

## WHO TRAINS THE JUDGE?

### A LOOK AT JUDICIAL EDUCATION IN MISSISSIPPI

*Justice Randy Pierce\**

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#### INTRODUCTION

I will never forget my first week as a trial judge in Mississippi. I had been appointed as a chancery court judge for the Sixteenth Chancery Court District on Friday, February 25, 2005. I quickly began to cram for the *test* which, in my mind, was whether I could actually preside over a court proceeding. Could I prove to the litigants and their attorneys that I belonged on the bench? After all, I had graduated law school less than eight years before donning the black robe of justice. And although I fared pretty well in law school, practicing law in real life was different. Things moved fast in the real world. Really fast. And I learned, and would continue to learn, the value of judicial education. I learned that in order to wear the robe admirably and to serve justice, judicial education would be critical.

On my first day as a chancery court judge, the court administrator provided me with the docket for my first week of the March 2005 court term. The chancery clerk's office sent over the court files to my office. I reviewed the court files in the order in which they would appear on my docket. I was fitted for my robe (which would arrive in a little over a week or two). My predecessor, Judge Glenn Barlow, and I talked several times as I prepared to

take the bench, and he offered much helpful advice. Judge Barlow even let me borrow his robe until I could get one of my own, which I still have to this day. During his long tenure on the bench, Judge Barlow had compiled his own notebook of oft-cited estate law and family law cases, and he generously let me have his three-ring binder of wisdom. He also provided me a book that I would keep on my bench from day one. That book was titled the *Benchbook for Mississippi Chancery Court Judges*, which was published by the Mississippi Judicial College (hereinafter MJC or Judicial College).<sup>1</sup>

I knew that MJC existed but not much more than that. I did not know at the time how valuable MJC would be to me as a trial judge and later as a member of the Mississippi Supreme Court. Prior to my first trial, I had studied the *Benchbook* and had read the Mississippi Rules of Civil Procedure and Mississippi Rules of Evidence. When I called the first case on the docket, the attorneys announced that they were ready. After I disposed of some matters in other cases, I then swore in the witnesses for the first trial over which I would preside. The trial started well, and the two seasoned attorneys were doing an excellent job. Then, as one witness began testifying on a critical aspect of the litigation, one of the attorneys stood up and announced, “Objection, Your Honor. Hearsay.” I recall looking at the lawyer and thinking to myself, *I wonder if it is*. I did not hesitate and turned to opposing counsel. “Counselor, please respond to the objection.” I do not remember what exactly was said, but the attorney sounded academic in explaining how the witness’s statement fit neatly into one of the many exceptions to the hearsay rule. For a moment, I felt like I was back in Professor Robert Weems’s evidence class at the University of Mississippi School of Law. I then, with confidence, overruled the objection. Still, as I drove home that night, I wondered if I had gotten it right. I hoped that I did. And I also realized the importance of continuing my education in order to succeed as a judge.

This Article will discuss the history of judicial education in Mississippi and the Mississippi Judicial College; judicial education across the nation; specific judicial education requirements in Mississippi not only for the judge, but also for court personnel; the

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<sup>1</sup> BENCHBOOK FOR MISSISSIPPI CHANCERY COURT JUDGES, MISS. JUDICIAL COLL. (2021), <https://mjc.olemiss.edu/wp-content/uploads/sites/134/2020/07/2021-Benchbook-for-Chancery-Court-Judges.pdf> [<https://perma.cc/PH7X-YEYS>].

development and delivery of judicial education; and conclude with a discussion on the future of judicial education in general.

#### I. HISTORY OF JUDICIAL EDUCATION IN MISSISSIPPI AND THE MISSISSIPPI JUDICIAL COLLEGE

The Mississippi Judicial College was founded by the late Judge Noah S. “Soggy” Sweat, Jr. in 1970.<sup>2</sup> Although Judge Sweat served as a member of the legislature, a judge, and a law professor at the University of Mississippi School of Law, he is best known for his famous 1952 “Whiskey Speech.” Many of you have probably read or heard of the “Whiskey Speech,” and some of you may have even been lucky enough to have heard the “Whiskey Speech” recited by such talented orators as the late Mississippi legislative legend Ed Perry or Belzoni’s own multi-talented Cham Trotter. In researching for this Article, I could not find any mention of the “Whiskey Speech” in a *Mississippi Law Journal* article, so I decided to cure that glaring sin of omission here:

My friends, I had not intended to discuss this controversial subject at this particular time. However, I want you to know that I do not shun controversy. On the contrary, I will take a stand on any issue at any time, regardless of how fraught with controversy it might be. You have asked me how I feel about whiskey. All right, here is how I feel about whiskey.

If when you say “whiskey” you mean the devil’s brew, the poison scourge, the bloody monster, that defiles innocence, dethrones reason, destroys the home, creates misery and poverty, yea, literally takes the bread from the mouths of little children; if you mean the evil drink that topples the Christian man and woman from the pinnacle of righteous, gracious living into the bottomless pit of degradation and despair and shame and helplessness and hopelessness, then certainly I am against it.

But if when you say “whiskey” you mean the oil of conversation, the philosophic wine, the ale that is consumed when good fellows get together, that puts a song in their hearts and

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<sup>2</sup> *About Us*, MISS. JUD. C., <https://mjc.olemiss.edu/about/> [<https://perma.cc/7LU2-9VEC>] (last visited Feb. 24, 2021).

laughter on their lips, and the warm glow of contentment in their eyes; if you mean Christmas cheer; if you mean the stimulating drink that puts the spring in the old gentleman's step on a frosty, crispy morning; if you mean the drink which enables a man to magnify his joy, and his happiness, and to forget, if only for a little while, life's great tragedies, and heartaches, and sorrows; if you mean that drink, the sale of which pours into our treasuries untold millions of dollars, which are used to provide tender care for our little crippled children, our blind, our deaf, our dumb, our pitiful aged and infirm, to build highways and hospitals and schools, then certainly I am for it.

This is my stand. I will not retreat from it. I will not compromise.<sup>3</sup>

Judge Sweat's history is intertwined with MJC's, and it is fitting to include his famous, and perhaps infamous, speech in this Article. But, as is often said, I digress.

Through the efforts of Judge Sweat, the Judicial College began as "the first full-time state judicial education program in the nation, with a modest grant of \$90,000 and a part-time staff."<sup>4</sup> In the more than fifty years since its founding, it has evolved into a respected and integral part of the University of Mississippi School of Law.

In 1981, the Mississippi Legislature established the State Court Education Program and codified the judicial education mandate of the Mississippi Judicial College.<sup>5</sup> Section 37-26-1 states in part:

(1) The purpose of this chapter is to provide funds for use by:

(a) The University of Mississippi Law Center in providing: (i) education and training for the courts of Mississippi and related personnel; (ii) technical assistance for the courts of Mississippi

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<sup>3</sup> Richard Nordquist, *Soggy Sweat's Famous Whiskey Speech*, THOUGHTCO. (Mar. 11, 2018), <https://www.thoughtco.com/flatter-an-audience-with-euphemisms-1691833> [<https://perma.cc/2NAJ-QC57>]; see also Teresa Blake, *If By Whiskey: Soggy Sweat's Historical Political Speech Still Resonates*, ITAWAMBA CNTY. TIMES, [https://www.djournal.com/itawamba/if-by-whiskey-soggy-sweats-historical-political-speech-still-resonates/article\\_056c1f23-df3a-553f-9b0f-e7c311f1567c.html](https://www.djournal.com/itawamba/if-by-whiskey-soggy-sweats-historical-political-speech-still-resonates/article_056c1f23-df3a-553f-9b0f-e7c311f1567c.html) [<https://perma.cc/N2ZZ-BWQ6>] (last visited Feb. 24, 2021).

<sup>4</sup> MISS. JUD. C., *supra* note 2.

<sup>5</sup> See MISS. CODE ANN. § 37-26-1 (West, Westlaw through 2021 Reg. Sess.).

and related personnel; and (iii) current and accurate information for the Mississippi Legislature pertaining to the needs of the courts of Mississippi and related personnel.

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(2) The provisions of this chapter are applicable to all courts of Mississippi, now or hereafter created, including, but not limited to, the supreme, circuit, chancery, county, youth, family, justice and municipal courts, other provisions to the contrary notwithstanding.<sup>6</sup>

MJC is now supported by the Mississippi Legislature with an annual appropriation of more than \$1.8 million from the state general fund.<sup>7</sup> At present, the Judicial College has a staff of eight, including a director, two research attorneys, two program managers, two program coordinators, and an administrative coordinator.<sup>8</sup>

Pursuant to Section 37-26-1, the Judicial College provides continuing judicial education and training for supreme court justices; court of appeals judges; chancery, circuit, county, justice and municipal court judges; and youth court judges and referees.<sup>9</sup> MJC also trains court administrators, court clerks, and court reporters who are collectively referred to as court personnel.<sup>10</sup> Based on its statutory mandate, MJC's mission is to:

- (1) Educate and train Mississippi's judges and court personnel;
- (2) Provide technical assistance to the courts of Mississippi; and
- (3) Supply current and accurate information to the Mississippi Legislature concerning the needs of the courts.<sup>11</sup>

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<sup>6</sup> *Id.*

<sup>7</sup> See MISS. JUD. C., *supra* note 2.

<sup>8</sup> *Meet the Staff*, MISS. JUD. C., <https://mjc.olemiss.edu/staff/> [<https://perma.cc/B7NL-EY68>] (last visited Feb. 24, 2021).

<sup>9</sup> MISS. CODE ANN. § 37-26-1 (West, Westlaw through 2021 Reg. Sess.).

<sup>10</sup> See *id.*

<sup>11</sup> See MISS. JUD. C., *supra* note 2.

To implement its education and training mission, MJC conducts annual and semi-annual conferences for its constituency groups. In addition to conferences, MJC publishes the following publications (listed alphabetically):

*Benchbook for Mississippi Chancery Court Judges*<sup>12</sup>

*Benchbook for Mississippi Circuit Court Judges*<sup>13</sup>

*Benchbook for Mississippi County Court Judges*<sup>14</sup>

*Handbook for Mississippi Chancery Clerks*<sup>15</sup>

*Handbook for Mississippi Circuit Clerks*<sup>16</sup>

*Handbook of Legal Terminology*<sup>17</sup>

*Manual for Mississippi Court Administrators*<sup>18</sup>

*Manual for Mississippi Guardians Ad Litem in Child Protection and Termination of Parental Rights Proceedings*<sup>19</sup>

*Manual for Mississippi Justice Courts*<sup>20</sup>

*Manual for Mississippi Municipal Courts*<sup>21</sup>

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<sup>12</sup> MISS. JUDICIAL COLL., *supra* note 2.

<sup>13</sup> BENCHBOOK FOR MISSISSIPPI CIRCUIT COURT JUDGES, MISS. JUDICIAL COLL., (2021), <https://mjc.olemiss.edu/wp-content/uploads/sites/134/2020/07/2021-Benchbook-for-Circuit-Court-Judges.pdf> [<https://perma.cc/CDN8-GNK6>].

<sup>14</sup> BENCHBOOK FOR MISSISSIPPI COUNTY COURT JUDGES, MISS. JUDICIAL COLL., (2021), <https://mjc.olemiss.edu/wp-content/uploads/sites/134/2020/07/2021-Benchbook-for-County-Court-Judges.pdf> [<https://perma.cc/G5DT-423L>].

<sup>15</sup> HANDBOOK FOR MISSISSIPPI CHANCERY COURT CLERKS, MISS. JUDICIAL COLL., (2021), <https://mjc.olemiss.edu/wp-content/uploads/sites/134/2020/07/2021-Handbook-for-Chancery-Court-Clerks.pdf> [<https://perma.cc/M8VL-FU72>].

<sup>16</sup> HANDBOOK FOR MISSISSIPPI CIRCUIT COURT CLERKS, MISS. JUDICIAL COLL., (2021), <https://mjc.olemiss.edu/wp-content/uploads/sites/134/2020/07/2021-Handbook-for-Circuit-Court-Clerks.pdf> [<https://perma.cc/6KZJ-MQPR>].

<sup>17</sup> HANDBOOK OF LEGAL TERMINOLOGY, MISS. JUDICIAL COLL., (2020), <https://mjc.olemiss.edu/wp-content/uploads/sites/134/2020/01/Handbook-of-Legal-Terminology-2020.pdf> [<https://perma.cc/L6YD-AA3Q>].

<sup>18</sup> MANUAL FOR MISSISSIPPI COURT ADMINISTRATORS, MISS. JUDICIAL COLL., (2021), <https://mjc.olemiss.edu/wp-content/uploads/sites/134/2020/06/Manual-for-Mississippi-Court-Administrators-2021.pdf> [<https://perma.cc/9HB3-UZ4T>].

<sup>19</sup> MANUAL FOR MISSISSIPPI GUARDIANS AD LITEM IN CHILD PROTECTION AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS, MISS. JUDICIAL COLL., (2021), <https://mjc.olemiss.edu/wp-content/uploads/sites/134/2020/06/Guardian-ad-litem-manual-2021.pdf> [<https://perma.cc/5FJ2-PXQC>].

<sup>20</sup> MANUAL FOR MISSISSIPPI JUSTICE COURTS, MISS. JUDICIAL COLL., (2021), <https://mjc.olemiss.edu/wp-content/uploads/sites/134/2020/06/Manual-for-Mississippi-Justice-Courts-2021.pdf> [<https://perma.cc/6PFD-CZ5U>].

<sup>21</sup> MANUAL FOR MISSISSIPPI MUNICIPAL COURTS, MISS. JUDICIAL COLL., (2021), <https://mjc.olemiss.edu/wp-content/uploads/sites/134/2020/06/Manual-for-Municipal-Courts-2021-edit-8-24-21-1.pdf> [<https://perma.cc/9MUC-NZ26>].

*Manual for Mississippi Youth Courts*<sup>22</sup>

MJC also publishes specialized materials such as bench cards and court forms for justice and municipal courts.<sup>23</sup> All of these materials are published on MJC's website and are available to the public.<sup>24</sup>

I became MJC's Director on February 1, 2016, and the goal I set five years ago remains the same today: to make MJC the best judicial education provider in the country. In order to accomplish that goal, the staff and I continually reassess the training and technical requirements of our constituency groups and adjust content and modes of delivery to meet the ever-changing needs of the judges and court personnel.

## II. JUDICIAL EDUCATION ACROSS THE NATION

"Over the past fifty years, judicial education has become 'integral and essential' to judicial systems."<sup>25</sup> "In its early stages, judicial education focused primarily on substantive legal issues."<sup>26</sup> Content later "broadened to include non-legal issues affecting the law."<sup>27</sup> "Judicial education must also develop judges' internal character and integrity, along with their decision-making, critical thinking, and interpersonal skills."<sup>28</sup>

Every state now has some form and mode of judicial education. "In most states, an administrative arm of the state supreme court oversees and administers judicial education."<sup>29</sup> "Often, the administrative office collaborates with a judicial education committee comprised of judges to design, direct, and implement judicial education."<sup>30</sup> Although many state judicial branch

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<sup>22</sup> MANUAL FOR MISSISSIPPI YOUTH COURTS, MISS. JUDICIAL COLL., (2021), <https://mjc.olemiss.edu/wp-content/uploads/sites/134/2020/06/Manual-for-Mississippi-Youth-Courts-2021.pdf> [<https://perma.cc/RW5Z-L7W6>].

<sup>23</sup> *Publications*, MISS. JUDICIAL COLL., <https://mjc.olemiss.edu/publications/> [<https://perma.cc/7XHR-CPJU>] (last visited Mar. 4, 2021).

<sup>24</sup> *See id.*

<sup>25</sup> Duane Benton & Jennifer A.L. Sheldon-Sherman, *What Judges Want and Need: User-Friendly Foundations for Effective Judicial Education*, 2015 J. DISP. RESOL. 23, 23 (2015).

<sup>26</sup> *Id.* at 25.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 29.

<sup>30</sup> *Id.*

education agencies are organized this way, this is not how MJC is structured. MJC is a division of the University of Mississippi School of Law.<sup>31</sup> This independence from the Administrative Office of the Courts (AOC) allows MJC not only to provide judicial education and technical assistance to the judiciary as a whole, but also to serve as a practical resource for individual judges and court personnel. I prefer the independent model enjoyed by MJC.

As mentioned earlier, each state has some form of judicial branch education, and they are headed by a director or other supervising officer. As the Director of MJC, I was eligible to join the National Association of State Judicial Educators (NASJE), a non-profit organization founded in 1975.<sup>32</sup> NASJE works to improve the justice system through judicial branch education.<sup>33</sup> NASJE is the nation's leading association defining the practice of judicial branch education and gathering and sharing practical resources among education providers.<sup>34</sup> As stated on its website, NASJE's ongoing achievements include:

- Furthering the professional education, growth and experience of state judicial educators.
- Developing standards for the continuing education of state judges.
- Maintaining a clearinghouse for the exchange of materials, techniques, and information.
- Providing a forum for the development of progressive theories of judicial education.
- Promoting judicial education research and development.
- Representing and advancing the interests of state and local judicial education programs.<sup>35</sup>

To discuss these achievements and other objectives, NASJE hosts an annual conference where its members meet and discuss issues arising in judicial education. It is through this exchange of ideas that new and innovative education endeavors arise. In addition to an annual conference, NASJE conducts webinars and

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<sup>31</sup> See MISS. JUD. C., *supra* note 2.

<sup>32</sup> About NASJE, NAT'L ASS'N OF ST. JUD. EDUCATORS, <https://nasje.org/about/> (last visited Mar. 4, 2021).

<sup>33</sup> *Id.*

<sup>34</sup> See *id.*

<sup>35</sup> *Id.*

provides online resources for its members to ensure that judicial education across the country is constantly improving.<sup>36</sup> State judicial educators are able to collaborate with one another and discuss content and novel delivery modes for their educational activities. Oftentimes at these conferences, I hear national speakers and scholars who I have then invited to participate in MJC's conferences. And I have continued to learn about important and interesting topics that have subsequently been incorporated into MJC's training.

One example of this occurred a few years ago while attending NASJE's annual conference. During a break between sessions, I walked through the vendor area and stopped by the table that was set up by the United States Holocaust Museum. The museum's representative, Ann O'Rourke, and I began to have a conversation about the independence of the judiciary. She gave me a copy of the museum's publication entitled *Law, Justice, and the Holocaust*.<sup>37</sup> That night in my hotel room, I read the entire booklet. The following quote was one of many that opened my eyes further to the importance of an independent judiciary and quality judicial education:

The most significant perpetrators of these crimes are well known: Hitler, Adolf Eichmann, Heinrich Himmler, and Reinhard Heydrich, as well as the SS, among others. But less known are the contributors of "ordinary" people—doctors, lawyers, teachers, civil servants, officers, and other professionals throughout German society—whose individual actions, when taken together, resulted in dire consequences. Put simply, the Holocaust could not have happened without them.<sup>38</sup>

Further, the following quote jumped off the page:

In reality, judges were among those inside Germany who might have effectively challenged Hitler's authority, the legitimacy of

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<sup>36</sup> See *Access and Fairness Information*, NAT'L ASS'N OF ST. JUD. EDUCATORS, <https://nasje.org/access-and-fairness-information/> [<https://perma.cc/D834-DEWD>] (last visited Mar. 4, 2021).

<sup>37</sup> WILLIAM F. MEINECKE, JR. & ALEXANDRA ZAPRUDER, U.S. HOLOCAUST MEMORIAL MUSEUM, *LAW, JUSTICE, AND THE HOLOCAUST* (2014).

<sup>38</sup> *Id.* at 7.

the Nazi regime, and the hundreds of laws that restricted political freedoms, civil rights, and guarantees of property and security. And yet the overwhelming majority did not. Instead, over the 12 years of Nazi rule, during which time judges heard countless cases, most not only upheld the law but interpreted it in broad and far-reaching ways that facilitated, rather than hindered, the Nazis' ability to carry out their agenda.<sup>39</sup>

After our chance meeting, I invited Ms. O'Rourke to Mississippi. She first spoke to the Mississippi Supreme Court justices and the Mississippi Court of Appeals judges in March 2018. Her presentation received such enthusiastic and positive remarks from the appellate court judges that I decided MJC should invite Ms. O'Rourke to speak to the circuit, chancery, and county court judges at their conference. Ms. O'Rourke presented actual cases from Germany during the reign of Adolf Hitler and asked the participants in the audience to discuss the judges' roles in those cases. The interaction between Ms. O'Rourke and the trial judges proved that her session was both enlightening to their historical knowledge about Nazi Germany and informative on the important topic of judicial independence.

At the national level, the counterpart to the Mississippi Judicial College is the National Judicial College (NJC), located at the University of Nevada in Reno. For more than fifty years, NJC has been the country's leader in judicial education.<sup>40</sup> "The first entity to offer programs to judges nationwide, [the] NJC continues to work with the judiciary to improve productivity, challenge current perceptions of justice, and inspire judges to achieve judicial excellence."<sup>41</sup> Additionally, NJC "serves as the one place where judges from across the nation, and around the world can meet to improve the delivery of justice and advance the rule of law through a disciplined process of professional study and collegial dialogue."<sup>42</sup> As such, NJC provides a valuable service to judges nationwide.

Having reviewed the history of MJC and having discussed judicial education on a national perspective, it is now time to

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<sup>39</sup> *Id.* at 8.

<sup>40</sup> *History*, NAT'L JUD. C., <https://www.judges.org/about/njc%20history/> [https://perma.cc/CFW9-3VE5] (last visited Mar. 4, 2021).

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

discuss the specific judicial education requirements placed upon Mississippi judges and court personnel, either by Mississippi statutory law or by Mississippi rules of court.

### III. SPECIFIC TRAINING REQUIREMENTS FOR JUDGES AND COURT PERSONNEL

#### *A. Training for Judges*

Just as attorneys are required to receive continuing legal education, judges are required to receive continuing judicial education. In Mississippi, these requirements can be found in the Rules and Regulations for Mandatory Continuing Judicial Education, or for some judges, they are codified by statute in the Mississippi Code.

#### 1. Appellate Court Judges

##### *a. Annual Continuing Education*

Concerning the members of the Mississippi Supreme Court and the Mississippi Court of Appeals, they are required by court rule to receive annual continuing education.

Each judge and justice in the State of Mississippi shall attend . . . a minimum of twelve (12) actual hours of approved Continuing Judicial Education (CJE) during each successive twelve (12) month period (the “CJE year”) from and after August 1 of each year, of which one hour shall be in the area of legal ethics, professional responsibility, [or] professionalism . . .<sup>43</sup>

Biannually, MJC conducts a specialized conference for appellate court judges where topics unique to appellate courts are presented. Every year, MJC also offers two twelve-hour conferences for appellate and trial court judges to attend.

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<sup>43</sup> *In Re: Judicial Mandatory Continuing Legal Educ.*, No. 89-R-99019-SCT, at 4 (Miss. May 1, 2019) (en banc).

## 2. Chancery, Circuit, and County Court Judges

### *a. Newly-Elected Judges*

Rule 3 also provides:

Every new circuit, chancery, county . . . judge . . . there shall be a requirement that every judge shall attend, within one year of taking office, even though (s)he has not taken office, the General Jurisdiction course at the National Judicial College at Reno, Nevada, or other judicial college approved by the Committee on Continuing Judicial Education provided funding is available through the Mississippi Judicial College or state travel allowance.<sup>44</sup>

The catalog of the National Judicial College describes the General Jurisdiction course as follows:

This course supplements state-sponsored judicial education by providing a solid foundation in the substance and theories that all new judges should have beginning their career on the bench. You are immersed in the core competencies of your profession. After attending this course, you will be able to manage your courtroom and individual cases, including cases involving self-represented litigants; conduct jury trials more effectively; summarize and apply developments in criminal law and procedure, judicial discretion, ethics, and sentencing; rule on evidence more confidently; and make fair and unbiased decisions. The communication and listening skills learned in this course will enable you to communicate more effectively in your courtroom and with court staff.<sup>45</sup>

Judges from across the country, and occasionally from Mississippi, serve as faculty at the General Jurisdiction course.

In addition to the General Jurisdiction course described above, newly-elected trial judges attend a week-long intensive “New Judges Orientation” planned, implemented, and conducted by MJC. It is generally scheduled in December before the judge assumes the

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<sup>44</sup> *Id.*

<sup>45</sup> *General Jurisdiction (JS 610)*, NAT’L JUD. C., <https://www.judges.org/courses/general-jurisdiction-js-610-4/> [<https://perma.cc/JDR9-3Z2M>] (last visited Mar. 4, 2021).

bench in January. Plenary sessions at this orientation include subjects such as transitioning from the role of a lawyer to that of a judge; implicit bias in the courts; contempt of court; the relationship between the judge and court personnel; working with interpreters in the courtroom; the interaction between the courts and the media; access to justice; and Mississippi's electronic court system. A large portion of the orientation also includes a thorough review of the Code of Judicial Conduct; a review of Mississippi Commission on Judicial Performance cases and procedures; disqualification and recusal; an introduction to the Lawyers and Judges Assistance Program; and other important topics.

After two days of plenary sessions, the judges break out into separate sessions based on each court's jurisdiction. For chancery judges, topics include an overview of chancery court presented by experienced chancellors; discussions of probate, will contests, and administration of intestate estates; and instruction on presiding over paternity suits, real estate actions, and all family law matters. Of course, the Mississippi Rules of Civil Procedure are thoroughly reviewed as well as the Uniform Chancery Court Rules.

For circuit and county court judges, topics include an overview of circuit and county court presented by experienced circuit and county court judges; discussions on jury selection and procedures for a *Batson* challenge; and presiding over civil and criminal trial proceedings. Additionally, the Mississippi Rules of Civil Procedure, the Uniform Civil Rules of Circuit and County Court Practice, the Mississippi Rules of Criminal Procedure, and the Mississippi Rules of Evidence are studied. Other important topics addressed in the orientation include eminent domain, sentencing options, and drug courts.

For circuit court judges, who have jurisdiction over capital cases, MJC reviews the unique features of the capital case. For county court judges, MJC covers an in-depth review of youth court and the interaction with Child Protection Services as well as the rules applicable to youth court proceedings.

#### *b. Annual Continuing Education*

As stated earlier, Rule 3 requires annual continuing judicial education for trial court judges:

Each judge and justice in the State of Mississippi shall attend . . . a minimum of twelve (12) actual hours of approved Continuing Judicial Education (CJE) during each successive twelve (12) month period (the “CJE year”) from and after August 1 of each year, of which one hour shall be in the area of legal ethics, professional responsibility, [or] professionalism . . .<sup>46</sup>

MJC offers two twelve-hour conferences for chancery, circuit, and county court judges. These conferences are scheduled in April and October annually, which allow MJC to provide training and education on recent updates to the law pertinent to the trial court judges. They often feature national speakers and cover many of the same topics, although updated, as presented in the orientation.

### 3. Justice Court Judges

#### *a. Newly-Elected Judges*

The training mandates for justice court judges are found in two sections in the Mississippi Code. The first section states in part:

[N]o justice court judge elected for a full term of office commencing on or after January 1, 2012, shall exercise the judicial functions of his office or be eligible to take the oath of office until he has filed in the office of the chancery clerk the following two (2) certifications: (a) a certificate of completion of a course of training and education conducted by the Mississippi Judicial College of the University of Mississippi Law Center; and (b) a certificate of successful completion of a minimum competency examination administered by the Mississippi Judicial College of the University of Mississippi Law Center within six (6) months of the beginning of the term for which such justice is elected.<sup>47</sup>

Another section provides additional information concerning this mandated training:

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<sup>46</sup> *In Re: Judicial Mandatory Continuing Legal Educ.*, No. 89-R-99019-SCT, at 4 (Miss. May 1, 2019) (en banc).

<sup>47</sup> MISS. CODE ANN. § 9-11-3 (West, Westlaw through 2021 Reg. Sess.).

The Mississippi Judicial College of the University of Mississippi Law Center shall prepare and conduct courses of training for basic and continuing education for justice court judges of this state. The basic course of training shall be known as the “Justice Court Judge Training Course” and shall consist of eighty (80) hours of training. . . . The Mississippi Judicial College of the University of Mississippi Law Center shall prepare and administer a minimum competency examination, as approved by the Mississippi Supreme Court, upon completion of the required basic course of training for justice court judges.<sup>48</sup>

Because justice court judges are not required to be attorneys, there is an increased amount of annual training required, and MJC takes this into account when developing training content. Currently, of the 198 justice court judges, only 35 are attorneys.

As mentioned above, newly-elected justice court judges must complete eighty hours of training and pass a minimum competency examination. This two-week training is held in December prior to the judges taking office in January. This training begins with an overview of the Judicial College and an introduction to the Mississippi court system. MJC also discusses the role of the justice court judge within the court system. These new justice court judges are also educated on the following topics: the duties and responsibilities of the justice court judge; the Mississippi Commission on Judicial Performance; the Code of Judicial Conduct; courts and the media; duties of the justice court clerk; the Mississippi Rules of Evidence; implicit bias; search and seizure; confessions; landlord and tenant law; domestic abuse cases; initial appearances; sentencing; and enforcement of criminal judgments.

Also during this eighty-hour training, newly-elected justice court judges receive education on the importance of judicial independence; the Mississippi Rules of Criminal Procedure; the use of interpreters in the courtroom; fundamentals of holding court; courtroom decorum; and expungements. The Chief Justice of the Supreme Court and the Chief Judge of the Court of Appeals speak to the judges about the importance of their roles in the judicial system. MJC also presents a thorough overview of the *Manual for*

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<sup>48</sup> MISS. CODE. ANN. § 9-11-4 (West, Westlaw through 2021 Reg. Sess.).

*Mississippi Justice Court Judges.*<sup>49</sup> Other sessions cover social media and the judge; the Mississippi Alcohol Safety Education Program (MASEP); DUI laws and their application; wildlife and fisheries laws; judicial wellness; and access to justice. Agency representatives speak to the judges, including officers from the Mississippi Department of Public Safety. Importantly, views from the bench are also shared by circuit and county court judges. And of course, judges are instructed on legal research and legal terminology. Although this list is long, it is not exhaustive.

At the completion of the Justice Court Training Course, MJC then administers a minimum competency examination.<sup>50</sup> As required by statute, the examination is prepared by MJC and sent to the Mississippi Supreme Court for review.<sup>51</sup> If a justice court judge fails the examination, then MJC offers further instruction, and the judge has a second opportunity to pass the examination.<sup>52</sup>

*b. Annual Continuing Education*

The code further mandates: “[E]ach justice court judge shall be required to file annually in the office of the chancery clerk a certificate of completion of a course of continuing education conducted by the Mississippi Judicial College.”<sup>53</sup> With additional guidance specifying:

The continuing education course shall be known as the “Continuing Education Course for Justice Court Judges,” and shall consist of twenty-four (24) hours of training. The content of the basic and continuing education courses and when and where such courses are to be conducted shall be determined by the Judicial College. The Judicial College shall issue certificates of completion to those justice court judges who complete such courses.<sup>54</sup>

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<sup>49</sup> MISS. JUDICIAL COLL., *supra* note 20.

<sup>50</sup> MISS. CODE ANN. § 9-11-4 (West, Westlaw through 2021 Reg. Sess.).

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> MISS. CODE ANN. § 9-11-3 (West, Westlaw through 2021 Reg. Sess.).

<sup>54</sup> MISS. CODE ANN. § 9-11-4 (West, Westlaw through 2021 Reg. Sess.).

MJC plans two twelve-hour conferences to satisfy this mandate. Many of the same topics are presented providing important updates.

#### 4. Municipal Court Judges

##### *a. Annual Continuing Education*

The Mississippi Code governs the appointment and qualifications for municipal court judges. Section 21-23-3 states in part:

In all municipalities having a population of ten thousand (10,000) or more, . . . there shall be a municipal judge and a prosecuting attorney, who shall be appointed by the governing authorities of the municipality at the time provided for the appointment of other officers. . . . Except as otherwise provided in Section 21-23-5, a municipal judge shall be a qualified elector of the county in which the municipality is located and shall be an attorney at law.<sup>55</sup>

In any municipality having a population of less than ten thousand (10,000) according to the latest available federal census, it shall be discretionary with the governing authorities of the municipality as to whether or not a municipal judge or a prosecuting attorney, or both, shall be appointed. If the authorities of any municipality having a population of less than twenty thousand (20,000) according to the latest available federal census appoint a municipal judge, he shall be an attorney licensed in the State of Mississippi or a justice court judge of the county in which the municipality is located.<sup>56</sup>

As attorneys, municipal court judges are required to attain hours of continuing legal education pursuant to Rule 3 for Mandatory Continuing Legal Education:

Each attorney licensed to practice law in the State of Mississippi shall attend . . . a minimum of twelve (12) actual hours of approved Continuing Legal Education (“CLE”) during each successive twelve (12) month period (the “CLE year”) from

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<sup>55</sup> MISS. CODE ANN. § 21-23-3 (West, Westlaw through 2021 Reg. Sess.).

<sup>56</sup> MISS. CODE ANN. § 21-23-5 (West, Westlaw through 2021 Reg. Sess.).

and after August 1 of each year, of which one hour shall be in the area of legal ethics, professional responsibility, professionalism, malpractice prevention, substance abuse or mental health (the “ethics/professionalism hour”).<sup>57</sup>

Pursuant to Section 37-26-1, MJC provides education and training for Mississippi courts.<sup>58</sup> “The provisions of this chapter are applicable to all courts of Mississippi, . . . including . . . municipal courts. . . .”<sup>59</sup> As such, MJC conducts an annual conference for municipal court judges, which is always well attended by the appointed judges. This conference includes issues and topics applicable to the jurisdiction of municipal courts.

### 5. Youth Court Judges

In Mississippi, youth court is either under the jurisdiction of the county court or chancery court. For counties with county courts, the county court is responsible for youth court matters.<sup>60</sup> In those counties without county courts, the responsibility for youth court matters falls under the jurisdiction of chancery court.<sup>61</sup> Although chancery court judges can hear youth court matters, the senior chancery court judge in those counties generally appoints a youth court referee to hear youth court matters. “In any county not having a county court . . . the judge may appoint as provided in Section 43-21-123 regular or special referees who shall be attorneys at law and members of the bar in good standing to act in cases concerning children within the jurisdiction of the youth court . . . .”<sup>62</sup> As stated in the statute, youth court referees are required to be attorneys.<sup>63</sup>

#### *a. Annual Continuing Education*

For chancery and county court judges who serve as youth court judges, please see the discussion at Part II.b.<sup>64</sup> Concerning youth court judges and referees, Rule 3 states in part:

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<sup>57</sup> MISS. R. & REG. FOR MANDATORY CONT. LEGAL EDUC. 3.

<sup>58</sup> MISS. CODE ANN. § 37-26-1 (West, Westlaw through 2021 Reg. Sess.).

<sup>59</sup> *Id.*

<sup>60</sup> MISS. CODE ANN. § 43-21-107 (West, Westlaw through 2021 Reg. Sess.).

<sup>61</sup> *Id.*

<sup>62</sup> MISS. CODE ANN. § 43-21-111 (West, Westlaw through 2021 Reg. Sess.).

<sup>63</sup> *Id.*

<sup>64</sup> *See supra*, Part IV.2.b.

For every new Youth Court Referee there shall be a requirement that every referee, within six (6) months of being appointed to office, receive at least twelve (12) actual hours of juvenile justice training, approved by the Mississippi Judicial College and thereafter complete at least twelve (12) actual hours of juvenile justice training, approved by the Mississippi Judicial College, each CJE year, provided funding is available through the Mississippi Judicial College or state travel allowance.<sup>65</sup>

MJC conducts an annual Youth Court Judges and Referees Conference. For this training program in particular, MJC frequently invites national speakers with expertise in youth court matters to speak with the judges and referees.

### *B. Training for Court Personnel*

In addition to judges, the judicial branch of government relies on court personnel to help in the administration of justice to the citizens of Mississippi. Court personnel includes court clerks, court administrators, and court reporters. Judges, clerks, court administrators, and court reporters all work together to ensure a fair and efficient judicial system. Like judges, court personnel have continuing education mandates either imposed by state statutes or rules of court.

#### 1. Chancery Court Clerks

##### *a. Newly-Elected Clerks*

Concerning chancery court clerks, Mississippi statutory law provides in part:

[N]o chancery clerk elected for a full term of office commencing on or after January 1, 1996, shall exercise any functions of office or be eligible to take the oath of office unless and until the chancery clerk has filed in the office of the circuit clerk a certificate of completion of a course of training and education conducted by the Mississippi Judicial College of the University of Mississippi Law Center within six (6) months of the

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<sup>65</sup> MISS. R. & REG. FOR MANDATORY CONT. JUD. EDUC. 3.

beginning of the term for which such chancery clerk is elected. . . . The Mississippi Judicial College of the University of Mississippi Law Center shall prepare and conduct courses of training for basic and continuing education for chancery clerks of this state. The basic course of training shall be known as the “Chancery Clerks Training Course” and shall consist of at least thirty-two (32) hours of training.<sup>66</sup>

In order to provide this vital training, MJC selects various speakers from agencies throughout the state and also utilizes veteran clerks to present practical and useful material to their new colleagues. The week-long training covers topics based on the jurisdiction of chancery court and applicable to the role of the clerk. The plenary sessions cover the following topics: an introduction to MJC and the Mississippi court system; an introduction to the Administrative Office of Courts (AOC) and its mandatory reporting requirements; the court interpreters’ program; the role of the clerk and their duties; the relationship between the court administrator and the clerk; courts and the media; Mississippi Electronic Courts (MEC); access to justice; the prohibition of practicing law without a license; public access to public records; protection against domestic abuse; and an overview of youth court proceedings.

Particular to chancery court, the clerk is instructed on chancery court’s jurisdiction. The newly-elected chancery clerk has sessions which include an introduction to the chancery court and discusses divorce, alimony, annulment, and other family law proceedings. Training is provided on the duties of the chancery clerk, fees and assessments, public land records, county government, and personnel matters. Probate of testate and administration of intestate estates are also addressed, along with the process of adoption, termination of parental rights, guardianships, and conservatorships. Mental health and drug and alcohol commitments are also explained to the clerk.

This course is generally scheduled concurrently with the circuit court clerks and held in early December before the clerks take their oaths and begin their terms in January of the next year.

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<sup>66</sup> MISS. CODE ANN. § 9-5-132 (West, Westlaw through 2021 Reg. Sess.).

*b. Annual Continuing Education*

Concerning their annual training, the section also requires:

[E]ach chancery clerk shall be required to file annually in the office of the circuit clerk a certificate of completion of a course of continuing education conducted by the Mississippi Judicial College. . . . The continuing education course shall be known as the “Continuing Education Course for Chancery Clerks,” and shall consist of at least eighteen (18) hours of training. The content of the basic and continuing education courses and when and where such courses are to be conducted shall be determined by the judicial college. The judicial college shall issue certificates of completion to those chancery clerks who complete such courses.<sup>67</sup>

The annual course, usually held in February each year, covers much of the same topics as listed above and provides the clerks with updated information pertinent to their jobs. MJC invites representatives from the State Auditor’s Office, the Mississippi Attorney General’s Office, the Department of Mental Health, the Department of Public Safety, and other officials from various state agencies. These speakers discuss aspects of their jobs that impact the clerk’s duties and offer an opportunity for questions.

2. Circuit Court Clerks

*a. Newly-Elected Clerks*

As for circuit court clerks, the Mississippi Code states:

[N]o circuit clerk elected for a full term of office commencing on or after January 1, 1996, shall exercise any functions of office or be eligible to take the oath of office unless and until the circuit clerk has filed in the office of the chancery clerk a certificate of completion of a course of training and education conducted by the Mississippi Judicial College of the University of Mississippi Law Center within six (6) months of the beginning of the term for which such circuit clerk is elected. . . . The Mississippi Judicial College of the University of Mississippi Law Center shall prepare and conduct courses of

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<sup>67</sup> *Id.*

training for basic and continuing education for circuit clerks of this state. The basic course of training shall be known as the “Circuit Clerks Training Course” and shall consist of at least thirty-two (32) hours of training.<sup>68</sup>

This training course runs concurrently with the one scheduled for chancery court clerks. Oftentimes, some of the same speakers are utilized for both conferences. However, of course, the topics on the circuit clerks’ program are related to the jurisdiction of circuit court.

In addition to the plenary topics described *supra*, the newly-elected circuit clerks receive training on the following topics: introduction to circuit and county courts; an overview of duties specific to the circuit clerk; election laws; procedures for jury selection and verdicts; marriage license procedures; the grand jury and indictment procedures; bail bonds; enrolling judgments; execution on civil judgments; garnishments; and collection of fees, assessments, and court costs.<sup>69</sup> The clerk is also instructed on legal research and legal terminology. The clerks’ duties pursuant to the Mississippi Rules of Civil Procedure and the Uniform Civil Rules of Circuit and County Court are also explained.<sup>70</sup>

#### *b. Annual Continuing Education*

Circuit court clerks also have annual education requirements. Section 9-7-122 states in part:

[E]ach circuit clerk shall be required to file annually in the office of the chancery clerk a certificate of completion of a course of continuing education conducted by the Mississippi Judicial College. . . . The continuing education course shall be known as the “Continuing Education Course for Circuit Clerks” and shall consist of at least eighteen (18) hours of training. The content of the basic and continuing education courses and when and where such courses are to be conducted shall be determined by the judicial college. The judicial college shall

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<sup>68</sup> MISS. CODE ANN. § 9-7-122 (West, Westlaw through 2021 Reg. Sess.).

<sup>69</sup> See *supra* Part IV.B.1.a.

<sup>70</sup> See, e.g., MISS. R. CIV. PRO. 77; MISS. UNIF. CIV. R. CIR. & CNTY. CT. PRAC. 1.12.

issue certificates of completion to those circuit clerks who complete such courses.<sup>71</sup>

The conference is usually held in January to provide new or updated information to the clerks for the year. Many of the same topics discussed above are included in the circuit court clerks' annual training. In addition to representatives from the State Auditor's Office and the Mississippi Attorney General's Office, the circuit court clerks also receive updates from the Mississippi Department of Corrections. Panel discussions are also planned to afford the clerks the opportunity to exchange ideas and suggestions from one another.

### 3. Justice Court Clerks

#### *a. Annual Continuing Education*

Justice court clerks are also mandated to receive training pertinent to their jobs in justice court. Section 9-11-29 states in part:

[E]very person appointed as clerk of the justice court under the provisions of Section 9-11-27 . . . shall file annually in the office of the circuit clerk a certificate of completion of a course of training and education conducted by the Mississippi Judicial College of the University of Mississippi Law Center. The training course shall be known as the "Justice Court Clerks Training Course" and shall consist of at least twelve (12) hours of instruction. The contents of the courses and when and where the courses are to be conducted shall be determined by the judicial college. The judicial college shall issue a certificate of completion to the clerks and deputy clerks who complete a course.<sup>72</sup>

Topics pertinent to justice court and the clerk's role in particular are presented at this training.

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<sup>71</sup> MISS. CODE ANN. § 9-7-122 (West, Westlaw through 2021 Reg. Sess.).

<sup>72</sup> MISS. CODE ANN. § 9-11-29 (West, Westlaw through 2021 Reg. Sess.).

#### 4. Municipal Court Clerks

##### *a. Annual Continuing Education*

The statutory provision related to municipal court clerks states:

Every person appointed as clerk of the municipal court shall be required annually to attend and complete a comprehensive course of training and education conducted or approved by the Mississippi Judicial College of the University of Mississippi Law Center. Attendance shall be required beginning with the first training seminar conducted after said clerk is appointed. The Mississippi Judicial College of the University of Mississippi Law Center shall prepare and conduct a course of training and education for municipal court clerks of the state. The course shall consist of at least twelve (12) hours of training per year. . . . The content of the course of training and when and where it is to be conducted shall be determined by the judicial college. A certificate of completion shall be furnished to those municipal court clerks who complete such course . . . .<sup>73</sup>

Municipal clerks are instructed on their duties as specified by municipal court jurisdiction.

#### 5. Court Administrators

Court administrators are critical to the judicial system. Among other duties, they ensure that court dockets are managed and run smoothly. Although MJC provides the training, the AOC ensures that court administrators are certified and in compliance with their training requirements.

##### *a. Annual Continuing Education*

Rule 2 of the Rules and Regulations for Certification and Continuing Education for Mississippi Court Administrators states:

Each Court Administrator, Deputy Court Administrator, or Assistant Court Administrator of a Circuit, Chancery, County or Youth Court in the State of Mississippi shall attend a

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<sup>73</sup> MISS. CODE ANN. § 21-23-12 (West, Westlaw through 2021 Reg. Sess.).

minimum of twelve (12) actual hours of . . . Continuing Education at the Spring and Fall Court Administrators Conference . . . each calendar year beginning January 1, 2001, provided the funding for the named Conferences is available through the Mississippi Judicial College . . .<sup>74</sup>

In addition to being instructed on court and case management, court administrators receive training on substantive legal topics.

## 6. Court Reporters

### *a. Continuing Education*

As discussed earlier, Section 37-26-1 mandates that MJC provides “education and training for the courts of Mississippi and related personnel.”<sup>75</sup> “Related personnel” includes certified court reporters.<sup>76</sup> Additionally, there are rules and regulations governing continuing education of certified court reporters. “[A]ll certified court reporters shall be required to obtain a minimum of thirty (30) continuing education credits over a three-year period in courses approved . . . or in compliance with the continuing education requirements of the National Court Reporters Association or the National Verbatim Reporters Association.”<sup>77</sup> Training for court reporters covers topics such as “language; academic knowledge; health and wellness; rules and regulations; court reporting technology; business practice; and ethical practices [and] professionalism.”<sup>78</sup>

As mandated by either statutory law or court rules, MJC must ensure that the education and training needs of judges and court personnel are met and that they are prepared to resolve the complex substantive and procedural legal issues facing them on a daily basis.

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<sup>74</sup> MISS. R. & REG. FOR CERT. & CONT. EDUC. FOR MISS. CT. ADMIN. 2.

<sup>75</sup> MISS. CODE ANN. § 37-26-1 (West, Westlaw through 2021 Reg. Sess.).

<sup>76</sup> *See id.*

<sup>77</sup> MISS. R. & REG. GOVERNING CERT. CT. RPTRS. X.

<sup>78</sup> *Id.*

#### IV. DEVELOPMENT AND DELIVERY OF CONTINUING JUDICIAL EDUCATION

Having reviewed the amount and how frequently judges and court personnel are required to receive training, now we must address the development and delivery of continuing education.

Judicial education must respond to the changing and expanding needs of the judiciary and to the substantive and procedural issues of law that the judiciary encounters. Additionally, an important consideration in planning judicial education conferences is the concept of judicial independence. Judicial independence is critical to the rule of law and the separation of powers necessary to maintain a viable democracy. Judicial independence also results in public confidence in the court system. Arguably, it is that independence that fosters the need for continuing judicial education.

One of the most challenging aspects of delivering quality judicial education is selecting content that meets the needs of all the recipients. For example, the content needed for a thirty-four-year-old newly-elected judge may not be the same for a sixty-year-old judge who has been on the bench for twenty years. Additionally, some judges are better able to adapt to technological advances, both in court and in judicial education. An agenda for an in-person conference must take these differences into account in order to deliver beneficial, effective, and quality judicial education.

The form and method of delivery of judicial education have been addressed by legal scholars. Duane Benton and Jennifer A. L. Sheldon-Sherman, in their article "*What Judges Want and Need: User-Friendly Foundations For Effective Judicial Education*," discussed a common form of judicial education.<sup>79</sup> "Historically, judicial education focused on passive learning through panel or single-presenter presentations."<sup>80</sup> "Increasingly, scholars advocate and judicial educators utilize programming with active or experiential learning techniques."<sup>81</sup> "Judicial education has also recently incorporated distance- and web-based learning as an

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<sup>79</sup> Benton & Sheldon-Sherman, *supra* note 25, at 26.

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

alternative to in-person presentations.”<sup>82</sup> It is through a combination of all of these considerations that enables MJC to fulfill its legislative training mandate.

MJC utilizes a combination of individual speakers, panel discussions, interactive education, and experiential learning to deliver timely educational and training content to judges and court personnel. By way of example, law professors, judges, court personnel, and subject-matter experts present at MJC’s conferences on specific subjects related to the jurisdiction of the court or role of the constituent. Panels of experts are sometimes used to address specific topics, and then answer questions from the participants. MJC also schedules law professors and other legal scholars to give updates on the United States Supreme Court as well as discuss specific topics, such as search and seizure, landlord-tenant law, and ethics.

MJC has incorporated experiential learning techniques into several of its conferences. Those include transporting attendees to locations for tours of the Mississippi Department of Corrections, the Mississippi Department of Mental Health, and the Mississippi Crime Lab. While at these locations, participants can ask questions and learn how the role of the clerk or the role of the judge may be impacted by the work of these agencies. More recently, several of MJC’s constituent groups have toured the Mississippi Civil Rights Museum, where they experienced how the past influenced today’s judiciary.

As can be seen *supra*, newly-elected circuit, chancery, county, and justice court judges must all undergo intense and thorough training. MJC determines the content of its conferences with input from the judges and court personnel constituency groups. To plan these conferences, MJC monitors changes to statutes, court rules, and cases interpreting Mississippi laws and court rules for inclusion in its educational sessions. Additionally, there are always emerging issues that must be addressed. One example of this relates to the increase in mental health and alcohol and drug commitments occurring in Mississippi. In response, MJC has recently planned its first-ever stand-alone training on mental health and alcohol and drug commitments for judges and special

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<sup>82</sup> *Id.*

masters to examine, in depth, the necessary procedures and related considerations of these court proceedings.

Also, in response to the COVID-19 pandemic, MJC has quickly and successfully adapted its model of providing judicial education. Since the beginning of the pandemic, MJC has been unable to conduct in-person conferences for all of its constituency groups and has therefore conducted conferences and training via video. This mode of education has afforded the individual constituents an opportunity to come together to discuss the issues that they are facing as well as offer suggestions on how to resolve those issues. In short, MJC has become an even greater resource for Mississippi judges and court personnel.

#### V. THE FUTURE OF JUDICIAL EDUCATION

In *Educating Into the Future: Creating an Effective System of Judicial Education*, Dr. Diane Cowdrey states:

There are three general categories that serve as core principles for judicial education that may be gathered from literature on this topic. The core principles that form the base for an effective system of judicial education include (1) appropriate content, (2) appropriate process and delivery, and (3) a developmental approach.<sup>83</sup>

Dr. Cowdrey further proposed that “[t]he major lesson of continuing education is to expect that the unexpected will continue to occur.”<sup>84</sup> This was certainly proven true in 2020.

In *Characteristics of Effective Judicial Education Programs*, Charles S. Claxton quoted United States Supreme Court Justice Sandra Day O’Connor when he wrote:

Speaking recently at the Second National Conference on Court Management, Supreme Court Justice Sandra Day O’Connor said that what leaders in the court system have to be about is ‘preparing the courts—and ourselves—for change.’ Her comment is exactly on target, for leaders in the court system

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<sup>83</sup> Diane E. Cowdrey, *Educating Into the Future: Creating an Effective System of Judicial Education*, 51 S. TEX. L. REV. 885, 890 (2010).

<sup>84</sup> *Id.* at 893.

have to find ways to address change. Judicial education is a potentially powerful resource in this regard.<sup>85</sup>

I agree. Judicial education must be planned in a way that includes those being trained and those impacted by the court system. In addition, change is a constant in the judicial system. Therefore, training must be agile and use appropriate technology to provide training in real-time if needed. As an example, when the Centers for Disease Control (CDC) issued an eviction moratorium on September 4, 2020, to address COVID-19 public health concerns, MJC conducted a virtual training regarding the CDC order on the same day that the order was entered for Mississippi's justice court judges and clerks.

Since its inception, MJC has succeeded in fulfilling its educational mission. Until 2020, in-person conferences held at various locations throughout Mississippi had been the primary means by which MJC delivered its judicial education. As technology advanced, however, the use of those advancements by MJC in judicial education was inevitable. The COVID-19 pandemic forced the use of technology as it was the only safe method to deliver judicial education at during the pandemic. Virtual conferencing was the exclusive means for MJC's educational activities from March 2020 through February 2021.

Although MJC's in-person conferences had to be cancelled, the need for judicial education could not be cancelled. In less than one year, MJC has conducted more than 150 video conferences and training sessions for judges and court personnel.

When the pandemic is over and normalcy returns, judicial education will not pick up where it left off before the pandemic. Judicial education and the judiciary have forever changed as a result of the pandemic. We have proven that technology can be harnessed to deliver judicial branch training and conduct certain court proceedings. However, despite the advancement and use of technology, there will always be a need for in-person training. There is a substantial benefit that only in-person training can provide: the face-to-face exchange of ideas. The benefits of personal

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<sup>85</sup> Charles S. Claxton, *Characteristics of Effective Judicial Education Programs*, 76 JUDICATURE 11, 11 (1992).

interaction and discussion that occurs at in-person training sessions should not be underestimated.

The delivery of judicial education may look different in the future, but its benefits are crucial to an independent and strong judiciary. As Dr. Cowdrey concluded in her article:

Now more than ever, in this tumultuous environment, those involved in judicial education must rely on educational principles and standards in making the hard decisions about judicial education. They must provide leadership in developing an effective system of judicial education, which is a critical component of ensuring public trust and confidence in the courts.<sup>86</sup>

Although this Article was written in 2010, Dr. Cowdrey's conclusion is as relevant today as it was when she wrote those words. MJC stands ready to meet the challenge and continue to provide judicial education and technical resources for Mississippi's judges and court personnel.

#### CONCLUSION

As the director of the judicial college, I remain constant in monitoring issues facing the judiciary in Mississippi as well as across the country. My prior experience as a judge, legislator, and attorney, has shaped my philosophy and decision making, and has allowed me to look at judicial education from a unique perspective.

Furthermore, my interactions with every single constituency group of MJC has been invaluable to me in the role as the director of the Mississippi Judicial College. The staff and I have a collective history of more than 100 years of experience in judicial education. Based on our shared experiences, along with the lessons learned during the COVID-19 pandemic, I am confident in MJC's ability to continue to adapt to the changing educational needs of judges and court personnel and to meet successfully those needs. The future is bright for judicial education in Mississippi.

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<sup>86</sup> See Cowdrey, *supra* note 83, at 903.

