

Serial: 167939

**IN THE SUPREME COURT OF MISSISSIPPI**

**No. 89-R-99015-SCT**

***IN RE: LOCAL RULES OF THE SEVENTH CHANCERY  
COURT DISTRICT OF THE STATE OF MISSISSIPPI***

**ORDER**

This matter is before the Court en banc on the Petition for Approval of Local Rules filed by the Honorable Jon M. Bardwell, the Honorable Catherine Farris-Carter and the Honorable Watosia M. Sanders of the Seventh Chancery Court District. Having considered the petition, the Court finds that the local rules will promote the fair and efficient administration of justice and that the petition should be granted.

IT IS THEREFORE ORDERED that the Petition for Approval of Local Rules filed by the Honorable Jon M. Bardwell, the Honorable Catherine Farris-Carter and the Honorable Watosia M. Sanders of the Seventh Chancery Court District 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 forthwith forward a true certified copy hereof to West Publishing Company for publication as soon as practical in the advance sheets of *Southern Reporter, Third Series (Mississippi Edition)*.

SO ORDERED, this the 2<sup>nd</sup> day of March, 2011.

/s/ Randy Grant Pierce

RANDY GRANT PIERCE, JUSTICE

NOT PARTICIPATING: KING, J.

## **Exhibit A**

### **LOCAL RULES SEVENTH CHANCERY COURT DISTRICT**

#### **GENERAL PROVISIONS**

The Seventh Chancery Court District is divided into two divisions. The Chancellors are as follows:

Division 1: Catherine Farris-Carter  
Division 2, seat 1: Jon M. Barnwell  
Division 2, seat 2: Watosia M. Sanders

Division 1 is comprised of Bolivar County, First District; Bolivar County, Second District and Coahoma County.

Division 2 is comprised of Leflore County; Quitman County; Tallahatchie County, First District; Tallahatchie County, Second District and Tunica County.

#### **RULE 1. ASSIGNMENT OF TERMS OF COURT**

##### **Bolivar 1**

1 <sup>st</sup> Monday, March	1 week	Farris-Carter
1 <sup>st</sup> Monday, July	1 week	Sanders
2 <sup>nd</sup> Monday, November	1 week	Barnwell

##### **Bolivar 2**

2 <sup>nd</sup> Monday, January	3 weeks	week 1 – Farris-Carter week 2 – Sanders week 3 – Barnwell
3 <sup>rd</sup> Monday, April	3 weeks	week 1 – Farris-Carter week 2 – Barnwell week 3 – Sanders
2 <sup>nd</sup> Monday, July	3 weeks	week 1 – Farris-Carter week 2 – Sanders

week 3 – Barnwell

1<sup>st</sup> Monday, October 3 weeks

week 1 – Farris-Carter  
week 2 – Sanders  
week 3 – Barnwell

### **Coahoma**

1<sup>st</sup> Monday, April 2 weeks

week 1 – Farris-Carter  
week 2 – Barnwell

3<sup>rd</sup> Monday, June 2 weeks

week 1 – Farris-Carter  
week 2 – Sanders

4<sup>th</sup> Monday, September 2 weeks

week 1 – Farris-Carter  
week 2 – Sanders

1<sup>st</sup> Monday, December 2 weeks

week 1 – Barnwell  
week 2 – Sanders

### **Leflore**

2<sup>nd</sup> Monday, February 3 weeks

week 1 – Sanders  
week 2 – Barnwell  
week 3 – Farris – Carter

2<sup>nd</sup> Monday, May 3 weeks

week 1 – Sanders  
week 2 – Barnwell  
week 3 – Farris – Carter

4<sup>th</sup> Monday, August 3 weeks

week 1 – Sanders  
week 2 – Farris-Carter  
week 3 – Barnwell

1<sup>st</sup> Monday, December 3 weeks

week 1 – Sanders  
week 2 – Farris-Carter  
week 3 – Barnwell

### **Quitman**

1<sup>st</sup> Monday, February 1 week

Sanders

4 <sup>th</sup> Monday, May	1 week	Barnwell
3 <sup>rd</sup> Monday, August	1 week	Farris-Carter
2 <sup>nd</sup> Monday, November	2 weeks	week 1 – Farris-Carter week 2 – Barnwell

**Tallahatchie 1**

2 <sup>nd</sup> Monday, January	1 week	Barnwell
3 <sup>rd</sup> Monday, April	1 week	Sanders
3 <sup>rd</sup> Monday, October	1 week	Farris-Carter

**Tallahatchie 2**

3 <sup>rd</sup> Monday, January	1 week	Farris-Carter
4 <sup>th</sup> Monday, April	1 week	Sanders
4 <sup>th</sup> Monday, October	1 week	Barnwell

**Tunica**

4 <sup>th</sup> Monday, January	1 week	Sanders
1 <sup>st</sup> Monday, June	1 week	Sanders
3 <sup>rd</sup> Monday, September	1 week	Farris-Carter
4 <sup>th</sup> Monday, November	1 week	Barnwell

**RULE 2. ASSIGNMENT OF CASES**

(a) Initial Assignment of Cases:

- i . Pursuant to U.C.C.R. 1.06(A), immediately upon filing a complaint, the matter shall be assigned to ensure no discernable pattern exists that would allow a person to know to whom the case has been assigned prior to its assignment.

- ii. All cases filed in the Chancery Court of the Seventh District hereinafter shall be randomly assigned to one of the three Judges of the district by a web-based computer program. The Clerks will print the assignment form from the web page and place it in the court file.
- iii. Once a case is so assigned to a Judge, only the Judge to whom it is assigned will consider the matter, EXCEPT: (1) where the Judge must recuse himself for good cause, or (2) where the Judge has entered a standing order stating that he would not hear any matters brought by a particular attorney or a particular party.
- iv. Upon the recusal of a Judge, the Clerk will randomly draw another Judge for that assignment.

(b) The following matters are exceptions from random assignment and shall be handled as ex parte or Motion Day matters: Joint Complaints, including Irreconcilable Differences Divorces, Pro Se Irreconcilable Differences Divorces, Name Change or Birth Certificate Corrections, Uncontested Adoptions, Removal of Minority, Commitments and Bond Validations. If any of these matters become contested, the Chancellor shall direct the Clerk to assign the case. Any attorney filing an exempted action must sign a Certificate of Exemption upon filing stating that all interested parties have signed or joined in the petition.

(c) Youth Court cases, Mental Commitments and Alcohol and Drug Commitments are exempt from random assignment and will be handled by the Youth Court Referee, Special Master or Family Master.

(d) Special Masters shall be appointed by the Chancellor or Chancellors residing in the election sub-districts. Appointment of all current Masters within the district shall be continued pursuant to M.C.A. § 9-5-255(4) and (9).

(e) All cases on Judge Willard's docket will immediately be evenly divided between Judge Farris-Carter and Judge Sanders by random assignment.

(f) Judge Barnwell will continue to hear those cases that have been previously assigned to him and will not be in the initial random rotation for the first six months after the implementation of these rules so that the dockets of the three Judges can be more nearly equalized. Thereafter all three Judges will be included in the random selection process.

### **RULE 3. PLACING ACTIONS ON THE TRIAL CALENDAR**

(a) Those cases which have had a responsive pleading filed or any other formal or informal response filed by the defendant shall be placed on the trial docket. No cases in default or with insufficient process shall be placed on the trial docket, but shall be noted on the docket as such.

(b) All settings not within a Chancellor's assigned term or Motion Day shall be posted on the district's website so that date at that place will not be duplicated. It is the responsibility of each Chancellor and/or Court Administrator to check this docket before setting a matter. Once the matter is set, it must be placed on the master docket on the website by the scheduling Chancellor's office. Matters not placed on the master docket will not be considered set and the date at that location will remain available for other settings by another Chancellor. These settings will be done on a first come first serve basis.

(c) On or before Wednesday prior to the following week, a copy of each Chancellor's docket will be posted on the 7<sup>th</sup> Chancery Court District's website, located at [www.7chancerycourt.com](http://www.7chancerycourt.com). It is the responsibility of each attorney to check the docket and be prepared to proceed at the scheduled time, date and location.

(d) On or before Thursday preceding each scheduled term of this Court, the Clerk shall prepare a list of all actions triable at such term, and shall provide sufficient copies thereof for all members of the Bar practicing before said Court and any other attorneys representing parties on said docket. At least five days prior to the terms, the Clerk shall notify all parties on the trial docket who are without attorneys of the time and place of the docket setting.

(e) The said docket shall be called, and the trial calendar for the term and thereafter will be set, at 9:30 o'clock a.m. on the first day of each term.

(f) Hearings on Motion Days shall be set as hereinafter provided in Rule 4 of these Local Rules.

(g) Matters are not firmly set for hearing or trial until confirmed with the Court Administrator or set by the Chancellor. After a hearing or trial is set, excluding ex parte matters, the party setting the matter shall mail Notice of Hearing to all attorneys of record and unrepresented parties.

(h) All other hearings shall be set by the Court Administrator or Chancellor on request of counsel and on reasonable notice to other counsel or unrepresented parties.

(i) Upon filing of any motion, it is the responsibility of the party filing said motion to contact the Court Administrator to set a hearing in order for the motion to be considered.

**RULE 4. MOTION DAYS**

(a) The following days are hereby designated as Motion Days for this district:

**FOR CHANCELLOR JON M. BARNWELL**

**BOLIVAR COUNTY** – the fourth Thursday of each month in the Bolivar County Courthouse, Second Judicial District, in Cleveland, Mississippi, at 9:30 a.m.

**COAHOMA COUNTY** – the second Friday of each month in the Coahoma County Courthouse in Clarksdale, Mississippi, at 9:30 a.m.

**LEFLORE COUNTY** – the first and fourth Friday of each month in the Leflore County Courthouse, in Greenwood, Mississippi, at 9:30 a.m.

**FOR CHANCELLOR CATHERINE FARRIS-CARTER**

**BOLIVAR** - the second and third Thursday of each month in the Bolivar County Courthouse, Second Judicial District, in Cleveland, Mississippi, at 9:30 a.m.

**COAHOMA COUNTY** – the first and fourth Friday of each month in the Coahoma County Courthouse in Clarksdale, Mississippi, at 9:30 a.m.

**LEFLORE COUNTY** – the third Friday of each month in the Leflore County Courthouse, in Greenwood, Mississippi, at 9:30 a.m.

**FOR CHANCELLOR WATOSA M. SANDERS**

**BOLIVAR** - the first Thursday of each month in the Bolivar County Courthouse, Second Judicial District, in Cleveland, Mississippi, at 9:30 a.m.

**COAHOMA COUNTY** – the third Friday of each month in the Coahoma County Courthouse in Clarksdale, Mississippi, at 9:30 a.m.

LEFLORE COUNTY – the second and fourth Friday of each month in the Leflore County Courthouse, in Greenwood, Mississippi, at 9:30 a.m.

(b) Each Monday during term of court, 9:00 a.m. to 10:30 a.m. will be set aside for temporary hearings and vacation matters filed in that county only.

(c) Ex parte and vacation matters will normally be set for 15 or 30 minutes each and may be set for as long as an hour if counsel estimates such time will be necessary. Specific authority of the Chancellor must be obtained before setting any matter more than an hour on Motion Days.

(d) All of those matters which are exceptions to the random assignments from any of the counties in this district, as provided for in Rule 2(b) of these Local Rules, may be presented to and heard by any of the Chancellors during their regular Motion Days located in Bolivar, Coahoma and Leflore counties. Said matters will be set with the Court Administrator for each respective Judge. Otherwise the Chancellor assigned any given case will, through his Court Administrator, set any other temporary matters or ex parte hearings on said vacation days.

(e) Motion Days will be heard regardless if it is a term day or vacation day.

(f) The Clerks of this Court are authorized without further order of this Court, to issue vacation process returnable to a Motion Day in accordance with Rule 81(d) and all applicable statutes. For motions or other matters not requiring process, counsel shall give any required notice of a hearing set on Motion Day.

(g) The Clerks of this Court are further authorized to enter orders continuing such matters as previously set on Motion Days to such other days as the Court Administrator may advise are available for the Court to hear such matter.

(h) If the Chancellor shall be unable to be present for a Motion Day on any of the days hereinabove designated, he will notify the Clerk of cancellation of the day as far ahead as practicable.

(i) Counsel shall notify the Court Administrator promptly upon learning that a scheduled matter will not be heard, and the Court Administrator shall remove such matter from the day's docket.

(j) The Court Reporter will not attend Motion Day unless she or the Chancellor is notified in advance that a record will be requested in a particular matter.



## **RULE 5. PROCEDURE**

- (a) Court Files: Attorneys who have actions set on the court calendar when the Court is sitting in another county are responsible for checking out the file from the Clerk's office and bringing same to Court for such hearing.
- (b) Judgments:
- i. Pursuant to U.C.C.R. 5.04, all judgments must be presented to the assigned Chancellor within ten (10) days of being directed to draw the judgment. Attorneys should always prepare a proposed judgment to present at the hearing or trial.
  - ii. The attorney directed by the Chancellor to prepare the judgment must prepare said judgment and forward to counsel opposite or the Pro Se party for approval. Once approved, the judgment should be forwarded to the Court. It is the responsibility of the attorney directed to prepare the judgment to make sure the judgment reaches the Court after approval. If a disagreement arises, the attorneys shall contact one another to reach an agreement. If an agreement cannot be reached it is the responsibility of the attorneys to notify the Court Administrator that an agreement cannot be reached before ten (10) days expire. A continuance can be granted by the Chancellor for a period not to exceed ten (10) days. If an agreement still cannot be reached, the Court Administrator will set the matter for further hearing for the purpose of entering a judgment.
- (c) Pleadings and Documents : All documents and pleadings filed with the Court must include the name of the attorney presenting it and their Mississippi State Bar Number, mailing address, telephone and fax numbers and e-mail address. If an attorney would rather not include his/her e-mail address on pleadings and documents for privacy reasons, they should inform the Court of their e-mail address by contacting the Court Administrator.

## **RULE 6. DISTRIBUTION OF THE LOCAL RULES**

- (a) Upon approval of these rules by the Supreme Court of Mississippi, copies of said rules shall be filed with the Clerks of this Court and shall be

placed in a conspicuous place in said Clerk's office for easy access to all persons.

- (b) The Clerks of this Court shall further maintain a supply of copies of this order to be provided to interested parties as the need may arise. The Court Administrator of this Court shall mail copies to all members of the bar of each of the aforementioned counties and to members of the bar outside of the counties who customarily practice in this Court.
- (c) Distribution as provided shall be considered by this Court to satisfy the notice required by the first sentence of M.R.C.P. 40(b) and shall further be considered to be sufficient notice to all attorneys of the date and time on which the trial docket will be set.