

# **Hurricane Katrina Judicial Assessment Committee Preliminary Report September 15, 2005**

## **INTRODUCTION**

Hurricane Katrina on Aug. 29, 2005, damaged court facilities and battered the lives of the people who serve the Mississippi judiciary. The people of the Gulf Coast are working to resume court operations while at the same time many of the judges and staff are dealing with severe property damage and personal losses.

On Sept. 6, 2005, Mississippi Supreme Court Chief Justice James W. Smith Jr. appointed a committee of judges and court staff to assess the damage to courthouses in those areas which were affected by Hurricane Katrina. The Katrina Judicial Assessment Committee (hereinafter KJAC), is chaired by Supreme Court Justice James E. Graves Jr.. Committee members are Court of Appeals Presiding Judge Joe Lee, Supreme Court Clerk Betty Sephton, Administrative Office of Courts Director Kevin Lackey and Supreme Court Information Systems Director Michael Jones.

The primary purpose of the KJAC is to determine the extent of damage to records, equipment and the physical facilities; to account for the whereabouts of court personnel; and to examine and assess what is needed in order to get the courthouses up and running again.

The Committee met for the first time on Sept. 8, 2005, and planned a reconnaissance trip. It was determined that KJAC would visit the courthouses in Bay St. Louis, Gulfport and Pascagoula.

The following report details information which was gathered prior to, during and subsequent to the reconnaissance trip on Sept. 12, 2005.

## **FINDINGS**

### **Hancock County**

Members of the committee met at the Hancock County Courthouse in Bay St. Louis with Senior Circuit Judge Kosta N. Vlahos, Circuit Clerk Pam Metzler, Chief Deputy Circuit Clerk Karen Ruhr, Chancery Clerk Tim Kellar, Deputy Chancery Clerk Pamela Cuevas, Assistant District Attorney Chris Smith and other court staff.

#### **Hancock County personnel**

Court officials have accounted for all court personnel. No member of the court staff is known to have been killed or seriously physically injured by the storm.

Judges, court staff and their families suffered extensive personal property damage. Homes of some were destroyed or severely damaged. Court personnel have grappled with repairs to personal property and temporary relocation while also working to put the courts back in order.

#### **Hancock County physical facilities**

The Hancock County Courthouse was severely damaged. The structure has roof damage, and flooding from blowing rain and the storm surge soaked some parts of the building. Windows were blown out. Mud cakes some floor surfaces. Mold grows on the ceiling in the office of the Chancery Court Clerk. The second floor courtroom, which was renovated several years ago, sustained heavy damage and is not useable at this time. The ceiling is gone, exposing the underside of the roof. Debris from the storm's aftermath litters the floor. There are no utilities at the courthouse.

Repairs to the building are underway. As the committee toured the courthouse, National Guard workers hammered and pried loose ruined carpets and wet sheetrock and hauled debris outside. Litter from the debris removal is piled high outside the courthouse.

### **Court operations – Hancock County Circuit Court**

The Circuit Court is unable to hold court in the heavily damaged facilities. The office of the Circuit Court Clerk is not able to accept filings or conduct any other court business.

Hancock County Circuit Court Clerk Pam Metzler estimated that it could be 30 to 60 days before the Circuit Court system can function in Hancock County. She expressed concern about being able to accept filings and issue marriage licenses. She also noted that the qualifying deadline has passed for candidates seeking office on the local school board.

Metzler suggested opening a satellite office in space occupied by the Tax Assessor in the Kiln, or even setting up a temporary office on that public property in the Kiln. She also suggested the possibility of allowing pleadings in Hancock County cases to be accepted for filing at the Stone County Courthouse.

Judge Vlahos has suggested hearing Hancock County Circuit Court proceedings at the Stone County Courthouse in Wiggins. Three courtrooms are available there, including the Circuit, Chancery and Justice Court facilities. Hancock, Stone and Harrison counties are all in the 2<sup>nd</sup> Circuit Court District.

Damage to homes and businesses in Hancock County is so extensive that judges and court staff believe that juries cannot be drawn from the county in the near future.

Judge Vlahos suggested the possibility of seeking legislation which would give the court authority to utilize jurors from Stone County to hear Hancock County cases, or to draw jurors from the entire district, similar to the jury pools drawn by the federal district courts.

The District Attorney's office sustained damage, but prosecutors are available to handle court business.

### **Court records – Hancock County Circuit Court**

Metzler said court records from recent years are dry and in good condition, although water came into the office. Old files from the early 1980s were stored in the old Hancock County Jail, which took on water.

### **Equipment – Hancock County Circuit Court**

The Circuit Court uses Delta's case management system on an AS/400. The system did not receive damage and was relocated to Simpson County and is currently being used to do payroll.

In the Circuit Clerk's office, approximately seven personal computers and seven desktop printers showed no visible signs of damage.

### **Court operations – Hancock County Chancery Court**

The Chancery Court is unable to hold court in the heavily damaged facilities. The office of the Circuit Court Clerk is not able to accept filings, make copies of records or conduct any other court business.

### **Court records – Hancock County Chancery Court**

Hancock County Chancery Court Clerk Timothy Kellar reported water damage to Chancery Court records. The Chancery Court did not use an electronic case management system. Kellar and members of his staff are working to dry the paper records. Large numbers of ledger books turned on end are clustered in a central hallway to dry. Mold was noted growing on the cover of one ledger book sitting out to dry. Two books that contained cattle brands were destroyed.

Land records through 2003 are copied onto microfiche. However, the land records from 2004 through March 2005 have not been archived into any non-paper format.

The Hancock County Chancery Court began an imaging project in March 2005 to image the land records using LDI Imaging systems. The image data was stored on an AS/400 that was located at the Tax Collector's office. However, the condition of the AS/400 and the data was unknown at the time of the committee's visit. The imaging vendor was scheduled to be on site Sept. 12 to evaluate the system. The physical location of backup tapes or microfiche was not identified.

Chancery Court records dating before 1994 are stored in the old Hancock County Jail, which flooded. The clerk's staff has not yet been able to get into that facility to determine the condition of those old records.

### **Equipment – Hancock County Chancery Court**

The Hancock County Chancery Court has approximately 13 PCs, four network printers, four desktop printers, one scanner, and three non-network copiers. Most equipment on the first floor displayed signs of being exposed to water.

It may be possible to replace some of the damaged equipment with models which have been taken out of service at the Supreme Court. If needed, older spare computers (P4-1.4, Windows 98SE), older scanners, and older HP network/desktop printer are available. However, no spare copiers or network equipment are available. It may be possible to place the Chancery Court on the Youth Court network while the Chancery Court operates at the temporary location. This would offer a temporary solution by consolidating resources without requiring immediate purchases of new network equipment for the Chancery Court.

### **Hancock County Youth Court**

The committee was unable to visit the Hancock County Youth Court facility, which was locked. A police officer reported that the building was inundated by three feet of water. Court operations will have to be temporarily relocated because of the water damage.

The Youth Court has been using the MYCIDS case management system since October 2003, with the data files located at the MS Supreme Court.

The Youth Court had six computers, two laptops, three printers, two scanners, two wireless bridges with antennas, one wireless access point, and other wireless network components with the external equipment. Most equipment is assumed to have suffered major water damage.

## **Harrison County**

Members of the committee met with about 25 court officials and staff at the Harrison County Courthouse in Gulfport. In attendance were Circuit Judge Kosta N. Vlahos, Circuit Judge Jerry O. Terry, Circuit Judge Stephen B. Simpson, Circuit Judge Roger T. Clark, Chancery Judge Jim Persons, Chancery Judge Carter Bise, Chancery Judge Sandy Steckler, Harrison County Circuit Clerk Gayle Parker, Board of Supervisors Attorney Joe Meadows, Justice Court Judge Bruce Roberts and numerous court staff members.

Harrison County has two judicial districts. The Gulfport Courthouse is in the First Judicial District; the Biloxi Courthouse is in the Second Judicial District. The committee toured the Gulfport courthouse. The committee received information about the Biloxi Courthouse but did not visit it.

### **Harrison County personnel**

Harrison County Circuit Court Clerk Gayle Parker noted that her staff has been unable to contact two part-time staff members. All judges and full-time court staff are accounted for and report no serious physical injuries.

Judges, court staff and their families suffered extensive personal property damage. Homes of some were destroyed or severely damaged. Court personnel have had to divide their time between home repairs and other personal losses while also working to put the courts back in order.

### **Harrison County physical facilities**

The Gulfport Courthouse had only slight water damage from minor leaks. One judge reported minor water damage in an office. Hurricane panels that were battened down over the windows helped prevent breakage. Power and water service are functioning.

The Biloxi Courthouse had damage to a County Court courtroom.

### **Emergency operations affect court business**

The Circuit, Chancery and County courts have not resumed normal functioning because the Gulfport Courthouse is being used as an emergency operations base for much of the rescue and recovery efforts in Harrison County. Banks of public telephones are set up in the downstairs lobby to accommodate people who have no telephone service. Meals are being served to emergency workers on the courthouse parking lot, with many people eating their meals on the first floor of the courthouse. It is unclear when the emergency operations efforts will wind down.

## **Court operations – Harrison County Circuit Court**

The Harrison County Circuit Clerk's office in Gulfport is open for business, accepting litigation filings, issuing marriage licenses, accepting voter registration and all other functions, said Circuit Clerk Gayle Parker. The Circuit Clerk's office also accepts filings for County Court.

A Second Circuit Court District order signed by the four Circuit Court judges and dated Monday, Sept. 12, noted that all motions, trials and hearings previously scheduled between Aug. 29 and Oct. 31 shall be rescheduled as soon as is practical.

Deadlines in Circuit Court are suspended until Oct. 31 or until further order of the Circuit Court for filing motions, complying with litigation discovery, and filing appeals from County Court and administrative agencies.

The circuit judges noted that the extensions do not apply to statutes of limitations.

Harrison County Circuit Court judges are available to reschedule bench trials and hearings. Circuit judges in Harrison County plan to be in full operation by Monday, Sept. 19, Judge Vlahos said.

Circuit Court administrators will make arrangements for the locations for conducting court hearings. Some matters from Harrison County may be heard at the Stone County Courthouse in Wiggins. The Stone County Courthouse was undamaged, and three courtrooms, including the Justice Court courtroom, are available. Judges expect to coordinate their schedules to accommodate hearings. Harrison, Hancock and Stone counties are in the 2<sup>nd</sup> Circuit Court District and the 8<sup>th</sup> Chancery Court District.

Circuit Court administrators in Harrison County staffed their offices in Gulfport 10 a.m. to 3 p.m. during the week of Sept. 12-16. Circuit Court Administrator numbers for criminal matters are 228-865-4220 and 228-865-4104, and for civil cases, 228-865-4006.

Circuit Court judges are unable to conduct jury trials in Harrison County. The hurricane caused such severe damage to homes and businesses and displaced so many people that judges don't believe there are enough people available for jury service, said Judges Vlahos and Simpson.

"The judges realize it is going to be many months before we can call jurors," Judge Vlahos said.

Circuit Court judges said they don't feel that they need the assistance of judges from other districts to hear cases. Said Judge Vlahos: "I've got some problems. We can still carry the load."

The District Attorney's office is operational and prosecutors are available. At least five public defenders are available to handle court business.

Some criminal proceedings may be conducted at jail facilities to avoid problems with prisoner transport, said Judge Simpson. Judge Vlahos noted that more than 70 prisoners are being held awaiting revocation hearings, including many in a jail outside the county. Scheduling these hearings is a concern because of the need to open the jail space.

Judge Simpson noted that the damage to lawyers' offices and homes may have a more significant impact on the court's ability to conduct proceedings than will the damage to the homes and property of judges and court staff. "Their ability to do any meaningful work is going to be worse than ours," Judge Simpson said.

### **Harrison County Drug Court**

The Harrison County Drug Court has been unable to meet since the hurricane. Judge Simpson said he expects the relapse rate of Drug Court participants to increase without the support of regular meetings with judges and court staff.

### **Court records – Harrison County Circuit Court**

Circuit and County Court records are undamaged at courthouses in Gulfport and Biloxi, according to Harrison County Circuit Clerk Gayle Parker. The courts utilize computerized case management systems.

### **Equipment – Harrison County Circuit Court**

Court equipment is undamaged.

### **Court operations – Harrison County Chancery Court**

The Harrison County Chancery Court Clerk's office in Gulfport is expected to be fully functioning by Monday, Sept. 19, said Deputy Chancery Clerk Janice Daams. Emergency Chancery Court matters have been accepted by chancellors and treated as filed, said Judge Jim Persons

Lawyers needing to reschedule matters in Chancery Court may contact the Chancery Court Administrator at 228-865-4008. People who have emergency matters in Chancery Court the week of Sept. 12-16 should contact a Chancery Court Administrator, who will get in contact with a judge.

Chancery judges of the 8<sup>th</sup> Chancery District of Hancock, Harrison and Stone counties during the week of Sept. 12-16 had at least one judge available at the Gulfport Courthouse during business hours to handle any matter, said Chancellor Jim Persons. The chancellor who is available would handle any urgent matter, no matter to which judge the case was originally assigned.

The Chancery Court in Harrison County is expected to return to a regular business schedule at the Gulfport Courthouse starting Monday, Sept. 19.

Chancery Court administrators will make arrangements for the locations for conducting court hearings. Some matters from Harrison county may be heard at the Stone County Courthouse in Wiggins. The Stone County Courthouse was undamaged, and three courtrooms, including the Justice Court courtroom, are available. Judges expect to coordinate their schedules to accommodate hearings. Harrison, Hancock and Stone counties are in the 8<sup>th</sup> Chancery Court District and the 2<sup>nd</sup> Circuit Court District.

Chancery Court judges said they don't feel that they need the assistance of judges from other districts to hear cases.

Chancery Judges have experienced problems with civil commitments of people needing mental health treatment. Facilities which have housed those people are gone, and the courts have experienced problems with delays in getting people accepted at the state mental hospital.

Said Judge Persons: "We need some way to get these patients out of here, either to another county upstate or to the state mental institution....That is a pressing human need here.

We don't have a place to keep these people.”

### **Court records – Harrison County Chancery Court**

Chancery Court records are undamaged at courthouses in Gulfport and Biloxi. The courts utilize computerized case management systems. Land records have been stored electronically since 2004.

Harrison County Board of Supervisors Attorney Joe Meadows noted that the records vault has no air conditioning. Many lawyers have inquired about getting access to records stored there so that they may do title searches and close loans.

### **Equipment – Harrison County Chancery Court**

Court equipment is undamaged.

### **Harrison County Youth Court**

The Harrison County Youth Court facility had no major wind or water damage. However, the court is not fully functional at this time because of the displacement of staff.

## **Jackson County**

Members of the committee met with Circuit Judge Kathy King Jackson, Circuit Judge Robert Krebs, Chancery Court Judge Randy Pierce, Chancery Court Clerk Terry Miller, County Court Judge Larry Wilson, and Sheriff Mike Byrd.

### **Jackson County personnel**

Court officials have accounted for all court personnel. No member of the court staff is known to have been killed or seriously physically injured by the storm.

Judges, court staff and their families suffered personal property damage. Court personnel have dealt with repairs to personal property and temporary relocation while also working to put the courts back in order.

### **Jackson County physical facilities**

The Jackson County Courthouse, which is about 10 years old, received extensive flood damage. The first floor of the Jackson County Courthouse, which houses the Chancery Court Clerk's Office and Chancery Courtrooms, was heavily damaged by flood waters. Floors in the Chancery Clerk's office are still covered with wet mud.

Repairs are underway. Interior walls of chancellors' courtrooms on the first floor are stripped down to the metal framework about three feet above the floor, and soaked flooring has been removed. Masked workers carted out wheelbarrows of sheetrock and debris during the Committee's visit. Debris is stacked high in garbage bags outside the courthouse.

The second floor also received water damage. The sprinkler system came on when power was restored, flooding the second floor, which houses the Circuit Court operations. Industrial size humidifiers are working in second floor courtrooms to dry the stained and soaked carpeting. Food, supplies and several mattresses left over from the building's use as an emergency shelter

still litter the foyer and second floor hallway.

### **Court operations – Jackson County Circuit Court**

The Circuit and County Courts are unable to open for business at the courthouse. County officials don't want anyone in the courthouse facility at this time because extensive repair work is underway, said Circuit Judge Kathy King Jackson. The work is expected to take three to four weeks. The Circuit and County courts will temporarily relocate to the Civic Center. Circuit Clerk Joe Martin is accepting filings at a temporary location at the old courthouse, Judge Jackson said.

Judge Jackson and Circuit Judge Robert Krebs said they expect to be able to resume hearings and bench trials in October. They expect that jury trials will be delayed until January.

### **Court records – Jackson County Circuit Court**

Judge Jackson said active files of the Circuit Court Clerk are fine. Old files and old case evidence were stored in a separate location which flooded. The Circuit Court has a computerized case management system.

### **Equipment – Jackson County Circuit Court**

Equipment is operable, although it was exposed to water from sprinklers. The Jackson County I.T. department controls and maintains equipment. The I.T. department received water damage.

### **Court operations – Jackson County Chancery Court**

Chancery Court judges have no courtrooms in which to conduct proceedings. Jackson County Chancery Clerk Terry Miller has inquired with the Administrative Office of Courts about the possibility of getting two double-wide mobile homes to serve as courtrooms. He would like to see the temporary facilities funded by the Federal Emergency Management Agency.

Miller on Sept. 15 reported that the office of the Chancery Court Clerk is accepting filings at a temporary location at the Fairgrounds.

### **Court records – Jackson County Chancery Court**

Records of the Jackson County Chancery Court Clerk's office received water damage, although the total extent of records damage and loss has yet to be determined. Water rose to more than 18 inches in the courthouse. Paper files sit in open drawers drying. Mud coats the floors.

Land records are at a separate location in the Brumfield Building, which was flooded by two or three feet of water, according to Miller. The land records were damaged but were archived on microfiche. Miller stated that most records could be reproduced. However, the location of tape backups and microfiche was not identified.

Miller has consulted with the Department of Archives and History about how to restore and conserve the files.

### **Equipment – Jackson County Chancery Court**

Equipment on the first floor was inundated by the flood waters.



### **19<sup>th</sup> Circuit Court District Drug Courts**

Drug Courts have met in Greene and George counties, Judge Jackson said. She expected to meet within days with participants in the Jackson County Drug Court. One woman in the program came to the courthouse looking for someone to whom to pay an installment on her fine, Judge Jackson said.

### **Jackson County Youth Court**

Jackson County Youth Court reported no damage other than loss of Internet access. The court is continuing to operate.

## **Preliminary damage reports from other counties**

The Administrative Office of Courts conducted a telephone survey of officials in some other south Mississippi counties. Here is an overview:

### **Adams County**

Courts were operating as normal.

### **Amite County**

Courts were operating as normal.

### **Clarke County**

Courts were operating as normal.

### **Covington County**

Courts were operating as normal.

### **Forrest County**

Courts were operating as normal.

### **Franklin County**

Courts were operating as normal.

### **George County**

Courts were operating as normal.

### **Greene County**

Courts were operating as normal.

### **Jasper County**

Courts were operating as normal.

**Jefferson Davis County**

Some Circuit Court proceedings were rescheduled.

**Jones County**

The Jones County Court facility sustained damage, and the court will use the Circuit Court courtroom until repairs are made. Jones County Court Judge Gaylon Harper on Sept. 12 entered a general order directing that all matters set for the September 2005 term of County Court for the Second Judicial District of Jones County shall be continued until further order of the court. Anyone experiencing extraordinary circumstances which would necessitate a hearing during the September term was directed to contact the court administrator at 601-649-7500.

**Lamar County**

The County courtroom was damaged. Proceedings will be conducted in the Chancery Court building.

**Lauderdale County**

Water got into the basement of the courthouse, but it did not affect court operations.

**Lawrence County**

Courts were operating as normal.

**Lincoln County**

Chancery Court postponed two weeks of court. Circuit Court rescheduled proceedings from the week of the storm.

**Marion County**

Courts were operating as normal.

**Pearl River**

Court proceedings scheduled for the week after the storm were postponed and had not yet been rescheduled.

**Perry County**

The courthouse closed for a brief period because there was no air conditioning.

**Pike County**

The courthouse lost telephone service, but nothing had to be rescheduled.

**Simpson County**

Some Circuit Court proceedings were rescheduled to Oct. 3.

**Smith County**

Courts were operating as normal.

**Waltham County**

Courts were operating as normal.

**Wayne County**

Courts were operating as normal.

## RECOMMENDATIONS

1. Emergency administrative orders have been issued by the Mississippi Supreme Court; the Second Circuit Court District of Harrison, Hancock and Stone counties; and the Jones County Court to address scheduling, deadlines and other matters related to the delays and disruption caused by Hurricane Katrina. Several other judge have indicated that they are drafting general orders. Others courts in which proceedings have been affected by the storm are encouraged to enter general orders addressing deadlines, delays and other scheduling matters which will promote justice and fairness to all parties who have matters pending before the courts.

General orders related to Hurricane Katrina are posted on the News page of the Supreme Court's web site at [www.mssc.state.ms.us](http://www.mssc.state.ms.us). The orders which have been entered as of the date of this report are attached as Appendix A.
2. Court clerks whose offices have not resumed accepting filings are urged to devise a method for accepting filings as soon as possible. Litigants who face deadlines under statutes of limitations must have a means of filing their complaints. Some judges have accepted pleadings and marked them as filed. Court clerks must implement a systematic, if only temporary, means of accepting records for filing.
3. Courts are encouraged to prioritize the handling of pending cases to best utilize the courtroom and personnel resources which are being limited by the effects of the hurricane.
4. Chancery judges have noted problems with delays and availability of emergency mental health treatment for people who are the subject of civil commitments. The Chief Justice may wish to discuss this problem with the leadership of the Mississippi Department of Mental Health.
5. Court clerks whose records were damaged by flood waters are urged to contact the Mississippi Department of Archives and History for advice on proper methods of records restoration and conservation. Courts in other states, and the National Center for State Courts, have also offered their assistance. After needs and potential assistance providers have been identified, a plan should be devised to coordinate contacts between those offering help and those needing assistance.
6. Trial Court equipment has been damaged or destroyed. New laptops which had been awaiting delivery to some trial courts may be diverted to those courts which have lost equipment. The Mississippi Supreme Court Information Systems Department may also be able to at least temporarily replace some of the equipment with older computers, printers and other equipment previously taken out of service during system upgrades at the Supreme Court, Court of Appeals and the Administrative Office of Courts.

7. Attention at this time is focused on meeting the immediate needs which will allow courts to resume orderly business. After those needs are addressed, trial courts should devise a disaster prevention, abatement and recovery plan to address natural disasters and terrorist acts. This may be a long-term project which would include analysis of how courts responded to Hurricane Katrina, what worked and what did not, and where improvements could be made.

## **Appendix A**

### **Exhibit 1.**

Supreme Court order of Sept. 6, 2005  
Emergency Procedures Related to Hurricane Katrina's Disruption of Judicial Processes

### **Exhibit 2.**

Supreme Court order of Sept. 7, 2005  
Supreme Court Administrative Order closing court and granting additional time for certain filings due while Court closed

### **Exhibit 3.**

Supreme Court order of Sept. 9, 2005  
Re: Rules of Professional Conduct  
Supreme Court authorizes out-of-state attorneys to assist in Mississippi Bar Young Lawyers Division's response to Hurricane Katrina disaster

### **Exhibit 4.**

Second Circuit Court District order of Sept. 9, 2005, filed with Supreme Court Sept. 12, 2005  
Emergency Administrative General Order for Harrison, Hancock and Stone Counties

### **Exhibit 5.**

First and Second Judicial Districts of Jones County General Order of Sept. 12, 2005

**FILED**

**SEP 06 2005**

**SUPREME COURT OF MISSISSIPPI  
NO. 2005-AD-00001**

**SUPREME COURT CLERK**

**IN RE: EMERGENCY PROCEDURES RELATED TO HURRICANE KATRINA'S  
DISRUPTION OF JUDICIAL PROCESSES**

**EMERGENCY ADMINISTRATIVE ORDER**

On August 29, 2005, Mississippi was struck by hurricane Katrina, a catastrophe of historic proportions. In many counties, the courts and agencies and offices supporting the operation of courts cannot function normally. For that reason, the Supreme Court and the Chief Justice in his capacity as chief administrative officer of all courts in the state find that certain emergency actions as set for hereinafter are required.

All deadlines applicable under the Mississippi Rules of Appellate Procedure or notices of the Clerk of the appellate courts are amended as set forth in this order for emergency extensions and procedures. Notices of deadlines issued by the Clerk of the Supreme Court and the Court of Appeals shall continue to show deadlines applicable under the rules; however, the deadlines under such rules or stated in the notices of the Clerk or orders are modified as follows.

**IT IS THEREFORE ORDERED:**

**Appellate Courts--Second (Southern) Supreme Court District.** For all cases on appeal to the Supreme Court or the Court of Appeals (appellate courts) from trial courts located in the Second (Southern) Supreme Court District as defined in, Miss. Code Ann. Section 9-3-1 (Rev.2002), all deadlines falling on or after August 29, 2005, through October 31, 2005, are extended for 90 days from the due dates set by rules, clerk's notices and orders.

**Appellate Courts--Oral Arguments.** For appeals from trial courts located in the Second (Southern) Supreme Court District, all oral arguments heretofore set which have not been held are cancelled and shall be rescheduled by the appellate courts respectively.

**Emergency Action by the Trial Courts.** To prevent injustice due to the unusual circumstances caused by hurricane Katrina, as to trial court proceedings in courts located in the Second (Southern) Supreme Court District, (a) the trial courts are hereby authorized to exercise their sound discretion in extending deadlines, rescheduling hearings and trials and any other matters by case specific actions or by general orders; (b) the provisions of M.R.A.P. 2(c) prohibiting extensions of time for taking appeals are suspended through December 1, 2005; and (c) the prohibitions in M.R.C.P. 6(b) against extending the time for

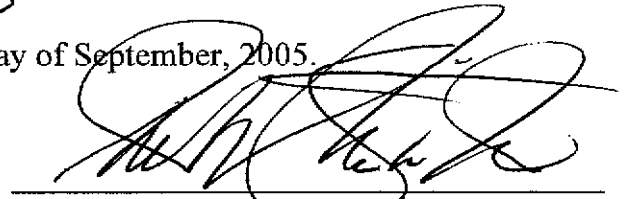
taking any action under M.R.C.P. 50(b), 52(b), 59(b), 59(c), 59(e), and 60(b) are suspended through December 1, 2005. General orders by the trial courts shall be forwarded to the Supreme Court for publication.

**Statutes of Limitations.** The Court lacking the authority to extend statutes of limitations, anything to the contrary in this order notwithstanding, no extension granted or authorized herein shall extend beyond the limitations of action set by statute.

**Publication of Orders.** This order and all general orders filed with the Supreme Court shall be published on the Court's web site, at <http://www.mssc.state.ms.us/Body.htm> and otherwise as may be convenient and effective.

This order may be amended, extended or otherwise modified as circumstances dictate. In circumstances where the Supreme Court finds cases require immediate emergency action.,the extensions provided for herein may be revoked or vacated.

SO ORDERED, this the 6<sup>th</sup> day of September, 2005.



JAMES W. SMITH, JR., CHIEF JUSTICE,  
FOR THE COURT

DIAZ, J., NOT PARTICIPATING.



IN THE SUPREME COURT OF MISSISSIPPI  
Administrative Order No. 2005-AP-00001-SCT

**FILED**  
SEP 07 2005

SUPREME COURT CLERK

ORDER

WHEREAS, on August 29, 2005 severe weather conditions related to hurricane Katrina made travel hazardous and thereafter the Gartin Building loss utilities on August 30, 2005, August 31, 2005, September 1, 2005 and September 2, 2005, requiring the closing of the Court and the office of the Clerk of the Court and resulting in the Court being unable to receive filings by parties.

The Court finds that due to conditions caused by hurricane Katrina, it is in the interest of justice that the rules relating to the time for filing pleadings and other documents with the Court should be suspended under authority of Mississippi Rules of Appellate Procedure 2(c).

**IT IS THEREFORE ORDERED** that the office of the Supreme Court and of the Clerk of the Supreme Court be closed on Monday, August 29, 2005 at 11:00 a.m. through September 5, 2005.

**IT IS FURTHER ORDERED** that all items due for filing on Monday, August 29, 2005 through September 6, 2005 that were not addressed in this Court's order of September 6, 2005 shall be due on September 12, 2005 and shall be deemed timely filed.

SO ORDERED, this, the 7<sup>th</sup> day of September, 2005

  
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JAMES W. SMITH, JR., CHIEF JUSTICE  
FOR THE COURT

Serial: 126579

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99018-SCT

**FILED**

SEP 09 2005

OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

***RE: RULES OF PROFESSIONAL  
CONDUCT***

**ORDER**

This matter is before the Court, en banc, on the Mississippi Bar's Petition to Permit Attorneys Not Licensed to Practice Law in Mississippi to Provide Emergency Pro Bono Legal Assistance. The petition seeks limited authority for attorneys from other jurisdictions not licensed in Mississippi to render legal assistance to victims of hurricane Katrina through the Mississippi Bar Young Lawyers Division Disaster Legal Assistance Program. Having considered the petition, the Court finds that the extraordinary circumstances faced by the victims of hurricane Katrina require emergency action and that the petition should be granted to the extent set forth herein. Practice authorized by this order is distinguished from and supplemental to practice pro hac vice in courts and agencies regulated under Rule 46 of the Mississippi Rules of Appellate Procedure. Furthermore, legal services authorized hereunder are those services identified and defined in the Agreement Between the American Bar Association on Behalf of Its Young Lawyers Division and Office of Disaster Assistance Programs Federal Emergency Management Agency Concerning Disaster Legal Services.

IT IS THEREFORE ORDERED that attorneys in good standing in sister states of the United States or its territories are authorized to provide temporary emergency pro bono legal

assistance to persons residing in Mississippi on August 29, 2005, arising out of or related to rights, remedies, claims, defenses, injury or damages resulting from hurricane Katrina or its aftermath or evacuation pursuant to official warnings regarding hurricane Katrina, but only through the Mississippi Bar Young Lawyers Division Disaster Legal Assistance Program.

IT IS FURTHER ORDERED that attorneys providing services under the authority of this order shall first present to the Mississippi Bar an affidavit containing the following:

(a) the attorney's full name, firm name, residence address, principal business address, telephone numbers, jurisdiction or jurisdictions in which the attorney is admitted, and bar identification numbers;

(b) affirmation that the attorney is duly licensed and in good standing and authorized to practice law in each stated jurisdiction and that the attorney's license is not subject to suspension or restriction;

(c) affirmation that in performing all services under the authorization of this order, the attorney will be acting as a volunteer for the Mississippi Bar Young Lawyers Division Disaster Legal Assistance Program;

(d) affirmation that all services to be performed will be at no charge or expense to the client;

(e) affirmation that the attorney will abide by the Mississippi Rules of Professional Conduct and consents to jurisdiction of the State of Mississippi for disciplinary action; and

(f) affirmation that the attorney will not undertake to represent any person other than an eligible legal assistance client under the Mississippi Bar Young Lawyers Division Disaster Legal Assistance Program, shall not offer to provide legal assistance in this State to any person or for any matter other than through the program, and shall not hold himself or herself out in this State to be authorized to provide legal services to any person or for any matter other than through the Mississippi Bar Young Lawyers Division Disaster Legal Assistance Program.

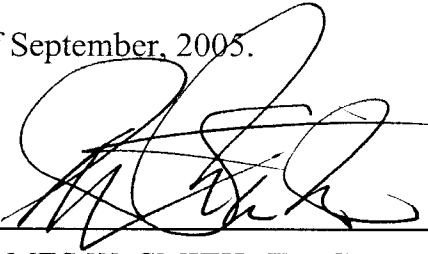
IT IS FURTHER ORDERED that upon receipt of any such affidavit from any attorney, the Mississippi Bar may issue to that attorney a certificate identifying that attorney as a participant authorized to offer legal services through the Mississippi Bar Young Lawyers Division Disaster Legal Assistance Program. The Bar shall maintain the affidavits and true copies of all certificates and present them to the Supreme Court upon request of the Clerk of the Court at such time or times as the Clerk may state.

IT IS FURTHER ORDERED that “attorney” as used herein shall extend to individuals, partnerships, associations, professional corporations, limited liability companies and other legal entities recognized by the laws of the State of Mississippi and authorized to provide services hereunder.

IT IS FURTHER ORDERED that attorneys providing services under authority of this order shall not be deemed to be engaged in the unauthorized practice of law as defined by Miss. Code Ann. Section 73-3-55 as amended, the Rules of Professional Conduct, and pertinent case law.

IT IS FURTHER ORDERED that the authorization of those who offer services by this order shall continue until terminated by further order of the Court.

SO ORDERED, this the 9<sup>th</sup> day of September, 2005.

  
\_\_\_\_\_  
JAMES W. SMITH, JR., CHIEF JUSTICE,  
FOR THE COURT

DIAZ, J., NOT PARTICIPATING.

**FILED**

*Rec'd*  
SEP 13 2005

*Dated order*  
SUPREME COURT CLERK  
*BWS*

IN THE SECOND CIRCUIT COURT DISTRICT  
OF STATE OF MISSISSIPPI

HARRISON, HANCOCK AND STONE COUNTIES

EMERGENCY ADMINISTRATIVE GENERAL ORDER

*89-299015*  
**FILED**

SEP 09 2005

SUPREME COURT CLERK

*filed 9/12/05*  
*in Harrison Co*


On August 29, 2005, Hurricane Katrina struck the Mississippi Gulf Coast and surrounding areas resulting in unprecedented damage, destruction and loss of life. The Circuit Courts, offices and supporting agencies are at the present, incapable of performing normally, thus, requiring an emergency general order to prevent injustice and to protect the fairness and integrity of the trial courts, members of the bar, litigants, and the general public.

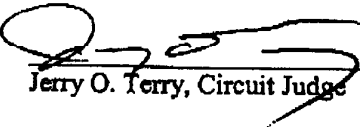
IT IS THEREFORE ORDERED:

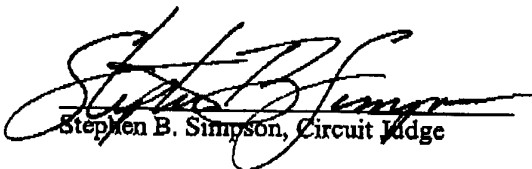
1. That all motions and corresponding deadlines pursuant to MRCP 7-16 and UCCCR Rule 4.03 are suspended until October 31, 2005 or until further Order of the Court.
2. All discovery practices and deadlines pursuant to MRCP 26-37 and UCCCR 4.04 and 9.04 are suspended until October 31, 2005 or until further Order of the Court.
3. All Motions, Trials, and Hearings set between August 29, 2005 and October 31, 2005, matters requiring an official record are continued and shall be rescheduled by the Court Administrator as soon as is practical.
4. All deadlines for appeals to Circuit Court from Justice Court, County Court or Administrative Agencies are suspended until October 31, 2005 or until further Order of the Court.
5. Statute of Limitations. No extensions granted or authorized herein shall extend beyond the limitations of actions set by Statute.
6. The Circuit Court may by Order exercise such discretion in extending deadlines, rescheduling hearings and trials, and other matters and grant such other relief as circumstances require and allowed by law.

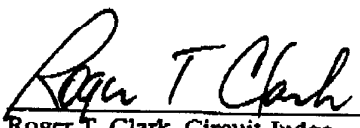
7. This General Order shall be filed with the Supreme Court and published on the Courts web site at <http://www.msdc.state.ms.us/body.htm> and filed with the Circuit Clerks of Harrison, Hancock and Stone Counties.

SO ORDERED this the 09th day of September, 2005.

  
Kosta D. Vlahos, Senior Circuit Judge

  
Jerry O. Terry, Circuit Judge

  
Stephen B. Simpson, Circuit Judge

  
Roger T. Clark, Circuit Judge

IN THE COUNTY COURT FOR THE FIRST AND SECOND JUDICIAL DISTRICTS OF JONES COUNTY, MISSISSIPPI

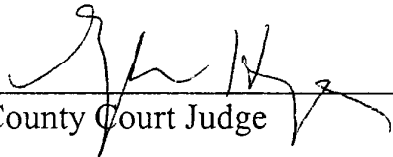
GENERAL ORDER

89 R 99015

Due to Hurricane Katrina all matters set for the September term 2005 of the County Court for the Second Judicial District of Jones County, Mississippi are continued until further order of the Court. If, due to extra ordinary circumstances, any party wishes to have a hearing during the September 2005 term, such party is ordered to contact the court administrator immediately at 601 649-7500.

The Clerk of the Court is ordered to furnish forthwith a copy of this order to all parties with matters set for the September 2005 term.

Signed and ordered the 8 day of September, 2005.

  
County Court Judge

xc: Mississippi Supreme Court  
P.O. Box 249  
Jackson, MS 39205

**FILED**

SEP 12 2005

OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

STATE OF MISSISSIPPI  
COUNTY OF JONES  
JUDICIAL DISTRICT

I, LARRY ISHEE, Circuit Clerk, in and for said County and State, do hereby certify that the above and foregoing is a true and correct copy of the above instrument as same appears of record on file in the office of the Circuit Clerk at Lawrence Jones County, Mississippi

Given under my hand and official seal, this the 8th day of Sept. A.D., 2005.

LARRY ISHEE, Circuit Clerk  
Jones County, Mississippi  
By Charlotte Spivey

**FILED**

SEP 08 2005

LARRY ISHEE  
CIRCUIT CLERK  
JONES COUNTY, MS