

Serial: **226270**

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99015-SCT

IN RE: LOCAL RULES

ORDER

Now before the en banc Court is a letter motion to amend the Rules of Practice and Procedure for the Fifth Chancery District (Motion No. 2019-1391), filed by Chancellor Denise Owens.

On April 4, 2019, Chancellor Owens entered an Order Adopting Local Rules, with proposed amendments attached. The order said the amendments will be effective 30 days after this Court's approval.

Chancellor Owens now submits the proposed amended local rules for our approval.

After due consideration, we find that the motion should be granted in part, with revisions to Rule 23, as set forth in the attached Exhibit A.

IT IS THEREFORE ORDERED that the letter motion is granted in part, with revisions to Rule 23, as set forth in the attached Exhibit A. Consistent with Chancellor Owens's April 4, 2019, Order Adopting Local Rules, the amended rules shall be effective 30 days after entry of this order.

SO ORDERED, this the 1st day of October, 2019.

/s/ David M. Ishee

DAVID M. ISHEE, JUSTICE
FOR THE COURT

ALL JUSTICES AGREE.

EXHIBIT A

**FIFTH CHANCERY DISTRICT OF MISSISSIPPI
FIRST JUDICIAL DISTRICT, HINDS COUNTY, JACKSON
SECOND JUDICIAL DISTRICT, HINDS COUNTY, RAYMOND**

LOCAL RULES

EFFECTIVE WHEN APPROVED BY THE MISSISSIPPI SUPREME COURT
PURSUANT TO RULE 83 M. R. C. P.

RULE 1.

The Chancery Court of the Fifth Chancery District is divided into four divisions, and the Chancellors are as follows: Division **I**, J. Dewayne Thomas; Division **II**, **Tiffany Grove** William H. Singletary; Division **III**, Denise Owens; and Division **IV**, **Crystal Wise Martin** Patricia D. Wise. The division will hold hearings in the courtroom of the same number.

RULE 2.

Administrative acts and policy decisions for the Fifth Chancery District will be determined by majority vote.

RULE 3.

Ex parte days are as follows: Division **I**, Wednesday (9:00 a.m. - 11:530 a.m.) by appointment; Division **II**, Thursday (9:300 a.m. - 11:530 a.m.) by appointment; Division **III**, Tuesday (9:00 a.m. - 11:30 a.m.) by appointment; Division **IV**, **Thursday** ~~Monday~~ (9:00 a.m. - 11:30 a.m.) ~~by no appointment needed.~~

RULE 4.

Division of civil cases shall be assigned as follows:

1. **(a)** General docket civil actions and Probate civil actions shall be given a sequential number by the Chancery Clerk in the order being filed and shall then be divided in rotation by number in sequence to divisions of the Court and Chancellors as part of the docket number.
2. **(b)** Ex parte civil actions not assigned to a division (i.e., removal of minority, name changes, etc.) may be presented to Chancellors on designated ex parte days.
3. **(c)** Division 3 shall supervise the handling of mental cases for commitment, etc., appoint a special master and necessary doctors and defendants' attorneys.

4. — (d) When a civil action is designated for a division, that division shall hear all matters and sign all judgments except as otherwise set forth herein.

RULE 5.

Motions for modification of former judgments shall be heard by the division assigned to, or the successor, but not until after a contempt, if pending.

RULE 6.

By prior arrangements with the Chancellor, ex parte matters may be heard at other times, and in case of emergency, at any time, but attorneys are urged to remember that Chancellors need breaks during trials in order to study, write opinions, etc., during time when not engaged in trials.

RULE 7.

Trial shall begin at 9:00 a.m., unless otherwise specified in the setting or by the Chancellor.

RULE 8.

Irreconcilable differences divorces will be heard during ex parte assigned periods.

RULE 9.

Uncontested divorces, which must be tried in open court, will be tried between the hours of 9:00 a.m. and 10:00 a.m. as follows: ~~Division 1, on the 1st Friday of each month; Division 2, on the 2nd Friday of each month; Division 3, on the 3rd Friday of each month; and Division 4, on the 4th Friday of each month.~~

Division 1, between the hours of 9:00 a.m. and 10:00 a.m. on the 1st Friday of each month;
Division 2, are scheduled as a part of the general docket;
Division 3, between the hours of 9:00 a.m. and 10:00 a.m. on the 3rd Friday of each month;
Division 4, and between the hours of 9:00 a.m. and 10:00 a.m. on the 4th Friday of each month.

RULE 10.

All trials and motions requiring testimony or lasting over ten (10) minutes will be set by the Court Administrator: ~~For divisions I & III, phone (601) 714-6309; For divisions II & IV, (601) 968-6521 for all divisions. (Phone: 601-968-6521).~~ Short motions will be heard in chambers on ex parte mornings. This arrangement will avoid long delays when many lawyers and clients are waiting on ex parte periods.

RULE 11.

The Court Administrator may continue and reset trials by agreement of all counsel at any time. However, the Chancellor must approve if the setting is within ten (10) days of the motion for continuance.

RULE 12.

Each party in every domestic case involving economic issues and/or property division, including attorneys filing civil actions involving alimony or child support on original trial or subsequent modification, including irreconcilable differences, shall prepare and file with the Chancery Clerk a certificate of compliance in accordance with the form which appears as Exhibit “A” to Rule 8.05 of the Uniform Chancery Court Rules. The required certificate of compliance shall be filed during the time frame set out in Rule 8.05.

RULE 13.

[Note: Rule 13 was disapproved by the Supreme Court entered April 15, 1999.]

RULE 14.

A case may be transferred to another division only by agreement of the Chancellor of the divisions involved.

RULE 15.

Court terms for the Second Judicial District, Raymond, Mississippi, are set and hearings will be conducted by the Chancellors in rotation on the second Monday in February, the second Monday in June, and the second Monday in October. Court terms for the First Judicial District have been abolished by Section 9-5-3 (as amended September 6, 1994) of the Mississippi Code of 1972.

RULE 16.

Second District actions will also be divided by rotation in numerical sequence.

RULE 17.

All cases will be set by the Court Administrator in Hinds County. Emergency motions, including Temporary Restraining Orders, should be filed first and shall be heard by the assigned Chancellor, unless substitution be authorized by the same Chancellor may be heard by any division, if the civil action has not been assigned to a division. The Chancellor granting the initial order may hear the matter on its merits or have it placed in rotation.

RULE 18.

Judgments and orders should be presented in person to the Chancellor unless prior arrangements otherwise have been made.

RULE 19.

All pleadings, judgments, and orders must show the name and Mississippi State Bar number

of the individual attorney actually presenting it, and it may not be presented to another Chancellor except on order of the Chancellor to whom it was first presented.

RULE 20.

Civil actions which need to be consolidated with similar civil actions, upon approval of the Chancellors involved, will be consolidated in the division of the civil action with the lowest number.

RULE 21.

[Note: Rule 21 was disapproved by the Supreme Court entered April 15, 1999.]

RULE 22.

Stale cases, excluding probate matters, will be dismissed pursuant to Rule 41(d) M. R. C. P. if no action has been taken of record within the preceding twelve (12) months after thirty (30) days written notice by mail from the clerk of the court, unless application in writing is made to the Court and good cause shown to continue the case.

RULE 23.

In any **contested** case where an attorney who actively practices in the Fifth Chancery Court District is a party, the Chancellors should consider recusing themselves. ~~The Order of Recusal shall be submitted to the Supreme Court for reassignment, unless the attorneys for the parties can agree that some other member of the bar may hear the same.~~

RULE 24.

The Court may impose a standard fine of One Hundred Dollars (\$100.00) for contempt imposed against all attorneys in any case which has been set for trial where a settlement has been reached and the Court is not advised to remove the same from the trial docket or where an attorney shall fail to appear within fifteen (15) minutes of the time for hearing without prior notification to the Court and the other attorney of record.

RULE 25.

Appeals to the Chancery Court shall be set on the trial calendar by the Court Administrator on request of the appellant after all briefs have been filed. The appellant has thirty (30) days to file the Assignment of Errors and brief after the record is filed, and the appellee shall file a reply brief and/or cross appeal within ten (10) days of filing by the appellee. It is not necessary to send extra copies of the brief to the Chancellor, but the case must be set on the trial docket to be considered by the Court, even though oral argument is not desired. The Court may require oral argument if neither party has requested such or deny oral argument as the Court deems necessary.