

By: Senator(s) Wiggins

To: Judiciary, Division A

SENATE BILL NO. 2380

1 AN ACT TO CREATE NEW SECTION 9-3-40, MISSISSIPPI CODE OF
 2 1972, TO REQUIRE THE SUPREME COURT TO PROMULGATE RULES FOR THE
 3 COURTS OF THIS STATE REQUIRING THE DISCLOSURE OF PARTIES WHO OR
 4 WHICH ARE FINANCIALLY INTERESTED IN THE OUTCOME OF THE LITIGATION
 5 FOR THE PURPOSES OF PROVIDING A COURT WITH ADDITIONAL INFORMATION
 6 CONCERNING PARTIES WHOSE PARTICIPATION IN A CASE MAY RAISE A
 7 RECUSAL ISSUE; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** The following shall be codified as Section
 10 9-3-40, Mississippi Code of 1972:

11 9-3-40. (1) In addition to the required information to be
 12 disclosed under any of judicial rules of court already existing,
 13 the supreme court shall promulgate rules to provide for the
 14 disclosure of any entity who or which is financially interested in
 15 the outcome of the litigation for the purposes of providing a
 16 court with additional information concerning parties whose
 17 participation in a case may raise a recusal issue.

18 (2) Under the rules promulgated under this section:

19 (a) Counsel and unrepresented parties shall furnish a
 20 certificate for all private nongovernmental parties which must



21 certify a complete list of all persons, associations of persons,
22 firms, partnerships, corporations, guarantors, insurers,
23 affiliates, parent corporations, or other legal entities who or
24 which are financially interested in the outcome of the litigation
25 to the court. If a large group of persons or firms can be
26 specified by a generic description, individual listing shall not
27 be necessary.

28 (c) Each certificate shall also list the names of
29 opposing law firms and/or counsel in the case.

30 (d) Each certificate shall list all persons known to
31 counsel to be interested, on all sides of the case, whether or not
32 represented by counsel furnishing the certificate.

33 (e) Counsel shall have the burden to ascertain and
34 certify the true facts to the court.

35 (f) The certificate shall provide that the
36 representations are made in order that the judges of this court
37 may evaluate possible disqualification or recusal.

38 (g) Counsel and unrepresented parties shall supplement
39 their certificates of interested persons whenever the information
40 required to be disclosed changes.

41 **SECTION 2.** This act shall take effect and be in force from
42 and after July 1, 2023.

