

# THE MISSISSIPPI Lawyer

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# Judicial Pay Realignment: Can We Afford the Status Quo?

Attrition in our judiciary is increasing at an alarming rate. In the last two years, our trial and appellate courts have lost 21 judges through a decision not to seek re-election, retirement or death. That is over 16% of our judiciary. Our ability to replace and retain jurists with the best and the brightest legal minds is stymied due to inadequate judicial pay. The situation has become critical. It will become worse if no action is taken to realign judicial compensation.

A recent survey of judicial salaries prepared by the National Center for State Courts (NCSC), published in January 2011, indicates that judicial pay for our Supreme Court justices and State Court trial judges rank 51st in the United States, behind all other states and the District of Columbia. In comparison to the Southeastern average, judicial compensation for our Supreme Court justices, Court of Appeals judges, and trial judges are well below the Southeastern average. In fact, our Supreme Court justices make from 26% to 28% less than the Southeastern average. Our Court of Appeals judges make from 28-29% less than the Southeastern average. State trial court judges make approximately 23% less than the Southeastern average. History shows the gap is widening. The last pay increase for our judiciary occurred in 2003. Since then, public employees have received three pay increases.

Set forth below is a chart of judicial compensation in the Southeastern States.

## JUDICIAL COMPENSATION IN SOUTHEASTERN STATES National Center for State Courts Data

\*Figures are mid-range averages from a scale based on a discontinued system of longevity payment

	Chief Justice	Associate Justice	Chief Judge	Associate Judge	Trial Judge
Virginia***	191,500	190,500	164,883	161,822	158,000
Alabama*	181,000	180,000	168,500	174,500	142,000
Georgia	167,000	167,000	166,000	166,000	120,000
Tennessee	164,000	159,000	156,000	154,000	149,000
Florida	158,000	136,000	150,000	150,000	142,000
Texas**	153,000	150,000	145,000	142,000	133,000
Arkansas	157,000	145,000	143,000	141,000	136,000
Louisiana	144,000	137,000	137,000	130,000	124,000
S. Carolina	144,000	137,000	136,000	134,000	127,000
N. Carolina	141,000	137,000	135,000	132,000	124,000
Mississippi	115,000	113,000	108,000	105,000	104,000

\*\*Averages shown for Chief Judge, Associate Judge, and trial judge

\*\*\*The Chiefs of the Supreme and Intermediate Appellate Courts did not accept pay increases for 2010.



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

*(continued on page 8)*

## Judicial Pay Realignment: Can We Afford the Status Quo?

The judiciary budget for operation of our state court system was less than 1.0% of the annual General Fund for the State in years 2009 through 2011. Under the principles of separation of power, the judicial branch is co-equal to the executive and legislative branches of government. Through separation of powers, our system of checks and balances sustain, support, promote, and protect the rule of law. Adequate funding of our administration of justice is essential to maintaining integrity and efficiency within the judicial branch. Failure to do so undermines the Rule of Law and, thus, the very foundation of our society.

Wm. T. (Bill) Robinson, III, President, American Bar Association, recently observed “the simple truth is, however, inadequate funding threatens to undermine the ability of our state courts to function properly.” As a result, the criminal justice system experiences delays which affect both victims and accused. Domestic violence increases due to the inability to resolve divorces and spousal or child abuse cases in a timely manner. Business, property and commercial disputes linger unresolved. Fees and expenses charged to party litigants are increased. Time is wasted through duplication of efforts related to replacement judges devoting attention to become familiar with pending litigation. Parties suffer more anxiety and tension caused by delays, not to mention myriad other problems.

Given the functions and responsibility of the judiciary and its need to maintain neutrality, our profession and the general public must be their advocates. Often-time the judiciary is called upon to rule on the constitutionality or interpretation of legislative enactments. In order to avoid threats to judicial independence, we must assist in the education of the public and our legislative branch regarding the inequities in our State’s judicial pay structure.

House Bill 484 and Senate Bill 2394 have been introduced during the 2012 General Legislative Session that propose to adjust judicial pay, focusing on three (3) major components: (1) a four year, step-pay increase for Supreme Court Justices, Court of Appeals Judges, Circuit Court Judges, Chancery Court Judges and County Court Judges; (2) increased civil filing and appellate court fees to fund the increases; and (3) a periodic review and recommendation by the State Personnel Board concerning adequate levels of pay for justices, judges, staff attorneys and law clerks. The four year step-pay increase proposal would bring our judiciary in line with the Southeastern average as it exists today. Salaries of our state prosecutors are also included in this legislation giving prosecutors a long-over due adjustment.

Funding for the pay realignment would derive from amendments to Sections 25-7-9 and 25-7-13 of the Mississippi Code to increase civil filing fees by \$40 and from an amendment to Section 25-7-3 to increase the Supreme Court’s general docket fee from \$100 to \$200. The proposed increases are competitive with the average filing fees among southern states. Also, the proposed bill provides that the State Personnel Board, beginning November 1, 2017, and every four years thereafter, would examine, evaluate and recommend an adequate level of compensation for our judiciary.

Fortunately, the business community understands the significance of the problems created by inadequate judicial pay. Numerous organizations from diverse geographic areas of our State have coalesced and endorsed the proposed judicial pay realignment legislation. Starting with the Gulf Coast Business Council following a presentation by Chief Justice William L. Waller, Jr. with Justices Randolph and Pierce in November, 2011, an impressive list of concerned business and professional organizations have joined the cause. The list is growing as the issue of the impact of an underfunded judiciary becomes more readily understood. As of this writing, supporters include the following:

- Mississippi Economic Council (MEC);
- Gulf Coast Business Council;
- Mississippi Medical Association (MMA);
- Greater Jackson Chamber Partnership;
- Delta Council;
- Greater Starkville Development Partnership;
- Panola Partnership;
- Capital Area Bar Association;
- Mississippi Prosecutor’s Association;
- Lauderdale County Bar Association;
- Mississippi Defense Lawyer’s Association;
- Magnolia Bar; and,
- Mississippi Bar.

Realignment of judicial pay in the State of Mississippi is long overdue. The costs to society and our quality of life for failure to act are too great. No doubt, these are challenging economic times for all citizens in the State of Mississippi. However, we can no longer afford to delay action. The court’s ability to provide timely disposition of cases and the Rule of Law suffers. We can no longer afford the status quo. ■

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*Not my Court, but the court that sits in this building is the most important court for the citizens of Mississippi. To be sure, the Supreme Court of the United States is, in some respects, the most important court in the land. . . . [But] if you were to ask, “What court is most important to the day-to-day life of an American citizen?” it is not my Court; it is the court of that citizen’s state.*

**THE HONORABLE ANTONIN SCALIA  
ASSOCIATE JUSTICE, SUPREME COURT OF THE UNITED STATES  
REMARKS AT THE DEDICATION CEREMONY OF THE  
MISSISSIPPI SUPREME COURT BUILDING ON MAY 20, 2011**

# Judicial Independence and the Need for Salary Realignment

By Chief Justice  
William L. Waller, Jr.

Why would a U.S. Supreme Court Justice refer to a state court as more important than his own? The reason, as Justice Scalia expounded, is that state law has the most direct, significant impact on citizens' daily lives. The law on torts, crimes, marriage, and divorce is governed, for the most part, by state law. State courts wrestle with such issues every day. And a state's highest court has, essentially, the last word on these pivotal matters.

Mississippians are fortunate to have so many highly qualified, devoted men and women serving in the judiciary. These individuals are committed to one endeavor: the fair and efficient administration of justice. That goal remains the same whether the case involves capital murder or a boundary dispute. Our judges recognize that every case affects the life and liberty of the parties before them. They take their work seriously and strive to provide our citizens the best possible system of justice.

To attain the fairest and most efficient judicial system possible, the judiciary is always searching for ways to improve and enhance its

services. Drug courts are a primary example. Started in 1999 by then-Circuit Judge Keith Starrett in the 14th Circuit Court District, drug courts offer an alternative to incarceration for certain nonviolent criminals whose offenses are rooted in their addiction to drugs and alcohol. Currently, there are more than 3,000 drug-court enrollees across the state. Participants undergo a rigorous, rehabilitative program that includes substance abuse treatment, close monitoring, and random drug testing. Additionally, they are required to either work or attend school.

The societal impact and taxpayer savings associated with drug courts are tremendous. A ten-year study of the nation's second oldest drug court showed that criminal recidivism among drug-court participants was nearly thirty-percent less than that of nonparticipating offenders.<sup>1</sup> Moreover, drug-court participants are required to pay child support and fines. Last year alone, Mississippi drug-court participants paid a total of \$1.7 million in fines;<sup>2</sup> these fines would not have been collected had those individuals been incarcerated.

*Continued on next page*

## Judicial Independence and the Need for Salary Realignment

Drug courts save taxpayer money as well. The cost savings compared to incarceration is projected to be about \$38 million<sup>3</sup> this year — that almost equals the judiciary's entire general fund appropriation.

There are several other promising initiatives underway. The Mississippi Electronic Courts (MEC) is an electronic document filing and case-management system that improves efficiency, bolsters security, and expands public access. MEC is derived from the e-filing system used by all federal courts. Mississippi received access rights to this multi-million dollar, proven system at no cost. MEC, which is funded by user fees, is in the latter stages of a pilot program that includes the circuit and chancery courts of Madison and Warren counties. Efforts are currently underway to expand MEC into the chancery courts of DeSoto, Holmes, and Yazoo counties, and into the circuit and chancery courts of Harrison County, as well. The goal is for MEC to evolve and mature into a statewide system that will enhance efficiency and save costs.

The judiciary has also taken steps to promote and improve access to justice for all Mississippi citizens. This past year, the Supreme Court revised the Rules of Professional Conduct to allow for limited representation and to relax conflict-check requirements for lawyers who volunteer their services to assist low-income individuals. These rule changes will facilitate opportunities for attorneys across the state to offer pro bono legal services for those who otherwise could not afford representation.

The Commission on Children's Justice is yet another important initiative. The Commission, co-chaired by Justice Randy G. Pierce and Rankin County Court Judge Thomas Broome, is working to develop a statewide, comprehensive approach to improving the juvenile justice system by coordinating the three branches of government.

Other ongoing efforts include the development of uniform criminal rules and plain language jury instructions.

In sum, the work of the Mississippi Judiciary touches every citizen either directly or indirectly. Our judges appreciate the importance of their duties and are

striving to maintain and improve the administration of justice in this state.

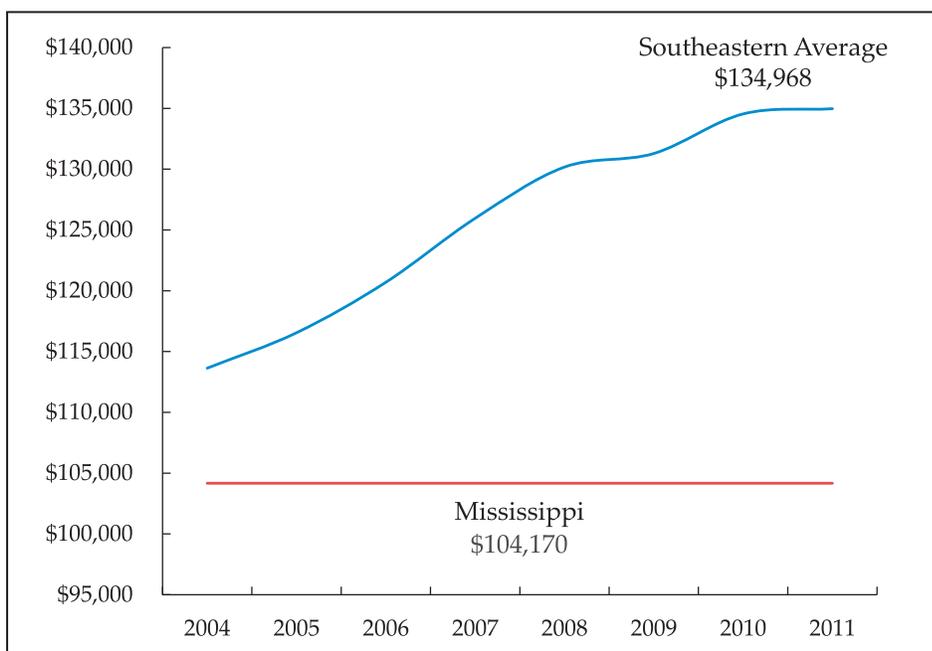
Like any other organization, the key to success is quality personnel. For the judiciary, that means strong, experienced, highly trained, and capable judges. We have that now, but there is an ominous trend that threatens the quality of our judiciary for the future. It is, perhaps, the greatest challenge to judicial strength and independence that we face today.

Mississippi's judges are the lowest paid in the country.<sup>4</sup> They have not received a pay increase since 2003. The chart on page below illustrates how

Mississippi trial judges' salaries have compared to the southeastern average since 2004. The disparity is dramatic.

The low level of judicial pay has led to two disturbing trends. First, our courts have experienced an inordinately high rate of turnover in recent years. Twenty-one new judges have taken office during the last two years alone. The low level of pay is one of the main reasons given by departing judges for leaving the bench. Second, the salaries of other important public officials have far outpaced judicial salaries. For example, the Chairman of the Workers' Compensation Commission

### Average Salaries of Trial Court Judges in the Southeast



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earns \$112,436 per year, and a Commissioner earns \$108,698 annually.<sup>5</sup> Both of these salaries are more than the salaries of all the judges on the Court of Appeals who most often review the Commission's cases. As another example, the Commissioner of Public Safety, who ensures that Mississippi's laws are enforced, is paid \$138,115 per year.<sup>6</sup> And the Commissioner of Corrections, who oversees the state prison system, earns \$132,760 annually.<sup>7</sup> Yet, trial judges, who make the critical decisions in criminal cases, earn substantially less — \$104,170 per year. This in no way disparages the essential work and responsibilities of these important public officials; it simply highlights the pressing need for realignment.

Without question, the economic climate makes it difficult to argue for a judicial pay increase at this time. Times are hard for many people across the state. And, certainly, there are countless other private and public-sector employees who are underpaid. Yet, the issue of judicial pay merits serious, immediate attention. Judges make decisions that influence family life, public safety, the economy, and the very nature of our society. Only the best and the brightest should be entrusted with this responsibility. Yet, current pay levels, which have remained static since 2003, erode our ability to attract and retain such individuals. Though we can never expect to match the salaries available in the private sector, judicial salaries should be high enough to attract and retain competent, highly qualified lawyers. This is really about the health and future of the judicial system in Mississippi.

During the 2012 Legislative Session, the Mississippi Judiciary will propose a judicial pay bill that features three major components. First, the bill implements a four-year, step pay increase for Supreme Court Justices, Court of Appeals Judges, Circuit Court Judges, Chancery Court Judges, and County Court Judges. Trial judges' pay, for example, would increase from \$104,170 to \$112,127 in 2013; their salaries would then increase annually until the target compensation of \$136,000 is reached in 2016. Second, increased civil filing and appellate court fees are used to fund the pay increases — no gen-

eral funds are needed! This accomplishes the objective and, at the same time, frees up general fund moneys to be invested elsewhere.

Finally, the bill provides for a periodic review and recommendation by the State Personnel Board concerning adequate levels of pay for justices, judges, staff attorneys, and law clerks. As already noted, judicial pay has been neglected for several years now; this is a recurrent theme. One reason for this is that judges lack a constituency to lobby on their behalf. And the judiciary is ill-suited to do so itself. Judges are often required to interpret or rule upon the constitutionality of legislative enactments. At the same time, they are dependent upon the Legislature for their compensation. This tension poses a real and serious threat to judicial independence. A periodic review by the Personnel Board would ameliorate this problem and ensure that judicial pay is at least considered every four years or so.

Last year, a similar judicial pay measure passed the Senate handily but was defeated in the House by a narrow margin. To ensure a different outcome in the 2012 session, we need the Bar's help. I encourage each of you to contact your senator and representative and urge them to support the judicial pay bill this next session. Your voice is crucial; it made a difference last year, and I am confident that it will be the deciding difference in the 2012 Regular Session.

The judiciary is not simply another agency, department, or public-improvement project. It is a co-equal, independent branch that fulfills a core function of government. And its impact is far-reaching. Former Chief Justice of the United States John Marshall once stated that, "The judicial department comes home in its effect to every man's fireside: it passes on his property, his reputation, his life, his all."<sup>8</sup> Given the prominent role of judges in our democratic society, it is imperative that only the best and the brightest occupy these positions of trust. The bottom line is that a competitive level of pay is required to attract and retain such individuals. Without it, the future of our state judiciary is jeopardized. ■

1 Michael W. Finigan et al., *The Impact of a Mature Drug Court Over 10 Years of Operation: Recidivism and Costs*, Executive Summary I-II (NPC Research, April 2007).

2 Based on data collected by the Mississippi Administrative Office of Courts (AOC).

3 For 2010, the average annual cost per prisoner in Mississippi was \$15,235.06. Miss. Dep't Corr., *Fiscal Year 2010 Annual Report 19* (2010). Based on that figure, it would cost \$38,087,650 to incarcerate the estimated 2,500 felony offenders who are enrolled in drug courts across the state.

4 Nat'l Ctr. for State Courts, *Survey of Judicial Salaries*, Vol. 36, No. 1 (January 1, 2011).

5 Miss. Dep't of Fin. and Admin. & Miss. Mgmt. and Reporting Sys., <https://www.transparency.mississippi.gov> (last visited December 20, 2011).

6 *Id.*

7 *Id.*

8 Charles F. Hobson, *Defining the Office: John Marshall as Chief Justice*, 154 U. Pa. L. Rev. 1421, 1458 (June 2006) (quoting *Debate on the Judiciary* (Dec. 11, 1829), in 11 *The Papers of John Marshall* 310, 311 (Charles F. Hobson ed., 2002)).

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1960-61	Eaton A. Lang, Jr.	1998-99	B. Blake Teller
1961-62	E. C. Ward	1999-00	Samuel C. Kelly
1962-63	Frank A. Riley	2000-01	Timothy M. Threadgill
1963-64	George P. Hewes, III	2001-02	W. Briggs Hopson, III
1964-65	Sherman L. Muths, Jr.	2002-03	Robert T. Higginbotham, Jr.
1965-66	B.B. McClendon, Jr.	2003-04	Lamar Bradley Dillard
1966-67	Edward P. Connell	2004-05	A. Kelly Sessoms
1967-68	Robert G. Barnett	2005-06	Amanda K. Jones
1968-69	Raymond L. Brown	2006-07	J. Rhea Tannehill
1969-70	Pat H. Scanlon	2007-08	Brian W. Sanderson
1970-71	Frank O. Crosthwait, Jr.	2008-09	Chadwick W. Russell
1971-72	Joseph R. Meadows	2009-10	Judge James D. Maxwell II
1972-73	W. Thad Cochran	2010-11	Derek R. Arrington
1973-74	L. F. Sams, Jr.	2011-12	Jennifer Graham Hall



## YOUNG LAWYERS DIVISION PRESIDENTS

*Front row: Blake Teller, 1998-99; Hall Bailey 1990-91; Derek Arrington, 2010-11; Jean Magee, 1991-92; Len Blackwell, 1977-78; Judge Gene Fair, 1980-81; David Watkins, 1981-82; and Steve Rosenblatt, 1984-85.*

*Second row: Kelly Sessoms, 2004-05; Judge Jimmy Maxwell, 2009-10; Guy Gillespie, 1988-89; Walter Weems, 1987-88; and Sherman Muths, 1964-65.*

*Third row: Bobby Higginbotham, 2002-03; Hale Freeland, 1994-95; Briggs Hopson, 2001-02; Rusty Harlow, 1997-98; Jeep Peden, 1978-79; and Tim Threadgill, 2000-01.*

*Fourth row: Jay Travis, 1975-76; Gene Harlow, 1989-90; Frank Crosthwait, 1970-71; Steve Edds, 1985-86; and Pat Scanlon, 1969-70.*

# FELLOWS OF THE YOUNG LAWYERS OF THE MISSISSIPPI BAR 2011-2012

## *Life Fellows*

Guthrie "Guff" T. Abbott, Oxford  
Magistrate S. Allan Alexander, Oxford  
Alexander A. Alston, Jr., Jackson  
Reuben V. Anderson, Jackson  
J. Richard Barry, Meridian  
Leonard A. Blackwell, II, Gulfport  
W. Joel Blass, Gulfport  
William "Bill" M. Bost, Jr., Vicksburg  
Raymond L. Brown, Pascagoula  
Don B. Cannada, Jackson  
Tammra O. Cascio, Jackson  
Claude F. Clayton, Jr., Tupelo  
Senator Thad Cochran, Washington, DC  
Frank O. Crosthwait, Jr., Indianola  
William "Bill" M. Dalehite, Jr., Jackson  
Samuel M. Davis, Oxford  
W. Wayne Drinkwater, Jr., Jackson  
Jack F. Dunbar, Oxford  
Stephen "Steve" C. Edds, Jackson  
Judge Eugene "Gene" L. Fair, Hattiesburg  
E. Brooke Ferris, III, Memphis

Jay Gore III, Grenada  
Cheri Denise Green, Jackson  
Jerome C. Hafter, Jackson  
William C. "Bill" Hammack, Meridian  
A. E. "Rusty" Harlow, Jr., Grenada  
Eugene M. "Gene" Harlow, Laurel  
Newt Harrison, Jackson  
Mark D. Herbert, Jackson  
Dewitt T. Hicks, Jr., Columbus  
E. Clifton "Cliff" Hodge, Jr., Jackson  
Dean J. Richard Hurt, Jacksonville, FL  
Gerald H. Jacks, Cleveland  
Professor Judith J. Johnson, Jackson  
Robert C. Khayat, Oxford  
Lynn P. Ladner, Jackson  
Jean Stuart Magee, Tupelo  
Judge Jerry G. Mason, Meridian  
B. B. McClendon, Jr., Jackson  
Joseph R. Meadows, Gulfport  
Harold D. Miller, Jr., Jackson  
Frank D. Montague, Jr., Hattiesburg

R. Wilson Montjoy, II, Jackson  
H. A. Moore, III, Hattiesburg  
Michael C. Moore, Jackson  
Sherman L. Muths, Jr., Gulfport  
William P. Myers, Hernando  
James A. "Jeep" Peden, Jr., Jackson  
Joy Lambert Phillips, Gulfport  
Ben Piazza, Jr., Jackson  
James L. Robertson, Jackson  
Stephen W. "Steve" Rosenblatt, Ridgeland  
L.F. "Sandy" Sams, Tupelo  
Suzanne N. Saunders, Jackson  
Patrick H. "Pat" Scanlon, Jackson  
Carolyn Ellis Staton, Oxford  
J. Rhea Tannehill, Jr., Oxford  
Timothy M. Threadgill, Ridgeland  
Jay A. Travis, III, Ridgeland  
W. David Watkins, Jackson  
Walter S. Weems, Jackson  
Charles R. "Chip" Wilbanks, Jr., Jackson  
Parham H. Williams, Jr., Oxford

## *Honorary Fellows*

Governor Haley Barbour, Yazoo City  
Michael A. Espy, Jackson  
Judge Thomas Kenneth Griffis, Jr., Jackson  
Judge E. Grady Jolly, Jr., Jackson  
Chief Justice Roy Noble Lee, Forest  
Senator Chester Trent Lott, Washington

Governor D. Ronald Musgrove, Ridgeland  
Judge Michael T. Parker, Hattiesburg  
Chief Justice Edwin Lloyd Pittman,  
Ridgeland  
Chief Justice Lenore L. Prather, Columbus  
Dean Jim Rosenblatt, Jackson

Chief Justice James W. Smith, Jr., Jackson  
Chief Justice William L. Waller, Jr.,  
Jackson  
Senator Roger Wicker, Washington, DC  
Chief Judge Henry T. Wingate, Jackson  
Governor William F. Winter, Jackson

## *Fellows*

Paula Graves Ardelean, Jackson  
F. Hall Bailey, Jackson  
John A. Banahan, Pascagoula  
Fred L. Banks, Jr., Jackson  
James A. Barnett, Jr., Tupelo  
James A. Becker, Jr., Jackson  
Deborah H. Bell, Taylor  
Richard T. Bennett, Jackson  
Debra Marie Brown, Jackson  
F. Mike Bush, III, Tupelo  
Susan Fahey Desmond, Gulfport  
Bradley Dillard, Tupelo  
Donald C. Dornan, Jr., Biloxi  
Samuel J. Duncan, Hattiesburg  
Camille Henick Evans, Ridgeland  
George R. Fair, Jackson  
J. Hale Freeland, Oxford  
Robert L. Gibbs, Jackson  
Guy T. Gillespie, III, Oxford

Robert G. Gillespie, Jr., Biloxi  
Judge James E. Graves, Jr., Jackson  
Scott R. Hendrix, Tupelo  
Byron Thomas Hetrick, Jackson  
Robert T. Higginbotham, Jr., Jackson  
Donald E. Hinton, Jr., Hattiesburg  
W. Briggs Hopson III, Vicksburg  
Amanda K. Jones, Jackson  
Samuel Clayton Kelly, Jackson  
Crane D. Kipp, Jackson  
J. Will Manuel, Jackson  
David F. Maron, Jackson  
Patricia F. Melvin, Jackson  
S. Kirk Milam, Oxford  
Meade W. Mitchell, Ridgeland  
Deanne M. Mosley, Madison  
Dinetia Newman, Jackson  
Keith D. Obert, Madison  
Judge Denise Owens, Jackson

David K. Pharr, Jackson  
Pamela Prather, Jackson  
Judge John P. Price, Magnolia  
Chadwick W. Russell, Jackson  
Brian W. Sanderson, Biloxi  
A. Kelly Sessoms, Pascagoula  
Nancy E. Steen, Hattiesburg  
Karl R. Steinberger, Pascagoula  
Barrett Blake Teller, Vicksburg  
Grady F. Tollison, Jr., Oxford  
Nina Stubblefield Tollison, Oxford  
W. C. "Cham" Trotter, III, Belzoni  
Carey R. Varnado, Hattiesburg  
Louis H. Watson, Jr., Jackson  
Walter Scott Welch, III, Jackson  
Jennifer I. Wilkinson, Hattiesburg  
M. Binford Williams, Jr., Jackson  
Karen J. Young, Gulfport

## *Deceased Fellows*

Hugh N. Clayton – Life Fellow and  
Permanent Honorary President  
Judge J.P. Coleman – Honorary Fellow  
Judge William Keady – Honorary Fellow  
Robert G. Nichols, Jr. – Fellow  
Judge Elzy J. Smith, Jr. – Honorary Fellow  
Chief Justice Neville Patterson – Hon.  
Fellow  
Senator John C. Stennis – Honorary Fellow

E.C. Ward – Life Fellow  
John Wade – Honorary Fellow  
James O. Dukes – Fellow  
Sherwood Wise – Life Fellow  
George P. Hewes – Life Fellow  
James Hugh Ray – Life Fellow  
K. Hayes Callicutt – Fellow  
Tommy E. Furby – Fellow  
Leonard B. Melvin, Jr. – Life Fellow

Edward P. Connell – Life Fellow  
Chief Justice Dan M. Lee – Honorary  
Fellow  
William M. Champion – Fellow  
Robert "Bob" G. Barnett – Life Fellow  
Frank A. Riley – Life Fellow  
Judge Charles Clark – Honorary Fellow  
Judge W. Allen Pepper, Jr. – Fellow



## PRESIDENTS OF THE FELLOWS OF THE YOUNG LAWYERS

- First row: Jeep Peden, Fellows President 1989-90; Mark Herbert, Fellows President 2001-02; Steve Rosenblatt, Fellows President, 1998-99; Camille Henick Evans, Fellows President, 2011-12; and Jay Travis, Fellows President, 1992-93.*
- Second row: Blake Teller, Fellows President 2010-11; Joe Meadows, Fellows President 1999-00; Pat Scanlon, Fellows President 1987-88; Len Blackwell, Fellows President 1993-94; and Gene Harlow, Fellows President 2003-04.*
- Third row: Guff Abbott, Fellows President 1994-95; Frank Crosthwait, Fellows President 1986-87; and Ben Piazza, Fellows President 2008-09.*
- Not pictured: Claude Clayton, Jr., Fellows President 1990-91; Raymond Brown, Fellows President 1996-97; Cliff Hodge, Jr., Fellows President 1997-98; Jerome Hafter, Fellows President 2000-01; Rick Barry, Fellows President, 2002-03; Sandy Sams, Fellows President 2004-05; Robert Gibbs Fellows President 2005-06; Judge Allan Alexander, Fellows President 2006-07; Bill Hammack, Fellows President 2007-08; and Dean Sam Davis, Fellows President 2009-10.*



*First row: Kelly Sessoms, 2001-02; Camille Henick Evans, 1991-92; Hale Freeland, 1995-96; and Deanne Mosley, 2002-03.  
 Second row: Ben Piazza, 1986-87; David Maron, 2005-06; Mark Herbert, 1984-85; David Watkins, 1983-84; and Wilson Montjoy, II, 1987-88.  
 Third row: Carlos Moore, 2007-08; Meade Mitchell, 2003-04; and Keith Obert, 2000-01.*

## RECIPIENTS OF THE OUTSTANDING YOUNG LAWYER OF MISSISSIPPI AWARD

1981 - 1982	Claude F. Clayton, Jr.	1991 - 1992	A. Camille Henick	2001 - 2002	A. Kelly Sessoms
1982 - 1983	William C. Hammack	1992 - 1993	Denitia M. Newman	2002 - 2003	Deanne Mosley
1983 - 1984	W. David Watkins	1993 - 1994	C. Joyce Hall	2003 - 2004	Meade Mitchell
1984 - 1985	Mark D. Herbert	1994 - 1995	M. Binford Williams, Jr.	2004 - 2005	Scott R. Hendrix
1985 - 1986	Shelby R. Rogers, Jr.	1995 - 1996	J. Hale Freeland	2005 - 2006	David F. Maron
1986 - 1987	Tommy E. Furby	1996 - 1997	Susan Fahey Desmond	2006 - 2007	Amanda K. Jones
1987 - 1988	R. Wilson Montjoy, II	1997 - 1998	A. Matt Pesnell	2007 - 2008	Carlos E. Moore
1988 - 1989	James Arden Barnett, Jr.	1998 - 1999	Lynn P. Ladner	2008 - 2009	Stephanie R. Jones
1989 - 1990	J. Richard Hurt	1999 - 2000	Chip Wilbanks	2009 - 2010	Corey D. Hinshaw
1990 - 1991	D. Michael Cockrell	2000 - 2001	Keith Obert	2010 - 2011	Tiffany M. Graves

# 75th Anniversary Celebration “Leading Together”



The guest speakers at the 75th Anniversary Celebration dinner were Pat Scanlon of Jackson, Frank Crosthwait of Indianola, and Joe Meadows of Gulfport who served consecutively as YLD Presidents from 1969-72 and as MS Bar Presidents from 1987-1990.



*In 1970, Pat Scanlon, Frank Crosthwait, and Joe Meadows were photographed as Young Lawyers Division officers at the Annual Meeting.*

# Young Lawyers Division 75



*Amy and Derek Arrington*



*David Maron and Joy Phillips*



*Kelly Sessoms, Deanne Mosley, and Bobby Higginbotham*



*Mary and Len Blackwell with Susan and Walter Weems*



*Wilson Montjoy, Lesly Murray, Pamela Prather and Guy Gillespie*



*Judge Gene Fair and Bar Executive Director Larry Houchins*



*Hale and Cynthia Freeland with MB President-Elect Lem Adams*



*Angie and Mark Herbert*

# th Anniversary Celebration



*Amy and Rusty Harlow*



*Stacey and Blake Teller with Guff Abbott*



*Mindy and Judge Jimmy Maxwell*



*Cheri Green, Ben Piazza, and Jean Magee*



*Carlos Moore and Joy Phillips*



*Jay and Judith Travis with Mike Bush*



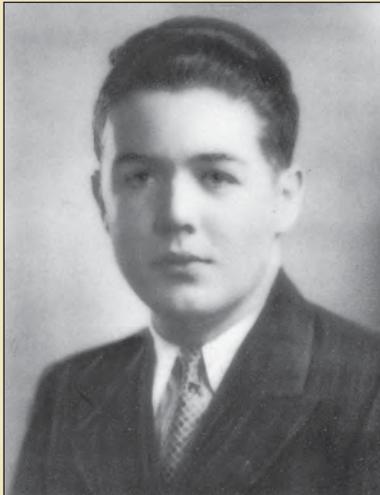
*Hall and Carole Bailey with Gene and Jan Harlow*



*Kelly Sessoms, Briggs Hopson, Tim Threadgill and Keith Obert*

# The Junior Bar / Young Lawyers Division

## 1930s



*Hugh N. Clayton  
of New Albany was  
the first President  
of the Junior Bar  
Section, which was  
organized in  
Greenville on  
September 4, 1936.*

### STATEMENT OF THE CHAIRMAN OF THE JUNIOR BAR SECTION

*To the Members of the Mississippi State Bar:*

The occasion for a statement from the present Chairman of the Junior Bar Section of the Mississippi State Bar is the fact that this is its first year of existence and some announcement is required to explain its purpose and give its aims.

The Mississippi State Bar comprises every lawyer in the State of Mississippi and the organization of this Section does not deprive any lawyer from participating as fully in the activities of the State Bar as if the Section were not created. It, the Section, is an organization created by the State Bar and composed of all lawyers in the State under thirty-six years of age, for the younger lawyer, giving him a forum and organization to work for those things he believes are beneficial to the Bar and society as a whole.

For the most part, the State Bar is run by men over the age of thirty-six and it is infrequent that a man under this age takes part in discussions on the floor of the annual meeting. This is not because these younger men would not like to do so but because of a natural respect for the opinions of older and more experienced members of the Profession. Consequently, this Section was created for the younger lawyer.

Some fear was expressed that the Section would act on matters brought before it and then work in the State Bar as a unit to accomplish its desires, binding the minority of the Section who might be opposed to that proposal. It will not function in this way and the thing that would kill its usefulness quicker than anything else would be a group of individuals seeking to use the Section as a means to accomplish selfish or political desires. Any member who opposes a proposition on the floor of the Section will be free to do so on the floor of the State Bar.

As to what we hope to do this year, it is planned to start gradually and "make haste slowly". All members of the Bar are urged to read the resolution creating this Section on page 102 of this Journal and to notice in the proceedings herein the names of the Executive Committeemen from their Supreme Court district. Any suggestions from any members of the Bar as to what this Section should work for should be sent to the nearest Committeeman.

About two months before the annual meeting of the State Bar, this Committee will meet in Jackson and plan the program and matters to come before the Section. It will also decide the time of the meeting of the Section. It has been suggested that it meet on Wednesday night immediately preceding the convening of the State Bar on the following morning.

Those in charge of this Section invite the suggestions and constructive criticism of all the members of the Bar in order that the Section may be an instrument for good to the entire Bar and to the State of Mississippi.

HUGH N. CLAYTON, Chairman,  
Junior Bar Section of the Mississippi  
State Bar.

On September 4, 1936, Hugh N. Clayton of New Albany borrowed a typewriter from the management of the Greenville Hotel and, taking a seat in the lobby of the hotel, typed the bylaws for the Junior Bar. Clayton got together with two Jackson friends, L. O. Smith, Jr., and W. Calvin Wells, Jr., and wrote a set of nine bylaws. Clayton, Smith, Wells and John Satterfield campaigned the idea to their colleagues at the 1936 Annual Meeting.

At the 1936 Annual Meeting, W. Calvin Wells, Sr., of Jackson, the State Bar's 1934-35 president, observed that it was "very important that recognition be given to these young members of the Mississippi State Bar. They hesitate to rise until they are specially requested so to do by a modesty which we may commend, and while we do not want to prevent them from working in the regular channels of the Bar, that gives a forum to them of their own, for them to work with us and help us."

Major Calvin Wells got to his feet to reassure members that the resolution, as it was written, guaranteed that no action taken by the section would have any effect until it had been submitted to, and approved by, the full Bar. Then, by a voice vote, the resolution was approved. The Mississippi State Bar had a Junior Bar Section. The section would function as a standing committee of the State Bar.

Hugh Clayton was elected unopposed to be its first "chairman."

**Northern District:** Charles A. Sisson, Clarksdale  
Harvey L. Morrison, Okolona  
L. G. Fant, Jr., Holly Springs

**Southern District:** Jackson Deavours, Laurel  
Bill Dent, Collins  
J. K. Travis, Hattiesburg

**Central District:** William A. Bacon, Durant  
John Satterfield, Jackson  
L. O. Smith, Jr.

The creation of the Junior Bar Section in 1936 may have been the single most important event in the early history of the unified bar.

## 1940s

1941 was a triumphal year for the Junior Bar Section because they were at least able to prevail upon the Bar as a whole to support their campaign to persuade the State Legislature “to contract for the publication of the code of Mississippi in multiple volumes patterned after the United States Code Annotated...” which was passed into law on March 23, 1942.

At the 1942 Annual Meeting, the Junior Bar Section organized a new committee, the Unethical Practice of Law Committee under the chairmanship of Pat Holcomb. The active committees were on Unethical Practice of Law and Encroachments on Law Practice, Public Relations, Cooperation with Young Lawyers’ Admission to the Bar, the Bureau of Criminal Identification, and the Cooperation with the Junior Bar Conference of the ABA. The Committee on Pleading, Practice and Procedure had been renamed the Study Committee.

Some things were noticeably different at the 1942 meeting. Many members were already away serving in one of the armed services. Also for the very first time, a woman, Zelda Siegal of Sunflower, had been elected to serve on the Junior Bar Section’s Executive Committee.

During 1942-1945, while war raged on three continents, the Mississippi State Bar’s Junior Bar Section, although it did not quite cease to exist, did virtually cease to function. 80% of its total membership was called away into civilian or military government service outside the state. Gasoline rationing and the fact that tires were almost impossible to obtain, greatly discouraged attendance at committee meetings and at the annual meetings.

After WWII, dozens of the state’s younger lawyers returned to civilian life from the armed forces and resumed their practice. At the 1945 Annual Meeting, John Wade, a Marine Corps veteran, had been elected President of the Junior Bar and he promised to get it going again. In 1946, for most of the veterans present, the committee report of greatest interest was the one in the ever-present problem of the unauthorized practice of law.

*“The Junior Bar activities have been greatly curtailed from the fact that so many from our ranks went to the armed forces. Therefore, for the past several years, our chief ambition and our aim in meeting has been to hold our organization together; and that we have successfully done.”*

*Report of the Junior Bar Section, 1945*

## 1950s

New by-laws were adopted on June 2, 1950 were not intended to drastically repeal or rewrite the original ones that had been part of the 1936 resolution establishing the Section, but were intended to expand and clarify them by both codifying developed procedural norms and settling continuing uncertainties.

In 1950, the Junior Bar felt that the Mississippi State Bar should take a stand on the repeal of the Prohibition Laws in Mississippi. The Junior Bar Section’s Unauthorized Practice of Law Committee in 1950 named that “the young men of the legal profession of Mississippi condemned the unlawful practice of our profession” and were determined “as a body, to investigate, and in proper cases, to ensure the prosecution of those guilty of such unlawful conduct.”

The Junior Bar offered the first Young Lawyers’ Seminar in 1958.

## 1960s



The American Bar Association recognized the Junior Bar Section of the Mississippi State Bar for having one of the most outstanding programs for young lawyers in the nation in 1966. The Mississippi Junior Bar captured achievement in bar activities. B. B. McClendon, Jr., 1965-66, (left) of Jackson, immediate past president of the state Junior Bar, shows the plaque and certificate to Pat Scanlon, Junior Bar secretary, and Tom Crockett, Jr., Jackson Junior Bar president, both of Jackson.

*Mississippi Junior Bar President Robert G. Barnett*



*(1967-68), left and President-Elect Raymond L. Brown (1968-69) are pictured displaying the Mississippi Junior Bar’s first place national awards for both the Overall Competition and for the Individual Project (organizing the Southern Conference of Junior Bar Executives that first met in Jackson, MS in 1968). Both awards were presented by the ABA Young Lawyers Section at the 1968 ABA Convention in Philadelphia. This was the first time the Mississippi Junior Bar won a first place award in National Junior Bar Competition.*

# 1970s

In 1970 the Junior Bar Section changed their name to the “Young Lawyers Section” of the Mississippi State Bar.



Displaying awards won by the Young Lawyers Section, Mississippi State Bar, and the Jackson Junior Bar Association for the year 1969-70 are Pat H. Scanlon, Jackson, President, Mississippi Young Lawyers Section 1969-70; Donald B. Morrison, Jackson, President, Jackson Junior Bar Association, 1969-70; and Frank O. Crosthwait, Jr., Indianola, President Mississippi Young Lawyers Section 1970-71. The legal organizations won the three awards from the American Bar Association during its annual meeting held in St. Louis, Missouri in 1970.



Accepting the second place ribbon awarded to the Young Lawyers Section of the Mississippi State Bar in national Award of Achievement competition sponsored by the American Bar Association are James A. Peden, Jr., of Jackson, President-Elect of the Mississippi Young Lawyers (center), and Claude F. Clayton, Jr. of Tupelo, Secretary of the Mississippi Young Lawyers (right). The award, which is being presented by David F. Chappell, of Ft. Worth, Texas, Chairman-Elect of the Young Lawyers Section of the American Bar Association (left), was given in recognition of the excellence of the seminar-workshop on “Law and the Older Adult” presented by the Mississippi Young Lawyers at Mississippi State University on May 18, 1977.

# 1980s



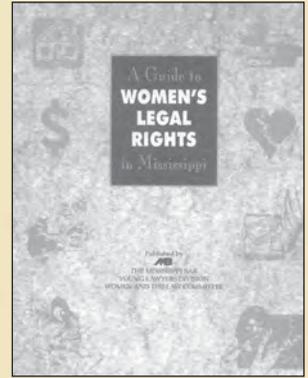
Past Presidents of the Young Lawyers Division present at the 50th Anniversary celebration of the Mississippi Young Lawyers in 1986 were: (front row, left to right) Robert G. Barnett, 1967-68; E. Clifton Hodge, Jr., 1979-80; Walter S. Weems, 1987-88; E. C. Ward, 1961-62; Hugh N. Clayton, 1956-57; Stephen C. Edds, 1985-86; W. David Watkins, 1981-82; Raymond L. Brown, 1968-69; and John Morgan Stevens, Jr., 1941-42; (second row, left to right) George Woodliff, 1948-49; George E. Morse, 1956-57; Frank A. Riley, 1962-63; Jay A. Travis, III, 1975-76; Jack A. Travis, Jr., 1957-58; Eugene L. Fair, 1980-81; Leonard Blackwell, Jr., 1977-78; W. Thad Cochran, 1972-73; Edward P. Connell, 1966-67; and Sherman L. Muths, Jr., 1964-65; (third row, left to right) J. Richard Barry, 1986-87; Stephen W. Rosenblatt, 1984-85; H.A. Moore, III, 1985-84; W. Wayne Drinkwater, 1982-85; F. M. Bush, III, 1976-77; Pat H. Scanlon, 1969-70; Eaton A. Lang, Jr., 1960-61; George P. Hewes, III, 1963-64; Frank O. Crosthwait, Jr., 1970-71; L. F. Sams, Jr., 1973-74; James A. Peden, Jr., 1978-79; and James F. Noble, Jr., 1959-60.

# 1990s

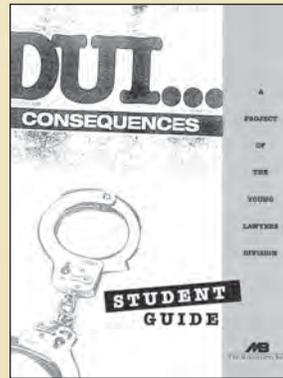


On June 28, 1990, Governor Ray Mabus signed a Proclamation declaring Mississippi Clerkship Interaction Day, a program of the YLD Minority Involvement Committee which was chaired by Richard Hurt and Charles Griffin.

Because women often do not have access to legal services, the Women in the Law Committee of The Mississippi Bar Young Lawyers Division furnished a 162 page guidebook entitled, *A Guide to Women's Legal Rights in Mississippi.* The first edition of the guidebook was printed in 1993 with Joy Phillips as Editor. The second edition was printed in 1997 with Deanne Mosley serving as Editor. The books were distributed statewide free of charge to women's and children's shelters, domestic violence centers, United Way agencies, victim-witness coordinators and all local libraries. Printing was made possible by IOLTA grants from the Mississippi Bar Foundation.



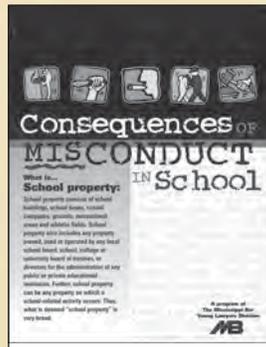
In 1997 The Mississippi Bar Young Lawyers Division received three Awards from the American Bar Association for service to the public, to the membership, and comprehensive programs. Pictured were Young Lawyers Division officers Julia Terry, Secretary; Chip Wilbanks, President; Karen Young, Immediate Past President; and Rusty Harlow, President-Elect.



The "Consequences of DUI" brochures were developed by the Young Lawyers Division in the 1990s to help teach high school students the laws surrounding driving under the influence.

# 2000s

Over 115,000 *Consequences of Misconduct in School* brochures were distributed to middle school students by the Young Lawyers Division under the leadership of Young Lawyers Division President Sam Kelly in 2000.



## Hurricane Katrina Disaster Legal Assistance

YLD President Amanda Jones welcomed attendees to the Disaster Legal Assistance Training at the Mississippi Bar Center.



In 2003, the Young Lawyers Division produced a successful statewide Teen Court Forum.

The Mississippi Society of Association Executives awarded the Young Lawyers Division's Mock Trial Competition with a 1st Place Award in 2004.



Guff Abbott from Oxford assisted with legal question at one of the Disaster recovery Centers.

Amanda Jones, President, and Tana Vollendorf, Gulfport DRC Coordinator, review the attorney volunteer listings for each center.



# THE MISSISSIPPI BAR



# YOUNG LAWYERS DIVISION

*In 1936, the Junior Bar was formed “to furnish a forum for the younger lawyers, encourage and foster discussion, the interchange of ideas, and constructive action for the preservation and advancement of the ethics, prestige and integrity of the Bar among the younger lawyers and to establish a special means whereby the younger lawyer may be induced to interest themselves to a greater extent in the activities of the Mississippi State Bar and more materially assist in the accomplishment of its purposes and functions.”*

*Approved 1936 Annual Meeting, Greenville, Mississippi*

## 1964-1965 **Sherman Muths, Gulfport**

Under the leadership of Sherman Muths, the Young Lawyers hit the ground running with a complete revision of the organization's bylaws. It was the first time a revision had been made to the bylaws since the inception of the Young Lawyers Division (YLD)—known at that time as the Junior Bar Section.

"One of the interesting additions was a requirement that at least two persons be nominated to the office of president," Muths recalled.

Also during Muths' tenure, the Young Lawyers laid the groundwork for establishing a lawyer's placement service in Mississippi. The service would come to function as an exchange of information between potential employers and lawyers in the field.

Muths recalled that his best memories of the year came from the opportunities to be "part of the programs of the Senior Bar and get to know many members of the Senior Bar at an early age." The social events weren't too bad either, he laughed.



## 1965-1966 **B.B. McClendon, Jr., Jackson**

Under the leadership of B. B. McClendon, the Code Study Committee of the YLD provided report of recommendations regarding needed revisions to the General Index of the Mississippi Code of 1942. One of the suggestions not included as a final recommendation was an offer by the University of Pittsburgh Graduate School to prepare an index using an IBM computer at the cost of \$30,000.

The YLD also sponsored the eighth annual Young Lawyer's Seminar, offering lawyers recently admitted to the Bar an opportunity to learn best practices to bridging the gap between legal theory and practice from those in the trenches. In 1966, the American Bar Association (ABA) recognized the YLD of the Mississippi State Bar for having one of the outstanding programs for young lawyers in the nation.

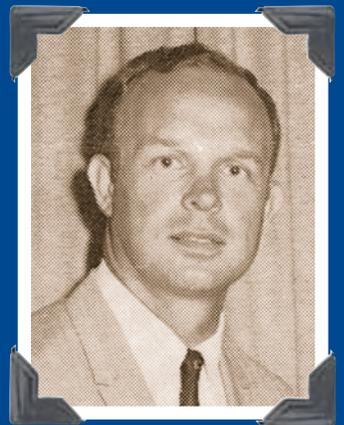


## 1968-1969 **Raymond Brown, Gautier**

Retiring recently at a young 75, Brown celebrated his 50th year as an attorney. He recalled that when the Young Lawyers attended the 1969 national convention in New Jersey, Mississippi became something of a "kingmaker" due to the state having more votes and clout than some of its larger counterparts. This elevated position came as a result of the addition of several local chapters to the YLD (Junior Bar) during Brown's tenure.

"Mississippi retained that clout for several more years," Brown said. "The president of the Mississippi Young Lawyers and the next several presidents, along with the next several national presidents they helped elect, came to be known as the "Mafia" in the ABA Junior Bar. We got together with several of those past Mississippi and national presidents for dinner at subsequent ABA Conventions for a number of years."

Brown noted that the YLD has always been a strong right arm of The Mississippi Bar. "When I became President of The Mississippi Bar, I knew we could count on the YLD to provide energetic and able assistance on committees and projects," he said.





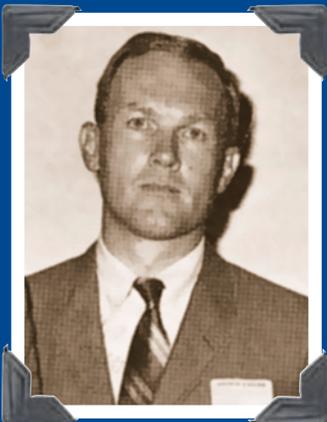
### 1969-1970 Pat Scanlon, *Jackson*

It was roughly six weeks into Pat Scanlon's term when Hurricane Camille hit the Gulf Coast, and the Young Lawyers took immediate action by appointing a Disaster Relief Committee. "Our aim was to help the victims without charge with any legal problems caused by the storm and to help them obtain any available governmental assistance," Scanlon said.

With the assistance of a Congressional Delegation, the group secured a \$25,000 federal grant and used the funds to set up three law offices along the Gulf Coast, also securing a rental van for use as a mobile law office. Heralded as a model program nationally, the concept was used again in 2005 when Hurricane Katrina hit.

That year, the entire YLD budget was \$500. Due to the increased need for project funds, Scanlon and President-Elect Frank Crosthwait requested a doubling of the budget to \$1,000. The Board of Bar Commissioners responded by tripling the budget.

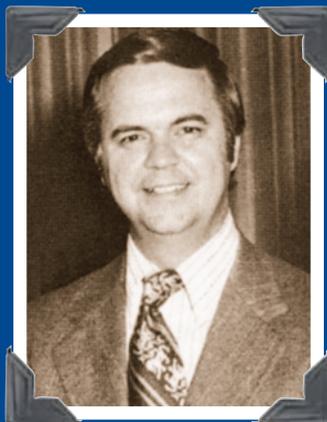
"While the dollars do not seem that significant in today's money, 43 years ago that was a significant increase and showed the excellent relationship between the State Bar leadership and the Junior Bar," Scanlon emphasized.



### 1970-1971 Frank Crosthwait, *Indianola*

Hailing from the city of Indianola, Frank Crosthwait remembers fondly that the best attended board meeting during his tenure as president was the one he took out of Jackson and held in his home city. It was also during this year that the Junior Bar Section changed its name to the "Young Lawyers Section." Continuing the important work of Hurricane Camille relief through the Disaster Legal Assistance Committee, Crosthwait had an opportunity to give a report at the ABA's mid-year meeting in Chicago on the emergency legal aid program. "The work done by the Young Lawyers was so impressive that the American Bar set up the National Legal Defense Committee," he said. In fact, two members from the YLD were appointed to head the effort—Joe Meadows as national chair, and Len Blackwell as vice-chair.

"It was a unique opportunity to work with so many talented and committed young lawyers and Mississippi Bar staff," he noted. "The friendships that were begun continued through the years."



### 1971-1972 Joe Meadows, *Gulfport*

If someone were going to use one word to sum up the YLD, Joe Meadows says it would be "service."

"It's an organization dedicated to service and to improving the legal system," he emphasized, adding that the two primary attributes of the organization were: 1) a willingness to take on new and innovative projects and 2) a willingness to assist the Senior Bar in implementing its programs.

One of these innovative programs during Meadows' tenure was the Parolee Assistance Program. Aimed at reducing repeat crimes by parolees and alleviating recidivism, the program offered volunteer young attorneys to counsel with parolees on a day-to-day basis and help them readjust to society. Volunteers committed to spending one hour a week with an assigned parolee for a minimum of a year period. Meadows recalled his year as president as a highlight of his career. "It was a great period of time in my life, and I thoroughly enjoyed it," he said.

## 1972-1973 Senator Thad Cochran, *Washington, DC*

Senator Thad Cochran recalled that the highlight of his year as president was the opportunity to be elected an officer early in his tenure as lawyer. With no real campaign effort underway, he said that he was surprised when another lawyer nominated him without his knowledge. "It was looked down on if you over campaigned at that young age. We were learning together," he said, adding that the philosophy was very much centered around earning rewards by doing a good job, being honest and being a credit to the profession.

Many important programs continued under Senator Cochran's tenure including the Fifteenth Annual Young Lawyer's Seminar, originally enacted to help young attorneys bridge the gap between knowledge and practical application. Speakers that year included such names as the Honorable Dixon Pyles, Honorable Spencer Gilbert, Honorable Pat Scanlon, Honorable Charles Sullivan and the Honorable Jerome Steen.

Cochran noted that learning from experienced members of the Mississippi Bar was one of the greatest takeaways from his time with the YLD. "I really appreciated how talented they were and how serious they were about carrying out the profession," he said.

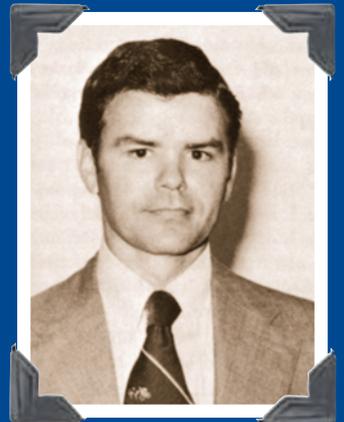


## 1973-1974 Sandy Sams, *Tupelo*

Sandy Sams is grateful for the lifelong friendships developed during his time serving with the Young Lawyers and specifically the many visits to Mary Mahoney's in Biloxi and Ship Island with friends, spouses, committee chairmen and fellow officers of the division. "Mary Helen and I thoroughly enjoyed the year including attendance at the ABA meeting in San Francisco, our first trip there," he said.

Continuing work inaugurated under Senator Cochran's term, Sams recalled that youth education for citizenship was high on the priority list during his tenure as president. Specifically, a Tupelo High School civics/history teacher was instrumental in helping the Young Lawyers place mentoring attorneys in the classroom. These individuals would emphasize and encourage participation in all aspects of government including the election process and the founding principles of the U.S.

"The lasting legacy of our Young Lawyers days are the opportunities given for service and the many friendships made and solidified as we began a career of work with the Bar," Sams noted. "We have encouraged others, especially our younger friends and associates, to do likewise. The rewards are lasting if not endless."



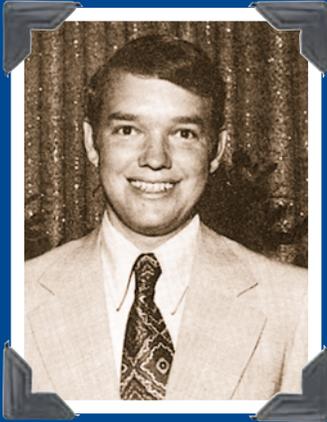
## 1975-1976 Jay Travis, *Ridgeland*

One of the primary focal points of Jay Travis' year as president was an effort to get more young lawyers in Mississippi involved in the Bar. Travis said that he and his team set out to bring fresh energy and ideas into the Senior Bar and give young lawyers across the state "a voice" in its activities.

To accomplish this goal, new chapters were set up to increase membership. "We did wind up with new local YLD chapters in Vicksburg, the Gulf Coast, Greenville and Greenwood," Travis recalled.

During his tenure, Travis also accepted the National Award of Achievement won by the Jackson Young Lawyers at the American Bar Association convention held in Montreal that year. Jackson served as chairman of the 1974 Law Institute sponsored by the local chapter, which took second place in the national achievement competition.

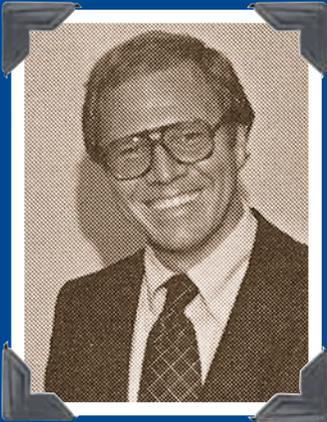




### 1976-1977 F.M. Bush III, *Jackson*

F.M. (Mike) Bush believes that one of the greatest functions of the YLD is its ability to lower barriers to experiencing the Senior Bar at a young age. “It brings them into the Bar and gives them an appreciation of the organization and its professionalism,” he emphasized. “That’s such an important function.” Serving as president of YLD from 1976 to 1977, Bush recalled that continuing education was beginning to become mandatory and more organized at that time. To that end, the Young Lawyers organized a seminar titled “Recent Developments in Mississippi Law.”

“The turnout was just amazing...we just got rave reviews,” he noted. Due to the success of seminar, he called Guthrie Abbott, a law professor at Ole Miss, and asked if he would be interested in continuing the program. “They have carried the program for the past 25 years,” he said, adding that the Abbott and Weems seminar was recently handed off to another professor. “It appears that Abbott retired from presenting a few years back, but the seminar continues.”



### 1977-1978 Leonard Blackwell II, *Gulfport*

The highlight of Leonard (Len) Blackwell’s presidential year with the YLD was the opportunity to host U.S. Attorney General Griffin Bell as the speaker for the 42nd Annual Meeting held in conjunction with the annual convention of the Mississippi State Bar. “Senator James Eastland introduced Judge Bell, and after Judge Bell spoke, we voted to make him an honorary member of the YLD,” Blackwell recalled.

Other notable projects from the year included an effort to provide state penitentiary inmates access to a law library, the recruitment and appointment of minority attorneys to serve as chairs of several YLD committees, and the hosting a delegation of ABA-YLD leaders at the annual meeting.

It was a year full of energy, Blackwell recalls, adding that the YLD is the energetic arm of the Mississippi Bar. “It is where so many good ideas originate and where so much work gets done to light a fire under the legal profession in our state,” he emphasized. “However intractable the issue may seem to be, the YLD perseveres until progress is made.”



### 1978-1979 James Peden Jr., *Jackson*

Under the leadership of James (Jeep) Peden in 1979, the Committee for Disaster Legal Assistance was once again honored for its work following the Easter Day flood that occurred along the Pearl River that year. The committee was chaired by Suzanne Saunders, and the effort received the first place single project category honor in the Award of Achievement competition sponsored by the ABA.

Peden noted that the 1979 General Assembly featured principal speaker Robert J. Lipshutz, special counsel to President Jimmy Carter. Like Attorney General Bell the previous year, Lipshutz was also elected an honorary member of the Mississippi YLD.

Other highlights of the year included reforming the election procedures for officers and directors of the YLD in accordance with “one man, one vote” standards. The YLD also took the lead in persuading the Mississippi Legislature to reform the Bar admissions process, which many perceived as unfair. “But simply having the privilege of working with so many outstanding young lawyers across the state on a daily and weekly basis to serve the public, to strengthen the profession, and to improve the administration of justice had to be a continuing highlight,” Peden emphasized.

## 1979-1980 **Cliff Hodge, Jackson**

Two highly contested issues were among the main priorities of the YLD during the tenure of Cliff Hodge—the Rules of Civil Procedure and the Admission to the Bar/Diploma Privilege. While both of these efforts came to fruition some years later, Hodge recalls that the Young Lawyers recognized the need early to address them.

“Those were two highly debated topics during that era,” he noted. “Typical of the YLD, we were on the cutting edge of all of that.”

Specifically, the YLD drafted legislation that would change the admission process to The Mississippi Bar. In previous years, graduates from the University of Mississippi were automatically admitted to the Bar, but graduates from other state schools were not afforded the same privilege. “I observed the most outstanding volunteer work I have seen through Jerry Hafter,” Hodge recalled of the individual who chaired the Bar Admission Committee.

A proposal was also provided to the Mississippi House of Representatives for new Rules of Civil Procedure. While rejected that year, it paved the way for continuance of the effort.



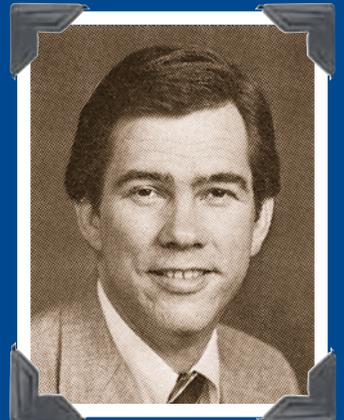
## 1980-1981 **Judge Eugene Fair, Hattiesburg**

Recalling one of the highlights of his year as president, Judge Eugene (Gene) Fair said that hiring Larry Houchins as executive director of The Mississippi Bar definitely ranked high. It was also during his tenure that the member newsletter was converted to a magazine.

“That was the last year the Young Lawyers had full responsibility of the newsletter,” he recalled. “It was converted to a full-color magazine.”

Other publications were initiated and produced by the YLD that year including the six-page leaflet “You are Still Parents” for newly divorced parents and “Youth and Society: Rights and Responsibilities.” Perhaps the most notable event of that year was the Mississippi Supreme Court’s adoption of the previously proposed Civil Rules of Procedure.

Fair noted that he looks back on his time with the YLD and is grateful to have been involved in something that had lasting impact. “It takes predecessors and successors,” he emphasized. “We incrementally improved the process.”



## 1981-1982 **David Watkins, Jackson**

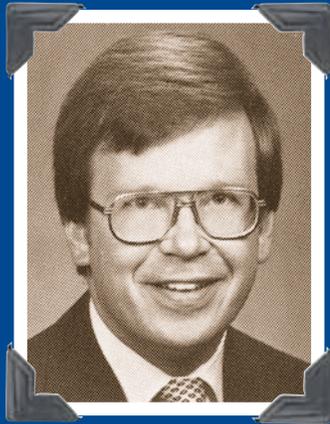
“I felt like I was accepting an awesome responsibility,” David Watkins noted of his opportunity to serve as president of the YLD. “The Young Lawyers had done such a good job of serving the underserved and helping the systems of justice.”

And the legacy continued under Watkins. It was during this year that the concept of bar financing of public service and membership projects was introduced. Although not fully enacted during the year, the proposals set the stage for what would become an opportunity to place client trust accounts into interest-bearing accounts to raise funds for public service.

Also during the year, the ABA was considering a new code of ethics called the Model Rules of Professional Conduct. The YLD undertook a comprehensive review of the proposal and its effect on Mississippi lawyers, endorsing some areas and rejecting others.

“We had a very dedicated board of directors we were reporting to,” Watkins recalled. “I made lifelong friends, and we did have a lot of fun.”



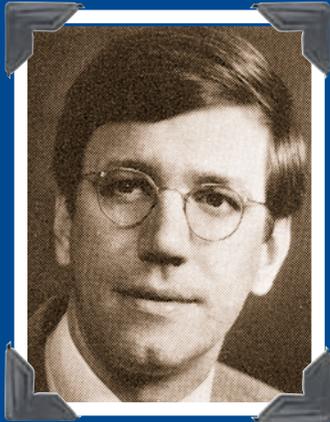


### 1982-1983 **Wayne Drinkwater, *Jackson***

**W**ayne Drinkwater appreciated the opportunities to broaden his experience and meet other Young Lawyers across the state during his time with the YLD. “It gave me a chance to make friends around the state that I otherwise would have never been able to make,” he asserted.

During his tenure, work continued on the client trust account concept conceptualized during the previous year. Drinkwater recalled that it became somewhat a year of campaigning for the initiative due to some objections.

Other activities of the YLD that occurred during Drinkwater’s tenure included taking action on the state level to justify the need and good work of the Bar during the Legislature’s Sunset Review process enacted under the Agency Review Act. The effort was led by Legislative Committee Chair Walter Weems. The YLD also began looking into the need for enforceable rules governing lawyer advertising and a program of mandatory continuing legal education for all lawyers in the state.

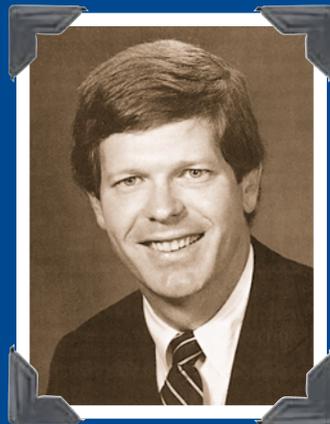


### 1983-1984 **H.A. Moore III, *Hattiesburg***

**H**.A. Moore noted that YLD provided him an opportunity to get involved in the profession with other young professionals when they had no fear of trying new things. “It does the same today, and many of the better programs of the MS Bar germinated in the YLD,” he said.

The Disaster Relief Committee was enacted in full force that year as the YLD responded to flooding throughout the state and tornados that hit four north Mississippi counties. Moore recalled that the most enduring project that was completed during his tenure was the desk calendar—a document that is still being produced today.

Moore noted that his best memory of the year was having the opportunity to sit next to Lewis Grizzard during the annual banquet and introduce him as the featured speaker.



### 1984-1985 **Steve Rosenblatt, *Ridgeland***

**S**teve Rosenblatt remembers the YLD during the late 1970s and early 80s as a “driving force in creating and implementing many of the outstanding programs of The Mississippi Bar.” One such program was the establishment of the Interest on Lawyers Trust Accounts (IOLTA) Program. Under the IOLTA Program, the funds in lawyers’ trust accounts were placed in interest-bearing accounts at participating financial institutions to be used for public purposes under guidelines set forth by the Mississippi Supreme Court and the Internal Revenue Service.

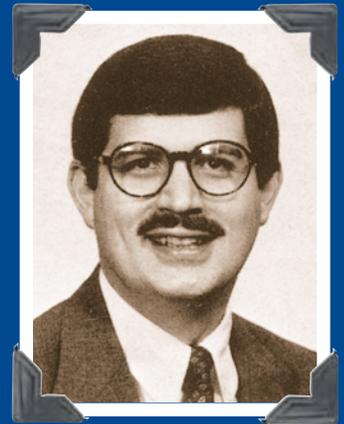
During 1984, the Mississippi Supreme Court approved the IOLTA Program to: provide legal aid to the poor; provide law-related education programs for the public; provide student loans and scholarships; improve the administration of justice; and for such other programs specifically approved by the Supreme Court of Mississippi for exclusively public purposes.

“At the 1985 Annual Meeting, I had the privilege of presenting the Outstanding Young Lawyer award to Mark Herbert in recognition for the countless hours he worked in leading the charge to establish the IOLTA Program in Mississippi,” Rosenblatt recalled. “Since 1984, the IOLTA program has contributed in excess of \$11 million for these worthwhile causes.”

### 1985-1986 **Steve Edds, Jackson**

Steve Edds was president of the YLD during its 50th anniversary year. He is quoted from that year as saying: "I'm proud to be a Young Lawyer, but I'm particularly proud to be a Mississippi Young Lawyer. Our Section has a nationwide reputation for excellence. You can look around at the programs of The Mississippi Bar today, continuing legal education, you can look at the Mississippi Rules of Civil Procedure, you can look at IOLTA, you can look at the Mississippi Pro Bono project, and you can realize that these were all initially the ideas and projects of the Mississippi Young Lawyer Section."

The YLD continued their progressive efforts during Edds' tenure as initiatives were enacted to develop a missing children's project, write and distribute a legal handbook for crime victims and birth an effort to address the need to involve more minority lawyers in the YLD.



### 1986-1987 **Rick Barry, Meridian**

Rick Barry sees the YLD as the "working force of the Bar" and felt it was a privilege and honor to serve as president. "Any new issues that are out there on the horizon, the Young Lawyers have always been willing to take on those issues, not only for the betterment of the Bar, but for the betterment of our citizens and our State," he said.

This standard continued under the leadership of Barry. During his tenure, the YLD continued implementation and completion of many projects started during previous years. Among other efforts, the Missing Child Project was fully implemented that year and a special issue of *Mississippi Lawyer* was developed to deal exclusively with the subject of African-American lawyers in Mississippi.

Barry noted that his best highlight and memory from the year revolved around the development and implementation of a political forum that included all gubernatorial candidates running for Governor during that time. The forum was held at the Old Capitol Chambers in Jackson.



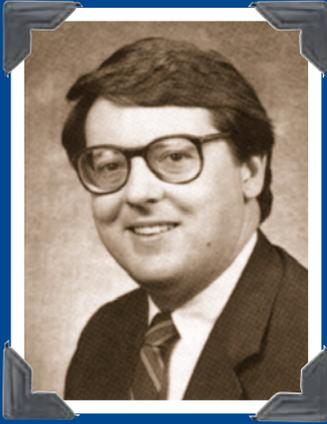
### 1987-1988 **Walter Weems, Jackson**

In a column appearing in *Mississippi Lawyer*, YLD President Walter Weems said that he believed the YLD offered a source of energy and enthusiasm critical to the fulfillment of the Bar's responsibilities. "Presidents of the Mississippi State Bar have not hesitated to assign to the Young Lawyers projects of the highest priority," he noted.

The year under his leadership marked the bicentennial of the U.S. Constitution, and the YLD pressed forward to implement plans for celebrating this milestone through the work of the Citizenship Education of the Law Committee. The Law School Relations Committee also initiated an effort to develop a campus program to the graduating classes of each of the two law schools in Mississippi. The program would advise law students of the existence and nature of the organized Bar, the scope of Bar activities and the benefits of active involvement in the YLD.

"Every member of the Bar benefits from the comprehensive activities of the YLD," Weems emphasized. "Some are direct beneficiaries of our projects, but all receive some of the credit for the good things."





### 1988-1989 Guy Gillespie, *Oxford*

During his tenure, Guy Gillespie noted that one of the most ambitious programs underway was a court reform study conducted by the YLD Special Projects Committee. Recognizing there was a real possibility of major state constitutional reform over the next few years, the YLD wanted to be in a position to offer leadership and knowledgeable input on any revisions to the judiciary.

“As lawyers, each of us has an ethical duty to improve the administration of justice, and a professional obligation to serve the public,” Gillespie said. “These obligations go beyond just representing clients for a fee. One of the best way to discharge these duties is through the programs of the YLD, which offer opportunities of service to the public, the courts and to the Bar itself.”

Also that year, the YLD Judiciary Committee completed work on the discovery handbook to be provided free of charge to every practicing attorney. A pilot mentor program was also successfully established in six high schools around the state with plans for expansion.

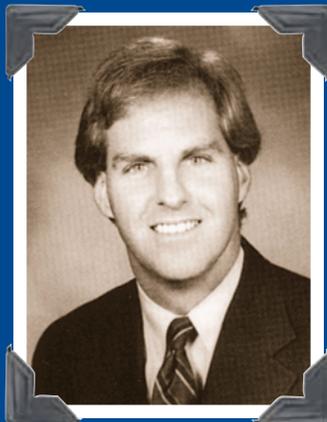


### 1989-1990 Gene Harlow, *Laurel*

The Minority Clerkship Interaction Program was a focal point of the year Gene Harlow lead the YLD. Chaired by Richard Hurt and Charles Griffin, the program’s mission was aimed at increasing the level of minority involvement in the profession. The clerkship placed minority law students in majority-owned laws firms, and majority law students were placed in minority-owned firms. “It was a very successful and rewarding program for all involved,” Harlow noted.

The YLD also expanded many strong, long-standing programs including child advocacy projects, an anti-drinking and driving program in the high schools, projects of the citizenship education and law committee and the High School Mock Trial Competition.

“We would meet attorneys across the nation and some really fine people,” Harlow recalled. “It seems that those lawyers who gave back to the profession were also rewarded in their professional careers.”



### 1990-1991 Hall Bailey, *Jackson*

During his tenure as president of the YLD, Hall Bailey appreciated the opportunity to work with other lawyers in a unified way. “One of the things I enjoyed most was that it gave me a chance to work with attorneys across the state,” he recalled.

The year under Bailey’s leadership was characterized by a continued effort to expand public service programs. Specifically, the YLD introduced “regional” Mock Trial competitions due primarily to the growth of participation in the program. The YLD also worked on expanding the Mississippi Mentor Partnership Program— a program promoting an education partnership between law firms and secondary schools in their respective communities.

Also introduced this year was the Tel-Law program—a library of recorded messages that could be accessed by the public. The program provided information on selected areas of the law to help people avoid certain kinds of legal problems as well as better recognize when to seek legal help.

## 1991-1992 **Jean Magee, Tupelo**

A milestone was set under the tenure of Jean Magee as she took the office as the first female president of the YLD. “One of my goals was to encourage more women to get involved in YLD activities. I appointed several women to chair committees and was especially proud of the work done by the committee chaired by Joy Phillips,” Magee said. “With the help of Carolyn Staton’s Women’s Rights class at the Ole Miss law school, she wrote and published *A Guide to Women’s Legal Rights in Mississippi*.”

Magee recalled her best memories from the year came from traveling around the country with Alex and Sarah Jane Austin. “I was so fortunate that my term as president of the YLD coincided with Alex Austin’s term as president of The Mississippi Bar,” she emphasized. “He was very supportive of all the YLD programs and a wonderful mentor to me.”

With a long history of service to the public and the profession, Magee said she has the utmost respect for the work of the Young Lawyers and will never forget the friendships made. In fact, she credits the year “as the highlight of my legal career.”

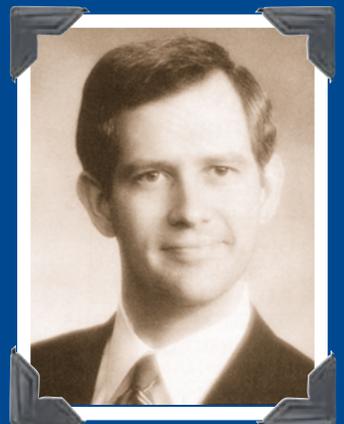


## 1992-1993 **Samuel Duncan, Hattiesburg**

In 1993, the well-established and ongoing Mock Trial Competition was in its 10th year, and the program received high honors when South Pike High School in Magnolia placed first in the national competition held in Atlanta.

Other key initiatives of the year included the Lawyer/Doctor/Teacher Drug Education Partnership Program designed to inform students of the dangers of drugs from many angles; the reactivation of the Women and the Law Committee to publish a guide to women’s legal rights in Mississippi; an effort by the Alternative Dispute Resolution Committee to institute a statewide mediation program; and an initiative to compile a manual for groups desiring to establish affiliate chapters with Habitat for Humanity International.

“The Young Lawyers have a proud history of sponsoring many innovative, beneficial and worthwhile projects,” said Sam Duncan, president during that year in a column appearing in *Mississippi Lawyer*.

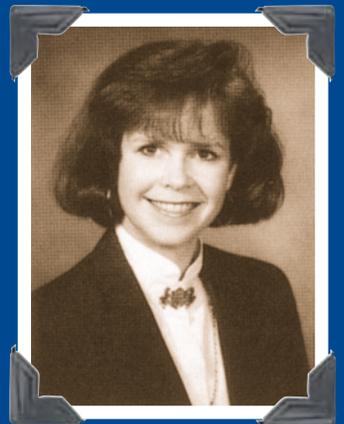


## 1993-1994 **Paula Graves Ardelean, Ridgeland**

Paula Graves Ardelean remembers the organ donation project as one of her favorite initiatives during her tenure as president. The YLD received an ABA grant to fund programs that would educate the Bar and public about legal issues associated with organ donation, and Camille Henick Evans headed the program.

Also a key initiative during that year, the first annual YLD CLE-Cancun style was organized. Under the leadership of Ben Williams, the seminar was attended by 40 attorneys and included 12 hours of CLE credits.

While Ardelean could not pick a favorite memory of the year, she noted that the leadership meetings and events that allowed the Young Lawyers to get to know each other better were among her best recollections. “It was also a pleasure to work with Melanie Henry and Larry Houchins, who kept us on course throughout the year,” she said. “There were so many young lawyers throughout the state who were willing to devote their time and talents to projects benefitting children, those who could not afford legal services, and other worthwhile organizations.”





### 1994-1995 Hale Freeland, *Oxford*

Hale Freeland recalled that at the annual ABA meeting in New Orleans, the Mississippi YLD was recognized for the work which had been conceived and carried out by the membership from successive years. "The following year the YLD Section received a national award as the Outstanding Young Lawyer Section for some of the work that addressed problems of child advocacy, enhanced civic education in public schools for our teachers, the work of minority inclusion into our profession, provision of public legal assistance, and various publications related to such subjects as women's rights, guidance for small and solo law firms and DUI laws," Freeland noted.

One of Freeland's best memories was a gathering of YLD delegates at an annual meeting dinner to celebrate the achievements, hard work, creativity and compassion of the members. "I fondly remember that evening shared with my friends, my wife and my six-year-old daughter (who fell asleep in my wife's lap as the evening with my colleagues grew late) in a fine restaurant in New Orleans," Freeland said. "My service with the YLD introduced me and my family to colleagues who remain some of our closest friends to this day."

Freeland believes that it is the continued unselfish service of the YLD which gives future hope to the legal profession.

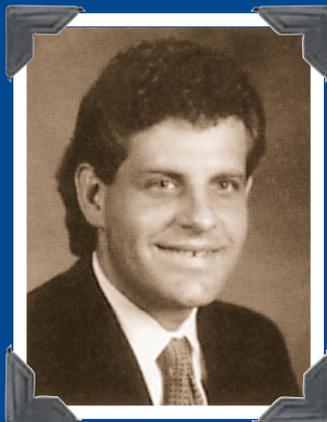


### 1995-1996 Karen Young, *Gulfport*

During her tenure as president, Karen Young noted that she was especially proud of the DUI Consequences Program. A four-page pamphlet designed to inform students of the arrest procedures, publicity, and fines associated with DUI, approximately 30,000 brochures were printed to be presented at high school drivers' education classes.

The tenth annual Law-Related Education and Youth Conference on Violence was held that year providing training for approximately 125 teachers across the state, as was a seminar to teach practical skills and hands-on learning opportunities for attorneys practicing in child advocacy areas. The Child Advocacy Committee was also instrumental in piloting a student mediation project to be used statewide in junior and senior high schools.

Young considered it an honor to have the opportunity to serve as president and noted in a written column that she would "miss the good times...and the opportunities presented for meeting new friends and dignitaries."



### 1996-1997 Chip Wilbanks, *Jackson*

Chip Wilbanks believes that the YLD is by far, the best arm of The Mississippi Bar. "The thing I liked about the YLD is that they are comprised of lawyers giving of their time just for the purpose of helping others," he noted. "Serving alongside other young lawyers was very gratifying."

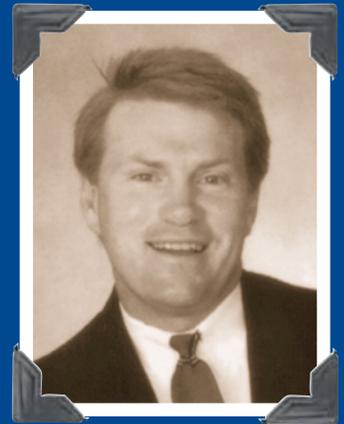
One of Wilbanks' pet projects during his tenure was the establishment of the Children's Legal Clinic. The American Bar Association's 1993 *America's Children at Risk* report recommended that the ABA lead a national effort to recruit lawyers to provide free legal assistance to children before they enter the court system. The Presidential Working Group also urged states to improve the system's ability to meet the needs of children by ensuring they receive competent legal counsel.

And that's exactly what the YLD set out to accomplish. During the course of the year, the Child Advocacy Committee began working on the goal of making the Mississippi Children's Legal Clinic a reality.

## 1997-1998 **Rusty Harlow, Grenada**

Work on the Mississippi Children’s Legal Clinic continued during the presidency of Rusty Harlow, as did the efforts behind the *Mississippi Solo and Small Firm Practitioner’s Handbook*, a key initiative for Harlow. “I was living in small-town Grenada, so I understood the challenges,” he said, pointing out that the nuances of maintaining a small practice are much different than that of a large firm. “Getting that handbook out to people was a big deal.”

Harlow recalled the Bar Admission Ceremony as one of the highlights of his year. “You meet all these people that you are getting ready to practice law with whether you realize it or not,” he emphasized, adding that relationships established through the Bar are important because it provides unity in the profession. “It was really a positive thing. I really truly credit the relationships I got from the YLD as a big reason why I still love practicing law.”



## 1998-1999 **Blake Teller, Vicksburg**

During his tenure as president, Blake Teller recalls writing an article about the pros and cons of investing in technology and the viability of using the Internet for marketing law firms. “It seems funny now that it was even an issue as we now exchange correspondence and documents in huge volumes daily across the Internet,” he laughed. “We also depend greatly on our computers—in whatever shape or form—for case presentation, and most firms and many solo practitioners have websites and use the Internet in so many creative ways for marketing now.”

Disaster relief was also on the agenda that year following the effects of Hurricane George. Teller noted that while that experience would not prepare the YLD for the devastation to come with Hurricane Katrina, it did lay a foundation for questions and issues that would arise. The YLD also produced a special edition of *The Mississippi Lawyer* that focused on the accomplishments of African-American lawyers in the state that year.

“Being a part of the YLD helps to train you to be a leader and causes you to fulfill what I believe are professional responsibilities to our own profession and to our communities through service to both,” Teller noted.



## 1999-2000 **Sam Kelly, Jackson**

More than 115,000 *Consequences of Misconduct in Schools* brochures were published and distributed to middle school students under the leadership of Sam Kelly. The informational piece was designed to help students understand the definition of misconduct and the legal ramifications and possible punishment for behavior that qualifies as misconduct while on school property. “Even today, that brochure is still in publication,” Kelly noted.

The YLD also embraced the task of creating a *Practice Manual* to be marketed to attorneys throughout the state. Although not completed that year, the publication would be designed as a reference manual to provide quick information on statutes, regulations, rules and case law applicable to various practices.

“The YLD allowed me to develop friendships and relationships that continue to this day. It was an opportunity to meet people who you could walk through the difficulties of life with,” Kelly said.



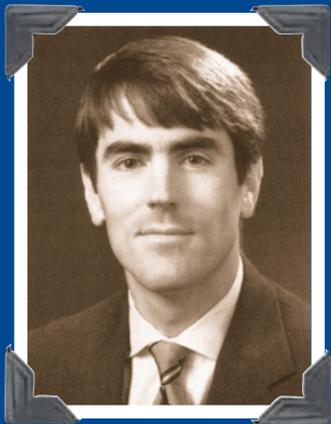


### 2000-2001 **Tim Thredgill, Ridgeland**

**T**im Thredgill noted that the highlight of his year as president was seeing the quantity of Young Lawyers willing to take an active role in promoting the legal profession. “I did not have to beat the bushes to locate people who wanted to be involved; they came to me in droves asking how they could help the YLD and their fellow citizens,” he recalled.

Along with active continuation of many of the YLD’s ongoing projects, the Child Advocacy Committee began developing a handbook for parents, outlining their rights and obligations over their children’s misconduct in schools. The Disaster Legal Assistance Committee was also actively involved in the aftermath of devastating tornados that took place across the state.

Thredgill recalled the YLD Board having seven members who were at least second generation Mississippi lawyers that year, including himself. “That really caught my attention and caused me to look further into the issue. I learned that five of the last seven YLD Presidents were the children of Mississippi Bar members,” he said. “I considered that a real testimony to our profession and wrote an article in *The Mississippi Lawyer* on the rich history of Mississippi legacy lawyers.”

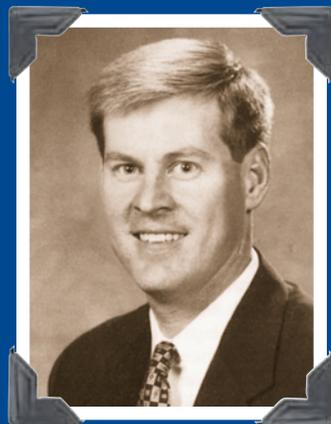


### 2001-2002 **Briggs Hopson, Vicksburg**

**T**he Bridge the Gap seminar was resurrected during the tenure of Briggs Hopson. This worthwhile seminar had been placed on the back burner for more than eight years, and the YLD felt it was time to bring it back.

“It’s a program designed to help newly-admitted attorneys bridge the gap from the technical nature of law school to actually practicing law,” Hopson said. That year, more than 60 young lawyers attended, and leaders in the field of almost every general area of practice—from ethics to law practice management—were on hand to speak on various topics.

Hopson said that his best memories from serving with the YLD were the friendships he developed. “It’s all about building relationships within the practice of law,” he said.



### 2002-2003 **Robert Higginbotham Jr., Jackson**

**T**he year under Bobby Higginbotham’s leadership saw the 20th anniversary of the YLD High School Mock Trial competition. More than 50 High Schools participated, and over 400 Mississippi attorneys served as coaches or judges.

And while that was a notable achievement for the YLD, Higginbotham recalled his best memories of the year coming from the Teen Court Forum, initiated through the YLD Child Advocacy Committee. Attended by numerous attorneys, judges, youth court officials, school administrators, teachers and counselors, the purpose of the forum was to introduce and promote a peer-based alternative to traditional Youth Court. “The ultimate goal for Teen Court is to deter future legal problems for teens and to educate students in the law and judicial process,” Higginbotham said.

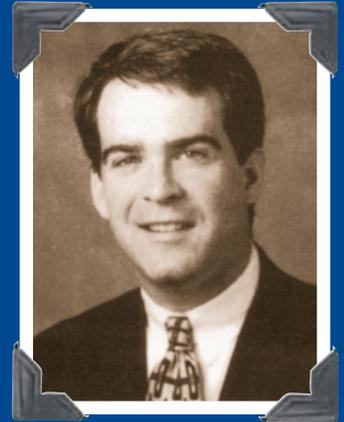
Higginbotham noted that he also has fond memories of the YLD Board Meetings and free time in Natchez, Vicksburg, New Orleans and Biloxi. “Yes - We got a little work done too!” he emphasized.

## 2003-2004 **Bradley Dillard, Tupelo**

**B**rad Dillard noted in a column published in *Mississippi Lawyer* that “one function of YLD programs...such as Lawyer in Every Classroom and the Mississippi High School Mock Trial Competition, is to create a positive impression of our profession.” Noting that many of these worthwhile projects were in jeopardy that year due to no funding coming from the IOLTA program, the YLD and Fellows of Young Lawyers teamed up to formulate a fundraising strategy.

Also that year, the Child Advocacy Committee focused on drafting legislation to extend the statute of limitations period for prosecution of child abuse offenders. Other worthwhile, long-standing programs of the YLD also continued in their efforts to impact communities across the state.

Dillard pointed to one particular pleasure of working with the YLD—“the opportunity to work with the numerous Young Lawyers who unselfishly volunteer their time and energy for the benefit of the profession.”

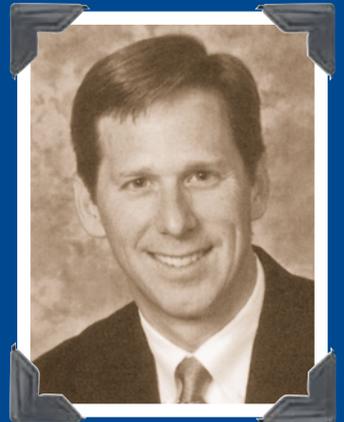


## 2004-2005 **Kelly Sessoms, Pascagoula**

**K**elly Sessoms was honored to have the opportunity to serve as president of the YLD and said his job was made easy by the invaluable assistance of the Bar staff, including Larry Houchins, Melanie Henry and Spiller Burnham, among others. “Also, I was blessed with great officers and committee chairmen during my year,” he emphasized. “I was humbled to be around so many bright and energetic young lawyers from around the state who truly knew the meaning of service to the profession.”

Highlights included successful presentations of the annual Mock Trial Competition and Lawyer in Every Classroom program as well as worthwhile progress made by the various committees on a variety of ongoing initiatives.

Sessoms recalled that one of his fondest memories was the spring meeting at the Beau Rivage in Biloxi and attending ABA meetings across the country. He also recalled hearing the news of the Atlanta courtroom shootings during the March meeting. “Hearing the terrible news of violence in a court of law caused us all to pause and reflect,” he noted.



## 2005-2006 **Amanda Jones Tollison, Jackson**

**O**n August 29, 2005, Amanda Jones Tollison noted that the legal professional was presented with a tremendous challenge—the destruction and fallout from Hurricane Katrina. “The lawyers in this state responded and met that challenge by assisting their fellow Mississippians,” she said.

As with previous disaster situations, the YLD hit the ground running by first establishing a toll-free hotline. When FEMA opened the first Disaster Recovery Center (DRC) in September, volunteer attorneys were dispatched to be onsite to provide legal counsel. “FEMA DRC managers repeatedly told volunteer lawyers how unprecedented it was for them to see lawyers actually working at the DRCs providing free legal advice to hard-hit communities,” Jones noted in a column that appeared in *Mississippi Lawyer* five months after the disaster struck. Twelve lawyers who provided extraordinary service to victims after the storm were presented President’s Awards.

While Hurricane Katrina was the focal point of her year, Jones noted that many other key initiatives continued including Mock Trial Competitions, CLE teleconferences and the work of Child Advocacy, Pro Bono and Teen Court committees and Lawyer in Every Classroom projects. The year also commemorated the Centennial Celebration of the Mississippi Bar.





### 2006-2007 **Rhea Tannehill, Oxford**

The spring board meeting of the YLD during Rhea Tannehill's tenure was held in Ocean Springs and featured board members donating their time to help refurbish a residential nursing facility in Pascagoula. The facility was being spruced up for twenty female patients losing their home due to a nursing home closure.

Tannehill recalled that the theme during his term was "Back to Basics" with the purpose of strengthening and reorganizing local groups of Young Lawyers around the state. "The Jackson Young Lawyers has always done an excellent job of meeting, having fundraisers and allowing Young Lawyers to network, and I thought that there was no reason that all Young Lawyer organizations in the state should not be able to do the same - maybe not on the same level," he said.

As a small town, small firm practitioner, Tannehill noted that he will always cherish his time with the YLD because it allowed him to meet many lawyers around the state. "This network allowed me to make many new friends and acquaintances that have continued, and it has also helped grow my business," he said.



### 2007-2008 **Brian Sanderson, Biloxi**

Under the leadership of Brian Sanderson, the YLD restarted the Lawyer in Every Classroom program, which had become inactive for several years. "The renewal of this project was in honor of the 50th Anniversary of *Law Day*, which President Eisenhower declared in May 1958 to celebrate the rule of law in America and to serve as a counterpoint to the May Day commemorations in the Soviet Union," Sanderson recalled. The YLD also celebrated the 25th anniversary of the Mock Trial Competition that year.

Sanderson noted that the impressive nature of the Bar admission ceremony was a highlight of his year because it illustrates the dignity and history of the legal profession. "Having a role in that program is a special memory that I recall with great fondness," he said. "The YLD is an invaluable organization. It allows lawyers early in their careers to become immediately engaged in leadership positions and in guiding their profession."



### 2008-2009 **Chadwick Russell, Jackson**

During his year as president, Chad Russell implored other attorneys to "look for ways you can make a difference in our profession, in our community, and never think that you cannot have an impact on even a grander scale." And the YLD continued to strive to do just that under his leadership. "As attorneys, we are sometimes default leaders in our communities," Russell said. "But, we should be active leaders by serving others."

Russell recalled that seeing the Wills for Heroes project come to fruition as a highlight of his year. He also enjoyed helping to preside over the final round of the High School Mock Trial Competition after having served as chair of the committee overseeing the long-term initiative. The experience of working with the staff of the MS Bar was also a notable memory. "Unless you serve as an officer, you rarely get to see the amount of work the staff does. Even then, it is like looking at an iceberg. You can only see a small portion. They are a phenomenal asset for our profession," he emphasized.

Other key initiatives included distribution of the guardian ad litem (GAL) training DVDs across the state. Through the program, attorneys could receive their certification as a GAL, whereby they would take a GAL assignment on a pro bono basis as "payment." The Disaster Legal Committee continued an effort to update the *Disaster Legal Assistance Handbook* and identified contact persons in each county to work with the committee when disaster strikes. Other projects continued to move forward including the finalization of the third edition of *A Guide to Women's Legal Rights in Mississippi*.

**2009-2010 Judge James D. Maxwell II, *Oxford***

Judge Jimmy Maxwell recalls that one of his most vivid memories as president occurred during a conference call with YLD Disaster Legal Assistance Committee, shortly after tornados devastated much of Mississippi in 2010. “After a briefing from our committee chair, Will Allen, we quickly navigated FEMA issues and within hours were fully mobilized and ready to respond,” he noted. “No indecision, no red tape, just a group of young lawyers ready to help. The team effort and quick response really impressed me.”

That year also introduced the Wills for Heroes program, a program to provide free wills to first responders. Maxwell said he especially remembers the hard work of the committee chair, Corey Hinshaw, from Jackson. “He really took the bull by the horns, figuring out the nuts and bolts of the program, and setting up seminars all over Mississippi,” Maxwell said.

Maxwell considers the YLD as the “good deeds” arm of the bar. “Our diverse membership spans from the delta, to the hills and down to the coast,” he emphasized. “Everyone involved has a strong desire to serve, and thinking outside of the box is standard practice.”



**2010-2011 Derek Arrington, *Hattiesburg***

Derek Arrington is the immediate past president of the YLD and enjoyed all of the celebrations and festivities associated with the 75th year celebration. Along with the highlights of the year, he noted that the YLD provided “a great way to do some public service and a great way to give back to the profession.”

The year under Arrington’s leadership realized the full implementation of the Wills for Heroes program and an effort to develop a professional ethics CLE program for first-year members of the Bar. Under the leadership of Chairperson Stephanie Jones, the goal is to present the educational opportunity in conjunction with the Bar Admissions ceremony or shortly thereafter. In the approval stages, Arrington noted that the program will hopefully go before the state Supreme Court during 2012.

Arrington said that another project which garnered excitement during the year was the Diversity in the Law Committee’s new writing contest for high school students. Under the direction of Keyla McCullum, students were encouraged to write an essay about what diversity meant to them and how they are achieving diversity in their school. Each winner would receive a \$500 scholarship.



**2011-2012 Jennifer Hall, *Jackson***

As the current president of the YLD, Jennifer Hall believes that her appointment is an opportunity to serve and contribute to the legal profession. “I’ve been blessed in my career, and I feel like I should give back,” she said.

This year, she said that the YLD would continue to expand upon the legacy of many service projects enacted by past presidents including the Mock Trial Competition, Lawyer in Every Classroom and Wills for Heroes effort. Project Salute is a new initiative the YLD are considering that will help veterans with claims for benefits. “We’re hoping to do this in conjunction with our Wills for Heroes,” Hall noted, adding that President Elect Rachel Pierce and ABA YLD Representative Corey Hinshaw are currently looking into the feasibility.

Also in the works is an effort to establish a mobile phone app which would provide a lawyer and courthouse directory. “The YLD would then have the opportunity to sell that product,” she said, pointing to new funding opportunities for service projects.





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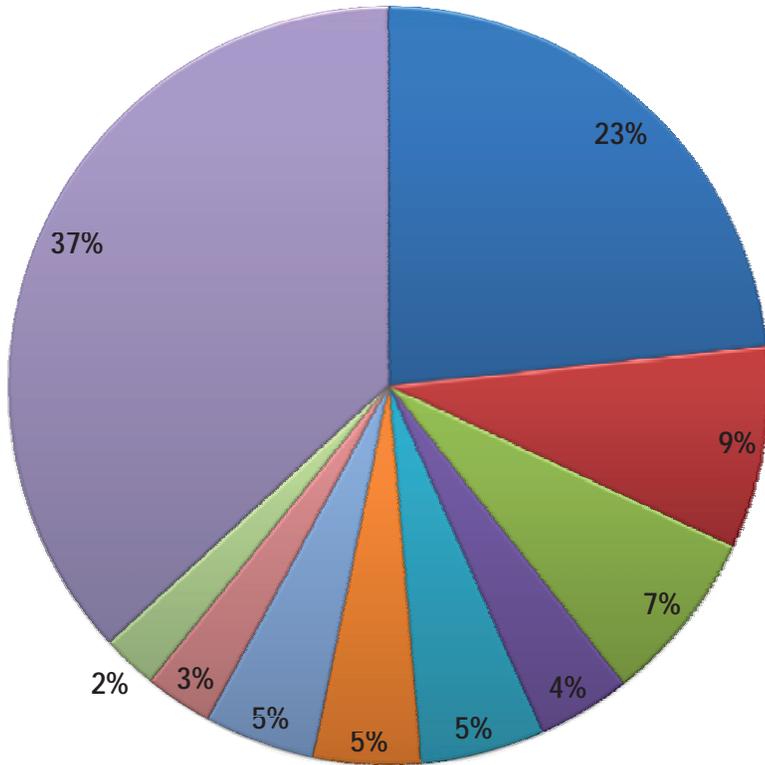
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# 2010-2011 Complaint Statistical Report

## for the Office of General Counsel of The Mississippi Bar

### 553 Complaints

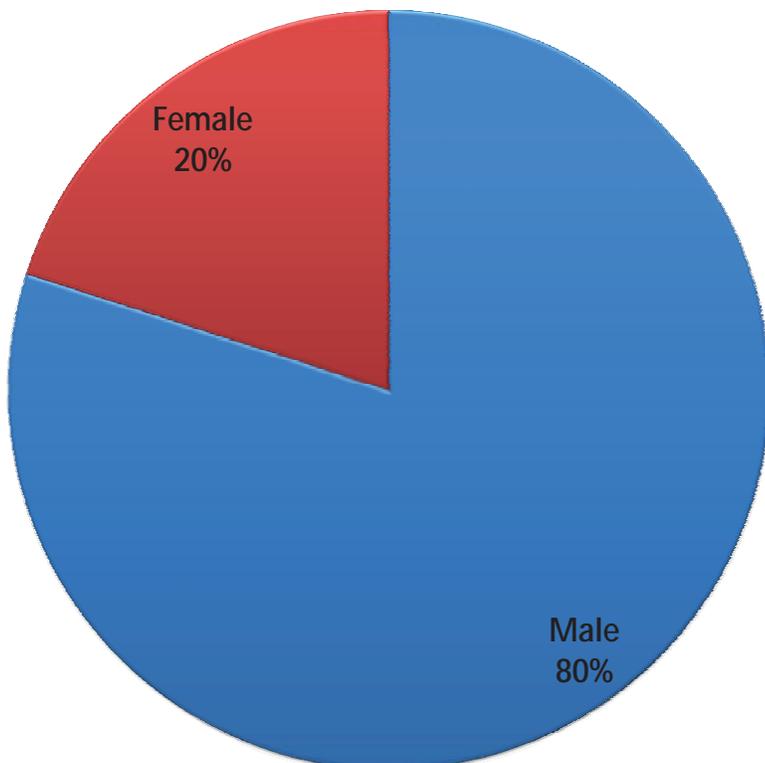


#### County

Hinds: 23% (129)  
 Harrison: 9% (48)  
 Forrest: 7% (41)  
 Jackson: 5% (29)  
 Lauderdale: 5% (25)  
 Madison: 5% (26)  
 DeSoto: 4% (22)  
 Rankin: 3% (16)  
 Washington: 2% (13)  
 Other: 37% (204)

#### Membership Information

Hinds County: 31%  
 Harrison County: 9%  
 Forrest County: 4%  
 DeSoto County: 2%  
 Jackson County: 3%  
 Lauderdale County: 2%  
 Madison County: 10%  
 Rankin County: 4%  
 Washington County: 1%  
 Other Counties: 34%



#### GENDER

Male: 80%  
 Female: 20%

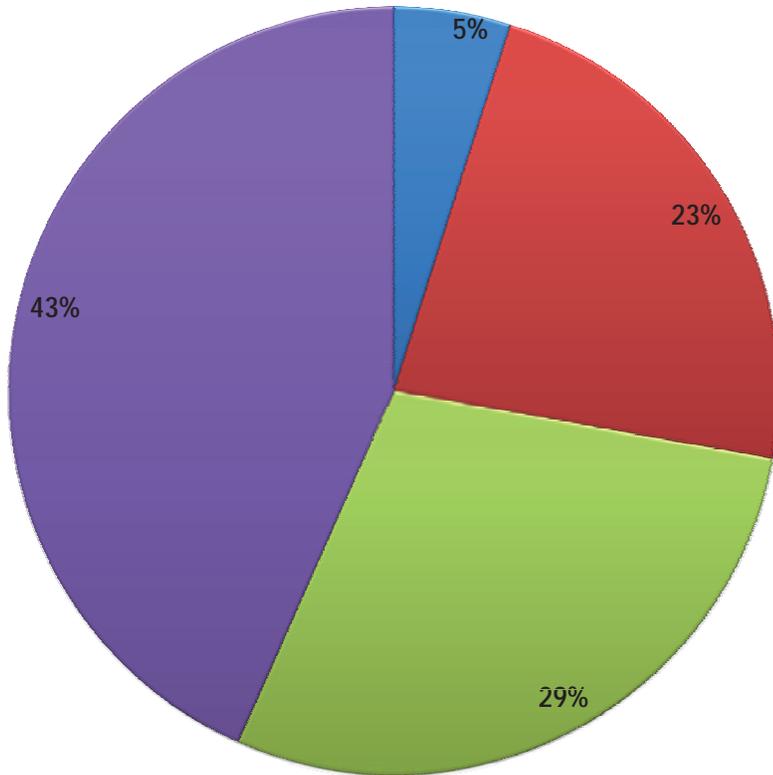
#### Membership Information

73% Male  
 27% Female

# 2010-2011 Complaint Statistical Report

## for the Office of General Counsel of The Mississippi Bar

### 553 Complaints

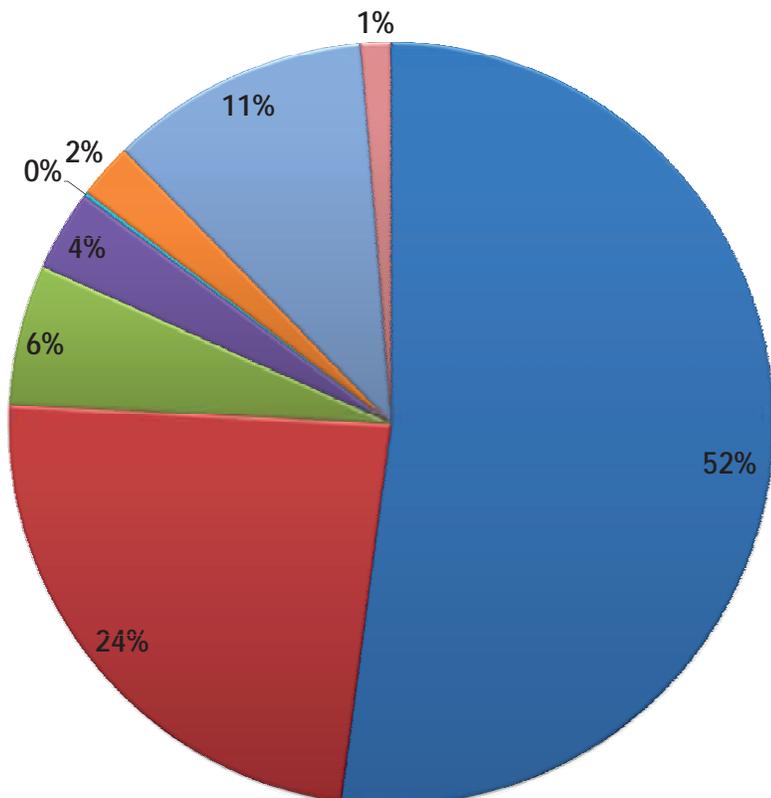


#### AGE OF LAWYER

55 and Over: 43% (240)  
 45 to 54: 29% (159)  
 35 to 44: 23% (127)  
 24 to 34: 5% (27)

#### Membership Information

Ages 55 and Over: 39% (2,720)  
 Ages 45 to 54: 19% (1315)  
 Ages 35 to 44: 23% (1604)  
 Ages 24 to 34: 19% (1315)



#### SIZE OF FIRM

Solo: 52% (288)  
 2 to 3: 24% (131)  
 4 to 5: 6% (33)  
 6 to 10: 4% (19)  
 11 to 19: 0% (1)  
 20+: 2% (13)  
 Government: 11% (61)  
 Other: 1% (7)

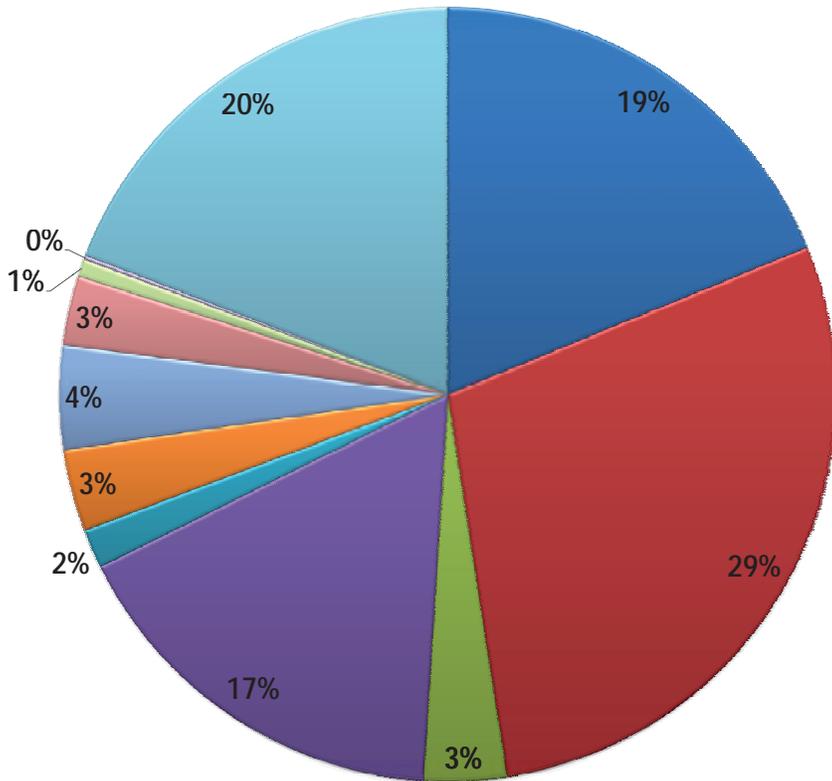
#### Membership Information

Solo: 31% (2150)  
 2 to 3: 14% (971)  
 4 to 5: 6% (436)  
 6 to 10: 5% (344)  
 11 to 19: 3% (210)  
 20+: 16% (1108)  
 Government: 17% (1162)  
 Other: 8% (573)

# 2010-2011 Complaint Statistical Report

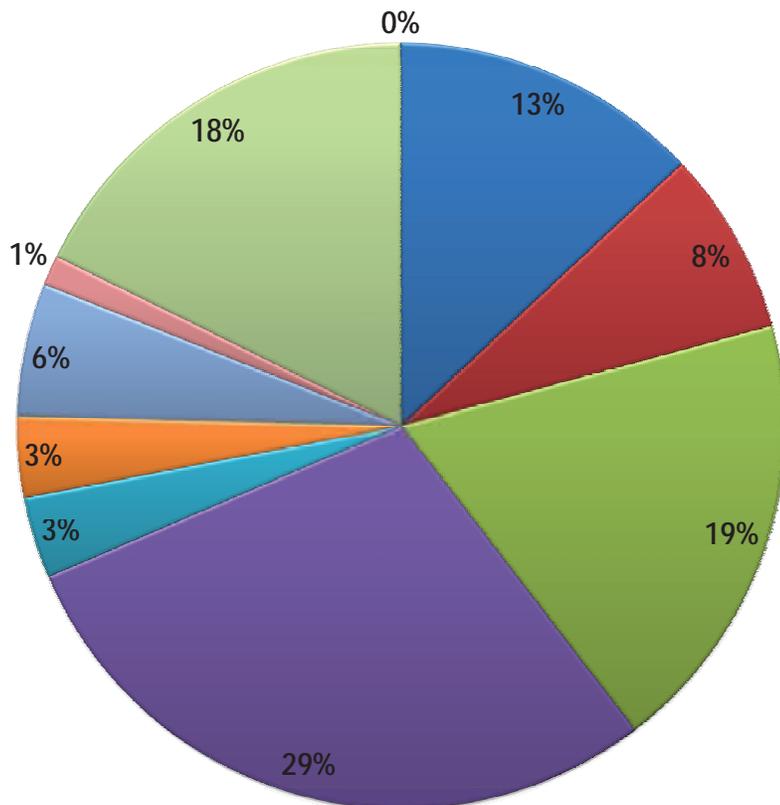
## for the Office of General Counsel of The Mississippi Bar

### 553 Complaints



#### Area of Practice

Criminal: 29% (159)  
 Domestic: 19% (104)  
 Tort: 17% (92)  
 Property: 4% (24)  
 Bankruptcy: 3% (19)  
 Wills and Estates: 3% (19)  
 Real Estate: 3% (16)  
 Employment: 2% (9)  
 Other: 20% (109)



#### Complaint Type

Communication: 29% (160)  
 Neglect: 13% (72)  
 Ineffective Assistance: 8% (43)  
 Misconduct: 6% (31)  
 Fee: 3% (19)  
 Conflict of Interest: 3% (19)  
 Trust Account: 1% (7)  
 Other: 18% (98)  
 No Cause: 19% (104)

# MB Election Results



**Guy W. Mitchell, III**  
Tupelo, MS  
President-Elect  
of The Mississippi Bar

Guy Mitchell has become President Elect Designee of The Mississippi Bar. He will assume his elected position during the Bar's Annual Meeting in Sandestin in July. Brandon attorney Lem Adams will assume presidency of the Bar at that time.

In addition to the race for President-Elect, the following have been certified as newly elected members of the Board of Bar Commissioners:

**1st Circuit Court District**

Jason D. Herring, Tupelo

**2nd Circuit Court District – Post 1**

Peter C. Abide, Biloxi

**7th Circuit Court District – Post 4**

Douglas E. Levanway, Jackson

**7th Circuit Court District – Post 5**

La'Verne Edney, Jackson

**9th Circuit Court District – Post 3**

Branan P. Southerland, Vicksburg

**10th Circuit Court District**

E. Nick Kramer III, Quitman

**13th Circuit Court District**

John R. Tullos, Raleigh

**15th Circuit Court District**

John A. Howell, Picayune

**18th Circuit Court District**

Rick Burson, Laurel

**22nd Circuit Court District**

Timothy L. Rutlund, Hazlehurst

# YLD Election Results



**Julie J. Gresham**

Biloxi, MS

President-Elect

of the Young Lawyers Division

Julie Gresham has been elected to the position of President-Elect Designee of the Young Lawyers Division of The Mississippi Bar. Her term will begin in July of this year. Rachel Pierce of Tupelo will assume duties of President of the YLD at that time.

Tiffany Graves of Jackson has been elected Secretary of the Young Lawyers Division. Certified to serve on the Young Lawyers Division Board of Directors are the following:

**Delta District**

Jessica D. Carr, Cleveland

**North West District**

Jenessa J. Hicks, Oxford

**Hinds Post I**

Matt Eichelberger, Jackson

**Hinds Post II**

Alicia Scherini Hall, Jackson

**Hinds Post III**

Tray Hairston, Jackson

**North Central District**

Haley M. Brown, Starkville

**South East District**

Kassie A. Coleman, Hattiesburg

**Central District – Post I**

Taylor B. McNeel, Biloxi

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*Jennifer G. Hall*  
*Young Lawyers Division President*  
*2011-2012*

Time flies when you are having fun, and the Young Lawyers Division has been having fun for 75 years! As part of the YLD's Diamond Anniversary celebration, on December 8, 2011, the YLD hosted a reception and dinner for all Past-Presidents, Outstanding Young Lawyer Award recipients, and Fellows of the Young Lawyers. The grand event took place at the King Edward Hotel in Downtown Jackson, and Immediate Past President, Derek Arrington, hosted the evening. Pat Scanlon, Frank Crosthwait, and Joe Meadows were the event speakers. The trio served consecutively as YLD Presidents in 1969-1972 and then again as "Big Bar" Presidents from 1987-1990. I must extend a special note of gratitude to Melanie Henry, Derek Arrington, and the 75th Anniversary Planning Committee, chaired by Rachel Pierce, for their hard work on this event. I was unable to fully participate in the preparations for the event or to attend the event as I was on maternity leave, but I knew that the Diamond Anniversary celebration would go off without a hitch in their capable hands.

Speaking of capable hands, the YLD Committee Chairs are hard at work with their committees and continuing the YLD's 75 years of success. The 29th Annual High School Mock Trial Competition was a huge success thanks to the dedication of this year's chair, Matt Eichelberger; our Regional Chairs, Jeremy McNinch (Jackson), Paul Chiniche (Oxford), and Trent Favre

## Young Lawyers Division News

(Coast); and YLD Bar Liaison, René Garner. On February 18, 2011, I had the pleasure of judging the Championship Round with Chief Justice William L. Waller, Jr.; Hugh Keating, MS Bar President; Robert Gibbs, who has served as presiding judge of the Championship Round for 18 consecutive years, and LaKeysha Greer Isaac, member of the 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.

St. Andrew's Episcopal School won this year's Championship Round, held at the Supreme Court Chambers, coached by attorneys Anita Modak-Truran and Sheryl Bey. St. Andrew's will represent Mississippi at the National Competition in Albuquerque, New Mexico on May 3-6, 2011. 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. A special thanks to all of the attorney coaches and judges that volunteered their valuable time to help with this project.

The Public Service Committee, chaired by Jennie Pitts, continues to make Wills for Heroes one of the signature projects of YLD. On January 27, 2012, Wills for Heroes was taken to Biloxi for both the Fire and Police Departments. Upcoming events include Lee County, Clinton, and Oxford in March; Brandon

and Camp McCain in April; and Desoto County and Vicksburg in May. If you are interested in volunteering and/or bringing the project to the first responders in your community, please contact Jennie Pitts.

Brad Reeves is ensuring that Lawyer in Every Classroom will be a success again this year. This program offers any teacher in the state (kindergarten through twelfth grade) the opportunity to have a lawyer visit for one class period to discuss everything from the consequences of misconduct in school to courtroom procedures. Brad and his committee are currently pairing teachers and volunteer attorneys with the goal of touching at least one school in every county.

The Nominations Committee, led by Clarence Webster, has been busy too, holding elections for new Officers and Directors and currently soliciting nominations for this year's Outstanding Young Lawyer Award. The ballots for the 2012 YLD elections were tabulated on January 26, 2012 by VR Election Services. Julie J. Gresham of Biloxi was elected President-Elect, and her term will begin at the conclusion of the 2012 annual meeting. Also elected was Tiffany M. Graves of Jackson, Secretary. The following were elected to the Board of Directors: Jessica D. Carr, Cleveland, Delta District; Jenessa J. Hicks, Oxford, North West District; Haley M. Brown, Starkville, North Central District; Matt Eichelberger, Jackson, Hinds Post I; Alicia Scherini Hall, Jackson, Hinds Post II; Tray Hairston, Jackson, Hinds Post III; Kassie A. Coleman, Hattiesburg, South East District; and Taylor B. McNeel, Biloxi, Coastal District I. I am confident the new leaders of the YLD will ensure its success for another 75 years! ■

# Ethical Obligations Affecting Communications With Parties, Doctors and Rehabilitation Personnel in the Workers' Compensation Setting<sup>1</sup>

**A**ll workers' compensation professionals face ethical considerations in their day-to-day affairs. These considerations come into play regarding communications and contacts with parties, doctors, and rehabilitation personnel and usually occur during the evaluation and investigation of a claim or when a claim is concluded with the approval of a settlement by the Mississippi Workers' Compensation Commission (MWCC) or an Administrative Law Judge (ALJ). Generally, the guiding principles of workers' compensation professionals are common sense, decency, justice and fairness. Those of us who are Mississippi licensed attorneys, however, must also comply with specific written rules governing our ethical standards.

## A. Applicable Rules of Professional Conduct.

Any question concerning communications by attorneys with persons other than their client must be analyzed within the precepts of the Mississippi Rules of Professional Conduct. These Rules, along with guidelines such as the lawyer's core, aspirational goals, and personal conscience, define an attorney's professional responsibilities.<sup>2</sup> Failure to comply with the obligations or prohibitions outlined in the rules will make an attorney vulnerable to disciplinary action.

Miss. R. Prof. Conduct 4.1, 4.2, and 4.3 are the rules most relevant to communications between attorneys and a person who is not their client.<sup>3</sup>

- Rule 4.1 prohibits an attorney, when representing a client, from "(a) mak[ing] a false statement of material fact or law to a third person; or (b) fail[ing] to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client;
- Rule 4.2 further prohibits an attorney or anyone acting as an attorney's agent, in representing a client, from "communicat[ing] about the subject of the representation with a party the lawyer knows to be represented by

another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized by law to do so"; and

- Rule 4.3 regulates an attorney's dealings (and communications) on behalf of a client with unrepresented persons by specifically prohibiting an attorney from stating or implying that she is disinterested. The Rule further mandates that "[w]hen the lawyer knows or reasonably should know that the unrepresented person misunderstands that lawyer's role in the matter [the lawyer must] make reasonable efforts to correct the misunderstanding." The Comment to Rule 4.3 further clarifies that the **only** advice which should be given to an unrepresented person by an attorney is to obtain counsel.

Guidance may also be sought from The Mississippi Bar's Ethics Committee which has issued several opinions relevant to this discussion and are outlined below. Opinion No. 141 (Mar. 11, 1988) presented the following situation to the Committee:

May an attorney who represents a client concerning a personal injury claim call or personally contact the

*By: Karl R. Steinberger, Esq. and  
Jason M. Payne, Esq.*

## Ethical Obligations Affecting Communications

alleged tortfeasor to attempt to discuss the details of the subject accident and/or the status of the alleged tortfeasor's potential insurance coverage when he intends to file a lawsuit, and he knows or has reason to believe that the alleged tortfeasor has liability insurance and knows or is reasonably sure that the liability insurance carrier will hire an attorney to represent the alleged tortfeasor?

Would it make any difference if the attorney was unsure as to whether or not he was going to file a lawsuit against the alleged tortfeasor if he still knew the alleged tortfeasor had liability insurance and would be represented by an attorney if the lawsuit was filed?

In reaching its decision, the Committee outlined the Miss. R. Prof. Conduct governing an attorney's transactions with persons other than clients, including Rules 4.1, 4.2 and 4.3, and cited consistent ABA Informal Opinions on similar factual situations.<sup>4</sup> Based on the guidance of these Rules, the Committee found that, in this situation, the attorney for a personal injury claimant may communicate directly with an unrepresented adverse party concerning the incident and any applicable liability insurance coverage, but warned

. . . that the lawyer must not knowingly make a false statement of material fact or law, not state or imply that he is disinterested, and not give advice to that unrepresented person other than the advice to obtain counsel. Further, if the lawyer knows or reasonably should know that the adverse party misperceives the lawyer's role, the lawyer must make reasonable efforts to correct that misunderstanding.

In Opinion No. 215 (Mar. 4, 1994), the Committee addressed whether an attorney may ethically communicate with an unrepresented former employee of a represented party. The Committee looked to Rule 4.2 and held it was not intended to "control the free flow of factual information or impede the time-honored tradition of informal investigation by a lawyer." The Committee concluded that the Miss. R.

Prof. Conduct do not strictly prohibit non-privileged communication with **all** former employees **if** the communication regards factual knowledge of the matter being investigated. It was noted, however, that a former employee should not be asked about privileged communications. The Committee held that any concern regarding former employees revealing privileged knowledge should be handled on a case-by-case basis by the organization seeking court protection.<sup>5</sup> Basically, the attorney is advised to stick to the facts.

The Mississippi Supreme Court opinion, *Attorney Q v. Mississippi State Bar*, 587 So.2d 228 (Miss. 1991), is also helpful. In *Attorney Q*, the attorney represented a plaintiff as the result of an automobile accident which damaged her building. The attorney contacted the adjuster, insurance company, owner and driver of the vehicle which damaged his client's building. He explained to the owner that he represented the plaintiff and asked questions about the incident, specifically her liability insurance coverage. He also obtained a sworn statement from the driver, a minor, outlining the accident, that she had been drinking and the accident was her fault. She did, though, place some fault on the vehicle owner.

Subsequently, a complaint was filed against the driver and the owner. After service of process, the owner asked the attorney if she should contact her insurance company to which she told her not to worry and not to do anything. Although the attorney advised the adjuster about the suit, no action was taken by the defendants or insurance company, and a default judgment was entered. The attorney appeared, *ex parte*, and obtained a final judgment on a writ of inquiry.

The Tribunal ruled that the attorney had violated, among other things, DR 7-104(A)(2)<sup>6</sup> by advising the owner when she was unrepresented and recommended the attorney be privately reprimanded. On appeal, the Supreme Court reviewed the long history of restrictions on an attorney having *ex parte* communications with unrepresented parties as well as the impact the adoption of Rule 4.3 had on this issue and found the attorney's acts, by clear and convincing evidence, constituted a violation of the rule whether it was called DR 7-104(A)(2) or Rule 4.3.

*The Mississippi Bar v. Attorney S.T.*, 621 So.2d 229 (Miss. 1993) and *Attorney M v. Mississippi Bar*, 621 So.2d 220 (Miss. 1992) also offer some direction. In *Attorney S.T.*, the Court dealt with an attorney surreptitiously taping telephone conversations with potential witnesses and vehemently denying doing so when asked. Although he denied any ethical breach, the attorney claimed that his fidelity to his client's interests required that he tape the conversations in order to memorialize the truth.<sup>7</sup> The Court found that the attorney

. . . stepped over the line in violation of the Mississippi Rules of Professional Conduct when he blatantly denied, when asked, that he was taping the conversations. Rule 4.1 expressly states that '[a] lawyer is required to be truthful when dealing with others on a client's behalf.' An attorney is not a private detective or a secret agent; he is not acting as an undercover police officer; rather, he is first and foremost an attorney, and his truthfulness must be above reproach. When asked point-blank whether he is mechanically reproducing a conversation, his answer must be truthful. To respond otherwise vitiates all rules of professional conduct.

The Court held that such actions were a misrepresentation of a material fact. Although an attorney is an advocate for his client, he cannot lie when specifically asked if he is taping a conversation. The Court ordered the Tribunal to issue a private reprimand in light of the nature of the misconduct and the need to deter similar misconduct.<sup>8</sup>

In *Attorney M*, the Court found that neither the Miss. R. Prof. Conduct nor the attorney's oath were offended when an attorney recorded a conversation with a potential party-opponent doctor without his knowledge and consent. The doctor was advised he might be a defendant in a suit planned on behalf of the attorney's client. Although the doctor was not told the conversation was being recorded until afterwards, he admittedly assumed the same to be true. The doctor filed a complaint with the MBA who subsequently entered a judgment for a private reprimand for the violation of Rules 8.4(c) and (d).

On appeal, the Supreme Court held that the attorney's conduct did not rise to the level of dishonesty, fraud, deceit or misrepresentation and reversed the Tribunal. Influential in the decision were the facts that the doctor admitted assuming he was being recorded, the conversation contained information he could reasonably expect would be taken down and used in the future, and there was no indication the attorney intended to use the information obtained for any purpose which might be considered improper.<sup>9</sup>

Also insightful on this issue is *Durham v. Advance Stores Co., Inc.*, 2007 U.S. Dist. LEXIS 72989 (S.D. Miss. Sept. 30, 2007), in which plaintiff's counsel spoke, *ex parte*, with two former managerial employees of a defendant. As a result, the defendant sought either dismissal of the lawsuit or sanctions. The judge could find no Mississippi case law which squarely addressed the issue and thus looked to two conflicting opinions, *Action Air Freight, Inc. v. Pilot Air Freight Corp.*, 769 F.Supp. 899 (E.D. Pa. 1991) ("Pennsylvania's rule of professional conduct restricting *ex parte* communication between attorney and party represented by another attorney allowed defense counsel to make *ex parte* contacts with plaintiff's former employees") and *Public Serv. Elec & Gas v. Associated Elec & Gas*, 745 F.Supp. 1037, 1039 (D. N.J. 1990) (*ex parte* communications with former employees of adverse party corporation prohibited). The Judge followed *Action Air Freight's* rule, in light of Opinion No. 215's language and stated:

Three arguments readily come to mind why counsel may conduct *ex parte* interviews of the former employees of an adverse corporate party: first, the language of Rule 4.2 does not cover former employees; secondly, no current attorney-client relationship exists; and thirdly, former employee's statements cannot bind the corporation and are not excluded from the hearsay rule as admissions.<sup>10</sup>

### B. Contacts with Parties, Doctors and Rehabilitation Personnel.

#### I. *Ex Parte* Communications or Contacts with Unrepresented Parties.

The principles outlined by Rules 4.1 - 4.3, as interpreted in Opinion No. 141 and *Attorney Q*, allow an employer/carrier's attorney to communicate directly with unrepresented claimants. Similarly, these principles permit a claimant's attorney to directly communicate with an unrepresented employer/carrier. This communication may occur as part of the attorney's investigation and evaluation of a claim as well as when finalizing a settlement.

In a workers' compensation setting, the

Miss. R. Prof. Conduct regulate the course and scope of an attorney's communications with unrepresented parties. An attorney should first determine if the person being contacted (i.e., claimant, employer, carrier, etc.) is represented and, if so, all communications should cease until consent is received from that person's attorney. If the person is unrepresented, the attorney should ask whether representa-

*Continued on next page*



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tion is desired and, if so, the only communication can be to advise the party to obtain counsel.

Only once an attorney establishes that a party is unrepresented and does not desire representation may communication begin. Attorneys should begin with disclosing whom they represent. Any matter relevant to the inquiry may be discussed, but if at any time during dealings with the party, the attorney believes or has reason to believe there is a misunderstanding about her role, she should immediately take all reasonable steps to correct the misunderstanding. At no time should the attorney provide legal advice to an unrepresented party. As suggested above, an attorney should stick to the facts and steer clear of any privileged information.<sup>11</sup>

**II. Ex Parte Communications or Contacts with Represented Parties.**

Rule 4.2 specifically prohibits an attorney from communicating with any person, whom she knows to be represented by another attorney, when she does not have the attorney's consent and there is no legal authority permitting such communication. Therefore, any time after an injured employee provides the employer notice of an injury, if he is represented, the employer/carrier's counsel should not communicate with him **unless** she obtains the consent of the claimant's attorney or is authorized by law to do so. The opposite applies for a claimant's attorney dealing with an employer/carrier.

As outlined below, the difficulty is determining whether authority exists under the law for an employer/carrier to freely discuss the injury and resulting medical treatment with a claimant. For example, a claimant is often able to return to work on full duty or a restricted basis and it is necessary that he talk to his employer concerning such matters as the restrictions assigned by the treating physician or it is necessary that the employer/carrier be able to discuss restrictions directly with the treating physicians. Claimant's attorneys would argue that any waiver of the medical privilege provided by Miss. Code Ann. § 71-3-15(6) would not extend to allowing communications with a claimant **or** his physicians without

specific consent. Employer/carrier's attorneys would argue waiver is complete, and not partial, to the extent the claimant seeks and receives medical treatment under the Mississippi Workers' Compensation Act (Act) and that the waiver includes the ability of the employer/carrier to freely discuss the injury, the surrounding facts and the doctor's present and future medical care and treatment. To some extent, these issues have been resolved by the MWCC and the Mississippi Supreme Court as discussed below.<sup>12</sup>

**III. Ex Parte Communications or Contacts with Doctors.**

Communications or contacts with a claimant's treating physicians have long been a topic of lively discussion among attorneys for both sides. Although amended Miss. R. Evid. 503(f) partly addressed this issue regarding personal injury actions, there had been no definitive resolution of this issue by the MWCC until *Hinson v. Mississippi River Corporation*, MWCC No. 94 19422-F-4717 (Aug. 1, 1996). This opinion was issued by the Full Commission after a similar decision by the Supreme Court in *Scott v. Flynt*, 704 So.2d 998 (Miss. 1996), which more fully explored Rule 503(f) as well as the waiver provision found in the medical malpractice statute.<sup>13</sup>

The current medical privilege is a blend of Miss. R. Evid. 503(f) and Miss. Code Ann. § 13-1-21 and is subject to certain waivers and exceptions delineated in Rule 503 and interpreted, to a certain extent, by decisions of the Supreme Court.<sup>14</sup> Rule 503(b) provides, in pertinent part, that

[a] patient has a privilege to refuse to disclose and to prevent any other person from disclosing (A) knowledge derived by the physician . . . by virtue of his professional relationship with the patient, or (B) confidential communications made for the purpose of diagnosis or treatment of his physical, mental or emotional condition, . . . among himself, his physician . . . , and persons who are participating in the diagnosis or treatment under the direction of the physician . . . .

Subsections (d)-(f) outline the exceptions to and waivers of this general rule of privilege. This includes exceptions for when controversy develops between physician and patient (503(d)(3)); in an action or claim against a person for professional services rendered (503(e)); and to the extent a party places in issue any aspect of his physical, mental or emotional condition (503(f)).

Within the Act are Miss. Code Ann. § 71-3-15(6)<sup>15</sup> and § 71-3-55(1)<sup>16</sup> which appear broad enough to waive the medical privilege embodied in Miss. R. Evid. 503. In fact, *Cooper's Inc. v. Long*, 224 So.2d 866 (Miss. 1969) recognized that an implied waiver of privilege existed in workers' compensations cases pursuant to what is now codified as § 71-3-15(6). The privilege, however, was not fully waived to all medical records.

*Scott v. Flynt* was a medical malpractice case which addressed the scope of the waiver of medical privilege as contemplated by Miss. R. Evid. 503 and whether the Miss. R. Civ. P. allowed *ex parte* contacts with medical providers. The Court heard this case on the plaintiff's Petition for Extraordinary Relief after the trial judge entered an Order requiring her to execute an unconditional medical waiver and permit *ex parte* conferences with her doctors.

The Court found the waiver of the medical privilege to be limited to all *relevant* medical history concerning either a medical provider's negligence or other injuries placed in issue by a plaintiff's action. The Court stated that

[o]therwise, an open-ended total waiver would or might allow the defendant to possess personal irrelevant information which should still be privileged since it would have no bearing upon the outcome of the case as it would not concern any injury placed in issue by the complaint and would likewise be inadmissible at trial on relevance grounds. On the flip side of the coin, to allow the plaintiff to stand behind the privilege regarding information possessed by the alleged tortfeasor physician or other physicians would allow a plaintiff to possibly be compensated unjustly when the real cause of the injury might

have been a preexisting injury which the jury would not know about because of the privilege.

In sum, the Court found that a plaintiff's medical privilege is automatically waived for the purposes of and only to the extent to which the medical condition is put in issue. Also, if the relevancy of medical information could not be resolved amicably between parties, a judicial relevancy hearing should be held and never should a party be ordered to release medical information unconditionally. Further, it was held that *ex parte* contacts by opposing parties are prohibited in personal injury cases. This in turn limits the gathering of medical information to the formal discovery mechanisms, absent express patient consent **once** the lawsuit begins. In such cases, a patient must be given notice prior to contact with his physician so as to have the right to prevent any *ex parte* contacts.<sup>17</sup> Finally, the Court held that evidence obtained from non-consensual *ex parte* contacts is inadmissible if subsequently used in a legal proceeding.<sup>18</sup>

In *Hinson*, the MWCC, on an employer/carrier's Petition for Review, held that neither the employer/carrier nor their representatives had a right to engage in non-consensual *ex parte* contact with the claimant's treating physicians. The contact at issue occurred before a Petition to Controvert was filed and concerned information about the claimant's ability to return to work. The information was obtained by an adjuster, over the claimant's attorney's objection, through *ex parte* contact with a treating physician. After the Petition was filed, the employer/carrier filed a Motion for Protective Order. This Motion requested the ALJ to declare the claimant's medical privilege waived with respect to all treatment he had received as a result of his work injury and sought further permission to have *ex parte* access to all of the claimant's medical providers.

On appeal, the Full Commission dealt with (a) whether the contact between the adjuster and claimant's treating physician was permissible and (b) whether the employer/carrier are entitled, absent the claimant's consent, to have *ex parte* access to all of his medical providers. It was first noted that the medical privilege is fore-

most an evidentiary privilege which has no application outside the context of hearings or formal discovery conducted under Miss. R. Civ. P. and which ultimately govern the admissibility of evidence at a formal hearing.

The ALJ had found there was a medical privilege between the claimant and his doctors which had not been waived by statute, rule, or MWCC order to an extent which would permit the non-consensual *ex parte* invasion of it by the employer/carrier or their representatives. The Commission noted that a claimant can invoke the physician-patient privilege in compensation proceedings and the fact the Act provides that no privilege attaches to medical treatment rendered pursuant to its provisions does not entirely abolish the privilege.<sup>19</sup> On the other hand, it was also noted that not all of a claimant's medical history may be absolutely protected from discovery, disclosure or admission simply because it may otherwise fall within the confines of the privilege. The relevant portion of the claimant's personal medical history, such as information concerning

*Continued on next page*

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possible apportionment due to a pre-existing condition, should be made available even if the claimant raises the medical privilege. In other words, the MWCC may relax the common law and statutory rules of evidence, including the medical privilege, in order to obtain a full development of the facts concerning each claim.

Regarding if and to what extent non-consensual *ex parte* contact is an allowable method for obtaining information from a medical provider, the Commission held that Miss. R. Evid. 503 was not applicable in MWCC proceedings and, further, the issue of the waiver of the medical privilege was governed entirely by Miss. Code Ann. § 71-3-15(6), any related provisions of the Act and Commission Rules, and any judicial interpretations thereof. The Commission did note, however, that MWCC via Procedural Rule 9 adopted Miss. R. Civ. P. 26 - 37 to govern the conduct of discovery in litigated claims before the MWCC. Thus it was compelled to conclude, based on *Flynt*, that non-consensual *ex parte* contact with a treating

medical provider was not an authorized method under Rule 9. In sum, the Commission found that *Flynt* is binding only after a claim is filed and insofar as the Miss. R. Civ. P. do not permit the use of non-consensual *ex parte* contact as a formal discovery method.

Accordingly, the Commission held, based on the facts of the case, no prohibited conduct had occurred since there was no claim pending or formal litigation commenced when the *ex parte* contact occurred.<sup>20</sup> Once formal litigation has been commenced and formal discovery ensues, however, non-consensual *ex parte* contact with treating physicians may **not** be initiated by the employer/carrier or their representatives.<sup>21</sup>

The Commission indicated, regarding penalties for non-consensual *ex parte* contact, that while an outright exclusion of otherwise relevant information might be an appropriate remedy before a court, such an exclusion would be at odds with the nature and purpose of the MWCC hearings. The Commission noted it was under

a duty to consider all available relevant evidence and to conduct hearings in the best manner to determine the parties' rights, and this objective should not be frustrated by a technical application of the formal rules of evidence.<sup>22</sup> It emphasized that no unauthorized discovery should occur and all violations would be punished. The Commission further expressed satisfaction that the adopted rules of discovery provided an adequate deterrent of unauthorized invasions of the physician-patient relationship.<sup>23</sup>

Although the *Hinson* decision did not specifically address ethical considerations regarding *ex parte* communications, attorneys must take such considerations into account even when applying the rule set forth by the Commission on *ex parte* contact with a claimant's medical providers. As outlined above, attorneys are to be guided by the precepts of common sense, decency, justice and fairness as well as the Miss. R. Prof. Conduct's specifically outlined obligations.<sup>24</sup> Overall, these rules indicate that an attorney may be vulnerable to disciplinary action as well as any penalty imposed by the MWCC, per *Hinson*, regarding attempts to make *ex parte* contact with a claimant's treating physician. In sum, the *Hinson* opinion provides a rule governing *ex parte* communication subsequent to the filing of a Petition to Controvert or the equivalent and outlines potential penalties for violations.

Since *Hinson*, there have been very few reported decisions.<sup>25</sup> In *McKneeley v. Anderson-Tully Company*, MWCC No. 94 05752-F-3170 (Feb. 13, 2002), an adjuster wrote a letter to the claimant's physician asking questions concerning the claimant's return to work status. The physician responded that a functional capacity evaluation ("FCE") was needed. After the FCE, the adjuster again wrote to the physician asking questions regarding the evaluation. The claimant's attorney was copied on both letters, but only objected to the second letter, suggesting a deposition of the physician. The employer/carrier filed a Motion to Compel an answer.

At the hearing, the claimant's attorney argued the letters were non-consensual *ex parte* communications. The employer/carrier's attorney countered that the commu-

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nications were proper per Miss. Code Ann. § 71-3-15(6) which waived the medical privilege between a claimant and his physician for purposes of workers' compensation. The ALJ cited *Hinson* and held that the adjuster's contacts were prohibited. The employer/carrier were informed that the answers could be sought only through the formal discovery process since non-consensual *ex parte* communications were not part of the rules of discovery for claims pending before the Commission. The Full Commission affirmed the decision of the ALJ.<sup>26</sup>

*Hinson* was recently approved in *Windom v. Kuhlman Electric Company*, MWCC No. 0007963-H-0234-C-00 (September 28, 2011), where an investigator's surveillance tape of the claimant engaged in physical activity was sent to one of the claimant's physicians, and as a result, the claimant was discharged from medical care and returned to work. This was in contrast to another of the claimant's physician's orders which placed him off work. The ALJ determined the investigator was the employer/carrier's agent and under *Hinson* the act of giving the tape to the physician was an *ex parte* contact. The ALJ ordered an Independent Medical Examination by a new physician and directed the new physician to be provided only the medical records prior to the former physician's report mentioning his viewing of the tape. The claimant's compensation benefits were reinstated to when his other physician took him off work. The Full Commission affirmed.<sup>27</sup>

In *Riley v. FA. Richard & Assocs, Inc.*, 16 So.3d 708 (Miss. Ct. App. 2009), the ability of a claimant to waive the privilege was reinforced. The claimant in a claim brought under the federal Longshore and Harbor Workers' Compensation Act (LHWCA) brought suit in State court against his employer, the carrier and a nurse case manager (NCM) for, among other things, intentional interference with medical care by *ex parte* communications. While in the hospital recovering from his injury and unrepresented by counsel, the claimant executed a medical authorization prepared by the carrier, which contained a waiver of the physician-patient privilege. The claimant later retained counsel who instructed the carrier to have no contact with the claimant but failed to revoke the

medical authorization. Subsequently, the NCM spoke with the claimant's doctor and, as alleged by the claimant, persuaded the doctor to give a negative opinion on causation of one of his claimed work injuries.<sup>28</sup> The case was dismissed on summary judgment. The Court of Appeals affirmed the trial court, finding the claimant voluntarily executed a valid and unconditional waiver of the physician/patient privilege, which was unrevoked, and that no duty was breached by the carrier in contacting the claimant's physician.<sup>29</sup>

#### IV. Contacts with Rehabilitative Personnel.

Rehabilitative personnel, such as vocational rehabilitation counselors (VRCs), NCMs, and the like, are generally retained by the employer/carrier to assist in the care and treatment of the claimant as well as in the management and evaluation of the MWCC claim. Claimant's attorneys often retain VRCs to rebut the labor market surveys prepared by the VRC retained by the employer/carrier.

Generally, rehabilitative personnel act

as agents or representatives of those who retain them. If these individuals are retained in anticipation of litigation or in preparation for trial, they should be considered expert witnesses for whoever retained them. In such cases, the opposing party must comply with Miss. R. Civ. P. 26(b)(4)(A) in order to obtain information regarding the expert's knowledge. As such, *ex parte* contact would be prohibited by either party.<sup>30</sup> Of course, information may still be gained through the formal discovery process.

It should also be noted that Miss. R. Civ. P. 26(b)(4)(B) allows a party to retain an expert who is not expected to be called at trial, but rather is to assist or consult with the attorney. In this situation, Miss. R. Civ. P. 26(b)(4)(B) only allows the expert's opinions to be discovered "upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinion on the same subject by other means." If rehabilitative personnel are retained as experts for a claimant, they

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should be entitled to complete access to all medical information in accordance with *Hinson*. However, if retained as the employer/carrier's expert, they will be subject to the same rules against *ex parte* contact with treating physicians as the employer/carrier. *Ex parte* contact with a treating physician for the purpose of returning the claimant to work as soon as possible is permissible only prior to a Petition to Controvert being filed. Once the Petition to Controvert is filed, *ex parte* contact is only allowed with the claimant's consent.<sup>31</sup>

It should also be noted that rehabilitation personnel are professionals bound by their own code of ethics. Violations of those ethical rules can result in disciplinary action against the rehabilitative personnel similar to that faced by attorneys. Any unwarranted invasion, *ex parte* or otherwise, into areas not relevant to the work-injury or disclosure of privileged information would be handled by the appropriate disciplinary body.

Generally in Mississippi workers' compensation practice, rehabilitative personnel are retained and utilized without a designation of their legal status. The more prudent practice for attorneys may be to clearly designate the legal status of these personnel. Only when such designation is made can the proper ethical considerations be made to address contacts with them.

In conclusion, the field of worker's compensation law is constantly changing. The appellate courts issue opinions on a routine basis, the MWCC can promulgate and amend its rules on an as needed basis, and the Ethics Committee can consider and recommend the issuance of opinions on a variety of topics all of which can directly impact the field of workers' compensation. Under such circumstances, the workers' compensation practitioner is advised not to consider this article as a definitive response to any of the ethical considerations outlined herein and is instead cautioned to remain attentive to all facets applicable to this ever-changing field. ■

<sup>1</sup> The authors acknowledge the assistance of Gina Bardwell Tompkins, Esquire, of Page Mannino Peresich & McDermott, PLLC, Tommy Dulin, Esquire, of Dulin and Dulin, Ltd., and Stacie E. Zorn, Esq., of Heidelberg, Steinberger, Colmer & Burrow, P.A., in the preparation of this paper.

<sup>2</sup> See [www.msbar.org](http://www.msbar.org)

- 3 Also relevant to this issue are Rules 3.4 (fairness to opposing party and counsel) and 4.4 (respect for rights of third persons). These Rules will not be discussed to any significant extent in this article.
- 4 The Miss. R. Prof. Conduct are based, in large part, on the American Bar Association's (ABA) Model Rules of Professional Conduct; therefore, informal opinions issued by the ABA on those rules may be helpful in a situation which has not yet been addressed by the Ethics Committee of the MBA.
- 5 The Comment to Rule 4.2 interprets this rule to prohibit communications by a lawyer for one party with a person who has managerial responsibility within an organization which has procured legal representation and with any person whose act or omission in connection with that matter may be imputed to the organization for purposes of civil or criminal liability or whose statement may constitute an admission on the part of the organization.
- 6 The conduct which was the basis of the Bar's complaint against the attorney occurred prior to the effective date of the Miss. R. Prof. Conduct on July 1, 1987. Thus, the MBA alleged violations of the ABA Model R. Prof. Conduct.
- 7 The Complaint Tribunal held that if the attorney had failed to take the opportunity to record the conversations in an effort to exonerate his client, then that conduct itself might have been prejudicial to the administration of justice.
- 8 The *Attorney S.T.* opinion provides citations for other cases dealing with attorneys recording conversations. See also Ethics Opinion No. 203 (October 30, 1992) (addresses whether an attorney may ethically record telephone conversations of an opposing party without knowledge or consent; whether an attorney can ethically advise a client to secretly record conversations; and whether an attorney may ethically use conversations secretly taped by her client without the attorney's knowledge).
- 9 See also *Attorney L.S. v. The Mississippi Bar*, 649 So.2d 810 (Miss. 1994) (an attorney violated Rule 4.1 in misrepresenting facts to two jurors post-trial and recording the conversations); for further discussion regarding the ethics of secret tape recording see Carol M. Bast, *The Seventh Annual Symposium on Legal Malpractice and Professional Responsibility: Article: Surreptitious Recording by Attorneys: Is It Ethical?*, 39 St. Mary's L.J. 661 (2008), Douglas R. Richmond, *Deceptive Lawyering*, 74 U. Cin L. Rev. 577, 599-604 (2005) and Allison A. Vana, *Attorney Private Eyes: Ethical Implications of a Private Attorney's Decision to Surreptitiously Record Conversations*, 2003 U. Ill. L. Rev. 1605 (2003).
- 10 See also, *Lonoaea v. Corr. Corp of Am.*, 2008 U.S. Dist LEXIS 58977 (N.D. Miss. 2008) (Judge ordered the disclosure of the names, addresses, and telephone numbers of all former employees of defendant because the information was not protected according to *Durham*) and *Colborn v. Hardee's Food Systems, Inc.*, 2010 U.S. Dist. LEXIS 120851 (N.D. Miss. 2010) (Judge relied on *Durham*'s reasoning to allow *ex parte* interviews of two ex-employees, but denied *ex parte* communications with an ex-employee with some managerial knowledge).
- 11 When finalizing a settlement with an unrepresented claimant, a practical tip for the employer/carrier's attorney is to include a paragraph in the Petition to Approve Settlement and the Order indicating the claimant has voluntarily and knowingly chosen not to be represented and they understand the attorney represents only the employer/carrier. As a final safeguard, the provision should be discussed with the claimant prior to the settlement's execution.
- 12 See *Carr v. Horseshoe Casino & Hotel*, MWCC No. 0710845-J-9499-A (Feb. 17, 2009) (ALJ excluded a supervisor's affidavit entered into evidence by claimant because the affidavit was obtained through *ex parte* communication in violation of Rule 4.2).
- 13 See Miss. Code Ann. § 13-1-21.
- 14 See *Dennis v. Prisoek*, 181 So.2d 125, 128 (Miss. 1965); *Fishboats, Inc. v. Welzbacher*, 413 So.2d 710, 714 (Miss. 1982); and *Sessums by Sessums v. McFall*, 551 So.2d 178, 180 (Miss. 1989).
- 15 Dealing with waiver of the medical privilege.
- 16 The MWCC is not bound by common law, statutory rules of evidence or technical rules of procedure.
- 17 The Court further noted that, in the event that a physician speaks when there is no court proceeding, the only rules applicable are his professional ethical codes of conduct (See section IV, *infra*).
- 18 This prohibition appears to include information which was obtained through *ex parte* contact even though it may be relevant to the issues raised in the plaintiff's suit. In other words, any information must be acquired either through voluntary consensual disclosure or through the formal discovery process. Since *Flynt*, the Supreme Court in *Johnson v. Memorial Hospital at Gulfport*, 732 So.2d 864 (Miss. 1998), reaffirmed *Flynt*'s fundamental precepts; however, under the facts of the case, declined to exclude the testimony of two treating physicians with whom *ex parte* contact had been made since the plaintiff did not identify anything in their depositions that was privileged, irrelevant, or obtained as a result of the *ex parte* contact. See also *Griffin v. McKenney*, 877 So.2d 425, 441-42 (Miss. Ct. App. 2003) (trial court properly excluded the testimony of both of the plaintiff's doctors after the defense, in a medical malpractice case, went against a protective order and contacted the doctors).
- 19 Also noted was that this "waiver" provision does not "throw open all of the [claimant's] personal medical history to public record because of a claim for compensation under the Workman's Compensation Law."
- 20 Citing *Chapman v. Delta Financial Services, Inc.*, MWCC No. 92-09587-E-6950 (Feb. 15, 1994) (a claim is commenced by claimant filing a Petition to Controvert or other substantially and legally equivalent document).
- 21 The Commission noted *ex parte* contact could occur if consented to by claimant. It also discouraged any disputes between parties over routine administrative/clerical matters since they are not significant discovery issues.
- 22 See Miss. Code Ann. § 71-3-55 and Procedural Rule 8.
- 23 The Commission specifically pointed to Miss. R. Civ. P. 37(e)(ii) and Miss. Code Ann. § 71-3-61 and § 71-3-69.
- 24 Specifically, Miss. R. Prof. Conduct 3.4 and 4.4 may have some context in this matter.
- 25 A thorough, but not exhaustive search was performed for this article.
- 26 Commissioner Quarles concurred but noted, *inter alia*, she did not agree that the adjuster's letters were *ex parte* communications since the claimant's attorney was copied. In her opinion, not until after the second letter, when the claimant's attorney objected to the continued contact should a prohibition on *ex parte* contact have begun.
- 27 See also *Kibodeaux v. SDI of Waveland*, MWCC No. 0506916-J-5189-C (Aug. 9, 2007) (ALJ required a nurse case manager to provide a copy of her notes to the claimant's attorney and be deposed at the employer/carrier's expense regarding what she told a treating physician while attending a session with the Claimant against his attorney's specific orders); and *Chamblee v. Choctaw Resort and Development*, MWCC No. 00-12648-J-4100 (Jan. 15, 2009) (ALJ condemned the *ex parte* contact by the employer and carrier in showing a video of the claimant performing physical labor to the claimant's physician, but the ALJ noted that this was not a prohibited *ex parte* communication per *Hinson* since the contact occurred prior to controversion of the claim).
- 28 These communications occurred on June 7, 1999, prior to the plaintiff filing a LHWCA claim in August 1999.
- 29 The important issue to take away from this case is that, prior to a Petition to Controvert being filed, a claimant's attorney must specifically revoke any medical waivers previously executed, or the opposing counsel will not know and thus have no ethical obligation not to communicate with the physicians prior to a Petition being filed.
- 30 See *General Motors Corp. v. Jackson*, 636 So.2d 310, 314 (Miss. 1992) ("The rule makes no provision for *ex parte* communication with an expert witness.").
- 31 As a practical matter, most rehabilitative personnel obtain the written consent of the claimant before becoming involved. It has been suggested ■

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# Drug Courts Save Money and Lives

**M**ississippi's drug courts last year saved an estimated \$38 million in incarceration costs – roughly equivalent to the general fund appropriation for operating the entire state court system, according to Chief Justice Bill Waller Jr.

Expanding drug courts statewide is one of his priorities. “Drug courts are an efficient, cost-effective means of dealing with the drug addiction that is the underlying cause of so much of our crime problem. Drug court graduates have a low recidivism rate,” Chief Justice Waller said.

“It is my hope that our drug court programs can be expanded so that all citizens who struggle with addiction can have access to these treatment based programs,” he said.

Drug courts operate at some level in 68 of the 82 counties, with 43 court programs established in Circuit, Chancery,



*Chief Justice William Waller, Jr.*

*By Beverly Pettigrew Kraft  
Public Information Officer  
Administrative Office of Courts*

Youth, Justice and Municipal courts.

Officials throughout the state's judicial system are increasingly looking toward alternatives to jail and prison. Drug courts provide treatment for drug addiction, intensely supervise participants, do frequent drug testing, and require participants to get a job and support themselves and their families. The treatment based programs have significantly lower recidivism rates than traditional prison, at a fraction of the cost.

Most of the people who are sentenced to prison will some day be released. And locking up addicts does not change their behavior, said Circuit Judge Michael Taylor of Brookhaven, who supervises more than 230 participants in the 14th Circuit Drug Court in Lincoln, Pike and Walthall counties, the state's oldest felony drug court.

Judge Taylor said, "Drug Court is effective because we address the problem – addiction – instead of merely punishing the behavior."

Circuit Judge Jimmy McClure of Sardis, who supervises 17th Circuit Drug Court participants from Panola, Tallahatchie, Tate and Yalobusha counties, said, "You are not going to get rid of drugs. You are not going to get rid of the drug problem. You have to deal with it.



*Circuit Judge Michael Taylor of Brookhaven*

The Yalobusha County Jail holds 24 people. If you take the drug people and place them in jail, the jails are going to be full. Somebody has to be let go. Drug Court gives law enforcement an alternative to place these people."

Judge Taylor puts the choice this way: "Would I rather live in a community with 500 people who have been in my Drug Court for three years, or who have trained for five years in Parchman?"

"Our state has discovered that we have caught, prosecuted and sentenced more people than we can afford to house and feed," said Judge Taylor, a member of the State Drug Court Advisory Committee.

Incarceration costs an average of \$16,800 per prisoner, according to the Mississippi Department of Corrections' 2010 annual report to the Legislature. The state prison system's annual budget was \$339 million. It costs an average of \$2,166 to supervise a participant for a year in a felony adult drug court. The state's 2011 expenditure for drug courts was \$6.5 million.

Drug court participants must pay fines before they may graduate from the program. That incentive increases fine collections in the counties that have drug courts. Pike County, for instance, was able to avoid a tax increase several years ago because court fines amounted to more than county officials had expected, Judge Taylor said.



*Circuit Judge Jimmy McClure of Sardis*

*Continued on next page*



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*Seventeenth Circuit Drug Court Coordinator Craig Sheley*

Thirty-six people graduated from north Mississippi's 17th Circuit Drug Court on Oct. 25. Those 36 people, who spent between three and five years in the program, paid more than \$200,000 in fees and fines, said Drug Court Coordinator Craig Sheley.

Part of the funding for drug courts comes from a \$10 special assessment among the court costs for all felonies, traffic offenses and game and fish violations, and an \$8 special assessment on other misdemeanors. Drug courts also generate part of their own operating funds. Drug courts require participants to

More than 3,100 people are enrolled in drug court programs statewide.

With more than 270 people enrolled, the 17th Circuit Drug Court is the state's largest drug court. Sheley is quick to point out however, "We are more concerned with quality than quantity. We require them to have 36 months clean to graduate the program. If they can't maintain 36 consecutive months clean, we don't think they've got it."

Circuit Judge Robert P. Chamberlin of Hernando, who supervises participants from DeSoto County in the 17th District, said none of the statistics are as important

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More than 3,100 people are enrolled  
in drug court programs statewide.

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pay a monthly fee ranging from \$50 to \$100. Most programs require the participants to pay for their own treatment.

However, the growth of drug court programs has exceeded funding. "We've reached a tipping point," Judge Taylor said. "We are spending more on drug courts each year than the assessment produces. Because it took so long to get all of these drug courts set up, we have some reserve, but it is fading and our funding will need to be addressed in the near future."

as the human element – trying to help people who have drug problems.

He's taken chances on people whom others questioned as suitable for Drug Court, and he's given second chances to people who continued to have problems and setbacks in the program. The first person to be accepted into the 17th Circuit Drug Court five years ago was among those graduating Oct. 25. He tested positive for drugs several years into the program, and went back to square one.

"We pride ourselves in not shying

away from the tough ones,” Judge Chamberlin said.

Kristina Brown, 34, of Independence, was one of those. She graduated Oct. 25. She and another graduate were among the guest speakers for the ceremony.

“My attorney told me that I wouldn’t make drug court, and for me not to ask,” she recalled after the ceremony. She appeared before Judge Chamberlin to enter a guilty plea. The prosecutor was prepared to seek a five-year sentence. She spoke up and asked if she could be considered for Drug Court, which she had heard about from another jail inmate. Judge Chamberlin sent her to be screened, and she was later accepted in the program. It was a turning point. She had used drugs and alcohol since age 13, served a year in prison on an earlier charge, and returned to drugs. “I lived on the streets stealing and doing all means necessary to feed my habit,” Brown said.

While under the supervision of Drug Court, Brown went to work delivering pizzas from a ragged old car. She worked her way up to shift supervisor, bought a better car, and moved from living with relatives to a home of her own. She fought for and got custody of her youngest child after the breakup with his father.

“I have gone from a trailer park to my own home in a nice neighborhood with all my children in the home with me,” said the mother of four. “I have lost jobs and homes and been kicked down and every time gotten back up,” Brown said.

She’s working toward a degree in addiction psychology. Her goal is to earn a Ph.D. and work with other addicts. “I ought to be able to help somebody,” she said. “When you go to rehab, you don’t want to listen to somebody who learned something out of a book. You want somebody who has been there and done that.”

Recovering addicts work in some of

the state’s drug courts, as well as in treatment facilities. They know first-hand the cravings, the struggles, and the con games addicts will try.

Sarah Johnson, 47, of Jackson, a graduate of the Hinds County Drug Court, is transition coordinator at New Life for Women, an alcohol and drug treatment program. Like many of the people who wind up in Drug Court, she had already been through drug rehabilitation, but went back to using drugs. Johnson said that the Drug Court program’s intensive supervision backed up by the threat of jail made her stay in treatment long enough to get clean and stay that way.

“Had it not been for that (Drug Court), I would have been back in prison,” Johnson said. “Ninety days in treatment (alone) wouldn’t have done this dope fiend any good because I had been out there for 21 years.”

Rep. Alyce Griffin Clarke of Jackson, a pioneer of the drug court movement, said that the drug court concept wasn’t popular when the program started more

*Continued on next page*



*Circuit Judge Robert Chamberlin of Hernando*

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## Drug Courts Save Money and Lives

than a decade ago. She feels immense satisfaction at its progress. "It is working so well and saving so many lives."

The original drug court model focused on adult felony offenders in Circuit Courts and juveniles in Youth Courts. The felony programs seek to rehabilitate drug-using offenders through drug treatment and intense supervision with drug testing and frequent court appearances. The Youth Court programs try to identify and address drug and alcohol abuse issues before they escalate into more serious criminal behavior.

However, the range of the problem-solving courts has expanded, and their methods have gotten more creative. Courts have developed special tracks for veterans, for alcoholics, and for families whose domestic problems are rooted in drug abuse.

The 12th Circuit Court of Forrest and Perry counties, the second largest drug court program in the state with about 250 participants, started a separate Veterans Court in November 2011. About a dozen people were transferred from the Drug Court to the new program. The 8th Circuit Court of Leake, Neshoba, Newton and Scott counties started a veteran's component within that Drug Court in August 2010, and is currently working with one

veteran. The 19th Circuit Court of Jackson, George and Greene counties is working toward creation of a Veterans Court in January 2012.

Circuit Judge Robert Helfrich of Hattiesburg saw the special needs of veterans who were coming into his court, and anticipated that the need would increase as more men and women return from combat. Veterans are recovering from physical injuries as well as post-traumatic stress.

"They have a different set of problems leading to their addiction, and they also have different resources, through the Veterans Administration," Judge Helfrich said. "A lot of times these men and women are not seeking help that is available, and they try to address these issues with drugs and alcohol."

The Veterans Court places participants with other veterans as mentors. More mentors are needed, Judge Helfrich said.

"These are men and women that have volunteered to risk their lives for the freedoms we have," Judge Helfrich said. "Do they deserve special treatment? Absolutely. Do they get special treatment? Absolutely not. They are not treated any differently than a regular Drug Court participant, but they do have differ-

ent issues and they do have different avenues of treatment through the Veterans Administration, and we try to address those issues and connect them with the services available."

Circuit Judge Robert P. Krebs of Pascagoula said, "We owe it to them to do it."

The program for veterans in the 8th district is one of several innovations spearheaded by Drug Court Coordinator Marcus Ellis of Walnut Grove. Ellis oversees a program with the discipline instilled by his 26 years in the U.S. Army and the fervor of an evangelist. A separate DUI Court track for alcoholics began five years ago. Two years ago, Circuit Judge Vernon Cotten of Carthage began requiring some participants to wear devices which detect alcohol through contact with the skin. Also, Ellis obtained private funding from an insurance company and a bank to pay for a drunken driving simulator that uses a golf cart and goggles that mimic the effects of alcohol impairment. Schools and church groups across the state have let teenagers take the golf cart through a set of traffic cones while wearing the goggles.

Leake and Walthall counties in 2009 became the first jurisdictions in the state to implement drug court programs at the Chancery Court level under the supervision of part-time Youth Court referees. The 8th Circuit Drug Court and judges and staff of the 11th Chancery District worked together to create referee-supervised drug courts.

Juvenile drug courts have long struggled with how to steer kids on a drug-free path while they continue to be exposed to alcohol and drug abuse at home. The Youth Courts of Adams and Rankin counties have a family drug court pilot program which deals with juveniles, parents and their extended families in efforts to address substance abuse without separating children from their families. It's a collaborative effort involving the courts, Department of Human Services, Department of Mental Health, Boards of Supervisors, local law enforcement and schools.

The pilot program, which began in October 2010, is funded by grants from the Department of Public Safety Division of Public Safety Planning. The funding



*Rankin County Court Judge Thomas Broome speaks at the Nov. 20, 2011, graduation ceremony for the Rankin County Family Drug Court in Pelahatchie.*

source is federal stimulus money. It's unclear whether the program will be able to continue beyond the grant period which ends in December 2012.

Rankin County Court Judge Thomas Broome supervises about two dozen parents in the Family Drug Court program, but family members bring the numbers to about 75. Seven graduated from the program on Nov. 30 after spending about a year under court supervision.

Babble, coos and an occasional unhappy wail punctuated the Pelahatchie courtroom as parents, grandparents and an aunt marked a family milestone with infants, toddlers and teenagers in tow. Rankin County Family Drug Court Coordinator Angie Miles said the focus is

Miles, who took the coordinator's job Aug. 1, expected to be working closely with families. She just didn't know how close. She recalled a visit she and Drug Court Case Manager Cindy Porter paid to another one of the Drug Court participants in the hospital. The woman was in labor, and the labor progressed rapidly. Another family member had left to run an errand.

"She said, 'Y'all can't leave me,'" Miles recalled. "I looked at Cindy and I said, 'I guess we're staying.' I couldn't imagine having to do that by myself."

More than 300 drug-free babies have been born to drug court participants statewide since the Administrative Office of Courts began tracking their births in

Juvenile drug courts have long struggled with how to steer kids on a drug-free path while they continue to be exposed to alcohol and drug abuse at home.

on protecting children while preserving the family unit. "We are trying to either help them get their kids back or keep their kids."

Julia Bridges was flanked by her mother and three sons, ages 8, 11 and 14, as she accepted her graduation certificate. Bridges said she was pulled into the Family Drug Court after two of the boys got into trouble at school. She failed a drug test, and the children were placed in her mother's custody. She recently regained custody.

"Judge Broome does not play. It's not all about me any more. It's about my home, and my children," said Bridges, 33, of Pearl. "I'm actually being there for them. That's my first priority: my children."

Nina Russo, 27, of Star, cradled one-month old daughter Emma. She said she had used drugs since she was about 15. She regained custody of her 2-year-old daughter in April 2011 while under the supervision of the Rankin County Family Drug Court.

"I can't ever lose my babies again. It (Drug Court) is the best and the worst thing that ever happened to me," Russo said.

November 2004, said State Drug Court Coordinator Joey Craft.

Good health provides a huge savings to the public health system. "Studies have shown that for every baby born addicted to drugs, it can cost a state, on average, about \$750,000 in medical expenses during the first 18 years of that child's life," Craft said.

The savings realized from the drug-free births of the more than 300 babies would amount to an estimated \$239 million over the course of 18 years, Craft said.

Children born to parents addicted to drugs are more likely to follow that path. "It's a vicious circle," said Judge Krebs. When drug-free babies are born to parents who have worked to kick a drug habit, "the circle is broken and these children may have a better chance at doing all the things that their mothers or fathers were not able to do or wouldn't do at a younger age."

"It's a joyous thing. I'm so proud that life has come into the world and it's drug-free. It's new and innocent as it should be, and not laden with health problems because of what the mother used to do," Judge Krebs said. ■

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# Mississippi Volunteer Lawyers Project

In 2012, the Mississippi Volunteer Lawyers Project (“MVLP”) will suffer a 31% reduction in funding after a recent vote by Congress to reduce the amount of federal funds to legal aid programs. This joint project of the Mississippi Bar Association, the Mississippi Center for Legal Services and North Mississippi Rural Legal Services, assists low-income Mississippians whose civil legal needs cannot be met by the state’s two legal services entities. MVLP matches low-income clients with private lawyers who are willing to provide pro bono legal representation. Volunteer lawyers handle civil matters including guardianships, adoptions, and child support, among others.

To confront the funding cuts, Shirley Williams, Executive Director of MVLP, said that in 2012, the organization will have to make some changes:

- reduce the number of custody files handled;
- reduce the number of clients assisted who are not referred in directly from legal services;
- assess administrative expenses to clients to assist with file processing;
- reduce the number of statewide legal clinics and other programmatic offerings; and
- reduce the amount of financial assistance currently provided to clients who cannot afford filing or other fees for matters involving children, including guardianships and adoptions.

The organization has also reduced the number of days and hours during which its Legal Line will be open. Legal Line is now open Tuesday through Thursday, from 12:00 p.m.-2:00 p.m. The hotline provides callers with free legal information. While no legal representation is provided to Legal Line callers, the volunteer attorneys who staff Legal Line assess each call to determine whether a caller’s legal need might qualify for MVLP’s services. In many instances, Legal Line callers become MVLP clients.

“Legal Line callers are referred to the hotline from various state agencies, non-profit organizations and attorneys, among other sources. Without a place to refer low-income individuals with legal mat-

ters, it is difficult to know where a large number of Mississippians will find legal information or assistance. Over the last two years, MVLP has received more than 3000 calls on the hotline, assisting just shy of 2000 of those callers. The reduction in the availability of MVLP’s statewide legal hotline will be significant to organizations beyond just MVLP,” Williams said.

Tiffany Graves, General Counsel of MVLP, estimates that MVLP provided free legal services to approximately 10,000 people in 2010, including clients and their family members. In 2011, services were provided to approximately 7,000 (6,830) people which is down about 30% due to previous cuts in funding and prior staffing reductions. “Many of the organization’s clients are grandparents who request assistance with obtaining guardianships over grandchildren who have been abandoned by their parents or whose parents are unable or unfit to care for them. Clients with these types of legal matters are often on fixed-incomes and without any resources to pay for legal services,” Graves said. In the past, MVLP has been able to pay to have cases filed for these senior clients. According to Graves, it will no longer be able to do so. “Without a doubt, the federal funding cuts have forced us to examine every aspect of our operations. We are very concerned about the number of Mississippians who will not have their legal issues addressed because we cannot help them. Since we are a statewide organization, the impact will be far-reaching.”

“Up until now, in 2011 we were able to absorb reductions in funding without reducing our staff. We may not be able to do that in 2012.” Having pared down the budget so much already, the next thing that we will have to reduce are people, Williams said. “We do not want to do that, when so many additional people are in need of help in the wake of the current economy! Providing access and legal help is our mission!”

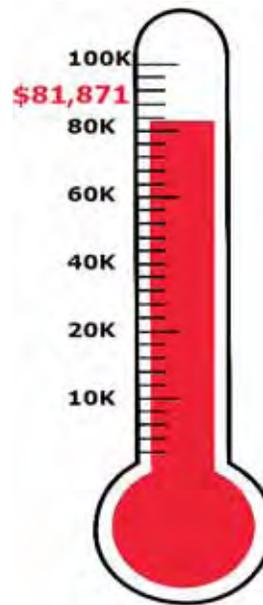
In the face of past funding cuts, MVLP began a fundraising campaign in 2010 under the leadership of former Mississippi Supreme Court Justice Reuben V. Anderson and Attorney Roy Campbell. The 2011 campaign, “Advancing Hope,

Restoring Justice” is chaired by Joy Lambert Phillips, Past President of the Mississippi Bar, and La’Verne Edney, Former General Counsel of MVLP. The campaigns’ funds will help fill the gaps left by funding cuts; yet, the organization fears the latest cuts will have a disastrous impact on the type of services and the number of clients that MVLP will be able to assist in the future. “We are so grateful to all of the donors and for these wonderful lawyers, including MVLP Board liaison for the campaign and prominent Butler Snow attorney Stephen

Rosenblatt for working so hard to help fill the gap,” Williams said. “And to get the first woman president of the Bar to sign on as co-chair this year was enormous for the campaign!”

The fundraising goal was \$75,000, 25K more than the 2010 goal. The campaign co-chairs established the following giving levels: Kryptonite/Super Hero - \$5000 or more, Titanium - \$2500-\$4999, Platinum - \$1000-\$2499, Gold - \$500-\$999, Silver - \$250-\$499, and Bronze - \$50-\$249. MVLP rely on the generosity of donors to help connect low-income clients with the volunteer attorneys who will fight for their rights. Generous donors helped MVLP raise \$81,871, 9% over the 2011 goal. Many others have indicated that they will contribute in the future and MVLP will update the donor list later to include them in a later acknowledgement. MVLP and the campaign co-chairs appreciate all the donors who participated in the campaign.

“Without a lawyer you’re really lost in the judicial system. That’s why people hire lawyers. But what if they can’t?” Williams said. “Now in our 30th year, we continue implementing new ways to meet the need, modifying services and, now, fundraising,



to which we have little time to devote.” We are grateful for the board and very dedicated campaign chairs, which have provided invaluable assistance. We are overwhelmed by the out-pouring of financial support from the 2011 campaign donors.” In spite of the funding concerns, Williams emphasizes the organization’s commitment to serving underrepresented

and underserved Mississippians, commenting that, “We will do everything we can to continue to ensure access to justice to all Mississippians. It’s just going to be harder to do it going forward.”

MVLP still needs volunteers throughout the state and would encourage lawyers to take just one case to make a difference in reaching our goal of providing repre-

sentation to the those who are unable to pay for services. For more information about donations or volunteering to take a case, please contact Shirley Williams at [swilliams@mymvlp.net](mailto:swilliams@mymvlp.net) or Tiffany Graves at [tgraves@mymvlp.net](mailto:tgraves@mymvlp.net).

The MVLP is grateful to the following 2011 Campaign Donors:

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\*Indicates Campaign Chairs & Campaign Liaison to the Board.

If we have inadvertently omitted any name, we regret the oversight. In the event of an error or omission, please contact the Mississippi Volunteer Lawyers Project. An updated list will be circulated later to include all impending contribution commitments. ■

# Mississippi Legal Aid Programs Devastated by Cuts

Mississippi Legal Services providers are facing severe cuts in 2012.

More Mississippians are qualifying for civil legal assistance than ever before. Unfortunately, at a time when more families are experiencing poverty for the first time, thousands will be turned away from legal aid offices due to funding cuts.

In April of 2011, Congress approved a 4% cut to the Legal Services Corporation, which was retroactively applied to the entire 2011 budget. For Mississippi Legal Services programs, that 4% cut meant a \$242,393 cut for last year alone. The federally funded Legal Services Corporation is preparing for even deeper cuts this year. Mississippi programs are currently facing a reduction of 18%, which means an additional decrease of \$863,865 for this fiscal year. As a result of the cuts, Legal Services programs are closing offices and reducing staff. These drastic cuts to legal services funding will affect the legal assistance that families will receive across the nation. In poverty-stricken states like Mississippi, these cuts could significantly challenge the fairness and openness of the courts.

To qualify for services funded by the Legal Services Corporation, clients must have incomes at or below 125% of the federal poverty line. This equates to an income of \$13,613 for an individual and \$27,938 for a family of four. According to the most recent Census data, Mississippi continues to have the highest percentage

of people in poverty, with 22% of Mississippians living below the federal poverty line and 33% of Mississippi children living in households that are below poverty. Legal Services programs serve as advocates for Mississippi families, help victims of domestic violence escape abuse, work to improve housing conditions for families, and handle other important civil matters. Over 55% of the Legal Services cases in Mississippi are family law cases.

In Mississippi, the Legal Services Corporation funds three local programs. Mississippi Center for Legal Services provides legal services for the southern half of the state, and North Mississippi Rural Legal Services serves the northern half. The Mississippi Choctaw Legal Defense also receives a small allotment of LSC funding. The Mississippi Volunteer Lawyers Project receives a large portion of its funding as a sub-grantee of the Mississippi LSC programs. The Legal Services Corporation provides approximately 80% of the funding for those legal aid programs in Mississippi. In addition to the budgetary cuts, Mississippi also suffered a decrease in population during the 2010 census, therefore Mississippi Legal Services providers are anticipating an additional 5% cut in 2013, as funding is based on population in each state.

The Mississippi Bar Foundation provides grants to organizations that provide

legal assistance to families across the state. The IOLTA (Interest On Lawyer Trust Accounts) program is one of the sources of funding for those grants, but as interest rates and trust account principals continue to remain low, the IOLTA funding has drastically decreased.

As the overall funding decreases for legal services, Mississippi families that cannot afford an attorney are facing more barriers to the justice system. The Access to Justice Commission is working to increase the awareness and support for all of the legal aid providers across the state. As ordered by the Mississippi Supreme Court, the Commission continues to develop and implement initiatives designed to expand civil access to justice.

As officers of the court it is important that we make sure that poverty does not lock a single family out of the Justice system in Mississippi. Now more than ever, it is critical that lawyers volunteer with pro bono organizations. The Mississippi Volunteer Lawyers Project is a joint project of the Mississippi Bar and the Legal Services programs, and the project needs more volunteers. Mississippi College School of Law and The University of Mississippi School of Law also have pro bono programs, and they need more volunteer attorneys. Please support all of Mississippi's legal aid programs and encourage others to do the same. ■

## MISSISSIPPI Access to Justice COMMISSION



tel. 601.960.9581



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# MS Access to Justice Commission



*Davetta Lee, Executive Director of MS Access to Justice Commission, and Rodger Wilder, Co-Chair of MS Access to Justice Commission*



*Tiffany Graves, Bear Atwood, Patricia Gandy, and Arthur Calderon*



*Dean Richard Gershon, Matthew Hall, Deborah Bell, and Hugh Keating*



*Justice Leslie King and Joy Phillips*



*Judge Deborah Gambrell*



*Judge Lillie Blackmon Sanders, Stephanie Taylor, Martha Bergmark, Frank Farmer, and Ben Cole*

## IN MEMORIAM

### Annette Triplett Beasley

Annette Triplett Beasley, 44, of Snellville, GA, died October 13, 2011. A graduate of Mississippi College School of Law, she was admitted to practice in 1998. She had her own practice.

### Carolyn Roberts Benson

Carolyn Roberts Benson, 80, of Fulton, died December 2, 2011. A graduate of the University of Mississippi School of Law, she was admitted to practice in 1977. In college, she was a member of the "Million Dollar Band", marching in the Inaugural Parade for incoming President Harry S. Truman. Following her graduation from the University of Alabama, she taught Physical Education at Murphy High School in Mobile, AL. Later she taught at the University of Wisconsin, Madison, where she completed work for her M. S. and Ph. D. Degrees. She was also affiliated with Radford University, Radford, Virginia, where she taught and was Dean of Students of Applied Arts. After law school, she carried out her private practice of law in her hometown of Fulton, where she served as Public Defender for Itawamba County for a period of over 25 years.

### Thomas H. Campbell, III

Thomas H. Campbell, III, 79, of Ponce Inlet, FL, died December 19, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1958. He served as a Captain in the United States Air Force. He was a partner of Campbell and Campbell in Yazoo City and was city attorney. At age 27 he was elected to the Mississippi State House of Representatives where he served for 20 years. Following his five terms as legislator he served as Mississippi's first State Fiscal Officer and then as Assistant Commissioner at the Institution of Higher Learning for the State of Mississippi. Thomas retired in 1992, settling in Ponce Inlet, Florida where he lived for the last 15 years. He served as a docent at the Ponce Inlet Lighthouse.

### Omar Dell Craig

Omar Dell Craig, 84, of Oxford, died December 1, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1955. He served as President of the MS State University International Alumni Association in 1970 and was a member of the MSU Bulldog Club from 1969 to 1980. He was a guest lecturer and teacher at the University of MS School of Business. Craig was former County Attorney and was named the longest practicing lawyer of Lafayette County in 2003. He received the MS Bar Pro Bono Award in 1984 and served on the Board of Bar Commissioners in 1979. He was active in State and local politics and within Oxford and Lafayette County. Craig was a veteran of the United States Military. He served as a Seaman 1st Class in the United States Navy during World War II and as a Captain in the United States Army during the Korean Conflict. He was a member of First Baptist Church of Oxford for over 55 years where he volunteered his legal services, was a deacon, Sunday School leader, served on numerous Pastoral search committees and participated in several mission trips to South America. He was named Oxford's Man of the Year and coached little league baseball.

### Maurice Dantin

Maurice Dantin, 82, of Columbia, died January 10, 2012. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1955. Dantin was a long time member of the First United Methodist Church of Columbia, where he attended Sunday school for 57 years. He served on numerous committees, and was a major leader for several mission trips, both domestically and internationally. He was a member of the National Board of Governors of American Red Cross; National Coordinator of American Red Cross Disaster Volunteers; past Chairman, Mississippi territory, American Red Cross; past District Governor of Lions International; first President and one of the founders of Pearl River Valley Development Association; past President of Marion County Chamber of Commerce; past President Mississippi Rivers and Harbors Association; first President and one of the founders of Marion County Historical Society; former Chairman of Marion County Economic Development District. Dantin served as past President of the Marion County Bar Association and was a partner of the law firm Dantin & Dantin. He was selected as a Fellow of the Mississippi Bar Foundation. Maurice also served as Past President and Lifetime Honorary Member of the Mississippi Prosecutors Association. He was elected Mayor of Columbia at age 26. He also served as City Attorney and District Attorney of the Fifty Judicial District. Dantin was a Director for Citizens Bank of Columbia for many years. He also served as Vice President of the Tylertown Broadcasting Company and General Counsel of Crosby Land & Resources. Dantin served in the United States Marine Corps during the Korean War and retired as Colonel. He was granted Life Membership to the Marine Corps Reserve Association, Marine Corps Aviation, Marine Corps League, and Military Officers Association of America. He served in the United States Marine Corps actively for 2 years and in the reserves for 30 years. Dantin received awards including: Eagle Scout with Bronze Palm; President of University of Mississippi Student Body, 1951; Ole Miss Hall of Fame; President of the University Mississippi Law School Student Body, 1954; Taylor Medal for Political Science; Business Manager, Mississippi Law Journal; member of the Moot Court Board; member of ODK Honorary Leadership Society; Edwin Dalstorm Distinguished Service Award, Columbia Lions Club; Melvin Jones Fellow for Dedicated Humanitarian Services, Lions Club International Foundation; Outstanding Young Man of Marion County, 1957 and 1963; and Outstanding Citizen of Marion County, 1975.

### Jimmy H. Fields

Jimmy H. Fields, 82, of Gardnerville, NV, died September 24, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1973. Fields flew a U.S. Air Force nuclear bomber in The Strategic Air Command and retired from the Air Force after 20 years with the rank of Major. He worked with Boeing Aircraft, CA. for a number of years where he was named employee of the year for solving a problem that saved Boeing tens of thousands of dollars. He practiced law in Meridan, MS. He retired to Nevada in 1992. Fields was recently selected for a Master Pilot Award for fifty years of safe flying.

### William Watkins Ford, III

William Watkins Ford, III, 74, of Pensacola, FL, died December 28, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1969. He worked for several years with IBM before choosing a path in law. He was a Mason and a Shriner, member of the Tupelo Country Club, Tupelo Rotary Club, and All Saints Episcopal Church where he was a member of the Choir and a licensed Lay Reader. He was a founding member and Chair of the Cultural Enrichment Committee in Tupelo beginning in 1970. Ford helped form the original Tupelo Symphony Orchestra celebrating its 40th season this year. He co-founded the Gum Tree Festival in 1971. Ford was a lifelong member of Belmont Hunting Club in Wayside. Ford retired to Orange Beach, Alabama in 1988. He joined Christ Episcopal Church in 2004 and became an active parishioner as a Lay Reader and member of the Choir.

### Champ C. Gipson

Champ C. Gipson, 90, of Meridian, died October 20, 2011. A graduate of Cumberland School of Law, he was admitted to practice in 1945. Gipson served in the Army during WWII. He started with his dad as a partner in Gipson, Gipson, and Williamson Law Firm, which later became Gipson and Williamson Law Firm. Gipson continued his law practice until his death.

### Don Oliver Gleason, Jr.

Don Oliver Gleason, Jr., 40, of Tupelo, died January 12, 2012. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1999. Gleason was a partner in the Tupelo law firm of Gleason and McHenry, PLLC. He was a member of the Board of Governors of the Mississippi Association for Justice, and the Natchez Trace Golf Club in Saltillo.

### Alton Lavon Hollis

Alton Lavon Hollis, 83, of Jackson, TN, died December 8, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1952. He was a Landman with the Carter Oil Company in Oklahoma, Arkansas and Kansas from 1952 - 1957, Manager of Land Department for Ada Oil Company of Houston from 1957 - 1958. He was chairman and CEO of Hollis Oil Company from 1958 until 2002. He served as a Director of Citizens National Bank of Texas from 1984 - 2001 and Advisory Director of Community National Bank, Bellaire, TX 2003 - 2006. He was a member of University Mississippi Law School Lamar Order and Texas Independent Producers and Royalty Association. Before moving to Jackson, TN in 2007, he lived in Houston, TX for 50 years.

### Paul H. Johnson

Paul H. Johnson, 67, of Oxford, died February 3, 2012. A graduate of Harvard Law School, he was admitted to practice in 1992. Johnson was a Certified Public Accountant and an attorney and was registered to practice both professions in Texas and Mississippi. For many years, he was an international tax partner with KPMG Peat Marwick accounting firm, serving in Dallas, TX, Houston, TX and Jacksonville, FL. He was later a tax partner

with Kelly, Hart and Hallman Law Firm in Fort Worth, TX, and Of Counsel with Phelps Dunbar Law Firm in Jackson, MS. He served as a consultant in the creation of state-owned golf courses supervised by the MS Department of Wildlife, Fisheries and Parks. Under Governor Haley Barbour, he served as the Mississippi Development Authority's Toyota Project Director and was responsible for all major aspects of the construction of Toyota's Blue Springs, MS manufacturing facility. He worked on the establishment of the Center for Manufacturing Excellence at Ole Miss.

### John K. Keyes

John K Keyes, 91, of Collins, died October 16, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1948. Keyes entered the Army Air Corps in July 1942, graduated from the Radio Operator School, then the Aviation Cadet Communications School at Valley Forge Military Academy and Yale University. He was then assigned as a Communications Officer, and thereafter entered flight training. He graduated from the Army Air Corp Gunnery School and Navigators Training School. He then entered combat training as a B17 Navigator, and at the time of his discharge from active duty in November 1945, he was in training as a B29 Navigator at McDill Field, Florida. He then entered the Air Force Reserves, from which he was later discharged with the rank of Major. Upon graduation of Law School, he worked two years in private industry, and then began the practice of law in Collins, Mississippi. He was actively engaged in the practice of law from 1951 until 2006. During this period, he served as the Interim Mayor of the City of Collins, was the attorney for the Covington County Board of Supervisors, the Covington County Board of Education and the City of Collins. He was also the attorney for South Mississippi Electric Power Association, and served 47 years as attorney for Southern Pine Electric Association of Taylorsville, Mississippi. He was a member of the American Bar Association and the American and Mississippi Associations of Trial Lawyers. He was a member of the First Baptist Church of Collins where he was a Sunday School teacher for fifty years.

### Sander P. Margolis

Sander P. Margolis, 74, of Edwards, died September 30, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1969. Sandy completed six years of military service in the Army Reserves. In 1964, Sandy accepted a graduate assistantship in the Department of History at the University of Mississippi. Margolis served on the editorial board of the Mississippi Law Journal and was a member of Phi Delta Phi legal fraternity. After graduation, he served as a law clerk to the Honorable Henry L. Rodgers on the Mississippi Supreme Court and on the staff of the Mississippi Judiciary Commission, and then began practicing law with Wise Carter & Child.

### John W. Mayfield

John W. Mayfield, 68, of Jackson, died June 16, 2011. A graduate of Mississippi College School of Law, he was admitted to practice in 1979.

*Continued on next page*

## IN MEMORIAM

### Leonard McClellan

Leonard McClellan, 61, of Jackson, died September 20, 2011. A graduate of the University of Illinois, he was admitted to practice in 1976.

### John N. Merritt

John N. Merritt, 69, of Irondale, AL, died January 12, 2012. A graduate of Indiana University School of Law, he was admitted to practice in 1990.

### James D. Minor

James D. Minor, 64, of Oxford, died October 17, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1972. In 1974 he joined the University of Mississippi Law School as the Assistant Project Director of the Criminal Justice Research Service. He became director of the Service in 1975. He coordinated the CLEO program at Ole Miss and taught at Mercer University. In 1978 he became Assistant to the Dean & Assistant Professor of Law at Ole Miss, where he taught until 1984. He served as Board Attorney for the North Panola School District, worked as city attorney for Crenshaw and Coldwater, Mississippi, and taught courses at Rust College. Minor served on the Mt. Calm Deacon Board for 38 years.

### Forrest M. Morris

Forrest M. Morris, 91, of Hattiesburg, died January 20, 2012. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1947. Morris served as an officer in the U.S. Army during World War II. He was stationed in England and Germany. Morris was a lawyer in Hattiesburg for many years. He later owned and operated antique stores in downtown Hattiesburg and on Highway 49 for twenty years.

### Walter Jeff Nettles

Walter Jeff Nettles, 66, of Brookhaven, died September 23, 2011. A graduate of Mississippi College School of Law, he was admitted to practice in 1970. He worked as an attorney and a petroleum landman. He was a member of the Petroleum Landman Association. He was also a member of Philadelphia Baptist Church.

### Richard Wayne Parker

Richard Wayne Parker, 69, of Ridgeland, died January 6, 2012. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1968. He is the recipient of an honorary doctorate from William Carey College in Hattiesburg, Mississippi. Parker joined his father in the real estate development business in Jackson, and has been active in real estate development for forty-six years. He was a former member of the National Board of Directors of the American Diabetes Association, and was co-chairman of the Fiftieth Anniversary National CURE Campaign for the American Diabetes Association. He was also a former member of the National Board of Directors of the ADA Research Foundation. He was the recipient of the Charles H. Best

Award. Parker is a former member and chairman of the Board of Trustees of Mississippi College. In 2008, he was the recipient of the Mississippi College Alumni Association's Award of Excellence. During the last ten years of his life, much of Wayne's time, resources, and energy was devoted to The LifeShare Foundation. Parker was a member, for forty-four years, of Northminster Baptist Church where he had served as a member of the Board of Deacons and the Men' Sunday School Class.

### W. Allen Pepper, Jr.

W. Allen Pepper, Jr., 70, of Cleveland, died January 24, 2012. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1968. Pepper took the oath of office as a district judge for the Northern District of Mississippi on July 21, 1999. Pepper served for two years as an officer with the 101st Airborne Division of the U.S. Army. He maintained a solo law practice for 30 years prior to his appointment to the bench. Pepper maintained an AV rating in Martindale-Hubbell for 15 years and was listed in Martindale-Hubbell's Bar Register of Preeminent Lawyers in the field of Civil Trial Practice. He was a nominee for the office of president of The Bar in 1991, and served two terms as a director of the Young Lawyers Division; was on the Lawyer Referral Committee, the Admission Study Committee, the Complaints Committee, the Nominations Committee, the Legislative Committee, the Disciplinary Review Committee, the Law Office Management Committee, the Fee Dispute Resolution Committee and the Complaints Tribunal. He has been president of the Mississippi Bar Foundation. Pepper was elected president of the Mississippi Trial Lawyers Association in 1985 following service as continuing legal education chairman, secretary, vice president, and member of the board of governors and executive committee. He has been chairman of the Lamar Order and a Director of the University of Mississippi Law Alumni. He was a Fellow of the Mississippi Bar Foundation, where he was also a Trustee and a member of the Grants Committee. He held membership in the American Board of Trial Advocates and American Inns of Court, and was a former member of the American Bar Association, was a State Committeeman for the Association of Trial Lawyers of America, a Fellow of Young Lawyers Association of the Bar, and a frequent speaker at legal education seminars. Pepper was a public defender for 26 years, was a member of the Mississippi Public Defenders Association, Inc., and was a participant in the Mississippi Pro Bono Project. He held membership in both the National and the Mississippi School Board Attorney's Associations and was a former adjunct professor at Delta State University. He was vice president of the Fifth Circuit District Judges Association, on the board of directors of the Federal Judges Association, a former member of the Fifth Circuit Judicial Council, and a member of the American Inns of Court.

### Carol C. West

Carol C. West, 67, of Jackson, died December 5, 2011. A graduate of the University of Mississippi School of Law, she was admitted to practice in 1970. She began her career as the Public Services Librarian at University of Virginia School of Law. As she advanced in her career, she served as Catalog Librarian at the University of Mississippi Law Library, Head of Mississippi

Legislative Reference Library and as legislative draftsman, and then the Director of Law Library, Mississippi College School of Law. At the time of her death, she was Professor of Law at the Mississippi College School of Law. Carol was a member of the American Bar Association and the Hinds County Bar Association and a member of its Board of Directors from 1994 to 1997. She served two terms on the Board of Directors of the Mississippi Women Lawyers Association. Carol belonged to the American Society of Legal History. Appointed a commissioner by Gov. Kirk Fordice, Carol served on the Mississippi Library Commission from 1992 to 1998. She was internationally recognized for her library expertise, serving as consultant to the Republic of Armenia on developing a Parliamentary Library and with the National Assembly of Tanzania on parliamentary library services. For many

years, she served in different capacities with the Mississippi Genealogical Society and actively planned the annual seminar and currently served as corresponding secretary.

**Samuel H. Wilkins**

Samuel H. Wilkins, 74, of Brandon, died December 16, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1966. Wilkins served as an officer in the United States Navy aboard the U.S.S. Oklahoma City and the U.S.S. Atlanta during the Vietnam War. Wilkins specialized in criminal law. He was inducted into the American Board of Trial Advocates in 1981.

**Distinguished Service Award**

This award shall be granted to a lawyer or lay person for outstanding achievement in or a significant contribution to the legal profession. The recipient must be cited for specific actions which occurred no longer than five (5) years immediately prior to the date of the award. The Distinguished Service Award is presented annually and multiple awards may be presented.

**Lifetime Achievement Award**

This award will be granted for devoted service to the public, profession and administration of justice over the span of a professional career. Only lawyers or individuals who have worked within or contributed significantly to the system of justice or legal profession will be qualified to receive this award. The Lifetime Achievement Award is presented only on those occasions when a deserving recipient is nominated and selected.

**Guidelines  
for  
The  
Mississippi  
Bar  
Awards**

**Judicial Excellence Award**

The Judicial Excellence Award recognizes a judge who has exceeded the fall of the judicial office. The recipient should be an exceptional county, circuit, chancery or state appellate judge who is an example of judicial excellence, a leader in advancing the quality and efficiency of justice and a person of high ideals, character and integrity. To be eligible, a judge must be serving as a county, circuit, chancery or appellate judge. Judges on senior status are eligible if they continue to be active on the bench.

Nominations shall be reviewed by the Executive Committee of The Mississippi Bar. The Executive Committee shall make its recommendations to the Board of Commissioners at its Spring Board Meeting. Upon approval of the Board, award recipients shall be notified by the Executive Director of the Bar. All awards shall be presented at the next Annual Meeting of the Bar following their selection by the Board of Commissioners.

**DUE BY MARCH 23! Nominations for The Mississippi Bar Awards DUE BY MARCH 23!**

Check:  Distinguished Service Award  Lifetime Achievement Award  Judicial Excellence Award

Nominee: \_\_\_\_\_ Nominee's Address & Tel: \_\_\_\_\_

Submitted by: \_\_\_\_\_ Address: \_\_\_\_\_

Tel: \_\_\_\_\_ Affiliation: \_\_\_\_\_

Reason nominee should be selected for the award: \_\_\_\_\_

\_\_\_\_\_  
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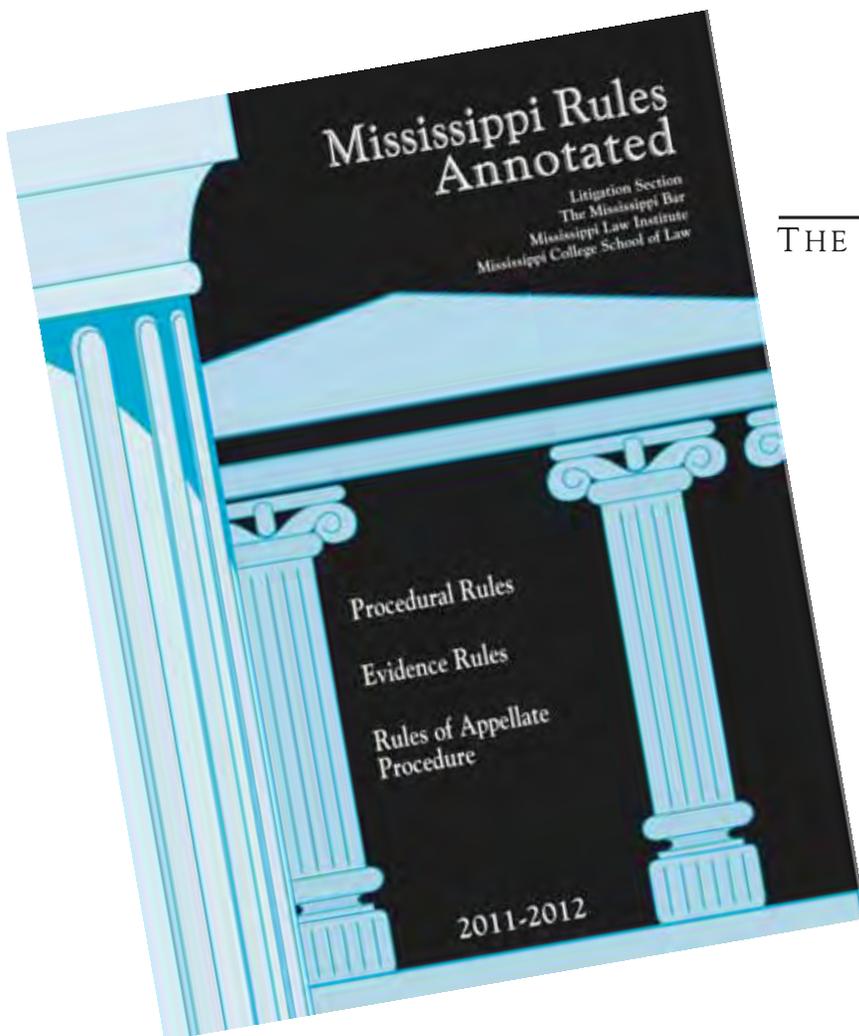
# Mississippi Rules Annotated

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<http://law.mc.edu/msrules09>

# 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.

## MARCH

- 15 NBI "Medicaid Update 2012." 6.0 credits. Jackson, MS, Jackson Convention Complex. Contact 715-835-8525.
- 17 Gulf Coast Fair Housing Center "Behind Bars, Closed Doors." 2.0 credits. Biloxi, MS, DeMiller Hall. Contact 228-396-4008, Latisha Smith.
- 20 MS Association of Self Insurers "5th Annual MASI Winter Education Seminar." 6.0 credits (includes ethics). Madison, MS. Contact 601-853-4282, Amy Wilson.
- 21 MS Women Lawyers Association "Embracing Our Obligations Under Rule 8.3." 1.0 credits (includes ethics). Hattiesburg, MS. Contact 601-325-4072, Elizabeth Todd.
- 21 NBI "State & Local Government Law." 6.0 credits (includes ethics). Jackson, MS, Jackson Convention Complex. Contact 715-835-8525.
- 23 MC School of Law "Mediation Conference." 6.0 credits (includes ethics). Jackson, MS, MC School of Law." Contact 601-925-7107, Tammy Upton.
- 23 NBI "The Mechanics of MS Civil Procedure." 6.0 credits (includes ethics). Jackson, MS, Jackson Convention Complex. Contact 715-835-8525.
- 29 NBI "A Roadmap Through Divorce Proceedings." 6.0 credits (includes ethics). Jackson, MS, Jackson Convention Complex. Contact 715-835-8525.
- 30 Jackson Young Lawyers "Social Media, Blogging & the Practice of Law." 1.0 credits. Jackson, MS, Hal & Mal's. Contact 601-421-8745, Melissa Rose.

## APRIL

- 2 Gulf Coast Fair Housing Center "Fair Housing Fundamentals." 2.0 credits. Waveland, MS, Public Library. Contact 228-396-4008, Charmel Gowlden.
- 13 UM CLE "Mastering Mediation Methods 2012 : Mediations Don't Turn Sour Only on Friday 13." 6.0 credits (includes ethics). Oxford, MS, Yerby Conference Center. Contact 662-915-7283.
- 20 MC School of Law "Environmental Law CLE." 6.0 credits (includes ethics). Jackson, MS, MC School of Law. Contact 601-925-7107, Tammy Upton.
- 24 NBI "Real Property Foreclosure: A Step-By-Step Workshop." 6.0 credits (includes ethics). Tupelo, MS, Hilton Garden Inn. Contact 715-835-8525.

- 25 NBI "Real Property Foreclosure: A Step-By-Step Workshop." 6.0 credits (includes ethics). Jackson, MS, Jackson Convention Complex. Contact 715-835-8525.
- 26 Sterling Education Services, Inc. "Labor & Employment Law 2012." 6.7 credits (includes ethics). Biloxi, MS. Contact 715-855-0495.

## MAY

- 4 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.
- 4 UM CLE "MS Law Update." 12.0 credits (includes ethics). Natchez, MS, Dunleith Plantation. Contact 662-915-7283.
- 10-11 UM CLE "Advanced Mediation Training" 14.0 credits (includes ethics). Ocean Springs, MS, Gulf Hills Hotel & Convention Center. Contact 662-915-7283.
- 18 UM CLE "Current Issues in Employment Law." 6.0 credits (includes ethics). Ridgeland, MS, Butler Snow Law Firm. Contact 662-915-7283.
- 24 NBI "Personal Injury 101." 6.0 credits (includes ethics). Jackson, MS, Jackson Convention Complex. Contact 715-835-8525.

## 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.

- 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.
- 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.
- 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.
- 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.
- 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.

## AUGUST

- 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.

# LAWYERS HELPING LAWYERS

## The Thrill of Victory and the Agony of Defeat *...one day at a time, gratefully*

Many will likely remember Saturday afternoons long past, when Jim McKay uttered that famous line as the backdrop to video footage of near miraculous athletic feats and Vinko Bogataj's horrific ski jumping crash. Even those who did not hear or see it have likely heard someone imitate the line, often in their best attempt at a sportscaster voice. Such evocative words; thrill, victory, agony, and defeat. In their original context they served as the dramatic prelude to an afternoon sports program, but aren't they a whole lot like life? Each day comes with its wins, its losses, and their emotional accompaniment.

To some extent we all struggle to successfully manage that daily rise and fall.

For some this struggle is the gateway to a life out of control. Disease, trauma or a traumatic history, a lack of resources, overwhelming stress, and many other factors may be at the root of such problems, but what then is the solution. How do we live life on life's terms? Simple solutions, though sometimes difficult to remember or practice, are available.

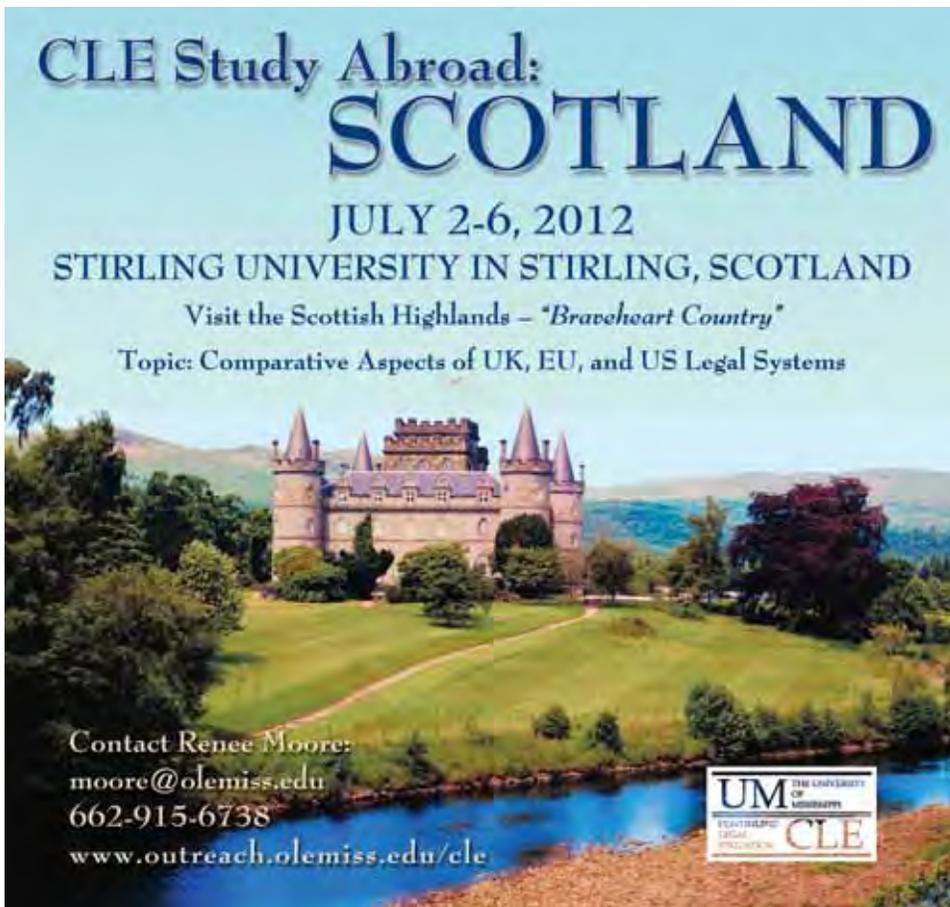
First and foremost, all of us, not just those "in recovery" must practice a present focus. We must live life one day at a time. It seems obvious and really the only possibility, but practicing such a focus can be difficult. At times we all spend time and energy, maybe too much, in the regrets and resentments of our yesterdays and fears and scheming for our

tomorrows. Today, right now, this moment really is the only timeframe over which we have any control. Our attention and energy is needed now, and cannot be effectively simultaneously offered in "then".

In addition to a present focus, the daily practice of gratitude can be one of our most potent defenses against potential impairment. An old axiom says that it is impossible to be grateful and angry at the same time. I find this to be true in my life and hear the same from many others. Yes, it can be difficult amidst the chaos of our times to focus on the things for which we are grateful, but roughly to the extent we are able to maintain such a focus, we are able to stave off anger, fear, and other negative emotions.

I would commend these practices to you as the two of healthiest things you can do for yourself. They are immediately available to you and won't cost you a dime. Give them a try, and see if you are better able to handle the ups and downs of your days.

If you have difficulty with these or any other area of your life, please don't suffer another day in silence and isolation. Reach out. Speak with someone you trust today about your concerns. If you need further assistance, contact our office or an LJAP volunteer in your area. ■



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# LEGAL BEAGLE 5K Run/Walk

USATF CERTIFIED COURSE (MS02006RH)

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

## Saturday, March 10, 2012

Registration: 7:00 a.m.

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

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

**\*\*Follow us on Facebook/Legal Beagle 5K Run/Walk!**



Join Jackson Young Lawyers and other sponsors for this fun filled run/walk on the **OLD PHIDIPPIDES WATERMELON CLASSIC 5K (3.1 miles) COURSE**, a **flat and fast** USATF certified course through residential streets of Northeast Jackson. The run will start on Old Canton Road near the LeFleur Station Post Office and finish alongside the I-55 Kroger on Jacksonian Plaza. Run proceeds will benefit the Mississippi Volunteer Lawyers Project of the Mississippi Bar Association, which places pro bono cases for underprivileged people with volunteer lawyers. There will be awards for M / F runners and walkers for overall, masters, grand masters, and senior masters and top three awards for the standard 5 year age groups from under 14 to over 70 (10 year age groups in the walk). There will be a trophy for the firm or business with the most overall participants. The popular long-sleeve Legal Beagle T-shirts are included in the race materials and are also available for sale without race entry. A one mile fun run will be held at 9:15 a.m. In the fun run, there will be awards for overall male and female, and top three awards in the following age groups: 5 & under, 6-7, 8-9, 10-12, & 13-15. **Race day registration will be held in the parking lot of Regions Bank alongside the I-55 Kroger (between the post office and the old Krystal). Packet pickup for pre-registered participants will be held from 3:00-6:00 p.m. at Fleet Feet Sports on Hwy. 51 in Ridgeland on Friday, March 9, 2012.**

**\*\*Team competition (5K run and walk only):** Teams may have 3 to 5 members, but only the top 3 finishers for each team will be scored. Please submit entry forms for each team member, and send all entries and fees in a single envelope. Each team must provide a team name. Team registration closes at 5:00 p.m. on **Tuesday, March 6, 2012**. Team registration fee is \$55. Awards to top 3 teams in 5K run and walk.

**\*\*\* Stroller division:** Awards for overall male and female (5K run only)!

For more information contact Brad Moody at (601) 351-2420 or at [bmoody@bakerdonelson.com](mailto:bmoody@bakerdonelson.com)

### REGISTRATION FORM

5K WALK: [ ]

5K RUN:[ ]

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

Name: \_\_\_\_\_ Phone:(home) \_\_\_\_\_ (work) \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Age: (as of March 10, 2012) \_\_\_\_\_ Male:[ ] Female:[ ]

T-shirt size: S[ ] M[ ] L[ ] XL[ ] XXL (\$2.00 extra) [ ]

Name of Participant's Firm or Business: \_\_\_\_\_ Name of Team (if applicable): \_\_\_\_\_

Cost: Pre-registered (5K run, walk, and fun run): \$20  
Race Day (5K run and walk): \$25  
Race Day (fun run): \$20  
Team Pre-registration only (5K run and walk only): \$55  
Family (5 maximum): \$55  
T-shirt only: \$15

**Make checks payable to:  
Jackson Young Lawyers Assoc.**

#### Release and Waiver

I, the undersigned, in consideration of acceptance of the entry and registration as participant in the Legal Beagle 5K, waive any and all claims which I and my heirs or assigns may now or hereafter have against Jackson Young Lawyers Association, its members, the Mississippi Track Club, Inc., Express Printing, Inc., Regions Bank, and all officials, volunteers and sponsors of the Legal Beagle 5K which may indirectly or directly result from my participation in the Legal Beagle 5K. I further warrant and represent that I am in proper physical condition to participate in the Legal Beagle 5K and am not participating in this event against physician's advice nor am I taking medications which would impair my health or ability to participate in the Legal Beagle 5K.

Participant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Parent or Guardian: (if participant is under 18): \_\_\_\_\_

**Mail Registration Forms to:** Mississippi Track Club, P.O. Box 1414, Ridgeland, MS 39157

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Krista S. Andy  
JD, LL.M



Harris "Trip" H. Barnes, III  
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Lacey L. Bailey  
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Brandon C. Dixon  
JD, LL.M

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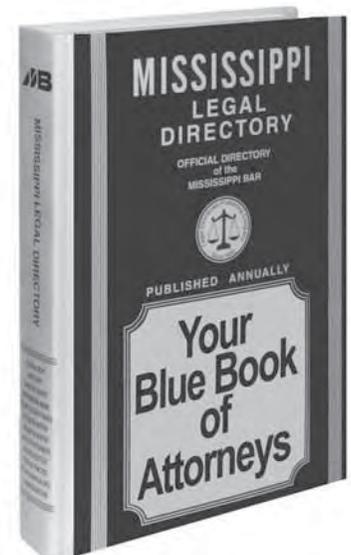
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and

**DANA G. DEATON**

has joined the firm in our Tupelo Office

Claude F. Clayton, Jr.  
David D. O'Donnell\*  
Marjorie T. O'Donnell  
William H. Davis, Jr.

S. Ray Hill, III  
Archibald W. Bullard  
Dana G. Deaton

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\*Also admitted in Florida.

**DEATON & DANIEL, P.A.**

congratulates

**D. CHRISTOPHER DANIEL**

on his safe return from military deployment.

It is with regret, however, that we also  
announce his withdrawal from  
the firm to pursue further public service.

**JOE S. DEATON, III**

and

**DEATON & DANIEL, P.A.**

proudly announce that

**DAVID F. BERRY, IV**

has become a shareholder in the firm.  
The firm will continue its practice under the name

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The  
**MISSISSIPPI STATE MEDICAL ASSOCIATION**

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**BLAKE E. BELL**

has joined the association as  
Counsel and Governmental Liaison

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**BRUNINI GRANTHAM GROWER & HEWES, PLLC**

is pleased to welcome as members

**ROBERT B. HARWELL**

and

**JONATHAN R. WERNE**

190 E. Capitol St., Suite 100  
Jackson, Mississippi 39201

727 Howard Ave., Suite 401  
Biloxi, Mississippi 39530

410 Main Street  
Columbus, Mississippi 39701

**MARKOW WALKER, P.A.**

Attorneys at Law

is pleased to announce that

– Jackson Office –

**JARED HAWKINS**

has become an Associate with the firm

**BRAD BASKIN**

has become an Associate with the firm

**BRITTNEY PINKHAM THOMPSON**

has become an Associate with the firm

– Oxford Office –

**COURTNEY McALEXANDER**

has become an Associate with the firm

– Ocean Springs Office –

**JEREMY ENGLAND**

has become an Associate with the firm

599 Highland Colony Parkway, Suite 100

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Attorneys at Law

is pleased to announce the opening of our

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**574 Highland Colony Parkway, Suite 320M**

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and

**NATHAN L. BARRETT**

has become an associate in the Oxford Office

**J. MICHAEL TRAYLOR**

has become an associate in the Jackson Office

Oxford Office  
405 Galleria Lane, Suite C  
Post Office Box 2249  
Oxford, Mississippi 38655  
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Jackson Office  
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**CURRIE JOHNSON GRIFFIN GAINES & MYERS, P.A.**

Attorneys at Law

is pleased to announce that

**HARRY R. ALLEN**

has joined the firm of counsel  
December 1, 2011

Resident in the Biloxi office

1044 River Oaks Drive  
Jackson, Mississippi 39232  
Telephone: 601-969-1010  
Facsimile: 601-969-1010

955 Tommy Munro Drive  
Biloxi, Mississippi 39532  
Telephone: 228-985-1010  
Facsimile: 228-385-1011

The Shareholders of

**CURRIE, JOHNSON, GRIFFIN, GAINES & MYERS, P.A.**

are pleased to announce that

**LISA WILLIAMS McKAY**

Esquire

is the new managing partner of the firm.

The firm also gratefully acknowledges

**MICHAEL FRANKLIN MYERS**

Esquire

for his seventeen years of leadership.

**TAGGART, RIMES & USRY, PLLC**

is pleased to announce that

**DAVID T. ASH**

has joined the firm for the practice of  
real estate, corporate and transactional law

100 Renaissance Building, Suite 101  
1022 Highland Colony Parkway  
Ridgeland, Mississippi 39157  
Telephone: 601-898-8400  
Facsimile: 601-898-8420

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**JACKS, ADAMS & NORQUIST, P.A.**  
Attorneys at Law

is pleased to announce that

**JAMIE FERGUSON JACKS**

has become a member of the firm

**JACKS, ADAMS & NORQUIST, P.A.**  
150 N. Sharpe Avenue  
Post Office Box 1209  
Cleveland, Mississippi 38732

Telephone: 662-843-6171  
Facsimile: 662-843-6176

The Law Firm of  
**HOLLAND, RAY, UPCHURCH & HILLEN**  
A Professional Association

is pleased to announce that

**JOHN MARK MCINTOSH**

has become associated with the firm

Robert K. Upchurch  
Reed Hillen  
Thomas A. Wicker  
Michael D. Tapscott  
David W. Upchurch\*  
Cory R. Lancaster<sup>†</sup>  
John Mark McIntosh<sup>†</sup>

*Of Counsel*  
Ralph Holland

Sam Lumpkin  
(1908-1964)  
James Hugh Ray  
(1927-2007)

Post Office Drawer 409  
322 Jefferson Street  
Tupelo, Mississippi 38802-0409

Telephone: 662-842-1721  
Facsimile: 662-844-6413

\*Also Admitted in North Carolina

<sup>†</sup>Also Admitted in Tennessee

**MONTGOMERY MCGRAW, PLLC**

is pleased to announce that

**JOHN P. MARTIN**

has become associated with the firm

151 W. Peace Street  
Post Office Box 1039  
Canton, Mississippi 39046

Telephone: 601-859-3616  
Facsimile: 601-859-3622

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**CURTIS SMITH**  
Attorney at Law

formerly of Aultman, Tyner, & Ruffin Ltd.  
Hattiesburg, Mississippi

is pleased to announce the formation of

**CURTIS SMITH, PLLC**

10 Professional Parkway, Suite C  
Hattiesburg, Mississippi 39402

Telephone: 601-602-3988  
Facsimile: 601-545-8298

E-mail: [cs@curtissmithlaw.com](mailto:cs@curtissmithlaw.com)  
[www.CurtisSmithLaw.com](http://www.CurtisSmithLaw.com)

**BRAD GLAZE**

and

**ANDREW MCCULLOUGH**

are pleased to announce the formation of

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a general practice law firm.

6700 Old Canton Road, Suite I  
Ridgeland, Mississippi 39157

Post Office Box 1833  
Madison, Mississippi 39130

Telephone: 601-707-9168  
Facsimile: 601-707-9169

The Law Firm of  
**HAMMACK, BARRY, THAGGARD & MAY, LLP**

is pleased to announce that

**KACEY GUY BAILEY**

and

**ROBERT T. BAILEY**

have become partners in the firm  
effective February 1, 2012

William C. Hammack  
J. Richard Barry  
William T. May  
Lee Thaggard

Kacey Guy Bailey  
Robert T. Bailey  
Andrew W. Impastato

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# Mark Your Calendars

The Mississippi Bar  
Annual Meeting and  
Summer School

July 9-14, 2012  
Sandestin, Florida



## Newest Addition to Bar Staff

**Lynn Calhoun**

*Member Records Administrator*

Lynn Calhoun has assumed the duties of Member Records Administrator. Her duties include administration of all membership records and registrar for the Bar's Annual Meeting. Lynn is the contact for questions related to membership status, address changes, letters of good standing, etc. Lynn comes to the Bar with 25 plus years in Marketing and Project Management. Distance training, cooking and travel are among her many interests. A graduate of Mississippi State University, Lynn is married and has one son.

# 2012 Calendar

published by The Mississippi Bar Young Lawyers Division

## CONTENTS INCLUDE

- County, Circuit, Chancery, Court of Appeals and Supreme Court Judges
- U.S. Bankruptcy Court & U.S. District Court Personnel
- U.C.C. Filing Fees
- 2012 Calendar
- MS Legal Organization Listing
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