

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99001-SCT

**IN RE: MISSISSIPPI RULES OF CIVIL PROCEDURE IN ALL CHANCERY, CIRCUIT AND
COUNTY COURTS OF THE STATE**

ORDER

This matter has come before the Court en banc on Motion to Amend the Comment to Rule 24(d) of the Mississippi Rules of Civil Procedure filed by the Supreme Court Advisory Committee on Rules. Having considered the motion and the proposed amendment, the Court finds that such amendment is appropriate and will promote the fair and efficient administration of justice and should be approved.

IT IS THEREFORE ORDERED that the Motion to Amend the Comment to Rule 24(d) of the Mississippi Rules of Civil Procedure filed by the Supreme Court Advisory Committee on Rules be and the same is hereby granted and the Comment to Rule 24(d) of the Mississippi Rules of Civil Procedure is amended as set forth in Exhibit "A" hereto.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this order upon the minutes of the Court and shall forthwith forward a true certified copy hereof to West Publishing Company for publication as soon as practical in the advance sheets of *Southern Reporter, Second Series (Mississippi Edition)* and in the next edition of *Mississippi Rules of Court*.

SO ORDERED, this, the 15th day of March, 2001.

/s/ William L. Waller, Jr.

WILLIAM L. WALLER, JR., JUSTICE, FOR THE COURT

EXHIBIT "A"

**AMENDMENT TO COMMENT TO RULE 24(d) OF
THE MISSISSIPPI RULES OF CIVIL PROCEDURE**

RULE 24. INTERVENTION

....

Comment

....

Rule 24(d) allows the State of Mississippi to intervene in any civil action wherein a major element of controversy pertains to the constitutionality of a state statute. The purpose of this provision is to protect the public's interest in the result of an action that may have far-reaching statewide implications. Notice to the Attorney General is mandatory even if the court thinks the constitutional question frivolous, but failure to give the notice does not deprive the court of jurisdiction to decide the case. Rule 24(d) was patterned after the following similar rules from other jurisdictions: Alabama Rules of Civil Procedure, R. 24(b); Maine Rules of Civil Procedure, R. 24(d); Minnesota Rules of Civil Procedure, R. 24.04; Tennessee Rules of Civil Procedure, R. 24.04; Federal Rules of Civil Procedure, R. 24(c). See *State v. Watkins*, 676 So. 2d 247 (Miss. 1996).

[Amended March 22,2001.]