

89-R-99001

FILED
SEP 06 2019
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SUPREME COURT
COURT OF APPEALS

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

IN RE: AMENDMENT OF M.R.C.P. 30

MOTION TO AMEND M.R.C.P. 30

Comes now the Supreme Court Advisory Committee on Rules, pursuant to M.R.A.P. 27(f), and moves the Mississippi Supreme Court to amend M.R.C.P. 30(c) as discussed below. The amendment requires that objections be stated concisely and non-argumentatively. The amendment also specifies the limited instances in which a deponent may be instructed not to answer a question during a deposition.

Rule 30. Depositions Upon Oral Examinations

(a) When Depositions May Be Taken.

(b) Notice of Examination: General Requirements; Special Notice; Non-Stenographic Recording; Production of Documents and Things; Deposition of Organization.

(c) Examination and Cross-Examination; Record of Examination; Objections.

Examination and cross-examination of witnesses may proceed as permitted at the trial. The testimony of the witness shall be recorded either stenographically or as provided in subsection (b)(4) of this rule. If requested by one of the parties, the testimony shall be transcribed upon the payment of the reasonable charges therefor. All objections made at the time of the examination to the qualifications of the person taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted upon the transcription or recording. Evidence objected to shall be taken subject to the objections. An objection must be stated concisely and in a nonargumentative and nonsuggestive manner. A person may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation ordered by the court, or to present a motion to limit or terminate the deposition under M.R.C.P. 30(d). In lieu of participating in the oral examination, parties may serve written questions on the party taking the deposition, who shall propound them to the witness and see that the answers thereto are recorded verbatim.

(d) Motion to Terminate or Limit Examination.

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(e) Submission to Witness; Changes; Signing.

(f) Certification; Exhibits; Copies; Notice of Filing.

[Amended effective March 1, 2989; July 1, 1997, _____].

Advisory Committee Historical Note

Effective _____, M.R.C.P. 30(c) was amended to require that objections be stated concisely and non-argumentatively and to specify the limited instances in which a deponent may be instructed not to answer a question.

Effective July 1, 1997, Rule 30(b)(7) was amended to correct the reference to Rule 45. 689-692 So. 2d XLIX (West Miss. Cas. 1997).

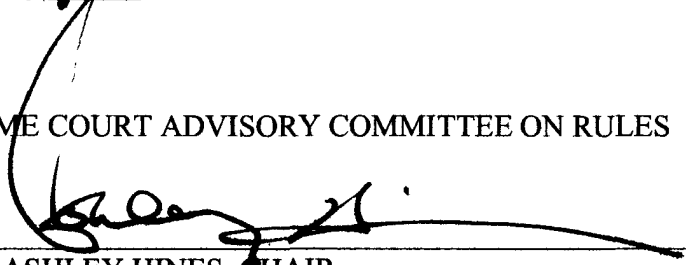
Effective March 1, 1989, Rule 30 was amended to abrogate the requirement that the party taking a deposition out of state pay certain expenses of the other party incident thereto. 536-538 So. 2d XXV (West Miss. Cas. 1989).

The Committee believes this amendment will reduce disputes during depositions. The amendment is consistent with F.R.C.P. 30(c)(2). The motion to amend M.R.C.P. 30 was unanimously approved by the Committee on November 2, 2018.

The Supreme Court Advisory Committee on Rules therefore moves that the above proposed amendment to M.R.C.P. 30 be considered by the Mississippi Supreme Court.

SO MOVED, this the 6th day of September, 2019.

SUPREME COURT ADVISORY COMMITTEE ON RULES



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