

# Mississippi Courts

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## Legislature allocates funds for indigent parent representation

The 2017 Mississippi Legislature appropriated \$200,000 to the Office of the State Public Defender to pay for indigent parent representation.

House Bill 1497, worked out by a conference committee, includes the first state-funded appropriation for indigent parent representation.

Resident Jurist John N. Hudson of Natchez said,

“We are just elated that the Legislature has appropriated funding to assist in the expansion of parent attorney representation. That’s a huge step forward for the effectiveness, efficiency and fairness of Youth Courts in Child Protection Services cases.”

A pilot program which began in 2012 has provided indigent parent representation in Adams, For-

rest, Harrison and Rankin counties with funding from Casey Family Programs and federal Court Improvement Program grants. Hancock County joined the pilot program in 2015. Bolivar and Hinds counties began providing indigent parent representation in February 2017 with funding from a Kellogg grant of \$100,000 a year.

Casey Family Programs

Senior Director Isabel Blanco said that state funding is a hopeful development which resulted from hard work by many people who believe that parent representation will help children and families. The legislative support comes at a time when agency budgets are being cut. “In a tough economic climate, this is a huge commitment,” she said.

## Chaplain tells legislators his journey from addiction to sobriety



Rev. Heath Ferguson, second from right, is pictured with House Speaker Philip Gunn, Rep. Becky Currie and Rep. Joel Bomgar in the chambers of the House of Representatives.

Standing on the floor of the Mississippi House of Representatives, Rev. Heath Ferguson recounted his journey from prescription drug addict to hospital chaplain.

He credited the state’s Drug Court program, and thanked legislators for funding it. “Drug Court helped save my life,” said the Director of Pastoral Care and Faith Relations at Mississippi Baptist Health Systems.

Rev. Ferguson, who gave the opening prayer at the House of Representa-

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**Rev. Heath Ferguson is pictured with Rep. Alyce Griffin Clarke, for whom the 2003 Drug Court Act is named.**

tives on Feb. 16, told legislators that he would in a few days celebrated 11 years of being clean and sober. Lawmakers gave him a standing ovation.

“It was an honor and a privilege,” Ferguson, 42, of Madison, said later. “Every time I share my story, I get to give God the glory and all the people He is using.”

“I’m living proof that redemption is available because I was a horrible

person. I gave my parents and family sleepless nights and cost them way too much in time, effort and money for a long time.”

“I got to understand in my recovery what worked and what didn’t work. What works is consequences, the appropriate mix of grace and justice. That’s what Drug Court was for me,” the gentle-spoken minister said.

His path toward addiction started with alcohol as

a pre-teen. “I was drunk when I was 11,” he said. He smoked marijuana as a teenager, moved to more dangerous drugs, and eventually became addicted to Xanax. When he was arrested in Lincoln County in 2006, he was charged with possession with intent to distribute drugs because of the quantity. “I had no intent to distribute. They were all for me,” he recalled.

He was offered a chance to enter the 14<sup>th</sup> Circuit Court District Drug Court. He accepted because he was looking at a possible sentence of 19 years in prison. “I didn’t want to get well,” he said. “I just wanted to stay out of jail.”

He had been in the program for about a year when his outlook started to change. His grandfather, who was dying of cancer, prayed for his grandson.

“The prayers he prayed for me, when he was suffering so much, helped me to begin to believe that I was worth loving. I began to believe that I was worth Christ’s love. That changed everything for me.”

Ferguson, who had worked in industrial electrical maintenance, entered New Orleans Baptist Theological Seminary in 2008, while he was still under the supervision of

the Drug Court. He entered the clinical pastoral education program at Mississippi Baptist Medical Center in 2010, the same year he graduated from Drug Court. He became hospital staff chaplain in 2011, and was promoted to Director of Pastoral Care and Faith Relations in 2016.

Circuit Judge Michael Taylor, who had supervised him in Drug Court, wrote a letter of recommendation for Rev. Ferguson. During his three years in Drug Court, Ferguson mentored and encouraged others in the program.

“I realized that not only was Heath having a tremendous impact on the other 150 participants. He was already actively seeking opportunities to minister to others,” Judge Taylor wrote. “My staff, family and I have all benefitted from Heath’s habit of ministering to those he comes in contact with. Over the last few years I have looked to Heath for strength, comfort and wisdom and he has always been there.”

Judge Taylor said in an interview, “He has become a resource for me. I call Heath in crisis situations to help me as a judge. He is a source of encouragement and wisdom for us and for our participants.”

## Former justices work to improve Child Protection Services

A former Michigan Supreme Court justice has agreed to work with the Mississippi Department of Child Protection Services to develop an assessment model to determine whether children should be removed from their homes.

Former Justice Maura D. Corrigan headed the Michigan Department of Human Services for four years after she left the court. While there, she made changes that led to improvements in a troubled child welfare and foster care system.

Former Supreme Court Justice David Chandler, appointed by the Governor more than year ago to improve Mississippi's child welfare and foster care system, said he hopes that Corrigan's experience and success in Michigan can provide solutions in Mississippi.

"We want her to teach us how best to assess a situation to determine whether it is so unsafe that the children must be removed immediately or identify factors that pertain to their safety that maybe we can add and leave them in their homes," said Dr. Chandler, commissioner of the Department of Child

Protection Services.

"The number one goal is safety of vulnerable children," Corrigan told about 50 participants in the second annual Safe Child Conference in Jackson March 10.

Leading Michigan's Department of Human Services was the most difficult job she ever tackled, she said. "The thing that troubled me enormously was the number of children who died."

The aim is to keep children safe while reducing the number of children removed from their homes. Removing a child from its home and parents – even abusive parents – causes psychological trauma. That trauma can affect brain development of a growing child, Corrigan said.

She will be working to help develop safety and risk assessments using predictive analytics. "Analyze your data and use the science," Corrigan said.

Corrigan acknowledged Mississippi's support from the faith-based community, and said that churches play an important role. In Michigan, about 500 churches became involved. Contributions ranged from recruiting foster parents to



**Former Mississippi Supreme Court Justice David Chandler and former Michigan Justice Maura D. Corrigan each left the court to lead child welfare improvement efforts.**

donations and collecting school supplies

"I get the real true sense that you are on the way to making huge changes in the child welfare system of Mississippi. You have the guts and the brains," Corrigan said.

Child Protection Services has to make big changes, said Deputy Commissioner of Administration Kristi Plotner. "Never has the workload been greater. Never has the pressure to succeed been more intense. And never – ever – have the stakes been as high as they are today," she told participants at the Safe Child Conference.

"We are seeing a tremendous increase in drug-related issues as they relate to children being taken into state custody," Plotner said. In 2013, about 28 percent of the 2,500 cases of children entering custody were related to parental drug abuse issues. In 2016, more than 45 percent of the custody cases were related directly to drug abuse by parents.

In 2015, 7,976 children were placed in state custody, and the numbers increased to 8,946 children placed in state care in 2016. In March 2017, there were 5,975 in Child

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## Summit discusses special needs of veterans in court

The courts are on the front lines of identifying military veterans in need of mental health care, a retired judge advocate told lawyers and judges attending the Mississippi Summit on Courts and the Military.

“Minor criminal and family courts are becoming the first places to identify the treatment needs of veterans with service related trauma,” said Maj. Evan R. Seamone, director of the legal writing program at Mississippi College School of Law.

“You are a first responder to what has occurred and how the war has come home if veterans have treatment needs,” Seamone told about 50 participants in the Feb. 24



**Professor Richard Meyer speaks at Feb. 24 Summit on Courts and the Military.**

continuing legal education program at MCSOL.

“Targeted interventions can prevent transmission of combat trauma, societal consequences and later involvement in criminal courts,” he said.

Military law expert

Richard Meyer described a soldier’s perspective in making the transition from combat to civilian life, juxtaposing a military view of violence and use of force with civilian prohibitions against violence. “In war, you are allowed

to use any and all violence,” said Meyer, a former U.S. Army Judge Advocate, field artillery commander and military intelligence specialist and professor of law at the U.S. Military Academy at West Point. Professor Meyer is

## Child Protection Services looks for causes and prevention

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Protection Services custody and nearly 7,000 more under CPS care through in-home service cases.

“Annually, we receive approximately 30,000 reports of suspected abuse or neglect. We investigate each and every one and, tragically, far too many of those are substantiated. In 2016, we addressed more

than 7,000 reports that we found to be substantiated cases of child abuse or neglect,” Plotner said.

“To meet this need takes more money, more staff, and more resources. We cannot continue going down this road. In order for Mississippi to move forward, we must change the way we operate our child welfare system. We

cannot simply continue to add more and more caseworkers to take care of more and more children in state custody.”

The child welfare system has to begin addressing the causes of the growing numbers and focus on prevention, Plotner said.

Presiding Justice Jess Dickinson, who started the Safe Child Conference in

2016, said, “There is no greater responsibility on us as human beings than to take care of the children who cannot take care of themselves.”

Justice Dawn Beam, co-chair of the Commission on Children’s Justice, said, “There is so much more to be done....Failure is not an option. Our children are counting on us.”



**Former Dean Jim Rosenblatt, Chief Justice Bill Waller Jr. and Attorney General Jim Hood welcomed participants to the Summit on Courts and the Military.**

director of the L.L.M. program at MCSOL.

Post-traumatic Stress Disorder, traumatic brain injury and major depression are major conditions affecting veterans of Operation Desert Storm and Operation Enduring Freedom, said Seamone. “There are a whole lot of things that can happen so that you bring the war back even though it’s over.”

The stress of being involved in the court system can be a trigger, he said.

The high rate of suicides among veterans has ethical implications for attorneys representing former military. “When you take on the representation of a vet-

eran, you have an enhanced function. You have to do more,” he said.

Seamone said that 461 Veterans Treatment Courts operate in 32 states. Circuit Judge Robert Helfrich began the Veterans Court in the 12<sup>th</sup> Circuit District of Forrest and Perry counties in 2011. Veterans components operate in the drug courts of the 8<sup>th</sup> Circuit of Leake, Neshoba, Newton and Scott counties and the 19<sup>th</sup> Circuit of Jackson, George and Greene counties.

Seamone has written extensively about special needs of veterans. He is working with the Military Committee of the National Council of Juvenile and

Family Court Judges to assist family court judges to understand the unique needs of military families.

Seamone, a U.S. Army Reserve Senior Defense Counsel, said, “Probably the most import negotiation in my legal career was convincing a soldier to give me his weapon and walk him to get the help he needed.”

CLE participant Micah Taylor, director of psychological health for the 172d Air Wing, said, “I’ve dealt with everything from children being removed to violent crime.”

Seamone said the stigma associated with asking for help is part of the reason many veterans don’t seek

mental health treatment. “A lot of times, veterans don’t want the stigma of psychological treatment.”

“The goal here is not to reinvent the wheel, but to know where to refer service members,” he said. Veterans Administration programs offer treatment programs, but eligible veterans may not be getting those services.

Incarcerated veterans aren’t eligible for VA mental health treatment.

The Mississippi Department of Corrections has a 60-bed dormitory for inmates who are military veterans. The Soldier On program is housed at the Central Mississippi Correctional Facility. Voice of Calvary Ministries provides six to eight hours of classes each day for inmates and works to find jobs for those veterans upon their release from confinement, said B. R. Hawkins of Voice of Calvary.

The Summit on Courts and the Military was sponsored by the Administrative Office of Courts, Mississippi College School of Law, the Mississippi Attorney General’s Office, the Mississippi Department of Mental Health, the Mississippi Army National Guard and the Fondren Institute.

## Hancock County Juvenile Drug Court plants seeds of change

Bees are buzzing and corn and squash are sprouting on a former vacant lot adjacent to the Hancock County Youth Court. Teens enrolled in the Hancock County Juvenile Drug Court recently planted strawberries in the Ruth's Roots Community Garden.

Youth Court Referee Elise Deano wants to provide learning activities that will engage participants and encourage individual talents. On several work days each month, she, the prosecutor and attorneys work in the garden alongside teens who are under the supervision of the Juvenile Drug Court.

"You get to see these kids at something other than 'show up at my court,'" Judge Deano said. "I can't express how awesome it is to see them as kids. It's helped me fashion rewards and sanctions that I think will work for these kids."

The National Council of Juvenile and Family Court Judges recently featured the Hancock County program in its publication, noting, "Judges and team members of Juvenile Drug Treatment Courts (JDTC) often struggle to find ac-



**Hancock County Juvenile Drug Court began work in 2016 on the Community Garden.**

tivities in the local community for youth to connect with and enjoy....With her zeal for exploring and trying new ideas, Judge Deano hit pay dirt, literally, when she came across the idea of having her youth create and maintain a community garden."

NCJFCJ said that research indicates that youths who are engaged in pro-social activities and have a relationship with at least one caring adult have lowered risks of offending or of re-offending than youths who have few or no

connections to their community and do not have an adult in their lives who can serve as a mentor or positive role model.

The current gardeners at Ruth's Roots are 13 teens enrolled in Drug Court and about 20 others juveniles ordered by the Youth Court to do community service. Those not in Drug Court work at the garden by choice. "It's more fun than washing police cars or whatever," Judge Deano said.

There's more to it than planting and weeding. Gardening teaches pa-

tience and encourages creativity. "You get to see what their passions and skills are," Judge Deano said. For instance, an artistic youth is designing labels for honey that will be harvested from two bee hives.

Teens cooked and ate last year's produce. This year, the Mississippi State Extension Service will teach the kids how to cook and can what they harvest. Canned vegetables and honey will go into a soon to be built "blessings box" to help needy people.

The Ruth's Roots Com-



**Judge Elise Deano**



**Beekeeping is one of the activities in the Community Garden in Bay St. Louis.**



munity Garden sprang up a year ago on the site of Ruth’s Cakery, which was destroyed by Hurricane Katrina. Landowner Jim Thompson donates the use of the plot and joins in on workdays. It’s named for his wife, the late Ruth Thompson, baker, artist and community arts organizer.

The garden includes 24 salad tables and four raised beds. This spring’s planting includes corn, beans, squash, eggplants, tomatoes, peppers, okra, watermelons, cantaloupes and a variety of herbs.

Before the day’s court hearings and other formal proceedings get underway, Youth Court Prosecutor

Tami Munsch arrives to feed half a dozen hens and the spring crop of bunnies that are ready to be adopted.

“The garden is right next door to Youth Court. It wouldn’t work this way anywhere else,” Judge Deano said.

A local beekeeper recently donated a second hive of bees, and has shown teens how to extract the honey. A businessman donated a weather station. A garden club donated fig trees. The Bay St. Louis Rotary Club recently donated \$2,250 to pay for a community greenhouse that will be built soon.

“It’s gotten so much community support, it’s

nuts. I don’t know why every county doesn’t do one,” Judge Deano said.

Rankin County is getting ready for its third year of gardening in two high tunnel greenhouses outside the Rankin County Juvenile Detention Center in Pelahatchie. It’s called Project HARVEST, Helping Adolescents in Rankin Value Environmental Strategies Today.

The high tunnels were built with a grant from the Mississippi Department of Agriculture. The Rankin County Board of Supervisors, Rankin County Sheriff’s Department and Youth Court staff along with volunteers from Trustmark National Bank and the

Rankin County Chamber of Commerce helped with the construction and maintenance.

Rankin County Youth Court Judge Thomas Broome drew a parallel between a gardener’s planting and crop tending and juveniles’ growth and development. “It is a wonderful way for the children to understand the need to plant the seeds and tend them as they mature and bear fruit or vegetables. This allows them to see firsthand that they need that same attention in their own lives and community.”

## Justice Chamberlin praised for fairness, intellect, integrity at investiture

Judges and friends on Jan. 8 praised new Supreme Court Justice Robert P. Chamberlin as a smart, fair, hard-working judge of high integrity.

On a day when the temperature didn't climb above freezing, colleagues, family and friends from far and near filled the second floor courtroom at the DeSoto County Courthouse in Hernando to congratulate Justice Chamberlin and wish him well in his work as the newest member of the Mississippi Supreme Court.

Justice Chamberlin told the audience that they might not agree with his judicial decisions, but they should agree with the way he reached those decisions. "My promise to you is when you look at the decision, you will agree that he researched the case, he

researched the law and he made the decision that he thought was correct and in conformity to the law."

Justice Chamberlin, 51, of Hernando, took the oath of office at the Supreme Court in Jackson on Jan. 3 so that he could go to work. The formal investiture, held Jan. 8 in his hometown, is a court tradition.

Chancellor Percy Lynchard said DeSoto County residents are pleased and proud that Justice Chamberlin joined the Supreme Court. He said Justice Chamberlin's legal abilities, work ethic and judicial temperament are second to none.

Attorney William Austin Jr. of Southaven hired Chamberlin shortly after Chamberlin was admitted to the Bar. Austin said he was smart, serious and

dedicated to the practice of law. "It didn't take me long to know that Bobby was going to be a difference-maker," Austin said. "It's been a great pleasure to have been his boss or senior partner for 10 years and to watch him take off like a rocket. He's going to be a fine judge on the Supreme Court."

Retired Supreme Court Justice George C. Carlson Jr. of Batesville also praised Justice Chamberlin's legal abilities. He called Justice Chamberlin "a Christian man of high moral character, integrity and with a strong work ethic that will serve him well at the Supreme Court."

Retired Justice Ann H. Lamar of Senatobia, whose place Justice Chamberlin took on the high court, recalled their days



**Justice Robert P. Chamber-**

lin as circuit judges of the 17<sup>th</sup> Judicial District. Justice Chamberlin came to the trial court bench with ideas for improvement, including creating a Drug Court. "It was his vision, his push that brought that Drug Court into being," she said. "He's an intelligent man. He knows the law. He is passionate about his work and he is committed. He is a problem solver. That's what drug courts



**Sen. Roger Wicker**



**Ann H. Lamar**



**William Austin**



**George C. Carlson Jr.**



## Judge Wilson appointed to Circuit bench, Treadway to County Court

Judge Celeste Wilson was appointed Feb. 6 to the 17th Circuit Court bench. Gov. Phil Bryant appointed her to the vacancy created by Judge Robert Chamberlin's election to the Supreme Court.

The Governor appointed Craig Treadway to the DeSoto County Court judgeship that Judge Wilson previously held. Judge Treadway's appointment was effective Feb. 27.

"Judge Wilson's extensive legal experience as a prosecutor and a county judge will serve her well on the bench," Gov. Bryant said.

Judge Wilson said, "It is a great honor to accept Gov. Bryant's appointment as circuit court judge, and

I am appreciative for him placing his trust in me. I will carry my experience as a judge into my new position and serve the people of the 17th District Circuit Court with integrity."

The 17th District includes DeSoto, Panola, Tallahatchie, Tate, and Yalobusha counties.

Judge Wilson served as a DeSoto County Court Judge since 2009. She was an assistant district attorney for the 17th Judicial District from 2002 to 2008. She is vice chair of the Council of Youth Court Judges and a member of the Council for Interstate Compact of Juveniles, the Juvenile Detention and Alternatives Task



**Circuit Judge Celeste Wilson**



**County Judge Craig Treadway**

Force and the National Council of Juvenile and Family Court Judges. She was Southaven Chamber of Commerce director of membership 1999 to 2001.

Judge Wilson received a bachelor's degree in business administration from Delta State University and a law degree from the University of Memphis.

Treadway, of Olive Branch, served as DeSoto County prosecuting attorney since 1999. He received a bachelor of arts in business and economics from the University of Mississippi and a law degree from the University of Mississippi School of Law.

"Craig's extensive experience as a prosecutor and a private attorney will serve him and the people of DeSoto County well,"

the Governor said.

Judge Treadway said, "I am honored by Gov. Bryant's appointment to the position of County Court Judge for my home, DeSoto County. I am excited to begin this challenging new endeavor, and I will work hard every day to earn the faith he has placed in me and to diligently execute the duties of my office for the people of DeSoto County."

He is a board member of The Arc of Mississippi. He was Autism Law Enforcement Coalition coordinator for The Arc Northwest Mississippi, providing free training to firefighters, law enforcement and other first responders on strategies for handling persons they encounter on the autism spectrum.

### **Justice Chamberlin investiture, continued from page 8**

are about."

Chief Justice Bill Waller Jr. said before he administered the ceremonial oath to Justice Chamberlin that the 17th Circuit Drug Court under his guidance was the largest and most effective drug court in the state.

U.S. Sen. Roger Wicker said that Justice Chamberlin has a reputation for fairness and equality. He recalled doing community theater. One of his favorite

roles was Atticus Finch. He quoted Finch's closing statement to the jury from *To Kill a Mockingbird*: "...in this country our courts are the great levelers. In our courts, all men are created equal....That's no ideal to me. That is a living, working reality!" Referring to Justice Chamberlin, he said, "That has been 'a living, working reality' in his courtroom for decades."

## Judge Westbrook's investiture celebrates those who shaped her life

"If I try hard enough, I can do anything. All I have to do is just try," Mississippi Court of Appeals Judge Latrice Westbrook told colleagues, friends and family at her investiture on Feb. 1 in Jackson.

She recited those words every day as an elementary school student in Memphis, and she relied on that motto as an adult. Judge Westbrook, 44, of Lexington, took the oath of office on Jan. 3 as the newest judge of the Mississippi Court of Appeals. She repeated the oath at her formal investiture ceremony before a crowd that packed the courtroom and overflowed into an adjacent room at the Gartin Justice Building.

Judge James E. Graves Jr. of the Fifth U.S. Circuit Court of Appeals administered the ceremonial oath. "It is my honor to administer the oath of office to Judge Latrice Westbrook," he said.

Mississippi Court of Appeals Chief Judge L. Joseph Lee, who presided over the ceremony, said, "I think that Judge Westbrook has fulfilled her destiny in life." Her initials are "LAW."

Judge Westbrook paid



**Judge James E. Graves Jr. of the Fifth U.S. Circuit Court of Appeals administers the oath to Mississippi Court of Appeals Judge Latrice Westbrook on Feb. 1.**

homage to those who shaped her life and her thinking: her grandparents and mother, college professors and leaders of the struggle for civil rights.

Feb. 1 would have been her late grandfather's 94<sup>th</sup> birthday. Joe Lee Westbrook of Tallahatchie County, her grandmother Frances Westbrook, and her mother, Lucille Westbrook Bennett, instilled values.

Her mother and grandmother, her aunt, Linda Westbrook, and friend Leyser Q. Hayes were at her side during the investiture.

"A person, whether they

are a candidate or a judge or elected official, is the sum total of his and her experiences and Joe Lee Westbrook was definitely a part of my experience as a child, as a young adult, and as a young woman, and today is not just my day, today is just not the day for my mother and my grandmother, but is also a day for him and to honor him and his memory," Judge Westbrook said.

She reflected on freedoms won by the sacrifices of Medgar Evers and Fannie Lou Hamer. Judge Westbrook came to the bench in Mississippi's bicentennial year. "I note

that 200 years ago, that my ancestors, for them this was just a mere thought, and the thought alone could have gotten them killed. I do not take that lightly, I do not take that for granted and it is something that will always be remembered, and as I sit in this position I will respect that and I will honor that."

She recalled the profound influence of two of her professors at Austin Peay State University in Clarksville, Tenn.: Dr. A. J. Stovall and Dr. James Mock. As a sophomore, she took an African-American studies class taught by Dr. Stovall.

## Colleagues bid fond farewell to retiring Justice Ann Lamar



**Retiring Justice Ann Lamar holds a plaque presented by Presiding Justice Jess Dickinson on behalf of the Supreme Court. Congratulating her are Justices Leslie King, James Maxwell, Josiah Coleman, Dawn Beam, Jim Kitchens, Chief Justice Bill Waller Jr. and new Justice Robert P. Chamberlin.**

Friends and colleagues of Justice Ann H. Lamar expressed respect and admiration for her during a

retirement ceremony Dec. 15 at the Supreme Court.

Justice Jim Kitchens of Crystal Springs described her as a workhorse who often remained at the court into the evening and an influential jurist who wrote more majority opinions than anyone else on the court this past year.

### **Judge Westbrook's investiture, *continued from page 10***

“That decision changed my life forever. It changed my thinking. It changed my trajectory. It changed everything.”

Dr. Mock “was the first one to teach me and to tell me, never be afraid to stand straight and have your shoulders square and look a man straight in his eyes and tell him the truth. I have carried that with me since my days at Austin Peay,” she said.

Dr. Stovall, now chairman of the Division of Social Science at Rust Col-

lege, was a guest speaker at the investiture. “You gave me an understanding that I needed to have an Afrocentric understanding and why that is so very important, and I thank you for that,” she told him.

Dr. Stovall recalled traveling with Westbrook across two continents. “She really had the opportunity to meet some of the shakers and movers of the movement,” he said. She was one of the first people to have an audience with Nelson Mandela when he

was released from prison.

Dr. Stovall said he is proud to be her mentor and friend. “I am confident that this little girl from south Memphis will serve the 24 counties of her district well and honorably. She possesses the integrity, the character, the sense of fairness, rounded with the common touch, just high morals, God fearing, well educated and trained and experienced. She is just an everyday loving, caring person.”

“She has set the standard in so many ways for us,” Justice Kitchens said. “I think it is fair to say she gives more thought to her decisions than any other person I’ve served with,” he said. He called her “the most deliberative and conscientious person you can imagine. She has been ideal as a Supreme Court justice. I’ve learned so much from her.”

“All of us respect her,”

## Justice Lamar retires after 32 years of public service

Justice Kitchens said. “I can’t think of anybody who does not respect her for her integrity, for her diligence and for all the other good qualities she has, and there are many of them.”

Sen. W. Briggs Hopson III of Vicksburg, president of the Mississippi Bar, thanked Justice Lamar for her 32 years of public service, including 10 years on the Supreme Court. He noted that her opinions are always fair and balanced. “They seem to give clarity to complex situations,” Hopson said. “Justice Lamar has a way of making those difficult cases easy for us to understand and gives us guidance about how we should advise our clients in the future.”

“Justice Lamar is respected throughout the Capitol, respected in the legal community,” Hopson said. “She has promoted excellence in our profession as an attorney, and here as a jurist has promoted excellence in the administration of justice, and we are grateful for your contributions to the bar and to the people, the citizens of Mississippi for what you have done.”

Justice Dawn Beam, looking out at Justice La-



**Justice Lamar, at right, holds granddaughter Annie Lamar and speaks to family and friends.**

mar’s family in the audience, said, “I’m just reminded of what an incredible sacrifice you have made to the state.”

Justice Lamar was accompanied at the ceremony by her mother, Bobbie Jean Hannaford; her husband, John T. Lamar Jr.; their two sons, Rep. John T. ‘Trey’ Lamar III and Vance Lamar; her sister Pat Day, her brother Eddy Hannaford; and two of three grandchildren. The youngest, granddaughter Annie, followed Justice Lamar as the justice introduced her family, and played with her ID badge at the reception.

Justice Lamar is the third woman to serve on the Mississippi Supreme Court. She noted that she had resigned herself to being the only woman during her tenure, until Justice

Beam was appointed. She noted that one of the most frequent questions she gets when she does public speaking is “What’s it like to work with all of those men?” She called her fellow justices brothers, prayer partners and dear friends. “They could not have been better or more accepting to me.”

“That’s what I’ve gotten to do my whole career. I have lived and worked in a man’s world, but they have been good to me.”

Chief Justice Bill Waller Jr. said, “You can be at the top of your profession and also be a wonderful wife, mother, daughter.”

Justice Lamar said that she had resolved years ago that “when I can’t do both, I’ll go home. The career is wonderful. I’ve enjoyed it. It’s been good, but it’s time to go home. Ten

years on the road is a lot.”

“I know this is the right decision for me. It is the right decision for my family. They have been so patient with me through the years. They have supported me and been there for me when I needed them. I said many years ago, and I’ve said it many times, it is because they have been who they are, that I’m able to do what I do.”

The date of Justice retirement ceremony fell on the same day that the Supreme Court handed down the Mississippi Rules of Criminal Procedure. Justice Lamar for the past six years oversaw the Supreme Court Rules Committee on Criminal Practice and Procedure. Justice Kitchens called it a testament to her leadership that the nine-member court was unanimous in its approval

# Uniform Rules of Criminal Procedure go into effect July 1

Mississippi Rules of Criminal Procedure, which address every aspect of criminal proceedings, will go into effect July 1.

The Supreme Court adopted the new rules on Dec. 15, 2016. For the first time, a single, uniform set of rules will apply to criminal procedures in Justice, Municipal, County and Circuit Courts.

## Justice Ann Lamar retirement, *continued from page 12*

of the new rules.

Chief Justice Waller thanked Justice Lamar for her service, and for her work on the criminal rules. "This will be a lasting mark on the jurisprudence of the state for years to come," he said.

Justice Lamar also served as chair of the Board of Governors of the Mississippi Judicial College. Chancellor Cynthia Brewer of Madison County, who took over as chair of the Board of Governors, presented Justice Lamar with a plaque recognizing her service. "She is a person who not only worked her way through to the highest of our legal system," Judge Brewer said. "She is a person who loved you during the difficult times."

Chief Justice Bill Waller Jr. said, "The adoption of the Uniform Rules is an important advancement to organize all of the disparate rules and practices affecting criminal procedure and bring uniformity and transparency to the criminal justice practice."

Justice Ann H. Lamar, chair of the Supreme Court Rules Committee on Crimi-

nal Practice and Procedure, led a six-year effort by the court to create the new rules. Their adoption came two weeks before she retired on Dec. 31.

Former Justice Randy Pierce, director of the Judicial College, attempted to dispel any notion that working as an appellate judge was boring, noting the organization of a co-ed softball team and participation in non-wagering collegiate basketball pools. Justice Lamar won.

The justices presented Justice Lamar with a plaque commemorating her 32 years of public service. "We wish you God-speed and happiness in all that you do," Presiding Justice Jess H. Dickinson said in making the presentation.

She repeated a favorite quotation: "No matter where you are, no matter what stage of life you're in, God always has something in store for you."

Justice Lamar said, "There were varying procedures from one end of the state to the other and from court to court. This is an effort to create uniformity in our courts across the state."

New additions to court rules address pre-trial detention and release of defendants, including establishment of general bond guidelines. Addressing arrest and detention of people for failure to pay fines, the rules provide opportunities for individuals to explain reasons for non-payment and restrict incarceration to situations of willful refusal to pay.

Pretrial detention of people who can't afford to post bond and incarceration of people who can't afford to pay misdemeanor fines have been subjects of recent litigation. "Those things are important issues. Those issues are on the forefront," Justice Lamar said.

The Rules require the determination of the right to appointment of counsel, as well as the appointment

of counsel, when applicable, at an indigent defendant's first appearance before a judge. The Rules also allow issuance of a summons to Municipal and Justice Court rather than issuance of an arrest warrant in instances in which there is no flight risk or danger to the community. In cases such as trespassing disputes among neighbors, "it should cut down on a lot of the arresting and bonding in those kinds of issues for misdemeanor offenses," Justice Lamar said.

Chief Justice Waller, Justice Lamar, Justice Jim Kitchens and Justice James D. Maxwell II met up to three times a month, for hours at a time, to work on the rule revisions. The Supreme Court took up the study after the Uniform Criminal Rules Study Committee spent more than six years reviewing existing court rules and drafting suggested changes. Justice Lamar thanked the Study Committee for its extensive work drafting the proposal. "We acknowledge the work of that group that spent years meeting every month to compile proposed rules. It gave this court a starting

*Continued on page 16*

## Three state judges honored by Mississippi Bar Foundation

Circuit Judge Prentiss G. Harrell of Hattiesburg and Circuit Judge Carol L. White-Richard of Indianola were inducted as Fellows of the Mississippi Bar Foundation on April 13.

Forrest County Court and Youth Court Judge Michael W. McPhail received the Bar Foundation's Law Related Public Education Award during a dinner at the Old Capitol Inn in Jackson. The Bar Foundation presented the 2017 Professionalism Award to Professor Emeritus Guthrie T. Abbott Jr. of Oxford.

The Law Related Public Education Award is presented annually to a lawyer who has demonstrated excellence in advancing the public's understanding of the law and the legal system. Judge McPhail was recognized for his passionate advocacy for children, his tireless work in the field of juvenile justice, and for more than 25 years of volunteer work as a judge of high school mock trial competitions. Judge McPhail also has taught criminal justice courses at the University of Southern Mississippi for about 25 years.

Judge McPhail said that



**Judge Prentiss Harrell**

he enjoys teaching, and considers it part of his purpose in life. "That's the biggest thing in my life. I've got purpose."

Judge McPhail has served as Forrest County and Youth Court Judge for 33 years. He started the Forrest County Safe Babies program in November 2005, and helped Rankin County start a similar program in 2015. The Safe Babies program targets infants and toddlers up to 3 years of age who enter the court as a result of abuse and neglect, and who are headed for the foster care system. The Forrest County pilot program, recognized as a model, was among the first four sites in the nation.

Judge McPhail served briefly as an assistant district attorney for Forrest and Perry counties before



**Judge Carol White-Richard**

he was appointed to the bench. He is a graduate of the University of Southern Mississippi and Mississippi College School of Law.

Judge Harrell is chairman of the Conference of Circuit Judges. He previously served as conference vice-chair. He is the senior circuit judge of the 15<sup>th</sup> Circuit District, which includes Jefferson Davis, Lamar, Lawrence, Marion and Pearl River counties. He has served for more than 10 years as a circuit judge. He previously served for nine years as county attorney for Lamar County. He is a graduate of William Carey University and the Mississippi College School of Law. He entered law school after a career in private business, primarily real estate and construction.

Judge White-Richard



**Judge Michael McPhail**

has served as a circuit judge of the Fourth Circuit District since January 2015. The district includes Sunflower, Leflore and Washington counties.

Judge White-Richard grew up in Holly Springs. She graduated from Tulane University with a double major in English and communications. She earned a law degree from Vanderbilt School of Law. Before her election, she practiced law as an assistant district attorney, criminal defense attorney, and in private practice with her husband, attorney Bennie L. Richard. She was the first female African-American public defender for Washington County. She is former president of the Mississippi Public Defenders Association.

Others inducted as Fellows of the Bar Foundation

## Commission on Guardianship and Conservatorship created



The Supreme Court on April 13 created the Mississippi Commission on Guardianship and Conservatorship to develop recommendations to improve

### *Bar Fellows, continued*

are: F. Hall Bailey, Jackson; Brehm T. Bell, Bay St. Louis; Tommie S. Cardin, Ridgeland; Edward P. Connell Jr., Clarksdale; Margaret O. Cupples, Jackson; Bobby L. Dallas, Ridgeland; Michelle D. Eastering, West Point; John F. Hawkins, Jackson; Stephen P. Kruger, Jackson; Crystal W. Martin, Jackson; D. Andrew Phillips, Oxford; Susan L. Steffey, Jackson; Pieter Teeuwissen, Jackson; Lee Thaggard, Meridian; Susan R. Tsimortos, Jackson; James K. Wetzel, Gulfport; and James L. Wilson IV, Greenwood.

the way the courts protect children, vulnerable adults and estates.

“We are reviewing the court procedures to make sure that the most vulnerable among us are protected,” said Supreme Court Justice Dawn Beam.

Justice Beam and Mississippi Judicial College Executive Director Randy Pierce are co-chairs of the 26-member commission.

The order signed by Chief Justice Bill Waller Jr. says, “The Court hereby establishes the Mississippi Commission on Guardianship and Conservatorship and charges it with making recommendations for developing a statewide, comprehensive approach to improving the processes which establish and manage guardianships of the person and guardi-

anships of the estate; modernizing the guardianship process through active court monitoring and oversight; and promoting transparency of the guardianship process to protect individual rights.”

Justice Beam cited recent financial abuse: An attorney appointed by the court to serve as guardian over at least 10 different wards in Harrison County committed suicide in 2015 after embezzlement of millions of dollars was discovered. Two women in unrelated cases in Adams and Jones counties were convicted in 2015 after embezzling thousands of dollars from two elderly women under their care. An attorney was sentenced to prison in 2013 after using for personal benefit thousands of dollars intended for a minor ward for whom he served as court-appointed guardian in Rankin County.

Justice Beam said that she expects the Commission to submit recommendations for changes to court rules and state laws. Work is expected to last two years.

Chancellors serving on the commission are Catherine Farris-Carter, Joseph Kilgore, Jacqueline Mask,

Lawrence Primeaux, Sanford Steckler and George Ward. Other members are Resident Jurist John Hudson; Commissioner of Child Protection Services Dr. David Chandler; attorney Rick Courtney of the Special Needs Alliance; attorney Gray Edmondson; State Board of Education member Johnny Franklin; Access to Justice Commission Executive Director Tiffany Graves; Special Assistant Attorney General Joe Hemleben, general counsel to the State Veterans Affairs Board; Department of Mental Health Community Services Bureau Director Jake Hutchins; State Board of Health Chairman Dr. Luke Lampton; attorney and Mississippi Bankers Association member Nicole Lewellyn; Disability Rights Mississippi Executive Director Ann Maclaine; attorney David Marchetti; attorney Bob Montgomery; Chancery Clerks Association President Lisa Neese; Department of Mental Health Division of Children and Youth Services Director Sandra Parks; former Coahoma County Chancery Clerk Ed Peacock III; attorney John Smallwood; and attorney Bob Williford.

## Former Judges Frank Russell and Daniel Guice died recently



Former Circuit Judge Frank Russell, 72, of Fulton, died March 4 at North Mississippi Medical Center after an extended illness. A memorial service was held March 16 at the Lee County Justice Center.

Judge Russell served for 17 years on the First Circuit Court, which includes Alcorn, Itawamba, Lee, Monroe, Pontotoc, Prentiss and Tishomingo counties. He retired in December 2001 and returned to private law practice.

Before his appointment to the circuit bench in 1984, he served as Fulton city attorney, board attorney for the Itawamba County Board of Supervisors and Itawamba County prosecuting attorney. He was a former President of the First Judicial District Bar Association and a member of the Mississippi Bar Complaint Tribunal.

Frank Allison Russell was born in Hattiesburg and attended schools in

Magnolia, McComb and Tupelo. He received a scholarship to Wake Forest University, where he was a teammate of Brian Piccolo. Illness in his sophomore year ended his athletic career. He graduated from Mississippi State University. After earning a law degree from the University of Mississippi School of Law, he began practicing law in Fulton.

He was an outdoor enthusiast and gardener. He loved telling jokes and stories.

He is survived by eight children, 11 grandchildren, two brothers, a sister and his step-mother.

### *Uniform Rules Study Committee, continued from P. 13*

point to get where we are today," she said.

The Study Committee was led by former Court of Appeals Judge Larry Roberts of Meridian and former Circuit Judge R. I. Prichard III of Picayune. Members were Court of Appeals Chief Judge L. Joseph Lee of Jackson; Rankin County Court Judge Kent McDaniel of Brandon; Forrest County Court Judge Michael W. McPhail of Hattiesburg; District Attorney Ronnie Harper of Natchez; former



Former Biloxi Mayor and Harrison County Judge Daniel Guice Sr., 92, died April 13 at his home. A funeral service was held April 18 at Gruich Community Center in Biloxi with interment at Old Biloxi Cemetery.

Guice held office in all three branches of government, serving as a state

Representative from Harrison County, Biloxi Mayor and Harrison County Court Judge. He was mayor when Hurricane Camille devastated the Gulf Coast in 1969. As the Coast's only incumbent mayor, he led recovery and rebuilding efforts for the next four years. He returned to private law practice in 1973.

Gov. Cliff Finch appointed him as Harrison County Court Judge in 1977. Judge Guice served on the bench for more than 23 years, and for eight years on the Commission on Judicial Performance. He was a senior status judge for many years after he retired.

Judge Guice was born in Biloxi. During high school and college, he worked at Westergaard Boat Works, the U.S. Post Office and the U.S. Army Corps of Engineer. He attended the University of Mississippi and Tulane University. He taught government at Biloxi High School after earning a law degree, then practiced law at Rushing and Guice, which his father founded.

Survivors include three children, seven grandchildren, seven great-grandchildren, two brothers and a sister.

District Attorney John R. Young of Corinth; Special Assistant Attorney General Ed Snyder of Jackson; attorney Joe Sam Owen of Gulfport; attorney John M. Colette of Jackson; attorney Thomas E. Royals of Jackson; and Public Defender Jim Lappan of Fort Myers., Fla., who formerly worked for the Mississippi Office of Capital Defense Counsel. Professor Matt Steffey of Mississippi College School of Law did legal research and reporting for the Committee.