

## **CIRCUIT COURT POLICIES OF JUDGE JEFF WEILL, SR.**

Introduction: We are all charged, in the words of the prophet Amos, to “establish justice in the courts.” This Court seeks to do so to the full extent of its capabilities and to serve the public in a professional, efficient, and courteous manner.

Toward that end, I have created some general policies for civil cases which I believe will fairly accomplish those goals. There are, of course, exceptional circumstances which will from time to time require modification of these policies. Suggestions, even anonymous ones, for new or amended policies are always welcome.

Jeff Weill, Sr.

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### **SCHEDULING**

**1. Agreed Scheduling Orders:** Pursuant to Rule 26 of the Mississippi Rules of Civil Procedure, all cases are required to have an *Agreed Scheduling Order* submitted to the Court within thirty days after the issues are joined. It will include deadlines for (a) completion of discovery; (b) filing of motions for joinder of additional parties or amendments to the pleadings; (c) designation of plaintiff's expert witnesses; (d) designation of defendant's expert witnesses and (e) filing of all pre-trial motions, excepting only evidentiary *in limine* motions. The scheduling order should also state that these deadlines may not be extended by agreement of the parties, but only by order of the Court, upon a showing of good cause.

**2. Scheduling a case for trial:** When the parties are ready to set their case for trial, open dates can be found on the court's website or by calling the court administrator or law clerk. The parties are then directed to agree on a trial setting and prepare an *Agreed Order Setting Trial Date*. Trials should be set far enough in advance so as to insure all discovery and related issues will be concluded.

**3. Scheduling non-discovery motions:** The Court hears non-discovery motions on Mondays (or Tuesdays if following a state holiday) during the Court's term, or at other times if special circumstances require it. Open dates can be found on the court's website or by contacting the court administrator or law clerk. The attorney setting the motion must have confirmed the date and time for said hearing with all of the attorneys involved in the motion ahead of time. The attorney setting the motion will mail, fax or email a copy of the notice of hearing to the court administrator. The attorney(s) in a case must also notify the court administrator at the time of setting the motion whether there will be any testimony at the motion hearing and if a court reporter is requested for that purpose.

**4. Scheduling expedited motions:** The court is aware that certain motions are of a more urgent or expedited nature and harm may occur absent prompt action by the court. Parties seeking a hearing on these matters are directed to so inform the court administrator who will accommodate the request to the extent possible - outside the Court's regular business hours if necessary.

**5. Scheduling discovery-related motions:** The Court will hear discovery-related motions (including, but not limited to motions to compel discovery, motions to quash, motions for protective order, motions for leave to amend a complaint, and/or any motion relating to sanctions or attorneys fees related to the foregoing) on the first Tuesday following the end of each term of court. The attorney(s) bringing the motion will be responsible for having the court file available at the hearing and notifying the Court and the opposing attorney(s) of the motion and the time and date of the hearing. The motions will be heard on a "first come - first served" basis beginning at 9:00 a.m. in courtroom 3 on the first floor of the Hinds County Courthouse in Jackson, Mississippi. A sign-in sheet will be available in the courtroom beginning at 8:30 a.m. on the morning of the hearing.

### **MOTION PRACTICE**

**6. Dispositive motions:** Except for good cause shown, any potentially dispositive motions must be filed at least 45 days prior to the scheduled trial, and subsequently noticed for hearing within a reasonable period thereafter. Generally, absent extraordinary circumstances, court reporters will not be present for motion hearings or other pretrial matters. A party may request a court reporter, but must notify the court administrator or law clerk of the request at least 48 hours prior to the hearing. A request for a court reporter will be considered by the Court, which in its discretion may or may not grant such request.

**7. *In limine* motions:** Except for good cause shown, evidentiary *in limine* motions must be heard by the Court at least one week prior to scheduled trial.

**8. Cancelled motions:** The court administrator or law clerk should be notified of any cancellation of motions to be heard, no later than 5:00 P.M. on the Wednesday before a motion is scheduled to be heard on the following Monday. Failure to do so may result in sanctions. The reason for this policy is judicial economy. Judge Weill customarily prepares for his motions on either Thursday or Friday of the week preceding the hearing of the motions on Monday.

**9. Telephonic motions:** In motions involving out of town attorneys, this Court may, as a courtesy to the out of town attorney(s), if requested, hear the motion via conference call with all parties participating by telephone. Local attorney(s) in the case should notify out of town attorney(s) a few days prior to the motion of the court's policy. Thereafter, if the hearing will be via conference call, the court administrator should be promptly notified. On the hearing date, the attorneys will be responsible for initiating the conference call and getting the participating attorneys on the call.

**10. Required Information on motions:** All motions, pleadings, briefs or submissions to the Court will bear the name, address, office telephone and facsimile numbers, and email address of the attorney(s) making such submissions.

**11. Responsive pleadings vital:** Timely responsive written pleadings/briefs are extremely helpful to the court and absent the same the respondent risks the court considering the subject

motion confessed. If the responsive pleading/brief is untimely filed, the court may strike it or continue the hearing.

**12. Submission of Orders:** Pursuant to Rule 1.11 of the Uniform Circuit and County Court Rules, all orders and judgments will be submitted directly to the Court, and not the Circuit Clerk. All orders and judgments presented to the Court must be signed by the attorney(s) submitting the same for approval by the Court. All orders must be provided to all attorneys of record in the time and in the manner they are submitted to the court. If *Agreed Orders* are submitted, these should be signed by all parties prior to submission, or sufficient proof of agreement provided (e.g., faxed or email correspondence acquiescing to the order). Orders which are not *Agreed Orders* need to be submitted electronically as well as by hard copy.

**13. Hard copy and electronic submission:** All memoranda opinions, findings of fact and conclusions of law, and opinions/orders requested by the Court should be submitted in printed and electronic form (Word or WordPerfect preferred). All copies of such submissions should be submitted to the Court and opposing counsel simultaneously using the same method of delivery. For instance, please do not hand-deliver the Court's copy and send by regular mail opposing counsel's copy.

**14. Prior approval of additional motions:** Once a motion is set in a case and noticed by the appropriate attorney, no other motion will be noticed by any attorney in the case without the prior approval of the Court.

**15. Exhibits to motions:** Exhibits attached to motions should be clearly referenced in the motion itself. Deposition excerpts, rather than entire depositions, are preferred—quoting the referenced portion of the attached deposition excerpt within the motion/brief is even better. Highlighting significant portions of attached documents is acceptable so long as the same courtesy is afforded the opposing party.

**16. Good faith efforts:** All *Motions to Compel Discovery* should comply with Rule 37 of the Mississippi Rules of Civil Procedure and Rule 4.04(c) of the Uniform Circuit and County Court Rules. A party or attorney in a case who fails to act in good faith to resolve discovery disputes may be subject to appropriate sanctions.

## **DISCOVERY**

**17. Timely filing of written discovery:** *Interrogatories* and *Requests for Production* should be served sufficiently before the expiration of the discovery deadline so that responses are due well before the end of the discovery period.

**18. Timely filing of *Requests for Admission*:** Since one of the purposes of *Requests for Admissions* is to narrow the issues, *Requests for Admissions* may be filed within a reasonable time after expiration of the discovery period.

**19. Trial depositions:** Evidentiary trial depositions may be taken after the discovery deadline and at a reasonable time before the trial.

**20. M.R.E. 615:** “The Rule” may be invoked at depositions pursuant to M.R.E. 615. Please note, however, expert witnesses are not subject to M.R.E. 615.

**21. Depositions of experts:** Deposition of expert witnesses will be generally allowed as a matter of course.

**22. Review of documents relied on by experts:** When deposing an expert witness, the adverse party is entitled to review only documents relied on by the expert in formulating the expert’s opinions unless good cause is established for the necessity of the review of additional documents.

**23. Designations of Experts:** A designation of an expert witness should also include the opinions and bases for the opinions of the expert witness in accordance with M.R.C.P. Rule 26(b)(4).

**24. Timely identification of trial witnesses:** In the absence of good cause, trial witnesses must be identified at least 30 days before trial in response to an interrogatory requesting the identity of trial witnesses.

**25. Overly broad interrogatory:** An interrogatory requesting the identity of all witnesses and documents that are known to exist in support of a claim for relief or a defense is overly broad.

**26. Identification of privileged documents generally not required:** In the absence of good cause, an interrogatory seeking the identification of all documents claimed as privileged and identification of the privilege claimed is improper. An *in camera* inspection by the Court may, in certain cases, be appropriate.

### **TRIAL PRACTICE**

**27. Pretrial Conferences and Orders:** Pursuant to M.R.C.P. 16, the attorneys for the parties will be required to attend a pretrial conference generally scheduled by the court two to three weeks before trial. In complex cases or cases in which there remain many evidentiary disputes, the Court may determine that a pretrial order is necessary and require the same prior to or at the pretrial conference.

**28. Jury Instructions:** Pursuant to U.C.C.C.R. 3.07, the parties are to provide the Court with a copy of proposed jury instructions at least 24 hours prior to trial. Additionally, in the absence of good cause, the Court will entertain no more than 6 substantive instructions per side at the conclusion of the evidence.