

Serial: 113811

IN THE SUPREME COURT OF MISSISSIPPI
No. 89-R-99014-SCT

FILED

MAY 27 2004

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

**RE: RULES OF THE MISSISSIPPI
COMMISSION ON JUDICIAL
PERFORMANCE**

ORDER

This matter is before the Court en banc on petition of the Commission on Judicial Performance seeking amendment to Rule 11 of the Rules of the Commission. Having considered the petition, the Court finds that the proposed amendment will promote the fair and efficient administration of justice and should be adopted.

IT IS THEREFORE ORDERED that Rule 11 of the Rules of the Commission on Judicial Appointment is amended as set forth in Exhibit "A" hereto.

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 hereof to West Publishing Company for publication in the next edition of the *Mississippi Rules of Court* and in the *Southern Reporter, Second Series, (Mississippi Edition)*.

SO ORDERED, this the 21st day of May, 2004.



GEORGE C. CARLSON, JR., JUSTICE, FOR THE
COURT

DIAZ, EASLEY AND GRAVES, JJ., NOT PARTICIPATING

EXHIBIT "A" TO ORDER

RULE 11. CHARGES AGAINST JUSTICE OF THE SUPREME COURT

Charges against a Justice of the Supreme Court shall proceed in the same manner as charges against any other judge except that, upon the filing of the report and recommendation of the Commission, a special tribunal shall be empaneled as provided by Section 177A of the Mississippi Constitution of 1890. Upon recommendation by the Commission for discipline or retirement of a Justice of the Supreme Court, the executive director shall notify the Secretary of State to select the tribunal in accordance with the procedures established in the Constitution. In the event a judge selected for the tribunal is disqualified or otherwise unable to serve, such judge shall file a notice of recusal with the Clerk of the Supreme Court within ten (10) ~~thirty (30)~~ days. The Clerk of the Supreme Court shall notify the Secretary of State and another member shall be selected in the manner provided by the constitution. When seven (7) qualified members have been selected the tribunal shall, within ten (10) ~~thirty (30)~~ days, meet and select one of its members as the presiding member of the tribunal. The tribunal shall proceed in accordance with the Mississippi Rules of Appellate Procedure, except as otherwise provided in these rules, and the Rules of the Commission, which shall control all proceedings before the seven (7) member tribunal.

[Amended effective March 27, 1997; amended effective May 27, 2004 to shorten period for filing notices of recusal and convening the tribunal.]