

PURSUANT TO RULE 27(f) OF THE MISSISSIPPI RULES OF APPELLATE PROCEDURE,
THE RULES COMMITTEE ON THE LEGAL PROFESSION SEEKS COMMENTS FROM
THE BENCH, THE BAR AND THE PUBLIC ON PROPOSED AMENDMENTS TO THE
MISSISSIPPI RULES OF DISCIPLINE FOR THE STATE BAR.

Comments should be filed with the Clerk of the Supreme Court, Gartin Justice Building, P.O.
Box 249, Jackson, Mississippi 39205-0249.
Deadline: **Wednesday, June 5, 2024.**

*Provided below are the proposed amendments, with highlights and strikeouts denoting
changes from the current rules.*

Version One - To Include Agreement Pursuant to Pretrial Intervention Act

**RULE 6. SUSPENSIONS AND DISBARMENTS BASED ON
OTHER PROCEEDINGS**

(a) Whenever any attorney subject to the disciplinary jurisdiction of the Court shall be convicted in any court of any state or in any federal court, or enter a plea of guilty or a plea of nolo contendere ~~therein~~, or tender a guilty plea pursuant to the provisions of Miss. Code Ann. § 99-15-26 (~~Supp. 1993~~ 1972, as amended), or execute an agreement pursuant to the Pretrial Intervention Act, Miss. Code Ann. § 99-15-101, et seq. (1972, as amended), or any similar provision in state or federal law therein of any felony (other than manslaughter) or of any misdemeanor involving fraud, dishonesty, misrepresentation, deceit, or willful failure to account for money or property of a client, a certified copy of the proof of the finding of guilt, or judgment of conviction, tender of a plea of guilty or plea of nolo contendere, or order accepting or acknowledging the offer or tender of a guilty plea, or the offer or tender of a guilty plea pursuant to the provisions of Miss. Code Ann. § 99-15-26 (~~Supp. 1993~~ 1972, as amended), or the agreement pursuant to the Pretrial Intervention Act, Miss. Code Ann. § 99-15-101 (1972, as amended), or any similar provision in state or federal law shall be presented to the Court by Complaint Counsel and shall be conclusive evidence thereof. The Court shall then forthwith strike the name of the attorney and order his the attorney's immediate suspension from the practice of law.

(b) Upon reversal of the conviction or judgment that has resulted in the automatic suspension, the attorney may seek reinstatement pursuant to Rule 12. For purposes of these rules, executive clemency or pardon shall not constitute reversal of the conviction and shall not bar or terminate disciplinary proceedings predicated upon such convictions or judgments. Dismissal of charges pursuant to the provisions of Miss. Code Ann. § 99-15-26 (~~Supp. 1993~~ 1972, as amended), or the Pretrial Intervention Act, Miss. Code Ann. § 99-15-101, et seq. (1972, as amended), or any similar state or federal statute shall have no effect upon disciplinary proceedings or sanctions predicated upon an entry, offer or tender of a plea of guilty or nolo contendere, or execution of an agreement under the Pretrial Intervention Act.

(c) Whenever any attorney subject to the disciplinary jurisdiction of the Court shall have entered against him **the attorney** in any Court of any State or in any Federal Court a civil judgment in accordance with **Miss. Code Ann. § 11-49-3 (1972, as amended)**, ~~Section 11-49-3, Mississippi Code of 1972~~, or any other civil judgment based upon clear and convincing evidence of fraud, misrepresentation, dishonesty, deceit, or willful failure to account for money or property of a client, a certified copy of the judgment, upon becoming final, shall be presented to the Court by Complaint Counsel and shall constitute sufficient, clear and convincing evidence of the facts necessary to support such judgment, and, unless successfully rebutted, the Court shall forthwith strike the name of the attorney **from the registry of attorneys licensed to practice law in the State of Mississippi** and order ~~his~~ **the attorney's** immediate suspension from the practice of law. This section shall not apply to Internal Revenue Code, Federal Communications Commission, Securities and Exchange Commission, Federal Trade Commission, and/or similar Federal Agency violations involving civil judgments and/or civil penalties, but nothing herein contained shall prohibit disciplinary prosecution for felony convictions based upon such violations.

(d) When time for appeal from judgment or conviction provided above expires or all appeals have been concluded without reversal, Complaint Counsel shall certify that result to the Court, and the Court shall forthwith enter an order of disbarment.

(e) Upon conviction of manslaughter, Complaint Counsel shall immediately commence an investigation and where warranted shall, upon directive of the Committee on Professional Responsibility, present ~~same~~ **the matter** to the Court for its consideration as herein set **forth** ~~out~~.

(f) The judge of any court within this state shall have the affirmative duty to cause a certified copy of **proof of the finding of guilt**, a ~~conviction or judgment~~ **a judgement of conviction**, **tender of a plea of guilty or plea of nolo contendere**, or order accepting or acknowledging the offer or tender of a plea pursuant to Miss. Code Ann. § 99-15-26 (~~Supp. 1993~~ **1972, as amended**), **or agreement pursuant to the Pretrial Intervention Act, Miss. Code Ann. § 99-15-101, et seq. (1972, as amended)**, or any similar provision of a state or federal law to be transmitted to Complaint Counsel **within ten (10) days after the finding of guilt, tender of plea of guilty or plea of nolo contendere, or entry of the order accepting or acknowledging the offer or tender of the plea or agreement.**

Procedure

(6.1) A Formal Complaint, with a certified copy of **the finding of guilt, or judgment of conviction, or tender of plea of guilty or plea of nolo contendere, criminal judgment or conviction** or order accepting or acknowledging the entry, offer, or tender of a plea pursuant to Miss. Code Ann. § 99-15-26 (~~Supp. 1993~~ 1972, as amended), **or execution of an agreement under the Pretrial Intervention Act, Miss. Code Ann. § 99-15-101, et seq. (1972, as amended)**, or any similar provision of state or federal law attached, and a motion for ~~indefinite~~ **immediate** suspension **pending conclusion of the criminal proceedings, including** appeals, shall be filed with the Court, upon which the attorney shall be automatically suspended subject to the right of such attorney to move for reconsideration upon a showing that the **finding of guilt**, judgment or conviction has been reversed or a new trial is granted.

(6.2) Upon a showing that the **criminal proceedings have finally concluded, the** time for all appeals has expired, or that all appeals have been concluded without reversal, the attorney shall be automatically disbarred.

(6.3) In a proceeding based upon a civil judgment, Complaint Counsel shall file a Formal Complaint, with a certified copy of the judgment attached, which shall constitute a prima facie case.

(6.4) ~~Matters of Public Record~~. All proceedings brought pursuant to Rule 6 **of these Rules** shall in all respects be matters of public record, Rule 15 of these Rules notwithstanding.

Version Two - Removes Agreement Pursuant to Pretrial Intervention Act

**RULE 6. SUSPENSIONS AND DISBARMENTS BASED ON
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