

By: Senator(s) Hopson, Watson, McDaniel,
Turner-Ford, Tollison, Simmons (12th), Doty,
Blackmon, Wiggins, Fillingane, DeBar, Bryan,
Branning, Blackwell, Burton, Dearing, Jackson
(32nd), Seymour

To: Rules

SENATE CONCURRENT RESOLUTION NO. 596

1 A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE
2 HISTORICAL DEVELOPMENT OF THE MISSISSIPPI SUPREME COURT AND ITS
3 SUPERVISION OF THE PRACTICE OF LAW IN MISSISSIPPI ON THE OCCASION
4 OF THE CELEBRATION OF THE BICENTENNIAL ANNIVERSARY OF STATEHOOD.

5 WHEREAS, on December 10, 2017, Mississippi celebrated the
6 Bicentennial Anniversary of Statehood. It is most appropriate for
7 the Legislature to document the evolution of a critically
8 important and coequal part of Mississippi government through its
9 first 200 years, the Supreme Court of Mississippi; and

10 WHEREAS, of the four constitutions Mississippi has adopted
11 since statehood, the Constitution of 1890 remains the centerpiece
12 and defining document of Mississippi's judicial branch of
13 government. Although the Supreme Court has grown from three to
14 nine justices and has at times operated in divisions, the court
15 has most profoundly been affected by the reintroduction of the
16 popular election of judges through the constitutional amendments
17 of 1914, the court's assertion of its rule-making authority in
18 *Newell v. State*, and the creation of the Court of Appeals in 1994;
19 and



20 WHEREAS, as Mississippi's constitutional court of last
21 resort, the Supreme Court, in one form or another, has served as
22 the highest body of the judicial branch of government since the
23 General Assembly approved our first constitution in 1817. Four
24 state constitutions and numerous constitutional amendments have
25 brought slow but steady developments to the membership, duties and
26 procedures of the Supreme Court. What began as a tribunal of
27 judges serving at both the trial and appellant levels with little
28 guidance from the constitution, laws, or rules has evolved into a
29 modern nine-member court with broad administrative powers, mature
30 and efficient operations, and fair and independent decisions.
31 This year serves as an appropriate time of remembrance and
32 contemplation of how the state judiciary developed over time; and

33 WHEREAS, under the Constitution of 1817, the judicial power
34 of the state was "vested in one Supreme Court, and such superior
35 and inferior courts of law and equity as the Legislature may, from
36 time to time, direct and establish. By 1832, Mississippi's
37 population had more than doubled, and the social, political and
38 economic power in the state had shifted from the Mississippi River
39 counties to the central interior regions. Under the 1832
40 Constitution, the High Court was a true appellate court. The High
41 Court "all but ceased operations" during the Civil War, only
42 hearing cases that bore some relation to the war. The Mississippi
43 Constitution of 1890 left the structure of the Supreme Court
44 essentially unchanged from the previous constitution, with three



45 justices appointed by the Governor. In 1914, the Legislature
46 proposed four constitutional amendments affecting the Supreme
47 Court: (1) increasing the membership of the court to six
48 justices, (2) authorizing the court to decide cases by three
49 justice divisions, (3) returning to the popular election of
50 justices, and (4) setting the justices' terms of office. In 1950,
51 the Legislature proposed a constitutional amendment increasing the
52 membership of the Supreme Court from six to nine, which was
53 approved by popular referendum. In 1994, the Legislature passed
54 the Nonpartisan Judicial Election Act, declaring that a judicial
55 office is a nonpartisan office and prohibiting judicial candidates
56 from campaigning or qualifying based on party affiliation. Each
57 of these innovations has had a significant impact on the fairness
58 and efficiency of the administration of justice in Mississippi;
59 and

60 WHEREAS, the 1980s saw two important additions to the Supreme
61 Court in the form of its first female justice and African-American
62 justice. In 1994, the Legislature passed a law establishing the
63 Court of Appeals of the State of Mississippi, one of the most
64 drastic changes to the Mississippi judiciary in the state's
65 history; and

66 WHEREAS, over 120 men and women have served on the
67 Mississippi Supreme Court in its 200-year existence, of these, 31
68 currently have a portrait on display in the Carroll Gartin Justice
69 Building in downtown Jackson; and



70 WHEREAS, after two centuries of federal jurisprudence in
71 Mississippi, the state's federal judges and magistrates continue
72 to protect and secure the state's citizens, according to the
73 Constitution and the laws of the United States. Their decisions
74 in civil and criminal cases affect the lives of all
75 Mississippians, by setting the limits of free speech, privacy, or
76 the free exercise of religion. The state's federal judges and
77 magistrate judges supervise congressional redistricting, resolve
78 regulatory disputes, settle mass torts and bankruptcies, conduct
79 citizenship ceremonies, and oversee the prosecution of illegal
80 narcotic sales. Much, indeed, can be learned about Mississippi in
81 the history of its federal courts; and

82 WHEREAS, the Mississippi Supreme Court and The Mississippi
83 Bar have served as leaders and mentors to the practice of law in
84 Mississippi. Members of the court lecture on professional
85 standards of the practice, including ethics, integrity, civility,
86 courtesy and adherence to the Golden Rule. The history of the
87 Mississippi Supreme Court has honored The Mississippi Bar and this
88 great state that we love and serve:

89 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF
90 MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That
91 we do hereby recognize and commend the historical development of
92 the Mississippi Supreme Court and its supervision of the practice
93 of law in Mississippi on the occasion of the celebration of the
94 Bicentennial Anniversary of Statehood.



95 BE IT FURTHER RESOLVED, That this resolution be transmitted
96 to the Clerk of the Mississippi Supreme Court and Court of
97 Appeals, forwarded to the Executive Director of The Mississippi
98 Bar and made available to the Capitol Press Corps.

