LOCAL RULES
FOR
SIXTEENTH CHANCERY COURT DISTRICT OF MISSISSIPPI

[Renumbered and codified by order of the Supreme Court effective May 18, 2006.]

RULE 1.

Each individual attorney shall be assigned a number for computer purposes by the Court Administrator. All pleadings and motions filed by an attorney with this Court shall include the computer number of such attorney at the conclusion of the pleading or motion where the attorney's name, address and telephone number appears.

RULE 2.

The clerk of the Court is directed to refuse to receive and docket any pleading presented by an attorney who has been suspended by the Mississippi Supreme Court or Mississippi State Bar until the suspension is formally removed.

RULE 3. ASSIGNMENT OF CASES

(a) Pursuant to Uniform Chancery Court Rule 1.06, all matters filed in this District on and after the date of this Order shall be assigned to a single active Chancellor of this District at the time of filing of the action by such method as described in paragraph II of this Order and in such fashion as to ensure such assignments shall be equal and random, that no discernable pattern of assignment exists, and that no person shall know to whom the case will be assigned until such time as it has been accomplished. Except as otherwise noted, all sections of this Order shall be applicable to each county within the District.

(b) Unless the Civil Case Filing Form indicates that the matter submitted for filing is a continued assignment, upon receiving the Civil Case Filing Form and the pleadings, the Chancery Clerk of the county in which the case is filed shall assign the matter to a single Chancellor either by computer or by drawing lots as hereinafter set forth.

JACKSON COUNTY

The random assignment of cases shall be performed pursuant to computer program to conform with the dictates of Uniform Chancery Court Rule 1.06 and this Order, as to all filings on the general, probate, adoption and commitment dockets, as implemented and in place prior to the adoption of Uniform Chancery Court Rule 1.06.

GEORGE AND GREENE COUNTIES

The Chancery Clerk of George and Greene Counties shall immediately implement the following random method of assigning cases to Chancellors in George and Greene Counties in the Sixteenth Chancery Court District of Mississippi.

The Clerk shall prepare a container to hold thirty pieces of paper (herein referred to as ballots). Each ballot shall have the number of a judicial place written thereon, as follows:

Ten (10) ballots shall have the numeral "1" written thereon. This shall represent Place 1, currently held by the Honorable Pat H. Watts, Jr.;

Ten (10) ballots shall have the numeral "2" written thereon. This should represent Place 2, currently held by Honorable Jaye A. Bradley;

Ten (10) ballots shall have the numeral "3" written thereon. This shall represent Place 3, currently held by Honorable Randy Pierce;

The thirty (30) ballots shall be folded so that the number thereon is not visible and placed in the container prepared by the Clerk and maintained in his custody. The ballots shall be shuffled by the Clerk after being placed in the container.

At the time a complaint is filed with the Chancery Clerk's Office, and upon being assigned a cause number, the Clerk individually shall at a designated time every day, draw a ballot from the container for each complaint filed. The ballot will determine the judicial assignment. Used ballots shall be kept separate from the container of unused ballots.

The Clerk, under no circumstances, shall use his/her discretion to draw more than one (1) ballot per complaint.

The Clerk is responsible for maintaining the integrity of the container and the ballots.

Once all the ballots have been drawn from the container, the Clerk replenishes the ballots with the original thirty (30) ballots and the process begins anew.

The Clerk shall, at the end of each thirty (30) case assignment interval, compile a written accounting to the three Chancellors of this District showing which cases were assigned to the respective Chancellors stating the case type, the style of each case, and the attorneys involved.

The Clerk shall not change this method of assignment where a known conflict with a Chancellor exists. Each Chancellor having a conflict, requiring recusal, will address this issue on a case by case basis.

The above procedure shall at all times remain confidential and the Clerk shall not allow any party to participate or otherwise have any knowledge as to the actual drawing of the ballots, and not allow anyone to influence him/her in conducting the above procedure.

(c) The following matters shall be exempt from initial assignment to an active Chancellor, and such shall be notated accordingly as "exempt form initial assignment":

Joint Complaints, including irreconcilable differences divorce actions and other uncontested matters; Pro se irreconcilable differences divorce actions; Name Change or Birth Certificate Corrections; uncontested Adoptions; uncontested Guardianship or Conservatorship matters; Removal of Minority; Commitments; and Bond Validations. Otherwise, these limited areas of the dockets shall be heard by any available Chancellor.

When a matter listed in the above paragraph becomes a contested matter, or a response from the other party or parties indicating opposition to the requested relief is filed or stated to the Court, the Chancellor to whom the matter is submitted may, on his own motion, direct the Clerk to thereafter assign the case by the method specified above.

(d) All modification and/or contempt matters, except those concerning orders entered in the foregoing paragraph, shall be assigned to the active Chancellor by whom the order at issue was entered.

(e) 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.

(f) The assignment of a civil action is permanent, unless, for good cause stated and order entered, the assigned Chancellor directs the Chancery Clerk to reassign the case to one of the other Chancellors. Where such reassignment is necessary, the Chancery Clerk shall assign the case as herein required.

(g) Once a case is so assigned to a Chancellor, only the Chancellor to whom it is assigned will consider the matter. EXCEPT: (1) where the Chancellor must recuse for good cause, (2) where the Chancellor to whom a case is assigned will be unavailable for at least five (5) days to consider the matter due to reasons such as sickness, duties outside the District, seminars, and vacations, then another Chancellor may consider emergency matters, ex parte matters and uncontested or agreed matters. When a Chancellor has signed an order under the above exception, it shall remain the case of the Chancellor to whom it was originally assigned.

Because of the urgency of mental, alcohol and drug commitments, they shall be assigned by the Clerk to the most readily available Chancellor if not handled by a Special Master.

Youth Court cases are assigned to the Youth Court Referee. In cases involving shelter hearings and detention hearings which are urgent, any Chancellor may hear the case when the designated Youth Court Referee is not available.

All cases filed before the implementation of this Order, which have not been considered by any Chancellor, shall be assigned in equal proportions, giving each Chancellor one-third (1/3) of the pending unassigned cases in the same manner as those cases originally filed.

All cases before the implementation of this Order, which have been previously heard will be heard by the Chancellor who has already begun the case. All Department of Human Services child support cases and all estate and guardianship matters, which have previously been considered are to be assigned to a Chancellor as set out above with each Chancellor receiving as near as possible an equal number of these cases.

(h) Ex parte matters will be considered on the Ex Parte Days hereinafter designated or at such other times as may be scheduled by the separate order signed by the Senior Chancellor September 22, 2003 establishing Court Terms, Vacation and Ex Parte Days. Order establishing Court Terms, Vacation and Ex Parte Days is filed with the Clerk of Court of each county of the Sixteenth Chancery District as well as the Administrative Office of Courts and the Secretary of State. Each Chancellor may set Motion Days or hear same at times agreeable to the Court in Term, or Vacation, or Ex Parte Days involving the motion in the cases assigned to each Chancellor.

(I) Each case filed in this District after the date of this Order shall bear a number as follows: The calendar year in which the case is filed, followed by the chronological number of the case, then followed by the Chancellor's initials to whom assigned, being the same numbering system used presently in the Sixteenth Chancery District.

RULE 4.

In all estates the initial pleading shall state:

1. The social security number of the deceased and of any proposed fiduciary,

2. The last home address of the deceased and the current address and phone number of any proposed fiduciary, and

3. The name, age, relationship and current address of any heir at law of the deceased.

The clerk shall not receive or docket a pleading which does not comply with this rule.

RULE 5.

In all guardianships, the initial pleading shall state:

1. The age, address and social security number of the ward and of any proposed fiduciary.

2. The names, ages, and addresses of the members of the immediate family of the ward.

The clerk shall not receive or docket a pleading which does not comply with this rule.

RULE 6.

In all conservatorships, the initial pleading shall state:

1. The age of the ward and the social security number of the ward and of any proposed fiduciary.

2. The home address of the ward and of any proposed fiduciary.

3. The names, address and relationships of other parties in interest.

The clerk shall not receive or docket a pleading which does not comply with this rule.

RULE 7.

In complying with Uniform Chancery Court Rule 1.09 in cases where a petition to remove the disabilities of minority is filed:

(a) Such petition shall identify fully any guardianship which may exist and a copy of the petition to remove disabilities shall be served on the guardian and the attorney for the guardianship in advance of the petition being presented to the court:

(b) Such petition shall state what effect the removal of the disabilities would have on the guardianship;

(c) If the guardianship is in the 16th Chancery Court district, the attorney shall present the guardianship court file to the court at the time he presents the petition to remove the

disabilities of minority. If the guardianship is not in the 16th chancery Court District, such petition shall have attached an attested copy of the most recent guardianship accounting and court order approving such accounting.

RULE 8.

In all adoption proceedings filed in the Sixteenth Chancery Court District of Mississippi, each minor to be adopted shall have a Guardian Ad Litem appointed to represent said minor.

RULE 9.

Before announcing ready in an uncontested divorce, the attorney shall have with him a proposed Judgment for same. Before any testimony is offered, the attorney shall present the Chancellor or Master a worksheet and the proposed Judgment.

RULE 10.

Unless excused by the Court for good cause shown, in actions between parents involving custody and/or visitation of children, every judgment entered shall contain a provision to the following effect:

Each parent shall keep the other informed of their actual residence address and mailing address at all times. If a change of address occurs, the parent so moving shall notify the other parent and the clerk of this Court in writing of the new residence address and mailing address within 5 days of making such move. The clerk shall make a docket entry of such writing and place the writing in the Court file.

The purpose of this rule is to prevent a parent from concealing the correct address where the children are residing.

RULE 11.

The Court, sua sponte, considering the mandatory provisions of the law pertaining to accountings in estates, guardianship and conservatorships, and the utilization by the court of technology, including computers to enable an effective implementation of such laws for the benefits of the litigants, lawyers, the public and the Court, hereby adopts the Order establishing procedures to be followed by the clerk and administrator of this Court as well as by the litigants, fiduciaries and lawyers:

(a) Written notice shall be mailed by the administrator to each fiduciary and the fiduciary's attorney notifying them of the month in which an accounting is due.

(b) The administrator and clerk shall determine in the month following the month in which an accounting is due the identity of each file in which the fiduciary and attorney failed to file an accounting or failed to have the accounting excused or deferred in writing by the Court.

(c) An Order shall thereupon issue to such derelict, fiduciary and attorney citing them to appear before the Court at a time and date certain to show cause why such accounting was not filed and for the Court to consider whether the fiduciary and attorney should be removed for such failure, and to consider such further action as the Court may deem appropriate.

Attorneys and fiduciaries desiring to defer an accounting shall present to the Court a brief statement in writing of the reason such deferment is appropriate. Attached to such written request shall be the proposed Court order granting the defendant.

At the time of filing a petition to open an estate, guardianship or conservatorship, the attorney and petitioners shall complete and file an information worksheet which shall be supplied by the clerk of this Court. The clerk shall not process the original petition until such information worksheet is complete and filed.

[Adopted by orders entered by the Sixteenth Chancery Court District and approved by the Supreme Court by orders entered January 14, 1988; February 18, 1991; December 11, 1996; and, March 18, 2004.]