

SUPREME COURT OF MISSISSIPPI

In Re: Local Rules

In re Local Rules · No. No. 89-R-99015-SCT · Decided November 20, 2025

SUMMARY

The Mississippi Supreme Court, sitting en banc, approves Local Rule 5 for the Eighteenth Circuit Court District of Mississippi. The rule establishes procedures for appointing counsel to indigent criminal defendants, including use of public defenders, rotation and oversight of private appointed counsel, compensation, expenses, continuing education, continuity of representation, and notice requirements.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Mississippi; Eighteenth Circuit Court District
DECIDED	November 20, 2025
DOCKET	No. 89-R-99015-SCT
DISPOSITION	approved
PROCEDURAL POSTURE	The Supreme Court of Mississippi considered, en banc, a motion by the circuit court judge for the Eighteenth Judicial District to approve a proposed local rule governing appointment of counsel for indigent criminal defendants.
STANDARD OF REVIEW	The Court applied a discretionary approval determination after considering the motion for adoption of a local rule; no traditional appellate standard of review was stated.
PRECEDENTIAL VALUE	Published en banc order approving a local procedural rule for the Eighteenth Circuit Court District of Mississippi.

TOPICS

- right to counsel
- criminal procedure
- preliminary hearing
- arraignment

PRACTICE AREAS

- criminal procedure
- indigent defense
- appointment of counsel

QUESTIONS PRESENTED

1. Whether the Supreme Court of Mississippi should approve the proposed Local Rule 5 for the Eighteenth Circuit Court District governing appointment of counsel for indigent criminal defendants.
2. What procedures should govern appointment, assignment, continuity, compensation, expenses, training, and notice for counsel appointed to represent indigent criminal defendants in the Eighteenth Circuit Court District.

HOLDINGS

1. The motion for approval of the proposed Local Rule 5 for the Circuit Court of the Eighteenth Judicial District of Mississippi is granted.
2. Local Rule 5 for the Eighteenth Circuit Court District of Mississippi is approved and becomes effective upon entry of the Supreme Court's order.

KEY QUOTATIONS

“Local Rule 5 for the Eighteenth Circuit Court District of Mississippi, attached as Exhibit A, is approved and effective upon entry of this Order.” (at 1)

FACTUAL BACKGROUND

The Eighteenth Circuit Court District of Mississippi proposed Local Rule 5 concerning appointment of counsel for indigent criminal defendants. The proposed rule establishes procedures for appointment orders, use of public defenders and private attorneys, rotational assignments, attorney qualifications and monitoring, compensation, expenses, continuing legal education, continuity of representation, and notice of appointment. The Supreme Court determined that the motion for approval should be granted.

PROCEDURAL HISTORY

Dal Williamson, Circuit Court Judge for the Eighteenth Circuit Court District of Mississippi, filed a motion seeking approval of a proposed local rule. The Supreme Court granted the motion, approved Local Rule 5, and made it effective upon entry of the order.

DISPOSITION

approved

OPINION

In Re: Local Rules

PER CURIAM.

Serial: 259503

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99015-SCT

FILED

IN RE: LOCAL RULES NOV 12 2025

OFFICE OF THE CLERK

SUPREME COURT

EN BANC ORDER COURT OF APPEALS

This matter is before the Court, en banc, on the Motion for Approval of Proposed Local Rule for the Circuit Court of the 18th Judicial District filed by Dal Williamson, Circuit Court Judge for the Eighteenth Circuit Court District of Mississippi. After due consideration, the Court finds that this motion should be granted. IT IS, THEREFORE, ORDERED that the Motion for Approval of Proposed Local Rule for the Circuit Court of the 18th Judicial District filed by Dal Williamson, Circuit Court Judge for the Eighteenth Circuit Court District of Mississippi, is hereby granted. Local Rule 5 for the Eighteenth Circuit Court District of Mississippi, attached as Exhibit A, is approved and effective upon entry of this Order. IT IS FURTHER ORDERED that the Clerk of the Court shall spread this Order upon the minutes of the Court and send a certified copy to West Publishing Company for publication in the advance sheets of Southern Reporter, Third Series (Mississippi Edition), and in the next edition of the Mississippi Rules of Court. '4- so ORDERED, this the /) day of November, 2025.

~ES D. MAXWELL II, JUSTICE

ALL JUSTICES AGREE.

EXHIBIT A

LOCAL RULE

FOR

THE EIGHTEENTH CIRCUIT COURT DISTRICT OF MISSISSIPPI

RULE 5. APPOINTMENT OF COUNSEL FOR INDIGENT CRIMINAL

DEFENDANTS

Pursuant to Rule 7.2(a)(1) of the Mississippi Rules of Criminal Procedure, the Court hereby establishes a procedure for the appointment of counsel for each indigent defendant entitled thereto:

(a) Order of Appointment. When the Court has determined that a person is indigent, counsel is appointed and an order shall be entered to that effect in MEC and/or the court file. (b) Appointment of Public Defender. In justice courts that have a public defender system, the justice court public defenders shall represent all persons entitled to appointed counsel whenever authorized by law and able to do so. In municipal courts that have a public defender system, the municipal court public defenders shall represent all persons entitled to appointed counsel whenever authorized by law and able to do so. In circuit courts that have a public defender system, the circuit court public defenders shall represent all persons entitled to appointed counsel whenever authorized by law and able to do so. If the public defenders cannot represent the defendant, a private attorney shall be appointed. (c) Appointment of Private Attorneys.

1. Appointments of private attorneys shall be made on an impartial and equitable basis. The appointments shall be distributed on a rotation system among the attorneys on

the court-appointed attorney list. Cases shall be assigned to attorneys of sufficient experience, skill, and competence to render effective assistance of counsel to defendants.

2. The Court will maintain a court-appointed attorney list from which attorneys shall be appointed to represent indigent defendants. Attorneys may contact the Court Administrator and request that they be placed on, or removed from, the court-appointed list. 2

3. The Court will generally attempt to appoint attorneys from the court-appointed attorney list on a rotational basis, subject to the Court's discretion to make exceptions due to: i. the nature and complexity of the case; ii. an attorney's experience; iii. the nature and disposition of the defendant; iv. a language or communication consideration; v. a conflict of interest; vi. the availability of an attorney, taking into consideration an immediate need to address issues involved in the case; vii. geographic considerations; viii. attorney's foreign language proficiency; and ix. other relevant factors that may be involved in a specific case.

4. The Court will monitor attorney performance on a continuing basis to ensure the competency of attorneys on the list. An attorney may be removed from the appointment list at the discretion of the Court. (d) Compensation. An attorney appointed to represent an indigent defendant is entitled to compensation for services rendered as provided by contract with the municipality or county or as provided by law. (e) Expenses. As used herein, the term "compensation for services" shall include any reasonable expenses necessarily incurred by appointed counsel in defense of an indigent client, including fees and expenses of experts or professional persons, provided that the incurring of such expenses has been approved in advance by the presiding judge, with such approval being within the sound discretion of the Court. (f) Continuing Legal Education. The public defenders and private attorneys appointed through the rotational system shall complete annual training or educational programs in the area of criminal defense accredited by the Mississippi Office of State Public Defender and the Mississippi Commission on Continuing Legal Education. Part-time defenders shall complete six (6) hours of such training and full-time defenders shall complete twelve (12) hours of such training. (g) Continuity of Appointment. Any attorney who is appointed to represent a person in municipal court or justice court on a felony charge shall continue 3 representing that person until an indictment or information is filed in circuit court and new counsel is appointed by the circuit court.

1

1. The municipal court or justice court shall conduct the initial appearances and preliminary hearings on the felony charge and hear motions for bond and motions to reduce bond (if municipal or justice court granted or denied bond) filed by the defendant or his/her attorney prior to indictment or information.

2. The attorney appointed to represent an indigent person in circuit court shall remain as counsel until withdrawal is granted and new counsel is substituted. See MRCrP 7 .2(d). (h) Notice of Appointment. Any attorney who is appointed to represent a person in municipal court or justice court on a felony charge shall notify the Circuit Court Administrator of

that appointment within five (5) days of the date the defendant is bound over for consideration by the grand jury. Counsel shall notify the Circuit Court Administrator of the date of arrest, the charges, and bond status or conditions, if any. 1 This rule does not limit a municipal court's or justice court's authority to enter an order substituting counsel prior to indictment. 4

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