

MISSISSIPPI SUPREME COURT DECISIONS – JANUARY 5, 2017

SUPREME COURT - CIVIL CASES

DAVIS EX REL. DAVIS V. BLAYLOCK

CIVIL - WRONGFUL DEATH

CIVIL PROCEDURE - WRONGFUL DEATH - PRIORITY JURISDICTION - The first court to properly take jurisdiction of a wrongful death action in a Mississippi state court shall, so long as the action is pending, have exclusive jurisdiction, and any other subsequently filed action for the same death shall be of no effect

CIVIL PROCEDURE - WRONGFUL DEATH - MOTION TO COMBINE AND AMEND - A motion to combine and amend has no practical significance if the motion is filed only in a subsequently filed wrongful death suit that has no effect

FACTS

Janice Davis filed a wrongful death suit on behalf of her father Richard Davis against Dr. Barber. Fifteen days later, Davis filed another wrongful death suit on behalf of her father against Dr. Blaylock. The same day Davis filed a third wrongful death suit against Delta Regional Medical Center (DRMC). Davis then filed a fourth wrongful death suit against DRMC based on medical and nursing negligence by Dr. Blaylock and the nursing staff of DRMC. DRMC filed motions to dismiss the two suits against DRMC because Davis already filed the first lawsuit against Dr. Barber that was still pending. Davis responded by filing a motion to combine and amend the complaint in both lawsuits against DRMC. Dr. Blaylock also moved to dismiss the suit against him because Davis already had a wrongful death suit pending against Dr. Barber. The trial court entered three separate orders dismissing the lawsuits against Dr. Blaylock and the two suits against DRMC. Davis appealed the orders in all three cases.

ISSUES

Whether the trial court erred in (1) dismissing the three subsequently filed wrongful death suits and (2) ruling that Davis' motions to combine and amend were moot.

HOLDING

(1) Because Davis' subsequently filed wrongful death lawsuits were of no effect because the first action was still pending, the trial court did not err in dismissing each of the subsequently filed wrongful death suits. (2) Because Davis' motions to combine and amend had no practical significance since they were filed in the dismissed wrongful death suits, the trial court did not err in finding that the motions to combine and amend were moot. Therefore, the Supreme Court affirmed the judgment of the Washington County Circuit Court.

Affirmed - 2015-CA-01423-SCT (Jan. 5, 2017)

En Banc Opinion by Justice Maxwell

Hon. W. Ashley Hines (Washington County Circuit Court)

Levi Boone, III & Kelvin Cedell Pulley for Appellant - P. Scott Phillips & Gregory Weathers Virden, Jr. for Appellee

Briefed by [Lora Wuerdeman](#)

[Click here to view the full opinion](#)

HARRIS V. STATE

CIVIL - OTHER

CONTEMPT - CRIMINAL CONTEMPT - STANDARD OF REVIEW - When the purpose is to punish the contemnor for disobedience of a court order, then the contempt is criminal; If the contempt is criminal, the court proceeds ab initio and will determine on the record whether the person in contempt is guilty of contempt beyond a reasonable doubt

CONTEMPT - DIRECT CONTEMPT - CONDUCT LEADING TO CONTEMPT - Direct contempt occurs right in front of the court; It may consist of an open insult, in the presence of the court, to the person of the presiding judge, or a resistance to or defiance of the power and authority of the court; It also includes words or actions before the court that tend to embarrass the court or prevent the orderly administration of justice

CONTEMPT - DIRECT CONTEMPT - PUNISHMENT - Punishment for direct contempt may be meted out instantly by the judge in whose presence the offensive conduct was committed

PROCEDURE - COSTS - FAILURE TO TRY CASE - Pursuant to Uniform Rule of Circuit and County Court Practice 3.13, the court may assess all costs, including fees and mileage of jurors who have been required to be present for the trial, against whichever party litigant or attorney it deems appropriate, for failure of an attorney to try the case

FACTS

Hinds County Circuit Court Judge Jeff Weill, Sr. ordered the cases of more than fifty indigent criminal defendants be reassigned from Alison Kelly with the Hinds County Public Defenders Office (HCPDO) to appointed counsel. One of those cases was Cameron Travelsted's case and Randall Harris was appointed to take over Travelsted's defense. On the morning of Travelsted's trial, Harris tried to withdraw as counsel. The judge declined his request. Harris told the judge he was "wrong" for doing so and he "was not going to participate" in the trial. Harris's refusal to abide by the court's order forced a continuance. The judge held Harris in direct criminal contempt. Harris appealed.

ISSUES

Whether (1) the record supports finding Harris guilty of direct criminal contempt beyond a reasonable doubt, (2) the trial court violated Harris' right to due process, (3) Harris lacked the legal capacity to represent Travelsted at trial, and (4) the \$1,200 sanction is void because the civil settlement rule can never apply to criminal matters, and because the venire was not wasted.

HOLDING

(1) Because Harris defied the trial court's authority and prevented the orderly administration of justice, as he delayed Travelsted's trial, the record supports finding Harris guilty of direct criminal contempt beyond a reasonable doubt. (2) Because the conduct at issue occurred in front of the trial judge, Harris' due process right was not violated. (3) Because Harris did not argue before the trial court that he lacked the legal capacity to represent Travelsted, Harris waived that argument. (4) Because Rule 3.13 authorized the trial court to assess Harris the cost of the jury that had shown up for the Travelsted's trial, the \$100 fine, as well as the \$1,200 assessment for the cost of the jury were properly assessed. Therefore, the trial court's judgment was affirmed.

Affirmed - 2015-CA-01193-SCT (Jan. 5, 2017)

En Banc Opinion by Justice Maxwell

Hon. Jeff Weill, Sr. (Hinds County Circuit Court)

David Neil McCarty & Sage Egger Harless for Appellant - Abbie Eason Koonce (Att'y Gen. Office) for Appellee

Briefed by [Victoria Jones](#)

[Click here to view the full opinion](#)

MISSISSIPPI COURT OF APPEALS DECISIONS – JANUARY 3, 2017

COURT OF APPEALS - CIVIL CASES

CARMODY V. MCGOWAN

CIVIL - REAL PROPERTY

REAL PROPERTY - DEEDS - AMBIGUITY - An ambiguity is defined as a susceptibility to two reasonable interpretations

REAL PROPERTY - DEEDS - INTERPRETATION - A court interpreting a deed follows the same process as it does with contracts

REAL PROPERTY - DEEDS - SUMMARY JUDGMENT - If a reviewing court finds the terms of the contract to be ambiguous, the case must be submitted to the trier of fact, and summary judgment is not appropriate

REAL PROPERTY - DEEDS - INTENT OF CONTRACTING PARTIES - Courts may not infer intent contrary to that emanating from the text at issue as the words employed by the parties are the best resource for ascertaining their intent

FACTS

Stephen and Rowena Carmody and Suzannah McGowan both claimed a portion of land which bordered both their properties, as they were neighbors. The Carmody's claim originated from a 1969 deed, however this deed contained a "less and except" clause that excepted the disputed land. Thus, the trial court found that the deed did not convey the disputed property, and that the Carmody's had no claim to the land. Therefore it granted summary judgment in favor of McGowan. Stephen and Rowena Carmody appealed.

ISSUE

Whether the trial court wrongfully granted summary judgment to McGowan.

HOLDING

The Court of Appeals found that the Carmody's failed to explicitly argue the deed was ambiguous. The language of the deed was clear and unambiguous, and they could see no reasonable interpretation of the deed, when read in its entirety, that did not give effect to the plain and unambiguous qualification that the conveyance was "less and except" the disputed property. Therefore, summary judgment was appropriate and the Court of Appeals affirmed the trial court's judgment.

Affirmed - 2015-CA-01236-COA (Jan. 3, 2017)

Opinion by Judge Fair

Hon. Henry L. Lackey (Hinds County Chancery Court, First Judicial District)

C. Victor Welsh III for Appellants - F. Hall Bailey, Heather Marie Aby, and Owen Patrick Lalor for Appellee

Briefed by [Josh Rhodes](#)

[Click here to view the full opinion](#)

DENHAM LAW FIRM, PLLC V. SIMMONS

CIVIL - CONTRACT

CIVIL PROCEDURE - SUMMARY JUDGMENT - BURDEN OF PROOF - Summary judgment is appropriate if the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, show that there is no genuine issue of any material fact and that the moving party is entitled to a judgment as a matter of law

CONTRACTS - CONSTRUCTION - USE OF PAROLE EVIDENCE - First, the “four corners” test is applied, wherein the reviewing court looks to the language that the parties used in expressing their agreement; When construing a contract, courts read the contract as a whole, so as to give effect to all of its clauses; Thus, the courts are not at liberty to infer intent contrary to that emanating from the text at issue; Only if the contract is unclear or ambiguous can a court go beyond the text to determine the parties’ true intent; The mere fact that the parties disagree about the meaning of a contract does not make the contract ambiguous as a matter of law; Secondly, if the court is unable to translate a clear understanding of the parties’ intent, the court should apply the discretionary “canons” of contract construction; Where the language of an otherwise enforceable contract is subject to more than one fair reading, the reading applied will be the one most favorable to the non-drafting party; Finally, if the contract continues to evade clarity as to the parties’ intent, the court should consider extrinsic or parol evidence

CONTRACTS - CONDITION OR CONTINGENCY - PAROL EVIDENCE - Parol or extrinsic evidence is admissible to show the existence of a condition

FACTS

Four wrongful death beneficiaries were represented by Denham Law Firm, PLLC (Denham). After settlement, the chancellor granted partial summary judgment to the beneficiaries, who argued that their fees should be calculated according to an attorney’s lien clause in their contract rather than the contingency fee clause because they terminated Denham’s contract and signed contracts with another firm. Denham appealed.

ISSUES

Whether the chancellor erred by modifying the contract terms between Denham Law and the beneficiaries.

HOLDING

Because the record reflects a genuine issue of material fact as to whether the beneficiaries terminated Denham and triggered the attorney’s lien provision rather than the contingent fee, the chancellor erred in granting partial summary judgment. Therefore, the Court of Appeals reversed and remanded the chancellor’s grant of partial summary judgment.

CONCURRENCE

Judge Griffis concurred to add emphasis that this case highlights an inconsistency in the Mississippi Rules of Court, which provides a mechanism for movants in circuit courts to submit memoranda for summary judgment listing facts relied upon and not disputed which must be responded to within ten days. No similar mechanism exists for summary judgment in chancery courts, but there is no reason for the procedures to be different.

Reversed and Remanded - 2015-CA-00660-COA (Jan. 3, 2017)

Opinion by Judge Carlton - Concurrence by Presiding Judge Griffis

Hon. Hollis McGehee (Jackson County Chancery Court)

Earl L. Denham, Alexander Ignatiev, & Matthew Paul Pavlov for Appellant - Kristopher W. Carter & Albert R. Jordan IV for Appellees

Briefed by [Brittany Bane](#)

[Click here to view the full opinion](#)

IN RE J.W.

CIVIL - OTHER

CIVIL PROCEDURE - FINAL JUDGMENT – RULE 54 - If a chancery court enters a final judgment, it must do so in an unmistakable manner

CIVIL PROCEDURE - SPECIAL MASTER'S APPOINTMENT - RULE 53 - The court may appoint one or more persons in each county to be masters of the court, and the court in which any action is pending may appoint a special master therein

CIVIL PROCEDURE - SPECIAL MASTER - ADOPTING RECOMMENDATIONS - A master's report has no effect until it has been either accepted or rejected by the chancellor

FACTS

J.W. was involuntarily committed to the Mississippi Department of Mental Health Services. A "special master" submitted his findings to the court in favor of committing J.W., and J.W. filed a motion to reconsider. There was never an order from the chancellor either adopting the "special master's" findings, or J.W.'s motion. He was institutionalized for twenty-two days. J.W. appealed.

ISSUES

Whether J.W.'s commitment hearing (1) violated his right to due process, and (2) did not comply with the proper statutory requirements.

HOLDING

Because there was no final, appealable judgment, the Court of Appeals lacked jurisdiction. Therefore, the appeal was dismissed.

Appeal Dismissed - 2015-CA-01553-COA (Jan. 3, 2017)

Opinion by Judge Fair

Hon. Sandy Steckler (Harrison County Chancery Court)

Warren Leo Conway & Henry P. Pate III for Appellant - Benny McCalip May for Appellee

Briefed by [Meredith Pohl](#)

[Click here to view the full opinion](#)

TEAL V. JONES

CIVIL - TORTS - OTHER THAN PERSONAL INJURY AND PROPERTY DAMAGE

CIVIL PROCEDURE – JURY INSTRUCTIONS - SPOILIATION INSTRUCTION - The spoliation inference entitles the non-offending party to an instruction that the jury may infer that the spoliated evidence is unfavorable to the offending party

CIVIL PROCEDURE - SPOILIATION INSTRUCTION - GROUNDS - Where the evidence regarding the missing evidence is such that the jury is entitled to an instruction, the instruction should require the jury to first determine whether reasonable explanation for the loss of the missing evidence has been presented

FACTS

John Teal and Marci Sklar Teal were married in 2005 and divorced in 2008 on the ground of irreconcilable differences. After the divorce Marci learned that John has a romantic relationship with Elaine Jones during their marriage. Marci filed a complaint for alienation of affection against Jones. The jury found in favor of Marci but awarded her no damages. Marci filed a motion for new trial, JNOV and additur, which the court denied. Marci appealed.

ISSUES

Whether (1) the trial court erred by instructing the jury that Marci destroyed evidence and the jury should presume that the missing evidence was unfavorable to her, (2) the trial court erred in admitting and excluding evidence concerning post-separation and post-divorce events and Marci's subsequent bankruptcy.

HOLDING

(1) Because the spoliation instruction was not limited to the disposal of the computers and the trial court commanded the jury that it must infer the evidence as unfavorable, the instruction was erroneous. (2) Because the court did not abuse its discretion in its decisions to admit or exclude evidence, there was no error. Therefore, the Court of Appeals reversed and remanded the decision of the Warren County Circuit Court.

Reversed & Remanded - 2015-CA-00259-COA (Jan. 3, 2016)

Opinion by Judge Wilson

Hon. M. James Chaney Jr. (Warren County Circuit Court)

Chuck McRae, Gale Nelson Walker, Seth Clayton Little & Christopher Anthony Bambach for Appellant - Michael James Malouf Jr., Lyneille Countiss Williams, William Edward Ballard & James Matthew Lenderman for Appellee

Briefed by [Pete Doran](#)

[Click here to view the full opinion](#)

WAY V. CLARK

CIVIL - TORTS - OTHER THAN PERSONAL INJURY AND PROPERTY DAMAGE

JURISDICTION - DOMESTIC RELATIONS - TERMINATION OF PARENTAL RIGHTS - Miss. Code Ann. § 93-15-105(1) states that the chancery court has original exclusive jurisdiction over all termination of parental rights proceedings

PRETRIAL PROCEDURE - ADJUDICATION ON MERITS - DISMISSAL - A dismissal with prejudice indicates a ruling on the merits, which is not appropriate for a dismissal for lack of jurisdiction

FACTS

Curtis Antonio Way is the biological father of three minor children. After Way was arrested and charged with murder, the chancery court terminated his parental rights. Way filed a complaint in circuit court alleging that he was never notified of the petition to terminate his parental rights. The circuit court found that it lacked subject-matter jurisdiction and dismissed Way's complaint with prejudice. Way appealed.

ISSUE

Whether the circuit court erred in dismissing Way's complaint with prejudice for lack of subject-matter jurisdiction.

HOLDING

Because the chancery court has jurisdiction over all termination of parental rights proceedings, the circuit court lacked subject-matter jurisdiction. However, because the circuit court lacked authority to address the merits of the case, dismissal with prejudice was improper. Therefore, the Court of Appeals affirmed in part and reversed and rendered in part the judgment of the Holmes County Circuit Court.

DISSENT

Judge Carlton argued that because the complaint asserted damages for alleged tortious and fraudulent abuse of the judicial process, the circuit court had subject-matter jurisdiction.

Affirmed in Part & Reversed and Rendered in Part - 2014-CP-01747-COA (Jan. 3, 2017)

En Banc Opinion by Judge Griffis - Dissent by Judge Carlton

Hon. Jannie M. Lewis (Holmes County Circuit Court)

Pro se for Appellant - Bryant Wandrick Clark & Robert George Clark III for Appellee

Briefed by [Catherine Norton](#)

[Click here to view the full opinion](#)

WINDHAM V. MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY

CIVIL - STATE BOARDS AND AGENCIES

UNEMPLOYMENT COMPENSATION - JUDICIAL REVIEW - STANDARD OF REVIEW - The standard of review in cases where the Court of Appeals examines the circuit court's judgment affirming the Board of Review's decision is abuse of discretion

UNEMPLOYMENT COMPENSATION - CAUSE OF UNEMPLOYMENT - MISCONDUCT - An individual shall be disqualified from unemployment benefits when he was discharged for misconduct connected with his work

UNEMPLOYMENT COMPENSATION - DISQUALIFIED FOR BENEFITS - MISCONDUCT - Misconduct includes conduct evincing carelessness and negligence of such degree, or recurrence therefore, as to manifest culpability, wrongful intent or evil design, and showing an intentional or substantial disregard of the employer's interest or of the employee's duties and obligations to his employer

FACTS

Linda Windham, a purchasing clerk for Pioneer Community Hospital, was trained on the new computer system in November 2013, and received additional training in December 2013. In January 2014, Windham was issued a verbal warning for her job performance and received further training on the system. Shortly after, Windham received a written warning after an audit revealed inventory errors. On February 13, 2015, Windham was discharged for her failure to perform assigned duties and procedures and to follow management's requests. Windham filed an initial claim for benefits with the Mississippi Department of Employment Security (MDES). The claims examiner determined that Windham was discharged for misconduct connected to her work and was disqualified from receiving unemployment benefits beginning February 14, 2015, until she was reemployed and earned eight times her weekly benefit amount. Windham appealed to the administrative-law judge, who affirmed the claims examiner's decision that she was discharged due to poor performance. Windham appealed to the MDES Board of Review, which affirmed the ALJ's decision. On July 14, 2015, Windham appealed to the circuit court, which affirmed the Board of Review's decision and denied and dismissed the appeal. Windham appealed.

ISSUE

Whether the record supports a finding that Windham's conduct warranted a disqualification of benefits.

HOLDING

The record indicated Windham was aware of her job duties and obligations and acknowledged her responsibility to follow the corrective instructions. Despite training on multiple occasions, as well as two warnings, Windham continuously failed to properly perform the required tasks. Further, Windham's poor job performance was not due to her inability to perform, as Windham admitted to management she knew how to perform her job tasks. Windham's repeated errors, taken as a whole, demonstrated a substantial disregard of Pioneer's interest or of Windham's duties and obligations to Pioneer. Therefore, the Court of Appeals affirmed the judgment of the Newton County Circuit Court.

Affirmed - 2015-CC-01287-COA (Jan. 3, 2017)

En Banc Opinion by Judge Griffis

Hon. Marcus D. Gordon (Newton County Circuit Court)

Robert M. Logan Jr. for Appellant – Albert B. White & Anna Crain Clemmer for Appellee

Briefed by [Amber Kipfmiller](#)

[Click here to view the full opinion](#)

COURT OF APPEALS - CRIMINAL CASES

LEE V. STATE

CRIMINAL - FELONY

CRIMINAL PROCEDURE - EYEWITNESS IDENTIFICATION - SHOW UP IDENTIFICATIONS – The practice of showing suspects singly to persons for the purpose of identification, and not as part of a lineup, has been widely condemned

CRIMINAL PROCEDURE - EYEWITNESS IDENTIFICATION - FAIR IDENTIFICATION REQUIREMENT – Show up identification is admissible if, considering the totality of the circumstances surrounding the identification procedure, the identification did not give rise to a substantial likelihood of misidentification

CRIMINAL PROCEDURE - EYEWITNESS IDENTIFICATION - BIGGERS' FACTORS – To evaluate the likelihood of misidentification, the trial court must consider the *Biggers'* factors: (1) the opportunity of the witness to view the criminal at the time of the crime; (2) the witness's degree of attention; (3) the accuracy of the witness's prior description of the criminal; (4) the level of certainty demonstrated by the witness at the confrontation; and (5) the length of time between the crime and the confrontation

FACTS

A masked man entered the Little Caesar's Pizza in Southaven and pointed a handgun at Billy Royal, who was working behind the counter. The assailant demanded money from Royal for approximately fifteen minutes before fleeing the scene when police approached. Based on Royal's description, the police picked up Desmon Ray Lee and transported him to the nearby Little Caesar's. There, Royal identified Lee as the man who attempted to rob him earlier that day. Because of this "show up" identification, Lee moved to suppress Royal's identification of him as the perpetrator. At the suppression hearing, Royal testified that he and Lee had worked together at Little Caesar's two years before the robbery, and that he had thought the robber's voice sounded familiar. Royal was "one hundred percent certain" Lee was the robber. The trial court denied Lee's motion to suppress the identification. Lee appealed.

ISSUES

Whether the trial court erred in denying Lee's motion to suppress the identification.

HOLDING

Under the *Biggers'* factors, (1) Royal testified to having adequate time to view the assailant; (2) Royal exercised a high degree of attention; (3) Royal's description of Lee was highly accurate; (4) Royal expressed that he was one hundred percent certain Lee was the robber; and (5) the length of time between the crime and confrontation was short. Therefore, the Court of Appeals affirmed the judgment of the trial court to admit the identification testimony into evidence.

Affirmed - 2015-KA-01413-COA (Jan. 3, 2016)

Opinion by Chief Judge L. Joseph Lee

Hon. Robert P. Chamberlin (Desoto County Circuit Court)

Justin Taylor Cook (Pub. Def. Office) for Appellant - Alicia Marie Ainsworth (Att'y Gen. Office) for Appellee

Briefed by [Patrick Huston](#)

[Click here to view the full opinion](#)

WILLIAMS V. STATE

CRIMINAL - FELONY

CRIMINAL PROCEDURE - JURY INSTRUCTION - CONFUSING EXPLANATIONS - There is no per se rule requiring automatic reversal whenever jury instructions contain conflicting or potentially confusing explanations of the law; In such cases, the appellate court applies traditional harmless-error or plain error analysis depending upon whether the defendant objected to the instruction at trial

INEFFECTIVE ASSISTANCE OF COUNSEL - BURDEN OF PROOF - STRICKLAND - To succeed on a claim for ineffective assistance of counsel, the defendant must prove: (1) counsel's performance was deficient, and (2) the deficiency prejudiced the defense

INEFFECTIVE ASSISTANCE OF COUNSEL - TRIAL STRATEGY - PRESUMPTION OF REASONABLENESS - An appellate court must strongly presume that counsel's conduct falls within a wide range of reasonable professional assistance, and the challenged act or omission might be considered sound trial strategy

EVIDENCE - RELEVANCE - PHOTOGRAPHS - Photographs are deemed to have evidentiary value when they: (1) aid in describing the circumstances of the killing, (2) describe the location of the body and cause of death, or (3) supplement or clarify witness testimony

FACTS

Johnny Williams was convicted of capital murder for the killing of his seventeen-month-old daughter, Jada Williams. Williams was sentenced to life in the custody of the Mississippi Department of Corrections without the possibility of parole. Williams appealed.

ISSUES

Whether the trial court erred in (1) granting a jury instruction that permitted the jury to find Williams guilty of the underlying felony of child abuse without finding he actually abused the child and (2) whether Williams received ineffective assistance of counsel when his counsel failed to object to the admission of graphic photographs of Jada's body.

HOLDING

(1) Because there was no evidence presented to the jury that anyone but Williams abused Jada, the jury could not have interpreted the jury instruction to authorize it to find Williams guilty for allowing another person to abuse Jada. (2) Because the relevance of the graphic photographs outweighed any prejudicial effect, the photographs were properly admitted, and there can be no ineffective assistance of counsel for lack of an objection to their admission. Therefore, the judgement of the Hinds County Circuit Court was affirmed.

Affirmed - 2015-KA-01055-COA (Jan. 3, 2017)

Opinion by Judge Barnes

Hon. William A. Gowan Jr. (Hinds County Circuit Court)

Mollie Marie McMillin (Pub. Def. Office) for Appellant - Scott Stuart (Att'y Gen. Office) for Appellee

Briefed by [TreMarcus Rosemon](#)

[Click here to view the full opinion](#)

MISSISSIPPI CASES EDITOR

JACOB A. BRADLEY

ASSOCIATE CASES EDITORS

KATHRYN FOWLER,

BREANNA GOFF,

ALEXANDER ASH, &

SEAN DORAN

Thank you for supporting the Mississippi Law Journal.

Questions or comments: Jacob A. Bradley, newsletter@mississippilawjournal.org

All subscribers to BriefServ receive access to our website, providing searchable access to our briefs since January 2007. If you have questions about accessing or using the BriefServ website, please contact us at support@mississippilawjournal.org.