

SUPREME COURT OF MISSISSIPPI

5 YEAR STRATEGIC PLAN

FY 2021-2025

Business Area 1051

1. Comprehensive Mission Statement:

The judicial power of the State shall be vested in the Supreme Court and such other courts as are provided for in our Constitution. Miss. Const. of 1890, Art. VI, § 144. The mission of every court in the judiciary is to administer justice without respect to persons, and do equal right to the poor and to the rich, and faithfully and impartially discharge and perform all the duties incumbent upon the Court to the best of each judge's ability and understanding, agreeably to the Constitution of the United States and the Constitution and laws of the state of Mississippi. Miss. Const. of 1890, Article VI, § 155.

2. Philosophy:

The judges of the several courts of this state take the Oath as recited in the above Mission Statement. Administration of Justice requires an open courthouse door to all, the hearing of cases and rendering of justice pursuant to the Law, and the management of cases and litigants involved in the court system. Judges, court staff, and those involved in the court system are at the center of many of the challenges our society faces - crime, mental health issues, addiction, poverty, breakdown of the family, criminal justice reform. We provide an impartial forum for all litigants, civil and criminal alike, to resolve disputes. In order to accomplish justice and be true problem solvers, judges and those serving the justice system are committed to improving the court system and providing the resources and tools available to help resolve problems and ensure justice for all.

3. Relevant Statewide Goals and Benchmarks:

Statewide Goal #1 (PUBLIC SAFETY AND ORDER):

To protect the public's safety, including providing timely and appropriate responses to emergencies and disasters and to operate a fair and effective system of justice.

Relevant Benchmarks:

- Case clearance rates
- Time to case disposition
- Age of active pending caseload
- Collection of monetary penalties
- Average cost of processing a single case, by case type

Statewide Goal #2 (GOVERNMENT AND CITIZENS):

To create an efficient government and an informed and engaged citizenry that helps to address social problems through the payment of taxes, the election of capable leaders at all levels of government, and participation in charitable organizations through contributions and volunteerism.

Relevant Benchmarks:

- Average wait time for state government services
- Regulatory efficiency: average length of time to resolution of documented complaints to professional licensing agencies.
- State dollars saved by providing government services online

4. Overview of the 5-Year Strategic Plan:

The judiciary seeks to do those things within its constitutional authority that will assist this State and its citizens with conserving precious assets, both monetary and humanitarian. In order to accomplish these goals, we want to address specific areas that are under the control of the judiciary.

The Mississippi judicial system is composed of 82 Justice Courts with 197 judges, 241 Municipal Courts with 207 judges, 22 County Courts with 32 judges, Chancery Courts in all 82 counties with 52 chancellors, 82 Circuit Courts with 57 judges, Court of Appeals with 10 Appeals Court Judges, and the Supreme Court with 9 justices, and all of the staff and components that support the judicial system.

The mission of the judicial branch, to include but not be limited to, “to administer *justice* without respect to *persons*,” is not a hollow statement. It has not changed since Mississippi’s Constitution was passed in 1890; however, the way we administer justice is constantly evolving. Our 5-Year Strategic Plan focuses on individuals. The Court is committed to working in partnership with the legislative branch on the development of problem-solving courts. Our goal is to create an infrastructure within our existing courts to embrace legislative changes and seek the maximum federal funding. We are constantly evaluating our court rules, procedures, and service delivery, while being committed to utilizing technology to achieve our goals. We will continue the promotion of access to justice for all and the improvement of the effectiveness of legal services in the next five years to render justice consistent with the Law to better serve the people of Mississippi.

The common denominator that runs through all of our Courts is the people who are in need of special services to overcome some life problems. Courts provide accountability so that troubled youth, dysfunctional families, mentally ill, addicts, and others can get the resources they need to overcome obstacles to live healthy, peaceful lives. There is not just a human component to these courts; successful court intervention can result in multi-millions of dollars in savings to the State.

Criminal Justice Reform requires establishing new goals to match up with the statewide and nationwide strategies of dealing with crime. The most recognizable, and perhaps the largest savings are in eliminating incarceration. Criminal Justice Reform seeks incarceration as a last resort, rather

than the first. Criminal Justice Reform in this State requires trial judges to implement these alternative programs.

Mississippi currently has 40 operating drug courts including 22 adult felony drug courts, 3 misdemeanor drug courts, 12 juvenile drug courts, and 3 family drug courts which are giving participants a second chance in life through accountability measures to avoid incarceration or other penalties. The State Drug Court Advisory Committee, recently renamed State Intervention Courts Advisory Committee, was established by the Mississippi Legislature. The Committee works closely with the Administrative Office of Courts to ensure uniformity and accountability throughout the state. Although Mississippi Code Section 25-3-35 requires, in addition to the normal official duties of the judges, participation by those judges to promote Intervention Courts. They were to receive additional remuneration by virtue thereof. Although our judges have continued to perform the extra duties placed upon them, the requirements to adjust their salaries per subsection (4) have not been followed.¹

The average cost of an adult felony drug court is \$193,000. Based on the annual incarceration cost of \$18,173 per person, the savings realized by the participants not being incarcerated amounts to \$61,170,318. At the same time the Legislature has appropriated \$6,500,000, this results in a savings of **\$54,670,318** to the State. In FY2019, there were 3,366 participants. The lion's share of these participants are employed, and as such, have become taxpayers, contributing to the overall benefit of the State. The drug courts collected \$1,453,840 in fines which are paid to the county general funds.

In FY 2019, 52 drug-free babies were born to female clients. According to a study conducted by the Bureau of Justice Statistics, each drug-free infant saves an average of \$750,000 for the first 18 years of their life. Based on these studies, drug courts will save an additional **\$39,000,000** over the next 18 years (an average of \$2,166,666 per year).

Last year the Legislature appropriated \$250,000 to assist in establishing mental health courts. The program is so new, and the AOC has insufficient data to accurately project savings to the State. Percentage-wise, it should be no different from the Intervention Courts.

¹ There is no quick replacement for wise, experienced judges which our system depends upon. This year, 42 new judges were sworn in, leaving a tremendous void of knowledge and wisdom. To preserve the integrity and public confidence in the judiciary, judicial salaries must be evaluated and increased periodically, as provided by Section 25-3-35. Despite an overall three percent increase for all State employees, judges were excluded from that pay raise. While judicial pay has remained the same, you are asking judges to take on additional responsibilities with problem solving courts and embracing alternatives to traditional penalties such as incarceration and removal of children. Litigants and the public need experienced judges who are willing to put in the hours to complete all of the tasks expected of them, including not just court time, but also docket management and accountability for all involved in the Court process. The Supreme Court also holds judges accountable for failure to comply with the Code of Judicial Conduct to establish, maintain, and enforce high standards of conduct. The Legislature mandated judicial pay raises. A review should be made this year, and the Legislature should consider an appropriate pay raise for the judiciary.

The Veterans Treatment Court Program was established by the Legislature in July 2014 to recognize military veterans who have provided an invaluable service to our country. In that service, many have suffered the effects of post-traumatic-stress disorder, traumatic brain injury, depression and other issues. They may also suffer from drug and alcohol dependency or addiction and co-occurring mental illness with substance abuse problems. The veterans treatment courts operate similarly to the traditional drug court with the exception of retired military veteran mentors. The 22 adult felony drug courts presently serve slightly more than 100 veterans.

The Reentry Council was formalized by the Mississippi Legislature in 2015 to create effective strategies to assist former inmates in their return to society. Additionally, the work of the Council is to reduce recidivism, to provide ample funds for operating the state prison system, and to improve public safety. The Council seeks ways to help former inmates find employment, housing, transportation, medical and mental health services. Criminal Justice Reforms proposed by the Reentry Council have been recognized by the Legislature, but adequate funding must be strategically spent to lay a proper foundation for success.

The federal government has recognized that “an ounce of prevention is worth a pound of cure” when it comes to child protection. Parent representation is helping to return children to their parents, so the system is not spending as many dollars on foster care. In order to prevent removals consistent with the Family First Prevention Services Act, the Court will need to continue to build on our community collaborations, being piloted by Mississippi’s Family First Initiative to surround the family with resources while having more frequent court dates to ensure children are being protected. New federal funds are expected to be available in the next several years for drug treatment, mental health treatment, parent representation, and other needs (sometimes with state match requirements).

The Supreme Court established the Children’s Justice Commission (CJC), which is charged with improving the child welfare system, coordinating the three branches of government in assessing the impact of government actions on abused and neglected children, and recommending changes to improve children’s safety by supporting families and promoting public trust and confidence in the child welfare system. CJC also oversees Court Improvement Grants from the Federal government totaling \$405,216.

The Commission’s programs include:

- 1) Parent Representation - Currently, 17 counties provide parent representation in youth court *prior* to termination of parental rights (TPR). All 82 counties provide parent representation *during* TPR. Parents benefit from representation because they better understand the court process and are connected with services and treatment programs to expedite the return of their children, which often results in children either not coming into custody or spending significantly less time in custody. While the reduction of time in the system and the State’s custody benefits the child, the State significantly benefits fiscally. Since 2017, the pilot counties experienced a significant drop in foster care. The pilot counties’ census of children in care in March of 2017 was 2,794. Eighteen months later, that figure dropped to 2,194 – a reduction of 600 children. If those 600 children had remained in MDCPS custody, the cost in foster-care-board payments alone would have been a minimum of \$420,000 a month or

\$5,040,000 per year. Direct-state costs would have been \$3,534,000 per year just for those pilot counties, not including the ancillary costs of social workers and staff time and resources. While other initiatives of the Department played a role in the reduction, parent representation was the significant factor. (Quarterly Report of the Parent Representation Task Force, June 2019). The Legislature has given funds for parent representation, but more is needed.

2) Mississippi's Family First Initiative was created with a vision to promote safe, stable and self-sufficient families for Mississippi's children, one family and one community at a time. (Mississippi Family First Initiative Summary Report to the Mississippi Supreme Court's Commission on Children's Justice Program Year 2019). Headed by Mississippi's First Lady Deborah Bryant and Supreme Court Justice Dawn Beam, this Initiative started in the summer of 2018 in eight diverse counties, bringing together community leaders and care providers to collaborate and then implement plans to strengthen families at the grassroots level. This is a three-year pilot with a goal of statewide expansion once a proven plan has been established. These same collaborations will be a huge resource to all problem solving courts for resources such as addiction treatment, mental health care, housing, parenting, and other life skill training.

3) Cross training of all youth court staff and CPS staff on issues such as trauma informed care and team evaluation of risk factors to reduce rate of removal of children and constant team building efforts at the State and local level will allow for better communication regarding system changes, as well as coordinated resources to prevent removal or to expedite reunification have been integral.

Gone are the days of all of the county attorneys gathering in a courtroom for a lengthy docket call - we had to do this then because we had a manual system. We must continue to invest in technology and manpower to accomplish statewide expansion of Mississippi Electronic Courts (MEC). All court personnel should be trained on the MEC management tools to ensure every case is handled in a timely manner. The Court is aware of the areas in the State that appear to have a backlog, but these courts need to be trained to run reports and determine which cases are stale and those that are just not moving timely. Case management can be accomplished once all counties are on MEC, and courts are trained on management components.

MEC is an electronic filing system under the supervision of the Mississippi Supreme Court that allows courts to file, store, and manage case files that are easily accessible through the Internet to judges, court staff, attorneys, and the public 24 hours a day. In addition to greater transparency and access to the public, this management system assists courts (judges, court clerks, and staff) in managing data and financial matters including court dates, form generation ticklers, filing fees, child support collection, and fines collected by the Court clerks and much more. MEC is currently in 63 Chancery Courts (82% of the state population) and 26 Circuit Courts (52% of the state population). Since MEC began charging user fees on July 1, 2011, MEC has returned a total of \$981,415.20 to the chancery and circuit clerks.

The Mississippi Supreme Court and the Court of Appeals have completely implemented MEC which allows computer access to “the Court of last resorts in Mississippi” to all Mississippians, as well as ensures timely opinions within mandated time frames for both Courts.

In a data driven world, complete implementation of MEC throughout the state will not only help improve efficiency at the ground level where services are being provided, but will also allow the Mississippi Supreme Court to capture the data requested by the Legislature as to local trial courts.

Our goal is to use MEC to track the fines and court costs collected to determine how much of that money the courts are using without having to ask the Legislature for additional funds. We will improve the access and delivery of this information.

MEC’s five year plan is to continue adding the Chancery, Circuit, and all County courts throughout the state and to roll out criminal filing and the MEC Accounting Package to all courts once the project is completed.

To accomplish its goals, MEC will need to hire additional HelpDesk, Business/Legal Analysts, and Programming/IT staff in the near future in order to sustain a necessary level of customer support. Additional office space will be needed to house these staff as the MEC office is currently at almost maximum capacity.

The Mississippi Youth Court Information Delivery System (MYCIDS) is a technology program designed to help Youth Courts organize work and records efficiently to save staff time and resources. MYCIDS includes electronic docketing and record keeping for delinquency, abuse, and neglect cases. Case tracking features assist court staff in scheduling hearings and other events required by law to occur within a specific time frame. Additionally, judges and staff are able to track juveniles’ encounters with multiple jurisdictions. Computer hardware, staff training, and a help desk are provided at no charge to local courts.

MYCIDS currently needs to hire trainer/programers to keep up with training users throughout the State and to update the system to comply with changes in laws and regulations.

With constant changes in federal requirements, frequent turnover in Child Protective Services workers, and the consistent need for court improvement, MYCIDS programmers and trainers are vital to keeping this system up to date and ensuring accurate input and use. There are currently 1,933 users of the MYCIDS system that the AOC supports and trains. Planned activities for MYCIDS includes assisting the Attorney General’s Office with utilizing MYCIDS when pursuing termination of parental rights cases; updating the orders and motions to be consistent with recent legislative changes; and developing a module for use by attorneys representing children in youth court. With investment in additional computer resources and staff, this system improves protection of our children and youth and prevents needless federal fines for failure to comply with federal mandates.

The Legislature appropriated funds for FY 2020 to implement a new court case management platform to serve the 82 counties in the state along with the 40 intervention courts. The new platform replaces the current system that has been in use since 2005 with limited upgrades since that time. The

new platform will allow for customization of reporting for our intervention court caseload while also bringing online the mental health and veterans treatment courts beginning in FY 2020. In early FY20 we will finalize the vendor review, negotiate a contract, award the contract, and begin the multi-phase process to include identifying the project scope, resources required, time line development, project team assembly, and outlining of the phases up through testing and implementation. The new platform will allow for data capture and reporting so that we will be in compliance with Mississippi Statutes 9-23-1 *et seq.*, 9-25-1 *et seq.*, and 9-27-1 *et seq.*

In 2017, the Supreme Court approved an overhaul of Mississippi Rules of Criminal Procedure, which improved the delivery of criminal justice at all junctures and provided greater uniformity throughout the State. In 2017, the Supreme Court created the Commission on Guardianship and Conservatorships to protect both the person and property of vulnerable citizens in Mississippi, through (1) the clarification of statutes, Uniform Court Rules, and the Mississippi Rules of Civil Procedure, by amending or replacing their terms and introducing practical, workable provisions, and (2) through MEC driven accountability measures. As a result, the Mississippi GAP Act was passed, taking effect in January 2020 along with other changes that improve the protection of vulnerable citizens who are dependent on the Courts for protection. Members of the Court express their gratitude to the Legislature for supporting this effort and for understanding the need to protect our most vulnerable citizens.

The Mississippi Supreme Court created the Mississippi Access to Justice Commission in 2006 to develop a unified strategy to improve low income individuals' access to civil courts. The Commission is tasked with investigating the need for civil legal services to those individuals in Mississippi by evaluating, developing, and recommending policies, programs, and initiatives that will assist the judiciary in meeting those needs. In 2018, with leadership from the Supreme Court and Chancellors throughout the State, the Commission and the Mississippi Volunteer Lawyers Project hosted free legal clinics for low income individuals in all Chancery Court Districts and most counties with a total of 851 clients served by 451 attorneys serving a total of 1,366.7 hours. (Mississippi Access to Justice 2018 Annual Report). The chancellors and chancery clerks were integral in setting up and participating in these clinics. At the rate of \$100/hour, which is a nominal charge, the value of these services was \$1,366,700.

The Supreme Court in Fiscal Year 2018 distributed \$717,325 for civil legal assistance to low income people. The funds are provided to the Mississippi Volunteer Lawyers Project, North Mississippi Rural Legal Services, and the Mississippi Center for Legal Services. Since the Civil Legal Assistance Fund was created in 2003, more than \$8.8 million has been disbursed to help low income individuals gain access to the legal system. Because of this program, children have guardians and access to school and healthcare. Civil Legal Assistance Fund distributions are paid from special assessments on court filings and from fees charged to out-of-state attorneys appearing *pro hac vice*. (Supreme Court of Mississippi 2018 Annual Report).

Mississippi has an estimated 695,000 people living at or below poverty level. There are not enough Legal Services lawyers to handle the estimated 200,000 to 250,000 people who need legal services each year and can not afford an attorney. The Supreme Court will continue to lead the way in securing and distributing grants when able, as well as encouraging Bar members to fulfill their civic obligation to serve the poor.

Ultimately, the Supreme Court regulates Bar Admissions and also discipline of lawyers. The Court will continue to work with the Mississippi Bar, Mississippi Board of Bar Admissions, Commission on Continuing Legal Education, and Law Schools to self-regulate the practice of law.

The Board of Certified Court Reporters is a judicial board that oversees the licensing of certified court reporters and the granting of temporary permission to non-certified and nonresident court reporters in order to aid the proper administration of the judicial branch. The Board administers the court reporter exams and handles complaints filed against court reporters. One challenge over the next five years will be the shortage of trained and qualified court reporters and the changing technology.

5. External/Internal Assessment:

An increase in activity with the Intervention Courts, including Mental Health Court, Drug Courts and Veterans Treatment Court Programs, will require changes to the court infrastructure as well as the need to maximize the federal funds received through grants, some of which will require a state match.

The loss of private funds from the CASEY and Kellogg Foundations to support the parent representation pilot programs will need to be replaced in order to expand this program throughout the State.

The Internal Auditor will continue to conduct assessments of each department to ensure the Judiciary is in compliance with the Judiciary's Internal Control Procedures and with applicable guidelines set forth by the Department of Finance and Administration.

6. Goals, Objectives, Strategies and Measures by Program:

Program 1: Supreme Court Services

Goal A: To operate a fair and effective system of justice.

Objective A-1: To maintain or increase the average number of motions disposed of each year:

A.1.1. Strategy:

Output: Number of motions filed for the Supreme Court

Efficiency: Number of cases decided

Efficiency: Average number of days to decide cases after filing of final brief

Efficiency: Number of cases dismissed

Efficiency: Number of motions decided/disposed of

Program 2: Supreme Court Clerk

Goal A: To operate a fair and effective system of justice.

Objective A-1: To track record preparation and briefing in a timely manner.

A.1.1. Strategy:

Output: Number of Notices of Appeals filed for SCT and COA

Output: Number of records filed

Output: Number of briefs filed

Efficiency: Total amount collected from Clerk Fees generated

Objective A-2: To disseminate court decisions and mandates in a timely manner.

A.2.1. Strategy:

Output: Number of dispositions disseminated

Output: Number of motions filed

Program 3: State Library

Goal A: To operate a fair and effective system of justice.

Objective A-1: To provide current legal research and reference services for the legal community and general public in a complete and timely manner.

A.1.1. Strategy:

Output: Average response time for reference questions

Efficiency: Number of materials circulated

Efficiency: Number of bound volumes processed

Efficiency: Number of new titles added to collection

Efficiency: Number of government documents processed

Efficiency: Number of books in inventory

Program 4: Court of Appeals

Goal A: To operate a fair and effective system of justice.

Objective A-1: To maintain or increase the average number of motions disposed of each year.

A.1.1. Strategy:

Output: Number of appeals filed/pending

Efficiency: Avg. number of days to decide cases after filing of final brief

Efficiency: Number of cases decided

Efficiency: Number of cases dismissed

Program 5: Administrative Office of Courts

Goal A: To operate a fair and effective system of justice.

Objective A-1: Track court case information statewide

A.1.1. Strategy:

Output: Number of statistical documents processed

Objective A-2: To provide administrative support to chancery, circuit and county judges.

A.2.1. Strategy:

Output: Number of chancery/circuit judges served

Output: Number of county judges served

Output: Average number of court reporters paid monthly

Output: Average number of trial judge support staff paid monthly

Efficiency: Percentage of trial judge office allowance paid

Efficiency: Percentage of trial judge rent allowance paid

Efficiency: Percentage of trial judge support staff allowance paid

Efficiency: Total dollar amount of trial judge support staff payroll

Efficiency: Total net payroll processed for county court administrators

Objective A-3: To provide administrative support to youth courts.

A.3.1. Strategy:

Output: Number of youth court jurisdictions served

Output: Number of youth court events (hearings)

Output: Number of types of courts serving counties as youth courts

Efficiency: Percentage of youth court jurisdictions served

Output: Number of youth court training sessions

Efficiency: Percentage of compliant delinquency cases

Efficiency: Percentage of compliant protection cases

Objective A-4: To provide administrative support to intervention courts.

A.4.1. Strategy:

Output: Number of drug court programs operating

Output: Number of adult clients served by drug court programs

Output: Number of juvenile clients served by drug court programs

Output: Number of counties served by drug court programs

Output: Number of Family Clients Served

Output: Number of Mental Health Courts Operating

Output: Number of Adult Mental Health Clients Served

Output: Number of Veterans Treatment Courts Operating

Output: Number of Adult Veteran Clients Served

Efficiency: Average cost per felony adult drug court program

Efficiency: Average cost per misdemeanor adult drug court program

Efficiency: Average cost per juvenile drug court program

Efficiency: Savings to the State by not incarcerating drug court clients
Efficiency: Average cost per Family Intervention Court
Efficiency: Amount of fines collected from Intervention Court participants
Efficiency: Amount of fees collected from Intervention Court participants

Program 6: Board of Certified Court Reporters

Goal A: To create an efficient government.

Objective A-1: Ensure applicants are in compliance with the rules governing certified court reporters.

A.1.1. Strategy:

Output: Number of court reporters certified annually
Efficiency: Cost of certificate to applicant
Efficiency: Cost of recertification to applicant

Objective A-2: Ensure applicants are processed accurately.

A.2.1. Strategy:

Output: Percentage of certified court reporter applications processed

Program 7: Trial Judges

Goal A: To operate a fair and effective system of justice.

Objective A-1: To maintain or increase the average number of civil and criminal cases disposed of.

A.1.1. Strategy:

Output: Number of civil case disposals
Output: Number of criminal case disposals
Output: Number of civil cases filed
Efficiency: Number of chancery/circuit judges
Efficiency: Average number of court reporters paid monthly
Efficiency: Average number of trial judge support staff paid monthly
Efficiency: Number of statistical documents processed

Program 8: Board of Bar Admissions

Goal A: To create an efficient government.

Objective A-1: Ensure applicants are in compliance with the rules governing admissions for

the MS Bar and administer and evaluate the Bar Examination semi-annually.

A.1.1. Strategy:

Output: Number of bar exam applicants

Output: Number of law student applicants

Output: Bar exam passage rate (percentage)

Output: Character\Fitness hearings held

Output: Character and Fitness Committee - informal conferences held

Output: Appeals hearings held

Output: Number of Admissions on Motion applicants

Efficiency: Cost per out-of-state character investigations for law students

Efficiency: Cost per out-of-state character investigations for attorneys

Efficiency: Minimum court reporter costs for hearings

Efficiency: Committee member cost for one-day hearings

Efficiency: Number of weeks to complete investigation

Program 9: Commission on Continuing Legal Education

Goal A: To create an efficient government.

Objective A-1: Ensure each member of the Bar is in compliance with the rules and regulations established by CLE and meets the mandatory CLE requirements in a timely and efficient manner.

A.1.1. Strategy:

Output: Number of Bar members reported

Output: Number of program requests received

Output: Number of CLE seminars requested

Efficiency: Number of months to compile reports

Efficiency: Percentage of delinquent attorneys

Efficiency: Percentage of program requests answered

Efficiency: Percentage of CLE seminars entered