

# Mississippi Courts

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## Access to Justice aims for *pro se* clinics statewide in June

The Mississippi Legislature has declared June as Access to Justice Month.

Chief Justice Bill Waller Jr. has called upon chancellors and bar associations statewide to organize free family law clinics to assist poor people in resolving civil legal issues in Chancery Courts.

Chief Justice Waller said, "It is vitally important for all citizens to have access to the courthouse. Mississippi has one of the highest rates of poverty in the United States and these legal

clinics allow meaningful access with the assistance of volunteer lawyers."

Twenty-one free family law clinics that will offer services to people in more than 40 counties are scheduled in June. More family law clinics are expected to be held later this year.

Chancellor Jacqueline Mask of Tupelo, co-chair of the Access to Justice Commission, said, "I am extremely appreciative to the Legislature for the resolution recognizing the

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Chancellor Jacqueline Mask, Access to Justice Co-chair

## Rankin Chancery Court and Rankin Bar Association create *pro se* clinic model

Nine Rankin County attorneys gave free help to 12 low income people dur-

ing Rankin County Chancery Court's first *Pro Se* Day on Jan. 26.

Rankin County Chancery Court and the Rankin County Bar Association organized the free clinic in anticipation of conducting a larger clinic June 29.

Chief Justice Bill Waller Jr. said, "I very much appreciate the efforts of local lawyers in giving their time to this critical effort, and I urge lawyers across the state to follow their lead."

"There is a huge need. We are in a unique position to help people," said attorney Joshua Coe of Brandon.

Chancellor John S. Grant III has watched *pro se* litigants struggle. "They

don't understand the process and they don't have reasonable access to forms."

Chancellor Haydn J. Roberts said, "They have a valid request for relief, but because they are not lawyers, they don't know how to get to the end."

"If they had just a little guidance, it would work out for them," Coe said.

Attorney Connie Jones of Brandon and Chancery Court Staff Attorney Steve Edwards organized the clinic. Jones views it as giving back. "As lawyers, we've been given so much.... We want to pass it on."



Connie Jones helped organize *Pro Se* Day in Brandon.

## Judges, prosecutor supportive of full-time public defender

Supreme Court Presiding Justice Jim Kitchens praised Pearl River County officials for forming the seventh full-time public defender office in the state.

“This is the right thing to do. This is the epitome of the American way of life. People are on equal footing in the courtroom,” Justice Kitchens told about 65 people who gathered in the Circuit Courtroom in Poplarville on Feb. 21 to acknowledge the milestone.

Senior Circuit Judge Prentiss Harrell pushed to create the full-time public defender office to ensure adequate representation of defendants and save money for Pearl River County.



Left to right, Circuit Judge Claiborne “Buddy” McDonald, Justice Jim Kitchens and District Attorney Hal Kittrell attended a Feb. 21 public ceremony that introduced Pearl River County’s full-time public defender office in Poplarville.

Having three full-time public defenders is expected to move cases more quickly to resolution, sav-

ing the county the expense of housing pre-trial detainees for many months.

Pearl River County pre-

viously had three part-time contract public defenders. Public Defender Matthew Shoemaker became a full-

## Legislature proclaims June Access to Justice Month

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Access to Justice Commission. We thank them for realizing the need, recognizing the month and taking action. The needs of our state in this field are significant, and Chancery Court judges across the state are to be commended for working to ensure that low-income litigants have access to their courtrooms. We have many attorneys who are volunteering their time to help meet the needs, and the entire Mississippi Bar is to be commended for its work.”

The free clinics help those who can’t afford to hire lawyers to resolve matters such as divorce, custody, visitation, child

support, emancipation, name change, adoption, guardianship and domestic abuse protective orders.

Nicole H. McLaughlin, executive director of the Access to Justice Commission and director of the Access to Justice Initiative of the Mississippi Bar, said, “*Pro se* legal clinics provide the participants with free legal advice, information on how to prepare and file legal pleadings and how to present their case in court. The Commission is excited about the willingness of all the districts and volunteer attorneys to organize and assist at the clinics.”

On March 27, the Mississippi House and Senate

adopted House Concurrent Resolution 105 commending the Access to Justice Commission on its 12<sup>th</sup> anniversary and declaring June as Access to Justice Month. HCR 105, introduced by Speaker Pro Tempore Greg Snowden of Meridian and Rep. Percy Watson of Hattiesburg, noted that approximately 695,000 people, a fifth of Mississippi’s population, live at or below poverty level, and about 1.3 million of the impoverished and the working poor – almost 45 percent of the population – qualify for civil legal aid. There is one Legal Services lawyer for every 21,000 eligible people. Almost half of those

who seek help from Legal Services in Mississippi are turned away. Many struggle to represent themselves *pro se*. Others are unable to get their matters heard in court at all.

The resolution recognized collaborative efforts of the Access to Justice Commission, the Volunteer Lawyers Project, chancellors, local bar associations, law students and community organizations that have worked together to provide free family law clinics to help meet the civil legal needs of low income people. The resolution recognized past *Pro Se* Days held in the 1st, 3rd, 5th, 9th, 10th, 11th and 20th Chancery Districts.

## Pearl River County seeks to speed case resolution, save money



**Judge Prentiss Harrell**



**Matthew Shoemaker**

time county defender in November 2016. Lindsay G. Watts joined the office last year, and Andy Johnson went to work in January. They have an office on the third floor of the Courthouse. Each has a caseload of about 125 people, Shoemaker said.

Judge Harrell said, "I want to thank the Board of Supervisors for their vision, their courage and their wisdom in making this happen."

Board of Supervisors President Sandy Kane Smith said, "This is going to take one more burden off the Board....I'm proud of it, and thank you for acknowledging it."

Circuit Judge Claiborne "Buddy" McDonald said, "It's a financial savings for the county."

Judge Harrell estimated the office will cost about \$200,000 a year.

District Attorney Hal Kittrell said that a public defender will see defendants shortly after arrest.

"The sooner they are involved in the process, the sooner there is a resolution," he said. "Public defenders are important to us as prosecutors because we can't function without them. Cases can't advance without them."

Justice Kitchens, chairman of the Public Defender Task Force, would like to see other counties move to full-time public defenders. "This is a beacon, a shining light for the state of Mississippi. I pray other counties will take heed."

Judge Harrell and Kittrell are members of the Task Force created by the 2000 Legislature to study needs by circuit court districts for state-supported indigent defense counsel, examine existing public defender programs, and study approaches and costs of indigent criminal representation in other states.

The Task Force will end July 1. The 2018 Legislature did not extend its sunset provision.

### *Sixth Amendment Center report looks at indigent criminal defense in state*

The Mississippi Public Defender Task Force on March 19 released a report which takes a critical look at the way indigent criminal defendants are represented in state courts.

The report, "The Right to Counsel in Mississippi: Evaluation of Adult Felony Trial Level Indigent Defense Services," assesses adult felony trial level indigent defense services throughout the state and examines indigent defense in 10 counties: Adams, Clarke, DeSoto, Forrest, George, Harrison, Hinds, Leflore, Lowndes and Pearl River. The Public Defender Task Force selected the 10 counties as a diverse sample of rural, suburban and urban populations across the state.

The Task Force commissioned the Sixth Amendment Center of Boston and the Defender Initiative of the Seattle University School of Law to study the varied ways indigent criminal defense is provided in Mississippi. Researchers spent almost three years doing court observation, interviews and data analysis to produce the 132-page report and recommendations.

The report is at this link: [https://courts.ms.gov/newsite2/research/reports/6AC\\_mississippi\\_report\\_2018.pdf](https://courts.ms.gov/newsite2/research/reports/6AC_mississippi_report_2018.pdf).

The Task Force made the report public a day after the 55<sup>th</sup> anniversary of the historic *Gideon v. Wainwright* decision.

Presiding Justice Jim Kitchens, Public Defender Task Force chairman, said, "I feel very strongly that Mississippi would benefit in multiple ways from a well organized and adequately funded state defender system so we wouldn't have great disparity in the quality of legal representation in different parts of the state."

Justice Kitchens, a former district attorney who has also represented indigent defendants, said, "The DA system is a very good, functioning system. The counterpart of that system is the public defender system. The majority of defendants in circuit courts in Mississippi are indigent. They can't afford a lawyer who is as good, experienced and well trained as the district attorney and his or her assistants."

"There are many very dedicated lawyers out there who are taking court appointed cases, who are doing their very best to provide the same quality of services that they provide to paying clients. But on the whole, the system as it is now has a lot of shortcomings and it's more expensive than a well or-

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## Public Defender Task Force commissioned extensive study

### Sixth Amendment Center report findings:

1. The State of Mississippi has no method to ensure that its local governments are fulfilling the state's constitutional obligation to provide effective assistance of counsel to the indigent accused in felony cases in its trial courts.
2. The State of Mississippi does not ensure the independence of the defense function from undue judicial interference in the selection and compensation of felony indigent defense attorneys.
3. Outside of death eligible cases, there are no standards or oversight in Mississippi to ensure that felony indigent defense attorneys have the necessary qualifications, skill, experience, and training to match the complexity of the cases they are assigned.
4. Throughout the State of Mississippi, indigent defendants charged with felony offenses are denied the right to counsel at the critical pretrial stage between arrest and arraignment following indictment, a period that is commonly at least a few months and occasionally as long as a year or more.
5. The State of Mississippi does not ensure that felony indigent defense attorneys have sufficient time and necessary resources, including investigators and social work services, to provide effective representation.
6. Felony indigent defense attorneys in Mississippi consistently carry excessive caseloads that prevent the rendering of effective representation.

### Report recommendations:

1. The Mississippi Legislature should enact legislation enabling the state to meet its Fourteenth Amendment obligation of ensuring Sixth Amendment services meet the parameters of effective indigent defense systems, as described in *United States v. Cronin*.
2. The Mississippi Office of the State Public Defender, along with any government body tasked with developing indigent defense standards, should work with parallel law enforcement, prosecution, judicial, and corrections bodies at the state and local level to:
  - I. Determine effective, efficient, and fiscally responsible methods to track every individual case from commission of the offense through dismissal or completion of sentence;
  - II. Evaluate existing criminal justice processes and make systemic recommendations to ensure that counsel is provided to indigent defendants at every critical stage of a case after the right to counsel has attached;
  - III. Recommend statutory changes to decrease the overall need for right to counsel services through increased diversion and reclassification to make certain violations ineligible for incarceration.
3. Through legislation or court rule, the State of Mississippi should ban payment agreements that cause conflicts of interest between the indigent defense attorney's financial self-interest and the legal interests of the indigent defendant.

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ganized and adequately funded public defender system would be," Justice Kitchens said.

State Defender André de Gruy said, "We believe this comprehensive study of our current statewide practices will demonstrate the urgency of our task."

"Every government expenditure should be based on evidence-based study and there must be accountability. Utilizing the recommendations in this report, OSPD and the Public Defender Task Force will be able to provide the Legislature with a plan to correct the deficiencies in the current splintered system while retaining those aspects that are working well. We understand that this plan will need to be cost effective but we strongly believe that constitutionally mandated indigent defense spending should be a 'Justice Reinvestment' priority," he said.

David Carroll, executive director of the Sixth Amendment Center, said, "To fix the problem is going to cost more. The savings is going to be in corrections, where you don't have people sitting in jail for six months."

The Public Defender Task Force discussed recommendations for legislation during a meeting on April 11 and formed a subcommittee to work on a proposal for legislation. The subcommittee includes Justice Kitchens,



**David Carroll of the Sixth Amendment Center talks to Public Defender Task Force.**

Circuit Judge Prentiss Harrell, District Attorney Hal Kittrell and Steve Gray, representing the Mississippi Association of Supervisors.

The means of providing public defender services varies from district to district and sometimes county to county. Full-time public defender offices operate in seven counties: Forrest, Harrison, Hinds, Jackson, Lamar, Pearl River and Washington. Twelve counties pay hourly rates to private attorneys to represent indigent felony defendants. They are Amite, Franklin, Issaquena, Jefferson, Leflore, Sharkey, Stone, Tallahatchie, Walthall, Warren, Wilkinson and Yalobusha. The remaining 63 counties provide counsel to indigent felony defendants through appointed private attorneys paid a flat fee to represent an unlimited number of indigent felony defendants.

## Hinds County sees 30 % drop in removals with parent reps

Hinds County has seen a 30 percent decrease in court ordered removals of children from parents' custody in Youth Court cases of suspected abuse and neglect during the past year.

Having attorneys to represent the parents in Hinds County has made a difference with a decrease in removals from parent custody, Mississippi Supreme Court Justice Dawn Beam told Mississippi legislators at a Feb. 28 breakfast at the Capitol. "Children are still being protected," said Justice Beam, co-chair of the Commission on Children's Justice. Parent attorneys help guide them to make home and lifestyle changes that will allow them to provide a safe environment for children at home.

The Legislature in 2017 and again this year appropriated \$200,000 for parent representation. The Parent Representation Task Force urged an increase in state funding to sustain and expand parent representation.

"It's what works. We know it works," said Rankin County Youth Court Judge Tom Broome, who was among the first judges to appoint parent representation attorneys.

The number of counties has grown with the help of Casey Family Programs, the Kellogg Foundation and the willingness of boards of supervisors to provide matching funds.

Eleven counties now provide court-appointed attorneys to represent indigent parents who may face removal of children from their custody. Pearl River County is proposed to soon become the next county offering parent representation. The private non-profit Casey Family Programs is working with state court representatives to finalize an agreement to provide matching funds for Pearl River County.

A pilot program to provide indigent parents with attorneys began in Adams, Forrest and Rankin counties in 2012; Harrison County joined the pilot program in 2013. The program has since expanded to include Bolivar, DeSoto, Hancock, Hinds and Jackson counties. Funding has relied heavily on grants. Lafayette County pays for its own program. Before the pilot project began in 2012, Madison County was the only county known to regularly provide county funded parent representation. That practice dated back to at least the early 1980s.

In Hinds County, the 30 percent decrease in removals of children from parents' custody bucks a five-year statewide upward trend in placement of children in foster care. Five years ago, about 3,500 Mississippi children were living in foster care statewide, said Christopher Church, Law and Policy Director at the Children's



**Attorneys Chad King and Kelly Williams represent indigent parents in Hinds County Youth Court.**

Law Center at the University of South Carolina School of Law. On March 2, there were 5,607 children in state custody, according to the Department of Child Protection Services. That's a 60 percent increase statewide of children removed from the custody of their parents.

Attorney Kelly Williams began representing indigent parents in Hinds County Youth Court in February 2017, and Chad King became a parents' attorney in March 2017. They provide a voice for indigent parents facing the threat of Youth Court-ordered removal of children from their custody due to allegations of abuse and neglect. They work with the parents to obtain services that will assist

those parents in safely caring for their children.

Hinds County Youth Court removed 187 children from parents' custody between Feb. 1, 2017, and Jan. 31, 2018, the first year that parent representatives were at work. That compares to 268 children removed from parents' custody during the previous 12 months without parent representation.

Parents alone were not able to adequately tell their stories, said Hinds County Youth Court Judge Bill Skinner. With attorneys assisting them, "I get to know both sides of the case now. I get the full picture. It's made a big difference."

Judge Broome said that having an attorney parent representative increases

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## Parent representation gives judges more information



Resident Jurist John Hudson speaks to Legislators at the Capitol.

the likelihood that children are able to remain in the home. “It helps get a better picture of what life is like in the family: not only what problems may exist but it also helps point out the strengths and support that the family may have. Without parent representation, the court is often focused entirely on the deficits in the home as opposed to the entire picture. An advocate for the parent helps paint the entire picture in the home. It helps the court to better understand the totality of the circumstances.”

“A lot of times, all they need is some services that Child Protection Services can offer” outside court, King said.

“You can address those issues and keep children out of custody,” said Williams, the first attorney in Mississippi to be certified as a Child Welfare Law Specialist by the National Association of Counsel for Children.

King said, “That is preventing the trauma to children being removed from their homes.”

It’s important for an attorney to get involved from the beginning of a case, parent representation attorneys and judges agree. Attorney involvement helps keep parents on track to do the things a judge has ordered so that they may be reunited with their children.

Reaching permanency for the child faster – whether through family reunification, guardianship or termination of parental rights and adoption – saves the state substantial money that would be spent on foster care.

“That means less time that a child would remain in foster care or outside the home,” Judge Broome said. “Foster care is one of the most expensive options available to the courts.” Costs include board payments to foster parents as

well as medical, dental and vision expenditures and associated Medicaid costs. Other costs include administrative and social worker salaries to handle the caseload.

“It is much better to make the small investment on the front end (with parent representation), which saves the state greatly on the back end by reducing the number of days in foster care. But perhaps the most important costs are not the financial costs. They are the toll on human beings,” said Judge Broome, chairman of the Parent Representation Task Force and Council of Youth Court Judge and co-chair of the Commission on Children’s Justice.

Foster care costs per child range from \$640 to \$5,000 per month, said Commissioner of Child Protection Services Jess H. Dickinson. “We are thoroughly in support of parent representation.”

When parents face the possibility of having their children removed from their custody, appointments of counsel for parents mean that those attorneys fight to keep children in their homes when CPS recommends removal. Having attorneys on both sides safeguards fairness.

“The point is these children and their parents are entitled to have a fair hearing of their case and it just doesn’t happen when parents are not represented,” Dickinson said.

Dickinson questions whether allowing parents to go unrepresented is a violation of their constitutional rights.

Resident Jurist John Hudson of Natchez also has grave concerns about allowing parents who have the most to lose to try to represent themselves in a court proceeding in which every other person is a lawyer or has a lawyer. Judge Hudson, who was Adams County Youth Court judge for 31 years, supervised the pilot parent representation program that began in Adams County in 2012.

Speaking at the Capitol on Feb. 28, Judge Hudson asked legislators to imagine the fear a parent faces walking into a courtroom alone the morning after Child Protection Services has taken away a child. Knowing little more than the location of the courthouse and the time to show up, the parent will have difficulty dealing with the legal complexities of a hearing.

“You want everyone that is a part of a judicial proceeding to be properly represented so that you have all the information to make the right decision as to what is in the best interest of the child,” he said. “You want everyone to be on as level a field as you can put them on.” Representation “provides critical due process.”

## Governor says Justice Ishee is well-suited for Supreme Court

The entire Mississippi Supreme Court was present in Long Beach on Feb. 16 to welcome Justice David M. Ishee as the newest member of the court.

Gov. Phil Bryant, who appointed Justice Ishee in September 2017, said, "He is made for the task."

"I promise to serve this office with integrity and honor and to make you proud," Justice Ishee told officials, friends and well-wishers who packed the Fleming Education Auditorium on the Gulf Park Campus of the University of Southern Mississippi for his investiture ceremony.

Justice Ishee, 54, of Gulfport, took the oath of office at the Supreme Court in Jackson on Sept. 18, 2017. It is traditional to hold a formal investiture ceremony later. Chief Justice Bill Waller Jr. administered the ceremonial oath.

Justice Ishee said that he decided that he wanted to be a lawyer when he was 10 or 12 years old, after watching Gregory Peck portray Atticus Finch in the movie adaptation of *To Kill a Mockingbird*. His mother gave him the book the next day. Doris Ishee watched proudly from the front row during the investiture.

Citing Finch's description of the courts and the jury system as "a living, working reality," Ishee recalled representing clients ranging from Fortune



**Chief Justice Bill Waller Jr. gives the ceremonial oath of office to Justice David Ishee at his investiture. Justice Ishee's wife Linda and daughter Lauren accompany him.**

500 companies to indigents when he was a lawyer in private practice. "It didn't matter how rich or how poor my client was. It didn't matter what color they were. They stood as equals in the eyes of the law. I'm proud to be part of a system like that."

Justice Ishee said he is mindful of the responsibility to do justice, tempered with mercy, and administer justice in a humble manner. Looking to the symbols of the judicial office, he said, "This robe won't keep me warm in the winter. It won't keep me dry in the rain. It's hot and scratchy, especially in the summer. That gavel isn't strong enough to drive a nail, but it can deprive a person of their liberty and property."

He explained his venue choice for the investiture. His father, the late Rep. Roger G. Ishee, was a member of the committee

that helped found the USM Gulf Park Campus. Justice Ishee teaches business law and ethics there.

He talked about faith, family and honest, hard work. "Anything is possible in this country if you work hard." He thanked his wife, Linda Lang Ishee, whom he met at the University of Southern Mississippi and married a few days before starting law school at the University of Mississippi. "We've been through it together, and I wouldn't be here without her." He called their daughter Lauren "the light of our life."

Attorney Roger E. Ishee of Lafayette, La., recounted his brother's legal career which started as a municipal court judge in Pascagoula at age 29. "That's a long way from city court to the Supreme Court," he said. Along the way, "he has sat in every chair in a courtroom in Mississippi."

He served as a prosecutor, defense attorney, trial judge and appellate judge. He served on the Mississippi Court of Appeals for 13 years.

Chief Justice Waller said, "Justice Ishee brings a lot of value to the court....He brings that real life experience." His private law practice included trying four death penalty cases. He argued cases before the appellate courts.

Chief Justice Waller noted that Gov. Bryant has appointed three members to the Supreme Court – Justice James D. Maxwell II, Justice Dawn Beam and most recently, Justice Ishee. The Governor has made a total of 23 appointments to state courts.

"The judiciary is better off because of his careful attention to this," Chief Justice Waller said.

## Mississippi Valley State University honors Judge Irving



was happening when he spotted his brother, a cousin from Memphis and a group of judges among the students at the court proceeding.

Longtime friend Everett Sanders of Natchez, who joined in the celebration, said, "I thought that Valley State was a very

appropriate place to recognize Judge Irving, since he is a son of Leflore County and grew up right down the road on a plantation."

Judge Irving has presided over numerous Court on the Road panels. The program schedules oral arguments in Court of Appeals cases to be heard on college campuses so that students and the public can watch and learn.

Judge Irving said, "I've always thought it was important for motivation for the kids. If they work hard and play by the rules, they can go places." He stresses the importance of role models for young African-Americans. "There is no better motivator than to see people who look like you, who came from places like you, who have succeeded. Clearly you can do it as well.

"If they read my bio statement, maybe they will be motivated to what it's possible to do in life.... I'm not trying to pretend that my life is different than it has been.

"When you are working against great odds, you need as much help as you can to succeed. The Mississippi Delta is my home. There's not much industry there. Education was my ticket out of that situation."

He worked in the fields plowing, chopping and picking cotton until 1964, when he graduated first in his class from Amanda Elzy High School. He graduated from Jackson State College and taught for four years in the public schools of the Delta. He graduated from the University of Mississippi School of Law.

In 1975, he became the first African-American attorney to clerk for the Mississippi Supreme Court. In 1976, he served as an Earl Warren Fellow with the NAACP Legal Defense and Educational Fund in New York. In 1978, he became the first African-American assistant United States Attorney in Mississippi since Reconstruction. In 1988, he became the first African-American county board attorney. He maintained a solo law practice in Greenwood. He was elected to the Court of Appeals in 1998 and took office in January 1999.

"It's really not where

you started off in life. It's the fortitude within you. There are no shortcuts to success," he said. "It really is important how you deal with the hand you are dealt."

Judge Irving attributed his success to "long years of hard work and discipline and staying focused."

One of the students asked Judge Irving what stood out as a memorable moment on the court. He recalled a case that he viewed differently than nine fellow judges. He wrote a lone dissenting opinion. He persuaded the other nine and authored what became a 10-0 unanimous court opinion.

"I felt that justice prevailed. If I can be a part of doing what is right and then prevail at it, it is an exceedingly joyful feeling," he said later.

Judge Irving, 71, of Madison, plans to retire at the end of December 2018 after 20 years of service on the Court of Appeals.

He described his work on the court as "just trying to plow a straight furrow and call it as I see it. You won't be able to pigeon-hole me in any kind of ideological slot. I call it how I see it. I grew up in discrimination." In deciding appeals, "It has not mattered to me the color of the defendant, the economic state of the defendant. I just try to apply the rule of law as I see it. I've tried to live my life that way."

Mississippi Valley State University honored Court of Appeals Presiding Judge Tyree Irving Feb. 22 for his public service and his efforts to teach and inspire young people.

MVSU President Dr. Jerryl Briggs Sr., Department of Criminal Justice Undergraduate Coordinator Dr. Rochelle Cobbs and other university officials and friends surprised Judge Irving with a reception in his honor after he presided over a Court of Appeals panel that heard oral arguments in a case. Judge Irving, Judge Eugene Fair and Judge Latrice Westbrooks convened court on the campus to hear oral arguments in an appeal as part of the Court on the Road program.

The honor came as a surprise. Judge Irving said he began to wonder what

## Judge William Gowan honored for 42 years of public service

Circuit Judge William A. Gowan Jr. retired March 31 after more than 50 years in the legal profession.

Friends and colleagues gathered to wish him well at a ceremony at the Hinds County Courthouse in Jackson on March 28.

"This is deeply humbling as I stand before you today," Judge Gowan told the crowd that packed the large second floor courtroom. He said he made the decision to step down before the end of the term "after heart-felt soul searching." At age 75, "I've missed out on a lot with my family," he said.

Senior Circuit Judge Tomie Green praised his more than nine years of service on the Circuit bench. "When Bill Gowan was elected Circuit Judge, I no longer had to worry about the caseload he handled," she said. Gowan handled all cases on the Raymond docket and part of the Jackson docket. "He has stood strong for the people of Hinds County, and he is a good man."

Judge Green presented Gowan with a ceremonial gavel of crystal, not wood, as a reflection of his service. "You have always been open and truthful and kind," she said.

Chief Justice Bill Waller Jr. recognized Judge's Gowan's more than 42 years of public service. He said that Gowan "had an exemplary career in public service and private



**Retiring Circuit Judge William Gowan accepts congratulations from Chief Justice Bill Waller Jr.**

practice."

The two have known each other since Gowan worked in Gov. Bill Waller's Jackson law office. The Chief Justice said that his own first job at his father's law office was janitor. He met Gowan while working in the evenings. "I got to know his dedication, hard work and attention to detail."

Gowan recalled asking the future Gov. Waller during a campaign trip why he wanted to be Governor. Gov. Waller talked about the obligation to leave a big footprint for future generations to follow. "That footprint meant a lot to me," Gowan said.

He reflected on his 11 and one-half years as undersheriff and counsel to the late Hinds County Sheriff Malcolm McMillin. "I learned a lot from

Malcolm," he said. One thing was, "When you are knocked down, get up."

He recalled watching molasses making at his grandmother's farm at Thomastown when he was about 7. A mule hitched to a pine pole walked in a continuous circle to turn the mill that squeezed the sugar cane. He was told to "lead" the mule. He didn't immediately recognize that his assignment wasn't essential. "Everything we come across in life is an opportunity to learn."

He thanked others who pushed him along. The first was his third grade teacher, Hattie Casey, for whom Casey Elementary School is named. "She stayed after school the entire year to bring me up to speed with other third graders." As her pupil, he started to keep a cigar box

as a good citizenship box. She encouraged him to "always add something to that box." He added, "It's still not full."

Judge Gowan was elected to the Circuit Court in November 2010 and took office in January 2011. He served as a special circuit judge by appointment of the Supreme Court from August 2008 through July 2010 to hear criminal cases. He also served twice, in 2002 and 2006, by gubernatorial appointment to fill vacancies on the Hinds County Court. He presided over the Hinds County Drug Court.

He served as an assistant city prosecutor in Jackson 1978-1990; as city prosecutor 1991-1994; and as assistant city attorney 1994-1998. He also worked as in-house counsel for the FDIC.

## Court of Appeals Chief Judge Lee announces December retirement



Chief Judge L. Joseph Lee of the Court of Appeals announced on April 17 that he will retire at the end of his term in December.

Judge Lee earlier this year filed qualifying pa-

pers to seek reelection. He withdrew his candidacy.

“At the end of this term, I will have served 20 years on the Court. It is time I step aside and permit qualified candidates who otherwise would not run against me the opportunity to seek the office. I will continue to serve out the remainder of my term,” Judge Lee said.

Judge Lee, 72, of Jackson, was first elected to the Court of Appeals in November 1998 and took office in January 1999. Supreme Court Chief Justice Bill Waller Jr. appointed Judge Lee as administrative head of the Court of Appeals March 3, 2011.

Judge Lee previously served for seven years as a presiding judge.

Judge Lee was born in Poplarville and grew up in Lamar County. He attended the University of Southern Mississippi and the former William Carey College, now William Carey University. He earned a Bachelor of Science degree from William Carey and a law degree from the former Jackson School of Law, now Mississippi College School of Law.

Judge Lee was honored as Mississippi College School of Law’s 2004 Lawyer of the Year. The Mississippi House of Representatives in 2004 passed

a resolution honoring him for his judicial service and for teaching and mentoring students. The University of Southern Mississippi honored him with its Juris Sodalitas Distinguished Public Servant Award in 2007. William Carey University named him to the Alumni Hall of Fame in 2014. Mississippi College School of Law presented an Honorary Master of Laws to Judge Lee in 2009, and honored him with the Outstanding Judicial Service Award in 2015.

Judge Lee is married to Renee Simon Lee. They have three children and six grandchildren.

## Governor appoints Joseph Sclafani to Hinds Circuit Court

Gov. Phil Bryant has appointed Joseph Anthony Sclafani to the Seventh District Circuit Court of Hinds County.

The appointment will be effective April 23 and will expire on Jan. 1, 2019. The office will appear on the ballot in November.

Sclafani, of Clinton, will replace Judge William A. Gowan, Jr., who retired March 31. The Governor said, “I thank Judge Gowan for his service to the people of the Seventh District and wish him well in retirement.”

Sclafani has been in private practice with Brunini, Grantham, Grower, and Hewes, PLLC, since 2003.

His areas of practice include appellate, commercial litigation, product liability and mass torts and premises liability. He practiced law in Palo Alto, Calif., from 2000 to 2003, dealing with securities and patent litigation.

“Joseph’s diverse experience in private practice qualifies him to serve on the bench. I am pleased he has accepted this appointment,” Gov. Bryant said.

Sclafani said, “I am grateful to Governor Bryant for providing the opportunity to serve my fellow citizens of Hinds County as circuit judge. I will work diligently to apply the law without pas-

sion or prejudice and to ensure that the Court remains the great equalizers in our democracy where every person stands equal.”

Sclafani earned a Bachelor of Science degree in history from Mississippi College, where he was a recipient of the Perry Academic Medal. He is a 1999 graduate of the Mississippi College School of Law, where he finished first in his class. During law school, he served as the articles editor of the *Law Review*, was a member of the Moot Court Board and was named a Hearin-Hess Scholar. He earned American Jurisprudence Awards



**Joseph Sclafani**

for best paper in seven classes.

He was a law clerk for Judge E. Grady Jolly of the Fifth U.S. Circuit Court of Appeals.

## Judge Kidd appointed to Drug Courts Advisory



**Judge Winston Kidd**

Hinds County Circuit Judge Winston Kidd of Jackson and Rep. Angela Cockerham of Magnolia

have been appointed to the State Drug Courts Advisory Committee.

Chief Justice Bill Waller Jr. made the appointments in an order filed Jan. 5. Chief Justice Waller also reappointed Circuit Judge Michael M. Taylor of Brookhaven; Melody Winston of Madison, director of the Department of Mental Health Bureau of Alcohol and Drug Services; and Christy M. Gutherz of Jackson, Department of Corrections deputy commissioner of Community Corrections.

The appointees' terms

run through Dec. 31, 2019.

Members serve staggered terms. Administrative Office of Courts Director Kevin Lackey is chairman. Other members are Justice Robert P. Chamberlin of Hernando, Circuit Judge Robert Helfrich of Hattiesburg, Circuit Judge Charles E. Webster of Clarksdale, Harrison County and Youth Court Judge Margaret Alfonso of Gulfport, and Rankin County and Youth Court Judge Thomas H. Broome of Brandon.

## Judge McDaniel named chair of Judicial Performance Commission



**Judge Kent McDaniel**

Members of the Commission on Judicial Performance chose Rankin County Court Judge Kent McDaniel as chairman.

Cornelia Gayden of Summit, a lay member, was elected vice-chair at the Commission's Feb. 9 meeting. Gayden has served as both a member and alternate member of the Commission for nine years, having first been appointed in January 2009. Gayden works in the community relations office of the McComb School District, where she leads the Partners in Education program. She was a women's basketball standout in high school and college and played professionally.

Former Commission on Judicial Performance Chairman Rick J. Coulter of Columbia left the commission Dec. 31 after almost 12 years of service as a lay member.

## Judges named to Bar Complaint Tribunal



**Judge LaRita Cooper Stokes**

The Mississippi Supreme Court appointed Hinds County Court Judge LaRita Cooper-Stokes of Jackson, Circuit Judge Anthony A. Mozingo of Purvis and Circuit Judge Smith Murphey V of Batesville to the Bar Complaint Tribunal.

Attorneys appointed to



**Judge Anthony Mozingo**

the Tribunal on Dec. 15, 2017, are Brehm T. Bell of Bay St. Louis and William H. Davis Jr. of Corinth. Attorney Brandon I. Dorsey of Jackson was reappointed.

Complaint Tribunal members who left the panel Dec. 31 after six years of service are Judge



**Judge Smith Murphey V**

Jannie M. Lewis of Lexington, attorney Tim. C. Holleman of Gulfport, Chancellor George Ward of Natchez and attorney Victor Fleitas of Tupelo. Chancellor Jacqueline Mask of Tupelo left the Tribunal Dec. 31 after having served for three years.

## Judicial candidate training scheduled May 18 and May 25

The Special Committee on Judicial Election Campaign Intervention will conduct training for judicial candidates on May 18 and May 25. Both sessions are scheduled for 2 p.m. at the Mississippi Supreme Court.

The Code of Judicial Conduct requires judicial candidates and judicial election committee chairpersons to attend the two-hour course on campaign practices, finance and ethics approved by the Special Committee.

Court of Appeals Presiding Judge T. Kenneth Griffis of Ridgeland is chairman of the Special

Committee. He was appointed by Chief Justice Bill Waller Jr. Members of the Special Committee are Chancellor Ronald Doleac of Hattiesburg, appointed by Supreme Court Presiding Justice Michael K. Randolph; attorney Kimberly L. Campbell of Jackson, appointed by Supreme Court Presiding Justice Jim Kitchens; attorney Thomas A. Wicker of Tupelo, appointed by Supreme Court Justice Josiah D. Coleman; and attorney Everett T. Sanders of Natchez, appointed by Court of Appeals Presiding Judge Tyree Irving.

The Special Committee,

authorized by the Code of Judicial Conduct, is designed to respond swiftly to allegations of judicial election campaign misconduct. The Code of Judicial Conduct requires appointment of the Special Committee during each year in which judicial elections are held. The Supreme Court created the Special Committee in a 2002 revision to the Code of Judicial Conduct. Canon 5 F says that the Special Committee's responsibility "shall be to issue advisory opinions and to deal expeditiously with allegations of ethical misconduct in campaigns for judicial of-

...The objective of the Special Committee shall be to alleviate unethical and unfair campaign practices in judicial elections...."

The committee can offer advisory opinions and investigate complaints of judicial campaign conduct. If the Special Committee finds evidence of campaigning impropriety, it may issue a confidential cease-and-desist request to the candidate. If a cease-and-desist request is disregarded or if unethical or unfair campaign practices continue, the Special Committee may issue a public statement about violations.

## Chancery Conference leaders were elected in fall 2017



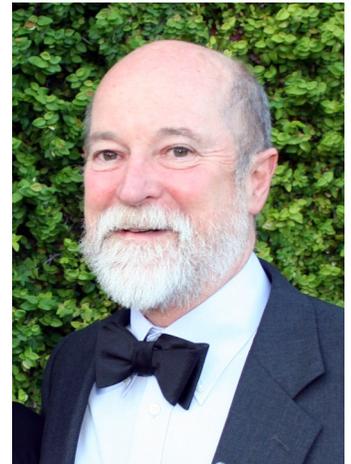
Chancellor Ronald Doleac



Chancellor Lawrence Primeaux



Chancellor Robert Whitwell



Chancellor Carter Bise

Chancellor M. Ronald Doleac of Hattiesburg serves as chair of the Conference of Chancery Judges. Chancellor Lawrence Primeaux of Meridian is vice-chair, and Chancellor Robert Q. Whitwell of Oxford is secretary-

treasurer.

Chancellor Carter Bise of Gulfport was appointed to the Supreme Court Advisory Committee on Rules. He joined the Rules Advisory Committee Jan. 1.

They were elected to

Conference leadership Oct. 26 at the Fall Trial and Appellate Judges Conference.

Judge Doleac has served the Tenth Chancery District since Jan. 4, 2012. Judge Primeaux has been chancellor of the Twelfth

District Chancery Court since Jan. 2, 2007. Judge Whitwell was appointed to the Eighteenth District Chancery Court on Aug. 7, 2013. Judge Bise was appointed to the Eighth District Chancery Court on Jan. 2, 2002.

# Five judges inducted as Fellows of Bar Foundation April 5

Five judges and 15 attorneys were inducted as Fellows of the Mississippi Bar Foundation at a ceremony in Jackson April 5.

Bar Foundation Fellows include Chancellor M. Ronald Doleac of Hattiesburg, Circuit Judge Lee J. Howard IV of Starkville, Circuit Judge Lillie Blackmon Sanders of Natchez, Attorney General Jim Hood, U.S. Magistrate Judge F. Keith Ball of Madison, Workers' Compensation Commission Administrative Law Judge Virginia Wilson Mounger of Jackson, and Court Administrator and Counsel for the Supreme Court Hubbard T. Saunders IV of Jackson.

Mississippi College School of Law Professor Cecile C. Edwards, Jackson, and U.S. District Court Staff Attorney Anna C. Furr, Ridgeland, were inducted as Fellows. Private practice attorneys inducted as Fellows were Willie T. Abston, Brandon; L. Grant Bennett, Hattiesburg; John Booth Farese, Ashland; Timothy C. Holleman, Gulfport; Andrew J. Kilpatrick, Jr., Grenada; Pope S. Mallette, Oxford; Dennis W. Miller, Jackson; J. Douglas Minor, Jr., Jackson; Kathy K. Smith, Jackson; Roy A. Smith, Jr., Jackson; and John G. Wheeler, Tupelo.

Fellows of the Mississippi Bar Foundation represent the highest standards of professionalism and are men and women of

good character and integrity, Bar Foundation President-Elect David W. Houston III of Aberdeen said during the Foundation's annual meeting and induction ceremony at the Old Capitol Inn in Jackson.

W.C. "Cham" Trotter III of Belzoni received the Law-Related Public Education Award at the induction dinner. The award is presented annually to a lawyer who has demonstrated excellence in advancing the public's understanding of the law and the legal system. Trotter, a frequent civic club speaker, regaled dinner guests with an impromptu and perfectly executed recitation of the late Noah "Soggy" Sweat's 1952 "Whiskey Speech."

U.S. District Judge Keith Starrett of McComb received the Bar Foundation's Professionalism Award. Starrett during his judicial career has shown "a passion for criminal justice reform," said Bar



**Judge Lillie Blackmon Sanders was accompanied by her husband Everett Sanders and other family at the Bar Foundation Fellows induction.**



**Grant Bennett, at left, and Chancellor Ronald Doleac, at right, were inducted as Fellows of the Bar Foundation. U.S. District Judge Keith Starrett received the Bar Foundation Professionalism Award.**

Foundation President Karl R. Steinberger of Pascagoula.

Judge Starrett said, "Words are not adequate to express my appreciation."

As a state circuit judge

in the 14<sup>th</sup> Circuit District, Starrett created the state's first felony drug court in 1999. He is a former board member of the National Association of Drug Court Professionals. He served

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 as a state circuit judge for 12 and one-half years. President George W. Bush appointed him to the U.S. District Court for the Southern District of Mississippi on Jan. 1, 2005. Starrett serves as chair of the Reentry Committee of the Judicial Council of the Fifth Circuit and as chair of the Mississippi Reentry Council. The Reentry Council works to create effective strategies to assist former inmates in their return to society, reduce recidivism, increase public safety and reduce budgetary constraints on the state prison system.

Judge Doleac since 2012 has served as a Chancellor of the 10<sup>th</sup> Chancery District. He is chairman of the Conference of Chancery Judges. He previously served as Hattiesburg city prosecutor and city judge pro tempore, interim Forrest County Justice Court judge, and Forrest County Chancery Court special master and family master. He received a Bachelor of Arts degree from the University of Southern Mississippi and his Juris Doctor from the University of Mississippi School of Law.

Judge Howard is senior circuit judge of the 16<sup>th</sup> Circuit District. He became a circuit judge in 1989. He served for 12 years on the Commission on Judicial Performance, including commission chairman in 2015. He was an assistant district attorney in the 7<sup>th</sup> Circuit Court District of Hinds and Yazoo counties from 1974 to 1975, and

served as an assistant district attorney of the 16<sup>th</sup> Circuit from 1977 to 1988. He earned two Bachelor of Science degrees, in accounting and agricultural economics, from Mississippi State University. He earned a Juris Doctor from the University of Mississippi School of Law.

Judge Sanders became the first African-American woman to serve on the state trial bench in February 1989, when former Gov. Ray Mabus appointed her to an unexpired term in the 6th Circuit District. She was elected to the circuit bench in 1994. She is a former municipal judge and youth court public defender. She is a former staff attorney of the Department of Human Services. She also was in private law practice with her husband, Everett Sanders. She began her legal career at the former Southwest Mississippi Legal Services in Natchez. She was named Pro Bono Lawyer of the year in 1994, and was a recipient of the Magnolia Bar Association's Government Service Award. She serves on the Access to Justice Commission and the Judicial Advisory Study Committee. She earned a Bachelor of Arts degree from Alcorn State University and a Juris Doctor from the University of



**Judge Lee J. Howard, at left, was accompanied at the Bar Fellows Induction by his wife, Mary Howard, and son, attorney Lee J. Howard V.**



**Supreme Court Administrator and Counsel Hubbard T. Saunders IV was accompanied by his daughter Rachel Saunders at the Bar Fellows Induction.**

Mississippi School of Law.

Saunders has served as Supreme Court Administrator and Counsel since March 2011. He has been a member of the court staff for 19 years. He was Central Legal Staff director and deputy court administrator from November 2005 to March 2011. He previously served as editor of opinions for the Supreme

Court for almost seven years. He served as a special assistant attorney general from 1977 to 1981, working in the federal litigation division of the Attorney General's office. He worked in private practice from 1976 to 1977 and again from 1981 to 1998. Saunders earned undergraduate and law degrees from the University of

## Retired Circuit Judge R.I. Prichard died Dec. 2, 2017



Retired Circuit Judge Robert Ingram "Rip" Prichard III of Carriere died Dec. 2, 2017. He was 78.

Chief Justice Bill Waller Jr. said, "At the time of his retirement in 2010, Judge Prichard was the longest serving trial judge in the state and was the last sitting judge originally appointed by Governor Waller. He was an innovator who gave great leadership to the development of the Uniform Criminal Rules adopted by the Mississippi

Supreme Court in 2016. He and I spoke frequently on administrative and rules matters when he was a trial judge and I know of his commitment to the fair, efficient and independent administration of justice. He will be remembered as an outstanding jurist."

Judge Prichard served as circuit judge of the 15<sup>th</sup> Circuit District for 38 years, from 1972 to 2010. He was in the private practice of law from 1963-1972 with the firm of Stewart & Prichard in Picayune. He served as City Judge of Picayune 1969 – 1972. He also was Youth Court Referee in Pearl River County 1968-1972.

Judge Prichard served for six years as co-chair of the Uniform Criminal Rules Study Committee. The Study Committee laid groundwork for the Supreme Court's adoption of uniform criminal rules that went into effect July 1, 2017.

In an announcement published in the *Picayune Item* shortly before he left the bench, Judge Prichard said, "It is an honor to serve as your senior judge in the 15th Circuit Court District. During my years on the bench I have worked to provide you with a court system that is responsive, fair, impartial and consistent....As your circuit judge I have tried to serve the people of Jeff Davis, Lamar, Lawrence, Marion and Pearl River counties with utmost concern for their rights without regard to race, color, creed, social or economic standing. I have treated each and every case individually, balancing the defendant's rights with the victim's rights and considering the impact of each sentence on the community. I apply the Constitution and the laws as written and never would I ever attempt to rewrite them."

Linda Pouncey of Hattiesburg, who was Judge Prichard's court administrator for 25 years, said, "He knew more about the law than anybody did. He was just a wonderful person to work with."

He was a member of the Mississippi, Alabama, and American Bar Associations and the American Judicature Society.

He was born in Atlanta and grew up in Jackson. He attended McCallie Preparatory School in Chattanooga, Tenn., and graduated from Murrah High School in Jackson. He graduated from the University of Alabama with a BS Degree in commerce and business administration in 1960. He earned LLB and JD degrees from the University of Alabama School of Law in 1963.

He received the Mississippi Bar Award for Judicial Excellence in 2002. He was an adjunct instructor at the University of Southern Mississippi. He served as vice president, president and member of the Board of Directors of the Picayune Rotary Club. He was a member of the Board of Directors of the Picayune Jaycees, Picayune Chamber of Commerce and Picayune YMCA. He was a Major in the Civil Air Patrol. He was an Eagle Scout, served on the board of the Pine Burr Area Council of Boy Scouts of America, was past finance chairman

### Bar Fellows Induction, *continued from page 14*

Mississippi. He was editor-in-chief of the *Mississippi Law Journal* in law school.

Judge Mounger is an Administrative Law Judge with the Workers' Compensation Commission. Before joining the Commission in 1994, she was in private practice of law with an emphasis on oil and gas law and investments. She also served as City of Jackson public de-

fender. She earned a law degree from the University of Mississippi. She completed graduate studies at University College, Oxford University, Oxford, England.

Judge Ball has served as a U.S. Magistrate Judge of the Southern District of Mississippi since 2009. He previously was in private law practice for almost 20 years. He has served on

the Board of Bar Commissioners, Bar Professional Responsibility Committee, Small Firm and Solo Practitioner Committee and as chair of the Bar Memorial Committee. He earned a Bachelor of Arts and a Juris Doctor from the University of Mississippi, where he was a member of the *Mississippi Law Journal*.

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## Darwin Maples died April 10

Former 19th District Circuit Judge Darwin Maples of Lucedale died April 10, 2018, after a lengthy illness. He was 92.

A funeral service was held on April 13 at First United Methodist Church in Lucedale.

Judge Maples served the 19th District of George, Greene and Jackson counties from Jan. 1, 1963, until his resignation on July 20, 1991.

Maples was elected to the House of Representatives a year after he was admitted to practice law. He served in the Legislature 1952-1956, then was prosecuting attorney for George County 1956-1962.

Maples was born March 10, 1926. He attended



Perkinston Junior College in 1941. He served in the U.S. Navy 1943-1946. He attended the University of Southern Mississippi and graduated from the University of Mississippi.

He was preceded in death by his wife of 59 and one-half years, Minnie Ellen Woodard Maples. Survivors are two sons, Joel Stephen Maples and Mark A. Maples.

## Thomas Laws died April 11

Thomas E. Laws of Pascagoula, staff attorney for the 19<sup>th</sup> Circuit Court, died April 11, 2018, after a lengthy battle with cancer. He was 49.

Laws joined the staff of the 19<sup>th</sup> Circuit Court in 1994. He was law clerk to Circuit Judge Kathy King Jackson.

A celebration of his life was held April 15 at Heritage Funeral Home in Moss Point. He is remembered as a loving husband, father, son, brother and friend. He enjoyed fishing, coaching soccer and spending time with his children. He attended St. Mary's Catholic Church. He was a graduate of Delta State University and the University of Mississippi School of Law.



Survivors include his wife of 24 years, Celeste Laws, daughter Madeline Reese Laws, son Thomas Maxwell Laws, his mother, Margaret Laws, and brother Dr. Casey Laws.

In lieu of flowers, the family suggested donations be made in his memory to Gulf Coast Center for Nonviolence, designated for Adrian House, [www.gccfn.org](http://www.gccfn.org).

## Judge Prichard obituary,

*Continued from page 15*

of the Pine Burr Area Council and served as District Chairman of the Tung Belt District of the Pine Burr Council of Boy Scouts of America. He received the Silver Beaver Award in 1993.

Survivors include wife Marie Hutchinson Prichard; sons Robert "Rip" Ingram Prichard IV and Jeffrey Wayne Prichard; and daughters Chelye Amis and Tonya Ramsay; 10 grandchildren; and four great grandchildren.

## Guardianship, conservatorship recommendations expected by fall



**Randy Pierce discusses work of Guardianship Commission.**

The Commission on Guardianship and Conservatorship is working on recommendations for rule and statutory changes. The Commission expects to finalize recommendations to the Supreme Court and the Legislature by fall.

The Supreme Court created the Commission to develop recommendations to improve the way the courts protect children, vulnerable adults and estates. Justice Dawn Beam and Judicial College Executive Director Randy Pierce serve as co-chairs of the Commission.