

Serial: 168872

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 sitting en banc on the Court's own motion to amend Rule 10 of the *Mississippi Rules of Appellate Procedure*. After due consideration, the Court finds that the amendment of Rule 10 should be approved.

IT IS THEREFORE ORDERED that Rule 10 of the *Mississippi Rules of Appellate Procedure* is hereby amended as set forth in Exhibit "A" hereto. This amendment is effective July 1, 2011.

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 19<sup>th</sup> day of April, 2011.

/s/ George C. Carlson, Jr.

GEORGE C. CARLSON, JR.,  
PRESIDING JUSTICE

TO APPROVE: ALL JUSTICES.

**Exhibit "A"**

## RULE 10. CONTENT OF THE RECORD ON APPEAL

...

### **(b) Determining the Content of the Record.**

...

(5) *Attorney's Examination and Proposed Corrections.* For fourteen (14) days after service of the clerk's notice of completion under Rule 11(d)(2), the appellant's ~~counsel~~ shall have the use of the record for examination. On or before the expiration of that period, appellant's ~~counsel~~ shall return ~~deliver or mail~~ the record to ~~one firm or attorney representing the appellee~~ the trial court clerk, and shall append to the record (i) a written statement of any proposed corrections to the record, (ii) a certificate that the appellant or the appellant's attorney has carefully examined the record and that with the proposed corrections, if any, it is correct and complete, and (iii) a certificate of service, indicating that the record has been returned to the clerk. For fourteen (14) days after receipt of the certificate of service from appellant's counsel, counsel for the appellee's counsel shall have the use of the record for examination. On or before the expiration of that period, appellee's counsel, shall examine deliver or mail return the record and return it to the trial court clerk within fourteen (14) days after service, and shall append to the record (i) a written statement of any proposed corrections to the record, (ii) a certificate that the appellee or the appellee's attorney has carefully examined the record and that with the proposed corrections, if any, it is correct and complete, and (iii) a certificate of service, indicating that the record has been returned to the clerk. Corrections as to which ~~counsel~~ for all parties agree in writing shall be deemed made by stipulation. If the parties propose corrections to the record but do not agree on the corrections, the trial court clerk shall forthwith deliver the record with proposed corrections to the trial judge. The trial judge shall promptly determine which corrections, if any, are proper; and enter an order under Rule 10(e); Within five days, the trial court clerk shall serve counsel for all parties and their attorneys with a copy of the order. If a party does not agree with the court's order, counsel that party shall, within five days of service of the order, request a hearing. Such a request shall be assigned priority status on the trial judge's docket, and after a hearing, the trial judge shall promptly enter an order directing the court reporter and/or the trial court clerk to make the appropriate correction(s), if any, and to finalize completion of the record for transmission to this Court. Once the order is entered, or if no hearing request is made, and return the record shall be returned to the court reporter and/or the trial court clerk who shall within seven (7) days make corrections directed by the order. The trial court clerk shall verify that any approved changes have been made and that the required certifications are appended to the record before sending it to the Supreme Court.

...

[Amended effective January 1, 1999; amended July 1, 1999; amended effective July 1, 2011 to revise the procedure for attorney's examination and proposed corrections.]