

Serial: **221374**

IN THE SUPREME COURT OF MISSISSIPPI

No. 2018-BD-01029-SCT

THE MISSISSIPPI BAR

Petitioner

v.

JOHN W. LEE JR.

Respondent

ORDER OF DISBARMENT

This matter is before the Court *en banc* on the Mississippi Bar's Motion to Accept the Irrevocable Resignation of John W. Lee Jr. After due consideration, the Court finds the Motion is well taken and should be granted.

On July 17, 2018, the Mississippi Bar filed a formal complaint against Lee, seeking to disbar Lee after he pled guilty to one count of felony tax fraud in the United States District Court for the Southern District of Mississippi. Lee filed a Notice of Irrevocable Resignation on July 20, 2018. In it he noted that this matter is the only disciplinary matter pending against him and that he no longer wished to defend this matter. Lee also requested permission to irrevocably resign with prejudice from the Mississippi Bar. The Mississippi Bar then moved the Court to accept Lee's resignation, confirming that this matter is the only disciplinary action pending against Lee.

"This Court has exclusive and inherent jurisdiction regarding the discipline of attorneys as promulgated in the Rules of Discipline for the Mississippi State Bar." *In re Keenum*, 63 So. 3d 552 (Miss. 2011) (quoting *In re Peters*, 22 So. 3d 266, 267 (Miss.

2009)). “We conduct a de novo review in cases involving the discipline of attorneys.” *Id.* (quoting *In re Peters*, 22 So. 3d at 267).

Rule 10.5 of the Mississippi Rules of Discipline provides:

An attorney may tender an irrevocable resignation to either the Court or the Tribunal. Such a resignation shall acknowledge each and all disciplinary matters then pending, provide the docket number or numbers, state that the attorney does not desire to defend, and request permission to resign with prejudice from the Bar. Upon receipt of such a resignation, and any response that the Bar may elect to file, the disciplinary proceedings shall terminate and either the Court or the Tribunal shall enter its order accepting the resignation, revoking the attorney’s license, and barring forever thereafter the attorney’s right to seek reinstatement to the privilege of practicing law in this state. Such a resignation and order shall be considered disciplinary action, and the resignation shall be considered tantamount to the proof of guilt on the matter charged.

M.R.D. 10.5.

After due consideration, the Court finds that Lee filed his Notice of Irrevocable Resignation in compliance with Mississippi Rule of Discipline 10.5. Further, the Mississippi Bar is entitled to the relief it seeks.

IT IS THEREFORE ORDERED that the Mississippi Bar’s Motion to Accept the Irrevocable Resignation of John W. Lee Jr. is granted.

IT IS FURTHER ORDERED, ADJUDGED and DECREED as follows:

1. The Court hereby accepts John W. Lee Jr.’s resignation with prejudice from the Mississippi Bar, and such resignation is tantamount to proof of guilt on the matter charged;
2. The Court hereby revokes John W. Lee Jr.’s license to practice law in the State of Mississippi;
3. The Court hereby bars John W. Lee Jr. from seeking reinstatement to the privilege of practicing law in the State of Mississippi in the future;

4. The Clerk of the Court shall forward an attested copy of this order to John W. Lee Jr. and to the Executive Director of the Mississippi Bar;
5. John W. Lee Jr. shall, within thirty days following entry of this order, notify clients and affected courts of his resignation from the Mississippi Bar, properly disburse all funds he may hold in trust, and comply with all other requirements applicable under Rule 11 of the Mississippi Rules of Discipline;
6. John W. Lee Jr. shall, within forty-five days following entry of this order, file an affidavit with the Court stating that all of his clients have been notified of his resignation from the Mississippi Bar and his consequent inability to practice law in Mississippi, and that he has fully complied with all applicable requirements set forth in Rule 11 of the Mississippi Rules of Discipline, as well as the requirements of this order;
7. Failure to comply with this order may be punished as contempt and may constitute a separate ground for disciplinary action;
8. The Clerk of the Court shall immediately forward an attested copy of this order to the Clerks of the United States District Courts for the Northern and Southern Districts of Mississippi, the Clerk of the United States Court of Appeals for the Fifth Circuit, and the Clerk of the Supreme Court of the United States; and
9. Costs of the formal complaint shall be and are hereby assessed to John W. Lee Jr.

SO ORDERED, this the 17th day of October, 2018.

/s/ Robert P. Chamberlin

ROBERT P. CHAMBERLIN, JUSTICE
FOR THE COURT

NOT PARTICIPATING: RANDOLPH AND KITCHENS, P.JJ.