

Serial: 231564

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99001-SCT

FILED

***IN RE: THE RULES OF CIVIL
PROCEDURE***

MAY 05 2020

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

EN BANC ORDER

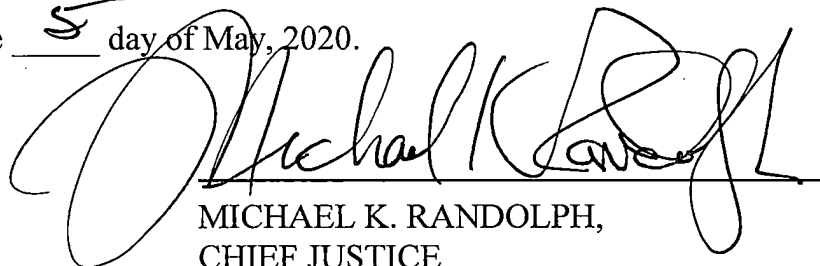
Before the en banc Court is the Motion to Amend M.R.C.P. 1 (Motion No. 2020-400), filed by the Advisory Committee on Rules.

After due consideration, we find that the motion should be granted.

IT IS THEREFORE ORDERED that the Motion to Amend M.R.C.P. 1 is granted. Rule 1 is amended as set forth in the attached Exhibit A. The amendment shall be effective on July 1, 2020.

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 the circuit courts, chancery courts, and county courts in all suits of a civil nature, whether cognizable as cases at law or in equity, subject to certain limitations enumerated in Rule 81; however, even those enumerated proceedings are still subject to these rules where no statute applicable to the proceedings provides otherwise or sets forth procedures inconsistent with these rules. These rules shall be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action.

[Amended effective July 1, 2020.]

Advisory Committee Historical Note

Effective July 1, 2020, Rule 1 was amended to emphasize that the parties share responsibility with the court to employ the rules so as to secure the just, speedy and inexpensive resolution of every action. XX So. 3d XX (Miss. ___).

Advisory Committee Notes

These rules are to be applied as liberally to civil actions as is judicially feasible, whether in actions at law or in equity. However, nothing in the rules should be interpreted as abridging or modifying the traditional separations of jurisdiction between the law courts and equity courts in Mississippi.

The salient provision of Rule 1 is the statement that “These rules shall be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action.” There probably is no provision in these rules more important than this mandate; it reflects the spirit in which the rules were conceived and written and in which they should be interpreted. The primary purpose of procedural rules is to promote the ends of justice; these rules reflect the view that this goal can best be accomplished by the establishment of a single form of action, known as a “civil action,” thereby uniting the procedures in law and equity through a simplified procedure that minimizes technicalities and places considerable discretion in the trial judge for construing the rules in a manner that will secure their objectives.

[Advisory Committee Note adopted effective July 1, 2014; amended effective July 1, 2020.]