

# Mississippi Courts

October 2013

Published by the Administrative Office of Courts

## Rankin Juvenile Justice Center model for other states

Twenty-seven legislators from across the country visited the Rankin County Juvenile Justice Center in Pelahatchie Oct. 17. Legislators from as far away as Alaska and Puerto Rico came to learn about a model program that provides days packed with activities and classroom instruction and little time spent in a cell.

The Rankin County program works to change behavior rather than punish, to keep the detention stay as short as possible, and to set youth on a path that won't lead them back to juvenile court and into adult prison.

Rankin County Sheriff Bryan Bailey, whose department oversees the detention facility, told the visitors, "My mind-set has changed over the last 25 years. At one time I would have said lock them up and throw away the key. That's not going to work. We are just going to fill up the jails. Some of them we can help. Some of them we can't help. We need to help those that we can."

Noting Mississippi's long history at the bottom of national rankings, Bailey said, "It's great that we have something that people from outside would want to come look at."

The visiting legislators are members of the National Conference of State Legislatures Quad Caucus. The Quad Caucus is made up of

members of the African American, Asian, Hispanic and Native American legislative caucuses from across the country. Their visit is part of a collaborative effort to address racism and policies that can increase disparities in education, health, and economic stability in the family. The

three-year program, funded by a grant from the Kellogg Foundation, seeks to address structural racism and work toward racial healing.

Rankin County is one of five Mississippi counties which participate in the Juvenile Detention Alternatives Initiative. JDAI is a national program which seeks to eliminate inappropriate or unnecessary use of secure detention, reduce racial and ethnic disparities, minimize re-arrest and failure to appear rates, ensure appropriate conditions of confinement in secure detention, and redirect resources to sustain successful reforms.

Lt. Michelle Rhodes, director of the Rankin County



**Youth Court Judge Thomas Broome, at left, visits with Sen. Antonio Munoz of Illinois at the Rankin County Juvenile Justice Center in Pelahatchie.**

Juvenile Detention Center, said, "Anything that we are doing here, we want to pass on."

The Rankin County Juvenile Detention Center deals with juvenile offenders from Rankin and about 20 other counties. The average daily population is about 20. The maximum capacity is 42. Mississippi's Youth Court Act limits detention to 90 days. The average stay at the Rankin County facility is four and a half days.

"Detention is not something that you use for the wrong reason," said Rankin County Youth Court Judge Thomas Broome, vice-chair of the state Juvenile Detention and Alternatives Task

Force. The Mississippi Legislature created the task force to explore alternatives to juvenile detention, formulate recommendations for licensing standards for juvenile detention facilities, and seek funding sources to improve juvenile programs.

The Rankin County program seeks to improve behavior by assessing the youths' needs, evaluating their education level, mental health and family environment, and applying a healthy dose of care and attention. These kids need to be built up," Rhodes said. "What we are trying to do here is give them hope."

"We deal with a lot of kids that are hurting. They have

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## Legislators from across the nation tour Rankin County JDC



**Rep. Sharon Tomiko Santos questions detention center Director Michelle Rhodes.**

been abused,” Rhodes said. “We have a lot of kids that come in here that have been beaten down. They are beaten down by their family. They are beaten down by their environment. Some of them are raised by the streets.”

“We have kids that have read here for the first time. We have kids that have had a birthday party here for the first time. I work for a sheriff that lets me think outside the box,” she said. “What they have been doing all these years hasn’t worked, so let’s do something different.”

Rhodes does not see “bad” kids. “No, honey, you are behaviorally challenged,” she said.

Rhodes talked fast, outlining a long list of programs and activities for legislators during their short visit.

Youths are up at 6 a.m.,

and it’s lights out at 8:30 p.m. How is that possible? “We wear them out” with activities, Rhodes said.

Three teachers provide daily classroom instruction that tracks the Rankin County School District curriculum. An evaluation looks for students’ weak academic areas, and instruction puts extra emphasis on those areas.

“Our goal in the Rankin County School District is to empower those kids with an education,” said Charlotte Young, director of student support services and dropout prevention.

The detention center also has special programs. On Tuesday mornings, there’s music therapy. Thursday afternoons include an art class and an outside speaker.

Those classes revealed kids who are gifted musicians and talented artists. In

academics, “We have people with intellects that have never been challenged,” Judge Broome said.

Wednesday is movie and popcorn night, and Thursday is music and game night. Family visitation is Tuesday, Friday, Saturday and Sunday, with free phone calls home on Saturday. Religious services are offered Sunday and Monday if youths wish to participate.

It’s structured. Youths learn to say “please,” and “thank you.” They walk in line from activity to activity.

The facility recently implemented the Positive Behavioral Interventions and Supports (PBIS) program. A grant paid for iPads, computers and recreational equipment. Good behavior earns time to use those. Be-

havioral incidents dropped from 67 in May to 12 in October, Rhodes said.

The Sheriff’s Department reached out to the community for help. Volunteers teach art, give haircuts, bake birthday cakes.

“It’s the people that make this a model system,” Judge Broome said.

The Rankin

Chamber of Commerce helps with a youth leadership program. Local businesses support a youth running team, providing shoes, clothes and paying entry fees. Bailey and other officers run with them several evenings a week. They are training for the Mississippi Blues Marathon on January.

“Many of these kids have never met any goals,” Rhodes said. The running team gives them that.

Youths also feed the homeless at one of Jackson’s shelters. It gives them a taste of what they can expect if they continue to dabble in drugs and crime. It also lets them know that things aren’t so bad in their own world.

Legislators took a tour of the detention facility. Marley, a long haired brown



**Rep. Scott Kawasaki gets a joyful greeting from Marley and Stormy.**

mix-breed dog, and Stormy, a young yellow mutt, greeted them in the exercise yard, joyfully rearing up and licking faces of several who knelt to pet them. They are part of Bailey's Paws for a Cause. Since the program started two years ago, 40 stray dogs have become pet therapy animals. Youths take care of the animals, and local veterinarians donate medical care.

"We are not only able to save an animal. It's good therapy for the kids here in the detention center," Rhodes said.

Warm and fuzzy aside, there's an urgency as well as intensity at the Rankin facility. "This is kind of the last stop for a lot of the kids," Rhodes said.

It doesn't work for everybody. Rhodes said she cried after learning that a youth was charged with armed robbery after release.

"The kids want to do good, but we are sending them back to the same toxic environment" which they came from, she said.

Judge Broome said many come from families in turmoil. "Many of the children come from what I call 'hot boxes,' " with family members struggling with alcohol, drugs, untreated mental health issues and domestic violence. "The kids fare better if they can get the services and learn how to navigate the home environment," he said.

"These are the kids that are at the highest risk," he said." These are the kids that may become homeless. These are the kids that are going to be incarcerated. These are the kids that are going to be breaking into your house and stealing your car."

## Group tackles sentencing uncertainty

Mississippi prison inmates on average are receiving longer sentences and serving a smaller percentage of their sentences than they did 10 years ago, but ultimately are spending more time in prison, according to a recent study by the PEW Charitable Trust.

But judges, prosecutors and crime victims face uncertainty over how long each convicted felon will actually spend in prison. Disparity and uncertainty are a source of friction and frustration within the criminal justice system.

"Prosecutors want to know when somebody is sentenced, how much time they are going to serve. I've had somebody sentenced to 10 years serve 13 months," District Attorney Richard Smith of Vicksburg, President of the Mississippi Prosecutors Association, said at the Task Force's first meeting at the Capitol on June 20.

Uncertainty wreaks havoc on crime victims, said Dis-



**Court of Appeals Judge Larry Roberts, at right, talks to Sen. Hob Bryan after a meeting of the Corrections and Criminal Justice Task Force.**

trict Attorney Ronnie Harper of Natchez.

A committee of legislators, law officers, lawyers and judges began work in June to address disparities between judicially imposed prison sentences and actual time inmates serve.

Corrections Commissioner Christopher Epps, who leads the Corrections and Criminal Justice Task Force, said, "This process is about creating good policy that will be

cost effective and sustainable for our state, because it is critical to assess each policy and the cost that we have in mind."

House Bill 1231, which created the Task Force, says that it is "to study the divide between the state's corrections system and criminal justice system."

Law changes have backed away from the 1995 "truth in sentencing" statute which required convicted felons to

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The Rankin County program seeks to invest time and money in intervention to turn youths' lives around. "When you invest any time with a child in a positive way, it pays off ten-fold," Judge Broome said.

Rep. Sharon Tomiko Santos of Washington was impressed with the collaboration between Rankin County's juvenile justice system, schools and social services. As chair of the Washington State House Education Committee, she

was interested in the school system's interaction with the juvenile justice system. "I think this county is to be commended for adopting a very open-minded approach," Santos said.

Sen. Carmelo Rios Santiago of Puerto Rico said 2,000 juveniles are in detention there. They can be locked up for up to two years. The recidivism rate is 65 percent. "That tells us right away something is not working."

Oklahoma Rep. Seneca Scott said he was looking for

information in advance of a possible overhaul. "Our juvenile justice system is insufficient," he said. "This was impressive."

Rep. Scott Kawasaki of Alaska also was studying ideas for reform. Juveniles who return to the court system multiple times are destined to land in adult jails when they turn 18. "The jails are just filling up," Kawasaki said. "It is positive to see this model working here," he said. "This is a model that can be replicated."

# Analysis tracks sentences, time served, population trends

## PEW analysis of prison population in Mississippi 2002-2012

- Prison admission grew 35 %;
- 38 % of the inmate population revoked from supervised release;
- Probation and parole revocations account for 89 % of admission growth;
- 66 % of population growth involved property and drug crimes;
- Property crime admissions grew 44 %;
- Drug crimes admissions grew 30 %;
- Non-violent offenders account for 75 % of prison admissions and 45 % of the prison population.

Source: PEW Public Safety Performance Project

serve at least 85 percent of their sentences. Prison work programs and education incentives allow some inmates to earn time off the sentences. The Legislature last revised the meritorious earned time statute, Miss. Code Section 47-5-142, in 2009.

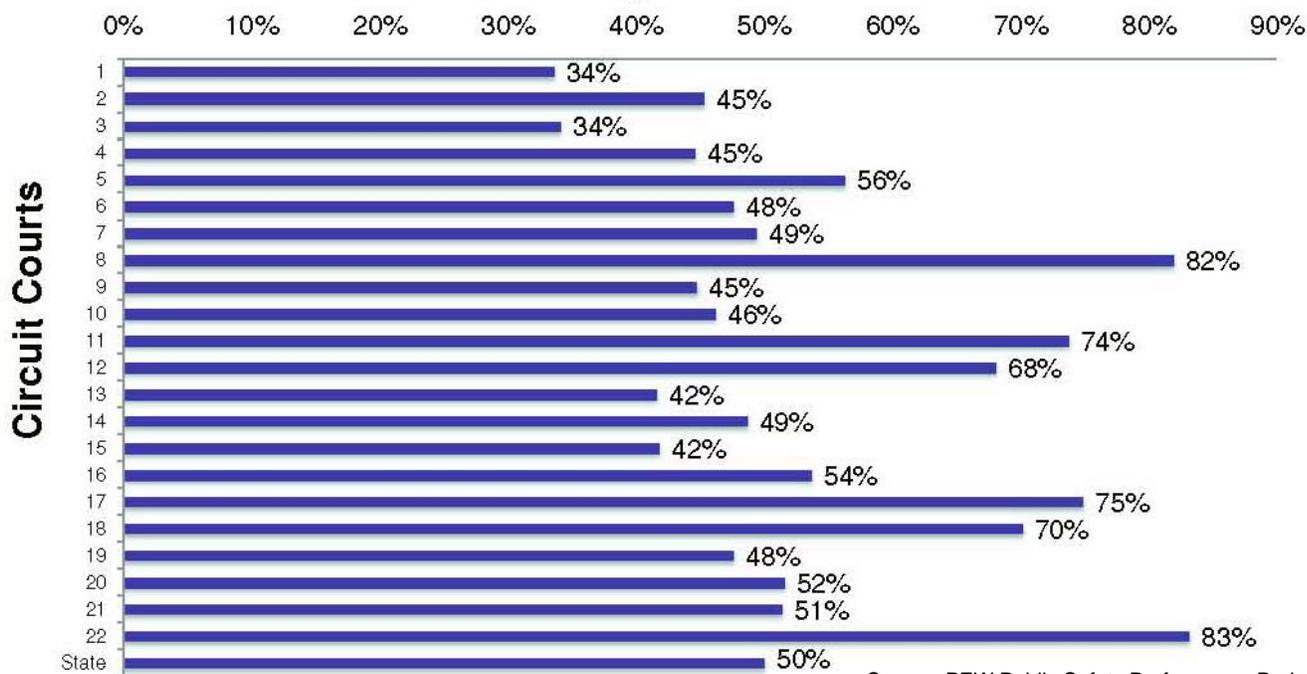
Task Force member Judge Larry Roberts of Meridian, who was a trial judge for 27 years before he joined the Court of Appeals, said at the first meeting, "The law has become so detailed and complex that it's almost impossible in advance to figure out what the sentence will be."

He repeated that concern at the Sept. 24 meeting: "Parole, trusty time, meritorious earned time, intensive house arrest: as a result of

all those programs that are evolving out of that and efforts to save money, there has become a disconnect between prosecutors and judges and DOC. There is a severe amount of frustration by DAs and judges, and being intelligent people, being unable to get a handle on what a criminal sentence really means as a consequence. We have had an increase in sentences by judges in response to that uncertainly, but we have had a decrease in the actual percentage of time in custody."

Judge Roberts said, "I defy anybody here to be able to tell me in a particular fact situation how long an offender will actually lose his liberty and be in custody at the front end, because no-

### % of Offenders Disposed to Prison for a Felony Conviction, FY12, by Court Circuit



Source: PEW Public Safety Performance Project

body knows.”

House Judiciary B Chairman Andy Gipson of Braxton chairs a Task Force workgroup on Restructuring Sentencing and Examining Sentencing Alternatives. That group’s first goal is to restore certainty to and promote uniformity in the sentencing process. But Gipson was quick to add that he does not mean sentencing guidelines. “Nobody wants to do anything to take away the judges’ discretion when it comes to sentencing.”

Sen. Hob Bryan of Amory expressed concern over sentencing disparities. “I think that everyone concedes that at least in some instances penalty ... varies greatly from district to district and in some cases from judge to judge,” said Bryan, chair of the Improving Supervision Practices Workgroup

Gipson said, “We believe that is a symptom on the lack of certainty on what the sentence actually means. If a sentence is for 20 years, how long that offender is actually going to serve. There may be a tendency to give a higher sentence given the lack of certainty how long that person is actually going to stay in prison.”

Circuit Judge Vernon Cotten of Carthage asked if MDOC has a formula for calculating actual time to be served. “You’ve heard the old axiom that the defendant beats the sheriff home. Nobody likes surprises.”

Judges will receive a MDOC handbook that will help them calculate potential early release time, Epps.

If the Legislature wants to eliminate early release programs, Epps said he won’t oppose it. However, he said, “If I come back and give you

## Forms soon available for pro se litigants



**Rodger Wilder, at right, outlines plans for providing forms to pro se litigants. At left are Harrison County Court Judge Margaret Alfonso and Hinds Chancery Court Judge Denise Owens.**

Forms for a limited range of family law issues will soon be available to pro se litigants through the efforts of the Access to Justice

Commission.

The Commission has created forms for irreconcilable difference divorce with no children and an agreed prop-

erty settlement. Forms will also be offered for name change and for emancipation of minors.

Members of the Access to

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the price, just be willing to pay for it.”

Sen. Brice Wiggins of Pascagoula said credit for time off a sentence is a corrections tool. “You need tools to control behavior within the confines of the system. Earned time, time off your sentence is a way to do that,” said Wiggins, chair of the Clarifying Time Served and Examining Release Policies Workgroup.

The prison population has doubled since 1995 – from 11,000 to more than 22,000 – and the budget nearly tripled – from \$119 million to more than \$348 million.

The PEW Public Safety Performance Project analyzed Mississippi prison data from the past decade. Prison admission grew 35 percent from 2002 to 2012. Non-violent offenders account for 75 percent of prison admis-

sions and 45 percent of the prison population.

“Why are all of these non-violent offenders being incarcerated?” Wiggins asked.

The Task Force is examining sentencing alternatives and release options. One possibility is expanding categories of crimes that qualify for some of the existing alternatives.

“House arrest is a good option,” Wiggins said. Only a few crimes qualify for house arrest or non-adjudicated probation.

Restitution centers have been under-utilized as a sentencing option, said Sen. Willie Simmons of Cleveland. Part of that is due to perception of being soft on crime, he said.

However, Epps said, four restitution centers can’t hold any more people. “We keep them full. There is always a

waiting list to go in them.” They have an 8 percent recidivism rate.

There was no debate about drug courts as a sentencing alternative. “Everyone agreed with drug courts,” Wiggins said.

Epps said, “Everyone in here knows we need \$4 million in drug court. We need to get the juvenile drug court a priority.... We are going to have to fund drug court and get it back to where it was before the money got cut.”

Drug courts recently took a drastic budget cut due to limited funds.

The Task Force’s next meeting is scheduled for Oct. 29 in Jackson.

The Task Force is on a fast track to make a recommendation. It’s report is due to the Legislature by Dec. 31.

## Access to Justice summit builds cooperation, shares ideas

Legal aid, human services, ministries, mental health and medical providers

see many of the same people for different problems. About 80 people from

those fields met in Jackson Sept. 27 to talk strategy to make the civil justice system

more accessible for poor people. The Access to Justice summit sought ways those disciplines can work together.

“Only by working together can we make a difference,” said Michael L. Jones, Chief Community Health Officer for the University of Mississippi Medical Center.

James Sandman, national president of the Legal Services Corporation, said, “The biggest challenge we face is ignorance to the problem.”

Sandman painted a bleak picture for Legal Services offices. LSC’s national budget is \$340 million, about \$40 million more than when the organization was created in the mid-1970s. When adjusted for inflation, funding is at an all-time low.

“We are violating our solemn pledge to be a nation with justice for all,” Sandman said. “We are rationing justice in the United States today. I am an optimist. I think we can turn this situation around,” Sandman said.

Ben Cole, executive director of North Mississippi Rural Legal Services, said funding should be sought from the state legislature. But he said that obtaining legislative funding would be difficult. “We’ve got to expand the available resources out there so that we can meet the needs of people.”

Sen. Sally Doty of Brookhaven, Senate Judiciary A Committee vice-chair, said, “I think there is great interest in the Legislature, although there is such great demand on our limited funds.”

Presiding Justice Jess H.

### Justices talk about pro se forms



Justice Jim Kitchens, center, talks to Access to Justice Commission leaders about pro se forms. At left is Chief Justice Bill Waller Jr. At right is Presiding Justice Michael Randolph.

Justice Commission met with Supreme Court justices Aug. 29 to discuss forms.

Access to Justice Executive Director Davetta Lee said 38 states use forms.

A few Mississippi jurisdictions developed their own forms to help the increasing numbers of pro se litigants.

Harrison County Court Judge Margaret Alfonso said, “There was a desperate need. Without forms, people and families and children are left in a desperate situation of instability.”

Access to Justice Co-chair Rodger Wilder of Gulfport said, “We are hoping that the forms that are going to be online are going to be uniform for the state....We need these forms to be acceptable in all the trial courts if we are to get the maximum utility out of them.”

“Our purpose in doing this is to provide access to the poor. We also have to recognize that there are folks out there who could afford a lawyer, but who choose to do it themselves.”

Presiding Justice Michael Randolph said, “I think the Constitution grants the people the right to do that.”

Wilder said he hopes that forms can be available by the end of the year. “We started simple,” he told the justices. “If you think well of this, we plan to expand.”

Several justices said the Supreme Court should not pre-approve any form, since the form could become an issue on appeal. But justices were supportive of the concept and encouraged the Commission to move forward to make forms available.

Chief Justice Bill Waller Jr. said, “It’s difficult for us to say ‘This is the Supreme Court approved form.’”

Tennessee Supreme Court Justice Janice Holder told Access to Justice summit participants Sept. 27 that her court did approve forms after putting them out for public comment.

Forms are needed to help growing numbers of pro se litigants, James Sandman, national president of the Legal Services Corporation, said at the summit. “I don’t see the day coming when we are going to be able to provide a lawyer for everyone who needs one,” Sandman said. “It is possible to simplify court proceedings and forms to make them available to people who don’t have a lawyer accompanying them to court.”

## Justice Dickinson: “Let’s think outside the box”

Dickinson said the congressional appropriation for LSC, compared to the \$3.8 trillion federal budget, “does not even amount to a rounding error. I know we have a tough fight on our hands, but we can’t settle for begging the Congress for crumbs....And we can’t continue to assume that there is nothing that we can do about the right to counsel in some civil cases, particularly where the state laws and state agencies are used to take property from the poor, and children from their parents.”

Justice Dickinson said that change comes about from the efforts of people who speak up for what they think is right and are willing to buck precedent, as in the case of 13 African-American parents whose lawsuit led to the landmark 1954 *Brown v. Board of Education*, which declared school segregation unconstitutional.

“Let’s think outside the box on issues of funding our legal services offices and our pro bono program,” he said.

Tennessee Supreme Court Justice Janice Holder, chair of the Tennessee Access to Justice Commission, outlined statutes, rule changes and initiatives that state has undertaken. In an effort to encourage more pro bono service, Tennessee allows government attorneys to do pro bono work. After the prohibition against private prac-



**Justice Holder**



**LSC leader James Sandman, University of Mississippi Associate Dean John McCullough and Presiding Justice Jess Dickinson talk during a break at the Access to Justice Summit.**

tice was lifted for pro bono service, 269 government attorneys performed 12,446 hours of pro bono work during a year. Tennessee also has an emeritus rule, allowing retired lawyers to do pro bono work under the supervision of a licensed attorney.

Justice Holder said the Tennessee Supreme Court approved forms for pro se litigants to use. Videos are available to help unrepresented litigants. A pro se general sessions court bench book is available. The Tennessee Supreme Court addressed the difference between giving legal information and legal advice, in an effort to guide court clerks. A grant helped train public librarians to assist people in finding legal resources.

One of the most promising initiatives is a faith-based effort, Justice Holder said. People with legal problems may turn to their pastors for advice. The Tennessee Faith and Justice Alliance is faith-based groups that commit to providing legal resources to their con-

gregations and communities.

The Mission First Legal Aid Office, established seven years ago in Jackson by Mississippi College School of Law and Mission First, attempts to supplement what Legal Services does, providing legal services to the working poor at up to 200 percent of the federal poverty level, said Director Patti Gandy. Mission First Legal Aid provides free civil legal assistance to qualified clients in Hinds, Madison and Rankin counties in a faith-based ministry that also provides medical and dental services and other assis-

tance. More than 250 attorneys as well as law students provide volunteer services.

“It’s great experience for our students, but they also learn to help people in poverty,” Gandy said.

University of Mississippi School of Law has eight separate legal clinics in civil and criminal law, providing an opportunity for clinical training to every law student, said Deborah Bell, Associate Dean for Clinical Programs. “What I hope is that we are creating a culture of service and a commitment to justice,” said Bell.



**Michael Jones of UMC talks to Patti Gandy during summit.**

## Judge Primeaux creates local Access to Justice committee



**Chancellor Larry Primeaux talks about efforts to provide civil legal assistance in Lauderdale and Clarke counties.**

Chancery Judge Larry Primeaux and a dozen local lawyers are working to find ways to provide civil legal assistance to low income people in Lauderdale and Clarke counties.

Judge Primeaux and local attorneys met with Mississippi Access to Justice Commission Executive Director Davetta Lee and Court of Appeals Judge Donna Barnes May 24 in Meridian to discuss ways to help people who can't afford to hire a lawyer.

Judge Primeaux said, "Our overall objective is to determine if there are people who, due to economic circumstances, are underserved by attorneys, and if there are, (determine) how can we serve them in civil matters."

Judge Primeaux said that he sees two or three people each week trying to repre-

sent themselves without a lawyer in Lauderdale County Chancery Court, and one or two in Clarke County. "It's not a crushing problem with numbers, but I worry about the individuals," he said.

People have a right to represent themselves, but many pro se litigants have no other choice, said Judge Barnes, chair of the state Access to Justice committee on delivery of services. "These are people who would love to have a lawyer if they could afford it."

Pro se litigants seeking no-fault divorce is a frequent problem area. Usually, "they don't know what in the world they are doing," Judge Primeaux said.

"Most chancery litigants think it's like going to Judge Judy or Judge Joe Brown," Lee said.

Since they don't under-

stand laws, rules and procedures, self-represented litigants get less favorable outcomes. "I've never seen a pro se litigant leave the courtroom in better shape than when they walked in," Judge Primeaux said.

Pro se litigants also take up more of the court's time. Meridian attorney Joel Hamilton said providing legal help to those who can't afford it helps unclog the court system, allowing more litigants to have their matters heard quicker.

Judge Primeaux said, "We can either find a way to ride this wave, or we can drown in it."

Two out of three pro se litigants Judge Primeaux sees in divorce cases have children. He does not allow litigants to represent themselves in cases involving children. He will either appoint a guardian ad litem to represent best interests of the children, at parents' expense, or the parents can hire attorneys.

If they can't afford a lawyer, he sometimes walks outside the courtroom and ropes in a lawyer there on other business. "I'll tell them, 'These people don't have any money. Can you go light?'"

Meridian attorney Bob Bresnahan said, "We are under the obligation to provide pro bono service. I have been doing it since I started practicing law. We ought to be able to help people who can't help themselves."

Hamilton said that Wesley House is working to start a Family Justice Center to

deal with family violence. The Family Justice Center approach is based on the San Diego Family Justice Center, which opened in 2002. The Family Justice Center model brings together at one location a multi-disciplinary team of professionals who work together to provide coordinated services to victims of family violence. The concept is to provide one place where victims can go to talk to an advocate, plan for their safety, interview with a police officer, meet with a prosecutor, receive medical assistance, receive information on shelter, and get help with transportation.

Judge Barnes and Lee outlined recent statewide efforts to improve access to the courts for low income people. The Supreme Court, at the request of the Access to Justice Commission, amended court rules to allow lawyers to provide limited scope representation. The Supreme Court also amended conflict of interest rules to encourage lawyers to provide volunteer services to legal hotlines and clinics.

Pro se clinics are conducted periodically in DeSoto, Forrest, Hinds, Lafayette and Washington counties. Chancery Courts in Forrest, Harrison and Jones counties created their own forms. Thirteen of the largest law firms in the Jackson area created a practice area guide and document forms to assist pro bono lawyers willing to take cases outside their normal practice area.

Local needs drive those programs.

## E-filing being used in 20 counties and Supreme Court

Electronic filing of court documents will become mandatory in Hinds County Circuit Court and Clay County Chancery Court Nov. 1. Both jurisdictions began accepting voluntary e-filing Oct. 1.

Other recent additions include Clay County Circuit Court, which implemented mandatory e-filing Aug. 1, and Montgomery County Chancery Court, which began voluntary e-filing Sept. 16. Several more counties are expected to be ready to e-file in the near future, said Mississippi Electronic Courts Director Lisa Counts.

E-filing is utilized in 20 courts in 12 counties. E-filing trial courts include the Clay County Circuit Court and Chancery Courts in DeSoto, Grenada, Holmes, Montgomery, Rankin, Webster and Yazoo counties. In Madison, Hinds and Warren counties, Chancery, Circuit and County Courts use e-filing.

E-filing will become mandatory for briefs and motions in the Mississippi Supreme Court and Court of Appeals Jan. 1, 2014. The Supreme Court Clerk began accepting voluntary electronic filing of briefs and motions July 1, 2013.

Supreme Court Clerk Kathy Gillis said e-filing efficiency helps with the office's work load. There are between 1,650 and 1,700 cases pending in some stage before the Supreme Court and Court of Appeals at any given time. During 2012, the clerk's office filed 911 notices of appeal, 2,014



**Kathy Gillis**  
Supreme Court Clerk

briefs and 5,819 motions. The clerk's office processed 7,058 orders and notices.

Since e-filing began July 1, the Supreme Court Clerk's office has received more than 1,200 electronic filings.

During the first three weeks of voluntary e-filing in Hinds Circuit Court, 265 attorneys filed 1,379 documents electronically, surpassing expectations, Counts said.

"Most of the attorneys are excited," said Hinds County Circuit Clerk Barbara Dunn. "We are going to be lonely," she quipped.

Chief Justice Bill Waller Jr. said, "The addition of Hinds Circuit and County Courts to the Mississippi Electronic Courts system marks a milestone in our efforts to implement a unified, statewide e-filing system for the judiciary. The state's most populous county, the home of our capital city and the seat of state government, is an essential component of a unified records system."

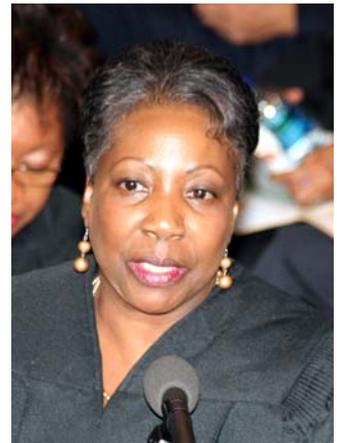
Chief Justice Waller said, "Circuit Clerk Barbara Dunn and her staff are commended for the responsive and professional manner in which they have implemented e-filing in Hinds County Circuit Court."

Chief Justice Waller welcomed Clay and Montgomery counties to the MEC system. "Each county that becomes a part of the electronic filing system improves the efficiency of our judicial system and the accessibility of our courts to all of our citizens," Chief Justice Waller said.

Montgomery County is at the southernmost end of the six-county Third Chancery District. DeSoto County is on the north end. The three chancellors often try a case in a different county than where it was filed because of the size of the district coupled with the fact that DeSoto County has nearly as many cases as the remaining five counties, said Senior Chancery Judge Percy L. Lynchard Jr. of Hernando.

"Electronic filing has

been an incredible tool for us because the attorneys are no longer responsible for bringing the court file of a case from Montgomery County to Yalobusha County if we try that case there," Judge Lynchard said.



**Circuit Judge Tomie Green**

Senior Circuit Judge Tomie Green said she has eagerly awaited e-filing. She expressed appreciation to Chief Justice Waller for pushing implementation. "He long ago recognized that we needed this throughout the state," she said.

Judge Green said that electronic filing will save time and money for lawyers and litigants by reducing the expense of postage and trips to the courthouse to file or review documents. E-filing will enable judges to more easily track cases and manage their dockets more efficiently. And having instant electronic access to records rather than pulling paper files off a shelf is expected to improve work flow and speed up the process of issuing decisions and orders.

"This gives us informa-



**Chancellor Percy Lynchard**

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## Arthur Johnston, Lee Westbrook receive Chief Justice Award

Madison County Chancery Clerk Arthur S. Johnston and Circuit Clerk Lee Westbrook received the 2013 Chief Justice Award.

Mississippi Supreme Court Chief Justice Bill Waller Jr. presented the awards on July 12 at the Mississippi Bar Convention in Sandestin, Fla. The annual awards recognize individuals whose work improves the judicial system.

Johnston and Westbrook were honored for their extensive work in development of the Mississippi Electronic Courts e-filing system.

Chief Justice Waller said, "Because of the selfless efforts of Arthur Johnston and Lee Westbrook, we have an e-filing system that conforms to Mississippi rules of practice and procedure and is accountable to the public, attorneys and professional staff."

He presented both with plaques which read: "In appreciation of dynamic leadership crucial to the development of the Mississippi Electronic Courts system. Your extensive hands-on efforts and commitment of time, staff and resources moved MEC from an idea to implementation. Your public service far exceeding the duties of your elected office improved the administration of justice and benefited the bench, bar and public."

Johnston said, "It's been a privilege to be able to work on the system and to make it fit state court practice. It's an honor to have received the award and to be recognized for the work we have done. It was a privilege to be a part of it."

Westbrook said, "It's an honor and a privilege to receive the award. It has been an honor to be the first



Lee Westbrook



Arthur Johnston

county to work on the MEC system."

Johnston was appointed to the Supreme Court E-Filing/Court Docket Management Committee in 2004. Westbrook began work with MEC in 2006. Madison County was the original pilot test site for the development of the MEC program. All Madison County trial courts use e-filing.

### Johnston named clerk of District Court

Madison County Chancery Clerk Arthur S. Johnston III will soon resign his post to accept appointment as Clerk of the U.S. District Court of the Southern District of Mississippi. Chief United States District Judge Louis Guirola announced Johnston's selection Oct. 21.

Johnston said he expects to take the oath of office of clerk of the federal district court before the end of the year, and he will resign his position in Madison County at that time. A date has not been determined.

Chief Justice Bill Waller Jr. said the appointment is "a vote of confidence for one of our chancery clerks who has gone above and beyond his duties to further the cause of a fair, efficient and independent judiciary."

Johnston will succeed J. T. Noblin, who has served as U.S. District Court Clerk for the 45-county Southern District since 1990.

## E-filing soon to cover entire capital metro area

tion quicker so that we can look at a file and make decisions based on what is in the file and what has already been done. Hopefully this will fast-track cases toward resolution so that the litigants don't have to wait for things to manually be done," Judge Green said.

E-filing began with civil cases. Judge Green expects to expand to criminal cases soon.

She said, "There's not enough that can be said about joining the 21st Century. The technology is here. The security systems are in place to protect the litigants.

It's time for Hinds County to move forward."

Chief Justice Waller said he looks forward to Rankin Circuit and County Courts implementing e-filing by January 2014. That will make e-filing available across the metro Jackson area. Madison County was the first MEC pilot site.

"Almost 50 percent of the lawyers in this state live in Hinds, Rankin or Madison counties," Chief Justice Waller said.

More than 3,500 attorneys – nearly half of the attorneys in the state – are registered to use MEC. More than

1,300 non-attorneys are currently registered.

Free training for attorneys and their staff is provided by MEC at the Supreme Court, 450 High Street in Jackson, and in venues in which e-filing is implemented. The next scheduled training at the Supreme Court is Oct. 29 at 1 p.m. Training will be conducted in Starkville at the Bost Building on the Mississippi State University campus at 1:30 p.m. Oct. 30 and 8:30 a.m. Oct. 31.

Online registration is available at this link:

[http://courts.ms.gov/mec/mec\\_attorney\\_training.html](http://courts.ms.gov/mec/mec_attorney_training.html).

## Judicial Excellence Award



**Judge Thomas Gardner**

Circuit Judge Thomas A. Gardner III of Tupelo received the 2012-2013 Judicial Excellence Award at the

Mississippi Bar Convention. The annual award is presented to those who “exemplify the quality and efficiency of justice and a person of high ideals, character and integrity.”

Judge Gardner took the bench Jan. 1, 1981. He is senior circuit judge for the First Circuit District of Alcorn, Itawamba, Lee, Monroe, Prentiss, Pontotoc and Tishomingo counties. He served as assistant district attorney 1976-1979.

He earned a B.A. degree from Millsaps College and a law degree from University of Mississippi School of Law.

## Broome is national trustee

Rankin County Youth Court Judge Thomas Broome was elected in July as a trustee for the National Council of Juvenile and Family Court Judges.

NCJFCJ, founded in 1937, works to improve the family court system and court practices and to raise awareness of core issues that touch the lives of children and families. The Board of Trustees includes 24 judges from across the country. Judge Broome is the only member from Mississippi.

Judge Broome is a leader in Mississippi juvenile jus-

tics initiatives. He is chair of the Mississippi Council of Youth Court Judges and Referees, vice-chair of the state Juvenile Detention and Alternatives Task Force and co-chair of the Commission on Children’s Justice. He has served since 2006 on the Statewide Advisory Group for Juvenile Justice Issues in Mississippi.

Judge Broome became County Court and Youth Court Judge in January 2003. He previously served as county prosecutor and youth court prosecutor for Rankin County.

## Transformation: Oakley youth wins British royal conduct award

An 18-year-old Harrison County youth went from juvenile delinquent to the state’s first recipient of a prestigious self-development award given by the British Royal Family. Gov. Phil Bryant presented the Duke of Edinburgh’s Award during an Oct. 16 ceremony at his office in Jackson.

The young man was released the same day from Oakley Youth Development Center at Raymond – earlier than his expected release date as a result of his exemplary behavior.

Harrison County Court Judge Margaret Alfonso attended the ceremony with the young man’s mother, grandmother and brother.

“I am so proud of this young man’s accomplishment. He is on his way to reach his full potential,” Judge Alfonso said.

The Duke of Edinburgh’s Award was founded in 1956

by the Queen’s husband, His Royal Highness The Prince Philip, Duke of Edinburgh. The award is a self-development recognition program available to youth ages 14 to 25.

In December 2012, Mississippi became the first state to offer the award to juvenile offenders. Duke of Edinburgh’s International Award USA operates in more than 30 states and the District of Columbia.

“This is a proud day for our state,” said Gov. Bryant. “Our goal is to build on Oakley’s success with the DoFE Award program through expanding our reach to more juvenile justice facilities and to share these best practices with other states across the country.”

Oakley Youth Development Center provides treatment programs, counseling, recreation, and education in an institutional setting to



**Gov. Phil Bryant presents the Duke of Edinburgh’s Award.**

delinquent juveniles committed to state Department of Human Services Division of Youth Services custody.

To earn a Duke of Edinburgh’s Award, participants choose their own activities in community service, special skills, physical fitness and adventurous journey.

“The Award program aims to develop one’s entire self, creating responsible

and experienced citizens and encouraging selfless service to others,” said Josh Randle, the award’s USA national executive director. “It’s about personal discovery and building character, and the life lessons learned give participants the confidence and skills to make a difference within themselves, their communities and the world.”

## Portraits of Judges Backstrom, Maples and Watts presented



Photos courtesy of WLOX TV

### Portraits of the late Circuit Judge James Backstrom, retired Circuit Judge Darwin Maples and retired Chancellor Pat Watts

Portraits of the late Circuit Judge James Backstrom, retired Circuit Judge Darwin Maples and retired Chancellor Pat Watts were presented at a May 31 ceremony at the Jackson County Courthouse in Pascagoula.

Maples and Watts attended with their families.

Watts said, "I'm very ap-

preciative of the Jackson County Bar Association and the citizens for electing me. I'm humbled by it."

Jackson County Attorney Mark Watts said his father accepted no excuses, and upheld the line between right and wrong.

Retired Supreme Court Justice George C. Carlson

Jr. of Batesville said Maples was a firm but fair and compassionate judge. Maples saw the need for alternative sentencing for youthful first time drug offenders. He helped establish the Regimented Inmate Discipline Program at Parchman, Restitution Centers for male and female property crime offend-

ers, and a public defender system for the district.

Attorney John Banahan of Pascagoula recalled Judge Backstrom's sense of humor and his caring for people. "He always took care of folks when they came into the office. No matter how big or small their problem, he had the time for them."

## Judge Cynthia Brewer serves as facilitator at National Judicial College

Chancery Judge Cynthia Brewer of Madison County served as a group facilitator for 10 judges taking the General Jurisdiction course at the National Judicial College in Reno.

It was her third time to act as a group facilitator. She served as a facilitator in 2006 and 2009. She has been invited to serve as an instructor in October 2014.

"I was so honored to be back at General Jurisdiction and working for the National Judicial College," she said.



Chancellor Cynthia Brewer, front row, second from left, is surrounded by 10 judges from around the country at the National Judicial College General Jurisdiction course in October.

## Commission on Status of Women honors Carlton, Payne, Colom

Judge Virginia Carlton of Jackson and former Judge Mary Libby Payne of Pearl were among outstanding women honored May 9 by the Mississippi Commission on the Status of Women.

Judge Carlton, a member of the Mississippi Court of Appeals and a Colonel in the U. S. Army Reserves, is Mississippi Woman of the Year in Military Service.

Judge Payne, who retired from the Court of Appeals in 2001, was honored as Woman of the Year in the legal and judicial field.

Chancery Judge Dorothy W. Colom of Columbus was among five other finalists nominated from the legal and judicial category. Other



**2013 Woman of the Year winners are, front row, left to right, Beverly Wade Hogan, Jill Connor Browne, Chief Phyliss Anderson; back row, Virgi Lindsay, Beth Clay, Dr. Hannah Gay, Judge Virginia Carlton, and Judge Mary Libby Payne.**



**Chancellor Dorothy Colom**

legal and judicial finalists included: Martha Bergmark of Jackson, founding president and CEO of the Mississippi Center for Justice; Patricia Ice of Jackson, Legal Project Director of the Mississippi Immigrants' Rights Alliance; attorney Aleita M. Sullivan of Mendenhall; and attorney Jennifer Ingram Wilkinson of Hattiesburg.

"We have women of great distinction," Gloria Williamson of Philadelphia, chair of the Commission, said during a luncheon at the Mississippi Museum of Art in Jackson.

Others named as Women of the Year in their fields include: Chief Phyliss Anderson of the Mississippi Band of Choctaw Indians, government; Jackson author Jill Connor Browne, per-

forming arts and entertainment; lobbyist Beth Clay of Meridian, business and industry; pediatric HIV specialist Dr. Hannah Gay of Jackson, medical; Tougaloo College President Beverly Wade Hogan, education; and Virgi Lindsay of Jackson, executive director the of Greater Belhaven Neighborhood Foundation, community service.

## 19th District Drug Court tours WW II Museum

About 30 Jackson County participants of the 19th District Drug Court toured the World War II Museum in New Orleans on June 25.

Most were in their 20s – the age of many men and women who fought and died in World War II.

Circuit Judge Robert P. Krebs, who supervises the group, wanted them to get

more than a history lesson, although, he said, "Most of them didn't even know how to cite it chronologically."

"I wanted them to see what the Greatest Generation did in times of adversity – pain, suffering, death – and to show them what that generation was made of and how they were able to come back from that existence and

put their lives back together and get on with living.

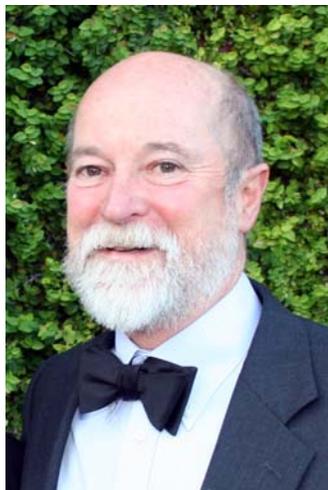
"It had an impact," he said.

A \$1,000 donation from Chevron paid for the bus to New Orleans. Participants paid for their own admission and other expenses.

**Circuit Judge Robert Krebs**



## Four judges among 2013 Fellows of Bar Foundation



Judges Virginia Carlton, Carter Bise, Kathy King Jackson and Jannie Lewis are Fellows of the Mississippi Bar Foundation.

Court of Appeals Judge Virginia Carlton of Jackson, Chancellor Carter O. Bise of Gulfport, Circuit Judge Kathy King Jackson of Pascagoula and Circuit Judge Jannie M. Lewis of Lexington were inducted as Fellows of the Mississippi Bar Foundation. The April 25 ceremony marked the 50<sup>th</sup> Anniversary of the Founda-

tion.

“Fellow selection is based not only on their excellence as lawyers, but on their dedication to service to the public and the profession,” said Stephen Rosenblatt of Ridgeland, president-elect of the Bar Foundation. “Recognition as a Fellow designates the highest level of professionalism,

competence and leadership.”

Attorneys inducted as Bar Fellows for 2013 are: U.S. Attorney Felicia C. Adams, Oxford; Michael S. Adelman, Hattiesburg; E. Barry Bridgforth, Yazoo City; Edward F. Donovan, Biloxi; Henderson S. Hall, Jr., Jackson; Catherine V. Kilgore, Oxford; Terry R. Levy, Jackson; Floyd M. Melton,

III, Greenwood; J. Mack Varner, Vicksburg; William E. Whitfield, III, Gulfport; and E. Stephen Williams, Jackson.

Michael S. Carr of Cleveland received the Bar Foundation’s Law-Related Public Education Award. John G. Corlew of Jackson was honored with the Professionalism Award.

## Robert Whitwell appointed to 18th District Chancery Court

Gov. Phil Bryant appointed Robert Q. Whitwell Sr. on Aug. 7 as 18<sup>th</sup> District chancery judge to fill the vacancy created by the death of Chancellor Edwin H. Roberts Jr.

Judge Whitwell said, “I am deeply honored that Gov. Bryant has appointed me to this position. I look forward to serving the people of the 18th District.”

Chancery District 18, Place 2, includes Benton, Calhoun, Lafayette, Marshall and Tippah counties.

Gov. Bryant said, “Bob’s legal experience shows a deep commitment to the law and the people of the 18th District. I appreciate his continued dedication to public service.”

Judge Whitwell most recently was a partner with Farese, Farese & Farese. He previously served as U.S. Attorney for the Northern District of Mississippi, having been appointed by Presidents Ronald Reagan and George H. W. Bush. He also served as Principal Associ-

ate Deputy Attorney General for the U.S. Department of Justice. He served as municipal court judge in Horn Lake 1975-1985.

Judge Whitwell earned a bachelor’s degree from Delta State University and a law degree from the University of Mississippi. He is a Fellow of the Mississippi Bar Foundation. He received the Outstanding Civil Litigation Award in 1992 from then-U.S. Attorney General William P. Barr.



Chancellor Robert Whitwell

## Chancellor Edwin Roberts Jr. of Oxford died July 1

Chancellor and retired Major General Edwin H. Roberts, Jr., 65, died July 1, 2013, at his home in Lafayette County. He was buried with full military honors July 6 at Oxford Memorial Cemetery after a funeral service at First Baptist Church in Oxford.

Judge Roberts served the Eighteenth Chancery District for 10 years, having taken office in January 2003. He practiced law in Oxford for 30 years. He served as a prosecutor before he was elected to the Chancery bench. He retired after 32 years of service in the Mississippi Army National Guard.

Chief Justice Bill Waller Jr. at the Oct. 22 Bar Memorial Service at the Mississippi Supreme Court remembered him as "a wonderful, brilliant jurist that we miss." He noted that their National Guard careers were parallel.

Judge Roberts' brother, Court of Appeals Judge Larry Roberts of Meridian, followed the same path. "For reasons known only to the good Lord, our career paths mirrored. I only made it to lieutenant colonel."

"We were very close. No one could have had a finer brother," Judge Roberts said.

Both were born in Cleveland. The family moved to Pachuta, then to Meridian. Each earned a Bachelor of Business Administration degree from the University of Mississippi. Each earned a juris doctorate from the University of Mississippi School of Law, Edwin Rob-

erts in 1972 and Larry Roberts in 1973.

Edwin Roberts made his home and legal career in Oxford, where he served as chancellor. Larry Roberts served as a county court judge and circuit judge in Meridian before being appointed to the Court of Appeals.

Judge Roberts recalled his older brother visiting the court in Meridian and sitting in the audience. "I walked into the courtroom and I made him stand up," he said. At a military function later, "he was the general and I was the colonel, and I had to salute him."

They were a year and 22 days apart in age, and looked so much alike as to be mistaken for twins. Judge Roberts said his older brother told about standing in a store checkout line in Meridian. A very large man behind him tapped him on the shoulder and said, "You're Judge Roberts." When he acknowledged that he was, the man said, "You sent me to the penitentiary." Chancellor Roberts quickly told the man that was a different Judge Roberts.

Their wives have the same name, spelled differently: Shela and Sheila, with the same middle initial, "M."

"I was privileged to have three years with him. He was a good man," said Shela Roberts of Oxford. They had celebrated their wedding anniversary on April 16. They learned on April 24 that he had cancer. "He was at peace with it," she said.



**Chancellor Edwin H. Roberts Jr.**

"He loved people and he loved working for the public," Shela Roberts said. "Certain cases did bother him. He wanted to make the right decision."

"As he would say, he thrived with matters of the heart," said his son, Mike Roberts, a Lafayette County Supervisor.

Chancellor Roberts was a former president of the National Guard Association of Mississippi. He was co-founder of the Lafayette County Education Endowment Program. An avid hunter, he was a former commissioner with the Mississippi Department of Wildlife, Fisheries and Parks Commission; a former direc-

tor of the Tombigbee River Valley Water Management District; and a former senior vice president, director, and national trustee of Ducks Unlimited. He was an active member of First Baptist Church of Oxford.

Other survivors include son Scott Roberts; daughter Lisa Roberts, six grandsons and two granddaughters. He was preceded in death by his son Edwin (Trip) Hayes Roberts III.

Chancellor Roberts was raising three of his grandchildren. A memorial fund has been set up for the children. Contributions can be made to the Mike Roberts Memorial Fund, P.O. Box 2324, Oxford, MS 38655.

## Bar Memorial Service recognizes judges and lawyers



Edwin Roberts    Joel Blass    Gray Evans    William Lamb    William Myers    Joseph Webster    Lester Williamson

A serving chancellor and six retired judges were among deceased lawyers remembered Oct. 22 at the 107<sup>th</sup> Mississippi Bar Memorial Service.

Chancery Judge Edwin H. Roberts Jr., 65, of Oxford died July 1, 2013.

Retired Supreme Court Justice William Joel Blass, 95, of Pass Christian, died Oct. 23, 2012.

Retired Circuit Judge Durward Gray Evans, 85, of Greenwood, died October 17, 2012.

Retired Circuit Judge William Robert Lamb, 82, died June 27, 2013.

Retired Mississippi Court

of Appeals Judge William H. Myers, 71, of Ocean Springs, died Feb. 7, 2013.

Retired Coahoma County Court Judge Joseph Charles Webster, 65, of Clarksdale, a senior status judge, died Jan. 16, 2013.

Retired Circuit Judge Lester F. Williamson Sr., 90, of Meridian, died Aug. 7, 2013.

They were among 63 Mississippi lawyers who died during the past year.

Mississippi Bar President Guy W. Mitchell III of Tupelo said their legacy is an inspiration to all lawyers to rededicate themselves to the principles of professionalism. "We all owe an obliga-



Justice Leslie D. King gives the response for the court.

tion to them to continue their efforts in this great profession."

Jeffery A. Styers of Jackson, Memorial Service Committee Chair, read the Bar Memorial Resolution which said, among other things, "...in mourning these colleagues, we recognize that each had a role in shaping our honorable profession. Some gave decades of service; the careers of others were cut short; but each had an impact on the endless pursuit of justice and the constant upholding of the dignity of law. They modeled for us a profession of dedication, honor, integrity,

and wisdom, and reminded us that we are called upon 'to do justice, love mercy, and walk humbly with our God.'"

Supreme Court Justice Leslie D. King of Greenville, in the response for the court, said, "No matter where they practiced or with whom they practiced, each of them, by virtue of their strong character and conscience, their legal education and commitment to the rule of law, became a leader in his or her community. Our society has been richly blessed through their service."



Jackson Young Lawyers President Michael Bentley lights a candle as the names are read.