

# Mississippi Courts

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## Justice Leslie King appointed to Supreme Court



**Chief Justice Bill Waller Jr., at left, administers the oath to Justice Leslie King at an April 13 investiture in the En Banc Courtroom at the Gartin Justice Building. Justice King is surrounded by his family and the Rust College A Cappella Choir.**

Mississippi Supreme Court Justice Leslie D. King at his April 13 investiture said that his legislative and judicial career reflects progress the state of Mississippi has made.

Justice King, 62, of Greenville, is the fourth African-American justice to serve on the state Supreme Court.

“My appointment is a testament that the tree of hope is very much alive. My having taken the oath of office today is another bloom on that tree of hope,” Justice King told a crowd which packed the En Banc Courtroom in the Gartin Justice Building in Jackson.

Gov. Haley Barbour, who appointed Justice King on Feb. 23, said he picked the former chief judge of the Court of Appeals without soliciting applications or vetting candidates before his Judicial Appointments Advisory Committee. It was the first time he had departed

from that process. He made his choice before the seat was vacated, while Justice James E. Graves Jr. was awaiting U.S. Senate confirmation to the 5<sup>th</sup> U.S. Circuit Court of Appeals.

“It was so obvious who the right person was to take Justice Graves’ place,” he said.

## Justice King reflects on state's progress



**Justice Leslie King visits with his predecessor, Judge James E. Graves Jr. of the 5th U.S. Circuit Court of Appeals, at the reception after the investiture.**

Gov. Barbour cited Justice King's strong leadership, organization and management of the Court of Appeals, where he served as chief judge for seven years. The Court of Appeals moves its case docket without delay. "Justice has to be fair and equal and right and just, but it's got to get done," Gov. Barbour said.

Justice King said, "I would again like to thank Gov. Barbour for entrusting to me the duty to administer justice as a member of this the state's highest court."

Justice King said government draws strength from the diversity of its public servants.

"Each of us is shaped by and brings to our job a set of

diverse life experiences. Those diverse experiences impact how each of us ... process and apply information," Justice King said. "It is that diversity which is the strength of our public institutions, our state and our nation. The Supreme Court is made of nine strong-willed individuals from varied career paths, from public service and private practice, with talents and interests across the spectrum. We have nine different sets of eyes. We have nine different perspectives. Those differing perspectives and experiences mean that we may disagree over legal issues, but they ensure that issues receive good, vigorous, multifaceted review. These nine individu-

als bound by a commitment to the rule of law work together as the institution of the court to provide a safety net against error and injustice. Those of us who serve in the judiciary have only one constituency. That constituency is the law."

In the audience were the state's three former African-American Justices: Reuben V. Anderson, Fred L. Banks Jr., and Graves.

Justice David A. Chandler of Ackerman in welcoming everyone to the court said, "This is an historic occasion. All Mississippians have reason to be enormously proud of what is transpiring here today on what surely will always be recognized as a very positive day in the history of our state."

Rep. Percy Watson of Hattiesburg, who began his public service as a legislator alongside King in 1980, said, "This is a great day for Justice King, but at the same time it is a greater day for the State of Mississippi."

Rep. Watson said, "He is very deliberate in his thinking. He doesn't reach quick decisions. He always looks to the larger picture. He sees Mississippi not where it might have been in the past, or maybe not where it is at this point, but where Mississippi can be in the future."

In 1979, when legislative elections were held in single-member districts, King, Rep. Watson and Rep. Tyrone Ellis of Starkville, who gave the investiture program

benediction, were among African-American legislators elected.

"We soon discovered that getting elected to the Legislature was the easy part. The difficult part was being fully accepted as an equal and participating member of the Legislature," Justice King said. Representative Watson now is chairman of the House Ways and Means Committee. Rep. Ellis is chairman of the House Public Utilities Committee.

Justice King noted that his 93-year-old mother, who sat on the front row at the investiture, earned a college degree in an era when educational opportunities were denied to African-Americans.

He recalled his own experience enrolling at the University of Mississippi in September 1966, four years after the university admitted the first African-American student, James Meredith. "I had been to church, so I was still wearing my good suit. A white gentleman came out of one of the offices, and without any greeting, or inquiry as to my purpose, looked at me and said, 'When you finish cleaning that office down the hall, come in and clean my office.' " King was among six African-Americans who enrolled that year.

Justice King said that his mother "grew up in a Mississippi where African Americans did not hold elective office and were dissuaded from voting by some

# Joe Lee named Chief Judge of Court of Appeals



**Chief Justice Bill Waller Jr. administers the oath to Court of Appeals Chief Judge L. Joseph Lee as Judge Lee's wife, Renee, holds the Bible.**

Judge L. Joseph Lee has been appointed as Chief Judge of the Mississippi Court of Appeals.

Chief Justice Bill Waller Jr. made the appointment and administered the oath of office March 3.

A reception honoring Chief Judge Lee is scheduled for 5 p.m. April 28 at the Mississippi Bar Center.

Chief Judge Lee on March 3 named Judges

Tyree Irving of Madison and T. Kenneth Griffis of Ridgeland as Presiding Judges.

Lee, 65, of Jackson, will serve as chief judge until Dec. 31, 2014.

Chief Justice Waller said, "I have great confidence that Judge Lee will carry on the legacy of Chief Judge King."

Chief Justice Waller noted Judge Lee's lengthy legal, judicial and administrative

experience. He has practiced law for more than 37 years. He has served for 12 years on the Court of Appeals, and has been a presiding judge for six years.

Chief Judge Lee said, "I am truly humbled and appreciative of this great honor."

"I appreciate the Court of

Appeals, and I'm proud to have been a part of that development during the past 12 years. I look forward to its continued success," he said.

Judge Irving said, "I look forward to continuing the service I have provided as a judge to the citizens of the state since January 1999. I feel honored to have an opportunity to be a part of the best justice system in the world, designed to ensure fair and impartial justice for all people, no matter their economic, racial or religious status."

Judge Griffis said, "I am honored to have an opportunity to serve the citizens of Mississippi and the other judges of the Court of Appeals."

Judge Irving, 64, has served on the Court of Appeals since 1999. He and Chief Judge Lee are the court's longest serving members, both having taken office in January 1999. Judge Griffis, 49 has served on the Court of Appeals since January 2003.

## Justice King investiture, *continued*

fairly ingenuous and some disingenuous means." Both of his parents voted and impressed upon their children the obligation to vote.

"It is a measure of this State's progress, and a

source of personal pride, that one of her children has held elective office in two of the three branches of state government, and now serves on this state's highest court," he said.



**Tyree Irving  
Presiding Judge**



**T. Kenneth Griffis  
Presiding Judge**

## Justice Lamar, Judge Persons named Bar Fellows



Chancellor James B. Persons and Justice Ann H. Lamar

Justice Ann H. Lamar of Senatobia and 8th Chancery Judge James B. Persons of Gulfport were inducted as Fellows of the Mississippi Bar Foundation on April 14.

Being named a Fellow represents the highest level of professionalism and competence, said Mississippi Bar Foundation President John M. McCullouch.

Attorneys inducted as Fellows for 2011 are Ralph E. Chapman of Clarksdale, Patti C. Golden of Gulfport, John S. Hill of Tupelo, Sen. W. Briggs Hopson III of Vicksburg, Jamie G. Houston III of Jackson, Vicki R. Leggett of Hattiesburg, Michael J. Malouf Sr. of Jackson, J. Tucker Mitchell of Ridgeland, Thomas Y. Page of Jackson, Jeannie H. San-

sing of Columbus, Phillip L. Tutor of Pontotoc, James L. Warren III of Jackson, and James E. Woods of Olive Branch.

Attorney Stephanie R. Jones of Jackson was honored with the Law-Related Public Education Award.

The late William M. Champion of Oxford, former law professor at the University of Mississippi School of Law, was posthumously honored with the Bar Foundation's Professionalism Award.

District Attorney John Champion said, "My dad loved the law. He loved teaching the law." After his father's death, the family heard numerous stories of how he had helped students and other people. "I think that's a real legacy," he said.

Justice Lamar is a former Circuit Judge, district attorney and assistant district attorney of the 17th District. She serves on the Board of Governors of the Mississippi Judicial College. She was Co-Chair of the Commission for the Study of Domestic Abuse Proceedings. She served as chair, vice-chairman and treasurer of the Conference of Circuit Judges, and is a former member of the Board of Directors of the Mississippi Prosecutors Association.

Judge Persons took the 8th Chancery bench in 2003. He practiced law in Jackson 1967-1974, then moved his practice to Biloxi. He is an active member of the Mississippi Bar's Lawyers and Judges Assistance Program.



Bar Foundation President John M. McCullouch, at left, presented the Professionalism Award honoring Professor William M. Champion. Champion's family are granddaughter Kelli Champion, wife Annette Champion, and son District Attorney John Champion.

## Marion County Chancery Annex named for Judge Dale



Chancery Judge Sebe Dale, at left, reacts as he sees his name on the building. Judge Dale's wife Camille is at right. Calvin Newsom, president of the Marion County Board of Supervisors, is at center .



At left, Chancery Judge Dawn Beam, elected Judge Sebe Dale's successor, greets Judge Dale and his wife, Camille.

Marion County officials renamed the Chancery Court Annex for Chancery Judge Sebe Dale Jr. to honor his 42 years on the bench, 32 of that as chancellor of the 10<sup>th</sup> Chancery District.

"Thank you, Judge, for a lifetime of tireless, selfless service that has been given to your fellow Marion countians, Mississippians and your fellow Americans," Marion County Board of Supervisors President Calvin Newsom told him before a crowd of public officials, lawyers and friends outside the courthouse.

The Forrest County Board of Supervisors read a proclamation honoring his service.

Although Judge Dale was very much involved in the recently completed remodeling of the courtroom, local attorneys and the Board of Supervisors kept secret their plan to rename the building in his honor. The lettering was installed in the wee hours of the morning, and planners escorted Judge Dale through a side door for the Nov. 12 afternoon retirement reception.

When he gazed up at the building, a look of astonishment came over his face.

The building is now "The Sebe Dale, Jr. Chancery Court Building."

Judge Dale, of Columbia, noted that his grandfather, John B. Dale, was president of the Marion County Board of Supervisors when the main courthouse was built in 1905. "He set a track for me and my father set a track for me. I've done my best to be

true to it. Thank you so much," he said.

Judge Dale has been a lawyer for 62 years. He was a Youth Court referee for 10 years before he was elected to the Chancery bench. He was a member of the Mississippi Judicial College Board of Governors for 22 years, 18 of that as chairman. He was a member of the State Penitentiary Board for eight years. He served as chairman of the Conference of Chancery Judges and of the Judicial Advisory Study Committee, and as president of the Marion County Bar Association.

Chancery Judge Eugene Fair said, "He has become the kind of person that Johnny Williams and I, and Jim Thomas when he was living, found it appropriate to emulate, to seek for guidance, to seek for assistance when we came up against the hard questions, because he's had them all and done well in handling them."

Chancellor Ed Patten of Hazlehurst told him later, "Please do not change your cell phone number so that I can have a lifeline."

Columbia attorney Renee Porter said Judge Dale was a great teacher for the lawyers who practiced before him. "He has taught Marion County lawyers more than we learned in law school," she said.

Mississippi Bar President-Elect Hugh Keating said, "We are so fortunate to have had the guidance and leadership and the public service of Judge Sebe Dale."

## Retiring trial judges honored for their public service



**Madison County Judge William Agin accepts a certificate of appreciation from Chief Justice Bill Waller Jr.**

Chief Justice Bill Waller Jr. presented certificates of appreciation to retiring trial judges at the Trial and Appellate Judges Conference in Jackson Oct. 28, 2010.

Ten trial judges retired. Three were defeated in reelection contests. One was elected to a different court.



**Chancery Judge Sebe Dale Jr.** of Columbia was recognized for a career of public service which includes 32 years on the 10<sup>th</sup> Chancery bench and 10

years as Youth Court Referee. The Chief Justice commended Judge Dale's 62 years as a member of the Bar and his leadership, which includes chairmanships of the Conference of Chancery Judges, the Mississippi Judicial College Board of Governors, and the Mississippi Children's Code Commission. The Conference of Chancery Judges also presented Judge Dale with a plaque recognizing his service as a chancellor.

**Madison County Court Judge William Agin** was recognized for 28 years as Madison County Court and Youth Court Judge. He created the Madison County Juvenile Drug Court. He served as Chairman of the Conference of County Court Judges and Council of Youth Court Judges, and was on the Supreme Court Rules Advisory Committee

and Media and the Courts Study Committee. He has been a member of the Bar for 35 years.



**Hinds County Court Judge William Barnett** was recognized for 16 years as Hinds County Court Judge, 16 years as Jackson Municipal Judge, two years as Municipal judge pro tempore, two years as Jackson assistant prosecuting attorney, and five years as Hinds County Chancery Special Master. He was commended for service on the Public Defender Commission and 39 years as a member of the Bar.



**Circuit Judge Henry L. Lackey** of Calhoun City was recognized for 17 years as Circuit Judge of the Third

Judicial District, eight years as attorney for the Calhoun County Board of Supervisors, one year as the state's first public defender, and four years as Calhoun County prosecuting attorney. He served as chairman of the Commission on Judicial Performance. He has been a member of the Bar for 44 years.



**Circuit Judge Samac Richardson** of Brandon was recognized for 13 years as Circuit Judge of the 20<sup>th</sup> Judicial District, five years as Rankin County Court Judge, six years as assistant district attorney, five years as public defender, five years as Rankin County School Board hearing officer, and three years as Pearl city attorney. Judge Richardson served as chair of both the Conference of Circuit Judges and the Conference of County Court Judges. He is a former member of the Bar Complaint Tribunal and the Supreme Court Advisory Committee on Rules. He has been a member of the Bar for 32 years.

**Circuit Judge Kenneth**

# 13 trial judges left the bench at the end of 2010



**L. Thomas** of Cleveland was recognized for 16 years as Circuit Judge of the 11<sup>th</sup> Judicial District, including 10 years as senior judge. He previously served for four years as Bolivar County Court Judge. He has been a member of the Bar for more than 32 years.



**Harrison County Court Judge Michael H. Ward** of Gulfport was recognized for 12 Years as County Court and Youth Court Judge, 20 years as Harrison County Family Court Judge, chair of the Mississippi Commission on Uniform Youth Court System and Procedures, service on the Committee on Continuing Judicial Education, and 39 years as a member of the Bar.

Chief Justice Waller also

recognized **Judge Margaret Alfonso**, who did not seek re-election to the Eighth Chancery bench, where she was senior judge. She ran for the Harrison County Court seat from which Judge Ward retired.

**Circuit Judge Andrew C. Baker** of Charleston retired after more than 32 years as Circuit Judge of the 17<sup>th</sup> Judicial District and three months as special chancery judge. He served on the State Penitentiary Board, Mississippi Court Reporters Association Board of Directors, and Mississippi College School of Law Moot Court Board. He has been a member of the Bar for 44 years.

**Chancery Judge William G. Willard Jr.** of Clarksdale served for 12 years as Seventh District Chancellor and nine and one-half years as Clarksdale Municipal Judge. He served on the Bar Complaints Tribunal. He has been a mem-



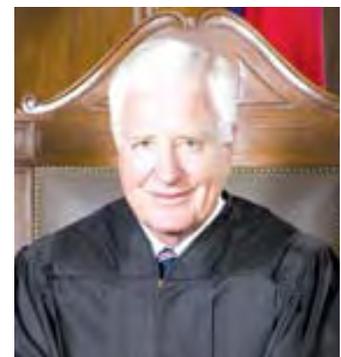
**Circuit Judge Andrew C. Baker** was honored at a reception in Batesville. At right is Supreme Court Justice Ann H. Lamar.



**Judge William Willard** is congratulated by Bolivar County Supervisor **Donnie Whitten**.

ber of the Bar for 36 years.

**Circuit Judge Swan Yergler** of Jackson was commended for 14 years of service as Circuit Judge of the Seventh Judicial District of Hinds County. He was senior judge for eight years. He has been a member of the Bar for 52 years.



# 19 new trial judges take office in January 2011

Elections brought many new faces to the trial bench in January 2011. Eleven are new to the bench. Eight previously held a different judicial office.



**Seventh Chancery Court Judge Catherine Farris-Carter** of Shaw for the past 17 years served as a Special Assistant Attorney General for the Mississippi Department of Health, the Mississippi Development Authority and the Department of Human Services. She formerly served for six years as managing attorney and director of grants development for the Greenville office of North Mississippi Rural Legal Services. She was Shaw Municipal Court Judge for two years. She served two terms on the Shaw Board of Aldermen. She has served as a court-appointed guardian ad litem and by court appointment as an advocate for persons facing involuntary commitment for mental health treatment. She earned a Bachelor of Science degree in criminal justice from Jackson State University and a law degree from Chicago College of

Law. She worked as an intern for the Illinois Attorney General for two years while she was in law school.



**Seventh Chancery Court Judge W. M. Sanders** of Greenwood was elected to a newly created judgeship. She previously served as Leflore County Court and Youth Court judge, and as Greenwood Municipal Court Judge. She was managing attorney for the Clarksdale office of North Mississippi Rural Legal Services. She is a graduate of Alcorn State University and the University of Mississippi School of Law.

**Eighth District Chancery Judge Jennifer**



**Schloegel** of Gulfport practiced law for 19 years in the

areas of business law, estate planning, wills and probate matters as a member of the firm of Page, Mannino, Peresich & McDermott. She earned a Bachelor's degree in English and philosophy from Louisiana State University and a law degree from the University of Mississippi School of Law.



**Judge Deborah Gambrell** of Hattiesburg was appointed by Gov. Haley Barbour to a vacancy after the death of Judge James H. C. Thomas. Judge Gambrell served as a Forrest County Justice Court Judge since 1980, and maintained a private law practice. She earned a Bachelor of Science degree from the University of Southern Mississippi, and a law degree from Mississippi College School of Law. She is former president of the South Central Bar Association, and is a Fellow of the Mississippi Bar Foundation.



**Tenth District Chancery Judge Dawn H. Beam** of Sumrall is the first female chancellor of the Tenth Chancery District, and the first Lamar County resident to be elected chancellor in the district. Beam served as County Attorney for Lamar County 2007- 2010. She has been in the private practice since 1995. She worked for the Department of Human Services 1989-1993, and for Maximus Inc. 1993-1995. Maximus did child support enforcement services for the Department of Human Services. She earned a Bachelor of Arts degree in business from the University of Mississippi, and a law degree from the University of Mississippi School of Law.

**Tenth District Chancery**



**Thirteenth District Chancery Judge David Shoemaker** of Collins practiced law in Collins for 38 years. He earned a Bachelor

# Orientation conducted for all new judges

of Science degree from the University of Southern Mississippi. He served on active duty in the U.S. Army from 1968 to 1971. He earned his law degree from the University of Mississippi School of Law in 1973.



**Third Circuit Court Judge John A. Gregory** of Okolona served for 23 years as Chickasaw County prosecuting attorney. He was attorney for the Chickasaw County Board of Supervisors for 18 years, and served as attorney for the Okolona Municipal Separate School District for the past 23 years. He served for 15 years as Okolona city attorney, and for nine years as an assistant district attorney for the Third Circuit Court District. He earned a Bachelor of Science degree from the University of Mississippi, and a law degree from the former Jackson School of Law, now Mississippi College School of Law. He served as a law clerk for the Mississippi Supreme Court, working for the late Justice Stokes V. Robertson.

**Seventh Circuit Court Judge William A. "Bill" Gowan** of Jackson was ap-



pointed in July 2008 by the Supreme Court as a special circuit judge for Hinds County. He served twice by gubernatorial appointment on the Hinds County Court, first in 2002 and again in 2006. He presided over the Hinds County Drug Court. He worked for the Hinds County Sheriff's Office for 10 years, first as in-house counsel, then as undersheriff. He was assistant city prosecutor in Jackson 1978-1990; city prosecutor 1991-1994; and assistant city attorney 1994-1998. He earned a Bachelor of Business Administration degree and a law degree from the University of Mississippi.



**Seventh Circuit Court Judge Jeff Weill Sr.** grew up in Tylertown. He was in

private law practice in McComb for two years, then was an investigator and assistant district attorney in the Fourteenth Circuit District. He started a private law practice in Jackson in 1986. He worked as an arbitrator and mediator, having completed mediation training at Harvard Law School in 2003. He was elected to represent Ward One on the Jackson City Council in 2007. He earned a Bachelor of Arts degree from Michigan State University, and a law degree from the University of Mississippi School of Law.

**Eleventh Circuit Court Judge Johnnie E. Walls Jr.** of Lamont previously served for 18 years in the state Sen-

ate. He practiced law for 40 years. He is a graduate of Jackson State University and the University of Mississippi School of Law.



**Fifteenth Circuit Court Judge Anthony A. Mozingo** of Oak Grove previously served as Municipal Court Judge for Purvis and Lumberton, Justice Court



Mississippi Judicial College Executive Director Cynthia Davis presents a certificate to Circuit Judge Johnnie Walls at the conclusion of a week-long orientation for new judges.

## Nine new Circuit Court judges take oath of office

Judge Pro Tempore for Jefferson Davis County, and attorney for the Lamar County Board of Supervisors. He graduated from the University of Southern Mississippi and earned a law degree from the Mississippi College School of Law.



**Sixteenth Circuit Court Judge Lee S. Coleman** of West Point filled a newly created judgeship. He served for the past 26 years as attorney for the Clay County Board of Supervisors. He previously served for eight years in the Mississippi House of Representatives. He has practiced law for 37 years. Judge Coleman earned a Bachelor of Science degree in public administration from the University of Mississippi. He earned his law degree from the University of Mississippi School of Law, where he served as president of the law school student body.

**Seventeenth Circuit Court Judge Gerald W. Chatham** of Hernando was elected to a newly created judgeship. He served as district attorney from of the Seventeenth District 1972-



**Circuit Judge John Emfinger, at left, takes the oath of office before retiring Circuit Judge Samac Richardson as Judge Emfinger's wife, Susan Emfinger, holds the Bible.**



84. He maintained a private law practice since that time. He has practiced law for 43 years. He previously taught at Northwest Community College. He served for six years in the U.S. Army Reserve. He is a graduate of the University of Mississippi, and earned his law degree from the former Jackson School of Law, now Mississippi College School of Law. His father served as district attorney and DeSoto County School Superinten-

dent. His grandfather was a Chancery Judge.



**Seventeenth Circuit Court Judge Smith Murphey V** of Batesville was an assistant district attorney of the Seventeenth Circuit District for 14 years. He is former president of the Mississippi Prosecutors Association and former president of the Prosecutors Section of the Mississippi Bar. He has taught trial techniques and constitutional law to prose-

cutors from other states for the National Advocacy Center and the National District Attorneys Association. He has served as an instructor in constitutional law for police cadets at the Mississippi Law Enforcement Officers Training Academy. He has been a member of the Project Safe Childhood Task Force, which was organized by the U.S. Department of Justice to fight internet predators. He was a founding member of two multidisciplinary task forces on child abuse. He has served on the Mississippi Board of Bar Admissions for the past two years. He was a Mississippi Bar Alternative Dispute Resolution mediator and a member of the Alternative Dispute Resolution Panel of Neutrals for the U.S. District Court. He served two years as a law

## Four new County Court judges take the bench

clerk for former Supreme Court Justice James L. Roberts Jr. He earned a Bachelor's Degree in business administration from the University of Mississippi and a law degree from Mississippi College School of Law.

**Twentieth District Circuit Judge John Emfinger** of Brandon served for 14 years as an assistant district attorney for the Twentieth Circuit Court District. He worked for nearly 10 years as a special assistant attorney general in the Criminal Division, in the State and Local Government Section, and as director of the Public Integrity Division. He was a staff attorney in the office of the Secretary of State for a year. He was in private practice for seven years. He earned a Bachelor of Science degree in political science from Mississippi College and a law degree from Mississippi College School of Law.

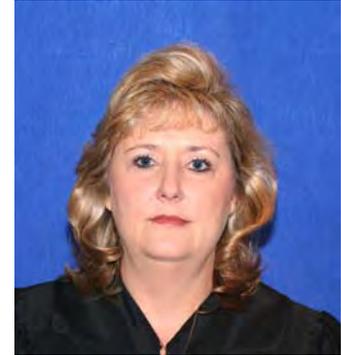


**Harrison County Court Judge Margaret Alfonso** of Gulfport was elected to the County and Youth Court after 12 years as a chancery judge. She served four years

as 2nd Circuit assistant district attorney, five years as assistant prosecuting attorney for Harrison County, three years as prosecuting attorney for Harrison County Family Court, and three years as Cook County, Ill., assistant state's attorney. She is a founding member of Professionals Advocating for Children Together, and serves on the Access to Justice Commission. She was a member of the Media and the Courts Study Committee and the Commission for Study of Domestic Abuse Proceedings. She has been a member of the bar 34 years.

**Hinds County Court Judge Melvin V. Priester Sr.** was appointed in July 2008 by the Mississippi Supreme Court as a special circuit judge for Hinds County. He served for nearly three years as a Jackson Municipal Judge. He opened a private law practice in 1987. He served as a special assistant attorney general assigned to health law matters 1985-1987. He earned his law degree from the University of Texas Law School. He earned a Bachelor of Science degree in secondary education and a Master of Education degree in rehabilitation counseling from Boston University. Before entering law school, he worked in the mental health field for 10 years.

**Madison County Court Judge Steve Ratcliff** of Madison has practiced law for 20 years. He practiced with the firms of Heidelberg



and Woodliff and Crosthwait Terney Noble and Allain in Jackson, then opened his own firm in 1997. He earned a Bachelor of Arts degree in marketing from Mississippi State University and a law degree from Mississippi College School of Law.

**Pearl River County Court Judge Richelle Lumpkin** of Carriere was elected to a newly created court. She will perform some of the duties she had handled for the past eight

years as Pearl River County Youth Court Referee. She also served as Municipal Judge for the City of Pica-yune for the past four years. She previously served for eight years as Pearl River County prosecutor. She is a former member of the Mississippi Board of Bar Commissioners. She earned a Bachelor's degree in political science from the University of Southern Mississippi and a law degree from Mississippi College School of Law.



**Hinds County Judge Melvin V. Priester Sr. takes the oath as his wife, Charlene Stimley Priester, holds the Bible.**

## Jack Pool retires as Supreme Court Administrator

Retired Supreme Court Administrator and Counsel Jack Pool served under six chief justices during the past 16 years. His work included drafting major rule revisions while managing daily operations of appellate courts which dispose of more than 1,000 direct appeals and 7,000 motions annually.

He retired March 15 after serving for 11 years as director of the Central Legal Staff, then more than five years as Supreme Court Administrator and Counsel. The 1960 University of Mississippi School of Law graduate has practiced law for more than 50 years.

Chief Justice Bill Waller Jr. thanked Pool for his service. "His service to the Court has been invaluable. He has worked tirelessly and provided outstanding assistance in the administration of justice."

Chief Justice Waller noted that Pool helped implement the Mississippi Electronic Courts pilot program. As Court Administrator, he was the point person for the court in the construction of the new Carroll Gartin Justice Building, which is near completion.

He provided critical staff support in the drafting and enactment of statutes that created the Office of Capital Defense Counsel, Office of Capital Post-Conviction Counsel and the Office of Indigent Appeals.

Rule changes adopted by the Court during the past



**Retired Supreme Court Administrator Jack Pool, second from right, is pictured with Former Chief Justices James W. Smith Jr. and Edwin Lloyd Pittman and Chief Justice Bill Waller Jr.**

decade included advisory time standards for trial courts, the *Daubert* standard in the Mississippi Rules of Evidence, a major revision to the Code of Judicial Conduct, revised recusal and mandamus procedures, random assignment of cases in trial courts, joinder and venue, camera coverage rules, and a series of rules to assist poor people in gaining access to the courts.

Chief Justice Waller, listing some of the rule changes, said, "Many, many more had their start in his pen and with his guidance."

His work for the Court earned him the Chief Justice Award in 2003 and 2005.

Pool said he felt the most satisfaction from helping the court catch up on a backlog

of cases, revise the Code of Judicial Conduct and establish the offices of Capital Defense Counsel and Capital Post-Conviction Counsel.

The 2000 Legislature created the publicly funded capital defense offices at the urging of the Supreme Court after the Court's 1999 decision in *Henry Curtis Jackson Jr. v. State*, 732 So.2d 18. The Court held that the petitioner was entitled to appointed and compensated counsel to represent him in state post-conviction proceedings.

Pool said, "From a due process point of view, the Court held in *Jackson v. State* that there was a state-based due process right to counsel in capital post-conviction cases, and it was

necessary to provide some mechanism for the state to meet that responsibility."

Cases couldn't move forward on appeal without post-conviction representation. "They couldn't exhaust state remedies before going to federal habeas," Pool said.

"Justice Waller headed the effort and I provided the staff support for creating rules and statutes that established the office of Capital Post-Conviction Counsel," Pool said. "We got funding for it from the Legislature and set up the procedural rules that were necessary to make it function."

Pool previously worked in the oil business and had a private law practice in Natchez. The late Chief Jus-

## Supreme Court promotes Saunders, Sparks, Joorfetz



**Hubbard T. Saunders IV**  
Supreme Court Administrator

The Supreme Court has promoted Hubbard T. Saunders, IV, of Jackson to Supreme Court Administrator and Counsel and named longtime staff attorney Greg Sparks of Madison as director of the Central Legal Staff.

Clara Watson Joorfetz of Jackson has been promoted to acting State Law Librarian. She awaits confirmation



**Greg Sparks**  
Central Legal Director

by the Mississippi House and the Mississippi Senate.

Chief Justice Bill Waller Jr. in announcing the appointments said, "Hubby Saunders and Greg Sparks are two incredibly talented lawyers who have extensive experience in appellate litigation and court administration. Their vast institutional knowledge of the workings of the court make them ide-



**Clara Watson Joorfetz**  
Acting State Librarian

ally suited to take on these new duties."

He note that Joorfetz has extensive experience managing specialized legal and medical library collections. "Her expertise will be an asset to the courts, the legal community and the public."

Saunders, who has practiced law for 35 years, became Central Legal Staff director and deputy court

administrator in November 2005. He previously served as Supreme Court editor of opinions for almost seven years. He served as a special assistant attorney general from 1977-1981, working in the federal litigation division. He worked in private practice 1976-1977 and again 1981-1998. Saunders earned his law degree from the University of Mississippi School of Law.

Sparks has practiced law for 22 years. He joined the Central Legal Staff in 1993, and became Assistant Director of Central Legal in 1998. He served as a law clerk for then-Justice Edwin Lloyd Pittman from 1988-1991. He worked in private law practice for a year before joining the Central Legal staff. He earned a law degree from the University of Mississippi School of Law.

Joorfetz for the past five years was information services and government documents librarian for the State Library. She worked in reference services at the State Library 1968-1979. She worked eight years as a librarian and library consultant for St. Dominic Hospital, five years as librarian at the University of Mississippi Medical Center, and two years as head librarian at Baptist Medical Center. She also taught legal bibliography at the University of Mississippi for a year.

She earned a Bachelor of Arts degree in English and a Master of Library Science degree from the University of Mississippi.

## Pool retirement, *continued*

tice Armis Hawkins hired him as director of the Central Legal Staff in 1994. Pool served under Chief Justices Hawkins, Dan Lee, Lenore Prather, Edwin Lloyd Pittman, James W. Smith Jr. and Waller.

Justices, staff and friends gathered at the court on Feb. 28 to bid Pool farewell.

Former Chief Justice Pittman, a law school classmate, said, "Thank you for your long service and for your long friendship."

Former Chief Justice Smith, now in private prac-

tice, joked, "There's life after the court. (Retirement) lasted only 28 days."

Pool countered, "I am trying to insulate myself from that by moving into a jurisdiction where I'm not licensed." He is moving from Jackson to Dallas to be near his daughter and grandchildren.

Presiding Justice George C. Carlson Jr. commended Pool's work ethic. Justice Jim Kitchens noted his invaluable assistance, and new Justice Leslie King cited his reputation for reliability.

Justice David Chandler described him as a calming force. Justice Jess Dickinson called him a true gentleman.

Justice Mike Randolph said, "What really makes you a great man in my eyes is that I've never heard you say a bad word about anybody."

Pool praised the court staff. "This Court should be very proud of its staff as it's currently constituted," he said. "You have never had a better staff to work for you than what you have right now."

## Rule changes made to encourage pro bono service



**Court of Appeals Judge Donna Barnes explains rule changes to members of the Access to Justice Commission.**

The Mississippi Supreme Court has revised Rules of Professional Conduct in an effort to increase the availability of legal services for low income people.

Rule amendments adopted by the Supreme Court address limited scope representation in an effort to encourage lawyers to provide some services to clients who are limited in what they can afford. The Court also adopted a new Rule 6.5 Nonprofit and Court-Annexed Limited Legal Services Programs rule intended to encourage lawyers to provide volunteer services to legal hotlines and clinics without fear of creating conflicts of interest.

Chief Justice Bill Waller Jr. signed an order on behalf of the unanimous Supreme Court adopting the rule amendments, which are effective July 1, 2011.

Chief Justice Waller said, "Today's challenging economic circumstances have created heightened needs by members of the public to have access to our courts. These amendments will facilitate opportunities for attorneys across our state to participate in pro bono legal services."

The amendments were proposed by the Access to Justice Commission.

Justice Jess Dickinson, a member of the Access to Justice Commission, said, "Often, a lawyer will want to help someone who faces a legal problem, but the potential client is unable to pay and the lawyer just cannot commit the time and resources to handle the entire matter. This rule change will allow the lawyer to provide some help, rather than none at all."

Court of Appeals Judge Donna Barnes of Tupelo, who chaired the Access to Justice subcommittee which submitted proposals for the rule changes, said, "We are extremely excited that these revisions will encourage attorneys to offer additional legal services to low income

citizens."

Attorney Rodger Wilder of Gulfport, co-chair of the Access to Justice Commission, said, "The change will be very beneficial. It will encourage more lawyers to provide legal services to low income clients. This is one of a number of changes the Access to Justice Commission will be recommending to help our courts better serve clients of modest means."

The order and rule amendments are at this link : <http://www.mssc.state.ms.us/Images/Opinions/167564.pdf>.

The Supreme Court in a revised comment to Rule 1.2 of the Rules of Professional Conduct said, "Limited scope representation is an important means of providing access to justice for all persons regardless of financial resources. Lawyers are encouraged to offer limited services when appropriate, particularly when a client's financial resources are insufficient to secure full scope of services. For example, lawyers may provide counsel and advice and may draft letters or pleadings. Lawyers may assist clients in preparation for litigation with or without appearing as counsel of record. Within litigation, lawyers may limit representation to attend a hearing on a discrete matter, such as a deposition or hearing, or to a specific issue in litigation."

The rule amendments address what has become known as "unbundling" of legal services, allowing a

lawyer to undertake specific tasks for a client, without the obligation to represent the client at each step.

The Supreme Court, addressing requirements of competent representation under Rule 1.1 of the Mississippi Rules of Professional Conduct, said in a comment to the rule, "An agreement between the lawyer and the client regarding the scope of the representation may limit the matters for which the lawyer is responsible." In a separate comment to Rule 1.2 regarding scope of representation, however, the Court noted that any agreed limitation "must be reasonable under the circumstances," and "does not exempt a lawyer from the duty to provide competent representation."

Judge Barnes said, "While limited representation does not meet all of the client's needs, it may very well assist certain clients who would not have otherwise been able to obtain any legal representation in a matter."

LaVerne Edney, general counsel for the Mississippi Volunteer Lawyers Project, said the revised rules are expected to make it easier to recruit volunteer lawyers to represent low-income clients, assist with legal clinics and staff legal hotlines.

"It's a move in the right direction to get more volunteers to take pro bono cases," Edney said.

MVLP is constantly searching for lawyers to assist with legal assistance

## Nicols enjoys successful second career as landscape artist



Alfred Nicols paints in his home studio on Bayou Pierre.

### Pro bono rule changes, *continued*

clinics dealing with divorce, child custody, child support, adoptions, guardianships, wills and expungement. In the divorce clinics, lawyers prepare pleadings for irreconcilable differences divorces. Concerns about professional obligations to represent a client from start to finish are among the factors which have made it difficult to find enough volunteer lawyers.

Lawyers at some of the clinics draft legal documents on site. More lawyers may be willing to participate if they don't have to provide continuing representation after the clinic consultation.

"We cover the entire state.

It's very difficult to find (volunteer) attorneys in some remote counties," Edney said. With the new rules allowing attorneys to do only part of a proceeding, "What we can do now is have attorneys from Hinds, Madison and Rankin counties, where we have an abundance of volunteers, prepare the pleadings," Edney said. Then a lawyer in the area where the client lives would have a simpler task of filing the case and getting an order signed.

Edney said, "Attorneys have been concerned about their involvement in clinics and helping with the legal line because they don't have

Alfred Nicols agrees that his reputation as a Southern landscape artist has eclipsed his legal career on the bench. He is known as a successful artist who is a retired judge.

"There's no question about that," Nicols said. "Fifty years from now, no one will ever remember I presided over six death penalty cases in about two years....But in 2045 I've got to believe some of this art I'm doing is going to be hanging somewhere."

Some of Nicols' earlier work recently went on display in the Gartin Justice Building. Two original works and nine reproductions were donated by members of the Rankin County

judiciary. Nicols identified the works as pieces collected by the late Lewie Tanner, his bailiff in Rankin County Circuit Court in the 1980s. The paintings were given to the Circuit Court after Tanner's widow died.

Chief Justice Bill Waller Jr. said the paintings will hang in public spaces. "The Court is grateful to Judge Nicols. We are honored to display his beautiful paintings, which add such warmth to the new Supreme Court building," he said.

Court of Appeals Chief Judge L. Joseph Lee earlier donated four large canvas originals which already hang in the Gartin Building.

Nicols paintings hang in state and federal courthouses, Senate offices in Washington, corporate executive suites and private collections. Nicols has painted Mississippi landscapes for more than 45 years, creating more than 1,000 original paintings. More than 5,000 limited edition prints and giclee reproductions have been made from his work.

As a circuit judge and later as a U.S. Magistrate Judge, Nicols painted late into the evenings, and sometimes all night. "I would be painting at 2 a.m. and think 'I need to finish that tree line.' All of a sudden it would be 4:30 or 5 o'clock."

He is an ardent student of technique, spending by his own estimate a year or two at a time focused on a single art element. He focused on

the opportunity to get those names (of clients) in advance so that a conflicts check can be done with their firms. Especially with the larger law firms, they are concerned they may be conflicted out of a case later."

The Supreme Court in a comment to the Nonprofit and Court-Annexed Limited Legal Services Programs rule said that legal advice hotlines and advice only clinics "are normally operated under circumstances in which it is not feasible for a lawyer to systematically screen for conflicts of interest as is generally required before undertaking a representation."

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# Paintings by Judge Nicols donated to Supreme Court



Paintings by Alfred Nicols hang in the Supreme Court conference room.

mastery of hard and soft edges. He studied other artists' methods of applying texture on canvas. He read everything he could find on composition.

"It's extremely challenging. You can never get to be as good as you want to be. You can never ever put on that canvas what you see in your mind," Nicols said.

He dispels any notion of painting as relaxation. It's about creativity.

"Anybody who thinks that standing in front of an easel for 12 hours a day is relaxing is crazy. When I finish a painting, I'm absolutely exhausted. Every stroke is a decision. You have hundreds and hundreds of decisions to make.... It's hard work, very

stressful, tedious hard work, but it is extremely rewarding that someone thinks it's good enough to pay substantial money for today, and that it may be on someone's wall somewhere a hundred years from now."

His art has grown from a top-dollar mainstay of local charity fund raisers, to regional interest, and lately, international attention. In 2010, one of his Mississippi landscapes was selected as a finalist in *International Artist* world wide landscape competition. His website, [www.southernlandscapeart.com](http://www.southernlandscapeart.com), in the past 18 months

attracted more than 4,000 viewers and more than 40,000 page views from all 50 states and more than 50 countries.

Nicols practiced law in Jackson and Brandon before being appointed as Circuit Judge for Rankin and Madison Counties in 1980. He was appointed U.S. Magistrate Judge for the Southern District of Mississippi in 1991.

He left the bench in 2006 and began painting full time. "I have always wanted to be able to paint full time.... I had this other career that I had been putting on the back burner, and I wanted to let that be my primary career."

He moved his work space from a 12-by-12-foot room off his garage into what he calls "the studio of my dreams" on his 450-acre farm on Bayou Pierre in Copiah County. The river and rural landscapes provide endless subjects for his brush.