



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

August 25, 2026

Mr. Charles Hale
Director, Coahoma County Emergency Management and Central Dispatch
71 Sunflower Avenue
Clarksdale, Mississippi 38614

Re: Separation of Powers Between Emergency Management Director and
Justice Court Judge

Dear Mr. Hale:

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

Background

According to your request, you currently serve as the Emergency Management Director for Coahoma County pursuant to an appointment by the Coahoma County Board of Supervisors. You intend to qualify to run for election as justice court judge for Tunica County in January 2027.

Question Presented

May an individual simultaneously serve as the Emergency Management Director for Coahoma County while also serving, if elected, as a justice court judge in Tunica County? Specifically, does this dual service violate the separation of powers doctrine or any other state statutes regarding the compatibility of public offices?

Brief Response

An individual may not simultaneously serve as the Emergency Management Director for Coahoma County and as a justice court judge in Tunica County because such dual service would violate the separation of powers doctrine of the Mississippi Constitution.

Applicable Law and Discussion

This opinion's scope is limited to a potential violation of the separation of powers doctrine. Please contact the Mississippi Ethics Commission for other ethical considerations or the Commission on Judicial Performance for additional guidance.

The separation of powers doctrine limits a person's ability to simultaneously serve in more than one branch of government. MISS. CONST. art. I, §§ 1-2; MS AG Op., *Hudson* at *1 (June 26, 2020). Specifically, "[a] person who exercises 'core powers' in one branch of government cannot simultaneously hold a position in another branch of government if that position also exercises 'core powers.'" MS AG Op., *Hudson* at *1. "Core powers may be described as powers which are ongoing in nature, are in the upper level of governmental affairs and have a substantial policy-making character." MS AG Op., *Glover* at *1 (July 8, 2005).

An emergency management director exercises core powers in the executive branch of government. MS AG Op., *Walley* at *1 (Mar. 15, 2002); MS AG Op., *Horne* at *1 (Aug. 1, 2007). A justice court judge exercises core powers in the judicial branch of government. MS AG Op., *Glover* at *2. Further, this office has opined that the separation of powers doctrine does not limit its prohibition against simultaneous service in more than one branch of government to service within the same political subdivision. See MS AG Op., *White* at *1 (Jan. 11, 2002) ("Service in two separate municipalities does not alter the opinion of this office that a municipal alderman cannot serve as a municipal police officer while continuing to hold the office of alderman.") (citing *In re Anderson*, 447 So. 2d 1275 (Miss. 1984)). Accordingly, because the positions of emergency management director and justice court judge exercise core powers in two different branches of government, the separation of powers doctrine prohibits concurrent service in both positions.

Finally, we note that the Mississippi Constitution provides that "acceptance of an office" in one of the three departments of state government "shall, of itself, and at once, vacate any and all offices held by the person so accepting in either of the other departments." MISS. CONST. art. I, § 2. Thus, an emergency management director may run for the office of justice court judge, but upon swearing the oath of office to serve as judge, he or she automatically vacates the position of director. *Id.*; MS AG Op., *O'Reilly-Evans* at *1 (Dec. 27, 2011).

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/ Maggie Kate Bobo

Maggie Kate Bobo
Special Assistant Attorney General