

**LOCAL RULES  
FOR  
TENTH CHANCERY COURT DISTRICT OF MISSISSIPPI**

**PREAMBLE**

The purpose of these rules is to continue the fair and orderly disposition of civil actions filed in the Tenth Chancery Court District of Mississippi. These rules shall govern the management and disposition of all civil actions filed in this district.

These Local Rules shall be effective upon the approval of the Supreme Court of Mississippi. All amendments to these Rules shall be by Order of the Court and shall require the approval of a majority of the Chancellors of the District and of the Supreme Court of Mississippi.

**RULE 1. TERMS OF COURT AND CASE ASSIGNMENT**

- (a) The Chancery Court of the Tenth Chancery District shall be in continuous terms in each county of the District.
- (b) All new civil actions filed in this district shall be assigned equally and randomly among the four Chancellors by random computer assignment except as provided hereafter. The assignment of a civil action is permanent unless, for good cause stated, the assigned Chancellor transfers the case to the general docket for reassignment by way of Order or Recusal. Notice in writing of any prior filing(s) involving the same parties over the same or similar issues in any Mississippi court, will be provided to court clerks by the attorney or party filing of an action. UCCJEA disclosures containing such information will be pointed out to the filing clerk at the same time.
- (c) The assigned Chancellor shall have the sole responsibility for the management and disposition of all cases assigned to his/her docket.
- (d) If an assigned civil action is settled, the case may be presented to any Chancellor for Final Order provided approval by the assigned Chancellor or his/her Staff Attorney is obtained for another Chancellor to sign the order. Such Final Order shall reflect that the signature of the signing Chancellor is “for the assigned Chancellor.”
- (e) If an assigned matter is heard as an accommodation by another Chancellor, the case

shall nonetheless remain the assigned Chancellor's case for all future action.

(f) Actions initiated by the Department of Human Services, Child Support Enforcement Division, shall be "exempt from initial assignment" without the necessity of filing the separate certificate as otherwise required under this Rule. Each Chancellor shall preside over such cases by County as follows:

The Place 1 Chancellor shall have Lamar and Perry Counties.

The Place 2 Chancellor shall have Marion County.

The Place 3 Chancellor shall have Forrest County.

The Place 4 Chancellor shall have Pearl River County.

Based on the limited court terms in Marion and Perry Counties, any Chancellor can preside over cases in those counties based on availability.

(g) Youth Court cases in Perry and Marion Counties, Mental Commitments and Alcohol and Drug Commitments are exempt from random assignment and will be handled by the Youth Court Referee or Special Master appointed for such hearings. If the Youth Court Referee or Special Master is unavailable, then one of the chancellors may hear case.

(h) Guardianships and Minor Settlements. When a need arises to open guardianships and/or minor settlements for siblings, step-siblings, half-siblings and/or other unrelated children and the basis for such filings has arisen from the same causation, each such case shall be assigned to the Chancellor to whom the first case is assigned. If any minor's settlement arises out of an estate, the minor settlement(s) shall be assigned to the Chancellor to whom the estate matter is assigned. If the minor's settlement is opened for the purpose of receiving an inheritance from two (2) or more estates and they are assigned to different Chancellors, then the minor's settlement action will remain with the Chancellor to whom it was assigned upon filing.

(i) Reciprocal Causes of Action. When one party initiates a cause of action against another party and the defendant from the first action later files a reciprocal cause of action against the plaintiff from the first action and both actions arise from the same set of facts, the two (2) actions shall be consolidated into the smaller cause number with that Chancellor regardless of to whom the later filed action was assigned or in what order service of process was accomplished.

(j) Dismissed Causes of Action. If a party initiates a cause of action which is voluntarily dismissed or dismissed on a Clerk's motion for want of prosecution and later re-files a new cause of action based upon the same or substantially similar causation as

the previously dismissed filing, then the new cause of action shall be assigned to the Chancellor to whom the initial cause of action had been assigned.

(k) Temporary Restraining Orders are to be presented to the assigned Chancellor. However, in the event the assigned Chancellor is not available and the matter is of a genuine emergency nature, it may be presented to any available Chancellor who may act for and on behalf of the assigned Chancellor. The matter shall be heard on the merits by the assigned Chancellor.

## **RULE 2. SCHEDULES**

(a) In September of each year, the Senior Chancellor shall prepare and publish a schedule for weekly dockets for all four Chancellors for the coming year which shall be published on the web site for the 10th Chancery District ([chancery10th.com](http://chancery10th.com)).

(b) Attorneys, their staff or any pro se litigant shall visit the web site for the 10th Chancery District at [chancery10th.com](http://chancery10th.com) to obtain settings for any matter before the Court. If they are unable to obtain a setting via the web site, the attorneys, their staff or any pro se litigant shall contact the Court Administrator assigned to each respective Chancellor to schedule any matter.

## **RULE 3. RULE 81 RETURN DATES**

(a) In all civil actions governed by M.R.C.P. 81(d) the summons shall be made returnable to a day certain obtained from the Court Administrator for the assigned Chancellor. If any case is not heard on the date set for the original hearing, the process may be preserved by compliance with M.R.C.P. Rule 81 and Notice of the new hearing date shall be given by Plaintiff, all as provided by M.R.C.P. 5(b). All dates shall be provided by the Court Administrator for the assigned Chancellor. The prior practice in this District of issuing a Fiat is hereby terminated.

(b) Any M.R.C.P. 81 process returnable to a day certain shall be considered as a return day only. If the Respondent or Defendant appears and contests the matters asserted in the Complaint, a later trial date will be set by the Court Administrator of the assigned Chancellor; otherwise, the case may be proceeded upon on the day certain and per the M.R.C.P.

## **RULE 4. TRIAL SETTINGS**

Trials shall be set in the following manner:

- (a) By agreement of the parties with the approval of the Court Administrator of the assigned Chancellor as to the time and place;
- (b) Upon Motion for Trial Setting of a party and properly noticed to other parties; or
- (c) By the Court after proper notice to the parties.
- (d) After trial is set, the Court Administrator shall e-file a notice of setting with the trial date and location notifying all attorneys of record and shall send notice by regular mail to litigants or other interested parties acting as self-represented litigants who do not have access to MEC. Continuances thereafter shall be requested by motion and shall be granted or denied in the discretion of the Court.

#### **RULE 5. MOTIONS**

- (a) Motions not requiring testimony and which can be heard in less than fifteen (15) minutes shall be treated as non-contested matters and may be set for hearing and presented at the discretion of the assigned Chancellor.
- (b) Upon the filing of any post-trial or post-judgment motions, a copy of such motion shall be forwarded immediately to the presiding Chancellor and the filing attorney(s) shall subsequently set the motion for hearing and/or conference no later than forty-five (45) days after the filing of the motion(s). The failure of the filing attorney to have the matter set within this timeline may result in a denial and dismissal of the motion *sua sponte* at the discretion of the Chancellor.
- (c) Successive M.R.C.P. Rule 59 motions are not permitted. Once the Court has ruled on initial Rule 59 motion(s), neither party may file any more Rule 59 motion(s).

#### **RULE 6. FILING OF DISCOVERY MATERIALS**

Responses to Discovery Requests shall not be filed in the Court file, only the Notice of Service of such responses.

#### **RULE 7. SETTLEMENT CONFERENCES**

- (a) This District encourages the use of informal conferences for the purpose of settlement or resolution of pre-trial issues.

(b) Any action before the Court may be set for Settlement Conference at the request of any party, or on the Court's own motion, or by entry of an Agreed Order.

(c) All Settlement Conferences shall be conducted and set on Fridays with dates to be obtained from the Court Administrator of the presiding Chancellor.

(d) All counsel and their clients or client representative(s) shall be present at any scheduled settlement conference absent any unforeseen emergency or exigent circumstances.

(e) Counsel for all parties shall be prepared to produce to the Court and counsel opposite at the time of the settlement conference the following:

1. The Court file (if it is maintained),
2. All discovery responses and tangible things produced in discovery,
3. 8.05 Financial Statements with tax returns and employment history (for those cases requiring submission of 8.05 Financials),
4. Copies of written reports for any expert expected to testify at trial, and
5. Copies of any Appraisals of property at issue.

## ADDENDUM

Attorneys and pro se litigants should verify settings in advance by consulting the docket on the District Web Page ([www.chancery10.com](http://www.chancery10.com))

Video conferencing is available, subject to prior court approval, for temporary hearings, motion hearings, settlement conferences, minor settlements and other *ex parte* matters.

All attorneys are expected to be familiar with the Uniform Chancery Court rules and particular attention is invited to the following:

Rule 1.08 Withdrawal of Counsel

Rule 1.10 Discovery Deadlines and Practice

Rule 5.04 Judgment Must be Submitted to Opposing Counsel and Chancellor - When

Rule 6.01 Attorney Must be Retained

Rule 6.03 Fiduciary and Attorney Must be Diligent

Rule 6.13 Pleadings Must be Sworn to

Rule 8.05 Financial Statement Required

Rule 8.06 Change of Address of Children

All attorneys are expected to be familiar with the Mississippi GAP Act which was

implemented within this district as of July 1, 2019 and statewide on January 1, 2020. This Act repeals and replaces prior Mississippi statutes involving Guardianships and Conservatorships of minors and adults. These statutes can be located at § 93-20-101 through § 93-20-431.

[Approved as amended by the Supreme Court by order entered March 1, 2023; Approved as amended by the Supreme Court by order entered April 26, 2012; Adopted by order entered October 25, 1991 and approved by the Supreme Court by order entered June 24, 1992.]