

IN THE SUPREME COURT OF MISSISSIPPI

NO. 2018-BD-01383-SCT

THE MISSISSIPPI BAR

v.

JOHN R. THOMAS

ATTORNEY FOR COMPLAINANT: JAMES RUSSELL CLARK
ATTORNEY FOR RESPONDENT: JOHN R. THOMAS (PRO SE)
NATURE OF THE CASE: CIVIL - BAR MATTERS
DISPOSITION: JOHN R. THOMAS IS SUSPENDED FROM
THE PRACTICE OF LAW IN THE STATE
OF MISSISSIPPI FOR A PERIOD OF TWO
YEARS BEGINNING FEBRUARY 16, 2018,
AND ENDING FEBRUARY 16, 2020; HE
SHALL ONLY BE REINSTATED AFTER
THE TWO-YEAR PERIOD UNDER RULE 12
OF THE RULES OF DISCIPLINE FOR THE
MISSISSIPPI STATE BAR HAS EXPIRED -
02/28/2019

MOTION FOR REHEARING FILED:
MANDATE ISSUED:

EN BANC.

RANDOLPH, CHIEF JUSTICE, FOR THE COURT:

¶1. The Mississippi Bar, under Rule 13 of the Rules of Discipline for the Mississippi State Bar, filed a formal complaint against John R. Thomas after the United States District Court for the Eastern District of Louisiana suspended Thomas for a period of two years. Because Thomas is licensed to practice in Mississippi, the Bar is obligated to present a certified copy of the judgment to this Court and to seek reciprocal discipline. The Bar asks this Court to discipline Thomas appropriately and to tax all costs and expenses incurred in filing the

formal complaint to Thomas. After due consideration, we find that the requested relief should be granted.

FACTS AND PROCEDURAL HISTORY

¶2. Thomas is a resident of Texas and is a member of the Mississippi Bar. Brent Coon, the Texas firm that employs Thomas, represented over ten thousand BP-Gulf-oil-spill clients in the United States District Court for the Eastern District of Louisiana Multi-District-Litigation (MDL) 2179 Oil Spill by the Oil Rig Deepwater Horizon. In advising a client to accept a settlement offer related to the BP-Gulf-oil spill, Thomas made certain derogatory statements and expressed his opinion of possible corruption of the MDL judge and the Plaintiffs' Steering Committee (PSC). On February 16, 2018, Thomas was sentenced to a limited two-year suspension in the federal district court for the Eastern District of Louisiana.

DISCUSSION

¶3. This Court possesses "exclusive and inherent jurisdiction" over the discipline of attorneys under the Mississippi Rules of Discipline. *McIntyre v. Miss. Bar*, 38 So. 3d 617, 623 (Miss. 2010). Thomas, a licenced attorney in Mississippi, is subject to the disciplinary jurisdiction of this Court. Rule 13 of the Rules of Discipline for the Mississippi State Bar, which governs reciprocal discipline, provides,

When an attorney should be subjected to disciplinary sanctions in another jurisdiction, such sanction shall be grounds for disciplinary action in this state, and certification of such sanction by the appropriate authority of such jurisdiction to the Executive Director of the Bar or to the Court, shall be conclusive evidence of the guilt of the offense or unprofessional conduct on which said sanction was ordered, and it will not be necessary to prove the grounds for such offense in the disciplinary proceeding in this state. The sole issue to be determined in the disciplinary proceeding in this state shall be the

extent of the final discipline to be imposed on the attorney, which may be less or more severe than the discipline imposed by the other jurisdiction.

M.R.D. 13. This Court will not engage in further fact finding when a sanction is imposed by another jurisdiction. *Miss. Bar v. Shah*, 749 So. 2d 1047, 1049 (Miss. 1999).

¶4. In this Court’s application of the reciprocity doctrine, the sanction imposed here generally mirrors the sanction imposed in the sister state, absent “extraordinary circumstances which compel, justify or support variance from the foreign jurisdiction’s sanction.” *Miss. Bar v. Drungole*, 913 So. 2d 963, 970 (Miss. 2005). The Court may impose sanctions less than or greater than those imposed by another jurisdiction. *Miss. Bar v. Gardner*, 730 So. 2d 546, 547 (Miss. 1998). The following nine criteria are considered when determining reciprocal discipline:

(1) the nature of the misconduct involved; (2) the need to deter similar misconduct; (3) the preservation of the dignity and reputation of the profession; (4) protection of the public; (5) the sanctions imposed in similar cases; (6) the duty violated; (7) the lawyer’s mental state; (8) the actual or potential injury resulting from the misconduct; and (9) the existence of aggravating and/or mitigating factors.

Miss. Bar v. Ogletree, 226 So. 3d 79, 83 (Miss. 2015). So long as each is taken into consideration, this Court need not address each criterion separately. *Id.* An attorney “who is subject to reciprocal discipline may . . . offer any mitigating factors which he thinks serve to diminish his culpability and therefore diminish the necessity for, or severity of, sanctions to be imposed by this Court.” *Miss. Bar v. Strauss*, 601 So. 2d 840, 844 (Miss. 1992).

¶5. In imposing the two-year suspension, the Louisiana federal district court explicitly or implicitly considered the nine criteria utilized by this Court to determine an appropriate

sanction for attorney misconduct. Thomas acknowledges the truth of the allegations in the formal complaint and requests that this Court consider his limited sanction of a two-year suspension in the federal district court for the Eastern District of Louisiana, since he was not suspended from practice before all Louisiana state and federal courts. He also references his twenty-seven years of practice with no prior discipline.

CONCLUSION

¶6. Our precedent establishes that the two-year suspension imposed by the United States District Court for the Eastern District of Louisiana is an appropriate sanction. This Court hereby suspends Thomas from the practice of law before all Mississippi courts and prohibits Thomas from using his Mississippi license to obtain *pro hac vice* status in any other court for a period of two years. While this Court would normally impose the suspension from the date of its order, given the limited punishment, we suspend Thomas for the same time period as his suspension from the federal district court for the Eastern District of Louisiana. Thomas's two-year suspension will retroactively begin on February 16, 2018, and will end on February 16, 2020. Thomas is required to pay all costs associated with the filing and prosecution of this complaint.

¶7. **JOHN R. THOMAS IS SUSPENDED FROM THE PRACTICE OF LAW IN THE STATE OF MISSISSIPPI FOR A PERIOD OF TWO YEARS BEGINNING FEBRUARY 16, 2018, AND ENDING FEBRUARY 16, 2020; HE SHALL ONLY BE REINSTATED AFTER THE TWO-YEAR PERIOD UNDER RULE 12 OF THE RULES OF DISCIPLINE FOR THE MISSISSIPPI STATE BAR HAS EXPIRED. JOHN R. THOMAS SHALL BE ASSESSED ALL COSTS AND EXPENSES.**

KITCHENS AND KING, P.JJ., COLEMAN, MAXWELL, BEAM, CHAMBERLIN, ISHEE AND GRIFFIS, JJ., CONCUR.