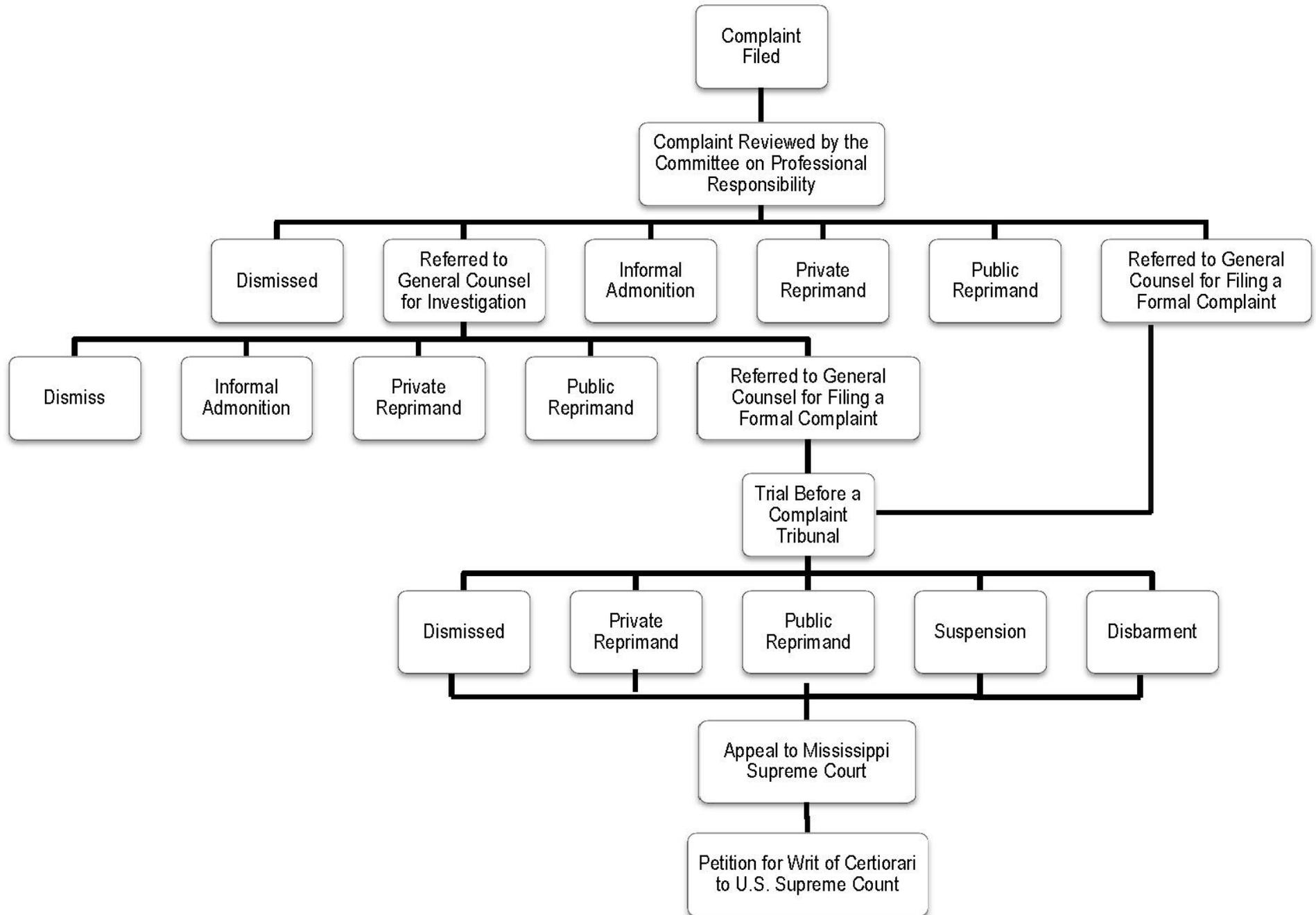


MISSISSIPPI ATTORNEY DISCIPLINE PROCESS





THE MISSISSIPPI BAR

INSTRUCTIONS FOR FILING A COMPLAINT

If you wish to file a complaint it will be necessary for you to complete the complaint form on the back of these instructions. Please read all instructions carefully before completing the form. List only one attorney per form and print or type in black ink. **If your complaint is not properly completed it cannot be acted upon and will be returned to you.**

PART ONE: You must give your name, address and phone number and the name and address of the accused attorney. This is particularly important where two people have the same or similar name. **If you do not give the address, the complaint cannot be considered and it will be returned to you.** If your address or phone number should change, notice should be given to the Bar immediately.

PART TWO: Your complaint will be considered even if you answer "no," but you must write in either "yes" or "no." If you do not, the complaint will be returned to you.

Write in "yes" only if someone has personal knowledge about the facts of the complaint. "Personal knowledge" is not gossip, rumor, hearsay, or just what is being said.

If you answer "yes," on a separate sheet of paper provide the names, addresses, ages, and phone numbers of those persons and state if they could come to Jackson, Mississippi to testify at any hearing. Also, if you answer "yes," send either a written statement signed by each person or tell in your own words what each person knows and how they got that information. **If you do not send the names, addresses, phone numbers, ages, and statements, the complaint will be returned to you.**

PART THREE: In section A, list by number, and give a description of each specific thing about which you are complaining. In section B, you are to make a statement of all the facts and details about what happened. To do so, write it down in chronological order; that is, start at the beginning and write things down in the order in which they happened. You may use extra sheets of paper, but make certain they are numbered. If you have letters, documents, or other evidence, you should send them along with your complaint. If you send such evidence, mention in your statement at appropriate places what evidence you are sending. This will help everyone to know what you are talking about.

PART FOUR: Please review your answers carefully. You must sign on the line above "Your Signature" and date the form. If your complaint is not properly completed it cannot be acted upon and will be returned to you.

PART FIVE: This is a certification that you have been provided with, have read and understand the information in the brochure that discusses how your complaint will be processed.

After you have written and signed your complaint return it to:

Office of General Counsel
The Mississippi Bar
P.O. Box 2168
Jackson, MS 39225-2168

OTHER INSTRUCTIONS: The Mississippi Bar cannot tell you what to say in your complaint. You must write down the facts as you know them. However, if you need help to understand instructions, you can call (601)948-4471.

Your complaint will be reviewed, and if the Committee on Professional Responsibility finds it meritorious, it will be investigated. The Committee will notify you of the action it takes.

A LAWYER'S CREED

To my clients, I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust.

To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek to fairly resolve differences and, if we fail to reconcile disagreements, I will strive to make our dispute a dignified one.

To the courts, and other tribunals, and to those who assist them, I offer respect, candor, and courtesy. I will strive to do honor to the search for justice.

To my colleagues in the practice of law, I offer concern for your reputation and well being. I will extend to you the same courtesy, respect, candor and dignity that I expect to be extended to me. I will strive to make our association a professional friendship.

To the profession, I will strive to keep our business a profession and our profession a calling in the spirit of public service.

To the public and our systems of justice, I offer service. I will strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through effective and ethical representation of my clients.

ASPIRATIONAL IDEALS

As a lawyer, I will aspire:

- (a) To put fidelity to clients and, through clients, to the common good, before my personal interests.
- (b) To model for others, and particularly for my clients, the respect due to those we call upon to resolve our disputes and the regard due to all participants in our dispute resolution processes.
- (c) To pursue the goals of equality and fairness in my personal and professional activities.
- (d) To preserve and improve the law, the legal system, and other dispute resolution processes as instruments for the common good.
- (e) To make the law, the legal system, and other dispute resolution processes available to all.
- (f) To practice with a personal commitment to the rules governing our profession and to encourage others to do the same.
- (g) To preserve the dignity and the integrity of our profession by my conduct. The dignity and the integrity of our profession is an inheritance that must be maintained by each successive generation of lawyers.
- (h) To achieve excellence in my work.
- (i) To practice law not only as a business, but as a calling in the spirit of public service.

As to clients, I will aspire:

- (a) To expeditious and economical achievement of client objectives.
- (b) To fully informed client decision-making. As a professional, I will:
 - (1) Counsel clients about various forms of dispute resolution;
 - (2) Counsel clients about the value of cooperation as a means towards the productive resolution of disputes;
 - (3) Maintain the sympathetic detachment that permits objective and independent advice to clients;
 - (4) Communicate promptly and clearly with clients; and
 - (5) Reach clear agreements with clients concerning the nature of the representation.

(c) To fair and equitable fee agreements. As a professional, I will:

- (1) Consider and discuss with clients alternative fee arrangements as may be appropriate in the circumstances;
- (2) Reach fee agreements with clients as early in the relationship as possible; and
- (3) Determine the amount of fees by consideration of many factors and not just time spent by the attorney.

(d) To comply with the obligations of confidentiality and the avoidance of conflicting loyalties in a manner designed to achieve the fidelity to clients.

(e) To achieve and maintain a high level of competence in my fields of practice.

As to opposing parties and their counsel, I will aspire:

(a) To cooperate with opposing counsel in a manner consistent with the competent representation of my client. As a professional, I will:

- (1) Notify opposing counsel in a timely fashion of any canceled appearance;
- (2) Grant reasonable requests for extensions or scheduling changes; and
- (3) Consult with opposing counsel in the scheduling of appearances, meetings, and depositions.

(b) To treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice. As a professional, I will:

- (1) Not serve motions or pleadings in such a manner or at such a time as to preclude opportunity for a competent response;
- (2) Be courteous and civil in all communications;
- (3) Respond promptly to all requests by opposing counsel;
- (4) Avoid rudeness and other acts of disrespect in all meetings including depositions and negotiations;
- (5) Prepare documents that accurately reflect the agreement of all parties; and
- (6) Clearly identify all changes made in documents submitted by opposing counsel for review.

As to the courts, other tribunals, and to those who assist them, I will aspire:

(a) To represent my clients in a manner consistent with the proper functioning of a fair, efficient, and humane system of justice. As a professional, I will:

- (1) Avoid non-essential litigation and non-essential pleading in litigation;
- (2) Explore with clients and opposing parties the possibilities of settlement of litigated matters;
- (3) Seek non-coerced agreement between the parties on procedural and discovery matters;

- (4) Avoid all delays not dictated by a competent presentation of a client's claims;
 - (5) Prevent misuses of court time by verifying the availability of key participants for scheduled appearances before the court and by being punctual; and
 - (6) Advise clients about the obligations of civility, courtesy, fairness, cooperation, and other proper behavior expected of those who use our systems of justice.
- (b) To model for others the respect due to our courts. As a professional, I will:
- (1) Act with complete honesty;
 - (2) Know court rules and procedures;
 - (3) Give appropriate deference to court rulings;
 - (4) Avoid undue familiarity and any appearance or claim of any undue influence with members of the judiciary;
 - (5) Avoid unfounded, unsubstantiated, or unjustified public criticism of members of the judiciary;
 - (6) Show respect with my attire and demeanor;
 - (7) Assist the judiciary in determining the applicable law; and
 - (8) Seek to understand the judiciary's obligations of informed and impartial decision-making.

As to my colleagues in the practice of law, I will aspire:

- (a) To recognize and to develop our interdependence;
- (b) To assist my colleagues to become better people in the practice of law and to accept their assistance offered to me.
- (c) To defend my colleagues against unjust criticism; and
- (d) To offer my colleagues appropriate assistance with your personal and professional needs.

As to our profession, I will aspire:

- (a) To improve the practice of law. As a professional, I will:
 - (1) Support high-quality continuing legal education;
 - (2) Participate in organized activities of the bar and other legal organizations;
 - (3) Assist when requested in the education of future lawyers; and
 - (4) Promote understanding of professionalism and ethical standards among members of the profession.

(b) To protect the public from incompetent or other wrongful lawyering. As a professional, I will:

- (1) Support high standards in bar admissions; and
- (2) Assist in the enforcement of the legal and ethical standards imposed upon all lawyers.

(c) To support diversity in the profession, especially the practice of law by members of historically underrepresented groups.

(d) To promote the understanding of and an appreciation for our profession by the public. I will:

- (1) Use appropriate opportunities, publicly and privately, to comment upon the roles of lawyers in society and government, as well as in our system of justice; and
- (2) Conduct myself always with an awareness that my actions and demeanor reflect upon our profession.

(e) To devote my time and skills to activities that promote the common good.

As to the public and our systems of justice, I will aspire:

(a) To counsel clients about the moral and social consequences of their conduct.

(b) To consider the effect of my conduct on the image of our systems of justice including the social effect of advertising methods.

(c) To provide the pro bono representation that is necessary to make our system of justice available to all.

(d) To support organizations that provide pro bono representation to indigent clients.

(e) To improve our laws and legal system by, for example:

- (1) Serving as a public official;
- (2) Assisting in the education of the public concerning our laws and legal system;
- (3) Commenting publicly upon our laws; and
- (4) Using other appropriate methods of effecting positive change in our laws and legal system.