

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99015-SCT

**IN THE MATTER OF LOCAL RULES FOR THE
EIGHTH CIRCUIT COURT DISTRICT**

ORDER

This matter is before the Court, en banc, on a proposed local rule submitted by the circuit judges of the Eighth Circuit Court District, submitted pursuant to Order entered by this Court In the Matter of the Petition of Vernon R. Cotten, Circuit Judge, Place II, Eighth Judicial District, for Judicial Relief, entered as Cause Number 2000-M-01381. Having considered the proposed local rule, this Court finds that it will promote the fair and efficient administration of justice, and that it should be approved.

However, the Court observes that the local rule is signed by Judge Cotten denominated as "Junior Judge." This designation is incorrect. In Mississippi, there are no junior judges. The local rule as spread upon the minutes of the Circuit Courts in the Eighth Circuit Court District should be amended so as to designate Judge Cotten correctly as "Circuit Judge."

IT IS THEREFORE ORDERED that the Local Rule for the Eighth Circuit Court Judicial District Providing for Court Terms and Assignment of Cases submitted by Judge Gordon and Judge Cotten, attached as Exhibit "A" hereto, be and the same is approved, subject to amendment of that rule to designate Judge Cotten in the signature line as "Circuit Judge." Such amendment to the local rule shall be entered upon the minutes of the Circuit Courts in the Eighth Circuit Court District. A true certified copy of such rules as amended shall be filed with the clerk of this Court.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this order on the minutes of this Court and that it be submitted to West Publishing Company for publication in the *Southern Reporter (Mississippi Edition)*.

SO ORDERED, this the 27th day of December, 2000.

/s/ Edwin Lloyd Pittman

EDWIN LLOYD PITTMAN, PRESIDING JUSTICE, FOR THE COURT

DIAZ, J., NOT PARTICIPATING

**EXHIBIT "A" TO ORDER APPROVING LOCAL RULE FOR
THE EIGHTH CIRCUIT COURT DISTRICT**

LOCAL RULE FOR THE EIGHTH CIRCUIT COURT JUDICIAL DISTRICT
PROVIDING FOR COURT TERMS AND ASSIGNMENT OF CASES

As per the authority of the Senior Circuit Judge as granted by Mississippi Code Annotated, Section 9-7-3(5) and as per the order of the Supreme Court entered on the 2nd day of October, 2000, the following suggested local rule for the Eighth Circuit Court Judicial District is herewith presented.

Recognizing that the Eighth Circuit Court Judicial District is comprised of Leake, Scott, Newton, and Neshoba Counties, and that therein there are five presiding Chancery Judges representing three Chancery Court Districts that serve the same four counties of the Circuit Court District, and in attempting to work around the terms set by the various Chancellors, with only Scott County having a separate chancery courtroom, there is provided for each county of the Eighth Circuit Court Judicial District to have three terms of Court, three weeks in duration, and for an additional week of Grand Jury for Scott and Neshoba Counties. Said terms of Court to commence, as near to as is possible, the first Monday of each month, all as provided and illustrated by Exhibit "1" hereto attached and requested to be considered herewith as if fully copied herein.

That in addition to the terms of Court and Vacation Grand Juries as herein above indicated, there are three motion days set for each Judge at different times and in different counties, all as illustrated in the attached exhibit.

The three established motion days will be for the benefit of the attorneys of the state, so that they will at all times know of a date on which to notice the hearing of their motions. Each Judge will have full discretion in hearing motions at different times and different places, all within his discretion.

The first week of each term will be set aside for the joint handling of civil cases, with said cases to be set by each Judge in their discretion, and the second week to be the exclusive week of Place I Judge for the handling of civil and criminal cases, and the third week to be the exclusive week of the Place II Judge for the handling of his assigned civil and criminal cases.

The Presiding Judge will be rotated, with said Judge organizing court and charging the Grand Jury. The Presiding Judge will rotate within the counties, so that he will have full exposure to the juries of the four counties. Therefore, each Judge will have six terms each to serve as the Presiding Judge.

The civil suits will be assigned by the Clerk of the Court after a case has been filed and has been assigned a case number. Such assignment will be on a random assignment system, with one case assigned to the Judge of Place I, the next one to Judge of Place II, then three cases to the Judge of Place I and three cases to the Judge of Place II, then two cases to Judge of place I and two to Judge of Place II. and so forth. In the event a Plaintiff files multiple cases for a cause of action arising out of the same occurrence, then said cases shall be assigned on the rotation basis as per the first numbered case.

The Clerk shall, from time to time, randomly change the rotation system so as to prevent litigants, attorneys, and others from having accurate knowledge of who will be the assigned Judge prior to the filing of the complaint. The Clerk will have a duty to assure that each Judge will have an equal number assigned to him, and the Clerk shall be subject to sanctions and penalties in the event the Clerk makes disclosure in advance

of the identity of the assigned Judge to any person.

Upon the filing of an indictment by the Grand Jury or the Grand Jury Foreman, the Clerk shall assign the cases at random to each Judge on an odd and even number basis. By way of illustration, Judge of Place I shall be assigned all even numbers, and the Judge of Place II shall be assigned all odd numbers. In the event a Defendant has multiple indictments, all of his cases will be assigned to the Judge as per the first cause number.

The Judges shall continue to handle all cases, civil and criminal heretofore assigned.

The purpose of the assignment of civil and criminal cases shall be for an assignment system that is fair, equal, and just to both Judges.

Any pleas and arraignments will be made on any day of the term of court within the discretion of each Judge, provided that said proceeding does not interfere with a matter in progress within the Courtroom.

Post conviction matters are, in law, treated as civil cases and will be rotated by the Clerk under the formula herein above indicated.

The Senior Circuit Judge will be assigned the civil rights cases. Capital murder cases to be assigned by the Senior Circuit Judge on a fair and equitable basis, considering the trial involvement, time attention of the Judge, and other factors that may be considered in making a fair and reasonable distribution.

The criminal matters for revocation and contempt will be heard by the assigned Judge of the case, pursuant to the method for assignment as herein above indicated, and to be heard at such place and time as per the discretion of the assigned Judge.

Whenever a Judge determines a case should be set down for trial, he shall give the desired date for trial to the Court Administrator, with the case to be set for the first week of the term or during his assigned week of the term.

The Court Administrator, with the assistance of the Senior Circuit Judge's secretary, shall maintain the docket for each term of Court. Upon execution of a dispositive order or an order of continuance, a copy thereof shall be immediately forwarded or deposited with the Senior Judge's secretary and the Court Administrator, who will be required to maintain a current record of all pending civil and criminal matters.

A current docket of cases shall be presented to each Judge prior to the opening day of a term of Court. Also, a current jury list shall be provided to the Presiding Judge prior to the opening day of a term of court or prior to a week provided for the Vacation Grand Juries.

No prospective jurors will be excused for cause except by the Senior Judge, with the Presiding Judge having the authority to excuse jurors for cause when organizing the juries for a term of Court.

A copy of said rule shall be immediately forwarded to the Mississippi Supreme Court for its approval as provided by Rule 83 of the Mississippi Rules of Civil Procedure. This rule to take effect upon approval by the Supreme court.

WITNESS THE SIGNATURES of the Judges of the Eighth Circuit Court Judicial District, in duplicate, on this the 20th day of October, 2000.

Marcus D. Gordon, Vernon R. Cotten

Senior Circuit Judge Circuit Judge

