

**PROCEDURES FOR PRETRIAL MATTERS, TRIAL, MEDIATION and
REFERRALS IN CIVIL CASES**
Judge Tomie Green

SETTING MOTION HEARINGS

1. Motions must be filed with the Hinds County circuit clerk, with a copy to the court. Hearings are not automatically granted. The court may decide the issue(s) based on the submitted pleadings. Responses to motion must be filed within ten(10) days of receipt of the motion. Should the court require a motion hearing, the party filing the motion shall be notified by the court. Thereafter, the moving party shall be responsible for serving notice of the hearing on all parties to the action. A copy of the notice shall also be sent to the court.

2. If a moving party cancels, postpones or fails to appear for a motion hearing, the motion must be refilled in order for the court to reset the matter and take any action on the motion. A party against whom a motion is filed who does not timely respond to the motion or who fails to appear for a hearing runs the risk of having the court consider the motion confessed. ALL PARTIES MUST AGREE in order for a motion to be canceled, postponed or removed from the motion docket.

3. TELEPHONIC HEARINGS are sparingly granted by the court. Once granted, a requesting party must give notice to all parties of the date and time of the telephone conference. Telephonic hearings are generally restricted to emergency matters and/or unusual circumstances. The court will not meet with one party in person while conferring with other parties on the phone.

DISCOVERY DISPUTES

4. In accordance with the Rules of Civil Procedure and local rules, good faith efforts must be made to settle discovery disputes. Non-prevailing parties in motion to compel will be subject to assessment of expenses and/or attorney fees.

5. Discovery is intended to assist litigants in obtaining all non-privileged information reasonably calculated to lead to the discovery of admissible evidence. All of the rules of MRCP, including those of discovery, are designed to ensure the "just, speedy, and inexpensive determination of every action."

6. Standard boilerplate objections, such as repeating the litany that "the request is overly broad, burdensome, oppressive, and irrelevant," is no response at all, and, upon motion to compel, will result in imposition of sanctions, including attorney fees, under MRCP Rule 37(4). Rather, the objecting party must state specifically how each interrogatory is not relevant or how each question is overly broad, burdensome or oppressive.

7. Motions to compel discovery must comply with 37 MRCP, and Rule 4.04(c), URCCC. Failure to act in good faith to provide discovery and/or to act in good faith in resolving discovery disputes to avoid unnecessary time and resources expended by the Court will result in the imposition of sanctions.

8. PROTECTIVE ORDERS: The court does not sign blanket protective orders that potentially cover all or most discovery. Discoverable documents and/or information are generally not subjects for protective orders. However, where parties agree regarding the confidentiality or sensitivity of documents and/or information, the court will consider executing narrowly drafted Confidentiality Agreements.

AMENDMENTS

9. The court grants motions to AMEND freely. As such, agreement of the parties on this issue may be submitted as agreed orders without the necessity of hearing. Should a party refuse to agree to an amendment, the amending party may seek redress by motion with the court.

PRESENTATION OF ORDERS

10. Orders unaccompanied by a cover letter OR orders left or mailed to the circuit clerk's office will not be signed by the court. Orders must be presented directly to Judge Green's court administrator as required by the local rules.

SCHEDULING, PRETRIAL AND TRIAL ORDERS

11. In all cases filed after January 1, 1999, an agreed scheduling order must be submitted to the court for approval. Thirty (30) days after the defendant or the last of the defendants has responded to Plaintiff(s)'s complaint, Plaintiff(s) shall initiate the filing of an agreed scheduling order. Any party who fails, without just cause, to agree to a scheduling order shall be subject to sanctions by the court.

12. The court sets all cases for trial by COURT ORDER. Pretrial orders must be submitted to the court not later than thirty (30) days before the date of trial.

13. Failure to appear for trial, without notice of a settlement or without securing an order of continuance may be sanctioned by the court. Agreement of the parties does not guarantee a continuance of a trial.

14. Parties shall notify the court immediately of all case settlement, so as to avoid unnecessary jury costs for the county and taxpayers. Notification may be by mail, telephone, e-mail and/or fax communication.

MEDIATION REFERRALS

15. Mediation is most effective and will generally be ordered after the first discovery deadline. Dispositive motions should not be filed before meaningful mediation, voluntary or court ordered. All parties must make good faith efforts to resolve the action through mediation, in accordance with the mandates of the Mississippi Supreme Court. The parties must notify the court within 10 days of the disposition of the mediation.

REFERRAL TO COUNTY COURT

16. In order for the court to appoint a Hinds county court judge for trial in a case, the parties must file an agreed request, by motion, to the court. A proposed "Order Assigning Acting Circuit Court Judge" granting the relief sought pursuant to Section 9-9-35, Miss. Code Ann. (1972) must accompany the parties' motion. The must identify the county judge who has agreed to sit as the "Acting Circuit Judge". A motion requesting referral to a county court judge must be specific and justify the reasons for the request. Agreement of the parties to have a case heard by a county court judge does not require the court to order the relief sought. Appeals after the referral or transfer to the "Acting Circuit Judge" will be to the Mississippi Supreme Court.

COURTROOM TECHNOLOGY ("ELMO")/COURT REPORTER

17. Any party who wishes to plug any mechanism into the Court's ELMO System must first get the approval of the Court.

18. The Court maintains the ONLY official court reporter for all cases. With the exception of criminal cases, the court reporter is not available for pretrial matters. Requests and payment for the court reporter in pretrial matters must be made in writing at least 48 hours before a hearing.

19. The court reporters are available to provide any party daily copy during trial. With the exception of criminal cases, the court does not transcribe opening and closing statements, voir dire or instruction conferences. A party who desire a transcription of these proceedings or who want daily copy must make arrangement with the court reporter to transcribe the same. Cost of this service will be borne by the party making the requests and not the county.

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