

Serial: 230515

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99027-SCT

FILED

***IN RE: MISSISSIPPI RULES OF
APPELLATE PROCEDURE***

MAY 05 2020

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

EN BANC ORDER

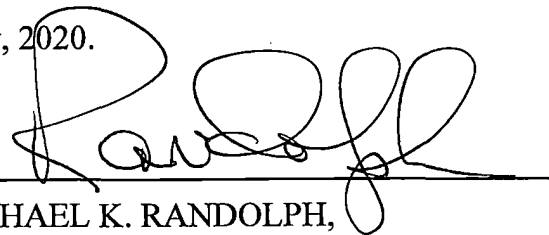
This matter is before the en banc Court on the Court's own motion.

After due consideration, we find that Rule 1 of the Mississippi Rules of Appellate Procedure and its Comment should be amended as set forth in the attached Exhibit A.

IT IS THEREFORE ORDERED that Rule 1 of the Mississippi Rules of Appellate Procedure and its Comment are amended as set forth in the attached Exhibit A. The amendments are effective upon entry of this order.

IT IS FURTHER ORDERED that the Clerk of this Court must spread this order upon the minutes of the Court and send a certified copy to West Publishing Company for publication in the advance sheets of *Southern Reporter, Third Series (Mississippi Edition)*, and in the next edition of the *Mississippi Rules of Court*.

SO ORDERED, this the 5 day of May, 2020.



MICHAEL K. RANDOLPH,
CHIEF JUSTICE
FOR THE COURT

ALL JUSTICES AGREE.

EXHIBIT A

RULE 1. SCOPE OF RULES

These rules govern procedure in appeals to the Supreme Court of Mississippi and the Court of Appeals of the State of Mississippi, and proceedings on petitions for writs or other relief which the Supreme Court or the Court of Appeals or a justice of the Supreme Court or judge of the Court of Appeals is empowered to grant, and appeals from county court to circuit court. When these rules provide for the making of a motion in the trial court, the procedure for making such motion shall be in accordance with the practice of the trial court.

Comment

Electronic filing in most appellate matters became mandatory on January 1, 2014. Under Section 1.D. of the Appellate E-Filing Administrative Procedures, “all briefs, motions, responses, and compliance documents . . . must be filed electronically.” Section 4 exempts sealed and confidential cases, *pro se* litigants, and documents other than briefs, motions, responses and compliance documents, all of which must be filed conventionally.

These rules are not to be construed to extend or limit jurisdiction of the Supreme Court, except that Rule 5 is intended to expand the occasions upon which the Court may exercise its power to hear interlocutory appeals. See *Southern Farm Bureau Cas. Ins. v. Holland*, 469 So. 2d 55, 62-64 (Miss. 1985), (Anderson, J., concurring). The jurisdictional statute permits interlocutory appeals “in cases particularly provided for by law.” Miss. Code Ann. § 9-3-9 (Supp. 1994). These rules are “law.” See *Newell v. State*, 308 So. 2d 71 (Miss. 1975).

Appeals from county court to circuit court are controlled, in part, by the Mississippi Rules of Appellate Procedure. *Van Meter v. Alford*, 774 So. 2d 430, 432 (Miss. 2000) (quoting *Am. Inv'rs. Inc. v. King*, 733 So. 2d 830, 832 (Miss. 1999)).

Rules which provide for the making of a motion in the trial court include Rules 4(g), extension of time to appeal; 6, determination of *in forma pauperis* status; 8(b), stay on appeal to be first sought in trial court; and 10(e) correction of record on appeal. Trial court practice is governed by the Mississippi Rules of Civil Procedure, Mississippi Rules of Evidence, Mississippi Rules of Criminal Procedure, applicable uniform rules, and local rules where adopted pursuant to M.R.C.P. 83 or MRCrP 1.9. The term “trial court” in these rules includes a circuit or chancery court sitting as an appellate court. Rule 46(b) concerning the

admission of foreign attorneys governs admission in trial courts, in administrative agencies, and in the appellate courts.

The Mississippi Rules of Appellate Procedure, effective January 1, 1995, are based on the Mississippi Supreme Court Rules and were adopted to include procedure in the Court of Appeals of the State of Mississippi pursuant to Miss. Code Ann. §9-4-1 *et seq.* (Supp. 1994).

[Comment amended effective October 25, 2018, to address electronic filing; ~~amended~~
~~effective~~]