



State of Mississippi Judiciary

Administrative Office of Courts



Frequently Asked Questions

Office of the Clerk

Can I speak to a judge or a law clerk about my case?

No. The Clerk's Office is the point of contact between litigants and their counsel and the appellate courts.

How long does it take from the filing of my notice of appeal until oral argument?

Most cases are not argued orally; rather they are submitted on the briefs without argument. Cases are normally decided within 270 days following the completion of briefing. If a case is to be argued, it will be argued on a date set by the Court with a notice sent to counsel.

How long does it take for a ruling on my motion for rehearing?

There is no established time for disposition of rehearings.

Did you receive my brief/motion/motion for rehearing etc.?

Pleadings are docketed within 24 hours after receipt. Once docketed, your pleading can be found on the docket for your case through our public docket found [here](#).

What is your address, and how do I get to the court?

The Clerk's Office is located on the first floor in the Carroll Gartin Justice Building on High Street between President and West Streets in Jackson, Mississippi. (We are currently under construction, and during this period, you must enter from George Street which is one block north of High Street.) Our street address is 450 High Street, Jackson, MS 39201, and the Clerk's Office post office address is P.O. Box 249, Jackson, MS 39205. The Clerk's office telephone no. is 601-359-3694. The Clerk's office facsimile telephone no. is 601-359-2407. The first floor security desk telephone no. is 601-359-5068.

What parking is available for visitors?

There is limited parking available in the parking lots along George Street adjacent to the Gartin Building and the Sillers parking garage. Available spaces in these lots are marked "Gartin Visitors." Additional visitor parking is available in designated visitor spaces in the Sillers parking garage which can be entered from President Street just north of High Street.

Can I give you my change of address over the telephone?

No. To ensure that we have the information accurately, you need to send us your address change in writing or through an e-mail to sctclerk@mssc.state.ms.us.

Where do I file my notice of appeal?

You file with the clerk of the trial court which entered the judgment from which you are appealing. Miss. R. App. P. 3(a).

What does it cost to file a notice of appeal?

The filing fee is \$200.00 plus the cost of preparing the record on appeal.

Is there a fee for filing a motion?

A list of fees is found under Clerk on our website.

What is the page limit for my brief?

Except by permission of the court, principal briefs shall not exceed 50 pages, and reply briefs shall not exceed 25 pages. These page limitations exclude pages containing the statement with respect to oral argument, any certificates of counsel, the table of contents, the table of citations, and any addendum containing statutes, rules, or regulations. Miss. R. App. P. 28(g).

When is my brief due/when does my briefing time begin to run?

If you are the appellant, a briefing schedule letter is issued telling you your brief is due 40 days from the date of that letter. This means you either need to personally file it with the clerk's office, or deposit your brief in the mail or give it to a commercial delivery service, e.g., UPS or FedEx, on the 40th day after the letter's date. If you are an appellee, you have 30 days from the appellant's date on the certificate of service (plus an additional 3 days if you are served by mail) to put the appellee's brief in the mail. Reply briefs are due within 14 days of the date on the appellee's brief's certificate of service, Miss. R. App. P. 31. A brief is timely filed if personally delivered or placed in the mail or given to a commercial delivery service on the due date.

How can I get an extension of time to file my brief or a response to a motion?

File a timely written motion asking for the extension. The Clerk can grant an extension initially. After that, only a Justice or Judge may grant an extension.

To whom can I talk about corrections to my brief or my record excerpts?

Please contact the Clerk's Office at 601-359-3694 for assistance.

What title (case caption) should I have on my brief?

The briefing schedule letter notice includes the case title that you should use on your brief.

What color should my brief cover be?

Blue for the appellant’s brief; red for the appellee’s brief; gray for the reply brief. Where there is a cross-appeal, the reply brief of the appellant shall be combined with the brief of cross-appellee, and the cover of that combined brief shall be red. The reply brief of the cross-appellant shall be gray. A brief for an intervenor or amicus curiae shall be green. Miss. R. App. P. 32(a).

What size font should I use in preparing my brief?

At least 12 point type for the text and at least 11 point type in footnotes. Miss. R. App. P. 32(a).

What is wrong with my certificate of service?

Most likely the problem is that you have not complied with Miss. R. App. P. 25 and have not stated the manner of service and given a proper address. A certificate (proof) of service which says that you mailed or delivered the document to “ Mr. John Smith, Anytown, MS” is NOT SUFFICIENT. You must state either that you personally delivered or mailed the document to “Mr. John Smith, 1234 Main Street, Anytown, MS 39201,” or if there is no street address for mailing, you may state the document was mailed to “Mr. John Smith, P.O. Box 345, Anytown, MS 39201.” If you serve a document by fax, you must include the recipient’s fax number in the certificate of service. (You still must mail paper copies of the documents and any required CD’s or diskettes to the clerk’s office).

What do I need to put in my record excerpts?

The record excerpts must include: a true copy of the trial court docket; the judgment or interlocutory order appealed from; any other orders or rulings sought to be reviewed; and all supporting opinions, findings of fact or conclusions of law. In addition, the record excerpts may also include brief extracts from the pleadings, instructions, transcript, or exhibits if they are essential to an understanding of the issues on appeal. See Miss. R. App. P. 30.

How many copies of my:

- a. brief;**
- b. record excerpts;**
- c. motion for rehearing;**
- d. petition for a writ of certiorari;**

do I need to file?

You must file an original and three paper copies of your brief with the Clerk. For a death penalty case, you must file an original and nine paper copies of your brief with the Clerk. The court may require that additional copies be filed. Miss. R. App. P. 31(c). In addition, you must also file an electronic copy of brief with the court. Miss. R. App. 28(m).

You must file an original and three paper copies of your record excerpts. Miss. R. App. P. 30.

For a case decided by the Supreme Court, you must file an original and ten copies of a motion for rehearing. Miss. R. App. P. 40(b).

For a case decided by the Court of Appeals, you must file an original and eleven copies of a motion for rehearing. Miss. R. App. P. 40(b).

You must file an original and ten copies of a petition for a writ of certiorari. There are two required

attachments to the petition: a copy of the opinion and judgment of the Court of Appeals and a copy of the motion for rehearing filed in the Court of Appeals. Miss. R. App. P. 17(b).

How many copies of other motions do I need to file?

An original and four copies. The court may require that additional copies be filed. Miss. R. App. P. 27(d). An original and nine copies are required of filings in cases involving the death penalty.

Does my motion have to have a cover?

No, but the motion must have a caption with the case number, name of the court, title of the case, a brief descriptive title of the motion and identify the party for whom the motion is filed. All motions must be securely fastened (no binder clips, paper clips, or rubber bands).

Do I need to provide the court with a proposed order when I file a motion?

No.

How much time does the clerk or the court have to rule on my motion?

There is no set time limit.

Does my motion for rehearing have to have a cover?

No, but if you choose to put a cover on it, the appropriate color is white. All motions must be securely fastened (no binder clips, paper clips, or rubber bands).

Does my motion for rehearing have to be bound?

No. However, if you choose to do so, we prefer that motions for rehearing, like briefs, be spirally bound but this is not a requirement.

What is the page limitation for my motion for rehearing?

Twenty-five pages unless the appropriate appellate court allows more. Miss. R. App. P. 40(b).

Do I have to send in a CD or diskette with my motion for rehearing?

None is currently required, but you may send in a CD or diskette if you wish.

When may I file a response to another party's motion for rehearing?

Although a response to a motion for rehearing is not required, any such response must be filed with the Clerk within 7 days of the date that the motion for rehearing is filed with the Clerk. Miss. R. App. 40(a). Because any response is due from the date of filing with the Clerk and not from the service of the motion, you do **not** get the three additional days provided by Miss. R. App. P. 26(c).

How much do you charge to copy documents?

The minimum copy fee is \$0.50 per page; \$2.00 per page for copying from bound volumes.

Can you fax copies of briefs to me?

No.

Can you copy an entire case file for me, including the briefs, etc.?

No.

How long does it take for you to send me requested copywork?

If we have the documents in our office, we should be able to send them within 3 working days after we receive your payment.

Where can I get a copy of the court rules?

They can be accessed at the Mississippi Judiciary web site under Rules.

Can I get a copy of the record on appeal (ROA)?

The record may only be checked out to an attorney in good standing with the Court. If you are proceeding without an attorney, the Clerk's Office will assist you with a copy of the record. You are responsible for paying shipment costs.

When will I be notified if my case is set for oral argument?

At least 14 (although usually 30) days before the date set for argument. Miss. R. App. P. 34(c).

Where are the courtrooms?

There are two adjacent courtrooms (an en banc courtroom and a panel courtroom) located on the north end of the second floor of the Gartin Building.

Can you tell me who is on my oral argument panel?

This information is not released until the day of the argument after all counsel for all cases have checked in for oral argument with the Clerk in the courtroom.

How can I get a copy of an opinion?

The Court of Appeals normally issues its decisions on Tuesdays at 1:30 p.m. The Supreme Court normally issues its decisions on Thursdays at 1:30 p.m. The hand down list with hyperlinks to the opinions in pdf format are posted on the web site at 1:30 p.m., and the opinions can be accessed on the web site. A copy of the opinion in WordPerfect format can be found in the zip file which is hyperlinked to the top of each hand down list.

What is the deadline for filing my petition for writ of certiorari asking the Supreme Court to review the judgment of the Court of Appeals?

An original and 10 copies of the petition must be filed with the Clerk within 14 days of the date of entry of judgment by the Court of Appeals on the required motion for rehearing by that court. Miss. R. App. P. 17(b).

You do **not** get the three additional days provided by Miss. R. App. P. 26(c).

What is the page limitation for my petition for writ of certiorari?

Ten pages. In addition, there are two required attachments to the petition: (1) a copy of the opinion and judgment of the Court of Appeals and (2) a copy of the motion for rehearing filed in the Court of Appeals. Miss. R. App. P. 17(b).

What is the deadline for filing a response to another party's petition for writ of certiorari?

A response is not required, but if one is filed, it is limited to ten pages and must be filed within 7 days of the date that the petition was filed with the Clerk. Miss. R. App. P. 17(d). You do **not** get the three additional days provided by Miss. R. App. P. 26(c).

Which clerk issues a cost bill?

After the issuance of the appellate court mandate, the trial court clerk will provide the parties/attorneys of record with a cost bill.

If I have not received payment for a cost bill, what should I do?

Contact the clerk of the trial court in which the action was filed.

How do I get a certificate of good standing?

A letter of request is sent to the Clerk's Office with payment of \$10.00 per copy requested.

How do I apply for admission to practice before the Supreme Court?

The attorney must appear in person with a copy of the chancery court decree and a current bar card or a statement from the Mississippi Bar that payment of the bar fees is current. A payment of \$30.00 is required for admission to practice in the Supreme Court.

When is my amicus brief due?

Miss. R. App. P. 29 specifies that a motion for leave to file an amicus brief with the proposed brief must be filed within 7 days of the filing of the brief being supported.

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