

Serial: 131957

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99027-SCT

***IN RE: MISSISSIPPI RULES OF
APPELLATE PROCEDURE***

ORDER

This matter is before the Court en banc on the Court's own motion to amend the Comment to Rule 27 of the Mississippi Rules of Appellate Procedure. The Court finds that the amendment as set forth in Exhibit A hereto will promote the fair and effective administration of justice.

IT IS THEREFORE ORDERED that the Comment to Rule 27 of the Mississippi Rules of Appellate Procedure 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 that a true certified copy be forwarded forthwith to West Publishing Company for publication in *Southern Reporter Second (Mississippi Edition)* and the *Mississippi Rules of Court*.

SO ORDERED, this the 11th day of May, 2006.

/s/ William L. Waller, Jr.
WILLIAM L. WALLER, JR.,
PRESIDING JUSTICE

NOT PARTICIPATING: DIAZ AND RANDOLPH, JJ.

EXHIBIT A

MISSISSIPPI RULES OF APPELLATE PROCEDURE

RULE 27. MOTIONS....

Comment

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Rule 27(h) motions for reconsideration of the court's ruling on motions or petitions are to be distinguished from Rule 40 motions for rehearing on opinions. Motions for clarification and correction of opinions and mandates which address issues other than specific errors of law or fact which would be determinative of the decision announced in the opinion should also be filed in accordance with the procedures set out in Rule 27, not those of Rule 40.

Rule 27(h) motions for reconsideration of the court's rulings on motions are governed by and subject to the procedures set out in Rule 27. Generally, motions are decided by orders of the appellate courts.

Motions for rehearing are filed under Rule 40 and are appropriate only where an opinion has issued which the movant believes to contain specific errors of law or fact.

Reconsideration of the court's ruling on a motion or petition is allowed only as to motions and petitions specified in Rule 27(h).

Rehearing on or reconsideration of decisions on motions or petitions is allowed only as to procedural motions granted or denied in the first instance by the clerk of the Supreme Court, or, in extraordinary circumstances, where the court suspends the rules under the provisions of Rule 2(c) or determines to reconsider or rehear on the court's own motion.

A brief may be filed in support of a motion and such a brief should be filed unless the motion seeks a routine procedural order. The rule does not, however, require the filing of a brief with every motion.

Rule 27(h) motions for reconsideration of the court's ruling on motions or petitions shall, whenever possible, state with particularity specific reasons, in the opinion of the movant, the court's action should be reconsidered. The motion for reconsideration is not intended to afford an opportunity for a mere repetition of the argument already considered by the court, but may contain such argument in support of the motion as movant desires to present. See M.R.A.P. 40(a).

[Comment amended June 21, 1996; October 15, 1998, effective January 1, 1999; August 26, 1999; amended effective May 29, 2003; amended May 18, 2006.]

