

Serial: 155521

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99027-SCT

*IN RE: MISSISSIPPI RULES OF
APPELLATE PROCEDURE*

ORDER

This matter is before the Court en banc on the Court's own motion to amend Rule 11 and Rule 28 of the Mississippi Rules of Appellate Procedure. After due consideration, the Court finds that the amendment of Rules 11 and 28 and the Comments as set forth in Exhibit "A" will promote the fair and efficient administration of justice.

IT IS THEREFORE ORDERED that Rule 11 and Rule 28 of the Mississippi Rules of Appellate Procedure are amended as set forth in Exhibit "A" hereto. This amendment is effective on July 1, 2009.

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

SO ORDERED, this the 24th day of June, 2009.

/s/ Ann H. Lamar

ANN H. LAMAR, JUSTICE

TO GRANT: ALL JUSTICES.

Exhibit A

MISSISSIPPI RULES OF APPELLATE PROCEDURE

RULE 11. COMPLETION AND TRANSMISSION OF THE RECORD

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(c) Duty of Court Reporter to Prepare and File Transcript.

Upon completion of the transcript the reporter shall certify the transcript as an accurate account of the proceedings and file the original and one copy of the transcript with the clerk of the trial court. The reporter shall simultaneously certify and serve notice of the filing on the parties and on the clerk of the Supreme Court. Additionally, the reporter shall prepare an electronically formatted disk medium (such as USB Flash Drive or CD-ROM) of the transcript filed and shall file the electronic disk medium with the trial court clerk for inclusion in the appellate record. All electronic ~~disks shall be in electronic language capable of transference to other systems, i.e., ASCH, Word Perfect, Ami-PRO, Word, etc.~~ media and electronic files stored thereon must be in an industrial standardized format with the electronic transcript stored in the Adobe Portable Document Format (PDF). All electronic ~~disks~~ media shall be labeled to include the following information:

- (1) style of the case; and,
- (2) number of ~~disks~~ CD-ROMs, i.e., 1 of 2, 2 of 2, etc.; ~~and~~
- (3) ~~the language format.~~

After such filing and service of notice, the trial court clerk may disburse actual fees earned to the court reporter from estimated fees deposited pursuant to Rule 11(b).

[Adopted to govern matters filed on or after January 1, 1995; amended effective May 23, 2002; amended effective June 27, 2002; amended March 23, 2006 to provide that the trial court clerk shall assemble the record at the same time as the court reporter prepares the transcript; amended effective July 1, 2009.]

Comment

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Rule 11(c) also requires the court reporter to prepare and file with the original transcript a copy of the transcript ~~on electronic disk~~ in an electronically formatted medium . This procedure provides the Supreme Court a copy of the transcript via electronic ~~disk~~ format for future reference by the Court, if required.

[Comment amended May 23, 2002; amended effective June 27, 2002; amended effective July 1, 2009.]

RULE 28. BRIEFS

...

(m) Filing of Briefs on Electronic Disk Media. All parties filing a brief on the merits of any case with the Clerk of the Supreme Court shall file with that brief a copy thereof ~~on~~ in an electronically disk formatted medium (such as USB Flash Drive or CD-ROM), and the Clerk shall receive and file such ~~disk~~ with the papers of that case. All electronic ~~disks~~ media shall be in an electronic language capable of transference to other systems, i.e., ASCII, WordPerfect, Ami-Pro, Word, etc. and electronic files stored thereon must be in an industrial standardized format with the electronic brief stored in the Adobe Portable Document Format (PDF). All electronic ~~disks~~ media shall be labeled to include the following information:

- (1) the style of the case, and,
- (2) the number of ~~disks~~ CD-ROMs, i.e., “1 of 2, 2 of 2, etc.,” and
- (3) ~~the language format.~~

[Amended December 28, 1995; December 22, 1997; amended effective May 27, 2004 to make filing of briefs on electronic disks mandatory; amended effective July 1, 2009.]

Comment

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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. ~~The provision for the filing copies of briefs on electronic disks was made mandatory by amendment to Rule 28(m) adopted effective May 27, 2004. The phrase “electronic disk” includes both CDs and floppy disks.~~

[Amended December 28, 1995; December 22, 1997; amended effective May 27, 2004; amended effective July 1, 2009.]