

**UNITED STATES DISTRICT COURTS
NORTHERN DISTRICT OF MISSISSIPPI
AND
SOUTHERN DISTRICT OF MISSISSIPPI**

**STANDING ORDER IMPLEMENTING
TEMPORARY AMENDMENTS TO
LOCAL RULES 7.1(D), 7.2(B) AND 7.2(E)**

1. Practice in the United States district courts serving Mississippi is governed in part by the UNIFORM LOCAL RULES FOR THE UNITED STATES DISTRICT COURTS FOR THE NORTHERN DISTRICT AND FOR THE SOUTHERN DISTRICT OF MISSISSIPPI (Dec. 2000) [Local Rules].

2. Local Rule 7.1(D) provides as follows:

Briefs and memoranda of authority in support of motions shall be submitted directly to the judge entertaining the motion; briefs and memoranda of authority *shall not* be filed with the clerk of court. [Emphasis in original].

3. Local Rule 7.2(B) provides in pertinent part as follows:

The original motion and all affidavits and other supporting documents shall be filed with the clerk of court at the division office where the action is docketed. The moving party shall simultaneously mail a copy thereof to the district judge presiding in the action at his or her home office mailing address or, if the motion is referred to a magistrate judge, to the magistrate judge at his or her home office mailing address. The mailing addresses for the district judges and for the magistrate judges appear on the courts' Internet websites.

4. Local Rule 7.2(E) provides as follows:

Movant's original and rebuttal memoranda together shall not exceed a total of thirty-five pages, and respondent's memorandum shall not exceed thirty-five pages. Memoranda and other submissions required by paragraph (D), except as therein provided, *are not filed* with the clerk of court. [Emphasis in original].

5. The preceding provisions were proposed by the courts' Advisory Committee on Local Rules and were adopted by the courts in the interest of securing the just, speedy, and inexpensive determination of every action by (i) eliminating at least one set of documents that serve no useful purpose but are otherwise produced in the course of motion practice and (ii) reducing space consumed by case files in the offices of the clerks of court.

6. The courts are informed that the three preceding rules confuse some attorneys as to what motions-related documents are to be filed with the clerk and which are not, and whether their briefs and memoranda of authorities are included in the record on appeal.

7. To eliminate the opportunities for confusion that may arise from the three preceding rules, the rules are hereby changed as follows (new material appears in italics):

~~Rule 7.1(D). **Submission of Briefs and Memoranda of Authority in Support of Motions.** Briefs and memoranda of authority in support of motions shall be submitted directly to the judge entertaining the motion; briefs and memoranda of authority shall not be filed with the clerk of court.~~

Rule 7.2(B). **Filing; Proposed Orders.** The original motion and all affidavits and other supporting documents, *including briefs and memoranda of authorities*, shall be filed with the clerk of court at the division office where the action is docketed. The moving party shall simultaneously mail a copy thereof to the district judge presiding in the action at his or her home office mailing address or, if the motion is referred to a magistrate judge, to the magistrate judge at his or her home office mailing address. The mailing addresses for the district judges and for the magistrate judges appear on the courts' Internet websites.

Rule 7.2(E). **Length of Memoranda.** Movant's original and rebuttal memoranda together shall not exceed a total of thirty-five pages, and respondent's memorandum shall not exceed thirty-five pages. ~~Memoranda and other submissions required by paragraph (D), except as therein provided, are not filed with the clerk of court.~~

8. As a temporary, interim remedy, the Northern District of Mississippi and the Southern District of Mississippi jointly adopt the preceding amendments by this standing order entered in both districts. The courts will submit the amendments to the Advisory Committee on Local Rules for such consideration as the committee may deem appropriate when next it convenes to perform its rulemaking duties.
9. Copies of this standing order shall be published in the Mississippi Bar Association's news publications, shall be posted on the public bulletin boards (including electronic website bulletin boards) in the courthouses serving the Northern District and the Southern District, and shall be mailed by the clerks of court to all counsel in cases pending in their respective courts and to all counsel in new cases commenced in their courts.

SO ORDERED.

November 26, 2003

Date

/s/ Glen H. Davidson

Chief Judge, Northern District of Mississippi

November 3, 2003

Date

/s/ Tom Lee

Chief Judge, Southern District of Mississippi