

## **Court of Appeals schedules oral arguments at MSU campus**

October 29, 2008

A panel of judges of the Mississippi Court of Appeals will convene court on the Mississippi State University campus in Starkville on Nov. 19 to hear oral arguments in two cases. Arguments are scheduled for 1:30 p.m. and 2:30 p.m. at the Hunter Henry Center.

Members of the Court of Appeals occasionally travel to locations outside Jackson for oral argument presentations. The Court on the Road program is intended to provide an opportunity for the public, particularly students, to observe and learn about the operations of the court.

Chief Judge Leslie D. King said, "The Court of Appeals feels that its function is not merely to sit in this building and decide cases. It has an obligation to be a part of the education system....To the extent that we can help people understand what is going on in the judiciary and how it operates, it makes the judicial system more effective."

The Nov. 19 oral arguments are expected to provide a learning experience for student participants and observers. Third-year law students of the University of Mississippi School of Law Criminal Appeals Clinic will present one of the two oral arguments.

This will be the Court of Appeals' second time to hear oral arguments at Mississippi State University. The Court has also previously convened at Mississippi College School of Law, the University of Mississippi School of Law, and the University of Southern Mississippi. The court also recently heard oral arguments at the Marion County Courthouse in Columbia before audiences of more than 100 local high school students.

Chief Judge King expressed appreciation to the Mississippi State University Department of Political Science and Public Administration and the MSU Pre-Law Society for the invitation to hear oral arguments on the campus. "It always provides an excellent educational opportunity for a number of potential lawyers, because the Pre-Law Society is involved. I think it's good for them to have the opportunity to see how the judicial system actually operates, rather than just hearing classroom theory."

The campus visits give the judges an opportunity to encourage students to pursue careers in law. Chief Judge King said, "I think it's important for them to see that opportunities are here. It's always been amazing to me that the biggest export from Mississippi has been its talent."

Court of Appeals judges who hear the arguments will take questions from students in the audience afterwards. The discussions also give the judges an opportunity "to reaffirm what the ethical obligations are for those people who are fortunate enough to be admitted to the practice of law," Chief Judge King said.

Whit Waide, who teaches Constitutional law and American government at MSU, said the Court's holding oral arguments on campus will provide an opportunity for students to learn what appellate courts do. "It's just rare that they get exposure to the appellate level," Waide said.

Students of the University of Mississippi School of Law Criminal Appeals Clinic will present oral arguments on behalf of Douglas Duvall Hill in an appeal of a conviction of felony child abuse. The law students who will make the oral arguments are Brian K. Harris of Southaven and Jason N. King of Nashville, Tenn.

The University of Mississippi students are admitted to limited practice of law under the supervision of attorney Phillip W. Broadhead, clinical professor and director of the Criminal Appeals Clinic at the University of Mississippi School of Law.

Broadhead said the students get the benefit of a valuable learning experience while providing the services of legal representation to indigent defendants. Broadhead said, "The

clinical goal is to synthesize the law they have learned in theoretical type courses into practical, everyday experiences.....This provides the students with a valuable learning experience, and at the same time we are providing a needed public service for both the client and the court.”

Since 2002, 81 University of Mississippi law students have represented defendants in 42 criminal cases, winning seven reversals of convictions, Broadhead said. Teams of two students spend one semester working on the briefs, and, if oral argument is granted, a different set of two students prepares and presents the arguments the next semester.

The case which the law students will argue was referred to them by the Mississippi Office of Indigent Appeals, a publicly funded office which provides legal representation on appeal for indigent persons convicted of felonies other than death penalty cases. Since the Office of Indigent Appeals began operation in January 2007, it has referred 10 cases to law students of the Criminal Appeals Clinic. Indigent defendants agree to be represented by law students.

The students are able to devote a large amount of time and attention to each case, said Leslie Lee, executive director of the Office of Indigent Appeals. Lee said, “The defendants get high-quality representation, and the students get real-world experience that they can’t get just studying cases. It’s a tremendous way for the students to get involved in an actual case instead of studying some hypothetical or old cases. These are real people who need help.”

Cases to be argued are:

- Douglas Duvall Hill v. State of Mississippi, Cause No. 2007-KA-1527-COA. Hill was convicted in Harrison County Circuit Court on June 21, 2007, on a charge of felony child abuse. Hill was sentenced to 20 years in prison. Hill is represented on appeal by law students Brian K. Harris of Southaven and Jason N. King of Nashville, Tenn. Special Assistant Attorney General Stephanie B. Wood will argue on behalf of the state.
- Judy Wilbanks v. State of Mississippi, Cause No. 2008-CA-0119-COA. Wilbanks pleaded guilty in Tippah County Circuit Court on May 22, 2003, to charges of capital murder and aggravated assault. Wilbanks was sentenced to life without parole on the capital murder charge and 20 years on the aggravated assault, with sentences to run concurrently. Wilbanks is appealing the guilty plea. Wilbanks is represented on appeal by attorney James D. Moore of Tupelo. Special Assistant Attorney General LaDonna C. Holland will argue on behalf of the state.

Each oral argument is expected to last approximately 40 minutes; the appellant and appellee are each allowed 20 minutes.

The oral arguments will not be broadcast via the court’s Internet web site, since the Court of Appeals is convening a special session away from its camera-equipped courtroom.

Any media organization which may wish to photograph or videotape the presentation must follow the Rules for Electronic and Photographic Coverage of Judicial Proceedings. Media must file a Camera Coverage Notice at least 48 hours prior to the commencement of the proceeding. The camera coverage rules are available on the Mississippi Supreme Court’s web site at

[http://www.mssc.state.ms.us/rules/msrulesofcourt/rules\\_electronicphotographic\\_coverage.pdf](http://www.mssc.state.ms.us/rules/msrulesofcourt/rules_electronicphotographic_coverage.pdf).

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