

NO. 2023-CA-00584-SCT

IN THE SUPREME COURT OF MISSISSIPPI

ANN SAUNDERS, SABREEN SHARRIEF, and DOROTHY TRIPLETT,

Appellants,

v.

STATE OF MISSISSIPPI; STATE OF MISSISSIPPI *ex rel.* TATE REEVES, in his official capacity as Governor of the State of Mississippi, STATE OF MISSISSIPPI *ex rel.* LYNN FITCH, in her official capacity as Attorney General of the State of Mississippi, HONORABLE MICHAEL K. RANDOLPH, in his official capacity as Chief Justice of the Mississippi Supreme Court, ZACK WALLACE, in his official capacity as Circuit Clerk of the Circuit Court of Hinds County, Mississippi, and GREG SNOWDEN, in his official capacity as Director of the Administrative Office of Courts,

Appellees.

On Appeal from the Chancery Court of Hinds County, Mississippi
First Judicial District

BRIEF OF ZACK WALLACE, APPELLEE

Oral Argument Requested

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**CERTIFICATE OF INTERESTED PERSONS
NO. 2023-CA-00584-SCT**

**ANN SAUNDERS, SABREEN SHARRIEF,
and DOROTHY TRIPLETT**

APPELLANTS

v.

**STATE OF MISSISSIPPI; STATE OF MISSISSIPPI *ex rel.*
TATE REEVES, in his official capacity as Governor of the State
of Mississippi, STATE OF MISSISSIPPI *ex rel.* LYNN FITCH,
in her official capacity as Attorney General of the State of Mississippi,
HONORABLE MICHAEL K. RANDOLPH, in his official
capacity as Chief Justice of the Mississippi Supreme Court,
ZACK WALLACE, in his official capacity as Circuit Clerk of
the Circuit Court of Hinds County, Mississippi, and GREG
SNOWDEN, in his official capacity as Director of the
Administrative Office of Courts**

APPELLEES

CERTIFICATE OF INTERESTED PERSONS

In order that the Justices of the Supreme Court and/or the Judges of the Court of Appeals may evaluate possible disqualification or recusal, the undersigned counsel of record certifies that the following listed persons have an interest in the outcome of this case:

1. Honorable J. Dewayne Thomas, Chancery Court Judge
2. Honorable Michael K. Randolph, Defendant/Appellee
3. Honorable Zack Wallace, Hinds County Circuit Court Clerk, Defendant/Appellee
4. Anthony Simon, Counsel for Defendant/Appellee Zack Wallace
5. Pieter Teeuwissen, Counsel for Defendant/Appellee Zack Wallace
6. Scherrie L. Prince, Counsel for Defendant/Appellee Zack Wallace
7. Greg Snowden, Director of the Administrative Office of the Courts, Defendant/Appellee
8. State of Mississippi, Defendant/Appellee
9. Governor Tate Reeves, Defendant/Appellee
10. Attorney General Lynn Fitch, Defendant/Appellee & Counsel for Defendants-Appellees
11. Mark Albin Nelson, Counsel for Defendant/Appellee Hon. Michael K. Randolph
12. Ned Andrew Nelson, Counsel for Defendant/Appellee Hon. Michael K. Randolph

13. Assistant Attorney General Wilson Douglas Minor, Counsel for Defendant/Appellee Greg Snowden
14. Assistant Attorney General Justin L. Matheny, Counsel for Defendants/Appellees
15. Assistant Attorney General Rex M. Shannon, III, Counsel for Defendants/Appellees
16. Assistant Attorney General Gerald L. Kucia, Counsel for Defendants/Appellees
17. Ann Saunders, Plaintiff/Appellant
18. Sabreen Sharrief, Plaintiff/Appellant
19. Dorothy Triplett, Plaintiff/Appellant
20. Cliff Johnson, MacArthur Justice Center, Counsel for Plaintiffs/Appellants
21. Robert B. McDuff, Mississippi Center for Justice, Counsel for Plaintiffs/Appellants
22. Paloma Wu, Mississippi Center for Justice, Counsel for Plaintiffs/Appellants
23. Jacob W. Howard, MacArthur Justice Center, Counsel for Plaintiffs/Appellants
24. Joshua Tom, ACLU of Mississippi, Counsel for Plaintiffs/Appellants
25. Tanner Lockhead, NAACP Legal Defense & Educational Fund, Counsel for Plaintiffs/Appellants
26. Brittany Carter, NAACP Legal Defense & Educational Fund, Counsel for Plaintiffs/Appellants

This, the 14th day of June, 2023.

Respectfully submitted,

ZACK WALLACE, in his official capacity as Circuit
Clerk of the Circuit Court of Hinds County,
Mississippi

By: /s/ Pieter Teeuwissen
Pieter Teeuwissen, MS Bar No. 8777

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STATEMENT REGARDING ORAL ARGUMENT

At the time of filing his brief, Appellee Zack Wallace, in his official capacity as Circuit Clerk of the Circuit Court of Hinds County (“Appellee Wallace”), notes the Supreme Court by Order entered May 25, 2023 has established a briefing schedule and set oral argument.

Appellee Wallace respectfully submits that the Supreme Court can affirm the Hinds County Chancery Court with respect to his dismissal and limited role in the H.B. 1020 litigation without oral argument. Nevertheless, counsel will appear at oral argument to assist the Court in the assimilation of the evidence and exhibits as the Court deems appropriate.

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STATEMENT OF ISSUES

1. The Chancellor did not commit reversible error in granting Appellee Wallace's Motion to Dismiss.
2. The Circuit Clerk of the Hinds County Circuit Court is not central to resolving the constitutionality of House Bill 1020 ("H.B. 1020") or Miss. Code § 9-1-105(2).
3. The unnecessary inclusion of the Hinds County Circuit Clerk entitles Appellee Wallace to the reimbursement of attorneys' fees and costs.

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STATEMENT OF THE CASE

The Appellants' contention that the Circuit Clerk plays a central role in the implementation of H.B. 1020 is without merit.

The crux of this case revolves around the interpretation, application and interplay of various constitutional provisions governing the election and/or appointment of circuit judges in Mississippi. Appellants assert that H.B. 1020 and Section 9-1-105(2) of the Mississippi Code contravene constitutional provisions by enabling the appointment of unelected circuit court judges and establishing a municipal level court outside the purview of any constitutional court. While the Appellants purportedly seek strict adherence to the plain language of the Mississippi Constitution in their pursuit of constitutional rights, it is essential to emphasize that Appellee Wallace, the Hinds County Circuit Clerk, was appropriately dismissed from the litigation by the Hon. Dewayne Thomas.

Appellee Wallace's involvement in this case stems not from the constitutional challenges posed by the Appellants but rather from the procedural aspects of the legislation and subsequent litigation. The Circuit Clerk, as a neutral and administrative officer of the court, plays a crucial role in facilitating the efficient functioning of the judicial system. The Circuit Clerk's duties primarily revolve around maintaining court records, managing case filings, and providing support to the judiciary. The Circuit Clerk is not responsible for creating or enacting legislation, nor does the Circuit Clerk possess the authority to interpret or enforce the constitutional provisions at issue. While H.B. 1020 and Section 9-1-105(2) may indeed be subject to constitutional scrutiny, it is important to recognize that the Circuit Clerk is not a direct party affected by the

provisions in question. The Circuit Clerk's role is limited to carrying out administrative functions within the court system and ensuring the orderly administration of justice. Therefore, it is crucial to distinguish the Circuit Clerk's position from the broader constitutional issues raised by the Appellants and recognize the litigation can resolve without the Circuit Clerk's involvement. As recognized by the learned Chancellor, dismissal of the Circuit Clerk does not preclude the court from examining and adjudicating the constitutionality of H.B. 1020.

I. FACTUAL BACKGROUND

On April 21, 2023, Mississippi Governor Tate Reeves signed H.B. 1020 into law. This bill mandates the Chief Justice of the Mississippi Supreme Court appoint four (4) temporary special circuit judges for the Seventh Circuit Court District.¹ The provision specifies that these appointed judges should possess the same powers and duties as elected judges. Importantly, however, the powers and duties of the additional four judges sunset as their terms expire on December 31, 2026.

The Appellants argue that the plain language of the Mississippi Constitution precludes the legislature from authorizing appointments to the circuit courts with the enactment of H.B. 1020 as contemplated by Section 9-1-105(2)² of the Mississippi Code. Appellants further contend that H.B. 1020 violates Sections 153, 165, and 172 of the Mississippi Constitution. Specific to Appellee Wallace, the Circuit Clerk's involvement

¹ The Seventh Circuit Court District is the original single county circuit court in Mississippi, created as result of the Legislature removing Yazoo County from the circuit via post *Martin v. Mabus*, 700 F.Supp. 327 (S.D. Miss. 1988) realignment.

² In addition to House Bill 1020, Section 9-1-105(2) of the Mississippi Code allows the Chief Justice of the Supreme Court to appoint a special judge on a temporary basis in a circuit, chancery, or county court in the event of an emergency or overcrowded docket. This provision grants the Chief Justice the authority to designate a special judge to assist the court with pending cases for a specific period of time. The statute received United States Department of Justice pre-clearance pursuant to the Voting Rights Act of 1965.

stems from the strategy aspects of the underlying litigation rather than the constitutional issues, if any, surrounding H.B. 1020 and Section 9-1-105(2) of the Mississippi Code. H.B. 1020 only references the Circuit Clerk in Sections 12 and 17. Section 12 requires the Circuit Clerk to provide data to the Legislature by October 2023, and Section 16 requires the Circuit Clerk to conduct jury selection for the temporary judges in a manner consistent with selecting jurors in other circuit court cases.³ *Appellants have not specifically challenged either the data collection clause, Section 12 nor the jury selection clause, Section 16.*

Here there is an absence of a direct connection between the Circuit Clerk and the constitutional issues raised by the Appellants. The Circuit Clerk does not possess the authority to create or enact legislation, interpret constitutional provisions, or enforce constitutional requirements. Moreover, the Circuit Clerk as a public official does not have authority to contravene any order of the Supreme Court.⁴ The Clerk's responsibilities merely revolve around the administrative aspects of the court system such as record-keeping, facilitating court proceedings, jury selection, and implementing court orders. Consequently, the Circuit Clerk's involvement in this case is peripheral to the constitutional issues raised by the Appellants.

Given the distinct role of the Circuit Clerk and the lack of a direct connection between the Clerk and the constitutional challenges, the Clerk was rightfully dismissed from the trial court proceedings. This dismissal recognizes the Clerk's limited capacity in the context of the constitutional matters at hand and allows the litigation to proceed

³ C.P. 267-268.

⁴ To the extent Appellants are challenging Circuit Clerk Wallace's assignment of existing cases to specially appointed judges, the assignments were pursuant to orders of the Supreme Court which Appellants themselves attached to their initial complaint. *See* C.P. 40 – 62.

without impeding the resolution of the primary constitutional questions raised by the Appellants.

II. PROCEDURAL BACKGROUND

On April 21, 2023, Governor Tate Reeves signed into law H.B. 1020. H.B. 1020 requires the Chief Justice of the Mississippi Supreme Court to appoint four (4) temporary special circuit judges for the Hinds County Circuit Court. 2023 H.B. 1020, § 1(1). It also creates an inferior court called the Capitol Complex Improvement District court to function as a municipal court within the Capitol Complex Improvement District. Id. § 4(1)(a). C.P. 3; 657.

On April 24, 2023, Ann Saunders, Sabreen Sharrief, and Dorothy Triplett (“Appellants”) filed a Complaint for Declaratory and Injunctive Relief (“Complaint”) against Chief Justice Randolph, Clerk Wallace, and Director of the Administrative Office of Courts Greg Snowden, all in their official capacities, alleging that H.B. 1020 and Section 9-1-105(2) violate Sections 153 and 165 of the Mississippi Constitution by allowing the appointment of unelected circuit court judges. C.P. 20–39.

On May 9, 2023, Appellee Wallace filed a motion to dismiss the Circuit Court of Hinds County, Mississippi as a party to the underlying litigation. C.P. 370-406.

On May 11, 2023, after a hearing on the record, the trial court entered its Final Judgment of the Court Granting Motion to Dismiss Zack Wallace as a Defendant [MEC #42]. C.P. 587-588.

On May 16, 2023, Appellant’s filed a Notice of Appeal of the trial court’s order. C.P. 683-686.

SUMMARY OF THE ARGUMENT

The dismissal of the Circuit Clerk by the chancery court is not reversible error: the Circuit Clerk is not a proper party in this litigation. Appellants misinterpret and misapply Sections 153, 165 and 172 of the Mississippi Constitution as they relate to the Circuit Clerk's Seventh Circuit Court District role in the implementation of Mississippi H.B. 1020 in the Seventh Circuit Court District.⁵

Furthermore, there is statutory authority for the clerk's duties, as well as duties prescribed by the Mississippi Rules of Civil Procedure, Mississippi Rule of Criminal Procedure, Mississippi Rules of Appellate Procedure, and the Uniform Civil Rules of Circuit and County Court Practice that outline the work of the Circuit Clerk's office as ministerial and administrative.⁶

Moreover, Mississippi Rule of Appellate Procedure 38 recognizes the Circuit Clerk's right to seek attorney's fees and costs when responding to frivolous appeals. Given the baseless nature of the present appeal, Appellee Wallace respectfully requests that attorneys' fees and costs be awarded in accordance with the provisions of Mississippi Rule of Appellate Procedure 38.

STANDARD OF REVIEW

An appellate court "will not disturb the factual findings of a chancellor when supported by substantial evidence unless . . . the chancellor abused his discretion, was manifestly wrong, clearly erroneous or applied an erroneous legal standard." *Corp.*

⁵ H.B. 1020 § 12 uses the term "the clerk of the Seventh Circuit Court District" while § 16 uses "[t]he Hinds County Circuit Clerk". The terms are interchangeable and both apply to Appellee Wallace.

⁶ Mississippi Code Annotated §§ 9-7-81, 9-7-82, 9-7-85, and Rule 79(a) of the Mississippi Rules of Civil Procedure; Mississippi Judicial College, Handbook for Circuit Court Clerks, 51-75 (2019), available at <https://mjc.olemiss.edu/up-content/uploads/sites/134/2019/07/2019-Handbook-for-Circuit-Court-Clerks.pdf> (describing oaths for "other elected officials" under Section 268).

Mgmt, Inc. v. Greene County, 23 So.3d 454, 459 (Miss. 2009) (quoting *Biglane v. Under The Hill Corp.*, 949 So.2d 9, 13-14 (Miss. 2007)). “It is axiomatic that the trial court’s judgment is presumed to be correct and that the appellant bears the burden of showing reversible error in the court below.” *Concerned Citizens of Raven Wood Subdivision v. Pearl River County*, 172 So. 3d 1234, 1236 (¶10) (Miss. Ct. App. 2014). The standard of review for a trial court’s grant of a motion to dismiss is *de novo*. *Benson v. Neshoba Cty. Sch. Dist.*, 102 So. 3d 1190, 1192 (¶8) (Miss. Ct. App. 2012). Reversal is warranted only if the trial court’s decision was clearly erroneous or contrary to law. *Id.*

ARGUMENT

I. THE CHANCELLOR DID NOT COMMIT REVERSIBLE ERROR WHEN IT GRANTED APPELLEE WALLACE’S MOTION TO DISMISS

Appellee Wallace contends that the Chancery Court correctly dismissed him in his official capacity as Clerk of the Hinds County Circuit Clerk. The trial court's decision to grant Appellee Wallace's motion to dismiss is not reversible error as the chancellor applied the correct legal standard and no factual dispute exists. It is well-established that an appellate court exercises caution in disturbing factual findings that are supported by substantial evidence. The standard for overturning such findings requires a showing that the trial court abused its discretion, was manifestly wrong, made clear factual errors, or applied an incorrect legal standard. *Corp. Mgmt, Inc. v. Greene County*, 23 So.3d 454, 459 (quoting *Biglane v. Under The Hill Corp.*, 949 So.2d 9, 13-14). The principle that the trial court’s judgment is presumed to be correct further supports this notion. *Concerned Citizens of Raven Wood Subdivision v. Pearl River County*, 172 So. 3d 1234, 1236, ¶10, Miss. Ct. App. 2014.

In the present case, the trial court's grant of the motion to dismiss is subject to the standard of review for questions of law, which is de novo. While Appellee Wallace acknowledges that the Supreme Court can independently review such questions of law without deferring to the trial court's findings, *Owen*, 798 So. 2d at 398 (¶10), such review should not change the outcome. Reversal is warranted only if the trial court's decision was clearly erroneous or contrary to law.

Applying these principles, the trial court's decision to grant the motion to dismiss should be affirmed. The trial court's judgment is presumed to be correct, and the burden rests on the Appellants to demonstrate reversible error in the lower court's decision; Appellants offer none in their two pages devoted to Wallace. Choosing to reargue that Wallace is subject to a chancery court order is pointless. Similarly, Appellants again offering that a "declaration from this Court that H.B. 1020 or Section 9-1-105(2) is unconstitutional" relieves Appellee Wallace from "any duty" only underscores that his presence as a party was and is unnecessary. The Chancellor observed that "require[ing] Defendant Wallace to remain as a party herein would be to place him in an untenable position," and further that inclusion of Wallace "is unnecessary and improper." C.P. 585. Appellants have offered nothing by which any court could reach a different result.

II. THE CIRCUIT CLERK OF THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI IS NOT CENTRAL TO RESOLVING THE CONSTITUTIONALITY OF HOUSE BILL 1020 AND THE EXECUTION OF SECTION 9-1-105(2)

As noted supra, H.B. 1020 speaks to the duties of the Circuit Clerk in two sections, neither of which were subject to attack in the trial court. On appeal, Appellants argue "an injunction against him [Appellee Wallace] would provide the relief Appellants seek."

Appellants brief, p. 47. Appellants also acknowledge that the facts are not in dispute and, more importantly, acknowledge that any previous case assignments to the disputed judges were done pursuant to Orders of this Court. *Id.* Illogically, Appellants then conclude that “[w]ithout Appellee Wallace assigning case to them, the judicial appointees in this case could not perform any adjudication function.” *Id.* So, despite acknowledging that Wallace acted pursuant to Supreme Court direction in distributing cases, Appellants argue that the chancellor was incorrect in dismissing Wallace.

In support of an argument that is somehow both tedious and superficial, Appellants cite but two cases. The first, *Fitzhugh v. City of Jackson*, 97 So. 190 (Miss. 1923) is a 1923 zoning ordinance challenge whereby the City of Jackson and its officials were enjoined from implementing a void ordinance. Notably, *Fitzhugh’s* procedural posture is distinguishable because it predates “declaratory judgment” practice in Mississippi. *See Smith v. State*, 242 So. 2d. 692, 695 (1970). On the merits, *Fitzhugh* does not speak to the necessity of enjoining individual officials. Rather, its holding is that pre-declaratory judgment practice an injunction way a proper remedy to declare void a statute or ordinance. Perhaps escaping the attention of Appellee’s counsel, the Mississippi Supreme Court has fortunately since adopted the Rules of Civil Procedure which set forth in Rule 57 the manner to seek a declaratory judgment.

The Appellants’ reliance on *Chevron U.S.A., Inc. v. State*, 578 So.2d 644, 648-49 (Miss. 1991) is also misplaced. In *Chevron*, an oil and gas leasing dispute, the Mississippi Supreme Court emphasized the importance of the separation of powers and the limited role of the judiciary in reviewing the actions of other branches of government. *Id.* *Chevron* established that the judiciary should refrain from interfering with the administrative and

executive functions of other branches of government unless the action being challenged is clearly unconstitutional or beyond the authority granted by the legislature. *Id.* The Circuit Clerk's role in distributing cases pursuant to either the implementation of H.B. 1020 and/or execution of Section 9-1-105(2) of the Mississippi Code does not exceed the authority granted by the legislature. The Circuit Clerk is simply carrying out his administrative duties as mandated by law.

In this case, the Circuit Clerk is an administrative officer responsible for carrying out ministerial duties related to the assignment of cases to judges in the Hinds County Circuit Court. The actions of the Circuit Clerk are purely administrative and do not involve the exercise of discretionary or policy-making powers. Appellee Wallace's responsibilities are governed by statutory provisions and established court procedures.⁷ The Circuit Clerk does not possess discretionary authority or decision-making power over matters of law or policy. The Circuit Clerk acts solely as an administrative officer, implementing the directives of the court system.

Furthermore, the Circuit Clerk's duties are intertwined with the proper functioning of the court system. The Circuit Clerk plays a critical role in ensuring the efficient administration of justice by managing caseloads and facilitating the assignment of cases to judges. Alleging Appellee Wallace is liable or subject to injunction in any capacity for the outcome of this case would unduly burden and discourage the proper performance of official duties statewide.

⁷ See also Miss. Code Ann. Section 9-1-29 ("Each court shall have control over all proceedings in the clerk's office. . .")

III. THE CIRCUIT CLERK OF THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI IS ENTITLED TO ATTORNEYS' FEES AND COST FOR HAVING TO RESPOND TO THIS FRIVOLOUS APPEAL

Appellee Wallace has clearly demonstrated that the Circuit Clerk of the Circuit Court of Hinds County, Mississippi does not play a central role in the implementation of H.B. 1020 or the execution of Section 9-1-105(2) of the Mississippi Code. The Appellants' attempt to include the Circuit Clerk as a party in this appeal lacks any legal or factual basis and is an unfounded attempt to expand the scope of the litigation without merit. Appellants' two-page argument before this Court is different from what Appellants argued below, through ultimately any argument keeping Wallace as a party lacks merit. Curiously, the amici briefs filed in the instant matter appear to concede that Appellee Wallace is unnecessary as neither takes issue with his actions. Likewise, the plaintiffs in the corresponding federal action challenging H.B. 1020 did not find it necessary to sue Wallace.⁸

The Circuit Clerk respectfully requests that this Court award attorney's fees and costs incurred in responding to this frivolous appeal, pursuant to Rule 38 of the Mississippi Rules of Appellate Procedure. Rule 38 provides a mechanism for sanctioning parties who bring meritless appeals and aims to discourage the filing of such appeals, thereby promoting judicial economy and fairness:

In a civil case to which Miss. Code Ann. § 11-3-23 (1991) does not apply, if the Supreme Court or Court of Appeals shall determine that an appeal is frivolous, it shall award just damages and single or double costs to the appellee.

⁸ As an aside, Appellant Wallace encourages the Court to read Judge Wingate's Order (United State District Court Cause No. 3:23-cv-272-HTW-LGI) dismissing Chief Justice Randolph as it provides factual context regarding the crime issues in Jackson and need for solutions.

Miss.R.App.P. 38.

First and foremost, the Appellants' appeal is devoid of any valid legal arguments supporting the inclusion of the Circuit Clerk as a party to this litigation. Appellants have not challenged Section 12 or 16. Rather, Appellants bemoan the procedures to ensure an efficient judicial system. As demonstrated in the previous sections, the Circuit Clerk's role is purely administrative, with no authority or involvement in the implementation of H.B. 1020 or the execution of Section 9-1-105(2) of the Mississippi Code. The Circuit Clerk's dismissal by the chancery court was based on well-established legal principles.

Moreover, the Appellants' argument regarding the Circuit Clerk's alleged responsibility for the assignment of cases to the judges of the Hinds County Circuit Court is unsupported by any legal authority or factual basis. It is clear from the relevant statutes and case law, such as *Chevron*, 578 So.2d at 648-49, that the Circuit Clerk's duties pertain to administrative functions and do not encompass the appointment or assignment of judges. Thus, the Circuit Clerk's inclusion as a party in this appeal is entirely unwarranted.

In light of the baseless nature of this appeal and the Circuit Clerk's significant expenditure of time, effort, and resources in responding to it, the imposition of attorney's fees and costs is just and necessary. Such an award would serve to deter future frivolous appeals, safeguard the integrity of the appellate process, and provide appropriate compensation for the Circuit Clerk's diligent defense of their dismissal from this litigation.

The Appellee will provide a comprehensive breakdown of the hours expended, the hourly rates charged, and any other relevant expenses, as required by the Mississippi

Rules of Appellate Procedure. Appellee Wallace reserves the right to submit an itemization of attorney fees and costs incurred upon a determination by this Court that an award of attorney fees is appropriate.

Therefore, the Circuit Clerk respectfully requests that this Court exercises its authority under Rule 38 and awards attorney's fees and costs incurred in researching and responding to this frivolous appeal. Such an award would not only provide appropriate compensation for the Circuit Clerk but also uphold the principles of justice, fairness, and the efficient administration of justice.

CONCLUSION

Based on the foregoing arguments and legal authorities, Appellee Wallace respectfully requests that this Honorable Court deny the Appellants' requested relief and uphold the chancery court's dismissal of the Circuit Clerk Wallace.

The Circuit Clerk's role is distinct from the constitutional concerns raised by the Appellants in this litigation. Appellee Wallace's exclusion from the proceedings recognizes the limited professional capacity in which the Circuit Clerk operates and ensures that the litigation can resolve efficiently while still allowing for a thorough examination of the constitutional questions at stake.

Also, the Appellee Wallace urges this Court to exercise its discretion and award attorney's fees and costs incurred in responding to this frivolous appeal, pursuant to Rule 38 of the Mississippi Rules of Appellate Procedure.

Lastly, Appellee Wallace requests such other relief to which he may be entitled in the premises.

This, the 14th day of June, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, PIETER TEEUWISSEN, do hereby certify that I have this day electronically filed the foregoing APPELLEE’S BRIEF with the Clerk of the Court using the MEC system which sent notification of such filing to all counsel of record.

The undersigned does further certify that I have this day mailed via United States Mail, postage prepaid, a true and correct copy of the above and foregoing APPELLEE’S BRIEF to the following:

The Honorable J. Dewayne Thomas
Chancery Court Judge of Hinds County, Mississippi
316 South President Street
Jackson, Mississippi 39201

SO CERTIFIED, this the 14th day of June, 2023.

By: /s/ Pieter Teeuwissen
Pieter Teeuwissen

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