



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

August 27, 2025

The Honorable Gwen Sims
Mayor, Town of Ethel
Post Office Box 58
Ethel, Mississippi 39067

Re: City Attorney Serving as Municipal Court Judge

Dear Mayor Sims:

The Office of the Attorney General has received your request for an official opinion.

Background

As Mayor of the Town of Ethel, you state that the town cannot afford to hire both a municipal court judge and a city attorney.

Question Presented

May the city attorney also serve as municipal court judge?

Brief Response

Consistent with state law and prior opinions of this office, a city attorney does not exercise power at the core of the executive branch of government and, therefore, there is no violation of the separation of powers doctrine when one person serves simultaneously as city attorney and municipal judge.

Applicable Law and Discussion

The separation of powers doctrine prohibits a person from holding positions in two different branches of government if both positions exercise “core powers” within their respective branch. *See* MISS. CONST. art. I, § 2; MS AG Op., *Hudson* at *1 (June 26, 2020). “‘Core power’ has been defined by the Mississippi Supreme Court to include those circumstances ‘where the acts are ongoing and are in the upper level of governmental affairs and have a substantial policy-making character.’” MS AG Op., *Hudson* at *1 (citing *Dye v. State*, 507 So. 2d 332, 343 (Miss. 1987)) (internal citations omitted).

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This office has previously and consistently opined that “a city attorney does not exercise power at the core of the executive branch and, therefore, there is no violation of the separation of powers doctrine when one person serves simultaneously as city attorney and city judge.” MS AG Op., *Adams* at *1 (Oct. 30, 2015) (citing MS AG Op., *Hull* (Mar. 23, 1995)).

We do caution, however, that duties as a municipal judge must be performed during the hours the individual is not being paid as city attorney, and vice versa. *Adams* at * 1 (internal citations omitted).

Additionally, we refer you to the Mississippi Ethics Commission and the Mississippi Commission on Judicial Performance for any questions regarding potential conflicts of interest that may arise from simultaneous service in these positions.

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/ Caleb A. Pracht

Caleb A. Pracht
Special Assistant Attorney General

OFFICIAL OPINION