

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

Rule 1

The Circuit Court shall meet in each county according to the terms established by Order entered each year pursuant to §9-7-3(2) Miss. Code Ann. (1972), as amended, and Court will convene at 9:00 a.m. unless attorneys are otherwise notified by the Circuit Clerk or the court administrator. Court terms shall be divided between Place 1, Place 2, and Place 3, which will be established by the Senior Judge pursuant to §9-7-3(5).

Rule 2

The 15th Judicial Circuit Court District shall utilize the MEC for assigning cases.

The Circuit Clerk of each County of the District shall keep a separate Judges' civil docket for each Place and cases shall be assigned to each Place by the initials of the name of the Judge.

Once a case is assigned to a Judge, said Judge shall handle that case until final disposition. For good cause, a Judge may transfer a case to another Judge of the District for that Judge's handling, and, upon transfer, the clerk is to add a hyphen and the letter of the updated Judge's name to show the case has been transferred.

Rule 3

The Circuit Clerk of each county in the District shall maintain a trial calendar as provided pursuant to Rule (40)(a) of the Mississippi Rules of Civil Procedure (MRCP). Said calendar shall contain all cases pending in said county in which issue has been joined and, unless otherwise notified, the trial calendar shall be called on the first day of each term of Court at 9:00 a.m. The Circuit Clerk shall notify the attorneys of record or the parties, if not represented by counsel, of the calling of said trial calendar at least seven calendar days in advance thereof. If any judge decides to call his trial calendar in any county other than on the first day of a regular term therein, he shall notify said Circuit Clerk in writing of the date, time, and place of the calling of said trial calendar and, at least seven calendar days prior to said date, the Circuit Clerk shall notify all attorneys of record and parties, if unrepresented, of the calling of said trial calendar in and for said county. At the calling of the said trial calendar, each case placed thereon shall be set for trial within the time frame set out in MRCP Rule 40, unless, prior to the calling of said trial calendar, the plaintiff or defendant, pursuant to MRCP Rule 26(c), requests a discovery conference with the Court

and state therein that said matter is still in need of discovery and is not, at that time, ready for trial. Upon such notice by either the plaintiff or defendant, the Court, at the calling of said trial calendar, shall schedule said case for a MRCP Rule 26(c) conference rather than for trial.

Rule 4

The Circuit Clerk of each County will maintain a civil trial docket pursuant to MRCP Rule 40, whereon shall be kept the cases set for trial at the calling of the trial calendar. All other trial settings must be set through the court administrator, and, upon the attorneys setting a trial date through the court administrator, the Clerk shall be notified in writing by the parties to set the case for trial on the date as agreed to between the parties and said case shall then be placed on the trial docket in addition to the cases set during the calling of the trial calendar. Once a case is set on the trial docket, either by setting at the calling of the docket or by agreement of the parties, no continuance will be allowed without a pre-trial conference with the Court approximately one month prior to trial date and then only on good cause shown. No case can be set peremptorily except for the next regular term of Court even by agreement of the parties.

Rule 5

All other cases then pending in each county which are not listed on either the trial calendar or trial docket shall be maintained on the general docket in and for said county. On the first Monday of each Court term, in and for each county, the general docket shall be called by the Court. At the call of the general docket, each attorney shall be required to make an appropriate announcement, which shall be limited to the following:

- A. The case may be set for trial or for preliminary matters,
- B. The case may be dismissed,
- C. A default judgment may be made,
- D. The case may be set for recall on the last Friday of the term, and
- E. The case may be continued for good cause shown.

Rule 6

Whenever an announcement of final disposition is made to the Court, a final order must be submitted to the Court on or before the last day of the term, or said case may be dismissed.

Rule 7

When a case is settled, the Clerk and court administrator shall be notified immediately, and the case will be removed from the Circuit Court docket.

Rule 8

In an effort to keep each civil docket in a current status, the trial Judge for each place shall have the inherent authority to set a hearing or pre-trial conference for any case appearing as one of the oldest 20% of the cases on the docket. Upon the setting by said Court, the Circuit Clerk shall notify the parties involved in said action at least seven calendar days prior to the hearing or pre-trial conference. The purpose of said hearing or pre-trial conference is for the Court to ascertain the status of said case and to alleviate any problems involved in said case with the purpose being to prepare said case for trial as expeditiously as possible. If any party fails to appear at said hearing or pre-trial conference (upon proper notification by the Clerk) and fails to obtain permission to be absent from the court administrator in advance of their inability to attend as required, appropriate sanctions may be taken by the trial Court.

Rule 9

Parties to civil actions are encouraged by the Court to attempt settlement of each case on the docket. If the Court finds that a case has been set for trial and one of the parties has failed to make a diligent effort to settle the case until the date of trial and then attempts serious settlement negotiations, which, had they been taken earlier, would have resulted in the settlement of the case prior to the trial day, the Court may, in its discretion, assess the actual cost to the county of the jury in attendance on that date to any party the Court finds did not engage in prior diligent efforts to settle the case.

Rule 10

All cases dismissed pursuant to MRCP Rule 41(a)(1) shall be dismissed by order pursuant to said Rule signed by the judge to which the case was assigned and said order shall be placed in the records of the Court as any other order.

Rule 11

All Civil and Criminal trial and motion hearing settings shall be set through the court administrator's office prior to filing of the Notice of Hearing with the Clerk's office. Attorneys shall provide a copy of the Notice of Hearing and a copy of motions, exhibits,

etc. to the court administrator immediately after setting the case for a hearing. If the motions, exhibits, etc. are more than 75 pages in total, the attorney filing said motions, exhibits, etc. must print, tab, and place said motions, exhibits, etc. in a 3-ring binder and mail said binder to the appropriate Judge at least 3 weeks prior to the hearing of said motion. All responses to filed motions are due at least 2 weeks prior to the hearing and the same rule regarding printing, tabbing, and binding is in effect. All replies to responses to filed motions are due at least 1 week prior to the hearing and the same rule regarding printing, tabbing, and binding is in effect.

In all cases, if said motions, exhibits, responses, and replies to responses do not arrive at the appropriate Judge's office at the appropriate time, the Judge may, *sua sponte*, continue the hearing until such date and time as is necessary to receive and properly review said motions, exhibits, responses, and replies to responses.

Rule 12

Subject to the provisions of Rule 11, *supra*, at 10:00 a.m., or as soon thereafter as possible, on the first Monday of all court terms, Motion day shall be held pursuant to MRCP Rule 78, wherein motions may be presented on cases assigned to that Judge. Any motion requiring testimony shall be set at an appropriate time by prior arrangement with the court administrator. The attorney bringing the motion shall be responsible for notifying the Court and the opposing attorney of the motion as well as the location and time it is to be heard. The Circuit Clerk where the court is sitting shall keep a calendar of all motions scheduled for facilitating the disposition of motions. Attorneys having motions pursuant to MRCP Rule 56 or 57, or motions requiring testimony, should apply to the proper Judge wherein said case is pending, for a time, place, and setting of the motion and, upon the setting by the proper Judge, the moving attorneys shall notify opposing counsel pursuant to the applicable provisions of MRCP.

Rule 13

Every attorney who practices within the Circuit Court of the 15th Judicial District shall provide the Court with a current mailing address, phone number, and e-mail address. As with all contact information, all members of the Bar shall keep the Court apprised of any updates to his or her contact information.

Rule 14

All proposed jury instructions shall be provided to the Court at least seven calendar days prior to Jury Selection. This Rule is not intended to affect in any way the deadline for attorneys to file their instructions with the clerk per requirements set forth in Rule 3.07 of the Uniform Civil Rules of Circuit and County Court Practice.

Rule 15

All attorneys and court staff shall be responsible for reviewing our District's website at www.circuit15.org/v2/ prior to Court to ensure everyone is aware of the case settings for the appropriate day. Further, if the attorney or court staff member discovers any discrepancy between his or her calendar and the trial or motion settings as they appear on the website, he or she shall immediately contact the court administrator's office to correct the discrepancy.

Rule 16

In criminal cases, the defense attorney is responsible for supplying the Court with a transport order no later than seven calendar days prior to the hearing and/or trial. The transport order must instruct the appropriate agency to have the defendant at the local jail no later than 12:00 p.m. two days before the hearing so the defense attorney may meet with the defendant as necessary. Furthermore, all criminal announcements are due to the appropriate court administrator no later than seven calendar days prior to docket call, unless otherwise agreed-upon by the court administrator.

Rule 17

In all cases, the proof of service provided to the Court, be it by private process server or by a Sheriff's Department, must be appropriately filled out and signed by the individual who served the documents. The attorney for the party requesting service of process is responsible for ensuring compliance with this rule.

[Adopted by order entered July 25, 1986 and approved by Supreme Court by order dated April 14, 1993; amended by order entered June 27, 2003 and approved as amended by Supreme Court by order entered September 4, 2003; approved as amended by Supreme Court by order entered November 17, 2011; approved as amended by the Supreme Court by order entered March 21, 2024.]