

SUPREME COURT OF MISSISSIPPI

Hinds County Board of Supervisors v. Abnie

934 So. 2d 996 (Miss. 2006) · Decided July 27, 2006

SUMMARY

The Mississippi Supreme Court held that plaintiffs in a consolidated action were improperly charged multiple filing fees and administrative costs exceeding the amounts authorized by statute. The court affirmed the order requiring a refund of the excess fees and remanded for further proceedings, rejecting the argument that its ruling should apply only prospectively.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Justice Randolph; Chief Justice Smith; Presiding Justice Waller; Presiding Justice Cobb; Justice Diaz; Justice Easley; Justice Carlson; Justice Dickinson; Justice Graves
JURISDICTION	Mississippi
DECIDED	July 27, 2006
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal under Mississippi Rule of Appellate Procedure 5 from an order requiring the refund of filing fees and related contempt and sanctions proceedings.
STANDARD OF REVIEW	A circuit judge sitting without a jury receives the same deference as a chancellor; findings are upheld when supported by substantial, credible, and reasonable evidence.
PRECEDENTIAL VALUE	published opinion
PARTIES	Hinds County Board of Supervisors, Hinds County Circuit Clerk v. Lilly M. Abnie, et al.

TOPICS

- appellate procedure
- interlocutory appeal
- statutory interpretation
- municipal law
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- municipal law
- statutory interpretation

QUESTIONS PRESENTED

1. Whether plaintiffs were entitled to a refund of filing fees and administrative costs collected in excess of the amounts authorized by Mississippi law.
2. Whether the Mississippi Supreme Court's 2003 order prohibiting multiple filing fees should apply only prospectively.

HOLDINGS

1. Plaintiffs were entitled to a refund of all filing fees and administrative costs collected in excess of the amounts statutorily established by Mississippi Code sections 25-7-1 and 25-7-13.
2. The request to apply the 2003 order prospectively was denied because that order did not change existing law; it applied and enforced the Legislature's previously established statutory fee scheme.

KEY QUOTATIONS

“Accordingly, the plaintiffs are entitled to a refund of all filing fees and administrative costs in excess of the statutorily established amounts.” (934 So. 2d at 1000)

“The 2003 Order and today’s ruling are consistent in their application and enforcement of the right of the Legislature to establish fees for the circuit clerks of this state.” (934 So. 2d at 1000)

FACTUAL BACKGROUND

In a consolidated action involving 710 plaintiffs, the Hinds County Circuit Clerk collected \$75 from each plaintiff, together with \$14,200 in administrative costs, for a total of \$67,450. After the case was transferred to Jackson County, the plaintiffs were required to pay an additional \$41,325 in filing fees. The Hinds County Circuit Court ordered the transfer and refund of filing fees collected in excess of the statutory amounts, but the Board and Circuit Clerk did not comply, prompting contempt proceedings.

PROCEDURAL HISTORY

Plaintiffs in a consolidated action were charged multiple filing fees and administrative costs in Hinds County and an additional filing fee after transfer to Jackson County. The Hinds County Circuit Court ordered the transfer and refund of excess filing fees, denied the Board's motion to set aside or clarify the order, and authorized contempt sanctions for noncompliance. The Board and Circuit Clerk obtained permission for an interlocutory appeal.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the Hinds County Circuit Court for proceedings consistent with the opinion, including enforcement of the refund of filing fees and administrative costs collected in excess of the statutory amounts.

CASES CITED

- City of Clinton v. Smith, 861 So. 2d 323, 326 (Miss. 2003)

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