

IN THE SUPREME COURT OF MISSISSIPPI

2001-AD-00001

ADMINISTRATIVE ORDER

Under the provisions of Miss. Code Ann. § 9-21-3, the Administrative Office of Courts is charged with assisting the Chief Justice in the task of insuring that the business of the courts of the state is attended with proper dispatch, that the dockets of the courts are not permitted to become congested, and that trials and appeals of cases, civil and criminal, are not delayed unreasonably. Likewise, the Administrative Office of Courts is charged with the collection and compilation of statistical data on the judicial and financial operations of the courts as well as on the operation of other offices directly related to and serving the courts. To such ends, the Administrative Office of Courts is gathering such data and has assisted the Court in the development of proposed standards applicable to the disposition of proceedings in the chancery, circuit, county and youth courts of the state. Having considered the proposed standards now before the Court, the Court en banc finds that it is in the interest of the fair and efficient administration of justice that such proposed standards be adopted, and that they be submitted to the bench, bar and citizens of the state for comment.

IT IS THEREFORE ORDERED, that this day the Court does adopt proposed time standards for the disposition of matters before the chancery, circuit, county and youth courts of the state, which standards are set forth in Exhibit "A" hereto.

IT IS FURTHER ORDERED, that these proposed standards be published throughout the state for a period of ninety (90) days following the issuance of this order, and that the bench, bar and citizens of the state are encouraged to file with the Court their comments and suggestions for further development of the standards, which comments and standards will then be carefully considered by the Court for further action.

SO ORDERED, this the 14th day of June, 2001.

/s/ Edwin Lloyd Pittman

EDWIN LLOYD PITTMAN, CHIEF JUSTICE, FOR THE COURT

McRAE, P.J. AND EASLEY, J. DISSENT

MILLS, J. NOT PARTICIPATING

EXHIBIT "A" TO ORDER

**PROPOSED TIME STANDARDS FOR CASES BEFORE THE
CHANCERY, CIRCUIT COUNTY AND YOUTH COURTS OF MISSISSIPPI**

Cases Excluded or Wherein Times Are Adjusted for Uncontrolled Events

These time standards are designed to focus on the role the courts play in adjudication, and should reflect only the part of the process over which the court has a degree of control. It is recognized that cases with certain characteristics may be attended by delays beyond the control of the trial courts. To include such cases would carry excessive weight, diminishing the value of the data. For that reason, cases with the following characteristics should be excluded from the cases to which the standards are applied, or, in the alternative, times consumed by some events which are outside the trial judge's control should be deducted.

These cases are:

Estates and will probate,

Guardianships, conservatorships and commitment proceedings,

Cases stayed by ancillary receivership and bankruptcy proceedings,

Cases in which the Soldier's and Sailor's Civil Relief Act has been invoked,

Capital cases wherein the death penalty is sought,

Cases in which the defendant has been committed to a psychiatric facility for evaluation or treatment,

Criminal cases in which the defendant is in custody in another jurisdiction or has escaped after arrest,

Criminal cases in which adjudication is formally withheld under a diversion or non-adjudication procedure,

Cases stayed pending decision on interlocutory appeals, and

Cases in which forensic analysis has delayed the proceedings for more than 90 days.

Criminal Felony Cases

90% of all felony cases should be adjudicated or otherwise concluded within 180 days from service of the indictment.

95% of all felony cases should be adjudicated or otherwise concluded within 270 days from the date of service of the indictment.

100% of all felony cases should be adjudicated or otherwise concluded within one year from date of service of the indictment, except for a limited number of specifically identified cases which the court determines for express reason are exceptional. Cases which are not concluded within 24 months should be reported individually with explanation of extended pendency.

Criminal Misdemeanor Cases

90% of all misdemeanor cases originating in circuit or county court should be adjudicated or otherwise

concluded within 90 days from date of service of process.

100% of all misdemeanor cases originating in circuit or county court should be adjudicated or otherwise concluded within 120 days from date of date of service of process.

90% of all misdemeanor cases appealed to circuit or county court should be adjudicated on the appeal or otherwise concluded within 120 days from the filing of the notice of appeal.

100% of all misdemeanor cases appealed to circuit or county court should be adjudicated on the appeal or otherwise concluded within 180 days from the filing of the notice of appeal.

General Civil Cases, Exclusive of Domestic Relations Cases, Enforcement of Support Actions by Governmental Agencies, Juvenile (Youth Court) Matters, and Estate and Guardianship Proceedings in Chancery Court

90% of all civil cases should be adjudicated or otherwise concluded within 12 months of completion of process.

95% of all civil cases should be adjudicated or otherwise concluded within 18 months completion of process.

100% of all civil cases should be adjudicated or otherwise concluded within 24 months of completion of process, except for a limited number of specifically identified cases which the court determines for express reason are exceptional. Cases which are not concluded within 24 months should be reported individually with an explanation of extended pendency.

Domestic Relations Cases

90% of all domestic relations cases should be adjudicated or otherwise concluded within 180 days of completion of process.

95% of all domestic relations cases should be adjudicated or otherwise concluded within 270 days of completion of process.

100% of all domestic relations cases should be adjudicated or otherwise concluded within one year of completion of process, except for a limited number of specifically identified cases which the court determines for express reason are exceptional. Cases which are not concluded within 24 months should be reported individually with an explanation of extended pendency.

Juvenile (Youth Court) Matters

Detention/shelter hearings--100% of all detention/shelter hearings shall be concluded within 48 hours of intake.

Adjudicatory/transfer hearings of juveniles in a detention facility-100% within 21 days of intake.

Adjudicatory/transfer hearings of juveniles not in detention facility-100% within 60 days of intake.

Dispositional hearing-100% within 14 days following adjudication.

Enforcement of Support Actions by Governmental Agencies

100% of all enforcement of support actions by governmental agencies should be adjudicated or otherwise concluded within 120 days of filing.

Time Standards, Benchmarks for Stages of Selected Proceedings

Criminal-Preliminary Hearings

98% within 30 days of arrest or initial process.

Criminal-Ruling on post-trial motions

98% within 30 days of filing of post-trial motions.

Criminal-Sentencing

90% within 30 days of verdict or ruling on post-trial motions, whichever is later.

98% within 60 days of verdict or ruling on post-trial motions, whichever is later.

Definitions

Each category of case must be given a definition which will be used throughout the state for reporting. The primary definitions are as follows.

Criminal Case-all cases which initially charge a violation of law which may result in fine or imprisonment.

Felony-all cases which initially charge a violation of law which may result in sentence of death or a term of imprisonment in the penitentiary. Probation violations are not felony cases.

Misdemeanor-all cases which initially charge a violation of law which may result in fine or imprisonment, but excluding those which may result in death or a term of imprisonment in the penitentiary.

Juvenile (Youth Court Matters)-all cases which may receive disposition in the youth court divisions of the county courts and those in the chancery courts or in a youth court division of the chancery court.

Domestic Relation Cases-all cases seeking dissolution of a marriage or custody of children of the litigants, but excluding cases brought by a public agency for alteration of custody of children.

General Civil Cases-all civil cases between adverse parties seeking civil remedies excluding domestic relation cases, juvenile (youth court) matters, and actions brought by governmental agencies for enforcement of support. Also excluded are nonlitigious matters such as uncontested estate proceedings, guardianships, petitions for name change, petitions for registration of foreign judgments and uncontested adoptions.