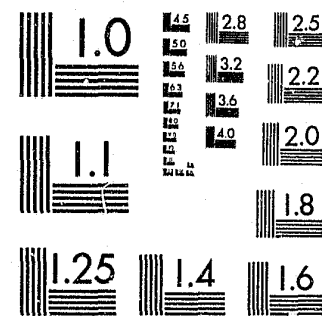


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Prepared for the  
Mississippi Judicial Council

## The Mississippi Court Finance Study

Volume V:

# Mississippi Courts: Organization and Management Analysis

70132

Ernest H. Short  
& Associates, Inc.

March, 1980

THE MISSISSIPPI COURT FINANCE STUDY

VOLUME V

MISSISSIPPI COURTS:  
ORGANIZATION AND MANAGEMENT ANALYSIS

Prepared for:

The Mississippi Judicial Council

Submitted by:

Ernest H. Short & Associates, Inc.

1980

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ACQUISITIONS

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of personal interviews and literature reviews, led to study results and recommendations.

#### B. Data Collection

The data collection approach consisted of matching the data requirements presented in the task to a combination of collection tools and efforts. The collection tools included mailed questionnaires and on-site visits. Site visits were made to 24 counties with emphasis on data collection in clerk's offices. The Offices of Chancery and Circuit Clerks of the sixteen largest counties, plus a sample based on stratified and geographic considerations were visited. Mailed questionnaires were sent to all chancellors, circuit and county judges, and circuit and chancery clerks. Certain data requirements dictated that mailed questionnaires also be sent to all official court reporters.

The overall data collection approach was to pair the data requirements to the most recent, accurate, available source for these data. These sources included all available state and local audit reports. The reports included the Mississippi State Department of Public Accounts - Annual State Financial Reports for the fiscal years ending June 30, 1975, 1976 and 1977. The audited Consolidated Statement of Receipts and Disbursements for all of the 82 counties, for fiscal years ending September 30, 1975 and 1976 were also collected from the Mississippi State Department of Public Accounts. In addition, copies were obtained of the Secretary of State Reports for the Offices of Circuit and Chancery Clerk for calendar years 1977 and 1978. These sources produced substantial raw financial and fiscal data for compilation and analysis of the judicial entities.

#### C. Report Organization and Content

As stated earlier, this study is organized around the four major tasks specified in the request for proposal. The study

report series is likewise organized. In addition to an Executive Summary, the report series entitled The Mississippi Court Finance Study contains: Volume I, The Mississippi Justice Courts: Management and Financial Analysis; Volume II, A Proposed Magistrate Division of the Circuit Court for the State of Mississippi; Volume III, The Mississippi Jury System: Management and Cost Analysis; Volume IV, Mississippi Courts: Fiscal Analysis; Volume V, Mississippi Courts: Organization and Management Analysis; Volume VI, Mississippi Youth Courts: Caseload and Caseflow Analysis; and several associated data support volumes and appendices.

This report, Volume V, Mississippi Courts: Organization and Management Analysis is organized around the three primary areas of inquiry: clerks of court, court reporters, and indigent defense services. Sections II, III, and IV deal with these subjects respectively. Section V presents a brief summary of the analytical themes developed throughout the report. Because the overall orientation of this report series is financial, some emphasis in organizational and managerial analysis is placed on financial issues. Beyond this orientation, the issues addressed relate to basic organizational structure and procedural practice.

## II. CLERKS OF COURT

### A. Current Organization and Management

In each of Mississippi's 82 counties, two elected clerks serve the State's trial courts, one for the Chancery Court and one for the Circuit Court.<sup>2</sup> These constitutionally authorized officers both are elected to four-year terms.<sup>3</sup> Both clerks' office operations are distinguished by the fact that the scope of services provided by the offices encompasses both court and non-court related functions. A mix of judicial and executive functions is not uncommon in clerks' offices nationwide, but another distinguishing characteristic of the Chancery and Circuit Clerks' Offices, the fee basis of compensation, is highly unorthodox. These dual aspects, court/non-court related functions and the fee basis of compensation, comprise the major subjects of documentation, analysis, and recommendations in this report section.

#### 1. Overview of Duties and Responsibilities

As a precursor to discussion of financial management, staffing patterns, and the breakout of court/non-court related functions, this subsection details the core duties and responsibilities of the Chancery and Circuit Clerks' Offices. The recordkeeping and legal processing support functions discussed below find much of their basis in constitutional and statutory authorization.

##### a. The Office of the Chancery Clerk

The State is divided into nineteen chancery districts, each of which contain from one to eight

<sup>2</sup>In those counties having a County Court, the Circuit Clerk serves as Clerk of the County Court.

<sup>3</sup>Miss. Code Ann. §25-5-1, et seq., office holders are removable only according to the laws applicable to elected local officials.

counties.<sup>4</sup> There is a constitutional requirement that court must be held in each county at least twice a year.<sup>5</sup> Eight of these districts have only a single chancellor.<sup>6</sup> Chancery Courts exercise original jurisdiction in the following: all matters in equity, divorce, alimony, probate, juvenile matters, mental competency cases, and controversies involving real estate titles.<sup>7</sup> In those counties where a County Court has not been established, the Chancery Court has a Youth Court division.<sup>8</sup> Each Chancery Court can establish its own rules and administrative procedures, provided they are consistent with the law.<sup>9</sup>

In the capacities of Chancery Court Clerk and Clerk of the Board of Supervisors, the Chancery Clerk's duties are to preserve and keep all records, files, papers, and proceedings belonging to the office; to record last wills and testaments which may be probated; to record letters testamentary of administration and guardianship; to keep records of all accounts allowed, all inventories, appraisements and reports duly returned; and to maintain all instruments duly proved and required by law to be recorded in the Chancery Clerk's Office.<sup>10</sup> It is incumbent upon the Clerk (and the Clerk's deputies) to keep many records in well-bound, properly indexed books with the necessary separation of types, classes, and subjects.<sup>11</sup>

<sup>4</sup>Miss. Code Ann. §59-5-3, §9-5-5 to §9-5-55.

<sup>5</sup>Miss. Const., Art. 6, §164; Code §9-5-3.

<sup>6</sup>First Annual Report, Mississippi Judicial Council, 1979, p. 24.

<sup>7</sup>Miss. Const., Art. 6, §161.

<sup>8</sup>Miss. Code Ann. §43-21-3.

<sup>9</sup>Miss. Code Ann. §9-1-29.

<sup>10</sup>Miss. Code Ann. §9-5-137.

<sup>11</sup>ibid.

The Clerk of the Chancery Court is a bonded official (\$3,000-\$20,000) of the Chancery Court. The Clerk's bond is fixed by order of the Chancery Court Judge or in the absence of that, by the President of the Board of Supervisors.<sup>12</sup>

The Clerk and his deputies are empowered by Mississippi law to perform a multitude of independent duties. The Clerk or deputy may at all times receive and file bills, petitions, motions, accounts, inventories, reports, and other papers and may issue all legally authorized and appropriate process in any matter or proceeding.<sup>13</sup>

Other provisos of the office include issuing appraisal warrants (to appraise decedents' personal estates); registering claims against estates being administered by the Court; making orders and issuing process necessary for the collection and preservation of the estates of decedents, minors, and persons of unsound mind; granting letters of administration; admitting wills to probate; appointing guardians for minors, persons of unsound mind, and felony convicts.<sup>14</sup>

During the Chancery Court's "vacation" period (a potentially misleading phrase to the lay person in that it is a period of judicial work between terms and is not a period of rest or respite), the Chancery Court Clerk or his deputy may compel the return of inventories and the presentation of annual or final accounts by executors, administrators, or guardians and may approve such accounts.<sup>15</sup> Illustrative actions permitted also include referring contested estate

<sup>12</sup>Miss. Code Ann. §9-5-131.

<sup>13</sup>Miss. Code Ann. §9-5-141.

<sup>14</sup>ibid.

<sup>15</sup>Miss. Code Ann. §9-5-143.

matters to auditors and thereafter receiving and acting on the audit reports; making orders to settle insolvent estates, ascertaining creditors' rights, and distributing assets according to law after Court action declaring an estate insolvent with appropriate decree by the Court that any lands and personal estate matters may be sold.

Referring to the bonding powers of the Office of the Chancery Clerk, the Clerk may require new bonds and sureties in cases provided by law. A well-bound book properly arranged and organized is maintained by the Clerk securing all pertinent information regarding bonds.<sup>16</sup>

All acts, judgments, orders, or decrees made by the Chancery Court Clerk in vacation or at rules, shall be subject to the approval or disapproval of the Chancellor, and shall not be final until approved by the Court.<sup>17</sup> The Clerk is required to enter in the minute book every order made by him in vacation, just as orders are entered in term time. The Clerk shall also initiate the minutes of acts done in vacation.<sup>18</sup>

It is the responsibility of this office to record all pleadings, proofs, exhibits, and proceedings within three months after the final termination of suits involving real estate.<sup>19</sup>

The Chancery Court Clerk shall be the custodian of all probate court records, books, and papers of the Board of Police.<sup>20</sup>

<sup>16</sup>Miss. Code Ann. §9-5-157.

<sup>17</sup>Miss. Code Ann. §9-5-147.

<sup>18</sup>Miss. Code Ann. §9-5-159.

<sup>19</sup>Miss. Code Ann. §9-5-161.

<sup>20</sup>Miss. Code Ann. §9-5-163.

The Clerk is authorized by the State to execute the destruction of old records. Depending on the nature (or subject) of the records, the span of time allowed for destruction ranges from one year to fifteen years. Records destruction requires the approval of the County's Board of Supervisors.<sup>21</sup>

Docket book recordkeeping is another important function of this office. For the myriad of matters to be docketed, Mississippi statutory law insists upon well-arranged organization of records.<sup>22</sup>

In summary, the Chancery Clerk occupies a position of high trust in maintaining a variety of records and materials for the Chancery Court and in serving the County Board of Supervisors as Clerk.

b. The Office of the Circuit Clerk

The State is divided into twenty circuit court districts. A district may have from one to seven counties within its boundaries.<sup>23</sup> Court must be held in each county at least twice a year.<sup>24</sup> There are ten (10) single-judge circuit court districts in the State.<sup>25</sup> Circuit Courts have original jurisdiction in all civil and criminal matters, unless such jurisdiction is vested in another court.<sup>26</sup>

The Circuit Clerk is responsible for numerous record-keeping and procedural activities in support of the

<sup>21</sup>Miss. Code Ann. §9-5-171.

<sup>22</sup>Miss. Code Ann. §9-5-201, et seq.

<sup>23</sup>Miss. Code Ann. §9-7-3 to 9-7-53.

<sup>24</sup>Miss. Const., Art. 6, §158.

<sup>25</sup>First Annual Report, Mississippi Judicial Council, 1979, p. 16.

<sup>26</sup>Miss. Const., Art. 6, §156.



Circuit Court. State law requires that the Circuit Court Clerk shall maintain a final record of all suits to be entered within three months after final determination, or, in matters under appeal, three months after receiving a certificate of the affirmance of judgment. The law dictates that a "well-bound" book shall be kept for final records, which shall include a full and complete record of all the proceedings in a suit.<sup>27</sup> Failure to make a final record may result in a fine placed upon the Clerk. The Circuit Court Clerk is further subject to contempt for any failure to deliver to the Board of Supervisors' Clerk a certified list of allowances (made within ten days after court term) specifying amount to be paid out of the county treasury, the amount to whom allowed, and on what account.<sup>28</sup>

The Clerk of the Circuit Court is a bonded official of the Circuit Court. The Clerk's bond ranges from \$3,000 to \$10,000, fixed by order of the county's Board of Supervisors. Additional bonds may be required from time to time.<sup>29</sup>

With the approbation of the Circuit Court judge, the Circuit Court Clerk may appoint one or more deputies who upon appointment have necessary power to perform all the legal duties and acts of the Clerk of the Circuit Court.<sup>30</sup>

The Clerk is required to maintain a jury book which must show the time of issuing certificates to jurors,

<sup>27</sup>Miss. Code Ann. §9-7-127.

<sup>28</sup>Miss. Code Ann. §9-7-129.

<sup>29</sup>Miss. Code Ann. §9-7-121.

<sup>30</sup>Miss. Code Ann. §9-7-123.

amounts, and to whom issued. Certified copies are required to be filed with the county's Board of Supervisors. Fines and possible imprisonment accompany any nonfeasance on the part of the Circuit Court Clerk with respect to the jury fee book.<sup>31</sup>

The Circuit Court Clerk is required to procure a well-bound, properly ruled and arranged book registering sureties on bonds kept. Information must include the name of the principal and surety, name of the obligee, date of bond, penalty of bond, type of bond, where recorded if recorded, number of suit in which filed, and discharge date. Each bond must be abstracted when filed by entering in the record the name of each principal and surety, the name of the principal obligor, obligee's name, date, penalty, kind of bond, where recorded if recorded, and the number of the suit in which filed. Upon discharge of such bond, the date must be entered under the proper heading.<sup>32</sup>

The Circuit Court Clerk maintains records of pardons of convictions. Certified copies of pardons may be used in any state or federal agency or court.<sup>33</sup>

The Circuit Court Clerk is required to keep a general docket in which is entered the names of the parties in each case, filing time of the declaration, indictment, record from inferior courts on appeal or certiorari, petition, plea or demurrer, and all other papers in the cause, as well as the issuance and

<sup>31</sup>Miss. Code Ann. §9-7-131.

<sup>32</sup>Miss. Code Ann. §9-7-137.

<sup>33</sup>Miss. Code Ann. §9-7-139.

return of process and a note of judgments rendered. Entries in criminal cases shall not be made on the docket so as to disclose the names of defendants until their arrest.<sup>34</sup> State law requires well-organized records and proper indexing of the names of the parties, both directly and indirectly.

Before each court term, it is the responsibility of the Circuit Court Clerk to prepare a docket showing all triable cases at the impending court term in the order in which they were filed and numbered. Under the judge's control, the Clerk sets the causes for the days of the term. Subpoenas are returnable on the day for which the case is set. The Circuit Court calls the cases in the order in which they appear on the docket and each case is tried, continued or set for future trial date before proceeding to the trial of any other cause, except by consent.<sup>35</sup>

A separate docket for criminal matters must be maintained by the Clerk of the Circuit Court. Recorded information includes indictment, presentment, information, or any other proceedings of a criminal nature, in the name or on behalf of the State or any municipal corporation.<sup>36</sup>

The Clerk is required to keep an appearance docket, in which are entered civil cases not triable at the first term after they are begun, in the order in which they are commenced, with the date of such commencement.<sup>37</sup>

<sup>34</sup>Miss. Code Ann. §9-7-171.

<sup>35</sup>Miss. Code Ann. §9-7-173.

<sup>36</sup>Miss. Code Ann. §9-7-175.

<sup>37</sup>Miss. Code Ann. §9-7-177.

The Clerk keeps a subpoena docket, in which are entered the style and number of each case in which a witness subpoena is issued, the name of the party for whom the witness is subpoenaed, to whom the subpoena is directed, the issuance date, when returnable, and whether or not executed.<sup>38</sup>

An additional duty of the Circuit Court Clerk is to maintain an execution docket. All relevant execution data are required to be kept in good order by the Circuit Court.

## 2. Financial Management Overview

The central theme of this report series is financially oriented; the organization and management content of this report is framed in and partially derived from the fiscal analysis pervading the report series. Because of this financial theme, and because ultimately a major recommendation of this report entails the financial structure of Chancery and Circuit Clerks' Offices, this subsection presents a brief fiscal overview of the offices.

### a. The Office of the Chancery Clerk

The Office of Chancery Clerk is funded through two primary sources. These sources are fees from private individuals and from county general funds. The combination of monies from these two sources produce the costs of clerical work done for the chancery court. Appendix A presents a county-by-county break-out of income sources. In 1978, chancery clerks' offices received \$2.66 million from the county treasury,

<sup>38</sup>Miss. Code Ann. §9-7-179.

\$2.35 million from individuals, and \$84,358 from settlement commissions, totalling \$5.1 million -- an average of \$62,161 per Clerk. As shown in Appendix B, disbursements statewide totalled \$2.95 million, an average of \$36,012 per clerk, leaving the Clerk with net compensation of \$2.14 million, an average of \$26,134 per clerk.

Under law the Chancery Clerk is required to charge fees to private individuals and corporations for the recording of legal documents. The receipts from private individuals and corporations are paid directly to the Office of Chancery Clerk and are reflected annually in the Secretary of State Report for the Office of Chancery Clerk.

The respective counties pay general funds for the operation of the Chancery Clerk's Office and for specific fee-related functions performed by the clerk. The amounts of funds expended by counties are represented annually by the Consolidated Statement of Receipts and Disbursements - Audited. This audited report is prepared by the Mississippi State Department of Public Accounts from local accounting source documents. Appendix C presents county expenditures for Chancery Clerk operating expenses.

The total costs of operating the Office of Chancery Clerk is composed of Payments from Governmental Treasuries, Receipts from Private Individuals and Corporations, and County Expenditures for operating costs of the office. Surveys indicate that 45% of county expenditures for deputy clerks and secretarial personnel, contractual services and consumable supplies are allocated to support the Chancery Court.<sup>39</sup> In 1978,

<sup>39</sup>Mississippi Courts Master Plan: Courts Study Vol. I, ch. 4, p. 52.

this comes to a projected \$713,856. (A 10% per year increase was added to 95% of the 1976 figure in Appendix C; these costs include clerical services for the chancery courts and for youth courts in those counties having youth courts.)<sup>40</sup> Data contained in Appendix D represent the court-related monies paid on a fee basis from governmental treasuries and receipts from private individuals and corporations. Of total receipts in these areas, 35% of governmental treasury receipts (\$937,857) are court-related and 94% of private individuals receipts (\$2,217,778) are court-related.

Thus, the total court-related expenditures for the Office of Chancery Clerk are projected to be:

<u>1978</u>	<u>1979*</u>	<u>1980*</u>	<u>1981*</u>
\$3,869,491	\$4,256,440	\$4,682,084	\$5,150,292

\*A 10% per year increase is projected.

Total court and non-court related expenditures of the Chancery Clerk's Office are the sum of county expenditure for operating costs and fees received from all sources. The 1978 total cost is estimated to be \$6,576,185. Therefore, court-related expenditures account for 59% of total expenditures.

#### b. The Office of Circuit Clerk

As in the case of Chancery Clerks, the Office of Circuit Clerk is funded through two primary sources: private individuals and county general funds. The combination of monies from these two sources produce

<sup>40</sup>Fees paid to the Chancery Clerk's Office for youth court-related functions amounted to an average \$36,366 for fiscal years ending September 30, 1975 and 1976.

the costs of clerical work done for the circuit and for county courts, in counties which have county courts.<sup>41</sup> As compiled in Appendix E, Circuit Clerks statewide in 1978 received \$2.06 million from county treasuries and \$573,628 from individuals, for a total of \$2.63 million -- an average \$32,124 per clerk's office. As shown in Appendix F, total disbursements statewide in 1978 were \$1.29 million (average \$15,739 per clerk) leaving a net compensation to the clerks of \$1.35 million (\$16,489 per clerk).

Under Mississippi law the Circuit Clerk is required to charge fees to private individuals and corporations for recording legal documents. This recording effort includes such documents as marriage licenses, transcripts, enrollments, and copies. The receipts from private individuals and corporations are paid directly to the Office of the Circuit Clerk and are reflected annually in the Secretary of State Report for the Office of Circuit Court.

The respective counties pay general funds for the operation of the Circuit Clerk's Office and for specific functions performed by the clerk. The amounts of funds expended by counties are represented annually by the Consolidated Statement of Receipts and Disbursements - Audited. This audited report is prepared by the Mississippi State Department of Public Accounts from locally produced accounting source documents.

The total cost of operating the Office of Circuit Clerk is composed of Payments from Governmental Treasuries, Receipts from Private Individuals and Corporations, and County Expenditures for operating costs of the office. Surveys have indicated that

<sup>41</sup> Fees paid to Circuit Clerk court-related county court functions amounted to an average of \$232,395 for fiscal years ending September 30, 1975 and 1976.

sixty percent of county expenditures for deputy clerks and secretarial personnel, contractual services, and consumable supplies are allocated to support the Circuit Court.<sup>42</sup> In 1978, this comes to a projected \$611,014. A 10% per year increase is added to the 1976 figure in Appendix 6, which lists county expenditures for Circuit Court operating expenses in 1975 and 1976. It is important to note that in counties with County Courts, the percentage figure includes County Court support by the Circuit Clerk.

Data contained in Appendix H present the court-related monies paid on a fee basis from governmental treasuries and receipts from private individuals and corporations for 1977 and 1978. Of total receipts in these areas, 51% (\$1,046,191) of governmental treasuries receipts are court-related and 64% (\$366,853) of private individual receipts are court-related. Thus, the total court-related expenditures for the Office of Circuit Clerk are projected to be:

<u>1978</u>	<u>1979*</u>	<u>1980*</u>	<u>1981*</u>
\$2,024,058	\$2,226,462	\$2,449,108	\$2,694,019

\*A 10% per year increase is projected.

Total court and non-court related expenditures of the Circuit Clerk's Office are the sum of county expenditures for operating expenses and fees from all sources. The 1978 total cost is estimated to be \$4,468,366. Therefore, court-related expenditures account for 45% of total expenditures.

<sup>42</sup> Mississippi Courts Master Plan, Court Study, Vol. 1, pp. 3-64.

### 3. Staffing Patterns

One means of examining organization and management in Chancery and Circuit Clerk's Offices is to document staff assignments and personnel organizational patterns. The staffing pattern characteristics revealed by this examination are:

- overall size of the offices;
- ratio of supervisory to line and support positions;
- degree of specialization of staff and general division of labor; and
- authoritative relationships.

Based upon data collected in 28 counties, the following presents organizational models for small, medium, and large offices in the Chancery and Circuit Clerks office systems.

#### a. The Office of the Chancery Clerk

In Figures 1, 2, and 3, which show models of small, medium, and large Chancery Clerks Offices, it may be observed that a traditionally hierarchical pattern of organization is present. In the smaller courts, deputies report directly to the Chancery Clerk. In the medium and large courts, intermediate management staff supervise office divisions. Although the models depict the traditional authoritative relationship whereby subordinates report to their immediate superior who in turn reports to his or her superior, etc., in reality it is common in Chancery Clerks' Offices for deputy clerks and assistant deputy clerks to report to and work directly

FIGURE 1

STAFFING PATTERN IN SMALL SIZE  
CHANCERY CLERKS' OFFICE

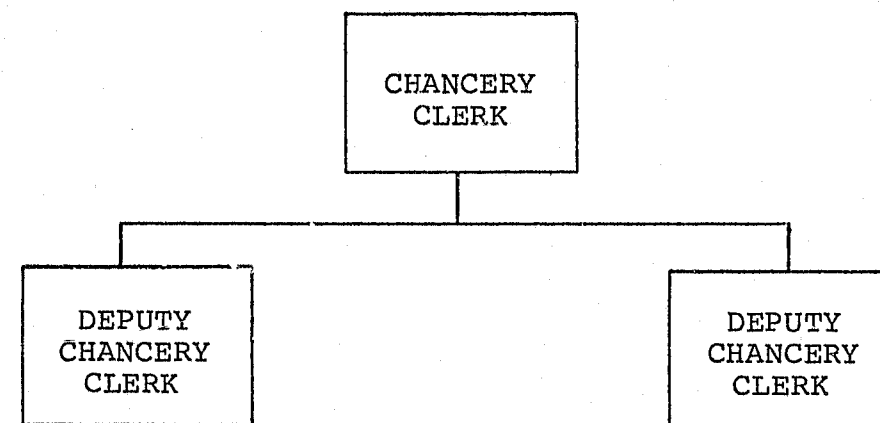


FIGURE 2

STAFFING PATTERN IN MEDIUM SIZE  
CHANCERY CLERKS OFFICE

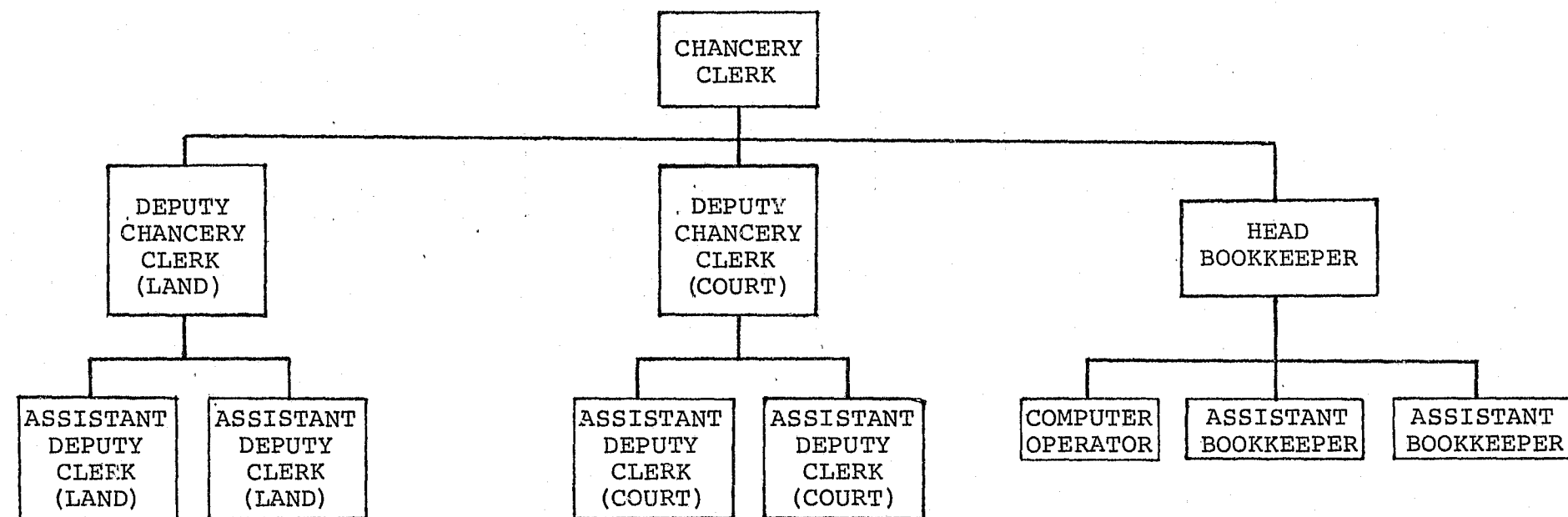
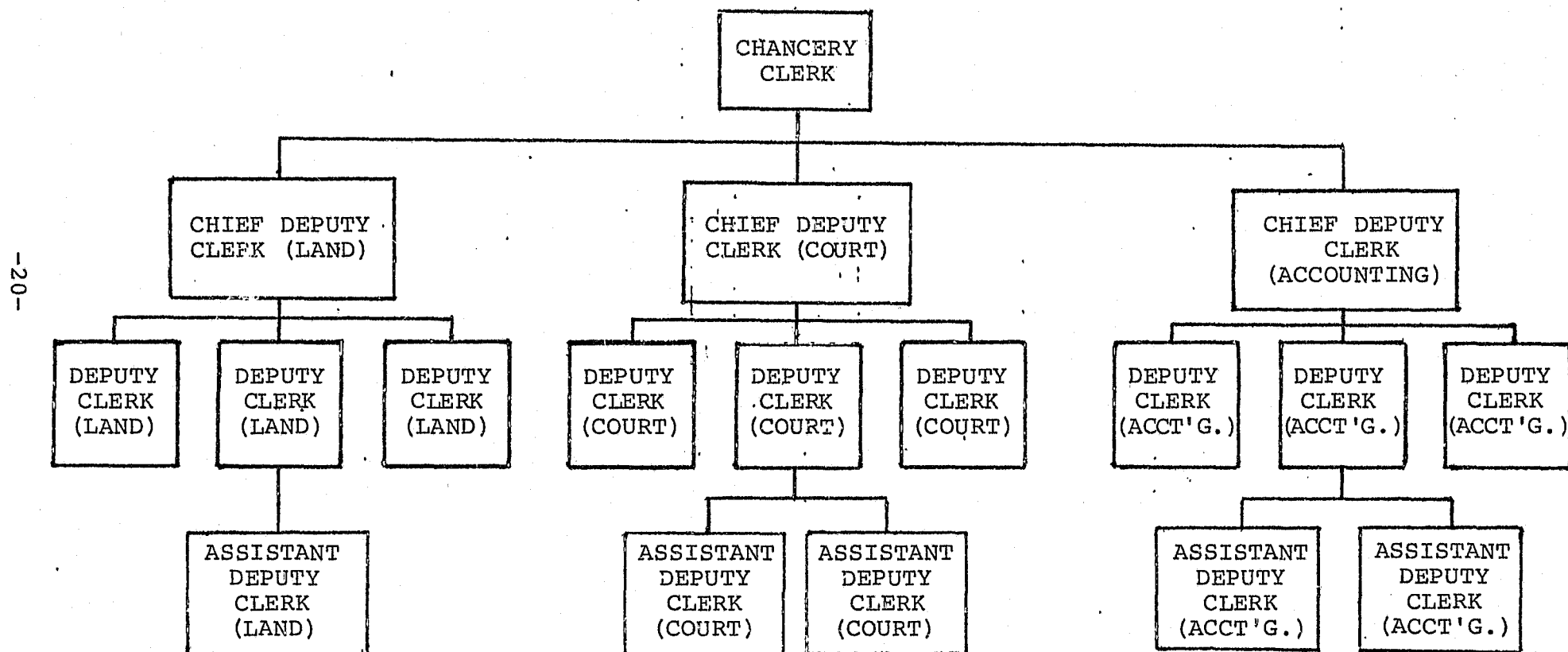


FIGURE 3

STAFFING PATTERN IN LARGE SIZE  
CHANCERY CLERKS' OFFICES





with the Chancery Clerk as well as with their immediate supervisor. Even in the large offices, staff size does not preclude such close interaction of staff.

Generally, support staff perform a combination of the various functions in the office with extreme specialization being a rarity. On a general level, positions may be divided into the areas of court support, land-related procedures, and accounting. The larger the office, the greater the number and specialization of staff in each section.

b. The Office of the Circuit Clerk

Circuit Clerks' Offices comparatively are smaller than Chancery Clerks' Offices. As illustrated by Figures 4, 5, and 6, the Circuit Clerks' Offices nevertheless display the same basic hierarchical organizational pattern as in the offices of their Chancery counterparts.

The moderate size of most clerk's offices statewide necessitates minimal specialization. Rather, cross-training to permit flexibility in staff capabilities is the rule. This holds true in the division of court and non-court related functions, although to some extent, this criteria is found in the allocation of functions to positions, as suggested in the model organization charts. Thus, a position commonly encompasses duties primarily in one area or the other. The most common specialization is in the functional areas of accounting and filing.

An inventory of Chancery and Circuit Clerks' Office positions from which the models are drawn appears at Figures 9 and 10 in the context of the following subsection.

FIGURE 4

STAFFING PATTERN IN SMALL SIZE  
CIRCUIT CLERKS' OFFICES

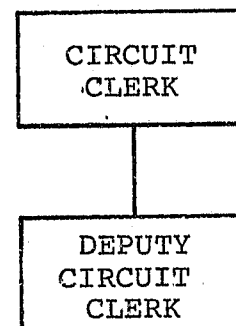


FIGURE 5

STAFFING PATTERN IN MEDIUM SIZE  
CIRCUIT CLERKS' OFFICES

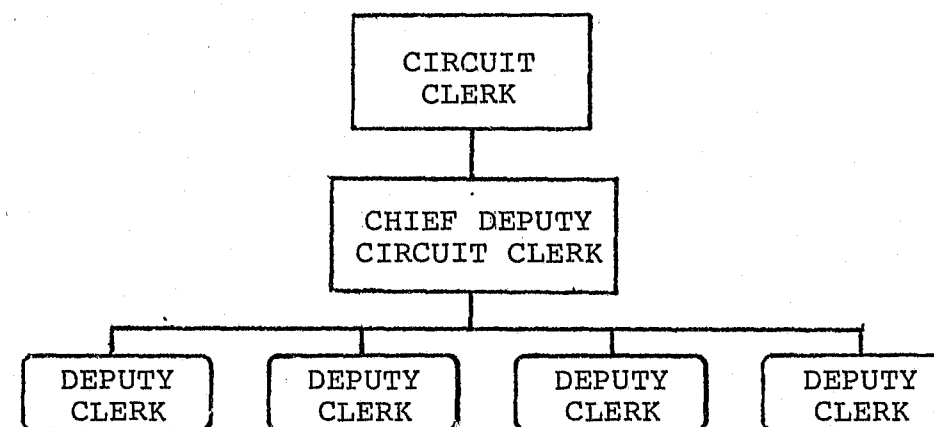
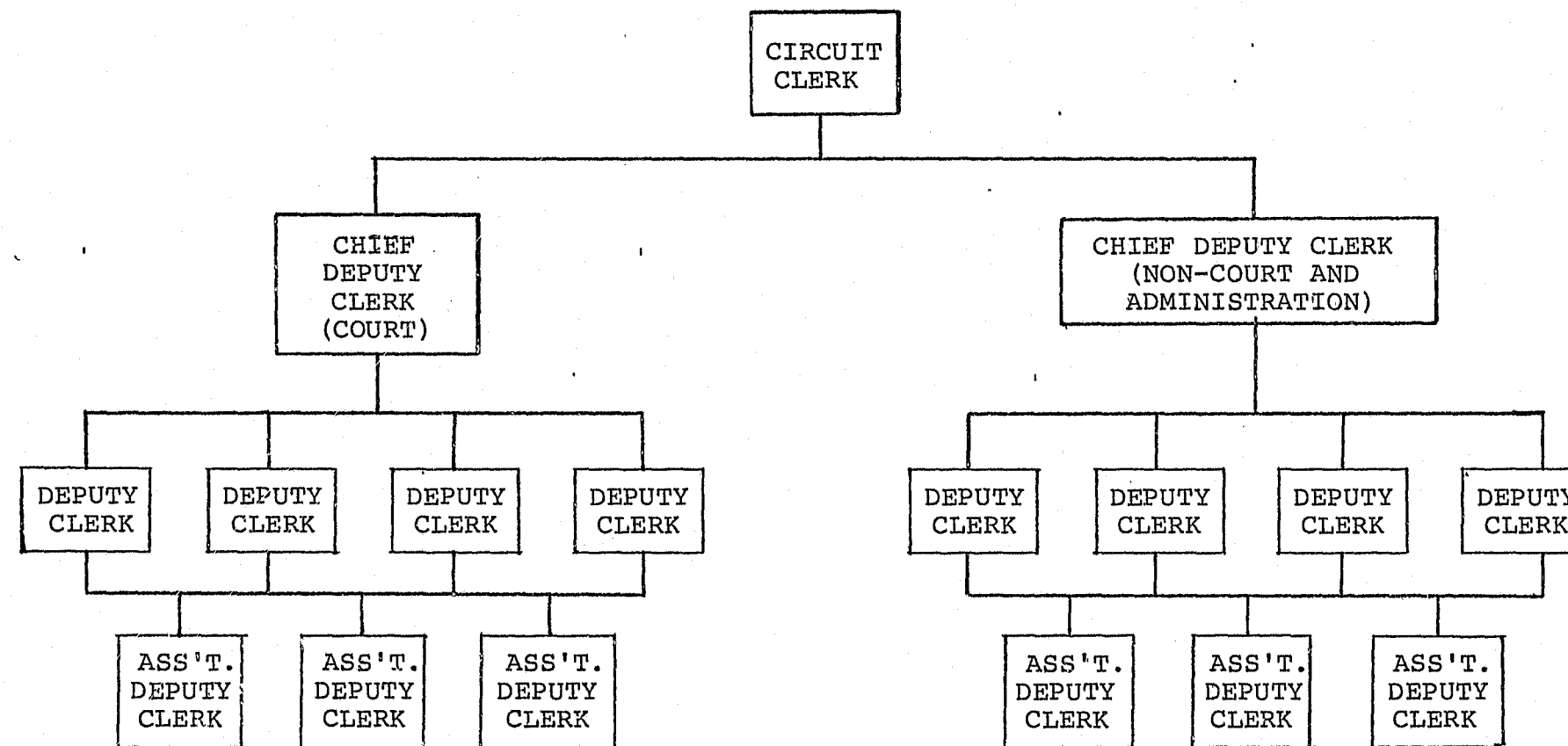


FIGURE 6

STAFFING PATTERN IN LARGE SIZE  
CIRCUIT CLERKS' OFFICES



#### 4. Distribution of Court/Non-Court Related Functions

Mississippi clerks' offices are a blending of court and non-court related functions. As depicted in Figures 7 and 8, the court-related functions of the two offices are similar in type while the non-court procedures are diverse in both offices.

A direct and simple approach was taken in delineating the distribution of clerks' office resources between court and non-court related functions. Each position in the two offices in the 28 counties sampled was asked to estimate a percentage breakout of time spent on each, based upon the criteria contained in Figure 7 and 8. The results of this survey are found in Figures 9 and 10. In the 28 counties, an estimated thirty-four percent (one-third) of all personnel time in the Chancery Clerk's Office is spent on court-related business with the remainder on non-court related matters. In the Circuit Clerk's Office, the 28 counties yield a reversed distribution. Sixty-two percent (nearly two-thirds) of all personnel time is spent on court business with the remaining one-third on non-court matters.

This subsection has focused on those factual characteristics of Mississippi clerk's offices pertinent to the ensuing organization and management analysis. The overview of procedures, financial management, staffing patterns, and court/non-court functional distribution leads to the two main avenues of analysis: organizational and fiscal structure. The separate and interrelated aspects of these two areas is explored in the following.

FIGURE 6

STAFFING PATTERN IN LARGE SIZE  
CIRCUIT CLERKS' OFFICES

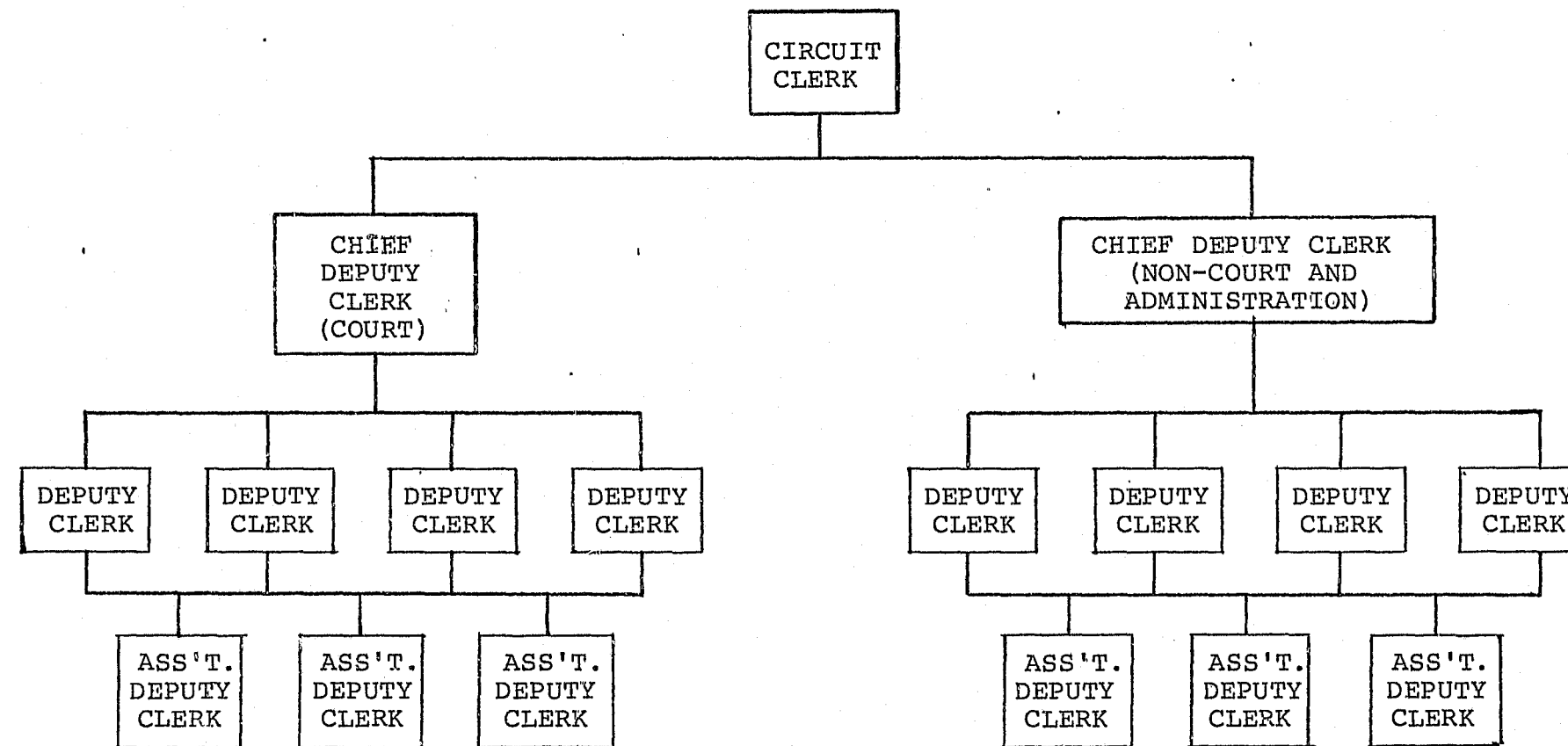


FIGURE 7

DELINEATION OF COURT AND NON-COURT RELATED  
FUNCTIONS IN CHANCERY CLERK'S OFFICES

COURT RELATED

- In-court clerical support
- Statutorily-mandated recordkeeping and processing
  - . last wills and testaments
  - . other probate documents
  - . indexes
  - . guardianships
  - . judgments, orders
  - . minute books
  - . docket books
  - . lunacy cases
- Records management
- Finance management

NON-COURT RELATED

- Mineral lease stamps
- Processing land sales, delinquent taxes, land redemption, etc.
- Clerk duties for Board of Supervisors
- Duties as County Auditor and Treasurer
- Copying tax rolls
- Processing application for homestead exemption from certain taxes
- Recording discharges
- Processing URESA fees
- Restoration of records
- Sectional index services (real estate)

FIGURE 8

DELINEATION OF COURT AND NON-COURT RELATED  
FUNCTIONS IN CIRCUIT CLERK'S OFFICES

COURT RELATED

- In-court clerical support
- Statutorily mandated recordkeeping and processing
  - . judgments
  - . orders
  - . minutes
  - . jury book
  - . general docket
  - . criminal docket
  - . pardons of convictions
  - . indexes
  - . subpoena docket
  - . transcripts of records
- Jury management
- Calendar management support
- Records management
- Finance management

NON-COURT RELATED

- Voter registration
- Corrupt Practices Act services
- Election Commissioner assistances, poll book purging
- Vital statistics (manage, etc.)
- Manage license issuance
- Transcripts, enrollments, copies, etc. on non-court records



FIGURE 9

ESTIMATED COURT/NON-COURT RELATED  
TIME DISTRIBUTION BY POSITION:

CHANCERY CLERK'S OFFICE

COUNTY	Position Title	Full Time/ Part Time	Distribution	
			Court	Non- Court
Adams	Chancery Clerk	FT		
	Chief Deputy	FT	50%	50%
	Deputy Clerk	FT	50%	50%
	Deputy Clerk	FT	50%	50%
	Deputy Clerk	FT	50%	50%
	Deputy Clerk	FT	50%	50%
	Deputy Clerk	FT	50%	50%
	Bookkeeper	FT	0%	100%
	Bookkeeper	FT	0%	100%
	Bookkeeper	FT	0%	100%
Bolivar	Chancery Clerk	FT		
	Deputy Clerk	FT	55%	45%
	Deputy Clerk	FT	30%	70%
	Deputy Clerk	FT	25%	75%
Coahoma	Chancery Clerk	FT		
	Probate Clerk	FT	99%	1%
	Recorder	FT	20%	80%
	Recorder	FT	20%	80%
	Head Bookkeeper	FT	0%	100%
	Computer Oper- ator	FT	0%	100%
	Purchase Clerk	FT	0%	100%
Desoto	Chancery Clerk	FT		
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	PT	100%	0%
	Head Bookkeeper	FT	0%	100%
	Computer Oper- ator	FT	0%	100%
	Assistant Book- keeper	FT	0%	100%
	Assistant Book- keeper	FT	0%	100%
	Assistant-Land	FT	0%	100%
	Assistant-Land	FT	0%	100%
	Assistant- Chattel	FT	0%	100%
	Assistant- Chattel	FT	0%	100%

FIGURE 9 (continued)

ESTIMATED COURT/NON-COURT RELATED  
TIME DISTRIBUTION BY POSITION:  
CHANCERY CLERK'S OFFICE

COUNTY	Position Title	Full Time/ Part Time	Distribution	
			Court	Non-Court
Forrest	Chancery Clerk	FT		
	Deputy Clerk-Bookkeeper	FT	0%	100%
	Deputy Clerk-Bookkeeper	FT	0%	100%
	General Clerk	PT	0%	100%
	Clerk-Records	FT	50%	50%
	Chief Deputy	FT	0%	100%
	Receiving Clerk	FT	0%	100%
	Receiving Clerk	FT	25%	75%
	Deputy Clerk-Court	FT	100%	0%
	Deputy Clerk-Court	FT	100%	0%
	General Clerk	FT	100%	0%
Grenada	Chancery Clerk	FT		
	Chief Deputy	FT	50%	50%
	Deputy Clerk	FT	50%	50%
	Deputy Clerk	FT	50%	50%
	Clerk	FT	50%	50%
Hancock	Chancery Clerk	FT		
	Deputy Clerk-Court	FT	75%	25%
	Deputy Clerk-Court	FT	50%	50%
	Deputy Clerk-Court	FT	50%	50%
	Deputy Clerk	PT	10%	90%
Harrison	Chancery Clerk	FT		
	Chief Deputy	FT	100%	0%
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	FT	100%	0%
	Deputy Clerk-Land	FT	5%	95%
	Deputy Clerk-Land	FT	5%	95%
	Deputy Clerk-Land	FT	5%	95%
	Deputy Clerk-Land	FT	0%	100%

FIGURE 9 (continued)

ESTIMATED COURT/NON-COURT RELATED  
TIME DISTRIBUTION BY POSITION:  
CHANCERY CLERK'S OFFICE

COUNTY	Position Title	Full Time/ Part Time	Distribution	
			Court	Non-Court
Harrison (continued)	Deputy Clerk-Land	FT	0%	100%
	Chief Deputy-Accounting	FT	0%	100%
	Deputy Clerk-Accounting	FT	0%	100%
	Deputy Clerk-Accounting	FT	0%	100%
	Deputy Clerk-Accounting	FT	0%	100%
	Deputy Clerk-Accounting	FT	0%	100%
	Deputy Clerk-Accounting	FT	0%	100%
	Deputy Clerk-Accounting	FT	0%	100%
	Deputy Clerk-Land	FT	0%	100%
	Copier	FT	50%	50%
Hinds	Chancery Clerk	FT		
Humphreys	Chancery Clerk	FT		
	Deputy Clerk	FT	15%	85%
Jackson	Chancery Clerk			
	Deputy Clerk	PT	50%	50%
	Deputy Clerk	PT	50%	50%
	Deputy Clerk	PT	50%	50%
	Deputy Clerk	PT	50%	50%
	Deputy Clerk	PT	50%	50%
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	FT	100%	0%
	Deputy Clerks (ten)	FT	50%	50%
Jefferson	Chancery Clerk	FT		
	Deputy Clerk	FT	20%	80%
	Deputy Clerk	FT	10%	90%
	Chief Deputy Clerk	FT	50%	50%

FIGURE 9 (continued)

ESTIMATED COURT/NON-COURT RELATED  
TIME DISTRIBUTION BY POSITION:

## CHANCERY CLERK'S OFFICE

COUNTY	Position Title	Full Time/ Part Time	Distribution	
			Court	Non-Court
Jones	Chancery Clerk	FT		
	Deputy Clerk-Bookkeeping	FT	0%	100%
	Deputy Clerk-Bookkeeping	FT	0%	100%
	Deputy Clerk-Bookkeeping	FT	0%	100%
	Deputy Clerk-Court	FT	100%	0%
	Deputy Clerk-Court	FT	100%	0%
	Deputy Clerk-Court	FT	100%	0%
	Kemper	FT		
	Chancery Clerk	FT		
Lauderdale	Chancery Clerk	FT		
	Deputy Clerk-Court	FT	100%	0%
	Deputy Clerk-Court	FT	100%	0%
	Deputy Clerk-Court	FT	100%	0%
	Clerk-Court	PT	100%	0%
	Deputy Clerk-Court	FT	100%	0%
	Deputy Clerk-Bookkeeping	FT	0%	100%
	Deputy Clerk-Bookkeeping	FT	0%	100%
	Clerk-Secretary	FT	0%	100%
	Deputy Clerk-Land	FT	0%	100%
	Deputy Clerk-Records	FT	0%	100%
	Deputy Clerk-Records	FT	0%	100%
	Deputy Clerk-Records	FT	0%	100%
	Deputy Clerk-Records	FT	0%	100%
	CPA-Clerk	PT	0%	100%
	Deputy Clerk	PT	0%	100%
	Deputy Clerk	PT	0%	100%

FIGURE 9 (continued)

ESTIMATED COURT/NON-COURT RELATED  
TIME DISTRIBUTION BY POSITION:

## CHANCERY CLERK'S OFFICE

COUNTY	Position Title	Full Time/ Part Time	Distribution	
			Court	Non-Court
Lauderdale (continued)	Deputy Clerk	PT	0%	100%
	Deputy Clerk	PT	0%	100%
	Deputy Clerk	FT	0%	100%
Lowndes	Chancery Clerk	FT		
	Caputy Clerk	FT	100%	0%
	CETA	FT	100%	0%
	Deputy Clerk-Tax	FT	0%	100%
	Deputy Clerk-Tax	FT	0%	100%
	Helper	FT	0%	100%
	Deputy Clerk-Personnel	FT	0%	100%
	Deputy Clerk-Personnel	FT	0%	100%
	Helper	FT	0%	100%
	Helper-UCC	FT	0%	100%
Leake	CETA-Land	FT	0%	100%
	Chancery Clerk	FT		
	Deputy Clerk	FT	50%	50%
LeFlore	Deputy Clerk	FT	5%	95%
	Chancery Clerk	FT		
	Deputy Clerk-Court	FT	100%	0%
	Deputy Clerk-Land	FT	30%	70%
	Deputy Clerk-UCC	FT	70%	30%
	Deputy Clerk	FT	0%	100%
	Deputy Clerk	FT	0%	100%
	Deputy Clerk-Bookkeeper	FT	0%	100%
Lee	Chancery Clerk	FT		
	Chief Deputy	FT	25%	75%
	Deputy Clerk	FT	0%	100%
	Deputy Clerk	FT	0%	100%
	Deputy Clerk	FT	0%	100%
	General Clerk	PT	50%	50%
	Clerk-Retirement	PT	25%	75%
	Deputy Clerk-Court	FT	100%	0%

FIGURE 9 (continued)

ESTIMATED COURT/NON-COURT RELATED  
TIME DISTRIBUTION BY POSITION:

## CHANCERY CLERK'S OFFICE

COUNTY	Position Title	Full Time/ Part Time	Distribution	
			Court	Non- Court
Lee (continued)	Deputy Clerk- Court	FT	75%	25%
	Deputy Clerk- Land	FT	0%	100%
	Deputy Clerk- Land	FT	0%	100%
Monroe	Chancery Clerk	FT		
	Deputy Clerk- Court	FT	90%	10%
	Clerk	PT	30%	70%
	Deputy Clerk- Records	FT	0%	100%
	Deputy Clerk- Records	FT	0%	100%
	Deputy Clerk- Records	FT	0%	100%
	Recording	PT	10%	90%
	Deputy Clerk- Bookkeeping	FT	0%	100%
	Bookkeeper-CETA	FT	0%	100%
	Bookkeeper	PT	0%	100%
Newton	Chancery Clerk	FT		
Rankin	Chancery Clerk	FT		
	Chief Deputy	FT	0%	100%
	Deputy Clerk- Bookkeeping	FT	0%	100%
	Deputy Clerk- Court	FT	100%	0%
	Deputy Clerk- Land	FT	0%	100%
	Deputy Clerk- Land	FT	0%	100%
	Deputy Clerk- Bookkeeping	FT	0%	100%
Washington	Chancery Clerk	FT		
	Deputy Clerk- Court	FT	95%	5%
	Deputy Clerk	FT	50%	50%
	Deputy Clerk	FT	50%	50%

FIGURE 9 (continued)

ESTIMATED COURT/NON-COURT RELATED  
TIME DISTRIBUTION BY POSITION:

## CHANCERY CLERK'S OFFICE

COUNTY	Position Title	Full Time/ Part Time	Distribution	
			Court	Non- Court
Washington (continued)	Geneal Clerk	FT	50%	50%
	Deputy Clerk- Land	FT	50%	50%
	Deputy Clerk- Land	FT	50%	50%
	General Clerk	FT	100%	0%
	General Office	PT	50%	50%
	General Office	PT	50%	50%
Warren	Chancery Clerk	FT		
	Chief Deputy	FT	5%	95%
	Deputy Clerk- Court	FT	95%	5%
	Deputy Clerk-BS	FT	5%	95%
	Deputy Clerk- Records	FT	5%	95%
	Deputy Clerk- Records	FT	5%	95%
	Deputy Clerk	FT	3%	97%
	Deputy Clerk- Accounting	FT	5%	95%
	Deputy Clerk- Accounting	FT	5%	95%
	Deputy Clerk- Court	FT	95%	5%
	Deputy Clerk	PT	10%	90%
	Deputy Clerk	PT	50%	50%
	Deputy Clerk	PT	50%	50%

FIGURE 10

ESTIMATED COURT/NON-COURT RELATED  
TIME DISTRIBUTION BY POSITION:

## CIRCUIT CLERK'S OFFICE

COUNTY	Position Title	Full Time/ Part Time	Distribution	
			Court	Non- Court
Adams	Circuit Clerk	FT		
	Chief Deputy Clerk	FT	90%	10%
	Deputy Clerk	FT	90%	10%
	Deputy Clerk	FT	50%	50%
	Deputy Clerk-County*	FT	40%	60%
Alcorn	Circuit Clerk	FT		
	Deputy Clerk	FT	34%	66%
	Deputy Clerk	FT	16%	84%
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	PT	20%	80%
Bolivar	Circuit Clerk	FT		
	Deputy Clerk	FT	50%	50%
	Deputy Clerk	FT	50%	50%
	Deputy Clerk	FT	50%	50%
Coahoma	Circuit Clerk	FT		
	Deputy Clerk	FT	20%	80%
	Deputy Clerk	FT	20%	80%
	Deputy Clerk-EL	PT	0%	100%
	Deputy Clerk	PT	50%	50%
Copiah	Circuit Clerk	FT		
	Deputy Clerk	FT	95%	5%
	Deputy Clerk	PT	5%	95%
Desoto	Circuit Clerk	FT		
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	FT	50%	50%
	Clerk	PT	90%	10%
Forrest	Circuit Clerk	FT		
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	FT	34%	66%
	Deputy Clerk	FT	34%	66%
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	FT	50%	50%
George	Circuit Clerk	FT		
	Chief Deputy	FT	75%	25%

\*County paid

FIGURE 10 (continued)

ESTIMATED COURT/NON-COURT RELATED  
TIME DISTRIBUTION BY POSITION:

## CIRCUIT CLERK'S OFFICE

COUNTY	Position Title	Full Time/ Part Time	Distribution	
			Court	Non- Court
George (continued)	Deputy Clerk	FT	25%	75%
Grenada	Circuit Clerk	FT		
	Chief Deputy	FT	50%	50%
	Deputy Clerk	PT	50%	50%
Hancock	Circuit Clerk	FT		
	Deputy Clerk	FT	90%	10%
	Deputy Clerk	FT	5%	95%
Harrison	Circuit Clerk	FT		
	Chief Deputy-Dist.	FT	100%	0%
	Chief Deputy-Dist.	FT	100%	0%
	Chief Deputy-Dist.	FT	100%	0%
	Manager-Dist.	FT	25%	75%
	Deputy Clerk (12)	FT	100%	0%
	Deputy Clerk (3)	FT	0%	100%
	Clerks-HLP (4)	FT	0%	100%
	Clerks-HLP (2)	PT	50%	50%
	Law Students (3)	PT	50%	50%
Hinds	Circuit Clerk	FT		
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	FT	85%	15%
	File Clerk-Summer	PT	95%	5%
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	PT	100%	0%
	Deputy Clerk	FT	0%	100%
	Deputy Clerk	FT	0%	100%
Jackson	Deputy Clerk	FT	0%	100%
	Deputy Clerk	FT	60%	40%
	Circuit Clerk	FT	100%	0%

FIGURE 10 (continued)

ESTIMATED COURT/NON-COURT RELATED  
TIME DISTRIBUTION BY POSITION:  
CIRCUIT CLERK'S OFFICE

COUNTY	Position Title	Full Time/ Part Time	Distribution	
			Court	Non- Court
Jackson (continued)	Deputy Clerk	PT	100%	0%
	Deputy Clerk	PT	100%	0%
	Deputy Clerk	FT	70%	30%
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	FT	90%	10%
	Deputy Clerk	FT	90%	10%
	Deputy Clerk	FT	100%	0%
	Deputy Clerk	FT	90%	10%
	Chief Deputy	FT	90%	10%
	Deputy Clerk	FT	90%	10%
	Deputy Clerk	PT	0%	100%
	Deputy Clerk	PT	100%	0%
	Deputy Clerk	PT	100%	0%
	Deputy Clerk	FT	75%	25%
	Deputy Clerk	FT	50%	50%
Jones	Circuit Clerk	FT		
	Deputy Clerk	FT	95%	5%
	Deputy Clerk	FT	80%	20%
	Deputy Clerk	FT	95%	5%
	Deputy Clerk	FT	80%	20%
	Deputy Clerk	FT	80%	20%
LeFlore	Circuit Clerk	FT		
	Deputy Clerk	FT	50%	50%
	Deputy Clerk	PT	50%	50%
	Deputy Clerk	PT	50%	50%
Lowndes	Circuit Clerk	FT		
Madison	Circuit Clerk	FT		
	Deputy Clerk	FT	50%	50%
	Deputy Clerk	PT	100%	0%
Monroe	Circuit Clerk	FT		
	Chief Deputy	FT	50%	50%
	Deputy Clerk	PT	0%	100%
	Deputy Clerk	PT	100%	0%
Newton	Circuit Clerk	FT		
	Chief Deputy	FT	40%	60%
	Deputy Clerk	FT	40%	60%

FIGURE 10 (continued)

ESTIMATED COURT/NON-COURT RELATED  
TIME DISTRIBUTION BY POSITION:  
CIRCUIT CLERK'S OFFICE

COUNTY	Position Title	Full Time/ Part Time	Distribution	
			Court	Non- Court
Newton (continued)	Deputy Clerk	PT	40%	60%
Pearl River	Circuit Clerk	FT		
	Deputy Clerk	FT	80%	20%
	Deputy Clerk	PT	80%	20%
	CETA Worker	PT	50%	50%
	CETA Worker	PT	50%	50%
Pontotoc	Circuit Clerk	FT		
	Deputy Clerk	FT	50%	50%
Prentiss	Circuit Clerk	FT		
	Deputy Clerk	FT	30%	70%
	School Prog.	PT	0%	100%
Rankin	Circuit Clerk	FT		
	Chief Deputy	FT	85%	15%
	Deputy Clerk	FT	90%	10%
	Deputy Clerk	FT	50%	50%
	Deputy Clerk	FT	25%	75%
Warren	Circuit Clerk	FT		
	Chief Deputy	FT	90%	10%
	Deputy Chief	FT	90%	10%
	Deputy Chief	FT	90%	10%
Washington	Circuit Clerk	FT		
Wilkinson	Circuit Clerk	FT		
	Deputy Clerk	PT	60%	40%
Yazoo	Circuit Clerk	FT		
	Deputy Clerk- RGT	PT	40%	60%
	Deputy Clerk- RGT	PT	40%	60%

## B. Organization and Management Analysis

The organizational and financial management issues in Mississippi Clerks' offices are consistent with issues pervading clerks' offices in jurisdictions across the nation. As judicial branches of government develop their management independence and capabilities, issues revolving around clerks' offices commonly are integral to the processes of change. These issues include court control of its support functions, the adequacy of clerks' offices funding, and the challenge of instituting modern, effective office practices. Clerks' offices are the "hub of the wheel" in judicial administrative support; effectiveness in these operations is of vital interest to the judicial system.

On a general level, the issues associated with clerks' offices fall into the categories of organizational and management structure, financial management, and procedural/technological systems. In the progression of any judicial system, it is logical for the questions of the former two areas to be answered before sophistication is sought in the latter area. The two research avenues pursued here, duality in organizational structure and use of fees in the financial structure, are pursued because of the organizational, managerial, and financial needs of clerks' offices. As in other areas of the judicial system examined by this report series, these needs are of first priority in the process of change.

### 1. Duality of Organizational Structure

Consistent with the bifurcated structure of general jurisdiction trial courts in Mississippi, the clerks' offices supporting the Chancery and Circuit Courts are separate and distinct agencies. As noted in the previous discussion, the Chancery Clerks' Office engages in predominantly non-court related activities (a two-to-one ratio) and the Circuit Clerks' Office engages in

primarily court related activities (a two-to-one ratio). Thus, the administrative support function for general jurisdiction trial court business is dispersed in two agencies, both of whom perform a mix of judicial and executive functions.

A basic precept of modern court administration is the necessity for court control over administrative support functions. Commonly, the struggle to realize this control has required better definition and distinction of judicial and executive functions within county government. Logically preceding any alteration of administrative mechanisms to enhance court control over support operations are attempts to consolidate and streamline the various support functions involved. Challenging this general process of consolidation and assumption of more direct control over support functions in Mississippi are the existing circumstances whereby support functions are dispersed over two clerks' offices and the fact that clerks are elected officials accountable directly to the public as well as to the judiciary.

Any recommendation regarding re-structuring of clerks' offices should seek to promote the objective of enhanced court control over consolidated and streamlined clerical support operations. The following recommendation takes exactly this approach.

Recommendation. There should be created in the Mississippi Judicial System an Office of the Court Clerk, such office to provide administrative support to the judicial functions of both the Chancery and Circuit Courts.

A consolidation of court functions from the Circuit and Chancery Clerks' Offices would create a Court Clerks' Office in which service to the local judicial branch of government is the total concern of the office. Such a

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### 1. Duality of Organizational Structure

Consistent with the bifurcated structure of general jurisdiction trial courts in Mississippi, the clerks' offices supporting the Chancery and Circuit Courts are separate and distinct agencies. As noted in the previous discussion, the Chancery Clerks' Office engages in predominantly non-court related activities (a two-to-one ratio) and the Circuit Clerks' Office engages in

primarily court related activities (a two-to-one ratio). Thus, the administrative support function for general jurisdiction trial court business is dispersed in two agencies, both of whom perform a mix of judicial and executive functions.

A basic precept of modern court administration is the necessity for court control over administrative support functions. Commonly, the struggle to realize this control has required better definition and distinction of judicial and executive functions within county government. Logically preceding any alteration of administrative mechanisms to enhance court control over support operations are attempts to consolidate and streamline the various support functions involved. Challenging this general process of consolidation and assumption of more direct control over support functions in Mississippi are the existing circumstances whereby support functions are dispersed over two clerks' offices and the fact that clerks are elected officials accountable directly to the public as well as to the judiciary.

Any recommendation regarding re-structuring of clerks' offices should seek to promote the objective of enhanced court control over consolidated and streamlined clerical support operations. The following recommendation takes exactly this approach.

Recommendation. There should be created in the Mississippi Judicial System an Office of the Court Clerk, such office to provide administrative support to the judicial functions of both the Chancery and Circuit Courts.

A consolidation of court functions from the Circuit and Chancery Clerks' Offices would create a Court Clerks' Office in which service to the local judicial branch of government is the total concern of the office. Such a



structure clearly delineates the separation of powers within the State and would present better opportunity to the local judiciary for enhanced administrative control of clerical support operations.

A consolidated court clerks' office ultimately should be more cost-effective than the present structure due to efficiencies realized by combining the court-related functions of the Chancery and Circuit Clerks' Offices. These functions are similar in each office and lend themselves to more efficient performance by trained staff of a single court clerks' office.

The expenditures (cost) of the proposed Court Clerk and County Clerk Offices should be approximately equal to court-related expenditures of the Chancery and Circuit Clerks' Offices. Earlier in this report, it was estimated that in 1978, fifty-nine percent (59%) of Chancery Clerk costs and forty-five percent (45%) of Circuit Clerk costs are court-related. Interestingly, estimates of the percentage breakout of personnel time yielded thirty-four percent (34%) court-related personnel time in the Chancery Clerk's Office and sixty-two percent (62%) in the Circuit Clerks' Office. In the proposed Court Clerk/County Clerk structure, assuming a re-distribution of costs and time as delineated above, the Office of Court Clerk would cost just over half of what total costs for Chancery and Circuit Clerks' Offices presently are, and just under half of total personnel time in both offices would be accounted for by the personnel of the Court Clerk's Office. Thus, the re-distribution would result in offices of approximately the same size and cost as in the present structure, as depicted in Figure 11.

In 1980, it is estimated that the proposed Office of Court Clerk statewide would cost an estimated \$7.1 million

based upon present cost structures and rates; the proposed County Clerks' Office would cost \$6.2 million. This compares to present total costs of \$7.95 million for the Chancery Clerks' Office and \$5.4 million for the Circuit Clerks' Office.<sup>43</sup> However, of utmost importance is the potential savings to be realized by 1) removal of the court clerk from a fee basis to a salary basis of compensation (see discussion later in this section), and 2) efficiencies resulting from consolidation of court-related functions (e.g. elimination of records).

FIGURE 11

	Present Structure		Proposed Structure*	
	Chancery Clerk	Circuit Clerk	Court Clerk	County Clerk
Court Related Cost	59%	45%	100%*	
Non-Court Related Cost	31%	55%	0	100%
Court Related Time	34%	62%	100%**	0
Non-Court Related Time	66%	38%	0	100%

\* Adding Chancery and Circuit court related costs results in 52% of total costs of both offices.

\*\* Adding Chancery and Circuit court related time results in 48% of total time of both offices.

The exact amount of potential savings is unknown -- "net compensation" of clerks is not appropriately compared to salary levels for Court Clerks because of the basic financial structural differences of present and recommended

<sup>43</sup> See Volume IV of this report series, Mississippi Courts: Fiscal Analysis.

systems, and cost efficiencies from consolidation of court-related functions are difficult to estimate because structural changes in the proposed system would create changes in the method of providing and estimating cost of delivery of court-related services. An extremely rough estimate of potential cost savings is up to \$1 million, bringing the annual cost of the Office of Court Clerk to \$6.1 million.

The issue of appointed clerks is a highly visible one in judicial administration debate. The most commonly cited advantage of an elected clerk system is the direct relationship between elected officials and the public both in determination of who occupies the office and in the responsiveness of the office in providing services to the community. The most commonly cited disadvantage of the elected clerk system relates to the fact that the electorate generally is not knowledgeable or is apathetic about the office and is therefore not in the best position to control it. In elected systems, individuals may hold office for long periods of time, being re-elected only because of name recognition and incumbency status. Furthermore, the direct relationship between clerk and the public in elected systems may be viewed as a disadvantage to the extent that the judges are unable to invoke responsive and effective administrative support from the clerk.

The virtues of a direct democratic process (i.e. election of clerks) is best realized when the elected clerk is a county official performing numerous community services. In small counties, these services commonly encompass judicial administrative support with no separation of judicial and executive powers deemed appropriate. In Mississippi, the present Chancery Clerk is predominantly a county executive official and under the proposed recommendation would continue to be an elected official having

numerous executive functions associated with the office. The proposed Court Clerk is recommended as an appointed official in order to structure within the system a selection process maximizing court control of administrative support functions and selection based upon merit qualifications as a manager.

Recommendation. The proposed Court Clerk should be an appointed official, selected by a majority of the Chancery and Circuit judges serving the county. The proposed County Clerk should continue to be an elected official.

## 2. Financial Structure

As is the characteristic of Mississippi judicial system financial structure as a whole, the chancery and circuit clerks' offices possess a patchwork of revenue and expenditure fund flows.<sup>44</sup> Fees are received from individuals and corporations and county general funds flow through these operations in proportion to the level of specific functions performed by the clerk. In addition, certain operational costs of the offices are funded directly by county general funds. Total operational costs, including

<sup>44</sup>The Mississippi Courts are funded by a combination of state, local, federal, and private sources. This combination of funding sources places the Mississippi courts in a unique financial management position. The Supreme Court, the Clerk of the Supreme Court, Supreme Court Commissioners, and the State Law Library are, with the exception of small and occasional federal grants, state funded. Another court support agency, the Mississippi Judicial Council, is funded primarily through federal grants. Additionally, the salaries, travel, and office expense allotment of \$4,000 is paid by the State for chancellors and circuit judges. Local government expenditures cover pro-rata county court costs for the chancery court, circuit court, and offices of the chancery and circuit clerk. Statute mandated fees from private individuals also are used to support the operations of the circuit and chancery clerks' offices. The county, with the exception of federal matching funds for certain judicial services, pays all the costs for county and youth courts. The only exception to these is the Harrison County Family Court, which is funded through a federal grant.

the clerks' personal compensation, are supported by the combination of these funds.

The fee-related fund flow makes clerks' offices financial structure similar to a private business model in which revenue is generated for goods and services provided, expenses are paid out of these revenues, and the balance constitutes profit. The incentive in such a system is to maximize revenues and minimize expenditures, thereby maximizing profits. The question properly is raised whether or not chancery and circuit clerks' compensation should be the "profit" of the offices' operations.

The far more common method of compensation is that of salary derived from state or local general funds. The salary system divorces operational revenues and expenditures from personal compensation. Salary levels for clerks and all other office personnel ideally are set in conformance with comparable job markets. (Examples include other local Mississippi elected officials salaries, management salaries in Mississippi's private sector, and clerks' salaries in general jurisdiction trial courts of other states. The number of staff employed ideally is determined by needs analysis, using quantitative workload measures to arrive at the optimal staff number required to support judicial business. This approach eliminates the incentive to hire only the number of positions that can be "afforded" by existing fund flows (e.g. fees).

A salary basis of compensation eliminates disincentives in revenue generation and operating expenditures and better protects the financial structure from potential abuse. The existing structure not only makes imminently

possible questionable financial accounting, but lends itself to the appearance of abuse even when the accounting is legitimate and justifiable.

In the existing system, clerks report annually to the Secretary of State all revenues, expenditures, and net compensation. Presumably, this disclosure is intended not only to compile financial volume data but also to surface irregularly high net compensation to clerks which would raise the question of disproportionate ratio of revenues to expenditures. Theoretically, the resource demand (operating costs) of the offices serve to keep in proportion the clerks net compensation, and if this compensation is out of proportion, it is possible that the operations of the office (and services provided) are overly sparse at the expense of effective judicial administration. As a check against such irregularities, the present reporting system fails because it is possible to report inaccurately on the Secretary of State accounting form. In any event, reporting methods are not uniform among the counties of the State.

The present reporting system asks for itemization of expenses in the categories of "Salaries and Wages Paid", and "Other Expenses Paid". In this latter category, expenses commonly are reported for items that are either undefined or for items which are not commonly related to the normal compensation package of an elected official. For example, one clerk reported a \$6,000 "public relations" expense and \$3197.18 in "miscellaneous office expense." It is simply not possible to determine whether all these costs or others like them on other reports are legitimate. Other clerks reported significant

automobile expenses, advertising, income tax, and club memberships (e.g. American Legion, Rotary, Forty and Eight, and France's Hunting Club). Although some of these and other reported expenses may be justifiable office expenses, there are no strict guidelines governing the reporting system and much "gray area" exists, allowing clerks to report whatever expenses they deem appropriate.

The incentives in the system are similar to the personal federal and state income reporting systems. An incentive exists to maximize itemized deductions to minimize net earnings. Just as the "gray areas" of tax law invite abuse, so do the "gray areas" in the clerks reporting system invite abuse.

It was stated earlier that a salary basis of compensation helps eliminate the appearance of abuse as well as actual potential for abuse. Automobile expenses are a case in point. Whereas under a salary system the clerk receives a salary and may very well have access to a county vehicle, the fee system allows accounting for the personal vehicle of the clerk as an office expense, thus reducing the reported level of net compensation. In both systems, the clerk is compensated with cash and vehicle use, but under the salary system, the government ownership of the vehicle, along with rules for its use, provide a more regulated means of including transportation as compensation to the office.

Besides its preferability with respect to financial structure integrity, the salary basis creates a simpler overall flow of funds. All fees from individuals would revert directly to state or local general funds; fees from county government would be subsumed into the basic funding source

of the offices, direct allocation from state or local general funds. As seen in Figure 12, the salary system places the state or local general fund in the center of the funds flow as opposed to the present system's reliance on the clerks' office itself as the center of funds flow.

It should be stressed that because the funds flow in the present and recommended systems are so different, the items of net compensation to clerk (present system) and clerk's salary (recommended system) are barely comparable. In the latter, the amount would be fixed and placed within a range reflecting consistency throughout the state. The entire mechanism of deducting operating expenses from fees received would be replaced by a system divorcing revenues from expenditures. This divorce permits emergence of the principle of providing adequate levels of judicial services regardless of revenue generation by the judicial system.

Recommendation. The fee basis in the financial structure of the Chancery and Circuit Clerks' Offices should be replaced by a salary system wherein the Clerk and support staff are compensated by salaries derived from state or local general funds; similarly, all office expenses should be covered by general funds.

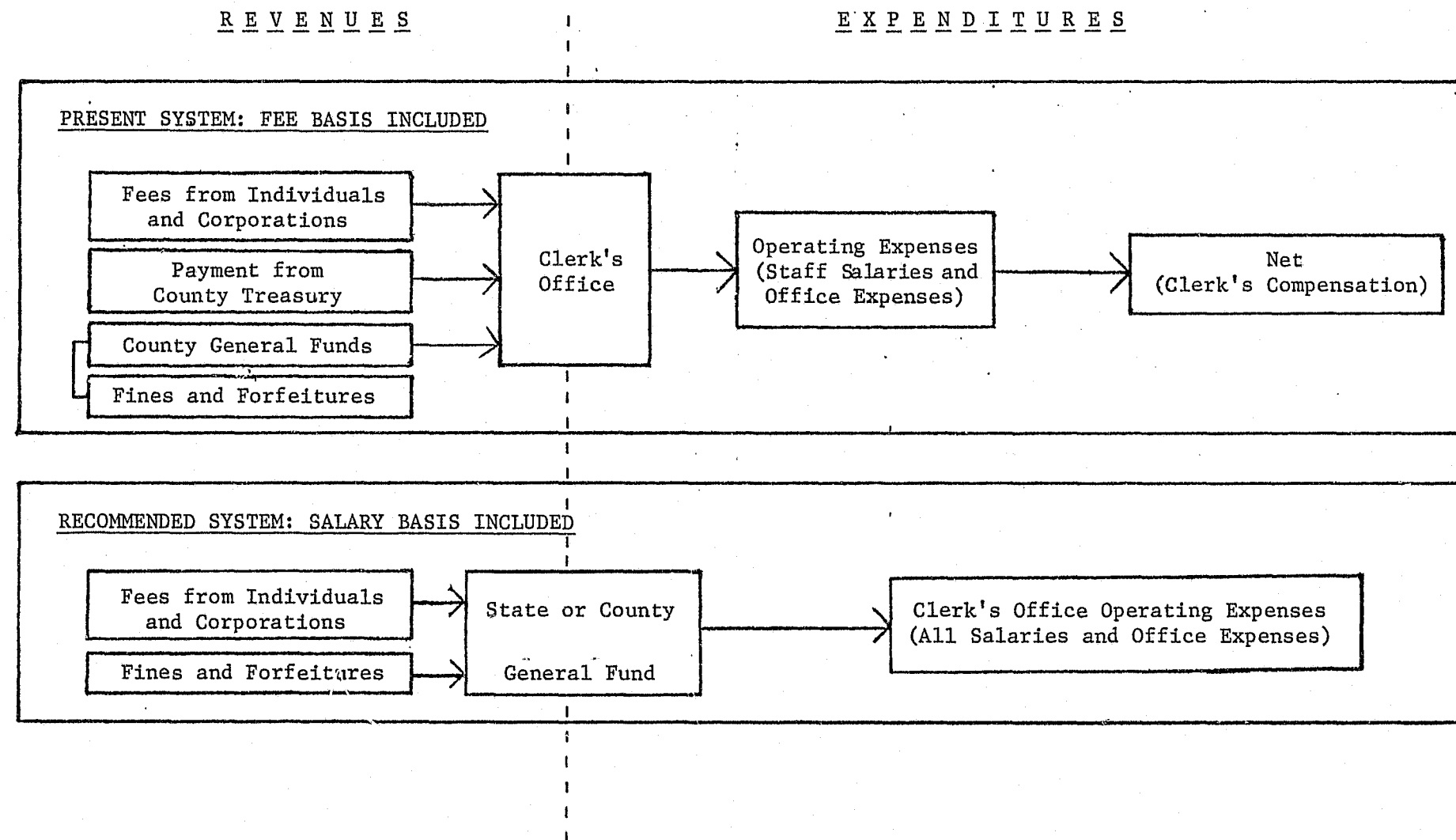
A conversion from a fee to a salary basis should be made regardless of the level of state funding, as discussed below.

### 3. State Funding of the Office of the Court Clerk

The two major recommendations made in this discussion thus far are 1) reorganization of local clerks' offices to create a separate Office of the Court Clerk responsible for all court-related functions, and 2) reorganization

FIGURE 12

COMPARISON OF FUND FLOWS:  
PRESENT VS. RECOMMENDED SYSTEMS



of financial structure to replace the present fee system with a salary system for personnel compensation with general public funds supporting all salaries and operating expenses. It is now recommended that consideration be given to state assumption of the costs of the Offices of Court Clerks. State financing would be offset by a re-distribution of court-generated revenues (filing fees, fines, and forfeitures) in proportion to the level of state financing.

Recommendation. The recommended Office of the Court Clerk should be a priority area for greater assumption of costs by the State.

This recommendation is consistent with the recommendations in Volume IV of this report series that the judicial system generally progress toward increased state funding. It is also consistent with the recommendations of Volume II of this report series regarding creation of a Magistrates Division of the Circuit Court and state funding of that function. The result is a consolidation of local clerks' office support functions into a single state funded organization. The Office of Court Clerk would support the Chancery, Circuit (including Magistrates Division) and County (currently served by staff working under the Circuit Clerk) Courts.

As discussed in Volume IV of this report series, a major reason for increased state funding lies in increased opportunity for promotion of uniformity in judicial administration. A consolidated state trial court clerks office in each county presents an excellent organizational vehicle to standardize and upgrade the delivery of judicial administration services. With specific regard to financial management, the state-funded Office of the Court Clerk would operate in a straight-forward

fund flow system in which fiscal practices are more accountable.

### C. Summary

This report section has dealt with two fundamental structural aspects of Mississippi clerks' offices -- organizational and financial structure. Major alteration in these areas are recommended. The ultimate structure in the recommendations envisions an Office of the Court Clerk responsible for administrative support of all trial courts in the county. The Office would be state-funded with all salaries and operating expenses paid for by state general funds. The proposed structure contrasts with the bifurcated court clerks organization (Chancery and Circuit) funded by fees and county general funds.

The above structural recommendations are a necessary forerunner to organizational and managerial improvements in areas of less magnitude. For example, after a consolidated Court Clerk's Office is in place, attention may appropriately be given to records management improvements. "Well-bound books" as prescribed by statute may be replaced with more versatile, less costly record formats. Development in personnel management may ensue by employing personnel administration tools designed specifically for judicial systems. Also, if the clerical support function were court-related only, it would be possible to develop better support mechanisms for caseload (e.g. calendar management), an area which is court-specific and central to the operation of court systems.

The recommendations for change in the organizational and financial structure of Mississippi clerks' offices must be viewed in the context of progressive change in Mississippi's judicial system as a whole. Clerks' offices are central to local

court system operations and change in these organizations must be made in concert with other judicial system changes such as lower court organization, overall judicial system funding patterns, and general jurisdiction trial court organization. No doubt the elements of the recommended structure will undergo thorough debate, and implementation may proceed on a gradual basis with the more urgent needs, such as replacement of the fee basis of compensation with a salary basis, being implemented first. Regardless of the degree of gradualism chosen by system decision makers, Mississippi should begin now moving down the road to change; the amount of ground to cover is substantial and the rewards of change are plentiful.

### III. COURT REPORTERS

#### A. Profile of Mississippi Court Reporters

Reporting of courtroom proceedings in Mississippi's trial courts of record is the responsibility of official court reporters appointed by Chancery and Circuit Court judges. In the Chancery Court, 39 court reporters presently serve the 20 judicial districts (ranging from one to four per district); in the Circuit Court there are presently 14 court reporters within six of the 20 judicial districts (ranging from one to three per district). Many of the structural characteristics of Mississippi's court reporting system are determined by statute, as discussed below.

##### 1. Statutory Authorization of Court Reporters

Mississippi law provides that each Circuit Court Judge and each Chancellor shall appoint a competent person as court reporter in his District.<sup>45</sup> An oath is required of the court reporter before assuming office. The oath requires the faithful discharge of all official functions that accompany the office.<sup>46</sup> Upon appointment, taking of the oath required, and filing of bond, the court reporter becomes an officer of the court and holds office for a term of four years unless sooner removed.<sup>47</sup> It is unlawful for the court reporter to resign or vacate the office so long as any business connected with the office remains unfinished.<sup>48</sup>

The Circuit Court Judge, Chancellor, or County Court Judge may by court order entered upon the minutes appoint an additional court reporter for a term or partial

<sup>45</sup> Miss. Code Ann. §9-13-1.

<sup>46</sup> Miss. Code Ann. §9-13-3.

<sup>47</sup> Miss. Code Ann. §9-13-5.

<sup>48</sup> Miss. Code Ann. §9-13-5.



term. The duties, qualifications, and compensation for any additional court reporters are the same as those required and provided for the official court reporter. Termination of an additional court reporter may occur at any time in the judge's discretion when he determines that the need for an extra court reporter no longer exists.<sup>49</sup>

The salary for Circuit and Chancery court reporters is fixed at an annual rate of \$14,000 and payable proportionately to time served out of the general funds of the county treasuries of the several counties in each respective court district.<sup>50</sup>

Mississippi law provides for a court reporter's tax fee. In each court matter where a plea or answer is filed and in probate or any other matter wherein the court reporter actually serves, a tax fee of \$10.00 shall be collected as costs and paid into the treasury of the county in which the case is tried.<sup>51</sup>

Among the multiple duties required of the office, the court reporter attends each session of the court and takes full and complete stenographic notes of all oral evidence and other oral proceedings, except arguments of counsel. The court reporter is required to note the order in which evidence is introduced; identify depositions, exhibits, and other evidence; note oral arguments and objections of counsel and rulings of the court.<sup>52</sup>

Upon demand of either party to any case, the court reporter shall, within sixty days of the trial's conclu-

<sup>49</sup> Miss. Code Ann. §9-13-7.  
<sup>50</sup> Miss. Code Ann. §9-13-19.  
<sup>51</sup> Miss. Code Ann. §9-13-22.  
<sup>52</sup> Miss. Code Ann. §9-13-25.

sion, or from the time of demand, complete a type-written copy of all matters recorded. The court reporter is required to preserve his notes and file the completed transcript in the appropriate clerk's office.<sup>53</sup>

The court reporter is required to maintain proper custody of exhibits in a case and to deliver same to the appropriate court clerk upon conclusion of the trial.<sup>54</sup>

In all cases in which a trial is noted by the court reporter, any person desiring to appeal the case must notify the reporter in writing within ten days after the court's adjournment.<sup>55</sup> By law, the court reporter receives twenty-five cents per one hundred words transcribed.<sup>56</sup>

Mississippi law provides that if a court reporter willfully neglects to perform any duty required of him by law, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, be subject to a fine not to exceed five hundred dollars or imprisonment not to exceed six months.<sup>57</sup>

## 2. Court Reporter Training, Qualification Standards, and Reporting Methods

A survey of 36 of the state's 53 court reporters reveals a range of levels and types of preparatory training. One

<sup>53</sup> Miss. Code Ann. §9-13-25.  
<sup>54</sup> Miss. Code Ann. §9-13-27.  
<sup>55</sup> Miss. Code Ann. §9-13-33.  
<sup>56</sup> Miss. Code Ann. §9-13-33.  
<sup>57</sup> Miss. Code Ann. §9-13-45.

survey question inquired as to the type and amount of training. Of the total, seven (19%) reported "none"; six (16%) reported business college training; eight (22%) reported shorthand training; one had attended a "court reporting program"; one had para-legal training; one had been to court reporting seminars, and one had studied secretarial science and had attended seminars. (Eleven did not respond to this question.) The amount of formal education generally of court reporters is consistently at the high school or college level; responses ranged from 12 to 16.5 years, the average being 13.5 years.

The amount of work experience of the surveyed court reporters ranged from minimal to extensive. Regarding experience as a court reporter, the responses ranged from one-half year to 28 years, the average being just over 10 years. Regarding time in their present positions, the responses included a low of one-half year to a high of 27 years, the average being just over seven and one-half years.

The required qualifications for Mississippi court reporters are minimal in comparison to other states.<sup>58</sup> The Mississippi Code states that "[e]ach circuit judge and chancellor shall appoint a competent person as shorthand reporter..."<sup>59</sup> This language requires proficiency in shorthand and general competency of prospective official court reporters. The lack of specific or strict qualification standards probably is due to the fact that the courts historically have relied heavily upon relatively unsophisticated reporting techniques, i.e. shorthand as opposed to stenotype, electronic, or computerized reporting methods.

<sup>58</sup>In many states, qualification requirements for court reporters include some form of certification and a minimum speed on a stenotype machine.

<sup>59</sup>Miss. Code Ann. §9-13-1.

Of the 36 surveyed reporters, 32 (88%) use shorthand (predominantly Gregg shorthand) as the primary reporting technique. Only two reporters (6%) use stenotype as the primary reporting method. (Two reporters did not respond to the question.) Virtually all the reporters use electronic recording as a backup to shorthand; one of the two surveyed reporters using stenotype also uses electronic backup recording.

### 3. Reporter Compensation

The statutorily set salary of official court reporters is \$14,000. Almost all reporters in the state receive this salary amount. The transcript production fee rate also is set by statute at \$.25 per one hundred words.

Fringe benefits for Mississippi court reporters are minimal, determined mainly by the policies of the counties served. Statute authorizes 45 days maximum sick leave, although few reporters indicated having taken more than 10 days per year. Several respondents indicated county contribution to health insurance premiums and several indicated employer contribution to a state or local retirement plan.

### 4. Time Allocation of Duties and Responsibilities

Figure 13 reproduces Section 9-13-25 of the Mississippi Code setting forth the duties of the court reporter. The major functions of courtroom reporting and transcription of notes or tape records are addressed in this statute. Section 9-13-27 places the responsibility of exhibits custody with the court reporter.

Survey inquiry focused on a delineation of court reporter time allocation among the major categories of

FIGURE 13

§9-13-25. Duties.  
EXCERPT FROM MISSISSIPPI CODE, ANNOTATED

§9-13-25. Duties.

The court reporter shall attend each session of the court of the district for which he was appointed, from day to day, and unless the same be waived, shall take, under the control of the judge or chancellor full and complete notes, stenographically (and may use recording machines in aid thereof) of all the oral evidence and other oral proceedings, except arguments of counsel, in each case, civil and criminal, tried therein upon an issue of facts and, in any other matter or in any other case that the judge or chancellor may especially direct. He shall carefully note the order in which the evidence, both oral and written, is introduced, and by whom it is introduced, giving the name of each witness, and identifying each deposition, exhibit made, or other item of evidence or matter of proceedings by words or figures of description, and he shall carefully note oral motions and all objections of counsel and rulings of the court made during the trial, in the order in which the same shall occur. And, upon demand of either party to any case, he shall, within sixty (60) days from the conclusion of the trial thereof, or from the time of the demand, if made after the trial, neatly write out in typewriting a complete copy of his stenographic notes as taken therein or he shall neatly write out in typewriting a complete copy of all matters recorded on the recording machine with a caption showing the style of the case, its number, the court in which it was tried, and when tried, and shall affix thereto a suitable index, and shall certify, sign, and file the same in the office of the clerk of the court in which the case was tried; and he shall preserve his stenographic notes or his tape or record made by said recording machine in each case in which an appeal is taken, as a record of his office. If a party demand the writing out of the court reporter's notes for any other than the bona fide purpose of perfecting an appeal, he shall pay the court reporter in advance twenty-five cents (25¢) per hundred words for the same, but such work shall not delay the preparation of records for appeals. The court reporter shall serve in all habeas corpus and other matters which are heard in vacation, by agreement or otherwise, in the county of residence of the judge or chancellor. The court is authorized to purchase recording machines for the use of the court reporter, the cost of which shall be allocated to each county in the district according to the weeks of court held in each county. Any recording machine purchased for this purpose shall be of such quality as to accurately take and preserve all notes and records herein required to be made and preserved.

SOURCES: Codes, 1892, § 4240; 1906, § 4790; Hemingway's 1917, § 3143; 1942, § 1636; Laws, 1926, ch. 144; 1930, § 721; 1958, ch. 280, § 1; 1971, ch. 423, § 1, eff. sixty (60) days from and after passage (approved March 23, 1971).

"court reporting", "court transcripts", "secretarial duties", and "outside activities". Of the 36 respondents, 22 (61%) indicated doing secretarial work for the judge in addition to reporting and transcription work. Regarding outside work, 21 (58%) reported doing some form of outside work (although two of these cited transcripts as the main form of outside work). As a percentage distribution, the average of the 36 respondents is:

Court Reporting:	62% time allocation
Transcripts:	21% time allocation
Secretarial Duties:	6% time allocation
Outside Activities:	4% time allocation
(during court hours, such as depositions)	
Other:	7% time allocation

Clearly, time in court devoted to reporting is the predominant function performed by reporters with transcript production a clear second. Twenty-nine of the 36 reporters surveyed indicated the number of transcripts produced per year, the average being 131. Although most court reporters perform secretarial functions for the judge, this does not appear to constitute a major time expenditure. Relatively little time is spent during court hours on outside activities (e.g. depositions).

5. Amount of Travel

Because court reporters "ride circuit" accompanying the judges they serve, a considerable amount of travel is required. Among the 36 reporters surveyed, the responses to the question, "How many miles do you normally travel in a 12-month period?" ranged from 0 to 30,000 per year, the average being just over

3,500 miles per year. Section 9-13-19 of the Mississippi Code states that "all travel required in the performance of official duties...shall be paid mileage by the county in which the duties were performed at the same rate as provided for state employees..."<sup>60</sup> Although mileage is reimbursed, no reimbursement is allowed for meals and lodging costs.

This subsection has presented an overview of court reporting in Mississippi by addressing the total number of reporters and the method of their appointment; statutory directives on court reporting, training, qualification standards, and reporting methods of reporters; compensation; time allocation; and amount of travel. The following subsection offers observations and recommendations for statewide improvement of the court reporting system in Mississippi.

#### B. Observations and Recommendations

Analysis of court reporting generally distinguishes between two major areas of inquiry: the management of court reporters and the technology of court reporting. A progressive, effective court reporting system must practice both sound managerial principles and appropriate technological support.

In Mississippi, the management of court reporters is complicated by the logistical challenges involved such as extensive travel requirements. Additionally, the structure of delivery of court reporting services nationwide has complicated court reporter management because of the unique role of reporters as both county (judicial system) personnel and private provider of transcription services. Regarding reporting technology, the fact that Mississippi has not evolved to widespread reliance on the stenotype transcription mode gives

<sup>60</sup>Miss. Code Ann. §9-13-19(6).

it the opportunity to employ other technologies appropriate to reporting service needs (e.g. electronic recording) without becoming fixed upon one method (stenotype) as is common in other states.

#### 1. Court Reporting Issues in Mississippi

The subjects of debate and comment in Mississippi's court reporting system tend to address problems of an administrative nature. In 1976, the Mississippi Courts Master Plan<sup>61</sup> study decried the sub-standard salary level of that time (\$9,600 plus fees, average total of \$11,000 annually). That study noted problems in the time required to produce transcripts. Its recommendations included raising the salary level to \$14,000, transcript preparation monitoring by the Supreme Court with provision of "temporary relief" when needed, and use of pools in urban counties.

The salary recommendation has been enacted, but transcript preparation time continues to be an issue. In response to a survey question asking for "suggestions, criticisms, and comments relating to improving your situation as a court reporter and improving court reporting in general in Mississippi," the pressures of transcript work surfaced as a major observation of respondents. Other remarks in response touched upon numerous areas:

- lack of reimbursement for meals and lodging expenses incurred during business-related travel;
- the present salary level and transcript rate level is too low;

<sup>61</sup>Mississippi Courts Master Plan Statement of Needs, Vol. II, Resource Planning Corporation, Washington, D.C. pages 154-157.

- clarification is needed with respect to fringe benefits--there is no consistency among counties;
- additional reporters are needed in response to increasingly voluminous court calendars;
- courtroom acoustics in many counties are lacking; and
- it is difficult to work efficiently on reporting functions when regularly interrupted by requests for secretarial services.

A few survey responses elaborated upon the secretarial aspect of the court reporter's job. One person felt that additional compensation is due for secretarial services particularly in rural areas where it is difficult for judges to hire a qualified additional secretary. Others commented that judges should hire a secretary to free them for reporting exclusively. Given the extent of remarks offered in the survey, it is quite possible that secretarial functions account for more than the average 6% estimated by reporters in questionnaire responses. (In fact, the exact extent probably cannot be known even by the estimator unless time measurements are taken.) Thus, secretarial functions of court reporters should not necessarily be discounted as an issue because of the low reported time percentage.

Regarding reporting technology as an issue in Mississippi court reporting, it is only recently becoming pertinent to discuss use of more progressive techniques in reaction to burgeoning caseloads with commensurate trial and transcript activity. A few reporters are employing stenotype rather than shorthand; discussion of computer-aided transcription (CAT) systems is contingent upon increased use of the stenotype method; and electronic recording already has a strong foothold in the courts although only as a backup system to shorthand notes.

## 2. Recommendations for Improved Court Reporting

Studies of court reporting systems tend to make recommendations in a few common areas:

- possible use of pooling systems in organizing court reporters;
- possible use of computer-aided transcription (CAT) to speed up transcript preparation in systems using predominantly the stenotype reporting technique;
- possible use of alternative reporting techniques such as direct electronic recording.

In 1976, the American Bar Association Commission on Standards of Judicial Administration focused on the question of court reporter management and professional independence, saying:

- "2.42 Court Reporting Services. Court reporters should be responsible to the court rather than to individual judges. They should have professional independence in regard to the accuracy of their reporting and transcription but the court should have ownership and control of their record of court proceedings. Their qualifications, appointment, and terms of employment should be governed by state-wide policies and regulations, administered by the court's administrative office or through the administrative office of a centrally administered court system. Administrative supervision of court reporting should also include:
- (a) Appointment and assignment of auxiliary reporters to meet unusually heavy demand;
  - (b) In multi-judge courts, assignment of reporters to departments and establishment of pooling procedures for assigning work to reporters and transcribers;
  - (c) Establishment of priorities in reporting and transcription, with special attention to transcripts for appeals;

(d) Regulation of reporters' compensation and their commitment of time to private contract activity. Where reporting and transcribing services are provided by a reporting firm under contract to the court, the contract should contain explicit provisions governing these aspects of the service."<sup>62</sup>

Some of the themes commonly sounded in the analysis of court reporting systems have little relevance to Mississippi. Little opportunity exists for pooling since Mississippi's courts are in predominantly rural settings. (In the larger cities -- Jackson, Gulfport, Biloxi, pooling should continue to be considered as an option, as suggested in the 1976 Master Plan.<sup>63</sup>) Consideration of the use of CAT systems is premature due to the scarcity of the stenotype method. The distinction between reporter responsibility to the court as opposed to individual judges is clouded by the predominance of one judge districts and the fact that statute empowers judges to appoint reporters. Clearly, recommendations for improved court reporting in Mississippi must be tailored to the characteristics of the Mississippi system.

Recommendation. Consideration should be given to increasing the salary of court reporters by about 10% to lessen the gap between the present salary level and the national median. The transcript preparation rate should be changed to a per page basis and increased to lessen the gap between the present rate and the national median. Compensation for meals and lodging expenses incurred during court business related travel should be made as approved by the judge.

<sup>62</sup>Standards Relating to Trial Courts, American Bar Association Commission on Standards of Judicial Administration, 1976. pages 67-68.

<sup>63</sup>Supra, note 61.

A 1979 national survey of court reporter compensation<sup>64</sup> found that the national salary median is \$19,092 annually and that the national per page rate median is \$1.40.

It is recommended that the salary level be raised about 10% to more closely conform to the national median (any salary adjustment for court reporters should be done in the context of a salary review of all court administrative support staff to insure balance among positions.) It is not recommended that the salary level be set to equal the national median because in Mississippi, reporters do not possess the same technical skills as in most other states (e.g. stenotype machine operation) nor is the cost of living in Mississippi as high as the national median. However, the salary differential of \$5,000 between Mississippi and the national median should be lessened somewhat, if only to keep pace with the inflationary spiral.

Transcript rates in Mississippi are computed on a per 100 word basis and should be changed to a more easily computed per page basis as is practiced in almost all states. An average page of transcript contains 200-250 words, a cost of \$.50 to \$.63 per page in Mississippi. This rate is at the lowest point in the range of rates charged nationally (from \$.50 to \$2.50) and should be raised to a level closer to but not equal to the national median. A \$1.00 per page rate is suggested as a more appropriate amount.

Recommendation. Court reporters salaries should be paid by the State rather than the counties. Furthermore, legislation setting the salary should allow for periodic cost of living increases. In fact, consideration should be given to removing the salary and per

<sup>64</sup>"Survey of State Court Reporter Salaries, Benefits and Transcript Rates", conducted by the Administrative Office of the United States Courts. (March 1979).



page rate setting function from the legislature to the Judicial Council to allow more frequent and less cumbersome review of these amounts.

The Mississippi Courts Master Plan addressed the question of court reporter salary source:

There is no basic reason for reporters to be paid by the counties since they serve a whole judicial district, in the same manner as Circuit Court judges, Chancellors and District Attorneys. Logically, they should be paid in the same way as the judges to whom they are so closely linked. The present system of divided county responsibility for reporter salaries is anachronistic and illogical.<sup>65</sup>

The recommendation to state fund court reporter salaries is in keeping with a major theme of this report series, namely, that the State progressively assume a greater proportion of judicial system costs (starting with those that are exclusively part of the judicial branch, such as the proposed Office of Court Clerk). Uniformity in judicial administration statewide is a primary reason for increased state funding; court reporters already are governed to a significant extent by state law and having the State assume the cost of salaries is consistent with this structural system basis.

It presently requires statutory amendment to raise the salary and transcript rate levels for a court reporter. It seems more logical to place that specific task with the Judicial Council; more frequent and speedy review of these levels could be made while at the same time relieving the legislature of this administrative policy-setting burden. At a minimum, the legislation ought to allow for adjustment of these levels to offset increases in the cost of living.

<sup>65</sup>Supra, note 61.

Recommendation. On an as needed, district by district basis, consideration should be given to three alternative methods of service delivery: 1) use of "roving" reporters in rural areas, 2) use of transcribers (typists) to assist in transcript production, and 3) hiring of judge's secretaries to allow reporters to do reporting exclusively.

In rural areas, court reporters are "spread thinly" over many counties. The challenging logistics of this circumstance could be addressed by use of roving reporters assigned by the Supreme Court (or its administrative staff) as needed. This approach echoes a Master Plan recommendation<sup>66</sup> and is consistent with the notion that a proper state role in trial court administration is coordination of resources, producing more flexible and efficient use of those resources. "Roving" court reporters are a structural mechanism to deal with the fact that workload in much of the State is geographically sparsely distributed.

In districts where workload volume is more concentrated and is becoming a problem, two different remedies could be applied. A secretary for the judge(s) could be hired to relieve reporters of secretarial duties. (One secretary could serve more than one judge.) To expedite transcript production, a typist to transcribe dictated reporters' notes could be employed by the court. (The court commensurately would receive a portion of the page rate fee.) These measures would alleviate the problem of delay in transcript preparation.

Ideally, there should exist a separation of reporting and secretarial functions and outside work should not be done during court hours. However, the performance of secretarial duties by reporters in many districts

<sup>66</sup>Supra, note 61.

is a necessary and efficient measure. The minimal amount of outside work presently conducted (estimated by reporters to be 4% of work time) does not represent an obstacle to swift judicial administration.

Recommendation. Legislation controlling reporting techniques should be amended to permit a range of methods besides stenographic notes.

The language of Section 9-13-25 of the Mississippi Code directs the reporter to take "full and complete notes, stenographically..." Although this encompasses shorthand and stenotype (and conceivably computer aided transcription) it does not allow primary reliance on electronic recording. Recording machines are allowed in aid of stenography but not in lieu thereof. In fact, numerous brands of recorders presently are used as a backup, but these machines are not sufficient for use as the primary method of reporting.

Electronic recording technology has advanced to the point where some courts and many administrative agencies rely exclusively on an electronic recorder. An individual trained to operate the machine and document information necessary for direct transcription from recording tape would always be present to insure complete reporting. The many reporters in Mississippi now trained only in shorthand are well qualified for this position because their shorthand skills would be available as a backup should the recording equipment fail. Contingent upon legislative amendment, consideration should be given by judicial districts to procurement of recording equipment able to serve as the primary reporting method.

Recommendation. The qualification requirements for Mississippi court reporters should include a certification process to insure the competency of court reporters. The certification process should be administered by the Judicial Council.

As court reporting in Mississippi develops and employs more sophisticated methods of reporting, the need for certification of competency becomes more apparent. The certification process should focus on making sure prospective reporters possess skills commensurate with the reporting method to be used in their district. For as long as shorthand continues as a primary technique, standards (e.g. minimum work per minute rate) for skill in this area should be set. As more reporters begin to use stenotype machines, standards (e.g. minimum words per minute rates) should be incorporated into a testing and certifying program.

The certification process could make use of existing court reporting programs (such as the one at the University of Mississippi) and the existing practice of periodic seminars attended by court reporters. Participation in a formal program of this nature could be a requirement of certification. Whatever the exact content of the certification process, the passing of a test demonstrating proficiency in the skills necessary to be a court reporter in the district(s) to be served should be a central feature of the process.

#### C. Summary

The recommendations for an improved court reporting system offered in this report are made in light of the particular characteristics of Mississippi's system: shorthand is the predominant method of reporting, the majority of judicial



**CONTINUED**

**1 OF 3**

districts (Chancery and Circuit) are one judge/one court reporter districts requiring extensive travel, and many elements of the system (such as salary and transcript rate levels) are set by statute.

The proposed system envisions a more centralized locus of court reporter administrative support by judicial system authorities: state funded court reporter salaries with the salary and transcript rate amount set by the Judicial Council, and creation of certification program administered by the Judicial Council. At the same time, the recommendations suggest a flexible system able to respond to the individual needs of each county: alternative means of providing clerical support for judges and for transcript production, and encouragement of reliable, simple reporting techniques as seen fit by the counties (continuance of shorthand, primary reliance on electronic recording, and stenotype reporting).

These recommendations recognize the need to promote and monitor uniformity in the delivery of court reporting services and the need to use cost efficient, reliable methods in that delivery. Effective administration of the court reporting system is properly the jurisdiction of the judicial system; the integrity of the reporting process is an indispensable ingredient to the preservation of justice in the legal system.

#### IV. INDIGENT DEFENSE SERVICES

The third and final area of the Mississippi judicial system addressed by this report is the provision of indigent defense services. The analysis of the organization and the management of indigent defense in Mississippi is presented in three parts. First, an overview of the existing system is offered focusing on organization, appointment and compensation of counsel, eligibility criteria, and funding. Next, a comparative perspective is presented by analysis of alternative methods of providing indigent defense services. In this subsection, the systems in other jurisdictions are examined and national trends and standards are identified. Finally, recommendations are offered for improved organization and management of the Mississippi indigent defense system.

##### A. Overview of Indigent Defense Services in Mississippi

###### 1. Organization of Indigent Defense Services

In 1963, the U.S. Supreme Court delivered a landmark decision in Gideon v. Wainwright<sup>67</sup> requiring that individuals unable to afford legal representation be provided with counsel in all state prosecutions of serious criminal matters. The Argersinger v. Hamlin<sup>68</sup> decision of 1972 expanded the state's obligation by requiring that counsel be provided for indigent defendants when the possibility of incarceration existed. To this end, Section 99-15-15 of the Mississippi Code provides that an indigent person charged with a felony, misdemeanor punishable by confinement for ninety days or more, or commission of an act of delinquency may, in the discretion of the court, have counsel appointed to

<sup>67</sup> (372 U.S. 335).

<sup>68</sup> (407 U.S. 25).

defend him. The statute also provides that the accused have counsel available at every critical stage of the proceeding.<sup>69</sup>

Presently, no centralized public defender system exists in Mississippi. However, in 1979, the Mississippi legislature enacted Senate Bill 2430 authorizing the Board of Supervisors of any county to establish a Public Defender office to provide adequate legal defense for indigent persons accused of crimes. Prior to this legislation, statutorily authorized public defender systems functioned only in Jackson and Washington counties.<sup>70</sup> The advent of the new law should provide impetus for the establishment of more public defender systems.

In the remaining counties where no salaried public defender is employed, private counsel are generally assigned indigent cases in one of three fashions:

- use of a general bar list from which attorneys are assigned in rotation;
- use of a restricted list of interested bar members from which attorneys are assigned in rotation;
- use of several bar members who handle all indigent cases and receive either a salary or a per case reimbursement; in small counties this may include attorneys from neighboring counties.<sup>71</sup>

The method used for assigning counsel in the counties responding to the questionnaires administered in the

<sup>69</sup>Mississippi Code, §99-15-15.

<sup>70</sup>Preamble, Senate Bill 2430

<sup>71</sup>Resource Palnning Corporation, Mississippi Courts Master Plan: Courts Study, Volume II, Chapter 18, p. 10-3.

data collection phase is presented in Figure 14.<sup>72</sup> As shown in the figure, most of the counties employ the general or restricted bar list method. This figure also indicates the percent of all indigent defense cases handled by assigned counsel.

The power to appoint or assign counsel is statutorily vested in the judge. However, for practical and administrative purposes, the judge may delegate this responsibility to another official, e.g. Clerk or Sheriff with the judge simply confirming the appointment. (See Figure 14).

In some of the counties not responding to the questionnaires, the County Attorney makes the assignments.<sup>73</sup>

In Mississippi, the point at which counsel is assigned varies with jurisdiction as shown in Figure 14. Twenty-nine percent of responding jurisdictions make assignments at time of arrest while ten percent make appointments at the arraignment. Thirty-six percent make assignments at the pre-hearing stage.

## 2. Compensation of Assigned Counsel

The compensation level of assigned counsel is statutorily defined in Mississippi Code Section 99-15-17. In criminal

<sup>72</sup>Questionnaires soliciting information on indigent defense services were sent to all circuit, chancery, and county court judges. Responses were received from 31% of the circuit court judges, 26% of the chancery court judges, and 35% of the county court judges. Clearly, these response rates are not high. To enhance the information base, data supplied in the Mississippi Courts Master Plan was used also.

<sup>73</sup>Supra, note 71, p. 18-6.

FIGURE 14

METHOD USED FOR ASSIGNING COUNSEL TO INDIGENT  
DEFENSE CASES, APPOINTING AUTHORITY, STEP AT  
WHICH APPOINTMENT IS MADE

<u>Location</u>	<u>Court Type</u>	<u>Indigent Representation</u>			<u>Private Counsel Selections</u>	<u>Appointment Authority</u>	<u>Indigent Provided Help at</u>
		<u>Public Defender/%</u>	<u>Court Appointed Attorney/%</u>	<u>Both/%</u>			
Washington	Circuit	Yes/85	Yes/15	100	Rotation Restricted	Court	Arrest
Copiah	Circuit		Yes/100		Rotation Restricted	Court	Pre-Hrng.
Smith	Circuit		Yes/100		Rotation General Bar	Court	Arrest
Rankin	Circuit		Yes/100		Judge	Court	Arrest
Harrison	Circuit		Yes/100		Yellow pages	Court	Arrest
Jones	Circuit		Yes/98		Rotation Restricted	Court	Arrest
Attala	Circuit		Yes/100		General Bar	Court	Arrest
15th Circuit	Circuit		Yes/100		Restricted Bar	Court	Pre-Hrng.
Hinds	Circuit		Yes/100		Restricted Bar	Court	Initial Appear.
Winston	Circuit		Yes/100		General Bar	Court	Arrest
Wayne	Circuit		Yes/100			Court	None
Bolivar	Chancery					Court	
Yazoo	Chancery		Yes/97			Court	
Lauderdale	Chancery		Yes/100		General Bar	Court	Pre-Hrng.
Washington	Chancery		Yes/100		Restricted Bar	Court	
Rankin	Chancery						
Pike	Chancery		Yes/100.		General Bar	Court	Pre-Hrng.

FIGURE 14 (continued)

Location	Court Type	Indigent Representation			Private Counsel Selections	Appointment Authority	Indigent Provided Help at
		Public Defender/%	Court Appointed Attorney/%	Both/%			
Monroe	Chancery		Yes/100		Open List	Court	Pre-Hrng.
Forrest	Chancery		Yes/100		Restricted Bar	Court	
Chickasaw	Chancery		Yes/100		Restricted Bar	Court	
Lincoln	Chancery	Yes/50	Yes/50	100		Court	Filing
Leflore	County		Yes/100		Restricted Bar	Court	Arrest
Lauderdale	County		Yes/100		Restricted Bar	Court	Pre-Hrng.
Harrison	County	Yes/50	Yes/50	100	Restricted Bar	Court	Pre-Hrng.
Warren	County		Yes/100		Restricted Bar	Court	Pre-Hrng.
Tunica	County		Yes/100		General Bar	Court	Arrest
Adams	County		Yes/100		Restricted Bar	Court	Arraignm.
Madison	County		Yes/100		General Bar	Court	Arrest

cases, charges for a case may not exceed \$500 for representation in circuit court. Cases in courts which are not a court of record, carry a maximum compensation of \$100. In a capital case, where two attorneys may be appointed, compensation cannot exceed \$1,000 per case. If a case is appealed to the State Supreme Court, compensation cannot exceed \$500 per case. Actual expenses incurred by counsel are reimbursable. Attorneys' fees and expenses are paid by the county treasurer out of the general fund of the county in which the prosecution is initiated.<sup>74</sup> Although in most cases attorneys are compensated for providing their services, the Mississippi Supreme Court held in Young v. State<sup>75</sup> that attorneys who are so ordered by a judge, must represent an indigent without compensation as a condition of their right to practice.<sup>76</sup>

The rate of compensation for assigned counsel in the counties responding to the questionnaire is presented in Figure 15. As is seen in the figure, variable compensation levels are present: an hourly rate of \$20-\$30 and a per case compensation level range from \$50-\$500. Generally, determination of the fee to be paid to counsel for services rendered is made by the appointing judge.

### 3. Eligibility Criteria for Indigency

In Mississippi, eligibility criteria for receiving assigned counsel as stated in the Mississippi Code<sup>77</sup> is general, with reference to general indigency and the inability to employ counsel. Consequently, the

<sup>74</sup>Mississippi Code §99-15-17.

<sup>75</sup>Young v. State, 255 20, 2d 328 (1971).

<sup>76</sup>Supra, note 71, p. 18-2.

<sup>77</sup>Mississippi Code §99-15-15.

FIGURE 15  
COMPENSATION LEVELS FOR ASSIGNED COUNSEL  
IN INDIGENT DEFENSE CASES

Location	Court Type	Compensation Level - Private Counsel
Washington	Circuit	\$20/hr. \$30/hr. Ct.
Copiah	Circuit	Hourly Rate
Smith	Circuit	Hourly Rate
Rankin	Circuit	\$100-\$500/case
Harrison	Circuit	Statutory
Jones	Circuit	\$500/case
Attala	Circuit	\$20/hr. out \$30/hr. in
15th Circuit	Circuit	\$20/hr. \$500 \$30/hr. maximum
Hinds	Circuit	\$20/hr. \$500 \$30/hr. maximum
Winston	Circuit	\$20-\$30/hr.
Wayne	Circuit	
Bolivar	Chancery	
Yazoo	Chancery	
Lauderdale	Chancery	\$50-\$150/case
Washington	Chancery	\$50/case
Rankin	Chancery	
Pike	Chancery	\$50-\$100/case
Monroe	Chancery	\$75/case
Forrest	Chancery	Per case
Chickasaw	Chancery	Per case
Lincoln	Chancery	Hourly rate
Leflore	County	\$20-\$30/hr.
Lauderdale	County	\$20-\$25/hr.
Harrison	County	Hourly Rate
Warren	County	\$30/hr.
Tunica	County	Statutory
Adams	County	Statutory
Madison	County	\$50/case

criteria for determining indigency are quite variable from jurisdiction to jurisdiction. As shown in Figure 16, criteria for determining indigency may include indicia such as money, no assets, no property, or a combination thereof. Determination of indigency generally is made by the court, based on a statement of the accused, an affidavit of indigency, or an investigation by the district attorney.

#### 4. Funding of Indigent Defense Services

At present, the funding responsibility for indigent defense services lies with the counties. Financial data regarding indigent defense for fiscal years 1975 and 1976 were obtained from state audit reports and are shown in Figure 17. From this information, projections were made for the estimated expenditures for indigent defense services in the Chancery, Circuit, County, and Youth courts.<sup>78</sup> The projected increase for indigent defense services is approximately 10% per year. To maintain the same level of indigent defense services as is presently provided, the projected expenditure for 1981 is \$1,209,137. It is emphasized that this figure does not include the cost for any improvements or expansion of indigent defense services in all courts.

Of total funds expended for indigent defense services in all courts, seventy-seven percent of that total is expended in circuit court, seven percent is expended in county courts, and ten percent in youth courts, with the remaining spread over the remaining courts.

Figure 18 presents the projected total local expenditures and projected local expenditures for indigent

<sup>78</sup>Projections were based on methodology set forth in Volume IV Mississippi Courts: Fiscal Analysis.

FIGURE 16

#### CRITERIA OF INDIGENCY AND DETERMINING AUTHORITY

<u>Location</u>	<u>Court Type</u>	<u>Indigent Determination Made By</u>	<u>Criteria of Indigency</u>
Washington	Circuit	Court	Unable to pay for defense
Copiah	Circuit	Court	No money or property
Smith	Circuit	Court	No money
Rankin	Circuit	Court	No money or property
Harrison	Circuit	Court	No assets
Jones	Circuit	Court	No money or property
Attala	Circuit	Court	No money; unable to pay
15th Circuit	Circuit	Court	Investigated by DA
Hinds	Circuit	Court	No assets
Winston	Circuit	Court	No assets
Wayne	Circuit	Court	
Bolivar	Chancery		
Yazoo	Chancery	Court	No assets
Lauderdale	Chancery	Court	No assets
Washington	Chancery	Court	No assets
Rankin	Chancery		
Pike	Chancery	Court	No assets
Monroe	Chancery	Court	Statement of accused
Forrest	Chancery	Clerk	Affidavit of Indigency
Chickasaw	Chancery	Court	No assets
Lincoln	Chancery	Court	No assets
Leflore	County	Court	No assets
Lauderdale	County	Court	No assets
Harrison	County	Court	Affidavit of Indigency
Warren	County	Court	No assets
Tunica	County	Court	Affidavit of Indigency
Adams	County	Court	No assets
Madison	County	Court	No assets

FIGURE 17

TOTAL EXPENDITURES BY COURT TYPE FOR 1975-76  
AND PROJECTED EXPENDITURE FOR INDIGENT  
DEFENSE SERVICES FOR FISCAL YEARS 1979-1981

Year	Chancery Court	Circuit Court	County Court	Youth Court (Harrison County)	Total
1975	\$ 10,393	\$541,298	\$ 56,672	\$ 71,941	\$ 680,304
1976	13,950	580,342	69,847	86,641	750,780
1977	15,345	638,376	76,831	95,305	825,857
1978	16,879	702,213	84,514	104,835	908,441
1979	18,567	772,435	92,966	115,319	999,287
1980	20,424	849,678	102,262	126,851	1,099,215
1981	22,466	934,646	112,489	139,536	1,209,137

FIGURE 18

COMPARISON OF PROJECTED TOTAL LOCAL EXPENDITURES  
WITH PROJECTED LOCAL EXPENDITURES FOR INDIGENT  
DEFENSE FOR CIRCUIT, COUNTY, AND YOUTH COURTS

	1979	1980	1981
Projected total local expenditures for Circuit Courts	\$3,886,128 100%	\$4,416,994 100%	\$4,858,694 100%
Projected total for local expenditures for indigent defense in circuit court	772,435 20%	849,678 19%	934,646 19%
Projected local expenditures for county court	1,294,126 100%	1,423,572 100%	1,565,929 100%
Projected expenditures for indigent defense in county courts	92,966 7%	102,262 7%	112,489 7%
Projected local expenditures for youth courts	1,117,152 100%	1,228,856 100%	1,351,752 100%
Projected expenditures for indigent defense in youth courts	115,319 10%	126,851 10%	139,536 10%

FIGURE 19

PERCENT OF FUNDS EXPENDED FOR  
INDIGENT DEFENSE SERVICE OF  
TOTAL EXPENDITURES FOR MISSISSIPPI COURTS

	1979	1980	1981
TOTAL PROJECTED EXPENDITURES:	\$18,475,450	\$20,262,578	\$21,976,733
TOTAL PROJECTED EXPENDITURES FOR INDIGENT DEFENSE SERVICE	999,287	1,099,215	1,209,137
PERCENT OF TOTAL	5%	5%	5½%



defense. As is seen from the figure, indigent defense fees constitute a significant portion of the total local court expenditures for Circuit Courts, approximately twenty percent. In the Youth Courts, ten percent of the total local expenditures are spent for indigent defense, while only seven percent of total local expenditures is attributed to indigent defense in the county courts.

Of the total projected expenditures (including state and local) for operating the Mississippi court system, indigent defense services accounts for only five and one-half percent. (See Figure 19, preceding page.)

In addition to the data collected from questionnaires sent to all trial court judges, information on indigent defense cost per case was gleaned from Circuit Court Clerk's billings examined during the site visit phase of the project. Billings paid for indigent defense services from January 1, 1979 through June, 1979, in thirteen counties were examined.<sup>79</sup> The average cost per case of court appointed counsel is presented in Figure 20. The average was computed based on the total amount of funds expended by the county divided by the number of billings paid from January 1979 to June 1979. While the average cost per case for the counties listed is \$262, the average range of cost per case varies from \$57 - \$496.

B. Analysis of Alternative Methods of Providing Indigent Defense Services

1. Alternative Organizational Structures

Several alternative structures for providing indigent defense services are in use around the country. Generally,

<sup>79</sup>It is noted that the sample is relatively small and unstratified.

FIGURE 20  
AVERAGE COST PER CASE  
IN CIRCUIT COURTS

County	Average Cost per Case	No. of Court Appointed Cases from January, 1979 thru June, 1979	Average Cost per Case in 1975*
Washington	\$187	47	
Rankin	268	20	\$214
Newton	193	10	65
Monroe	57	22	****
Lowndes	380	20	101
Harrison	366	67	170
Hancock	496	21	84
Grenada	262	22	**
George	206	4	324
Forrest	324	40	66
DeSoto	261	11	243
Coahoma	140	16	211
Bolivar ***	177	22	

Average cost per case - \$262

\*Supra, note 71, Table 18-4. (Table excluded counties with defenders).

\*\*Data unavailable.

\*\*\*County appoints three attorneys who are compensated at \$3,900 each, plus expenses.

\*\*\*\*County has defender.

these methods include ad hoc appointment of counsel, defender offices, assigned counsel programs, and a mixture of defender offices and assigned counsel programs.

a. Ad Hoc Appointment of Private Counsel

The ad hoc appointment of counsel system is probably the oldest method of providing defense services. A list of attorneys is compiled by the court or local bar association and appointments are made by the court from this list. In some jurisdictions, appointments may be made of attorneys present in the courtroom. From the information gathered from the questionnaires, it appears that the ad hoc approach is the most commonly used method in Mississippi. Although the ad hoc method of appointment is practiced in 72% of all U.S. counties and in 80% of all rural areas having 50,000 or fewer persons,<sup>80</sup> it has been sharply criticized by national bodies as the least desirable method for providing indigent defense services. In 1967, the Task Force Report on Courts made by the President's Commission on Law Enforcement and Administration of Justice leveled the following criticism of the ad hoc method of assigning counsel:

Under an assigned counsel system, lawyers in private practice are appointed on a case by case basis by the court to represent defendants who cannot afford to hire an attorney. In some communities, appointments are generally made from among the younger members of the bar; in Detroit, appointments generally go to the seasoned veterans of the Recorder's Court; in Houston, the entire active bar is expected to serve a term as assigned counsel...Unorganized appointment of individual practitioners tends toward unfair

<sup>80</sup> National Legal Aid and Defender Association, L. Benner and B. Lynch-Neary, The Other Face of Justice: A Report of the National Defender Survey 13, 38 (1973).

allocation of burdens and may leave undue opportunities for venality and patronage where attractive compensation is provided. More important, the goals of protecting the integrity of the adversary system and of ensuring fairness to the accused cannot be satisfied when counsel is appointed without regard to professional competence and without supervision or assistance in the performance of his duties.<sup>81</sup>

The American Bar Association also has found many defects in this approach. First, favoritism in appointment of counsel is a possibility where compensation is adequate and where compensation is inadequate, the claim is made that favoritism in appointment benefits those excused from service. Secondly, "the impression of haphazard treatment of assignments by the court denigrates the importance of the function of providing counsel. A feeling of unfair treatment on the part of the bar breeds resentment which undermines the effectiveness of the assigned counsel system. Thus, ad hoc assignment does not fulfill either the objective of quality or of equality."<sup>82</sup>

Another problem in systems using the ad hoc method of appointing counsel is the unavailability of competent counsel which often results in waivers on the part of the accused. This phenomenon is prevalent in rural jurisdictions where few lawyers are available. The National Defender Survey found that:

In a number of jurisdictions counsel was not being provided for any misdemeanor defendants. Field studies conducted by the Survey staff

<sup>81</sup> President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Courts 59-60 (1967).

<sup>82</sup> American Bar Association Project on Standards for Criminal Justice, STANDARDS RELATING TO PROVIDING DEFENSE SERVICES, Commentary to Standard 2.1 at 24-25 (Approved Draft, 1968)

revealed that judges in some jurisdictions simply were not incarcerating misdemeanor defendants because of the inability to provide counsel for them. The field studies further disclosed that even where counsel was in theory available, the failure to adequately advise misdemeanor defendants of their right to counsel precluded the full implementation of Argersinger. In a number of jurisdictions a defendant was first asked how he pled. Only if he pled "not guilty" was he advised of his right to counsel. In other jurisdictions the advisement was clearly inadequate to inform a defendant that counsel would be provided for him if he could not afford one.<sup>83</sup>

Another shortcoming present in many ad hoc appointment situations is the lateness of appointments. This problem generally can be attributed to a lack of resources and time to insure proper fulfillment of this administrative responsibility.<sup>84</sup>

In the report of the National Study Commission on Defense Services, the recommendation regarding ad hoc appointment of counsel rejected appointment of counsel on a random or ad hoc basis. In the commentary on this recommendation, the Commission cited several reasons for the unsuitability of the ad hoc approach:

....undue reliance on inexperienced counsel and overall lack of quality control; the potentiality of patronage or its counterpart, discrimination, in the selection process and the corollary possibility of political control or undue influence intruding upon the independence of counsel; unavailability of lawyers resulting in waivers of counsel; inadequate or, at best, uneven provision of compensation for services and general lack of fiscal controls; the lack of training and continuing education in criminal law and procedure; and the inability of the approach to develop a skilled and vigorous defense bar able and willing to seek reforms in the criminal justice system.

<sup>83</sup>Supra, note 80, p. 64.

<sup>84</sup>P. Anderson, Defense of Indigents in Maine: The Need for Public Defenders, 25 Maine L. Rev. 8 (1973).

Moreover, the approach fails to allow adequately for investigative and other support services or early representation by counsel. The mildest criticism that might be made is that such an approach is inefficient. A more accurate criticism is that it is often ineffective in providing adequate representation.<sup>85</sup>

#### b. Assigned Counsel Programs

The assigned counsel program is generally administered by local bar associations and systematically appoints counsel to represent indigents. This structure differs from the ad hoc approach in that it is much more routinized and coordinated and that it is employed in only a small number of jurisdictions. This method of providing indigent defense services has been established by bar associations in counties in New York, California, and Washington State.

In Saratoga County, New York, the bar association formed a corporation and submitted a plan for providing services to be approved by the Judicial Conference. According to the plan, the "corporation" would appoint a member of the bar to administer the proposed program.<sup>86</sup> In San Mateo County, California, the county bar association contracted with the county government to provide services with the court retaining the discretion to determine eligibility and make appointments but with the bar maintaining administra-

<sup>85</sup>National Legal Aid and Defender Association Guidelines for Legal Defense Systems in the United States, Report of the National Commission on Defense Services, Final Report 1976, p. 142.

<sup>86</sup>Special Committee of the Saratoga Bar Association for Indigent Defendants, Report to the Board of Supervisors of Saratoga County, New York (1965).

tive control of the program.<sup>87</sup> In Washington State,<sup>88</sup> King, Pierce, and Snohomish counties,<sup>89</sup> the administrator of the assigned counsel programs is a county official appointed by the county board of commissioners as opposed to being administered by the bar association as is done in the examples cited above. However, the bar association does have input in nominating the administrator and in participation on an advisory board. (The majority of felony matters in King and Snohomish Counties are handled by local offices).<sup>90</sup>

Although this structure for providing defense services has worked well in some jurisdictions, the success of this alternative depends greatly on the dedication of the local bar association to consistently provide competent counsel. This alternative would not be suitable for rural jurisdictions where only a handful of attorneys reside.

#### c. Public Defender Offices

A third method of providing indigent defense services is through public defender offices. Several organizational structures are possible in utilizing the defender office alternative. Some of the more

<sup>87</sup>R. Leilly, Resumé of a Private Defender Program 1968-72, p. 1 (April, 1972)

<sup>88</sup>National Legal Aid and Defender Association, Consultants: T. MacCarthy, H. Soll, C. Toole, Review of the Accused Indigent Defenders Program in Skagit County, Washington During Its First Year's Operation (1974, An American University Criminal Courts Technical Assistance Project).

<sup>89</sup>Washington State Bar Association, Study on Methods of Providing Representation for Indigent Criminal Accused (1975)

<sup>90</sup>National Legal Aid and Defender Association, Consultants: T.A. Green, C.P. Jones, J. Shullenberger, J. Williams, A Report on the Seattle Public Defender Office (1971).

common structures include the following:

- a local program completely funded and organized at the local level;
- a program financed by the state with local or regional selection of defenders and local autonomy;
- a state-financed program with central administration of all indigent defense services.

The locally organized defender office is currently used in Mississippi to some extent in Jackson, Washington, Bolivar, and Monroe Counties. This alternative is employed in many other states, as cited by the National Legal Aid and Defender Association:

....locally organized and funded trial level defender offices are provided for by statute in at least nineteen states. These include Arizona, California, Georgia, Idaho, Illinois, Indiana, Iowa, Louisiana (limited to certain judicial districts), Minnesota (judicial district defenders, except in counties over 300,000 where judges may appoint a county defender), Montana, Nevada (in the two largest counties; the rest of the state is centrally administered), New York, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas (in a single defender county), and Wyoming. In certain other states, local trial level defender offices have been established without the benefit of statute. These include Alabama, Maine, Michigan, Ohio, South Dakota, Utah, Washington State, and Wisconsin.<sup>91</sup>

The degree of centralization in local public defender systems varies. Presently, in Marion County, Indiana, the public defender system is extremely decentralized. The judges of the trial court of general jurisdiction appoint their own part-time defenders who serve exclusively in a particular judge's court. Other local systems are characterized by uniformity of

<sup>91</sup>Supra, note 85, p. 158, Update: Recently a state defender bill was passed in Ohio.

procedure. In a recent study, the results of centralizing indigent defense services and maintaining independence from the judiciary are seen as beneficial in many respects:

- the integrity of the lawyer-client relationship potentially influenced by the judicial appointment of public defenders is better protected;
- uniform standards of indigency and a data collection and information system could be developed;
- counsel could be appointed immediately after arrest as opposed to the present appointment of counsel at first court appearance;
- a centralized agency has the ability to attract and retain highly skilled professionals; and
- cost savings can be realized in that administrative support services, social services, and investigative resources could be provided on a more cost-efficient basis.<sup>92</sup>

Although this organizational structure is widely used, some studies have identified problems in the operation of a locally organized defender system. One study found that in California, although some of the most effective defender systems are in operation in some counties, county control also has resulted in wide discrepancies in the quality of defense services provided. Funding levels and variations in services differ considerably from county to county.<sup>93</sup> The study also emphasized the inability of locally organized offices to do effective resource allocation planning.

<sup>92</sup> Abt Associates, Inc. "Centralizing a County Defender System" Criminal Defense Technical Assistance Project Newsletter, February, 1980

<sup>93</sup> National Center for State Courts, N. Elkind, M. Colton, and F. Bremson, Description of Defense Services in Nine States, Supplement A (1974).

A survey conducted in Illinois revealed the disparities existing among locally organized trial level defender offices:

The 'so-called' public defender is really an administrative office for a part-time private lawyer system. That each lawyer is salaried is the primary change from the assigned counsel system.<sup>94</sup>

The National Study Commission on Defense Services concluded in its final report that little support exists for locally organized defender offices:

A survey of the literature reveals severe criticism of the system whereby the selection of the type of defender program to be utilized is left to the option of each county. The criticisms voiced include: inequalities in the quality and availability of services and in the adequacy of funding; political and judicial control; the lack of set policies and standards; inadequate appellate services; the lack of a training and research resource; lack of supporting services; and, generally, the inability to achieve necessary coordination. In addition, the criticism is frequently made that, where the defender is locally appointed and financed, his defense of heinous or controversial offenses may jeopardize the stability of the office due to public outcry.<sup>95</sup>

A second approach in organizing defender offices is a state-financed local or regional defender program characterized by some measure of central control. For example, in Missouri, the local offices have autonomy in office operations but the defenders are selected by a state appellate judicial commission. On the other hand, in Florida, defenders are elected locally and there is no single defender in charge of

<sup>94</sup> Illinois Defender Project, P. Hughes, Survey Coordinator, Criminal Defense of Indigents in Illinois: Report to the Illinois Law Enforcement Commission, p. 11 (1974)

<sup>95</sup> Supra, note 86, p. 160

services for the state; appellate services are provided by several regional appellate offices serving the entire state.<sup>96</sup> In Kentucky, the State Defender does not have administrative supervision over the local defender offices but provides appellate and post-conviction services for the state, appoints district public defenders in circuits participating in the state defender system, and is charged with issuing regulations and standards.<sup>97</sup> The Minnesota State Public Defender supervises the training for all district public defenders and handles appeals and post-conviction matters for the entire state.<sup>98</sup> Although defender offices are locally organized, the states of California, Illinois, Indiana, Oregon, and Wisconsin by statute, and Michigan by court rule, provide for centralized state appellate or post-conviction services at the state level.<sup>99</sup>

The National Advisory Commission on Criminal Justice Standards and Goals has accepted the organizational structure of a state-financed locally or regionally organized defender office as a viable alternative for providing indigent defense services. The Commission recommended:

Financing of defender services should be provided by the State. Administration and organization should be provided locally, regionally, or state-wide.<sup>100</sup>

<sup>96</sup>Supra, note 85, p. 160

<sup>97</sup>Kentucky Revised Statutes, §31.030 (Supp. 1974)

<sup>98</sup>Minn. Stat. Ann., §611.25 (1964, as amended, Supp. 1975)

<sup>99</sup>Supra, note 85, p. 161

<sup>100</sup>National Advisory Commission on Criminal Justice Standards and Goals, Courts, Standard 13.6 (1973)

Likewise, the American Bar Association's standards support the concept of locally or regionally organized defender services. In its Standards Relating to Providing Defense Services, the ABA recommends:

By statute each jurisdiction should require the appropriate local subdivision to adopt a plan for the provision of counsel. The statute should permit the local subdivision to choose from the full range of systems a method which is suited to its needs and consistent with these standards and should allow local subdivisions to act jointly in establishing such a plan.<sup>101</sup>

A third alternative in providing defense services for indigents is that of a state-financed centrally administered defender program. Many states have selected this alternative, among them the following: Alaska, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Maryland, Massachusetts, New Jersey, New Mexico, Nevada, Rhode Island, and Vermont.<sup>102</sup>

In New Jersey, one-third of the counties have their own defender offices with the remaining counties grouped into regions. The general administration of all the defender offices is handled through the administrative staff of the State Public Defender. Appeals are handled for the entire state by a separate appellate office. The State Public Defender maintains a pool of private trial attorneys to represent indigents in conflict of interest cases. These attorneys handle approximately 25% of the total indigent caseload for the state.<sup>103</sup>

<sup>101</sup>Supra, note 82, Standard 1.3

<sup>102</sup>Supra, note 85, p. 146-158

<sup>103</sup>Supra, note 80, p. 33, 34



The State Public Defender system in Colorado is administered similarly to New Jersey. The state has twenty regional offices with most offices serving more than one county. The system is centrally administered through the State Public Defenders Office. Selection of local office defenders is done by the State Public Defender. Most appeals are handled by a separate state defender office.<sup>104</sup> Alaska, whose population is quite dissimilar from New Jersey's, also utilizes this structure. The Alaska Public Defender Agency provides services on a regional basis with six defender offices. Regions are divided according to judicial districts. A region may be as large as 200 miles by 300 miles; thus, defenders travel by boat and plane to provide services.<sup>105</sup> Massachusetts uses a centrally administered structure for providing indigent defense services. The director of the agency is appointed by a board and the system has regional offices around the state which may serve more than one county. Appeals for all counties are handled by the state's appellate division.<sup>106</sup>

Several organizations have voiced their support for a state-financed centrally administered indigent defense system. The National Legal Aid and Defenders Association has concluded that defender services should be organized at the State level in order to ensure uniformity and equality of legal representation and supporting services, and to guarantee professional independence for individual defenders.<sup>107</sup>

<sup>104</sup>Supra, note 85, p. 163

<sup>105</sup>Supra, note 85, p. 165

<sup>106</sup>NLADA, Evaluation Report on the Massachusetts Defenders Committee (1972)

<sup>107</sup>Supra, note 85, p. 174

A National Center for State Courts report has come to a similar conclusion:

Based on our study, a statewide public defender agency is highly recommended as a model in structuring a public defender system.<sup>108</sup>

A bill calling for a fully integrated statewide defender system was recently introduced into the West Virginia State Legislature. The bill calls for a system replacing the present ad hoc assigned counsel system presently in operation.

The advantages of this type of structure are not only qualitatively beneficial in the provision of defense services but economically beneficial as well. With this structural alternative, political control or influence is greatly lessened, the unavailability of lawyers in rural areas is eliminated, compensation for services provided is standardized. This approach lends itself to ensuring uniformly high quality services in compliance with the equal protection criteria for all citizens within a state. Economically, this structure offers an extremely flexible and efficient means of allocating resources, particularly with respect to allocating attorney time in less-populous areas. Centralizing support services, such as legal research efforts and other professional staff besides attorneys (e.g. psychiatrist and investigative staff) can provide a level of representation unavailable in alternative structures. Cost savings can be derived from economies of scale, and standardization of forms, motions, and jury instructions, thereby saving countless attorney hours.

<sup>108</sup>National Center for State Courts, N. Elkind, M. Colton, and F. Bremson, Description of Defense Services in Nine States, Supplement A (1974).

d. Mixed Systems

A mixed system of providing defender services is characterized by participation of both a salaried defender and substantial participation of the private bar. The mixed system is generally structured in one of two ways. First, the defender organization and the assigned counsel program operate independently of each other with little or no coordination between the two. The second structure is one in which the defender office administers the assigned counsel program undertaking the assignment of attorneys to cases and payment for assigned counsel's services. Although not a widely utilized structure, the mixed system is practiced in some jurisdictions. For example, the Federal Defender Program in Chicago coordinates an assigned counsel panel and administers a full-time staff of lawyers and investigators. Assigned counsel and defender staff rotate days for receiving clients. Whoever receives the clients generally continues to represent the client through the adjudication stage.<sup>109</sup>

Defender office administration of assigned counsel is more common. As previously mentioned, the State Public Defender in New Jersey assigns a significant portion of his caseload to a pool of private attorneys. The defender office provides investigative and other support services and compensates attorneys directly from its budget.<sup>110</sup> In Maryland, statute

<sup>109</sup> National College of District Attorneys, National Association of Attorneys General, National Legal Aid and Defender Association, and Federal Defenders of San Diego, Inc., Guidebook of Projects for Prosecution and Defense Planning, (1973).

<sup>110</sup> *Supra*, note 80, p. 35.

provides an assigned counsel program administered by the defender office in which the office maintains a list of attorneys, makes case assignments, and compensates attorneys from the office budget.<sup>111</sup>

With regard to the mixed system of providing indigent defense services, the National Study Commission on Defense services made the following recommendation:

Where a jurisdiction is served by both a defender office and an assigned counsel program, there are two acceptable methods of coordinating these components:

(a) The defender director may also serve as the assigned counsel administrator and bear the responsibility, in cooperation with the private bar, and with the guidance of an advisory board, for the establishment, maintenance and training of the panel, and for all other administrative and support functions for the assigned counsel component; or

(b) The defender office and the assigned counsel program may exist as two independent entities, but coordinate their efforts in such matters as training and support services to the extent that it is feasible and in the allocation of caseload. Where necessary to facilitate coordination, an advisory board should be utilized.<sup>112</sup>

Within the commentary on this issue, the Commission cited several advantages and disadvantages to using the mixed system. The disadvantages with the defender-administered structure included the following: defenders see problems in that the private bar may feel the defenders are taking over; and the defender-administered program puts additional strain on already insufficient budgets. Having independently administered programs also has some problems:

<sup>111</sup> Md. Ann. Code, Art. 27A §6 (1971).

<sup>112</sup> *Supra*, note 85, p. 133



competition may arise between programs to provide services at the lowest cost thereby diluting the quality of representation; difficulty in providing early representation because of the uncertainty of which organization will have jurisdiction over the case; without central administration, one program may receive an inordinate proportion of cases or of case type; and administrative costs are duplicated.<sup>113</sup>

The advantages of the defender-administered mixed system includes feasibility of more timely appointments; caseloads and assignments can be regulated more equitably; much less duplication of training programs, administrative costs, and support services can be combined; unified record-keeping made feasible and more practical; and the overall monitoring and evaluation of the program could be attained.<sup>114</sup>

## 2. Funding of Indigent Defense Services

The majority of funding allocated to the provision of indigent defense services is absorbed at the county level. More than 50% of all the urban and rural defender programs receive funding solely from county governments,<sup>115</sup> as is the case in Mississippi. Twenty-nine percent of assigned counsel programs receive state funding for felonies, sixteen percent receive state funding for misdemeanors with five percent of assigned counsel programs receiving no compensation whatever.<sup>116</sup>

<sup>113</sup>Ibid.

<sup>114</sup>Ibid.

<sup>115</sup>Supra, note 80, p. 30-31

<sup>116</sup>Supra, note 80, p. 43

Although these figures appear quite surprising for state contributions, the National Study Commission on Defense Services concluded the following:

There are eighteen states which provide all or most of the funding for defense services from state coffers. Of these, thirteen fund defender systems having some centralized administration. These are the states of Alaska, Colorado, Connecticut, Delaware, Hawaii, Kentucky, Maryland, Massachusetts, Nevada, New Mexico, New Jersey, Rhode Island, and Vermont. Florida and Missouri provide state funding for locally administered defender offices. The remaining three states, Kansas, North Carolina and Virginia, provide state funds for assigned counsel systems operating in most areas of these states and for several local public defender offices. In the remaining thirty-two states, defense services are funded primarily by county governments, although some municipalities and state governments may provide a portion of the funds on a contributing basis.<sup>117</sup>

Much concern has arisen with respect to the ability or desire of localities to adequately fund a competent level of indigent defense services. The Advisory Commission on Intergovernmental Relations has promoted direct state financing for all indigent defense services, maintaining that local governments are less capable fiscally or are insensitive to the need of providing adequate funding for protecting the rights of indigents.<sup>118</sup> Both this commission and the National Legal Aid and Defender Association support the premise that it is the state's responsibility to provide adequate funding for counsel where the enforcement of state statutes is involved.<sup>119</sup>

<sup>117</sup>Supra, note 85, p. 246-247

<sup>118</sup>Advisory Commission on Intergovernmental Relations, State-Local Relations in the Criminal Justice System 52 (1971).

<sup>119</sup>Supra, note 85

Concern is also raised about local funding of indigent defense services complying with the Equal Protection Clause of the Fourteenth Amendment. In many jurisdictions relying upon local funding, the quality of representation depends on the wealth of the residents of the county in which the crime is committed. Those counties with low tax bases, particularly in rural areas, do not possess the funds to provide defense services that larger and wealthier counties can. The National Advisory Commission on Criminal Justice Standards and Goals concluded that the only way to balance resources so that counsel can be provided uniformly to all indigent criminally accused without imposing an unreasonable burden on some communities is through a state-financed system.<sup>120</sup>

In response to this concern, the Oregon Governor's Commission on Judicial Reform recommended the adoption of a statewide public defender system.<sup>121</sup> Similarly in Alabama, the Advisory Commission on Judicial Article Implementation recommended that the state should provide adequate funding for defense services.<sup>122</sup> Others maintain that states and counties could share the financial responsibilities for defense services.<sup>123</sup>

Justification for state financing is made on the basis of resource availability and service delivery. It is argued that state governments have more revenue available than local governments and have fewer restrictions

<sup>120</sup>National Advisory Commission on Criminal Justice Standards and Goals, COURTS, Commentary to Standard 13.6 at 265-266 (1973).

<sup>121</sup>Governor's Commission on Judicial Reform (Oregon). FINAL REPORT (1975).

<sup>122</sup>Final Report of the Advisory Commission on Judicial Articles Implementation (Alabama) 24 (1975).

<sup>123</sup>Supra, note 103

for raising additional revenue when necessary. Secondly, state funding is more likely to assure adequate and equitable defense services throughout the state. Finally, it is maintained that the state bears primary responsibility for execution of its criminal laws and should accept responsibility for providing defense services as required.<sup>124</sup>

### 3. Eligibility Criteria for Representation

The statutory criteria for determining financial eligibility for legal representation are quite undefined and lacking in guidance in the majority of jurisdictions around the country. Mississippi is among twenty-eight other states whose sole statutory requirement for financial eligibility is being "unable to employ counsel"<sup>125</sup> or the equivalent.

One problem inherent in such a vague definition of indigency is the span of interpretations allowed which inevitably leads to some disparities in determining indigency throughout a state. For example, the Washington Supreme Court listed the following factors as relevant to the determination of indigency: seriousness of the charge; prevailing and applicable bar association fee schedules; availability and convertibility of any personal or real property owned; outstanding debts and liabilities; accused's past and present history; earning capacity; living expenses; credit standing in the community; family and dependents; and any other circumstances which may impair or enhance the ability to hire a lawyer.<sup>126</sup>

<sup>124</sup>Supra, note 85

<sup>125</sup>Mississippi Code §99-15-15

<sup>126</sup>Supra, note 85, p. 82

Many jurisdictions consider one or more of the above factors in determining eligibility but are not consistent with respect to the criteria to be considered most important. The determining official may consider earning capacity much more important than outstanding debts, while another in the same jurisdiction may take the opposite view. Obviously, where no established pattern or standard exists, defendants will not be treated the same.

Many jurisdictions consider factors of doubtful legitimacy where in the resources of relatives and friends are used in making the eligibility determination.<sup>127</sup> This factor for determining indigency is flatly rejected in the ABA eligibility standard which states:

6.1 Eligibility.

Counsel should be provided to any person who is financially unable to obtain adequate representation without substantial hardship to himself or his family. Counsel should not be denied to any person merely because his friends or relatives have resources adequate to retain counsel or because he has posted or is capable of posting bond.<sup>128</sup>

Many organizations have developed lists of relevant criteria to be considered in determining financial eligibility for legal representation. For example, the New York State Bar Association is in the process of creating uniform statewide standards for determining eligibility. The National Conference of Commissioners on State Laws recommended that factors such as "income, property owned, outstanding obligations, and the number of ages of dependents," be considered as relevant factors but bail

<sup>127</sup>Supra, note 85, p. 82

<sup>128</sup>Supra, note 82, Standard 6.1

should be excluded as a decisive factor.<sup>129</sup> The National Advisory Commission on Criminal Justice Standards and Goals recommends the following factors as relevant to determining indigency: "income, bank account, ownership of a home, a car, or other tangible property, the number of dependents, and the cost of subsistence for the defendant and those to whom he owes a legal duty of support."<sup>130</sup> Even more specific criteria have been recommended by the National Study Commission on Defense Services.<sup>131</sup> (See Appendix I) In the commentary accompanying their recommendation, the Commission stated that the specificity of the recommendation is purposed to avoid any misinterpretation or misapplication arising from language simply indicating that a defendant be financially unable to obtain adequate representation by incorporating the concept of substantial financial hardship.<sup>132</sup> Where more specific criteria are used and consistently applied throughout a jurisdiction, the disparities in determining financial eligibility for legal representation will decrease.

4. Compensation of Assigned Counsel

Compensation levels of assigned counsel for representation of indigent defendants across the country varies from no compensation to moderate compensation plus full reimbursement for cost incurred. The standard for compensation is generally provided for statutorily, with some states being very specific as to amounts to compensate, others are very general as to the amount of

<sup>129</sup>National Conference of Commissioners on Uniform State Laws, Uniform Law Commissioners Model Public Defender Act §4(b) 1970.

<sup>130</sup>National Advisory Commission Standards and Goals, Standard 13.2

<sup>131</sup>Supra, note 85, p. 97

<sup>132</sup>Ibid.

compensation for the services performed."<sup>133</sup> The states of California,<sup>134</sup> Wyoming,<sup>135</sup> Maine,<sup>136</sup> Alaska,<sup>137</sup> and Wisconsin<sup>138</sup> statutorily provide for compensation according to prevailing rates charged by attorneys of the state for comparable services.

On the other hand, several states, Mississippi among them, provide specific amounts for compensation. For example, West Virginia statute specifies that the amount compensated is a \$200 maximum fee for felonies and a \$100 maximum for misdemeanors.<sup>139</sup> Some states only provide compensation until funds allowed for indigent defense are depleted, in which case attorney's receive no compensation for services rendered.

With regard to assigned counsel compensation, the National Study Commission on Defense Services recommended the following standard:

- (a) Assigned counsel should be adequately compensated for services rendered. Fees should be related to the prevailing rates among the private bar for similar services. These rates should be reviewed periodically and adjusted accordingly.
- (b) Funds should be available in a budgetary allocation for the services of investigators, expert witnesses and other necessary services and facilities.
- (c) In developing a fee schedule, the effect of the fee schedule upon the quality of representation should be considered. Fee structures should be

<sup>133</sup> Ariz. R. Crim. Pro., Rule 6.7.

<sup>134</sup> Cal. Pen. Code §987.3 (Supp. 1975).

<sup>135</sup> Wyo. Stat., §7-9.10(d) (supp. 1975).

<sup>136</sup> Maine R. Crim. Pro., Rule 44(c).

<sup>137</sup> Supra, note 85.

<sup>138</sup> Wis. Stat. Ann., §967.06(2) (1971).

<sup>139</sup> W. Va. Code, §62-3-1 (1966, as amended, Supp. 1975).

designed to compensate attorneys for effort, skill and time actually, properly and necessarily expended in assigned cases.

- (d) Fee schedules, whether provided by statute or policy, should be designed to allow hourly in-court and out-of-court rates up to a stated maximum for various classes of cases, with provisions for compensation in excess of the scheduled maxima in extraordinary cases.<sup>140</sup>

This recommendation is consistent with the ABA standard which states:

#### 2.4 Compensation.

Assigned counsel should be compensated for time and service necessarily performed in the discretion of the court within limits specified by the applicable statute. In establishing the limits and in the exercise of discretion the objective should be to provide reasonable compensation in accordance with prevailing standards.<sup>141</sup>

The President's Commission on Law Enforcement and Administration of Justice also concurs with this recommendation, contending that compensation of indigent defense lawyers at the prevailing rate is necessary to avoid the stigma of inferiority in service delivery.<sup>142</sup>

### C. Recommendations for an Improved Indigent Defense System in Mississippi

#### 1. Organizational Structure

Recommendation. The ad hoc method of assigning counsel to defend indigents should be eliminated and replaced by public defender offices administered on a local,

<sup>140</sup> Supra, note 85, p. 261.

<sup>141</sup> Supra, note 82, Standard 2.4.

<sup>142</sup> President's Commission on Law Enforcement and Administration of Justice, TASK FORCE REPORT: THE COURTS 61 (1967).

regional, or statewide basis. The responsibility for administering assigned counsel programs should be delegated to these offices.

The advantages accruing to the State as a whole by organizing indigent defense services as recommended are numerous:

- the quality and availability of counsel for indigents could be increased in both rural and urban areas, closing any service gaps presently existing;
- assurance of compliance with equal protection and due process criteria within the state could be increased;
- uniformity in policies and procedures for providing services could be increased;
- training and continuing education in criminal law for defense attorneys could be provided;
- early representation of counsel could be provided thereby eliminating the problem of lateness of assignments;
- the assignment of counsel is removed from political and judicial influence;
- investigative and other support services necessary for adequate defense could be provided;
- more experienced advocacy for appellate defense can be developed; and
- compensation for service provided by assigned counsel could be standardized.

## 2. Funding of Mississippi Indigent Defense Services

Recommendation. To accrue the advantages listed in the above recommendation the state should move toward subsidizing all indigent defense services provided within the state. Not only will state funding of indigent defense services provide uniformity, equality, and increased availability of defense services, but also economic advantages are possible:

- a flexible and efficient means of allocating resources;
- the ability to realize economic benefits from economies of scale;
- the ability to standardize forms, motions, and jury instructions, saving costly attorney time; and
- use of support services more efficiently.

Another important factor in the issue of funding is that the state has more revenue available as well as more ample means to raise additional revenue than do local governments. In Mississippi, this is particularly important in that a significant geographic area of the state is comprised of counties with very small tax bases. State funding will alleviate the severe economic burden placed on these counties to provide indigent defense services.

## 3. Eligibility for Determining Indigency

Recommendation. The state should devise realistic and specific criteria for determining financial eligibility for legal representation to be used by all jurisdictions so that the disparities existing in determining indigency are eradicated. Standardizing criteria for indigency should provide the following:

- close service gaps, if present, where those in need of defense services are not provided due to a lack of criteria to be judged upon; and
- eliminate misinterpretations of the present criteria thereby promoting more equitable application of the criteria.

## 4. Compensation for Assigned Counsel

Recommendation. The state should standardize compensation levels for assigned counsel to be effective in all jurisdictions. Fee schedules should be developed to

provide for adequate compensation for services rendered and should be based on prevailing rates of private counsel.

If the public defender offices are not implemented as recommended it is imperative that adequate compensation levels be established to insure indigent defendants a competent level of representation. Currently, in Mississippi, the compensation levels for assigned counsel vary radically from \$50/case to an hourly rate up to \$30. Standardizing compensation levels should eliminate this problem.

## V. SUMMARY

This report has analyzed the organization and management of three critical components of Mississippi's judicial system: clerks of court, court reporters, and indigent defense services. In each area, the existing system in Mississippi was examined with emphasis on legal authorization, organizational structure, and financial management. Recommendations are based on appraisal of the Mississippi system and its specific needs. The systems of other states and the fruits of national debate on these subjects are incorporated into the analysis.

Throughout the three areas of inquiry, a common theme is reflected in the recommendations. Greater assumption of responsibility for funding and administrative involvement by the State is encouraged in some manner in the areas of clerks offices, court reporters, and indigent defense. In Mississippi, increased state administration will have to develop in light of the predominantly rural nature of Mississippi. Local or regional supervision of daily administration will continue regardless of developments in procedural uniformity and centralized fund flows. This balance of state and local roles offers the best opportunity for consistent, fair administration of justice in the three areas.

In some respects, this report's recommendations conform to recognized standards and national trends while in other aspects, Mississippi's situation dictates maintenance of existing practices or modified adoption of selected components of conventional wisdom in judicial administration. In totality, the future of organization and management of clerk's offices, court reporters, and indigent defense services is contingent upon developments in trial court organization and formulation of policy regarding state involvement in judicial administration. As voiced throughout the report

series generated by the Mississippi Court Finance Project, basic organizational reform in specific components of the judicial system must be undertaken in concert with a comprehensive plan for the system as a whole.

APPENDIX A  
REVENUES OF CHANCERY CLERKS OFFICES  
1978

KEY TO COUNTY CODE

<u>County</u>	<u>Code</u>
Adams	01-78-6
Alcorn	02-78-6
Amite	03-78-6
Attala	04-78-6
Benton	05-78-6
Bolivar	06-78-6
Calhoun	07-78-6
Carroll	08-78-6
Chickasaw	09-78-6
Choctaw	10-78-6
Claiborne	11-78-6
Clarke	12-78-6
Clay	13-78-6
Coahoma	14-78-6
Copiah	15-78-6
Covington	16-78-6
Desoto	17-78-6
Forrest	18-78-6
Franklin	19-78-6
George	20-78-6
Greene	21-78-6
Grenada	22-78-6
Hancock	23-78-6
Harrison	24-78-6
Hinds	25-78-6
Holmes	26-78-6
Humphreys	27-78-6
Issaquena	28-78-6
Itawamba	29-78-6
Jackson	30-78-6
Jasper	31-78-6
Jefferson	32-78-6
Jeff Davis	33-78-6
Jones	34-78-6
Kemper	35-78-6
Lafayette	36-78-6
Lamar	37-78-6
Lauderdale	38-78-6
Lawrence	39-78-6
Leake	40-78-6
Lee	41-78-6
Leflore	42-78-6
Lincoln	43-78-6
Lowndes	44-78-6
Madison	45-78-6
Marion	46-78-6
Marshall	47-78-6
Monroe	48-78-6
Montgomery	49-78-6



<u>County</u>	<u>Code</u>
Neshoba	50-78-6
Newton	51-78-6
Noxubee	52-78-6
Oktibbeha	53-78-6
Panola	54-78-6
Pearl River	55-78-6
Perry	56-78-6
Pike	57-78-6
Pontotoc	58-78-6
Prentiss	59-78-6
Quitman	60-78-6
Rankin	61-78-6
Scott	62-78-6
Sharkey	63-78-6
Simpson	64-78-6
Smith	65-78-6
Stone	66-78-6
Sunflower	67-78-6
Tallahatchie	68-78-6
Tate	69-78-6
Tippah	70-78-6
Tishomingo	71-78-6
Tunica	72-78-6
Union	73-78-6
Walthall	74-78-6
Warren	75-78-6
Washington	76-78-6
Wayne	77-78-6
Webster	78-78-6
Wilkinson	79-78-6
Winston	80-78-6
Yalobusha	81-78-6
Yazoo	82-78-6

COUNTY CODE	SETTLEMENT COMMISSIONS	GOVERNMENTAL TREASURY	RECEIPTS INDIVIDUALS
01-78-6	\$ 802	\$ 65,109	\$ 28,871
02-78-6	\$ 390	\$ 26,152	\$ 9,027
03-78-6	\$ 486	\$ 24,292	\$ 19,431
04-78-6	\$ 378	\$ 38,914	\$ 12,827
05-78-6	\$ 160	\$ 23,097	\$ 4,302
06-78-6	\$ 2,330	\$ 27,842	\$ 35,845
07-78-6	\$ 144	\$ 25,141	\$ 6,152
08-78-6	\$ 119	\$ 16,858	\$ 4,400
09-78-6		\$ 28,067	\$ 14,805
10-78-6	\$ 230	\$ 20,704	\$ 7,700
11-78-6	\$ 168	\$ 28,828	\$ 10,605
12-78-6	\$ 352	\$ 21,801	\$ 28,342
13-78-6	\$ 241	\$ 23,555	\$ 33,495
14-78-6	\$ 704	\$ 32,089	\$ 36,954
15-78-6		\$ 52,407	\$ 26,581
16-78-6	\$ 199	\$ 28,600	\$ 20,909
17-78-6	\$ 435	\$ 31,381	\$ 28,835
18-78-6	\$ 4,509	\$ 64,308	\$ 62,337
19-78-6	\$ 161	\$ 16,582	\$ 7,793
20-78-6	\$ 911	\$ 21,118	\$ 15,904
21-78-6	\$ 36	\$ 19,865	
22-78-6	\$ 545	\$ 22,701	\$ 25,964
23-78-6	\$ 1,774	\$ 29,226	\$ 58,932

COUNTY CODE	SETTLEMENT COMMISSIONS	GOVERNMENTAL TREASURY	RECEIPTS INDIVIDUALS
24-78-6	\$ 5,310	\$ 80,996	\$123,123
25-78-6	\$ 4,278	\$128,899	\$210,851
26-78-6	\$ 807	\$ 29,958	\$ 25,166
27-78-6	\$ 270	\$ 20,382	\$ 15,712
28-78-6	\$ 4	\$ 15,126	\$ 1,500
29-78-6	\$ 94	\$ 23,875	\$ 10,671
30-78-6	\$ 11,696	\$ 44,509	\$124,082
31-78-6		\$ 48,685	
32-78-6	\$ 156	\$ 23,312	\$ 8,487
33-78-6	\$ 277	\$ 18,969	\$ 21,195
34-78-6	\$ 2,885	\$ 57,733	\$ 78,168
35-78-6	\$ 129	\$ 30,734	\$ 9,651
36-78-6	\$ 949	\$ 24,258	\$ 34,463
37-78-6	\$ 1,067	\$ 24,627	\$ 43,713
38-78-6	\$ 1,393	\$119,117	\$ 68,811
39-78-6	\$ 167	\$ 21,990	\$ 13,089
40-78-6	\$ 210	\$ 17,839	\$ 25,600
41-78-6	\$ 804	\$ 44,033	\$ 49,089
42-78-6	\$ 980	\$ 66,476	\$ 37,800
43-78-6	\$ 475	\$ 29,209	\$ 35,473
44-78-6	\$ 6,075	\$ 43,036	\$ 34,287
45-78-6	\$ 1,116	\$ 34,549	\$ 31,143
46-78-6	\$ 1,002	\$ 29,272	\$ 27,403

COUNTY CODE	SETTLEMENT COMMISSIONS	GOVERNMENTAL TREASURY	RECEIPTS INDIVIDUALS
47-78-6	\$ 1,684	\$ 26,999	\$ 24,371
48-78-6	\$ 734	\$ 38,560	\$ 50,510
49-78-6	\$ 59	\$ 24,077	\$ 12,053
50-79-6	\$ 35	\$ 30,941	\$ 27,171
51-78-6	\$ 245	\$ 21,718	\$ 17,015
52-78-6	\$ 248	\$ 38,907	\$ 10,921
53-78-6	\$ 435	\$ 21,542	\$ 31,320
54-78-6	\$ 744	\$ 33,237	\$ 20,954
55-78-6	\$ 6,247	\$ 26,757	\$ 62,913
56-78-6	\$ 167	\$ 17,307	\$ 3,657
57-78-6	\$ 2,093	\$ 43,814	\$ 50,453
58-78-6	\$ 567	\$ 21,797	\$ 17,780
59-78-6	\$ 327	\$ 35,120	\$ 14,929
60-78-6	\$ 395	\$ 20,542	\$ 11,667
61-78-6	\$ 2,907	\$ 46,297	\$ 60,034
62-78-6	\$ 685	\$ 28,672	\$ 28,705
63-78-6	\$ 65	\$ 25,099	\$ 1,500
64-78-6	\$ 633	\$ 17,648	\$ 13,000
65-78-6	\$ 304	\$ 22,213	\$ 14,339
66-78-6	\$ 954	\$ 18,636	\$ 19,050
67-78-6	\$ 1,043	\$ 35,588	\$ 29,260
68-78-6		\$ 26,325	\$ 12,387
69-78-6	\$ 503	\$ 28,281	\$ 18,568



# KEY TO COUNTY CODE

<u>County</u>	<u>Code</u>
Adams	01-78-6
Alcorn	02-78-6
Amite	03-78-6
Attala	04-78-6
Benton	05-78-6
Bolivar	06-78-6
Calhoun	07-78-6
Carroll	08-78-6
Chickasaw	09-78-6
Choctaw	10-78-6
Claiborne	11-78-6
Clarke	12-78-6
Clay	13-78-6
Coahoma	14-78-6
Copiah	15-78-6
Covington	16-78-6
Desoto	17-78-6
Forrest	18-78-6
Franklin	19-78-6
George	20-78-6
Greene	21-78-6
Grenada	22-78-6
Hancock	23-78-6
Harrison	24-78-6
Hinds	25-78-6
Holmes	26-78-6
Humphreys	27-78-6
Issaquena	28-78-6
Itawamba	29-78-6
Jackson	30-78-6
Jasper	31-78-6
Jefferson	32-78-6
Jeff Davis	33-78-6
Jones	34-78-6
Kemper	35-78-6
Lafayette	36-78-6
Lamar	37-78-6
Lauderdale	38-78-6
Lawrence	39-78-6
Leake	40-78-6
Lee	41-78-6
Leflore	42-78-6
Lincoln	43-78-6
Lowndes	44-78-6
Madison	45-78-6
Marion	46-78-6
Marshall	47-78-6
Monroe	48-78-6
Montgomery	49-78-6



COUNTY CODE	TOTAL COMPENSATION	TOTAL DISBURSEMENTS	NET COMPENSATION
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24-78-6	\$209,430	\$169,563	\$ 39,867
25-78-6	\$344,029	\$295,287	\$ 48,741
26-78-6	\$ 55,931	\$ 35,939	\$ 19,992
27-78-6	\$ 36,364	\$ 12,903	\$ 23,461
28-78-6	\$ 16,630	\$ 14,026	\$ 13,223
29-78-6	\$ 34,642	\$ 9,031	\$ 25,611
30-78-6	\$180,287	\$152,666	\$ 27,620
31-78-6	\$ 48,685	\$ 24,960	\$ 23,725
32-78-6	\$ 31,956	\$ 9,690	\$ 22,266
33-78-6	\$ 40,442	\$ 4,452	\$ 35,990
34-78-6	\$138,787	\$ 59,708	\$ 79,079
35-78-6	\$ 40,515	\$ 18,707	\$ 21,808
36-78-6	\$ 58,721	\$ 24,103	\$ 34,618
37-78-6	\$ 69,408	\$ 41,328	\$ 28,079
38-78-6	\$189,322	\$160,644	\$ 28,678
39-78-6	\$ 35,080	\$ 10,008	\$ 25,071
40-78-6	\$ 43,650	\$ 22,241	\$ 21,409
41-78-6	\$ 93,927	\$ 61,292	\$ 32,635
42-78-6	\$105,257	\$ 67,316	\$ 37,940
43-78-6	\$ 64,682	\$ 40,608	\$ 24,074
44-78-6	\$ 83,398	\$ 53,758	\$ 29,640
45-78-6	\$ 65,692	\$ 25,930	\$ 39,761
46-78-6	\$ 57,678	\$ 30,937	\$ 26,740

COUNTY CODE	TOTAL COMPENSATION	TOTAL DISBURSEMENTS	NET COMPENSATION
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47-78-6	\$ 53,055	\$ 25,331	\$ 27,724
48-78-6	\$ 89,805	\$ 60,115	\$ 29,690
49-78-6	\$ 36,190	\$ 11,678	\$ 24,511
50-78-6	\$ 58,148	\$ 41,868	\$ 16,279
51-78-6	\$ 38,979	\$ 20,451	\$ 18,528
52-78-6	\$ 50,077	\$ 8,509	\$ 41,568
53-78-6	\$ 53,297	\$ 38,149	\$ 15,147
54-78-6	\$ 54,940	\$ 28,612	\$ 26,327
55-78-6	\$ 95,918	\$ 45,804	\$ 50,113
56-78-6	\$ 20,965	\$ 9,843	\$ 11,122
57-78-6	\$ 96,361	\$ 58,449	\$ 37,911
58-78-6	\$ 40,145	\$ 16,339	\$ 22,605
59-78-6	\$ 50,049	\$ 22,906	\$ 27,143
60-78-6	\$ 32,604	\$ 15,626	\$ 16,978
61-78-6	\$109,238	\$ 76,762	\$ 32,476
62-78-6	\$ 58,064	\$ 20,300	\$ 37,763
63-78-6	\$ 26,665	\$ 6,950	\$ 19,715
64-78-6	\$ 30,648	\$ 14,740	\$ 15,908
65-78-6	\$ 36,553	\$ 12,988	\$ 23,564
66-78-6	\$ 38,641	\$ 17,816	\$ 20,825
67-78-6	\$ 63,910	\$ 26,175	\$ 37,735
68-78-6	\$ 38,713	\$ 26,587	\$ 12,125
69-78-6	\$ 46,850	\$ 24,635	\$ 22,215

PAGE

COUNTY COOF	TOTAL COMPENSATION	TOTAL DISBURSEMENTS	NET COMPENSATION
70-78-6	\$ 28,282	\$ 9,033	\$ 19,249
71-78-6	\$ 31,692	\$ 23,628	\$ 8,064
72-78-6	\$ 27,359	\$ 15,445	\$ 11,913
73-78-6	\$ 50,509	\$ 28,829	\$ 21,679
74-78-6	\$ 44,913	\$ 16,150	\$ 28,763
75-78-6	\$ 95,650	\$ 61,032	\$ 34,617
76-78-6	\$110,911	\$ 61,216	\$ 49,694
77-78-6	\$ 54,965	\$ 20,376	\$ 34,588
78-78-6	\$ 31,829	\$ 7,125	\$ 24,704
79-78-6	\$ 31,625	\$ 10,728	\$ 20,897
80-78-6	\$ 35,706	\$ 14,242	\$ 21,464
81-78-6	\$ 31,349	\$ 7,800	\$ 23,549
82-78-6	\$ 46,769	\$ 26,029	\$ 20,739
TOTALS	\$ 4,989,837	\$ 2,952,948	\$ 2,142,955

APPENDIX C

COUNTY EXPENDITURES FOR

OPERATING COSTS IN THE OFFICE

OF CHANCERY CLERK

FOR YEAR ENDING SEPTEMBER 30

APPENDIX C  
COUNTY EXPENDITURES FOR  
OPERATING COSTS IN THE OFFICE  
OF CHANCERY CLERK  
FOR YEAR ENDING SEPTEMBER 30

<u>County</u>	<u>1975</u>	<u>1976</u>
Adams	\$60,570	\$ 55,270
Alcorn	20,538	17,987
Amite	9,626	16,928
Attala	4,223	5,333
Benton	3,576	3,928
Bolivar	12,852	19,233
Calhoun	5,087	8,586
Carroll	3,429	5,337
Chickasaw	4,572	3,843
Choctaw	7,096	5,046
Claiborne	10,205	11,106
Clarke	11,167	12,034
Clay	7,380	9,969
Coahoma	10,464	22,333
Copiah	4,876	12,906
Covington	6,141	12,362
DeSoto	9,389	24,619
Forrest	29,952	35,618
Franklin	4,154	9,896
George	2,858	13,682
Greene	6,464	6,809
Grenada	9,586	9,186
Hancock	13,163	26,046
Harrison	165,549	48,738
Hinds	36,887	97,776
Holmes	2,430	3,523
Humphreys	8,501	11,031
Issaquena	2,739	4,366
Itawamba	7,043	7,322
Jackson	20,570	78,105
Jasper	10,303	11,431
Jefferson	1,918	1,491
Jefferson Davis	2,506	8,689
Jones	47,693	66,798
Kemper	1,268	6,307
Lafayette	9,692	5,205
Lamar	14,688	25,675
Lauderdale	21,052	35,329
Lawrence	3,344	2,865
Leake	8,462	10,028
Lee	11,615	12,431
Leflore	10,798	12,313
Lincoln	12,707	25,195
Lowndes	34,172	21,806
Madison	13,832	13,490



APPENDIX C (continued)

<u>County</u>	<u>1975</u>	<u>1976</u>
Marion	\$12,450	\$10,379
Marshall	9,264	7,505
Monroe	9,141	6,668
Montgomery	12,778	12,189
Neshoba	2,242	2,212
Newton	4,538	6,161
Noxubee	9,017	7,060
Oktibbeha	16,711	24,474
Panola	8,811	10,386
Pearl River	11,500	17,744
Perry	9,683	9,443
Pike	19,121	14,538
Pontotoc	1,580	11,808
Prentiss	8,324	15,610
Quitman	9,325	9,912
Rankin	31,358	29,172
Scott	7,087	11,697
Sharkey	5,372	9,250
Simpson	19,513	16,041
Smith	15,185	8,369
Stone	8,040	10,373
Sunflower	21,584	17,801
Tallahatchie	10,289	12,219
Tate	7,225	11,341
Tippah	3,961	7,601
Tishomingo	4,711	3,715
Tunica	10,236	5,860
Uion	4,252	4,950
Walthall	7,864	11,396
Warren	10,052	29,947
Washington	23,045	17,348
Wayne	11,801	13,882
Webster	2,324	4,660
Wilkinson	7,720	12,627
Winston	8,512	16,125
Yalobusha	7,342	12,983
Yazoo	17,046	19,607
	\$1,094,152	\$1,311,032*

APPENDIX D

OFFICE OF CHANCERY CLERK

STATEMENT OF COURT-RELATED GROSS RECEIPTS

FOR CALENDAR YEARS 1977/1978

APPENDIX D  
OFFICE OF CHANCERY CLERK  
STATEMENT OF COURT-RELATED GROSS RECEIPTS  
FOR CALENDAR YEARS 1977/1978

County	1977		1978	
	Payments from Governmental Treasuries	Receipts from Private Individuals	Payments from Governmental Treasuries	Receipts from Private Individuals
Adams	\$ 27,389	\$ 28,726	\$ 23,437	\$ 28,871
Alcorn	10,626	8,005	7,143	9,027
Amite	9,180	11,701	10,800	15,070
Attala	6,005	11,361	6,060	12,827
Benton	5,965	4,254	6,150	4,302
Bolivar	4,172	26,449	4,690	29,720
Calhoun	6,517	6,623	6,460	6,152
Carroll	5,094	6,341	5,332	4,100
Chickasaw	11,682	11,396	13,931	13,905
Choctaw	4,600	5,976	4,109	6,133
Claiborne	14,107	9,841	16,130	10,605
Clarke	8,411	26,129	8,736	22,075
Clay	5,860	27,186	6,668	33,495
Coahoma	8,982	27,558	11,832	36,238
Copiah	11,108	24,603	14,313	26,581
Covington	6,940	23,749	7,220	20,909
DeSoto	5,730	26,775	5,937	28,835
Forrest	25,203	58,612	42,725	58,845
Franklin	7,160	10,103	7,196	7,793
George	11,252	13,784	9,618	13,692
Greene	7,625	2,500	7,923	2,400
Grenada	10,055	11,820	9,770	17,988
Hancock	8,797	41,960	10,708	58,932
Harrison	49,670	113,739	53,011	118,623
Hinds	77,685	188,072	79,707	210,097
Holmes	8,369	16,396	8,832	18,490
Humphreys	7,046	9,914	7,151	13,673
Issaquena	4,906	1,300	4,910	1,200
Itawamba	7,260	10,521	7,150	10,671
Jackson	17,696	110,612	27,181	124,082
Jasper	6,190	1,250	8,740	4,250
Jefferson	11,587	7,193	11,730	8,487
Jefferson Davis	7,550	29,385	7,512	21,195
Jones	18,199	64,337	17,674	78,168
Kemper	2,323	8,030	2,613	8,639
Lafayette	5,087	27,963	7,097	34,463
Lamar	11,600	50,744	11,460	43,713
Lauderdale	33,663	64,670	28,928	67,319
Lawrence	7,582	13,954	7,605	13,089
Leake	6,332	16,345	6,655	18,554
Lee	15,669	37,953	16,973	42,202
Leflore	8,003	23,670	8,854	28,650
Lincoln	11,980	31,905	11,849	35,473
Lowndes	14,777	38,437	13,210	34,287

APPENDIX D (continued)

County	1977		1978	
	Payments from Governmental Treasuries	Receipts from Private Individuals	Payments from Governmental Treasuries	Receipts from Private Individuals
Madison	\$ 8,292	\$ 25,208	\$ 7,056	\$ 31,143
Marion	13,289	33,869	13,258	27,402
Marshall	8,677	10,659	11,760	24,371
Monroe	9,432	38,561	9,770	50,510
Montgomery	7,855	10,184	8,218	12,053
Neshoba	7,618	14,145	4,754	17,996
Newton	6,805	12,956	7,232	14,441
Noxubee	6,912	9,675	7,075	8,396
Oktibbeha	7,040	34,009	7,220	27,485
Panola			13,759	20,954
Pearl River	10,663	40,101	11,509	56,403
Perry	7,655		7,700	
Pike	11,947	37,327	13,656	50,443
Pontotoc	6,210	14,551	6,342	17,780
Prentiss	7,776	7,264	8,039	7,684
Quitman	6,755	12,810	5,662	11,667
Rankin	12,666	48,622	17,580	60,034
Scott	5,310	19,085	11,885	23,157
Sharkey	5,545	1,200	5,849	1,500
Simpson	6,720	12,150	7,020	13,000
Smith	8,410	15,326	7,552	13,311
Stone	6,239	17,111	6,540	14,250
Sunflower	7,070	19,903	12,780	29,260
Tallahatchie	6,480	15,957	6,110	12,387
Tate	9,360	15,272	9,002	18,568
Tippah	5,780	6,100	6,000	6,100
Tishomingo	1,390	5,142	1,410	5,669
Tunica	6,258	7,513	6,515	9,540
Union	5,899	10,415	6,710	13,579
Walthall	6,448	11,158	6,332	14,628
Warren	15,000	39,564	16,849	39,055
Washington	11,048	57,711	15,545	69,685
Wayne	6,680	27,462	10,477	28,268
Webster	6,506	11,222	6,805	10,831
Wilkinson	10,680	4,624	13,580	4,000
Winston	6,450	11,559	7,334	15,132
Yalobusha	8,614	9,072	9,117	9,756
Yazoo	7,985	20,458	8,125	20,520
	\$849,098	\$1,983,787	\$937,857	\$2,217,778

APPENDIX E

REVENUES OF CIRCUIT CLERKS OFFICES

1978

# KEY TO COUNTY CODE

<u>County</u>	<u>Code</u>
Adams	01-78-7
Alcorn	02-78-7
Amite	03-78-7
Attala	04-78-7
Benton	05-78-7
Bolivar	06-78-7
Calhoun	07-78-7
Carroll	08-78-7
Chickasaw	09-78-7
Choctaw	10-78-7
Claiborne	11-78-7
Clarke	12-78-7
Clay	13-78-7
Coahoma	14-78-7
Copiah	15-78-7
Covington	16-78-7
Desoto	17-78-7
Forrest	18-78-7
Franklin	19-78-7
George	20-78-7
Greene	21-78-7
Grenada	22-78-7
Hancock	23-78-7
Harrison	24-78-7
Hinds	25-78-7
Holmes	26-78-7
Humphreys	27-78-7
Issaquena	28-78-7
Itawamba	29-78-7
Jackson	30-78-7
Jasper	31-78-7
Jefferson	32-78-7
Jeff Davis	33-78-7
Jones	34-78-7
Kemper	35-78-7
Lafayette	36-78-7
Lamar	37-78-7
Lauderdale	38-78-7
Lawrence	39-78-7
Leake	40-78-7
Lee	41-78-7
Leflore	42-78-7
Lincoln	43-78-7
Lowndes	44-78-7
Madison	45-78-7
Marion	46-78-7
Marshall	47-78-7
Monroe	48-78-7
Montgomery	49-78-7

County	Code
Neshoba	50-78-7
Newton	51-78-7
Noxubee	52-78-7
Oktibbeha	53-78-7
Panola	54-78-7
Pearl River	55-78-7
Perry	56-78-7
Pike	57-78-7
Pontotoc	58-78-7
Prentiss	59-78-7
Quitman	60-78-7
Rankin	61-78-7
Scott	62-78-7
Sharkey	63-78-7
Simpson	64-78-7
Smith	65-78-7
Stone	66-78-7
Sunflower	67-78-7
Tallahatchie	68-78-7
Tate	69-78-7
Tippah	70-78-7
Tishomingo	71-78-7
Tunica	72-78-7
Union	73-78-7
Walthall	74-78-7
Warren	75-78-7
Washington	76-78-7
Wayne	77-78-7
Webster	78-78-7
Wilkinson	79-78-7
Winston	80-78-7
Yalobusha	81-78-7
Yazoo	82-78-7

COUNTY CODE	GOVERNMENTAL TREASURY	RECEIPTS INDIVIDUALS
01-78-7	\$ 48,658	\$ 12,336
02-78-7	\$ 25,743	\$ 4,145
03-78-7	\$ 19,278	\$ 13,452
04-78-7	\$ 16,580	\$ 5,789
05-78-7	\$ 14,050	\$ 563
06-78-7	\$ 35,571	\$ 9,488
07-78-7	\$ 17,969	\$ 2,259
08-78-7	\$ 9,544	\$ 275
09-78-7	\$ 27,543	\$ 2,949
10-78-7	\$ 15,979	\$ 1,597
11-78-7	\$ 16,392	\$ 3,225
12-78-7	\$ 10,546	\$ 1,130
13-78-7	\$ 20,758	\$ 3,838
14-78-7	\$ 36,930	\$ 6,229
15-78-7	\$ 15,726	\$ 3,563
16-78-7	\$ 11,740	\$ 1,641
17-78-7	\$ 25,267	\$ 9,726
18-78-7	\$ 32,641	\$ 7,643
19-78-7	\$ 12,520	\$ 3,485
20-78-7	\$ 14,449	\$ 3,073
21-78-7	\$ 13,291	\$ 800
22-78-7	\$ 11,950	\$ 4,132
23-78-7	\$ 1,800	\$ 2,293

COUNTY CODE	GOVERNMENTAL TREASURY	RECEIPTS INDIVIDUALS
24-78-7	\$ 123,551	\$ 62,857
25-78-7	\$ 96,197	\$ 69,271
26-78-7	\$ 17,627	\$ 1,510
27-78-7	\$ 21,758	\$ 1,937
28-78-7	\$ 10,613	\$ 5
29-78-7	\$ 15,029	\$ 1,550
30-78-7	\$ 120,303	\$ 38,169
31-78-7	\$ 18,885	\$ 2,249
32-78-7	\$ 14,555	\$ 2,368
33-78-7	\$ 9,049	\$ 1,150
34-78-7	\$ 57,212	\$ 31,312
35-78-7	\$ 16,832	\$ 575
36-78-7	\$ 15,636	\$ 5,060
37-78-7	\$ 21,145	\$ 4,883
38-78-7	\$ 80,447	\$ 18,054
39-78-7	\$ 11,841	\$ 2,521
40-78-7	\$ 17,717	\$ 169
41-78-7	\$ 52,587	\$ 16,375
42-78-7	\$ 39,776	\$ 7,982
43-78-7	\$ 19,267	\$ 4,508
44-78-7	\$ 86,973	\$ 14,552
45-78-7	\$ 23,533	\$ 10,301
46-78-7	\$ 17,700	\$ 1,666

COUNTY CODE	GOVERNMENTAL TREASURY	RECEIPTS INDIVIDUALS
47-78-7	\$ 13,485	\$ 6,105
48-78-7	\$ 15,230	\$ 3,180
49-78-7	\$ 12,347	\$ 2,056
50-78-7	\$ 20,741	\$ 5,422
51-78-7	\$ 14,432	\$ 2,907
52-78-7	\$ 15,965	
53-78-7	\$ 19,753	\$ 9,322
54-78-7	\$ 24,222	\$ 3,206
55-78-7	\$ 21,638	\$ 4,486
56-78-7	\$ 13,955	\$ 1,219
57-78-7	\$ 22,235	\$ 12,132
58-78-7	\$ 15,723	\$ 2,964
59-78-7	\$ 11,740	\$ 3,176
60-78-7	\$ 13,533	\$ 4,243
61-78-7	\$ 34,062	\$ 20,698
62-78-7	\$ 16,505	\$ 5,680
63-78-7	\$ 8,523	\$ 500
64-78-7	\$ 17,292	\$ 3,197
65-78-7	\$ 10,994	\$ 2,222
66-78-7	\$ 13,567	\$ 3,162
67-78-7	\$ 34,657	\$ 3,505
68-78-7	\$ 20,536	\$ 853
69-78-7	\$ 19,660	\$ 4,014

COUNTY CODE	GOVERNMENTAL TREASURY	RECEIPTS INDIVIDUALS
70-78-7	\$ 34,643	\$ 2,050
71-78-7	\$ 8,780	\$ 865
72-78-7	\$ 12,208	\$ 1,616
73-78-7	\$ 18,659	\$ 2,771
74-78-7	\$ 10,378	\$ 2,203
75-78-7	\$ 42,963	\$ 13,230
76-78-7	\$ 48,330	\$ 28,034
77-78-7	\$ 14,820	\$ 3,470
78-78-7	\$ 15,539	\$ 2,326
79-78-7	\$ 16,024	\$ 477
80-78-7	\$ 14,936	\$ 3,983
81-78-7	\$ 23,807	\$ 1,904
82-78-7	\$ 25,483	\$ 3,795
TOTALS	\$ 2,060,523	\$ 573,628

APPENDIX F

DISBURSEMENTS OF CIRCUIT CLERKS OFFICES/  
NET INCOME OF CLERKS

# KEY TO COUNTY CODE

<u>County</u>	<u>Code</u>
Adams	01-78-7
Alcorn	02-78-7
Amite	03-78-7
Attala	04-78-7
Benton	05-78-7
Bolivar	06-78-7
Calhoun	07-78-7
Carroll	08-78-7
Chickasaw	09-78-7
Choctaw	10-78-7
Claiborne	11-78-7
Clarke	12-78-7
Clay	13-78-7
Coahoma	14-78-7
Copiah	15-78-7
Covington	16-78-7
Desoto	17-78-7
Forrest	18-78-7
Franklin	19-78-7
George	20-78-7
Greene	21-78-7
Grenada	22-78-7
Hancock	23-78-7
Harrison	24-78-7
Hinds	25-78-7
Holmes	26-78-7
Humphreys	27-78-7
Issaquena	28-78-7
Itawamba	29-78-7
Jackson	30-78-7
Jasper	31-78-7
Jefferson	32-78-7
Jeff Davis	33-78-7
Jones	34-78-7
Kemper	35-78-7
Lafayette	36-78-7
Lamar	37-78-7
Lauderdale	38-78-7
Lawrence	39-78-7
Leake	40-78-7
Lee	41-78-7
Leflore	42-78-7
Lincoln	43-78-7
Lowndes	44-78-7
Madison	45-78-7
Marion	46-78-7
Marshall	47-78-7
Monroe	48-78-7
Montgomery	49-78-7



<u>County</u>	<u>Code</u>
Neshoba	50-78-7
Newton	51-78-7
Noxubee	52-78-7
Oktibbeha	53-78-7
Panola	54-78-7
Pearl River	55-78-7
Perry	56-78-7
Pike	57-78-7
Pontotoc	58-78-7
Prentiss	59-78-7
Quitman	60-78-7
Rankin	61-78-7
Scott	62-78-7
Sharkey	63-78-7
Simpson	64-78-7
Smith	65-78-7
Stone	66-78-7
Sunflower	67-78-7
Tallahatchie	68-78-7
Tate	69-78-7
Tippah	70-78-7
Tishomingo	71-78-7
Tunica	72-78-7
Union	73-78-7
Walthall	74-78-7
Warren	75-78-7
Washington	76-78-7
Wayne	77-78-7
Webster	78-78-7
Wilkinson	79-78-7
Winston	80-78-7
Yalobusa	81-78-7
Yazoo	82-78-7

COUNTY CODE	TOTAL COMPENSATION	TOTAL DISBURSEMENTS	NET COMPENSATION
01-78-7	\$ 60,994	\$ 25,132	\$ 35,862
02-78-7	\$ 29,888	\$ 14,383	\$ 15,505
03-78-7	\$ 32,731	\$ 23,522	\$ 9,209
04-78-7	\$ 22,369	\$ 2,810	\$ 19,558
05-78-7	\$ 14,613	\$ 450	\$ 14,163
06-78-7	\$ 45,060	\$ 25,926	\$ 19,133
07-78-7	\$ 20,228	\$ 8,172	\$ 12,055
08-78-7	\$ 9,819	\$ 200	\$ 9,619
09-78-7	\$ 30,493	\$ 9,980	\$ 20,513
10-78-7	\$ 17,577	\$ 9,433	\$ 8,144
11-78-7	\$ 19,617	\$ 1,128	\$ 18,488
12-78-7	\$ 11,676	\$ 1,825	\$ 9,851
13-78-7	\$ 24,597	\$ 1,285	\$ 24,597
14-78-7	\$ 43,159	\$ 28,980	\$ 14,178
15-78-7	\$ 19,290	\$ 7,376	\$ 11,914
16-78-7	\$ 13,381	\$ 1,975	\$ 11,406
17-78-7	\$ 34,994	\$ 12,479	\$ 22,514
18-78-7	\$ 40,285	\$ 20,639	\$ 19,646
19-78-7	\$ 16,006	\$ 1,548	\$ 14,457
20-78-7	\$ 17,522	\$ 2,345	\$ 15,177
21-78-7	\$ 14,091	\$ 2,545	\$ 11,546
22-78-7	\$ 16,083	\$ 2,292	\$ 13,790
23-78-7	\$ 20,294	\$ 15,608	\$ 4,686

COUNTY CODE	TOTAL COMPENSATION	TOTAL DISBURSEMENTS	NET COMPENSATION
	\$186,409	\$161,444	\$ 24,964
	\$165,468	\$132,362	\$ 33,106
24-78-7	\$ 19,138	\$ 6,600	\$ 12,538
25-78-7	\$ 23,695	\$ 8,768	\$ 14,927
26-78-7	\$ 10,618	\$ 14,026	\$ 13,223
27-78-7	\$ 16,579		\$ 16,379
28-78-7	\$158,472	\$130,591	\$ 27,880
29-78-7	\$ 21,134	\$ 1,640	\$ 18,494
30-78-7	\$ 16,924	\$ 3,376	\$ 13,547
31-78-7	\$ 10,199	\$ 35,748	\$ 10,199
32-78-7	\$ 88,524	\$ 57,191	\$ 31,333
33-78-7	\$ 17,407	\$ 2,845	\$ 14,562
34-78-7	\$ 20,696	\$ 7,712	\$ 10,983
35-78-7	\$ 26,029	\$ 208	\$ 25,821
36-78-7	\$ 98,502	\$ 71,782	\$ 26,719
37-78-7	\$ 14,362	\$ 80	\$ 14,182
38-78-7	\$ 17,886		\$ 17,886
39-78-7	\$ 68,963	\$ 50,951	\$ 18,012
40-78-7	\$ 47,758	\$ 23,134	\$ 24,654
41-78-7	\$ 23,776	\$ 11,624	\$ 12,151
42-78-7	\$101,526	\$ 74,289	\$ 27,237
43-78-7	\$ 33,835	\$ 8,498	\$ 25,336
44-78-7	\$ 19,366	\$ 639	\$ 18,726
45-78-7			
46-78-7			

COUNTY CODE	TOTAL COMPENSATION	TOTAL DISBURSEMENTS	NET COMPENSATION
47-78-7	\$ 19,591	\$ 8,892	\$ 10,698
48-78-7	\$ 18,410	\$ 6,809	\$ 11,600
49-78-7	\$ 14,403	\$ 920	\$ 13,483
50-78-7	\$ 26,163	\$ 9,396	\$ 16,766
51-78-7	\$ 17,339	\$ 1,840	\$ 15,498
52-78-7	\$ 16,315		\$ 14,993
53-78-7	\$ 29,075	\$ 9,429	\$ 19,646
54-78-7	\$ 27,429	\$ 6,394	\$ 21,034
55-78-7	\$ 26,125	\$ 3,583	\$ 22,542
56-78-7	\$ 15,174	\$ 6,012	\$ 9,162
57-78-7	\$ 34,368	\$ 13,031	\$ 21,336
58-78-7	\$ 18,687	\$ 5,841	\$ 11,645
59-78-7	\$ 15,016		\$ 15,016
60-78-7	\$ 17,776	\$ 5,097	\$ 12,679
61-78-7	\$ 54,761	\$ 38,415	\$ 16,345
62-78-7	\$ 22,185		\$ 22,185
63-78-7	\$ 9,023	\$ 1,500	\$ 7,523
64-78-7	\$ 20,490	\$ 4,320	\$ 16,170
65-78-7	\$ 13,216	\$ 2,654	\$ 10,562
66-78-7	\$ 16,729	\$ 1,921	\$ 14,808
67-78-7	\$ 38,162	\$ 17,801	\$ 20,361
68-78-7	\$ 21,389	\$ 9,064	\$ 12,325
69-78-7	\$ 23,674	\$ 3,884	\$ 19,790

COUNTY CODE	TOTAL COMPENSATION	TOTAL DISBURSEMENTS	NET COMPENSATION
70-78-7	\$ 12,672	\$ 2,014	\$ 14,678
71-78-7	\$ 9,645	\$ 1,435	\$ 8,210
72-78-7	\$ 13,824	\$ 3,200	\$ 10,624
73-78-7	\$ 21,430	\$ 9,570	\$ 11,860
74-78-7	\$ 12,581		\$ 12,581
75-78-7	\$ 56,193	\$ 25,857	\$ 30,336
76-78-7	\$ 66,364	\$ 33,375	\$ 32,988
77-78-7	\$ 18,291	\$ 1,524	\$ 16,767
78-78-7	\$ 17,865	\$ 1,398	\$ 16,467
79-78-7	\$ 16,502		
80-78-7	\$ 18,919	\$ 13,959	\$ 4,960
81-78-7	\$ 25,711	\$ 10,759	\$ 14,952
82-78-7	\$ 29,278	\$ 7,229	\$ 22,049
TOTALS	\$ 2,616,808	\$ 1,290,634	\$ 1,352,078

## APPENDIX G

COUNTY EXPENDITURES FOR  
OPERATING COSTS IN THE OFFICE  
OF CIRCUIT CLERK  
FOR YEAR ENDING SEPTEMBER 30

APPENDIX G

COUNTY EXPENDITURES FOR  
OPERATING COSTS IN THE OFFICE  
OF CIRCUIT CLERK  
FOR YEAR ENDING SEPTEMBER 30

County	1975	1976
Adams	\$ 31,244	\$ 15,524
Alcorn	15,756	17,608
Amite	3,535	5,160
Attala	16,696	11,986
Benton	625	6,455
Bolivar	12,851	16,272
Calhoun	3,726	6,777
Carroll	1,792	6,817
Chickasaw	4,772	4,148
Crittenden	985	1,199
Claiborne	8,980	6,605
Clarke	4,975	3,621
Clay	5,563	5,927
Coahoma	12,164	13,732
Copiah	1,680	13,569
Covington	10,361	10,900
DeSoto	6,695	8,931
Forrest	17,454	15,165
Franklin	2,871	2,022
George	7,655	14,245
Greene	7,216	6,953
Grenada	3,355	14,092
Hancock	4,548	9,526
Harrison	4,955	14,867
Hinds	41,784	89,130
Holmes	3,697	4,811
Humphreys	3,598	5,216
Issaquena	153	64
Ittawamba	7,776	4,821
Jackson	31,647	14,885
Jasper	11,191	13,485
Jefferson	4,465	5,502
Jefferson Davis	2,773	9,352
Jones	22,595	21,319
Kemper	6,735	4,721
Lafayette	7,510	2,440
Lamar	14,106	20,268
Lauderdale	12,014	15,319
Lawrence	10,631	12,182
Leake	11,111	4,840
Lee	15,459	13,929
Leflore	10,305	10,227
Lincoln	3,344	6,012
Lowndes	12,696	7,640
Madison	4,431	8,059

APPENDIX G (continued)

County	1975	1976
Marion	\$ 13,042	\$ 14,550
Marshall	20,199	24,131
Monroe	8,747	6,977
Montgomery	6,292	9,536
Neshoba	3,117	8,106
Newton	7,660	5,042
Noxubee	7,058	3,508
Oktibbeha	4,327	6,350
Panola	16,180	16,562
Pearl River	9,321	11,489
Perry	506	783
Pike	10,805	7,051
Pontotoc	8,952	3,872
Prentiss	7,273	6,832
Quitman	9,059	7,844
Rankin	19,663	15,990
Scott	5,445	5,510
Sharkey		13,956
Simpson	21,822	29,488
Smith	3,907	3,673
Stone	3,592	3,657
Sunflower	10	
Tallahatchie	3,704	17,678
Tate	3,532	5,833
Tippah	6,652	8,426
Tishomingo	7,477	9,020
Tunica	725	1,807
Union	4,651	1,727
Walthall	8,874	9,100
Warren	7,008	11,918
Washington	16,363	17,188
Wayne	9,528	9,206
Webster	2,482	3,477
Wilkinson	3,586	3,907
Winston	11,880	15,717
Yalobusha	5,289	5,886
Yazoo	18,816	9,498
	\$726,019	\$841,618

APPENDIX H

OFFICE OF CIRCUIT CLERK

STATEMENT OF COURT RELATED GROSS RECEIPTS

FOR CALENDAR YEAR 1977

APPENDIX H

OFFICE OF CIRCUIT CLERK  
STATEMENT OF COURT RELATED GROSS RECEIPTS  
FOR CALENDAR YEAR 1977

County	1977		1978	
	Payments from Governmental Treasuries	Receipts from Private Individuals	Payments from Governmental Treasuries	Receipts from Private Individuals
Adams	\$ 29,634	\$ 8,950	\$ 32,555	\$ 10,351
Alcorn	4,310	1,952	5,567	1,900
Amite	6,044	514	6,537	653
Attala	4,080	2,743	3,640	5,214
Benton	3,942	101	4,703	268
Bolivar	21,387	6,820	16,944	5,554
Calhoun	11,578	1,227	10,169	791
Carroll	6,255	260	3,569	150
Chickasaw	12,320	1,649	16,525	1,805
Choctaw	7,202	744	4,069	925
Claiborne	5,140	1,581	5,720	2,660
Clarke	3,131	486	2,949	545
Clay	6,125	1,317	6,490	1,896
Coahoma	20,113	3,390	20,853	2,838
Copiah	6,322	2,320	7,090	2,391
Covington	3,800	2,528	3,605	870
DeSoto	9,348	2,278	11,566	3,385
Forrest	52,466	4,674	27,264	2,651
Franklin	3,932	1,044	4,066	2,698
George	7,469	1,820	7,634	1,923
Greene	5,675	625	6,575	525
Grenada	4,565	1,502	3,356	2,161
Hancock	11,321	2,168	11,727	910
Harrison	106,003	27,694	92,337	45,225
Hinds	71,757	48,982	73,742	47,738
Holmes	4,957	910	4,725	595
Humphreys	7,888	660	13,017	1,210
Issaquena	5,417		5,464	
Itawamba	1,680	316	4,242	420
Jackson	64,470	27,820	84,431	27,848
Jasper	4,650	700	4,620	1,350
Jefferson	4,495	674	5,744	1,818
Jefferson Davis	3,400	550	3,400	550
Jones	39,400	21,642	39,149	27,646
Kemper	3,058	70	3,816	180
Lafayette	9,758	2,957	7,193	1,830
Lamar	7,311	3,761	8,764	4,023
Lauderdale	53,472	3,240	48,482	13,495
Lawrence	3,738	1,594	4,120	1,374
Leake	6,655	96	7,884	109
Lee	19,492	9,316	20,685	9,145
Leflore	22,715	5,808	24,824	6,381
Lincoln	6,425	2,947	6,185	3,083
Lowndes	15,262	10,079	14,256	3,908

## APPENDIX H (continued)

OFFICE OF CIRCUIT CLERK  
STATEMENT OF COURT RELATED GROSS RECEIPTS  
FOR CALENDAR YEAR 1977

County	1977		1978	
	Payments from Governmental Treasuries	Receipts from Private Individuals	Payments from Governmental Treasuries	Receipts from Private Individuals
Madison	\$ 14,771	\$ 6,761	\$ 15,728	\$ 6,690
Marion	5,648	960	9,446	640
Marshall	5,863	4,521	5,916	4,522
Monroe	5,581	1,895	6,324	1,408
Montgomery	3,166	710	3,559	1,262
Neshoba	7,236	3,794	7,907	3,070
Newton	6,609	1,390	4,960	1,667
Noxubee	7,140	319	1,200	317
Oktibbeha	7,916	3,785	10,079	5,177
Panola	11,108	1,786	11,487	1,636
Pearl River	8,859	1,468	9,179	1,581
Perry	8,058		7,655	
Pike	11,182	10,245	12,435	10,132
Pontotoc	3,211	891	3,369	944
Prentiss	2,548	1,561	3,211	1,780
Quitman	5,655		5,535	
Rankin	18,137	39,932	19,027	10,351
Scott	6,867	3,832	7,394	3,138
Sharkey	4,204	300	4,274	400
Simpson	5,915	1,635	6,330	1,947
Smith	2,950	1,678	3,364	1,786
Stone	4,031	775	6,427	1,996
Sunflower	9,035	1,474	10,387	2,041
Tallahatchie	11,365	387	13,065	418
Tate	6,307	1,564	5,980	9,144
Tippah	6,546	400	6,648	425
Tishomingo	1,460	70	1,680	125
Tunica	6,029	450	5,820	1,131
Union	4,492	763	4,826	699
Walthall	2,936	1,119	2,641	880
Warren	32,340	6,121	35,520	10,427
Washington	46,342	9,672	39,769	13,589
Wayne	4,919	1,744	5,036	2,594
Webster	4,047	1,471	4,696	1,598
Wilkinson	10,278	145	10,260	165
Winston	5,025	3,912	5,400	2,795
Yalobusha	19,259	470	14,954	1,484
Yazoo	12,106	2,878	14,420	2,902
	\$1,049,303	\$341,387	\$1,046,191	\$366,853

APPENDIX I  
ELIGIBILITY CRITERIA RECOMMENDED BY THE  
NATIONAL STUDY COMMISSION ON DEFENSE SERVICES



**CONTINUED**

**2 OF 3**

## APPENDIX I

### ELIGIBILITY CRITERIA RECOMMENDED BY THE NATIONAL STUDY COMMISSION ON DEFENSE SERVICES

Effective representation should be provided to anyone who is unable, without substantial financial hardship to himself or to his dependents, to obtain such representation. This determination should be made by ascertaining the liquid assets of the person which exceed the amount needed for the support of the person or his dependents and for the payment of current obligations. If the person's liquid assets are not sufficient to cover the anticipated costs of representation as indicated by the prevailing fees charged by competent counsel in the area, the person should be considered eligible for publicly provided representation. The accused's assessment of his own financial ability to obtain competent representation should be given substantial weight.

(a) Liquid assets include cash in hand, stocks and bonds, bank accounts and any other property which can be readily converted to cash. The person's home, car, household furnishings, clothing and any property declared exempt from attachment or execution by law, should not be considered in determining eligibility. Nor should the fact of whether or not the person has been released on bond or the resources of a spouse, parent or other person be considered.

(b) The cost of representation includes investigation, expert testimony, and any other costs which may be related to providing effective representation.\*

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\*Supra, note 85, p. 97