



JYL President's Corner — August 2017



Alicia Hall
President,
Jackson Young Lawyers

As many Presidents before me have said, it is truly an honor to lead this organization. Along with my fantastic board members and committee chairs, we will strive to provide concrete value to each and every member this year. Whether you joined to network, perform community service and

pro bono work, or enjoy free lunches at The Manship, we are thrilled to have you.

Jackson Young Lawyers was founded in 1936 – over eighty years ago – during a period when law schools were producing too many lawyers for the depressed market. As young lawyers, we can relate to a tough market, making it as important to join a young lawyers association today as it was then. Of course, the 1930s were very different when it came to

diversity in the legal profession. According to the U.S. Census, there were only 1,247 black lawyers in the United States in 1930 (less than 1% of all lawyers); only 24 of those lawyers were women of color; and only six black lawyers were practicing in Mississippi. While these rates have improved, we still have work to do.

I mention this history both to draw parallels to our past and to differentiate it. We must continue to examine the ways in which our profession is changing – the ways we practice law and deliver efficient counsel to clients. Young lawyers can help their organizations continue to innovate by offering fresh perspectives and tech savvy. We must also be agents of change, as we call for a more inclusive profession. JYL is committed to recruiting, retaining, and promoting diverse membership and leadership.

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The way in which we network has evolved since the 1930s. Our online networks far exceed what we could ever accomplish in person. I am thrilled to announce the creation of a new committee – Communications and Membership Services committee – which is designed to better understand the needs of our members, improve lines of communication, and bolster our online presence. And yet, even with social media at our fingertips, JYL members still meet in person. We sit across the table from one another to build lasting professional connections. The value of face-to-face relationship building is critical, just as it was at our founding. And in coming together – at meetings, pro bono clinics, city court mediations, community service events, fundraisers, and socials – we will improve ourselves and our profession for the next generation of young lawyers.

I look forward to a dynamic year. Please reach out to me personally anytime (ahall@maronmarvel.com) if I can be of assistance.

- Alicia Hall, 2017-2018 JYL President



Alicia Hall
President



Andrew Harris
President-Elect



John Dollarhide
Past-President



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City Court Mediation

Randall Saxton

Communications and Membership Services

Maggie Kate Bobo, Torri Armstrong

Community Service/Pro Bono

Chelsea Caveny, Michael Cowan

Diversity

Richerish D.M. Johnson, Marcus Williams

Newsletter

Anna Little Morris, Morgan Miranda

Outreach Grant

Anna Beth Baker, Tabitha Bandi

Social

Kasey Adams, Michael Williams

Speakers

Davidson Forester, Lott Warren

Solo/Small Firm/Govt.

Michelle McMurtry, Benjamin McMurtry

Featured Article

Recent Statutory Changes Raise Questions on Termination of Parental Rights

by Ann Regan Bilbo Barlow

Termination of Parental Rights, or TPR, is arguably the most serious of family law cases. We have slowly seen the need for changes in this area of our law since at least 2013; in 2016, our legislature made many changes to the TPR laws with [House Bill 1240](#), amending Miss. Code Ann. § 93-15-101, et seq. Some of these changes were welcome and helpful; some changes left more questions than ever before. (In fact, it became clear that 2016's HB 1240 raised questions when, during the 2017 legislative session, lawmakers passed and the governor signed [Senate Bill 2342](#), with a goal to “clarify” the procedure, conduct of hearings, and qualifying grounds for involuntary termination of parental rights.)



According to [News Mississippi](#), the 2016 legislation “repealed problematic sections of the existing laws and replaced those with statutes which are intended to achieve permanent placement more quickly for abused and neglected children. The legislation removed provisions that blocked adoption of children by relatives in some cases and removed provisions that prevented termination of parental rights of an estranged parent in some cases.” The Act sought to help “lots of children who are presently hung up in the foster care system,

so that they can be placed in safe homes.” [Jackson Free Press](#) explained that House Bill 1240 “would help judges clarify and make appropriate recommendations for terminating parental rights because it lists specific grounds and application of the current law.” We family lawyers hope that the worthy goals of the legislative changes to the TPR statute will be realized, but the effects of the still-new law largely remain to be seen.

TPR cases are civil in nature; however, when reading through the new TPR statutes, some things may stand out as similar to criminal cases. (It is noteworthy here that many termination cases are initiated because of criminal activity by the defendant parent.) For example, pursuant to Miss. Code Ann. § 93-15-113, the court is required to, essentially, read parents their “rights” at the beginning of the (involuntary) termination hearing. These rights include: the right to counsel; the right to remain silent; the right to subpoena witnesses; the right to confront and cross-examine witnesses; and the right to appeal, including the right to a transcript of the proceedings for purpose of an appeal.

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Questions on Termination of Parental Rights, continued from page 3

In a termination proceeding, if the defendant parent does not have, but desires, counsel, the court must continue the hearing to allow the parent to obtain counsel. If the parent claims they cannot afford counsel, then the court must decide if they are indigent and if counsel should be appointed pursuant to the U.S. Constitution, the Mississippi Constitution of 1890, or statutory law. The possibility of attorney appointments on behalf of defendant parents in termination cases represents an exception to the general rule that litigants in family law cases are not entitled to court-appointed counsel. Generally, parties in family law litigation are not entitled to attorneys – that just simply isn't the case for divorces, custody modifications, etc. If an attorney is court-appointed for the defendant parent in a termination proceeding, setting and allocating the court-appointed attorney's fees is left up to the judge or chancellor. So, who is to pay for this attorney? The state? The plaintiff? The petitioner? Or will the attorney render these hours as "pro bono" work? It will be interesting to see how this part of the law progresses over time.

Termination of Parental Rights should be considered as a last resort. If parental contact is in the best interest of the child, we should try things like creative custody arrangements and guardianships before we pursue termination of anyone's parental rights. Most would agree the new TPR law seems to make it easier for a party's parental rights to be terminated, but the court can also, in its discretion, decline to terminate for a few different reasons, even if grounds for termination exist. The statute's new grounds for termination are now mixed in with its old grounds, but so far, there is little, if any, case law to guide us as to how the revised TPR law will work in practice.

If you are a family lawyer in any capacity, then you know, or should know, that [Judge Larry Primeaux's blog](#) is an excellent resource for any chancery court topic in Mississippi practice.

“Termination of Parental Rights should be considered as a last resort. If parental contact is in the best interest of the child, we should try things like creative custody arrangements and guardianships before we pursue termination of anyone's parental rights.”

I think Judge Primeaux gives great advice on how to handle the recent changes in the TPR law: “the best way to approach it is to tiptoe through it with your chancellor, finding out for yourself what will and will not fly in your district.”

As a final side, even though the concept of TPR can create much fear for parents (and create much stress for lawyers), wonderful things can also come from TPR cases – one example is adoption, my very favorite part of practicing family law. There is truly nothing like finalizing a forever family for deserving parents and precious children. Whether family law is part of your practice or not, I hope that at some point in your career, you get to experience the joy of an adoption day. If you would like to get involved but don't know where to start, consider contacting the [Adoption Legal Clinic at MC Law](#), where law students may be in need of a volunteer attorney to accompany them to their final hearing. I promise you won't regret it.

Ann Regan Bilbo Barlow
annregan@mcnichlaw.com

Award to JYL at ABA Annual Meeting



JYL took home first prize for its newsletter for the fourth year running at the recent ABA Annual Meeting! Representing the Mississippi YLD were *(left to right)*: Hank Spragins, Catie Hester, Ann Marie Pate, Patrick Everman, Brad Reeves, Alicia Hall, and Ashley Gunn.

Want to contribute to JYL News?

Our Newsletter Chairs are looking for interesting articles, insightful musings and hilarious commentary that Jackson's Young Lawyers will enjoy! For a chance to be published in JYL News submit articles to Anna Little Morris at anna.morris@butlersnow.com and Morgan Miranda at mmiranda@maronmarvel.com.

Justice Coleman Speaks to a Large Crowd at August Meeting



Almost 50 young lawyers attended the August meeting! Included were *(left to right)* La'Toyia Slay Cooley, MS Supreme Court Justice Josiah Coleman, JYL President Alicia Hall, and J.D. Cooley.



Christina Seanor *(left)* and Laura Elizabeth Tate *(right)* were selected in a drawing for some new swag, courtesy of Cathead Vodka.

Event Recap

JYL Congratulates Bar Examinees



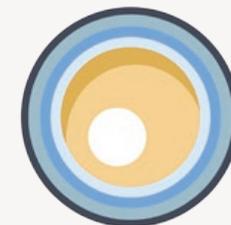
JYL congratulated bar examinees on crossing the finish line by handing out membership info and drink huggies after the exam. We're looking forward to welcoming new members of JYL soon!



Law students took a much-needed lunch break during the administration of the July bar exam.
Photo by MC Law Dean Emeritus Jim Rosenblatt.

Save the Date for September Happy Hour!

JYL is excited to partner with [Mantle](#) to bring you a young lawyers happy hour on September 14 at 5:30 p.m.! Mantle is a new co-working space located above Duling Hall in Fondren that provides individuals and small teams access to inexpensive, professional office space within a creative community of entrepreneurs. Join us to check out this innovative, hip workspace established by Jackson young lawyer Christopher Lomax!



mantle co.working

Make Presentations to Students for “200 Years of Bench and Bar”

The Publications and Articles Subcommittee of the Bicentennial of Mississippi’s Judiciary and Legal Profession Committee developed “200 Years of Bench and Bar for High School Students” to engage students across the State in our Bicentennial celebration and raise awareness of the upcoming visit by United States Supreme Court Chief Justice John Roberts, which is scheduled for September 26-28. In connection with the Subcommittee, volunteers from Jackson Young Lawyers will deliver several presentations to high school students throughout the metro area in the month of September. If you would like to participate, please contact Laura Elizabeth Tate, at ltate@trustmark.com, or Sandra Shelson, at sandra.shelson@healthy-miss.org.



Donate Items to Magnolia Speech School

JYL is proud to support the Magnolia Speech School through an Amazon wish list. Magnolia Speech School enables children with communication disorders, like deafness and language impairments, to develop their full potential through spoken language and literacy. Magnolia Speech School is a special purpose, non-profit school and is a proven leader in providing progressive, personalized education to students who need assistance with communicative skills. They are doing incredible work in Jackson, and the school’s wish list is linked [here](#). Everything purchased from the list will go directly to students and teachers at Magnolia Speech School. This is an easy way to help support a great cause!



Serve at Stewpot with JYL



JYL is coordinating volunteers to work at Stewpot Community Services. There are TWO opportunities to serve: Friday, September 22 and Friday, October 6. You can volunteer anytime from 11 a.m. to 1 p.m. Email JYL’s Community Service / Pro Bono Committee Co-Chair Chelsea Caveny at chelsea.caveny@splcenter.org to sign up or get additional info!



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For more information about JYL and JYL News, find us on Facebook and stay connected.