

# Mississippi Courts

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## Water damages Gartin Justice Building

Repairs continue at the new Gartin Justice Building after a sprinkler caused widespread flooding in the early morning hours of May 7.

The damage occurred three months after the appellate courts moved into the new facility. The new building, north of the old Gartin Building, houses the Mississippi Supreme Court, Court of Appeals, Supreme Court Clerk, State Library, Administrative Office of Courts, Board of Bar Admissions, the Board

of Certified Court Reporters and the Commission on Continuing Legal Education.

A large volume of water spilled from a sprinkler on the fourth floor and leaked to all floors and the basement. The east side of the building sustained damage, including some fourth floor offices of the Supreme Court, third floor offices of the Court of Appeals, both second floor courtrooms and offices of the Board of Bar Admissions, first

floor records storage of the Clerk of the Court and the Finance Department, and the basement offices of Information Systems.

Court business continued with filings uninterrupted and hand downs issued on schedule. But it wasn't business as usual. Only those employees essential to the continuity of operations were allowed in the building during the first week after the water damaged occurred.

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Driers, dehumidifiers and hot air ducts dry out the En Banc Courtroom at the Gartin Justice Building. Repair work continues.

## Repairs underway at Gartin Justice Building

A cleanup crew dried the building. Repair work is underway.

In the Supreme Court Clerk's Office, three shelves of records consisting of closed cases from 2001 through 2003 were wet. The clerk's staff painstakingly dried thousands of pages of records, repeatedly blotting files a page at a time, then air-drying them. No records were lost.

Visitors and employees ducked under billowing clear plastic air ducts at the building entrance. For several weeks, a network of ducts carrying hot air snaked through the building, while industrial fans roared. Workers have torn out soaked flooring, ceilings and wall surfaces.

Some justices

moved back into their offices on bare concrete floors. Court of Appeals staff moved into workrooms and conference rooms to make room for judges displaced by the water damage. The Finance Department temporarily

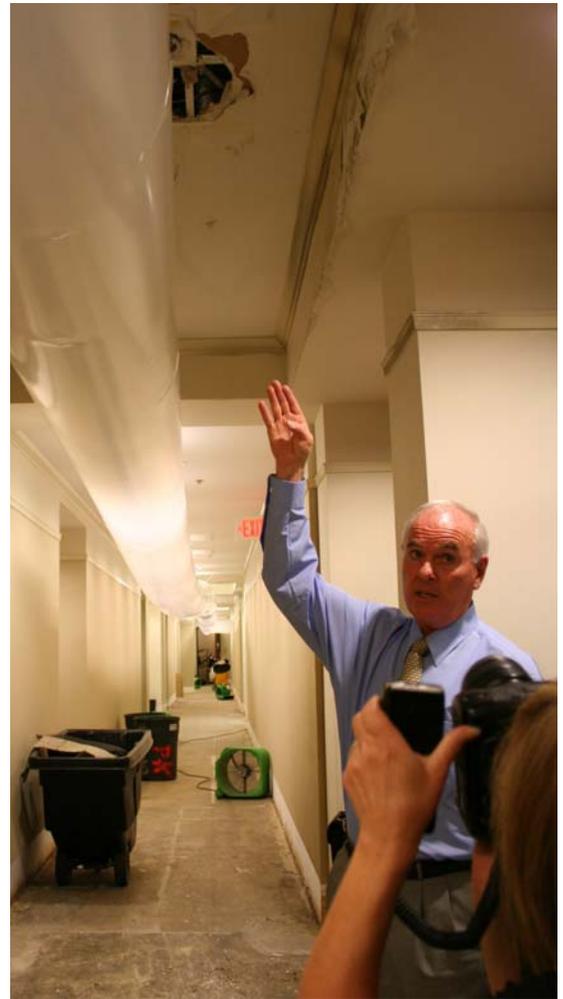
moved to quarters in the State Library, but has since moved back.

Oral arguments before the Supreme Court and Court of Appeals were rescheduled. The Supreme Court temporarily heard arguments in the Old Supreme

Court Chambers at the Capitol. The Court of Appeals heard arguments at the Mississippi College School of Law and at the Capitol. Some Court of Appeals cases previously scheduled for oral argument were submitted on briefs.



**Chief Deputy Clerk Kathy Gillis blots records with paper towels.**



**Chief Justice James W. Smith Jr. shows a photographer the sprinkler.**

## Uniform rules of procedure recommended for Youth Courts

The Task Force for Youth Court Rules of Procedure on July 1 submitted its report and recommendations to the Mississippi Supreme Court.

Clay County Youth Court Referee Thomas Storey of West Point, co-chair of the Task Force, said, "The main purpose of the recommendations is to mandate uniformity of all Youth Courts and to give practitioners a body of work which they can follow."

Justice Mike Randolph of Hattiesburg, co-chair of the Task Force, said, "I encouraged the members of the Task Force to address the responsibility before them, keeping in mind the best interests of the persons who would appear in the Youth Courts. I am pleased to report that the recommendations being submitted to the Supreme Court reflect that the Task Force admirably met this goal."

The Mississippi Supreme Court in an order



**Justice Mike Randolph, left, and Youth Court Referee Thomas Storey are co-chairs of the Youth Court Task Force.**

signed by Chief Justice James W. Smith Jr. on Oct. 22, 2007, created the Task Force and charged it with overseeing development of a set of uniform rules of procedure. The 12-member Task Force includes judges and representatives of the Department of Human Services, Department of Mental Health, Department of Education and the Administrative Office of Courts.

Judge Storey said, "It speaks well for the system that we are all interested in the protection of kids, and we have all worked together to improve the system."

The Supreme Court called for the proposed rules to address state and federal statutes, case law and Department of Human Services policies. Some of the topics addressed by the proposed rules include:

- compliance with federal requirements regarding permanent placement of children removed from the custody of parents and placed in foster care;
- procedures for taking a child into custody on allegations of delinquent acts;
- detention and shelter hearings;
- incarceration of juveniles in detention cen-

ters;

- summonses to parents or other family members regarding Youth Court hearings;
- appointment of a guardian ad litem;
- processes and forms for court orders, petitions, summonses and other Youth Court documents;
- discovery in Youth Court proceedings;
- interstate compact procedures dealing with transfer of children from one state to another;
- truancy and educational neglect;
- placement of children who exhibit a need for mental health services.

The Youth Court Act

## Rules Committee to review Youth Court recommendations

was passed in 1979. Other statutes regarding juveniles are scattered throughout the Mississippi Code.

Forrest County Court Judge Michael W. McPhail noted that federal and state requirements differ. "The federal law has drastically changed," he said.

Rankin County Court Judge Thomas H. Broome said that with different levels of courts handling matters involving juveniles, "There is a lack of consistency."

Inconsistencies cost the state sorely needed federal dollars in areas such as foster care, said Hinds County Assistant District Attorney Jamie McBride, Court Improvement Program Coordinator for the Administrative Office of Courts. Children in foster care under Department of Human Services supervision may be deemed ineligible for some federal reimbursement money if a "permanency hearing" is not conducted within a prescribed time. Even

if the judge conducted such a hearing, if court documents refer to it by some other name, funding may be lost.

There has never been one comprehensive set of rules to complement the statutes and guide judges, attorneys, social workers, law enforcement and others who deal with the interests of children

Adams County Court Judge John N. Hudson said he hopes that a uniform set of rules will help anyone involved in a Youth Court matter navigate the system.

Judge Broome said, "My hope is to provide a practical and realistic guide for the practitioners, the judges, the families and the youth."

The Mississippi Judicial College developed the proposed uniform rules. Judicial College Staff Attorney William Charlton of Oxford drafted the proposed rules, with extensive input from members of the Task Force. Charlton conducted a survey of judges, attorneys and others associ-



William Charlton

ated with the juvenile justice system; studied juvenile court rules in other states; and extensively reviewed state and federal statutes and case law.

Charlton said, "Our purpose is to bring efficiency, economy and uniformity and make the system work better."

Judge Storey said Charlton has "done a fantastic job" in creating recommendations which could serve as a model for other states.

Justice Randolph said, "I would like to personally thank Judge Storey for his leadership and the Judicial College for their assistance, and I would be remiss in my duties if I didn't single out Wil-

liam Charlton for assuming primary draftsmanship as directed by the Task Force."

The recommendations are a preliminary step. The four-member Supreme Court Rules Committee will review the Task Force recommendations and make its own recommendations to the entire nine-member court. The Supreme Court will then submit proposed rules for public comment. No time table has been set.

Chief Justice Smith expressed gratitude for the work of the Task Force "for what you have done for children and for litigants in the state of Mississippi."

Other members of the Task Force include Department of Human Services officials Kate McMillin and Kathy Pittman, Department of Mental Health Executive Director Ed LeGrand, Department of Education officials Joy Milam and Steve Williams, and Administrative Office of Courts Project Manager Dennis Perkins.

## Study group examines domestic abuse laws



Justice Ann H. Lamar, at left, addresses domestic abuse study group as Special Assistant Attorney General Heather Wagner and Rep. Kimberly Campbell listen.

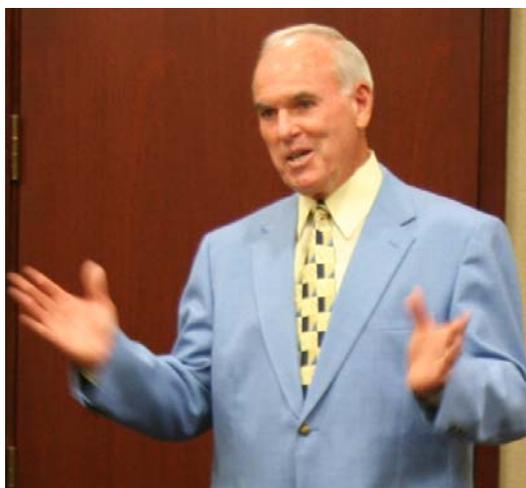
A commission recently created by the Supreme Court is expected to conduct an extensive study of laws and rules related to domestic abuse.

The Mississippi Supreme Court, acting on a request from the Mississippi Attorney General, created the Commission for Study of Domestic Abuse Proceedings in an order signed May 21. The Commission is expected to submit a report to the Court by Dec. 1. The Supreme Court said that the

Commission report's findings and recommendations should consider victim safety, equal access to the courts by victims and accused parties, due process, and offender accountability.

"It is a much-needed commission," Chief Justice James

W. Smith Jr. told the members at their organizational meeting June 25 at the Gartin Justice Building in Jackson. "We've got some bril-



Chief Justice James W. Smith Jr.

liant legal minds around this table. Every one of you was hand-picked with a lot of thought."

Supreme Court Justice Ann H. Lamar of Senatobia and Special Assistant Attorney General Heather Wagner of Jackson are co-chairs of the 23-member Commission.

Justice Lamar said, "For so many people who need our help in the judicial system, this a critically important task....Many individuals and families in this state are impacted by domestic violence. As a Court, we are particularly concerned with access to our courts for all of our citizens. We are also concerned that we have adequate and efficient procedures in place to address the needs of litigants and the court personnel involved in these proceedings."

Justice Lamar said, "The purpose of this Commission is to undertake a comprehensive study of statutes and rules relating to

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## Study to review criminal and civil abuse laws



**Circuit Judge Vernon Cotton, center, talks about domestic violence laws. At left is Pearl Municipal Judge John Shirley and at right, Chancery Judge Cynthia Brewer.**

domestic violence issues and to identify and address needed changes. This Commission represents a cross section of individuals and groups who are particularly interested in this area of the law. They each bring a unique perspective to the study and we thank them for their willingness to serve.”

Wagner said, “All of us are here because we recognize that the system is not working the way it was intended. There needs to be a wholesale review.”

Wagner noted that

criminal and civil laws which deal with domestic violence have been revised in recent years, and are scattered throughout the Mississippi Code. “We have to look at the way the statutes are being implemented to figure out if that works, and if it doesn’t, why, and what we can do to fix it,” Wagner said.

Commission member Chancery Judge Margaret Alfonso of Gulfport said she has concerns about the constitutionality of some changes to the Protection From Domestic Abuse Law

which went into effect in July 2007. Petitioners seeking a protective order may seek relief in chancery, circuit, justice or county court.

If a judge in a circuit, county or justice court issues an order which restricts a parent from contact with a child, “that is a modification of custody order,” Judge Alfonso said. Custody decisions belong in Chancery Courts, she said. “All (courts) should have the ability to enter protective orders, but custody of children should be exclusively in Chancery.”

Wagner said she is concerned that victims be able to get access to a judge close at hand when the nearest chancellor may be four counties away.

Justice Lamar and Wagner noted that others have raised concerns about the scheduling of hearings, which take priority, and about the timely disposition of criminal charges.

Wagner said, “Matters linger on the

criminal docket for extended periods of time, not doing the victim or the defendant any good.”

Justice Lamar said there are concerns about uniformity of forms for pleadings.

Chancery Judge Cynthia Brewer of Madison County said indigent people seeking to file pleadings pro se face difficulties. Clerks of court who are asked to file pro se pleadings worry about crossing the line between giving information and giving legal advice.

University of Mississippi School of Law Professor Deborah Bell said abused spouses often are of limited financial means, and that makes it more difficult for them to obtain a divorce to get out of an abusive relationship.

Circuit Judge Vernon Cotten of Carthage suggested that the Commission may wish to hear testimony from representatives of areas of concern.

Justice Lamar hopes  
*Continued Page 7*

## Swartzfager appointed Capital Post-Conviction Counsel

The Mississippi Supreme Court has appointed Glenn S. Swartzfager of Brandon as director of the Office of Capital Post-Conviction Counsel.

The appointment was effective July 1, for a term to run through June 30, 2012. He has served as acting director since Jan. 1.

Swartzfager said, "I am humbled and flattered by the confidence Chief Justice Smith has shown in me. The office carries a very heavy burden in representing individuals sen-

tenced to death, and I hope to provide the very best representation to them. The work the office does is important not only to the individual clients, but to the entire legal system of the state of Mississippi."

The Office of Post-Conviction Counsel, created by the 2000 Legislature, currently represents 11 death row inmates.

Swartzfager previously served for a year as deputy director of the Mississippi Office of Indigent Appeals.

He earned a bachelor of science degree in microbiology from the University of Southern Mississippi in 1989 and a law degree from Mississippi College School of Law in 1992.

He practiced law in Laurel for five years, and served a year as Jones County Youth Court public defender. He was a staff attorney for the Mississippi Supreme Court April 1998 - March 2002, and a special assistant attorney general March 2002 - August 2003. He was a senior associate in the Jackson



firm of former Gov. William Waller September 2003 - December 2006. He has taught trial and appellate advocacy as an adjunct professor at the Mississippi College School of Law since January 2003.

## Domestic Abuse study members seek judges' concerns

*Continued from Page 6* that she and other commission members can meet with members of the Chancery and Circuit judges' conferences during the Mississippi Bar Convention in July. The Commission is scheduled to meet again on Aug. 12.

Other Commission members include: Mississippi College School

of Law Professor Shirley Kennedy; Court of Appeals Judge Virginia Carlton of Columbia; Chancery Judge Jaye Bradley of Lucedale; Circuit Judges Margaret Carey-McCray of Greenville and Kenneth Thomas of Cleveland; Justice Court Judge Deborah Gambrell of Hattiesburg; Pearl Municipal

Judge John Shirley; Gulfport Assistant City Prosecutor Martha Carson; Assistant District Attorney Kassie Ann Coleman of Hattiesburg; Hinds County Public Defender William LaBarre; Hinds County Assistant Public Defender Lynn Watkins; Mississippi Association of Chiefs of Police Executive Director

Ken Winter of Oxford; attorney Brandi Brown of Catholic Charities; Mississippi Coalition Against Domestic Violence Executive Director Anna Walker Crump; Sen. Gray Tollison of Oxford; Rep. Kimberly Campbell of Jackson; and Mississippi Judicial College Director Cynthia Davis of Oxford.

## Access to Justice Commission holds hearing



**Rodney Gaudet**

Rodney Gaudet and his family lived in a tent in their yard, then in a FEMA trailer, while a property title problem snarled their efforts to borrow money to fix their uninhabitable Gautier home after Hurricane Katrina.

Gaudet said he was at the point of despair in his struggle to find legal representation before he was referred to the Mississippi Center for Justice.

"I am disabled, and I will tell you there is no justice for people who cannot afford it, if it had not been for the Mississippi Center for Justice. If you're a

criminal, you get an attorney appointed for you if you can't afford it. If you have an insurance issue, a medical issue, or something of that nature and you can't afford it, there is no justice," Gaudet testified at an April 18 public hearing in Gulfport.

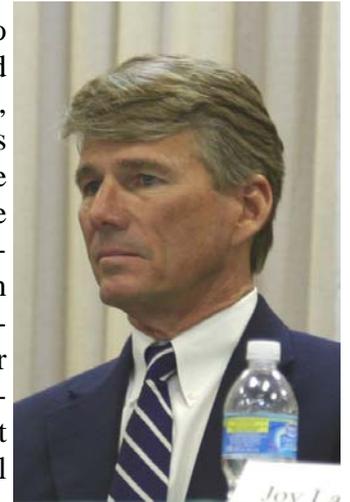
"We are so far below the poverty level that...we couldn't have afforded an attorney if we could have found one," Gaudet said. "The choice was either buying food or electricity."

The Mississippi Access to Justice Commission heard testimony from legal services providers, their clients, judges, attorneys, clergy and community leaders. The public hearing was the first of several planned across the state to gather information about the unmet civil legal needs of low-income Mississippians.

The Supreme Court created the Access to Justice Commission in June 2006 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 the need for civil legal services to the poor in Mississippi. The Supreme Court called for a series of regional public discussions about the need for civil legal services for the poor. Public hearings are expected to be conducted in each of the state's Congressional districts. Other hearing dates and locations have not yet been finalized.

The purpose of the hearings is to create a record detailing the magnitude of the problems faced by low-income Mississippians as a result of their lack of access to legal assistance in a broad range of civil matters. Testimony is transcribed. The Access to Justice Commission will use the testimony as part of the basis for recommendations to the Supreme Court, the Mississippi Legislature and the Mississippi Bar to in-



**Rep. Gene Taylor**

crease the availability of legal assistance in civil matters.

U.S. Congressman Gene Taylor, who hosted the public hearing, said at its conclusion, "What I want to commend all of you on is making me and hopefully everyone on this panel aware that there are unmet needs and that part of our job is to try to fill those unmet needs."

Justice Jess Dickinson, who served as moderator, said, "Thousands of our citizens are denied the basic right of equal access to the courts because they are poor and can-

## Legal Services: many needs, shrinking funds

not afford an attorney. The Supreme Court cannot, and will not, sit by in tacit acquiescence. We ordered these hearings so we can begin to understand the true scope and nature of the problem, and then move to solve it.”

Justice Dickinson, who is the court’s liaison to the Legal Services community, said, “People who live in poverty have little or no voice. Ordinarily, they just suffer in silent desperation. It is the duty of the other branches of government to address many of the problems faced by the poor, but when it comes to the denial of equal justice,

the duty to act falls squarely on the Supreme Court.”

Federal funding and staffing for Legal Services has shrunk. The state’s two Legal Services programs received \$4.8 million in federal funding during the most recent budget cycle, compared to about \$7 million in 1995. North Mississippi Rural Legal Services got approximately \$1.9 million, and the Mississippi Center for Legal Services, \$2.9 million. Thirty-one Legal Services attorneys in 10 offices now cover the entire state, compared to nearly 100 lawyers in 29 offices in 1980, said

Sam H. Buchanan of Hattiesburg, executive director of the Mississippi Center for Legal Services.

That means people are turned away. “One out of two people who come for services has to be turned away because

of lack of funding and lack of resources,” Buchanan said.

The nonprofit Mississippi Center for Justice has six staff attorneys. Approximately 500 out-of-state and 40 in-state attorneys take cases for free, said Crystal Utley, staff attorney and pro bono coordinator. At the time of the hearing, they were handling about 800 cases, most related to housing issues on the Gulf Coast, Utley said.

“I’ve got 200 contractor fraud cases, and most of them I’ve received in the last two months, mostly elderly couples and single women. We’re dealing



**Justice Jess Dickinson**

with foreclosure, like the rest of the country, but it’s aggravated in Mississippi due to the storm,” Utley said.

Part of the access problem is not knowing where to turn for information and help, said Mary Toups, executive director for the Coalition for Citizens with Disabilities. “People don’t know where to go. We get calls from congressmen, from senators, from representatives, from hospitals, from...individuals or a next-door neighbor that’s seen a situation,” Toups said.

Attorney Francine Perry, Harrison County law librarian, said she



**Crystal Utley and Sam Buchanan**

# Pro se litigants struggle through court



**Judge Margaret Alfonso, Francine Perry**

sees several people each day who have been unable to find help and have resorted to trying to represent themselves. They come to the law library looking for information and assistance.

“We don’t have any standard, court-approved forms across the state that people can use to represent themselves in Mississippi. I think that’s something that would help,” Perry said. “I have some forms. I have some statutes. I have the rules. And I always try to send people off with something, but it’s not something that I’m sure will get them through

court. She said the lack of legal representation for poor people “is of crisis proportion in our chancery courts.”

For instance, parents facing loss of custody of their children have no guarantee of legal representation if they can’t pay for a lawyer. “In Mississippi, if your child is removed from you because of allegations of abuse or neglect, the first stage is called the shelter hearing. That’s when a judge decides if your child is going home with you or is going to be placed somewhere else,” Judge Alfonso explained. “Ladies and gentlemen, in Missis-

court.”

Chancery Judge Margaret Alfonso of Gulfport regularly sees people struggle to represent themselves in her

sippi, if you are poor and you can’t afford an attorney, you don’t get representation....Keep in mind maybe some of them are innocent.”

There’s no provision for court appointed representation for parents during an adjudicatory hearing to determine whether a child was abused or neglected, nor in the dispositional hearing in which a judge decides whether the parents retain custody or the child goes to foster care, Judge Alfonso said.

She said, “Someone is going to have to explain to me how our poor Mississippians facing the destruction

of the most fundamental family relationship are less deserving of representation than one facing a suspended sentence or probation.”

Gulfport Attorney Felicia Dunn Burkes suggested making more efficient use of Legal Services’ attorneys’ time by setting aside time on courts’ dockets for those attorneys. “Oftentimes Legal Services is on the docket with the paid attorneys, and they sit there all day, and a case doesn’t get heard. That’s a wasted resource for that Legal Services attorney.”

Judge Alfonso called it a wonderful idea that she is willing to do.

Language barriers compound the problems of access, said Thao Vu of Boat People SOS. The nonprofit Biloxi organization serves the Vietnamese population.

Attorney Harry Yost of the Northcutt Legal Clinic provides free civil legal services to victims of domestic violence. The clinic is affiliated with the Gulf



**Harry Yost**

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## Access to Justice Committee visits legislators

Access to Justice Commission members met with legislators in March to give an update.

But lawmakers expressed puzzlement when the group didn't ask for anything, said Justice Jess Dickinson.

The group also thanked lawmakers for passage in 2006 of a law which added a \$5 fee to each civil case filed in circuit and chancery courts. The fees increased funding

for the Civil Legal Assistance Fund.

Rep. Ed Blackmon said, "It seems like it's doing what we wanted it to do."

Members of the House Judiciary A and Judiciary B Committees and the Senate Judiciary A and Judiciary B Committees saw a DVD which details assistance provided by the state's Legal Services offices and the Volunteer Lawyers Project. The DVD includes in-

terviews with low-income people who were assisted regarding child custody, Social Security, medical benefits and contractor fraud.



Rev. Stan Buckley, left, chair of the Public Awareness Committee., and Judge Denise Owens, Access to Justice co-chair, listen to a presentation to legislators at the Capitol.

## Domestic violence victims voice legal needs

*Continued from Page 10* Coast Community Women's Center for Nonviolence. Victims need help with protective orders, divorce, child custody and support. He said that most clients are unemployed or work in low-income jobs, have multiple children, and have been forced out of their homes.

Near the end of the hearing, a smartly dressed woman stepped to the microphone. The former client of the

shelter and the Northcutt Legal Clinic said her red suit and makeup came from the shelter.

"If you were to pass by me at the post office, you probably would not have imagined that I am a victim of domestic violence. I am the woman that sits next to you in church. I am your children's babysitter. I am the clerk that works at the movie rental store that you go to. I'm the homeless

woman that you see sitting under the bridge. I was given hope, and so I've come a long way thanks to the two organizations that have helped me.

"But there are a lot of other women that need the same kind of hope that's not afforded that because they don't have the finances," she said. "If there are enough of my peers to fill this entire auditorium that are victims of domestic violence who...don't

have higher education, don't have marketable skills to find a job immediately, who have gone that one step to get free and that farther step to get safe, what about my peers who need to remain safe? You can't do that without legal process. So my burning question to you is, if the Gulf Coast Women's Center only has access to one attorney and a part-time legal assistant, where is that hope for them?"

## Civil Legal Assistance Fund totals \$1,544,663

Civil Legal Assistance Fund distributions have increased to quarterly intervals as the fund generates more money to assist poor people with their civil legal needs.

Members of the Mississippi Supreme Court in late May and early June delivered checks totaling \$180,000 from the Civil Legal Assistance Fund to help poor people seek civil legal representation. The fund distribution included \$51,390 to North Mississippi Rural Legal Services, \$51,390

to the Volunteer Lawyers Project, and \$77,220 to the Mississippi Center for Legal Services.

Justice Oliver E. Diaz Jr. said, "Our Pledge of Allegiance ends with the words 'and Justice for all.' In order to fulfill this pledge we must be willing to assure that everyone in our society has access to our courts.

"In the aftermath of Hurricane Katrina, legal issues continue to arise. These problems fall hardest upon those least able to afford legal representation. Many of



Justice Chuck Easley, at right, presents a Civil Legal Assistance Fund Check to North Mississippi Rural Legal Services Executive Director Ben Cole in Oxford.

these problems can be solved with simple legal advice. Therefore, it is crucial that we continue to fund programs such as Legal Services in order for our community to fully recover," Justice Diaz said.

The Legislature in 2003 created the Civil Legal Assistance Fund. A total of \$1,544,663 has been paid from the fund. No tax dollars are involved. The Supreme Court in March 2003 ordered collection of a \$200 *pro hac vice* fee. The Legislature in July 2006 added a \$5 fee to each civil case filed in circuit and chancery courts. The fees go to

the Civil Legal Assistance Fund.

The \$5 fee produced a significant increase. During the fiscal year that ended in June 2007, the \$5 fee generated \$415,431, or 82 percent of the money for the Civil Legal Assistance Fund. The \$200 *pro hac vice* fee generated \$88,200 during the same time period. Since July 2007, the \$5 fee generated \$548,586, or nearly 86 percent of Civil Legal Assistance Fund. Collections from the *pro hac vice* fee between July 2007 and May 2008 have been \$72,600.

## Circuit Conference officers

Fourth District Circuit Judge Betty W. Sanders of Greenwood became chair of the Conference of Circuit Judges during the Trial and Appellate Judges Conference in April.

Fourteenth District Circuit Judge David Strong of McComb was elected vice-chair. Third District Circuit Judge Andrew Howorth of Oxford is treasurer.



Judge Betty W. Sanders

A plaque was presented to Judge Clarence Morgan III commending his year as chair of the conference.

## Judge Lackey to receive Chief Justice Award



**Circuit Judge Henry Lackey**

The Mississippi Supreme Court will recognize Circuit Judge Henry Lackey this year with its highest honor, the Chief Justice Award.

The award will be presented during the annual Mississippi Bar Convention. The plaque reads: "In appreciation of your service to the law and to the people of Mississippi. Your dedication to the principles of fairness, honesty and integrity as fundamental to the rule of law is exemplary."

Judge Lackey has been a central figure in

an investigation which rocked the legal profession. He has said little publicly. When asked his thoughts about the matter recently, he said, "I just did what so many judges do every day: fulfill their responsibility and their obligation. Public officials are just supposed to do what is right."

Judge Lackey has been a distinguished member of the legal profession for 42 years. He grew up in the small town of Calhoun City, and he stayed there to serve his community. He and his wife Helen, a former public school music teacher, live next door to the house where he was born.

Judge Lackey graduated from Calhoun City High School in 1952. He earned a Bachelor of Science degree in

business administration from Mississippi College in 1956.

Shortly after he earned his undergraduate degree, he went home to run the family business, the Ben Franklin five and ten-cent store in Calhoun City, after his father passed away. Several years later his National Guard unit was activated. He served in the U.S. Army in 1961 and 1962.

He enrolled in law school immediately after he left the Army. He graduated from the University of Mississippi School of Law in 1966. He was soon elected Calhoun County prosecuting attorney.

After serving a four-year term as prosecuting attorney, he accepted an appointment for a year as the state's first public defender. Judge Soggy Sweat oversaw the pilot program at the University of Mississippi School of Law. Judge Lackey and three senior law students represented indigent defendants in

the seven counties of the Third Circuit District. The pilot program helped lay the groundwork for the Legislature to give counties authority to designate funds for public defenders.

He returned to private law practice in Calhoun City and served as board attorney for the Calhoun County Board of Supervisors for eight years. He was a solo practitioner for 26 years, representing every kind of case that came through his door.

Judge Lackey has served as a circuit judge in the Third Circuit District of north Mississippi for the past 15 years. He was appointed to a vacancy by former Gov. Kirk Fordice in 1993 when Judge William Lamb retired. He has been re-elected without opposition each time since.

He previously served on the Board of Trustees of Mississippi College. He currently serves on the Commission on Judicial Performance.

## Judge Virginia Carlton receives Meritorious Service Medal

The U.S. Army Reserve 3<sup>rd</sup> Personnel Command presented the Meritorious Service Medal to Mississippi Court of Appeals Judge Virginia Carlton at a ceremony at the Walter Scott Reserve Center in Jackson on April 27.

Judge Carlton, of Columbia, has served in the military for 17 ½ years. She served on active duty with the U.S. Army 1990-1998, with assignments at Fort Benning, Ga.; Germany; Hawaii; and Fort Polk, La. She previ-

ously served as a prosecutor, defense counsel and legal assistance officer. In Hawaii, she served as a Special Assistant U.S. Attorney for the Army. She left active duty with the rank of Major. She graduated from the U.S. Army Reserve Command and General Staff College in 2002.

She served for three years as Staff Judge Advocate with the U.S. Army Reserve 3<sup>rd</sup> Personnel Command, headquartered in Jackson. She left the U.S.

Army Reserve in July 2007. She joined the Mississippi National Guard in August 2007. She holds the rank of Lieutenant Colonel and serves as a Judge Advocate (JAG) officer.

Judge Carlton said, "It was an honor to have served the 3<sup>rd</sup> Personnel Command and the troops. These are experiences I will carry with me and remember for a lifetime.

"In addition to constantly training for our wartime mission, we endured the aftermath



**Judge Virginia Carlton**

of Katrina. I will always be awed by the professionalism of these soldiers, and I am honored to have known them and served with them," she said.

## Criminal rules study committee receives IOLTA grant

A \$10,000 grant from the Mississippi Bar Foundation will help the Uniform Criminal Rules Study Committee to complete its work. The grant is funded by Interest on Lawyer Trust Accounts (IOLTA).

The Committee, which was appointed by Supreme Court Chief Justice James W. Smith Jr. in 2004, is examining rules which cover criminal proceedings from arrest through

post-trial motions and developing recommendations for Rules of Criminal Procedure to govern practice and procedure in justice, municipal, county and circuit courts.

Court of Appeals Judge Larry Roberts, Committee co-chair, said, "The objective is to have a comprehensive, uniform set of criminal rules of procedure that will be applicable to all criminal prosecutions

across the state."

Recommendations may be presented to the Supreme Court soon.

Judge Roberts said, "We have been working diligently since September 2004 on this project and we hope to be able to complete our work in the upcoming fiscal year. The committee members would like to express our sincere gratitude to the Mississippi Bar Foundation. The IOLTA

grant will permit completion of this important project which will benefit the bar, the bench, as well as the citizens of this state."

Co-chair Circuit Judge R. I. Prichard III said, "We've had a very dedicated group of people with a lot of expertise that have really put a lot of time, thought and effort into the final product."

The Committee meets  
*Continued Page 15*

## Judge McPhail named Friend of Children

Mississippi Children's Home Services honored Forrest County Court Judge Michael McPhail as the 2008 "Friend of Children."

Mississippi Children's Home Services Chief Executive Officer Chris Cherney said, "Mike is not only an advocate, but an ally of so many south Mississippi children and families who have been through tumultuous situations in their home and community setting....It was very fitting to honor him as this year's 'Friend of Chil-

dren' because that is truly what he has been as Youth Court Judge."

Judge McPhail said, "I am truly honored and humbled....The knowledge that what I do is appreciated is truly rewarding."

"Those that I see in the courtroom have so many risk factors and many times have no idea as to what to do about their problems," he said. "I try to tell children old enough to understand that they have to make good choices in their decision-making. In their



Chris Cherney and County Court Judge Michael McPhail

hearts and minds, they have to determine which paths to follow, taking advantage of opportunity

when it presents itself...not to squander their lives away with making bad choices."

## Report expected soon

*Continued from Page 14* monthly. Its only expense is for legal research and reporting conducted by Mississippi College School of Law Professor Matt Steffey. Judge Prichard called Steffey's research and drafting "invaluable."

Other members of the Committee are Court of Appeals Judge L. Joseph Lee, Rankin County Court Judge Kent McDaniel, Forrest

County Court Judge Michael McPhail, District Attorney Ronnie L. Harper of Natchez, District Attorney John R. Young of Corinth, Special Assistant Attorney General Edwin A. Snyder of Jackson, attorney Jim Lappan of the Office of Capital Defense Counsel, attorney John M. Colette of Jackson, attorney Joe Sam Owen of Gulfport, and attorney Thomas E. Royals of Jackson.

## Court Administrators honor Judge Landrum

The Mississippi Association of Court Administrators honored Jones County Circuit Judge Billy Joe Landrum with the 2008 Justice Achievement Award.

Court Administrator Rachel Stanley, who nominated him for the award, said that Judge Landrum pushes for timely resolution of cases, encourages cooperation within all parts

of the justice system, and promotes civility. She noted that he has served on numerous judicial committees, and frequently serves as a special judge to hear cases outside his district.

Judge Landrum, who has been a judge for 34 years, said, "Being recognized by your peers is the best recognition one can get."

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## **Court Administrators elect new officers**

Mississippi Court Administrators Association officers are, left to right, Immediate Past President Sherry Davis, Hazlehurst, 22<sup>nd</sup> Circuit District; President Kevin Adams, Greenwood, 7<sup>th</sup> Chancery District court administrator until his April 22 appointment as Leflore County Court Special Judge; Secretary Demetria Jackson, Clarksdale, Coahoma County Court; Treasurer Rachel Stanley, Laurel, 18<sup>th</sup> Circuit District; and Second Vice President Barbie Parham, Hattiesburg, 10<sup>th</sup> Chancery District. Not pictured is First Vice President Noelle McKinnon, Laurel, 19<sup>th</sup> Chancery District.

