

**LOCAL RULES
FOR
THE EIGHTEENTH CHANCERY COURT DISTRICT**

[Renumbered and codified by order of the Supreme Court effective May 18, 2006.]

The purpose of these Local Rules is to establish within this Chancery Court District uniform procedures to expedite the docketing and final disposition of actions and to conform our procedures to the requirements of the M.R.C.P., and to the Uniform Chancery Court Rules.

RULE 1.

The attorney who files any pleading which requires the issuance of a summons is charged with the responsibility to prepare the summons in proper form and content and to provide the Clerk with appropriate instructions for its service, all of which shall be done in a manner prescribed by the Mississippi Rules of Civil Procedure.

RULE 2.

The docket for each regular term of court will be called commencing at 10:00 o'clock in the morning on the Monday which is three(3)weeks before the first day of each regular term.

- (a) All persons concerned should be present in person or by authorized representative.
- (b) Actions will be set for trial during the term or in vacation and may be so set even though only one party is represented at the docket call.
- (c) A change of a docket setting will be considered upon motion made in a manner provided by the M.R.C.P., or in a manner satisfactory to the Court.

Before docket call day, the Clerk shall prepare a *trial calendar* by listing thereon in numerical order the pending actions ready for trial, including the action number, style, type of action and the names of the attorneys of record. On the day the docket is called, copies of the *trial calendar* shall be distributed to all parties present. As each action is called, the Clerk shall note on the *trial docket* the date and time it is set for trial, or such other comment made by the Court. Within three (3) days thereafter, the Clerk shall mail or personally deliver to all parties a copy of the *trial calendar/trial docket*.

RULE 3.

Within a reasonable time before the end of each year the Court shall prepare and publish an annual schedule of Friday vacation days to be held in each month during the next year (with the name of the Chancellor assigned to preside) as follows:

Calhoun 1st Friday Tippah

Marshall 2nd Friday Lafayette

Tippah 3rd Friday Calhoun

Lafayette 4th Friday Marshall

In its discretion, the Court may: (a) schedule a Friday vacation day to any other day; (b) omit a Friday vacation day when it occurs during a regular term of court held in that county; or (c) omit a Friday vacation day in its entirety.

No regular Friday vacation day will be scheduled for Benton County. Benton County actions may be conducted in either Marshall or Tippah Counties. The attorney of record shall deliver to the Court the file jacket and shall return it to the Chancery Clerk of Benton County.

The schedule shall be furnished to each Chancery Clerk who shall post a copy in a conspicuous place in his office and in the courtroom. The Clerk shall circulate copies to all local attorneys and others who may have business before his court.

RULE 4.

The Clerk shall prepare and present to the Chancellor the Friday Vacation Court Calendar and Trial Docket which shall be so arranged so as to permit the entry of actions in three (3) categories as follows:

(a) Motions and Other Preliminary Matters

(b) Ex-Parte Matters

(c) Actions Pre-Set for Trial

Ex-parte matters shall be entered in the order presented to the Clerk, together with the name of the attorney of record.

Categories (a) and (b) shall be priority matters.

Category (c) matters will be heard providing there is time during that day for that purpose.

Any other matter entered on the calendar AFTER Court business is commenced shall be placed at the foot of the docket and will be heard after all other matters are concluded and if time is available.

RULE 5.

Motions and other preliminary matters, not requiring process, may be noticed to any Regular Friday Vacation Day in the County wherein such action is pending, except that Benton County actions may be noticed for any Regular Friday Vacation Day scheduled to be held in either Tippah County or Marshall County.

RULE 6.

In response to a pleading filed by any party to an action, or at the request of both parties, an action may be specially set for a trial or hearing during any available day of a regular term or to a day in vacation. The exact date, time and place for such trial or hearing shall be set by an Order signed by the Chancellor. The request for a special setting may be made by appearance before the Court for that purpose, or, may be made by mailing to the Chancellor a copy of the pleading and an Order (with appropriate blank spaces for the insertion of the date, time and place for trial or hearing), together with a self-addressed and stamped envelope.

RULE 7.

Upon a written motion directed to the Clerk by any party to an action, the Clerk, without further Order from this Court, is authorized and empowered to issue a summons returnable to a Regular Friday Vacation Day scheduled in his County.

This authority is limited, however, only to actions described in *Rule 81(d)(2)*, M.R.C.P., which are:

- (a) Removal of disabilities of minority; or
- (b) Temporary relief in divorce, separate maintenance, child custody, or support matters; or
- (c) Modification or enforcement of custody, support, and alimony judgments; or
- (d) Contempt; or
- (e) Estate matters and wards' business in which notice is required but the time for notice is not prescribed by statute or by *Rule 81(d)(1)*, M.R.C.P.

The form of the summons shall comply with FORM 1D or FORM 1DD (Rule 81 Summons)-See *Appendix A*, M.R.C.P.

The summons may be issued for service in any manner authorized by *Rule 4*, M.R.C.P., and shall be made returnable to a Regular Friday Vacation Day sufficiently distant in time so as to allow for its service and its return.

RULE 8.

When an action has been set for a trial or hearing and before the trial or hearing date has been settled, or when the parties agree that a continuance is unavoidable, and it is apparent that the presence of the Chancellor and/or his Court Reporter is not required, it is the duty of the party who had obtained the setting (or his authorized representative) to promptly notify the Chancellor and, if required, his Court Reporter.

RULE 9.

In all irreconcilable differences divorce actions (no-fault), the attorney is required to appear before the Court with the file jacket to request approval of the Agreement and to obtain the signature of the Chancellor to the *Judgment for Divorce-Irreconcilable Differences*. The attorney must be prepared to answer all inquiries that may be raised by the Court. In some cases, the Court may defer approval until proof from the parties is submitted.

RULE 10.

In addition to the advanced payment of costs that may be required by a statute, the Mississippi Rules of Civil Procedure, or by the Uniform Chancery Court Rules, whenever the Clerk believes that the deposit made is NOT adequate to cover all of the costs accrued, or to accrue, he may request an additional deposit to cover such deficiency or projected deficiency. If the requested additional deposit is not promptly paid, the Clerk shall NOT be compelled to proceed further, but shall file a motion to give security as prescribed by *Rule 3(b)*, M.R.C.P., and the matter shall then be resolved by the Court.

RULE 11.

The Clerk shall provide copies of this Order and these Local Rules to all members of the Local Bar of his County and to such other attorneys or parties from other areas who appear before this Court from time to time.

The distribution of this Order and these Local Rules shall be considered by this Court to satisfy the notice requirements to all attorneys and parties which is required by *Rule 40(b)*, M.R.C.P.

A copy of this Order and these Local Rules shall be filed with the Mississippi Supreme Court as required by *Rule 83*, M.R.C.P.

On January 1, 1987, all prior Orders pertaining to the adoption of local rules and all former Local Rules heretofore adopted shall stand repealed, and, this Order and the Local Rules herein contained shall take full force and effect and be adopted for use within the Eighteenth Chancery Court District.

[Adopted by order entered December 8, 1986 and November 25, 1991 and approved by the Supreme Court by order entered March 31, 1992.]