

By: Representative Ford

To: Rules

HOUSE CONCURRENT RESOLUTION NO. 96

1 A CONCURRENT RESOLUTION CREATING A STUDY COMMISSION ON THE  
2 MISSISSIPPI JUDICIAL SYSTEM; TO DIRECT THE COMMISSION TO MAKE A  
3 WRITTEN REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE  
4 LEGISLATURE BEFORE DECEMBER 1, 2001; AND FOR RELATED PURPOSES.

5 WHEREAS, the legal system of the State of Mississippi and of  
6 the entire United States is based on the principle that an  
7 independent, fair and competent judiciary interprets and applies  
8 the laws that govern society; and

9 WHEREAS, intrinsic to American concepts of justice are the  
10 precepts that judges, individually and collectively, must respect  
11 and honor the judicial office as a public trust and strive to  
12 enhance and maintain confidence in our legal system; and

13 WHEREAS, according to state public opinion polls, citizens  
14 are concerned that campaign contributions and advertisements may  
15 be undermining judicial integrity and independence; and

16 WHEREAS, while people have confidence in the overall justice  
17 system, low levels of public trust in the process of selecting  
18 judges attest to a need to maintain and strengthen confidence in  
19 the judicial system and the means by which judges are selected:

20 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
21 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING  
22 THEREIN, That the Study Commission on the Mississippi Judicial  
23 System is created to conduct a comprehensive study on the judicial  
24 system in the State of Mississippi. Specifically, the commission  
25 shall examine the method by which judges are selected in the state  
26 and shall recommend whether the current system of electing members  
27 of the judiciary should be continued or a system of appointment or

28 a combined system of appointment and election should be  
29 implemented. The commission also shall study the current laws  
30 governing judicial campaign advertising and contributions to  
31 judicial campaigns and shall make specific recommendations for  
32 improvements that will promote integrity and confidence in the  
33 judicial system. The commission may study any other matters  
34 relating to the judicial system and make recommendations as  
35 necessary to promote the administration of justice in the State of  
36 Mississippi.

37 The Study Commission on the Mississippi Judicial System  
38 shall be composed of the following members:

39 (a) The Chairman of the Judiciary En Banc Committee of  
40 the House of Representatives;

41 (b) The Chairman of the Judiciary Committee of the  
42 Senate;

43 (c) Two (2) members of the House of Representatives  
44 appointed by the Speaker of the House;

45 (d) Two (2) members of the Senate appointed by the  
46 Lieutenant Governor;

47 (e) One (1) person from each Supreme Court District  
48 appointed by the Chief Justice of the Supreme Court;

49 (f) One (1) person from each Supreme Court District  
50 appointed by the Chief Judge of the Court of Appeals;

51 (g) One (1) chancery judge elected by the Conference of  
52 Chancery Judges;

53 (h) One (1) circuit judge elected by the Conference of  
54 Circuit Judges;

55 (i) One (1) county court judge elected by the  
56 Conference of County Court Judges;

57 (j) One (1) justice court judge elected by the  
58 Conference of Justice Court Judges;

59 (k) One (1) lawyer licensed to practice law in  
60 Mississippi appointed by the President of The Mississippi Bar;

61           (1) One (1) lawyer licensed to practice law in  
62 Mississippi appointed by the President of the Magnolia Bar  
63 Association;

64           (m) One (1) Supreme Court Judge from each Supreme Court  
65 District appointed by the Chief Justice of the Supreme Court; and

66           (n) One (1) appellate court judge from each Supreme  
67 Court District appointed by the Chief Judge of the Court of  
68 Appeals.

69           Within thirty (30) days after the final passage of this  
70 resolution during the 2001 Regular Session of the Legislature,  
71 appointments to the commission shall be made. Within thirty (30)  
72 days after the members are appointed, the Speaker of the House of  
73 Representatives and the Lieutenant Governor shall establish the  
74 date, time and place of the commission's initial meeting, which  
75 shall be for the purpose of organizing the commission and  
76 establishing rules for transacting business and keeping records.  
77 At the initial meeting, the members of the commission shall elect  
78 a chairman and a vice chairman, who shall serve in the absence of  
79 the chairman and also shall serve as secretary and be responsible  
80 for keeping all records of the commission. A majority of the  
81 members of the commission shall constitute a quorum at all  
82 commission meetings. An affirmative vote of a majority of the  
83 members of the commission shall be required in the adoption of  
84 rules, resolutions and reports and in any other actions taken by  
85 the commission.

86           All members of the commission shall be notified in writing of  
87 all regular and special meetings of the commission, which notices  
88 must be mailed at least five (5) days before the date of each  
89 meeting. The commission shall hold a minimum of three (3) regular  
90 meetings. The commission shall make a written report of its  
91 findings and recommendations to the Legislature before December 1,  
92 2001.

93           For attending meetings of the commission, members of the  
94 commission who are not legislators shall be compensated at the per  
95 diem rate authorized by Section 25-3-69, Mississippi Code of 1972,  
96 and shall be reimbursed in accordance with Section 25-3-41,  
97 Mississippi Code of 1972, for mileage and actual expenses  
98 incurred. Each legislative member shall be paid, from the  
99 contingent expense fund of the member's respective house, per diem  
100 compensation in the amount authorized by Section 25-3-69,  
101 Mississippi Code of 1972, and a mileage allowance and expense  
102 allowance in the amount authorized by Section 5-1-47, Mississippi  
103 Code of 1972. However, no per diem compensation, mileage  
104 allowance or expense allowance shall be paid for attending  
105 meetings of the commission while the Legislature is in session,  
106 and no per diem compensation, mileage allowance or expense  
107 allowance shall be paid without prior approval of the proper  
108 committee in the member's respective house. Any member who is  
109 also a state employee shall not be eligible to receive per diem  
110 compensation. No commission member may incur per diem, travel or  
111 other expenses unless previously authorized by vote, at a meeting  
112 of the commission, which action shall be recorded in the official  
113 minutes of the meeting. All expenses incurred by and on behalf of  
114 the commission shall be paid from funds made available by the  
115 House Management Committee and the Senate Rules Committee, from  
116 any funds appropriated for the purpose of this resolution and from  
117 any grants or contributions made to the commission for its  
118 purpose.

119           In carrying out the provisions of this resolution, the joint  
120 commission may utilize the services, facilities and personnel of  
121 all departments, agencies, offices and institutions of the state,  
122 including the Administrative Office of the Courts and the Judicial  
123 College of the University of Mississippi Law Center.