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CONTRACTS - MISSISSIPPI

Teeuwissen v. Hinds County , Mississippi, by and through its Board of Supervisors

United States Court of Appeals, Fifth Circuit - August 14, 2023 - F.4th - 2023 WL 5200322

Law firm and attorney brought § 1983 action against county and members of county board of supervisors who voted to terminate contracts entered into by predecessor board retaining law firm as special counsel for county and attorney as board attorney for one year, alleging contracts required county to pay fixed sum for entire year, even if county no longer wanted the contracted legal services after election flipped board's composition, asserting federal due process and state-law claims, and seeking declaratory and injunctive relief.

The United States District Court granted county's motion to dismiss federal causes of action for failure to state a claim, and declined to exercise supplemental jurisdiction over state-law claims. Plaintiffs appealed.

The Court of Appeals held that attorney and law firm had due-process-protected property interests in money that they were entitled to under early-termination provisions in contracts.

Attorney and law firm had due-process-protected property interests in money that they were entitled to under early-termination provisions in contracts entered into by predecessor county board of supervisors retaining law firm as special counsel for county and attorney as board attorney for one year, since Mississippi statute granting power to county board of supervisors, in its discretion, to employ counsel by the year at an annual salary at an amount that it deemed proper rendered contracts binding on successor board that had voted to terminate contracts after election had flipped board's composition.

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