

HOUSE BILL NO. 928

1 AN ACT TO CREATE THE MEDICAL MALPRACTICE MEDIATION BOARD AND  
2 PROVIDE FOR ITS MEMBERSHIP; TO PROVIDE FOR MEDIATION IN MEDICAL  
3 MALPRACTICE DISPUTES; TO PROVIDE FOR THE APPOINTMENT AND  
4 CERTIFICATION OF MEDIATORS; TO PROVIDE THAT MEDIATION SHALL BE  
5 NONBINDING UNLESS THE PARTIES AGREE TO MAKE IT BINDING; AND FOR  
6 RELATED PURPOSES.

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

8 **SECTION 1.** (1) There is created the Medical Malpractice  
9 Mediation Board which shall be comprised of the following members:

10 (a) Two (2) persons appointed by the Governor from a  
11 list submitted by the Mississippi Medical Association;

12 (b) One (1) person appointed by the Governor from a  
13 list submitted by the Mississippi Trial Lawyers Association;

14 (c) One (1) person appointed by the Governor from a  
15 list submitted by the Magnolia Bar; and

16 (d) One (1) person appointed by the four (4) appointees  
17 listed in paragraphs (a), (b) and (c).

18 (e) The terms of the members of the board shall be  
19 coterminous with the term of the Governor.

20 (2) All Members of the board shall be entitled to per diem  
21 as provided in Section 25-3-69 and travel expenses as provided in  
22 Section 25-3-41 for the performance of their duties as members of  
23 the board.

24 (3) The board shall elect a chairman and other officers it  
25 deems necessary to carry out the purposes of this act.

26 **SECTION 2.** Before any medical malpractice suit may be  
27 brought, the dispute must be submitted for mediation. The board  
28 shall appoint and certify mediators for such disputes. Mediators  
29 shall be members of the Mississippi Bar who have been engaged in



30 the active practice of law for a minimum of five (5) years. The  
31 mediator shall make every effort to help parties resolve their  
32 dispute in order to avoid litigation. Mediation shall be informal  
33 and rules of Civil Procedure and Evidence shall be relaxed.  
34 Mediation under this act shall be nonbinding unless the parties  
35 agree in writing to make the mediation binding. Any matter which  
36 is submitted for mediation under this act shall toll the  
37 applicable statute of limitations upon submission for mediation.

38 **SECTION 3.** This act shall not be construed to take away from  
39 the courts their power over awards, nor to make invalid any award  
40 good at common law. It shall be liberally construed for the  
41 encouragement of the settlement of disputes and the prevention of  
42 litigation.

43 **SECTION 4.** This act shall take effect and be in force from  
44 and after July 1, 2002.

