

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, Rule 27. 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 27 of the Mississippi Rules of Appellate Procedure be and the same is amended as 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 25th day of October, 2000.

/s/ William L. Waller, Jr.

WILLIAM L. WALLER, JR., JUSTICE, FOR THE COURT

SMITH AND DIAZ, JJ., NOT PARTICIPATING

McRAE, J., WOULD DENY

EXHIBIT "A" TO ORDER

AMENDMENT OF M.R.A.P. 27

RULE 27. MOTIONS

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(f) Motions Proposing Adoption, Repeal, or Amendment of Rules of Court and Rules Governing the Practice of Law. All applications concerning the adoption, repeal, or amendment of the Mississippi Rules of Civil Procedure, Rules of Evidence, Rules of Appellate Procedure, Uniform Circuit and County Court Rules, Uniform Chancery Court Rules, Uniform Rules of Procedure for Justice Court, Code of Judicial

Conduct, Rules of the Commission on Judicial Performance, Rules and Regulations for Mandatory Continuing Judicial Education, Rules of Professional Conduct, Rules of Discipline for the Mississippi Bar, Rules and Regulations for Mandatory Continuing Legal Education, Rules Governing Admission to the Mississippi Bar, and all other rules affecting the practice of law and the administration of the courts in Mississippi shall be filed in the Supreme Court. Such motions shall comply with all other requirements of the Mississippi Rules of Appellate Procedure; specifically, four (4) copies shall be filed with the original, but the Supreme Court may require that additional copies be furnished. No notice or response to such motion shall be required, except as may be required by the Court, but the Court may in its discretion submit any rules motion to the Supreme Court Rules Advisory Committee, or any other source, for review and comment. Upon receipt of requests or petitions for adoption or amendment of rules governing the practice of law, including Rules of Professional Conduct, Rules of Discipline for the Mississippi Bar, Rules and Regulations for Mandatory Continuing Legal Education, Rules Governing Admission to the Mississippi Bar, the Clerk of the Supreme Court shall publish the proposal or request on the Supreme Court's Internet site, and invite comment thereon. No action shall be taken by the Supreme Court on such proposal or request for a period of thirty(30) days following the commencement of such publication, and all comments received shall be considered; however, the Court may dispense with such publication and comment in the event that the Court deems the urgency of the proposal or request prohibitive to the delay needed for publication and comment.

(g) Motions Regarding the Setting of Term and Assigning of Causes in the Trial Courts. Orders entered and other actions in the chancery and circuit courts setting terms of court and assigning causes and dockets under Miss. Code Ann. § 9-5-3 and § 9-7-3 are subject to review by the Supreme Court on petition of any judge of the district wherein such orders have been entered or such action has been taken. The setting of terms and assigning of causes and dockets in the chancery and circuit courts shall be done fairly considering the relative work loads of the judges and the right of litigants within the district to fair and reasonable access to all of the judicial officers as well as reasonable accommodation of the requests and needs of all judges within the district. Further, the assignment of cases and dockets shall be done through a systematic plan recognizing the criteria set out herein.

(gh) Rehearing on Motions Prohibited. Except as provided in Rule 2(c) and Rule 27(b), decisions of the Supreme Court and the Court of Appeals on motions or petitions shall be subject to rehearing, reconsideration, vacation or modification only on the Court's own motion.

[Amended effective January 1, 1999; amended July 1, 1999; amended effective August 26, 1999; Amended November 2, 2000.]