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Chief Justice Waller: Team effort to promote efficiency, fairness

Mississippi Supreme Court Chief Justice William L. Waller Jr. said he will strive to promote efficiency and fairness in the administration of justice.

He took the oath of office as Mississippi's 35th chief justice on Jan. 8 in the En Banc Courtroom of the new Gartin Justice Building before an overflow crowd estimated at 650. Court of Appeals Chief Judge Leslie D. King administered the oath.

Chief Justice Waller called upon everyone who is a part of the court system to support efforts to improve fairness and efficiency in the administration of justice. "For the courts to operate...fairly and efficiently, it takes a team effort," he said.

Gov. Haley Barbour in his keynote address said, "The law is a noble calling, a high and honorable profession, and there is no person where we need the highest of honor more than in the man who presides over our whole court system. And we are blessed to have such a man in our new Chief Justice."

Retired Court of Appeals Judge Mary Libby Payne called Chief Justice Waller "an egalitarian, a man of the people."

Chief Justice Waller said, "In looking at fairness and efficiency, we must start with the Constitution and the oath I just took, that I will administer justice without respect to persons and do equal right to the poor

and to the rich."

"I look at that as access to the courts, so that the poor have the same rights as those that have been blessed more with material possessions," he said.

Chief Justice Waller said that he will continue the Court's leadership in support of the Access to Justice Commission, which was created in 2006 to develop a unified strategy to improve access to the civil courts for the poor. Efforts are underway to develop a program to increase pro bono participation by the private bar.

He noted that locally generated funding for civil legal assistance has increased during the past four years as a result of the court's requirement for collection of a \$200 pro hac vice fee, revisions in pro bono rules which allow attorneys to give money in lieu of taking pro bono cases, the court's mandating that most private practice attorneys participate in the Interest on Lawyer Trust Accounts (IOLTA) program, and the Legislature's addition of a \$5 fee to each civil case filed in circuit and chancery courts.

"With this money, we have to be good stewards," he said.

Chief Justice Waller said he is committed to undertake another review of the Code of Judicial Conduct, with special attention given to provisions

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Chief Justice William L. Waller Jr., with hand over heart, recites the Pledge of Allegiance at his investiture ceremony. The color guard was a joint detail of the Air and Army National Guard, signifying a team effort.

Waller becomes 35th Mississippi Chief Justice

related to judicial election campaigns. “The public, our state, and our court system deserve the best to keep the public confidence.”

Chief Justice Waller wants to complete development and begin implementation of the Mississippi Electronic Court System. A pilot project is currently being operated in Madison County Chancery Court. The Mississippi Electronic Court System is based on the electronic case filing and case management system used by federal courts.

At completion, “We will have a seamless electronic court system in the state for purposes of filing documents. We will also have a system that will allow the public to access records. And we will have the tools so that our good trial judges can manage their work,” Chief Justice Waller said. “I think this will help bring efficiency. There will be a cost savings.”

He believes the courts need to continue to seek innovative ways to reduce litigation costs and shorten time for resolution of legal claims. An expedited small claims pilot project underway in the County Courts of Rankin, Jones and Lee counties has great potential for decreasing costs and speeding up the resolution of claims, he said.

“Time matters. If there is a criticism of the courts that I hear over and over, it is time and expense,” Chief



Chief Justice William L. Waller Jr. takes the oath as his wife, Charlotte Waller, holds the Bible and their children, William III, Clayton and Jeannie, look on. Seated are Mississippi Bar President Rodger Wilder and retired Court of Appeals Judge Mary Libby Payne.

Justice Waller said.

He noted the work of two of his predecessors, Chief Justice Edwin L. Pittman and Chief Justice James W. Smith Jr., in pushing for timeliness in the courts. Under Chief Justice Pittman’s leadership, the Supreme Court adopted time standards for the trial courts. Chief Justice Smith pushed the Supreme Court to be timely in its decisions.

“My commitment is to continue that and look for new and better ways to reduce cost and time,” he said.

Mississippi Bar President Rodger Wilder said, “To be effective, the court has to be recognized, it has to be respected, its decisions have to be understood to be fair and impartial and correct. The judiciary must not only be right, but it must be perceived to be right.

“I know from personal experience that our new chief justice possesses the wisdom, the intellect, the honesty, the integrity, the fairness, and as we have just heard, the work ethic to be an outstanding chief and to lead the court for many years,” Wilder said. “Let me assure the people of the state of Mississippi that your judiciary is in good hands.”

Four Supreme Court Justices take oath to begin new terms



Four Supreme Court Justices took the oath of office Jan. 5 in Jackson. Above, left to right, are Gayla Pierce and Justice Randy G. Pierce; Mary Kitchens and Justice James W. Kitchens; Justice David A. Chandler and Glenda Chandler; and Justice Ann H. Lamar and John T. Lamar Jr. New Justices later held investitures in Leakesville, Starkville and Hazlehurst. Pictured with Justice Pierce at right are daughter Anna Grace, son-in-law Jonathon Rayborn, grandson Jaxon Rayborn, daughter Tiffany Rayborn, and wife Gayla. Below, Court of Appeals Chief Judge Leslie D. King administers the oath to Justice Chandler as wife Glenda Chandler holds the Bible. Below, at right, retired Circuit Judge Joe Pigott administers the oath to Justice Kitchens.



Supreme Court adopts rules and procedures for electronic filing



U.S. Sen. Thad Cochran, Court of Appeals Chief Judge Leslie D. King and Supreme Court Justice George C. Carlson Jr. view a presentation about development of the Mississippi Electronic Court System

The Mississippi Supreme Court has adopted a set of rules and procedures which will govern electronic filing of court documents during the future development of the Mississippi Electronic Court System (MEC).

The e-filing system would allow attorneys to file pleadings and retrieve documents via the Internet, give courts an efficient tool for docket management, and make court records more accessible to the public.

The electronic filing system is an adaptation of the federal courts' system. The system is being modified and adapted for state court use, and is expected to be made available to all state courts. Participation by trial courts is voluntary.

The Supreme Court on Dec. 11, 2008, adopted Administrative Procedures and made amendments to the Uniform Chancery Court Rules and Uniform Rules of Circuit and County Court Practice. Amendments to existing court rules became



Chancery Clerk Arthur Johnston outlines the pilot.

effective Jan. 8, 2009.

The Administrative Procedures and rule changes provide specific requirements for how documents are filed electronically by attorneys and how those documents may be made accessible to the public in any Chancery, Circuit or County court which may implement an electronic filing system in the future.

The Administrative Procedures also address privacy issues related to Internet access. The Administrative Procedures address concerns

regarding access to Social Security numbers, names of minor children, dates of birth, financial account numbers and street addresses in court documents.

A pilot project is underway in Madison County Chancery Court. The program has great flexibility and can be adapted to use in state court filings, Madison County Chancery Clerk Arthur Johnston said.

The system may be ready to use live in Madison County in early 2009, Chief Justice William L. Waller Jr. said.

Sen. Thad Cochran, who helped secure a licensing agreement with the Administrative Office of the U.S. Courts, visited the Mississippi Supreme Court on Oct. 14 to get an update. "We will do everything we can to be supportive," he said.

Johnston and Madison County Deputy Chancery Clerk Lakisha Jones gave an overview of the pilot program. The first testing was done with Madison County

Chancery Court records in closed cases in early 2008. Testing then shifted to docketing live cases.

Johnston said he expects to continue to use a dual docketing system – electronic and paper – for the immediate future. Some files, such as adoptions, will continued to be hand-docketed because they are sealed.

Chancery Court was chosen as a starting point, since chancery documents are very different from anything which would be filed in a federal court. For instance, there is nothing comparable to letters testamentary in federal court filings. The system had to be modified.

Attorneys will enter the docket information via computer when they file pleadings. Court staff check for quality control, Johnston said.

The system has a calendar function which tells judges when cases are set to be heard, when deadlines approach and when cases are ripe to be decided.

Efficiency of preparing court records for appeal is one of most attractive features, several court officials agreed. What has been a time-consuming task of photocopying documents is reduced to a few clicks of a computer mouse, Johnston said.

Rankin County Court Judge Kent McDaniel said, "That is just phenomenal. It takes a few minutes as opposed to days with clerks rummaging around in files."

Training video prepares social workers for Youth Court



Hinds County Court Judge William Skinner, at left, and Hinds Circuit Court Reporter Kimberly Smith, third from left, work with actors to produce a training video to prepare Department of Human Services social workers for testimony in Youth Court.

Department of Human Services staff newly assigned to deal with abused and neglected children will get a preview of Youth Court procedures through a new training program.

The Advanced Professional Development for Court Procedure curriculum incorporates interactive lectures, a training manual and an instructional video which demonstrates situations which social workers may encounter in the courtroom. The new program was presented for the first time on Oct. 13, 2008, to a regional training seminar. About 700 workers from across the state are expected to complete the training, said Tonya Rogillio, regional director of the Division of Family and Children's Services for the Department of Human Services.

Rogillio said, "Adult learning research indicates that adults learn best by hearing, seeing, and doing. The Advanced Professional

Development for Court Procedure training will consist of all three of those methods of teaching. The workers will hear the information from a trainer, see it demonstrated on the video and practice it in a mock trial."

Administrative Office of Courts Project Manager Dennis Perkins said the training is designed to prepare social workers for court appearances by letting them know what to expect, and what is expected of them. The training is intended to familiarize new workers with court proceedings so that they are less intimidated in the witness chair and are more effective in protecting families and children.

"I think we have gone to another level of excellence in providing training material," Perkins said.

The Administrative Office of Courts and the Department of Human Services Division of Family and Children's Services collaborated in writing the training man-

ual and outlining the video. Eyevox Film and Video Production of Ridgeland scripted and shot the video with input from DHS and AOC. The National Resource Center of the U.S. Department of Health and Human Services Administration for Children and Families provided planning assistance.

Part of the video was shot at the Hinds County Courthouse in Jackson in August 2008. Hinds County Court Judge William Skinner, Court Bailiff Jimmie Griffing and Circuit Court Reporter Kimberly Smith joined a local cast of actors to create a series of vignettes demonstrating appropriate courtroom decorum, direct examination and cross-examination.

Judge Skinner said that a training program was much needed. He meets periodically with new DHS social workers to discuss problems which he sees in the courtroom.

"The video series is going to expedite the learning experience," Judge Skinner said.

Rogillio said, "The training video depicts very true to life situations that DHS workers may encounter in court and demonstrates the appropriate way to handle those situations. The worker's preparedness and effectiveness in court has a direct impact on outcomes for children and families. Regardless of how well a worker knows their case or family, if they are unable to articulate their position in an understandable and believable manner in the courtroom setting, they may not be able to obtain the results that are in the best interests of the families and children with whom they are working. Being better prepared, which is addressed in the video, will hopefully result in assisting our families with moving through the court system in a more timely manner."

Forrest County Youth Court joins Model Courts Project

The National Council of Juvenile and Family Courts has selected the Forrest County Youth Court to participate in a program which will examine the local court's practices, find ways for improvement, and offer the improvements as a model for other state courts.

Forrest County Court Judge Michael W. McPhail was notified in late August 2008 that the local court has been accepted into the Model Courts Project of the National Council of Juvenile and Family Court Judges-Permanency Planning for Children Department.

Judge McPhail said, "For more than 10 years, the Model Courts project, sup-



**County Court Judge
Michael McPhail**

ported by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, has been guiding and supporting courts nationwide in implementation of systems reform to improve outcomes for children and families. Our court team is excited about

this new endeavor to establish best practices and system reform in our jurisdiction."

A Model Courts trainer will work with local Youth Court staff, the Forrest County unit of the Department of Human Services Division of Family and Children Services, and the University of Southern Mississippi School of Social Work. The Model Courts program will also provide technical assistance.

The Model Courts program will look at how the local court, DHS and other entities work together as a system for protecting children. The review will examine the system and the step by step processes.

Judge McPhail said, "I'm going to accept their critique and make sure that I can modify and change and help improve our approach....We are going to see where our problems are, where we have issues, where we have gaps in service."

Judge McPhail said, "The goal of the Youth Court is to make sure that all children's health, safety and well-being are taken care of....The goal is to make reasonable efforts to keep families together, or if the children have to be removed from the parents, to see that the Department of Human Services and the court make reasonable efforts to get the children back to a safe home."

Uniform Rules of Youth Court Practice adopted

The Mississippi Supreme Court adopted Uniform Rules of Youth Court Practice which became effective Jan. 8, 2009.

There has never previously been one comprehensive set of rules to complement the statutes and guide judges, attorneys, social workers, law enforcement and others who deal with the interests of children.

The Task Force for Youth Court Rules of Procedure made extensive recommendations.

Supreme Court Justice Mike Randolph of Hattiesburg, co-chair of the Task Force, said, "Prior to the adoption of these rules, Youth Courts throughout the

state lacked uniformity on procedures....Uniformity is critical to assist litigants and practitioners. Whether they are in Pascagoula or Pontotoc, it ought to be the same."

Having uniform rules "helps everyone to understand their roles in the system to effectively ensure proper treatment of the youth in the state," Justice Randolph said.

Uniform rules will also help ensure that Youth Court orders are consistent with the requirements of federal law, Justice Randolph said.

Clay County Youth Court Referee Thomas B. Storey of West Point served as co-chair of the Task Force.

Judge Storey, who also is chair of the Council of Youth Court Judges, said, "I'm very pleased that for the first time, all practitioners in the Youth Courts of Mississippi will have one legal document to use while practicing in the Youth Court."

Some of the topics addressed in the rules include:

- compliance with federal requirements regarding permanent placement of children removed from the custody of parents and placed in foster care;
- procedures for taking a child into custody on allegations of delinquent acts;
- procedures for each step of the Youth Court process;

- rights of juveniles in custody for delinquency and child in need of supervision proceedings;
- proper facilities for detention of juveniles;
- transfers of cases from Youth Court to other courts;
- summonses to juveniles, parents or other family members regarding Youth Court hearings;
- appointment of a guardian ad litem;
- foster care hearings;
- truancy of children and educational neglect by parents;
- placement of children who exhibit a need for mental health services;
- interstate compact.

Jones, Lee and Rankin Courts test expedited small claims rules

County Courts in Jones, Lee and Rankin counties for the next two years will test a pilot project aimed at expediting civil cases which seek damages less than \$50,000.

“The goal is to make court more affordable for these small claims without sacrificing fairness,” Jackson attorney and former Hinds County Court Judge James Bell told participants in the Trial and Appellate Judges Fall Conference on Oct. 23.

The Supreme Court put the Rule for Expedited Small Claims into effect Oct. 1, 2008. County Court judges in Jones, Lee and Rankin counties can also apply the rule retroactively to earlier filed cases which

they deem appropriate.

The court order said, “The Rule may be used in an eligible case only where the county court, in the exercise of its discretion, has entered an order in that particular case making the Rule applicable in that case.”

The Supreme Court Advisory Committee on Rules has discussed proposals for years. Bell said the effort dates back to the tenure of former Chief Justice Lenore Prather, who asked the Advisory Committee on Rules to find a way to curb litigation expenses while expediting cases.

“What we found was that in smaller cases, it often cost more to prosecute than the

claim was worth,” said Bell, who serves as secretary to the Advisory Committee on Rules. “We recognize that small claims have become the Achilles heel of the justice system.”

Some cases never make it to court because it would cost more to litigate them than they are worth. For instance, pursuing a claim over a \$10,000 injury could cost more than that in legal fees, Bell said.

“What we hope to accomplish is opening the doors of the courthouse to people who have these small claims,” Bell said.

Rankin County Court Judge Kent McDaniel, who has agreed to participate in the pilot project, said, “The bottom line is that if people have a valid claim, they ought to have a mechanism to pursue it in a cost-effective manner. We don’t want anybody to forego a legitimate claim because it’s too expensive to bring it.”

Depositions, document production, expert witnesses, motions and multiple court appearances make litigation lengthy and costly. Bell recalled a legal dispute over a claim valued at \$50,000. One lawyer wanted to take multiple depositions. Depositions and attorney fees totaled \$120,000.

The pilot project aims to test a way to streamline litigation by limiting depositions and other discovery and speeding up the process.

The rule is applicable only to cases in which the



James Bell

sole relief sought is a money judgment and in which total claims are less than \$50,000, or in which monetary damages are unspecified. The less than \$50,000 limit does not include interest, costs and attorney fees.

Cases involving small contract disputes and automobile accidents with no serious injuries are among the kinds of cases to which the Rule for Expedited Small Claims could apply, Judge McDaniel said.

Jones County Court Judge Gaylon Harper said he volunteered to test the pilot program to see if it would move cases quicker on his docket. “The parties involved (in litigation) deserve as speedy a resolution as they can get,” he said.

Lee County Court Judge Charlie Brett said he looks forward to testing the new rule. “I believe that it has the potential to be a good thing and be beneficial both to the court and the parties.”

Rules may be viewed at <http://www.mssc.state.ms.us/Images/Opinions/149640.pdf>.

Municipal Court rules studied

The Mississippi Supreme Court is considering adoption of uniform Municipal Court Rules.

Chief Justice William L. Waller Jr. explained that rules are needed to provide uniformity for practice in municipal courts throughout the state.

Chief Justice Waller said that many of the 226 municipal courts in the state operate without published rules. Practicing lawyers in municipal court have expressed concern about the lack of formalized rules of discovery. Other concerns expressed by members of the Bar are the variation of practices from court to court, and

the need for making the rules easily available and accessible to the public.

Chief Justice Waller said, “The Court believes that the practitioners and the public should expect consistency in the application of rules in the various municipal courts in the state.”

The proposed rules address various aspects of municipal court practice including operation of the court, pre-trial issues and appeals.

A copy of the proposed rules is available on the Supreme Court’s web site at http://www.mssc.state.ms.us/rules/rulesforcomment/2008/new_municipalcourt_rules.pdf.

Access to Justice holds hearing in Greenwood



Ben Cole

If every lawyer licensed to practice in the state took one pro bono case, it would make a dent in the unmet civil legal assistance needs of the poor, one of the state's Legal Services directors said.

North Mississippi Rural Legal Services Executive Director Ben Cole estimates that Legal Services offices turn away at least one person needing civil legal assistance for every one they serve.

"I think there are probably somewhere around 8,000 private lawyers in Mississippi. If we could get an average of one pro bono case from each of those 8,000 attorneys, that in addition to what the Legal Services programs could do would go a long way," Cole said.

Some people needing legal assistance are referred to private attorneys through the Volunteer Lawyers Project of the Mississippi Bar. Some are handled by lawyers working outside the MVLP referral system. Some try to represent themselves.

"For the most part, those

people go unrepresented," Cole said at a public hearing in Greenwood on Oct. 20, 2008. "They are not going to have the money to hire an attorney to represent them. So they just simply go without representation."

The public hearing, hosted by Second District U.S. Congressman Bennie Thompson, was conducted by the Mississippi Access to Justice Commission.

The hearing was the second of a series of regional public discussions about the need for civil legal services for the poor. The purpose of the hearings is to create a record detailing the magnitude of the problems faced by low-income Mississippians as a result of their lack of access to legal assistance in a broad range of civil matters.

The 2000 Census showed there were about 548,000 people living in poverty in the state. More than 220,000 poor people eligible for civil legal services live in the 39 counties served by North



Chancery Judge Marie Wilson

Mississippi Rural Legal Services. The numbers have grown as the economy worsens, Cole said.

The U.S. Congress funds Legal Services offices. That comes out to about \$8.35 per poor person nationwide, Cole said.

Twelve lawyers funded by the Legal Services Corporation and three funded by special projects handled about 5,000 cases last year in the counties which his office serves, Cole said.

Cole said increasing the resources for Legal Services, increasing pro bono work by private attorneys, and relaxing rules to allow pro se litigants to represent themselves would help meet some, though not all, of the needs.

Pro se litigants must adhere to the same rules as those represented by counsel.

Circuit Judge Jannie Lewis of Lexington said that explaining the procedures from the bench to a pro se litigant can present problems. "When we find ourselves in a position of trying to explain to the pro se litigants what they can and can't do, we're going to get objections from the attorneys. Our neutrality is at risk."

Chancery Judge Marie Wilson of Greenville said, "It is a delicate balancing between access to justice and practicing law. You don't want to find yourself practicing law for this person....You have a responsibility to at least let them

know what the process is and what they need to do. The...problem is, how far do you go in assisting a pro se litigant?"

Pro se litigants struggle to investigate and assemble their cases, and even when they have the evidence, they struggle with its presentation.

"When you have access to an attorney, you're more likely to have a proper investigation conducted. You're more likely to present the evidence that needs to be presented, correctly," Judge Wilson said. "The problem with being pro se litigant is that even if you have the evidence, you do not know how to present it to the Court....Pro se litigants that may appear with witnesses don't know how to examine the witnesses on the stand. They don't know how to get out the information that needs to be gotten."

Judge Wilson recalled unrepresented litigants trying to represent themselves in hearings on termination of parental rights. "You stand to lose your children – not just lose the custody of the children. You may actually lose your rights to your children because you cannot present the case properly, because you cannot present the proper witnesses, because you don't know how to present the evidence. You don't know how to make the arguments. You don't have an attorney advising you."

She has called upon Legal Services to represent liti-

Needs for resources, pro bono assistance discussed



Congressman Bennie Thompson, at far right, talks about access to justice. Listening panel members pictured are, left to right, attorney Charles Swayze, Circuit Judge Margaret Carey-McCray, and Greenwood Mayor Sheriel Perkins.

gants in those cases. But there are only a few Legal Services attorneys to handle the cases.

Thompson served on the board of directors of the former Community Legal Services of Hinds County

shortly after he graduated from college. He remains a strong proponent of Legal Services programs. He said he favors expanding the types of cases which can be handled by Legal Services attorneys.

“Poor people, through no fault of their own in many instances, still deserve the best representation possible in the courts of law,” Thompson said.

The scales of justice aren’t balanced for poor people, said Supreme Court Justice Jess H. Dickinson, a member of the Access to Justice Commission and moderator for the public hearing.

Justice Dickinson said, “There is no question in my mind that people who have money and power and connections are far more likely to succeed in our judicial and legal system than people who are poor.... Having money, having access to a lawyer gives you a much greater opportunity to succeed in our legal system, and that’s not fair. It’s not right. And the Supreme Court



Justice Jess H. Dickinson

bears the final responsibility to make sure that isn’t so. And so that’s why we are here.”

The public hearing in Greenwood and others to be scheduled are being conducted to create a record detailing the magnitude of the problems faced by low-income Mississippians as a result of their lack of access to legal assistance in a broad range of civil matters.

The Access to Justice Commission will use the transcribed testimony as part of the basis for recommendations to the Supreme Court, the Legislature and the Mississippi Bar to increase the availability of civil legal assistance.

5th Chancery has Guardianship Clinic

Each August when school starts, the Hinds County Chancery Court deals with last-minute guardianship petitions from relatives who are trying to enroll children under their care.

People needing help obtaining guardianships show up at the courthouse. Some don’t know how to find an attorney and can’t afford to pay for legal representation.

This past August, court officials and the Mississippi Volunteer Lawyers Project made the process easier. Pro bono attorneys were at the Hinds County Chancery Courthouse on two days at the start of school as part of a free Guardianship Clinic.

Hinds County Chancery Judge Denise Owens said, “Since many are told that they just need to go to court, they come to court. What they really need is an

attorney to represent them because there are certain legal requirements that they have to complete. It is one of the areas where you have to have an attorney to represent you.”

The Guardianship Clinic provided free legal assistance to help qualifying low income people get children enrolled in public schools in Hinds County. Mississippi Volunteer Lawyers Project Executive Director Shirley Williams coordinated the program.

The Guardianship Clinic avoided enrollment delays.

“The children need to be enrolled in school. In the past we have seen instances where children have been out of school for as long as two months because the people did not have the proper paperwork to get enrolled in school,” Judge Owens said.

Hinds County Drug Court receives national award



West Huddleston, second from left, presents the Community Transformation Award to, left to right, District Attorney Robert Shuler Smith, Rep. Alyce Clarke, Hinds County Judge William Skinner and Hinds County Drug Court Coordinator Brenda Mathis.

The leader of the national drug court movement praised Hinds County officials for their work toward transforming the community through the Drug Court, and urged them to send more people through the program.

C. West Huddleston III, chief executive officer of the National Association of Drug Court Professionals, presented the Hinds County Circuit Drug Court with the NADCP's Community Transformation Award.

Huddleston presented the award to Hinds County Court Judge William Skinner and the Drug Court team during the Drug Court graduation on Dec. 9, 2008. The plaque said that the award is "in recognition of its tireless efforts to foster community transformation through reducing drug addiction and crime, restoring hope and reuniting families."

Huddleston said, "Thank you for being a shining example of what a community can do to save its citizens and take care of its own, and I look forward to seeing a remarkable increase in the number of people in this court the next time I come."

Hinds County District Attorney Robert Shuler Smith, speaking to those assembled for the graduation, said he plans to identify more people who would be eligible for Drug Court. "We will work very, very hard to identify those who need the help," Smith said.

Smith said there is a benefit to sending people who can be productive into Drug Court. Smith looked at the four graduates dressed in white shirts and ties. "You look a whole lot better where you are sitting here, as opposed to in Raymond," he said, referring to the Hinds County Detention

Center.

The District Attorney's office determines whether to seek jail sentences or send defendants to the treatment and rehabilitation-oriented Drug Court. Drug courts may accept drug users whose addiction has caused them to commit nonviolent crimes. Drug dealers and violent offenders are not eligible.

The Hinds County Circuit Drug Court has seen 150 participants graduate since the program began in 2000, according to Drug Court Coordinator Brenda Mathis. After the December graduation, 59 people remained enrolled.

Huddleston said, "This court in Hinds County, Jackson, Mississippi, in the heartland of America, stands in the gap between people perishing and healing."

Huddleston said, "Jackson, Mississippi, has a

lot of drug-using offenders who need this program."

Drug courts cost less to operate than prisons. Nationally, the corrections budget is \$60 billion a year, Huddleston said. He estimated that 75 percent of those who complete drug court will never be arrested again.

"But we can't get enough people into our programs for it to truly make a difference in our communities," he said. "This is going to take a psychological shift in the way we think about people who come through the courts."

Nationally, about 120,000 people are enrolled in drug courts. He estimated that 1.2 million people are eligible for drug court. Huddleston said that the United States has approximately 2.3 million people in prison, and half of them are clinically addicted to drugs.

"If they got clean and sober, they would stop breaking the law," Huddleston said.

One of the graduates told the audience that the program works, but the participants have to want it to work for them. During his stay at Harbor House, "They taught me how to live sober."

His mother, a nurse, said, "I've watched him become the person he was originally. I do think this state should have more programs set up for this type of individual."

Huddleston said his vision is to have drug courts within reach of every community in America.

Eighth District Drug Court uses SCRAM alcohol monitors

The Eighth District Drug Court is testing a monitoring system to help alcoholics battle their addiction.

Six program participants are wearing ankle bracelets which detect the presence of alcohol through contact with the skin. The device is one more tool which the Drug Court can use to try to keep participants clean and sober.

The device is a Secure Continuous Remote Alcohol Monitoring System, SCRAM. The tamper-resistant ankle bracelet monitors the wearer's perspiration. Alcohol in a wearer's system can be detected in perspiration.

The pilot program began Dec. 9, 2008. The test subjects are expected to wear



Marcus Ellis

monitors for 60 to 90 days.

SCRAM monitors cost \$80 per week for each participant. The Drug Court will cover the cost during the test period. Afterwards, Drug Court participants will

be required to pay for the monitoring.

Eighth District Drug Court Coordinator Marcus Ellis said he picked a range of test subjects. "I selected two individuals that I totally expected to fail, two individuals that I was ambivalent about and two that I would have been absolutely amazed if they failed."

The ones in whom he had the most confidence lived up to his expectations. Three of the others slipped and had a drink, or several. One was ordered into a rehabilitation program for a month of treatment. One spent a weekend in jail. The third, who had not previously tested positive for any substance abuse since entering the Drug Court program, was ordered to write an essay examining and explaining why he lapsed back into drinking.

Drug Court participants are required to abstain from drug and alcohol use. "You are not allowed to have a glass of wine. You are not allowed to go to the ball game and have a beer," Ellis said. "If they do, I'm going to know it."

Wearers must connect to a data sending device at periodic intervals, usually every six to eight hours. Data is transmitted to a Tupelo company which owns the devices, then relayed to Ellis's computer. He reviews readings daily.

"If he went out Friday night and had a couple of drinks, on Saturday, I'll

know it," Ellis said. "The system allows us to tell if the offender has consumed any alcohol, when they started, the level of alcohol in their system, and when the alcohol event ceased."

The Eighth District, which includes Leake, Neshoba, Newton and Scott counties, created the Drug Court in 2004. A component to treat alcoholics was added in 2006.

All Drug Court participants are subjected to periodic urinalysis. The SCRAM bracelets provide an addition level of testing. Someone who drinks alcohol might dodge detection if too much time passes between the drinking and the testing with a breathalyzer. But the SCRAM can detect lower levels of alcohol.

The goal is to rehabilitate rather than punish, Ellis said. "Relapse is a part of recovery. What you want to do is get those relapses further and further apart." The longer the period of sobriety, the better the chances of avoiding a relapse.

The monitors serve as detectors and deterrents. Ellis said, "If an individual can refrain from the consumption of alcohol for 30 days, he begins to come out of the 'alcohol fog' and can think clearly. Keep them sober for 60 days, and they realize that they *can* refrain from alcohol. If we give them 60 days and they don't take a drink, obviously they can live without it."

Hinds Drug Court award

Mississippi currently has 28 drug courts — 20 adult and eight juvenile programs.

Huddleston speaks from experience about addiction. "I stand before you 20 years clean and sober this year because somebody gave me a chance that I did not deserve," he said. "I understand what it means to battle against yourself and to win those moment by moment temptations, and to just blow it all up. It takes a while to get there, to have enough strength and time under your belt to live clean and sober."

He took his first drink at 10 when his grandfather let him have a shot of whiskey. He was using drugs at 16. At

20, he entered a rehabilitation program. Afterwards, he turned from learning auto body work to working as a prison drug and alcohol counselor. He worked in the Tennessee and Oklahoma justice systems to develop, implement and operate in-custody and community mental health and substance abuse treatment programs. He served as the director of two community corrections programs and as the interim director of a pre-release correctional center. He was involved in creating the first two drug courts in the state of Oklahoma. He previously served as director of the National Drug Court Institute.

Domestic Abuse study makes recommendations

The Commission for Study of Domestic Abuse Proceedings made 10 recommendations in its report presented to the Mississippi Supreme Court on Dec. 11.

Mississippi Supreme Court Justice Ann H. Lamar of Senatobia and Special Assistant Attorney General Heather Wagner of Jackson, co-chairs of the Study Commission, said in the report's introduction, "It is our sincere hope that this report will provide insight and guidance which will lead to improvement in our justice system in the critically important area of domestic violence."

Sen. Gray Tollison of Oxford, who was a member of the Commission, along with Sen. David Blount of Jackson, introduced Senate Bill 2967 to address the Commission's recommendations. A committee substitute passed the Senate on Feb. 11. The bill was referred to the House Judiciary A Committee on Feb. 17.

The Study Commission report identified three areas of concern: lack of adequate access of victims to the courts, lack of uniformity in proceedings and pleadings, and confusion in the interaction between the courts having jurisdiction in domestic abuse proceedings.

"After first identifying the concerns, the discussions of the Commission centered around ways to improve the process in order to balance the competing views of victim safety and access, maintaining the integrity of the judicial system and judicial

economy," says the commission report.

Some of the commission's discussion focused on the Mississippi Protection from Domestic Abuse Act, Miss. Code Ann. §93-21-1 et. seq. The commission report noted, "Originally enacted in 1981, the Act has undergone many changes over the years, but has never been subject to a thorough, wholesale review. The discussions of the Commission covered a variety of issues relevant to the current statutory processes which impact the safety of victims, the efficiency of the court system, and due process."

Under current Mississippi law, a victim of domestic abuse can obtain a protection order from five different levels of the court system: Municipal, Justice, County, Circuit and Chancery courts. The intent of allowing multiple courts to have jurisdiction was to increase access to protection for victims. However, the report said that this created confusion for the victims and the courts.

Recommendations of the report are:

- That domestic abuse petitions no longer be filed in Circuit Court.
- Grant Municipal Courts authority to address civil matters under the Protection from Domestic Abuse Act. Municipal Court jurisdiction is currently limited to criminal misdemeanors and municipal ordinance violations.
- Require that all petitions for emergency ex parte relief be initiated in Municipal, Justice or County courts.



**Supreme Court Justice
Ann H. Lamar**

- Extend the effective period for temporary domestic abuse protection orders to 30 days after a hearing. Ten days is the current effective period.
- Permit an expedited de novo appeal hearing for any party wishing to contest a domestic abuse protection order from Municipal or Justice Court.
- Limit the courts which may issue final orders and hear de novo appeals of domestic violence protection orders to Chancery and County Courts.
- Enact a time limitation of 180 days on temporary custody, visitation and support provisions contained in final protective orders. Currently there is no time limitation.
- Enact stronger language prohibiting the issuance of mutual orders.
- Enact legislation which would permit electronic filing and electronic proceedings in domestic abuse protective order matters.
- That the Legislature further study venue statutes with regard to where victims

of domestic violence may file court proceedings seeking protection. The Study Commission did not reach a consensus on the issue of venue. Victims of domestic violence under current law must file for a protective order in a court in the county where the abuse occurred or where the person accused of doing the abuse may be found. The Study Commission discussed concerns about victims who flee their home counties out of fear of their abuser.

Although it did not make a specific recommendation, the Study Commission called for further review of standardization of forms to be used in proceedings seeking protective orders.

The Study Committee expressed concern about access to the courts by victims of domestic violence who are poor and cannot afford to hire a lawyer. The report said this issue is being addressed by the Access to Justice Commission within the larger context of access to the civil courts by poor people.

The report stated that a majority of the victims of domestic violence who file petitions seeking court-ordered protection from an abuser are pro se litigants.

The report said, "It was reported by advocates who work directly with victims of domestic violence that many times, a victim needing protection from domestic violence is instructed by the court that they must have an attorney representing them before they can proceed.

Charles Bordis appointed to 16th Chancery

Newly appointed Chancery Judge G. Charles Bordis IV presided over hearings in about 11 cases the same day he took office. For the longtime special master and family master, the title changed, but not the work, except that there is more of it.

Gov. Haley Barbour appointed Bordis, 44, of Ocean Springs, to the Chancery Court seat for District 16, which includes George, Greene and Jackson counties. Judge Bordis, who took



**Chancery Judge
Charles Bordis**

office Feb. 23, filled the vacancy created when Judge Randy Pierce was elected to the Supreme Court. Bordis will serve through Jan. 3, 2011.

“Mr. Bordis has more than 20 years of experience working in Chancery Courts, which gives him the needed insight to preside over District 16,” Gov. Barbour said. “He will be a valuable asset to the Mississippi judicial system.”

Judge Bordis served as a Chancery special master for

the past 17 years, and as a family master for the past 11 years. He usually spent a day and a half each week presiding over chancery matters. He estimated that about 1,000 cases a year had been assigned to him as family master. All Department of Human Services filings in George, Greene and Jackson counties were assigned to Bordis when he served as family master. Filings consisted mostly of paternity, child support and child support contempt. He also handled temporary hearings for custody and spousal support, as well as uncontested divorces.

Judge Bordis said, “I’m very appreciative of the opportunity extended by Governor Barbour. I feel like I’ve put in a lot of time and I’m very experienced in this field. I can hit the ground running. There is no learning curve.”

Justice Pierce gave him the oath of office in Pascagoula. Chancellor Jaye Bradley swore him in later that day in Lucedale.

Bordis had a solo practice for the last five years. Previously, he was a partner in Sadler, Ranson & Bordis P.A. in Ocean Springs for 15 years.

He grew up in Napoleonville, La. He earned his bachelor’s degree in government and political science from Nicholls State University and a law degree from Mississippi College School of Law.

His wife Jennifer is a teacher in Ocean Springs. They have two children.

Domestic Abuse Study

There are limited resources currently available to assist victims in need of an attorney. In only three locations around the state are there civil legal clinics designed specifically to assist victims of domestic violence with their legal needs, ranging from obtaining orders of protection to divorces to custody matters.”

The report said there are only 13 domestic violence shelters in the state.

In discussing which courts should have jurisdiction to issue domestic violence protective orders, the report said, “In many counties, particularly in the more rural areas of the state, access to a court is a real concern for many victims, and having a greater number of courts from which to seek protection may mean the difference between getting an order in an emergency situation and doing without one. The fact that different areas

of the state have different resources available for victims of domestic abuse complicates this situation, not only with regard to private resources such as a domestic violence program, but also with regard to court resources. A victim who lives in a jurisdiction in which there is a domestic violence program who can assist him or her and in which there are judges available every day of the week is likely to have a much better chance of obtaining protection than a victim who does not live in a jurisdiction where an advocacy program is nearby or where the courts may not be available every day.”

The Mississippi Supreme Court, acting on a request from the Attorney General, created the Commission for Study of Domestic Abuse Proceedings.

The Supreme Court forwarded the report to the Mississippi Attorney Gen-

eral and the chairmen of the Judiciary Committees of the Mississippi Senate and the Mississippi House of Representatives on Dec. 16, 2008. The Court did not take a position with regard to Commission recommendations. The Court expressed its gratitude to the Commission for its work, which was concluded with the issuance of the report.

Wagner, who serves as the Director of the Domestic Violence Division of the Attorney General’s Office, said, “We are grateful for the support of the Supreme Court in creating the Commission, and honored to have been a part of this very positive step in improving the safety of victims of domestic violence in Mississippi. The Attorney General’s Office looks forward to continuing the momentum of the Commission and addressing unresolved issues identified in its final report.”

James Maxwell appointed to Court of Appeals

James D. Maxwell II of Oxford has been appointed to the Mississippi Court of Appeals.

Gov. Haley Barbour appointed Maxwell to fill the vacancy created when Judge David A. Chandler joined the Supreme Court. Maxwell's appointment is effective March 1. He will serve through Jan. 2, 2011.

Maxwell, 33, has served since October 2002 as an assistant U.S. Attorney for the Northern District of Mississippi. He represented the U.S. Department of Justice in criminal prosecutions involving public corruption, white collar fraud, money laundering, drug trafficking, counterfeiting, smuggling, firearms and gang offenses. He also wrote appellate briefs and made oral argu-

ments before the Fifth U.S. Circuit Court of Appeals.

Before joining the U.S. Attorney's Office, Maxwell practiced civil law in Jackson with the firm of Daniel Coker Horton & Bell, P.A.

Gov. Barbour in announcing the appointment said, "Jimmy's experience as a federal prosecutor and his work in private practice will be invaluable to his role on the Court of Appeals. I appreciate his commitment to serving the people of Mississippi."

Maxwell said, "I am truly humbled by the Governor's faith and confidence in me, and I am looking forward to serving the judiciary and the people of Mississippi."

Maxwell's father was an assistant district attorney for more than 20 years in Jeffer-



James D. Maxwell II

son Parish, La., where Maxwell grew up. His parents recently moved back to his mother's hometown of Derma, where his mother retired from the Calhoun County School District.

Maxwell is president-elect of the Young Lawyers Division of the Mississippi Bar. He previously served on the Diversity in the Law Committee of the Young Law-

yers Division and as Local Affiliate Chairman. He also served on the Board of Bar Commissioners. He has served terms as president, vice-president and secretary of the Lafayette County Bar Association, and as president of the Tri-County Young Lawyers of Lafayette, Yalobusha and Calhoun counties. He is a former member of the Board of Directors of the Mississippi Prosecutors Association.

Maxwell earned a Bachelor of Business Administration degree from the University of Mississippi in 1997 and his law degree from the University of Mississippi School of Law in 2001.

He and his wife, Mindy, have two children, and are members of First Baptist Church of Oxford.

8th and 16th Chancery Courts celebrate Adoption Day

Twenty children made the bonds of family permanent during Adoption Day celebrations in Harrison and Jackson counties in November 2008.

Chancery Judge Margaret Alfonso finalized the adoptions of seven children on Nov. 7, 2008, at the Harrison County Courthouse in Gulfport. Adoption Day is an annual event for the 8th Chancery Court.

Chancery Judge Jaye Bradley celebrated her first Adoption Day on Nov. 14, finalizing adoptions of 13 children in her courtroom in

Pascagoula.

Judge Bradley said, "It was a great event and I was so glad to be a part of it. Hopefully we will do this again next November."

Judge Bradley said, "It's one of the few occasions in Chancery Court where everyone leaves happy. Most of the time we spend our efforts separating families, and it's so nice to be able to put a family together."

Judge Alfonso said, "Every day in our community, there exists a child in need of a home. Fortunately for the children, there are

special families opening their hearts and homes to them."

All the children who were adopted had been in foster care under the supervision of the Department of Human Services, Judge Alfonso said. They are children whose biological parents had their parental rights terminated by the court. Adoptive parents previously provided foster care.

Lori Woodruff, MDHS Deputy Administrator for Family and Children's Services, said, "When entire communities, like this one,

believe that children have a right to a permanent family, ...matches are made and lives are positively impacted for generations. We at the Mississippi Department of Human Services appreciate that Judge Alfonso has made permanency placement a priority in the Harrison County Chancery Court and applaud her efforts to give these children a home they can call their own."

Special adoption observances date back to 1976 in Massachusetts. Some Mississippi courts began observing Adoption Day in 2004.

Court of Appeals hears oral arguments on the road

The Mississippi Court of Appeals convened for special sittings on two college campuses and at the Marion County Courthouse as part of its Court on the Road program in 2008.

University of Mississippi School of Law Criminal Appeals Clinic students argued two cases on their own campus on April 22. University of Mississippi law students also visited Mississippi State University on Nov. 19 to argue one of the two cases heard that day.

The court accepted the invitation of the Marion County Bar Association to convene to hear oral arguments in Columbia on Sept. 30. About 100 local high school students watched.

Members of the Court of Appeals occasionally travel to locations outside Jackson for oral argument presentations. The Court on the Road program is intended to provide an opportunity for the public, particularly high school and college students, to observe and learn about the operations of the court.

Chief Judge Leslie D. King of Greenville said, "The Court of Appeals feels that its function is not merely to sit in this building and decide cases. It has an obligation to be a part of the education system....To the extent that we can help people understand what is going on in the judiciary and how it operates, it makes the judicial system more effective."

The court's visit to the Marion County Courthouse



**Court of Appeals
Chief Judge Leslie King**

marked the first time for the Court of Appeals to convene to hear oral arguments at a county courthouse. Universities and colleges have previously hosted all of the Court on the Road sittings.

Court of Appeals Judge Virginia Carlton of Columbia said the program made civics come to life for the students. "It was great to see their excitement about learning and to help give a better understanding of the judiciary for the students."

Whit Waide, who teaches Constitutional law and American government at Mississippi State University, said the court's holding oral arguments on campus provides an opportunity for students to learn what appellate courts do. "It's just rare that they get exposure to the appellate level," Waide said.

Chief Judge King said that for law students and those considering enrolling in law school, "It's good for them to have the opportunity to see how the judicial system actually operates, rather than just hearing classroom theory."

The University of Mississippi law students who argued cases are admitted to limited practice of law under the supervision of attorney Phillip W. Broadhead, clinical professor and director of the Criminal Appeals Clinic at the University of Mississippi School of Law.

Broadhead said the students get the benefit of a valuable learning experience while providing the services of legal representation for indigents. Broadhead said, "The clinical goal is to synthesize the law they have learned in theoretical type courses into practical, every-



**Court of Appeals
Judge Virginia Carlton**

day experiences....This provides the students with a valuable learning experience, and at the same time we are providing a needed public service for both the client and the court."

The Mississippi Office of Indigent Appeals refers cases to the Criminal Appeals Clinic. Indigent defendants agree to be represented by law students. The students are able to devote a large amount of time and

attention to each case, said Leslie Lee, executive director of the Office of Indigent Appeals.

Lee said, "The defendants get high-quality representation, and the students get real-world experience that they can't get just studying cases. It's a tremendous way for the students to get involved in an actual case instead of studying some hypothetical or old cases. These are real people who need help."

Members of the three-judge panel take questions from the students in the audience after oral arguments. The discussions give the judges and opportunity "to reaffirm what the ethical obligations are for those people who are fortunate enough to be admitted to the practice of law," Chief Judge King said.

The Court on the Road program gives judges an opportunity to encourage students to pursue careers in law. Chief Judge King said, "I think it's important for every child of this state to recognize that his or her potential is unlimited. It's extremely important that we reach out to all the children of this state and suggest to them that their opportunities are only going to be limited by their willingness to prepare and work hard. I think it's important for them to see that opportunities are here. It's always been amazing to me that the biggest export from Mississippi has been its talent."

11 special judges hear Hurricane Katrina civil suits



Former Chief Justice James W. Smith Jr., at right, gives the oath of office to special judges Patricia Bennett, Richard Bennett, and Cham Trotter. Senior status Judge Thomas Zebert is seated, second from right.

Eleven special judges were appointed on Oct. 9, 2008, to hear civil cases related to Hurricane Katrina in Jackson County.

Judges of the Circuit and County Courts of Jackson County recused themselves from hearing civil cases related to Hurricane Katrina because they themselves experienced storm damage.

The courts of Jackson County requested special judge appointments in approximately 242 civil cases pending in the Circuit Court

and 19 cases pending in the County Court.

The special judges are: former Hinds County Court Judge James Bell of Jackson; Patricia W. Bennett of Jackson, professor of law at the Mississippi College School of Law, former assistant district attorney and assistant U.S. attorney; former Mississippi Bar presidents Richard Thomas Bennett of Jackson, Charles J. Swayze Jr. of Greenwood, and William C. "Cham" Trotter III of Belzoni; retired

Court of Appeals Judge Billy G. Bridges of Brandon; retired Circuit Judge R. Kenneth Coleman of New Albany; and retired Chancery Judges William J. Lutz of Canton, Ray Montgomery of Canton, Edward C. Prisock of Louisville, and Thomas L. Zebert of Pearl.

Judge Bell is hearing County Court cases. The Circuit Court cases were divided among 10 special judges, with Judge Bridges handling additional administrative duties.

Judges Bridges and Prisock previously heard other Katrina-related cases by special appointment. The submission of requests for special judge appointments in a large number of cases in September and October 2008 required the Supreme Court to make additional special judge appointments.

Salaries are paid from \$300,000 appropriated by the Legislature to cover special judge appointments resulting from Katrina-related litigation.

Judge Tyree Irving appointed to ABA Committee

Court of Appeals Judge Tyree Irving of Greenwood has been appointed to the American Bar Association's Judicial Division Standing Committee on Minorities in the Judiciary.

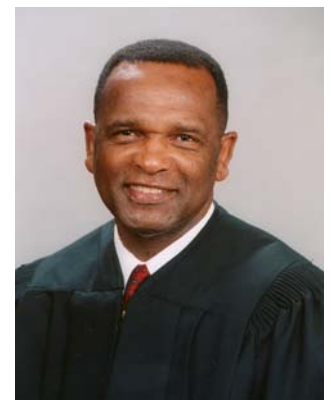
Also, the Judicial Advisory Study Committee on Sept. 5, 2008, selected Judge Irving as its new chairman.

Judge Irving is one of 12

people across the nation to serve on the Standing Committee on Minorities in the Judiciary. He was appointed by U.S. District Judge Barbara M.G. Lynn of Dallas, who is chair of the Judicial Division of the ABA. Judge Irving was notified of the appointment on Sept. 3.

The mission of the Standing Committee is to promote

the full participation by minority judges in the judicial system, while attracting minority judges into the ABA. The committee, created in 1987, provides a catalyst to promote equal participation of minorities in the legal profession through educational experiences, outreach opportunities and publications.



Mississippi Model Jury Instructions Commission created

The Supreme Court has created the Mississippi Model Jury Instructions Commission. Its purpose is to examine jury instructions and recommend plain language instructions which would offer clearer guidance regarding application of the law for the lay persons who serve on juries.

Former Chief Justice James W. Smith Jr. entered the order Dec. 30, 2008. He said revisions are needed "so that the average person can understand. There have been minor revisions, but there has never been a complete overhaul since the model jury instructions were put in place in the 1970s."

Presiding Justice George C. Carlson Jr. of Batesville is chair of the 21-member commission which includes trial and appellate judges, lawyers, law professors and lay persons.

Justice Carlson said, "Although our model civil and criminal jury instructions are periodically updated, this will be the first time in Mississippi that the primary focus of jury instruction revision has been on converting from the legalese contained in jury instructions to language which is completely familiar to our lay citizens who are called for jury service and who, most of the time, have no prior formal training in the law."

Justice Carlson in April 2008 attended a national model jury instructions conference at Washburn Uni-

versity School of Law in Topeka, Kan.

"This concept of plain language jury instructions has worked extremely well in other states," he said.

"My jury instruction experience through the years as a lawyer, trial judge and appellate judge, has been that lawyers want to draft jury instructions which they think will gain approval from the trial judges, and that the trial judges will approve or disapprove jury instructions based on a belief of whether such action will be affirmed by the reviewing court on appeal," Justice Carlson said. "However, the focus has not been on the very ones whose understanding of the law is critical to the fair disposition of any case, namely the lay citizens in the jury box. This is not intentional on the part of lawyers and judges. While the lawyers and judges will very often attempt to simplify jury instructions, they are reluctant to stray very far from the boilerplate model jury instructions which have previously gained appellate court approval through court decisions."

The court order creating the commission says, "Recognizing that clear and understandable jury instructions are essential to the fair and efficient administration of justice and that a thorough review of the instructions used in our courts is needed, the Supreme Court of Mississippi does hereby



**Presiding Justice
George C. Carlson Jr.**

establish the Mississippi Model Jury Instructions Commission. The Commission is charged to conduct a comprehensive examination of jury instructions now in use and to recommend to the Supreme Court revised, modified and simplified instructions as needed. Emphasis is to be on instructions which give jurors guidance as to the law applicable to the cases before them in clear and concise language understandable to the jurors without legal training. It is expected that as a result of the work of the Commission there will be created a set of improved instructions for use in both civil and criminal litigation in our courts."

The order did not set a time frame for completion.

Other members of the Commission are: Court of Appeals Judge David M. Ishee, Gulfport; Circuit Judge James T. Kitchens Jr., Columbus; Circuit Judge Clarence E. Morgan III, Kosciusko; Circuit Judge Betty W. Sanders, Greenwood; County Court Judge

Michael W. McPhail, Hattiesburg; attorney Ramel L. Cotton, Jackson, representing the Magnolia Bar Association; attorney C. Joy Harkness, Meridian, representing the Mississippi Bar; attorney Lance L. Stevens, Jackson, representing the Mississippi Association for Justice; attorney James R. Moore Jr., Ridgeland, representing the Mississippi Defense Lawyers Association; attorney James E. Lappan of the Mississippi Office of Capital Defense Counsel, Jackson, representing the Mississippi Public Defenders Association; Assistant District Attorney Archibald W. Bullard, Corinth, representing the Mississippi Prosecutors Association; Mississippi Judicial College Executive Director Cynthia D. Davis, Oxford; Mississippi Judicial College Staff Attorney Carole E. Murphey, Batesville; professor emeritus Guthrie T. Abbott, Oxford, representing University of Mississippi School of Law; attorney Forrest W. Stringfellow, Jackson, representing Mississippi College School of Law; Libby Riley, Meridian, representing the Governor; Pearl Police Chief of Detectives Lt. William A. "Butch" Townsend, representing the Lieutenant Governor; businessman Jimmy Murphy, Booneville, representing the Speaker of the House; and at-large members attorney Merrida P. Coxwell Jr., Jackson; and attorney Philip W. Gaines, Jackson.

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Food collected for Stewpot



Christmas giving got an early start — in July. The Christmas in July collection at the Gartin Justice Building brought in 12 boxes of food and more than \$100 for Stewpot Community Services. Finance Department Senior Accountant Specialist Hope Smallwood oversaw the annual collection at the courts. Above, Dock Supervisor Aaron Ricketson loads food boxes as Smallwood supervises.

INSURANCE:

New Health Risk Assessment

State employees who want to be eligible for wellness benefit coverage under the state employee health insurance plan must complete a new health risk assessment.

Adult health plan participants age 18 and older must complete the health risk assessment before the employee may receive covered wellness and preventive services.

Benefits are provided at 100 percent of the allowable charge, up to the \$1,000 maximum, for wellness or preventive office visits and certain diagnostic tests provided or performed by an AHS State Network provider.

Any wellness or preventive services received

prior to completion of the annual health risk assessment, or any wellness or preventive services that exceed the \$1,000 annual limit, are not covered under the plan.

Unused benefits do not carry over to the following year.

Participants age 18 and older can receive a personalized wellness plan, access to lifestyle improvement programs, and access to personal wellness coaches.

The form, details of the covered services and other information are available on the Department of Finance and Administration website at <http://knowyourbenefits.dfa.state.ms.us/>.