

Bradley

October 30, 2023

FILED

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Mississippi Supreme Court
Rules Committee on Civil Practice and Procedure
c/o Hon. Jeremy Whitmire
Clerk of Appellate Courts
P.O. Box 249
Jackson, MS 39205

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

RE: Public Comments: Proposed Amendments to Miss. R. Civ. P.26


Dear Mr. Whitmire and Members of the Supreme Court Rules Committee:

On behalf of the members of the Mississippi office of our law firm, we write to oppose the proposed amendment to Rule 26 of the Mississippi Rules of Civil Procedure. The proposed amendment would permit plaintiffs to designate "rebuttal experts." This change is not necessary. Under the current version of the rule, all parties are required to supplement their expert opinions, which allows plaintiffs to respond to defendants' expert opinions.

The proposed amendment is not only unneeded; it is also unfair. Allowing plaintiffs to lie in wait and designate "rebuttal experts" places an additional and unfair burden on defendants. Because plaintiffs already have the burden of proof in civil litigation, they should be required to carry that burden by presenting their expert evidence at the beginning of the case.

Finally, allowing additional "rebuttal experts" surely will lengthen the discovery process, as it will require defendants to supplement their expert opinions or designate additional experts.

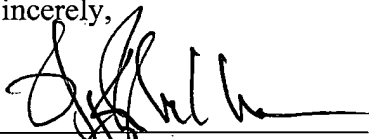
We encourage you to reject this amendment.



Simon T. Bailey



Margaret Oertling Cupples

Sincerely,


Roy D. Campbell, III



J. William Manuel

MOTION# 2018 2403
attachment