

06/12/97

IN THE SUPREME COURT OF MISSISSIPPI

NO. 89-R -99001 SCT

**IN RE: MISSISSIPPI RULES OF CIVIL PROCEDURE IN ALL
CHANCERY, CIRCUIT AND COUNTY COURTS OF THE STATE**

ORDER

This matter has come before the Court, en banc, upon its own motion, for consideration of amendment to Rule 43(f) of the Mississippi Rules of Civil Procedure in order to assure compliance within Mississippi with the requirements of the Americans with Disabilities Act and regulations adopted pursuant thereto, specifically with respect to the costs of translators for the deaf in court proceedings, and the Court having fully considered the matter finds that, in the interest of justice and the efficient administration thereof, M.R.C.P. 43(f) should be amended as set out in Exhibit "A" hereto.

NOW, THEREFORE, IT IS ORDERED that, effective, upon entry of this Order, M.R.C.P. 43(f) be and the same is hereby amended to read as set out in Exhibit "A" hereto.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this Order upon

the minutes of the Court and shall forthwith forward a true certified copy hereof to West Publishing Company for publication as soon as practical in the advance sheets of *Southern Reporter, Second Series (Mississippi Edition)* and in the next edition of *Mississippi Rules of Court*.

SO ORDERED, this, the _____ day of June, 1997.

MICHAEL SULLIVAN, PRESIDING JUSTICE

FOR THE COURT

EXHIBIT "A"

ORDER AMENDING M.R.C.P. 43(f)

(The underscored text is added to this rule)

(f) Interpreters. The court may appoint an interpreter of its own selection and may fix his reasonable compensation. The compensation shall be paid out of funds provided by law or by one or more of the parties as the court may direct and may be taxed ultimately as costs, in the discretion of the court. However, in the event and to the extent that such interpreters are required to be provided under the provisions of the Americans with Disabilities Act, 42 U.S. C. 12131, *et seq.* or under rules or regulations promulgated pursuant thereto, such compensation and other costs of compliance shall be paid by the county in which the court sits, and shall not be taxed as costs.