

Court of Appeals schedules oral arguments at Mississippi College and University of Mississippi

April 10, 2009

The Mississippi Court of Appeals will hear oral arguments at the Mississippi College School of Law in Jackson on April 14 and at the University of Mississippi School of Law in Oxford on April 21.

The Court of Appeals periodically schedules oral arguments on college campuses and occasionally at other locations as a teaching tool for law school or pre-law students. It is known as the Court on the Road program.

Court of Appeals Chief Judge Leslie D. King of Greenville said judges have a duty beyond deciding cases and writing opinions. “The Court of Appeals as an institution has made a commitment to be a part of the legal education process of this state,” Chief Judge King said. “It’s one of this court’s duties to be a part of this state’s legal education system. We believe that in our positions, we have something that we can give back to the educational system.”

A three-judge panel of the Court of Appeals will convene to hear oral arguments at 2:30 p.m. April 14 in Room 151 B at the Mississippi College School of Law at 151 East Griffith Street in Jackson. Mississippi College third year law student Jordan B. Bird of Lake Charles, La., an intern in the office of the Mississippi Attorney General, will represent the state of Mississippi in arguments supporting the conviction of Lonzie Earl Nichols. Attorney Jim Waide of Tupelo represents the appellant, Nichols.

A three-judge panel will hear two cases at the University of Mississippi School of Law on April 21. The court will convene at 1 p.m. at 300 Lamar Law Center in Moot Court One on the third floor. The second case will be heard at 2 p.m.

Third year law students of the Criminal Appeals Clinic will make arguments seeking to overturn convictions. Criminal Appeals Clinic students Krystal D. Walker of Louisville and Andrew Seth Robbins of Gautier will argue on behalf of appellant Terrance Watkins. Special Assistant Attorney General Jeffrey A. Klingfuss will represent the state of Mississippi. Students E. Daniel Martin of Oxford and Lora E. Boggs of Grenada will argue on behalf of appellant John Gales. Special Assistant Attorney General Laura H. Tedder will represent the state of Mississippi.

Chief Judge King said that students who stand before the court arguing on behalf of a client gain valuable experience unparalleled by moot court arguments or classroom studies. “With this, you are talking about a very direct impact on real people. It’s not theory. They actually have in their hands the responsibility for someone else’s life.”

Chief Judge King said that the experience of watching their peers make oral arguments is especially beneficial to the students in the audience. The presentation generates further discussions in the classroom and in study groups.

Court of Appeals judges will answer questions from students after the oral arguments. They will not talk about legal issues of the cases which were argued.

Chief Judge King said, “It is important that we enhance the understanding of the judicial system and respect for the rule of law.... I hope that the students will take away from this a respect for the legal system and the rule of law, and the recognition that the law is something that, as we say in the judicial oath, applies without respect to persons and to one’s station in life.”

Mississippi College School of Law Dean Jim Rosenblatt said, “The appellate courts of Mississippi have been so generous with their educational outreach and with their willingness to be of assistance to the law schools. We are fortunate to be able to weave these very supportive judicial and legal communities into our program of legal education.

“This experience complements their classroom education and allows them to see how legal concepts are implemented in practice. We are excited that one of our interns with the Attorney General’s office will present the argument in the hearing and will have this opportunity to argue before this distinguished Court while still a law student,” Dean Rosenblatt said.

The April 14 oral argument will be the first time a Mississippi College student has presented oral arguments before the court. Previous oral arguments heard at the Mississippi College School of Law involved private practice attorneys, giving students the opportunity to observe.

University of Mississippi law students participating in the Criminal Appeals Clinic have represented indigent defendants in appeals since the National Center for Justice and the Rule of Law was created at the law school in 2002. Students have written 42 appeal briefs. Of the 35 cases decided by the appellate courts, eight have been reversed, said Phillip W. Broadhead, clinical professor and director of the Criminal Appeals Program. Teams of two students spend one semester working on the briefs, and, if oral argument is granted, a different set of two students prepares and presents the arguments the next semester. Eighty-eight students have been trained during the past seven years, either by direct enrollment in the clinic or through the hour of independent study offered by the program, Broadhead said.

Cases to be argued are:

- April 14, Lonzie Earl Nichols v. State of Mississippi, Cause No. 2007-KA-2256-COA. Nichols was convicted in Clay County Circuit Court on a charge of depraved heart murder involving a July 27, 2004, motor vehicle crash. Nichols was sentenced to life in prison without parole.
- April 21, Terrance Watkins v. State of Mississippi, Cause No. 2008-KA-0208-COA. Watkins was convicted in Bolivar County Circuit Court on a charge of murder as a result of an Aug. 2, 2006, shooting. Watkins was sentenced to life in prison without parole as an habitual offender.
- April 21, John Gales v. State of Mississippi, Cause No. 2007-KA-2253-COA. Gales was convicted in DeSoto County Circuit Court on charges of possession and conspiracy to possess the precursor chemical pseudoephedrine as a result of a July 25, 2005, arrest in Horn Lake. Gales was sentenced to 10 years in prison as an habitual offender.

Each oral argument is expected to last approximately 40 minutes; the appellant and appellee are each allowed 20 minutes.

The oral arguments will not be broadcast via the court’s Internet web site, since the Court of Appeals is convening special sessions away from its camera-equipped courtroom.

Any media organization which may wish to photograph or videotape the presentation must follow the Rules for Electronic and Photographic Coverage of Judicial Proceedings. **Media wishing to record or photograph the arguments must have equipment set up at least 15 minutes before the arguments are scheduled to begin. Media must file a Camera Coverage Notice at least 48 hours prior to the commencement of the proceeding.** The camera coverage notice is available at <http://www.mssc.state.ms.us/forms/camnotice.pdf>. The camera coverage rules are available on the Mississippi Supreme Court’s web site at http://www.mssc.state.ms.us/rules/msrulesofcourt/rules_electronicphotographic_coverage.pdf.

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