

Law Students to Argue Case Before Court of Appeals Nov. 19

Contributed by Jennifer Farish
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OXFORD, Miss. - Two University of Mississippi law students are to argue a case before the Mississippi Court of Appeals Wednesday, Nov. 19, as part of the School of Law's ongoing Criminal Appeals Clinic.

The court convenes at 1:30 p.m. at the Hunter Henry Center at Mississippi State University.

Third-year students Brian K. Harris of Horn Lake and J. Nathaniel King of Oxford will present the case Douglas Duvall Hill v. State of Mississippi. Hill was convicted in 2007 of felony child abuse and sentenced to 20 years in prison.

"I would say I have learned the importance of preparation," Harris said. "Skill, talent and knowledge are all important in most anything you do, but nothing takes the place of preparation. That is one of the biggest benefits of the Criminal Appeals Clinic."

Harris believes the clinic should be a requirement for law students.

"Law students do not benefit from a residency in the way that medical students or even pharmacy students do," he said. "While knowledge of the substance of the law is obviously important, the application of it and making arguments for or against it on your client's behalf are fundamental skills that define what it means to be a trial or appellate lawyer."

The students are allowed to participate in this way by being appointed as special counsel in the cases by order of the state appellate courts under the Mississippi Limited Practice Act. The act permits third-year law students to be admitted to the Bar under the oversight and supervision of a clinical professor who also is a licensed, practicing Mississippi attorney.

Since the program began in 2002, 82 students have received training in the highly specialized field of appellate practice, said Phil Broadhead, clinical professor of law and director of the appeals clinic. No more than 20 law schools across the nation offer this type of "live client" clinical learning, he added.

"The opportunity for a licensed, practicing attorney to deliver an oral argument before either of our state appellate courts is very rare," he said. "The court's support of the Criminal Appeals Clinic and their willingness to allow third-year students to appear as an attorney of record in a case and make an argument on behalf of a client is not only special in Mississippi but in law schools across the nation."

The program, administered by UM's National Center for Justice and the Rule of Law, is designed to give third-year law students practical experience in criminal law and procedure in the pro bono representation of indigent persons in cases pending before the state appellate courts. Through the program, students research, write and file a brief on an assigned case. If the court agrees to hear oral arguments, two Criminal Appeals Clinic students are chosen to argue the case before a panel of three judges.

The program has been successful not only in achieving reversals in seven of the 34 cases argued by students before the court but also in landing prestigious jobs for students following graduation.

"Twelve of the law graduates who participated in the clinic have been appointed to clerkships with the Mississippi Supreme Court, the Court of Appeals of Mississippi, the Alabama Appellate Court System and the U.S. District Courts of Mississippi, Alabama and Georgia, Broadhead said.

"Additionally, seven students went on to serve as staff attorneys in the Mississippi Attorney General Office's criminal appellate division, the Mississippi Office of Indigent Appeals, the Office of the Hinds County District Attorney, the Shelby County Public Defenders Office and the Charleston (S.C.) Public Defenders Office."

For more information about the Criminal Appeals Clinic and the National Center for Justice and the Rule of Law, call 662-915-6897 or go to <http://www.ncjrl.org>. To learn more about the School of Law, visit <http://www.law.olemiss.edu> .