

MANUAL FOR

MISSISSIPPI

COURT ADMINISTRATORS

2023

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FOREWORD

The *Manual for Mississippi Court Administrators* is drafted in such a way as to easily facilitate the addition of new material, changes in the law, and make corrections as needed.

To search for a word, phrase, or particular chapter within the *Manual* document, please press down the “Ctrl/Control” button and then press the “F” button, and a “Find” box will open. Simply type the word, phrase, or particular chapter’s name, such as “continuing education” or “Chapter 3,” in the blank and press “Enter.” Click “Next” to move through the document. To return to the front of the *Manual* to conduct another search, please press the “Home” button.

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CHAPTER 1

THE MISSISSIPPI COURT SYSTEM

The full text of laws cited in this chapter may be accessed at: <https://courts.ms.gov/index.php>
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“Rules” to retrieve rules.

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DIAGRAM: "MISSISSIPPI COURT SYSTEM"

100 MISSISSIPPI COURTS

Constitutional courts:

Constitutionally established courts under Article VI include: Sections 144 (supreme court); 156 (circuit courts); 159 (chancery courts); and 171 (justice courts).

Statutory courts:

Under Miss. Const. art. VI Section 172, the legislature may establish and abolish inferior courts. Statutorily established courts include: Sections 9-4-1 (court of appeals); 9-9-1 (county courts); 11-27-3 (special court of eminent domain); 21-23-1 (municipal courts); and 43-21-107 (youth courts).

Miss. Const. art. VI § 172. Establishment and abolishment of inferior courts

The legislature shall, from time to time, establish such other inferior courts as may be necessary, and abolish the same whenever deemed expedient.

Judicial oath of office:

Article VI, Section 155 requires the judges of the several courts of this state, before proceeding to execute the duties of their respective offices, to take the judicial oath of office.

Miss. Const. art. VI § 155. Judicial oath of office

The judges of the several courts of this state shall, before they proceed to execute the duties of their respective offices, take the following oath or affirmation, to-wit: "I, _____, solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ according to the best of my ability and understanding, agreeably to the Constitution of the United States and the Constitution and laws of the state of Mississippi. So help me God."

101 SUPREME COURT

Divisions and districts:

There are three (3) supreme court districts, which may sit in two divisions of three judges each, as set forth in:

- Article VI, Sections 145, 145A, 145B, and 149A; and
- Section 9-3-1.

Miss. Const. art. VI § 149A. Divisions of Supreme Court

The Supreme Court shall have power, under such rules and regulations as it may adopt, to sit in two divisions of three judges each, any two of whom when convened shall form a quorum; each division shall have full power to hear and adjudge all cases that may be assigned to it by the court. In event the judges composing any division shall differ as to the judgment to be rendered in any cause, or in event any judge of either division, within a time and in a manner to be fixed by the rules to be adopted by the court, shall certify that in his opinion any decision of any division of the court is in conflict with any prior decision of the court or of any division thereof, the cause shall then be considered and adjudged by the full court or a quorum thereof.

Miss. Code Ann. § 9-3-1. Districts

The state shall be divided into three (3) Supreme Court districts, as follows, to wit: . . .

Terms:

Supreme court terms are twice a year, commencing in March and September, as set forth in:

- Article VI, Section 148; and
- Section 9-3-3 and M.R.A.P. 26(d)).

Miss. Const. art. VI § 148. Holding of Supreme Court at seat of government

The Supreme Court shall be held twice in each year at the seat of government at such time as the legislature may provide.

Miss. Code Ann. § 9-3-3. Court terms

A term of the supreme court shall be held twice in each year in the city of Jackson, to be styled the Supreme Court; and the terms shall commence the second Monday of September and the first Monday of March, and the court shall be kept open for the discharge of business for at least nine months of every year if the business therein should require.

M.R.A.P. 26(d) Computation and Extension of Time

(d) Unaffected by Expiration of Term. The period of time provided for the doing of any act or the taking of any proceeding is not affected or limited by the continued existence or

expiration of a term of court. The existence or expiration of a term of court in no way affects the power of either the Supreme Court or the Court of Appeals to do any act consistent with these rules.

Justices:

Number, terms of office, and eligibility requirements are set forth in Article VI, Sections 145B, 149, and 150.

Miss. Const. art. VI § 145B. Further addition of judges to Supreme Court

The Supreme Court shall consist of nine judges, that is to say, of three judges in addition to the six provided for by section 145A of this Constitution, any five of whom when convened shall constitute a quorum. The additional judges herein provided for shall be selected one for and from each of the supreme court districts in the manner provided by section 145A of this Constitution or any amendment thereto. Their terms of office shall be as provided by section 149 of this Constitution or any amendment thereto.

Miss. Const. art. VI § 149. Term of office of Supreme Court judges

The term of office of the judges of the Supreme Court shall be eight (8) years. The legislature shall provide as near as can be conveniently done that the offices of not more than a majority of the judges of said court shall become vacant at any one time; and if necessary for the accomplishment of that purpose, it shall have power to provide that the terms of office of some of the judges first to be elected shall expire in less than eight years. . . .

Miss. Const. art. VI § 150. Eligibility requirements for Supreme Court judges

No person shall be eligible to the office of judge of the Supreme Court who shall not have attained the age of thirty years at the time of his appointment, and who shall not have been a practicing attorney and a citizen of the state for five years immediately preceding such appointment.

Jurisdiction:

Supreme court has jurisdiction as set forth in Article VI, Sections 144 and 146. Rule and statutory provisions pertaining to jurisdiction include:

- M.R.A.P. 16 and 17; and
- Sections 9-3-9 and 11-51-3.

Miss. Const. art. VI § 144. Judicial power of state

The judicial power of the state shall be vested in a Supreme Court and such other courts as are provided for in this constitution.

Miss. Const. art. VI § 146. Jurisdiction of Supreme Court

The Supreme Court shall have such jurisdiction as properly belongs to a court of appeals and shall exercise no jurisdiction on matters other than those specifically provided by this

Constitution or by general law. The Legislature may by general law provide for the Supreme Court to have original and appellate jurisdiction as to any appeal directly from an administrative agency charged by law with the responsibility for approval or disapproval of rates sought to be charged the public by any public utility. The Supreme Court shall consider cases and proceedings for modification of public utility rates in an expeditious manner regardless of their position on the court docket.

**M.R.A.P. 16 Jurisdiction of the Supreme Court and the Court of Appeals;
Assignment of Cases to the Court of Appeals**

(a) Jurisdiction of the Supreme Court. The Supreme Court shall have such jurisdiction as is provided by Constitution and statute. All appeals from final orders of trial courts shall be filed in the Supreme Court and the Supreme Court shall assign cases, as appropriate, to the Court of Appeals.

...

(d) Initial Assignment to the Court of Appeals. The clerk of the Supreme Court, subject to the directions of the Court, will designate those cases retained by that Court for disposition and those assigned to the Court of Appeals.

Although any case, other than those which the Supreme Court is statutorily required to retain, may be assigned to the Court of Appeals, the Supreme Court will retain all cases involving attorney discipline, judicial performance, and certified questions from a federal court. The Court will also ordinarily retain cases involving:

- (1) a major question of first impression;
- (2) fundamental and urgent issues of broad public importance requiring prompt or ultimate determination by the Supreme Court;
- (3) substantial constitutional questions as to the validity of a statute, ordinance, court rule, or administrative rule or regulation;
- (4) issues upon which there is an inconsistency in the decisions of the Court of Appeals or of the Supreme Court or conflict between the decisions of the two courts.

In assigning matters to the Court of Appeals, the Supreme Court may take into account the relative workloads of the Supreme Court and the Court of Appeals. The Supreme Court may also, by order, provide that cases falling within identified categories, defined by subject matter or other general criteria, shall be designated for immediate transfer to the Court of Appeals or retention by the Supreme Court. Except for those cases which the Supreme Court is required by statute to retain, a party has no right to have his or her case heard by the Supreme Court.

...

M.R.A.P. 17. Review in the Supreme Court Following Decision by the Court of Appeals

(a) Decisions of Court of Appeals Reviewable by Writ of Certiorari. A decision of the Court of Appeals is a final decision which is not reviewable by the Supreme Court except on writ of certiorari. Review on writ of certiorari is not a matter of right, but a matter of judicial discretion. The Supreme Court may grant a petition for writ of certiorari on the affirmative vote of four of its members and may, by granting such writ, review any

decision of the Court of Appeals. Successive review of a decision of the Court of Appeals by the Supreme Court will ordinarily be granted only for the purpose of resolving substantial questions of law of general significance. Review will ordinarily be limited to:

- (1) cases in which it appears that the Court of Appeals has rendered a decision which is in conflict with a prior decision of the Court of Appeals or published Supreme Court decision;
- (2) cases in which it appears that the Court of Appeals has not considered a controlling constitutional provision;
- (3) cases which should have been decided by the Supreme Court because:
 - (i) the statute or these rules require decision by the Supreme Court, or
 - (ii) they involve fundamental issues of broad public importance requiring determination by the Supreme Court.

Notwithstanding the presence of one or more of these factors, the Supreme Court may decline to grant a petition for certiorari for review of the decision of the Court of Appeals. The Court may, in the absence of these factors, grant a writ of certiorari.

...

Miss. Code Ann. § 9-3-9. Court jurisdiction

The Supreme Court shall have such jurisdiction as properly belongs to a court of appeals, and shall hear and determine all manner of pleas, complaints, motions, causes, and controversies, civil and criminal, which are now pending therein, or which may be brought before it, and which shall be cognizable in said court; but a cause shall not be removed into said court until after final judgment in the court below, except as provided by Section 9-4-3, or in cases particularly provided for by law; and the Supreme Court may grant new trials and correct errors of the circuit court in granting or refusing the same.

Provided, however, the Supreme Court shall have such original and appellate jurisdiction as may be otherwise provided by law in cases and proceedings for modification of any rates charged or sought to be charged to the public by any public utility.

Miss. Code Ann. § 11-51-3. To Supreme Court

An appeal may be taken to the Supreme Court from any final judgment of a circuit or chancery court in a civil case, not being a judgment by default, by any of the parties or legal representatives of such parties; and in no case shall such appeal be held to vacate the judgment or decree.

102 COURT OF APPEALS

Districts:

Court of appeals is comprised of ten (10) appellate judges, two (2) from each court of appeals district, as set forth in Sections 9-4-1.

Miss. Code Ann. § 9-4-1. Establishment

(1) There is hereby established a court to be known as the "Court of Appeals of the State of Mississippi," which shall be a court of record.

(2) The Court of Appeals shall be comprised of ten (10) appellate judges, two (2) from each Court of Appeals District, selected in accordance with Section 9-4-5.

Jurisdiction:

Laws relating the jurisdiction of the court of appeals include:

- M.R.A.P. 16; and
- Section 9-4-3.

M.R.A.P. 16 Jurisdiction of the Supreme Court and the Court of Appeals; Assignment of Cases to the Court of Appeals

(b) Jurisdiction of the Court of Appeals. Pursuant to Miss.Code Ann. § 9-4-3 (Supp.1994), the Court of Appeals shall have only such jurisdiction as is conferred upon it by assignment of appeals and other proceedings by the Supreme Court. The Supreme Court may, by statute, assign any appeal to the Court of Appeals except appeals in cases involving:

- (1) the imposition of the death penalty;
- (2) utility rates;
- (3) annexations;
- (4) bond issues;
- (5) election contests; or
- (6) a trial court's holding a statute unconstitutional.

(c) Transfer of Case or Matter to Court of Appeals. In matters which could be properly handled in either court but which are originally retained by the Supreme Court, that Court may, at any time prior to the issuance of an opinion or ruling disposing of a case or matter before it, transfer the case to the Court of Appeals if the Court determines that expeditious disposition requires the case be decided by the Court of Appeals.

(d) Initial Assignment to the Court of Appeals. The clerk of the Supreme Court, subject to the directions of the Court, will designate those cases retained by that Court for disposition and those assigned to the Court of Appeals.

...

Miss. Code Ann. § 9-4-3. Jurisdiction

(1) The Court of Appeals shall have the power to determine or otherwise dispose of any appeal or other proceeding assigned to it by the Supreme Court. The jurisdiction of the Court of Appeals is limited to those matters which have been assigned to it by the Supreme Court. The Supreme Court shall prescribe rules for the assignment of matters to the Court of Appeals. These rules may provide for the selective assignment of individual cases and may provide for the assignment of cases according to subject matter or other general criteria. However, the Supreme Court shall retain appeals in cases imposing the death penalty, or cases involving utility rates, annexations, bond issues, election contests, or a statute held unconstitutional by the lower court.

(2) Decisions of the Court of Appeals are final and are not subject to review by the Supreme Court, except by writ of certiorari. . . .

103 *CIRCUIT COURTS*

Districts:

There are twenty-two (22) circuit court districts as set forth in Sections 9-7-3 through 9-7-57.

Terms:

Circuit court terms are at least twice a year as set forth in:

- Article VI, Section 158; and
- Section 9-7-3.

Miss. Const. art. VI § 158. Holding of circuit court

A circuit court shall be held in each county at least twice in each year, and the judges of said courts may interchange circuits with each other in such manner as may be provided by law.

Miss. Code Ann. § 9-7-3. Terms of court in general

(1) The state is divided into an appropriate number of circuit court districts severally numbered and composed of the counties as set forth in the sections which follow. A court to be styled "The Circuit Court of the County of" shall be held in each county, and within each judicial district of a county having two (2) judicial districts, at least twice a year. Court shall be held in circuit court districts consisting of a single county on the same dates state agencies and political subdivisions are open for business excluding legal holidays. The dates upon which terms shall commence and the number of days for which the terms shall continue in circuit court districts consisting of more than one (1) county shall be set by order of the circuit court judge in accordance with the provisions of subsection (2) of this section. A matter in court may extend past a term if the interest of justice so requires.

(2) An order establishing the commencement and continuation of terms of court for each of the counties within a circuit court district consisting of more than one (1) county shall be entered annually and not later than October 1 of the year immediately preceding the calendar year for which the terms of court are to become effective. Notice of the dates upon which the terms of court shall commence and the number of days for which the terms shall continue in each of the counties within a circuit court district shall be posted in the office of the circuit clerk of each county within the district and mailed to the office of the Secretary of State for publication and distribution to all Mississippi Bar members. If an order is not timely entered, the terms of court for each of the counties within any circuit court district shall remain unchanged for the next calendar year. A certified copy of any order entered under the provisions of this subsection shall, immediately upon the entry thereof, be delivered to the clerk of the board of supervisors in each of the counties within the circuit court district.

...

(5) In a district having more than one (1) office of circuit judge, there shall be no distinction whatsoever in the powers, duties and emoluments of those offices except that the judge who has been for the longest time continuously a judge of that court or, should

no judge have served longer in office than the others, the judge who has been for the longest time a member of The Mississippi Bar, shall be the senior judge. The senior judge shall have the right to assign causes and dockets and to set terms in districts consisting of more than one (1) county. A circuit court judge shall have the right to assign criminal matters to county court as provided in Section 9-9-21.

Judges:

Number, terms, and eligibility of circuit court judges are set forth in:

- Article VI, Sections 153 and 154; and
- Section 9-7-3.

Miss. Const. art. VI § 153. Election and terms of circuit and chancery court judges

The judges of the circuit and chancery courts shall be elected by the people in a manner and at a time to be provided by the legislature and the judges shall hold their office for a term of four years.

Miss. Const. art. VI § 154. Qualifications for circuit or chancery court judges

No person shall be eligible to the office of judge of the circuit court or of the chancery court who shall not have been a practicing lawyer for five years and who shall not have attained the age of twenty-six years, and who shall not have been five years a citizen of this state.

Miss. Code Ann. § 9-7-3. Terms of court in general

(1) The state is divided into an appropriate number of circuit court districts severally numbered and composed of the counties as set forth in the sections which follow. A court to be styled "The Circuit Court of the County of" shall be held in each county, and within each judicial district of a county having two (2) judicial districts, at least twice a year. Court shall be held in circuit court districts consisting of a single county on the same dates state agencies and political subdivisions are open for business excluding legal holidays. The dates upon which terms shall commence and the number of days for which the terms shall continue in circuit court districts consisting of more than one (1) county shall be set by order of the circuit court judge in accordance with the provisions of subsection (2) of this section. A matter in court may extend past a term if the interest of justice so requires.

(2) An order establishing the commencement and continuation of terms of court for each of the counties within a circuit court district consisting of more than one (1) county shall be entered annually and not later than October 1 of the year immediately preceding the calendar year for which the terms of court are to become effective. Notice of the dates upon which the terms of court shall commence and the number of days for which the terms shall continue in each of the counties within a circuit court district shall be posted in the office of the circuit clerk of each county within the district and mailed to the office of the Secretary of State for publication and distribution to all Mississippi Bar members. If an order is not timely entered, the terms of court for each of the counties within any circuit court district shall remain unchanged for the next calendar year. A certified copy of any order entered under the provisions of this subsection shall, immediately upon the entry thereof, be delivered to the clerk of the board of supervisors in each of the counties within the circuit court district.

...

(5) In a district having more than one (1) office of circuit judge, there shall be no distinction whatsoever in the powers, duties and emoluments of those offices except that the judge who has been for the longest time continuously a judge of that court or, should no judge have served longer in office than the others, the judge who has been for the longest time a member of The Mississippi Bar, shall be the senior judge. The senior judge shall have the right to assign causes and dockets and to set terms in districts consisting of more than one (1) county. A circuit court judge shall have the right to assign criminal matters to county court as provided in Section 9-9-21.

Jurisdiction:

Laws pertaining to circuit court jurisdiction include: Article VI, Sections 156 and 161 and Section 9-7-81.

Miss. Const. art. VI § 156. Jurisdiction of circuit court

The circuit court shall have original jurisdiction in all matters civil and criminal in this state not vested by this Constitution in some other court, and such appellate jurisdiction as shall be prescribed by law.

Miss. Const. art. VI § 161. Concurrent jurisdiction of chancery and circuit court

And the chancery court shall have jurisdiction, concurrent with the circuit court, of suits on bonds of fiduciaries and public officers for failure to account for money or property received, or wasted or lost by neglect or failure to collect, and of suits involving inquiry into matters of mutual accounts; but if the plaintiff brings his suit in the circuit court, that court may, on application of the defendant, transfer the cause to the chancery court, if it appear that the accounts to be investigated are mutual and complicated.

Miss. Code Ann. § 9-7-81. Jurisdiction in general

The circuit court shall have original jurisdiction in all actions when the principal of the amount in controversy exceeds two hundred dollars, and of all other actions and causes, matters and things arising under the constitution and laws of this state which are not exclusively cognizable in some other court, and such appellate jurisdiction as prescribed by law. Such court shall have power to hear and determine all prosecutions in the name of the state for treason, felonies, crimes, and misdemeanors, except such as may be exclusively cognizable before some other court; and said court shall have all the powers belonging to a court of oyer and terminer and general jail delivery, and may do and perform all other acts properly pertaining to a circuit court of law.

Transfer of jurisdiction:

Transfer of jurisdiction from or to circuit court is set forth in

- Article VI, Sections 147 and 157; and
- Sections 9-7-83 (transfer to chancery court) and 9-9-27 (transfer to county court).

Miss. Const. art. VI § 147. Reversal of judgment for want of jurisdiction; remand

No judgment or decree in any chancery or circuit court rendered in a civil cause shall be reversed or annulled on the ground of want of jurisdiction to render said judgment or decree, from any error or mistake as to whether the cause in which it was rendered was of equity or common-law jurisdiction; but if the Supreme Court shall find error in the proceedings other than as to jurisdiction, and it shall be necessary to remand the case, the Supreme Court may remand it to that court which, in its opinion, can best determine the controversy.

Miss. Const. art. VI § 157. Exclusive jurisdiction of chancery court; transfer

All causes that may be brought in the circuit court whereof the chancery court has exclusive jurisdiction shall be transferred to the chancery court.

Miss. Code Ann. § 9-7-83. Jurisdiction of transfers and remands

The circuit court shall have jurisdiction of all cases transferred to it by the chancery court or remanded to it by the supreme court.

Miss. Code Ann. § 9-9-27. Cases transferred

In any civil case instituted in the circuit court, wherein all parties file a motion to transfer said case to the county court for trial, or wherein all parties file an instrument of writing consenting to such a transfer, the circuit court may, in its discretion, transfer the case to the county court for trial; and the said county court shall have full jurisdiction of and shall proceed to try any case so transferred, provided, however, that such order of transfer be rendered prior to the empaneling of the jury in such cases.

In misdemeanor cases and in felony cases not capital, wherein indictments have been returned by the grand jury, the circuit court may transfer with full jurisdiction all or any of the same, in its discretion, to the county court for trial; and the said county court shall have jurisdiction of and shall proceed to try all charges of misdemeanor which may be preferred by the district attorney or by the county prosecuting attorney or by the sheriff on affidavit sworn to before the circuit clerk of the county; and prosecutions by affidavit are hereby authorized in misdemeanor cases under the same procedure as if indictments had been returned in the circuit court and same had been transferred to the county court.

...

Venue:

Venue in circuit courts for civil actions is set forth in M.R.C.P. 82. Venue in circuit courts for criminal offenses is set forth in Section 99-11-3.

M.R.C.P. 82. Jurisdiction and Venue

(a) Jurisdiction Unaffected. These rules shall not be construed to extend or limit the jurisdiction of the courts of Mississippi.

(b) Venue of Actions. Except as provided by this rule, venue of all actions shall be as provided by statute.

(c) Venue Where Claim or Parties Joined. Where several claims or parties have been properly joined, the suit may be brought in any county in which any one of the claims could properly have been brought. Whenever an action has been commenced in a proper county, additional claims and parties may be joined, pursuant to Rules 13, 14, 22 and 24, as ancillary thereto, without regard to whether that county would be a proper venue for an independent action on such claims or against such parties.

(d) Improper Venue. When an action is filed laying venue in the wrong county, the action shall not be dismissed, but the court, on timely motion, shall transfer the action to the court in which it might properly have been filed and the case shall proceed as though originally filed therein. The expenses of the transfer shall be borne by the plaintiff. The plaintiff shall have the right to select the court to which the action shall be transferred in the event the action might properly have been filed in more than one court.

(e) Forum Non-conveniens. With respect to actions filed in an appropriate venue where venue is not otherwise designated or limited by statute, the court may, for the convenience of the parties and witnesses or in the interest of justice, transfer any action or any claim in any civil action to any court in which the action might have been properly filed and the case shall proceed as though originally filed therein.

Miss. Code Ann. § 99-11-3. Venue

(1) The local jurisdiction of all offenses, unless otherwise provided by law, shall be in the county where committed. But, if on the trial the evidence makes it doubtful in which of several counties, including that in which the indictment or affidavit alleges the offense was committed, such doubt shall not avail to procure the acquittal of the defendant.

(2) The provisions of subsection (1) of this section shall not apply to indictments returned by a state grand jury. The venue of trials for indictments returned by a state grand jury shall be as provided by the State Grand Jury Act. This subsection shall stand repealed from and after July 1, 2024.

Change of venue:

Change of venue is set forth in M.R.C.P. 82(d) and Section 11-11-51 for civil actions and MRCrP 11.1 and 11.2 for criminal offenses.

M.R.C.P. 82(d)

(d) Improper Venue. When an action is filed laying venue in the wrong county, the action shall not be dismissed, but the court, on timely motion, shall transfer the action to the court in which it might properly have been filed and the case shall proceed as though originally filed therein. The expenses of the transfer shall be borne by the plaintiff. The plaintiff shall have the right to select the court to which the action shall be transferred in the event the action might properly have been filed in more than one court.

Miss. Code Ann. § 11-11-51. Sufficient cause to change venue

When either party to any civil action in the circuit court shall desire to change the venue, he shall present to the court, or the judge of the district, a petition setting forth under oath that he has good reason to believe, and does believe that, from the undue influence of the adverse party, prejudice existing in the public mind, or for some other sufficient cause to be stated in the petition, he cannot obtain a fair and impartial trial in the county where the

action is pending, and that the application is made as soon as convenient after being advised of such undue influence, prejudice, or other cause, and not to delay the trial or to vex or harass the adverse party. On reasonable notice in writing to the adverse party of the time and place of making the application, if made in vacation, the court, if in term time, or the judge in vacation, shall hear the parties and examine the evidence which either may adduce, and may award a change of venue to some convenient county where an impartial trial may be had, and, if practicable, in which the circuit court may next be held. If made in vacation, the order shall be indorsed on the petition and directed to the clerk, who shall file the same with the papers in the suit.

MRCrP 11.1 and 11.2 (Change of the Place of Trial) are accessible at: <https://courts.ms.gov/research/rules/rules.php> by clicking open Mississippi Rules of Criminal Procedure.

Appeals:

Appeals from circuit court are authorized under Sections 11-51-3 and 99-35-101. Rule 3 of the Mississippi Rules of Appellate Procedures provides in part: “In all cases, both civil and criminal, in which an appeal is permitted by law as of right to the Supreme Court, there shall be one procedure for perfecting such appeal. That procedure is prescribed in these rules.”

Miss. Code Ann. § 11-51-3. To Supreme Court

An appeal may be taken to the Supreme Court from any final judgment of a circuit or chancery court in a civil case, not being a judgment by default, by any of the parties or legal representatives of such parties; and in no case shall such appeal be held to vacate the judgment or decree.

Miss. Code Ann. § 99-35-101. Right of appeal

Any person convicted of an offense in a circuit court may appeal to the Supreme Court. However, where the defendant enters a plea of guilty and is sentenced, then no appeal from the circuit court to the Supreme Court shall be allowed.

104 *CHANCERY COURTS*

Districts:

There are twenty (20) chancery court districts as set forth in Sections 9-5-3 through 9-5-58.

Terms:

Chancery court terms are at least twice a year as set forth in:

- Article VI, Section 164; and
- Section 9-5-3.

Miss. Const. art. VI § 164. Holding of chancery court

A chancery court shall be held in each county at least twice in each year.

Miss. Code Ann. § 9-5-3. Chancery court districts

(1) The state shall be divided into an appropriate number of chancery court districts, severally numbered and composed of the counties as set forth in the sections which follow. A court to be styled "The Chancery Court of the County of" shall be held in each county, and within each judicial district of a county having two (2) judicial districts, at least twice a year. Court shall be held in chancery court districts consisting of a single county on the same dates state agencies and political subdivisions are open for business excluding legal holidays. The dates upon which terms shall commence and the number of days for which terms shall continue in chancery court districts consisting of more than one (1) county shall be set by order of the chancellor in accordance with the provisions of subsection (2) of this section. A matter in court may extend past a term if the interest of justice so requires.

(2) An order establishing the commencement and continuation of terms of court for each of the counties within a chancery court district consisting of more than one (1) county shall be entered annually and not later than October 1 of the year immediately preceding the calendar year for which the terms of court are to become effective. Notice of the dates upon which terms of court shall commence and the number of days for which the terms shall continue in each of the counties within a chancery court district shall be posted in the office of the chancery clerk of each county within the district and mailed to the office of the Secretary of State for publication and distribution to all Mississippi Bar members. If an order is not timely entered, the terms of court for each of the counties within the chancery court district shall remain unchanged for the next calendar year.

...

(5) In a district having more than one (1) office of chancellor, there shall be no distinction whatsoever in the powers, duties and emoluments of those offices except that the chancellor who has been for the longest time continuously a chancellor of that court or, should no chancellor have served longer in office than the others, the chancellor who has been for the longest time a member of The Mississippi Bar shall be the senior chancellor. The senior chancellor shall have the right to assign causes and dockets and to set terms in districts consisting of more than one (1) county.

Judges:

Number, terms, and eligibility of chancery court judges are set forth in:

- Article VI, Sections 153 and 154; and
- Section 9-5-3.

Miss. Const. art. VI § 153. Election and terms of circuit and chancery court judges

The judges of the circuit and chancery courts shall be elected by the people in a manner and at a time to be provided by the legislature and the judges shall hold their office for a term of four years.

Miss. Const. art. VI § 154. Qualifications for circuit or chancery court judges

No person shall be eligible to the office of judge of the circuit court or of the chancery court who shall not have been a practicing lawyer for five years and who shall not have attained the age of twenty-six years, and who shall not have been five years a citizen of this state.

Miss. Code Ann. § 9-5-3. Chancery court districts

(1) The state shall be divided into an appropriate number of chancery court districts, severally numbered and composed of the counties as set forth in the sections which follow. A court to be styled "The Chancery Court of the County of" shall be held in each county, and within each judicial district of a county having two (2) judicial districts, at least twice a year. Court shall be held in chancery court districts consisting of a single county on the same dates state agencies and political subdivisions are open for business excluding legal holidays. The dates upon which terms shall commence and the number of days for which terms shall continue in chancery court districts consisting of more than one (1) county shall be set by order of the chancellor in accordance with the provisions of subsection (2) of this section. A matter in court may extend past a term if the interest of justice so requires.

(2) An order establishing the commencement and continuation of terms of court for each of the counties within a chancery court district consisting of more than one (1) county shall be entered annually and not later than October 1 of the year immediately preceding the calendar year for which the terms of court are to become effective. Notice of the dates upon which terms of court shall commence and the number of days for which the terms shall continue in each of the counties within a chancery court district shall be posted in the office of the chancery clerk of each county within the district and mailed to the office of the Secretary of State for publication and distribution to all Mississippi Bar members. If an order is not timely entered, the terms of court for each of the counties within the chancery court district shall remain unchanged for the next calendar year.

...

(5) In a district having more than one (1) office of chancellor, there shall be no distinction whatsoever in the powers, duties and emoluments of those offices except that the chancellor who has been for the longest time continuously a chancellor of that court or, should no chancellor have served longer in office than the others, the chancellor who has been for the longest time a member of The Mississippi Bar shall be the senior chancellor. The senior chancellor shall have the right to assign causes and dockets and to set terms in districts consisting of more than one (1) county.

Jurisdiction:

Laws pertaining to chancery court jurisdiction include:

- Article VI, Sections 159, 160, and 161; and
- Sections 9-5-81, 43-21-151(1)(c); 93-11-65(4). *See also* U.R.Y.C.P. 2(a)(2).

Miss. Const. art. VI § 159. Jurisdiction of chancery court

The chancery court shall have full jurisdiction in the following matters and cases, viz.:

- (a) All matters in equity;
- (b) Divorce and alimony;
- (c) Matters testamentary and of administration;
- (d) Minor's business;
- (e) Cases of idiocy, lunacy, and persons of unsound mind;
- (f) All cases of which the said court had jurisdiction under the laws in force when this Constitution is put in operation.

Miss. Const. art. VI § 160. Additional jurisdiction of chancery court

And in addition to the jurisdiction heretofore exercised by the chancery court in suits to try title and to cancel deeds and other clouds upon title to real estate, it shall have jurisdiction in such cases to decree possession, and to displace possession; to decree rents and compensation for improvements and taxes; and in all cases where said court heretofore exercised jurisdiction, auxiliary to courts of common law, it may exercise such jurisdiction to grant the relief sought, although the legal remedy may not have been exhausted or the legal title established by a suit at law.

Miss. Const. art. VI § 161. Concurrent jurisdiction of chancery and circuit court

And the chancery court shall have jurisdiction, concurrent with the circuit court, of suits on bonds of fiduciaries and public officers for failure to account for money or property received, or wasted or lost by neglect or failure to collect, and of suits involving inquiry into matters of mutual accounts; but if the plaintiff brings his suit in the circuit court, that court may, on application of the defendant, transfer the cause to the chancery court, if it appear that the accounts to be investigated are mutual and complicated.

Miss. Code Ann. § 9-5-81. Jurisdiction

The chancery court in addition to the full jurisdiction in all the matters and cases expressly conferred upon it by the constitution shall have jurisdiction of all cases transferred to it by the circuit court or remanded to it by the supreme court; and such further jurisdiction, as is, in this chapter or elsewhere, provided by law.

Miss. Code Ann. § 43-21-151. Exclusive original jurisdiction; exceptions; children under 13

(1) The youth court shall have exclusive original jurisdiction in all proceedings concerning a delinquent child, a child in need of supervision, a neglected child, an abused child or a dependent child except in the following circumstances:

. . .

(c) When a charge of abuse of a child first arises in the course of a custody action between the parents of the child already pending in the chancery court and no notice of such abuse was provided prior to such chancery proceedings, the chancery court may proceed with the investigation, hearing and determination of such abuse charge as a part of its hearing and determination of the custody issue as between the parents, notwithstanding the other provisions of the Youth Court Law. The proceedings in chancery court on the abuse charge shall be confidential in the same manner as provided in youth court proceedings.

Miss. Code Ann. § 93-11-65(4). Additional remedies available

(4) When a charge of abuse or neglect of a child first arises in the course of a custody or maintenance action pending in the chancery court pursuant to this section, the chancery court may proceed with the investigation, hearing and determination of such abuse or neglect charge as a part of its hearing and determination of the custody or maintenance issue as between the parents, as provided in Section 43-21-151, notwithstanding the other provisions of the Youth Court Law. . . .

Transfer of jurisdiction:

Transfer of jurisdiction from or to chancery court is set forth in

- Article VI, Sections 147 and 162; and
- Section 9-7-83.

Miss. Const. art. VI § 147. Reversal of judgment for want of jurisdiction; remand

No judgment or decree in any chancery or circuit court rendered in a civil cause shall be reversed or annulled on the ground of want of jurisdiction to render said judgment or decree, from any error or mistake as to whether the cause in which it was rendered was of equity or common-law jurisdiction; but if the Supreme Court shall find error in the proceedings other than as to jurisdiction, and it shall be necessary to remand the case, the Supreme Court may remand it to that court which, in its opinion, can best determine the controversy.

Miss. Const. art. VI § 162. Transfer to circuit court

All causes that may be brought in the chancery court whereof the circuit court has exclusive jurisdiction shall be transferred to the circuit court.

Miss. Code Ann. § 9-7-83. Jurisdiction of transfers and remands

The circuit court shall have jurisdiction of all cases transferred to it by the chancery court or remanded to it by the supreme court.

Venue:

Venue in chancery courts is set forth in M.R.C.P. 82 and Section 11-5-1.

M.R.C.P. 82. Jurisdiction and Venue

- (a) Jurisdiction Unaffected. These rules shall not be construed to extend or limit the jurisdiction of the courts of Mississippi.
- (b) Venue of Actions. Except as provided by this rule, venue of all actions shall be as provided by statute.
- (c) Venue Where Claim or Parties Joined. Where several claims or parties have been properly joined, the suit may be brought in any county in which any one of the claims could properly have been brought. Whenever an action has been commenced in a proper county, additional claims and parties may be joined, pursuant to Rules 13, 14, 22 and 24, as ancillary thereto, without regard to whether that county would be a proper venue for an independent action on such claims or against such parties.
- (d) Improper Venue. When an action is filed laying venue in the wrong county, the action shall not be dismissed, but the court, on timely motion, shall transfer the action to the court in which it might properly have been filed and the case shall proceed as though originally filed therein. The expenses of the transfer shall be borne by the plaintiff. The plaintiff shall have the right to select the court to which the action shall be transferred in the event the action might properly have been filed in more than one court.
- (e) Forum Non-conveniens. With respect to actions filed in an appropriate venue where venue is not otherwise designated or limited by statute, the court may, for the convenience of the parties and witnesses or in the interest of justice, transfer any action or any claim in any civil action to any court in which the action might have been properly filed and the case shall proceed as though originally filed therein.

Miss. Code Ann. § 11-5-1. Venue of actions

Suits to confirm title to real estate, and suits to cancel clouds or remove doubts therefrom, shall be brought in the county where the land, or some part thereof, is situated; suits against executors, administrators, and guardians, touching the performance of their official duties, and suits for an account and settlement by them, and suits for the distribution of personalty of decedents among the heirs and distributees, and suits for the payment of legacies, shall be brought in the chancery court in which the will was admitted to probate, or letters of administration were granted, or the guardian was appointed; other suits respecting real or personal property may be brought in the chancery court of the county in which the property, or some portion thereof, may be; and all cases not otherwise provided may be brought in the chancery court of any county where the defendant, or any necessary party defendant, may reside or be found; and in all cases process may issue to any county to bring in defendants and to enforce all orders and decrees of the court.

Change of venue:

Change of venue is set forth in Sections 11-5-5.

Miss. Code Ann. § 11-5-5. Venue change in jury cases

The chancery court may award a change of venue for the trial of all issues to be tried by a jury pursuant to the procedure provided for in the Mississippi Rules of Civil Procedure. The clerk of the court from which the issue is to be removed, and the clerk of the court to which it is removed, respectively, shall, upon an order for a change of venue, discharge the duties directed to be performed by the clerks of circuit courts in such cases; and in such case the chancery court to which the venue is changed shall try the issue by a jury, and shall proceed and render decrees and finally dispose of the cause as if the suit had begun therein.

Appeals:

Appeals from chancery court are authorized under Section 11-51-3. Rule 3 of the Mississippi Rules of Appellate Procedures provides in part: “In all cases, both civil and criminal, in which an appeal is permitted by law as of right to the Supreme Court, there shall be one procedure for perfecting such appeal. That procedure is prescribed in these rules.”

Miss. Code Ann. § 11-51-3. To Supreme Court

An appeal may be taken to the Supreme Court from any final judgment of a circuit or chancery court in a civil case, not being a judgment by default, by any of the parties or legal representatives of such parties; and in no case shall such appeal be held to vacate the judgment or decree.

105 COUNTY COURTS

Establishment:

County courts are established as set forth in Section 9-9-1.

Miss. Code Ann. § 9-9-1. Continuation and creation of county courts

(1) There shall be an inferior court to be known as the county court in and for each of the following counties:

- (a) Each county of the state wherein a county court is in existence on July 1, 1985;
- (b) From and after January 1, 1987, each county that has a population exceeding fifty thousand (50,000) inhabitants as shown by the latest federal decennial census; and
- (c) The board of supervisors of any county having a population exceeding thirty-nine thousand (39,000) inhabitants as shown by the latest federal decennial census in which Highways 589 and 98 intersect shall have the option to establish a county court under the provisions of this section.

(2)

(a) A county judge for a county that is required to establish a county court under subsection (1)(b) of this section shall be elected by the qualified electors of the county for the same term and in the same manner as provided for the election of circuit court judges at an election held at the same time as the next regular election of circuit court judges first occurring after the date upon which it can be determined that a county court is required under the provisions of subsection (1)(b) of this section to be established in such county.

(b) A county judge for a county electing to establish a county court under subsection (1)(c) of this section shall be elected by the qualified electors of the county in the same manner as provided for the election of circuit court judges at an election held at the November general election first occurring after the date when the board of supervisors spreads upon its minutes a resolution creating the county court. The term of the county court judge so elected shall begin on the first day of January following the November election, and shall end at the same time as for county court judges generally. Thereafter, the county court judge shall be elected and serve for a term as provided for county court judges generally.

(3) The provisions of this section shall not be construed so as to require that a county court be established in any county in which the board of supervisors has agreed and contracted with the board of supervisors of any other county or counties to support and maintain one (1) county court for such counties as provided in Section 9-9-3.

Terms:

County court terms are each month as set forth in Section 9-9-19.

Miss. Code Ann. § 9-9-19. Court term fixed

(1) A term of court shall be held in the county courthouse of the county, beginning on the second Monday of each month and continuing so long as may be necessary; but in counties where there are two (2) circuit court districts the county court shall meet

alternately in the two (2) districts in the county courthouse in the same month and in the same district as the board of supervisors of said county holds its meetings. Provided that in the County of Jones, a county having two (2) judicial districts, that a term shall be held in the second judicial district of said county on the second Monday of each month; and provided that in the first judicial district a term shall be held on the fourth Monday of January, the fourth Monday of March, the fourth Monday of April, the fourth Monday of June and the fourth Monday of October. Provided that in the County of Hinds, a county having two (2) judicial districts, a term shall be held in the first judicial district on the second Monday of each month and in the second judicial district on the second Monday of March, June, September and December, and provided further that, when such terms are held concurrently, either of the county judges of Hinds County may be assigned to hold all or any part of such terms in either of the two (2) judicial districts. Provided, further, that in the County of Bolivar, a county having two (2) judicial districts, a term shall be held in the first judicial district on the second Monday of April, August and December, and in the second judicial district on the second Monday of January, February, March, May, June, July, September, October and November. Provided, however, that in the County of Harrison, a county having two (2) county judges and two (2) judicial districts, that a term shall be held in each judicial district concurrently each month. Provided, however, that the judge of the county court for good cause shown may, by order spread on the minutes of the county court, designate some place other than the county courthouse for the holding of such term of the county court as may be designated in said order. The county judge may call a special term of the county court upon giving ten (10) days' notice, and such notice shall be given by posting the same at the front door of the courthouse in said county and by the publication of said notice for one insertion in some newspaper of general circulation in the county.

(2) If a county court is established pursuant to an agreement between two or more counties as provided in section 9-9-3, the terms thereof shall remain continuously open and shall not be closed and the judge of such court shall sit in rotation in the county seat of each county, beginning on Monday of each week for at least a week in each county in each month.

Judges:

Terms and eligibility of county court judges are set forth in:

- Article VI, Section 154; and
- Section 9-9-5.

Miss. Const. art. VI § 154. Qualifications for circuit or chancery court judges

No person shall be eligible to the office of judge of the circuit court or of the chancery court who shall not have been a practicing lawyer for five years and who shall not have attained the age of twenty-six years, and who shall not have been five years a citizen of this state.

Miss. Code Ann. § 9-9-5. Judge; eligibility, election, term, vacancies

(1) The county judge shall possess all of the qualifications of a circuit judge as prescribed by the Mississippi Constitution. In the event of the establishment of a county court by agreement between two (2) or more counties as provided in Section 9-9-3, the judge of said court may be a qualified elector of any one (1) of said counties, and shall have such other qualifications as provided for by law. The county judge shall be elected by the

qualified electors of his county at the time and in the manner as circuit judges are elected and he shall hold office for the same term. Vacancies in the office of county judge shall be filled in the same manner as vacancies in the office of circuit judge.

...

Jurisdiction:

Laws pertaining to county court jurisdiction include Section 9-9-21.

Miss. Code Ann. § 9-9-21. Jurisdiction of county court

(1) The jurisdiction of the county court shall be as follows: It shall have jurisdiction concurrent with the justice court in all matters, civil and criminal of which the justice court has jurisdiction; and it shall have jurisdiction concurrent with the circuit and chancery courts in all matters of law and equity wherein the amount of value of the thing in controversy shall not exceed, exclusive of costs and interest, the sum of Two Hundred Thousand Dollars (\$200,000.00), and the jurisdiction of the county court shall not be affected by any setoff, counterclaim or cross-bill in such actions where the amount sought to be recovered in such setoff, counterclaim or cross-bill exceeds Two Hundred Thousand Dollars (\$200,000.00). Provided, however, the party filing such setoff, counterclaim or cross-bill which exceeds Two Hundred Thousand Dollars (\$200,000.00) shall give notice to the opposite party or parties as provided in Section 13-3-83, and on motion of all parties filed within twenty (20) days after the filing of such setoff, counterclaim or cross-bill, the county court shall transfer the case to the circuit or chancery court wherein the county court is situated and which would otherwise have jurisdiction. It shall have exclusively the jurisdiction heretofore exercised by the justice court in the following matters and causes: namely, eminent domain, the partition of personal property, and actions of unlawful entry and detainer, provided that the actions of eminent domain and unlawful entry and detainer may be returnable and triable before the judge of said court in vacation. The county court shall have jurisdiction over criminal matters in the county assigned by a judge of the circuit court district in which the county is included.

(2) In the event of the establishment of a county court by an agreement between two (2) or more counties as provided in Section 9-9-3, it shall be lawful for such court sitting in one (1) county to act upon any and all matters of which it has jurisdiction as provided by law arising in the other county under the jurisdiction of said court.

Transfer of jurisdiction:

Transfer of jurisdiction to county court is set forth in Section 9-9-27.

Miss. Code Ann. § 9-9-27. Cases transferred; prosecution by affidavit

In any civil case instituted in the circuit court, wherein all parties file a motion to transfer said case to the county court for trial, or wherein all parties file an instrument of writing consenting to such a transfer, the circuit court may, in its discretion, transfer the case to the county court for trial; and the said county court shall have full jurisdiction of and shall proceed to try any case so transferred, provided, however, that such order of transfer be rendered prior to the empaneling of the jury in such cases.

In misdemeanor cases and in felony cases not capital, wherein indictments have been returned by the grand jury, the circuit court may transfer with full jurisdiction all or any of the same, in its discretion, to the county court for trial; and the said county court shall

have jurisdiction of and shall proceed to try all charges of misdemeanor which may be preferred by the district attorney or by the county prosecuting attorney or by the sheriff on affidavit sworn to before the circuit clerk of the county; and prosecutions by affidavit are hereby authorized in misdemeanor cases under the same procedure as if indictments had been returned in the circuit court and same had been transferred to the county court.

And, provided further, any reputable citizen may make an affidavit charging crime before the judge of the county court, and such affidavit shall be filed with the clerk of the county court, and if the crime charged is a misdemeanor, the county court shall have jurisdiction to try and dispose of said charge and, if the crime charged be a felony, the county judge shall have jurisdiction to hear and determine said cause, the same as now provided by law to be done by justices of the peace, and to commit the person so charged, with or without bail as the evidence may warrant, or to discharge the defendant.

Venue:

Venue in county courts for civil actions is set forth in M.R.C.P. 82 and Section 11-9-3. Venue in county courts for criminal offenses is set forth in Section 99-11-3.

M.R.C.P. 82. Jurisdiction and Venue

- (a) Jurisdiction Unaffected. These rules shall not be construed to extend or limit the jurisdiction of the courts of Mississippi.
- (b) Venue of Actions. Except as provided by this rule, venue of all actions shall be as provided by statute.
- (c) Venue Where Claim or Parties Joined. Where several claims or parties have been properly joined, the suit may be brought in any county in which any one of the claims could properly have been brought. Whenever an action has been commenced in a proper county, additional claims and parties may be joined, pursuant to Rules 13, 14, 22 and 24, as ancillary thereto, without regard to whether that county would be a proper venue for an independent action on such claims or against such parties.
- (d) Improper Venue. When an action is filed laying venue in the wrong county, the action shall not be dismissed, but the court, on timely motion, shall transfer the action to the court in which it might properly have been filed and the case shall proceed as though originally filed therein. The expenses of the transfer shall be borne by the plaintiff. The plaintiff shall have the right to select the court to which the action shall be transferred in the event the action might properly have been filed in more than one court.
- (e) Forum Non-conveniens. With respect to actions filed in an appropriate venue where venue is not otherwise designated or limited by statute, the court may, for the convenience of the parties and witnesses or in the interest of justice, transfer any action or any claim in any civil action to any court in which the action might have been properly filed and the case shall proceed as though originally filed therein.

Miss. Code Ann. § 11-9-3. Venue

The venue of actions, suits and proceedings in the county court shall be the same as that now generally provided, or which may hereafter be provided with respect to the particular action, suit or proceedings. Provided, however, that all suits and matters filed in the county court which, if there were no county court, would be triable in the justice court,

shall be tried at the courthouse of the county or courthouse of the proper judicial district in counties having two (2) circuit and chancery court districts therein.

Miss. Code Ann. § 99-11-3. Venue

(1) The local jurisdiction of all offenses, unless otherwise provided by law, shall be in the county where committed. But, if on the trial the evidence makes it doubtful in which of several counties, including that in which the indictment or affidavit alleges the offense was committed, such doubt shall not avail to procure the acquittal of the defendant.

(2) The provisions of subsection (1) of this section shall not apply to indictments returned by a state grand jury. The venue of trials for indictments returned by a state grand jury shall be as provided by the State Grand Jury Act. This subsection shall stand repealed from and after July 1, 2024.

Change of venue:

Change of venue is set forth in M.R.C.P. 82(d) and MRCrP 11.1 and 11.2 for criminal offenses.

M.R.C.P. 82(d)

(d) Improper Venue. When an action is filed laying venue in the wrong county, the action shall not be dismissed, but the court, on timely motion, shall transfer the action to the court in which it might properly have been filed and the case shall proceed as though originally filed therein. The expenses of the transfer shall be borne by the plaintiff. The plaintiff shall have the right to select the court to which the action shall be transferred in the event the action might properly have been filed in more than one court.

MRCrP 11.1 and 11.2 (Change of the Place of Trial) are accessible at: <https://courts.ms.gov/research/rules/rules.php> by clicking open Mississippi Rules of Criminal Procedure.

Appeals:

Appeals from county court are set forth in:

- UCRCCC 5.01 through 5.09 (civil appeals) and MRCrP 30.1, 30.2, and 30.3 (criminal appeals); and
- Section 11-51-79.

Appeals from justice court or municipal court to county court are authorized under Section 11-51-81. *See also* Brown v. Collections, Inc., 188 So. 3d 1171, 1177 (Miss. 2016) (“Unlike Section 11–51–79, the [rules of court] provide a mechanism for interlocutory appeals to this court. . . . When such a conflict exists, our court's rules trump statutory law.”); Jones v. City of Ridgeland, 48 So.3d 530, 535 (Miss. 2010) (“[T]he ‘three-court rule’ in Section 11-51-81 is unconstitutional and void.”).

UCRCCC 5.01 through 5.09 (civil appeals) are accessible at: <https://courts.ms.gov/research/rules/rules.php> by clicking open Uniform Civil Rules of Circuit and County Court Practice.

MRCrP 30.1 through and 30.3 (Appeals From County Court) are accessible at: <https://courts.ms.gov/research/rules/rules.php> by clicking open Mississippi Rules of Criminal Procedure.

Miss. Code Ann. § 11-51-79. From county court

No appeals or certiorari shall be taken from any interlocutory order of the county court, but if any matter or cause be unreasonably delayed of final judgment therein, it shall be good cause for an order of transfer to the circuit or chancery court upon application therefor to the circuit judge or chancellor. Appeals from the law side of the county court shall be made to the circuit court, and those from the equity side to the chancery court on application made therefor and bond given according to law, except as hereinafter provided. Such appeal shall operate as a supersedeas only when such would be applicable in the case of appeals to the Supreme Court. . . . Judgments or decrees of affirmance, except as otherwise hereinafter provided, may be appealed to the Supreme Court under the same rules and regulations and under the same penalties, in case of affirmance, as appertain to appeals from other final judgments or decrees of said courts, but when on appeal from the county court a case has been reversed by the circuit or chancery court there shall be no appeal to the Supreme Court until final judgment or decree in the court to which it has been appealed. When the result of an appeal in the Supreme Court shall be a reversal of the lower court and in all material particulars in effect an affirmance of the judgment or decree of the county court, the mandate may go directly to the county court, otherwise to the proper lower court. Provided, however, that when appeals are taken in felony cases which have been transferred from the circuit court to the county court for trial, and have been there tried, such appeals from the judgment of the county court shall be taken directly to the Supreme Court.

Miss. Code Ann. § 11-51-81. To county court

All appeals from courts of justices of the peace, special and general, and from all municipal courts shall be to the county court under the same rules and regulations as are provided on appeals to the circuit court, but appeals from orders of the board of supervisors, municipal boards, and other tribunals other than courts of justice of the peace and municipal courts, shall be direct to the circuit court as heretofore. And from the final judgment of the county court in a case appealed to it under this section, a further appeal may be taken to the circuit court on the same terms and in the same manner as other appeals from the county court to the circuit court are taken: Provided that where the judgment or record of the justice of the peace, municipal or police court is not properly certified, or is not certified at all, that question must be raised in the county court in the absence of which the defect shall be deemed as waived and by such waiver cured and may not thereafter be raised for the first time in the circuit court on the appeal thereto; and provided further that there shall be no appeal from the circuit court to the Supreme Court of any case civil or criminal which originated in a justice of the peace, municipal or police court and was thence appealed to the county court and thence to the circuit court unless in the determination of the case a constitutional question be necessarily involved and then only upon the allowance of the appeal by the circuit judge or by a judge of the Supreme Court.

106 YOUTH COURTS

Establishment:

Youth courts are established as set forth in Section 43-21-107.

Miss. Code Ann. § 43-21-107. Creation in various counties

- (1) A youth court division is hereby created as a division of the county court of each county now or hereafter having a county court, and the county judge shall be the judge of the youth court unless another judge is named by the county judge as provided by this chapter.
- (2) A youth court division is hereby created as a division of the chancery court of each county in which no county court is maintained and any chancellor within a chancery court district shall be the judge of the youth court of that county within such chancery court district unless another judge is named by the senior chancellor of the county or chancery court district as provided by this chapter.
- (3) In any county where there is no county court or family court on July 1, 1979, there may be created a youth court division as a division of the municipal court in any city if the governing authorities of such city adopt a resolution to that effect. The cost of the youth court division of the municipal court shall be paid from any funds available to the municipality excluding county funds. No additional municipal youth court shall be formed after January 1, 2007.

Terms:

Youth court is in session at all times as set forth in Section 43-21-203.

Miss. Code Ann. § 43-21-203. Operation

- (1) The youth court shall be in session at all times.
- (2) All cases involving children shall be heard at any place the judge deems suitable but separately from the trial of cases involving adults.
- (3) Hearings in all cases involving children shall be conducted without a jury and may be recessed from time to time.
- (4) All hearings shall be conducted under such rules of evidence and rules of court as may comply with applicable constitutional standards.
- (5) No proceeding by the youth court in cases involving children shall be a criminal proceeding but shall be entirely of a civil nature.
- (6) The general public shall be excluded from the hearing, and only those persons shall be admitted who are found by the youth court to have a direct interest in the cause or work of the youth court. Any person found by the youth court to have a direct interest in the cause shall have the right to appear and be represented by legal counsel.

(7) In all hearings, a complete record of all evidence shall be taken by stenographic reporting, by mechanical or electronic device or by some combination thereof.

(8) The youth court may exclude the attendance of a child from a hearing in neglect and abuse cases with consent of the child's counsel. The youth court may exclude the attendance of a child from any portion of a disposition hearing that would be injurious to the best interest of the child in delinquency and children in need of supervision cases with consent of the child's counsel.

(9) All parties to a youth court cause shall have the right at any hearing in which an investigation, record or report is admitted in evidence:

(a) To subpoena, confront and examine the person who prepared or furnished data for the report; and

(b) To introduce evidence controverting the contents of the report.

(10) Except as provided by Section 43-21-561(5) or as otherwise provided by this chapter, the disposition of a child's cause or any evidence given in the youth court in any proceedings concerning the child shall not be admissible against the child in any case or proceeding in any court other than a youth court.

(11) An order or ruling of the youth court judge delivered orally must be reduced to writing within forty-eight (48) hours, excluding Saturdays, Sundays and statutory state holidays.

Judges:

Terms and eligibility of youth court judges depend on which particular court division within the county is authorized, as set forth in Section 43-21-107, to hear youth court cases.

Jurisdiction:

Laws pertaining to youth court jurisdiction include Section 43-21-151. *See also* U.R.Y.C.P. 3(b) which provides: "These rules shall not be construed to extend or limit the jurisdiction of the courts of Mississippi." The Comment to this rule sets forth actions not within the jurisdiction of the youth court.

Miss. Code Ann. § 43-21-151. Exclusive original jurisdiction; exceptions; children under 13

(1) The youth court shall have exclusive original jurisdiction in all proceedings concerning a delinquent child, a child in need of supervision, a neglected child, an abused child or a dependent child except in the following circumstances:

(a) Any act attempted or committed by a child, which if committed by an adult would be punishable under state or federal law by life imprisonment or death, will be in the original jurisdiction of the circuit court;

(b) Any act attempted or committed by a child with the use of a deadly weapon, the carrying of which concealed is prohibited by Section 97-37-1, or a shotgun

or a rifle, which would be a felony if committed by an adult, will be in the original jurisdiction of the circuit court; and

(c) When a charge of abuse of a child first arises in the course of a custody action between the parents of the child already pending in the chancery court and no notice of such abuse was provided prior to such chancery proceedings, the chancery court may proceed with the investigation, hearing and determination of such abuse charge as a part of its hearing and determination of the custody issue as between the parents, notwithstanding the other provisions of the Youth Court Law. The proceedings in chancery court on the abuse charge shall be confidential in the same manner as provided in youth court proceedings.

When a child is expelled from the public schools, the youth court shall be notified of the act of expulsion and the act or acts constituting the basis for expulsion.

(2) Jurisdiction of the child in the cause shall attach at the time of the offense and shall continue thereafter for that offense until the child's twentieth birthday, unless sooner terminated by order of the youth court. The youth court shall not have jurisdiction over offenses committed by a child on or after his eighteenth birthday.

(3) No child who has not reached his thirteenth birthday shall be held criminally responsible or criminally prosecuted for a misdemeanor or felony; however, the parent, guardian or custodian of such child may be civilly liable for any criminal acts of such child. No child under the jurisdiction of the youth court shall be held criminally responsible or criminally prosecuted by any court for any act designated as a delinquent act, unless jurisdiction is transferred to another court under Section 43-21-157.

(4) The youth court shall also have jurisdiction of offenses committed by a child which have been transferred to the youth court by an order of a circuit court of this state having original jurisdiction of the offense, as provided by Section 43-21-159.

(5) The youth court shall regulate and approve the use of teen court as provided in Section 43-21-753.

(6) Nothing in this section shall prevent the circuit court from assuming jurisdiction over a youth who has committed an act of delinquency upon a youth court's ruling that a transfer is appropriate pursuant to Section 43-21-157.

Venue:

Venue in youth courts is set forth in U.R.Y.C.P. 21 and Section 43-21-155.

U.R.Y.C.P. 21. Proper Venue

(a) Delinquency and child in need of supervision proceedings. If a child is alleged to be a delinquent child or a child in need of supervision, the proceedings shall be commenced in any county where any of the alleged acts are said to have occurred. After adjudication, the youth court may, in the best interest of the child, transfer the case at any stage of the proceeding for disposition to the county where the child resides or to a county where a youth court has previously acquired jurisdiction.

(b) Child protection proceedings. If a child is alleged to be an abused or neglected child, the proceedings shall be commenced in the county where the child's custodian resides or in the county where the child is present when the report is made to the intake unit.

Miss. Code Ann. § 43-21-155. Proper venue

(1) If a child is alleged to be a delinquent child or a child in need of supervision, the proceedings shall be commenced in any county where any of the alleged acts are said to have occurred. After adjudication, the youth court may, in the best interest of the child, transfer the case at any stage of the proceeding for disposition to the county where the child resides or to a county where a youth court has previously acquired jurisdiction.

(2) If a child is alleged to be an abused or neglected child, the proceedings shall be commenced in the county where the child's custodian resides or in the county where the child is present when the report is made to the intake unit. After adjudication the youth court may transfer the case at any stage of the proceeding for disposition to the county where the child resides or to a county where a youth court has previously acquired jurisdiction if that is in the best interest of the child.

Appeals:

Procedures for a rehearing of a referee's order are set forth in U.R.Y.C.P. 36 and Section 43-21-111(5). Appeals from final orders and decrees of the court shall be pursuant to U.R.Y.C.P. 37 and Section 43-21-651. Also, Mississippi Rules of Appellate Procedures, Rule 3 provides in part: "In all cases, both civil and criminal, in which an appeal is permitted by law as of right to the Supreme Court, there shall be one procedure for perfecting such appeal. That procedure is prescribed in these rules."

U.R.Y.C.P. Rule 36 Rehearing of Referee's Order

Procedures for a rehearing of a referee's order shall be pursuant to section 43-21-111(5) of the Mississippi Code.

Miss. Code Ann. § 43-21-111(5)

(5) An order entered by the referee shall be mailed immediately to all parties and their counsel. A rehearing by the judge shall be allowed if any party files a written motion for a rehearing or on the court's own motion within three (3) days after notice of referee's order. The youth court may enlarge the time for filing a motion for a rehearing for good cause shown. Any rehearing shall be upon the record of the hearing before the referee, but additional evidence may be admitted in the discretion of the judge. A motion for a rehearing shall not act as a supersedeas of the referee's order, unless the judge shall so order.

Miss. Code Ann. § 43-21-651. Review by supreme court

(1) The court to which appeals may be taken from final orders or decrees of the youth court shall be the Supreme Court of Mississippi. In any case wherein an appeal is desired, written notice of intention to appeal shall be filed with the youth court clerk within the time, and costs in the youth court and the filing fee in the Supreme Court shall be paid, as is otherwise required for appeals to the Supreme Court. If the appellant shall make affidavit that he is unable to pay such costs and filing fee, he shall have an appeal without prepayment of court costs and filing fee. Only the initials of the child shall appear on the record on appeal.

(2) The pendency of an appeal shall not suspend the order or decree of the youth court regarding a child, nor shall it discharge the child from the custody of that court or of the

person, institution or agency to whose care such child shall have been committed, unless the youth court or Supreme Court shall so order. If appellant desires to appeal with supersedeas, the matter first shall be presented to the youth court. If refused, the youth court shall forthwith issue a written order stating the reasons for the denial, which order shall be subject to review by the Supreme Court. If the Supreme Court does not dismiss the proceedings and discharge the child, it shall affirm or modify or reverse the order of the youth court and remand the child to the jurisdiction of the youth court for placement and supervision in accordance with its order, and thereafter the child shall be and remain under the jurisdiction of the youth court in the same manner as if the youth court had made the order without an appeal having been taken.

(3) Appeals from the youth court shall be preference cases in the Supreme Court.

Establishment:

Establishment of justice courts is under Article VI, Section 171.

Miss. Const. art. VI § 171. Justice court judges; jurisdiction

A competent number of justice court judges and constables shall be chosen in each county in the manner provided by law, but not less than two (2) such judges in any county, who shall hold their office for the term of four (4) years. Each justice court judge shall have resided two (2) years in the county next preceding his selection and shall be high school graduate or have a general equivalency diploma unless he shall have served as a justice of the peace or been elected to the office of justice of the peace prior to January 1, 1976. All persons elected to the office of justice of the peace in November, 1975, shall take office in January, 1976, as justice court judges.

The maximum civil jurisdiction of the justice court shall extend to causes in which the principal amount in controversy is Five Hundred Dollars (\$500.00) or such higher amount as may be prescribed by law. The justice court shall have jurisdiction concurrent with the circuit court over all crimes whereof the punishment prescribed does not extend beyond a fine and imprisonment in the county jail; but the Legislature may confer on the justice court exclusive jurisdiction in such petty misdemeanors as the Legislature shall see proper.

In all causes tried in justice court, the right of appeal shall be secured under such rules and regulations as shall be prescribed by law, and no justice court judge shall preside at the trial of any cause where he may be interested, or the parties or either of them shall be connected with him by affinity or consanguinity, except by the consent of the justice court judge and of the parties.

All reference in the Mississippi Code to justice of the peace shall mean justice court judge.

Terms:

Justice courts hold regular terms as set forth in Section 9-11-15.

Miss. Code Ann. § 9-11-15. Regular terms; nonresident defendant; contempt of court; traffic court days; expungement

(1) Justice court judges shall hold regular terms of their courts, at such times as they may appoint, not exceeding two (2) and not less than one (1) in every month, at the appropriate justice court courtroom established by the board of supervisors; and they may continue to hold their courts from day to day so long as business may require; and all process shall be returnable, and all trials shall take place at such regular terms, except where it is otherwise provided; but where the defendant is a nonresident or transient person, and it shall be shown by the oath of either party that a delay of the trial until the regular term will be of material injury to him, it shall be lawful for the judge to have the parties brought before him at any reasonable time and hear the evidence and give judgment or where the defendant is a nonresident or transient person and the judge and all parties agree, it shall be lawful for the judge to have the parties brought before him on the day a citation is made and hear the evidence and give judgment. Such court shall be a court of

record, with all the power incident to a court of record, including power to fine in the amount of fine and length of imprisonment as is authorized for a municipal court in Section 21-23-7(11) for contempt of court.

...

Judges:

Number, terms and eligibility of justice court judges are set forth in:

- Article VI, Section 171; and
- Section 9-11-2.

Miss. Code Ann. § 9-11-2. Number of justice court judges

(1) From and after January 1, 1984, there shall be a competent number of justice court judges in each county of the state. The number of justice court judges for each county shall be determined as follows:

(a) In counties with a population, according to the latest federal decennial census, of thirty-five thousand (35,000) and less, there shall be two (2) justice court judges unless the board of supervisors, by resolution duly spread upon its minutes, finds that one (1) justice court judge is a competent number to adequately handle the needs of the citizens of the county.

(b) In counties with a population, according to the latest federal decennial census, of more than thirty-five thousand (35,000) and less than seventy thousand (70,000), there shall be three (3) justice court judges, unless the board of supervisors, by resolution duly spread upon its minutes, finds that two (2) is a competent number of justice court judges to adequately handle the needs of the citizens of the county.

(c) In counties with a population, according to the latest federal decennial census, of seventy thousand (70,000) and less than one hundred fifty thousand (150,000), there shall be four (4) justice court judges, unless the board of supervisors, by resolution duly spread upon its minutes, finds that three (3) is a competent number of justice court judges to adequately handle the needs of the citizens of the county.

(d) In counties with a population, according to the latest federal decennial census, of one hundred fifty thousand (150,000) and more, there shall be five (5) justice court judges, unless the board of supervisors, by resolution duly spread upon its minutes, finds that four (4) is a competent number of justice court judges to adequately handle the needs of the citizens of the county.

(2) The board of supervisors shall establish single member election districts in the county for the election of each of the justice court judges authorized and required to be elected for the county under the provisions of subsection (1) of this section, and one (1) justice court judge shall be elected for each district by the electors thereof. In any county authorized and required under the provisions of subsection (1)(a) of this section to provide for the election of two (2) justice court judges for the county in which there are two (2) judicial districts, the smaller of such judicial districts, according to population based upon the latest federal decennial census, shall comprise or shall be wholly encompassed within one (1) of such election districts.

(3)

(a) Nothing in this section shall be construed to authorize or require more than five (5) justice court judges in any one (1) county from and after January 1, 1984, nor to authorize or require an increase in the number of justice court judges for any county during the term of office of any justice court judge.

(b) Nothing in this section shall be construed to authorize or require a county to decrease the number of justice court judge positions in the county as of June 30, 2014.

Jurisdiction:

Laws pertaining to justice court jurisdiction include:

- Article VI, Section 171; and
- Sections 9-11-9, 9-11-10, and 99-33-1.

Miss. Code Ann. § 9-11-9. Civil jurisdiction; pecuniary interest in outcome of action.

Justice court judges shall have jurisdiction of all actions for the recovery of debts or damages or personal property, where the principal of the debt, the amount of the demand, or the value of the property sought to be recovered shall not exceed Three Thousand Five Hundred Dollars (\$3,500.00).

The justice court judges shall have no pecuniary interest in the outcome of any action once suit has been filed.

Miss. Code Ann. § 9-11-10. Civil jurisdiction; prerequisite; penalties

No justice of the peace court shall have jurisdiction over any civil suit attempted to be filed therein unless and until all legally required court costs, as set out, but not restricted to, sections 25-7-25 and 25-7-27, Mississippi Code of 1972, are deposited with the court. The justice of the peace shall not file, docket, issue process, or otherwise assume jurisdiction until such costs shall have been paid.

Any violation shall constitute a misdemeanor wherein the county court, or in the absence of a county court, the circuit court shall have jurisdiction. Upon conviction the justice of the peace shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00).

Miss. Code Ann. § 99-33-1. Criminal jurisdiction; remand by circuit court grand jury

(1) Upon the election of any county to employ a clerk for the justice court of such county in accordance with the provisions of subsection (3) of Section 9-11-27 prior to January 1, 1984, the venue of criminal actions in such county shall be as provided in subsection (2) of this section.

(2) From and after January 1, 1984, justice court judges shall have jurisdiction concurrent with the circuit court of the county over all crimes occurring in the county whereof the punishment prescribed does not extend beyond a fine and imprisonment in the county jail.

(3) A circuit court grand jury, after an evidentiary determination, may remand any case that may be tried as a felony or misdemeanor, and which it deems should be tried as a misdemeanor, to justice or municipal court to be tried as a misdemeanor.

Transfer of jurisdiction:

Transfer of jurisdiction from justice court to municipal is set forth in Section 99-33-17.

Miss. Code Ann. § 99-33-17. Transfers to municipal court

A justice court judge shall not dismiss a criminal case but may transfer the case to a municipal court within the county if the justice court judge is prohibited from presiding over the case by the Canons of Judicial Conduct and provided that venue and jurisdiction is proper in the municipal court. Upon transfer of any such case, the justice court judge shall give the justice court clerk a written order to transmit the affidavit or complaint and all other records and evidence in the court's possession to the municipal court by certified mail or to instruct the arresting officer to deliver such documents and records to the municipal court. There shall be no court costs charged for the transfer of the case to the municipal court.

Venue:

Venue in justice courts for *civil actions* is set forth in Sections 11-9-101, 11-9-103, and 11-11-17. Venue in justice court for *criminal offenses* is set forth in Section 99-33-1.

Miss. Code Ann. § 11-9-101. Proper venue

(1) The jurisdiction of the justice court shall be coextensive with its county, and any process may be issued in matters within its jurisdiction, to be executed in any part of the county. Every defendant may be sued only in the county in which he resides or where the cause of action arose and if a defendant does not reside in the State of Mississippi or has no fixed place of residence, he shall be sued in the county where the cause of action arose. Whenever by reason of interest, relationship to one of the parties, or other like cause, any justice court judge shall be disqualified to preside in any case before him, the same shall be transferred to a justice court judge in the county, free from such objection, who shall hear and determine the same. Nothing herein contained shall be construed as authorizing or empowering the clerk of the justice court or any justice court judge to perform any official act outside of the territorial boundaries of their county.

(2) The provisions of this section shall not apply to any cause of action commenced before January 1, 1984; and any such action shall be concluded in accordance with state law as it was constituted before that date.

Miss. Code Ann. § 11-9-103. Multiple defendants, proper venue

In suits or proceedings against two (2) or more defendants, jointly or jointly and severally liable, it shall be lawful to bring the suit in the justice court of the county wherein either of the defendants reside or where the cause of action arose; and such justice court shall have power to issue a summons or other process to bring in all codefendants from any other county.

Miss. Code Ann. § 11-11-17. Improper venue, transfer

Where an action is brought in any justice court of this state, of which the court in which it is brought has jurisdiction of the subject matter, but lacks venue jurisdiction, such action shall not be dismissed because of such lack of proper venue, but on objection on the part of the defendant shall, by the court, be transferred, together with all prepaid costs remaining after the court in which the action was originally brought has deducted the costs incurred in that court, to the venue to which it belongs.

Appeals:

Appeals from justice courts are set forth in:

- Rule 27 of the Rules of Justice Court;
- MRCrP 29.1 through 29.5 and Sections 83-39-31, 99-35-3, and 99-35-7; and
- Sections 11-51-93 and 11-51-95 (certiorari proceedings).

RJC 27. Civil Appeals from Justice Court

(a) Civil appeals from justice court shall be governed by Rules 5.01, 5.04, 5.07, 5.08 and 5.09 of the Uniform Rules of Circuit and County Court. Either party aggrieved by a justice court judgment rendered in a case of unlawful entry and detainer may, after final judgment, appeal to the circuit court of the county pursuant to section 11-51-83 of the Mississippi Code. The availability of writs of certiorari shall be as provided by the Mississippi Constitution and section 11-51-93 of the Mississippi Code.

(b) Exception. Any party aggrieved by the decision of a justice court judge to issue a temporary domestic abuse protection order has the right of a trial de novo on appeal in the chancery court having jurisdiction pursuant to section 93-21-15.1 of the Mississippi Code.

MRCrP 29.1 through 29.5 (criminal appeals) are accessible at:
<https://courts.ms.gov/research/rules/rules.php> by clicking open Mississippi Rules of Criminal Procedure.

Miss. Code Ann. § 83-39-31. Bond fees

(1) Upon every defendant charged with a criminal offense who posts a cash bail bond, a surety bail bond, a property bail bond or a guaranteed arrest bond certificate conditioned for his appearance at trial, there is imposed a fee equal to two percent (2%) of the face value of each bond or Twenty Dollars (\$20.00), whichever is greater, to be collected by the clerk of the court when the defendant appears in court for final adjudication or at the time the defendant posts cash bond unless subsection (4) applies.

(2) Upon each defendant charged with a criminal offense who is released on his own recognizance, who deposits his driver's license in lieu of bail, or who is released after arrest on written promise to appear, there is imposed a fee of Twenty Dollars (\$20.00) to be collected by the clerk of the court when the defendant appears in court for final adjudication unless subsection (4) applies.

(3) Upon each defendant convicted of a criminal offense who appeals his conviction and posts a bond conditioned for his appearance, there is imposed a fee equal to two percent (2%) of the face value of each bond or Twenty Dollars (\$20.00), whichever is greater. If

such defendant is released on his own recognizance pending his appeal, there is imposed a fee of Twenty Dollars (\$20.00). The fee imposed by this subsection shall be imposed and shall be collected by the clerk of the court when the defendant posts a bond unless subsection (4) applies.

(4) If a defendant is found to be not guilty or if the charges against a defendant are dismissed, or if the prosecutor enters a nolle prosequi in the defendant's case or retires the defendant's case to the file, or if the defendant's conviction is reversed on appeal, the fees imposed pursuant to subsections (1), (2), (3) and (7) shall not be imposed.

(5) The State Auditor shall establish by regulation procedures providing for the timely collection, deposit, accounting and, where applicable, refund of the fees imposed by this section. The Auditor shall provide in the regulations for certification of eligibility for refunds and may require the defendant seeking a refund to submit a verified copy of a court order or abstract by which the defendant is entitled to a refund.

(6) It shall be the duty of the clerk or any officer of the court authorized to take bonds or recognizances to promptly collect, at the time such bonds or recognizances are received or taken, all fees imposed pursuant to this section. In all cases, the clerk or officer of the court shall deposit all fees so collected with the State Treasurer, pursuant to appropriate procedures established by the State Auditor, for deposit into the State General Fund.

(7) In addition to the fees imposed by this section, there shall be an assessment of Ten Dollars (\$10.00) imposed upon every criminal defendant charged with a criminal offense who posts a cash bail bond, a surety bail bond, a property bail bond or a guaranteed arrest bond to be collected by the clerk of the court and deposited in the Victims of Domestic Violence Fund created by Section 93-21-117, unless subsection (4) applies.

Miss. Code Ann. § 99-35-3. Appearance bonds

The appellant if sentenced to imprisonment for an offense or to stand committed until his fine and costs shall be paid, may be relieved from such imprisonment or commitment pending his appeal, by giving bond with sufficient resident sureties or one or more guaranty or surety companies authorized to do business in this state, to be approved by the justice court judge or municipal judge, payable to the state in the penalty of not less than One Hundred Dollars (\$100.00), nor more than One Thousand Dollars (\$1,000.00), except for the violation of any of the criminal statutes of Mississippi prohibiting the sale and possession of intoxicating liquors, when the bond shall not be less than One Hundred Fifty Dollars (\$150.00), nor more than One Thousand Dollars (\$1,000.00), to be determined by the justice court judge or municipal judge in reference to the grade of the offense as indicated by the judgment and ability of the appellant to give bond, conditioned to appear before the appellate court at the next term after such appeal shall be taken, to answer to the charge against him, and so to continue until discharged. On default of defendant a forfeiture shall be entered against him and his sureties.

Miss. Code Ann. § 99-35-7. Appeals without bond

Any person who shall have been convicted of a criminal offense against the laws of this state, by the judgment of a justice court, or by a municipal court for the violation of an ordinance of the municipality, who by reason of his poverty is not able to give bond as prescribed in Section 99-35-3, may nevertheless appeal from such conviction on his making an affidavit that, by reason of his poverty, he is unable to give bond or other security to obtain such appeal, but the appeal in such case shall not operate as a supersedeas of the judgment, nor discharge the appellant from custody, but the judgment shall be executed as if an appeal had not been taken, unless the presiding judge of the

appellate court shall, for good reason, see fit to stay the execution of the judgment rendered by the court below by ordering the release of the defendant on his own recognizance, and this shall not affect the trial of the case anew in the appellate court.

Miss. Code Ann. § 11-51-93. Removal to circuit court, certiorari

All cases decided by a justice of the peace, whether exercising general or special jurisdiction, may, within six months thereafter, on good cause shown by petition, supported by affidavit, be removed to the circuit court of the county, by writ of certiorari, which shall operate as a supersedeas, the party, in all cases, giving bond, with security, to be approved by the judge or clerk of the circuit court, as in cases of appeal from justices of the peace; and in any cause so removed by certiorari, the court shall be confined to the examination of questions of law arising or appearing on the face of the record and proceedings. In case of an affirmance of the judgment of the justice, the same judgment shall be given as on appeals. In case of a reversal, the circuit court shall enter up such judgment as the justice ought to have entered, if the same be apparent, or may then try the cause anew on its merits, and may in proper cases enter judgment on the certiorari or appeal bond, and shall, when justice requires it, award restitution. The clerk of the circuit court, on the issuance of a certiorari, shall issue a summons for the party to be affected thereby; and, in case of nonresidents, he may make publication for them as in other cases.

Establishment:

Municipal courts are established as set forth in Section 21-23-1.

Miss. Code Ann. § 21-23-1. Establishment

There shall be a municipal court in all municipalities of this state. Wherever the words "police court" or "police justice" appear in the laws of this state, they shall mean municipal court or municipal judge, respectively.

Terms:

Municipal courts may hold court every day except Sundays and legal holidays if the business of the municipality so requires as set forth in Section 21-23-7.

Miss. Code Ann. § 21-23-7. Operation of court

(1) The municipal judge shall hold court in a public building designated by the governing authorities of the municipality, or may hold court in an adult detention center as provided under this subsection, and may hold court every day except Sundays and legal holidays if the business of the municipality so requires; . . .

Judges:

Terms and eligibility of municipal court judges are set forth in Sections 21-23-3, 21-23-5, and 21-23-9.

Miss. Code Ann. § 21-23-3.

In all municipalities having a population of ten thousand (10,000) or more, according to the latest available federal census, there shall be a municipal judge and a prosecuting attorney, who shall be appointed by the governing authorities of the municipality at the time provided for the appointment of other officers. The municipal governing authorities may appoint one (1) additional municipal judge, who shall exercise the same authority and prerogatives of the office, regardless of the presence or absence of the other municipal judge. Except as otherwise provided in Section 21-23-5, a municipal judge shall be a qualified elector of the county in which the municipality is located and shall be an attorney at law. Such municipal judges and prosecuting attorney shall receive a salary, to be paid by the municipality, and to be fixed by the governing authorities of the municipality.

. . .

Provided, however, the governing authorities of any municipality having a population in excess of ten thousand (10,000) persons according to the latest available federal census and situated in a county having an area in excess of nine hundred thirty-five (935) square miles and having a county court may, in their discretion, follow the provisions as set out in Section 21-23-5 for municipalities having a population of less than ten thousand (10,000).

Provided, further, the governing authorities of any municipality having a population in excess of fifty thousand (50,000) according to the latest federal decennial census may, in their discretion, provide for the appointment of not more than ten (10) municipal judges for said municipality, each of whom shall exercise the same authority and prerogatives of their office, regardless of the presence or absence of the other municipal judges.

Miss. Code Ann. § 21-23-5. Eligibility as judge; training course

In any municipality having a population of less than ten thousand (10,000) according to the latest available federal census, it shall be discretionary with the governing authorities of the municipality as to whether or not a municipal judge or a prosecuting attorney, or both, shall be appointed. If the authorities of any municipality having a population of less than twenty thousand (20,000) according to the latest available federal census appoint a municipal judge, he shall be an attorney licensed in the State of Mississippi or a justice court judge of the county in which the municipality is located. The mayor or mayor pro tempore shall not serve as a municipal judge.

Miss. Code Ann. § 21-23-9. Temporary judges

In any municipality where a municipal judge is appointed or elected, the governing authorities shall have the power and authority to appoint a municipal judge pro tempore who shall have the same powers and qualifications for office as the municipal judge and shall perform all duties of the municipal judge in the absence of such municipal judge or if such municipal judge is unable to serve for any reason. In the event a municipal judge pro tempore is not appointed or is absent or unable for any reason to serve, any justice court judge of the county or municipal judge of another municipality may serve in his place with the same power and authority upon designation by the municipal judge. Any municipality that appoints a municipal judge pro tempore in the absence of a municipal judge or has a justice court judge serve in the absence of a municipal court judge, as provided in this section, is authorized to compensate that municipal judge pro tempore or justice court judge in the same manner and amount as the municipality provides for the appointed or elected municipal judge who is absent.

Jurisdiction:

Laws pertaining to municipal court jurisdiction include Section 21-23-7.

Miss. Code Ann. § 21-23-7. Operation of court

(1) . . . The municipal judge shall have the jurisdiction to hear and determine, without a jury and without a record of the testimony, all cases charging violations of the municipal ordinances and state misdemeanor laws made offenses against the municipality and to punish offenders therefor as may be prescribed by law. Except as otherwise provided by law, criminal proceedings shall be brought by sworn complaint filed in the municipal court. Such complaint shall state the essential elements of the offense charged and the statute or ordinance relied upon. Such complaint shall not be required to conclude with a general averment that the offense is against the peace and dignity of the state or in violation of the ordinances of the municipality. He may sit as a committing court in all felonies committed within the municipality, and he shall have the power to bind over the accused to the grand jury or to appear before the proper court having jurisdiction to try the same, and to set the amount of bail or refuse bail and commit the accused to jail in cases not bailable. The municipal judge is a conservator of the peace within his municipality. He may conduct preliminary hearings in all violations of the criminal laws of this state occurring within the municipality, and any person arrested for a violation of

law within the municipality may be brought before him for initial appearance. The municipal court shall have jurisdiction of any case remanded to it by a circuit court grand jury. The municipal court shall have civil jurisdiction over actions filed pursuant to and as provided in Title 93, Chapter 21, Mississippi Code of 1972, the Protection from Domestic Abuse Act.

...

(3) The municipal judge may solemnize marriages, take oaths, affidavits and acknowledgments, and issue orders, subpoenas, summonses, citations, warrants for search and arrest upon a finding of probable cause, and other such process under seal of the court to any county or municipality, in a criminal case, to be executed by the lawful authority of the county or the municipality of the respondent, and enforce obedience thereto. The absence of a seal shall not invalidate the process.

...

(11) The municipal court shall have the power to impose punishment of a fine of not more than One Thousand Dollars (\$1,000.00) or six (6) months imprisonment, or both, for contempt of court. . . .

...

(13) A municipal court judge shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped, there was no disposition of such case or the person was found not guilty at trial.

Venue:

Venue in municipal courts is set forth in Section 21-23-7.

Miss. Code Ann. § 21-23-7. Operation of court

(1) The municipal judge shall hold court in a public building designated by the governing authorities of the municipality, or may hold court in an adult detention center as provided under this subsection, and may hold court every day except Sundays and legal holidays if the business of the municipality so requires; provided, however, the municipal judge may hold court outside the boundaries of the municipality but not more than within a sixty-mile radius of the municipality to handle preliminary matters and criminal matters such as initial appearances and felony preliminary hearings. The municipal judge may hold court outside the boundaries of the municipality but not more than within a one-mile radius of the municipality for any purpose; however, a municipal judge may hold court outside the boundaries of the municipality more than within a one-mile radius of the municipality when accepting a plea of a defendant at an adult detention center within the county. . . .

Appeals:

Appeals from municipal courts are set forth in MRCrP 29 and Sections 83-39-31, 99-35-3, and 99-35-7.

MRCrP 29.1 through 29.5 (criminal appeals) are accessible at:

<https://courts.ms.gov/research/rules/rules.php> by clicking open Mississippi Rules of Criminal Procedure.

109 *SPECIAL COURT OF EMINENT DOMAIN*

Establishment:

Special courts of eminent domain are established as set forth in Section 11-27-3.

Miss. Code Ann. § 11-27-3. Creation of court

A special court of eminent domain is hereby created, to consist of a judge, jury, and such other officers and personnel as hereinafter set out, and it shall have and exercise the jurisdiction and powers hereinafter enumerated. The original powers and jurisdiction shall be and is hereby fixed in the county court in each county that has elected to come under the provisions of section 9-9-1 Mississippi Code of 1972, or that may hereafter come under the provisions of said section 9-9-1, and in every other county of this state, the original powers and jurisdiction shall be and is hereby fixed in the circuit court of such county, which said powers and jurisdiction may be exercised in full either in termtime or vacation, or both.

Terms:

Special courts of eminent domain may hear cases in term-time or vacation as set forth in Sections 11-27-5 and 11-27-7.

Miss. Code Ann. § 11-27-5. Complaint to condemn

Any person or corporation having the right to condemn private property for public use shall file a complaint to condemn with the circuit clerk of the county in which the affected property, or some part thereof, is situated and shall make all the owners of the affected property involved, and any mortgagee, trustee or other person having any interest therein or lien thereon a defendant thereto. The complaint shall be considered a matter of public interest and shall be a preference case over other cases except other preference causes. The complaint shall describe in detail the property sought to be condemned, shall state with certainty the right to condemn, and shall identify the interest or claim of each defendant.

Miss. Code Ann. § 11-27-7. Commencement, hearing and pleadings

The complaint shall be filed with the circuit clerk and shall be assigned a number and placed on the docket as other pleadings in circuit court or county court. The plaintiff shall also file a lis pendens notice in the office of the chancery clerk immediately after filing the complaint. The circuit clerk, or the plaintiff by his attorney, shall forthwith present such complaint to the circuit judge or county judge, as the case may be, who shall by written order directed to the circuit clerk fix the time and place for the hearing of the matter, in termtime or vacation, and the time of hearing shall be fixed on a date to allow sufficient time for each defendant named to be served with process as is otherwise provided by the Mississippi Rules of Civil Procedure, for not less than thirty (30) days prior to the hearing. If a defendant, or other party in interest, shall not be served for the specified time prior to the date fixed, the hearing shall be continued to a day certain to allow the thirty-day period specified. Not less than twenty (20) days prior to the date fixed for such hearing, the plaintiff shall file with the circuit clerk and serve upon the defendants, or their respective attorneys, a statement showing: (1) the fair market value of the property to be condemned, determined as of the date of the filing of the complaint; (2)

the damages, if any, to the remainder if less than the whole is taken, giving a total compensation and damages to be due as determined by the plaintiff. Not less than ten (10) days prior to the date fixed for such hearing, each of the defendants shall file with the circuit clerk and serve upon the plaintiff, or his attorney, a statement showing: (1) the fair market value of the property to be condemned, determined as of the date of the filing of the complaint; (2) the damages, if any, to the remainder if less than the whole is taken, giving a total compensation and damages to be due as determined by the defendants. In each such instance, both the plaintiff and the defendant shall set out in such statement the asserted highest and best use of the property and shall itemize the elements of damage, if any, to the remainder if less than the whole is taken. The statements required by this section shall constitute the pleadings of the parties with respect to the issue of value, and shall be treated as pleadings are treated in civil actions in the circuit court. The judge, for good cause shown, may increase or decrease the time for pleading by the plaintiff or by the defendant.

Judges:

Terms and eligibility of special courts of eminent domain judges depend on which particular court division within the county is authorized, as set forth in Section 11-27-3, to hear eminent domain cases.

Jurisdiction:

Laws pertaining to special courts of eminent domain jurisdiction include Section 11-27-3. Such are preference cases as set forth in Section 11-27-5.

Miss. Code Ann. § 11-27-3. Creation of court

A special court of eminent domain is hereby created, to consist of a judge, jury, and such other officers and personnel as hereinafter set out, and it shall have and exercise the jurisdiction and powers hereinafter enumerated. The original powers and jurisdiction shall be and is hereby fixed in the county court in each county that has elected to come under the provisions of section 9-9-1 Mississippi Code of 1972, or that may hereafter come under the provisions of said section 9-9-1, and in every other county of this state, the original powers and jurisdiction shall be and is hereby fixed in the circuit court of such county, which said powers and jurisdiction may be exercised in full either in termtime or vacation, or both.

Miss. Code Ann. § 11-27-5. Complaint to condemn

Any person or corporation having the right to condemn private property for public use shall file a complaint to condemn with the circuit clerk of the county in which the affected property, or some part thereof, is situated and shall make all the owners of the affected property involved, and any mortgagee, trustee or other person having any interest therein or lien thereon a defendant thereto. The complaint shall be considered a matter of public interest and shall be a preference case over other cases except other preference causes. The complaint shall describe in detail the property sought to be condemned, shall state with certainty the right to condemn, and shall identify the interest or claim of each defendant.

Venue:

Venue in special courts of eminent domain is set forth in Section 11-27-5 (if property is situated in only one county) or Section 11-27-31 (if property is situated in more than one county).

Miss. Code Ann. § 11-27-5. Complaint to condemn

Any person or corporation having the right to condemn private property for public use shall file a complaint to condemn with the circuit clerk of the county in which the affected property, or some part thereof, is situated and shall make all the owners of the affected property involved, and any mortgagee, trustee or other person having any interest therein or lien thereon a defendant thereto. The complaint shall be considered a matter of public interest and shall be a preference case over other cases except other preference causes. The complaint shall describe in detail the property sought to be condemned, shall state with certainty the right to condemn, and shall identify the interest or claim of each defendant.

Miss. Code Ann. § 11-27-31. Property in multiple counties

In case the property sought to be condemned be in more than one (1) county, proceedings may be instituted in either of the counties in which a part of said property is situated.

Appeals:

Appeals from judgments of special courts of eminent domain are to the Mississippi Supreme Court as set forth in Section 11-27-29. Orders overruling or granting motions to dismiss for failure to state a claim are appealable as set forth in Section 11-27-15. Also, Mississippi Rules of Appellate Procedures, Rule 3 provides in part: “In all cases, both civil and criminal, in which an appeal is permitted by law as of right to the Supreme Court, there shall be one procedure for perfecting such appeal. That procedure is prescribed in these rules.”

Miss. Code Ann. § 11-27-29. Review

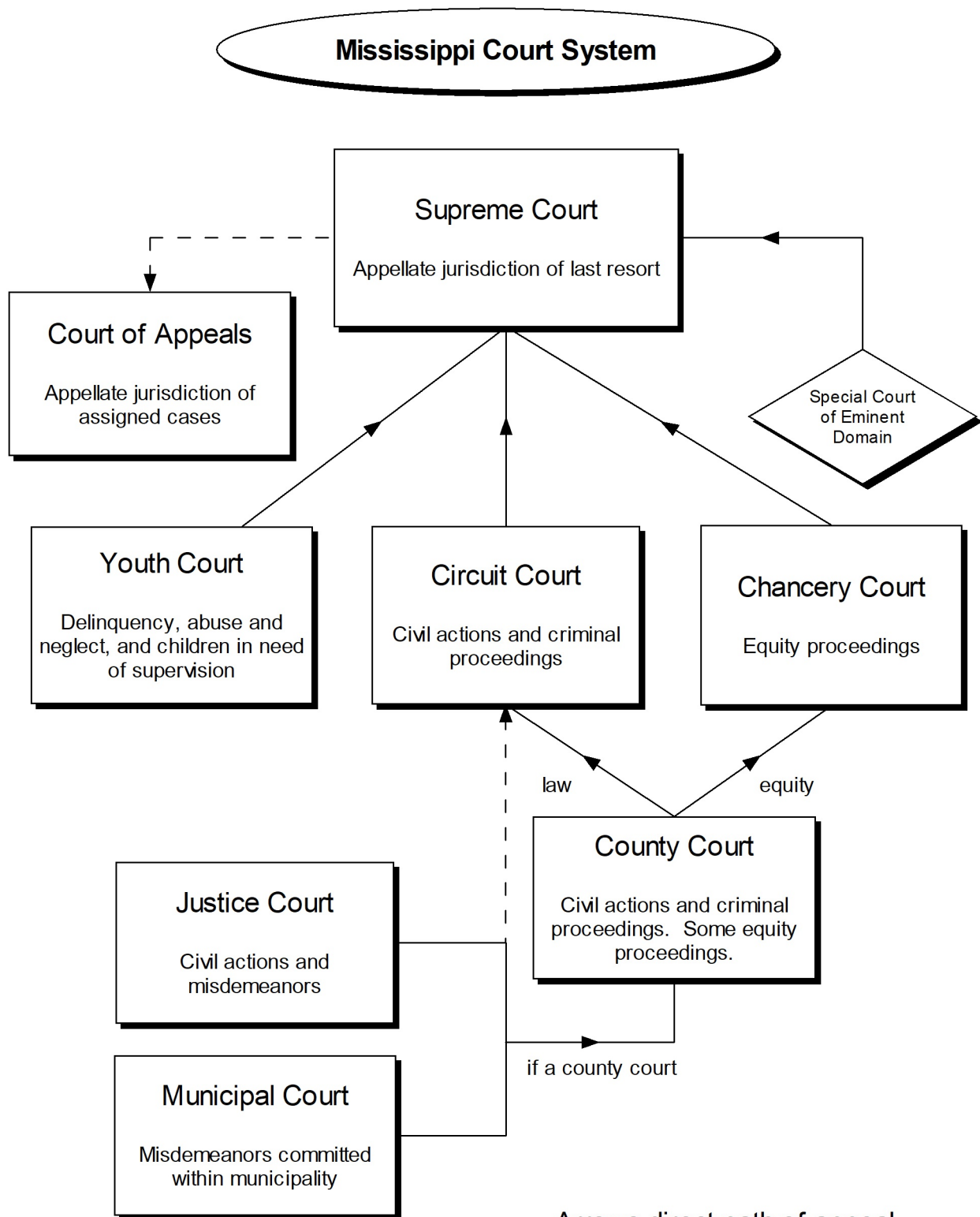
(1) Every party shall have the right to appeal directly to the Supreme Court from the judgment entered in the special court of eminent domain, whether tried in county court or circuit court, by giving notice within ten (10) days from the date of the judgment or final order entered by the court to the court reporter to transcribe the record as taken and by prepaying all costs that may be adjudged against him; and said notice to the court reporter shall be given and the costs shall be paid as is otherwise required by law for appeals to the Supreme Court. If the judgment be in excess of the sum, if any, deposited, and the plaintiff, other than the State of Mississippi or any political subdivision thereof, desires an appeal, he shall deposit a sum, or a good and sufficient surety bond with a surety company authorized to do business in the State of Mississippi acceptable to the clerk, equal to double the amount of the judgment, less the amount of the deposit, if any, which shall be held exclusively to secure all damages assessed against plaintiff. In any case where the deposit exceeds the compensation to be paid the defendants as determined by the final judgment, the excess shall be returned to the plaintiff. If the appeal is by the defendant, it shall not operate as a supersedeas, nor shall the right of the plaintiff to enter in and upon the land and to appropriate the same to public use be delayed. If the appeal

be by the State of Mississippi or any political subdivision thereof, no bond or prepayment of costs shall be required, except the Supreme Court filing fee as required by Section 25-7-3.

(2) The term of a special court of eminent domain shall begin when the court is convened as provided by statute and shall continue for ten (10) days immediately following the entry and filing of a judgment or final order with the clerk of the court, and thereafter the court shall have jurisdiction to dispose of any post trial motions or proceedings filed within said ten (10) days. The jurisdiction of a special court of eminent domain shall expire upon the entry and filing with the clerk of a final judgment or order disposing of any post trial motions or proceedings.

Miss. Code Ann. § 11-27-15. Motion to dismiss

Any defendant may, not less than five (5) days prior to the date fixed for the hearing of the complaint and in the same court where the complaint is pending, serve and file a motion to dismiss under the Mississippi Rules of Civil Procedure for failure to state a claim upon which relief can be granted on any of the following grounds: (1) that the plaintiff seeking to exercise the right of eminent domain is not, in character, such a corporation, association, district or other legal entity as is entitled to the right; (2) that there is no public necessity for the taking of the particular property or a part thereof which it is proposed to condemn; or (3) that the contemplated use alleged to be a public use is not in law a public use for which private property may be taken or damaged. Any such motion, if served and filed, shall be heard and decided by the judge as a preference proceeding, without a jury, prior to the hearing on the complaint. Any party may appeal directly to the Supreme Court from an order overruling or granting any such motion to dismiss, as in other cases, but if the order be to overrule the motion, the appeal therefrom shall not operate as a supersedeas and the court of eminent domain may nevertheless proceed with the trial on the complaint. Any appeal from an order overruling or granting a motion to dismiss shall be a preference action in the Supreme Court and advanced on the docket as appropriate.



CHAPTER 2

ADMINISTRATIVE OFFICE OF COURTS

200 ADMINISTRATIVE OFFICE OF COURTS

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201 ADMINISTRATIVE DIRECTOR OF COURTS

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202 SPECIAL FUNDS CREATED IN THE STATE TREASURY

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203 AOC EMPLOYEE MANUAL for CHANCERY AND CIRCUIT TRIAL COURT SUPPORT STAFF

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200 ADMINISTRATIVE OFFICE OF COURTS

§ 9-21-1 Purpose:

The Administrative Office of Courts is hereby created. The purpose of the Administrative Office of Courts shall be to assist in the efficient administration of the nonjudicial business of the courts of the state and in improving the administration of justice in Mississippi by performing the duties and exercising the powers as provided in this chapter. As used in this chapter, unless the context clearly indicates otherwise, the term "court" means any tribunal recognized as a part of the judicial branch of government, but not including county boards of supervisors.

§ 9-21-3 Duties:

(1) The Administrative Office of Courts shall be specifically charged with the duty of assisting the Chief Justice of the Supreme Court of Mississippi with his duties as the chief administrative officer of all courts of this state, including without limitation the task of insuring that the business of the courts of the state is attended with proper dispatch, that the dockets of such courts are not permitted to become congested and that trials and appeals of cases, civil and criminal, are not delayed unreasonably.

(2) The office shall also perform the following duties:

(a) To work with the clerks of all youth courts and civil and criminal trial courts in the state to collect, obtain, compile, digest and publish information and statistics concerning the administration of justice in the state.

(b) To serve as an agency to apply for and receive any grants or other assistance and to coordinate and conduct studies and projects to improve the administration of justice by the courts of the state, and it may conduct such studies with or without the assistance of consultants.

(c) To supply such support to the Judicial Advisory Study Committee necessary to accomplish the purposes of this chapter, including without limitation, research and clerical assistance.

(d) To promulgate standards, rules and regulations for computer and/or electronic filing and storage of all court records and court-related records maintained throughout the state in courts and in offices of circuit and chancery clerks.

(e) It shall perform such other duties relating to the improvement of the administration of justice as may be assigned by the Supreme Court of Mississippi.

201 ADMINISTRATIVE DIRECTOR OF COURTS

§ 9-21-5 Appointment:

The Administrative Director shall be appointed by and shall serve at the pleasure of the Supreme Court of Mississippi as the Director of the Administrative Office of Courts. The

Administrative Director shall devote full time to the duties of the office to the exclusion of engagement in any other business or profession for profit.

Duties and authority:

§ 9-21-7

The Administrative Director, with the approval of the Supreme Court, is authorized to employ and set the compensation of such assistants and other employees as are necessary to enable him to perform his duties, subject to approval of the State Personnel Board.

§ 9-21-9

The Administrative Director of Courts shall have the following duties and authority with respect to all courts in addition to any other duties and responsibilities as may be properly assigned by the Supreme Court:

- (a) To require the filing of reports, the collection and compilation of statistical data and other information on the judicial and financial operation of the courts and on the operation of other offices directly related to and serving the courts;
- (b) To determine the state of the dockets and evaluate the practices and procedures of the courts and make recommendations concerning the number of judges and other personnel required for the efficient administration of justice;
- (c) To prescribe uniform administrative and business methods, systems, forms and records to be used in the offices of the clerks of courts;
- (d) To devise, promulgate and require the use of a uniform youth court case tracking system, including a youth court case filing form for filing with each individual youth court matter, to be utilized by the Administrative Office of Courts and the youth courts in order that the number of youthful offenders, abused, neglected, truant and dependent children, as well as children in need of special care and children in need of supervision, may be tracked with specificity through the youth court and adult justice systems; in support of the uniform case docketing system, the director shall require that all youth courts utilize the Mississippi Youth Court Information Delivery System (MYCIDS);
- (e) To develop, promulgate and require the use of a statewide docket numbering system to be utilized by the youth courts, which youth court docket numbers shall standardize and unify the numbering system by which youth court docket numbers are assigned, such that each docket number would, among other things, identify the county and year in which a particular youth court action was commenced;
- (f) To develop, promulgate and require the use of uniform youth court orders and forms in all youth courts and youth court proceedings;

- (g) To prepare and submit budget recommendations for state appropriations necessary for the maintenance and operation of the judicial system and to authorize expenditures from funds appropriated for these purposes as permitted or authorized by law;
- (h) To develop and implement personnel policies for nonjudicial personnel employed by the courts;
- (i) To investigate, make recommendations concerning and assist in the securing of adequate physical accommodations for the judicial system;
- (j) To procure, distribute, exchange, transfer and assign such equipment, books, forms and supplies as are acquired with state funds or grant funds or otherwise for the judicial system;
- (k) To make recommendations for the improvement of the operations of the judicial system;
- (l) To prepare and submit an annual report on the work of the judicial system to the Supreme Court;
- (m) To take necessary steps in the collection of unpaid court costs, fines and forfeitures;
- (n) To perform such additional administrative duties relating to the improvement of the administration of justice as may be assigned by the Supreme Court; and
- (o) To promulgate standards, rules and regulations for computer and/or electronic filing and storage of all court records and court-related records maintained throughout the state in courts and in offices of circuit and chancery clerks.

§ 9-21-11

- (1) The Administrative Director of Courts is authorized and empowered to: study and apply for any and all applications for funds and grants directed to the office from any federal governmental agency or entity; disburse such aid, assistance, funds, monies, grants or subgrants; and coordinate the same with the overall administration of justice in Mississippi to assist or aid in the administration of justice, criminal or civil, or the improvement of courts and the judicial system.
- (2) The courts of the state, regardless of the name they bear, shall be proper local units or entities of government to apply for and receive such assistance, aid, funds, monies, grants and subgrants.
- (3) Grants to youth courts shall be made in accordance with Section 43-21-801.

§ 9-21-13

(1) The Administrative Director of Courts shall coordinate the functions and duties of administrative personnel, including court administrators and court administrative aides to judges, to facilitate cooperation and so that the overall administration of justice may be accomplished with efficiency in all courts of the state.

(2) The Administrative Director of Courts is authorized to direct the expenditure of state monies appropriated to the Administrative Office of Courts or any courts of the state for any and all functions or projects directly or indirectly affecting the operation of any court and may transfer monies appropriated for the office or any account to any one or more other accounts or office.

§ 9-21-15

The Administrative Director of Courts is authorized and empowered to employ consultants and consultant firms and to contract with the same for their services for reasonable compensation and as necessary to improve the administration of justice and the courts of the state. The contracts with such consultants or consultant firms shall be considered as contracts for professional services.

§ 9-21-17

The Administrative Director of Courts and the Supreme Court are authorized to use the services of any member of the judiciary of any court and any court-supportive personnel, including, without limitation, court reporters, clerks, bailiffs, law clerks, court administrators, secretaries and employees in clerks' offices to carry out studies, projects and functions designed to improve or effect the efficient administration of justice and the operation of courts.

§ 9-21-19

All judges, clerks of court, and other officers or employees of the courts and of offices related to and serving the courts shall comply with all requests made by the Administrative Director for information and statistical data relative to the work of the courts and of such offices and relative to the expenditure of public monies for their maintenance and operation.

§ 9-21-73

(1) The Director of the Administrative Office of Courts shall establish a program to facilitate the use of interpreters in all courts of the State of Mississippi.

(2)(a) The Administrative Office of Courts shall prescribe the qualifications of and certify persons who may serve as certified interpreters in all courts of the State of Mississippi in

bilingual proceedings. The Director of the Administrative Office of Courts may set and charge a reasonable fee for certification.

(b) The director shall maintain a current master list of all certified interpreters and shall report annually to the Supreme Court on the frequency of requests for and the use and effectiveness of the interpreters.

(3) In all state court bilingual proceedings, the presiding judicial officer, with the assistance of the director, shall utilize the services of a certified interpreter to communicate verbatim all spoken or written words when the necessity therefor has been determined pursuant to Section 9-21-79.

(4) All state courts shall maintain on file in the office of the clerk of the court a list of all persons who have been certified as interpreters in accordance with the certification program established pursuant to this section.

202 *SPECIAL FUNDS CREATED IN THE STATE TREASURY*

§ 9-21-14 Comprehensive Electronic Court Systems Fund:

(1) There is created in the State Treasury a special fund to be known as the Comprehensive Electronic Court Systems Fund. The purpose of the fund shall be to provide funding for the development, implementation and maintenance of a comprehensive case management and electronic filing system, one of the purposes of which will be to provide duplicate dockets and case files at remote sites. The system will be designed to:

(a) Provide a framework for the seamless, transparent exchange of data among courts and with appropriate law enforcement, children's services and public welfare agencies.

(b) Allow judges and prosecutors to determine whether there are holds or warrants from other jurisdictions for defendants prior to release on bail or otherwise.

(c) Assist related agencies in tracking the court activity of individuals in all participating jurisdictions.

(d) Assist child protection and human services agencies to determine the status of children and caregivers in the participating jurisdictions.

(e) Duplicate and preserve court documents at remote sites so that they may be protected against catastrophic loss.

(f) Improve the ability of the Administrative Office of Courts and the state courts to handle efficiently monies flowing through the courts and to collect delinquent fees, fines and costs.

(g) Enable the state courts and clerks to generate management reports and analysis tools, allowing them to constantly track individual cases and the overall caseload.

(h) Provide a uniform system for docketing and tracking cases and to automatically generate status reports.

(i) Enable the Administrative Office of Courts to acquire statistical data promptly and efficiently.

(j) Make trial court and individual case dockets available to the public online through use of the Internet.

(2) Monies from the fund shall be distributed by the State Treasurer upon warrants issued by the Administrative Office of Courts.

(3) The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of:

(a) Monies appropriated by the Legislature for the purposes of funding the comprehensive case management and electronic filing system;

(b) The interest accruing to the fund;

(c) Monies received from the federal government;

(d) Donations; and

(e) Monies received from such other sources as may be provided by law.

(4) The Supreme Court may utilize and fund as a pilot program any case management and electronic filing system of the Three Rivers Planning and Development District or that of any county or vendor that complies with the data and case management and electronic filing policy standards adopted by the Supreme Court. No statewide comprehensive case management and electronic system shall be implemented by the Mississippi Supreme Court unless such system is approved by the Legislature.

§ 9-21-43 Civil Legal Assistance Fund:

(1) There is hereby created in the State Treasury a special fund designated as the Civil Legal Assistance Fund. The funds shall be administered by the Supreme Court through the Administrative Office of Courts. The Administrative Office of Courts may also accept monies from any public or private source for deposit into the fund. Money remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned from the investment of monies in the fund shall be deposited to the credit of the funds.

(2) All monies shall be allocated to only those organizations providing legal services to low income Mississippians. Furthermore, no monies from this fund shall be expended to provide legal services in matters currently prohibited by the Legal Services Corporation, Washington, D.C., and no funds shall be expended on persons who are not financially eligible to receive legal services as directed by the Legal Services Corporation, Washington, D.C.

(3) The monies appropriated shall be distributed to eligible legal services programs based on the percentage of poverty population within the program service area, consistent with the formula used by the Legal Services Corporation.

(4) Monies appropriated to the fund may be used to promote increased participation by the private bar in the delivery of legal services to the indigent through the Mississippi Volunteer Lawyers Project.

(5) Recipients of funds shall have the following duties:

(a) To develop, operate and administer programs within their respective service areas that provide free legal services to indigent clients involved in civil matters;

(b) To report annually to the Supreme Court, through the Administrative Office of Courts, on its activities, including providing a copy of its annual audit that accounts for the use of the funds; and

(c) To refund annually all unused or uncommitted funds.

§ 9–21–45 Judicial System Operation Fund:

(1) There is created in the State Treasury a special fund designated as the Judicial System Operation Fund. The funds shall be administered by the Supreme Court through the Administrative Office of Courts. The fund shall consist of monies deposited therein as provided in Section 99-19-72 and monies from any other source designated for deposit into the fund. The Administrative Office of Courts may also accept monies from any public or private source for deposit into the fund. Money remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned from the investment of monies in the fund shall be deposited to the credit of the fund.

(2) Monies in the fund shall be subject to appropriation by the Legislature and may only be used for the purpose of the operation of the judicial system in the state as determined necessary by the Supreme Court and to provide additional funds for the judicial salaries set forth in Section 25-3-35 and Section 9-9-11(8). Monies in the fund used for the purposes described in this section shall be in addition to other funds available from any other source for such purposes.

203 *AOC EMPLOYEE MANUAL for CHANCERY AND CIRCUIT TRIAL COURT SUPPORT STAFF*

The *AOC Employee Manual* for chancery and circuit trial court support staff (court administrators, secretaries, legal staff) is accessible at <http://courts.ms.gov/> under “AOC” by opening “Employee Information & Forms.”

CHAPTER 3

COURT ADMINISTRATORS

300 COURT ADMINISTRATORS

**Appointment
Duties**

301 SOURCES OF FUNDING

**Special fund
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302 CERTIFICATION AND CONTINUING EDUCATION

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Rules and regulations for certification and continuing education**

303 CONSTITUTION AND BYLAWS OF THE MISSISSIPPI COURT ADMINISTRATORS ASSOCIATION

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300 COURT ADMINISTRATORS

§ 9-17-1 Appointment:

(1) The judges and chancellors of judicial districts, including chancery, circuit and county courts, may, in their discretion, jointly or independently, establish the office of court administrator in any county by an order entered on the minutes of each participating court in the county. The establishment of the office of court administrator shall be accomplished by vote of a majority of the participating judges and chancellors in the county, and such court administrator shall be appointed by vote of a majority of the judges or chancellors and may be removed by a majority vote of the judges or chancellors. In case of a tie vote, the senior judge or senior chancellor shall cast two (2) votes.

(2) The court administrator shall be provided office space in the same manner as such is afforded the judges and chancellors.

(3) The annual salary of each court administrator appointed pursuant to this section shall be set by vote of the judges and chancellors of each participating county and shall be submitted to the Administrative Office of Courts for approval pursuant to Section 9-1-36. The salary shall be paid in twelve (12) installments on the last working day of the month by the Administrative Office of Courts after it has been authorized by the participating judges and chancellors and an order has been duly placed on the minutes of each participating court. Any county within a judicial district having a court administrator shall transfer to the Administrative Office of Courts one-twelfth (1/12) of its pro rata cost of authorized compensation as defined in Section 9-1-36 for the court administrator by the twentieth day of each month for the compensation that is to be paid on the last day of that month. The board of supervisors may transfer the pro rata cost of the county from the funds of that county pursuant to Section 9-17-5(2)(b).

(4) For all travel required in the performance of official duties, the court administrator shall be paid mileage by the county in which the duties were performed at the same rate as provided for state employees in Section 25-3- 41, Mississippi Code of 1972. The court administrator shall file a certificate of mileage expense incurred during that term with the board of supervisors of each participating county and payment of such expense shall be paid proportionately out of the court administration fund established pursuant to Section 9-17-5.

Case law:

Touart v. Johnston, 656 So. 2d 318, 322 (Miss. 1995) (“Miss. Code Ann. § 9-17-1, combined with the approval of the Youth Court budget, as mandated by § 43-21-123 and § 19-9-96, clearly authorizes the hiring by the youth court judge of a youth court administrator who performs non-judicial, administrative functions of the youth court.”).

Duties:**§ 9-17-3**

It shall be the duty of the court administrator to:

- (a) Perform all nonjudicial tasks of the court;
- (b) Maintain all statistical reports;
- (c) Serve as liaison with the general public and members of the bar;
- (d) Coordinate and assist in the duties of the clerks of the courts of the district related to the judicial duties of the clerks;
- (e) Provide general administrative support for all judges and chancellors of the district;
and
- (f) Perform other duties assigned by the judges.

§ 9-21-13(1)

(1) The Administrative Director of Courts shall coordinate the functions and duties of administrative personnel, including court administrators and court administrative aides to judges, to facilitate cooperation and so that the overall administration of justice may be accomplished with efficiency in all courts of the state.

§ 9-21-17

The Administrative Director of Courts and the Supreme Court are authorized to use the services of any member of the judiciary of any court and any court-supportive personnel, including, without limitation, court reporters, clerks, bailiffs, law clerks, court administrators, secretaries and employees in clerks' offices to carry out studies, projects and functions designed to improve or effect the efficient administration of justice and the operation of courts.

§ 9-21-19

All judges, clerks of court, and other officers or employees of the courts and of offices related to and serving the courts shall comply with all requests made by the Administrative Director for information and statistical data relative to the work of the courts and of such offices and relative to the expenditure of public monies for their maintenance and operation.

Discussion of duties:

Court administrators are *not* clerks or secretaries or receptionists. Yet, at one time or another, most have probably taken on these roles in carrying out their duties. Instead, “the Court administrator is to bring efficiency and economy of the well-managed business to that world in which individualism and studied deliberation must never be sacrificed: the courts.”¹ Such requires expertise in non-judicial tasks relating to personnel management, caseload, and budgetary matters. It also requires a keen awareness of the court’s ultimate product—‘Fair and Equal Justice Under Law.’ This is not a balancing act. A court administrator’s ultimate goal is to make it happen within an efficient and economical system.² Below is a discussion of Section 9-17-3, which sets forth the parameters for achieving it.

Perform all nonjudicial tasks of the court (Section 9-17-3(a)): Court administrators do not perform judicial tasks, such as setting bail, issuing warrants, or ruling on motions. ‘Nonjudicial tasks of the court’ are essentially those duties necessary to the efficient administration of the court in conducting its business. Such includes the duties set forth in Section 9-17-3(b) through (f), as well as other statutorily assigned tasks.

Maintain all statistical reports (Section 9-17-3(b)): Court administrators are responsible for maintaining statistical reports. Otherwise, the Chief administrative judge and/or clerk would have to do it—which, of course, would distract them from other duties. Also, if the Administrative Director of Courts were to request information or statistical data pursuant to Section 9-21-19, such facilitates prompt compliance.

Serve as liaison with the general public and members of the bar (Section 9-17-3(c)): Mississippi’s Code of Judicial Conduct includes the following Canons: Canon 1, “A Judge Should Uphold the Integrity and Independence of the Judiciary”; Canon 2, “A Judge Should Avoid Impropriety and the Appearance of Impropriety in All His Activities”; Canon 3, “A Judge Should Perform the Duties of His Office Impartially and Diligently”; Canon 4, “A Judge May Engage in Activities to Improve the Law, the Legal System, and the Administration of Justice - A Judge Shall So Conduct the Judge’s Extrajudicial Activities as to Minimize the Risk of Conflict with Judicial Obligations”;

¹Mary Libby Payne, *The Mississippi Judiciary Commission Revisited: Judicial Administration: An Idea Whose Time Has Come*, 14 Miss. C. L. Rev. 413, 436 (1994); *see also* Henley, *supra* note 1, at 28 (“Like schools, banks, police departments, and hospitals—all once relatively small, localized, and perhaps idiosyncratic to the point of quaintness—courts are now larger and more centralized, requiring full-time managers. Administrators of courts . . . today rely on emerging management techniques and adhere to nationally accepted professional and organizational standards. The county courthouse, like the bank on the corner, is no longer a strictly local enterprise.”).

²*See* James Duke Cameron et al., *The Chief Justice and the Court Administrator: The Evolving Relationship*, 113 F. D. R. 439, 454 (1987) (“The all-pervading and over-riding objective of the judicial process is JUSTICE. There is no profit motive, and efficiency itself must be subordinated if it interferes with justice and the constitutional guarantees of due process.”).

Canon 5, “A Judge or Judicial Candidate Shall Refrain From Inappropriate Political Activity.” Court administrators serving as liaison with the general public and members of the bar shields against ex parte communications and other improper contacts. Another aspect might include press relations.

Coordinate and assist in the duties of the clerks of the courts of the district related to the judicial duties of the clerks (Section 9-17-3(d)):

Court administrators “coordinate and assist” as to the “judicial duties of the clerks”—e.g., the docket, collections, and jury selection process. Also, the Administrative Director of Courts can issue directives pursuant to Section 9-21-13(1) relating to such duties. This authority is “to facilitate cooperation and so that the overall administration of justice may be accomplished with efficiency in all courts of the state.”

Provide general administrative support for all judges and chancellors of the district (Section 9-17-3(e)):

Judges and chancellors are foremost jurists. They have been elected or appointed to hear cases. Tending to various administrative matters detracts from this most important function.³ Setting administrative policy is one thing. Applying it is another. Court administrators, in providing general administrative support, see it through.⁴ Such, though, requires proficient management skills.

Perform other duties assigned by the judges (Section 9-17-3(f)): This is a catchall provision that allows judges to assign other duties pertaining to administrative concerns.

For example,

- Prepare annual or monthly reports;
- Publish and monitor administrative policies;
- Inventory and allocate supplies;
- Calendar Continuing Judicial Education and speaking engagements;
- Supplement legal reference materials;
- Arrange for courtroom security; and
- Oversee compliance to AOC studies or projects.

³See Henley, *supra* note 1, at 30 (“Court administrators and their staff allow judges to focus their time and attention on adjudicatory activities, rather than administrative responsibilities . . .”).

⁴See Cameron et al., *supra* note 3, at 464 (“One administrator [commented]: ‘Administrators get in trouble when they forget they are hired to assist the policymakers; when the administrator believes that he is the policymaker or that his views are superior to such persons, he no longer can perform the job he was hired to do.’”).

301 SOURCES OF FUNDING

§ 9-17-5 Special fund:

(1) In each county where a court administrator has been appointed pursuant to this chapter, a special fund in the county treasury is hereby established to be known as the “court administration fund.”

(2)(a) The judges and chancellors may apply their expense allowance in Section 9-1-36, Mississippi Code of 1972, to the court administration fund.

(b) The board of supervisors of any county within a judicial district having a court administrator is authorized to pay its pro rata cost of the salary and furnish an equipped office for the court administrator and his staff from county funds. The board of supervisors is further authorized to accept grants, gifts, donations or federal funds for the benefit of the office of the court administrator.

(c) The board of supervisors of any county within a judicial district having a court administrator is authorized, in its discretion, to charge, in addition to all other costs required by law, an amount not to exceed two dollars (\$2.00) for each complaint filed in the chancery, circuit and county courts of such county. Any money collected pursuant to this subsection shall be paid into the court administrator fund.

(d) Money paid into the court administration fund under this chapter shall be applied to the office of the court administrator for the purpose of funding that office.

(3) All expenditures made from the court administration fund shall be upon written requisition of the court administrator approved by a judge or chancellor to the county or counties of the district designated by him, in proportion to the business of his office in the county.

§ 9-1-36 Office operating allowance:

(1) Each circuit judge and chancellor shall receive an office operating allowance for the expenses of operating the office of the judge, including retaining a law clerk, legal research, stenographic help, stationery, stamps, furniture, office equipment, telephone, office rent and other items and expenditures necessary and incident to maintaining the office of judge. The allowance shall be paid only to the extent of actual expenses incurred by the judge as itemized and certified by the judge to the Supreme Court in the amounts set forth in this subsection; however, the judge may expend sums in excess thereof from the compensation otherwise provided for his office.

From and after July 1, 2023, the office operating allowance under this subsection shall be Fifteen Thousand Dollars (\$15,000.00) per annum.

(2) In addition to the amounts provided for in subsection (1), there is created a separate office allowance fund for the purpose of providing support staff to judges. This fund shall be managed by the Administrative Office of Courts.

(3) Each judge who desires to employ support staff after July 1, 1994, shall make application to the Administrative Office of Courts by submitting to the Administrative Office of Courts a proposed personnel plan setting forth what support staff is deemed necessary. The plan may be submitted by a single judge or by any combination of judges desiring to share support staff. In the process of the preparation of the plan, the judges, at their request, may receive advice, suggestions, recommendations and other assistance from the Administrative Office of Courts. The Administrative Office of Courts must approve the positions, job descriptions and salaries before the positions may be filled. The Administrative Office of Courts shall not approve any plan which does not first require the expenditure of the funds in the support staff fund for compensation of any of the support staff before expenditure is authorized of county funds for that purpose. Upon approval by the Administrative Office of Courts, the judge or judges may appoint the employees to the position or positions, and each employee so appointed will work at the will and pleasure of the judge or judges who appointed him but will be employees of the Administrative Office of Courts. Upon approval by the Administrative Office of Courts, the appointment of any support staff shall be evidenced by the entry of an order on the minutes of the court. When support staff is appointed jointly by two (2) or more judges, the order setting forth any appointment shall be entered on the minutes of each participating court.

(4) The Administrative Office of Courts shall develop and promulgate minimum qualifications for the certification of court administrators. Any court administrator appointed on or after October 1, 1996, shall be required to be certified by the Administrative Office of Courts.

(5) Support staff shall receive compensation pursuant to personnel policies established by the Administrative Office of Courts in an amount of One Hundred Thousand Dollars (\$100,000.00) per fiscal year per judge for whom all support staff is approved for the funding of support staff assigned to a judge or judges.

The Administrative Office of Courts may approve expenditures from the fund for additional equipment for support staff appointed pursuant to this section in any year in which the allocation per judge is sufficient to meet the equipment expense after provision for the compensation of the support staff.

(6) For the purposes of this section, the following terms have the meaning ascribed in this subsection unless the context clearly requires otherwise:

(a) "Judges" means circuit judges and chancellors, or any combination thereof.

(b) "Support staff" means court administrators, law clerks, legal research assistants or secretaries, or any combination thereof, but shall not mean school attendance officers.

(c) "Compensation" means the gross salary plus all amounts paid for benefits or otherwise as a result of employment or as required by employment; however, only salary earned for services rendered shall be reported and credited for Public Employees' Retirement System purposes. Amounts paid for benefits or otherwise, including reimbursement for travel expenses, shall not be reported or credited for retirement purposes.

(d) "Law clerk" means a clerk hired to assist a judge or judges who has a law degree or who is a full-time law student who is making satisfactory progress at an accredited law school.

(7) Title to all tangible property, excepting stamps, stationery and minor expendable office supplies, procured with funds authorized by this section, shall be and forever remain in the State of Mississippi to be used by the circuit judge or chancellor during the term of his office and thereafter by his successors.

(8) Any circuit judge or chancellor who did not have a primary office provided by the county on March 1, 1988, shall be allowed an additional Seven Thousand Dollars (\$7,000.00) per annum to defray the actual expenses incurred by the judge or chancellor in maintaining an office; however, any circuit judge or chancellor who had a primary office provided by the county on March 1, 1988, and who vacated the office space after that date for a legitimate reason, as determined by the Department of Finance and Administration, shall be allowed the additional office expense allowance provided under this subsection. The county in which a circuit judge or chancellor sits is authorized to provide funds from any available source to assist in defraying the actual expenses to maintain an office.

(9) The Supreme Court, through the Administrative Office of Courts, shall submit to the Department of Finance and Administration the itemized and certified expenses for office operating allowances that are directed to the court pursuant to this section.

(10) The Supreme Court, through the Administrative Office of Courts, shall have the power to adopt rules and regulations regarding the administration of the office operating allowance authorized pursuant to this section.

§ 9-17-5 Court administration special fund:

(1) In each county where a court administrator has been appointed pursuant to this chapter, a special fund in the county treasury is hereby established to be known as the "court administration fund."

(2)(a) The judges and chancellors may apply their expense allowance in section 9-1-36, Mississippi Code of 1972, to the court administration fund.

(b) The board of supervisors of any county within a judicial district having a court administrator is authorized to pay its pro rata cost of the salary and furnish an equipped

office for the court administrator and his staff from county funds. The board of supervisors is further authorized to accept grants, gifts, donations or federal funds for the benefit of the office of the court administrator.

(c) The board of supervisors of any county within a judicial district having a court administrator is authorized, in its discretion, to charge, in addition to all other costs required by law, an amount not to exceed two dollars (\$2.00) for each complaint filed in the chancery, circuit and county courts of such county. Any money collected pursuant to this subsection shall be paid into the court administrator fund.

(d) Money paid into the court administration fund under this chapter shall be applied to the office of the court administrator for the purpose of funding that office.

(3) All expenditures made from the court administration fund shall be upon written requisition of the court administrator approved by a judge or chancellor to the county or counties of the district designated by him, in proportion to the business of his office in the county.

§ 19-9-96 Funding operation of youth court division:

The board of supervisors of any county may, in its discretion, set aside, appropriate and expend moneys from the general fund to be used for funding of the operation of the youth court division other than a municipal youth court division. Such funds shall be expended for no other purpose than:

(a) Payment of the salaries of the referees, court administrators, youth court prosecutor when court appointed, youth court public defender, court reporters other than regular chancery court or county court reporters, clinical psychologists and other professional personnel, secretaries and other clerical or other court-appointed personnel, detention home employees, shelter home employees, halfway house employees and youth counsellors;

(b) Travel and training expenses;

(c) The operation of a youth court and related facilities, detention facilities, shelter home facilities, group homes and halfway houses;

(d) Volunteer programs or other court-authorized programs;

(e) Providing the youth court referee with a current set of the Mississippi Code of 1972 if a set has not been provided.

302 *CERTIFICATION AND CONTINUING EDUCATION*

§ 9-1-36(4) Court administrators to be certified:

(4) The Administrative Office of Courts shall develop and promulgate minimum qualifications for the certification of court administrators. Any court administrator appointed on or after October 1, 1996, shall be required to be certified by the Administrative Office of Courts.

Rules and regulations for certification and continuing education:

RULE 1. SCOPE AND EXEMPTIONS:

The Rules concerning Continuing Education (CE) shall apply to every Administrator of any designation of the Circuit, Chancery, County, and Youth Courts of the State of Mississippi. The Rules concerning Court Administrator Certification, pursuant to Miss. Code Ann. § 9-1-36(4), shall apply to Circuit and Chancery Court Administrators appointed on or after October 1, 1996. All Court Administrators in the Circuit, Chancery, County and Youth Courts, irrespective of date of hire, are strongly encouraged to be certified through the program described, as developed by the Mississippi Administrative Office of Courts ("AOC").

RULE 2. CONTINUING EDUCATION REQUIREMENT:

Each Court Administrator, Deputy Court Administrator, or Assistant Court Administrator of a Circuit, Chancery, County or Youth Court in the State of Mississippi shall attend a minimum of twelve (12) actual hours of AOC-approved Continuing Education at the Spring and Fall Court Administrators Conference (or AOC-approved substitute), each calendar year beginning January 1, 2001, provided the funding for the named Conferences is available through the Mississippi Judicial College or other source and the courses are offered.

Regulations

2.1 The number of hours required means that the Administrator must actually attend twelve (12) instructional hours of AOC-approved CE per year with no credit given for introductory remarks, meal breaks, or business meetings.

2.2 An instructional hour will in all events be an hour containing at least fifty (50) minutes of instruction time.

2.3 Administrators who have a physical disability which makes attendance at CE programs inordinately difficult may file a request with the AOC for a permanent substitute program in lieu of attendance and shall therein set out Continuing Education plans tailored to their specific interests and physical ability. The AOC shall review and

approve or disapprove such plans on an individual basis and without delay, after submitting the request to the Mississippi Court Administrators Association's Education Committee for its input.

2.4 Other requests for substituted compliance, partial waivers, or other exemptions for hardship or extenuating circumstances may be granted by the AOC upon written application of the Administrator and may likewise be reviewed by the AOC, after submission to the Mississippi Court Administrators Association's Education Committee for its recommendation.

2.5 A Court Administrator may receive credit for a maximum of six (6) hours per year of attendance at an AOC-approved program other than the Spring and Fall Court Administrators Conferences, as defined by and with prior approval of the AOC.

2.6 Credit will be given only for Continuing Education activities approved by the AOC. Such approval for substitute seminars should be sought and granted prior to the occurrence of the activity but may be given retroactively. Should a Court Administrator be required to miss a mandatory seminar, the Court Administrator shall, in writing, inform the AOC of the reasons for non-attendance within ten (10) working days after the conclusion of the seminar, unless excused by the AOC.

RULE 3. CERTIFICATION:

All Circuit and Chancery Court Administrators hired in their present position from and after October 1, 1996 are required to be certified according to the Rules set forth in this section. The program for certification shall be incorporated into the Spring and Fall Court Administrator Conferences, or any other AOC-approved seminars, with all topics and topical content on the program agenda to be developed by the Mississippi Court Administrators Association's Education Committee, with the approval of the AOC.

Regulations

3.1 All AOC Court Administrators, Circuit and Chancery, hired on or after October 1, 1996, shall be required to be certified, within four (4) years of the institution of this program, or, if hired at a later date, within four (4) years after the date of hire. County and Youth Court Administrators, and Circuit and Chancery Court Administrators hired before October 1, 1996, will be eligible to be certified and are strongly encouraged to do so.

3.2 The Certification Program will span four (4) consecutive Spring and Fall Conference programs, over a span of two (2) years, with the certification issued upon the successful completion of the twenty-four (24) hours required by the AOC. Participants in the Certification Program will be tested at the conclusion of the seminar, with a passing score necessary in order to receive certification credit for the hours provided at the meeting.

3.3 Topics and participants eligible for credit for certification must be approved by the AOC. Upon completion of the initial certification, Administrators will receive renewal on an annual basis, subject to completing the annual Continuing Education requirements set out in Rule 2.

3.4 Specifics of the Certification Program may be set by the AOC, inasmuch as the policies do not conflict with these rules.

RULE 4. NONCOMPLIANCE SANCTIONS:

4.1 As soon as practicable after January 1 of each year, commencing January 1, 2001, the Mississippi Judicial College shall forward to the AOC the name of each Administrator who is required to comply and has not complied with Rules 1 and 2 of the Mississippi Rules for Certification and Continuing Education of Mississippi Court Administrators. Compliance with Rule 3 will be tracked by the AOC. Within a reasonable time after the receipt by the AOC of the names, the AOC shall send a Notice of Noncompliance to the Administrator, asking the Administrator to respond within thirty (30) days, informing the AOC why the Administrator should not be reported to the Supreme Court for sanction. A copy of said notice shall be mailed to the Administrator's supervising judge(s). In response to the Notice of Noncompliance, such Administrator shall furnish the AOC with an affidavit that contains the following information, and any other information which may be considered relevant:

(a) An indication that the administrator has complied with the requirement prior to expiration of the thirty (30) day period, or

(b) A recitation of an excuse for failure to comply with the requirements because of hardship or other good cause.

4.2 Within a reasonable time after the expiration of the time allowed to respond to the Notice of Noncompliance, the AOC shall notify the Supreme Court of Mississippi of each Administrator who fails to file an affidavit or files an affidavit which does not set forth a valid reason for noncompliance, and the AOC may recommend appropriate sanctions to the Mississippi Supreme Court, with said recommendations possibly including a reprimand, or other such actions deemed appropriate by the Supreme Court, including, but not limited to, dismissal and/or financial withholding in the case of Circuit and Chancery Court Administrators. The Supreme Court shall then issue a Notice to Show Cause for the Court Administrator to file a response, under oath, outlining any reasons that the recommended sanction should not be imposed. The Supreme Court shall then consider the recommendation of the AOC and any filed response by the Court Administrator, and shall forthwith adjudicate the issue and, if applicable, impose sanctions.

4.3 At any time after the Notice of Noncompliance to the Supreme Court is filed and prior to the Notice to Show Cause being issued by the Supreme Court, an Administrator may

file with the AOC an affidavit indicating compliance with the Rules for Certification and Continuing Court Education for Mississippi Court Administrators, and if satisfactory to the AOC, it shall forthwith notify the Supreme Court that the Court Administrator has fulfilled the requirements of these Rules and Regulations.

**303 *CONSTITUTION AND BYLAWS OF THE MISSISSIPPI COURT
ADMINISTRATORS ASSOCIATION***

Accessible on the Mississippi Court Administrators Association website at:

<https://www.mscaa.org/constitution-and-bylaws-1>

CHAPTER 4

CASEFLOW MANAGEMENT

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400 **WHAT IS GOOD CASEFLOW MANAGEMENT?**

Case management is essential to an orderly system of justice. Features of successful courts include: the judge asserting a leadership role; clearly defined policies and goals; effective monitoring of cases; good communications; and staff involvement.

We've all heard the adage: "If it ain't broke, don't fix it." A lot depends on how one defines "ain't broke". One commentator remarked: "If the court is not "hanging by its fingertips," there is no impetus for change."⁵ Ignoring warning indicators can needlessly result in a backlog of cases and ineffective use of court personnel and resources.

Good caseflow management is setting and implementing administrative policies that ensure a just and reasonably prompt disposition of all cases before the court.

Setting administrative policies: The judge, not the court administrator, sets policies. The court administrator, though, presents monthly and annual reports influential to policy-making decisions. Such reports usually relate: caseflow management statistics; budgetary matters; personnel concerns; schedules; community resources; and public relations.

Implementing administrative court policies: Accomplishing this task requires the cooperation of all participants— including judges.⁶ Interpersonal management skills are essential.

A just disposition: "[T]he analogy between courts and modern business is not apt in every respect."⁷ One difference is the unique product of courts— "Fair and Equal Justice Under Law". As one commentator has noted: "The tendency of some administrators to believe that most decisions can be put into a time clock— so much time for a divorce, so much for an opinion, so much to sentence a person— is an anathema to a judge."⁸

⁵Joan E. Jacoby, *Expedited Drug Case Management Programs: Some Lessons in Case Management Reform*, 17 Just. Sys. J. 19, 30 (1994) (citing Edward C. Ratledge, University of Delaware, (EDMC evaluator)).

⁶See Jacoby, *supra* note 2, at 35 ("The court assisted in the program by establishing a no-continuance policy and educating the local legal culture of the court's expectations with respect to continuances, discovery, and plea negotiations.").

⁷James Duke Cameron, et al., *The Chief Justice and the Court Administrator: The Evolving Relationship*, 113 F. D. R. 439, 454 (1987).

⁸*Id.* at 452.

Expediting justice has its perils.⁹ Some modern practices for increasing productivity are simply inappropriate to courts. Justice is not a widget.¹⁰

Reasonably prompt: Mississippi courts are committed to the “timeliness and efficiency” of court hearings.¹¹ Timeliness, standing alone, is a somewhat technical concept of Constitutional and statutory restrictions, e.g., speedy trial, limitations of actions, etc. On the other hand, “timeliness and efficiency” invokes something more akin to public confidence and trust— i.e., the “reasonably prompt” disposition of cases. Irrespective of the terminology, the expectation is there. What is “reasonably prompt” goes to the nature and complexity of each particular case.

Of all cases before the court: Caseflow management should strive for complete resolution of all cases before the court according to a scheduled time frame.¹² Sometimes cases linger within the system due to simple ignorance or neglect.¹³ One approach to avoid this problem is case status clarification. This allows the court to close cases or exclude others as “active pending cases” if certain criteria is met.¹⁴

⁹See *id.* at 456 (“There appears to be built-in opposition between the demands of administrative efficiency and the purpose of the system itself. . . . [T]he purpose of a judiciary is to do justice; the purpose of administration is to be efficient. Due process can be inefficient, and efficiency can be unjust.”).

¹⁰See *id.* at 453 (citing Charles D. Edelstein who stated: “Justice takes time, careful deliberation and individual attention. Mass production of judicial decisions permits neither individual justice in individual cases nor overall justice in all cases.”).

¹¹See Chief Justice Lenore L. Prather, *A Century of Judicial History*, 69 Miss. L.J. 1013, 1046 (2000) (“In January 1998, all sections of the Mississippi Judiciary— supreme court, court of appeals, chancery, circuit, county, justice, youth, and municipal justices/judges committed to these standards: (1) Access to the court system for all people; (2) timeliness and efficiency of court hearings; (3) fairness, equality, and integrity of decisions; (4) independence of the judiciary, but accountability for resources; and (5) increasing public trust and confidence in the judiciary.”).

¹²See Symposium, *Reports on Caseflow Management Programs and Partial Follow-up*, 24-MAR Vt. B.J. & L. Dig. 43, 43 (1998) (“Good case flow management means there are few if any cases that are prepared for trial that are actually waiting to be heard.”).

¹³M. Janice Michels, *Management Note: Transition to Court Management of Cases from Filing to Disposition*, 16 Just. Sys. J. 89, 97 (1992) (“Often, the problems with case disposition status were the result of lack of attorney understanding about what actions resolved or closed a case in the eyes of the court.”).

¹⁴See *id.* at 91.

401 ***FEATURES OF EFFECTIVE CASEFLOW MANAGEMENT***¹⁵

General considerations:

Features of effective courtflow management include:

- early court intervention and continuous court control over cases;
- differentiated case management (DCM);
- realistic schedules and meaningful pretrial court events;
- credible trial dates;
- management of trials; and
- management of court events after initial disposition.

Other key aspects include: leadership; commitment to a shared vision; communications; and a learning environment. Underlying it all are policies of specific goals and expectations.

Clearing out the backlog of cases:

Each of the following techniques when properly utilized has proven successful in reducing congested dockets: Backlog Reduction Programs; Differentiated Case Management (DCM); Expedited Drug Case Management (EDCM); and Delay Reduction Programs.¹⁶

Early court intervention:

“In practice, early court control means only that the commencement of a case triggers a monitoring process. In this process, the clerk records the initial filing of a case and enters the case into a system under which it will be reviewed at a fixed time to determine whether the next anticipated event has occurred in keeping with time standards for interim stages in the case’s progress. This process can and should be part of the court’s automated case-management information system.”¹⁷

¹⁵See Steelman et al., *supra* note 1, Chapter I. This is an excellent resource for state court administrators. It is the primary source of information for the discussion below.

¹⁶For a discussion of each respectively: Michels, *supra* note 10 (Backlog Reduction); Jacoby, *supra* note 2 (DCM and EDCM); and M. Janice Michels, *Case Management Techniques Work*, 18 Just. Sys. J. 75 (1995) (Delay Reduction Programs).

¹⁷Steelman et al., *supra* note 1, at 3.

Checklist:

- ✓ Case information sheet.
- ✓ Schedule hearing or conference dates.
- ✓ Case management orders to govern progress of case.
- ✓ “Computerized citation preparation by law enforcement officers, automated case information systems, and optical scanning and image processing for traffic citations are means by which technology has critically aided case processing for traffic cases.”¹⁸

Differentiated Case Management:

Differentiated Case Management (DCM) is sorting cases into selected track assignments. E.g., Expedited track (Requires little or no involvement of judges) → Standard track (Requires some conferences or hearings) → Complex track (Requires special attention). “There is no magic number [of DCM tracks]; the number should reflect realistic distinctions in case-processing requirements.”¹⁹

Realistic schedules and meaningful pretrial court events:

Policies should be in place to ensure realistic schedules and meaningful pretrial dates.²⁰ One way of achieving this is through periodic status conferences.²¹ Such allows the court to: review case management orders; monitor discovery concerns; make referrals to alternative dispute resolution; discuss settlement possibilities; and assess DCM track assignments.²² Discovery delays appear especially troublesome for some courts.²³

¹⁸*Id.* at 39.

¹⁹*Id.* at 5.

²⁰*See* Symposium, *supra* note 9, at 43 (“The consensus was that while scheduling orders help, the court should take a more active role . . . to track and move the case.”);

²¹*See id.* at 43 (“[Readiness] is achieved by status conferences at critical points. A status conference should be set early, and each conference must be meaningful.”).

²²*See* Michels, *supra* note 10, at 93 (1992) (sample orders of civil and domestic case schedules).

²³*See* Symposium, *supra* note 9, at 43 (“Everyone agreed that there is an epidemic of discovery delays. Many felt that discovery delays are caused by: (i) lack of meaningful penalties for delay; (ii) judges not enforcing discovery orders; (iii) failure to take deadlines seriously because the court will not likely be ready when the case is ready.”).

Credible trial dates:

To assure credible trial dates the court should take the following steps: (1) dispose of as many cases as possible before setting trial dates, (2) utilize realistic trial calendars, (3) adopt reasonable but firm policy regarding continuances, and (4) provide for “backup” judges. “The certainty of trial and implementation of a realistic setting policy can be enhanced if the court sets the actual trial date only after settlement possibilities have been exhausted and keeps trial calendars as small as possible to keep up with its pending cases.”²⁴

Checklist:

- ✓ Prompt rulings on pretrial motions, especially if dispositive.
- ✓ Guilty pleas at initial appearance or arraignment. Such is more likely if there is early appearance of defense counsel, early access to discovery, realistic charges, realistic plea offers, and plea cut off dates.
- ✓ Dismissal or default judgment if no responsive pleading by defendant.
- ✓ Utilize a “reasonable setting factor” which takes into account, among other considerations, the type and complexity of the case, the monetary amounts or criminal penalties, and the practice styles of the attorneys. “The “setting factor” should result in the setting of the smallest number of cases possible to ensure hearing of matters at or near the scheduled time and date, accommodation of cases that “fall out,” and case progress sufficient to ensure compliance with time standards.”²⁵

Management of trials:

Trial management involves the following steps: (1) preparation for trial, (2) scheduling to start trials on time and provision of adequate time for them, (3) management of jury selection, (4) maintenance of trial momentum, and (5) establishment and enforcement of time limits. Such applies (with the exception of (3)) to both jury and non-jury trials irrespective of locale. Rural courts, though, are usually more informal, flexible, and personal than urban courts.²⁶

²⁴Steelman et al., *supra* note 1, at 29.

²⁵*Id.* at 9.

²⁶See Theodore J. Fetter, *Improving Court Operations in Rural Areas*, 31 Am. U. L. Rev. 255, 258 (1982); Steelman et al., *supra* note 1, at 21 (“The authors of the RJC study concluded that the “dominant driving force in rural court systems is comity.” “Attorneys accommodate each other to survive economically. Prosecutors are often unwilling to screen our weak cases because they do not want to offend law enforcement. Defense attorneys and part-time prosecutors often earn most of their income from civil practice, so that the ongoing relationship with the bar may be more important than the facts or outcome in a given case. Court managers often see their job as “keeping peace in the family.” And judges are often pressured to accommodate attorneys and court staff. “We all get along here” is the

Checklist:

- ✓ Hold trial management conference about two weeks before scheduled trial date. Such allows the resolution of issues that might otherwise interrupt or delay the trial proceedings. It also provides an opportunity to: establish time limits of voir dire, opening statements, and closing arguments; communicate expectations of the trial schedule; and go over the jury selection process.
- ✓ Establish trial policies that avoid interruptions and distractions. Such should address concerns of telephone messages, unanticipated matters, length of recesses, readiness of witnesses, and protocol regarding objections and exhibits. Instruct all court staff, bailiffs, and attorneys regarding these policies.
- ✓ Notorious trials require special attention as to media relations, juror needs, and security arrangements.

Management of court events after initial disposition:

Management of court events after initial disposition follows the same principles as pretrial management. An additional consideration is defining what constitutes final closure.

Checklist:

- ✓ Policies to ensure the collection of fines and fees.
- ✓ Policies to assist the collection of judgments.
- ✓ Managing violations of probation that involve new offenses.

Leadership, commitment, and communication:

Leadership: Key positions of leadership include the chief or presiding judge, state-level leadership (e.g. Administrative Office of Courts), and others within the legal community such as prosecutors, public defenders, and private attorneys. Other possibilities are a chief judge-court manager team or caseflow management committee. Whoever it is—“The leader in an effort to improve caseflow management is one who must motivate others to invest themselves in the proposed program. He or she might do this by 1) articulating a vision of how changes will improve the system, 2) showing how individual persons will benefit from them, and 3) showing ongoing commitment to the effective operation of the proposed program through dissemination of information on program progress and rewards to those who help the program achieve its goals. Finally, the advocate of the new program has to exercise leadership by building a consensus and organizational support for it among the members of the court community who are essential to the program’s success.”²⁷

chorus sung in court after court.””)

²⁷ Steelman et al., *supra* note 1, at 61.

Commitment to a shared vision: Caseflow management policies should focus on ensuring a just and reasonably prompt disposition of all cases before the court. Such necessitates a firm commitment to case management policies, a resolve of continuous maintenance, court staff involvement, and community support. Also, if it is a truly “shared vision”, allowance should be made for receiving outside suggestions or input.

Communications: There are several dimensions of communications: among judges; among court staff; state and local bar associations; court related agencies; local communities; and caseflow management committees. All of these persons or entities need to be aware of existing policies. Various ways of accomplishing this might include: keeping a book of administrative policies at the courthouse for public viewing; sending email or letter notices to local bar members; posting bulletins to a website; court initiated continuing education and training programs; and requiring newcomers to the court system to pick up a packet explaining policies. Another effective way to communicate policies, especially against an entrenched “local legal culture”, is repeated rulings consistent with policies.

A learning environment: “Courts that are successful with caseflow management put a high value on education generally and provide specific training in their caseflow management improvement programs.”²⁸ Clearly defined expectations of the various participants—judges, clerks, lawyers, social workers, and security—promotes courtroom efficiency. This might require explaining or demonstrating tasks related to new policies. It will likely require patience, too. Usually there is some resistance to change. People get comfortable in the status quo. Grumbling should quiet, though, as more become familiar with and recognize the benefits of the new policies.

Policies of specific goals and expectations:

It’s a threefold question: “Where are we now?” “Where do we want to be?” “How do we get there?” The answers require the right information and accurate statistics.²⁹ Collecting and maintaining it is integral to court management. Essential statistics include case filings, dispositions, and costs. Other statistics might relate to motions, juries, trials, and recidivism. All are helpful in measuring success.³⁰ But, there are shortcomings. Statistics seldom reflect acceptance or contentment. A court’s present efficiency could

²⁸*Id.* at 70.

²⁹Information encompasses a wide swath of knowledge relating to a particular topic. Statistics, on the other hand, are numerical data. *See* The American Heritage College Dictionary (Third Edition).

³⁰*See* Steve Henley, *The Role of Court Administration in the Management, Independence, and Accountability of Courts*, 78-MAR Fla. B.J. 26, 32 (2004) (“Modern court systems face increasing demands to improve performance. In response, state court systems have implementing systems to monitor and improve performance, and to measure the fundamental elements of court performance: case volume and timeliness of case processing.”).

later translate to “burn out.”³¹ A high turnover rate creates a horrific clog to any system. Also, interpreting data sometimes requires expertise. Outside factors can skew results. Tread carefully. Rushing headlong into a pilot program could make an awful situation even worse.³²

Information checklist:

- ✓ Who within our legal community demonstrates leadership qualities that could help us accomplish our goals of improved caseflow management?
- ✓ What community resources are available?³³
- ✓ Is there staff “burn out”?
- ✓ Does “comity” or the “local legal culture” present an obstacle to our goals?
- ✓ Is a caseflow management committee a possibility?
- ✓ Is funding or resources a problem? (Budget is the “restrictor plate” of case management programs. Sometimes good ideas fail for lack of funds.)³⁴
- ✓ Which software is best suited to our court?³⁵
- ✓ How would our new policies affect the usual routine of court staff, prosecutors, public defenders, private attorneys, social workers, and bailiffs?³⁶

³¹Symposium, *supra* note 9, at 43 (“Case flow management is about attitude. We need to put systems in place that promote a positive and cooperative attitude about case flow.”).

³²See Jacoby, *supra* note 2, at 20 (“DCM/EDCM are problem oriented, grounded in the reality of case processing, and require substantial investments of administrative attention. Even though they are bold ventures into the area of court reform, their newness makes them subject to easy failure.”).

³³Community resources are vital to meaningful sentencing. Courts should be familiar with all available community resources— including treatment centers, job and training services, volunteer programs, etc.

³⁴See Symposium, *supra* note 9, at 43 (“The courts need constituents. . . . When it comes to case flow management, you can’t disregard the need for funding.”); Donald J. Farole, Jr., et al., *Applying Problem Solving Principles in Mainstream Courts: Lessons For State Courts*, 26 Just. Sys. J. 57, 66 (“Limited resources were unquestionably thought to be the most significant barrier to practicing problem solving in conventional courts.”).

³⁵See Steelman et al., *supra* note 1, at 99 (“A comprehensive automated case management system should have features supporting the following activities: indexing, docketing, notice preparation, court scheduling and calendar preparation, management and statistical report generation, and integration with the court’s automated financial system.”).

³⁶See *id.* at 127 (“A unilateral effort by court leaders to introduce significant changes in the management of cases, without prior consultation with and accommodation of those who will be affected by such changes, will fail. Instead, judge leaders and court managers must work with court staff who must deal with myriad case-processing details each day, with public and private lawyers, with funding authorities, and with others in the court process to achieve success.”).

- ✓ Which type of calendar is best suited for our court system— individual calendar, master calendar, team calendar, or a hybrid of these?
- ✓ How might we publish and promote these policies?

Statistics checklist:

- ✓ What statistics do we presently keep?
- ✓ What statistics do we need to keep to successfully monitor the progress of our court’s caseflow management policies?
- ✓ Are there other statistics we might want to keep for future use?
- ✓ Have we considered fundamental issues regarding data definitions? (E.g., What is a “case”? When is it “pending” or “disposed”?)
- ✓ Should we use code definitions?³⁷
- ✓ What is the incidence of pro se cases?
- ✓ How do our statistics compare to case-processing time standards? (E.g., AOC, ABA, etc.)
- ✓ Have we set realistic goals?

Reports:

Monthly or annual reports should accurately reflect all pertinent information and statistics. An orderly, consistent, and comprehensive system of collecting information and statistics is your best reporting tool. Select a style and format that facilitates the presentation of data, results, and suggestions. Be clear and concise. Graphs, tables, and pie charts are useful to summarize results. This is especially true when comparing case processing standards or preceding years. You might also consider citing articles or studies that deal with issues of present interest to your court. Lastly, evaluate the results and make suggestions for improvement. Recognize too that sometimes caseflow management techniques cannot do more without additional resources.³⁸

³⁷*See id.* at 70. (“Every court and clerk’s office should develop a court data manual to serve as a reference for all court staff. The manual should include a list of all codes used on the automated case management system and a definition of each code. After the manual is developed and disseminated, a committee should meet at least annually to consider revisions and updates as laws change or as staff identify problems with the current code.”).

³⁸*See id.* at 73. (“[S]aturation point” is [where courts] cannot absorb and process more cases without additional judicial or nonjudicial staff resources.”).

402 CASEFLOW ISSUES ON PARTICULAR TYPES OF CASES

Intervention courts are a new facet of our court system. Applying problem-solving principles in mainstream courts has its own distinct issues. Some of these are addressed in various studies and articles.³⁹

Youth court cases: Youth courts have jurisdiction over cases of abuse and neglect, delinquency, children in need of supervision, and dependency as set forth by statute. Court policies should be structured to meet all the specified time restrictions. Children are a paramount concern.

Criminal cases: Criminal cases include felonies, misdemeanors, traffic offenses, and violations of municipal ordinances. Proceedings therein include: bail; motions; jury selection; sentencing; restitution; probation violations; and extradition. Some caseflow programs are premised on the assumption that “not all cases need to follow the same court-processing sequence from arraignment to disposition and sentencing.”⁴⁰ Other programs focus on keeping strict participatory controls.⁴¹

Civil actions: Civil actions present distinct difficulties to overcome.⁴² As noted by one legal scholar: “Two broad factors complicate the issue. First, the peculiar qualities of

³⁹See Farole, Jr., et al., *supra* note 31; Barry Mahoney, *Drug Courts: What Have We Learned So Far?* 17 Just. Sys. J. 127, 127 (1994) (“If anything is clear from the research on drug courts, it is that problems of high volume and potentially protracted case processing can be addressed by court system leaders through good planning and program implementation.”); Robert C. Davis, et al., *Court Strategies to Cope with Rising Drug Case Loads*, 17 Just. Sys. J. 1, 1 (1994) (“This article examines data on the success of three innovative court programs, including a dedicated drug court, improved case management techniques, and a drug treatment orientation.”).

⁴⁰See Jacoby, *supra* note 2, at 20.

⁴¹See Barbara E. Smith, et al., *Introduction to the Special Issue*, 17 Just. Sys. J. V. (1994) (“Faster processing times tended to be associated with courts that exhibited some, or all, of the following characteristics: “(a) strict case-processing standards were maintained; (b) court administrators effectively used management information and maintained tight control over the pace of litigation; (c) experienced prosecutors screened and “tracked” cases at the time of charging; (d) defense counsel were assigned early in the process; (e) criminal history, lab, and presentence reports were produced speedily; or (f) mechanisms existed for the speedy resolution of motion and acceptance of pleas”).

⁴²See Michael Heise, *Justice Delayed?: An Empirical Analysis of Civil Case Disposition Time*, 50 Case W. Res. L. Rev. 813, 814-15 (2000) (“Prolonged case disposition time frequently correlates with an increase in litigation costs and threatens evidentiary quality as memories fade, evidence spoils, and witnesses and litigants die. Delays in the resolution of civil disputes erode public confidence in the civil justice system, disappoint and frustrate those seeking compensation through the legal system, and generate benefits for those with the financial ability to withstand delays or otherwise benefit from them. Such factors, individually and collectively, undermine public faith and confidence in the ability of our civil justice system to operate efficiently and, more importantly, equitably.”).

individual cases complicate efforts to establish generalization about the “right” amount of disposition time for any particular case, especially at the pre-trial and trial stage. The scope and complexity of factual and legal issues and the number of interested parties vary from case to case, sometimes considerably. . . . Second, even if something resembling a consensus did exist on appropriate case disposition times, until recently, relatively few data were available to assist research on the question. Consequently, few scholars have ventured into this intellectual thicket.”⁴³ The answer may lie somewhere in future studies of case types, party types, case characteristics, and locale.⁴⁴ Some caseload management techniques are applicable to both criminal cases and civil actions.

Eminent domain proceedings: The Fifth Amendment of the U.S. Constitution and Article 3, Section 17 of the Mississippi Constitution provide protection against taking property for public use. In Mississippi, eminent domain proceedings are generally governed by statute—namely, Miss. Code Ann. Sections 11-27-1 through 11-27-91. *See* M.R.C.P. 81 (specifically limits the applicability of the M.R.C.P. with respect to eminent domain proceedings). However, the Mississippi Rules of Civil Procedure do govern in instances where controlling statutes are silent as to procedure. *See* Comment to M.R.C.P. 81. One example is discovery procedures. *See Brown v. Mississippi Transportation Commission*, 749 So. 2d 948, 957 (Miss. 1999) (“The discovery tools, rules and procedures available in other civil proceedings are available in eminent domain proceedings). Other Mississippi Rules of Court applicable to eminent domain proceedings include:

- Mississippi Rules of Circuit and County Court Practice, Rule 3.03 which provides in part: “Special Courts of Eminent Domain may employ the jury venire of either county or circuit court in the selection of petit jurors, or may direct the clerk of the court concerning the number of petit jurors needed to be summoned for jury duty.”
- Mississippi Rules of Evidence, Rule 601(c) which provides: “(c) Competency of Appraiser. When the court--as required by law--appoints a person to make an appraisal for the immediate possession of property in an eminent domain case: (1) the appraiser may not testify as a witness in the trial of the case; and (2) the appraiser's report is not admissible in evidence during the trial.”
- Mississippi Rules of Evidence, Rule 706(f) which provides: “(f) Certain Eminent Domain Cases. Subdivisions (a)-(d) do not apply to an appraiser whom a court appoints--as required by law--for an immediate possession claim in an eminent domain case.”
- Mississippi Rules of Evidence, Rule 1101(a) which provides: “(a) To Courts and Proceedings. These rules apply to all cases and proceedings in Mississippi courts, except as provided in subdivision (b).”

⁴³*Id.* at 815.

⁴⁴*See id.* at 824.

Jury selection procedures, though, are for the most part statutory. *See* Miss. Code Ann Sections 11-27-11 (operation), 11-27-13 (separate trials; right to jury), and 11-27-17 (jury oath); Comment to M.R.C.P. 38 which provides in part: “[Rule 38(a)] takes a neutral position and affirms the right to a trial by jury in cases where it was guaranteed before the Rule.”; Comment to M.R.C.P. 48 which provides in part: “Rule 48 supercedes Mississippi case authority mandating twelve-person juries in county courts and repeals Miss. Code Ann. § 9-9-33 (1972) (juries in county court actions to consist of twelve persons), but has no application to county courts when convened as a special court of eminent domain.” Lastly, “quick take” procedures (i.e., those governing claims of immediate possession) are set forth in Section 11-27-81 through 11-27-91.

403 *DOCKET PROCEDURES*

The Mississippi Rules of Court and the Mississippi Code provide docket procedures for each of our courts. These procedures include the duties of the clerk in keeping and calling the docket. The particular docket procedure for a given case depends on what it is about and which court is hearing it. Civil actions, criminal proceedings, and equity matters all have different docket procedures. Any proposed case management program must conform to these provisions. *See* “Dockets and Docketing” in General Index of the Mississippi Code.

404 *THE CALENDAR*

The court’s calendar lists the agenda for the upcoming court term. Such might include dates and times for motions, pretrial conferences, trials, and sentencing. It is also used to chart the direction and progress of the court. Types of calendar systems include individual, master, team, and hybrid.⁴⁵

⁴⁵*See* David C. Steelman et al., *Caseflow Management: The Heart of Court Management in the New Millineum*, 111-118 (National Center for State Courts) (discusses each of these calendar systems).

405 ***MEDIA COVERAGE CONSIDERATIONS***

Mississippi Rules for Electronic and Photographic Coverage:

The Mississippi Rules for Electronic and Photographic Coverage may be accessed on the State Mississippi Judiciary website at <http://courts.ms.gov/>. (Open “Rules” and click “MS Rules of Court”).

MREPC 1 provides: “Electronic media coverage of judicial proceedings in Mississippi Courts shall be governed by the following rules. These rules apply to the Supreme Court, Court of Appeals, chancery courts, circuit courts, and county courts and may be cited as MREPC.”

Media coverage considerations for justice and municipal courts:

The Mississippi Rules for Electronic and Photographic Coverage of Judicial Proceedings do not apply to justice courts or municipal courts. But,

Rule 3 of the Rules of Justice Court provides:

Any attorney of record or self-represented litigant may record or have recorded any justice court proceeding by audiovisual-recording device or stenographically consistent with section 9-13-32 of the Mississippi Code. Any other use of cameras, recording devices, or broadcasting equipment shall be governed by Canon 3B(12) of the Mississippi Code of Judicial Conduct or other applicable rules.

Canon 3B(9) of the Code of Judicial Conduct provides:

A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial or hearing. The judge shall require similar abstention on the part of court personnel subject to the judge's direction and control. This Section does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court. This Section does not apply to proceedings in which the judge is a litigant in a personal capacity.

Canon 3B(12) of the Code of Judicial Conduct provides:

Except as may be authorized by rule or order of the Supreme Court, a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions, except that a judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record, or for other purposes of judicial administration;

- (b) the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings;
- (c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:
 - (i) the means of recording will not distract participants or impair the dignity of the proceedings;
 - (ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;
 - (iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and
 - (iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

See also M.R.Cr.P. 1.8 (Interactive Audiovisual Devices) and 1.10 (Recordation of Proceedings where Official Court Reporter not Provided); Miss. Code Ann. § 9-13-32 (Official court reporter not provided; recording of proceeding).

406 INTERPRETERS

General considerations:

Caseflow management requires implementing procedures and policies that ensure the availability of qualified interpreters for non-English speaking and deaf persons. Such is essential toward achieving a just and reasonably prompt disposition of all cases before the court.⁴⁶ It is not enough to simply find someone who happens to be bilingual to act as an interpreter. Instead, special training is critical. An interpreter should understand legal procedures and be trained in memory and communication skills.⁴⁷ Additionally, court personnel should be alerted to schedule more time than usual when an interpreter is required.⁴⁸

*Checklist to facilitate communication in an interpreted proceeding:*⁴⁹

- ✓ Advise everyone in the courtroom of the presence and role of the interpreter.
- ✓ Instruct all participants to speak loudly and clearly.
- ✓ Allow only one person to speak at a time.
- ✓ Allow the interpreter to converse briefly with the non-English speaker to ensure understanding of accents, dialect, or pronunciation differences.
- ✓ Instruct the speaker to interrupt or raise a hand if something is not understood.
- ✓ Allow the interpreter to view court files prior to the proceedings to become familiar with names, parties, and technical vocabulary.
- ✓ Speak directly to the party or witness, not the interpreter.
- ✓ Direct the interpreter to interpret in the first person in order for the record to be accurate.
- ✓ Advise the interpreter to notify the court when breaks are needed.

⁴⁶See Dianne Molvig, *Overcoming Language Barriers in Court*, 74 Wis. Law. 10, February 2001 (discussing the importance of qualified interpreters in maintaining the integrity of proceedings).

⁴⁷See Molvig, *supra* note 42, at 13 (“Court interpreters must be able to listen and translate back and forth easily, accurately, and quickly in the midst of court proceedings. Qualified interpreters learn how to execute this complex task through memory skills training. Court interpreters also must understand legal terminology and procedures, and be able to convey concepts for which no word may exist in the non-English language. . . . A careless translation can convey an entirely incorrect meaning.”).

⁴⁸Angela McCaffery, *Don’t Get Lost in Translation: Teaching Law Students to Work with Language Interpreters*, 6 Clinical L. Rev. 347, 387 (Spring 2000).

⁴⁹Julia Bussade, Director of Portuguese and Spanish, Modern Languages Department of the University of Mississippi, Remarks at the Mississippi Court Administrators Spring Conference (April 25, 2008).

Interpreters for Limited English Proficiency (Lep) Individuals:

Rules and statutory provisions pertaining to appointing interpreters for limited English proficiency individuals are listed below:

Rule 604 of the Mississippi Rules of Evidence (Interpreters).

An interpreter must be qualified and must give an oath or affirmation to make a true translation.

Rule 43(d) of the Mississippi Rules of Civil Procedure (Taking of Testimony).

(d) Interpreters. The court may appoint an interpreter of its own selection and may assess reasonable compensation. The compensation shall be paid out of funds provided by law or by one or more of the parties as the court may direct and may be taxed ultimately as costs, in the discretion of the court. However, in the event and to the extent that such interpreters are required to be provided under the provisions of the Americans with Disabilities Act, 42 U.S. C. § 12131, et seq. or under rules or regulations promulgated pursuant thereto, such compensation and other costs of compliance shall be paid by the county in which the court sits, and shall not be taxed as costs.

Mississippi Court Interpreter Credentialing Program:

The Administrative Office of Courts has developed the Mississippi Court Interpreter Credentialing Program to ensure equal access to justice for limited English proficiency individuals. Information on the program is on the State of Mississippi Judiciary Website at: <http://courts.ms.gov> (Open “AOC” then click “Court Interpreter” then click “Resources & Forms”).

Complete listing of the Rules on Standards for Court Interpreters:

- Rule 1. Scope
- Rule 2. Definitions
- Rule 3. Determining Need for Interpretation
- Rule 4. Appointment of Interpreter
- Rule 5. Waiver
- Rule 6. Interpreter Oath
- Rule 7. Certified and Registered Court Interpreters
- Rule 8. Reciprocity
- Rule 9. Renewal of Credentials
- Rule 10. Removal of an Interpreter in Individual Cases

§ 99-17-7 When judge must appoint an interpreter:

In all criminal cases wherein the defendant is a Limited English Proficient (LEP) individual, the court shall appoint a qualified interpreter as provided in Section 9-21-80, sworn truly to interpret, and allow him a reasonable compensation, as set by the court, payable out of the county or municipal treasury at no cost to the defendant.

§ 9-21-71 Definitions:

The following words and phrases have the meanings ascribed in this section unless the context clearly requires otherwise:

(a) "Limited English Proficient (LEP) individual" means any party or witness who cannot readily understand or communicate in spoken English or who does not speak English as his or her primary language and who consequently has a limited ability to read, speak, write or understand English and cannot equally participate in or benefit from the proceedings unless an interpreter is available to assist the individual. The fact that a person for whom English is a second language knows some English does not prohibit that individual from being allowed to have an interpreter.

(b) "Court interpreter" means any person authorized by a court who is competent to translate or interpret oral or written communication in a foreign language during court proceedings. A court interpreter may be one (1) of the following:

(i) "Certified court interpreter," which means an interpreter who successfully has met all requirements promulgated by the Administrative Office of Courts to be designated a registered court interpreter and has scored at least seventy percent (70%) on each of the three (3) sections of an approved criterion-referenced oral performance examination.

(ii) "Registered court interpreter," which means an interpreter who has:

1. Attended an approved two-day, fourteen-hour ethics and skill building workshop;
2. Passed an approved criterion-referenced written examination with a minimum overall score of eighty percent (80%);
3. Submitted to a criminal background check;
4. Provided verification of legal right to work in the United States;
5. Executed the Interpreter Oath; and

6. Satisfied any additional requirements that the Administrative Office of Courts may establish in order to be listed as a registered court interpreter on the roster.

(iii) "Non-credentialed interpreter," which means an interpreter who has not met the requirements promulgated by the Administrative Office of Courts to be classified as a registered or certified court interpreter.

(c) "Court proceedings" means a proceeding before any court of this state or a grand jury hearing, including all civil and criminal hearings and trials.

(d) "Interpretation" means the accurate and complete unrehearsed transmission of an oral message from one (1) language to an oral message in another language. Interpretation may be one (1) of the following:

(i) "Consecutive interpretation," which means providing the target-language message after the speaker has finished speaking.

(ii) "Sight translation," which means oral translation of a written document.

(iii) "Simultaneous interpretation," which means providing the target-language message at approximately the same time the source-language message is being produced.

(e) "Source language" means the input language requiring interpretation.

(f) "Target language" means the output language into which the utterance is being interpreted.

(g) "Translation" means the process of translating text from one (1) language to another to maintain the original message and communication.

§ 9-21-73 Program to facilitate the use of interpreters:

(1) The Administrative Office of Courts shall establish a program to facilitate the use of interpreters in all courts of the State of Mississippi.

(2) (a) The Administrative Office of Courts shall prescribe the qualifications of and qualify persons who may serve as credentialed court interpreters in all courts of the State of Mississippi. The Administrative Office of Courts may set and charge a reasonable fee for credentialing.

(b) The Administrative Office of Courts shall maintain a current master list of all credentialed court interpreters (the "Roster").

(3) In all bilingual proceedings, the presiding judicial officer, with the assistance of the Administrative Office of Courts, shall utilize the services of an interpreter to communicate all spoken or written words when the necessity therefor has been determined pursuant to Section 9-21-79.

(4) A Limited English Proficient (LEP) individual is entitled to use an interpreter in any instance arising out of or pertaining to the individual's involvement in litigation.

(5) All courts shall maintain on file in the office of the clerk of the court a list of all persons who have been credentialed as court interpreters in accordance with the Administrative Office of Court's Credentialing Program established pursuant to this section.

§ 9-21-75 Compensation:

The court may appoint either an interpreter who is paid or a volunteer interpreter.

§ 9-21-77 Oath, confidentiality and public comment:

(1) Prior to providing any service to a non-English speaking person, the interpreter shall subscribe to an oath that he or she shall interpret all communications in an accurate manner to the best of his or her skill and knowledge.

(2) The oath shall conform substantially to the following form:

INTERPRETER'S OATH

“Do you solemnly swear or affirm that you will faithfully interpret from (state the language) into English and from English into (state the language) the proceedings before this court in an accurate manner to the best of your skill and knowledge?”

(3) Interpreters shall not voluntarily disclose any admission or communication that is declared to be confidential or privileged under state law. Out-of-court disclosures made by a Limited English Proficient (LEP) individual communicating through an interpreter shall be treated by the interpreter as confidential or privileged or both unless the court orders the interpreter to disclose such communications or the Limited English Proficient (LEP) individual waives such confidentiality or privilege.

(4) Interpreters shall not publicly discuss, report or offer an opinion concerning a matter in which they are engaged, even when that information is not privileged or required by law to be confidential.

(5) The presence of an interpreter shall not affect the privileged nature of any discussion.

§ 9-21-79 Determining the need for an interpreter:

(1) An interpreter is needed and a court interpreter shall be appointed when the judge determines, after an examination of a party or witness, that: (a) the party cannot understand and speak English well enough to participate fully in the proceedings and to assist counsel; or (b) the witness cannot speak English so as to be understood directly by counsel, court and jury.

(2) The court should examine a party or witness on the record to determine whether an interpreter is needed if:

- (a) A party or counsel requests such an examination;
- (b) It appears to the court that the party or witness may not understand and speak English well enough to participate fully in the proceedings; or
- (c) The party or witness requests an interpreter. The fact that a person for whom English is a second language knows some English does not prohibit that individual from being allowed to have an interpreter.

(3) After the examination, the court should state its conclusion on the record, and the file in the case shall be clearly marked and data entered electronically when appropriate by court personnel to ensure that an interpreter will be present when needed in any subsequent instance arising out of the litigation.

(4) Upon a request by the Limited English Proficient (LEP) individual, by counsel, or by any other officer of the court, the court shall determine whether the interpreter provided is able to communicate accurately with and translate information to and from the Limited English Proficient (LEP) individual. If it is determined that the interpreter cannot perform these functions, the court shall provide the Limited English Proficient (LEP) individual with another interpreter.

§ 9-21-80 Order of preference in appointing interpreter:

(1) The court shall appoint an interpreter in the following order of preference:

- (a) Certified court interpreter.
- (b) Registered court interpreter.
- (c) Non-credential interpreter.

(2) A non-credentialed interpreter may be appointed if:

- (a) Neither a certified nor registered court interpreter reasonably is available; and
- (b) The court has evaluated the totality of the circumstances, including the gravity of the judicial proceeding and the potential penalty or consequence involved.

(3) If the court appoints a non-credentialed interpreter, the court must make the following findings on the record:

- (a) The proposed interpreter appears to have:

(i) adequate language skills, knowledge of interpreting techniques, and familiarity with interpreting in a court setting; and

(ii) read and understand, and agrees to abide by, the Mississippi Code of Ethics for Court Interpreters and the Mississippi Rules on Standards for Court Interpreters.

(4) A summary of the efforts made to obtain a certified or registered court interpreter, as well as a summary of the efforts to determine the capabilities of the proposed non-credentialed interpreter, must be made in open court and placed on the record.

§ 9-21-81 Fees and expenses:

(1) Any volunteer interpreter providing services under Sections 9-21-71 through 9-21-81 shall be paid reasonable expenses by the court.

(2) The expenses of providing an interpreter in any court proceeding or instance arising out of litigation must be payable out of the county or municipal treasury at no cost to the litigant.

Interpreters for deaf persons:

§ 13-1-301 Definitions:

As used in sections 13-1-301 et seq. the following terms shall have the definition ascribed to them herein unless the context requires otherwise:

(a) “Deaf person” means any person whose hearing is totally impaired or whose hearing is so seriously impaired as to prohibit the person from understanding oral communications when spoken to in a normal conversational tone. The term further includes, but is not limited to, a person who is mute and a person who is both deaf and mute.

(b) “Qualified interpreter” means an interpreter certified by the national registry of interpreters for the deaf, Mississippi Registry of Interpreters for the Deaf or, in the event a qualified interpreter so certified is not available, an interpreter whose qualifications are otherwise determined. Efforts to obtain the services of a qualified interpreter qualified with a legal skills certificate or a comprehensive skills certificate will be made prior to accepting services of an interpreter with lesser certification. No qualified interpreter may be appointed unless the appointing authority and the deaf person make a preliminary determination that the interpreter is able to interpret accurately the statements of the deaf person and interpret the proceedings in which a deaf person may be involved.

(c) “Oral interpreter” means a person who interprets language through facial and lip movements only and who does not use manual communication. An oral interpreter shall be provided upon the request of a deaf person who does not communicate in sign language. The right of a deaf person to have an interpreter may not be waived except by a deaf person who does not use sign language and who initiates such request for waiver in

writing. Such waiver is subject to approval of counsel of such deaf person, if existent, and is subject to approval of the appointing authority.

§ 13-1-303 When judge must appoint an interpreter:

(1) In any case in law or equity before any court or the grand jury, wherein any deaf person is a party to such action, either as a defendant or witness, the court shall appoint a qualified interpreter of the deaf sign language to interpret the proceedings to the deaf person and interpret his testimony or statements and to assist in preparation with counsel.

§ 13-1-303 Interrogation statements:

(3) In the event that a deaf person has been detained in police custody or has been arrested for any alleged violation of a criminal law, a qualified interpreter or, upon request, an oral interpreter shall be provided by the arresting officer and his superiors prior to any interrogation or taking of a statement from the person.

(4) In the event any interrogation statements in writing are made to the arresting officer by the deaf person with the qualified interpreter present, such interrogation and answers thereto shall be preserved and turned over to the court in the event such person is tried for the alleged offense.

(5) Any statement made by a deaf person to a law enforcement officer may be used as evidence against that person only if the statement was made, offered or elicited in the presence of a qualified interpreter of the deaf sign language. No statements taken from such deaf person prior to the presence of a qualified interpreter may be admissible in court.

Compare Shook v. State, 552 So. 2d 841, 848 (Miss. 1989) (“Shook used communicative and cognitive faculties other than hearing, faculties no one suggests were impaired, . . . , upon which he gave a written consent. Because we need not rely on Shook's hearing abilities (or lack thereof) to find a valid and effective consent to search, we hold the violation of § 13–1–303(5), if any, harmless beyond a reasonable doubt.”).

§ 13-1-305 Determining extent of hearing impairment:

If the judge, or any other person charged under the provisions of Sections 13-1-305 et seq. with providing an interpreter, believes that a person claiming to be entitled to an interpreter may not actually be deaf or hearing impaired, unable to communicate verbally because of his hearing disability, or otherwise not entitled to such services, the judge may, on good cause shown, hold a hearing to determine the extent of the person's handicap or disability and the bona fide need for interpreting services. If it is determined that the person is not entitled to such services, an interpreter shall not be provided.

§ 13-1-305 Notifying the court of need for interpreter:

Except in a preliminary hearing in a criminal case, every deaf person whose appearance before a proceeding entitles him to an interpreter shall notify the appointing authority of his disability not less than five (5) days prior to any appearance and shall request at such time the services of an interpreter. When a deaf person reasonably expects to need an interpreter for more than a single day, he shall so notify the appointing authority, and such notification shall be sufficient for the duration of his participation in the proceedings. When a deaf person receives notification of an appearance less than five (5) days before such appearance, he shall provide his notification and request for an interpreter as soon thereafter as practicable.

§ 13-1-307 Interpreter's duties:

The duties of the interpreter may include:

- (a) Interpreting during court and court-related proceedings, including any and all meetings and conferences between client and his attorney;
- (b) Translating or interpreting documents;
- (c) Assisting in taking depositions;
- (d) Assisting in administering oaths; and
- (e) Such other duties as may be required by the judge of the court making the appointment.

§ 13-1-311 Listing of qualified interpreters:

It shall be the responsibility of the appointing authority to channel requests for qualified interpreters through (a) the Mississippi Registry of Interpreters for the Deaf; (b) the community services program at the Mississippi School for the Deaf, or, (c) any community resource wherein the appointing authority or the deaf person is knowledgeable that such qualified interpreters can be found. It shall be the responsibility of the community services program at the Mississippi School for the Deaf to compile and update annually a listing of qualified interpreters and to make this listing available to authorities in possible need of interpreter services as provided in sections 13-1-301 et seq.

§ 13-1-313 Oath of true interpretation:

Before participating in any proceedings subsequent to an appointment under the provisions of Sections 13-1-301 et seq., an interpreter shall make an oath or affirmation that he will make a true interpretation in an understandable manner to the person for whom he is appointed and that he will repeat the statements of such persons in the English language to the best of his skill and judgment. The appointing authority shall provide recess periods as necessary for the interpreter when the interpreter so indicates.

See also MRE 604 (“An interpreter must be qualified and must give an oath or affirmation to make a true translation.”).

§ 13-1-315 Interpreter's fees:

An interpreter appointed under the provisions of Sections 13-1-301 et seq. shall be entitled to a reasonable fee for such services in addition to actual expenses for travel and transportation. The court or appointing authority may consider standards established by the Mississippi Registry of Interpreters for the Deaf in determining a reasonable fee. When the interpreter is appointed by a court in a criminal case the fee shall be paid out of the general fund of the state, county or municipality, as the case may be. An interpreter's fee in a civil action shall be paid out of funds provided by law or by one or more of the parties as the court may direct and may be taxed ultimately as costs in the discretion of the court. When an interpreter is provided by an appointing authority pursuant to subsection (2) of Section 13-1-303, the fee shall be paid out of funds available to the appointing authority.

Websites on court interpreters:

State of Mississippi Judiciary:

<https://courts.ms.gov/aoc/courtinterpreter/courtinterpreter.php>

Mississippi Registry of Interpreters for the Deaf: <https://msrid.wildapricot.org/>

Office on Deaf and Hard of Hearing: <http://www.odhh.org/index.php>

Federal Interagency Working Group on Limited English Proficiency at www.lep.gov

National Association of Judiciary Interpreters and Translators at www.najit.org

National Center for State Courts at <http://www.ncsc.org/>

407 *MISSISSIPPI ELECTRONIC COURTS*

Information on Mississippi Electronic Courts may be accessed at: <http://courts.ms.gov> (Open “MEC”). Topics include:

- General Information;
- Forms and Filing Events;
- Frequently Used Links; and
- E-file Training.

408 *PUBLIC RECORDS ACCESS*

Administrative order:

The Mississippi Supreme Court adopted by Administrative Order on August 27, 2008 a “Statement of Policy Regarding Openness and Availability of Public Records.” This administrative order can be accessed on the State of Mississippi Judiciary website at https://courts.ms.gov/publicrecords_policy.pdf

§ 25-61-1 Short title:

This chapter shall be known and may be cited as the “Mississippi Public Records Act of 1983.” It is the policy of the Legislature that public records must be available for inspection by any person unless otherwise provided by this act [Laws 1996, Ch. 453]. Furthermore, providing access to public records is a duty of each public body and automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic record keeping, each agency must ensure reasonable access to records electronically maintained, subject to the rules of records retention.

See also Estate of Cole v. Ferrell, 163 So. 3d 921, 925 (Miss. 2012) (“Court filings are considered to be public records, unless otherwise exempted by statute.”).

§ 25-61-2 Policy:

It is the policy of this state that public records shall be available for inspection by any person unless otherwise provided by this chapter; furthermore, providing access to public records is a duty of each public body and automation of public records must not erode the right of access to those records. As each public body increases its use of, and dependence on, electronic record keeping, each public body must ensure reasonable access to records electronically maintained, subject to records retention.

§ 25-61-3 “Public body” and “public records” defined:

The following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) “Public body” shall mean any department, bureau, division, council, commission, committee, subcommittee, board, agency and any other entity of the state or a political subdivision thereof, and any municipal corporation and any other entity created by the Constitution or by law, executive order, ordinance or resolution. The term “public body” includes the governing board of a charter school authorized by the Mississippi Charter School Authorizer Board. Within the meaning of this chapter, the term “entity” shall not be construed to include individuals employed by a public body or any appointed or elected public official.

(b) “Public records” shall mean all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body. “Public records” shall not mean “personal information” as defined in Section 25-62-1.

§ 25-61-5 Adopting reasonable written procedures:

(1)(a) Except as otherwise provided by Sections 25–61–9, 25–61–11, and 25–61–11.2 and 37–153–7, all public records are hereby declared to be public property, and any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of a public body in accordance with reasonable written procedures adopted by the public body concerning the cost, time, place and method of access, and public notice of the procedures shall be given by the public body, or, if a public body has not adopted written procedures, the right to inspect, copy or mechanically reproduce or obtain a reproduction of a public record of the public body shall be provided within one (1) working day after a written request for a public record is made. No public body shall adopt procedures which will authorize the public body to produce or deny production of a public record later than seven (7) working days from the date of the receipt of the request for the production of the record.

§ 25-61-5 When a written explanation is required:

(1)(b) If a public body is unable to produce a public record by the seventh working day after the request is made, the public body must provide a written explanation to the person making the request stating that the record requested will be produced and specifying with particularity why the records cannot be produced within the seven-day period. Unless there is mutual agreement of the parties, or the information requested is part of ongoing negotiations related to a request for competitive sealed proposals, in no event shall the date for the public body's production of the requested records be any later than fourteen (14) working days from the receipt by the public body of the original

request. Production of competitive sealed proposals in accordance with requests made pursuant to this section shall be no later than seven (7) working days after the notice of intent to award is issued to the winning proposer. Persons making a request for production of competitive sealed proposals after the notice of intent to award is issued by the public body shall have a reasonable amount of time, but in no event less than seven (7) working days after the production of the competitive sealed proposals, to protest the procurement or intended award prior to contract execution. However, in any instance where a person has filed for a protective order for a competitive sealed proposal and the court has not ruled on the protective order within ninety (90) days of filing, then the public body may proceed with awarding the contract without production of competitive sealed proposals and the contract may be protested after execution.

§ 25-61-5 Redaction of exempt materials:

(2) If any public record contains material which is not exempted under this chapter, the public agency shall redact the exempted and make the nonexempted material available for examination. Such public agency shall be entitled to charge a reasonable fee for the redaction of any exempted material, not to exceed the agency's actual cost.

§ 25-61-5 Denials to be kept on file:

(3) Denial by a public body of a request for access to or copies of public records under this chapter shall be in writing and shall contain a statement of the specific exemption relied upon by the public body for the denial. Each public body shall maintain a file of all denials of requests for public records. Public bodies shall be required to preserve such denials on file for not less than three (3) years from the date such denials are made. This file shall be made available for inspection or copying or both during regular office hours to any person upon written request.

§ 25-61-7 Fees on providing records:

(1) Except as provided in subsection (2) of this section, each public body may establish and collect fees reasonably calculated to reimburse it for, and in no case to exceed, the actual cost of searching, reviewing and/or duplicating and, if applicable, mailing copies of public records. Any staff time or contractual services included in actual cost shall be at the pay scale of the lowest level employee or contractor competent to respond to the request. Such fees shall be collected by the public body in advance of complying with the request.

(2) A public body may establish a standard fee scale to reimburse it for the costs of creating, acquiring and maintaining a geographic information system or multipurpose cadastre as authorized and defined under Section 25-61-1 et seq., or any other electronically accessible data. Such fees must be reasonably related to the costs of creating, acquiring and maintaining the geographic information system, multipurpose cadastre or other electronically accessible data, for the data or information contained therein or taken therefrom and for any records, papers, accounts, maps, photographs,

films, cards, tapes, recordings or other materials, data or information relating thereto, whether in printed, digital or other format. In determining the fees or charges under this subsection, the public body may consider the type of information requested, the purpose or purposes for which the information has been requested and the commercial value of the information.

§ 25-61-9 Confidential commercial or financial information:

(1) Records furnished to public bodies by third parties which contain trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction under this chapter until notice to said third parties has been given, but such records shall be released no later than twenty-one (21) days from the date the third parties are given notice by the public body unless the third parties have filed in chancery court a petition seeking a protective order on or before the expiration of the twenty-one-day time period. Any party seeking the protective order shall give notice to the party requesting the information in accordance with the Mississippi Rules of Civil Procedure.

§ 25-61-10 Use of sensitive software:

(1) Except as otherwise provided in Section 25-61-11.2, any public body that uses sensitive software, as defined in Section 25-61-9, or proprietary software must not thereby diminish the right of the public to inspect and copy a public record. A public body that uses sensitive software, as defined in Section 25-61-9, or proprietary software to store, manipulate, or retrieve a public record will not be deemed to have diminished the right of the public if it either: (a) If [if] legally obtainable, makes a copy of the software available to the public for application to the public records stored, manipulated, or retrieved by the software; or (b) ensures that the software has the capacity to create an electronic copy of each public record stored, manipulated, or retrieved by the software in some common format such as, but not limited to, the American Standard Code for Information Interchange.

(2) A public body shall provide a copy of the record in the format requested if the public body maintains the record in that format, and the public body may charge a fee which must be in accordance with Section 25-61-7.

(3) Before a public body acquires or makes a major modification to any information technology system, equipment, or software used to store, retrieve, or manipulate a public record, the public body shall adequately plan for the provision of public access and redaction of exempt or confidential information by the proposed system, equipment or software.

(4) A public body may not enter into a contract for the creation or maintenance of a public records data base if that contract impairs the ability of the public to inspect or copy the public records of that agency, including public records that are on-line or stored in an information technology system used by the public body.

See also Miss. Code Ann. § 25-61-11.2, which sets forth information technology (IT) records exempted from the Mississippi Public Records Act of 1983).

§ 25-61-11 Exempted or privileged records:

The provisions of this chapter shall not be construed to conflict with, amend, repeal or supersede any constitutional law, state or federal statutory law, or decision of a court of this state or the United States which at the time of this chapter is effective or thereafter specifically declares a public record to be confidential or privileged, or provides that a public record shall be exempt from the provisions of this chapter.

Confidential or privileged records exempt from public access:

- Judicial records in the possession of a public body developed among judges and their aides. *See* Miss. Code Ann. § 9-1-38.
- Jury records in the possession of a public body developed among juries concerning judicial decisions. *See* Miss. Code Ann. § 13-5-97.
- Personnel files such as personnel records, applications for employment, test questions and answers used in employment examinations, letters of recommendation, and documents relating to contract authorization. *See* Miss. Code Ann. § 25-1-100.
- Attorney's work products which includes all attorney-client communications. *See* Miss. Code Ann. § 25-1-102.
- Personal information of law enforcement or court personnel and officers. *See* Miss. Code Ann. § 25-61-12(1).
- Investigative reports when in the possession of a law enforcement agency, however a law enforcement agency may choose to make public all or any part of any investigative report. *See* Miss. Code Ann. §§ 25-61-3(f), -12(2).
- Personal information of victims, including victim impact statements and letters of support on behalf of victims that are contained in records on file with the Mississippi Department of Corrections and State Parole Board. *See* Miss. Code Ann. § 25-61-12(2)(d) and (3).
- Youth court records may not be disclosed except in limited instances. *See* U.R.Y.C.P. 5; Miss. Code Ann. § 43-21-261.

Mississippi Attorney General's opinions:

Records exempt from disclosure.

“[U]nless authorized or required by statute, information such as dates of birth, complete social security numbers, partial social security numbers, home addresses and driver's license numbers should not be made public by the Justice Court Clerk. Likewise, . . . prior to publishing documents online that contain such information, the Justice Court Clerk should redact the information.” Op. Atty. Gen. Neyman, January 31, 2014.

On satisfying a legitimate request for the verification of a social security number.

“It is a matter of common knowledge that social security numbers and birth dates are used for the purpose of committing identity theft, which is a felony under Section 97-19-85. Oftentimes, a legitimate request seeking a record for the purpose of determining or confirming a social security number, which has previously been provided to the requestor by an individual, can be satisfied by redacting the first five or six digits and leaving only the last few digits visible.” Op. Atty. Gen. Berryman, March 22, 2013.

When affidavit and arrest warrants constitute public records.

“Generally the affidavit and [arrest] warrant are not public documents until such time as the warrant has been served.” Op. Atty. Gen. Miller, July 30, 2010.

§ 25-61-11.1 Exempted information regarding persons with a weapons permit:

The name, home address, any telephone number or other private information of any person who possesses a weapon permit issued under Section 45-9-101 or Section 97-37-7 shall be exempt from the Mississippi Public Records Act of 1983.

§ 25-61-12 Exemption of court personnel information; victim information:

(1) The home address, any telephone number of a privately paid account or other private information of any law enforcement officer, criminal investigator, judge or district attorney or the spouse or child of the law enforcement officer, criminal investigator, judge or district attorney shall be exempt from the Mississippi Public Records Act of 1983. This exemption does not apply to any court transcript or recording if given under oath and not otherwise excluded by law.

...

(3) Personal information of victims, including victim impact statements and letters of support on behalf of victims that are contained in records on file with the Mississippi Department of Corrections and State Parole Board, shall be exempt from the provisions of this chapter.

§ 25-61-13 Proceedings to compel public access:

The Mississippi Ethics Commission shall have the authority to enforce the provisions of this chapter upon a complaint filed by any person denied the right granted under Section 25-61-5 to inspect or copy public records. Upon receiving a complaint, the commission shall forward a copy of the complaint to the head of the public body involved. The public body shall have fourteen (14) days from receipt of the complaint to file a response with the commission. After receiving the response to the complaint or, if no response is received after fourteen (14) days, the commission, in its discretion, may dismiss the complaint or proceed by setting a hearing in accordance with rules and regulations promulgated by the Ethics Commission. The Ethics Commission may order the public body and any individual employees or officials of the public body to produce records or take other reasonable measures necessary, if any, to comply with this chapter. The Ethics Commission may also impose penalties as authorized in this chapter. The Ethics Commission may order a public body to produce records for private review by the commission, its staff or designee. The Ethics Commission shall complete its private review of the records within thirty (30) days after receipt of the records from the public body. Records produced to the commission for private review shall remain exempt from disclosure under this chapter while in the custody of the commission.

Nothing in this chapter shall be construed to prohibit the Ethics Commission from mediating or otherwise resolving disputes arising under this chapter, from issuing an order based on a complaint and response where no facts are in dispute, or from entering orders agreed to by the parties. In carrying out its responsibilities under this section, the Ethics Commission shall have all the powers and authority granted to it in Title 25, Chapter 4, Mississippi Code of 1972, including the authority to promulgate rules and regulations in furtherance of this chapter.

Any party may petition the chancery court of the county in which the public body is located to enforce or appeal any order of the Ethics Commission issued pursuant to this chapter. In any such appeal the chancery court shall conduct a de novo review. Nothing in this chapter shall be construed to prohibit any party from filing a complaint in any chancery court having jurisdiction, nor shall a party be obligated to exhaust administrative remedies before filing a complaint. However, any party filing such a complaint in chancery court shall serve written notice upon the Ethics Commission at the time of filing the complaint. The written notice is for information only and does not make the Ethics Commission a party to the case.

§ 25-61-15 Penalties for wrongful denial:

Any person who shall deny to any person access to any public record which is not exempt from the provisions of this chapter or who charges an unreasonable fee for providing a public record may be liable civilly in his personal capacity in a sum not to exceed One Hundred Dollars (\$100.00) per violation, plus all reasonable expenses incurred by such person bringing the proceeding.

**409 DISCLOSURE OF PERSONAL INFORMATION
OF SECTION 501(C) ENTITY**

§ 25-62-1 Definitions:

As used in this chapter, the following words and phrases shall have the meanings as defined in this section unless the context clearly indicates otherwise:

(a) “Personal information” means any list, record, register, registry, roll, roster or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter or volunteer of, or donor of financial or nonfinancial support to, any entity organized under Section 501(c) of the Internal Revenue Code. Personal information does not include information reportable to the Secretary of State pursuant to Section 79-11-503(1)(b).

(b) “Public agency” means any state or local governmental unit, however designated, including, but not limited to, this state; any department, agency, office, commission, board, division or other entity of this state; any political subdivision of this state, including, but not limited to, a county, city, township, village, school district, community college district or any other local governmental unit, agency, authority, council, board or commission; or any state or local court, tribunal or other judicial or quasi-judicial body.

§ 25-62-3 Public agencies prohibited from requiring certain Section 501(c) entities to provide personal information:

(1) Notwithstanding any law to the contrary, and subject to subsection (3), a public agency shall not do any of the following:

(a) Require any entity organized under Section 501(c) of the Internal Revenue Code to provide the public agency with personal information.

§ 25-62-3 Public agencies prohibited from disclosing personal information in the possession of the agency:

(b) If in the possession of personal information, a public agency shall not release, publicize or otherwise disclose that personal information without the express written permission of every identified member, supporter, volunteer or donor of the Section 501(c) entity as well as the Section 501(c) entity that received their membership, support, volunteer time or donations.

(c) Request or require a current or prospective contractor with the public agency to provide the public agency with a list of entities organized under Section 501(c) of the Internal Revenue Code to which it has provided financial or nonfinancial support.

§ 25-62-3 Exemptions:

(2) Personal information shall be exempt from disclosure under the Mississippi Public Records Act.

(3) This chapter does not preclude either of the following:

- (a) Any lawful warrant for personal information issued by a court of competent jurisdiction; or
- (b) A lawful request for discovery of personal information in litigation if both of the following conditions are met:
 - (i) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence; and
 - (ii) The requestor obtains a protective order barring disclosure of personal information to any person not directly involved in the litigation. As used in this subparagraph, “person” means an individual, partnership, corporation, association, governmental entity or other legal entity.

§ 25-62-5 Injunctive relief:

- (1) A person alleging a violation of this chapter may bring a civil action for appropriate injunctive relief.
- (2) A court, in rendering a judgment in an action brought under this section, shall award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.

§ 25-62-7 Penalties:

A person who knowingly violates this chapter is guilty of a misdemeanor punishable by imprisonment of not more than ninety (90) days or a fine of not more than One Thousand Dollars (\$1,000.00) or both.

§ 25-62-9 Relation to Mississippi Campaign Finance statutes:

The requirements of this chapter shall not affect any provisions of the Mississippi Campaign Finance statutes provided in Section 23-15-801 et seq.

See also 26 U.S.C. § 501(c) (List of exempt organizations).

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CHAPTER 5

STATUTORY OATHS

500 STATUTORY OATHS

Grand jury oaths

Petit jury oaths

Jury oath [eminent domain cases]

Capital case juror oath

Bailiff's oath

Court reporter's oath

Interpreter's oath [for the deaf]

Interpreter's oath [for Limited English Proficient (LEP) individual]

Judicial oath of office

Legislator's oath

Other elected official's oath

500 STATUTORY OATHS

§ 13-5-45 Grand jury oaths

The court shall appoint one of the grand jurors to be foreman of the grand jury, to whom the following oath shall be administered in open court, in the presence of the rest of the grand jurors, to wit:

You, as foreman of this grand inquest, shall diligently inquire into, and true presentment make, of all such matters and things as shall be given you in charge, or otherwise come to your knowledge, touching the present service. The counsel of the state, your fellows, and your own you will keep secret. You shall not present any person through malice, hatred or ill will, nor shall you leave any person unpresented through fear, favor or affection, or for any reward, hope or promise thereof, but in all your presentments, you shall present the truth, the whole truth, and nothing but the truth, to the best of your skill and understanding. So help you God. And the following oath shall be administered to the other jurors, to wit: The same oath that your foreman has now taken before you on his part, you, and each of you, shall well and truly observe, and keep on your respective parts. So help you God.

§ 13-5-71 Petit jury oaths

Petit jurors shall be sworn in the following form:

You, and each of you, do solemnly swear (or affirm) that you will well and truly try all issues and execute all writs of inquiry that may be submitted to you, or left to your decision by the court, during the present term, and true verdicts give according to the evidence. So help you God.

§ 11-27-17 Jury oath [eminent domain cases]

When the jury shall be so impaneled, the jurors shall be sworn as follows: I do solemnly swear or affirm that as a member of this jury I will discharge my duty honestly and faithfully, to the best of my ability, and that I will a true verdict render according to the evidence, without fear, favor, or affection, and that I will be governed by the instructions of the court. So help me God.

§ 13-5-73 Capital case juror oath

The jurors in a capital case shall be sworn to:

[W]ell and truly try the issue between the state and the prisoner, and a true verdict give according to the evidence and the law.

§ 13-5-73 Bailiff's oath [Capital case juror oath]

Bailiffs may be specially sworn by the court, or under its direction, to attend on such jury and perform such duties as the court may prescribe for them.

§ 9-13-3 Court reporter's oath

Before entering into his office, the court reporter shall take, in open court, an oath that he will faithfully discharge the duties thereof; and the oath so taken shall be entered in the minutes of the court.

§ 13-1-313 Interpreter's oath [for the deaf]

Before participating in any proceedings subsequent to an appointment under the provisions of sections 13-1-301 et seq., an interpreter shall make an oath or affirmation that he will make a true interpretation in an understandable manner to the person for whom he is appointed and that he will repeat the statements of such persons in the English language to the best of his skill and judgment. The appointing authority shall provide recess periods as necessary for the interpreter when the interpreter so indicates.

§ 9-21-77 Interpreter's oath [for Limited English Proficient (LEP) individual]

(1) Prior to providing any service to a non-English speaking person, the interpreter shall subscribe to an oath that he or she shall interpret all communications in an accurate manner to the best of his or her skill and knowledge.

(2) The oath shall conform substantially to the following form:

INTERPRETER'S OATH

"Do you solemnly swear or affirm that you will faithfully interpret from (state the language) into English and from English into (state the language) the proceedings before this court in an accurate manner to the best of your skill and knowledge?"

Art. 6 § 155 Judicial oath of office

The judges of the several courts of this state shall, before they proceed to execute the duties of their respective offices, take the following oath or affirmation, to-wit:

I, _____, solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ according to the best of my ability and understanding, agreeably to the Constitution of the United States and the Constitution and laws of the state of Mississippi. So help me God.

Art. 4 § 40 Legislator's oath

Members of the legislature, before entering upon the discharge of their duties, shall take the following oath:

I, _____, do solemnly swear (or affirm) that I will faithfully support the Constitution of the United States and of the state of Mississippi; that I am not disqualified from holding office by the Constitution of this state; that I will faithfully discharge my duties as a legislator; that I will, as soon as practicable hereafter, carefully read (or have read to me) the Constitution of this state, and will endeavor to note, and as a legislator to execute, all the requirements thereof imposed on the legislature; and I will not vote for any measure or person because of a promise of any other member of this legislature to vote for any measure or person, or as a means of influencing him or them so to do. So help me God.

Art. 14 § 268 Other elected official's oath

All officers elected or appointed to any office in this state, except judges and members of the legislature, shall, before entering upon the discharge of the duties thereof, take and subscribe the following oath:

I, _____, do solemnly swear (or affirm) that I will faithfully support the Constitution of the United States and the Constitution of the State of Mississippi, and obey the laws thereof; that I am not disqualified from holding the office of _____; that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God.

CHAPTER 6

RESOURCES

600 MISSISSIPPI LAWS

**Mississippi Code of 1972
Mississippi Rules of Court
Case law**

601 WEBSITES

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600 MISSISSIPPI LAWS

Mississippi Code of 1972:

The Mississippi Code of 1972 contains:

- United States Constitution,
- Mississippi Constitution,
- Mississippi statutes, and
- indexes and statutory tables.

The statutes are organized into titles (major subject areas), chapters (specific subjects), and sections (actual language of statute). For example, in § 9-17-3: 9 is the title “Courts”, -17 is the chapter “Court Administrators”, and -3 is the section “Responsibilities of court administrator.”

Mississippi Rules of Court:

The Mississippi Rules of Court contains rules governing judicial procedures and conduct, such as:

- Mississippi Rules of Civil Procedure;
- Mississippi Rules of Criminal Procedure;
- Uniform Civil Rules of Circuit and County Court Practice;
- Uniform Chancery Court Rules;
- Rules and Regulations for Certification and Continuing Education for Mississippi Court Administrators.

Case law:

The Mississippi Supreme Court and the Mississippi Court of Appeals decide cases appealed to them from lower courts. Published opinions of these cases are precedent in interpreting the constitutionality, application and language of the Rules and statutes. *See* Rules of Appellate Procedure, Rule 35-A and 35-B (written opinions and entry of judgment

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Mississippi Attorney General: <http://www.ago.state.ms.us/>

Mississippi Bar: <http://www.msbar.org/>

Mississippi Department of Archives and History: <https://www.mdah.ms.gov/>

Mississippi Department of Child protection Services <https://www.mdcps.ms.gov/>

Mississippi Department of Human Services <https://www.mdhs.ms.gov/>

Mississippi Judicial College: <http://mjc.olemiss.edu/>

Mississippi Judiciary: <http://courts.ms.gov/>

Mississippi Legislature: <http://www.legislature.ms.gov/>

Mississippi Office of the State Auditor <https://www.osa.state.ms.us/>

Mississippi's Official State Website: <https://www.mississippi.gov/>

Mississippi Secretary of State <https://www.sos.ms.gov/>

U.S. Equal Employment Opportunity Commission (EEOC): www.eeoc.gov