

***** Pending *****
COMMITTEE AMENDMENT NO 1 PROPOSED TO

Senate Bill No. 2763

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

27 **SECTION 1.** Section 11-11-3, Mississippi Code of 1972, is
28 amended as follows:

29 11-11-3. (1) (a) (i) Civil actions of which the circuit
30 court has original jurisdiction shall be commenced in the county
31 where the defendant resides, or, if a corporation, in the county
32 of its principal place of business, or in the county where a
33 substantial alleged act or omission occurred or where a
34 substantial event that caused the injury occurred.

35 (ii) Civil actions alleging a defective product
36 may also be commenced in the county where the plaintiff obtained
37 the product.

38 (b) If venue in a civil action against a nonresident
39 defendant cannot be asserted under paragraph (a) of this
40 subsection (1), a civil action against a nonresident may * * * be
41 commenced in the county where the plaintiff resides or is
42 domiciled.

43 (2) When actions involving a common question of law or fact
44 are pending before the court, it may order a joint hearing or
45 trial of any of all the matters in issue in the actions; it may

46 order all the actions consolidated; and it may make such orders
47 concerning proceedings therein as may tend to avoid unnecessary
48 costs or delay.

49 (3) The court, in furtherance of convenience or to avoid
50 prejudice, or when separate trials will be conducive to expedition
51 and economy, may order a separate trial of any claims,
52 cross-claim, counterclaim, or third-party claim, or of any
53 separate issue or of any number of claims, cross-claims,
54 counterclaims, third-party claims, or issues, always preserving
55 inviolable the right of trial by jury as declared by Section 31 of
56 the Mississippi Constitution of 1890.

57 **SECTION 2.** (1) One or more members of a class may sue or be
58 sued as representative parties on behalf of all only if (a) the
59 class is so numerous that joinder of all members is impracticable,
60 (b) there are questions of law or fact common to the class, (c)
61 the claims or defenses of the representative parties are typical
62 of the claims or defenses of the class, and (d) the representative
63 parties will fairly and adequately protect the interests of the
64 class.

65 (2) An action may be maintained as a class action if the
66 prerequisites of subsection (1) are satisfied, and in addition:

67 (a) The prosecution of separate actions by or against
68 individual members of the class would create a risk of:

69 (i) Inconsistent or varying adjudications with
70 respect to individual members of the class which would establish
71 incompatible standards of conduct for the party opposing the
72 class, or

73 (ii) Adjudications with respect to individual
74 members of the class which would as a practical matter be
75 dispositive of the interests of the other members not parties to
76 the adjudications or substantially impair or impede their ability
77 to protect their interests; or

78 (b) The party opposing the class has acted or refused
79 to act on grounds generally applicable to the class, thereby
80 making appropriate final injunctive relief or corresponding
81 declaratory relief with respect to the class as a whole; or

82 (c) The court finds that the questions of law or fact
83 common to the members of the class predominate over any questions
84 affecting only individual members, and that a class action is
85 superior to other available methods for the fair and efficient
86 adjudication of the controversy. The matters pertinent to the
87 findings include: (i) the interest of members of the class in
88 individually controlling the prosecution or defense of separate
89 actions; (ii) the extent and nature of any litigation concerning
90 the controversy already commenced by or against members of the
91 class; (iii) the desirability or undesirability of concentrating
92 the litigation of the claims in the particular forum; (iv) the
93 difficulties likely to be encountered in the management of a class
94 action.

95 (3) (a) As soon as practicable after the commencement of an
96 action brought as a class action, the court shall determine by
97 order whether it is to be so maintained. An order under this
98 subdivision may be conditional, and may be altered or amended
99 before the decision on the merits.

100 (b) In any class action maintained under subsection
101 (2)(c), the court shall direct to the members of the class the
102 best notice practicable under the circumstances, including
103 individual notice to all members who can be identified through
104 reasonable effort. The notice shall advise each member that (i)
105 the court will exclude the member from the class if the member so
106 requests by a specified date; (ii) the judgment, whether favorable
107 or not, will include all members who do not request exclusion; and
108 (iii) any member who does not request exclusion may, if the member
109 desires, enter an appearance through counsel.

110 (c) The judgment in an action maintained as a class
111 action under subsection (2)(a) or (2)(b), whether or not favorable
112 to the class, shall include and describe those whom the court
113 finds to be members of the class. The judgment in an action
114 maintained as a class action under subsection (2)(c), whether or
115 not favorable to the class, shall include and specify or describe
116 those to whom the notice provided in subsection (3)(b) was
117 directed, and who have not requested exclusion, and whom the court
118 finds to be members of the class.

119 (d) When appropriate (i) an action may be brought or
120 maintained as a class action with respect to particular issues, or
121 (ii) a class may be divided into subclasses and each subclass
122 treated as a class, and the provisions of this rule shall then be
123 construed and applied accordingly.

124 (4) (a) When a person sues or is sued as a representative
125 of a class, the court must, at an early practicable time,
126 determine by order whether to certify the action as a class
127 action.

128 (b) An order certifying a class action must define the
129 class and the class claims, issues or defenses and must appoint
130 class counsel under subsection (9).

131 (c) An order under this subsection may be altered or
132 amended before final judgment.

133 (d) (i) For any class certified under this section or
134 the court may direct appropriate notice to the class.

135 (ii) For any class certified under this section,
136 the court must direct to class members the best notice practicable
137 under the circumstances, including individual notice to all
138 members who can be identified through reasonable effort. The
139 notice must concisely and clearly state in plain, easily
140 understood language:

141 1. The nature of the action;

142 2. The definition of the class certified;
143 3. The class claims, issues or defenses;
144 4. That a class member may enter an
145 appearance through counsel if the member so desires;
146 5. That the court will exclude from the class
147 any member who requests exclusion, stating when and how members
148 may elect to be excluded; and
149 6. The binding effect of a class judgment on
150 class members under this section.

151 (e) The judgment in an action maintained as a class
152 action under subsection (3)(a) or (3)(b), whether or not favorable
153 to the class, shall include and describe those whom the court
154 finds to be members of the class. The judgment in an action
155 maintained as a class action under subsection (3)(c), whether or
156 not favorable to the class, shall include and specify or describe
157 those to whom the notice provided in subsection (4)(b) was
158 directed, and who have not requested exclusion, and whom the court
159 finds to be members of the class.

160 (f) When appropriate (i) an action may be brought or
161 maintained as a class action with respect to particular issues, or
162 (ii) a class may be divided into subclasses and each subclass
163 treated as a class, and the provisions of this rule shall then be
164 construed and applied accordingly.

165 (5) In the conduct of actions to which this rule applies,
166 the court may make appropriate orders:

167 (a) Determining the course of proceedings or
168 prescribing measures to prevent undue repetition or complication
169 in the presentation of evidence or argument;

170 (b) Requiring, for the protection of the members of the
171 class or otherwise for the fair conduct of the action, that notice
172 be given in such manner as the court may direct to some or all of
173 the members of any step in the action, or of the proposed extent

174 of the judgment, or of the opportunity of members to signify
175 whether they consider the representation fair and adequate, to
176 intervene and present claims or defenses, or otherwise to come
177 into the action;

178 (c) Imposing conditions on the representative parties
179 or on intervenors;

180 (d) Requiring that the pleadings be amended to
181 eliminate therefrom allegations as to representation of absent
182 persons, and that the action proceed accordingly;

183 (e) Dealing with similar procedural matters. The
184 orders may be combined and may be altered or amended as may be
185 desirable from time to time.

186 (6) A class action shall not be dismissed or compromised
187 without the approval of the court, and notice of the proposed
188 dismissal or compromise shall be given to all members of the class
189 in such manner as the court directs.

190 (7) (a) (i) The court must approve any settlement,
191 voluntary dismissal or compromise of the claims, issues or
192 defenses of a certified class.

193 (ii) The court must direct notice in a reasonable
194 manner to all class members who would be bound by a proposed
195 settlement, voluntary dismissal or compromise.

196 (iii) The court may approve a settlement,
197 voluntary dismissal or compromise that would bind class members
198 only after a hearing and on finding that the settlement, voluntary
199 dismissal or compromise is fair, reasonable and adequate.

200 (b) The parties seeking approval of a settlement,
201 voluntary dismissal or compromise must file a statement
202 identifying any agreement made in connection with the proposed
203 settlement, voluntary dismissal or compromise.

204 (c) In an action previously certified as a class
205 action, the court may refuse to approve a settlement unless it

206 affords a new opportunity to request exclusion to individual class
207 members who had an earlier opportunity to request exclusion but
208 did not do so.

209 (d) (i) Any class member may object to a proposed
210 settlement, voluntary dismissal or compromise that requires court
211 approval.

212 (ii) An objection made under this subsection may
213 be withdrawn only with the court's approval.

214 (8) A court of appeals may in its discretion permit an
215 appeal from an order of a district court granting or denying class
216 action certification under this rule if application is made to it
217 within ten (10) days after entry of the order. An appeal does not
218 stay proceedings in the district court unless the district judge
219 or the court of appeals so order.

220 (9) (a) Unless a statute provides otherwise, a court that
221 certifies a class must appoint class counsel.

222 (b) An attorney appointed to serve as class counsel
223 must fairly and adequately represent the interests of the class.

224 (c) In appointing class counsel, the court:

225 (i) Must consider:

226 1. The work counsel has done in identifying
227 or investigating potential claims in the action;

228 2. Counsel's experience in handling class
229 actions, other complex litigation and claims of the type asserted
230 in the action;

231 3. Counsel's knowledge of the applicable law;
232 and

233 4. The resources counsel will commit to
234 representing the class;

235 (ii) May consider any other matter pertinent to
236 counsel's ability to fairly and adequately represent the interests
237 of the class;

238 (iii) May direct potential class counsel to
239 provide information on any subject pertinent to the appointment
240 and to propose terms for attorney fees and nontaxable costs; and

241 (iv) May make further orders in connection with
242 the appointment.

243 (d) The court may designate interim counsel to act on
244 behalf of the putative class before determining whether to certify
245 the action as a class action.

246 (e) The court may appoint one or more individual
247 attorneys or one or more law firms as class counsel which the
248 court determines is best able to represent the interests of the
249 class.

250 (f) The order appointing class counsel may include
251 provisions about the award of attorney fees or nontaxable costs.

252 (10) In an action certified as a class action, the court may
253 award reasonable attorney fees and nontaxable costs authorized by
254 law or by agreement of the parties as follows:

255 (a) A claim for an award of attorney fees and
256 nontaxable costs must be made by motion, subject to the provisions
257 of this subsection, at a time set by the court. Notice of the
258 motion must be served on all parties and, for motions by class
259 counsel, directed to class members in a reasonable manner.

260 (b) A class member, or a party from whom payment is
261 sought, may object to the motion.

262 (c) The court may hold a hearing and must find the
263 facts and state its conclusions of law on the motion.

264 (d) The court may refer issues related to the amount of
265 the award to a special master or to a magistrate judge.

266 **SECTION 3.** Section 13-5-1, Mississippi Code of 1972, is
267 amended as follows:

268 13-5-1. Every citizen not under the age of twenty-one (21)
269 years, who is either a qualified elector, or a resident freeholder

270 of the county for more than one (1) year, is able to read and
271 write, and has not been convicted of a felony within the past ten
272 (10) years is a competent juror. * * * The lack of any such
273 qualifications on the part of one or more jurors shall not,
274 however, vitiate an indictment or verdict. Moreover, * * * no
275 juror shall serve on any jury who has served as such for the last
276 preceding two (2) years. No juror * * * who has a case of his own
277 pending in that court * * * shall serve in his own case.

278 In order to determine that prospective jurors can read and
279 write, the presiding judge shall, with the assistance of the
280 clerk, distribute to the jury panel a form to be completed
281 personally by each juror prior to being empaneled as follows:

282 "1. Your name _____ Last _____ First _____ Middle
283 initial

284 2. Your home address _____

285 3. Your occupation _____

286 4. Your age _____

287 5. Your telephone number _____ If none, write 'None'

288 6. If you live outside the county seat, the number of miles
289 you live from the courthouse _____ miles

290 _____

291 Sign your name"

292 The judge shall personally examine the answers of each juror
293 prior to empaneling the jury and each juror who cannot complete
294 the above form shall be disqualified as a juror and discharged.

295 A list of any jurors disqualified for jury duty by reason of
296 inability to complete the form shall be kept by the circuit clerk
297 and their names shall not be placed in the jury box thereafter
298 until such person can qualify as above provided.

299 **SECTION 4.** Section 13-5-23, Mississippi Code of 1972, is
300 amended as follows:

301 13-5-23. (1) All qualified persons shall be liable to serve
302 as jurors, unless excused by the court for one (1) of the
303 following causes:

304 (a) When the juror is ill and, on account of the
305 illness, is incapable of performing jury service; or * * *

306 (b) When the juror's attendance would cause undue or
307 extreme physical or financial hardship to the prospective juror or
308 a person under his or her care or supervision.

309 * * *

310 (2) An excuse of illness under subsection (1)(a) of this
311 section may be made to the clerk of court outside of open court by
312 providing the clerk with * * * a certificate of a licensed
313 physician * * *, stating that the juror is ill and is unfit for
314 jury service, in which case the clerk may excuse the juror. If
315 the excuse of illness is not supported by a physician's
316 certificate, a judge of the court for which the individual was
317 called to jury service shall decide whether to excuse an
318 individual under subsection (1)(a) of this section.

319 (3) (a) The test of an excuse under subsection (1)(b) of
320 this section for undue or extreme physical or financial hardship
321 shall be whether the individual would either:

322 (i) Be required to abandon a person under his or
323 her personal care or supervision due to the impossibility of
324 obtaining an appropriate substitute caregiver during the period of
325 participation in the jury pool or on the jury; or

326 (ii) Incur costs that would have a substantial
327 adverse impact on the payment of the individual's necessary daily
328 living expenses or on those for whom he or she provides the
329 principal means of support; or

330 (iii) Suffer physical hardship that would result
331 in illness or disease.

332 (b) "Undue or extreme physical or financial hardship"
333 does not exist solely based on the fact that a prospective juror
334 will be required to be absent from his or her place of employment
335 or business.

336 (c) A judge of the court for which the individual was
337 called to jury service shall decide whether to excuse an
338 individual under subsection (1)(b) of this section.

339 (d) A person asking to be excused based on a finding of
340 undue or extreme physical or financial hardship must take all
341 actions necessary to have obtained a ruling on that request by no
342 later than the date on which the individual is scheduled to appear
343 for jury duty.

344 (e) A person asking a judge to grant an excuse under
345 subsection (1)(b) of this section shall be required to provide the
346 judge with documentation such as, but not limited to, federal and
347 state income tax returns or other information which verifies
348 income, medical statements from licensed physicians, proof of
349 dependency or guardianship and similar documents, which the judge
350 finds to clearly support the request to be excused. Failure to
351 provide satisfactory documentation shall result in a denial of the
352 request to be excused. Any documentation produced under this
353 paragraph shall not be a public record.

354 (4) After two (2) years, a person excused from jury service
355 shall become eligible once again for qualification as a juror
356 unless the person was excused from service permanently. A person
357 is excused from jury service permanently only when the deciding
358 judge determines that the underlying grounds for being excused are
359 of a permanent nature.

360 * * *

361 (5) * * * A tales juror * * * shall not be compelled to
362 serve two (2) days successively unless the case in which the juror

363 is impaneled continues longer than one (1) day. Grand jurors
364 shall serve until discharged by the court.

365 **SECTION 5.** The following provision shall be codified as
366 Section 13-5-24, Mississippi Code of 1972:

367 13-5-24. (1) Notwithstanding any other provisions of this
368 chapter, individuals scheduled to appear for jury service have the
369 right to postpone the date of their initial appearance for jury
370 service one (1) time only. Postponements shall be granted upon
371 request, provided that:

372 (a) The juror has not been granted a postponement
373 within the past two (2) years;

374 (b) The prospective juror appears in person or contacts
375 the clerk of the court by telephone, electronic mail or in writing
376 to request a postponement; and

377 (c) Prior to the grant of a postponement with the
378 concurrence of the clerk of the court, the prospective juror fixes
379 a date certain to appear for jury service that is not more than
380 six (6) months after the date on which the prospective juror
381 originally was called to serve and on which date the court will be
382 in session.

383 (2) A subsequent request to postpone jury service may be
384 approved by a judicial officer only in the event of an extreme
385 emergency, such as a death in the family, sudden illness, or a
386 natural disaster or a national emergency in which the prospective
387 juror is personally involved, that could not have been anticipated
388 at the time the initial postponement was granted. Prior to the
389 grant of a second postponement, the prospective juror must fix a
390 date certain on which the individual will appear for jury service
391 within six (6) months of the postponement on a date when the court
392 will be in session.

393 **SECTION 6.** Section 13-5-25, Mississippi Code of 1972, is
394 amended as follows:

395 13-5-25. Every citizen over sixty-five (65) years of age,
396 and everyone who has served on the regular panel as a juror in the
397 actual trial of one or more litigated cases within two (2) years,
398 shall be exempt from service if he claims the privilege * * *. No
399 qualified juror shall be excluded because of any such reasons, but
400 the same shall be a personal privilege to be claimed by any person
401 selected for jury duty. Any citizen over sixty-five (65) years of
402 age may claim this personal privilege outside of open court by
403 providing the clerk of court with information that allows the
404 clerk to determine the validity of the claim.

405 Provided, however, that no person who has served on the
406 regular panel as a juror in the actual trial of one or more
407 litigated cases in one (1) court may claim the exemption in any
408 other court where he may be called to serve.

409 **SECTION 7.** Section 13-5-28, Mississippi Code of 1972, is
410 amended as follows:

411 13-5-28. If a grand, petit or other jury is ordered to be
412 drawn, the clerk thereafter shall cause each person drawn for jury
413 service to be served with a summons, either personally or by mail,
414 addressed to him at his usual residence, business or post office
415 address, requiring him to report for jury service at a specified
416 time and place. The summons shall include instructions to the
417 potential jurors that explain, in layman's terms, the provisions
418 of Sections 13-5-23 and 13-5-99.

419 **SECTION 8.** Section 13-5-34, Mississippi Code of 1972, is
420 amended as follows:

421 13-5-34. (1) A person summoned for jury service who fails
422 to appear or to complete jury service as directed, and who has
423 failed to obtain a postponement in compliance with the provisions
424 for requesting a postponement, or who fails to appear on the date
425 set pursuant to Section 13-5-24 shall be ordered by the court to
426 appear forthwith and show cause for his failure to comply with the

427 summons. If he fails to show good cause for noncompliance with
428 the summons he is in civil contempt of court and * * * may be
429 fined not more than Five Hundred Dollars (\$500.00) or imprisoned
430 not more than three (3) days, or both. The prospective juror may
431 be excused from paying sanctions for good cause shown or in the
432 interest of justice.

433 (2) In addition to, or in lieu of, the fine or imprisonment
434 provided in subsection (1) of this section, the court may order
435 that the prospective juror complete a period of community service
436 for a period no less than if the prospective juror would have
437 completed jury service, and provide proof of completion of this
438 community service to the court.

439 **SECTION 9.** The following provision shall be codified as
440 Section 13-5-99, Mississippi Code of 1972:

441 13-5-99. (1) It shall be unlawful for any employer or any
442 other person to persuade or attempt to persuade any juror to avoid
443 jury service; to intimidate or to threaten any juror in that
444 respect; or to remove or otherwise subject an employee to adverse
445 employment action as a result of jury service if the employee
446 notifies his or her employer that he or she has been summoned to
447 serve as a juror within a reasonable period of time after receipt
448 of a summons.

449 (2) It shall be unlawful for an employer to require or
450 request an employee to use annual, vacation or sick leave for time
451 spent responding to a summons for jury duty, time spent
452 participating in the jury selection process, or time spent
453 actually serving on a jury. Nothing in this provision shall be
454 construed to require an employer to provide annual, vacation or
455 sick leave to employees under the provisions of this statute who
456 otherwise are not entitled to such benefits under company
457 policies.

458 (3) Any violation of subsection (1) or (2) of this section
459 shall be deemed an interference with the administration of justice
460 and a contempt of court and punishable as such.

461 (4) A court shall automatically postpone and reschedule the
462 service of a summoned juror employed by an employer with five (5)
463 or fewer full-time employees, or their equivalent, if another
464 employee of that employer has previously been summoned to appear
465 during the same period. Such postponement will not constitute the
466 excused individual's right to one (1) automatic postponement under
467 Section 13-5-24.

468 **SECTION 10.** Section 25-7-61, Mississippi Code of 1972, is
469 amended as follows:

470 25-7-61. (1) Fees of jurors shall be payable as follows:

471 (a) Grand jurors and petit jurors in the chancery,
472 county, circuit and special eminent domain courts shall be paid an
473 amount to be set by the board of supervisors, not to be less than
474 Twenty-five Dollars (\$25.00) per day and not to be greater than
475 Forty Dollars (\$40.00) per day, plus mileage authorized in Section
476 25-3-41. In the trial of all cases where jurors are in charge of
477 bailiffs and are not permitted to separate, the sheriff with the
478 approval of the trial judge may pay for room and board of jurors
479 on panel for actual time of trial.

480 No grand juror shall receive any compensation except mileage
481 unless he shall have been sworn as provided by Section 13-5-45;
482 and no petit juror except those jurors called on special venires
483 shall receive any compensation authorized under this subsection
484 except mileage unless he shall have been sworn as provided by
485 Section 13-5-71.

486 (b) Jurors making inquisitions of idiocy, lunacy or of
487 unsound mind and jurors on coroner's inquest shall be paid Five
488 Dollars (\$5.00) per day plus mileage authorized in Section 25-3-41
489 by the county treasurer on order of the board of supervisors on

490 certificate of the clerk of the chancery court in which such
491 inquisition is held.

492 (c) Jurors in the justice courts shall be paid an
493 amount of not less than Ten Dollars (\$10.00) per day and not more
494 than Fifteen Dollars (\$15.00) per day, to be established by the
495 board of supervisors. In all criminal cases in the justice court
496 wherein the prosecution fails, the fees of jurors shall be paid by
497 the county treasurer on order of the board of supervisors on
498 certificate of the county attorney in all counties that have
499 county attorneys, otherwise by the justice court judge.

500 (2) Any juror may return the fees provided as compensation
501 for service as a juror to the county which paid for such person's
502 service as a juror. The fees returned to the county may be
503 earmarked for a particular purpose to be selected by the juror,
504 including:

- 505 (a) The local public library;
506 (b) Local law enforcement;
507 (c) The Mississippi Fire Fighters Memorial Burn Center
508 Fund created in Section 7-9-70, Mississippi Code of 1972; or
509 (d) Any other governmental agency.

510 (3) The Administrative Office of Courts shall promulgate
511 rules to establish a Lengthy Trial Fund to be used to provide full
512 or partial wage replacement or wage supplementation to jurors who
513 serve as petit jurors in civil cases for more than ten (10) days.

514 (a) The court rules shall provide for the following:

515 (i) The selection and appointment of an
516 administrator for the fund.

517 (ii) Procedures for the administration of the
518 fund, including payments of salaries of the administrator and
519 other necessary personnel.

520 (iii) Procedures for the accounting, auditing and
521 investment of money in the Lengthy Trial Fund.

522 (iv) A report by the Administrative Office of
523 Courts on the administration of the Lengthy Trial Fund in its
524 annual report on the judicial branch, setting forth the money
525 collected for and disbursed from the fund.

526 (b) The administrator shall use any monies deposited in
527 the Lengthy Trial Fund to pay full or partial wage replacement or
528 supplementation to jurors whose employers pay less than full
529 regular wages when the period of jury service lasts more than ten
530 (10) days.

531 (c) The court may pay replacement or supplemental wages
532 of up to Three Hundred Dollars (\$300.00) per day per juror
533 beginning on the eleventh day of jury service. In addition, for
534 any jurors who qualify for payment by virtue of having served on a
535 jury for more than ten (10) days, the court, upon finding that
536 such service posed a significant financial hardship to a juror,
537 even in light of payments made with respect to jury service after
538 the tenth day, may award replacement or supplemental wages of up
539 to One Hundred Dollars (\$100.00) per day from the fourth to the
540 tenth day of jury service. All payments shall be made from the
541 Lengthy Trial Fund.

542 (d) Any juror who is serving or has served on a jury
543 that qualifies for payment from the Lengthy Trial Fund, provided
544 the service commenced on or after the effective date of Senate
545 Bill No. 2763, 2004 Regular Session, may submit a request for
546 payment from the Lengthy Trial Fund on a form that the
547 administrator provides. Payment shall be limited to the
548 difference between the state-paid jury fee and the actual amount
549 of wages a juror earns, up to the maximum level payable, minus any
550 amount the juror actually receives from the employer during the
551 same time period.

552 (i) The form shall disclose the juror's regular
553 wages, the amount the employer will pay during the term of jury

554 service starting on the eleventh day and thereafter, the amount of
555 replacement or supplemental wages requested, and any other
556 information the administrator deems necessary for proper payment.

557 (ii) The juror also shall be required to submit
558 verification from the employer as to the wage information provided
559 to the administrator, for example, the employee's most recent
560 earnings statement or similar document, prior to initiation of
561 payment from the fund.

562 (iii) If an individual is self-employed or
563 receives compensation other than wages, the individual may provide
564 a sworn affidavit attesting to his or her approximate gross weekly
565 income, together with such other information as the administrator
566 may require, in order to verify weekly income.

567 **SECTION 11.** Section 33-1-5, Mississippi Code of 1972, is
568 amended as follows:

569 33-1-5. Any member of the Mississippi National Guard on
570 active duty shall be exempt from jury duty upon presenting a
571 current written statement from his superior officer that such jury
572 service will be likely to interfere with his military duties.

573 **SECTION 12.** Section 41-17-7, Mississippi Code of 1972, which
574 provides for the exemption from jury service of state insane
575 hospital personnel, is repealed.

576 **SECTION 13.** Section 47-5-55, Mississippi Code of 1972, which
577 provides for the exemption from jury service of state correctional
578 system employees and officers, is repealed.

579 **SECTION 14. Medical review panel.**

580 **(1) Claims; statute of limitations.**

581 **(a) Definitions.** For purposes of this section:

582 **(i)** "Board" means the Tort Claims Board
583 established by Section 11-46-18, Mississippi Code of 1972.

584 **(ii)** "Health care provider" means a person,
585 partnership, limited liability partnership, limited liability

586 company, corporation, facility, or institution licensed by this
587 state to provide health care or professional services as a
588 physician, hospital, institution for the aged or infirm, community
589 blood center, tissue bank, dentist, registered or licensed
590 practical nurse or certified nurse assistant, ambulance service,
591 certified registered nurse anesthetist, nurse midwife, licensed
592 midwife, pharmacist, optometrist, podiatrist, chiropractor,
593 physical therapist, occupational therapist, psychologist, social
594 worker, licensed professional counselor, or any nonprofit facility
595 considered tax-exempt under Section 501(c)(3), Internal Revenue
596 Code, pursuant to 26 USC 501(c)(3), for the diagnosis and
597 treatment of cancer or cancer-related diseases, whether or not
598 such a facility is required to be licensed by this state, or any
599 professional corporation a health care provider is authorized to
600 form under the Mississippi Code of 1972, or any partnership,
601 limited liability partnership, limited liability company, or
602 corporation whose business is conducted principally by health care
603 providers, or an officer, employee, partner, member, shareholder,
604 or agent thereof acting in the course and scope of his employment.

605 (iii) "Malpractice" means any unintentional tort
606 or any breach of contract based on health care or professional
607 services rendered, or which should have been rendered, by a health
608 care provider, to a patient, including failure to render services
609 timely and the handling of a patient, including loading and
610 unloading of a patient, and also includes all legal responsibility
611 of a health care provider arising from acts or omissions in the
612 training or supervision of health care providers, or from defects
613 in blood, tissue, transplants, drugs and medicines, or from
614 defects in or failures of prosthetic devices, implanted in or used
615 on or in the person of a patient.

616 (b) (i) All malpractice claims against health care
617 providers, other than claims validly agreed for submission to a

618 lawfully binding arbitration procedure, shall be reviewed by a
619 medical review panel as provided in this section unless all
620 parties specifically waive the use of the medical review panel.

621 (ii) An action against a health care provider or
622 his insurer commenced in any court shall be presented to a medical
623 review panel and an opinion rendered by the panel pursuant to this
624 section, and the court's request for review shall constitute a
625 stay pending the panel's decision. The request for review may be
626 made before the filing of a lawsuit and such request for review
627 shall toll the statute of limitations regarding the underlying
628 claim while the panel deliberates. The parties shall have ninety
629 (90) days after the panel renders its decision to file suit.

630 (iii) The request for review of a malpractice
631 claim under this section shall be made by the court on its own
632 motion or on the motion of any party.

633 (c) (i) The request for review must be in writing,
634 delivered to the board in person or by certified or registered
635 United States mail, and include as an exhibit the complaint filed.

636 (ii) Each defendant shall file a written answer
637 within thirty (30) days of service of the request. If the
638 defendant fails to file an answer as required, the board shall
639 notify the defendant of the obligation to file and penalty for
640 failure to file; notice shall be by certified or registered United
641 States mail. If the defendant has not filed within thirty (30)
642 days of the receipt of the notice specified in this subparagraph
643 (ii), the request for review shall be dismissed; the panel, if
644 formed, shall be dissolved, and the plaintiff shall be allowed to
645 proceed in court upon the complaint filed.

646 (2) **Dismissal of review; dissolution of panel.**

647 (a) During the pendency of proceedings under this
648 section, a health care provider against whom a claim has been
649 filed may raise any exception or defenses available pursuant to

650 Mississippi law, whether a procedural, statute of limitations or
651 other exception or defense, at any time without need for
652 completion of the review process by the medical review panel.

653 (b) If the court finds for the party raising the
654 exception or defense, that party shall be dismissed. If there are
655 no defendants remaining, the panel, if established, shall be
656 dissolved.

657 (3) **Composition and selection of panel.**

658 (a) The medical review panel shall consist of three (3)
659 physicians who each hold an unlimited license to practice medicine
660 in Mississippi or licensed optometrists, nurse practitioners or
661 chiropractors and one (1) attorney who shall be the nonvoting
662 chair of the panel. The parties may agree on the attorney member
663 of the medical review panel within thirty (30) days after the
664 filing of the answer; if no agreement can be reached, then the
665 attorney member of the medical review panel shall be selected as
666 follows:

667 (i) The board shall draw five (5) names at random
668 from the list of attorneys maintained by the board who have
669 medical malpractice experience. The names of judges, magistrates,
670 district attorneys and assistant district attorneys shall be
671 excluded if drawn and new names drawn in their place. After
672 selection of the attorney names, the board shall notify the
673 parties of the attorney names from which the parties, within five
674 (5) days, may choose the attorney member of the panel. If no
675 agreement can be reached within five (5) days, the parties shall
676 immediately initiate a procedure of selecting the attorney by each
677 striking two (2) names alternately, with the plaintiff striking
678 first and so advising the defendant of the name of the attorney so
679 stricken; thereafter, the defendant and the plaintiff shall
680 alternately strike until both sides have stricken two (2) names
681 and the remaining name shall be the attorney member of the panel.

682 If either the plaintiff or defendant fails to strike, the board
683 shall strike for that party within five (5) additional days.

684 (ii) After the striking, the board shall notify
685 the attorney and all parties of the name of the selected attorney.
686 An attorney who has a conflict of interest shall decline to serve.

687 (b) The attorney shall act as chairman of the panel and
688 shall have no vote. The chairman shall preside at panel meetings,
689 advise the panel as to questions of law, and shall prepare the
690 opinion of the panel as required in subsection (7) of this
691 section. It is the duty of the chairman to expedite the selection
692 of the other panel members, to convene the panel and expedite the
693 panel's review of the proposed complaint. The attorney chairman
694 shall establish, by order, a reasonable schedule for submission of
695 evidence to the medical review panel, but must allow sufficient
696 time for the parties to make full and adequate presentation of
697 related facts and authorities within one hundred twenty (120) days
698 following selection of the panel.

699 (c) The qualification and selection of physician
700 members of the medical review panel shall be as follows:

701 (i) All physicians who hold a license to practice
702 medicine in the State of Mississippi and who are engaged in the
703 active practice of medicine in this state, whether in the teaching
704 profession or otherwise, and all licensed optometrists, nurse
705 practitioners and chiropractors shall be available for selection
706 and, unless excused for cause, required to serve upon selection.

707 (ii) Each party to the action shall have the right
708 to select one (1) physician or other health care provider
709 specified in paragraph (c)(i) and upon selection the health care
710 provider shall be required to serve.

711 (iii) When there are multiple plaintiffs or
712 defendants, there shall be only one (1) physician selected per
713 side. The plaintiff, whether single or multiple, shall have the

714 right to select one (1) physician or other health care provider
715 specified in paragraph (c)(i), and the defendant, whether single
716 or multiple, shall have the right to select one (1) physician or
717 other health care provider specified in paragraph (c)(i). The two
718 (2) health care providers so chosen shall jointly select the third
719 physician.

720 (iv) If any defendant is a physician or other
721 health care provider, the panelists selected must be of the same
722 specialty as at least one (1) physician defendant.

723 (v) Parties and their attorneys are absolutely
724 prohibited from contact with the panelist whose name is submitted,
725 either before or after submission. No panelist may be informed of
726 the method of any panel member's selection.

727 (vi) No panelist may be selected to serve on more
728 than four (4) medical review panels in a twelve-month period.

729 (vii) The panelist selection process shall be
730 completed within thirty (30) days of the selection of the attorney
731 chairman.

732 (d) Attorneys and panelists selected shall disclose any
733 financial, employment, or personal or family ties to any party or
734 attorney for a party. Any conflict that cannot be resolved shall
735 be decided by the court upon the motion of any party.

736 (4) **Evidence.**

737 (a) The evidence to be considered by the medical review
738 panel shall be promptly submitted by the respective parties in
739 written form only.

740 (b) The evidence may consist of:

- 741 (i) Medical records;
- 742 (ii) Sworn statements;
- 743 (iii) Expert reports signed by experts;
- 744 (iv) Deposition transcripts;

745 (v) Any other evidence allowed by the medical
746 review panel or submitted by the parties.

747 (c) Depositions of the parties only may be taken, and
748 may be taken prior to the convening of the panel.

749 (d) Upon request of any party or panel member, the
750 board shall issue subpoenas and subpoenas duces tecum in aid of
751 the taking of depositions and the production of documentary
752 evidence for inspection, copying or both.

753 (e) The plaintiff must sign a valid authorization
754 allowing defendants to obtain the plaintiff's medical records.
755 The defendant shall treat all medical records in a confidential
756 manner and shall not disclose the contents of the records to
757 anyone other than the panel or other experts; all other experts
758 must treat the plaintiff's records as confidential.

759 (f) The board shall send a copy of the evidence to each
760 member of the panel.

761 (5) **Hearings.** (a) After submission of all evidence and
762 upon ten (10) days' notice to the other side, either party or the
763 panel shall have the right to convene the panel at a time and
764 place agreeable to the members of the panel; each party is
765 entitled to request only one (1) hearing. The panel may hold as
766 many hearings as it chooses. The purpose of a hearing is to ask
767 questions as to additional evidence needed and to afford an
768 opportunity to make oral presentation of the facts. The chairman
769 of the panel shall preside at all hearings, which shall be
770 informal.

771 (b) The following are locations where hearings may be
772 held:

773 (i) At a courthouse or other available public
774 building in the county where the act or omission is alleged to
775 have occurred.

776 (ii) The attorney chairman shall decide the
777 location in the event of any dispute.

778 (iii) Private offices in the county where the act
779 or omission is alleged to have occurred may be used if there is no
780 cost or if the parties pay for the cost.

781 (6) **Panel deliberations and decision.** After receiving all
782 evidence from the parties, the panel shall convene to discuss the
783 evidence presented not less than one (1) time, and, not later than
784 sixty (60) days after receiving all evidence from the parties,
785 shall render a written decision signed by the panelists, together
786 with written reasons for their conclusions, as follows:

787 (a) There was a breach of the appropriate standard of
788 care;

789 (b) There was not a breach of the appropriate standard
790 of care; or

791 (c) Whether the defendant or defendants failed to
792 comply with the appropriate standard of care cannot be determined.

793 (7) **Form of decision.** The decision reached by the medical
794 review panel shall be in writing, shall state the facts upon which
795 it is based, shall be of public record, and shall be admissible as
796 evidence in the civil case filed.

797 (8) **Panelist immunity.** A panelist shall have absolute
798 immunity from civil liability for all communications, findings,
799 opinions and conclusions made in the course and scope of duties
800 prescribed by this section.

801 (9) **Panelist compensation.**

802 (a) (i) Each physician or other health care provider
803 member of the medical review panel shall be paid a fee of Five
804 Hundred Dollars (\$500.00) for all work performed as a member of
805 the panel, and in addition thereto, per diem as provided in
806 Section 25-3-69, Mississippi Code of 1972, and travel expenses as

807 would be calculated for a state employee pursuant to Section
808 25-3-41, Mississippi Code of 1972.

809 (ii) The attorney chairman of the medical review
810 panel shall be paid at the rate of One Hundred Fifty Dollars
811 (\$150.00) per hour, not to exceed a total of Three Thousand
812 Dollars (\$3,000.00), for all work performed as a member of the
813 panel, and in addition thereto, per diem as provided in Section
814 25-3-69, Mississippi Code of 1972, and travel expenses as would be
815 calculated for a state employee pursuant to Section 25-3-41,
816 Mississippi Code of 1972.

817 (b) The costs of the medical review panel shall be
818 split between the parties. The panel members shall by affidavit
819 request the payment due under this subsection (9) from the board,
820 which in turn shall bill the parties for the proportionate share
821 of each party.

822 (10) **Delivery and effect of decision.** The chairman shall
823 submit a copy of the panel's report to the board and all parties
824 and attorneys by registered or certified mail within five (5) days
825 after the panel renders its opinion. The panel's report shall be
826 of public record.

827 * * *

828 **SECTION 15.** Section 11-46-19, Mississippi Code of 1972, is
829 amended as follows:

830 **[Until July 1, 2005, this section shall read as follows:]**

831 11-46-19. (1) The board shall have the following powers:

832 (a) To provide oversight over the Tort Claims Fund;

833 (b) To approve any award made from the Tort Claims
834 Fund;

835 (c) To pay all necessary expenses attributable to the
836 operation of the Tort Claims Fund from such fund;

837 (d) To assign litigated claims against governmental
838 entities other than political subdivisions to competent attorneys

839 unless such governmental entity has a staff attorney who is
840 competent to represent the governmental entity and is approved by
841 the board; the board shall give primary consideration to attorneys
842 practicing in the jurisdiction where the claim arose in assigning
843 cases; attorneys hired to represent a governmental entity other
844 than a political subdivision shall be paid according to the
845 department fee schedule;

846 (e) To approve all claimants' attorney fees in claims
847 against the state;

848 (f) To employ on a full-time basis a staff attorney who
849 shall possess the minimum qualifications required to be a member
850 of The Mississippi Bar, and such other staff as it may deem
851 necessary to carry out the purposes of this chapter; the employees
852 in the positions approved by the board shall be hired by the
853 director, shall be employees of the department, and shall be
854 compensated from the Tort Claims Fund;

855 (g) To contract with one or more reputable insurance
856 consulting firms as may be necessary;

857 (h) To purchase any policies of liability insurance and
858 to administer any plan of self-insurance or policies of liability
859 insurance required for the protection of the state against claims
860 and suits brought under this chapter;

861 (i) To expend money from the Tort Claims Fund for the
862 purchase of any policies of liability insurance and the payment of
863 any award or settlement of a claim against the state under the
864 provisions of this chapter or of a claim against any school
865 district, junior college or community college district, or state
866 agency, arising from the operation of school buses or other
867 vehicles, under the provisions of Section 37-41-42;

868 (j) To cancel, modify or replace any policy or policies
869 of liability insurance procured by the board;

870 (k) To issue certificates of coverage to governmental
871 entities, including any political subdivision participating in any
872 plan of liability protection approved by the board;

873 (l) To review and approve or reject any plan of
874 liability insurance or self-insurance reserves proposed or
875 provided by political subdivisions if such plan is intended to
876 serve as security for risks of claims and suits against them for
877 which immunity has been waived under this chapter;

878 (m) To administer disposition of claims against the
879 Tort Claims Fund;

880 (n) To withhold issuance of any warrants payable from
881 funds of a participating state entity should such entity fail to
882 make required contributions to the Tort Claims Fund in the time
883 and manner prescribed by the board;

884 (o) To develop a comprehensive statewide list of
885 attorneys who are qualified to represent the state and any
886 employee thereof named as a defendant in a claim brought under
887 this chapter against the state or such employee;

888 (p) To develop a schedule of fees for paying attorneys
889 defending claims against the state or an employee thereof;

890 (q) To adopt and promulgate such reasonable rules and
891 regulations and to do and perform all such acts as are necessary
892 to carry out its powers and duties under this chapter;

893 (r) To establish and assess premiums to be paid by
894 governmental entities required to participate in the Tort Claims
895 Fund;

896 (s) To contract with a third-party administrator to
897 process claims against the state under this chapter;

898 (t) To annually submit its budget request to the
899 Legislature as a state agency;

900 (u) To dispose of salvage obtained in settlement or
901 payment of any claim at fair market value by such means and upon
902 such terms as the board may think best; * * *

903 (v) To administer the Medical Malpractice Insurance
904 Availability Plan under Section 83-48-5; and

905 (w) To act as the board as required under Senate Bill
906 No. 2763, 2004 Regular Session, dealing with medical malpractice
907 claims as follows:

908 (i) To accept filings under the act;

909 (ii) To coordinate the selection of panels;

910 (iii) To maintain lists of attorneys eligible for
911 appointment as attorney chairmen;

912 (iv) To promulgate rules in reference to the
913 qualifications of attorneys serving as panel members;

914 (v) To promulgate rules and regulations necessary
915 to implement the provisions of Section 19 of Senate Bill No. 2763,
916 2004 Regular Session; and

917 (vi) To provide general administrative support.

918 (2) Policies of liability insurance purchased for the
919 protection of governmental entities against claims and suits
920 brought under this chapter shall be purchased pursuant to the
921 competitive bidding procedures set forth in Section 31-7-13.

922 (3) The department shall have the following powers and
923 duties:

924 (a) To annually report to the Legislature concerning
925 each comprehensive plan of liability protection established
926 pursuant to Section 11-46-17(2). Such report shall include a
927 comprehensive analysis of the cost of the plan, a breakdown of the
928 cost to participating state entities, and such other information
929 as the department may deem necessary.

930 (b) To provide the board with any staff and meeting
931 facilities as may be necessary to carry out the duties of the
932 board as provided in this chapter.

933 (c) To submit the board's budget request for the
934 initial year of operation of the board in order to authorize
935 expenditures for the 1993-1994 fiscal year and for the
936 appropriation of such general funds as shall be required for the
937 commencement of its activities.

938 **[From and after July 1, 2005, this section shall read as**
939 **follows:]**

940 11-46-19. (1) The board shall have the following powers:

941 (a) To provide oversight over the Tort Claims Fund;

942 (b) To approve any award made from the Tort Claims
943 Fund;

944 (c) To pay all necessary expenses attributable to the
945 operation of the Tort Claims Fund from such fund;

946 (d) To assign litigated claims against governmental
947 entities other than political subdivisions to competent attorneys
948 unless such governmental entity has a staff attorney who is
949 competent to represent the governmental entity and is approved by
950 the board; the board shall give primary consideration to attorneys
951 practicing in the jurisdiction where the claim arose in assigning
952 cases; attorneys hired to represent a governmental entity other
953 than a political subdivision shall be paid according to the
954 department fee schedule;

955 (e) To approve all claimants' attorney fees in claims
956 against the state;

957 (f) To employ on a full-time basis a staff attorney who
958 shall possess the minimum qualifications required to be a member
959 of The Mississippi Bar, and such other staff as it may deem
960 necessary to carry out the purposes of this chapter; the employees
961 in the positions approved by the board shall be hired by the

962 director, shall be employees of the department, and shall be
963 compensated from the Tort Claims Fund;

964 (g) To contract with one or more reputable insurance
965 consulting firms as may be necessary;

966 (h) To purchase any policies of liability insurance and
967 to administer any plan of self-insurance or policies of liability
968 insurance required for the protection of the state against claims
969 and suits brought under this chapter;

970 (i) To expend money from the Tort Claims Fund for the
971 purchase of any policies of liability insurance and the payment of
972 any award or settlement of a claim against the state under the
973 provisions of this chapter or of a claim against any school
974 district, junior college or community college district, or state
975 agency, arising from the operation of school buses or other
976 vehicles, under the provisions of Section 37-41-42;

977 (j) To cancel, modify or replace any policy or policies
978 of liability insurance procured by the board;

979 (k) To issue certificates of coverage to governmental
980 entities, including any political subdivision participating in any
981 plan of liability protection approved by the board;

982 (l) To review and approve or reject any plan of
983 liability insurance or self-insurance reserves proposed or
984 provided by political subdivisions if such plan is intended to
985 serve as security for risks of claims and suits against them for
986 which immunity has been waived under this chapter;

987 (m) To administer disposition of claims against the
988 Tort Claims Fund;

989 (n) To withhold issuance of any warrants payable from
990 funds of a participating state entity should such entity fail to
991 make required contributions to the Tort Claims Fund in the time
992 and manner prescribed by the board;

993 (o) To develop a comprehensive statewide list of
994 attorneys who are qualified to represent the state and any
995 employee thereof named as a defendant in a claim brought under
996 this chapter against the state or such employee;

997 (p) To develop a schedule of fees for paying attorneys
998 defending claims against the state or an employee thereof;

999 (q) To adopt and promulgate such reasonable rules and
1000 regulations and to do and perform all such acts as are necessary
1001 to carry out its powers and duties under this chapter;

1002 (r) To establish and assess premiums to be paid by
1003 governmental entities required to participate in the Tort Claims
1004 Fund;

1005 (s) To contract with a third-party administrator to
1006 process claims against the state under this chapter;

1007 (t) To annually submit its budget request to the
1008 Legislature as a state agency;

1009 (u) To dispose of salvage obtained in settlement or
1010 payment of any claim at fair market value by such means and upon
1011 such terms as the board may think best; and

1012 * * *

1013 (v) To act as the board as required under Senate Bill
1014 No. 2763, 2004 Regular Session, dealing with medical malpractice
1015 claims as follows:

1016 (i) To accept filings under the act;

1017 (ii) To coordinate the selection of panels;

1018 (iii) To maintain lists of attorneys eligible for
1019 appointment as attorney chairmen;

1020 (iv) To promulgate rules in reference to the
1021 qualifications of attorneys; and

1022 (v) To provide general administrative support.

1023 (2) Policies of liability insurance purchased for the
1024 protection of governmental entities against claims and suits

1025 brought under this chapter shall be purchased pursuant to the
1026 competitive bidding procedures set forth in Section 31-7-13.

1027 (3) The department shall have the following powers and
1028 duties:

1029 (a) To annually report to the Legislature concerning
1030 each comprehensive plan of liability protection established
1031 pursuant to Section 11-46-17(2). Such report shall include a
1032 comprehensive analysis of the cost of the plan, a breakdown of the
1033 cost to participating state entities, and such other information
1034 as the department may deem necessary.

1035 (b) To provide the board with any staff and meeting
1036 facilities as may be necessary to carry out the duties of the
1037 board as provided in this chapter.

1038 (c) To submit the board's budget request for the
1039 initial year of operation of the board in order to authorize
1040 expenditures for the 1993-1994 fiscal year and for the
1041 appropriation of such general funds as shall be required for the
1042 commencement of its activities.

1043 **SECTION 16.** If any provision of this act is held by a court
1044 to be invalid, such invalidity shall not affect the remaining
1045 provisions of this act, and to this end the provisions of this act
1046 are declared severable.

1047 **SECTION 17.** This act shall take effect and be in force from
1048 and after July 1, 2004, and Sections 1 and 2 of this act shall
1049 apply to all causes of action filed on or after that date.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 11-11-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE VENUE IN GENERAL CIVIL ACTIONS; TO PROVIDE FOR CLASS
3 ACTIONS; TO AMEND SECTION 13-5-1, MISSISSIPPI CODE OF 1972, TO
4 ELIMINATE CERTAIN JUROR DISQUALIFICATIONS; TO AMEND SECTION
5 13-5-23, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT JURORS CAN ONLY
6 BE EXCUSED FROM SERVICE FOR ILLNESS OR UNDUE HARDSHIP; TO CODIFY
7 SECTION 13-5-24, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT JURORS
8 CAN POSTPONE JURY SERVICE ONE TIME ONLY; TO AMEND SECTION 13-5-25,
9 MISSISSIPPI CODE OF 1972, TO LIMIT THE FREQUENCY OF JURY SERVICE;

10 TO AMEND SECTION 13-5-28, MISSISSIPPI CODE OF 1972, TO REQUIRE
11 NOTICE OF JURY SERVICE EXEMPTION ENTITLEMENT TO BE INCLUDED IN
12 JUROR SUMMONSES; TO AMEND SECTION 13-5-34, MISSISSIPPI CODE OF
13 1972, TO REVISE THE PUNISHMENT FOR FAILURE TO APPEAR FOR JURY
14 SERVICE; TO CODIFY SECTION 13-5-99, MISSISSIPPI CODE OF 1972, TO
15 PROVIDE EMPLOYMENT PROTECTIONS FOR JURORS; TO AMEND SECTION
16 25-7-61, MISSISSIPPI CODE OF 1972, TO CREATE A LENGTHY TRIAL FUND;
17 TO AMEND SECTION 33-1-5, MISSISSIPPI CODE OF 1972, TO ELIMINATE
18 CERTAIN JUROR EXEMPTIONS; TO REPEAL SECTIONS 41-17-7 AND 47-5-55,
19 MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN EXEMPTIONS FROM
20 JURY SERVICE; TO PROVIDE THAT ALL MALPRACTICE CLAIMS SHALL BE
21 REVIEWED BY A MEDICAL REVIEW PANEL; TO ALLOW PARTIES TO MUTUALLY
22 AGREE TO OPT OUT OF THIS REQUIREMENT; TO ESTABLISH THE MEMBERSHIP
23 REVIEW PANEL; TO PROVIDE WHAT EVIDENCE MAY BE CONSIDERED BY THE
24 PANEL; TO PROVIDE THE FORM OF THE DECISION; TO PROVIDE FOR
25 PANELIST IMMUNITY AND COMPENSATION; AND FOR RELATED PURPOSES.