

# Mississippi Courts

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## Court interpreter certification training underway



**Judith Kenigson-Kristy, at far right, leads prospective language interpreters through an exercise during a training class.**

The Administrative Office of Courts has started a registry of interpreters who are qualified to assist in court proceedings involving parties who have limited understanding of English. The list in the future will help judges across the state locate certified interpreters.

“We’ve become a multicultural state. This is just a really needed service,” said 11<sup>th</sup> District Chancery Judge Cynthia Brewer.

Currently, each court makes its own arrangements when interpreters are needed.

Judges have looked to universities, churches, local businesses and other sources for bilingual interpreters to help people of limited English proficiency understand court proceedings.

Judge Brewer said that the pastor of a Carthage church interpreted in cases involving Spanish speaking litigants – until he was transferred to another state. Attorneys agreed to have a Greek speaking church member interpret for two fellow church members in a dispute. Judge Brewer looked to a

university professor for help when she heard the divorce of two natives of Iran.

“It has been catch as catch can. It’s different in every case. It’s hard to have any kind of protocol in determining the reliability and accuracy when you have to hunt (an interpreter). You are out there just beating the bushes until you can find somebody,” Judge Brewer said.

The AOC program will provide judges in all state courts with the resource of a list of language interpreters who have demonstrated profi-

ciency in oral interpretation and written translation of court proceedings. Interpreters are not employees of the AOC. It is up to the individual courts, attorneys or agencies to provide compensation for the court interpreter, said AOC Deputy Director Lisa Counts, who is in charge of the interpreter credentialing program.

The credentialing program will provide two levels of proficiency: certified and registered. Language interpreters may be included on the list after having com-

## Interpreter credentialing to provide resource list



**AOC Deputy Director Lisa Counts talks about levels of certification for interpreters.**

pleted the AOC's credentialing program. Judges may still use non-credentialed interpreters if they are unable to locate a certified or registered interpreter.

The AOC adopted Standards for Court Interpreters and a Code of Ethics for Court Interpreters on Oct. 17, 2011. The Mississippi standards and code of ethics are modeled on standards for language interpretation adopted by the National Center for State Courts' Consortium for Language Access in the Courts. The Mississippi AOC is a member of the Consortium.

Court interpreters who are certified in other Consortium member states may seek reciprocity. The three people who have been certified so far by the Mississippi AOC were accepted through recip-

rocity. Two people from Gulfport are certified in Spanish, and a third, from Goodlettsville, Tenn., speaks Mandarin Chinese.

The greatest need is for people fluent in Spanish and Vietnamese, Counts said. The 2010 U.S. Census showed that Mississippi's Hispanic population increased 105.9 percent since 2000, and the state's Asian population increased 40.3 percent.

Circuit Judge Roger Clark said he has four or five criminal cases a year which require an interpreter in the Second District of Harrison, Hancock and Stone counties. The most frequent need involves guilty pleas. He has tried two cases with interpreters for non-English speaking defendants.

The need is greatest for

Spanish-speaking interpreters on the Gulf Coast. "We've got three ladies who have done it for years down here, and are very good at it," Judge Clark said.

The Coast also has a large Vietnamese population. Judge Clark said in those cases, the district attorney and the defense attorney have to find and agree on someone to interpret for Vietnamese speaking people. When an interpreter is found, "I put them under oath ...and discuss with them their role," he said. They have to have some court experience.

AOC has conducted three workshops for people interested in becoming certified court interpreters. Forty-five people participated in classes in November 2011, January and April.

The workshops introduce participants to the challenges and requirements of interpreting in a courtroom setting. The participants are schooled on Mississippi's court system as well as legal vocabulary. Through interactive exercises, the prospective interpreters are taught correct courtroom decorum and how to use electronic equipment. In addition, the workshops outline the requirements to achieve credentialing as a registered or certified courtroom interpreter. Completing the workshop is the first step toward gaining credentials.

Court interpreters must have a high level of mastery of two languages, be highly

skilled in all modes of interpreting, and understand and be able to explain court terms and procedures. Written and verbal testing as well as background checks are required.

Registered and certified court interpreters will be required to renew certification every three years. Interpreters must complete Continuing Interpreter Education hours to renew credentials.

The AOC program will credential interpreters for civil as well as criminal proceedings. Counts said, "The U.S. Department of Justice has taken the position that it is the obligation and responsibility of the court to provide, free of charge, interpreters for any litigant or interested party in any kind of court action."

The U.S. Supreme Court in a 1974 ruling said that failing to take reasonable steps to ensure meaningful access for limited English proficient persons is a form of national origin discrimination (*Lau v. Nichols*, 414 U.S. 563).

The fact that a person for whom English is a second language knows some English should not prohibit that individual from being allowed to have an interpreter, Counts said.

The court interpreter registry is on the Mississippi Judiciary web site at <http://courts.ms.gov/aoc/courtinterpreter/registry.html>. The rules for court interpreters and Code of Ethics are at <http://courts.ms.gov/aoc/courtinterpreter/resources.html>.

## Group discusses help for unrepresented parents



**Left to right, Youth Court Judges John Hudson, Michael McPhail, and Thomas Broome talk about parent representation during a March 15 meeting.**

A group of child welfare advocates has come together to grapple with the issue of parents who face Youth Court proceedings without legal representation.

Judges, lawyers, representatives of the Department of Human Services, educators and representatives of Mississippi non-profits recently held discussions with representatives of the American Bar Association, the National Council of Juvenile and Family Court Judges and Casey Family Programs, the nation's largest private foundation devoted to improving the child welfare system and reducing the number of children in foster care. The group met on March 15 and 16 at the Gartin Justice Building in Jackson to begin forming an action plan to address ways to provide legal representation to indigent parents.

Harrison County Youth Court Judge Margaret Alfonso said, "We can either solve the problem now, or pay the attorney fees when

we get sued."

Educating the public about how the current system works is among the many tasks the group identified. Since Youth Court proceedings are not open to the public, their operations are poorly understood. "I don't think the general population knows that parents aren't entitled to representation. They are shocked," Judge Alfonso said.

Mississippi and New Hampshire are the only two states in the nation that do not provide court-appointed lawyers for indigent parents in abuse and neglect proceedings.

Unrepresented parents experience less favorable outcomes, discussion participants said. The parents don't know the questions to ask when they attempt to represent themselves. Judges experience frustration because they want to help but are limited. It takes longer to resolve those cases. Parents don't even know to ask for legal assistance, or they wait

until too late in the process to seek help.

The group discussed models for an indigent representation including clinical programs run by universities, the tribal court model utilized by the Mississippi Band of Choctaw Indians, court-appointed representation and combinations. Tribal court officials and representatives from Georgia, Iowa and Michigan, which provide legal representation for indigent parents, talked about how their systems work.

"All across the country we are trying different things to see what works," said law professor Vivek Sankaran, director of the Detroit Center for Family Advocacy at the University of Michigan Law School. Sankaran supervises a team of law students who provide legal representation to indigent parents as part of their law school clinical training.

A downside presented by a law school based program is distance. "I'm in the prov-

inces too," said Adams County Youth Court Judge John Hudson of Natchez. "Most of Mississippi is hours away from the law schools."

Funding is an obstacle to the creation of any model program. The group discussed seeking grants, help from non-profits and other options. Casey Family Programs is committed to providing some funding, said Virginia Pryor, director of strategic consulting for the non-profit foundation's work in Mississippi. Pryor acted as a facilitator for the two-day meeting.

Better representation could save money, said Rankin County Youth Court Judge Thomas Broome of Brandon. Savings comes from speeding up the process and reuniting families whose children don't need to be in foster care.

Judge Michael Key of LaGrange, Ga., immediate past president of the National Council of Juvenile and Family Court Judges, said he's finding that to be the case in other states. "I've been in five regions. People on the ground believe we've got too many children in foster care that shouldn't be there," he said.

Lori Woodruff, deputy administrator for the Department of Human Services Division of Family and Children's Services, agreed. "The 'ah ha' moment has been that (some) kids didn't need to come into custody in the first place," she said.

## Court of Appeals names new administrator



Robert Nations Jr. has been appointed Administrator of the Court of Appeals. He replaced Amy Smith, who resigned Feb. 29 to take a position as Assistant General Counsel for the Tennessee Department of Children's Services.

Nations has worked for the judiciary for 11 years. He was Court of Appeals editor of opinions for the past four years. He was senior law clerk for former Supreme Court Justice Chuck Easley for seven years.

Nations worked for a year as staff attorney for the Department of Human Services in Scott, Simpson and Smith counties. He worked for six

years as office administrator and associate attorney at the Easley Law Firm in Columbus. During that time he also served as Judge Pro Tem in the Lowndes County Youth Court, guardian ad litem, special prosecutor and special public defender.

Nations earned a BBA in accounting from Millsaps College and a law degree from the University of Mis-

issippi School of Law.

The Court of Appeals presented Smith with a resolution commending her four years of work as court administrator, and her career. Smith previously served as a licensed social worker for the Area Agency on Aging. She gave legal assistance to victims of domestic violence for two years at Legal Aid of East Tennessee.



**Court of Appeals Chief Judge Joe Lee, at right, presented departing Court Administrator Amy Smith with a resolution.**

## Reappointments to Drug Court Advisory Committee

The Supreme Court reappointed Drug Court Advisory Committee members Circuit Judge Michael M. Taylor, Rankin County Court Judge Thomas H. Broome, DeSoto County Court Judge Allen B. Couch Jr., District Attorney Patricia Burchell and Rep. Bobby Moak.

Chief Justice Bill Waller Jr. made the appointments April 11. Terms will end December 31, 2013.

Members of the Advisory Committee serve staggered terms. Other members are Adams County Court Judge John N. Hudson, Lauderdale County Court Judge Veldore

F. Young, Commissioner of Corrections Christopher Epps, former Mississippi Department of Mental Health Director Herbert Loving, and Special Assistant Attorney General Patricia B. Marshall. Administrative Office of Courts Director Kevin Lackey is an ex-officio member.

## Building Communities of Hope May 10

A May 10 gathering in Jackson will explore comprehensive approaches to improving the lives of children and families. The Building Communities of Hope program is scheduled for 4:30 to 7 p.m. at the Mississippi Children's Museum at 2145 Highland Drive.

The program is a cooperative effort of the Mississippi Department of Human Services, the Commission on Children's Justice, the Foundation for the Mid South and Casey Family Programs.

Speakers will include Mississippi Supreme Court Justice Randy Pierce, co-chair of the Commission on Children's Justice; DHS Executive Director Richard Berry, Deputy Executive Director Mark Smith, and Division of Family and Children's Services Deputy Administrator Lori Woodruff; Foundation for the Mid South President Ivey Allen; and Casey Family Programs President and CEO William C. Bell.

Discussion topics will include:

- the role of the community in improving the lives of children and families;
- collaboration between the judiciary and child welfare agencies;
- successes of the Department of Human Services;
- perspectives of parents, youth, faith-based organizations, service providers and philanthropic communities.

## Family Drug Courts look for permanent funding



**Justice Randy Pierce talks to Adams County Family Drug Court participants about second chances.**

Family drug courts in Adams and Rankin counties have seen their first classes graduate, and Judges John Hudson and Thomas Broome hope to find permanent funding for the pilot programs.

“We hope that we will be able to demonstrate by what we’ve done that this is as valuable as youth and adult drug courts,” said Judge Hudson, Adams County and Youth Court Judge.

The pilot programs, which began in 2010, are funded by a federal stimulus grant which ends in September, said Judge Broome, Rankin County Youth Court Judge. Funding will be discussed during the State Drug Court Advisory Committee meeting in May.

The family drug courts address drug and alcohol problems that are the underlying causes of abuse and

neglect, delinquency, domestic strife, crime and a host of other problems. The family drug courts deal with juveniles, parents and their extended families in efforts to address substance abuse without separating children from their families. It’s a collaborative effort of the courts, Department of Human Services, Department of Mental Health, Boards of Supervisors, local law enforcement and schools.

Referrals come from Youth Courts, Chancery Courts, DHS, schools, law enforcement and probation officers.

Judge Hudson found that probation officers are a frequent source of referrals. People on probation lapse back into drug use and risk going back to prison. The downward spiral affects the whole family. Some are referred to family drug court

“to prevent this family from disintegrating.”

A family who graduated from Judge Broome’s program in November 2011 got into the program after two of the children got into trouble at school. The mother failed a drug test after she appeared in Youth Court. The children were placed into the grandmother’s care. The mother was later able to regain custody.

Another family under Judge Broome’s supervision was referred from Chancery Court, where they had been seeking a divorce. The parents tested positive for crystal methamphetamine use. The courts worked with relatives to care for the children, and got the parents into drug treatment and counseling.

“After they worked through their drug problems, they wanted to stay married,” Judge Broome said.

Judge Hudson’s first two graduates have family members still under Family Drug Court supervision. A father of eight children got his alcoholism under control and graduated from the program March 5, while his wife, who struggles with drug problems, remains under court supervision. The father cared for the children alone for two and a half months while the mother went through in-patient drug treatment. Four of the eight children still live at home. Before the family came under Family Drug Court supervision, the children have been in and out of DHS custody.

“He was drunk and she was on drugs,” Judge Hudson said.

A grandmother who was addicted to cocaine graduated March 5. She danced a little jig as she returned to her seat, diploma in hand. “I thank y’all for giving me a chance,” she said. She is raising her grandchildren; a daughter remains under drug court supervision.

Judge Hudson said, “It has been a real privilege to watch them grow.”

Justice Randy Pierce, guest speaker at the Adams County Family Drug Court graduation, told graduates that breaking the cycle of addiction is harder than earning a Ph.D. from Harvard. “By what you are doing here today, you have shown unconditional love to your family,” he said.

Saving families saves money. When parents are raising and supporting their children, the state does not bear the financial burden of incarcerating the parents and taking care of their children.

Judge Broome said, “Most of the people in Drug Court are high intensity users of government services. Drug Courts are able to focus on where the problem is, and reduce their use of government services.”

For instance, “When we remove a child (from parents’ custody) we automatically place that child on the Medicaid rolls,” Judge Broome said. If families can stay together, “the cost savings could be astronomical.”

## Judge Eugene Fair appointed to Court of Appeals



**Senior U.S. District Judge William H. Barbour Jr., at left, congratulates Judge Eugene Fair after administering the oath. With Judge Fair are daughter Melissa Fair Wellons M.D., second from right, and wife Dr. Estella Galloway Fair.**

Judge Eugene L. Fair Jr. at his Jan. 6 investiture to the Court of Appeals said the Boy Scouts pledge fits what he must do as a judge.

Judge Fair, an Eagle Scout, said, "We made this pledge and I have always remembered it....that says I will do my best to do my duty, and that's what I promise."

Senior U.S. District Judge William H. Barbour Jr. administered the oath of office to Judge Fair before a crowd of family and friends, judges and lawyers who packed the Court of Appeals Courtroom in Jackson. Melissa Fair Wellons M.D. of Birmingham, one of two daughters, held the Bible during the oath. Judge Fair's wife, Dr. Estella Galloway Fair, assisted with the enrobing.

Judge Fair, nephew of the

late Mississippi Supreme Court Justice Stokes V. Robertson Jr., put on one of his uncle's old robes after he took the oath. As he adjusted the snaps on the garment, he quipped, "You got your money's worth when you paid for these robes." Justice Robertson retired in 1982.

Former Mississippi Bar President George Fair, the judge's brother, described him as smart, hard-working, evenhanded and fair. "He loves the law. He loves to study the law. He loves to figure out what the right answer is....Gene is a person of integrity. He does the right thing. He loves his family and most of all, he loves the Lord. I'm proud of him today."

Former Gov. Haley Barbour appointed Judge Fair, 65, of Hattiesburg, to

the District 5, Place 1 seat on the Court of Appeals. Judge Fair replaced Judge William H. Myers of Ocean Springs, who retired Dec. 31, 2011, after serving for 11 ½ years.

Judge Fair's appointment is for one year. A special election will be held in November 2012 in the Court of Appeals district which includes Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl River, Perry, Stone and parts of Wayne counties.

Mississippi Supreme Court Chief Justice Bill Waller Jr. noted that Gov. Barbour made 33 judicial appointments during eight years in office. There are 151 state trial and appellate judges. Chief Justice Waller praised the Governor's selections, calling them "the

best appointments made in the history of the state."

The former Governor's Chief of Staff, Paul A. Hurst III, told the crowd, "We are very proud of what we have done for Mississippi in regard to the judiciary. We had no idea when we came into office, speaking for both myself and Gov. Barbour, what a significant element judicial vacancies would play, from deaths and retirements and other causes that allowed us to make the 33 appointments, but Gov. Barbour took it very seriously."

Hurst said Judge Fair is a man of honesty and integrity, he has a proper judicial temperament, and he is fair, like his name. "He is everything you would hope for in a judge....You will be as proud of Gene Fair as Gov.

Barbour is in having made the appointment.”

Gov. Barbour utilized a Judicial Appointments Advisory Committee to screen applicants for judicial appointments. Gov. William Winter was the first to utilize a Judicial Nominating Committee. Judge Fair served on Gov. Winter’s nominating committee.

Chief Justice Waller said, “A lot of people have discussions about elected versus appointments. I would say this proves the constitutional balance of elected versus appointments works very well in Mississippi, preserving the citizens’ right to have accountability in the judiciary.”

Chief Justice Waller said Judge Fair’s experiences make him ideally suited to serve on the Court of Appeals. Judge Fair served for 20 years on the Mississippi Ethics Commission, including 19 years as vice-chair. After four years in the U.S. Navy Judge Advocate General’s Corps, he was in private law practice for 34 years. He tried cases in 57 courthouses across the state.

“He knows what went on in the courtroom, and he will be able to apply those experiences in being a member of the Court of Appeals,” Chief Justice Waller said.

For the past five years, Judge Fair served on the 10<sup>th</sup> Chancery Court.

Chief Justice Waller said chancery experience will be an asset to the Court of Appeals. “He is right where he needs to be at this time as a part of history. This court

more than likely will have an impact on the average citizen from the standpoint of adjudicating the child support needs of a single mother, of compensation for an injured worker, justice for a victim of a crime, or redress for an egregious wrong.”

Before calling him to the bench to take his seat with the other members of the court, Court of Appeals Chief Judge L. Joseph Lee said, “Ladies and gentlemen, can you think of a better name for a judge to have than ‘Fair’?” We are all

envious. It has been said and I have heard it numerous times that the Court of Appeals is a fair court. Now it’s official.”

Judge Fair noted Hinds County Chancery Judge Patricia Wise in the audience and said he and she kid each other about their names. “I think when we retire, a law firm called ‘Fair and Wise’ would just be really good.”

Judge Fair thanked those who attended, and asked for their prayers. “I need all I can get. We all do.”

Judge Fair is a trustee,

elder and Sunday School teacher at Westminster Presbyterian Church. He is a former chairman of deacons, and was church treasurer for 18 years.

He grew up in Louisville. He earned a Bachelor of Arts degree from the University of Mississippi and a law degree from the University of Mississippi School of Law. He helped pay his way through college with freelance writing for newspapers.

He practiced law in Hattiesburg from October 1972 to December 2006.

## Judge Doleac appointed to 10th Chancery

Judge M. Ronald Doleac of Hattiesburg was appointed to fill the unexpired term of Judge Eugene L. Fair on the 10th Chancery Court.

Former Gov. Haley Barbour’s appointment of Judge Doleac was effective Jan. 4. A special election will be conducted Nov. 6.

Judge Doleac, 63, was a Forrest County Chancery Court special master before his appointment to the bench. He previously served as a city prosecutor in Hattiesburg, and as municipal judge pro tempore.

He was a partner in the firm of Finch, Wicht & Doleac before starting his own law practice in 1984. He was in private law practice for nearly 40 years.

He said at a swearing in ceremony, “I think 40 years



**Judge Ronald Doleac**

of law practice and especially having the opportunity to work with the chancery court as special master has familiarized me with the matters that come before the court and of course, I intend to continue to do my very best.”

“We have a very high

standard and tradition of good judges in South Mississippi, and I look forward to upholding that tradition as I serve the people of South Mississippi in our District.”

Judge Doleac earned a bachelor’s degree in political science from the University of Southern Mississippi and a law degree from the University of Mississippi School of Law.

Judge Doleac is a Fellow of the Mississippi Bar Foundation and a former president of the South Central Mississippi Bar Association.

Judge Doleac and his wife, Ellen Finch Doleac, have three children, Chad and Mark Doleac and Catherine Cross, and three grandchildren. He is a member of Sacred Heart Catholic Church in Hattiesburg.

## Justice Carlson honored as distinguished jurist



Current and former justices of the Supreme Court attended the luncheon honoring Presiding Justice George C. Carlson Jr. Pictured are, left to right, Chief Justice Bill Waller Jr., Presiding Justice Jess H. Dickinson, former Chief Justice Edwin Lloyd Pittman, Presiding Justice Carlson, and Justice Ann H. Lamar. Chief Justice Waller and former Chief Justice Pittman are former winners of the Distinguished Jurist Award.

The Mississippi State University Pre-Law Society honored Supreme Court Presiding Justice George C. Carlson Jr. of Batesville with the Distinguished Jurist Award on March 29.

Colleagues, family and friends gathered at the Hunter Henry Center on the MSU campus to pay tribute to Justice Carlson's nearly 30 years of public service.

MSU President Dr. Mark Keenum said, "We are here to honor one of our own. Justice Carlson, we are very proud of you and all you have accomplished in your outstanding career. This is an outstanding honor that you well deserve."

Justice Carlson earned a

Bachelor of Science degree from Mississippi State University in 1969, and a law degree from the University of Mississippi School of Law in 1972. He plans to retire in January 2013, after 11 years of service on the Supreme Court. He previously served for 19 years as a circuit judge for the 17<sup>th</sup> Circuit District.

Chief Justice Bill Waller Jr. said that Justice Carlson is the epitome of a distinguished jurist. He said that his colleague followed the scripture his parents gave him when he first took the bench in 1983. A framed copy of Micah 6:8 sits in Justice Carlson's office. It reads, "And what does the

Lord require of you but to act justly, love kindness and walk humbly before your God."

"George consistently, over and over again puts the welfare of others before himself. His work ethic is legendary. No one can outwork him," Chief Justice Waller said. Justice Carlson has authored more than 300 majority opinions during his service on the Supreme Court. "But more important than the number of opinions is the scholarship he has – his respect for precedent, his understanding of the need of the public to have predictability in their lives."

Despite a heavy work load, "he is never too busy

to talk to someone back home, to go back home to Batesville to swear in a local official," Chief Justice Waller said. "He always places his priorities correctly: God, family and work.

"George believes that there is no higher calling than that of public service," Chief Justice Waller said. "You see it in the tone of his opinions and in the conduct of his personal life and in his association with other justices, attorneys, employees. In fact, if you had a word in the dictionary that defined what is a good justice, the attributes of a good justice, the picture of George Carlson would be there. George,

## Recognized for work on the bench and in broadcast booth

you've lived the example: act justly, love mercy and walk humbly, and it is an honor to serve with you."

Professor Whit Waide, advisor to the Pre-Law Society, paid tribute to the judge who gave him his first job out of law school and set him on his career path. Waide became a law clerk for Justice Carlson shortly after the justice joined the Supreme Court.

"Any lawyer in Mississippi would have difficulty naming one member of the Mississippi Bar who is more universally respected and loved than George Carlson. Lawyers agree on next to nothing, but on this they would agree: there simply isn't a finer man. His adherence to the rule of law is legendary and revered. His grasp of every dark corner of Mississippi law is rivaled by no one."

Waide talked about the first execution after Justice Carlson joined the court. Waide is adamantly opposed to the death penalty. He recalled Justice Carlson telling him, "It's not up to us to decide whether we like it or not. I have to follow the law and the law in Mississippi says that we have the death penalty, and in the absence of some grave error I cannot simply disregard the laws the legislative branch has established by virtue of the U.S. Supreme Court's interpretation of the 8<sup>th</sup> Amendment as allowing for it."

Waide waited with Justice Carlson in his office on the eve of the execution. "We

sat there and the seconds ticked ever closer and I watched tears fall from his face." Word came that the execution had been carried



**Whit Waide**

out. "He reached out to give me a hug and told me to go home and pray." The experience was "one of the most formative of my life," Waide said.

"It made an impression on you. It did me too," Justice Carlson said.

Tracy Alan Hansen was executed in July 2002. His was the first Mississippi execution in 13 years. Some members of the Supreme Court had served their entire terms without ever dealing with an execution, Justice Carlson said. "Since I've been on the court, we've dealt with 14 executions....It doesn't get any more serious than that."

Reflecting on the state of the legal profession, he talked about the impact of Hurricane Katrina and the judicial bribery investigation. The devastating storm spurred development of emergency preparedness

plans. The investigation prompted the bench and bar to ask, "What can we do to make sure that this does not happen again?" What has happened will be taught in case books and law schools of this nation for decades to come. We want to make sure it never happens again in this state," Justice Carlson said.

"Every profession will have a few that don't seem to want to play by the rules, whether they be lawyers or judges or bankers or CPAs," Justice Carlson said. "Most lawyers and judges of this state do not draw media attention. They are not involved high-profile cases. Instead they are friends and confidants of their clients....They go about their duties and responsibilities quietly on a daily basis in their respective communities practicing law, helping people, doing good and seeking no recognition for their efforts. They also go about their way being a devoted son or daughter, a devoted husband or wife, devoted father or mother, a devoted grandparent, a devoted friend, a dedicated community civic leader, a dedicated leader in their church or synagogue, a devout practitioner of their faith, and then somehow, somehow on top of all of that, they find time to practice law"

Lawyers and judges take their oaths seriously. "Practically all the lawyers in Mississippi recognized that in spite of the negative publicity sometimes directed

toward the legal profession, our profession was founded to be and continues to be a service profession dedicated to the service of our citizens."

Visibly moved by the tributes, Justice Carlson said, "I'm just honored to be here, and humbled." Of the award, he said, "Really it belongs to my family because every major decision I've had to make career-wise, they have been involved....It's only because of their love and support that I can stand before you today with this honor."

Justice Carlson also got quite a bit of attention for his role with his high school alma mater. He is well known in north Mississippi as the voice of the South Panola Tigers. Chief Justice Waller pointed out that while the jurist now talks the game, he played running back for the first South Panola team in 1964. He was a member of the first South Panola Hall of Fame, and was elected the first Mr. South Panola High School.

Justice Carlson said, "It's already been alluded to a few times that in addition to my day job, I have a night job at least about four months out of the year. I am honored to do play-by-play for South Panola football and I acknowledge, really and truly acknowledge, that probably that is my legacy. Maybe, hopefully, a few folks will remember years from now, 'yeah, I think that guy may have also served on the Supreme Court.'"

## Legislature honors African-American women judges



**Legislators honored, left to right, Judges Ermea Russell, Lillie Blackmon Sanders, Betty W. Sanders, Denise Owens and Patricia Wise as the first African-American women to serve on the Court of Appeals, Circuit and Chancery benches.**

The Mississippi Legislature recently honored the state's first African-American women judges. The concurrent resolution recognized Hinds County Chancellors Denise Owens and Patricia Wise, Fourth District Circuit Judge Betty W. Sanders, Sixth District Circuit Judge Lillie Blackmon Sanders, and Court of Appeals Judge Ermea J. Russell.

House Concurrent Resolution 50, introduced by Rep. Alyce Griffin Clarke and co-sponsored by 20 other representatives, said, "Honoring the achievements of the first African-American female judges in Mississippi is commendable evidence of the progression toward equality in this state."

The judges were recognized at the Capitol on Feb. 21. The resolution was adopted by the House on Feb. 21 and by the Senate Feb. 24.

Judge Wise said, "We were so happy to be honored, not so much for ourselves, but for young women, the next generation. When we go out and talk to seventh and eighth graders, for them to know that opportunity is there for them is what is so important to me." Judge Wise and Judge Owens have helped organize and present an annual program which introduces female middle school students to legal and other careers.

"It was very emotional," Judge Lillie Sanders said. She 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 Sixth Circuit District. She was elected to the circuit bench in 1994. Chancellors Owens and Wise were elected in a special election in 1989. Gov. Mabus appointed Judge Betty Sanders in 1989 as a special magistrate at the Mississippi State Penitentiary at Parchman. She was elected to a Fourth Circuit judgeship in 1994. Judge Russell became the first African-American woman to serve on the Mississippi Court of Appeals on May 20, 2011. Gov. Haley Barbour appointed her to a vacancy.

Judge Russell, of Flora, was previously appointed to

the Hinds County Circuit Court, where she served 1998-1999. She served as a senior trial attorney for the Equal Employment Opportunity Commission 1999-2007. She also served as Secretary of the Mississippi Senate, chief counsel to Lt. Gov. Eddie Briggs and Assistant Commissioner of Intercultural Relations at the state Institutions of Higher Learning. Judge Russell has served in the U.S. Army Reserve since 1973. She is a veteran of Operations Enduring Freedom and Iraqi Freedom.

Judge Lillie Sanders, of Natchez, is a former municipal judge and youth court public defender. She presides over a Drug Court. She serves on the Board of Directors of the Mississippi

## Justice Randolph, Judge Davidson Bar Fellows

Justice Michael K. Randolph of Hattiesburg and Fourteenth Chancery District Judge H. Jim Davidson Jr. of Columbus have been named Fellows of the Mississippi Bar Foundation.

Fifteen Bar Fellows were inducted April 12. Fellows represent the highest level of professionalism, leadership and integrity, said Mississippi Bar Foundation President-elect Ronald L. Roberts of Columbus.

Others inducted as Bar Fellows are Social Security Administration Administrative Law Judge Deborah S. Davis of Tupelo; attorney Lee P. Gore of Hattiesburg; Fifteenth Circuit District Attorney Hal Kittrell of Columbia; Rep. Edward Blackmon Jr. of Canton; attorneys Clifford B. Am-

mons, Vicki R. Slater and Vikki J. Taylor of Jackson; attorney Leonard B. Cobb of Meridian; attorney James P. Johnstone of Pontotoc; attorneys J. Cal Mayo Jr. and J. Rhea Tannehill Jr. of Oxford; former Attorney General Mike Moore of Flowood; and attorney Charlene Roemer of Biloxi.

District Attorney Anthony N. Lawrence III of Pascagoula received the Bar Foundation's Law-Related Public Education Award. Attorney Christy D. Jones of Ridgeland was honored with the Bar Foundation's Professionalism Award.

Justice Randolph has served on the Supreme Court since April 2004. He was chairman of the Justice Court Task Force. He also was co-chair of the Task



**Chancellor Jim Davidson and Justice Michael K. Randolph**

Force for Youth Court Rules of Procedure. Before his appointment to the court, he practiced law for 29 years, first on the Gulf Coast, then in Hattiesburg.

Judge Davidson has served on the Fourteenth Chancery Court since January 2007. He practiced law in Columbus for 32 years. He was president of the Lowndes County Bar, chairman of the Bar Complaints

Committee, and chairman of the Paralegal Committee of the Mississippi Bar. He was chairman of the Mississippi School for Mathematics and Science Foundation, Lowndes County Salvation Army Advisory Board, Lowndes Foundation, Chamber of Commerce, and Economic Development Association. He is professor emeritus at Mississippi University for Women.

## Resolution recognizes firsts

Association of Drug Court Professionals and the Access to Justice Commission.

Judge Betty Sanders, of Greenwood, presides over a Drug Court. She served on the State Drug Court Advisory Committee and as an officer of the Mississippi Association of Drug Court Professionals. She is former chair of the Conference of Circuit Judges. She is a member of the Board of Directors of the Mississippi Volunteer Lawyers Project. She served on the Commission on Judicial Performance, the Complaint Tribunal and Ethics Committee of

the Mississippi Bar. She was inducted as a Fellow of the Mississippi Bar Foundation in 2006.

Judge Owens has served as co-chair of the Access to Justice Commission since 2006. She was president of the Conference of Chancery Judges. She served on the Task Force on Gender Fairness.

Judge Wise is former chair of the Commission on Judicial Performance. She has served as a member of the Complaint Tribunal and the Ethics Committee of the Mississippi Bar.

## Dickinson Adjunct Professor of the Year



Presiding Justice Jess H. Dickinson has been honored by Mississippi College School of Law for the third

time as Adjunct Professor of the Year. He was recognized during a Law Day program on April 12.

The law school student body also honored him in 2009 and 2011. He has taught evidence and trial practice for eight years.

Justice Dickinson said, "I am humbled and honored to receive this award, primarily because it comes from the students. I continue to believe that I learn more from them than they learn from me."

## Judge Richardson receives honorary Master of Laws



**Attorney Weaver Gore and Judge Samac Richardson**

Mississippi College School of Law presented honorary Master of Laws degrees to retired Circuit Judge Samac Richardson of Brandon and Jackson attorney Weaver Gore on Nov. 16, 2011.

Gore is a 1951 graduate of the Jackson School of Law. Richardson earned his juris doctorate in 1975, in the last class before Jackson School of Law became Mississippi College School of Law.

About 60 alumni, friends and family gathered for the luncheon presentation.

Richardson said, "It's an honor for the law school to do this."

Dean Jim Rosenblatt said conferring the honorary degrees "is a way we can show our respect and admiration for the students who graduated in that era....This was the greatest generation. These folks were going to school at night, working and raising families."

Richardson worked full-time as comptroller for the Central Mississippi Planning and Development District and took classes at night and

on Saturday.

When he was a student, most professors were practicing attorneys, Richardson

said. On the afternoon after the luncheon, he was in the classroom teaching pretrial practice as an adjunct professor.

Richardson retired in December 2010 after 13 years as Circuit Judge for the 20<sup>th</sup> Circuit District of Rankin and Madison counties. He now hears cases as a senior status judge.

He served for five years as Rankin County Court Judge, six years as assistant district attorney, five years as public defender, five years as Rankin County School Board hearing offi-

cer, and three years as Pearl city attorney. He was chair of the Conference of Circuit Judges and the Conference of County Court Judges. He served on the Bar Complaint Tribunal and the Supreme Court Advisory Committee on Rules.

Gore said, "I'm overwhelmed by this honor for me as a country boy lawyer."

Gore, known for his deadpan humor, said after he accepted the certificate, "I'll have to go to a yard sale to buy a frame for this."

## Public Citizen of the Year Award honors Alfonso

The National Association of Social Workers Mississippi Chapter honored Harrison County Court Judge Margaret Alfonso with its Public Citizen of the Year Award March 22 at the Social Work Matters Conference in Natchez.

Judge Alfonso, who presides over the Harrison County Youth Court, was recognized "for her outstanding advocacy for families and children of the Mississippi Gulf Coast."

Judge Alfonso said that in dealing with abused and neglected children, she relies on professional social workers of the Department of Human Services, schools and hospitals and in private practice.

"I've learned so much from the profession of social work," Judge Alfonso

said. "Removing a child from an abusive situation is just the first step of the healing process. They need treatment. I've learned from and been guided by social workers."

Judge Alfonso served for 12 years as 8th District Chancery Judge. She sought election to the Youth Court to be able to devote all of her time to working for the best interests of children.

"Working in the Youth Court, you really have such an opportunity to make a difference in a child's life," Judge Alfonso said.

She served four years as 2nd Circuit assistant district attorney, five years as assistant prosecuting attorney for Harrison County, three years as prosecuting attorney for Harrison County Family Court, and three



years as a Cook County, Ill., assistant state's attorney.

She is a founding member of Professionals Advocating for Children Together, PACT. She previously served on the Commission for Study of Domestic Abuse Proceedings and on the Media and the Courts Study Committee. She currently serves on the Access to Justice Commission.

## Circuit Clerks visit Supreme Court



Chief Justice Bill Waller Jr. welcomes Circuit Clerks during their Jan. 12 visit to the Gartin Justice Building. Clerks heard presentations about filing appeal records, the Mississippi Electronic Courts project, and dealing with the media.

## 45 Justice Court judges complete new required training



Madison County Justice Court Judges Marsha Weems Stacey and Bill Weisenberger listen during a class for new judges.

Forty-five Justice Court judges completed an 80-hour training course and passed the mandatory judi-

cial competency exam in December 2011.

The Mississippi Judicial College conducted two

weeks of training Dec. 5-16 in Jackson. Training concluded with a six-hour, 240-question Minimum Competency Examination which included sections on civil law, criminal law and ethics. Questions covered substantive and procedural matters. All achieved passing scores.

Cynthia D. Davis, director of the Mississippi Judicial College, said, "All of the judges were exceptionally attentive during our instructional course. It speaks volumes on their commitment for upholding the integrity and independence of the judiciary in serving the communities of Mississippi."

Jackson County Justice Court Judge Jason Thornton of Vanleave, executive director of the Justice Court Judges Association, said that many of the new Justice

Court judges come from a law enforcement background. Eight are attorneys.

"They are educated. They have a good working knowledge of the law," he said.

The 45 judges who completed the training include new judges elected in November 2011, as well as a few who were appointed to vacancies since July 2008.

A 2008 statute said all Justice Court judges must take the examination. The Legislature revised the statute in 2011, exempting judges who were in office as of July 24, 2008.

The 2007 Justice Court Task Force report called for, among other things, increasing training to 80 hours and requiring a minimum competency examination prior to taking office.

## Legislative orientation includes appellate court visit



Freshman legislators visited the Mississippi Supreme Court and Court of Appeals Dec. 6, 2011, as part of their orientation before taking office. They heard presentations about the budget, judicial pay, Mississippi Electronic Courts and drug courts. Above, Justice David A. Chandler, at left, talks to Rep. Joey Hood of Stewart and Rep. Brad Oberhousen of Terry. At right, Justice Leslie King talks to new legislators.

Legislative pages also toured the appellate courts weekly during the early part of the 2012 legislative session. Below, Chief Justice Bill Waller Jr. gives pages an overview of the courts during a visit on Jan. 4.



## Courts host visits from young lawyers, bar leaders



The Mississippi Supreme Court recently hosted several groups of young lawyers for visits to the courts. Above, Chief Justice Bill Waller Jr. talks to a group of attorneys who were recently admitted to the Mississippi Bar. The group toured the appellate courts on Feb. 3.

Below, Judicial Assistant Susan Ingram, at left, leads members of the Mississippi Bar Leadership Forum Class of 2012 on a tour of the Supreme Court Clerk's office on March 22. The group visited with Chief Justice Waller and Court of Appeals Chief Judge Joe Lee.



## Judges teach civics lessons in the courtroom



## Bailiff training focuses on courthouse security



**Marshal Steve Markert**

About 120 court bailiffs from across the state attended a court security training session Oct. 27, 2011.

Mississippi Supreme Court Marshal Steve Markert told bailiffs to have a plan to deal with emergencies, and to be ever vigilant to prevent problems.

"You are the front line for the defense and the security of the courts," said Markert.

He emphasized the need for advance planning to deal with a shooter, an escape attempt

or other emergencies.

"Your sheriff needs to have an 'active shooter' plan," Markert said. "What are you going to do if that happens? How are you going to secure your judges? Where do you need to go and what do you need to do?"

"You as a bailiff should know how to get people out of your courtroom, and where you are supposed to go."

Careful screening is important. "We are there to stop the threat at the door," he said.

A few in the class said their courthouses had metal detectors. Markert, former Chief Deputy U.S. Marshal for the Southern District of Mississippi, said the Marshal Service can provide a courthouse security survey for free. He also suggested that they ask the Marshal Service for used surplus equipment including metal detectors.

Having proper equipment and staff depends on funding. However, "you can do things that don't cost money. You can be more attentive in your job. You can plan ahead how

to react to certain things," Markert said.

He called for routinely searching courtrooms for weapons or other suspicious items before litigants and spectators arrive.

Common items can be wielded as weapons and used as a means to escape: chairs, briefcases, microphones, water pitchers. "I've seen a deputy stabbed in the eye with a pencil," he said.

"Search every prisoner on every occasion," he said. Vehicles should be searched before and after prisoner transport.

"Ninety-five percent of escapes can be attributed to improper searches or improper application of restraints. Good equipment and proper application will stop most escapes."



**Chief Justice Bill Waller Jr., at left, welcomes bailiffs.**



The Supreme Court and Court of Appeals welcome opportunities to teach students the workings of the judicial branch. At top, facing page, left to right, Presiding Judge Tyree Irving and Judges Larry Roberts and Ermea Russell explain the appeal process to West Lauderdale High School ninth graders March 1. Above, Justice Jim Kitchens answers questions from Jackson Davis Magnet School second graders March 2. Top right, Judge Russell talks to Davis Magnet second graders Feb. 29. Center right, Judge Irving answers questions about the courts from Davis Magnet students on Feb. 22. Judge Virginia Carlton, bottom, at right, gives North Shore Elementary third-graders a hands-on tour of the courtroom on Feb. 29.



## Finance officer Hope Smallwood to retire after 21 years



**Hope Smallwood displays her collection in 2008. It took three tables in a hallway to hold all of them, with some left over.**

For 21 years, Judicial Branch employees had a two-word answer for questions about health care coverage, premiums, expense reimbursement and anything else related to salaries and benefits: "Call Hope."

Hope Smallwood, who has handled every state judicial payroll since August 1991, is retiring June 30. A reception will be held at 2 p.m. May 30 at the Gartin Justice Building. Her last day in the office is May 24.

"I've got mixed emotions," she said. "I've taken care of these people for 21 years....It's been a long ride, like a roller coaster."

She has almost 24 years of state government service. She worked for two and a half years in the finance office of the Department of Vocational Rehabilitation. Margaret Baggett, who also worked at Vocational Rehabilitation, came to work for

the court and recruited Smallwood.

Roy Noble Lee was Chief Justice then. Three magistrates assisted the nine-member Supreme Court. The Court of Appeals and Administrative Office of Courts didn't exist.

Chief Justice Bill Waller Jr., the seventh chief justice for which she has worked, said Smallwood has a great relationship with the trial judges.

"We thank her for her nearly 24 years of state service and her faithful, dedicated efforts on behalf of the courts. Everything she touched was better because of her efforts," he said.

Finance Director Carol Allgood said, "Hope's name has become synonymous with the Supreme Court's Finance Office. We won't be able to replace her, but we will always try our best to match her commitment to

the judges and their staff throughout the State. I have learned a lot from her and will miss her greatly, but I hope she enjoys the retirement for which she has worked so hard."

Smallwood, 61, grew up in Wilmington, N.C., in sight of the beach. She worked part-time at a theater before getting a job at a bank. She moved to Mississippi in 1974. She went to work in the credit department at Sears, then became credit manager for D.H. Holmes Department Store in Ridgeland. She wasn't looking for a job when an acquaintance encouraged her to apply for a position at the Department of Vocational Rehabilitation. She wasn't job hunting when she was recruited to work for the courts.

Smallwood handled all personnel payroll for the Supreme Court, Court of

Appeals, Circuit and Chancery Judges, the Administrative Office of Courts, the Commission on Continuing Legal Education and the Board of Bar Admissions.

"It's like customer service for employees," she said. "I want these people to be taken care of."

She may work part-time, but hasn't decided. "I feel like I could help people."

She doesn't have plans beyond "getting up when I want to. No alarm clock." She will spend more time with her mother, Jackie England, who lives with her near Morton, and with her daughter, Tracy Mangum, and her grandson Kelly, of Brandon.

"I'm packing up my toys and going home," she said.

She means that literally. Her office is a showcase for M&M candy collectibles, from the talking clock to shelves full of toys. She's

collected them for nearly as long as she has worked for the court. Her office was never hard to find. People just looked for the desk with the M&Ms.

Many were gifts. Chancery Judge Denise Owens gave her an Indy car. Retired Circuit Judge L. Breland Hilburn gave a photo of New York Yankee sluggers Mickey Mantle and Roger Maris – “The M&M Boys.” Former Finance staffer Courtney Guichet brought M&Ms from China. Insurance representative Beverly

Sparks gave her the first big yellow M&M guy, Sparky. Now she has all five.

Students in Kelly Mangum’s third grade class visited the Finance office. One asked if Smallwood’s office was a gift shop. Nothing is for sale, but Smallwood gives away a lot of candy. “Anybody in the court who needed a chocolate fix knew to come to Finance,” she said.

She doesn’t eat M&Ms. She just enjoys collecting the colorful toys.

Has she figured out where

she will put all of them at her house?

“Not yet. I’ve got to find a room,” she said.

### Finance Directory

June 2012

<b>Carol Allgood</b>	601-359-3731	Judges’ payroll, benefits callgood@courts.ms.gov
<b>Rani Oswalt</b>	601-359-2025	Judges’ payroll, benefits roswalt@courts.ms.gov
<b>Brenda Peters</b>	601-359-3576	Trial court support staff bpeters@courts.ms.gov
<b>Anita Walters</b>	601-359-2329	Trial court office and rent allowances awalters@courts.ms.gov

## Anthony honored for 29 years of public service



Above, former Representatives Will Green Poindexter, at left, and Sonny Merideth, right, were guests at a farewell for Susan Anthony. Below, the Ragger-Roos washboard band entertained.



Susan Anthony was honored for her 29 years of public service at an Oct. 13, 2011, retirement reception.

Three branches of government paid tribute to her:

judges and court staff, former legislators and a member of the Governor’s office. The Ragger-Roos washboard band serenaded. Anthony declined honorary band membership.

Anthony’s early career was as a recording studio back-up singer. Among her credits are Elvis Presley’s “Suspicious Minds” and “Kentucky Rain,” and Neil Diamond’s “Brother Love’s Traveling Salvation Show” album. When a music studio attorney’s secretary was ill, she filled in. Other than a brief stint packaging golf balls, she spent most of her career around the law.

She began work for the Mississippi Senate in 1976. After working for a gas pipeline company, she was judicial assistant to Justice Dan Lee 1987-1993. She recalled his threats if anyone brought a computer into his office. She later trained staff on Wang word processing. She worked for three years as data processing systems and procedures analyst, 13 years as Administrative Office of Courts research statistician, and two years as business analyst for Mississippi Electronic Courts.



She is enjoying fishing and riding motorcycles. She looks forward to seeing her daughter, who is in the U.S. Air Force, and twin grandchildren.

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### In Memoriam: Liz Thompson, Law Library Information Processing Librarian



Mittie Elizabeth (Liz) Welty Thompson of Jackson died March 28, 2012, from complications related to ALS, Lou Gehrig's Disease. She was 68.

Thompson retired as State Law Library Information Processing Librarian Sept. 30, 2011. In a farewell message sent to the Court Complex that day, she said, "My years with the Court have been rewarding in so many

ways, but especially enriched by such dear and caring colleagues."

Her family said in her obituary, "Liz's generous spirit, keen mind, ready laugh, and love of rock-n-roll (especially Elvis) will endure in the memory of friends and family."

Thompson served as a librarian at several Jackson law firms before she joined the staff of the State Law

Library in 2000. She was a member of the Central Mississippi Library Council.

**Below, Thompson allowed herself to be locked up to raise money for the Muscular Dystrophy Association on Sept. 30, 2009. At bottom left, librarians Geraldine Bell, Thompson and Amanda Watson dressed as librarian stereotypes for Halloween on Oct. 30, 2009.**

