

Serial: 106859

IN THE SUPREME COURT OF MISSISSIPPI
No. 89-R-99015-SCT

FILED

***RE: LOCAL RULES OF THE FIRST
CHANCERY COURT DISTRICT OF
MISSISSIPPI***

SEP 04 2003
OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS


ORDER

This matter has come before the Court en banc on petition of the judges of the First Chancery Court District for approval of a new Local Rule 1.06(a). Having considered the petition, this Court finds that the petition should be granted and that the rule should be approved.

IT IS THEREFORE ORDERED that the petition of the judges of the First Chancery Court District for approval of a new local rule is granted, and that Local Rule 1.06(a) as set forth in Exhibit "A" hereto is approved.

IT IS FURTHER ORDERED that the clerk of the Supreme Court shall spread this order on the minutes of the Court and shall forthwith forward a true certified copy of this order to West Publishing Company for inclusion in the *Southern Reporter, Second Series (Mississippi Edition)*.

SO ORDERED, this the 2nd day of September, 2003.



KAY B. COBB, JUSTICE, FOR THE
COURT

McRAE, P.J. AND DIAZ, EASLEY AND GRAVES, JJ., NOT PARTICIPATING

EXHIBIT "A" TO SUPREME COURT ORDER

LOCAL RULE 1.06(a) ASSIGNMENT OF CASES

- (1) Pursuant to Uniform Chancery Court Rule 1.06, and subject to Paragraphs (2) and (3) of this rule, all matters filed in this district on and after August 15, 2003, shall be assigned to a single active Chancellor of this district at the time of filing of the action by such method as described in Paragraph (1)(A) of this rule and in such fashion as to ensure such assignments shall be equal and random, that no discernible pattern of assignment exists, and that no person shall know to whom the case will be assigned until such time as it has been accomplished.
 - (A) Unless the matter is indicated by the attorney on the civil case filing form as "exempt from initial assignment" pursuant to Paragraph (2) or a "continued assignment" pursuant to Paragraph (3), the Clerk, upon receiving the Civil Case Filing Form and the pleadings, shall proceed to draw by lot from a pool of thirty (30) lots bearing in equal numbers the first letter of the last name of the active Chancellors. The case shall be assigned to the Chancellor indicated upon the first lot drawn from the pool. Once drawn from the pool, a lot shall not be replaced until all lots have been drawn from the pool. Upon the drawing of the final lot, the pool shall be replenished with all of the aforesaid lots, and the process shall resume in a like manner.
 - (B) If a Chancellor has directed reassignment of a case pursuant to Paragraph (5) of this rule, then the matter shall be assigned to the Chancellor indicated on the next lot drawn by the Clerk from the pool described in Paragraph (1)(A) which does not indicate the Chancellor directing the reassignment; and each lot drawn during this reassignment bearing the mark of the Chancellor by whom the reassignment was directed shall be returned to the pool.
 - (C) The lots comprising the pool described in Paragraph (1)(A) shall be so fashioned as to bear no marks or characteristics which would differentiate one or more from the others, other than the required markings specified in Paragraph (1)(A).
- (2) The following matters shall be exempt from initial assignment to an active Chancellor, and such shall be notated accordingly as "exempt from initial assignment," or "E.F.I.A.", by the attorney on the civil case filing form (e.g., EFIA):
 - (A) Joint Complaints, including irreconcilable differences divorce actions and other uncontested matters; *Pro se* irreconcilable differences divorce actions; Name Changes or Birth Certificate Corrections; uncontested Adoptions;

uncontested Guardianship or Conservatorship matters; Removal of Minority; Commitments; Bond validations; and any actions initiated by the Department of Human Services, Child Support Enforcement Division.

- (B) When a matter listed in Paragraph (2)(A) becomes a contested matter, or a response from the other party or parties indicating opposition to the requested relief is filed or stated to the Court, the Chancellor to whom the matter is submitted may, on his own motion, direct the Clerk to thereafter assign the case by the method specified in Paragraphs (1) or (3).
- (3) All modification and/or contempt matters, except those concerning orders entered in the categories listed in Paragraph (2)(A), shall be assigned to the active Chancellor by whom the order at issue was entered. The attorney shall notate on the Civil Case Filing Form that the matter is a "continued assignment," or "C.A.," and shall indicate the first letter of the last name of the active Chancellor by whom the order at issue was entered (e.g., CA-M or CA-L or CA-S). Upon receipt of the Civil Case Filing Form bearing this notation, and pleadings, a lot containing that Chancellor's name shall be removed by the Clerk from the pool described in Paragraph (1)(A) and assignment made thereby. In any case in which the Chancellor by whom the order at issue was entered is no longer serving as Chancellor in this district, the matter shall be assigned by the Clerk as specified in Paragraph (1)(A).
- (4) Temporary Restraining Orders are to be presented to the assigned Chancellor. However, in the event the assigned Chancellor is not available and the matter is of a genuine emergency nature, it may be presented to any available Chancellor who may act for and on behalf of the assigned Chancellor. The matter shall be heard on the merits by the assigned Chancellor.
- (5) The assignment of a civil action is permanent, unless, and for good cause stated, the assigned Chancellor directs the Clerk to reassign the case to one of the other Chancellors. Where such reassignment is necessary, the Clerk shall use the method described in Paragraph 1(B).
- (6) Each case filed in this district after August 15, 2003, shall bear a number as follows: The last two digits of the calendar year in which the case is filed, followed by the sequential number of the case for the county and year, followed by the numerical designation for the county in which the matter is filed, followed by the first letter of the last name of the Judge to whom the case is assigned (e.g., 03-1234-02-M or 03-1234-02-L or 03-1234-02-S).

- (A) The following numerical designations shall be used for the counties of this district:

<u>County</u>	<u>Numerical Designation</u>
Alcorn	02
Itawamba	29
Lee	41
Monroe	48
Pontotoc	58
Prentiss	59
Tishomingo	71
Union	73