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May 10, 2016

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Rules Committee on Civil Practice and Procedure  
Mississippi Supreme Court  
Post Office Box 117  
Jackson, MS 39205

Re: Need for Rule Governing Appeals from Boards of Supervisors  
And Municipal Authorities

Gentlemen:

By his letter of November 4, 2015, James Peden brought to the Court's attention the out of date statute governing appeals from decisions of Boards of Supervisors and municipal authorities, Mississippi Code Annotated § 11-51-75.

Everything Mr. Peden describes in his letter is true. We need a Rule so both the Bench and the Bar can clearly understand a succinct procedure for appeal decisions from Boards of Supervisors and municipal authorities. The bill of exceptions procedure is not only antiquated and unworkable, it is not understood by the very bodies that are called upon to furnish the bill of exception, nor is there any statute or other rule clearly defining what is supposed to be contained within a bill of exceptions.

A rule such as Mr. Peden describes would be an excellent addition to our state's jurisprudence, and my suggestion is that the new rule ought to be included in the Uniform Rules of Circuit Court Practice, since appeals from the governing bodies in question are proscribed for Circuit Court.

I think such a rule should also include expansive procedures for intervention of the truly interested party to an appeal. Often private companies or developers are the parties most interested in affirming decisions from Boards of Supervisors or municipal authorities, and those interested parties, not the authorities themselves, ought to be the key parties in such an appeal.

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I further suggest that a special committee to include members of the Bar who practice regularly in this area could assist the Court's committee in drafting such a rule; I think Mr. Peden would be an excellent choice to chair such a special committee.

Very truly yours,

A handwritten signature in black ink, appearing to read 'L. C. Gunn, Jr.', written in a cursive style.

LAWRENCE C. GUNN, JR.

LCG:ls1

cc: James A. Peden  
Stennett, Wilkinkson and Peden  
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