

89-R-99001



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OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

December 30, 2015

The Supreme Court of the State of Mississippi
Attention: Rules Committee on Civil Practice and Procedure
P. O. Box 249
Jackson MS 39205

Dear Committee Members:

I submit the following suggestions for amendments to the current rules of civil procedure and appreciate your consideration.

Rule 4: Eliminate 4(h). Allow summons by certified mail to in-state defendants and upon proof of diligent inquiry allow summons by publication as permitted in chancery matters.

Rule 10 (d): Eliminate requirement to attach exhibits.

Rule 12: Allow all rule 12 motions to be decided without court hearing unless specifically requested by a party or the court. If requested by a party and the requesting party loses, require the losing party to pay attorney fees. Require responses to rule 12 motions to be filed within 10 days and if no response is filed allow trial courts to rule on such motions without court hearings.

Rule 30: Where recording of deposition is by means other than stenography, allow the attorney taking the deposition to administer the oath to the deponent.

Rule 45: Allow attorneys to issue all subpoenas, eliminating the need to be issued by a court clerk.

Rule 56: Require responses to be filed within 10 days of the motion and if no response is filed, require the court to rule in favor of the moving party without necessity of a hearing. If responses are timely filed, allow courts to rule on such motions without a hearing unless requested by the court.

Rule 78: Require all motions to be ruled on based upon the motions and briefs without court hearing unless a hearing is requested and ordered by the court.

Respectfully,


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/seg

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