

IN THE SUPREME COURT OF MISSISSIPPI

NO. 89-R-99027 SCT

IN RE: MISSISSIPPI RULES OF APPELLATE PROCEDURE

ORDER

This matter came before the Court sitting en banc on the Court's own motion to amend Rule 28(e) and the Comment to Rule 28 of the Mississippi Rules of Appellate Procedure. The Court finds that the amendments will promote the fair and efficient administration of justice and will, specifically, promote the use of electronic systems by allowing citation of opinions in electronic format.

IT IS, THEREFORE, ORDERED that Rule 28(e) and the Comment to Rule 28 of the Mississippi Rules of Appellate Procedure be and the same are hereby amended to read as follows:

(e) References in Briefs to the Record and Citations. All briefs shall be keyed by reference to page numbers (1) to the record excerpts filed pursuant to Rule 30 of these Rules, and (2) to the record itself. ~~Furthermore, all Mississippi cases shall be cited to both the Southern Reporter and, in cases decided prior to 1967, the official Mississippi Reports. Quotations from cases and authorities appearing in the text of the brief shall be preceded or followed by a reference to the book and page where the quotation appears.~~

(1) From and after July 1, 1997, the Supreme Court and the Court of Appeals shall assign paragraph numbers to the paragraphs in all published opinions. The paragraph numbers shall begin at the first paragraph of the text of the majority opinion and shall continue sequentially throughout the majority opinion and any concurring or dissenting opinions in the order that the opinions are arranged by the Court.

(2) All Mississippi cases shall be cited to either:

(i) the Southern Reporter and, in cases decided prior to 1967, the official Mississippi Reports (e.g., *Smith v. Jones*, 699 So.2d 100 (Miss. 1997)); or

(ii) for cases decided from and after July 1, 1997, the case numbers as assigned by the Clerk's Office (e.g., *Smith v. Jones*, 95-KA-01234-SCT (Miss. 1997)).

(3) Quotations from cases and authorities appearing in the text of the brief shall be cited in one of the following ways:

(i) preceded or followed by a reference to the book and page in the Southern Reporter and/or the Mississippi Reports where the quotation appears (e.g., *Smith v. Jones*, 699 So.2d 100, 102 (Miss. 1997)); or

(ii) in cases decided from and after July 1, 1997, preceded or followed by a reference to the case number assigned by the Clerk's Office and paragraph number where the quotation appears (e.g., *Smith v. Jones*, 95-KA-01234-SCT (¶1) (Miss. 1997)); or

(iii) in cases decided from and after July 1, 1997, preceded or followed by a reference to the book and paragraph number in the Southern Reporter where the quotation appears (e.g., *Smith v. Jones*, 699 So. 2d 100 (¶1) (Miss. 1997)); or

(iv) in cases decided prior to July 1, 1997, preceded or followed by a reference to the case number assigned by the Clerk's Office and paragraph number where the quotation appears when the case is added to the Court's Internet web site in the new format, i.e., with paragraph numbers (e.g., *Smith v. Jones*, 93-CA-05678-SCT (¶1) (Miss. 1995)); or

(v) preceded or followed by a parallel citation using both the book citation and the case number citation.

Comment

Rule 28 is based upon Fed. R. App. P. 28 and 5th Cir. R. 28.2.1, 28.2.2. If a party states issues under Rule 28(a)(3) not included in a statement required by Rule 10(b)(4), that party will bear responsibility for the cost of preparing any additional portions of the record subsequently designated by any other party in response to the statement of additional issues.

In cross-appeals, the response of the appellant to the cross-appeal is to be combined with the appellant's reply. The combined brief is treated as a principal brief under Rule 28(g) which governs page lengths.

Rule 28(e) requires parallel citations prior to 1967 because the Southern Reporter is the official reporter only for decisions published since 1966. Any party filing a brief citing an unreported decision from another court should also file a copy of the decision with the clerk of the Supreme Court.

Rule 28(e) adopts a citation standard which is in the public domain. The new citation standard is both vendor neutral and media neutral. A vendor neutral citation is one which does not contain vendor-specific information, and a media neutral citation is one which is not tied to a particular format. The citation *Smith v. Jones*, 699 So.2d 100 (Miss. 1997), for example, is neither vendor neutral nor media neutral. However, the citation *Smith v. Jones*, 95-KA-01234-SCT (Miss. 1997) is both vendor neutral and media neutral. The basis for the adoption of a new citation standard is to allow citation of cases which appear in electronic format in addition to citation of cases which appear in print.

An original Rule 28(j) letter should be submitted with three copies. Rule 28(l) governs briefs

other than briefs on the merits controlled by Rules 28(a), (b), and (c).

The provisions of Rule 28(m) apply only to briefs on the merits of an appeal and not to memoranda and briefs filed in support of or in opposition to motions and petitions seeking less than relief on the merits of appeals. This provision, while not mandatory in its application, was adopted to encourage the filing of disk copies.

IT IS FURTHER ORDERED that a certified copy of this order shall be forwarded by the Clerk of this Court to West Publishing Company for publication as promptly as reasonably possible in the advance sheets of the Southern Reporter, Second Series, and on the internet site of the Supreme Court, both being the official reporters of cases decided in these Courts, and in the *Mississippi Rules of Court*.

SO ORDERED, this the _____ day of December, 1997.

FOR THE COURT