

4/17/97

IN THE SUPREME COURT OF MISSISSIPPI

89-R-99027 SCT

IN RE: MISSISSIPPI RULES OF APPELLATE PROCEDURE

ORDER

This matter has come before the Court sitting en banc upon the Supreme Court Rules Advisory Committee's Petition to Adopt Historical Notes. The Court having considered the petition, does find that, such historical notes should be adopted as proposed.

IT IS THEREFORE ORDERED that those historical notes to the Mississippi Rules of Appellate Procedure as set forth in Exhibit A hereto be and the same are hereby adopted, effective from and after July 1, 1997.

IT IS FURTHER ORDERED that this Court expresses its sincere gratitude to the Supreme Court Rules Advisory Committee for their continuing diligent, scholarly and professional efforts in advising and assisting the Court in the study and improvement of the Rules of Appellate Procedure as well as the other rules of the courts in this state.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to spread this Order upon the minutes of the Court and to forthwith forward a certified copy thereof to West Publishing Company for publication in *The Mississippi Rules of Court* and in the advance sheets of the *Southern Reporter (Mississippi Edition)*.

SO ORDERED, this, the _____ day of April, 1997.

MICHAEL SULLIVAN, PRESIDING JUSTICE

FOR THE COURT

EXHIBIT A

ADVISORY COMMITTEE HISTORICAL NOTE [RULE 3]

Effective June 21, 1996, Rule 3(d) was amended to require the clerk of the trial court to transmit the Civil Case Filing Form or the Notice of Criminal Disposition Form to the clerk of the Supreme Court. _____ So.2d _____ (West Miss. Cases 1996).

ADVISORY COMMITTEE HISTORICAL NOTE [RULE 15]

Effective June 14, 1996, Rules 15(a) and (c) were amended to provide that failure to timely file an application for a writ of mandamus will not result in dismissal when the failure is caused by excusable neglect and dismissal will result in manifest injustice. _____ So.2d _____ (West Miss. Cases 1996)

ADVISORY COMMITTEE HISTORICAL NOTE [RULE 17]

Effective September 25, 1995, Rule 17(b) was amended to make clear that the time for filing a petition for writ of certiorari begins to run with the entry of the judgment of the Court of Appeals on the required petition for rehearing, and to effect unrelated technical changes. 660-662 So.2d LXXXIII (West Miss. Cases 1995).

ADVISORY COMMITTEE HISTORICAL NOTE [RULE 28]

Effective December 28, 1995, Rule 28(m) and a new final paragraph to the Comment were added to encourage the filing of disk copies of briefs. 663-667 So.2d XXVII (West Miss. Cases 1995).

ADVISORY COMMITTEE HISTORICAL NOTE [APPENDIX III]

Effective May 13, 1996, Appendix III, Section II was amended to add subsection (c). 668-672 So.2d XXXIII-XXXIV (West Miss. Cases 1996).

ADVISORY COMMITTEE HISTORICAL NOTE [RULE 3]

Effective June 21, 1996, Rule 3(d) was amended to require the clerk of the trial court to transmit the Civil Case Filing Form or the Notice of Criminal Disposition Form to the clerk of the Supreme Court. _____ So.2d _____ (West Miss. Cases 1996).

ADVISORY COMMITTEE HISTORICAL NOTE [RULE 15]

Effective June 14, 1996, Rules 15(a) and (c) were amended to provide that failure to timely file an application for a writ of mandamus will not result in dismissal when the failure is caused by excusable neglect and dismissal will result in manifest injustice. _____ So.2d _____ (West Miss. Cases 1996)

ADVISORY COMMITTEE HISTORICAL NOTE [RULE 17]

Effective September 25, 1995, Rule 17(b) was amended to make clear that the time for filing a

petition for writ of certiorari begins to run with the entry of the judgment of the Court of Appeals on the required petition for rehearing, and to effect unrelated technical changes. 660-662 So.2d LXXXIII (West Miss. Cases 1995).

ADVISORY COMMITTEE HISTORICAL NOTE [RULE 28]

Effective December 28, 1995, Rule 28(m) and a new final paragraph to the Comment were added to encourage the filing of disk copies of briefs. 663-667 So.2d XXVII (West Miss. Cases 1995).

ADVISORY COMMITTEE HISTORICAL NOTE [APPENDIX III]

Effective May 13, 1996, Appendix III, Section II was amended to add subsection (c). 668-672 So.2d XXXIII-XXXIV (West Miss. Cases 1996).