

# THE MISSISSIPPI Lawyer

VOL. LVIII

SPRING

2012

NO. 3

THE MISSISSIPPI BAR 2012



Annual Meeting  
and Summer School



JULY 9~14 • SANDESTIN, FLORIDA

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1:30 – 4:30 PM

MC LAW

**LECTURE SERIES FEATURING PROFESSOR THOMAS MORGAN**

5:00 PM

FELLOWSHIP HALL

FIRST BAPTIST CHURCH JACKSON

TICKET INFORMATION AND A SCHEDULE OF EVENTS WILL BE MADE AVAILABLE IN AUGUST.



*The Mary Libby Payne Lectureship Series was established in honor of Judge Mary Libby Payne, founding dean of MC Law, in recognition of her legacy of Christian leadership.*

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## Special Thanks to the 2011-2012 Board of Commissioners

### *Front Row (L to R)*

Frank Dantone, Greenville  
 Jim Johnstone, Pontotoc  
 Cheryn Netz Baker, Jackson  
 Nina Tollison, Oxford  
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 Lem Adams, Brandon  
 Derek Arrington, Hattiesburg  
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 Leigh Berry, Columbia  
 Rachel Pierce, Tupelo  
 Jim Martin, Ridgeland  
 Katie Hester, Jackson  
 Tyler McCaughn, Newton  
 Marc Boutwell, Lexington  
 Tom Dawson, Oxford

### *3rd row (L to R)*

Luke Dove, Jackson  
 Ben Mullen, Pascagoula  
 Larry Magdovitz II, Clarksdale  
 Charles Winfield, Starkville  
 Jim Bobo, Brandon  
 Leonard Cobb, Meridian  
 Bruce Lewis, Natchez  
 Jim Holland, Southaven

### *Not Pictured*

Ricky Cox, Gulfport  
 George Mitchell, Eupora  
 Andy Gibson, Jackson  
 Blake Teller, Vicksburg  
 Pat Zachary, Hattiesburg  
 David Garner, Raleigh  
 Jack Price, McComb  
 James Henley, Hazlehurst  
 Carlos Moore, Grenada

# Judicial Pay Realignment Bill Signed



*Governor Bryant Signs HB 484 Judges and Prosecutors Pay Bill on April 13, 2012. Present at the signing were Tony Lawrence, President of the Mississippi Prosecutors Association; Trey Bobinger, Lobbyist for the Mississippi Prosecutors Association; Chief Justice William Waller; Hugh Keating, President of The Mississippi Bar; Justice George Carlson; Lem Adams, President-Elect of The Mississippi Bar; and Jimmie Reynolds, Director of Government Relations for The Mississippi Bar.*

*...“Nothing in the world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent.”*

*...Calvin Coolidge, 30th President of the United States*

**O**n April 13, 2012 our judiciary, prosecutors and all members of The Mississippi Bar celebrated Governor Bryant’s execution of House Bill 484. This event was achieved under the strategic leadership of Chief Justice William L. Waller, Jr. and a legion of supporters. Presiding Justice George Carlson, Jimmie Reynolds, Director of Governmental Relations, Tony Lawrence, President, Mississippi Prosecutors Association, its lobbyist Trey Bobinger, a host of highly-respected lobbyists and your Bar leadership worked closely with Chief Justice Waller to develop and implement a plan to accomplish that which was initially believed unattainable.

The judicial pay measure evolved over a period of years; actually, many more years than I realized. When Representative Ed Blackmon made his impassioned plea in support of House Bill 484 on the floor of the House, he reflected back twenty-one (21) years. Vividly, he remembered the proposed judicial pay increase that overwhelming passed the House. There

*(continued on page 8)*



*Hugh Keating  
President of The Mississippi Bar  
2011-2012*

## Judicial Pay Realignment Bill Signed

was great optimism. The proposed raise included salary levels for our judiciary comparable to those which were ultimately approved in House Bill 484. The 1991 proposal failed in the Senate. That revelation hammered home the point about the value of persistence and determination. ...Fortunately, House Bill 484 contains an automatic periodic review and adjustment mechanism to obviate potential long-term gaps in salary adjustments in the future.

Governor Bryant's signing of House Bill 484 was the result of a well-planned and coordinated team effort. Literally, all hands were on deck as the Bill moved through the legislative process. Modifications were made from prior years' efforts to address legislative concerns. Representative Mark Baker, Chairman of House Judiciary A Committee, and Senator Briggs Hobson, Chairman of Senate Judiciary A Committee, did masterful jobs of guiding the Bill through their respective committees, as well as the floor debates. Their presentations were well-organized and supported with facts. The Speaker and the Lieutenant Governor were staunch allies, as they recognized the overwhelming need for action. Their support was critical to the success of the cause.

Truth is, there were so many individuals involved in helping to focus attention on the legislative opportunity, it would be impossible to give complete credit where credit is due. Across our State, members of our profession, clerks of court, independent businessmen and women, business councils, chambers of commerce and general citizenry let their interest in maintaining a fair, efficient and independent judiciary be known. Involvement of concerned citizens enhanced our possibilities for attraction and retention of the most highly qualified and experienced judges and prosecutors. House Bill 484 was long overdue.



**Bar Leaders Visit Mississippi Congressional Delegation** - Pictured in front of the US Supreme Court are MB Officers (L to R) President Elect, Lem Adams, Brandon; President, Hugh Keating, Gulfport and President Elect Designee, Guy Mitchell III, Tupelo. The officers, along with Executive Director Larry Houchins, participated in ABA Day in Washington visiting Mississippi's Congressional delegation and soliciting support for adequate funding for legal services for the poor.

Numerous other issues exist for which our Bar must remain persistent and determined. One of the most critical is adequate funding for our Legal Services Corporation (LSC) and its related organizations. In the latter part of April, Larry Houchins, Lem Adams, Guy Mitchell and I had the opportunity to participate in the annual ABA Law Week programs in Washington, D.C. All fifty (50) states were represented and fully engaged in meeting with their respective Congressional delegations. Our messages were received with genuine interest.....we suspect, in part, because Justice Jess Dickinson may have softened the beach-head for us a day earlier. Nevertheless, our delegation understood and appreciated our mission.

We are optimistic that funding for LSC will be restored to the 2011 level. However, much work remains. We are determined to keep this matter as one of the Bar's top priorities.

"Persistence and determination" can make a difference. ■



# Special Membership Promotion

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THE MISSISSIPPI BAR

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The screenshot shows an iPad interface. On the left, a '1 Note' app window is open, displaying a search bar and a note titled 'FormsPass Special Promotion'. On the right, a 'FormsPass Special Promotions' table is displayed. The table has columns for 'Number of Attorneys', 'Current Annual Price', 'Special Annual Price', and 'Savings'. The data is as follows:

Number of Attorneys	Current Annual Price	Special Annual Price	Savings
Solo	\$195	\$195	-0-
Two	\$295	\$195	\$100
Three	\$395	\$195	\$200
Four	\$495	\$195	\$300
Five	\$595	\$195	\$400
Six-Ten	\$695	\$295	\$400
Eleven+	\$1,095	\$395	\$600

The iPad status bar at the top shows 'iPad', signal strength, '3:58 PM', and '80%' battery. The keyboard is visible at the bottom of the screen.

# Learn... Connect... Lead



Participants of The Mississippi Bar 2012 Leadership Forum are from left: (front row) Matthew Thompson, Tiffany Grove, Elise Lowery, Jessica Dupont, Tami Munsch, and Tomika Irving, (back row) Christopher Daniel, Ann Marie Mayers Pate, Mona Patel Graham, Jennifer Lindsey, Ryan Berry, Jody Owens, Charles Swayze, Marcus Evans, Michael Carr, Christopher Brian Fisher, Jennie Pitts, Serena Clark, Mary Largent Purvis, and Fred Salvo.

## The Mississippi Bar 2012

Ryan M. Berry, Grenada  
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Serena Clark, Madison  
D. Christopher Daniel, Pass Christian  
Jessica M. Dupont, Pascagoula  
Marcus D. Evans, Waynesboro  
Christopher Brian Fisher, Gulfport

Mona Patel Graham, Ridgeland  
Tiffany P. Grove, Ridgeland  
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Jennifer Lindsey, Tupelo  
Elise Hickman Lowery, Gulfport  
Tami Munsch, Ridgeland  
Jody E. Owens II, Jackson

Ann Marie Mayers Pate, Cleveland  
Jennie S. Pitts, Jackson  
Mary Largent Purvis, Jackson  
Frederick N. Salvo III, Jackson  
Charles J. Swayze III, Greenwood  
Matthew Thompson, Jackson

## Session 1:

# “The Bar – What It Is Now and How Does It work”



*“The Bar - What It Is Now” was presented by past Bar President Nina S. Tollison*



*“Leadership Discussion” was led by MS Bar President Hugh Keating and MS Bar President-Elect Lem Adams*



*Court of Appeals Judge Jimmy Maxwell addressed the Forum on “Professional Development and Being Involved”*



*Local Bar Association President Laura Glaze delivered a talk about “On the Local Level”*

## Leadership Forum Class

*Joyce Hall, Section Chair, spoke on “Involvement in Sections”*



*2012 Bar Commissioner Luke Dove discussed “Governing the Bar”*



## Session 2:

### “The Profession – Ethics, Values and Professionalism”



*York Craig, Jr., Past Bar President, talked about “Civility and Values”*



*“Professional Responsibility for MS Lawyers” was the topic of Mississippi College School of Law Professor Jeffrey Jackson*



*Past Bar President Cham Trotter spoke on “Professionalism and Public Perceptions”*



*MB General Counsel Adam Kilgore spoke on “The Lawyer’s Creed”*



*“Business Ethics” was addressed by Belhaven College Adjunct Professor Brenda Redfern*



*“The Professional & Ethical Implications of Impairment” was the topic of Chip Glaze, Executive Director of the Lawyers & Judges Assistance Program*

# The Mississippi Bar 2012

## Session 3:

### “Courts/Executive/Legislative”



*Chief Justice William L. Waller, Jr. gave “Remarks from the MS Supreme Court”*



*“Remarks from Court of Appeal Chief Judge” were given by Chief Judge Joe Lee*



*Senator Briggs Hopson gave an “Update from the Senate”*

## Session 4: “Public Service – Making A Difference”

*Leadership Forum participants Tiffany Grove and Charles Swayze completing their assignments*



*Rev. Luther Ott, Past President of the MS Bar Foundation and Past Executive Director of Stewpot Community Services, discussed “Why Give Back to the Community”*



*Tiffany Graves, General Counsel of MVLP, spoke about “Mississippi Volunteer Lawyers Project”*

*Martin Willoughby, COO of Butler Snow Advisory, was the moderator for “A New Breed of Leadership”*



*Jennie Pitts, Chair of Young Lawyers Division committees, spoke on “Public Service Programs of the MS Bar: Wills for Heroes and High School Mock Trial Competition”*



*“Through the Military” was addressed by Joint Staff Judge Advocate Mark Majors*



*Access to Justice Executive Director Davetta Lee gave an update on “Access to Justice”*

# Leadership Forum Class

## Session 5: “Leadership in Your Community in the the Future”



*Executive Director Larry Houchins and Bar President Hugh Keating visited with Governor William Winter who spoke on “The Measure of Our Days” and Bar President-Elect Designee Guy Mitchell who spoke on “Raise the Level”*



*Leadership Forum participant Matthew Thompson visited with guest speaker Paul Rogers, a 2011 Lawyer Citizenship Award recipient*

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THE MISSISSIPPI BAR 2012



*Annual Meeting*  
*and Summer School*



JULY 9~14 • SANDESTIN, FLORIDA

# REGISTRATION FEES

## for Annual Meeting and Summer School

### 24TH ANNUAL SUMMER SCHOOL FOR LAWYERS

12 CLE HOURS (ETHICS INCLUDED)

JULY 9 – 11, 2012

LINKSIDE CONFERENCE CENTER



The Mississippi Bar and the Mississippi Association for Justice will jointly sponsor the Summer School for Lawyers. The program will feature a variety of topics of interest to trial lawyers and general practitioners throughout the state. The Summer School for Lawyers offers an excellent opportunity for lawyers to improve their skills and obtain 12 hours of approved continuing legal education, while enjoying the recreational facilities offered at Sandestin. The program will provide participants with useful information, including a bound set of reference materials. This seminar will include credits to meet the 12-hour mandatory CLE requirement in Mississippi for FY 2011-2012.

The registration fee is \$370 for attorneys and \$160 for Judges whose registration is received no later than June 7, 2012. After June 7, the registration fee is \$395 for attorneys and \$185 for Judges. The registration fee will cover attendance at all sessions, handout materials, and coffee breaks.

### 2012 ANNUAL MEETING

JULY 11 – 14, 2012

SANDESTIN HILTON



The 107th Annual Meeting of The Mississippi Bar will be held on July 11 – 14, 2012, at the Sandestin Beach Hilton and Sandestin Golf and Beach Resort in Destin, Florida. Registration will cover attendance at all general, educational and business sessions, as well as admission to the Welcome Reception on Wednesday, July 11 and President's Reception on Friday, July 13. Entry in all sporting events and attendance at all social events will require participants to be registered for The Mississippi Bar Annual Meeting.

The registration fee is \$410 per attorney (includes spouse/guest) and \$275 for Judges (includes spouse/guest) whose registration is received no later than June 7, 2012. After June 7, the registration fee is \$450 for attorneys and \$300 for Judges.



The enclosed registration form for Summer School and/or Annual Meeting must be returned to The Mississippi Bar.

Registration fees must accompany the registration form.

Make checks payable to The Mississippi Bar.

For further information about Summer School or Annual Meeting registration, please call Ashley Sasser at The Mississippi Bar at 601-355-4619 or email [asasser@msbar.org](mailto:asasser@msbar.org).

### CANCELLATIONS & REFUNDS

The Mississippi Bar will accept only written requests for refund of registration fees by either mail or fax to Ashley Sasser, The Mississippi Bar, P.O. Box 2168, Jackson, MS 39225-2168, Fax # 601-355-8635 or by e-mail to [asasser@msbar.org](mailto:asasser@msbar.org). The date of cancellation is the date received by the Bar office in Jackson.

*The following refund schedule has been established:*

#### CANCELLATIONS RECEIVED ON OR BEFORE JUNE 29:

Full refund, less \$50 administrative charge.

#### CANCELLATIONS RECEIVED JULY 1 - JULY 14:

50% refund.

*Due to hotel advance guarantee requirements, there will be no refund for optional ticketed events the week of July 9-14.*

#### CANCELLATIONS RECEIVED AFTER MEETING DATES:

No refund.

### ACCOMMODATIONS

Bar members staying at the **SANDESTIN BEACH HILTON** must make reservations **DIRECTLY WITH THE HOTEL BY PHONE OR ONLINE.**

Registrants staying at the **SANDESTIN RESORT** must make reservations **BY USING THE ENCLOSED FORM OR BOOKING ONLINE.**

Please read carefully to avoid any confusion and/or disappointment.

1. If staying at the Sandestin Beach Hilton, call 1-800-367-1271 Monday – Friday, 8:00 am – 7:00 pm to make your hotel arrangements. The Mississippi Bar Annual Meeting code is **BAR** or go online at [sandestinbeachhilton.com](http://sandestinbeachhilton.com).
2. If staying at the Sandestin Golf & Beach Resort, forward the enclosed Housing Request Form to: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway, Destin, FL 32550 or fax (850) 267-8221 or book online: <http://www.sandestin.com/21T91O.aspx>.
3. If staying at another property, please list on the Bar's registration form on page 19.
4. At the end of each week, the Hilton & Resort will forward to The Mississippi Bar a list of all reservations. The Bar will check room reservations against meeting registrations to confirm that members are registered to attend the Summer School and/or Annual Meeting.

**IF A MEETING REGISTRATION IS NOT RECEIVED BY THE BAR WITHIN 10 DAYS OF NOTIFICATION OF ROOM RESERVATION, THE ROOM RESERVATION WILL BE REMOVED FROM THE BAR'S BLOCK, AS THIS SPACE IS RESERVED ONLY FOR THOSE MEMBERS ATTENDING BAR MEETINGS.**

5. The Bar's room block deadline is Thursday, June 7, 2012, at both the Hilton and Resort. After the Bar's room block is released on June 7, 2012.

**THE BAR CANNOT GUARANTEE ROOM AVAILABILITY. CONVENTION RATES WILL NOT BE AVAILABLE.**

6. The hotel or resort will send an individual confirmation to each guest. This confirmation will contain information regarding check-in time, cancellation policy, etc. Bar staff cannot make room reservations, but can answer general questions. Specific questions should be directed to the hotel or resort.





*24<sup>th</sup> Annual*  
**SUMMER SCHOOL FOR LAWYERS**  
*Agenda at a Glance*  
 LINKSIDE CONFERENCE CENTER

**MONDAY, JULY 9, 2012**



- 8:00 - 9:15 A.M. **Legal Malpractice in Mississippi: A Comprehensive Study of Causes of Action and Defenses**  
 Mike W. Ulmer, JACKSON  
 J. Matt Tyrone, JACKSON
- 9:15-10:30 A.M. **Yep, There's an App for That: Technology to Improve Your Legal Practice and Personal Life**  
 Kathryn Van Buskirk, PASCAGOULA
- 10:45-12:00 P.M. **Cross Examination: Better Than Hollywood Style**  
 Shane F. Langston, JACKSON  
 Rebecca L. Wiggs, JACKSON

**TUESDAY, JULY 10, 2012**

- 8:00-9:00 A.M. **1st SESSION OF CONCURRENT WORKSHOPS**
- WORKSHOP 1A**  
**Cleaning Up After the Spill: How to Recover From Economic Loss Caused by BP Oil Disaster**  
 W. Corban Gunn, BILOXI
- WORKSHOP 1B**  
**Tackling Recent Issues Involving Foreclosures in Mississippi: How Did it Start and When Will it End?**  
 John Underwood, Jr., JACKSON
- WORKSHOP 1C**  
**What's New and Hot in Mississippi Workers' Compensation**  
 Rogan K. Chhabra, JACKSON
- WORKSHOP 1D**  
**The Ins and Outs of the Proposed Mississippi Rules of Criminal Procedure**  
 Judge J. Kent McDaniel, BRANDON  
 Judge Larry E. Roberts, JACKSON
- 9:05-10:05 A.M. **2nd SESSION OF CONCURRENT WORKSHOPS**
- WORKSHOP 2A**  
**Cleaning Up After the Spill: How to Recover From Economic Loss Caused by BP Oil Disaster**  
 W. Corban Gunn, BILOXI
- WORKSHOP 2B**  
**Tackling Recent Issues Involving Foreclosures in Mississippi: How Did it Start and When Will it End?**  
 John Underwood, Jr., JACKSON
- WORKSHOP 2C**  
**What's New and Hot in Mississippi Workers' Compensation**  
 Rogan K. Chhabra, JACKSON
- WORKSHOP 2D**  
**The Ins and Outs of the Proposed Mississippi Rules of Criminal Procedure**  
 Judge J. Kent McDaniel, BRANDON  
 Judge Larry E. Roberts, JACKSON

**2012 SUMMER SCHOOL FOR LAWYERS COMMITTEE:**

- Mitchell O. Driskell (CHAIR), OXFORD
- Judy Guice, BILOXI
- Rebecca Langston, JACKSON
- Troy Odom, JACKSON
- Vicki Slater, JACKSON



**TUESDAY, JULY 10, 2012**

- 10:10-11:10 A.M. **3rd SESSION OF CONCURRENT WORKSHOPS**
- WORKSHOP 3A**  
**Making Sense of Recent Family Law Decisions Affecting the Mississippi Practitioner**  
 Judge Edward E. Patten, Jr., HAZELHURST  
 Associate Justice Randy G. Pierce, LEAKESVILLE  
 Judge Edwin H. Roberts, Jr., OXFORD  
 William R. Wright, JACKSON
- WORKSHOP 3B**  
**Law Office Management: The Eye at the Center of the Storm**  
 Virginia L. LoCoco, D'IBERVILLE
- WORKSHOP 3C**  
**Be All That You Can Be and Then Some: What Every Practitioner Needs to Know About the Military/Veteran Client**  
 Judge Virginia C. Carlton, COLUMBIA  
 Lt. Col. Mark Majors, JACKSON  
 Randy Reeves, JACKSON
- WORKSHOP 3D**  
**Social Security Disability Basics (and a Little Bit More)**  
 Brooke N. Driskell, OXFORD  
 Gary R. Parvin, COFFEEVILLE
- 11:15-12:15 P.M. **4th SESSION OF CONCURRENT WORKSHOPS**
- WORKSHOP 4A**  
**Making Sense of Recent Family Law Decisions Affecting the Mississippi Practitioner**  
 Judge Edward E. Patten, Jr., HAZELHURST  
 Associate Justice Randy G. Pierce, LEAKESVILLE  
 Judge Edwin H. Roberts, Jr., OXFORD  
 William R. Wright, JACKSON
- WORKSHOP 4B**  
**Law Office Management: The Eye at the Center of the Storm**  
 Virginia L. LoCoco, D'IBERVILLE
- WORKSHOP 4C**  
**Be All That You Can Be and Then Some: What Every Practitioner Needs to Know About the Military/Veteran Client**  
 Judge Virginia C. Carlton, COLUMBIA  
 Lt. Col. Mark Majors, JACKSON  
 Randy Reeves, JACKSON
- WORKSHOP 4D**  
**Social Security Disability Basics (and a Little Bit More)**  
 Brooke N. Driskell, OXFORD  
 Gary R. Parvin, COFFEEVILLE

**WEDNESDAY, JULY 11, 2012**

- 8:00 - 9:00 A.M. **Arbitration, No Longer an Aberration: How to Get There, Handle it and Succeed**  
 Don C. Dornan, Jr., BILOXI  
 Robert L. Gibbs, JACKSON  
 Charlie J. Swayze, Jr., GREENWOOD  
 MODERATOR: Jim Warren, III, JACKSON
- 9:00-10:00 A.M. **Multi-District Litigation: Life on Another Planet**  
 Jim R. Reeves, Jr., BILOXI
- 10:15-11:15 A.M. **The High Cost of Living Ain't Nothing Like the Cost of Living High**  
 Chip Glaze, JACKSON
- 11:15-12:15 P.M. **Ethics: Name That Sanction!—Understanding the Factors Used in Imposing Discipline in a Game Show Setting**  
 Adam Kilgore, MADISON  
 Melissa Selman Martin, JACKSON

# ANNUAL MEETING

## *Agenda at a Glance*



### WEDNESDAY, JULY 11, 2012

- 12:00 - 7:00 P.M. **Lawyers' Marketplace**
- 12:00 - 8:00 P.M. **Registration Desk Open**
- 6:30 - 8:00 P.M. **Welcome Reception**  
Visit with friends and enjoy delicious food and an open bar.  
KIDS' PARTY SPONSORED IN PART BY:  
BANK PLUS

### THURSDAY, JULY 12, 2012

- 7:30 - 9:00 P.M. **Registration Desk Open**
- 7:45 A.M. **Friends of Bill W. Open Meeting**
- 8 A.M. - 12:30 P.M. **Lawyers' Marketplace**
- 8:00 - 9:00 A.M. **Breakfasts:**
  - Christian Legal Society Breakfast
  - Fellows of the Young Lawyers
- 9 A.M. - 10:00 A.M. **Appellate, Circuit, Chancery and County Judges Conference**
- 9:30 - 10:30 A.M. **Sandcastle/Sand Sculpture Contest**
- 10 A.M. - 12 P.M. **Seagar's Cooking Class**
- 10 A.M. - 12 P.M. **CLE Session**
- 10 A.M. - 12 P.M. **Section Annual Meetings:**
  - Business Law
  - Health Law
  - Real Property
  - Government Law
  - Prosecutors
  - Gaming Law
  - Alternative Dispute Resolution
- 10:15 - 11:30 A.M. **MS Conference of Judges**
- 12:00 - 1:30 P.M. **14th Annual Price-Prather Luncheon**
- 1:00 - 6:00 P.M. **Golf Tournament**  
Baytowne Golf Course
- 2:30 - 4:30 P.M. **Bingo**
- 5:00 - 6:00 P.M. **Women's Party**



TIMES OF EVENTS PRINTED IN THIS BROCHURE ARE TENTATIVE AND MAY CHANGE BEFORE THE ANNUAL MEETING.

### FRIDAY, JULY 13, 2012

- 7:15 - 8:15 A.M. **Legal Runaround**  
1 Mile Fun Run and 5K Run
- 7:30 A.M. - 2 P.M. **Registration Desk Open**
- 7:45 A.M. **Friends of Bill W. Open Meeting**
- 8:00 - 9:00 A.M. **Breakfast:**
  - MS Chapter American Board of Trial Advocates Meeting
- 8:30 - 9:30 A.M. **Breakfasts:**
  - Fifty-Year Anniversary Lawyers
  - Harvard-Yale Law Alumni
- 8 A.M. - 12:30 P.M. **Lawyers' Marketplace**
- 8:00 - 9:00 A.M. **Young Lawyers Division General Assembly**
- 8:30 - 9:15 A.M. **Kite Decorating**
- 9:15-10:15 A.M. **Annual Business Session**
- 9:30 - 10:30 A.M. **Kite Flying Contest**
- 10:15 A.M. - 11:15 P.M. **CLE Sessions**
- 10:15 A.M. - 12:15 P.M. **Section Annual Meetings:**
  - Workers' Compensation
  - Labor & Employment Law
  - Estates & Trusts and Taxation
  - Family Law
  - SONREEL Section
  - Litigation
  - Intellectual Property
  - Senior Lawyers
- 12:15 - 1:30 P.M. **Law Alumni Luncheons:**
  - Mississippi College School of Law
  - University of Mississippi Law School
- 2:00 - 3:00 P.M. **Dance Class**
- 2:00 - 5:00 P.M. **Tennis Tournament**
- 3:00 - 5:00 P.M. **Children's "Build-A-Bear" Party**
- 4:00 - 5:00 P.M. **MS State Alumni Reception**
- 6:00 - 7:30 P.M. **President's Reception**  
Enjoy hors d'oeuvres and an open bar.  
SPONSORED IN PART BY: FOX-EVERETT, INC.
- 7:30 - 10:00 P.M. **The University of Mississippi Lamar Order Party**
- 8:00 - 10:00 P.M. **Family Beach Bash**  
HOSTED BY: THE YOUNG LAWYERS DIVISION OF THE MISSISSIPPI BAR  
SPONSORED IN PART BY: ABA RETIREMENT FUNDS  
CRAB HUNT CONTEST SPONSORED BY: KOERBER COMPANY

### SATURDAY, JULY 14, 2012

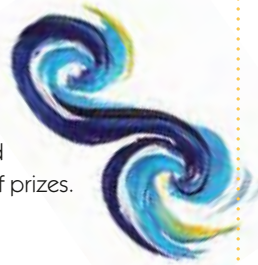
- 7:30 - 10:00 A.M. **Registration Desk Open**
- 7:45 A.M. **Friends of Bill W. Open Meeting**
- 9:00 - 11:00 A.M. **Farewell Brunch & Annual Award Presentations**
- 11:00 A.M. **Check-Out Time**

**WEDNESDAY, JULY 11, 2012**

**Lawyers' Marketplace**

**12:00 NOON – 7:00 P.M.**

Visit with over 20 exhibitors to assist you in your practice of law and register to win a Treasure Chest full of prizes.



**Registration & Information Desk Open**

**12:00 NOON – 8:00 P.M.**

Come by to get your packet of information, tickets, and convention favor.

**“Under the Sea” Welcome Reception**

**6:30 P.M. – 8:00 P.M.**

KIDS' PARTY SPONSORED IN PART BY BANK PLUS

This summer it's time to experience life “Under the Sea.” Leave your world behind and take a journey into the unknown.

This year's ocean odyssey will transport you beneath the water's surface as this nautical adventure awaits you and your family. Get ready to expect the unexpected as you “comb the ocean floor” at this wonderful reception the first night of convention.

Your registration fee to the Annual Meeting includes admission to this “Under the Sea” Welcome Reception for the registrant plus one adult guest (age 18 and over). Additional tickets for guests over age 18 are \$40 each, and can be purchased when you register or at the Bar's registration desk. All children are welcome and a special children's food table will be available.

So swim down where the fish are happy because life is the bubbles “Under the Sea.” See you there!



**THURSDAY, JULY 12, 2012**

**Registration & Information Desk Open**

**7:30 A.M. – 2:00 P.M.**

Be sure to come by to register for the convention if you didn't get a chance to on Wednesday.

**Clarion-Ledger Newspapers**

**7:30 A.M. – 9:30 A.M.**

Copies of the *Clarion-Ledger* are provided courtesy of the University of Mississippi Law Center.

**Coffee Bar**

**7:30 A.M. – 9:30 A.M.**

A Coffee Bar will be provided on the mornings of the meetings. The Coffee Bar is sponsored by Trustmark Bank.

**Friends of Bill W. Open Meeting**

**7:45 A.M.**

AA, ALANON, ACOA, OA & NA

**Lawyers' Marketplace**

**8:00 A.M. – 12:30 P.M.**

Visit with over 20 exhibitors to assist you in your practice of law and register to win a Treasure Chest full of prizes.



**Prayer Breakfast**

**8:00 A.M. – 9:00 A.M. • \$20/TICKET**

SPONSORED BY THE CHRISTIAN LEGAL SOCIETY

Everyone is invited to attend the 20th Annual CLS Prayer Breakfast. Please make your reservations in advance on the enclosed registration form.

**Fellows of the Young Lawyers Breakfast Meeting**

**8:00 A.M. - 9:00 A.M.**

**Judges' Conference**

**9:00 A.M. – 11:30 A.M.**

Appellate, Circuit, Chancery and County Judges Conference will meet, followed by the Mississippi Conference of Judges.



THURSDAY, JULY 12, 2012



**Sandcastle / Sand Sculpture Contest**

**9:30 A.M. – 10:30 A.M.**

Join in the 11th annual family or individual Sandcastle/Sand Sculpture Building Contest. Head on down to the beach, register yourself or your family, get assigned a spot and start building! Buckets and shovels will be provided. 1st, 2nd and 3rd place prizes will be awarded in several categories again this year. Let's see how creative you can be on the beach!

**Seagar's Cooking Class**

**10:00 A.M. – 12:00 NOON • \$50 EACH**

You'll enjoy this unique cooking class at Seagar's restaurant located on the lower level of the Sandestin Hilton. Watch Seagar's Executive Chef Johnny Earles prepare a wonderful menu selected just for the Bar convention. Then savor his creations for your lunch.



Seagar's is the first "AAA Four Diamond" award-winning restaurant along Northwest Florida's Emerald Coast for ten consecutive years and has received the Distinguished Restaurants of North America "Award of Excellence" seven years in a row.

Take advantage of this opportunity to learn from the best as the Executive Chef teaches MS Bar participants the secrets to making these delectable dishes. More details will come once you register. Be sure and register early – there's limited seating.

**"Previewing Bridge-the-Gap: Professionalism and Practical Legal Skills" CLE Session**

**10:00 A.M. – 12:00 NOON**

2 hours CLE INCLUDING 1 HOUR OF ETHICS

PRESENTED BY THE MISSISSIPPI BAR YOUNG LAWYERS DIVISION

The Young Lawyers Division believes that it is of primary importance that attorneys have the practical skills, judgment, and professional values necessary to practice law in a highly competent manner. The Young Lawyers Division is providing a preview of the newly revised "Bridge-the-Gap" program which will provide attorneys with a smooth transition into the practice of law. The session will be led by respected members of The Mississippi Bar, combining practical skills training with thought provoking lessons on ethics and professionalism. The 2 hour CLE program during convention consists of two components: Ethics/Professionalism and Basic Skills.



**Section Annual Meetings**

**10:00 A.M. – 12:00 NOON**

- **BUSINESS LAW SECTION ANNUAL MEETING**  
 2 HOURS CLE INCLUDING 1 HOUR OF ETHICS  
**"New Market Tax Credits"**  
 Jet Hollingsworth, BUTLER SNOW  
**"Professionalism: The Lawyer's Creed"**  
 Adam Kilgore, THE MISSISSIPPI BAR, GENERAL COUNSEL
- **HEALTH LAW SECTION ANNUAL MEETING**  
 2 HOURS CLE  
**"Healthcare Reform Law Arguments and Decisions of the U.S. Supreme Court"**  
 Michael B. Wallace, WISE CARTER CHILD & CARAWAY
- **REAL PROPERTY SECTION ANNUAL MEETING**  
 2 HOURS CLE  
**"Prevention & Cure: How to Prevent Title Claims and Cure the Ones That Inevitably Occur"**  
 R. Cory Anthony, UNDERWOOD LAW FIRM
- **GOVERNMENT LAW SECTION ANNUAL MEETING**  
 2 HOURS CLE, INCLUDING 1 HOUR OF ETHICS  
**"Ethics and Openness in State and Local Government"**  
 Thomas B. Hood, MS ETHICS COMMISSION
- **PROSECUTORS SECTION ANNUAL MEETING**  
 2 HOURS CLE  
**"Legislative Updates: Round Table Discussion"**  
 MODERATOR: Doug Evans, DISTRICT ATTORNEY
- **GAMING LAW SECTION ANNUAL MEETING**  
 2 HOURS CLE  
**"Daily Issues for the Gaming Operator and Economic Development within the Casino Industry"**  
 MODERATOR: Tina G. Singletary, SINGLETARY & THRASH – BILOXI
- **ALTERNATIVE DISPUTE RESOLUTION SECTION ANNUAL MEETING**  
 2 HOURS CLE  
**"Mississippi Appellate Mediation"**  
 Harold D. Miller, Jr., BUTLER SNOW  
 Jeannie Sansing, BRUNINI GRANTHAM GROWER & HEWES  
**"Alabama's Appellate Mediation Program: A Model for Mississippi"**  
 Judge Tommy Bryan, ALABAMA COURT OF CIVIL APPEALS

• **SECTIONS' RECEPTION**  
**11:45 A.M. – 12:15 P.M.**

All attendees of the Government Law, Prosecutors, Business Law, Real Property, ADR, Gaming Law, and Health Law Section Meetings are invited to attend a reception following the section meetings.



THURSDAY, JULY 12, 2012

**14th Annual Price-Prather Luncheon**  
*"20 Trailblazers in 20 Years"*

**12:00 NOON – 1:30 P.M.**

• **\$35/TICKET**

HOSTED BY THE BAR'S WOMEN IN THE PROFESSION COMMITTEE

This 14th annual event named to honor Zelma Price, the first female judge in MS, and former Chief Justice Lenore Prather, the first female MS Supreme Court Chief Justice, promises to be a special event. The Price Prather Luncheon will feature State Treasurer Lynn Fitch. The Susie Blue Buchanan Award, named for the first female lawyer licensed to practice before the MS Supreme Court, will be presented. Also, "20 Trailblazers" in the profession will be specially recognized. All members of the Bar are invited to attend this event hosted by the Bar's Women in the Profession Committee.



**FEATURED SPEAKER**  
 State Treasurer  
 Lynn Fitch

**Golf Tournament**

**1:00 P.M. – 6:00 P.M. • \$120/REGISTRATION FEE**

This year's tournament will be played on the Sandestin Baytowne Golf Course on Thursday, July 12, 2012. Check-in is from 12:00 to 1:00 p.m. with a "shotgun" start at 1:00 p.m. This year's format is a four-man scramble. Green fees, carts, complimentary range balls, refreshments and awards are included in the \$120 registration fee.



Entries will be accepted and confirmed on a "first-come, first-served" basis. The deadline for receipt of entries is Tuesday, July 3. Please indicate your handicap on the registration form. You may request a preferred foursome or be placed with other participants by the tournament coordinator.

The Sandestin golf staff will handicap teams. Each person listed in your preferred foursome must send in his or her registration form to be included in the tournament. Prizes for this year's tournament are being provided by LexisNexis. Refreshment sponsor is US Legal Forms.

**Bingo**

**2:30 P.M. – 4:30 P.M. • NO CHARGE**

Enjoy the fun of Bingo at The Mississippi Bar Convention. Come enjoy a couple of games or stay the entire time as we play for wonderful prizes. There will be regular bingo, X's, picture frame and blackout. Children can attend and will win special prizes. You'll have a great time as you shout B-I-N-G-O!



**Women's Party**

**5:00 P.M. – 6:00 P.M.**

• **NO CHARGE**

If you like to entertain for your friends and family then you will love to join us for this year's Women's Party where you will learn about "Casual but Elegant Entertaining" by Mississippi's own, Gail Pittman. Gail has designed for many celebrities including Oprah Winfrey, Gene Hackman, Faith Hill, Katie Couric, Donald Trump, and Paula Dean. Additionally, her hand painted dinnerware can be seen in some of the nation's premiere restaurants such as Table 52 in Chicago, and casinos around the country including The Beau Rivage, The Taj Mahal, and Caesar's Palace. She was also the Creative Director for Southern Living at Home from 2005 to 2010, and speaking to thousands of consultants and their customers across the country. Come meet and greet with other women at convention, have a glass of wine and hear what advice Gail has to offer for your home entertaining. You will be able to score big points with your friends when you



**FEATURED SPEAKER**  
 Gail Pittman



show off your entertaining skills at your next party. All women attending convention are invited to attend, so come from the beach, shopping, or on your way to dinner. Each attendee will receive a special hand-painted Gail Pittman cross as you leave. There is no charge for this event, so we will see you there!

FRIDAY, JULY 13, 2012

**Legal Run-Around / 5K & Fun Run**

**7:15 A.M. – 8:15 A.M. • NO CHARGE**

This year's Legal Run-Around will be a standard 5K competitive format. In addition to the 5K Run, there will be a 1 Mile Fun Run/Walk. The 1 Mile Fun Run/Walk and 5K Run will depart from the Finz parking lot. Runners and walkers of all ages are invited to participate. There is no charge to participate. All participants will receive a complimentary tank top. You do not have to register ahead of time – just come the morning of the event and have a great time.

**Registration & Information Desk Open**

**7:30 A.M. – 2:00 P.M.**

Be sure to come by to register for the convention or to get additional tickets for the events.

**Clarion-Ledger Newspapers**

**7:30 A.M. – 9:30 A.M.**

Copies of the *Clarion-Ledger* are provided courtesy of the University of Mississippi Law Center.

**Coffee Bar**

**7:30 A.M. – 9:30 A.M.**

A Coffee Bar will be provided on the mornings of the meetings. The Coffee Bar is sponsored by Trustmark Bank.

**Friends of Bill W. Open Meeting**

**7:45 A.M.**

AA, ALANON, ACOA, OA & NA

**Lawyers' Marketplace**

**8:00 A.M. – 12:30 P.M.**

Visit with over 20 exhibitors to assist you in your practice of law and register to win a Treasure Chest full of prizes.



**Mississippi Chapter American Board of Trial Advocates Breakfast Meeting**

**8:00 A.M. – 9:00 A.M.**

**50-Year Anniversary Members Breakfast**

**8:30 A.M. – 9:30 A.M.**

**Harvard-Yale Law Alumni Breakfast**

**8:30 A.M. – 9:30 A.M.**



**Young Lawyers Division General Assembly**

**8:00 A.M. – 9:00 A.M.**

All attendees of convention are invited to join the Young Lawyers during their 76th Annual General Assembly and hear Alan Huffman and Michael Rejebian, authors of *We're with Nobody: Two Insiders Reveal the Dark Side of American Politics*. "The book is our way of taking readers along for the ride as we research politicians from presidential appointees to candidates for local school boards, finding what's right and wrong about politics, political candidates, and the quirky cultural landscape of America. But most importantly, we hope it will encourage voters to consider the source of the information they use to choose who will lead them." A book signing will be held after the assembly. To read more about the book, go to [www.werewithnobody.com](http://www.werewithnobody.com). The Outstanding Young Lawyer Award will be presented to Jennie S.H. Pitts. Jennifer G. Hall of Jackson will pass the gavel to incoming Young Lawyers Division President Rachel M. Pierce of Tupelo.



**Kite Decorating 8:30 A.M. – 9:15 A.M.**

Come decorate your kite to participate in the kite flying contest Friday morning. Kites and markers will be provided at no charge.



**Kite Flying Contest 9:30 A.M. – 10:30 A.M.**

Join the Mississippi Bar's inaugural Kite Flying Contest on the beach. Bring your kite which you made in the Kite Decorating class or bring your own. Prizes will be given. Come and enjoy the breeze!

**Annual Business Session**

**9:15 A.M. – 10:15 A.M.**

The Annual Business Session will include reports from Bar President Hugh Keating and President-Elect Lem Adams. Chief Justice William L. Waller, Jr. will give the annual State of the Judiciary Report.



Hugh Keating  
MS BAR  
PRESIDENT



Lem Adams  
MS BAR  
PRESIDENT-ELECT



Chief Justice  
William L. Waller, Jr.  
MS SUPREME COURT

**"The Lawyer's Roles in Building Equitable Communities" CLE Session**

**10:15 A.M. – 11:15 P.M.**

PRESENTED BY THE MS ACCESS TO JUSTICE COMMISSION  
1 HOUR OF CLE CREDIT

All attendees of the convention are invited to join the Mississippi Access to Justice Commission as they host a panel discussion that will focus on the different ways Mississippi lawyers are working to build communities. From working with community organizations to providing pro bono legal representation, this one hour CLE will explore the ways lawyers can make a difference in their communities while expanding their client base.

**“The Balanced Lawyer” CLE Session**

**10:15 A.M. – 11:15 P.M.**

PRESENTED BY THE LAWYERS AND JUDGES ASSISTANCE PROGRAM  
1 HOUR OF CLE CREDIT

Learn how to better balance your life and career. This CLE session will be presented at no charge by the MS Bar’s LJAP program for you to receive 1 hour of CLE credit for FY 2011-2012

**Sections Meetings**

**10:15 A.M. – 12:15 P.M.**

- **WORKERS’ COMPENSATION AND LABOR & EMPLOYMENT LAW JOINT SECTION ANNUAL MEETING**  
2 HOURS CLE

“The Intersection of Workers Compensation and Employment Law”

Amanda Green Alexander, ALEXANDER & WATSON PA  
Nick Norris, LAW OFFICE OF LOUIS H. WATSON, JR. PA

- **ESTATES & TRUSTS AND TAXATION JOINT SECTION ANNUAL MEETING**  
2 HOURS CLE

“Compassionate and Human Side of Estate Planning”

Katherine N. Barr, SIROTE & PERMUTT, BIRMINGHAM  
Richard A. Courtney, FRASCOGNA COURTNEY PLLC

- **FAMILY LAW SECTION ANNUAL MEETING**  
2 HOURS CLE

“A Trial Lawyer’s Look at Evidence and Procedure in a Bench Trial”

Wynn Clark, ATTORNEY AT LAW

- **SONREEL SECTION ANNUAL MEETING**  
2 HOURS CLE

“Overview of Mississippi’s Current Environmental Issues and Opportunities”

Trudy Fisher, EXECUTIVE DIRECTOR OF MDEQ

- **LITIGATION SECTION ANNUAL MEETING**  
2 HOURS CLE

“Leveraging Social Media for Voir Dire Strategy”

Amy Singer, TRIAL CONSULTANTS, INC.

- **INTELLECTUAL PROPERTY SECTION ANNUAL MEETING**  
2 HOURS CLE , INCLUDING 1 HOUR ETHICS

“The State of Media Law in Mississippi and Beyond”

John Henegan, BUTLER SNOW

“Making Games and Apps Legal from an IP Perspective”

Sherry S. Johnson,  
MISSISSIPPI COLLEGE SCHOOL OF LAW, CAREER CENTER

“Legal Ethics at the Movies to Your Practice”

Anita Modak-Truran, BUTLER SNOW

- **SENIOR LAWYERS SECTION ANNUAL MEETING**  
2 HOURS CLE

**Sections’ Bloody Mary Reception**

**12:00 P.M. – 12:30 P.M.**

All attendees of Labor & Employment Law, Estates and Trusts, Taxation, Family Law, Litigation, SONREEL, Senior Lawyers and Workers’ Compensation Section Meetings are invited to attend a reception following the section meetings.



**Mississippi College Law Alumni Luncheon**

**12:15 P.M. – 1:30 P.M. • \$30/TICKET**

An informal luncheon for friends and alumni of MCSOL or JSOL will be held during convention. Visit with friends and faculty and hear a short presentation from Dean Jim Rosenblatt about the law school.



**University of Mississippi Law Alumni Luncheon**

**12:15 P.M. – 1:30 P.M. • \$30/TICKET**

Please join other University of Mississippi law alumni at the annual luncheon on Friday, July 13. In addition to hearing a report from Dean Richard Gershon, the 2012 Law Alumnus of the Year will be announced.

**Dance Class**

**2:00 P.M. – 3:00 P.M. • \$5 PER PERSON**

You can get your feet movin’ to exciting music! A professional dance trainer, who will be joining us new this year, will teach you some basic steps and start you off on the right foot so that you can dance to the Beatles’ music at the President’s Reception on Friday night. You’ll be dancing like you were a pro! A partner is not required for the class. Experience is not required, and we welcome dancers of all ages to this class. Once you get started, you’ll be hooked on the best music and dancin’ around. Sign up today!



**The “Bob Barnett” Tennis Tournament**

**2:00 P.M. – 5:00 P.M. • \$30/PERSON**

The 2012 Men’s and Women’s Tennis Tournament is being named in memory of the late Bob Barnett, who started this tournament at convention many years ago. It will be held Friday afternoon from 2:00 to 5:00 p.m. at the Bayside Tennis Courts, Sandestin Resort Tennis Center. Partners will be drawn and players will rotate partners after each match of four games. All participants in the tournament must be Bar members or their spouse/guest registered for the 2012 Annual Meeting. Register on the enclosed Annual Meeting Registration form.

FRIDAY, JULY 13, 2012

**Children's "Build-A-Bear" Party**

3:00 P.M. – 5:00 P.M. • NO CHARGE



Kids will have a blast at this year's Children's Party as each child will make a Build-A-Bear animal at the Hilton at no charge. Bears, bunnies, and dogs will be among the furry friends to bring to life. Clothes and shoes for your new animal will be on sale from the Build-A-Bear Workshop staff during the party, so bring a little extra money if you would like to purchase any accessories for your new friend. This will be a kids' party "where best friends are made." We'll also have face painting, foam art, plus many other surprises. Recommended for all children under the age of 12.



**MS State Alumni Reception**

4:00 P.M. – 5:00 P.M.

**President's "Beatlemania" Reception**

6:00 P.M. – 7:30 P.M.

SPONSORED IN PART BY FOX-EVERETT, INC.

You're invited to take "A Ticket to Ride" to the Beatlemania Reception and board the "Yellow Submarine." "Don't Let Me Down" by not coming to visit with Bar President Hugh Keating and his wife, Donna. Put on your dancin' shoes and travel back in time to "Yesterday" and return to "Abbey Road." You won't have to go down "The Long and Winding Road" to enjoy wonderful hors d'oeuvres and an open bar.

"I Want to Hold Your Hand" as you become a member of "Sgt. Pepper's Lonely Hearts Club Band." You "Can't Buy Me Love" but we'll give you "All My Loving" as you listen to the Beatles.

"With a Little Help From My Friends," your registration fee to the Annual Meeting includes admission to the Beatlemania Reception for the registrant plus one guest. "All You Need is Love" and additional tickets for other adult guests over 18 for \$40 each. Those can be purchased on the registration form or at the Bar's registration desk.

Come "Let It Be" if you are having a "Hard Day's Night." You'll want to say hello as we are saying goodbye.



**University of Mississippi Lamar Order Reception**

7:30 P.M. – 10:00 P.M.

Sandestin Hilton Pool Deck



**Family Beach Bash**

8:00 P.M. – 10:00 P.M.

HOSTED BY THE YOUNG LAWYERS DIVISION  
 SPONSORED IN PART BY ABA RETIREMENT FUNDS  
 CRAB HUNTING CONTEST SPONSORED BY KOERBER COMPANY



Come have a great time on the beach. Bring your entire family. Koerber Company will sponsor a crab-hunting contest for the kids! There will even be a Limbo Contest for adults. Prizes will be given! Drinks will be free for children and beer and wine will be available for adults. Come enjoy the fireworks on the last evening of convention on the beach.



**SATURDAY, JULY 14, 2012**

**Registration & Information Desk Open**

7:30 A.M. – 10:00 A.M.

**Coffee**

7:30 A.M. – 9:00 A.M.

Coffee will be provided on the mornings of the meetings.

**Clarion-Ledger Newspapers**

7:30 A.M. – 9:30 A.M.

Copies of the *Clarion-Ledger* are provided courtesy of the University of Mississippi Law Center.

**Friends of Bill W. Open Meeting**

7:45 A.M.

AA, ALANON, ACOA, OA & NA

**Farewell Brunch and Annual Award Presentations**

9:00 A.M. – 11:00 A.M. • \$40/TICKET

A delicious brunch will be held on Saturday morning. In addition to recognizing lawyers who have been practicing for 50 years as members of the Bar, we plan to present Annual Awards, including Distinguished Service Award, Lifetime Achievement Award, Judicial Excellence Award and Curtis E. Coker Access to Justice Award. Everyone is encouraged to attend this event. Enjoy one last visit with your friends at convention.



**Sponsors**

THE MISSISSIPPI BAR THANKS THE FOLLOWING SPONSORS FOR THEIR FINANCIAL SUPPORT OF THE 2012 ANNUAL MEETING.

**SPONSORS AS OF PUBLICATION DATE ARE:**

- ABA Retirement Funds
- Bancorp South
- Bank Plus
- Fox-Everett, Inc.
- The Koerber Company
- LexisNexis
- Mississippi Volunteer Lawyers Project
- Regions Morgan Keegan Trust
- Trustmark National Bank
- University of Mississippi Law Center
- U.S. Legal Forms



SPECIAL FEATURE OF THE 2012 CONVENTION

*Horrell Photography*

Have your family portrait taken on the beach in Sandestin during The Mississippi Bar's Summer School & Annual Meeting.



**Monday, July 9th – Saturday, July 14th**

Call Emma Lou Horrell today to schedule your appointment.

Until Friday, July 6th, call the studio at 601-969-1919 or email: ELhorrell@comcast.net.

After July 6th, call Emma Lou's cell at 601-946-8940.

**SITTING FEES:**

1-5 in family or group. . . . . \$150.00

6 or more in family or group . . . \$200.00

smaller family groups from same family at same time . . . . \$40.00 each group

Early morning or late afternoon are the only appointment times available:

7:30 AM & 6:45 PM

*Images will be emailed to each family.*

*Anna and Robert Jordan's photograph, taken during the 2011 Bar Convention by Emma Lou Horrell.*

# ACCOMMODATIONS

All accommodations are to be booked directly with the Sandestin Beach Hilton or the Sandestin Beach Resort.



**Hilton Sandestin Beach**  
Golf Resort & Spa



**DAILY FROM \$275.00**



The Sandestin Beach Hilton will serve as headquarters property for the 2012 Annual Meeting. The Bar has reserved a block of rooms at the hotel. Located directly on the beach inside Sandestin Beach Resort, all Hilton rooms are tastefully appointed mini-suites, which include wet bars, small refrigerators and dining areas. Some suites in our block have separate bunk bed areas for children. The Sandestin Hilton offers your choice of luxurious accommodations on Florida's famed Emerald Coast ... each offering you a spectacular view from a private balcony. Bathrooms include hairdryers and telephones, and each room has high-speed internet access, a dressing area with two vanities and many other in-room amenities.



[www.sandestinbeachhilton.com](http://www.sandestinbeachhilton.com)



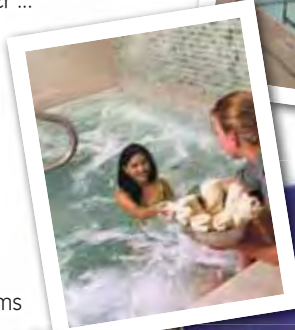
**The Hilton is a full-service resort hotel with 24-hour room service, shops, and five restaurants, all on the premises and fit to satisfy even the pickiest palates...**

- Casual continental cuisine at Sandcastles, featuring the best Sunday Brunch in town ... available for breakfast, lunch and dinner
- Gourmet deli fare at Picnix
- Burgers and tropical favorites by the pool at Barefoots
- Cocktails at sunset at Sand Bar
- The ultimate fine dining experience at Seagar's Prime Steaks & Seafood

On-site amenities include three swimming pools (one indoor pool), children's pools, whirlpools, and our premier Spa, Salon & Fitness Center ... Serenity by the Sea.

**Additional resort amenities available to guests include:**

- Attentive bell staff
- Beach equipment rental
- Daily maid service (nightly turn-down service on request)
- Daily newspaper delivery to guest rooms
- Express checkout
- On-property shuttle to shopping, golf course, etc. (at charge)
- Same-day laundry and valet service
- Security 24 hours a day
- Valet parking (at charge)
- Four golf/tennis pro shops
- Serenity by the Sea retail Shop
- W.H. Smith gift shop



Guest check-in is 4:00 p.m. and guest check-out is 11:00 a.m. The Florida state sales tax (7%) and occupancy tax (4%) will also be added to each guest's bill. \$50 early departure fee for check-out prior to confirmed departure date. \$10 per day for self parking. \$20 per day for valet parking.

**If reserving a room at the Sandestin Hilton:**

**BY PHONE:**

Call the Sandestin Beach Hilton at **1-800-367-1271** Monday - Friday, 8:00 a.m. – 7:00 p.m.

**BE PREPARED WITH THE FOLLOWING INFORMATION:**

- Mississippi Bar Meeting Code: BAR
- Your name, address and telephone number
- Arrival date and departure date
- Number of adults and children
- (No charge for children 17 and under sharing a room with parents.)
- If you need bunk-beds (Bunk-beds are only available in the Emerald Tower, not the Spa Tower at the Hilton.)
- Credit card and expiration date

(Deposits will be recorded at the time reservation is made. A deposit will be refunded if cancellation of reservation is received seven days prior to arrival date.)

**ONLINE:**

Reserve your room online at [www.sandestinbeachhilton.com](http://www.sandestinbeachhilton.com).

- Click on Reservations
- Select arrival and departure dates
- Indicate number of adults and children
- Indicate smoking or non-smoking preference
- Group code: BAR

To ensure your accommodations at the Sandestin Hilton at the Bar's group rate, reservations should be made no later than Thursday, June 7, 2012.



# ACCOMMODATIONS AT THE SANDESTIN GOLF & BEACH RESORT

## BEACHFRONT



### WESTWINDS

Far left – This exquisite beachfront tower features one, two and three bedroom condominiums that afford Gulf views. Westwinds offers a large outdoor pool and a deck area.

	DAILY	WEEKLY
1 bedroom	\$343	\$2231
2 bedroom	\$473	\$3077
3 bedroom	\$603	\$3923

### BEACHSIDE I/II

Two towers – far right – With beautiful Gulf views, this beachfront high-rise offers spacious studio, one, two and three bedroom accommodations.

	DAILY	WEEKLY
Studio Suite	\$287	\$1868
1 bedroom	\$306	\$1989
2 bedroom	\$426	\$2775
3 bedroom	\$538	\$3500

## SOUTHSIDE



### TIVOLI/PINE RIDGE

Overlooking the Baytowne Golf Club, Tivoli's two and three bedroom townhomes and condominiums offer beachside convenience with golf views.

	DAILY	WEEKLY
2 bedroom	\$296	\$2072
3 bedroom	\$389	\$2723
3 bedroom loft	\$399	\$2793

## BEACHWALK



### BEACHWALK

Just a stroll to the beach, dining and shopping, these two and three bedroom townhomes are near a picturesque lake.

	DAILY	WEEKLY
2 bedroom	\$259	\$1687
3 bedroom	\$352	\$2291

## BAYSIDE INN



Recently renovated, this 175 room bayfront hotel offers kitchenettes in every room. The Bayside Inn is convenient to golf, the health club, salon and day spa.

	DAILY	WEEKLY
Guest Room - Resort View	\$138	\$ 901
Guest Room - Bay View	\$148	\$ 961
1 Bedroom Suite	\$194	\$ 1263

## BAYSIDE



### GRAND HARBOUR

Enjoy the luxury of this three bedroom townhome community located directly on The Links Course and overlooking the Baytowne Marina and Choctawhatchee Bay.

	DAILY	WEEKLY
3 bedroom	\$296	\$1928



### VANTAGE POINTE

This community of large three bedroom townhomes is located directly on Choctawhatchee Bay.

	DAILY	WEEKLY
3 bedroom	\$296	\$1928

## Economical Alternatives within 2 mile radius of Hilton Sandestin and Resort

### Marriott Courtyard Sandestin at Grand Blvd

(1.32 miles)

Tel: (850)-650-7411 • [www.marriott.com/hotels](http://www.marriott.com/hotels)

### Hampton Inn & Suites

(2.22 miles)

Tel: (850)-837-7889 • [www.hamptoninn.hilton.com](http://www.hamptoninn.hilton.com)

### Embassy Suites Hotel Destin - Miramar Beach

(2.36 miles)

Tel: (850)-337-7000 • [www.embassydestin.com](http://www.embassydestin.com)



### NORTH SHORE

Directly on Choctawhatchee Bay and The Links Course, these townhomes offer spacious elegance.

	DAILY	WEEKLY
3 bedroom	\$296	\$1928



### • BAYOU • MAGNOLIA • SANDPIPER

These two, three and four bedroom villas and townhomes are nestled along lakes, fairways and greens.

	DAILY	WEEKLY
2 bedroom	\$203	\$1324
3 bedroom	\$296	\$1928



### HARBOUR POINTE

Spacious two bedroom townhomes overlook The Links Course.

	DAILY	WEEKLY
1 bedroom	\$166	\$1082
2 bedroom	\$203	\$1324



### FAIRWAYS COTTAGES

These two bedroom cottages and townhomes offer golf course or lakefront locations.

	DAILY	WEEKLY
1 bedroom	\$166	\$1082
2 bedroom	\$203	\$1324



### PLAYERS' CLUB

Overlooking Choctawhatchee Bay and The Links Course, this five-story, mid-rise offers two bedroom condominiums convenient to golf and dining.

	DAILY	WEEKLY
1 bedroom	\$166	\$1082
2 bedroom	\$203	\$1324

# ACCOMMODATIONS AT THE SANDESTIN GOLF & BEACH RESORT

ACCOMMODATIONS

## THE GRAND SANDESTIN



The Grand Sandestin is a 168-unit Southern plantation-style estate featuring a sweeping two-story veranda offering picturesque views of the Bay and lush formal gardens.

	DAILY	WEEKLY
Studio	\$185	\$1203
1 bedroom	\$210	\$1384
2 bedroom	\$315	\$2049
3 bedroom	\$398	\$2593



The Bar has reserved over 200 rental units at the Sandestin Golf & Beach Resort. The resort boasts a wide variety of accommodations, ranging from the highrise developments on the beach to individual cottages situated along the fairways and lagoons. All Sandestin units, except the Bayside Inn, feature fully equipped kitchens and washers and dryers. The types of accommodations and rates are highlighted. Daily rates include daily maid service while weekly rates include maid service three times a week. Please refer to the resort map to determine the location of each development in relation to the rest of the property. Guest check-in is 4:00 p.m. and guest check-out is 11:00 a.m. The room rates quoted are subject to Florida state sales tax (7%) and occupancy tax (4%). At the resort, your room includes free health club usage, bike rentals, one hour tennis court time, canoe/ kayak rentals and free access to the beach, marina and golf theme areas.

**HOUSING REQUEST FORMS FOR THE RESORT  
MUST BE RECEIVED BY THURSDAY,  
JUNE 7, 2012.**

## VILLAGE



The Village of Baytowne Wharf features luxury accommodations and a unique collection of specialty merchants ranging from quaint boutique shops and charming eateries to lively nightclubs.

	DAILY	WEEKLY
Studio	\$185	\$1203
1 bedroom	\$210	\$1384
2 bedroom	\$315	\$2049

## LUAU



Luau is the newest of Sandestin's luxury beachside properties. The location atop the highest elevation at Sandestin provides excellent views.

	DAILY	WEEKLY
Studio	\$176	\$1143
1 bedroom	\$203	\$1324
2 bedroom	\$296	\$1928
3 bedroom	\$380	\$2472

**IF RESERVING A ROOM AT THE SANDESTIN GOLF & BEACH RESORT, MAIL OR FAX THIS FORM TO:**

• **Sandestin Golf & Beach Resort** **Group Code: 21T910**  
9300 Emerald Coast Parkway | Destin, FL 32550 | PHONE: 800.320.8115 | FAX: 850.267.8221  
**OR BOOK ONLINE:** <http://www.sandestin.com/21T910.aspx>

NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ ST \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_

**PLEASE INDICATE THE NUMBER OF GUESTS WHO WILL BE STAYING IN YOUR UNIT:** \_\_\_\_\_ ADULTS \_\_\_\_\_ CHILDREN

WE WILL NEED A PORT-A-CRIB (CRIBS MUST BE ORDERED IN ADVANCE)

**LIST FIRST, SECOND AND THIRD CHOICES FOR ACCOMMODATIONS WITHIN THE PROPERTY WHICH YOU HAVE SELECTED:**

TYPE OF ACCOMMODATIONS \_\_\_\_\_ NO. OF BEDROOMS \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

DATE AND TIME OF ARRIVAL: \_\_\_\_\_ DATE OF DEPARTURE: \_\_\_\_\_  
(\$50 EARLY DEPARTURE FEE FOR CHECK-OUT PRIOR TO CONFIRMED DEPARTURE DATE.)

**CONFIRM MY RESERVATION WITH MY CREDIT CARD: (CHECK ONE)**

VISA  MASTERCARD  AMEX  DISCOVER  CARTE BLANCHE  DINERS

CREDIT CARD # \_\_\_\_\_ EXPIRATION DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

**NO RESERVATIONS WILL BE ACCEPTED IF NOT ACCOMPANIED BY AN APPROPRIATE CREDIT CARD GUARANTEE. TWO NIGHTS ADVANCE DEPOSIT IS REQUIRED AT THE RESORT TO CONFIRM RESERVATIONS. A DEPOSIT WILL BE REFUNDED IF CANCELLATION OF RESERVATION IS RECEIVED TWO WEEKS PRIOR TO ARRIVAL DATE FOR THE RESORT.**

**BAR'S ROOM BLOCK WILL BE DROPPED AS OF THURSDAY, JUNE 7, 2012**

FOR HOST PROPERTY USE ONLY – RESERVATION NUMBER: \_\_\_\_\_

## ANNUAL MEETING REGISTRATION DESK

The Mississippi Bar Annual Meeting Registration Desk will be open from 12 noon until 8:00 p.m. on Wednesday, July 11, 2012.

The Registration Desk will be located in the Emerald Foyer on the Lobby Level of the Hilton Hotel. Registration hours are from 7:30 a.m. – 2:00 p.m. Thursday and Friday, and from 7:30 a.m. – 10:00 a.m. on Saturday.



## CREDIT CARDS

The Mississippi Bar will accept credit card payments (Mastercard, Visa, American Express and Discover) for registrations and ticketed events. The Mississippi Bar will accept cash and checks.

## HOTEL/RESORT CHECK-IN

Check-in time is 4:00 p.m. at the Hilton Hotel and 4:00 p.m. at the Sandestin Resort and the Inn at Sandestin. If you are staying at the Hilton Hotel, enter the Sandestin property at the beachside entrance of Highway 98 and proceed to the main entrance of the hotel. If you are staying in a Sandestin Resort Condominium, the Resort registration desk is located in the Market shopping area immediately to the west of the beachside entrance to Sandestin.

## DRESS

Dress for the entire convention is casual.

## DIRECTIONS TO SANDESTIN

There are several options to choose from when traveling to Destin.

Traveling east on I-10, take the I-110 exit through Pensacola. Follow signs to Highway 98 east then drive east through Fort Walton Beach and Destin to the Sandestin Resort & Conference Center.

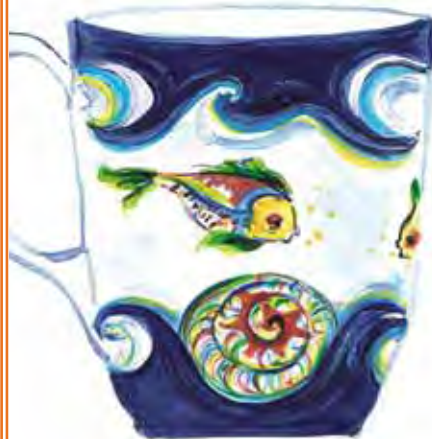
Traveling east on I-10, take Florida Highway 85 south to Florida Highway 20 (Niceville). Drive east, turn right onto Highway 293 (Bay Bridge Road), drive south across the Bay Bridge (Niceville) to Highway 98, then drive east to the Sandestin Resort & Conference Center.



# Commemorative Coffee Mug

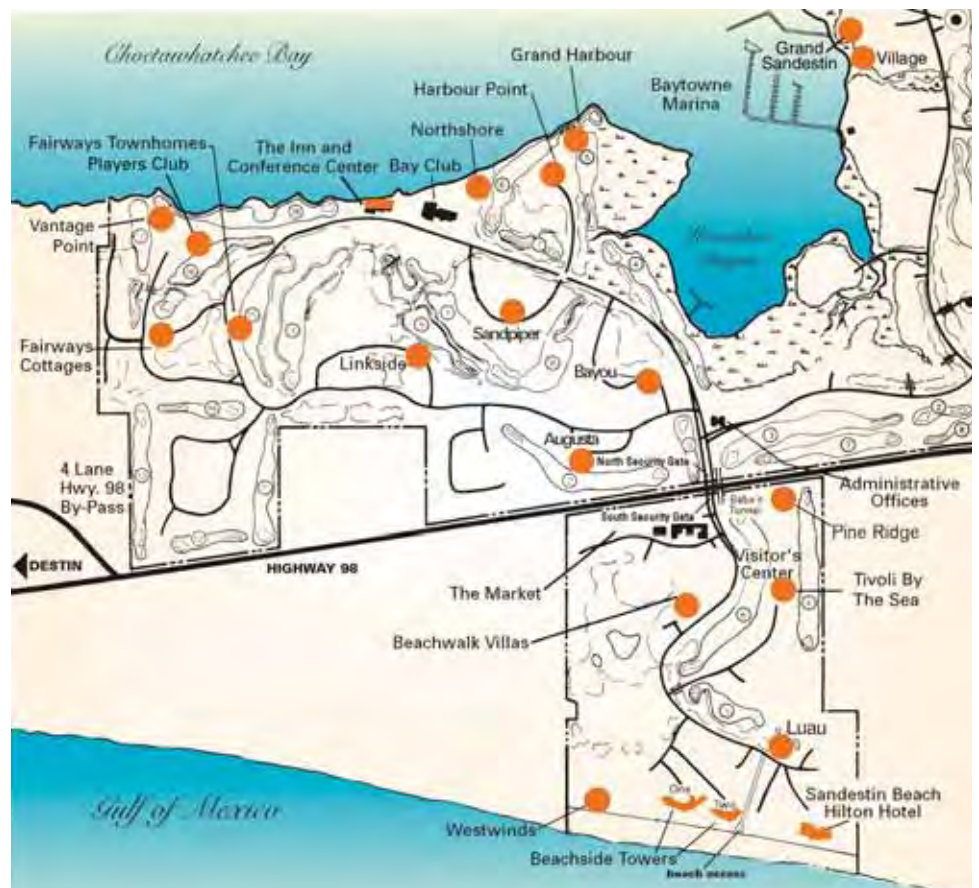
BY GAIL PITTMAN

What better way to start your day than sipping on a fresh cup of coffee overlooking the sunrise over the beach out of this year's Commemorative Coffee Mug. This 16 ounce mug by Mississippi artist Gail Pittman was designed exclusively for us. The mug is dishwasher and microwave safe and will hold your favorite hot beverage. Let these cute fish swim their way into your hearts and bring joy to your morning. The vibrant ocean waves and fish design coordinate with the Annual Meeting's square plate which will be given to each registrant. These two together will surely bring style and design to your home. It has been more than 29 years since Gail began a business creating designs at her kitchen table. She



just \$25 each

began creating hand painted dinnerware, and soon Gail Pittman, Inc. was off and running. Gail's business grew into one of Mississippi's most recognized businesses. Her hand painted dinnerware can be seen in some of the nation's premiere restaurants. Only a limited number of Coffee Mugs are being hand painted for our Annual Meeting attendees. Each Commemorative Coffee Mug will sell for \$25. This colorful piece will be the perfect souvenir to remind you of the sunny days on the beach in Sandestin at this year's Annual Meeting. You can't get this design anywhere but at this year's convention so make sure to order yours today, on the convention registration form, before they are all gone.





# Sponsors of the 2012 Gandy Lecture Series

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# Evelyn Gandy Lecture Series 2013 Dates Set for February 22-23, 2013

*Evelyn Gandy Lecture Series Presented by the Women in the Profession Committee of The Mississippi Bar - Planning the 20th Annual Evelyn Gandy Lecture Series are Co-Chair Jessica Dupont of Pascagoula (pictured left) and Chair Parker Kline of Aberdeen (pictured right). The CLE Series is scheduled for Friday, February 22, 2013 - Saturday, February 23, 2013 at the King Edward Hotel in Jackson, MS. For further information, contact The Mississippi Bar. Mark your calendar today!*



*The 2013 Evelyn Gandy Lecture Series will be held at the King Edward in Jackson*

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# 19th Annual Evelyn Gandy Lecture Series

## February 24-25, 2012, The Peabody



Panel speakers included Judge Jacqueline Mask, Tupelo; Judge Linda Anderson, Jackson; Judge Jerry Davis, Aberdeen and Judge Allan Alexander, Oxford



Co-Chairs of the 2012 Gandy Lecture Series were Parker Kline of Aberdeen and Jennifer Ingram Wilkinson of Hattiesburg

Tami Munsch of Ridgeland and Tiffany Graves of Jackson



Tiffany Grove of Ridgeland and Jenny Tyler Baker of Biloxi



Suzanne Baker-Steele and Charliene Roemer of Biloxi



Stacey R. Moore and Nakimuli O. Davis-Primer, Jackson and Roslyn N. Griffin, Ridgeland

Deneise Lott and Kathleen Fewell of Jackson



Lisa Meggs of Columbus and Kendra Lowrey of Lumberton



*Selene Maddox of Tupelo and Nina Stubblefield Tollison of Oxford*



*Gayla Carpenter-Sanders and Erin Pridgen, Jackson; Sumeka Thomas, Okolona and Chereka L. Witherspoon, Tupelo*



*Jessica Dupont of Pascagoula and Jennie Pitts of Jackson*



*Johnnie Ruth Hudson of Clinton and Shirley Norwood Jones of Jackson*



*Vicki Cobb of Batesville and Mary Lee Brown of Hernando*



*Kay Cobb, Oxford; Constance Slaughter-Harvey, Forest and Mary Libby Payne, Pearl*



*Ann Heidke and Kathy Russell of Jackson*



*Lydia Quarles, Starkville; Judge Jacqueline Mask and Alison Goodman, Tupelo and Megan Conner, Jackson*



*Ann Odom of Amory and Aleita Sullivan of Mendenhall*

# 19th Annual Evelyn Gandy Lecture Series



*Rachelle Richardson of Pelahatchie and Greta Kemp of Jackson*



*MS Court of Appeals Judge Donna Barnes, Tupelo; Tiffany Grove, Ridgeland and Laura Glaze, Jackson*



*Meta Cooper of Gulfport and Ashley Pradel of Jackson*

## Sponsors of the Evelyn Gandy Lecture Series

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# Final Disciplinary Actions

## Disbarments, Suspensions, Inactive Disability Status and Irrevocable Resignations

**Brandon Leigh Galloway of Gulfport, Mississippi.** The Supreme Court of Mississippi **Disbarred** Ms. Galloway from the practice of law based on her guilty plea in the Circuit Court of Harrison County to possession of a controlled substance. The Mississippi Bar filed a Formal Complaint (Cause No. 2011-BD-1140) under Rule 6 of the Mississippi Rules of Discipline (MRD) after receiving a certified copy of the conviction. In accordance with Rule 12(c), MRD, Ms. Galloway is not eligible to apply for reinstatement due to her felony conviction.

**Wendel Shan Thompson of Clinton, Mississippi.** The Supreme Court of Mississippi accepted the **Irrevocable Resignation** of Mr. Thompson in accordance with Mississippi Rule of Discipline 10.5 in Cause No. 2011-BD-1185.

## Public Reprimands

**Jay Lawrence Jernigan of Hattiesburg, Mississippi.** The Committee on Professional Responsibility imposed a **Public Reprimand** in Docket No. 11-077-1 for his violation of Rules 3.5(b), 8.2(a) and 8.4(a) and (d) of the Mississippi Rules of Professional Conduct (MRPC).

Mr. Jernigan in his representation of a husband in a divorce action wrote a letter to the Chancellor expressing his disagreement with certain rulings in the case that was still pending before Chancellor. He also accused the Chancellor of being biased against Mr. Jernigan and/or his client. Mr. Jernigan further accused the Chancellor of being influenced by a family member of the opposing side. Mr. Jernigan did not copy opposing counsel on the letter.

Rule 3.5(b), MRPC, provides that a lawyer shall not communicate ex parte with a judge during the proceeding unless authorized to do so by law or court order.

Mr. Jernigan's letter, on which he failed to copy opposing counsel, is an ex parte communication with a judge during a proceeding, without any legal justification for the communication.

Rule 8.2(a), MRPC, states a lawyer shall not make a statement that he knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge. Mr. Jernigan accused the Chancellor of being biased against him and/or his client in the letter. Mr. Jernigan also accused the Chancellor of being influenced by a family member of the opposing side. Mr. Jernigan made each statement without any factual basis and in reckless disregard to the truth or falsity of each.

Rule 8.4(a), MRPC, provides it is professional misconduct for a lawyer to violate or attempt to violate the rules of professional conduct. Rule 8.4(d), MRPC, states it is also professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice. Mr. Jernigan's conduct is a violation of Rules 3.5(b) and 8.2(a) constituting professional misconduct. In addition, Mr. Jernigan's ex parte communication questioning the integrity of the Chancellor without any factual basis is prejudicial to the administration of justice in that it undermines the legitimacy of the judicial process.

## Private Reprimands

The Committee on Professional Responsibility imposed a **Private Reprimand** against an attorney for violation of Rule 7.7(e), MRPC.

The client filed a Bar complaint alleging they hired an attorney associated with the accused attorney to handle a medical malpractice action that was not pursued. The accused attorney responded that he was not partners with the other attorney. They operated a law office under the name of three attorneys, but each maintained their own respective clients and only shared office expenses.


Rule 7.7(e), MRPC, provides that lawyers may state or imply that they practice in a partnership or other organization only when that is in fact the case. The comment to Rule 7.7, MRPC, states that lawyers who share office space but are not partners may not denominate themselves as such. The comment provides an example that non-partner lawyers may not call themselves "Smith and Jones," because that name suggests a partnership in the practice of law. By holding his firm out as the three named attorneys, the accused attorney suggested he was practicing in a partnership arrangement when that was, in fact, not the case.

## Reinstatements

**Christopher G. Holt of Jackson, Mississippi.** The Supreme Court of Mississippi conditionally granted the petition of Mr. Holt for reinstatement to the practice of law. Mr. Holt must pass the Mississippi Bar Exam and Multi-State Professional Responsibility Exam in order to resume the practice of law in Mississippi. ■

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Jennifer G. Hall  
Young Lawyers Division President  
2011-2012

Spring has sprung, and the Young Lawyers Division is blooming with news. Jennie S.H. Pitts and the Wills for Heroes project continue to make great strides to reach our first responders. Recent events included EMS and Lee County Volunteer Fire Department on March 5, 2012, followed by the Mooreville Eggville Fire Department on March 6; Brandon Fire Department on April 12, 2012; and Camp McCain on April 27, 2012. Upcoming events include Hernando in May and Hattiesburg in June, and I would like to extend a special note of gratitude to all volunteer attorneys who gave of their time to assist with this special project.

The Spring Bar Admissions Ceremony was held on April 26, 2012 at the War Memorial in Jackson. Once again, the Bar Admissions Committee, led by Andrew Stubbs, and Rene' Garner of the MS Bar worked their collective magic and provided a top-notch ceremony for 87 newly admitted members. Speakers included Dr. Chuck Poole of Northminster Baptist Church, who gave the invocation; Pieter Teeuwissen, who spoke on behalf of the Board of Bar Admissions; Chancery Judge Denise S. Owens who administered the oath to practice in the trial courts of Mississippi; Chief Justice William L. Waller, Jr., who administered the oath to practice before the Mississippi Supreme Court and Court of Appeals; Senior Judge Glen H. Davidson, who administered the oath to practice in the U.S. District Court for the Northern District of Mississippi; Senior Judge Walter J. Gex III, who administered the oath to practice in the U.S. District Court

## Young Lawyers Division News

for the Southern District of Mississippi; Judge Leslie H. Southwick, who administered the oath for the U.S. Court of Appeals for the Fifth Circuit; and Hugh D. Keating, MS Bar President, who gave the Admission Address. Dean Richard Gershon recognized new admittees from University of Mississippi Law School, and Dean James H. Rosenblatt recognized new admittees from Mississippi College School of Law.

The Child Advocacy Committee, led by Tiffany Graves, is planning a Fall Symposium on possible methods of expediting child custody and parental termination proceedings so that children are no longer waiting in the balance while decisions are made on these issues. On April 13, 2012, the Committee held a Symposium Planning Meeting in Oxford, Mississippi which included four attorneys from outside of Mississippi to facilitate discussions on what other states (Washington State, New York, North Carolina and Pennsylvania) are doing to confront these issues. Please look for more information about the Fall Symposium in the weeks ahead, and a special thanks to Debbie Bell, David Calder, and Lori Wolff for their continued support of the YLD Child Advocacy Committee and the children of our State.

Our Seminars Committee, chaired by Stephanie Jones, has been busy with its proposal to expand the ethics/professionalism aspect of the Bridge the Gap CLE for our newly admitted members. As you may be aware, the Bridge the Gap CLE was revamped last summer. Attendees now have the option of attending in person or live via an online webcast, and the program provides 6.0 hours of CLE credit, including 3.0 hours of basic skills and 3.0 hours of ethics/professionalism. The Committee's proposal, which has the blessing of the CLE Commission and the Board of Bar Commissioners, is to require all new admittees to obtain 6.0 hours of basic skills training and 6.0 hours of professionalism CLE credit within the first two years of practice using the Bridge

the Gap CLE as the vehicle for obtaining those hours. The Committee's proposal will be presented to the Mississippi Supreme Court as its implementation will require a rule change.

Our Local Affiliates are busy as well. In addition to having membership meetings with guest speakers and hosting Wills for Heroes events, our Local Affiliates are conducting law-related education and community service projects. For example, Warren County YLD, led by Lane Campbell, has started a pilot program in the Vicksburg Intermediate Schools in which the Fifth and Sixth Grade classes are trying the case of the Big Bad Wolf and the Three Little Pigs. The classes will present the case as a trial before a Circuit Court Judge in the Circuit Courtroom one a five-count indictment. Harrison County YLD, led by Elise Lowery, and Lee County YLD, led by Stephen Spencer, are planning their respective annual charity golf tournaments. Jackson Young Lawyers, led by Melissa Rose, will be awarding its second Community Outreach Grant this spring. Applications have been solicited, and JYL will award at least one, possibly two, grants to Metro area non-profit organizations in the amount of \$2,000 to \$3,000.

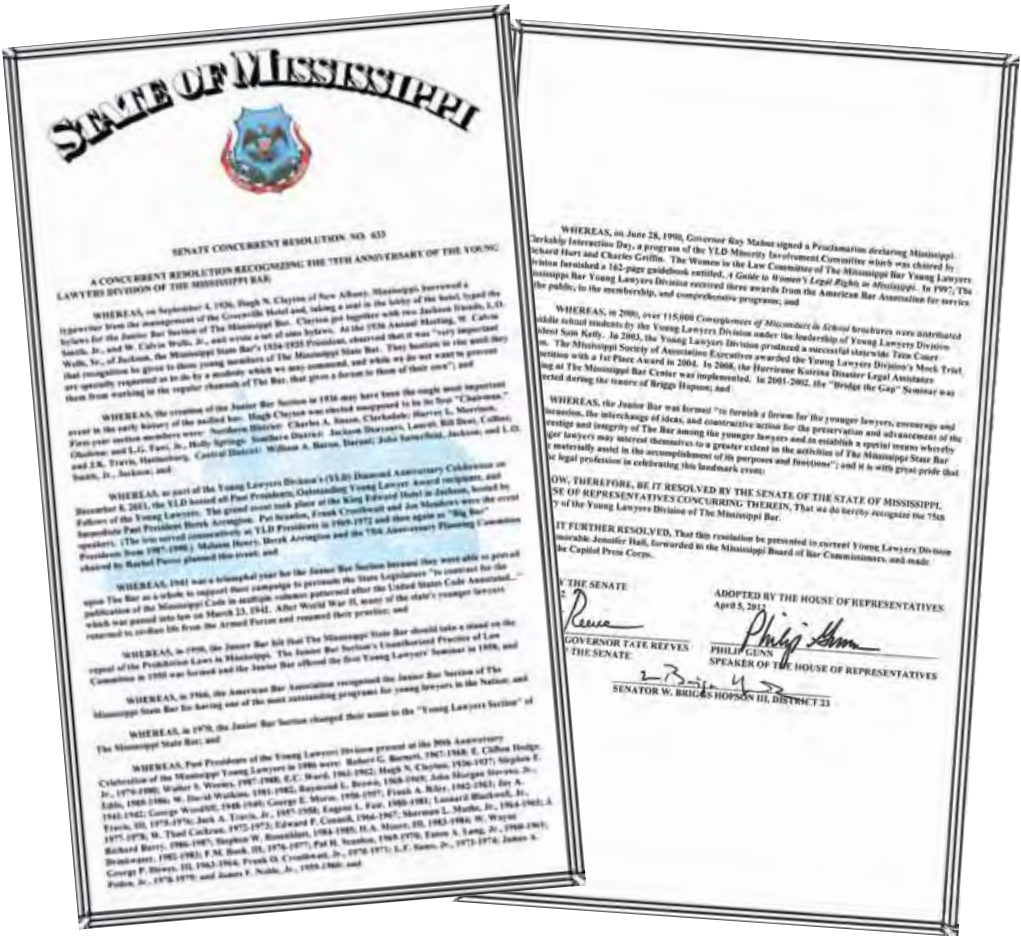
Finally, I hope that you will all join us for the YLD General Assembly at the Bar Convention on Friday, July 13, 2012 at 8:00 a.m. All attendees of Convention are invited, and our guest speakers will be Alan Huffman and Michael Rejebian, authors of *We're with Nobody: Two Insiders Reveal the Dark Side of American Politics*. The duo have 18 years of experience in political opposition research, and their book landed them an appearance on *The Daily Show* with Jon Stewart. More information is available at [www.werewithnobody.com](http://www.werewithnobody.com), and a book signing will be held after the assembly. Additionally, we will present the well-deserved Outstanding Young Lawyer Award to Jennie S.H. Pitts, and I will pass the gavel to Rachel M. Pierce, our incoming YLD President. ■

# Young Lawyers Division

Jennifer G. Hall  
YLD President 2011-12

## Comment to Senate Concurrent Resolution No. 633

It is my honor to share Senate Concurrent Resolution No. 633, adopted by the Mississippi Senate on March 28, 2012 and by the Mississippi House of Representatives on April 5, 2012. The Resolution recognizes the 75th Anniversary of the YLD and highlights the YLD's history and noteworthy accomplishments over those years, including the YLD publications of *A Guide to Women's Legal Rights in Mississippi* and the *Consequences of Misconduct in School* as well as the receipt of three awards from the American Bar Association. A special thank you to the Resolution's author, Sen. W. Briggs ("Bubba") Hopson III (Past President of the YLD and Fellow of the Young Lawyers); co-authors, Sen. Kelvin Butler, Sen. Joey Fillingane, Sen. Haskins Montgomery, and Sen. Michael Watson; Lieutenant Governor Tate Reeves; and Philip Gunn, Speaker of the House. ■



# Fall 2012 Bar Admissions Ceremony Sponsored by the Young Lawyers Division



Program participants administering the oath to practice law in Mississippi included (front row) Judge Walter J. Gex III, US District Courts for the Southern District of Mississippi; Judge Glen H. Davidson, US District Courts for the Northern District of Mississippi; Judge Denise Owens, Hinds County Chancery Court; Chief Justice William L. Waller, Jr., Supreme Court of the State of Mississippi; Judge Leslie H. Southwick, US Court of Appeals for the Fifth Circuit; Andrew J. Stubbs, Chair, Bar Admissions Ceremony Committee Chair; (back row) Jennifer G. Hall, President of the Young Lawyers Division of The Mississippi Bar; Dean James H. Rosenblatt, Mississippi College School of Law; Pieter Teeuwissen, Chair, Board of Bar Admissions; Hugh D. Keating, President of The Mississippi Bar; and Dean Richard Gershon, University of Mississippi Law School.



The Spring Bar Admission Ceremony sponsored by the Young Lawyers Division was held Thursday, April 26, 2012 at the War Memorial in Jackson. Representing the Young Lawyers Division Bar Admission Ceremony Committee were (front row) Jaklyn Wrigley; Mary Purvis; Andrew Stubbs, Chair; Barbara Meeks; (back row) Tiffany Graves; Jennie Pitts; Jason Payne and Mimi Reeves.



## Spring 2012 New Admittees

Brandie Joann Alldredge  
 Julianne Kay Bailey  
 Margaret Britt Baker  
 Tammy Lynn Baker  
 Whitney Alexandra Barkley  
 Nathan L. Barrett  
 James Lee Bassett II  
 Pamela Ruth Beidleman  
 Andre Robert Belanger  
 Cary David Black  
 Jamie Ellen Blackmon  
 Bradford David Box  
 Brennan Patrick Breeland  
 Meagan Courtney Brittain  
 Celeste Brustowicz  
 Candice Renee' Bush  
 Robert William Canoy, Jr.  
 Courtney Kim Choi  
 Travis Morgan Clements  
 Lewis Clayton Culpepper III  
 Susan Weldon Culpepper  
 Lan The Diep  
 Gerard Joseph Dragna  
 Megan Susanne Felker  
 Kenosha Ferrell  
 Mary Kathryn Ford  
 Nathan Richard Glassman  
 Patrick O'Neal Gray  
 Candace Wynette Gregory

Ashley Powell Griffin  
 Ravonda Leticia Griffin  
 Winston Raoul Grow  
 Laurel Li Harris  
 Jennifer Sue Harrison  
 Adria Lynn Hertwig  
 Richard Bradley Hiatt  
 Damian Lamar Holcomb  
 Michael Alan Holcomb  
 Laura Camille Huddleston  
 Collen Leigh Hudson  
 Elizabeth Erin Hyde  
 Lori Anne Johnston  
 Lauren Ashley Jordan  
 Mark David Keyl  
 Joseph David Lawhorne  
 Chari Elyse Lawrence  
 Michelle Christine Le  
 Stacie Beth Lieberman  
 Erno David Lindner  
 Phillip Lloyd Londeree  
 Amy Elizabeth Lott  
 Robert Darl Malin  
 Todd Cameron Mallette  
 Derek Payton Martin  
 Helen Maureen McDonald  
 Carol Patrick Michel  
 Jeffrey Michael Mitchell  
 Bradford Keith Morris

Evan David Nahmias  
 Jason Edward Owens  
 Paresh Eknath Pande  
 Jessica Lynn Perri  
 Joseph Edward Powell  
 Nancy Lauren Presley  
 Andrew Michael Raines  
 Kelly Dana Reese  
 Steven Charles Richardson  
 Marquis Deshun Rose  
 Kurt Steven Saul, Jr.  
 Randall Ryan Saxton  
 Joseph Nabil Shayeb  
 Matthew David Sitton  
 Alida Leeann Slipher  
 John D. Smith  
 Marsha Weems Stacey  
 Jefferson Kendall Blake Stancill  
 Patrick E. Stegall  
 Kimberly Shenee' Sweeney  
 Justin Michael Taylor  
 Charles Marshall Thomas  
 Christopher Andrew Townsend  
 Senica Manuel Tubwell  
 Laura Kathryn Van Namen  
 Whitney Weeks Warrington  
 Ophelia Renee' Wells  
 William Ledyard Williamson  
 Elizabeth Lucinda Wynn



## New “Lawyers in the Family”



*Jason Owens of Jackson, center, is welcomed by his father Bob Owens (admitted 1979) and his mother Judge Denise Owens (admitted 1976) both of Terry.*



*Brennan P. Breeland, left, is congratulated by his father Durwood J. Breeland (admitted 1985) both from Brookhaven.*



*Paul B. Blake of Ridgeland, left, (admitted 2007) welcomes his brother Jefferson K.B. Stancill, right, of Laurel.*



*Tim Hudson of Columbus (admitted 1986) congratulates his daughter Collen Hudson.*



*Chari Elyse Lawrence is welcomed by her father Charles E. Lawrence, Jr., right, (admitted 1979) and her brother Charles E. “CJ” Lawrence III, left, (admitted 2010) all from Hattiesburg.*

## 2012 Mississippi High Sch



*St. Andrew's Episcopal School displays the First Place gavel they were awarded during the 29th Annual High School Mock Trial Competition. Pictured with their teacher sponsor, Dr. James C. Foley, and their attorney coaches (left to right) Sheryl Bey and Anita Modak-Truran. Not pictured is attorney coach Tammye Brown.*



*The final round judges included (left to right) Hugh Keating, President of The Mississippi Bar; LaKeysha Greer Isaac, member of South Pike High School's Mock Trial Team that won 1st at Nationals in 1993 in Atlanta and got 3rd place in Nationals in 1992 in Madison, Wisconsin; Jennifer G. Hall, President of the Young Lawyers Division of The Mississippi Bar; Robert Gibbs serving as the presiding judge; and Chief Justice William L. Waller, Jr., Chief Justice of the Mississippi Supreme Court.*

On Saturday, February 18, in the new Supreme Court Chambers, St. Andrew's Episcopal School finished in first place and went on to represent Mississippi in the 2012 National High School Mock Trial Competition held May 2-6 in Albuquerque, New Mexico.

Distinguished members of the Bar judged the statewide final round. These judges included Hugh Keating, President of The Mississippi Bar; Jennifer G. Hall, President of the Young Lawyers Division of The Mississippi Bar; LaKeysha Greer Isaac, member of South Pike High School's Mock Trial Team that won 1st at Nationals in 1993 in Atlanta and finished in 3rd place at the 1992 Nationals in Madison, Wisconsin; Chief Justice William L. Waller, Jr., Chief Justice of the Mississippi Supreme Court; and Robert Gibbs served as the presiding judge again this year. He has presided at the Statewide Mock Trials for nearly 18 years.

Thirty-eight teams from around the state participated in three regional competitions, which were held in January and February in Gulfport, Jackson and Oxford. From those teams, 20 teams advanced to the statewide competition held on February 17-18 at the Hinds County Courthouse and Chancery Courthouse in Jackson.

Oxford High School earned the second place trophy gavel, coached by Dave Rozier and Keith Pearson. The following schools earned the remainder of the top six positions. Gautier High School, third place, coached by Cherie R. Wade; Long Beach High School Team 1, fourth place, coached by Brad Rath; Jackson Prep Team 1, fifth place, coached by Crane Kipp, Lewis Bell and Lawson Hester; and Long Beach High School Team 2, sixth place, coached by Brad Rath. The Mississippi Bar High School Mock Trial Competition is sponsored and coordinated by the Young Lawyers Division of The Mississippi Bar. ■

# UPDATE

## ool Mock Trial Competition



# Mississippi Attorneys Who Served As Team Coaches During The Mississippi 2012 High School Mock Trial Competition

Captain Craig Dunham.....Biloxi <i>Biloxi High School</i>	Anthony L. Farese.....Ashland <i>Marshall Academy</i>
Captain Michael Wakeley.....Biloxi <i>Biloxi High School</i>	Phillip K. Knecht.....Holly Springs <i>Marshall Academy</i>
David M. Harris, Jr.....Biloxi <i>Biloxi High School</i>	Jacob Ray.....McComb <i>McComb High School</i>
Woody Breeland.....Brookhaven <i>Brookhaven High School</i>	Katie Trundt.....Madison <i>MRA</i>
Brad Reeves.....Jackson <i>Christian Home Educator's Connection</i>	Scott Colom.....Columbus <i>MSMS</i>
Evan J. Lundy.....Jackson <i>Christian Home Educator's Connection</i>	Dave Rozier.....Oxford <i>Oxford High School</i>
Butch McCardle.....Hazlehurst <i>Copiah Academy</i>	Keith Pearson.....Oxford <i>Oxford High School</i>
Daniel W. Kitchens.....Crystal Springs <i>Copiah Academy</i>	Justin Cluck.....Holly Springs <i>Potts Camp High School</i>
Milton Carroll McCardle.....Hazlehurst <i>Copiah Academy</i>	Deborah Kazal.....Pascagoula <i>Resurrection Catholic School</i>
Timothy Lavelle Rutland.....Hazlehurst <i>Copiah Academy</i>	Stephen W. Burrow.....Pascagoula <i>Resurrection Catholic School</i>
Jacqueline Meek.....Eupora <i>Eupora High School</i>	Tony Lawrence.....Pascagoula <i>Resurrection Catholic School</i>
Cherie R. Wade.....Pascagoula <i>Gautier High School</i>	Carey R. Varnado.....Hattiesburg <i>Sacred Heart Catholic School</i>
Crane Kipp.....Jackson <i>Jackson Prep</i>	Don Hinton.....Hattiesburg <i>Sacred Heart Catholic School</i>
Lewis Bell.....Jackson <i>Jackson Prep</i>	Katherine L. Howie.....Hattiesburg <i>Sacred Heart Catholic School</i>
Lawson Hester.....Jackson <i>Jackson Prep</i>	Sarah Snow.....Hattiesburg <i>Sacred Heart Catholic School</i>
Leo Carmody.....Oxford <i>Lafayette High School</i>	Lauren R. McCrory.....Biloxi <i>St. Patrick Catholic High School</i>
Joel Hamilton.....Meridian <i>Lamar School</i>	Pepper A. Pearson.....Gulfport <i>St. Patrick Catholic High School</i>
Stephen Wilson.....Meridian <i>Lamar School</i>	Anita K. Modak-Truran.....Ridgeland <i>St. Andrew's Episcopal School</i>
Kacey Bailey.....Meridian <i>Lamar School</i>	Sheryl Bey.....Jackson <i>St. Andrew's Episcopal School</i>
Reed Darsey.....Meridian <i>Lamar School</i>	Tammye C. Brown.....Jackson <i>St. Andrew's Episcopal School</i>
Brad Rath.....Long Beach <i>Long Beach High School</i>	Stan Sorey.....Raleigh <i>Sylva-Bay Academy</i>
Rogen Chhabra.....Jackson <i>Madison Central</i>	Chris Collins.....Union <i>Union High School</i>
Staci A. O'Neal.....Madison <i>Madison Central</i>	

# Special Thanks to Mississippi Attorney Judges for 2012 Statewide & Regional Mock Trial Competition

**The Mississippi Bar Young Lawyers Division would like to thank the following members of The Mississippi Bar for their efforts as attorney judges during the 2012 High School Mock Trial Competition.**

## Regional Judges

Shawn Alexander ..... Ridgeland  
 Chris Anderson ..... Jackson  
 Christina Ashoo ..... University  
 Alison Baker ..... Gulfport  
 Matt Baldridge ..... Brandon  
 Jessica Bates ..... Pascagoula  
 Catherine Bell ..... Jackson  
 David Bell ..... Oxford  
 Thomas Bellinder ..... Jackson  
 Ali Bhatti ..... Jackson  
 Joel Blackledge ..... Gulfport  
 Bernard Booth ..... Ridgeland  
 Ann Bowden-Hollis ..... Gulfport  
 David Brisolaro ..... Long Beach  
 Eric Brown ..... Jackson  
 Matthew Burrell ..... Gulfport  
 Zachary Busey ..... Jackson  
 Graham Carner ..... Jackson  
 Mike Carr ..... Cleveland  
 Krissy Casey ..... Aberdeen  
 Latoya Cherry ..... Jackson  
 John Christopher ..... Ridgeland  
 Meta Cooper ..... Gulfport  
 John Dawson ..... Gulfport  
 Mitchell Driskell ..... Oxford  
 Stephen Dummer ..... Gulfport  
 Jessica Dupont ..... Pascagoula  
 Bill Eckert ..... Metairie  
 Jamie Fite ..... Gulfport  
 Chris Fontan ..... Jackson  
 Stanton Fountain ..... Biloxi  
 David Frazier ..... Pascagoula  
 Hale Freeland ..... Oxford  
 Brandi Gatewood ..... Ocean Springs  
 Judy Guice ..... Biloxi  
 Patrick Guild ..... Gulfport  
 Ryan Hall ..... Jackson  
 Brent Hazzard ..... Jackson  
 Charles Homan ..... Water Valley  
 Wendy Huff ..... Jackson  
 William Hussey ..... Jackson  
 Janice Jackson ..... Jackson  
 Julia Jimenez ..... Ridgeland

Jim Johnstone ..... Pontotoc  
 Baskin Jones ..... Jackson  
 John Kavanagh ..... Mobile  
 Alison Kelly ..... Jackson  
 Greta Kemp ..... Jackson  
 Tom Kesler ..... Clinton  
 Dylan King ..... Memphis  
 Reid Krell ..... Horn Lake  
 Davetta Lee ..... Jackson  
 Jennifer Lindsey ..... Tupelo  
 Roger Lott ..... Tupelo  
 Elizabeth Low ..... Memphis  
 Elise Lowery ..... Biloxi  
 Janelle Lowrey ..... Tupelo  
 Christy Malatesta ..... Jackson  
 Jacob Malatesta ..... Flowood  
 Reed Martz ..... Oxford  
 Judge James D. Maxwell II ..... Oxford  
 Megan McGrew ..... Gulfport  
 Judge Michael W. McPhail ..... Hattiesburg  
 Laura Moore ..... Jackson  
 Gerald Mumford ..... Jackson  
 Tami Munsch ..... Ridgeland  
 Jessica Murray ..... Jackson  
 Mary Nichols ..... Gulfport  
 Niki Pace ..... Oxford  
 James Parrett ..... Oxford  
 Marlena Pickering ..... Jackson  
 Jennie Pitts ..... Jackson  
 Kathryn Platt ..... Gulfport  
 Amanda Proctor ..... Jackson  
 Sarah Reese ..... Biloxi  
 Danny Riederer ..... Memphis  
 Ellen Robb ..... Ridgeland  
 Dean Jim Rosenblatt ..... Jackson  
 Jason Savarese ..... Gulfport  
 Lucy Savorgnan ..... Jackson  
 Aafra Sellers ..... Jackson  
 David Shelton ..... Oxford  
 Briggs Smith ..... Batesville  
 Daniel Sparks ..... Oxford  
 Lance Stevens ..... Jackson  
 Forrest Stringfellow ..... Clinton  
 Michael Tarleton ..... Ridgeland  
 Christine Tatum ..... Oxford  
 Virginia Turnage ..... Jackson  
 Kathlyn Van Buskirk ..... Pascagoula  
 Clarence Webster ..... Jackson  
 Scotty Welch ..... Jackson  
 Josh Wiener ..... Ridgeland  
 Rebecca Wiggs ..... Jackson  
 Mike Williams ..... Greenville

Cory Williamson ..... Oxford  
 Mark Woods ..... Oxford  
 Jaklyn Wrigley ..... Gulfport

## Statewide Judges

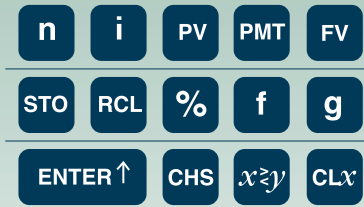
Matt Baldridge ..... Brandon  
 Ed Bean ..... McComb  
 Thomas Bellinder ..... Jackson  
 Michael Bentley ..... Jackson  
 Michael Brown ..... Jackson  
 Tammye Brown ..... Jackson  
 Barry Campbell ..... Jackson  
 Mike Carr ..... Cleveland  
 Judge James Chaney, Jr. .... Vicksburg  
 Adam Choate ..... Jackson  
 Betsy Cotton ..... Yazoo City  
 Elizabeth Crowell ..... Jackson  
 Michael Crowley ..... Clinton  
 Rick Davis ..... Flowood  
 Kim Davis-Primer ..... Jackson  
 Shuntal Dean ..... Jackson  
 Laura Dixon ..... Ridgeland  
 Dan Duggan ..... Brandon  
 Brooks Eason ..... Jackson  
 David Frazier ..... Pascagoula  
 Dave Galyon ..... Jackson  
 Frank Garrison ..... Jackson  
 Joseph Gill ..... Jackson  
 Chip Glaze ..... Jackson  
 Michael Gleason ..... Hazlehurst  
 Tiffany Graves ..... Jackson  
 Emily Haxton ..... Jackson  
 Brent Hazzard ..... Jackson  
 Mark Herbert ..... Jackson  
 Ralph Holiman ..... Jackson  
 Kelly Hollingsworth ..... Jackson  
 Eric Hospodor ..... Jackson  
 William Hussey ..... Jackson  
 Janice Jackson ..... Jackson  
 Andy Johnson ..... Jackson  
 Bill Jones ..... Jackson  
 Stephanie Jones ..... Jackson  
 Omodare Jupiter ..... Jackson  
 Alison Kelly ..... Jackson  
 Greta Kemp ..... Jackson  
 Tom Kesler ..... Jackson  
 Jeff Klingfuss ..... Jackson  
 Reid Krell ..... Horn Lake  
 Davetta Lee ..... Jackson  
 PJ Lee ..... Jackson  
 Richard Lee ..... Jackson  
 Christy Malatesta ..... Jackson  
 Jacob Malatesta ..... Flowood  
 Melissa Malouf ..... Jackson  
 Mike Malouf, Jr. .... Jackson  
 Phil Mansour ..... Greenville  
 Will Manual ..... Jackson  
 John Martin ..... Canton  
 Venecia Mason ..... Jackson  
 Amelia McGowan ..... Vicksburg  
 Jeremy McNinch ..... Jackson  
 Lance Mixon ..... Flowood  
 John Mooney ..... Madison  
 Laura Moore ..... Jackson  
 Mary Clay Morgan ..... Jackson  
 Tami Munsch ..... Ridgeland  
 Jessica Murray ..... Jackson  
 Stacy Nobles ..... Jackson  
 Lanny Pace ..... Jackson  
 Torri Parker ..... Ridgeland  
 Marlena Pickering ..... Jackson  
 John Price ..... Magnolia  
 Erin Pridgen ..... Jackson  
 Amanda Proctor ..... Jackson  
 Mary Purvis ..... Jackson  
 James Renfroe ..... Flowood  
 Casey Rodgers ..... Jackson  
 Laura Rodgers ..... Jackson  
 Laura Rose ..... Ridgeland  
 Vicki Rundlett ..... Jackson  
 Edward Sanders ..... Flowood  
 Drew Schimmel ..... Jackson  
 Aafra Sellers ..... Jackson  
 Chad Shook ..... Hattiesburg  
 Lanesha Sims ..... Ridgeland  
 Michael Smith ..... Ridgeland  
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 Lance Stevens ..... Jackson  
 Austin Stewart ..... Jackson  
 Forrest Stringfellow ..... Clinton  
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 Michael Tarleton ..... Ridgeland  
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 Amy Topik ..... Jackson  
 Judge Virginia C. Carlton ..... Jackson  
 Robert Walker ..... Jackson  
 Clarence Webster ..... Jackson  
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 Ashley Young ..... Jackson

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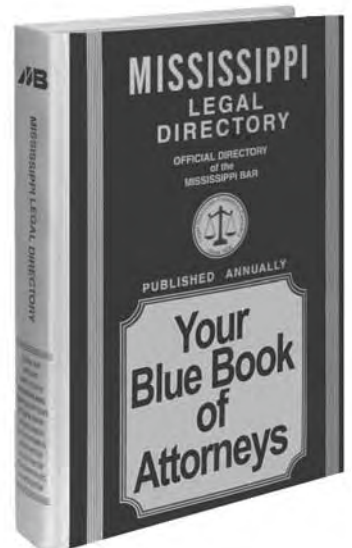
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# Mississippi Women Lawyers Association Award Program

May 2, 2012



Mississippi State Treasurer Lynn Fitch won the Outstanding Woman Lawyer of the Year Award from the Mississippi Women Lawyers Association. Congratulating her is Mississippi Bar President Hugh Keating.



Carol West received the Lifetime Achievement Award posthumously from MWLA. Accepting the award on her behalf was Dean Jim Rosenblatt. Presenting the Award is Jennie Pitts, MWLA President, and Jessica Dupont, Chair of MWLA Day of Leadership.



President of MWLA, Jennie Pitts, pictured on right, accepts a plaque from incoming MWLA President, Tami Munsch, pictured left.



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# What You Need to Know About the Fair Credit Reporting Act

## Introduction

**I**dentify theft is the fastest growing crime in the nation and has achieved that dubious distinction for many years. With about ten million victims each year, the crime of identity theft is rampant. When the identity thief fails to pay for the charges he or she makes to the fraudulently opened accounts, each account will eventually be charged off and reported with an adverse payment history onto the victim's credit reports. Thus, many if not most instances of identity theft result in the inclusion of erroneous fraudulent information as part of the victim's credit reports, which often ruin the hard earned credit histories of many of those ten million innocent victims of identity theft. But what protection does the consumer have against the inclusion of such errors on his credit reports? The answer is the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 *et seq.*

Errors appear on consumers' credit reports for many reasons. Identity theft is one. An error in the information sent to the credit bureaus by a creditor is another. The credit bureaus' mixing of two persons' credit files together due to similar names and/or Social Security numbers is yet another. The Fair Credit Reporting Act ("FCRA") requires that the credit bureaus use reasonable procedures to assure maximum possible accuracy of the credit reports they generate. Also, when a consumer disputes an error on his credit report to the credit bureau on whose report the error is found, the FCRA also requires both the credit bureau and the company that reported the error to perform a reasonable investigation of the error.

## History of the FCRA

The Fair Credit Reporting Act, 15 U.S.C. §§ 1681 *et seq.*, originally went into effect on April 25, 1971 as part of the larger set of acts that comprise the federal Consumer Credit Protection Act, 15 U.S.C. §§ 1601 *et seq.* The other acts that comprise the Consumer Credit Protection Act include the Truth in Lending Act,

which deals with what information must be disclosed by lenders to borrowers, the Fair Debt Collection Practice Act, which regulates collection agencies, and the Credit Repair Organization Act, which regulates credit repair agencies. The Fair Credit Reporting Act regulates the companies that create credit reports (i.e. the credit bureaus) as well as the users of credit reports and the companies that furnish information to the credit bureaus for inclusion on consumers' credit reports.

The purpose of the FCRA is to "require that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information." 15 U.S.C. §§ 1681(b). The FCRA applies to those who create, use or furnish information to be included in consumer reports. Consumer reports are defined by 15 U.S.C. §§ 1681a(d) as "written, oral, or other communication of any information by a consumer reporting agency bearing

*By: Christopher E. Kittell,  
Clarksdale, Mississippi*



## What You Need to Know About the Fair Credit Reporting Act

on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer eligibility for

(A) credit or insurance to be used primarily for personal, family, or household purposes;

(B) employment purposes; or

(C) any other purpose authorized under section 604 [15 U.S.C. § 1681b]."

This means that only a credit report transmitted by a consumer reporting agency to a third party (referred to by the FCRA as a "user" of the consumer report) is considered a "consumer report". The credit report provided directly to the consumer by the consumer reporting agency to review is not a "consumer report" but is instead a "consumer disclosure" and thus does not fall under the definition of "consumer report". Also, a credit report is only a "consumer report" if it is either used for personal, family or household purposes, or employment purposes or one of the permissible purposes found in 15 U.S.C. § 1681b. Thus, credit reports generated for a business purpose (i.e. a business loan) are not "consumer reports" and thus do not fall under the protections of the FCRA.

While most people equate consumer reports to credit reports, consumer reports are more than just credit reports. They include any collection of information about a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living that is collected for the purpose of sharing with a third party that is not the consumer about whom the report relates. Background checks are therefore consumer reports. Histories of insurance claims and lawsuits filed by a consumer are consumer reports. A criminal record is a consumer report.

And consumer reports are used for much more than just the determination of whether a consumer qualifies for a loan. Consumer reports are used by many insurers when determining eligibility for insurance and setting premiums. Many insurers claim a direct correlation between your payment history and the likelihood of filing an insurance claim.

Consumer reports are used by many employers to determine eligibility of applicants for employment. This type of

consumer report often caused consumers to fall into a catch 22 type situation. When a consumer loses his job, often late payments or even no payments on bills occur while that consumer is looking for a new job. This late payment history is reported to the credit bureaus, who include it on the consumer's credit report. As a result, his credit score goes down and his credit history is detrimentally affected. When he applies for jobs in the future, his bad credit history caused by his lack of employment may prevent him from getting the job that he is seeking to solve his lack of

employment.

As you can see, consumer reports affect many different areas of the lives of consumers. Therefore, the protections and remedies afforded by the Fair Credit Reporting Act are crucial as they are designed to require maximum possible accuracy of the contents of consumers' consumer reports.

### How Does the Credit Reporting System Work?

Banks, credit card companies, collec-

*Continued on next page*

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C12-0201-010 (2/12)

## What You Need to Know About the Fair Credit Reporting Act

tion agencies and finance companies all provide information to the credit bureaus regarding the payment histories of consumers with which they do business. These companies provided the consumers' information to the credit bureaus for free. Thus, the credit bureaus do not have to pay for their "inventory", i.e. the information they later sell as part of consumers' credit reports. The credit bureaus then compile the payment information provided to them into credit reports regarding individual consumers. The credit reports contain all types of accounts - mortgages, car loans, credit card accounts, even bankruptcies, judgments and tax liens. These credit reports are then sold to any user with a permissible purpose, usually either a company wanting to make a firm offer of credit to the consumer about whom the report relates or one of the consumer's existing creditors, who wants to make sure the consumer is still a viable credit risk. Credit reports are used to decide whether to grant an application for credit, whether to raise interest rates or lower credit limits, or even

whether to hire an employee or insure a consumer.

### Duties of Credit Bureaus Under the FCRA

The credit bureaus possess various duties pursuant to the Fair Credit Reporting Act. First, whenever they generate a credit report regarding a consumer, the credit bureaus (called consumer reporting agencies by the FCRA) must "follow reasonable procedures to assure maximum possible accuracy of the information" contained in the consumer report it prepares. 15 U.S.C. § 1681e(b). This requirement of maximum possible accuracy applies to any consumer report prepared by the credit bureaus, such as the reports prepared in relation to credit card applications, home loans, automobile financing and background checks.

Further, the Fair Credit Reporting Act restricts the consumer reporting agencies' disclosure of consumer reports to only those entities with a permissible purpose to receive the report. 15 U.S.C. § 1681b

defines what constitutes a permissible purpose. Permissible purposes include providing consumer reports to persons which the consumer reporting agency has reason to believe will use the report (1) in deciding whether to grant or deny a credit application, (2) for employment purposes, (3) as part of the underwriting of insurance involving the consumer, (4) as part of the determination whether a consumer is eligible for a license or other government benefit, or (5) to review or collect an account currently owed by the consumer to the recipient of the report. Permissible purposes also include when the consumer consents to the disclosure of the report in writing or in response to an order of a court with jurisdiction to issue such an order or a subpoena from a grand jury.

One of the primary duties of credit bureaus pursuant to the Fair Credit Reporting Act is the duty to perform reasonable investigations of consumers' disputes. 15 U.S.C. § 1681i requires that a consumer reporting agency perform a reasonable investigation of any and all disputes it receives regarding the contents of a consumer's credit report. 15 U.S.C. § 1681i also requires that the consumer reporting agency forward the dispute to the entity that furnished the disputed information (i.e. the bank, credit card company, collection agency, etc.) for the furnisher to perform its own investigation.

The consumer reporting agencies have five days to forward the dispute to the furnisher of the disputed information and thirty days to complete its own investigation of the dispute. The courts uniformly held that the credit bureaus must perform a *reasonable* investigation of disputed information to such an extent that Congress amended § 1681i in 2003 to include the requirement that the investigation be reasonable. The credit bureaus are not allowed to just parrot whatever result that the furnisher's investigation yields, as the credit bureaus are required to perform their own reasonable investigations. *Saenz v. Trans Union*, 2007 WL 2401745, \*7 (D. Or. 2007); *Bryant v. TRW, Inc.*, 689 F.2d 72 (6th Cir. 1982); *Cushman v. Trans Union*, 115 F.3d 220 (3rd Cir. 1997).

Despite the requirement that the consumer reporting agency perform its own reasonable investigation, the vast majority of the time the consumer reporting agency's investigation consists of merely forwarding an electronic CDV ("Consu-

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## What You Need to Know About the Fair Credit Reporting Act

mer Dispute Verification”) form which reduces the consumer’s dispute (no matter how long or detailed it is) to a two digit code which is translated on the furnisher’s end of the CDV transmission to a generic dispute such as “not my account” or “inaccurate payment history”. Usually, the consumer reporting agency accepts the results of the furnisher’s investigation, without performing any real investigation of its own or even inquiring as to how the furnisher investigated the dispute. This failure to perform its own reasonable investigation is usually where the consumer reporting agency is found liable.

### Duties of Furnishers of Information Under the FCRA

The duties of furnishers is set out in 15 U.S.C. § 1681s-2. The duties created by 15 U.S.C. § 1681s-2 are divided between § 1681s-2(a) and § 1681s-2(b).

15 U.S.C. § 1681s-2(a) prohibits a furnisher from furnishing any information regarding a consumer to a consumer reporting agency if the furnisher “knows or has reasonable cause to believe that the information is inaccurate.” The phrase “reasonable cause to believe” is then defined by § 1681s-2(a)(1)(D) as “having specific knowledge, *other than solely allegations by the consumer*, that would cause a reasonable person to have substantial doubts about the accuracy of the information. 15 U.S.C. § 1681s-2(a) also prohibits furnishers from furnishing information to a consumer reporting agency after being notified by a consumer that the information is false but only if the information is indeed inaccurate.

Unfortunately, what one hand giveth, the other taketh away. While the duties created by 15 U.S.C. § 1681s-2(a) seem to provide significant protection to consumers, these protections are virtually eliminated by 15 U.S.C. §§ 1681s-2(c) and (d), which eliminate any private cause of action against a furnisher for violating 15 U.S.C. § 1681s-2(a). Instead, only a federal agency or a state attorney general may enforce § 1681s-2(a). As a result, I have yet to see § 1681s-2(a) enforced.

15 U.S.C. § 1681s-2(b), however, does provide some protection that can be privately enforced. As explained *supra*, when a consumer reporting agency receives a dispute from a consumer, it is required by 15 U.S.C. § 1681i to forward the dispute to the furnisher of the disputed

information. Upon receipt of the forwarded dispute, 15 U.S.C. § 1681s-2(b) requires the furnisher to perform a reasonable investigation of the disputed information. It also requires the furnisher to review any relevant information provided to the consumer reporting agency by the consumer, which the consumer reporting agency is required by 15 U.S.C. § 1681i to forward to the furnisher. Unfortunately, the consumer reporting agencies rarely provide any relevant information provided by the consumer, opting instead for the ease of reducing the dispute to a two digit code that equates to a generic dispute. As a result, furnishers are often at a disadvantage when investigating disputes, unless the consumer has also disputed the error directly to the furnisher, which is fortunately often the case.

Once the furnisher investigates the dispute, it not only must report the results of its investigation to the consumer reporting agency that forwarded the dispute pursuant to § 1681i, it must also report the results of any investigation that reveals that the disputed information is either inaccurate or incomplete to any other con-

sumer reporting agencies to which it furnished the inaccurate or incomplete information.

It is important to note that disputes made directly to the furnisher do not trigger any duties pursuant to the Fair Credit Reporting Act. To trigger any responsibility of either a furnisher or a consumer reporting agency, the dispute must be lodged with the consumer reporting agency, who then forwards the dispute to the furnisher. Yet, even though it triggers no legal duty, consumers are wise to also dispute the inaccurate information to the furnishers of that information, as they could on their own correct the error and, even if they do not, a claim under 15 U.S.C. § 1681s-2(b) is much stronger if the consumer disputes to both furnisher and consumer reporting agency.

### Duties of Users of Credit Reports Under the FCRA

Users of credit reports, i.e. those who receive them from a credit bureau, have two basic duties. First, 15 U.S.C. § 1681b

*Continued on next page*

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requires that the user have a permissible purpose to obtain the consumer report. Permissible purposes include using the credit report in deciding whether to grant credit, using the report in an effort to collect a debt owed to the user by the consumer about whom the report is about, and using the consumer report in conjunction with insurance and employment applications.

The user must certify to the consumer reporting agency when obtaining the consumer report that it possesses a permissible purpose to obtain the consumer report. Unfortunately, no one really polices the permissible purposes provided by users, so there is a significant risk of abuse.

The users' other duty comes into play when the user uses a credit report to deny a consumer's credit application or takes some other action adverse to the consumer based upon the contents of the consumer report. When a user takes any such adverse action regarding a consumer based upon the contents of the consumer's credit report, the user must provide oral, written or electronic notice of the adverse action, provide the name and address of the credit bureau upon whose report the user relied, and either provide one or more reasons for the adverse action (i.e. derogatory payment history, unsatisfactory debt to income ratio, etc.) or instruct the consumer that he or she can request specific reasons within sixty days of the adverse action notice.

The user must also make the consumer aware of his right to obtain a free credit report from the credit bureau upon whose report the user relied. Consumers should always take advantage of their right to obtain a free credit report, as it is that report that can be used to determine what inaccurate information is being reported about the consumer and needs to be disputed to the credit bureau and the furnisher of the inaccurate information. The user is also required by section 202.12 of Regulation B of the Equal Credit Opportunity act to retain the credit report used in making the decision to take the adverse action against the consumer, as well as any other information used in making the decision, for 25 months after the decision.

#### **Enforcement Provisions of the FCRA**

Private enforcement of the vast

majority of violations of the Fair Credit Reporting Act is authorized by 15 U.S.C. §§ 1681n and 1681o. Pursuant to 15 U.S.C. § 1681o, consumers can seek recovery of all actual damages, as well as attorneys' fees and costs, resulting from any negligent violations of the provisions of the Fair Credit Reporting Act. For willful violations, 15 U.S.C. § 1681n allows the consumer to seek to recover actual damages, attorneys's fees, costs and punitive damages. A claim for actual damages pursuant to § 1681o for negligent violations is not capped. However, a claim for actual damages for a willful violation pursuant to § 1681n is capped at a \$1,000 with a \$100 minimum.

To successfully show willful non-compliance under § 1681n, the consumer must show that the defendant acted in "reckless disregard of [its] statutory duty." *Robertson, supra* at \*9 (citing *Safeco Ins. Co. of Am. V. Burr*, 127 S.Ct. 2201, 2208 (2007)). Before the *Safeco* decision, there was a split among the federal Circuit Courts of Appeal regarding what constituted a willful violation. Some Circuits held that willful meant an act committed with conscious disregard of the requirements of the Fair Credit Reporting Act, i.e. the defendant consciously chose to break the law. Other Circuits held that a willful violation of the FCRA was one committed with reckless disregard, i.e. the defendant need not have consciously decided to violate the FCRA, but need only to have done so recklessly. *Safeco* changed the standard previously applied in the Fifth Circuit, pursuant to which a defendant could have been found in willful non-compliance under § 1681n only if it "knowingly and intentionally committed an act in conscious disregard for the rights of others." *Robertson, supra* at FN 4. See also, *Cousin v. Trans Union*, 246 F.2d 359 (5th Cir. 2001). According to *Safeco*, recklessness is "conduct violating an objective standard: action entailing 'an unjustifiable high risk of harm that is either known or so obvious that it should be known.'" *Safeco, supra* at 2215 (quoting *Farmer v. Brennan*, 511 U.S. 825, 836 (1994)). "[R]eckless disregard of a requirement of [the] FCRA would qualify as a willful violation within the meaning of § 1681n(a)." *Id.* at 2216). *Safeco's* "reckless disregard" standard is a less stringent standard for a willful violation than the "conscious disregard" standard.

## What You Need to Know About the Fair Credit Reporting Act

*Mullins v. Equifax*, 2007 WL 2471080, \*2 (E.D. Va. 2007).

Consumers can therefore seek unlimited actual damages and reasonable attorneys' fees and costs for negligent violations of the FCRA as well as additional actual damages not exceeding \$1,000 plus punitive damages if the violation was committed willfully, i.e. with reckless disregard for the defendant's statutory duties under the FCRA.

### What Consumers Should Do if Errors Appear on their Credit Reports

First, consumers should check their credit reports at least once a year. The national consumer reporting agencies Experian, Equifax and Trans Union are required to provide one free credit report per year upon request. Consumers' free credit reports can be obtained via the website [www.annualcreditreport.com](http://www.annualcreditreport.com).

Second, consumers should also always take advantage of the option to obtain an extra free credit report after suffering an adverse action from the credit

bureau upon whose report the user relied in deciding to take the adverse action (i.e. credit denial, higher interest rate, etc.). The consumer should review this and every credit report he or she receives for any errors.

Third, if errors do appear on a consumer's credit report, the consumer should dispute them *in writing* to both the credit bureau(s) on whose report(s) the errors appear as well as to the furnisher who published the error to the credit bureau(s). As explained *supra*, while the dispute to the furnisher does not trigger any type of duty under the FCRA, it is helpful to avoid the furnisher claiming a lack of knowledge of the details of the dispute if a lawsuit is later filed against the furnisher. Also, all disputes should be in writing. While calling the credit bureaus may start the process more quickly, evidence of the dispute in any subsequent lawsuit will almost certainly become a "he said, she said" situation. Written disputes cure this potential problem, as the jury will have no doubt as to

the exact wording of the consumer's dispute when it can read the dispute for itself.

Lastly, remain determined and vigilant. Often, the first dispute does not fix the error. Almost as often, the second dispute does not fix the error. The consumer should keep disputing until such time as the error is corrected or a lawsuit becomes the only real option remaining. The statute of limitations to bring a claim pursuant to the Fair Credit Reporting Act is the earlier of five years from the date the violation occurs or two years from the date that the consumer learns of the violation.

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# Ethics, Character, Duty and Obligation: An Examination of Rule 8.3

**I***The underlying concept of the Rules of Professional Conduct is that an attorney is in the best position to recognize and understand professional misconduct and its consequences;<sup>1</sup> thus, the attorney is obligated to uphold the integrity of the bar, to self-police as it were, in order to maintain the legal profession's high standards and to protect the public.*

The specific professional duty of the attorney to protect the profession's standards is found in Rule 8.3 (a) of the Rules of Professional Conduct, which states as follows: A lawyer having **knowledge** that another lawyer has committed a violation of the Rules of Professional Conduct that raises a **substantial question** as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, **shall inform** the appropriate professional authority.<sup>2</sup>

WHAT IS **KNOWLEDGE**? The term knowledge denotes "actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances."<sup>3</sup> The Supreme Court of Mississippi has stated that the requirement for knowledge is attained when "...a reasonable lawyer under the circumstances would have formed a firm opinion that the conduct in question had more likely than not occurred..."<sup>4</sup> Knowledge may be inferred from the circumstances so long as the objective standard has been reached.

Clearly a lawyer's suspicion of a fellow lawyer's misconduct does not give rise to a duty to report. The knowledge that is required before the duty to report arises must be something other than constructive or imputed knowledge.<sup>7</sup> Serious personal and professional consequences result from the filing of a disciplinary complaint; hence, there should be a factual basis contemplated by the reporting lawyer which, to the reasonable man, would be the formation of belief or knowledge of misconduct. Questionable conduct, and even the

appearance of improper conduct, does not necessarily equate unethical conduct.<sup>8</sup>

An attorney's ability to reason and duty to reason are spurred when he obtains information which suggests, at first blush, that a colleague may have committed a violation of the Rules of Professional Conduct. For example, if the attorney learns of a colleague's misconduct from a party who he has reason to believe may be untrustworthy or biased, he must exercise his best professional judgment, including his professional experiences.

The Vermont State Bar Association's Professional Responsibility Committee may have said it best when it indicated that although absolute certainty is not required and suspect evidence and a lack of corroboration may cut against reporting, investigating authorities will consider the factual basis contemplated by the reporting lawyer which, to the reasonable man, would be the formation of belief or knowledge of misconduct.

The objective standard for knowledge of the substantial offense formulated by the Supreme Court of Mississippi is as follows: "The supporting evidence [of the reportable offense] must be such that a reasonable lawyer under the circumstances would have formed a firm opinion that the conduct in question had more likely than not occurred."<sup>9</sup> "There is no room for feigned ignorance or the desired naiveté of a layman."<sup>10</sup> But the lawyer's discretion not to report must be limited. He is obligated, under the Rules of Professional

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Conduct, to call violations of a colleague to the appropriate authority who will conduct an investigation.

What is a **substantial question**? The comment following Rule 8.3 notes: “the term ‘substantial’ refers to the seriousness of the possible offence and not the quantum of evidence of which the lawyer is aware.”<sup>11</sup> Richard L. Neumeier, writing for the Boston Bar Journal, suggests that the offense should be one which would rise to the level of a violation of professional rules when viewed for purposes of bar hearings.<sup>12</sup> But the “disbarment measure” is not perfect; various courts have evidenced a willingness to impose lesser penalties for conduct that renders a lawyer unfit for practice. Disbarment is only an “inclusionary” standard; every act of misconduct that warrants disbarment reflects adversely on a lawyer’s fitness to practice law. However, disbarment is not a valid “exclusionary” standard – meaning that professional misconduct that appears to invite a lesser sanction does not necessarily excuse a lawyer’s duty to report the

offending lawyer.

The Model Code connotes that the term “substantial” refers to a material matter of clear and weighty importance. Thus, the lawyer is not obligated to report all instances of professional misconduct because not every ethical lapse or act of malpractice implicates the lawyer. The rule is framed around the lawyer’s **honesty, trustworthiness or fitness as a lawyer in other respects**. In other words, there must be, inherent in the violation, acts which raise a question about the offending lawyer’s fitness to practice law. **Fitness as a lawyer** in the context of Rule 8.3 means more than professional competence. The *unfit* lawyer is one whose conduct “diminishes public confidence in the legal profession.”<sup>13</sup>

According to most authorities, the “substantial question of fitness” requirement is a significant limitation on the attorney’s mandatory duty to report violations. This is because only the most serious ethical violations – those which raise questions of fitness – must be reported. Matters of opinion or judgment upon which competent lawyers might disagree ordinarily do not involve the kind of misconduct about which a report must be made. Carried to the extreme, if a lawyer were required to report every ethics violation, the failure to report any violation would itself be an act of professional misconduct and thus unenforceable.

Some aspects of professional misconduct are defined: commission of a criminal act; fraud; deceit; misrepresentation and the like. The comments to Rule 8.4, which defines six (6) aspects of professional misconduct, suggests that many kinds of illegal acts reflect adversely on an attorney’s fitness to practice law. Although traditionally the illegal acts which were thought to so impact an attorney were crimes of moral turpitude, this concept can be construed to include matters of personal morality which have no specific connection to the practice of law. Thus, the lawyer must be professionally responsible and answerable only for the offences that indicate a lack of those characteristics relevant to law practice, such as offenses involving violence, dishonesty, breach of trust, serious interference with the administration of justice or cumulative acts which, considered together or sepa-

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## Ethics, Character, Duty and Obligations: An Examination of Rule 8.3

rately, constitute indifference to legal obligations.<sup>14</sup>

Although not addressed on the face of the rule, **when should the misconduct be reported?** *United States v. Cantor* suggests that the lawyer “should report serious misconduct **within a reasonable time under the circumstances.**”<sup>15</sup> The most obvious situation which excuses a delay in reporting is that in which a delay serves a client’s interest.<sup>16</sup>

A big dilemma arises within the context of actual or threatened litigation. A lawyer cannot use the threat of a report to appropriate authorities as a “bargaining chip.”<sup>17</sup> Threatening a disciplinary complaint against opposing counsel in order to gain an advantage in litigation or to coerce a settlement is conduct prejudicial to the administration of justice, and therefore a violation of Rule 8.4 (d); the attorney may find the tables turned and his own activity reported. On this issue, the ABA advises that if the attorney who threatens reporting has pure motives (e.g., he does not intend his report of misconduct to give him any sort of advantage in litigation or settlement) he should report the misconduct

“promptly.”<sup>18</sup> One may argue that this approach is simplistic and denies the practicalities of an aggressive law practice and that the better rule is this: If a lawyer has actual knowledge of actual misconduct that threatens the integrity of the proceeding, including but not limited to fraud on the court, the lawyer should report the misconduct immediately. Otherwise, the lawyer is free to exercise his discretion and judgment in deciding whether to report the other lawyer’s misconduct immediately or to wait until the proceeding is concluded.<sup>19</sup>

Relevant Mississippi authorities are *ATTORNEY U v. THE MISSISSIPPI BAR*, 678 So. 2d 963 (Miss. 1996), **OPINION NO. 247 OF THE MISSISSIPPI BAR RENDERED NOVEMBER 16, 2000** and **OPINION NO. 220 OF THE MISSISSIPPI BAR RENDERED JUNE 3, 1994.** ■

<sup>1</sup> See Douglas R. Richmond, *The Duty to Report Professional Misconduct: A Practical Analysis of Lawyer Self-Regulation*, 12 Geo. J. Legal Ethics 175 (1999).

<sup>2</sup> M.R.P.C. Rule 8.3 (a) (*emphasis supplied*).

<sup>3</sup> M.R.P.C. Terminology.

<sup>4</sup> *Attorney U. v. The Mississippi Bar*, 678 So. 2d 963, 972 (Miss. 1996).

<sup>7</sup> *Attorney U, supra*, at 970.

<sup>8</sup> See *Williams v. Council of the N. C. State Bar*, 266 S.E.2d 391 (N.C. Ct. App. 1980).

<sup>9</sup> *Attorney U, supra*, at 972.

<sup>10</sup> Vermont State Bar Ass’n, Professional Responsibility Comm., Op. 87-8 (1987).

<sup>11</sup> M.R.P.C. Rule 8.3, comments.

<sup>12</sup> Richard L. Neumeier, *Time for Massachusetts Lawyers to Do What Other Professional and Other Lawyers Already Must Do: Report Serious Misconduct*, 42 B.B.J. 15, 16 (1998). Neumeier’s analysis suggests that “the Rule does not apply to a ‘lawyer who offers a fabricated excuse for a continuance’ or a ‘lawyer who says he will not accept a settlement proposal that he has authority to accept’,” whereas making illegal payments to a law assistant at the Supreme Court of New York would constitute a substantial question. See *In re Lefkowitz*, 105 A.D. 2d 161 (NY 1984).

<sup>13</sup> See *Iowa Supreme Court Bd. of Prof’l Ethics & Conduct v. Marcucci*, 543 N.W.2d 879, 882 (Iowa 1996).

<sup>14</sup> “Lawyers holding public office assume legal responsibilities going beyond those of other citizens....The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and office, director or manager.” Comment, Rule 8.4 M.R.P.C.

<sup>15</sup> *United States v. Cantor*, 897 F.Supp. 110, 114 (SDNY 1995) (*emphasis supplied*).

<sup>16</sup> *Id.*

<sup>17</sup> ABA Formal Op. 94-383, at 5.

<sup>18</sup> *Id.*

<sup>19</sup> 12 Geo. J. Legal Ethics at 201.

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# Mississippi Students Grades K-12 Celebrated



**Kindergarten - First Place**  
Faith Rushing  
Waveland Elementary



**Kindergarten - Second Place**  
Kaci Forrester  
Waveland Elementary



**First Grade - First Place**  
Braxton Malley  
Waveland Elementary



**First Grade - Second Place**  
Sawyer Dunn  
Simpson Academy

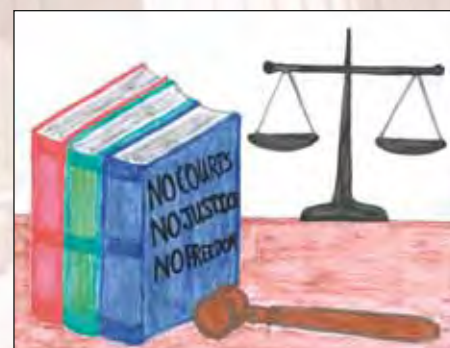
Law Day was May 1, and this year The Mississippi Bar conducted its' annual statewide Law Day Art Contest. Flyers were sent to every public and private school (K-12) in Mississippi. The Bar received over 850 entries from 36 different schools in 24 counties. First, second and third place were awarded at each school and then the judges chose a first and second place from each grade for statewide winners. There were also Division Winners and an Overall Best in Show. Winning students from each school received certificates, and overall winners' work was on display at the Mississippi State Capitol Building during Law Week May 1st-2nd and showcased in this issue of *The Mississippi Lawyer* magazine. Congratulations to all the students for their great work!



**Second Grade - First Place**  
Sadie Pohl  
Waveland Elementary



**Second Grade - Second Place**  
Colby Stewart  
East Rankin Academy



**Third Grade - First Place**  
Warner Watkins  
Simpson Academy

# Law Week 2012 Through an Art Contest



**Third Grade - Second Place**  
Anna Fisher  
East Rankin Academy



**Fourth Grade - First Place**  
Jon-Sanders Watson  
East Rankin Academy



**Fourth Grade - Second Place**  
Krystyn Murray-Wright  
St. Therese Catholic School



**Fifth Grade - First Place**  
Hannah Whitney  
East Rankin Academy



**Fifth Grade - Second Place**  
Jack Winstead  
St Richard Catholic School



**Sixth Grade - First Place**  
Owen Bennett  
Itawamba Attendance Center  
Overall Division Winner Grades 1st-6th



**Sixth Grade - Second Place**  
Brady Kemp  
Simpson Academy

# The Theme for Law Day 2012 was



**Sixth Grade - Special Distinction Award**

Nicole Gandy  
Quitman Jr High



**Seventh Grade - First Place**

Janique Flores  
Old Towne Middle School  
Overall Division Winner Grades 7th-9th



**Seventh Grade - Second Place**

Jared Vardaman  
ERA



**Eighth Grade - First Place**

Ali White Eagle  
Alcorn Central Middle School



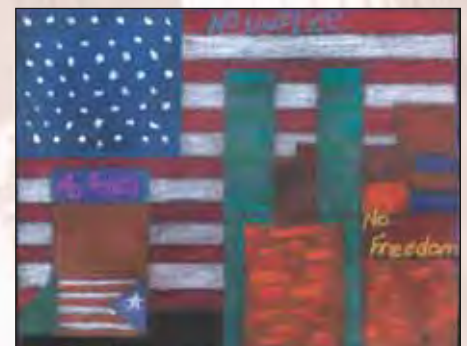
**Eighth Grade - Second Place**

Krishna Desai  
Madison-Ridgeland Academy



**Ninth Grade - First Place**

Trevor Glidewell  
Madison-Ridgeland Academy



**Ninth Grade - Second Place**

Eryn M. Andaluz  
East Central High

# "No Courts. No Justice. No Freedom."



**Tenth Grade - First Place**  
Alice McKelvey  
Lamar M/H School



**Tenth Grade - Second Place**  
Chloe Clutter  
Pearl River Central High School



**Eleventh Grade - First Place**  
Rachel Varela  
Lamar M/H School



**Eleventh Grade - Second Place**  
Jessica Bourn  
Germantown High School



**Twelfth Grade - Second Place**  
Constance Perkins  
Scott Central High School



**Twelfth Grade - Honorable Mention**  
Coty Rushing  
Germantown High School



**Twelfth Grade - First Place**  
Jacob Fail  
Pearl River Central High School  
Overall Division Winner Grades 10th-12th  
Best in Show

## IN MEMORIAM

### Dal M. Crenshaw

Dal M. Crenshaw, 90, of Ocean Springs, died March 17, 2012. A graduate of the University of Alabama School of Law, he was admitted to practice in 1956.

### Holly Dunett Trudell

Holly Dunett Trudell, 57, of Scotland, died June 8, 2011. A graduate of the University of Mississippi School of Law, she was admitted to practice in 2001.

### Courtney Adele Schloemer

Courtney Adele Schloemer, 39 of Madison, died March 6, 2012. A graduate of the University of Alabama School of Law, she was admitted to practice in 2004. Schloemer began her career as a prosecutor with the St. Claire County District Attorney's Office in Alabama. She later became an assistant district attorney for Mobile County before returning to Mississippi. She worked at Forman Perry before accepting her current position with the Mississippi Office of Attorney General. As a special assistant attorney general, she worked with the Public Integrity Division-Insurance Fraud and as counsel for the Department of Human Services.

### James E. Brown, Sr.

James E. Brown, Sr., 87, of Starkville, died February 12, 2012. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1949. Brown joined the U.S. Air Force shortly after graduation. He received his Flight Training and Wings at Columbus Air Force Base in 1943. He later was transferred to Tampa, Florida, for advanced training in the Boeing B-17 Flying Fortress. After law school, he returned to Starkville with his family and briefly practiced law with his father. He then moved with his family to Biloxi, where he worked in civil service at Keesler Air Force base for two years. Brown and his family then moved to Jackson in 1955, where he took a job as attorney for the Mississippi State Tax Commission. In 1960, he returned to Starkville and took over his father's law practice. He was a member of the First Baptist Church in Starkville.

### Robert Edward Levy

Robert Edward Levy, 103, of Seattle, WA, died November 26, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1951.

### George S. McIngvale

George S. McIngvale, 69, of Coldwater, died April 3, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1967.

### William Flemming Browning, Jr.

William Flemming Browning, Jr., 85, of Jackson, died November 1, 2011. A graduate of Mississippi College School of Law, he was admitted to practice in 1954. He is a veteran of World War II, in which he served in the 184th Infantry, 7th division. While in service, he received the good conduct, WW II Victory, and Occupation Korea medals. He received his Honorable Discharge. Browning moved to Pueblo, CO where began working for Shell Oil Company and attended the Colorado School of Mines. After law school graduation, he helped to create, Browning and Welch, Inc., an independent oil and gas exploration and consulting company, where he served as President and worked until his retirement. He served as secretary and vice president of the Mississippi Geological Society and was certified by the American Institute of Professional Geologists. Browning was a member of Christ United Methodist Church, in Jackson, and was a member of The Mississippi Chorus. He was a member of The Country Club of Jackson and a charter member of River Hills Country Club.

### Robert Louis Field

Robert Louis Field, 69, of Vicksburg, died November 14, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1973. He was a partner in the law firm of Bodron, Field and Way. Field was active in the First Presbyterian Church of Vicksburg serving as deacon, an elder and as vice-moderator of its session.

### William L. Waller

William L. Waller, 85, of Jackson, died November 30, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1960. He served in the United States Army Intelligence Corps during the Korean War. Waller entered private law practice in 1950 in Jackson. He became the senior partner in Waller, Pritchard and Fox and later, Waller and Waller Attorneys. He practiced law for 61 years. He began his public-service career in 1960 as District Attorney for the Seventh Judicial District, which then included Hinds, Madison, and Yazoo counties. As District Attorney, he is best remembered for his prosecution of Byron de la Beckwith for the June 12, 1963, murder of Medgar Evers. This was the first civil rights murder prosecution in Mississippi. Though the prosecution by Waller ended in two mistrials, the trial testimony of almost 60 witnesses and the introduction of more than 50 pieces of evidence were preserved. The trial transcript was crucial in the 1994 prosecution and conviction of Beckwith. Waller served as Governor from 1972 to 1976. Higher education and transportation saw significant advances under his leadership. Waller was a faithful deacon and member of First Baptist Church Jackson for more than 60 years, and he was a member of the Fishers of Men Sunday School Class. He was a founding member of the Friends of Alcoholics.

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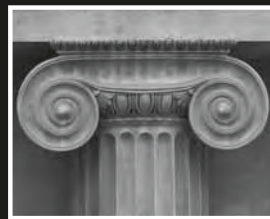
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# CLE Calendar of Events

The following live programs have been approved by the Mississippi Commission on Continuing Legal Education. This list is not all-inclusive. For information regarding other programs, including teleconferences and online programs, contact Tracy Graves, CLE Administrator at (601) 576-4622 or 1-800-441-8724, or check out our website, [www.mssc.state.ms.us](http://www.mssc.state.ms.us) Mississippi now approves **online programs** for CLE credit. For a list of approved courses, check the Calendar of Events on our website. For information on the approval process for these programs, please see Regulations 3.3 and 4.10 posted under the CLE Rules on our website or contact Tracy Graves at the numbers listed above.

- JUNE**
- 1 MC School of Law "Day of Ethics & Professionalism Jackson/Campbell." 6.0 credits (includes 6.0 ethics credits). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 1 UM CLE "Powerful Witness Preparation by Dan Small, Esq." 6.0 credits (includes ethics). Ridgeland, MS, Embassy Suites. Contact 662-915-7283.
- 5 Continental Casualty Company "The Adaptable Lawyer." 2.0 credits (includes ethics). Jackson, MS. Contact 312-822-3309, Patrick Gentry.
- 7 Continental Casualty Company "The Adaptable Lawyer." 2.0 credits (includes ethics). Biloxi, MS. Contact 312-822-3309, Patrick Gentry.
- 8 MC School of Law "MS Juvenile Defender Training." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 8 UM CLE "Federal Practice & Procedure. 6.0 credits (includes ethics). Ridgeland, MS, Embassy Suites. Contact 662-915-7283.
- 14 Desoto County Law Librarian & Archivist, First Regional Library "Pro Bono Programs." 3.0 credits (includes ethics). Hernando, MS, First Regional Library. Contact 901-849-0961, Bill Ballard.
- 15 MC School of Law "Entertainment Law CLE." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 15 UM CLE "Tool Box: Advising Business." 6.0 credits (includes ethics). Ridgeland, MS, Embassy Suites. Contact 662-915-7283.
- 15 Ms Bar Assn/SONREEL Section "Environmental Law 2012: Regs, Rigs & Restoration." 6.5 credits (includes ethics). Destin, FL. Contact 601-960-6842, John Milner.
- 19 Desoto County Law Librarian & Archivist, First Regional Library "Online Filing, LJAP Discipline & Professionalism." 3.0 credits (includes ethics). Hernando, MS, First Regional Library. Contact 901-849-0961, Bill Ballard.
- 20 MS Volunteer Lawyers Project "Washington County Pro Se Day/Family Law Legal Clinic." 5.0 credits. Greenville, MS, Washington County Chancery Court." Contact 601-960-0212, Tiffany Graves.
- 22 MC School of Law "Criminal Law CLE." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 22 UM CLE "Workers Compensation Law." 6.0 credits (includes ethics). Ridgeland, MS, Embassy Suites. Contact 662-915-7283.
- 26 NBI "LLC's From Formation to Special Uses." 6.7 credits. Jackson, MS, MS Convention Complex. Contact 1-800-930-6182.
- 27 UM CLE "Summer MS Municipal Attorney's CLE." 6.0 credits (includes ethics). Biloxi, MS, Beau Rivage. Contact 662-915-7283.
- 29 UM CLE "Criminal Law Update." 6.0 credits (includes ethics). Biloxi, MS, Beau Rivage. Contact 662-915-7283.
- JULY**
- 2-6 UM CLE "CLE Study Abroad - Scotland." 12.0 credits (includes ethics). Edinburgh, Scotland, Stirling University. Contact 662-915-7283.
- 13 UM CLE "Current Issues in Education Law." 6.0 credits (includes ethics). Oxford, MS, Yerby Conference Center. Contact 662-915-7283.
- 17 Lorman Business Center "Sales & Use Tax." 6.7 credits. Jackson, MS. Contact 715-833-3940.
- 18 NBI "Employee Documentation, Discipline & Discharge." 6.0 credits. Jackson, MS, MS Convention Complex. Contact 1-800-930-6182.
- 19 MC School of Law "CLE Marathon." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 20 MC School of Law "CLE Marathon." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 20 UM CLE "Time Mastery for Lawyers." 6.0 credits (includes ethics). Ridgeland, MS, Embassy Suites. Contact 662-915-7283.
- 20 Family Law CLE "Family Law CLE 2012." 6.0 credits (includes ethics). Jackson, MS, MS Sports Hall of Fame. Contact 662-513-0159, Carroll Moore.
- 20 NBI "The Mechanics of MS Criminal Procedures." 6.0 (includes ethics). Jackson, MS, MS Convention Complex. Contact 1-800-930-6182.
- 25 NBI "Probate Process from A-Z." 6.0 (includes ethics). Jackson, MS, MS Convention Complex. Contact 1-800-930-6182.
- 26-27 UM CLE "CLE by the Hour." 12.0 credits (includes 2.0 hours of ethics). Ridgeland, MS, Embassy Suites. Contact 662-915-7283.
- 27 Family Law CLE "Family Law CLE 2012." 6.0 credits (includes ethics). Oxford, MS, Oxford Conference Center. Contact 662-513-0159, Carroll Moore.
- 27 NBI "Probate Process from A-Z." 6.0 (includes ethics). Tupelo, MS. Contact 1-800-930-6182.
- AUGUST**
- 3 Family Law CLE "Family Law CLE 2012." 6.0 credits (includes ethics). Biloxi, MS, Imperial Palace. Contact 662-513-0159, Carroll Moore.
- 9 Panola County Bar Association "Chancery Court Procedure with Chancellor Mitch Lundy." 1.0 credits. Batesville, MS. Contact 662-563-4508, Andy Yelton.
- 10 MC School of Law "14th Annual Guardian Ad Litem Training." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 24 MC School of Law "MS Juvenile Defender Training." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- SEPTEMBER**
- 27 MC School of Law "The Mary Libby Payne Annual Seminar Series." 3.0 credits. Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- NOVEMBER**
- 2 MC School of Law "14th Annual Guardian Ad Litem Training." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 9 MC School of Law "Mediation Conference." 7.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.

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# LAWYERS HELPING LAWYERS

## Incredible

Did you hear the one about the fifty or so lawyers that went to the lake for the weekend? It was incredible. Get it? No, well, “incredible” isn’t much of a punchline for a lawyer joke, but it is a fine description of the First Annual CAMP LJAP, March 23-25 2012 at Lake Tiak-O’Khata. What a weekend; growth, learning, fellowship, and fun. Old friendships renewed, new connections made, “ah hah” moments, frustration, and most of all an enveloping sense of healthy recovery in community.

Participants enjoyed such nationally renowned presentations as “The Movement of Grace” and “The Maze”, offered by professionals from some of the nation’s top treatment providers. “Enjoyed” may be somewhat of a misnomer as the presentations were, at times, challenging and even frustrating. That being said, to a person, participants reported that they found them meaningful and inspiring.

On Saturday evening, we shared a fine meal with even more guests. LJAP staff and volunteers were pleased to honor Scotty Welch with an *Above and Beyond* Award, and Joan Lund with the *T. George Kelly Volunteer of the Year* Award. The highlight of the evening was

keynote speaker, Florida State Representative, Darryl Rouson. To say that Rouson’s speech was powerful would be the understatement of the year.

On Sunday morning we held concurrent sessions; one for LJAP clients and volunteers and one for family members. We then closed with a Spiritual Session, where participants took time out to get in touch with a power greater than themselves, and to share their experience of that power with one another.

Some may ask, “Why does LJAP want to report on its retreat?” Go ahead, it’s cool to ask. Here’s why: Impaired lawyers often make for big news, and rarely in a good way. Moreover, LJAP is often seen as a program that is only involved in crises created by lawyer impairment. While these things are true, they are not the whole story. It has been said that those in depths of active addiction or other acute mental/emotional health crisis can be “unlovely creatures”. Again true, but not dispositive. Recovery is possible. Our state bar is full of redemptive stories. Lives and careers, once thought beyond recall, redeemed in the recovery process are miracles of the first order. Celebration is warranted. When such lives are lived in healthy com-

munity, they are, well, incredible.

The LJAP staff cannot adequately express our gratitude to everyone who was involved: the LJA Committee, LJAP Volunteers, The Mississippi Bar staff, LJAP Clients, our speakers & corporate sponsors, the staff at Lake Tiak-O’Kata, and all those who attended. Each played their own special role in making our first annual retreat a resounding success.

In closing, I would like to say that the staff and volunteers of The Lawyers and Judges Assistance Program are excited to be offering CLE presentations at both Summer School for Lawyers and the Annual Meeting in Sandestin in July. We will also have a booth in the lawyer’s marketplace. If you generally attend, or you are considering attending these functions, please stop by to see us at the LJAP booth. ■

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