



HINDS COUNTY BAR ASSOCIATION

MAKING OUR CASE FOR A BETTER COMMUNITY

OCTOBER 2006



President's Column

by John C. Henegan

In October and November, the Hinds County Bar Association is putting on some truly outstanding programs for its members and the general public that address issues of diversity in our profession and society as a whole. As we have in the past, the HCBA will also let its professional hair down and relax a bit. This is what we have in store.

Women in the Legal Profession



Pamela Roberts

First, Pamela Roberts, a partner at Nelson, Mullins, Riley & Scarborough LLP in Columbia, South Carolina, will be our featured speaker at HCBA's regular October 17 membership meeting at the Capital Club. As Chair of the ABA's Women in the Profession Commission, Pamela is one of the legal profession's most knowledgeable

speakers about those issues that influence and impact women in our profession. During this meeting, she will discuss those ABA programs that are designed to foster the full and equal participation of women in our profession and our justice system.

Later that same day, the HCBA Women in the Profession Committee, along with several professional women associations, including the Metro Jackson Black Women Lawyers Association, will be co-hosting a reception for Pamela from 5:30-7:00 p.m. at the Old Capital Inn. At this reception, Pamela will discuss issues that affect women in all professions in an address entitled "Today's Professional Woman: Common Issues, Uncommon Solutions." Do not let the title fool you - what Pamela has to say will be of interest not only to women but men as well.

Food and beverages will be served that evening, and tickets are \$15.00 per person. Every female attorney, law professor, and law student in Mississippi has been invited. Complimentary invitations have been sent to all the female judges in the State, as well as a special invitation being sent to the managing partner or chair of every law firm in the State.

continued on page 7

August Membership Meeting and CLE Ethics Hour

Former Mississippi Supreme Court Justice Fred L. Banks, Jr., presented an ethics program at the HCBA's August luncheon and CLE meeting. Justice Banks (right) is pictured with John Henegan, HCBA President.



HCBA LUNCHEON MEETING

Tuesday, October 17, 2006 Capital Club Noon \$15.00

Speaker: Pamela Roberts, Chair, ABA's Women in the Profession Commission

HCBA Calendar of Events

Wednesday, October 11

Swearing-In Ceremony
Thalia Mara Hall Hall. 3:00

Thursday, October 12

HCBA/JYL Fall Social
Hal & Mal's. 5:30-8:00

Tuesday, October 17

HCBA Membership Meeting
Capital Club. Noon

Mississippi Bar Memorial Service

Old Supreme Court Chambers
(Room 216-Mississippi Capital).
2:00

Reception for Pamela Roberts

Old Capitol Inn. 5:30-7:30

Thursday, November 16

HCBA Diversity Conference
Downtown Marriott Hotel.
9:00-1:30

Thursday, December 8

HCBA Christmas Social
Old Capitol Inn. 5:30-7:00

Tuesday, January 16

HCBA Membership Meeting
Capital Club. Noon

New Federal District Judge Named for the Southern District of Mississippi

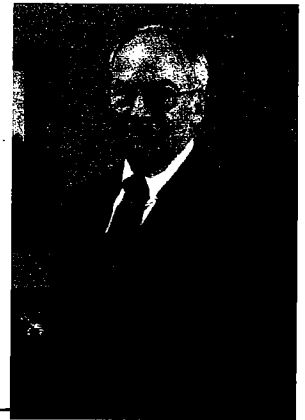
On September 5, 2006, the President of the United States asked the United States Senate to consent to his appointment of Halil Sul Ozerden, with the Gulfport firm of Dukes, Dukes, Keating & Feneca, P.A., to the position of United States District Judge for the Southern District of Mississippi.

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White House Fellows

by Cory Wilson

The White House Fellows program is America's most prestigious program for leadership and public service. Between eleven and nineteen Fellows are chosen by a Presidential Commission each year. Fellows spend a year working in Washington as full-time special assistants to senior White House Staff, Cabinet Secretaries and other top-ranking officials. In addition, Fellows participate in an education program consisting of roundtables with renowned leaders from the private and public sectors, "hands-on" experiences like military trips and agency visits, and programs on Capitol Hill, the Supreme Court, and with the media. Fellows also take trips to study U.S. policy in action both domestically and internationally.

Non-partisan, the Fellows program was begun in 1964 by President Lyndon Johnson. The mission of the program was, in President Johnson's words, "to give the Fellows first hand, high-level experience with the workings of the Federal government and to increase their sense of participation in national affairs." In return, President Johnson expected Fellows to "repay that privilege" by "continuing to work as private citizens on their public agendas."

President Johnson's vision in 1964 is more than a reality today. It was my great privilege to spend the past year as part of the 40th class of White House Fellows. Now, I find myself in the company of alumni who have ~~more than repaid the privilege by serving:~~ former Secretary of State Colin L. Powell, Former Chairman/CEO of CNN Tom Johnson, General Wesley K. Clark, and U.S. Senator Samuel D. Brownback. Chief Judge Deanell R. Tacha, U.S. Court of Appeals for the 10th Circuit, and Judge Margaret M. McKeown, U.S. Court of Appeals for the 9th Circuit, among other lawyers, are also Fellows. Given these and many other examples, I feel a deep obligation to give back to the country, to Mississippi, and to our profession-to repay the privilege by bringing the Fellowship experience home.

During my Fellowship year, I worked at the Pentagon as a special assistant to Defense Secretary Donald H. Rumsfeld. Ironically, my first project last fall brought me home: I worked on the military's response to Katrina (think: the Posse Comitatus Act) and later facilitated Katrina witness testimony before Congressional committees. The closest I came to legal work was a trip to Guantanamo Bay, Cuba, where I got to see first hand the detention facility and the procedures through which enemy combatants are held and handled there. It was a year wholly removed from life as a commercial litigator.

I learned about leadership. I traveled abroad and domestically with Secretary Rumsfeld, and I got to know some of the military's top brass. I also got to know enlisted men and women and saw firsthand what they do every day to keep us safe and free. I spent the night on an aircraft carrier and operated a refueling boom in an Air Force tanker. I worked with the team developing ways to counter terrorists' improvised explosive devices before they are used against our soldiers and Marines on the front lines of freedom. The nation's military men and women

represent truly heroic American values, spirit, and dedication. They lead by serving.

Outside the Pentagon, I met many other leaders, often ordinary people doing extraordinary things because of their love for country and their conviction that Americans have a duty to do heavy lifting both at home and in the world. Some of the best leaders were right here in Mississippi. In January, the Fellowship again hit home during one of our domestic policy trips. A day in Jackson and another on the Gulf Coast allowed me to show off world class leaders (and lawyers) like Governor Haley Barbour, former Governor William Winter, and Bar President Joy Phillips, to my very impressed classmates.

In short, the Fellowship reminded me of what is right about America, what is good about our republic. It was an inspiring reminder of what people immersed in freedom and opportunity can truly achieve. It was also a chance to see President Bush, Secretary Rumsfeld, and many other leaders as real, decent, hardworking people trying to do the right things for our country, often under intense pressure. What a privilege to repay, indeed.

Not that I forgot about being a lawyer. I learned how Washington works, but I also gained new perspective on our profession and how it is seen by non-lawyers. The year in DC was full of reminders that lawyers have played a profoundly important role in preserving the genius of the American experiment. ~~Our system, much as people may gripe, still works.~~ It works in no small part thanks to the role our profession has played in safeguarding it.

But the impact of lawyers today is far more debatable than in times past. Many now view lawyers as a significant drag on the very Constitutional system that two centuries ago they helped to conceive. Almost without exception, business leaders I met ranked America's overly litigious culture among the top threats to our nation's continued prosperity.

That is how our clients view us. Our self-image is not much better. Leading lawyers (including a couple on the Supreme Court) opined that the profession has abandoned its role as "counselor to the community" in favor of an obsession with the bottom line. Our lack of civility resembles the rancorous partisanship in the nation's capital. People are sick of both. There is a sense that, just when society needs the noble sense of greater good that lawyers have historically offered, too many of us have abdicated.

Food for thought. The Fellowship year provided incredible examples of the impact leaders can have when they simply step up and lead. If we decide to tackle the challenges faced by our nation and our profession, then lawyers will strengthen and sustain the American experiment into the future. We will also shape our profession in a way befitting the examples of the leaders who came before us. Step up and lead.

Editor's note: Jackson lawyer, Cory Wilson, recently completed a year's service as a "White House Fellow".

Diversity in and at the Legal Bar

by John Henegan

Since announcing that diversity is this year's theme of the HCBA and that the HCBA Diversity Roundtable will be November 16 at the Downtown Jackson Marriott, members of the HCBA have frequently sent HCBA Board members and the HCBA Diversity Committee information about the diversity meetings, activities, and publications of other state, county and local bar associations. At times I thought that my lap top would melt down from the number of excellent articles that I had received, not to mention the many brochures and flyers about diversity conferences being held in our region and elsewhere across the nation.

These articles certainly help create an increased awareness about diversity. But as citizens of an increasingly multi-cultural, pluralistic society, most of us have at least a rudimentary idea of why diversity is vital in a democratic republic founded on the principle that all people are created equal and endowed with certain inalienable rights including life, liberty, and the pursuit of happiness. Many of the articles assess where we are and how far we have come in achieving diversity. They also address in concrete terms how to encourage, increase, and maintain diversity within our profession.

Today these articles appear not only in national publications, such as The National Bar Journal and the ABA Journal, but other more specialized bar publications as well. For example, an excellent piece entitled "Teaching Can Help - Diversity Training At Your Law Firm" appears in the September/October 2006 edition of Business Law Today, the magazine of the Business Law Section of the ABA. If you have not already come across and read this five-page article, you will want to take time to find a copy and review it.

Besides writing and publishing about diversity, what are other bar associations doing? Depending on the section of the country, the goal of diversity is articulated not surprisingly on behalf of a variety of groups, viz., "minorities", "people of color", "women", "ethnics", "lawyers with disabilities", etc. Some state, county, or local bars have adopted diversity-related goals, initiatives, strategic plans, policy statements, or statements of principle. The content of these policy statements are also expressed in different ways.

For example, this is the diversity policy of a local mid-western bar group:

The United States of America was founded upon ideals of equality and the inherent worth of the individual. Despite this heritage, racism, discrimination and injustice have historically prevented our ideals from being realized - to the detriment of all citizens. Lawyers have an obligation and a unique opportunity to pursue these ideals.

Therefore, it is [our] policy . . . to champion equal justice for all by:

- Advocating fairness, equity and equality;
- Promoting diversity and opposing discrimination; and

- Fostering respect and civility within the [bar], in the administration of justice, and throughout the community.

This is policy of a state bar located in another section of the country:

- Partnering with statewide minority bar associations to organize, develop, and implement diversity plans in the legal profession.
- Organizing, developing, and implementing diversity training plans and programs for statewide use in the legal profession.
- Partnering with law firms and legal departments of corporations, businesses, and government agencies on recognizing the benefits and core values of diversity and increasing diversity in their organizations.
- Educating [our] leadership and staff on the benefits and core values of diversity in the legal profession.
- Organizing, developing, and implementing diversity leadership and outreach programs for minority students interested in a legal profession, minority law students, and minority attorneys within colleges, universities, law schools, and the community.
- Providing information and serving as a resource center to the [state bar], including its leaders, staff, and members; law firms; the legal community; and the public on diversity in the legal profession.

To be sure some members of our profession argue that policy statements like these are cosmetic and largely self-promoting or are of limited or no value. Others believe, however, that they are important, not symbolically, but because of the thinking and self-examination that occurs as they are prepared, studied, discussed, and adopted.

To counter such objections or as a key first step to their adoption, many state bars such as the Arkansas and Mississippi Bar Associations have established commissions or committees to address how they can encourage, increase, and maintain diversity within our profession. These bars' executive staffs help support and promote diversity activities statewide as well as those of local bar groups such as HCBA. These efforts can take a variety of forms. To this end, both the Georgia and Tennessee Bar Associations have this year held or will be hosting diversity conferences for their members. Indeed the response to the first "Diversity Summit" of the Tennessee Bar, held in Memphis in April of 2006, was so enthusiastic that the Tennessee Bar will be holding its "Diversity Summit II" on October 27 in Nashville.

Some of these bar associations have been examining diversity within our profession for nearly 20 years and others have been doing so more recently. All this activity should encourage us to explore all aspects of the issue of diversity in Mississippi, not only in our own profession but in all aspects of our society.

Two Anniversaries and An Election

by Captain Equity

We all recently observed the one year anniversary of Hurricane Katrina followed by the five year anniversary of 9-11. And now in less than thirty days we will go to the polls for the second mid-term election of the Bush Presidency. Instead of tracking the antics of the Tomkat, Baby Surry, Mel Gibson and Bradgelina not to mention bags of killer spinach, I have spent a lot of time recently reflecting on the two transformative tragedies of the Twenty First Century and the affect they are likely to have on the approaching elections. Specifically, I sat through the fascinating rebroadcast of the Today Show of September 11, 2001 that replayed the events of that infamous day as they unfolded in real time. I also watched the powerful four hour Spike Lee documentary on Katrina. I supplemented my video intake with a healthy dose of newspaper commentary, talk radio and Sunday morning news shows and even read a couple of new books on the subjects. Based on all of this I have concluded that much of America (at least the one that is paying attention) is doing okay to fine with some notable exceptions like New Orleans, the Gulf Coast and 37 million people living below the poverty level. But unfortunately, most if not all of the federal government is irretrievably broken despite living way above the poverty level. Four disturbing themes recur: deceit, incompetence, corruption and inattention. They do not bode well for our collective future.

Deceit

We all remember that Tuesday morning five years ago as the unthinkable manifested itself in New York City, metro Washington and Western Pennsylvania. We remember the President's finest hour a few days later atop the rubble at Ground Zero with his bullhorn. A month later we responded militarily in Afghanistan against Osama Bin Laden and his protectors, the Taliban, with almost universal support around the globe. And then came Iraq. Secretary of Defense Rumsfeld's unique interior monologue style is ironically appropriate to sum up what happened from there.

"Were Americans told in effect that Saddam Hussein was connected to 9-11 and was on the verge of attacking the United States with weapons of mass destruction?"

"Absolutely."

"Was credible intelligence ignored or twisted by the Administration to green light a war against an imaginary enemy that had nothing whatsoever to do with the 9-11 attack against America?"

"You bet."

"Did anybody bother to think through the repercussions of invading and occupying a Middle Eastern country hallmarked by centuries of smoldering sectarian hatred?"

"Probably not."

"Would this administration do it again knowing everything that is now known?"

Vice President Cheney recently assured Tim Russert on *Meet The Press* that there was no doubt they would.

"Have we squandered every bit of worldwide good will that was amassed by the afternoon of September 11, 2001?"

"No question about it."

"And does the Bush White House have a clue what to do now?"

"Nope."

Actually, that is not totally accurate. Every time the President and his inner circle are wrong about Iraq (which should be more aptly named Irong) they just follow Karl Rove's latest script and label anyone who questions the Administration's mindless non-strategy of "stay the course" as the non patriotic work of cut and run cowards and appeasers.

When one considers the breathtaking scope of this ongoing deceit and obstinate denial, one is reminded of Rumsfeld's response to a Hillary Clinton diatribe aimed at him earlier this summer.

"My Goodness."

Incompetence

If the President's finest hour was his handling of the immediate aftermath of 9-11, there is no doubt that his administration's response to Hurricane Katrina was the nadir. As a viewing of any of the news footage of the disaster will confirm, Michael "Heckuva Job" Brownie didn't even know that the levees had broken in New Orleans until three days later, notwithstanding the fact that all he had to do was turn on a television. And then there was our President out raising money in San Diego while people were dying at the Superdome and Convention Center. How hard would it have been for the Commander In Chief to don his USS Abraham Lincoln flight jacket and dispatch every military helicopter anywhere near New Orleans to evacuate desperate American disaster victims? And then there is the now legendary story of the sheriff in Forrester County Mississippi that commandeered a FEMA truck full of ice and water that just sat idling in a parking lot while people were literally dying of thirst. And what is FEMA's response? Prosecute the sheriff.

The story of post invasion Iraq is no better. Or how about the FAA's failure to send Comair updated diagrams of the Blue Grass Airport in Lexington, Kentucky? As a result, a regional jet takes off on the wrong runway and kills 49 people this past August. We are victimized by all of this fatal bungling despite hundreds of billions of dollars spent in the name of Homeland Security. Why? Because this administration recklessly appoints political hacks and cronies to responsible jobs for which they aren't vaguely qualified. Meanwhile, experienced career federal employees quit government service in droves out of anger, protest, utter frustration or all of the above. Is there any chance I can get some of my tax money back? If the federal government was Best Buy or William Sonoma, I would be due a full refund.

Corruption

Congress leads the way on this one. Jack Abramoff, Duke Cunningham, Tom Delay, Bob Ney and William Jefferson with his freezer full of hundred dollar bills are the names that jump off the page. The more unsettling fact is that what passes for federal appropriations these days is largely the byproduct of what has become legalized bribery. The applicable euphemism is "earmarking" which is done in secret by individual lawmakers with no oversight who slip huge chunks of federal favors for contributors into thousand page bills nobody bothers to read. To make matters worse, Congressmen and Senators can't be shamed into making even minor reforms. To this end, every incumbent up for reelection should be made to find honest work in the private sector starting next January. They should also be made to forfeit their generous Congressional retirement benefits just like the rest of America's workforce in

continued on page 13

