

IN THE TWENTY-SECOND CIRCUIT COURT DISTRICT
(Claiborne, Copiah & Jefferson Counties)

LOCAL PROCEDURE for CIVIL MATTERS

GENERAL INFORMATION

THE TWENTY-SECOND (22ND) CIRCUIT COURT DISTRICT ADHERES TO THE SUPREME COURT'S TIME STANDARDS

TOMIKA H. IRVING, CIRCUIT JUDGE

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Judge Irving has signed orders approving use of MEC in Claiborne, Copiah and Jefferson Counties. All attorneys should immediately begin filing documents in MEC in the respective county.

All Orders received in the Judge's Office will be mailed or hand delivered by the Judge's Office to the respective Circuit Clerk's Office for docketing and filing. A stamped 'filed' copy will be mailed back to the respective attorney if a stamped, self-addressed envelope is provided. If a stamped, self-addressed envelope is not provided, the attorney must obtain a copy of the Order from the respective Circuit Clerk's Office or MEC.

Judge Irving will not accept any proposed orders with electronic signatures. All orders must have hand-written signatures.

I. INITIAL FILING

- A. Contact the Circuit Clerk of the County you plan to file the matter to obtain the necessary information for filing a complaint.

II. SERVICE OF PROCESS

- A. The Court may set a Status Hearing on the first available Motion Date in the respective County where the case is filed following the 120 day allowable time for service of process.
- B. Any requests for extending the time for service of process are to be submitted to the Court from the requesting party via receipt of a copy of the Motion to Judge Irving's Office. The requesting party can prepare a proposed order for the Court's consideration, or the Court will contact the requesting party and advise that the Motion needs to be set for hearing.

III. MOTION HEARINGS

- A. If desiring a Motion Hearing before the Judge, the following instructions apply:
 - 1. Motion Hearings will be heard in the County of filing.
 - 2. Call the Court Administrator to obtain an available Motion Hearing date. **The Court Administrator will not place the matter on the docket for Motion Day until a copy of the Notice of Hearing is provided to the Court Administrator.** The Notice of Hearing can be emailed to the Court Administrator.
 - 3. The party requesting the Motion Hearing is to provide to the Staff Attorney, via email, the following: (1) a copy of the Notice of Hearing; (2) a copy of the Motion, and (3) any Brief/Memorandum in support of the Motion.
 - 4. This information must be received in the Judge's office prior to fifteen (15) working days of the selected motion hearing date to ensure placement onto the Court's Motion docket. Opposing counsel shall submit any response to the motion ten (10) days prior to the hearing date. The moving party will have until five (5) days prior to the hearing date to submit any rebuttal.
 - 5. Civil Motion Hearings are set on the Court's Docket to begin at 9:00 a.m., with Default/Replevin Hearings set in the order as received via U.S. Mail by the Court Administrator.
 - 6. All parties are required to be present at the Motion Hearing, and to be in attendance with the Court until such time as the case is called for hearing.

7. Telephonic Hearings are discouraged.
8. At the Motion Hearing, Judge Irving will make every effort to rule on the party's Motion and will require that the party bringing forth the Motion have an Order on the Court's ruling to the Judge's Office within ten (10) working days of the Motion Hearing date.
9. Motions taken under advisement by the Court on a Motion Hearing date will be ruled on by the Court, to the best of its ability, within thirty (30) days of the Motion Hearing date with the Order being prepared by the Court and forwarded to the respective Circuit Clerk for docketing and filing.

IV. PRIVATE MEDIATION

- A. Judge Irving may require private mediation at each party's expense if the case has been filed for more than two (2) years.
- B. Private mediation shall be set thirty (30) days prior to the Pre-Trial Conference.

V. PRE-TRIAL CONFERENCE

- A. All properly noticed motions will be argued at the Pre-Trial Conference.
- B. All properly noticed motions outstanding prior to Trial (including Motions *in Limine*) will be heard on the date of the Pre-Trial Conference and are to be noticed for that date and time. **MOTION HEARINGS WILL NOT BE HELD ON THE MORNING OF TRIAL, UNLESS SPECIFIED BY JUDGE IRVING.**
- C. The party submitting the Motion(s) must e-mail a copy of the Motion(s) to the Law Clerk and by whatever method desired (e-mail, mail) to the opposing counsel within fifteen (15) working days prior to the Pre-Trial Conference date. The opposing counsel must submit a response, if desired, to the Judge's office by e-mail within ten (10) working days prior to the Pre-Trial Conference date.
- D. At the Pre-Trial Conference, the following will be required:
 1. A completed Pre-Trial Order;

2. A copy of each party's Jury Instructions. Counsel should attempt to present an agreed set of jury instructions at the Pre-Trial Conference;
3. A listing of all Trial Exhibits;
4. Fact Witnesses;
5. Expert Witnesses; and
6. Depositions to be used at trial.

VI. TRIALS

A. Trials will be set as follows:

1. All parties may agree to a trial date by contacting the Court Administrator to request available trial date(s).
2. Attorney initially requesting trial date is to circulate an Agreed Order Setting Trial Date, also listing a Pre-Trial Conference date in said Order, with all counsel signing in pen and ink signature.
3. Submit the Agreed Order Setting Trial Date to Judge Irving for her review and approval.

B. The requesting party may schedule a motion hearing to set a trial date.

1. Attorney requesting hearing date will notice all parties and provide the Court Administrator with a copy of the Notice of Hearing. **The motion will not be placed on the Court's Motion Day docket until the Court Administrator receives the Notice of Hearing.**
2. At hearing, Judge Irving will hear all parties and determine when the matter should be set for trial.
3. Attorney requesting hearing date is to prepare an Order on the Judge's ruling as to trial date.

C. At the Status Hearing, the Court may set the matter for trial and notify all parties through court order.

D. The first day of trial will begin at 9:00 a.m.

E. Trials will proceed until conclusion with Judge Irving setting the times for beginning and ending on each day. All parties are expected to work outside of

the normal working hours during the progress of a trial to ensure the most efficient use of time.

- F. If the parties reach a settlement during jury selection or trial, Judge Irving may divide the costs of the jury between the parties.

VII. CONTINUANCES

- A. Any continuances of a trial setting are approved by the Judge only, through the requesting party's motion for a continuance and setting of hearing on the same, if needed. (See III. Motion Hearings). If so granted by the Judge, the requesting party is to submit an Order of Continuance to the Court within ten (10) working days of the motion hearing date with counsel signing in pen and ink.

VIII. SETTLEMENT

- A. In the event of settlement, the Attorneys are to contact the Court Administrator in writing, either via U.S. mail or e-mail. At that time, the case will be noted as being settled; however, the case will not be removed from the Court's active docket until the receipt and entry of the Final Order of Dismissal, Final Judgment, etc.
- B. In the event that an Order of Dismissal or Final Judgment, etc., is not received within one month of the notification of settlement, the Court will set a Show Cause Hearing to ascertain why the Order or Judgment has not been entered and enter its own Order of Dismissal Without Prejudice if the parties do not respond to the Show Cause Hearing.

IX. EXPUNGEMENTS

- A. Only agreed orders for expungements should be sent to the Judge's Office with the attorney and District Attorney's signatures.
- B. If the expungement is not agreed to by the District Attorney, the parties should follow the procedure above for setting it for hearing on the Court's Motion Day docket.