

# Mississippi Courts

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## ReNewMS child abuse prevention program launched

Parents' drug abuse is responsible for much of the child abuse and neglect that results in removal of children to foster care.

A pilot program aimed at helping parents break the cycle of drug addiction began in October in Marion County, and will soon get underway in Pearl River and Hancock counties. The hope is to expand the program to other counties.

First Lady Deborah Bryant and Justice Dawn Beam are co-chairs of ReNewMS, a project of the Commission on Children's Justice. ReNewMS will seek to provide drug treatment and prevention services as well as other social services in an attempt to help parents become and remain drug-free. The emphasis is on healing families so that they can be reunited.

Bryant said, "We can't do it without everyone working together because it's too big. Together we can make such difference in the lives of these children."

Justice Beam, a former chancellor, recalled the struggle to get mothers into treatment. A judge ordering it didn't make them go, and often they didn't stay long

enough to make a difference. And she saw a cycle of drug abuse and child abuse that repeated from generation to generation. People who were abused as children grew up to abuse their own children.

"The mother we are dealing with today is the child we dealt with 15 or 20 years ago," Justice Beam said. "We have to get to the root of this and break the cycle."

Part of the program is aimed at prevention. There has been an alarming increase in infants born with the drug withdrawal condition neonatal abstinence syndrome, NAS, as a result of pregnant women's drug abuse, especially opioid abuse. Mississippi, Alabama, Tennessee and Kentucky have the highest rate in the nation, averaging more than 16 per 1,000



*Photo by Mitchell Davis*

**First Lady Deborah Bryant and Justice Dawn Beam announced the kickoff of ReNewMS at the Supreme Court on Oct. 14.**

hospital births.

The medical care costs for one drug exposed infant to age 18 are estimated at \$750,000, and \$1 million to the state over the course of a lifetime, said Kathryn Rehner, project director for Mississippi Health Access

Collaborative, which provides enrollment assistance to health care coverage in 24 southern counties. MHAC, working through the University of Southern Mississippi, will work to identify families in need of health care assistance.

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## Nov. 7 comment deadline for Rules of Criminal Procedure

Nov. 7 is the deadline to submit comments on the proposed Mississippi Rules of Criminal Procedure

The proposed rules will comprise a single, uniform set of rules which will govern criminal procedures in Justice, Municipal, County and Circuit Courts. The intent is

to create uniformity from district to district and from court to court through a set of court rules that govern practice and procedure.

The Supreme Court seeks comments from judges, attorneys and the general public. Comments should be filed in writing and submitted to the

Clerk of the Supreme Court, P.O. Box 249, Jackson, Mississippi 39205-0249.

Eleven years of intense study have been devoted to every aspect of criminal court rules, from the initiation of criminal charges through post-trial motions. The Uniform

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## Marion, Pearl River and Hancock counties are pilot programs

tance.

The pilot sites were selected because of their high incidences of child abuse and neglect associated with drug-using parents. Hancock County currently has 327 children in the custody of the Mississippi Department of Child Protection Services, according to Chief of Staff Seth Shannon. Of those, 214 had indications of parental drug abuse. In Pearl River County, 226 children are in state custody, and 148 of them had parental drug abuse. Marion County has 254 children in state custody, and 129 of them had parental drug abuse. Many cases have multiple factors leading to a child being removed; parental drug use is often not the only reason.

Commissioner of Child

Protection Services Dr. David Chandler said, "Over the past several years, there has been an increase in the number of children that needed to be removed from their homes, and drug abuse by the children's parents has been a significant reason in this increase. Drug abuse is a factor in about 40 percent of cases where children are taken into the state's custody. It is important that everyone concerned with this issue works together, and we are excited by the opportunity to do that through ReNewMS."

ReNewMS means a renewed approach to helping parents overcome drug addiction by identifying families and providing early access to substance abuse treatment and other services. It's a renewed approach to engage

the community to help. It also will take a renewed approach to recruiting, training and retaining social workers to address the needs of children and families. The program envisions placing social work students alongside Child Protection Services workers in the field.

ReNewMS contemplates a broader spectrum of help beyond drug treatment and health care. Parents may need help finding employment, safe housing and other basic needs.

ReNewMS is similar to the pilot Family Drug Courts that operate in Adams and Rankin

counties. Family Drug Courts cost upwards of \$100,000 a year to operate, Justice Beam said. "Even though this is a priority for us, we have to recognize that we have limitations," she said. The idea is to achieve similar results at a lesser cost. That includes looking to churches, nonprofits and other community involvement.

ReNewMS is a cooperative effort of the courts, the Commission on Children's Justice, Mississippi Department of Child Protection Services, Department of Mental Health and University of Southern Mississippi.

### ***Mental Health Court begins operation Oct. 30***

**The 15th Circuit Drug Court in Marion, Pearl River, Jefferson Davis, Lamar and Lawrence counties will begin a Mental Health Court Oct. 30. See story on Page 12.**

## Proposed criminal rules would provide uniformity at all levels

*Continued from Page 1*

Criminal Rules Study Committee, an independent study group appointed by the Supreme Court, spent more than six years reviewing existing court rules and drafting suggested changes. The Supreme Court Rules Committee on Criminal Practice and Procedure spent the past five years examining and revising 34 proposed rules which cover the criminal complaint, search warrant, arrest warrant, initial appearance, preliminary hearing, appoint-

ment of counsel, bond, grand jury, indictment, arraignment, plea, trial, evidence, sentencing, probation and other issues.

Justice Ann H. Lamar of Senatobia serves as chair of the Supreme Court Rules Committee on Criminal Practice and Procedure. She and Chief Justice Bill Waller Jr. of Jackson, Justice Jim Kitchens of Crystal Springs and Justice James D. Maxwell II of Oxford met up to three times a month, for hours at a time, to work on

the proposed rule revisions.

Justice Lamar said, "We are looking forward to input from the bench and bar and looking forward to the culmination of this project. It is our hope that it is going to be a very valuable tool for members of the bar and the judiciary. We welcome comments and input from them."

Chief Justice Waller urged lawyers and judges to examine the proposed rules and submit comments. He said that uniformity across jurisdictions and across all levels

of courts will promote fairness. "It's an important advancement to organize and bring uniformity to the criminal justice process," he said.

He thanked Justice Lamar for her leadership of the project. "I salute her dedication and hard work to bring this project near conclusion."

Justice Lamar thanked the Uniform Criminal Rules Study Committee for its extensive work drafting the first proposal. "The rules are a result of many hours of work by the original Study Com-

## Justice Ann Lamar honored with 2016 Chief Justice Award



for 32 years of exemplary public service, including nine years on the Supreme Court. She is the third woman to serve on the state Supreme Court. She previously served for five and one-half years as Circuit Judge of the 17th District, two years as district attorney and nine years as assistant district attorney. The 17th District is made up of

Supreme Court Justice Ann H. Lamar of Senatobia is the recipient of the 2016 Chief Justice Award.

Chief Justice Bill Waller Jr. presented the award on July 16 during the Mississippi Bar Convention in Destin. The annual award recognizes an individual whose work has significantly improved the judicial system.

Justice Lamar was honored

Panola, Yalobusha, and Tallahatchie counties. Before she earned a law degree, she worked for two years as a court reporter in chancery court, and four years as administrative assistant in the Governor's Office of Education and Training.

Chief Justice Waller said that in addition to her exemplary work on cases appealed to the Supreme Court, Justice

Lamar has provided outstanding leadership of the Supreme Court Rules Committee on Criminal Practice and Procedure. "Justice Lamar's background as a former circuit judge and prosecutor makes her ideally suited to lead this comprehensive review of the rules which govern every stage of proceedings in criminal prosecutions. She has devoted hours of work each week to this extensive study," Chief Justice Waller said.

Justice Lamar said, "I am thankful for the many years that I have been given the opportunity to serve this state. It was an honor to receive this award. I was truly humbled by the recognition from Chief Justice Waller, one of my peers on the court. The work on the Criminal Rules Committee has been a collaborative effort by all of us who serve on that committee."

Chief Justice Waller said that Justice Lamar also has provided exceptional leadership in the vital task of judi-

cial education. Justice Lamar is chair of the Board of Governors of the Mississippi Judicial College.

In 2008, Justice Lamar served as co-chair of the Commission for the Study of Domestic Abuse Proceedings. The Commission made recommendations to improve access of victims to the courts and promote understanding of and uniformity in proceedings and pleadings involving domestic abuse.

She was chair of the Conference of Circuit Judges 2006-2007, vice-chair 2005-2006, and treasurer for three years. She is a member and past president of the William C. Keady American Inns of Court. She is a former member of the Board of Directors of the Mississippi Prosecutors Association.

Justice Lamar was appointed to the Supreme Court May 21, 2007, and was elected to an eight-year term in November 2008. She did not seek reelection. She will retire from the court on Dec. 31, 2016.

### *Proposed Criminal Rules, continued from Page 2*

mittee, and their input was invaluable to the work this court has been doing," Justice Lamar said.

The Study Committee was led by former Court of Appeals Judge Larry Roberts of Meridian and former Circuit Judge R. I. Prichard III of Picayune. Study Committee members were Court of Ap-

peals Chief Judge L. Joseph Lee of Jackson; Rankin County Court Judge Kent McDaniel of Brandon; Forrest County Court Judge Michael W. McPhail of Hattiesburg; District Attorney Ronnie Harper of Natchez; former District Attorney John R. Young of Corinth; Special Assistant Attorney General

Ed Snyder of Jackson; Joe Sam Owen of Gulfport; John M. Colette of Jackson; Thomas E. Royals of Jackson; and Public Defender Jim Lappan of Fort Myers., Fla., formerly of the Mississippi Office of Capital Defense Counsel. Professor Matt Steffey of Mississippi College School of Law did legal re-

search and reporting.

The proposal is on the Mississippi Judiciary web site at this link: <https://courts.ms.gov/rules/rulesforcomment/2016/CMTEE%20APRVD%20RULES%20&%20COMMENTS%20FINAL%20VERSION%20CLEAN%20COPY%20%20PUBLIC%20COMMENT%20VERSION.pdf>

## Access to Justice Summit explores civil right to counsel



Presiding Justice Jess Dickinson, at left, talks to DOJ Office for Access to Justice Director Lisa Foster and Mississippi Access to Justice Co-Chair Rodger Wilder. A copy of the petition that led to the landmark *Gideon v. Wainwright* U.S. Supreme Court decision is in the background.

Supreme Court Presiding Justice Jess Dickinson recently challenged access to justice advocates to push for extension of right to counsel for the poor to the civil arena.

“The question we have to face is...what do you really believe in your heart about the constitutional right to counsel in civil cases,” Justice Dickinson told about 50 people who gathered at the Supreme Court on Aug. 25 to observe the 10-year anniversary of the Mississippi Access to Justice Commission.

Justice Dickinson said that his personal belief is that when a person uses the law, the government, its facilities and its power in an attempt to

take from an indigent person, including taking that person’s children, home or livelihood, that indigent person is entitled to have a lawyer appointed to represent him, just as in a criminal case.

“When poor people do not stand equal to the rich in our courts, when poor people by the millions go unrepresented in court and their property and their liberty is taken away from them, we have not established justice,” he said.

“My beliefs may not be in the majority,” Justice Dickinson said. But the question is being discussed by justices in other states.

He recalled the late U.S.

Supreme Court Justice Antonin Scalia’s remarks two years ago at the celebration of the Legal Services Corporation’s 50<sup>th</sup> anniversary in Washington. Justice Scalia said the right to counsel and to equal justice are among the most fundamental rights of Americans. Justice Dickinson said that he later got the opportunity to ask Scalia if a “fundamental” right meant a constitutional right. Scalia replied, “That’s an interesting question.” He did not answer the question.

Justice Dickinson calls Clarence Earl Gideon one of his heroes. Gideon, whose request for counsel was denied, represented himself at

trial and was convicted of breaking and entering a Florida pool hall in 1961. Justice Dickinson showed a framed copy of the five-page handwritten petition that Gideon sent to the U.S. Supreme Court, prompting the landmark 1963 *Gideon v. Wainwright* indigent right to counsel in criminal proceedings.

“I don’t think we should wait for another Clarence Earl Gideon to come along to make the argument that we should be making,” Justice Dickinson said. “If we don’t go out and push for it and believe in it, nobody will....I know that the odds are against us. In my view, the great tragedy is not so much to fail, but to fail without even trying.”

Lisa Foster, director of the U.S. Department of Justice Office for Access to Justice, told the group that the public attention focused on justice and poverty and the dynamic of public protest have come together to create a moment in history when change can be accomplished. There hasn’t been this much attention to poverty and justice since the Office of Economic Opportunity and the Legal Services Corporation were created.

“As advocates for access to justice, we have to take this opportunity,” Foster said. If we don’t act boldly now, we may lose it for another 50 years.”

## Chancellor Owens receives Susie Blue Buchanan Award



Award. When I started practicing law, I was mindful of the great responsibility inherent in practicing law, but also the great responsibility of being a role model as an African American female attorney. As a role model I hope to encourage young women to pursue their dream of being an attorney.”

Chancellor Denise Owens was honored for her work as a trailblazer for other women lawyers when she was named the 2016 recipient of the Susie Blue Buchanan Award.

The annual award presented by the Mississippi Bar's Women in the Profession Committee honors an outstanding woman lawyer who has achieved professional excellence and has actively paved the way to success for other women lawyers. The award is named for Susie Blue Buchanan, who a century ago became the first woman lawyer admitted to practice before the Mississippi Supreme Court. The award was presented during the Price-Prather Luncheon at the Mississippi Bar Convention in Destin on July 14.

Judge Owens said, “It is truly an honor to be awarded the Susie Blue Buchanan

When Judge Owens was elected Hinds County Chancellor in 1989, she and Judge Patricia Wise became the first African American female chancellors in the state.

She has worked to increase diversity on the bench and bar by promoting interest in careers in law. Judge Owens and her colleagues organized a law camp for girls ages 12-15. Since 2005, she has worked with the National Association of Women Judges to present The Color of Justice, an annual program which introduces young female middle school students to legal careers.

She serves as pre-law program adviser and adjunct professor at Tougaloo College. She is a sponsor of the Tougaloo Pre Law Society. She helped organize the Black Law Student Association and annual mock trial

competitions for the Magnolia Bar Association. She has taught paralegal technology for many years at Hinds Community College.

“As a member of the National Association of Women Judges, I have maintained an alliance with other women judges to promote women in the judiciary and to address issues impacting women and the judicial system, from encouraging women to enter the legal profession to seeking ways to advocate for prison reform focused on incarcerated women and the impact of incarceration on their children,” Judge Owens said.

“Each day in court, I preside over cases ranging from child custody to property disputes, business matters, divorces and matters of equity. The cases I handle reflect the fabric of life in this country, with rich and diverse cultures. Judges, unlike members of the other branches of government, stand apart from political and partisan ideas. We must ensure that each litigant receives a fair and impartial hearing with results based upon the law. That is the foundation of the public's trust and confidence in the courts, in which I take great pride,” Judge Owens said.

“My overall goal as an attorney and judge is to improve the judicial system for both the litigants and attorneys. Most of my time is dedicated to providing better

access to the judicial system and to providing educational experience to young girls and women who want to pursue law as a career,” Judge Owens said.

Judge Owens in 10 years as co-chair of the Access to Justice Commission helped guide its organization, formulation of recommendations which have been implemented by the Supreme Court, and its continuing work to make the courts accessible to all people. She stepped down as co-chair in July, but remains a member.

“Nobody deserves it more than she does,” Access to Justice Co-Chair Rodger Wilder of Gulfport said of Judge Owens' selection for the award.

Judge Owens served on the Task Force on Gender Fairness, and the Gender Fairness Advisory Study Committee. “Our goal was to study and address the perceived effects of gender bias in the judicial system and to educate the bench, bar and public about gender fairness,” she said.

She served in leadership roles on the bench, holding every office except treasurer of the Conference of Chancery Judges. She became secretary of the Conference of Chancery Judges in 1996, vice-chair and program chairperson in 1998, and chair in 2000. She was conference chair for two years.

## Chancellor Marie Wilson receives Beacon of Justice Award



**Chancellor Marie Wilson, at left, accepts the Beacon of Justice Award from MVLP Board of Directors Chair Mary Clay Morgan and MVLP Board Immediate Past Chair Steven Gray.**

Chancellor Marie Wilson of Greenville was honored Sept. 15, with the Beacon of Justice Award presented by the Mississippi Volunteer Lawyers Project.

The Beacon of Justice Award recognizes an individual who has exhibited outstanding leadership in promoting and supporting equal access to justice, particularly as it relates to pro bono services. The award was among several presented during the third annual Pro Bono Awards Dinner at the Old Capitol Inn in Jackson.

Judge Wilson was recognized for her work to assist self-represented litigants. The Washington County Chan-

cery Court's quarterly pro se clinic for low-income people is a model for the state, said MVLP Executive Director Gayla Carpenter-Sanders.

Since 2007, Judge Wilson has set special times to hear legal disputes involving litigants who can't afford to hire lawyers to represent them. The special hearing times grew into the quarterly Pro Se Day that is a cooperative effort of the Washington County Bar Association, the University of Mississippi School of Law Pro Bono Initiative, the Mississippi Center for Justice and the Volunteer Lawyers Project.

On Pro Se Day, volunteer lawyers and students are at

the courthouse to meet with self-represented litigants and assist them in correcting paperwork associated with the legal proceedings. Volunteer attorneys may explain proceedings, provide information and answer questions. The attorneys are not obligated to accompany clinic participants to court and file documents. The expectation is that individuals will be able to represent themselves in court.

Judge Wilson is on the bench to hear the cases. Most cases involve family law issues such as no fault divorces, child support, visitation and name change.

Judge Wilson said she

started the program out of necessity to meet the needs of people who could not afford to hire attorneys. Self-represented litigants struggle to correctly draft legal documents. During a court hearing, their lack of knowledge of the law and court rules makes it difficult for them to adequately represent themselves.

"It was frustrating," Judge Wilson said. "As a judge, I couldn't help them. I couldn't be their lawyer." Having volunteer lawyers to assist low-income people has made a big difference.

About 95 percent of the litigants get their matters resolved on Pro Se Day, Carpenter-Sanders said.

Judge Wilson practiced law for 24 years before she took the bench in 2003. She worked with North Mississippi Rural legal Services, where she became managing attorney and served on the Board of Directors. She was a staff attorney at the Center for Constitutional Rights. She worked as an assistant public defender for Washington County, as public defender in Sunflower County, and as public defender for the Fourth Circuit Drug Court. She is former vice president of the Mississippi Public Defender Association. She received a Bachelor of Arts degree in sociology, a specialized certificate in criminal justice and a Juris Doctorate from Rutgers University.

## Three judges inducted as Fellows of Mississippi Bar Foundation

Court of Appeals Judge David M. Ishee of Gulfport, Circuit Judge Dal Williamson of Laurel and Chancellor Cynthia Brewer of Madison County were inducted as Fellows of the Mississippi Bar Foundation on April 14. They were among 20 inductees recognized at a dinner ceremony at the Old Capitol Inn in Jackson.

Being named a Fellow is the highest honor given by the Bar Foundation. Recipients exhibit “the highest degree of devotion to the profession” and reflect the highest level of competence and professionalism, said Bar Foundation President John H. Daniels III of Greenville.

Judge Ishee was appointed to the Mississippi Court of Appeals in September 2004. He previously served as Municipal Judge for several cities on the Gulf Coast. He served for four years on the Mississippi Model Jury Instructions Commission, and served as chair of the subcommittee which drafted new model criminal jury instructions. He also served as chair of the Bar’s Legal History Committee. He taught as an adjunct professor at Mississippi Gulf Coast Community College and at the University of Southern Mississippi Gulf Coast campus.

Judge Williamson was elected to the 18<sup>th</sup> District Circuit Court of Jones County in 2014 and took office in January 2015. He previously



**Among 2016 Bar Fellows are, front row, left to right, Tammra O. Cascio, Chancellor Cynthia Brewer, and U.S. Attorney Gregory K. Davis; back row, Court of Appeals Judge David M. Ishee, Anthony L. Farese, Patrick H. Zachary, and Circuit Judge W. Dal Williamson.**

practiced law in Laurel for 34 years. He is former president of the Jones County Bar Association and served as a Bar Commissioner for the 18<sup>th</sup> Circuit District.

Judge Brewer has served as a chancellor of the 11<sup>th</sup> Chancery District since 2007. She previously served four years as Madison County Court and Youth Court Judge. She is former chair of the Conference of Chancery Judges. She served on the Commission for Study of Domestic Abuse Proceedings and on the Termination of Parental Rights Study Group. She has served on the Missis-

issippi Bar Complaint Tribunal, as an alternate member of the Commission on Judicial Performance, and as a member of the Board of Governors for the Mississippi Judicial College. She periodically serves as a facilitator at the National Judicial College in Reno, and taught a course about self-represented litigants. Before she was elected to the bench, she served as a special master in Chancery Court, and as a municipal, county and Youth Court prosecutor in Hinds County.

Other 2016 Bar Fellows are U.S. Attorney Gregory K. Davis of Jackson, House

Speaker Philip Gunn of Clinton, Trudy D. Fisher of Ridgeland, John M. Alexander of Cleveland, Mary Lee Walker Brown of Hernando, Tammra O. Cascio of Jackson, Andrew T. Dulaney of Tunica, Anthony L. Farese of Ashland, W. Howard Gunn of Aberdeen, Robert E. Hauberg Jr. of Jackson, Jennifer Ingram Johnson of Hattiesburg, Goodloe T. Lewis of Oxford, J. Reilly Morse of Biloxi, Joseph E. Roberts Jr. of Jackson, Thomas B. Shepherd III of Jackson, Michael B. Wallace of Jackson and Patrick H. Zachary of Hattiesburg.

# Chancery, Circuit judges elect conference officers



**Conference of Chancery Judges officers are, left to right, Chancellor Joseph Kilgore, vice-chair; Chancellor Jacqueline Mask, chair; and Chancellor John Hatcher, secretary-treasurer.**

Mississippi trial court judges elected officers at the Spring Trial and Appellate Judges Conference in Biloxi on April 27.

Chancellor Jacqueline Mask of Tupelo was elected chair of the Conference of Chancery Judges. Chancellor Joseph Kilgore of Philadelphia was elected vice-chair, and Chancellor John A. Hatcher of Booneville was elected secretary-treasurer.

Circuit Judge Prentiss G. Harrell of Hattiesburg was elected chair of the Conference of Circuit Court Judges. Circuit Judge Winston Kidd of Jackson was elected vice-chair, and Circuit Judge John Emfinger of Brandon was elected secretary-treasurer.

Judge Mask previously served as vice-chair of the Conference of Chancery Judges. She is senior chancel-

lor of the First Chancery District, which includes Alcorn, Itawamba, Lee, Monroe, Prentiss, Pontotoc, Tishomingo and Union counties. She has served as a chancellor for more than 17 years. She is co-chair of the Access to Justice Commission, and has taken a leading role in efforts to make the judicial system more accessible to pro se

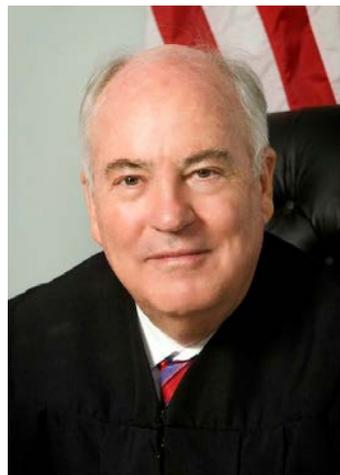
litigants.

Judge Kilgore has served for six years as a chancellor of the Sixth Chancery District, which includes Attala, Carroll, Choctaw, Kemper, Neshoba and Winston counties. He previously served as a special master in Chancery Court and as a Kemper County Youth Court referee. He is a member of WINGS, the

Working Interdisciplinary Network of Guardianship Stakeholders. He served as president of the Neshoba County Bar Association and vice-president of the Choctaw Bar Association.

Judge Hatcher has served as a chancellor for nine years in the First Chancery District. He served for 16 years as city prosecutor for Baldwin, city attorney for Marietta, and Prentiss County prosecutor. He was town attorney of Farmington for eight years. He is former president of the First Judicial District Bar Association.

Judge Harrell previously served as vice-chair of the Conference of Circuit Judges. He is senior circuit judge of the 15<sup>th</sup> Circuit District, which includes Jefferson Davis, Lamar, Lawrence, Marion and Pearl River counties. He has served for more than nine years as a circuit judge. He previously served for nine years as county attorney for Lamar County.



**Judge Prentiss Harrell**



**Judge Winston Kidd**



**Judge John Emfinger**

## Mississippi Association of Drug Court Professionals elects officers



**MADCP officers are, left to right, President Tamela Hardy, Vice President Lucy Davenport and Secretary Paul Bowen. They took office Aug. 25 at the MADCP Conference.**

Fourth Circuit Drug Court Coordinator Tamela Hardy of Greenville is the new president of the Mississippi Association of Drug Court Professionals.

Hardy previously served as

vice-president, secretary and at-large member of the MADCP Board of Directors. She was a case manager for the 4<sup>th</sup> Circuit Drug Court before she became Drug Court coordinator in the dis-

trict that includes Leflore, Sunflower and Washington counties.

Lucy Davenport of Hattiesburg, Drug Court coordinator for the 12<sup>th</sup> Circuit Drug Court, is the new vice presi-

dent of MADCP. Rankin County Juvenile Drug Court Coordinator Paul Bowen is MADCP secretary. Cleveland attorney Arthur Calderon is treasurer.

New MADCP Board members are Maryam Husband of Vicksburg, coordinator of the 9<sup>th</sup> Circuit Drug Court, and Madison County Juvenile Drug Court Coordinator Amy Nisbett. Hinds County Justice Court Judge Frank Sutton, who served two years as MADCP president, also became a member of the board.

MADCP elected officers Aug. 25 during its Twelfth Annual Conference in Tupelo. Officers serve two years.

### *Conference officers, continued*

Judge Kidd has served as a circuit judge of the Seventh Circuit District of Hinds County for more than 15 years. He teaches pre-trial practice at Mississippi College School of Law. He is former president of the Magnolia Bar Association.

Judge Emfinger has been a circuit judge of the 20<sup>th</sup> Circuit Court District of Rankin and Madison counties for more than five years. He previously served for 14 years as assistant district attorney for the 20<sup>th</sup> District. He worked for nearly 10 years as a special assistant attorney general. He was a staff attorney in the office of the Secretary

## Supreme Court makes appointments to Bar Complaint Tribunal

The Supreme Court appointed five new members to the Bar Complaint Tribunal in August, and reappointed four members.

New appointees are Circuit Judge Prentiss Harrell of Hattiesburg, Circuit Judge Andrew K. Howorth of Oxford, John R. Reeves of Jackson, Daniel H. Sparks of Oxford, and Austin Vollor of Starkville.

Chief Justice Bill Waller Jr. on Aug. 29 reappointed Hinds County Court Judge Melvin V. Priester Sr., Willie Griffin of Greenville, L. Clark Hicks Jr. of Hattiesburg, and Joseph Kelly of Liberty. Three-year



**Judge Andrew Howorth**

terms will conclude Aug. 31, 2019.

The 27-member Complaint Tribunal is made up of nine judges and 18 lawyers selected by the nine members of



**Judge Melvin Priester Sr.**

the Supreme Court from three Supreme Court districts. The Complaint Tribunal sits in panels of three, with each panel comprised of two attorneys and one judge.

## Website [ms.freelegalanswers.org/](http://ms.freelegalanswers.org/) begins operation to help the poor



### How it Works.



An online free civil legal website recently began operation to assist poor people. Volunteer Mississippi attorneys will answer civil legal questions via e-mail through [ms.freelegalanswers.org/](http://ms.freelegalanswers.org/).

The Access to Justice Commission and the Mississippi Volunteer Lawyers Project launched the website on Aug. 22. The program is modeled on one started in Tennessee in 2011. The format was so successful that the American Bar Association's Standing Committee on Pro Bono and Public Service in May approved a proposal to begin implementation of a national interactive pro bono website. Twelve other states have a Free Legal Answers website, and 21 more are expected to have the service available soon.

The service answers civil

law questions including family law matters such as divorce, custody, child support, visitation, guardianship, emancipation, adoption, name change and birth certifi-

cate correction as well as domestic violence, bankruptcy, consumer issues, education, employment, housing, workers compensation, wills and estate planning, accord-

ing to Access to Justice Commission Executive Director Tiffany Graves. Free Legal Answers does not deal with criminal law.

The Access to Justice Commission also wants to develop a web application to guide self-represented litigants through civil court proceedings in Chancery Court.

Thomas Ortega of Phoenix, Ariz., owner of OmegaOrtega.com, has volunteered to develop the web application for free. Ortega met with Access to Justice members May 24.

Graves said she hopes that the web application will provide information about how to file documents, required filing fees, procedures to set a case for hearing and other general information.



Thomas Ortega and Access to Justice Director Tiffany Graves talk about web app development.

## Chancellor Mask becomes a leader of Access to Justice



The Supreme Court appointed Chancellor Jacqueline Mask of Tupelo as co-chair of the Access to Justice Commission and reappointed Rodger Wilder of Gulfport as co-chair in August.

Judge Mask took the leadership position that Hinds County Chancellor Denise Owens had held from the

time the Commission was created in 2006. Judge Owens remains a member.

Justice Dawn Beam of Sumrall was appointed to replace Presiding Justice Jess H. Dickinson, who served on the commission for 10 years.

New member Assistant District Attorney Alison Bryant Baker of Gulfport

recently helped to coordinate two legal clinics, and was instrumental in establishing a new program to assist homeless individuals with legal issues. New member Faith Garbin of Pascagoula is the manager of the Jackson County Public Law Library. She manages operations of the law library and assists the general public and legal community in finding and using legal resources. For the past two years, Garbin helped the Access to Justice Commission and the Young Lawyers Division of the Mississippi Bar to provide two Lawyers in the Library events to provide free legal advice.

The Supreme Court appointed Baker and Garbin to replace Commission members Joy Lambert Phillips of Gulfport and Lela Keys of Clarksdale. Phillips, former president of the Mississippi

Bar, served as co-chair of the Commission 2006-2010. Keys, executive director of Delta Community Partners in Care in Clarksdale, joined the Commission in August 2009.

The Supreme Court reappointed Commission members including Court of Appeals Judge Donna Barnes of Tupelo, Chancellor Deborah Gambrell of Hattiesburg, Harrison County Court Judge Margaret Alfonso, Rep. Thomas U. Reynolds of Charleston, Rep. David Baria of Bay St. Louis, Women's Foundation of Mississippi Deputy Director Jamie Bardwell of Jackson, attorney Edderick "Beau" Cole of Jackson, attorney and former WLBT News Director Dennis Smith of Jackson, and Michael L. Jones, Associate Director of Medical Clinical Operations for UnitedHealth Group.

## Three new members appointed to Commission on Children's Justice

The Supreme Court on Oct. 3 appointed three new members to the Commission on Children's Justice.

New members are attorney Lyndsy Irwin of Jackson, who works for the Child Support Division of the Mississippi Department of Human Services; attorney Craig Robertson of Ridgeland, co-founder of the private adoption agency 200 Million Flowers; and Dr. Scott Benton of Jackson, chief of the Division of Pediatric Foren-

sic Medicine at University of Mississippi Medical Center and director of the Children's Justice Center.

Justice Dawn Beam was appointed co-chair of the Commission on March 31. She shares commission leadership with Rankin County Court and Youth Court Judge Thomas Broome. Commissioner of Child Protection Services Dr. David Chandler also was appointed to the Commission March 31.

Dr. Benton takes the Com-

mission position formerly held by Dr. John Pruett, who has moved. Irwin and Robertson take newly created positions. Their terms are for two years.

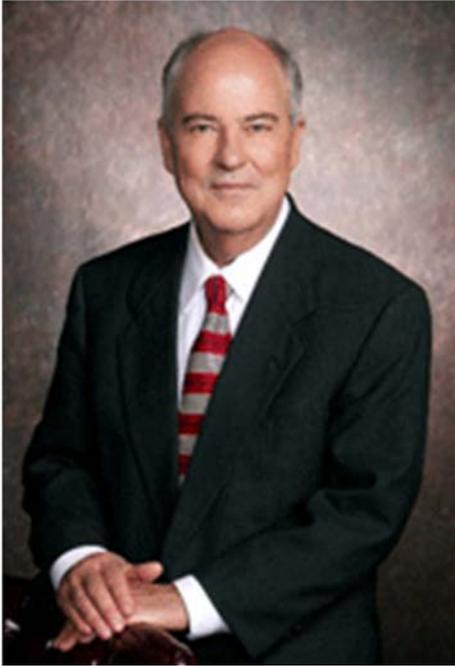
Justice Beam said that the new appointments will expand the knowledge and expertise of the Commission as it works to improve the lives of Mississippi's children.

"These three people are on the front lines of making a difference in the lives of our children every day," Justice

Beam said. "We are excited about adding them to this commission."

The Commission works to develop a statewide, comprehensive approach to improving the child welfare system. The Commission expects to recommend changes to improve children's safety, strengthen and support families and promote public trust and confidence in the child welfare system.

## Mental Health Court starts in 15th District Drug Court



The 15th District Drug Court participants. The peer

Court received a grant which will fund mental health treatment and support.

The grant for \$300,000, spread over three years, will provide a therapist on site as well as a peer support specialist. The therapist, from Pine Belt Mental Healthcare Resources, will provide open access to on-site mental and behavioral health counseling for Drug

support specialist will work with the participants to improve participation in recovery support services.

The Recovery Support Project will enhance the court's ability to provide evidence-based recovery supports in order to reduce relapse and recidivism. Treatment through therapy and social services will give participants with co-occurring conditions the support and tools needed for successful drug court compliance and long term recovery.

The program will begin Oct. 30, said Circuit Judge Prentiss Harrell.

The 15<sup>th</sup> Circuit covers Jefferson Davis, Lamar, Lawrence, Marion and Pearl River counties.

The funding is from the Federal Adult Drug Court Discretionary Grant Program.

Judge Harrell said, "I am genuinely appreciative for this grant funding. It comes at a time in our state when mental health support services are increasingly inaccessible and cost prohibitive. Our Recovery Support Project has immense potential to positively impact participants because substance abuse and mental health disorders often go hand in hand."

## Supreme Court adopts Youth Court rule amendments on GAL, prosecutors

The Supreme Court on Oct. 20 adopted amendments to the Uniform Rules of Youth Court Practice.

Judge Thomas Broome said, "These changes reflect current practice updates as mandated from the state and federal level. These include statutory and regulatory modifications that have occurred since the inception when the rules were initially developed. Also, changes have been made as a result of Mississippi Supreme Court and Court of Appeals decisions. The modifications continue to improve the judicial process for children and families.

"The rules now clarify that the Mississippi Department

of Child Protection Services is a necessary party when they are the legal or physical custodians of a child. Additionally, the role of the guardian ad litem is more fully defined and explained to the children and families," Judge Broome said.

Rule 13 (c) says the GAL "shall inform the child and the parent(s), or custodian(s) that the role of the guardian ad litem is to act as an arm of the court in protecting the interest of the child, and not as the parties' attorney, and that any statements made to the guardian ad litem affecting the health, safety, or welfare of the child will be reported to the court." Comments to Rule 13 (c) state that

guardian ad litem communications with a judge are not *ex parte*.

Amendments to Rule 8 say that the youth court prosecutor must decide whether to initiate formal proceedings in delinquency, child in need of supervision, abuse and neglect cases. Resident Jurist John Hudson said one of the reasons for the language was to require a decision from prosecutors so that no case might remain in limbo. "This requires them on a time line to make a decision."

Mississippi Judicial College Staff Attorney William Charlton said the change with regard to the role of the prosecutor "clarifies existing practices regarding the sepa-

ration of powers. This makes it crystal clear what has to be done."

Charlton drafted proposed amendments which were submitted to the Supreme Court after extensive discussions with a study committee.

Judge Broome said, "As Chair of the Council of Youth Court Judges, I express my sincere appreciation to the Mississippi Supreme Court for their willingness and desire to improve our judicial procedures and rules to strengthen families, as well as provide access to the courts. The state of Mississippi is fortunate to have judicial leaders at the highest levels who have passion for children's issues."

## Governor calls for faith-based efforts to improve foster care

Improving foster care for children is something that government can't do alone, Gov. Phil Bryant told a planning meeting to recruit more foster parents in Jackson Sept. 9.

The Governor, the Commissioner of Child Protection Services and leaders of the faith-based initiative known as Rescue 100 called upon churches and families to become involved in efforts to recruit, train and support foster parents.

Gov. Bryant said the thing he wants most to accomplish during his eight years in office is to improve the foster care system. But, he said, "The answer is not in the Governor's office, the Capitol, the Legislature. It is here with the church. When you step forward, things will change. We have been called to save the lives of the



**Justice Dawn Beam talks to Gov. Phil Bryant before a Sept. 9 Rescue 100 planning meeting.**

youngest and dearest among us."

Gov. Bryant, Chief Justice Bill Waller Jr., Justice Dawn Beam, Child Protection Services Commissioner Dr. David Chandler and Jamie Walley, student and missions pastor at Meadow Grove Baptist Church in Brandon, talked about efforts to increase the number of licensed foster homes during a Rescue 100 Vision meeting Sept. 9 at the Mississippi Supreme Court. Justice Beam, co-chair of the Commission on Children's Justice, is spearheading organization of Rescue 100 programs.

Rescue 100 is a collaborative effort among government, the faith-based commu-

nity and the private sector.

Rescue 100 held a weekend intense training for prospective foster parents Oct. 21-23 at Mississippi College. Programs were held earlier in Gulfport and Hattiesburg.

The lives of abused and neglected children are at stake, Dr. Chandler said. "A 3-month-old child with a drug-addicted mother has no chance but for you."

There were 1,096 children in foster care in Attala, Hinds, Holmes, Issaquena, Leake, Madison, Rankin, Scott, Sharkey, Warren and Yazoo counties in September, said Chris Alexander, spokesperson for the Mississippi Department of Child Protection Services. There are more

children than licensed foster homes in the area. There are 272 licensed resource homes in those same counties.

"Kids die," Walley said. "It is not an exaggeration....Lives are at stake and that is real....It's not a statistic. These are real kids that have names and deserve a home."

Licensing for foster homes used to take many months. In an effort to address the need for more foster parents, Rescue 100 packs into three days all the classes required for people to be licensed as foster parents.

"If one family from every church in the state of Mississippi would be a resource

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**Commissioner Dr. David Chandler discusses foster care.**

## Court on the Road has a full fall schedule of campus visits



**Court of Appeals Judges Jack Wilson, Donna Barnes and Jim M. Greenlee listen to oral arguments on the MUW campus.**

The Mississippi Court of Appeals heard oral arguments at Mississippi University for Women on Oct. 3, and will travel to Mississippi Valley State University on Nov. 10 and Mississippi State University on Nov. 16.

The Court of Appeals travels to college campuses to educate students about the judicial system and the role of appellate courts. The Court on the Road program gives students and the general public an opportunity to see and understand the workings of the appellate court.

It was the Court's first visit to MUW. Judge Donna Barnes said, "Thank you for inviting us to be here. The university has played a vital role in the history of this court and the Supreme Court." She noted that the

first woman justice of the Supreme Court, Chief Justice Lenore Prather, is a "W" graduate, and that Judge Mary Libby Payne, the first woman on the Court of Appeals, attended MUW. Justice Kay Cobb, the second woman justice of the Supreme Court, also is a "W" graduate.

Judge Jack Wilson, who arranged the Court on the Road visit to MUW, told students, "It's obviously different than what you see on TV."

University Counsel Karen Clay said, "The university is very appreciative of the court and Judge Jack Wilson for making this possible. It is good for our students to see what the appellate process looks like."

Students in MUW's legal

studies and political science programs and high school students from the Mississippi School for Mathematics and Science watched the proceedings.

Judges answered questions from students after oral arguments. Students asked what is a JNOV and what does *de novo* mean, among others.

Judges ate lunch with students in the cafeteria and toured MUW's new moot courtroom in Reneau Hall.

Staff furnished the moot



**Sophomore legal studies student Chris Sanders, at left, talks to judges on the way to lunch.**

courtroom on a shoestring budget with lots of elbow grease applied to hand-me-down furnishings. Staff hand-sanded the woodwork and stained chairs. For the previous three years, students practiced in a computer lab. Some did not see a courtroom setting until competition.

## Retired Circuit Judge Marcus Gordon died May 26, 2016

Retired Circuit Judge Marcus D. Gordon was remembered as an iconic character who was larger than life.

He died May 26, 2016, less than three months after he retired from the Eighth Circuit Court bench where he had served for 37 years. He was 84.

“His legacy is his dedication to a life of public service. We are grateful for his life and service to the people of the state of Mississippi,” Chief Justice Bill Waller Jr. said during the May 29 funeral in Union. At the time of his

retirement, Judge Gordon was the longest serving trial judge in Mississippi.

Chief Justice Waller said, “Judge Gordon also had the distinction of presiding over one of the highest profile trials in Mississippi in recent decades: the trial of Edgar Ray Killen. The nation’s spotlight turned to his courtroom in Neshoba County. Under his firm hand, the proceedings were conducted with dignity and decorum. He ran his courtroom with a firm hand. He commanded respect not for himself, but for the

office of the court.”

That same firm hand prevailed at home, said his son, Craig Gordon. “He was harder on us than he was ever on anyone he sentenced in court,” the younger Gordon recalled.

“It is because of so many people assembled here today that Marcus Gordon was driven to succeed in his career and he leaves a legacy,” Craig Gordon told a standing room only crowd at First Baptist Church of Union. His father also credited his wife of 60 years, Polly Gordon, saying that he “would have been nothing” without her.

U.S. Rep. Trent Kelly, a family friend, said, “Judge Gordon was iconic. He was legendary. He was larger than life. But he was a simple man. He was caring. He was compassionate....He had wisdom beyond belief.”

Judge Gordon was born Oct. 22, 1931, near Union. He attended East Central Junior College on a basketball scholarship. He served four years in the U.S. Air Force as an airplane mechanic assigned to the Strategic Air Command during the Korean Conflict, then returned to East Central to complete an Associate Degree. Later in his career, he taught government there and served on the ECCC Board of Trustees.

He earned a baccalaureate degree in business administration and law from the University of Mississippi in



1959 and was admitted to the bar that year. He earned a juris doctorate from Ole Miss in 1967.

He practiced law with his brother, Rex Gordon Sr., representing the Newton County Board of Supervisors, municipalities, school boards and hospitals. He was county prosecutor for Newton County for four years. He served as district attorney for six and one-half years in the Eighth Circuit District of Newton, Neshoba, Scott and Leake counties. Gov. Cliff Finch appointed him circuit Judge on March 4, 1977. Judge Gordon returned to private law practice with his nephew in 1987, then was reelected circuit judge in 1991.

In addition to his wife Polly Gordon and son Craig Gordon of Oxford, Judge Gordon is survived by sons Darin Gordon of Corinth, Texas, and Brian Gordon of Union, daughter Teresa Gordon Parker of Louisville, nephew Rex Gordon Jr. of Union, four grandchildren and four great-grandchildren.

### *Rescue 100*, continued from Page 13

family, there would be a waiting list” to become foster parents, Walley said.

Walley knows that he is asking people to do something extremely difficult. He and his wife Stephanie are licensed foster parents. “It’s the hardest thing I’ve ever done,” he said.

The little boy in their foster care came to them as a baby with severe medical problems. He was expected to need a kidney transplant. He had to be fed through a tube. They hope to adopt him.

Rankin County Court Judge Thomas Broome said later, “They took in a medically needy child who would be dead but for their care. Now that young man is thriving and has an opportunity for a wonderful life. It truly

was a miracle.”

Judge Broome, co-chair of the Mississippi Commission on Children's Justice, said, “There is a huge need for quality foster homes for our children because they are being removed from homes where they have been abused and neglected. They need foster families who will provide loving care, nurturing and support.

“This effort today is an outstanding opportunity for churches and families to become part of the solution and provide these children with hope,” Judge Broome said.

“You can make a difference,” Justice Beam said. “Our communities need to wrap around these families. It takes all of us as Mississippians.”

## Corinth courtroom gets portrait of Judge Noah “Soggy” Sweat

The hanging of a portrait of Circuit Judge Noah S. “Soggy” Sweat Jr. in the Alcorn County courtroom where he once presided was a celebration of his life and work to create a higher standard of professionalism.

“Judge Sweat was an innovator and a man of high integrity who brought decorum and initiative to the First Judicial District,” Chief Justice Bill Waller Jr. said.

Judge Sweat served as a legislator, district attorney, judge and law professor. He founded the Mississippi Judicial College in 1970.

Mississippi Judicial College Director Randy Pierce said, “Judge Sweat’s impact on the judiciary is immeasurable. His vision and leadership led to the establishment of the Judicial College. Thousands of judges and court personnel have been the beneficiaries of his contribution to our great state. No doubt, thousands more will be impacted.”

Senior Circuit Judge Thomas Gardner III arranged the Oct. 25 portrait hanging. “He was quite an individual and left his mark on the judiciary of the state,” he told the *Daily Corinthian*.

Artist Robbie Boyd of Pontotoc painted the portrait from a photo.

Circuit Judge Jim Roberts of Pontotoc said, “He was all about professionalism and doing the best job you possibly could to always be pro-

fessional, and a stickler for obeying the law....In terms of dress, conduct, practice and everything else, he was ahead of his time.”

Judge Sweat worked to renovate courtrooms and courthouses in the seven counties of the First Circuit District. U.S. District Judge Neal Biggers recalled renovations that Judge Sweat had done to the Corinth courtroom. The work buffered noise of passing trains and allowed people to enter and leave without disturbing the court.

Judge Roberts said, “Every time I walk in it, I see him in my mind. Now everyone else will.”

Sweat is well remembered for his 1952 “Whiskey Speech” about prohibition, made when he was a young legislator. Former Rep. Ed Perry of Oxford recited the classic speech.

While historical accounts indicate that Sweat spent weeks perfecting the Whiskey Speech, he was given to off the cuff commentary.

Judge Roberts said, “He told me himself that if he heard an interesting story or saw an anecdote...he made a note. When he went home, he dropped it in a box or sack.” The sought after speaker’s preparation was pulling a handful of notes from the collection.

“He had a great sense of humor. He loved to travel and converse, and when he talked, everybody listened.”



Photo by Megan French

Noah Spurgeon Sweat Jr. grew up in Corinth. The World War II veteran earned a Bachelor of Science degree in 1946 and a law degree in 1949 from the University of Mississippi. He earned an LLM degree from George Washington University in 1952. He also pursued international studies at the Academy of International Law in the Hague in 1952 and at the University of Paris in 1952 and 1953. After he was elected to the bench, he studied at the University of Colorado in 1964.

He served in the House of Representatives from 1948 to 1952. He was prosecuting attorney for Alcorn County 1953 to 1955, was district

attorney for the First Judicial District from 1955 until 1962, and was circuit judge 1963 to 1970.

Judge Sweat began teaching third year law students part-time, and was asked to join the law school full time. In 1970, he resigned the judgeship to become a law professor at the University of Mississippi, where he founded the Judicial College. He later founded training programs for prosecutors and court reporters. He was resident judge at the Institute for Court Management, visiting professor at the University of Dijon School of Law, and on the faculty of the Federal Judicial Center.

Judge Sweat died in 1996.