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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING THEREIN, That the Study Commission on the Mississippi Judicial System is created to conduct a comprehensive study on the judicial system in the State of Mississippi. Specifically, the commission shall examine the method by which judges are selected in the state and shall recommend whether the current system of electing members of the judiciary should be continued or a system of appointment or
a combined system of appointment and election should be implemented. The commission also shall study the current laws governing judicial campaign advertising and contributions to judicial campaigns and shall make specific recommendations for improvements that will promote integrity and confidence in the judicial system. The commission may study any other matters relating to the judicial system and make recommendations as necessary to promote the administration of justice in the State of Mississippi.

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

(a) The Chairman of the Judiciary En Banc Committee of the House of Representatives;
(b) The Chairman of the Judiciary Committee of the Senate;
(c) Two (2) members of the House of Representatives appointed by the Speaker of the House;
(d) Two (2) members of the Senate appointed by the Lieutenant Governor;
(e) One (1) person from each Supreme Court District appointed by the Chief Justice of the Supreme Court;
(f) One (1) person from each Supreme Court District appointed by the Chief Judge of the Court of Appeals;
(g) One (1) chancery judge elected by the Conference of Chancery Judges;
(h) One (1) circuit judge elected by the Conference of Circuit Judges;
(i) One (1) county court judge elected by the Conference of County Court Judges;
(j) One (1) justice court judge elected by the Conference of Justice Court Judges;
(k) One (1) lawyer licensed to practice law in Mississippi appointed by the President of The Mississippi Bar;
(l) One (1) lawyer licensed to practice law in Mississippi appointed by the President of the Magnolia Bar Association;

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

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

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

All members of the commission shall be notified in writing of all regular and special meetings of the commission, which notices must be mailed at least five (5) days before the date of each meeting. The commission shall hold a minimum of three (3) regular meetings. The commission shall make a written report of its findings and recommendations to the Legislature before December 1, 2001.
For attending meetings of the commission, members of the commission who are not legislators shall be compensated at the per diem rate authorized by Section 25-3-69, Mississippi Code of 1972, and shall be reimbursed in accordance with Section 25-3-41, Mississippi Code of 1972, for mileage and actual expenses incurred. Each legislative member shall be paid, from the contingent expense fund of the member's respective house, per diem compensation in the amount authorized by Section 25-3-69, Mississippi Code of 1972, and a mileage allowance and expense allowance in the amount authorized by Section 5-1-47, Mississippi Code of 1972. However, no per diem compensation, mileage allowance or expense allowance shall be paid for attending meetings of the commission while the Legislature is in session, and no per diem compensation, mileage allowance or expense allowance shall be paid without prior approval of the proper committee in the member's respective house. Any member who is also a state employee shall not be eligible to receive per diem compensation. No commission member may incur per diem, travel or other expenses unless previously authorized by vote, at a meeting of the commission, which action shall be recorded in the official minutes of the meeting. All expenses incurred by and on behalf of the commission shall be paid from funds made available by the House Management Committee and the Senate Rules Committee, from any funds appropriated for the purpose of this resolution and from any grants or contributions made to the commission for its purpose.

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