

By: Representative Blackmon

To: Judiciary A;  
Appropriations

HOUSE BILL NO. 1512

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE OFFICE ALLOWANCE FOR TRIAL JUDGES WHICH FUNDS SUPPORT  
3 STAFF IN ORDER TO HIRE LAW CLERKS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 9-1-36, Mississippi Code of 1972, is  
6 amended as follows:

7 9-1-36. (1) Each circuit judge and chancellor shall receive  
8 an office operating allowance for the expenses of operating the  
9 office of such judge, including retaining a law clerk, legal  
10 research, stenographic help, stationery, stamps, furniture, office  
11 equipment, telephone, office rent and other items and expenditures  
12 necessary and incident to maintaining the office of judge. Such  
13 allowance shall be paid only to the extent of actual expenses  
14 incurred by any such judge as itemized and certified by such judge  
15 to the Supreme Court and then in an amount of Four Thousand  
16 Dollars (\$4,000.00) per annum; however, such judge may expend sums  
17 in excess thereof from the compensation otherwise provided for his  
18 office. No part of this expense or allowance shall be used to pay  
19 an official court reporter for services rendered to said court.

20 (2) In addition to the amounts provided for in subsection  
21 (1), there is hereby created a separate office allowance fund for  
22 the purpose of providing support staff to judges. This fund shall  
23 be managed by the Administrative Office of Courts.

24 (3) Each judge who desires to employ support staff after  
25 July 1, 1994, shall make application to the Administrative Office  
26 of Courts by submitting to the Administrative Office of Courts a  
27 proposed personnel plan setting forth what support staff is deemed

28 necessary. Such plan may be submitted by a single judge or by any  
29 combination of judges desiring to share support staff. In the  
30 process of the preparation of the plan, the judges, at their  
31 request, may receive advice, suggestions, recommendations and  
32 other assistance from the Administrative Office of Courts. The  
33 Administrative Office of Courts must approve the positions, job  
34 descriptions and salaries before the positions may be filled. The  
35 Administrative Office of Courts shall not approve any plan which  
36 does not first require the expenditure of the funds in the support  
37 staff fund for compensation of any of the support staff before  
38 expenditure is authorized of county funds for that purpose. Upon  
39 approval by the Administrative Office of Courts, the judge or  
40 judges may appoint the employees to the position or positions, and  
41 each employee so appointed will work at the will and pleasure of  
42 the judge or judges who appointed him but will be employees of the  
43 Administrative Office of Courts. Upon approval by the  
44 Administrative Office of Courts, the appointment of any support  
45 staff shall be evidenced by the entry of an order on the minutes  
46 of the court. When support staff is appointed jointly by two (2)  
47 or more judges, the order setting forth any appointment shall be  
48 entered on the minutes of each participating court.

49 (4) The Administrative Office of Courts shall develop and  
50 promulgate minimum qualifications for the certification of court  
51 administrators. Any court administrator appointed on or after  
52 October 1, 1996, shall be required to be certified by the  
53 Administrative Office of Courts.

54 (5) Support staff shall receive compensation pursuant to  
55 personnel policies established by the Administrative Office of  
56 Courts; however, from and after July 1, 2007. The Administrative  
57 Office of Courts shall allocate from the support staff fund an  
58 amount of Eighty Thousand Dollars (\$80,000.00) per fiscal year  
59 (July 1 through June 30) per judge for whom support staff is  
60 approved for the funding of support staff assigned to a judge or

61 judges. Any employment pursuant to this subsection shall be  
62 subject to the provisions of Section 25-1-53.

63 The Administrative Office of Courts may approve expenditure  
64 from the fund for additional equipment for support staff appointed  
65 pursuant to this section in any year in which the allocation per  
66 judge is sufficient to meet the equipment expense after provision  
67 for the compensation of the support staff.

68 The increase in the amount for support staff as provided in  
69 House bill No. \_\_\_\_\_, 2007 Regular Session, shall be allocated for  
70 each judge to hire a law clerk or to hire a law clerk to assist  
71 all judges within a district.

72 (6) For the purposes of this section, the following terms  
73 shall have the meaning ascribed herein unless the context clearly  
74 requires otherwise:

75 (a) "Judges" means circuit judges and chancellors, or  
76 any combination thereof;

77 (b) "Support staff" means court administrators, law  
78 clerks, legal research assistants or secretaries, or any  
79 combination thereof, but shall not mean school attendance  
80 officers;

81 (c) "Compensation" means the gross salary plus all  
82 amounts paid for benefits or otherwise as a result of employment  
83 or as required by employment; provided, however, that only salary  
84 earned for services rendered shall be reported and credited for  
85 Public Employees' Retirement System purposes. Amounts paid for  
86 benefits or otherwise, including reimbursement for travel  
87 expenses, shall not be reported or credited for retirement  
88 purposes.

89 (7) Title to all tangible property, excepting stamps,  
90 stationery and minor expendable office supplies, procured with  
91 funds authorized by this section, shall be and forever remain in  
92 the State of Mississippi to be used by the circuit judge or

93 chancellor during the term of his office and thereafter by his  
94 successors.

95 (8) Any circuit judge or chancellor who did not have a  
96 primary office provided by the county on March 1, 1988, shall be  
97 allowed an additional Four Thousand Dollars (\$4,000.00) per annum  
98 to defray the actual expenses incurred by such judge or chancellor  
99 in maintaining an office; however, any circuit judge or chancellor  
100 who had a primary office provided by the county on March 1, 1988,  
101 and who vacated the office space after such date for a legitimate  
102 reason, as determined by the Department of Finance and  
103 Administration, shall be allowed the additional office expense  
104 allowance provided under this subsection. The county in which a  
105 circuit judge or chancellor sits is authorized to provide funds  
106 from any available source to assist in defraying the actual  
107 expenses to maintain an office.

108 (9) The Supreme Court, through the Administrative Office of  
109 Courts, shall submit to the Department of Finance and  
110 Administration the itemized and certified expenses for office  
111 operating allowances that are directed to the court pursuant to  
112 this section.

113 (10) The Supreme Court, through the Administrative Office of  
114 Courts, shall have the power to adopt rules and regulations  
115 regarding the administration of the office operating allowance  
116 authorized pursuant to this section.

117 **SECTION 2.** This act shall take effect and be in force from  
118 and after July 1, 2007.