

Serial: 106867

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99015-SCT

FILED

SEP 01 2003

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

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

ORDER

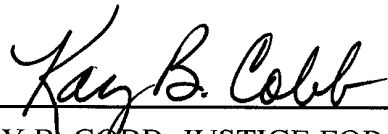
This matter has come before the Court en banc on petition of the judges of the Eighth Chancery Court District for approval of a new local rule and repealing all local rules and orders pertaining to the assignment of cases and matters within the district. Having considered the petition, this Court finds 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 Eighth Chancery Court District for approval of a new local rule is granted, and that Local Rule 1 as set forth in the order of the Eighth Chancery Court District of Mississippi attached as 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

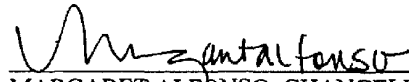
EXHIBIT "A" TO SUPREME COURT ORDER

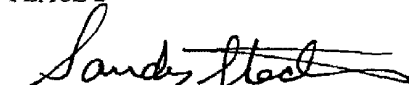
IN THE MATTER OF THE LOCAL RULES FOR THE EIGHTH CHANCERY COURT DISTRICT, STATE OF MISSISSIPPI

ORDER ADOPTING LOCAL RULE

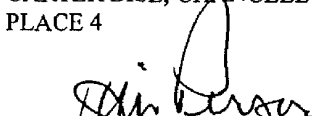
Pursuant to the authority of Rule 83 of the Mississippi Rules of Civil Procedure, and in order to comply with Uniform Chancery Court Rule 1.06 announced by the Mississippi Supreme Court by Order entered May 29, 2003, the undersigned presiding Chancellors of the Eighth Chancery Court District of the State of Mississippi do hereby approve and adopt Local Rule 1 attached hereto as Exhibit "A" and incorporated herein by reference for the assignment of cases and other matters. All former local rules and Orders pertaining to the assignment of cases and matters within the Eighth Chancery Court District shall stand repealed as of this date.

SO ORDERED AND ADJUDGED, this the 14th day of July, 2003.


MARGARET ALFONSO, CHANCELLOR
PLACE 2


SANFORD R. STECKLER, CHANCELLOR
PLACE 3


CARTER BISE, CHANCELLOR
PLACE 4


JAMES B. PERSONS, CHANCELLOR
PLACE 1

**LOCAL RULES FOR
THE EIGHTH CHANCERY COURT DISTRICT OF MISSISSIPPI
HARRISON, HANCOCK AND STONE COUNTIES**

RULE 1: ASSIGNMENT OF CASES

1.1: Pursuant to Uniform Chancery Court Rule 1.06, and subject to paragraph 1:3 of this rule, all matters filed in this district on and after August 16, 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 1:2 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. Except as otherwise noted, all sections of this Rule shall be applicable to each county within the district.

1.2: Unless the civil case filing form indicates that the matter submitted for filing is a continued assignment pursuant to Paragraph 1.5 below, upon receiving the Civil Case Filing Form and the Pleadings, the Chancery Clerk of the county in which the case is filed shall assign the matter to a single Chancellor either by computer or by drawing of lots as hereinafter set forth.

If the assignment is made by lots, the procedure shall be as follows: Upon receiving the Civil Case Filing Form and the Pleadings, the Chancery Clerk shall assign the case by drawing a lot from a pool of lots bearing an equal number of the place number of the active Chancellors as hereinafter set forth. 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.

A. Harrison County First and Second Judicial Districts: The random assignment of cases shall be performed pursuant to computer program to conform with the dictates of Uniform Chancery Court Rule 1.06 and this rule.

B. Stone County: The Stone County Chancery Clerk maintains the following three (3) separate Chancery Court dockets: General Docket, Adoption Docket, and Commitment Docket. In accordance with this rule, the Chancery Clerk shall maintain a separate pool for each of these dockets.

The lots to be maintained in each pool shall be as follows:

General docket.....	18 lots for each place number.... total 72 lots
Adoption docket.....	02 lots for each place number.... total 08 lots
Commitment docket.....	04 lots for each place number.... total 16 lots

- C. Hancock County: The Hancock County Chancery Clerk maintains the following three (3) separate Chancery Court dockets: General Docket, Adoption Docket, and Reciprocal Docket. In accordance with this rule, the Chancery Clerk shall maintain a separate pool for each of these dockets.

The lots to be maintained in each pool shall be as follows:

General docket.....	65 lots for each place number.... total 260 lots
Adoption docket.....	02 lots for each place number.... total 08 lots
Commitment docket.....	04 lots for each place number.... total 16 lots

- 1.3: If a Chancellor has directed reassignment of a case pursuant to Paragraph 1:7 of this rule, then the matter shall be assigned to the chancellor indicated on the next lot drawn by the Chancery Clerk from the designated pool which does not indicate the Chancellor directing the reassignment; and each lot drawn during this reassignment bearing the place number of the Chancellor by whom the reassignment was directed shall be returned to the pool.
- 1.4: The lots comprising the aforementioned pools 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 1:2.
- 1.5: All modification and/or contempt matters 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 place number of the active Chancellor by whom the order at issue was entered (e.g. CA-1 or CA-2 or CA-3 or CA-4). Upon receipt of the civil Case filing Form bearing this notation and pleading, a lot containing that Chancellor's place shall be removed by the Chancery Clerk from the pool as described in Paragraph 1:2 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 Chancery Clerk as specified in Paragraph 1:2.
- 1.6: 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.
- 1.7: The assignment of a civil action is permanent, unless, and for good cause stated and order entered, the assigned Chancellor directs the Chancery Clerk to reassign the case to one of the other Chancellors. Where such reassignment is necessary, the Chancery Clerk shall use the method described in paragraph 1:2.
- 1.8: Each case filed in this district after September 1, 2003, shall bear a number as follows:
The letter "C" followed by the numerical designation for the county in which the matter is filed, followed by the number of the judicial district ("1" for first and "2" for second), followed by 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, followed by the place number of the Chancellor

to whom the case is assigned. Examples follow:

Harrison County, First Judicial District	C2401 03-1234-1
Harrison County, Second Judicial District	C2402 03-1234-2
Hancock County	C2301 03-1234-3
Stone County	C6601 03-1234-4

- 1.9: Matters to be heard by Family Masters duly appointed pursuant to § 9-5-255 Miss.Code Ann. shall be upon referral of the Chancellors of the District in compliance with § 9-5-255 Miss.Code Ann.
- 1.10: Matters to be heard by the Special Master Pro Tem duly appointed pursuant to Miss.R.Civ.P. 53 shall be made by the Chancellors of the District in the Order Appointing Special Master Pro Tem and Order of Reference entered at the time of appointment. The Order of Reference may be amended as the Chancellors of the District deem necessary.