

# Mississippi Courts

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## Chief Judge Barnes is first woman to lead Court of Appeals

Chief Judge Donna Barnes of Tupelo on Feb. 1 was sworn in as the first woman judge to lead the Mississippi Court of Appeals.

Supreme Court Chief Justice Michael K. Randolph swore in Judge Barnes on his first day as leader of the judiciary. He signed the order appointing her as Court of Appeals Chief Judge before a large crowd in the En Banc courtroom in Jackson before he administered the oath of office.

The oath ends, “so help me God.” Chief Justice Randolph said, “You will find that God is referenced in every Constitution in every state in the United States of America.” The Mississippi Constitution asks for God’s blessings. Randolph told Chief Judge Barnes, “I ask that He invoke His blessing on the work that you are about to do. Congratulations.”

“This really is an historic occasion,” said Joy Lambert Phillips of Gulfport, who was the first woman President of the Mississippi Bar in 2005. “She’s a trailblazer in her own right, but I think she will quickly tell you that she stood on the shoulders of all those women who



Chief Justice Michael K. Randolph, at right, gives the oath of office to Court of Appeals Chief Judge Donna Barnes at her Feb. 1 investiture. At left, her brother, attorney Paul Barnes, and her mother Ouida Barnes hold the Bible.

## Chief Justice Randolph becomes leader of Judicial Branch

Mississippi Supreme Court Chief Justice Michael K. Randolph became leader of the Mississippi Judiciary on Feb. 1.

On his first day as Chief Justice, he swore in Justice T. Kenneth Griffis as the newest member of the Supreme Court, gave the oath of Presiding Justice to Justice Leslie D. King and appointed and swore in Donna M. Barnes as Chief Judge of the Court of Appeals.

Chief Justice Randolph

is the 36<sup>th</sup> Chief Justice in the 201-year history of the Mississippi Supreme Court. He became Chief Justice after the retirement of former Chief Justice Bill Waller Jr. on Jan. 31. Chief Justice Randolph is the longest currently serving member of the Supreme Court, having been appointed to the Court by Gov. Haley Barbour on April 23, 2004.

Barbour, who spoke at Chief Judge Barnes’ investiture, noted that two of his

early judicial appointments now lead the state’s two appellate courts. “It is kind of unusual to be standing up here as the Governor who appointed both the Chief Justice of the Supreme Court and the Chief Judge of the Court of Appeals.”

Feb. 1 marked a military anniversary for Chief Justice Randolph. “I started reflecting on my own personal history and realized it was Feb. 1 in a year that I’m not going to tell you

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Left to right are Former Gov. Haley Barbour, Chief Judge Donna Barnes, former Mississippi Bar President Joy Phillips, U.S. Sen. Roger Wicker and Chief Justice Michael Randolph.

came before her, women who blazed a trail when there was not even a narrow path to follow.”

Chief Judge Barnes said she was inspired by former Judge Mary Libby Payne, the first woman and an original member of the Court of Appeals; Chief Justice Lenore Prather, the first woman to serve on the Supreme Court and the only woman Chief Justice; and the late Lt. Gov. Evelyn Gandy. “I owe each of these ladies a debt I can never repay, for doing what was not easy. My pledge to all the women in the profession who prepared my way, is that I will, in the way that I fulfill my duties as Chief Judge, try to make it easier for the women who come after.”

She thanked not only women of the state’s highest offices, but women such as Jean Magee, the

first female lawyer hired at Mitchell, McNutt and Sams in Tupelo. Magee’s example of hard work helped open the way for Barnes to be the firm’s second woman lawyer. Exemplary judges including Denise Owens, Patricia Wise, Jacqueline Mask and Sharion Aycok influenced voters to consider electing other women judges.

Chief Judge Barnes said that Phillips’ example as Mississippi Bar President in 2005 likely influenced members of the Bar who recently elected a fifth woman, Jennifer Ingram Johnson of Hattiesburg, as President-Elect of the Mississippi Bar.

Phillips said, “Just as she was influenced by these trail blazing women, Chief Judge Barnes also now is influencing and inspiring younger attorneys, so congratulations to

the first woman to serve as Chief Judge of the Mississippi Court of Appeals. But here’s to having fewer firsts and more seconds and thirds.”

Former Gov. Haley Barbour, who appointed Judge Barnes to the Court of Appeals in August 2004, said she exemplified what he was looking for in a judicial appointee. She earned a Bachelor of Arts degree *summa cum laude* and a law degree *magna cum laude* from the University of Mississippi. With 18 years of law practice, “Donna’s reputation in the bar was sterling. Her stature in the community was the best.” She was “the kind of person that you would want to have responsibility. I am very proud to have appointed her, and so should we always want this quality when we appoint judges because of the critical role

that you all play in making our country the country that it is, the greatest country in the history of the world.”

U. S. Senator Roger Wicker of Tupelo recalled speaking at Judge Barnes’ first investiture in December 2004. “Clearly Lee County exported IQ points to the State Capital that day and we are all better off for it. Her admiring colleagues attest, calling her brilliant, a wonderful person, and stating that she exemplifies leadership and judicial temperament.”

Wicker noted that Judge Barnes, who grew up in Natchez, was a Girl Scout, choir member and musician. She played baritone in high school and in the Ole Miss marching band.

After Phillips noted that the new Chief Judge is an enthusiastic Elvis Presley fan, Wicker ran with it. “What truly intrigues me this afternoon are the possibilities that loom for Chief Judge Barnes now that I know what an Elvis fan she really is.” He mused about possible terminology. A remand order could say “Return to Sender.” A restraining order could begin: “Don’t Be Cruel.” A unanimous decision might begin as “Such an Easy Question.” Criminal cases might see “Suspicious Minds” and “Jailhouse Rock.”

Wicker finished with Helen Reddy’s anthem “I Am Woman, Hear Me Roar.” He said, “Grab that gavel and proudly break another glass ceiling. I’m proud of you.”



## 42 new judges begin service on trial and appellate courts



New trial and appellate court judges stand for a group photo on the first day of a week of training in Jackson in December.

Forty-two new judges took office in January 2019 in what is believed to be the largest turnover ever on the bench in Mississippi.

The final days of December and the first week of January were packed with investitures.

New judges spent a week in Mississippi Judicial College training in Jackson in December and two weeks in April in the General Jurisdiction course at the National Judicial College in Reno, Nevada.

Here is a photo roundup of judicial training and investitures.



Chancellor Cynthia Brewer, fourth from right, front, joins 18 new judges at the National Judicial College General Jurisdiction course. Judge Brewer is a facilitator and instructor.





Retiring Hinds Chancellor Patricia Wise addresses a packed courtroom before swearing in daughter Crystal Wise Martin.



Federal and state judges and retired judges attended the Jan. 2 investiture of Hinds County Chancellor Crystal Wise Martin.



Court of Appeals Chief Judge Donna Barnes, at right, administers the oath of office to Hinds County Chancellor Tiffany Grove, at left, during an investiture ceremony at the Hinds Chancery Courthouse on Jan. 2. Judge Grove previously served as Judge Barnes' law clerk at the Court of Appeals. Judge Grove is accompanied by sons Bryan and Jack. Her husband, Bryan Grove, holds the Bible.





Clockwise, from top left, new Hinds County Circuit Court Judge Eleanor Faye Peterson takes the oath of office Dec. 27 during an investiture ceremony for Circuit and County Court judges. Top right, Hinds County Circuit Court Judge Adrienne Wooten speaks after taking the oath of office on Dec. 27. Right, Senior Circuit Judge Tomie Green administers the oath to Hinds County Court and Youth Court Judge Johnnie McDaniels on Dec. 27.



First District Circuit Judge John White takes the oath of office as his wife, Beth Booker White, holds the Bible on Dec. 28 in Booneville.



Former Chief Justice Bill Waller Jr., at left, swears in 20th District Circuit Judge Dewey Arthur on Dec. 18 in Canton. Mimi Arthur holds the Bible.





**Tenth District Chancellor Chad Smith, at left, takes the oath of office on Dec. 28 in Hattiesburg.**



**Chancellor Deborah Gambrell, at right, gives the oath of office to her niece, Forrest County Court Judge Carol Jones Russell, on Dec. 28.**



**Retiring 10th District Chancellors Johnny Williams, second from left, and Ronald Doleac, second from right, take a group photo with the current Chancery bench, Sheila Havard Smallwood, Chad Smith, Rhea Sheldon and Deborah Gambrell.**



# Kenneth Griffis sworn in as Supreme Court Justice Feb. 1



**Justice Kenneth Griffis, at left, takes the oath as a member of the Mississippi Supreme Court. Chief Justice Michael K. Randolph, at right, administers the oath. Justice Griffis' wife, Mary Helen Griffis, holds the Bible as four of their five sons watch.**

Justice T. Kenneth Griffis Jr. of Ridgeland took the oath of office Feb. 1 as the newest member of the Supreme Court.

Chief Justice Michael K. Randolph gave Justice Griffis the oath of office.

Justice Griffis told the large crowd of public officials and friends that he had expected the gathering to be a small one. "I want to thank you each for being here. Every one of you is very special to me," he said. "I'm overwhelmed by the fact that you took time from your day to come and share this with me."

Justice Griffis said, "The opportunity to serve on the Supreme Court is one that I appreciate and I

thank you for, and I thank the Governor for the opportunity."

Before his appointment to the Supreme Court, Griffis served for a month

as Chief Judge of the Court of Appeals, assuming leadership of that court on Jan. 2. One of his first actions was to appoint its first two women Presiding Judges: Donna Barnes and Virginia Carlton. Judge Barnes became Chief Judge of the Court of Appeals a month later.

A few days after Griffis' selection as Court of Appeals Chief Judge was announced in November, Gov. Phil Bryant named Griffis to fill a vacancy on the Supreme Court. Justice Griffis took the Central District judgeship previously held by Chief Justice Bill Waller Jr., who retired Jan. 31. Griffis' service as Chief Judge was the shortest in the 24-year history of the Mississippi Court of Appeals. He joined the Court of Appeals in January 2003.



**Court of Appeals Judges Donna Barnes and Virginia Carlton are sworn in as the court's first women Presiding Judges on Jan. 2. Judge Barnes became Chief Judge on Feb. 1.**



## Four new judges join Mississippi Court of Appeals



**Court of Appeals Judge Anthony Lawrence, center, takes the oath of office while surrounded by his wife and children.**

New Court of Appeals Judges Anthony N. “Tony” Lawrence III of Pascagoula, Deborah McDonald of Fayette and David Neil McCarty of Jackson were sworn in Jan. 7. They were elected to the judicial seats previously held by Judge Eugene Fair, Presiding Judge Tyree Irving and Chief Judge Joe Lee, who retired in December.

On Feb. 15, Court of Appeals Judge Cory Wilson took the oath of office. Gov. Phil Bryant appointed him to the vacancy cre-

ated when T. Kenneth Griffis was appointed to the Supreme Court.

Judge Lawrence said, “I am excited to assume this new position. While I will miss the many friends I made as District Attorney, I look forward to working with the other judges and staff at the Court of Appeals.”

Judge Lawrence, 53, previously served for 15 years as District Attorney for the 19th Circuit Court District of Jackson, George, and Greene counties, having been elected in

November 2003. He was elected without opposition on Nov. 6, 2018, to Court of Appeals District 5, an 11-county district that includes the Gulf Coast and part of the Pine Belt in south Mississippi.

He was president of the Mississippi Prosecutors Association 2011-2012, and previously served as vice-president. He served on the Mississippi Prosecutors Association Board of Directors for nine years and was co-chair of the Legislative Action Committee. He was an Assis-

tant District Attorney from 1996 to 1999. He practiced law with the firm of Colingo, Williams, Heidelberg, Steinberger & McElhane from September 1999 until he took office as District Attorney.

Judge McDonald, 61, of Fayette, served as Fayette Municipal Judge for 23 years. She was attorney for Jefferson County Hospital and Jefferson County Nursing Home for 24 years. She was attorney for the city of Port Gibson for almost seven years, and represented the Hazlehurst



School District for three years. She represented clients in state and federal courts, including extensive civil rights litigation. She is admitted to practice before all state and federal courts of Mississippi and the U.S. Supreme Court. She began her legal career as an attorney representing the poor at the former Southwest Mississippi Legal Services in McComb. She worked for Legal Services for nine years, and was director of the McComb office for three years.

Court of Appeals Chief Judge Donna Barnes administered the oath of office to Judge Wilson on Feb. 15. She said, "Each judge brings his or her unique personal background and experiences in the practice of law to our deliberations. We are excited to have Judge Cory Wilson on the Court of Appeals and look forward to the many contributions he will make to our Court."

Judge Wilson said, "I am very grateful and humbled by the confidence you have shown in me, and I'm going to work as hard as I can to do the best job I can for the people of Mississippi."

Judge Wilson, 48, will serve the remainder of an unexpired term that will end Jan. 2, 2023.

He served for three years in the House of Representatives from House District 73, representing part of Madison County. From 2014 to 2015, he served as senior adviser



**Court of Appeals Judge Deborah McDonald, at right, takes the oath of office on Jan. 7.**



**Judge Cory Wilson, at right, is pictured with Gov. Phil Bryant, Stephanie Wilson and son Webb.**

and counsel to State Treasurer Lynn Fitch and had a part-time private law practice. He was chief of staff to Secretary of State Delbert Hosemann from 2008 to 2011, managing day to day operations and facilitating policymaking in elections administration,

securities and charities regulation, and reform of LLC and business laws, administrative procedures, and public lands.

He served as a White House Fellow 2005 to 2006 and was placed in the Department of Defense as a special assistant to Sec-

retary of Defense Donald H. Rumsfeld.

He is a native of Moss Point. He earned his law degree from Yale, and served as a law clerk for Judge Emmett R. Cox of the 11th U.S. Circuit Court of Appeals.



## Judge David McCarty calls for equal justice for all



**Judge James E. Graves Jr. of the 5th U.S. Circuit Court of Appeals, at right, gives the oath to Judge David McCarty. Judge McCarty's mother, Billie Sahr McCarty, holds the Bible.**

Court of Appeals Judge David Neil McCarty used the occasion of his investiture ceremony to call upon lawyers to provide more free legal services to the poor, and to urge equal justice for all in a diverse culture.

"We continue to fail those in need in Mississippi by not mandating pro bono service," Judge McCarty told a crowd that packed the Court of Appeals En Banc Courtroom at the Gartin Justice Building in Jackson on March 27. "We need to go to work."

Pro bono service is voluntary. The Supreme Court's call for public comments on a proposed mandatory pro bono rule in 2010 received little support and much opposition.

Judge McCarty said his

longtime friend Will Bardwell, who spoke at the investiture, was one of the few strong supporters of a mandatory pro bono rule. It was out of commitment to the Biblical admonition "To whom much is given." McCarty stopped, hand outstretched for an audience response. "Much is required," came the reply.

"We have a state that has more people in need at this time in history than any other place in our nation of 330 million people," Judge McCarty said. "We've got broad shoulders. Let's begin to carry those who have not been given what we have been given."

McCarty spent much of his legal career representing the less fortunate, said Bardwell, senior staff attorney of the Southern

Poverty Law Center. In their early careers in private practice, they often worked together.

The recession was lean times for young lawyers. "When the paying clients stopped coming through the door, we would go out and we would find more clients whether they could pay or not, because David believed then as he believes now that justice is not a gas pump that you just stick your debit card in and you get as much as you can pay for," Bardwell said. "Every client that David ever represented, he represented with honor, dignity, compassion, a commitment to civil rights and fundamental fairness. These are the qualities that made David a remarkable lawyer and will make him a great judge."

Judge McCarty grew up in Alabama. His father and grandfather were coal miners. He worked in the mines too, briefly, and wasn't very good at it, he said with a laugh.

He thanked his mother, father, stepmother and aunt, who attended the ceremony. His mother held the Bible as he took the oath. His father and stepmother helped him put on the robe. "I was blessed with caring, hard working parents who always wanted more for me than I could ever have achieved on my own....They have pushed me throughout my life to go further than I ever would have," he said.

He moved to Jackson to attend Mississippi College School of Law. He has taught at his alma mater as an adjunct professor since 2005. He was a solo practitioner who focused on appeals and complex litigation.

Patricia Bennett, Mississippi Bar President and Dean of the Mississippi College School of Law, said Judge McCarty "is uniquely suited by education, background, experience and temperament for the role of the judiciary....He exemplifies professionalism, ethics, civility and excellence in the legal profession." He is an academic scholar, authoring the Evidence chapter of the *Encyclopedia of Mississippi Law*, and is a contributing author to the treatise *Mississippi Civil*



*Procedure.*

Supreme Court Presiding Justice Jim Kitchens said McCarty was an excellent appellate lawyer. “It was always a joy to have him come and argue a case. So now those skills are transferred into a different aspect of the appellate judiciary.”

Judge James E. Graves Jr. of the Fifth U.S. Circuit Court of Appeals administered the ceremonial oath of office. McCarty served as his law clerk when Graves was a Justice of the Supreme Court. Judge Graves said McCarty was smart, unselfish, respectful and hard working. “He had a genuine care and concern for the people who are affected by the work of the courts.”

Judge McCarty said working for then-Justice Graves “shaped my life. That’s when I learned for the first time...that in Mississippi the law could be for everyone and the law should be for everyone because it belongs to everyone, and if we as judges follow the law fairly and we treat everybody as equals, no matter where they are from or what they look like, what neighborhood they are from, whether they got to go to college or not or what color they are, then we magnify this great country and we create a Mississippi that is for everyone. Thank you for teaching me that.”

U.S. District Judge Carlton Reeves recalled U.S. Supreme Court Justice Thurgood Marshall’s 1987 Constitutional Bicentenni-

al speech in which Marshall said “We the people,” the opening phrase of the Preamble to the Constitution, did not when it was written include all people. “Because ‘we the people’ did not include people who look like me, who look like Judge Westbrook, who look like Judge McDonald. As a matter of fact, this court’s Chief Judge and Presiding Judge Carlton would not have been included in the three word phrase ‘we the people’.”

Chief Judge Donna Barnes is the Court of Appeals’ first woman chief judge. Presiding Judge Virginia Carlton is the court’s second female presiding judge. Judges Latrice Westbrook and Deborah McDonald are African American women.

Judge Reeves said a judge’s job is to give justice. “Always understand the unique and awesome power that we have,” he said. “The lawyer only has the key to the courthouse....Unlike the lawyer who is the justice seeker, the judge is there to be the giver of justice. The judge is there to make sure that those who come through those court house doors know that they will be treated with dignity, will be treated with respect....We are the justice givers.”

Speaking to Judge McCarty, Judge Reeves said, “Justice may be malleable, even elusive, but always believe it is attainable, transformative and powerful. Justice is worth



**U.S. District Judge Carlton Reeves speaks at the investiture.**

pursuing. In all that we do in this noble profession, make sure that the discovery of justice is our ultimate goal. With your knowledge, with your skills, you have the power, you have the key, and now you have the awesome responsibility and the authority to go do justice.”

Judge McCarty noted the diversity of experience among the 10-member Court of Appeals includes lawyers from the highest levels of civil practice, a lawyer who worked on redistricting, a former U.S. Attorney, a former District Attorney, a U.S. Army criminal appeals judge, two former legislators and former legal counsel to the Governor.

“As I stand before you today, I can report with complete confidence that we have behind me the strongest and most varied body I believe that has ever served Mississippi in our 201 years, from every walk of life and form of service. This is the best

court I believe we could ever give you,” Judge McCarty said.

He cited Medgar Evers’ 1961 speech in which the civil rights leader said that technology allowed Leontyne Price’s performance at the Metropolitan Opera in New York City to be viewed on television in her hometown of Laurel, and Buck Rogers comic strip spaceships are reality. Evers said, “Even with this amazing advance in science and technology, man has not until this day done what God would have us do, and that is, love our neighbor as ourselves.”

Judge McCarty said, “And especially in Mississippi we must recall that means everyone – black and white, man and woman, other, gay, straight. All.”

Video of the investiture may be viewed at this link: <https://livestream.com/supremecourtofms/Investiture-Judge-McCarty/>.



## Justice Roberts presents portrait to Supreme Court



**Former Justice and now Circuit Judge James L. Roberts Jr. and his wife Rose Roberts present his portrait to the Supreme Court on Jan. 18.**

Judge James L. Roberts Jr. of Pontotoc was honored for his career of more than 40 years of public service on Jan. 18 as he presented his portrait to the Mississippi Supreme Court.

Before his wife Rose and artist Robbie Boyd unveiled the painting, his protégés and colleagues painted a word picture of a judicial scholar, mentor, teacher and good humored story teller.

“A real life Atticus Finch” is how former law clerk Chad Russell, a Pontotoc native, described him. “A picture speaks a thousand words, or so the saying goes. Yet a thousand words would just be the forward to the wonderful novel that is Judge

Roberts,” Russell said. “Judge Roberts’ career exemplifies his willingness to step forward and offer his talents to the service of his fellow man. I believe he viewed his profession as his highest calling.... Judge Roberts has led, he has served, and he has made a difference. And he has not stopped.”

Chief Justice Bill Waller Jr. said that one of Judge Roberts’ most significant contributions was his work in setting in motion the Court of Appeals after the Legislature authorized its creation. Roberts as a Supreme Court Justice served on the Rules Committee that adopted operating rules for the Court of Appeals before it began hearing cases in January 1995.

He also played a leading role in finding a place to house the Court of Appeals.

Russell recalled meeting Roberts at the University of Mississippi School of Law when U.S. Supreme Court Justice Clarence Thomas spoke there 24 years ago. Russell was president of the Law School Student Body. Rose Roberts took Russell and Judge Roberts’ picture as they talked.

“Judge Roberts in his nice, deep voice said, ‘Chad, now I know you don’t believe me, but 24 years ago I was president of the Law School Student Body, trim and nice looking like you are, with a full head of hair. If you are not careful, you will wind up

looking like I do now.’”

A few days later, Rose Roberts’ picture arrived in the mail, captioned with Judge Roberts’ exact words. Russell held up the framed photo, which has hung in every office he’s had since then. He keeps it “to be reminded every day that someone in his position could take the time to do that....I saw him do that countless times for others....Judge Roberts has lived a very impactful life that has benefitted countless folks along the way.”

Russell was Roberts’ law clerk from August 1996 through May 1998. Roberts taught law, the appellate process, legal writing and ethics. He taught by example how to treat people – those whose matters came before the court, and those he met.

“Judge Roberts made sure we understood that the cold record before us represented real people, people who were counting, depending on justice.

“I watched a man treat the lady that made the coffee and cleaned the offices with the same dignity and respect as he did the Chief Justice.

“Judge Roberts observes people. He finds humor in most situations, some more than others. He never takes himself too seriously.”

Judge Roberts thanked Russell for his kind words. “I also want to get a copy of this for my obituary. I don’t believe anybody can





**Former law clerk Chad Russell describes Justice James Roberts as “a real life Atticus Finch.”**



**Circuit Judge Smith Murphey V, a former law clerk to Justice Roberts, gives the invocation.**

improve on it.”

Judge Roberts thanked family and friends who traveled from north Mississippi for the ceremony, six of his former law clerks, and former colleagues in attendance including Chief Justice Waller, former Chief Justice Jim Smith, former Chief Justice Edwin Lloyd Pittman, former Presiding Justice Fred L. Banks Jr. and former Presiding Justice Chuck McRae.

He fondly recalled his service at the Supreme Court from September 1992 to March 1999. “I have regretted leaving the court every day since I left,” he said. But it enabled him to do other things, including teaching for six years at the University of Southern Mississippi, working as a mediator and serving as a circuit judge. “If I could live life over again, I might want to

be a teacher.”

As a former chancellor and Supreme Court justice and now a circuit judge, has served on three of the four courts created by the Mississippi Constitution. “Occasionally I have served on an acting basis in the Justice Court and I’ve had all of the experience there that I want, no offense to them.”

He enjoys being circuit judge, having been appointed to the First Circuit bench in December 2007. “I intended to serve maybe about a year as Circuit Judge and then disappear from that.” He’s in his twelfth year. He thinks that if he is able to make a contribution, he should.

As a youth, he knew members of the Supreme Court. He views the court through the lens of history. He treated the crowd to personal anecdotes about Justice William Henry In-

zer of Pontotoc and Justice Henry Lee Rogers of Louisville.

Justice Inzer served from 1966 to his death in 1978. “I grew up delivering his paper, sacking his groceries. I thought he liked me a lot until I realized he actually voted for my opponent every time, but that’s OK.” He recalled visiting Justice Inzer at his office at the New Capitol while a student at Millsaps College. Inzer, wearing a green eyeshade and underling case materials in red pencil, told him to leave because he was busy. He recalled visiting Justice Inzer’s grave in Calhoun City. A modest stone marks the resting place of a man who distinguished himself in military and judicial service.

Justice Rogers served 1961-1976. His sister taught Roberts in high school and Sunday School

“and was the purveyor of some of the greatest stories in the world. I admire people who can tell great stories. It is a wonderful attribute to have, and if you can’t, it’s all right to listen.”

Judge Roberts has favored friends and colleagues with lengthy historical missives, and thinks of others that he should write. He told judges, “Save your notes, make notes of what you do and sometime write about it when you can. It will mean a lot to your family and those who follow in your footsteps.”

“I’m standing on the back porch looking at twilight of my career, and sooner or later that’s going to get here.”

Video of the ceremony is archived at this link: <https://livestream.com/supremecourtofms/James-Roberts-Portrait>.



## Retired Judge Mary Libby Payne presents portrait to Court of Appeals



Retired Judge Mary Libby Payne stands by her portrait.

Retired Court of Appeals Judge Mary Libby Payne, who inspired and mentored several generations of lawyers, presented her portrait to the court in a ceremony on Nov. 8.

Judge Payne, of Pearl, was the first woman to serve on the Court of Appeals. She was one of the original 10 members of the court, which began work in January 1995. She retired July 31, 2001, after serving for six and one-half years on the appellate court.

Former Court of Appeals Chief Judge Leslie D. King, now a Justice of the Supreme Court, said Payne was “a mentor and role model for younger women in the legal profession.”

Judy Lacy, who served as judicial assistant to Judge Payne and later as Court Administrator of the Court of Appeals, said, “She began (as a lawyer) when there were very few

women in the profession and made the path smoother for many to follow.”

Judge Payne said, “There are so many of you here who blessed my life that I can’t go around the room and tell you particularly.” She recognized her son Glenn Payne and cousins, Stennis Institute of Government Senior Policy Analyst Lydia Quarles, Mississippi University for Women President Nora Miller and several members of a group of about 20 talented young women lawyers whom she called the Dragon Slayers. Dragon Slayers at the ceremony were Madison County Court Judge Staci O’Neal, marketing director Alana Miles, former law clerk Mary Pentecost, and former Parole Board Chairwoman Shannon Warnock, co-manager of Judge Payne’s 1994 election campaign.

“I wanted these young women, and some a little

older, to know each other because they have meant so much to me, and we named ourselves the Dragon Slayers,” Judge Payne said. “In order to be a Dragon Slayer, you have to be an accomplished woman in your field so that you are not still trying to jockey for position, and your life needs to reveal that your greatest desire in life is to live in the center of God’s will. These young women and the others that are not here have blessed my life and I thank them for it.”

Judge Payne said she felt called by God to run for a spot on the Court of Appeals. “When God’s call is on your life, you can do one of two things: obey or rebel. When I was 62 years old, I figured I was too old to start rebelling....Little did I know the invigoration that the challenge of a new work adventure would bring to a 62-year-old woman.”

Pentecost, who served as Judge Payne’s law clerk immediately after graduating from law school, said she “was a trailblazer in everything she did,” but her most memorable attribute was spiritual. Judge Payne was a mentor and friend who prayed with her and offered wisdom and encouragement.

Chief Justice Bill Waller Jr. may have known her the longest of those outside her family. “She was my training union teacher when I was 11,” he said.

Court of Appeals Chief

Judge L. Joseph Lee said of Judge Payne: “She is the most righteous Christian woman I have ever known. I used to love to irritate her.”

Of her many accomplishments, Judge Lee said, “She had so many awards and plaques in her office, you could not tell what color the walls were.” When she moved to another office, he joked that her former corner of the building rose.

Among the awards that Judge Payne received are the Susie Blue Buchanan Award from the Women in the Profession Committee of the Mississippi Bar in 2000, the Christian Legal Society’s Lifetime Achievement Award in 2002, the Mississippi State University Pre-Law Society’s Distinguished Jurist Award in 2004, the Mississippi Bar’s Lifetime Achievement Award in 2005, the Mississippi Women Lawyer’s Lifetime Achievement Award in 2010 and the Governor’s Medal of Service in 2012. She is a pacesetter in Southern Women in Public Service.

Chief Judge Lee added a lesser-known aspect of her history: “Few know that in her early life she aspired to be a ballerina. Just think what we have missed, and what she would have accomplished had she pursued her goal!”

She served in all three branches of state government. She was a legislative draftsman, executive direc-



## Ceremony and portrait unveiling honor Chief Judge Lee's legacy of service



Mississippi Court of Appeals Chief Judge L. Joseph Lee was recognized

on Nov. 15 for more than seven years of exemplary leadership of the court and

### Mary Libby Payne portrait, *continued from Page 14*

tor of the Mississippi Judiciary Commission and assistant state attorney general. She was hired by then Speaker of the House Walter Sillers to be a House Legislative draftsman during the Legislature's Biennial Sessions and in 1970, when the House Drafting Office was created, she was employed to lead the new office as the first chief of drafting and research. She became founding dean of the Mississippi College School of Law in 1975. She also served as associate professor, full professor, scholar in residence and professor emerita.

Former colleagues and staff recalled Judge Payne as intellectual and funny. On viewing a Picasso at an art museum, she was heard to remark that the model must have been insulted. She was distinct in her manner of dress – femi-

nine and colorful among the dark business suits. She drove a large green Lincoln Towncar, and her driving was the stuff of legend. Justice King, whose old office faced the parking lot, said it always sounded like she accelerated rather than braked.

Justice King, another of the founding members of the Court of Appeals and the first African American judge on that court, shared a bond of friendship with Judge Payne. They sat together during En Banc discussions of cases. "We were jokingly referred to at our end of the table as the court's minority corner," he said.

Justice King noted that Judge Payne finished first in her class in law school. "But despite her outstanding academic performance, gender bias limited her job offers to legal secretarial

20 years of public service.

Chief Judge Lee presented his portrait to the court during a retirement ceremony in the courtroom. He retired Dec. 31.

Patricia Bennett, Dean of Mississippi College School of Law and President of the Mississippi Bar, said, "Judge Lee has given significant and exemplary leadership and service in his role as Chief Judge of the Mississippi Court of Appeals."

Speaking to a crowd that packed the Court of Appeals courtroom and

required overflow seating outside, Bennett said Judge Lee personifies professionalism. She thanked him for giving generously of his time and resources in support of legal education. He mentors and encourages law students and lawyers.

Former MCSOL Dean Jim Rosenblatt noted that Chief Judge Lee authored 1,095 opinions in 20 years. During that time, the 10-member Court of Appeals issued 10,798 opinions. "This speaks to his energy, productivity and dedication to the work of the court," Rosenblatt said. "Your work has contributed in a mighty way to upholding one of the three branches of Mississippi government, the judiciary."

Colleagues, law clerks, judicial assistants and former staff described him as a man of integrity and honor whose patience and respect for others set him apart. He is hard working, fair and impartial. No detail escapes his attention. He writes opinions that are clear and concise, and are supported by common sense. He is a consensus builder who shows great respect for the court and its judges. He is a man of great faith who is compassionate and considerate. He is also known for his good sense of humor, for feeding court staff and colleagues with tomato sandwiches in the summer, and for his collection of antique cars.

positions," he said. Hard work brought her success in the Attorney General's office, as a legislative draftsman in the House of Representatives, and as founding dean of Mississippi College School of Law, he said.

He said that she should have been a presiding judge by seniority, as she had been a member of the Mississippi Bar longer than most on the court, but seniority was removed in the selection of presiding judges in the early days of the Court of Appeals. "You were in fact a leader of that court. Your logic and sense of humor helped maintain a balance on that court. You served that court with unmatched grace and dignity."

After listening to all of the accolades, Judge Payne said, "I am overwhelmed."

"I am forever grateful."



## Commission on Children's Justice names four Champions for Children



Hancock County Judge Trent Favre, Child Protection Services Commissioner Jess Dickinson and CPS Deputy Director of Permanency Marcus Davenport are pictured at the Capitol.



Carlyn Hicks is recognized nationally for her work.

The Commission on Children's Justice on March 7 recognized four Champions for Children.

Hancock County Court and Youth Court Judge Trent Favre of Bay St. Louis, Department of Child Protection Services Deputy Director of Permanency Marcus Davenport of Jackson, Mission First Legal Aid Office Director Carlyn Hicks of Jackson, and Rep. Mark Tullos of Raleigh were named Champions for Children.

They were honored at the Capitol during the Three Branch Government Convening on Parent Representation on March 7.

Justice Dawn Beam, co-chair of the Commission on Children's Justice, said that Hancock County has seen a nearly 60 percent reduction in the number of children in Youth Court custody since Judge Favre took office in January 2018. Judge Favre said 389 children were in the custody of the Hancock County Youth Court when he took office. There are

currently 166 children under Youth Court supervision.

Judge Favre said that when he took office, he began examining relationships between Child Protection Services, Court Appointed Special Advocates (CASA) and all the other entities which work with children, and he streamlined processes where cases bogged down.

With fewer cases under Youth Court supervision, he spends more time with each family and meets with them more often, especially those with children under age 3, to figure out their needs and connect them with resources.

"You have to love your people. You have to have compassion for them," Judge Favre said. "It's not a condemning process. There is no reason to beat them up more for the mistakes they've made." He wants to put them on a better path.

Department of Child Protection Services Commissioner Jess H. Dickin-

son appointed Davenport to lead the agency's adoption program shortly after taking office in September 2017. During the 2017 fiscal year, adoptions were finalized for 302 children in CPS custody. Adoptions more than doubled, to 649, in the 2018 fiscal year.

Dickinson praised Davenport's leadership in achieving permanency for children. "We are making sure these children are safe and adopted or reunited with their families in a safe environment." Every phase of the adoption process was analyzed. "We worked really hard to speed up that process."

Hicks has been a champion for children across the country, Justice Beam said. "Attorney Hicks has been a trail blazer in her service to parents in desperate need of representation in Youth Court and of wise counsel in navigating the system to satisfy requirements and be unified with their children. She has taken these skills and taught and mentored other

attorneys in assisting parents and families."

Hicks represented indigent parents in Rankin County Youth Court, one of the first pilot programs for parent representation, for six years. In 2018, she became director of the entire Mission First Legal Aid program. As a member of the Parent Representation Task Force, she has worked with the Task Force to develop and expand parent representation pilot programs. She is one of only two Mississippi attorneys certified as a Child Welfare Law Specialist by the National Association of Counsel for Children. She is a frequent speaker on child welfare programs.

Tullos was Covington County Youth Court referee before he was elected to the Legislature. He "brings a wealth of experience to the floor of the Legislature advocating for positive changes in laws affecting Mississippi's children and their families," Justice Beam said.



## Six judges inducted as Fellows of Mississippi Bar Foundation



**Presiding Justice Jim Kitchens and wife Mary T. Kitchens are pictured at the Bar Foundation reception.**



**Joe Tatum and Circuit Judge Linda Coleman were inducted as Fellows of the Mississippi Bar Foundation.**

Newly inducted Fellows of the Mississippi Bar Foundation include Presiding Justice Jim Kitchens, Circuit Judge Linda Coleman, Circuit Judge Andrew K. Howorth, Administrative Law Judge Linda A. Thompson, U.S. District Judge Debra M. Brown and U.S. District Judge Halil S. Ozerden.

Six judges and 14 attorneys were honored on April 11 at the annual Mississippi Bar Foundation Meeting and Fellows Induction Ceremony during a dinner at the Old Capitol Inn in Jackson. Attorneys inducted as fellows are David M. Allen of Pascagoula, Wilton V. Byars III of Oxford, James T. Dulin Jr. of Gulfport, Thomas M. Fortner of Hattiesburg, Rev. James L. Henley Jr. of Jackson, Donna Brown Jacobs of Ridgeland, J. Clifton Johnson II of Oxford, William Liston III of Ridgeland,



**Judge Andrew Howorth is a Fellow of the Bar Foundation.**

William O. Luckett Jr. of Clarksdale, Elizabeth Lee Maron of Ridgeland, Alan M. Purdie of Ridgeland, Granville Tate Jr. of Jackson, Joe N. Tatum of Jackson and Robert James Young of Jackson.

Fellows of the Mississippi Bar Foundation represent the highest standards of professionalism,



**Former Justice James Robertson accompanies wife Linda Thompson before her induction as Bar Foundation Fellow.**

good character and integrity, Bar Foundation President David W. Houston III of Aberdeen said.

J. William Manuel of Jackson received the Law-Related Public Education Award. Former Mississippi Bar President C. York Craig Jr. of Ridgeland received the Bar Foundation's Professionalism

Award.

Presiding Justice Kitchens, a lifelong resident of Crystal Springs, has served on the Supreme Court since 2009. He practiced law for 41 years, including nine years as district attorney of the former district that included Copiah, Lincoln, Pike and Walthall

*Continued on Page 18*



## Retiring judges recognized during Fall 2018 Conference



The largest group of trial judges ever to retire at one time in Mississippi was recognized during the Fall Trial and Appellate Judges Conference in Jackson on Oct. 25.

Retiring Circuit Judges, above, left to right, are Thomas Gardner, William Chapman, Forrest "Al" Johnson, Isadore Patrick, Jim Pounds and Lester Williamson Jr.

### Bar Foundation Fellows inducted, *continued from Page 17*

counties.

Judge Coleman, of Cleveland, is a Circuit Judge of the 11<sup>th</sup> Circuit Court. Gov. Phil Bryant appointed her to the bench on March 9, 2016. She previously served for 25 years in the House of Representatives from House District 29 of Bolivar and Sunflower counties. She was vice-chair of the House Corrections Committee at the time she left the Legislature. She began serving poor clients of North Mississippi Rural Legal Services in 1987. She was managing attorney for NMRLS from

1989 to 1994.

Judge Howorth, of Oxford, is senior judge of the 3rd Circuit Court District. He was appointed to the court in January 2002. He is former chairman of the Conference of Circuit Judges, and has served on the Board of Governors of the Mississippi Judicial College, Presiding Judge of the Bar Complaints Tribunal and a member of the Drug Courts Advisory Committee.

Judge Thompson is an Administrative Law Judge of the Mississippi Workers' Compensation Commission and adjunct pro-

fessor of workers' compensation law at Mississippi College School of Law. She authored the *Mississippi Workers' Compensation* treatise and workers' compensation law chapter of the *Encyclopedia of Mississippi Law*. She is former president of the Hinds County Bar and Mississippi Women Lawyers Association.

Judge Brown, of Greenville, was appointed to the U.S. District Court for the Northern District of Mississippi by President Barack Obama and took office in December 2013. She is the first African

American woman to serve as a federal district judge in Mississippi. She worked as an architect in Washington, D.C., before entering private law practice.

Judge Ozerden, of Gulfport, was appointed to the U.S. District Court for the Southern District of Mississippi by President George W. Bush in 2007. He previously practiced law with Dukes, Dukes, Keating and Faneca, P.A. He served six years in the U.S. Navy and clerked for U.S. District Judge Eldon Fallon in the Eastern District of Louisiana.





During the Fall Conference, each judge was presented a certificate recognizing years of public service.

Retiring chancellors are, top photo, left to right, Jon Barnwell, Jaye Bradley, Kenneth Burns, H. David Clark II, Dorothy Colom, Jim Davidson Jr. and Ronald Doleac.

Retiring chancellors, pictured at right, left to right, are Michael Fondren, John Grant, Jerry Mason, Ed Patten, William Singletary and Patricia Wise.

Retiring County Court Judges, below right, left to right, are Charles Brett, Michael McPhail, William Skinner and Larry Wilson.

More than 40 judges left the bench in December 2018. But many of them didn't hang up their robes. As of April 2019, at least 27 had signed up to continue their service as senior status judges.





## Former Court of Appeals Judge James P. Brantley died Oct. 31, 2018



Former Court of Appeals Judge James P. "Jim" Brantley of Madison died Oct. 31, 2018, in an accident at his home. He was 80.

He was buried Nov. 3. at Fuston Cemetery in Walnut Grove in Leake County.

Gov. Ronnie Musgrove appointed Brantley on Aug. 24, 2001. Judge

Brantley served through December 2002.

At his investiture on Sept. 27, 2001, Brantley said, "From Walnut Grove, it was a long way to anywhere, and I'm so thankful I've had the opportunity to travel this road a portion of the way."

James Palmer Brantley was born Sept. 24, 1938. He was valedictorian of Walnut Grove High School in 1956. He served in the U.S. Air Force 1956-1960. He earned a B.S. degree in business administration with a minor in accounting from Mississippi State University in 1962. He earned a law degree from the University of Mississippi School of Law in 1970.

He worked as an insurance adjuster in Cincinnati 1962 to 1965, and as an insurance field claim representative in Jackson and Oxford 1965 to 1970. He worked for the legislative services committee of the Mississippi State Senate 1970 to 1975, performing research and drafting legislation. He served as general counsel of the state Department of Mental Health 1975 to 1983. He went into private practice in the firm of Snow and Brantley in November 1983, then formed the firm of Brantley and Knowles in November 1986. He was president of the former Mississippi Trial Lawyers Association 1992-1993.

## Woodrow Brand Jr. died Nov. 1, 2018



Retired Chancellor Woodrow Wilson Brand Jr., 85, of Houston died at his home on Nov. 1.

A funeral service was held Nov. 3 at First Baptist Church in Houston. Judge Brand was buried with military honors in Houston Cemetery.

He was born Sept. 15, 1933, in Houston, the son of Woodrow Wilson Brand, Sr. and Sarah Cornelia Smith. His first jobs were delivering milk and working as a grocery boy. He was a graduate of Houston High School, Mississippi State University and the University of Mississippi School of Law. He began practicing law in 1958 in Houston, where his father also practiced.

He was elected mayor of Houston in 1961 at age 28. He was the youngest serving mayor in Mississippi at that time. He served as mayor until 1970, then became chancellor of the 14<sup>th</sup> District, which includes Chickasaw, Clay, Lowndes, Noxubee, Oktibbeha and Webster counties. He retired in 1998.

He joined the Mississippi National Guard in 1955, serving with the 223rd Engineers, then became a JAG officer. He retired in 1986 as a colonel with 31 years of service.

He served on the board of Community Bank of Mississippi and the Executive Council of the Pushmataha Area Boy Scouts.

He was a pilot and loved flying his small plane. He and his wife of 62 years, Betty Gordon Brand, traveled the country in their motor home. He enjoyed golfing, hunting, camping and Mississippi State football.

## Chief Justice Randolph, *continued from Page 1*

all, that I volunteered to join the United States Army and go to Vietnam."

He saw combat at 19 and was decorated for heroism in Vietnam. He served as an air traffic controller with the U.S. Army 1st Infantry Division, the Big Red One. He was honorably discharged in 1967. During law school, he received a Reserve officer appointment in the U.S. Navy Judge Advocate General Corps. He is a graduate of the Naval Justice School in Newport, Rhode Island. He was honorably discharged in 1975.

He graduated from Rollins College in Winter Park, Fla., with a B.S. de-

gree in business administration. He earned his Juris Doctor from the University of Mississippi School of Law, where he was president of the Law School Student Body.

Justice Randolph began practicing law in 1975 in Biloxi with Ross, King and Randolph, then practiced with Bryan, Nelson, Allen and Schroeder in Pascagoula, Biloxi and Gulfport. He opened a Hattiesburg office for Bryan, Nelson, Allen and Schroeder in 1976, where he later formed the firm of Bryan Nelson Randolph, P.A., serving as President and CEO until his appointment to the Supreme Court.