

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2524

By Representative(s) Committee

10 Amend by striking all after the enacting clause and inserting
11 in lieu thereof the following:

12
13 SECTION 1. Section 73-3-2, Mississippi Code of 1972, is
14 reenacted as follows:

15 73-3-2. (1) **Power to admit persons to practice.** The power
16 to admit persons to practice as attorneys in the courts of this
17 state is vested exclusively in the Supreme Court of Mississippi.

18 (2) **Qualifications.** (a) Each applicant for admission to
19 the bar, in order to be eligible for examination for admission,
20 shall be at least twenty-one (21) years of age, of good moral
21 character, and shall present to the Board of Bar Admissions
22 satisfactory evidence:

23 (i) That he has successfully completed, or is
24 within sixty (60) days of completion of, a general course of study
25 of law in a law school which is provisionally or fully approved by
26 the section on legal education and admission to the bar of the
27 American Bar Association, and that such applicant has received, or
28 will receive within sixty (60) days, a diploma or certificate from
29 such school evidencing the satisfactory completion of such course,
30 but in no event shall any applicant under this paragraph be
31 admitted to the bar until such applicant actually receives such
32 diploma or certificate. However, an applicant who, as of November

33 1, 1981, was previously enrolled in a law school in active
34 existence in Mississippi for more than ten (10) years prior to the
35 date of application shall be eligible for examination for
36 admission; provided that such an applicant graduated prior to
37 November 1, 1984;

38 (ii) That he has notified the Board of Bar
39 Admissions in writing of an intention to pursue a general course
40 of study of law under the supervision of a Mississippi lawyer
41 prior to July 1, 1979, and in fact began study prior to July 1,
42 1979, and who completed the required course of study prior to
43 November 1, 1984, in accordance with Sections 73-3-13(b) and
44 73-3-15 as the same exist prior to the effective date of this
45 section; or

46 (iii) That in addition to complying with either of
47 the above requirements, he has received a bachelor's degree from
48 an accredited college or university or that he has received credit
49 for the requirements of the first three (3) years of college work
50 from a college or university offering an integrated six-year
51 prelaw and law course, and has completed his law course at a
52 college or university offering such an integrated six-year course.
53 However, applicants who have already begun the general course of
54 study of law as of November 1, 1979, either in a law school or
55 under the supervision of a Mississippi lawyer shall submit proof
56 he has successfully completed two (2) full years of college work.

57 (b) The applicant shall bear the burden of establishing
58 his or her qualifications for admission to the satisfaction of the
59 Board of Bar Admissions. An applicant denied admission for
60 failure to satisfy qualifications for admission shall have the
61 right to appeal from the final order of the board to the Chancery
62 Court of Hinds County, Mississippi, within thirty (30) days of
63 entry of such order of denial.

64 (3) **Creation of Board of Bar Admissions.** There is hereby
65 created a board to be known as the "Board of Bar Admissions" which
66 shall be appointed by the Supreme Court of Mississippi. The board
67 shall consist of nine (9) members, who shall be members in good

68 standing of the Mississippi State Bar and shall serve for terms of
69 three (3) years. Three (3) members shall be appointed from each
70 Supreme Court district, one (1) by each Supreme Court Justice from
71 his district, with the original appointments to be as follows:
72 Three (3) to be appointed for a term of one (1) year, three (3) to
73 be appointed for a term of two (2) years, and three (3) to be
74 appointed for a term of three (3) years, one (1) from each
75 district to be appointed each year. No member of the Board of Bar
76 Admissions may be a member of the Legislature. Vacancies during a
77 term shall be filled by the appointing justice or his successor
78 for the remainder of the unexpired term.

79 The board shall promulgate the necessary rules for the
80 administration of their duties, subject to the approval of the
81 Chief Justice of the Supreme Court.

82 (4) **Written examination or graduation as prerequisite to**
83 **admission.** Every person desiring admission to the bar, shall be
84 required to take and pass a written bar examination in a manner
85 satisfactory to the Board of Bar Admissions. The Board of Bar
86 Admissions shall conduct not less than two (2) bar examinations
87 each year.

88 (5) **Oath and compensation of board members.** The members of
89 the Board of Bar Admissions shall take and subscribe an oath to be
90 administered by one (1) of the judges of the Supreme Court to
91 faithfully and impartially discharge the duties of the office.
92 The members shall receive compensation as established by the
93 Supreme Court for preparing, giving and grading the examination
94 plus all reasonable and necessary travel expenses incurred in the
95 performance of their duties under the provisions of this section.

96 (6) **Procedure for applicants who have failed.** Any applicant
97 who fails the examination shall be allowed to take the next
98 scheduled examination. A failing applicant may request in writing
99 from the board, within thirty (30) days after the results of the
100 examination have been made public, copies of his answers and model
101 answers used in grading the examination, at his expense. If a
102 uniform, standardized examination is administered, the board shall

103 only be required to provide the examination grade and such other
104 information concerning the applicant's examination results which
105 are available to the board. Any failing applicant shall have a
106 right to a review of his failure by the board. The board shall
107 enter an order on its minutes, prior to the administration of the
108 next bar examination, either granting or denying the applicant's
109 review, and shall notify the applicant of such order. The
110 applicant shall have the right to appeal from this order to the
111 Chancery Court of Hinds County, Mississippi, within thirty (30)
112 days of entry of such order.

113 (7) **Fees.** The board shall set and collect the fees for
114 examination and for admission to the bar. The fees for
115 examination shall be based upon the annual cost of administering
116 the examinations. The fees for admission shall be based upon the
117 cost of conducting an investigation of the applicant and the
118 administrative costs of sustaining the board, which shall include,
119 but shall not be limited to:

- 120 (a) Expenses and travel for board members;
- 121 (b) Office facilities, supplies and equipment; and
- 122 (c) Clerical assistance.

123 All fees collected by the board shall be paid to the State
124 Treasurer, who shall issue receipts therefor and who shall deposit
125 such funds in the State Treasury in a special fund to the credit
126 of said board. All such funds shall be expended only in
127 accordance with the provisions of Chapter 496, Laws of 1962, as
128 amended, being Section 27-103-1 et seq., Mississippi Code of 1972.

129 (8) The board, upon finding the applicant qualified for
130 admission, shall issue to the applicant a certificate of
131 admission. The applicant shall file the certificate and a
132 petition for admission in the Chancery Court of Hinds County,
133 Mississippi, or in the chancery court in the county of his
134 residence, or, in the case of an applicant who is a nonresident of
135 the State of Mississippi, in the chancery court of a county in
136 which the applicant intends to practice. The chancery court
137 shall, in termtime or in vacation, enter on the minutes of that

138 court an order granting to the applicant license to practice in
139 all courts in this state, upon taking by the applicant in the
140 presence of the court, the oath prescribed by law, Section
141 73-3-35, Mississippi Code of 1972.

142 (9) Each application or filing made under this section shall
143 include the social security number(s) of the applicant in
144 accordance with Section 93-11-64, Mississippi Code of 1972.

145 SECTION 2. Section 73-3-25, Mississippi Code of 1972, is
146 reenacted as follows:

147 73-3-25. Any lawyer from another state whose requirements
148 for admission to the bar are equivalent to those of this state,
149 who has practiced not less than five (5) years in a state where he
150 was then admitted may be admitted to the practice in this state
151 upon taking and passing such examination as to his knowledge of
152 law as may be prescribed by rules adopted by the Board of Bar
153 Admissions and approved by the Supreme Court and upon complying
154 with the other requirements as set out in the laws and rules
155 governing admission to the bar. Provided, however, the laws of
156 the state from which the applicant comes grant similar privileges
157 to the applicants from this state.

158 Any lawyer from another state desiring to be admitted to
159 practice in Mississippi must make application to the Board of Bar
160 Admissions. Such applicant shall present to the bar evidence of
161 his good standing in the state from which he came, including a
162 certificate from the clerk of the highest appellate court of the
163 state from which he came, and from two (2) members of the bar of
164 such state, certifying to his qualifications, good standing and
165 moral character of the applicant, and may require the submission
166 of additional evidence by the applicant. Upon satisfactory proof
167 of the applicant's qualifications and upon the applicant's
168 compliance with the requirements of this section, the board shall
169 issue a certificate of admission to the applicant, as prescribed
170 in Section 73-3-2(8). Each such applicant shall pay an
171 application fee prescribed by the Board of Bar Admissions
172 according to Section 73-3-2(7).

173 SECTION 3. Section 73-3-31, Mississippi Code of 1972, is
174 reenacted as follows:

175 73-3-31. The educational requirements both as to general
176 education and legal education shall not apply to any person who
177 may have graduated from a law school prior to October 1, 1954.

178 SECTION 4. Section 73-3-35, Mississippi Code of 1972, is
179 reenacted as follows:

180 73-3-35. Every attorney and counselor-at-law, before he
181 shall be permitted to practice, shall produce his license in each
182 court where he intends to practice, and in the presence of such
183 court, shall take the following oath or affirmation to wit:

184 "I do solemnly swear (or affirm) that I will demean myself,
185 as an attorney and counselor of this court, according to the best
186 of my learning and ability, and with all good fidelity as well to
187 the court as to the client; that I will use no falsehood nor delay
188 any person's cause for lucre or malice, and that I will support
189 the Constitution of the State of Mississippi so long as I continue
190 a citizen thereof. So help me God."

191 And thereupon the name of such person, with the date of his
192 admission, shall be entered in a roll or book to be kept in each
193 court for that purpose.

194 SECTION 5. Section 73-3-37, Mississippi Code of 1972, is
195 reenacted as follows:

196 73-3-37. It is the duty of attorneys:

197 (1) To support the Constitution and laws of this state and
198 of the United States;

199 (2) To maintain the respect due to courts of justice and
200 judicial officers;

201 (3) To employ for the purpose of maintaining the causes
202 confided to them, such means only as are consistent with truth,
203 and never to seek to mislead by any artifice or false statement of
204 the law;

205 (4) To maintain inviolate the confidence and, at every peril
206 to themselves, to preserve the secrets of their clients;

207 (5) To abstain from all offensive personalities, and to

208 advance no fact prejudicial to the honor or reputation of a party
209 or witness, unless required by the justice of the cause with which
210 they are charged;

211 (6) To encourage neither the commencement nor continuance of
212 an action or proceeding from any motives of passion or personal
213 interest;

214 (7) Never to reject, for any consideration personal to
215 themselves, the cause of the defenseless or oppressed.

216 SECTION 6. Section 73-3-39, Mississippi Code of 1972, is
217 reenacted as follows:

218 73-3-39. (1) It is hereby declared to be the public policy
219 of the State of Mississippi that the practice of law before any
220 court or administrative agency is a matter of privilege and not a
221 matter of right.

222 (2) Subject to the conditions, rules and regulations adopted
223 by the Supreme Court of Mississippi, any attorney or
224 counselor-at-law of another state, in good professional standing,
225 of good moral character and who is familiar with the ethics,
226 principles, practices, customs and usages of the legal profession
227 in the State of Mississippi may appear and plead in any special
228 cause before any court or administrative agency in this state;
229 provided, however, that in so appearing such attorney or
230 counselor-at-law shall subject himself to the jurisdiction of the
231 State Board of Bar Admissions and shall consent to the application
232 of the provisions of this article.

233 (3) Upon petition of two (2) members in good standing of the
234 bar of any county of the State of Mississippi, not members of the
235 same firm, representing that any attorney or counselor-at-law of
236 another state is appearing in any cause before any court or
237 administrative agency of this state and raising the question of
238 the qualifications of such attorney or counselor-at-law as set out
239 in subsection (2) of this section or compliance by such attorney
240 with the conditions, rules and regulations adopted by the Supreme
241 Court of Mississippi, the State Board of Bar Admissions shall, or
242 upon its own initiative may, make inquiry as to the professional

243 standing, moral character, familiarity with the ethics,
244 principles, practices, customs and usages of the legal profession
245 in the State of Mississippi of any such attorney or
246 counselor-at-law of another state and shall inquire as to such
247 attorney's professional standing with his local bar and into the
248 question of whether or not such attorney is familiar with and
249 willing to abide by the ethics, principles, practices, customs and
250 usages of the legal profession in the State of Mississippi.

251 (4) In conducting the inquiry referred to in the preceding
252 section, the State Board of Bar Admissions shall have authority to
253 require the appearance of the attorney or counselor-at-law
254 involved before it and shall have the power to subpoena witnesses
255 and require the production of evidence, oral and documentary, and
256 issue appropriate process therefor, and to do any and all other
257 things which may be required to determine fully and completely the
258 facts as issued before it. After such hearing the State Board of
259 Bar Admissions shall make such determination as, in its opinion
260 and sound discretion, is justified from the evidence before it and
261 may permit or refuse to permit the said attorney or
262 counselor-at-law to continue to appear and plead in such special
263 cause.

264 (5) The action or decision of the Board of Bar Admissions in
265 administering this section is hereby declared to be a judicial
266 function and not administrative in character, and appeals from the
267 decision of said board may be taken in accordance with the
268 provisions of Section 11-51-75, Mississippi Code of 1972.

269 (6) Any attorney or counselor-at-law who wilfully makes any
270 false or misleading statement to said board touching upon the
271 matters under inquiry shall be guilty of perjury, shall be
272 punished according to law upon conviction thereof, and the
273 judgment of the court imposing such punishment shall, in addition,
274 provide that such attorney or counselor-at-law shall be
275 perpetually barred from practice before any court or
276 administrative agency of this state.

277 (7) Any such attorney or counselor-at-law of another state

278 who shall appear or plead in any court or administrative agency in
279 this state after his qualifications shall have been called into
280 question by the petition hereinbefore mentioned or by the State
281 Board of Bar Admissions acting upon its own initiative and before
282 having obtained an order from the said State Board of Bar
283 Admissions authorizing his appearance shall be guilty of a
284 misdemeanor and, upon conviction thereof, shall be fined not less
285 than One Hundred Dollars (\$100.00) nor more than One Thousand
286 Dollars (\$1,000.00), or imprisoned in the county jail for not more
287 than six (6) months, or both such fine and imprisonment.

288 SECTION 7. Section 73-3-41, Mississippi Code of 1972, is
289 reenacted as follows:

290 73-3-41. Every person who has been or shall hereafter be
291 convicted of felony in a court of this or any other state or a
292 court of the United States, manslaughter or a violation of the
293 Internal Revenue Code excepted, shall be incapable of obtaining a
294 license to practice law. Any court of the State of Mississippi in
295 which a licensed attorney shall have been convicted of a felony,
296 other than manslaughter or a violation of the Internal Revenue
297 Code, shall enter an order disbarring the attorney.

298 SECTION 8. Section 73-3-43, Mississippi Code of 1972, is
299 reenacted as follows:

300 73-3-43. It shall not be lawful for a clerk of any court of
301 record or the deputy or assistant of any such clerk, or for any
302 sheriff or his deputy, to exercise the profession or employment of
303 an attorney or counselor-at-law, or to be engaged in the practice
304 of law, or to receive any fee or reward for any such services
305 rendered during his continuance in such position; and any person
306 offending herein shall be guilty of a misdemeanor, and, upon
307 conviction, to be fined in a sum not exceeding Five Hundred
308 Dollars (\$500.00) and be removed from office; but this shall not
309 prohibit the clerk of any court of record or the sheriff of any
310 county from practicing in any of the courts so far as to enable
311 them to bring to conclusion civil cases in which such clerk or
312 sheriff are employed and which are actually filed and pending at

313 the time when such clerk or sheriff is appointed or nominated in a
314 party primary and subsequently elected to office.

315 SECTION 9. Section 73-3-45, Mississippi Code of 1972, is
316 reenacted as follows:

317 73-3-45. If any justice court judge or the partner in the
318 practice of law of any justice court judge shall appear before a
319 justice court judge of his district as attorney or counsel in any
320 misdemeanor case over which he has jurisdiction, or in any appeal
321 of any such case from the judgment of such officer, or in any
322 certiorari to any such officer for the same, he shall be guilty of
323 a misdemeanor and, on conviction, shall be fined not more than
324 Five Hundred Dollars (\$500.00), or be imprisoned not more than six
325 (6) months, or both.

326 SECTION 10. Section 73-3-47, Mississippi Code of 1972, is
327 reenacted as follows:

328 73-3-47. If the partner in the practice of law of any
329 justice court judge shall appear before such justice court judge
330 of his district, as attorney or counsel in any case, civil or
331 criminal, or in any appeal from the judgment of such officer, or
332 in any certiorari to such officer, he shall be guilty of a
333 misdemeanor and, on conviction, shall be fined not more than Five
334 Hundred Dollars (\$500.00), or be imprisoned not more than six (6)
335 months, or both.

336 SECTION 11. Section 73-3-49, Mississippi Code of 1972, is
337 reenacted as follows:

338 73-3-49. Where two (2) or more attorneys at law of this
339 state are associated together in practice as attorneys or
340 counselors-at-law, and one (1) of such attorneys shall be district
341 attorney of his district or the county attorney of his county, it
342 shall be unlawful for such other attorney, or partner, to appear
343 and defend in any of the courts of that county any person charged
344 with a misdemeanor or felony, and this section shall apply, even
345 though such association may exist only for the transaction of
346 civil business in a particular court.

347 Any attorney violating this section shall be deemed guilty of

348 a misdemeanor and, on conviction shall be fined in the sum of not
349 less than Ten Dollars (\$10.00) nor more than One Hundred Dollars
350 (\$100.00), and shall forfeit his license to practice law in this
351 state.

352 SECTION 12. Section 73-3-51, Mississippi Code of 1972, is
353 reenacted as follows:

354 73-3-51. It shall be unlawful for the Attorney General or
355 any assistant attorney general, or any district attorney, or any
356 attorney at law associated in the practice as attorney or
357 counselor-at-law with any attorney general or district attorney,
358 to accept employment from or to represent as attorney or
359 counselor-at-law any railroad corporation, street railway
360 corporation, telephone or telegraph corporation, express company,
361 or other common carrier, or public service corporation whatsoever,
362 and any attorney violating this section shall be guilty of a
363 misdemeanor and, on conviction, shall be fined in a sum not less
364 than Ten Dollars (\$10.00) nor more than One Hundred Dollars
365 (\$100.00), and shall forfeit his license to practice law in this
366 state.

367 SECTION 13. Section 73-3-55, Mississippi Code of 1972, is
368 reenacted as follows:

369 73-3-55. It shall be unlawful for any person to engage in
370 the practice of law in this state who has not been licensed
371 according to law. Any person violating the provisions of this
372 section shall be deemed guilty of a misdemeanor, and, upon
373 conviction, shall be punished in accordance with the provisions of
374 Section 97-23-43. Any person who shall for fee or reward or
375 promise, directly or indirectly, write or dictate any paper or
376 instrument of writing, to be filed in any cause or proceeding
377 pending, or to be instituted in any court in this state, or give
378 any counsel or advice therein, or who shall write or dictate any
379 bill of sale, deed of conveyance, deed of trust, mortgage,
380 contract, or last will and testament, or shall make or certify to
381 any abstract of title to real estate other than his own or in
382 which he may own an interest, shall be held to be engaged in the

383 practice of law. This section shall not, however, prevent title
384 or abstract of title guaranty companies incorporated under the
385 laws of this state from making abstract or certifying titles to
386 real estate where it acts through some person as agent, authorized
387 under the laws of the State of Mississippi to practice law; nor
388 shall this section prevent any abstract company chartered under
389 the laws of the State of Mississippi with a paid-up capital of
390 Fifty Thousand Dollars (\$50,000.00) or more from making or
391 certifying to abstracts of title to real estate through the
392 president, secretary or other principal officer of such company.

393 SECTION 14. Section 73-3-57, Mississippi Code of 1972, is
394 reenacted as follows:

395 73-3-57. It shall be unlawful for an attorney at law, either
396 before or after action brought, to promise, or give or offer to
397 promise or give, a valuable consideration to any person as an
398 inducement to placing, or in consideration of having placed in his
399 hands, or in the hands of any partnership of which he is a member,
400 a demand of any kind, for the purpose of bringing suit or making
401 claim against another, or to employ a person to search for and
402 procure clients to be brought to such attorney.

403 SECTION 15. Section 73-3-59, Mississippi Code of 1972, is
404 reenacted as follows:

405 73-3-59. Any attorney at law who shall violate the
406 provisions of the preceding section shall be guilty of a
407 misdemeanor and shall be removed and disbarred from acting as an
408 attorney at law, and any person who shall, before or after suit
409 brought, receive or agree to receive from any attorney at law,
410 compensation for services in seeking out or placing in the hands
411 of an attorney a demand of any kind for suit or a compromise,
412 shall be guilty of a misdemeanor.

413 SECTION 16. Section 73-3-401, Mississippi Code of 1972, is
414 amended as follows:

415 73-3-401. Sections 73-3-2 through 73-3-59, which create the
416 Board of Bar Admissions and prescribe its duties and powers, and
417 which provide certain regulations regarding the practice of law in

418 this state, shall stand repealed as of December 31, 2003.

419 SECTION 17. This act shall take effect and be in force from
420 and after July 1, 2000.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO REENACT SECTIONS 73-3-2 THROUGH 73-3-59,
2MISSISSIPPI CODE OF 1972, WHICH CREATE THE BOARD OF BAR ADMISSIONS
3AND PRESCRIBE ITS POWERS AND DUTIES AND ESTABLISH REGULATIONS
4REGARDING THE PRACTICE OF LAW IN MISSISSIPPI; TO AMEND SECTION
573-3-401, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE
6REPEALER ON SECTION 73-3-2 THROUGH 73-3-59, MISSISSIPPI CODE OF
71972, FROM DECEMBER 31, 2000, TO DECEMBER 31, 2003; AND FOR
8RELATED PURPOSES.