

Notice as provided by Rule 26(f) of the Mississippi Rules of Appellate Procedure is hereby given of a petition to amend Rule 12 of the Rules of Discipline of the Mississippi Bar. This proposal would declare attorneys who have been disbarred and have been convicted of felonies ineligible for reinstatement to the practice of law. Comments on the petition are solicited and should be provided to the Clerk of the Supreme Court on or before August 27, 2001.

IN THE SUPREME COURT OF MISSISSIPPI

**IN THE MATTER OF
THE RULES OF DISCIPLINE FOR
THE MISSISSIPPI BAR**

NO. 89-R-99010

**PETITION TO AMEND RULE 12 OF
THE MISSISSIPPI RULES OF DISCIPLINE**

COMES NOW, The Mississippi Bar, (hereinafter referred to as the "Bar"), by and through its President, and moves this Court to amend Rule 12 of the Mississippi Rules of Discipline (MRD) for The Mississippi Bar to prohibit any attorney who has been disbarred and convicted of a felony, except for manslaughter or a violation of the Internal Revenue Code, from being reinstated to the practice of law in this State and in support of said Petition alleges:

1. The Supreme Court of Mississippi has exclusive and inherent jurisdiction over matters pertaining to the admission to the practice of law and attorney discipline in this State.
2. During fiscal year 2000-2001, the Mississippi Bar became acutely concerned with the apparent inconsistency among Section 73-3-41 of the Mississippi Code of 1972, as amended, and Rule 8, §6(I) of the Mississippi Rules for the Admission to the Bar, and Rule 12 of the Mississippi Rules of Discipline. Specifically, the aforesaid Code section and Rule 8, §6(I) of the Mississippi Rules for Admission To The Bar, each provide that any person who has been or shall hereafter be convicted of a felony, except for manslaughter or an Internal Revenue Code violation, shall be incapable of obtaining a license to practice law in this state. Rule 12 of the Mississippi Rules of Discipline does not include such a prohibition as it pertains to

2001-3569

attorneys who have been convicted of a felony and subsequently disbarred. In those instances, an attorney so situated must wait the required three (3) years and, then, such disbarred attorney may file a petition for reinstatement to the Bar and reissuance of the privilege license to practice law.

3. Acting upon such concern, the Board of Bar Commissioners of The Mississippi Bar, on June 21, 2001, at one of its regularly scheduled meetings, unanimously adopted a proposed amendment to Rule 12 of The Mississippi Rules of Discipline For The Mississippi Bar for submission to the Mississippi Supreme Court for its consideration which provides as follows:

Rule 12(c). An attorney who has been disbarred and has been convicted of a felony, in a court of this state, or any other state, or a court of the United States, except for manslaughter or a violation of the Internal Revenue Code, shall be ineligible for reinstatement to the practice of law.


4. Adoption of the herein proposed amendment to Rule 12 of the Mississippi Rules of Discipline, as provided in **Exhibit "A"** attached hereto, will be beneficial to the Bench, Bar and General Public by providing a uniform and consistent method for evaluating the character and fitness of applicants for the issuance of a privilege license to practice law in this state and possible reissuance of such privilege license to those former attorneys who have been disbarred and convicted of a certain type and category of felony.

WHEREFORE, The Mississippi Bar respectfully petitions this Honorable Court for adoption of the proposed amendment to Rule 12 of the Mississippi Rules of Discipline in the manner and for the stated purposes which The Mississippi Bar believes to be necessary to preserve and protect the integrity of the profession and the public.

This the 19th day of July, 2001.

Respectfully submitted,

THE MISSISSIPPI BAR

BY: 
W. C. Trotter, III, President
The Mississippi Bar

MICHAEL B. MARTZ
GENERAL COUNSEL
MB I.D. #1908
THE MISSISSIPPI BAR
POST OFFICE BOX 2168
JACKSON, MS 39225-2168
(601) 948-4471

Exhibit "A"

Rule 12(c). An attorney who has been disbarred and has been convicted of a felony, in a court of this state, or any other state, or a court of the United States, except for manslaughter or a violation of the Internal Revenue Code, shall be ineligible for reinstatement to the practice of law.