President's Column
by John C. Henegan

"It Works In Practice, But Not In Theory"

Once again, we had two outstanding speakers at our most recent Hinds County Bar Association membership meeting in February. United States Magistrate Judge Linda Anderson of the Southern District addressed the subject of citizen leaders. For those of you who missed her, here are a couple of excerpts from her remarks, which began with her telling us about a conversation she had with some immigrants who attended the first naturalization examination and swearing-in ceremony that she conducted:

I shared with them the fact that my ancestors came from distant shores, as did all of our ancestors. I'd heard it said that while we may have come over on different ships, we're all in the same boat now. We sink or swim together. As U.S. citizens, we're all crewmen and it is incumbent on each of us to contribute to the strength and well-being of our vessel. A citizen rises and falls with his country.

Judge Anderson then explained that her presiding over the naturalization ceremony had made her think about her "own status as a citizen with my [own] rights and responsibilities" and she challenged us "to think about your status, not just as a citizen, but as a leader here in your community", noting:

We are all Citizen Leaders -- everyone in this room -- some by virtue of your character and personality, but all by virtue of your profession as lawyers -- like it or not. Abraham Lincoln once said, "Almost any man can stand adversity, but if you want to test his true character, give him power." You have power, and you have position. How will you use it for the common good, remembering that "to whom much is given, much will be expected"?

With so much turmoil in our community and our nation and our world, there is a dire need for us to make positive contributions: bar projects, pro bono services, mentoring programs and countless other ways to render meaningful services and engage in social reforms. These grateful immigrants reminded me that my existence here in this community and this country is not just "all about me."

Appropriately, James Keith, a partner at Adams & Reese, then spoke about an important topic, with which most of us have little knowledge and even less direct experience: the educational legal rights of the disabled as afforded by the Federal Individuals With Disabilities Education Act. Keith gave a multi-dimensional talk, beginning with an explanation of the wide range of disabilities covered by the Act, which are much more encompassing than one might expect. He then described the practical difficulties of getting parents and school administrators to reach an agreement about what a school should be doing to accommodate an individual student's disabilities. Keith concluded by saying that there is a dire need for attorneys who have the expertise to mediate pre-litigation disputes that arise between parents of disabled children and public schools under the Act and that this need will only grow as members of the public becomes more aware about their rights under this Act.

Our April HCBA membership meeting will be at its usual spot - the Capital Club - but on a different day - the second Tuesday of the month, April 10, from 12:00 noon to 1:15 p.m. We moved this meeting from its regular time to fit the schedules of our guest speakers, George Penick and William Bynum. Penick is Director of the Rand Gulf States Policy Institute, which is affiliated with the Rand Corporation, a world-renowned "think tank", which established this institute in Jackson with little fanfare about a year ago. Bynum is the Chief Executive Officer of Enterprise Corporation of the Delta, a local non-profit, and the Hope Community Credit Union, which provides financial services for lower income groups and is supported by larger local national banks and other financial institutions with referrals and as depositors.

Both these gentlemen work full-time on a full range of economic-based community development programs for lower income groups. Their programs are aimed at making the

continued on page 14
April 10th Meeting to Feature Community and Economic Development

Expanding on the 2006-07 theme of diversity, the HCBA's April 10 meeting will feature a joint presentation on community and economic development by Bill Bynum, President and Chairman of the Mississippi Community Development Corporation of the Delta and Hope Community Credit Union (ECD/HOPE); and Dr. George Penick, Director of the RAGS Policy Institute, Gulf Coast Resource Sector and member of HCBA, invited guests at the meeting will include area business and civic leaders.

One of the nation's leading community development financial institutions, ECD/HOPE has generated more than $330 million in financing for entrepreneurs, homeowners and community development projects, and has directly benefited more than 30,000 families. ECD/HOPE leverages private, public and philanthropic resources to address development hurdles that face low-income communities in areas such as job creation, housing, child care, and health care. In the aftermath of Hurricane Katrina, ECD/HOPE has extended its services to help those affected by the storm, and is now working with the State of Mississippi to provide financial counseling to approximately 10,000 persons whose homes were damaged by the storm.

Prior to joining ECD/HOPE, Mr. Bynum helped establish Self-Help, a pioneer in the development banking industry. He also managed financing and community development initiatives at the North Carolina Rural Economic Development Corporation of the University of North Carolina, Mr. Bynum is a Henry Crown Fellow of the Aspen Institute and was named 2003 National Supporter of Entrepreneurship by Ernst & Young, and the Kauffman Foundation. He serves on the boards of AmSouth Bank Community Development Corporation, the Foundation for the Mid-South, the Mississippi Children's Museum, Partners for the Common Good, and the Whinfrey Rock<ulicker Foundation. He is also a member of the Mississippi Access to Justice Commission, and is Chairman of the President's Community Development Advisory Board.

RAND Corporation is one of the world's leading nonprofit institutions. For more than 60 years, it has sought to improve policy and decisionmaking through informed research and analysis. RAND established its Gulf States Policy Institute after Hurricane Katrina to keep the Gulf Coast. RGSPI is a collaboration among RAND and seven Gulf states universities. Its mission is to assist in long-term recovery efforts by providing science-based public policy guidance to facilitate and speed regional recovery and growth, reestablish services and guide wise investments in infrastructure.

Dr. Penick became RGSPI's first director in March 2006. Previously, he had served as the president of the Foundation for the Mid-South since its creation in 1990. The Foundation focuses on the mid-south's education, economic development and children's programs throughout Arkansas, Louisiana and Mississippi.

A graduate of Davidson College with a B.A. and B.S. degrees from Harvard, Dr. Penick has served in a variety of leadership roles in the field of education, nonprofits and foundations, including serving on the boards of the Council on Foundations, the Southeastern Council of Foundations, the Foundation Center, the Carpathian Foundation, the Community Foundation of Greater Jackson, Davidson College and the Hope Community Credit Union.

Practice Before Federal Magistrates

By Terry K. Roshling

In 1997, I left a disapproving firm to become a law clerk for more than three decades to Judge John M. Fabricant. Having experienced the uncertainties of law practice, but still possessed of a litigator's self-esteem, I had two requests of the newly minted magistrate, to be paid on a regular basis, and, to do something called something "like law." The government took care of the first request, and Judge Fabricant indulged the second. Law clerk were given name plates for our doors that said "staff attorney." At the time, I didn't realize that I sat in such an obscure spot in the federal courthouse that the only people who read the sign on my door were looking for the men's room.

Since then, I've come to appreciate working in relative obscurity. When Barry Allison asked me to write this article for the Federal and Bar Committee, I recited my blessing my cover. Too many lawyers already have me on speed-dial, a situation that will be discussed later. Reluctantly, I agreed to write the piece anyway because I needed to work for Barry and am accustomed to doing what he asks. Also, I realize some problems arise especially, and they can be avoided by attorneys who understand court. Finally, because I will soon take another position with the court, I hope to sink back into undeserved anonymity.

Since Judge Fabricant retired in February of last year, I have worked for Judge Roger, Judge Sumter, and now magistrate Judge Linda Anderson, who was appointed to take Judge Fabricant's place. Having done so, I can say that, while the job title has changed, the substance of most cases vary in some details, their general applications of the Federal Rules of Civil Procedure and the Uniform Local Rules is the same. Since this article is for attorneys practicing in this court, I have focused on practice before Judge Sumter and Judge Anderson.

In creating and revising the Magistrate Act, 28 U.S.C. § 636, Congress intended to authorize greater use of magistrates to assist federal judges in handling their burgeoning dockets. McCarthy v. Brennan, 501 U.S. 135, 126 L.Ed.2d 106 (1993). In this District, that assistance is provided by pairing the magistrates with specific district judges. Judge Sumter handles civil cases assigned to Judge Jordan, as well as the Jackson Division cases assigned to Judge Lee. Judge Anderson handles civil cases assigned to Judge Wingate and Judge Barbour, as well Judge Lee's Eastern Division cases. Judicial division and Judge Anderson shares the felony criminal dockets for the Eastern, Western, and Jackson Divisions, and Judge Anderson handles the misdemeanor dockets for those Divisions. To most of the Bar's civil practitioners, the magistrate judges assist by ruling on discovery motions; to attorneys in criminal practice, they assist by holding preliminary hearings in criminal cases. A great part of the magistrate's workload is unknown to the average lawyer, as it consists of matters largely unfamiliar to them -- habeas corpus, Social Security, immigration, bankruptcy, and other civil rights cases thereof.

The real issue, however, is whether the motion deadline is sufficiently in advance of the pretrial conference.
Son of “What Makes a Good Lawyer”
by John Griffith Jones

An article appeared recently in The Daily Journal of Arizona, consisting of three- to four-column pages of single-spaced text from the transcript of an interview with an old friend of one of the defendants of an “old plaintiffs’ lawyer.” I thought it was true, but I can’t recognize the person in the color photo accompanying the article. I know that since then I have looked more and more like my father’s twin sister, even though I’m no relation. Nonetheless, the Daily Journal of Arizona asked me to rewrite “The last part” of the article, and since my views on the subjects addressed are different, I’ve rephrased, reworded, and redacted the interview my friend had with the man who is not a lawyer. I don’t think I said enough. Besides, who else is sufficiently self-centered to quote himself?

I was writing to young men about the inalienable burden of personal integrity in law and life. I argued that without it, a lawyer can succeed in the short run and perhaps please a tough client, but in the long run our justice system exploits and “erodes” the character, the character, the greed (and above all), the lies, and does so as a fashion as can be done in any profession. The simple reality is that lawyers have to treat each other and the litigation process. Law practice is not, alas, a full-fledged profession, as so many have argued.

In litigation and trial, weakness is matters of integrity just appear just to be a character of the plodding prose of the prose. The liar is eventually caught because the litigation process drags deeply, below the surface, what we are, and what we mean, as humanists. Our defense is this: even if we lose, we lose with integrity; and that both sides have integrity. The truth is that only lawyers can do all of our procedural and evidentiary work, the facilitation of the truth, which we don’t deny, but make the truth. I’m not talking about what the law is, or should be — a question increasingly complicated by politics. I mean how we do it, and the fact that only lawyers can do it, and the job of the litigation system is that it promises the claimant that a well-respected and dedicated lawyer is also an honest lawyer. I know not what, and the example of the guilty is well-worn the out-of-wedlock.
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Mississippi Access to Justice Commission

The Mississippi Supreme Court on June 29, 2006, created the Mississippi Access to Justice Commission in an effort to promote access to justice courts and address the needs for civil legal representation of the poor. Mississippi was the twenty-third state (now there are twenty-six) to form such a state commission. The Mississippi Access to Justice Commission includes business and community leaders, clergy, and representatives from all three branches of state government in order to develop a unified strategy to improve access to justice for the poor.

The Supreme Court appointed as Commission Co-Chairs Senator John D. Horhn, Jackson; Judge Douglas S. Jackson, Tate County; Judge Murray Cary-McCay, Greenville; Supreme Court Justice Jess H. Dickinson, Gulfport; Sunflower Mayor Betty Folkamer, Coahoma; and Sunflower County Commissioner Sam Jones, Sunflower. The Commission includes Judge Donna J. Jackson, Jackson; Judge Reuben Anderson, Jackson; Amanda Jones, Jackson; Bill Bynum, Jackson; Rev. Richard Anderson, Tallahatchie; Rev. John Poole, Tishomingo; Judge Judge Owen, Purvis, and Judge James W. Doggett, Hancock.

The Commission's overriding objective is to ensure that all Mississippians have reasonable access to the courts and the justice system. The Commission's strategic plan includes:

1. Identify the current and future needs of the legal services community as a way to ensure access to justice for all Mississippians;
2. Develop and implement a state-wide plan to ensure access to the legal services to the poor in Mississippi;
3. Develop strategies and ideas to increase resources and funding for access to justice in civil legal matters, and to make recommendations to appropriate entities to ensure that the current legal aid funding is directed at the areas and organizations of greatest need;
4. Work to maximize the use of technology to improve access to justice;
5. Reduce barriers to the justice system by addressing existing and proposed court rules, procedures, and policies that affect access to justice for poor Mississippians; and
6. Monitor and evaluate the effectiveness of the statewide system and service providers, and periodically evaluate the progress made in fulfilling their respective responsibilities.

United States District Judge Daniel P. Jordan III

United States District Judge Daniel P. Jordan III has recently assumed the Bench in the Southern District of Mississippi. Judge Jordan has shared some of the procedures that he has adopted. Before taking the Bench, Judge Jordan interviewed all the judges in the Southern District and several in the Northern District of Mississippi. His procedures borrow heavily from the other judges, but with a few modifications of his own.

Judge Jordan has also set forth a proposed rule that will hold a purely hearing approximately three weeks before the trial and at which time he will ask defendants whether they wish to change their plea or proceed to trial. Judge Jordan hopes to set a plea hearing or trial date during the pretrial conference.

In civil cases, Judge Jordan is an electronic discovery expert.

Central Legal Staff of the Mississippi Supreme Court

The Mississippi Supreme Court maintains a Central Legal Staff consisting of eight staff attorneys to assist the Court in handling motions, petitions for certiorari, interlocutory appeals, and other miscellaneous matters. Hubbard ("Hubby") Saunders IV is the Director of the Central Legal Staff and also serves as a Deputy Court Administrator.

Motions, petitions, and other pleadings are filed with the Clerk of the Supreme Court. Concerns about time extensions and questions concerning deadlines for filings should be directed to Jack Poole, Court Administrator (601-359-2185) or Mr. Saunders. Under no circumstances should an attempt be made to contact a Supreme Court Justice directly about any matter.

Recurring errors by lawyers that Mr. Saunders has noticed include filing an emergency motion and serving counsel opposite by mail. Emergency motions should be served by delivery or facsimile. Also, problems are frequently encountered when an attorney attempts to withdraw during the pendency of an appeal. Rule 46(c) of the Mississippi Rules of Appellate Procedure should be reviewed carefully. A motion to withdraw must be accompanied by an appearance form of substitution or a signed statement by the client indicating that the client agrees to proceed pro se or an explanation why neither can be obtained.

Lawyers, not law firms, enter appearances with the Supreme Court. A motion to withdraw should refer only to the individual lawyer who has made appearances, not seek the withdrawal of the law firm of the appearing attorneys.
Lawyers have at least as much to do with whether the outcome has integrity as the judge or jury. So I further respectfully and naively submit that a result that departs from the truth may work for our client, make us look good and even add to our own competitive advantage—but it is still wrong. Nothing more or less than the rule of law and our profession pay the price for narrow invocations of the truth. I have been involved in enough Gotterdammerungs in the past five years to expect that someone reasonable, usually in a role, will ultimately step in and stop the madness. No actor in the drama has a monopoly on the hoary currency of honesty and integrity. Those indispensable qualities must come from each of us. If we do not apply these qualities in our representation of every client in every case, we cannot expect some court or judge to do it for us.

We cannot look to anyone else to nourish the rule of law, or battle the growing perception of lawyers as beneficiaries of an evil bargain, while we hunger and starve by squeezing every advantage our client can grab in the combat of litigation. There is no going back from that, but that doesn’t mean we’ve already given away the profession’s chance to walk the walk. It just comes down to us. We are all orphans in the dimension of litigation, and like an orphan we are each free to create our own relationship with the truth and with our responsibilities as professionals. If you are that guy or girl who competes alone, who wants the halo when the game is over, who really has the stuff that makes a good advocate, that freedom is not only okay but essential. We must choose wisely, and choose now, if we expect to keep it.

Unfortunately, a "consistent" of addressing these issues with even a modicum of acumen is to expose yourself as intolerably smug, stupid, insufficiently end, above all, judgmental and a profound bore. Guilty, worse, twice guilty. A recidivist and a profounud bore, Guilty. Worse, twice guilty. If you are that guy or girl who competes alone, who wants the halo when the game is over, who really has the stuff that makes a good advocate, that freedom is not only okay but essential. We must choose wisely, and choose now, if we expect to keep it.

To the search for the truth in our work, we cannot expect some court or judge to do it for us. It just comes down to us. We are all orphans in the dimension of litigation, and like an orphan we are each free to create our own relationship with the truth and with our responsibilities as professionals. If you are that guy or girl who competes alone, who wants the halo when the game is over, who really has the stuff that makes a good advocate, that freedom is not only okay but essential. We must choose wisely, and choose now, if we expect to keep it.

People's Law School Set For April 24
At The Jackson Medical Mall

This spring the HCLA will sponsor a new People's Law School. As the law grows ever more complex, those most in need often have the least access to legal resources. This free event aims to change that, and will inform the public about the legal topics which impact our lives as citizens, landlords, tenants, homeowners, employment law, family law, and how consumers can be protected from opportunistic predators.

This year's People's Law School will present the following:
- Bill Musgrave, Special Assistant Attorney General with the Division of Medicaid, and Barry Jones, Wise, Carter, Child: speaking on the topic of older law, landlord-tenant issues, and Medicaid.
- Eason McDuffie and Wilma Scott, Equal Employment Opportunity Commission; presenting an overview of the employment laws enforced by EEOC, steps on filing a charge of discrimination and a brief overview of the investigatory process.
- Grant Higdon, Special Assistant Attorney General and Director of the Consumer Protection Division: speaking on how consumers can be protected from unfair, deceptive, or misleading business practices.
- The Honorable Patricia Wise, Hinds County Chancellor: presenting a summary of family law.
- Justice James Graves, Mississippi Supreme Court and Judge Nicki Martinson Beland, Hinds County Justice Court: presenting a general overview of the judicial system.

The event will be on Tuesday, April 24, 2007 from 4:00 p.m. until 8:00 p.m., in the Community Meeting Rooms at the Jackson Medical Mall. We'll provide refreshments. If you would like more information or would just like to help, contact committee co-chairs Melody McAlary (mcalar6y@bradleylawratt.com) or David McCarty (davidmcaryty@email.com).

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conference for the district judge to judge time to rule on it.

- Considering the response and rebuttal time for a motion, it takes nearly a calendar month to complete briefing, assuming no party
- In light of the number of motions that may arrive for trial each calendar
- The district judges want several weeks between the date that briefing is completed to allow for oral argument. Where the parties must have a lengthy extension of the discovery deadline, they have the option of stipulating that no
dispositive motion will be filed, seeking permission from the
district judge to file a late motion, or seeking a continuance of the
trail date.

Expedited Review. Most motions will not be considered by the magistrate judge until briefing is complete, or the time for briefing has passed. For this reason, a motion seeking earlier review may hasten the process by informing the court that it will not like a rebuttal. A party seeking expedited review, if Local Rule 7.2(H), should make that clear - the best way is to include his request in the caption of the motion, followed by notifying the court by phone or email. Submit the request in the last paragraph, or assuming that the court will realize that the circumstances demand expedited review in a mistake, as the text of the motion will not likely be read by anyone until briefing is complete.

- Discovery Motions. Discovery motions must be accompanied by the certificate of good faith certification described in Local Rule 7.1(A). We try to screen for any
- In light of the new certificate, deny the motion outright, without prejudice, so there is ample time for the
- The judge order that motions could appeal with Rule 37.(b), which
- That requirement is intended to preclude the argument that an opponent's discovery responses are "too incomplete and inadequate, as the
court can act by reviewing the attachments.
- By the way, the most futile defense that can be offered to a motion to compel is that your opponent hasn't provided discovery
certainly, if you don't have a motion on file.
- Mereely serving discovery responses after receiving a motion to compel does not constitute a response; in fact, the
good faith requirement is supposed to have expired prior to the
motion's being filed. When that occurs, however, the party
serving the discovery responses should inform the
court that the dispute has been resolved. Alternatively, the
plaintiff may notify the court that his motion is withdrawn.

- Motions to Amend Pleadings. Once a scheduling order has been entered, the decision to permit amendment is governed by Fed. R. Civ. P. 15(b). Rather than the
- Rule 15(b) states that the scheduling order by the
court "shall not be modified except upon a showing of good
cause,....", in determining whether good cause is shown
for a motion filed after the deadline for amending the

court uses a four-part test, considering:

(1) the explanation for the failure to timely move
(2) the importance of the amendment
(3) potential prejudice to allowing the
amendment
(4) and the availability of a continuance to cure
any prejudice.

The court will independently review a proposed amended complaint to determine whether it affects the
judicial process; that a motion for amendment will be
denied where the proposed amended pleading will not

provides that a nonparty served with a subpoena
decree must simply serve an objection on the party
seeking documents, which effectually quashes the
subpoena without the
court's consideration. The
key word here is "served." Objections are not filed with the
court, and the court doesn't
rule on them. This language properly puts the burden of filing a motion on a party to the litigation, rather than the
non-party. The Rule does not provide that an objection may
be
filed if there is no
motion preventing production must file a motion with the court.

Protective Orders. Most attorneys seem to have a
standared protective order in their computers that contains a
paragraph directing that "Confidential material be filed
under seal.
Local Rule 36.3(b) provides the
anticipated sealing of court records.
Instead, any attorney seeking to
seal a document file with the
court must obtain an order
directed to that document.
We try to look for those
paragraphs when protective orders are submitted to the
court and ask the attorneys to
remove them.

- Ex parte contact. Everyone knows that the Rules of
Professional Conduct prohibit ex parte contact with judges.
That knowledge doesn't prevent many attorneys from
contacting the judge's law clerks.
The Fifth Circuit considers that equally improper, holding that
a law clerk "is forbidden to do all that is prohibited to the judge." (Hall v. Small, Business Administration, 695 F2d 175, 179 (5th Cir. 1983). The magistrate's
offices are permitted only three
employees - typically, a
district judge's chambers.

- If you have a scheduling order which
includes a discussion of the need for
law clerks.

- If the district judge's chambers, therefore, law clerks in
the magistrate's chambers are not instructed from phone calls.
Many phone calls are not connected properly, which, along
with our telephone directory, is on the court's
website, at www.uscourts.gov.
Most of the calls we get from
attorneys are not connected properly and must be
reconnected before the court.

- Distinct is the trend of use of law clerks as a
research tool, which is becoming more prevalent among younger
attorneys.
Aside from the nonpropriety, our workload does
not permit us to look up the law for you, and many of the
questions you get could have been answered by a review of the
Local Rules or the Rules of Civil Procedure. If you have a
legitimate technical question about your case (and we
usually get "What do I do with the
G1 calls"), you should
be referred to a senior partner, rather than the judge's
staff. Better to spend a few non-billable minutes looking for the
answer yourself than to damage your reputation with the court.
participants more self-sufficient and economically independent. We have numerous federal and state agencies or commissions, governmental programs, non-profit and faith-based charitable organizations, professional associations - such as HCBA, JFALA, and the Mississippi Bar Association - and private businesses that are also engaged in economically-based community development programs in the Jackson Metro Area.

A couple of the articles in this newsletter describe some of the activities associated with these efforts, but there are many, many more that have the same or similar charges and missions. As one example, there are at least 11 non-profit and other organizations that are organized to provide pro bono legal services for different lower income groups across the State. There are non-profits in Jackson whose mission includes the task of training and supporting the executive directors and officers of other non-profits. Some might think we have too many such organizations, and others might question goals or the efficacy of many such organizations, particularly some of the smaller ones.

Whatever their goals or size, none will become or remain effective without the support of individuals who have the time, skills, or resources to make the programs work in practice.

Because of the vital importance of this topic to the long-term economic health of our community, namely, the broad spectra of essential services that undergird effective community development - education, health, access to capital and equitable financing, or housing, we are making a special effort to encourage local political, business, educational, and civic leaders to attend our April 10 meeting along with our regular group of judges and attorneys.

At my request, the officers and directors and committee chairs of the HCBA, who are coming to the April 10 meeting will be bringing these leaders as their guests. Penick and Byam have some very important things to tell us about these issues. They have spent a good deal of time preparing their talks for his meeting, and I hope that you will be able to attend and bring a guest with you.

This is my last column. I have about two and one-half months remaining in office, but this is my last opportunity to address all the members at one time. (Not even I think we will have all of our 1450 members attend any one of the several outstanding events that your HCBA committees will be hosting between now and May 31, 2007.) As a result of all the many different people that I have gotten to know and work with, I have gotten far more from serving as President this year than I could ever put into it.

The Officers, Directors, Committee Chairs, and many, many members - and some non-members - have spent a great deal of time and energy this year supporting the wide range of activities of HCBA, and I am confident that they will continue to do so for the next two and one-half months and beyond. There are some exciting projects in the works, but that's the stuff for future newsletters as they unfold and are announced. So stay tuned, keep on volunteering, and if you haven't for one reason or the other, take aim at some HCBA project or committee, volunteer, and get involved.

Thank you for your support of HCBA this year.

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BEST NOTICE OF APPEAL EVER

May 3, 2004, 9:30 a.m.

Volunteer Lawyers Project

Golf Outing Just For Lawyers

15th Annual

Hinds County Bar Association

Golf Tournament

Annandale Golf Club

May 24, 2007

Lunch 12:00 Noon

Hors d'oeuvres and Cocktail Party Following

All proceeds from the tournament will go to the Mississippi Volunteer Lawyers Project

4 Person Scramble/1 Limit 116 Persons

COST ONLY $125 Per Player includes Lunch and Post-Tournament Cocktail Party

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DEADLINE, MAY 18, 2007

Name:

Address:

Phone:

Team Members / Handicap

Your Handicap

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

Must send check with registration, and checks should be payable to: Hinds County Bar Association, c/o Debra Allen, 812 N. President Street, Jackson, MS 39202. For more information call, Debra at 353-0001.
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Friday ........................................... 7:30 a.m. - 9:00 p.m.
Saturday ....................................... 9:00 a.m. - 9:00 p.m.
Sunday .......................................... noon. - midnight

EXCEPTIONS

Easter
Friday, April 6th ........................ 9:00 a.m. - 5:00 p.m.

EXAM SCHEDULE

April 29th - May 11th

Monday - Friday ............................ 7:30 a.m. - midnight
Saturday ..................................... 9:00 a.m. - midnight
Sunday ........................................ 9:00 a.m. - midnight
Friday, May 11th ............................ 7:30 a.m. - 4:30 p.m.

Summer hours will begin May 12th.
For more information please call 925-7120.
Hours are subject to change without notice.

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

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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 website address is hindsbar.com.
President’s Column
by David Kaufman

For those who missed it — and that appeared to be the vast majority of the membership — the June membership luncheon featured the culmination of the fine work of two of our committees and an excellent presentation on behalf of the Mississippi Volunteer Lawyers Project.

The Community Grants Committee, co-chaired by Mitzi Paige and George Evans, presented community grants totaling $13,000 to four worthy organizations, as follows:

Deliver Me, a metro-area group that provides food and other necessities to senior citizens in need, was awarded a grant of $3,000 for the purchase of hearing aids and eyeglasses for those seniors.

Family Support Center, an organization devoted to ending the cycle of child abuse by the use of parent and child therapy, received a grant of $4,000 for the expansion of multi-week classes to educate parents in proper child rearing.

Positive Living, a non-profit business that provides shelter...
HCBA Announces its 2007 Community Grant Recipients

At the HCBA June Membership Meeting, Community Grant Co-Chairman, George Evans and Mitzi Dease Page, introduced the recipients of the 2007 Community Grants. Representing their organizations were (from left) Joe Bennett, the Family Support Center; Olivia Lee, Positive Living; Kimberly Merzey, The Little Light House; and Ken Ariguz, Deliver Me (back row) David Kuchenheim, HCBA President; Jennifer Evans Sieber, Committee Member; George Evans and Mitzi Dease Page, Co-chairman, Chery Baker, Committee Member.

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Resolutions of the Hinds County Bar Association
Community Grants Committee

WHEREAS, in recent years, the Hinds County Bar Association has made annual grants to civic or social agencies, organizations or programs whose primary mission is to assist persons without financial means or that provide social services to persons with special needs, with preference given to such agencies, organizations or programs serving the Jackson metropolitan area; and

WHEREAS, the Board of Directors of the Hinds County Bar Association has appointed a Community Grants Committee to assist the Association in identifying and selecting a deserving beneficiary or beneficiaries of the community grant for 2007; and

WHEREAS, the Community Grants Committee has considered and reviewed recommendations from members of the Association for potential agencies, organizations and programs to consider for the 2007 grant; and

WHEREAS, site visits were conducted by Community Grants Committee members at the business locations of four organizations; and

WHEREAS, the Community Grants Committee has endeavored to recommend recipients for whom the grant to be made by the Association would have a significant impact on the work being carried out by the agency, organization, or program and would affect a large number of beneficiaries of the agency, organization or program; and

WHEREAS, one of the organizations visited was Deliver Me, a metro-area group that brings food and other necessities to seniors in Jackson; and

WHEREAS, another of the organizations visited was The Little Light House, a school that provides education and play therapy for special-needs children; and

WHEREAS, the Committee is of the view that the grant for 2007 should be divided between these four organizations primarily serving individuals and other social service agencies in the Jackson metropolitan area;

NOW, THEREFORE, BE IT RESOLVED, that the Committee hereby recommends that the sum $3,000.00 be awarded to Deliver Me for the purchase of hearing aids and eyeglasses to provide free of charge to metro-area seniors in need; and

RESOLVED FURTHER, that the Committee recommends that the sum of $4,000.00 be awarded to the Family Support Center for the expansion of multi-week classes to educate parents in healthy child rearing as to alleviate the dangers of child abuse;

RESOLVED FURTHER, that the Committee recommends that the sum of $2,000.00 be awarded to Positive Living for the purchase of a commercial washer and dryer to serve its residents; and

RESOLVED FURTHER, that the Committee recommends that the sum of $4,000.00 be awarded to The Little Light House for the purchase of equipment specially designed to enhance the learning abilities of special-needs children; and

RESOLVED FURTHER, that the Committee shall provide more detailed information pertaining to its recommendations upon any such request of the Board of Directors of the Hinds County Bar Association.

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The HCBA sponsored its 15th annual golf tournament on May 24 at Annandale Golf Club. The event was chaired by Lyle Robinson, and the proceeds will benefit the Mississippi Volunteer Lawyers Project. The HCBA is very appreciative of all the sponsors, and in particular, SRG for underwriting the tournament.

COSCUR/Jehhic · Ill en, Shirl~:~ ·· From the Mississippi Volunteer Lawyers Project: Alane Alexander, Shirley Williams, Executive Director, and Sant Mersh.

2007 HCBA Golf Tournament

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- Debra Allen
- Harris Collier
- Jay Bolton
- John Gordon
- Keith Okert
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- Meade Mitchell
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Stracener says, constantly that he is a better lawyer and being a musician. Life as a lawyer/musician. To hear Jackson lawyer Philip Ciunn says, his non-lawyering life as a guitar and bass player just happens to be "messing around" for rehearsals. As author Marci Alboher (see sidebar) would say, they live lives as "slashers", practicing law while engaging in a second career that may have nothing at all to do with the law. "I Wanna Be A Cowboy, Baby": Living Life As A "SLASH" by Kevin Humphreys

Have you ever found yourself sitting through yet another deposition dreaming of making it big on the PGA tour? Or you’ve found yourself staring at yet another set of interrogatories and thinking of checking it all to enter seminary. Meet three local lawyers who’ve found creative outlets for their interests outside the law. Or, as author Marci Alboher (see sidebar) would say, they live lives as "slashers", practicing law while engaging in a second career that may have nothing at all to do with the law. To hear Jackson lawyer Eric Stracener tell it, he took up the guitar as a way of taking his mind off his honors thesis during his senior year at Millsaps some 20 years ago. He started "messing around" with his roommate’s guitar and pretty soon, he was hooked, despite the fact that he (in his words) "wasn’t very good.

His then fiancé (now wife), Stacey, bought him an acoustic guitar some twelve years ago and by 2003, Stracener had written and recorded enough songs to put together a CD, "Stockeys", that he released in 2003. He released a second CD, entitled "The Triching", in 2006. He also now plays regular gigs with his band, "The Frustrations", whose bass player just happens to be Stracener’s law partner, John Hawkins.

Stracener says that to call music a second career is "maybe a stretch. It’s more like an avocation." In fact, Stracener says, like many musicians, "Oh, I’ve made hundreds of dollars playing music!" Even to an outside observer, it is obvious that although Stracener doesn’t play his musical trade full-time, he clearly loves his non-lawyerly life as much as the time he spends in the office. Interestingly, he believes that playing music makes him a better lawyer and being a musician might even make him a better songwriter. When pressed for any conflicts he’d ever run across between his two careers, Stracener only mentions a lack of time — juggling a full-time law practice. Life as a father and husband leaves enough time to play actual gigs but precious little time for rehearsals and recordings. Nonetheless, Stracener reminds himself constantly that he is a "lucky" to be able to live life as a lawyer/musician.

Jackson lawyer Philip Gunn’s "slash" life took him to the Mississippi legislature four years ago, when he was first elected to represent District 56, which comprises portions of Hinds, Madison, Warren and Yoloza counties. Now almost 20 years out of law school, Gunn affirms that he has always had an interest in politics (Author’s note: I feel compelled to mention that when Philip and I were in high school together, his nickname was "Gov.")

Much like Eric Stracener, Gunn has a passion for his life beyond the law, in this case finding many rewards in public service. "When practicing law, my efforts generally only affect the client I am representing rather than many people, and most of my contacts are confined to the legal profession", he says. The biggest obstacles he finds to his second career are the effect the legislative session has on his law practice. [During the legislative session] "I can only attend to my law practice on Monday mornings, Friday afternoon, and weekends." Gunn cites understanding opposing counsel and judges as being instrumental in making his second career work.

Also like Eric Stracener, Gunn emphasizes that finances played no role in his decision to embark on this second career; since his income during a legislative session is less than half of what it is the rest of the year. Despite these obstacles, Gunn pronounces himself satisfied with his life as a "slash", and, in fact, is running for re-election in November.

By day, Martin Hegwood is an attorney with the Secretary of State’s office; however, to stop there would leave a large chunk of his story untold. Hegwood is also a successful musician. The central character in his novels is a private investigator named Jack Delsma. The Delsma novels feature attention-grabbing titles like Big Easy Backroad, Green Eyed Hurricane, Massacre Island, and Jackpot Bay. Like Philip Gunn and Eric Stracener, who are passionate about their second careers, Hegwood turned to writing because he was passionate about it but also because he wasn’t sure how well suited he was for his first career — practicing law. Originally from Pascagoula, Hegwood’s dreams of becoming Aticus Finch were dashed almost from the first day of law school at Ole Miss.

He noticed classmates whose passions quickened with the opportunity to brief the holding in Pulpfray v. Long. Hegwood returned to his room, and stayed up until 2 a.m. sketching out the character that would become Jack Delsma. He resolved to spend some time each day for the next three years writing or doing something to help himself become a better writer.

Surprisingly, his stolen moments spent writing over lunch and whenever he could find time at home became more enjoyable. Interestingly, Hegwood also reports that he became better at his day job, that it became more fun and that he gained confidence doing it. Shortly thereafter, he was hired by the Secretary of State’s office, "the best job" he’s ever had. Perhaps not so surprisingly, success as a published author followed soon thereafter.

Three lawyers with different passions, none of whom followed the exact same path to success. All live fulfilling lives as “slashers” and perhaps best of all, all three have found that, contrary to conventional wisdom, their second careers can co-exist with life as a practicing lawyer.
Hinds County Bar Association Awards

Judge Owens
Hinds County Senior Chancery Judge Denise Owens was selected for the Hinds County Bar Association/JLYI Judicial Innovator Award. Judge Owens has been a Chanceller since 1989. Previously she served as an assistant city prosecutor, a law firm associate and partner in the Owens & Owens law firm. Judge Owens is a graduate of Tougaloo College and George Washington University School of Law. She is a member of and has served in positions of responsibility in numerous local, state and national lawyer and judicial organizations.

Sharon F. Bridges
Winner of the Hinds County Bar Association Outstanding Service Award was Sharon Bridges, a partner at Broun, Granthum, Grower & Hedges. She earned a Bachelor of Science degree in nursing from Mississippi Burn College in Atlanta and a juris doctor degree from Loyola University School of Law in New Orleans. Ms. Bridges is active in numerous professional and healthcare associations and is a frequent speaker on medical, healthcare and litigation topics.

Kelly Blackwood
Kelly Blackwood was named for the Hinds County Bar Association Pro Bono Award. She is an associate with Phelps Dunbar where she practices in the area of environmental law. Ms. Blackwood is an Ole Miss undergraduate and holds a juris doctor degree from Mississippi College School of Law. She is a member of a number of lawyer and environmental organizations. She is the author of published environmental law articles and is a regular speaker on this subject in the Southeast.

Gee Ogletree
The Hinds County Bar Association Professionalism Award was presented to Gee Ogletree, a partner of Adams and Reese. Gee graduated from Mississippi Southern and the Ole Miss Law School. His practice areas include real estate and timber law and he is the author or co-author of two chapters in the Encyclopedia of Mississippi Law entitled "Resources: Timber, Water and Wildlife" and "Property: Relations Between Owners of Interests in Land." Mr. Ogletree is an adjunct professor at Mississippi College School of Law.

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 22, at the Old Capitol Inn with The Reverend Ross Oliver as speaker. John Crowley was the chairman of the fourteenth annual event which honored federal, state supreme court and appellate judges, as well as judges of the chancery and circuit courts in Hinds, Madison, and Rankin Counties. Also at the dinner, members from both organizations were recognized for their contributions. Sharon Bridges received the HCHA Outstanding Service Award, and Kelly Blackwood was named this year's recipient of the HCHA Pro Bono Award. The Professionalism Award was presented to Gee Ogletree.

The HCHA/JLYI Judicial Innovator Award was given to Hinds County Senior Chancery Judge Denise Owens. The Jackson Young Lawyer's Pro Bono Award went to Carey Hindman, and David McCarty received the JLYI Outstanding Service Award. The HCHA and the JLYI would like to thank the Dinner Sponsors who are listed in this newsletter for their support of the Evening Honoring the Judiciary.

Owens Castilla, 2005-2006 HCHA President; The Reverend Ross Oliver; John Hindman, 2006-2007 HCHA President; and David Ramfrez, 2007-2008 HCHA President.
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On Computing

by Joel Howell

As the web grows, so do ways to search it. With thanks to Robert Amberg and Law Technology News, here are some new ways to do just that.

Legal Vertical Search

This is a new search tool which allows a more focused search of legal sources than you would get from a general search site. The goal of this site is to deliver more relevant results. It was launched by Law.com (www.Law.com). The tool is called Law.com Quest, which provides the option of searching only Law.com sites.

The ability to filter search results by date ranges or by content source or type is a useful feature of Quest. For example, if you search within the Law.com network, you can filter results to show only those from the National Law Journal or The American Lawyer, or you can choose to see only results that come from court decisions or blogs. If you use the broader "legal web" search, you can filter results by selected courts and regions.

Quest adds a broader search of select legal websites and blogs. Beyond its scope, its most striking feature is its ease of use, facilitated by its ability to filter search results by date ranges and by content source or type. Its broad vertical search, combined with its search of ALM articles, court decisions and features, should make it a key search tool for legal professionals.

Opening Congress

OpenCongress, www.opencongress.org, is a new website that draws on a variety of official government sites to blogs to provide an in-depth view of "the real story behind what's happening in Congress." A joint project of the Sunlight Foundation and the Participatory Politics Foundation, the site allows you to track official legislative information as well as news reports, blog posts, campaign contribution information and other sources. Use it to track a bill, a member of Congress, a specific issue or just to follow the latest developments on Capitol Hill.

OpenCongress works by tracking a variety of sources. They include official legislative information from Thomas, www.thomas.gov, made available by way of GovTrack.us (www.govtrack.us) including all bills, members of Congress, votes, committee reports, issue areas and more; news articles about Congress from Google News (http://news.google.com); blog posts about Congress drawn from Tech nuts (www.technuts.com), Google Blog Search (http://blogsearch.google.com); and campaign contribution information from OpenSecrets.org (www.opensecrets.org).

Legal Articles Library

This is a new, free resource for lawyers which provides access to hundreds of legal articles fromCLE programs or legal periodicals, called FreeLibrary (http://fllaw.lexbe.com), it claims to be the largest free collection of advanced legal articles available on the internet. The site focuses on collecting articles of interest for litigators and organizes them under more than 30 substantive and procedural categories or latest additions. Full articles are available only in PDF format.

LawLife provides a synopsis of each article, but the full text resides offline at the article's original location—usually a CLE provider or law firm. In fact, the site invites attorneys to add links to their own articles. The site is operated by Lexbe.com (www.lexbe.com), a company that markets a web-based case analysis and document-management system.

 Anglo-American Legal Tradition

The OQOQuam Library at the University of Houston Law Center has launched a website, Anglo-American Legal Tradition (http://aalt.law.uh.edu) that provides access to nearly a half million legal, technical, and historical documents by nation and links to the web locations of the source documents.

Questions or comments? Email webmaster@flanderslaw.com.
Highway Eats
by the Road Lawyer

The words "The Ballpark in Arlington" are chiseled into the stone facade above the home plate entrance of the most beautiful baseball facility The Road Lawyer has ever seen. In March of this year, Rangers Ballpark in Arlington ["RBPIA"] became its official name. See en.wikipedia.org/wiki/Rangers_Ballpark_in_Arlington for the interesting history and basics.

Opened in 1994, RBPIA took the best ideas from Camden Yards in Baltimore and Jacobs Field in Cleveland, and added a touch of Texas-style one-upmanship. The red brick exterior facade, broken up by just enough blonde concrete, together with a green roof, combine into understated baseball elegance. Six Flags Over Texas is nearby, its roller coasters juxtaposed against the Big [Arlington] Texas Sky. The WynnHill Hotel sits between RBPIA and Six Flags, making it the obvious and only home away from home of choice.

And then you notice the six giant construction cranes cradled beside one another. Upon inquiry, TRL learned these are the first tangible evidence of Jerry Jones' new One Billion Dollar Home for the Dallas Cowboys, and the 2011 Super Bowl.

TRL's host, who provided otherwise quite comfortable lodging, drove what seemed as far as Yneksho in order to get to RBPIA. No subway or mass transportation service, as in Philadelphia, where the subway runs straight to the sports complex that includes Citizen's Bank Park.

In New York, the No 7 train that takes you straight to Shea Stadium, while multiple subway lines run within a block of Yankee Stadium. The railroad itself runs right by Camden Yards, as one might expect. In Chicago, take the red line north to Wrigley Field and south to U. S. Cellular Field [Ed's: or Comiskey Park].

But not in Texas, which abhors normal, almost all available around the park. Condiments range from good to average to yucky. The chopped onions are fresh and fragrant. Cbatob and mustard are plentiful. That the slimy green sweet relish can be scooped from scoopable trays, and not in those silly packets one encounters at Citizens Bank Park in Philadelphia or a Trustman Park in Pearl, doesn't make it any less yucky. TRL counted a full dozen condiment stands, just on the lower deck concourse. Not a one ever ran low of slimy green sweet relish.

RBPIA offers the standard kids fare. One ice cream stand touted sundaes, coney, super cones. Another offered funnel cakes with sugar or fruit yogurt, along with a variety of ice creams, the latter served in a butter's helmet instead of a cone, if the fans so requests. The obligatory peanuts, cracker jacks, popcorn, pretzels, cotton candy and nachos abound.

RBPIA's Remarkable Beverage Service

The largest stand on the lower deck concourse, a free standing Starbucks Frappuccino, seemed to have quite a few patrons each time we passed. Beer offerings approach the best in terms of quantity and quality. Bud Miller and Coors beers are all available around the concourse. "Beer Man" prowls the aisles among seated patrons hawking malt beverages.

We went looking for Texan beers and found the Shiner beers everywhere, bottled or draught. Shiner Bock is most notable here.

The great advantage of RBPIA's many small stands is the relative absence of long lines that at some parks make you miss a full inning just to feed your face at all American baseball fan experience.

Dog-and-saucer stands were everywhere, if not quite as fragrant as at some parks. A Causey Island stand offered foot longs, Chicago Style, Chili & Cheese, Knock. The Bar B Que stand served Tony's Legs, BBQ Ribs, BBQ Chicken, Potatoes and Nachos. The Pizza stand has Cheese, Pepperoni and Supreme.

Chicken And More Tenders, Fastfood Corn Dogs, Catfish, Corkey Fries, and Snacks. Tex Mex Express offers Taco Salad, Soft Taco, Nachos, Nachos supreme and Peanuts. One stand is Price Only, offering Fresh Fries, Cheese Fries, Garlic Fries, Fresh Cut Fries, and Boardwalk fries.

The freestanding grille is the best. Jumbo Dog, Italian Sausage and Bratwurst, buried in grilled onions and/or sauerkraut. Grand Slam Burgers come in a close second with its mouthful Double Play Burgers, Single Burgers and Specialty Burgers.


continued from page 14

hour, 57-minute rain delay for the first pitch [on Friday evening].

Red Sox caps cupped thousands of heads, and T-shirts bearing the names and number of Red Sox players were, if anything, even more surreal. Not just well known stars such as Curt Schilling, Manny Ramirez and David (Big Papi) Ortiz. TRL counted eight separate Coke Cirp T-shirts. There were T-shirts recognizing Sox stars of the past, from Ted Nixon and Nomar back through "The Greatest Hitter Who Ever Lived," Number 5 Ted Williams. Sox fans have values, and pass judgment based on those values. A Johnny Damon T-shirt had an "E" replacing the "A," and the familiar cross-hatched circular cancelled sign obfuscated number 18. The only number 22 was worn by a 6-year-old girl, legally pressured scared of understanding what a moral low life Roger Clemens is.

One Sox fan was wearing a Green Monster T-shirt New number 18 is the Sox man of the hour Daisuke Matsuzaka for and to whom the Sox opened the bank vault in the off-season. The Sox even signed 31 year old reliever Hideki Okajima, so "Other" [TRL would love to hear Boston fans pronounce that] would have some one to talk to. One more. Okajima's earned run average in a microscopically 0.79, as compared with Jonathan Papelbon's 1.87 and 551 million Matsuzaka's 3.94.

Friday night we saw Sox shirts with the team name written in Japanese. Lively debates ensued whether the Japanese symbols stood for Red Sox or Seibu Lions, the team that got a lion's share of the dough the team that got a lion's share of the dough the Rangers arc.

The Gun From The Rising Sun

The Boston Red Sox come to RBPIA for Memorial Day weekend 2007. There were many moments during the Friday and Saturday night games when otherwise uninformd third parties would have thought the games were in Boston, or at least that Boston is not so far away. Sox fans do not feel left at home when they looked out to the green and white, hand operated left field scoreboard, from a distance a seeming replica of that at the bottom of the Green Monster at Fenway Park.

The Dallas Morning News reported "A crowd of 33,552, maybe half Boston fans, waited through a one

continued from page 15
popular, but there is also Shiner Blonde, Hefeweizen and Summer Steck. We did not see Shiner Winter Ale, Ziegen Bock, Shiner's chief competitor produced by Anchor-Busch, is also available.

But no Lone Star beer, that well known swell most regard as the Texas equivalent of Dixie beer in New Orleans.

A special Beers Of The World stand offered Beeck's and Heineken's Mexican beers Corona, Dos Equis [X], Bohemia, Zevaco and Pacifico and domestic beers like Sam Adams, Rolling Rock, and Wolven.

Predictably, Mexican beers are plentiful everywhere, bottled and draught, a quite adequate section of everything with available for each the asking. Upon request, you get the line section in your draft Corona or XX.

Most unusual is The Relief Pitcher, a giant frozen margarita, conventional, strawberry or colorfully mixed, served in foot long, bulb bottomed, plastic test tubes. Log on to www.igloow.com and you will learn, inter alia, that Igloos approach RBPJA in 1997 only to learn that by late only beer or multi-based products could be sold in the general area.

Igloos contracted with Dallas Great Grains Brewery, which has produced "a unique margarita flavored malt beverage..." Could have fooled TRL. Wasn't the best frozen Dallas' ever consumed. [Typeface Large] But anyway, it was the largest, Texas like "big"], but not the worst either.

A Spin On The Seventh inning Rule

All ballparks TRL has visited in this series of reviews have The Seventh inning Rule. No alcoholic beverages are sold after the seventh inning. Friday night's game at RBPJA did not begin until 90 minutes, thanks to a lengthy rain delay. After the Red Sox came back in the top of the 6th to take the lead for good, a final beer seemed in order.

But there were moments when batter hitters utterly helped against the said to be eight pitch wonder from the land of the Rising Sun. And with the Rangers threatening in the bottom of the 5th, Dierke got Sosa in a 3-2-4 double play, and then had Matsuzaka failing helplessly at a 1-2 pitch.

But over there, when Sammy hit batter hitters utterly helped against the said to six pitch wonder from the land of the Rising Sun. And with the Rangers threatening in the bottom of the 5th, Dierke got Sosa in a 3-2-4 double play, and then had Matsuzaka failing helplessly at a 1-2 pitch.

The Dallam Morning News reported Saturday morning that "Matsuzaka left after five innings with a case of nausea, a feeling normally associated with Rangers [not Red Sox] pitching." The rain delay was implicated. Still, the most painful of images, We didn't win, but we tried.

Former Mississippi State Bullfitch pitcher Jonathan Papchonk pitched the 9th both Friday and Saturday nights. He was hit hard, particularly on Saturday, when Gerald Laird batted. By a few feet of a game tying home run. The bottom line was two more sour essences images.

Manny was the man for the Sox. Deadlocks, baggy pants, hulky loops and errant throws to the contrary notwithstanding, Manny was all hustle and hitting. Papi hit one five miles Saturday night, but the arc and wind from center field score just enough so that it landed in Kenny Lofton's glove, hit his back the 400 painted on the outfield wall.

The Clubs

The familiar skyboxer circle RBPJA just below the second level of patrons seats. There, of course, are off limits to regular fans. There are elevators to three upper level clubs. As best TRL could discern, at least one of there is available to regular fans paying a substantial cover charge.

There was a long time at the elevator to the Cubs Club behind home plate during the rain delay on Friday night. Not sure what the ground rules are for the Lexas Club which appears to sit above the Cubs Club, or the Diamond Club atop the left field bleachers. The Rawlings All American Grille atop the right field bleachers appeared a full restaurant, though TRL never made it up there.

Dried Up Peanuts And Silly Sweet Relish

Snacks are substantial. We went through half a bag, hoping and then longing for the full size recyclable real gourds found at Camden Yards. And, once again, TRL roundly condemns the dansurne sweet relish. Real lawyers demand dill relish.

Whether and to what extent Sammy Sosa may have sinned in the past, few fans fail to admire his try at a come back. Most Americans are forgiving people in the face of apparent repentance. In fact, Sammy got good wood on the ball in each game. An rbi double in the 4th broke up Matsuzaka's shutout on Friday night. Sammy doubled down the left field line off Tim Wakefield and scored the Rangers first run on Saturday evening.

On the other hand, RBPJA's right field gave Sammy fits defensively, particularly its narrow foul territory corridor along a gradually ascending facade. These begin with Sammy's fan aided first inning muff of a foul fly up against the foul line wall. It was reminiscent of one Sammy witnessed on October 14, 2003, the most painful of many painful moments in Chicago Cubs history. Cub fan Steve Barton threw up on Moises Alou's maling glove, deflected the ball, and kept the Cubs from the World Series.

In the Boston second, with Sox runners on 1st and 3rd, Dustin Pedroia lifted a high fly to right by Sammy simply dropped the ball, but he recovered quick enough to rocket a throw to second in time to force the runner there. The official scorer recorded no error, figuring Coco Crisp, the runner on third, would have tagged up and scored anyway.

Saturday night Manny Ramirez chose a skiddish 6th inning shot into the right field corner. Manny's belly flop slide into third for a triple scooping well past the bag and into final territory was a touch of comic relief, deflating attention from the fact that Sammy seemingly was forever too quick to field the ball and get it back into the infield.

At the end of 2007, Sammy should gracefully fade away. Corked bats are illegal, though physicists would likely tell you there is no national basis for the rule. When Steroids issues war over and is replaced by other pressing problems, Sammy will likely wind up in Cooperstown.

Back To Daisuke And Red Sox Nation

Condor compels concession that to date Daisuke Matsuzaka has not quite justified his $51 million price tag.
landslide and massive escalation in Vietnam followed shortly thereafter.

2008 Advantage: Republican — Rudy Giuliani; Democrat — Hillary Clinton

Pointers #0 — Avoid the "Nut" Factor

- The Howard Dean screen illustrates this concept. In 2004 the former Vermont Governor looked like he was on the way to the nomination when his enthusiasm got the best of him. After that he was toast. This year's top candidate for "election cycle alive" is Congressman Dennis Kucinich from Ohio. And then there is John Edwards who with a straight face is trying to portray 5400 haircuts and a 29,000 square foot Dream Home into a credible populist campaign based on ending poverty. Haah! On the Republican side, the "Flat World" trio of Brownback, Tancredo and Huckabee who deny the existence of evolution have a better chance of riding dinosaurs to the polls than gaining traction with mainstream voters.

2008 Advantage: Republican — Fred Thompson; Democrat — Barack Obama

Pointers #7 — Go Ugly Early

- The examples are legion: The Swithbuting of John Kerry. The Karl Rove whispering campaign against John McCain in South Carolina. It is still early, but it is coming.

Count on it.

2008 Advantage: Republican — Rudy Giuliani; Democrat — Hillary Clinton

Pointers #8 — You’ve Got To Have The Money

- Until America adopts public financing of elections, special interests will continue to pick up the tab for our commercialized system of democracy. They will also continue to derive the greatest return on their investment at the expense of individual citizens. Each election cycle sees the ante being upped to obscene proportions and that is too bad for America.

2008 Advantage: Republican — Rudy McRomney; Democrats Hillary Clinton, Barack Obama and Al Gore (if he wants to run)

2008 Disadvantage: The Average American Voter

And the Nominees Are?

- It is too early to know. I suggest you use the following pointers, fill in the blanks, write it down and see if you are right a year from now. For my money, I would like to see the new green Al Gore with Senator Obama on the ticket versus Ron Paul and Chuck Hagel (real conservatives). That would be as close as we could come to a no lose election. Of course it won’t happen, but at least I can dream.

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and support for homeless women and women extracting themselves from abusive relationships, received a grant of $2,000 for the purchase of a commercial washer and dryer to serve the residents at the shelter.

Little Lighthouse, a school that provides education and therapy for special-needs children, was awarded a grant of $4,000 for equipment specially designed to enhance the learning abilities of its special-needs children. The Community Grants Committee recommended these grants after an extensive review process that involved analyzing twenty grant proposals received from various organizations and conducting on-site inspections and interviews of the applicants. On behalf of HCBA, I would like to extend a special thank you to Mitzi and George and their committee for an outstanding job and for all of the time the committee spent working on this worthwhile project. Photographs of representatives of the recipients appear later in this newsletter.

Our Law-Related Education Committee recognized three essay contest winners at our luncheon. Subbing for committee chair Jay Kilpatrick, Mike Farrell presented awards to Hannan Weisenberger of St. Joseph (First Place), Betsy Kate Nicholas of Jackson Academy (Second Place), and Caroline Burns of St. Joseph (Third Place) for their winning essays on the topic of “How Drinking and Driving Can Wreck One’s Future.” Betsy Kate Nicholas and Caroline Burns were accompanied by their proud parents at our luncheon and shared their plans for spending their well-earned prize money. The winners’ photographs also appear later in this newsletter. Thanks to Jay and his committee for a job well done.

Ben Piazza; Shirley Williams, Executive Director of the Mississippi Volunteer Lawyers Program; and Sam Buchannon, Executive Director of Administration for the Mississippi Center for Legal Services, made a compelling presentation on behalf of the Mississippi Volunteer Lawyers Project. As many of you know, the MVLP, which began in 1982, represents the nation’s first formal association of a state bar with representatives of the Legal Services Corporation. The primary mission of the award-winning MVLP is to provide high quality pro bono legal assistance and equal justice access to honest, hard-working Mississippians of low income and limited means who would not otherwise have access to the courts. These persons must meet federally mandated income and asset eligibility guidelines and other requirements established by the MVLP.

Potential clients are screened through Legal Services, forwarded to the MVLP, and then referred to Mississippi Bar members who agree to take indigent cases on a pro bono basis. The MVLP receives approximately 1,000 calls each month from persons needing assistance, and private attorney involvement is critical to the success of the program. The MVLP website at www.mvlp.net provides extensive information about the project, enrollment forms, and a list of matters for which a lawyer may volunteer to handle. Please visit the website today and complete an enrollment form for this worthy cause.

While I am on the subject of volunteering, I am said to report that the response to our request for volunteers to serve on HCBA committees has been less than enthusiastic. Indeed, that may be a world class understatement. Of the over 1,300 members in the organization, a grand total of seven have volunteered to date to serve on these committees. That is not a misprint. I repeat: Only seven out of over 1,300 members volunteered to serve on one of our numerous committees. Please refer to the list of committees contained in the June newsletter and sign up for a committee today. If you discarded that fine publication, please contact Pat or me to obtain a copy of the list. After we revise and update the website, information such as this will be available online at www.hindisbar.com.

Please join us for the general membership luncheon on August 21 and encourage others in your organization to attend. We will have a one-hour continuing legal education program on ethics for all of you CLF procurators. See you there.
MISSISSIPPI COLLEGE LAW LIBRARY HOURS
May 10, 2007 - August 18, 2007
Monday - Thursday ........................................ 7:30 a.m. - 5:00 p.m.
Friday .......................................................... 7:30 a.m. - 3:30 p.m.
Saturday - Sunday ............................................ Closed

EXCEPTIONS
Memorial Day .................................................. Closed
Fourth of July .................................................... Closed

Fall hours will begin Sunday, August 19, 2007.
For more information please call 925-7120.
Hours are subject to change without notice.

Due to library renovations library access is restricted to ONLY the first floor of the library and ONLY law students, attorneys and their staff are allowed in the library during the renovation process. Additionally, significant portions of our collection are closed to all patrons during this renovation.

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

FIRST CLASS
President's Column
by John C. Henegan

“Man is by nature a political animal” - Aristotle

State Senator Charlie Ross, Chair of the State Judiciary Committee, and State Representative Percy Watson, Chair of the House Ways & Means Committee, addressed a packed house at a special HCBA membership meeting last month, where we had eight state and federal judges and several of their law clerks, the Dean and several professors of the Mississippi College School of Law, the President-Elect of the Magnolia Bar and the President of the State Bar, and a host of new faces attend our first meeting of the New Year. Among other things, our guest speakers talked about the legislative process, key bills, and what we might anticipate from the State Legislature in this election year.

Notably, these legislative leaders urged those present, not simply to follow the legislative process and to share their opinions with their legislators, but to run for legislative office or to work for some one who does. Acknowledging that those who seek public office should never think that their personal income will match what they might earn in the private sector, they still made a persuasive case for the intangible rewards that come from public service and that the inherent satisfaction that one receives - through the paradox of giving back to society a portion of what we have gained from it - is worth the candle.

The two solons definitely struck a responsive chord: When we adjourned, there was a real buzz among the audience, and many folks lingered to catch up or visit briefly with our speakers before leaving. To the ancient Greeks, it was natural that individuals should come together in the polis, the city, in order to speak, reason, and share ideas to better one’s self and the community as a whole.

“You must be the change you wish to see in the world.” - Gandhi

Taking time to give back to one’s profession or community without the expectation for monetary reward is one thing that separates professions from ordinary trades. We are extremely fortunate in that so many of our HCBA members have been able to take timeout and take part in

continued on page 11

January Membership Meeting

The Hinds County Bar hosted a special Membership Meeting on January 16 with speakers, State Senator Charlie Ross, Chair of the Senate Judiciary Committee, and Representative Percy Watson, Chair of the House Ways & Means Committee. Pictured are John Henegan, HCBA President; Senator Ross; and Representative Watson.

HCBA LUNCHEON MEETING

Tuesday, February 20, 2007  Capital Club  Noon  $15.00
Speakers: U.S. Magistrate Judge Linda Anderson and Jim Keith
Fixing Broken Windows
by Tricia Raymond, Executive Director, SafeCity
(See response on page 7)

Jackson has lost 26,000 residents over the past 20 years. Many of them left because they perceived the quality of life somewhere else is better than it is in Jackson. How can you blame them? When cars are stolen to the tune of nearly 3,000 each year, when the nightly news is filled with stories of the latest home invasion/crjacking/armed robbery/murder, when neighborhood associations set up email blasts to further enhance their privately hired security patrols, when parents have to comfort their children because their bicycle or skateboard was stolen, when elderly people are robbed, beaten and left to die in their homes, it simply stands to reason that most people will choose to move toward security and away from chaos. But, the more frightening aspect of the above scenarios is that so little is being done about it. Mark McCurdy, Chairman of SafeCity, a crime watchdog group, said succinctly at the recent Crime Summit when he said, “Where is the outrage? This is the quietest crisis I have ever seen.”

It seems that the cumulative effect of thousands of property crimes, a host of structures left to rot until they have to be torn down, the recalcitrant problem of truancy, the broken windows in our community added to potholes in every street, litter on every corner and cars in every yard (OK, not in every yard, but it sure seems that way sometimes) and more broken windows would result in leaders coming forward with a comprehensive and strategic initiative. You would think someone would speak up and offer a plan. You would think we would make it a point to find solutions. SafeCity is comprised of citizens who are trying to do just that. Find solutions. As the only group of its kind in the state, we have recently published the first in a series of Watchdog ads in four local papers. These advertisements highlight the now ubiquitous statistic about auto theft - 10,593 automobiles reported stolen between 2001 and 2008 (as reported by the FBI) and only 62 convictions. While not every reported offense can lead to a conviction, this statistic is staggering.

Utilizing publicly available Hinds County reports, SafeCity has also discovered that it takes an average of 751 days to adjudicate a property crime and 912 days on a murder or manslaughter charge. A recent manslaughter case elicited the following headline in the Clarion Ledger’s August 12 Metro/State section, “We had to wait three long years”, quoting the victim’s mother in Kelsey Williams’ trial.

It is unconscionable for victims to wait so long for their loved one’s case to be heard. It is equally unconscionable for a house burglary/ car nickname burglary/ larceny - in other words, any property crime - to NEVER be heard. As the legal maxim expresses it: Justice delayed is justice denied. It is SafeCity’s contention that property crimes are the reason Jackson is losing residents, businesses and its quality of life. Property crimes are the “broken windows” in Jackson. Think about it - an individual’s chance of being murdered is miniscule compared to the chance that he or she will be the victim of a property crime. Ask any church congregation, any lunch club, any civic group to raise their hands if they have been the victim of or know a victim of a property crime in Jackson. Nearly every hand will go up.

Then ask if their case was solved or even heard. I’ll bet you a dime to a donut that there will be a lot of guffaws and no one will raise their hand.

The time has long passed for public officials to be held accountable for the “broken windows” that remain broken in our communities. This is not the time for finger pointing and name calling. But, it is the time for real solutions to come forth.

Towards this end, SafeCity will propose a Legislative Agenda aimed at just that - real solutions. First and foremost is a 270-day Mandate for adjudication of non-violent property crime cases. The 270-day mandate is the federal standard as outlined by Congressional action and followed by the U.S. Attorney in Jackson. SafeCity recommends that property crimes come under this 270-day Mandate.

Second, SafeCity proposes a Car Theft Rewrite, making “joyriding” a felony for driver and passenger, eliminating the impasse that occurs because the crime can only be tried as a felony if someone SUES a car as it is stolen. How many of you actually see a car being stolen? Other states have successfully addressed this issue. It is long overdue that Mississippi do the same.

Third, we propose the creation of a Property Crime Court. Let’s break the log jam by taking the non-violent property crimes out of the current judicial process and putting them on a fast track to adjudication. Another part of this proposal is a community investment/work program that offers offenders the opportunity to give back to the community. Churches and service organizations will be invited to mentor non-violent...
Iraq: Vietnam With Oil
by Captain Equity

Having lived through the unmitigated and seemingly unending disaster of the Vietnam War, I was convinced that the political leaders of the United States government would learn from past mistakes. I was certain that the powers that be would never again electively commit our nation’s armed forces and national treasure to such a catastrophic blunder. But once again - wrong! I should have known that whenever the terms “political leaders” and “government” are used in the same sentence that trouble is almost sure to follow. In 2007 as before, the applicable synonyms for “political leaders” are egomaniacs, isolated wishful thinkers and arrogant, ignorant individuals who are safely tucked away from the actual suffering and human tragedy who somehow think they are beyond error and accountability. In Vietnam it was Lyndon Johnson and Robert McNamara, in Iraq it has been George W, Bush, Dick Cheney and Donald Rumsfeld. As far as government goes, it means the latest weapons, airpower and military hardware coupled with an inexhaustible supply of other people’s money - namely American taxpayers. In the cynical name of defense and security, tens of millions of American workers fork over substantial shares of their annual earnings to be squandered on human slaughter, no bold-funded contracts, and instruments of death. Undercover of “classified” euphemism immeasurable all in the solemn name of protecting Americans. For their efforts, taxpayers are lied to about the reasons for the latest long running misadventure and are not allowed to know where and how their tax money is being spent. Meanwhile, their civil liberties are unconstitutionally infringed while their children in the military are sacrificed on the altar of personal ego and incompetence. And should anyone but the would-be philosopher kings ask for basic accountability or due to question the policy or decision making involved, they are branded as unpatriotic, weak-kneed towards the Orwellian propagandas specialists on the federal payroll. Too harshly you say. Not one damn bit!

Thankfully, the First Amendment, while under attack, is still viable in the United States. It has allowed journalists and historians to ferret out the true motivations and facts surrounding the Iraq War. Early on I read The Assassin’s Gate by George Packer for an inside look at the war. More recently I have been transfixed by State of Denial by Bob Woodward. This is the third in a series of books on Bush at War by the journalist who broke the Watergate story to an unsuspecting nation back in the ’70s. What makes this book different from all the others is the fact that the Bush Administration cooperated with Woodward in his research. There are numerous documented “on the record” interviews with administration officials about the decisions-making and conduct of the war. It also provides telling portraits of those calling the shots. The ego mania, micro managing, tarpahooning, deft shirking Rumsfeld comes off as one of the worst officers second only to a detached, ineptuous President who long ago cornered the market on bad judgment and minimal follow through. And then there is the ever-present yet invisible Uncle Dick moving the board game pieces around by candlelight from an undisclosed location. My conclusions about the war are supplemented by a variety of sources including Newsweek, The New York Times, The Washington Post and the unanimous recommendation of the bipartisan Baker-Hamilton Commission. In the interest of fairness, I will concede that I haven’t spent a great deal of time listening to Rush or reading Ann Coulter. If this is considered a major transgression, then I plead guilty as charged.

In the limited space I have let me hit the highlights of this disaster and provide an approach for an acceptable resolution that transcends “Surge,” “Stay the Course” or “Cut and Run.”

HOW DID IT START?

Many pundits point to 9-11. Granted, America changed radically after that fateful Tuesday. In point of fact, the attacks were a perfect storm of governmental and operational incompetence combined with American laxity toward terrorism in the name of business as usual. As has been well documented, had the airport screeners in Boston, New York and Washington done their jobs, it would have never happened. Had the FBI listened to their field agents like Colleen Rowley in Pharrmex, it would have never happened. Or as Woodward reveals, had National Security Director Rice listened to CIA Director George Tenet in a meeting on July 10, 2001, it would have never happened. Tenet and his CIA analysts had indeed connected the dots from al Qaeda intercepts and other top-secret intelligence sources that a major domestic attack was coming. He and his top aide, Colby Black, requested an urgent meeting with Rice to lay out the case.

A Study in Scarlet: The Fifth Circuit’s Red Robe

by Luke Dave

English judges have worn distinctive attire since at least the 13th century. Judicial dress originally consisted of a hooded gown with mantle and coat. Over the centuries, however, the gowns of judges evolved into elaborate and decorative robes, woven of silk and trimmed in exotic for as might befit men of such elevated status. Judicial dress also varied with the seasons: green robes for summer and violet robes for winter wear. Red or scarlet robes were reserved for special occasions. Scarlet robes ultimately became the dress of choice for judges in criminal courts since it was the royal color and judges were appointed as officers of the sovereign.

English barristers wore gowns with wing collars. It is reported that in 1685 barristers changed their official court dress to plain black gowns as a sign of mourning for the death of King Charles II. This story may be fanciful since Charles II, who nominally introduced French powdered wigs to England, was beheaded by his field subjects. In any event, the English bar apparently never recovered from Charles’ sudden demise and continue to wear black gowns today.

Not to be outdone, in 1694 English judges attended the funeral of Queen Mary. As a sign of respect and mourning, they removed their gowns and wore plain black dresses, by comparison, appeared unelegant but downright ugly. linen black dresses, by comparison, appeared unelegant but downright ugly. Despite the election of Andrew Jackson in 1828 and the flowering of the democratic ideals of the common man, many state judges discarded their robes entirely and wore business attire. Black robes did not return to fashion until WWI. Since 1914, black robes have been the garment of choice for most American judges, state and federal.

Two hundred years after John Jay first donned his elegant robe, a touch of sartorial splendor began to reappear in the federal judiciary. Some female judges began to accessorize their black robes with frilly white collars. Then the late Chief Justice Rehnquist appeared on the bench wearing a black robe with a gold braid stripes on each sleeve. In a moment of truly odd inspiration, Justice Rehnquist adapted his new robe from a costume worn in a Gilbert and Sullivan operetta. So much for judicial tradition. But before Justice Rehnquist first ascended the bench in his spiffy new robe, he received an inquiry from Chief Judge Clark.

While Chief Judge for the United States Court of Appeals for the Fifth Circuit, Judge Charles Clark was invited to be a delegate at an international conference of judges. There he observed judges from around the world. Many wore colorful, resplendent robes festooned with chevrons, stipes, tippets and ermine. During the grand procession, the U. S. judges in their plain black dresses, by comparison, appeared not only inelegant but downright dowdy. Inspired by such a splendid collection of judicial robes, Judge Clark asked Justice Rehnquist if the Fifth Circuit could adopt and wear more colorful and elegant judicial attire. Justice Rehnquist replied they could do so provided the...
The Iraq Experience
by John Scanlan

War is Hell. So say the experts. Without that personal experience one can only conject. I had the privilege of being with some newly minted American experts as the chief administrator of a government contractor stationed in Baghdad during 2005-06. This article is intended to give you my impression of life there, both for Iraqis and Americans, and what progress toward peace that I saw.

I was charged with administering and supplying operations that extended throughout Iraq in six regional police academies. Our contract called for the testing of all new recruits seeking admission to the Iraqi National Police Program. Each national academy was run by the Iraqis but heavily advised by coalition experts chosen to recruit, mentor, and train this police force. This new selection and training process, which heretofore had recruited largely from those who could pay the entrance fee (read bribes) of $300-$400 and have the appropriate tribal connections, stowed to be a little more egalitarian in nature.

Consequently, the recruiting process included coalition soldiers, British in the southern zone and Americans in the bulk of Iraq, along with expatriate civilian law enforcement types to cooperate with local police chiefs in finding suitable, literate recruits. This process was to provide a steady flow of recruits to all of the operational police academies in Iraq and Jordan through which each had to pass and successfully negotiate our testing program before they could go to the next station.

Our operation was centered on our prototype testing center located at the Baghdad Police Academy and our headquarters, which was housed in a rented private house in the International (Green) Zone. Test sites were administered by a dozen Americans and we employed approximately 50 Iraqi nationals. Iraq was a cash economy at that time and there were foreign logistical contractors, had taken advantage of the security situation to ensure we all knew the meaning of "black market" prices. Almost everything we used was purchased "on the economy" by our Iraqi manager for cash (U.S. dollars), to include a number of Toyotas we purchased for use at the test sites. The purchase of almost any type pistol or rifle; with ammunition required cash only and no background check. Eventually, the Department of Defense Finance and Accounting Office made check cashing available to contractors, which made the process much more civilized and secure. Weekly, I would cash a check for an amount sufficient to sustain our operational needs.

Early on in my tour, I ran into an old West Point classmate who had been "encommissioned" by his superiors at a U.S. attorney's office to volunteer for duty at court liaison with the Regimes Crimes Liaison Office. He was charged with the supervision and negotiations between the Court that was trying Saddam Hussein, his defense team to include Ramsey Clark, and the U.S. Army, which was responsible for all movement and billeting of the former President. To say that I was privy to some tales of jurisprudence that would curl your hair would be an understatement. A most revealing tidbit on what the legal profession calls "the confession based system of criminal justice" occurred during the late, late evening of the Army-Navy game when I was seated between my classmate and the Staff Judge Advocate of the 3rd Infantry Division. I had not realized until that evening how enlightening it would be seated at dinner with a lawyer talking in each ear about the same thing. I said nothing, nor could I.

Iraq's system of confession based justice seemed most efficient to me. The authorities throw whatever dragnet out they deem necessary, incarcerate those deemed most likely to accuse, and beat to torture (U.S. definition) them until someone confesses to the crime. The guilty parties are then taken before an Investigative Judge who prepares a detailed brief/report. At the appropriate time, the guilty party(ies) is taken before a Trial Judge who reads the brief, receives testimony he deems appropriate, determines guilt or innocence, and pronounces sentence. This "trial" generally takes about 20 minutes with neither prosecutor nor trial counsel saying much of anything. Sentences are carried out expeditiously. Hammurabi might have been on to something here.

This system is not what was shown on television during the Saddam trial. The Court TV spectacular you have seen in this case has been largely the result of the influence of Western jurisprudence on the trial court. Like it or not, it will continue as long as the dollars keep flowing into the Iraqi Justice System for its U.S. imposed Rule of Law upgrade. It did not go unnoticed that their system does not do much for habilable hours. The average attorney in Iraq makes the equivalent of $20,000 - $30,000 per year.

This trip offered many experiences and reflections that we should all ponder. In addition to the cash economy and daily routine pierced by high explosive detonations of...
HCBA Professionalism Award

At the HCBA Dinner Honoring the Judiciary on May 22, 2007, the HCBA will present its eighth annual Professionalism Award. The recipient of the award will receive a plaque bearing his or her name, the year the award was presented, and the criteria for the award. In addition, the recipient's name will appear on a trophy on permanent display at the Mississippi Bar Center.

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

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

HCBA members are encouraged to submit the names and addresses of suitable candidates to Pat Evans, HCBA, 151 E. Griffith St., Jackson, MS 39201. A brief statement as to why the nominee is deserving of the award may be included with the submission of his or her name. A deadline of March 19, 2007, has been set for receipt of nominations.
Christmas Social

HCBA and JYL members and guests enjoyed the annual Christmas Social held at the Old Capitol Inn on December 7. Toys were brought to the party through a "Toys for Tots" drive that the JYL sponsored.

Hinds County Funds Help State Library With New Acquisitions

by Charles A. Pearce, State Librarian

Recent acquisitions include the following titles:

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<tr>
<th>CALL#</th>
<th>AUTHOR</th>
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<td>F 040 M66A3 2003</td>
<td>Montgomery, G. V.</td>
<td>Sonny Montgomery: the veteran's champion</td>
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<td>F 341 C74 2006</td>
<td>Creswell, Stephen</td>
<td>Rednecks, rednecks, and race: Mississippi after Reconstruction</td>
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<td>Schwezer, Steven L.</td>
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<td>Model asset purchase agreement: with commentary</td>
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<td>KF 1375 B76</td>
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<td>KF 1414 C69</td>
<td>Cox, James D.</td>
<td>Cox &amp; Hunzen on corporations</td>
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<td>KF 1425 C67 2002</td>
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<td>Corporate counsel's guide to handling confidential information</td>
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<td>Corporate counsel's guide to handling government investigations</td>
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<td>KF 1439 S43</td>
<td>Brown, Gary M.</td>
<td>Securities litigation: a practitioners guide</td>
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<td>The law of distressed real estate: foreclosure, workouts, proceedings</td>
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<td>Reorganizing failing businesses: a comprehensive review and analysis of financial restructuring and business organization</td>
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<td>Dickie, Robert H.</td>
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The developing labor law

Employment law answer book

Employee privacy law

Corporate counsel's guide to reductions in force

The Fair Labor Standards Act

Wage and hour law: Compliance & practice

Wage and hour laws: A state-by-state guide

Health insurance answer book

Just cause: the secret to

Consent to treatment: a practical guide

Asbestos: medical and legal aspects

Due process of law: A brief history

Asylum case law sourcebook: case abstracts for U.S. court decisions

Special study for corporate counsel on corporate lobbying activity

Family law checklists

Valuation of divorce assets

Equitable distribution of property

Public natural resources law

Rothkopf's law of mortgaging and planning

Handling the land use case: land use law, practice & forms

Circular 230 Handbook

IRS tax collection procedures: A manual for practitioners

The aspects of bankruptcy law and practice

The aspects of marital dissolution

Friedman, Milton R.

Friedman on contracts and conveyances of real property

Mortgage and consumer loan and lease disclosure handbook: a step-by-step guide with forms

Facts and retirement planning answer book

Government contract costs & pricing

Alabama of the federal judiciary

Statewide coordinated proceedings: state court analogues to the federal MDL process

Quint's Uniform Commercial Code commentary and law digest

Fundamentals of federal litigation

West's federal administrative practice

Discovery problems and their solutions

Multidistrict litigation manual: Practice before the Judicial Panel on

Multidistrict Litigation

Navigating the federal trial

Trial handbook

Medical malpractice: discovery and trial

Winning evidence arguments: advanced evidence for the trial attorney

Handbook of federal evidence

Corporate counsel's guide to the attorney-client, work-product & self-privileged

Forensic and investigative accounting

Mastering voir dire and jury selection

Attorney fee manual

Complete guide to federal and state government

Corporate counsel's guide to alternative dispute resolution techniques

Central Legal Staff of the Mississippi Supreme Court

The Mississippi Supreme Court maintains a Central Legal Staff consisting of eight staff attorneys to assist the Court in handling motions, petitions for certiorari, interlocutory appeals, and other miscellaneous matters. Hubbard ("Hubby") Sanders IV is the Director of the Central Legal Staff and also serves in Deputy Court Administrator.

Motions, petitions and other pleadings should be filed with the Clerk of the Supreme Court. Concerns about time sensitive motions and questions concerning procedures may be addressed to Hubby Sanders (601-359-3072). Inquiries as to the status of a motion may be directed to Jack Pool, Court Administrator (601-359-2183) or Mr. Sanders. Under no circumstances should an attempt be made to contact a Supreme Court Justice directly about any matter.

Recurring errors by lawyers that Mr. Sanders has noticed include filing an emergency motion and serving counsel opposite by mail. Emergency motions should be served by hand delivery or fax.

Also, problems are frequently encountered when an attorney attempts to withdraw during the pending of an appeal. Rule 46(c) of the Mississippi Rules of Appellate Procedure should be reviewed carefully. A motion to withdraw must be accompanied by an appearance form of substitute counsel or a signed statement by the client indicating that the client agrees to proceed pro se or an explanation why neither can be obtained.

Lawyers, not law firms, enter appearances with the Supreme Court. A motion to withdraw should refer only to the individual lawyers who have made appearances, not seek the withdrawal of the law firm of the appearing attorneys.
There was no smoking gun but there was overwhelming circumstantial evidence that the "big one" was in route. Rice politely brushed them off. Two months later it happened. As is so typical with this entire misadventure, this meeting was never mentioned in the review of events leading up to 9-11.

After 9-11, the President rightly took the fight to the Taliban in Afghanistan who had given Osama Bin Laden sanctuary. The American people were rightly concerned about Islamic terrorism. The table was set for what happened next. The Vice President and the neocons (liberals with guns) saw a pretext to attack Iraq. Never mind the British already tried it and failed. Never mind we did not have a hatreds.

On August 26, 2002, Cheney gave a speech that proclaimed "there is no doubt Saddam Hussein has weapons of mass destruction." October 7 Bush gave his now infamous " mushroom cloud" speech in Cincinnati.

In January 2003 the State of the Union repeated the ominous and imminent nuclear threat with the famous sixteen words. At worst fatal lies; at least reckless saber rattling calculated to scare the hell out of American citizens based on nothing more than suspicion, assumption and wishful thinking not backed by hard facts. And finally, Colin Powell's convincing performance the next February before the U.N. Specifically, there was the WMD mobile lab assertion which we later found out came from German interrogation of an Iraqi alcoholic named Curveball. The source for Curveball: snake oil salesman Ahmed Chalabi who had targeted the Vice President. The most charitable thing I can say is that the marketing campaign for unprovoked war was convincing. Personally, I suspect Colin Powell of integrity and credibility. Consequently, I bought it just like the U.S. Senate and the American people. Silly me. Meanwhile, 3000 plus U.S. soldiers were getting ready to die, they just didn't know it yet.

We all know the rest. Shock and awe which failed to secure ammunition depots in Iraq, uncontrollable looting, wholesale Debaathification, distracting the Iraqi army, police and civil service, failure to anticipate an insurgency, non-existent planning for post war Iraq, too few troops, Abu Ghraib and on and on and on. Four years later, it has devolved into a deadly civil war. The Baker-Hamilton Commission unanimously urged a turn to regional diplomacy to forge a political accord. As is his habit, America's stubborn and clueless President thumb them off because he wants "Victory!"

So, Now What?

Here are some basic facts about Iraq that might help you put the intangible mess in Iraq in better perspective:

• Unemployment in Iraq exceeds 50%

• Most of the educated upper and middle class of Iraq estimated at three million have fled the country for Jordan, Syria or Lebanon.

• By official U.S. account, 34,482 Iraqi civilians were killed last year.

• Although the total count is probably unknowable, one source puts total Iraqi deaths at 600,000 since the war started.

• No citizen of another country likes to be occupied by foreign troops. This is especially true in a proud Muslim country where the occupiers hold religious beliefs that are seen as blasphemous. Can you only imagine the U.S. occupied by Iraqi troops? No chance of insurgency there.

• Our occupying troops don't speak the language yet are ordered to kick in doors of people's homes at midnight in search of insurgents.

• The Iraqi police and army are moonlighting as insurgents and members of sectarian militias and death squads like the Mahdi Army.

Boy, if that's not a recipe for flourishing western style democracy, I don't know what is. A political settlement is the only hope. To leave American troops in the middle of a Civil War makes them targets of Sunnis and Shia. If we kill Sunnis, we are doing the dirty work of Moqtada al Sadr, his Mahdi Army and Iran. If we kill Shia, we further the goals of the insurgents.

We should talk to Syria, Iran, the Saudis and most of all Iraqi political and sectarian leaders just as we averted World War III by talking to the Soviets for 45 years. There are no good options, but more of the same is demonstrably the worst. But don't believe me, read Woodward's book and the Baker-Hamilton Report and decide for yourself.

And so the question was put to the judges of the Fifth Circuit. Should we replace our traditional black robes with more resplendent robes befitting the federal judiciary? Or, at least, should we have more colorful robes? Alas, as with many Fifth Circuit decisions, the vote was not unanimous. Only in this case the minority prevailed. Black robes reasserted the official dress of the Fifth Circuit judges.

A District Judge from Louisiana, however, was smithen with the notion of colorful judicial attire and purchased a robe which is literally fire engine red. But the robe was not for the District Judge. It was acquired for and dedicated to the use of the Chief Judge of the Fifth Circuit, to be passed down from Chief to Chief. And so Judge Clark was presented with the reddest robe worn by any judge for at least eight centuries.

Judge Clark wore the solitary red robe for a Fifth Circuit group photo and for ceremonial occasions such as the presentation of a portrait. Chief Judge Politz also wore the red robe on ceremonial occasions.

However, the current Chief Judge, Honourable Edith Jones, has declined to wear the red robe and today it hangs as a splash of color in an otherwise drab robe closet. Judge Jones' decision not to wear the solitary red robe may be due in part to the fact that Judge Clark is at least a foot taller than Judge Jones and it would not be judicious to trip over one's robe, no matter how magnificent.

Occasionally, a judge of the Fifth Circuit will adorn his or her robe with a red tippet or a collar. But the black robe remains official court dress. One day, perhaps, the federal judiciary will spring forth from their dreary black cocoons and alright upon polished oak benches clothed in resplendent scarlet robes adorned with chevrons and ermine collars. Until that glorious day, however, our judges are destined to wear the same hideous black judicial dress which their forefathers wore in the 18th century.
was that 67 of the cases that pled guilty as property crimes in 2005 were indicted in 2005.

So I wondered, well, how many property crimes were presented by the Jackson Police Department to the Grand Jury in 2005? I found that in 2005 there were a total of 1,110 cases presented to the grand jury by all law enforcement agencies in Hinds County. The Jackson Police Department presented 539 cases or 48.5% of the total cases heard in 2005. I was not surprised that the number of new cases had declined that year because it followed a trend where crime was on a downward curve in Jackson. Grand Jury records indicate that JPD presented 204 property crimes cases in 2005, or 39% of their total cases presented. As noted earlier, 67 of the 2005 indictments pled guilty in 2005, and as of November 30, 2006, 103 of the 2005 indictments have been resolved. This leaves only about 34 cases to be potentially carried over from the 2005 indictments.

But what about recidivism, those instances when offenders repeat crimes or violate probation? How many of those who had been previously convicted of a property crime? In 2005, there were 209 recidivism cases adjudicated. Of those who were revoked, 51 had pled guilty on property crimes and they represented 24.4% of the total revocations. It did not surprise me to discover that 45% of the persons revoked had been previously convicted of drug crimes.

Enough of the stats. The question is how can more be accomplished to address property crime issues. When a window is broken, unfortunately, most of those offenses are either misdemeanor related or juvenile related. The Sheriff has always assured everyone that there is plenty of room on the penal farm for persons convicted of misdemeanors and ordered to serve time. That's a good argument. Holding parents financially responsible for the acts of juveniles that vandalism property would also be a good deterrent.

As to the felony level, it is very well known that the District Attorney's office is understaffed. With the recent increases in violent offenses that the Jackson community has experienced in the past year, it is expected that the 13 assistants in this office will be overwhelmed next year. I must commend the Board of Supervisors of Hinds County for their continuous support of this office by helping to find 3 of those positions, since the State provides 10 slots for all of Hinds County. It would be greatly appreciated if individuals who have the energy to demand more from this very small office would also demand from the legislature that they adequately fund enough from state paid positions within this office to maintain a staffing level sufficient to handle the criminal case dockets. Ask them to put the money into those positions, so that from year to year, the office does not have to search for ways to continue to fund lawyers rather than cutting back each year. No slight to any other agencies or law firms, but no DA worth a grain of salt promotes their duties. Prosecution is a specialized area of practice that requires training and full-time accountability from full-time professionals.

I have often been asked, but NEVER by SafeCity, who by the way, has never met with me personally to discuss any of their concerns. How would you change the court system? Quite simply I would propose that the circuit court have two divisions, criminal and civil, and each division have no less than 4 judges assigned to hear cases. The present system of four judges hearing both matters is overwhelming for the judges, who must divide their time between the two types of matters. I have observed that all four of the judges spend an enormous amount of time on their various duties. Some of them are better at managing a criminal docket and others are better at managing a civil docket. Both types of matters require the attention of the court. In fairness to the civil and criminal dockets this county has grown well beyond the capacity of four judges with general jurisdiction being able to handle both.

This proposal would require a constitutional amendment, financial commitments from the state and infrastructure rebuilding by Hinds County. None of which can happen overnight and may be more of a vision than a reality. In other words we need to rebuild the whole house, not just fix a few broken windows.

By the way, Willie Barnes' murder got life without parole.

On Computing

With thanks to Law Technology News and Robert Ambrogli, here are some specialized sites worthy of a look.

LawMemos, www.lawmemos.com, has long been an excellent resource for labor and employment law. It has now added the excellent Supreme Court Times, www.supremecourttimes.com, which includes coverage of all U.S. Supreme Court cases. This site features a compilation of information and commentary into a resource with everything you might want to know about any given case.

The opening page lists all cases on the Court's docket. Each case then has a link to a page with detailed information on that case. The individual page includes a plain-English summary of the case, the questions presented, links to blog commentary, the lower court opinions, the oral argument transcript, if held, the decision when issued, counsel for each party, and other resources.

Moreover, the site's editor, Ross Rummel, says he will also add links to "whenever else we can think of.

If you have an interest in testing a big case before the real trial, www.trialjournal.com, helps lawyers formulate their cases and have them decided by online jurors similar to those who would serve on an actual jury at trial.

To use the service, a lawyer submits a written statement of each side's case. Alternatively, the lawyer may submit an audio or video argument. Exhibits may also be added. Then the lawyer submits up to five verdict and feedback questions using an automated "Form builder" and sends the case to the jury. Mock jurors review the submissions and answer the questions. When their reviews are done, the lawyer receives their verdict and can review their comments and feedback.

A demo is available at the site. The cost to submit a case is $1,500. With audio, the cost is $2,000, and with video, $2,500. The service is the creation of two lawyers, Lee Glickenhaus, a former litigator and founder of the litigation extraction company T-Lex, www.tlex.com, and Jack (Bob) Truitt, founder of The Trust Law Firm, a Louisiana defense firm.

The Carnegie Legal Reporting Program (r) Newhouse, http://newhouse-web.syicr.com/legal, launched this year with a grant from the Carnegie Journalism Initiative. Its stated purpose is to prepare future journalists to cover legal affairs and is based at Syracuse University's S.L. Newhouse School of Public Communications.

LawBrief, http://newhouse-web.syicr.com/blog/cm, is a companion blog written by Mark Obbie, director of the program, and former executive editor of The American Lawyer. The blog, Obbie says, "watches the journalists who watch the law. It is meant to start a conversation - here and in the classrooms - about the quality of journalism focusing on the justice system, lawyers, and the law."

Questions or comments? Email webmaster@hudsblur.com.
HCBA activities that support our local communities.

As examples, after receiving training from the Oxford Reading Institute, more than 20 volunteer members of the HCBA Courtroom Education Committee, chaired by Josh Wexner and Robert Gable, are arranging for student groups at Lanier and Terry High Schools to visit the local federal and state courthouses and learn about aspects of our local court systems from our state and federal judges.

Other ways that HCBA supports our community are through HCBA's annual golf tournament (you can play) that raises a significant amount of money each year for the Mississippi Volunteer Lawyers Project and HCBA community grant project which since 2003 has awarded one or more grants each year to a local non-profit whose primary mission is to help those who are without financial means or that have special needs. If you know of a well managed local non-profit that is still paying its sea legs, please encourage its executive director to inquire about HCBA's community grant program.

"If the Government of the United States ... gives to bigotry no sanction, to persecution no assistance ..." - George Washington

President's Day, our federal holiday for February, reminds me that President Washington wrote these words to the members of a Jewish synagogue in Providence, Rhode Island, where his letter, signed simply "George Washington," is in this day read aloud annually to the descendants of that same congregation. He not only believed these words, but he wrote in part a sense of gratitude for the financial support that certain members of the Jewish community had given to the Continental Army during the Revolutionary War and he wanted to ensure that their support of our then new form of government would not be in vain. The promise contained in Washington's statement is not self-effacing; the "Government" is nothing without its public officials who serve those people who simply want to claim the promise.

On the heels of HCBA's Diversity Roundtable, I read that the National Football League has had since 2002 a Workplace Diversity Committee established under the leadership of Dan Rooney, owner of the Pittsburgh Steelers. What is now known as the Rooney Rule requires NFL teams not to hire but to interview minority candidates for coaching jobs. If you want to know why this is significant to minorities, find out how Rooney's Steelers came to hire Mike Tomlin as its head coach this week. Or take time to watch the movies "Ray," about Ray Charles, and "Walk The Line," about Johnny Cash, and ask yourself how the careers of these two musical geniuses differed.

Reading about the NFL's Workplace Diversity committee reminds me to report that to our astonishment, HCBA netted over $20,000.00 from the November 16 Diversity Roundtable. As promised our co-hosts and sponsors, HCBA will use these funds to support a diversity program related to the legal profession. The HCBA Diversity Committee, chaired by Sharon Bridges, will make recommendations to the HCBA Board about how best to use these funds.

This past month, based on a recommendation from the HCBA Women In The Profession Committee, chaired by Mary Clay Morgan, the HCBA Board approved HCBA's sponsorship of the Winter Meeting of the National Association of Women Lawyers, where Honorable Kay B. Cobb, Presiding Justice of the Mississippi Supreme Court, is the keynote speaker and will discuss mentoring women in the legal profession.

"Our life, one body is all; do but do." - James Joyce

Our next HCBA Membership Meeting will be Tuesday, February 20. United States Magistrate Judge Linda Anderson and Jim Keith, a member of Adams & Reese, will be our guest speakers. Judge Anderson will talk about criminal cases; Jim Keith will talk about the Federal Individuals With Disabilities Education Act, which applies to elementary, middle, and secondary schools. Both are excellent speakers, and they are addressing important subjects. We hope that you can parse, take time to put this on your calendar, and join us for lunch that day. If so, we look forward to seeing you then.

If you are not currently receiving the HCBA's emails and would like to be added to the list, please fill in and mail to HCBA, 151 E. Griffith Street, Jackson, MS 39201

If your email address has changed in the past year, please give us your new one:

If you have a new email address, we will also need the old one:

The Hinds County Bar Association and the Jackson Young Lawyers Association invite you to join us for an Evening Honoring the Judiciary Tuesday, May 22, 2007 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

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

Evening Honoring the Judiciary

Tuesday, May 22, 2007
at The Old Capital 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

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MISSISSIPPI COLLEGE LAW LIBRARY HOURS


Monday - Thursday ........................................ 7:30 a.m. - midnight
Friday ................................................................... 7:30 a.m. - 9:00 p.m.
Saturday ............................................................... 9:00 a.m. - 9:00 p.m.
Sunday ................................................................. noon - midnight

EXCEPTIONS

Spring Break
Friday, March 9th ............................................... 7:30 a.m. - 5:00 p.m.
Saturday, March 10th ........................................... 9:00 a.m. - 5:00 p.m.
Sunday, March 11th ............................................. 1:00 p.m. - 5:00 p.m.
Mon., March 12th - Thu., March 15th ...................... 7:30 a.m. - 5:00 p.m.
Fri., March 16th - Sat., March 17th ......................... 9:00 a.m. - 5:00 p.m.
Easter
Friday, April 6th .................................................. 9:00 a.m. - 5:00 p.m.

EXAM SCHEDULE

April 29th - May 11th
Monday - Friday ...................................................... 7:30 a.m. - midnight
Saturday .............................................................. 9:00 a.m. - midnight
Sunday .................................................................. noon - midnight
Friday, May 11th .................................................... 7:30 a.m. - 4:30 p.m.

Summer hours will begin May 12th.
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 hindbar.com.

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

FIRST CLASS
President’s Column
by John C. Henegan

In October and November, nearly 500 people attended HCBA’s three diversity events. The November 16 Diversity Roundtable was possibly the largest event ever held by HCBA with over 300 business leaders, public officials, and attorneys from several states attending. As an attorney from Texas said, the lineup for the Roundtable was not what you would expect for a meeting in a state capital but what you look for in New York City or Washington. Our guest speakers told us afterwards that they were gratified not only with the turnouts and the cross-section of professions represented but also, as one panelist later wrote, the “attention, focus and courtesy” of the audience. This response suggests that the dialogue about diversity should continue.

First, some back story. Our guest speakers and panelists for these events are highly sought after, successful leaders - women and men from across the country - who gave generously of their time in preparing for these events. Organized by Sharon Bridges, HCBA Diversity Committee Chair, the moderators for the Roundtable held multiple conference calls with their respective panelists before coming to Jackson and a joint working supper on the eve of the Roundtable.

Meticulously planned, we still had to deal with the inevitable last minute “crisis.” Three days before the Roundtable, the moderators for one panel called on different days, saying that neither would be able to come to Jackson due to emergency family matters. First, Blake Wilson, Executive Director of the Mississippi Economic Council, one of our Co-Hosts, and then, Stacey Dixon, Diversity Director and Litigation Counsel for Baxter International, Inc., graciously agreed to step in and pinch hit.

Less than 24 hours before the event, we thought that inclement weather might ground several of our panelists and our keynote speaker who were flying in from Atlanta. All were able to come in by Wednesday evening.

The next day, Blake and Stacey carried off their new roles with great skill and high praise from those who attended their panel. The same holds true for all of our guest speakers and panelists.

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October Membership Meeting

Presenting the program at the HCBA October Membership Meeting was Pamela Roberts, Chair of the ABA’s Women in the Profession Commission. Roberts was introduced by Constance Slaughter-Harvey. Pictured are: Joy Lambert Phillips, Past President of The Mississippi Bar; John Henegan, HCBA President; Roberts; Slaughter-Harvey; and Laura McKinley, HCBA Board Member.

SPECIAL HCBA LUNCHEON MEETING

Tuesday, January 16, 2007  Capital Club  Noon  $15.00

Speakers: Senator Charlie Ross and Representative Percy Watson
HCBA Calendar of Events

January 16, 2007
HCBA Membership Meeting.
Capital Club. Noon
Speakers:
Senator Charlie Ross and
Representative Percy Watson

February 20, 2007
HCBA Membership Meeting.
Capital Club. Noon
Speakers:
U.S. Magistrate Judge
Linda Anderson and
Jim Keith

April 20, 2007
HCBA Appellate CLE Seminar.
MS College School of Law.
Time: To be announced
May 8, 2007
HCBA/JYL Evening Honoring
the Judiciary Dinner.
Old Capitol Inn. 6:30

Dan Jordan Assumes Federal Bench
by Steve Ray

[Editor's Note: Following is an excerpt from a series of newsletter articles on the significant changes taking place in 2006 and 2007 in the federal judiciary in Mississippi. These articles were designed to give practitioners some introduction and insight to the lawyers serving as judges.]

Daniel Porter Jordan III is Mississippi's newest federal district judge. Nominated by President Bush in April, he was unanimously confirmed by the Senate in July, received his commission in August, and began handling cases, his formal investiture was November 20, 2006, his 42nd birthday.

The Judge.

Dan Jordan (pronounced "Jordan") grew up in Virginia, but "returned" to the University of Mississippi for college. His father, a native of Philadelphia, was a basketball and baseball standout and president of the Student Body at Ole Miss. His mother, a Jackson native and Murray High School graduate, also Miss Ole Miss.

Jordan, who describes himself as a "poor" high school student at Douglas Freeman Public High School in Richmond, Virginia, nevertheless found a niche. Like his predecessor Ben Lee, reputed to have sewed crowds at Mississippi College with his dunking abilities, Judge Jordan loved basketball. "Basketball was the first time in my life I really focused seriously on something." He went on to serve as high school team captain and was selected Most Valuable Player. Jordan says that basketball "taught me on a work ethic, discipline, and team work."

Amazing his academic ways as he pursued his degree in Economics at Ole Miss, Jordan graduated cum laude in 1987 and was elected to the Hall of Fame and Omicron Delta Kappa. He took his law degree from the University of Virginia in 1993. Between undergraduate and law school, Jordan worked in Washington, D.C., most of that time on the staff of U.S. Senator Trent Lott.

Jordan joined Butler, Snow, O'Mara, Stevens & Cannada, PLLC, in Jackson, in 1993, became a partner in 1997, and conducted a complex litigation practice with that firm until being nominated as the bench by President Bush.

Dan and his wife, the former Teri Dillers, have two children and live in the Aztec Jackson area.

Preparation for Judging.

In any conversation with Jordan about his new role, the notion of focus seems quickly, and he credits the early influence of his parents. "My dad is an entirely fair person. He taught me, at an early age to listen to both sides." And the elder Jordan also had lessons in solving problems. Judge Jordan remembers that, "as a junior high student, I assumed I had to do that reading the newspaper when the Redskins were on television. Dad didn't send me straight to the yard, but put the on us back on us with what became a family saying: 'Find a way to solve the problem, don't look for an excuse.' Robert Khayat, then vice chancellor and now chancellor of the University of Mississippi, convinced young Jordan to go to law school. Khayat persuasively pointed out that "legal training will teach you to think critically and prepare you for whatever you want to do.

At Butler Snow, Jordan's practice group leader, Bobby Miller, says Jordan always wanted to be in the courtroom. "My first day at Butler Snow, Dan introduced himself, saying, 'I hear you try cases. I'd like to help whenever you need it.'" Miller took the offer seriously, and soon had Jordan handling cases from routine to complex to mass tort. Miller recollected one series of cases centered in Alabama in which Jordan took the lead. "He had a good relationship with counsel on the other side; my sense was that he became the "go-to" man among a lot of lawyers."

This is a theme that Judge Jordan also sounds when asked why plaintiffs in his courtroom should be comfortable with a former defense lawyer on their judge. "I enjoyed good relationships with counsel opposite when I practiced. I worked hard to ensure that my word could be counted on." He also points to the benefits of being an Article III federal judge with "life tenure. He and all such judges are free from political obligation to anyone."

The Judicial Experience So Far.

Although he had a wealth of civil case experience from his private practice, Judge Jordan had no real criminal experience. From the moment he was nominated, he began to read criminal law treatises (which must prompt all Mississippians to say, "Bless his heart.") But he really did. He read transcripts and set in on criminal trials. (Jackson crime may be worst, but you can observe a lot by watching.) Judge Jordan met with all the active district judges, several senior status judges, and a number of the magistrate judges, too, he says, were "incredibly gracious with their time." He peppered them with questions about behind the scenes matters: "how is your office set up? what's your philosophy on handling motions?" "what's an effective way to handle soliciting?" "what have you found works and what doesn't work."

He met with the public defenders, the U.S. Attorney's office, the Marshal's court service the rapport court, all in an effort to devise solid, fair, and efficient procedure for his chambers.

Fresh from private practice, Jordan well knows the
Captain Equity In '08: Is He America's Next Decider?

by Captain Equity

Longtime readers might recall that last column urged the electorate to suppress unfounded and set a new course in American governance. In light of November's election returns it apparently worked. Yes, ya know, that skepticism will now remind me that at all elections are not affected. You just don't get it, do you? While technically true, it is clearly that my column had a wider audience among the nation's voters. Obviously, the results spoke for themselves clearly discounting my critics. I mean, do you guys really remember a little thing called a precise cause from your law school days? In light of my unreconciled political success, I have reluctantly been convinced to shoo my customary reader so as to allow me to make my considerable talents in the national arena of public service. Accordingly, I am forming an exploratory committee as the first step to gaining either the Republican or Democratic nomination for the Presidency of the United States. Following my ideals, "Wall Money" Teddy Roosevelt, Russ "Algie" Perot and Independent/Republican/Independent Senator Joe Lieberman, I seek to bring America together in the spirit of Big Test populist that will allow me to maximize the support of all Americans without regard to artificial party labels. It also doubles my chances to win the White House in 2008. What Republicans or Democrat can say the same?

To those who ask "why me?" I say simply "why not?" It is true that I am not as well known as some candidates, but I think I would agree that I am fatter than John Kerry that impertinent jerk who allowed the military to come home late when he had convinced himself that he can follow in the footsteps of Adlai Stevenson and Leonid Brezhnev, the most prominent in a row. Or how about Al Gore who has the soul of an elementary school teacher and the didn't have a stall of income. And then there in America's repeatedly divorced, pro gay right albeit favorite moyre, Rudy Giuliani who can count on the fingers of his "right" hand votes from the Republican base that will determine their party's candidate but he that the other non household names who have already declared: Sam Brown, Mike Huckabee, Duncan Hunter, Mitt Romney, Tom Vilsack. I mean, come on, America could do better by picking names at random from the Des Moines phone book.

I will gladly admit that John McCain and Hillary Rodham Clinton are the early current frontrunners for their party nomination. To that say just look at the non administration of high profile candidates including none of some Republicans Tom Devey, Ed Muskie, George Romney, Gerry Hart, Bob Dole et al. As I have mentioned before in this space, the last U.S. President not from the South was LBJ way back in 1960. Despite countless well financed Presidential campaigns, narcissistic, ego centric U.S. Senators almost never cross over to the top in the executive branch of government. Have I mentioned John Kerry? But again, the last to pull it off was JFK 46 years ago. The final piece of the puzzle that spells President Equity is the fact that this will be the first open seat election since 1952 where no incumbent or major party nominee is running. In this case I hope that my biggest competition will be Mississippi Governor Haley Barbour who fits the bill in every respect. However, based on my last column and the national election, the Governor will probably win the Magnolia state vote while I sweep the rest of the country.

Captain Equity and the Issues

My lack of some recognition is more than offset by my stand on the issues. As all successful politicians and voters know, it never pays to go into much detail on a platform, so here goes.

Permanent Moratorium on Presidents from Texas

Cut Taxes To Zero

Triple Social Security and Medicare Benefits

Increase Military Spending

Stay The Course In Iraq While Bringing Our Troops Home

Nothing but a Maybe While Blaming Others For Problems

(Note: Only the first proposal is original, but I suppose you already know that. Just checking.)

Contingency Plan For Scandal

While I have no plans to convert with gay prostatists and buy crystal needs to enhance the experience, propropositional congressional pages via e-mail, have an affair with a White House intern, or bust nine million dollars to slot machines, you just never know. Should any of these things happen, I plan for:

#1: Announce that I am an alcoholic and immediately go into rehab somewhere in California.

#2: Join as minor city church and/or Colorado redneck church while seeking out spiritual advice such as Jesus Jackson and/or Focus on the Family's James Dobson depending on which party gave me the most votes.

#3: If anything gets really bad, just deny everything until they prove something then say "I'm sorry." As a last resort, apologize by "taking full responsability," and eat all the other underhanded names who have already declared: Sam Brown, Mike Huckabee, Duncan Hunter, Mitt Romney, Tom Vilsack. I mean, come on, America could do better by picking names at random from the Des Moines phone book.

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“The Candy” - A Brief History

by Carol West

A chance encounter with Lynn Flach at the Mississippi Department of Employment Security on Monday started thinking about the Evelyn Candy Leadership and the impact it has had on almost a generation of women lawyers. I had to pull out my book of old program announcements to figure out what year it began, but I needed no memory prodding to remember how it came about.

In early spring 1993, Women in the Profession Committee Chair Lynn Flach called a committee meeting and no one showed up except the two of us. The big meeting room of the Bar Center felt pretty vacant, but we started talking about the specials programs that the Bar could sponsor to help network women lawyers. We came up with a two day CLE that would begin on a Friday afternoon and end at noon on Saturday. Women lawyers with family responsibilities would be able to get home on time to run their Saturday errands. We decided that we wanted to have it at the most price in the state and we wanted the programs to focus on CLE subject areas of particular interest to women. We would have lots of breaks for networking opportunities, a cocktail party, a fabulous dinner, and a great breakfast. Cedar Grove in Jackson was the perfect venue. The speakers would be Mississippi women lawyers who had achieved success in both the public and the private sector.

We filled Cedar Grove that year and the event was a tremendous success. Three women who later served in the judiciary credited the support and encouragement they got from the event in convincing them that they should run for public offices. We were such a success that I was invited to the Young Lawyers meeting in Portland OR to tell others about the innovative program that Mississippi had begun.

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Special HCBA Membership Luncheon on January 16, 2007

On Tuesday, January 16, 2007, the Hinds County Bar Association will have a membership meeting at 12 noon at its usual venue - the Capital Club - where two influential members of the State Legislature will be our guest speakers. State Senator Charlie Ross, Chair of the Senate Judiciary Committee, and Representative Percy Watson, Chair of the House Ways & Means Committee, will talk about the principal issues facing the 2007 State Legislature, including any pending legislation of particular interest to the legal profession. Both are attorneys and active members of the

Mississippi Bar:

Senator Ross is a graduate of the U.S. Air Force Academy and Harvard Law School. He has served in the State Legislature since 1997, being first elected to the State Senate in 1999 and re-elected in 2003. Senator Ross is a Phi Beta Kappa graduate from the University Of Iowa and a graduate of the University Of Iowa Law School. He has served in the House since 1980.

We hope that you will make plans to be with us.
Bar Women in the Profession

TODAY'S PROFESSIONAL WOMAN: COMMON ISSUES, UNCOMMON SOLUTIONS

with Pamela Roberts
Chair of the Women in the Profession Committee of the American Bar Association

October 17, 2006
Old Capitol Inn

Barb, Becky O.Mall, Nancy & Canada, P.L.L.C. Washington, D.C.

The Hinds County Bar Women in the Profession Committee, The Metro Jackson Black Women Lawyers, and the Mississippi Bar Women in the Profession Committee co-hosted
“Diversity: A Corporate Counsel and Corporate Executive Perspective”

Presented by the Hinds County Bar Association, November 2006, Prepared Remarks of Felicia Smith

INTRODUCTION

I am part of a team of three lawyers who are in-house counsel for Prudential Equity Group, LLC, a New York Stock Exchange member organization. Our company’s business focus is the provision of equity securities research and trading services for institutional clients in the United States, Europe and Japan.

Over the past year and a half, we have provided legal support for the reorganization of our businesses that are based abroad, including the U.K., Germany, Japan, and India. We have created a cross-functional, cross-border, cross-regulatory team to provide advice and assistance with the reorganization of our businesses internationally, including the legal formation of new members and branches in Argentina, Mexico.

Prudential invested $50 million to help revitalize minority associate or partner at a large law firm. The increase in minority associate or partner at a large law firm.

One study cited by the Minority Business Journal found that 47 percent of African American partners at major law firms in New York City graduated from either Harvard or Yale (which only 18 percent of all partners have degrees from these institutions).

We have to address the so-called pipeline issue. Proactive efforts require outreach into schools and communities, so that minority group members can see their peers and their neighbors—irrespective of race or background—know what opportunities exist in this global marketplace and how to prepare themselves to take full advantage of those opportunities. It’s not just about law firms; it’s about all firms.

My final point is that diversity is not a statistical issue. Diversity is not just the numbers of minority group members at the firm. Diversity is more about the attitudes and behaviors of the individuals at the firm. Diversity is about the culture of the firm. Diversity is about the leadership and management of the firm. Diversity is about the policies and procedures of the firm. Diversity is about the training and development of the firm. Diversity is about the compensation and benefits of the firm. Diversity is about the recruitment and selection of the firm. Diversity is about the retention and promotion of the firm.

In conclusion, I want to close with a quote from a recent article about diversity in the workplace. The author states:

"Diversity is not about the numbers. Diversity is about the attitudes and behaviors of the individuals at the firm. Diversity is about the culture of the firm. Diversity is about the leadership and management of the firm. Diversity is about the policies and procedures of the firm. Diversity is about the training and development of the firm. Diversity is about the compensation and benefits of the firm. Diversity is about the recruitment and selection of the firm. Diversity is about the retention and promotion of the firm."
Diversity

Corporate diversity grows, but much still to be done

John E. Henegan

A special thanks to the following people for their invaluable help on the Diversity Conference

Tom Alexander
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VIEWPOINT

Corporate diversity grows, but much still to be done

John E. Henegan

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Held November 16, 2006 • Marriott Downtown Hotel

President: (first row) Naomi McQuarrie, Southeast Regional Director; Minority Corporate Counsel; Felicia Smith, Senior Vice President and Corporate Counsel, Prudential Financial, Inc.; Atiba Adams, Senior Associate Counsel, Pfizer Inc.; Cheryl Perry, Corporate Counsel, The Clorox Company (North American Division); Thomas Sager, Senior Vice President and General Counsel, E.I. DuPont De Nemours, Inc., Hinds County Bar Association Past President, Diversity Committee:
(first row) Shara Bridges, Chairman; James Johnson; Almeo Castilla; (second row) Corina Salazar, Kines; Livingstone-Warren, Sheldon Adams, Wilf Maxwell, Grace Bar, John Hall, LaKeisha Green; and Pat Evans

David Morris, Governor William Winter, Julian Carlen

Almeo Castilla, Hinds County Bar Association Past President, Moderator

Hinds County Bar Association Diversity Conference
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HICA Board and Officers: Pat Evans, Executive Director; David Flury, Director; Lanna McKinley, Director; Almeo Castilla, Past President; John Heneghan, President; David Kaufman, President-Elect; Steven Tsinowitz, Secretary-Treasurer

David Kaufman and Keynote Speaker, Aquinas Carbosell, III, Executive Vice President and General Counsel, Cingular Wireless LLC

Dean Jim Badrault, Almeo Castilla, Sheldon Adams, Shara Bridges, Felicia Smith

(first row) Fred Westmore, Jerry Okum, Arius Adams, Felicia Smith, John Childs; (second row) Almeo Castilla, Shara Bridges, John Heneghan, Susan Trahman, Angela Rice, David Kaufman, Mary Arpeal, Naomi McQuarrie, Cheryl Perry, Sheldon Adams, James Johnson, Carver Johnson
Hinds County Bar Association Diversity Conference
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Panelists: first row: James Morlan, Vice Chairman, Neuses North America, Inc. • Mary Jo Peck, Vice President and Associate General Counsel, BellSouth Corporation, Fred Keenin, Vice President of External Affairs and Chief Diversity Officer, Dow Chemical's Entertainments, Inc.; second row: Blake Wilson, Executive Director, Mississippi Economic Council; Sandy Dew, Diversity Director and Litigation Counsel, Baxi International Inc.; Carrie Johnson, Group President and Chief Diversity Officer, The Kroger Company.

Ronnie Agnew, Executive Editor, The Clinton-Ledger: Mary Jo Peck, Blake Wilson, Fred Keenin

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pressures on counsel and recognizes the need to “balance efficiency of the process with efficiency for the parties. I’d like to have a user-friendly court.”

With three civil trials continuing, the first criminal trial awaits. The judge has, however, been taking criminal pleas and giving sentences (“without doubt the most sobering and saddest duty of this job”).

Jordan embraces technology when it can advance efficiency or understanding of the issues. While in private practice, in the appeal of one complex insurance coverage case, he wanted each member of the panel of the Mississippi Supreme Court to have a computer monitor so that they could actually see the policy questions as they were being argued. Working with the clerk’s office to arrange the set-up, Jordan was told that this was the first time counsel had used such technology for the Supreme Court.

As open as he is to technology in his work, Jordan is not a technician. Practitioners will be glad to learn that he expects to utilize an ancient tool—oral argument—on a regular basis. “I think the young bar will particularly benefit from the interaction with the court, and I expect to use oral argument to focus on the critical issues in appropriate cases.” For Judge Jordan, oral argument will not be a time for counsel to educate the court from the ground up. In all of his oral arguments so far, Jordan had already read the briefs, had his staff independently research the issues, and thoroughly considered the case before calling for argument. Oral argument is an opportunity for counsel to get straight to the critical issues, and sometimes Judge Jordan will advise on what issues argument would be most helpful to the court. The goal, Jordan repeats, is to have a “user-friendly” system of oral argument.

Jackson lawyer Ned Currie recently participated in an oral argument before Judge Jordan in which the court employed another technique Jordan expects to use from time to time: ruling from the bench. Judge Jordan expects to do this when he believes an early decision will be more useful to the parties than a letter-perfect written opinion delivered several weeks later. As Currie explains, the case was a complex coverage matter involving multiple insurance policies. “Judge Jordan called for oral argument. He did not specify the issues for argument, but made clear that counsel need not start from the beginning. We could get right to the critical issues. At argument, the court was well-read and the questions of both sides covered all the major themes. After argument, the judge returned in 15 to 20 minutes, then returned to the bench to dictate the opinion, complete with citations. Dictating the opinion alone took 5 to 10 minutes.”

Currie reports that counsel appreciated getting an early decision, and were able to request a quick transcript of the opinion. “It was effective. I like the procedure,” said Currie.

For his part, Judge Jordan prepares for trial “as if I were trying the case.” His staff prepares a trial notebook for him; he studies the issues, keying off of the pre-trial order, and he prepares a case-specific voir dire (“I try to ask what I would want asked if I were the litigant it’s the playing field”). Counsel are allowed to follow-up with their own questions, as the judge readily acknowledges that the attorneys know more about the case than the court.

For jury instructions, Judge Jordan takes the parties’ own substantive instructions submitted before trial, and then crafts them into neutral charges with the alibis taken out. The parties can request changes and object, but as a practical matter this has already drastically reduced the time required for charge conferences.

The court will advise counsel when to arrive on court on the first day of trial in order to resolve any evidentiary issues, etc., so opening statements will go smoothly. The court will advise counsel and the parties what time court will convene on subsequent days. One real concern is report for the jury’s time. Judge Jordan does not want the jurors waiting on the court or litigants any more than absolutely necessary.

The judge has made a practice to visit with juries after each of their cases. “First, I want to learn from the jurors whether I am doing anything inadvertently that signals my view of the case, or in future cases I can correct anything they might perceive. Second, having done their civic duty, jurors are entitled to a debriefing and affirmation— they worked very hard to do what they thought was right.”

Court Staff: Judge Jordan has as his courtroom deputy Ann Nelson, who many will remember from her service to Judge William Harbough. Her assistant is Shione Powell, and his two law clerks are Elizabeth Howzel and Neil Rossie.

The Send: Judge Jordan’s seat is Mississippi’s most historic federal judgeship. This seat was created by act of Congress in 1818 when Mississippi, as a new state, was organized into one judicial district, the District of Mississippi. In 1838 Congress divided the state into two judicial districts, Northern and Southern, but with the one judgeship serving both. This judgeship continued until 1929, when the two districts were divided, and a new judgeship was created for the Northern District. See Federal Judicial Center (http://www.fjc.gov/public/who/is/who/). Judge Jordan’s predecessors are T. S. Lee (full-time service from 1824 to 1886, with junior status service continuing), Dan M. Bunnell, Jr. (full-time service from 1965 to 1983, with junior status service continuing), Sidney C. Mize (service from 1937 to 1965), Edwin Ruthen Holmes (service from 1918 to 1936, and on Fifth Circuit from 1936 to 1954, with junior status service continuing to 1961), note that Judge Holmes served both the Northern and Southern districts until 1929, as did all his predecessors. Henry Clay Niles (service from 1891 to 1909), Robert Andrews Hill (service from 1866 to 1911), Samuel Jameson Gholson (service from 1830 to 1860); George Adams (service from 1836 to 1858; it
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more than most, cut become isolated. So far, his concerns about that have not been realized. "I see a broad cross-section of the bar, more than I had thought, in the courthouse for pre-trials before me and before other judges. Lawyers stop by to say hello, and I enjoy seeing them."

Jordan's friends say that as long as they have known him, he has displayed an even keel, never getting ruffled, and simply analyzing the situation and dealing with it. Wisdom is a gift he carries easily, they note. As he shows a visitor around his chambers, it is apparent that Judge Jordan relishes his new job and is working extremely hard at getting it right.

The experience he brings to the bench from a modest, novice litigation practice will be a fine complement to the age-old wisdom with which this judge was endowed. He is proud to be a lawyer, noting that, "I believe the practice of law is a noble calling. A lawyer should uphold Declaration of Independence from the King; lawyers convinced and memorized our constitutional democracy; lawyers interpreted, defined, and enforced our Constitution and laws. Our role is society in no less vital today."

As to his role as judge, Jordan promises that, "I will work hard. I will be fair. I will be independent. And I will treat each of you with respect." He sees the role of the judiciary as limited and himself as a neutral participant seeking only a fair trial and the correct application of the law. "I hope that when I retire, the bar will say, 'He was fair, he was always prepared, and he was honest.'"

The hardware requirements are more daunting than ever. A Vista "capable" pc has at least an 800MHz processor, 512 MB of memory, a graphics card that will support Direct9, and a DVD drive. However, that won't run Vista very well in all (but it will run XP just fine, and that may be all you need).

A Vista "premium ready" pc should have a minimum of 1 GHz processor, 1GB of system memory, a 128 MB graphics card, and a 40 GB hard drive with 15 GB of available memory. HOWEVER, for an "optimum" Vista experience, those requirements are upped to 2 GHz dual-channel RAM and a premium 256 MB graphics card from ATI or Nvidia.

Though there are some subtle variations, Vista basically comes in four flavors:

Windows Vista Home Basic, said to include: advanced security and reliability, parental controls, Vista Basic User Interface, search and organize information, and excellent networking.

Windows Vista Home Premium, with everything that Home Basic has plus: Windows Aero user interface, Windows Media Center functionality, additional digital media features such as authorizing and DVD burning, and additional mobility features such as PC-to-PC synchronization.

Windows Vista Business, which includes most features available in Windows Vista Home Basic with the exception of some entertainment features plus: Windows Aero user interface, additional mobility features such as PC-to-PC sync, core business features such as Domain Join, Group Policy support and encrypting file system, small business-specific features such as Fax and Scan and Small Business Resources.

Windows Vista Ultimate, the "flagship" edition of Windows Vista for home users and small businesses -- especially those who rely on a single PC to use both at home and at work. It is hoped to combine the advanced infrastructure of a business-focused operating system, the productivity of a mobility-focused operating system, and the digital entertainment features of a consumer-focused operating system.

Questions or comments? Email webmaster@hioludbar.com

Windows Vista will have two user interfaces: a "basic" experience for entry level systems and the new Windows Aero.

Seemingly, the basic experience has been updated so the menu will help you find and start any program on your pc, an integrated desktop search, and Details and Preview Pans that let you view your files without having to open them.

Windows Aero is an obvious response to the McIntosh interface. Running Aero will require a high-level graphics card as well as the Business or Premium edition of Vista. Aero Glass is supposed to produce a translucent effect to enable you to focus better than content on the interface. Related features include Dynamic Windows, meaning that, when minimized, the window will zoom to a specific location on the taskbar, supposedly for easier location. Live Taskbar Thumbnails will show you the contents of windows that are open, in the background, then minimized.

Windows Flip, an update of ALT-TAB from earlier Windows versions, shows live thumbnails. Windows Flip 3.0 creates a view of your open windows in a three-dimensional stack on your desktop.

Vista is also designed to enhance security. An integrated rights management client allows limitation of access to certain files, and there is a new and improved encrypted file system. Vista Enterprise and Vista Ultimate also have a new BitLocker drive encryption, which will offer full volume encryption.

Additional enhancements include new anti-spyware tools, Windows Explorer 7, protected mode, better management of administrative privileges, and network access privileges.

While XP systems that are hardware capable are said to be capable of an upgrade in place, a "clean install" is dubious preferable, or better yet, a shiny new pc with Vista installed by the manufacturer. A utility called Windows Easy Transfer is supposed to facilitate the installation by moving files and settings to another hard drive or storage device, then releasing them after the Vista installation. Note that there is no upgrade available for versions of Windows earlier than XP or 2000 (and an upgrade directly from even Windows 2000 professional seems no better than problematic).
Their respective companies, all of which are long time proponents of diversity, employ over 3.29 million people and had gross profits in 2005 of $2.478 billion. What cause them to think differently is that diversity is not just the "right thing" to do, but that their current economic success is the result of a conscious effort to measure and monitor their openness to diversity and inclusiveness.

To this end, their firms have been addressing diversity internally in several cases for 15 years or longer. Listening to the panelists speak, it became clear that diversity is not as simple for them as a matter of numbers, political correctness, or the corporate flavor of the month, or window dressing for their firm's five-year plan. Their firms have been focusing on and measuring different dimensions of diversity and inclusiveness for so long that for them diversity and inclusiveness appears to at least me to have become as natural as breathing or a frame of mind that they see in addressing everyday facet of their business.

It is the mindset of diversity that comes through the panelists' points of views, opinions that come from a group of people of different gender, color, religion, race, and national origins. This mindset also does not accept and in fact emphatically rejects the notion that diversity is a form of voluntary affirmative action, or a type of quota system (with the accompanying compounding that their companies hire people who are unqualified for the positions they have taken), or a mechanism of corporate governance that excludes white males.

While they believe that diversity makes their companies more vibrant places to work, they just as clearly believe that embracing diversity and inclusiveness through the hiring and training of qualified candidates makes their companies the beneficiaries of ideas and perspectives that they would otherwise miss. They also clearly believe that those ideas and perspectives can contribute and help them to have, to their continued business success in this country and abroad.

Where does this mindset come from? The panelists were unanimous that it must first come from within, and must begin at the very top, with a company's leadership. This effort includes calling upon their own suppliers, vendors, and representative - yes, their outside legal counsel too - to take the steps necessary to become diverse.

These steps may take, as one panelist said, one of several "granular" forms such as: recruiting at a wider number of law schools or minority recruiting consortiums; lateral hiring; law firm alliance strategies; more focused monitoring of individual assignments; fostering of client relationships; and mentoring of diverse attorneys; supporting diversity-related efforts of professional associations and the efforts of educational and academic institutions at all levels, including those efforts that are being done locally; and implementing changes in corporate governance. They candidly acknowledged that every one of their suppliers and vendors, including their outside counsel, must decide for themselves what priority to give diversity and whether they wish to name in the same direction that their own respective companies are moving. They have found that most are willing to do so.

What they had to say was inspirational as it was informative. Joaquin Carbonell, our keynote speaker, who is Executive Vice-President and General Counsel of Cingular Wireless LLC, was born in Cuba. Joaquin had everyone's captivated attention as he spoke about coming to Florida at the age of 9 without his parents and unable to speak any English, immediately prior to Castro's takeover of Cuba, not knowing whether he would ever see his parents again. While growing up, his parents had told him over and over that "people can take your home; they can take your family; they can take your property; they can take your clothes; but if you will learn to read and write, they cannot take away your education." After coming to this country, he was adopted by a family in Wisconsin for five years until his parents were able to leave Cuba and join him in Wisconsin. He now holds degrees from Boston University, Duke, and Stanford and helps lead one of the largest businesses in the United States.

The panelists emphasized the importance of a strong education system pointing out that their businesses are part of a global economy and they are no longer simply competing with other firms in the United States but those in Germany and Japan as well. We have included elsewhere in this newsletter excerpts from Carbonell's keynote address as well as excerpts from the remarks of panelist Felicia Smith, a native of Jackson, Mississippi, which opened the discussion for one of the Roundtable panels. While these separate statements are based on their own experiences and viewpoints, they are representative of much of the overall discussion that day and worthy of your close attention.

Mississippi is the sixth most diverse state in the Nation. As a people, we have taken recent steps toward racial reconciliation that some would have not thought possible. Living and growing up in a historically diverse State, we may be uniquely positioned to address the issues raised by these national firms.

In February of 2000, several months before Time published its now well known diversity-related cover story about "The Drowning Of America," former Governor William F. Winter addressed the Kellogg Foundation about this topic at a meeting in New Orleans. In his remarks, he prophetically noted that in the future, "all of us will be living in a world of diversity. America is rapidly becoming the most racially diverse nation on the planet. No one can lead who does not understand and appreciate that diversity." Providing today the necessary climate, institutional support, and leadership that builds and fosters diversity and inclusiveness may be more than simple good economic sense, it may be essential to our long term well being as a community, a State, and a Nation. It is at least worth discussing.
MISSISSIPPI COLLEGE LAW LIBRARY HOURS
Monday - Thursday ........................................7:30 a.m. - midnight
Friday .............................................................7:30 a.m. - 9:00 p.m.
Saturday ...........................................................9:00 a.m. - 9:00 p.m.
Sunday .............................................................noon - midnight
EXCEPTIONS
Interim
Mon., Jan. 2nd - Fri., Jan. 5th ......................7:30 a.m. - 5:00 p.m.
Sat., Jan. 6th - Sun., Jan. 9th .....................CLOSED
Mon., Jan. 8th - Fri., Jan. 9th ......................7:30 a.m. - 5:00 p.m.
Martin Luther King, Jr. Day
Monday, January 16th .................................9:00 a.m. - 5:00 p.m.
Spring Break
Friday, March 9th .........................................7:30 a.m. - 5:00 p.m.
Saturday, March 10th .................................9:00 a.m. - 5:00 p.m.
Sunday, March 11th .......................................1:00 p.m. - 5:00 p.m.
Mon., March 12th - Thurs., March 15th .....7:30 a.m. - 5:00 p.m.
Fri., March 16th - Sat., March 17th ............9:00 a.m. - 5:00 p.m.
Easter
Friday, April 6th ...........................................9:00 a.m. - 5:00 p.m.
EXAM SCHEDULE
April 29th - May 11th
Monday - Friday ............................................7:30 a.m. - midnight
Saturday .........................................................9 a.m. - midnight
Sunday ..........................................................noon - midnight
Friday, May 11th ...........................................7:30 a.m. - 4:30 p.m.
Summer hours will begin May 12th. For more information please call 925-2720. 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 601-969-6007. The web site address is hindsbar.com.

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

HCBA Luncheon Meeting
Noon, January 16, $15.00
President's Column
by David Kaufman

It is an honor for me to serve as president of the Hinds County Bar Association in this the 75th year of this organization. Before discussing current and planned activities for the year, I want to commend our outgoing president, John Henegan, for the truly exceptional job he did this past year. John's commitment, energy, and accomplishments this past year were amazing. Under his leadership, the 2006-2007 year was a very productive and successful one for the HCBA. Attendance at membership lunch meetings, our various social events, and our major event, the Diversity Conference, was outstanding, and our committees were well-staffed and active. Membership in the organization is at an all-time high, and the 2006-7 year also was a financial success for HCBA. On behalf of the HCBA, I want to thank John, the Board, and all of our committee chairs and members for a job well done.

Planning for our 2007-2008 year is well underway. We intend to continue important themes from recent years and to stress volunteerism in the coming year. As you know, the HCBA is the largest local bar association in the state, having approximately 1300 members. Although we have been fortunate to have a number of extremely capable people volunteer to serve on our various committees in recent years, we can certainly increase the number of people participating in committee activities. A list of committees appears elsewhere in this newsletter. I encourage each of you who can spare a little time for a worthy cause to volunteer for service on one of these committees. I would especially like to urge some of our more experienced members who have been less active in recent years to become involved again in sharing your experiences and wisdom with the other volunteers. We owe it to our profession and to...continued on page 14
June 2006 Golf Tournament

At the April Membership Meeting, proceeds from the June 2006 Golf Tournament sponsored by the Hinds County Bar Association were awarded. The check for $10,850 was presented to Shirley Williams, Mississippi Volunteer Lawyers Project Executive Director (center). Members of the Golf Tournament Committee include: Tom Craig, Symbiont Consultant; Lyle Robinson, Mississippi Bar Foundation; Bill Mitchell, Rea Frazier, HCBA President; and Pat Evans, HCBA Executive Director.

Mike Parker Continues Judicial Service as Magistrate Judge

by Steve Ray

Michael T. Parker is one of the "new" United States Magistrate Judges for the Southern District of Mississippi. Sworn in on May 20, 2006, with a Hattiesburg federal station, Judge Parker has been hearing cases since July 2006. He was District Judge Louis Guirola Jr.'s former magistrate judge position. The primary assignments are assisting District Judge Keith Starrett with the Hattiesburg Division's docket, handling part of the Western Division's prisoner cases, and hearing the Southern Division's modernedo docked (which includes events at Keesler Air Force Base, Ship Island, the Navy Seabee Base, DeSoto National Forest, Gulf Islands National Seashore, and other federal installations).

Parker spent his entire professional career prior to assuming the federal bench as a member of the Hinds County Bar Association practicing in Jackson and Clinton. He practiced privately for 17 years, and for many years was a partner in the law firm Scanlon, Sesum, Parker, and Dallas, PLLC, where he focused on commercial litigation.

A native of McComb, Judge Parker earned his bachelor's and law degrees at Mississippi College, both with honors, earning American Jurisprudence Awards in civil procedure, trusts, and real estate transactions. While living in Clinton, Judge Parker completed the Leadership Clinton program, was an incorporator and vice chairman of the Clinton Community Development Foundation, and served as a deacon and youth Sunday school teacher for many years at First Baptist Church, Clinton.

Parker's first judicial experience was serving for eight years as part-time Municipal Judge for the City of Clinton. He then served from 2002 to 2006 as a judge of the county court of Hinds County, before being named United States Magistrate Judge and moving to Hattiesburg.

Judge Parker feels that the experience that particularly prepared him for magistrate judge was practicing in a civil court, particularly commercial, construction, and banking and finance cases, for both plaintiffs and defendants. Although his private practice was in civil litigation, his experience as county court judge was essentially all criminal.

Thus, he was well-prepared for the mixture of work he sees as United States Magistrate Judge.

When a new magistrate judge position opens, the sitting district judges appoint a Magistrate Judge. The Merit Selection Panel then receives resumes and applications from interested lawyers and judges, conducts interviews, and recommends five qualified persons to the district judges. HCBA member Rebecca Wiggs, who served on the Merit Selection Panel that forwarded Judge Parker's name to the district judges, recalls that "few members of the panel knew Judge Parker before hand. But he had an excellent interview, and through the strength of his personal presentation the panel easily appreciated his qualifications and judicial demeanor."
Owens Installed as Senior Judge at Hinds County Chancery Court:
Running Court is a Marathon, not a Sprint.

by Matthew Thompson

Chancellor and marathon enthusiast Judge Denise Sweet-Owens enters her 18th year on the bench as the newly installed Senior Judge of Hinds County Chancery Court, Mississippi, Sub district 3. Judge Owens succeeded the retiring Chancellor, Judge Stuart Robinson.

Judge Owens reflected back on her many years on the bench, which included hearing matters extending across the civil gamut. As a Chancellor, she has heard disputes involving domestic relations, estates, real property, appeals from administrative agencies, tax issues, school board litigation, as well as annexations and bond validation matters. This wide variety of legal issues has imparted a unique perspective to Judge Owens, which she carries over into her courtroom. Judge Owens seeks to impart fairness in her decisions whenever possible and does so by frequently ruling from the bench.

Over the past 18 years, Judge Owens has noted several changes in the Hinds Chancery Court system. Foremost of these changes, is that she now sees many more attorneys practicing in the domestic relations arena. In her early years on the bench, Judge Owens recalled seeing the same handful of attorneys trying domestic matters in Chancery Court. Today, she has become accustomed to seeing new faces practicing before her. Another change is one Judge Owens helped implement, introducing a new practice to the Hinds Chancery Court system. The Court Administrators are now available all day for case settings, even through the lunch hours.

Judge Owens and the other Chancellors of Hinds County are in the process of reviewing the local rules. Judge Owens is requesting comments, concerns, and recommendations from the attorneys that practice in the Hinds County Chancery Court pertaining to any revisions they would suggest concerning the local rules. She reports that the rule review is an ongoing process and the ultimate goal is to have local rules which complement and expedite matters in the Chancery Court. Additionally, the Court is also undertaking the formulation of an emergency preparedness plan in light of the recent natural disasters as well as other potential threats. The emergency plan is implemented, the Chancery Court will be able to function and assist the residents of Mississippi and attorneys regardless of circumstances.

Judge Owens enjoys traveling with, as well as visiting, her family throughout the United States. She is married to attorney Bob Owens of Owens-Moss, PLLC. They have four children, one who recently graduated from law school, one in law school, one in medical school, and one earning his undergraduate degree. Judge Owens is also in training to participate in the Chicago Marathon in October. Judge Owens, Judge Patricia Wise, and several other recruits are planning on participating in the 26.2 mile trek to raise funds for the American Heart Association.

Chancery Court’s ex-partes days are Tuesday mornings, by appointment. Judge Owens may be reached at her office through the Court Administrator’s office at (601) 908-6521 or (601) 908-6546.

The local rules for the Fifth Chancery District, First Judicial District of Hinds County, Jackson, and the Second Judicial District of Hinds County, Raymond, may be accessed via the World Wide Web at http://www.co.hinds.ms.us/ps/chancery/localrules.pdf. Comments or suggestions regarding the local rules may be directed to the Court or to the Hinds County Bar Association, Bench and Bar Committee.

Jackson - America’s Xtreme City

by Captain Equity

Having lived within the city limits of Jackson Mississippi for much of my life I have learned to adapt to a succession of civic slogans meant to distinguish and boost the collective economic fortunes of the state’s capital city. For many years we were simply The Crossroads of the South. Given our favorable geographic location between Dallas and Atlanta; Memphis and New Orleans, I always thought that made a lot of sense and allowed us to promote ourselves as a regional distribution hub. Then there was The Bold New City. I always thought that to be a bit disingenuous since Jackson was barely a city and there was little indication of boldness. But within the decade, some marketing genius added a tag line that proclaimed that our burgeoning mini metropolis had a measure of irresistible locomotion, to wit: The Bold New City: There’s No Stopping Us Now. The current moniker is The City With Soul.

There is an interesting if not alarming companion reality attached to every slogan starting with The Bold New City. That reality is that the city has consistently lost population ever since we stopped being The Crossroads of the South. The defectors are both black and white as well as affluent. Apparently, our slogans have been asleep at the switch for decades. They just haven’t been getting the job done. Any lawyer who ever studied the concept of proximate cause in law school would intuitively know that these dysfunctional slogans are the root cause of Jackson’s woes. Crime, drugs, LCW, abandoned mothers, absentee fathers, poor education, illegal handguns, the residual effects of state sponsored racism, lack of opportunity, too little personal responsibility, a culture suspicion of authority or maybe just plain old fashioned ignorance wrapped around bad attitudes come on people. It is none of that. The elephant in the room that no one is willing to talk about, least of all The Clarion Ledger with their repetitive calls for more effective leadership, crime summits and the like, is the chronic lack of the right slogan. This is why Madison County, Flowood, Pearl, Clinton, Byram and the rest are winning the economic development war one mega mall and housing development at a time. Well, I don’t know about you, but this Jacksonian is sick of it.

And so you ask, what is the magic slogan? To that I say, not so fast. Before you can adopt a slogan, you need a model. Instead of reinventing the wheel, look for other similarly situated cities that mirror your own assets and potential. For instance, if we were to adopt the LeFleur Lakes proposal to address flood control and economic development we could look at San Antonio with its Riverwalk. But since this makes way too much sense, we must look elsewhere. How about San Francisco? Nope, our hills aren’t big enough. New York City? Not enough skyscrapers. Vancouver? Pardon me, this is Mississippi not Canada. When you consider everything, Jackson is Detroit Lite without the amenities but with better weather. But since there is already a Detroit we need an added ingredient. I advocate that we accentuate the sense of urban adventure offered by Detroit and take it to the max. Thus, our new slogan will reflect our identity: Jackson - America’s Xtreme City.

Why does this slogan work? First of all we already have America’s most Xtreme mayor. Hey, back when the Chamber of Commerce types were attending luncheons and ribbon cuttings this guy was putting up billboards that featured the mug shots of drug dealers. And that was when he was a private citizen.

Jackson’s XTreme Action Plan

Jackson Law Center - Mayor Melton’s recent trial revealed what all Hinds County Bar Association members have known for years. We have the most resourceful and effective lawyers in the country. As part of my Xtreme agenda, I propose demolishing Memorial Stadium and building a mirror image complex to the University Medical. It would provide office and courtroom space for members of the bar. Next, we enact an inverse long arm city ordinance that would allow every criminal defendant in the country to change venue to Jackson. Surely Governor Barbour is smart enough and connected enough to figure this out. This would provide work for thousands upon thousands of Jackson prosecutors and defense lawyers. Of course MC Law School would have to boost its entering classes to several thou-

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On Computing
by Joel Howell

Not all things in computer life are free, particularly hardware and operating systems. Thanks to a variety of sources, particularly PC Magazine, here’s a bunch of absolutely free software that you can do a lot of nifty things with.

Security


This is an antivirus application that looks like a high-tech media player. The home edition is free but does not allow scheduling and only sends a warning on detected malware.


This is a more effective anti-virus application because it scans on-demand and on schedule. It also scans incoming and outgoing emails and is touted to be Vista-ready.

McAfee SiteAdvisor, us.mcafee.com.

This detects websites that host malicious software, and websites that spam you. It also detects websites that contain exploits in their codes. It redeflags the sites to alert the user to leave the site.


This cleans spyware and prevents further infestation. You have to check for updates manually, but SpyCatcher Express has almost all the features that the paid version has.


This firewall protects against unauthorized programs from accessing the Internet. It keeps hackers out and resists being forcibly terminated.


This firewall asks you if you want to allow programs instead of asking the SmartDefense Advisor database.

Productivity


EditPad Lite is a Microsoft-like text editor. It includes a tabbed interface for editing multiple files, line numbering, auto-indenting, and printing blocks of text.

Notepad, notepadplus.sourceforge.net.

Notepad is a source-code editor. It includes macros, collapsible sections, and syntax coloring for over 70 programming languages.


This is an alternative to Microsoft Office. It includes a very capable word processor and spreadsheet that are compatible with MS Office files.

Utilization, PC Management


This automates all of your repetitive tasks and allows you to share them with people who don’t have the application.

Clippomatic, www.mrl.net.

This is a clipboard extender. It also stores boilerplate text. Clippomatic does not work with Adobe Reader because it blocks them from saving to the clipboard.

cCleaner, ccleantool.com.

This simple application goes through files, particularly email, and strips out the detritus.

Google Desktop, desktop.google.com.

Google Desktop gives you a wide selection of services displayed on your desktop.


If you’ve never used this, it’s a free download from Microsoft. It helps specify which icons appear on your desktop, sets auto-log-in so you can skip entering a password, and more. It’s excellent for fine tuning the Start Menu and Taskbar settings.

Yahoo! Desktop Search, desktop.yahoo.com.

This indexes everything on your system to help you find files and e-mails.

Mobility


InfraView displays almost all standard bitmap and image formats.


This is a PC-based VoIP (Voice Over Internet Protocol). You can click-to-call to dial regular phone numbers from your PC and allows you to moderate discussions with up to 100 people.

Ubuntu

SurfSpeed, go.pcmag.com/surfspeed.

An automated taskbar that polls servers and allows you to compare Internet connection bandwidth with results of other users.

Google Earth 4 Beta, earth.google.com.

This helps you plan trips and allows you to explore any geographic region from your computer, however, it is a resource hog, and without a good graphics processor, it may crash or freeze your system.


A time synchronization tool.


blog software.

Questions or comments? Email webmaster@joelhowell.com.

Another Salute For Sgt. Chris Robinson

On March 30, 2006 the body of Sgt. 1st Class Chris Robinson was flown from Afghanistan to Jackson, Miss. When the hearse left the Jackson Airport, Sgt. Robinson’s wife, Tamara, and his two young children, Savannah and Patrick, witnessed a sight never before seen in Mississippi:

thousands of citizens-young and old, black and white-in a spontaneous tribute to Sgt. Robinson and to all American men and women who serve in uniform-stood alongside the highway and raised their hands in silent salute as the hearse passed. Many, many young soldiers from Mississippi have perished in our nation’s wars, but none ever received a homecoming like Sgt. Chris Robinson.

Chris Robinson, age 36, lived in Brandon. His wife, Tamara, is a legal assistant with Barfield and Associates in Jackson. Chris was a communications sergeant with the Mississippi National Guard assigned to the 20th Special Forces Group. The 20th Special Forces Group was first deployed to Afghanistan in 2003 and again in 2005.

The primary mission of the 20th Special Forces Group was to train, equip and advise the Afghan National Army to effectively continue the battle against resurgent Taliban and Al-Qaeda fighters. But the 20th was also responsible for building schools, distributing school and medical supplies and digging wells to provide fresh water. They accomplished all of these missions.

Sgt. Robinson was assigned to Baghdad air base. But one of the field teams was short a radio operator. Sgt. Robinson radioed his friend, Master Sgt. Reese Robbins, with whom he had served for 16 years, and volunteered for the job. On March 25, 2006, while on combat patrol in Helmand Province, Afghanistan, Sgt. Robinson wasfatally wounded by enemy small arms fire. Master Sgt. Robbins, also from Mississippi, was wounded in the shoulder. Three days later Sgt. Robinson was escorted back to Mississippi by his friend, Sgt. Robbins.

Sgt. Chris Robinson was the first soldier from Mississippi to die in Afghanistan. He is one of almost 60 Mississippians who gave their lives while serving in Iraq or Afghanistan. Governor Barbour said that the death of Christopher Robinson was a great loss for the people of Mississippi. The Governor was partially right. Sgt. Robinson’s death was a great loss for the people of all the United States.

The “war on terror” is, in many ways, not being fought by the people of the United States. It is being fought for the people of the United States by our soldiers and marines, and by their families. Unlike prior wars, only a handful of personnel in the Mississippi legal profession have served in this war. Tamara Robinson’s husband, Chris, was honored to serve his state and his nation.

We, as citizens and as members of the Mississippi legal profession, honor Sgt. 1st Class Christopher Robinson and his family.

We gratefully salute you and your family, Sgt. Robinson.

Contributed by Luke Drive
Bill Waller, Jackson attorney, member of the Hinds County Bar Association and fifty-sixth governor of Mississippi has written a very readable memoir covering his first eighty years. It is a story of a young man who, after growing up in rural Lafayette county and graduating from the Ole Miss Law School, in February 1950 began a law practice in Jackson in a walk-up second floor twenty-dollar-a-month office on Capitol Street. Now, nearly 60 years later, he still practices law full time. While practicing law, Bill Waller was a candidate for elective office seven times. He ran once for county attorney, twice for district attorney, three times for governor and once for the United States Senate. He won twice for district attorney and once for governor.

Waller ran for governor between 1967 and 1987. During this time the Republican party offered credible candidates for governor, but for all practical purposes gubernatorial races were essentially a one party affair, with victory in the Democratic primary tantamount to election. Waller's perspective of his races for governor will be of interest to those who are old enough to remember those times and will educate those who are not. His observations describe what a race for governor was like in Mississippi going back decades, when political parties were of no consequence and each candidate ran on the basis of his individual character, drive and personality. The book, as the subtitle indicates, focuses on Waller's four years as governor. It gives insights into campaign only a candidate can reveal. Waller describes the programs he advanced during his administration including the restoration of the governor's mansion. The first lady, Carroll Waller, played an important part in this effort. The book has a good selection of pictures of Waller's family, political supporters, opponents and important figures of that time. Appendices include his inaugural address, the first State of the State address, a list of the accomplishments of his administration and the names of his Colones. There is also a comprehensive index.

While Waller had a successful term as governor and had many accomplishments about which he can be proud, the defining event of his political life occurred not as governor but an district attorney. Shortly after midnight on Wednesday, June 12, 1963, while hiding in bushes with a high powered rifle, Byron De La Beckwith assassinated Medgar Evers, field secretary of the Mississippi NAACP. Bill Waller and his University High School (Oxford) school mate, law partner and assistant district attorney, John H. Fox, III, prosecuted Beckwith in two trials, both of which ended with hung juries. Waller believes the jury count was seven for conviction and five for acquittal in both cases. The trials received national and international attention and were covered by the New York Times and the Times of London among others. Waller lists thirteen books published about the Beckwith trials. Thirty years later, when Beckwith was again on trial for the murder of Evers, Fox and Waller made interesting contributions. After the second trial Waller gave Mrs. Myrlie Evers, widow of Medgar Evers, his copy of the trial transcript. When efforts began again to try Beckwith in 1994, a copy of the trial transcript could not be found. Mrs. Evers made her copy available. Bill Waller and John Fox read the transcript and testified at trial it was the authentic trial transcript. In the 1994 trial Beckwith was found guilty of murder and sentenced to life. Waller also recounts how the arrest of Beckwith in 1963 resulted in the Clarion-Ledger's most famous headline. Beckwith, who was from an old Mississippi family and had lived in Mississippi since he was five, was born in California. This piece of trivia came to be known in the Clarion-Ledger newsroom. An editor at the Clarion-Ledger took the Associated Press report of the arrest and related matters and inserted into the AP report a one-line sentence - "He was born in Colusa, Calif." The editor then used the sentence for the famous front page headline, "California Is Charged With Murder of Evers." The chapter on the Beckwith trials is worth the price of the book.

Although he grew up in Lafayette county and graduated from University High School in Oxford, Waller did not consider going to undergraduate school at Ole Miss because in his opinion the social climate and Greek system at Ole Miss was not friendly for the sons of Mississippi farmers. Instead, he graduated in three years from Memphis State College.

While at Memphis State he worked for three different funeral homes. He also worked for a funeral home while in high school. After graduation from Memphis State, he considered going into the funeral home business.

Bill Waller did not go to law school with the specific intent of practicing law. He thought he might go into business or banking and a legal education would be a good background. His overriding desire was to own his own business.

When Waller won in the tenth grade, he was severely injured in a hunting accident when a shotgun discharged into one of his thighs. He had to remain in bed for six months and learn to walk again. He was going to the University High at the time. Although he could not go to class, teachers from University High came to Waller's residence twice a week to "home school" him before there was a term for it. He finished the tenth grade with his class and graduated from University High in 1944. Also in 1944, while World War II continued in Europe and the Pacific, he twice volunteered for military service. He was turned down because of his prior injury. Six or seven years later, after he had graduated from law school, opened a law office in Jackson and married Carroll Overton, Bill Waller was drafted into the United States Army and served two years active duty during the Korean War.

Do not miss the pleasure of reading Straight Ahead, a blend of biography and history by an exceptional Mississippi.
Magistrate judge position. **Avoid Delay.** First, I want to keep the case moving. I know how very frustrating delay was for my clients and for me. He observes that so many delays are built into the system that it is incumbent on the court to avoid delay. His goal as Magistrate Judge is to address each dispute quickly.

**Help with Settlement.** Judge Parker wants to avoid motions with settlement, but has found that it is best to wait until the parties have had a chance to do basic discovery or at least obtain enough information to make meaningful decisions about their case. He will be glad to assist with settlement of cases, but grants a lot of leeway on when his involvement should occur. Nevertheless, if the case is an extremely small case, Judge Parker may schedule a status conference sooner to help the parties towards resolution. **Let the Lawyers Handle Their Cases.** Judge Parker’s goal is “to let the lawyers handle their own cases.” Parker relates that as a fresh Municipal Court judge he often wondered why lawyers did not ask obvious questions of their clients. After asking a few of these questions himself from the bench, he quickly found out why the lawyers had not raised the “obvious” queries. He learned to trust lawyers to try their own cases. Now, he seeks to “strike a balance in pushing the case along but not interfering the court where it probably should not be.”

Finally, Judge Parker notes a few of his preferences in establishing the Case Management Order and otherwise:

1. **Physical or emotional injury.** Judge Parker wants to avoid motions to compel waiver of the medical privilege and to allow an independent medical examination. Consequently, if physical or emotional injuries are issues, he wants to address waiver of the medical privilege and expects the lawyers to have already considered the extent to which the privilege should be waived. Further, unless some compelling reason to the contrary exists, an IME is going to be allowed.

2. **Telephonic conferences with the court.** Judge Parker invites lawyers to avoid the delay of motions with their 10 days to reply and 5 days for rebuttal. Instead, lawyers are welcome to set up a brief telephone hearing by contacting his chambers. Counsel may present the dispute in short order, avoid expensive briefing, get a ruling, and move on with the case. While ex parte communication is not welcome, setting up a joint conference call is invited and should not be viewed as “barring” the court. Says Judge Parker, “I would much rather try to resolve a matter sooner than later and with the least expense to the litigants and the lawyers.” The court’s determination on such matters would typically be reduced to a minute entry or, if by an order, a text-only order as the electronic case management system. Judge Parker gives two quick examples of matters that might be amenable to quick and inexpensive resolution.

Is a party entitled to certain documents before a particular deposition? Or, is an expert required to fly to a certain destination for his deposition? Judge Parker is quick to note that if lawyers prefer to put such matters to the court by motion that is fine with him. He simply wants to make known his availability for a less expensive and quicker procedure.

3. **Counsel’s obligation to confer in good faith.** In Judge Parker’s estimation, this “means more than sending a snippy email to counsel.” That is not complying with the good faith requirement. At a minimum, counsel should have a telephone discussion about their legitimate areas of dispute and an in-person meeting is preferred. Simply shooting emails or letters back and forth is not sufficient. Judge Parker notes the enormous amount of time the court spends on discovery disputes and says, “I’m going to inquire about the efforts made to resolve the disputes. I don’t want to hear ‘we’ve really not discussed that.’” Parker’s long-time law partner Pat Scanlon, who now limits his practice to serving as arbitrator and mediator, enthusiastically endorses Mike Parker’s selection as magistrate judge. “He has the attributes a lawyer wants to find in a judge. He’s intelligent and hard-working, he knows the law, and he does right. Best of all, he cares about the job and doesn’t take himself too seriously. He’s a tremendous asset to the federal court.”
On a recent trip to Biloxi, I was reminded of Faulkner's famous reflection that mankind will "not merely endure but prevail." If the Beau Rivage Casino/Hotel is any standard bearer for the new Coast, there is no doubt the Coast will overcome Katrina's wrath and rise to new heights.

It won't be the same, at least not along the beach. The sandy points, strip clubs, tacky motels and old-fashioned gas stations are gone with the wind. Vegas glitz had already made its mark on the high-priced beachfront property - and those were the buildings strong enough to survive the raging storm.

Looking out the 21st-floor hotel window to the Biloxi "city view" revealed some remaining charm of new and old, redbrick Waffle House ugly and quaint stuccoed Spanish, nestled together in one neighborhood. But most of the ugly and the quaint is gone, and I wondered if a Destin-type high-rise condo community will take its place.

If you haven't made the trip up and down Highway 90, you should take the time to see the after-the-storm emerations and before-the-restoration reconstruction, whatever it will be. Palm trees with broken necks, steps from sidewalks going nowhere, the mangled metal ribbon skeleton of Frank Ghezzi's George Ohr Museum. I thought I saw a glint of tangerine tile from the wondrous old swimming pool, but the Broadwater Beach Resort, site of many a past Mississippi Bar function, has been razed. I had to avert my eyes when I passed Beauvoir. Without the sign asking support for "the Friends of Beauvoir," one couldn't guess the crippled remains had once been a 19th-century landmark. I paid my respects to the sites of McElroy's Seafood Restaurant in Biloxi, wishing for a bowl of their shrimp remoulade and a tray of oysters on the half shell with a stout of draught beer. I didn't have time to check out their new location in Ocean Springs, since it means crossing Biloxi Bay on the interstate.

Katrina has played with my mind, leaving behind

Highway Eats
by the Road Lawyer

bus-stop benches advertising the White Cap Restaurant in Gulfport. Now it's not just closed on Tuesdays - it's gone. I didn't have the heart to go on to Long Beach and see where Chappy's and Steve's and other old haunts used to be. But the bright side - the sun glistening on water and white sand, and am

worshippers lay near red and yellow umbrellas and rental stands for jet skis. Most of the live oaks are green and reviving, and the fences are up again to protect the nesting terns. The Coast Coliseum looks better than ever with a new roof, and the President Casino is no longer sitting on top of what used to be the Coliseum Holiday Inn.

With its manicured formal gardens in the front, the Beau Rivage has never looked so good. Inside the sky-lighted atrium were acres of blue and white pot-hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Florists were touching up a huge potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying David Yunnan earrings, Stuart Weitzman shoes, and skinny lattes. Flo...
our community to volunteer their time to the many worthwhile projects in which our organization is involved.

We also believe we have an opportunity to increase our membership. Information obtained from The Mississippi Bar reveals that the lawyer population in the metro area of Hinds, Madison and Rankin Counties is 2983, which represents 44% of the lawyers in Mississippi. Although the percentage of these lawyers who are members of the HCBA is good, we should continue actively to recruit additional members to fit in order to maintain their involvement in planning and organizing these events.

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HCBA Committee Preference Survey

Committees are vital to the projects and activities of the Hinds County Bar Association. Please consider service to the HCBA and its members by becoming part of our committee work.

I am interested in serving on the following committee(s):

- Bench & Bar Relations
- Community Grant Project
- Community Service
- Corporate Counsel
- Diversity
- Evening Honoring the Judiciary
- Golf Tournament
- Law-Related Education
- Law-Related Film Festival
- Library
- Membership
- Newsletter/Editorial Board
- Pro Bono
- Professionalism
- Program
- Small Law Office/Small Firm Practice
- Social
- State & Federal Civil and Appellate Practice & Procedure
- Other: (insert a Law-Related Project/Subject that you think the HCBA should consider addressing and tell us why.)

Name: __________________________ Phone: __________________________ E-mail: __________________________

Please (1) complete and mail to Patricia Evans, Exec. Dir. of the HCBA, 151 E. Griffith St., Jackson, MS 39201, or (2) send your reply to pecans@ms.edu.
MISSISSIPPI COLLEGE LAW LIBRARY HOURS

May 10, 2007 - August 18, 2007

Monday - Thursday ........................................... 7:30 a.m. - 5:00 p.m.
Friday ............................................................... 7:30 a.m. - 3:30 p.m.
Saturday - Sunday ................................................ Closed

EXCEPTIONS

Memorial Day .................................................. Closed
Fourth of July ................................................... Closed.

Fall hours will begin Sunday, August 19, 2007.

For more information please call 925-7120.

Hours are subject to change without notice.

Due to library renovations library access is restricted to ONLY the first floor of the library and ONLY law students, attorneys and their staff are allowed in the library during the renovation process. Additionally, significant portions of our collection are closed to all patrons during this renovation.

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

HCBA Luncheon Meeting
Noon, June 19
President's Column
by David Kaufman

Fall is finally here, and it is great to have the brutally hot days of summer behind us. The HCBA and JYL Social Committees are finalizing plans for a fun evening under the stars to take advantage of our great October weather. The fall social will be held on October 10 on the covered patio/deck at Sal & Mookies on Taylor Street in the Fondren area. Be sure to mark the date on your calendar and join us for a great selection of Italian offerings, libations (in moderation, of course), and fellowship.

Another of our committees needs your help. As some of you may know, the HCBA Community Services Committee has provided volunteers for reading and math tutoring at Barr Elementary School. Barr is an "under-performing" school under the state accountability standards and is in dire need of tutoring help. LeAnn Neeley and her committee are once again seeking volunteers for tutoring at the school this fall. Details about the program appear elsewhere in this newsletter. If you are interested in helping with this worthwhile project, please contact LeAnn at leann.neeley@butlersnow.com. This is an opportunity for us to really make a difference in young students' development.

Following the lead of other organizations that have successfully utilized various benefit packages for different sponsorship levels, you will soon be receiving a brochure describing the various benefit packages that are being offered by the HCBA. With one easy payment instead of three and sometimes more currently required - you or your organization can sponsor our golf tournament, the Evening Honoring the Judiciary dinner, and our special projects such as the 75th anniversary celebration and CLE events. Also included in the

continued on page 2

HCBA August Membership Program

Adam Kilgore with The Mississippi Bar presented a one hour CLE Ethics program for the HCBA Membership Meeting in August. He is pictured with President David Kaufman.

HCBA LUNCHEON MEETING

Tuesday, October 16, 2007    Capital Club    Noon    Cost $15.00
Speakers: Jere Nash and Andy Taggart
Senator Larry Craig (R. ID): Captain Equity's 2007 Congressional Scandal of the Year Award Winner*

by Captain Equity

Though it probably doesn’t come as any great surprise, it’s happened again. That’s right, yet another Congressional scandal. Well, actually there are numerous Congressional scandals in various stages of evolution, but few can top our Hypocrite of the Year for 2007, Senator Larry Craig (R. Idaho). The former member of the Singing Senators, who succeeds last year’s winner, Representative Mark Foley (R. Florida) of Congressional Page Scandal infamy, got busted in a police vice sting at a public bathroom at the Minneapolis Airport. According to an undercover officer, Senator Craig was soliciting him for any sex. In a state of shock, according to Craig, he told no one and pled guilty to reduced disorderly conduct charges a full 27 days later by mail “to make it all go away.” According to Craig, this was an ill-advised snap decision he now says he regrets. The regret stems from a story in the Washington political publication “Roll Call” which uncovered the sordid details and published them even as Craig’s home state newspaper “The Idaho Statesman” was doing an investigative piece on his sexual orientation. At first Craig announced his intent to resign from the Senate September 30. At press time he is fighting to have the guilty plea rescinded which would lead to a trial. Our advice is to watch out what you wish for, Larry. In any event, the Republican leadership is less than thrilled with your view, this is no longer a choice than Congress. Indeed it probably comes as no great surprise that the media has already started to blame the Bush administration for the scandal. The President is said to be “inundated with calls” from members of Congress about the scandal, and the White House has already made it clear that they will not tolerate any more此类 affairs. 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75th Anniversary Celebration of the HCBA

The Hinds County Bar Association will celebrate its 75th Anniversary at the Christmas Social on December 6.

The party at the Old Capitol Inn will be from 5:00 p.m. to 7:00 p.m.

Past Presidents of the HCBA will be recognized during the evening and listed below are the men and women who have served in that capacity.

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<th>Year</th>
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<tr>
<td>1933-37</td>
<td>E. J. Lotterhos</td>
<td>1977-78</td>
<td>Thomas W. Crockett</td>
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<td>1939-40</td>
<td>L. L. Poncey</td>
<td>1979-80</td>
<td>W. Scott Welch, III</td>
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<td>1940-43</td>
<td>Ross R. Barnett</td>
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<td>1944-45</td>
<td>William Harold Cox</td>
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<td>1947-50</td>
<td>Ross R. Barnett</td>
<td>1982-83</td>
<td>Lauch M. Magruder</td>
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<td>1950-51</td>
<td>Hubert Lipscomb</td>
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<td>1952-53</td>
<td>Earl T. Thomas</td>
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<td>Jack Ewing</td>
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<td>1954-55</td>
<td>N. W. Overstreet, Jr.</td>
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<td>1955-56</td>
<td>John Stone</td>
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<td>Jay A. Travis, III</td>
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<td>1956-57</td>
<td>B. B. McClendon</td>
<td>1989-90</td>
<td>Judith J. Johnson</td>
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<td>1965-66</td>
<td>Erskine W. Wells</td>
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<td>John M. McCollough</td>
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<td>1967-68</td>
<td>Jack A. Travis, Jr.</td>
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<td>Harris H. Barnes, III</td>
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<td>Charles Clark</td>
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<td>Robert C. Grenfell</td>
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<td>1969-70</td>
<td>Cary Burklin</td>
<td>2001-02</td>
<td>Patricia W. Bennett</td>
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<td>1970-71</td>
<td>Robert C. Cammada</td>
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<td>Earl Keyes</td>
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<td>Vardaman Dunn</td>
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<td>Linda A. Thompson</td>
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<td>1973-74</td>
<td>Erwin C. Ward</td>
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<td>Alvero N. Castilla</td>
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<td>1974-75</td>
<td>Martha Gerald</td>
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<td>John C. Henehan</td>
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<td>1975-76</td>
<td>Patrick H. Scanlon</td>
<td>2007-08</td>
<td>R. David Kaufman</td>
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Family Values. Whatever the motive, I really hope this report is not true.

The levels of hypocrisy vary, but people like Larry Craig, Mark Foley and even our former GOP Congressman Joe Runnion of Mississippi who got busted in 1981 in yet another bathroom sting are at the bottom of my list when it comes to enforcing public morality. What you do on your own time is okay by me although being a little more discreet would garner some extra points in the dignity department. To me, the biggest sin is punishing others of your ilk as you pander to people whose beliefs are actually sincere and heartfelt and who actually buy into your phony values rhetoric. It would be like Democratic Congressman Barney Frank, a self-acknowledged gay man from Massachusetts soliciting votes and contributions from the gay community by day and abusing Georgetown for cheap tricks by night. Hey Larry, if you do hold on to your Senate seat why don't you hook up with Barney next time you are back in D.C. Maybe you two could double date in some upscale gay enclave in the nation's capital. It would hurt the singles scene at the Minneapolis Airport more than a month.

* Guided by the spirit of Congressional Ethics, Full Disclosure and other asyncoms like Social Security Trust Fund, Presidential Candids, and Political Courage, this award can be withdrawn anytime before December 31, 2007. The award is for us as an unspoken speech. ACCENT: No lipstick will conceal the stains. Thank you, God Bless America.

On Computing
by Joel Howell

The more you learn about the Internet, the more you'll find there is to learn. Here, with particular thanks to PC Magazine, are some "undiscovered" websites you may find useful or all in fun.

INFORMATION, REFERENCE, & SEARCH
Footnote: www.footnote.com is used to locate any notifiable, written event from the Congressional Record to FIP sightings. This site may also be helpful in finding your high-school yearbook pictures.

Hard to Find 808 Numbers: www.hardtoreach808numbers.com provides an alphabetical listing of toll-free numbers for companies.

Uncyclopedia: www.uncyclopedia.org is a nonsensical filled site to visit when you are down and need a laugh. You may have never realized that "a shark, white atop an elephant, is considered the deadliest animal ever."

HEALTH & FOOD
Cork'd: www.corkd.com is the ideal wine collector's guide. It provides information on vintage years, wine reviews, and recommendations. Cork'd also connects you to other wine connoisseurs.

Mempsage: www.memsages.com lets you look at menus online to help pick the best restaurant for you. It also provides reviews for thousands of restaurants.

Top Secret Recipes: www.topsecretrecipes.com offers recipes from popular restaurants so you can make your favorite offerings without leaving home.

LIFESTYLE & ENTERTAINMENT
Dethroener: www.deethroener.com is geared toward men. Its testosterone-loaded contents range from the "ready-to-drink" topics about beer to cable TV

MUSIC
Slacker: www.slacker.com is an Internet radio service that makes creating your own station easy. This station skips the ban options so with very little effort, you can alter any of its existing stations.

NEWS, POLITICS, & GOVERNMENT
Tups: www.topis.net allows you to get news before it has been filtered for the media. The site is divided into sections by town and communities and offers news links, stories, and blog posts that are run only through a local editor.

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Phone: (601) 939-2912
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Highway Eats
by the Road Lawyer

Real lawyers love baseball. The practice of law demands a special combination of grit and grace, a cunning capacity to quickly and objectively seize the issue, and, at once, pursue order and justice, not to mention a touch of the poet. Baseball thrives within these same tensions.

Lawyers on the road are drawn to the ballpark. The Road Lawyer [TRL] feels the tug in as much as others. From April to September, for the past four years he has carried notepad and pen in his travel; that he may bring to the Hounds, readers the flavors found within and without the real lines.

You may not have Oakland’s McAfee Coliseum on your must-see list, but you should, and not part because of the fake leather of great food and drink to be found there, exceeding even the broad-spanning new Citizens Bank Park in Philadelphia, and even rivaling the Texas level extravagance at Rangers Ballpark in Arlington. By San Francisco across the Bay to the West and Berkeley to the North, Oakland ranks high as a culturally-and-culinary-diverse community. McAfee reflects that community.

Midfield and Guys Who Do More With Less

Sports misfits and junkies have long found a home in Oakland. The A’s Charlie O. Finley. The Raiders’ Black Al Davis. Billy Martin brought Billybott to the East Bay a generation before Michael Lewis brought Moneyball. John Madden was once an Oakland fullback, providing the sideline and fielding Super Bowl teams at McAfee’s Oakland-Alameda County Coliseum. Both brothers Comer and McGwire hit HRs and won prestigious honors and fame fame before they found steroids and infamy.

Before he told the story of Sam Traina and Michael Oher and why blonde tackle is the NFL’s highest paid offensive lineman, Michael Lewis brought in Moneyball (2003), of how A’s GM Billy Beane, with one of the smallest budgets in baseball, uses his wit and cunning to make the A’s contenders year after year, though a rash of injuries left the A’s struggling in 2007.

Beane is a hero to lawyers besieged by inspections clients and well healed adversaries. He finds and signs the likes of Jason Giambi and Miguel Tejada and Tim Hudson and so many others. When their contracts run out and they jump for the big bucks, Beane doesn’t whine. He goes out and signs more unknowns and goes so close one even wants, like Jack Cast. And he wins.

No one was surprised when Southwest Airlines found Oakland and augmented its connection to the Country.

Boobs Watch, Crunchy Cast
And The Summer Of 2007

The special themes of 2007 are now in the record books. Barry Bonds’ breaking baseball’s "most cherished record." Sammy Sosa, Griflley Junior, A-Rod, Frank (The Big Hurt) Thomas and Jim Thome moving up the HR ladder. Tom Glavine being cheered for win number 300 by fans who have mostly forgotten he was ringleader of the Strike of 1994. The Cubs slipping past the Milwaukee Brewers for a chance at being the Red Sox of 2004, the White Sox of 2005 and the Tigers of 2006. And talk of steroids.

Twenty-eight year old rookie Jack Cust is vintage Oakland. He is cut from the mold of Jake Taylor in Major League and Crash Davis in Full Dume. The New York Times was a touch off the mark as usual when it came to sports, reporting “ Cust’s emergence seems a little like that of Roy Hobbs” No Robert Redford in any way, shape, form or fashion, Cust languished in the minors for years under a good bit (200 minor league home runs) no field cap. Billy Beane picked him from AAA Portland in only May. Cust has added blue collar might magic to a team losing 26 HRs and 82 RBIs.

In mid-May TRL had business in the Bay Area. It seemed sensible to experience Bonds Watch up close and personal. But the Giants were not playing at AT&T Park, the latest (and some say the best) of the Camden Yards-style new/traditional ballparks plus skybox boxes. TRL took BART to McAfee where Barry’s Giants were playing a Saturday night interleague game vs. the A’s.

McAfee is one of three remaining dinosaurs. Only Miami and Minneapolis also still have multi-big-circus

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port studio undamaged. McAfee proclaims itself equally proud home of the Oakland Athletics and the Oakland Raiders. The skull skinned in those early September Raiders home games reminds us why top billing.

McAfee's Remarkable Beverage Service

To the reason the CHICANAL carries this column, TRL reports McAfee's beer offerings the best at any ballpark visited to date. Captain Morgan is the first to green entering fans. Bud, Coors and Miller beers are available around the concourse in great abundance, with a seeming eternity TRL missed in those parks where Anheuser-Busch had obviously made a big payoff in some one, e.g., Minneapolis' Metrodome, Queen's Shea Stadium.

Wilmer had two large beer concessions stands. Though little known around these parts, Wilmer Bros. Brewing of Portland, Oregon, brews and distributes original European and American style beer, including Wildberry, Wildwood and Blonde Ale. Wilmer suggests that constant of its Heilemann variety garnish with lemon to enhance the beer's natural citrus favor.

The longest lines were consistently at Kona Brewery using Hawaiian beer. Sierra Nevada Biking Co.'s claim its market share, featuring its Pale Ale, with devotees exclaiming as Coors' beer fans back in the Swaede. And The Rumbler days! Coors was not sold (legally, east of Texas). Imports were prominent. Heineken's and Foster's had separate stands, as did a Belgian brew, Coors was plentiful albeit without a squeeze of lime. Boutique vendors included The Field Irish Pub featuring Guinnesm stout and TRL's favorite, Pyramid Ales & Lagers, touting itself as the Local Brewery based in Berkeley and Wheat Creels. By the time TRL came up Fit Tire Amber Ale, distribution had become the better part of labor.

McAfee's liquid concessions included more potent offerings from Jack Daniels to Bacardi rum to cheap, cheaper and cheapest wines. Only later did TRL realize the game had been free of "Fruit Mini" patrolling the aisles.

Boots Beers & Bar-B-Qe

The more substantive offerings included the obligatory assortment of dogs and sausages, exceeding other ball parks in variety without less of quality. Sagi's specialty sausage is yummiy, complementing the Belgian beer offerings. Brats abound at a German stand. The Italian sausage dog TRL sampled was superior, with a caveat to be noted below.

If the numbers visiting to line mean what they usually mean, the fan's favorite is A's Bar-B-Q Terrace n'est ribs and Things, featuring beef and pork, ribs, sandwiches and such. When TRL happened upon the Terrace following the Giants' 5th, it wasn't apparent a full inning or more were at risk, if we played by the rules. An exasperant bomb back at the end of the 7th inning reported the Terrace closed; a true disappointment.

Mind you the importance of bar-b-que at the ball park has been a revelation to TRL. It began with Boog's Bar-B-Qe at Camden Yards. The Metodome's marquee offering is Famous Dave's Bar-B-Q. There's Hall's Bar-B-Qe at Citizens Bank Park in Philadelphia. The Reddick's Coorsy at Auto Zone Park in downtown Memphis. And last issue's report on the Bar-B-Qe smorgasbord at Rangers Ballpark in Arlington.

Next year we must make it to Kansas City to see Arthur Bryant's transition into one to be renovated Kaufmann Stadium (aka Royals Stadium, partly famous for the first center field field fall in baseball. TRL regrets manyfold that he is unable to report a taste test comparison with others noted in these pages.

Red Hook offered English fish and chips. Nachos and pizzas oozed everywhere.

No shortage of the traditional offerings were also available: prawn, pop corn, pretzels, cracker jacks [TRL was almost run down by a retired Raider right and carrying a giant crate of cracker jacks], plus large pretzels and cotton candy. Tropical fruit colored snow cones seemed a favorite, and not just among the kids. Kettle Koral features Kettle Corn and an assortment of like offerings. Too Pope's Churros are pastry sith with cinnamon sugar.

Druid Up Peanuts And Silly Sweet Relish

In canning, two negatives must be reported. Stay away from the peanuts at McAfee. All of the bags were labeled Virginia Peanuts. No more than one-fourth of the goobers were up to snuff. While the onions on the condiments tables were fine, and the catsup and mustard certainly at par, there was nothing the deciapplicable sweet relish. Real lawyers demand dirt relish!

Back To Bonds Watch And Crunchy Cust

In the end, Barry Bonds was the reason TRL had crossed the Bay to McAfee. And the reason we opted for right field bleacher seats.

In the lineup as DH in Interleague play in an AL park, he produced moments of interest, if not high drama. In the
SF first, Bonds approached the plate with two outs and Randy Winn at second base. The Oakland Athletic greeted Bonds with a not inappropriately cacophonous ovation, which swelled to a complex crescendo when A's catcher Jason Kendall (since traded to the Cubs) stood and stretched his mitt to the left, signaling an intentional walk. Fans from both sides of the Bay had come to see Barry bat.

A's fans screamed with delight in the top of the 4th, when Bonds was called out on strikes on a 3-2 count, while Giants fans applauded a rookie singer to rights in the 7th. Bonds led off the SF 8th, A's up 4-2. "Remember Allen Embree offered local down the middle, and a mighty swing sent the ball rocketing back to home plate screen. Moments later, Embree grooved another strike, and Bonds hit it a mile - high – only to land harmlessly in the Nick Swisher's glove in center field.

**Baseball's Most Crowed Pleasing Record**

BB finished with 762 career home runs. For years, Roger Maris' 61 HRs in 1961 carried an asterisk. Numbers 62 and 61 had been hit in those extra eight games (Babe Ruth had not hit in 1927. As sure as prosecutors rally can get convictions without confessions, Bonds' 'baseball's most sacred record' is tainted by steroids. Now does a guy who has never hit 50 HRs on a 15 year career suddenly hit 26 in 2001?

The objective moralist says steroids gave Bonds an advantage. A and Ruth never had, Record seekers are supposed to compete on a level playing field. Maybe Sammy Sosa's fifth ranking 609 home runs are similarly tainted: Nothing but prate and adoration have been heaped on Frank Thomas, Jim Thome and A-Rod - as great as he is unbelievable - for breaking 500 HRs. But has not the American League's designated hitter role given Thomas and Thorne substantial advantage Jimmie Foxx and Lou Gehrig and Ted Williams ever had?

And the home run fences are shorter today, everywhere. Over the last twenty odd years, management has brought in the outfield walls to make the home run fences, and paying customers at the gate! Only in timeless Wrigley Field has there been no change. Ken Griffey Jr. is, otherwise unhinted 593 HRs and A-Rod's 518 have had the advantage of shorter fences.

The fault, it seems, is with ourselves, those of us who accept the fantasy that the home run is the ultimate moment in baseball, and who tolerate the prevailing notion of 'baseball's most sacred record.'

**A Note Of Nostalgia**

McAfee Coliseum's days are numbered. The A's yearbook announces Colosseum Field, some 20 miles to the South in Fremont, said to be scheduled for opening in time for the Summer of 2001. Another new traditional ball park.

As with the other new parks, Colosseum Field bespeaks a world that is much with us. Getting and spending, we still lay sate our powers. The late Commissioner Bar Giamatti refused to live in the world of those who live without illusion, or without even the hope of illusion... I am a simpler creature, tied to more primitive patterns and cycles. I need to think that something lasts forever, and it might as well be that of being that is a game; it might as well be, that in a green field, in the sun."

2 That Roger Clemens is a mortal low life [see HICHLAN. 82] does not detract from his 354 lifetime wins.
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