

By: Senator(s) Wiggins, Boyd, Turner-Ford,
Thompson, Suber, Barrett, Blackmon,
Fillingane, England, DeBar, McCaughn,
McLendon, Simmons (12th), Hopson, Kirby,
Sparks

To: Rules

SENATE CONCURRENT RESOLUTION NO. 501

1 A CONCURRENT RESOLUTION COMMEMORATING AND HONORING THE
2 30-YEAR ANNIVERSARY OF THE ESTABLISHMENT OF THE MISSISSIPPI COURT
3 OF APPEALS AND COMMENDING ITS ACCOMPLISHMENTS.

4 WHEREAS, we join the members of The Mississippi Bar and the
5 citizens of Mississippi in honoring the Mississippi Court of
6 Appeals on the occasion of its 30th Anniversary; and

7 WHEREAS, the Court of Appeals of Mississippi was statutorily
8 created by the Mississippi Legislature in 1994. The new appellate
9 court was created due to the foresight of the Legislature, the
10 Governor, the Judiciary, and The Mississippi Bar, to aid the
11 Mississippi Supreme Court in resolving its overwhelming backlog of
12 appeals and to share the future caseload with the Mississippi
13 Supreme Court; and

14 WHEREAS, the Legislature, the Judiciary, the Governor, and
15 the Mississippi Bar Association, became increasingly alarmed by
16 the backlog of appeals at the Mississippi Supreme Court created by
17 an increase in litigation, interstate commerce, international
18 commerce and criminal cases. In 1987, the average delay between



19 trial and decision by the Mississippi Supreme Court had increased
20 to 715 days. In 1990, Mississippi had by far the largest
21 population of the eleven states that had only a single appellate
22 court. Comprehensive studies of the judiciary after 1985 led to
23 recurring proposals for the creation of an intermediate court. In
24 1993, these efforts resulted in legislation being enacted to
25 create a five-member intermediate appellate court with one judge
26 from each of the then-existing congressional districts wherein the
27 judges would stand for partisan elections during the 1994 general
28 election; and

29 WHEREAS, during the 1994 legislative session, the Legislature
30 enacted new legislation that doubled the size of the new appellate
31 court to ten members and made the court nonpartisan. The 1994
32 legislation still called for the judges to be elected during the
33 1994 general election. Labor of countless persons made the new
34 court of appeals possible. To ensure that the decisions in future
35 appeals were timely, the 1995 Legislature passed legislation
36 requiring the new appellate court to issue a decision in every
37 case that was filed on or after July 1, 1998, within 270 days
38 after the lawyers filed their final briefs. Prior to July 1,
39 1998, the new court was required to issue opinions expeditiously,
40 thereby allowing the court time to overcome the backlog of
41 appeals; and

42 WHEREAS, the first judges on this new court were sworn in on
43 January 3, 1995, at a public investiture service. The first



44 judges on the new court were as follows: Chief Judge John
45 Fraiser, Jr., who introduced the bill creating the Court of
46 Appeals while serving in the Mississippi Senate, Judge Frank
47 Barber, Judge Billy Bridges (later a Chief Judge), Judge Thomas
48 Coleman, Judge Oliver Diaz (later a Mississippi Supreme Court
49 Justice), Judge Leslie King (later a Chief Judge and Mississippi
50 Supreme Court Justice), Judge Roger McMillan (later a Chief
51 Judge), Judge Mary Libby Payne, and Judge Leslie Southwick (later
52 a Fifth Circuit Court of Appeals Judge). These initial judges
53 worked earnestly in resolving the backlog of appeals resulting in
54 the issuance of 529 opinions in 1995, 615 opinions in 1996, 701
55 opinions in 1997, and 578 opinions in 1998; and

56 WHEREAS, as time progressed, these initial judges departed
57 the court. The following judges stepped up to serve and carry the
58 torch of ensuring fair, impartial, and timely justice: in
59 District 1, Judge Rook Moore, Chief Judge Donna Barnes, Judge
60 David Chandler (later a Mississippi Supreme Court Justice), Judge
61 James Maxwell, Judge Jim Greenlee, and Judge John Weddle; in
62 District 2, Judge Jim Herring, Judge Tyree Irving, Judge Deborah
63 McDonald, Judge Ermea Jean Russell, Judge Ceola James, and Judge
64 Latrice Westbrooks; in District 3, Judge Larry Roberts, Judge Jack
65 Wilson, Judge Jim Brantley, Judge Thomas K. Griffis (later a
66 Mississippi Supreme Court Justice), Judge Cory Wilson (later a
67 Fifth Circuit Court of Appeals Judge), Judge John Emfinger; in
68 District 4, Judge Virginia Carter Carlton, Judge Greg Hinkebein,



69 Chief Judge Joe Lee, Judge David McCarty; in District 5, Judge
70 Bill Myers, Judge Eugene Fair, Judge Anthony (Tony) Lawrence,
71 Judge David Ishee (later a Mississippi Supreme Court Justice),
72 Judge Sean Tindell, Judge Joel Smith and Judge Amy St. Pé; and

73 WHEREAS, the Court of Appeals of Mississippi in its 30 years
74 of service successfully resolved the alarming backlog of appeals
75 pending at the Mississippi Supreme Court and hence forth has
76 successfully shared the appellate caseload issuing over 15, 365
77 merit opinions in a timely manner, issuing appellate decisions in
78 an average of 200 days, and handling over approximately 1000
79 motions a year. The Court of Appeals also successfully conducts
80 community outreach and education with a traveling court on-the-
81 road program wherein the court hears cases in communities around
82 the state, and by providing legal education classes to numerous
83 groups, participating in externship programs for law students, and
84 hosting groups at the court; and

85 WHEREAS, it is with great pride that we recognize the history
86 and level of commitment of this outstanding institution in the
87 Mississippi judicial branch of government and extend the heartfelt
88 thanks of the Legislature to these judges and support staff whose
89 professional work has ensured fair, impartial and timely justice
90 in Mississippi:

91 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF
92 MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That
93 we do hereby commemorate and honor the 30-year anniversary of the



94 establishment of the Mississippi Court of Appeals and commend its
95 accomplishments, and extend the heartfelt thanks of the
96 Legislature to this institution for its accomplishments.

97 BE IT FURTHER RESOLVED, That this resolution be presented to
98 the Chief Judge of the Mississippi Court of Appeals at appropriate
99 ceremonies recognizing the history of the court and be made
100 available to the Capitol Press Corps.

