

## Judge Southwick to take leave from court, go on military active duty

July 22, 2004

Court of Appeals Judge Leslie H. Southwick of Jackson will take a leave of absence from the court to begin active duty with the Mississippi Army National Guard on Aug. 9 as part of Operation Iraqi Freedom.

Judge Southwick, 54, is a member of the 155<sup>th</sup> Separate Armored Brigade. He is one of six lawyers who serve in the office of the Staff Judge Advocate for the Brigade. Approximately 3,500 soldiers in the Brigade are being mobilized.

Members of the 155<sup>th</sup> are expected to train at Camp Shelby for several months, then deploy in early 2005 to the Middle East in support of Operation Iraqi Freedom. The service overseas will likely last about 12 months.

Judge Southwick said that he will be learning more about his exact duties during the period of training over the next few months. Mississippi JAG officers who have already served in Operation Iraqi Freedom have been involved in military justice and other disciplinary proceedings, in helping resolve civil claims involving such things as damage caused by American armed forces activities, and in advising commanders and others on the legal standards applicable to their actions. He does not anticipate serving as a military judge.

Judge Southwick said, "It's a great privilege to have served on this court since its inception in 1994. I leave with extraordinary respect for my colleagues and great appreciation for how they have supported me through the years and particularly how they have supported me in what I am about to undertake."

"It is also an honor to serve with the U.S. Army. It is an important mission that we have been assigned in Iraq. There is a sense of fulfillment in my military career to have this opportunity to be some small part of what we are seeking to achieve in that troubled area," Judge Southwick said.

Judge Southwick's absence will leave the Court of Appeals three members short. The court has 10 judicial positions. Judge James Thomas died July 4. Judge Roger H. McMillin Jr., who had served as Chief Judge, retired April 30.

Gov. Haley Barbour has yet to make appointments to the vacancies created by the retirement of Judge McMillin and the death of Judge Thomas.

In the case of Judge Southwick's leave of absence, Supreme Court Chief Justice James W. Smith Jr. has the authority to appoint a special judge to serve on the Court of Appeals. The statute at issue is Mississippi Code Section 9-1-105.

Court of Appeals Chief Judge Leslie D. King said Judge Southwick, as one of three remaining original members of the court, "has made a valuable contribution to the court in its formative years and helped bring us to where we are today. He is a person of keen intellect. He pays great attention to detail and he has an excellent work ethic. Those things have served the court well. We will miss him on a professional basis and certainly we will miss him as a good friend and colleague."

Chief Judge King said he expects the vacancies and Judge Southwick's absence to create delays in deciding cases. State law requires cases to be decided within 270 days of the filing of the final brief in an appeal. The Court of Appeals currently decides cases on average in about 200 days.

Chief Judge King said, "It's not going to have an immediate impact upon us because we pushed so hard to get out the cases which were presently assigned to Judge Southwick."

Judge Southwick has cleared his docket of pending cases. On July 13, the court handed down 15 decisions written by Judge Southwick. Judge Southwick has additional opinions awaiting review by the other judges. If agreement is reached, the court will be able to release them before his departure.

Chief Judge King said, "We'll probably feel the impact of it in a month or two months. It will start to slow the process of getting cases disposed."

Chief Judge King said, "Obviously an effort is going to be made to take up as much of the slack as we can, and the judges here have committed themselves to doing as much extra work as possible. There are still limitations on what you can do as numbers decrease."

Judge Southwick was elected to the Court of Appeals from the 4<sup>th</sup> Congressional District in 1994 and began hearing appeals in 1995. He is one of two presiding judges.

Judge Southwick graduated cum laude with a B.A. degree from Rice University in 1972, and earned a law degree from the University of Texas in 1975. He served as a law clerk for the Presiding Judge of the Texas Court of Criminal Appeals and then for Judge Charles Clark of the 5<sup>th</sup> U.S. Circuit Court of Appeals. He was in private law practice in Jackson 1977- 1989.

He became a Deputy Assistant Attorney General for the U.S. Department of Justice, Civil Division, in 1989. He supervised 125 lawyers of the Federal Programs Branch, which defends suits brought against the United States. He also supervised the Office of Consumer Litigation, a 25 lawyer division charged with civil and criminal enforcement of federal consumer laws.

Judge Southwick joined the U.S. Army Reserve in 1992. He transferred to the Mississippi National Guard in 1997. He has been a member of the 155<sup>th</sup> Separate Armored Brigade for a year.

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