

SUPREME COURT OF MISSISSIPPI



MISSISSIPPI STATE LAW LIBRARY
P.O. BOX 1040
JACKSON, MS 39215-1040

1997
ANNUAL REPORT

TABLE OF CONTENTS

Foreword	iii
Mississippi Court System	
Organizational Chart.....	1
Court Districts.....	2
Funding and Administration.....	6
Supreme Court of Mississippi	
Organization and Operation.....	7
Administrative Office of Courts.....	8
Board of Bar Admissions.....	9
Commission on Continuing Legal Education.....	9
The Justices.....	10
Court Finances.....	20
Caseload Summary.....	21
Mississippi Court of Appeals	
Organization and Operation.....	29
The Judges.....	30
Caseload Summary.....	43
Trial Court Statistics	
Circuit Court Filings.....	47
Chancery Court Filings.....	54
County Court Filings.....	61
Family Court Filings.....	61

FOREWORD

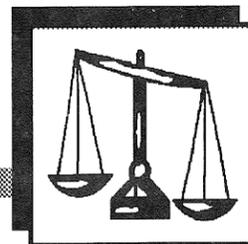
I am pleased to present the final annual report in my tenure as Chief Justice of the Mississippi Supreme Court. I can honestly say that with the help of the Legislature and the diligent efforts of the Justices of the Supreme Court, the Judges of the Court of Appeals, and the staffs of the two courts, the appellate system is poised to enter the twenty-first century in a completely current posture. We have worked hard to reduce the backlog of cases, and I am sure that all members of the courts will continue their efforts until it is completely eliminated.

I am proud that the Court has taken a leadership role in the use of technology. Not only does technology improve the speed with which we do our work, it also increases our accessibility to the public. We are constantly evaluating our Internet web site in order to provide the most current and useful information.

As I leave the Court, it is my hope and indeed my belief that the Mississippi appellate system will continue its present course and that the public will once again look with favor upon the judicial system and will receive complete justice that is both swift and fair to all.



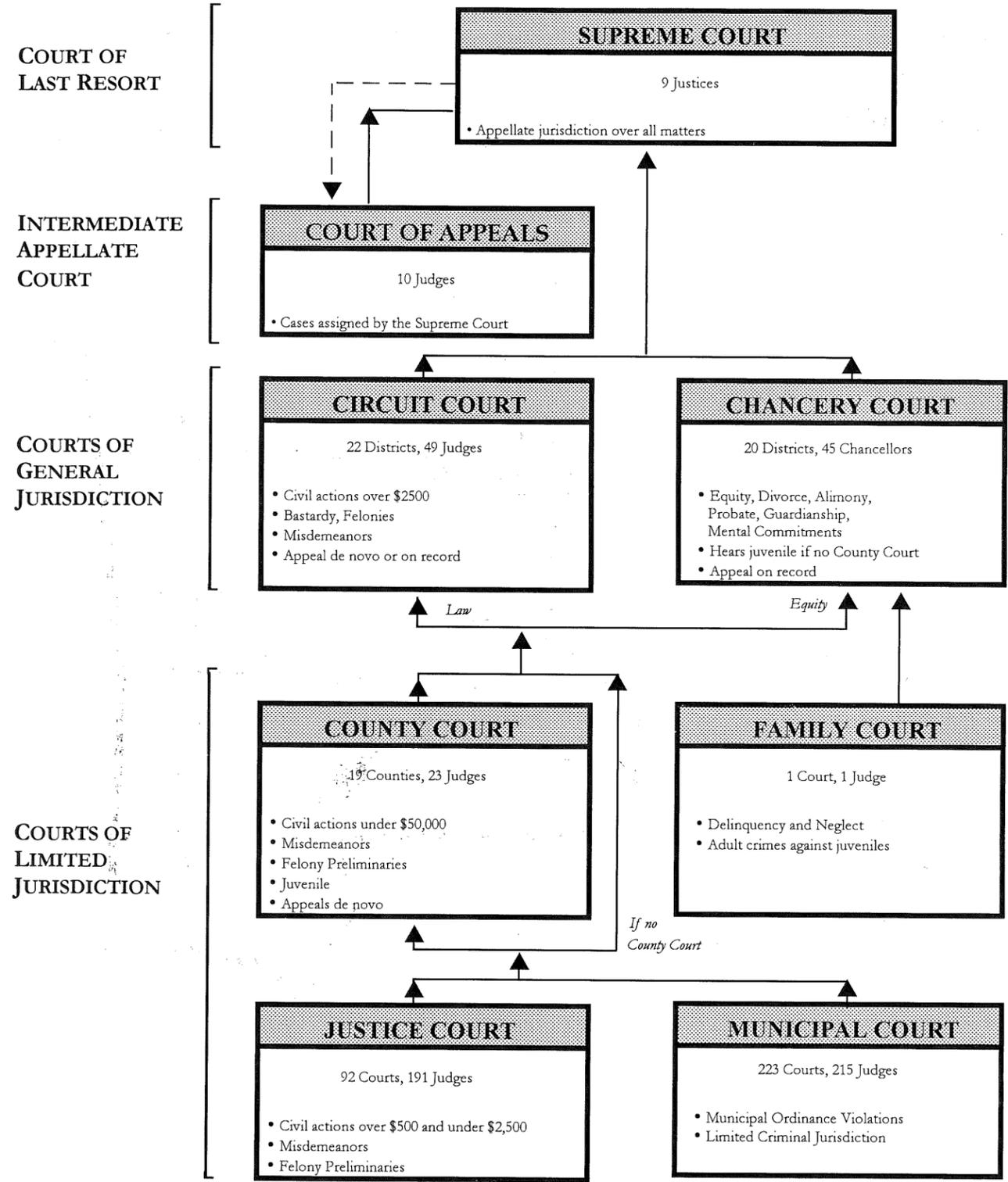
DAN LEE
Chief Justice



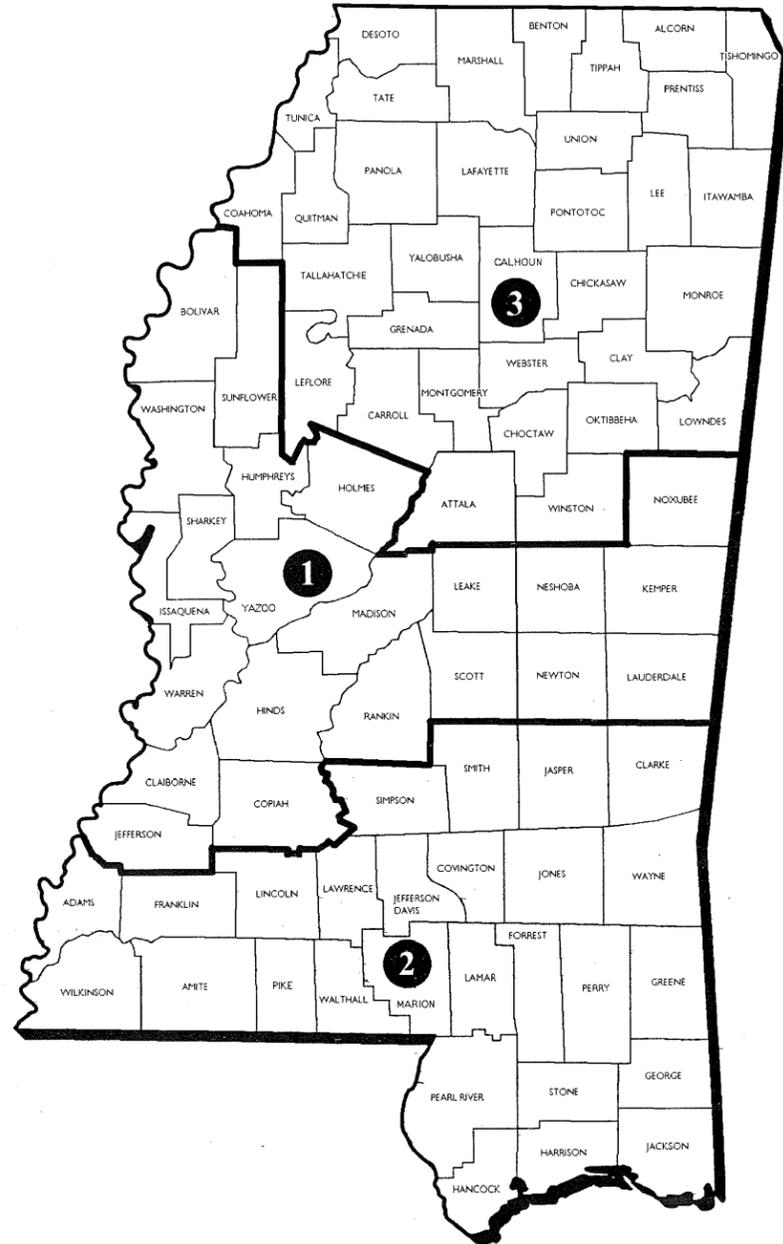
MISSISSIPPI COURT SYSTEM

- ◆ ORGANIZATIONAL CHART
- ◆ COURT DISTRICTS
- ◆ FUNDING AND ADMINISTRATION

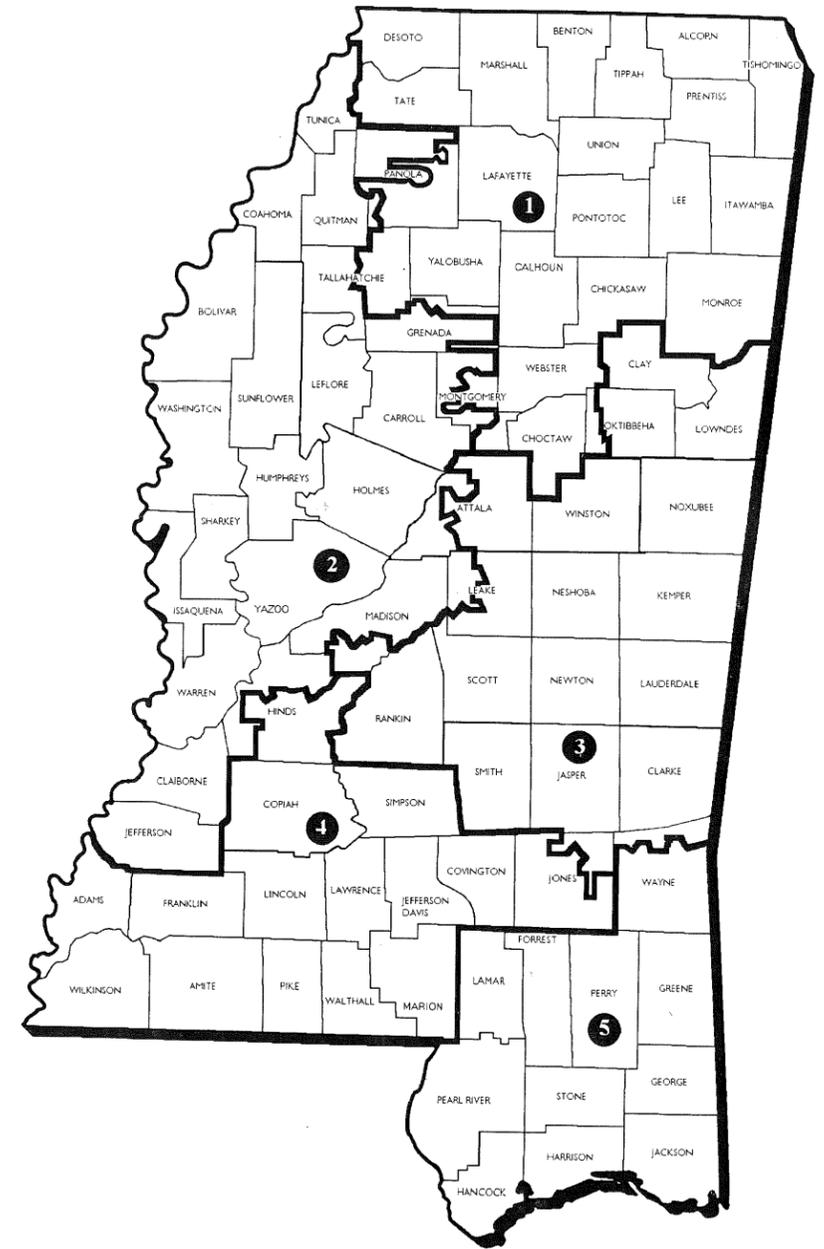
ORGANIZATIONAL CHART



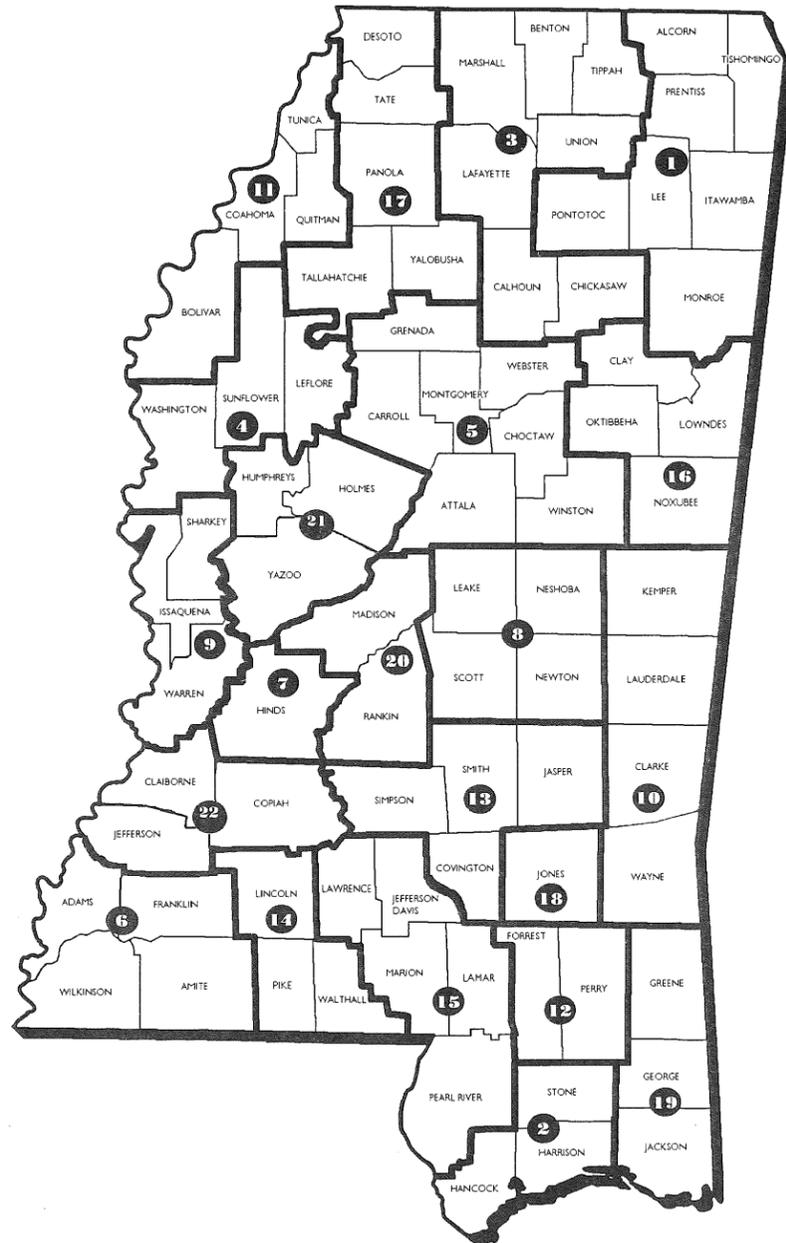
SUPREME COURT DISTRICTS



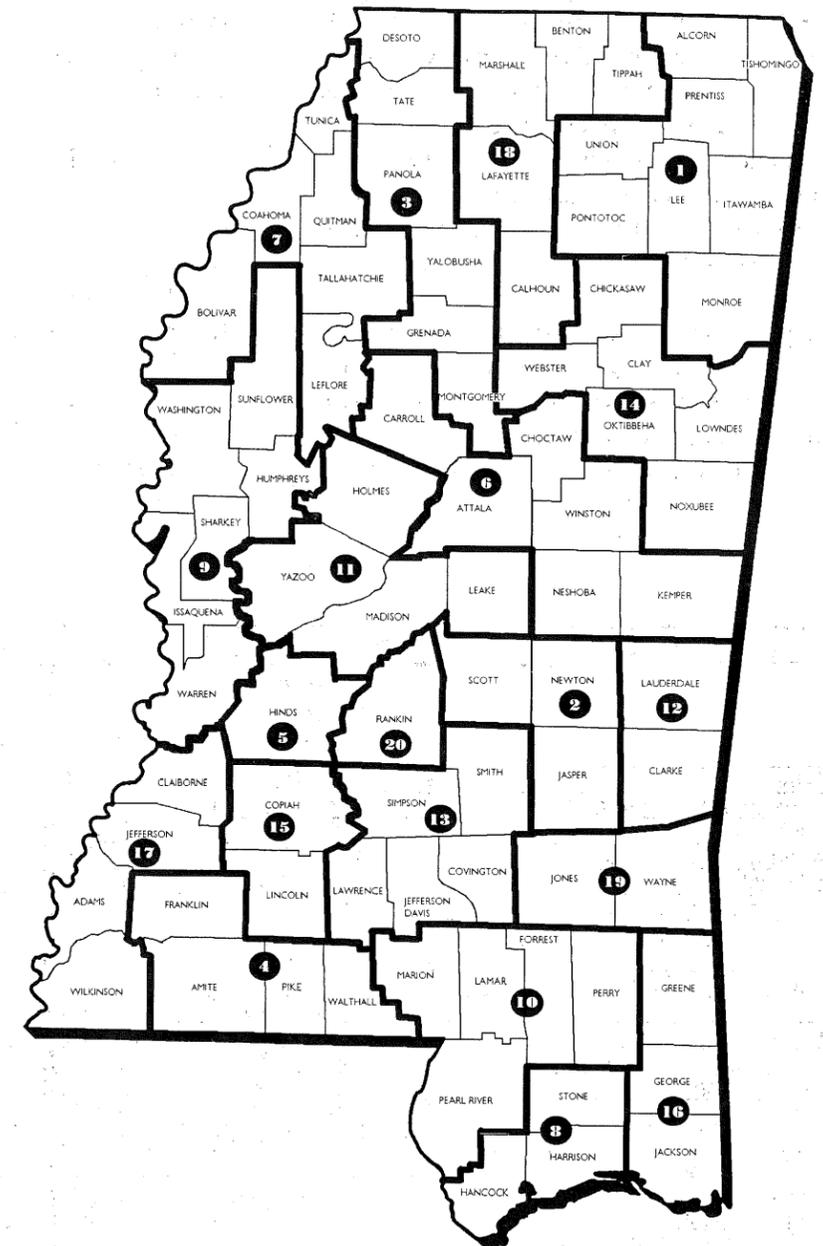
COURT OF APPEALS DISTRICTS



CIRCUIT COURT DISTRICTS



CHANCERY COURT DISTRICTS



FUNDING AND ADMINISTRATION

Administration of Mississippi's courts emanates from the Supreme Court, with administrative authority vested primarily in the Chief Justice. Independent of many executive branch restrictions, the judiciary directs many central functions of information systems and finance. Effective July 1, 1991, administrative authority for state monies benefitting Circuit and Chancery Courts was vested in the Supreme Court. Effective January 1, 1995, the Court of Appeals was created to alleviate the escalating workload of the Supreme Court.

For purposes of this illustration, fiscal year 1998 appropriations for general fund agencies are classified into sixteen major functions within state government. The Supreme Court, Court of Appeals, Chancery and Circuit Judges, Administrative Office of Courts, and Judicial Performance Commission,

which are included in the Judiciary and Justice Function, are funded almost entirely from general funds. General fund agencies are those departments, institutions, boards, or commissions of the State of Mississippi which are supported in whole or in part by appropriations from general tax collections.

The Judiciary, included in the Judiciary and Justice Function, receives 0.79% (less than one percent) of the total general tax collection dollars annually. The funds allocated to the Judiciary account for 49/100ths of one percent (0.49%) of the total funds appropriated. The allocation to the Judiciary is divided as follows: 39.18% to the Circuit and Chancery Judges; 15.83% to the Supreme Court; 11.76% to the Court of Appeals; 32.35% to the Administrative Office of Courts; and 0.88% to Judicial Performance.



SUPREME COURT OF MISSISSIPPI

- ◆ ORGANIZATION AND OPERATION
- ◆ THE JUSTICES
- ◆ COURT FINANCES
- ◆ CASELOAD SUMMARY

COMPARISON OF FY98 APPROPRIATIONS BY FUNCTION				
	General Funds Appropriated	Percent	Total Funds Appropriated	Percent
Legislative	18,072,167	0.61%	18,072,167	0.26%
Executive and Administration	3,209,834	0.11%	3,209,834	0.05%
Fiscal Affairs	70,368,434	2.39%	101,606,778	1.48%
Education (Public and Higher)	1,669,080,081	56.65%	2,849,458,948	41.45%
Public Health	35,902,437	1.22%	197,602,700	2.87%
Hospitals and Hospital Schools	174,202,112	5.91%	353,235,730	5.14%
Agriculture and Commerce	91,770,454	3.12%	225,547,442	3.28%
Conservation	52,100,230	1.77%	197,857,898	2.88%
Insurance and Banking	105,072	0.01%	105,072	0.00%
Corrections	195,369,166	6.63%	203,809,480	2.96%
Social Welfare	310,884,497	10.55%	2,287,067,605	33.27%
Military, Police, and Veterans Affairs	66,099,301	2.24%	126,964,421	1.85%
Local Assistance	73,200,000	2.48%	73,200,000	1.06%
Miscellaneous	28,417,056	0.97%	29,096,305	0.42%
Debt Service	110,515,473	3.75%	145,297,124	2.11%
Judiciary and Justice:				
Supreme Court	4,822,575	0.16%	5,222,900	0.08%
Court of Appeals	3,877,044	0.13%	3,882,184	0.06%
Circuit and Chancery Judges	12,928,326	0.44%	12,928,326	0.19%
Administrative Office of Courts	1,339,093	0.05%	10,676,608	0.16%
Judicial Performance	289,839	0.01%	289,839	0.00%
Attorney General's Office	6,573,187	0.22%	12,093,772	0.18%
District Attorneys and Staff	11,561,261	0.39%	11,561,261	0.17%
Compulsory Attendance Counselors	5,595,026	0.19%	5,595,026	0.08%
GRAND TOTALS	2,946,282,665	100.00%	6,874,381,420	100.00%

Source: Legislative Budget Office-Fiscal Year 1998 Budget

ORGANIZATION AND OPERATION

By mandate of the citizens of Mississippi, the judicial power of the State of Mississippi is vested in the Supreme Court and any additional courts for which provision is made in the Constitution. The Supreme Court sits as Mississippi's court of last resort. The Court is composed of nine elected justices, three from each Supreme Court district. To be eligible for the office of Supreme Court justice, a candidate must be thirty years of age and have been a practicing attorney and a Mississippi citizen for five years prior to appointment.

Justices are elected for staggered terms of eight years. By statute, the Chief Justice is the member of the Court with the longest tenure. The two justices next ranking in tenure are designated as Presiding Justices. Members of the Court in 1997 include Chief Justice Dan M. Lee, Presiding Justice Lenore L. Prather, Presiding Justice Michael D. Sullivan, Justice Edwin Lloyd Pittman, Justice Fred L. Banks, Jr., Justice C.R. "Chuck" McRae, Justice James L. Roberts, Jr., Justice James W. Smith, Jr., and Justice Michael P. Mills.

On January 5, 1998, Presiding Justice Lenore L. Prather became the Chief Justice of the Mississippi Supreme Court. In addition to Chief Justice Prather, members of the 1998 Court are Presiding Justice Michael D. Sullivan, Presiding Justice Edwin Lloyd Pittman, Justice Fred L. Banks, Jr., Justice C.R. "Chuck" McRae, Justice James L. Roberts, Jr., Justice James W. Smith, Jr., Justice Michael P. Mills, and Justice William L. Waller, Jr.

The Supreme Court is given such jurisdiction as is properly held by a court of appeals. The Court hears appeals from Circuit and Chancery Courts and also entertains direct appeals from the County Courts in cases of eminent domain and in those felony criminal cases transferred by the Circuit Court to County Court for trial. A case originating in Justice or Municipal Court, which has been appealed first to the County Court and then to the Circuit Court, can be appealed directly to the Supreme Court only where a constitutional question is implicated and the appeal is allowed by the Circuit Court judge or a Supreme Court justice.

The Court sits in panels of three justices. The Chief Justice and the two Presiding Justices each preside over a panel. The remaining justices are rotated among the three panels. A cause will be decided by the full Court where the justices on a panel differ as to the judgment on appeal, a justice certifies that a decision is in conflict with a prior decision, or the cause is of sufficient importance to be considered by all nine justices.

Since July of 1996, the Supreme Court, operating under new internal procedures, has issued a written opinion in every decision on the merits. A written opinion may or may not be designated for publication.

The Court now screens all appeals filed in the Supreme Court to determine which are appropriate for assignment to the Court of Appeals. The Supreme Court must also decide whether to review a decision of the Court of Appeals when a party seeks review in the Supreme Court by filing a petition for writ of certiorari.

Supporting the Supreme Court are a number of legal and administrative divisions. The Court Administrator serves as the administrative operating officer for the Court and oversees all support functions within the Court including budget and finance, information systems, central legal support, legislative liaison, and trial courts' liaison. The Office of the Supreme Court Clerk, the repository of all filings brought before the Court, is responsible for documenting each stage of the case from notice of appeal through final disposition. The State Law Library provides law library services to the Supreme Court and other state courts, to state officials, and to the general public. The Court's Central Legal Division prepares motions and petitions for disposition by the Court and assists with death penalty cases, Bar and Judicial Performance matters, and proposed rules changes.

The Chief Justice of the Supreme Court serves as the chief administrative officer of all Mississippi courts. The Supreme Court has the power to promulgate rules of procedure and evidence

for the Circuit, Chancery, and County courts. In carrying out its duties and responsibilities, the Supreme Court is assisted by a number of judicially-related entities. The Commission on Judicial Performance is charged with the enforcement of laws and ethical canons relating to judicial officers. To that end, the Commission considers complaints and, where appropriate, recommends sanctions to the Supreme Court. Regulation of the practice of law is performed through the Office of Complaints Counsel of the Mississippi Bar which directs discipline proceedings and makes recommendations, where appropriate, to the Supreme Court in lawyer disciplinary proceedings. The Chief Justice of the Supreme Court chairs the Conference of Mississippi Judges which meets regularly to direct administrative business and engage in study and discussion. The Advisory Committee on Rules, whose members are appointed by the Supreme Court, serves as a study and drafting resource with regard to Mississippi's comprehensive uniform and local court rules. The Committee reviews the rules, receives suggestions for rule changes from the bench, bar and general public, and reports to the Supreme Court on an annual basis.

Also assisting the Supreme Court are the Administrative Office of Courts, the Board of Bar Admissions, and the Commission on Continuing Legal Education.

ADMINISTRATIVE OFFICE OF COURTS

The Mississippi Administrative Office of Courts was established in July 1, 1993 in order to assist in the efficient administration of the nonjudicial business of the State's court system. The AOC offices are located in Jackson at the Mississippi Court of Appeals' building at 656 North State Street. The Administrative Office of Courts is responsible for performing the following duties:

- To assist the Chief Justice of the Supreme Court with his duties as the chief administrative officer of all of the courts in the state;
- To assist in the prevention of unnecessary delay in the conduct of trials of the state courts;

- To collect case statistics from all civil, criminal and youth courts in the state;
- To coordinate and conduct studies and projects to improve the administration of justice;
- To support the Judicial Advisory Study Committee, including research and clerical assistance;
- To require the filing of reports and the collection and compilation of statistical data and financial information;
- To make recommendations regarding the state of the dockets and the effective number of judges and other court personnel;
- To prescribe uniform administrative and business records, forms, systems and records;
- To devise and promulgate youth court tracking forms;
- To prepare and submit budget recommendations necessary for the maintenance and operation of the judicial system;
- To develop and implement personnel policies for nonjudicial court employees;
- To procure, distribute, exchange, transfer and assign equipment, books, forms and supplies as are acquired for the court system;
- To make recommendations for the improvement of the operations of the judicial system;
- To prepare and submit an annual report on the work of the judicial system;
- To take necessary steps in the collection of unpaid fines and court costs;
- To perform any additional administrative duties as assigned by the Supreme Court.

During its first year of existence, the Administrative Office of Courts established a case filing/identification system covering both civil and criminal cases in the state's Chancery, Circuit, and County Courts. The system is based on computer compatible cover sheets which accompany civil cases at the time of filing and criminal cases at the time of disposition. A similar method for the collection of Youth Court statistics was implemented in 1995. In 1997, the AOC developed an electronic data filing program whereby clerks could transmit filing and disposition data to the Administrative Office of Courts if the clerks so elected. The new program is scheduled to be implemented in early 1998.

Under legislation enacted during the 1994 Regular Legislative Session, support staff for Chancery and Circuit judges became employees of the Administrative Office of Courts. Chancery and Circuit judges may, at their option, employ court administrators, law clerks, paralegals, secretaries, or any combination thereof. Such staff members are designated as employees of the Administrative Office of Courts but are to be hired by and serve at the will and pleasure of the judges. The Legislature provided a limited state appropriation for the hiring of trial court support staff. Any shortfall in those funds for salaries and fringe benefits for support staff may be paid by the respective counties of a court district under statutory guidelines. Beginning October 1, 1996, all Chancery and Circuit court reporters became employees of the Administrative Office of Courts, with the counties of a court district transferring a percentage share of the salary to the AOC for distribution.

The same legislation which created the Administrative Office of Courts also created the twenty-one member Mississippi Judicial Advisory Study Committee. Its members have been appointed by various entities as directed by statute. The chairs of the Senate and House Judiciary Committees are designated by statute as non-voting members of the

Committee. The Judicial Advisory Study Committee is required by statute to meet not less than quarterly. The Judicial Advisory Committee has appointed consulting groups in areas of particular concern, including both civil and criminal law, to develop recommendations as required by statute to be made to the Legislature, the Supreme Court and the Administrative Office of Courts. The Administrative Office of Courts is directed by statute to provide support for the work of the Mississippi Judicial Advisory Study Committee.

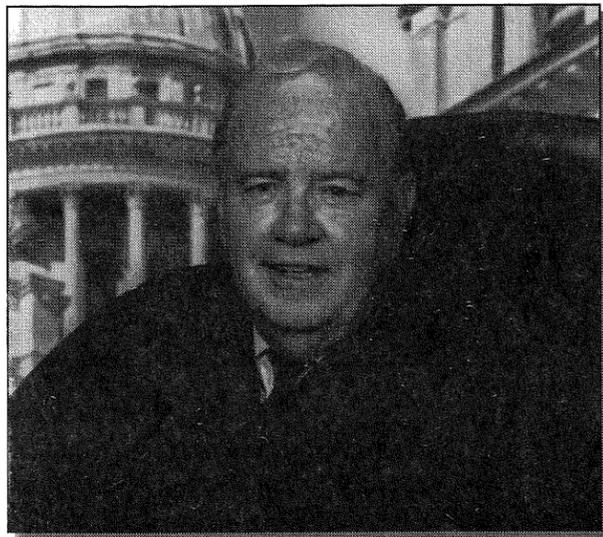
BOARD OF BAR ADMISSIONS

The Board of Bar Admissions governs admission of attorneys into the practice of law in the State of Mississippi and administers the bar admission examination twice each year, once in February and once in July. Board members are appointed by the Supreme Court. The Board of Bar Admissions office is located at 656 North State Street.

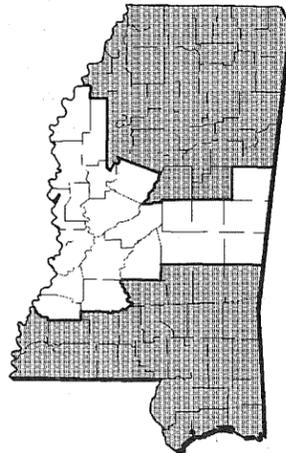
COMMISSION ON CONTINUING LEGAL EDUCATION

Continuing Legal Education, mandated by Rule 3 of the Rules and Regulations for Mandatory Continuing Legal Education, is monitored by the Commission on Continuing Legal Education. The Commission members are appointed by the Supreme Court. Twelve hours of approved instruction are required annually of every attorney licensed to practice law in the State of Mississippi. One of the twelve hours must be in the area of legal ethics, professional responsibility or malpractice prevention. The Continuing Legal Education office is located at 656 North State Street.

CHIEF JUSTICE DAN M. LEE



DISTRICT 1 PLACE 1



Chief Justice Daniel (Dan) McKinnon Lee was born in Forrest County, Petal, Mississippi, on April 19, 1926, the son of Buford Aaron Lee and Pherbia (Camp) Lee. He graduated from Petal High School, Petal, Mississippi, in April, 1944, and was inducted into its Academic Hall of Fame on June 7, 1990. Justice Lee is a World War II overseas veteran, having served in the United States Naval Air Corps from April 1944, to June 1946, at various stations, including the aircraft carrier U.S.S. Princeton. Justice Lee attended Pre-Law at the University of Southern Mississippi. He obtained his LL.B. in 1949 and his Juris Doctorate in 1970, both from the Mississippi College School of Law. Justice Lee was admitted to the Mississippi Bar in 1948 and engaged in private practice with J. Ed Franklin from 1948 to 1954. From 1954 to 1971, he practiced law as a member of the firm of Lee, Moore & Countiss, and was a member of the Mississippi Oil and Gas Board and the Interstate Oil Compact Commission from 1968 through 1971.

Justice Lee was elected and served as Hinds County Judge from 1971 to 1977, and Circuit Judge of Hinds and Yazoo Counties from 1977 to 1982. In 1980, he was elected Justice of the Mississippi Supreme Court for a term beginning in 1982 and was

re-elected in 1988 for an eight-year term commencing January 1, 1990. He served as a Presiding Justice from 1987 until December 1, 1995, when he became Chief Justice.

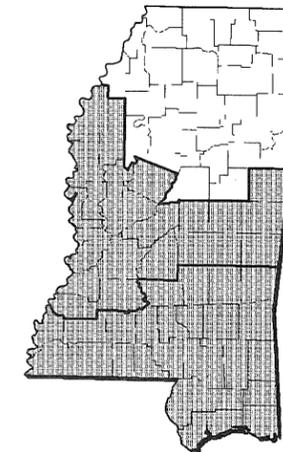
In 1996, Chief Justice Lee was honored as Mississippi College Lawyer of the Year. He currently serves as chair of the Substance Abuse Committee of the Conference of Chief Justices. He is a member of the Hinds County Bar Association, Mississippi Bar Association, American Bar Association, American Judicature Society, and the National Judicial College. He is also a member of the American Legion, V.F.W., and Aircraft Owners and Pilots Associations.

Justice Lee was married to Peggy Jo Daniel (deceased, June 1952) and in September 1956, married the former Mary Alice Gray, M.D., of Waynesboro, Mississippi. Dr. Lee is a Retired Health Officer of the Mississippi State Health Department. Justice and Mrs. Lee are members of the Woodland Hills Baptist Church and have two children, four grandchildren and two great-grandchildren. Mrs. Charles W. (Sharon Lee) Anderson (a municipal planner) and Daniel (Danny) McKinnon Lee, Jr. (a landscape architect), both reside in Madison, Mississippi.

PRESIDING JUSTICE LENORE L. PRATHER



DISTRICT 3 PLACE 2



Presiding Justice Lenore L. Prather was born in West Point, Clay County, Mississippi, on September 17, 1931, the daughter of Byron H. and Hattie Hearn Loving.

She graduated from West Point High School, West Point, Mississippi in 1949 and from the Mississippi University for Women in 1953 and was in Who's Who in American Colleges & Universities, 1953. She graduated from the University of Mississippi School of Law in 1955 with a J.D. degree. From the Mississippi University for Women, she has received the Medal of Excellence and the Alumnae Achievement Award. She is a member of the University of Mississippi Alumni Hall of Fame.

She was in the private practice of law from 1955 until 1971, practicing with her father and husband. She was appointed West Point Municipal Judge in 1965 and served until September 1972. In 1972, she was appointed Chancery Judge, 14th District, consisting of Lowndes, Oktibbeha, Clay, Noxubee, Webster and Chickasaw counties, as Mississippi's first female Chancery Judge by Governor John Bell Williams. She was re-elected without opposition to serve the unexpired term ending 1974 and again re-elected unopposed to two

full terms from 1975 to 1982. She was appointed to the Mississippi Supreme Court in 1982 by Governor William F. Winter as Mississippi's first female justice and was re-elected unopposed to the unexpired term ending January 1, 1985, and to a full term ending January 1, 1993 and re-elected to a full term ending in the year 2001. She became Presiding Justice in January 1993.

Justice Prather is a member of the Mississippi Bar Association, Mississippi Bar Foundation, Conference of Mississippi Judges, American Inns of Court, American Bar Association and American Judicature Society. She attended National Judicial College, Reno, Nevada.

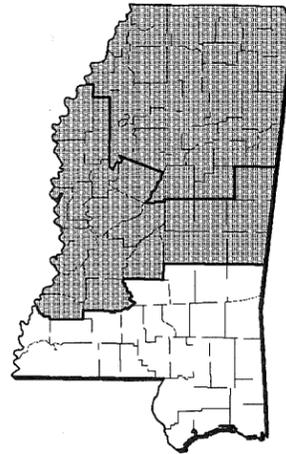
She is an Episcopalian and a former member of Pilot International. She holds present membership in Rotary International and is a Paul Harris Fellow, Junior Auxiliary, Daughters of American Revolution, and Who's Who in America, 1984-1996.

Justice Prather is the widow of Robert Brooks Prather. She has three daughters and two grandchildren.

**PRESIDING JUSTICE
MICHAEL D. SULLIVAN**



**DISTRICT 2
PLACE 2**



Presiding Justice Michael D. Sullivan was born in Hattiesburg, Mississippi, on December 2, 1938. He is the son of the late Curran W. Sullivan and Mittie Chambers Sullivan. He graduated from the University of Southern Mississippi in 1960 with a B.S. in History; from Tulane University in 1966 with a Juris Doctorate; and from the University of Virginia in 1988 with a Master of Laws in Judicial Process.

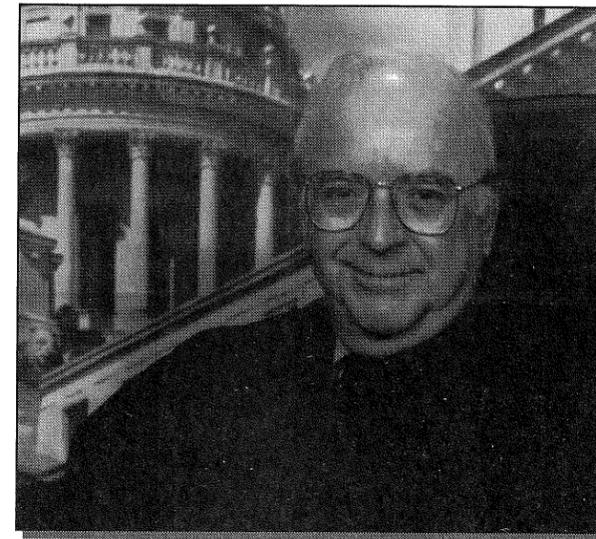
Justice Sullivan was on active duty with the United States Naval Reserve from 1961-63. He entered the practice of law in Hattiesburg in 1967, and engaged in private practice until July 1, 1975, when he was elected Chancellor for the Tenth Chancery Court District (Forrest, Lamar, Marion, Perry and Pearl River Counties) in the State's only Saturday election. He served as Chancellor until February 15, 1984, at which time he was appointed to the Supreme Court by Governor Bill Allain.

He was formerly the Mississippi delegate to the National Conference of State Trial Judges, a member of the National Conference of Probate Judges, and a delegate to the President's Committee of Judiciary on Victim's Rights. He is a member and former governor of the American Judges Association. Justice Sullivan is a former member of the Board of Governors of the Mississippi Judicial College.

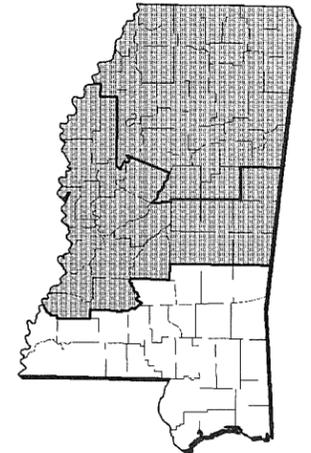
Justice Sullivan is a Methodist. He is a member of the South Central Mississippi Bar Association, Mississippi Bar Association, and American Bar Association.

He is married to the former Catherine Carter. Justice Sullivan has four children: a son, David Paul, and three daughters, Rachel Michel, Margaret Elizabeth, and Sarah Catherine.

**JUSTICE
EDWIN LLOYD PITTMAN**



**DISTRICT 2
PLACE 3**



Justice Edwin Lloyd Pittman was born in Hattiesburg, Mississippi, on January 2, 1935. He was educated in the Hattiesburg Public Schools. He received a B.S. degree in History and Government from the University of Southern Mississippi in 1957 and a J.D. Degree from the University of Mississippi School of Law in 1960.

Justice Pittman practiced law for 16 years in Hattiesburg. He served in the Mississippi State Senate from 1964 to 1972; as State Treasurer from 1976 to 1980; as Secretary of State from 1980 to 1984; and as Attorney General from 1984 to 1988. In 1988, he practiced law in Hattiesburg and Jackson. He was elected to the State Supreme Court for a term beginning January 1989 and re-elected to a second eight-year term beginning January 1997.

He retired from the Mississippi National Guard as Brigadier General with thirty years' service. He served as a member of the National Association of Attorneys General Executive Committee from 1985 to 1987 and Chairman of the Southern Conference of Attorneys General in 1987. In

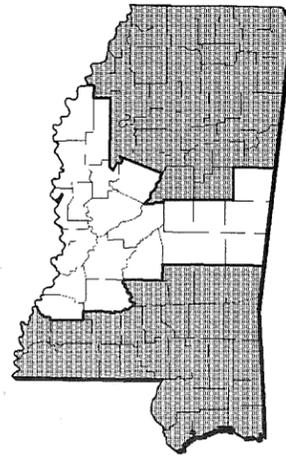
addition, he was the 1989 recipient of the HUB Award presented by the University of Southern Mississippi for outstanding contributions to the community and dedication to public service. He is a charter member of the University of Southern Mississippi Alumni Hall of Fame and a recipient of the Humanized Education Award for 1982-83, presented by the Mississippi Association of Educators. He serves as a member of the Board of William Carey College in Hattiesburg. He is also a member of the Mississippi Bar Association, the American Bar Association, and the Mississippi Bar Foundation. He is an active member of the Pine Lake Baptist Church located at the Reservoir in Rankin County where he has served as a Sunday school teacher, deacon and chairman of deacons.

Justice Pittman is married to Virginia Lund Pittman, and they are the parents of seven children: Mrs. John Wakeland (Melanie), Edwin Lloyd Pittman, Jr., Jennifer Pittman, Will Browne, Michael Browne, Mrs. Bruce Neal (Joli), and Mrs. John McClendon (Betsy).

**JUSTICE
FRED L. BANKS, JR.**



**DISTRICT 1
PLACE 2**



Justice Fred L. Banks, Jr. was born in Jackson, Mississippi, September 1, 1942, the son of the late F.L. Banks, Sr. and Violet Mabery Banks. After graduating from Lanier High School in Jackson in 1960, he attended Howard University in Washington, D.C., where he received his undergraduate degree in Business Administration and graduated with honors from law school, second in his class.

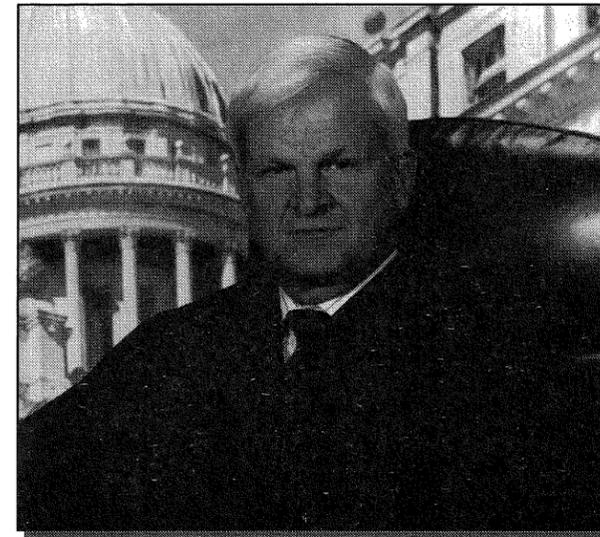
Beginning in 1968, Justice Banks engaged in private practice in Jackson with the firm "Anderson, Banks, Nichols and Leventhal" and successor firms. In 1975, he was elected to the Mississippi House of Representatives and was twice re-elected. During his tenure, he served as Chairman of the House Ethics Committee, Chairman of the House Judiciary "B" Committee and Chairman of the Legislative Black Caucus. From 1979 until 1981, Justice Banks served as a member of the Mississippi Board of Bar Admissions. In February 1985, he was appointed Judge of the Seventh Circuit Court District (Hinds and Yazoo Counties). He was twice unopposed for

re-election to this position. In January 1991, Justice Banks was appointed to fill an unexpired term on the Mississippi Supreme Court. He was elected to serve the remainder of that term in November 1991 and was re-elected for a full term in November 1996.

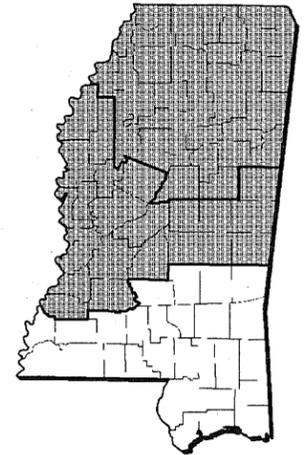
Justice Banks serves on the National Board of Directors of the NAACP, the Board of Visitors at Mississippi College School of Law, where he is also an Adjunct Professor of Law, and chairs the Criminal Justice Task Force of the Mississippi Bar. He is a member of Sigma Pi Phi Fraternity, American Inns of Court, Charles Clark Inn, the Mississippi Bar Foundation, the Magnolia Bar Foundation, the Mississippi, Hinds County, Magnolia, National, American and District of Columbia Bar Associations, and the American Law Institute.

He is married to Pamela Gipson Banks, Ph.D., a clinical psychologist. He has three children: Rachel, Jonathan, and Gabrielle.

**JUSTICE
C.R. "CHUCK" MCRAE**



**DISTRICT 2
PLACE 1**



Justice Chuck McRae is the son of the late Orpha Whitmer and Marion Edward McRae. He grew up in Pascagoula, Mississippi, but graduated from high school in Pittsburgh, Pennsylvania.

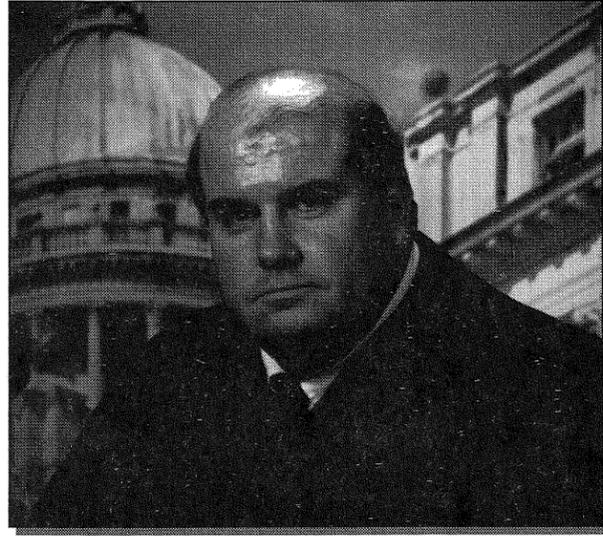
He graduated from Marietta College, Marietta, Ohio, in 1962. Upon graduation, he taught and coached in high schools at Moss Point, Mississippi, and Panama, Florida.

Justice McRae attended Jackson School of Law in Jackson, Mississippi, and graduated Cum Laude in 1970. He returned to Pascagoula to practice law and later formed a law firm with Margaret Ellis. He sat on both the Circuit and Chancery Court Benches by special appointment in Jackson, Forrest, Lamar and Lincoln Counties. Prior to his election as Supreme Court Justice in November 1990, he

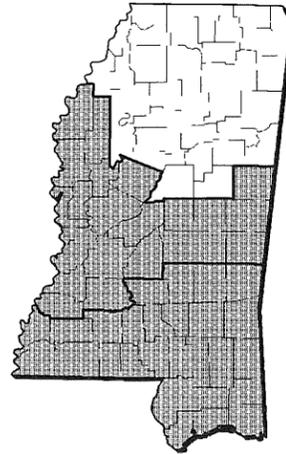
served as attorney for the Jackson County School Board and the Pascagoula Police Association.

Justice McRae has been active in the Mississippi Trial Lawyers Association, being a lifetime member and serving as Governor and President. He has served as a governor for the Association of Trial Lawyers of America and has been a sustaining member. He is a former Bar Commissioner of the Mississippi Bar. Justice McRae is a member of the Civil Justice Foundation, Roscoe Pound Foundation, M Club, Marietta College Athletic Founders Board, American Judicature Society, Fifth and Eleventh Circuit Bar Associations, Federal Bar Association, Magnolia Bar Association, American Bar Association and First United Methodist Church, Pascagoula. Justice McRae has one daughter, Rebecca, and one grandson, Jaqe.

JUSTICE JAMES LAMAR ROBERTS, JR.



DISTRICT 3 PLACE 1



Born in the Robbs Community in Pontotoc County on June 8, 1945, Justice James L. Roberts, Jr. received his education from the Pontotoc public schools, Millsaps College (B.A., in 1967), Mississippi State University (M.B.A., in 1968), and the University of Mississippi (J.D., in 1971). He is also a graduate of the National Judicial College, Reno, Nevada (1988). Justice Roberts, a seventh generation Mississippian, was a law school class officer, member of the Honor Council and Moot Court Board, President of the law school student body and Delta Theta Phi Legal Fraternity. Additionally, he was named National Outstanding Student Member of Delta Theta Phi for 1970.

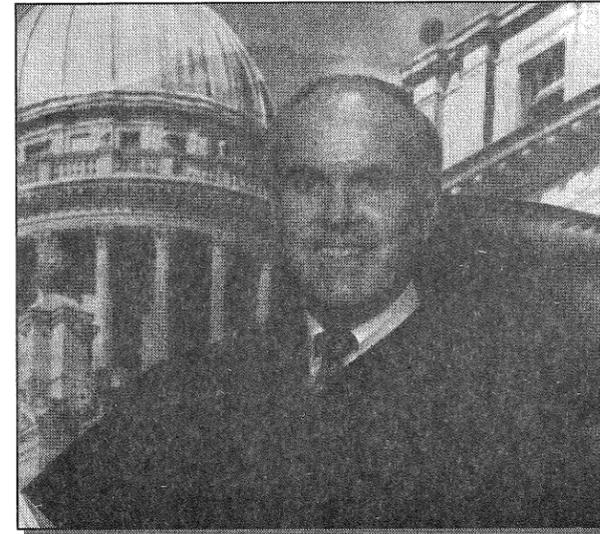
Justice Roberts practiced law in Pontotoc from 1971 until 1984, simultaneously serving as County Prosecuting Attorney and Youth Court Prosecutor from 1972 to 1984. As Mississippi Commissioner of Public Safety from 1984 to 1988, Roberts supervised an agency which included the Mississippi Highway Safety Patrol, Mississippi Crime Laboratory, Mississippi Law Enforcement Officers Training Academy, Medical Examiner's Office, and the Bureau of Narcotics. As Commissioner, Roberts served a four-year term as a member, and one year as Chairman, of the Mississippi Board of Law Enforcement Officer Standards and Training.

In January 1988, Robert was appointed Chancellor in the First Chancery District, where he was subsequently elected and reelected for consecutive terms. Successful in 1992 in election to the Supreme Court to commence in 1993, Roberts was Governor Kirk Fordice's first appointment to the Supreme Court to complete the unexpired term of retiring Justice James Lawton Robertson.

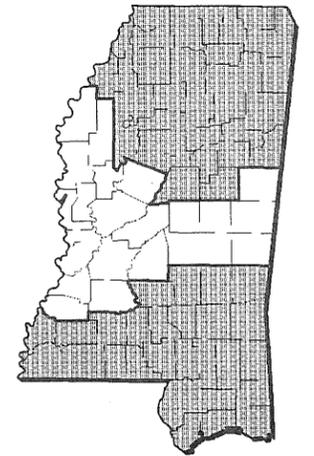
Justice Roberts has served as a member of several philanthropic and professional organizations, among them: Northeast Mental Health/Retardation Commission; Mississippi Prosecutors' Association; International Chiefs of Police; Mississippi Law Enforcement Officers' Association; Tennessee-Mississippi Sheriffs and Peace Officers Association; Rotary Club; Governor's Alliance Against Drugs; Mississippi Conference of Judges; Chancery Judges Conference; National Council of Juvenile and Family Court Judges; National College of Probate Judges; and Judicial Division of the American Bar Association. He maintains membership in the Pontotoc County, First Judicial District, Mississippi and American Bar Associations. In 1985, he received the Herman Glazier Award from the Mississippi Chapter for Public Administration. He serves as the Supreme Court member of the Board of Governors of the Mississippi Judicial College by designation of the Chief Justice, and he served 1994-1997 as a member of the Mississippi Bar Foundation Board of Governors, also by designation of the Chief Justice. Roberts is also a member of Kappa Sigma, Alpha Kappa Psi, and Omicron Delta Kappa, as well as an honorary member of Pi Alpha Alpha. Additionally, he is a member of the alumni associations of Millsaps College, Mississippi State University, and the University of Mississippi. Other memberships include the Pontotoc County Historical Society, Mississippi Historical Society, Mississippi Methodist Historical Society, and Board of Trustees of Wood College in Mathiston, Mississippi.

Justice Roberts is married to Rose D. Roberts. They are members of the Pontotoc United Methodist Church. He frequently speaks to legal and law enforcement groups, as well as to civic clubs, and church functions, and for commencements.

JUSTICE JAMES W. SMITH, JR.



DISTRICT 1 PLACE 3



Justice James W. Smith, Jr. was elected to the Mississippi Supreme Court effective January 1, 1993. Justice Smith was born in Louisville, Winston County, Mississippi, on October 28, 1943. He was reared in Pelahatchie and graduated from Pelahatchie High School in 1961 where he was voted Mr. PHS and the Most Likely to Succeed. He attended Hinds Junior (Community) College and the University of Southern Mississippi where he received his B.S. in History and Political Science in 1965. In 1972, Justice Smith was awarded the Juris Doctorate from Jackson School of Law, Mississippi College, where he was also a member of the honorary law fraternity, Sigma Delta Kappa. In that same year, he was admitted to the practice of law in Mississippi. He earned a Master's degree in education administration from Mississippi College in 1973.

From 1969 to 1972, Justice Smith served as a teacher and principal at Pearl Junior High School. While at PJHS, he received the 1971 "Outstanding Young Educator of the Year Award" from the Pearl Jaycees. Beginning in 1973 and continuing until 1980, he was City Prosecuting Attorney for the City of Pearl and was also Rankin County Prosecuting Attorney in 1976. From 1977 to April, 1982, he served as district attorney for the 20th Circuit Court District. From April of 1982 until his election to the Mississippi Supreme Court, he was County Court Judge for Rankin County.

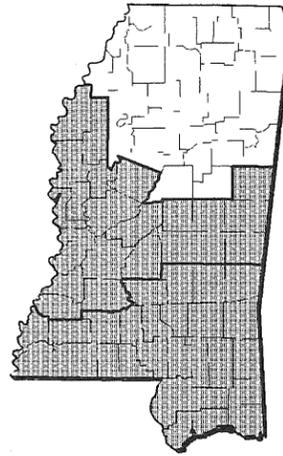
Justice Smith formerly served three years in the United States Army and four years in the Army Reserve. He is an active member of V.F.W. Post 11273 in Brandon and Jackson Downtown Rotary Club. Justice Smith received the 1991 Outstanding Positive Role Model For Today's Youth Award, the 1992 Child Forever Award from Mississippi Voices of Children and Youth for Service to Mississippi Children. He is the recipient of the 1995 You've Made a Difference Award for Service to Youth. He is the recipient of the 1996 Hinds Community College Alumnus of the Year Award. He is a Fellow of the Mississippi Bar, and is the Court's representative on the Mississippi Bar Foundations Board of Governors, and the Mississippi Bar IOLTA Board. Justice Smith is a member of the Hinds, USM and Mississippi College Alumni Associations. He has been recognized numerous times in Who's Who in American Law and in Who's Who in America in 1997.

Justice Smith is a tree farmer and avid outdoorsman, well known for his contributions to deer and wild turkey conservation projects. He is married to the former Kathy Morris of Scott County. He has two daughters, Margaret Shannon Eaves of Jackson, and Amanda Helen Smith who attends Elon College in North Carolina. Kathy has two children, Katherine Murray and Samuel Murray. They reside in the Andrew Chapel community in Rankin County, Mississippi.

**JUSTICE
MICHAEL P. MILLS**



**DISTRICT 3
PLACE 3**



Justice Mills was graduated from Itawamba Agricultural High School in 1974, after attending primary and secondary schools in Tishomingo, Iuka and Fulton. He attended Itawamba Community College and was graduated from the University of Mississippi in 1978 with a bachelor's degree. He received his Juris Doctorate from the University of Mississippi Law School in 1980.

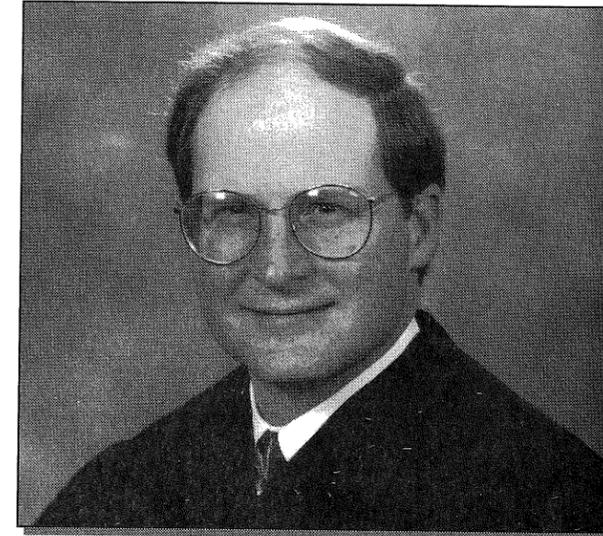
Justice Mills practiced law in Monroe and Itawamba counties until 1995 when he was appointed to the Mississippi Supreme Court to fill the unexpired term of Chief Justice Armis E. Hawkins. He was elected to a full 8 year term in 1996. He has practiced before the United States Supreme

Court, the Fifth Circuit Court of Appeals, and all Mississippi state and federal courts.

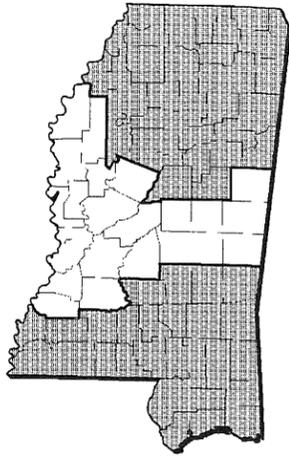
Justice Mills served twelve years in the Mississippi Legislature. He held the positions of Chairman of the Judiciary "A" and Judiciary En Banc committees. He is a Commissioner on the National Conference of Commissioners on Uniform State Laws and he is a member of the Mississippi Bar and the Federalist Society.

Justice Mills is married to the former Mona Robinson. They have four children: Alysson, Chip, Rebekah and Penn.

**JUSTICE
WILLIAM L. WALLER, JR.**



**DISTRICT 1
PLACE 1**



Justice William L. (Bill) Waller, Jr., a seventh generation Mississippian, was born on February 9, 1952, in Jackson. He is the eldest son of former Governor Bill Waller, Sr., and Carroll Overton Waller. After graduation from Murrah High School in 1970, he attended Mississippi State University and Delta State University, receiving his undergraduate degree in General Business with emphasis in Finance, Tax and Insurance in 1974 from Mississippi State. He received his Juris Doctor from the University of Mississippi Law School in 1977. While in law school, Justice Waller was a member of Phi Alpha Delta Legal Fraternity and Lamar Society of International Law and was Chairman of the Faculty Evaluation Committee.

From 1977 until his investiture to the Supreme Court in January, 1998, Justice Waller maintained a general law practice with the law firm of Waller and Waller. In January, 1995, he was appointed Municipal Judge for the City of Jackson and served until his resignation in July, 1996. In November, 1996, he was elected to the Supreme Court with sixty-six percent of the popular vote. He served as Chairman of the Lawyer Referral Service for the Mississippi State Bar from 1987 to 1989. He has also served as a panelist for the Mississippi Pro Bono Service, as a Board Member of the Mississippi Trial

Lawyers Association from 1979 to 1982 and as a Barrister of the Charles Clark American Inn of Court from 1989 to 1991. He is a member of the Hinds County Bar Association, the Mississippi Bar Association, the American Bar Association, the Mississippi Trial Lawyers Association and the Christian Legal Society. He has also served as General Counsel for the Central Mississippi Chapter of the Lupus Foundation of America and as Board Member and Chairman of the Jackson Council of Neighborhoods. He is a member of the Capitol Optimist Club.

Justice Waller is a Lieutenant Colonel in the Mississippi National Guard, presently acting as Chief of Staff, 66th Troop Command. He is a graduate of the Command and General Staff College and is presently a corresponding student of the U.S. Army War College. He has served as Secretary, Legislative Committee Vice Chairman and Board Member for the Mississippi National Guard Association and is a member of the American Legion.

He is an active member of the First Baptist Church in Jackson where he is a Sunday school teacher and deacon. Justice Waller is married to the former Charlotte Brawner of Biggersville. They have three children: William, Jeannie and Clayton.

COURT FINANCES

The Supreme Court Finance Office is responsible for the appropriation units of the Supreme Court, Court of Appeals, Administrative Office of Courts, Chancery and Circuit Judges, Board of Bar Admissions, and Commission on Continuing Legal Education. The appropriation for the Supreme Court includes the operating expenses of the Supreme Court, the Supreme Court Clerk, and the State Law Library. The appropriation for the Court of Appeals includes the operating expenses of the Court

of Appeals, along with related costs for support staff and the Supreme Court Clerk's Office. The appropriation for the Administrative Office of Courts includes the operating expenses of the AOC, salaries of Trial Judge support staff and court reporters (paid from county funds), and operating expenses of the Board of Certified Court Reporters. The appropriation for the Chancery and Circuit Judges includes salary costs of support staff paid from general funds.

FY 97 COURT FINANCES	Supreme Court	Court of Appeals	Administrative Office of Courts	Trial Judges	Board of Bar Admissions	Continuing Legal Education
Category:						
Salaries	3,414,331	2,512,310	5,181,448	11,549,592	74,686	40,299
Travel	123,565	105,532	7,707	427,307	3,547	4,295
Contractual Services	973,543	699,474	521,059	56,475	86,827	23,146
Commodities	307,872	39,149	49,480	451,043	7,505	2,723
Equipment	298,183	134,036	36,236	256,100	3,449	0
Subsidies	0	0	0	0	0	0
TOTAL	5,117,494	3,490,501	5,795,930	12,740,517	176,014	70,463
Funding:						
General Funds	4,948,701	3,490,501	974,068	12,740,517	0	0
Federal Funds	0	0	52,088	0	0	0
Other Funds	168,793	0	4,769,774	0	176,014	70,463
TOTAL	5,117,494	3,490,501	5,795,930	12,740,517	176,014	70,463
Authorized Positions:						
Full-Time Permanent	72	65	15	93	2	1
Full-Time Time-Limited	0	0	1	0	0	0
Part-Time Permanent	2	0	1	0	1	0
TOTAL	74	65	17	93	3	1

*Salary expenses for AOC include \$4,701,447 for Trial Judge support staff positions paid from county funds.

**Salary expenses for Trial Judges include \$2,490,632 for support staff positions paid from general funds.

CASELOAD SUMMARY

The 1997 Supreme Court disposed of 766 cases, an average of 85 cases per justice. Of this number, 484 involved decisions on the merits. Of the cases disposed of on the merits, 250 (or 51.7%) were civil and 234 (or 48.3%) were criminal. Two hundred and thirty-one (231) of the cases were handled by published written opinion in 1997. The Court heard oral argument in 50 cases (or 6.5% of its caseload) in 1997.

Overall, the Court affirmed 339 (or 70.0%) of the cases heard in 1997, while reversing 145 (or 30.0%) in whole or in part. The criminal affirmance rate was 78.2% while the civil affirmance rate was 62.4%.

Two hundred and three (203) motions for rehearing were disposed of in 1997. One hundred and ninety-seven (197) were denied, and six (6) were granted.

With reference to the appellate courts' motions dockets, a total of 5,435 motions were filed in 1997. The number of motions disposed of in 1997 was 5,871. Eighty-seven (87) petitions for interlocutory appeal were filed under Mississippi Rule of Appellate Procedure 5, six (6) of which were granted, fifty-three (53) denied, and four (4) had other dispositions.

**TABLE 1
CASE FILINGS AND DISPOSITIONS**

Table 1 presents a numerical and graphic overview of the statistical case filings and dispositions of the Mississippi Supreme Court encompassing a ten (10) year comparative base.

There were 1,282 new filings in 1997, an increase of 130 cases over the preceding year. The Supreme Court and the Court of Appeals disposed of 1,494 cases in 1997.

YEAR	FILINGS			DISPOSITIONS**			PENDING DEC 31st
	NEW	REINSTATED	TOTAL	DECIDED	DISMISSED	TOTAL	
1988	919	*	919	793	*	793	1317
1989	816	8	824	655	185	840	1301
1990	1025	10	1035	779	224	1003	1333
1991	986	6	992	764	234	998	1327
1992	1083	7	1090	689	252	941	1476
1993	1180	2	1182	497	259	756	1902
1994	1066	7	1073	552	313	865	2110
1995	1138	9	1147	1090	290	1380	1877
1996	1152	7	1159	1154	299	1453	1583
1997	1282	20	1302	1190	304	1494	1391

* In 1988, Reinstated Filing figures are included with New Filings, and Dismissed Dispositions figures are included with Decided Dispositions.

** Beginning in 1995, Dispositions figures include Dispositions by the Supreme Court and by the Court of Appeals.

**TABLE 2
CASE CLASSIFICATIONS**

Table 2 depicts an overview of the nature of the 484 cases decided on the merits by the Court in 1997. A majority of the decisions (51.7%) involved civil matters; the balance (48.3%) involved criminal matters.

CASE CLASSIFICATIONS		
Post-Conviction Relief	156	32.23%
Domestic Relations	59	12.19%
Criminal - Felony	59	12.19%
State Boards and Agencies	22	4.54%
Personal Injury	18	3.72%
Insurance	16	3.31%
Other Torts	12	2.48%
Death Penalty (Direct Appeal)	11	2.27%
Workers' Compensation	9	1.86%
Bar Matters	9	1.86%
Contract	9	1.86%
Wrongful Death	8	1.65%
Medical Malpractice	7	1.45%
Real Property	6	1.24%
Criminal Misdemeanor	6	1.24%
Wills, etc.	4	0.83%
Custody	4	0.83%
Property Damage	3	0.62%
Judicial Performance	3	0.62%
Eminent Domain	2	0.41%
Death Penalty (Post-Conviction)	2	0.41%
Legal Malpractice	0	0.00%
Other	59	12.19%
TOTAL	484	100.00%

**TABLE 3
FORM AND NATURE OF DECISIONS**

3A. FORM OF DECISIONS

As indicated by the chart, disposition of cases form four categories: published written opinions, unpublished written opinions, memorandum/per curiam opinions, and cases dismissed. There are various reasons for dismissal, i.e., cases to which both parties have agreed that dismissal is proper, cases dismissed on the Court's own motion due to failure of attorneys to pay costs in due course, attorneys' failure to adhere to briefing schedule, etc. Standards for publication are found in Mississippi Rule of Appellate Court 35-A.

Of the 766 cases rendered in 1997, 231 (30.2%) cases were decided by published written opinions, 242 (31.6%) cases were decided by unpublished written opinions, 11 cases (1.4%) were decided by memorandum/per curiam decisions, and 282 cases (36.8%) were dismissed.

3B. NATURE OF DECISIONS

In 1997, the Court decided 484 cases on the merits and dismissed 282 appeals. Of the decisions on the merits, 339 (70.0%) were affirmed and 145 (30.0%) were reversed in whole or in part.

3A. FORM OF DECISIONS		
Published Written Opinions	231	30.16%
Memorandum/Per Curiam Decisions	11	1.44%
Cases Dismissed	282	36.81%
Unpublished Written Opinions	242	31.59%
GRAND TOTAL	766	100.00%
3B. NATURE OF DECISIONS ON THE MERITS		
CIVIL		
Affirmed	156	62.40%
Reversed	94	37.60%
TOTAL	250	100.00%
CRIMINAL		
Affirmed	183	78.21%
Reversed	51	21.79%
TOTAL	234	100.00%
GRAND TOTAL	484	

**TABLE 4
REASONS FOR REVERSAL IN REVERSED
CASES**

Table 4 details the reasons for reversal. Although there may have been more than one ground for reversal in a single case, only the principal ground is used for statistical purposes. A brief explanation of the categories follows:

Law: The trial judge misinterpreted the law. This category does not include cases where peremptory instruction was erroneously given or refused.

Procedure: The case contained errors involving such things as jurisdiction, venue, jury selection, procedural requirements, and judge's comments on the evidence, etc.

Weight of Evidence: The finding of fact upon which liability or non-liability, or guilt or innocence, was based was contrary to the overwhelming weight of the evidence.

Admission or Exclusion of Evidence: The evidence was admitted or excluded contrary to the rules of evidence.

Summary Judgment: The trial court erroneously granted or failed to grant summary judgment.

Instructions: The trial judge erred in refusing an instruction or in granting an instruction. This category does not include cases reversed because of an error in granting or refusing to grant a peremptory instruction or directed verdict.

Damages: The case involved an award of excessive or inadequate damages. This category includes cases affirmed on condition of remittitur or additur, and cases reversed unless remittitur or additur is accepted.

Lack of Substantial Evidence: A non-judicial fact-finding body, such as the Workers' Compensation Commission, did not have substantial evidence to support its findings.

Directed Verdict and JNOV: The trial court erred in granting or refusing to grant a directed verdict or judgment notwithstanding the verdict.

Peremptory Instruction: The trial court erred in giving or refusing to give a peremptory instruction.

REASONS FOR REVERSAL IN REVERSED CASES		
Law	105	72.41%
Procedure	11	7.59%
Admission or Exclusion of Evidence	8	5.52%
Damages	5	3.45%
Weight of Evidence	5	3.45%
Summary Judgment	4	2.76%
Lack of Substantial Evidence	4	2.76%
Instructions	1	0.69%
JNOV	1	0.69%
Directed Verdict	1	0.69%
Peremptory Instruction	0	0.00%
TOTAL	145	100.00%

**TABLE 5
ORAL ARGUMENT**

Cases are previewed by the justices to determine whether they should be orally argued or submitted. Attorneys' requests for oral argument made pursuant to Mississippi Rule of Appellate Procedure 34 are also presented to the justices for consideration. On the day a case is scheduled for argument or submission, it is heard by a panel of three justices, unless the case requires *en banc* argument.*

As Table 5 indicates, oral argument was requested in 110 (22.7%) of the cases decided on the merits in 1997. Fifty (50) (45.5%) of the requests were granted, while 60 (54.5%) of the requests were denied, resulting in oral argument in 50 cases or 10.3% of the cases decided on the merits in 1997.

*Cases argued *en banc* include death penalty appeals, public utility rate matters, annexation cases, bar disciplinary and judicial performance matters, election contests, and cases raising novel constitutional challenges or involving statewide impact.

REQUESTED ORAL ARGUMENT		
Criminal Cases	24	21.82%
Civil Cases	86	78.18%
TOTAL	110	100.00%
ARGUED		
Criminal Cases	13	26.00%
Civil Cases	37	74.00%
TOTAL ARGUED	50	10.62%
SUBMITTED		
Criminal Cases	174	41.33%
Civil Cases	247	58.67%
TOTAL SUBMITTED	421	89.38%

**TABLE 6
ORIGIN OF DECISIONS ON THE MERITS**

The Mississippi Supreme Court is the court of last resort in the state system. The primary work of the Court is deciding appeals from trial courts and administrative agencies.

Table 6 shows that 355 (73.4%) of the cases decided on the merits were appealed from the Circuit Courts in 1997; 105 (21.7%) were appealed from the Chancery Courts. Only 24 (5.0%) of the Court's appeals emanated from administrative agencies and courts of limited jurisdiction.

ORIGIN OF DECISIONS ON THE MERITS		
Circuit Court	355	73.35%
Chancery Court	105	21.69%
Agencies and Commissions	20	4.13%
County Court	4	0.83%
Federal Court	0	0.00%
Family Court	0	0.00%
TOTAL	484	100.00%

**TABLE 7
MOTIONS FOR REHEARING**

Within fourteen (14) days after a case is decided on the merits, unless an extension of time has been obtained, any party dissatisfied with the outcome of the appeal may file a Motion for Rehearing with the Court. See Mississippi Rule of Appellate Procedure 40.

In 1997, the Court disposed of 203 Motions for Rehearing: one hundred and ninety-seven (97.0%) were denied, six (3.0%) were granted. Twenty-six (26) Motions for Rehearing were pending as of December 31, 1997.

MOTIONS FOR REHEARING		
Pending Dec. 31, 1996	34	
Filed	195	
TOTAL FOR CONSIDERATION	229	
Denied	197	97.04%
Granted	6	2.96%
TOTAL DISPOSITIONS	203	100.00%
Pending Dec. 31, 1997	26	

**TABLE 8
PETITIONS FOR WRIT OF CERTIORARI**

A decision of the Court of Appeals is a final decision and is reviewable in the Supreme Court only on writ of certiorari. A party must file a petition for a writ of certiorari for review within fourteen (14) days from the date of judgment by the Court of Appeals on a petition for rehearing. The Supreme Court may grant a petition for writ of certiorari on the affirmative vote of four of the justices.

In 1997, the Court disposed of 159 Petitions for Writ of Certiorari: one hundred and twenty-eight (80.5%) were denied, thirty-one (19.5%) were granted. Thirty-six (36) Petitions for Writ of Certiorari were pending as of December 31, 1997.

PETITIONS FOR WRIT OF CERTIORARI		
Pending Dec. 31, 1996	20	
Filed	175	
TOTAL FOR CONSIDERATION	195	
Denied	128	80.50%
Granted	31	19.50%
TOTAL DISPOSITIONS	159	100.00%
Pending Dec. 31, 1997	36	

**TABLE 9
MOTION AND PETITION FILINGS AND DISPOSITIONS AND COURT ACTIONS**

9A. FILINGS

A total of 5,435 motions and petitions were placed on the Motions Dockets of the appellate courts during 1997, including 2,935 motions for additional time. In Table 9A, the category of "Other" includes those motions or petitions of a type not readily classified and those of classes in which fewer than four motions were filed during 1997.

9B. DISPOSITIONS

The Court, with the assistance of Central Legal staff, disposed of 5,643 motions and petitions during 1997, including motions for additional time.

9C. COURT ACTIONS

In addition to disposing of filed motions and petitions, the Supreme Court took 1,118 actions on its own motion. The majority of the actions consisted of assignment of cases to the Court of Appeals and dismissals.

9A. FILINGS		
Total Pending December 31, 1996	652	
Motions & Petitions-1997 Filing Highlights		
Motion for Time	2935	54.00%
Motion to Dismiss	203	3.74%
Writ of Mandamus	247	4.54%
Withdraw as Counsel	142	2.61%
Misc. Rehearing Motions	145	2.67%
Post-Conviction Relief	173	3.18%
Motion to Supplement	104	1.91%
Bond	65	1.20%
Interlocutory Appeal	87	1.60%
Consolidation of Cases	71	1.31%
Certiorari Motions	52	0.96%
Stay of Other Court's Action	60	1.10%
Stay of Execution	10	0.18%
Leave to Proceed IFP	50	0.92%
Extraordinary Writ	69	1.27%
Appointment of Counsel	32	0.59%
Amicus Curiae	11	0.20%
Strike	41	0.75%
Motion to Expedite/Advance	38	0.70%
Stay of Supreme Court's Action	19	0.35%
Motion for Recusal	5	0.09%
Additional Pages in Briefing	35	0.64%
Motion for Dismissal of Parties	7	0.13%
Rules Motions	14	0.26%
Motion to File Supplemental Brief	23	0.42%
Motion to Reinstate Appeal	32	0.59%
Motion for Attorney's Fees	9	0.17%
Admission in Specific Case	12	0.22%
Motion to Correct Penalty/Judgmt	4	0.07%
Habeas Corpus	29	0.53%
Supersedeas	12	0.22%
Motion to Reset Execution Date	17	0.31%
Other	682	12.55%
TOTAL 1997 FILINGS	5435	100.00%
GRAND TOTAL FILINGS	6087	
9B. DISPOSITIONS		
Filings Granted	4025	68.56%
Filings Denied	1521	25.91%
Filings with Other Dispositions	325	5.54%
TOTAL DISPOSITIONS	5871	100.00%
9C. COURT ACTIONS		
Assignment of Cases to Court	883	78.98%
Other Actions on Court's Motion	54	4.83%
Dismissals on Court's Motion	160	14.31%
Show Cause	21	1.88%
TOTAL ACTIONS	1118	100.00%



MISSISSIPPI COURT OF APPEALS

- ◆ ORGANIZATION AND OPERATION
- ◆ THE JUDGES
- ◆ CASELOAD SUMMARY

ORGANIZATION AND OPERATION

The Court of Appeals, created by legislation enacted in 1994, became operational in January of 1995. By statute, the Court of Appeals is given the power to determine or otherwise dispose of any appeal or other proceeding assigned to it by the Supreme Court. However, the Supreme Court must retain those appeals in cases which impose the death penalty or which involve utility rates, annexations, bond issues, election contests, or a statute held unconstitutional by the lower court. The Supreme Court also retains those cases involving attorney discipline, judicial performance, and certified questions from a federal court. Other cases ordinarily retained by the Supreme Court include those involving a major question of first impression, fundamental and urgent issues of broad public importance requiring prompt determination, substantial constitutional questions concerning the validity of a statute, ordinance, court rule, or administrative rule or regulation, and issues where there is an inconsistency or conflict in court decisions.

By law the Court of Appeals consists of ten elected judges, two from each Congressional District. Qualifications for office include age and residency requirements as well as five years standing as an attorney. Judges were initially elected for staggered terms. The term of office for all judges in subsequent years is eight years.

The Chief Justice of the Supreme Court appoints the Chief Judge of the Court of Appeals for a term of four years. The Chief Judge appoints Presiding Judges to serve on Court of Appeals panels at the will and pleasure of the Chief Judge. In 1997, the Court was composed of Chief Judge John J. Fraiser, Jr., Presiding Judges Billy G. Bridges and James E. Thomas, Judge Frank D. Barber, Judge Thomas A. Coleman II, Judge Oliver E. Diaz, Jr., Judge Leslie D. King, Judge Roger H. McMillin, Jr., Judge Mary Libby Payne, and Judge Leslie H. Southwick. Chief Judge Fraiser announced his retirement effective January 31, 1997. Chief Justice

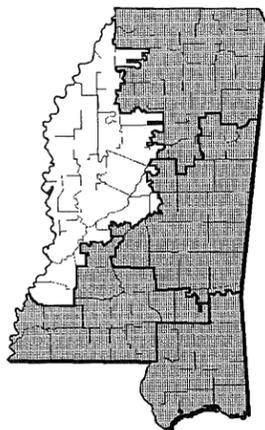
Lee appointed Billy G. Bridges as Chief Judge, and Chief Judge Bridges then appointed Roger H. McMillin, Jr. and James E. Thomas as Presiding Judges. Governor Fordice appointed James H. Herring to the Court of Appeals from the Second Congressional District. Judge Frank D. Barber died unexpectedly in March of 1997, and Governor Fordice appointed B. Greg Hinkebein to the Court of Appeals from the Fourth Congressional District.

In September of 1996, Mississippi Rule of Appellate Procedure 35-B was amended to allow the Court of Appeals to publish those opinions which satisfy one of the following requirements: (1) the opinion clarifies an existing rule; (2) the opinion involves a factual situation or legal issue of broad and/or continuing public interest not addressed in recent Supreme Court opinions; (3) the opinion resolves an apparent conflict of authority; or (4) the opinion contains a professionally useful, nonduplicative review or summary of existing law on a specific issue not addressed in recent Supreme Court opinions. The Court of Appeals issued some form of written opinion in each case in 1997. In some cases, the Court affirmed with a memorandum opinion which is a concise statement of the case and contains the style and number of the case, the Court's disposition, and specific reasons for the result reached. The opinion is not authored by a single judge and is addressed to the litigants. This type opinion is utilized where (A) the issues involve no more than the application of well-settled rules of law to a recurring fact situation, (B) the issue asserted is whether the evidence is sufficient, and it clearly is, (C) disposition of the appeal is clearly controlled by a prior holding of the Mississippi Supreme Court or the United States Supreme Court, and no reasons appear for explication of the holding, or (D) the decision on appeal is accompanied by an opinion of the trial court or of the agency being reviewed, that opinion identifies and discusses all the issues presented on appeal, and the Court approves of the conclusions and reasons in the opinion.

**CHIEF JUDGE
JOHN J. FRAISER, JR.**



**SECOND
CONGRESSIONAL
DISTRICT
POSITION 1**



Chief Judge John J. Fraiser tendered his resignation effective January 31, 1997. He is now retired and living in Greenwood. Governor Fordice appointed James H. Herring of Canton to fill the District Two, Position 1 seat on the Court of Appeals.

Chief Judge Fraiser is a native of Minter City. He pursued his undergraduate studies at Delta State University and Mississippi State University. He received his law degree from the University of Mississippi School of Law in 1948, and was admitted to the Mississippi Bar that same year.

Judge Fraiser engaged in the practice of law in Greenwood for forty-two years, and was senior partner in the firm of Fraiser and Burgoon for twenty-five years. His long record of public service includes acting as Leflore County Prosecuting Attorney for twenty years; serving as State Senator from 1976 to 1983; and serving as Supreme Court Magistrate from 1990 to 1994. While in the State Senate, Judge Fraiser was chairman of the Committee on Universities and Colleges and vice-chairman of the Judiciary Committee.

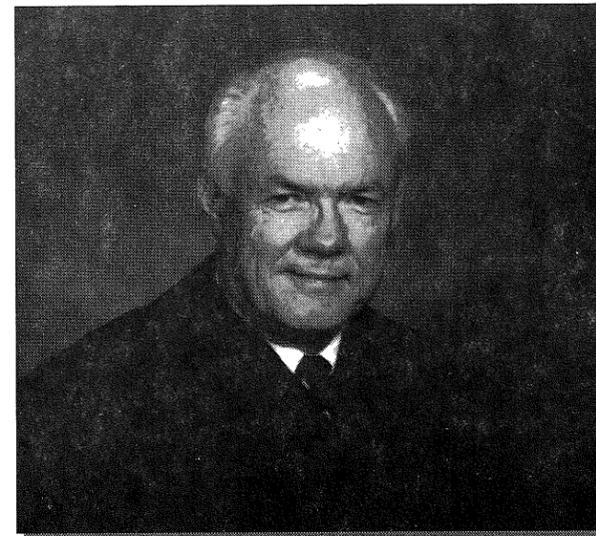
Judge Fraiser is an Air Force combat veteran having completed his flight missions in the 15th Air Force during World War II.

Judge Fraiser is a member of the Leflore County Bar Association (Past President); Mississippi Bar Association (former Commissioner); American Bar Association; Mississippi Bar Foundation; Omicron Delta Kappa; and Phi Alpha Delta. He is also a member of the American Bar Association/Council of Chief Judges. Judge Fraiser is a member of Sigma Chi fraternity and former President of the Eta Chapter.

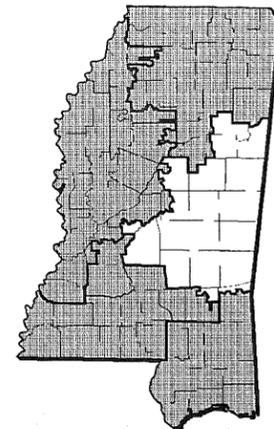
Judge Fraiser has been actively involved with many civic organizations in Greenwood, including the Boy Scouts, the Salvation Army, the March of Dimes, and the Jaycees. Judge Fraiser is a member of Delta Council, American Legion, Veterans of Foreign Wars, Kiwanis, and the Elks.

Judge Fraiser is married to the former Jennie Garrott Whitehead and has two children, John J. Fraiser III and Martha Fraiser Bryant, and two stepchildren, James L. Whitehead, IV and Emilie Whitehead. He is a member of the First United Methodist Church of Greenwood.

**CHIEF JUDGE
BILLY G. BRIDGES**



**THIRD
CONGRESSIONAL
DISTRICT
POSITION 1**



Judge Billy G. Bridges of Brandon practiced law in Rankin County for thirty-six years. He graduated from Pearl High School in 1952. He then attended Hinds Community College before going to the University of Mississippi where he earned a BBA degree in 1958. Judge Bridges pursued his study of law at the University of Mississippi School of Law and was awarded an LLB degree in 1961 and a J.D. in 1968.

Judge Bridges has served in a wide range of legal positions including Board Attorney for the Town of Florence, the Town of Pelahatchie, the Rankin Medical Center, and the Rankin County School Board. He has also been Rankin County Prosecuting Attorney, District Attorney for the 20th Circuit District, and Chancellor for the Twentieth Chancery Court District.

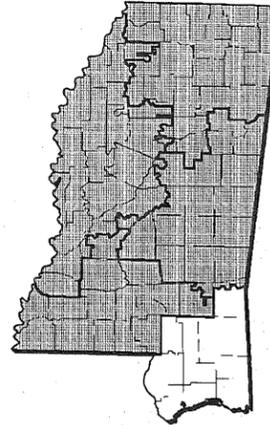
Judge Bridges has held membership in a number of prestigious legal organizations including: Who's Who of American Judges, Conference of Mississippi Trial Judges, American College of Trial Judges, Mississippi Bar Foundation, Mississippi Municipal Attorneys Association, American Society of Hospital Board Associations, Mississippi Hospital Board Attorneys, and the Mississippi Continuing Judicial Education Committee.

Judge Bridges is married and has four children. He is a member of Crossgates Baptist Church in Brandon and is affiliated with Gideons International.

**PRESIDING JUDGE
JAMES E. THOMAS**



**FIFTH
CONGRESSIONAL
DISTRICT
POSITION 2**



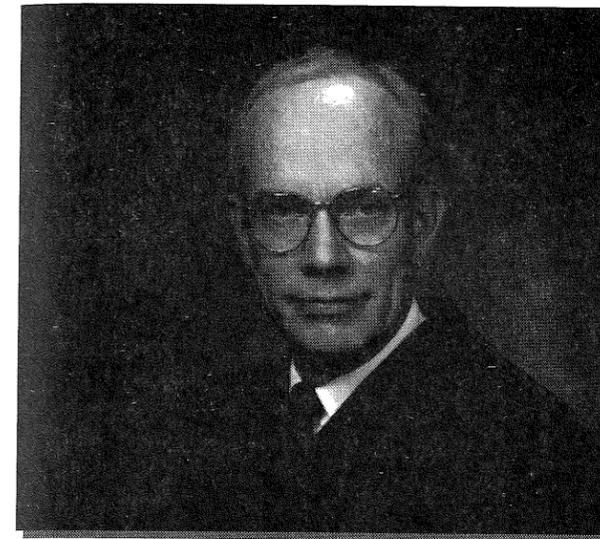
Judge James E. Thomas was born in Columbia but grew up in Gulfport, where he graduated from high school in 1968. Judge Thomas did his undergraduate work at the University of Southern Mississippi where he earned a B.S. in History and Political Science in 1971. He then entered the University of Mississippi School of Law where he earned a J.D. in 1973.

Following graduation from law school, Judge Thomas returned home to Gulfport where, after a brief period of private practice, he was named Assistant District Attorney for the Second Circuit District (Harrison, Hancock, and Stone Counties). He served in that capacity from 1974 to 1982, and was sworn in as Circuit Court Judge in January, 1983.

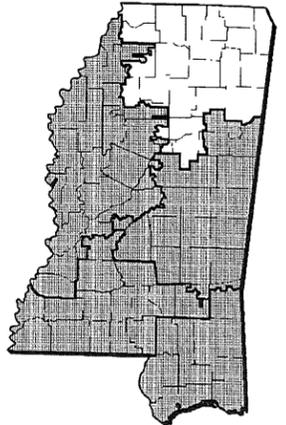
Judge Thomas has been a guest lecturer at William Carey College and at the Mississippi Highway Patrol Training Academy. He is a past chairman of the Circuit Judges' Conference of Mississippi. His professional memberships include the American Bar Association; Mississippi State Bar; American Judges Association; and Board of Governors, Mississippi Judicial College. Judge Thomas is a past member of the Mississippi Judicial Performance Commission.

Judge Thomas resides in Biloxi. He has two daughters, Tiffany and Kelly.

**PRESIDING JUDGE
ROGER H. MCMILLIN, JR.**



**FIRST
CONGRESSIONAL
DISTRICT
POSITION 2**



Judge Roger H. McMillin, Jr., a native of New Albany, graduated from New Albany High School in 1963. He completed his undergraduate studies at Mississippi State University where he received a B.A. degree in 1967. That same year, he attended Naval Officer Candidate School and was commissioned as an Ensign. Following a two-year tour of duty as a Communications Officer, he enrolled in the Memphis State University Law School under the G.I. Bill. Judge McMillin received his J.D. from Memphis State in 1972.

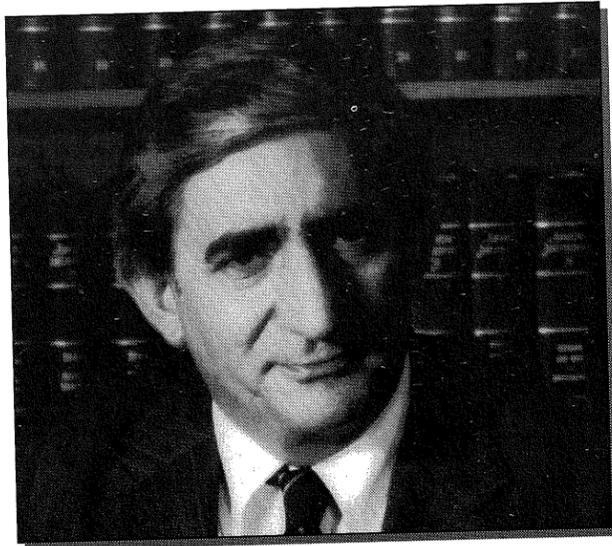
Following law school, he worked in the U.S.D.A.'s Office of General Counsel, primarily in Atlanta, and for the year 1976, he was an associate with the Jackson law firm of Scott, Barbour and Scott. In 1977, Judge McMillin returned to New Albany and entered private practice. He became a member of the firm of Sumners, Carter and McMillin in 1983. He served as City Attorney for New Albany from 1982 through 1994.

Judge McMillin served as Bar Commissioner for the Third Circuit District from 1986 to 1989. He has twice been President of the Union County Development Association, and in 1990, was named Industrial Development Volunteer Laureate by the Governor. He has been President of the New Albany Rotary Club, chairman of fund drives for his local Boy Scouts and Cancer Society, and served a term as President of the Union County Library Board. He is a former Elder and Congregational Chairman of the Cleveland Street Presbyterian Church.

Judge McMillin was appointed as a Presiding Judge by Chief Judge Billy G. Bridges in February, 1997.

Judge McMillin is married to the former Frankie Robbins of New Albany. They have two children, Sally and Rutledge.

JUDGE FRANK D. BARBER

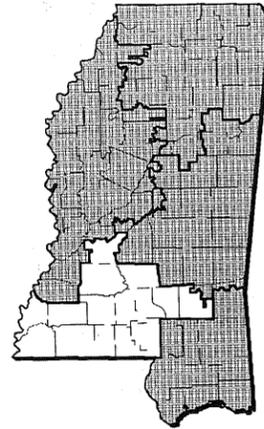


Judge Frank David Barber died March 4, 1997. Governor Fordice appointed B. Greg Hinkebein of Jackson to fill the District Four, Position 2 seat on the Court of Appeals.

Judge Frank D. Barber was born in Hot Springs, Arkansas, on April 2, 1929. His parents, Frank and Mary Venus Barber, returned to Mississippi three years later. An only child, he was reared in Hattiesburg and Laurel, attending public and private elementary schools in those cities. For three years of high school, he attended St. Joseph Seminary College, a boarding school, near Covington, Louisiana, and was graduated from Hattiesburg High School in 1947.

Judge Barber began college as a pre-law student at the University of Mississippi, and after his return from military service, enrolled at the University of Southern Mississippi where in 1954, he received the B.A. degree in History, Political Science and English. At USM, he was elected President of the Student Government, was a charter member of Omicron Delta Kappa, was elected to the Student Hall of Fame, and was an Honor Debater. He returned to Ole Miss for his freshman year of Law School transferring in his second year to the National Law Center of The George Washington University,

FOURTH CONGRESSIONAL DISTRICT POSITION 2



Washington, D.C. Having received his Juris Doctorate in 1957, he stood for the bar examinations in both the District of Columbia and the State of Mississippi, passed, and was admitted to practice in the Courts of both jurisdictions in 1958.

Judge Barber's governmental service includes the following: Staff Member, Internal Security Subcommittee, Committee on the Judiciary, United States Senate, 1955 - 1958; Counsel, General Legislative Investigating Committee, State of Mississippi, 1958 - 1959; Elected to the Mississippi State Senate in 1959, serving from 1960 - 1964; Executive Assistant to the Governor of Mississippi and State Extradition Officer, 1964 - 1968; Attorney, Industrial Department, Mississippi Agricultural and Industrial Board, 1968 - 1972; Legislative Assistant to United States Senator James O. Eastland, President Pro Tempore of the United States Senate and Chairman of the Judiciary Committee, 1972 - 1978; General Counsel, Contractors Board, State of Mississippi, 1981 - 1989; Appointed by Governor Bill Allain to Mississippi Constitutional Study Commission, 1986 - 1988; Secretary, Mississippi State Senate, 1989 - 1991; Special Attorney General, State of Mississippi, 1992 - 1994; Judge, Mississippi Court of Appeals, January 3, 1995 to present.

Judge Barber volunteered for service with the Regular Army and later the Mississippi National Guard. He was recalled to active duty with the Guard upon the outbreak of the Korean War. Active in veterans affairs, he is the immediate past Commander of American Legion Post #110 of Jackson. A Life Member of the Veterans of Foreign Wars, he has been Judge Advocate of VFW Posts in Jackson and Hattiesburg. He has also been "wrecked" (initiated) by 40 & 8, Honorary Veterans Society. In addition, he has been named an Honorary Colonel on the military staffs of Governors of Mississippi, Alabama, Louisiana, Tennessee, and Kentucky.

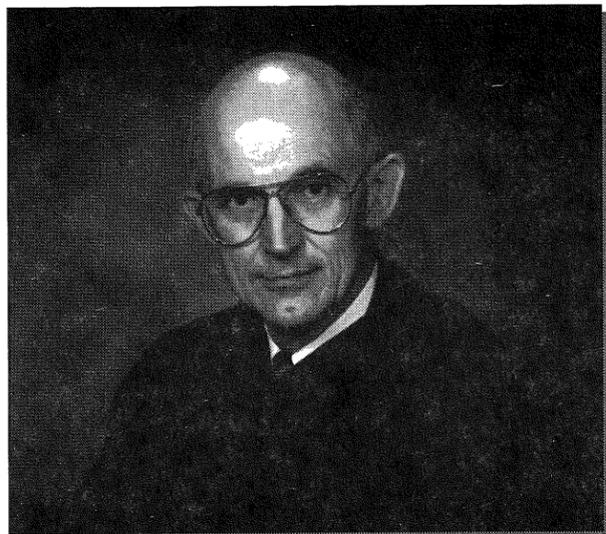
Judge Barber's fraternal affiliations include: Sigma Nu, social (Ole Miss); Omicron Delta Kappa, scholastic and leadership honorary (USM and Ole Miss); Pi Kappa Delta, honorary debate and forensic fraternity (USM); Alpha Gamma Rho, honorary political science (USM); Phi Alpha Delta, legal (Ole Miss and The George Washington University); Masonic memberships: Federal Lodge 1 (Washington, D.C.); Columbia Chapter No. 1, Royal Arch Masons (Washington, D.C.); York Rite, Knights Templar, Commandry No. 1 (Washington, D.C.); Scottish Rite Bodies (32°) (Jackson); Wahabi Temple, Shrine (Jackson).

In addition, Judge Barber has received the Award of Merit for Project Cairo presented by the American Association of State and Local History. He is also listed in Who's Who in American Colleges and Universities, Who's Who in American Law, and Who's Who in the World.

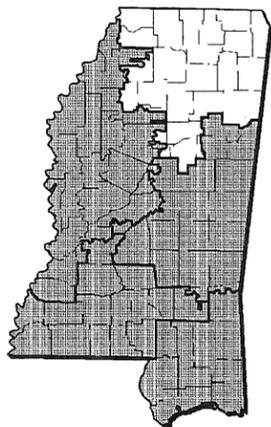
His past and present memberships in professional associations are as follows: Forrest County Bar, Hinds County Bar, Mississippi State Bar, American Bar Association, Federal Bar Association, Fifth Circuit Bar Association, Mississippi Trial Lawyers Association, American Trial Lawyers Association, Mississippi Attorneys for Constitutional Justice, and Board of Directors of the Mississippi Historical Society.

Judge Barber, a member of St. Richard's Church, Jackson, Mississippi, is married to the former Mary Jane Burch. They reside with two of their children, Rosebud, 15, and Will, 11, in Jackson, Mississippi. He is the father of five grown children: Amanda, a publicist and former television and motion picture actress; Frank D. Barber, III, an attorney in New Orleans; Melanie, an attorney and government official in Washington, D.C.; Paul, an attorney in Washington, D.C.; and Annabel, a surgeon on the faculty of Texas Tech University School of Medicine in Lubbock, Texas.

**JUDGE
THOMAS A. COLEMAN II**



**FIRST
CONGRESSIONAL
DISTRICT
POSITION 1**



Judge Thomas A. Coleman, whose home is Ackerman, graduated from Central High School in Jackson in 1958. He earned a Bachelor of Arts with distinction in 1962 and a Bachelor of Laws in 1964 from the University of Mississippi. At the University, Judge Coleman belonged to Phi Kappa Phi, Omicron Delta Kappa, and Phi Delta Phi. In law school, he served as case note editor of the Mississippi Law Journal.

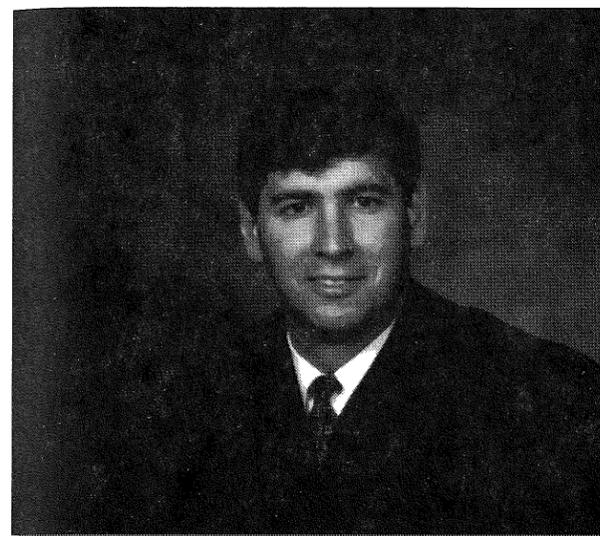
After law school, Judge Coleman served two years on active duty with the Air Defense Artillery, United States Army, as a second and first lieutenant. He received an Honorable Discharge in 1973 with the rank of captain.

Judge Coleman practiced law in Ackerman from October, 1966, until November, 1968, when he moved to Jackson to practice law with the firm of Thomas, Alston, Davis, and Coleman. He

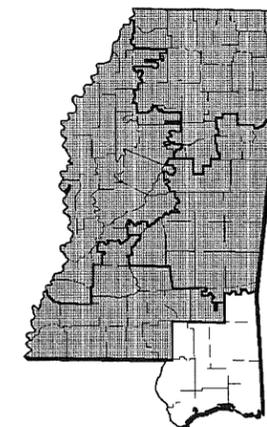
returned to Ackerman on January 1, 1970, where he resumed the practice of law until October, 1992. He has served as District Attorney for the Fifth Circuit Court District (1972 to 1976), a member of the Mississippi Bicentennial Commission (1974 to 1976), and as Court Administrator of the Mississippi Supreme Court (1992 to 1993).

Judge Coleman is the son of James Plemon and Margaret Dennis Coleman. On August 29, 1964, he married Frances Witty McLean, daughter of Dr. Robert B. and Dorothy Witty McLean of Jackson. They are the parents of five children, James Plemon II, Robert McLean, Dorothy McLean, Josiah Dennis, and Leonidas McLean. His wife and he are members of the Episcopal Church of the Resurrection in Starkville, where he has served as Vestry Clerk and as a member of the Vestry.

**JUDGE
OLIVER E. DIAZ, JR.**



**FIFTH
CONGRESSIONAL
DISTRICT
POSITION 1**



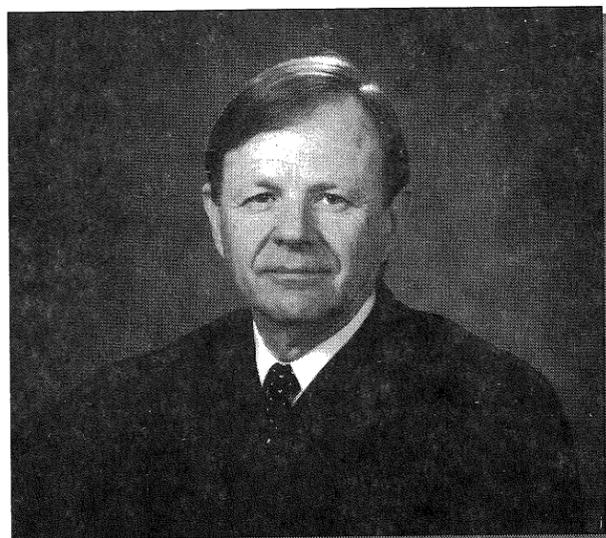
Judge Oliver E. Diaz, Jr. graduated from Notre Dame High School in 1977, and received a Bachelor of Arts degree from the University of South Alabama in 1982. After graduation from the University of Mississippi School of Law in 1985, he practiced law on the Gulf Coast.

Judge Diaz served in the Mississippi House of Representatives from District 116 representing Biloxi and D'Iberville for the seven years immediately preceding his election to the Court of Appeals.

During his tenure in the Legislature, he was a subcommittee chairman for the Insurance Committee and for the Judiciary Committee. He was on the Ways and Means Committee and was Secretary for the Constitution Committee. He also served as City Attorney for the City of D'Iberville for four years prior to assuming his position on the Court.

Judge Diaz is married to the former Jennifer Oestreich and is the father of one child.

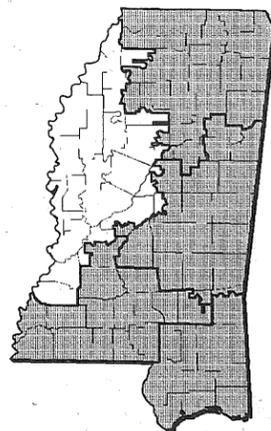
**JUDGE
JAMES H. HERRING**



James H. Herring received his undergraduate and law degrees from the University of Mississippi. While in law school, he was a member of Phi Alpha Delta, serving as president 1962-63, and a member of the Moot Court Board. Judge Herring was admitted to the Mississippi Bar in 1963 and also admitted to the U.S. Court of Appeals for the Fifth Circuit, U.S. Court of Military Appeals, the U.S. District Court for the Northern and Southern Districts of Mississippi, and the U.S. Supreme Court.

Judge Herring was engaged in the general practice of law from 1966 until his appointment by Governor Fordice on February 1, 1997, to the Court of Appeals. In addition to his private practice, he has served as an instructor at the Mississippi College School of Law, District Attorney for the 20th Circuit Court District, County Prosecuting Attorney for Madison County, and as a member of the Mississippi

**SECOND
CONGRESSIONAL
DISTRICT
POSITION 1**

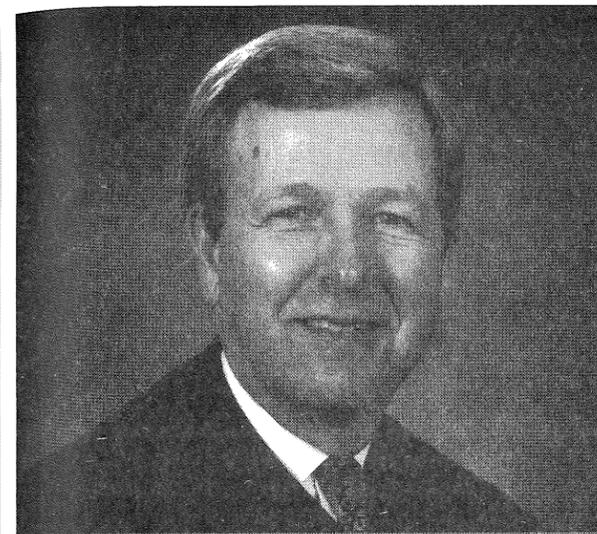


State Personnel Board. In private practice, he was extensively involved in litigation involving utility companies and annexation matters.

He is a member of the Mississippi State Bar, (Commissioner 1972-75); member, American Bar Association; member, Mississippi Bar Foundation, and American Judges Association; Colonel, JAGC (USAR), retired; Past Commander, 11th Military Law Center; U.S. Army (Active Duty) 1963-66.

Judge Herring is married to the former Beverly Zeller of Hazelhurst and has three children, James H. Herring, Jr. of Memphis, Tennessee, Caroline Beverly Herring of Oxford, and Christine Elizabeth Herring of Boston, Massachusetts. He resides in Canton, where he is an elder in the First Presbyterian Church; served as past President of the Canton Rotary Club; and Past President and Man of the Year, Madison County Chamber of Commerce.

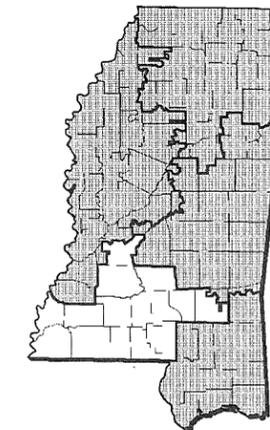
**JUDGE
B. GREG HINKEBEIN**



Judge Hinkebein, a native of Jackson, graduated from Mississippi State University in 1972 with a B.S. degree in Computer Science and a Master of Business Administration. He received his Juris Doctor degree from Mississippi College School of Law in 1979.

From 1972 until 1982 he was involved in marketing and industrial development with IBM Corporation, Mississippi Power and Light Company and Illinois Central Railroad. Judge Hinkebein was in the private practice of law in Jackson as a partner with Wells, Moore, Simmons and Neeld from 1985 to 1993. Governor Kirk Fordice appointed him as Legal Counsel to the Governor in July 1993, in which

**FOURTH
CONGRESSIONAL
DISTRICT
POSITION 2**



position he served until being appointed by the Governor on April 11, 1997, to the Court of Appeals.

Judge Hinkebein served as a Captain in the U.S. Army Reserve from 1972-1976. He is a member of the Hinds County and Mississippi State Bar Associations and a member of the Board of Directors of the Jackson Enterprise Center. Judge Hinkebein is president-elect of the Downtown Jackson Rotary Club and a member of the Board of Directors of the Metropolitan Crime Commission.

He is married to the former Mary Eleanor Bufkin and they are the parents of two sons. Judge Hinkebein and his family attend St. James Episcopal Church.

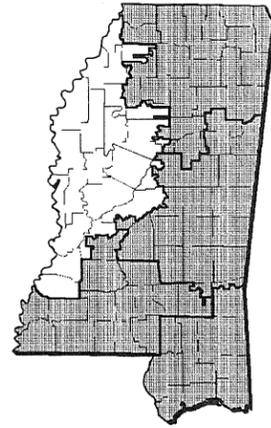
**JUDGE
LESLIE D. KING**



Judge Leslie D. King is a native of Greenville, where he began practicing law in 1973. He graduated from the University of Mississippi in 1970, and from the Texas Southern University School of Law in 1973.

Prior to his election to the Court of Appeals, Judge King served in the Mississippi House of Representatives continuously beginning in 1980. During his tenure, he was named vice-chairman of the Ways and Means Committee (1988 - 1991) and vice-chairman of the Conservation and Water Resources Committee (since 1992). Other committees on which Judge King served include:

**SECOND
CONGRESSIONAL
DISTRICT
POSITION 2**



Judiciary, Insurance, Environmental Protection Council, Housing Finance Oversight, and Universities and Colleges. He was also chairman of the Mississippi Black Legislative Caucus in 1988. Judge King has been Youth Court Counselor for Washington County, Public Defender, Youth Court Prosecutor, and Municipal Court Judge for the Town of Metcalfe.

Judge King and his wife, the former Patricia Smith of Greenville, have two daughters. They attend the St. Matthew African Methodist Episcopal Church in Greenville.

**JUDGE
MARY LIBBY PAYNE**



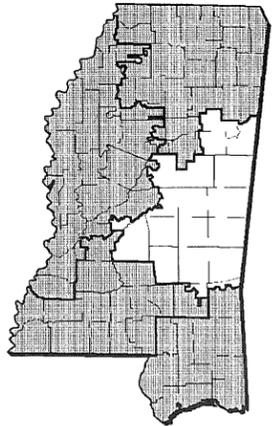
Prior to her election, Judge Mary Libby Payne was a Professor of Law and a former Dean of the Mississippi College School of Law. She had been associated with the school since 1975.

Judge Payne did her undergraduate work at Mississippi University for Women and the University of Mississippi where she graduated with distinction with a B.A. in Political Science. She has a J.D. from the University of Mississippi School of Law where she graduated first in her class.

Judge Payne was involved in private practice in Jackson and Brandon before entering public service. She served all three branches of state government. She was a legislative draftsman, the Executive Director of the Mississippi Judiciary Commission, and an Assistant Attorney General.

In 1987, MUW bestowed its Alumnae Achievement Award upon Judge Payne. In 1988, she

**THIRD
CONGRESSIONAL
DISTRICT
POSITION 2**



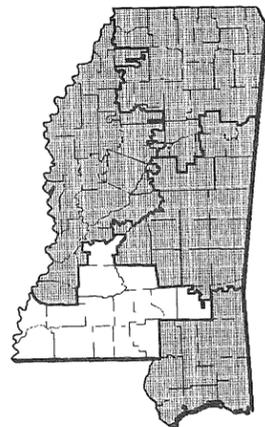
received life membership in the Fellows of the American Bar Foundation (membership in which is limited to 1/3 of 1% of all lawyers). In 1989, Judge Payne was named "Woman of the Year" by the Mississippi Association for Women in Higher Education and received the Bank of Golden Deeds Award from the Pearl Exchange Club. In 1990, MUW gave her its highest award, the Medallion of Excellence. In 1997, Judge Payne was included in Who's Who in America. Judge Payne serves on the National Board of Directors for the Christian Legal Society.

Judge Payne is married to Bobby R. Payne, and they are the parents of two grown sons. They are active in the McLaurin Heights Baptist Church in Pearl. The Paynes often lead seminars on Time and Stress Management and the Problems and Delights of Dual Career Marriages.

**JUDGE
LESLIE H. SOUTHWICK**



**FOURTH
CONGRESSIONAL
DISTRICT
POSITION 1**



Judge Leslie H. Southwick was born February 10, 1950, in Edinburg, Texas, the son of Lloyd and Ruth (Tarpley) Southwick. He graduated cum laude with a B.A. degree from Rice University in 1972, and earned a J.D. from the University of Texas in 1975. He has resided in Mississippi since 1976.

Following his law school graduation, Judge Southwick clerked for Presiding Judge John Onion of the Texas Court of Criminal Appeals and for Judge Charles Clark of the U.S. Fifth Circuit Court of Appeals. He was an associate in the Jackson law firm of Brunini, Grantham, Grower and Hewes from 1977 to 1983, and a partner from 1983 to 1989. In 1985-86, he was a member of the Governor's Constitution Study Commission.

Judge Southwick in 1989 became a Deputy Assistant Attorney General for the U.S. Department of Justice (Civil Division). In this capacity, he supervised the one hundred and twenty-five lawyers of the Federal Programs Branch, which defends suits brought against the United States. He

also supervised the Office of Consumer Litigation, a twenty-five lawyer division charged with civil and criminal enforcement of federal consumer laws. He has been an adjunct professor of law at Mississippi College. He is a member of the Charles Clark Chapter, American Inns of Court. Elected to the Court of Appeals in 1994, he was an unsuccessful candidate for the Supreme Court in 1996.

Judge Southwick has written several legal and historical articles which have been published in the Mississippi Law Journal, the Mississippi College Law Review, the Wall Street Journal, and various historical journals. He is the author of Presidential Also-Rans and Running Mates which won an American Library Association "Best Reference Work of the Year" award in 1985. A second edition was published in 1997.

Judge Southwick is married to the former Sharon Polasek, and they have two children, Philip and Cathy. The Southwicks are members of St. Richard's Catholic Church in Jackson.

CASELOAD SUMMARY

The 1997 Court of Appeals disposed of 728 cases, an average of 72 cases per judge. Of this number, 706 involved decisions on the merits. The remaining 22 were dismissed. The Court heard oral argument in 46 cases (or 6% of its caseload). Overall, the Court affirmed 585 (or 82.9%) of the cases heard in 1997, while reversing 121 (or 17.1%) in whole or in part.

Two hundred and sixty-two (262) motions for rehearing were disposed of in 1997. Two hundred and fifty-two (252) were denied, four (4) were granted, and six (6) were dismissed on motion of the parties. The number of motions disposed of in 1997 was 228.

**TABLE 1
CASE CLASSIFICATIONS**

Table 1 depicts an overview of the nature of the 706 cases decided on the merits by the Court of Appeals in 1997. A majority of the cases, 391 (55.4%), involved criminal matters; the balance, 315 (44.6%), involved civil matters.

CASE CLASSIFICATIONS		
Criminal - Felony	386	54.67%
Domestic Relations	62	8.78%
Personal Injury	38	5.38%
Workers' Compensation	38	5.38%
State Boards and Agencies	29	4.11%
Other Torts	27	3.82%
Contract	25	3.54%
Real Property	22	3.12%
Wills, etc.	13	1.84%
Custody	7	0.99%
Wrongful Death	6	0.85%
Property Damage	5	0.71%
Criminal Misdemeanor	5	0.71%
Insurance	5	0.71%
Eminent Domain	3	0.42%
Medical Malpractice	3	0.42%
Legal Malpractice	0	0.00%
Other	32	4.53%
TOTAL	706	100.00%

**TABLE 2
FORM AND NATURE OF DECISIONS**

As indicated by the chart, disposition of cases in 1997 form four categories: unpublished comprehensive opinions, unpublished memorandum affirmances, cases dismissed, and published opinions. Standards for publication by the Court of Appeals are found in Mississippi Rule of Appellate Procedure 35-B.

Of the cases rendered in 1997, 661 (90.8%) cases were decided by unpublished comprehensive opinions, 39 (5.4%) cases were decided by unpublished memorandum opinions, 22 (3.0%) cases were dismissed, and 6 (0.8%) were decided by published opinions. Of the 706 decisions on the merits, 585 (82.9%) were affirmed and 121 (17.1%) were reversed in whole or in part.

2A. FORM OF DECISIONS		
Unpublished Comprehensive Opinions	661	90.80%
Unpublished Memorandum Affirmances	39	5.36%
Cases Dismissed	22	3.02%
Published Opinions	6	0.82%
GRAND TOTAL	728	100.00%
2B. NATURE OF DECISIONS ON THE MERITS		
CRIMINAL		
Affirmed	359	91.82%
Reversed	32	8.18%
TOTAL	391	100.00%
CIVIL		
Affirmed	226	71.75%
Reversed	89	28.25%
TOTAL	315	100.00%
GRAND TOTAL	706	

**TABLE 3
REASONS FOR REVERSAL IN REVERSED CASES**

Table 3 details the reasons for reversal. Although there may have been more than one ground for reversal in a single case, only the principal ground is used for statistical purposes. A brief explanation of the categories follows:

Law: The trial judge misinterpreted the law. This category does not include cases where peremptory instruction was erroneously given or refused.

Procedure: The case contained errors involving such things as jurisdiction, venue, jury selection, procedural requirements, and judge's comments on the evidence, etc.

Weight of Evidence: The finding of fact upon which liability or non-liability, or guilt or innocence, was based was contrary to the overwhelming weight of the evidence.

Admission or Exclusion of Evidence: The evidence was admitted or excluded contrary to the rules of evidence.

Summary Judgment: The trial court erroneously granted or failed to grant summary judgment.

Instructions: The trial judge erred in refusing an instruction or in granting an instruction. This category does not include cases reversed because of an error in granting or refusing to grant a peremptory instruction or directed verdict.

Damages: The case involved an award of excessive or inadequate damages. This category includes cases affirmed on condition of remittitur or additur, and cases reversed unless remittitur or additur is accepted.

Lack of Substantial Evidence: A non-judicial fact-finding body, such as the Workers' Compensation Commission, did not have substantial evidence to support its findings.

Directed Verdict and JNOV: The trial court erred in granting or refusing to grant a directed verdict or judgment notwithstanding the verdict.

Peremptory Instruction: The trial court erred in giving or refusing to give a peremptory instruction.

REASONS FOR REVERSAL IN REVERSED CASES		
Law	39	32.23%
Instructions	22	18.18%
Procedure	20	16.53%
Admission or Exclusion of Evidence	12	9.92%
Lack of Substantial Evidence	9	7.44%
Summary Judgment	9	7.44%
Damages	4	3.31%
Weight of Evidence	4	3.31%
Directed Verdict	1	0.83%
JNOV	1	0.83%
Peremptory Instruction	0	0.00%
TOTAL	121	100.00%

**TABLE 4
ORIGIN OF DISPOSITIONS**

Table 4 shows that 565 (80.0%) of the cases disposed of on the merits by the Court of Appeals were appealed from the Circuit Courts in 1997; 137 (19.4%) were appealed from the Chancery Courts. Only 4 (0.6%) of the Court of Appeals' cases emanated from courts of limited jurisdiction. The court decided 73 appeals from state administrative boards and commissions for a total of 10% of the total case dispositions.

ORIGIN OF DISPOSITIONS		
Circuit Court	565	80.02%
Chancery Court	137	19.41%
County Court	4	0.57%
Youth Court	0	0.00%
TOTAL	706	100.00%

**TABLE 5
MOTIONS FOR REHEARING**

Within fourteen (14) days after a case is decided on the merits, unless an extension of time has been obtained, any party dissatisfied with the outcome of the appeal may file a Motion for Rehearing with the Court of Appeals. *See* Mississippi Rule of Appellate Procedure 40.

In 1997, the Court disposed of 262 Motions for Rehearing: 252 (96.2%) were denied, 4 (1.5%) were granted, and 6 (2.3%) were dismissed on motion of the parties. Thirty (30) Motions for Rehearing were pending as of December 31, 1997.

MOTIONS FOR REHEARING		
Pending Dec. 31, 1996	22	
Filed	270	
TOTAL FOR CONSIDERATION	292	
Denied	252	96.18%
Granted	4	1.53%
Dismissed	6	2.29%
TOTAL DISPOSITIONS	262	100.00%
Pending Dec. 31, 1997	30	



TRIAL COURT STATISTICS

- ◆ CIRCUIT COURT FILINGS
- ◆ CHANCERY COURT FILINGS
- ◆ COUNTY COURT FILINGS
- ◆ FAMILY COURT FILINGS

**CIRCUIT COURT FILINGS
CALENDAR YEARS 1995-1997**

<u>County</u>	1997			1996		1995	
	<u>Civil Filings</u>	<u>Civil Dispositions</u>	<u>Criminal Dispositions</u>	<u>Civil Filings</u>	<u>Criminal Dispositions</u>	<u>Civil Filings</u>	<u>Criminal Dispositions</u>
Adams	163	60	324	206	387	158	189
Alcorn	581	395	293	656	171	721	228
Amite	187	139	155	200	56	184	66
Attala	212	167	197	216	95	196	118
Benton	93	48	38	64	23	72	38
Bolivar	112	53	171	92	116	85	49
Calhoun	182	156	195	166	89	226	157
Carroll	88	54	38	72	13	56	7
Chickasaw	304	143	154	274	98	351	115
Choctaw	69	57	83	62	58	105	76
Claiborne	271	119	99	246	17	250	60
Clarke	107	75	151	140	127	88	198
Clay	255	1	151	252	77	226	117
Coahoma	96	50	394	84	193	89	319
Copiah	489	423	300	456	261	431	139
Covington	192	111	93	190	32	160	20
DeSoto	368	135	954	264	481	399	311
Forrest	284	84	533	236	843	281	503
Franklin	80	51	73	56	23	79	33
George	253	104	54	200	29	217	48
Greene	90	46	57	68	35	69	43
Grenada	508	223	330	382	173	490	326
Hancock	399	213	221	366	116	359	244
Harrison	865	414	2679	886	1645	751	1881
Hinds	1402	902	1693	1386	1021	1283	1347
Holmes	480	144	190	434	53	257	106
Humphreys	137	107	110	144	63	109	118
Issaquena	4	0	7	18	10	11	2
Itawamba	151	122	198	144	52	136	89
Jackson	764	420	1141	798	776	2188	758
Jasper	202	106	90	220	59	234	84
Jefferson	128	64	54	860	56	140	2
Jefferson Davis	104	78	127	74	95	109	99
Jones	215	97	363	198	260	185	379
Kemper	59	15	81	60	39	79	46
Lafayette	727	412	398	496	199	796	175
Lamar	299	265	421	304	194	318	206
Lauderdale	258	90	1144	244	875	177	764
Lawrence	117	98	67	158	51	88	48
Leake	200	174	48	220	29	172	23
Lee	234	200	628	252	316	303	363

LEGEND: ## = No data submitted

**CIRCUIT COURT DISTRICTS
CASE FILINGS FOR CALENDAR YEARS 1995-1997**

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Leflore	147	80	253	120	159	110	257
Lincoln	473	225	227	508	0	600	119
Lowndes	189	178	763	190	338	187	414
Madison	234	73	320	186	137	142	129
Marion	226	148	364	234	247	182	198
Marshall	512	100	186	458	57	535	75
Monroe	467	422	248	484	148	553	183
Montgomery	239	184	148	206	87	229	86
Neshoba	292	165	153	374	85	236	##
Newton	241	156	75	278	59	192	33
Noxubee	130	27	66	168	40	113	33
Oktibbeha	451	318	333	384	185	378	223
Panola	459	220	506	494	215	470	178
Pearl River	359	290	541	400	544	322	325
Perry	103	69	54	110	31	101	33
Pike	225	124	596	210	203	180	369
Pontotoc	332	290	87	364	71	317	69
Prentiss	375	30	170	360	163	293	250
Quitman	135	88	89	78	78	101	42
Rankin	361	194	751	524	449	228	327
Scott	256	137	82	242	70	258	115
Sharkey	76	20	35	54	25	34	30
Simpson	306	252	117	284	115	339	119
Smith	287	204	79	302	24	263	29
Stone	156	82	94	152	48	140	52
Sunflower	547	381	222	516	125	607	186
Tallahatchie	124	56	129	120	38	110	65
Tate	339	134	232	360	71	401	116
Tippah	321	149	54	198	15	175	28
Tishomingo	191	113	154	138	49	146	47
Tunica	311	161	347	262	110	237	123
Union	415	4	122	446	100	322	94
Walthall	211	96	142	150	80	209	82
Warren	374	165	567	222	488	250	451
Washington	235	100	255	244	93	204	176
Wayne	202	73	184	122	86	182	150
Webster	87	37	31	100	26	104	56
Wilkinson	47	0	63	98	0	1	##
Winston	197	118	252	212	86	221	139
Yalobusha	148	54	144	116	33	113	23
Yazoo	74	18	133	74	124	63	169
TOTALS	22,583	12,350	23,865	22,386	14,408	22,476	15,487

CIRCUIT COURT DISTRICT 1 (3 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Alcorn	581	395	293	656	171	721	228
Itawamba	151	122	198	144	52	136	89
Lee	234	200	628	252	316	303	363
Monroe	467	422	248	484	148	553	183
Pontotoc	332	290	87	364	71	317	69
Prentiss	375	30	170	360	163	293	250
Tishomingo	191	113	154	138	49	146	47
TOTALS	2331	1572	1778	2398	970	2469	1229

CIRCUIT COURT DISTRICT 2 (4 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Hancock	399	213	221	366	116	359	244
Harrison	865	414	2679	886	1645	751	1881
Stone	156	82	94	152	48	140	52
TOTALS	1420	709	2994	1404	1809	1250	2177

CIRCUIT COURT DISTRICT 3 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Benton	93	48	38	64	23	72	38
Calhoun	182	156	195	166	89	226	157
Chickasaw	304	143	154	274	98	351	115
Lafayette	727	412	398	496	199	796	175
Marshall	512	100	186	458	57	535	75
Tippah	321	149	54	198	15	175	28
Union	415	4	122	446	100	322	94
TOTALS	2554	1012	1147	2102	581	2477	682

CIRCUIT COURT DISTRICT 4 (4 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Leflore	147	80	253	120	159	110	257
Sunflower	547	381	222	516	125	607	186
Washington	235	100	255	244	93	204	176
TOTALS	929	561	730	880	377	921	619

CIRCUIT COURT DISTRICT 5 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Attala	212	167	197	216	95	196	118
Carroll	88	54	38	72	13	56	7
Choctaw	69	57	83	62	58	105	76
Grenada	508	223	330	382	173	490	326
Montgomery	239	184	148	206	87	229	86
Webster	87	37	31	100	26	104	56
Winston	197	118	252	212	86	221	139
	1400	840	1079	1250	538	1401	808

CIRCUIT COURT DISTRICT 6 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Adams	163	60	324	206	387	158	189
Amite	187	139	155	200	56	184	66
Franklin	80	51	73	56	23	79	33
Wilkinson	47	0	63	98	0	1	##
	477	250	615	560	466	422	288

CIRCUIT COURT DISTRICT 7 (4 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Hinds	1402	902	1693	1386	1021	1283	1347
	1402	902	1693	1386	1021	1283	1347

CIRCUIT COURT DISTRICT 8 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Leake	200	174	48	220	29	172	23
Neshoba	292	165	153	374	85	236	##
Newton	241	156	75	278	59	192	33
Scott	256	137	82	242	70	258	115
	989	632	358	1114	243	858	171

CIRCUIT COURT DISTRICT 9 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Issaquena	4	0	7	18	10	11	2
Sharkey	76	20	35	54	25	34	30
Warren	374	165	567	222	488	250	451
	454	185	609	294	523	295	483

CIRCUIT COURT DISTRICT 10 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Clarke	107	75	151	140	127	88	198
Kemper	59	15	81	60	39	79	46
Lauderdale	258	90	1144	244	875	177	764
Wayne	202	73	184	122	86	182	150
	626	253	1560	566	1127	526	1158

CIRCUIT COURT DISTRICT 11 (3 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Bolivar	112	53	171	92	116	85	49
Coahoma	96	50	394	84	193	89	319
Quitman	135	88	89	78	78	101	42
Tunica	311	161	347	262	110	237	123
	654	352	1001	516	497	512	533

CIRCUIT COURT DISTRICT 12 (1 JUDGE)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Forrest	284	84	533	236	843	281	503
Perry	103	69	54	110	31	101	33
	387	153	587	346	874	382	536

CIRCUIT COURT DISTRICT 13 (1 JUDGE)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Covington	192	111	93	190	32	160	20
Jasper	202	106	90	220	59	234	84
Simpson	306	252	117	284	115	339	119
Smith	287	204	79	302	24	263	29
	987	673	379	996	230	996	252

CIRCUIT COURT DISTRICT 14 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Lincoln	473	225	227	508	0	600	119
Pike	225	124	596	210	203	180	369
Walthall	211	96	142	150	80	209	82
	909	445	965	868	283	989	570

CIRCUIT COURT DISTRICT 15 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Jefferson Davis	104	78	127	74	95	109	99
Lamar	299	265	421	304	194	318	206
Lawrence	117	98	67	158	51	88	48
Marion	226	148	364	234	247	182	198
Pearl River	359	290	541	400	544	322	325
	1105	879	1520	1170	1131	1019	876

CIRCUIT COURT DISTRICT 16 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Clay	255	1	151	252	77	226	117
Lowndes	189	178	763	190	338	187	414
Noxubee	130	27	66	168	40	113	33
Oktibbeha	451	318	333	384	185	378	223
	1025	524	1313	994	640	904	787

CIRCUIT COURT DISTRICT 17 (3 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
DeSoto	368	135	954	264	481	399	311
Panola	459	220	506	494	215	470	178
Tallahatchie	124	56	129	120	38	110	65
Tate	339	134	232	360	71	401	116
Yalobusha	148	54	144	116	33	113	23
	1438	599	1965	1354	838	1493	693

CIRCUIT COURT DISTRICT 18 (1 JUDGE)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Jones	215	97	363	198	260	185	379
	215	97	363	198	260	185	379

CIRCUIT COURT DISTRICT 19 (3 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
George	253	104	54	200	29	217	48
Greene	90	46	57	68	35	69	43
Jackson	764	420	1141	798	776	2188	758
	1107	570	1252	1066	840	2474	849

CIRCUIT COURT DISTRICT 20 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Madison	234	73	320	186	137	142	129
Rankin	361	194	751	524	449	228	327
	595	267	1071	710	586	370	456

CIRCUIT COURT DISTRICT 21 (1 JUDGE)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Holmes	480	144	190	434	53	257	106
Humphreys	137	107	110	144	63	109	118
Yazoo	74	18	133	74	124	63	169
	691	269	433	652	240	429	393

CIRCUIT COURT DISTRICT 22 (1 JUDGE)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Criminal Dispositions	Civil Filings	Criminal Dispositions	Civil Filings	Criminal Dispositions
Claiborne	271	119	99	246	17	250	60
Copiah	489	423	300	456	261	431	139
Jefferson	128	64	54	860	56	140	2
	888	606	453	1562	334	821	201

CHANCERY COURT FILINGS
CALENDAR YEARS 1995-1997

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Adams	1117	430	#	1116	#	995	#
Alcorn	998	721	135	1016	213	962	38
Amite	307	231	58	376	35	218	23
Attala	379	234	96	314	105	315	23
Benton	206	146	48	172	9	151	14
Bolivar	1347	1017	#	1230	#	1029	#
Calhoun	463	317	234	502	28	418	29
Carroll	190	133	410	230	14	120	4
Chickasaw	363	252	292	418	55	320	62
Choctaw	183	98	2	180	22	163	14
Claiborne	303	49	##	352	29	220	30
Clarke	546	497	120	574	113	437	21
Clay	512	370	202	566	244	390	79
Coahoma	1330	226	#	1162	#	807	#
Copiah	710	499	58	830	245	674	240
Covington	544	307	58	396	44	460	81
DeSoto	1953	1416	#	1998	#	2177	#
Forrest	1891	1277	#	2228	#	1843	#
Franklin	219	205	50	196	129	175	33
George	575	198	114	518	221	431	63
Greene	272	53	18	266	25	176	21
Grenada	461	210	526	550	357	528	92
Hancock	1103	737	210	1166	611	978	228
Harrison	6274	3723	#	6412	#	5318	#
Hinds	8125	5276	#	6486	#	7753	#
Holmes	488	389	90	524	64	481	91
Humphreys	202	0	3	234	29	175	30
Issaquena	14	0	##	34	3	15	12
Itawamba	501	289	298	588	220	453	126
Jackson	4686	3954	#	4538	#	3595	#
Jasper	690	544	73	752	49	532	30
Jefferson	234	0	##	220	48	174	117
Jefferson Davis	528	211	27	380	23	195	61
Jones	1445	644	#	1326	#	1148	#
Kemper	198	128	15	200	62	150	13
Lafayette	665	506	179	882	218	676	75
Lamar	898	690	8	966	137	617	30
Lauderdale	1955	1352	#	2294	#	2225	#
Lawrence	292	182	28	332	15	255	65
Leake	517	381	87	432	68	398	8

LEGEND: # = No jurisdiction (see County Court Chart)
= No data submitted

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Lee	1698	1176	#	2024	#	1728	#
Leflore	1079	787	#	1118	#	786	#
Lincoln	818	471	191	756	658	910	464
Lowndes	1176	873	#	1328	#	1188	#
Madison	1097	471	#	842	#	1025	#
Marion	1239	937	468	1184	104	565	38
Marshall	830	505	470	806	156	609	72
Monroe	936	702	423	846	221	814	208
Montgomery	302	173	97	264	249	207	42
Neshoba	544	414	92	578	183	437	51
Newton	667	476	162	656	96	427	66
Noxubee	232	66	1	260	18	219	12
Oktibbeha	523	225	68	518	183	497	98
Panola	1102	799	206	922	270	764	31
Pearl River	1188	772	##	1048	143	889	43
Perry	355	238	12	294	3	300	39
Pike	872	625	#	918	#	875	#
Pontotoc	631	348	111	664	71	557	59
Prentiss	728	528	191	684	83	605	58
Quitman	349	240	93	522	143	270	68
Rankin	2177	1928	#	2180	#	2300	#
Scott	804	529	63	632	68	590	60
Sharkey	303	0	10	116	11	135	90
Simpson	692	409	178	720	328	660	157
Smith	457	350	154	512	51	276	42
Stone	331	252	73	260	146	296	34
Sunflower	579	277	155	504	448	602	437
Tallahatchie	308	159	256	344	127	339	44
Tate	630	394	224	622	180	532	19
Tippah	669	530	176	622	75	466	60
Tishomingo	386	215	147	476	59	392	45
Tunica	324	73	69	362	102	285	53
Union	612	464	180	672	121	491	78
Walthall	374	258	104	322	23	250	46
Warren	1486	849	#	1282	#	1037	#
Washington	1345	641	#	1224	#	1300	#
Wayne	678	375	160	698	129	358	57
Webster	218	135	51	318	26	196	22
Wilkinson	295	32	##	356	6	287	7
Winston	469	323	76	570	97	400	41
Yalobusha	405	313	166	428	94	314	28
Yazoo	462	381	#	400	#	440	#
TOTALS	74,054	47,605	8,266	72,808	8,107	63,765	4,422

**CHANCERY COURT DISTRICTS
CASE FILINGS FOR CALENDAR YEARS 1995-1997**

CHANCERY COURT DISTRICT 1 (3 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Alcorn	998	721	135	1016	213	962	38
Itawamba	501	289	298	588	220	453	126
Lee	1698	1176	#	2024	#	1728	#
Monroe	936	702	423	846	221	814	208
Pontotoc	631	348	111	664	71	557	59
Prentiss	728	528	191	684	83	605	58
Tishomingo	386	215	147	476	59	392	45
Union	612	464	180	672	121	491	78
	6490	4443	1485	6970	988	6002	612

CHANCERY COURT DISTRICT 2 (1 JUDGE)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Jasper	690	544	73	752	49	532	30
Newton	667	476	162	656	96	427	66
Scott	804	529	63	632	68	590	60
	2161	1549	298	2040	213	1549	156

CHANCERY COURT DISTRICT 3 (3 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
DeSoto	1953	1416	#	1998	#	2177	#
Grenada	461	210	526	550	357	528	92
Montgomery	302	173	97	264	249	207	42
Panola	1102	799	206	922	270	764	31
Tate	630	394	224	622	180	532	19
Yalobusha	405	313	166	428	94	314	28
	4853	3305	1219	4784	1150	4522	212

CHANCERY COURT DISTRICT 4 (1 JUDGE)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Amite	307	231	58	376	35	218	23
Franklin	219	205	50	196	129	175	33
Pike	872	625	#	918	#	875	#
Walthall	374	258	104	322	23	250	46
	1772	1319	212	1812	187	1518	102

CHANCERY COURT DISTRICT 5 (4 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Hinds	8125	5276	#	6486	#	7753	#
	8125	5276	#	6486	#	7753	#

CHANCERY COURT DISTRICT 6 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Attala	379	234	96	314	105	315	23
Carroll	190	133	410	230	14	120	4
Choctaw	183	98	2	180	22	163	14
Kemper	198	128	15	200	62	150	13
Neshoba	544	414	92	578	183	437	51
Winston	469	323	76	570	97	400	41
	1963	1330	691	2072	483	1585	146

CHANCERY COURT DISTRICT 7 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Bolivar	1347	1017	#	1230	#	1029	#
Coahoma	1330	226	#	1162	#	807	#
Leflore	1079	787	#	1118	#	786	#
Quitman	349	240	93	522	143	270	68
Tallahatchie	308	159	256	344	127	339	44
Tunica	324	73	69	362	102	285	53
	4737	2502	418	4738	372	3516	165

CHANCERY COURT DISTRICT 8 (4 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Hancock	1103	737	210	1166	611	978	228
Harrison	6274	3723	#	6412	#	5318	#
Stone	331	252	73	260	146	296	34
	7708	4712	283	7838	757	6592	262

CHANCERY COURT DISTRICT 9 (3 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Humphreys	202	0	3	234	29	175	30
Issaquena	14	0	##	34	3	15	12
Sharkey	303	0	10	116	11	135	90
Sunflower	579	277	155	504	448	602	437
Warren	1486	849	#	1282	#	1037	#
Washington	1345	641	#	1224	#	1300	#
	3929	1767	168	3394	491	3264	569

CHANCERY COURT DISTRICT 10 (3 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Forrest	1891	1277	#	2228	#	1843	#
Lamar	898	690	8	966	137	617	30
Marion	1239	937	468	1184	104	565	38
Pearl River	1188	772	##	1048	143	889	43
Perry	355	238	12	294	3	300	39
	5571	3914	488	5720	387	4214	150

CHANCERY COURT DISTRICT 11 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Holmes	488	389	90	524	64	481	91
Leake	517	381	87	432	68	398	8
Madison	1097	471	#	842	#	1025	#
Yazoo	462	381	#	400	#	440	#
	2564	1622	177	2198	132	2344	99

CHANCERY COURT DISTRICT 12 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Clarke	546	497	120	574	113	437	21
Lauderdale	1955	1352	#	2294	#	2225	#
	2501	1849	120	2868	113	2662	21

CHANCERY COURT DISTRICT 13 (1 JUDGE)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Covington	544	307	58	396	44	460	81
Jefferson Davis	528	211	27	380	23	195	61
Lawrence	292	182	28	332	15	255	65
Simpson	692	409	178	720	328	660	157
Smith	457	350	154	512	51	276	42
	2513	1459	445	2340	461	1846	406

CHANCERY COURT DISTRICT 14 (3 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Chickasaw	363	252	292	418	55	320	62
Clay	512	370	202	566	244	390	79
Lowndes	1176	873	#	1328	#	1188	#
Noxubee	232	66	1	260	18	219	12
Oktibbeha	523	225	68	518	183	497	98
Webster	218	135	51	318	26	196	22
	3024	1921	614	3408	526	2810	273

CHANCERY COURT DISTRICT 15 (1 JUDGE)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Copiah	710	499	58	830	245	674	240
Lincoln	818	471	191	756	658	910	464
	1528	970	249	1586	903	1584	704

CHANCERY COURT DISTRICT 16 (3 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
George	575	198	114	518	221	431	63
Greene	272	53	18	266	25	176	21
Jackson	4686	3954	#	4538	#	3595	#
	5533	4205	132	5322	246	4202	84

CHANCERY COURT DISTRICT 17 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Adams	1117	430	#	1116	#	995	#
Claiborne	303	49	##	352	29	220	30
Jefferson	234	0	##	220	48	174	117
Wilkinson	295	32	##	356	6	287	7
	1949	511	0	2044	83	1676	154

CHANCERY COURT DISTRICT 18 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Benton	206	146	48	172	9	151	14
Calhoun	463	317	234	502	28	418	29
Lafayette	665	506	179	882	218	676	75
Marshall	830	505	470	806	156	609	72
Tippah	669	530	176	622	75	466	60
	2833	2004	1107	2984	486	2320	250

CHANCERY COURT DISTRICT 19 (1 JUDGE)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Jones	1445	644	#	1326	#	1148	#
Wayne	678	375	160	698	129	358	57
	2123	1019	160	2024	129	1506	57

CHANCERY COURT DISTRICT 20 (2 JUDGES)

County	1997			1996		1995	
	Civil Filings	Civil Dispositions	Youth	Civil Filings	Youth	Civil Filings	Youth
Rankin	2177	1928	#	2180	#	2300	#
	2177	1928	#	2180	#	2300	#

**COUNTY COURT FILINGS
CALENDAR YEARS 1995-1997**

County	1997			1996 Filings		1995 Filings	
	Civil Filings	Civil Dispositions	Youth	Civil	Youth	Civil	Youth
Adams	463	270	430	404	768	636	321
Bolivar	862	564	303	592	440	667	216
Coahoma	639	310	628	542	760	455	165
DeSoto	1119	594	746	836	1526	845	179
Forrest	2770	2102	617	3296	965	2586	179
Harrison	2446	1271	#	2506	#	2449	#
Hinds	10754	5871	583	12052	2994	11678	1847
Jackson	1666	1583	951	1612	1838	1579	233
Jones	682	183	684	500	591	629	117
Lauderdale	1509	904	1197	1988	1666	1636	840
Lee	1139	580	573	1076	579	932	142
Leflore	1593	1021	406	1126	511	1084	125
Lowndes	1015	1006	701	1074	621	1317	424
Madison	1029	541	331	964	585	935	833
Pike	1752	1341	399	2074	518	1680	276
Rankin	1890	1218	527	1948	349	1635	194
Warren	1040	511	341	1468	752	1181	387
Washington	884	448	516	784	1368	753	1050
Yazoo	487	182	1407	400	624	443	37
TOTALS	33,739	20,500	11,340	35,242	17,455	33,120	7,565

LEGEND: # = No jurisdiction (see Family Court Chart)

**FAMILY COURT FILINGS
CALENDAR YEARS 1995-1997**

County	1997 Youth	1996 Youth	1995 Youth
Harrison	1859	2741	1168

1995 The 1995 circuit court statistics reflect filings and dispositions for two new circuit court districts created in 1995. Circuit court statistics have been revised in 1995 to show criminal dispositions as well as civil filings.

1996 The 1996 circuit court filings and criminal dispositions and chancery court filings are estimated in part. The 1996 youth court filings are descriptive rather than precise. While the 1996 youth court filings show a substantial increase over previous years, the actual increase is approximately 15% additional activity over the 1995 figures. A new youth court tracking system has been implemented for calendar year 1997.

1997 The 1997 trial court statistics are reported on a fiscal year basis while the 1995 and 1996 statistics are reported on a calendar year basis. Youth Court data was only available for the second half of fiscal year 1997. The Youth Court data reported is intake data and not formal filings as reported in previous years. As a consequence of the change in data collection, information for certain counties was unavailable and/or incomplete.

SUPREME COURT OF MISSISSIPPI

P.O. BOX 117

JACKSON, MS 39205

Phone (601) 359-3697

Fax (601) 359-2443