

THE MISSISSIPPI Lawyer

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2011

NO. 3

THE MISSISSIPPI BAR 2011



ANNUAL & MEETING
SUMMER & SCHOOL

JULY 11 - 16

SANDESTIN, FLORIDA

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from l to r: Fifth Circuit Senior Judge Harold Demoss, Fifth Circuit Judge Jennifer Elrod, Neil Wilson (3L),
Tim Anzenberger (3L), Erin Bachman (3L), Fifth Circuit Chief Judge Edith Jones,
former Texas Supreme Court Justice Scott Brister

A Special ***Thank You*** is extended to all of the coaches for the 2010-2011 MC Law Moot Court teams

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THE MISSISSIPPI Lawyer

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THE MISSISSIPPI FELLOWS OF THE AMERICAN COLLEGE OF TRIAL LAWYERS

are proud to announce the induction as Fellows of the College

Kathryn N. Nester, Office of the Federal Public Defender, Jackson

William R. Purdy, Bradley, Arant, Boult, Cummings, LLP, Jackson

Founded in 1950, the College is composed of the best of the trial bar from the United States and Canada. Invitation to Fellowship is extended only after careful investigation of those experienced trial lawyers who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, civility and collegiality. The College strives to improve and elevate the standards of trial practice, the administration of justice and the ethics of the trial profession.

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Bill Hammack
Gerald H. Jacks

R. David Kaufman
Robert B. McDuff
David W. Mockbee
Bob Galloway
Stephen L. Thomas
John G. Wheeler

Christy D. Jones, Regent
(Mississippi, Louisiana, Arkansas and Texas)

Your Bar Does Make A Difference

The more involved I've become during the last few years, the more I grow to appreciate the work of The Mississippi Bar and the never-ending contributions of our volunteers. This article is to highlight just some of the activities in which your Bar is involved making a difference to its members, to communities and to our state.

First, let me congratulate the Young Lawyers Division of The Mississippi Bar in its celebration of 75 years in existence. The YLD has been and remains a critical facet of the legal profession not only in our state but nationwide. The YLD has met the needs of the public and Bar members alike during its long and respected history. An exceptional service provided in our state by the YLD is the Wills for Heroes Program. Members of YLD set up clinic sites throughout the state to draft legal documents for persons serving as first responders in our communities. Wills for Heroes programs provide essential legal documents including wills, living wills, and powers of attorney free of charge to our first responders.

The value of the contributions of YLD was yet again underscored during the recent devastation caused by the outbreaks of tornadoes in our state. Our YLD Division has teams on stand-by to be directed to areas throughout the state needing their services as determined by FEMA and the MS Emergency Management Agency.

The Child Advocacy Committee of the Young Lawyers Division of The Mississippi Bar has launched a new endeavor that will directly benefit local courts, bar associations, and Mississippi youth. A video was produced for purposes of certifying more guardians *ad litem*. Copies of this video will be made available to each judicial district as a courtesy of the Child Advocacy Committee and The Mississippi Bar. The Guardian Ad Litem Training DVDs will be available with the Chancellors in your area. Your local Chancellor may be contacted to check out the DVDs.

Thanks to YLD President Derek Arrington for his continued service and commitment to our profession. The YLD provides leadership opportunities which translate into lifetime service to the Bar and to communities. Mark Twain's quip that "Action speaks louder than words but not nearly as often" could never be applied to the MS YLD. Congratulations, YLD, on turning 75!

In the collective role in our Bar Association and as individual members of the legal profession, we find ourselves striving to meet the needs of our challenging and changing profession while at the same time warding off critical public perceptions. As a profession we must choose to continue to educate, to share our knowledge, to continue with public service, and to work for the good of our communities while promoting the cause of justice for all our citizens. Pretty daunting tasks but tasks which are being met on a daily basis by our members who are making a difference.

In efforts to achieve the above, committees and sections of The MS Bar meet regularly to work toward these goals. The commitment of the committee volunteers advance the purposes to which we should strive as an association. I'd like to highlight a few of the committees' actions so far this year which make a difference for us as a Bar.



*Nina Stubblefield Tollison
President of The Mississippi Bar
2010-2011*

Continued on next page

Your Bar Does Make A Difference

The Bench-Bar Liaison Committee focused on three projects for the 2010-2011 year: 1) The development of a protocol for responding to unfair criticism of judges, courts, and the administration of justice; 2) the promulgation of guideline for *pro se* litigants to assist in their self-representation; and 3) the continuation of ongoing efforts to coordinate tuition-free attendance for judges at CLE programs and as assessment to be made on continuing legal education programs, with the assessment devoted to judicial education. It is expected that the Bench-Bar Committee will make recommendations to The Mississippi Bar's Board of Commissioners to address each of the targeted projects addressed by the Committee.

The Professionalism Committee is divided into a Mentoring Sub-committee, an Outreach Sub-committee, a Professionalism and Ethics Sub-committee, and a Judicial Liaison Sub-committee. The committee as a whole reaches out to our members, new admittees and members of the judiciary to ensure that the upmost level of professionalism can uniformly be achieved.

Our Military Committee has conducted clinics to provide basic legal services for veterans of military branches of service. This is yet another way that our Bar makes a difference as it honors those who have served our country in its Armed Forces.

The Women in the Profession Committee continues to reach out in order to achieve its goals in the betterment of the profession through its community involvement, law school/student involvement and mentoring. The WIP Committee makes recommendations to The Mississippi Bar for possible actions to address the problems the Committee may identify. These may include identifying unique problems encountered by women attorneys in pursuing their professional careers.

The ever-changing nature of the practice of law, with its increasingly complex components of technology resulting in international lines being blurred, brings about the need for the Unauthorized Practice of Law to focus in a different manner than ever before. The UPL Task Force is contemplating a proposed refined definition of the practice of law, which would be in rule form and augment the statutory definition, as well as a proposed revision to Rule 5.5 of the Rules of Professional Conduct. In addition, the Task Force has identified issues related to the regulatory/disciplinary structure and process that it will be working on as well. When formulated, these proposals will be presented to the Board of Bar Commissioners for consideration. The UPL Task Force is committed to protecting the consumer as well as protecting lawyers as we navigate new waters.

The MS Bar recently graduated the inaugural class of its Leadership Forum which consists of twenty outstanding lawyers who have been practicing law from three to twelve years. It was an extremely successful program with all who participated in the endeavor, including speakers and presenters, coming away with a renewed, positive sense of our profession. A quote from Ralph Waldo Emerson was given as a charge to the new graduates, "Do not go where the path may lead, go instead where there is no path and leave a trail." In the years to come I looked forward to the continued success of the Leadership Forum which, I believe, will produce leaders of our Bar who will make a difference.

The Leadership Forum emphasized that we as lawyers have a great responsibility to lead and to challenge. I observe all the hard work and selflessness of our members and I take pride in our honorable profession. I honestly believe that the majority of our membership does not know of the yeoman work being accomplished by our Bar in attempts to make a difference for lawyers, consumers, communities and the state. I renew my invitation to each of you to become involved as a Bar volunteer in whatever area may be of interest to you—you are a member of a Bar which does, indeed, make a difference. ■

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Participants of The Mississippi Bar Leadership Forum 2011 are from left: (front row) Parker S. Kline, Aberdeen; Charles F. F. Barbour, Jackson; Diala Chaney, Sardis; Kelly W. McMullan, Jackson, and Tiffany M. Graves, Jackson, (back row) John "Trey" Lamar, III, Senatobia; Jason W. Bailey, Olive Branch; Troy Odom, Jackson; Tamekia Goliday, Jackson; R. Paul Randall, Jr., Ridgeland; Jason Bush, Jackson; Patrick McCraney, Madison; Ian L. Baker, D'Iberville; Lawrence M. Magdovitz, II, Clarksdale; John Roach, Madison; Shrona Taylor Leggett, Hattiesburg; Bradley M. Reeves, Jackson; Mitchell O. Driskell, Oxford, and Seth M. Hunter, Hattiesburg. Not pictured, Corey Hinshaw, Jackson.

The Mississippi Bar 2011 Lead

Jason Wilton Bailey, Olive Branch
Ian L. Baker, D'Iberville
Charles Frank Fair Barbour, Jackson
Jason Bush, Jackson
Diala Chaney, Sardis
Mitchell O. Driskell, Oxford
Tamekia R. Goliday, Jackson

Tiffany M. Graves, Jackson
Corey D. Hinshaw, Jackson
Seth M. Hunter, Hattiesburg
Parker Kline, Aberdeen
John "Trey" Lamar III, Senatobia
Shrona Taylor Leggett, Hattiesburg
Lawrence M. Magdovitz II, Clarksdale

R. Patrick McCraney, Madison
Kelly W. McMullan, Jackson
Troy Odom, Jackson
R. Paul Randall Jr., Ridgeland
Brad Reeves, Jackson
John G. Roach III, Madison

Session 1:

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



Chad Russell, Past President of the Young Lawyers Division, spoke on “Young Lawyers Division – Celebrating 75 Years”



Court of Appeals Judge Jimmy Maxwell addressed the Forum on “The Importance of Networking” and Bar President Nina S. Tollison spoke on “Over A Century of Service to the Members & the Public”



Young Lawyers Division President Derek Arrington delivered a talk on “Young Lawyers Division - Present and Future”



“The Bar – What It Is Now” panel discussion consisted of past Bar Presidents Bobby Bailless and Charlie Swayze



Twenty participants were selected for the inaugural leadership class

Leadership Forum Inaugural Class



Cal Mayo, past Section Chair, spoke on “Involvement in Sections”



Local Bar Association Past President Tom Alexander delivered a talk about “On the Local Level”



2011 Bar Commissioner Luke Dove discussed “Governing the Bar”

Session 2: “Courts/Executive/Legislative”



Representative Bobby Moak gave an “Update from the House”



The Leadership Forum class toured the State Capitol



Senator Briggs Hopson gave an “Update from the Senate”



Justice Leslie King addressed the class at the Carroll Gartin Justice Building



Chief Justice William Waller, Jr. presented a power-point presentation to the class



The participants toured the State Law Library

The Mississippi Bar 2011 Lead

Session 3: “The Profession – Ethics, Values and Professionalism”



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



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



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

Session 4: “Public Service – Making a Difference”



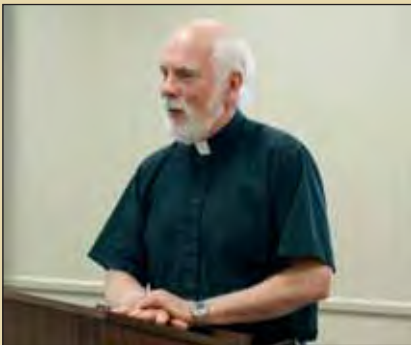
Mississippi College School of Law Dean Jim Rosenblatt spoke on “MS College School of Law and Pro Bono Initiatives”



Stephanie Jones, recipient of the MS Bar Foundation’s 2011 Law Related Education Award, discussed “Public Service Programs of the MS Bar”



Gee Ogletree, Chair of MVLP’s Board of Directors, spoke about the “Mississippi Volunteer Lawyers Project”



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



Larry Houchins, Executive Director of the MS Bar and University of Mississippi Law School Dean Richard Gershon, who spoke on “The Role of Law Schools in the Provision of Pro Bono Services”



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

Leadership Forum Inaugural Class

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



Bar President Nina S. Tollison, David Watkins who spoke on “Entrepreneurship, Restoration and Education Reform,” and Bar President-Elect Hugh Keating

Past Bar President Reuben Anderson spoke on “Leadership in Organizations” and Governor William Winter discussed “The Measure of Our Days”



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THE MISSISSIPPI BAR 2011



ANNUAL & MEETING SUMMER SCHOOL

JULY 11 - 16 SANDESTIN, FLORIDA



REGISTRATION FEES

FOR ANNUAL MEETING AND SUMMER SCHOOL

23RD ANNUAL SUMMER SCHOOL FOR LAWYERS

12 CLE HOURS (ETHICS INCLUDED)

JULY 11 – 13, 2011

LINKSIDE CONFERENCE CENTER

.....

The Mississippi Bar and the Mississippi Association for Justice will jointly sponsor the Summer School for Lawyers. The program will feature a variety of topics of interest to trial lawyers and general practitioners throughout the state. The Summer School for Lawyers offers an excellent opportunity for lawyers to improve their skills and obtain 12 hours of approved continuing legal education, while enjoying the recreational facilities offered at Sandestin. The program will provide participants with useful information, including a bound set of reference materials. This seminar will include credits to meet the 12-hour mandatory CLE requirement in Mississippi for FY 2010-2011.

The registration fee is \$345 for attorneys and \$160 for Judges whose registration is received no later than June 9, 2011. After June 9, the registration fee is \$385 for attorneys and \$185 for Judges. The registration fee will cover attendance at all sessions, handout materials, and coffee breaks.

2011 ANNUAL MEETING

JULY 13 – 16, 2011

SANDESTIN HILTON

.....

The 106th Annual Meeting of The Mississippi Bar will be held on July 13 – 16, 2011, at the Sandestin Beach Hilton and Sandestin Golf and Beach Resort in Destin, Florida. Registration will cover attendance at all general, educational and business sessions, as well as admission to the Welcome Reception on Wednesday, July 13 and President's Reception on Friday, July 15. Entry in all sporting events and attendance at all social events will require participants to be registered for The Mississippi Bar Annual Meeting.

The registration fee is \$410 per attorney (includes spouse/guest) and \$275 for Judges (includes spouse/guest) whose registration is received no later than June 9, 2011. After June 9, the registration fee is \$450 for attorneys and \$300 for Judges.

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

Registration fees must accompany the registration form.

Make checks payable to The Mississippi Bar.

For further information about Summer School or Annual Meeting registration, please call Jennifer Brown at The Mississippi Bar at 601-355-4619 or email jbrown@msbar.org.

CANCELLATIONS & REFUNDS

The Mississippi Bar will accept only written requests for refund of registration fees by either mail or fax to Jennifer Brown, The Mississippi Bar, P.O. Box 2168, Jackson, MS 39225-2168, Fax # 601-355-8635 or by e-mail to jbrown@msbar.org. The date of cancellation is the date received by the Bar office in Jackson.

The following refund schedule has been established:

CANCELLATIONS RECEIVED ON OR BEFORE JULY 1:

Full refund, less \$50 administrative charge.

CANCELLATIONS RECEIVED JULY 2 - JULY 16:

50% refund.

Due to hotel advance guarantee requirements, there will be no refund for optional ticketed events the week of July 11-16.

CANCELLATIONS RECEIVED AFTER MEETING DATES:

No refund.

ACCOMMODATIONS

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

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

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

1. If staying at the Sandestin Beach Hilton, call 1-800-367-1271 Monday – Friday, 8:00 am – 7:00 pm to make your hotel arrangements. The Mississippi Bar Annual Meeting code is **BAR** or go online at sandestinbeachhilton.com.
2. If staying at the Sandestin Golf & Beach Resort, forward the enclosed Housing Request Form to: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway, Destin, FL 32550 or fax (850) 267-8221 or book online: <http://www.sandestin.com/21H40Y.aspx>.
3. If staying at another property, please list on the Bar's registration form on page 19.
4. At the end of each week, the Hilton & Resort will forward to The Mississippi Bar a list of all reservations. The Bar will check room reservations against meeting registrations to confirm that members are registered to attend the Summer School and/or Annual Meeting.
IF A MEETING REGISTRATION IS NOT RECEIVED BY THE BAR WITHIN 10 DAYS OF NOTIFICATION OF ROOM RESERVATION, THE ROOM RESERVATION WILL BE REMOVED FROM THE BAR'S BLOCK, AS THIS SPACE IS RESERVED ONLY FOR THOSE MEMBERS ATTENDING BAR MEETINGS.
5. The Bar's room block deadline is Thursday, June 9, 2011, at both the Hilton and Resort. After the Bar's room block is released on June 9, 2011.
THE BAR CANNOT GUARANTEE ROOM AVAILABILITY. CONVENTION RATES WILL NOT BE AVAILABLE.
6. The hotel or resort will send an individual confirmation to each guest. This confirmation will contain information regarding check-in time, cancellation policy, etc. Bar staff cannot make room reservations, but can answer general questions. Specific questions should be directed to the hotel or resort.

23RD ANNUAL SUMMER SCHOOL FOR LAWYERS

AGENDA AT A GLANCE

LINKSIDE CONFERENCE CENTER



MONDAY, JULY 11, 2011

- 8:00 - 9:00 A.M.** Musical Chairs? The Law and Politics of Redistricting in Mississippi
Joseph D. Nosef, JACKSON
- 9:00-10:30 A.M.** Social Network: Legal, Business and Ethical Considerations of Social Media
Adam B. Kilgore, JACKSON
J. William Manuel, JACKSON
Martin E. Willoughby, Jr., MADISON
- 10:45-12:15 P.M.** Economic Damages in Today's Legal Environment: Caps, Categories and Calculations
Bruce H. Brawner, MADISON
C. Michael Ellingburg, Sr., JACKSON
Steven H. Funderburg, JACKSON
James A. Koerber, HATTIESBURG

TUESDAY, JULY 12, 2011

- 8:00-9:00 A.M.** **1st SESSION OF CONCURRENT WORKSHOPS**
- WORKSHOP 1A**
If We Weren't All Crazy We Would All Be Insane: An Examination of Mississippi's Mental Health Court Initiative
Dr. W. Wesley Johnson, HATTIESBURG
- WORKSHOP 1B**
Everything You Always Wanted to Know About Intellectual Property Law But Were Afraid to Ask
William H. Shawn, WASHINGTON, D.C.
- WORKSHOP 1C**
What's Love Got to Do With It? Current Issues in Family Law
Nancy E. Steen, HATTIESBURG
- WORKSHOP 1D**
Unleashing the Power of Casemaker
Lauren Fry, MIDDLETOWN, OH
- 9:05-10:05 A.M.** **2nd SESSION OF CONCURRENT WORKSHOPS**
- WORKSHOP 2A**
If We Weren't All Crazy We Would All Be Insane: An Examination of Mississippi's Mental Health Court Initiative
Dr. W. Wesley Johnson, HATTIESBURG
- WORKSHOP 2B**
Everything You Always Wanted to Know About Intellectual Property Law But Were Afraid to Ask
William H. Shawn, WASHINGTON, D.C.
- WORKSHOP 2C**
What's Love Got to Do With It? Current Issues in Family Law
Nancy E. Steen, HATTIESBURG
- WORKSHOP 2D**
Unleashing the Power of Casemaker
Lauren Fry, MIDDLETOWN, OH

2011 SUMMER SCHOOL FOR LAWYERS COMMITTEE:

- Mitchell O. Driskell, OXFORD
- Merrill K. Nordstrom, OXFORD
- Mona T. Pittman, BATESVILLE
- Gordon U. Sanford III, RIDGELAND
- Jennifer Ingram Wilkinson, HATTIESBURG



TUESDAY, JULY 12, 2011

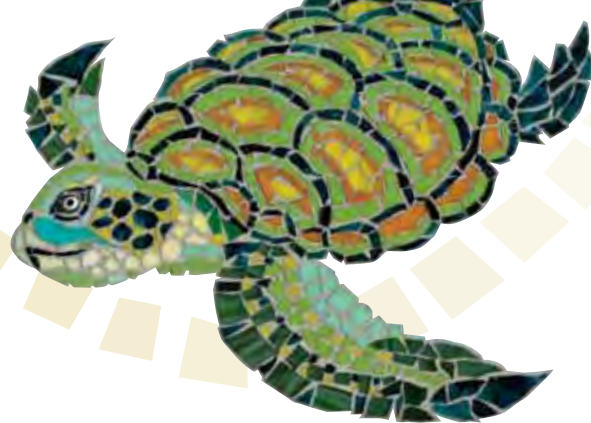
- 10:10-11:10 A.M.** **3rd SESSION OF CONCURRENT WORKSHOPS**
- WORKSHOP 3A**
Protecting Yourself and Your Client: Medicare Liens & Set Asides in Personal Injury Claims
John Kocke, METAIRIE, LA
- WORKSHOP 3B**
The Effects of the Foreclosure Crisis: How to Avoid Pitfalls & Other Practical Property Tips
William T. Sloan, OXFORD
- WORKSHOP 3C**
From Notice of Claim to Trial: Techniques for Asserting and Defending MTCA Claims
Brenda G. Long, GULFPORT
Carlos E. Moore, GRENADA
- WORKSHOP 3D**
Workers' Compensation: Lessons From the Fine Print
Commissioner Debra H. Gibbs, JACKSON
Judge Deneise T. Lott, JACKSON
Judge Lydia M. Quarles, STARKVILLE
- 11:15-12:15 P.M.** **4th SESSION OF CONCURRENT WORKSHOPS**
- WORKSHOP 4A**
Protecting Yourself and Your Client: Medicare Liens & Set Asides in Personal Injury Claims
John Kocke, METAIRIE, LA
- WORKSHOP 4B**
The Effects of the Foreclosure Crisis: How to Avoid Pitfalls & Other Practical Property Tips
William T. Sloan, OXFORD
- WORKSHOP 4C**
From Notice of Claim to Trial: Techniques for Asserting and Defending MTCA Claims
Brenda G. Long, GULFPORT
Carlos E. Moore, GRENADA
- WORKSHOP 4D**
Workers' Compensation: Lessons From the Fine Print
Commissioner Debra H. Gibbs, JACKSON
Judge Deneise T. Lott, JACKSON
Judge Lydia M. Quarles, STARKVILLE

WEDNESDAY, JULY 13, 2011

- 8:00 - 9:00 A.M.** **Expert Witnesses: Best Practices and Pitfalls to Avoid**
Ralph E. Chapman, CLARKSDALE
Frank M. Holbrook, MEMPHIS, TN
Judge Carlton W. Reeves, JACKSON
- 9:00-10:00 A.M.** **More Justice for All: Recent Amendments Facilitate Pro Bono Legal Services**
Professor Deborah H. Bell, OXFORD
- 10:15-11:15 A.M.** **Mississippi's Law Schools and the Practicing Attorney: What the Law School Can Do for You and What You Can Do for the Law School**
Dean I. Richard Gershon, OXFORD
Dean Jim Rosenblatt, JACKSON
- 11:15-12:15 P.M.** **Civility Matters: Professionalism and Civility in Today's Legal Practice**
Judge Roger T. Clark, GULFPORT
Robert C. Galloway, GULFPORT
R. David Kaufman, JACKSON
Robert H. Tyler, BILOXI

ANNUAL MEETING

AGENDA AT A GLANCE



WEDNESDAY, JULY 13, 2011

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

THURSDAY, JULY 14, 2011

- 7:30 - 2:00 P.M. **Registration Desk Open**
- 7:45 A.M. **Friends of Bill W. Open Meeting**
- 8 A.M. - 12:30 P.M. **Lawyers' Marketplace**
- 8:00 - 9:00 A.M. **Breakfasts:**
- Christian Legal Society Breakfast
 - Fellows of the Young Lawyers
 - MS Chapter American Board of Trial Advocates Meeting
- 9:30 - 10:30 A.M. **Sandcastle/Sand Sculpture Contest**
- 10 A.M. - 12 P.M. **Seagar's Cooking Class**
- 10 A.M. - 12 P.M. **CLE Session**
PRESENTED BY MS ACCESS TO JUSTICE COMMISSION
- 10 A.M. - 12 P.M. **Section Annual Meetings:**
- Business Law
 - Health Law
 - Real Property
 - Government Law
 - Prosecutors
 - Gaming Law
 - Alternative Dispute Resolution
- 12:00 - 1:30 P.M. **13th Annual Price-Prather Luncheon**
- 1:00 - 6:00 P.M. **Golf Tournament**
Baytowne Golf Course
- 2:30 - 4:30 P.M. **Bingo**
- 5:00 - 6:00 P.M. **Women's "Under the Tuscan Stars" Wine and Cheese Tasting Party**

FRIDAY, JULY 15, 2011

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

SATURDAY, JULY 16, 2011

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



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

WEDNESDAY, JULY 13, 2011

Lawyers' Marketplace
12:00 NOON – 7:00 P.M.

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


Registration & Information Desk Open
12:00 NOON – 8:00 P.M.

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

"Tropical Paradise" Welcome Reception
6:30 P.M. – 8:00 P.M.

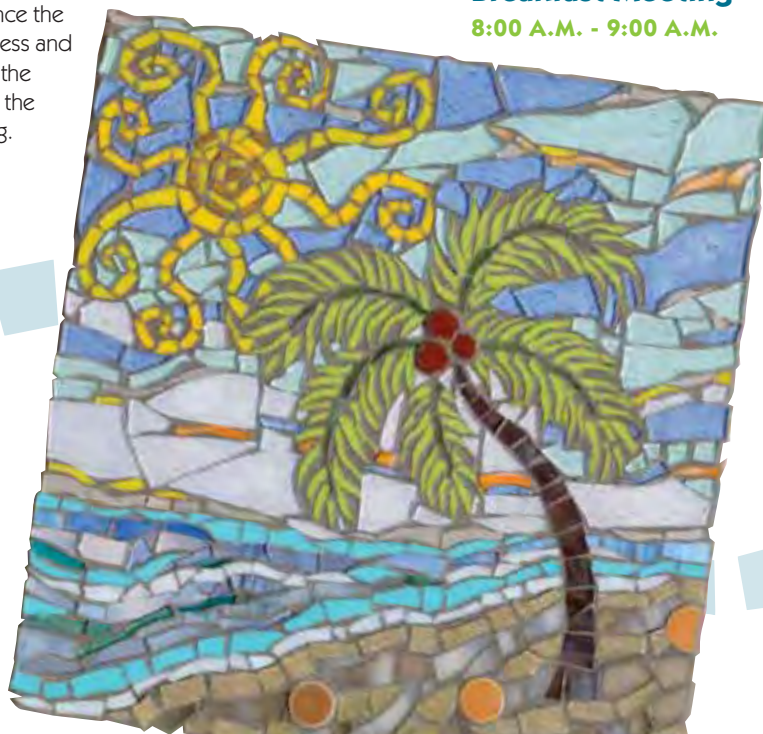
KIDS' PARTY SPONSORED IN PART BY BANK PLUS

Join us for a colorful island welcome and mix and mingle as we celebrate the sunset – tropical island style. There's no better way to celebrate your arrival to the beach than to come experience the rhythm of the islands. Everything you would want to hear, see and taste to make you feel like you are standing right in the middle of the blue water, blue skies and white sands of the tropics.

Your paradise will include decadent and delicious food from the tropics and an open bar at the Hilton. When you arrive into this tropical oasis, you will be serenaded by the sounds of a steel drum band where you will be able to roam the various island stations for the tastes of the tropics!

Your registration fee to the Annual Meeting includes admission to this "Tropical Paradise" Welcome Reception for the registrant plus 1 adult guest (age 18 and over). Additional tickets for guests over age 18 are \$40 each, and can be purchased at the Bar's registration desk. All children are welcome. The kids' party will be sponsored in part by Bank Plus and will include children's food and a movie.

Come experience the island friendliness and fun with us on the first evening of the Annual Meeting. See you in the tropics!



THURSDAY, JULY 14, 2011

Registration & Information Desk Open
7:30 A.M. – 2:00 P.M.

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

Clarion-Ledger Newspapers
7:30 A.M. – 9:30 A.M.

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

Coffee Bar
7:30 A.M. – 9:30 A.M.

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

Friends of Bill W. Open Meeting
7:45 A.M.

AA, ALANON, ACOA, OA & NA

Lawyers' Marketplace
8:00 A.M. – 12:30 P.M.

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


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

SPONSORED BY THE CHRISTIAN LEGAL SOCIETY

Everyone is invited to attend the 19th Annual CLS Prayer Breakfast with guest speaker Brady Tarr, Director of Attorney Ministries for the Christian Legal Society. Please make your reservations in advance on the enclosed registration form.

Fellows of the Young Lawyers Breakfast Meeting
8:00 A.M. - 9:00 A.M.
Mississippi Chapter American Board of Trial Advocates Breakfast Meeting
8:00 A.M. – 9:00 A.M.

THURSDAY, JULY 14, 2011



Sandcastle / Sand Sculpture Contest

9:30 A.M. – 10:30 A.M.

Join in the 10th annual family or individual Sandcastle/Sand Sculpture Building Contest. Head on down to the beach, register yourself or your family, get assigned a spot and start building! Buckets and shovels will be provided. 1st, 2nd and 3rd place prizes will be awarded in several categories again this year. Let's see how creative you can be on the beach!

Seagar's Cooking Class

10:00 A.M. – 12:00 NOON • \$50 EACH

You'll enjoy this unique cooking class at Seagar's restaurant located on the lower level of the Sandestin Hilton. Watch Seagar's Executive Chef Bruce McAdoo prepare a wonderful menu selected just for the Bar convention. Then savor his creations for your lunch. McAdoo focuses on local fresh and unique ingredients served with a variety of high-quality components to create signature dishes reflecting the resort's coastal surroundings.

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

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



"Unbundling: Help Yourself and Your Client" CLE session

10:00 A.M. – 12:00 NOON 2 hours CLE INCLUDING 1 HOUR OF ETHICS

PRESENTED BY THE MS ACCESS TO JUSTICE COMMISSION



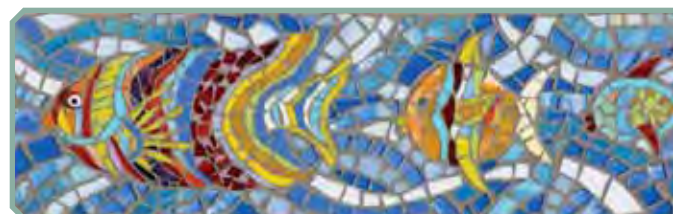
Davetta Lee
EXECUTIVE DIRECTOR
MS ACCESS TO JUSTICE
COMMISSION

Recent change in the Mississippi Rules of Professional Conduct allows the unbundling of legal services, also known as limited scope representation. Across the country, unbundling has emerged as an innovative way to reach clients who might not otherwise hire an attorney. Attorneys who offer unbundled legal services offer services "a la carte" with informed consent from the client. Various members of the Commission will analyze how this new rule will make the justice system more accessible for all and not overload the attorneys.

Section Annual Meetings

10:00 A.M. – 12:00 NOON

- BUSINESS LAW AND HEALTH LAW JOINT SECTION ANNUAL MEETING**
 2 HOURS CLE INCLUDING 1 HOUR OF ETHICS
"Who is Your Client and What Are Your Duties: Ethics and Malpractice Prevention"
 Mark A. Nelson, Bryan Nelson
"Update on Current Issues in Health Law and Health Reform"
 Kathryn R. Gilchrist, ADAMS AND REESE LLP
- REAL PROPERTY SECTION ANNUAL MEETING**
 2 HOURS CLE
"Commercial Real Estate: What's that light at the end of the tunnel?"
 Jonathan P. Jennewein, HILL WARD HENDERSON
 William G. Rothschild, SUTHERLAND'S REAL ESTATE PRACTICE GROUP
- GOVERNMENT LAW SECTION ANNUAL MEETING**
 2 HOURS CLE
"The First Amendment – Hot Topics for Government Entities"
 Attorney General Jim Hood, STATE OF MISSISSIPPI
 Ronald J. Rychlak, ASSOCIATE DEAN FOR ACADEMIC AFFAIRS AND PROFESSOR OF LAW AT THE UNIVERSITY OF MISSISSIPPI SCHOOL OF LAW
 Pieter Teeuwissen, CITY ATTORNEY OF JACKSON
 Leonard Van Slyke, WATKINS LUDLAM WINTER & STENNIS
- PROSECUTORS SECTION ANNUAL MEETING**
 2 HOURS CLE
"Latest Trends in High School Drug Use and Issues in Prosecuting Those Cases"
 Lieutenant John Harless, MISSISSIPPI BUREAU OF NARCOTICS
- GAMING LAW SECTION ANNUAL MEETING**
 2 hours CLE
"Current Events in Mississippi Gaming: Round Table Discussion"
 Samuel L. Begley, BEGLEY LAW FIRM
- ALTERNATIVE DISPUTE RESOLUTION SECTION ANNUAL MEETING**
 2 hours CLE
"Analytical Mediation – A New Approach to Mediation"
 Phillip M. Armstrong, GEORGIA-PACIFIC LLC, IN- HOUSE COUNSEL
- SECTIONS' RECEPTION**
 11:45 A.M. – 12:15 P.M.
 All attendees of the Government Law, Prosecutors, Business Law, Real Property, ADR, Gaming Law, and Health Law Section Meetings are invited to attend a reception following the section meetings.



THURSDAY, JULY 14, 2011



13th Annual Price-Prather Luncheon – “Garden Party in Bloom”

12:00 NOON – 1:30 P.M. • \$35/TICKET

HOSTED BY THE BAR'S
WOMEN IN THE PROFESSION COMMITTEE

This 13th annual event named to honor Zelma Price, the first female judge in MS, and former Chief Justice Lenore Prather, the first female MS Supreme Court Chief Justice, promises to be a special event. The Susie Blue Buchanan Award, named for the first female lawyer licensed to practice before the MS Supreme Court, will be presented. All members of the Bar are invited to attend this event hosted by the Bar's Women in the Profession Committee.

Golf Tournament

1:00 P.M. – 6:00 P.M. • \$130/REGISTRATION FEE

This year's tournament will be played on the Sandestin Baytowne Golf Course on Thursday, July 14, 2011. Check-in is from 12:00 to 1:00 p.m. with a “shotgun” start at 1:00 p.m. This year's format is a four-man scramble. Green fees, carts, complimentary range balls, refreshments and awards are included in the \$130 registration fee.

Entries will be accepted and confirmed on a “first-come, first-served” basis. The deadline for receipt of entries is Tuesday, July 5.

Please indicate your handicap on the registration form. You may request a preferred foursome or be placed with other participants by the tournament coordinator. The Sandestin golf staff will handicap teams. Each person listed in your preferred foursome must send in his or her registration form to be included in the tournament. Prizes for this year's tournament are being provided by LexisNexis. Refreshment sponsor is US Legal Forms.



Bingo

2:30 P.M. – 4:30 P.M. • NO CHARGE

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



Women's “Under the Tuscan Stars” Wine and Cheese Tasting Party

5:00 P.M. – 6:00 P.M. • NO CHARGE

“Merlot, Chardonnay, Riesling, Chianti –
Join us for a wine tasting party!”

Connoisseurs and Amateurs alike are invited to come learn about the tantalizing world of wine under the Tuscan Stars. If someone were to poll wine lovers regarding their favorite Italian wine regions, Tuscany would likely come in first. Tuscany is home to Italy's most prestigious wines, so come enjoy the sights and sounds of Tuscany. You'll learn about wine and experiment with new and splendid varieties. Executive Chef D. Bruce McAdoo from Seagar's at the Hilton will be using his culinary expertise to pair the wines with specific cheeses to offer you a full immersion into the world of wine. His examination and evaluation of wine will be sure to excite all of your senses. All women attending convention are invited to tantalize their taste buds at this wine and cheese tasting. Come from the beach, shopping, or on your way to dinner and you will feel like you have been transplanted right into the heart of Italy to discover and indulge in the pleasures of this enchanting region. You'll receive a special gift – either a wine stopper or cheese spreader – as you leave the party. There is no charge for this event, so we'll see you there!

FRIDAY, JULY 15, 2011

Legal Run-Around / 5K & Fun Run**7:15 A.M. – 8:15 A.M. • NO CHARGE**

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

**Registration & Information Desk Open****7:30 A.M. – 2:00 P.M.**

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

Clarion-Ledger Newspapers**7:30 A.M. – 9:30 A.M.**

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

Coffee Bar**7:30 A.M. – 9:30 A.M.**

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

Friends of Bill W. Open Meeting**7:45 A.M.**

AA, ALANON, ACOA, OA & NA

Lawyers' Marketplace**8:00 A.M. – 12:30 P.M.**

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

**American College of Trial Lawyers Breakfast Meeting****8:00 A.M. – 9:00 A.M.****Mississippi State Alumni Breakfast****8:00 A.M. – 9:00 A.M. • \$20/TICKET****50-Year Anniversary Members Breakfast****8:30 A.M. – 9:30 A.M.****Harvard-Yale Law Alumni Breakfast****8:30 A.M. – 9:30 A.M.****Young Lawyers Division General Assembly****8:00 A.M. – 9:00 A.M.**

All attendees of convention are invited to join the Young Lawyers during their 75th Annual General Assembly. The Outstanding Young Lawyer Award will be presented to Tiffany Graves. Derek Arrington of Hattiesburg will pass the gavel to incoming Young Lawyers Division President Jennifer Hall of Jackson.

**Annual Business Session****9:15 A.M. – 10:15 A.M.**

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



Nina S. Tollison
MS BAR
PRESIDENT



Hugh Keating
MS BAR
PRESIDENT-ELECT



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

CLE Session**10:15 A.M. – 12:15 P.M.**

2 hours of CLE credit.

A CLE session will be presented at no charge for you to receive two hours of CLE credit in Mississippi for FY 2010 – 2011. Get those last few hours of CLE credit in before the deadline!

Sections Meetings**10:15 A.M. – 12:15 P.M.**

- WORKERS' COMPENSATION AND LABOR & EMPLOYMENT LAW JOINT SECTION ANNUAL MEETING**

2 HOURS CLE

- "Workers' Compensation Law"**

Judge Deneise Turner Lott, ADMINISTRATIVE JUDGE,
MS WORKERS' COMPENSATION COMMISSION

- "Current Events in Mississippi Labor & Employment: Round Table Discussion"**

Kaye Persons, ATTORNEY AT LAW, MODERATOR

- ESTATES & TRUSTS AND TAXATION JOINT SECTION ANNUAL MEETING**

2 HOURS CLE

- "Mississippi Tax Update!"**

Mark M. Hosemann, BRUNINI GRANTHAM GROWER & HEWES

- "Top Ten Things You Should Know About Dealing with the New IRS"**

Charles E. Hodges II, KILPATRICK TOWNSEND

FRIDAY, JULY 15, 2011



Sections Meetings continued

10:15 A.M. – 12:15 P.M.

- FAMILY LAW SECTION ANNUAL MEETING**
 2 HOURS CLE
"Family Law and Appellate Practice"
 Judge Joe Lee, MISSISSIPPI COURT OF APPEALS
 Judge Eugene Fair, CHANCERY COURT, DISTRICT 10
"Cross Examination in Chancery Court"
 Open Discussion
- SONREEL SECTION ANNUAL MEETING**
 2 HOURS CLE
"Mississippi's Lead Role in the New Frontier of Clean Coal – and an Update on Gulf Oil Spill Issues"
 John Brunini, BRUNINI GRANTHAM GROWER & HEWES
- LITIGATION SECTION ANNUAL MEETING**
 2 HOURS CLE
"E-Discovery In The Real World"
 Tom O'Connor,
 DIRECTOR OF GULF COAST LEGAL TECHNOLOGY CENTER

Sections' Bloody Mary Reception

12:00 P.M. – 12:30 P.M.

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



Mississippi College Law Alumni Luncheon

12:15 P.M. – 1:30 P.M. • \$30/TICKET

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



University of Mississippi Law Alumni Luncheon

12:15 P.M. – 1:30 P.M. • \$30/TICKET

Please join other University of Mississippi law alumni at the annual luncheon on Friday, July 15. In addition to hearing a report from Dean Richard Gershon, the 2011 Law Alumnus of the Year will be announced.

Swing Dance Class

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



You can get your feet movin' to the Big Band Music of Swing! Professional dancers will teach you some basic steps and start you off on the right foot so that you can dance to Glenn Miller's "In the Mood" at the President's Reception on Friday night. A partner is not required for the class. Singles can come too! Experience is not required, and we welcome dancers of all ages to this class. Once you get started, you'll be hooked on the best music and dancin' around. Sign up today!



The "Bob Barnett" Tennis Tournament

2:00 P.M. – 5:00 P.M. • \$30/PERSON

The 2011 Men's and Women's Tennis Tournament is being named in memory of the late Bob Barnett, who started this tournament at convention many years ago. It will be held Friday afternoon from 2:00 to 5:00 p.m. at the Bayside Tennis Courts, Sandestin Resort Tennis Center. Partners will be drawn and players will rotate partners after each match of four games. All participants in the tournament must be Bar members or their spouse/guest registered for the 2011 Annual Meeting. Register on the enclosed Annual Meeting Registration form.

FRIDAY, JULY 15, 2011

Children's "Build-A-Bear" Party**3:00 P.M. – 5:00 P.M.****• NO CHARGE**

Kids will have a blast at this year's Children's Party as each child will make a Build-A-Bear animal at the Hilton at no charge. Bears, bunnies, and dogs will be among the furry friends to bring to life. Clothes and shoes for your new animal will be on sale from the Build-A-Bear Workshop staff during the



party, so bring a little extra money if you would like to purchase any accessories for your new friend. This will be a kids' party "where best friends are made." We'll also have face painting, farm art, plus many other surprises. Recommended for all children under the age of 12.

Nina Stubblefield Tollison's Reception**5:00 P.M. – 6:00 P.M.**

HOSTED BY "FRIENDS OF NINA"

President's "Swinging to the Big Bands" Reception**6:00 P.M. – 7:30 P.M.**

SPONSORED IN PART BY FOX-EVERETT, INC.

Before having dinner, enjoy hor d'oeuvres, dancing to the sounds of the big bands, and an open bar. Come and visit with Bar President Nina Stubblefield Tollison. Put on your dancin' shoes and travel back in time to the 40's. Glenn Miller will get you "In the Mood" as you listen to "Moonlight Serenade."

Tommy Dorsey's "Opus No. 1" and "Boogie Woogie" are sure to get your feet moving. We promise lots of "Sentimental Journeys" as you listen to Les Brown. "Stomping at the Savoy" with Benny Goodman has never been so much fun!!

Your registration fee to the Annual Meeting includes admission to the "Swinging to the Big Bands" Reception for the registrant plus one guest. Additional tickets for adults are \$40 each and can be purchased at the Bar's registration desk. Come and enjoy Duke Ellington 'cause "It Don't Mean a Thing If It Ain't Got that Swing."

University of Mississippi Lamar Order Cookout**7:30 P.M. – 10:00 P.M.**

Sandestin Hilton Pool Deck

**Family Beach Bash****8:00 P.M. – 10:00 P.M.**

HOSTED BY THE YOUNG LAWYERS DIVISION

SPONSORED IN PART BY ABA RETIREMENT FUNDS

CRAB HUNTING CONTEST SPONSORED BY KOERBER COMPANY

Come have a great time on the beach. Bring your entire family. Koerber Company will sponsor a crab-hunting contest for the kids! There will even be a Limbo Contest for adults.

Prizes will be given! Drinks will be free for children and beer and wine will be available for adults.

Come enjoy the fireworks on the last evening of convention on the beach.



..... SATURDAY, JULY 16, 2011

Registration & Information Desk Open

7:30 A.M. – 10:00 A.M.

Coffee

7:30 A.M. – 9:00 A.M.

Coffee will be provided on the mornings of the meetings.

Clarion-Ledger Newspapers

7:30 A.M. – 9:30 A.M.

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

Friends of Bill W. Open Meeting

7:45 A.M.

AA, ALANON, ACOA, OA & NA

"Give My Regards to Broadway" Farewell Brunch and Annual Award Presentations

9:00 A.M. – 11:00 A.M. • \$40/TICKET

Give your regards to Broadway as you enjoy a delicious brunch on Saturday morning. In addition to recognizing lawyers who have been practicing for 50 years as members of the Bar, we plan to present Annual Awards, including Distinguished Service Award, Lifetime Achievement Award and Judicial Excellence Award. Other awards being presented are the Chief Justice's Award and Curtis E. Coker Access to Justice Award. Everyone is encouraged to attend this event. Enjoy one last visit with your friends at



SPONSORS

THE MISSISSIPPI BAR THANKS THE FOLLOWING SPONSORS FOR THEIR FINANCIAL SUPPORT OF THE 2011 ANNUAL MEETING.

SPONSORS AS OF PUBLICATION DATE ARE:

ABA Retirement Funds

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Regions Morgan Keegan Trust

Trustmark National Bank

University of Mississippi Law Center

U.S. Legal Forms

SPECIAL FEATURE OF THE 2011 CONVENTION

Horrell Photography

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



Monday, July 11th – Saturday, July 16th

Call Emma Lou Horrell today to schedule your appointment.

Until Friday, July 8th, call the studio at 601-969-1919 or email: ELhorrell@comcast.net.

After July 8th, call Emma Lou's cell at 601-946-8940.

SITTING FEES:

1-5 in family or group \$150.00

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

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

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

7:30 AM & 6:45 PM

Images will be emailed to each family.

Scotty and Mary Anne Welch's four granddaughters; Chloe, Lucy, Emily and Lauren, taken during the 2010 Bar's Convention by Emma Lou Horrell

ACCOMMODATIONS

ALL ACCOMMODATIONS ARE TO BE BOOKED
DIRECTLY WITH THE SANDESTIN BEACH HILTON
OR THE SANDESTIN BEACH RESORT.



Hilton Sandestin Beach
Golf Resort & Spa

DAILY FROM \$269.00

The Sandestin Beach Hilton will serve as headquarters property for the 2011 Annual Meeting. The Bar has reserved a block of rooms at the hotel. Located directly on the beach inside Sandestin Beach Resort, all Hilton rooms are tastefully appointed mini-suites, which include wet bars, small refrigerators and dining areas. Some suites in our block have separate bunk bed areas for children. The Sandestin Hilton offers your choice of luxurious accommodations on Florida's famed Emerald Coast ... each offering you a spectacular view from a private balcony. Bathrooms include hairdryers and telephones, and each room has high-speed internet access, a dressing area with two vanities and many other in-room amenities.

www.sandestinbeachhilton.com



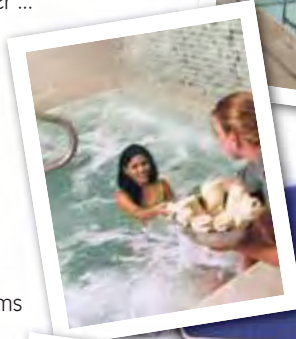
The Hilton is a full-service resort hotel with 24-hour room service, shops, and five restaurants, all on the premises and fit to satisfy even the pickiest palates...

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

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

Additional resort amenities available to guests include:

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



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

If reserving a room at the Sandestin Hilton:

BY PHONE:

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

BE PREPARED WITH THE FOLLOWING INFORMATION:

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

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

ONLINE:

Reserve your room online at www.sandestinbeachhilton.com.

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

To ensure your accommodations at the Sandestin Hilton at the Bar's group rate, reservations should be made no later than Thursday, June 9, 2011.

ACCOMMODATIONS



ACCOMMODATIONS AT THE SANDESTIN GOLF & BEACH RESORT

BEACHFRONT



WESTWINDS

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

	DAILY	WEEKLY
1 bedroom	\$369	\$2402
2 bedroom	\$509	\$3314
3 bedroom	\$649	\$4225

BEACHSIDE I/II

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

	DAILY	WEEKLY
Studio Suite	\$309	\$2012
1 bedroom	\$329	\$2142
2 bedroom	\$459	\$2988
3 bedroom	\$579	\$3769

SOUTHSIDE



TIVOLI/PINE RIDGE

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

	DAILY	WEEKLY
2 bedroom	\$319	\$2077
3 bedroom	\$419	\$2727
3 bedroom loft	\$429	\$2796

BEACHWALK



BEACHWALK

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

	DAILY	WEEKLY
2 bedroom	\$279	\$1816
3 bedroom	\$379	\$2467

BAYSIDE INN



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

	DAILY	WEEKLY
Guest Room - Resort View	\$149	\$ 970
Guest Room - Bay View	\$159	\$ 1035
1 Bedroom Suite	\$209	\$ 1361

RESORT CLASSIC



GRAND HARBOUR

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

	DAILY	WEEKLY
3 bedroom	\$319	\$2077



VANTAGE POINTE

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

	DAILY	WEEKLY
3 bedroom	\$319	\$2077



NORTH SHORE

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

	DAILY	WEEKLY
3 bedroom	\$319	\$2077



• BAYOU • MAGNOLIA • SANDPIPER

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

	DAILY	WEEKLY
2 bedroom	\$219	\$1426
3 bedroom	\$319	\$2077

Economical Alternatives within 2 mile radius of Hilton Sandestin and Resort

Marriott Courtyard Sandestin at Grand Blvd

(1.32 miles)

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

Hampton Inn & Suites

(2.22 miles)

Tel: (850)-837-7889 • www.hamptoninn.hilton.com

Embassy Suites Hotel Destin - Miramar Beach

(2.36 miles)

Tel: (850)-337-7000 • www.embassydestin.com

RESORT CLASSIC



HARBOUR POINTE

Spacious two bedroom townhomes overlook The Links Course.

	DAILY	WEEKLY
1 bedroom	\$179	\$1165
2 bedroom	\$219	\$1426



FAIRWAYS COTTAGES

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

	DAILY	WEEKLY
1 bedroom	\$179	\$1165
2 bedroom	\$219	\$1426



PLAYERS' CLUB

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

	DAILY	WEEKLY
1 bedroom	\$179	\$1165
2 bedroom	\$219	\$1426

ACCOMMODATIONS AT THE SANDESTIN GOLF & BEACH RESORT

THE GRAND SANDESTIN



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

	DAILY	WEEKLY
Studio	\$199	\$1295
1 bedroom	\$229	\$1491
2 bedroom	\$339	\$2207
3 bedroom	\$429	\$2793



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

**HOUSING REQUEST FORMS FOR THE RESORT
MUST BE RECEIVED BY THURSDAY,
JUNE 9, 2011.**

VILLAGE



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

	DAILY	WEEKLY
Studio	\$199	\$1295
1 bedroom	\$229	\$1491
2 bedroom	\$339	\$2207
3 bedroom	\$429	\$2793

LUAU



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

	DAILY	WEEKLY
Studio	\$189	\$1230
1 bedroom	\$219	\$1426
2 bedroom	\$319	\$2077
3 bedroom	\$409	\$2421

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

• **Sandestin Golf & Beach Resort** **Group Code: 21H40Y**
9300 Emerald Coast Parkway | Destin, FL 32550 | PHONE: 800.320.8115 | FAX: 850.267.8221
OR BOOK ONLINE: <http://www.sandestin.com/21H40Y.aspx>

NAME _____

MAILING ADDRESS _____

CITY _____ ST _____ ZIP _____

PHONE _____ FAX _____

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

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

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

TYPE OF ACCOMMODATIONS	NO. OF BEDROOMS
1. _____	_____
2. _____	_____
3. _____	_____

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

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

☐ VISA ☐ MASTERCARD ☐ AMEX ☐ DISCOVER ☐ CARTE BLANCHE ☐ DINERS

CREDIT CARD # _____ EXPIRATION DATE _____

SIGNATURE _____

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

BAR'S ROOM BLOCK WILL BE DROPPED AS OF THURSDAY, JUNE 9, 2011

FOR HOST PROPERTY USE ONLY – RESERVATION NUMBER: _____

Commemorative Sunshine Trivet

BY MISSISSIPPI ARTIST,
TERESA HAYGOOD

ANNUAL MEETING REGISTRATION DESK

The Mississippi Bar Annual Meeting Registration Desk will be open from 12 noon until 8:00 p.m. on Wednesday, July 13, 2011. The Registration Desk will be located in the Emerald Foyer on the Lobby Level of the Hilton Hotel. Registration hours are from 7:30 a.m. – 2:00 p.m. Thursday and Friday, and from 7:30 a.m. – 10:00 a.m. on Saturday.

CREDIT CARDS

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

HOTEL/RESORT CHECK-IN

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

DRESS

Dress for the entire convention is casual.

DIRECTIONS TO SANDESTIN

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

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

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



Add a ray of sunshine to your home with this year's Commemorative Mosaic Trivet handcrafted by featured Mississippi Artist, Teresa Haygood. This beaming sun and blue sky will be sure to bring light to your kitchen and protect your delicate surfaces from hot cookware and scratches. Each vibrant 6 x 6 tile has been hand crafted from mosaic glass for your very own original piece. Teresa is originally from Memphis and moved to Jackson to attend Millsaps College where she graduated in 1993. Since college she has been working

in the arts, running her own glass and mosaics studio. She became a member of the Craftsman's Guild of Mississippi in 2004. She finds happiness in teaching others the joys of expressing themselves through creativity. Only a limited number of Sunshine Trivets are being hand crafted for our Annual Meeting attendees. Each Commemorative Sunshine Trivet will sell for \$25. This great decorative and functional piece will be the perfect souvenir to remind you of the sunny days in Sandestin at this year's Annual Meeting. These will sure to be a hit so brighten up your world and order yours today, on the convention registration form, before they are all gone.

just \$25 each



THE MISSISSIPPI BAR 2011 ANNUAL MEETING & SUMMER SCHOOL

STEP 1 - REGISTRANT INFORMATION

REGISTRANT NAME: _____

BAR # (IF KNOWN) _____

FIRM NAME/COMPANY: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ FAX: _____

E-MAIL: _____

HOME MAILING ADDRESS: _____

(to receive Annual Meeting related mail)

☐ THIS IS MY FIRST MB ANNUAL MEETING

STEP 2 - BADGE INFORMATION

BADGE NAME: _____

CITY: _____ STATE: _____

PLEASE CHECK FOR RIBBONS:

- | | | |
|---|--|------------------------------------|
| <input type="checkbox"/> JUDGE | <input type="checkbox"/> BAR FOUNDATION FELLOW | <input type="checkbox"/> SPONSOR |
| <input type="checkbox"/> LEGISLATOR | <input type="checkbox"/> LOCAL BAR PRESIDENT | <input type="checkbox"/> SPEAKER |
| <input type="checkbox"/> PAST BAR PRESIDENT | <input type="checkbox"/> SECTION OFFICER | <input type="checkbox"/> EXHIBITOR |
| <input type="checkbox"/> BAR COMMISSIONER | | |

STEP 3 - SPOUSE/GUEST BADGE INFORMATION

SPOUSE/GUEST NAME: _____

CITY: _____ STATE: _____

☐ MY SPOUSE IS ALSO AN ATTORNEY

CHILDREN/GUESTS NAME: _____

CITY: _____ STATE: _____ AGE _____

CHILDREN/GUESTS NAME: _____

CITY: _____ STATE: _____ AGE _____

CHILDREN/GUESTS NAME: _____

CITY: _____ STATE: _____ AGE _____

STEP 4 - HOUSING INFORMATION

To secure accommodations, see pages 14-17 in this brochure.

WHILE IN DESTIN, I PLAN ON STAYING AT: ☐ HILTON ☐ RESORT

☐ OTHER: (provide address) _____

STEP 5 - MEETING REGISTRATION

5A ☐ SUMMER SCHOOL REGISTRATION / JULY 11 - 13

BEFORE JUNE 9 ☐ ATTORNEY'S FEE ☐ \$345

☐ JUDGE'S FEE ☐ \$160

AFTER JUNE 9 ☐ ATTORNEY'S FEE ☐ \$385

☐ JUDGE'S FEE ☐ \$185

SUMMER SCHOOL REGISTRATION SUBTOTAL

\$

5B ☐ ANNUAL MEETING REGISTRATION / JULY 13 - 16

BEFORE JUNE 9 ☐ ATTORNEY'S FEE ☐ \$410

☐ JUDGE'S FEE ☐ \$275

AFTER JUNE 9 ☐ ATTORNEY'S FEE ☐ \$450

☐ JUDGE'S FEE ☐ \$300

ANNUAL MEETING REGISTRATION SUBTOTAL

\$

STEP 6 - OPTIONAL EVENTS

check (Annual Meeting Registrants Only)

___ Commemorative Sunshine Mosaic Trivet ___ @ \$25 EACH \$

___ Prayer Breakfast ___ @ \$20 EACH \$

(THURSDAY, JULY 14, 8-9 A.M.)

___ Seagar's Cooking Class ___ @ \$50 EACH \$

(THURSDAY, JULY 14, 10 A.M. - 12 NOON)

___ Price-Prather Luncheon ___ @ \$35 EACH \$

(THURSDAY, JULY 14, 12 NOON - 1:30 P.M.)

___ Golf Tournament ___ @ \$130 EACH \$

(THURSDAY, JULY 14, 1 - 6 P.M.)

MY GOLF HANDICAP IS: _____

PREFERRED FOURSOME: _____

___ MS State Alumni Breakfast ___ @ \$20 EACH \$

(FRIDAY, JULY 15, 8 - 9 A.M.)

___ MS College Law Alumni Luncheon ___ @ \$30 EACH \$

(FRIDAY, JULY 15, 12:15 - 1:30 P.M.)

___ Univ. of MS Law Alumni Luncheon ___ @ \$30 EACH \$

(FRIDAY, JULY 15, 12:15 - 1:30 P.M.)

___ Swing Dance Class ___ @ \$5 EACH \$

(FRIDAY, JULY 15, 2 - 3 P.M.)

___ Tennis Tournament ___ @ \$30 EACH \$

(FRIDAY, JULY 15, 2 - 5 P.M.)

___ Farewell Brunch ___ @ \$40 EACH \$

(SATURDAY, JULY 16, 9 - 11 A.M.)

ANNUAL MEETING OPTIONAL EVENTS SUBTOTAL

\$

STEP 7 - TOTAL DUE (ADD 5 & 6) TOTAL ENCLOSED

\$

STEP 8 - PAYMENT METHOD

☐ CHECK - PAYABLE TO THE MISSISSIPPI BAR

☐ CREDIT CARD ☐ VISA ☐ MASTERCARD ☐ AMEX ☐ DISCOVER

CARD NUMBER: _____

EXPIRATION DATE: _____

PRINT CARDHOLDER'S NAME: _____
(as it appears on card)

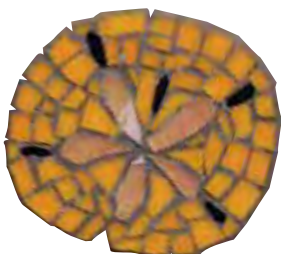
CARDHOLDER'S SIGNATURE: _____

SUBMIT

ONLINE: www.msbar.org

MAIL: The Mississippi Bar
Meeting Registration
P.O. Box 2168
Jackson, MS 39225-2168

FAX: 601-355-8635 E-MAIL: jbrown@msbar.org



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The Mississippi Bar Responds to the Legal Needs of Victims of the Recent Tornado and Mississippi River Flood

The Mississippi Bar Young Lawyers Division is assisting Mississippians affected by the recent tornadoes and flooding that has plagued the state since early April. The Federal Emergency Management Agency (FEMA), U.S. Department of Homeland Security, and the American Bar Association Young Lawyers Divisions have partnered with the Young Lawyers Division to implement the Disaster Legal Services program which provides free legal assistance to persons in counties that have been declared disaster areas.

The toll free number for the Young Lawyers Division Disaster Legal assistance is 1-877-691-6185 and is now accepting calls Monday through Friday 9:00 am – 4:00 pm at the Mississippi Bar Center. Tornado and flood victims may call the toll free number and a volunteer attorney will respond by telephone to answer their legal questions. Ashley Sasser

has been hired to handle the incoming calls and distribution to volunteer attorneys. Ben Watson is serving as the American Bar Association Young Lawyers Division Representative and Harry Schmidt is serving as the Disaster Assistance Committee Chair for the MS Bar Young Lawyers Division.

As a result of the tornadoes that struck Mississippi in April and the Mississippi River flood, the following counties have been declared as eligible for assistance: Adams, Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, DeSoto, Greene, Grenada, Hines, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Kemper, Lafayette, Lee, Leflore, Marshall, Montgomery, Monroe, Neshoba, Newton, Noxubee, Panola, Prentiss, Quitman, Sharkey, Scott, Smith, Sunflower, Tate, Tippah, Tishomingo,

Tunica, Union, Warren, Washington, Webster, Wilkinson, Winston and Yazoo.

The Mississippi Bar Young Lawyers Division Disaster Legal Assistance Committee is seeking additional volunteer attorneys to provide telephone assistance to the victims. At this time volunteer attorneys are needed only for telephone legal assistance. Disaster victims will call the Bar Center and an intake form will be completed and then emailed to the volunteer attorneys on a rotating basis. Volunteer attorneys will respond to the victims by telephone. If you are willing to assist, please email Rene Garner at rgarner@msbar.org to volunteer. Please include your name, phone, city, and email. To expedite processing, please note subject line of your email "Disaster Telephone Assistance Volunteer." ■

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18th Annual Evelyn Gandy Lecture Series

February 18-19, 2011, Biloxi



Panel speakers included Vicki Slater of Jackson, Mona Pittman of Batesville, Sherri Flowers-Billups of Jackson, Leslie Lee of Jackson, and Katie Nester of Jackson



Carol West and Ramona Williams, both from Jackson

Amanda Kisner of Byram and Shirley Moore of Laurel



Christine Tatum of Oxford and Amanda Alexander of Jackson



Jayne Meynardie and Patti Golden, both from Biloxi



Mary McPherson of Poplarville, Court of Appeals Judge Virginia Carlton, and Merrill Nordstrom of Oxford

Joy Lambert Phillips of Gulfport and Justice Ann Lamar



Susan Tsimortos and Deanne Mosley, both from Jackson



Michelle Easterling of West Point and MB President-Elect Hugh Keating of Gulfport



Sherri Flowers-Billups of Jackson and Genevieve McLeod of Madison



Nancy Steen of Hattiesburg and Bar President Nina S. Tollison of Oxford



Co-Chairs of the 2011 Gandy Lecture Series were Jennifer Ingram Wilkinson of Hattiesburg and La'Verne Edney of Jackson



Judge Deneise Lott and Anita Modak-Truran, both from Jackson



Jane Harris-Perry and Judge Margaret Alfonso, both from Gulfport



Tiffany Grove of Jackson and Avery Lee of Pearl



Alyssa Farrell of Biloxi and Heather Murphy of Gulfport



Angela Miller of McComb and Judge Patricia Wise of Jackson



Tammra Cascio of Jackson, Parker Kline of Aberdeen, and Cheryn Baker of Gulfport

MB Election Results



Lemuel Garner Adam, III
Brandon, MS
President-Elect
of The Mississippi Bar

Lem Adams 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. Gulfport attorney Hugh Keating 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:

2nd Circuit Court District
 Mary A. Nichols, Gulfport

4th Circuit Court District
 Frank J. Dantone, Jr., Greenville

5th Circuit Court District
 William H. Liston, Winona

9th Circuit Court District
 W. Bruce Lewis, Natchez

7th Circuit Court District – Post 3
 J. Andrew Gipson, Jackson

8th Circuit Court District
 J. Tyler McCaughn, Newton

17th Circuit Court District
 James E. Holland, Horn Lake

20th Circuit Court District
 James A. Bobo, Brandon

21st Circuit Court District
 Marc L. Boutwell, Lexington

Minority-at-Large
 Carlos E. Moore, Grenada

YLD Election Results

MEDIATION ARBITRATION

JACK F. DUNBAR

Graduate, Harvard Law School
 Program of Instruction for
 Lawyers, Mediation

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 in the specialty,
 Alternative Dispute Resolution

HOLCOMB DUNBAR LAW FIRM
 P.O. Box 707
 Oxford, MS 38655
 Phone: 662-238-7515

e-mail: Jackd@holcombdunbar.com



Rachel M. Pierce
Tupelo, MS
President-Elect
of the Young Lawyers Division

Rachel Pierce 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. Jennifer Hall of Jackson will assume duties of President of the YLD at that time.

Victoria H. Rundlett 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:

North East District
 Jonathan W. Martin, Tupelo

Coastal II District
 Jessica M. Dupont, Pascagoula

Hinds Post IV
 Tiffany M. Graves, Jackson

Hinds Post V
 Robert Ferris Walker, Jackson

Hinds Post VI
 Michael James Bentley, Jackson

Central District
 Tiffany P. Grove, Ridgeland

South West District
 Jason T. Barrett, Brookhaven

Director-at-Large
 John Thomas Lamar, III

Disbarments, Suspensions, Inactive Disability Status and Irrevocable Resignations

Paul S. Minor of Biloxi, Mississippi:

The Supreme Court of Mississippi permanently **disbarred** Mr. Minor from the practice of law based upon his felony convictions in the United States District Court for the Southern District of Mississippi. The Mississippi Bar, upon obtaining a certified copy of the conviction, had previously filed a Formal Complaint under Rule 6 of the Mississippi Rules of Discipline.

Walter W. Teel of Gulfport, Mississippi:

The Supreme Court of Mississippi permanently **disbarred** Mr. Teel from the practice of law based upon his felony convictions in the United States District Court for the Southern District of Mississippi. The Mississippi Bar, upon obtaining a certified copy of the conviction, had previously filed a Formal Complaint under Rule 6 of the Mississippi Rules of Discipline.

John H. Whitfield of Biloxi, Mississippi:

The Supreme Court of Mississippi permanently **disbarred** Mr. Whitfield from the practice of law based upon his felony convictions in the United States District Court for the Southern District of Mississippi. The Mississippi Bar, upon obtaining a certified copy of the conviction, had previously filed a Formal Complaint under Rule 6 of the Mississippi Rules of Discipline.

Greg Pierce of Columbia, Mississippi:

The Supreme Court of Mississippi **disbarred** Mr. Pierce based upon his conviction of felony possession of a controlled substance. The Mississippi Bar, upon obtaining a certified copy of the conviction, had previously filed a Formal Complaint under Rule 6 of the Mississippi Rules of Discipline.

Marshall E. Sanders of Vicksburg, Mississippi:

A Complaint Tribunal appointed by the Supreme Court of Mississippi **suspended** Mr. Sanders in *Mississippi Bar v. Sanders*, 2009-B-1277, for a period of five (5) months, imposed a **Public Reprimand** and ordered that Mr. Sanders take twelve (12) hours of continuing legal education in law office manage-

ment for violations of Rules 1.15 and 8.4(a and b), MRPC.

In its final order imposing discipline, the Complaint Tribunal found that Mr. Sanders failed to file an individual income return with the IRS for any tax year since 1994 and failed to make any payments to the IRS of individual income taxes for any tax year since 1994; that Mr. Sanders entered a guilty plea to two misdemeanor counts of violating 26 U.S.C. §7203 and was sentenced to 18 months in prison; that Mr. Sanders commingled his personal and business funds with his clients' funds or other third party funds related to his representation in various matters to the extent that he allowed earned fees to remain in his Lawyer Trust Account in excess of the amount required to avoid bank fees and keep the account open; that Mr. Sanders presented checks against his Lawyer Trust Account, drawing on his personal fund balance in such account, for payment of personal, business, and other expenses. There is no evidence that the balance in Mr. Sanders' Lawyer Trust Account ever fell below the amount of client funds on deposit in that account. The Tribunal also imposed a Public Reprimand because Mr. Sanders commingled his attorney fees with client funds. There was no evidence that Mr. Sanders misappropriated client funds.

David A. Roberts of Pascagoula, Mississippi:

A Complaint Tribunal appointed by the Supreme Court of Mississippi **suspended** Mr. Roberts, in *Miss Bar v. Roberts*, 2010-B-805, for one (1) year for violations of Rules 1.2(a), 1.3, 1.4, 1.16(a and d), 8.1(b) and 8.4 (a and d), MRPC.

In Count I of the Formal Complaint, the Complaint Tribunal found that Mr. Roberts had been retained by a client in August 2002, for representation in a personal injury claim. According to the Judgment dismissing the lawsuit, it was filed on or about August 12, 2004. After nearly 4½ years, the case was dismissed with prejudice on January 22, 2009. The Judgment dismissing the lawsuit recites a litany of missed discovery deadlines, continuances, and lack of response or communication by Mr. Roberts. The client thereafter filed a Bar complaint.

In Count II of the Formal Complaint, the Complaint Tribunal found that a client retained Mr. Roberts to represent her in a personal injury matter. Mr. Roberts failed to communicate with her, failed to show documents pertaining to the case, and falsely indicated to her that they would have a settlement by December 31, 2008. The client eventually learned in April 2009 from another attorney at Mr. Roberts' law firm that her lawsuit was dismissed in September 2008. Mr. Roberts failed to notify the client that her case was dismissed or explain to her why it was dismissed. Thereafter, the client filed a Bar complaint.

In both Bar Complaints Mr. Roberts was provided with a copy of the complaint and directed to file a response. In each instance, Mr. Roberts failed to file a response. Subsequently, the Committee on Professional Responsibility directed that an investigatory hearing take place for each Bar Complaint. Again, in each instance, Mr. Roberts failed or refused to attend the duly noticed investigatory hearings. At the direction of the Committee on Professional Responsibility, the Bar filed a Formal Complaint against Mr. Roberts. After being personally served, Mr. Roberts failed to answer the Formal Complaint, Default Judgment was entered and the parties were directed to file briefs on appropriate discipline. Mr. Roberts failed to file a brief. The Complaint Tribunal entered a Final Judgment suspending Mr. Roberts for one year.

Rule 1.2(a), MRPC, provides that a lawyer shall abide by a client's decisions concerning the objectives of representation and shall consult with the client as to the means by which they are to be pursued. Rule 1.3, MRPC, provides that a lawyer shall act with reasonable diligence and promptness in representing a client. Rule 1.4, MRPC, provides that a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information. Rule 1.16(a), MRPC, provides that a lawyer shall withdraw from representation of a client if the representation will result in violation of the rules of professional conduct or other law or the lawyer's physical or mental condition materially impairs

Continued on next page

the lawyer's ability to represent the client. Rule 1.16(d), MRPC, provides that upon termination of representation, a lawyer shall take reasonable steps reasonably practicable to protect a client's interests, such as surrendering papers and property to which the client is entitled. Rule 8.1(b), MRPC, provides that a lawyer shall not knowingly fail to respond to a lawful demand for information by a disciplinary authority. Rule 8.4(a and d), MRPC, provides that it is professional misconduct for a lawyer to violate or attempt to violate the rules of professional conduct or engage in conduct that is prejudicial to the administration of justice.

Connie M. Easterly of Denham Springs, Louisiana: The Supreme Court of Mississippi placed Ms. Easterly on **disability inactive status** pursuant to Rules 17-24, MRD.

Public Reprimands

David S. Pickett of Jackson, Mississippi: A Complaint Tribunal appointed by the Supreme Court of Mississippi imposed a **Public Reprimand** in *Mississippi Bar v. Pickett*, 2010-B-1782, for violations of Rules 1.3, 1.6, 3.4(c), 5.3(b) and 8.4 (a and d), MRPC.

In the course of representing a client in a Chapter 7 Bankruptcy case, Mr. Pickett failed to have the client review their bankruptcy petition before it was filed and failed to obtain his client's signature on the bankruptcy petition before it was filed, in violation of the Federal Rules of Bankruptcy Procedure and the Uniform Mississippi Bankruptcy Local Rules. The bankruptcy petition remained unsigned for approximately one year. Mr. Pickett failed to follow an order by the Bankruptcy Court to obtain his client's signature on the petition. Mr. Pickett failed to file accurate Schedules with the client's Chapter 7 Bankruptcy Petition. Mr. Pickett failed to amend the schedules, statements, and/or other related bankruptcy documents as required by the Federal Rules of Bankruptcy Procedure and the Uniform Mississippi Bankruptcy Local Rules. Mr. Pickett failed to follow an order by the Bankruptcy Court that corrected schedules, statements, and/or other related bankruptcy documents be filed. Mr. Pickett unintentionally revealed his

client's personal medical information in open court without authorization and in disregard for his client's medical privacy. Mr. Pickett allowed an error in attorney fees to remain in the bankruptcy schedules once the bankruptcy was converted from a Chapter 13 to a Chapter 7. Finally, Mr. Pickett failed to supervise his non-lawyer staff in the preparation and filing of the client's Bankruptcy Petition, Schedules, statements, and/or other related bankruptcy documents.

Rule 1.3, MRPC, provides that a lawyer shall act with reasonable diligence and promptness in representing his or her client. Rule 1.6, MRPC, provides that a lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent. Rule 3.4(c), MRPC, provides that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal. Rule 5.3(b), MRPC, provides that a lawyer having direct supervisory authority over the non-lawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer. Rule 8.4(a, d), MRPC, provides that a lawyer shall not violate or attempt to violate the rules of professional conduct or engage in conduct that is prejudicial to the administration of justice.

Sylvia Savini Owen of Tupelo, Mississippi: The Committee on Professional Responsibility issued a **Public Reprimand** against an attorney in docket number 08-438-2 for violations of Rules 1.1, 1.2(a), 1.3, 1.4(a), and 1.15(b), MRPC.

A client hired Ms. Owen in 2006 to represent him in two separate legal matters, the first being a civil action and the second seeking post-conviction relief. While there were two legal actions, each resulted from the same matter, the injury the client allegedly suffered during his arrest and his subsequent criminal conviction. Ms. Owens made appearances in both matters. She admits receiving fees during her representation of the client.

Subsequent to taking the representation, Ms. Owen failed to communicate with the client. With Ms. Owen's knowledge, following the receipt of Notice(s) of Show Cause, the client prepared and submitted to the Supreme Court of Mississippi a

brief in the post-conviction relief matter. The client then provided a copy of this pleading to Ms. Owen.

On or about January 17, 2007, in the civil action, the parties opposite conducted a deposition of an alleged witness to the client's injury. The client thereafter learned that Ms. Owen, who was aware of the deposition, failed to attend. Ms. Owen admitted she did not advise the client she would not be attending the deposition.

Prior to initiation of this Bar action, the client demanded Ms. Owen provide both an accounting of his case(s) and releases his client file(s). In responding to the Bar Complaint and as part of the investigatory hearing of this matter, Ms. Owen admitted she failed to provide an accounting of the fees and expenses relating to his case(s). She also admitted she did not return copies of the client files to the client.

Brian L. Davis of Southaven, Mississippi: The Committee on Professional Responsibility issued a **Public Reprimand** against an attorney in docket number 08-307-1 for violations of Rules 1.2, 1.3, 1.4, and 1.15(b), MRPC.

A client filed a Bar complaint against Mr. Davis alleging that he had hired an attorney who was a member of Mr. Davis' firm, to prosecute two collection cases. That attorney negotiated the terms of the representation with the client and was the primary attorney from the onset. The client remitted an advance retainer in the amount of \$1,500.00 for the work on February 21, 2007.

The attorney subsequently left the Davis law firm. Mr. Davis properly deposited the funds for the advance retainer into the firm's Lawyer Trust Account. He subsequently transferred funds totaling \$1,300.00 to his operating account, even though no meaningful work had been done on the client's collection cases.

The client began contacting Mr. Davis to obtain the status of the collection cases in October 2007. Prior to this contact, Mr. Davis was unaware that the former attorney had not taken the Parasol matters with him. Once he was made aware of the situation, he assumed responsibility.

The client called Mr. Davis on several more occasions in November 2007 to determine the status. Mr. Davis failed to return the client's telephone calls. The client eventually contacted Mr. Davis in April 2008. Mr. Davis advised the client that he could not handle the case. When the client requested a refund of the advance retainer, Mr. Davis was unable to do so. Mr. Davis eventually refunded the advance retainer in full, but only after the client filed the Bar complaint.

Rule 1.2(a), MRPC, requires that a lawyer shall abide by a client's decisions concerning the objectives of representation. The objective of the client's representation was to pursue two collection cases. Mr. Davis undertook no meaningful work with regard to the client's matter. Rule 1.3, MRPC, requires a lawyer to act with reasonable diligence and promptness in representing a client. Rule 1.4, MRPC, requires a lawyer to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information. Rule 1.15, MRPC, requires a lawyer to keep client money separate from his own. Mr. Davis violated this rule by transferring the unearned, advance retainer funds from his lawyer trust account to his firm's operating account.

James F. Valley of Helena, Arkansas: The Committee on Professional Responsibility issued a **Public Reprimand** against an attorney in docket number 09-413-2 for violations of Rules 1.2, 1.3, and 1.4, MRPC.

A client filed a complaint against Mr. Valley asserting that he hired Mr. Valley to represent him in a worker's compensation case in 2004. The client asserted that Mr. Valley allowed the case to be dismissed by failing to prosecute the case in a diligent manner. Mr. Valley advised the client that he would file an out-of-time appeal, but failed to do so. The client eventually filed a *pro se* appeal in 2009 that was denied as being untimely filed.

During the time Mr. Valley represented the client, Mr. Valley was engaged in a political campaign for mayor of Helena, Arkansas, and could not devote his attention to the client's case. Moreover, Mr. Valley either refused or failed to commu-

nicate with the client on a reasonable basis during this time.

Mr. Valley claimed that the client failed to supply his office with important information about his case to permit Mr. Valley to litigate the case properly. However, he offered no evidence or information to support this position. Further, Mr. Valley offered no explanation as to why the case was dismissed.

Rule 1.2 MRPC, provides that a lawyer shall abide by a client's decisions regarding the objectives of the representation. The objective of the representation in this case was to present the client's case to the Worker's Compensation Commission. By allowing the case to be dismissed for failure to prosecute, Mr. Valley failed to abide by the client's decision to go forward with the case. Rule 1.3, MRPC, requires a lawyer to act with reasonable diligence. Dismissal of the case for lack of prosecution is a violation of this Rule. Rule 1.4, MRPC, provides that a lawyer shall reasonably communicate with the client about the status of his case. Mr. Valley failed to reasonably communicate with the client due to his election campaign.

Private Reprimands

The Committee on Professional Responsibility issued a **Private Reprimand** against an attorney in docket number 09-546-2 for violations of Rules 1.2, 1.3, and 1.4, MRPC.

A client filed a Bar complaint against an attorney stating that he hired the attorney to represent his daughter in a first offense DUI in municipal court in Oxford, Mississippi. The attorney advised the client and his daughter that the daughter should plead guilty and then appeal the case to Circuit Court. The client's daughter pled guilty in municipal court and signed the necessary forms to have the matter appealed to Circuit Court. However, the case was not appealed.

In response to the Bar complaint, the attorney admitted that he inadvertently failed to file the appeal to the Circuit Court. Upon discovery of the error, the attorney contacted the City Prosecutor and obtained his signature on an order allowing an out-of-time appeal. However, prior

to obtaining the Circuit Court Judge's signature on the order, the client's daughter received a second DUI citation. The attorney did not proceed with having the Circuit Court Judge sign the order because the City Prosecutor would not have agreed to the out-of-time appeal had he known about the second DUI citation.

Rule 1.2, MRPC, provides that a lawyer shall abide by the client's decisions concerning the objectives of the representation. The attorney violated this rule when he failed to appeal the matter to Circuit Court. Rule 1.3, MRPC, provides that a lawyer shall act with reasonable diligence and promptness in representing a client. The attorney did not file the appeal in a timely manner and did not discover the error for nearly two years. Rule 1.4, MRPC, provides that a lawyer shall keep a client reasonably informed about the status of a matter. The attorney erroneously reported to the client and his daughter for two years that the case was on appeal but not yet set for trial.

Reinstatements

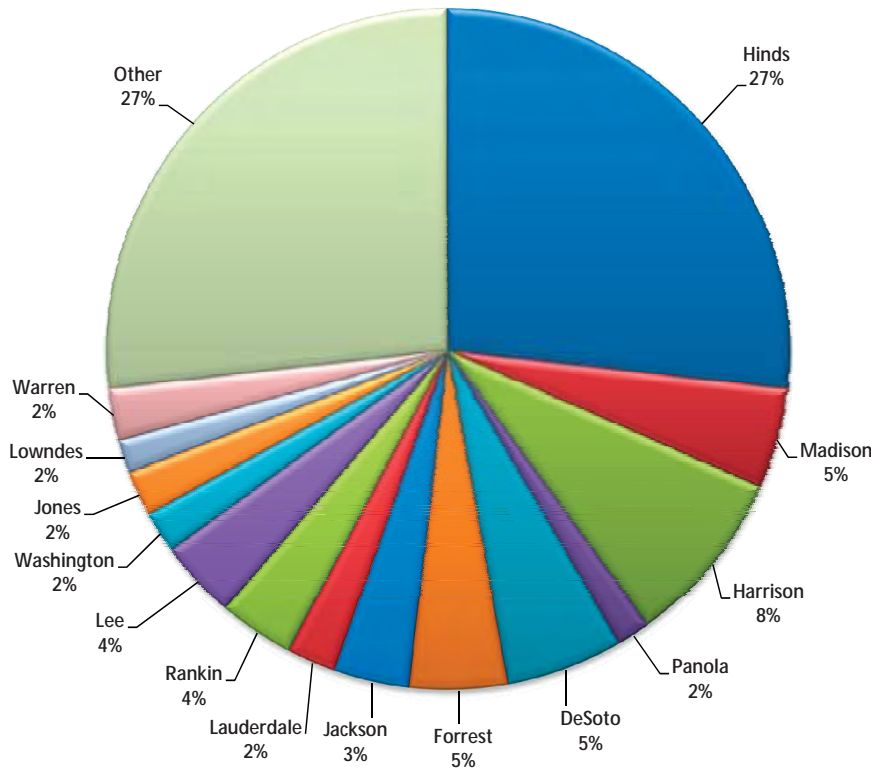
J.N. Randall of Gulfport, Mississippi: The Supreme Court of Mississippi **reinstated** Mr. Randall from disability inactive status to the active practice of law in the state of Mississippi in accordance with Rule 25 of the Rules of Discipline for The Mississippi State Bar (MRD).

Joe Gregory Stewart of Tunica, Mississippi: The Supreme Court of Mississippi **denied** the Petition of Joe Gregory Stewart for **reinstatement** to the practice of law. ■

2009-2010 Complaint Statistical Report

for the Office of General Counsel of The Mississippi Bar

562 Complaints



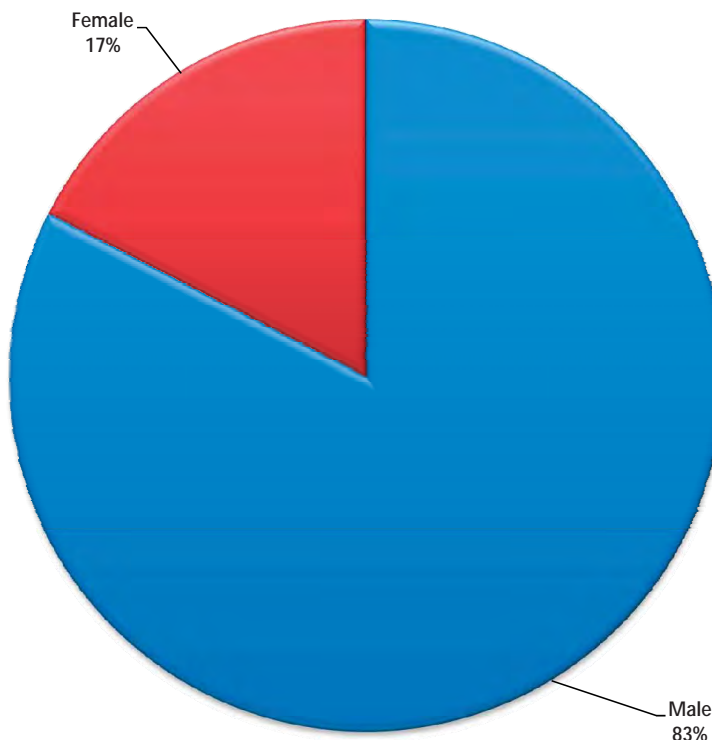
COUNTY

Hinds: 27% (150)
Harrison: 8% (47)
DeSoto: 5% (31)
Madison: 5% (27)
Forrest: 5% (26)
Lee: 4% (21)
Rankin: 4% (20)
Jackson: 3% (20)
Warren: 2% (14)
Lauderdale: 2% (13)
Jones: 2% (12)
Washington: 2% (11)
Panola: 2% (9)
Lowndes: 2% (9)
Other: 27% (150)

Membership Information

Hinds County: 32%
Madison: 10%
Harrison: 9%
Forrest: 4%
Rankin: 4%
Lee: 4%
Jackson: 3%
Desoto: 2%
Lauderdale: 2%
Washington: 1%
Jones: 1%
Lowndes: 1%
Warren: 1%
Panola: 1%
Other: 25%

(Active in-state attorneys)



GENDER

Male: 83% (464)

Female: 17% (98)

Membership Information

74% Male

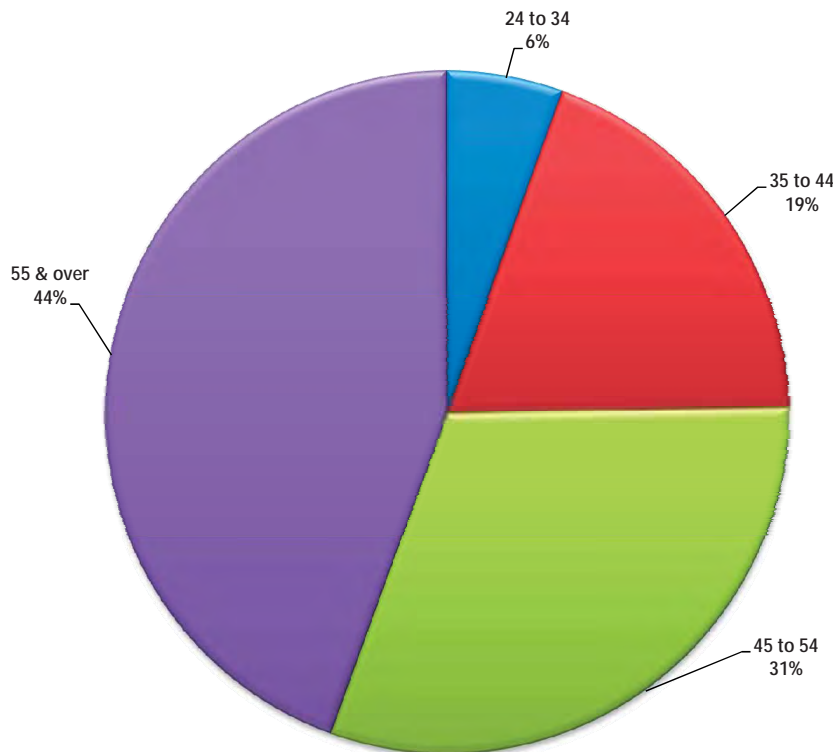
26% Female

(Active in-state attorneys)

2009-2010 Complaint Statistical Report

for the Office of General Counsel of The Mississippi Bar

562 Complaints



AGE OF LAWYER

55 and Over: 44% (250)

45 to 54: 31% (173)

35 to 44: 19% (108)

24 to 34: 6% (31)

Membership Information

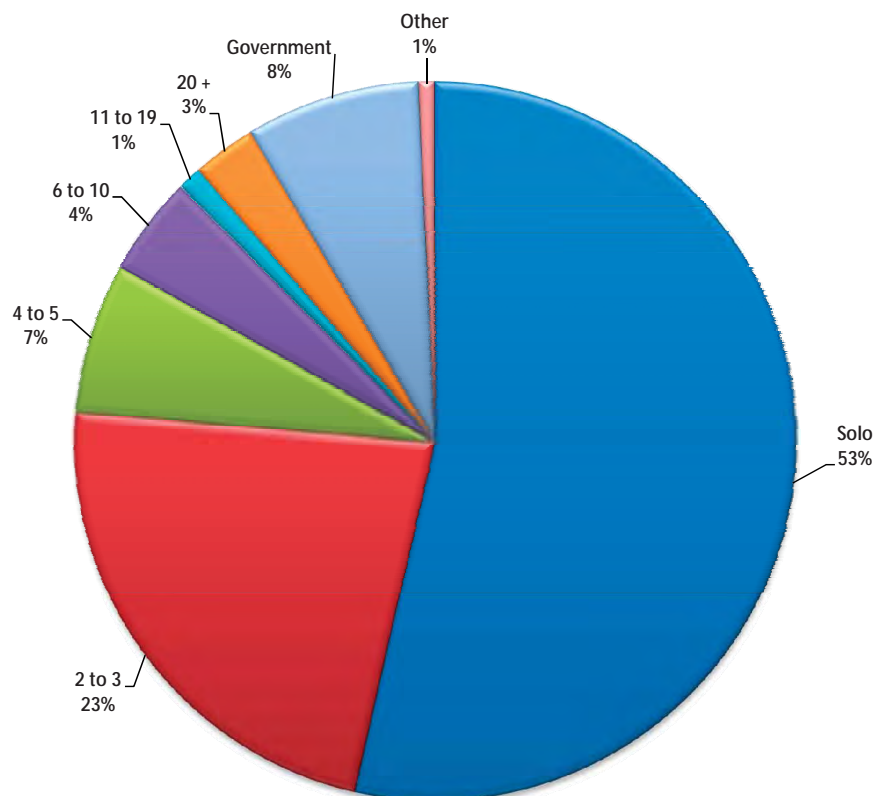
Ages 55 & Over: 43%

Ages 45 to 54: 18%

Ages 35 to 44: 20%

Ages 24 to 34: 19%

(Active in-state attorneys)



SIZE OF FIRM

Solo: 53% (301)

2 to 3: 23% (128)

Government: 8% (44)

4 to 5: 7% (38)

6 to 10: 4% (25)

11 to 19: 1% (6)

20+: 3% (16)

Other: 1% (4)

Membership Information

Solo: 32%

2 to 3: 14%

4 to 5: 6%

6 to 10: 5%

11 to 19: 3%

20+: 17%

Government: 17%

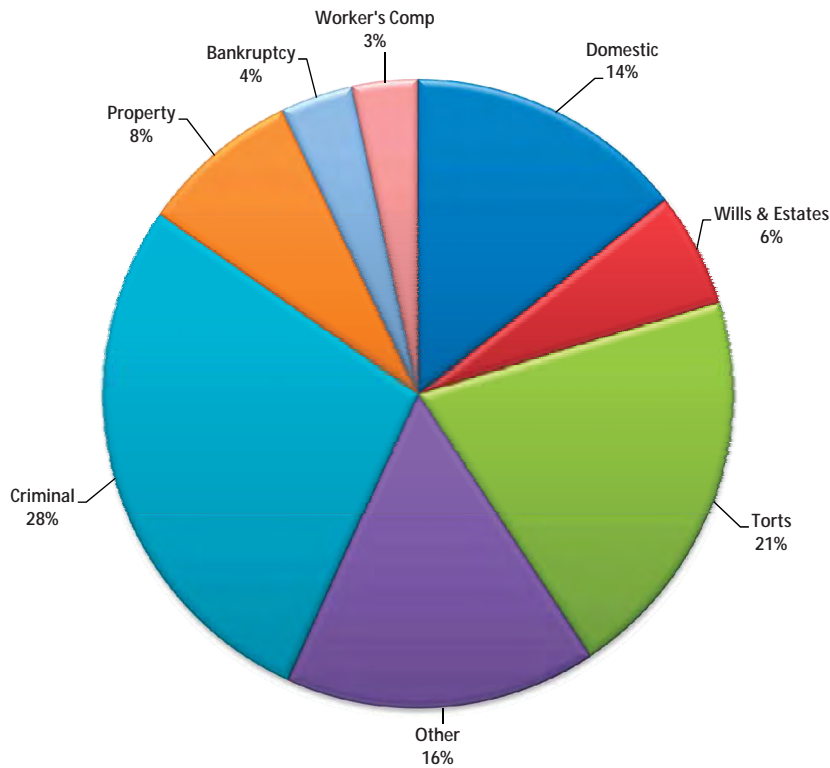
Other: 7%

(Active in-state attorneys)

2009-2010 Complaint Statistical Report

for the Office of General Counsel of The Mississippi Bar

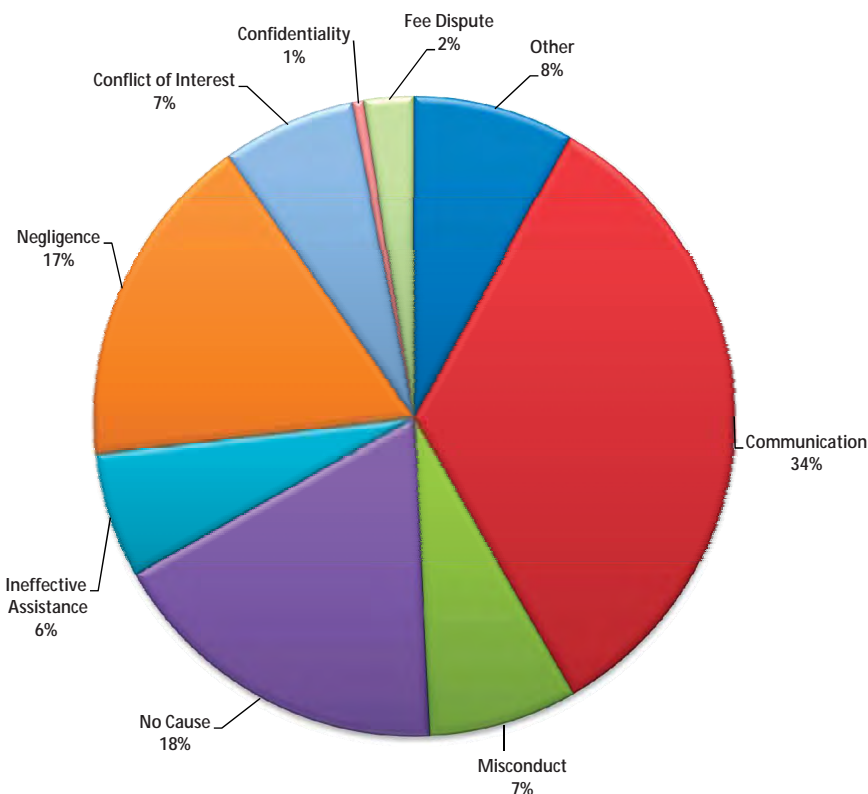
562 Complaints



AREA OF PRACTICE

Criminal: 28% (157)
 Torts: 21% (115)
 Domestic: 14% (81)
 Property: 8% (46)
 Wills & Estates: 6% (33)
 Bankruptcy: 4% (21)
 Worker's Comp: 3% (19)
 Other: 16% (90)

(Active in-state attorneys)



COMPLAINT TYPE

Communication: 34% (174)
 No Cause: 18% (91)
 Neglect: 17% (88)
 Misconduct: 7% (39)
 Conflict of Interest: 7% (35)
 Ineffective Assistance: 6% (33)
 Fee Dispute: 2% (13)
 Confidentiality: 1% (3)
 Other: 8% (42)

(Active in-state attorneys)



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Derek R. Arrington
Young Lawyers Division President
2010-2011

Over the past seventy five years, one of the core directives of the Mississippi Bar YLD has been service to our fellow citizens via our profession. One unique opportunity to serve fellow Mississippians through the YLD is available with our Disaster Legal Assistance Committee. During the past several years, Mother Nature has not spared our State from the effects of severe weather. Unfortunately, this year is no exception. Devastating tornadoes have razed communities in counties from the Pine Belt to the hills of northeast Mississippi and points in between.

As I write, our friends and neighbors are beginning the process of recovery and re-building, and our fellow Mississippians living along the Mississippi River are preparing for the prospect of wide-spread flooding on a historic scale. In response to the destruction caused by the tornados and in advance of the predicted flooding, Governor Barbour has declared a statewide State of Emergency in State of Mississippi and requested that President Obama issue a federal disaster declaration for each county along the Mississippi River. President Obama previously issued a federal disaster declaration the following eleven counties; Chickasaw, Choctaw, Clarke, Greene, Hinds, Jasper, Kemper, Lafayette, Monroe, Neshoba and Webster. Our thoughts and prayers are always with those directly and indirectly affected by Nature's wrath.

The Mississippi Bar Association Young Lawyers Division, through its relationship with the American Bar Association Young Lawyers Division, provides *pro bono* legal services to those suffering from destruction and loss

Young Lawyers Division News

caused by a natural disaster via coordination with FEMA's disaster recovery centers set up in areas affected by the disaster. Ben Watson, the Mississippi Bar YLD District Representative, will coordinate our disaster relief efforts through the American Bar Association Young Lawyers Division with the assistance of our Bar Association staff and Harry Schmidt, the Disaster Legal Assistance Chairman and members of his Committee. Our Disaster Reference Manual and other paperwork are well prepared and ready to go thanks to the efforts of this Committee and we stand ready to answer the call of FEMA when activated. I call upon each of you to volunteer your time and service through the profession to help those in need by providing telephone assistance to victims of these recent natural disasters. Information obtained from disaster victims will be provided to volunteer attorneys on a rotating basis with the attorney being tasked to respond to the victims by telephone. If you are willing to help with this process in the above listed affected areas, please email René Garner at rgarner@msbar.org. Your help is essential in making sure that our fellow Mississippians are taken care of at this time of their greatest need.

Beyond this immediate concern, I am pleased to report that your YLD has been very active over the past several months through the hard work of the standing committees. The Wills for Heroes Program has upcoming events scheduled in the following locations: Pascagoula and Gulfport and just completed events in Tupelo and Rankin County. If you are interested in serving as an attorney to prepare legal documents for first responders and law enforcement officers in your area, please contact Tiffany Graves, Committee Chair, or René Garner, at the Bar Center.

In April, the Bar Admissions Committee, chaired by Brad Reeves, held the Spring Admissions Ceremony at the War Memorial in Jackson. As always, the state's judiciary answered the call to volunteer to make this ceremony possible. We genuinely thank Judge Grady Jolly of the Fifth Circuit Court of Appeals, Chief Justice William Waller of the Mississippi Supreme Court, Chief District Court Judge Louis Guirola from the United States District Court for the Southern District of Mississippi, David Sanders, Magistrate Judge for the United States

District Court for the Northern District of Mississippi, and Chancellor Dewayne Thomas of the Fifth Chancery Court District. These Judges graciously devoted their time to ensure that seventy four (??) newly minted young lawyers were sworn in to practice in all courts in the State of Mississippi. Further, I would like to thank Deans Gershon and Rosenblatt, Jennifer Ingram Wilkinson, Jeff Styres and Dr. Stan Buckley for donating their time to speak to the young lawyers, along with keynote speaker, Bar President Nina Tollison.

The YLD Seminars Committee Chairwoman, Stephanie Jones, has released the Committee's proposal for a CLE training program focused on the development of professionalism and instruction on basic practice skills for incoming Bar admittees. The program was developed to address the need for specific training and professionalism and basic "nuts and bolts" operational training for young lawyers entering the practice. The proposal, which the YLD Board of Directors approved at the Spring Meeting in Biloxi, was also approved by the CLE Commission at its most recent meeting. The YLD will present it to the Board of Bar Commissioners for their review and approval later this year. A special note of congratulations goes to Chairwoman Stephanie Jones who was honored at the Mississippi Bar Foundation Annual Meeting and recognized as Law-Related Education Award.

As you can see, there are many ways to get involved and serve your profession. I simply ask for your participation in one of the YLD's many projects. The YLD is your Division within the Mississippi Bar and can only be as strong as those who actively involve themselves in developing and implementing its projects in communities around our State. As my term draws to a close, allow me to conclude by congratulating our President-Elect Designee, Rachel M. Pierce, and Secretary-Elect, Vicki Rundlett, as well as the other members of the Board of Directors recently elected. I appreciate their willingness to serve and look forward to working with them in the years to come. Working together, we can accomplish the core mission of the Young Lawyers Division, service to our profession through service to our fellow citizens. ■

Spring 2011 Bar Admissions Ceremony Sponsored by the Young Lawyers Division



Program participants administering the oath to practice law in Mississippi included (front row), Nina Stubblefield Tollison, President of The Mississippi Bar; Judge E. Grady Jolly, Jr., US Court of Appeals for the Fifth Circuit; Judge Louis Guirola, Jr., US District Courts for the Southern District of Mississippi; Judge David A. Sanders, US District Courts for the Northern District of Mississippi; Chief Justice William L. Waller, Jr., Supreme Court of Mississippi; Judge J. Dewayne Thomas, Hinds County Chancery Court; Derek R. Arrington, President of the Young Lawyers Division of The Mississippi Bar; (second row), Dean James H. Rosenblatt, Mississippi College School of Law; Dean Richard Gershon, University of Mississippi Law School; Brad Reeves, Chair, Bar Admissions Ceremony Committee; Jeff Styres, Member, Board of Bar Admissions; Jennifer Ingram Wilkinson, Mississippi Bar Professionalism Committee; and Dr. Stan Buckley, First Baptist Jackson.



The Spring Bar Admission Ceremony sponsored by the Young Lawyers Division was held Tuesday, April 26, 2011 at the War Memorial in Jackson. Representing the Young Lawyers Division Bar Admission Ceremony Committee were (front row) Mary L. Purvis; Barbara J. Meeks; Tiffany M. Graves; (back row) Jason M. Payne, Matt Eichelberger; Brad Reeves, Chair; and Andrew J. Stubbs.



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Spring 2011 New Admittees

Robert Gerald Barlow III
 Nathan Penn Bass
 Jason Colt Beard
 Ali Omar Bhatti
 Alexandria Wren Blanchette
 Richard Paul Blanchette
 Madeline Lockett Bobo
 Winn Davis Brown III
 Kimberly Adell Brown-Gibbs
 Zachary Blake Busey
 Jason Edward Campbell
 Dustin Colt Childers
 Jeff Winton Cook Jr.
 Kimberly Cooper Davis
 Adam Reese de Nobriga
 Candace Michelle Deer
 Kimberly Shubert DeShazo
 Eric Jonathon Eubanks
 Faye Elizabeth Fernandes
 Cameron Wayne Fogle
 Martin Frank Frascogna
 Patrick Taylor Guild
 Emily Lauren Hamm
 Jeffery Kendrick Harness
 Tyler Lee Harris

Jared Hamilton Hawkins
 Casey Lynne Hendricks
 Shireen Hormozdi
 Benard Hubbard II
 Matthew Clay Hutsell
 Stephen Paul Huwe
 Julia Bryant Jimenez
 Dwan Quenson Johnson
 Felicia Lynn Kerney
 Tia Nicholle King
 Andrew Thomas Lake
 Joshua Merlin Lewis
 Cheryl Pace Long
 Clark Clifton Luke
 Mallory Jordan Mangold
 Brock Michael Maples
 Lyndsay Dawn Mapp
 Kenneth Dustin Markham
 McGehee Via Marsh
 Paul Aaron Matthews
 Dalton Clinton Middleton
 Adrian Westbrook Mills
 James Roy Moncus III
 Lilly Johanna Ponce
 Dana LeClaire Price

William L. Ramsey III
 Emily-Ruth Smathers Ratliff
 DeMoreo Jamar Reddick
 Mary Margaret Reeves
 Ryan Patrick Robichaux
 Anthony Louis Schmidt Jr.
 Richard Clarence Smith
 Wendy Geurin Smith
 Greg Richard Spore
 Robert Gordon Sproule Jr.
 Sandra Stasher
 Craig Alan Stokes
 John Patrick Strubel
 Jennifer Leann Thompson
 Michael James Thompson Jr.
 Raymond Patrick Tullos
 Frances Virginia Turnage
 Ashlea Morgan White
 Derek Evan Whitlock
 Jamiel Marcel Wiggins
 Cheryl Lynn Wild
 Lori A. Wolff
 Jaklyn Leigh Wrigley
 Jennifer Moran Young

New “Lawyers in the Family”



Andrew Lake, left, is welcomed by his Father-in-Law Silas McCharen (admitted 1985) both from Jackson.



Jason Payne, right, (admitted 2008) greets his fiancé Jaklyn Wrigley both from Ocean Springs.



Adrian Westbrook Mills, right, of Brandon is greeted by her husband M. Bradley Mills of Flowood (admitted 2000).



Richard Clarence Smith, left, is congratulated by his wife Amy Gillespie Smith (admitted 1997) and Father-in-Law Virgil G. Gillespie (admitted in 1965) all from Gulfport.



Raymond Patrick Tullos, center, is welcomed by his father John Raymond Tullos, right, (admitted 1973) and his uncle Eugene C. Tullos, left, (admitted 1966) all from Raleigh.



Edward D. Wiggins, Jr, left, (admitted 2004) welcomes his brother Jamiel M. Wiggins both from Jackson.



Martin F. Frascogna, right of center, is congratulated by his father Xavier Michael Frascogna, far right, (admitted 1972), brother Xavier Michael Frascogna, III, left of center, (admitted 2005) and Sister-in-Law Adrienne Frascogna, far left, (admitted 2003) all from Jackson.



Sacred Heart Catholic High School displays the First Place gavel they were awarded during the 28th Annual High School Mock Trial Competition. Pictured with the students is their teacher sponsor, Paul VanZandt, and their attorney coaches, David Miller, Don Hinton and Austin Stewart, back row left to right.

On Saturday, February 26, in the new Supreme Court Chambers, Sacred Heart Catholic High School finished in first place and went on to represent Mississippi in the 2011 National High School Mock Trial Competition held May 4-8 in Phoenix, Arizona.

Distinguished members of the Bar judged the statewide final round. These judges included Nina Stubblefield Tollison, President of The Mississippi Bar; Derek Arrington, President of the Young Lawyers Division of the Mississippi Bar; LaKeysha Greer Isaac, member of South Pike High School's Mock Trial Team that won 1st at Nationals in 1993 in Atlanta and finished in 3rd place at the 1992 Nationals in Madison, Wisconsin; Chief Justice William L. Waller, Jr., Chief Justice of the Mississippi Supreme Court; and Robert Gibbs served as the presiding judge again this year. He has presided at the Statewide Mock Trials for nearly 16 years.

Twenty-nine teams from around the state participated in three regional competitions, which were held in January and February in Gulfport, Jackson and Oxford. From those teams, 20 teams advanced to the statewide competition held on February 25-26 at the Hinds County Courthouse and Chancery Courthouse in Jackson.

Copiah Academy Team 1 earned the second place trophy gavel, coached by Daniel W. Kitchens, Milton Carroll McCardle and Timothy Lavelle Rutland. The following schools earned the remainder of the top six positions. Greenville-Weston High School, third place, coached by Kimberly J Merchant and Thomas Morris, Sr.; Marshall Academy Team 2, fourth place, coached by Anthony L. Farese and Phillip K. Knecht; Long Beach High School Team 1, fifth place, coached by Brad Rath; and Madison Central Team 2, sixth place, coached by Rogen Chhabra. The Mississippi Bar High School Mock Trial Competition is sponsored and coordinated by the Young Lawyers Division of The Mississippi Bar. ■

2011 Mississippi High Sch



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

UPDATE

ool Mock Trial Competition



Mississippi Attorneys Who Served As Team Coaches During The Mississippi 2011 High School Mock Trial Competition

Captain Justin Thompson Biloxi
Biloxi High School

Captain Michael Wakeley Biloxi
Biloxi High School

Captain Virginia Mack Biloxi
Biloxi High School

Lieutenant Craig Dunham Biloxi
Biloxi High School

Daniel W. Kitchens Crystal Springs
Copiah Academy

Milton Carroll McCardle Hazlehurst
Copiah Academy

Timothy Lavelle Rutland Hazlehurst
Copiah Academy

Cherie R. Wade Pascagoula
Gautier High School

Kimberly J. Merchant Greenville
Greenville-Weston High School

Thomas Morris, Sr. Cleveland
Greenville-Weston High School

Crane Kipp Jackson
Jackson Prep

Joe S. Deaton III Flowood
Jackson Prep

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In Transition: Revised Mississippi Limited Liability Company Act at Year One

In 2008 and 2009, I formed the Limited Liability Company Study Groups (the “Study Groups”), comprised of attorneys, accountants, and business leaders across the State of Mississippi (the “State” or “Mississippi”).

I commissioned the Study Groups to develop the most comprehensive limited liability company act in an effort to make Mississippi the nation’s most business-friendly state. In 2010, the Mississippi Legislature adopted, and the Governor signed into law, the Revised Mississippi Limited Liability Company Act, Mississippi Code Annotated Sections 79-29-101 *et seq.* (the “Revised Act”).¹ The Mississippi Limited Liability Company Act, Mississippi Code Annotated Sections 79-29-101 *et seq.* (the “Prior Act”) is also printed alongside the Revised Act in the 2010 Supplement to the Mississippi Code.²

Limited liability companies (“LLCs”) are increasingly the entity of choice for businesses operating in Mississippi. Since January 1, 2011, 3,545 domestic LLCs formed in the State, bringing the total number of domestic LLCs in Mississippi to 92,296.³ In contrast, there are 35,049 domestic corporations, and 39,407 domestic nonprofit corporations in Mississippi.⁴

I. Overview of the Revised Act

State courts seldom adjudicated disputes derived from opposing interpretations of the Prior Act. New sections of the Revised Act are primarily drawn from the Delaware LLC Act⁵ and the Revised Uniform Limited Liability Company Act (“RULLCA”).⁶ Delaware has interpretive case law which Mississippi courts may utilize as disputes arise. Likewise, other states adopted versions of the RULLCA

and subsequently adjudicated the respective provisions, thus creating additional case law upon which Mississippi lawyers may refer.

Freedom of contract is one of the overarching principles of the Revised Act. Existing LLCs with a written operating agreement may continue to operate under those agreements. Since many LLCs do not have an operating agreement, the Revised Act provides more default rules than the Prior Act which apply if a LLC has no operating agreement or if the operating agreement is silent on the issue.

The entire Revised Act applies to all LLCs formed or registered after January 1, 2011. Article 13 of the Revised Act, however, sets forth transition provisions which provide the fees, annual reports, and administrative dissolution provisions apply to existing LLCs on January 1, 2011.⁷ The remainder of the Revised Act will become effective for existing LLCs on January 1, 2012.⁸ Existing LLCs may elect to be governed by the Revised Act before January 1, 2012, if they follow the procedures in Article 13.⁹

II. General Provisions

Article 1 of the Revised Act amends definitions of certain fundamental terms pertaining to members, members’ rights and ownership interests. The Revised Act modifies “limited liability company interests” to “financial interests” and adds “governance interests” to delineate the fis-

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*By Delbert Hosemann
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cal and management interests which members and outside persons may own.¹⁰ Members may have both financial or governance interests, both interests, or neither interest. While persons who are not members may own financial interests, only members may own governance interests.¹¹ Consequently, members having neither financial nor governance interests are "in name only" members.

The Revised Act replaces "limited liability company agreement" with "operating agreement" and incorporates Delaware's definition thereof.¹² By adding a new section on construction and application of the operating agreement, the Revised Act clearly specifies in one section those provisions which must be in a written operating agreement to be enforceable.¹³ Likewise, the Revised Act lists in one section the provisions which a LLC cannot vary or eliminate in the operating agreement.¹⁴ These two changes allowed the default rule lead-in sentence to be removed from all sections of the Revised Act, except for those which must be in the written operating agreement to be enforceable. The operating agreement does not have to be signed to be enforceable, and therefore applies to persons who become members by means of assignment. The Revised Act adds a new default rule requiring all members to approve an amendment to the operating agreement, except in the case of a merger where a majority of the profit share controls.¹⁵

The Revised Act clarifies LLCs are not subject to statutory limitations on corporate contributions to a political party or candidate.¹⁶ The Revised Act now authorizes LLCs to have officers, which enjoy the same liability protection as members and managers.¹⁷ Officers also have the same fiduciary duties of managers.¹⁸ Similar to recent amendments to the Mississippi Nonprofit Corporation Act, the Revised Act welcomes 21st century business practices into LLCs by allowing electronic communication of notices, proxies, and meetings.¹⁹ So long as electronic communication is able to be retained, retrieved and reproduced, it is treated no differently than physical delivery of communication.²⁰

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Finally, the indemnification provisions in Article I of the Revised Act were revised to reflect Delaware's indemnification provisions. Indemnification is permissive and must be provided for in the certificate of formation or the operating agreement.²¹ The existing restrictions on indemnification were retained.²²

III. Certificate of Formation and Annual Reports

The simplified formation filing process is similar to the existing procedure for corporate formation. LLCs are no longer required to identify whether it is manager or member-managed.²³ The Revised Act clarifies the existing process for the Secretary of State's Office to refuse documents submitted for filing, and adds procedures for LLCs to appeal the Secretary of State's refusal.²⁴ Similarly, the Revised Act includes new provisions which guide LLCs to correct filings which are later learned to be false or inaccurate.²⁵

Similar to the report which corporations file annually, the Revised Act requires all LLCs to file an annual report.²⁶ There is no fee for domestic LLCs, but foreign LLCs must pay a two hundred fifty dollar (\$250) fee.²⁷ In addition to the customary filing information (e.g., name, address, officers, and registered agent) LLCs must also disclose whether they have a written operating agreement.²⁸ Manager-managed LLCs must disclose names and addresses of all managers, and member-managed LLCs must disclose the name and address of at least one member. Since annual reports will allow the Secretary of State's Office to determine which LLCs are operational, the Revised Act authorizes all persons to request from the Secretary of State's Office a certificate of existence of a LLC.²⁹

IV. Members, Agency and Voting

Article 3 addresses the different types of members and what happens to members in specific circumstances such as in connection with a merger, acquiring the interest from the LLC, and in the case of assignment of a financial interest.³⁰ Under the Prior Act, death was an event of dissociation. Heirs would receive a financial

interest in the LLC but did not become members. One of the most significant changes is that if a member dies, the heirs become members by default.³¹ The Revised Act eliminates the concept of dissociation. Under the Prior Act, the merger of a corporate member was an event of dissociation. The surviving entity would receive a financial interest but would not become a member. Under the Revised Act, the surviving entity becomes the member if a corporate member merges.³²

The Revised Act allows a person to become a member – even a sole member – without making a contribution to the LLC or being obligated to make a contribution. The Revised Act further provides for “inactive only” members, who have neither financial nor governance interests in the LLC.³³ Additionally, under the Revised Act, every officer is an agent of the LLC to the extent delegated to such officer.³⁴ The act of any officer binds the company unless (1) the officer in fact has no authority to act on behalf of the LLC and (2) the person with whom the officer is dealing knows the officer has no authority to act on behalf of the LLC.³⁵

Under the Revised Act, each member's vote is based on the member's percentage held in the profits of the LLC.³⁶ Under the Prior Act, the default rule for voting was one vote per member and majority vote prevailed. The default rule in the Revised Act is based on percentage of profits and the decision of majority of the profit share controls.³⁷ The operating agreement can specify that certain members have no voting rights and can classify members into classes.³⁸ The LLC can act by written con-

sent without a meeting.³⁹ Members who do not sign must receive notice within 20 days of the signed consent.⁴⁰ A member or members with twenty percent (20%) profit share can call a meeting if the LLC has not held one in 15 months.

The Revised Act grants LLCs the option of adding provisions for withdrawal and expulsion of members.⁴¹ Unless otherwise addressed in the operating agreement, a member may only withdraw and a LLC may only expel with unanimous, written consent of the members.⁴² If, however, a member withdraws or is expelled, such member no longer has governance rights.⁴³

The operating agreement may provide for events where a member (a) ceases to have governance rights; (b) ceases to have financial rights; or (c) ceases to be a member.⁴⁴ The Revised Act clarifies a person who ceases to be a member continues to have financial rights but no longer has governance rights or any other rights.⁴⁵ The Revised Act lists six default events which cause a person to cease to be a member, including when a member:

- (i) makes an assignment for the benefit of creditors; (ii) files a voluntary petition in bankruptcy; (iii) is adjudicated a bankrupt or insolvent; (iv) files a petition or answer seeking for the person any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law or regulation; (v) files an answer or other pleading admit-

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ting or failing to contest the material allegations of a petition filed against the member in any proceeding of the nature described above; or (vi) seeks, consents to or acquiesces in the appointment of a trustee, receiver or liquidator of the member or of all or any substantial part of the member's properties.⁴⁶

Additionally, a member ceases to be a member if certain 90 and 120 day restrictions are not met in connection with proceedings against a member seeking reorganization, liquidation, dissolution or similar relief.⁴⁷

V. Management

Under the Prior Act, the default rule was that each member gets one vote and decisions are made by majority vote. The Revised Act vests management in members based on the percentage held in the profits.⁴⁸ Therefore, if the members want a manager or managers, this must be expressed in the operating agreement. If the company is member-managed, members can delegate management and control

to agents, officers or employees of a member or the company.⁴⁹ Section 305 of the Revised Act adds a new provision for members to delegate management to others outside the company.⁵⁰ Delegation does not make delegates members nor does it cause members to cease to be members.⁵¹

The Revised Act contains the same provisions regarding management by managers except it adds managers may also serve as officers if specified in the operating agreement.⁵² Section 403 of the Revised Act was revised to include a comprehensive list of items a member, manager or officer can rely upon in good faith.⁵³ For example, reports, opinions or statements made by another manager, member or officer of the company may be relied upon in good faith. The Revised Act also adds a new section regarding access to confidential information, which allows managers or members in control of the LLC's business to limit access to certain information from its members and managers if there is a good faith basis for the information to remain confidential.⁵⁴ The

authoritative manager or member must set reasonable standards by which they disclose information to members and officers.⁵⁵

VI. Distributions

The Revised Act offers a new provision for distribution upon withdrawal of a member replaces current section for distribution upon dissociation. The withdrawing member is entitled to receive whatever the member is entitled under the operating agreement.⁵⁶ If not specified in the operating agreement, the member is entitled to receive, within a reasonable amount of time after withdrawal, the fair value of the member's financial interest at the time of withdrawal.⁵⁷ Section 605 of the Revised Act adds a default rule for distributions in kind. The LLC can require a member to accept a distribution in kind if the percentage of the asset distributed is equal to the percentage in which the member shares in distributions from the LLC.⁵⁸ The term "distribution" now excepts reasonable compensation for services and reasonable payments according to a retirement plan or



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other benefits program.⁵⁹ This is significant because no distribution may be made if, after giving effect to the distribution, the company would not be able to pay its debts. The exception, however, is balanced by holding members liable if they knowingly receive a wrongful distribution.⁶⁰

VII. Assignment of Financial Interests

The Revised Act contains several default rules addressing assignment of financial interests. First, the assignee of a member's financial interest has no governance rights – no rights to participate in management.⁶¹ Second, the operating agreement must expressly allow assignment, and assignment must either be approved by all the members or comply with the procedure in the operating agreement.⁶² Third, a member who assigns its entire financial interest is no longer a member and has no governance interest.⁶³ Last, if after assignment the LLC would have no members, then the assignee can become a member if the assignee consents.⁶⁴

The Revised Act provides new powers for personal representatives upon the occurrence of a member's incompetence, death, and upon a corporate member's dissolution. If a member is adjudged incompetent, the member's personal representative can exercise all rights until the member regains competency.⁶⁵ Upon a member's death, the personal representative of the estate can exercise all rights for purpose of settling the estate, including the member's governance rights and power of assignee to become a member if provided in the operating agreement.⁶⁶ If a corporate member or other entity is dissolved, terminated or liquidated, the personal representative can exercise all rights until a successor entity is established.⁶⁷

VIII. Dissolution

There are three types of dissolution – voluntary (non-judicial) dissolution, judicial dissolution, and administrative dissolution. Voluntary dissolution will be easier under the Revised Act because a LLC is no longer required to file two forms. Similar to dissolving a corporation, a LLC is only required to file one form for vol-

untary dissolution.⁶⁸ Section 801 of the Revised Act authorizes dissolution when there are no longer members.⁶⁹ However, there are new provisions which allow a LLC to add a member in a timely manner to avoid dissolution of a LLC due to no members.⁷⁰ Furthermore, a LLC which filed a certificate of dissolution may subsequently revoke the certificate.⁷¹

“The Revised Act provides new powers for personal representatives upon the occurrence of a member's incompetence, death, and upon a corporate member's dissolution.”

The events causing judicial dissolution under the Revised Act are the same as provided in the Prior Act. Section 803 of the Revised Act also provides a procedure whereby an officer, manager, assignee or owner of financial interest can apply to the chancery court for judicial dissolution if the LLC has no members and there is no mechanism in its operating agreement to

admit a member.⁷² In the event that none of these persons exists, any creditor of the LLC or the Secretary of State's Office can apply for judicial dissolution in a similar proceeding.⁷³

Similar to administrative dissolution for corporations, the Revised Act authorizes the Secretary of State to administratively dissolve a LLC for failure to pay fees, failure to file an annual report, failure to have a registered agent, and other grounds provided in Mississippi Code Section 79-29-821.⁷⁴ The Revised Act provides for a reinstatement procedure, as well as an appellate procedure in the event of a denial of reinstatement.⁷⁵ Additionally, administrative dissolution neither impairs the validity of contracts nor prevents the LLC from defending any actions in state court.⁷⁶

The Revised Act sets forth who can wind up the LLC upon the event of dissolution, how assets are distributed, and that unclaimed assets are deposited into the State treasury for safekeeping.⁷⁷ Distribution of assets follows the same method as the Prior Act, but also requires the LLC to take reasonable actions to pay

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all known claims and unknown claims which are likely to arise within three (3) years following dissolution.⁷⁸ Moreover, members may be liable for knowingly receiving a distribution which violates Section 813(1) of the Revised Act.⁷⁹

IX. Foreign Limited Liability Companies

A foreign LLC is not considered to be doing business in the State solely because it is a shareholder in a corporation that transacts business in the State.⁸⁰ Foreign LLCs which register to do business in the State must have their application signed by a member, manager or officer and they must provide a certificate of good standing from their home state of formation.⁸¹ The Secretary of State may administratively revoke the registration of a foreign LLC for failure to file an annual report, as well as for other grounds under Mississippi Code Section 79-29-1021.⁸² The Revised Act authorizes all persons to obtain a certificate of authorization for a foreign LLC.⁸³

X. Derivative Actions

A member or owner of a financial interest can bring a derivative action in chancery court to recover a judgment if managers or members with authority to do so refused to bring the action if they believed it was not likely to succeed.⁸⁴ The plaintiff must be a member or owner of a financial interest at the time of bringing the action and at the time of the transaction that is the subject of the complaint.⁸⁵ The Revised Act eliminates the requirement to make a written demand on the LLC. Courts must require the defendant to pay the plaintiff's expenses (including reasonable attorneys' fees) if the plaintiff wins the action; however, courts must require the plaintiff to pay the defendant's expenses if the proceeding was commenced without reasonable cause or for an improper purpose.⁸⁶ State law governs the rights of any foreign LLC derivative actions brought in State court.⁸⁷

XI. Conclusion

LLCs will likely continue as the entity of choice for businesses operating in Mississippi. The Revised Act incorporates the relevant sections of the RULLCA and the Delaware LLC Act. While it may take years to observe the complete operation of the Revised Act, LLCs and Mississippi consumers will immediately benefit from the clarity of the default rules and the flexibility granted in their respective operating agreements. Moreover, the Revised Act parallels the other entity statutes in the State, thus creating a consistent framework in which entities may operate. The Revised Act, together with Mississippi's other revised business statutes, will likely serve as an exemplar for other states. ■

¹ MISS. CODE ANN. §§ 79-29-101 – 1317 (2010).

² *Id.* at §§ 79-29-101 – 1204 (2010) (repealed effective Jan. 1, 2011).

³ Miss. Sec. of State, Bus. Servs. Div. (Apr. 29, 2011).

⁴ *Id.*

⁵ DEL. CODE ANN. tit. 18, §§ 101-1109 (2008).

⁶ REVISED UNIF. LTD. LIAB. CO. ACT § 101-1106 (2006).

⁷ MISS. CODE ANN. § 79-29-1303 (2010).

⁸ *Id.*

⁹ *Id.* at §§ 79-29-1305 – 1307.

¹⁰ *Id.* at § 79-29-105.

¹¹ *See id.* at § 79-29-105(h), (k).

¹² *Id.* at § 79-29-105(t).

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¹³ *Id.* at § 79-29-123(7).
¹⁴ *Id.* at § 79-29-123(3).
¹⁵ *Id.* at § 79-29-123(2)(b).
¹⁶ *Id.* at § 79-29-105(0); *see also id.* at § 79-29-123(7).
¹⁷ *Id.* at § 79-29-105(s), 123(6); *see also id.* at § 79-29-311.
¹⁸ *Id.* at § 79-29-123(6).
¹⁹ *Id.* at § 79-29-107.
²⁰ *Id.* at § 79-29-105(f).
²¹ *Id.* at § 79-29-123(5).
²² *Id.*; *see also id.* at § 79-29-123(4).
²³ *Id.* at § 79-29-201. LLCs can still include this in the certificate of formation as optional language.
²⁴ *Id.* at § 79-29-211.
²⁵ *Id.* at § 79-29-213.
²⁶ *Id.* at § 79-29-215.
²⁷ *Id.* at § 79-29-1203(j), (k).
²⁸ *Id.*
²⁹ *Id.* at § 79-29-219.
³⁰ *Id.* at § 79-29-301.
³¹ *Id.* at § 79-29-301(2)(d). Heirs do not become members by default if there are professional membership requirements.
³² *Id.* at § 79-29-301(2)(e).
³³ *Id.* at § 79-29-301(4).
³⁴ *Id.* at § 79-29-301(5).
³⁵ *Id.* at § 79-29-307.
³⁶ *Id.*

³⁷ *Id.* at § 79-29-309(1).
³⁸ *Id.*
³⁹ *Id.* at § 79-29-309(4).
⁴⁰ *Id.* at § 79-29-309(6)(b).
⁴¹ *Id.*
⁴² *Id.* at § 79-29-303.
⁴³ *Id.*
⁴⁴ *Id.*
⁴⁵ *Id.* at § 79-29-313(1).
⁴⁶ *Id.* at § 79-29-313(2).
⁴⁷ *Id.* at § 79-29-313(3)(a).
⁴⁸ *Id.* at § 79-29-313(3)(b).
⁴⁹ *Id.* at § 79-29-305.
⁵⁰ *Id.*
⁵¹ *Id.*
⁵² *Id.*
⁵³ *Id.* at § 79-29-401.
⁵⁴ *Id.* at § 79-29-403.
⁵⁵ *Id.* at § 79-29-315(2).
⁵⁶ *Id.* at § 79-29-315(1).
⁵⁷ *Id.* at § 79-29-603.
⁵⁸ *Id.*
⁵⁹ *Id.* at § 79-29-605.
⁶⁰ *Id.* at § 79-29-609.
⁶¹ *Id.* at § 79-29-611(2).
⁶² *Id.* at § 79-29-703(1).
⁶³ *Id.*
⁶⁴ *Id.* at § 79-29-703(4).

⁶⁵ *Id.* at § 79-29-707.
⁶⁶ *Id.* at § 79-29-709(1).
⁶⁷ *Id.* at § 79-29-709(2).
⁶⁸ *Id.* at § 79-29-709(3).
⁶⁹ *Id.* at § 79-29-205.
⁷⁰ *Id.* at § 79-29-801.
⁷¹ *Id.* at § 79-29-801(1)(d).
⁷² *Id.* at § 79-29-829.
⁷³ *Id.* at § 79-29-803(2).
⁷⁴ *Id.*
⁷⁵ *Id.* at § 79-29-821 – 823.
⁷⁶ *Id.* at § 79-29-825 – 827.
⁷⁷ *Id.* at § 79-29-831(2).
⁷⁸ *Id.* at § 79-29-807.
⁷⁹ *Id.* at §§ 79-29-817 – 819; *see also id.* at § 79-29-813(1). The Revised Act retains the provisions pertaining to notification of known and unknown claimants, except the statute of limitations under Miss. Code Ann. § 79-29-819 was reduced from five (5) years to three (3). *Id.* at § 79-29-819(3).
⁸⁰ *Id.* at § 79-29-813(3).
⁸¹ *Id.* at § 79-29-1015.
⁸² *Id.* at § 79-29-1003.
⁸³ *Id.* at § 79-29-1023.
⁸⁴ *Id.* at § 79-29-1029.
⁸⁵ *Id.* at § 79-29-1101.
⁸⁶ *Id.* at § 79-29-1103.
⁸⁷ *Id.* at § 79-29-1113.
⁸⁸ *Id.* at § 79-29-1115.



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IN MEMORIAM

Fred M. Bush Jr.

Fred M. Bush Jr., 93, of Tupelo, died January 26, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1948. In 1935, Bush received an appointment to the United States Naval Academy, graduated in 1939, and was ordered to sea duty on the USS WEST VIRGINIA where he served one year. Duty in destroyers followed, first on the USS GRIDLEY in 1940 and 1941, operating out of Pearl Harbor. His ship was with Admiral Halsey's task force ferrying fighter planes to Midway. It was scheduled to return to Pearl Harbor on Saturday, December 6, 1941. As fate would have it, a heavy storm delayed their return by one day. At the time the Japanese attacked from the north, his ship was 100 miles south of Pearl Harbor. Service followed as gunnery officer on the USS KNIGHT in 1942 where combat missions included the landing of General George Patton's troops in Africa and the invasion of Sicily and Italy. He was promoted to Executive Officer in 1943 and made several trips escorting convoys across the Atlantic. He was ordered to the USS MADDOX in the summer of 1944 as Executive Officer, and returned to the Pacific on the MADDOX in 1944 to operate with Admiral Halsey's first carrier task force. In the Okinawa Campaign the ship took a kamikaze. The ship was with Admiral Halsey's task force that lost three destroyers in a typhoon. In 1945, Bush took command of the USS KIDD with its complement of 30 officers and 300 men. He described this wartime assignment as the most responsible, most challenging, most important and most fun job he ever had. He stayed with the KIDD until August 1946. Shore duty after World War II included two years at the NROTC unit at the University of Mississippi and a brief tour in the Bureau of Naval Personnel. He resigned on November 11, 1948 to attend law school. He remained active in the Naval Reserve for many years, retiring with the rank of Captain. Bush was a partner in three law firms: Fant and Bush, Holly Springs, Mississippi 1950-60; Mitchell, McNutt, Bush, Lagrone and Sams, Tupelo, Mississippi 1961-89; and Phelps Dunbar, Tupelo, Mississippi from 1989 until his retirement and afterwards maintained an office as "of counsel" until his death. He was appointed by the Governor to Director of the Mississippi Agricultural & Industrial Board, the predecessor of the Mississippi Department of Economic Development, from 1960-61. When he resigned to return to the practice of law he remained on the executive committee. Bush served on the Executive Committee of the A and I Board for many years and on similar boards devoted to Economic Development, in all serving from 1952 until 1984 under appointments from five Mississippi Governors. He served as President of the Bar, the Lee County Bar Association, the First District Bar, The Mississippi Bar Foundation, the Lamar Order, and the Mississippi Defense Lawyers Association. He was a member of the House of Delegates to the American Bar Association for many years. Civic activities included Tennessee-Tombigbee Waterway Development Authority; Rotary Club; Boy Scouts; USO; Community Development Foundation; Mississippi Economic Counsel; Naval Reserve and the Republican Party. He was a member of All Saints Episcopal Church for 50 years, serving as vestryman, warden and on numerous committees.

William O. Carter Jr.

William O. Carter Jr., 87, of Jackson died January 30, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1950. He served in the U. S. Navy in the Pacific Theater during World War II. After he was admitted he joined the Jackson law firm of Ricketts & Wise, which eventually became Wise Carter Child & Caraway. He served as President and Chairman of the Board of the firm for a number of years before his retirement. He was a Fellow in the American College of Estates and Trust Counsel, for which he served as State Chair. He also was recognized as one of "The Best Lawyers in America." In 1953, Carter established the first Legal Aid Society in Mississippi, for which he was given the Distinguished Service award by the Jackson Jaycees. In 2004, he received the Jim Livesay Service Award for his commitment to and support of Millsaps College. He was also an active member of Galloway Memorial United Methodist Church, the Rotary Club of Jackson, and Habitat for Humanity.

Robert Lacey Crook

Senator Robert Lacey Crook, 81, of Jackson, died January 26, 2011. A graduate of Mississippi College School of Law, he was admitted to practice in 1965. Senator Crook served in the United States Marine Corps and was a student of the War Between the States. He was active in the American Legion, Rotary Club, Sons of Confederate Veterans, and the Military Order of the Stars and Bars. He was appointed State Director of Civil Defense from 1960-64 by Governor Ross Barnett. Senator Crook served in the Senate and in the Legislature for 28 years from 1964-1992 representing Sunflower, Bolivar, and Coahoma Counties. He received a national award from the US General Services Administration for his legislation. Crook authored legislation to reorganize the Public Service Commission and establish the independent Public Utilities Staff. Senator Crook served as the first Chairman of Joint Legislative Audit Committee (PEER) and took the committee to Washington, D.C. to develop governmental audit procedures for Mississippi. He was the first Chairman of the Senate Fees, Salaries and Administration Committee which handled all legislation dealing with the salaries of governmental officials at the state, county and municipal level. Senator Crook was very active in legislation dealing with the legal profession and plaintiff's practice including Workers Compensation issues. Senator Crook also served as a member of the Mississippi Supreme Court Bar Tribunal.

Samuel William Fuller Sr.

Samuel William Fuller, Sr., 91, of Tallahassee, FL, died February 14, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1946. He attended the Marion Military Institute and later joined the Army where he was assigned to the 39th Infantry Regiment, 9th Infantry Division. While serving on World War II campaigns in Africa, Tunisia, Sicily, and Normandy, he received numerous decorations and citations including World War II Victory Medal, EAME Ribbon with 4 stars, American Defense Ribbon, American Theater Ribbon, Combat Infantry Badge, Bronze Star with Oak Leaf Cluster, and Purple

Heart with Oak Leaf Cluster. He separated from service in January 1947 at the rank of Major. He was also a member of the Bar in Arkansas and Florida. He attended Faith Presbyterian Church.

William G. Hatton

William G. Hatton, 46, of Bolivar, TN, died November 17, 2009. A graduate of the University of Memphis School of Law, he was admitted to practice in 1995.

John Paul Moore

John Paul Moore, 80, of Starkville, died January 28, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1959. He served four years in the Air Force during the Korean War. In the Air Force he served as a legal clerk. He served in the Mississippi State Senate from 1968-1976. He was a Paul Harris Fellow in the Starkville Rotary Club. He served as a public defender for many years. He practiced law and was a member of the Oktibbeha County Bar Association for 50 years.

Paul N. Nunnery Sr.

Paul N. Nunnery, Sr., 55, of Madison, died January 19, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1948. Nunnery was a long-time Executive Director of the Baptist Children's Village in Jackson. During World War II, he served in the Army Air Corps in Italy and North Africa. In 1948 he began the private practice of law in Hollandale. Nunnery was elected to the Board of Directors at what was then the Baptist Orphanage. Upon the retirement of his predecessor, in 1960 Paul assumed the responsibility for the institution, where he stayed for over thirty years. He changed the orphanage name to "Mississippi Baptist Children's Village" and relocated the "Village" campus from Jackson to Clinton. During his administration, Paul was influential in the formulation of childcare legislation at the federal level as President of the National Association of Homes for Children and under his guidance "The Village" was among the first in the country to gain accreditation in its field through this organization. After his retirement, he remained active as in-house legal counsel to "The Village." Nunnery was a Rotarian in Washington County and Jackson for many years. He was a long-time member and Sunday school teacher at Morrison Heights Baptist Church in Clinton.

Woodrow W. Pringle III

Woodrow W. Pringle III, 56, of Gulfport, died December 14, 2010. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1979. He was a lifelong resident of the Coast. He was an attorney for over 30 years, 13 of those years as a family court prosecutor. One of his passions in life was coaching baseball and he did so for many years. Pringle has received numerous awards from the Gulf Coast Associate of Legal Support Professionals, 2001-2002 Boss of the Year, an Outstanding Citizen Katrina Relief Award from New York and an award from the Department of Justice of the United States of America. Pringle was a member of The Church In The Son in Orlando, Florida.

Harvey T. Ross

Harvey T. Ross, 90, of Clarksdale, died December 22, 2010. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1946. Ross was a member of the Children of the American Revolution, and he was an Eagle Scout. Ross played in the State CHS Championship Band, the Ole Miss Marching Band, and the Ole Miss Alumni Jazz Band. He was a Lieutenant in the Navy and served as commanding officer of LST 474 in the South Pacific for three years during WWII. Ross was a member of the Coahoma County Bar Association and Fellow of The Mississippi Bar Foundation. He was in private Law practice for 27 years and served as Chancellor of the 11th Judicial District for 25 years. He served eight years in Mississippi State Legislature. He was the past President of the Coahoma County Chamber of Commerce. Ross was also a member of: Rotary Club, Exchange Club, Clarksdale Country Club, VFW, American Legion, and St. George's Episcopal Church, where he served on the Vestry.

Joseph O. Sams Jr

Joseph O. Sams, Jr, 76, of Columbus, died December 21, 2010. A graduate of the University of Alabama School of Law, he was admitted to practice in 1959.

Avery Martin Springer Jr.

Avery Martin Springer Jr., 68, of Tampa, FL died December 20, 2010. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1967. He spent his entire professional career employed with Ralston Purina Co. in various management positions, including domestic and international sales.

Thomas Henry Suttle, Jr.

Thomas Henry Suttle, Jr., 69, of Jackson, TN, died February 7, 2011. A graduate of the University of Mississippi School of Law, he was admitted to practice in 1971. Suttle was an Eagle Scout and received his God and Country award. In 1963, he was commissioned as a 2nd Lieutenant in the US Army. He was deployed to Vietnam in July of 1967 and served as an artillery liaison officer in the First Infantry Division. For his service in Vietnam he was awarded the National Defense Service Medal, Vietnam Service Medal, the Air Medal with two oak leaf clusters, and the Bronze Star Medal. He resigned with the rank of Captain. In 1971, he began practicing law with Daniel, Coker, Horton, and Bell and retired in 1999. Suttle was a life-long Presbyterian and former member of Covenant Presbyterian Church where he was a member of Session, serving several terms as Clerk of Session. He was Moderator of the Presbytery of Mississippi in 1995 and Moderator of Presbytery Council in 1996. He worked in many areas of ministry in the Church and taught children in pre-school Sunday School.



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CLE Calendar of Events

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

JUNE

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| <p>2 CEU Institute Inc. "Advanced Medicare Issues." 1.0 credits. Jackson, MS. Contact 407-324-0500, Daryline Leslie.</p> <p>2-3 UM CLE "Basic Mediation Skills Training." 14.0 credits (includes ethics). Oxford, MS, Yerby Conference Center. Contact 662-915-7283.</p> <p>3 Rankin County Bar Association "All Rise! What Judges Want You to Know." 6.0 credits (includes ethics). Brandon, MS, Rankin County Courthouse. Contact 601-591-2713, John Elliott.</p> <p>3 MS College School of Law "Pro Bono Training CLE." 6.0 credits (includes ethics). Jackson, MS, MS College School of Law. Contact 601-925-7107, Tammy Upton.</p> <p>9 MS Judicial College "Indian Child Welfare Act Conference." 6.5 credits. Choctaw, MS, Pearl River Resort. Contact 601-359-4817, Mary Fuller.</p> <p>9 Panola County Bar Association "Legal Considerations for Military Families by Parker Still." 1.0 credit. Batesville, MS. Contact 662-563-4508, James Yelton.</p> <p>10 UM CLE "Federal Criminal Trials from A to Z." 6.0 credits. Ridgeland, MS, Embassy Suites. Contact 662-915-7283.</p> <p>10 NBI "How to Deal with Impossible Clients, Witnesses & Opposing Counsel in Litigation." 6.0 credits (includes ethics). Jackson, MS, Hilton Jackson. Contact 715-835-8525.</p> <p>10 MS College School of Law "MS Juvenile Defender Training." 6.0 credits (includes ethics). Jackson, MS, MS College School of Law. Contact 601-925-7107, Tammy Upton.</p> <p>15 Sterling Education Services, Inc. "Fundamentals of Employment Law." 6.7 credits. Biloxi, MS. Contact 715-855-0495.</p> <p>16 Lorman Business Center "AIA Contracts." 6.7 credits. Jackson, MS. Contact 715-833-3940.</p> <p>17 MS College School of Law "Entertainment Law CLE." 6.0 credits (includes ethics). Jackson, MS, MS College School of Law. Contact 601-925-7107, Tammy Upton.</p> <p>17 UM CLE "Tool Box Series: Flying Solo: Practical Advice for Starting Your Own Firm and Social Media: Implications and Applications." 6.0 credits. Jackson, MS, Jackson Hilton. Contact 662-915-7283.</p> <p>18 SBI Seminars "Defending DUI & So-Called Routine Traffic Stop Cases." 6.0 credits (includes ethics). Tunica, MS. Contact 1-800-826-7681, John Gormley.</p> <p>22 NBI "Employment Laws Made Simple." 6.7</p> | <p>credits. Jackson, MS, Jackson Convention Complex. Contact 715-835-8525.</p> <p>24 NBI "Advanced Title Insurance Underwriting Issues." 6.0 credits (includes ethics). Jackson, MS, Jackson Convention Complex. Contact 715-835-8525.</p> <p>24 MS College School of Law "Criminal Law New & Now." 6.0 credits (includes ethics). Jackson, MS, MS College School of Law. Contact 601-925-7107, Tammy Upton.</p> <p>24 UM CLE "Workers' Compensation Law." 6.0 credits (includes ethics). Ridgeland, MS, Embassy Suites. Contact 662-915-7283.</p> <p>28 Lorman Business Center "Taking & Defending Effective Depositions." 6.0 credits (includes ethics). Jackson, MS. Contact 715-833-3940.</p> <p>29-30 UM CLE "Summer MS Municipal Attorneys' CLE." 6.0 credits (includes ethics). Biloxi, MS, Beau Rivage. Contact 662-915-7283.</p> <p>30 NBI "Mississippi Foreclosures & Workouts." 6.0 credits (includes ethics). Jackson, MS, Jackson Convention Complex. Contact 715-835-8525.</p> | <p>14 The Likeable Lawyer "The Persuasive Lawyer." 3.5 credits (includes ethics). Jackson, MS. Contact 1-800-524-2396.</p> <p>15 The Likeable Lawyer "The Satisfied Client." 6.5 credits (includes ethics). Jackson, MS. Contact 1-800-524-2396.</p> <p>15 Barristers Education Services "Famous People and Famous Lawyers." 6.0 credits (includes ethics). Jackson, MS. Contact 1-800-874-8556, Sarah Middleton.</p> <p>15 UM CLE "Attacking the Expert's Opinion featuring Robert Musante." 6.0 credits. Jackson, MS, Hilton Jackson. Contact 662-915-7283.</p> <p>19 NBI "Real Estate Law: Advanced Issues & Answers." 6.0 credits. Jackson, MS, Jackson Convention Complex. Contact 715-835-8525.</p> <p>19 Barristers Education Services "Recent Developments in MS Law." 6.0 credits (includes ethics). Starkville, MS. Contact 1-800-874-8556, Sarah Middleton.</p> <p>20-21 Mediation Media, Inc. "Mediation Process & The Skills of Conflict Resolution." 14.0 credits (includes ethics). Jackson, MS. Contact 1-800-237-3476, Troy Smith.</p> <p>20 Barristers Education Services "Recent Developments in MS Law." 6.0 credits (includes ethics). Oxford, MS. Contact 1-800-874-8556, Sarah Middleton.</p> <p>21 MS College School of Law "CLE Marathon." 6.0 credits (includes ethics). Jackson, MS, MS College School of Law. Contact 601-925-7107, Tammy Upton.</p> <p>21 Lorman Business Center "Medical Records Law." 6.0 credits. Jackson, MS. Contact 715-833-3940.</p> <p>21 Barristers Education Services "Recent Developments in MS Law." 6.0 credits (includes ethics). Clarksdale, MS. Contact 1-800-874-8556, Sarah Middleton.</p> <p>22 MS College School of Law "CLE Marathon." 6.0 credits (includes ethics). Jackson, MS, MS College School of Law. Contact 601-925-7107, Tammy Upton.</p> <p>22 Barristers Education Services "Evidence in Trial Practice." 6.0 credits (includes ethics). Gulfport, MS. Contact 1-800-874-8556, Sarah Middleton.</p> <p>22 UM CLE "Foreclosure Law in MS." 6.0 credits (includes ethics). Oxford, MS, The Yerby Conference Center. Contact 662-915-7283.</p> <p>22 Family Law CLE "Family Law CLE 2011." 6.0 credits (includes ethics). Jackson, MS, MS Sports Hall of Fame. Contact 662-513-0159, Carroll Moore.</p> |
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JULY

- 1 UM CLE "Criminal Law Update." 6.0 credits (includes ethics). Biloxi, MS, Beau Rivage. Contact 662-915-7283.
- 8 UM CLE "6th Annual Conference on Education Law." 6.0 credits (includes ethics). Oxford, MS, The Yerby Conference Center. Contact 662-915-7283.
- 8 Barristers Education Services "Recent Developments in MS Law." 6.0 credits (includes ethics). Natchez, MS. Contact 1-800-874-8556, Sarah Middleton.
- 11-13 MS Bar "2011 Summer School for Lawyers." 12.0 credits (includes ethics). Sandestin Resort, Destin, FL. Contact 601-948-4471.
- 12 Barristers Education Services "Recent Developments in MS Law." 6.0 credits (includes ethics). Hattiesburg, MS. Contact 1-800-874-8556, Sarah Middleton.
- 13 Lorman Business Center "Workers' Compensation Update." 6.0 credits. Jackson, MS. Contact 715-833-3940.
- 14 Barristers Education Services "Constitutional Law, Privacy & Federal for Everyday Law Practice." 6.0 credits (includes ethics). Cleveland, MS. Contact 1-800-874-8556, Sarah Middleton.
- 14 The Likeable Lawyer "The Trusted Lawyer." 3.5 credits (includes ethics). Jackson, MS. Contact 1-800-524-2396.

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Mississippi Corporate Counsel Association



Mississippi Corporate Counsel Association meeting - Bar President Nina Stubblefield Tollison speaking on MS Bar activities; Tammra Cascio, current MCCA President; Rhea Tannehill, guest speaker on his deployment in Afghanistan; Sandy Sanford, Immediate Past President of MCCA; and Cheryn Baker, Director of MCCA.

The Mississippi Bar Senior Lawyers Section Formed



(Front Row) Meredith Aldridge, Maura McLaughlin, Jim Collins, (Second Row) Edwin Pittman, Preston "Bo" Rideout, Joe Meadows, (Third Row) Tom Starling, John Christopher, Sid Davis, (Back Row) Lucius Dabney, Max Graves, and Judge Vernon Cotton

The Mississippi Bar Women in the Profession May Committee Meeting

Front Row: Cheryn Baker, Jenny Tyler Baker, Cindy Mitchell, and Christine Tatum; Back Row: Jessica Dupont, Julie Swayze McLemore, Caroline Crawley Moore, Gayla Carpenter-Sanders, and La'Verne Edney. Not pictured Committee Chair Michelle Easterling.

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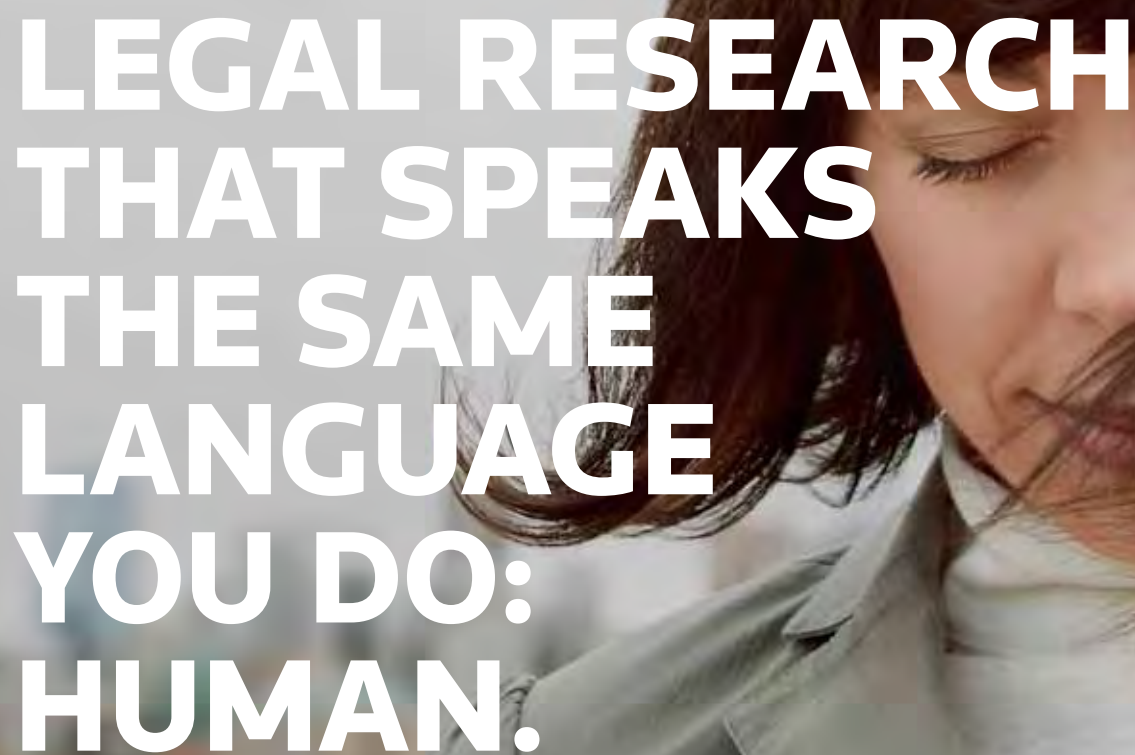
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