

Serial: 156169

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99012-SCT

*IN RE: RULES GOVERNING  
ADMISSION TO THE MISSISSIPPI BAR*

**ORDER**

This matter is before the Court en banc on the Mississippi Board of Bar Admissions' petition to amend Rule VI of the Rules Governing Admission to the Mississippi Bar to eliminate the "permanent office" requirement. After due consideration, the Court finds that the amendment of Rule VI and the Comments as set forth in Exhibit "A" will promote the fair and efficient administration of justice.

IT IS THEREFORE ORDERED that Rule VI of the Rules Governing Admission to the Mississippi Bar is amended as set forth in Exhibit "A" hereto. This amendment is effective on August 1, 2009.

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 to West Publishing Company for publication as soon as practical in the advance sheets of *Southern Reporter, Third Series (Mississippi Edition)* and in the next edition of *Mississippi Rules of Court*.

SO ORDERED, this the 22<sup>nd</sup> day of July, 2009.

/s/ Jess H. Dickinson

JESS H. DICKINSON, JUSTICE  
FOR THE COURT

**Exhibit A**

**RULE VI. ADMISSION BY COMITY AND RECIPROCITY**

**Section 1. Qualification of Applicant.**

A. Provided that the laws of the state from which the applicant comes grant similar privileges to attorney applicants from this state, any lawyer from another state whose requirements for admission to the bar are equivalent to those of this state, who has practiced not less than five (5) years ~~and who certifies his intention to establish, within no more than thirty (30) days after admission, a permanent office for the active practice of law in Mississippi,~~ may be admitted to practice in this state without passing the general bar examination as to the applicant's knowledge of law required of all other applicants by Rule IX and upon complying with the other requirements as set out in these Rules Governing Admission to the Mississippi Bar. The Board shall determine whether another jurisdiction grants "similar privileges" to applicants from this state.

~~\_\_\_\_\_ B. "A permanent office for the active practice of law" under Subpart A of this Section is a place where the subject attorney intends to perform legal services on a regular basis as a sole practitioner or in association with other attorneys, as a legal officer for a government agency, corporation or other business organization, as a judge or other judicial officer, or as a full-time teacher in a law school, and where he will be personally accessible to Courts, other attorneys, and the public.~~

~~\_\_\_\_\_ B. C.~~ An applicant who has failed a bar examination administered in this jurisdiction within five (5) years of the date of filing an application under this rule shall not be eligible for admission under this Rule VI.

~~\_\_\_\_\_ C. D.~~ An applicant who has been subject to discipline in another state for conduct which would make the applicant ineligible for admission in this state shall not be eligible for admission under this Rule VI.

[Effective November 1, 1991; amended effective October 1, 2008 as set forth in the Comment-; amended effective August 1, 2009.]

...

**Comment**

This amended rule does away with the requirement of a one (1) day attorney's examination on topics of Mississippi law for attorneys seeking to establish a practice in Mississippi and returns the rule to its pre-1979 format of allowing complete reciprocity with other states granting similar privileges to Mississippi lawyers. The amended rule requires that any lawyer from

another state which requires Mississippi attorneys to be examined before admission must take the entire Mississippi Bar Examination.

~~The rule retains the requirement that an out-of-state lawyer establish a permanent office in Mississippi for the practice of law.~~ It is not the intention of this rule to provide an alternative means of admission for temporary practice in Mississippi, which is governed by the pro hac vice admission rules of the Mississippi Rules of Appellate Procedure.

The five (5) year practice of law requirement contemplates that the work done by the applicant be of a general legal nature but not work that is very narrow in scope, is of a type which need not be performed by an attorney, or does not generally require the services of an attorney. An attorney's five (5) years of prior practice must have constituted a full-time or regular undertaking and not have been on only an occasional or haphazard basis.

For the purposes of this Rule, the active practice of law does not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

[Amended effective August 1, 2009.]