

Serial: **225233**

IN THE SUPREME COURT OF MISSISSIPPI

No. 2018-BD-01104-SCT

THE MISSISSIPPI BAR

v.

TORRANCE J. COLVIN

EN BANC ORDER

This matter is before the Court, *en banc*, on the Mississippi Bar's formal complaint for reciprocal discipline against Torrance J. Colvin, who was licensed to practice law in the District of Columbia and in Mississippi prior to July 19, 2018, when the District of Columbia Court of Appeals entered an order whereby Colvin was disbarred in that jurisdiction by consent, effective September 21, 2018, pursuant to an affidavit by Colvin in which he consented to his disbarment in the District of Columbia in accordance with that jurisdiction's Bar Rule XI, § 12. The disbarment order provided that Colvin's affidavit not be accessible to the public except upon order of that court or upon Colvin's written consent. The record before us contains no other facts concerning Colvin's disbarment. The Bar's formal complaint requests that this Court impose reciprocal discipline upon Colvin pursuant to Mississippi Rule of Discipline 13.

The Court hereby finds and adjudicates that the Mississippi Bar's complaint should be, and it hereby is, dismissed without prejudice, inasmuch as service of process upon Colvin, in accordance with Rule 16 of the Mississippi Rules of Discipline, is incomplete. Although

service upon the Executive Director of the Bar was accomplished, that official's efforts to provide Colvin copies of the notice of service of process and the complaint, via certified or registered mail, return receipt requested, restricted for delivery to the addressee only, postage pre-paid, at his last-known address, were unsuccessful after two attempts, the mailings having been returned with postal notations that they were "unclaimed." Inasmuch as M.R.D. 16(c) requires either a return receipt or a notation of the intended recipient's refusal to accept the mailed items, and neither of those requirements has been met, service of process on Colvin is incomplete, and, therefore, is insufficient.

The Mississippi Bar shall resume its efforts to find Colvin and effect service upon him in accordance with M. R. D. 16, and, in addition, the Mississippi Bar shall undertake any and all steps that may be necessary to obtain from the District of Columbia Court of Appeals an order whereby the Bar be provided a certified copy of Torrance J. Colvin's affidavit consenting to his disbarment in the District of Columbia, together with any and all other documents and evidence of every kind and character touching upon Colvin's disbarment in that jurisdiction, and upon its acquisition of such material the Mississippi Bar shall provide the same to this Court.

Also before the Court is the Mississippi Bar's Motion for Expedited Consideration, which is denied as moot.

SO ORDERED, this the 12th day of April, 2019.

/s/ James W. Kitchens

JAMES W. KITCHENS, PRESIDING
JUSTICE