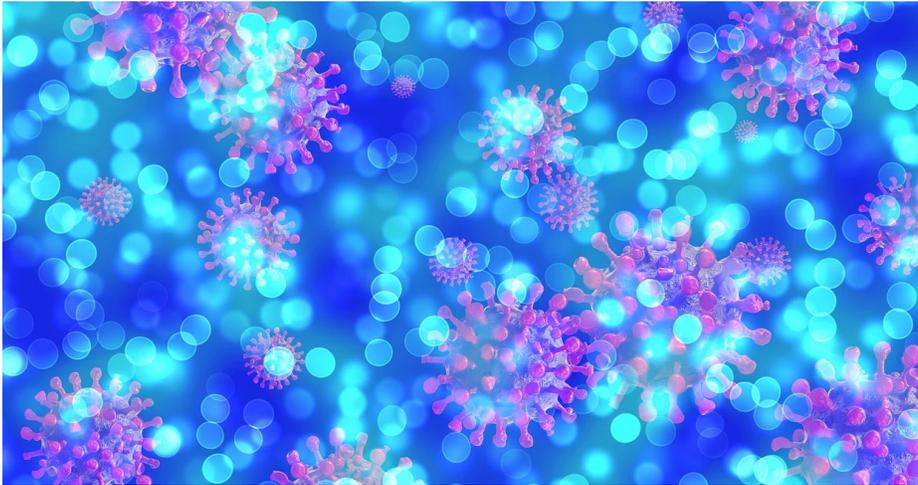




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September 2021



JURY TRIALS IN MISSISSIPPI AMID ONGOING COVID CONCERNS

Without a doubt, the most frequently asked question from clients over the past several months has been, “What is the likelihood our case will go to trial?” While we always prefer to give our clients more definitive answers, the response to this question is generally, “It depends” or “We don’t really know” or “We will have to wait and see.” Presently, however, we can report that civil jury trials are proceeding in some venues with implementation of measures designed to screen and limit exposure as much as possible. On the other hand, in some venues posting higher numbers of COVID cases and deaths, civil jury trials have been suspended until further notice.

Like every other state in the country, Mississippi is continually assessing and re-assessing its court protocols due to continued COVID concerns and a recent resurgence of COVID cases and deaths, along with the variants. As recognized by the Chief Judge for the Southern District of Mississippi, “The pandemic is not over. . . . The situation remains fluid, as does the guidance on safe practices.” The most recent orders from the Mississippi Supreme Court and United States District Courts in Mississippi generally leave jury trials in civil cases up to the individual judge, on a case-by-case basis, to determine whether to proceed.

RECENT CASES AND NEWS

MISSISSIPPI GENERAL
LIABILITY NEWSLETTER

On September 2, 2021, the Mississippi Supreme Court entered Emergency Administrative Order 22 which allows individual judges the discretion to postpone jury trials scheduled through October 8, 2021. Order 22 also clothes individual judges with discretion to withhold jury summonses that would be returnable any date before October 11.

In the U.S. District Courts for the Southern District and Northern Districts of Mississippi, it is ordered that criminal trial are to take precedence, however, civil trials are subject to the discretion of the presiding judge based on the circumstances of their particular case and division. We are aware that some judges are proceeding with civil trials in certain divisions. Protocols for screening, masking, and social distancing are in place. In addition, use of digital exhibits is encouraged and it is suggested that witnesses be permitted to testify via videoconference.

Based on information we have been able to gather from court staff in various venues, except in the case of obvious circumstances warranting a continuance, the decision to proceed with jury trials is made sometimes as close as one week before trial is set to start. Obviously, this makes it very difficult for us to advise our clients with any reasonable certainty. Nevertheless, we must prepare and coordinate witnesses and experts as though the trial will proceed. We will continue to monitor and keep abreast of the most current orders and protocols implemented by the various courts.

Attorney Spotlight



Jill R. Miller, Partner

Jill is a partner in the firm's Baton Rouge, Louisiana office, but devotes much of her practice to workers' compensation and casualty defense in Mississippi, as well as Louisiana. Although leaving behind her South Louisiana roots for a time to pursue her undergraduate degree at the University of Southern Mississippi was a difficult decision, Jill discovered a love for the State of Mississippi. She then attended Mississippi College School of Law where she served on the Law Review and Moot Court Board. These opportunities allowed Jill to further develop her advocating skills both on paper and in the courtroom. Following law school, Jill was extended the honor of being offered a clerkship with the Mississippi Supreme Court, where she served as a law clerk to Justice Jess H. Dickinson. After her clerkship, Jill returned to her home state of Louisiana and began her law career at TWPD.

With a keen eye for detail and an endless drive to obtain results, Jill and her team are often sought out by insurance companies and employers across the nation to assist with their workers' compensation needs. Not only does Jill focus on going the extra mile to obtain the best results for her clients, she has embraced the opportunity to work with and develop personal friendships with clients and colleagues.



SUMMARY JUDGMENT IN CHAIN REACTION AUTO ACCIDENT CASE

Jeremy Hawk obtained summary judgment for an insured of a major personal lines automobile carrier in a motor vehicle negligence case in Hinds County Circuit Court. The Plaintiff was operating her vehicle on Interstate 20 in Jackson when an accident occurred several vehicles in front of the Plaintiff. The Plaintiff hit her brakes and came to a complete stop on the roadway. Immediately after coming to a stop, the Plaintiff was rear ended by another driver.

Hawk represented one of the drivers involved in the initial collision in front of the Plaintiff. Hawk argued that his insured was not the cause in fact of the Plaintiff's injuries and that he breached no duty owed to a driver several car lengths behind his vehicle. In addition to these arguments, the Plaintiff had signed off on a global release and settlement check for her husband's settlement made during the claims phase prior to suit being filed. Hawk argued that the Plaintiff's claims were barred due to accord and satisfaction, along with the doctrine of equitable estoppel.



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The success we have seen is because of the way we built our practice. It's about more than routine strategies. It's about creative resolutions to difficult legal questions. It's about how we treat our clients and each other and how we work together to build the best possible defense for every single case. It's

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