



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

APRIL 2007



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

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HCBA LUNCHEON MEETING

Tuesday, April 10, 2007 Capital Club Noon Cost \$15.00

Speakers: George Penick and William Bynum

HCBA Calendar of Events

April 10, 2007

HCBA Membership Meeting.
Noon. Capital Club

May 22, 2007

HCBA/JYL Evening Honoring the Judiciary
6:00 Old Capitol Inn

May 24, 2007

HCBA Annual Golf Tournament.
Noon. Annandale Golf Club

June 19, 2007

HCBA Membership Meeting.
Noon. Capital Club

August 21, 2007

**HCBA Membership Meeting/One Hour
Ethics CLE**
Noon Capital Club.

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

Evening Honoring the Judiciary

Reverend Ross Oliver as Speaker

Tuesday, May 22, 2007

at The Old Capitol Inn

226 North State Street

Reception at 6:00 p.m.

Dinner at 7:00 p.m.

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

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 Chief Executive Officer of Enterprise Corporation of the Delta and Hope Community Credit Union (ECD/HOPE); and DR. George Penick, Director of the RAND Gulf States Policy Institute (RGSPI). In addition to members 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 \$300 million in financing for entrepreneurs, homebuyers and community development projects, and has directly benefited more than 30,000 individuals. ECD/HOPE leverages private, public and philanthropic resources to address development hurdles that face low-wealth 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 Center. A graduate of the University of North Carolina, Mr. Bynum is a Henry Crown Fellow of the Aspen Institute and was named 2002 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 Winthrop Rockefeller 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 devastated 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 evidence-based policy guidance to facilitate and speed regional recovery and growth, re-establish 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 for the Mid South supports education, economic development and children's programs throughout Arkansas, Louisiana and Mississippi.

A graduate of Davidson College with master's and doctorate 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. Rushing

In 1997, I left a dissolving firm to become a law clerk for now-retired Magistrate Judge Alfred Nicols. Having experienced the uncertainties of law practice, but still possessed of a litigator's self-esteem, I had two requests of the Judge - one, to be paid on a regular basis, and, two, to be called something other than "law clerk." The Government took care of the first request, and Judge Nicols indulged the second. Anna (Furr) and I got 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 Powell asked me to write this article for the Bench and Bar Committee, I feared blowing my cover. Too many lawyers already have me on speed dial - an issue that will be discussed later. Reluctantly, I agreed to write this piece, principally because I used to work for Barry and am accustomed to doing what he asks. Also, I realize some problems arise repeatedly, and they can be avoided by attorneys who understand court policy. Finally, because I will soon take another position with the court, I hope to sink back into undisturbed anonymity.

Since Judge Nicols retired in February of last year, I have worked for Judge Roper, Judge Sumner, and now Magistrate Judge Linda Anderson, who was appointed to take Judge Nicols's place. Having done so, I can say that, while the judicial philosophies of these magistrates vary in some details, their general application of the Federal Rules of Civil Procedure and the Uniform Local Rules is the same. Since this article is for attorneys based in Hinds County, I have focused on practice before Judge Sumner and Judge Anderson.

In enacting and revising the Magistrate's Act, 28 U.S.C. § 636, Congress intended to authorize greater use of magistrates to assist federal judges in handling their burgeoning caseloads. *McCarthy v. Bronson*, 500 U.S. 136, 142 (1991). In this District, that assistance is provided by pairing the magistrates with specific district judges; Judge Sumner 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. Judge Sumner and Judge Anderson share the felony criminal docket for the Eastern, Western, and Jackson Divisions, and Judge Anderson handles the misdemeanor docket 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 magistrates' workload is unknown to the average lawyer, as it consists of matters largely unfamiliar to them - habeas corpus cases, prisoner civil rights actions, and social security appeals. At the end of 2006, the Southern Division ranked fourteenth in the federal system in civil filings per judge. The combined caseload of all of the magistrates in the

Division included 2,653 civil cases, of which 547 were filed by prisoners (including both habeas petitions and prisoner civil rights cases) and thirty-three of which were social security appeals. The nature of these cases affects the magistrates' workload, as both the prisoner and social security cases are largely handled by the magistrate judges. Those cases require review of the administrative or trial records, hearings, and preparation of reports and recommendations for the district judges.

In *Peretz v. United States*, 501 U.S. 923, 929 n. 5 (1991), the United States Supreme Court recognized that workload, noting that the system created by the Magistrate's Act "has exceeded the highest expectations of the legislators who conceived it. In modern federal practice, federal magistrates account for a staggering volume of judicial work." *Id.*, quoting *Government of the Virgin Islands v. Williams*, 892 F.2d 305, 308 (3rd Cir. 1989). In a sense, the magistrate judges have become victims of their own success, making it critical that the attorneys who appear before them handle their business as efficiently as possible. Here are some suggestions to help that happen:

Letters. Several years ago, the Local Rules were revised to include this provision in Rule 7.2: "A written communication with the court that is intended to be an application for relief or other action by the court shall be presented by a motion in the form prescribed by this Rule." The Rule was revised to discourage attorneys from seeking relief by way of letters, a practice that most judges hate, for several reasons. (Incidentally, the publication of the email address of their chambers is not intended as an invitation to informal correspondence.) Letters lack structure and are often little more than a laundry list of complaints about opposing counsel. The Rules do not provide for the consideration of letters, and there is no provision for a response. Finally, a letter neither appears on the docket nor becomes part of the record, making it less likely to come to the judge's attention. For all these reasons, letter-writing should be avoided.

In this vein, many attorneys send proposed orders via email without having first filed a motion, particularly when requesting an extension of time. This practice is also discouraged, as it compels the court to "create" an *ore tenus* motion on the docket. Additionally, all but the most routine requests for extensions must show good cause - a showing that cannot be made by simply presenting an order. Again, a request for relief that is not on the court's docket has a better chance of being overlooked or mis-directed. Thus, it benefits both the court and the parties when a motion is filed.

Amending deadlines in the CMPO. One of the most common phrases in a request to amend the Case Management Plan Order is that the extension "will not affect the trial date." The real issue, however, is whether the motion deadline is sufficiently in advance of the pretrial

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Son of "What Makes A Good Lawyer"

by John Griffin Jones

An article appeared recently in The MDLA Quarterly, a publication of the Mississippi Defense Lawyers Association, consisting of four triple-columned pages of single-spaced sturm and drang from the trickling stream of consciousness of an older "plaintiff lawyer." I think I wrote it, but I can't recognize the person in the color photo accompanying the article. I know that since I turned 50 I look more and more like my paternal grandmother (that's grandmother, not father). Nonetheless, the Hinds County Bar Newsletter asked me to re-write "the last part" of the article, and since my views on the cosmic subjects addressed - integrity, fairness, objectivity and dedication to the truth in all we do as lawyers - have been brought into sharper focus thanks to a few intervening, defining moments, I don't think I said enough. Besides, who else is sufficiently self-centered enough to quote himself?

I was writing to young lawyers about the indispensable nature of personal integrity in law practice. I argued that without it, a lawyer can be successful in the short run and perhaps please a tough client, but in the long run our justice system exposes and "outs" the cheater, the charlatan, the greedy, and (above all) the liar, and does so in as sure as fashion as can be done in any profession. The simple reality is that lawyers have to trust each other in the litigation process. Law practice is not, alas, a private enterprise. We simply must throw ourselves out there in every way to become good at it. We can mistrust, really dislike, even hate the opposing lawyer, but if the case is significant we are just going to have to rely on the integrity of opposing counsel on huge issues. And because the connections based on trust between opposing counsel are so subtle, no one knows what lies will fly and which will call down thunder.

In litigation and trial, weaknesses in matters of integrity just appear out of nowhere - like the first blisters of the bubonic plague and are just as incurable. There really is no going back, no "intervention", no rehab or even cute little euphemisms for the problem. The liar is eventually outed because the litigation process drills deeply, below the postured blustering, into what we are, and what we owe, as humans. I add that one of the great things about our litigation system is that it promises the client that a well-respected and accomplished lawyer is also an honest lawyer. I know of no exceptions. The crucible of heavy litigation weeds out the unworthy. Unlike politics, entertainment or business (to name but three fields where dazzle, bluff and bluster are enough), the lawyer has to earn it. He must bring substance to the audience. How cool is that?

My intervening, defining moments since the first article have confirmed this and shown me something else important about the process: we don't have to expose the liar or "out" anybody: he does that all by himself. Nobody else can earn or lose integrity for another, and there is no "original sin" doctrine that taints us all. The liar ultimately falls under the weight of his own greed, perfidy, overreaching, spoliation or dissembling. He can stuff it down for a while, keep it quiet, even become somewhat successful early, but he can't bear it long.

As a consequence of our profession's commitment to and

demand for personal integrity in advocacy, I argue this: the truth should determine the outcome of any litigation.

We think of trial work as competition. It is that. I don't know anybody good at litigation that isn't going to try just as hard in ping pong, or cards or Trivial Pursuit. I believe that all advocates worthy of the calling enjoy the competition as much as anything else. It really is what we're left with after our 15-foot jumper has lost its Rick Mount precision?-okay, when it can no longer legitimately be called a "jump" shot.

I don't know the sources of female competitiveness but, they worry me. I would have thought that evolution (in the Darwin/natural selection sense) in the motherhood role isn't good for the female's competitive instincts. But there has been another process of evolution at work with women which turns their competitive instincts from mindless tests of strength to something hidden, unknowable, lethal and real, especially in the female trial advocate. If you see it, run. In the final analysis, however, and regardless of sex or ancestry, I do know that if you don't get that pleasant tingle as you hit the next gear during trials or heavy litigation, you won't like it and won't do it for long. It is not for everyone.

Competing fairly means learning how it feels to have your brains bashed in; in fact, I don't know if "integrity" of the type discussed here can even come until you've experienced that terrible rush of blood to your head and face. But if we're committed to honoring our oath and telling the truth when it hurts - especially when it hurts - should the end game be limited to who wins and who loses? Surely not; otherwise integrity would be a function of winning, and it is profoundly not that.

If we believe in our system, shouldn't the competition between opposing counsel be to expose the truth? I'm not talking about what the law was, is, or should be - a question increasingly contaminated by politics. I mean how we develop and discover the facts and perform the other tasks that only lawyers can do. All of our procedural and evidentiary rules exist to facilitate the search for the truth, which we dumb down by calling "the facts," and to ensure that both sides have an equal chance, not so much at prevailing but in finding and proving the truth. But process is not enough. I respectfully and naively submit that among any real advocate's obligations should be not only to uncover the truth but to do all we can to reach a result consistent with the truth.

We all have mammoth responsibilities to our clients' interests which we seek to vindicate in the discovery and trial process. I would not suggest that we do anything but applaud and utilize all fair competitive measures to beat the other side's brains in. If a legitimate dispute arises over whether our client has a right to withhold the truth, or at least not serve it up to the other side (e.g., the darkness and odor emanating from the swamps of "privilege"), then by all means take it to the judge. But a concomitant of personal integrity in advocacy is the integrity of the results we achieve through advocacy.

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Captain Equity's "Just Go Away" List

by Captain Equity

It will come as no surprise to longtime readers that two of my all time heroes are Andy Rooney and Don Imus. I identify with both of these crabby curmudgeons because of their perpetual, over the top, albeit totally justified levels of annoyance with an infinite cast of personalities who stop at nothing to elbow their way onto center stage in contemporary America. One of my primary motivations for tuning into the *Imus In The Morning* show on MSNBC is to watch the host go ballistic against a bevy of inane, arrogant, self promoting hypocrites who spew equal parts of nonsense and venom fueled by toxic levels of self righteous smugness all framed in a rosy, narcissistic glow. To the worst of these, Imus simply intones the wonderfully appropriate phrase, "just go away." This phrase is often accompanied by a shrill scream sound effect unleashed by the show's producers to emphasize the utter frustration of the host and his audience with the idiotic and sometimes sinister blather that passes for "news" and "public debate" in modern American society. In this great tradition, I offer my own "Just Go Away" list. The criteria are essentially the same utilized by Imus and Andy. To increase reader interest, I have borrowed David Letterman's top ten format knowing that the task of ranking fatigue-inducing lunacy and megalomania is an almost impossible task.

Before running down my top ten, let me explain some of the seemingly obvious omissions from my list. The most glaring absences would seem to be the President and Vice President. The answer is that both of these elected officials have already constructively "Gone Away." The country is just counting the days until January 20, 2009. Scooter Libby who is in the process of going away himself is America's number one calendar watcher. He knows that his pardon is coming right after the 2009 college bowl games. Others who have already gone away in no particular order or means of exit are former Congressmen Bob Ney, Duke Cunningham, and Tom Delay together with their money buddy Jack Abramoff. Other notable exits from center stage are Don Rumsfeld, Senator George Allen, Congressman Mark Foley, Pastor Ted, Ken Lay and our very own Bernie Ebbers. Oh yeah, I almost forgot - John Kerry, Bill Frist, Brownie and Saddam Hussein went away as well. All in all, 2006 was a pretty good year for going away. So, who's next? If there is any justice in the world, here goes:

10. Dr. Brian Amy vs. Senator Tommy Robertson. (Note: borrowing a page from the NCAA Basketball Tournament, this is a play in game. Only one of these two will be added to the list. It is just too close to call). Here we have an overpaid, bullying head of the state health department who treats his government service as a personal entitlement while suppressing reports of West Nile Virus cases and ordering inspectors to turn a blind eye to restaurant that violate the health code. Then there is the Water Carrier in Chief for Big Tobacco's Superhero, who happens to double as our governor. The Moss Point legislator is bound and determined to keep Mississippi's cigarette tax at 18 cents a pack at the expense of one of the country's highest sales

tax on groceries. I can only surmise that Haley must have pictures of Senator Robertson blowing smoke rings at his constituents.

9. All Celebrities In Rehab - Brittany Spears, Lindsey Lohan, Paris Hilton, Nicole Ritchie et al. Who could possibly care? (See # 3 on the list).

8. Newt Gingrich - Smart but incredibly slimy. The author of the Contract with America and former Speaker of the House recently admitted to imperious evangelical busy body James Dobson that he was involved in an adulterous affair with a woman not his wife even as he led the moral values based charge to impeach President Bill Clinton for the exact same thing. Why admit it now? Simple, to clear the decks for a Presidential run. Any reporter who brings it up will be told that the story is "old news." Old Newt needs to be "old news."

7. Nutrisystem Television Ads - "My husband says I'm hot." "I haven't had a smokin' hot body like this since I was in college." "My husband calls me his trophy wife." PLEASE! Stop it. Just go away and take your smokin' hot body with you.

6. Presidential Candidate Hillary Rodham Clinton - I'm afraid David Geffen got this one right. Despite her talent, intelligence and work ethic, she is a polarizing figure at a time in our history when healing is required. A big part of America's problems stem from the same hubris laden arrogance that Hillary brings to the table. The coldly calculated personal ambition that drives her every move is exactly what we don't need more of. To make matters worse, if she is nominated, it would be 20 consecutive years that a Clinton or a Bush appeared on a national ticket. In the words of Nancy Reagan, "Just say no." Hillary, you are a very good Senator from New York. For the good of the country, just stay there, please.

5. Mayor Frank Melton - You just knew that "Mr. Hug Me" would make the list. Despite his good intentions, the Mayor just can't help himself. When you start making Harvey Johnson look like FDR it's time to go. Frankly for the good of all Jacksonians, take the mobile command center for one more spin and then just go away.

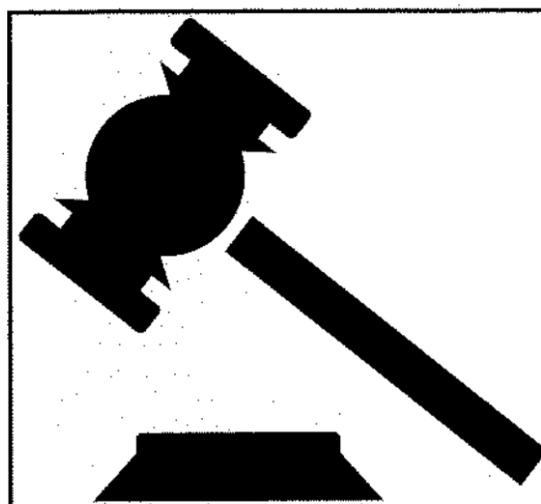
4. Attorney General Alberto Gonzales - Whenever you can make me long for John Ashcroft, there must be a problem. On top of his Gitmo stance and his oversight (not) of the FBI's misuse of the Patriot Act and other aspects of a systematic assault on our civil liberties, the AG fires 8 of 93 U.S. Attorneys for "incompetence." Could this mean they wouldn't toe the line to turn the Administration's political enemies list into investigations and indictments? Meanwhile, the Defense Department, Veterans Administration, Homeland Security, FEMA et al are just humming along on all cylinders. Hey Al why don't you, Karl Rove and Harriet Miers all go away to an undisclosed location and read *It Can't Happen Here* by Sinclair Lewis - out loud!

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Thomas Elected Chancellor of Hinds County

by Matthew Thompson

Judge Dewayne Thomas begins his 28th year in the legal profession as the newly elected Chancellor of Hinds County, Mississippi, Subdistrict 1. Judge Thomas assumes the bench with over a quarter century of legal experience under his belt in a variety of areas including Domestic Relations, Estates, and Personal Injury. Judge Thomas was elected to replace the retiring Chancellor, Judge Stuart Robinson.

Judge Thomas' philosophy recognizes that Chancery Court is a court of equity. Fairness in application of the law to the facts will carry the day and substance will reign over form. Judge Thomas has been serving as Chancellor for Hinds County for more than two months, where he has observed the attorneys practicing in his court to be courteous and prepared.

Judge Thomas emphasizes that to be successful in legal practice and to "win" in his Court, preparation is key. Judge Thomas recommends preparing findings of facts and conclusions of law as a great way to prepare your case as well as to inform the Court of the law and your positions. He states that he often prepared such findings of facts and conclusions of law throughout his years of practice.

Judge Thomas reports that in the two months he has been Chancellor, he has found himself as likely to rule from the bench as he is to take matters under advisement. When a matter is taken under advisement, however, Judge Thomas has a self-imposed guideline to rule within one week on most issues. Judge Thomas is also quick to point out that if an issue needs more fleshing out or the applicable case and statutory law were somehow inconsistent, he will not make a rushed decision. Judge Thomas says he will deal with

contested matters in a forthright manner with the use of Pre-Trial and Scheduling Orders to move the cases through the legal process as efficiently as possible. Judge Thomas also stresses the importance of Uniform Chancery Court Rule 8.05, the financial statement and disclosure rule. Judge Thomas believes that in domestic cases involving economic issues and property division, Rule 8.05 disclosures need to be filed. Judge Thomas takes these disclosures seriously and expects the same of the attorneys and litigants who prepare them.

Judge Thomas' ex-parte days are Wednesday mornings. He recommends that you have an appointment, but says if that is not possible attorneys are welcome to show up and he will make sure they are heard. Judge Thomas says one of his goals is to be accessible to attorneys. It was not long ago when he had to juggle schedules and manage client expectations on getting matters heard and entered, and he will do everything in his power to accommodate attorneys. Judge Thomas will make himself available, by appointment, for times other than his ex-parte time periods should that be necessary.

Judge Thomas may be reached at his office through his Court Reporter, Toni Matlock, at (601) 968-6552. The Hinds County Chancery Court Administrator, Paulette Myers, may be reached at (601) 968-6521. 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/pgs/chancery/localrules.pdf>.

HCBA's Evening Honoring the Judiciary May 22



Our fourteenth Evening Honoring the Judiciary will be held Tuesday, May 22, at the Old Capitol Inn. Our special guests for this annual event are the state and federal appellate and trial judges who live in the Jackson Metro Area of Hinds, Madison, and Rankin Counties. The event begins with a reception from 6:00-7:00 p.m., followed by dinner and a program from 7:00-9:00 p.m. Individual tickets are \$50.00 per person.

This year our guest speaker will be **Reverend Ross Olivier**, a native of South Africa and the current pastor of Galloway United Methodist Church in Jackson, where he has served for the past 3 years. Dr. Olivier entered the ministry in 1980 in South Africa and soon had pastoral responsibility for 24 congregations of diverse cultural and language backgrounds. His early ministry led Dr. Olivier into vigorous opposition against Apartheid, an experience

that has deeply shaped his convictions about racial justice and reconciliation.

In South Africa, he pastored several large churches with 3,000 to 5,000 members and was later elected to serve as General Secretary of the Methodist Church of South Africa, which has 4,500 congregations and 2.5 million Methodists in South Africa. Rev. Olivier is widely recognized as a gifted preacher, strategist, author, and teacher and as an outstanding public speaker. He is married, has three sons, and is a sports enthusiast and an avid reader.

This event is co-hosted by the Hinds County Bar Association and the Jackson Young Lawyers Association.

It is underwritten, in part, by the generous sponsorships of participating local area law firms. Please save the date of **May 22** and make plans to attend. Then call Patricia Evans, Executive Director of the HCBA, at 601-969-6097, or send her an e-mail at pevans@mc.edu, about being a sponsor of one of our longest running annual events.

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 equal access to the courts and to 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-wide commission. The Mississippi Access to Justice Commission includes business and community leaders, clergy, and representatives from all three branches of state government, and its objective is to develop a unified strategy to improve access to justice for the poor.

The Supreme Court appointed as Commission Co-Chairs Hinds County Chancery Judge Denise Owens of Jackson and then Mississippi Bar President Joy Lambert Phillips of Gulfport. In addition to President Phillips and Judge Owens, the 23 voting members of the Mississippi Access to Justice Commission include: former Supreme Court Justice and former Mississippi Bar President Reuben Anderson, Jackson; Court of Appeals Judge Donna M. Barnes, Tupelo; Rep. Ed Blackmon, Canton; Rev. Stan Buckley, senior pastor, First Baptist Church, Jackson; Bill Bynum, President and Chief Operating Office of Enterprise Corporation of the Delta, Jackson; Circuit Judge Margaret Carey-McCray, Greenville; Supreme Court Justice Jess H. Dickinson, Gulfport; Sunflower Mayor Betty Fowler; Supreme Court Justice James E. Graves Jr., Jackson; U.S. District Judge Louis Guirola Jr., Gulfport; John Hairston, Executive Vice President and Chief Operating Office of Hancock Holding Company and Hancock Bank, Gulfport; Rev. Hosea Hines, pastor of College Hill Baptist Church, Jackson; Paul Hurst, Chief Counsel to Gov. Haley Barbour, Jackson; Mississippi NAACP President Derrick Johnson, Jackson; Amanda Jones, Past President, Young Lawyers Division of the Mississippi Bar, Jackson; Sun-Herald President and Publisher Ricky Matthews, Biloxi; Carlton Reeves, President, Magnolia Bar Association, Jackson; Constance Slaughter-Harvey, civil rights attorney and former Assistant Secretary of State, Forest; Sen. Gray Tollison, Oxford; Kenneth W. Williams, President, Refreshments Inc. and Refreshments of Tennessee, Corinth; and Mississippi Economic Council President Blake Wilson, Jackson.

Non-voting ex-officio commission members appointed by the Court include: Martha Bergmark, President and Chief Operating Officer, Mississippi Center for Justice; Sam Buchanan, Executive Director, Mississippi Center for Legal Services, Hattiesburg; Jayne Buttress, Chair, Mississippi Legal Services Foundation, Jackson; Ben Cole, Executive Director, North Mississippi Rural Legal Services, Oxford; Dean Samuel M. Davis, University of Mississippi School of Law, Oxford; Jaribu Hill, Executive Director, Mississippi Workers Center, Greenville; Ben Piazza, Chair, Board of Directors, Mississippi Volunteer Lawyers Project, Jackson; and Dean Jim Rosenblatt, Mississippi College School of Law, Jackson.

Mississippi Supreme Court Justice Jess H. Dickinson of Gulfport, the Court's liaison to the legal services community, has stated, "This Commission's overriding objective is to make sure that every citizen of this state, regardless of economic status, has reasonable access to justice and that no

one is excluded because they don't have the money to hire an attorney." Justice Dickinson went on to say: "It is my very strong opinion that the Supreme Court bears the ultimate and final responsibility to see to it that the justice system is fair for everyone."

The order establishing the Commission states that "this Court is committed to the principle that justice should be available to all persons without regard to economic status and...this Court recognizes that a substantial number of Mississippians live at or below the federally-established poverty threshold, and face substantial barriers to the justice system...While many organizations in Mississippi are committed to improving the delivery of legal services to the poor, no single entity is widely accepted as representative of all such organizations." The order creating the Commission directed it to:

- identify the current and future needs of the legal services community in providing access to justice to the poor in Mississippi;
- develop and establish a strategic statewide plan for delivery of legal services to the poor in Mississippi;
- 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 resources and funding are applied to the areas and organizations of greatest need;
- work to maximize the wise and efficient use of available resources, including development of local, regional and/or statewide systems that encourage the coordination of resources and funding;
- develop and implement initiatives designed to expand civil access to justice;
- work to 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
- monitor and evaluate the effectiveness of the statewide system and service providers, and periodically evaluate the progress made in fulfilling their respective responsibilities.

Currently, North Mississippi Rural Legal Services and the Mississippi Center for Legal Services have a total of 31 paid staff lawyers available to represent the estimated 500,000 eligible poor people in civil legal matters such as domestic disputes and housing and consumer issues. The Mississippi Volunteer Lawyers Project, a joint project of the Mississippi Bar and the two Legal Services providers, enlists the aid of private attorneys who are willing to represent clients for free. But all those entities have far more calls for services than they have lawyers available to meet the needs. Federal funding has been the main source of support for the two Legal Services entities, but these appropriations continue to shrink. In recent years the state Legislature and the Mississippi Supreme Court have attempted to compensate for these deficits. The Mississippi Legislature created a Civil Legal Assistance Fund in 2003, but did not begin to fund it until last year when it authorized a \$5 add on fee for each civil case filed in circuit and chancery courts, with the

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proceeds going to the Civil Legal Assistance Fund. The first six months since implementation of the fee add on produced approximately \$280,000. The Supreme Court also amended pro hac vici rules to require a \$200 fee from attorneys licensed in other states who wished to handle a legal matter in Mississippi, with these fees to be disbursed to the Legal Services entities and the MVLP. Since 2003, when the rule change went into effect, the pro hac vici fees have averaged approximately \$145,000 per year.

In addition, the Supreme Court in 2005 ordered lawyers to annually report the pro bono hours they provided, and allowed lawyers to donate money in lieu of performing such pro bono work. During the 2006 reporting cycle, Mississippi

attorneys donated over \$280,000 to the Civil Legal Assistance Fund. Effective this year, the Supreme Court also made lawyer participation mandatory in the Interest on Lawyer Trust Accounts (IOLTA) program. This should greatly increase IOLTA funding, the majority of which goes to civil legal representation of the poor.

However, these increased revenues do not come close to replacing the reduction in Federal funds during the last several years. One of the main goals of the Mississippi Access to Justice Commission will be to pool the talents of business and community leaders to develop new and creative ways to help fund legal services for the poor.

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.

In criminal cases, Judge Jordan will hold a pretrial hearing approximately three weeks before the trial calendar 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 a trial date during the pretrial conference.

In civil cases, Judge Jordan is requiring an electronic

copy of the proposed Pretrial Order be provided him the day before the pretrial conference. This allows him to prepare for the conference and explore issues that might affect settlement or trial.

Judge Jordan is requiring civil litigants to provide electronic proposed jury instructions three days before trial. He will then prepare the Court's proposed instructions from these submissions and will incorporate the appropriate substantive instructions submitted by the parties. Parties will thereafter have an opportunity to object to the Court's instructions. Judge Jordan has already found that this method dramatically reduces the length of the charge conference since the Court's instructions are drafted with neutrality in mind.

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 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 Saunders (601-359-3072). Inquiries as to the status of a motion may be directed to Jack Poole, Court Administrator (601-359-2183) 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 hand delivery or fax.

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 Appellant 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.

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 and fleeting victories unaffected by truth. As lawyers who at least talk the personal- integrity and advance-the-truth talk, we owe an obligation to the rule of law and our profession to ensure that there is always a confluence of the result and the truth in every case. It is a high tax, but it is worth at least the value of the work we put in to winning the case.

Unfortunately, a "concomitant" of addressing these issues with even a modicum of seriousness is to expose yourself as intolerably smug, stupid, insufferable and, above all, judgmental and a profound bore. Guilty. Worse, twice guilty. A recidivist and a totally unreconstructed Walt-Whitman-meets-Matthew-Arnold-meets-Jack Kerouac-(circa 1955) romantic. I will miss the memberships and party invitations this will cost me. My only excuse is that persons I respect asked me to do this. And one other thing.

At the risk of wearing out the word, the "truth" is that all of the consequences of important choices in trial advocacy

end where they begin: with each individual lawyer, with us. We cannot look for the court or anybody or anything else to bring personal integrity, honesty and fidelity to the search for the truth. I have been involved in enough Gotterdammerungs in the past five years to expect that someone reasonable, usually in a robe, 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 anybody else to nourish the rule of law, or battle the growing perception of lawyers as beneficiaries of an evil bargain, while we busy ourselves leveraging 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 ball when the game is close, 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 HCBA 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 so often-elder law, landlord-tenant issues, 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 Mounger, Special Assistant Attorney General with the Division of Medicaid, and Barry Jones, Wise, Carter, Child & Caraway: speaking on the topic of elder law and updates in Medicaid;
- Eszean McDuffe 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 investigative process;
- John Joplin, Mississippi Center for Justice's Katrina Recovery Office: speaking on landlord-tenant issues;
- Grant Hedgepeth, Special Assistant Attorney General and Director of the Consumer Protection

Division: speaking on how consumers can be protected against unfair, false, deceptive, or misleading business practices;

- The Honorable Patricia Wise, Hinds County Chancellor: presenting a summary of family law; and
- Justice James Graves, Mississippi Supreme Court and Judge Nicki Martinson Boland, Hinds County Justice Court: presenting a general overview of the judicial system.

The event will be **Tuesday, April 24, 2007** from 4:00 p.m. until 8:00 p.m., in the Community Meeting Room at the Jackson Medical Mall. McAlister's Deli will provide refreshments. If you would like more information or would just like to help, contact committee co-chairs Melody McAnally (mmcanally@bradleyarant.com) or David McCarty (davidmccarty@gmail.com).



PEOPLE'S LAW SCHOOL

3. All Cable News Networks - These people (note, I did not say journalists) have way too much time on their hands. Maybe President Reagan was right about Star Wars after all. If we had listened to him we could shoot down all the communication satellites that carry their signal. If we did, Britney would have to tough out rehab by herself and Southern California car chases would be restricted accordingly.

2. All 535 Members of Congress (Except Henry Waxman) - Republican or Democrat, it makes absolutely no difference. ALL these people care about is getting elected and then reelected. In the meantime they work three days a week, ride on corporate jets, avoid crucial issues assiduously, and spend all their time trying to get on television to talk pompously and endlessly about their visionary leadership that doesn't exist. If there is any one group that needs to go away in toto, it is Congress. Not just some them, but every single one of them (except oversight bulldog Henry). And now, my number one entry on the "Just Go Away" list:

The 2006 Time Magazine Person of the Year

For those detached Americans playing paintball or watching Jerry Springer who sport shorter attention spans than normal (but longer than anyone who has ever appeared on the *Tonight Show* in a Jaywalking segment) last year's Person of the Year was the American public. Remember that

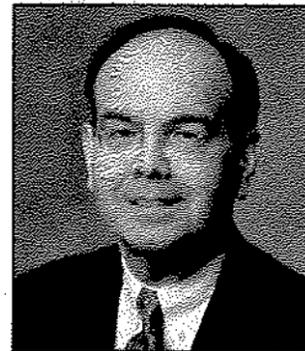
cute little mirror on the cover of the year end issue? Yes, to quote Pogo, a cartoon character known only to old timers who actually read newspapers back in the pre-Blackberry Dark Ages, "We have met the enemy and it is us."

In the interest of fairness and an acknowledgement of a degree of personal self loathing, I plead guilty as an enabler of some but thankfully not all of what I condemn. For instance, I know I should turn off cable television and that in retrospect I shouldn't have voted for Frank. And yes, I do admit to watching *American Idol* sometimes and an LA car chase every now and then. Hey, I'm not perfect, okay.

Oh my God, I just remembered that I voted for Bill Clinton twice so I guess I kind of helped create the Hillary monster. Wow, this is uncomfortable. I suddenly realize that I am more a part of the problem than the solution, and that I definitely do not have a "smokin' hot body." You know something, I think I will take my own advice and just go away to watch my two guilty pleasures, *The Sarah Silverman Program* and *South Park* on Comedy Central. I am also going to sign up for Mandarin Chinese language lessons so I can better fit in to the coming new world order.

Elvis, where are you now when we really need you? What do you mean "he's left the building?" "Are you telling me he's gone away?" Noooo....

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CPA/ABV, CVA, CFE



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

Considering the response and rebuttal times for a motion, it takes nearly a calendar month to complete briefing, assuming no party seeks an extension. In light of the number of motions that may arrive for each trial calendar, the district judges want several weeks between the date that briefing is complete and the pretrial conference. 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 trial 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 that reason, a movant seeking earlier review may hasten the process by informing the court that he will not file a rebuttal. A party seeking expedited review, under 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. Putting the request in the last paragraph, or assuming that the court will realize that the circumstances demand expedited review, is 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 conference described in Local Rule 37.1(A). We try to screen for it on the front end, and, if there is no certificate, deny the motion outright, without prejudice, so there is ample time for re-filing before the discovery deadline. Attaching copies of correspondence between the lawyers is not sufficient, nor is a certificate signed by only one side, unless accompanied by the affidavit discussed in the Rule. (The certificate is not required for a motion that cannot be resolved by the parties - such as extend discovery time.) The judges also require that motions to compel comply with Rule 37.1(B), which mandates that each request and response at issue be quoted, with an individual discussion of the need for each request. That requirement is intended to preclude the argument that an opponent's discovery responses "are clearly inadequate, as the court can see 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 either, particularly if you don't have a motion on file.) Merely serving discovery responses after receiving a motion to compel does not constitute a response; in fact, the good faith conference is supposed to elicit responses 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. Alternately, the movant 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. 16(b), rather than the often quoted Rule 15 ("[L]eave shall be freely given when justice so requires."). Rule 16(b) states that the schedule set 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 amendments, 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 in allowing the amendment; and (4) the availability of a continuance to cure any prejudice. The court will independently review a proposed amended complaint to determine whether it affects the court's jurisdiction; thus, a motion to amend will be denied where the proposed amended pleading is not attached.

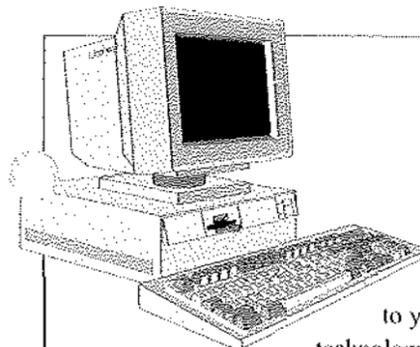
Third Party Subpoenas. Fed. R. Civ. P. 45(c)(2)(B) provides that a non-party served with a subpoena duces tecum may simply serve an objection on the party seeking documents, which effectively quashes the subpoena unless the court orders otherwise. The key word here is "served." Objections are not filed 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 served by another party, a party who has an interest in preventing production must file a motion with the court.

Protective Orders. Most attorneys seem to have a standard protective order in their computers that contains a paragraph directing that "confidential" material be filed under seal. Local Rule 83.6(b) prohibits the anticipatory sealing of court records. Instead, any attorney seeking to seal a document filed 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 F.2d 175, 179 (5th Cir. 1983). The magistrates' offices are permitted only three employees - typically, a deputy clerk and two law clerks. Unlike the district judges' chambers, therefore, law clerks in the magistrates' chambers are not insulated from phone calls. Many phone calls are for our mailing address, which, along with our telephone directory, is on the court's website, at www.msdc.uscourts.gov. Most of the calls we get from attorneys are fairly innocuous and justified; some go far beyond the bounds of propriety and common sense. (Having your secretary or paralegal make the call doesn't purify it.)

A disturbing trend is the use of law clerks as a research tool, which is becoming more prevalent among younger attorneys. Aside from the impropriety, our workload does not permit us to look up the law for you, and many of the questions we get could have been answered by a review of the Local Rules or the Rules of Civil Procedure. If you have a legitimate tactical question about your case (and we actually get "what should I do now?" calls), it should be posed 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.

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On Computing

by Joel Howell

Here's some information on websites that can be of material assistance to you with regard to legal technology, with thanks to Robert J.

Ambrogio and Law Technology News.

The Law Practice Management Section of the American Bar Association, www.abanet.org/lpm, allots parts of its website to what they deem "the four core areas of law practice," which includes technology. This site is home to Law Practice magazine and the Law Practice Today e-zine. It includes product reviews and guides to law office technology.

The Association of Legal Administrators, www.alanet.org, includes a section for technology. To reach it, click on "Legal Vendors" from the navigation pane on the left of the home page. It allows you to search for products by keyword, company name or category.

Findlaw Legal Technology Center, <http://technology.findlaw.com>, is a helpful resource from Findlaw. It includes discussions of technology uses in the law office and the courtroom. This site offers both product announcements and reviews of communications, e-discovery, hardware, networking, and software.

The International Legal Technology Association, www.peertopeer.org, is geared toward broad legal technology issues.

Law.com has recently updated its technology area, www.law.com/jsp/legaltechnology/index.jsp. It includes articles from Law.com combined with other related sources. This results in a diverse library of articles on software, hardware, security, networking, e-discovery and IT management.

Barry Bayer has been reviewing legal technology products for more than twenty years. His site, Law Office Technology Review, www.lawtechreview.com, includes summaries of his reviews, but you can request the full article by email.

Law Technology News, www.lawtechnologynews.com. This site includes all LTN issues dating back to February 2003. It has an advertising supplement, the LTN Resource

Guide, that lists vendors of legal technology products, organized by type. It also includes announcements of new technology products, with links to the vendors' websites.

Dennis Kennedy produces a site called Legal Technology Central, www.denniskennedy.com. Click on Resources/Legal Technology to reach a collection of links to legal technology resources and vendors.

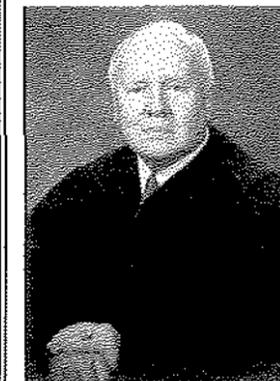
LLRX.com, www.llrx.com. This site provides a monthly e-zine together with "resource centers" devoted to various topics. Articles cover a spectrum of subjects and free archives of previously published articles date back to 1996.

Ross Kodner, lead speaker at the Mississippi Bar's Technology Seminar last November, is president of MicroLaw.com, <http://microlaw.com>. This site includes materials from presentations he has made. It also offers a number of products, important of which is a link that will take you to Payne Consulting, which produces a number of excellent products, including Metadata Assistant, the premier metadata product (more on this another time).

TechnoLawyer, www.technolawyer.com, offers electronic newsletters with provided product reviews, technology tips, and articles on a range of legal technology topics. The articles are collected in an archive which they call "the most extensive legal technology and practice management resource in the world". Searching the archive is free, but reading a full article requires a subscription ranging in price from \$9 for 24 hours up to \$65 for a year.

Questions or comments?

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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, JYLA, and the Mississippi Bar Association - and private businesses that are also engaged in economic-based community development programs in the Jackson Metro Area.

A couple of the articles in this newsletter describe some of organizations involved in 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 Bynum 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.

BEST NOTICE OF APPEAL EVER

Case 3:04-cv-05348-RBL Document 100 Filed 07/12/2006 Page 1 of 2

United States District Court
Western District of Washington
George C. Swinger, Jr.,
Plaintiff,
v.
Michael B. Case, et al.,
Defendants. No. 04-5348RBL
NOTICE OF APPEAL
I hereby am informing you that if
in appealing the asshole Ronald B. Leighton's
decision in this matter,
you have been hereby served notice,
you're not getting away with this shit that
easy.

signed this 10th day of July 2006

George C. Swinger, Jr.
Plaintiff / pro se

GOLF OUTING JUST FOR LAWYERS

(All Lawyers and Judges in Hinds, Rankin & Madison Counties are eligible.)

15th Annual



HINDS COUNTY BAR ASSOCIATION GOLF TOURNAMENT

Annandale Golf Club

May 24, 2007

Lunch 12:00 Noon

Tee Time: 1:00 P.M.

Hors d'oeuvres and Cocktail Party Following

All proceeds from the tournament will go to the
MISSISSIPPI VOLUNTEER LAWYERS PROJECT

4 Person Scramble* / Limit 116 Persons

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

REGISTRATION FORM

DEADLINE, MAY 18, 2007

Name _____

Address _____

Phone _____ Your Handicap _____

Team Members / 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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The Southern District ranks fifth in the federal court system in the speed with which it disposes of civil cases, and the magistrate judges contribute mightily to that effort. Likewise important are the courtesy and professionalism of most of the attorneys who practice in this court. The

magistrates meet frequently and talk often, and it is likely that the new judges will make changes to the Local Rules over time, especially in areas where there are known ambiguities or omissions. The bar's input is always welcome, and suggestions for revision should be sent to J. T. Noblin, the Clerk of the Court. Just don't call me - my number is about to become unlisted!

MISSISSIPPI COLLEGE LAW LIBRARY HOURS

January 2, 2007 - May 11, 2007

Monday - Thursday7:30 a.m. - midnight
Friday7:30 a.m. - 9:00 p.m.
Saturday9:00 a.m. - 9:00 p.m.
Sundaynoon. - midnight

EXCEPTIONS

Easter

Friday, April 6th9:00 a.m. - 5:00 p.m.

EXAM SCHEDULE

April 29th - May 11th

Monday - Friday7:30 a.m. - midnight
Saturday9 a.m. - midnight
Sundaynoon - midnight
Friday, May 11th7:30 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 hindsbar.com.

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IMPORTANT!
HCBA Luncheon Meeting
Noon, April 10



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

AUGUST 2007



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

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HCBA June Membership Program



At the HCBA June Membership Meeting, presenting the program for the Mississippi Volunteer Lawyers Project were: Ben Piazza, Chair; Shirley Williams, Executive Director; Sam Buchanan, Board Member. They are pictured with David Kaufman, HCBA President.

HCBA LUNCHEON MEETING & Ethics CLE Program

Tuesday, August 21, 2007 Capital Club 11:30 Cost \$25.00 Lunch & CLE
Speaker: Adam Kilgore

HCBA Calendar of Events

August 21, 2007

HCBA Membership Meeting & One Hour Ethics CLE

11:30. Capital Club

October 16, 2007

HCBA Membership Meeting

Noon. Capital Club

December 6, 2007

HCBA/JYL Christmas Social

5:00. Old Capitol Inn

February 19, 2008

HCBA Membership Meeting

Noon. Capital Club

April 15, 2008

HCBA Membership Meeting

Noon. Capital Club

MISSISSIPPI MEDIATION & ARBITRATION

takes pleasure in announcing that

CHANCERY JUDGE STUART ROBINSON (Ret.)

currently a member of the law firm of
Robinson, Biggs, Ingram, Solop & Farris, PLLC
has joined MSM&A's Panel as a

MEDIATOR

in the fields of
Divorce, Child Custody, Estate and Chancery matters

For ADR services contact MSM&A at:

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5 Old River Place, Suite 205
Post Office Box 2251
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Telephone: 601/969-5580 • 800/530-7057
Facsimile: 601/969-5582
E-mail: Info@msmediationarbitration.com

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 **Family Support Center**, an organization devoted to ending the cycle of child abuse through parent and child therapy; and

WHEREAS, another of the organizations visited was **Positive Living**, a non-profit business that provides shelter and support for homeless women and women leaving abusive relationships; 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 be provided 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 and 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.

HCBA Announces its 2007 Community Grant Recipients



At the HCBA June Membership Meeting, Community Grant Co-Chairmen, George Evans and Mitzi Dease Paige, introduced the recipients of the 2007 Community Grants. Representing their organizations were (front row): Joe Bennett, the Family Support Center; Olivia Lee, Positive Living; Kimberly Massey, The Little Light House; and Ken Artigues, Deliver Me. (Back row) David Kaufman, HCBA President; Jennifer Evans Salvo, Committee Member; George Evans and Mitzi Paige, Co-chairmen; Cheryn Baker, Committee Member.



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2007 HCBA Golf Tournament

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.



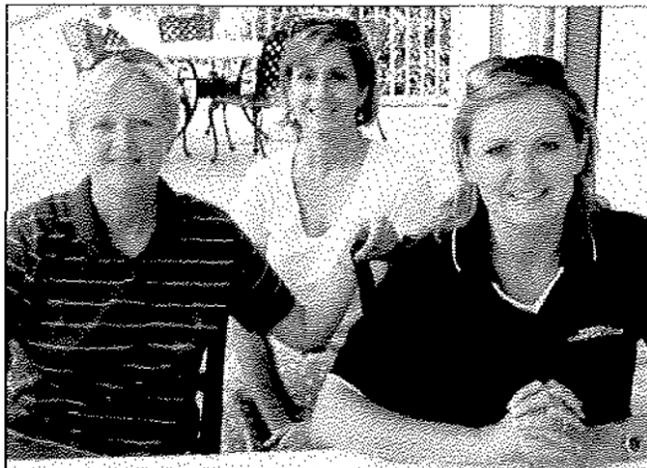
Valerie Martin and Debbie Ainsworth.



Debbie Allen, Committee Member; Debbie Foley; and Angela Cossar.



York Craig, III, Committee Member; Lyle Robinson, Tournament Chairman; and Ben Piazza, Committee Member.



From the Mississippi Volunteer Lawyers Project: Abaye Jimkiri; Shirley Williams, Executive Director; and Tami Munsch.



John Proctor; Tim Gordon; and John Gordon, Committee Member.

15th Annual Hinds County Bar Association Golf Tournament Committee Members & Sponsors

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"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 maybe you've found yourself staring at yet another set of interrogatories and thought of chucking 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 "slashes", 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, "Sockeye", that he released in 2003. He released a second CD, entitled "The Trickbag", 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 ply his musical trade full-time, he clearly loves his non-lawyering 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 lawyer 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 "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 Yazoo 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 two careers 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 afternoons, 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 novelist. The central character in his novels is a private investigator named Jack Delmas. The Delmas 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 Atticus Finch were dashed almost from the first day of law school at Ole Miss.

He noticed classmates whose pulses quickened with the opportunity to brief the holding in *Palsgraf v. Long*

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"One Person/Multiple Careers: A New Model For Work/Life Success"

by Kevin Humphreys

Marci Alboher would be the first to tell you that there is no need to give up being a lawyer in order to follow your childhood dream of being an aerobics instructor...or a cowboy...or a cop. Instead, as she outlines in her book "One Person/Multiple Careers: a New Model For Work/Life Success (Warner Business Books), it is possible to do both. According to Alboher, people who maintain multiple careers are "slashes"—for example, she herself is an author /speaker/coach. She is also a former practicing attorney.

In the course of her research, Alboher interviewed over 150 people and 65 of their stories made it into her book. Through these interviews we meet people like Angela Williams, an attorney/preacher, who, in her own words, "puts them in jail in the morning and prays for them at night." Along the way, Alboher explains how many slash careers grow out of hobbies,

from moonlighting gigs designed primarily to make extra money and, perhaps best of all, out of passions and outside interests.

Throughout each chapter, she helpfully highlights key concepts in boldface and uses the end of each chapter to summarize their key lessons. The book is also well indexed, an increasingly rare practice these days. Alboher also uses humor where appropriate. For example, she describes writing, teaching, speaking and consulting as the "black pants" of slash life, because they go with anything.

Alboher also includes practical tips for would-be "slashers", such as keeping multiple business cards, multiple resumes, and finding slash-friendly employers. She also points out that the frustrations or challenges presented in one type of work can be offset by the complementary nature of an entirely different kind of work.

continued from page 8

Island Railroad. Not so young Hegwood. According to him, he spent most of his time combing through thrift shops searching for inconspicuous clothing and reading Erle Stanley Garner novels. Once he graduated to actually practicing law on the Gulf Coast, Hegwood remembers referring good clients to some fellow named Scruggs who was trying build a practice at the time in Pascagoula.

Hegwood eventually ended up in Jackson, working a series of jobs, some of which had a "tenuous" tie-in with the law but most of which did not. Despite a happy marriage and family life, Hegwood found himself dreading Sunday afternoons because each one meant that Monday morning couldn't be far behind.

Shortly after turning 40, he found himself at a convention. Despite a beautiful setting, scrumptious food and lavish parties, he was miserable. After a moonlight walk along the beach, Hegwood returned to his room, and

stayed up until 2 a.m. sketching out the character that would become Jack Delmas. 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 "slashes" 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/JYL Judicial Innovator Award. Judge Owens has been a Chancellor 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.



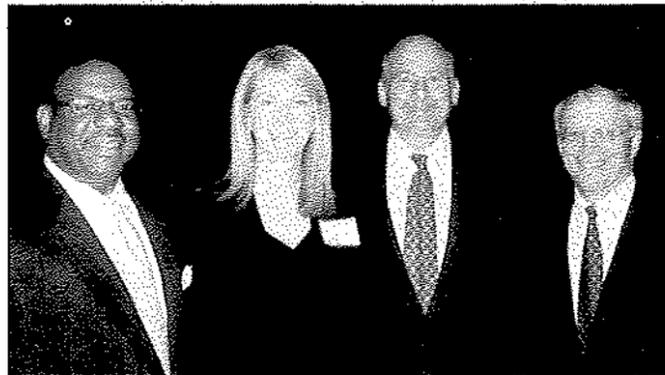
Sharon F. Bridges

Winner of the Hinds County Bar Association Outstanding Service Award was Sharon Bridges, a partner at Brunini, Grantham, Grower & Hewes. She earned a Bachelor of Science degree in nursing from Morris Brown 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.



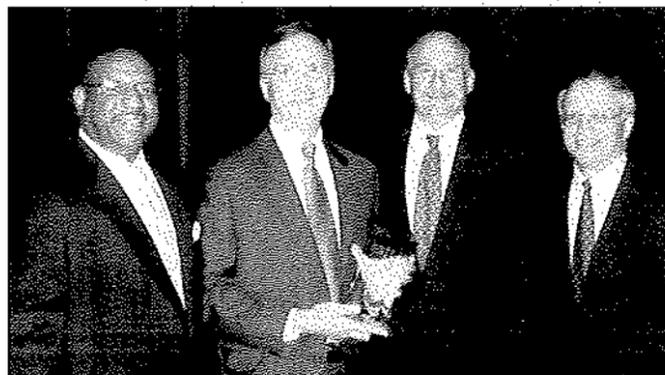
Kelly Blackwood

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 Olivier as speaker. John Corlew 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 HCBA Outstanding Service Award, and Kelly Blackwood was named this year's recipient of the HCBA Pro Bono Award. The Professionalism Award was presented to Gee Ogletree.

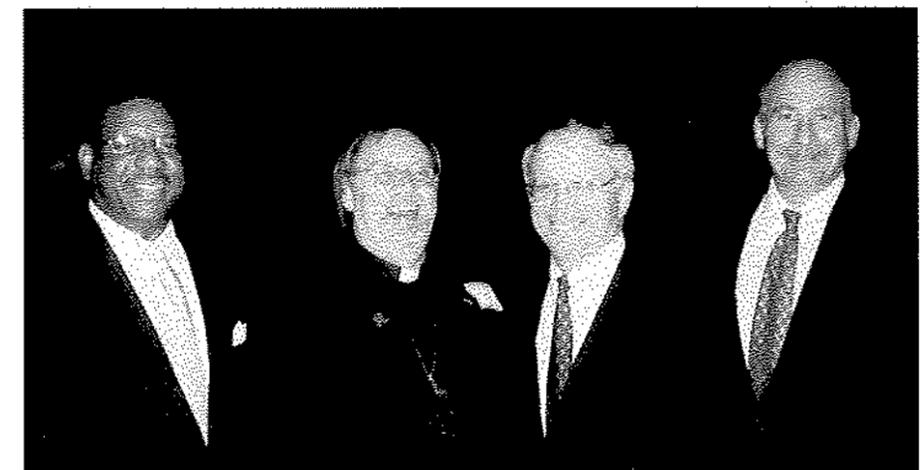


Trey Bourn, 2006-2007 JYL President; Corey Hinshaw, JYL Pro Bono Award Winner; and David Pharr, 2007-2008 JYL President.



Trey Bourn; David McCarty, JYL Outstanding Service Award Winner; and David Pharr.

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

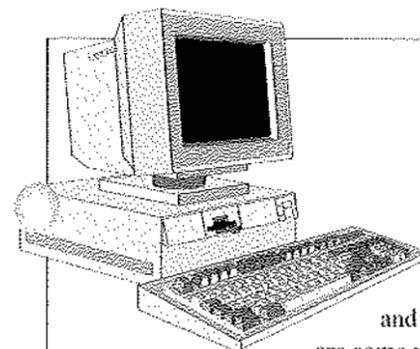


Alveno Castilla, 2005-2006 HCBA President; The Reverend Ross Olivier; John Henegan, 2006-2007 HCBA President; and David Kaufman, 2007-2008 HCBA President.

An Evening with the Judiciary

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On Computing

by Joel Howell

As the web grows, so do ways to search it. With thanks to Robert Ambrogi 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 concerns 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 sources—from 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 Technorati (www.technorati.com), Google Blog Search (<http://blogsearch.google.com>); and campaign contribution information from OpenSecrets.org (www.opensecrets.org).

The site allows you to set up RSS feeds for virtually anything you want to track: a single bill, a member of Congress, or blog posts about a bill. You can also track what is hot in Congress by subscribing to feeds for most-viewed items. A separate issues page lets you monitor Congressional activity by topics.

Legal Articles Library

This is a new, free resource for lawyers which provides access to hundreds of legal articles from CLE programs or legal periodicals, called Litlaw (<http://litlaw.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.

Litlaw provides a synopsis of each article, but the full text resides offsite 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 O'Quinn Law 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 half a million images of U.K. court documents covering roughly four centuries from 1272 to 1650.

The images are of documents on file with the National Archives of the United Kingdom. Previously, access to these documents was possible only by visiting the National Archives and viewing them first-hand. The O'Quinn Library acquired them through the 15-year effort of Houston law professor Robert C. Palmer to negotiate the license, which allows the free, non-commercial, public display and use of the images. The site also includes Palmer's overviews of English legal history. Eventually, it will include additional teaching materials and finding aids to enhance the site.

Constitution Finder

From the University of Richmond School of Law, <http://confinder.richmond.edu>, is a database of worldwide constitutions, charters, amendments and related documents. The site lists documents by nation and links to the web locations of the source documents.

Questions or comments? Email webmaster@hindsbar.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 Wyndham 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 to one side. 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 Vicksburg to get us to RBPIA. No subway or mass transportation service, as in Philly where the subway runs straight to the sports complex that includes Citizens 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 *l/k/a* Comiskey Park.

But not in Texas, which abhors all things Eastern — or is it non-Texan? — without regard to apparent wisdom or value.

RBPIA is said to seat 49,115. By and large these patrons arrive by and in monstrous four wheel vehicles. The near full house on Saturday evening meant the advent of one of the largest groupings of unnecessarily large four wheel vehicles in the Universe. In fairness, the gigantic [as in seemingly endless] parking lots did seem adequate to

their appointed tasks.

The Texas Rangers

The Rangers are the successors in interest of the second Washington Senators, who moved to Arlington, Texas in 1972.

In April of 1989, the Rangers were sold to an investment group headed by George W. Bush: yes, *that* George W. Bush. W served as managing partner until 1994, when he took employment with the State of Texas. RBPIA opened in W's last year with the Rangers.

Sammy's Back

For years, one of W's favorite quips to the planted question,

"Sir, what was the biggest mistake you ever made?" — was "Trading Sammy Sosa" We haven't heard that one in a while.

Sammy Sosa is back, and the Rangers' publicists have made quite a to do about Sammy's successful quest for 600 home runs. He's at 602 at press time, number five on the all time list, with Junior closing fast.

Back in W's first year as Rangers MP, Sammy hit exactly one (1) home run in 25 games, and managed but three (3) rbis. Sammy has been only slightly less tainted than Barry Bonds by the steroids issues of the day, not to mention his corked bat. The Cubs dropped him at the end of 2004, as did the Orioles after 2005. There were no bidders for Sammy's services in 2006. For 2007, the Rangers signed Sammy to a bargain basement, incentive laden contract. His 16 home runs and 64 rbis to date lead the Rangers.

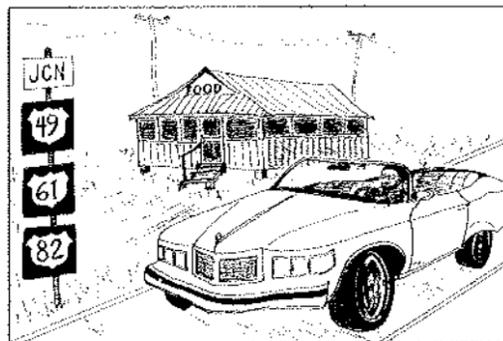
The Gun From The Rising Son

The Boston Red Sox came to RBPIA for Memorial Day weekend 2007. There were many moments during the Friday and Saturday night games when otherwise uninformed third parties would have thought the games were in Boston, or at least that Boston is not so far away.

Sox fans no doubt felt right 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

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

Red Sox caps capped thousands of heads, and T-shirts bearing the names and number of Red Sox players were, if anything, even more numerous. Not just well known stars such as Curt Schilling, Manny Ramirez and David (Big Papi) Ortiz. TRL counted eight separate Coco Crisp T-shirts. There were T-shirts recognizing Sox stars of the past, from Trot Nixon and Nomar back through "The Greatest Hitter Who Ever Lived," Number 9 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 obliterated number 18. The only number 22 was worn by a six year old girl, legally presumed incapable 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 "Dice-K" [TRL would love to hear Boston fans pronounce that] would have some one to talk to. To date, Okajima's earned run average is a microscopic 0.79, as compared with Jonathan Papelbon's 1.87 and \$51 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 Sox shelled out. The meaning of those with lettering "The Gun From The Rising Son" was clear enough.

Again, the Dallas Morning News, 5/26/07, page 6C, "The Rangers issued 80 more media credentials than normal, almost all for the substantial Japanese press corps following Matsuzaka's every pitch."

RBPIA's Impressive Food And Beverage Concessions

Baseball concessions are no longer limited to "peanuts and cracker jacks" and "Beer here" It would take a week to sample all the offerings at most ballparks today, the Metrodome in Minneapolis being a notable exception. RBPIA is in step with the new wave in every way except accessible public transportation.

General ticket holders find their food and beverage needs serviced by a series of small concession stands covering some three-quarters of the inner concourse around the park. Each of these concession stands has a green facade, usually identifying five offerings there to be found. A smaller number of free standing booths lined the outside of the concourse. Grand Slam Burgers and The Grille are

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 as all American baseball fans expect to do.

Dogs and sausages were everywhere, if not quite as fragrant as at some parks. A Coney Island stand offered Foot longs, Chicago Style, Chili & Cheese, Kosher. The Bar B Que stand touts Turkey Legs, BBQ Beef, BBQ Chicken, Potatoes and Nachos. The Pizza stands have Cheese, Pepperoni and Supreme.

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

The freestanding Grille is the best. Jumbo Dogs, 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.

Condiments range from good to average to yucky. The chopped onions are fresh and fragrant. Catsup and mustard are plentiful. That the slimy green sweet relish can be scooped from sizeable trays, and not in those silly packets one encounters at Citizens Bank Park in Philly or a Trustmark 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, cones, super ropes. Another offered funnel cakes with sugar or fruit yogurt, along with a variety of ice creams, the latter served in a batter's helmet instead of a cone, if the fan so requests. The obligatory peanuts, cracker jacks, popcorn, pretzels, cotton candy and such 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 quality and quantity. 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 Texas beers and found the Shiner beers everywhere, bottled or draught. Shiner Bock is most

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popular, but there is also Shiner Blonde, Hefeweizen and Summer Stock. We did not see Shiner Winter Ale. Ziegen Bock, Shiner's chief competitor produced by Anheuser-Busch, is also available.

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

A special Beers Of The World stand offered Beck's and Heineken's, Mexican beers Corona, Dos Equis [XX], Bohemia, Tecate and Pacifico and domestic beers like Sam Adams, Rolling Rock, and Widmer.

Predictably, Mexican beers are plentiful everywhere, bottled and draught, a quite adequate section of lime available with each for the asking. Upon request, you get the lime section in your draught 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.igloos.com and you will learn, inter alia, that Igloo's approached RBPIA in 1997 only to learn that by law only beer or malt-based products could be sold in the general seating area. Igloo's contracted with Dallas' Great Grains Brewery, which has produced "a unique margarita flavored malt beverage" Could have fooled TRL. Wasn't the best frozen margarita TRL ever consumed [though it was the largest, Texans 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 RBPIA did not begin until 9 o'clock, 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. "No cerveza, señor, por favor." TRL protested lack of notice, lack of a rational basis [we weren't leaving 'till the game was over, no matter what], etc., but was stonewalled by "No beer sold after the seventh inning, or 10:30 p.m., whichever comes first."

The Clubs

The familiar skyboxes circle RBPIA just below the second tier of patrons seats. These, 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 these is available to regular Joes paying a substantial cover charge. There was a long line at the elevator to the Cuevas Club behind home plate during the rain delay on Friday night. Not sure what the ground rules are for the Lexus Club which appears to sit above the Cuevas 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

Sadly, the peanuts are substandard. We went through half a bag, hoping and then longing for the full size succulent real goobers found at Camden Yards. And, once again, TRL roundly condemns the damnable sweet relish. Real lawyers demand dill relish.

Whither Sammy?

Whether and to what extent Sammy Sosa may have sinned in the past, few fans fail to admire his try at a comeback. 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, RBPIA's right field gave Sammy fits defensively, particularly its narrow foul territory corridor along a gradually ascending facade. These began with Sammy's fan aided first inning mull of a foul fly up against the foul line wall. It was reminiscent of a moment Sammy witnessed on October 14, 2003, the most painful of many painful moments in Chicago Cubs history. Cub fan Steve Bartman reached above Moises Alou's waiting 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. Sammy simply dropped the ball, but he recovered quickly enough to rocket a throw to second base 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 sliced a 6th inning shot into the right field corner. Manny's belly flop slide into third for a triple scooting well past the bag and into foul territory was a touch of comic relief, deflecting attention from the fact that Sammy seemingly took forever 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 rational basis for the rule. When the steroids issue wanes and is replaced by other pressing problems, Sammy will likely wind up in Cooperstown.

Back To Daisuke And Red Sox Nation

Candor compels concession that to date Daisuke Matsuzaka has not quite justified his \$51 million price tag.

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For the first three innings Friday night, Dice-K held the Rangers at bay, though more than two or three hit him pretty hard. In the Rangers 4th, Frank Catalanotto and Ramon Vasquez "went yard" on Dice-K and when the dust settled the Rangers were up 5-4.

To be sure, there were moments when Ranger hitters look utterly helpless 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, Dice-K got Sosa to hit into a 4-6-3 double play, and then had Catalanotto flailing helplessly at a 3-2 pitch.

The Dallas 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 Rangers only solved Matsuzaka and his eight different pitches for only one inning."

Former Mississippi State Bulldog pitcher Jonathan Papelbon pitched the 9th both Friday and Saturday nights. He was hit hard, particularly on Saturday, when Gerald Laird came within a few feet of a game tying home run. The bottom line was two more scoreless innings.

Manny was the man for the Sox. Dreadlocks, baggy pants, belly flops 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 were just enough so that it landed in Kenny Lofton's glove, his back against the big 400 painted on the centerfield wall.

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Pointer # 4 —Affable and Optimistic Beats the Alternative Every Time

In 2000, candidate George W. Bush's greatest asset was his affability. In contrast Vice President Gore came off as stiff, pedantic, and condescending. Despite superior credentials and experience, the Vice President had the public persona of a sixth grade hall monitor who moonlighted as a professional tattle tale on the payroll of a corrupt, tyrannical elementary school principal. Result: Bush by a vote of 5 to 4. Four years later the imperious John Kerry accomplished the impossible when he made the wooden Gore look like the next coming of Ronald Reagan the former actor who broke the mold on affable and optimistic. The Great Communicator converted this trait into two terms as President at the expense of Jimmy "Malaise" Carter and Walter "Where's The Beef" Mondale. It wasn't close in either election. The same can be said of Bill "Don't Stop Thinking About Tomorrow" Clinton who

But the story was Red Sox Nation. Out in full force and flying the colors. No matter that the Rangers have the worst record in the American League. Each game saw the Sox making a come from behind rally late, after giving the Rangers false hope. Cheering each significant scoreboard posting in the Angels' simultaneous sweep of the Yankees, made all the sweeter knowing those games were being played in Yankee Stadium.

Rangers fans are suffering fans. Their team isn't even loveable like the Cubs. Those present at RBPIA for Memorial Day weekend 2007 suffered greatly. Ranger mid-game leads evaporated in three straight games, in the face of timely and efficient Sox hitting. Those Ranger fans still feel their heads aching from so many hundreds of exposures to the familiar five beat staccato of Nation fans pounding their empty Igloo test tubes, or on anything else handy, punctuated by the deafening "Let's Go, Red Sox."

¹At the end of the 1992 season, the Red Sox awarded Clemens a four year contract for what was at the time the fattest individual payroll in baseball history. For the next four years, Clemens was a mediocre 40-39, with lots of down time for injuries. Still, the Red Sox offered Clemens a substantial pay raise if he would stay in Boston. The opportunistic Roger moved on to Toronto and then to the Yankees. In early May of this year, Clemens showed his true colors again by deserting the Houston Astros, who not only play in his home town but, for the past two years, had given him the most privilege-laden contract in history. Sox fans take their values from men like Ted Williams who, after the only year when his batting average dropped below .300 and at a time when he was the highest paid player in baseball, told Sox management it should give him a pay cut.

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landslide and massive escalation in Vietnam followed shortly thereafter

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

Pointer #6—Avoid the "Nut" Factor

The Howard Dean scream 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 alien" is Congressman Dennis Kucinich from Ohio. And then there is John Edwards who with a straight face is trying to parlay \$400 haircuts and a 29,000 square foot Dream Home into a credible populist campaign based on ending poverty. Huh? 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

Pointer #7—Go Ugly Early

The examples are legion: The Swiftboating 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

Pointer #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 foregoing 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 verses 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 extricating 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 play 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.

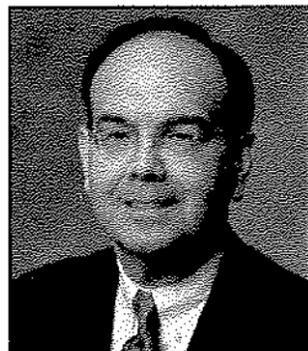
Ben Piazza; Shirley Williams, Executive Director of the Mississippi Volunteer Lawyers Program; and Sam Buchanan, Executive Director of Administration for the Mississippi Center for Legal Services, made a compelling presentation on behalf of the Mississippi Volunteer Lawyers Project. As many of you know, 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 sad 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.hindsbar.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 CLE procrastinators. See you there.

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For more information please call 925-7120.
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*Due to library renovations library access is restricted to
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Correspondence regarding the newsletter should be directed to: HCBA Newsletter Editor, 151 E. Griffith Street, Jackson, MS 39201. Letters to the editor must be signed, but the writer's name will be withheld upon request. Telephone inquiries should be made to the Executive Director at 601-969-6097. The web site address is hindsbar.com.

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IMPORTANT
**HCBA Luncheon Meeting
& Ethics CLE Program**
11:30, August 21



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

FEBRUARY 2007



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.

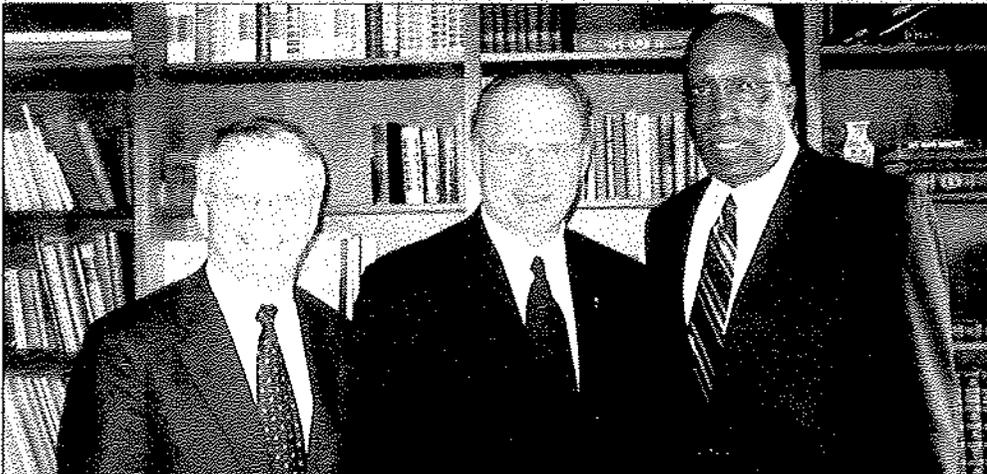
The two solons definitely struck a responsive chord: When we adjourned, there was a real buzz among the audience, and many folks lingered to catch up or visit briefly with our speakers before leaving. To the ancient Greeks, it was natural that individuals should come together in the polis, the city, 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

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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

HCBA Calendar of Events

<p><i>February 20, 2007</i> HCBA Membership Meeting. Capital Club. Noon</p> <p><i>April 10, 2007</i> HCBA Membership Meeting. Capital Club. Noon</p>	<p><i>April 20, 2007</i> HCBA Appellate CLE Seminar. MS College School of Law. Time to be announced</p> <p><i>May 22, 2007</i> HCBA/JYL Evening Honoring the Judiciary Dinner. Old Capitol Inn. 6:30</p>	<p><i>May 24, 2007</i> HCBA Annual Golf Tournament. Annandale Golf Club. 12:30</p> <p><i>June 19, 2007</i> HCBA Membership Meeting. Capital Club. Noon</p>
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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/carjacking/armed robbery/murder, when neighborhood associations set up email blasts to further enhance their privately hired security patrols, when parents have to comfort their child 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 McCreery, Chairman of SafeCity, a crime watchdog group, said it 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 composed 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 2004 (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 Krystle 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 theft/auto burglary/larceny/etc. - in other words, any property crime - **NEVER** to 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 SEES a car as it is stolen. How many of us 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

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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 prior 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 killing 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 bid buddy-based contracts, and disbursements to finance every sort of "classified" enterprise imaginable 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 dare to question the policy or decision making involved, they are branded as unpatriotic, weak-kneed cowards by the Orwellian propaganda specialists on the federal payroll. Too harsh 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 decision-making and conduct of the war. It also provides telling portraits of those calling the shots. The ego manic, micro-managing, turf hoarding, duty shirking Rumsfeld comes off as one of the worst offenders second only to a detached, incurious 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 recommendations of the bi-partisan 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 Phoenix, 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, Cofer Black, requested an urgent meeting with Rice to lay out the case.

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

by Luke Dove

English judges have worn distinctive attire since at least the 13th century. Judicial dress originally consisted of a hooded gown with mantle and cowl. Over the centuries, however, the gowns of judges evolved into elaborate and decorative robes, woven of silk and trimmed in exotic fur 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 ironically introduced French powdered wigs to England, was beheaded by his fickle 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 grand gowns and wore simple black robes. For many years thereafter, including the period of colonial expansion, English judges continued to wear black robes. However, the corporate grief manifested by the judiciary did not endure as long as that of the Bar, returned to more colorful regalia. But by that time, black robes had been introduced throughout the English empire. Black and scarlet became the primary colors of judicial robes.

English judicial garb was worn by the judges in colonial America. Even after independence, some state appellate judges wore scarlet robes much to the disdain of assorted patriots who distrusted any indicia of royal pomp and circumstance. Many urged that judicial robes be abolished altogether. A compromise was reached in the federal system whereby judicial robes were retained but horsehair wigs were abolished. Black robes, with some notable exceptions, became

the gown of choice for the federal judiciary. The exceptions included John Jay, the first Chief Justice of the United States. Jay insisted on wearing a flowing gown with salmon-colored sleeves and silver trim. Apparently, Jay believed that as Chief Justice of the United States he could eschew vulgar republican sartorial standards and, by God, dress the part.

State judges also abandoned wigs and generally wore black robes. However, with 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 4 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 throughout the world. Many wore colorful, resplendent robes festooned with chevrons, stoles, 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

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The Iraq Experience

by John Scanlan

War is Hell. So say the experts. Without that personal experience one can only concur. 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 impressions 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. These regional academies were 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 bribe) of \$300-\$400 and have the appropriate tribal connections, strove 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 home 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 the locals, as well as 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 "encouraged" by his superiors at a U.S. attorney's office to volunteer for duty as court liaison with the Regime 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 tutorial 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 was to 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 accede, and beat and torture (U.S. definition) them until someone(s) 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(s) 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 billable 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

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Rebuilding the Whole House

by E. Faye Peterson, Hinds County District Attorney

It was a Monday morning as I was concluding a pretrial meeting with the family of a Jackson business owner who had been brutally murdered by an armed robber in his barber shop that I opened the envelope from Mr. Dove providing me the opportunity to respond to the Broken Windows letter. I paused a moment, to reflect, on the fact that Willie Barnes had lost his life as a result of the most violent type of property crime, and what was posed in the letter seemed rather ironic. So in that moment I finally stopped to consider whether there was any validity to the assertion that my staff of 13 attorneys and I had been ignoring property crimes for five years. Were we so focused on violent offenses, i.e. murders, kidnapping, sex crimes, armed robberies, elderly and child abuse and jail overcrowding etc., that we spent every available court date trying, that we had ignored property crimes?

Although the letter did not indicate which felony offenses they considered to be property crimes, since felonies are all my office handles, I have to assume that they meant house, business and church burglaries, motor vehicle thefts, auto burglaries, grand larceny, auto embezzlement, and possession of stolen property cases. In order to assess the issue it would require an examination of the case by case disposition reports for the previous five years. Unfortunately, when I contacted Data Processing for Hinds County, I was informed that the system could only provide case-by-case disposition reports for 2005 and 2006 as the prior years were purged from the system. I wondered for just a brief moment where SafeCity got their numbers if they did not use the case-by-case report.

The District Attorney's Office does not have access to the data bases for any of the law enforcement agencies in this county; so my analysis would not include any reference to the breakdown of calls for service, municipal court dispositions, or other matters kept by the various agencies or, in this instance, the Jackson Police Department. Nor do I have access to the numbers of misdemeanor case dispositions of property crimes handled in either municipal court or county

court. As we are all aware, many property crimes are resolved as misdemeanors by the city prosecutor's office or by the County Attorney. Those cases are not referred to the District Attorney's Office for felony prosecutions. Additionally, there are a significant number of property crimes that are committed by juveniles which are referred to the youth court as delinquency matters and those are not matters that are referred to the DA's office. Finally, there is no way to correlate reports of crime incidents to prosecutions, since most property crimes are unsolved. If no defendant is charged with a felony, then JPD does not send a case to this office for indictment.

I wanted to submit a request to a statistician to prepare an analysis of the property crimes prosecutions for fiscal year 2005 by the DA's office. I wanted to know, based on year of indictment, how many cases were prosecuted in 2005. This would measure the length of time for prosecutions. I wanted to know the number of cases presented in 2005 to the grand jury by the Jackson Police Department as property crimes and the number of those cases that were pending as of November 30, 2006. I also wanted to know what percentage of the total cases handled as pleas, revocations and overall cases property crimes represented. Well, I don't have a statistician on my staff, because we are a prosecution entity, not a data-collection service. I realized I would have to handle this task myself, manually, and I did.

In 2005 there were 1525 dispositions of felony criminal cases in Hinds County. Disposition is the term used to describe some type of felony adjudication of an offense. This includes pleas, jury verdicts, revocations and dismissals. In 2005, for the property crime categories outlined earlier, there were 287 guilty pleas, or 18.8% of the total cases adjudicated that year. I found that in 2005, 48% of the property crimes that pled guilty were indicted in the year 2004. Only 9.7% or 27 cases were indicted before 2003 and had pled guilty in 2005. The oldest was a motor vehicle theft that was indicted in 2000. What was surprising, however,

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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.*

Diversity Award.



Butler Snow O'Mara Stevens and Cannada received the Hinds County Bar Association's Law Firm Diversity Leadership Award in recognition of its support for the Diversity Roundtable held on November 16. The award was presented at the January Membership Meeting and accepting on behalf of his firm was Don Clark, Chairman. Participating were John Henegan, HCBA President; Sharon Bridges, Diversity Roundtable Chairman; Patricia Bennett, former HCBA President; Felicia Smith, a Roundtable speaker; and David Kaufman, HCBA President-Elect

A Special Thanks to the following people for their invaluable help on the Diversity Conference

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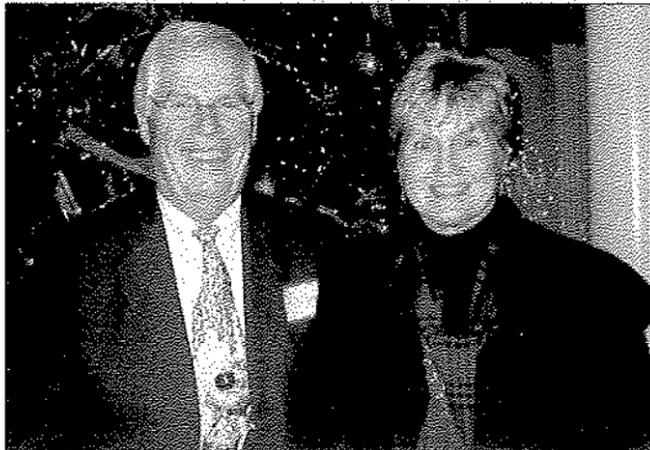
HCBA and JYL members and guests enjoyed the annual Christmas Social held at the Old Capitol Inn on December 7. Toys were brought to the party through a "Toys for Tots" drive that the JYL sponsored.



Chris Shaw; Elizabeth Mairn; Judge Tom Lee



Stan Smith; April Reeves, HCBA Social Chairman; Lauren Hill



Jimmy Robertson; Linda Thompson, former HCBA President



Katie Hester; George Evans, HCBA Community Grant Co-Chairman; Cheryn Baker



Judge Linda Anderson; John Henegan, HCBA President



Sgt. Pedro Catchings; Trey Bourn, JYL President; David Pharr, JYL President-Elect; Gy.Sgt. Gerald Pullman; Cpl. Antonio Campbell; David McCarty, JYL Community Service Chairman

Hinds County Funds Help State Library With New Acquisitions

by Charles A. Pearce, State Librarian

Recent acquisitions include the following titles:

CALL#	AUTHOR	TITLE
F 840 .8 M66A3 2003	Montgomery, G. V.	Sonny Montgomery : the veteran's champion
F 341 .C74 2006	Cresswell, Stephen	Rednecks, redeemers, and race : Mississippi after Reconstruction
F 345 .N37 2006	Nash, Jere	Mississippi politics : the struggle for power, 1976-2006
KF 8745 .C45 H95 1997	Hyman, Harold M.	The reconstruction of Justice Salmon P. Chase
KF 1035 .H46	Hemmendinger, Thomas	Hillman on commercial loan documentation
KF 1050 .S32	Schwarcz, Steven L.	Structured finance : a guide to the principles of asset securitization
KF 1164 .W56	Windt, Allan D.	Insurance claims & disputes
KF 1234 .B87	Burke, Barlow	Law of title insurance
KF 1236 .D53	Diaconis, John S.	Reinsurance law
KF 1249 .B53 2006	Blatt, Richard L.	Punitive damages : a state-by-state guide to law and practice
KF 1250 .S63	Speiser, Stuart M.	The American law of torts
KF 1263 .C65P76	Wolf, Christopher	Proskauer on privacy : a guide to privacy and data security law
KF 1269 .K37		Domestic torts : family violence, conflict, and sexual abuse
KF 1355 .M63		Model asset purchase agreement : with commentary
KF 1375 .B76	Bromberg, Alan R.	Bromberg and Ribstein on partnership
KF 1414 .C69	Cox, James D.	Cox & Hazen on corporations
KF 1425 .C67 2002		Corporate counsel's guide to handling confidential information
KF 1425 .C677 2000		Corporate counsel's guide to handling government investigations
KF 1439 .S43	Dickey, Jonathan C.	Securities litigation : a practitioners guide
KF 1439 .S63	Brown, Gary M.	Soderquist on the securities laws
KF 1466 .M36		Manual on acquisition review
KF 1466 .M63		Model stock purchase agreement : with commentary
KF 1477 .M47		The M&A process : a practical guide for the business lawyer
KF 1524 .D74	Dreher, Nancy C.	Bankruptcy law manual
KF 1524 .D85	Dunaway, Baxter	The law of distressed real estate : foreclosure, workouts, procedures
KF 1524 .H55	Hillman, William C.	Bankruptcy deskbook
KF 1544 .R46		Reorganizing failing businesses : a comprehensive review and analysis of financial restructuring and business organization
KF 1610 .C67		Corporate counsel's guide to unfair competition
KF 1649 .C67		Corporate counsel's antitrust deskbook
KF 170 .W45		West's legal forms
KF 2042 .R4 G23	Gaudio, Arthur R.	Real estate brokerage law
KF 221 .P57 W45 2005	Weitz, Mark A.	The Confederacy on trial : the piracy and sequestration cases
KF 2265 .L45	Leizerman, Michael Jay	Litigating truck accident cases
KF 300 .Z9 K38 2006	Kaufman, George W.	The lawyer's guide to balancing life & work
KF 3024 .C6C53	Classen, H. Ward	A practical guide to software licensing for licensees and licensors
KF 306 H33	Hazard, Geoffrey C.	The law of lawyering
KF 3145 .H65	Holmes, Mark S.	Patent licensing : strategy, negotiation, forms
KF 3155 .A75P38		Patent litigation
KF 316 .P65 2003	Poll, Edward	Collecting your fee : getting paid from intake to invoice
KF 318 .D56 2005	Dimitriou, Demetrios	Law office procedures manual for solos and small firms
KF 3180 .K67	Kirkpatrick, Richard L.	Likelihood of confusion in trademark law
KF 320 .A2 D53	Dickie, Robert B.	Financial statement analysis and business valuation
KF 320 .A2 F66	Foonberg, Jay G.	The ABA guide to lawyer trust accounts
KF 320 .A9154 2006		Information security for lawyers and law firms

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KF 3369 .D48		The developing labor law
KF 3455 .F55	Filipp, Mark R.	Employment law answer book
KF 3455 .H47	Hebert, L. Camille	Employee privacy law
KF 3471 .C67		Corporate counsel's guide to reductions in force
KF 3478 .F35		The Fair Labor Standards Act
KF 3489 .S36	Schneider, Les A.	Wage and hour law : compliance & practice
KF 3490 .Z95 W34		Wage and hour laws : a state-by-state survey
KF 3515 .G37	Garner, John C.	Health insurance answer book
KF 3540 .K843 2006	Koven, Adolph M.	Just cause : the seven tests
KF 3827 .15 .R69	Rozovsky, Fay A.	Consent to treatment : a practical guide
KF 3964 .A73C37	Castleman, Barry I.	Asbestos : medical and legal aspects
KF 4765 .O78 2003	Orth, John V.	Due process of law : a brief history
KF 4836 .A53 M37	Martin, David A.	Asylum case law sourcebook: case abstracts for U.S. court decisions
KF 4948 .S64 2000		Special study for corporate counsel on corporate lobbying activity
KF 505 .C76	Crouch, Richard E.	Family law checklists
KF 524 .G65	Goldberg, Barth H.	Valuation of divorce assets
KF 524 .T87	Turner, Brett R.	Equitable distribution of property
KF 5505 .C64	Coggins, George	Public natural resources law
KF 5692 .R38	Rathkopf, Arden H.	Rathkopf's the law of zoning and planning
KF 5698 .D45	Delaney, John J.	Handling the land use case : land use law, practice & forms
KF 6301 .B53	Blattmachr, Jonathan G.	Circular 230 deskbook
KF 6310 .S37	Schriebman, Robert S.	IRS tax collection procedures : a manual for practitioners
KF 6332 .M37	McQueen, C. Richard	Tax aspects of bankruptcy law and practice
KF 6428 .G33	Gabinet, Leon	Tax aspects of marital dissolution
KF 670 .F75	Friedman, Milton R.	Friedman on contracts and conveyances of real property
KF 695 .H35 2006- 2007	Hall, Kenneth F.	Mortgage and consumer loan and lease disclosure handbook : a step-by-step guide with forms
KF 750 .M57 2007	Mitchell, William D.	Estate and retirement planning answer book
KF 849 .M36	Manos, Karen L.	Government contract costs & pricing
KF 8700 .A19 A46		Almanac of the federal judiciary
KF 8720 .Z95 H47 2004	Herrmann, Mark	Statewide coordinated proceedings : state court analogues to the federal MDL process
KF 879 .528 .Q56	Quinn, Thomas M.	Quinn's Uniform Commercial Code commentary and law digest
KF 8840 .B76 2006	Brown, Heidi K.	Fundamentals of federal litigation
KF 8840 .W47	Feldman, Steven W.	West's federal administrative practice
KF 8900 .F35	Fax, Charles S.	Discovery problems and their solutions
KF 8900 .H47 2006	Herr, David E.	Multidistrict litigation manual : practice before the Judicial Panel on Multidistrict Litigation
KF 8915 .G37 2006	Larsen, Robert E.	Navigating the federal trial
KF 8915 .Z9S56	Sinclair, Kent	Trial handbook
KF 8925 .M3 M66	Moore, Thomas A.	Medical malpractice : discovery and trial
KF 8935 .G73	Graham, Michael H.	Winning evidence arguments : advanced evidence for the trial attorney
KF 8935 .G76	Graham, Michael H.	Handbook of federal evidence
KF 8959 .C67 2005		Corporate counsel's guide to the attorney-client, work-product & self-evaluative privileges
KF 8968 .15 .C78	Crumbley, D. Larry	Forensic and investigative accounting
KF 8979 .F74	Frederick, Jeffrey T.	Mastering voir dire and jury selection
KF 8995 .C66	Conte, Alba	Attorney fee awards
KF 9026 .Z9B73 2007	Bryant, Amorette	Complete guide to federal and state government
KF 9084 .C67		Corporate counsel's guide to alternative dispute resolution techniques

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KF 9084 .Z9 N446		The negotiator's fieldbook : the desk reference for the experienced negotiator
KF 9084 G74	Grenig, Jay E.	Alternative dispute resolution
KF 9219 .W43	Wharton, Francis	Wharton's criminal law
KF 946 .E65		Equipment leasing --- leveraged leasing
KF 9619 .C75 2006- 2007		Criminal procedure checklists
KF 9619 .O74	Orfield, Lester B.	Orfield's criminal procedure under the federal rules
KF 9642 .B74	Brenner, Susan W.	Federal grand jury : a guide to law and practice
KF 9685 .P73		Practice under the federal sentencing guidelines
KF 9690 .G37	Beaumont, Garrett	Advoiding reversible error in criminal cases
KF 9690 .G75	Griffin, Lissa	Federal criminal appeals
KF 9747 .K47	Kessler, Steven L.	Civil and criminal forfeiture : federal and state practice
KFD 213 .F59332	Welch, Edward P.	Folk on the Delaware general corporation law
KFM 1380.5 C67		Corporate counsel's guide to domestic joint ventures
KFM 6712 .Z9 A393	Peterson, Jeffrey R.	Advanced like kind real estate exchanges in Mississippi
KFM 6717 .B63	Boackle, K. E.	Mississippi landlord and tenant law : with forms
KFM 6726 .B63 2006	Boackle, K. E.	Fundamentals of real estate closings in Mississippi
KFM 6750 .C66 2006		Contract litigation from A to Z in Mississippi
KFM 6875 .C66 2006		Construction delay claims in Mississippi
KFM 6875 .G47 2006	Germany, Ralph B.	Change orders and construction claims in Mississippi
KFM 6875 .H47 2006	Herbert, Mark D.	Residential construction defect litigation in Mississippi
KFM 6875 .H473 2006	Herbert, Mark D.	Construction lien law in Mississippi
KFM 6942 .A75 A38 2006		Advanced workers' compensation in Mississippi
KFM 6942 .A75 W67 2006		Workers' compensation 101
KFM 6942 .B73	Bradley, John R.	Mississippi workers' compensation
KFM 6963 .N8 N87 2006		Nursing home litigation in Mississippi
KFM 7058 .A75 A38 2006		Advanced zoning and land use in Mississippi
KFM 7083 .Z9S25 2006	Stevens, David W.	Sales and use tax in Mississippi : a beginner's basic course
RD 63 P47		Perioperative services : administration, resource management, and patient care

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 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 Saunders (601-359-3072). Inquiries as to the status of a motion may be directed to Jack Poole, Court Administrator (601-359-2183) 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 hand delivery or fax.

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 Appellant 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 en 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 clue about ancient sectarian and tribal hatreds. Never mind that Iraq is an artificial state carved out of the Ottoman Empire where loyalties are to tribes and sects, not to a nation state with a long history of stability like the United States.

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 best reckless sabre 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 charmed the Vice President. The most charitable thing I can say is that the marketing campaign for unprovoked war was convincing. Personally, I suspected Colin Powell of integrity and credibility. Consequently, I bought in 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, uncontrolled looting, wholesale DeBaathification, disbanding 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 blows them off because he wants "Victory."

So, Now What?

Here are some basic facts about Iraq that might help you better put the intractable 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 650,000 since the war started.
- No citizen of another country likes to be occupied by foreign troops. This is especially true in a prideful 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 a 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 Madhi 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.

decision was unanimous.

And so the question was put to the judges of the Fifth Circuit. Should we replace our traditional black dresses 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 remained the official dress of the Fifth Circuit judges.

A District Judge from Louisiana, however, was smitten 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, Honorable 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 alight 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 basic black judicial dress which their long departed brethren first wore at the funeral of Queen Mary in 1694.

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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 revocations, those instances when offenders repeat crimes or violate probation? How many of those had been previously convicted of a property crime? In 2005, there were 209 revocation 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 deterrent. Holding parents financially responsible for the acts of juveniles that vandalize property would also be a good deterrent.

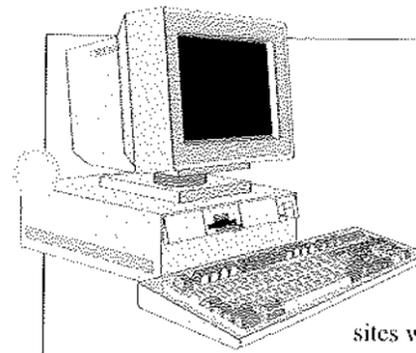
As to the felony level, it is very well known that the District Attorney's office is understaffed. With the recent increases in violent offenses that the Jackson community has experienced in the past year, it is expected that the 13 assistants in this office will be

overwhelmed next year. I must commend the Board of Supervisors of Hinds County for their continuous support of this office by helping to fund 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 state paid positions within this office to maintain a staffing level sufficient to handle the criminal case docket. 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 pro bonos 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' murderer got life without parole.



On Computing

by Joel Howell

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

LawMemo, www.lawmemo.com, has long been an excellent resource for labor and employment law. It has now added the excellent Supreme Court Times, www.lawmemo.com/sct/, 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, all briefs, the decision when issued, counsel for each party, and other resources.

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

If you have an interest in testing a big case before the real trial, www.trialjuries.com, helps lawyers submit 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 review is 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 Glickenhau, a former litigator and founder of the litigation extranet company T Lex, www.tlex.com, and Jack (Bobby) Truitt, founder of The Truitt Law Firm, a Louisiana defense firm.

The Carnegie Legal Reporting Program @ Newhouse, <http://newhouse-web.syr.edu/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.I. Newhouse School of Public Communications.

LawBeat, <http://newhouse-web.syr.edu/legal/blog.cfm>, 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 classroom - about the quality of journalism focusing on the justice system, lawyers, and the law."

Questions or comments? Email webmaster@hindsbar.com.

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and small arms fire, I was struck by the survival instincts of the Iraqi people. They were completely and totally at the mercy of those in charge, foreign or domestic. I saw my first Rocket Propelled Grenade fired in the wild complete with window and door rattling; experienced the force of the explosion of the cement mixer at the Sheraton Hotel over 3 miles away when it blew me back from our front door; marveled at the look of wonder of our housekeeper when she saw for the first time a turkey roasted whole with mashed potatoes; enjoyed the simple camaraderie with Iraqi Army troops across the street after taking them some baked Tigris River carp and Corona for a short evening of storytelling; was amused with the free market experience of buying gasoline from two teenage boys charged with running the family business and

negotiating the price down from their starting point each and every time, then having the fuel dispensed not from a pump but from a 20 liter plastic can through a funnel fabricated from a 3 liter coke bottle and a piece of hose.

Lastly, I offer tribute to the American Fighting Man, without whose diligence, persistence, and sacrifices this Nation could not long endure. If this venture is successful, it will be because of them. Failure will belong to others. In closing, I am once again reminded of those immortal words of Alexis de Tocqueville; "America is great because she is good; when she ceases to be good she will cease to be great."

Editors Note: John Scanlan is a graduate of West Point. He is a retired Army officer now living in Canton.

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HCBA activities that support our local communities.

As examples, after receiving training from the Barksdale Reading Institute, more than 20 volunteer members of the HCBA Community Service Committee, chaired by LeAnn Nealey, will tutor students at Barr Elementary School in Jackson this spring. The HCBA Courthouse Education Committee, chaired by Josh Wiener and Robert Gibbs, is 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 have to pay to play) that raises a significant amount of money each year for the Mississippi Voluntary Lawyers Project and HCBA's community grant project which since 2003 has awarded one or more grants each year to a local area 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 getting its sea legs, please encourage its executive director to inquire about HCBA's community grant program.

"[T]he Government of the United States . . . gives to bigotry no sanction, to persecution no assistance . . ." - George Washington

Presidents' 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 to this day read aloud annually to the descendants of that same congregation. He not only believed these words, but he wrote in part out 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 assure them 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-enforcing; 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 career paths 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 one or more 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.

"One 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 citizen leaders. 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 pause, 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:

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offenders, making it a win/win situation.

Finally, we will request a legislative mandate for data sharing among law enforcement agencies. It is estimated that there are as many as 2,000 separate and distinct databases throughout Mississippi that contain various bits and pieces of criminal or incident information. No single agency has access to all that information. A crime could be committed in 15 different counties throughout the state and, unless one Sheriff communicates regularly with another, he or she would have to investigate it single handedly. Worse, a court or law enforcement agency in County A may have no electronic access to criminal records, bond revocation, or other data in County B. Information sharing will only benefit law enforcement. Additionally, it is probably the single most effective move that law agencies could enact to better protect the public. And the cost to taxpayers would be nominal.

It is time we send a message to the criminals - property crimes will no longer be tolerated in our communities. We will fix the broken windows.

If you would like to help us achieve our goal, please contact us at 601.968.9999 or visit our web site at www.thesafecity.com. This is a community effort and we urge you to join us to find solutions.

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
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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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EXCEPTIONS

Spring Break

Friday, March 9th7:30 a.m. - 5:00 p.m.
 Saturday, March 10th9:00 a.m. - 5:00 p.m.
 Sunday, March 11th1:00 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 17th9:00 a.m. - 5:00 p.m.

Easter

Friday, April 6th9:00 a.m. - 5:00 p.m.

EXAM SCHEDULE

April 29th - May 11th

Monday - Friday7:30 a.m. - midnight
 Saturday9 a.m. - midnight
 Sundaynoon - midnight
 Friday, May 11th7:30 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 hindsbar.com.

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HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

JANUARY 2007



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

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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

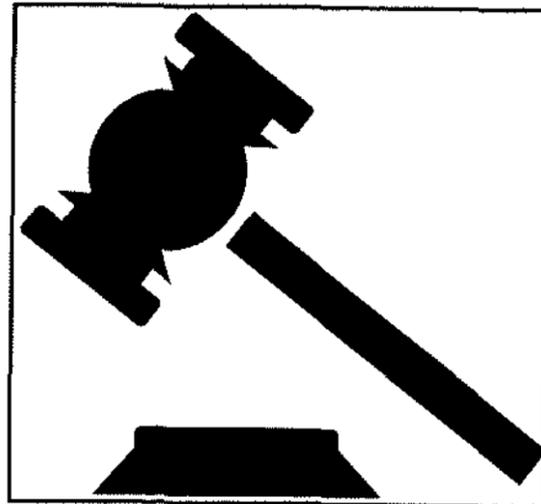
HCBA/JYL Evening Honoring the Judiciary Dinner.

Old Capitol Inn. 6:30



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Dan Jordan Assumes Federal Bench

by Steve Ray



[Editor's Note: Following is the second in a series of HCBA Newsletter articles on the remarkable changes taking place in 2006 and 2007 in the federal judiciary in Mississippi. These articles are 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 "Jurdan") 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 Murrah High School graduate, was 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 Tom Lee, reputed to have wowed 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 a work ethic, discipline, and team work."

Amending 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 to the bench by President Bush.

Dan and his wife, the former Teri Dallas, have two children and live in the metro-Jackson area.

Preparation for Judging. In any conversation with Jordan about his new role, the notion of fairness surfaces 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 reminisces that, "as a junior high student, I seemed to have trouble raking the leaves when the Redskins were on television. Dad didn't send me straight to the yard, but put the onus back on me 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 on which Jordan took the lead. "He had a good relationship with counsel on the other side; my sense was that he became the 'peacemaker' 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 as 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 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 sat in on criminal trials (Jordan quotes Yogi Berra: "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, who, he says, were "incredibly generous 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 sentencing"; "what have you found works and what doesn't work." He met with the public defenders' office, the U. S. Attorney's office, the marshal's service the court reporters, all in an effort to devise solid, fair, and efficient procedures for his chambers.

Fresh from private practice, Jordan well knows the

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Captain Equity In '08: Is He America's Next Decider?

by Captain Equity

Longtime readers might recall that my last column urged the electorate to repudiate incumbents and set a new course in American governance. In light of November's election returns it apparently worked. Yes, yes, I know that skeptics will remind me that all Mississippi incumbents were re-elected. You guys just don't get it, do you? While technically true, it is clear that my column found a wider audience among the nation's voters. Obviously, the results speak volumes clearly discrediting my critics. I mean, do you guys remember a little thing called proximate cause from your law school days? In light of my unprecedented political success, I have reluctantly been convinced to shed my customary modesty so as to allow me to share 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 idols, "Bull Moose" Teddy Roosevelt, Ross "Alright, Here it Is" Perot and Democratic/Republican/Independent Senator Joe Lieberman, I seek to bring America together in the spirit of Big Tent populism 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 Republican 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 all would agree that I am funnier than John Kerry that imperious jokester of wind sail fame who has convinced himself that he can follow in the footsteps of Adlai Stevenson and lose two Presidential campaigns in a row. Or how about Al Gore who has the soul of an elementary school tattler and all the charisma of a stalk of broccoli. And then there is America's repeatedly divorced, pro gay rights albeit favorite mayor, Rudy Giuliani who can count on the fingers of his "right" hand votes from the Republican base that will determine their party's nominee. And how about all the other non-household names who have already declared: Sam Brownback, 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 grudgingly admit that John McCain and Hillary Rodham Clinton are the early respective front-runners for their party nominations. To that I say just look back on the non-administrations of high profile candidates including those of non-presidents Tom Dewey, Ed Muskie, George Romney, Gary Hart, Bob Dole et al. As I have mentioned before in this space, the last U.S. President not from the South or the Sunbelt was JFK way back in 1960. Despite countless well financed Presidential campaigns, narcissistic, ego centric U.S. Senators almost never cross over to the top job in the executive branch of government. Have I mentioned John Kerry? 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 sitting Vice President will be on the ballot. I predict that my biggest competition will be Mississippi Governor Haley Barbour who fits the bill in every respect. However, based on my

most recent 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 name 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

Never Admit a Mistake While Blaming Others For Problems

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

Contingency Plan For Scandal

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

- #1. Announce that I am an alcoholic and immediately go into rehab somewhere in California.
- #2. Join an inner city church and/or Colorado megachurch while seeking out spiritual advisors such as Jesse Jackson and/or Focus on the Family's James Dobson depending on which party gave me the most votes.
- #3. And if things get really bad, just deny everything until they prove something then say "I misspoke." As a last resort, apologize by "taking full responsibility," and admitting that I "let a lot of good people down," followed in short order by # 1 & 2 above.

And If All Else Fails...

The worst that can happen is that I lose. I will till get tons of free publicity while having my campaign picks up the cost for a chartered jet and high price hotel suites. In this event, I plan to:

- #1. Cash in on my newfound celebrity with \$100,000 a pop for speeches paid for by well heeled corporations not to mention a slot on the 2009 season of "Dancing With The Stars."
- #2. Become a lobbyist and a millionaire in that order.
- #3. Then become President of Halliburton and a multimillionaire, in that order.
- #4. Appear in "Let's Go Walking" public service spots with Marsha and Haley followed by a good cigar, off camera of course
- #5. All of the above while going back to writing my column and getting hate mail from Jackson area attorneys.

So in the spirit of politicians everywhere, no matter the result in 2008 I will be just fine. And after all, isn't that the entire point of public service these days?

"The Gandy" - A Brief History

by Carol West

A chance encounter with Lynn Fitch at the Mississippi Department of Employment Security on Monday started me thinking about the Evelyn Gandy Lectureship and the impact that it has had on almost a generation of women lawyers. I had to pull out the big box of old program notebooks 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 Fitch 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 special 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 nicest place in the state and we wanted the program 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 Vicksburg seemed 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 at the meeting as a major force in convincing them that they should run for public office. 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.

The next year, we built on that foundation to have an even better program, still at Cedar Grove. The year that Tammy Harthcock was committee chair, we asked Evelyn Gandy if we could name the CLE after her in recognition of the role she plays as a model for Mississippi women lawyers. She graciously allowed us to use her name with one condition - we must include a program that encourages women lawyers to enter the public sector. Each year we honor that commitment by having a panel or a speaker to focus on public service. Lenore Prather, Mary Libby Payne, and Kay Cobb are but three of the stellar women who have taken this responsibility.

There's a nice contingent of women from all corners of the state who have not missed single year. Women law students are encouraged to come and the committee works to provide some scholarship assistance to defray their expenses.

The venue moves every couple of years, but is always at one of the state's top accommodations. We have been to Natchez, Old Waverly, Gray Center, The Golden Moon, The Alluvian, and - this year - we are going down to the Beau Rivage on the Coast.

If you are in a large firm, come yourself and encourage the other women lawyers to attend. If you are a solo practitioner, arrange your schedule to be there. You will find it to be one of the best professional experiences of the year. In addition to top quality CLE, you will enjoy the networking that takes place when judges, legislators, law professors, and practicing lawyers in a wide variety of fields meet on common ground. Mark your calendar for Friday/Saturday, February 23-24, 2007. The brochures will be sent after the first of the year.

See you at "The Gandy!" It's at "The Beau" this year!

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 Legislative since 1997, being first elected to the State Senate in 1998. Representative Watson 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.

Women's Conference

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

TODAY'S PROFESSIONAL WOMAN: COMMON ISSUES, UNCOMMON SOLUTIONS

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

October 17, 2006
Old Capitol Inn

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HCBA Women in the Profession Committee members: Jennifer Hall; Charlene Newman; Melissa Baltz; Mary Clay Morgan, Chairman; Laura McKinley; Leyser Hayes; Meta Copeland; Rhea Sheldon



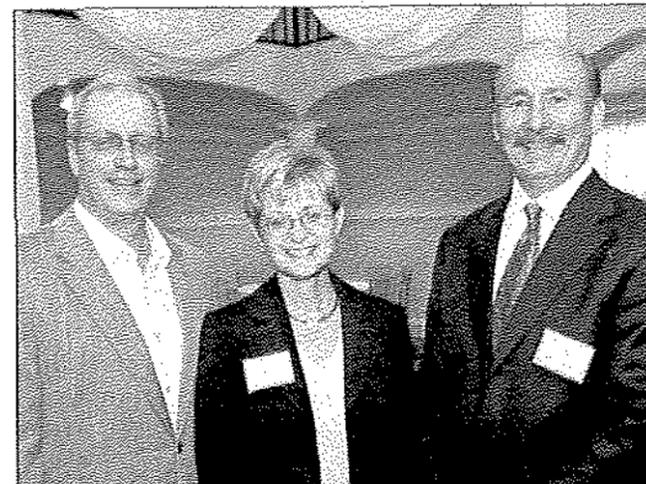
Judge Donna Barnes; Pamela Roberts; Mary Libby Payne; Supreme Court Presiding Justice Kay Cobb



Pamela Roberts



Karen Livingston-Wilson; Debra Gibbs; Leyser Hayes; Judge Patricia Wise; HCBA President John Henegan



Walter Weems, Joy Phillips, HCBA President-Elect David Kaufman



Remembering Aesop

by John Land McDavid

While in high school I bought a book of fables attributed to Aesop. I am sure I had never heard of Aesop at the time. I probably thumbed through it and after reading a couple of fables decided to buy it. I must have enjoyed reading it as I took my copy of Aesop's fables with me when I entered Ole Miss as a freshman in the fall of 1948.

One day, probably in 1949, I was on duty at the circulation counter of the main library at Ole Miss when a fraternity brother, who was in law school, came in and began searching the card index. He then came over to the counter, without a book locator card in his hand, and explained he needed a copy of Aesop's fables. He said he could not find a copy in the law school library and now he could not find one indexed in the Ole Miss main library. You may be able to understand the pride and self-importance I felt when I offered to lend him a copy of Aesop's fables from my "library". He borrowed and return it. I still have the book and read it from time to time. The pleasures of reading the fables of Aesop are the shortest ones remain fresh after multiple readings and you may read a few or many to satisfy your need at the moment for Middle East wisdom.

Aesop, like Homer, is a legendary figure believed to have lived in the Middle East during the sixth century B.C. There have been many versions of Aesop's fables. The one I first bought and was in my Ole Miss "library" is *The Fables of Aesop*, Art-Type Edition, The World's Popular Classics, published by Books, Inc. The book contains no publication date and no reference to a copyright, no doubt because Aesop's Mesopotamian copyright had long since expired. The Introduction said this version was based on two standard English versions of Sir Roger L'Estrange (1694) and Dr. Samuel Croxall (1727) with reference to the French versified form of La Fontaine (1668). The Introduction also states no book, except for the Bible, has a wider circulation than the fables of Aesop.

I have since bought two other versions of the fables. One, *Aesop Without Morals* (1961) contains fables written in modern language and style and, as the name implies, contains no "moral" at the end of each fable. The morals are in an appendix and may be matched with the applicable fable. The other version is entitled *Fables from Aesop* (1966) and is a quality book. It was published by Oxford University Press, has a cloth hard cover and a dust cover of heavy rippled paper. Many of the fables are illustrated by copies of wood engravings done by J.J. Grandville for an edition of La Fontaine's *Fables* that first appeared in 1838. What makes this edition different is the fables are in verse written by the author, Ennis Rees. It is a Doctor Suess like version which does not have a moral at the end of each fable.

Aesop Without Morals criticizes the English versions (upon which my first book is based) because they are written "in archaic English reminiscent of the King James version of the Bible". Neither of these last two versions have a moral at the end of each fable. These are the very reasons I prefer my first read version. It is written in the King James style and *does*

contain a moral for each fable. When I am doing leisure reading, I do not want to struggle over what the moral is. Also, when I am reading twenty-six hundred year old Middle East wisdom, I want it to sound, at least, Old Testament and not Dr. Suess.

My favorite version of my favorite fable from my first bought book, which I probably got in 1946, is the following:

THE MILLER, HIS SON, AND THEIR ASS.

A Miller and his Son were driving their Ass to a neighboring fair to sell him. They had not gone far when they met with a troop of women collected round a well, talking and laughing.

"Look there," cried one of them, "did you ever see such fellows, to be trudging along the road on foot when they might ride?"

The Miller hearing this, quickly made his Son mount the Ass, and continued to walk along merrily by his side. Presently they came up to a group of old men in earnest debate.

"There," said one of them, "it proves what I was a-saying. What respect is shown to old age in these days? Do you see that idle lad riding while his old father has to walk? Get down, you young scapegrace, and let the old man rest his weary limbs."

Upon this, the Miller made his Son dismount, and got up himself. In this manner they had not proceeded far when they met a company of women and children.

"Why, you lazy old fellow," cried several tongues at once, "how can you ride upon the beast, while that poor little lad there can hardly keep pace by the side of you?"

The good-natured Miller immediately took up his Son behind him. They had now almost reached the town.

"Pray, honest friend," said a citizen, "is that Ass your own?"

"Yes," replied the old man.

"O, one would not have thought so," said the other, "by the way you load him. Why, you two fellows are better able to carry the poor beast than he you."

"Anything to please you," said the Miller; "we can but try."

So, alighting with his Son, they tied the legs of the Ass together, and by the help of a pole endeavored to carry him on their shoulders over a bridge near the entrance of the town. This entertaining sight brought the people in crowds to laugh at it; till the Ass, not liking the noise, nor the strange handling that he was subject to, broke the cords that bound him, and tumbling off the pole, fell into the river. Upon this, the old man, vexed and ashamed, made the best of his way home again, convinced that by trying to please everybody he had pleased nobody, and lost his Ass into the bargain.

He who tries to please everybody pleases nobody.

There, you have my memories so far of Aesop. If you are not acquainted with Aesop, I recommend him to you. He makes a good life-companion providing humor and wisdom along the way. What more can you ask?

“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, L.L.C, 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 legal formation of new subsidiaries, securing regulatory authorizations and registrations with the FSA in the United Kingdom and with regulatory authorities in France and Switzerland and regulatory approvals to establish the offices in London, Zurich and Paris as foreign branch offices under New York Stock Exchange rules. We presently are engaged in a similar process to reorganize our business in Japan. In these efforts, we collaborate with business people in the local jurisdiction and with outside counsel in those jurisdictions.

Prudential Financial, Inc. (“Prudential”) has identified three values that support its commitment to its people and the communities in which it does business: (1) Equal Opportunity, (2) Diversity and (3) Work/Life Balance.

As you might expect, the tone is set at the top. Mr Arthur Ryan, Chairman and Chief Executive Officer of Prudential stated, “our work force must be as diverse as our products and our markets.” As a global company, Prudential's businesses “thrive in markets where a variety of cultural perspectives, needs and circumstances impact the design and delivery of its products and services.”

Prudential builds diversity “into [its] business and human resources strategies and insists on leadership accountability for results.” For example, human resources results, of which diversity is a part, have an impact on incentive compensation for all management levels. Mr Ryan stated that “[Prudential is] proud that diversity is enhancing our ability to deliver world-class financial services to a worldwide market. We are putting the power of people to work.”

In 2005, Prudential was recognized as one of the most admired companies in our industry.⁵ Some of the honors Prudential received in 2006 included the following recognitions:

- “50 Best Companies for Minorities” [Fortune Magazine],
- “Top 100 Companies for Working Mothers” [Working Mother Magazine],
- Scored 100% on the Human Rights Campaign's Corporate Equality Index and
- “Top 50 Companies for Diversity” [Diversity Inc. Magazine].

Prudential Foundation directed grants totaling more than \$25 million to help revitalize communities across the company. Through the Social Investment Program, Prudential provided more than \$1 billion in cumulative financing to

address critical social issues, such as affordable housing, minority entrepreneurial opportunities and education.

KEY CONCEPTS

■ How many of you are familiar with the Texas Rangers? I am not referring to the baseball team.

According to the Texas Ranger Hall of Fame Museum, Stephen F. Austin founded the Rangers in 1823 under authority granted to him by Mexican Law “to ward off Indian raids, capture criminals and patrol against intruders.”

These militias were multicultural and included “Anglos, Hispanics and American Indians” who “served in all ranks from private to captain.” From a geographical perspective, most of the Rangers were from the American South but many were from “Ireland, Scotland and England and spoke with their native accents.”⁶

There was a statute at Dallas Love Field that honored the Texas Rangers. As a college freshman, I was told that the story behind the Lone Ranger tradition is that in the early days of the Republic of Texas there was a riot in one of the border towns in South Texas. The mayor sent word to the governor to send the Rangers. Shortly thereafter, a Texas Ranger rode into town and hitched his horse to the hitching post outside the sheriff's office. He told the sheriff he was there in response to the mayor's request. The sheriff looked around and seeing only this man, asked him “Where are the others?” The Texas Ranger asked him, “How many riots do you have?” “One,” said the sheriff. The Texas Ranger replied: “One riot, one Ranger.”

I want to use that motto, *One Riot, One Ranger* to illustrate an attitude that too often expects the minority attorney to function as *The Lone Ranger*. After the employer hires *The Lone Ranger*, it acts as if all of its equal opportunity obligations have been satisfied.

- Providing equal employment opportunities does not mean you only have to hire or employ or promote one minority associate or partner at a time.
- The “window dressing” approach not only is unfair to the employee, but it exposes the employer to the risk of allegations that it is not acting in accordance with the

continued on page 9

¹ See *Diversity: The Power of People*.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ See “Chairman's Letter”, *Prudential Financial 2005 Annual Report*.

⁶ See <http://www.texasranger.org/history/BriefHistory1.htm>.

continued from page 8

letter and *the spirit* of the law. From my perspective, I want to be valued for what I bring to the table, not for being a place setting at the table.

- *I was invisible*. Even when employers and members of the private bar attempt to become more inclusive in their hiring and promotion practices, there is a risk that the focus on “just meeting my quota” becomes an end in itself.
 - Yes, we still need to address attitudes that assume minority attorneys are not capable of providing legal services to world-class entities.
 - A simple self-assessment measurement is: When you meet someone in person with whom you had developed a rapport over the telephone and whose work you had admired, and you realize that person is not a member of your racial group, do you continue the relationship as before-or do you draw back and ignore that person?
- “Preach always, and use words if you must,” is a saying of Saint Francis of Assisi.
- Diversity is not so much the words we say as the message behind our actions.
 - Diversity is *not* “We are looking for a ‘qualified’ minority.”
 - Are not you also looking for qualified employees period? Why is it necessary to specify “qualified” only in relation to hiring minorities?
 - I commend to your review an article in the *Legal Times* written by Veta Richardson: “The ‘Unqualified’ Myth: Minority lawyers still have to outperform white lawyers to be judged equal” (vol. XXIX, No. 34 August 21, 2006). Citing quantitative research conducted by the Minority Corporate Counsel Association, Ms Richardson observed, “making partner is a matter of good judgment, business savvy, ability to prioritize, leadership, aggressiveness, and willingness to put in long hours. None of these attributes have been linked to associates’ law school grades or...the prestige of their law school.”
 - Another study cited by the Minority Corporate Counsel Association found that “47 percent of African American partners at major law firms in New York City graduated from either Harvard or Yale...[while] only 18.6 percent of all partners earned their degrees from those institutions.”
- We have to address the so-called *pipeline issue*. Proactive efforts require outreach into schools and communities, so that young people, their parents 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 (*e.g.*, The Stock Market Game Program and Moot Court competitions for nascent securities and corporate lawyers).
 - Sutherland Scholars,⁸ which is sponsored by an Atlanta law firm, is a commendable effort, but more needs to be done ensure that our youth have realistic expectations about the world of work and

their need to work diligently in their academic preparation *beginning* in the elementary grades, where the fundamental skills of reading, writing, oral communication skills and arithmetic must be mastered.

- A point I make to young people (including my nieces) is that they are competing not with the student in the next row of seats or the cross-town rivals, but with highly-capable students in India, China, Japan, England, Germany, Spain, Russia, Argentina, Mexico—in other words, this is a global economy that requires employees that are capable of performing against the best and brightest on the planet.
- We can't seem to get our young people to speak English fluently and yet our youth must compete with multilingual young people from other nations, who may speak English with greater fluency than our young people.
- The purpose of the business enterprise is to manufacture a product and/or deliver goods or services, and thereby earn a profit for its owners. We cannot lose sight of the reality that the diversity initiatives of the business enterprise ultimately have to contribute to the attainment of the financial objectives of the business.
 - Nonetheless, the *business case* for diversity should not overshadow that people are to be respected for who *they are* and not treated as mere objects to be used and disposed of for the pecuniary gain of others.
- “There is no such thing as a level playing field.” That is the message on an advertisement sponsored by Accenture that features Eldridge “Tiger” Woods contemplating his shot.
 - *Different is not synonymous with inferior*. All of us are different and, in those differences, each of us manifests strengths as well as weaknesses. As others have observed, there is no “I” in Team. One man scoring 40 points on a basketball team where his teammates just stand around and watch him usually is not going to prevail against an opponent that is using the skills of all of its members.
 - As individuals, we have to “level” the playing field through preparation and superior execution—in other words, we level the playing field by taking the steps necessary to adjust to the challenges that are presented to us, so that we can compete effectively in that environment.

⁷ Creating Pathways to Diversity: “The Myth of the Meritocracy: A Report on the Bridges and Barriers to Success in Large Law Firms” at 24 (citing Wilkins, David B. and G. Mitu Gulati, 1996. “Why Are There So few Black lawyers in Corporate Law Firms? An Institutional Analysis.” *California Law Review* 84:493-625).

⁸ See

http://www.dcbat.org/for_lawyers/washington_lawyer/february_2006/legalbeat.cfm.

Business

VIEWPOINT



Photos by Barbara Gossitt/The Oklahoman

Carver Johnson (second from right), group president and chief diversity officer of The Kroger Co., speaks during a panel discussion at "Diversity: A Corporate Counsel and Corporate Executive Perspective," hosted by the Hinds County Bar Association Thursday at the Jackson Marriott Downtown.

'Good for business'

Corporate leaders gather in Jackson

By Nell Luter Floyd
nluter@oklahoman.com

A panel of business leaders emphasized repeatedly Thursday that diversity in the workplace can translate into profits.

"Companies that are successful realize diversity is not only the right thing to do but also good for business," said Carver Johnson, group president and chief diversity officer at The Kroger Co. "The demographics in the U.S. are changing so dramatically that if you don't change to address the needs of changing business you will not be in business."

A business needs commitment from top management, employees that mirror the popu-

lation served, a broad population of suppliers and the ability of management to communicate what it values in order to achieve diversity, he said.

More than 500 business leaders and lawyers turned out to hear what Johnson and executives representing companies such as Cingular, Pfizer Inc., Tyson Foods, Georgia-Pacific Corp., Baxter International, Harrah's Entertainment, Nissan North America, Ford Motor Co., BellSouth, Prudential Equity Group, The Coca-Cola Co. and DuPont had to say.

The lineup of speakers so impressed Alex E. Coscoviella, a lawyer with Adams and Reese, that he flew in from Houston, Texas, to attend.



Atiba D. Adams, senior corporate counsel for Pfizer Inc., speaks during a panel discussion.

"The people are of the caliber you wouldn't expect to find in a city the size of Jackson, regardless of it being the capital of Mississippi," he said. "It's like something you'd find in New York or Washington or perhaps Chicago."

At one point, Coscoviella See DIVERSITY, 4C

IF YOU GO

A Corporate Counsel and Corporate Executive Perspective will be held 9 a.m. to 1:30 p.m. Thursday at the Jackson Marriott Downtown.

Executives to discuss diversity in workplace

The Oklahoman

A roundtable discussion on Thursday will bring together more than 250 top executives from major companies to discuss corporate America's need to focus on diversity in their companies, including the law firms that represent them.

"It's the first of its kind in Mississippi, bringing together folks to discuss the whole thing about diversity and the law firms that represent corporate America," said Vangela Wade, senior counsel for Lewis Fisher Henderson Claxton & Mulroy LLP with offices in Memphis, Jackson and Los Angeles.

Panelists include representatives from Dupont, Prudential, Nissan, BellSouth and Coca-Cola. Sharon Bridges, a partner with Brunini, Grantham, Grower & Hewes, said diversity is an issue that cannot be skirted and must be addressed.

Minorities who have earned significant positions within their companies are among those who will attend, she said.

Also to be explored is whether companies view diversity for what it is or whether some consider it "affirmative action," Bridges said.

"Are you talking the talk and walking the walk? We want to know," she said. "We're going to talk about strategies that companies can use and develop to hire diverse talent."

A \$50 fee is charged for attending the session where lunch is included. The keynote speaker will be Joaquin Carbonell, executive vice president and general counsel of Cingular Wireless LLC and chairman of the litigation committee of the U.S. Chamber of Commerce.

Carbonell said recognizing cultural differences made the wireless industry realize just how big an impact cell phones could have when it entered the Latin America market. The industry learned that people in Latin America relied on cell phones as their primary means of communication — unlike Americans who at the time talked on cell phones when driving in their cars, he said.

Hengen said the association doesn't plan to let the issue of diversity die. A program in February will address issues related to students with disabilities, he said.

Hengen said the association doesn't plan to let the issue of diversity die. A program in February will address issues related to students with disabilities, he said.

Diversity: Many speakers at event have ties to Mississippi

From J.C. looked around the sea of dark suits and gauged the audience's interest by noting he didn't see anyone using a PDA. "That's how you can tell it's an important meeting," he said.

John C. Hengen, president of the Hinds County Bar Association, said Sharon Bridges, who chairs the association's diversity program committee, came up with the idea for the program over lunch. "The project started 15 months ago when Sharon and I were having lunch at Peaches," he said.

Many of the speakers such as Felicia Smith, senior vice president and corporate counsel for Prudential Equity Group, have ties to Mississippi or their companies have ties to the state, Hengen said. Smith grew up in Jackson and graduated from Calhoun High School.

Smith said diversity represents an opportunity for a company to use all the resources of its employees. She said companies need to



Mary Jo Ford (left), vice president and associate general counsel of BellSouth Corp., and Carver Johnson, group president and chief diversity officer of The Kroger Co., speak prior to participating in a panel discussion.

make all employees feel valued and that's one key to growing — and retaining — a diverse workforce.

Joseph R. Carbonell, executive vice president and general counsel of Cingular Wireless, said he's living proof of what diversity can accomplish. At age 9, he was among 14,000 Cuban children relocated to the United States as part of the Peter Pan project. "I did not know a single word of English," he said.

Corporate diversity grows, but much still to be done

John C. Hengen

This week, leaders from 15 of the nation's most successful national and international businesses, many with a presence in Mississippi, will come to Jackson and examine the business case for diversity.

On Thursday, a diversity roundtable will be held at the Marriott Downtown Hotel. The roundtable will address the broad issues of diversity and its importance to corporate America. The participants — Baxter, BellSouth, Cingular, Coca-Cola, DuPont, Ford, Harrah's, Gannett, Georgia-Pacific, Kroger, Nissan North America, Pfizer, Prudential Equity Group, Tyson Foods and Wal-Mart — are recognized nationally as pioneers



Hengen
Guest columnist

and leaders for diversity. The Hinds County Bar Association hosts the conference along with other organizations such as the Mississippi Economic Council and the MetroJackson Chamber of Commerce and both in state law schools.

Why is corporate America supporting diversity? It may be due in part to what *Time* in August 2009 was the first to call the "browning of America." The story reported that if the demographic trends continued, Caucasians would by the year 2069

no longer make up a significant majority in the United States.

Today, the U.S. Census Bureau projects that our nation will grow from 300 million today to 419,854,000 in 2080 with the percentages of African Americans, Asians and Hispanics all increasing substantially more than that of whites. Based on these trends, businesses that sell goods and services directly to the public want their representatives to be a mirror of the purchasing public. But there are other reasons as well.

Is diversity relevant in Mississippi? We are today the nation's sixth most diverse state, trailing only Hawaii, New Mexico, California, Texas and Maryland. This is no

recent trend. In 1980, Margaret Walker Alexander, the acclaimed Mississippi writer, noted that Mississippi is "a part of the great pluralistic fabric of this nation," being "home to four races in the family of mankind: the red men... white men... black Africans... (and) Oriental Americans."

Since then, Mississippi has become only more culturally and ethnically diverse. My bank's ATM is bilingual today. One of my former little leaguers, whose parents are a Scot and a Rhodesian, is fluent in Chinese which he learned at Ole Miss, and he uses it daily at his job in Peat when filling orders received from the Republic of China.

Today, Mississippi has the highest percentage of minority public elected officials of any state. Three African Americans and two women have served or are serving on the State Supreme Court, with many more serving in our state trial courts. The Mississippi Band of Choctaw Indians in Neshoba County has achieved economic self-sufficiency, something not thought possible 30 years ago.

Still, much remains to be done. Women make up 51.9 percent of our state's population and minorities make up 39.2 percent, while women are 24.2 percent and minorities are 8.4 percent of the state's legal profession. Nationwide, minority enrollment in law schools is declining although the enrollment in our

own in-state colleges and law schools is increasing.

Attrition rates for women and minorities in private law firms are high throughout the country with many members from both groups leaving for corporate and government positions for a variety of reasons that need attention.

The diversity roundtable will address these issues, including why diversity is and will continue to be important to these businesses. For information about the event, contact www.msbar.org.

The diversity roundtable will address these issues, including why diversity is and will continue to be important to these businesses. For information about the event, contact www.msbar.org.

A Special Thanks to the following people for their invaluable help on the Diversity Conference

- Tom Alexander
- Ret. Anderson
- Nikki Bowman
- Wayne Drinkwater
- Debbie Foley
- Alicia Porch
- Dean Jim Rosenblatt
- Carter Thompson
- Blake Wilson

- Cosmich & Simmons PLLC
- Daniel Coker Horton & Bell PA
- The Kroger Company
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- Trustmark National Bank
- Wells Marble & Hurst PLLC

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Hinds County Bar Association Diversity Conference

Held November 16, 2006 • Marriott Downtown Hotel



Panelists: (first row) Naomi McLaurin, Southeastern Regional Director, Minority Corporate Counsel; Felicia Smith, Senior Vice President and Corporate Counsel, Prudential Equity Group; John Childs, Chief Counsel, Litigation, Georgia-Pacific Corporation; (second row) Henderson Brown, Associate General Counsel, Tyson Foods, Inc.; Atiba Adams, Senior Corporate Counsel, Pfizer Inc.; Cheryl Turner, Corporate Counsel, The Coca-Cola Company (North American Division); Thomas Sager, Vice President and Assistant General Counsel, E.I. DuPont De Nemours; John Henegan, HCBA President



David Martin; Governor William Winter; John Corlew



Alveno Castilla, HCBA Past President, Moderator



Diversity Committee: (first row) Sharon Bridges, Chairman; John Henegan; Alveno Castilla; (second row) Corina Salazar; Karen Livingston-Wilson; Sheldon Alston; Will Manuel; Grace Tate; John Hall; LaKeysha Greer; and Pat Evans

Hinds County Bar Association Diversity Conference

Held November 16, 2006 • Marriott Downtown Hotel



HCBA Board and Officers: Pat Evans, Executive Director; David Pharr, Director; Laura McKinley, Director; Alveno Castilla, Past President; John Henegan, President; David Kaufman, President-Elect; Susan Tsimortos, Secretary-Treasurer



David Kaufman and Keynote Speaker, Joaquin Carbonell, III, Executive Vice President and General Counsel, Cingular Wireless LLC



Dean Jim Rosenblatt; Alveno Castilla; Sheldon Alston; Sharon Bridges; Felicia Smith



(first row) Fred Keeton; Stacy Dixon; Atiba Adams; Felicia Smith; John Childs; (second row) Alveno Castilla; Sharon Bridges; John Henegan; Susan Tsimortos; Yungela Wade; David Kaufman; Mary Jo Peed; Naomi McLaurin; Cheryl Turner; Henderson Brown; James Morton; Carver Johnson

Hinds County Bar Association Diversity Conference

Held November 16, 2006 • Marriott Downtown Hotel



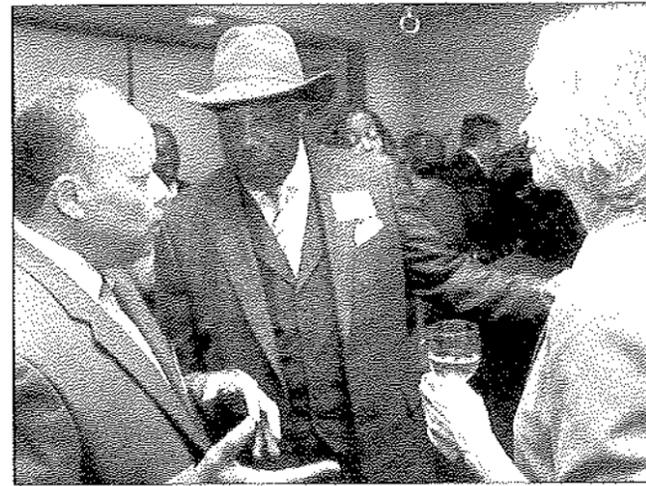
Panelists: (first row) James Morton, Vice Chairman, Nissan North America, Inc.; Mary Jo Peed, Vice President and Associate General Counsel, BellSouth Corporation; Fred Keeton, Vice President of External Affairs and Chief Diversity Officer, Harrah's Entertainment, Inc.; (second row) Blake Wilson, Executive Director, Mississippi Economic Council; Stacy Dixon, Diversity Director and Litigation Counsel, Baxter International Inc.; Carver Johnson, Group President and Chief Diversity Officer, The Kroger Company



Ronnie Agnew, Executive Editor, The Clarion-Ledger; Mary Jo Peed; Blake Wilson; Fred Keeton



Corina Salazar; Robert Gibbs; LaVerne Edney; John Childs



Henderson Brown; Barry Ford; Susan Tsimortos



Tom Sager; John Corlew



James Morton; Stephanie Valdez Streaty; Melissa Baltz; Jeff Webster

continued from page 3

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 conducted, 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 an 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 they could actually see the policy provisions 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 technocrat. 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 central 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 showed a full grasp of the issues. After argument, the judge retired for 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 own 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 levels 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 slants taken out. The parties can request changes and object, but as a practical matter this has already dramatically reduced the time required for charge conferences.

The court will advise counsel when to arrive at 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 respect 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 it a practice to visit with juries after each of his cases. "First, I want to learn from the jurors whether I am doing anything inadvertently that signals my views of the case, so 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 Barbour. His assistant is Shone Powell, and his two law clerks are Elizabeth Howell and Neil Rowe.

The Seat. 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 the Congress divided the state into two judicial districts, Northern and Southern, but with the one judgeship serving both. This dual service continued until 1929 when this judgeship was made a judgeship for the Southern District only and a new judgeship was created for the Northern District. See Federal Judicial Center (<http://www.fjc.gov/public/home/ns/hisj>.)

Judge Jordan's predecessors are Tom S. Lee (full-time service from 1984 to 2006, with senior status service continuing); Dan M. Russell, Jr. (full-time service from 1965 to 1983, with senior status service continuing); Sidney C. Mize (service from 1937 to 1965); Edwin Ruthven Holmes (service from 1918 to 1936, and on Fifth Circuit from 1936 to 1954, with senior 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 1918); Robert Andrews Hill (service from 1866 to 1891); Samuel Jameson Gholson (service from 1839 to 1861); George Adams (service from 1836 to 1838; it

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was during Judge Adams' tenure that the District of Mississippi was divided into the Northern and Southern Districts; Powhatan Ellis (service from 1832 to 1836); Peter Randolph (service from 1823 to 1832); and William Bayard Shields (service from 1818 to 1823).

After his nomination became public, Jordan recalls that lawyers would ask who he was replacing. When he said Tom Lee, they would look at him funny and say, "Tom Lee? You know, he's a really good judge." Their point was not lost on Jordan, who was reminded of Thomas Jefferson's reaction when he arrived in France to assume the ambassador post vacated by Benjamin Franklin. As Jefferson later wrote, the French often asked, "It is you, Sir, who replaces Doctor Franklin?" Jordan can hear the tone of the question, but says Jefferson's response perfectly sums up his own feelings: "No one can replace him, Sir. I am only his successor."

Bar Activities, Lawyers, and a Judge's Role. A believer in the organized bar, Judge Jordan is a past president of the Jackson Young Lawyers Association and has served on numerous committees of the Hinds County Bar Association. In 2005 he received HCBA's annual Pro Bono Award. An officer in the Litigation Section of the Mississippi Bar, Judge Jordan is set to become chair of that section in 2007, and intends to serve in that office. "The federal judicial ethics officials have cleared this, and I think it will be a great way for me to stay in touch with the Bar."

Jordan is aware that all judges, and perhaps federal judges

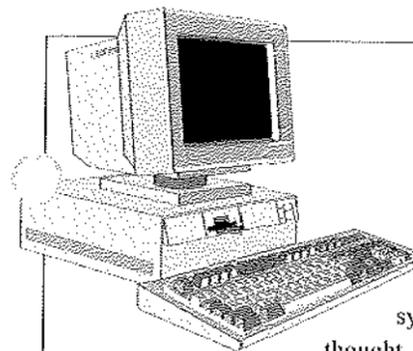
more than most, can become isolated. So far, his concerns about that have not been realized. "I see a broad cross-section of the bar, more than I had thought, in the courthouse for pre-trials before me and before other judges. Lawyers stop by to say hello, and I enjoy seeing them."

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 modern, active 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 drafted our Declaration of Independence from the King; lawyers conceived and memorialized our constitutional democracy; lawyers interpreted, defended, and enforced our Constitution and laws. Our role in society is 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.'"

On Computing

by Joel Howell



Thinking about the leap to Microsoft's new Windows Vista operating system? Here's some food for thought.

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 DirectX9, and a DVD drive. However, that won't run Vista very well at 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 GB 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 innovations, 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 synch, 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 business — especially those who rely on a single PC to use both at home and at work. It is hyped 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.

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

Supposedly, the basic experience has been updated so the start menu will help you find and start any program on your pc, an integrated desktop search, and Details and Preview Panes that let you see what your files contain 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 on content than on the interface. Related features include Dynamic Windows, meaning that, when minimized, the window will animate to a specific location on the taskbar, supposedly for easier location. Live Taskbar Thumbnails will show you the contents of windows that are opened, in the background, then minimized. Windows Flip, an update of ALT+TAB from earlier Windows versions, shows live thumbnails. Windows Flip 3-D creates a view of your open windows in a three-dimensional stack on your desktop.

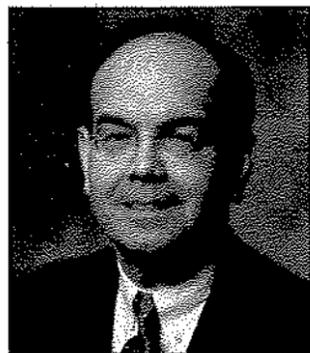
Vista is also designed to enhance security. An integrated rights management client allows limitation of access to certain files, and there is a new and improved encrypted file system. Vista Enterprise and Vista Ultimate also have a new BitLocker drive encryption, which will offer full volume encryption.

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 doubtless preferable, or, better yet, a shiny new pc with Vista laid down 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 reloading 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 problematical).

Questions or comments? Email webmaster@hindsbar.com.

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panelists. They gave eloquent, fact-laden, substantive talks, filled with their own insights and convictions about different aspects of the broad topic of diversity.

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 trillion. What came through very clearly is that our guests, and the companies and firms where they work, believe not simply that diversity is the "right thing" to do but that their current economic success is the result of, and will continue in the future to depend on, 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 for them a matter of numbers, political correctness, 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 for so long that for them diversity and inclusiveness appears to me at least to have become as natural as breathing or a frame of mind that they use in addressing every facet of their business.

It is the mindset of diversity that causes them to look for and welcome the different perspectives, outlooks, points of views, and opinions that come from a group of people of different gender, color, religion, race, and national origin. 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 connotation that their companies hire people who are unqualified for the positions they have taken), or a method 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 might otherwise miss. They also clearly believe that those ideas and perspectives can contribute, and already 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 representatives - yes, their outside legal counsel too - to take the steps necessary to become diverse.

These steps may take, as one panelist said, any 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 move 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 as 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 rapt attention while 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 can't 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.

Other 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 Browning Of America," former Governor William F. Winter addressed the Kellogg Foundation about this topic at a meeting in New Orleans. In his remarks, he presciently noted that in the future, "all of us will be living in a world of diversity. America is rapidly becoming the most racially diverse country 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.

HCBA Officer Candidates Announced

The nominations committee, chaired by Tom Stingley, is pleased to announce the following HCBA members who have graciously agreed to run for office for the year 2007-2008

The Nominees for the three positions to be filled are:

Secretary - Treasurer

Thomas Alexander

Douglas Levanway

Director - Post 1

Tammra Cascio

April Reeves

Director - Post 2

Sharon Bridges

Grace Tate

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

A ballot and biographical sketch of each nominee will be mailed to each member in good standing during the month of February. For further information, please call HCBA Executive Director Pat Evans at 601-969-6097.

MISSISSIPPI MEDIATION & ARBITRATION

Takes pleasure in announcing that

C. YORK CRAIG, JR.

has joined MSM&A's Panel as a

MEDIATOR/ARBITRATOR

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Jackson, Mississippi 39225-2251

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Facsimile: 601/969-5582

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MISSISSIPPI COLLEGE LAW LIBRARY HOURS

January 2, 2007 - May 11, 2007

Monday - Thursday7:30 a.m. - midnight
Friday7:30 a.m. - 9:00 p.m.
Saturday9:00 a.m. - 9:00 p.m.
Sundaynoon - midnight

EXCEPTIONS

Interim

Mon., Jan. 2nd - Fri., Jan. 5th7:30 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 16th9:00 a.m. - 5:00 p.m.

Spring Break

Friday, March 9th7:30 a.m. - 5:00 p.m.
Saturday, March 10th9:00 a.m. - 5:00 p.m.
Sunday, March 11th1:00 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 6th9:00 a.m. - 5:00 p.m.

EXAM SCHEDULE

April 29th - May 11th

Monday - Friday7:30 a.m. - midnight
Saturday9 a.m. - midnight
Sundaynoon - midnight
Friday, May 11th7:30 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

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

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HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

JUNE 2007



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

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February Membership Meeting



Speaking at the HCBA February Membership Meeting were Judge Linda Anderson and Jim Keith. Anderson addressed the subject of citizen leaders, and Keith spoke on the educational legal rights of the disabled as afforded by the Federal Individuals With Disabilities Education Act. John Henegan, HCBA President, and Wayne Drinkwater, HCBA Program Chair, introduced them at the meeting.

April Membership Meeting



The speakers, William Bynum and George Penick, at the April HCBA Membership Meeting covered the topic of long-term economic health of our community. Both men work full time on a full range of economic-based community development programs for lower income groups. Penick is Director of the Rand Gulf States Policy Institute, and Bynum is the CEO of Enterprise Corporation of the Delta. They are pictured with John Henegan and Wayne Drinkwater.

HCBA LUNCHEON MEETING

Tuesday, June 19, 2007 Capital Club Noon Cost \$15.00

Speaker: Ben Piazza

HCBA Calendar of Events

June 19, 2007

HCBA Membership Meeting.
Noon. Capital Club

August 21, 2007

HCBA Membership Meeting & One Hour Ethics CLE
11:30. Capital Club.

October 16, 2007

HCBA Membership Meeting
Noon. Capital Club

December 6, 2007

HCBA/JYL Christmas Social
5:00. Old Capitol Inn

February 19, 2008

HCBA Membership Meeting
Noon. Capital Club

April 15, 2008

HCBA Membership Meeting
Noon. Capital Club

MISSISSIPPI MEDIATION & ARBITRATION

takes pleasure in announcing that

CHANCERY JUDGE STUART ROBINSON (Ret.)

currently a member of the law firm of
Robinson, Biggs, Ingram, Solop & Farris, PLLC
has joined MSM&A's Panel as a

MEDIATOR

in the fields of
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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 26, 2006, with a Hattiesburg duty station, Judge Parker has been hearing cases since July 2006. This seat is 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 misdemeanor docket (which includes events at Keesler Air Force Base, Ship Island, the Navy Scabee Base, DeSoto National Forest, Gulf Islands National Seashore, and other federal installations).

Judge 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, Sessums, 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.

Mike 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 litigating in federal 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 Merit Selection Panel. That panel 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 beforehand. But he had an excellent interview, and through the strength of his personal presentation the panel easily appreciated his qualifications and judicial demeanor."

For Judge Parker's part, he notes that the Merit Selection Panel was only the first step. Following that was an interview with all sitting district judges, including those on senior status. "It was one heck of a job interview."

Asked what he likes best about his new judicial position, Parker immediately says, "Not running for re-election." Parker wryly notes that the magistrate judge appointment is for eight years without election, whereas the state judgeship term was only four years with an election.

As a Magistrate Judge, Parker finds that he experiences more isolation day in and day out than he did as Hinds County Court Judge, but that is not a bad thing. He is enjoying the independence of the federal bench. Because so much of the work of the federal court is done electronically and through written submission and telephonic conferences, the additional efficiencies offset any disadvantages.

Judge Parker's staff includes Kim Mitchell, his deputy clerk, who had extensive experience as a legal assistant in and out of Mississippi. His law clerks are Sandy Mohler and Mary Helen Wall, both of whom bring valuable experience to his chambers with their prior experience. Ms. Mohler previously clerked for Judge Starrett and Ms. Wall had extensive experience with the public defender's office.

For the benefit of HCBA members, Judge Parker describes several aspects of his approach to the

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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 \$16,850 was presented to Shirley Williams, Mississippi Volunteer Lawyers Project Executive Director (center). Members of the Golf Tournament Committee include: York Craig; Rob Dodson, Chairman; Lyle Robinson; Meade Mitchell; Ben Piazza, HCBA Past President; and Pat Evans, HCBA Executive Director.

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 replaced 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 finality 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 practice 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.

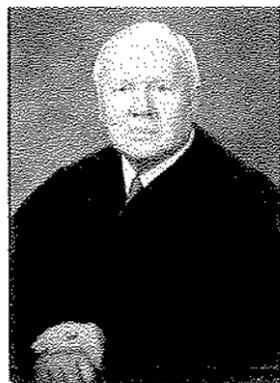
Judge Owens and the other Chancellors of Hinds County are in the process of reviewing the local rules. Judge Owens is requesting comments, concerns, and recommendations from the attorneys that practice in the Hinds County Chancery Court pertaining to any revisions they would suggest concerning the local 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. Once 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 26.6 mile trek to raise funds for the American Heart Association.

Chancellor Owens' ex-parte days are Tuesday mornings, by appointment. Judge Owens may be reached at her office through the Court Administrator's office at (601) 968-6521 or (601) 968-6546.

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/pgs/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.



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38 Years Judicial Experience

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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 municipal 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, teenaged mothers, absentee fathers, poor education, illegal handguns, the residual effects of state sponsored racism, lack of opportunity, too little personal responsibility, a culture suspicious 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 retail and housing development at a time. Well, I don't know about you, but this Jacksonian is sick of it.

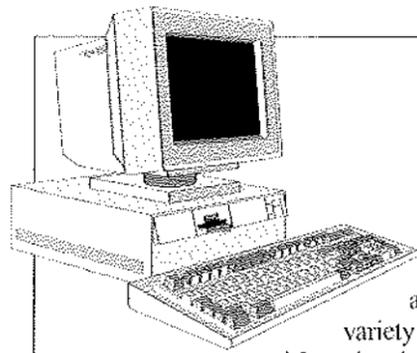
And so you ask, what is the magic slogan? To that I say, not so fast. Before you can adopt a slogan, you need a model. Instead of reinventing the wheel, look for other similarly situated cities that mirror your own assets and potential. For instance, if we were to adopt the LeFleur Lakes proposal to 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 class 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

avast! 4 Home Edition, www.avast.com.

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.

AVG Anti-Virus Free Edition, free.grisoft.com.

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 red-flags the sites to alert the user to leave the site.

SpyCatcher Express, www.tenebril.com.

This cleans out 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.

Comodo Firewall, www.comodogroup.com.

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

ZoneAlarm, www.zonelabs.com.

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

Productivity

EditPad Lite, www.editpadpro.com.

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, notepad-plus.sourceforge.net.

Notepad is a source-code editor. It includes macros, collapsible sections, and syntax coloring for over 40 programming languages.

OpenOffice.org, www.openoffice.org.

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

AutoHotkey, www.autohotkey.com.

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

Clipomatic, www.mlin.net.

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

eCleaner, ecleaner.tripod.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.

Tweak UI,

www.microsoft.com/windowsxp/downloads/powertoys/xppowertoys.msp.

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

IrfanView, www.irfanview.com.

IrfanView displays almost all standard bitmap and image formats.

Skype, www.skype.com.

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

Utilities

SurfSpeed, go.pcmag.com/surfspeed.

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

Google Earth 4 Beta, earth.google.com.

This helps you plan trips and allows to you 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.

Atomic Clock Sync, www.worldtimeserver.com/atomic-clock.

A time synchronization tool.

WordPress, wordpress.org.

blog software.

Questions or comments? Email webmaster@hindsbar.com.

Another Salute For Sgt. Chris Robinson



Sgt. 1st Class
Christopher Robinson

On March 30, 2006 the body of Sgt. 1st Class Chris Robinson was flown from Afghanistan to Jackson, Ms. 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 Baghram 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 was fatally 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.

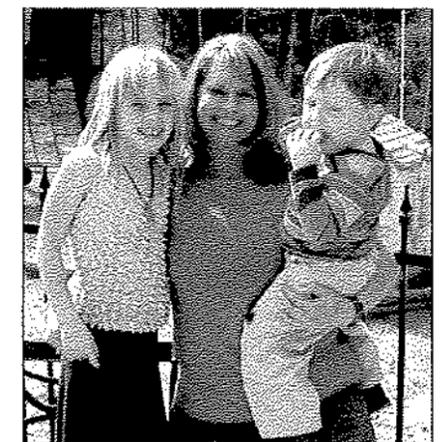
Sgt. Chris Robinson was the first soldier from Mississippi to die in Afghanistan. He is now one of almost 60 Mississippians who gave their lives while serving in Iraq or Afghanistan. Governor Barbour said that the death of Christopher Robinson was a great loss for the people of Mississippi. The Governor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



Tamara Robinson with Savannah and Patrick

Contributed by Luke Dove



Book Notes

Straight Ahead: Memoirs of a Mississippi Governor, by Bill Waller

(Quail Ridge Press, 275 pages, \$24.95)

Reviewed by John Land McDavid

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 campaigns 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 Colonels. 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 as district attorney. Shortly after midnight on Wednesday, June 12, 1963, while hiding in bushes with a high powered rifle, Byron De La Beckwith assassinated Medger 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, Waller and Fox 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 to again 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, "Californian 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

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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 was 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

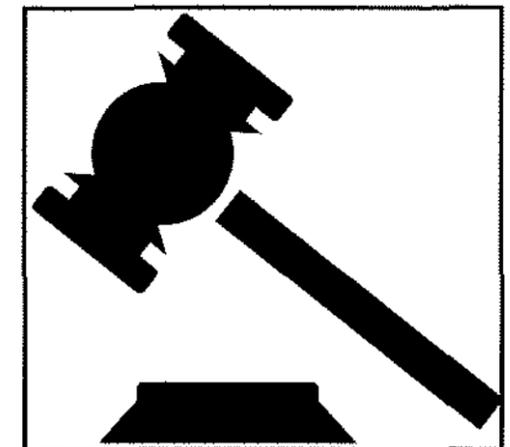
to the University High at the time. Although he could not go to class, teachers from University High came to Waller's residence twice a week to "home school" him before there was a term for it. He finished the tenth grade with his class and graduated from University High in 1944. Also in 1944, while 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 Mississippian.



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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 in it is incumbent on the court to avoid more delay. His goal as Magistrate Judge is to address each dispute quickly. **Help with Settlement.** Judge Parker wants to assist parties 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 interjecting 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. **Telephone conferences with the court.** Judge Parker invites lawyers to avoid the delay of motions with their 10 days for 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 "bothering" 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 in 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 e-mail 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 e-mails 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 all the attributes a lawyer could want 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."

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sand students while new law schools would have to be established at JSU, Millsaps, Belhaven, Tougaloo and Virginia College. The only downside would be an increase of potential criminal visitors to our city to await trial. But if you see the glass as half full, this would fit into the Xtreme agenda by giving the city an added edge of danger and jeopardy.

Town Creek Xtreme Nature Walk - Speaking of an edge, we could lure Xtreme eco-tourists to our city to hike the banks of Town Creek. There is nothing like the threat of being bitten by a cottonmouth water moccasin or stepping on a discarded needle left behind by a heroin addict. Add the threat of being crushed by a collapsing bridge or contracting typhoid fever from contaminated water and the lure of Xtreme danger becomes irresistible.

Pearl River Casinos - It is a little known fact that Detroit is a top five national gaming destination market. Hey, who needs Oldsmobiles when you can have five dollar slots? To afford our city this amenity and still be in compliance with Mississippi law, the city fathers should dig a six inch wide and three inch deep canal connecting the Mississippi River in Vicksburg with the Pearl River in Jackson. Faster than you can say keno, the capital city would become a destination gaming center with all the attendant tax and tourism revenue.

Mandatory Smoking Ordinance - With gaming comes smoking. Jackson should go against the grain of politically correct, health conscious cities like Boulder, Colorado and require all visitors and residents to smoke at least one cigarette a day. That way, we could increase tax revenue on cigarettes by sheer volume while keeping the rate at pennies on the dollar. Talk about win-win.

A Creative Approach To Code Violations - Another example of thinking outside the box relates to the problem of code violations. Namely, too many people use their front yards rather than their driveways to park their cars. I advocate making front lawn parking mandatory. The chronic violators would immediately start using their driveways and carports to show the Man they can't be pushed around. Meanwhile, residents of Eastover and Woodland Hills would park their Mercedes, Lexus

and Jaguars on their lawns. This would spawn a cottage industry of bus tours through these neighborhoods. I know I would pay good money to see such a thing.

Farish Street - Plans for the Farish Street Entertainment District should be shelved and the area should be kept just as it now is. It would be billed as an ancient ruin rivaling the likes of Ephesus in Turkey or other parts of the Holy Land. Even Xtreme tourists need silence and solitude. There is plenty to spare amidst the ruins on Farish Street. And the payoff? Not another tax dollar need be expended.

Carjack Paintball - And finally there is the ever present problem of crime. The solution is to simply put all criminals on the public payroll. To apply they would have to trade their handguns for paintball guns. They would then do as they have always done and prey on innocent people in shopping center parking lots with the emphasis on Xtreme tourists who would pay to play "See Jackson's sites without getting shot." Every visitor who gets hit with a yellow paintball would pay the City a surcharge. A percentage of that revenue would go to compensate the predator with the general fund keeping the rest. Once again, a win-win for everyone.

And If All Else Fails?

Despite all my good intentions, there are no guarantees in life. For that reason we need a plan B. Assuming the foregoing cannot reverse our economic woes, I advocate that the mayor execute a program targeting the cities of Minneapolis and Seattle. The Police Mobile Command Center would be sent to Minnesota to distribute leaflets making fun of hockey, wild rice and lakes. It would then proceed to the Pacific Northwest to disrespect salmon, coffee and trees. The goal would be to have these two cities join forces and launch a military invasion of Jackson. We would immediately surrender and agree to be occupied by competent civil servants from these two cities who would then implement massive reforms aimed at doing for us what we haven't been able to do for ourselves.

Hey Frank, what do you think?

Highway Eats

by the Road Lawyer

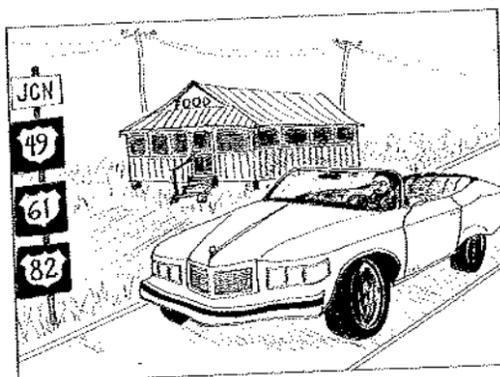
On a recent trip to Biloxi, I was reminded of Faulkner's famous reflection that mankind will "not merely endure but prevail." If the Beau Rivage Casino/Hotel is any standard bearer for the Gulf Coast, there is no doubt the Coast will overcome Katrina's wrath and rise to new heights.

It won't be the same, at least not along the beach. The seedy joints, 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 emptiness and before-the-restoration construction, whatever it will be. Palm trees with broken necks, steps from sidewalks going nowhere, the mangled metal ribbon skeleton of Frank Gehry's George Ohr Museum. I thought I saw a glint of turquoise tile from the wonderful 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 stein 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



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 glistened on water and white sand, and sun

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 potted hydrangeas under the indoor forest of large ficus trees. The ladies were eying and buying \$1,700 David Yurman earrings, \$300 Stuart Weitzman sandals, \$1,500 St. John knits, etc. The Roasted Bean girls were preparing double shots of espresso and skinny lattes. Florists were touching up a huge arrangement of fresh exotic flowers in the shopping promenade. The old Gail Pittman pottery is gone, and the new interior is more sophisticated although still floral and brightly colored.

I mourned the loss of George Ohr pottery that once stood in a glass case by the VIP check-in room. I understand the crazy, old, valuable pots, more than two dozen of them, were put away in the vault for safekeeping during Katrina. She flooded the vault.

The restaurants are different. I admit being relieved that the aquarium-lined walls of Coral are gone. It was hard to eat seafood while live fish flitted around and stared at everyone. Coral is gone, as a matter of fact. So are the Italian, Japanese, and Chinese places. The Big 3 are BR Prime Steakhouse for steaks and seafood, Todd English's Olives, serving food with a Mediterranean twist, and JIA

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with "exotic Asian" cuisine.

At the other end of the casino are the loud and hopping bandstand and informal Memphis Smokehouse and Barbecue. They are much the same as always, except more expensive - nearly as expensive as the fancy, quiet places.

Then close to the hotel lobby is the 24/7 Terrace Café and the \$9.99 Buffet with "200 items and 3 kinds of wine." And the line at each is everlastingly long.

I savor the ice cream emporium in the shopping promenade. The rich stuff is all house made.

Business was good in the casino. Lots of activity at the gaming tables and rows of slot machines. One thing was different. The sounds. No more chink-chink-chink. Just ding-ding-ding, not unlike the washer-dryer or the microwave. No chink-chink-chink. No coins. It's unAmerican to put a piece of paper in a slot machine and then win what? More paper? Wonder why? On-the-job injuries with casino workers lifting bags or boxes of heavy coins? I don't like it.

Since I'm not much of a poker player, I just took my money to the bar and restaurants. Lots of money. Expense-account types were filling up the dinner tables in the Big 3 restaurants. Didn't look like gamblers who seem to drift more to the waistline-bustin' buffet and the day and night Bar with its big TV and curtained booths (a la Lusco's in Greenwood?).

At Todd English's Olives, the decor is rustic but splendid, with a huge jar of olive oil in the middle of the dining area. The best dish is what they called flatbread and what I would call a rectangular pizza. Freshly baked flat bread with a light touch of tomato sauce and cheese, topped with grilled onions and fried oysters. Delicious right out of the wood-burning oven. The handcrafted pastas were all good, simple, small dishes, and the roasted sea bass was outstanding. There was fine wine, finely priced, and the "hot" cocktail was the pomtini, \$10 a pop. Vodka with antioxidants (pomegranate juice). For dessert, I recommend the plate (platter) of warm cookies, ice cream, and red velvet cupcake.

I've been to the Olives in New York City. It's in the W Hotel on Park Avenue at Union Square. Pretty trendy hotel. I liked the concierge desk label: "Whatever."

The Manhattan Olives is another of Todd English's restaurants specializing in Mediterranean food (also in Aspen, the Las Vegas Bellagio Hotel, Washington, D.C., and the Boston area). I've also seen him on The Food Channel.

At the NYC venue, there may be more olives served in the bar than in the restaurant. Young folks smoozing with drinks and each other but not food, a la Sex and the City. How do those girls manage not to fall off their stiletto-heeled shoes? It's not as hard to get a table in the restaurant as find a spot to stand in the bar. The menu is like the one at the Beau Rivage, but with Long Island duck and East Coast halibut rather than Gulf oysters and shrimp. I understand the Manhattan staff trained the servers at the BR Olives.

And, back to the Beau Rivage, the upscale BR Prime Steakhouse also specializes in seafood. The Louisiana crab cakes and boiled and chilled sweet langostinos were excellent. The oysters on the half shell were exceedingly fresh, and the seared scallops were very good. The steaks were tasty, the Kurobuta pork chop was even better, and the horseradish-crusted salmon on a bed of date and fig confit was outstanding. Desserts were big with ambitious presentation but satisfying nonetheless. Happily, they served the expensive wine in expensive wine glasses. And the meal was leisurely served by an efficient staff.

I didn't get to JIA, the Asian restaurant, but I heard the sushi was excellent. And those who went to Mary Mahoney's across the street were pleased that "it was just the same as ever," whatever that means. Food not as good as at the BR, I think. Iceberg lettuce. Fish and cheese in the same dish.

By the way, the outlet mall in Gulfport is thriving. I did what I could for the Coast economy and for the Nike and Polo Corporations.

There is a spirit of optimism on the Coast - that it will come back and be better than ever. My visit was bittersweet because of reminiscing. I wonder what it is like to see the Coast for the first time in its present state - wounded but determined not only to survive but also prevail. Let me know what you think. Write or e-mail the Road Lawyer in care of Pat Evans, HCBA Executive Director.

continued from page 1

our community to volunteer our 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 help fulfill our mission. In that regard, our mission statement provides:

The mission of the Hinds County Bar Association is to serve the lawyers, judges and public in our membership area by organizing, promoting and administering programs and member benefits in order to increase professional competence and responsibility, foster collegiality among our members, improve the public's understanding and appreciation of our judicial system, and advance the administration of justice.

One of the projects on which we will be working this year is to upgrade the HCBA website. When I first learned that I was going to serve as president of the organization, I am embarrassed to admit that I logged on to our website for the very first time to learn more

about HCBA's activities and what to expect this year. After clicking on several of the contents links, only to find them empty, it was pretty obvious that we needed to devote significant attention and resources to this project. Our goal is to fully upgrade our website by the end of the summer so that inquiring souls can find information about the organization, our members, our committees, our calendar of events, and member meetings and copies of our newsletters.

By the time you receive this newsletter, the Evening Honoring the Judiciary and the HCBA golf tournaments will have taken place. Thanks to all who were involved in planning and organizing these events. Congratulations are in order to the following award recipients at the Evening Honoring the Judiciary dinner: Honorable Denise Sweet-Owens -Judicial Innovation Award; Sharon Bridges -Outstanding Service Award; Kelly Blackwood - Pro Bono Award; Gee Ogletree - Professionalism Award; Corey Hinshaw - JYL Pro Bono Award; and David McCarty - JYL Outstanding Service Award.

Please do not forget to attend the luncheon meeting on June 19. In keeping with our commitment to encourage volunteerism, Ben Piazza, President of the Board of Directors of the Mississippi Volunteer Lawyers Project will speak about MVLP and the volunteer attorney involvement. I hope to see you there.



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.

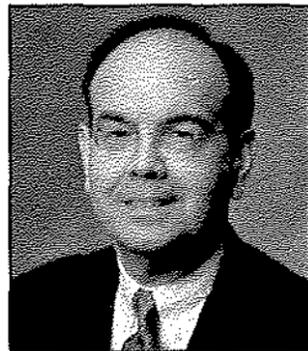
I am interested in serving on the following committee(s):

- Bench & Bar Relations
- Budget
- 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 Bar-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 pevans@mc.edu.

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May 10, 2007 - August 18, 2007

Monday - Thursday7:30 a.m. - 5:00 p.m.
Friday7:30 a.m. - 3:30 p.m.
Saturday - SundayClosed

EXCEPTIONS

Memorial DayClosed
Fourth of JulyClosed.

*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.*



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

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IMPORTANT
HCBA Luncheon Meeting
Noon, June 19



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

OCTOBER 2007



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

HCBA Calendar of Events

October 16, 2007

HCBA Membership Meeting.

Capital Club. Noon



December 6, 2007

75th HCBA Anniversary Celebration and Christmas Social.

Old Capitol Inn. 5:00 - 7:00



February 19, 2008

HCBA Membership Meeting.

Capital Club. Noon

continued from page 1

one-time payment are specified numbers of event tickets and spots in the golf tournament. This will simplify for our members and the HCBA the funding and ticket sales for our various events, and we think you will be eager to take advantage of this offer.

Upgrading of the HCBA website is underway. We have contracted with Riley Berg to upgrade and maintain our site, and I am confident that you will find the new site to be useful and informative. Riley consulted with JYL on its site and did an outstanding job. I encourage you to log onto the JYL website for a sneak preview of some of the features that will be available on our new website.

For those who missed our August membership luncheon, Adam Kilgore presented our CLE ethics hour and did his usual fantastic job. As you know, Adam is General Counsel of the Mississippi Bar and is responsible for reviewing bar complaints, conducting investigations, and prosecuting attorney discipline cases. Adam shared with us interesting statistics concerning the types of matters that generate bar complaints and the profiles of attorneys against whom they are made. Those who missed the meeting may want to contact Adam's office to obtain copies of the materials that he presented at the luncheon. I would like to extend our thanks to Adam for a job well done.

Our next membership luncheon is on October 16. Jere Nash and Andy Taggart will be our speakers and promise to deliver an interesting program. We look forward to seeing you there.

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 gay sex. In a state of sheer panic, 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 seamy 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 the 2008 reelection campaign just around the corner. In our view, this is proof that John Lennon was right. Instant karma will indeed get you. Like Pastor Ted and Mark Foley before him, the morally self-righteous Craig spent his career pandering to the religious right with his outspoken anti-gay agenda, voting consistently to discriminate against homosexuals at every turn. And while I don't think sexual orientation is any more of a choice than skin color or being born left-handed it is nonetheless treated as such by self-proclaimed moral paragons like Craig. If his beliefs were truly sincere, so be it. Everybody should be entitled to their own opinion. My problem with Senator Craig and so many others in politics is the rank hypocrisy that pervades their public

lives. This double dealing is exactly what breeds cynicism and distrust which in turn undermines our political and social fabric.

Don't get me wrong, I am in no way saying that Republicans have a lock on betraying the public trust. In fact, hypocrisy and deceit are equal opportunity vices that seem to intensify with power and position. The Democrats had a lock on Congress for almost forty years and did themselves proud in the infamy department. However, a quick survey of Democratic Congressional scandals indicates that greed seems to be the primary culprit. Recall Illinois Congressman Dan Rostenkowski stealing thousands of dollars worth of stamps from the Congressional Post Office. Currently we have Representative William Jefferson of New Orleans who was caught keeping \$90,000 of alleged bribe money in his freezer hidden underneath Stouffer chicken pot pies and frozen gumbo. It brings new meaning to the term "cold cash." *The Congressman*, who is an African American, recently advised the press that the FBI investigation into his activities is "racist." Given the fact that the Congressman is a disadvantaged person of color who just coincidentally holds a law degree from Harvard, it is highly probable that racial profiling was indeed involved.

While no one in particular is keeping score except perhaps me, the Republicans who consistently claim the moral high ground can claim old Duke Cunningham and Bob Ney who are both doing hard time for taking bribes while in Congress. Alleged corruption by veteran Alaska Senator Ted Stevens puts him high on the FBI's "to do" list along with a host of other ongoing criminal investigations and/or indictments of Republican Congressional figures such as former House Majority leader Tom "The Hammer" DeLay. Too bad DeLay isn't black. If he were, he could self-righteously label the indictments against him as racist. Because he had the misfortune of being born with white skin, he has to settle for the hackneyed old "political witch hunt" to explain away his alleged criminality. Don't you suppose a lot of

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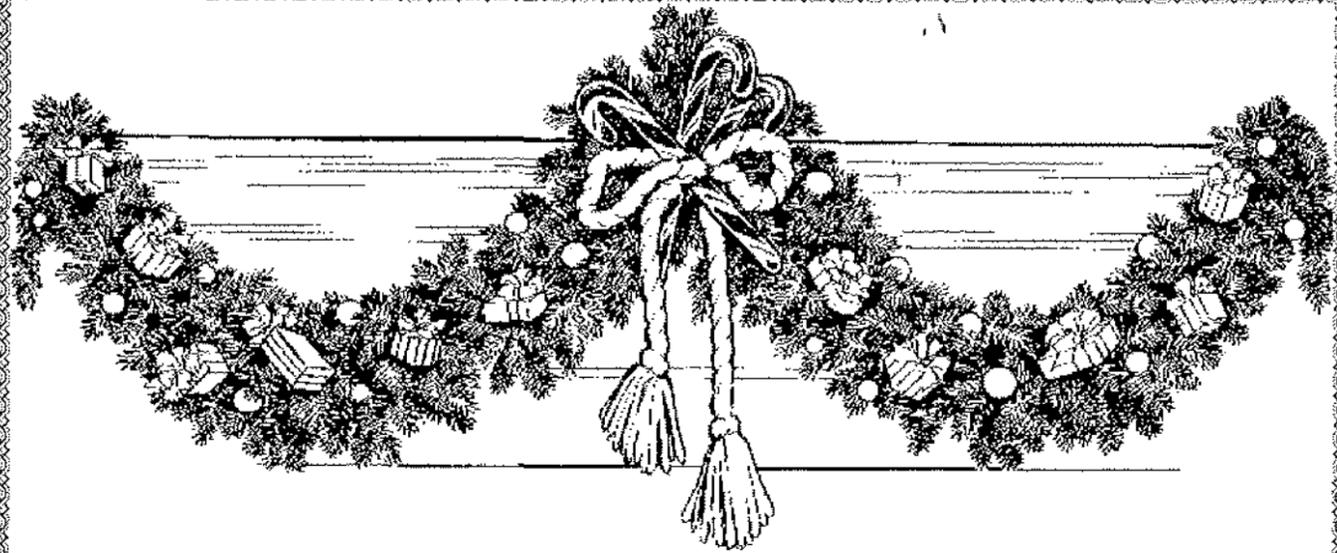
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75th Anniversary Celebration of the HCBA

*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.*

PRESIDENTS OF THE HINDS COUNTY BAR ASSOCIATION

1932-33	Leon J. Kendrick	1976-77	Ross R. Barnett, Jr.
1933-37	F. J. Lotterhos	1977-78	Thomas W. Crockett
1937-39	Ross R. Barnett	1978-79	William F. Goodman, Jr.
1939-40	L. L. Posey	1979-80	W. Scott Welch, III
1940-43	Ross R. Barnett	1980-81	Thomas R. Crews
1944-45	William Harold Cox	1981-82	James P. Cothren
1947-50	Ross R. Barnett	1982-83	Lauch M. Magruder
1950-51	Hubert Lipscomb	1983-84	Richard T. Bennett
1951-52	Henry E. Barksdale	1984-85	William H. Cox, Jr.
1952-53	Earl T. Thomas	1985-86	C. York Craig
1953-54	Jack Ewing	1986-87	Richard M. Edmonson
1954-55	N. W. Overstreet, Jr.	1987-88	Scott P. Hemleben
1955-56	John Stone	1988-89	Jay A. Travis, III
1956-57	B. B. McClendon	1989-90	Judith J. Johnson
1957-58	Sherwood W. Wise	1990-91	Leonard Van Slyke, Jr.
1958-59	Joe H. Daniel	1991-92	Richard A. Montague, Jr.
1959-60	William Bacon	1992-93	Harold D. Miller, Jr.
1961-62	Dan H. Shell	1993-94	Ben J. Piazza, Jr.
1962-63	Shelby R. Rodgers	1994-95	Richard C. Roberts, III
1963-64	Robert H. Thompson	1995-96	Marcus M. Wilson
1964-65	R. Gordon Grantham	1996-97	T. Harris Collier, III
1965-66	Erskine W. Wells	1997-98	John M. McCullouch
1966-67	Rufus Creekmore	1998-99	Mark A. Chinn
1967-68	Jack A. Travis, Jr.	1999-00	Harris H. Barnes, III
1968-69	Charles Clark	2000-01	Robert C. Grenfell
1969-70	Cary Bufkin	2001-02	Patricia W. Bennett
1970-71	Robert C. Cannada	2002-03	William R. Wright
1971-72	Earl Keyes	2003-04	Stuart G. Kruger
1972-73	Vardaman Dunn	2004-05	Linda A. Thompson
1973-74	Erwin C. Ward	2005-06	Alveno N. Castilla
1974-75	Martha Gerald	2006-07	John C. Henegan
1975-76	Patrick H. Scanlon	2007-08	R. David Kaufman

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these GOP Congressmen wished they had never met Jack Abramoff? And do you ever wonder just how many more Abramoffs, Cummings and Neys there are out there? I'm sure our Congressmen and Senators would assure us that there are no more. They would certainly be a position to know, wouldn't they?

The other traditional source of public scandal relates to sex. The Democrats have a distinguished record in this regard. Whether it was House Ways and Means Committee Chairman Wilbur Mills back in 1974 who was discovered drunk and cavorting in the Washington D.C Tidal Basin with Fanny Foxe, a stripper who billed herself as the "Argentine Firecracker" to fellow Arkansan Bill Clinton, the Babe Ruth (or is it Barry Bonds? I am leaving Hank Aaron out of this on decency grounds) of womanizing, i.e., Monica Lewinsky, Paula Corbin Jones, Jennifer Flowers et al., the Democrats can hold their own with any political party when it comes to sex scandals involving powerful men and women not their wives.

Republicans can trot out such luminaries as Senator Bob Packwood, House Speaker Newt Gingrich and House Speaker designate Bob Livingston (R. La.) and most recently Senator David Vitter also of Louisiana, the family values senator who has a penchant for visiting prostitutes in Washington and now perhaps New Orleans. (By the way, what's up with Louisiana? Oh, now I remember; Huey Long and Edwin Edwards, quintessential Bayou State role models.) And just within the last two days, I have heard from two sources on cable news shows that when Vitter returned to the Republican Senate Caucus after the D.C. incident, he was given a standing ovation by fellow Republicans. Ostensibly the applause was prompted by his non-resignation since a Democratic Governor would have named his replacement although I imagine some macho members of the caucus had a touch of unspoken male admiration for the escapades of Senator

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 Jon Hinson of Mississippi who got busted in 1981 in yet another bathroom sting are at the bottom of my list when it comes to enlisting public empathy. 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 cruising Georgetown for chicks 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 guys could double date in some upscale gay enclave in the nation's capital. It sure would beat the singles scene at the Minneapolis Airport men's room.

* Guided by the spirit of Congressional Ethics, Full Disclosure and other oxymorons like Social Security Trust Fund, Presidential Candor, and Political Courage, this award can be withdrawn anytime before December 31, 2007 or later and given to someone else without notice. God Bless America.



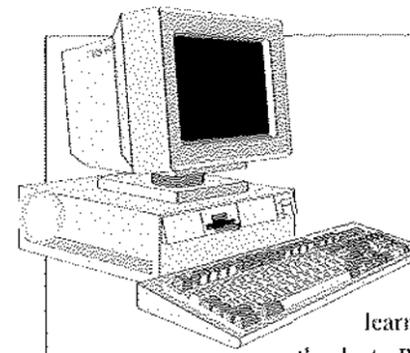
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On Computing

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 notable, written event from notes from the Continental Congress to UFO sightings. This site may also be helpful in finding your high-school yearbook pictures.

Hard to Find 800 Numbers: www.hardtofind800numbers.com provides an alphabetical listing of toll-free numbers for companies.

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

HEALTH & FOOD

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

Menupages: www.menupages.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

Dethroner: www.dethroner.com is geared toward men. Its testosterone-focused contents range from the "manly" 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

Topix: www.topix.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.

READING

Copyblogger: www.copyblogger.com provides helpful tips for online writing and blogging so you can create the effect you want.

TRAVEL

Roadside America: www.roadsideamerica.com references unique landmarks across the U.S. Whether you're looking for a mysterious or bizarre roadtrip, Roadside American can help.

Wikitravel: www.wikitravel.org is a storehouse for user-generated information. Here you can find local customs anywhere from Costa Rica to St. Tropez.

TECH: DOWNLOAD & DIY

MajorGeeks.com: www.majorgeeks.com is a free service that also has paid applications and utilities for your computer.

OldVersion.com: www.oldversion.com offers older versions of products instead of the newest versions. Because new versions are not always compatible with other applications you use every day, or are slowed by unnecessary features, older versions of products can sometimes be preferable.

TECH: SOFTWARE & INTERNET BLOGS

AppScout: www.appscout.com is a blog written mainly by PC Magazine editors to provide software and application along with the latest news on web technology. It also gives you access to PC Mag's regular vendor meetings, trade shows, and interviews.

MakeUseOf.com: www.makeuseof.com is a condensed but comprehensive site that offers web applications. Although this site does not provide in-depth reviews, it can point you in the right direction.

MONEY & CAREER

Kiva: www.kiva.org is a rewarding website that allows you to make small business loans to less fortunate, yet deserving, entrepreneurs worldwide. Through it, you can make any size loan you prefer; Kiva then tracks the loan and repayment.

Trulia: www.trulia.com offers sound real-estate advice and home listings. It provides important information on neighborhoods, schools, local trends, and purchasing advice from local real-estate agents.

Questions or comments? Email webmaster@hindsbar.com.

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 time, 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 as much as others. From April to September, for the past four years he has carried notepad and pen in his travels, that he may bring to HCBANL readers the flavors found within and without the foul lines.

You may not have Oakland's McAfee Coliseum on your "must see" list, but you should, and not just because of the kaleidoscope of great food and drink to be found there, exceeding even the brand spanking new Citizens Bank Park in Philadelphia, and even rivaling the Texas level extravagance at Rangers Ballpark in Arlington. Bounded by San Francisco across the Bay to the West and Berkeley to the North, Oakland ranks high as a culturally - and culinarily - diverse community. McAfee reflects that community.

Misfits And Guys Who Do More With Less

Sports misfits and miscreants have long found a home in Oakland. The A's Charlie O. Finley. The Raiders' Black Al Davis. Billy Martin brought Billyball to the East Bay a generation before Michael Lewis brought *Moneyball*. John Madden was once an Oakland oaf, prowling the sidelines and fielding Super Bowl teams at McAfee *l/k/a* Oakland-Alameda County Coliseum. Bash Brothers Conseco and McGwire hit HRs and won pennants here and found fame before they found steroids and infamy.

Before he told the story of Sean Tuohy and Michael Oher and why blind side tackles are the NFL's highest paid offensive linemen, Michael Lewis brought us *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 impecunious clients and well heeled 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 big bucks, Beane doesn't whine. He goes out and signs more unknowns and guys no one else wants, like Jack Cust. And he wins.

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

Bonds Watch, Crunchy Cust 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, Griffey Junior, A-Rod, Frank (The Big Hurt) Thomas and Jim Thome moving up the HR ladder. Tom Glavine

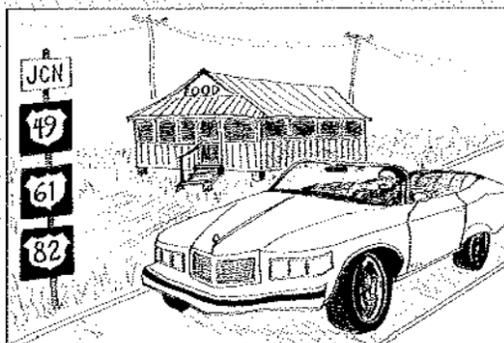
being cheered for win number 300 by fans who have mostly forgotten he was ringleader of the Strike of 1994. The Cubs slipping past the Milwaukee Brewers for a chance at being the Red Sox of 2004, the White Sox of 2005 and the Tigers of 2006. And talk of steroids.

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 *Bull Durham*. The New York Times was a touch off the mark as usual when it comes to sports, reporting "Cust's emergence seems a little like that of Roy Hobbs."¹ No Robert Redford in any way, shape, form or fashion, Cust languished in the minors for eight years under a good hit [200 minor league home runs] no field rap. Billy Beane picked him from AAA Portland in early May. Cust has DHed blue collar misfit magic to a team leading 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 in AT&T Park, the latest (and some say the best) of the Camden Yards-style new/traditional ballparks plus lush sky 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-league-

¹ Joe Lapointe, "From a Celebrated Stumble, Oakland's Cust Stands Tall," New York Times, Sports Sunday, page one (June 24, 2007).



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

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

The longest lines were consistently at Kona Brewery touting Hawaiian beer. Sierra Nevada Brewing Co. claimed its market share, featuring its Pale Ale, with devotees as exuberant as Coors' beer fans back in the *Smokey And The Bandit* days [when Coors was not sold (legally) east of Texas].

Imports were prominent. Heineken's and Foster's had their separate stands, as did a Belgian brew. Corona was plentiful albeit without a squeeze of lime. Boutique vendors included The Field Irish Pub featuring Guinness stout and TRL's favorite, Pyramid Ales & Lagers, touting itself as the Local Brewery based in Berkeley and Walnut Creek. By the time TRL came upon Fat Tire Amber Ale, discretion had become the better part of valor.

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SF first, Bonds approached the plate with two outs and Randy Winn at second base. The Oakland faithful greeted BB with a not inappropriate cacophony of boos, 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 rocket single to right in the 7th. Bonds led off the SF 9th, A's up 4-2. Reliever Alan Embree offered heat down the middle, and a mighty swing sent the ball rocketing back to home plate screen. Moments later, Embree grooved another fast ball, and Bond hit it a mile - high - only to land harmlessly in the Nick Swisher's glove in center field.

Baseball's Most Crowd Pleasing Record

BB finished with 762 career home runs. For years, Roger Maris' 61 HRs in 1961 carried an asterisk. Numbers 60 and 61 had been hit in those extra eight games Babe Ruth did not have in 1927. As sure as prosecutors really can get convictions without confessions, Bonds' "baseball's most sacred record" is tainted by steroids. How else does a guy who has never hit 50 HRs in a 15 year career suddenly hit 73 in 2001?

The objective moralist says steroids gave Bonds an advantage Aaron 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 praise and adoration have been heaped on Frank Thomas, Jim Thome and A-Rod - as great as he is unlovable - for breaking 500 HRs. But has not the American League's designated hitter rule given Thomas and Thome substantial advantages Jimmie Foxx and Lou Gehrig and Ted Williams never had?

And the home run fences are shorter today, everywhere. Over the last twenty odd years, management has brought in the outfield walls to hike the number of home runs, and paying customers at the gate! Only in timeless Wrigley Field has there been no change. Ken Griffey, Jr.'s otherwise untainted 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."

The level playing field is not only important; it is an undeniable prerequisite to great records. The 100 meter

dash is still 100 meters exactly, the football field still 100 yards, and the marathon is still 26 miles, 385 yards. The bases are still 90 feet apart, and home plate is still 60' 6" from the pitcher's slab [though the height of the pitcher's mound has been monkeyed with].

The moralist's eyes see Ricky Henderson' 1406 stolen bases as "baseball's most sacred record," and venerate Ty Cobb and Lou Brock of days past. Cy Young's 511 wins are the pitcher's vengeance, with Roger Clemens² and Greg Maddox contemporary greats. The baseball purist sees the home run for what it is: an entertainment. Barry Bonds' 762 HRs is baseball's most crowd pleasing record.

Oh, by the way, the hitting highlight TRL's night at McAfee was a game winning three run home run by Crusty Jack Cust. In late September, the Giants said they were saying good bye to Barry Bonds. And on the last day of the season, Tom Glavine gave up seven runs to the Marlins in the first inning, and the last place Marlins completed the Mets collapse.

Mr. Glavine finally got his comeuppance for almost wrecking baseball thirteen years ago. It's time for reruns of Glavine and David Cone before the congressional committee telling the world how poor they were.

A Note Of Nostalgia

McAfee Coliseum's days are numbered. The A's yearbook announces Cisco Field, some 20 miles to the South in Fremont, said to be scheduled for opening in time for the Summer of 2011. Another new/traditional ball park.

As with the other new ball parks, Cisco Field bespeaks a world that is much with us. Getting and spending, we still lay waste our powers. The late Commissioner Bart 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 state of being that is a game; it might as well be that, in a green field, in the sun."

A jumbo brat, with *dill relish* and onions, and a beer, do enhance the mix.

² That Roger Clemens is a moral low life [see HCBANL 8/07] does not detract from his 354 lifetime wins.

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McGovern, William M.
Randolph, Mary
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White, G. Edward
Yarbrough, Tinsley E.

Clermont, Kevin M.
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Pfander, James E.
Jorgensen, L. Ronald
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The litigation manual : pretrial
Multidistrict litigation manual
The litigation manual : depositions
The litigation manual : special problems and appeals
The litigation manual : trial
The winning argument
Discovery deskbook for construction disputes
The commercial litigator's job : a survival guide
Defending the insured
Spoliation of evidence : a practitioner's guide
An introduction to the law of evidence
Principles of evidence
The electronic evidence and discovery handbook
Preparing witnesses : a practical guide
Examining witnesses
Model jury instructions : employment litigation
Alternative dispute resolution

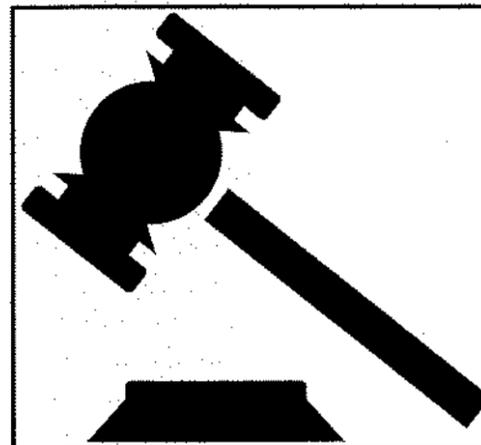
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Mississippi Innocence Project To Hold Inaugural Dinner with John Grishman and Scott Turow on October 22

On October 22, 2007, the newly formed Mississippi Innocence Project will hold its inaugural dinner at the Jackson Hilton on East County Line Road. The Mississippi Innocence Project provides comprehensive legal and investigative assistance to state prisoners serving life sentences with cognizable claims of wrongful conviction. The Project also seeks to raise both political and public awareness pertaining to wrongful convictions, to identify and remedy systematic problems within the state's criminal justice system that lead to wrongful convictions, and also to facilitate and promote meaningful national and state criminal justice reform. On hand at the dinner to discuss the Mississippi Innocence Project and the movement of the Innocence

Project in general will be John Grishman and Scott Turow, both of whom were instrumental in the formation of the Mississippi Innocence Project. All Mississippi attorneys and guests are invited to attend the dinner. Tickets for the dinner are \$125 per person and can be purchased by contacting Renee Van Slyke at (662) 915-6822. Individuals, firms, or other organizations wishing to purchase a table(s) and/or make a donation to the Mississippi Innocence Project are encouraged to contact Tucker Carrington, P.O. Box 1848, University, MS, 38677, (662) 915-5207. For more information pertaining to the Mississippi Innocence Project, please visit their website at www.ip-no.org.

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KF 915 .Z9 G33	Gabriel, Henry D.	The ABCs of the UCC : (revised) Article 2 : sales
KF 924 .Z9 R87	Rusch, Linda J.	The ABCs of the UCC : (revised) Article 7 : documents of title
KF 9375 .B37	Batista, Paul A.	Civil RICO practice manual
KF 946 .Z95 B66	Boss, Amelia H.	The ABCs of the UCC : amended Article 2A : leases
KF 957 .M554 2003	Miller, Fred H.	The law of modern payment systems
KF 957 .V45	Veltri, Stephen C.	The ABCs of the UCC : Article 3 : negotiable instruments
KF 960 .M63		Model positive pay services agreement and commentary
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KFM 6775 .Z9 F47 2007	Farris, Ronald D.	Commercial and real estate loan documents
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KFM 6931 .F79 2007	Frye, W. Davis	Wage and hour law update
KFM 6931 .Z9 A87 2006	Farrell, Mike	Assessing your HR policies and practices in Mississippi
KFM 6934 .5 .E55 F47		Employee discharge and documentation in Mississippi
KFM 6942 .Z9 S68 2006	Jones, John Griffin	The sound of the furious employer

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 Sundaynoon - 1:00 a.m.

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Thanksgiving Hours

Wednesday, November 217:30 a.m. - noon
 Thursday - Friday, November 22-23Closed

Exam Schedule (November 24-December 13)

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**MISSISSIPPI
 HCBA Luncheon Meeting
 Noon, October 16**