

Serial: 176116

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99015-SCT

*IN RE: LOCAL RULES OF THE TENTH
CHANCERY COURT DISTRICT*

ORDER

This matter is before the Court en banc on the Motion for Approval of Local Rules filed by the Honorable Johnny L. Williams, the Honorable Dawn H. Beam, the Honorable Deborah J. Gambrell and the Honorable Ronald Doleac of the Tenth Chancery Court District for approval of proposed local rules. The proposed local rules are attached as Exhibit A.

Having considered the petition, the Court finds that the local rules will promote the fair and efficient administration of justice and that the petition should be granted.

IT IS THEREFORE ORDERED that the Motion for Approval of Local Rules filed by the Honorable Johnny L. Williams, the Honorable Dawn H. Beam, the Honorable Deborah J. Gambrell and the Honorable Ronald Doleac of the Tenth Chancery Court District for approval of proposed local rules is hereby granted.

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, Third Series (Mississippi Edition)*.

SO ORDERED, this the 23rd day of April, 2012.

/s/ Randy Grant Pierce

RANDY GRANT PIERCE, JUSTICE
FOR THE COURT

TO GRANT: ALL JUSTICES.

EXHIBIT A

LOCAL RULES
FOR
TENTH CHANCERY COURT DISTRICT OF MISSISSIPPI

PREAMBLE

The purpose of these rules is to continue the fair and orderly disposition of civil actions filed in the Tenth Chancery Court District of Mississippi. These rules shall govern the management and disposition of all civil actions filed in this district. These Local Rules shall be effective upon the approval of the Supreme Court of Mississippi. All amendments to these Rules shall be by Order of the Court and shall require the approval of a majority of the Chancellors of the District and of the Supreme Court of Mississippi.

RULE 1. TERMS OF COURT AND CASE ASSIGNMENT

(a) The Chancery Court of the Tenth Chancery District shall be in continuous terms in each county of the District. The Court Calendar or Docket shall not be called at any time except by special order of any Chancellor or chancellors of the District with proper notice being given at least thirty (30) days in advance to the attorneys of record or unrepresented parties (who, acting pro se as their own attorneys, are to be given notice in the same manner as licensed attorneys).

(b) All new civil actions filed in this district shall be assigned equally and randomly among the four Chancellors by random computer assignment except as provided hereafter. The assignment of a civil action is permanent unless, for good cause stated, the assigned Chancellor transfers the case to the general docket for reassignment by way of Order or Recusal. Notice in writing of any prior filing [s] involving the same parties over the same or similar issues in any Mississippi court, will be provided to court clerks by the attorney or party filing of an action. UCCJEA disclosures containing such information will be pointed out to the filing clerk at the same time.

(c) The assigned Chancellor shall have the sole responsibility for the management and disposition of all cases assigned to his docket.

(d) If an assigned civil action is settled, the case may be presented to any Chancellor for Final Order provided approval by the assigned Chancellor or his Court Administrator is obtained for another Chancellor to sign the order. Such Final Order shall reflect that the signature of the signing Chancellor is "for the assigned Chancellor."

(e) If an assigned matter is heard as an accommodation by another Chancellor, the case shall nonetheless remain the assigned Chancellor's case for all future action.

(f) Actions initiated by the Department of Human Services, Child Support Enforcement Division, shall be "exempt from initial assignment" without the necessity of filing the separate certificate as otherwise required under this Rule. Each Chancellor shall have responsibility for such cases by County.

The Place 1 Judge shall have responsibility for Lamar and Perry Counties.

The Place 2 Judge shall have responsibility for Marion County.

The Place 3 Judge shall have responsibility for Forrest County.

The Place 4 Judge shall have responsibility for Pearl River County.

(g) Youth Court cases in Perry and Marion Counties, Mental Commitments and Alcohol and Drug Commitments are exempt from random assignment and will be handled by the Youth Court Referee or Special Master appointed for such hearings. If the Youth Court Referee or Special Master is unavailable, then one of the chancellors may hear case.

(h) Guardianships and Minor Settlements. When a need arises to open guardianships and/or minor settlements for siblings, step-siblings, half-siblings and/or other unrelated children and the basis for such filings has arisen from the same causation, each such case shall be assigned to the Chancellor to whom the first case is assigned. If any minor's settlement arises out of an estate, the minor settlement(s) shall be assigned to the Chancellor to whom the estate matter is assigned. If the minor's settlement is opened for the purpose of receiving an inheritance from two (2) or more estates and they are assigned to different Judges, then the minor's settlement action will remain with the Chancellor to whom it was assigned upon filing.

(i) Reciprocal Causes of Action. When one party initiates a cause of action against another party and the defendant from the first action later files a reciprocal cause of action against the plaintiff from the first action and both actions arise from the same set of facts, the two (2) actions shall be consolidated into the smaller cause number with that Chancellor regardless of to whom the later filed action was assigned or in what order service of process was accomplished.

(j) Dismissed Causes of Action. If a party initiates a cause of action which is voluntarily dismissed or dismissed on a Clerk's motion for want of prosecution and later re-files a new cause of action based upon the same or substantially similar causation as the previously dismissed filing, then the new cause of action shall be assigned to the Chancellor to whom the initial cause of action had been assigned.

(k) Temporary Restraining Orders are to be presented to the assigned Chancellor. However, in the event the assigned Chancellor is not available and the matter is of a genuine emergency nature, it may be presented to any available Chancellor who may act for and on behalf of the assigned Chancellor. The matter shall be heard on the merits by the assigned Chancellor.

RULE 2. SCHEDULING EX PARTE

(a) In September of each year the Senior Chancellor shall prepare and publish a schedule for weekly dockets for all four Chancellors for the coming year which shall be published on the web page of the 10th Chancery District. The first day of each week (Tuesday if Monday is a holiday) set shall be designated Ex Parte Days.

(b) Unless otherwise permitted by the sitting Chancellor or his Administrator, all Ex Parte Days are reserved exclusively for non-contested matters as well as any conferences set in advance by the sitting Chancellor's Court Administrator and any matter set by special order of the sitting Chancellor for hearing.

RULE 3. TRIAL SETTINGS

Trial shall be set in the following manner:

(a) By agreement of the parties with the approval of the Court Administrator of the assigned Chancellor as to the time and place;

(b) Upon Motion for Trial Setting of a party and properly noticed to other parties. The return date for such motion shall be provided by the Court Administrator of the assigned chancellor upon request; or

(c) By the Court after proper notice to the parties.

(d) After trial is set, the Court Administrator shall, in addition to placing it on the District Web Page, mail notice of the trial date and location to all attorneys of record and litigants representing themselves pro se. Continuance thereafter may only occur on motion signed by both parties and their attorneys.

RULE 4. MOTIONS

(a) Motions not requiring testimony and which can be heard in less than fifteen (15) minutes shall be treated as non-contested matters and will be heard on Ex Parte Days after the other matters have been completed.

(b) Pleadings to Modify and pleadings for Citations for Contempt shall be treated as Complaints to Modify and Complaints for Citation for Contempt and shall be heard as contested matters and therefore set for hearing by the Court Administrator.

(c) Upon filing of any post-trial or post-judgment motions, a copy of such motion shall be forwarded immediately to the presiding Chancellor and subsequently set for hearing and/or conference by the Court Administrator of the assigned Chancellor.

RULE 5. RULE 81 RETURN DATES

(a) In all civil actions governed by M.R.C.P. 81 (d) the summons shall be made returnable to a scheduled Ex Parte Day of the assigned Chancellor unless another date is obtained from the Court Administrator for the assigned Chancellor and a Setting Order presented to the Chancellor to authorize issuance of such process or on special days for an individual chancellor set in accord with a general order of such Chancellor filed with the clerks of all counties in the district and made available on the Chancery District 10 web page. Any such days shall also be reflected on the general web page Calendar of such Chancellor. If any case is not heard on the date set for original hearing, the process may be preserved by compliance with M.R.C.P. Rule 81 and Notice of the new hearing date shall be given by Plaintiff, all as provided by M.R.C.P. 5 (b). All trial dates shall be provided by the Court Administrator for the assigned Chancellor.

(b) Any M.R.C.P. 81 process returnable to a regularly scheduled Ex Parte Day shall be considered as a return day only. If the Respondent or Defendant appears to contest the matters asserted in the Complaint, a later trial date will be set by the Court Administrator of the assigned Chancellor; otherwise, the case may be proceeded upon at the time provided no testimony is required of record.

RULE 6. PRE-TRIAL/SETTLEMENT CONFERENCES

(a) This Court encourages the use of informal conferences for the purpose of settlement or resolution of pre-trial issues.

(b) The Court Administrator of the assigned Chancellor will provide, upon request, available dates for informal or formal (M.R.C.P. 16) conferences.

ADDENDUM

Attorneys and pro se litigants should verify settings in advance by consulting the docket on the District Web Page (www.chancery10.com)

All attorneys are expected to be familiar with the Uniform Chancery Court rules and particular attention is invited to the following:

Rule 1.08 WITHDRAWAL OF COUNSEL

Rule 6.08 ALLOWANCE FOR SUPPORT OF WARD

Rule 6.13 PLEADINGS MUST BE SWORN TO

Rule 7.02 RETURN ENVELOPE MUST BE ENCLOSED

Rule 8.05 FINANCIAL STATEMENT AND DISCLOSURE REQUIRED

Rule 8.06 CHANGE OF ADDRESS OF CHILDREN

[Approved as amended by the Supreme Court by order entered April 26, 2012; Adopted by order entered October 25, 1991 and approved by the Supreme Court by order entered June 24, 1992.]