

Serial: 138228

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99013-SCT

IN RE: CODE OF JUDICIAL CONDUCT

ORDER

This matter is before the Court en banc on the Court's own motion to amend Canon 4(G) of the Code of Judicial Conduct. Having considered the matter, the Court finds that the amendment will promote the fair and efficient administration of justice.

IT IS THEREFORE ORDERED that Canon 4(G) of the Code of Judicial Conduct is amended, as follows:

....

G. Practice of Law.

(1) A judge shall not practice law. Notwithstanding this prohibition, a judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family.

(2) A judge must also make reasonable efforts to ensure that the judge's staff, court officials and others subject to the judge's direction and control do not practice law in a representative capacity. Notwithstanding this prohibition, staff, court officials and others subject to the judge's direction may act pro se, and those otherwise licensed to practice law may, without compensation, give legal advice to and draft or review documents for members of their families.

Commentary

This prohibition refers to the practice of law in a representative capacity and not in a pro se capacity. Judges may act for themselves in all legal matters, including matters involving litigation and matters involving

appearances before or other dealings with legislative and other governmental bodies. However, in so doing, a judge must not abuse the prestige of office to advance the interests of the judge or the judge's family. See Section 2(B). Certain officials and others are exempt pursuant to Section D of the Application Section of the Code of Judicial Conduct.

The Code allows a judge to give legal advice to and draft legal documents for members of the judge's family, so long as the judge receives no compensation. A judge must not, however, act as an advocate or negotiator for a member of the judge's family in a legal matter. This provision does not imply any privilege to practice law to those judges, staff members, court officials or others subject to the judge's control and direction who are not licensed to practice law.

Amended May 31, 2007.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this order upon the minutes of the Court and shall forward a true certified copy hereof to West Publishing Company for publication as soon as practical in the advance sheets of *Southern Reporter, Second Series (Mississippi Edition)*. The amendment should also be reflected in the next edition of *Mississippi Rules of Court*.

SO ORDERED, this the 25th day of May, 2007.

/s/ William L. Waller, Jr.

WILLIAM L. WALLER, JR., PRESIDING JUSTICE

NOT PARTICIPATING: LAMAR, J.