

Serial: 231561

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99001-SCT

**FILED**

MAY 05 2020

***IN RE: THE RULES OF CIVIL  
PROCEDURE***

OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

**EN BANC ORDER**

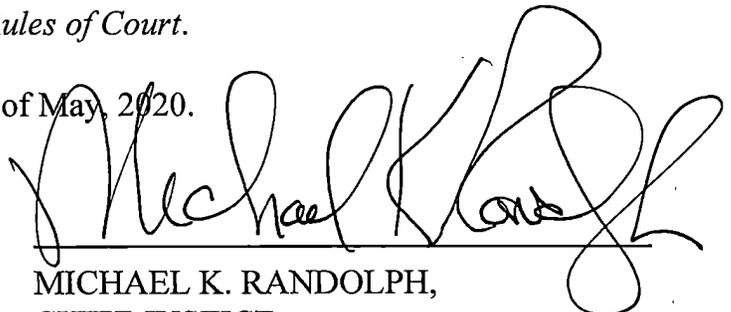
Before the en banc Court is the Motion to Amend M.R.C.P. 63 (Motion No. 2019-4626), filed by the Advisory Committee on Rules.

After due consideration, we find that the motion should be granted.

IT IS THEREFORE ORDERED that the Motion to Amend M.R.C.P. 63 is granted. Rule 63 is amended as set forth in the attached Exhibit A. The amendment shall be effective on July 1, 2020.

IT IS FURTHER ORDERED that the Clerk of this Court must spread this order upon the minutes of the Court and send a certified copy to West Publishing Company for publication in the advance sheets of *Southern Reporter, Third Series (Mississippi Edition)*, and in the next edition of the *Mississippi Rules of Court*.

SO ORDERED, this the 5 day of May, 2020.



MICHAEL K. RANDOLPH,  
CHIEF JUSTICE  
FOR THE COURT

ALL JUSTICES AGREE.

EXHIBIT A

**RULE 63. ~~DISABILITY OF A JUDGE'S~~ INABILITY TO PROCEED**

**(a) During Trial.** If for any reason the judge before whom an action has been commenced is unable to proceed with the trial, another judge regularly sitting in or assigned under law to the court in which the action is pending may proceed with and finish the trial upon certifying in the record that he has familiarized himself with the record of the trial; but if such other judge is satisfied that he cannot adequately familiarize himself with the record, he may in his discretion grant a new trial.

**(b) After Verdict or Findings.** If for any reason the judge before whom an action has been tried is unable to perform the duties to be performed by the court after a verdict is returned, or after the hearing of a nonjury action, then any other judge regularly sitting in or assigned under law to the court in which the action was tried may perform those duties; but if such other judge is satisfied that he cannot perform those duties, he may in his discretion grant a new trial.

[Amended effective July 1, 2020.]

**Advisory Committee Historical Note**

Effective July 1, 2020, the caption for Rule 62 was amended to refer to a judge's inability to proceed rather than a judge's disability.