

**MINUTES OF
MISSISSIPPI TORT CLAIMS BOARD
THURSDAY, SEPTEMBER 12, 2013**

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

P. Ryan Beckett, Chairman
Jackson, Laura; Deputy State Treasurer, Representing Treasurer Lynn Fitch
Eads, Jay; Representing Insurance Commissioner Mike Chaney, MS Insurance
Department
Lanford, Mike; Deputy Attorney General, Representing Attorney General Jim Hood

Also present were:

Buford, David; Institutions of Higher Learning
Donaldson, Bruce; Tort Claims Board
Jackson, Laura; Cannon Cochran Management Services, Inc.
Kelly, Trina; Tort Claims Board
Logan, Jim; Tort Claims Board
McElroy, Lea Ann; Tort Claims Board
Wilson, Jeff; Trinity Capital
Woodcock, J. D. "Woody"; Attorney General's Office
Younger, Jim; Department of Public Safety

Motion was made by Mr. Lanford to approve the minutes of the July 11, 2013, meeting as amended. Mr. Eads seconded the motion, which passed unanimously.

Under Old Business, Mrs. McElroy updated members on the Mississippi School Boards Association decision to work toward a July 1, 2014 inception date. We expect to have them on the agenda in March or May, 2014.

There was no New Business.

Mr. Logan presented two financial reports – one through the lapse period of fiscal year 2013, and the other through August 31, 2013, for fiscal year 2014. The Cash Flow Analysis for fiscal year 2014 details total revenue through August of \$2.45 million, meaning we have collected half of the total assessment already. Expenditures total \$1.3 million, including claim payments of \$565,527. Funds by account breakdown with \$2.28 million in the Treasury, \$178,248 in the Trustmark TPA account, and \$12.3 million in investments. Mr. Logan advised that the fund has \$5.9 million reserves, and \$8.9 million unencumbered cash. The average claim paid was \$3,366 with an average reserve of \$8,588. Mr. Logan then reviewed the Budget Comparison by category for fiscal year 2014.

Mr. Jeff Wilson reviewed the portfolio highlights through August 2013. Current yield for the total portfolio of \$12.46 million is 2.27% and he does expect to earn 2-2.15% for the fiscal year.

In the absence of Mr. Milner, Mrs. McElroy provided members a report of his Loss Control activities since the last Board meeting. Mr. Milner has a State Fair Planning meeting on September 26th and will spend the first two weeks of October dedicated to loss control activities at the State Fair.

Mrs. McElroy presented ^{four} ~~three~~ (4) attorneys for inclusion in the approved Attorney Register: John B. Howell, III of Watkins & Eager, PLLC; David Humphreys of Gibbs Whitwell, PLLC; Tim Sensing of Watkins & Eager, PLLC; and Michael E. Whitehead of Page, Mannino, Peresich & McDermott, PLLC. All four meet the eligibility requirements of the Board and staff recommends approval. Following discussion, which included clarification that the Board drew no distinction between clerkship and private practice experience, Mr. Lanford moved to approve and Mrs. Jackson seconded. The motion passed unanimously.

Mrs. McElroy presented a list of 72 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mr. Eads made a motion to approve the list and Mr. Lanford seconded the motion, which passed by unanimous vote.

Lastly, Mr. Donaldson presented the claim of Shirley Moss, an employee of the Department of Mental Health/Ellisville State School. The claim was denied based upon the exemptions in 11-46-9(d) and (v). Ms. Moss has requested the Board's consideration to overturn the denial. Staff recommendation is to maintain the denial. Following discussion, Mr. Lanford made a motion to maintain the denial. Mr. Eads seconded the motion, and the motion passed with a unanimous vote.

There being no further business to come before the Board, the meeting was adjourned.



P. RYAN BECKETT, CHAIRMAN



MIKE CHANEY, BOARD MEMBER

TRUDY FISHER, BOARD MEMBER

Laura Jackson Deputy
LYNN FITCH, BOARD MEMBER

Jim Hood
JIM HOOD, BOARD MEMBER

Albert Santa Cruz
ALBERT SANTA CRUZ, BOARD MEMBER

by James W. Grogan

Kevin J. Upchurch
KEVIN J. UPCHURCH, BOARD MEMBER

**Mississippi Tort Claims Board
Thursday, September 12, 2013 – 1:30 P.M.**

AGENDA

- I. Approval of Minutes
 - A. July 11, 2013

- II. Old Business
 - A. Mississippi School Boards Association Update

- III. New Business

- IV. Financial Reports
 - A. Financial Report – Jim Logan
 - B. Investment Report – Jeff Wilson

- V. Loss Control – Steve Milner

- VI. Attorney General’s Report – Lea Ann McElroy

- VII. Certificates of Coverage – Lea Ann McElroy

- VIII. Claims Report – Bruce Donaldson
 - A. Shirley Moss vs. Mississippi Department of Mental Health

- IX. Adjournment

Next meeting date and time: November 14, 2013 – 1:30 P.M.
Meeting location: Suite 138, Conference Center North, Woolfolk Building, Jackson, MS

**MINUTES OF
MISSISSIPPI TORT CLAIMS BOARD
THURSDAY, JULY 11, 2013**

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

P. Ryan Beckett, Chairman
Jackson, Laura; Deputy State Treasurer, Representing Treasurer Lynn Fitch
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney, MS Insurance
Department
Lanford, Mike; Deputy Attorney General, Representing Attorney General Jim Hood
Upchurch, Kevin; Executive Director, MS Department of Finance and Administration

Also present were:

Berry, Donnell; Department of Public Safety/MS Highway Patrol
Buford, David; Institutions of Higher Learning
Burkhalter, Chris; Bickerstaff Whatley Ryan & Burkhalter
Burns, John; Cannon Cochran Management Services, Inc.
Donaldson, Bruce; Tort Claims Board
Flicker, Grace; Institutions of Higher Learning
Kelly, Trina; Tort Claims Board
Logan, Jim; Tort Claims Board
McElroy, Lea Ann; Tort Claims Board
Milner, Steve; Tort Claims Board
Stephenson, Matt; Bickerstaff Whatley Ryan & Burkhalter
Wilson, Jeff; Trinity Capital
Woodcock, J. D. "Woody"; Attorney General's Office
Wray, Rita; Department of Finance and Administration

Motion was made by Mr. Upchurch to approve the minutes of the May 16 and June 20, 2013, meetings. Mr. Lanford seconded the motion, which passed unanimously.

There was no Old Business.

Under New Business, Mrs. McElroy presented the results of the RFP for a Third Party Claims Administrator. Cannon Cochran Management Services, Inc. – the current TPA – was the only vendor to submit a proposal. A five-member selection committee reviewed the submission to ensure it met all the requirements of the RFP. The base cost of the contract will be \$250,000 annually. This is a reduction from the current contract, as internal staff will handle glass and minor property damage claims. Mr. Upchurch made a motion to approve Cannon Cochran

Management Services, Inc. as the Third Party Claims Administrator effective October 1, 2013. Mrs. Kelsey seconded the motion, which passed unanimously.

Also under New Business, Chris Burkhalter, the Board's actuary, presented his report reviewing fiscal year 2013 and providing funding recommendations for fiscal year 2014. Looking at the estimated historical financial position of the fund, Mr. Burkhalter described it as "right where we need to be." The expense ratio of 14.1% compares extremely favorable to commercial insurance markets (35-40%) and demonstrates an extremely efficient delivery of liability coverage to the state agencies. Our claim costs are very stable and the long-term annual trend is in line with inflation. "Everything about this fund is as steady as it gets." The assessment recommendations are \$3.7 million (low), \$4.1 million (central), and \$4.7 million (high). Based on these numbers, the staff's recommendation for the fiscal year 2014 assessment to state agencies is the central figure of \$4.1 million (approximately \$0.26 per hundred dollars of payroll across all state agencies) – the same assessment level as fiscal year 2013. Mr. Upchurch made the motion to accept the recommendation of \$4.1 million. Mr. Lanford seconded the motion, which passed by unanimous vote.

Continuing under New Business, Mr. Jim Logan presented the Budget Request for Fiscal Year Ending June 30, 2015. The 2015 request is a level-funding request of the appropriation for fiscal year 2014. Categories fluctuate some to include the replacement of the Board's one vehicle in fiscal year 2015. Following discussion, Mr. Lanford made a motion to approve the Budget Request, and Mr. Upchurch seconded the motion. The motion passed unanimously.

Mr. Logan then presented the financial report through June 30, 2013. The Cash Flow Analysis details total revenue through June of \$6.6 million and total expenditures of \$6.5 million. If you factor out the Transfer In/Transfer Out (which reflects the movement of funds between the Treasury and the TPA Trustmark account), those numbers are more accurately \$4.4 million in revenue and \$4.2 in expenses. Funds by account breakdown with \$372,756 in the Treasury, \$296,364 in the Trustmark TPA account, and \$13.1 million in investments. Mr. Logan advised that the fund has \$6.6 million reserves, and \$7.2 million unencumbered cash. Claim payments to-date total \$2,119,221; legal expenses total \$1,066,381; other expenses total \$22,309. The average claim paid was \$2,742 with an average reserve of \$9,441. Mr. Logan then reviewed the Budget Comparison by category.

Mr. Jeff Wilson reviewed the portfolio's fiscal year-end numbers through June 2013. The total portfolio of \$13.25 million reflected a yield of 1.96% for the fiscal year. Current yield is 2.27% and he does expect that to hold. Mr. Wilson looks for interest earnings to be around \$240,000 or 2% for fiscal year 2014 as well.

Mr. Steve Milner provided a report of Loss Control activities since the last Board meeting. He has concluded Defensive Driving training for MDOT statewide. This was an eight month process training just over 3,200 MDOT employees. We are very pleased with the collaboration. Mr. Upchurch shared with Board members about a very positive letter received from MDOT's Training Manager thanking us for working with them on this endeavor. Mr. Milner updated Board members on the annual inspection of the Fairgrounds, and reported activities with regard to the fire at the Armory on the Fairgrounds.

Mrs. McElroy presented three (3) attorneys for inclusion in the approved Attorney Register: Lara E. Gill of The Law Offices of Lara E. Gill; Kristopher A. Graham of Page, Kruger & Holland, P.A.; and Timothy D. Moore of The Law Office of Timothy D. Moore, PLLC. All three meet the eligibility requirements of the Board and staff recommends approval. Following discussion, Mr. Lanford moved to approve and Mr. Upchurch seconded. The motion passed unanimously. Chairman Beckett and Mr. Lanford offered to assist staff in "cleaning up" the list of attorneys, to be sure we have proper addresses and firm information for each.

Mrs. McElroy presented a list of 71 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mr. Lanford made a motion to approve the list and Mr. Upchurch seconded the motion, which passed by unanimous vote.

Mr. Upchurch made a motion for the Board to enter Closed Session. Mr. Lanford seconded the motion, which passed. Chairman Beckett asked all visitors to clear the room. Mr. Upchurch then made a motion to set the agenda to hear the Claims Report for the Estate of Gladys Hood v. Mississippi Veterans Affairs Board. Mr. Lanford seconded the motion, which passed. Lastly, Mr. Upchurch made a motion for the Board to enter Executive Session, which was again seconded by Mr. Lanford and passed unanimously. The Board resolved to follow the recommendation of both staff and our defense attorney and agree to the settlement for \$132,000. Following discussion, Mr. Lanford made a motion to approve the settlement. Mr. Upchurch seconded the motion which passed by unanimous vote. Mr. Upchurch then made a motion to exit Executive Session. Mr. Lanford seconded the motion, and the motion passed with a unanimous vote.

There being no further business to come before the Board, the meeting was adjourned.



P. RYAN BECKETT, CHAIRMAN



MIKE CHANEY, BOARD MEMBER

TRUDY FISHER, BOARD MEMBER

Laura Jackson, Deputy
LYNN FITCH, BOARD MEMBER

Jim Hood
JIM HOOD, BOARD MEMBER

Albert Santa Cruz
ALBERT SANTA CRUZ, BOARD MEMBER
by James W. Young, Jr.

Kevin J. Upchurch
KEVIN J. UPCHURCH, BOARD MEMBER

MISSISSIPPI TORT CLAIMS BOARD

Tort Claims Fund (Treasury Fund 3080)

Financial Report - Fiscal Year 2013

-----CASH FLOW ANALYSIS-----

	July Lapse	August Lapse	YTD Total
<i>REVENUE:</i>			
Assessments Received	\$ -	\$ -	\$ 4,102,618.77
Interest	0.00	0.00	24,223.20
Investment Interest	0.00	0.00	237,943.45
Workers Comp Service Fees	7,626.39	0.00	29,709.52
Sale of Scrap	0.00	0.00	4,265.25
Prior Year Cancelled Warrant	0.00	0.00	422.00
Transfer In Funds	0.00	0.00	2,250,000.00
Total Revenue	\$ 7,626.39	\$ -	\$ 6,649,182.19
<i>EXPENSES:</i>			
Claim Losses - TPA and TCB	0.00	0.00	2,119,220.59
Legal Expenses - TPA and TCB	74,844.70	339.48	1,141,565.45
Other Expenses - TPA and TCB	0.00	0.00	22,309.20
Administrative Expenses Paid	287.05	0.00	979,138.50
Transfer of Funds - Out	0.00	0.00	2,306,075.00
Total Expenses	\$ 75,131.75	\$ 339.48	\$ 6,568,308.74
<i>FUNDS ON HAND:</i>			
Revenue	7,626.39	0.00	
Expenses	(75,131.75)	(339.48)	
Total Funds - LAPSE	\$ (67,505.36)	\$ (339.48)	

-----CLAIMS/RESERVES DETAIL (Year-To-Date)-----

	Tort Board	CCMSI	TOTAL
Claims - Payments	\$ 37,138.73	\$ 2,082,081.86	\$ 2,119,220.59
Claims - Legal Expenses	1,141,565.45	-	\$ 1,141,565.45
Claims - Other Expenses	619.00	21,690.20	\$ 22,309.20
Total Paid Out to Date	\$ 1,179,323.18	\$ 2,103,772.06	\$ 3,283,095.24

NOTE: Information represents combined operations for Treasury Fund 3080 and the Trustmark account (utilized by CCMSI).

MISSISSIPPI TORT CLAIMS BOARD

Budget Comparison Report

Treasury Fund 3080

Fiscal Year 2013

Expenses:	Total Budget	July 2013 (Lapse)	August 2013 (Lapse)	Year To Date Expenditures	Ending Balance	Percent Expended
A1-Salaries	\$ 530,756.00	\$ -	\$ -	\$ 490,087.09	\$ 40,668.91	92.34%
A2-Travel	10,000.00	0.00	0.00	5,039.32	4,960.68	50.39%
B-Contractual	4,710,264.00	75,131.75	339.48	1,618,202.76	3,092,061.24	34.35%
C-Commodities	8,300.00	0.00	0.00	7,694.38	605.62	92.70%
D2-Capital Outlay	3,500.00	0.00	0.00	0.00	3,500.00	0.00%
E-Subsidies	4,000,000.00	0.00	0.00	2,343,222.73	1,656,777.27	58.58%
SUBTOTAL	<u>\$ 9,262,820.00</u>	<u>\$ 75,131.75</u>	<u>\$ 339.48</u>	<u>\$ 4,464,246.28</u>	<u>\$ 4,798,573.72</u>	<u>48.20%</u>
TPA Expended		<u>0.00</u>	<u>0.00</u>	<u>2,104,062.46</u>		
TOTAL Expended		<u>\$ 75,131.75</u>	<u>\$ 339.48</u>	<u>\$ 6,568,308.74</u>		

MISSISSIPPI TORT CLAIMS BOARD
Combined Financial Report - Fiscal Year 2014
Fund 3080

-----CASH FLOW ANALYSIS-----

	July	August	Year-To-Date
<i>REVENUE:</i>			
Assessments Received	0.00	2,077,250.93	2,077,250.93
Interest	213.25	141.12	354.37
Investment Interest	5,050.76	12,703.90	17,754.66
Transfer In Funds	100,000.00	250,000.00	350,000.00
Total Revenue	\$ 105,264.01	\$ 2,340,095.95	\$ 2,445,359.96
<i>EXPENSES:</i>			
Claim Losses - TCB and TPA	243,241.32	322,285.29	565,526.61
Legal Expenses - TCB and TPA	69,715.59	57,555.87	127,271.46
Other Expenses - TCB and TPA	739.00	1,555.16	2,294.16
Administrative Expenses Paid	136,930.53	120,191.03	257,121.56
Transfer of Funds - Out	100,000.00	250,000.00	350,000.00
Total Expenses	\$ 550,626.44	\$ 751,587.35	\$ 1,302,213.79
<i>FUNDS ON HAND:</i>			
Beginning Balance	\$ 13,722,949.35	\$ 13,210,081.56	
Revenue	105,264.01	2,340,095.95	
Expenses	(550,626.44)	(751,587.35)	
Adjustments	(67,505.36)	(339.48)	
Total Funds	\$ 13,210,081.56	\$ 14,798,250.68	
Cash in Treasury	\$ 474,307.10	\$ 2,280,592.76	
Investment in Treasury	12,439,410.00	12,339,410.00	
TPA Trustmark Bank Balance	296,364.46	178,247.92	
Total Funds By Account	\$ 13,210,081.56	\$ 14,798,250.68	
Less Reserves	\$ 6,236,732.16	\$ 5,891,345.35	
Unencumbered Funds Available	\$ 6,973,349.40	\$ 8,906,905.33	

-----CLAIMS/RESERVES DETAIL (Year-To-Date)-----

	MTCB	CCMSI	TOTAL
Claims - Payments	\$ 32,305.39	\$ 533,221.22	\$ 565,526.61
Claims - Legal Expenses	127,271.46	-	127,271.46
Claims - Other Expenses	215.00	2,079.16	2,294.16
Total Paid Out to Date	\$ 159,791.85	\$ 535,300.38	\$ 695,092.23
OUTSTANDING RESERVES	136,948.76	5,754,396.59	5,891,345.35
Total Claims & Reserves	\$ 296,740.61	\$ 6,289,696.97	\$ 6,586,437.58
Number of Claims Created	69	141	210
Number of Claims Paid	60	108	168
Total Open Claims	23	663	686
AVG. CLAIM \$ / # CLAIMS PAID	\$538.42	\$4,937.23	\$ 3,366.23
AVG. RESERVE / OPEN CLAIMS	\$5,954.29	\$8,679.33	\$ 8,587.97

NOTE: Information represents combined operations for Treasury Fund 3080 and the Trustmark account (utilized by CCMSI).

MISSISSIPPI TORT CLAIMS BOARD

Budget Comparison Report

Treasury Fund 3080

Fiscal Year 2014

Expenses:	Total Budget	July 2013	August 2013	Year To Date Expenditures	Ending Balance	Percent Expended
A1-Salaries	\$ 530,756.00	\$ 44,261.35	\$ 47,116.61	\$ 91,377.96	\$ 439,378.04	17.22%
A2-Travel	10,000.00	0.00	0.00	0.00	10,000.00	0.00%
B-Contractual	4,710,264.00	162,314.31	130,228.95	292,543.26	4,417,720.74	6.21%
C-Commodities	8,300.00	276.06	391.94	668.00	7,632.00	8.05%
D2-Capital Outlay	3,500.00	0.00	0.00	0.00	3,500.00	0.00%
E-Subsidies	3,996,330.00	125,644.06	256,661.33	382,305.39	3,614,024.61	9.57%
SUBTOTAL	<u>\$ 9,259,150.00</u>	<u>\$ 332,495.78</u>	<u>\$ 434,398.83</u>	<u>\$ 766,894.61</u>	<u>\$ 8,492,255.39</u>	<u>8.28%</u>
TPA Expended		<u>218,130.66</u>	<u>317,188.52</u>	<u>535,319.18</u>		
TOTAL Expended		<u>\$ 550,626.44</u>	<u>\$ 751,587.35</u>	<u>\$ 1,302,213.79</u>		

TRINITY

TRINITY CAPITAL INVESTORS

September 3, 2013

Mr. Jim Logan
Mississippi Tort Claims Board
P O Box 267
Jackson, MS 39205-0267

Re: August 2013 Portfolio Highlights

Total Portfolio		\$12,464,942 + accrued
Calendar YTD Internal Rate of Return		1.03%
Current Portfolio Yield		2.27%
Weighted Average Life		Approximately 3 years
YTD Interest Earned	Calendar year	133586
Accrued Interest		56879

1675 Lakeland Drive Suite 400 Jackson, MS 39216
Telephone 601-956-3511
Fax 601-956-3513

Security Inventory
 Booking Report
 August 2013
MISSISSIPPI TORT CLAIMS FUND

Security Group	Type	Par Value	Book Value/ Cost
AGEN	FNMA	875,000	882,275.00
	AID	250,000	268,427.50
	FHLB	4,155,000	4,183,050.00
	FHLMC	1,000,000	1,001,960.00
CMO	GNMA	4,712,998	4,443,285.51
	GN ARM	708,736	314,156.90
	GN FLOATER	474,564	151,740.94
	FHR	1,287,078	1,134,375.95
INTEREST			12,703.90
CASH			85,670.66
			12,464,942.46

Transfer:



STATE OF MISSISSIPPI
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD
P. RYAN BECKETT, CHAIRMAN

MIKE CHANEY, Commissioner
Insurance Department
TRUDY FISHER, Executive Director
Department of Environmental Quality
LYNN FITCH, Treasurer
Department of Treasury

JIM HOOD, Attorney General
Office of Attorney General
ALBERT SANTA CRUZ, Commissioner
Department of Public Safety
KEVIN J. UPCHURCH, Executive Director
Department of Finance and Administration

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Steve Milner
DATE: September 12, 2013
RE: Loss Control Report

Since the last Board Meeting, loss control and risk management services for both the Tort Claims Board and the State Agencies Self Insured Workers' Compensation Trust have included:

- 5 Defensive Driving classes
- 11 State Property Inspections
- 18 Ergonomic Assessments
- 10 Accident Investigations
- 7 State Property Construction Inspections
- 3 Emergency Responses
- 4 Ride alongs
- 3 Highway Construction Safety Inspections
- 2 Office Safety Presentations



STATE OF MISSISSIPPI
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD
P. RYAN BECKETT, CHAIRMAN

MIKE CHANEY, Commissioner
Insurance Department
TRUDY FISHER, Executive Director
Department of Environmental Quality
LYNN FITCH, Treasurer
Department of Treasury

JIM HOOD, Attorney General
Office of Attorney General
ALBERT SANTA CRUZ, Commissioner
Department of Public Safety
KEVIN J. UPCHURCH, Executive Director
Department of Finance and Administration

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Lea Ann McElroy
DATE: September 12, 2013
RE: Additions to Defense Attorney List

RECOMMENDATION: Staff recommends approval of (3) attorney for inclusion on Defense Attorney List

Honorable John B. Howell, III
Watkins & Eager, PLLC
Post Office Box 650
Jackson, Mississippi 39205

Honorable David Humphreys
Gibbs Whitwell, PLLC
1400 Meadowbrook Road, Suite 100
Jackson, Mississippi 39211

Honorable Tim Sensing
Watkins & Eager, PLLC
Post Office Box 650
Jackson, Mississippi 39205

Honorable Michael E. Whitehead
Page, Mannino, Peresich & McDermott, PLLC
Post Office Drawer 289
Biloxi, Mississippi 39533

WATKINS & EAGER

Attorneys and Counselors at Law

est. 1895

Mailing Address:
P.O. Box 650
Jackson, Mississippi 39205
Telephone: (601) 965-1900
Facsimile: (601) 965-1901

John B. Howell, III
Direct Dial: 601-965-1848
Email: jhowell@watkinseager.com

July 3, 2013

Mississippi Tort Claims Board
Attention: Mr. Bruce Donelson
Post Office Box 267
Jackson, Mississippi 39205

Re: Application for John Howell to be approved legal counsel

Dear Mr. Donelson:

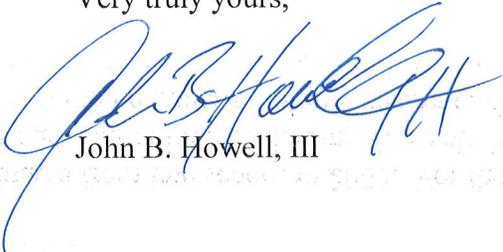
Please accept this letter as my application to be included on the list of approved defense legal counsel for the Mississippi Tort Claims Board.

As we recently discussed, I graduated from law school in 2007. For the next three years, I served as a law clerk to federal appellate and district judges. During those clerkships, a significant part of my work included analyzing and researching issues involving insurance defense and drafting opinions deciding said issues. During the three years I have been in private practice at Watkins & Eager, a substantial portion of my time has been devoted to insurance defense work, including medical malpractice and attorney malpractice defense. Therefore, I believe I have the requisite five-year minimum legal experience with insurance defense matters.

Enclosed in support of this application is my resume' and a notarized certificate stating that I am in good standing with the Mississippi State Bar. If anything else is needed in support of this application, please advise.

Thank you for your consideration.

Very truly yours,


John B. Howell, III

JBH/ga
Enclosures

JOHN B. HOWELL, III

505 Daniel Lane • Brandon, Mississippi 39042 • 601.940.1848 • jbhowell3@yahoo.com

LEGAL EXPERIENCE

Litigation Associate

WATKINS & EAGER PLLC – Jackson, Mississippi

August 2010 – present

- Practiced in commercial litigation, professional liability, and products liability groups
- Wrote and argued motion and appeal briefs in federal and state courts
- Took and defended depositions of parties and fact witnesses
- Prepared to serve as second-chair trial counsel on several cases

Judicial Clerk

The Honorable Daniel A. Manion – Circuit Judge

September 2008 – August 2010

United States Court of Appeals for the Seventh Circuit

The Honorable David C. Bramlette, III – District Judge

August 2007 – August 2008

United States District Court for the Southern District of Mississippi

EDUCATION

MISSISSIPPI COLLEGE SCHOOL OF LAW – Jackson, Mississippi

Juris Doctor, *summa cum laude*, May 2007

Class Rank: 2 of 152

GPA: 3.86/4.0

- Honors:
- *Mississippi College Law Review*, Editor-in-Chief
 - 13 American Jurisprudence Awards (awarded for highest grade in class)
 - Hearin-Hess Scholarship (full academic scholarship)

MISSISSIPPI COLLEGE – Clinton, Mississippi

Master of Science in Counseling Psychology, *summa cum laude*, May 2003

GPA: 4.0/4.0

Bachelor of Arts, *summa cum laude*, May 2000

Majors: History / Christian Studies & Philosophy Minor: Spanish

GPA: 4.0/4.0

- Honors:
- Alpha Lambda Delta Award (graduate with highest college-wide GPA)
 - Presidential Scholarship (full academic scholarship)
-

PUBLICATIONS

Remand and Appellate Review When a District Court Declines to Exercise Supplemental Jurisdiction Under 28 U.S.C. § 1367(c), 81 TEMPLE L. REV. 1067 (2009) (with Deborah J. Challener) (cited in Petitioner's Brief in *Carlsbad Tech., Inc. v. HIF Bio, Inc.*, 129 S. Ct. 1862 (2009), 2008 WL 5532415).

Remand and Appellate Review Issues Facing the Supreme Court in Carlsbad Technology, Inc. v. HIF Bio, Inc., 103 NW. U. L. REV. COLLOQUY 481 (2009), <http://www.law.northwestern.edu/lawreview/colloquy/2009/14/LRColl2009n14Challener&Howell.pdf> (with Deborah J. Challener).

STATE BAR ADMISSIONS

Mississippi

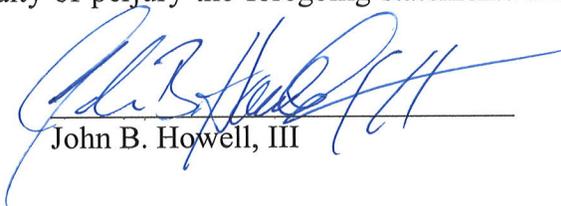
Tennessee

CERTIFICATE OF GOOD STANDING

I, John B. Howell, III, hereby certify that I am a member of the Mississippi State Bar in good standing.

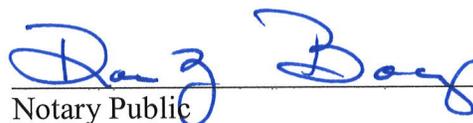
State of Mississippi
County of Hinds

I, John B. Howell, III, swear under penalty of perjury the foregoing statements are true and correct.



John B. Howell, III

Sworn to and subscribed before me this 3rd day of July 2013.



Notary Public

My commission expires: 08-19-13



GibbsWhitwell PLLC
DEFEND. PROTECT. GROW.

David S. Humphreys
Email: dhumphreys@gibbswhitwell.com

Telephone: 601.487.2634
Facsimile: 601.366.4295

August 23, 2013

Ms. Lea Ann McElroy, Administrator
Mississippi Tort Claims Board
501 North West Street
Suite 1301-C
Jackson, Mississippi 39201

RE: Approved Attorney List

Dear Ms. McElroy:

I am writing to ask that my name be added to the State of Mississippi's approved attorney list. I joined the law firm of GibbsWhitwell PLLC as a partner in August 2013. I have attached a copy of my resume for your consideration.

If you need a reference or additional information, feel free to contact me.

Sincerely,

GibbsWhitwell PLLC



David Humphreys

DSH/pw
Enclosure

DAVID S. HUMPHREYS

GIBBSWHITWELL PLLC

1400 Meadowbrook Road, Suite 100 – Jackson, Mississippi 39211

office: (601) 487-2634 – cellular: (601) 259-4130

dhumphreys@gibbswhitwell.com

Qualifications

Attorney with 13 years' experience in commercial transactions and business litigation. Practice has focused on general representation of petroleum refining and transportation companies. Extensive experience with a variety of commercial contracts and insurance and risk allocation arrangements, including marine and motor carrier agreements, property leases, and facilities access and vendor agreements. Diverse litigation experience includes cases ranging from minor personal injury and property damage claims to major marine casualties and refinery shutdowns. Academic qualifications include graduating *cum laude* from law school and pre-law experience as a Certified Public Accountant.

Professional Experience

GibbsWhitwell PLLC – Jackson, Mississippi; August 3013 – present

- Partner working with firm's litigation and corporate clients.

Watson & Jones, P.A. – Jackson, Mississippi; September 2000 – August 2013

- General representation of Ergon, Inc., a large, privately held company with a diverse network of subsidiaries, including oil refineries; petroleum and asphalt products marketing; marine, pipeline, and trucking transportation; terminaling and mid-river services; oil and gas exploration; and real estate development.
- Extensive experience drafting and negotiating contracts, including marine and motor carrier agreements with major oil companies; transportation brokerage agreements; vessel construction and sales agreements; contractor services and access agreements; and leases.
- Diverse litigation experience includes vessel and trucking accidents and oil spills, *force majeure* disputes, *in rem* seizures, and vendor and supplier claims.
- Worked with insurer-appointed counsel on complex cases, including a barge sinking/oil spill in Kentucky, a barge/fishing boat collision in Tennessee, and the I-40 bridge collapse in Oklahoma, which involved 14 deaths and \$50 million in property damage claims.

KPMG – Jackson, Mississippi; 1996 – 1997

- Certified Public Accountant in tax services group.
- Prepared tax returns and accruals for firm's commercial real estate and bank clients.

Education

University of Mississippi School of Law – Oxford, Mississippi

J.D., 2000

- Graduated *cum laude*
- Member of the Mississippi Law Journal, *Development & Web Editor*, 1998 – 2000
- Outstanding Student Awards in Torts and Contracts

Rhodes College – Memphis, Tennessee

M.S., Accounting, 1995; *B.A.*, Economics and Business, 1995

Court Admissions

U.S. Supreme Court, 2006; U.S. Courts of Appeals; 5th Circuit, 2000; 8th Circuit, 2002; U.S. Districts Courts, Northern and Southern Districts of Mississippi, 2000; Admitted to practice in Mississippi, 2000.

WATKINS & EAGER

Attorneys and Counselors at Law

est. 1895

Mailing Address:
P.O. Box 650
Jackson, Mississippi 39205
Telephone: (601) 965-1900
Facsimile: (601) 965-1901

TIMOTHY L. SENSING
DIRECT DIAL: (601) 965-1813
E-MAIL: tsensing@watkinseager.com

July 5, 2013

Mississippi Tort Claims Board, Attention Bruce Donaldson
P.O. Box 267
Jackson, Mississippi 39205

RE: *Request to be added to the Tort Claims Approved Attorney Register*

Dear Board:

My name is Tim Sensing and I am a lawyer practicing at Watkins & Eager PLLC. I am writing to request to be added the Tort Claims Approved Attorney Register. I am in good standing with the Mississippi Bar Association and have more than five years of experience in insurance defense work as well as various other types of litigation. I have significant trial experience, have handled all aspects of litigation, and I believe I am qualified for any cases assigned by the Tort Claims Board. I am enclosing my resume for your review and I would appreciate your consideration to be added to the Tort Claims Approved Attorney Register.

Should you have any questions or wish to speak with me, feel free to contact me at any time.

Sincerely,

WATKINS & EAGER PLLC



Tim Sensing

TIMOTHY L. SENSING

400 East Capitol Street • Jackson, Mississippi 39201 • 601-965-1813 • tsensing@watkinseager.com

EXPERIENCE

Attorney

WATKINS & EAGER PLLC – Jackson, Mississippi 2007-Present

- Practice in Professional Liability, Healthcare, and Product Liability Groups
- Served as trial counsel on seven professional liability and product liability cases – all resulting in defense verdicts – with additional trial settings scheduled for 2013 and 2014
- Serve as lead lawyer on cases from the time of case assignment to conclusion
- Take and defend depositions of parties, fact witnesses, and expert witnesses
- Selected to *Super Lawyers' Rising Stars* for Personal Injury Defense

Performance Auditor

OFFICE OF THE STATE AUDITOR – Jackson, Mississippi 2003-2004

- Planned and implemented performance audits for State Auditor Phil Bryant
- Performed consulting audit of agency programs and IT systems at the Mississippi Development Authority
- Authored the “*Performance Based Budgeting Report*” used by The Governor, Lt. Governor, State Auditor, and Legislators to evaluate the status of Mississippi’s budgeting process

Manager, Business and Capital Analysis

MCI – Clinton, Mississippi 1999-2003

- Conducted financial analysis for capital requests and recommended corporate approval/rejection
- Managed group responsible for all Internet, Advanced Technology, and Fast-Start capital spending requests
- Reviewed and evaluated financial potential of all business cases

EDUCATION

MISSISSIPPI COLLEGE SCHOOL OF LAW – Jackson, Mississippi

Juris Doctor, *magna cum laude*, May 2007

GPA: 3.66/4.0 Class Rank: 9 of 152

- *Mississippi College Law Review*, Editor
- American Jurisprudence Award for Torts I and Legal Writing & Analysis (awarded for highest grade in class)
- Full Academic Scholarship

BELHAVEN UNIVERSITY – Jackson, Mississippi

Bachelor of Science in Business Administration, *cum laude*, May 1999

- Dean’s List
- Basketball Scholarship
- All-American Scholar Athlete

PUBLICATIONS

Who’s On First?: The United States Supreme Court Takes a Swing at Interpreting the Ever-Elusive Language of the § 1367 Supplemental Jurisdiction Statute in Exxon Mobil Corp. v. Allapattah Servs., Inc., 26 Miss. C.L. Rev. 321 (2006-07).

LYLE M. PAGE (1932 – 2011)
RONALD G. PERESICH
STEPHEN G. PERESICH
MICHAEL B. MCDERMOTT
TERE RICHARDSON STEEL
MICHAEL E. WHITEHEAD
HENRY N. DICK, III
W. MARK EDWARDS
DAVID M. ALLEN****
LES W. SMITH
RON PERESICH, JR.
MARY W. VAN SLYKE**
COWLES E. SYMMES
RANDI PERESICH MUELLER***
GINA BARDWELL TOMPKINS
WILLIAM SYMMES
NATHAN L. PRESCOTT*
WILLIAM V. WESTBROOK, III

PAGE, MANNINO, PERESICH & McDERMOTT
A PROFESSIONAL LIMITED LIABILITY COMPANY

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FACSIMILE: (601) 896-0145

GULFPORT OFFICE
2408 14th STREET
GULFPORT, MISSISSIPPI 39501
TELEPHONE: (228) 868-8999
FACSIMILE: (228) 868-8940

September 4, 2013

Via US Mail

*Also admitted in Louisiana
**Also Admitted in Tennessee
***Also Admitted in Alabama
****Also Admitted in Texas

Mississippi DFA Tort Claims Board
c/o Lea Ann McElroy, Administrator
501 North West Street, Suite 1301-C
Jackson, MS 39201

***Re: Request to be added to the Mississippi DFA Tort Claims Board Approved
Attorney Register***

Dear Ms. McElroy:

I am enclosing herewith my resume and I am requesting to be added to the Mississippi DFA Tort Claims Board Approved Attorney Register.

I have five (5) years of experience and I agree to be bound by the Billing Guidelines for Defense Attorneys Providing Services to Mississippi Tort Claims Board. If you have any questions, please feel free to contact me. I look forward to hearing from you.

Sincerely yours,


MICHAEL E. WHITEHEAD

MEW:ces

Enclosure(s) (as stated)

MICHAEL E. WHITEHEAD, ESQ.
PAGE, MANNINO, PERESICH & McDERMOTT, PLLC
759 VIEUX MARCHE MALL (39530)
POST OFFICE BOX 289
BILOXI, MISSISSIPPI 39533
TELEPHONE: 228.374.2100
FACSIMILE: 228.374.3838
Michael.whitehead@pmp.org

PROFILE

- Partner in Page, Mannino, Peresich & McDermott, PLLC
- Practicing for twenty-two (22) years with the same firm
- A native Mississippian born in Jackson County

Michael has been involved in complex cases ranging from chemical exposure and environmental litigation (groundwater pollution) to defense of flood claims following Hurricane Katrina. He takes a practical approach to solving clients' problems. For example, when a client was facing a large number of lawsuits as a result of allegedly polluting a municipal water system, Michael convinced the court that each plaintiff should reveal if his or her property had been tested for the presence of chemicals before moving forward. When it was revealed that they had not, the court dismissed the cases. It was a simple solution for what appeared to be a complex, long-term issue for the client.

ADMISSIONS and LICENSES

- Mississippi Bar Association – 1990
- U.S. District Courts, Northern and Southern Districts of Mississippi – 1990
- Fifth Circuit Court of Appeals – 1990

PRACTICE AREAS

- Asbestos defense
- Flood litigation/National Flood Insurance Program
- Construction (contracts, defects and regulatory issues)
- Real estate transactions and litigation
- First and third party insurance defense
- Premises liability
- Chemical and toxic exposures
- Trespass and nuisance
- Products liability
- Contracts
- Municipal liability/Governmental liability
- Collections

Michael E. Whitehead
Telephone: 228.374.2100
Michael.whitehead@pmp.org

Page 2 of 2

EXPERIENCE

- Page, Mannino, Peresich & McDermott, PLLC for 22 years – Partner
- Intern, DeKalb County, GA Solicitor’s Office
- Kings Inn Motel, President
- The Whitehead Foundation, President

EDUCATION

- Emory School of Law, LLM (Litigation) *Cum Laude* – 1992
- University of Mississippi, Juris Doctor, *Summa Cum Laude* – 1990
- University of South Alabaman, Bachelor of Arts, *Magna Cum Laude* – 1988

PROFESSIONAL and CIVIC INVOLVEMENT

- Defense Research Institute (DRI)
- Mississippi Defense Lawyers Association (MDLA)
- Claims and Litigation Management (CLM)

OUTSIDE OF THE OFFICE

Michael enjoys golf, fishing, fantasy football and working with individuals with mental and physical challenges.



STATE OF MISSISSIPPI
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD
P. RYAN BECKETT, CHAIRMAN

MIKE CHANEY, Commissioner
Insurance Department
TRUDY FISHER, Executive Director
Department of Environmental Quality
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Department of Treasury

JIM HOOD, Attorney General
Office of Attorney General
ALBERT SANTA CRUZ, Commissioner
Department of Public Safety
KEVIN J. UPCHURCH, Executive Director
Department of Finance and Administration

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Lea Ann McElroy
DATE: September 12, 2013
RE: Political Subdivisions – Certificates of Coverage

RECOMMENDATION: Staff recommends approval of 72 political subdivisions shown on attached list.

MISSISSIPPI TORT CLAIMS BOARD
THURSDAY, SEPTEMBER 12, 2013

Political Subdivisions Recommended for Renewal of Certificates of Coverage

Alcorn County Schools
Amory Separate School District
Baldwin School District
Banner VFD
Brookhaven separate School District
Carrol County Fire
Clarksdale-Coahoma County Airport
Cleveland School District
Corinth Public (Gas & Water) Utilities Commission
Delta Regional Medical Center
DeSoto County School District
East Jasper Consolidated Schools
Enterprise Consolidated School District
Farmhaven Volunteer Fire Department
Forrest General Hospital
Golden Triangle Waste Services
Greenville Public School District
Grenada County Firefighters Association
Grenada School District
Harrison County School District
Hattiesburg School District
Indianola School District
Itawamba County School District
Jackson Public School District
Jefferson Davis County School District
Jones County Board of Education
Lafayette County School District
Lamar County Board of Education
Lamar County Board of Supervisors
Lawrence County Board of Supervisors
Leake County School District

Lee County School District
Leetown Fire District
Liberty Branch Volunteer Fire Department
Ludlow Volunteer Fire Department
Marion County VFD
Marshall County Fire Service
Mississippi Gulf Coast Community College
NE Calhoun VFD
Nettleton School District
North Central Scott County Volunteer Fire Department
North Delta Regional Housing Authority
North MS Commission on MI/MR dba Communicare
Northwest Mississippi Community College
Oktibbeha County Board of Education
Osyka VFD
Oxford-Lafayette School of Applied Technology
Palmetto-Old Union Fire Department
Perry County School Board
Petal School District
Picayune School District
Pontotoc City Schools
Pontotoc County School District
Post 58 Fire Department
Progress VFD
Sabougla VFD
Senatobia Municipal School District
South Lee Volunteer Fire Protection District
Southwest Covington County VFD
Spout Springs Volunteer Fire Department
Starkville School District
Tishomingo County School District
Town of Plantersville
Tupelo Public School District
Union Volunteer Fire Department
Walls Fire Department Inc.
Webster County School District

West Point City Clerk

West Point School District

Wilkinson County Board of Education

Yazoo County VFD

Yazoo-Mississippi Delta Levee Board

Total Printed: 72