

Serial: 250731

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99015-SCT

**FILED**

MAR 21 2024

*IN RE: LOCAL RULES*

OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

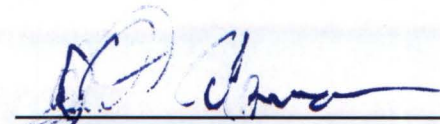
**EN BANC ORDER**

Before the en banc Court is the Motion for Approval of Local Rules filed by the Judges for the Fifteenth Circuit Court District.

After due consideration, we find that the motion should be granted.

IT IS THEREFORE ORDERED that the motion is granted. The Local Rules for the Fifteenth Circuit Court District of Mississippi are amended as set forth in the attached Exhibit A. The amendments are effective upon this order's entry.

SO ORDERED, this the 21st day of March, 2024.



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JOSIAH DENNIS COLEMAN, JUSTICE  
FOR THE COURT

ALL JUSTICES AGREE.

EXHIBIT A

**LOCAL RULES  
FOR  
FIFTEENTH CIRCUIT COURT DISTRICT OF MISSISSIPPI**

**Rule 1**

The Circuit Court shall meet in each county according to the terms established by Order entered each year pursuant to Section §9-7-3(2) of the Mississippi Code of Ann. (1972), as amended, and Court will convene at 9:00 a.m. unless attorneys are otherwise notified by the Circuit Clerk or the court administrator. Court terms shall be divided between Place 1, and Place 2, and Place 3, which will be established by the Senior Judge pursuant to §9-7-3(5) pursuant to Exhibit "A" attached hereto and made a part hereof as though copied at length herein.

**Rule 2**

The 15<sup>th</sup> Judicial Circuit Court District shall utilize a "Place System" the MEC for assigning civil cases. The Place System shall be filled by seniority first, and should future judges have equal seniority, then the system shall be filled alphabetically. As of the adoption of this rule Judge Prentiss Harrell is the senior judge in the District and fills Place 2, Judge Anthony Mozingo fills Place 1.

The Circuit Clerk of each County of the District shall keep a separate Judges' civil docket for each Place and cases shall be assigned to each Place by the first letter of the last initials of the name of the Judge. Upon receipt of the complaint the clerk shall file the complaint and assign a case number but not a judge. The party presenting a complaint to the clerk shall provide a 3" x 5" index card stating the name of the first plaintiff vs. the name of the first defendant which the clerk shall place in a box. At the end of the work day the clerk shall randomly determine which Judge will receive the first case drawn by rolling a six-sided die with 1-3 representing Place One and 4-6 representing Place Two. Should a third judge be added to the District, 1-2 shall represent Place One, 3-4 shall represent Place Two and 5-6 shall represent Place Three. After determining which Judge will receive the first case drawn, the clerk shall then draw out the index cards and assign Judges accordingly. Should a third judge be added to the District, after determining which Judge will receive the first case drawn, the clerk shall assign cases in ascending order.

Once a case is assigned to a Judge by the letter system, that said Judge shall handle that case until final disposition. For good cause, a Judge may transfer a case to another Judge of the District for that Judge's handling, and, upon transfer, the clerk is to add a hyphen and the

letter of that Judge's Place the updated Judge's name to show the case has been transferred. This rule is for the assignment of civil cases only and shall not be used in the assignment of criminal cases.

### Rule 3

The Circuit Clerk of each county of in the District shall maintain a trial calendar as provided pursuant to Rule (40)(a) of the Mississippi Rules of Civil Procedure (MRCP). Said calendar shall contain all cases pending in said county in which issue has been joined and ~~that~~, unless otherwise notified, the trial calendar shall be called on the first day of each term of Court at 9:00 a.m. ~~and t~~The Circuit Clerk shall notify the attorneys of record or the parties, if not represented by counsel, of the calling of said trial calendar at least ~~five~~ seven calendar days in advance thereof. If ~~either~~ any judge decides to call his trial calendar in any county other than on the first day of a regular term therein, he shall notify said Circuit Clerk in writing of the date, time, and place of the calling of ~~such~~ said trial calendar and, at least ~~five~~ seven calendar days prior to said date, the Circuit Clerk shall notify all attorneys of record and parties, if unrepresented, of the calling of ~~such~~ said trial calendar in and for said county. ~~That,~~ ~~a~~At the calling of the said trial calendar, each case placed thereon shall be set for trial within the time frame set out in MRCP Rule 40, unless, prior to the calling of said trial calendar, the plaintiff or defendant, pursuant to MRCP Rule 26(c), requests a discovery conference with the Court and state therein that said matter is still in need of discovery and is not, at that time, ready for trial. ~~That u~~Upon such notice by either the plaintiff or defendant, the Court, at the calling of said trial calendar, shall schedule said case for a MRCP Rule 26(c) conference rather than for trial.

### Rule 4

The Circuit Clerk of each County will maintain in a civil trial docket pursuant to MRCP Rule 40, ~~of the Mississippi Rules of Civil Procedure~~ whereon shall be kept the cases set for trial at the calling of the trial calendar. All other trial settings must be set through the court administrator, and, upon the attorneys setting a trial date through the court administrator, the Clerk shall be notified in writing by the parties to set the case for trial on the date as agreed to between the parties and said case shall then be placed on the trial docket in addition to the cases set during the calling of the trial calendar. Once a case is set on the trial docket, either by setting at the calling of the ~~trial calendar~~ docket or by agreement of the parties, no continuance will be allowed without a pre-trial conference with the Court ~~at least one week~~ approximately one month prior to trial date and then only on good cause shown. No case can be set peremptorily except for the next regular term of Court even by agreement of the parties.

## Rule 5

All other cases then pending in each county which are not listed on either the trial calendar or trial docket shall be maintained on the general docket in and for said county. ~~That o~~On the first Monday of each Court term, in and for each county, the general docket shall be called by the Court. At the call of the general docket, each attorney shall be required to make an appropriate announcement, which ~~announcement~~ shall be limited to the following:

- 1) ~~A.~~ ~~t~~The case may be set for trial or for preliminary matters,
- 2) ~~B.~~ ~~t~~The case may be dismissed,
- 3) ~~C.~~ ~~a~~A default judgment may be ~~taken~~ made,
- 4) ~~D.~~ ~~t~~The case may be set for recall on the last Friday of the term, and
- 5) ~~E.~~ ~~t~~The case may be continued for good cause shown.

## Rule 6

Whenever an announcement of final disposition is made to the Court, a final order must be submitted to the Court on or before the last day of the term, or said case ~~will~~ may be dismissed.

## Rule 7

When a case is settled, ~~in vacation~~ the Clerk and court administrator ~~will immediately~~ shall be notified immediately, and the case will be removed from the Circuit Court docket.

## Rule 8

In an effort to keep each civil docket in a current status, the trial Judge for each place shall have the inherent authority to set ~~for pre-trial any case~~ a hearing or pre-trial conference for any case appearing as one of the oldest 20% of the cases on the docket. ~~Said setting shall be done pursuant to Rule 2.03 Uniform Circuit Court Rules, and u~~Upon the setting by said Court, the Circuit Clerk shall notify the parties involved in said action at least ~~five~~ seven calendar days prior to the hearing or pre-trial conference ~~of said setting~~. The purpose of said hearing or pre-trial conference is for the Court to ascertain the status of said case and to alleviate any problems involved in said case with the purpose being to prepare said case for trial as expeditiously as possible. ~~That i~~If either any party fails to appear at said hearing or pre-trial conference (upon proper notification by the Clerk,) and fails to notify the Court obtain permission to be absent from the court administrator in advance of their inability to attend as required, appropriate sanctions ~~can~~ may be taken by the trial Court.

## Rule 9

Parties to civil actions are encouraged by the Court to attempt settlement of each case on the docket. If the Court, in its discretion, finds that a case has been set for trial and one of the parties has failed to make a diligent effort to settle the case until the date of trial and then attempts serious settlement negotiations, which, had they been taken earlier, would have resulted in the settlement of the case prior to the trial day, the Court may, in its discretion, assess the actual cost to the county of the jury in attendance on that date to any party that the Court finds did not engage in prior diligent efforts to settle the case.

## Rule 10

All cases dismissed pursuant to MRCP Rule 41(a)(1) shall be dismissed by order pursuant to said Rule signed by the judge to which the case was assigned and said order shall be placed of record in the minutes records of the Court as any other order.

## Rule 11

~~At 1:00 p.m. on the first Monday of all court terms, Motion day shall be held pursuant to Rule 78 of the Mississippi Rules of Civil Procedure, wherein motions may be presented on cases assigned to that Judge on any other motion requiring testimony, shall be set at an appropriate time by prior arrangement with the Court. The attorney bringing the motion shall be responsible for having the court file and notifying the Court and the opposing attorney of the motion and when it is to be heard. The Circuit Clerk where the court is sitting shall keep a calendar of all motions scheduled for facilitating the disposition of motions. Attorneys having motions pursuant to Rule 56 or 57, or motions requiring testimony, should apply to the proper Judge wherein said case is pending for a time, place, and setting of the motion and, upon the setting by the proper Judge, the moving attorneys shall notify opposing counsel pursuant to the Mississippi Rules of Civil Procedure.~~

All Civil and Criminal trial and motion hearing settings shall be set through the court administrator's office prior to filing of the Notice of Hearing with the Clerk's office. Attorneys shall provide a copy of the Notice of Hearing and a copy of motions, exhibits, etc. to the court administrator immediately after setting the case for a hearing. If the motions, exhibits, etc. are more than 75 pages in total, the attorney filing said motions, exhibits, etc. must print, tab, and place said motions, exhibits, etc. in a 3-ring binder and mail said binder to the appropriate Judge at least 3 weeks prior to the hearing of said motion. All responses to filed motions are due at least 2 weeks prior to the hearing and the same rule regarding printing, tabbing, and binding is in effect. All replies to responses to filed motions are due at least 1 week prior to the hearing and the same rule regarding printing, tabbing, and binding is in effect.

In all cases, if said motions, exhibits, responses, and replies to responses do not arrive at the appropriate Judge's office at the appropriate time, the Judge may, *sua sponte*, continue the hearing until such date and time as is necessary to receive and properly review said motions, exhibits, responses, and replies to responses.

### **Rule 12**

The moving party of any motion set to be heard in vacation shall be responsible for procuring the court file for the out-of-term hearing. The Circuit Clerk shall release the file to the moving party's attorney prior to the motion hearing. The attorney shall return the *complete* file no later than three (3) days after the hearing. If the attorney fails to comply, he or she will be sanctioned by the Court.

Subject to the provisions of Rule 11, *supra*, at 10:00 a.m., or as soon thereafter as possible, on the first Monday of all court terms, Motion day shall be held pursuant to MRCP Rule 78, wherein motions may be presented on cases assigned to that Judge. Any motion requiring testimony shall be set at an appropriate time by prior arrangement with the court administrator. The attorney bringing the motion shall be responsible for notifying the Court and the opposing attorney of the motion as well as the location and time it is to be heard. The Circuit Clerk where the court is sitting shall keep a calendar of all motions scheduled for facilitating the disposition of motions. Attorneys having motions pursuant to MRCP Rule 56 or 57, or motions requiring testimony, should apply to the proper Judge wherein said case is pending, for a time, place, and setting of the motion and, upon the setting by the proper Judge, the moving attorneys shall notify opposing counsel pursuant to the applicable provisions of MRCP.

### **Rule 13**

Every attorney who practices within the Circuit Court of the 15<sup>th</sup> Judicial District shall provide the Court with a current mailing address, phone number, and e-mail address. As with all contact information, all members of the Bar shall keep the Court apprised of any updates to his or her contact information.

### **Rule 14**

All Civil and Criminal trial and motion hearing settings shall be set through the court administrator's office prior to filing of the Notice of Hearing with the Clerk's office. Attorneys shall provide a copy of the Notice of Hearing and a copy of motions, exhibits, etc. to the court administrator immediately after setting the case for a hearing.

All proposed jury instructions shall be provided to the Court at least seven calendar days prior to Jury Selection. This Rule is not intended to affect in any way the deadline for

attorneys to file their instructions with the clerk per requirements set forth in Rule 3.07 of the Uniform Civil Rules of Circuit and County Court Practice.

### **Rule 15**

~~All proposed jury instructions for civil cases shall be provided to the Court the Friday prior to Jury Selection. And, all proposed, special jury instructions for criminal trials shall be provided to the Court the Friday prior to Jury Selection. This Rule is not intended to affect in any way, including without limitation the deadline for attorneys to file their instructions with the clerk, the requirements set forth in Rule 3.07 of the Uniform Rules of Circuit and County Court Practice.~~

All attorneys and court staff shall be responsible for reviewing our District's website at [www.circuit15.org/v2/](http://www.circuit15.org/v2/) prior to Court to ensure everyone is aware of the case settings for the appropriate day. Further, if the attorney or court staff member discovers any discrepancy between his or her calendar and the trial or motion settings as they appear on the website, he or she shall immediately contact the court administrator's office to correct the discrepancy.

### **Rule 16**

~~All attorneys and court staff shall be responsible for reviewing our District's website at [www.15thjudicialdistrict.com](http://www.15thjudicialdistrict.com) prior to Court to ensure that everyone is aware of the case settings for the following day. Further, if the attorney or court staff member discovers any discrepancy between his or her calendar and the trial or motion settings as they appear on the website, he or she shall immediately contact the court administrator's office to correct the discrepancy.~~

In criminal cases, the defense attorney is responsible for supplying the Court with a transport order no later than seven calendar days prior to the hearing and/or trial. The transport order must instruct the appropriate agency to have the defendant at the local jail no later than 12:00 p.m. two days before the hearing so the defense attorney may meet with the defendant as necessary. Furthermore, all criminal announcements are due to the appropriate court administrator no later than seven calendar days prior to docket call, unless otherwise agreed-upon by the court administrator.

### **Rule 17**

In all cases, the proof of service provided to the Court, be it by private process server or by a Sheriff's Department, must be appropriately filled out and signed by the individual who served the documents. The attorney for the party requesting service of process is responsible for ensuring compliance with this rule.

[Adopted by order entered July 25, 1986 and approved by Supreme Court by order dated April 14, 1993; amended by order entered June 27, 2003 and approved as amended by Supreme Court by order entered September 4, 2003; approved as amended by Supreme Court by order entered November 17, 2011; approved as amended by the Supreme Court by order entered \_\_\_\_\_.]