


base your decision only on the evidence presented in court. Do not consider testimony or evidence declared inadmissible. Keep an open mind until you have reviewed all the evidence. Jurors receive a small fee for their time.

Mississippi is divided into twenty-two Circuit Court Districts. Each district has between one and four Circuit Court judges. The number of Circuit Court judges per district is determined by, among other factors, the population of the district and the number of cases filed in the district. The state has a total of fifty-one Circuit Court judges, who serve four-year terms and are selected in non-partisan elections.

### Chancery Courts




Mississippi Chancery Courts have jurisdiction over cases regarding adoption, divorce, custody of a minor, wills, trusts, guardianship, and equity. Chancery Courts also have jurisdiction over most real property matters. In counties that do not have a County Court, the Chancery Court has jurisdiction over juvenile matters.

At his or her discretion, a chancellor – the judge in Chancery Court – may appoint a lawyer in private practice to sit as a youth court referee to hear juvenile matters such as delinquency, abuse, and neglect.

Mississippi is divided into twenty Chancery Court Districts. Each district has between one and four chancellors. The number of chancellors per district is determined by, among other factors, the population of the district and the number of cases filed in the district. The state has a total of forty-eight chancellors, who serve four-year terms and are selected in non-partisan elections.

### County Courts



County Courts are created by the State Legislature and do not exist in every county. Typically these courts exist in counties with relatively higher populations to assist the Justice, Circuit, and Chancery Courts with handling a higher volume of cases. Accordingly, County Courts share jurisdiction with Justice

Courts in all civil and criminal matters of which the Justice Court has jurisdiction. County Courts also share jurisdiction with Circuit and Chancery Courts over matters of law and equity where the amount in controversy is less than \$200,000. For all criminal matters, except capital cases, a Circuit Court may transfer the case to a County Court. County Court judges also serve as Youth Court judges. The County Courts have exclusive jurisdiction over all matters of eminent domain, the partition of personal property, and unlawful entry and detainer.

Mississippi has twenty County Courts and twenty-nine County Court judges, who serve four-year terms and are selected in non-partisan elections.

Counties which have a County Court include Adams, Bolivar, Coahoma, DeSoto, Forrest, Harrison, Hinds, Jackson, Jones, Lamar, Lauderdale, Lee, Leflore, Lowndes, Madison, Pike, Rankin, Warren, Washington and Yazoo.

### Youth Court

Youth Courts have wide jurisdiction over civil and criminal matters involving youths. A “youth” is defined as a person who has not reached the age of 18; however, if the matter involves a violent crime, the Youth Court may transfer the matter to Circuit Court, where the youth may be tried as an adult.

Youth Courts primarily deal with matters involving: (1) when a child commits a delinquent act – an act that would carry criminal punishments if committed by an adult; (2) when a child has been abused or neglected – whether it be physical, mental or sexual abuse/neglect; (3) when a child is unruly or in need of supervision; and (4) the involuntary committals of children in need of special care or mental treatment. Youth Courts may also hear cases to terminate the parental rights of parents who fail or neglect to perform certain key parental duties.

Youth Court cases are heard by the chancellor without a jury. Youth Court is not open to the media or the public, and its records are sealed.

### Justice Courts

Justice Courts have jurisdiction over small civil cases involving amounts in controversy of \$3,500 or less. The Justice Courts have jurisdiction over

criminal matters where the penalty cannot be more than a fine or short imprisonment in county jail.

Mississippi has eighty-two Justice Courts and 197 Justice Court judges, who serve four-year terms and are selected in non-partisan elections. The number of Justice Court judges per county depends on the population of the county.

### Municipal Court

Municipal Courts oversee violations of traffic laws, misdemeanor charges, and preliminary hearings in felony cases. After such a preliminary hearing, the Municipal Court judge sends the case to the grand jury. Defendants may appear alone or bring counsel to their preliminary hearing.

Municipal Courts also handle violations of city ordinances such as health and sanitation, water and sewer regulations, animal control, buildings codes, fire prevention, and some DUI violations. Most commonly, municipal courts only deal with the laws and citizens of a particular city or town. A Municipal Court judge may also perform marriages.

Municipal Court cases are heard by the judge without a jury, and no recorded testimony is taken in Municipal Court.

Mississippi has 226 Municipal Courts and 227 Municipal Court judges, whose terms of service vary from municipality to municipality. Most municipal judges are appointed by governing bodies of the municipality. Most municipalities have one municipal judge, although a few jurisdictions have several.

### Drug Courts

Drug Courts are special courts designed to address crimes committed by persons with substance abuse problems by treating addiction

in an attempt to curb criminal behavior. Drug Court programs focus on rehabilitating nonviolent drug offenders.

Mississippi’s Drug Courts target adult and juvenile substance abusing, nonviolent defendants and juvenile offenders who have undergone both a legal review and a clinical assessment by Drug Court team members. Persons excluded from participation in Drug Court include those who have prior convictions or pending charges for a violent offense. Drug dealers and those being currently charged with burglary of an occupied dwelling are also excluded.

Intensive supervision, frequent drug testing and court appearances are elements of the rigorous Drug Court program. Participants are often required to participate in General Education Development (GED) classes and/or keep a job. Drug Courts offer a powerful incentive for participants to change their behavior. If they don’t stay clean, they go to jail.

Mississippi’s Drug Court design is based on the 10 Key Components of Drug Courts as published by the Drug Court Program Office of the United States Department of Justice. These fundamental elements establish the foundation from which all Drug Court policies and operating procedures are formed.

Potential Drug Court participants come under the court’s supervision very soon after arrest. Upon acceptance to the Drug Court, participants begin an individually structured treatment program lasting generally from twelve (12) to thirty-six (36) months. Participants are required to attend treatment sessions, undergo random drug testing, meet regularly with probation officers and/or case managers, and appear frequently before the Drug Court judge.

As of January 2008, there were twenty-three Drug Courts in operation in Mississippi.



THE MISSISSIPPI BAR

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of The Mississippi Bar



# UNDERSTANDING THE COURT SYSTEM

A PROJECT OF THE YOUNG LAWYERS DIVISION



THE MISSISSIPPI BAR

# Understanding THE COURT SYSTEM

**With** Mississippi's complex system of courts, laws, and regulations, situations will occur where the advice and guidance of an attorney will help you protect your rights. You should always contact an attorney immediately if you are involved in any criminal or civil action. A lawyer will advise you of your rights, help you understand Mississippi's system of trial and appellate courts, and represent you during your court proceedings.

For free general information on basic legal issues, you can call "Legal Line" Monday through Friday from noon to 2:00 p.m. at 1-800-682-6423. Legal Line is sponsored by the Mississippi Volunteer Lawyers Project.

In Mississippi, a child is required to have his or her own attorney in all formal court proceedings. The Youth Court Public Defender represents minors from indigent families who are charged with delinquent acts.

In addition to the Drug Court, which is not a traditional court, there are eight different types of courts in Mississippi, each with a specific role in the judiciary system. The parties in the case, the issues involved, and the amount in controversy determines which court will have jurisdiction over your case.

## Mississippi Supreme Court



Mississippi has a two-tier appellate court system that reviews decisions of law and fact made by the trial courts. The Mississippi Supreme Court is the highest state appellate court and serves as the court of last resort among state courts. Decisions of the Court of Appeals, Chancery, Circuit and County Courts may be appealed to the Supreme Court. The Supreme Court addresses appeals in both criminal and civil matters.

The Supreme Court has exclusive jurisdiction over certain appellate cases, which means that no other state appellate court may review the trial court's decision except the Supreme Court. The Supreme Court has exclusive

jurisdiction over matters involving annexations, bond issues, constitutionality challenges, death penalty cases, disciplinary matters involving attorneys and judges, election contests, certified questions from federal court, utility rates, cases of first impression, and issues of broad public interest. All cases that are appealed from state trial courts will first be appealed to the Supreme Court; however, if the case does not involve a matter where the Supreme Court has exclusive jurisdiction, it may assign the appeal to the Mississippi Court of Appeals.

The Supreme Court meets for two terms a year. The first term begins on the second Monday in September and the second term begins the first Monday in March. The Supreme Court holds its terms in Jackson.

Nine Supreme Court justices are elected from three Supreme Court Districts. Non-partisan elections are staggered so that not all justices are up for election at once. Supreme Court justices serve eight-year terms. The justice who has been on the Court for the longest continuous time serves as the chief justice. The two justices who have been on the court the longest after the chief justice are the presiding justices.

## Mississippi Court of Appeals



The Court of Appeals hears cases assigned to it by the Supreme Court. The Court of Appeals is an error correction court. It hears and decides appeals on issues in which the law is already settled, but the facts are in dispute. It may hear both criminal and civil appeals. The decision of the Court of Appeals is final, but may be reviewed by the Mississippi Supreme Court. In order for a Court of Appeal's ruling to be reviewed, an attorney must file a writ of certiorari with the Supreme Court. If four justices decide to hear the case, the writ is granted. If the Supreme Court declines the review, the decision of the Court of Appeals stands.

The Mississippi Legislature created the Court of Appeals to speed appeals and relieve a backlog of cases before the Supreme Court. The Court of Appeals began hearing cases in 1995. The Court of Appeals is located in Jackson.

Ten Court of Appeals judges are elected from

five Court of Appeals Districts. Non-partisan elections are staggered so that not all judges are up for election at one time. Court of Appeals judges serve eight-year terms. The chief judge of the Court of Appeals is appointed by the chief justice of the Supreme Court. Once nominated, the chief judge of the Court of Appeals serves for four years.

## Circuit Courts



Mississippi Circuit Courts have original jurisdiction over all civil actions where the principal amount in controversy exceeds \$200, and over all matters arising under the Constitution and laws of the State of Mississippi that do not fall under the exclusive jurisdiction of another court. Circuit Courts also have original jurisdiction over all criminal matters which do not fall within the exclusive jurisdiction of some other court. Circuit Courts exercise jurisdiction over felony matters.

Circuit Courts also hear appeals from County, Justice, and Municipal Courts and from administrative boards and commissioners such as the Mississippi Workers' Compensation Commission and the Mississippi Department of Employment Security.

Circuit Court cases are typically heard before a 12-member jury. A Circuit Court judge may hear matters in which the dispute is purely a question of law without a jury.

Jury duty is a common obligation of Mississippi citizens over the age of 18. When a notice arrives in the mail, read the instructions carefully and check the dates. The court expects every citizen to honor a jury duty summons and appear on the scheduled day. If you do have a scheduling conflict, contact the clerk and ask if the court will postpone your jury duty or excuse you. However, there is no guarantee that you will be excused from duty whatever the reason.

Participation in jury duty usually lasts a week, but that does not guarantee you will be selected to serve on a jury. If you are selected, listen carefully and be alert to everything that occurs during the trial. Do not discuss the case with anyone, including fellow jurors, and avoid any newspapers or newscasts that might influence you.

When the jury begins to deliberate the verdict,

