



Litigation Section

The Mississippi Bar

E-Newsletter

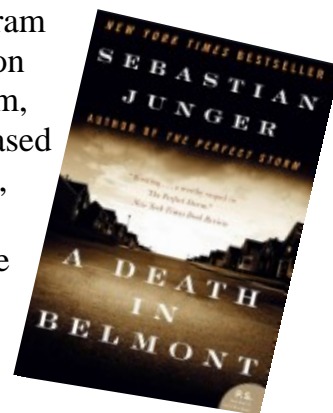
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Want to learn trial advocacy skills with the Boston Strangler?

The Litigation Section is sponsoring a one-day CLE program in Oxford at the renovated Lafayette County Courthouse on Friday, January 16, 2009. To download a registration form, click [here](#). To register online, click [here](#). The program, based on the 1963 prosecution of Roy Smith, a native of Oxford, by the Commonwealth of Massachusetts, was inspired by “A Death in Belmont,” Sebastian Junger’s chronicle of the murder trial. An all-star faculty of Mississippi attorneys will demonstrate the various aspects of a jury trial, with John Grisham playing the role of Albert DeSalvo, who



later confessed to being the Boston Strangler. The Litigation Section will donate proceeds from the event to the Mississippi Innocence Project at the University of Mississippi School of Law (www.mississippiinnocence.org).



MEC is Coming!

The Mississippi Electronic Court System (MEC) is only weeks away from being a reality. On February 1, 2009, the system will go “live” in the Madison County Chancery Court. Soon after, the Madison County Circuit Court will come on line. Plans are to expand MEC to Scott County and Warren County as well as to other judicial districts in the State as requested. If you are using the federal court Electronic Case Filing System (ECF), MEC will look very familiar. Under the direction of Presiding Justice William Waller, our State is leading the country in adapting ECF for state court use.

MEC achieves three important goals: (i) public access to court records, (ii) electronic filing of pleadings and other papers, and (iii) electronic case management. To see the current draft of MEC’s Administrative Procedures, click [here](#). To see the proposed Rules changes and proposed AOC regulation, click [here](#).

Decision in Lee v. Memorial Hospital Impacts MTCA Compliance Analysis

For those attorneys who commonly work on matters governed by the Mississippi Tort Claims Act, the decision in South Central Regional Medical Center v. Guffy, 930 So.2d 1252 (Miss. 2006), has guided preparation and analysis of tort claim notice letters for the past two years. However, the Mississippi Supreme Court, in Lee v. Memorial Hospital at Gulfport, No. 2007-CA-01762-SCT (December 11, 2008) (click [here](#)), has recently characterized the “strict compliance” Guffy standard as dictum. According to paragraph 13 of the majority opinion in Lee:

Our holding today should not be interpreted as holding that the required elements do not need to be explicitly stated in the notice of claim. However, we continue to apply a substantial compliance standard to the notice requirements under Section 11-46-11(2). “What constitutes substantial compliance, while not a question of fact but one of law, is a fact-sensitive determination.” Carr v. Town of Shubuta, 733 So. 2d 261, 263 (Miss. 1999).

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