

Serial: 92384

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99015-SCT

RE: LOCAL RULES OF THE NINETEENTH CHANCERY COURT DISTRICT

ORDER

This matter has come before the Court en banc on petition of Hon. Frank McKenzie, Chancellor of the Nineteenth Chancery Court District, seeking approval under M.R.C.P. 83 of a proposed local rule for the Nineteenth Chancery Court District adopted by order issued by him on July 13, 2001. Having considered the proposed local rule, this Court finds that its adoption will promote the fair and efficient administration of justice and that it is not inconsistent or in conflict with the Rules of Civil Procedure or with other rules adopted by this Court.

IT IS THEREFORE ORDERED that the proposed local rule for the Nineteenth Chancery Court district, set out in Chancellor Frank McKenzie's order issued by him on July 13, 2001, is approved, as set out in Exhibit "A" to this order.

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, Second Series, (Mississippi Edition)*.

SO ORDERED, this the 2nd day of January, 2002.

/s/ William L. Waller, Jr.

WILLIAM L. WALLER, JR., JUSTICE,

FOR THE COURT

EXHIBIT "A"

LOCAL RULE REGARDING EXHIBITS

In all contested matters before the Court the attorneys shall confer prior to trial for the purpose of identifying and marking all exhibits (other than for rebuttal purposes) proposed to be offered into evidence at trial by any party:

A. PRE-MARKING EXHIBITS. All proposed exhibits shall be pre-marked using evidence labels specified by the Court Reporter. They shall be marked consecutively beginning with number 1 and shall not be identified as to which party is offering the exhibit. The exhibit label shall be centered at the bottom of the first page of each exhibit. The exhibits shall be furnished to the Clerk of Court prior to the time the case is

called for trial.

B. EXHIBIT LIST. The attorneys shall prepare a single list of all proposed exhibits to be offered by the parties. The list shall identify each exhibit by its number and contain a brief description of each exhibit. The exhibit list shall be furnished to the Clerk of Court prior to the time the case is called for trial. A copy shall also be furnished to the Court Reporter prior to trial.

C. COPIES OF EXHIBITS. The copies of exhibits as required by Rule 3.05 Uniform Chancery Court Rules shall also be marked but exhibit labels are not required.

D. SANCTIONS. (1) Every contested case in which this rule is not followed when the case is called for trial shall be passed until this rule is complied with. All other cases on The trial docket for that day will have priority over the non-conforming case.

(2) Any attorney who has attempted to comply with this rule but received no response or cooperation from other counsel shall be allowed to briefly make a record of same before the Court. Opposing counsel will be allowed to respond. Should the Court determine that the failure to comply was the fault of an attorney or attorneys, the Court will consider it as a contempt of court, and the attorney or attorneys responsible shall be subject to the maximum penalties allowed by law for contempt of court.