

By: Representative Fredericks

To: Judiciary A

HOUSE BILL NO. 1313

1 AN ACT TO AMEND SECTION 9-3-11, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE MANNER IN WHICH THE CHIEF JUSTICE OF THE SUPREME COURT  
3 IS DESIGNATED; TO PROVIDE THAT THE SENIOR JUSTICES FROM EACH OF  
4 THE THREE SUPREME COURT DISTRICTS SHALL SERVE AS CHIEF JUSTICE ON  
5 A ROTATING BASIS; TO PROVIDE THAT SERVICE AS CHIEF JUSTICE SHALL  
6 ROTATE FROM DISTRICT TO DISTRICT EVERY TWO YEARS; TO PROVIDE THAT  
7 THE SENIOR JUSTICES FROM THE TWO DISTRICTS OTHER THAN THE ONE FROM  
8 WHICH THE SENIOR JUSTICE IS SERVING AS CHIEF JUSTICE SHALL SERVE  
9 AS PRESIDING JUSTICES; TO AMEND SECTION 9-4-7, MISSISSIPPI CODE OF  
10 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 9-3-11, Mississippi Code of 1972, is  
13 amended as follows:

14 9-3-11. The term "senior justice" of the Supreme Court is  
15 defined as the justice from each district who has been for the  
16 longest time continuously a member of the court. The position of  
17 Chief Justice shall rotate every two (2) years beginning on March  
18 1, 2003, at which time the senior justice from the southern  
19 district shall serve as the Chief Justice, and the senior justices  
20 from the northern and central districts shall serve as presiding  
21 justices. On March 1, 2005, the senior justice from the northern  
22 district shall serve as the Chief Justice, and the senior justices  
23 from the southern and central districts shall serve as presiding  
24 justices. On March 1, 2007, the senior justice from the central  
25 district shall serve as the chief justice, and the senior justices  
26 from the southern and northern districts shall serve as presiding  
27 justices. Thereafter, the permanent order of rotation in the  
28 position of chief justice shall continue with the senior justice  
29 from the southern district serving in that position first, the  
30 senior justice from the northern district serving in that position  
31 second and the senior justice from the central district serving in



32 that position third. In each case, the senior justices from the  
33 other two (2) districts shall serve as the presiding justices. In  
34 case of the absence of the Chief Justice, the presiding justice  
35 who has been for the longest time continuously a member shall  
36 preside. In the event that two (2) or more judges of the Supreme  
37 Court shall have served as members of the Supreme Court for equal  
38 periods of time, then seniority shall be determined according to  
39 the length of time that such judges shall have been members of the  
40 Mississippi State Bar.

41 **SECTION 2.** Section 9-4-7, Mississippi Code of 1972, is  
42 amended as follows:

43 9-4-7. (1) The Court of Appeals shall be subject to the  
44 administrative policies and procedures as may be established by  
45 the Supreme Court, including docket control of the Court of  
46 Appeals cases. Whenever feasible, and subject to approval of the  
47 Supreme Court, the administrative structure of the Supreme Court  
48 shall also support the Court of Appeals.

49 (2) The Clerk of the Supreme Court shall be the Clerk of the  
50 Court of Appeals and appointment of employees by the Court of  
51 Appeals shall be governed by personnel policies adopted and  
52 approved by the Administrative Office of the Courts. Whenever  
53 feasible and approved by the Supreme Court, employees of the  
54 Supreme Court shall also serve the Court of Appeals. The records  
55 of the Court of Appeals shall be kept by the Supreme Court Clerk  
56 or a deputy of the clerk.

57 (3) The Chief Justice of the Supreme Court shall appoint a  
58 Chief Judge of the Court of Appeals for a term of two (2) years,  
59 and the person so named shall be eligible for reappointment,  
60 subject to the discretion of the Chief Justice.

61 (4) The Chief Justice may assign one or more Court of  
62 Appeals judges to serve as lower court trial judges to provide  
63 docket relief as he deems necessary.



64           **SECTION 3.** This act shall take effect and be in force from  
65 and after its passage.

