

By: Reeves

To: Fees and Salaries of
Public Officers;
Appropriations

HOUSE BILL NO. 992

1 AN ACT TO PROVIDE FOR THE SALARIES OF LEGAL ASSISTANTS FOR
2 DISTRICT ATTORNEYS; TO AMEND SECTION 25-3-35, MISSISSIPPI CODE OF
3 1972, IN CONFORMITY THERETO; TO BRING FORWARD SECTIONS 25-31-5,
4 25-31-6, 25-31-33 AND 25-31-39, MISSISSIPPI CODE OF 1972, WHICH
5 PROVIDE FOR LEGAL ASSISTANTS, THEIR POWERS AND DUTIES AND
6 COMPENSATION; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. (1) The annual salary of the full-time legal
9 assistants who have actively practiced law less than two (2)
10 years, shall be not less than Twenty-five Thousand Dollars
11 (\$25,000.00) nor more than Fifty Thousand Dollars (\$50,000.00) as
12 established by the District Attorney. The Fifty Thousand Dollars
13 (\$50,000.00) maximum shall not affect anyone who has actively
14 practiced law less than two (2) years whose salary is already in
15 excess of Fifty Thousand Dollars (\$50,000.00) on July 1, 2000.

16 (2) The annual salary of full-time legal assistants who have
17 actively practiced law more than two (2) years, but less than six
18 (6) years, shall not exceed Sixty-seven Thousand Five Hundred
19 Dollars (\$67,500.00) as established by the district Attorney.

20 (3) The annual salary of full-time legal assistants who have
21 actively practiced law more than six (6) years, but less than ten
22 (10) years, shall not exceed Seventy-five Thousand Dollars
23 (\$75,000.00) as established by the District Attorney.

24 (4) The annual salary of full-time legal assistants who have
25 actively practiced law in excess of ten (10) years may be paid, at
26 the discretion of the District Attorney, One Thousand Dollars
27 (\$1,000.00) for each year said assistant has practiced law in
28 excess of ten (10) years, not to exceed the sum of an additional

29 Ten Thousand Dollars (\$10,000.00) or a maximum salary of
30 Eighty-five Thousand Dollars (\$85,000.00).

31 SECTION 2. Section 25-3-35, Mississippi Code of 1972, is
32 amended as follows:[BD1]

33 25-3-35. (1) The annual salaries of the following judges
34 are fixed as follows, to begin at the commencement of the next
35 term of office immediately succeeding the existing term:

36 Chief Justice of the Supreme Court.....\$104,900.00
37 Presiding Justice of the Supreme Court.....102,900.00
38 Associate Justices of the Supreme Court, each.....102,300.00

39 However, in addition to their present official duties, there
40 are imposed upon the Supreme Court Justices the extra duties of
41 making a special study of existing laws and reporting to each
42 regular session of the Legislature such constructive suggestions
43 as they may deem necessary for the improvement of the
44 administration of justice, and of advising and counseling with the
45 State Librarian in the selection of law books for purchase and use
46 in the State Law Library, advising with the librarian thereof upon
47 the removal from the library of any books which may be the least
48 frequently used, and for the placing of same in a convenient
49 location so as to provide additional space for such books and
50 other current publications which may be more frequently used or
51 called for. For such extra services each justice, from and after
52 June 17, 1999, shall receive a sum sufficient when added to the
53 present salaries of the justices to aggregate One Hundred Four
54 Thousand Nine Hundred Dollars (\$104,900.00) for the Chief Justice,
55 One Hundred Two Thousand Nine Hundred Dollars (\$102,900.00) for
56 the Presiding Justice, and One Hundred Two Thousand Three Hundred
57 Dollars (\$102,300.00) for Associate Justices, per annum. As each
58 existing term expires and the above-captioned salaries become
59 effective in due course, the extra duties and compensation
60 provided for shall cease.

61 (2) The annual salaries of the judges of the Court of
62 Appeals of Mississippi are fixed as follows:

63 Chief Judge of the Court of Appeals.....\$ 98,300.00
64 Associate Judges of the Court of Appeals, each.....95,500.00

65 (3) The annual salaries of the chancery and circuit court

66 judges are fixed as follows:

67 Chancery Judges, each.....\$94,700.00

68 Circuit Judges, each.....94,700.00

69 In addition to their present official duties, there are
70 imposed upon the chancery and circuit court judges the extra
71 duties of making a special study of existing laws relating to
72 trial courts and reporting to the Supreme Court of the State of
73 Mississippi such constructive suggestions as they may deem
74 necessary for the improvement of the administration of justice,
75 which shall be recommended to the Legislature by the Supreme Court
76 in the manner provided by law. The judges shall advise and
77 supervise in the purchase of law books for the libraries of each
78 district, and shall study and evaluate the inventory of books and
79 facilities now existing in the libraries of each district to
80 effect the removal and relocation of obsolete publications so as
81 to provide additional space for those books and current
82 publications more frequently used. The judges shall study the
83 existing rules promulgated by the circuit and chancery court
84 judicial associations governing the operation of chancery and
85 circuit courts, and revise the same pursuant to existing laws.
86 For such extra services each judge, from and after June 17, 1999,
87 shall receive a sum sufficient when added to the present salaries
88 of the judges to aggregate Ninety-four Thousand Seven Hundred
89 Dollars (\$94,700.00) per annum for each judge. Upon the
90 expiration of the existing term, the above-captioned salaries
91 become effective in due course, and the extra duties and
92 compensation provided for shall cease.

93 (4) The Supreme Court shall prepare a payroll for chancery
94 judges and circuit judges and submit such payroll to the
95 Department of Finance and Administration.

96 (5) The annual salary of the full-time district attorneys
97 shall be Seventy-nine Thousand Eight Hundred Thirty Dollars
98 (\$79,830.00).

99 * * *

100 SECTION 3. Section 25-31-5, Mississippi Code of 1972, is
101 brought forward as follows:[BD2]

102 25-31-5. (1) The following number of full-time legal
103 assistants are authorized in the following circuit court
104 districts:

105 (a) First Circuit Court District.....seven (7)
106 legal assistants.

107 (b) Second Circuit Court District.....nine (9)
108 legal assistants.

109 (c) Third Circuit Court District.....four (4)
110 legal assistants.

111 (d) Fourth Circuit Court District.....five (5)
112 legal assistants.

113 (e) Fifth Circuit Court District.....four (4)
114 legal assistants.

115 (f) Sixth Circuit Court District.....two (2)
116 legal assistants.

117 (g) Seventh Circuit Court District.....nine (9)
118 legal assistants.

119 (h) Eighth Circuit Court District.....two (2)
120 legal assistants.

121 (i) Ninth Circuit Court District.....two (2)
122 legal assistants.

123 (j) Tenth Circuit Court District.....four (4)
124 legal assistants.

125 (k) Eleventh Circuit Court District.....five (5)
126 legal assistants.

127 (l) Twelfth Circuit Court District.....three (3)
128 legal assistants.

129 (m) Thirteenth Circuit Court District.....two (2)
130 legal assistants.

131 (n) Fourteenth Circuit Court District.....three (3)

132 legal assistants.

133 (o) Fifteenth Circuit Court District.....four (4)

134 legal assistants.

135 (p) Sixteenth Circuit Court District.....four (4)

136 legal assistants.

137 (q) Seventeenth Circuit Court District.....five (5)

138 legal assistants.

139 (r) Eighteenth Circuit Court District.....two (2)

140 legal assistants.

141 (s) Nineteenth Circuit Court District.....four (4)

142 legal assistants.

143 (t) Twentieth Circuit Court District.....four (4)

144 legal assistants.

145 (u) Twenty-first Circuit Court District.....two (2)

146 legal assistants.

147 (v) Twenty-second Circuit Court District.....two (2)

148 legal assistants.

149 (2) In addition to any legal assistants authorized pursuant

150 to subsection (1) of this section, the following number of

151 full-time legal assistants are authorized (i) in the following

152 circuit court districts if funds are appropriated by the

153 Legislature to adequately fund the salaries, expenses and fringe

154 benefits of such legal assistants, or (ii) in any of the following

155 circuit court districts in which the board of supervisors of one

156 or more of the counties in a circuit court district adopts a

157 resolution to pay all of the salaries, supplemental pay, expenses

158 and fringe benefits of legal assistants authorized in such

159 district pursuant to this subsection:

160 (a) First Circuit Court District.....two (2)

161 legal assistants.

162 (b) Second Circuit Court District.....two (2)

163 legal assistants.

164 (c) Third Circuit Court District.....two (2)

165 legal assistants.
166 (d) Fourth Circuit Court District.....two (2)
167 legal assistants.
168 (e) Fifth Circuit Court District.....two (2)
169 legal assistants.
170 (f) Sixth Circuit Court District.....two (2)
171 legal assistants.
172 (g) Seventh Circuit Court District.....two (2)
173 legal assistants.
174 (h) Eighth Circuit Court District.....two (2)
175 legal assistants.
176 (i) Ninth Circuit Court District.....two (2)
177 legal assistants.
178 (j) Tenth Circuit Court District.....two (2)
179 legal assistants.
180 (k) Eleventh Circuit Court District.....two (2)
181 legal assistants.
182 (l) Twelfth Circuit Court District.....two (2)
183 legal assistants.
184 (m) Thirteenth Circuit Court District.....two (2)
185 legal assistants.
186 (n) Fourteenth Circuit Court District.....two (2)
187 legal assistants.
188 (o) Fifteenth Circuit Court District.....two (2)
189 legal assistants.
190 (p) Sixteenth Circuit Court District.....two (2)
191 legal assistants.
192 (q) Seventeenth Circuit Court District.....two (2)
193 legal assistants.
194 (r) Eighteenth Circuit Court District.....two (2)
195 legal assistants.
196 (s) Nineteenth Circuit Court District.....two (2)
197 legal assistants.

198 (t) Twentieth Circuit Court District.....two (2)
199 legal assistants.

200 (u) Twenty-first Circuit Court District.....two (2)
201 legal assistants.

202 (v) Twenty-second Circuit Court District.....two (2)
203 legal assistants.

204 (3) The board of supervisors of any county may pay all or a
205 part of the salary, supplemental pay, expenses and fringe benefits
206 of any district attorney or legal assistant authorized in the
207 circuit court district to which such county belongs pursuant to
208 this section.

209 SECTION 4. Section 25-31-6, Mississippi Code of 1972, is
210 brought forward as follows:[BD3]

211 25-31-6. Legal assistants to district attorneys shall be
212 regularly licensed and practicing attorneys having been duly
213 admitted to practice before the supreme court of the State of
214 Mississippi, and shall have the power and authority, under the
215 direction and supervision of the district attorney, to perform all
216 of the duties required of that office. Said legal assistants may
217 be removed at the discretion of the duly elected and acting
218 district attorney, or for cause by the senior circuit judge of the
219 district.

220 SECTION 5. Section 25-31-33, Mississippi Code of 1972, is
221 brought forward as follows:[BD4]

222 25-31-33. The board of supervisors of any county having a
223 population in excess of two hundred thousand (200,000) according
224 to the federal decennial census of 1970 shall contribute a sum
225 equal to Four Thousand Five Hundred Dollars (\$4,500.00) per year,
226 payable monthly, to supplement the salary of the district attorney
227 of that county, provided that he serves full time; and shall
228 contribute a sum equal to Three Thousand Dollars (\$3,000.00) per
229 year, payable monthly, per full-time legal assistant to supplement
230 the salary of each full-time legal assistant to the district

231 attorney of that county.

232 The board of supervisors of any Class 1 county bordering on
233 the Gulf of Mexico and having two (2) judicial districts shall
234 contribute a sum equal to Four Thousand Five Hundred Dollars
235 (\$4,500.00) per year, payable monthly, to supplement the salary of
236 the district attorney of that county provided that he serves full
237 time; and shall contribute a sum equal to Five Thousand Dollars
238 (\$5,000.00) per year, payable monthly, to supplement the salary of
239 each full-time legal assistant to the district attorney of that
240 county.

241 SECTION 6. Section 25-31-39, Mississippi Code of 1972, is
242 brought forward as follows:[BD5]

243 25-31-39. There shall be no part-time district attorneys or
244 part-time legal assistants to district attorneys; however, any
245 person not serving as a legal assistant to the district attorney
246 who is appointed by the Governor to serve as district attorney to
247 fill a vacancy occurring in such office until such office shall be
248 filled by a special or regular election as provided by Sections
249 23-15-193, 23-15-833 and 23-15-843 shall be allowed to engage in
250 the private practice of law while holding the office of district
251 attorney pursuant to such appointment.

252 SECTION 7. This act shall take effect and be in force from
253 and after July 1, 2000.