



President's Column

Laura McKinley Glaze

I am so glad autumn is here. Autumn always feels like the beginning to me. A new school year—a new football season—much more pleasant temperatures. The Capital Area Bar Association also gets cranked up in the fall as committee chairs hold meetings, make plans, and host events.



On September 22nd and 23rd the Pro Bono Committee, chaired by Tami Munsch (solo practitioner) and Troy Odom (Blair & Bondurant) hosted a Wills for Heroes event benefitting the Ridgeland Police Department. Twenty CABA members participated and prepared wills and advanced healthcare directives for numerous officers. Many thanks to Tami, Troy, Jennie Pitts (Chhabra & Gibbs), and all who participated. If you missed this event, the Pro Bono Committee is planning an event for winter and spring as well. This is a wonderful way to get your pro bono hours.

On September 27th, CABA hosted the Fall Social honoring the new admittees to the Mississippi Bar at Babalu in Fondren. The event was well attended. Take a look at the pictures in this newsletter. Many thanks to Joanna Kuhn (Scott

Sullivan Streetman & Fox) for planning the Fall Social.

On October 18th, CABA will host its next membership meeting at the Capital Club at noon. Program Chair Meade Mitchell (Butler Snow) has arranged for Curtis Wilkie, author of The Fall of the House of Zeus, to be our speaker. Mr. Wilkie will be signing books after he speaks. Please make plans to join us.

If you are interested in serving on a CABA committee, please go to the CABA website at www.caba.ms and click on the committees link. There you can find the committee chairs and their contact information. Committee work exists to suit all sorts of interests.

I'd like to close my column by thanking the Mississippi College School of Law and Dean Rosenblatt for hosting the CABA Pictorial Directory photography sessions this spring and the CABA Board meeting in July. MCSOL's hospitality was superb as always. I would also like to thank Professor Jeffrey Jackson for his wonderful presentation at the CABA August CLE luncheon. CABA is grateful to have such a great partner in our local law school. ➡

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Upcoming Events

October 18, 2011

CABA Membership Meeting
Capital Club Noon

December 1, 2011

CABA/JYL Christmas Social
Old Capitol Inn 5:30-7:00

January 24, 2012

CABA Membership Meeting
Bench & Bar Relations Committee CLE
Capital Club Noon

February 21, 2012

CABA Membership Meeting
Capital Club Noon

April 17, 2012

CABA Membership Meeting
Capital Club Noon

CABA

Tuesday, October 18, 2011
12 Noon • Capital Club, 19th Floor,
Capital Towers Building

\$15

Reservations
not necessary

October Membership Luncheon Meeting

Speaker: Curtis Wilkie

Author of the Fall of the House of Zeus
(will be signing books).



CAPTAIN EQUITY



BART DART

This Boomer's Anthem

BART DART (Born At the Right Time...Die At the Right Time) says it all as far as I am concerned.

Yes, I am a card carrying Baby Boomer who has a lot of company. Depending on your age and outlook, we are either responsible for many of America's achievements or have caused its seemingly intractable problems or maybe a little of both. But it cannot be denied that I saw Jerry Lee Lewis in his prime for a dollar and the Beatles in concert for \$5.00. Millsaps College was charging \$500 for a semester of tuition; law school was \$359. Res Ipsa Loquitur.

To many younger people, I am probably viewed as just one more out of touch, bitter old geezer who should shut up and get out of the way. To them I respond, "make me." I will be gone soon enough so you young adults out there can get all the criticism-free tattoos you want while you run the country from your command centers located in your parents' basement during infrequent breaks from your cell phone and Xbox addictions. Too harsh, you say? I don't much care anymore. You see, I have my own problems with what is going to happen to America after I exit the scene.

To be downright honest, I hate to see a great country that has afforded me such a wonderful life go down the drain. And to be more than downright honest, I am afraid there just might be something to

“To be downright honest, I hate to see a great country that has afforded me such a wonderful life go down the drain.”

reincarnation that I studied in my college philosophy courses, which means I could wake up for a whole new chapter of purifying my soul in a tiny village in post-nuclear-exchange Pakistan or perhaps on mom and dad's pirate ship in Somalia as first mate in the family business. For that reason, I would like to offer a diagnosis of those seemingly intractable problems that plague America and a common sense, albeit geezer-generated program of national therapy that will inure to the benefit of all those non-slacking young people who are trying to play by the rules and build a meaningful life for themselves and their families of the future.

By all accounts, in 2008 Barack Obama appeared to be a Category 5 Hurricane of Change fueled by the inept disaster that was the George

W. Bush administration. A scant three years later he has devolved into a weak low pressure cell manifested by a damp foggy mist. Despite being smart, decent, and logical, he has starkly failed to fulfill his promise of "Change You Can Believe In" as he gets cozier and cozier with Wall Street, prosecutes two wars with seemingly no mission and caves to the Orange Weeper, Mitch the Turtle, Eric "I'm The Only Thing That is Important" Cantor and all of the other Republican Big Business Skills and Hypocrites. Just how many young, idealistic Obama volunteers from the last election cycle will be willing to re-up for Change You Can Believe In II?

And if the President has been disappointing, those aspiring to replace him are downright scary. One lone exception is Mitt Romney who invented the prototype for the universally maligned Obama health care reform initiative. Millionaire Mitt is breathtakingly spineless and oily. The former Massachusetts Governor, who has spent most of the year in the Mittness Protection Program avoiding direct questions about his views, loves to remind us that "corporations are people, my friend." Maybe I ought to invite Exxon-Mobil and BP over for a barbeque next Saturday night.

The latest GOP flavor of the month is the Rootin' Tootin' Texas Governor Rick Perry who delights in ignoring science while proclaiming to be called by God to run for President as he simultaneously packs heat. I wonder if Jesus wore a 38 revolver to the Last Supper? If he had, maybe he would have fared better. Could that be what Rick is trying to tell us? As governor, Perry threatened secession for his state while pushing a scheme to cash in on the deaths of Texas public school teachers. Rick vows to make government as inconsequential as possible to Americans, but he fails to tell us that he tried to max out his state eminent domain powers to seize farm land from Texans to build his super Lonestar Autobahn from Mexico north to Canada. Do we really need another Texas Governor with a less than mediocre college transcript to cram his notions of ideology down the country's throat even as he accuses Fed Chairman Ben Bernanke of treason, a crime punishable by death, for wanting to shore up America's economy in the short run? At least W. had



a less than mediocre college transcript from Yale rather than Texas A&M. This alone is reason not to admit the Aggies into the Southeastern Conference.

“The bottom line is that government is, indeed, way too big and, at times, incompetent and even downright corrupt.

And then there is wacky Michelle Bachmann who's too busy wishing Elvis Presley Happy Birthday on the anniversary of his death to grasp anything approaching reality. The latest belly laugh is her fantasy guarantee of two dollar gasoline while her husband tries to pray the gay out of people born with a different sexual orientation than America's "Graceful Submission" poster couple.

And let's not overlook fiscal conservative Newt Gingrich who had to go to Tiffany's via a detour through the Greek Isles to run up a seven figure tab on his revolving charge account. I guess it just proves that Newt really does buy his wedding rings in bulk.

So, let's see, what is so wrong today in America? Well, for starters we have a 14 trillion dollar deficit that is growing exponentially and a 9.1 % unemployment rate, much of it caused by the unregulated Wall Street sub-prime mortgage scam. (Less regulation anybody?) Add to that a demographic disaster of aging Baby Boomers (my people) that threatens Social Security, Medicare, and Medicaid solvency. I guess no one saw that coming. Then

there are our two perpetual wars with vague rationales together with unaffordable nation building to prop up corrupt regimes. Those are the obvious problems. Overseas we have increased competition for dwindling energy resources as China, India, Brazil, and others aspire to the American dream of big houses, cars, and everything else that comes with an affluent, energy devouring lifestyle.

The bottom line is that government is, indeed, way too big and, at times, incompetent and even downright corrupt. Big corporations are no longer American, they are multinational conglomerates dedicated to avoiding taxes while clipping consumers who are their customers. Examples include phony telecom charges and airlines that invent extra fees for literally everything but breathing. Oops, I forgot about those yellow oxygen masks; I bet

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that's next. It is all condoned and protected by corrupt public officials who are legally on the take in the form of political contributions and comfortable relationships with lobbyists, corporate execs, et al. I call it Bribery Lite. Meanwhile, the average American is growing dumber by the day with more and more school dropouts, prison inmates, and underemployed people without the necessary skills needed to make it in an increasingly technical world.

To illustrate, births to unmarried mothers of all ethnicities have topped 50% for the first time in the country's history. Ironically, upon the occasion of the Martin Luther King, Jr. memorial dedication in Washington D.C.,

consider these troubling statistics. In 1965, 24% of black children were born to single mothers. In 2009, that number had tripled to 74%. Statistics bear out the fact that children of unmarried parents suffer disproportionately high poverty rates, impaired development, and lower educational attainment. Consequently, poverty recycles every generation as social problems mount. I wonder what Dr. King and those who fought and died to create opportunity for African American citizens would have to say about this? To be sure, many have benefited from those courageous efforts, but not nearly enough. In many ways, Dr. King's Dream has turned into a nightmare

for way too many, but of course it is politically incorrect to bring up such inconvenient truths.

Oh yeah, immigration policy and border enforcement is totally broken creating further strain on our resources. And finally, the country is too fat and self-absorbed. The unity we once felt as Americans erodes a little more every day. I could go on but you get the picture and whether you like it or not, you know it's true; at least for other people, probably not for you personally.

So, other than the grim comfort of BART DART, what should we do? Below are eleven concrete suggestions that come immediately to mind.

- 1 Vote against every single incumbent next year to let them know what unemployment feels like.
- 2 Revoke the Bush tax cuts and go back to Clinton era tax rates. It won't hurt for the wealthiest Americans to pay just a little more
- 3 Remove money from politics with federal funding of elections coupled with the reversal of the *Citizens United* case that overturned a century plus of precedent. I get a little tired of hearing about activist liberal judges in light of this little judicial gem.
- 4 Pass a lifetime ban forbidding any federal office holder from ever engaging in lobbying after leaving government service. Sorry, Trent.
- 5 Pass a Constitutional Amendment to change the Presidential term of office to one six year term rather than two four year terms. Without the pressure of re-election, a Presidential administration could spend more time getting things done and less time posturing and raising money.
- 6 Increase the Social Security retirement age to reflect current mortality rates instead of those in effect in 1935.
- 7 Enforce the Health Reform mandate that requires everyone to purchase health insurance to increase the pool of insured individuals, lower prices, and get rid of free riders.
- 8 Dump the moronic, doomed-to-fail Super Congress idea and go back to the Simpson-Bowles Debt Commission on an up or down vote. Also allow it or another independent commission to examine every aspect of the federal bureaucracy and recommend reasonable yet specific downsizing and cost savings. This has worked for military base closings. It could also work to make government more efficient and responsive.
- 9 Overhaul the tax code to get rid of earmarked subsidies and tax loopholes for corporations while providing incentives for these companies not to hide income offshore while subsidizing jobs overseas.
- 10 Eliminate the most wasteful personal income deductions while lowering income tax rates across the board. Require every household above the poverty level to pay something. It could be as little as \$52 dollars (a dollar a week). Today, 47% of households pay no federal income tax.
- 11 Initiate a national service requirement for all able-bodied Americans. It could be served in any number of ways; teachers, skilled trades, computer services, laborers. In return, student debt could be paid down by the government for those serving their nation. Everyone could gain practical experience and make a contribution to their country. We could rebuild our crumbling infrastructure while developing our human capital. In short, we would give every citizen a tangible stake in their country.

Will any of this happen? Probably not, but wouldn't it be worth a try? (See # 1 supra as a great first step). Otherwise: BART—DART! Oh...and be sure to have a Jim Dandy Day! 🍷

09.27.2011

FALL SOCIAL

at Babalu



A *Chip and Laura Glaze*

B *Joanna Kuhn and Denita Smith, Social Chairmen*

C *William Wright, CABA Past President; Laura Glaze, CABA President; and Hugh Keating, MS Bar President*

D *Roy Campbell, CABA Past President; Judge Leslie Southwick; and Steve Kohnke*

E *Dean Jim Rosenblatt and Eddie Edwards*

F *Ben Piazza and Tom Alexander, CABA Past Presidents*

G *Mary Margaret Waycaster, Robert Gibbs, and LaVerne Edney*

Joel Howell On Computing»

A Column for the Contemporary Lawyer



» A Conglomeration of Useful Mobile Apps

The increasing proliferation of ever more powerful mobile devices has led to an increasing number of blogs and web sites with ever niftier applications. With thanks to Robert Ambrogi and Law Technology News, here's the tip of that iceberg.

Some people swear by iPhones and iPads, others by BlackBerrys, yet others by Androids. While many sites, most notably Apple's, are device-specific, others are agnostic, providing apps for all types of mobile devices.

Mobile Apps for Law, www.informedlibrarian.com/MobileAppsforLaw, is one such. It has a searchable database for apps compatible with most mobile devices. As of August, it had nine hundred listings and is growing quickly. Entrepreneurship being what it is, this has a price: you have to subscribe to the site's database (twenty-five dollars a year, said to be the "special introductory price.") For this, you can search and find title, price, publisher, description of functions, date of last update, and a link to a download page.

Another, less robust, site is Mobile Applications for Law Students and Lawyers, www.libguides.law.ucla.edu/mobilelegalapps, maintained by a reference librarian at UCLA law school. Being academic in nature, there is no fee as of this writing.

Want device-specific information? Tom Migheill, who wrote the ABA-published *iPad in One Hour for Lawyers*, has a blog: ipad4lawyers.squarespace.com. This includes tips and tricks, as well as the applications he thinks most highly of.

Joshua Barrett, a business lawyer in Portland also has an iPad blog, tabletlegal.com.

Anthony Paonita, editor of "Corporate Counsel" magazine writes iPadmania, almipad.wordpress.com. Though he started it as an in-house project, it is now public. While it is not confined to solely legal matters, you can still derive benefit from it.

What about those Android users? For you, there is *The Droid Lawyer*, written by Jeff Taylor, an Oklahoma attorney. His blog is thedroidlawyer.com.

Last, but certainly not least, you should certainly visit Robert Ambrogi's blog, lawsites.blog.com. This is not confined to mobile applications, and there's plenty to learn.

If you have an iPhone or iPad and don't know about the *Find My iPhone app*, you'll be glad to learn about this one. This free app installs

on your portable device and another Apple iOS device. If your iPhone or iPad is lost or stolen, log into your secondary device, launch the app, and sign in with the Apple ID for the lost or missing device. You can then see the device's location on a map; you can choose to have it display a message or play a sound, lock the device, and even delete its data. This is a must-have. ➤

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HOLIDAY HOURS

January 1st	New Year's Day
January (3rd Monday)	Birthdays of Robert E. Lee's and Dr. Martin Luther King, Jr.'s
February (3rd Monday)	.....	George Washington's birthday
April (last Monday)	.....	Confederate Memorial Day
May (last Monday)	...	Nat. Memorial Day / Jefferson Davis' birthday
July 4th	.....	Independence Day
September (1st Monday)	.....	Labor Day
November 11th	.....	Armistice / Veteran's Day
November *	.....	Thanksgiving Day
December 25th **	.....	Christmas Day

* The date of Thanksgiving is fixed by proclamation by the Governor and shall be fixed to correspond to the date proclaimed by the President of the United States. The Governor, at his discretion, designates any additional day(s) for further observance of the Thanksgiving Season by the same proclamation.

** In addition to Christmas Day, any day(s) designated, at the Governor's discretion, for the observance of the Christmas Season are fixed by proclamation by the Governor.

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A Plea for Judicial Pay Raises in Mississippi

Tiffany P. Grove

Our state judges make important decisions every day that affect the lives of Mississippi citizens. Judges directly affect how effectively we can represent our clients, and we must confess that we need good judges to do our job well. Our goal should be to attract exceptional talent, yet our judicial pay levels are inadequate and unlikely to continue to attract and retain highly qualified members of the legal profession to serve on the state's bench. Mississippi has the lowest paid judiciary in the nation. According to the survey of judicial salaries compiled by the National Center for State Courts, the salaries for trial and appellate court judges in Mississippi rank 51st in a nation with 50 states. Is this where we want our state judiciary to be? Judges in the District of Columbia are paid more, as are the judges in the American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands. Unlike other states which complement judges' salaries with cost-of-living adjustments (COLAs), longevity pay, and local supplements, Mississippi judges' salaries are limited to state appropriation. The annual salary for our Mississippi Supreme Court Justices is \$112,530, which is lower than any other state. For purposes of comparison, justices on the California Supreme Court enjoy the highest state court salaries in the nation, earning \$218,237 per year (as of 2011). Justices are also well compensated in Illinois (\$201,819), Pennsylvania (\$186,450), Alabama (\$180,005) and Tennessee (\$159,288). Do we really want to be the very last?

In addition to being paid less than judges in every other state, the salaries of other public officials in Mississippi have far outpaced that of our judges. For example, the Department of Public Safety Administrator received a \$16,000 pay raise last year, which

increased the position's salary from \$122,115 to \$138,115. The Chairman of the Worker's Compensation Commission earns \$112,436, and a Commission member earns \$108,698. These agency employees are paid more than every trial judge in the state, and more than every judge on the Court of Appeals. To add further insult, the 2010 Mississippi Bar Economic Survey reports that \$133,025 is

the average personal annual income reported from the private practice of law in Mississippi in 2009. Based on these figures, every single justice on our Supreme Court could make more money in the private sector. On average, they would make significantly more money in private practice. With the private practice pay scale as it is, how can we expect qualified applicants to run for a seat on the bench? Perhaps the pay scale is attributable to the high rate of turnover our state judiciary has recently experienced. Twenty-one new judges have taken office during the last two years and the low level of pay is one of the reasons that judges cite for leaving office. Of course, those who enter public service cannot expect that their pay will approach the compensation

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of partners in the State's largest law firms. However, the inordinate gap between the pay of judges and the average pay of private sector attorneys at comparable stages of their careers will not allow our judicial branch to compete for legal talent and recruit and retain judges of superior ability and experience.

Perhaps the real solution is to insulate judicial salary issues from the State's politicized legislative process. It does not seem logical, or even constitutional, that the legislature can vote to give itself a pay raise and deny pay raises to the other branches of government. The legislature should not be able to augment itself and so weaken the judiciary. If our state is to maintain three equal branches of government, perhaps judicial pay should not be left solely to the legislative and executive branches. As Ed Blackmon, Jr., told his colleagues when presenting Senate Bill 2253, judges "are co-equals in operating here in this state, and I wish they didn't have to come over here and ask for a pay raise." Instead of reliance on this

Special Thanks

We would like to thank MCSOL for hosting our recent CABA Board meeting and Jeff Jackson for providing our CLE Hour on Ethics.

traditional legislative appropriation process, states across the nation have adopted other approaches to address judicial pay. The two alternative approaches are (1) permanent compensation commissions either for judges exclusively or for all three branches of government; and (2) automatic "escalators" that raise judicial salaries in tandem with one or more indices to maintain the real (inflation adjusted) value of judicial compensation. These two approaches are more recent trends and reflect efforts to avoid the pitfalls inherent in the legislative appropriation process which now burdens our state judiciary. In February

of this year, the Mississippi State House of Representatives defeated the judicial pay-raise bill, Senate Bill 2253. In the end, the bill needed 71 votes to pass, but fell 12 votes short. Curiously, the bill proposed to fund the pay raise entirely by modestly increasing lawsuit filing fees. Even though the salary increases were to be fully funded by user fees, not our tax dollars, opponents claimed there wasn't enough money. The bill would have provided a 37% pay raise for judges, some of whom have served our state for almost a decade without a pay raise.

The simple truth is that our state judges

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have not had a raise in eight years; the last salary increase for state judges, other than justice court judges, took effect January 1, 2004.

We are now facing the ramifications of our judiciary's low pay scale and the fact that some of the most qualified members of the bar cannot afford to sit on the bench. If Mississippi gets what it pays for, then we, as members of the bar, must demand more pay for our judiciary. In order to retain our best judges

and to attract new judges from the upper ranks of the legal profession, we must address this pay disparity. I remain hopeful that another judicial pay raise bill will be introduced, and that this time, it will pass. In the meantime, I ask my fellow lawyers to stand up and demand an adequately funded and compensated judiciary. If we don't stand together and demand more from our legislature, Mississippi's judiciary will only fall

further behind, and our profession will suffer. As elections near, please consider discussing the importance of judicial pay raises with the candidates who seek to serve you in the legislature. Following elections, please consider contacting your senator and representative to let them know the importance of passing a fully funded pay raise for the esteemed members of our judiciary. ➔

CABA WINNING ESSAY

Hands Free in Mississippi: What is a fair law of cell phone use by drivers?



By Alliyah Taylor¹

It is my personal belief that there should be a law in place that strictly limits cell phone use by drivers. It is also my belief, however, that such a law should hold the same limitations for all ages. The proposed bill should not directly target those of any specific age group.

Studies show that almost 1.6 million accidents are caused by the use of cell phones by drivers each year; the most widespread cause being text messaging. Since 2006, the popularity of text messaging has rapidly expanded, usurping voice calling's position as the most popular form of communication. Texting generally requires the users eyes and

at least one hand. This draws the attention away from the road and creates a potentially dangerous situation for other drivers and passengers on the road. Despite this, texting while driving is not the only issue. Drivers have reported "looking without seeing" as they drive due to the distraction of a phone call. This problem affects both those under the age of eighteen and those above. A 32-year-old source says 'It's hard to focus when you have all those noises occupying one ear while trying to drive...other cars on the road hardly seem there.'

The currently proposed bill clearly discriminates against young drivers and does not take into consideration the multiple uses of cell phones. Now, many phones are outfitted with digital maps and GPS both of which

are useful while driving. Assuming that older drivers are driving in their local area, younger drivers are the ones who are most likely to require such aids. Taking away the full use of the cell phone isn't entirely necessary. Some more advanced phones even come outfitted with applications that make use safer and more convenient.

I believe that to have a fair bill that takes into account all dangers and advantages of a cell phone, all age groups must have the same limitations. To completely take away cell phone usage from one group of drivers is to take away some of the resources that help to minimize confusion on the road. The most plausible solution is to only limit parts of cell phone usage, as some things are, indeed necessary.

The bill should include, but not be limited to, limiting the communications part of a cell phone. Other uses such as games and certain forms of internet access should be completely cut off. These limitations should be applied to all age groups and it should be set where cell phone communication by drivers is only allowed in emergency situations. This will prevent a large number of deaths and make the roads of Mississippi safer. ➔

1. Alliyah Taylor wrote this essay as an 8th grader at Chastain Middle School

FEDERAL COURTHOUSE DEDICATION

**The United States District Court for the Southern District of Mississippi
& The United States General Services Administration**

Cordially invites the Membership of
The Capital Area Bar Association to the
Dedication Ceremony for the
United States Courthouse
501 E. Court Street
Jackson, Mississippi 39201

**Friday, October 14, 2011
At two o'clock in the afternoon**

~ Reception and open house to follow in the rotunda ~

August Membership Meeting



MC Law Professor Jeffrey Jackson presented a one hour ethics program at the CABA August Membership Meeting. He is pictured with David Maron, CABA President-Elect, and Meade Mitchell, CABA Program Chairman.

MISSISSIPPI COLLEGE LAW LIBRARY HOURS

REGULAR HOURS

AUG 17, 2011 – DEC 16, 2011

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

EXCEPTIONS

LABOR DAY HOLIDAY

Friday (Sep. 2nd) 7:30 a.m. – 5:00 p.m.
Saturday & Sunday (Sep. 3rd & 4th) CLOSED
Monday (Sep. 5th) 9:00 a.m. – 5:00 p.m.

THANKSGIVING HOLIDAY

Friday (Nov. 18th) 7:30 a.m. – 5:00 p.m.
Saturday & Sunday (Nov. 19th & 20th) CLOSED
Monday & Tuesday (Nov. 21st & 22nd) 7:30 a.m. – 5:00 p.m.
Wednesday – Saturday (Nov. 23rd – 26th) CLOSED

EXAM SCHEDULE (NOV 27 – DEC 15)

Monday – Friday 7:30 a.m. – midnight
Saturday 9:00 a.m. – midnight
Sunday noon – midnight
Friday (Dec. 16th) 7:30 a.m. – 5:00 p.m.

Hours subject to change without notice. For more information call the Circulation Desk at 601-925-7120.



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