

**IN THE SUPREME COURT OF MISSISSIPPI****MISSISSIPPI DEPARTMENT OF  
FINANCE AND ADMINISTRATION, ET AL.****APPELLANT****VS.****NO. 2022-SA-01129-SCT****PARENTS FOR PUBLIC SCHOOLS****APPELLEE****MOTION OF THE CATHOLIC DIOCESE OF BILOXI AND THE CATHOLIC  
DIOCESE OF JACKSON FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN  
SUPPORT OF BRIEF OF STATE APPELLANTS**

Pursuant to Rule 29 of the Mississippi Rules of Appellate Procedure, THE CATHOLIC DIOCESE OF BILOXI AND THE CATHOLIC DIOCESE OF JACKSON (Collectively, "Church") respectfully requests that the Court grant the Church leave to file the attached *Amicus Brief of the Catholic Diocese of Biloxi and the Catholic Diocese of Jackson in Support of Brief of Appellants, Appellants Mississippi Department of Finance and Administration, David McRae, in his official capacity as State Treasurer, and Liz Welch, in her official capacity as State Fiscal Officer* ("State Appellants") (Ex. A). As demonstrated below, The Church meets the criteria set forth in Miss. R. App. P. 29(a) for the Court to accept its *amicus* brief.

1. Miss. R. App. P. 29(a) provides that a motion for leave to file an *amicus curiae* brief shall demonstrate that (1) *amici* have an interest in some other case involving a similar question; or (2) counsel for a party is inadequate or the brief insufficient; or (3) there are matters of fact or law that may otherwise escape the court's attention; or (4) *amici* have substantial legitimate interests that will likely be affected by the outcome of the case and which interests will not be adequately protected by those already parties to the case. The Church respectfully submits that it satisfies criteria three and four for the submission of an *amicus* brief.

2. The Catholic Diocese of Jackson, Mississippi, and the Catholic Diocese of Biloxi, Mississippi are ecclesiastical entities of the Roman Catholic Church. *Amici* are the two (2)

Catholic Dioceses in Mississippi. There are thirteen (13) Catholic schools in the Catholic Diocese of Biloxi. There are twelve (12) Catholic schools in the Catholic Diocese of Jackson.

3. The present appeal raises an important issue under Mississippi law and Federal law regarding whether a court may interpret a state constitutional provision in a manner that violates the First Amendment of the United States Constitution, and discriminates against Catholic and non-public schools. Through its proposed brief, the Church seeks to offer the Court factual and legal perspectives that might otherwise escape the Court's attention with regard to the constitutional ramifications and practical effect of the trial Court's erroneous decision and interpretation of the state constitution. *See, e.g., Taylor v. Roberts*, 475 So. 2d 150, 151 (Miss. 1985) (noting that "purpose of an *amicus curiae* brief is "to call the court's attention to law or facts or circumstances in a matter then before it that may otherwise escape its consideration") (citations omitted). In *Taylor*, this Court held that the Court grants this privilege within its discretion, but generally allows the interested persons or organizations the right to appear in matters of public interest. *Id.*

4. Petitioner alleges it can provide the Court with "matters of fact or law that may otherwise escape the court's attention." MRAP 29(a). In addition, the Church has substantial legitimate interests that will likely be affected by the outcome of the case in that the Church, under the lower court's decision, as written, could potentially jeopardize the Church's private schools' ability to apply for future federal and/or state financial assistance, including for relief in the event of hurricanes, and other disasters, for example, in the aftermath of Hurricane Katrina, or in the event of a global pandemic, and its interest may not be otherwise properly protected by the existing parties.

5. The Church files this brief in the interest of its members to assist this Court in more adequately understanding and resolving the broader issues and consequences of its decision.

6. Based on the above, The Church submits that it satisfies the third and fourth criteria set forth in Rule 29(a) for the Court to grant leave to file an *amicus* brief. The Court should therefore grant the Church's Motion for Leave and accept its brief.

**ACCORDINGLY**, the Church respectfully requests that the Court grant the Church leave to file the attached *Amicus Brief of the Catholic Diocese of Biloxi and the Catholic Diocese of Jackson in Support of Brief of Appellants, Appellants Mississippi Department of Finance and Administration, David McRae, in his official capacity as State Treasurer, and Liz Welch, in her official capacity as State Fiscal Officer.*

RESPECTFULLY SUBMITTED, this 15<sup>th</sup> day of May, 2023.

CATHOLIC DIOCESE OF BILOXI; CATHOLIC  
DIOCESE OF JACKSON

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and the Catholic Diocese of Jackson*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document has been filed electronically with the Clerk of Court via the Court's MEC system and thereby served on all counsel of record who have entered their appearance in this appeal.

This 15<sup>th</sup> day of May, 2023.

*/s/ Christian Strickland*  
CHRISTIAN STRICKLAND