

*The Annual Report*  
*of the*  
*Mississippi Judicial Advisory Study Committee*

submitted to the  
Legislature of the State of Mississippi  
February 2010

**The Judicial Advisory Study Committee, 2009**  
**(est. 1993)**

**Judge Tyree Irving, Chair**

**Judge Lillie Blackmon Sanders, Vice-Chair**

**Dr. John W. Winkle III, Reporter**

## Table of Contents

The Judicial Advisory Study Committee .....	1
Work of the Study Committee, 2009 .....	1
Recommendations to the Legislature 2010 Session .....	2
The Administrative Office of Courts .....	2
Membership and Officers of the Study Committee .....	3
Profiles of Current Members - Table 1 .....	4
Meetings of the Study Committee .....	5
Support Personnel and Advisory Resources .....	5
The Work of the Study Committee	
• Areas of Study over Time .....	7
• Commentary on Current Work of the Study Committee .....	8
Electronic Filing & Court Docket Management System .....	9
Access to Justice .....	9
Revision of the Criminal Code .....	10
Allocation of Judicial Resources .....	10
Future Agenda of the Study Committee .....	11
Expenses of the Study Committee .....	11
Conclusion .....	11
Appendix A: Selection Methods for Members .....	13
Appendix B: Agendas of Meetings .....	14
Appendix C: Consulting Group on Criminal Code .....	15
Appendix D: Expenditures of the Reporter .....	16
Appendix E: Expenditures of the Study Committee .....	17

**The Mississippi Judicial Advisory Study Committee  
respectfully submits its 2009 annual report to the  
Members of the Legislature of the State of Mississippi.<sup>1</sup>**

**THE JUDICIAL ADVISORY STUDY COMMITTEE**

Created by the Mississippi Legislature in 1993, the Mississippi Judicial Advisory Study Committee (hereinafter referred to as the Study Committee) has now completed its seventeenth (17<sup>th</sup>) year of work.<sup>2</sup> Once renewed for three-year intervals, the Study Committee is a permanent<sup>3</sup> multi-member panel of judges, lawyers, court personnel, citizens, and legislators who are interested in, and committed to, the improvement of the state judicial system.

The Study Committee pursues as its primary purposes the comprehensive study of Mississippi courts and legal processes and the submission of policy recommendations for administrative improvement to the Legislature, the Supreme Court, and the Administrative Office of Courts (hereinafter referenced as the AOC).<sup>4</sup> To these ends, the Study Committee is authorized by law to conduct necessary and relevant research, inquiries, hearings, and surveys.<sup>5</sup> It must submit annual reports to the Legislature and to the Supreme Court.<sup>6</sup>

**WORK OF THE STUDY COMMITTEE, 2009**

As detailed throughout this report, and especially in the commentary section, the Study Committee has focused its discussions and actions during the past twelve months on the following four (4) topics, several of which represent longstanding interests of the Study Committee:

- implementation of a statewide electronic case filing and management system;
- rational allocation of judicial resources;
- ongoing revision of the criminal law sections of the *Mississippi Code*; and,

---

<sup>1</sup>§ 9-21-31(1) *Miss. Code Ann.* 1972 (1993 Supp.). Subsequent references will be cited as *Miss. Code Ann.*

<sup>2</sup>§ 9-21-21 *Miss. Code Ann.* Lawmakers introduced legislation to establish the Judicial Advisory Study Committee in a comprehensive reform package (S.B. 2620).

<sup>3</sup>In 2001 the Legislature (H.B. 1474) deleted the statutory repealer set for June 30, 2002 (§§ 9-21-21 through 9-21-41, *Miss. Code Ann.*, as amended). Since its inception the Study Committee had been routinely renewed for three-year intervals. The legislative action acknowledged the need for a continuous study and advisory group to monitor the Mississippi justice system and to make timely recommendations.

<sup>4</sup>See §§ 9-21-23 and 9-21-31 *Miss. Code Ann.*

<sup>5</sup>See §§ 9-21-23 and 9-21-31 *Miss. Code Ann.*

<sup>6</sup>§ 9-21-31(1) & (3) *Miss. Code Ann.*

- improvement of access to justice for citizens.

## RECOMMENDATIONS TO THE LEGISLATURE - 2010 SESSION

Keenly aware of the financial crisis facing the State of Mississippi and its lawmakers, the Judicial Advisory Study Committee offered no recommendations for the 2010 Legislative Session. For the texts and discussions of recent recommendations submitted to the Legislature, consult the previous *Annual Reports*.

## THE ADMINISTRATIVE OFFICE OF COURTS

The working relationship between the Study Committee and the AOC for more than sixteen years has been outstanding, and the Study Committee appreciates the steady and competent support it receives from the AOC. To facilitate the work of the Committee, the law requires that the AOC provide research, clerical and other necessary assistance.<sup>7</sup> Established in 1993, the AOC is responsible for coordinating the management of Mississippi courts and for enhancing the administration of civil and criminal justice.<sup>8</sup> To increase efficiency and accountability within the judicial system, the AOC collects, analyzes, and disseminates basic caseload data and provides assistance to those personnel who are responsible for the non-judicial business of state courts.<sup>9</sup>

Kevin Lackey, Administrative Director of the AOC, and members of his staff continue the tradition of exceptional support to the Study Committee. Mr. Lackey attends all Study Committee meetings and routinely updates caseload conditions in Mississippi courts. He reports on innovative and ongoing projects designed to improve judicial administration, such as the State Drug Court Advisory Committee, the Mississippi Youth Court Information Delivery System (MYCIDS), the Youth Court Support Fund, the Court Interpreter Certification Program, and the Task Force on Business Courts. Mr. Lackey provides members with photocopies of relevant reports and pending legislation, and informs them about national trends in court management. From time to time, members of the AOC professional staff have addressed the Study Committee on technical and administrative matters related to state and local judicial management. It should also be noted that the AOC also assumes responsibility for printing and disseminating the annual reports to the Members of the Legislature and to the Justices of the Supreme Court.

---

<sup>7</sup>See §§ 9-21-3(c) and 9-21-29 *Miss. Code Ann.*

<sup>8</sup>§ 9-21-3 *Miss. Code Ann.* The Mississippi Supreme Court appoints the Administrative Director who serves at its pleasure (§ 9-21-5). Among other enumerated powers and responsibilities, its Administrative Director has the statutory authority to prescribe means to insure a uniform system of record keeping and reporting, to prepare and submit the budget for the state judiciary, to address the security needs of the courts, to develop personnel policies for non-judicial court employees, to procure equipment and supplies for use by the courts, and to perform other duties as properly assigned by the Supreme Court (§ 9-21-9).

<sup>9</sup>§ 9-21-3 *Miss. Code Ann.*

The Study Committee is quite concerned about the adverse impact that the current financial crisis facing the State of Mississippi is having on the judicial branch. At the September meeting, Mr. Lackey distributed handouts (including copies of H.B. 48 that set the levels of FY 2010 appropriations) illustrating the severity of the problem. The Budget Summary sheet showed a deficit of about \$1.7 million between appropriations for the judicial branch for FY 2010 compared to FY 2009. The Trial Judges sheet noted significant decreases in the categories of salaries for court personnel and commodities. While judges are constitutionally protected from pay cuts, Mr. Lackey said that their support staffs are not. He further noted that the AOC had alerted the Legislature and the Governor about the problem, and had requested a deficit spending bill. Without such, Mr. Lackey stated that there would be insufficient funds to pay staff through the end of the fiscal year.

#### MEMBERSHIP AND OFFICERS OF THE STUDY COMMITTEE

The Study Committee consists of twenty-one (21) voting<sup>10</sup> and two (2) nonvoting members.<sup>11</sup> These persons are appointed by designated officials in the executive, legislative, and judicial branches of state government or are elected by conferences of judges, clerk groups, and bar associations.<sup>12</sup> Appendix A identifies the source of nomination for each of the delegates who presently serves on the Study Committee.

Study Committee members serve without pay but are entitled to *per diem* allowances and compensation for travel and other reasonable expenses.<sup>13</sup>

As Table 1 illustrates, the membership, both present and past, represents an impressive array of professional and lay interests, and reflects the diverse geography and social demography of the state. The customary term is three years, and members are eligible for re-appointment. Two current members are now serving their sixth consecutive term, and three others are in their fifth terms, thereby preserving an important continuity in the work of this group. The Study Committee welcomed three (3) new members during 2009: Julie McLemore, Scott Newton, and Robert Vince.

---

<sup>10</sup>The Legislature in 1996 increased the membership to include one Court of Appeals judge (§ 9-21-21(b) *Miss. Code Ann.*) and one justice court judge (§ 9-21-21(c) *Miss. Code Ann.*).

<sup>11</sup>The Chairs of the Senate Judiciary Committee A and the House of Representatives Judiciary En Banc Committee serve as legislative liaisons and nonvoting members. The Honorable Joey Fillingane and the Honorable Edward Blackmon, Jr., respectively, now hold these positions. Hon. Charles Ross, Hon. Bennie Thompson, Hon. Hainon Miller, Hon. Percy Watson, Hon. Mike Mills, and Hon. Ed Perry have previously served.

<sup>12</sup>§ 9-21-21 *Miss. Code Ann.* The Governor appoints three (3) members, and the Lieutenant Governor, two (2). The Speaker of the House appoints two (2). The Chief Justice of the Supreme Court appoints three (3), and the Chief Judge of the Court of Appeals appoints one (1). The Presidents of the Mississippi and Magnolia Bar Associations appoint two (2) members each. The Conference of Chancery Judges, the Conference of Circuit Judges, the Conference of County Judges, the Justice Court Judges Association, the Chancery Clerks Association, and the Circuit Clerks Association elect one (1) apiece.

<sup>13</sup>§§ 9-21-39, 25-3-41, and 25-3-69 *Miss. Code Ann.*

**Table 1: Profiles of the Current Membership of the Study Committee**

<b>Name</b>	<b>Home</b>	<b>Position</b>	<b>Predecessor</b>	<b>Date</b>
<b>Norman Gillespie</b>	Oxford	Chancellor (ret.), 18 <sup>th</sup> Chan. Dist.	Mary Ann Connell Robert Khayat Grady Tollison	7/1/02
<b>Gerald Cruthird</b>	Gulfport	Attorney	Donald Dorman, Jr. Robert Oswald	3/1/06
<b>Sebe Dale, Jr.</b>	Columbia	Chancellor, 10 <sup>th</sup> Chancery District	6 <sup>th</sup> Term	7/1/93
<b>Lillie B. Sanders</b>	Natchez	Judge, Circuit Court, 6 <sup>th</sup> District	6 <sup>th</sup> Term	7/1/93
<b>Thomas O'Beirne</b>	Natchez	Chancery Clerk, Adams County	Oren Bailess	11/27/95
<b>Alfred Rhodes</b>	McComb	Attorney	Bob Owens	3/20/96
<b>Aleita Sullivan</b>	Mendenhall	Attorney	Gary Carnathan	4/30/96
<b>Veldore Young</b>	Meridian	Judge, Lauderdale County Court	Robin A. Midcalf William Agin	1/18/08
<b>Tyree Irving</b>	Jackson	Judge, Court of Appeals	Roger McMillin	7/1/99
<b>Lamar Pickard</b>	Clarksdale	Judge, Circuit Court, 22 <sup>nd</sup> District	Elzy Smith	7/1/99
<b>Howard Catchings</b>	Jackson	Businessman	Jaby Denton Nevin Sledge	12/1/00
<b>Robin Robinson</b>	Laurel	Businesswoman	John Rester	7/1/02
<b>Bruce Strong</b>	Biloxi	Judge, Justice Court	Wayne Herbert	6/4/04
<b>Hayden Ables</b>	Iuka	Chancery Clerk, Tishomingo Co.	Jack Robertson	10/1/05
<b>Julie McLemore</b>	Jackson	Dept. of Agriculture & Commerce	Donna Barnes Paul Minor Gary Carnathan	1/5/09
<b>Donna Jill Johnson</b>	Meridian	Circuit Clerk, Lauderdale County	Rosemary Roosa	10/1/05
<b>J. Scott Newton</b>	Jackson	Attorney	Kathryn Nestor L.F. Sandy Sams Richard Foxworth	1/5/09
<b>Carol Swilley</b>	Brandon	Circuit Clerk, Rankin County	Edna Stevens Pamela Metzler Joe Herring	10/1/05
<b>Lance Bonner</b>	Jackson	Executive Director, Butler Snow	Les Lampton	10/1/05
<b>Robert Vince</b>	Sandy Hook	Miss. Rep. (ret.) H. Dist. 99	Jimmie Baggett Willie Blackmon James Culliver Walter Wood	1/5/09
<b>Jimmy Murphy</b>	Booneville	Businessman	Phillip Cole	10/7/05
<b>Joey Fillingane*</b>	Sumrall	Chair, Senate Judiciary "A" Committee	Charles Ross Bennie Turner Hainon Miller	2/1/08
<b>Edward Blackmon, Jr.*</b>	Canton	Chair, House Judiciary En Banc Committee	Percy Watson Mike Mills Ed Perry	7/1/04

The Study Committee chooses its own officers. On September 5, 2008, the members unanimously elected Judge Tyree Irving as Chair to succeed Judge Norman Gillespie.<sup>14</sup> At the same meeting, the members unanimously elected Judge Lillie Blackmon Sanders to fill the vacant post of Vice Chair.

The Mississippi Supreme Court continues its steady and active involvement with the Study Committee through the Chief Justice and special liaisons. At least one member or designee of the Court has been present at each regular meeting. Chief Justice William L. Waller, Jr., attended his first meeting of the Study Committee in March.

#### **MEETINGS OF THE STUDY COMMITTEE**

The Study Committee actively pursues its statutory charge. The full Committee has met twice during the past year: March 6 and September 11.<sup>15</sup> Meetings are held in Jackson in the Carroll Gartin Justice Building. Appendix B contains the agenda for each meeting. Minutes of these proceedings are available upon request from the AOC.<sup>16</sup>

#### **SUPPORT PERSONNEL AND ADVISORY RESOURCES**

##### **Consulting Groups**

To assist in its pursuit of statutory tasks, the Study Committee initially set up eleven (11) subcommittees (or consulting groups as they were called) and appointed Mississippians who had interest, experience, and expertise in matters of court administration to lead them. Previous reports list the consulting groups and their chairs. All of these units systematically considered policy issues, drafted reports, and proposed recommendations for adoption. Over time their research activities intensified or diminished commensurate with the evolving needs of the Study Committee. Only one group remains active today. Chaired by Professor Judith Johnson of Mississippi College, the subcommittee (see Appendix C) charged with the revision of the criminal code continues its steady and productive work. Its efforts are highlighted below. For summaries of the activities of other groups, please consult previous *Annual Reports*.

##### **Reporter**

The Study Committee selected Dr. John W. Winkle III, Professor of Political Science at the

---

<sup>14</sup>Five previous chairs have served: Norman Gillespie, from November 18, 2005 to September 5, 2008; Aleita M. Sullivan, from September 5, 2003 to November 18, 2005; L.F. (Sandy) Sams, from September 10, 1999 to September 5, 2003; Sebe Dale, Jr., from February 9, 1996 to September 10, 1999; and, Grady F. Tollison, Jr., from the inception of the Study Committee in 1993 until his resignation in January, 1996.

<sup>15</sup>§ 9-21-27 *Miss. Code Ann.*

<sup>16</sup>Contact Kevin Lackey at [lackeyjk@mssc.state.ms.us](mailto:lackeyjk@mssc.state.ms.us) or at (601) 576-4636.

University of Mississippi, to serve as Reporter on September 23, 1993, and has renewed his appointment five times. His duties include assigned research projects, preparation of minutes of meetings, and completion of the required annual reports to the Legislature and the Supreme Court. Appendix D reports both his compensation and reimbursement for expenses.

#### **Legislators**

The two chairs of the Mississippi Senate Judiciary “A” Committee and the House of Representatives Judiciary Committee are nonvoting members of the Study Committee. The current chairs are Hon. Joey Fillingane and Hon. Edward Blackmon, Jr., respectively. These lawmakers keep the membership informed of relevant developments, and particularly so when the Legislature is in session. From time to time other legislators appear before the Study Committee to report on special matters.

#### **Invited Guests**

Experienced professionals, practitioners, and observers are regularly invited to attend plenary meetings and to report on substantive concerns. The Study Committee always finds their remarks helpful to its work and greatly appreciates their willingness to share their time and expertise. At the September meeting, Mr. Clint Pentecost, an associate with the MEC project, made an informative PowerPoint presentation on the new system and its training procedures for attorneys in the electronic filing of case materials in Mississippi trial courts.

#### **The Chief Justice**

The Chief Justice of the Mississippi Supreme Court plays a prominent role in the operation of the Judicial Advisory Study Committee. Under the terms of the enabling act, the Chief appoints three of its members.<sup>17</sup> From the beginning, each Chief Justice has taken an extremely active interest in the work of the Study Committee, attending its meetings and making both prepared and impromptu comments. Each has articulated and promoted clear objectives to improve statewide judicial management. Broadly speaking, these objectives have been designed to make Mississippi courts more efficient, effective, and accessible.

#### **AOC Staff**

At each meeting of the Study Committee, Kevin Lackey, the Administrative Director of the AOC, provides an extensive update on continuing efforts to improve the day-to-day management of Mississippi courts. Of ongoing interest has been the implementation of a more reliable and electronic statewide caseload reporting process as well as the improvement of a case-weight system designed to yield more accurate measures of judicial workloads and time management in chancery and circuit courts. Mr. Lackey regularly supplies the Study Committee with useful and informative documents, such as recent caseload statistics for Mississippi trial courts as well as summaries of bills

---

<sup>17</sup>§ 9-21-21 *Miss. Code Ann.*

that affect the judiciary on the agendas for Legislative Sessions.

Mr. Lackey also apprises the Study Committee of his work with the State Drug Court Advisory Committee, the Mississippi Youth Court Information Delivery System (MYCIDS), and other projects relevant to court administration. At the March meeting of the Study Committee, Mr. Lackey distributed a copy of the State Drug Court Advisory Committee's 2009 *Annual Report to the Mississippi Legislature*. He reported that all but five judicial circuits now have drug courts, and the Tenth Circuit is now in the planning stage. Also at the March meeting, Mr. Lackey reported that the Mississippi Supreme Court had adopted the Uniform Rules of Youth Court Practice which became effective January 8, 2009. The AOC administers the Youth Court Support Fund and must come up with a formula, based on caseloads and juvenile populations in counties, for distribution of these funds. The AOC and the Department of Human Services have collaborated in writing a training manual and developing an instructional video to prepare social workers for testimony in Youth Court. It is estimated that some 700 workers will participate in the training program.

## THE WORK OF THE STUDY COMMITTEE

### Areas of Study Over Time

From its inception the Study Committee has pursued its statutory mandate in a conscientious and professional manner. According to the *Code*, it must examine issues of contemporary court organization and management in Mississippi and make appropriate recommendations to the Legislature and to the Supreme Court.<sup>18</sup>

Five issues have remained paramount and continuous items on the working agendas of the Study Committee since 1993. Each is fundamental to effective and efficient court management. The Study Committee has focused ongoing attention on improving the flow of information throughout the court system, encouraging the more rational use of judicial resources, holding judges and court personnel more administratively accountable, monitoring trial court workloads, and developing more effective youth court operations.

Over time the Study Committee has also systematically investigated several other interests and needs of our state court system. At appropriate times, it has submitted carefully considered recommendations for improvements in the administration of civil and criminal justice to legislative and judicial audiences. It may be useful to array the range of topics addressed by the Study Committee to date. The following items span the spectrum from structure to process to personnel:

### ***General***

- access to justice for underserved and disadvantaged citizens
- the effects of Hurricane Katrina on the Mississippi court system
- public confidence and trust in the legal system
- improvement of the public image of the judiciary

---

<sup>18</sup>§ 9-21-23 Miss. Code Ann.

- prudent and systematic use of judicial resources

### ***Structure and Law***

- establishment of an office of public guardian
- comprehensive overhaul of the criminal code
- use of mediation and arbitration as alternative means to resolve disputes
- statewide public defender system
- more responsive juvenile justice system
- alternative methods for selecting trial and appellate judges
- disparities in criminal sentencing
- coterminous districts for circuit and chancery courts

### ***Operations and Processes***

- implementation of statewide e-filing and case management system
- registry of fiduciary accounts in chancery courts
- feasibility of technological innovations and applications
- the integrity of judicial campaigns and elections
- means to improve courtroom security
- funding sources for trial courts
- the creation of an AOC data bank index for publications on the judiciary
- the impact of the increasing numbers of *pro se* litigants
- standards for the management of funds in the offices of chancery clerks
- court access for hearing-impaired litigants
- more creative ways to finance state courts
- creation and maintenance of drug courts

### ***Personnel***

- roles and responsibilities of trial judges and clerks in case management
- staff support and office allowances for trial judges
- support and compensation for senior status judges
- job descriptions for non-judicial court personnel
- insurance protection for judges disabled during their tenure
- guidelines under which the attorney general will defend judges who are sued
- the practice of clerks serving as conservators and guardians
- compliance of clerks in reporting caseload data to the AOC
- the need for a quick response team to respond to unfair campaign criticism of incumbent judges.

### **Commentary on Current Work of the Study Committee**

As noted below, the Study Committee in 2009 has examined new issues in the administration of justice in Mississippi, actively revisited topics from the previous year, and continued to monitor developments in ongoing areas of court management.

## *ELECTRONIC FILING AND COURT DOCKET MANAGEMENT SYSTEM*

As all previous *Annual Reports* document, the Study Committee from its outset has identified as a principal goal the need for systematic and uniform information technology in Mississippi courts and has studied ways to best achieve that aim. The Committee has consistently supported the work of the AOC to develop an electronic network of caseload data entry and submission, one that will link trial courts and the AOC to produce a more efficient information system for judges, court personnel, lawyers, and litigants.

Four years ago, the top priority of the Mississippi Supreme Court for the 2006 Legislative Session was full implementation of a statewide e-filing and case management system, one owned by the State to ensure a uniform and compatible operation. The Study Committee endorsed that priority by issuing a resolution in strong support of the proposed statewide system. The Legislature agreed, and the electronic case management system is now in development. Kevin Lackey and the AOC continue to work closely with clerks of court to prevent or minimize problems.

At the September meeting of the Study Committee, Mr. Clint Pentecost, an associate with the Mississippi Electronic Courts (MEC) project, made an informative PowerPoint presentation on the new system and its training procedures for attorneys in the electronic filing of cases in Mississippi trial courts. The MEC is an internet-based filing system for pleadings and documents, as well as, a case management system. Attorneys initiate electronic filings, and courts maintain electronic files. The system is based on a model developed by the Administrative Office of U.S. Courts that is currently in operation nationwide in federal district and bankruptcy courts. The MEC pilot program is presently being tested in Madison County Chancery Court, with future testing planned for chancery courts in Scott and Warren counties and for the Madison County Circuit Court.

Mr. Pentecost explained the purpose and functions of the MEC and alerted the Study Committee to the MEC website (<http://www.mssc.state.ms.us/mec/mec.html>). He then proceeded to demonstrate, step by step, the filing process for a hypothetical case. The system requires attorneys to register, and so far some 300 have done so. He said that civil complaints are now filed in the conventional way but the answer and subsequent documents are filed electronically. Mr. Pentecost pointed out that the system distinguishes cases by type: normal, restricted access, and sealed. He commented that at the moment there is no consistent approach across clerks' offices to correct errors, but that MEC is working on solutions.

The ultimate goal is the statewide implementation of a uniform system of electronic case filing and management. Once fully implemented, the electronic case management system will serve multiple purposes: data security and uniformity (through centralized court and land filings in one system); facilitated use and lower costs to users; easier access for media and the public; and, a more complete data set upon which to base decisions for the allocation of judicial resources.

## *ACCESS TO JUSTICE*

The Study Committee continues its strong interest in, and support for, the provision of access

to legal services for the poor, a traditionally underserved population in the state. To that end, in 2008 it invited Associate Justice Jess Dickinson to comment on the work of the Access to Justice Commission, created by the Mississippi Supreme Court in 2006. The Commission is working to improve awareness of the legal needs of the poor, including the distribution of a 12-minute video that highlights narratives from poor people about their legal problems and how they have been helped by informed access to courts. The legal community has become a prominent actor in reaching out to indigent populations. Attorneys at the 13 largest law firms in Jackson partnered to develop a practice manual on legal services for the poor, and *pro bono* work has substantially increased. Mr. Lackey reported at the March 2009 meeting of the Study Committee that the Commission is holding hearings around the state to raise awareness of the poor who have limited knowledge of, and access to, the legal system.

#### ***REVISION OF THE CRIMINAL CODE***

The Study Committee has long recognized that a comprehensive overhaul of the state criminal code is an essential, but ambitious, undertaking. To illustrate that need, the National Criminal Law Ratings has recently ranked the *Mississippi Code* as 1<sup>st</sup> among jurisdictions in need of revision. Professors Judy Johnson and Matt Steffey,<sup>19</sup> who serve as Chair and Reporter, respectively, for the Criminal Code Revision Consulting Group, have regularly presented progress reports to the Study Committee. Engaged in labor-intensive work, the subcommittee has made substantial advances in the simplification, clarification, and reconciliation of criminal statutes. By all accounts the volunteers on this project are developing an excellent product and the work to date represents a substantial improvement over the current *Code*. Once the project is completed, Professor Johnson indicated that the committee plans to present the revised *Code* as a unified whole, rather than section-by-section, to the Legislature.

#### ***ALLOCATION OF JUDICIAL RESOURCES***

The Study Committee has already begun to anticipate the upcoming decennial census in 2010 and the probable need to reallocate judicial resources in the state. During this past decade, the Study Committee and the AOC have worked together to promote a more rational and systematic planning process in judicial redistricting decisions. In 2000, the Study Committee commissioned the Stennis Institute to assist with a study of caseloads in trial courts. At the March meeting of the Study Committee, Kevin Lackey distributed copies of the Stennis Institute report, *Mississippi's Circuit and Chancery Courts: Redistricting Options After 2000*, as well as copies of the submitted resolution and supporting documentation. On the basis of that report, as well as, independent data collected by the AOC, the Study Committee submitted a resolution and recommendations on the creation of new judgeships to the Legislature for its 2003 Session. Lawmakers by and large followed those recommendations.

---

<sup>19</sup>Professors Johnson and Steffey are faculty members at Mississippi College School of Law. Several years ago this group merged with a companion Bar committee and now meets monthly. Appendix C contains the names of the members.

The Study Committee plans once again to be proactive in informing the legislature of judicial needs. At its September meeting the membership continued its discussion on the approaching census and the need for rational redistribution of judicial resources. Mr. Lackey reported that caseload information has improved overall during the decade, but one or two counties still do not reliably respond. The members of the Study Committee agreed that it is essential to authorize the Stennis Institute to conduct a similar study soon.

#### **FUTURE AGENDA OF THE STUDY COMMITTEE**

The Study Committee, which receives suggestions for its focus from the leadership of the Committee, its own individual members, the Chief Justice, and the Legislature, plans an ambitious agenda during the next twelve months. It will continue its work in selected areas mentioned above, such as: an improved electronic case filing and management system; access to justice for the poor; systemic revision of the criminal code; and, the reallocation of judicial resources following the 2010 census.

Judge Irving has encouraged the membership to identify other areas of need that face our court system. Over the next few months, Study Committee plans systematically to contact constituent groups, including judges, clerks, and attorneys to seek their advice and recommendations as well.

#### **EXPENSES OF THE STUDY COMMITTEE**

While its members serve without compensation, the Study Committee incurs costs for routine maintenance and special services. For the current reporting period, the Committee spent \$6,870.45 for contractual services, travel, and miscellaneous expenses. Appendix E contains an expenditure register that itemizes and totals expenditures by category. As authorized by law, the Administrative Office of Courts provides support, financial and otherwise, for the operations of the Judicial Advisory Study Committee.<sup>20</sup>

#### **CONCLUSION**

With more than sixteen years of continuous service to the State of Mississippi, the Judicial Advisory Study Committee has established a record of active and systematic pursuit of its statutory responsibilities. In an informed, effective, and cost-efficient way, the Study Committee has conscientiously studied the Mississippi court system and its delivery of services. Over time the Study Committee has offered carefully reasoned recommendations for rational and constructive changes in the management of state civil and criminal justice systems to the AOC, the Legislature, and the Supreme Court.

---

<sup>20</sup>See §§ 9-21-3(c) and 9-21-29 *Miss. Code Ann.*

Supplemental documentation for this annual report is available upon request. Please contact Judge Tyree Irving, Kevin Lackey, or John Winkle.<sup>21</sup>

---

<sup>21</sup>Contact Professor Winkle by phone at (662) 915-5420 or by e-mail at [jww@olemiss.edu](mailto:jww@olemiss.edu).

## Appendix A

### Appointing and Electing Entities for Members of the Judicial Advisory Study Committee

Members	Appointed by
Norman Gillespie	Chief Justice
Julie McLemore	Chief Justice
Scott Newton	Chief Justice
Tyree Irving	Chief Judge, Court of Appeals
Sebe Dale, Jr.	Conf. of Chancery Judges
Lamar Pickard	Conf. of Circuit Judges
Veldore Young	Conf. of County Judges
Bruce Strong	Justice Court Judges Assn.
Thomas O'Beirne	Chancery Clerk Association
Carol Swilley	Circuit Clerk Association
Donna Jill Johnson	Governor
Lance Bonner	Governor
Hayden Ables	Governor
Howard Catchings	Lt. Governor
Robin Robinson	Lt. Governor
Jimmy Murphy	Speaker of House
Robert Vince	Speaker of House
G. Gerald Cruthird	MS Bar President
Aleita M. Sullivan	MS Bar President
Lillie Blackmon Sanders	Magnolia Bar President
Alfred H. Rhodes, Jr.	Magnolia Bar President
Joey Fillingane	Senate Judiciary
Edward Blackmon, Jr.	House Judiciary

## Appendix B

### Agendas of Meetings of the Judicial Advisory Study Committee, 2009\*

#### March 6, 2009

- I. Call to Order - Judge Tyree Irving
- II. Welcome New Members - Judge Tyree Irving
- III. Minutes of the Previous Meetings
- IV. Update on AOC and Recent Legislation - Kevin Lackey
- V. Judicial Redistricting - Kevin Lackey
- VI. Discussion of Future Topics
- VI. Closing Remarks - Judge Tyree Irving

#### September 11, 2009

- I. Call to Order and Welcome - Judge Tyree Irving
- II. Minutes of Previous Meetings
- III. Mississippi Electronic Courts Presentation - Cling Pentecost
- IV. Update on Judicial Budget - Kevin Lackey
- V. Judicial Redistricting - Kevin Lackey
- VI. Future Topics - Judge Tyree Irving
- VII. Closing Remarks - Judge Tyree Irving

\*Copies of the minutes of the meetings of the Judicial Advisory Study Committee are available upon request from the AOC. Please contact Kevin Lackey.

## **Appendix C**

### **Mississippi Judicial Advisory Study Committee Consulting Group on Criminal Code Revision**

Professor Judy Johnson, Chair  
Professor Matt Steffey, Reporter  
Justice Fred Banks  
Judge Donna Barnes  
Judge Larry Roberts  
Judge Frank Vollar  
Professor Cecile Edwards  
Andre' de Gruy, Esq.  
Greta Harris, Esq.  
Caryn Quilter, Esq. (Ex Officio)  
C.J. (Jimbo) Richardson, Esq. (Ex Officio)  
Professor Ron Rychlak  
Edwin Snyder, Esq.  
Kathy Sones, Esq.  
Alison Steiner, Esq.  
Professor Carol West  
Pat Zimmerman  
David Dykes

## Appendix D

### JOHN WINKLE JUDICIAL ADVISORY STUDY COMMITTEE CONSULTANT

Calendar Year 2009  
Expenditures

MONTH	ADMINISTRATIVE	PHONE	TRAVEL	PER DIEM	ANNUAL REPORT	TOTAL
January	\$175.00				\$525.00	\$700.00
February						\$0.00
March						\$0.00
April						\$0.00
May						\$0.00
June	\$200.00		\$171.70			\$371.70
July					\$550.00	\$550.00
August						\$0.00
September						\$0.00
October						\$0.00
November						\$0.00
December						\$0.00
<b>TOTAL</b>	<u>\$375.00</u>	<u>\$0.00</u>	<u>\$171.70</u>	<u>\$0.00</u>	<u>\$1,075.00</u>	<u>\$1,621.70</u>

## Appendix E

### CALENDAR YEAR 2009 EXPENDITURES JUDICIAL ADVISORY STUDY COMMITTEE AND CONSULTING GROUPS

GROUP	PER DIEM	LODGING	TRAVEL	JOHN WINKLE CONTRACT	PRINTING	FOOD	OTHER	TOTAL
Board	\$200.00		\$704.00	\$1,621.70	\$668.28	\$289.07	\$105.28	\$3,588.33
Compensation								\$0.00
Criminal Code						\$1,032.12	\$2,250.00	\$3,282.12
Election & Selection								\$0.00
Finance & Adm.								\$0.00
Indigent Defense								\$0.00
Redistricting								\$0.00
Sentencing								\$0.00
Support Staff								\$0.00
Technology								\$0.00
Youth Court								\$0.00
<b>TOTAL</b>	<u>\$200.00</u>	<u>\$0.00</u>	<u>\$704.00</u>	<u>\$1,621.70</u>	<u>\$668.28</u>	<u>\$1,321.19</u>	<u>\$2,355.28</u>	<u>\$6,870.45</u>