

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99027-SCT

IN RE: MISSISSIPPI RULES OF APPELLATE PROCEDURE

ORDER

This matter has come before the Court, en banc, on its own motion, for consideration of amendments to Mississippi Rules of Appellate Procedure adopting a new Rule 48A. Having considered the matter, the Court finds that the interest of the fair and efficient administration of justice will be served by the adoption of the proposed amendments as set forth in Exhibit "A" hereto.

IT IS THEREFORE ORDERED that Rule 48A of the Mississippi Rules of Appellate Procedure be and the same is adopted, in the language and form 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 forward a true certified copy hereof to West Publishing Company for publication in the next edition of the *Mississippi Rules of Court* and in the *Southern Reporter, Second Series, (Mississippi Edition)*.

SO ORDERED, this the 28th day of March, 2001.

/s/ Fred L. Banks, Jr.

FRED L. BANKS, JR., PRESIDING JUSTICE, FOR THE COURT

EXHIBIT "A"

RULE 48A TO MISSISSIPPI RULES OF APPELLATE PROCEDURE

(All new material)

RULE 48A. CONFIDENTIAL CASES AND SEALED FILINGS

(a) Cases Treated as Confidential on Filing. Any case filed with the clerk of the Supreme Court and Court of Appeals which was previously closed to the public by action of the trial court or which by statute is subjected to restriction on access to the public in the trial court by statute, shall be closed to public access in the appellate courts and shall be treated as a confidential case by the clerk of the appellate courts.

(b) Cases which May be Designated as Confidential on Order of the Appellate Court. In the event that the appellate court shall determine that a case contains information the public disclosure of which will cause substantial harm to the welfare of a child or otherwise contains sensitive information the public disclosure of which will cause substantial harm, the appellate court may direct that such case be closed to public access and shall, upon order of the appellate court, be treated as a confidential case by the clerk. Pending determination by the appellate court of whether a case should be so treated, the clerk is authorized

to deny access without order.

(c) Sealed documents. Where parties shall file documents physically under seal with the clerk of the appellate courts, such documents shall remain sealed until the appellate court by order removes the seal. The mere filing of documents with a request that they be sealed shall not constitute the filing of sealed documents. Such documents shall remain open until the appellate court on motion of a party or on its own motion orders that they be sealed.

(d) Requests for Access. Any person or entity with an interest in the proceedings may by motion request access to any case or filings therein by motion presenting their interest and argument for access, and such motions shall be ruled on expeditiously.

(e) Other Provisions. The designation of a case as closed shall not restrict access of the parties, counsel of record, appellate court or of court staff as needed to address the case. Sealed documents may be opened at the direction of a justice as needed to address the case without ordering that the seal, as to the public, be removed. Where necessary to accomplish the purpose of designating a case as confidential, the style of the case shall be amended so as to prevent disclosure of the names of parties. Access to the records concerning such cases shall be granted only upon order of the appellate court.

[Adopted effective March 29, 2001.]