CIVIL CASE
POLICIES & **PROCEDURES**
for
JUDGE **BOBBY B. DeLAUGHTER**
(These will be updated periodically & available online at www.co.hinds.ms.us)

Attorneys who are professional, courteous to court personnel, straightforward, and prepared will not have any problem in Judge DeLaughter's court. The following policies are listed to help the attorneys in their preparation and will answer many questions. Attorneys should not, however, hesitate to contact Judge DeLaughter's court administrator, Jamie McCoy, for further information and assistance.

TRIAL SETTINGS & CONTINUANCES

A copy of any answer filed must be provided to the court administrator. The Court will then select a trial date that follows the date for completion of discovery required by Rule 4.04, URCCC, but prior to the deadline established by the Mississippi Supreme Court in its Time Standards for Trial Courts Order, and enter an order accordingly, with copies provided to all counsel of record.

In the event any attorney has a conflict with the assigned trial date, the court administrator must receive notice thereof within ten (10) days from the date of entry of the Court's order. In such event, counsel with the conflict must, within fifteen (15) days from the date of entry of the Court's order, arrange a conference call between the court administrator and counsel for all other parties for the purpose of selecting an alternative trial date, failing in which the trial date originally selected by the Court shall remain firm.

Thereafter, the Court will consider motions for continuance only for emergencies or other unforeseen or exigent circumstances.

While the Court will attempt to accommodate counsel with conflicts, said counsel should be prepared to provide information concerning the case in conflict, the nature of the case, the court in which it is to be tried, the date counsel became aware of the trial setting in the other case, the expected duration of trial, and the prospects of settlement.

In rescheduling a trial, the Court will be more likely to advance the setting on the Court's docket than postponing it.

DISCOVERY

Rule 4.04, URCCC, mandating that discovery be completed within ninety (90) days of an answer being filed, will be strictly enforced. Discovery deadlines are not mere suggestions and may not be extended by agreement of the parties, but only by order of the Court and then only upon a showing for good cause. Simply reciting that the attorneys are in agreement to extend discovery is not "good cause shown."

Nor does Rule 4.04 extend discovery under the MRCP regarding expert witnesses. Responses to discovery requests concerning experts are to be provided within thirty (30) days, and if not then known must be "seasonably" supplemented. Any supplementation within sixty (60) days or less of trial will be considered *per se* unseasonable. A trial continuance does not automatically extend or renew the time in which to disclose experts.

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." Therefore, the Court will liberally construe and enforce discovery requests for all parties.

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 the 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.

Motions to compel discovery must comply with Rule 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 imposition of sanctions.

SUMMARY JUDGMENT

The Mississippi Supreme Court has repeatedly condemned summary judgment in all but the most clear-cut cases. Consequently, it is rarely appropriate and results in unnecessary time and resources expended by the Court as well as the opposing party. Thus, non-prevailing parties/attorneys in motions for summary judgment will be assessed costs and/or attorney fees in accordance with Rule 56(h), MRCP.

MOTIONS

The Court has designated Friday mornings to hear-motions. Motions requiring testimony and those for summary judgment are usually scheduled for hearing between court terms. All motions should conspicuously state on the first page whether oral argument is requested. Only those motions to be argued should be set and noticed for hearing. If no argument is requested, the motion should be noticed for "as soon as counsel may be heard."

No motion will be set for hearing until a "stamped filed" copy of the motion and any supporting brief is provided to the court administrator. Any briefs submitted should not exceed twenty (20) pages and should not be filed with the circuit clerk.

At the time a motion is set with the court administrator, the attorney setting the motion should have previously confirmed the date and time for the hearing with opposing counsel.

It is the responsibility of the attorneys to advise the court administrator whether there will be any testimony presented at the hearing and, if not, whether the court reporter's presence is requested. The court administrator will assume that no court reporter is needed for motions unless informed to the contrary.

Except for good cause shown, motions in limine will not be heard the day of, or during the course of, trial.

The court administrator should be notified of any cancellation of any hearing no later than 5:00 p.m., on the Wednesday before the motion is scheduled to be heard, since the Court customarily prepares for its motions several days in advance. Thus, failure to notify the court administrator of any cancellation may result in imposition of sanctions.

Telephonic hearings are restricted to emergency matters and/or other unusual circumstances. Thus, they will rarely be granted. Once granted the requesting attorney must give notice to all other counsel of the date and time such conference call will be made.

Motions to amend pleadings will be liberally granted. Such motions do not need to be set for hearing. The movant may provide a proposed order granting such leave, along with a copy of-the motion, to the Court Administrator. Any party objecting to the amendment may raise the issue with the Court by motion for reconsideration. **In** considering such a motion, the burden of persuasion will be on the original movant.

ORDERS

Orders must be presented directly to the court administrator as required by local rules. The Court will not sign orders left at or mailed to the circuit clerk's office. An attorney for each party must sign all agreed orders.

JURY INSTRUCTIONS

Jury instructions must bear the caption, style and number of the case. Centered and below the style must appear, in all capital letters, "JURY INSTRUCTION NO. No other title or subtitle of the document (such as "Proximate Cause") should appear thereon.

Each instruction must be numbered on the bottom right corner (such as P-1 or D-1), in accordance with Rule 2 of the local rules.

It is permissible, but not necessary, to include citations of authorities in support of instructions. However, such citations, if any, should be on a separate page attached to the back of the instruction to which they pertain. Under no circumstance should the citations appear on any part of the instruction itself.

Jury instructions must be filed, with copies provided to the Court as well as opposing counsel, at least 24 hours prior to the trial, and preferably sooner to assist the Court in its responsibility to completely and accurately instruct the jury on the applicable issues of law.

Jury instructions must be submitted in printed (hard copy) and electronic disk format. Disks must be compatible with Microsoft Word '97 or later and must be labeled, including the style and number of the case.

SETTLEMENT

Counsel must notify the court administrator immediately in the event of settlement so as to avoid unnecessary preparation by the Court as well as jury costs. Notification may be by letter, telephone, fax, or e-mail. Failure to provide timely notice of settlement may result in imposition of sanctions, including assessment of jury costs.