

FILED

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IN THE SUPREME COURT OF MISSISSIPPI

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

No. 89-R-99015-SCT

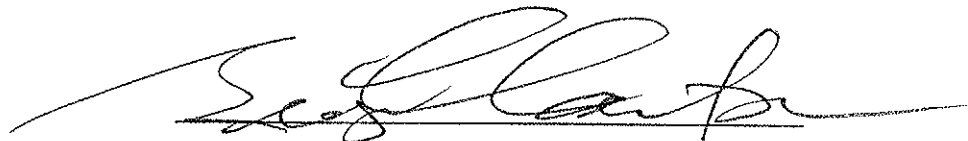
***RE: LOCAL RULES FOR THE
SEVENTH CIRCUIT COURT DISTRICT
ORDER***

This matter is before the Court en banc on the Motion to Approve Local Rules of the Seventh Circuit Court District filed by the Honorable Tomie T. Green, the Honorable Winston Kidd, the Honorable Bill Gowan, and the Honorable Jeff Weill. Having considered the motion, the Court finds that the petition should be granted and the local rules, as set forth in Exhibit A to this Order, should be approved.

IT IS THEREFORE ORDERED that the Motion to Approve Local Rules of the Seventh Circuit Court District filed by the Honorable Tomie T. Green, the Honorable Winston Kidd, the Honorable Bill Gowan, and the Honorable Jeff Weill is hereby granted. The local rules, as set forth in Exhibit A to this Order, are approved.

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, Third Series (Mississippi Edition)*.

SO ORDERED, this the 31st day of July, 2012.



GEORGE C. CARLSON, JR.,
PRESIDING JUSTICE

TO APPROVE: ALL JUSTICES.

Exhibit A

LOCAL RULES FOR THE SEVENTH CIRCUIT COURT DISTRICT OF MISSISSIPPI

RULE 1. Discovery

- (a) Disputes involving discovery shall be governed by Rules 26-37 of the Mississippi Rules of Civil Procedure and this Court will strictly enforce those provisions.
- (b) The party responsible for service of the discovery material shall retain the original and become the custodian and file a notice thereof with the circuit clerk.
- (c) Any motion seeking to compel discovery, shall be filed with the circuit court clerk and with the assigned judge contemporaneously with any motion filed under said Rules.
- (d) Highlighting significant portions of attached documents is acceptable; as long as the same courtesy is afforded service copies forwarded to the opposing party.
- (e) Where parties agree regarding the confidentiality or sensitivity of documents or information, the court may make any order which justice requires.

RULE 2. Motions, Hearings and Orders

- (a) Motions must be filed with the circuit court clerk, with a copy to the Court, pursuant to UCCCR 4.03. Responses shall be filed in the same manner. The Court will consider the motion even absent a timely filed response to a filed motion.
- (b) At the Court's discretion and/or upon agreement of all parties, a motion hearing may be canceled, postponed, or removed from the Court's motion hearing docket. Conflicts regarding a hearing date must be directed to the court administrator at least two (2) business days after receiving notice of the hearing date. Failure to appear or to follow this procedure may subject the offending party to appropriate sanctions.
- (c) Telephonic hearings are reserved for urgent, expedited, or other emergency matters. Parties seeking such telephonic hearing must request the same by contacting the court administrator, by telephone, mail, or email, specifically stating the nature of the matter.
- (d) Each circuit judge maintains his/her own hearing schedule. Hearings are not automatically granted and are set at the discretion of each circuit judge. A party may not notice a hearing date to other parties until a date has been confirmed by the court administrator. Once a motion is set and noticed by the movant, no other motion shall be noticed by any other party to the action, without prior approval of the Court.

- (e) A movant must make a written request to the Court for a court reporter's presence at any civil hearing, other than trial, at least two (2) business days prior to a scheduled hearing.
- (f) Any proposed orders, judgments, opinions, findings of fact, and/or conclusions of law, requested by the court, must be submitted to the Court, and not to the circuit clerk, in both printed and electronic form, with copies to all parties of record.
- (g) Orders and Judgments must be presented directly to the Court, and not to the circuit clerk, in accordance with URCCC 1.11.

RULE 3. Scheduling Orders and Trial Setting

- (a) **MEDIATION:** All civil matters filed in the Seventh Circuit Court District Court shall be submitted to mediation, in keeping with the *Court Annexed Mediation Rules for Civil Litigation*, unless: (1) all parties agree in writing that to submit the matter to mediation would be futile, or (2) a party upon motion for good cause is granted an exemption by the Court.
- (b) Failure to appear for trial, without notice of a settlement or without securing an order of continuance, may subject the party and/or the attorney to sanctions. Agreement of the parties does not guarantee a continuance of a trial. Continuances will be granted only upon a showing of good cause. Parties shall notify the court immediately of all case settlements. Failure to timely notify the Court of a settlement may result in the parties and/or attorneys being ordered to show cause why they should not be assessed jury costs and expenses.

RULE 4. Transfer of Civil Cases to County Court

Parties must file an agreed motion requesting transfer/referral to county court for trial. The motion must be specific and justify the reasons for the request. Agreement of the parties to have a case heard by a county court judge does not require the court to order the relief sought. A proposed "Order Assigning Acting Circuit Court Judge", identifying the county court judge, who has agreed to sit as the acting circuit judge, must accompany the motion.

RULE 5. Trial Matters

Parties must comply with URCCC 3.07 regarding the filing of jury instructions. At least 24 hours prior to trial, parties must provide the court with a copy of the proposed instructions along with a disk or other removable media or external device containing the instructions. Prior to trial, each party must provide the court with a list of all exhibits to be offered into evidence and a copy of any deposition to be read to the jury or shown by video.

RULE 6. Courtroom Technology and Court Transcription

Any party who wishes to utilize the Court's evidence presentation system must first get the approval of the Court. The Court employs the official court reporter for all cases before the Court. Court reporters may be available to provide any party daily copies during trial. A party who desires a transcription of any proceedings in civil cases must make a written request directly to the respective court reporter. Costs of the additional requested services will be borne by the requesting party.

[Approved effective August 9, 2012].