

# SUPREME COURT OF MISSISSIPPI

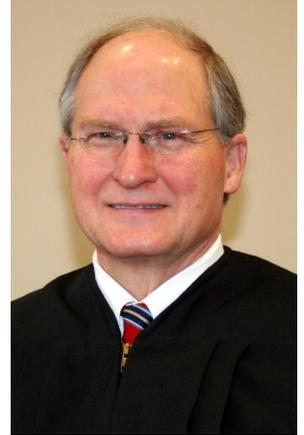
2017 Annual Report





## A MESSAGE FROM CHIEF JUSTICE WILLIAM L. WALLER, JR.

The Chief Justice of the United States John G. Roberts, Jr., helped the bench and bar celebrate the Bicentennial of the Mississippi Judiciary on Sept. 27, 2017. Chief Justice Roberts swore in appellate court staff attorneys, law clerks and two judges to practice before the U.S. Supreme Court; answered questions from law students; lunched with appellate judges, staff and students; presided over a law school Moot Court competition; and attended an evening banquet hosted by the Bicentennial of Mississippi's Judiciary and Legal Profession Committee. Chief Justice Roberts is only the third sitting Chief Justice to visit Mississippi. Chief Justice Salmon P. Chase visited the state in 1865, weeks after the end of the Civil War. Chief Justice Warren Burger spoke in Jackson on March 8, 1976, at a dinner honoring Sen. James O. Eastland.



The efforts of the First Chancery District to hold free family law clinics in every county in the district inspired a statewide effort. With the help of the Access to Justice Commission and local bar associations, work began in 2017 to schedule free family law clinics as *Pro Se* Days in every county. The target is June 2018, but some clinics will be held during other times of the year. Local bar associations have responded by volunteering attorneys' time to assist *pro se* litigants. The clinic model, in which attorneys are authorized by Rule to provide limited services, has become an effective and efficient means of addressing access to justice for the poor.

Mississippi Electronic Courts in 2017 grew to include 54 chancery courts and 17 circuit courts. The appellate courts in late 2017 reached the long-awaited goal of accepting electronic filing of court records and transcripts.

The Mississippi Rules of Criminal Procedure became effective July 1, 2017. Former Justice Ann H. Lamar, who retired in December 2016, provided able leadership to this most significant reform of our criminal justice system.

The Supreme Court welcomed two new members in 2017. Justice Robert P. Chamberlin was sworn in Jan. 3, 2017. He was elected in November 2016 to the position formerly held by Justice Ann H. Lamar. Justice David M. Ishee was sworn in Sept. 18, 2017, after having been appointed by Gov. Phil Bryant to the vacancy created when Presiding Justice Jess H. Dickinson left the court to become Commissioner of the Department of Child Protection Services. Justice Jim Kitchens became a Presiding Justice upon Dickinson's departure.

On the Court of Appeals, Judge Latrice A. Westbrook took office Jan. 3, 2017, after having been elected in November 2016, and Sean J. Tindell left the Mississippi Senate in October to accept the Governor's appointment to the vacancy created by Ishee's appointment to the Supreme Court. Judge Tindell took the oath Oct. 17, 2017.

Circuit Judge Vernon R. Cotten of Carthage retired from the Eighth Circuit District bench on May 31, 2017, after nearly 20 years of service. Gov. Phil Bryant appointed Circuit Judge Mark Duncan of Philadelphia, a former district attorney, who was sworn in June 6, 2017.

Lauderdale County Court Judge Frank M. Coleman retired Oct. 31 after 31 years of service. Gov. Bryant appointed Lisa Howell to fill the unexpired term.

Tragically, Tenth District Circuit Judge Justin Cobb collapsed while jogging on his 43rd birthday, Sept. 9, 2017, and died. The Supreme Court appointed retired Court of Appeals Judge Larry Roberts, a senior status judge, to fill the vacancy starting Sept. 18. The Governor appointed former District Attorney Charles Wright to the Tenth Circuit Bench. Judge Wright was sworn in Oct. 30, 2017.

Retired Circuit Judge Robert Ingram "Rip" Prichard III, 78, of Carriere, died Dec. 2, 2017. He served as Circuit Judge of the Fifteenth Circuit District for 38 years, from 1972 to 2010. He served as co-chair of the Criminal Rules Study Committee. At the time of his retirement, he was the longest serving trial judge in the state and was the last sitting judge originally appointed by Governor William L. Waller, Sr.

*William L. Waller, Jr.*  
*Chief Justice, Supreme Court of Mississippi*



# **SUPREME COURT OF MISSISSIPPI**

## **2017 ANNUAL REPORT**

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## THE MISSISSIPPI JUDICIAL SYSTEM

The Mississippi Judiciary is made up of Justice and Municipal Courts at the most basic level; County, Chancery, and Circuit Courts comprise the trial courts of record; and two appellate courts, the Court of Appeals and the Supreme Court, which is Mississippi's court of last resort.

There are 82 Justice Courts with 197 judges. Justice Courts have jurisdiction over civil actions involving sums of \$3,500 or less and misdemeanors. They also hold preliminary hearings in felony cases. Appeals from the Justice Courts may be taken to Circuit Courts, or County Courts if available, and the cases appealed are tried de novo.

There are 241 Municipal Courts with 207 judges. Some judges serve more than one local municipality. They have limited criminal jurisdiction and jurisdiction over violations of municipal ordinances. Appeals from the Municipal Courts may be taken to County or Circuit courts, and the cases appealed are tried de novo in the appellate court.

In 2017, there were 21 County Courts with 30 judges. (Hancock County was set to create a County Court in January 2018.) County Courts have concurrent civil jurisdiction with the Chancery and Circuit Courts in suits involving \$200,000 or less. They also have limited criminal jurisdiction and appellate jurisdiction from the Justice Courts and Municipal Courts. In counties with County Courts, the Youth Courts function as a division of the County Courts handling juvenile matters.

There are Chancery Courts in each county, which are organized into 20 districts with 52 chancellors. They have jurisdiction over matters of equity, domestic relations, land disputes, estates, guardianships and mental commitments. In counties without County Courts, the Chancery Courts handle Youth Court functions. They also receive appeals on the record from County Courts in matters over which the two courts have concurrent subject matter jurisdiction.

The Circuit Courts are the general jurisdiction trial courts in Mississippi. There are Circuit Courts in each county, organized into 22 districts with 57 judges. They have jurisdiction of all civil actions at law seeking recovery in excess of \$200 and of all criminal cases under state law. They receive appeals de novo from the Justice Courts and on the record from County Courts.

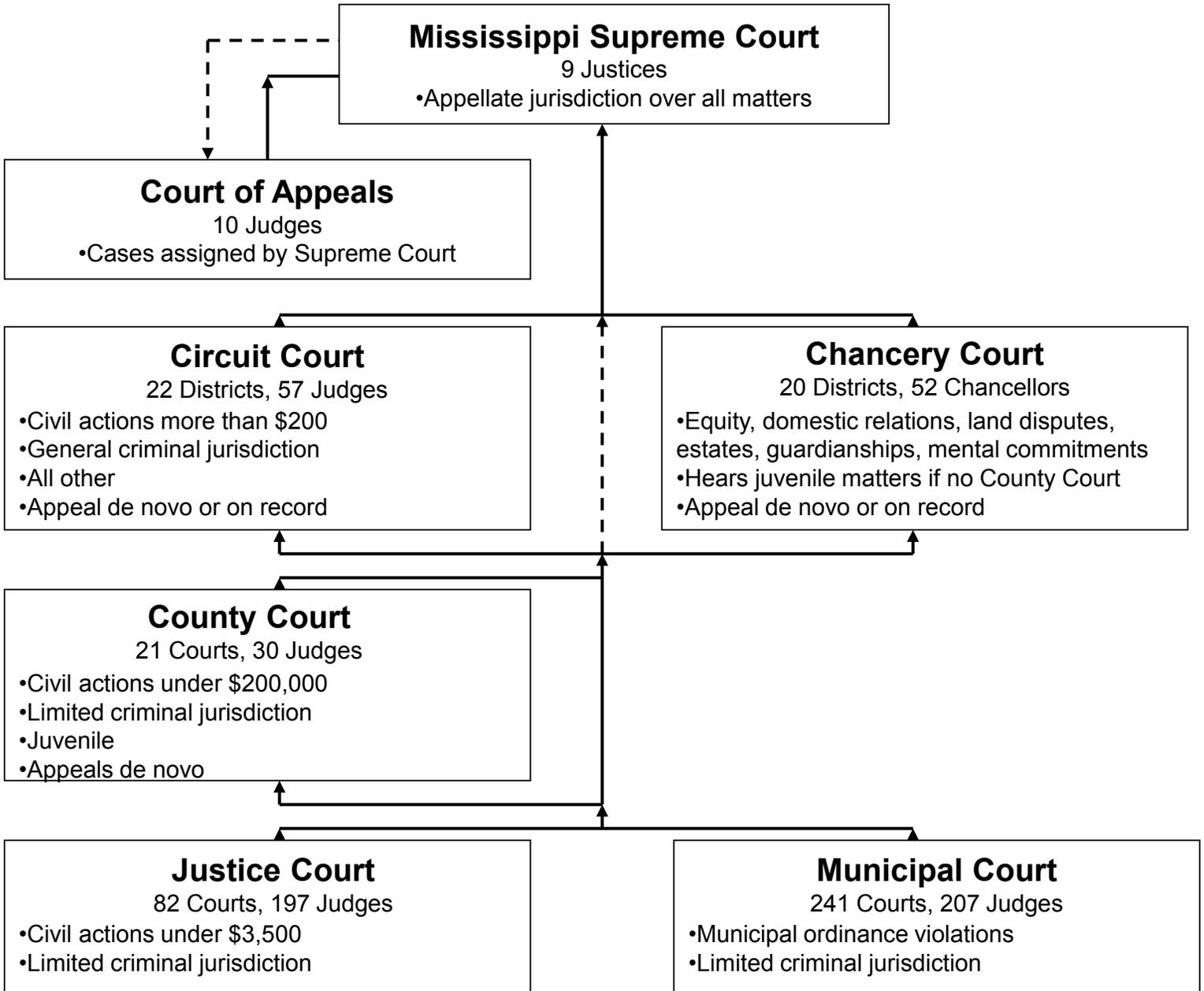
Appeals from the Chancery, Circuit, and, in limited situations, the County Courts are taken to the Supreme Court. The Supreme Court may either retain the appeal or assign it to the Court of Appeals. Generally, the Supreme Court retains cases involving issues of first impression and cases involving interpretation of the Constitution, statutes or regulations. There are also a few categories of cases which the Supreme Court retains, such as death penalties, utility rates and annexations. The Court of Appeals typically hears cases in which the issues are ones of error correction, such as whether the judgment is supported by the evidence or whether the judge correctly ruled on evidentiary challenges. All decisions of the Court of Appeals are subject to discretionary review by the Supreme Court on petition for writ of certiorari. There are nine justices on the Supreme Court and ten judges on the Court of Appeals.

# ORGANIZATIONAL CHART

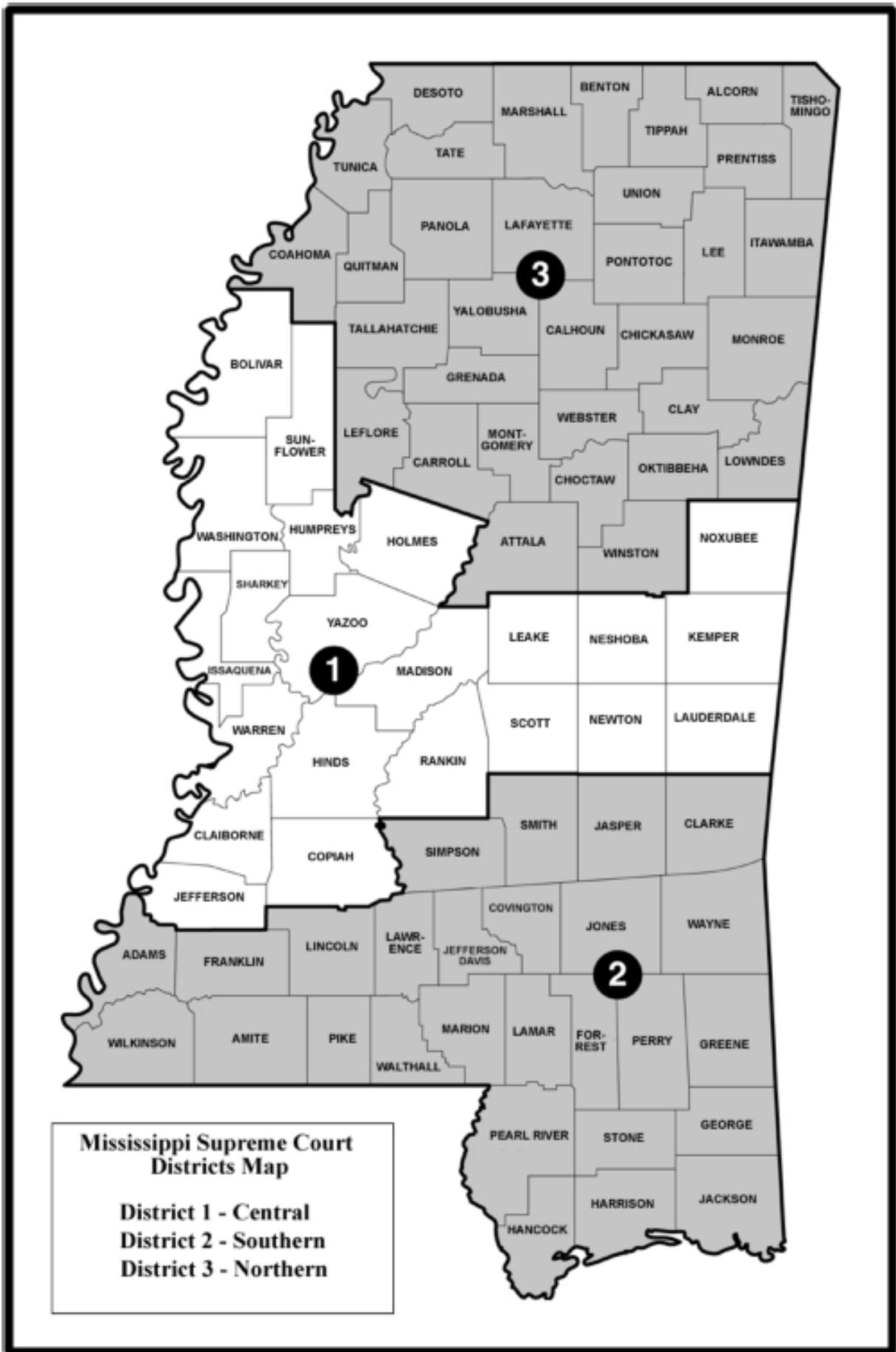
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## MISSISSIPPI JUDICIARY

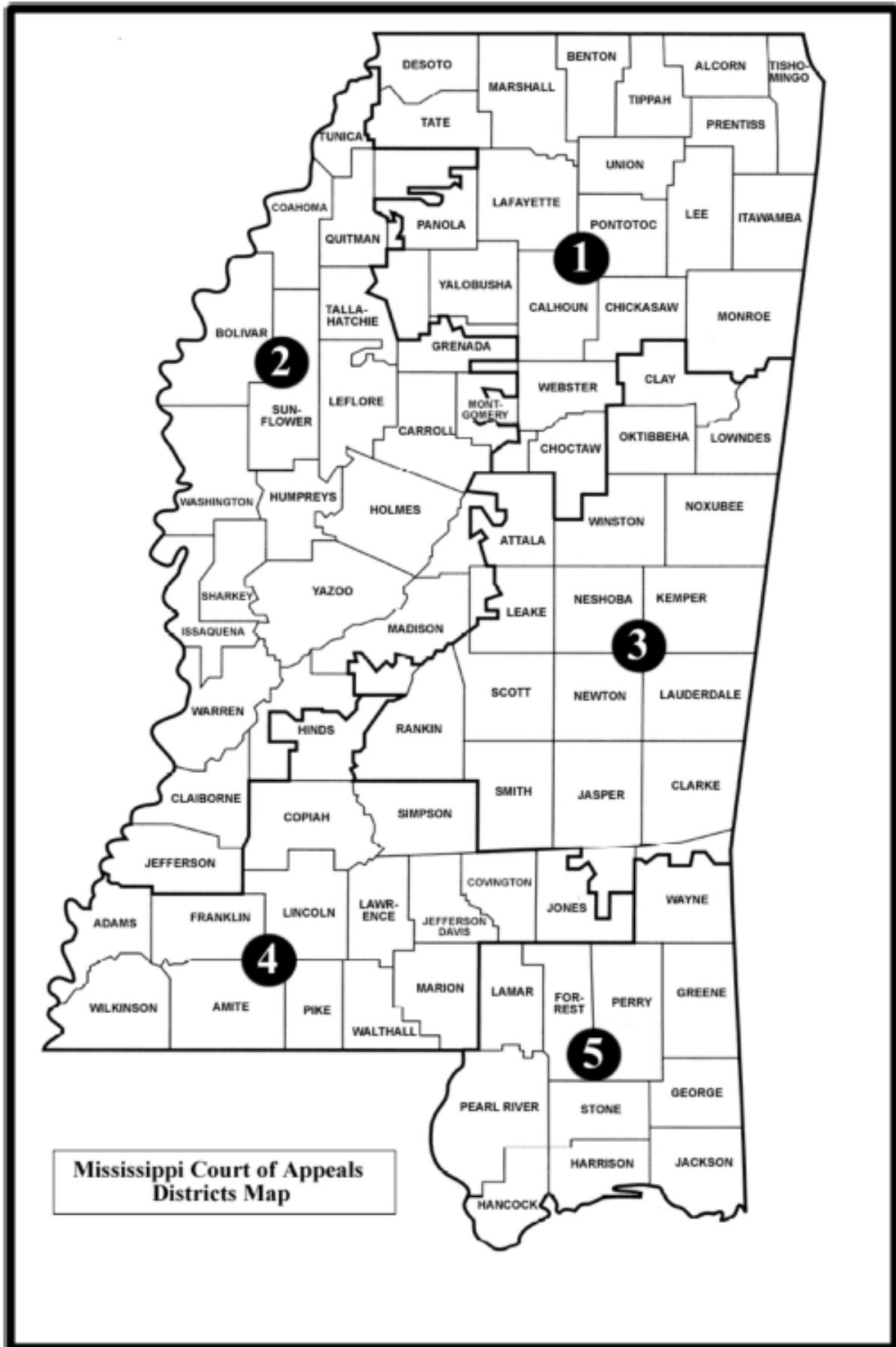
in 2017



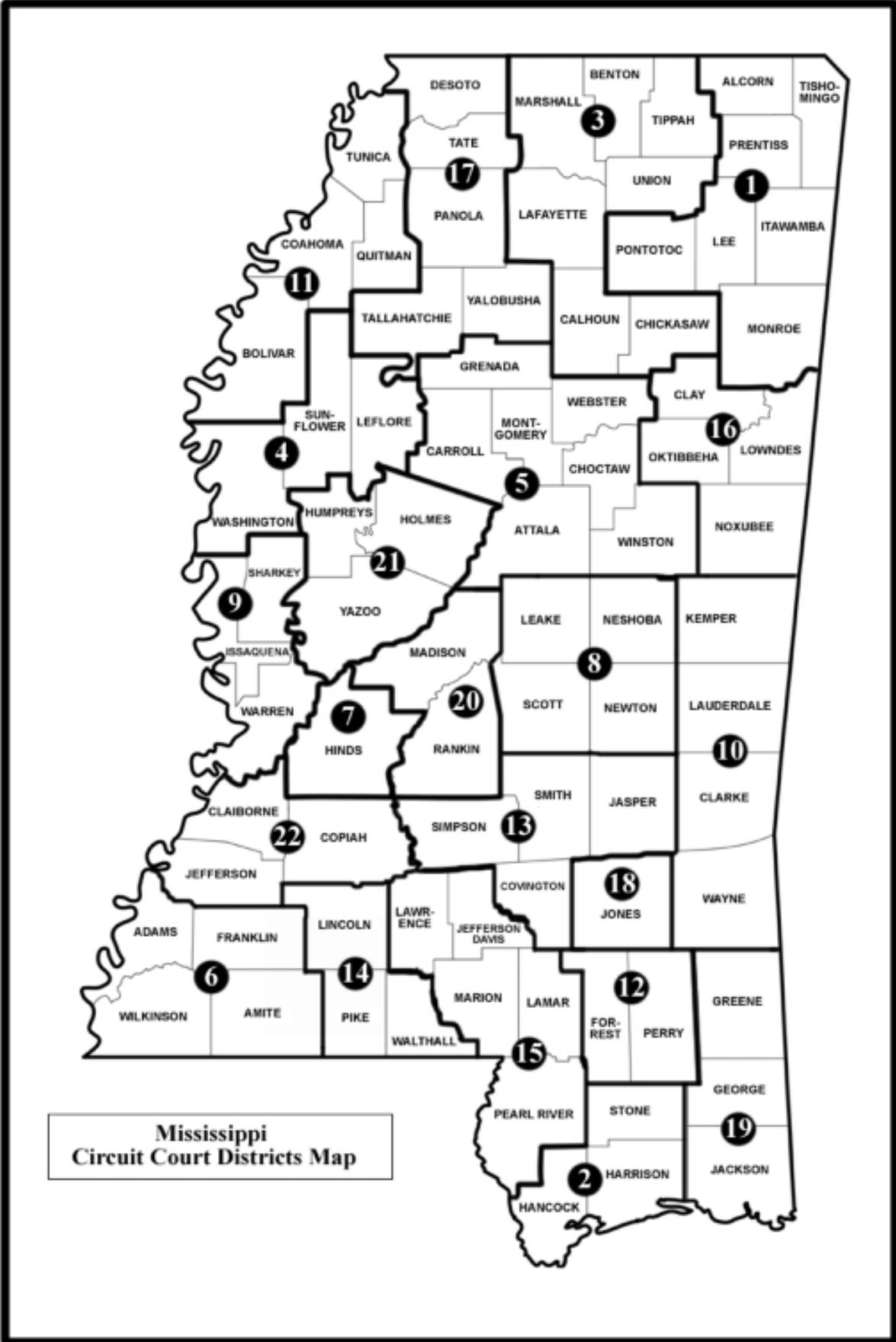
# SUPREME COURT DISTRICTS



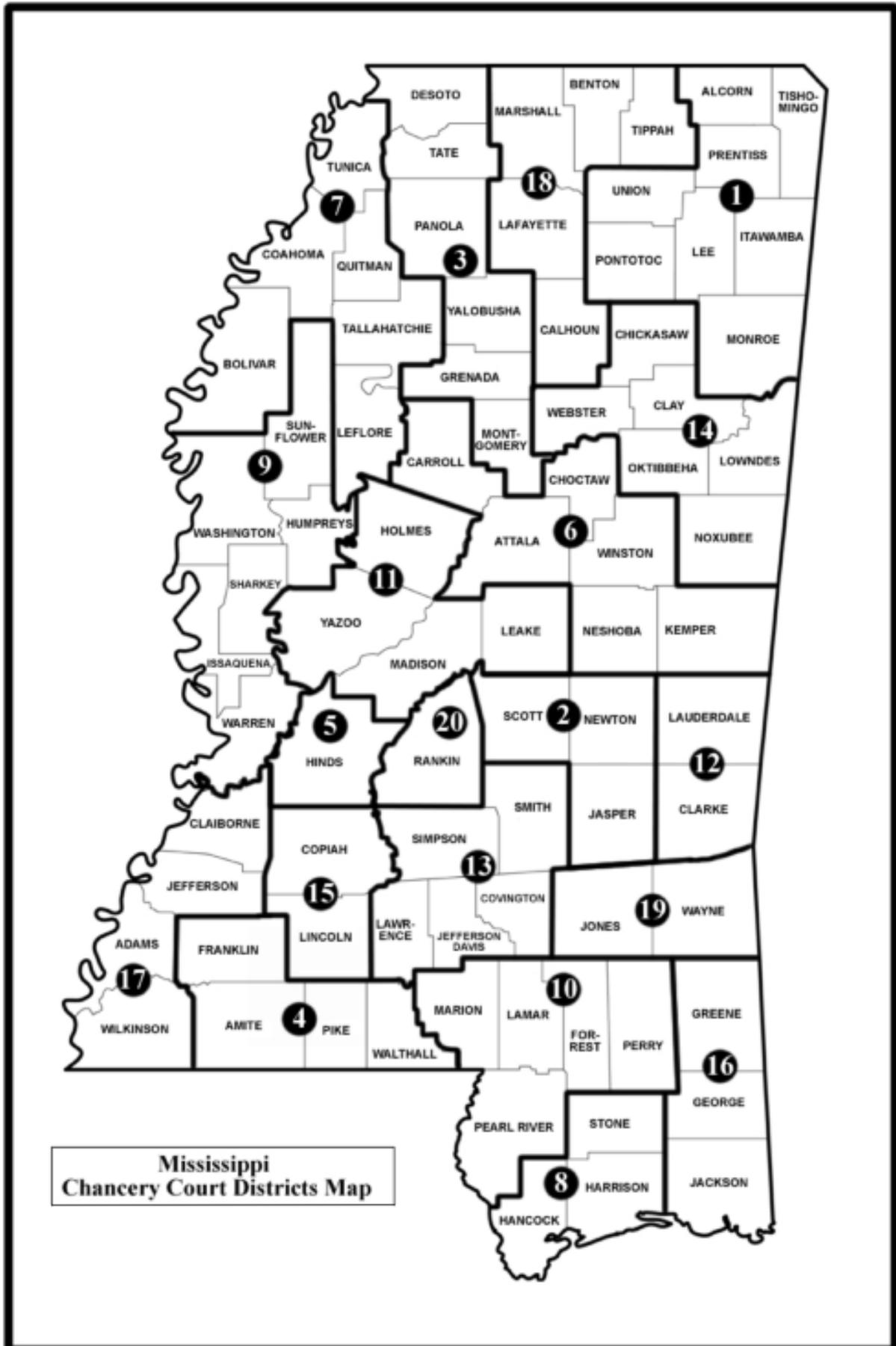
# COURT OF APPEALS DISTRICTS



CIRCUIT COURT DISTRICTS

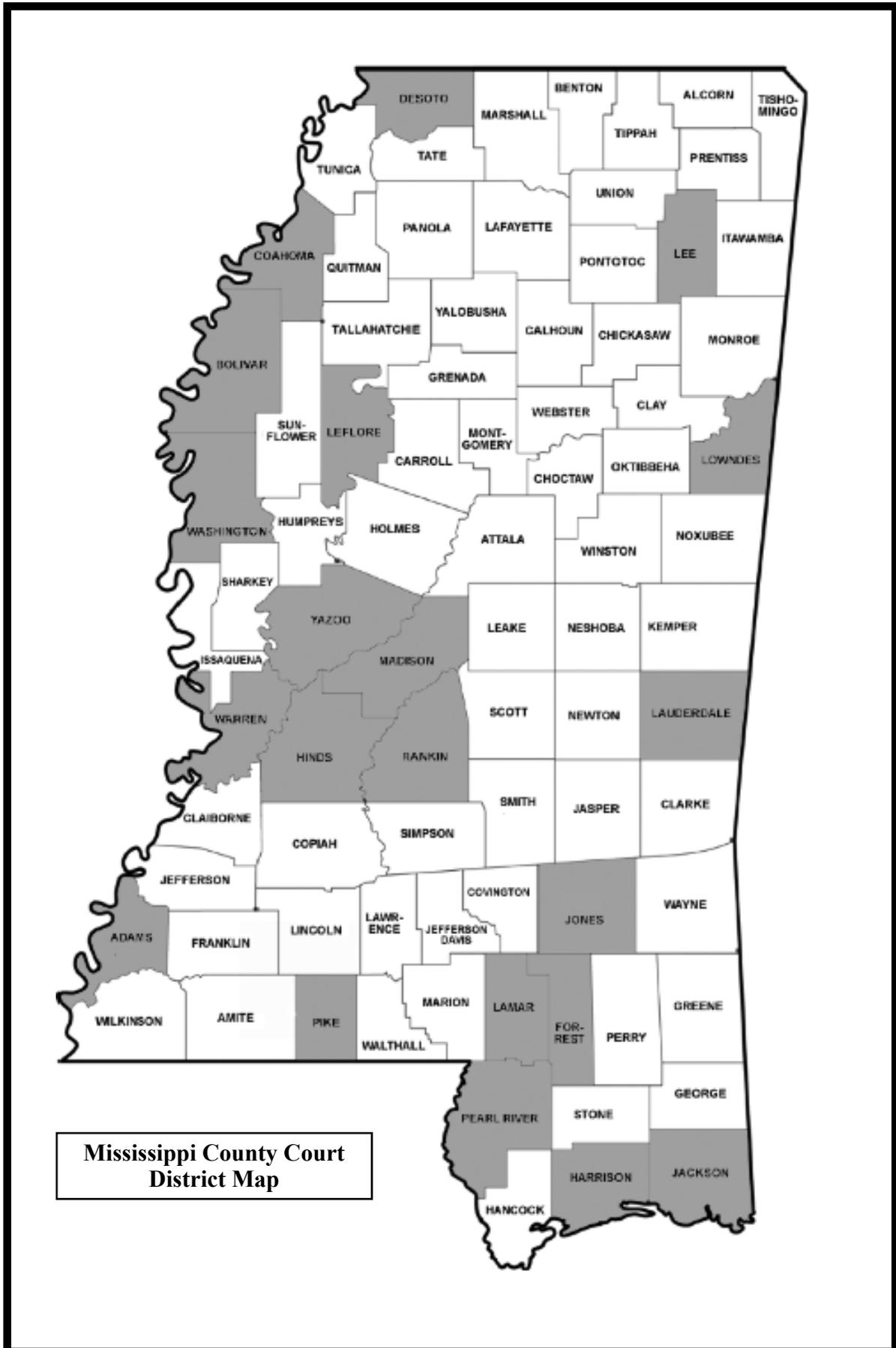


# CHANCERY COURT DISTRICTS



Mississippi  
Chancery Court Districts Map

# COUNTIES WHICH HAVE COUNTY COURTS



Mississippi County Court District Map

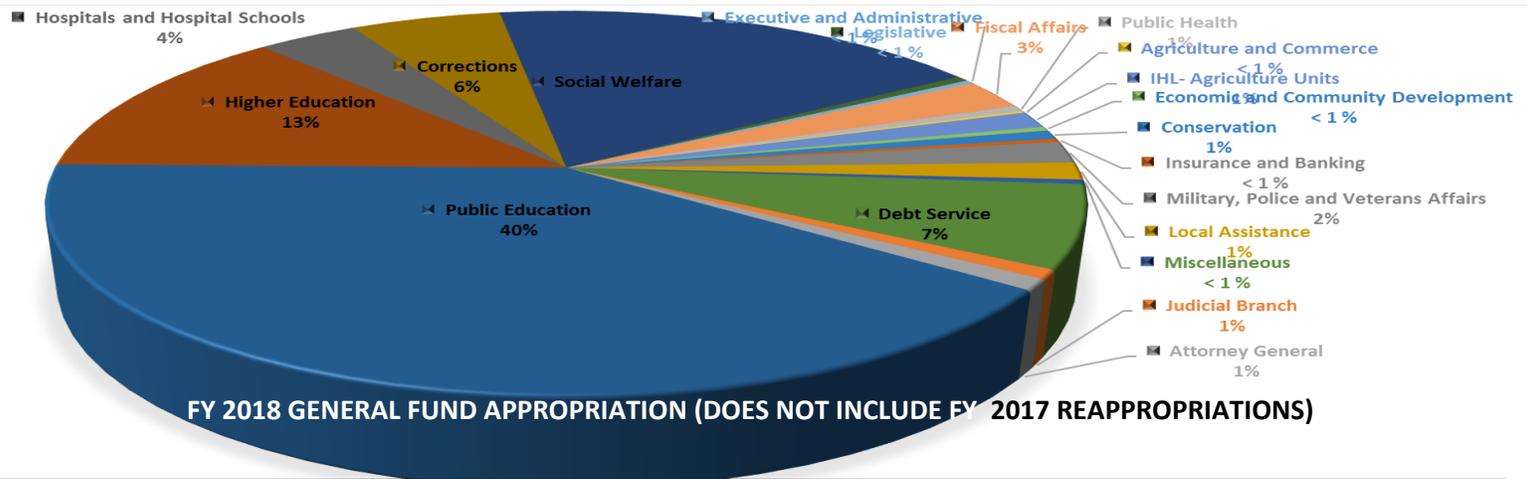
## FUNDING AND ADMINISTRATION OF THE COURTS

The state judiciary is funded by General Fund appropriations with additional funding for specific mandates by way of grants and special funds.

The total 2018 Fiscal Year appropriation for the judicial branch was \$85,471,646, which consists of \$43,094,842 in general funds and \$42,376,804 in special funds. The 2018 Fiscal Year appropriation included \$31,000 of special funds that were transferred to the Judicial Performance Commission, which is included with the Attorney General and is not under the Judicial Branch. This transfer resulted in an actual 2018 Fiscal Year appropriation for the Judicial Branch of \$85,440,646, which consisted of \$43,094,842 (50.44 %) general funds and \$42,345,804 (49.56 %) special funds. Within the context of General Fund appropriations for all of state government, less than 1 percent of the state’s general fund expenditures go to operation of the judicial branch. FY 2018 general fund appropriations for all three branches of state government was \$5,545,463,272.

The General Fund appropriation for the Administrative Office of Courts and all state courts of record, including the Supreme Court, Court of Appeals, 82 circuit courts, 82 chancery courts, and 21 county courts, was \$43,094,842.

The judicial system’s largest expenditure is salaries: \$57,778,606, or 67.60 percent of the entire judicial branch budget,



Judicial Branch	43,094,842		0.7771%
Attorney General	51,060,838		0.9208%
Total Judiciary and Justice per LBO		94,155,680	
Public Education	2,231,769,421		40.2450%
Higher Education	716,124,173		12.9137%
Hospitals and Hospital Schools	207,763,132		3.7465%
Corrections	309,935,445		5.5890%
Social Welfare	1,022,275,471		18.4344%
Legislative	25,010,585		0.4510%
Executive and Administrative	16,655,698		0.3003%
Fiscal Affairs	140,672,182		2.5367%
Public Health	28,337,518		0.5110%
Agriculture and Commerce	8,065,476		0.1454%
IHL- Agriculture Units	77,816,448		1.4032%
Economic and Community Development	19,695,734		0.3552%
Conservation	41,719,437		0.7523%
Insurance and Banking	16,806,109		0.3031%
Military, Police and Veterans Affairs	101,654,667		1.8331%
Local Assistance	80,625,992		1.4539%
Miscellaneous	21,138,712		0.3812%
Debt Service	385,241,392		6.9470%
Total Other		5,451,307,592	
Total General Fund Appropriation FY2018		5,545,463,272	100.00%

including General Fund and Special Fund appropriations. The last of four incremental judicial pay raises went into effect on January 1, 2016. From and after January 1, 2019, and every four years thereafter, the annual salaries of state judges are to be adjusted to the level of compensation recommended by the State Personnel Board according to the board's most recent report on judicial salaries, as required under Section 25-9-115, to the extent that sufficient funds are available. The annual salaries fixed in accordance with this provision shall not become effective until the commencement of the next immediately succeeding term of office. Judicial compensation realignment was approved by the 2012 Legislature and is funded totally by a \$40 fee collected on all civil filings, a \$100 increase in appellate filing fees and various other fees charged by the Clerk of the Supreme Court.

Special funds are critical to the work of the judicial branch. Mississippi Electronic Courts, MEC, an electronic filing system which operated in 55 Chancery Courts and 17 Circuit Courts at the end of 2017, receives no state General Fund appropriation. MEC is funded by a \$10 fee collected on all civil case filings, a \$10 annual registration fee for e-filing system users, and viewing fees of 20 cents per page. The viewing fees are shared equally by MEC and the counties. Other judicial branch entities which receive no General Fund appropriations, relying totally on self-sustaining special fund collections, include the Board of Bar Admissions, the Board of Certified Court Reporters, and the Commission on Continuing Legal Education.

The largest special fund category is the custodial account that pays trial court support staff. County governments pay a portion of the salaries of trial court support staff under Mississippi Code Section 9-1-36. The custodial account is a pass-through for county funds totaling \$16,044,060.

Under Senate Bill 2362, passed during the 2016 Regular Legislative Session, special assessments were transferred to the general fund. Drug courts are now completely funded by general fund allocations. Of the \$43,094,842 in general funds appropriated for the judiciary, \$6,500,000 (15.08%) was allocated to the Drug Courts.

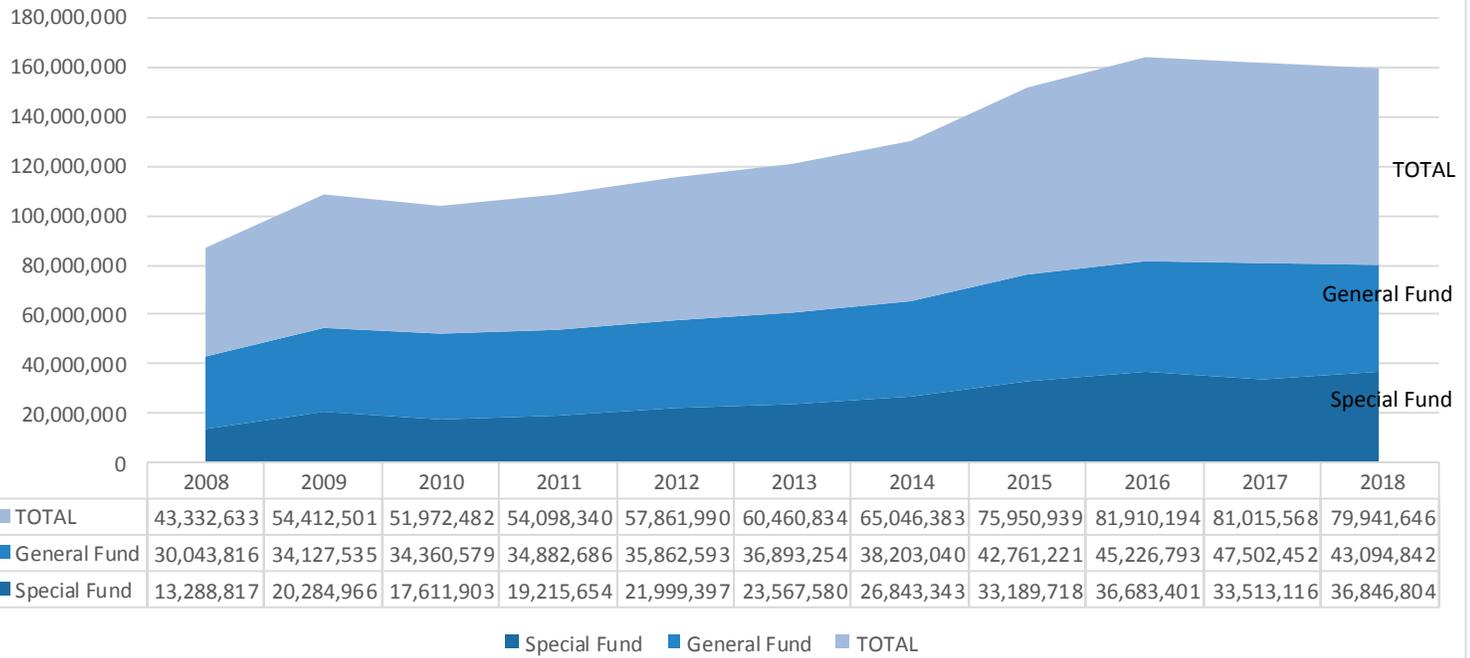
<b>Judicial Salaries</b>	
<b>Effective Through January 1, 2019</b>	
Supreme Court Chief Justice	159,000.00
Supreme Court Presiding Justices	154,833.00
Supreme Court Associate Justices	152,250.00
Court of Appeals Chief Judge	147,578.00
Court of Appeals Associate Judges	144,827.00
Chancery Judges	136,000.00
Circuit Judges	136,000.00
County Court Judges -- Most counties pay \$1,000 less than Chancery and Circuit Judges.	

### **JUDICIAL BRANCH FY 2018 BUDGET**

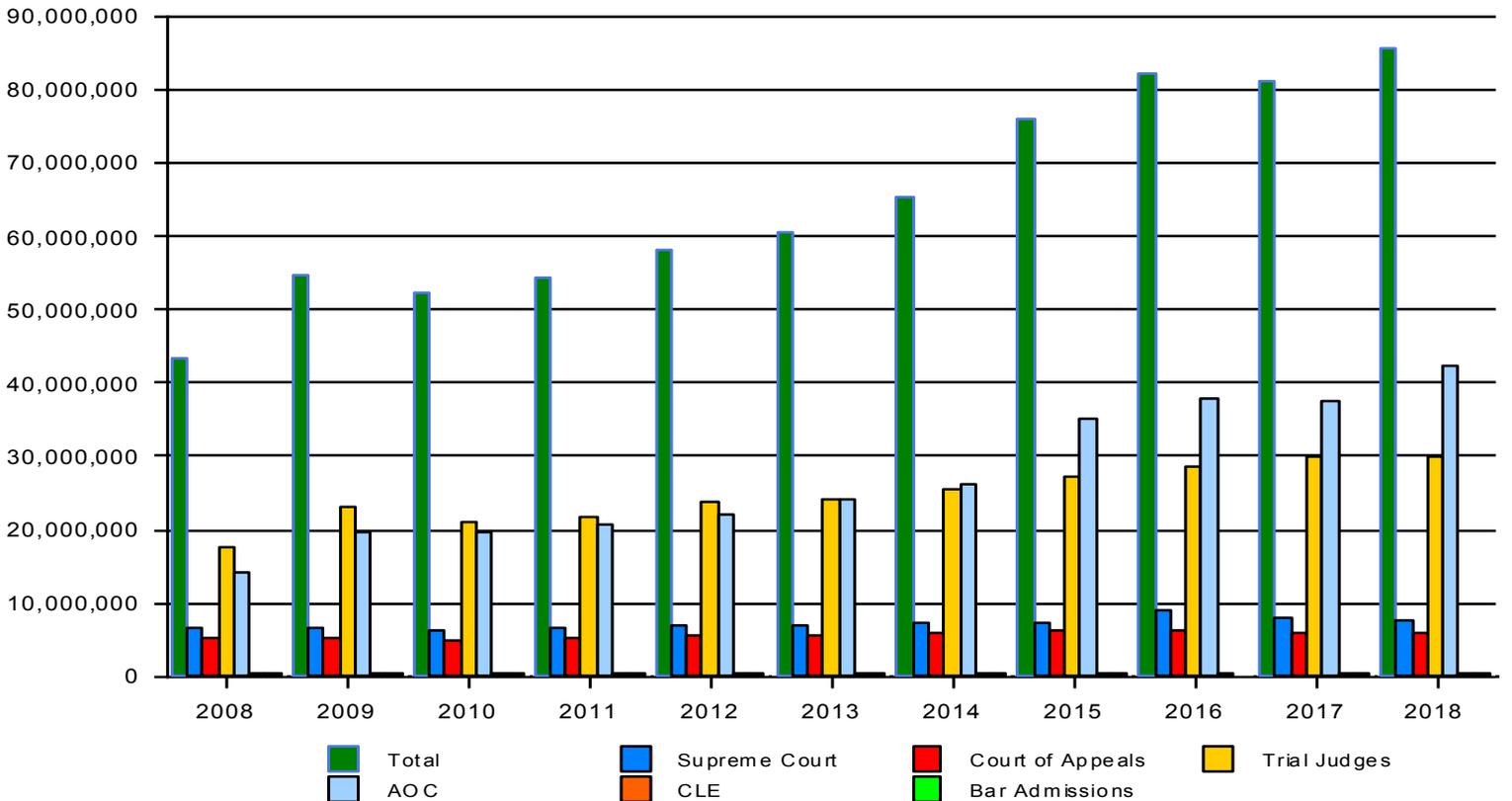
	<b>Supreme Court</b>	<b>Court of Appeals</b>	<b>Trial Judges</b>	<b>Admin Office of Courts</b>	<b>Continuing Legal Ed</b>	<b>Board of Bar Admissions</b>	<b>TOTALS</b>
Salaries	6,292,634	5,241,223	27,687,730	18,264,465	118,554	174,000	57,778,606
Travel	344,000	377,900	854,586	95,450	11,200	23,000	1,706,136
Contractual	219,619	67,925	131,500	909,715	11,728	103,193	1,443,680
Commodities	451,150	16,850	1,089,000	27,335	2,800	38,300	1,625,435
Equipment	110,900	-	-	447,450	-	-	558,350
Subsidies	-	-	-	22,359,439	-	-	22,359,439
General Funds	6,511,192	4,140,791	21,214,373	11,228,486	-	-	43,094,842
Special Funds	907,111	1,563,107	8,548,443	30,875,368	144,282	338,493	42,376,804
<b>Judicial Branch Appropriation</b>	<b>7,418,303</b>	<b>5,703,898</b>	<b>29,762,816</b>	<b>42,103,854</b>	<b>144,282</b>	<b>338,493</b>	<b>85,471,646</b>
No. of PINS	70	58	109	30	2	3	272

The annual budget of the judiciary has grown slightly each year since FY 2010. Leaders of the judiciary have worked extremely hard to secure adequate funding for the judicial branch of government, while providing an efficient, cost effective system of justice for the people of the state of Mississippi.

**General Fund and Special Fund Comparison FY 2008-2018**



**Judiciary Annual Budgets, FY 2008 - FY 2018**





## OUTREACH AND INNOVATION

### Access to Justice Commission

The Mississippi Supreme Court created the Access to Justice Commission by order on June 28, 2006, to develop a unified strategy to improve access to the civil courts for the poor. The Commission is tasked to investigate the need for civil legal services to the poor in Mississippi, and to evaluate, develop and recommend policies, programs and initiatives which will assist the judiciary in meeting needs for civil legal services to the poor.

In May 2017, the Mississippi Supreme Court asked the Commission to help plan and coordinate a Statewide Pro Se Legal Clinic Project for June 2018. Commission leaders conducted a training session for Chancery Court judges and attorneys on Oct. 27, 2017, during the Trial and Appellate Judges Conference in Jackson. The Commission continued to work closely with the Supreme Court to schedule the clinics with the hope that “Pro Se Day” events will be held periodically throughout the state.

Improving the delivery of civil legal services is among the Commission’s priorities. The Commission collaborated with bar associations, Legal Services, the Volunteer Lawyers Project and community partners to host a variety of clinics and workshops to make legal assistance available to the poor. The Commission released a Legal Clinic Toolkit for county bar associations that want to hold legal clinics for low- and moderate-income individuals.

The Commission continued to explore technology that would improve delivery of legal services. In January 2017, the Commission launched a web app, <http://expungemississippi.com>, that allows an app user to determine whether a past conviction or charge is eligible for expungement. The app provides information about expungement workshops and legal clinics.

The Commission, the Young Lawyers Division of the Mississippi Bar and Catholic Charities conducted two CLE seminars to educate pro bono attorneys on how to handle children’s immigration cases. Seventy-three people attended the first “Kids Seeking Safety” seminar, and 20 attended the second.



In October, the Medical-Legal Partnership Subcommittee hosted a Medical-Legal Partnership Roundtable for health care and legal professionals, the second such gathering. Participants discussed ways that health care and legal communities can work together to assist the poor.

The Faith-Based Initiatives Subcommittee held its first Faith+Justice United Legal Advice Clinic with New Horizon Church International in Jackson in September 2017. People seeking services at the clinic received legal advice on criminal law and expungement, family law, social security disability and wills and estates.

Access to Justice Co-Chair Chancellor Jacqueline Mask led a public awareness campaign in the eight counties of the First Chancery District, working with the Commission and local bar associations to host community luncheon meetings to educate community leaders about the availability of periodic free legal clinics. Legal clinics were conducted in all counties in the First District.

The Commission in December 2017 released an economic impact study which showed that three civil legal assistance programs have an annual economic

impact of \$73.4 million in Mississippi. The study performed by Resource for Great Programs on data from 2016 put the total direct economic benefits to civil legal services clients at \$32.4 million. The study calculated the value of Supplemental Security Income (SSI), Security Disability Insurance and other Social Security benefits, Medicare, Medicaid, child support, Supplemental Nutrition Assistance Program, mortgage assistance, foreclosure prevention and other services obtained by legal services programs for poor clients. The study showed that benefits that legal services programs gain for poor people far exceed cost of operating legal services programs.

### Civil Legal Assistance Fund

The Supreme Court in Fiscal Year 2017 distributed \$727,075.77 for civil legal assistance to low income people. The funds are provided to the Mississippi Volunteer Lawyers Project, North Mississippi Rural Legal Services and the Mississippi Center for Legal Services. Since the Civil Legal Assistance Fund was created in 2004, more than \$8.1 million has been disbursed to help poor people to gain access to the legal system. Civil Legal Assistance Fund distributions are paid from special assessments on court filings and from fees charged to out-of-state attorneys appearing *pro hac vice*.

Mississippi has an estimated 695,000 people living at or below poverty level. Legal Services offices turn away half or more of the eligible people who seek legal aid because those offices lack adequate funding and staff. MVLP takes some of the cases referred by Legal Services. Legal Services offices are funded primarily by federal appropriations to the Legal Services Corporation, and programs operate under the threat of further federal budget cuts. Money provided through the Civil Legal Assistance Fund is a significant supplement to the lean budget of these legal services providers.



### Court Interpreter Credentialing Program

Twenty-two credentialed language interpreters were available to assist trial courts across the state at the end of 2017. Credentialed interpreters include 20 Spanish speakers, one Russian speaker, and one who speaks Mandarin Chinese. There is a need for Vietnamese speakers, but none have been credentialed yet. Interpreters live in Biloxi, Brandon, Clinton, French Camp, Gulfport, Hazlehurst, Meridian, Newton, Ocean Springs, Oxford, Tupelo and Vicksburg as well as Cordova, Goodlettsville, Memphis and Nashville, Tenn., and New Orleans.



The first Spanish speaking court language interpreter to be trained and certified under the state's own program was credentialed in June 2017. One other locally trained interpreter, who speaks Russian, attained the state's highest level of court language interpreting credentials in 2015. Interpreters who received credentials during the program's early years were trained in other states and accepted by reciprocity.

The Administrative Office of Courts during 2017 conducted two seminars in Jackson and Long Beach to introduce bilingual



speakers to the requirements for court interpreting. Seminars introduced prospective foreign language interpreters to interpreting in legal settings including the courtroom, depositions and other legal proceedings. Attendance at the seminar is the first step in the program which will train, certify, and test individuals who wish to serve as court interpreters. Court interpreters must understand court proceedings and be fluent in English and a second language.

The credentialing program overseen by AOC provides two levels of proficiency: registered and certified. Ten interpreters are certified, and 12 are registered.

AOC developed the Mississippi Court Interpreter Credentialing Program to assist courts in efforts to provide equal access to justice for limited English proficiency individuals. The program provides judges with a list of language interpreters who have demonstrated proficiency in oral and written interpretation of court proceedings. The rules for court interpreters apply to municipal court, justice court, youth court, county court, circuit court, chancery court and grand jury proceedings.

### **Drug Courts**

Drug courts in Mississippi reached a milestone in 2017 with more than 5,250 people served. The numbers included graduates, people currently enrolled and those who did not successfully complete the program. Statewide, drug courts average more than 3,600 people enrolled at any given time in 42 drug courts. There are 22 adult felony programs, 14 juvenile programs, three misdemeanor programs and three family drug courts.

Attala, Neshoba and Winston counties launched the Sixth Chancery District Youth Drug Court as a combined effort on Aug. 1, 2017. The Youth Drug Court operates in the three most populous counties of the Sixth Chancery District. Juveniles from Carroll, Choctaw and Kemper counties who qualify for drug court services can be placed in one of the programs in Attala, Neshoba or Winston counties. Chancellor Joseph Kilgore oversees the program, and Youth Court referees in each county preside over the cases.



Juvenile drug courts use early intervention and intensive supervision to deter drug use and prevent criminal behavior. In the first phase, participants will be under house arrest and will be subjected to drug testing three times a week. Those who fail a drug screen may be detained. Participants are expected to be under the supervision of the Youth Drug Court for at least a year. Families must be willing to be supportive of their children's participation.

Adult drug courts seek to rehabilitate drug-using offenders through drug treatment and intense supervision with frequent court appearances and random drug testing. Drug courts offer the incentive of a chance to remain out of jail and be employed and the sanction of a prison sentence if participants fail to remain drug-free and in compliance with all program requirements.

One of the 14th Circuit Drug Court's graduates, Rev. Heath Ferguson, gave the opening prayer at the House of Representatives on Feb. 16, 2017. Legislators gave a standing ovation after Ferguson recounted his story of addiction and sobriety. He entered the clinical pastoral education program at Mississippi Baptist Medical Center in 2010, the year he graduated from Drug Court. He became the hospital's Director of Pastoral Care and Faith Relations in 2016.

Opioid abuse has been a problem for drug courts since their inception. As the opioid crisis grew, drug courts reached beyond their traditional treatment and supervision role to assist with emergency intervention. In August and September 2017, Drug Courts in Circuit Districts 1, 4, 8, 14, 19 and 20 served as partners with the Department of Mental Health to distribute the life-saving drug Narcan (naloxone) to law enforcement and first responders and train them how to administer the drug in cases of opioid overdose.

Drug courts began to seek out grant funding to offer mental health screening and treatment. The Third Circuit Drug Court, which includes Benton, Calhoun, Chickasaw, Lafayette, Marshall, Tippah and Union counties, received approval for an \$850,000 grant Oct. 1, 2017. The Fourth Circuit Drug Court, made up of Leflore, Sunflower and Washington counties, received approval in September 2017 for a \$400,000 grant. The 15<sup>th</sup> Circuit Drug Court, which includes Jefferson Davis, Lamar, Lawrence, Marion and Pearl River counties, benefits from two grants obtained by Pine Belt Mental Healthcare Resources. In October 2016, funds became available from the Bureau of Justice Assistance to pay salaries of a clinician and a peer support specialist to assist Drug Court participants. The BJA grant totals \$898,209 to be spread over three years. In October 2017, funds became available from a grant from the Substance Abuse and Mental Health Services Administration to help pay for drug rehabilitation treatment at Clearview Recovery Center. The SAMHSA grant totals \$898,131, to be spread over three years.

<b>2015-2016-2017 Calendar Year Drug Court Comparison</b>			
	2015	2016	2017
Total drug court programs	42	41	42
Total people served by drug courts statewide	4,042	4,993	5,257
Drug court graduates	563	772	757
Drug-free babies born	78	62	60
Participants who earned GEDs	74	133	148
Previously unemployed who found jobs	861	1,016	980
Fines collected and returned to county general funds	\$1,171,050.37	\$1,226,199.59	\$1,268,580.16
Fees paid by participants offset cost of operating drug courts	\$1,551,919.30	\$1,633,477.83	\$1,661,875.61
Hours of community service work by participants	24,920.5	29,251	27,323.5

### **State Drug Courts Advisory Committee**

The State Drug Courts Advisory Committee oversees the development and operation of Mississippi’s drug courts. The Advisory Committee was established by the Mississippi Legislature in 2003 to recommend improvements to drug court policies and procedures. The Advisory Committee sets funding formulas for drug courts, and it is responsible for developing statewide evaluation plans and models for monitoring critical aspects of drug court operations.

The Committee began studying the effects of the opioid epidemic on drug courts and exploring Medication Assisted Treatment, MAT. Traditional methods of treatment and counseling may not be enough when treating opiate addicts. Several drug court programs have expressed interest in MAT in clinical settings. The treatment is expensive, and only five facilities in Mississippi currently offer it. They are located in Biloxi, Jackson, Meridian and Walls.

### **Commission on Children’s Justice**

The Mississippi Supreme Court charged the Commission on Children’s Justice with developing a statewide comprehensive approach to improving the child welfare system; coordinating the three branches of government in assessing the impact of government actions on children who are abused or neglected; and recommending changes to improve children’s safety, strengthen and support families and promote public trust and confidence in the child welfare system. The Commission’s efforts have grown to include numerous programs, described in the following subsections:

#### **Guardian ad Litem Study Group**

Since January 2017, the Mississippi Judicial College has convened a Guardian ad Litem Study Group consisting of members of the Children’s Justice Commission, officials of child welfare agencies, members of child advocacy groups, educators, practicing guardians ad litem, and other stakeholders throughout the state to improve guardian ad litem training and education programs and resources; to bring uniformity, efficiency, and clarity to guardian ad litem practices; to ensure compliance with federal laws that impact funding; and to initiate the development of a uniform guardian ad litem reporting system. Under Miss. Code. Ann. § 43-21-121, the Mississippi Judicial College is responsible for determining the amount of child protection and juvenile justice training needed in order to be eligible for appointment as a guardian ad litem in youth court proceedings.



## Indigent Parent Representation

A Parent Representation Committee grew out of the work of the Commission on Children’s Justice. Members of the Committee continue to seek public and private funding to maintain and expand pilot programs that provide attorneys for indigent parents facing allegations of abuse and neglect in Youth Court.

In 2017, Bolivar, Hinds and Jackson counties began providing parent representation attorneys with grant funding. The Lafayette County Board of Supervisors funded a part-time parent representation attorney. A total of 11 counties were providing parent representation at the end of 2017.

The pilot program to provide indigent parents with attorneys began in Adams, Forrest and Rankin counties in 2012; Harrison County joined the program in 2013. Before 2012, Madison County was the only county known to provide county funded parent representation. That practice dated back to at least the early 1980s. The number of counties has grown with the help of Casey Family Programs, the Kellogg Foundation and the willingness of county boards of supervisors to provide matching funds. The 2017 Legislature provided \$200,000 funding for parent representation. The Parent Representation Task Force has urged an increase in state funding to sustain and expand parent representation.

All but one pilot county that implemented parent representation between 2015 and 2017

saw a decrease in the number of children removed from custody in the year parent representation began, according to data from the Department of Child Protection Services. Hancock, DeSoto, Bolivar, Hinds and Jackson counties saw decreases, while Lafayette County saw an increase. Hinds County saw a 30 percent decrease in court ordered removals of children from parents’ custody in Youth Court cases of suspected abuse and neglect during 2017. Two parent representation attorneys went to work in February and March 2017. Hinds County Youth Court removed 187 children from parents’ custody between Feb. 1, 2017, and Jan. 31, 2018, the first year that parent representatives were at work. That compares to 268 children removed from parents’ custody during the previous 12 months without parent representation. The 30 percent decrease in Hinds County bucked a five-year statewide upward trend in placement of children in foster care. Other changes may have influenced the 30 percent decrease in Hinds County, but the work of the parent representation attorneys is thought to be a significant factor.

Parent Representation Pilot Program									
		2011	2012	2013	2014	2015	2016	2017	
		Children removed from parents' custody							
County	Year Parent Rep began								
Adams	2012	28	30	28	13	14	24	22	
Forrest	2012	20	44	76	112	94	90	122	
Rankin	2012	75	90	80	172	187	134	103	
Harrison	2013	435	489	616	645	604	644	765	
Hancock	2015	159	185	300	278	157	218	219	
DeSoto	2016	43	50	64	88	69	102	57	
Bolivar	2017	5	15	23	17	35	17	12	
Hinds	2017	327	261	390	395	451	253	196	
Jackson	2017	210	173	185	165	202	201	178	
Lafayette	2017	15	8	16	17	14	14	34	
Madison	1980s	45	26	31	31	24	30	41	

## Rescue 100

Justice Dawn Beam, who dealt with abused and neglected children as a chancellor, spearheaded efforts to address the shortage of foster parents. Rescue 100, which began in 2015, sped up the training and licensing of foster homes by recruiting through churches, then offering three days of intense foster parent training. Six Rescue 100 trainings were conducted in 15 months under Justice Beam’s leadership. The effort was a collaborative effort among the courts, state and local agencies, churches and other community resources. When Presiding Justice Jess H. Dickinson left the bench to lead the Department of Child Protection Services in September 2017, Rescue 100 was absorbed into the work of CPS. Justice Dickinson’s path to CPS started with his son Michael Dickinson’s involvement with what became the first Rescue 100 at Michael Memorial Baptist Church in Gulfport in 2016.



## ReNewMS

ReNewMS aimed to reduce and prevent child abuse and neglect by helping parents break the cycle of drug addiction. The pilot program focused on a renewed approach to address the rise in women with addictions who face a significant risk of losing one or more children. First Lady Deborah Bryant and Supreme Court Justice Dawn Beam were ReNewMS co-chairs.

Efforts were directed at counties with the highest incidence of children removed from parents' custody — Hancock, Pearl River and Marion counties. ReNewMS sought to provide drug treatment and prevention services and other social services in an attempt to help parents and expectant mothers to become and remain drug-free. Emphasis was on healing and reuniting families. ReNewMS worked to provide intervention, counseling, intensive outpatient/inpatient therapy, medication assisted therapy, nutrition and wellness.

ReNewMS sought collaboration with the courts, Department of Child Protection Services, the Division of Medicaid, Department of Mental Health, Department of Health, Pharmacy Board, the Children's Advocacy Center and the Mississippi Hospital Association. The pilot program convened state leadership for strategies, identified mothers through attendance at court hearings and referrals of guardians ad litem, and pushed for priority beds at treatment. The effort fostered positive relationships, explored some of the underlying causes of substance abuse, completed referrals for mental health assessments/intensive therapeutic services with Pine Belt Mental Health Resources and engaged Mississippi Health Access Initiative and the Division of Medicaid to assist in expediting applications for Medicaid eligibility.

Clients were extended assistance in locating affordable housing with Mississippi Region VIII Housing Authority, received accommodations through Open Doors Homeless Coalition, explored employment opportunities, and were directed to support services at Woodlawn Rediscovery Center focusing on parenting skills, Alcoholics and Narcotics Anonymous classes, GED prep, anger management, and Alcohol and Chemical Treatment Series (A.C.T.S.).

Justice Beam and her office staff did extensive work to develop a model for a website that would guide parents and guardians to assistance and resources. The prototype was provided to Child Protection Services.

When Presiding Justice Jess H. Dickinson left the bench to lead the Department of Child Protection Services in September 2017, the work of the ReNew team was taken over by CPS.

## Resident Jurist

Former Adams County Court and Youth Court Judge John N. Hudson, who became Resident Jurist in April 2015, is a resource person to the judicial system and to local courts on issues such as child abuse reporting, termination of parental rights, general child protection services issues of competency in court proceedings, indigent parent representation, truancy/education neglect and crossover youth.



The Resident Jurist worked to increase funding to maintain and expand parent representation programs. He worked with the Indigent Parental Representation Task Force to continue the pilot sites that provide attorney representation to indigent parents, implement new pilot sites and secure additional funding to operate the program. He met regularly with parent attorneys to discuss emerging issues in their local courts and offer help in resolution.

The Resident worked to increase federal funding for the support of children in foster care. Title IV-E of the Social Security Act provides for federal reimbursement for a portion of the maintenance and administrative costs of foster care for children who meet specified federal eligibility requirements. Mississippi has a 28 percent Title IV-E reimbursement rate. Part of the reason for the low rate is that individual children's IV-E eligibility is not correctly documented in court orders. Judge Hudson has worked extensively to train CPS workers and judges in correctly documenting IV-E eligi-

bility requirements. By increasing the number of children receiving federal dollars for their ongoing support, Mississippi could reduce state tax dollars spent on foster care. He began work with IT personnel at the Supreme Court to draft new court order language in MYCIDS, the statewide youth court data system, to conform with eligibility requirements and provide instruments for statewide tracking of compliance.

The Resident Jurist met with legislators and participated in legislative committee meetings to educate legislators on the needs of youth court and child welfare. He created position papers on legislative proposals to advise of the impact of pending legislation. He edited the first Jurist in Residence Letters to all youth court judges addressing needs of the youth court judiciary.

He presented at various conferences on youth court issues, including multi-disciplinary state-wide training on collaborative practices, the Youth Court Judges annual conference, and the Mississippi Youth Court Prosecutor's Conference.

The Resident Jurist worked closely with the Commissioner of the Mississippi Department of Child Protection Services to identify and address emerging issues in child welfare and the courts. He worked with a local jurisdiction to address the need for an additional judicial post to properly handle the child welfare docket and in another jurisdiction to mediate differences to help accomplish a responsive system.

The Resident Jurist worked with Children's Advocacy Centers and a task group to develop a plan to address the release of forensic interview DVDs and the need to maintain confidentiality of that information. He continued to work with the Juvenile Detention Alternatives Initiative State Advisory Group to develop a statewide risk assessment instrument for youth and children to assess the necessity of placement in a detention setting. The objective is to ensure that only those youths who are a safety risk are placed in detention. He worked with the Attorney General's Office and AOC to improve court processes in dealing with victims of human trafficking.

The Resident Jurist is an adjunct member of the Casey Family Program's National Judicial Engagement Team. In that role, he works with other members of the team to develop scientific based practices to improve judicial engagement in child welfare systems across the nation. Most recently, he worked with the team to replicate the Jurist in Residence program nationally.

The Resident Jurist serves on boards and committees including Kids Count, Children's Advocacy Centers of Mississippi, the Methodist Children's Home, the Guardianship Task Force, the Indigent Parent Representation Committee, and the Attorney General's Mental Health Task Force. He also works with local leaders to develop task forces in local communities addressing issues which relate to the fair, effective and efficient administration of courts.

### **Commission on Guardianship and Conservatorship**

The Supreme Court on April 13, 2017, created the Mississippi Commission on Guardianship and Conservatorship to develop recommendations to improve the way the courts protect children, vulnerable adults and estates. Justice Dawn Beam and Mississippi Judicial College Executive Director Randy Pierce serve as co-chairs of the 26-member commission.

The Supreme Court's order 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 guardianships of the estate; modernizing the guardianship process through active court monitoring and oversight; and promoting transparency of the guardianship process to protect individual rights."

The Commission met for the first time in May 2017. The Commission divided into three subcommittees: Guardianship of the Person, Adult; Guardianship of the Person, Child; and Guardianship of the Estate. The full Commission meets quarterly. The group has held meetings with identified community stakeholders, such as representatives of the banking industry and the



AARP. The Commission is working with Mississippi Electronic Courts to implement changes concerning administrative, environmental, and accounting factors. The Commission has explored the use of forms and basic templates to ensure that laws and rules are applied uniformly across the state.

The Commission is expected to present recommendations for rule and statutory changes to the Supreme Court and the Legislature by fall 2018.



## **Reentry Council**

The Reentry Council works to create effective strategies to assist former inmates in their return to society, reduce recidivism, provide ample funds for operating the state prison system and improve public safety. The Council seeks ways to help former inmates find employment, housing, transportation, medical and mental health services. The Reentry Council began as an ad hoc group in December 2013 and was formalized by the Legislature in 2015. U.S. District Judge Keith Starrett of Hattiesburg is chairman of the Reentry Council. Presiding Justice Jess H. Dickinson was the court's representative on the Council until he left the bench to head the Department of Child Protection Services in September 2017. Presiding Justice Jim Kitchens took his place on the Council. The Council has a 12-member steering committee.

The Reentry Council in 2016 proposed to contract with the non-profit Young People in Recovery to work toward implementing a reentry program for inmates and former inmates on probation. YPR has proposed starting pilot sites in Jackson, Hattiesburg and Tupelo. The Reentry Council hoped to implement the pilot program with the assistance of volunteers, non-profits and faith-based groups. However, the proposal stalled when the Bureau of Justice Assistance declined to allow terms of the funding grant to be modified to hire YPR. The original grant had called for hiring a single person as director for the Reentry Council. Efforts to secure alternative funding in 2017 were unsuccessful, but are continuing.

One of the council's primary goals is to obtain increased programming in the local communities.

## **Mississippi Electronic Courts**

The Mississippi Electronic Courts system, MEC, under the supervision of the Mississippi Supreme Court, is adapted from the electronic filing system and case management system used in federal district courts. MEC allows courts to file, store and manage case files in an electronic format which is accessible via the Internet to judges, court staff, attorneys and the public 24 hours a day.

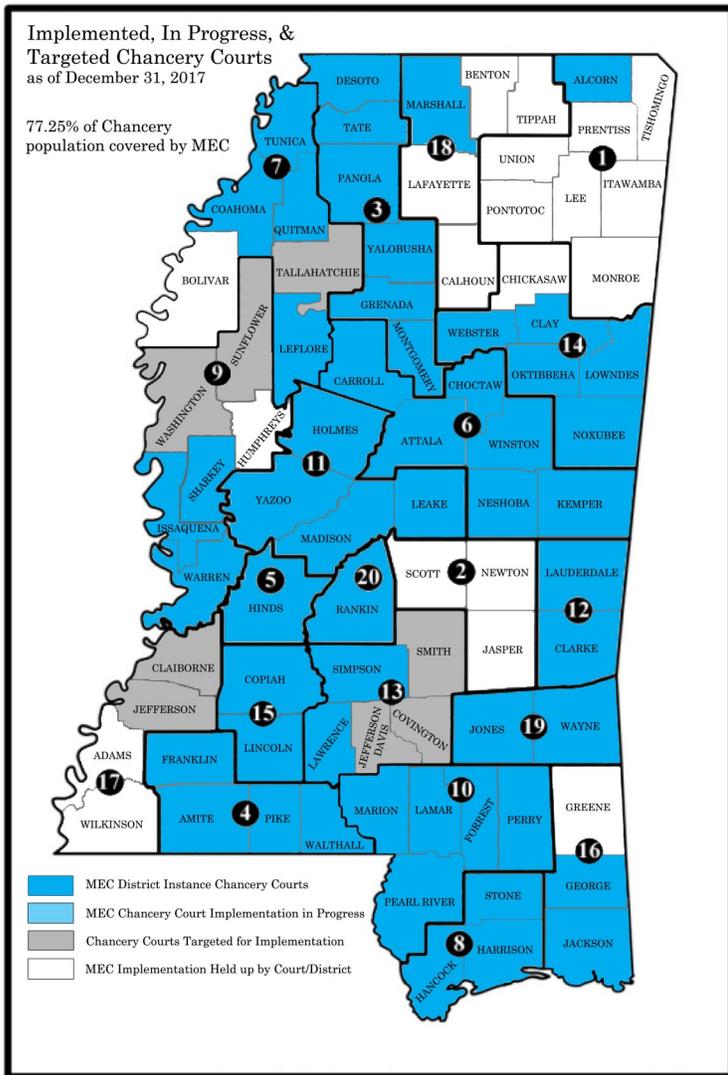
MEC is currently utilized in 54 chancery courts and 17 circuit courts. Seven of the 17 circuit courts utilize MEC for criminal records. Counties using criminal records e-filing as well as civil e-filing are Clay, Hinds, Jasper, Jefferson Davis, Jones, Lawrence, and Tate. The other eight circuit courts utilize MEC only for civil cases. Circuit courts already using civil e-filing and planning to add criminal e-filing are Madison, Pearl River, Lamar and Marion counties.

MEC emphasizes district-wide implementation of e-filing for maximum efficiency. In courts that use MEC district-wide, judges and court staff are better able to track cases and coordinate scheduling of court proceedings. Judges and staff are able to file and view documents from all counties in the district via the Internet. Chancery court districts which use MEC district-wide include districts 3, 4, 5, 6, 8, 10, 11, 12, 15, 19 and 20. The 7th, 15th and 20th Circuit Districts have MEC district-wide. Circuit districts that have requested MEC and are awaiting implementation include Districts 3, 5, 8, 11, 14, 19 and 22.

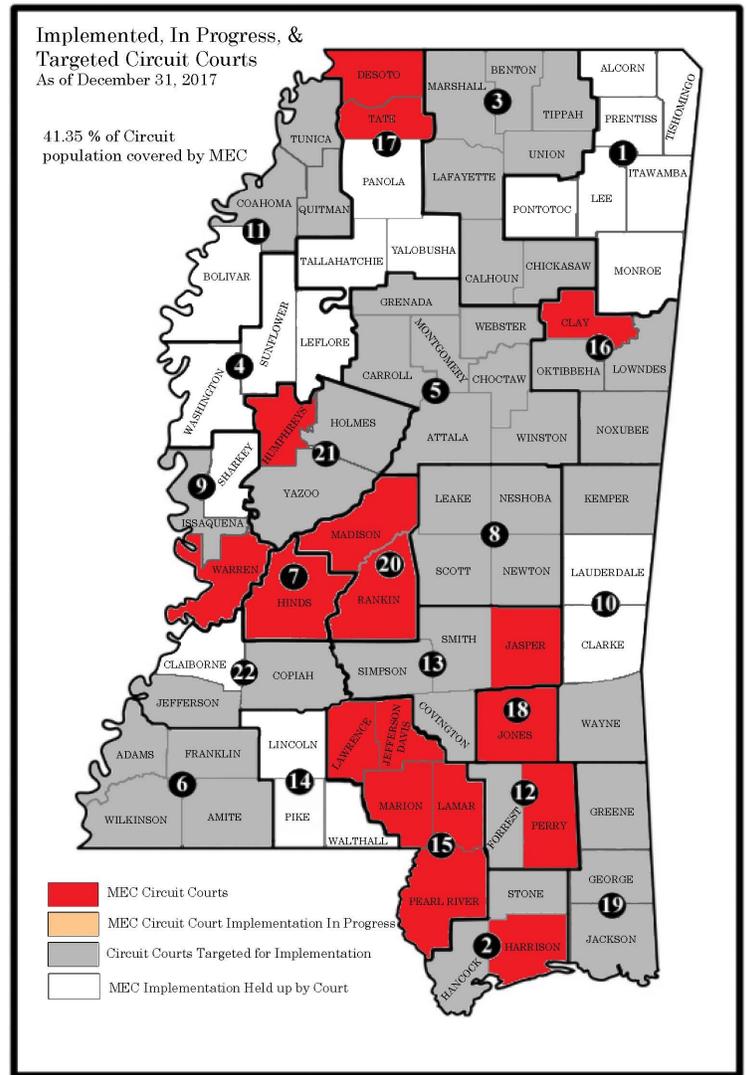
All MEC Chancery and Circuit civil courts are able to electronically transfer the notice of appeal, other required accompanying documents and the record on appeal via a new Auto Record Transfer initiative. MEC will expand this initiative, allowing criminal cases to be electronically transferred. This eagerly awaited feature eliminates the time-consuming task of physically photocopying and assembling the record on appeal. What once took days can be accomplished in minutes, freeing clerks' staff time. Sealed and consolidated cases will continue to be filed conventionally as paper records. Also, cases in which the notice of appeal had already been conventionally filed at the time this initiative was implemented, will continue in that manner.

MEC is working to interface data with non-judicial agencies. MEC completed work to provide divorce data to the Mississippi Department of Health Vital Statistics Division. MEC provides the data to Vital Statistics via a private, secure server. Vital Statistics is developing a process to import the divorce data provided by MEC. MEC is working to modify its process and

## Mississippi Chancery Courts District Implementation Map



## Mississippi Circuit Court Districts MEC Implementation Map



train court clerks to collect required data during the child support case life cycle in order to allow MEC to interface this child support data with the Mississippi Department of Human Services Child Support Division. These enhancements will help the Child Support Division meet requirements in populating the Child Support Federal Registry.

MEC identified and developed a more efficient and affordable system by configuring the servers to host MEC courts at the district level rather than the court level. The migration of all existing MEC chancery courts was completed in June 2016 (FY 2016). During FY 2017, MEC converted its database to allow for the hosting on more affordable servers rather than hosting on the expensive mainframe-based environment. MEC was able to discontinue the need for procuring the expensive mainframe-based database licenses. Consolidation of the web servers is projected to create an annual savings of \$285,000 by the time all chancery courts utilize MEC. An additional projected savings of \$235,000 a year will result from decommissioning the mainframe database hosting. The database migration of all existing MEC circuit courts was completed in August 2017; migration of chancery courts was completed in October 2017.

The MEC system is funded solely through collection of civil filing fees and usage and renewal fees. MEC has a total of 6,555 registered attorney users and 4,185 non-attorney users. Since its inception, MEC has generated usage fees totaling \$1,239,806.80. Those funds are divided equally between the clerks of the court and MEC.

## Information Technology

The Information Technology Division of the Supreme Court and the Administrative Office of Courts consists of a small staff of software developers, systems administrators, business systems analysts/trainers, and a webmaster. Their responsibilities include the purchase, installation and maintenance of all computer and network equipment in the appellate courts and some trial courts; development, training, and support of several software systems including but not limited to the appellate court case management system CITS, the appellate court e-filing system, the statewide Youth Court case management system MY-



CIDS, the AOC statistical system SCATS, the Board of Bar Admissions online Bar exam application system BarWeb, and the design and maintenance of the State of Mississippi Judiciary website.

Construction was completed in 2017 on the new IT data center and offices on the first floor of the Gartin Justice Building. During a holiday weekend in November 2017, IT dismantled all of the server hardware and networking infrastructure in the old basement data center and relocated it while completely re-cabling and reconfiguring it in the new data center. All of this was accomplished with no downtime during business hours.

IT continued working with the Mississippi Electronic Courts department as they expanded the availability of electronic filing of the notice of appeal and the record on civil cases throughout the trial courts using MEC.

Supreme Court justices and Court of Appeals judges became able to electronically sign orders in a new module in CITS.

IT also developed a new appellate e-filing module for the website. This module integrates e-filing directly into the online general case docket. Since the website is mobile-friendly, attorneys will be able to e-file documents from a smartphone or tablet via the cloud services DropBox, Google Drive, Microsoft OneDrive, and Apple iCloud. The expected release date for the beta is early 2018. The original appellate e-filing website will remain online as well for a short period of time.

An updated version of the BarWeb system used by the Board of Bar Admissions staff was in development. This new version adds many more features for applicant data collection and exam management with the goal of completely replacing the legacy in-house database management system. The expected release date is early 2018.

### **Mississippi Youth Court Information Delivery System (MYCIDS)**

The Mississippi Youth Court Information Delivery System, MYCIDS, is a technology program designed to help Youth Courts organize work and records efficiently and save staff time and resources. MYCIDS includes electronic docketing and record keeping for delinquency, abuse and neglect cases. Case tracking features assist court staff in scheduling all hearings and other events required by law to occur within a specific time. Judges and court staff are able to track juveniles' encounters with multiple jurisdictions. Computer hardware, staff training and a help desk are provided by the Supreme Court at no charge to local courts.

In 2017, 225 training sessions encompassing 682 hours of MYCIDS training were held in 59 of the 82 youth courts. Termination of Parental Rights (TPR) training was held in seven county courts.

Legislative mandate and the *In re Olivia Y.* lawsuit require extensive and continuous training. Training must continue year round to keep up with the high turnover rate of social workers.

Design plans to modify MYCIDS to reflect changes in permanency and TPR statutes are under way. Preparations are being made to include the Juvenile Detention Alternative Initiative (JDAI) detention assessment tool into MYCIDS. The tool will assist youth courts, law enforcement and detention centers in determining if placement in detention centers is appropriate.

The MYCIDS team also gave presentations at the Mississippi Court Administrators conference, Mississippi Youth Court Prosecutors conference and the Mississippi Youth Court Judges and Referees Seminar.



## THE APPELLATE COURTS OF MISSISSIPPI

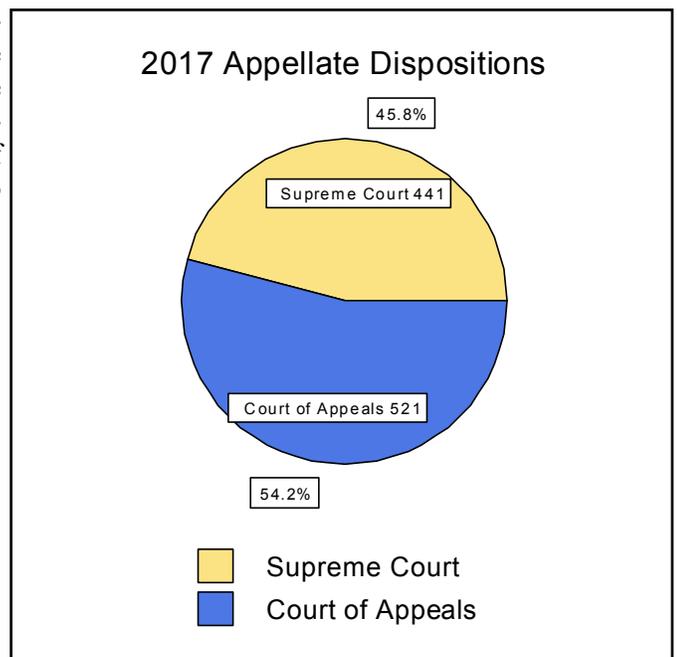
### The Mississippi Supreme Court

All appeals from the Circuit, Chancery and Youth Courts of the state come to the Supreme Court. Appeals from the Justice Courts go to the Circuit Courts or to the County Courts where available. County Court appeals are to either the Circuit Courts, the Chancery Courts, or the Supreme Court, depending on the subject matter and type of case.

Certain appeals are, as a class, retained and decided by the Supreme Court. Others may be assigned by the Supreme Court to the Court of Appeals. In deciding whether to retain a case, the Supreme Court considers the uniqueness of the case, the likelihood that its decision will be of important precedential value, whether it raises issues of first impression or interpretation, and the relative workloads of the two appellate courts.

Cases which must be retained by the Supreme Court are those which involve:

- (a) imposition of the death penalty;
- (b) utility rates;
- (c) annexations;
- (d) bond issues;
- (e) election contests;
- (f) a trial court's holding a statute unconstitutional;
- (g) bar discipline matters;
- (h) judicial performance matters;
- (i) certified questions from federal court.

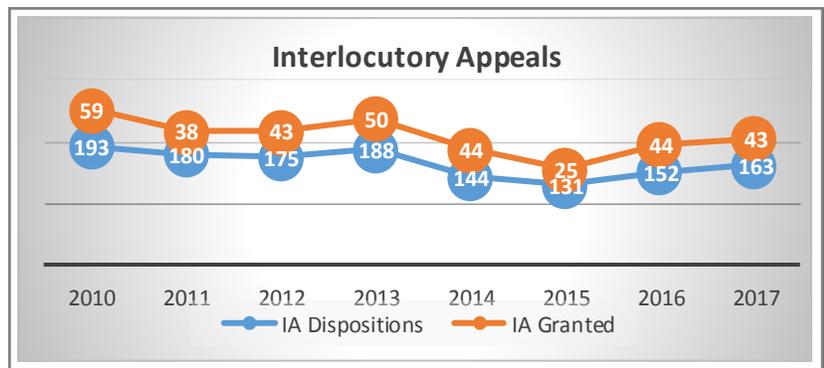
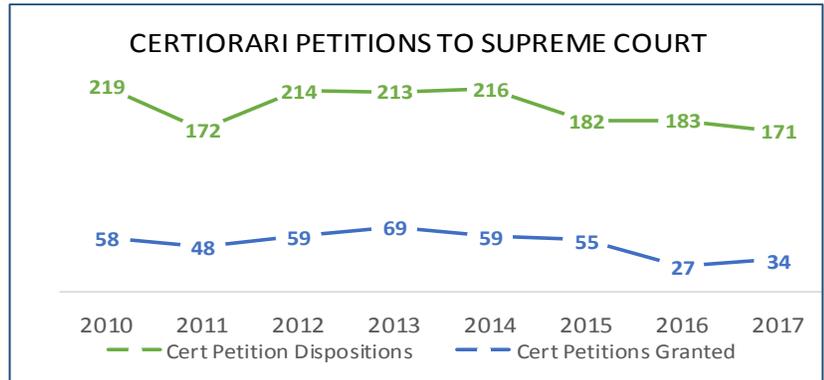


In addition to its workload of retained cases, the Supreme Court decides all interlocutory appeals and all petitions for writ of certiorari from the Court of Appeals, and has significant administrative responsibilities such as rule making obligations ranging from rules of procedure to Bar admissions.

In 2017, the Supreme Court disposed of 441 cases. Of those, 202 cases were decided on the merits. The remaining cases were dismissed. Of the 156 *appeals* decided on the merits, 113 (72.4 percent) were civil, and 43 (27.6 percent) were criminal. Of the 113 civil appeals decided on the merits, 63 (55.8 percent) were affirmed, and 50 (44.2 percent) were reversed or vacated. Of the 43 criminal appeals decided on the merits, 37 (86.0 percent) were affirmed, and 6 (14.0 percent) were reversed.

The Supreme Court disposed of a total of 3,638 motions and petitions during 2017. This included 53 motions for rehearing, of which 51 (96.3 percent) were denied, 1 (1.9 percent) was dismissed, and 1 (1.9 percent) was granted. Pursuant to Rule 5 of the Mississippi Rules of Appellate Procedure, the Court disposed of 163 petitions for interlocutory appeal. Of those, 106 (65.0

2016-2017 Appellate Case Filings	2016	2017
Notices of Appeal, General	863	732
Death Penalty Direct Appeal	0	1
Death Penalty PCR Applications	7	2
Bar Discipline Cases	4	1
Bar Discipline Appeals	1	4
Bar Reinstatement Cases	2	4
Judicial Performance Cases	4	0
Annexation Cases	0	1
Election Contests	6	1
Interlocutory Appeals Granted	44	37
Certiorari Petitions Granted	27	40
Workers' Compensation Appeals	24	27
Utility Rate Cases	1	0
Federally Certified Questions	0	1
Total New Cases Filed	983	824



2016—2017 Case Dispositions						
	Supreme Court		Court of Appeals		Courts Combined	
	2016	2017	2016	2017	2016	2017
Dismissed by Clerk's Rule 2 Notice	78	62	30	21	108	83
Dismissed by Order of Court	155	170	22	18	177	188
Cert Petitions Dismissed after Grant	3	7	NA	NA	3	7
Decided by Published Opinion	154	171	500	478	654	649
Per Curiam Affirmed	4	7	NA	NA	4	7
Decided by Order	7	24	27	4	34	28
Total Case Dispositions	401	441	579	521	980	962

percent) were denied, 43 (26.4 percent) were granted, and 14 (8.6 percent) were dismissed or had other dispositions.

In 2017, the Supreme Court disposed of 171 petitions for writ of certiorari. Of those, 34 (19.9 percent) were granted; 130 (76.0 percent) were denied; and 7 (4.1 percent) were dismissed.

2016—2017 Dispositions of Rehearing Motions, Interlocutory Appeals and Cert Petitions						
	Supreme Court		Court of Appeals		Courts Combined	
	2016	2017	2016	2017	2016	2017
Motions for Rehearing	62	53	250	228	312	281
Petitions for Interlocutory Appeal	152	163	0	0	152	163
Petitions for Certiorari	183	171	0	0	183	171

The Supreme Court heard oral arguments in 27 cases in 2017.



### **Court of Appeals of the State of Mississippi**

The Court of Appeals does an outstanding job of deciding a large number of direct appeals. The Court of Appeals is sometimes referred to as an error corrections court. Typical cases assigned to the court of appeals are those in which the law is already settled. These cases may deal with evidentiary issues which arose during the trial and with the weight and sufficiency of the evidence supporting the judgment. Also, all workers' compensation cases are referred to the Court of Appeals.

In 2017, the Court of Appeals disposed of 521 cases. Of this number, 482 were decided on the merits. The remaining cases were dismissed. Of those decided on the merits, 323 were civil, and 132 were criminal. Of the 323 civil cases decided, 265 (82.04 percent) were affirmed and 58 (17.96 percent) were reversed. Of the 132 criminal appeals decided, 118 (89.39 percent) were affirmed, and 14 (10.61 percent) were reversed.

The Court of Appeals disposed of a total of 1,755 motions and petitions during 2017. This included 232 motions for rehearing, of which 231 (99.6 percent) were denied, and 1 (0.4 percent) was granted.

The Court of Appeals heard oral argument in 34 cases in 2017.

Both appellate courts strive to decide cases within 270 days following completion of briefing, and in most cases, decisions are made more expeditiously. Both courts improved their decision time in 2017. The Supreme Court's average time from end of briefing to case decision was 192 days during 2017, and the Court of Appeals' average time was 213 days. All petitions for writ of certiorari from the Court of Appeals are either granted, denied or dismissed by the Supreme Court within 90 days following the filing of the responses to the petitions. Cases on review by certiorari must be decided within 180 days after the petitions are granted. The Supreme Court's average time was 85 days. Petitions for interlocutory appeal are usually granted, denied, or dismissed within 45 days after the responses are filed.

Average days final brief to decision		
	<b>2016</b>	<b>2017</b>
<b>Supreme Court</b>	200	192
<b>Court of Appeals</b>	228	213

## Office of the Clerk of the Mississippi Supreme Court and Court of Appeals

Muriel B. Ellis is Clerk of the Supreme Court and Court of Appeals.



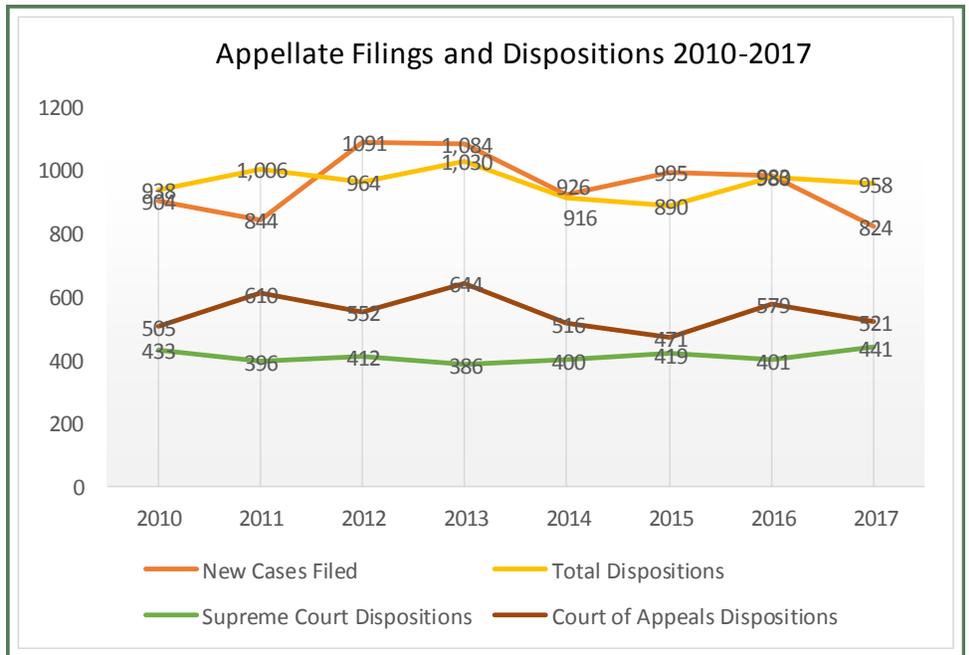
The Office of the Clerk is the repository of records of the Mississippi Supreme Court and the Mississippi Court of Appeals. The Clerk's Office is responsible for docket management of approximately 1,700 open cases at any given time. The Clerk of Courts and a 12-member staff are responsible for case management that tracks each appeal for timeliness and completeness of the record from the time the case is filed until it is decided by the courts.

The Clerk's Office continued to work with the Information Technology Department to expand electronic filing. E-filing of court records on appeal, including clerk's papers and transcripts, began in late 2017 in Chancery and Circuit Courts that utilize the Mississippi Electronic Courts, MEC, system. E-filing of the record on appeal is expected to

provide an enormous savings of staff time for Circuit and Chancery clerks.

The year 2017 was the fourth year of mandatory e-filing for briefs and motions. Numbers of e-filed motions continued to decrease: 5,068 briefs, motions and responses were e-filed in 2017, compared to 6,064 in 2016 and 6,563 in 2015.

The Clerk's Office continued the work it began in October 2014 to digitally archive case files which predate the court's move to e-filing. Supreme Court case records from 2001 through 2010 have been digitally scanned and are available online through the court's General Docket. The Clerk's Office employs contract workers to perform the scanning on site. Record scanning continues.



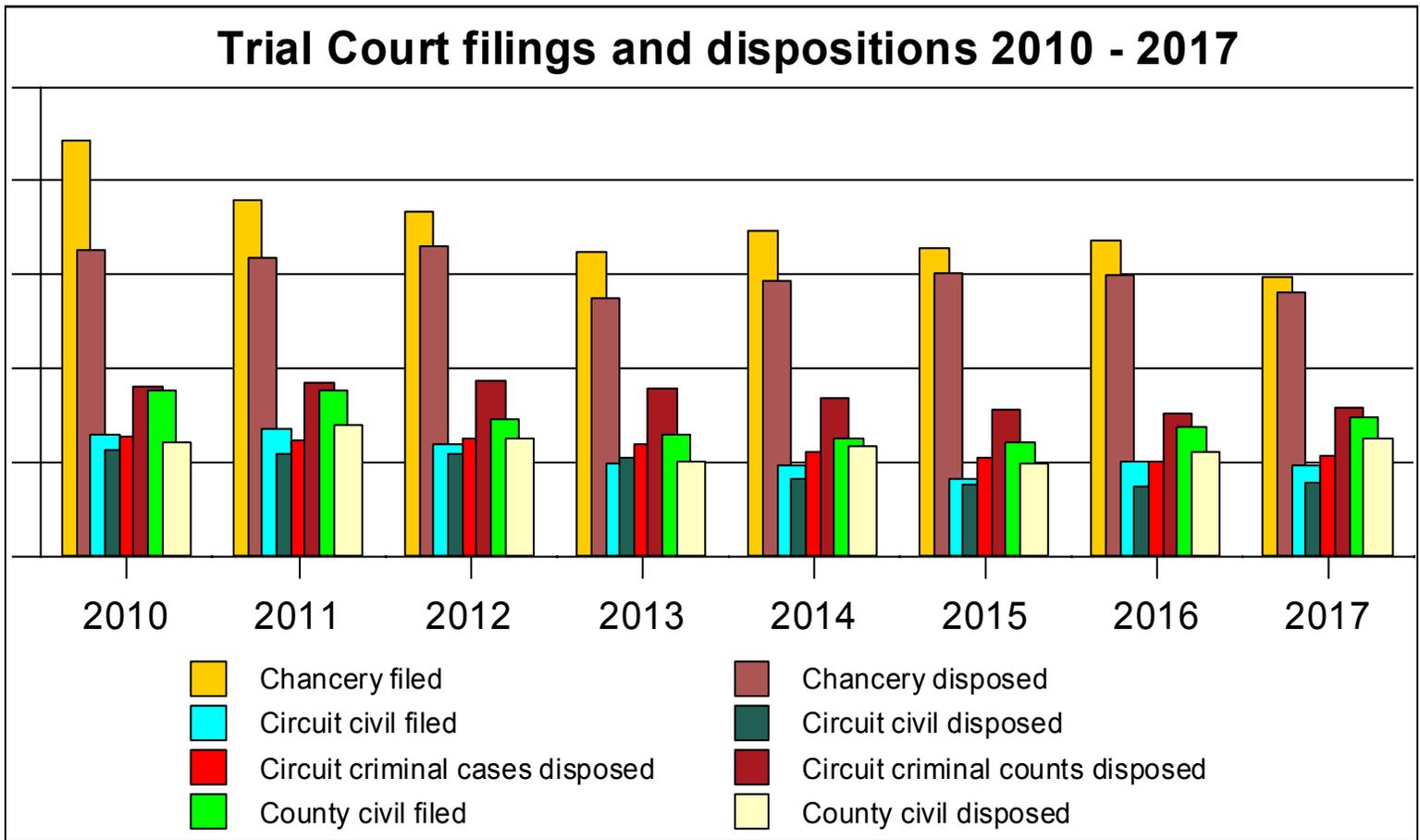
Appellate Filings and Dispositions, 2010 — 2017								
	2010	2011	2012	2013	2014	2015	2016	2017
New Cases Filed	904	844	1,091	1,084	926	995	983	824
Total Dispositions	938	1,006	964	1,030	916	890	980	958
Supreme Court Dispositions	433	396	412	386	400	419	401	441
Court of Appeals Dispositions	505	610	552	644	516	471	579	521

## MISSISSIPPI TRIAL COURTS OF RECORD

The trial courts in Mississippi without jurisdictional limits on the amounts in controversy are the Chancery and Circuit Courts. The state is divided into 20 Chancery Court Districts and 22 Circuit Court Districts. Each district has from one to four judges, depending on the size of the district and its case load.

Judicial conference leaders for 2017 include Hinds County Circuit Judge Winston Kidd, chair of the Conference of Circuit Judges; Madison County Court Judge Ed Hannan, chair of the Conference of County Court Judges; Rankin County and Youth Court Judge Thomas Broome, chair of the Council of Youth Court Judges; and retired 20th Circuit Judge Samac Richardson, chair of the Conference of Senior Status Judges. The Conference of Chancery Court Judges elected new leaders on Oct. 26, 2017, during the Fall Trial and Appellate Judges Conference. Chancellor Ron Doleac became chairman, replacing Chancellor Joseph Kilgore. Chancellor Lawrence Primeaux was elected vice-chair, and will become chair in October 2018. Chancellor Robert Whitwell was elected secretary. Chancellor Carter Bise was named to the Rules Advisory Committee.

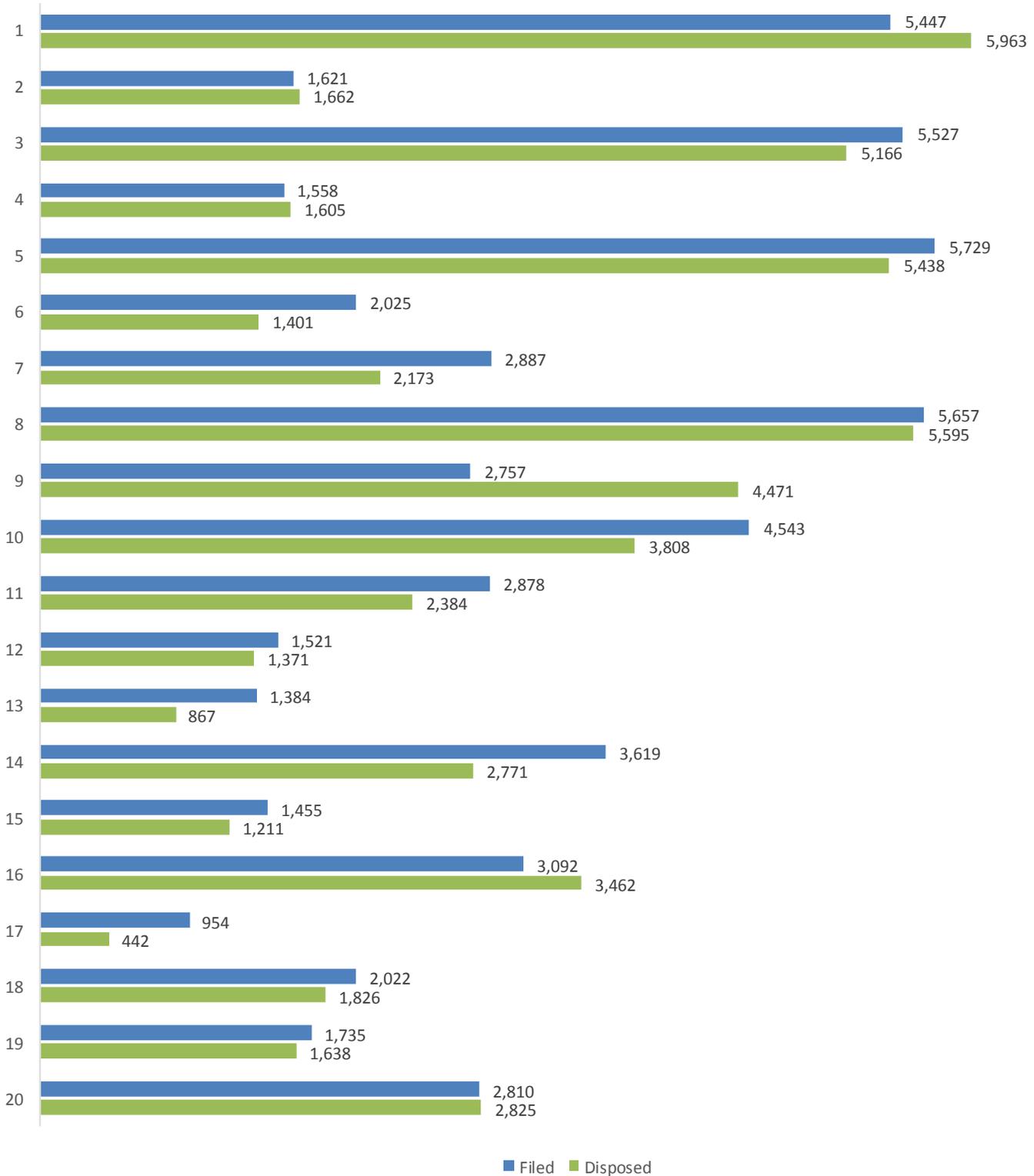
The courts are served by elected chancery and circuit clerks in each county. The chancery and circuit clerks for each district are required by law to report the activities of the courts to the Administrative Office of Courts. It should be pointed out that while the appellate courts report data on a calendar year, the trial court data is by fiscal year. The data, as reported, reflect the following:



	2010	2011	2012	2013	2014	2015	2016	2017
Chancery filed	88,424	75,558	73,268	64,515	69,100	65,589	66,999	59,221
Chancery disposed	64,994	63,349	65,782	54,817	58,573	60,192	59,780	56,079
Circuit civil filed	25,800	26,862	23,553	19,429	19,305	16,236	19,907	19,328
Circuit civil disposed	22,249	21,687	21,441	21,003	16,123	14,874	14,467	15,557
Circuit criminal cases disposed	25,258	24,371	24,917	23,851	22,229	20,703	20,188	21,182
Circuit criminal counts disposed	36,131	36,561	37,366	35,437	33,322	31,174	30,284	31,361
County civil filed	34,950	35,254	29,177	25,761	24,793	24,055	27,366	29,417
County civil disposed	24,032	27,606	24,930	20,038	23,187	19,552	21,861	24,933

# CHANCERY COURTS

## CHANCERY COURT CASES FILED AND DISPOSED FY 2017

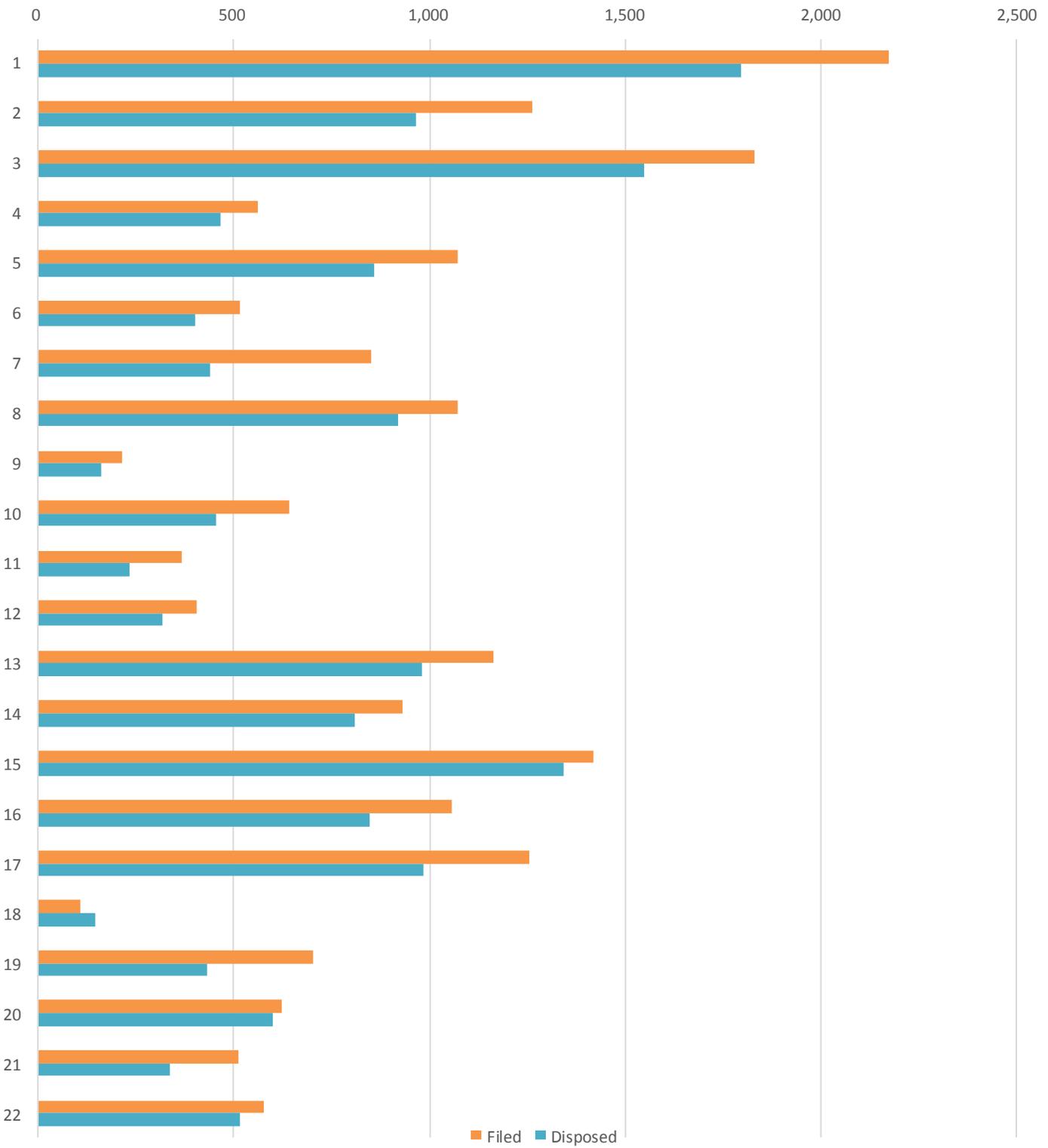


Total Chancery Court cases filed statewide FY 2017 59,221

Total Chancery Court cases disposed statewide FY 2017 56,079

# CIRCUIT COURTS

## CIRCUIT CIVIL CASES FILED/DISPOSED FY 2017

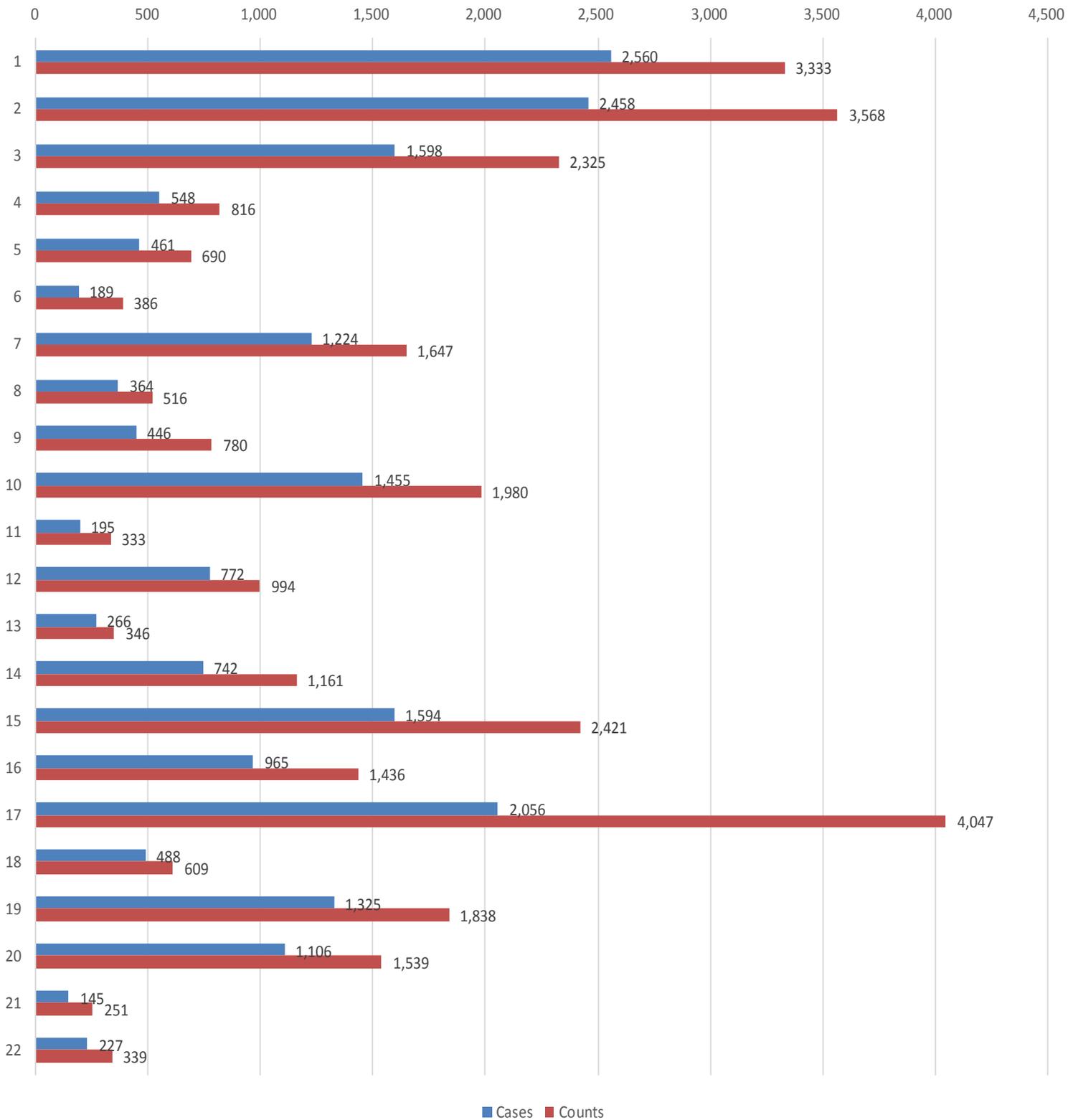


Total Circuit Court civil cases filed statewide FY 2017      19,096

Total Circuit Court civil cases disposed statewide FY 2017   15,523

# CIRCUIT COURTS

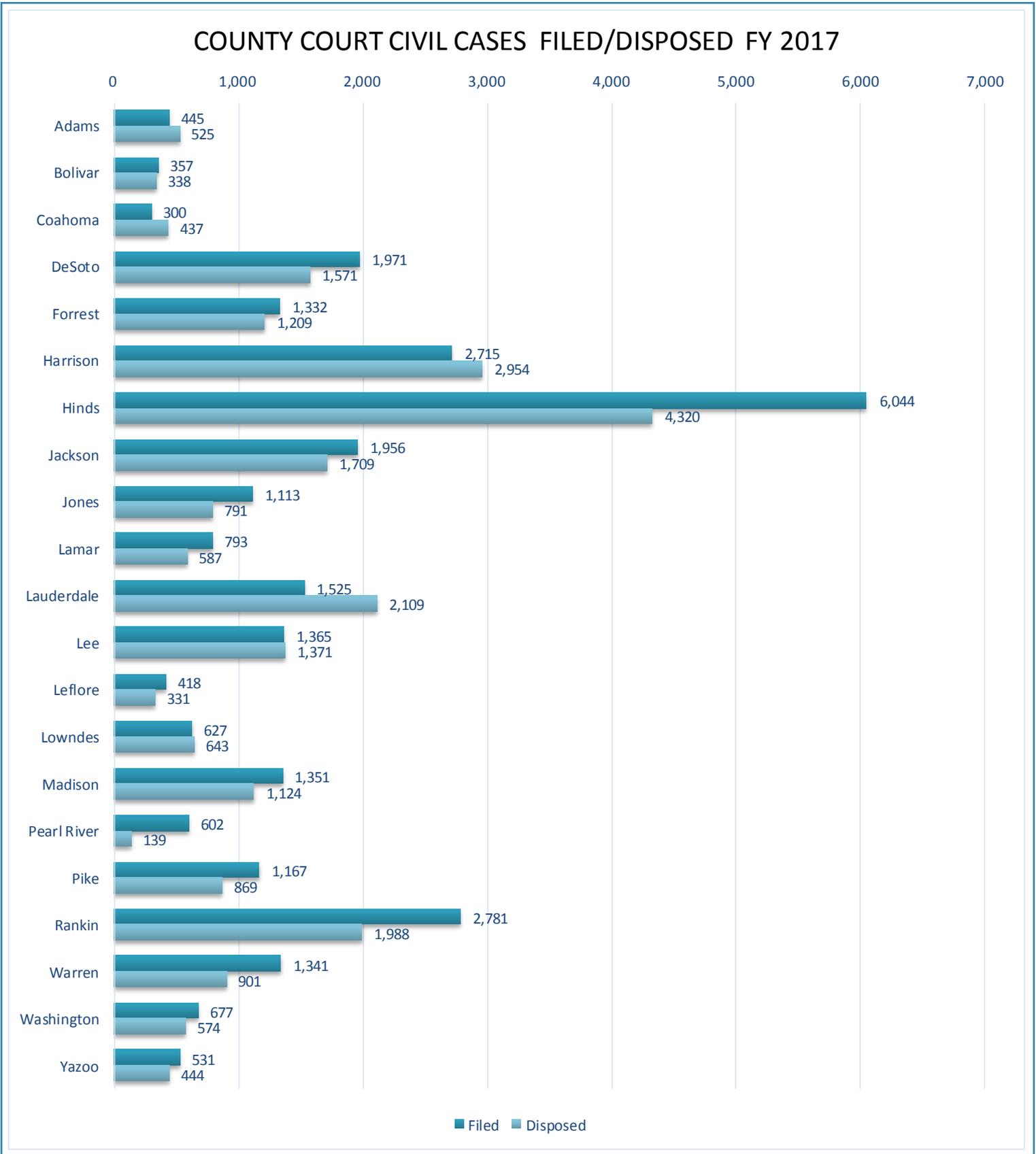
## CIRCUIT CRIMINAL CASES/COUNTS DISPOSED FY 2017



Total Circuit Court criminal cases disposed statewide FY 2017      21,184

Total Circuit Court criminal counts disposed statewide FY 2017      31,355

# COUNTY COURTS



Total County Court civil cases filed FY 2017      29,411

Total County Court civil cases disposed FY 2017    24,934

## YOUTH COURTS, CALENDAR YEAR 2017

	Total Referrals			Formal Adjudicated Referrals			Referrals Handled Informally		
	Abuse	Neglect	Delinquent	Abuse	Neglect	Delinquent	Abuse	Neglect	Delinquent
ADAMS	21	110	369	6	56	307	15	54	62
ALCORN	114	416	123	14	46	72	100	370	51
AMITE	25	16	15	4	3	11	21	13	4
ATTALA	54	151	101	0	14	79	54	137	22
BENTON	0	10	27	0	10	24	0	0	3
BOLIVAR	92	198	247	11	44	121	81	154	126
CALHOUN	14	10	39	10	7	20	4	3	19
CARROLL	16	32	37	9	16	21	7	16	16
CHICKASAW	13	43	94	1	20	75	12	23	19
CHOCTAW	3	12	15	1	7	10	2	5	5
CLAIBORNE	34	94	73	5	15	60	29	79	13
CLARKE	143	80	24	4	6	22	139	74	2
CLAY	15	84	52	7	19	45	8	65	7
COAHOMA	41	0	239	10	11	100	31	63	139
COPIAH	54	184	185	3	27	118	51	157	67
COVINGTON	26	79	75	13	59	68	13	20	7
DESOTO	660	1093	1658	26	71	1052	634	1022	606
FORREST	26	134	299	20	119	117	6	15	182
FRANKLIN	7	37	46	0	13	26	7	24	20
GEORGE	46	137	71	3	64	57	43	73	14
GREENE	8	34	27	0	15	22	8	19	5
GRENADA	90	183	192	15	28	131	75	155	61
HANCOCK	140	348	281	129	309	144	11	39	137
HARRISON	1718	4836	1583	68	788	1021	1650	4048	562
HINDS	317	469	549	317	469	341	0	0	208
HOLMES	22	79	115	4	15	115	18	64	0
HUMPHREYS	5	43	54	5	43	53	0	0	1
ISSAQUENA	0	0	3	0	0	3	0	0	0
ITAWAMBA	18	72	97	5	31	55	13	41	42
JACKSON	115	462	767	30	176	332	85	286	435
JASPER	106	110	45	7	5	45	99	105	0
JEFFERSON	2	19	52	2	19	45	0	0	7
JEFFERSON DAVIS	26	78	18	22	59	18	4	19	0
JONES	104	483	601	24	176	481	80	307	120
LAFAYETTE	41	104	169	6	24	94	35	80	75
LAMAR	13	159	424	9	106	212	4	53	212
LAUDERDALE	195	309	615	25	92	387	170	217	228
LAWRENCE	27	91	40	7	41	40	20	50	0
LEAKE	4	16	30	2	3	26	2	13	4

	Total Referrals			Formal Adjudicated Referrals			Referrals Handled Informally		
	Abuse	Neglect	Delinquent	Abuse	Neglect	Delinquent	Abuse	Neglect	Delinquent
LEE	364	891	1141	20	130	525	344	761	616
LEFLORE	151	261	273	18	37	191	133	224	82
LINCOLN	68	102	115	9	21	64	59	81	51
LOWNDES	61	205	276	9	74	169	52	131	107
MADISON	126	252	305	11	35	266	115	217	39
MARION	106	366	137	48	127	121	58	239	16
MARSHALL	12	113	160	7	80	109	5	33	51
MONROE	4	12	81	4	10	40	0	2	41
MONTGOMERY	4	47	78	1	7	51	3	40	27
NESHOBA	3	31	148	3	27	140	0	4	8
NEWTON	22	55	90	2	17	83	20	38	7
NOXUBEE	2	7	18	2	7	18	0	0	0
OKTIBBEHA	1	5	84	1	5	76	0	0	8
PANOLA	54	349	154	1	8	130	53	341	24
PEARL RIVER	83	298	404	11	86	301	72	212	103
PERRY	26	74	32	2	35	31	24	39	1
PIKE	190	754	346	36	186	195	154	568	151
PONTOTOC	74	331	118	8	69	108	66	262	10
PRENTISS	29	110	148	7	45	117	22	65	31
QUITMAN	0	3	33	0	3	33	0	0	0
RANKIN	393	1022	1085	40	406	417	353	616	667
SCOTT	2	27	153	2	25	123	0	2	30
SHARKEY	0	2	19	0	2	16	0	0	3
SIMPSON	61	115	121	12	49	106	49	66	15
SMITH	2	54	56	2	19	53	0	35	3
STONE	113	243	77	2	71	60	111	172	17
SUNFLOWER	77	226	206	23	47	165	54	179	41
TALLAHATCHIE	1	5	39	1	5	27	0	0	12
TATE	6	49	99	6	39	74	0	10	25
PEARL MUNICIPALITY	65	201	206	11	96	147	54	105	59
TIPPAH	14	57	85	14	51	58	0	6	27
TISHOMINGO	151	329	65	2	43	39	149	286	26
TUNICA	11	40	199	5	18	104	6	22	95
UNION	15	75	43	1	27	39	14	48	4
WALTHALL	36	129	98	11	27	53	25	102	45
WARREN	37	37	510	14	18	497	23	19	13
WASHINGTON	282	874	749	102	241	270	180	633	479
WAYNE	1	33	104	1	33	80	0	0	24
WEBSTER	46	123	25	1	6	10	45	117	15
WILKINSON	0	12	73	0	12	59	0	0	14
WINSTON	6	149	60	0	7	44	6	142	16
YALOBUSHA	56	121	53	6	16	40	50	105	13
YAZOO	31	114	209	6	57	110	25	57	99

## ADMINISTRATIVE OFFICE OF COURTS

The Administrative Office of Courts was created on July 1, 1993, to support the judicial system by providing efficient administration of the non-judicial business of the state's courts. The AOC offices are located in Jackson in the Carroll Gartin Justice Building at 450 High Street. The duties of the AOC, specified in Miss. Code Ann. §§ 9-21-1, -3, -9(Rev. 2015), -11(Rev. 2015), -13, -14, -29, -43, -45, -51, -73; and §§ 9-23-3, -7, -11, -17 include:

- assist the Chief Justice of the Supreme Court with his duties as the chief administrative officer of all of the courts in the state;
- assist in the prevention of unnecessary delay in the conduct of trials of the state courts;
- promulgate standards, rules and regulations for computer and/or electronic filing and storage of all court records and court-related records maintained throughout the state in courts and in offices of circuit and chancery clerks;
- oversee the Mississippi Electronic Courts system under the direction of the Supreme Court;
- collect case statistics from all civil, criminal and youth courts in the state;
- require the filing of reports and the collection and compilation of statistical data and financial information;
- devise, promulgate and require use of a uniform youth court case tracking system, including a youth court case filing form for filing with each individual youth court matter, to be utilized by the Administrative Office of Courts and the youth courts in order that the number of youthful offenders, abused, neglected, truant and dependent children, as well as children in need of special care and children in need of supervision, may be tracked with specificity through the youth court and adult justice systems. The director shall require that all youth courts utilize the Mississippi Youth Court Information Delivery System, MYCIDS.

- AOC also must develop and require use of a statewide docket numbering system and uniform youth court orders and forms;
- coordinate and conduct studies and projects to improve the administration of justice;
- support the Judicial Advisory Study Committee, including research and clerical assistance;
- make recommendations regarding the state of the dockets and the effective number of judges and other court personnel;
- prescribe uniform administrative and business records, forms and systems;
- prepare budget recommendations necessary for maintenance and operation of the judicial system;
- administer the Civil Legal Assistance Fund under the direction of the Supreme Court;
- administer the Judicial System Operation Fund under the direction of the Supreme Court;
- serve as an agency to apply for and receive grants or other assistance;
- develop and implement personnel policies for non-judicial court employees;
- investigate, make recommendations concerning and assist in the securing of adequate physical accommodations for the judicial system;
- procure, distribute, exchange, transfer and assign equipment, books, forms and supplies as are acquired for the court system;
- prepare and submit an annual report on the work of the judicial system;
- make recommendations for the improvement of the operations of the judicial system;
- take necessary steps in the collection of unpaid fines and court costs;
- establish a program to facilitate the use of language interpreters in all courts of the State of Mississippi;
- certify and monitor drug courts;
- collect monthly data reports from certified drug courts, and compile an annual data summary; and
- perform any additional administrative duties assigned by the Supreme Court.

The AOC processes payroll for the support staff of the Chancery and Circuit judges, as well as the official court reporters; administers the office and rent allowances for the trial judges; maintains inventory records for equipment purchased with state funds; approves the trial judges' travel reimbursements for in-state and out-of-state travel; collects statistical data from the Chancery, Circuit, County and Youth Courts; collects data on cases handled by family masters; administers special funds for civil legal assistance, comprehensive electronic court systems, judicial system operations and the Board of Certified Court Reporters; and oversees several federal grants awarded to the AOC for the benefit of the judiciary.

The AOC works closely with study groups created to improve the administration of justice. Groups and their work are:



### **Court Improvement Program (CIP) Workgroup**

The Court Improvement Program (CIP) Workgroup was established in 2007 as a collaborative effort between the Administrative Office of Courts and the Department of Human Services–Division of Family and Children’s Services. That cooperation continues with the Department of Child Protection Services. Problem-solving groups that have grown out of the CIP Workgroup include the Parent Representation Task Force and the Human Trafficking Task Force. Members of the CIP Workgroup also are involved in the Mississippi Commission on Children’s Justice and the Zero-to-Three, Quality Improvement Center for Research-Based Infant-Toddler Court Teams in Forrest and Rankin counties.

The CIP Workgroup continues to meet every third Tuesday of each month to address any ongoing legal issues with implementing requirements of the Modified Settlement Agreement of the Olivia Y. lawsuit, to identify training needs for the judiciary and child welfare staff, to develop plans and goals to affect outcomes through the Youth Court, and to identify the breakdowns and barriers between MDCPS and the court system. The CIP Workgroup continues to discuss the status of ongoing progress with the MDCPS Child and Family Services Plan, Annual Progress and Services Report, Child and Family Services Review and Program Improvement Plan. Members of the workgroup include MDCPS state and regional staff, the Attorney General’s office, staff from the AOC, and MDHS state office staff from the Division of Youth Services. MDCPS has also discussed, and intends to include the Continuous Quality Improvement director or staff members in the monthly CIP meetings.

Here is an overview of topics discussed in 2017 CIP meetings:

- The CIP Workgroup focused on cases pertaining to the termination of parental rights. The group frequently discussed the barriers preventing completion of these cases and actions that were being taken to move forward from a multidisciplinary standpoint. MDCPS contracted workers to focus solely on preparing and reviewing the paperwork (TPR packets) necessary for these cases to progress.
- The group focused on the provision of courtroom training for CPS workers throughout the state.
- A topic of discussion throughout the year for the CIP Workgroup was the annual Indian Child Welfare Act Conference.
- The CIP Workgroup discussed issues concerning Title IV-E recipients and the courts. MDCPS also discussed Title IV-E in preparation of the agency’s upcoming federal review by the Children’s Bureau in 2018.



CIP training events in 2017 included:

- One LOUD Voice, a multi-disciplinary approach to child abuse;
- the Annual CIP Grantees Meeting and Five Year Planning Conference;
- the Annual Youth Court Judges and Referees Conference.
- the Seventh Annual Indian Child Welfare Conference, which convened Aug. 10, 2017, at the Silver Star Resort at Choctaw. In attendance were judges of the Tribal Courts of the Mississippi Band of Choctaw Indians and some state judges, Tribal social services workers, MDCPS staff, out-of-state tribal representatives and service providers. The focus of the conference was an introduction to new ICWA regulations, ICWA basics and ethics, perspective on raising Native American children, child endangerment, and how ICWA cases proceed in court.

Eleven counties, including 10 pilot sites, provide attorneys to represent indigent parents in abuse and neglect cases that could result in termination of parental rights. Four pilot sites were added in 2017: Youth Courts in Bolivar, Hinds, Jackson and Lafayette counties. The Task Force identified new sites for parent representation in Youth Courts and collaborated with Casey Family Programs and the Kellogg Foundation, which provided grant funding to match local funding. The Parent Representation Task Force is a collaborative effort between the judiciary, Child Protection Services, Casey Family Programs, the Kellogg Foundation, University of Mississippi School of Law, Mississippi College School of Law, the American Bar Association, Mississippi Center for Legal Services and the Mississippi Judicial College.

### **Teamwork Training**

AOC sponsored three sessions of Teamwork Training for child welfare professionals in January 2017. Programs were held in Oxford, Madison and Gulfport. The focus of the training was to promote communication and cooperation among all the professionals who work to provide permanency for children in the care of the Department of Child Protection Services. The programs brought together staff of CPS, chancellors, Youth Court judges, Youth Court referees, Youth Court administrators, court clerks, prosecutors, guardians ad litem, Youth Services counselors, school attendance officers, University of Mississippi training specialists, parent attorneys and faith-based organizations. “With Teamwork Our Kids Win” was the title of the training program.

### **Judicial Advisory Study Committee**



The 21-member Judicial Advisory Study Committee was established by the Legislature in 1993 to make policy recommendations to the Supreme Court and the Legislature to promote improvements to the administration of justice and the operation of the courts. Judge Eugene L. Fair of the Court of Appeals has served as chairman since Oct. 16, 2015.

The Study Committee in 2017 continued discussions of the need to revise policies and processes to evaluate criminal competency of mentally disadvantaged offenders. The Study Committee expressed concern about the difficulty of evaluating competency in a timely manner for defendants charged with crimes. Only 15 beds are available for criminal evaluations at the Mississippi State Hospital at Whitfield. The Study Committee also discussed development of a statewide mental health court system.

## **COMMISSION ON CONTINUING LEGAL EDUCATION**

The Mississippi Commission on Continuing Legal Education (CLE) has the primary responsibility to exercise general supervisory authority over the administration of the Rules for Mandatory Continuing Legal Education and to adopt, repeal and amend regulations consistent with these rules. The objective of the Mississippi Commission on CLE is to ensure that each member of the Mississippi Bar complies with the rules and regulations established by the Commission and meets the mandatory CLE requirements in a timely and efficient manner. Twelve (12) hours of approved instruction are required annually of every attorney licensed to practice law in Mississippi. Newly admitted attorneys are required to attend a specific new lawyer program within the first two years of practice, then comply with the annual requirement thereafter.

The Commission strives to meet the needs of the members of the Mississippi Bar regarding continuing legal education by keeping abreast of national changes in programming formats and topics. Members of the Commission and its administrator are active in the national organization of regulatory CLE boards, CLereg.

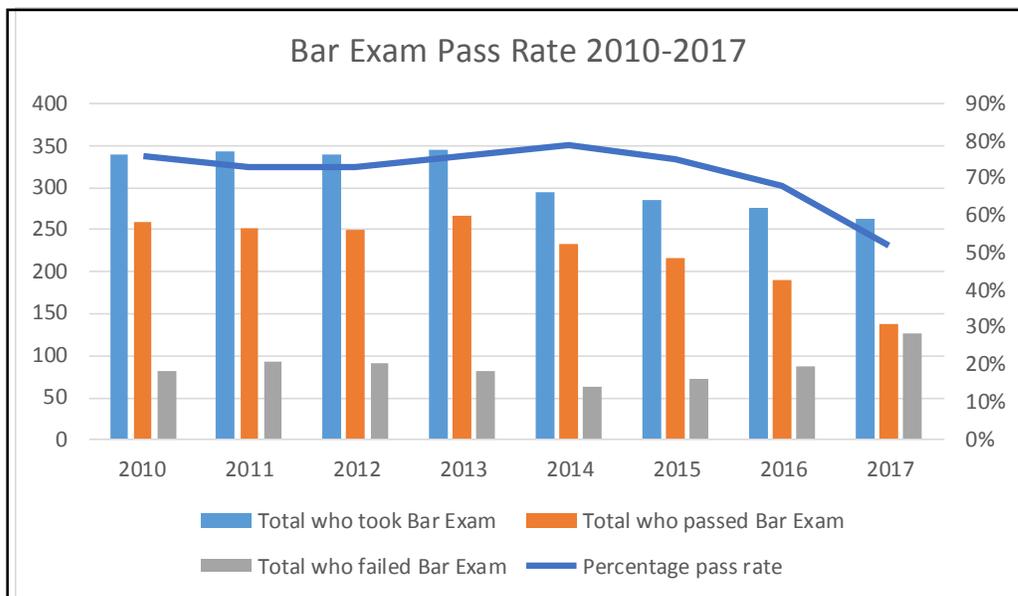
In 2017, the Mississippi Commission on CLE approved for credit 539 live programs that were held in the state of Mississippi, 2,791 live programs held outside the state of Mississippi and 4,556 programs that were given by satellite, teleconference or online through live webcasts and on-demand programs.

Members of the Commission on Continuing Legal Education are Selene D. Maddox, Tupelo; Robert D. Schultze, Oxford; John Dickson Mayo, Louisville; Elizabeth Lee Maron, Jackson; Christopher L. Wansley, Jackson; George Scott Luter, Jackson; Sam H. Buchanan, Hattiesburg; Dustin N. Thomas, Pascagoula; and Richard W. Sliman, Gulfport. The CLE Administrator is Tracy Graves.



## BOARD OF BAR ADMISSIONS

The Board of Bar Admissions has the primary obligation to administer the laws and rules governing admission to practice law in Mississippi. The Board's efforts are primarily focused on the preparation, administration and evaluation of



twice yearly Bar admission examinations, which are given in February and July, and on the investigation and evaluation of the character and fitness of each person seeking admission to practice law in the state of Mississippi.

In 2017, the Board processed 29 applications for registration as law students, and 343 applications for examination. There were 33 motions for admission by reciprocity. Attorneys licensed in other states and having five years of active practice are exempt from taking the bar exam if the licensing state has a reciprocity agreement.

A total of 262 people took the Bar Exam in 2017. The pass rate was 52.2 percent, down from the previous year when 68.8 percent passed.

	2010	2011	2012	2013	2014	2015	2016	2017
Took February bar exam	87	101	108	108	111	98	95	88
Passed February bar exam		66	71	76	90	70	62	36
Failed February bar exam		35	37	32	21	28	33	52
Took July bar exam	253	242	231	238	183	188	181	174
Passed July bar exam		185	178	190	143	145	128	101
Failed July bar exam		57	53	48	40	43	53	73
Total who took bar exam	340	343	339	346	294	286	276	262
Total who passed bar exam	259	251	249	266	233	215	190	137
Total who failed bar exam	81	92	90	80	61	71	86	125



## BICENTENNIAL OF THE MISSISSIPPI JUDICIARY

The Chief Justice of the United States John G. Roberts, Jr., helped the bench and bar celebrate the Bicentennial of the Mississippi Judiciary on Sept. 27, 2017.



Chief Justice Roberts told more than 500 lawyers at an evening banquet that state courts have the largest role in handling legal matters. "I am always conscious that since the earliest days of this country, the overwhelming portion of the legal and judicial business of our citizens has been handled in the courts of our states, and therefore, it is indeed a privilege to help celebrate the 200th year of such work here in Mississippi," he said. The Bicentennial of Mississippi's Judiciary and Legal Profession Committee hosted the banquet.

Chief Justice Bill Waller Jr. noted that Chief Justice Roberts is only the third sitting Chief Justice to visit Mississippi. Chief Justice Salmon P. Chase visited the state in 1865, weeks after the end of the Civil War. Chief Justice Warren Burger spoke in Jackson on March 8, 1976, at a dinner honoring Sen. James O. Eastland.

Chief Justice Roberts swore in 19 appellate court staff attorneys and law clerks and two judges to practice before the U.S. Supreme Court, and spent about an hour and a half fielding questions from law students from the University of Mississippi School of Law and Mississippi College School of Law. Chief Justice Roberts visited with Supreme Court and Court of Appeals judges and staff and ate lunch with law students, faculty and judges.

Chief Justice Roberts presided over a Moot Court competition between students from Mississippi College School of Law and the University of Mississippi School of Law. The Moot Court panel included Chief Judge Carl E. Stewart of the Fifth U.S. Circuit Court of Appeals, Chief Justice Waller, Mississippi Court of Appeals Chief Judge L. Joseph Lee, Chief Judge Sharion Aycock of the U.S. District Court for the Northern District of Mississippi, and Chief Judge Louis Guirola Jr. of the U.S. District Court for the Southern District of Mississippi. The panel vigorously questioned University of Mississippi School of Law students James Kelly and Meredith Pohl and Mississippi College School of Law students Patrick Fields and Lindsay Roberts. The University of Mississippi team won.

Mississippi's first high court was created by the 1817 Constitution. The court met in Natchez in 1818 and continued to hold its semi-annual meetings in Natchez even after the seat of state government moved briefly to Columbia, then to Jackson. The 1826 state General Assembly ordered the court to meet in Monticello, but returned the court to Natchez two years later. The 1832 Constitution created the High Court of Errors and Appeals, and the Legislature moved the place of holding court to Jackson. The Constitution of 1868 renamed the body the Supreme Court.