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One year old and growing — Appellate Practice Section seeks to increase advocacy in state's appellate courts

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Just one year old, the Appellate Practice Section of the Mississippi Bar Association has approximately 100 members and is running smoothly. It was started to increase the level of advocacy in the state's appellate courts. These court decisions affect all Mississippians – decisions regarding business issues, family law, custodial matters and capital punishment.

"In Mississippi, as in every jurisdiction, appellate courts decide issues that apply to everyone; not just the person in a particular case," said Michael Bentley, current chairman of this section of the Mississippi Bar.

"Lawyers play a key role, and we want the best, most skilled lawyers and want the issues fully vetted because these decisions also affect future cases."

John Henegan was instrumental in starting the section and served as the first chairman. He says the division has provided a useful service to the courts.

"It has created a forum for the exchange of ideas and work related to effective appellate practice techniques as to writing and what courts require in writing and oral briefs," he said.

Henegan, who practices with the Butler Snow firm, says the courts did not request the establishment of this section but have been supportive.

"At least two members from the court of appeals come each time and take part in our meetings," he said.

"They're genuinely interested in supporting this section. We've also been pleasantly surprised at the number of members who've responded and are interested in increasing their skills. We hope to have more members involved."

Bentley was also involved in establishing the section after he and others looked at other state bars.

"We thought it was important for Mississippi to set one up because today it takes a different set of skills and types of experiences for appeals. Much of it takes place in written briefs to distill issues," he said. "Clear and concise writing is needed; not persuasive skills."

An attorney with the Bradley Arant firm, Bentley says the division gives lawyers a go-to clearing house for practice skills through meetings and seminars. One recent seminar included four judges who participated in a question-and-answer session.

"Our members liked hearing directly from judges. They were very receptive and found it beneficial," he added.

Two important things came from the seminar. "First is how critical it is to effectively present your case in writing, and second, when you do get to oral arguments, the necessity of being prepared to discuss everything in your brief – it's not just a 10-minute speech," Bentley said.



John Henegan

A fact that may be surprising for those not in the legal profession is that the court of appeals decides more than 1,000 cases a year, but only 70 to 80 make it to oral arguments.

"Therefore, it's important in writing briefs to cut to the chase and make it clear," Bentley said.

Henegan says the ultimate goal is for members of the bar to understand what court judges want to help them make difficult choices.

"We're blessed with the members of the court we have," he said. "They take it seriously; they're energetic and have a great work ethic. They want to pull the bar along with them to be part of the team and help serve the public through better briefs and arguments. It's helpful for them to get together with people who appear before the court on a regular basis."