

Serial: 126579

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99018-SCT

***RE: RULES OF PROFESSIONAL
CONDUCT***

ORDER

This matter is before the Court, en banc, on the Mississippi Bar's Petition to Permit Attorneys Not Licensed to Practice Law in Mississippi to Provide Emergency Pro Bono Legal Assistance. The petition seeks limited authority for attorneys from other jurisdictions not licensed in Mississippi to render legal assistance to victims of hurricane Katrina through the Mississippi Bar Young Lawyers Division Disaster Legal Assistance Program. Having considered the petition, the Court finds that the extraordinary circumstances faced by the victims of hurricane Katrina require emergency action and that the petition should be granted to the extent set forth herein. Practice authorized by this order is distinguished from and supplemental to practice pro hac vice in courts and agencies regulated under Rule 46 of the Mississippi Rules of Appellate Procedure. Furthermore, legal services authorized hereunder are those services identified and defined in the Agreement Between the American Bar Association on Behalf of Its Young Lawyers Division and Office of Disaster Assistance Programs Federal Emergency Management Agency Concerning Disaster Legal Services.

IT IS THEREFORE ORDERED that attorneys in good standing in sister states of the United States or its territories are authorized to provide temporary emergency pro bono legal

assistance to persons residing in Mississippi on August 29, 2005, arising out of or related to rights, remedies, claims, defenses, injury or damages resulting from hurricane Katrina or its aftermath or evacuation pursuant to official warnings regarding hurricane Katrina, but only through the Mississippi Bar Young Lawyers Division Disaster Legal Assistance Program.

IT IS FURTHER ORDERED that attorneys providing services under the authority of this order shall first present to the Mississippi Bar an affidavit containing the following:

- (a) the attorney's full name, firm name, residence address, principal business address, telephone numbers, jurisdiction or jurisdictions in which the attorney is admitted, and bar identification numbers;
- (b) affirmation that the attorney is duly licensed and in good standing and authorized to practice law in each stated jurisdiction and that the attorney's license is not subject to suspension or restriction;
- (c) affirmation that in performing all services under the authorization of this order, the attorney will be acting as a volunteer for the Mississippi Bar Young Lawyers Division Disaster Legal Assistance Program;
- (d) affirmation that all services to be performed will be at no charge or expense to the client;
- (e) affirmation that the attorney will abide by the Mississippi Rules of Professional Conduct and consents to jurisdiction of the State of Mississippi for disciplinary action; and
- (f) affirmation that the attorney will not undertake to represent any person other than an eligible legal assistance client under the Mississippi Bar Young Lawyers Division Disaster Legal Assistance Program, shall not offer to provide legal assistance in this State to any person or for any matter other than through the program, and shall not hold himself or herself out in this State to be authorized to provide legal services to any person or for any matter other than through the Mississippi Bar Young Lawyers Division Disaster Legal Assistance Program.

IT IS FURTHER ORDERED that upon receipt of any such affidavit from any attorney, the Mississippi Bar may issue to that attorney a certificate identifying that attorney as a participant authorized to offer legal services through the Mississippi Bar Young Lawyers Division Disaster Legal Assistance Program. The Bar shall maintain the affidavits and true copies of all certificates and present them to the Supreme Court upon request of the Clerk of the Court at such time or times as the Clerk may state.

IT IS FURTHER ORDERED that “attorney” as used herein shall extend to individuals, partnerships, associations, professional corporations, limited liability companies and other legal entities recognized by the laws of the State of Mississippi and authorized to provide services hereunder.

IT IS FURTHER ORDERED that attorneys providing services under authority of this order shall not be deemed to be engaged in the unauthorized practice of law as defined by Miss. Code Ann. Section 73-3-55 as amended, the Rules of Professional Conduct, and pertinent case law.

IT IS FURTHER ORDERED that the authorization of those who offer services by this order shall continue until terminated by further order of the Court.

SO ORDERED, this the 9th day of September, 2005.

/s/ James W. Smith, Jr.

JAMES W. SMITH, JR., CHIEF JUSTICE
FOR THE COURT

DIAZ, J., NOT PARTICIPATING.