

## **Public comments sought regarding consideration of class action rule**

May 23, 2017

The Mississippi Supreme Court's Rules Committee on Civil Practice and Procedure has asked for public comments on a proposal to create a class action rule similar to that in federal courts.

The deadline for submitting comments is June 15. Written comments may be filed with the Clerk of Appellate Courts at Post Office Box 249, Jackson, Mississippi 39205.

Batesville attorney Richard T. Phillips filed a Motion to Amend Rule 23 of the Mississippi Rules of Civil Procedure on April 20. Phillips said in the motion that Mississippi is the only state which has no procedure for class action lawsuits in its state court system.

The petition is at this link : <https://courts.ms.gov/Newsite2/research/rules/rulesforcomment/2017/2017-04-20%20Motion%20to%20Amend%20Rule%2023%20of%20the%20Mississippi%20Rules%20of%20Civil%20Procedure.pdf>. Phillips' earlier letter to the court is at this link: <https://courts.ms.gov/rules/rulesofcivilprocedure/12.30.15%20Richard%20Phillips.pdf>.

The Supreme Court began discussing a possible class action rule in 2004, and hosted a symposium with plaintiff and defense lawyers on June 14, 2004. Background on the symposium is at this link: <https://courts.ms.gov/news/2004/061404classaction.pdf>.

Consideration of a possible class action rule is part of a larger examination of court rules. The Rules Committee on Civil Practice and Procedure, chaired by Presiding Justice Jess H. Dickinson, is conducting a comprehensive review of the Mississippi Rules of Civil Procedure. The Committee in 2015 invited attorneys and judges to submit proposed revisions.

The Supreme Court has rule-making authority over all state courts. The Rules Committee on Civil Practice and Procedure will take into consideration public comments as it works to draft proposed rules for consideration by the entire Supreme Court.

####