

IN THE SUPREME COURT OF MISSISSIPPI

NO. 2001-BD-01202-SCT

THE MISSISSIPPI BAR

v.

MELINDA KAY TURNAGE

ORDER OF SUSPENSION

¶1. This matter came before the Court en banc on Formal Complaint filed by The Mississippi Bar seeking discipline against Melinda Kay Turnage under the provisions of Rule 13 of the Rules of Discipline for the Mississippi Bar. Turnage is an attorney subject to the disciplinary jurisdiction of the Court. On or about June 22, 2001, the Louisiana Supreme Court suspended Ms. Turnage from the practice of law in Louisiana for a period of one year and one day for her violation of Rules 1.3 (lack of diligence), 1.4 (failure to communicate), 1.16(a) (failure to properly withdraw from legal representation), 3.4(c) (failure to comply with Tribunal orders), 8.1(b) (failure to respond to a lawful demand for information from a disciplinary authority), 8.1(c) (failure to cooperate with the Louisiana Office of Disciplinary Counsel in its investigation), 8.4(a) (violating the Rules of Professional Conduct), 8.4(d) (engaging in conduct prejudicial to the administration of justice) and 8.4(g) (failure to cooperate with the Louisiana Office of Disciplinary Counsel), of Louisiana's Rules of Professional Conduct. Filed with the formal complaint is a certified copy of the Order entered by the Louisiana Supreme Court, which constitutes conclusive evidence of Turnage's guilt.

¶2. The Mississippi Bar served Ms. Turnage by mail at her last known address with copies of the Summons, Notice of respondent and the Formal Complaint. Turnage has filed no answer nor has she otherwise responded.

¶3. The disciplinary sanctions imposed by the Louisiana Supreme Court are grounds for disciplinary action in this state. Rule 13 of the Rules of Discipline for the Mississippi Bar reads in sum:

Rule 13. DISCIPLINE IN ANOTHER JURISDICTION

When an attorney should be subjected to disciplinary sanctions in another jurisdiction, such sanction shall be grounds for disciplinary action in this state, and certification of such sanction by the appropriate authority of such jurisdiction to the Executive Director of the Bar or to the Court, shall be conclusive evidence of the guilt of the offense or unprofessional conduct on which said sanction was ordered, and it will not be necessary to prove the grounds for such offense in the disciplinary proceeding in this state. The sole issue to be determined in the disciplinary proceeding in this state shall be the extent of the final discipline to be imposed on the attorney, which may be less or more severe than the discipline imposed by the other jurisdiction.

(13.1) Upon receipt by the Executive Director of a certified copy of disciplinary sanctions imposed

by the bar or a court in another jurisdiction or by a Mississippi trial court or local bar association upon an attorney subject to these rules, the Executive Director shall immediately docket same as a complaint, charge or grievance and shall immediately forward the matter to Complaint Counsel. Complaint Counsel shall present the certified copies of the disciplinary action of the other court or Bar to the Court wherein the sole issue to be determined shall be the extent of final discipline to be imposed on the attorney in this state, which discipline may be less or more severe than the discipline imposed by the other jurisdiction.

¶4. In this instance, we agree with the sanctions imposed by the Louisiana Supreme Court. However, we reserve the right to impose sanctions as determined by this Court on a case by case basis.

¶5. IT IS THEREFORE ORDERED as follows:

¶6. 1. Melinda Kay Turnage is hereby suspended from the practice of law in the State of Mississippi for a period of one year.

¶7. 2. The Clerk of the Supreme Court of Mississippi shall immediately forward to the attorneys of record for each party herein a copy of this Order of Suspension, and shall send Ms. Turnage's copy by certified mail, return receipt requested.

¶8. 3. The Clerk shall immediately forward an attested copy of this Order of Suspension to the Clerks of the United States District Court, Northern and Southern Districts of Mississippi, to the Clerk of the United States Court of Appeals for the Fifth Circuit, and to the Clerk of the Supreme Court of the United States.

¶9. 4. The Clerk shall immediately forward an attested copy of this Order of Suspension to the Executive Director of the Mississippi State Bar.

¶10. 5. The Bar is entitled to recover from Ms. Turnage all costs of this disciplinary proceeding. The Bar shall file its Motion for Costs and Expenses with the Court within ten (10) days of the filing of this Order.

¶11. 6. Ms. Turnage is hereby enjoined from practicing law in Mississippi; from holding herself out as an attorney at law; from performing any legal services for others; from accepting any fee directly or indirectly for legal services to be performed for others; from appearing as counsel or in any representative capacity in any proceeding in any court of the State of Mississippi, or before any administrative body or agency thereof; from holding herself out to others as or using her name in any manner, in conjunction with the phrases "attorney at law," "attorney," "counselor at law," "counselor," or "lawyer."

¶12. 7. Ms. Turnage shall within thirty (30) days following her receipt of this order: (a) notify or cause to be notified all clients of her suspension and her consequent inability to act as an attorney after the effective date of her suspension; (b) notify or cause to be notified each client involved in pending litigation or administrative proceedings and the attorney or attorneys for each adverse party in such proceedings of her suspension and consequent inability to act as an attorney after the effective date of her suspension; (c) advise or cause to be advised each client promptly to substitute another attorney or attorneys in her place or to seek legal advice elsewhere; and (d) notify or cause to be notified all affected courts and agencies of her suspension and consequent inability to act as an attorney after the effective date thereof.

¶13. 8. Ms. Turnage shall return or cause to be returned all files, papers, monies and other properties belonging to her Mississippi clients in her possession, if any such clients request same after receiving

notification from her.

¶14. 9. Within thirty (30) days of receipt of this Order of Suspension, Ms. Turnage shall file with this Court an affidavit stating that all current Mississippi clients have been notified of her suspension and that all files, papers, monies and other property belonging to such clients have been returned as ordered herein, and showing in the cases where it was not possible to notify such clients or return their property, that due diligence was used to do so.

¶15. SO ORDERED, this the 5th day of March, 2002.

/s/ James E. Graves, Jr.

JAMES E. GRAVES, JR., JUSTICE

FOR THE COURT