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Commission on Children's Justice reestablished

A diverse group of judges, educators and child welfare professionals met July 29 in Jackson to organize a study of the juvenile justice system.

The Mississippi Supreme Court reestablished the Commission on Children's Justice to examine the structure and operation of the Youth Court system and interactions of the juvenile justice, child welfare and education systems. The Commission will work to improve communications and coordination between all entities which deal with abused, neglected and delinquent children.

Supreme Court Justice Randy G. Pierce of Leakesville and Rankin County and Youth Court Judge Thomas H. Broome of Brandon are co-chairs. Judge Broome will head a subcommittee which will focus on the Youth Court system. Court of Appeals Judge Virginia Carlton of Columbia will lead a subcommittee which will address education issues.

Justice Pierce, a former legislator who served as chairman of the House Education Committee, said, "We don't need to just point out the flaws. We need to be a part of the solution....We need an honest, up-front perspective from you with regard to what we need to do to improve our courts."

The Commission is ex-



Supreme Court Justice Randy G. Pierce, center, chairs the Commission on Children's Justice. Seated at left is Commission member Ray Sims II and, at right, Court of Appeals Judge Virginia Carlton. Assistant District Attorney Jamie McBride is at center back.

pected to conduct three public hearings around the state, starting in early 2011. Dates have not been set.

Judge Broome said, "The mission we have in front of us, to improve the lives of the children of this state, is most ambitious." He noted that many members of the advisory group have worked together before, and the agencies they represent are interconnected in a common goal to improve the lives of children. "We are all talking about the same child."

Justice Pierce said, "We have a wealth of knowledge in this room, and we hope to tap into that."

The 25-member Commis-

sion includes judges, school officials, legislators and representatives of the Attorney General, Department of Human Services, Department of Mental Health and Medicaid.

Justice Pierce said, "We purposefully put together a very diverse commission of the various stakeholders."

Judge Broome's subcommittee will address lack of uniformity in the Youth Court system. One of the concerns is that the differing court structures and organizations coupled with different levels of resources create disparities in services available to children.

Judge Broome said, "A child in any area of the state

of Mississippi should be able to receive the same services as a child in any other location, regardless of whether they are in a depressed county or a growing county."

The education subcommittee will focus on improving educational opportunities for children who come under the jurisdiction of the Youth Court. Juveniles who get in trouble are at risk of losing educational opportunities. Judge Carlton said providing adequate education is a crucial element of rehabilitation. "We can't really address rehabilitation or options for Youth Court judges without looking at the whole child."

Continued, Page 2

Focus on Youth Court system and education



Mississippi Band of Choctaw Indians Senior Youth Court Judge Kevin Briscoe, at right, talks about his role in the tribal courts. At left is Rankin County Youth Court Judge Thomas Broome, commission co-chair.

The Supreme Court created the Commission on Children's Justice in April 2006. Chief Justice Bill Waller Jr. signed an order June 8, 2010, reestablishing the Commission and directing it to develop a statewide comprehensive approach to improving the child welfare system; coordinate the three branches of government in assessing the impact of government actions on children who are abused or neglected; and recommend changes to improve children's safety, strengthen and support families and promote public trust and confidence in the child welfare system.

The state court system receives \$450,000 for Youth Courts annually under the federal Court Improvement Plan Grant. The court order reconstituting the Commis-

sion states, "A requirement for the receipt of the Court Improvement Plan Grant funds is that an advisory group be utilized to assist in the identification of areas needing improvement in the children's justice arena, as well as making recommendations for improvement of those areas and the monitoring of the implementation of the recommended reforms."

Other members of the commission are: Mississippi Band of Choctaw Indians Senior Youth Court Judge Kevin Briscoe of Choctaw; Holmes County Youth Court Referee Robert Clark III of Lexington; Jacqueline Dedeaux of Gulfport, Department of Human Services Division of Youth Services; Greene County Alternative School Principal Carolyn Hartfield Bishop of Beaumont; Pascagoula Public

School District Superintendent Wayne Rodolfich; Mississippi Judicial College Staff Attorney William Charlton of Oxford; Ray Sims II of Jackson, director of the Office of Justice Programs of the Division of Public Safety Planning; Special Assistant Attorney General Patti Marshall of Ridgeland; Chris Cherney of Jackson, chief executive officer, Mississippi Children's Home Services; Sandra Parks of Brandon, director of the Children's Division of the Department of Mental Health; Lori Woodruff of Stringer, Deputy Administrator for the Department of Human Services Division of Family and Children's Services; Laurie Johnson of Diamondhead, executive director of CASA Mississippi; Kathy Pittman of Raymond, director of the De-

partment of Human Services Division of Youth Services; Kristi Plotner of Madison, Mississippi Division of Medicaid; Toni Kersh of Pearl, bureau director, Department of Education Compulsory School Attendance Enforcement; Pam Castle of Hattiesburg, Forrest County Youth Court prosecutor; Lea Anne Lemmons of Oxford, school program coordinator, Family Crisis Services of Northwest Mississippi; Joe Haynes of Jackson, Jobs for Mississippi Graduates; Alfred Martin of Ridgeland, chairman of the Mississippi Juvenile Justice Advisory Committee to the Governor; House Juvenile Justice Chair Rep. Earle Banks of Jackson; House Education Committee Chair Rep. Cecil Brown of Jackson; and Sen. David Blount of Jackson.

Access to Justice report addresses needs of the poor

Improving poor people's access to the civil courts requires increasing pro bono legal services for the poor, increasing funding for civil legal services, and making it easier for people to represent themselves in court proceedings, leaders of the Access to Justice Commission told the Supreme Court Sept. 14.

Former Mississippi Bar President Joy Lambert Phillips of Gulfport, who recently stepped down as co-chair of the Commission, said, "There is certainly a need for money, but that alone is not going to be enough. We need more lawyers to volunteer, but we also need our community as a whole getting behind this dire need."

Between April 2008 and February 2010, the Access to Justice Commission, acting on an order from the Supreme Court, convened public hearings in Gulfport, Greenwood, Oxford, Meridian and Jackson. The Report of Public Hearings on the Unmet Civil Legal Needs of Low-Income Mississippians summarized findings from those hearings. Access to Justice Commission leaders met with members of the Supreme Court to formally present findings and recommendations gathered from the public hearings.

The 48-page report offers a lengthy list of suggestions which hearing participants made regarding ways to improve poor people's access to the courts in civil matters. The report discusses



Justice Jess Dickinson listens as Joy Lambert Phillips outlines the Access to Justice report.

increasing funding for Legal Services, encouraging more lawyers to donate legal services through *pro bono* work, assisting people who represent themselves, and heightening public awareness of the availability of legal assistance for poor people.

"Some of the goals here will be short-term and some will be long-term" Phillips said.

Chief Justice Bill Waller Jr. thanked the commission. "The commission has done excellent work," he said.

Supreme Court Justice Jess H. Dickinson said in the report: "This Commission's overriding objective is to make sure that every citizen of this state, regardless of

economic status, has reasonable access to justice and that no one is excluded because they don't have the money to hire an attorney."

In 2008, when the Access to Justice Commission began holding public hearings, Mississippi ranked 49th in the nation for overall funding for legal services to the poor with about \$11.18 per poor person, Phillips told members of the Supreme Court. Funding and staffing for Legal Services offices decreased while the numbers of people needing help increased. Two Legal Services programs staffed by fewer than 30 attorneys turn away one person in need of services for every one they are able to assist.

A conservative estimate is that 500,000 Mississippians live at or below the poverty line, and the numbers may be larger. They need legal services in matters that include domestic violence, divorce and child custody, disability, food stamps, housing, Medicaid, foreclosure prevention, contractor fraud and landlord-tenant issues.

The public hearings brought together people who were assisted by legal services providers, attorneys who provide legal services to the poor, bar leaders, representatives of non-profit organizations, clergy, business and community leaders and judges. The testimony, which was transcribed, was

Access to Justice report looks at pro se litigant problems



Access to Justice Co-chair Judge Denise Owens and Justice Jim Kitchens listen to presentation at Supreme Court.

intended to assess the scope of the need.

The hearings also put human faces on the needs of poor people. “We heard real stories of people who walked up to the microphone and said, ‘Here’s what happened to me,’ ” said Justice Dickinson, who served as moderator for the five public hearings.

Phillips recalled powerful testimony of a domestic violence victim who spoke at the first hearing April 18, 2008, in Gulfport. The woman had found safety and help at the Northcutt Legal Clinic, but raised concerns about the numerous others who would have no hope or help due to lack of legal resources.

Many people don’t realize that legal assistance is avail-

able, or they don’t know where to find assistance. Some just give up.

Pro se litigants face difficulties trying to get relief, and they present difficulties for the courts.

Access to Justice Co-Chair and Hinds County Chancery Judge Denise Owens said, “In the last decade, the number of people representing themselves has spiked in the chancery and circuit courts. Judges have struggled with how to handle those type cases.” Judges must main impartiality. That raises questions as to “how much assistance, if any, they can give that unrepresented litigant,” she said.

“I left court this morning with four or five *pro se* litigants who did not have the proper paperwork but des-

perately needed some relief from the court. I tried to do what I could for them, but I am limited in what I can do,” Judge Owens said.

The Access to Justice Commission report suggested providing court-approved legal forms in libraries and enlisting the aid of *pro bono* attorneys to hold legal clinics to provide guidance for unrepresented litigants.

Ethical issues arise in discussions of limited scope representation. Do lawyers risk running afoul of the Mississippi Rules of Professional Conduct if they offer advice on the legal issues and help draft pleadings, but bow out without pursuing the case through to its conclusion? The Access to Justice Commission in July requested public comment on proposed revisions to the Rules of Professional Conduct intended to clarify what is permissible and to encourage limited scope representation.

The Supreme Court Rules Committee on the Legal Profession in August requested public comment on proposals to make *pro bono* service by attorneys mandatory, raise to \$500 the payments lawyers may make in lieu of doing *pro bono* work, and increase fees paid by out of state lawyers to \$500. The money is used by the Mississippi Bar to help fund civil legal assistance for the poor. It is up to the Supreme Court whether to make the rule changes.

Justice Dickinson said,

“There is no other way for us to make any kind of meaningful inroads unless we get the private bar involved.”

The Commission’s report said *pro bono* service should become an integral part of the Mississippi Bar’s culture. Incentives such as tax breaks for attorneys who do *pro bono* work, loan repayment for public interest lawyers, and state retirement benefits for Legal Services attorneys are among the suggestions offered at the public hearings.

New members appointed

Former Mississippi Bar President Rodger Wilder of Gulfport assumed duties as co-chair of the Access to Justice Commission in August, working alongside Hinds County Chancery Judge Denise Owens

The Supreme Court on Aug. 19 appointed new members including Chancery Judge Margaret Alfonso of Gulfport; attorney Edderek Cole of Jackson; Justice Court Judge Deborah Gambrell Chambers of Hattiesburg; attorney William Lucien Smith Jr. of Jackson, counsel to the Governor; and attorney Stephanie Barnes Taylor of Gautier, chief compliance officer of Singing River Health System. University of Mississippi School of Law Dean Richard Gershon of Oxford is an ex-officio member.

Access to Justice Commission report recommendations

Increase *pro bono* services through

- better organized and coordinated *pro bono* response;
- providing manuals and standard forms;
- broadening mix of *pro bono* cases;
- giving tax breaks for *pro bono* attorneys;
- training law firm clerical staff;
- enabling attorneys to receive credit for *pro bono* cases that do not meet Legal Services guidelines or are referred through the Mississippi Volunteer Lawyers Project.

Heighten public awareness through

- community networking;
- providing information on summonses and other notices about where to access Legal Services;

- teaching in the schools.

Increase funding by

- seeking additional funding for Legal Services to enable it to handle 200,000 to 250,000 cases per year;
- seeking funds from lawyers, foundations, corporations and state funding sources.

Facilitate self-representation with

- court-approved forms in libraries;
- *pro bono* attorneys providing advice and counsel at *pro se* clinics;
- streamlining systems to make *pro se* representation more manageable.

Expand general access through

- providing traveling legal clinics or lawyers in courthouses in rural counties;

- increasing availability of bilingual attorneys, particularly Spanish and Vietnamese speaking;
- creating a capacity to serve individuals and provide systemic advocacy approaches that Legal Services Corporation-funded programs cannot perform due to restrictions.

Other recommendations call for

- loan repayment for public interest lawyers;
- state retirement plans for Legal Services lawyers;
- attorney's fees in landlord-tenant and consumer protection cases;
- attorneys for children in *guardian ad litem* proceedings.

Read the entire report at

<http://www.mssc.state.ms.us/reports/NewATJ0Report2.pdf>.

Chief Justice Awards honor Access to Justice leaders

Justice Jess H. Dickinson of Gulfport, Hinds County Chancery Judge Denise Owens of Jackson, and former Mississippi Bar President Joy Lambert Phillips of Gulfport received the 2010 Chief Justice Award. Chief Justice Bill Waller Jr. presented the awards July 10 at the conclusion of the Mississippi Bar Convention.

Chief Justice Waller said, "Our justice system must be accessible to everyone, regardless of economic status. The individuals whom we honor with these awards are the driving force behind efforts to improve poor people's access to our courts."

Chief Justice Waller credited Justice Dickinson as being the catalyst of the Ac-

cess to Justice movement in Mississippi. Justice Dickinson was instrumental in founding the Access to Justice Commission.

At Justice Dickinson's urging, the Supreme Court revised the Rules of Professional Conduct in March 2005, allowing lawyers to donate money in lieu of their time for *pro bono* work, and requiring lawyers to report their *pro bono* hours. Also at his urging, the Supreme Court in 2007 made attorney participation mandatory in Interest on Lawyer Trust Accounts (IOLTA) to increase funding for civil legal assistance.

Judge Owens and Phillips served as co-chairs of the Commission since its incep-

tion four years ago. Under their leadership, the Commission has raised public awareness of the civil legal needs of poor people, and worked to identify ways to address those needs. The Commission conducted five public hearings.

Judge Owens has worked to improve access to justice for all people since she was a law student working at a Legal Services elderly law clinic in Washington, D.C. After she completed law school, she was a Legal Services staff attorney in Jackson. In her more than 20 years on the bench in the Chancery Court of Hinds County, she has seen the struggles of poor people as they try to navigate the com-

plex legal system on their own. Her understanding of the problems and her commitment to finding solutions has helped guide the work of the Access to Justice Commission.

Phillips stepped down as co-chair in August but remains on the commission. She has given hundreds of hours of her time to bring about changes for the benefit of poor people. With tireless energy, organizational and management skills and attention to detail, she advanced the work of the Commission.

Phillips is general counsel and a corporate executive vice president of Hancock Bank.

Judge Kilpatrick retires from Sixth Chancery bench

Chancery Judge J. Max Kilpatrick retired June 30.

"It has been an honor and a privilege to represent the people of Attala, Carroll, Choctaw, Kemper, Neshoba and Winston counties in this important position," he said. "With over 30 years in the state retirement system and my replacement unopposed, I feel it is time to return to

the private practice of law in Philadelphia and at the same time pursue other opportunities."

Gov. Haley Barbour said in a statement, "Judge Kilpatrick has a record of fairness and justice in the Sixth Chancery District, and I thank him for his service. His years of legal experience brought a high degree of

competence and personal integrity to the bench."

At a retirement reception in Philadelphia, Chief Justice Bill Waller Jr. presented Kilpatrick with a certificate of appreciation for his public service and his more than 36 years in the practice of law.

Kilpatrick served in the Mississippi House of Representatives, representing

Leake and Neshoba counties, from 1972 to 1980. In 1980, he served for a year as district attorney for the 8th Circuit District, which includes Leake, Neshoba, Newton and Scott counties. He served as board attorney for the Neshoba County Board of Supervisors for 17 years.

Rules Committee studies mandatory pro bono proposal

The Supreme Court Rules Committee on the Legal Profession is reviewing proposals which call for making *pro bono* service by attorneys mandatory, raising to \$500 the payments lawyers may make in lieu of doing *pro bono* work, and increasing *pro hac vice* fees paid by out of state lawyers to \$500.

The money is used by the Mississippi Bar to fund civil legal assistance for the poor.

No final decision has been made about changes. Chief Justice Bill Waller Jr. said, "The proposals are a starting point for discussions. No decision has been made with regard to the amount or the issue of mandatory versus voluntary participation. We are interested in receiving input from the bar and the public on these issues."

The Supreme Court Clerk received 148 letters of comment on the proposed mandatory *pro bono* proposal. The comment period ended

Oct. 1.

The Supreme Court Rules Committee on the Legal Profession will take into account the public comments before making recommendations to the Supreme Court. No time table has been set for action by the Supreme Court.

The Rules Committee on the Legal Profession, which Chief Justice Waller chairs, is seeking ways to increase the funding available to provide legal services for the poor.

Chief Justice Waller said, "I am interested in making sure that the poor have the same access to the courts as those who can afford to hire attorneys. These are challenging economic times. We must be vigilant in making sure there are sufficient funds and people available to represent the poor."

At issue are Rule 6.1 of the Mississippi Rules of Professional Conduct and Rule 46(b) of the Missis-

sippi Rules of Appellate Procedure. The proposals are on the Mississippi Judiciary website at <http://www.mssc.state.ms.us/rules/rulesforcomment/2010/RPC6.1.pdf> and [http://www.mssc.state.ms.us/rules/rulesforcomment/2010/MRAP46\(b\)\(5\).pdf](http://www.mssc.state.ms.us/rules/rulesforcomment/2010/MRAP46(b)(5).pdf).

The Mississippi Rules of Professional Conduct state that lawyers have a professional responsibility to render free legal services to the poor, and suggest at least 20 hours of *pro bono* work per year. *Pro bono* service is now voluntary. The proposed change to Rule 6.1 would make *pro bono* service mandatory.

Under the current rules, lawyers may donate \$200 a year in lieu of providing *pro bono* service. The proposed rule changes would increase the amount to \$500.

A proposed change to the Mississippi Rules of Appellate Procedure would increase the *pro hac vice* fee

from \$200 to \$500. The money goes to the Bar to help provide legal services to the poor.

The Mississippi Bar reported that 434 out of state lawyers paid \$86,800 in *pro hac vice* fees from Aug. 1, 2008, through July 31, 2009.

According to the Bar, 4,015 lawyers reported having performed 183,016 hours of *pro bono* service between Aug. 1, 2008, and July 31, 2009. At an average of more than 45 hours per attorney, *pro bono* service more than doubled the 20-hour recommended annual contribution.

During that same period, the Bar received \$155,107 in contributions in lieu of *pro bono* service from 1,013 attorneys. The average of \$153 was below the \$200 called for in current rules.

There are 8,572 active members of the Mississippi Bar. According to the Bar, 2,511 lawyers claimed exemptions.

Judge Kilgore plans to form Youth Drug Court

New Chancery Judge Joseph Kilgore of Philadelphia says starting a juvenile drug court is a priority.

Retired Sixth District Chancery Judge J. Max Kilpatrick laid the groundwork for creating a drug court. Kilgore said that he and Senior Chancery Judge Edward Fenwick of Kosciusko are committed to implementing a juvenile drug court. The Sixth Chancery includes Attala, Carroll, Choctaw, Kemper, Neshoba and Winston counties.

Speaking at the Neshoba County Fair a month after he took office, Judge Kilgore said, "As a practicing attorney and a Youth Court judge and now as Chancellor, I have seen the ravages of substance abuse on families and on our children. Especially alarming is the rate of youth substance abuse and the resulting criminal behavior among our teens, and that affects you and me."

Judge Kilgore said he became a believer in drug courts when he attended training as part of the planning team for the Choctaw Healing to Wellness Court.

The drug court model calls for immediate intervention by court personnel and continuous supervision and support to the family. Referrals to trained family therapists will be offered.

"We recognize that parental involvement is a vital component to the success of the individual juveniles and the treatment plans will have full emphasis on family sta-



Chief Justice Bill Waller Jr. administers the oath of office to Chancery Judge Joseph Kilgore, at right, on June 30. Judge Kilgore's wife Beth Kilgore holds the Bible.

bility," Judge Kilgore said. "I understand that not all families are supportive and functional, and the frequency and level of family contact will be adjusted according to the needs of that family."

Education is also a priority. Participants must remain in school and earn passing grades.

"There will not be a one size fits all solution to the juvenile. The substance abuse counseling and plans will be individualized to that child and appropriate for their struggle," Judge Kilgore said. "Most importantly, the youth will remain in his or her home, school and community instead of being in a state funded training school or juvenile detention facility."

Judge Kilgore wasn't

politicking for votes when he spoke under the fair's tin-roofed pavilion. He is unopposed for election. Gov. Haley Barbour appointed him to fill out the remainder of Judge Kilpatrick's term. Chief Justice Bill Waller Jr. gave him the oath of office June 30.

Judge Kilgore began hearing cases July 1. His biggest challenge so far has been balancing his docket with closing down his law practice in Philadelphia. He was a partner in the law firm of Alford, Thomas and Kilgore.

Judge Kilgore, 32, previously served as special master in Chancery Court and as Kemper County Youth Court referee. He was special prosecutor for the Mississippi Band of Choctaw Indians, the Neshoba County Justice Court and Philadel-

phia Municipal Court. He served as Board Attorney for the Philadelphia Public School District and Philadelphia Utilities.

He is past president of the Neshoba County Bar Association, and was vice-president of the Choctaw Bar Association. He was fund-raising committee chair for Habitat for Humanity. He was on the board of directors of the Philadelphia-Neshoba County Chamber of Commerce and the Philadelphia-Neshoba County Arts Council. He is a deacon at First Baptist Church of Philadelphia.

He earned a bachelor's degree in business administration and a law degree from the University of Mississippi.

He and his wife, Beth, have two children.

13th District Circuit Judge Robert G. Evans died July 13

Family and friends of the late Circuit Judge Robert G. Evans remembered him for his intellect, humor, fairness and devotion to his family and his work.

“He would treat the person who wore brogans and overalls the same as somebody who wore a necktie and a fancy suit. That’s the reason he served for 32 years” as district attorney and circuit judge, attorney Eugene Tullos recalled at a July 23 memorial service.

Judge Evans, 61, of Raleigh, died July 13 at St. Dominic’s Hospital in Jackson. He was diagnosed with pancreatic cancer in May.

“As a final act of kindness, in the interest of helping others, Judge Evans donated his body to science, to the University of Mississippi Medical Center for medical research,” Rev. Brian Fitzsimmons told a crowd that packed the courtroom at the Smith County Courthouse in Raleigh.

Chief Justice Bill Waller Jr. said Judge Evans in his last days was concerned that his docket did not go unattended. “He took seriously the oath he took to administer justice without respect to persons, to do equal right to the poor and to the rich, and to faithfully and impartially discharge and perform the duties of a circuit judge. He was attentive to the needs and the docket of the people of this court. He wanted to make sure the work was carried on. He was faithful to his position to the end.”



**Robert G. Evans
Circuit Judge**

The Mississippi Supreme Court in an order signed July 1 appointed retired Circuit Judge Frank G. Vollar of Vicksburg as a special circuit judge to preside over cases in the Thirteenth Circuit Court District while Judge Evans underwent medical treatment.

Gov. Haley Barbour commended Judge Evans’ service in a statement announcing the search for an appointee. “Judge Evans faithfully served the people of the 13th District for almost 20 years. His extensive legal knowledge and dedication to public service will be remembered,” he said.

Evans became District Attorney in 1980. Gov. Ray Mabus appointed him to the Circuit Court in February 1991 after the death of Circuit Judge Luther David Pittman. After facing two opponents to win a September 1991 special election, Judge Evans was re-elected four times without opposi-

tion. He was unopposed in the upcoming November election.

He was chairman of the Conference of Circuit Judges from 2001 to 2002.

Judge Evans, a member of the Mensa Society, published works dealing with the law, history and religion. *The Seven Messianic Festivals*, published in 2001, explores the Jewish roots of Christianity. His research into his great grandfather’s military service grew into a five-year project and the 2002 publication of *The Sixteenth Mississippi Infantry: Civil War Letters and Reminiscences*.

Judge Evans’ brother, Mac Evans, shared scripture, prayers and notes he found in the judge’s office. Among them was a handwritten “Ten Commandments for Judges” passed on by another judge. It read: “Be kind. Be patient. Be dignified. Don’t take yourself too seriously. A lazy judge is a poor judge. Don’t fear reversal. There are no unimportant cases. Be prompt. Use common sense. Pray for divine guidance.”

Also among the papers was a letter from a student. It read, “Thank you a lot for letting the fourth grade come to court. I was going to be a lawyer but now I see how hard it is. I’m going to be a judge.”

Mac Evans said, “Such a sense of humor, but he always kept his feet on the ground.”

He recounted his sibling’s

reaction after a prisoner ranted in the courtroom in Mendenhall. The defendant wanted a change of venue from Simpson County, but repeated several times that he wanted a change of “menu.” The jail there had a reputation for good food. After the defendant was restrained and order restored in the courtroom, Judge Evans reportedly quipped, “I don’t know what he’s so mad about. We’re having catfish and chicken today.”

Bret Boyles recalled the doting uncle who was “Steve McQueen cool,” who always insisted on buying the baseball tickets and hot dogs, and whose love of golf exceeded his ability to play the game. He bought the expensive NASA replica space suit his 5-year-old great nephew had wanted, and left his enormous personal library to the child.

Boyles recalled a frigid morning on a deer stand. “The sun was not up long and I could smell this sweet vanilla smoke coming from somewhere.... About an hour later the smoke kept coming closer. I looked down and there was Bob Evans with his gun on his shoulder and a book and a pipe in his hands. And he said, ‘Let’s go. It’s too cold.’ Bob smoked that pipe and talked all the way back to camp. I don’t know if Bob thought he was William Faulkner or Henry David Thoreau, but as I surmised then and do today, that’s just what cool uncles do.”

10th District Chancellor James H. C. Thomas died Oct. 1

Friends and colleagues remembered Chancery Judge James H. C. Thomas Jr. as a chancellor who epitomized judicious temperament on the bench, as a devoted family man and as an avid outdoorsman.

Judge Thomas, 71, of Hattiesburg, died Oct. 1 of a brain hemorrhage. He suffered a stroke in May, and had been working toward rehabilitation.

He had planned to retire effective Oct. 1.

Tenth Chancery Court Administrator Barbara Parham said, "He had the perfect personality to be a chancellor. He held his composure, no matter what it was. I never saw him be upset in the 16 years I worked for him."

The Supreme Court appointed retired Court of Appeals Judge Billy G. Bridges of Brandon as a special judge to assist the other three chancellors of the 10th Chancery District. The appointment began June 18, then was extended after Judge Thomas indicated that he planned to retire. Judge Bridges served as special judge through Oct. 15.

Judge Thomas had been unopposed for re-election in the district which includes Forrest, Lamar, Marion, Pearl River and Perry counties.

Hattiesburg attorney Kearney Travis eulogized Judge Thomas at his Oct. 4 funeral in Hattiesburg. They were friends for more than 60 years, having met as

teenagers at First Baptist Church of Hattiesburg.

Travis described Judge Thomas as patient, courteous, compassionate, conscientious, fair, level-headed and wise.

"He was courteous to all, but especially to young attorneys that came into court really not knowing how to handle things. He would spend time and show them what to do," Travis said in an interview. "He was very dedicated. He was either in his chambers or on the bench.

"He was attentive. If you had a matter before him, he took notes. Even if he ruled against you, you still felt there was fairness. He had not only the knowledge, but the wisdom, which I think is a gift," Travis said.

Tenth District Senior Chancellor Sebe Dale Jr. said, "It's a loss to the profession, to the judiciary and to our Chancery Court district....He took his job seriously. He has been very supportive and very interested in everything we undertook to do that we thought was for the betterment of the district and for the court."

"He was an easy person to get along with. He treated everyone with respect and courtesy. Everyone got the same treatment from Jim, regardless of who they were," Judge Dale said. "He was an all-around good man. I never knew anybody that didn't like him."

Off the bench, Judge Thomas was a devoted family



James H. C. Thomas
Chancery Judge

man who doted on his nine grandchildren. He is survived by his wife, two sons, two daughters, nine grandchildren, a sister and a brother.

Judge Thomas, an Eagle Scout, was involved in scouting throughout his lifetime. He was a past president of the Pine Burr Area Council of Boy Scouts of America. His father was director of the Boy Scouts when Camp Tiak was built.

Parham said, "I'll never forget him going down to Camp Tiak after the hurricane and helping them clean up. He was a hands-on kind of guy."

"His heart was in the Boy Scouts," Parham said.

Judge Thomas was an energetic outdoorsman who enjoyed working on his farm outside Hattiesburg, hiking, and taking his grandchildren to University of Southern Mississippi ball games.

Judge Thomas grew up in Hattiesburg. He was a

graduate of Hattiesburg High School, USM and the Tulane University School of Law. He was admitted to the practice of law in 1964.

He served in the U.S. Army 1964-1966. He was assigned to the Office of the Staff Judge Advocate, U.S. Army Artillery and Missile Center, Fort Sill, Okla.

He practiced law in Hattiesburg for 29 years, from 1966 until 1994, and represented the Forrest County School Board for 27 years.

He served as a part-time instructor in the University of Southern Mississippi Finance Department 1975-1985.

He served as Petal Municipal Judge 1974-1978.

Judge Thomas was elected to the Tenth Chancery judgeship in 1994 and took office in 1995.

Judge Thomas succeeded his former law partner, Chancellor Howard L. "Pat" Patterson, who chose not to seek reelection to the bench so that he could devote his time to Lions Club duties, recalled Judge Dale. Judge Patterson was elected Lions Clubs International president in 1997.

Judge Thomas was a former president of the Hattiesburg Lions Club.

He was a past president of the South Central Mississippi Bar Association and the University of Southern Mississippi Foundation.

He was active in First Baptist Church of Hattiesburg.

Eddie Bowen appointed as 13th Circuit Court Judge

Former district attorney Eddie Bowen of Raleigh was sworn in Sept. 20 as Circuit Judge of the Thirteenth Judicial District of Covington, Jasper, Simpson and Smith counties. Smith County Circuit Clerk Anthony Grayson administered the oath at the Courthouse in Raleigh.

Judge Bowen, 61, fills the vacancy created by the death of Circuit Judge Robert G. Evans. Bowen will serve the remainder of the term, which will expire at the end of the year.

Retired Circuit Judge Frank G. Vollar of Vicksburg served as a special circuit judge by order of the Supreme Court starting July 1.

Gov. Haley Barbour announced Judge Bowen's appointment on Sept. 13.

"Mr. Bowen's years of legal experience bring a high degree of competence and personal integrity to the bench," Gov. Barbour said in a statement. "I also thank him for his continuing commitment to public service by accepting this appointment."

Judge Bowen said, "I appreciate the opportunity to be appointed to serve as a Circuit Court Judge for the Thirteenth Judicial District. I consider it a very high honor, and I will serve to the best of my ability."

Serving as a judge has been his ambition since he earned his law degree 30 years ago, he said.



Eddie Bowen
Circuit Judge

Bowen had served as district attorney for 11 years. He was in private law practice in Raleigh for 19 years.

"I've been on the civil side. I've been on the crimi-

nals side, and now I'm in the middle," he said.

Judge Bowen earned a Bachelor of Science degree in secondary education from Mississippi State University and a law degree from the University of Mississippi School of Law.

He has 16 years of military service. He joined the Mississippi National Guard in 1967, and later served on active duty in the U.S. Army, then in the U.S. Army Reserve.

He enjoys fishing, hunting, playing guitar and motorcycling.

He is married to Sherrie Bowen. They have two adult sons, Jonas and Caleb, and one grandson, Gabriel.

New DAs take office in 12th and 13th Circuit Districts



Patricia Burchell

Gov. Haley Barbour recently appointed two district attorneys to fill unexpired terms in the Twelfth and

Thirteenth Circuit Court Districts. Patricia Burchell of Hattiesburg and Daniel Jones of Mendenhall were sworn in Oct. 1.

The Governor appointed Burchell as District Attorney in the Twelfth Circuit to fill the unexpired term of District Attorney Jon Mark Weathers. Weathers had served as District Attorney in Forrest and Perry counties since 2003.

Burchell served as an assistant district attorney for the past seven years. She has practiced law for 19 years.

Burchell earned a law degree from the University



Daniel Jones

of Mississippi School of Law. She has a Bachelor of Science degree in elementary education and a Master

of Education degree from the University of Southern Mississippi.

Jones was appointed to serve the remainder of the term of Eddie Bowen, who was appointed Circuit Judge of the Thirteenth District.

Jones has practiced law for 10 years. He holds a law degree from the University of Mississippi School of Law. He earned a Bachelor of Arts degree and a Master of Arts degree in political science from the University of Southern Mississippi.

The district attorney elections will be held Nov. 8, 2011.

Judges Alfonso, Patten honored for judicial excellence

Chancellors Margaret Alfonso of Gulfport and Edward E. Patten Jr. of Hazlehurst were honored with the Mississippi Bar's 2010 Judicial Excellence Awards on July 10 at the Mississippi Bar Convention in Destin, Fla.

Judge Alfonso is senior chancery judge of the Eighth Chancery District of Harrison, Hancock and Stone counties. Judge Patten is chancellor of the Fifteenth Chancery District of Copiah and Lincoln counties. Both have served 12 years.

The Mississippi Bar's Board of Commissioners established the Judicial Excellence Award to recognize judges who exceed the call of their judicial office. Mississippi Bar Immediate Past President George R. Fair noted that the awards are presented to judges "who exemplify the quality and efficiency of justice and a person of high ideals, character and integrity."

Judge Patten said, "I thought one of the greatest privileges of my professional career was becoming an attorney and having the occasion to serve my clients and the Bar. However, when I was elected Chancellor, I discovered that each and every day gives me the opportunity to affect, hopefully in a positive manner, someone's life. I look forward to every day because of that profound possibility and challenge."

Judge Alfonso said, "All who are fortunate to be

elected or appointed to judicial office aspire to be worthy of the title 'Judge.' To be accorded the honor the Bar has bestowed on me is beyond the highest expectation of approval I ever imagined. I am deeply honored and humbled by the generous assessment of my efforts to serve as a Chancery Court Judge."

Judge Alfonso is a founding member of Professionals Advocating for Children Together (PACT), which was organized in 2002 to work on behalf of abused and neglected children. She was instrumental in creating a position of public guardian in 2002 in Harrison County to protect the interests of indigent minors and the elderly. She initiated the first Adoption Day for Harrison County in 2004.

She served on the Media and the Courts Study Committee and the Commission for Study of Domestic Abuse Proceedings. She recently joined the Access to Justice Commission.

She was inducted as a Fellow of the Mississippi Bar on April 15. She received the Alonzo Westbrook Public Service Award, John Mason Award from the Gulf Coast Victims' Right Coalition for Advocacy for Victims, and the Award of Excellence presented by the National Association of Legal Professionals.

She is a former assistant district attorney for Harrison, Hancock and Stone counties, a former assistant



Chancellors Edward Patten and Margaret Alfonso received the Judicial Excellence Award.

county prosecutor for Harrison County, and a former family court prosecuting attorney. She also served as assistant state's attorney for Cook County, Ill.

Judge Alfonso earned a Bachelor of Arts degree in political science from the University of Southern Mississippi and a law degree from the University of Mississippi School of Law.

Judge Patten is chairman of the Conference of Chancery Judges. He previously served for two years as conference vice-chair. He is a member of the Mississippi Code of Judicial Conduct Study Committee, and is chair of the Bench-Bar Liaison Committee.

Judge Patten recently concluded more than seven years of service on the Supreme Court Advisory Com-

mittee on Rules, including two years as vice-chair and more than three years as chair. He previously served four years on the Bar Complaints Tribunal. He served on the Task Force to Strengthen Confidence in the Legal System and on the Legislative Study Commission on the Mississippi Judicial System.

He was inducted in 2003 as a Fellow of the Bar Foundation. He is a Mississippi Bar Commissioner and former president of the Copiah County Bar Association.

He earned a Bachelor of Science degree in pharmacy from the University of Mississippi. He earned a law degree from the University of Mississippi School of Law. He practiced law in Hazlehurst before being elected to the bench.

Judges emphasize ethics to new law students

Mississippi Supreme Court Presiding Justice George C. Carlson Jr. told new law students that the practice of law is not about making money or winning.

Speaking to about 225 students on the Mississippi College campus in Clinton on Aug. 11, Justice Carlson said the legal profession is about service, with civility, ethics and professionalism as core values.

Justice Carlson opened the James O. Dukes Law School Professionalism Program for first year students of Mississippi College School of Law.

Chief Justice Bill Waller Jr. was the keynote speaker Aug. 19 for a program for first year law students at the University of Mississippi School of Law. He talked about ethics, professionalism and lawyers' obligations of service to the profession, encouraging students to become involved in *pro bono* work.

Chief Justice Waller said, "Our justice system must be accessible to everyone, regardless of economic status."

Justice Carlson said, "You are the future of our legal profession. I implore you to remember as you go through law school that being a lawyer is not about making money. I am satisfied that if you work hard during law school and then as a lawyer, you will achieve financial success. But more importantly, I implore you to remember that the legal pro-

fession, protestations to the contrary notwithstanding, is still a service profession. We are put here on this Earth not to be served, but to serve."

Justice Carlson, who was a circuit judge for 19 years before joining the Supreme Court, decried the "win at all costs, Rambo type attitude" he saw in the courtroom.

"If we don't have a problem in the legal profession when it comes to a lack of civility, a lack of ethics, a lack of professionalism, why has the Mississippi Bar suffered a direct hit due to convictions of lawyers and judges over the last few years on judicial corruption charges?" Justice Carlson said. But, he said, "Let me assure you that although the problems of the past few years in Mississippi, without question, did cast a cloud over our grand profession, we will prevail because our legal profession in Mississippi is made up of good and honorable men and women."

Justice Carlson cited longtime attorney Hal Miller's assessment: "How would your mother feel about what you did?"

The late James O. Dukes of Gulfport, the former Mississippi Bar president for whom the professionalism program is named, called it the "gut test." Dukes emphasized civility and professionalism and was instrumental in creating the program for first year law students. This is the twelfth year that the



Presiding Justice George C. Carlson Jr. addresses new law students at Mississippi College.

Mississippi Bar has sponsored the professionalism program as part of orientation for law students.

Numerous lawyers and 26 judges served as facilitators for small group discussions. Facilitators at the Mississippi College program included Justice Carlson and Justice Ann H. Lamar; Court of Appeals Judges Kenneth Griffis Jr., Joe Lee and David M. Ishee; Circuit Judges Vernon Cotten of Carthage, Lisa P. Dodson of Gulfport and Winston L. Kidd of Jackson; Chancery Judges Larry Buffington of Collins, Debra Halford of Meadville, and Edward E. Patten Jr. of Hazlehurst; County Court Judges Kent McDaniel of Brandon and

John P. Price of Magnolia; 5th U.S. Circuit Court of Appeals Judge Leslie Southwick of Jackson; and U.S. District Judge Keith Starrett of Hattiesburg.

Facilitators at the University of Mississippi program included Chief Justice Waller; Justice Lamar; Court of Appeals Chief Judge Leslie D. King; Court of Appeals Judges Tyree Irving and James D. Maxwell II; Circuit Judge Robert Bailey of Meridian; Chancery Judges Buffington, Vicki Cobb of Batesville, Dorothy Colomb of Columbus, Michael Malski of Amory, Lawrence Primeaux of Meridian and Patricia Wise of Jackson; and DeSoto County Court Judge Allen Couch Jr.

Conference of Circuit Court Judges elects officers

Circuit Judge Andrew K. Howorth of Oxford was elected chair of the Conference of Circuit Judges. Judge Howorth previously served as conference vice-chair.

Judge James T. Kitchens Jr. of Caledonia was elected vice-chair of the Conference of Circuit Judges. He previously served as secretary-treasurer of the conference. Judge Robert P. Chamberlin of Hernando was elected the new secretary-treasurer.

Officers were elected during the April Trial and Appellate Judges Conference in Robinsonville.

Judge Howorth has served as a circuit judge in the Third Circuit Court since January 2002. He presides over a Drug Court which he founded in 2007. The Third



Judge Andrew Howorth

Circuit District includes Benton, Calhoun, Chickasaw, Lafayette, Marshall, Tippah and Union counties.

Judge Kitchens has served since January 2003 as Circuit Judge of the Sixteenth District, which includes



Judge James Kitchens

Clay, Oktibbeha, Lowndes and Noxubee counties. He is a former Supreme Court law clerk and former assistant district attorney.

Judge Chamberlin was appointed in November 2004 to the Seventeenth



Judge Robert Chamberlin

District, which includes DeSoto, Panola, Tallahatchie, Tate and Yalobusha counties. He served four years in the Mississippi Senate. He is a former municipal judge for the city of Hernando.

Veteran law officer is new Supreme Court Marshal



Marshal Stephen Markert

The Mississippi Supreme Court appointed Stephen E. Markert as Marshal in charge of security for the

Carroll Gartin Justice Building, effective July 12.

Markert replaced A. W. Grubbs of Brandon, who retired June 30 after 14 years of service to the court.

Markert, 57, of Madison, has 32 years of law enforcement and judicial security experience.

Chief Justice Bill Waller Jr. said, "We are pleased to have a person of such extensive experience and training to ensure the safety of the justices, judges, court employees and the public."

Markert retired June 30 as Chief Deputy U.S. Marshal for the 45-county

Southern District of Mississippi. For the past 12 years, he managed daily operations for the U.S. Marshals Service. He oversaw security in six federal courthouses. He was responsible for security planning during construction of four new courthouses and remodeling of two facilities. He managed federal prisoner transportation and housing. He oversaw apprehension of fugitives, and helped develop the Central Mississippi Fugitive Task Force.

Markert oversaw the U. S. Marshals Service disaster response to Hurricane Katrina, coordinating

evacuation of judges, court staff, Marshals Service staff and their families, and federal prisoners. He helped facilitate resumption of court operations.

Markert was Supervisory Deputy U.S. Marshal in Portland, Ore., for three years. He began his career as a Richmond, Ky., police officer, then worked for the Federal Bureau of Prisons in Lexington, Ky. His first post with the U.S. Marshals Service was in San Diego, Calif. He left the Marshals Service for two years to work as a U.S. Customs Service agent in San Diego.

Court Improvement Program invites cross-training with DHS

Youth Court judges and referees and their staffs are invited to participate alongside Department of Human Services workers in upcoming training offered through the Court Improvement Program.

The curriculum will provide an overview of research showing the disproportionate number of minority children in the child welfare system compared to the number in the total population, as well as identify some reasons for the disproportionality. The training will focus on the need for awareness of biases which could lead to disproportionate treatment along racial, gender or cultural lines.

Supreme Court Justice Randy G. Pierce, chairman of the Commission on Children's Justice, said in an introduction to the training video, "Racial and socio-economic biases can creep into the thought processes. Perhaps even unintentionally, biases can affect how one evaluates people and circumstances, lead to unfounded assumptions, and affect the course and quality of services."

Another training segment emphasizes need for diligence in identifying family members, including absent parents and extended family, who may be willing to care for children who have come under the jurisdiction of the Youth Court and the Department of Human Services.

A training video includes the first-person account of a father who gained custody of his four children after



Justice Randy G. Pierce and Lori Woodruff, DHS Deputy Administrator for the Division of Family and Children's Services, tape the introduction to a training video.

having been out of touch with them. DHS Family Protection Specialist Rena Williams, who handled the man's case, emphasized the importance of searching out family members.

The Administrative Office of Courts and the Department of Human Services Division of Family and Children's Services Court Improvement Program Workgroup collaborated in planning the curriculum and producing the training video and a manual.

Justice Pierce and Lori Woodruff, DHS Deputy Administrator for the Division of Family and Children's Services, set the tone for the training video with an introduction to the program.

More than 700 social workers of the Department of Human Services are expected to participate in the training.

More than 30 judges signed up to participate in the cross-training program after it was announced dur-

ing the Youth Court Judges and Referees Conference Sept. 15-17, said Dennis Perkins, Youth Court Program Director for the Administrative Office of Courts.

Thirteen regional training sessions will be held across the state between September and December 2010. Training dates and locations are available from DHS Division of Family and Children's Services Training Director Denise Rouse at rouse.denise@mdhs.ms.gov.

Washington County Chancery Court to create Domestic Abuse Court

The Washington County Chancery Court is the recipient of a federal grant to develop a Domestic Abuse Court.

Chancery Judge Marie Wilson, who sought the grant, said, "The ultimate aim is to reduce the incidence of domestic violence in this area."

Judge Wilson said, "Domestic violence has claimed the lives of some victims and severely injured other victims in Washington County. We recognize that it's a very serious problem.

"We just felt like it needed to be addressed in a different way. Obviously what we are doing was not working," Judge Wilson said.

The \$172,609 grant, to be spread over two years, is provided by the U.S. Department of Justice Office on Violence Against Women. Susan B. Carbon, director of the Office on Violence Against Women, notified Washington County authorities of the grant award by letter on Sept. 22.

Carbon said in the letter, "This grant award, made under the Court Training and Improvements Program, is to provide support to court and court-based initiatives that aim to improve civil and criminal court functions, enhance court infrastructure and improve court responses to victims of sexual assault, domestic violence, dating violence and stalking. With this award, the Washington

County Chancery Court will establish a civil domestic abuse court to improve the judicial handling of domestic violence, dating violence and/or stalking cases, ensure offender accountability, and promote informed judicial decision making."

Judge Wilson expects to coordinate a program which will accept referrals of victims and defendants from Municipal, Justice, County and Circuit Courts. The Domestic Abuse Court, operated within the Chancery Court, will assess the needs of the victim and the accused offender, help both sides get legal representation, refer them to counseling and a behavior modification program, and monitor their progress.

The Domestic Abuse Court will be a problem-solving court, similar to a Drug Court.

"We are hoping to reduce recidivism," Judge Wilson said. "We are hoping that through this process, they will be less likely to repeat this behavior. We are talking about behavior modification."

Circuit Judge Betty W. Sanders of Greenwood encouraged Judge Wilson to pursue grant funding for the Domestic Abuse Court. "I thought it would be an excellent mechanism for helping both the victims and the defendants in these cases," Judge Sanders said.

Judge Sanders sees third-offense criminal felony do-

mestic abuse cases. "They have been down this road twice and have been to either Municipal or Justice Court, and they just didn't get it. So now they are looking at incarceration."

Judge Sanders said a behavior modification alternative to incarceration offers a chance for people to work out their differences peacefully.

Judge Wilson conducted a planning meeting on Oct. 11 in Greenville with representatives of all levels of participating courts, local government, the bar and clergy.

Invited participants included Judge Sanders, Washington County Justice Court Judge Laverne Holmes Carter, Greenville Municipal Judge Michael Prewitt, Hollandale Municipal Judge Jaribu Hill, Special Assistant Attorney General Heather Wagner of the Domestic Violence Division of the Attorney General's Office, Washington County Administrator Elizabeth Smith, Washington County Chancery Clerk Marilyn Hansell, Our House Inc. Executive Director Patricia Davenport, North Mississippi Rural Legal Services attorneys Ruby White and Alsee McDaniel, attorney George Kelly, Greenville Police Department domestic violence officer Sgt. Rosetta Williams, Mississippi Department of Human Services Access and Visitation Program Director Ruth Ann Williams, New Jerusalem



**Marie Wilson
Chancery Judge**

Missionary Baptist Church pastor Rev. Myron Holmes, Chancery Court Law Clerk Tiarra Tanner, and Chancery Court Administrator Itonia Williams.

The Violence Against Women Act of 2005 authorized appropriation of \$5 million each fiscal year through 2011 for the Courts Program. Eligible applicants include federal, state, tribal, territorial, or local courts or court-based programs, and national, state, tribal, territorial, or local private, non-profit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.

More information about the D.O.J. Office of Domestic Violence Against Women grant program is available at <http://www.ovw.usdoj.gov/court-training.htm>.

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214 law school grads admitted to Bar



Greene County Justice Court Judge Joe Beard of Leakesville, at right, was admitted to the practice of law during a ceremony Sept. 28 in Jackson. Beard, who has served as a Justice Court judge for 26 years, was among 214 recent law school graduates who took oaths to be admitted to practice law before the state and federal courts. Twenty-two of the state's 197 Justice Court judges are attorneys. Supreme Court Justice Randy G. Pierce, center, congratulated Beard and Supreme Court Law Clerk Rounsaville S. "Roun" McNeal, also a Leakesville native, on their admission to the bar.