

# Mississippi Courts

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## Juror no-shows prompt public education campaign

A decline in turnout for jury service has prompted Bolivar County officials to undertake a campaign to educate the community.

The Bolivar County Circuit Court Task Force held a public forum June 19 at the courthouse to start gathering information that may help officials to understand citizens' reluctance to serve on juries, to find ways to increase citizens' response to jury summonses, and to improve the jury experience for all who do their civic duty.

Eleventh District Circuit Judge Albert B. Smith III was forced to declare a mistrial in a capital murder trial due to insufficient jurors. Although 250 people were summoned for jury duty a month before trial, only 60 people, or 24 percent, appeared the day of trial. The Postal Service returned 65 summonses, or 26 percent, as undeliverable. Some were excused in advance for statutorily allowed reasons. On the day of trial 52 people, or 21 percent, failed to appear. After all prospective jurors had been questioned and numerous people were dismissed for cause, only nine remained.

Circuit Clerk Marilyn Kelly said it cost \$2,500 to pay the 60 people who showed up. "That's a lot of waste."

Judge Smith is reluctant to impose penalties on people who fail to show up for jury duty. To do so would require holding a show cause hearing and providing representation. That would be time-consuming and expensive.

"We are going to spend more money and time and gum the system up with people who don't show up for jury duty. Then you are going to have to do it a hundred times," Judge Smith told the audience at the public forum.

Some think penalizing the no-shows might get people's attention and send a message. "Do it 10 or 20 times and you will never have to do it again," said John Paul Gates of Cleveland, manager of the local ambulance service.

But Bolivar County Bar Association President Mike Carr said, "I don't want fear to become a part of it. It should not be for fear that we serve on juries."

Judge Smith wants to educate the community about the duty and the responsibility of



**Circuit Clerk Marilyn Kelly, at left, and Judge Albert B. Smith talk about jury service during a June 19 public forum in Cleveland.**

jury service. "It's not always fun. It comes at inopportune times. But it is needed. It is one of the most important services we have as citizens."

Sheriff Kelvin Williams III said victims suffer when there's a delay. "The family wants justice. Imagine if that was your family member, or that was you. We need to

educate people."

Cleveland Mayor Billy Nowell said, "It's something we all need to take responsibility for. There are enough of us that do care and I think it is our responsibility to come out and get our friends and our families to come together and try to make this work."

## Legal Services 40-year anniversary honors leadership, raises funds

Two weeks before he resigned the presidency in August 1974, Richard M. Nixon signed the Legal Services Act that funds civil legal assistance for the poor.

As legal aid attorneys observe the 40<sup>th</sup> anniversary of legislation that funds their work, their own budgets are slim, like those of the poor people they represent. Funding has declined so much in recent years that Legal Services offices turn away about half of the eligible people who seek their services.

The Mississippi Center for Legal Services has 18 lawyers to represent low income people in 43 central and south Mississippi counties. That's an average of one Legal Services attorney for every 21,000 poor people eligible for legal assistance. At its peak of funding, 48 attorneys served the south half of the state.

The 2010 fiscal year appropriation was \$3.2 million. The 2014 appropriation was \$2,598,661. The Congressionally funded Legal Services Corporation in Washington, D.C., provides about 70 percent of the budget of the Mississippi Center for Legal Services.

It's been a "slow bleed," said Hattiesburg attorney Michael Adelman, chairman of the Board of Directors of the Mississippi Center for



**Michael Adelman**

Legal Services.

"We have more than 200,000 people eligible for legal services in this state. We've got to have the underlying ability to do that," Adelman said.

During the past three years, the Board of Directors changed its operations, sought state funding and stepped up efforts to independently raise funds to supplement Congressional appropriations. "We had to transform from a program of dependence to a program of independence," Adelman said.

A \$75 a person gala anniversary celebration held at the Jackson Convention Center on Aug. 14 raised more than \$20,000, and earlier contributions pushed this year's fund raising past \$60,000. The fund raising goal for this year is \$100,000.

More than 300 current and



**Ronnie Musgrove**

former Legal Services attorneys, staff and supporters turned out to honor 26 Legal Services leaders and longtime legal aid staff.

Former Gov. Ronnie Musgrove, co-chair of the fund-raising campaign, thanked Supreme Court Chief Justice Bill Waller Jr., Presiding Justice Jess Dickinson and Rep. Percy Watson for their support of legislation which will add funding for civil legal assistance. House Bill 579, which addressed funding at several levels of the judiciary, includes a \$2.77 special assessment on some misdemeanor fines, generating money for the Civil Legal Assistance Fund. The legislation went into effect July 1.

Musgrove thanked Legal Services attorneys and staff for their hard work and dedication, telling them, "Over the past 40 years, hundreds of



**Gen. Augustus L. Collins**

thousands of Mississippians, facing the greatest crisis of their lives, have turned to you." The work is thankless, but rewarding, and the lives touched are forever changed. "We should measure our success in the lives made better thanks to the work done by each and every person in this room, and especially the honorees," Musgrove said.

"You are the voice of so many people in this state who otherwise would not have a voice," keynote speaker Major General Augustus L. Collins, Adjutant General of Mississippi, told the crowd.

Legal Services attorneys represent poor people in civil legal matters including family law, housing and foreclosure, consumer issues and income maintenance. Legal Services also assists military families and provides civil legal assistance to victims of disasters.



**Honored for their Legal Services work are, seated, left to right: Julia Crockett, Patricia Pittman, Harrison D. McIver III, Alfred Rhodes, Constance Slaughter Harvey, Maudine Eckford, Sherry Evans, accepting for husband Jessie L. Evans, Fern Anderson and Martha Bergmark. Standing are, left to right: Solomon Osborne, John Walker, Rep. Percy Watson, C. Joy Harkness, Pauline McMorris, Willie Rose, Deborah McDonald, Barry Powell, Everett Sanders and John Maxey. Not pictured are Fenton B. DeWeese II, Jessie L. Evans, Charles P. Leger, Mary A. Marshall, James Edwin Smith Jr., Stanley L. Taylor Jr. and Chancery Judge Johnny L. Williams.**

In 2013, the Mississippi Center for Legal Services assisted 12,771 people and finalized 4,497 civil cases for their clients in 43 counties.

Attorney Jennifer Ingram Wilkinson of Hattiesburg, co-chair of the Mississippi Center for Legal Services Fundraising Campaign Committee, said, “All Mississippians can face the crises of unexpected job loss, natural disaster, family violence, foreclosures, medical emergencies. For some, these events are financially devastating and lead to poverty and hopelessness.”

“If we are to live up to one of the bedrock principles of our country, that we provide justice for all, we must fully fund Legal Services,” Wilkinson said.

Lindia P. Robinson, executive director of the Legal Services Office of State Initi-

atives, introduced 26 current and former Legal Services attorneys and staff who were honored. “The passage of the Legal Services Act of 1974 was an important and central step toward the goal of justice, yet it has been the unwavering commitment and steadfastness of tonight’s honorees that moved us from the ideal of equal justice to the reality of equal justice. Many were trailblazers who with courage and vision defined aggressive advocacy, and pushed against resistant communities to secure rights for those who had previously been denied access to our judicial system. And thankfully some were diplomats, turning opposers into our friends, justice partners, collaborators and funders.”

The audience included attorneys, paralegals and staff

who have spent their careers working in Legal Services, current and former board members, and members of the bench and bar who started out as legal aid lawyers. Hinds Chancery Judge Denise Owens and Judge James E. Graves Jr. of the Fifth U.S. Circuit Court of Appeals, a former Supreme Court Justice, worked as Legal Services attorneys early in their careers. U.S. District Judge Carlton Reeves is a former Legal Services board member.

Former U.S. Congressman and Secretary of Agriculture Mike Espy told the crowd, “I’m proud to say I’m a former Legal Services attorney.”

Jackson attorney Suzanne Keys, now in private law practice, said, “What is great about what we did is what it made us become. What we did shaped who we are.” Her

voice choked with emotion as she said, “I am proud of who I have become.”

Jackson Mayor Tony Yarber said that he learned to appreciate the work of Legal Services several years ago when a friend in dire straits asked for help with a civil matter. “I want you to know that I am grateful,” Yarber told the gathering.



**Mike Espy**

## Judge Denise Owens among Pro Bono Award honorees



**MVLV Executive Director Tiffany Graves presents the Beacon of Justice Award to Chancery Judge Denise Owens.**

Hinds County Chancery Judge Denise Owens received the first Beacon of Justice Award Sept. 25 during the annual Mississippi Volunteer Lawyers Project Pro Bono Awards Dinner in Jackson.

The award recognizes a judge who has exhibited outstanding leadership in promoting and supporting equal access to justice, and fosters awareness of the need for involvement of the judiciary in ensuring the delivery of legal services to the poor, said Tiffany M. Graves, executive director and general counsel of MVLP.

Judge Owens has served as co-chair of the Access to Justice Commission since its formation in 2006. In her

own court, she has worked to assist self-represented litigants by helping coordinate legal clinics for domestic matters. Judge Owens has worked to improve access to justice for all people since she was a law student at George Washington University. She worked for two years as a law clerk at a Washington, D.C., Legal Services elderly law clinic. Her first job after she completed law school was as a staff attorney for the former Central Mississippi Legal Services. She was elected to the Hinds County Chancery Court in 1989.

MVLP recognized lawyers, firms and law school programs that gave thousands

of hours in pro bono work.

Former Gov. William Winter told honorees, "It is because of your efforts and those of many other of your colleagues that we have made our bar stronger and more respected. You personify the kind of responsible and dedicated leadership that our profession must have." But, he said, "Let me also remind ourselves that there is a lot more left to do to make our profession and our society what they ought to be."

The Jackson office of the Baker Donelson firm and the Mississippi Women Lawyers Association received the Curtis E. Coker Access to Justice Award. The award is named in honor of former Mississippi Bar President Curtis E. Coker.

"This award really highlights awareness of the need for the involvement of the private bar in the delivery of legal services to the poor," said John M. McCullough, chair of the Board of Directors of MVLP.

McCullough said, "Pro bono service is more than just an aspiration for the attorneys there" at Baker Donelson. "It is an essential part of the firm's culture."

Members of the Mississippi Women Lawyers Association for the past four years have supported MVLP through silent auction fund

raisers. Members have represented litigants in dozens of cases referred by MVLP.

Pro bono programs at Mississippi College School of Law and University of Mississippi School of Law were recognized. Graves said, "We are so fortunate to have two law schools in our state that are extremely committed to engaging law students in pro bono service before they graduate."

The MCSOL Family and Children's Law Center provided pro bono service to more than 200 families through the Child Advocacy in Chancery Court Clinic, the Adoption Legal Clinic and the Child Advocacy in Youth Court Clinic. During the past year, 38 students spent about 100 hours each on pro bono cases, providing about 3,800 hours of work, Graves said.

Twelve students enrolled in the University of Mississippi School of Law Volunteer Income Tax Assistance Tax Clinic last spring helped clients with 199 federal e-files, 55 federal paper returns and 254 total tax returns.

Walter H. Boone, pro bono coordinator at Forman Perry Watkins Krutz & Tardy, LLP in Jackson, was honored with a Pro Bono Award. Boone has initiated pro bono projects with MVLP, the Mississippi Center for Justice, Stewpot Community Ser-

vices, the Mississippi Department of Health and Goodwill Industries. He reviewed the pro bono work of firm associates and personally provided 125 hours of pro bono service, Graves said.

Sole practitioner Brandi Denton Gatewood of Ocean Springs provided pro bono representation in domestic relations matters in Jackson and Harrison counties and accepted cases outside the Gulf Coast. She participated in an Expungement Legal Clinic sponsored by Mission First Legal Aid and the Mississippi Association for Justice, and donated substantial time drafting wills and powers of attorney.

Alan L. Moore of Baker Donelson spent more than 400 hours of pro bono time representing Myrlie Evers Williams and the Medgar & Myrlie Evers Institute, including nearly 150 hours during the past year in helping the Institute reorganize and relocate back to Mississippi, Graves said. The nonprofit organization promotes racial reconciliation and justice.

Rob McDuff, Sibyl Byrd and Jake Howard of the Jackson firm of McDuff & Byrd provided 2,000 hours of pro bono service in the past year, Graves said. Their work involved trial and appellate criminal defense, including defense of indigents facing the death penalty, civil post-conviction relief motions and estate matters.

## William Winter speaks on pro bono needs



**Former Governor William Winter speaks at MVLPA Awards Dinner**

Former Governor William Winter called for creating a statewide public defender system during a Sept. 25 address celebrating pro bono service.

Winter also called for making alternative dispute resolution more effective and acceptable, simplifying procedures, speeding up litigation, and improving civics education in schools.

Winter said that 80 percent of poor people and 70 percent of people of moderate means

don't have access to the civil legal system because of costs, complexity or lack of knowledge of how the legal system works. Half of the people who qualify for assistance from Legal Services are turned away because those entities lack funding and staff to serve all in need.

"So how do we as members of the Mississippi Bar, how do we as a profession respond to these needs that I think all of us recognize but that too often cause us to feel

overwhelmed by their sheer size and complexity or that we simply dismiss as outside our personal agenda?" Winter said to honorees and guests at the Mississippi Volunteer Lawyers Project Pro Bono Awards Dinner in Jackson.

"There is just too much at stake for us just to walk away from these issues."

Winter recalled that his own law practice was drawn heavily into pro bono service when he began practicing in Grenada in 1949. While people of means were well-represented, "there was a seemingly endless stream of people, many of them my friends and neighbors and former schoolmates, who were in need of legal counsel but could not afford it. They soon found their way to my office. So almost before I knew it, I became involved in a pro bono practice that consumed most of my time. I had not planned it that way and I found myself listening to their problems and agreeing to handle their cases, in most instances on the basis of their paying me if and when they could, and most of the time I found out it was more *if* than *when*."

His first paying client handed over title to a cemetery plot in exchange for representation on a burglary

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## Retired Circuit Judge William F. Coleman died May 31

Retired Circuit Judge William F. Coleman, 84, died May 31 at his Madison home, surrounded by his family.

Supreme Court Chief Justice William L. Waller Jr. called him “a truly dedicated public servant.” Although he retired from the Hinds County Circuit Court bench 18 years ago, Judge Coleman continued to hear cases as a senior status judge.

“He was very unselfish in accepting appointments to cases long after his retirement, and did not hesitate to preside over cases that no other judge was willing to accept,” Chief Justice Waller said. “I commend him for so selflessly offering his services almost up to the time of his death. He was truly a ded-

icated public servant, a stalwart of justice and one who was always committed to the rule of law.”

Judge Coleman served for 20 years as a circuit court judge of the Seventh Judicial District. Former Gov. Cliff Finch appointed him to the bench on Oct. 1, 1976. He retired Dec. 31, 1996.

Retired Circuit Judge L. Breland Hilburn, who served alongside Coleman, recalled his efforts to evenly distribute the caseload and to promote collegiality. He helped push for creation of a statewide system of court administrators. He oversaw renovation of the Hinds County Courthouse in Jackson. The renovated courthouse, with two new wings

added in the late 1980s, carries his vision of preservation and modernization.

He was instrumental in creating the Hinds County Public Defender office. He appointed Thomas Fortner as Hinds County’s first full-time public defender in 1991.

“I just can’t tell you how much I admired and respected him as a jurist and as a person,” Fortner said. “He was a fair judge. He had hard cases. He didn’t shy away from the tough cases. He had to make some hard decisions on some really critical constitutional issues, and he wasn’t scared to rule the way he believed. He wasn’t scared of politics. He wasn’t scared of having to run for election. His rulings were strictly based on the law.”

Longtime Hinds County Circuit Clerk Barbara Dunn said, “He was all business in his court. He ran a good ship.”

He enjoyed sailing, and kept a second home near the beach in Ocean Springs. Dunn had a vacation house on the same street before Hurricane Katrina. Judge Coleman rebuilt after the storm. Dunn recalled friends gathering for an annual boat trip to Horn Island for cookouts, and shrimp boils at her house.

Family and friends celebrated his life at a memorial



**Judge William F. Coleman**

service at the Jackson Yacht Club on June 8. He was a lifelong member of the Yacht Club, and served as Commodore in 1977.

William Franklin Coleman was born Sept. 19, 1929, in West Point, Mississippi. He attended Millsaps College. He earned a law degree from the University of Mississippi School of Law in 1952, and was admitted to the Bar that same year.

He served active duty during the Korean War in the U. S. Army Judge Advocate General Corps. He retired as a colonel from the U.S. Army Reserve JAG Corps. He practiced law in Jackson from 1960 until his appointment to the bench.

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### Winter, continued from Page 5

charge, Winter recalled to audience laughter.

“I don’t believe that government alone can solve all of our legal and social problems, although it certainly must play a vital part, and it will involve more than the well-meaning efforts of a handful of so-called do-gooders. It has to embrace the commitment of everyone.

“I can tell you that out of my own career of more than 65 years as member of the

bar, I have found the greatest satisfaction of my life in seeing the application of the ideals of our profession and our legal system lead us to a more humane and just society than we have known before.

“Without taking ourselves too seriously and without illusions that we can solve all of the nation’s problems, let us also not underestimate what we have the capacity to do, or miss the opportunity to do it.”

## Chief Justice Waller receives Judicial Excellence Award

Chief Justice Bill Waller Jr. received the 2014 Judicial Excellence Award. The Board of Commissioners presented the award June 27 at the Mississippi Bar Convention.

The award was established to recognize judges who exceed the call of their judicial office. Recipients are judges who exemplify the quality and efficiency of justice, and are persons of high ideals, character and integrity.

As leader of the Mississippi Judiciary, Chief Justice Waller has worked tirelessly



**Chief Justice Bill Waller Jr.**

to ensure fairness, to secure adequate resources for the judiciary, and to make the

courts more efficient as well as accessible to all people.

He chaired a statewide E-filing and Docket Management Committee which laid the groundwork for e-filing in state courts, and guided development of the Mississippi Electronic Courts program through a pilot program and into implementation. He oversaw expansion of the state's drug court programs to statewide coverage.

His work has brought numerous reforms to the legal system. He chaired the Supreme Court Rules Commit-

tee from 2001 through 2008. Under his leadership, the Court adopted a total revision of the Code of Judicial Conduct, Time Standards for Trial Courts, and rules allowing media cameras in the trial and appellate courts. As chair of the Public Defender Task Force from 2000 to 2005, he was principal architect of legislation that created the Office of Capital Defense Counsel, the Office of Capital Post-Conviction Counsel and the Office of Indigent Appeals.

## Justice King honored with 2014 Chief Justice Award

Justice Leslie D. King received the 2014 Chief Justice Award.

Chief Justice Bill Waller Jr. presented the award June 27 at the Mississippi Bar Convention. He honored Justice King for "his tireless service, devotion to duty and unflinching leadership which helped shape the highly respected and effective Court of Appeals of the State of Mississippi."

Justice King said, "I was very surprised upon learning that I was the recipient of this award. It is certainly an honor which I greatly appreciate. In carrying out my responsibilities at the Court of Appeals, I never gave any consideration

to any individual honor. Instead, I was merely doing my job – a job which I enjoyed and attempted to do to the best of my ability.

"I would be remiss if I did not recognize the dedicated judges and staff of the Court of Appeals. While I am the face associated with this award, it was really earned by them. Their dedication to duty and sense of pride made my responsibilities lighter. It is their dedication to duty and sense of pride, which ultimately shaped the Court of Appeals. I thank them for their service, and on behalf of them, I thank the Chief Justice for this award."

The award recognized Jus-



**Justice Leslie D. King**

Justice King's 19 years of service as an appellate judge. He was elected to the Court of Appeals in 1994 and began hearing cases in January 1995. He served as Chief Judge of the Court of Ap-

peals from April 30, 2004, until March 1, 2011. At the time he left the Court of Appeals, he was its longest serving member, having been elected to the court at its inception. He was appointed to the Mississippi Supreme Court on March 1, 2011.

He served for 15 years in the House of Representatives. He was vice-chair of the House Ways and Means Committee and vice-chair of the Conservation and Water Resources Committee. He is a former Washington County Youth Court counselor, prosecutor and public defender, and former Metcalfe Municipal Judge.

## Chief Judge Joseph Lee Honored by William Carey

Mississippi Court of Appeals Chief Judge L. Joseph Lee was inducted into the William Carey University Hall of Fame in April.

“I was deeply honored,” said Chief Judge Lee. “I’m extremely proud of being an alumnus of William Carey. I received an excellent education there. I have vivid memories of classes and instructors. I am deeply appreciative to all the faculty, staff and alumni, especially those professors who instilled in me ethics and virtues that I live by today. I will always remain grateful and indebted to William Carey.”

Chief Judge Lee earned a

Bachelor of Science degree in social science at William Carey in 1969, and a law degree from the former Jackson School of Law, now Mississippi College School of Law, in 1973. His induction into the William Carey Hall of Fame is his fourth time to be recognized by universities. Mississippi College School of Law selected him as Lawyer of the Year in 2004, and presented him with an Honorary Master of Laws in 2009. The University of Southern Mississippi, where he also studied, honored him with its Juris Sodalitas Distinguished Public Servant Award in 2007.

Judge Lee has served on the Court of Appeals for 16 years, and has been Chief Judge since March 3, 2011.

Judge Lee taught business law at William Carey as an adjunct instructor for four years. He has served as a judge in moot court competitions and mentored students at both Mississippi law schools for many years.

He served as a member of the Criminal Rules Study Committee for six and one-half years, drafting a proposed set of uniform criminal rules for the state. He has been a frequent speaker at numerous legal seminars.

He is a member of the Na-



**Chief Judge L. Joseph Lee**

tional Council of Chief Judges of Courts of Appeal, the Mississippi Bar, the Texas Bar, the American Bar Association and the Charles Clark American Inn of Court.

## Lynchard, Murphey, McDaniel lead Judicial Conferences

Judicial Conferences elected officers during the April Trial and Appellate Judges Conference in Biloxi.



**Judge Percy Lynchard Jr.**

Conference of Chancery Judges officers are Chancellor Percy Lynchard Jr. of Hernando, chairman; Chan-



**Judge Smith Murphey V**

cellor Vicki Cobb of Batesville, vice-chair; and Chancellor William Singletary of Clinton, secretary-



**Judge Kent McDaniel**

treasurer.

Conference of Circuit Judges officers are Judge Smith Murphey V of Batesville, chair; Judge Michael Taylor of Brookhaven, vice-chair; and Judge Prentiss G. Harrell of Hattiesburg, secretary-treasurer.

Conference of County Court Judges officers are Rankin County Judge Kent McDaniel, chair; Washington County Judge Vernita King Johnson, vice-chair; and Harrison County Court Judge Robin Alfred Midcalf, secretary-treasurer.

## Kathy Gillis retires; Muriel Ellis is Supreme Court Clerk



**Kathy Gillis, at left, and new Supreme Court Clerk Muriel Ellis share a smile after Gillis' retirement reception.**

Singing "Breaking Up Is Hard To Do" with a few personalized verse variations, staff of the Supreme Court Clerk's Office serenaded Clerk of the Court Kathy Gillis into retirement June 30.

"It's always been interesting," Gillis told judges, staff and family at her reception. "Thirty-three years seems like a long time. Austin, I know that was before you were born," she quipped, referring to Systems Administrator Austin Vance.

Muriel B. Ellis, a veteran of 23 years of work in the clerk's office, was sworn in July 1 as the new Clerk of the Supreme Court and Court of Appeals. She is the first African-American clerk of the state's highest court. Ellis also was the first African-American deputy clerk and chief deputy clerk of the Supreme Court.

Ellis was vacationing with

her three grandchildren at Disney World's Magic Kingdom when she got the call letting her know that she had been selected as clerk. "That night my grandson told my daughter, 'Dreams do come true,'" she said.

Ellis's father, stepmother, siblings, nieces and nephews watched her take the oath of office. She thanked her parents "for instilling in me the power of prayer and for teaching me...to treat people right, for if you treat people right, good will follow."

Chief Justice Bill Waller Jr. said, "Kathy Gillis has been an outstanding clerk, one of the best in the history of this court. Muriel Ellis has been an able deputy who is prepared to continue the excellent service the clerk's office has provided under Kathy's leadership."

Chief Justice Waller commended Gillis and Ellis and

the Clerk's Office staff for their hard work and dedication. He recalled the 2008 move to the new building, and the malfunctioning sprinkler flood a few months later. Gillis "was up here at night and on weekends to make sure everything was accounting for, that nothing was lost."

After hugging each member of her staff, just before she left the office, Gillis, ever attentive to details, took her name plate off the panel next to her door, and slid Ellis's new name plate into place.

Ellis took over at a time of significant changes. Gillis and Ellis have supervised the transition of the clerk's office to electronic filing. Voluntary e-filing began July 1, 2013. Mandatory e-filing of briefs and motions went into effect Jan. 1, 2014. More than 4,400 documents were filed electronically in the past year. The clerk's office and the court's Information Technology Department have done extensive work to implement the e-filing and docket management system and expand filing, retrieval and tracking capabilities to other court records. The clerk's office is scanning court records from 2000 forward, making them accessible to the public via the Internet.

It's a long way from the hand-written ledgers that

were used when Gillis joined the clerk's staff. "I feel like I might have contributed a little bit to something much bigger than I am."

Gillis and Ellis both worked through the ranks of the clerk's office. Gillis joined the office May 1, 1981, as a legal clerk. She was a deputy clerk for four and one-half years, and was chief deputy clerk for 17 years. She became Clerk of the Court on June 1, 2009.

Gillis, 63, grew up in Jackson and graduated from Provine High School. She earned a Bachelor of Arts degree in history with a minor in English from Mississippi University for Women in 1972, and a Master of Arts in history from MUW in 1978. She taught ninth grade English in Columbus in 1974, then worked in the office of the registrar at MUW from 1976 to 1978.

Ellis, 54, of Jackson, joined the Supreme Court Clerk's staff as a legal clerk on Feb. 4, 1991. She became a team leader in 2000, and a deputy clerk in 2007. She became chief deputy clerk June 1, 2009. Ellis is a graduate of Callaway High School and Phillips Business College. She previously worked for the city of Jackson Water Department and for St. Dominic Hospital.

## Gargiulo becomes magistrate; Ward appointed interim Circuit Judge



**Magistrate John C. Gargiulo**

Judge John C. Gargiulo resigned from the Second Circuit Court bench Aug. 1 to accept appointment as a U.S. Magistrate Judge for the Southern District of Missis-



**Judge Michael Ward**

sippi. He had served five years as a circuit judge.

Chief Justice Bill Waller Jr. appointed retired Harrison County Court Judge Michael H. Ward of Gulfport as a

special judge of the Second Circuit to fill the vacancy. The appointment may continue through Nov. 30.

Chief Justice Waller said, "Judge Gargiulo has been an outstanding trial judge, as evidenced by the vote of confidence by the district judges of the Southern District of Mississippi. This reflects the excellent work of our Mississippi trial judges."

Judge Ward has served as a senior status judge since his retirement in December 2010.

Chief Justice Waller said, "Judge Mike Ward has a long and distinguished career as a County Court judge in Harrison County. The Circuit Court will have on an inter-

im basis an experienced trial judge who has the confidence of the public, the lawyers in the district and the other judges. This will be very efficient and will promote a smooth transition for the next newly elected circuit judge for this position."

Judge Ward served for 12 years as Harrison County Court and Youth Court Judge, and 20 years as Harrison County Family Court Judge. He was chair of the Mississippi Commission on Uniform Youth Court System and Procedures, and served on the Committee on Continuing Judicial Education.

## Former Coahoma County Judge Thomas Allen enjoys retirement

Retired Coahoma County Court Judge Thomas W. Allen is building a porch rather than sitting on one. One of his projects since he retired June 30 is putting a porch on a hunting camp. He also signed up to handle a few cases as a senior status judge.

"I've been blessed to be where I am. I've been blessed to have had the privileges I've had, and one of them was to serve on the bench," said Allen, 67, of Lyon.

He hopes to be able to help his successor with recusal

cases. Gov. Phil Bryant appointed former Coahoma County Prosecuting Attorney C. Kent Haney as county court judge on July 1.

Gov. Bryant said, "I thank Judge Allen for his 11 years of service and appreciate his dedication to the people of Coahoma County. I wish him well in his retirement."

In a telephone interview while he walked checking on some of his rural property, Allen said he walks two miles a day.

"There are a lot of things I

want to do. I've got some carpentry work," he said,



**Retired Judge Thomas Allen**

referring to the porch. "I've got some genealogy I want to work on."

The camp house is a 30-foot grain bin that he and a friend converted in 1998, working on weekends. The interior is paneled with cypress from an old barn he tore down. A spiral staircase reaches a sleeping loft.

He doesn't hunt much any more, but enjoys making preparations for deer season. "I enjoy the solitude of the woods. I'm enjoying my retirement."

## Judge Gwendolyn Thomas retires, becomes Senior Status

Former Bolivar County Court Judge Gwendolyn Thomas has worked with real estate interests since retiring April 30. She also became a Senior Status judge.

"I will take as many (cases) as I can, and hope they will all be in the area of the Delta," Thomas said. "I would like to hear cases that involve contract law."

Thomas's husband, Circuit Judge Kenneth Thomas, left the bench in December 2010. He practices law in Cleveland. She does not plan to join the law practice.

"We have rental proper-



**Retired Judge Gwendolyn Thomas**

ties," she said. "My husband and I just recently reconstructed a building, the Cleveland Event Center, for birthday parties, weddings,

anniversaries, reunions."

Gov. Phil Bryant appointed W. Hunter Nowell to fill the vacancy on the Bolivar County Court. In announcing the appointment he said, "I thank Judge Thomas for her service and appreciate her dedication to the people of Bolivar County."

The Bolivar County Board of Supervisors presented her with a resolution commending her career of public service. Supervisor Donny Whitten said, "She has been a treasure for this county and I don't think that in all of the years in my public service

that I have met anyone that has a heart the size of hers." Whitten commended her service as Youth Court Judge. "Judge Thomas worked very hard to help our children find a better way or road to a better life."

Before she became County Court Judge in 2003, she served for more than 12 years as a special master handling child support cases in Chancery Court. She was Cleveland Municipal Judge from July 1989 through December 2002. She also served as city judge in Beulah, Gunnison, Pace, Rosedale and Shaw.

## Board of Certified Court Reporters gets three new members

Justice Leslie King swore in new members of the Board of Certified Court Reporters on Oct. 10. New members are Circuit Judge David Strong of McComb, 7th Circuit Official Court Reporter Danette Horne of Madison, and freelance court reporter Libby Furr of Oxford. Seated, left to right, are Judge David Strong and Justice Leslie King; standing are attorney Anna Sukmann of Pascagoula, attorney LeAnn Nealey of Ridgeland, Danette Horne, Supreme Court Clerk Muriel Ellis, Libby Furr, and Administrator Tracy Graves. Not pictured are 2nd Circuit Official Court reporter Huey Bang of Pass Christian and freelance court reporter Candace Lechler of Moss Point.



## Office of Drug Court Compliance urges best practices

A veteran law enforcement officer will lead the newly created Office of Drug Court Compliance.

William T. Saul of Crystal Springs will supervise a team responsible for helping the state's drug courts to implement best practices. Three other people are expected to be hired in the near future.

Saul said that the compliance office will provide training and assistance to drug courts to help them improve operations and implement best practices.

"My job is ensuring accountability," Saul said.

Saul retired in December 2013 as commander of the Copley County Narcotics Enforcement Unit. He worked for the Copley County Sheriff's Office for 22 years as a road deputy, cyber crime investigator, narcotics investigator and chaplain.

He has a background in business and property management, consulting and computer programming, including developing software used by law enforcement. He worked in computer software development and as a business management consultant in Dallas. He served as a chaplain for visiting teams playing the Dallas Cowboys.

Saul studied accounting and liberal arts at Mississippi State University. He earned a Bachelor of Arts degree from

Whitworth College in Brookhaven, where he studied translation of ancient Greek. He did graduate work in accounting at the University of Dallas, and earned a Master's Degree from Dallas Theological Seminary.

Supreme Court Chief Justice Bill Waller Jr. said, "Mr. Saul provides our state Drug Court office with deep experience, credibility and high energy. He is uniquely qualified to supervise the Office of Drug Court Compliance. I am confident of his ability to ensure best practices are followed around the state and that funds appropriated by the Legislature will be efficiently utilized to promote successful Drug Courts."

The Office of Drug Court Compliance was created in response to legislation that requires implementation of evidence-based practices and uniform certification in drug courts. The legislation is part of House Bill 585.

While all drug courts in the past have been required to be certified by the Administrative Office of Courts and follow a framework of treatment, testing and supervision, there has been variation in operations. Minimum standards for drug courts set out in HB 585 include:

- use of evidence-based practices including use of a valid and reliable risk and needs



**William Saul is Director of the Office of Drug Court Compliance.**

assessment tool to identify participants and deliver appropriate interventions;

- targeting medium to high risk offenders;
- use of current, evidence-based interventions proven to reduce dependency on drugs or alcohol, or both;
- frequent testing for alcohol or drugs;
- coordinated strategy between all drug court program personnel involving the use of graduated clinical interventions;
- ongoing judicial interaction with each participant; and
- monitoring and evaluation of drug court program implementation and outcomes through data collection and reporting.

In addition to tracking

monthly enrollment activities, drug courts must report monthly to AOC the total number of participants who committed at least one violation resulting in sanctions, were arrested for a new criminal offense while in the drug court program, or were convicted of another crime. The 11-member State Drug Court Advisory Committee will review the information and make recommendations. AOC will submit an annual report to the Joint Committee on Performance Evaluation and Expenditure Review, PEER, with the first report due Aug. 1, 2015.

## Country musician Jeff Bates tells his story to drug courts



**Jeff Bates talks to MADCP members in Natchez on Aug. 21.**

Mississippi singer-songwriter Jeff Bates' former life of drinking, drugs and divorce sounds like a country song.

Although he managed to write hit songs including "Long, Slow Kisses" while high on drugs, he spent everything to feed a methamphetamine habit. When he ran through his own income, he hocked his grandfather's pocket watch and his grandmother's wedding ring. As his own mother lay unconscious after heart bypass surgery, he pilfered \$5 from her wallet in her hospital room.

Bates has been drug-free

for 13 years, and has enjoyed more than a decade as a successful singer and songwriter. He regularly uses the spotlight to tell his story of addiction, arrest, recovery and redemption. Sprinkled among his show dates are appearances at churches, schools, and lately, drug courts.

"It's an honor. It helps keep me clean and sober," Bates said before he spoke to the annual Mississippi Association of Drug Court Professionals Conference in Natchez on Aug. 21.

Drug Court Coordinator Craig Sheley saw Bates at the Natchez program and invited

him to speak to the 17<sup>th</sup> Circuit Drug Court graduation in Hernando on Oct. 21.

"I was very impressed with his story and his method of telling his story," Sheley said. "We are always looking for not just another success story, but someone that can effectively communicate their story, and I believe he was effective in Natchez."

Bates spoke to the Jones County Drug Court Sept. 11, and last year to the 15<sup>th</sup> Circuit Drug Court graduation in Columbia, near where he grew up in Bunker Hill.

On stage in Natchez before several hundred judicial, criminal justice and treatment professionals, Bates opened with his autobiographical "Rainbow Man." For nearly an hour, he poured out his life's story.

He was abandoned as a baby, left at the doorstep of a childless sharecropper couple. The sick and cigarette burned child was an answer to their prayers.

"If you don't think God has a sense of humor, check this out. Three years after they adopted me, they commenced to having kids. They wound up having eight of them," Bates said. "We were dirt poor on a gravel road in the backwoods of Bunker Hill, Mississippi, with grass growing in the middle of the road. I was the happiest kid

on the planet until I was 7 years old."

A boy on the school bus burst his bubble, telling him, "You're not even a Bates. You're adopted." He was devastated by the explanation of why he looked nothing like his blonde-haired, blue-eyed siblings. He cried in the arms of the only mother he had ever known.

"She told me I was an answer to a prayer. She told me how they found me and adopted me. She told me how much they loved me. She said, 'You are special because we got to pick you.' Then she said, 'All these other knot heads, we just kind of got what God gave us.'"

Bates dreamed of being a singer. He played his first nightclub gig at 17. "I got drunk and I liked it. When I drank, I liked me a little more...For several years of my life, I used alcohol and women to make me feel better about me."

His third marriage was to a constant complainer. Marijuana kept him in a good mood. "Pot saved that marriage for a few months."

Years later, with an interview scheduled with an important Nashville song writer, Bates showed up haggard at a friend's house after a cross-country drive. He needed to be sharp. "His brother handed me this little glass pipe." He



**Circuit Judge Bob Helfrich, at left, takes a picture of Jeff Bates with seminar participants in Natchez on Aug. 21.**

smoked methamphetamine for the first time.

“I had been drinking for 20 years, smoking pot every day of my life, taking sleeping pills, pain pills, anything I could get a hold of.”

“For the first time in my life I got really really smart.” He forgot about the appointment. He searched the internet for a recipe to make meth. “I want to feel like this for the rest of my life. I never felt so good in my life.”

He sold everything he had to buy meth. “I sold stuff I can’t ever get back, like my granddad’s pocket watch and my grandmother’s wedding band. And when I ran out of things to sell, I started stealing....I stole from everybody I ever cared about.”

He wore makeup to hide ashen skin. His teeth yellowed and broke. Bates flashed a grin at the crowd. “That ain’t a bad smile, right? These ain’t my teeth. I mean, I own them. I didn’t steal from nobody,” he said as the audience roared with laughter.

He said that he stole \$25,000 worth of guitars, amplifiers and jewelry from a friend and sold them. He was arrested weeks later.

He had an epiphany in the Nashville jail after his 2001 arrest. He prayed, asking for help to change himself. “I felt free for the first time in my life, in jail. I said, ‘Lord, what do you want me to do for the rest of my life?’”

His first visitor was a song pitch man from a company that had fired Bates. Country stars Gene Watson, Tracy Lawrence and Montgomery Gentry had recorded his songs. “I said, ‘Thank you, Lord. I know what You want me to do now. I can write songs in jail.’”

He found hope. In jail, he called collect to people from whom he had stolen, and promised to make it right. And he called his mother.

She said, “I love you. I’ll be praying for you. I’ll see you when you get out,” and she hung up. “My mama knew I was safer in jail than I

was out of it,” Bates said.

He got into a 12-step alcohol and drug rehabilitation program in jail. He listened to other participants deny responsibility. “It was somebody else’s fault. I was the only guy, and I’m not bragging, that said, ‘Hey, I did it. I did it all. I probably did stuff that they don’t even know about that I don’t remember. I just want to be well. I just want to change.’ So the first thing I’ve got to do is admit I’ve got a problem.”

He got into a Tennessee drug court program. He got his conviction expunged. A man he met through Alcoholics Anonymous hired him to pour concrete. He paid back those from whom he stole.

“A year later, I got a call from RCA Records. They wanted to meet the guy that wrote ‘Long Slow Kisses’ and ‘A Love Song.’” He told them about his past. RCA signed him to a contract.

“I was afraid when I got out of jail that I wasn’t going to be able to write as good

not high.”

“This past March, I celebrated 50 years of adoption and belonging to a family, and my 13<sup>th</sup> year of being drug free,” Bates said. In April, he celebrated his daughter’s fourth birthday.

“Every dream I ever had came true when I turned it over to God.”

Sixth Circuit Judge Lillie Blackmon Sanders said Bates’ account of praying in jail is a familiar one. “It’s easy to find God in a jail cell. He’s the only one who can get in there. It’s rare that I find somebody in drug court that is a nonbeliever.”

Hinds County Circuit Judge Winston Kidd said, “His testimony was great. I’m a country music fan.”

Fourth District drug and alcohol counselor Teri Fobbs said she understood the struggle. “You come from under the rock slowly but surely. You can recover if you want to. It’s there. It’s free. If you want it, you have to do the step work.”

## Rankin Juvenile Detention Center recognized as PBIS model



Holding the PBIS banner are, left to right, Judge Thomas Broome, Dr. Charlotte Young, Michelle Rhodes, Lashirl Wilder, Rebecca Daughdrill, Tammy Garver, Katrina Phillips and Savanna Norfleet.

The Rankin County Juvenile Detention Center has been designated as a model program for its implementation of the Positive Behavior Interventions and Support (PBIS) program. It is the first detention facility in the state to implement the PBIS approach.

“Because of the success that they have had here, other facilities are interested,” PBIS State Coordinator Selina Merrell said at a reception at the Pelahatchie facility in May.

Students in detention have three behavior expectations: be respectful, be responsible and be safe.

Detention Center Director Michelle Rhodes said, “We

reward positive behavior. We don’t focus on what they are doing wrong. We redirect them in a positive way.” Good behavior earns privileges and rewards: use of i-pads, phone calls home, recreation time and snacks. Misbehavior results in reminders, or redirections, to the rules. After three redirections, a youth will lose privileges. “They have to just go sit in their pod during incentive time,” Rhodes said.

Disruptive behavior has declined since the program began a year and a half ago. “We work with them. We work out behavior contracts. We warn them. And we teach them. We want their behavior to be socially acceptable once

they get out of here.”

PBIS, a national program, is a departure from traditional methods of discipline in juvenile detention facilities.

“It’s a whole new mind set of what most people think of with regard to juvenile delinquents,” Rhodes said. “For so many years people thought kids were here to be punished. Juvenile detention is for rehabilitation.”

Merrell said, “It creates a more structured, more therapeutic and more safe place for these young people.”

Students continue their classroom work while in detention. And those who have not been in school get back into the classroom. The detention facility has two class-

rooms and a teaching staff. Detention Center staff get the school record and individualized education plan for each student, and work to continue with that plan. Each day, the detention center director, a mental health worker, a special education teacher, the education coordinator and another teacher review the progress of each student in detention and discuss what is working, and what isn’t.

Rankin County Youth Court Judge Thomas Broome noted that state testing was underway in the detention center on the day of the reception. “We have a lot of children back there sweating bullets,” he said.

“We want those kids to get the same education,” said Rankin County Schools Director of Student Support Services and Dropout Prevention Dr. Charlotte Young.

Merrell said, “We don’t want to keep seeing the same kids over and over. We don’t want the kids bouncing back to alternative school, to their home school, and back to alternative school.”

While the program is in operation in Rankin County, it touches juveniles from a fourth of the state. The Rankin County Juvenile Detention Center houses juveniles from 23 counties. The average daily population is 26, Rhodes said.

## Court of Appeals convenes at Pearl River Community College

A three-judge panel of the Mississippi Court of Appeals listened to oral arguments Sept. 24 at Pearl River Community College. It was the Court's first time on the Poplarville campus.

It was the first of three stops in the court's fall Court on the Road schedule. The Court will be at the University of Southern Mississippi on Nov. 14 and at Mississippi State University on Nov. 18.

Judges heard oral arguments in the appeal of a felony DUI case from Marion County Circuit Court. After the arguments, judges removed their robes and re-

turned to the stage to take questions from the audience.

"People don't realize there's so much that goes on beyond the scenes," said psychology major James Montgomery from Columbia. "It makes me believe a little bit more in the system."

In response to a question, judges told the audience what they feel they brought to the court when they were sworn in to the office.

The practical experience of 40 years as a trial lawyer and everyday life are among his assets, said Chief Judge Joe Lee, who attended Pearl River CC.

"I know what goes on in a courtroom," he said. "When I'm reading a transcript, I can put myself in the room."

Her years as a defense attorney, prosecutor and military attorney help Judge Virginia Carlton of Columbia maintain perspective, she said. "I brought a sense of balance to the table."

Judge Eugene Fair of Hattiesburg also referred to his years of experience in private practice as the foundation of his judicial work.

"Lawyers are real lucky in that every day they get to deal with different people, different situations," he said.

"It's the breadth of experience."

Social work major Michaela Andrews of Foxworth, Student Government Association president, said, "We got lots of insight. It's good for PRCC to let us see this."

The hearing gave students an opportunity few receive, especially through the question-and-answer period, said political science and history instructor Jason Ramshur. "I hope they got a clearer understanding of how the legal system works," Ramshur said. "A lot of them hit the very basics of the legal system."

## Turkish judges visit Supreme Court, Court of Appeals

Two judges and three prosecutors from Turkey visited the Mississippi Supreme Court and Court of Appeals May 1. The visit was part of the

Open World program which hosts emerging political and civic leaders.

In a week, the group visited Hinds Circuit and Chan-

cery Courts, Rankin County Court, the Attorney General, the Mississippi Bar, all levels of the federal judiciary, the U.S. Attorney and the federal

public defender. They visited the University of Mississippi. They attended a Rotary Club meeting, listened to blues and saw a baseball game.

