

Serial: 129567

IN THE SUPREME COURT OF MISSISSIPPI

**FILED**

No. 89-R-99015-SCT

FEB 02 2006

*IN RE: LOCAL RULES*

OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

ORDER

This matter is before the Court en banc on the Petition for Approval of Local Circuit Court Rule filed by the Honorable Kenneth L. Thomas, the Honorable Albert B. Smith, III, and the Honorable Larry O. Lewis of the Eleventh Circuit Court District for approval of a local rule on mediation. The proposed local rule is identified as Rule 1- Required Mediation in Civil Cases and is attached as Exhibit A.

Having considered the petition, the Court finds that the local rule will promote the fair and efficient administration of justice and that the petition should be granted.

IT IS THEREFORE ORDERED that the Petition for Approval of Local Circuit Court Rule filed by the Honorable Kenneth L. Thomas, the Honorable Albert B. Smith, III, and the Honorable Larry O. Lewis of the Eleventh Circuit Court District is hereby granted and the proposed Rule 1- Required Mediation in Civil Cases as set forth in Exhibit A hereto is approved.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this order upon the minutes of the Court and shall forthwith forward a true certified copy hereof to West Publishing Company for publication as soon as practical in the advance sheets of *Southern Reporter, Second Series (Mississippi Edition)*.

SO ORDERED, this the 27<sup>th</sup> day of January, 2006.

  
WILLIAM L. WALLER, JR.  
PRESIDING JUSTICE

TO GRANT: SMITH, C. J., WALLER AND COBB, P.JJ., CARLSON AND DICKINSON, JJ.  
TO DENY: EASLEY AND GRAVES, JJ.  
NOT PARTICIPATING: DIAZ AND RANDOLPH, JJ.

**LOCAL RULES  
FOR  
ELEVENTH CIRCUIT COURT DISTRICT OF MISSISSIPPI**

[Approved by order of the Supreme Court effective February 2, 2006]

**RULE 1. REQUIRED MEDIATION IN CIVIL CASES**

(a) All civil matters filed in the Eleventh District Circuit Court, except those specifically exempted in subsection (b), shall be submitted to mediation prior to the parties obtaining a trial date from the Court unless all parties agree in writing that to submit the matter to mediation would be futile.

(b) Medical malpractice cases are exempt from the requirement of mediation.

(c) The term mediation as used in this rule refers to the form of alternative dispute resolution by which a neutral third party is retained by both parties to assist them in reaching a settlement. The mediator does not render a decision, binding or otherwise, as in arbitration.

**Notes**

The Judges of the Eleventh District Circuit Court find that mediation is private, informal, and efficient. It has proven to be an effective tool for resolving cases in numerous instances where parties alone seem unable to do so.

This rule also recognizes the fact that mediation is not effective or useful in all situations.

[Adopted by the Eleventh Circuit District Court and approved by the Supreme Court by order entered February 2, 2006.]