, and to continue and expand the public's positive perception and understanding of the federal courts.

Judge Anderson mentions frequently the notion of serving as a role model. As a child, she knew teachers, including her school-teacher mother, and still admires them. She followed their example in her first career—teaching—but thinks she did so in part because she had no lawyer role models, though she had thought of studying law. "I want children to know what they can do. So many children, and so many in my home county, don't know what their potential is. I want to be a mentor." Judge Anderson knows that the judiciary is a fine pulpit for her work, and the evidence is that she's got a full command of it. Witnessing the judge conduct her first naturalization ceremony, Elizabeth Howell, law clerk to Judge Dan Jordan, said, "She's awesome. I walked out feeling proud to be an American."

The daughter of a school teacher and a farmer with an 8th grade education ("one of the smartest men you'd want to know"), Judge Anderson did her fair share of the farm work. She chopped cotton, fed hogs, tended cows, worked the garden, and wanted off the farm. School let out after a half-day for much of the year at the Lexington Attendance Center for Negroes, and for a reason—the students had farm work and other chores to do. "We had two sets of clothes, school clothes and work clothes," says the judge. "As soon as school let out, we changed into our work clothes and went to work."

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Graduating from high school in 1970, Judge Anderson and three girl friends enrolled in Holmes Junior College at Goodman. They were the first black students enrolled who weren't athletes, and the first as regular students to live in dormitories on campus. "The first week no one spoke to us. The most notice we got was to be laughed at occasionally." One day, however, two white girls—straight-A basketball standouts—came over to talk. "These were popular girls; we quickly had a crowd, and the ice was broken." Still, for a long time the four girls could sit at window tables in the cafeteria if they wanted. Just putting their trays down cleared the area. Judge Anderson recollects these events without bitterness—"we had no adverse incidents, really"—but with a light laugh. What she seems to recall quickest is the names of the two girls who extended such a kindness so long ago.

Soon Judge Anderson had earned both Bachelor's and Master's degrees in Music Education from Jackson State University ("I studied; I'm not gifted"). While working on her Master's, she worked as secretary to the chair of the Music Department. Degrees in hand, she embarked on an elementary school teaching career with the Jackson Public Schools in 1977. The notion of studying law would not leave her alone though. In 1981 she enrolled in the evening program of Mississippi College School of Law. "I kept teaching and didn't tell anyone for fear I would not make it," she relates with amusement, noting how naive she was. "When I enrolled, I had my casebooks, but noticed that all the students had a law dictionary. I decided I should have one too, and before my first class looked up 'plaintiff' and 'defendant'—just to be sure."

Remarkably, at the same time Judge Anderson began evening law school (while still teaching full time during the day), her husband Leon, a high school teacher, took a leave of absence to begin dental school at the University of Mississippi. At the time, they had two small sons. She finished teaching and had the boys during the late afternoon. He finished dental school classes after 5:00. At precisely 5:30 p.m. each day they met at the appointed spot in Memorial Stadium parking lot where they handed off the children so she could be in class by 6:00. During those dual school years, the family took a paper route to supplement her teaching income. Judge Anderson often drove, and her 10-year-old developed an inerrant newspaper-throwing arm. "It was the only job I ever had that I really didn't like," she recalls.

Frugal with her resources ("I still clip coupons"), Judge Anderson learned to be frugal with her time. "I always carried my books in the car with me (still do) because if I had a down moment I had to study." In 1985 she graduated from law school and was hired by Mississippi Supreme Court Justice Reuben Anderson (no relation) as his law clerk. Two years later Hinds County District Attorney Ed Peters hired Judge Anderson to prosecute felonies including violent crimes and her second career—prosecutor—was under way. In 1999, looking for the opportunity to have a larger impact, she was hired by Southern District United States Attorney Brad Pigott to be coordinator of the Project Safe Neighborhoods program. This national collaborative initiative seeks to reduce

2006 HCBA Committee Chairman and Co-Chairman

Several Committee Chairman and Co-Chairmen attended the HCBA September Board of Directors meeting and presented their plans for upcoming year.



Lyle Robinson, 2007 Golf Tournament; David Maron and Linda Thompson, Inter-Bar Relations; LeAnn Nealey, Community Service; April Reeves, Social; Robert Gibbs, Courthouse Education; Tom Alexander, Corporate Counsel.



David McCarty, People's Law School; George Evans, Community Grant; Mary Clay Morgan, Women in the Profession; Mitzi Paige, Community Grant; Tom Stingley, Small Law Office and Small Firm Practice; Carlton Reeves, Legislative.



David Pharr, JYL President-Elect; Collins Wohner, Civil and Appellate Practice & Procedure; Trey Bourn, JYL President; Leyser Hayes, HCBA Director; Ben Piazza, Library; Alveno Castilla, HCBA Past President.

Hinds County Bar Association Networking Reception for Today's Professional Women Common Issues — Uncommon Solutions

with a presentation by
Pamela Roberts,
Chairman, ABA Women in the Profession Commission

Tuesday, October 17
Old Capitol Inn 5:30 to 7:30 p.m.

Tickets: \$15
Send reservations to:

HCBA, 151 E. Griffith St., Jackson, MS 39201

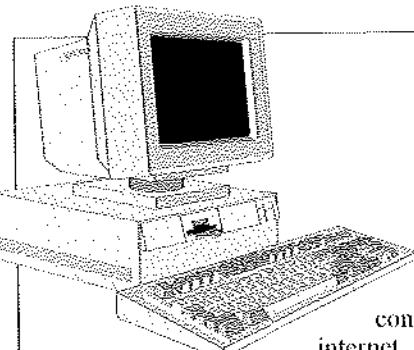
Co-Hosted by:
Mississippi Women Lawyers Association
Metro-Jackson Black Women Lawyers Association
MS Bar Women in the Law Profession Committee

HINDS COUNTY BAR ASSOCIATION

Christmas Party

Thursday, December 7, 2006
from 5:00 to 7:00 p.m.
Old Capitol Inn
226 North State Street

Mark your
calendar!



On Computing

by Joel Howell

While many websites' functionality and user appeal may quickly fade through the ever-evolving competition encountered on the internet, a number of sites take exception to that standard. In addition to surviving the volatile e-market, some of these websites remain as industry standards in their own particular niches.

PCMag.com recently released an article titled "The Top 101 Classic Web Sites of 2006" recognizing websites exemplifying these characteristics. The complete article may be found on the PCMag web page (www.pcmag.com), but the following is a brief identification of several of the more notable sites outlined by their respective applications:

PC & Mobile

Gmail (www.gmail.com): The high storage capacities which initially reeled-in most of gmail's client base has recently been updated with additional features like Toolbar Search as well as an integration with Google Chat.

WebEx (www.webex.com): Videoconferencing at its best. This site adds convenience while reducing costs in any business environment.

Computing

Annoyances.org (www.annoyances.org): This site provides a number of solutions for all Microsoft operating systems (Windows 95 through Vista).

CNET (www.cnet.com): All the technological news, and reviews you could ask for is coupled with a download page for software, games, and music.

GetNetWise (www.getnetwise.com): If you have any concern about the security of your system, this site provides tips and tutorials ranging from privacy issues to educating your family about the potential dangers of the internet.

Gibson Research Corp. (www.grc.com): This is a great location for all of your security and maintenance software needs.

Consumer Electronics & Photography

Digital Photography Review (www.dpreview.com): Everything you need to know before purchasing a digicam may be found here.

New Law Clerks for the Hinds County Circuit Court

Judge Yenger: Russ McNees (601-973-5576)

(Russ is from Jackson and is a graduate of Ole Miss Law School.)

Judge Green: Shaunte Washington (601-968-9792)

(Shaunte is from Jackson and is a graduate of Southern University Law School.)

Judge Kidd: Ashley Wicks (601-973-5577)

(Ashley was born in Corinth and grew up in Jackson and is a graduate of Tulane School of Law.)

Judge DeLaughter: Jamie Cresswell (601-968-6656)

(Jamie is from Sartaria and is a graduate of Ole Miss Law School.)

News from the HCBA Law Library Committee

by Ben J. Piazza, Jr., HCBA Law Library Committee Chairman

The Hinds County Board of Supervisors, under the authority of Section 19-7-31 of the Mississippi Code, established and for a long time has maintained a Hinds County Law Library in the Circuit Courthouse in Jackson. Unfortunately, this excellent library tucked away in the eastern end of the third floor of the Courthouse gets almost NO use from either attorneys or the public.

In order to make legal research services more readily available to circuit and county court practitioners, the HCBA recommended and the Board of Supervisors approved setting up a mini branch of the County Law Library in the Circuit Clerk's office in the basement of the Courthouse. This branch office is equipped with a computer workstation and printer, and provides free use of the Internet and LexisNexis. This LexisNexis service

includes unlimited access to all Federal Circuits, U.S. Supreme Court cases, United States Code Service, all 50 States Case Law and Statutes and full jurisdiction Shepards. In addition, hard copies of the Encyclopedia of Mississippi Law and the Mississippi Digest are located next to the workstation.

Any lawyer wanting access to the Circuit Court Mini Branch only has to request that the door be unlocked by a Deputy Circuit Clerk. Although you will not be allowed to remove any books from the library branch you can download copies of your legal research to a CD or email them to your office at your convenience. The next time you are in the Circuit Court House, please stop by the Circuit Clerk's office to check out the resources available to you in the newest branch of the Hinds County Law Library.

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HCBA Honors its 2006 Community Grant Recipients

The Gleaners, Inc.

The Gleaners was founded in 1986 by Mrs. Gloria Martinson. Its primary mission is to collect, repackage and distribute free food to deserving, local, registered, non-profit shelters and charities on a regular basis - all by volunteers. In 2004, it distributed 600,000 lbs. of food on an operating budget of \$40,000. In 2006, it expects to repackage and distribute approximately 1,000,000 pounds of food.

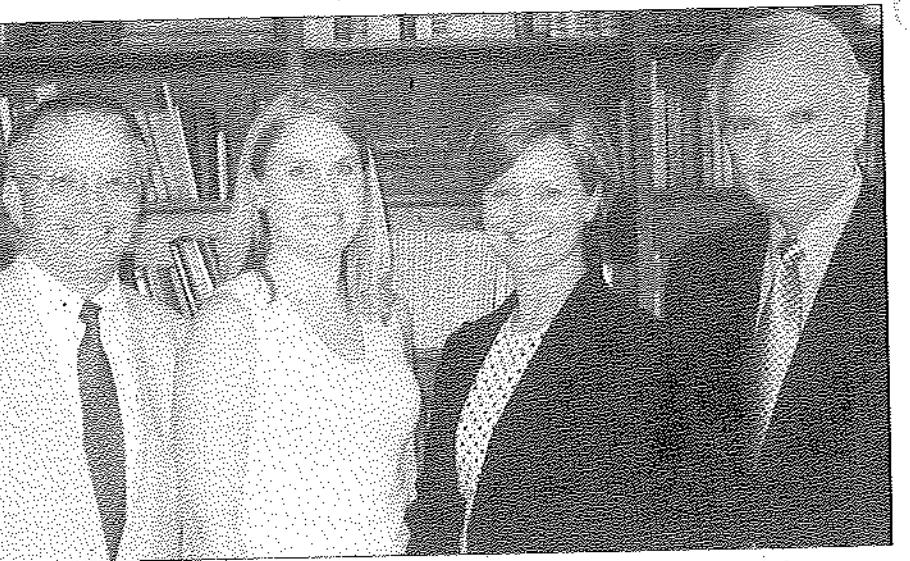
The Gleaners volunteers regularly collect food from 51 local food donors for distribution to 60 local shelters. Volunteers make daily trips Monday through Saturday to pick up food from food donors such as: Kroger, St. Dominic Hospital, Ameristar Casino, Fresh Way Produce, Broad Street Bakery, Baptist Hospital, Piggly Wiggly, Sysco, Millsaps, Primos, US Food Service, churches and festivals and many more. Typical shelters receiving food donations from Gleaners include Country Oaks, Deliver Me, Lighthouse, Isaiah House, Good Samaritan, Gateway, Caring Christians, Stewpot, Harbour House, Baptist Children's Village, Matt's House, Autumn Elderly, New Life, Salvation Army, Genesis, and the Animal Rescue League.

The 2006 Community Grant has assisted The Gleaners in purchasing a canopy over the rear of its building where all food is delivered and shipped out, installing new ramps utilized for moving food in and out of the building, purchasing new automatic doors in the rear of the building and purchasing a large scale to weigh the repackaged foods in bulk.

Dr. Alton B. Cobb is the Chairman of the Gleaners Board of Directors.

The Mississippi Children's Justice Center, Inc.

In January, 2005, the Mississippi Children's Justice Center, Inc. was incorporated and began operating the Batson CARE Clinic, which is the child protection forensic medical clinic for the Blair E. Batson Hospital for Children. The primary mission of the Mississippi Children's Justice Center is to promote the coordination of professional, investigative, assessment and intervention services for abused and neglected children and their families. The Batson CARE Clinic is the medical component of the Children's Justice Center. The goal of the CARE Clinic is to provide non-traumatic medical examinations and treatment for physically abused, neglected and/or sexually abused children. The CARE Clinic at the Children's Justice Center provides forensic medical examination to any child referred by law enforcement, local child advocacy centers or the Department



At the HCBA August Membership Meeting, Community Grant Chairman Melody McAnally and HCBA President John Henegan introduced the recipients of the HCBA 2006 Community Grants. Representing their organizations were, Dr. Alton B. Cobb, Chairman of the Gleaners Board of Directors, and Elizabeth Carroll Hocker, Executive Director, Mississippi Children's Justice Center.

of Human Services. Children are examined regardless of their care givers' ability to pay.

The CARE Clinic's project, funded in part by the HCBA Community Grant, will address the serious lack of qualified medical care for the victims of child abuse by providing the funds to obtain state of the art equipment for the medical forensic examination of abused and neglected children. The 2006 Community Grant assisted with the purchase of a state of the art digital video camera, computer equipment and training manuals in order to assist with better forensic medical reports to provide prosecutors with the information they need to file criminal child abuse charges.

Elizabeth Carroll Hocker is the Executive Director of the Mississippi Children's Justice Center.

Community Grant Committee Members 2006

Melody McAnally, Chair

Gilbert Van Loon

Chris Walker

Jennifer Evans Salvo

David McCarty

Lyneille Williams

Ex Officio: Alveno Castilla, HCBA Past President
Pat Evans, HCBA Executive Director

History of the Hinds County Bar Association's Community Grant Committee

2003 Community Grant Committee Created.

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the post pension world. Last but surely not least, they should be absolutely and permanently banned from ever serving as a lobbyist so as to prevent them from profiting from their official actions and contacts made while in Congress. The same goes for the ambitious little "fixers" on Congressional staffs who use government service as a springboard for high dollar personal profit as lobbyists at the expense of the American taxpayer.

Inattention

The American public bears a good deal of the blame for this one. Less than half even bother to vote. Of those that do, too many live in a dream world defined by what they would like the country and world to look like at the expense of reality. They buy the self serving spin and language manipulation of our purported "leaders" while not bothering with the details of what really happens in the world of big government. And when all else fails, the Administration deliberately goes to great lengths to scare the hell of the masses with disingenuous forecasts of endless doom as near as the Kroger parking lot. When that starts to wear thin, they stir the pot by denouncing gay marriage, flag burning and stem cell murder at the expense of health care, energy policy or immigration. All the while they assiduously avoid any issue that would require even a modicum of honest sacrifice or compromise on the part of the electorate.

Sadly the problem is not Republican or Democrat; conservative or liberal. It is a very American problem brought about by the general abdication of responsibility by too many of us. It is a lot easier to blame our problems on "them" than

it is to take responsibility for "us." It is driven by selfishness, fear and animosity toward "them", just fill in the blank(s). Sadly, the most reprehensible irony of the George W. Bush Presidency is that he fraudulently, or perhaps unwittingly, sold himself as a uniter. A little taste of power transformed him into the Decider. And if you take a snapshot of America a month out from the elections, he is surely one of America's greatest all time dividers.

So how do we fix our broken government and move the country back to reality based policy making? A start would be to show most incumbents the door in November. Let them know that lies, incompetence and corruption will no longer be tolerated, much less rewarded. More importantly, if you call yourself a conservative, insist on a return to those principles when it comes to the federal checkbook. If you are a liberal, do more than criticize conservatives; put forth a concrete agenda for change. And if you fall into the vast middle of voters who aren't far right or far left, insist that the two extremes quit yelling at each other and start acting like responsible adults. Be willing to trade fantasy for reality and doctrinaire posturing for common sense pragmatism. The promise of something for nothing always results in disappointment and cynicism, yet that is the driving principle that keeps politicians in office. If we don't forge some fundamental change in the direction of this country, we had best be prepared to acknowledge that America hit its peak sometime in the late 20th Century and that those days are never coming back. Ask Spain, Portugal, Egypt, Great Britain, Rome, Greece et al. Time is ticking; vote before it is too late. At least it's a start.

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gun violence. Judge Anderson not only prosecuted the offenders but also worked routinely with the pre-release groups at Parchman and the Yazoo County federal prison to educate them so as to dissuade gun violence. She also frequented schools to work with students on firearms education and crime prevention. In 2004, she undertook responsibility in the U.S. Attorney's office for selected civil work, gaining valuable experience for her new magistrate judge position.

To relax, Judge Anderson works cross-word and sudoku puzzles, and she likes to fish. She and her husband have two sons. The younger, 28, is a network engineer at Jackson State. The older would be 31; he was murdered in 1991 while in his freshman year on academic scholarship at Morehouse College in Atlanta.

Judge Anderson's docket is presently with Chief District Judge Wingate and Senior District Judges Lee, Barbour, and Bramlette. She notes that the docket is in flux awaiting two new district judges and the anticipated inflow of Hurricane Katrina cases, so assignments may change. Magistrate Judge Anderson has a variety of duties. In civil cases, she handles initial conferences, discovery motions, prisoner habeas petitions for recommendations to the district judges, and "traffic court" citations on the Natchez Trace and misdemeanors at the Veterans Administration Medical Center, national parks, and national forests. On the criminal side, she handles search warrant requests, initial appearances, arraignments, and detention hearings.

Judge Anderson is still developing courtroom procedures, but has had enough time to give lawyers appearing before her a few pointers:

- "I read everything submitted to me."
 - "I'll be prepared, so you be prepared."
 - Be prompt.
 - If there are documents for the Court to review, submit them beforehand. She will have reviewed them and be ready to discuss when the lawyers are in chambers or on the telephone.
 - Do not be lax with confidential settlement memoranda — submit them on time.
 - Do submit Case Management Orders before the initial conference with blanks for the deadlines and submit them on time.
 - The Court will be glad to assist with settlement conferences and be creative in crafting solutions.
- In chambers, counsel will find much familiar. Namely, courtroom deputy Winnie Goodwin and staff attorneys Terry Rushing and Anna Furr remain hard at work. Judge Anderson gladly retained all of them from her predecessor Judge Alfred Nicols. That's not all. Behind her desk is a beautiful oil painting by Judge Nicols. Not Nicols' gift to the chambers (though there is one of those), this painting is Judge Anderson's own because she admires it. And it's not a farm.

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Noon, October 17, \$15.00
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