



Lynn Fitch
ATTORNEY GENERAL
OPINIONS

June 26, 2020

Scott F. Slover, Esq.
Attorney for the Adams County Board of Supervisors
314 State Street
Natchez, Mississippi 39120

Re: Circuit Court Order of Compensation

Dear Mr. Slover:

The Office of the Attorney General is in receipt of your request for the issuance of an official opinion.

Question Presented

May the board of supervisors increase or decrease compensation as ordered by a circuit court to counsel for an indigent defendant?

Brief Response

The board of supervisors may not change an order of the circuit court for compensation to counsel for an indigent defendant.

Response and Legal Analysis

The circuit court is authorized to award compensation for counsel appointed to represent indigent defendants pursuant to Miss. Code Ann. Section 99-15-17, which states, in part, as follows:

The compensation for counsel for indigents appointed as provided in Section 99-15-15, shall be approved and allowed by the appropriate judge and in any one (1) case may not exceed one thousand dollars (\$1,000.00) for representation in circuit court whether on appeal or originating in said court. . . . In addition, the judge

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shall allow reimbursement of actual expenses. The attorney or attorneys so appointed shall itemize the time spent in defending said indigents together with an itemized statement of expenses of such defense, and shall present same to the appropriate judge. The fees and expenses as allowed by the appropriate judge shall be paid by the county treasurer out of the general fund of the county in which the prosecution was commenced.

The above quoted statute gives circuit judges discretionary authority to allow a maximum of one thousand dollars (\$1,000.00) as compensation for an appointed defense attorney, in addition to actual expenses incurred by said counsel. Attorney fees and expenses allowed by the court constitute a claim against the county. *See*, MS AG Op., *Pittman* (April 21, 1982); MS AG Op., *Davis* (April 17, 1980); *see also*, *Wilson v. State*, 574 So.2d 1338 (Miss. 1990) (“construction of 99-15-17 will allow an attorney to receive \$1,000.00 in profit plus his or her actual expenses”).

Based upon the authority granted by Section 99-15-17, it is the opinion of this office that the board of supervisors may not increase, decrease or otherwise change the compensation approved by the circuit court in payment of counsel appointed to represent an indigent defendant.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Kim P. Turner

Kim P. Turner
Assistant Attorney General