

By: Representatives Ryals, Eaton, Pierce,
Baker, Barbour, Eakes, Hudson, Mayo, Rushing,
Whittington

To: Fees and Salaries of
Public Officers;
Appropriations

HOUSE BILL NO. 1435

1 AN ACT TO ESTABLISH A SALARY SCALE BASED UPON YEARS OF LEGAL
2 EXPERIENCE FOR LEGAL ASSISTANTS FOR DISTRICT ATTORNEYS; TO AMEND
3 SECTION 25-3-35, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;
4 TO BRING FORWARD SECTIONS 25-31-5, 25-31-6, 25-31-33 AND 25-31-39,
5 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE EMPLOYMENT OF
6 LEGAL ASSISTANTS AND PRESCRIBE THEIR POWERS AND DUTIES AND
7 SUPPLEMENTAL COMPENSATION IN CERTAIN COUNTIES; AND FOR RELATED
8 PURPOSES.

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

10 SECTION 1. (1) The annual salary of full-time legal
11 assistants who have practiced law actively for less than two (2)
12 years shall be not less than Twenty-five Thousand Dollars
13 (\$25,000.00) nor more than Fifty Thousand Dollars (\$50,000.00), as
14 established by the district attorney. The Fifty Thousand Dollars
15 (\$50,000.00) maximum shall not apply to any legal assistant who
16 has practiced law actively for less than two (2) years and whose
17 salary is in excess of Fifty Thousand Dollars (\$50,000.00) before
18 July 1, 2001.

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

23 (3) The annual salary of full-time legal assistants who have
24 practiced law actively for more than six (6) years, but less than
25 ten (10) years, shall not exceed Seventy-five Thousand Dollars
26 (\$75,000.00), as established by the district attorney.

27 (4) The annual salary of full-time legal assistants who have
28 practiced law actively in excess of ten (10) years may be
29 increased, in the discretion of the district attorney, One

30 Thousand Dollars (\$1,000.00) for each year that the legal
31 assistant has practiced law in excess of ten (10) years, not to
32 exceed a maximum annual salary of Eighty-five Thousand Dollars
33 (\$85,000.00).

34 SECTION 2. Section 25-3-35, Mississippi Code of 1972, is
35 amended as follows:

36 25-3-35. (1) The annual salaries of the following judges
37 are fixed as follows, to begin at the commencement of the next
38 term of office immediately succeeding the existing term:

39	Chief Justice of the Supreme Court.....	\$104,900.00
40	Presiding Justice of the Supreme Court.....	102,900.00
41	Associate Justices of the Supreme Court, each.....	102,300.00

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

62 effective in due course, the extra duties and compensation
63 provided for shall cease.

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

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

68 (3) The annual salaries of the chancery and circuit court
69 judges are fixed as follows:

70 Chancery Judges, each..... \$94,700.00
71 Circuit Judges, each..... 94,700.00

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

94 become effective in due course, and the extra duties and
95 compensation provided for shall cease.

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

99 (5) The annual salary of the full-time district attorneys
100 shall be Seventy-nine Thousand Eight Hundred Thirty Dollars
101 (\$79,830.00).

102 * * *

103 SECTION 3. Section 25-31-5, Mississippi Code of 1972, is
104 brought forward as follows:

105 25-31-5. (1) The following number of full-time legal
106 assistants are authorized in the following circuit court
107 districts:

108 (a) First Circuit Court District..... seven (7)
109 legal assistants.

110 (b) Second Circuit Court District..... nine (9)
111 legal assistants.

112 (c) Third Circuit Court District..... four (4)
113 legal assistants.

114 (d) Fourth Circuit Court District..... five (5)
115 legal assistants.

116 (e) Fifth Circuit Court District..... four (4)
117 legal assistants.

118 (f) Sixth Circuit Court District..... two (2)
119 legal assistants.

120 (g) Seventh Circuit Court District..... nine (9)
121 legal assistants.

122 (h) Eighth Circuit Court District..... two (2)
123 legal assistants.

124 (i) Ninth Circuit Court District..... two (2)
125 legal assistants.

126 (j) Tenth Circuit Court District..... four (4)

127 legal assistants.

128 (k) Eleventh Circuit Court District..... five (5)

129 legal assistants.

130 (l) Twelfth Circuit Court District..... three (3)

131 legal assistants.

132 (m) Thirteenth Circuit Court District..... two (2)

133 legal assistants.

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

135 legal assistants.

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

137 legal assistants.

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

139 legal assistants.

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

141 legal assistants.

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

143 legal assistants.

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

145 legal assistants.

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

147 legal assistants.

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

149 legal assistants.

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

151 legal assistants.

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

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

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

155 circuit court districts if funds are appropriated by the

156 Legislature to adequately fund the salaries, expenses and fringe

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

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

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

160 resolution to pay all of the salaries, supplemental pay, expenses
161 and fringe benefits of legal assistants authorized in such
162 district pursuant to this subsection:

163 (a) First Circuit Court District..... two (2)
164 legal assistants.

165 (b) Second Circuit Court District..... two (2)
166 legal assistants.

167 (c) Third Circuit Court District..... two (2)
168 legal assistants.

169 (d) Fourth Circuit Court District..... two (2)
170 legal assistants.

171 (e) Fifth Circuit Court District..... two (2)
172 legal assistants.

173 (f) Sixth Circuit Court District..... two (2)
174 legal assistants.

175 (g) Seventh Circuit Court District..... two (2)
176 legal assistants.

177 (h) Eighth Circuit Court District..... two (2)
178 legal assistants.

179 (i) Ninth Circuit Court District..... two (2)
180 legal assistants.

181 (j) Tenth Circuit Court District..... two (2)
182 legal assistants.

183 (k) Eleventh Circuit Court District..... two (2)
184 legal assistants.

185 (l) Twelfth Circuit Court District..... two (2)
186 legal assistants.

187 (m) Thirteenth Circuit Court District..... two (2)
188 legal assistants.

189 (n) Fourteenth Circuit Court District..... two (2)
190 legal assistants.

191 (o) Fifteenth Circuit Court District..... two (2)
192 legal assistants.

193 (p) Sixteenth Circuit Court District..... two (2)
194 legal assistants.

195 (q) Seventeenth Circuit Court District..... two (2)
196 legal assistants.

197 (r) Eighteenth Circuit Court District..... two (2)
198 legal assistants.

199 (s) Nineteenth Circuit Court District..... two (2)
200 legal assistants.

201 (t) Twentieth Circuit Court District..... two (2)
202 legal assistants.

203 (u) Twenty-first Circuit Court District..... two (2)
204 legal assistants.

205 (v) Twenty-second Circuit Court District..... two (2)
206 legal assistants.

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

212 SECTION 4. Section 25-31-6, Mississippi Code of 1972, is
213 brought forward as follows:

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

223 SECTION 5. Section 25-31-33, Mississippi Code of 1972, is
224 brought forward as follows:

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

235 The board of supervisors of any Class 1 county bordering on
236 the Gulf of Mexico and having two (2) judicial districts shall
237 contribute a sum equal to Four Thousand Five Hundred Dollars
238 (\$4,500.00) per year, payable monthly, to supplement the salary of
239 the district attorney of that county provided that he serves full
240 time; and shall contribute a sum equal to Five Thousand Dollars
241 (\$5,000.00) per year, payable monthly, to supplement the salary of
242 each full-time legal assistant to the district attorney of that
243 county.

244 SECTION 6. Section 25-31-39, Mississippi Code of 1972, is
245 brought forward as follows:

246 25-31-39. There shall be no part-time district attorneys or
247 part-time legal assistants to district attorneys; however, any
248 person not serving as a legal assistant to the district attorney
249 who is appointed by the Governor to serve as district attorney to
250 fill a vacancy occurring in such office until such office shall be
251 filled by a special or regular election as provided by Sections
252 23-15-193, 23-15-833 and 23-15-843 shall be allowed to engage in
253 the private practice of law while holding the office of district
254 attorney pursuant to such appointment.

255 SECTION 7. This act shall take effect and be in force from
256 and after July 1, 2001.