

Serial: **223420**

IN THE SUPREME COURT OF MISSISSIPPI

No. 2019-BD-00099-SCT

THE MISSISSIPPI BAR

v.

S. DAVID PICKETT

ORDER OF DISBARMENT

¶1. This matter is before the Court *en banc* on the Mississippi Bar's Motion to Accept Irrevocable Resignation of S. David Pickett. In its Motion, the Mississippi Bar requests that this Court accept the irrevocable resignation of S. David Pickett and enter an order of disbarment. All procedural prerequisites have been met, thus we order the disbarment of S. David Pickett. We find that the Mississippi Bar's Motion for Expedited Consideration should be dismissed as moot.

¶2. On January 14, 2019, S. David Pickett executed a Notice of Irrevocable Resignation. In the notice, Pickett acknowledged three disciplinary matters pending against him before the Committee on Professional Responsibility (Docket Nos. 11-519-1, 11-464-2, and 12-207-1) and averred that said disciplinary matters were the only disciplinary matters pending against him. Further, Pickett stated that he did not desire to defend those matters and requested permission to irrevocably resign with prejudice from the Mississippi Bar. The Bar filed the instant Petition on the same day, requesting that this Court accept Pickett's irrevocable resignation.

¶3. Rule 1 of the Mississippi Rules of Discipline provides that this Court “has exclusive and inherent jurisdiction of matters pertaining to attorney discipline[.]” M.R.D. 1(a); *Miss. Bar v. Jones*, 118 So. 3d 542, 542 (Miss. 2012). We apply de novo review to attorney discipline matters. *Id.*

¶4. Pursuant to Rule 10.5 of the Mississippi Rules of Discipline:

[a]n attorney may tender an irrevocable resignation to either the Court or the Tribunal. Such a resignation shall acknowledge each and all disciplinary matters then pending, provide the docket number or numbers, state that the attorney does not desire to defend, and request permission to resign with prejudice from the Bar. Upon receipt of such a resignation, and any response that the Bar may elect to file, the disciplinary proceedings shall terminate and either the Court or the Tribunal shall enter its order accepting the resignation, revoking the attorney’s license, and barring forever thereafter the attorney’s right to seek reinstatement to the privilege of practicing law in this state. Such a resignation and order shall be considered disciplinary action, and the resignation shall be considered tantamount to the proof of guilt on the matter charged.

M.R.D. 10.5.

¶5. After due consideration, we find that S. David Pickett properly filed his Notice of Irrevocable Resignation in compliance with Mississippi Rule of Discipline 10.5, and that the Mississippi Bar is entitled to the relief it seeks. Based on the record before us, and consistent with the Rules of Discipline for the Mississippi Bar and our caselaw, this Court finds that S. David Pickett shall be disbarred permanently.

¶6. IT IS, THEREFORE, ORDERED, ADJUDGED, and DECREED as follows:

1. S. David Pickett is hereby permanently DISBARRED from the practice of law in the State of Mississippi;
2. This order shall constitute notice of permanent disbarment in this cause;

3. The Clerk of this Court shall forward an attested copy of this order to S. David Pickett and the Executive Director of the Mississippi Bar;

4. S. David Pickett shall, within thirty days following entry of this order, notify clients and affected courts of his disbarment, properly disburse all funds he may hold in trust, and comply with all other requirements applicable to disbarred attorneys pursuant to Mississippi Rule of Discipline 11;

5. S. David Pickett shall, within forty-five days following entry of this order, file an affidavit with this Court stating that all of his clients have been notified of his disbarment and his consequent inability to practice law in Mississippi, and that he has complied fully with all the requirements set forth in Mississippi Rule of Discipline 11, as well as the requirements of this order;

6. The Clerk of this Court shall immediately forward an attested copy of this order to the circuit court judges and chancellors in and for Hinds County, Mississippi, and the senior judge of each court shall enter this order upon the minutes of his or her respective court;

7. The Clerk of this Court likewise shall immediately forward an attested copy of this order to the Clerks of the United States District Courts for the Northern and Southern Districts of Mississippi, the Clerk of the United States Court of Appeals for the Fifth Circuit, and the Clerk of the Supreme Court of the United States;

8. All outstanding disciplinary proceedings against S. David Pickett, including Cause Nos. 11-519-1, 11-464-2, and 12-207-1, are hereby terminated; and

9. Costs of this proceeding are hereby assessed against S. David Pickett.

¶7. IT IS FURTHER ORDERED that the Mississippi Bar's Motion for Expedited Consideration is dismissed as moot.

¶8. SO ORDERED, ADJUDGED, AND DECREED, this the 11th day of April, 2019.

/s/ Leslie D. King

LESLIE D. KING, PRESIDING JUSTICE