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November 24, 2025

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**OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS**

The Honorable D. Jeremy Whitmire, Clerk
Supreme Court of Mississippi
Gartin Justice Building
450 High Street
Jackson, MS 39201

RE: Proposed Amendment to MRAP 26 (posted for comment 10/22/25)
Appellate Courts General Docket Matter No. 89-R-99027-SCT

Dear Mr. Whitmire,

I would respectfully urge that the proposed amendment to MRAP 26 *not* be adopted. It seems to me that the proposed change would create unhelpful uncertainty and add an unnecessary burden for both sides in most cases. I would hope that whatever concerns may exist regarding the current practice could be handled some other way.

In my experience, the current practice works well for both sides. The Clerk's current practice (which has been in place for many years now) of granting limited additional time for briefs under MRAP 27(b)(1) without requiring a statement like the one proposed is reasonable and very helpful. The Clerk's office currently handles those motions very quickly. The current practice provides predictability for both sides with a streamlined process that avoids unnecessary work for both sides. I would hate to see the Clerk's commendable current practice disrupted.

Obtaining the other side's position in advance and including a statement about that in one's motion makes sense for the rare exceptional motion for time beyond what the Clerk is authorized to grant under MRAP 27(b)(1). But the Clerk's standard final extension notice already provides ample notice of that fact. And most affected lawyers could probably guess as much.

The cases where good cause exists for opposing MRAP 27(b)(1)-level motions for time must be relatively rare. It would seem more reasonable and better for all concerned in such cases for the affected parties to be encouraged to bring those reasons to the attention of all concerned early on, with a motion to expedite, or to limit briefing time, or something. Surprising one's opponent late in the day with opposition to a MRAP 27(b)(1) motion is an approach to things that ought not to be encouraged. The proposed amendment could have the unintended effect of encouraging such delay by appearing to invite opposition to motions for time generally.

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If the concern behind the proposed amendment arises from occasional misunderstanding of the current practice, I would respectfully suggest that the concern might be better addressed with explanations and guidelines provided on the Clerk's "General Information" page on the Court's website, or on the "Clerk's FAQ" page.

Finally, I agree with the comments that Andy Lowry has already submitted regarding the proposed amendment.

My thanks to you and all involved for their work and for considering these comments.

Sincerely,

/s/ J. Collins Wohner Jr.