

THE LEGAL EYE

Official Student Newspaper of Mississippi College School of Law

APRIL 2019

Letter from the Desk

By: Abbey Barton, *Editor-in-Chief*



As my time in law school comes to an end, I am reminded of the events of the past three years, and how those have shaped me into the person I am today. Moving to Jackson 3 years ago was an experience I was nervous about, but ready for. I took my first law school class in the summer of 2016: Property with Professor Donald Campbell. What a privilege that was

for me and my class, for our first class to be taught by someone so passionate about the law, who taught with such enthusiasm. Learning from individuals who's love for the law is prevalent in their teaching didn't end after that summer. It continued on into the next three years. I am so appreciative of the opportunity MC Law has provided me with, to be taught by professors who are passionate and enthusiastic about the law.

As the Class of 2019 heads into graduation, bar prep, and our respec-

continued on page 2...

COLLEAGUES IN THE LEGAL PROFESSION

By: Jim Rosenblatt, *Dean Emeritus*



A wise MC Law faculty member made the comment, "We teach our students in such a way that on graduation day they will be our colleagues rather than our students." There is great wisdom in that statement—and great awareness of how

quickly our graduates assume their place in the legal profession.

Once a student has been graduated and passed the bar, state and federal courts are available to them. They might join bar associations, practice law in various practice areas, prepare many types of document, work on their own or in a firm, or represent themselves in social media and on web sites as

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tive bar exams, I hope all of us students at MC Law remember why we came to law school, and why we want to pursue a career in law. This is such an important thing to remember. Whether it is to help undeserved communities, to carry on the legacy of family members in the legal field, or to enforce jus-

tice on those who have broken the law, we all have a passion, and an impetus for attending law school. Don't forget this passion as time goes on and once you're out in the workforce.

It is a bittersweet moment reflecting on my law school experience, and how fast it has gone by. Oddly enough, I feel similarly now as I did entering into my first year: nervous but excited to take the next step into something new. Like

many of my classmates, after graduation and the bar exam, I will be moving to a new city, meeting new people, and starting a new career. In the midst of all the new changes, I hope to remember what motivated me in applying to law school and my passions within the legal field. I hope to practice law with the same zeal and enthusiasm in which my professors had in teaching the law to me. ☀

Colleagues in the Legal, *continued from page 1*

fully available to solve the problems of clients.

I know that our faculty members recognize the rapid and abrupt transition from student to practitioner. The goal of our faculty members is to equip our students with the skills, analytical understanding, knowledge, and methodology to jump right into the practice of law. It is a huge obligation and one they take seriously.

While it might be awkward to drop the title of Professor and use the first name of a professor a mere three months after graduation, I am confident you will find that our professors are ready to engage our graduates as colleagues as they enter the world of practice.

Some of our students get a head start on entering into that relationship as colleagues from their experiences while at MC Law. I have watched our students appear in court to make arguments,

move an adoption, and testify as to their conclusions as a guardian ad litem. I have seen them write briefs for advocacy competitions or while working part time for an attorney.

Our judicial externs have contributed to published court decisions. I have observed our students working with attorneys on presentations and projects. Law students who obtain this type of experience have a head start on practice after graduation.

Our students grow in their advocacy and practice skills through our Moot Court Program, our Extern Program, through volunteer activities at our Mission First Legal Aid Office, and through work opportunities during their days as a law student. Having this type of experience instills confidence, equips one with practical skills, and makes one ready to be a colleague.

Most importantly, though, is the

understanding and appreciation of the law, how it is used, how it operates, and how it can be applied to ensure the ends of justice are met.

“We teach our students in such a way that on graduation day they will be our colleagues rather than our students.”

The classroom instruction our students receive give them these qualities in bits and increments on a daily basis. At the end of the process our students emerge from this fine institution ready to be colleagues to our professors and to members of the noble legal profession.

Congratulations to our 3L students as they prepare for graduation, the bar examination, and their role as attorneys in society. ☀

CLICK TO VIEW



SOCIAL SNAPS

SPOTLIGHT

TAYLOR N. HOUSTON

By: Keleigh Williams, *Staff Writer*



Meet Taylor N. Houston, a 1L from Delhi, Louisiana!

WHICH UNIVERSITY DID YOU ATTEND FOR UNDERGRAD?

I graduated from the University of Louisiana at Monroe with a Bachelors in Political Science!

WHY DID YOU CHOOSE MC LAW?

I chose MC Law because during my undergraduate years, I did Mock Trial. My coach, Kyle Moore, and his wife,

Kalee Moore were huge role models for me and they encouraged and eventually inspired me to attend MC Law. Throughout the two years I did Mock Trial at ULM, we traveled to MC often and I enjoyed it every time. The people were kind, intelligent, knowledgeable and informative. I felt this would be a great atmosphere to cultivate the skills to succeed in the legal profession.

AS YOU NEAR THE COMPLETION OF YOUR 1L YEAR, WHAT ADVICE DO YOU WANT TO IMPART TO INCOMING 1LS?

For incoming 1Ls, I would advise them to make friends because there is no possible way you can be successful and sane throughout these years without a support system who knows exactly what you are going through. Some days, things get hard and you need that friend to possibly remind you of an assignment that you may have forgotten about or they will just be there to encourage you that it's been done before and you can make it happen again. I don't know how I could have possibly survived first semester without a prayer life and my friends.

WHAT IS YOUR FAVORITE SUBJECT?

My favorite subject is actually Property because Professor Campbell makes everything come alive for you. Don't get me wrong, we have a lot of great professors but coming into second semes-



ter with all of the same teachers except for him, I was somewhat uncertain as to what to expect. However, I went in with an open mind and he met us all where we were and pulled us into his world of Property with enthusiasm, vigor and confidence and I really appreciate that because it made Property bearable and more understandable.

WHAT TYPE OF LAW INTERESTS YOU THE MOST?

I have an interest in family law. Because I am in my first year, that is not set in stone as to what the future may hold for me, but as of right now, I do hope to practice family law. ☀

Join the conversation at MC Law!

BECOME A STAFF WRITER OR GUEST CONTRIBUTOR FOR THE LEGAL EYE.

Please email us at legaleye@mc.edu

Health Law Society YEAR IN REVIEW

By: Michelle Sultan,
Health Law Society President



This past school year was busy for the Health Law Society. The Health Law Society (HLS) welcomed various speakers and fund-raised for two different organizations. In the fall, HLS raised money for the Making Strides Against Breast Cancer Walk/Run, and members participated in the race. In September, the HLS welcomed guest speaker Cindy Eubank. Ms. Eubank is senior attorney at the Mississippi Department of Mental Health. Ms. Eubank spoke with the Health Law Society about the civil commitment process and how it works. Also, Ms. Eubank shared insight into the competency screenings for forensic patients. She further explained what the law requires for rehabilitation of forensic patients and the role the Department of Mental Health plays in the rehabilitation.

In October, the Health Law Society welcomed guest speaker and Harvard Law Professor I. Glenn Cohen. Professor Cohen discussed the future of reproductive technologies. Professor Cohen explained how these future technologies will likely cure genetic conditions and diseases. In addition to teaching HLS members about reproductive technologies, Professor Cohen shared his

findings on the NFL Harvard Concussion study. He discussed the legal problems with the study and the long-term effects on NFL players. In December, the Health Law Society wrapped-up the semester with guest speaker Mark Ray. Mark Ray is an attorney at UMMC and works as general counsel. Mr. Ray described his day-to-day tasks as general counsel. Primarily, Mr. Ray discussed his specialty as risk-management and litigation.

At the start of the Spring semester, HLS welcomed guest speaker Aaron Sisk. Aaron Sisk is the President and CEO of Magnolia Health Plan. Mr. Sisk taught the group how Magnolia Health Plan works to provide the state Medicaid and government health programs. Mr. Sisk discussed some of the challenges in providing health care in Mississippi and shared some of Magnolia's resolutions. In February, the Health Law Society welcomed guest speaker, Wendy Epstein. Wendy Epstein is a Professor at DePaul College of Law and the Faculty Director of the Jaharis Health Law Institute. Professor Epstein discussed her research on health care law and policy. Specifically, Professor Epstein explained to the HLS members the individual mandate and the problems with it. Then, Professor Epstein reviewed her research on proposed solutions. She encouraged feedback from the HLS members and asked for other solutions.

In March, the Health Law Society



Pictured above are Health Law Society officers and members at the Making Strides Against Breast Cancer Walk/Run.

partnered with WSBA for a bake sale and raffle for Baptist Women's Fund for the Girls. With the help of WSBA, the Health Law Society raised over two-hundred dollars. All of the funds raised help underprivileged women receive preventative health care. Additionally, in March, Health Law Society members attended Professor Lowery's expert witness class. During the class, members watched expert witness students tender a professional psychologist for a competency hearing.

Have any questions about the Health Law Society? Any of our officers will be happy to talk to you! Check out the Health Law Society TWEN page for more information. ☀

STATE *of the* UNION

Student Bar Association President

By: Lee Smith, SBA President



Fellow classmates,
As my time as a student and SBA President comes to a close, I wanted to look back over the last 3 years and thank those who

have made this 3 of the best years of my life. Serving as student body president has been one of the highlights of my time at MC Law. I have been honored to serve and am thankful for having had the opportunity.

Thank you, Dean Bennett, for your support of the student body and all the great things you are doing at MC Law. I have thoroughly enjoyed working with you over this past year. We are so fortunate here at MC Law to have a leader in Dean Bennett who cares about each and every student.

I also want to recognize those who were on SBA this past year. I thank each of you for working hard to make this a successful year. There is no way that we could have had a successful year without all of you.

To our donors: I want to sincerely thank you for your support and generosity. Your financial contributions allowed someone like me to attend law school. This year at Law Day, our donors combined to give over \$300,000 to our students.

To my fellow 3Ls: I have enjoyed being your classmate, colleague, and most importantly your friend for the last 3 years and I cannot wait to walk across that stage with you on May 10.

“Is law school really worth it?
My answer to them is always,
I can't speak for others, but I
can tell you MC Law is worth it.”

3Ls, we have been through too much over the last 3 years to let our foot off the gas now. Let's finish strong over the next few months and go pass the bar exam. We can be the first class to set a 100 percent pass rate. That should be the legacy we aspire to leave.

To the 2Ls and 1Ls: This is your school now. The reputation of MC Law will be what you make and I look forward to hearing about the success you have in the next year or two.

Coming to MC Law was one of the

greatest decisions I have ever made. This school has given me so much and I will be forever grateful to this institution. MC Law has not only given me the basis of my legal education, it has also given me mentors, role models, and lifelong friends.

MC Law is also special to me for another reason. I met my fiancé here at MC Law. We met on the 2nd floor of the classroom building in September of our 1L year. I somehow talked her into letting me take her on a date and the rest is history. Meaghan, thank you for your constant support over the past 3 years. I do not know how I would have made it through law school without you.

Simply put, MC Law has made me a better person.

I have given several tours over the past few years to prospective students and I always get asked one question: Is law school really worth it? My answer to them is always, I can't speak for others, but I can tell you MC Law is worth it.

I will truly miss this place. MC Law has become my 2nd home and the people here have become my 2nd family.

So again, I thank each of you for the last 3 years. ☀

DOES YOUR STUDENT ORGANIZATION HAVE AN *Upcoming Event?* ANNOUNCE IT HERE!

CIVIL LAW SOCIETY

By: Stephanie Turk,
Civil Law Society Member



All of its students know that MC Law is a special place. It not only has a collective sense of community between the students and professors, but it also offers a number of avenues for students in all walks of life. One of those unique avenues is the school's Civil Law Program. The Civil Law Program is run by Dean Phillip McIntosh, a Louisiana native who received both his Bachelors degree and his Juris Doctorate from Louisiana State University. Throughout the school year, Dean McIntosh visits universities all around Louisiana in order to

recruit students by offering them something that is uniquely distinct from most other law schools; that is, the chance to attend an out-of-state law school while still undergoing the necessary studies to take and pass the Louisiana Bar Exam. Not only are those students given the option to receive a certificate in Civil Law Studies through the program, but they are also invited to join the Civil Law Society club on campus.

The Civil Law Society is made up of students from Louisiana and welcomes students from other states to join as well. This year's Civil Law Society President is Alexis Guillot. Alexis, a Hammond, LA native, received her Bachelors degree from Louisiana Tech University and is currently in her second year of law school. Along with her position as president, Alexis is a mem-

ber of the Moot Court Board, a research assistant for Meta Copeland, and a Dean's Ambassador. When asked why Alexis decided to come to MC Law, she said she chose to attend "because it was the only school outside of Louisiana that offered the Civil Law courses. After touring the school, I immediately felt at home because it reminded me of Tech's close-knit university. Also, the Civil Law Society not only offered a home away from home with the other Louisiana students, but it also offered us the opportunity to receive class and bar information from past students." This is fundamentally the consensus of all other students in the program. We Louisianans look forward to the future of the Civil Law Society on MC Law's campus and know that it will continue to be a success. ☀

PRO BONO CERTIFICATE ALLOWS STUDENTS TO SERVE MISSISSIPPI COMMUNITIES

By: Keleigh Williams, *Staff Writer*



Legal services across Mississippi provide support and representation to its undeserved, poor, and rural communities. The American Bar Associa-

tion (ABA) Model Rules of Professional Responsibility Rule 6.1 states that "every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono legal services per year." Some states require attorneys to obtain a certain amount of pro bono hours per year. Lawyers pledge in an oath to take pro bono cases when they are admitted to the Mississippi Bar.

Students do not have to wait to join bar to give back to the community. At MC Law, the Pro Bono Legal Certificate allows students to gain legal experience while volunteering at an approved site. The certificate recognizes students who perform at least sixty hours of Pro Bono service before

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Pro Bono Certificate Allows, *continued from page 6*

graduation. For the service to be valid, students must provide legal services without earning academic credit, and without fee or expectation of fee.

Anne Piervil, a 2L from Mount Dora, Florida, is pursuing the certificate by working with the Mississippi Volunteer Lawyers Project because she loves volunteering with and serving the community. MVLP hosts several Pro Se and Expungement clinics per year and invites students to participate. On-site attorneys guide students as they perform intake and prepare documents and motions.

"The certificate will show employers my dedication to the local popu-

lation and also my desire to reach out to underserved Mississippians," she says, adding that pro bono practice can be the foundation for a successful legal career.

Alexandria Diggs, a 2L from Fort Worth, Texas, did not intentionally gain her first pro bono hours. She exceeded the requirements of her Benton Fellowship by 45 hours at the Federal Defender Program in Chicago, IL. She contacted MC Law's Dean of Students, Tiffany Paige, who assisted her in applying for the certificate and submitting her hours. This year, Alexandria hopes to move on to another public interest organization and continue to donate her time.

"I would want to volunteer somewhere like the Southern Poverty Law

Center or the NAACP," she says. "Students should take advantage of the certificate because even working at a small organization can have a huge impact on the community." She does not want to be a "courtroom lawyer," and says that the certificate will prepare her to work with advocacy groups and support community efforts to inform citizens of their rights.

Both students have had positive experiences in gaining the certificate and hope that their testimonials will encourage others to answer Mississippi's call for bright and talented volunteers. Students can find more information about the certificate by contacting Tiffany Paige, Assistant Dean for Student Services. ☀

CERTIFICATE IN CIVIL LAW STUDIES *Lagniappe for Your Resume*

By: Abbey Barton, *Editor-in-Chief*



MC Law offers many unique opportunities for its students, including several study abroad programs, a location in a busy legal hub in the state, and many different certificate programs. The opportunities give students a little something extra compared to many other law schools. One certificate program in particular sets MC Law apart from other law schools around the country. We are home to the only Louisiana Civil Law program outside of the Bayou

State. In Louisiana, a state proud of its deep Cajun and Creole French culture, the term *lagniappe* is often used to signify "a little something extra." MC Law's Certificate in Civil Law Studies not only serves as a foundation for those students who plan to take the Louisiana Bar, but also as *lagniappe* for your resume.

Louisiana is known for its music, food, Mardi Gras, and the New Orleans Saints, to name a few. It is also home to a unique legal system: Louisiana Civil Law. This system of laws evolved from the Spanish and French systems under which Louisiana was previously governed before it became part of the United States. It borrows from the Civil Law influences of France and Spain, and the Common Law influence

of the United States to create a unique mixed legal system.

While most students at MC Law primarily take Common Law courses after their first year, like Domestic Relations or Sales and Leases, several of your classmates may take Obligations, Matrimonial Regimes, or other Civil Law courses in pursuit of a certificate in Civil Law Studies. "We began the Civil Law curriculum with one course in the spring of 1992 (a survey of the Louisiana Civil Code which had been taught by an adjunct for a few times before 1991). Over the following years, we expanded

continued on page 8...

Certificate in Civil Law, *continued from page 7*

the curriculum until we reached the current 9 courses. The curriculum is designed to give students a strong foundation in the major subject areas of the Louisiana Civil Code, Louisiana Civil Procedure, and Mineral Law, as well as an understanding of the unique legal heritage of Louisiana as a mixed legal system combining the Civil Law tradition with the influences and elements of the American Common Law tradition," says Dean Philip McIntosh, Director of the Civil Law program. The program flourished into the Certificate in Civil Law Studies, first offered as a certificate option in 2004.

The Civil Law curriculum is designed to provide students with an adequate foundation to prepare them for the Louisiana Bar. The Louisiana Bar is a three-day exam consisting of mostly essay type questions and is thought to be one of the most difficult bar exams in the country. While this may be true, one thing that sets Louisiana apart, and confuses many outsiders, is the language used Louisiana Civil Law.

In your Property course, you learned about adverse possession, life estates, and easements. In the Louisiana Civil Law courses related to property, you'll learn about acquisitive prescription, usufructs, community property, and various types of servitudes. Many of these legal terms may sound confusing, but they typically have something close to a Common Law equivalent.

For me, the Civil Law Certificate is what set MC Law apart from the other law schools I applied to. As a Monroe, LA native, MC Law is the closest law school—a two-hour drive—from

my hometown. With all other Louisiana law schools located in either Baton Rouge or New Orleans—four and five hour drives from my hometown, respectively—I feel that MC Law's location, combined with this certificate offering, is a great recruiting tool to bring in Louisiana students, especially those from North Louisiana.

Not only does this program bring in more students from Louisiana with each class, but it also adequately prepares MC Law students for the Louisiana Bar. The first time pass rate for 2018 MC Law graduates was 83.33% for the July 2018 Louisiana Bar. The overall pass rate for first-time takers for the July 2017 Louisiana Bar was also 83.33%. Historically, MC Law has had a pass rate of around 70%.

MC Law also has a Civil Law Society on campus, which is open for all students to join. Past Civil Law Society events have included crawfish boils, King Cake sales, and Q&A panels fea-

“...the term *lagniappe* is often used to signify "a little something extra."”

turing Louisiana practitioners. Graduating members of the Civil Law Society even wear purple, green, and gold cords to add some Louisiana flair to their gradation regalia. The Civil Law Society has graciously contributed to the Legal Eye this semester so be sure to check out their article in this issue.

Dean Phillip McIntosh is the

Director of the Civil Law Program here at MC Law. A graduate of both Louisiana State University and the Paul M. Hebert Law Center at LSU, Dean McIntosh is licensed in Louisiana and practiced in Monroe, LA for several years. He came to MC Law in 1991 and helped to establish the Civil Law Program. He teaches several of the Civil Law courses here, and has taught many non-Civil Law courses, as well as courses in the Study Abroad Program.

Judge Carolyn Jefferson, a retired judge for the Civil District Court for Orleans Parish, teaches the Civil Law courses related to Family Law. Judge Jefferson attended Tougaloo College with Dean Bennett and went onto Loyola University New Orleans College of Law for her legal education.

Professor Angela Cockerham teaches Louisiana Civil Procedure and Louisiana Mineral Rights within the Civil Law curriculum. She is a Magnolia, MS native and an alumna of Jackson State University. Professor Cockerham graduated from Loyola University New Orleans College of Law, serves in the Mississippi State Legislature, and is licensed in both Louisiana and Mississippi.

I highly encourage those interested in pursuing a Certificate in Civil Law Studies or taking a Civil Law course to do so. Louisiana is a fascinating place, with an even more fascinating legal system. The rich tradition you often find in Louisiana culture can also be found in many facets of Louisiana Civil Law. ☀

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SPOTLIGHT

KATHERINE JACKSON

By: Emily Lal, *Managing Editor*



WHERE ARE YOU FROM AND WHY DID YOU CHOOSE MC LAW?

I'm from Cleveland, MS. I chose MC Law because it felt like home walking in the door the day of my first tour.

WHAT MADE YOU WANT TO BECOME A LAWYER AND HAVE YOU DECIDED WHAT AREA OF LAW YOU'D LIKE TO PRACTICE IN (AND WHY)?

I decided to go to law school because becoming a lawyer was something that always interested me, but always intimidated me. As a college senior deciding what I wanted to be when I grew up, I figured if I

did not try it out, I would always regret it and be too scared to go back for a JD. Law school has been a crazy whirlwind. I started last fall with the sole intention of joining the military as an active duty JAG, but Jackson has won my heart and right now I'm leaning more towards staying here, joining a guard unit, and hopefully pioneering a new avenue for assistance to veterans by combining my experiences through the MJS and Mission First.

WHAT ORGANIZATIONS/CLUBS/HONOR SOCIETIES ARE YOU PART OF AT MC LAW?

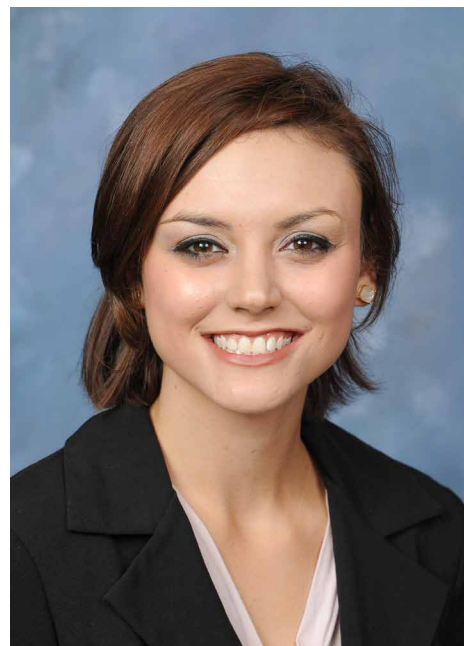
I have recently taken over the Military Justice Society and have been helping to plan the Veterans Free Legal Aid Clinic each month this past year. I also volunteer with the Mission First Legal Aid Clinic and will begin coordinating volunteers for that in the fall.

HAVE YOU HAD ANY EXTERNSHIPS/INTERNSHIPS?

Last summer I interned at the Mississippi Commission on Judicial Performance and this summer I will be externing at the VA Legal Department.

OUTSIDE OF LAW SCHOOL, WHAT ARE SOME OF YOUR FAVORITE HOBBIES/THINGS TO DO?

Wait, you're allowed to have a life outside of law school? Just kidding! It seems like when I'm not at school, I'm either binge-watching Law & Order: SVU for the 80th time (that counts as studying Crim Pro, doesn't



it?), exploring Jackson (it's a big city for someone from Cleveland), or visiting my family.

WHAT ARE YOUR FUTURE PLANS AFTER LAW SCHOOL?

I'm planning on staying in Jackson and seeing what kind of opportunities that brings me. I'll be excited to find out what that is as well.

WHAT ADVICE WOULD YOU GIVE TO STUDENTS WHO COME IN AFTER YOU?

Find a good group of friends, go talk to your professors, have something outside of law school, and breathe. Law school is hard, but it is not as hard as you have built it up in your head. And don't be discouraged when plans change; often it's for the better. ☀

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Flowers v. Mississippi

AN ENDURING PERENNIAL IN THE GARDEN OF INJUSTICE

By: Mary Clark Joyner & Loden Walker
on behalf of the Law Review



Perennial. A word formed in English from Latin *perennis*, meaning living for a long time. That's what perennial plants do; they grow back season after season. To date, Curtis Flowers has been tried **six times** for the same crime by the same district attorney—a saga lasting over twenty-two years. We argue Flowers's case is no different than a perennial plant. But unlike the elegance of a daylily or Shasta daisy, court cases shouldn't be retried year after year. To support this claim, we answer two questions: *What is a Batson violation? And, how can the same guy prosecute the same individual six times?* Before that, here are the pertinent facts.

In 1996, four employees were murdered at a local furniture store in Winona (population >4,500). The original case bloomed when Evans tried Flowers for murdering one of the employees, leading to his conviction, and sentencing him to death. Since then, the case against Flowers has percolated in the halls of the Mississippi Supreme Court.

After Flowers's first conviction, the Mississippi Supreme Court reversed, finding that district attorney Doug

Evans committed prosecutorial misconduct. See *Flowers v. State*, 773 So. 2d 309, 334 (Miss. 2000). Following this, Evans tried Flowers five more times. Three of the six trials ended with hung juries. The Mississippi Supreme Court reversed and remanded the second conviction for violating *Batson*. See *Batson v. Kentucky*, 476 U.S. 79 (1986). And most recently, in 2010, the sixth trial ended with a third conviction. But this time, the supreme court affirmed, finding Flowers's *Batson* challenges to be without merit. *Flowers v. State*, 240 So. 3d 1082, 1092 (Miss. 2017). Again, Flowers appealed.

On November 2, 2018, the U.S. Supreme Court picked the enduring perennial and granted certiorari to determine whether the Mississippi Supreme Court erred in how it applied *Batson*. See *Flowers v. Mississippi*, 139 S. Ct. 451 (2018). And last month, the Court listened in dismay as the attorneys recounted (or tried to rationalize) Evans's prosecutorial conduct toward potential African-American jurors. With this in mind, let's dive in.

There are two methods for striking potential jurors in *voir dire*: for cause and peremptory challenges. A potential juror, for example, may be struck for cause if the juror explained to the lawyers that because of her religion she would be unwilling to invoke the death penalty upon the convicted. Peremptory challenges are quite the opposite.

Peremptory challenges can be made "for any reason at all, as long as that reason is related to his view concerning the outcome of the case to be tried." *Batson*, 476 U.S. at 89. But the Court included

a critical caveat: "the Equal Protection Clause forbids the prosecutor to challenge potential jurors solely on account of their race." *Id.* Therefore, under *Batson*, it is unconstitutional to strike a potential juror because of their race.

Here's the paradigmatic example of *Batson*: If the prosecutor used all (or the majority) of his peremptory strikes on African-American jurors while prosecuting an African American for murder, the defense could object. (Hint: This is what *Flowers* is all about).

That said, *Batson* created a three-step test to be applied upon the defense's objection: (1) the defendant must show that a prosecutor seems to be removing jurors because of race; (2) the prosecutor must provide a race-neutral reason for each prospective juror excused; and (3) the judge must analyze the prosecutor's reasons and decide if they are genuine or simply pretext for discrimination. Flowers argues the court neglected step three in his case.

Turning to the second and more intriguing question: *How can the same guy prosecute the same individual six times?* The answer is relatively simple. Under Mississippi case law, such as *Capitol Stages, Inc. v. State*, 157 Miss. 576, 128 So. 759 (1930) and *Williams v. State*, 184 So. 3d 908 (Miss. 2014), the attorney general may advise the district attorney, but "he neither can increase nor diminish the statutory power of the district attorney." *Williams*, 184 So.

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Flowers v. Mississippi,
continued from page 10

3d at 913. This is true “because the Attorney General is not the local district attorney’s boss, as in the federal system.” *Id.* Therefore, and

currently, the only way to prevent Evans from prosecuting this case is if Evans (1) is no longer the district attorney (he’s running unopposed for re-election) or (2) requests the attorney general’s assistance. Neither choice seems likely.

Nevertheless, the Court will render an opinion in the near future deciding if Evans again committed jury discrimination. And despite the perplexity, the perennial case may regrow for a seventh time. ☀

SPRING 2019 EXAM SCHEDULE

DATE	MORNING, 9AM-12PM	AFTERNOON, 1:30PM-4:30PM
Monday, April 29	Constitutional Law – Modak-Truran	
Tuesday, April 30	Property, Section A – Ng Property, Section B – Campbell	Wills & Estates – R. Johnson Business Associations I – Edwards
Wednesday, May 1	Domestic Relations – Kennedy	Accounting for Lawyers – Keeling
Thursday, May 2	Contracts II, Section A – Anderson Contracts II, Section B – Anderson	Matrimonial Regimes – Judge Jefferson
Friday, May 3		Secured Transactions – Manhein Employment Discrimination – J. Johnson Civil Law Property – Dean McIntosh
Monday, May 6	Advanced Legal Analysis – Morgan Louisiana Security Devices – Dean McIntosh Customer Bankruptcy – W. Leech	
Tuesday, May 7	Torts II, Section A – Modak-Truran Torts II, Section B – R. Johnson	Professional Responsibility & Ethics – Edwards Children in the Legal System – Williams Removal of Civil Actions – Challenger
Wednesday, May 8	Insurance Law – Childress	Worker's Compensation – Thompson
Thursday, May 9	Civil Procedure II, Section A – Dean Will Civil Procedure II, Section B – Challenger	Criminal Procedure – J. Johnson Criminal Practice – Gilbert
CLASS PROJECTS		
<div> <div>Civil Rights – Kupenda</div> <div>Expert Witness Seminar – Lowery</div> <div>First Amendment – Kupenda</div> <div>Guardian Ad Litem – Kennedy</div> <div>Immigration Clinic – McGowan</div> <div>Solo & Small Practice Law – Hetherington</div> <div>Patent Law – Ng</div> </div>		
FINAL PAPER		
<div> <div>Adv Legal Research & Writing – Miller</div> <div>Bioethics and the Law – Will</div> <div>Supreme Court Role Playing – Steffey</div> <div>Pretrial – McCarty</div> </div>		
TAKE HOME EXAM		
<div> <div>Adoption Clinic – Welch</div> <div>Child Welfare & Family Justice – Hicks</div> <div>Youth Court – Welch</div> <div>Mission First Clinic – Hicks</div> <div>Evidence – Steffey</div> <div>Education Law Clinic – J. Miller</div> </div>		

[^{3L}SPOTLIGHT]

ANDREA CATES

By: Bianca Bryant, 2L Editor



WHERE ARE YOU FROM?

I am from Pascagoula, Mississippi.

WHERE DID YOU ATTEND UNDERGRAD AND WHAT DEGREE DID YOU RECEIVE?

I attended undergrad at ECPI, and received a Bachelor's of Science degree in Criminal Justice.

WHY DID YOU DECIDE TO GET THAT DEGREE?

I obtained that degree because I have always been interested in the criminal justice system.

WHY DID YOU CHOOSE MC LAW?

I am actually a transfer student from California. I was in the Navy and I was stationed in California. My first year of law school, approximately six weeks prior to my first set of law school finals, my mother passed away. My very last promise that I made to her was that I would move closer to home and finish school. MC was the closest law school to my mother at the time. So, in short, my mother is what brought me to MC Law.

WHAT WOULD YOU LIKE TO USE YOUR JD DEGREE FOR?

I actually have a job after graduation at a law firm in Mobile, Alabama where we practice everything from criminal to civil law, but my ultimate goal is to focus on criminal defense.

HOW ARE YOU SPENDING YOUR 3L YEAR?

My 3L year has been busy with bar prep, classes, graduation preparation, raising my two sons and moving into my new home in Alabama.

IF YOU COULD GIVE YOU 1L-SELF ONE PIECE OF ADVICE BASED ON YOUR EXPERIENCE IN LAW SCHOOL, WHAT WOULD IT BE AND WHY?

If I could tell my 1L-self anything it would be a piece of advice I received my 2L year from Professor Edwards. "Take every bar class you can, with the



hardest professor on campus because it will better prepare you for the bar." I did adhere to that advice. Additionally, I would tell my 1L-self to breathe, to take everything in because your time in law school is going to fly by.

WHAT HAS BEEN YOUR FAVORITE AND LEAST FAVORITE PART ABOUT LAW SCHOOL?

My favorite part of law school is learning and making the close friends I have made.

My least favorite part of law school is the fact that I now have to wear reading glasses because all the reading I have completed has strained my eyes. ☀

Would you like to see a particular topic featured in The Legal Eye? Let us know!

PLEASE EMAIL US AT LEGALEYE@MC.EDU



SOCIAL SNAPS



BLSA CLOSES OUT THE YEAR WITH BANQUET

By: Ricardo Holloway, *BLSA Member*



As spring rolls into sight and the flowers begin their bloom, R. Jess Brown Chapter of the Black Law Students Association, Inc. is planning to send off its graduates with its Annual Banquet on May 09, 2019 at 7 p.m. at the CNF Auditorium on campus. The keynote speaker will be notable MC Law alumna, La'Verne Edney.

BLSA's mission is to increase the number of culturally responsible Black

and minority attorneys who excel academically, succeed professionally, and positively impact the community. In accordance with its mission, BLSA has put on several events this year that started with the chapter playing host to the Southern Region Black Law Students Association academic retreat earlier this year, where students attended from the University of Mississippi, Mercer University, and Southern University Law Center. During Black History Month, the chapter hosted a panel entitled, "Contemporary Black History: A Public Interest Panel Discussion," inviting several public interest attorneys to explore this topic with the MC Law student body. Most recently, the chapter cel-

ebrated another year working with the Mississippi Volunteer Lawyer Project at its expungement clinic, where members assisted attorneys and drafted documents for records expungement for individuals who met the criteria.

Please join BLSA in sending warm wishes, thoughts and prayers as we send off our amazing 3L members: Amber Stewart, Anastasia Griffin, Andrew Kelly, Antonio Banks, Kaylyn Caston, Kim Williams, Latrish Wheeler, Mariah Stringer, May Dozier, Parris Reese, Princess Williams, Raymond Gee, Rhea Richardson, Sharon Spencer, Ursula Ma'gon Banks, and Valerie Mims. ☀



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