

Serial: **113955**

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99027-SCT

***RE: MISSISSIPPI RULES OF
APPELLATE PROCEDURE***

ORDER

This matter is before the Court en banc on the Court's own motion for consideration of the amendment of Appendix III, Section I of the Mississippi Rules of Appellate Procedure to conform that section with Miss. Code Ann. §25-7-89 (Rev. 2004), increasing the fee which may be charged by court reporters for transcripts of testimony and exhibits to testimony. Having considered the matter, the Court finds that such amendment will promote the fair and efficient administration of justice and Appendix III, Section I should be amended as set forth in Exhibit "A" hereto.

IT IS THEREFORE ORDERED that Appendix III, Section I, of the Mississippi Rules of Appellate Procedure is amended as set forth in Exhibit "A" hereto.

IT IS FURTHER ORDERED that the increased fee shall be applicable to all transcripts which are timely filed, without extension sought after the issuance of this order, from and after July 1, 2004. The current rate of \$2.00 per page shall be applicable to all transcripts which are filed prior to July 1, 2004, or which, if filed timely, without extension sought after the issuance of this order, should have been filed prior to July 1, 2004.

IT IS FURTHER ORDERED that in instances where, prior to the issuance of this order, estimates of costs for transcripts due from and after July 1, 2004 have been made based on \$2.00, the reporter may notify the appellant that the increased rate is applicable. Within seven days after receipt of such notice, the additional deposit shall be made as otherwise provided in M.R.A.P. 11(b)(1). If such additional deposit is not timely made, the reporter may make application to increase the deposit as provided in M.R.A.P. 11(b)(2).

IT IS FURTHER ORDERED that the Clerk of this Court shall forthwith forward a true copy of this order to each official court reporter.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this Order upon the minutes of the Court and shall forward a true copy hereof to West Publishing Company for publication in the next edition of the *Mississippi Rules of Court* and in the *Southern Reporter, Second Series, (Mississippi Edition)*.

SO ORDERED, this the 28th day of May, 2004.

/s/ William L. Waller, Jr.

WILLIAM L. WALLER, JR., PRESIDING JUSTICE

DIAZ, J., NOT PARTICIPATING.

EXHIBIT “A” TO ORDER

MISSISSIPPI RULES OF APPELLATE PROCEDURE

APPENDIX III

MISSISSIPPI SUPREME COURT RULES GUIDELINES FOR COURT REPORTERS

I. TRANSCRIPTS - HOW PREPARED

Transcripts of all administrative and judicial proceedings shall be uniform in and for all state courts throughout the State of Mississippi. The form, size, spacing and method of transcript preparation are as follows:

(a) All proceedings shall be typewritten only on one side of every leaf of paper eight and one-half (8 1/2) inches wide and eleven (11) inches long, prepared for binding at the left margin. The purpose of this requirement is to facilitate a system-wide transfer from legal size paper to letter size paper effective July 01, 1993. *See* M.R.A.P. 11, 32, and M.R.C.P. Rule 7. Voluntary compliance with this Rule is to begin January 01, 1993; mandatory compliance will become effective July 01, 1993.

The cost of transcription shall be two dollars forty cents (\$2.40) ~~two dollars (\$2.00)~~ per page. The court reporter shall make an electronic disk of the transcript. No charge shall be made for the electronic disk or for the copy of the transcript provided for under Section II of this Appendix.

...[The remainder of Appendix III, Section I remains unchanged]

[Amended effective June 3, 2004.]

Comment

Miss. Code Ann. § 25-7-89 (Rev. 2004) establishes the rate to be charged by the court reporters for transcripts at \$2.40 per page. Under the statute, the reporter is also required to file with the clerk an additional copy of the transcript at no additional charge.

[Adopted effective June 3, 2004.]