

Supreme Court addresses Hurricane Katrina's disruption of judicial processes

September 6, 2005

The Mississippi Supreme Court on Tuesday, Sept. 6, extended filing deadlines by 90 days for appeals pending from the 27 south Mississippi counties of the Second Supreme Court District and authorized trial court judges in those counties to use their discretion to extend deadlines and reschedule proceedings.

Chief Justice James W. Smith Jr. on Tuesday also appointed a Damage Assessment Committee to gather information about damage to courthouses in the 15 counties covered in the President's disaster declaration after Hurricane Katrina. The team will assess structural and equipment damage to courthouses and the ability of trial judges and their staffs to conduct court proceedings in those counties. Supreme Court Justice James E. Graves Jr. will lead the committee which will include Court of Appeals Presiding Judge L. Joseph Lee, Supreme Court Clerk Betty Sephton and Administrative Office of Courts Director Kevin Lackey.

The Supreme Court reopened Tuesday after a week-long closure due to utility outages.

The Emergency Administrative Order entered by the Supreme Court on Tuesday states that in appeals on file in the Second (Southern) Supreme Court District, "all deadlines falling on or after August 29, 2005, through October 31, 2005, are extended for 90 days from the due dates set by rules, clerk's notices and orders."

The court cancelled all previously scheduled oral arguments before the Supreme Court and Court of Appeals in cases from those 27 counties. Those oral arguments will be rescheduled.

The Supreme Court suspended certain rules which ordinarily prohibit extensions of time for taking appeals under the Mississippi Rules of Appellate Procedure. The court also suspended certain portions of the Mississippi Rules of Civil Procedure which ordinarily prohibit extensions of time for specific post-trial motions and amendments to trial court orders. Those rule suspensions extend through December 1, 2005. Specific rules addressed by the time extensions are set out in the order.

The court noted, however, that it has no statutory authority to extend statutes of limitations on the filing of new litigation. The court's order addresses only pending cases.

A copy of the order is available at <http://www.mssc.state.ms.us/news/KatrinaOrder.pdf> on the NEWS page of the Supreme Court website. The order is titled **In Re: Emergency Procedures Related to Hurricane Katrina's Disruption of Judicial Processes.**

The Second (Southern) Supreme Court District includes the following counties: Adams, Amite, Clarke, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Pearl River, Perry, Pike, Simpson, Smith, Stone, Walthall, Wayne and Wilkinson.

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**SUPREME COURT OF MISSISSIPPI
NO. 2005-AD-00001**

**IN RE: EMERGENCY PROCEDURES RELATED TO HURRICANE KATRINA'S
DISRUPTION OF JUDICIAL PROCESSES**

EMERGENCY ADMINISTRATIVE ORDER

On August 29, 2005, Mississippi was struck by hurricane Katrina, a catastrophe of historic proportions. In many counties, the courts and agencies and offices supporting the operation of courts cannot function normally. For that reason, the Supreme Court and the Chief Justice in his capacity as chief administrative officer of all courts in the state find that certain emergency actions as set for hereinafter are required.

All deadlines applicable under the Mississippi Rules of Appellate Procedure or notices of the Clerk of the appellate courts are amended as set forth in this order for emergency extensions and procedures. Notices of deadlines issued by the Clerk of the Supreme Court and the Court of Appeals shall continue to show deadlines applicable under the rules; however, the deadlines under such rules or stated in the notices of the Clerk or orders are modified as follows.

IT IS THEREFORE ORDERED:

Appellate Courts--Second (Southern) Supreme Court District. For all cases on appeal to the Supreme Court or the Court of Appeals (appellate courts) from trial courts located in the Second (Southern) Supreme Court District as defined in, Miss. Code Ann. Section 9-3-1 (Rev.2002), all deadlines falling on or after August 29, 2005, through October 31, 2005, are extended for 90 days from the due dates set by rules, clerk's notices and orders.

Appellate Courts--Oral Arguments. For appeals from trial courts located in the Second (Southern) Supreme Court District, all oral arguments heretofore set which have not been held are cancelled and shall be rescheduled by the appellate courts respectively.

Emergency Action by the Trial Courts. To prevent injustice due to the unusual circumstances caused by hurricane Katrina, as to trial court proceedings in courts located in the Second (Southern) Supreme Court District, (a) the trial courts are hereby authorized to exercise their sound discretion in extending deadlines, rescheduling hearings and trials and any other matters by case specific actions or by general orders; (b) the provisions of M.R.A.P. 2© prohibiting extensions of time for taking appeals are suspended through December 1, 2005; and © the prohibitions in M.R.C.P. 6(b) against extending the time for taking any action

under M.R.C.P. 50(b), 52(b), 59(b), 59©, 59(e), and 60(b) are suspended through December 1, 2005. General orders by the trial courts shall be forwarded to the Supreme Court for publication.

Statutes of Limitations. The Court lacking the authority to extend statutes of limitations, anything to the contrary in this order notwithstanding, no extension granted or authorized herein shall extend beyond the limitations of action set by statute.

Publication of Orders. This order and all general orders filed with the Supreme Court shall be published on the Court's web site, at <http://www.mssc.state.ms.us/Body.htm> and otherwise as may be convenient and effective.

This order may be amended, extended or otherwise modified as circumstances dictate. In circumstances where the Supreme Court finds cases require immediate emergency action, the extensions provided for herein may be revoked or vacated.

SO ORDERED, this the 6th day of September, 2005.

JAMES W. SMITH, JR., CHIEF JUSTICE,
FOR THE COURT

DIAZ, J., NOT PARTICIPATING.