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31 August 2016

Sent by U.S. Mail

Rules Committee on Civil Practice and Procedure
SUPREME COURT OF MISSISSIPPI
Post Office Box 249
Jackson, Mississippi 39205

Re: *Mississippi Rules of Civil Procedure Revision Project*

Dear Committee:

Justice Dickinson's article "Revisiting the Mississippi Rules of Civil Procedure" in the Spring 2016 issue of *The Mississippi Lawyer* inspired me to submit proposed revisions to the Rules. Thank you for extending the deadline in which to do so, and I am enclosing the following:

- (1) A hardcopy of the Rules with suggested revisions;
- (2) A CD containing:
 - . An electronic version of the Rules with suggested revisions in Word and .PDF formats;
 - . An electronic version of the Rules redlined with suggested revisions in Word and .PDF formats; and
 - . An electronic version of the Rules comparing the suggested revisions in blue to the original text in Word and .PDF formats.

The suggested revisions primarily concern grammar and style. In making them, I used the "*Restyled Mississippi Rules of Evidence*" as a resource.

For example, the suggested formatting follows the same "(a), (1), (A), and (i)" structural divisions. They are intended to accomplish similar goals: e.g., using format to achieve clearer presentation; breaking the rules down into constituent parts; and making the Rules easier to read and understand.

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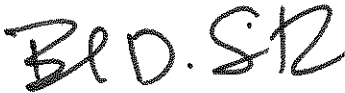
With those goals in mind, the suggested revisions attempt to make some across-the-board changes. For example, the suggested revisions use the word “must” in place of the word “shall.” They employ the active voice rather than the passive voice (e.g., Rule 3: “Filing a complaint with the court commences a civil action” v. “A civil action is commenced by filing a complaint with the court.”). The suggested revisions replace gender-specific pronouns with gender-neutral ones. They substitute the word “alleges” in place of “avers.” Instead of “permitted,” the suggested revisions utilize “allowed.”

In most of these instances, a substantive change is accidental. But in some places, the suggested revisions do intend to make substantive changes. Relying primarily on recent December 2015 amendments to analogous federal rules, in Rule 4(h), for example, the time for service is reduced to 90 days. Rule 26(b) adds proportionality to the scope of discovery. The same policy reasons supporting changes to the federal rules justify amending the Rules.

All grammatical, stylistic, and substantive changes in the suggested revisions intend to catch the Rules up with modern practices. And some of them do so specifically. For example, suggested revisions to Rule 5(b) address a need to accommodate service by email. The suggested revisions delete all forms in the Appendix except Forms 1, 2, 3, and 4 (formerly Form 1A, Form 1AA, Form 1B, and Form 1C).

Rather than list each suggested revision in this letter, I have enclosed bluelined and redlined versions to demonstrate. By proposing the suggested revisions, I hope that at a minimum, I have promoted positive discussion about a serious restyling of the Mississippi Rules of Civil Procedure and helped with the formidable and time-consuming task Justice Dickson’s article discusses. Thank you again for the opportunity to do so.

Sincerely,



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encl: (2)

cc: Hon. Justice Dickinson