

***Special Committee on Judicial Election Campaign Intervention
2018 Judicial Elections***

2018-18 Opinion

The Special Committee on Judicial Election Campaign Intervention received a complaint against judicial Candidate J.

The complaint alleges that Candidate J has violated Special Committee Opinion 2018-06. It is alleged that, on July 30, 2018, Candidate J appeared before a circuit court venire and stated that she has served as “Special Youth Court Judge.” In addition, the complaint includes copies of Facebook posts, emails, articles, and campaign materials where Candidate J indicates her experience as a “Special Youth Court Judge.”

In response, Candidate J claims that it was appropriate for her to claim the title as “Special Youth Court Judge.” She cites Miss. Code Ann. § 43-21-113, which provides:

When a judge shall certify in writing that he is unable to serve because of illness or absence from the county or district, the judge may appoint as provided in Section 43-21-123 a ***special judge*** to serve in his stead. A special judge shall possess all the powers and perform all the duties of the regular judge. The compensation for the special judge shall be fixed on order of the judge as provided in Section 43-21-123 on the basis of a statement as to the time and expense incurred by the special judge and shall be paid by the county out of any available funds. In the case of recusal, a judge shall be selected as provided by law.

(Emphasis added). Candidate J provided copies of an order by the County Court Judge and the Board of Supervisors’ minutes that indicate her appointment as a “special judge” under this section. She claims that the position of “special judge,” under section 43-21-113, has a different statutory title than that of a “referee,” under section 43-21-111.

Special Committee Opinions 2018-06 and 2018-11 consider whether a judicial candidate who has served as a “referee,” under Miss. Code Ann. § 43-21-111, may refer to herself as a “judge.” The Special Committee opined that a person who served as a “referee” under section 43-21-111 may not refer to herself as a judge.

Based on the information provided to the Special Committee, the Special Committee is of the opinion that Candidate J was appointed as a “special judge” under section 43-21-123. Accordingly, it is appropriate for Candidate J to refer to this a “special youth court judge.” The complaint is dismissed.

This opinion is limited to the scope and authority of the Special Committee under the Mississippi Code of Judicial Conduct.

Any questions should be in writing and directed to:

Special Committee on Judicial Election Campaign Intervention

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