

PURSUANT TO RULE 27(f) OF THE MISSISSIPPI RULES OF APPELLATE PROCEDURE, THE RULES COMMITTEE ON PRACTICE AND PROCEDURE SEEKS COMMENTS FROM THE BENCH, THE BAR AND THE PUBLIC ON
THE PROPOSED AMENDMENT TO **RULES 11 AND 28**
OF THE MISSISSIPPI RULES OF APPELLATE PROCEDURE

Comments should be filed with the Clerk of the Supreme Court,
Gartin Justice Building, P.O. Box 249, Jackson, Mississippi 39205-0249.
Deadline: **May 1, 2009.**

MISSISSIPPI RULES OF APPELLATE PROCEDURE

RULE 11. COMPLETION AND TRANSMISSION OF THE RECORD

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(c) Duty of Court Reporter to Prepare and File Transcript.

Upon completion of the transcript the reporter shall certify the transcript as an accurate account of the proceedings and file the original and one copy of the transcript with the clerk of the trial court. The reporter shall simultaneously certify and serve notice of the filing on the parties and on the clerk of the Supreme Court. Additionally, the reporter shall prepare an electronically formatted disk medium (such as USB Flash Drive or CD-ROM) of the transcript filed and shall file the electronic disk medium with the trial court clerk for inclusion in the appellate record. ~~All electronic disks shall be in electronic language capable of transference to other systems, i.e., ASCH, Word Perfect, Ami-PRO, Word, etc.~~ media and electronic files stored thereon must be in an industrial standardized format with the electronic transcript stored in the Adobe Portable Document Format (PDF). All electronic disks media shall be labeled to include the following information:

- (1) style of the case; and,
- (2) number of ~~disks~~ CD-ROMs, i.e., 1 of 2, 2 of 2, etc.; ~~and~~
- (3) ~~the language format.~~

After such filing and service of notice, the trial court clerk may disburse actual fees earned to the court reporter from estimated fees deposited pursuant to Rule 11(b).

Comment

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Rule 11(c) also requires the court reporter to prepare and file with the original transcript a copy of the transcript ~~on electronic disk~~ in an electronically formatted medium . This procedure provides the Supreme Court a copy of the transcript via ~~electronic-disk~~ format for future reference by the Court, if required.

RULE 28. BRIEFS

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(m) Filing of Briefs on Electronic Disk Media. All parties filing a brief on the merits of any case with the Clerk of the Supreme Court shall file with that brief a copy thereof ~~on~~ in an electronically disk formatted medium (such as USB Flash Drive or CD-ROM) , and the Clerk shall receive and file such ~~disk~~ with the papers of that case. All ~~electronic disks media shall be in an electronic language capable of transference to other systems, i.e., ASCII, WordPerfect, Ami-Pro, Word, etc.~~ and electronic files stored thereon must be in an industrial standardized format with the electronic transcript stored in the Adobe Portable Document Format (PDF). All ~~electronic disks media~~ shall be labeled to include the following information:

- (1) the style of the case, and,
- (2) the number of ~~disks~~ CD-ROMs, i.e., “1 of 2, 2 of 2, etc.,” ~~and~~
- (3) ~~the language format.~~

Comment

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The provisions of Rule 28(m) apply only to briefs on the merits of an appeal and not to memoranda and briefs filed in support of or in opposition to motions and petitions seeking less than relief on the merits of appeals. ~~The provision for the filing copies of briefs on electronic disks was made mandatory by amendment to Rule 28(m) adopted effective May 27, 2004. The phrase “electronic disk” includes both CDs and floppy disks.~~