

Former Supreme Court Chief Justice Roy Noble Lee died Jan. 21

January 22, 2015

Former Chief Justice Roy Noble Lee, 99, who served on the Mississippi Supreme Court for 16 years, died Wednesday, Jan. 21, at his home in Forest.

Visitation will be on Sunday, Jan. 25, 2 to 5 p.m. and Monday, Jan. 26, 9 to 10:30 a.m. in Trinity Hall at Forest Baptist Church. A funeral service will be held at 11 a.m. Monday, Jan. 26, at Forest Baptist Church. Burial will be in Eastern Cemetery in Forest. Ott and Lee Funeral Homes, where he served as chairman of the board, is in charge of arrangements.

Chief Justice Lee's leadership resulted in significant advancements for the judicial system and for legal education.

Chief Justice Bill Waller Jr. said, "Some of the most significant advancements for the judicial branch of government during the 20th Century were implemented under his leadership. He gave leadership to the enactment of legislation that created the Administrative Office of Courts and the Court of Appeals. The Court of Appeals, as he predicted, has been an excellent solution to allow timely disposition of cases and eliminate the backlog that had long plagued the appellate court."

The Court of Appeals began hearing cases in January 1995. The intermediate appellate court hears cases assigned by the Supreme Court.

Justice Jim Kitchens said that Justice Lee "was out in the forefront of progressive thinking as far as moving the court forward."

"He was universally respected. He was a very well balanced lawyer and a very well balanced judge."

Justice Lee also helped bring about the acquisition of the former Jackson School of Law by Mississippi College. Former Court of Appeals Judge Mary Libby Payne, who was the first dean of Mississippi College School of Law, said Lee was a member of the board of directors in 1974, when negotiations were made for Mississippi College's acquisition of the law school, and was chairman of the board in 1977 when the American Bar Association made its first inspection. Mississippi College School of Law earned ABA accreditation in 1980. "He was intimately involved with the transition and the continued progress of the law school," Judge Payne said.

Justice Kitchens said, "The fact that we have a fully accredited law school that attracts people from other states is so important for Jackson, and is important for Mississippi. It just makes all the sense in the world for there to be a law school in the capital, which is the legal nerve center of the state. Chief Justice Lee recognized that and saw the potential. His vision has materialized in a very real way."

Law students get practical experience. "Here we have within a few blocks of that law school the only court house that serves the whole state – the Supreme Court and the Court of Appeals – and we have students in this courthouse every day who are interns. You've got every kind of court within a few minutes of that law school.

"He saw a need and he saw an opportunity. He helped lead the charge of making that happen. That certainly has proved to be a wise and insightful decision. I really appreciate it because I have three sons who graduated from law school there," Justice Kitchens said.

Roy Noble Lee was born on October 19, 1915, in Madison County, Mississippi. He graduated from Mississippi College in 1938, and in 1939 earned an LL.B. degree from Cumberland University School of Law. He was admitted to the Mississippi Bar in 1939.

Justice Lee came from a family of lawyers and judges. He and his father, Percy Mercer Lee, are the only father and son ever to serve as Chief Justices of the Mississippi Supreme Court. Percy

Mercer Lee served on the Supreme Court 1950-1965. Roy Noble Lee served on the Supreme Court 1976-1993. He is the brother of Senior Judge Tom S. Lee of the U.S. District Court for the Southern District of Mississippi.

In a June 4, 2003, oral history interview, he said, "From the time I was 9 years old I wanted to be a lawyer; never thought of anything else." He watched court proceedings from the age of 7 or 8, going to the courthouse after school. "My father was practicing law then and later became district attorney, and I just grew up, you might say, in their law office and it was a part of my life then," he said.

Justice Lee's public service career spanned 50 years. From 1942-1944, he worked as an F.B.I. agent. He joined the U.S. Naval Reserve in 1944, saw battle in the South Pacific, and was honorably discharged May 4, 1946. He followed in his father's footsteps as district attorney and circuit judge. From 1951 to January 1964, he was district attorney for the 8th Judicial District. He served as circuit judge from the same district from Jan. 1, 1975, to March 8, 1976, when he was appointed to the Supreme Court.

Former Gov. Cliff Finch appointed Justice Lee to a vacancy on the Supreme Court. Justice Lee was elected to a full term on the court later that year, and was re-elected in 1984. He became Chief Justice on October 1, 1987. He retired at the end of his term on Jan. 4, 1993, after 16 years of service.

"He had one of the kindest hearts," said Gail Toal, who worked for Justice Lee for about 30 years, first as fiscal officer at the Supreme Court, then in her current position as business administrator of Ott and Lee Funeral Homes.

Toal said. "He loved the outdoors. He loved turkey hunting."

He wrote eloquently of that love of the outdoors in a 1982 Supreme Court opinion that rejected a challenge by a group of hunters to a Mississippi Commission on Wildlife Conservation rule that prohibited use of dogs in deer hunting in parts of the state.

Justice Lee's often quoted passage from the case known as *Strong v. Bostick* says, "Many men, including this writer, feel that a person who has never seen squirrels jump from limb to limb in the deep swamp on a frosty Fall morning; or has never heard a wild turkey gobble in April or seen him strut during mating season; or has never watched a deer bound through the woods and fields, or heard a pack of hounds run a fox, or tree a coon (raccoon); or has never hunted the rabbit, or flushed a covey of quail ahead of a pointed bird dog; or has never angled for bass or caught bream on a light line and rod, or taken catfish from a trotline and limb hook; has never lived.....Present generations owe posterity the obligation to protect and conserve wildlife, a valuable and essential natural resource, in order that future generations may have game and fish for their enjoyment, pleasure and benefit."

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