

# Supreme Court says farewell to Justice Carlson

December 14, 2012

Friends and colleagues of retiring Presiding Justice George C. Carlson Jr. described him as a model public servant, faithful Christian and dedicated family man.

Judges, current and former staff, bar leaders and family gathered in the Mississippi Supreme Court En Banc Courtroom Dec. 13 to pay tribute to the distinguished jurist's 30-year career, including 11 years as a justice and 19 years as a circuit judge. One after another, colleagues took the podium to share fond recollections and bid him God speed.

Justice Carlson, 66, of Batesville, will retire Dec. 31.

"My eight reasons are here today," Justice Carlson said as he introduced his wife Jane Ivy Russel Carlson, son Russel Carlson of Atlanta, daughter Meredith Carlson Fleming of Batesville, the children's spouses, and three young grandchildren.

Chief Justice Bill Waller Jr. presented Justice Carlson with an engraved plaque, signed by all the other justices, commending his career of public service. He thanked Justice Carlson for his work on the court's executive committee, his leadership in the court's rule-making role, and his work in deciding cases. Justice Carlson authored 432 opinions during his 11-year service on the Supreme Court. Of those, 391 were majority opinions, Chief Justice Waller said.

Presiding Justice Carlson earlier that day participated in his last decision-making conference of the entire court, known as the En Banc court. Chief Justice Waller noted that his friend led the justices in prayer.

Waller pointed out that a passage of scripture, Micah 6:8, is framed on Carlson's office wall. "And what does the Lord require of you but to act justly, love kindness and walk humbly before your God?" His colleague has done that and more, he said.

Presiding Justice Carlson said his mother chose the scripture and stitched it in needlepoint. His parents, the late Christine Wooley Carlson and the late Dr. George C. Carlson, presented the framed scripture to him when he took the oath of office as a circuit judge in January 1983.

Decent, dignified, diligent, fair, faithful, gracious, hard-working, scholarly and studious are among the descriptions colleagues gave. Justice Carlson's courtesy and politeness are his hallmark, even in disputed discussions of cases before the court.

"Justice Carlson can disagree with you and make you like it," said Justice Jim Kitchens of Crystal Springs.

Presiding Justice Carlson said, "We can agree to disagree agreeably, and when we make a decision, we move on to the next case."

Justice Randy Pierce of Leakesville said, "I knew that if we disagreed, I really needed to look closer."

Justice Pierce noted that he, like Justice Carlson, took a turn at doing radio play-by-play announcing for his local high school football team. Justice Carlson is the longtime play-by-play announcer for the South Panola Tigers football team. Justice Pierce also noted that as a Greene County Wildcats fan, he did not care for Justice Carlson's alma mater, but that

Justice Carlson's affiliation with the powerhouse team made taking a loss at their hands not quite so bitter.

Justice Michael Randolph of Hattiesburg described coming to work at the Gartin Justice Building during the 2004 Labor Day holiday because campaigning for election had put him behind in his caseload. There he found Justice Carlson and then-Justice James Graves also at work.

"What impressed me most is your fidelity to the law and the rule of law," Justice Randolph said. "You've been my mentor and I thank you. You are indeed a wise and just man." Justice Randolph, who will become a presiding justice upon Carlson's departure, said, "As you leave the court, we can only aspire to serve the state with the dignity and the honor you have done."

Presiding Justice Jess H. Dickinson said, "If you don't believe he is polite, get into an e-mail exchange with him." Justice Dickinson proceeded to read an exchange in which he sought in futility to have the last word. Justice Carlson let his fellow jurist have the last word via e-mail, then sent a staff member with a hand-written note that said, "Thank you." Dickinson mused that the ever polite Carlson sends thank-you replies to computer-generated IT messages notifying him that his e-mailbox is full.

Justice Ann H. Lamar of Senatobia noted that her legal career had intersected Justice Carlson's multiple times. She was appointed in 2001 to the north Mississippi 17<sup>th</sup> Circuit judgeship Carlson formerly held, and she followed Justice Carlson to the Supreme Court via a 2007 appointment. Before she took the bench, she had spent most of her career as a prosecutor and private practice attorney before Circuit Judge Carlson and Circuit Judge Andrew Baker.

"Thank you for the legacy you leave," she said, her voice quavering.

Former Gov. Ronnie Musgrove, who appointed Justice Carlson to a vacancy on the Supreme Court on Nov. 1, 2001, gave an unvarnished account of watching a young and green judge mature into a seasoned jurist. Musgrove began practicing law in north Mississippi two years before Carlson took the circuit court bench. Carlson was always committed to fairness and integrity, and he developed a deliberate judicial temperament, Musgrove said. "That is one of the reasons it was an easy thing to put Justice Carlson on the Mississippi Supreme Court," Musgrove said.

Presiding Justice Carlson told Musgrove at the ceremony, "You are the only reason I'm here at this court. I would never have run for the position....I was happy as a circuit judge."

Retired Chief Justice Edwin Lloyd Pittman, who led the Supreme Court when Carlson was appointed, thanked Musgrove again for that appointment. "The first thing I did today was thank Gov. Musgrove for the appointment of George C. Carlson to this court."

Former Chief Justice James W. Smith Jr. said that his final act before leaving the bench in December 2008 was to appoint Justice Carlson as chairman of the Mississippi Model Jury Instructions Commission because he knew that Carlson, a mainstay of court leadership, would get the job done. The commission presented new Model Jury Instructions to the Mississippi Supreme Court on Oct. 24.

Smith also wished Justice Carlson more success than he had at staying retired. “Mine didn’t last a month,” said Smith, who returned to private law practice.

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