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Foreword

Joseph Richard Hurt

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FOREWORD

*Joseph Richard Hurt**

During the 1994-95 year, the *Mississippi College Law Review* staff unanimously voted to publish an annual Fifth Circuit symposium beginning this year. As dean of the law school, I am pleased with this new direction for our law review and honored to introduce the inaugural issue.

The 1994-95 year marked the twentieth anniversary of Mississippi College's operation of the law school. During our first two decades, we have grown from an unaccredited local institution to a well respected regional law school which draws its faculty and students from across the nation. With the achievement of full approval by the American Bar Association and membership in the Association of American Law Schools during the 1980s, Mississippi College has been focused for the past five years on establishing its niche in legal education. The commitment by the law review staff to have an annual Fifth Circuit edition is a part of this focus. Just as the school has made a conscious decision to define itself beyond our Mississippi borders, our law review has chosen a regional rather than a local focus. The decision should not only bring greater recognition to our law review, but also expand our sphere of service to the bench and bar.

In making this commitment, our law review has chosen to set our symposium issue apart from the Fifth Circuit editions of other law reviews. Our format will consist of three or four articles which will give in-depth treatment to several key issues within the Circuit. Since the vast majority of federal law is made at the circuit level, our review will provide a much-needed forum for academicians and practitioners to contribute to the development of that law. While the Fifth Circuit symposium will target articles of benefit to those who practice before the Circuit, the law review will adhere to the highest standards of scholarship in selecting articles for publication.

The three articles and one book review in our first symposium issue reflect the goal of carefully balancing scholarship and practical application. The first article which analyzes the revision to Rule 11 was authored by Sidney Powell and Ann Saucer of Powell and Associates in Dallas. Ms. Powell is the editor of the *Fifth Circuit Reporter* and a former president of the Fifth Circuit Bar. Ms. Saucer recently completed a clerkship with Chief Judge Politz of the Fifth Circuit before joining her firm in Dallas.

The second article, which focuses on bankruptcy appeals in the Fifth Circuit, was co-authored by Professor Henry Gabriel from Loyola in New Orleans and his former research assistant Scott Beal who practices in New Orleans. This article provides a step-by-step guide to all aspects of appellate practice in bankruptcy cases.

* Dean and Professor, Mississippi College School of Law.

The final article, entitled *Smith v. Industrial Contractors: Implications of Double Taxation in Mississippi Wrongful Death Awards*, was written by Thomas Depperschmidt, an economics professor at the University of Memphis. Professor Depperschmidt examines the ramifications of a Fifth Circuit diversity case which concluded that damage awards in wrongful death cases should not be reduced by the amount of taxes the decedent would have paid during his or her lifetime.

The first symposium issue also contains a short review by David Gruning of Sidney Powell and Henry Gabriel's new treatise entitled *Federal Appellate Practice: Fifth Circuit*. Professor Gruning is a colleague of Professor Gabriel's at Loyola.

I compliment our law review staff for its decision to move in this direction. I trust that you will find this symposium issue and the ones to follow a valuable addition to the scholarship related to the Fifth Circuit.