

Serial: 127102

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99018-SCT

***RE: RULES OF PROFESSIONAL
CONDUCT***

FILED

OCT 03 2005

SUPREME COURT CLERK

ORDER

This matter is before the Court, en banc, on Petition for Temporary Emergency Amendments to Certain Mississippi Rules of Professional Conduct filed by the Mississippi Bar to the end of providing aid to attorneys and their clients affected by Hurricane Katrina.

The Bar seeks suspension of certain fees provided for in Rule 7.5 of the Rules of Professional Conduct. Having considered the request, the Court finds that the suspension of those fees is not likely to serve the intended purpose and that the request should be denied.

The Bar also asks that for a limited period of ninety (90) days, there be a relaxation of the provisions of Rule 1.8(e)(2) of the Rules of Professional Conduct. The Court finds that this proposal has merit, may result in some help to clients seriously impacted by the hurricane, and should be granted to the extent set forth herein.

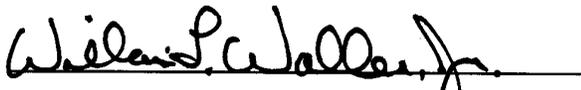
IT IS THEREFORE ORDERED that the Petition for Temporary Emergency Amendments to Certain Mississippi Rules of Professional Conduct filed by the Mississippi Bar is granted in part and denied in part as follows.

The requested suspension of the filing fees provided for in Rule 7.5 of the Mississippi Rules of Professional Conduct is denied.

However, for a period of ninety (90) days following the issuance of this order, the limitations of Rule 1.8(e)(2) of the Rules of Professional Conduct shall stand amended as applied to clients who possess a FEMA Registration Identification Number, which will serve as proof that the client is or was a resident of or a person located in a county in this State declared a disaster area by the President of the United States. As to clients so identified who otherwise meet the criteria of the rule, the provision of Rule 1.8(e)(2)(b) requiring that payments without prior approval of the Standing Committee on Ethics of the Mississippi Bar be limited to \$1,500 is amended to allow such payments up to \$2,500 without prior approval. Furthermore, as to clients so identified who otherwise meet the criteria of the rule, the provision of Rule 1.8(b)(2)(b) authorizing payments under the rule to be made only after the expiration of sixty (60) days following the signing by the client of a contract of employment with counsel is amended to allow such payments after the expiration of ten (10) days following the signing of the contract of employment.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this order upon the minutes of the Court and shall forthwith forward a true certified copy hereof to West Publishing Company for publication as soon as practical in the advance sheets of *Southern Reporter, Second Series (Mississippi Edition)*. These amendments however, being effective for a short duration, shall not be published in the *Mississippi Rules of Court*.

SO ORDERED, this the 30th day of September, 2005.


WILLIAM L. WALLER, JR., PRESIDING
JUSTICE

DIAZ, J., NOT PARTICIPATING.