

Mississippi Courts

October 2015

Published by the Administrative Office of Courts

WINGS to work for protection of vulnerable adults

WINGS, the Working Interdisciplinary Network of Guardianship Stakeholders, met on Sept. 18 to begin work toward improving the way Mississippi protects vulnerable adults.

“The WINGS Committee is expected to propose system reforms to support the rights, dignity and autonomy of vulnerable adults while better protecting them from abuse and neglect,” said Ta’Shia Gordon, Deputy Director of the Administrative Office of Courts and the WINGS Committee liaison with the National Guardianship Network. “Collaboration among the courts, service providers, the

medical community and families is essential to improving how Mississippi handles guardianships of vulnerable adults.”

University of Mississippi School of Law students will work with the WINGS Committee. Professor Desiree Hensley and a group of students have volunteered to support the Committee’s work by providing research and information needed to produce a report and recommendations for reform. Seven students are enrolled as part of a fall class.

Mississippi courts continue to see cases in which guardians failed to take care of the

needs of vulnerable adults, and in some cases financially or otherwise exploited persons who were unable to manage their own affairs.

“They are few and far between, but they are there,” said Chancellor Joseph Kilgore of Philadelphia, a member of the WINGS Committee. “The vast majority of conservators are very conscientious.”

“Judges are concerned about the fiduciary aspect of it. The fiduciary aspect of it is what keeps us awake at night,” Judge Kilgore said.

Hensley said, “These are people who are seriously at risk and not able to help

themselves. It’s a growing need because the population of senior citizens is rapidly growing.”

Proposed changes also need to respect vulnerable adults’ abilities to do things for themselves. “While you are trying to protect them from abuse and neglect, how are you going to make sure that you are not taking away too many rights?” Hensley said.

Guardianship reform has been a primary focus of WINGS efforts in other states. Reforms in other states have focused on areas including:

- Stronger procedural due process protections in the appointment process;
- Changes in duties and powers of guardians and provisions for limited guardianship orders;
- Guardian accountability and court monitoring; and
- Public and agency guardianship.

While Mississippi Chancery Courts frequently appoint persons to serve as guardians of vulnerable adults, Harrison County is the only county that has a full-time public guardian paid by

Continued, Page 2



Judge Joseph Kilgore, at left, talks to AOC Deputy Director Ta’Shia Gordon during a break in the WINGS organizational meeting Sept. 18 in Jackson.

WINGS to draft guardianship reform proposals

the county.

Harrison County Court Judge Margaret Alfonso, who pushed for creation of the public guardian position in 2002, said, "It sets up a system to deliver services to vulnerable adults who otherwise might not have those services."

The Mississippi Supreme Court and the Administrative Office of Courts have been selected by the National Guardianship Network, NGN, to receive a \$7,000 seed grant to launch the Mississippi WINGS group. Funding for state WINGS was provided by the State Justice Institute, with additional monies from the Atlantic Philanthropies Designated Gift Fund, and two anonymous donors. NGN technical assistance to WINGS is made possible by SJI and the Albert and Elaine Borchard Foundation Center on Law and Aging.

"The WINGS grant is intended to create incentive for the state to begin looking at how to improve the way the state protects adults who are vulnerable to abuse and neglect," Hensley said. "The grant is intended to jumpstart a longer term process."

Supreme Court Justice Randy Pierce said, "Our courts should be ever-vigilant in protecting Mississippi's senior adults. The WINGS

program will help us as we continue to seek ways to protect vulnerable adults and ensure that their rights are protected."

An interdisciplinary approach is necessary because of the complexity of the problems facing vulnerable adults and the various agencies and individuals that address them, Justice Pierce said. Membership includes stakeholders at the local, state and federal level whose work deals with adult guardianship from perspectives including the courts, private attorneys, social services, mental health, veteran affairs, elderly care facilities and other community based agencies.

The Mississippi WINGS Steering Committee includes Justice Randy Pierce; Gordon of the AOC; Hensley of University of Mississippi School of Law; Edna Clark, senior program administrator for the Mississippi Department of Human Services Division of Aging and Adult Services; Anniece McLemore, Mississippi long term care ombudsman for DHS Division of Aging; attorney Kay Hardage of Disability Rights Mississippi; Kim Grier of the Georgia Department of Human Services, past president of the National Guardianship Association; David Hutt of the National Disability Rights

Network; and Brenda Uekert of the National Center for State Courts.

WINGS Committee members include Chancellors Joseph Kilgore of Philadelphia, Denise Owens of Terry and Jennifer Schloegel of Gulfport; attorney Rick Courtney of the Special Needs Alliance; Special Assistant Attorney General Joe Hemleben, general counsel to the State Veterans Affairs Board; Oma Hibbler, Perry County Community Resource

Agency; attorney Catherine Kilgore, North Mississippi Rural Legal Services; Marc Lewis Ph.D., director of the Mississippi Department of Mental Health Bureau of Mental Health; Coahoma County Chancery Clerk Ed Peacock III; Special Assistant Attorney General Marvin Sanders, Vulnerable Adults Division; and Louise Wilson, Choctaw Elder Center, Mississippi Band of Choctaw Indians.



An e-mail scam that uses a fictitious court summons message has become active again.

The scam e-mails are a ruse intended to persuade recipients to click on and open an attachment or a link that will cause the recipient's computer to become infected with a virus.

The suspicious e-mails claim to be a notice to attend a court proceeding, although the e-mail recipient is not involved in any litigation.

One recent example reads: "Notice to Appear, This is to inform you to appear in the Court on the Sep-

tember 12 for your case hearing. You are kindly asked to prepare and bring the documents relating to the case to Court on the specified date. Note: If you do not come, the case will be heard in your absence. You can review complete details of the Court Notice in the attachment."

E-mail users are warned not to open attachments or links in unsolicited e-mail of this description. Opening the attachment may expose the user's computer to malware or allow the spammer to collect sensitive information.

District model offers cost-effective approach to uniform County Court system

**By John N. Hudson
Jurist in Residence**

The Mississippi Supreme Court is calling for critical reform in the approach of our state to the delivery of justice in juvenile delinquency and child protection cases. The court requests that the Legislature fund a plan which will expand the present County Court system to cover the entire state at an exceptionally affordable appropriation. The plan calls for 23 new County Courts primarily formatted into multi-county districts with full-time jurists presiding in all counties.

Presently 21 Mississippi counties are served by full-time County Court judges with Youth Court jurisdiction. In counties without County Courts, jurisdiction is in the Chancery Court and the chancellor is authorized to appoint referees to hear these cases. With few exceptions, Youth Court jurisdiction is handled in those counties by referees who are practicing attorneys hearing these cases as part-time employment.

The present initiative arose from a 2013 recommendation of the Supreme Court’s Commission on Children’s Justice. The Commission recommended the development of a uniform system of courts with full-time judges to hear these cases. The Commission, composed of judges, educators, service providers, lawyers, and the general public, conducted hearings across the state before developing their recommendations.

The National Council of

Juvenile and Family Court Judges in the 1980s recognized that in several states, Youth Court jurisdiction was being exercised by a myriad of judicial structures. The Council found critical-

court is relatively new and has been evolving. Mississippi created its Youth Court in 1979. Although it was once heralded as a model statute, little has occurred to update the system. Since that

has become and is becoming more complex, with our nation’s most precious asset – our children – at its core.

Full-time jurists in County Courts encourage, press, and facilitate the development of resources to meet the needs of at-risk youth. This action is critical due to the lack of resources. County judges spend countless hours outside the courtroom in this pursuit. They are at the center of the state and community quest to coordinate, collaborate and cooperate to fill the gaps and serve our children. The judge does and must speak on behalf of the children to those policymakers with the power to assist the court in accessing these services.

Some referees have taken on these responsibilities, but they are rare. Referees simply do not have adequate time to devote to this critical endeavor. Full-time jurists can and do answer that call in Mississippi every day in our County Courts.

The National Council’s recommendation recognizes that the landscape has changed and the subject matter jurisdiction, our children, demands systems change. Unfortunately, Mississippi was and remains one that has not embraced the change.

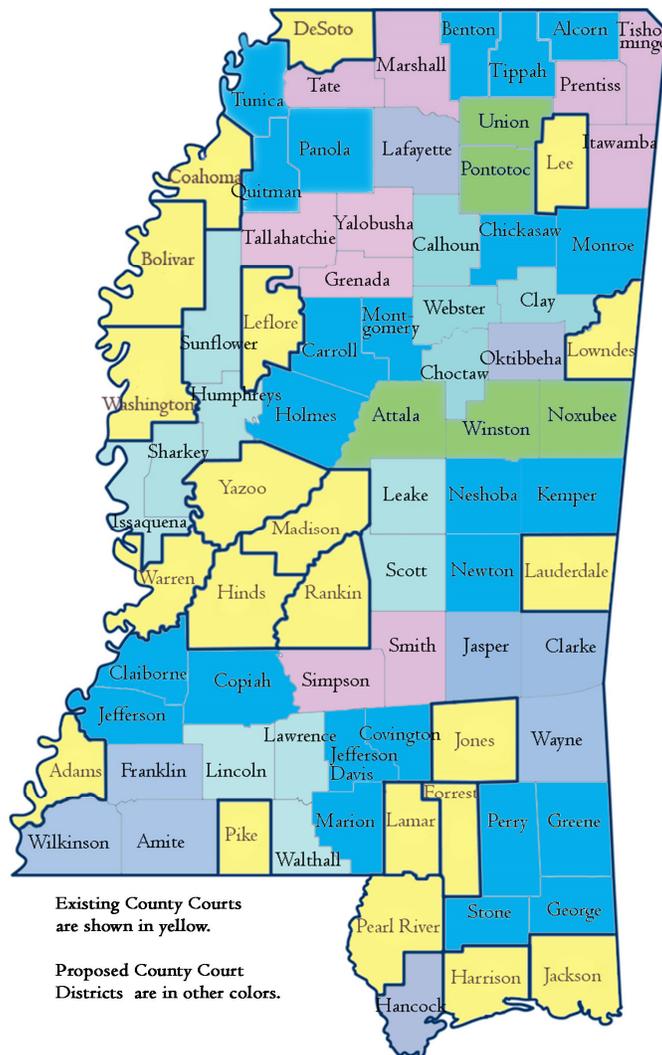
Essentials of the plan Uniformity

1. The overarching focus of the plan is to develop as uniform a court system as possible to ensure competent and fair disposition of juvenile justice and child protection cases.
2. The plan would supplement the present system of

weaknesses in many of those structures, prompting the Council to recommend then and to continue to recommend that all Youth Court related matters should be handled in a court on par with the highest trial court in the state.

As a system, the juvenile

time, Congress has passed voluminous legislation essentially charging Youth Court systems and judges with judicial oversight of entire multi-million-dollar child welfare systems. A system which once dealt with rather simple jurisdictional issues



County Courts with 23 newly established County Courts covering the remainder of the state. Twenty of those courts would be multi-county districts and three would serve single county districts which are expected to exceed 50,000 in the 2020 census.

County court jurisdiction

3. All County Courts would exercise present statutory jurisdiction, i.e. Youth Court, civil jurisdiction up to \$200,000, appeals from Municipal and Justice courts, eminent domain matters, and any matter transferred from Circuit or Chancery Court.

Full-time jurist

4. All the courts would be served by a full-time judge who would be compensated at the same or near the same rate as the Circuit and Chancery judges. The National Council of Family and Juvenile Court Judges long ago identified this as a critical element. The subject matter jurisdiction of the Youth Court, our children, requires competent jurists with commitment to juvenile justice. Hence, the National Council advocates that the compensation should be equal to that of the trial court or general jurisdiction court.

Courts exercising this jurisdiction must be viewed as destination courts attracting committed juvenile justice jurists and not become a stepping stone to another court position (Circuit or Chancery). Fortunately, in our state this has been accomplished in the counties with County Courts. Further, most County Court judges are compensated at \$1,000 less than the Circuit judges, which substantially meets the national standard.

State courts

5. The County Courts would

become state courts and the state would become fiscally responsible for those courts. County governments would help bear the cost. The 21 counties with presently existing County Courts would pay into the state treasury an estimated \$5.1 million, the amount that counties already budget for salary and benefits for judges. Counties with referee courts would continue to bear part of the cost, paying into the state treasury an estimated \$1.6 million. However, any subsequent enhancements of the system would be an expense of the state. This provision substantially reduces the cost of creating a system. Adding 23 County Court districts covering 61 counties is estimated to cost an additional \$2.9 million.

Adequate support funds

6. All County Courts should receive support funds equivalent to that enjoyed by Circuit and Chancery courts. At a minimum, each new County Court should receive support funds equivalent to that received by present County Courts. County Courts receive approximately \$60,000 per year.

Size of County Court districts

7. Limit the number of counties in a cooperative district to three counties, if possible, but in no cases more than four. The Youth Court Act and federal legislation relating to Youth Court require 24 - and 48-hour hearings in detention and shelter cases. These are regular occurrences. The judge has to be available for these hearings.

8. Join counties to create new County Courts based on population, geography and caseloads. Seek to join counties where two or more share either Chancery or Circuit districts. This consideration, while applied when possible,

can not be controlling. Population, geography, caseload and other consideration take priority.

Clerk of Court

9. In the new County Courts, provide that the Chancery Clerk would remain the clerk of the Youth Court and the Circuit Clerk would become the clerk of the court in non-Youth Court related matters.

Collateral Benefit

While the focus of the need for expansion was to improve the juvenile justice system, there is an important collateral benefit to the planned expansion. County Courts across the state would bring relief to the Circuit Courts. In counties with County Courts collection, replevins and like actions are in the County Court as well as most civil actions where the amount in controversy is below \$200,000. Eminent domain actions and appeals from Municipal and Justice Courts are handled in the County Court.

Improvement for all

It is important to note that the pursuit of this new system is not a comment upon the individual competency of those serving Youth Courts in non-County Court counties. We have been blessed with many in those positions who have well served the children of Mississippi. However, the pursuit of the new system is a recognition that the children will be better served statewide if all Youth Court matters were conducted before a full-time jurist dedicated to children's issues. We sincerely hope that those who have a passion for children's issues and are presently serving as Youth Court judges in those counties without County Courts will seek the positions of the new County judg-

es. They would be the logical candidates. Upon election, those jurists would then not be hindered by the important demands of private practice and would be free to attend additional educational opportunities, allowing them to pursue evidence-based best practices for their area.

Currently, evidence-based services are present in certain areas of our state and lacking in others. As verified by a recent Legislative PEER Commission report, those services are far more extensive in County Court counties. County Courts have full-time judges working daily to meet needs in their counties. Much is developed through grants and other opportunities which must be pursued outside of the courtroom. Counties with County Courts have that system in place. This enhanced system would bring that reality to all counties, and more importantly, to the children and youth in those counties.

Fiscal Benefits

All counties will benefit from the new system. Counties presently supporting County Courts will have their support capped at present day costs. They will maintain their courts which they have so faithfully fiscally supported over the years. The counties in the new courts will benefit exponentially more. Unlike present County Court counties, they will receive the service of a full-time jurist for minimal cost. Finally, the state will benefit, because it can create a 21st Century state-wide Youth and County Court system at a fraction of what it would cost to create a completely state-funded program. All are winners, particularly the children and youth of Mississippi.

Court of Appeals Judge Jack Wilson praised at investiture



Court of Appeals Judge Jack Wilson takes the oath of office at his investiture as his wife Amanda and children Jack and Emily look on. Gov. Phil Bryant is seated at lower left.

Court of Appeals Judge Jack Wilson of Madison has a great legal mind, wisdom, fairness and a heart for public service, said officials who worked with him before his recent appointment.

Gov. Phil Bryant, who appointed Judge Wilson to the Court of Appeals, said, “To know that the very best of the best throughout history have been chosen, the wisest among men and women to be judges, is the reason upon which I selected Jack Wilson to be appointed to this court. I believe him to be among those great men with the discernment, with the leadership opportunity, with the heart to

be a great judge for our state and for our country.”

Mississippi Court of Appeals Chief Judge L. Joseph Lee said, “We are indeed honored at the Court of Appeals to have him as our newest member. He has proven himself to be a most worthy and deserving jurist.”

Gov. Bryant appointed Judge Wilson on July 1 to the District 3, Position 1 judgeship left vacant by the retirement of Judge Larry Roberts of Meridian. Family, friends and colleagues gathered at the Court of Appeals on Aug. 25 for a formal investiture ceremony. Judge Wilson was sworn in and

began his duties on the Court of Appeals on July 1. It is traditional to have a formal investiture ceremony at a later time.

Judge Wilson said, “This is a special day for me and it’s a great feeling to look out and see so many friends and family and my pastors and former bosses....I especially want to thank Gov. Bryant for being here today, for giving me this opportunity and this great responsibility, for trusting me.”

“It’s a privilege to have worked for him. It’s an honor to be appointed by him and to stand here today, and I’m going to do my best to make

sure this appointment reflects well on the Governor.”

Gov. Bryant hired Wilson as counsel for the office of the Governor at the start of his administration. “We were looking for a number of the top lawyers in the state – that I could afford.” The Governor noted that Wilson has plenty more lucrative opportunities, and could have worked on Wall Street. He chose instead to pursue public service in his home state.

Judge Wilson, 36, grew up in Jackson and Tupelo. He attended the University of Memphis, then earned a Bachelor of Accountancy from the University of Mississippi.

Judge Gerald Bard Tjoflat of the U.S. Court of Appeals for the 11th Circuit in Jacksonville, Fla., hired Wilson as a law clerk shortly after he graduated from Harvard Law School. He praised Gov. Bryant’s appointment.

“Like the judges on the Supreme Court and this court, we judges hire law clerks. They are the brightest of the best, the cream of the crop, as they say. They come from the finest law schools.”

The Governor had a different perspective of Wilson’s Harvard Law education. “I was dubious of course at first because I realized he had gone to Harvard Law School. Now I am a conservative, a

Judge Wilson says he loves the law and judicial process

strict conservative and constitutional conservative,” he said. “As we began to work together, I realized that Harvard had not damaged his vision at all. In fact I think perhaps it even brought it into more focus because Jack was the true conservative attorney that I had hoped for, not in a social manner, not someone that wanted to change the social fabric of Mississippi but wanted to strictly adhere to the Constitution and the laws thereof... Interpretations are up to the courts and we certainly anticipate and accept those, but the right judge does make all the difference,” Gov. Bryant said.

Judge Tjoflat said, “Over the course of a year, one of the things that I admired about Jack was he didn’t have an agenda. He took every legal problem and looked at it the same way that a neurosurgeon would look at the x-rays and the MRI of a brain, and then brought all the skills he had acquired, and he is still acquiring them, to the task. So it didn’t matter what kind of case we were working on. He brought the same kind of devotion to the job.”

Judge Wilson called Judge Tjoflat, “a legend and a giant of the federal bench” who inspired him to seek a judgeship. “Judge Tjoflat was a great mentor to me in my first

year out of law school. He taught me a lot about the law and being a lawyer. Really it was seeing his passion and his love for his job that made me want to be a judge. I left Jacksonville in 2005 saying that’s what I want to do one day. I’m thrilled that he’s here to see that come to fruition.”

After working for several months on the court, “I can tell you already that this is truly a privilege,” Judge Wilson said. “I’m someone honestly who just loves the law and the judicial ... process and so for me to get to come to work here each day and to look at a record of an appeal, and to read opinions of our court or of the Supreme Court and to try to get the result and the opinion just right based on the facts and the law, that’s just a joy. There is no other work that I would rather spend my days at than this. And I hope that love I already have for this job will translate into good decision making and good opinions that will benefit the public and the state and the bar.”

“I get to hear cases and discuss cases with an outstanding group of judges who all take their jobs very seriously and take getting the right result very seriously,” Judge Wilson said.

“We are considered an



Judge Wilson visits with his mentor, Judge Gerald Tjoflat.

error correction court as opposed to a court that decides unique or novel legal issues. As I appreciate it, our job is to try to ensure that cases decided in the courts all across this state are decided fairly and accurately and correctly according to the law. That’s a great honor to be involved in that process,” he said. “That’s a great responsibility and I am going to do my best and I’m going to work my hardest to do it well.”

He asked for prayers for wisdom and fairness. “If it’s God’s will, I hope that I’m on this court for many, many years to come.”

Before his appointment to the court, Judge Wilson practiced law with the firm of Bradley Arant Boult Cummings LLP in Jackson and Mayer Brown LLP in Wash-

ington, D.C. “I’ve had an opportunity to work with some great lawyers, some outstanding lawyers who have influenced me, who have made me a better lawyer and a better person. I’m grateful to those people and for all they have done for me.” He singled out in particular Wayne Drinkwater and Steve Thomas, who attended the investiture.

Judge Wilson thanked his family for their encouragement and support. “I was blessed with two parents who spoiled me, not with things but with their time and their love and encouragement.” He thanked his children, Emily, Jack, and Henry, and his wife Amanda. “She helps me to remember what’s important in our life.”

Appeals Judge Larry Roberts honored for 37 years of service

Colleagues praised retired Court of Appeals Judge Larry Roberts as a dedicated, passionate and practical jurist who served with integrity for 37 years.

The Mississippi Court of Appeals convened on June 25 for a retirement ceremony. Judge Roberts retired on June 30.

Judge Roberts “represents what an appellate judge is supposed to be,” Supreme Court Chief Justice Bill Waller Jr. said. He presented Judge Roberts with the Chief Justice Award. Judge Roberts was among three recipients.

Court of Appeals Chief Judge L. Joseph Lee presented a proclamation signed by the other nine members of the Court of Appeals commending Judge Roberts’ service.

Judge Roberts served on the legislatively created Corrections and Criminal Justice Task Force in 2013. The Task Force’s recommendations to the Legislature led to passage in 2014 of House Bill 585, which Chief Justice Waller called “the greatest reform in the criminal justice system in this and the past century.” The Chief Justice also noted Judge Roberts’ service as co-chair of the Uniform Criminal Rules Study Committee, which worked for six years drafting proposed rules which address every aspect of criminal proceedings.



Chief Justice Bill Waller Jr., at left, presents the Chief Justice Award to Judge Larry Roberts at Judge Roberts’ retirement ceremony on June 25.

During nine and one-half years on the Court of Appeals, Judge Roberts participated in more than 4,800 case decisions and wrote more than 550 decisions on the merits.

Chief Justice Waller described him as a hard worker. “He was the first one here today,” as he is on most days.

Judge Leslie Southwick of the Fifth U.S. Circuit Court of Appeals, who previously served with Judge Roberts on the state Court of Appeals, said he did “extraordinary work.” He called Judge Roberts dedicated, passionate, very able and practical. Whether they were in agreement on a case or on opposite

sides, “he brought so much knowledge and so much fervor to the court.”

Judge Roberts added the dimension of a circuit judge’s experience to the court that hears a large volume of criminal as well as civil appeals. Judge Roberts served for 19 years as a Circuit Judge of the 10th Circuit District that includes Clarke, Kemper, Lauderdale and Wayne counties, and eight years as a Lauderdale County Court judge.

In all that time, he had no opponent for election, Judge Southwick said.

“People have trusted him,” said Dr. Raymon Leake, Judge Roberts’ pastor at

First Baptist Church in Meridian.

House Speaker Pro Tempore Greg Snowden of Meridian said Judge Roberts is admired for his work, and for his integrity.

Judge Roberts called the praise “gracious exaggerations....My successes do not belong to me, but to all of those who made it possible.” He thanked his wife Sheila and his sons David and Bryan for their support. He thanked his staff, saying, “You made my job so easy and such a pleasure.”

“Just how blessed can a man really be? I’ve had the opportunity to administer justice to the citizens of the

Judge Justin Cobb appointed to 10th Circuit Court

Gov. Phil Bryant appointed veteran Lauderdale County Attorney Justin Cobb to the vacancy created by the retirement of Circuit Judge Robert Bailey. The July 1 appointment is for the remainder of the term, which will expire Jan. 1, 2017.

Gov. Bryant said in announcing the appointment, "Justin is a talented attorney and prosecutor, and his years of legal experience will benefit the people of east Mississippi. He is a leader in his community, and I believe he will serve with honor and integrity."

Judge Cobb said, "I am honored and thankful to Gov.

Bryant for appointing me to this position. I look forward to serving in this capacity and continuing to work for the people of east Mississippi."

The Governor said, "I thank Judge Bailey for his 27 years of service and appreciate his dedication to the people of his district."

Judge Cobb previously served as vice-president and president of the Lauderdale County Bar Association as well as president of the Young Lawyers Division. He earned a bachelor's degree from Mississippi State University and a law degree from the University of Mississippi School of Law.

He is a member of Meridian's Downtown Optimist Club and served on the board of the Boys and Girls Club of East Mississippi. He is past



Circuit Judge Justin Cobb, at left, was appointed by Gov. Phil Bryant to replace retired Judge Robert Bailey.

division chairperson for United Way. He was an Eagle Scout and a volunteer for Wesley House-Meridian's

Playground for Jesus. He serves as a youth baseball coach. He is a deacon at First Baptist Church of Meridian.

Roberts, *continued*

this state for 37 years," Judge Roberts said. "Throughout my journey, I believe my Lord and savior Jesus Christ has stood right beside me."

He quoted the Apostle Paul and Gen. Douglas MacArthur. Second Timothy 4:7 says: "I have fought the good fight. I have finished the race. I have kept the faith." Invoking MacArthur, he said, "My time has now come and I too need to just fade away."

But not quite. "I do not intend to totally disappear from the scene." He became a senior status judge.



Judge John McLaurin Jr.

Judge John McLaurin appointed 20th Chancery Judge

Longtime Family Master John McLaurin Jr. was appointed May 27 as Rankin County Chancery Judge. Gov. Phil Bryant appointed him to replace the late Dan Fairly.

Gov. Bryant said, "I am very pleased to appoint John to this position. He has extensive legal experience with heavy emphasis in the chancery court system."

Judge McLaurin has

served as Family Master since 2007, hearing most modifications, paternity and contempt cases as well as most temporary hearings in divorces. He also served as counsel to Rankin County Chancery Clerks.

Judge McLaurin said, "I am honored by Gov. Bryant's appointment and grateful for the opportunity to serve in this capacity."

Judge Broome, Judge Hudson receive Chief Justice Awards



Judge Thomas Broome

Rankin County Court Judge Thomas H. Broome and Jurist in Residence John N. Hudson are recipients of this year's Chief Justice Award for their work improving the juvenile justice system.

Chief Justice Bill Waller Jr. presented the awards on July 10 during the Mississippi Bar Convention. The annual award recognizes individuals whose work has improved the judicial system.

Court of Appeals Judge Larry Roberts, the third recipient of the 2015 Chief Justice Award, was presented the award on June 25 during his retirement ceremony.

Judges Broome and Hudson were honored for "tireless work to ensure the safety and well-being of children." They have worked together and separately to bring about juvenile justice reform. Both have served in



Judge John Hudson

state and national leadership positions. Chief Justice Waller noted that their "outstanding leadership has improved the juvenile justice system."

Judge Broome has served as County Court and Youth Court Judge for Rankin County since 2003. He is recognized as a powerhouse of ideas and energy. In July 2013 he was elected as a trustee for the National Council of Juvenile and Family Court Judges. In 2012, he became vice-chair of the Juvenile Detention and Alternatives Task Force. He is chair of the Mississippi Council of Youth Court Judges and co-chairman of the Mississippi Commission on Children's Justice. He is chair of the Parent Representation Committee, which is working to develop a program to provide legal representation for low income parents whose chil-

dren come into the custody of the Youth Courts and the Department of Human Services. Rankin County Youth Court is a pilot site.

Judge Broome founded the Rankin County Juvenile Drug Court in 2006. He serves on the State Drug Court Advisory Committee. In 2010, he started one of two pilot family drug court programs.

He has served on the Task Force for the Development of Uniform Youth Court Rules of Procedure. He is co-chair of the Legislation Committee of the Mississippi Statewide Advisory Group for Juvenile Justice, vice chair of the Mississippi Children's Justice Act Task Force and chair of the Legal Sub-Committee on the Teen Pregnancy Prevention Blue Ribbon Task Force.

Judge Hudson, of Natchez, became the state's first Jurist in Residence April 1 after serving for 31 years as Adams County Court and Youth Court Judge.

Judge Hudson has been a leader in efforts to improve the state's juvenile justice system and the lives of all the state's children. He created the state's first juvenile drug court in 2001. He started the state's first pilot family drug court in 2010. He served on the State Drug Court Advisory Committee.

Judge Hudson has worked extensively on proposals for

uniform county courts. He acts as an advocate before the Mississippi Legislature, particularly on issues involving mental health, abuse, neglect, and delinquency.

Since 2012, Judge Hudson has served as chair of the Juvenile Detention and Alternatives Task Force, which works to find alternatives to juvenile detention, formulate recommendations for licensing standards for juvenile detention facilities, and find funding sources to improve juvenile programs. He is a member of the Parent Representation Committee, and he started the Adams County Youth Court's parent representation pilot program. He has taken leadership roles in the Coalition of Children and Youth, the Mississippi Conference of County Court Judges, the Mississippi Council of Youth Court Judges and the Adams County Committee for the Prevention of Child Abuse. He has implemented numerous programs to assist the Youth Court and the community, including the Court Appointed Special Advocate (CASA) program and the Adolescent Offender Program. He secured numerous grants which paid for Adams County programs in delinquency prevention, alcohol and drug abuse prevention, and other programs to assist children and families.

Forrest County Safe Babies program serves as model



Judge Michael McPhail talks about the Safe Babies Court Team.

Forrest County is leading the way in a program to help abused and neglected infants and toddlers get the medical, mental health and social services care that they need to grow up healthy and safe.

The Rankin County Safe Babies Court Team held a kickoff July 16 for a program modeled on the Safe Babies program in Forrest County. The program is expected to be expanded into other counties.

Forrest County Youth Court Judge Michael McPhail started the program in November 2005. The model program was among the first four sites

in the nation. The approach required changing the way the court dealt with allegations of abuse and neglect involving children under the age of 3. The result has been that cases move more quickly to reunification with family or other permanent placement for children. There's also a cost savings. Judge McPhail estimated that the Safe Babies program has saved Forrest County about \$900,000 in 10 years.

"It has always been my dream that we move this beyond Forrest County," Judge McPhail said.

Rankin County Youth

Court Judge Thomas Broome said, "When you find something that works, you replicate it."

Lucy Hudson of Washington, D.C., national Safe Babies Court Teams project director, said, "The goal of the Safe Babies Court Teams Project is to help infants and toddlers to reach safe, nurturing homes as quickly as possible."

The Safe Babies program targets infants and toddlers up to 3 years of age who have been abused or neglected and are headed for the foster care system. They are the most vulnerable, accounting for a large portion of children removed from homes due to abuse and neglect.

At least 29 children died from abuse and neglect in Mississippi between July 1, 2014, and June 30, 2015, said Kim Shackelford, former Deputy Administrator for Family and Children's Services for the Mississippi Department of Human Services. Most were under the age of 5.

Judge Broome said that 60 to 70 percent of abused and neglected children progress to juvenile delinquency.

The Safe Babies program provides intense early intervention and prevention. The approach is intended to improve children's chances for optimal development and healthy attachment, and to

reduce the likelihood that they will return to court in the future.

In Forrest County, a team of community stakeholders works under the direction of Judge McPhail and Josie Brown, who retired from 28 years of work with the Department of Human Services. The team establishes individualized service plans and follows children and families' progress through monthly meetings to review each case. The preference is to reunite the child with parents, if possible, or place the child with relatives. The team works with parents to provide them with the services they need to resume a healthy relationship with their children, if possible. Mental health and substance abuse services are provided along with parenting classes and education in child development.

Judge McPhail said he had to learn the medical and mental health side of early childhood development. Infancy to age 3 is a critical period in childhood development.

The majority of brain development occurs during that time, Hudson said. Children who grow up in an environment of fear develop differently from those who experience nurturing.

"You really can't go back and rewire that brain," Judge Broome said.

Officials work to raise awareness of human trafficking



Special Assistant Attorney General Pat McNamara talks about human trafficking.

Prosecuting prostitution charges and other misdemeanor offenses in Municipal Court gave Pat McNamara a look at life on the streets. In hindsight, though, he realized that many of those people were likely victims of human trafficking.

“I didn’t know. I look back and say that I didn’t see the signs,” McNamara told a conference of more than 170 Mississippi social workers and judges gathered Aug. 13 at the Fifth Annual Indian Child Welfare Act Confer-

ence at Choctaw, Mississippi.

Signs that a youth may be a sex trafficking victim include homelessness, a history of being a runaway, a juvenile record of truancy, and drug or alcohol abuse, said Victoria Sweet, program attorney for the National Council of Juvenile and Family Court Judges in Reno, Nevada. Multiple STDs, bruises or other signs of physical trauma, withdrawn behavior, depression, anxiety, fear, hunger or malnutrition may be signals that a person may

be a victim. A significantly older boyfriend or male travel companion may be a tipoff.

McNamara, a Special Assistant Attorney General in the Bureau of Victim Assistance, and Sweet aimed to raise awareness about human trafficking, educate the people who are likely to come into contact with victims and help the community begin to formulate a plan to address human trafficking.

Police, Youth Courts and social workers are among those likely to encounter victims of human trafficking. An estimated 50 to 80 percent of victims of human trafficking were involved with child welfare services at some point, Sweet said.

Other risk factors that make people vulnerable include poverty; limited education; lack of work opportunities; drug or alcohol addiction; physical, mental or emotional challenges; previous sexual abuse; PTSD; truancy; and being a runaway, thrown away or homeless.

Native Americans are at higher risk. “Indian Country does have challenges that we don’t see in other areas,” said Sweet, who is Native American and a frequent lecturer on violence against native women, intergenerational trauma and human trafficking. Tribal youth are two and a half times more likely to experi-

ence trauma from exposure to violence, and tribal children experience PTSD at a rate of 22 percent, the same rate as combat veterans and triple the rate of the general population.

“Every community needs to be concerned,” Sweet said. “We need to start asking some tough questions within our own communities about how we are going to deal with this risk.”

“We must be collaborating together if we want to be dealing with the crime of human trafficking,” Sweet said. “It’s hidden. It’s secretive.”

Victims are unlikely to come forward on their own. They may be loyal to the traffickers. That kind of loyalty means that some victims, when taken into custody by law enforcement, may attempt to recruit for their trafficker in jails or juvenile detention centers.

McNamara is coordinator for the Mississippi Human Trafficking Act. He is the point person to receive all reports of suspected human trafficking in Mississippi. He may be reached at 601-359-6766.

“We are in our infancy getting started on this,” he said. “I’m a bit short on experience, but I have all the enthusiasm in the world because I begged for this job.”

Commission on Children's Justice appointments announced



Court of Appeals Judge Virginia Carlton and Rankin County Youth Court Judge Thomas Broome are co-chairs of the reconstituted Commission on Children's Justice.

Chief Justice Bill Waller Jr. signed an order Sept. 22 appointing new members to the Commission and continuing its mission to ensure the well-being of at risk children.

"This is a very important commission working to ensure that the rights of our children are protected and ensuring that all children have the opportunity to become productive citizens," Chief Justice Waller said.

Judge Broome said, "We are excited to begin working on improving the safety, well-being and permanency for our children and families. We have a number of challenges in improving child welfare, but we also have wonderful opportunities in the area of early childhood education and community involvement. We have committed people who want to do

the right things for the right reasons."

Chief Justice Waller noted that the Commission, originally created in 2006, has done important work to bring about improvements in the justice system. The creation of the position of resident jurist earlier this year was a recommendation from the Commission. The resident jurist works to help bring uniform practices to the way children are treated in the courts throughout the state. The Commission also laid groundwork for the Supreme Court's adoption of Uniform Rules of Youth Court Practice in 2009.

The Commission in 2013 recommended legislation to give indigent parents a right to a court-appointed attorney in court proceedings in which parents may face termination of parental rights. Pilot programs operate in Adams, Forrest, Hancock, Harrison and Rankin counties.

The Commission's 2013 recommendation of a statewide system of county courts also remains a priority for Chief Justice Waller.

The order reconstituting the Commission directs that its members continue to work to develop a statewide comprehensive approach to improving the child welfare system; coordinate the three branches of government in

assessing the impact of government actions on children who are abused or neglected; and recommend changes to improve children's safety, strengthen and support families and promote public trust and confidence in the child welfare system.

Thirty-two members were appointed to three-year terms. Reappointed members include Judge Carlton; Judge Broome; Justice Randy Pierce; Special Assistant Attorney General Patti Marshall; Chief Justice Kevin Briscoe of the Mississippi Band of Choctaw Indians; Sandra Parks, bureau chief of the Children's Division of the Mississippi Department of Mental Health; and Toni Kersh, bureau director of the Mississippi Department of Education Office of Compulsory School Attendance Enforcement.

New members are David Calder, director of the Children's Advocacy Clinic at the University of Mississippi School of Law; Shirley Kennedy, director of the Children's Advocacy Program at Mississippi College School of Law; Dr. John Pruett, chair of the Department of Child Psychology at University of Mississippi Medical Center; Dr. Angela Robertson, associate director and research professor at the Mississippi State University Social Science Research Center; Dr.

Lisa Nored, chair of the University of Southern Mississippi Department of Criminal Justice; Mark Smith, deputy executive director of the Mississippi Department of Human Services; James MacCarrone, director of the MDHS Division of Youth Services; Laurie Smith, Office of the Governor; Forrest County Court Judge Michael McPhail; Jackson County Court Judge Sharon Sigalas; Lauderdale County Court Judge Vel Young; DeSoto County Court Judge Celeste Wilson; Washington County Court Judge Vernita Johnson; 10th District Chancellor Dawn Beam; 1st District Chancellor Jacqueline Mask; Walthall County Youth Court Referee Conrad Mord; Choctaw Tribal Judge Holly Denson; Tate County Attorney Ginger Mathis Miller; Karla Tye, executive director of Mississippi Children's Advocacy Centers; Mike Duggar, executive director of Mississippi United Methodist Children's Homes; Dr. John Damon, director of Mississippi Children's Homes Services; Guardian Ad Litem Angeline C. White; retired Tupelo school psychologist Dr. Susan Johnstone; Tiffany Graves, executive director of the Access to Justice Commission; and Rebecca Mansell, director of Children's Safe Center.

Pro se litigants get help from volunteer attorneys and law students



Chancellor Marie Wilson

Chancellor Marie Wilson studied the divorce petition before her and questioned the woman who stood alone before the bench. Finding a discrepancy, she said, "Let her go talk to somebody." Minutes later, a couple seeking a divorce stood before the bench. "Do you have children?" Judge Wilson asked. Judge Wilson sent them outside the courtroom to amend their pleadings to reflect that they are parents of a 21-year-old, but not seeking support for the child.

Sept. 16 was Pro Se Day in Washington County Chancery Court. At several tables in the hallway outside the courtroom was a group of volunteer lawyers and law students. They explained the problem with the documents and helped the litigants make the needed corrections. On this particular morning, Judge Wilson reviewed 22 cases. Some were able to make the

needed corrections on the spot and finalize their court business.

"You are divorced," she told another couple after reviewing their revised petition and finding it in order. They walked out quietly, one behind the other.

Judge Wilson sets aside a morning quarterly to deal with self-represented litigants. Most of them are indigent and have to muddle their way through writing, filing and serving court documents without attorney representation because they can't afford to pay a lawyer. In the past, if they came to court for a hearing and their documents didn't meet the court's requirements, their hearing had to be rescheduled. Five years ago, Judge Wilson began working with local lawyers who were willing to give their time to help.

"It helps the people. It helps the judge. It helps our county," attorney Joel Henderson of Greenville, one of the volunteers helping litigants, said during a break in the proceedings.

Ethical constraints with pro se litigants can be difficult for any judge. "The judge can't tell them how to do something. She can only tell them that it's not right," Henderson said.

"Their paperwork is what keeps them coming back,"

Judge Wilson said. "The attorneys can straighten out whatever the problem may be."

The Mississippi Volunteer Lawyers Project and the Mississippi Center for Justice provided some of the legal assistance. Law students from the University of Mississippi School of Law Pro Bono Ini-



Chancellor Jacqueline Mask

tiative assisted volunteer attorneys.

Monique Caples signed up to work with legal clinics as a first-year law student to earn academic credit. "However, once I participated in my first clinic I was hooked." Caples, now in her third year, is student coordinator for the Pro Bono Initiative.

"Law students have an opportunity to work and network with new and seasoned attorneys from all over Mississippi in addition to working with real people who have actual problems that need solving. There are more

Mississippi citizens who cannot afford a private attorney than those who can so it feels good to be able to assist clinic participants with legal documents that will have a significant impact on their individual lives," Caples said.

Chancellor Jacqueline Mask of Tupelo worked with MVLP, the Pro Bono Initiative, the Access to Justice Commission and local bar leaders to schedule a free legal clinic this year in every courthouse in the eight counties of the First Chancery District. Judge Mask expanded the clinics across the district after holding the first legal clinic in Tupelo in September 2014. The clinics offered guidance to low income people in divorce, child support, guardianship, emancipation and name change cases. A clinic scheduled before the start of school in Tupelo assisted grandparents and other relatives in establishing guardianships so that they could enroll children in school.

Mississippi Access to Justice Commission Co-chair Rodger Wilder of Gulfport said, "There has been an increase in clinic offerings around the state due to the joint efforts of many organizations and the strong encouragement of chancellors like Judge Mask. An important part of access to justice is giving basic legal ad-



Volunteer attorneys and law students gather for a photo with Chancellor Marie Wilson, third from left, front row, at Pro Se Day in Greenville.

vice to folks who do not know how to obtain that advice and cannot afford to pay for it. Clinics address that need."

Mississippi Access to Justice Commission Executive Director Tiffany Graves said, "That's what we want to see happening across the state. The people on the ground have to take ownership of what's happening."

Judge Mask contacted bar leaders in each county to encourage lawyers to volunteer at the clinics. "They want to help their community."

Attorney Lee Thorne of Iuka said, "As attorneys, we are called to serve others, and this is a great opportunity to serve others that have a need that cannot be fulfilled outside our profession. If we can take a small amount of our time to fulfill the need that they have, we are happy to do it."

Attorney Kurt Mord of New Albany said, "We are business-

men or women. We need to give back as much as we are able." Mord said that he frequently sees people who can't afford a fee of a few hundred dollars for an uncontested divorce. "The real benefit of this clinic will be us providing documents to those people who can't afford us. They can do it themselves. They can handle it from there."

The Hattiesburg Area Young Lawyers Association, HAYLA, worked with Leadership Pine Belt and Christian Services to establish a free

monthly legal clinic. The first clinic was held Aug. 12. HAYLA made child support collections assistance its public service project for the year, but other legal problems can be addressed at the clinic.

HAYLA Immediate Past President Matthew Shoemaker of Hattiesburg said, "We've had a pretty encouraging response from the bar, particularly young lawyers. If we can keep that momentum, it is possible that we can carry this on for a very long time."

The Mississippi Associa-

tion for Justice and the Access to Justice Commission schedule periodic expungement clinics. Recent ones were held in Hattiesburg and Jackson.

With a criminal record, "people are unable to get jobs, get credit, rent an apartment, stuff like that," said attorney Dan Kitchens of Crystal Springs, who has donated his time for years to help people get ahead. "It lets folks get back on their feet and get on with their lives and that's what we want."

Judge Edward Prisock died July 30

Retired Chancery Judge Edward Prisock of Louisville died July 30 after a short battle with pancreatic and liver cancers. He was 74.

Judge Prisock retired from the 6th Chancery District on June 30, 2005, after 30 years on the bench. The district

includes Attala, Carroll, Choctaw, Kemper, Neshoba and Winston counties. Judge Prisock continued to hear cases across the state as a senior status judge for 10 years.

Supreme Court Chief Justice Bill Waller Jr. recalled



Justice Lamar named Woman of the Year in legal field

The Commission on the Status of Women honored Justice Ann H. Lamar as 2015 Woman of the Year in the legal and judicial field.

“The Woman of the Year awards are a chance to congratulate Mississippians who often broke barriers to become highly successful in their fields,” said chairwoman Gloria Williamson.

Justice Lamar said, “It’s an honor to be nominated with very interesting and successful women. It was fun to be with those women in other

fields in addition to law. The Commission does a good job of highlighting women and their unique careers. A lot of good mentors and role models were among those nominees.”

Woman of the year nominees were honored during a May 7 luncheon in Jackson.

“It’s an interesting juggling act to handle home and grandchildren and responsibilities there and the ongoing responsibilities here” at the Supreme Court, Justice Lamar said.

Other legal and judicial nominees were Biloxi attorney Clare Sekul Hornsby, who has been a lawyer for 70 years, and Mississippi College School of Law Dean Wendy Scott.

Others named as Women of the Year in their respective fields include: community service, former First Lady Elise Winter; arts and entertainment, blues singer Dorothy Moore of Jackson; business, Toni Cooley, founder and president of Systems Companies of Madison, a supplier to the Nissan plant; education, Jackson State University President Dr. Carolyn W. Meyers; medical and health, State Health Officer Dr. Mary Currier, who previously served as state epidemiologist; military and law enforcement, Mississippi Army National Guard Sergeant Major Alecia Gates, who is the first African-American wom-



Justice Ann Lamar

an promoted to her current rank; and politics and government, Rep. Alyce Clarke of Jackson, the first African-American woman elected to the Legislature and currently the longest serving woman legislator. Former Lt. Gov. Amy Tuck was named Ambassador by the Commission on the Status of Women. Star athlete Victoria Vivians was named Young Woman of the Year.

Judge Prisock obituary, *continued*

Judge Prisock’s scholarly opinions and his dignified demeanor. “He was the example of what a chancellor should be. He was dignified on the job and off the job. He treated all litigants with respect. He was diligent in seeing that cases were heard and decided. His opinions were some of the most scholarly that I have ever read from a trial judge.”

In an interview shortly after his retirement, Judge Prisock said, “I enjoyed trying to have input into domestic cases, and I’m a Christian and I don’t have a problem with applying Christian values.... I have thoroughly enjoyed what I’m doing. It’s been an excellent career for

me. I’ve been blessed by it, but I’m ready to do something else.”

Judge Prisock was born Feb. 23, 1941, in Philadelphia, Mississippi, to the late Neal and Athalia Jones Prisock. He lived all of his life in Louisville, where he met and married his beloved wife of 44 years, Edna Joy Caperton Prisock. He was a graduate of Louisville High School, Mississippi State University, and the University of Mississippi School of Law.

He was instrumental in the founding and early direction of Grace Christian School and Covenant Presbyterian Church in Louisville. He was an elder at Grace Presbyterian Church in Starkville.



Dean Wendy Scott



Clare Sekul Hornsby

Former Justice James Robertson presents portrait



Former Justice James Robertson, at right, presents his portrait to the Supreme Court. Joining him at the presentation were, left to right, former Chief Justice Edwin Lloyd Pittman and former Presiding Justices Fred L. Banks Jr. and Chuck McRae.

Former Mississippi Supreme Court Justice James L. Robertson of Jackson gathered with current justices and former colleagues on Oct. 8 to unveil his portrait and reminisce.

"We are honored that you would make this bequest," Chief Justice Bill Waller Jr. told Justice Robertson and his wife, Administrative Judge, author and artist Linda Thompson.

Oxford artist Deborah Freeland drew the portrait in graphite in 1984, a year after Robertson joined the court.

Former Chief Justice Edwin Lloyd Pittman, who served with Robertson, said he was a scholarly, prolific writer in his court opinions as well as law journal articles.

"Robertson is a brilliant lawyer and a brilliant mind. I did give him advice on street sense on occasion."

Robertson brought electronic research to the court. "There was nothing but law books here. I had been using Lexis for three years. I couldn't imagine having to function without it....How could you possibly operate the court without that kind of resource?" he recalled. He arranged for the Law Library to have a Lexis terminal installed, with three months of free use, after which the court could subscribe to the service or give it up. "I couldn't get anyone to go near it."

On the last day of the free trial, Chief Justice Neville Patterson needed to locate an

opinion in a case he had authored. He remembered only the defendant's nickname. It took Robertson about 30 seconds to find the case using Lexis. Patterson was amazed and said, "We've got to have this." Afterwards, the running complaint was the amount of fees the court spent monthly for Robertson's legal research – until Justice Fred L. Banks Jr. came to the court and used the service twice as much.

The justices with whom Robertson served were larger-than-life characters: former Chief Justices Patterson, Roy Noble Lee, Armis Hawkins, Harry Walker, Dan Lee, Lenore Prather and Pittman, and Presiding Justices Michael Sullivan and Chuck McRae.

Recalling Sullivan's biting

wit often delivered in a stage whisper, Robertson said, "Imagine working with Don Rickles every day."

McRae said, "There were some great times."

Pittman said, "Sometimes Chuck made it more exciting that I wanted it to be."

Robertson was on the faculty of the University of Mississippi School of Law from 1977 through 1992. He taught a legal philosophy course while serving on the court. He resigned from the court Sept. 1, 1992, to teach a semester at Fordham Law School in Manhattan after he was defeated for reelection.

He has been a shareholder in the Jackson law firm of Wise, Carter, Child & Caraway, P.A., since January 1993.