

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.

RULE 2. POWER AND ENFORCEMENT

(a) Each of the disciplinary agencies is hereby given such jurisdiction and lawful powers as are necessary to conduct a proper and speedy disposition of any **grievance or complaint**.

(b) ~~The~~ **Each party to a grievance or complaint shall have the** power to summons and examine witnesses under oath and to compel their attendance, or take or cause to be taken the deposition of witnesses, and to order the production of books, papers, records, and other documentary evidence necessary or material to the investigation, **grievance,** or complaint; ~~shall be co-equal to the powers exercisable by the courts of record of this State.~~ All summonses or subpoenas shall be issued by the Clerk of the Court, and it shall be the duty of any person so summoned to appear and testify as in the writ commanded and to produce the books, papers, records, or other documentary evidence required. Summonses and subpoenas issued by the Clerk of the Court shall be served ~~as in the Circuit Court~~ **according to the Mississippi Rules of Civil Procedure.**

(~~b~~**c**) Any defiance of any summons or subpoenas so issued, or other extrajudicial conduct which shall inhibit, impede, or disrupt any of the above disciplinary agencies **as designated in these Rules** in the performance of the duties and in the exercise of the powers herein given shall be treated as contempt of Court and punishable accordingly.

Procedure

(2.1) The Clerk of the Court shall file all pleadings and issue all process. ~~Summonses and subpoenas shall be served as in the Circuit Court; provided, such summonses and subpoenas shall avoid name identification of the accused attorney.~~ Costs shall be paid by the party or person requesting the issuance.

RULE 3. DISCIPLINARY AGENCIES DESIGNATED

For purposes of administering the Court's disciplinary jurisdiction, the following entities are hereby established and designated as agencies of the Court.

(a) The Board of Commissioners of the Bar.

(b) The Office of General Counsel.

(c) The Commission on Attorney Discipline.

~~(b) The Executive Director of the Bar and Complaint Counsel.~~

~~(c) Committee on Professional Responsibility.~~

(d) The Complaint Tribunal and Panels appointed by the Court.

(e) Receivers designated by ~~a Complaint Tribunal the Committee, a tribunal or the Court~~ or the chancery court.

(f) Other attorneys who may from time to time be requested in writing by the President of the Bar, ~~the Board of Commissioners for the Bar, or First Vice-President of the Bar~~ or by the Court to assist with an investigation or prosecution.

Procedure

(3.1) When acting in the course of their disciplinary duties, each of the disciplinary agencies shall be considered a special master of the Court.

(3.2) The agencies shall be composed of active practicing attorneys or judges of the Circuit, Chancery or County Courts who are members of the Bar of ~~this~~ the State of Mississippi and shall further be constituted as follows:

(a) *Board of Commissioners for the Bar*. The Board of Commissioners ~~of~~ for the Bar (the Board) is provided for by Section 73-3-107, Mississippi Code of 1972. The Board shall have the authority to employ and compensate competent persons to serve as ~~Complaint~~ General Counsel, ~~Assistant Complaint~~ ~~Deputies General~~ Counsel, and non-lawyer staff who shall serve at the pleasure of the Board, either in full-time or part-time capacity, as the Board may from time to time deem necessary or advisable to effect the disciplinary procedures set forth herein.

(b) *The Office of General Counsel.* The Office of General Counsel shall investigate grievances, prosecute complaints, and discharge other duties assigned by the Board and the Commission on Attorney Discipline.

(c) *Committee on Professional Responsibility.* Commission on Attorney Discipline. The Committee on Professional Responsibility Commission on Attorney Discipline shall be composed of six (6) members appointed by the President of the Bar for terms of two (2) three (3) years except the terms of the initial members shall be staggered in one and two year terms and shall consist of two members from each of the Supreme Court Districts of the state. The Chairman of the Commission on Attorney Discipline and Vice Chairman of the Committee shall be designated by the President of the Bar for a one (1) year term.

(d) *Panels.* The Court shall appoint a panel of judges and attorneys from each Supreme Court District, and from those panels Complaint Tribunals shall be designated and constituted as the need arises. The panel members shall be in such numbers as the Court may deem appropriate. The term of office of all panel members shall be three (3) years, except the terms of the initial members shall be staggered in one, two and three year terms. No panel member shall serve more than two consecutive three year terms. Appointments may be terminated by the Court.

(e) *Complaint Tribunal.* All Complaint Tribunal members shall be selected from the panels mentioned as provided herein above. Each Complaint Tribunal shall consist of two attorneys and one judge, and the judge member shall serve as the presiding judge of the Complaint Tribunal. Whenever a Complaint Tribunal member is unable to serve or a hearing will be unduly delayed because of the unavailability of a Complaint Tribunal member, the presiding judge may select from the remaining panel members an attorney to serve in the place of the attorney appointed by the court.

(e) *Receivers.* If the presiding judge or other member of the Complaint Tribunal is unable to serve or the hearing shall be unduly delayed, the Chief Justice of the Court may appoint a new presiding judge from the judges or members on the appropriate panels. All members of a tribunal The Complaint Tribunal designated to hear and determine a case hereafter provide shall conclude the matter, the termination of a term of office of one or more of its members notwithstanding. All members of a Complaint Tribunal shall reside in a Chancery and Circuit District different from that within which the accused subject attorney resides. Complaint Tribunal members shall be selected on a rotating basis from the panels mentioned as provided herein above.

(f) *Other Attorneys.* The assistance of other attorneys shall be requested and utilized on a case-by-case basis, and they shall be deemed to act for the Court only when their

assistance has been requested in writing by the President or the **Board**. ~~First Vice President of the Bar, such attorneys may be individuals or members of local professional responsibility committees or local complaint committees.~~

RULE 4. INITIATION AND FILING OF COMPLAINTS GRIEVANCES

(a) Any matter touching on the **ethical** misconduct of an attorney licensed by the State of Mississippi or any attorney who renders or has rendered legal services in **the State of Mississippi** ~~this state~~ shall be called to the attention of **Complaint General** Counsel ~~either verbally or in writing~~. **Attorneys licensed in the State of Mississippi may fulfill their 8.3, MRPC, obligation to report the professional misconduct of another attorney by filing a grievance or by submitting a report in writing to General Counsel.**

(b) All attorneys, courts, and their officers shall have the affirmative duty to notify **Complaint General** Counsel of conduct of any attorney evincing unfitness for the practice of law or unprofessional or unethical conduct and any action taken by the Court.

(c) ~~The committee on complaints~~ **Commission on Attorney Discipline** shall not consider **a grievance** ~~the matter~~ until it has been reduced to writing. **Grievances must be submitted on an original form provided by the Bar.**

(d) No ~~complaint~~ **grievance** shall be considered by the **Commission on Attorney Discipline** ~~Complaint Counsel or the Committee on Professional Responsibility~~ unless received, discovered, or otherwise brought to their attention within three (3) years after the date of discovery of the facts upon which the ~~complaint~~ **grievance** is based. ~~Complaints alleging~~ **Allegation of** violations of Rules 1.15, 8.1 and 8.4 (b) through (f) of the Rules of Professional Conduct shall not be covered by this limitation.

Procedure

(4.1) ~~Complaint General~~ Counsel shall keep a docket of all written **grievances**. ~~complaints, but same~~ **A docketed grievance** shall not be considered a grievance or charge touching the attorney's conduct until **the grievance has been considered and a decision rendered by the Commission on Attorney Discipline finding that the imposition of discipline is warranted.** ~~docketed with the Executive Director of the Bar by the Committee on Professional Responsibility. Until docketed with the Executive Director,~~ **Until the Commission on Attorney Discipline renders a decision imposing discipline or directs that a complaint be filed,** the attorney may state that no complaint, grievance or charge has been filed against **the subject attorney** ~~him~~. ~~Complaints~~ **Grievances** at any stage may be reported for statistical purposes.

(4.2) Written ~~complaints~~ **grievances** shall contain **at a minimum**:

(a) The name, mailing address, and phone number of the **grievant** ~~complainant~~;
and

(b) The name and address of the **subject** ~~accused~~ attorney; and

(c) A statement of the facts of the **grievance** ~~complaint~~; and

(d) A list of witnesses, with addresses and phone numbers, if known; and

(e) Copies of any statement by the witnesses and documents in support of the statement of facts of the **grievance** ~~complaint~~.

(4.3) If a written **grievance** ~~complaint~~ is found to be deficient, ~~complaint~~ **General Counsel** may return it to **the grievant** ~~complainant~~ with a statement of the deficiency. All such **grievances** ~~complaints~~ shall be reported to the **Commission on Attorney Discipline Committee on Professional Responsibility** if the deficiency has not been cured within forty-five (45) days of the date on which the same was returned to the **grievant** ~~complaining~~ person. The **Commission on Attorney Discipline Committee on Professional Responsibility** thereafter may act upon those matters as provided in Rule 7 **of these Rules**.

RULE 5. COMPLAINT COUNSEL - DUTIES AND POWERS INVESTIGATION OF GRIEVANCES

The Complaint Counsel shall investigate complaints, prosecute formal complaints, and discharge other duties assigned by the Board of Commissioners. Complaint **General** Counsel shall conduct any investigation or investigatory hearing **of grievances** fairly and impartially and shall seek to elicit any and all facts which might be exculpatory or incriminatory of the accused **subject** attorney. All proceedings ~~under these rules~~ shall be expeditiously conducted to the end that no complainant **grievant** be deprived of his right to a timely, fair and proper investigation of a complaint **grievance** and that no attorney be subjected to unfair and unjust charges.

Procedure

(5.1) **General.** Upon receipt of a written complaint or information indicating probable cause, Complaint Counsel shall conduct an investigation, either with or without notice to the accused attorney, as in Counsel's discretion appears appropriate. Complaint **General** Counsel may **shall** require a complaint **grievance** to be in writing or may file a complaint **grievance** on information and belief. Statements and evidence during an investigation shall be obtained in the most expeditious and efficient manner possible without a sacrifice of accuracy. **General Counsel shall investigate, if necessary, and report to the Commission on Attorney Discipline regarding all written grievances.**

(5.2) **Investigations and Reports Investigatory Hearings.** Complaint Counsel shall investigate and report to the Committee on Professional Responsibility within sixty (60) days from receipt of the written complaint. Upon completion of the investigation, a copy of the report, complaint and all evidence shall be served upon the attorney. In Complaint Counsel's discretion, **Upon receipt of a written grievance or information indicating probable cause, General Counsel may conduct a preliminary investigation, either with or without notice to the subject attorney, as in General Counsel's discretion appears appropriate. In General Counsel's discretion, the complaint grievance and evidence may be mailed to served upon the attorney for response prior to submission of the report to the Commission on Attorney Discipline. Committee on Professional Responsibility. A response by the attorney to the grievance shall be tendered to General Counsel within fifteen (15) days of the mailing of the grievance unless the time is extended by General Counsel. An investigatory hearing in the discretion of General Counsel or by discretion of the Commission on Attorney Discipline may be conducted prior to the submission of General Counsel's report to the Commission on Attorney Discipline.**

~~(5.3) Any responses by the attorney to the report shall be tendered to Complaint~~

~~Counsel within fifteen (15) days of the mailing of the report.~~

(5.3) **Grievants.** The person signing the grievance is not a party to the proceedings and has no authority to subsequently withdraw the grievance. The Office of General Counsel does not represent the grievant. The failure or refusal of the grievant or any witness to cooperate during the investigation shall not be cause for dismissal of the grievance or termination of the investigation. Persons signing grievances or witnesses may be represented by counsel or may proceed as counsel for themselves during any investigation.

~~(5.4) The Chair of the Committee on Professional Responsibility may enlarge the time for completion of an investigation and submission of Complaint Counsel's report or the attorney's responses.~~

(5.4) **The Subject Attorney.** The attorney who is the subject of the filed grievance is a party to the proceedings, and after written notice of the grievance has been given to the subject attorney by General Counsel, the subject attorney and/or counsel for the subject attorney shall have the right to appear at any investigatory hearing for the purpose of examining or cross-examining all witnesses and for presenting witnesses and evidence on behalf of the attorney. The subject attorney shall appear at an investigatory hearing and give testimony when written demand is made by General Counsel. The failure or refusal of the attorney to cooperate at an investigatory hearing shall not be cause for dismissal of the grievance or termination of the investigatory hearing or investigation. The failure of the subject attorney to appear, after proper notice, waives the attorney's right to cross examine witnesses, present evidence, or present witnesses at the investigatory hearing.

(5.5) **Process During Investigations.** Subpoenas during investigations by either party to a grievance ~~must~~ may be issued by the Clerk of the Court and shall comply with the Mississippi Rules of Civil Procedure. ~~only upon approval of the Chair or a majority of the Committee on Professional Responsibility~~ Upon completion of the investigation, a copy of the written report, if any, the grievance, and all evidence shall be mailed to the subject attorney. A response by the subject attorney to the report may be tendered to General Counsel within fifteen (15) days of the mailing of the report. General Counsel shall forward the subject attorney's response to the Commission on Attorney Discipline.

~~(5.6) **Complaining Person or Witnesses.** The person signing the complaint is not a party to the proceedings, and the failure or refusal of that person or any witness to cooperate during the investigation shall not be cause for dismissal of the complaint or termination of the investigation or proceedings before a complaint tribunal. Any person signing a complaint or any witness may be represented by counsel or may proceed as counsel for themselves during any investigation.~~

~~(5.7) The Accused Attorney.~~ The accused attorney is a party to the proceedings, and after written notice of the investigation or complaint has been given to the attorney by Complaint Counsel, the accused attorney or his counsel may appear at any investigatory hearing conducted by complaint counsel.

~~(5.8) The Investigatory Hearing.~~ An investigatory hearing in the discretion of complaint counsel or by direction of the Committee on Professional Responsibility may be conducted during the investigation and prior to the submission of complaint counsel's report to the committee. After written notice of the complaint or investigation is given to the attorney, such attorney or counsel therefor shall have the right to appear at any investigatory hearing for the purposes of examining or cross-examining all witnesses and for presenting witnesses and evidence on behalf of the attorney.

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~~RULE 7. COMMITTEE ON PROFESSIONAL RESPONSIBILITY DUTIES AND POWERS~~ COMMISSION ON ATTORNEY DISCIPLINE POWERS AND DUTIES

(a) The ~~Committee~~ Commission on Attorney Discipline shall function as a grand jury in matters of attorney discipline.

(b) Upon receipt of a complaint-grievance, Complaint General Counsel's report and any response by the attorney, ~~within a reasonable time the Committee~~ the Commission on Attorney Discipline shall:

- (i) Dismiss any complaint the grievance as being without merit; and retire the file;
- or
- (ii) Direct or conduct further investigation if needed; or
- (iii) Refer the matter to Complaint General Counsel for filing and prosecution of a ~~Formal~~ complaint; or
- (iv) ~~If investigation discloses a minor ethical violation or instance of relatively trivial misconduct or an isolated instance of a minor nature, then the committee shall be authorized to issue a letter of admonition, a private reprimand, or a public reprimand.~~ Issue an informal admonition, a private reprimand, or a public reprimand.
- (v) In its discretion, and with the assent and accord of the attorney who is the subject of the complaint, in addition to any action taken by the Commission on

~~Attorney Discipline Committee under Rule 7(b)(ii),(iii) or (iv) of these Rules, (ii), (iii) or (iv) of this paragraph, and not withstanding the provisions of Rule 15(a) of these rules, the Commission on Attorney Discipline may delay final action and refer the attorney to the Lawyers and Judges Assistance Committee for, evaluation and, as recommended by the Lawyers and Judges Assistance Committee, evaluation, treatment, monitoring, and assistance.~~

(c) If issued, ~~a letter of an informal~~ admonition, a private reprimand, or a public reprimand shall be sent to the ~~accused subject~~ attorney and a copy shall be sent to the grievant. ~~complaining party.~~ The ~~accused subject~~ attorney shall have a right within ~~thirty (30) twenty~~ days after receipt of the ~~informal admonition, private reprimand, or public reprimand letter or reprimand~~ to request in writing that a formal disciplinary proceeding be initiated against ~~him the attorney~~ to adjudicate the propriety of the conduct upon which the ~~informal admonition, private reprimand, or public reprimand~~ admonition or reprimand is based. If such request is timely made, the ~~letter of informal admonition, or private reprimand, or public reprimand~~ shall be vacated, and the matter shall be processed by means of a formal complaint. An informal admonition shall not be used as a substitute for and shall not be considered discipline. However, ~~the fact, nature, and cause of such an informal admonition~~ may be disclosed in any subsequent disciplinary proceedings against the ~~subject accused~~ attorney. ~~for an informal admonition, private reprimand, or public reprimand and issued by the Committee.~~

(d) ~~When a public reprimand becomes final, the attorney shall appear before the circuit court of the attorney's county of residence or county of practice, as specified by the Commission on Attorney Discipline, on the first day of a term convening next after the date the public reprimand becomes final or on some other similar day when a maximum number of the Bar and public are present and shall be read by the senior judge or the senior judge's designee at the time therein indicated and placed upon the minutes of the court. A Certificate of Compliance with the Public Reprimand shall be returned to the Bar by the subject attorney. When a reprimand becomes public, a copy shall be given to the person filing the grievance, the Executive Director of the Bar, and to the judges of the circuit and chancery districts of the attorney's county of residence.~~

(~~de~~) Referral to the Lawyers and Judges Assistance Committee may not be used as a substitute for, and may not be considered, discipline. However, notwithstanding the provisions of Rule 15(a) of these Rules, the ~~Commission on Attorney Discipline Committee~~, in its discretion, may delay any action under ~~Rule 7(b)(ii), (iii) or (iv) of these Rules~~ paragraph (b) of this rule provided that an attorney who is referred to the Lawyers and Judges Assistance Committee by the ~~Commission on Attorney Discipline Committee~~ complies with all terms and conditions imposed upon the attorney by the Lawyers and Judges Assistance Committee. If ~~an the~~ attorney violates the terms and conditions imposed by the Lawyers and Judges Assistance Committee upon such attorney, ~~notwithstanding the provisions of Rule (3.2)(g)(3) of these rules, the~~ Lawyers and Judges Assistance Committee, ~~in accordance with Rule (3.2)(g)(5) of these rules,~~ shall report such failure to comply with all terms and conditions imposed upon the attorney by the Lawyers and Judges Assistance Committee, and upon receipt of such report, the ~~Commission on Attorney Discipline Committee~~

shall take such action under **Rule 7(b) of these Rules** ~~paragraph (b)~~ which the **Commission on Attorney Discipline** ~~Committee~~ delayed but originally could have taken. In any notification to the complainant **grievant** of the action or actions taken by the **Commission on Attorney Discipline** ~~Committee~~, the **Commission on Attorney Discipline**, ~~Committee~~, in its discretion, may decide not to include notice of the **Commission on Attorney Discipline's** ~~Committee's~~ referral of the attorney to the Lawyers and Judges Assistance Program.

Procedure

(7.1) **Dismissals.** Any complaint **grievance** dismissed pursuant to **Rule 7(b)(i) of these Rules** shall be neither reported to nor docketed by the Executive Director of the Bar, and such complaints shall be deemed expunged and not considered a charge touching upon the conduct of the attorney. Upon dismissal, the **grievant** complaining person, the **subject** accused attorney, and **General Complaint Counsel** shall be given **written** notice.

(7.2) **Referrals for Additional Investigation.** Upon receipt of **Complaint General** Counsel's report and any response by the **subject** attorney, the **Commission on Attorney Discipline** ~~Committee~~ may refer the matter for additional investigation and report with such instructions as may appear appropriate. **Investigations may include, but are not limited to, depositions, telephone conversations, written correspondence, examination of trust account records, or investigatory hearings.** The **investigative function may be conducted by an investigator hired by General Counsel.** **Investigatory hearings or depositions shall be conducted by General Counsel.** The ~~Committee~~ **Commission on Attorney Discipline** shall periodically fix the costs and expenses incurred as of that date; provided, that no cost shall actually be assessed unless discipline is finally imposed. ~~Upon referral for additional investigation and report, Complaint Counsel shall have not more than sixty (60) days from and after the date of receipt of the referral directive to conclude the additional investigation and report back to the Committee.~~ A copy of that **General Counsel's** report and all evidence shall be **mailed to the subject** ~~served upon the~~ accused attorney who shall have fifteen (15) days to respond. ~~Within thirty (30) days, unless enlarged by the Chairman, the Committee on Professional Responsibility~~ **General Counsel's report and the attorney's response shall be forwarded to the Commission on Attorney Discipline which** shall act upon the matter.

(7.3) **Formal Complaints.** If, after conclusion of the investigation, the **Commission on Attorney Discipline** ~~Committee~~ is of the opinion that probable cause exists to believe the **subject** attorney is guilty of **has engaged in** conduct warranting discipline **other than that outlined in Rule 7(b) of these Rules**, the matter shall be referred to **Complaint General** Counsel for filing of a **Formal** complaint for trial before a Complaint Tribunal. ~~Within thirty (30) days of the date of the receipt of the directive, Complaint General~~ **General** Counsel shall file the **Formal** complaint with the Clerk of the Court. ~~with a certificate of costs incurred to date.~~ **Each complaint filed by General Counsel shall be styled as "In Re Discipline of" followed by the attorney's name.**

~~(7.4) Complaints Docketed by the Executive Director.~~ ~~Formal Complaints shall be docketed by the Executive Director and shall not be expunged except on order of a Complaint~~

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RULE 15. IMMUNITY FROM CIVIL SUIT - RIGHT TO SUE

(a) All ~~complaints~~ **grievances** filed, statements made, and documents or other tangible things produced pursuant hereto shall be absolutely privileged, and no civil suit predicated therein may be instituted, and each person, firm, association, or legal entity filing such a ~~complaint~~ **grievance** shall be immune from any civil suit pending thereon. The officers of the **Board of Commissioners of the Bar**, ~~and~~ all of the disciplinary agencies, ~~and~~ their assistants, staff, employees, and receivers shall be immune from civil suit for any conduct arising out of the performance of their official duties. Every person shall be immune from civil suit for all evidence or testimony given or submitted in the course of any investigation, investigatory hearing, formal hearing or review proceedings held and conducted under these rules. **For purposes of this Rule, the term “disciplinary agencies” shall include the Lawyers and Judges Assistance Program.**

(b) In an action separate and distinct from the disciplinary proceedings, the **subject** attorney may, by petition filed with the Clerk of the Court, seek a finding by the Court or its special master on the issue of malicious prosecution, abuse of process, malicious publication to persons not authorized to receive information pertaining to matters arising under these rules, slander or libel. If the Court finds or approves a finding by a special master that there appears to or may have been malicious prosecution, abuse of process, defamation of character, slander or libel, the Court shall enter its order granting the right to sue, notwithstanding the immunity provided above. Such finding and right to sue shall constitute only a right to commence an action, not an adjudication as to whether or not there was, in fact, a waiver of the immunity provided above, and not a finding upon the merits of any action which the **subject** attorney may thereafter institute. No action shall be instituted prior to the issuance of the order herein provided. The statute of limitations provided by statute for applicable causes of action shall commence on the date the order is entered.

**RULE 16. CONFIDENTIALITY OF MATTERS
UNDER THESE RULES - PENALTIES**

(a) All disciplinary agencies, their assistants, staff, ~~and~~ employees, members of the Bar, court reporters, clerks, and receivers are strictly enjoined to keep and maintain confidential, all things arising under these Rules and all proceedings thereon. The **subject** attorney may make such public statement or disclosure as he **or she** desires. The period of confidentiality shall end, however, upon the happening of any of the following events: (i) upon the ~~accused~~ **subject** attorney making any public statement or disclosure about a proceeding under these Rules; or (ii) a ~~formal~~ complaint under these Rules is filed with the Clerk of the ~~Mississippi Supreme Court~~.

(b) Disciplinary agencies under these Rules shall have authority to share information with law enforcement officials concerning any alleged violation of any federal or state criminal laws by an attorney. **Disciplinary agencies shall also have the authority to share information with all other disciplinary agencies named in these Rules, the Judicial Performance Commission, the Board of Bar Admissions, the Ethics Commission, and their counterpart disciplinary agencies in other states.**

(c) These Rules shall not prohibit any **grievant** complainant, the **subject** accused attorney, or any witnesses from discussing publicly the existence of the proceeding under these Rules or from disclosing any information relating thereto, including the disclosing of any documents involved in the disciplinary proceeding.

(d) Statements made pursuant to Rule **16(c) of these Rules**, in whatever form or by whatever means, outside the disciplinary process shall not enjoy the immunity provided in Rule **15 of these Rules**.

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RULE 25. TIME - GENERALLY NOT JURISDICTIONAL

References to time within these rules and procedural sections are directory and not jurisdictional. Time limitations are administrative, not jurisdictional; however, the time for filing appeals or seeking reinstatement shall be jurisdictional. Failure to observe directory time interval may result in contempt of the **disciplinary** agency having jurisdiction but will not justify abatement of any disciplinary investigation or proceeding.

RULE 26. COSTS AND EXPENSES

(a) The Commission on Attorney Discipline may assess the actual, reasonable costs and expenses of investigation of any grievance incurred by the Bar against a subject attorney. Such costs and expenses shall include, without limitation, copy costs and expenses, postage, travel expenses, court reporter fees, and other out of pocket expenses. Such expenses shall not include costs and expenses for General Counsel's time. A subject attorney receiving any kind of discipline shall reimburse the Bar for any costs and expenses assessed. Likewise, a Complaint Tribunal or the Court may, upon motion by the Bar, order the subject attorney to reimburse the Bar for the costs and expenses of litigation of a Formal Complaint or appeal.

(b) In addition to any costs and expenses assessed or reimbursement ordered in accordance with paragraph (a) of this Rule, the Commission on Attorney Discipline may impose an administrative fee of not less than two hundred fifty dollars (\$250.00) in any case where a private reprimand or public reprimand is imposed. A Complaint Tribunal or the Court may impose an administrative fee of not less than five hundred dollars (\$500.00) in any case where a private reprimand, public reprimand, suspension, disbarment, or probation is ordered.

(c) In any case where costs, expenses, and fees are assessed or ordered to be reimbursed, they shall be paid to the Mississippi Bar.

~~(a) A Tribunal or the Court may assess costs incurred in the investigation, prosecution and defense of any disciplinary matter as justice may require. Such costs and expenses shall include the actual and reasonably necessary expenses of the Bar, excluding Complaint Counsel's time.~~

~~(b) An attorney exonerated of the charge may recover from the Bar any sums actually paid to the Bar and costs paid to the Clerk of the Court or for service of process in this State. The attorney shall recover no other costs or expenses.~~

~~(c) In reinstatement proceedings, in addition to any investigatory fee, the petitioner shall pay all court costs and expenses of any physical or psychiatric examinations required by the Court.~~

RULE 27. PRESERVATION OF EVIDENCE

Proceedings to preserve evidence may be initiated by ~~complaint~~ General Counsel at any time independently of pleas of guilty, pleas of nolo contendere, convictions, or imposition of discipline in any jurisdiction.

RULE 28. SUBPOENA PURSUANT TO LAW OF ANOTHER JURISDICTION

Whenever a subpoena is sought in the State of Mississippi pursuant to the law of another jurisdiction for use in attorney discipline or disability proceedings, and where the issuance of the subpoena has been duly approved under the law of the other jurisdiction, the Clerk of the Court, upon request from the Office of General Counsel or subject attorney, and for good cause, may issue a subpoena as provided in this Rule to compel the attendance of witnesses and production of documents in the county where the witness resides or is employed or elsewhere as agreed by the witness. Service, enforcement, or challenges to this subpoena shall be as provided in the Mississippi Rules of Civil Procedure.

RULE 29. REPEALER AND SEVERABILITY

(a) From and after the adoption of these Rules, all other Rules or statutes pertaining to attorney disciplinary proceedings shall be superseded by these Rules.

(b) If any of these Rules or sections, or any part thereof, are declared to be unconstitutional or void, or if for any reason is declared to be invalid or of no effect, the remaining parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

(c) Unless the contrary intent shall clearly appear in every amendment hereinafter made, each and every amendment to these Rules made hereafter shall be read and construed as though the provisions hereof form an integral part of these Rules. of such amendments, whether expressly set out therein or not.