

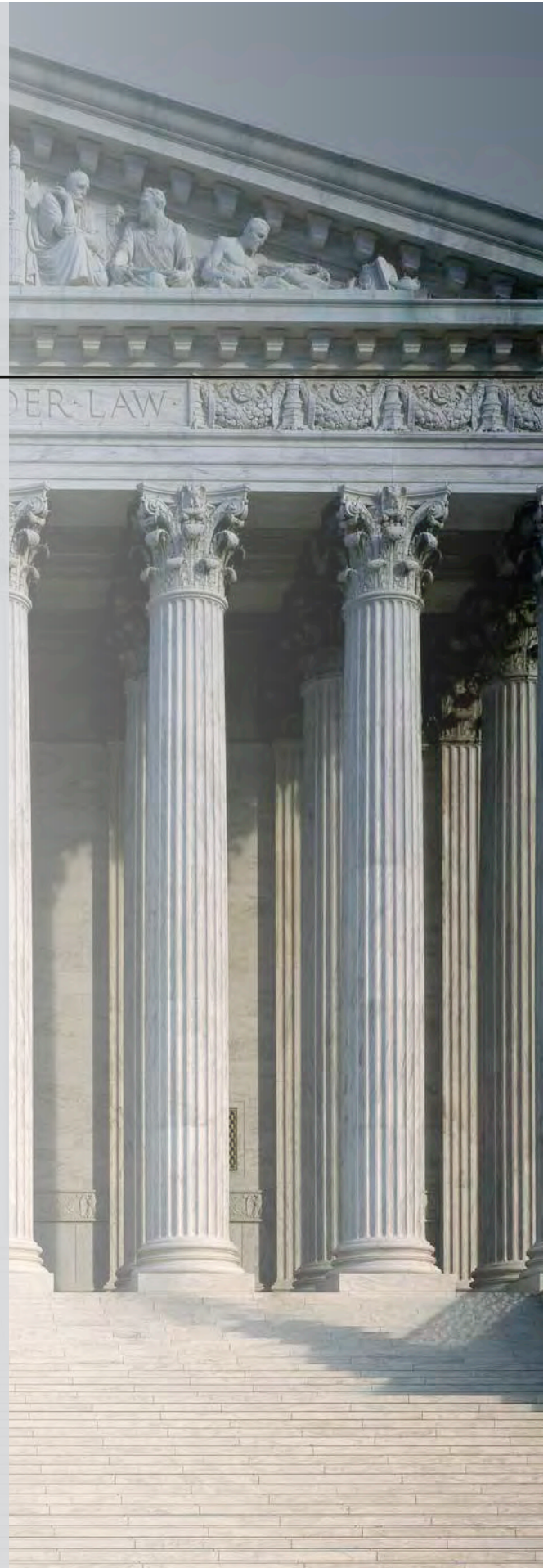


Mandatory State Bar Associations

Managing Keller

The following information regarding mandatory bars and how they manage Keller related activities was compiled by State Bar of Michigan between February 2014 and May 2014. This was a significant research initiative to support the Michigan Supreme Court Task Force on the Role of the State Bar of Michigan. As information was gathered, executive directors from several state bars expressed an interest in receiving this compilation of material. We are pleased to share this information with those who find it useful. Please note that the State Bar of Michigan does not update this compilation as policies and statutes change in various states. Users are encouraged to check with the state bars directly to learn of any relevant changes.

Return to main contents page
<http://www.michbar.org/opinions/keller.cfm>



- Mississippi
 - Email and Bar Dues Protest and Refund Procedure
 - Bylaws

MISSISSIPPI BAR DUES PROTEST AND REFUND PROCEDURE

In recognition of The Mississippi Bar's objective to involve itself only in those activities related to the regulation of the profession, improving the administration of justice and the quality of legal services, and in recognition that it will not always be easy to discern which activities completely meet this criteria, the following protest procedure is adopted by resolution of the Board of Bar Commissioners of The Mississippi Bar.

1. Each year in connection with the budget process, the Executive Director of The Mississippi State shall: a) publish a summary of the Bar's General Operating Budget and b) publish the Bar's annual audit showing all disbursements and revenues.
2. Any member of the Bar who believes that specific activities of The Mississippi Bar supported by membership fees are outside of its proper scope may direct a letter to the Executive Director, stating what activity is challenged and why those activities are outside of the Bar's proper scope of activities.
3. The Executive Director shall immediately calculate that portion of the member's membership fees that support the challenged activity, advise the protesting member of the calculated amount of the individual member's dues which support the activity and refer the matter to the Board of Bar Commissioners or its Executive Committee for consideration of refund.
4. If a refund is made, interest will be calculated at the legal rate on the amount of the refund from the date that the enrollment fee was paid.

SBM

STATE BAR OF MICHIGAN

**THE MISSISSIPPI BAR
BYLAWS
AS AMENDED JULY, 13, 2013**

ARTICLE ONE

**CREATION, MEMBERSHIP
AND GOVERNMENT**

1-1. Creation. The Mississippi Bar (the Bar) has been created by the State of Mississippi. These Bylaws are adopted pursuant to authority from the State of Mississippi and are at all times subject to the Laws of the State of Mississippi. In case of any conflict between these Bylaws and any existing or future laws of the State of Mississippi, these Bylaws shall yield to such law.

1-2. Membership. The Membership of the Bar is as provided by law. All persons duly admitted to practice law in the State of Mississippi shall be members of the Bar unless such membership is terminated as provided by law.

1-3. Government. The Bar shall be governed by a Board of Commissioners (the Board) and as further provided herein.

1-4. Purpose. The Purpose of the Bar shall be:

- (a) to promote improvements in the administration of justice;
- (b) to improve the delivery of legal services;
- (c) to provide leadership in the improvement of the law;
- (d) to increase the public's understanding of the law and the role of the legal profession;
- (e) to promote service to the public by members of the Bar;
- (f) to assure the highest standards of professional competence and ethical conduct;
- (g) to serve as the state representative of the legal profession;
- (h) to enhance the professional growth of the members; and
- (i) and to uphold the honor, dignity and integrity of the legal profession.

ARTICLE TWO

MEETINGS OF THE YEAR

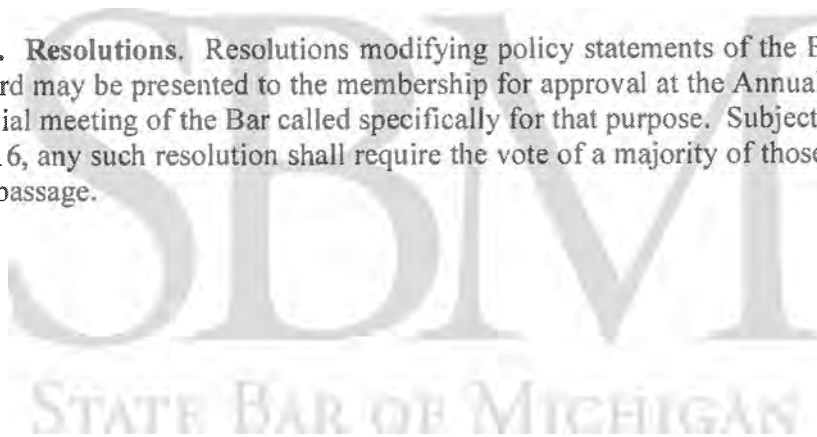
2-1. Annual Meeting. The Annual Meeting of the Bar shall be its Convention and shall be held at a time and place selected by the Commissioners. At the Annual Meeting the President shall report to the members of the Bar.

2-2. Special Meetings. Special Meetings of the Bar may be called at any time (a) by the President, with the concurrence of a majority of the Board, (b) by a majority of the Board or (c) by 100 members of the Bar. The call of any Special Meeting shall state the time and place of the special meeting, and the business proposed to be transacted at such meeting.

2-3. Notice of Meetings of the Bar. The Secretary of the Bar shall give notice of any meeting of the Bar to all members by mail, email, electronic publication, or facsimile not less than 15 nor more than 45 days prior to the beginning of the meeting.

2-4. Parliamentary Procedure. The President may prescribe time limits for debate. Except as provided herein the most recent edition of Roberts Rules of Order shall govern in all questions of Parliamentary Procedure.

2-5. Resolutions. Resolutions modifying policy statements of the Bar previously adopted by the Board may be presented to the membership for approval at the Annual meeting of the Bar or at any special meeting of the Bar called specifically for that purpose. Subject to the requirements of Section 9-16, any such resolution shall require the vote of a majority of those members present and voting for passage.



ARTICLE THREE

BOARD OF COMMISSIONERS

3-1. Powers and Duties. The Board shall be the executive agency of the Bar and shall have the powers and duties set forth in Miss. Code Ann. §73-3-101 *et seq.* (1972, as amended) and the Rules of Discipline for the Mississippi Bar. The Board:

- (a) shall make such regulations, not inconsistent with law, as shall be necessary and proper for the protection of the property of the Bar and for the preservation of good order and the conduct of its affairs;
- (b) shall direct the manner and the purposes for which all funds of the Bar shall be disbursed, provided, however, the Board shall have no authority to incur liability for any debts in excess of the amount of the treasury of the Bar not already appropriated;
- (c) may adopt resolutions and take other actions which reflect statements of policy on behalf of the Bar; and
- (d) subject to the provisions of Article 10, take such other actions necessary and proper for the effective governance of the Bar and for effectuation of the purposes of the Bar. In all its actions, the Board shall speak on behalf of The Mississippi Bar. The Board shall keep a record of its proceedings.

3-2. Number and Term of Commissioners. Each circuit court district shall be entitled to one Commissioner for every 400 members of the Bar, or a fraction thereof, within that district as noted on the official rolls of the Bar as of August 1 of each year, but in no event shall any circuit court district have more than five (5) elected Commissioners; provided however, that there shall be at least one Commissioner from each circuit court district in the State. In addition, there shall also be one (1) Commissioner from the state at large who shall be an African-American lawyer. This Commissioner shall be elected by African-American lawyers in the state. Each Commissioner shall be elected for a term of three (3) years and shall either reside in or have his principal place of business in the Circuit Court District that he/she is elected to serve during such term. One-third of the Commissioners shall be elected each year. No person shall serve two (2) successive terms as Commissioner. The term of each Commissioner shall commence at the adjournment of the Annual Meeting of the Bar next following his election and expire at the adjournment of the Annual Meeting of the Bar at which the election of his successor occurs. The President, the First Vice President/President Elect, the Second Vice-President, and the Immediate Past President of the Bar and the President and President-Elect of the Young Lawyers Division of the Bar shall also be Commissioners.

3-3. Special Meetings. Special Meetings of the Board may be called by the President and shall be called by the President upon the request in writing of a majority of the Board. The Board shall be notified of the time and place of any special meeting by mail, email or facsimile within a reasonable time prior thereto, not less than seven (7) days, if practicable.

3-4. Quorum. At all meetings of the Board a majority of the entire membership shall constitute a quorum for action upon any questions that may come before the Board except as may otherwise be provided by statute or these Bylaws.

3-5. Action by the Board Without Assembly. The Board may transact business by correspondence which is intended to include, by way of example and not limitation, telephone, mail, e-mail, facsimile, and video conferencing without the necessity of actual assembly provided that a majority of the Board confirms such action in writing.

3-6. Executive Committee. The Board shall have an Executive Committee which shall be composed of the President, First Vice President, President-Elect, Second Vice President, Past President, President of the Young Lawyers Division and two (2) Commissioners appointed by the Board. The Executive Committee shall have the power to act for the Board between meetings of the Board. The Executive Committee shall take no action that would be in conflict with previous policy of the Board, nor take any action that would effectively change or alter a previous position or policy of the Board.



ARTICLE FOUR

ELECTION OF COMMISSIONERS

4-1. Terms of Office. Upon the creation of additional circuit court districts or consolidation or realignment of existing circuit court districts, or upon the entitlement of any circuit district to additional Commissioners as provided in Section 3-2 above, the terms of Commissioner shall be adjusted so that approximately one-third of the Commissioners are elected each year and that the terms of the Commissioners within a circuit court district are staggered.

In the event that any circuit court district is entitled to more than one Commissioner, as provided in Section 3-2 above, any additional Commissioner shall be nominated and elected according to the regular election procedures set forth in these Bylaws, and the term of such Commissioner shall commence at the adjournment of the Annual Meeting of the Bar next following his election.

4-2. Nominating Committee. On or before July 1 of each year, the county bar of each county within a circuit court district having a commissioner whose term of office is scheduled to expire at the adjournment of the next following Annual Meeting of the Bar shall appoint a representative from such county who shall be a member in good standing of the Bar and who shall either reside in or has his principal place of business in that circuit court district as a member of a nominating committee for such circuit court district; provided, however, that in any circuit court district in which there is only one (1) county, such county bar shall appoint four (4) members and in any circuit court district in which there are only two (2) counties, each county shall appoint two (2) members of the nominating committee. Such appointments may be made by the President or by the Board of Directors of a county bar association in accordance with its bylaws. The county bars shall immediately certify such appointments to the Executive Director of the Bar. On or before July 15 the President of the Bar shall appoint four (4) members to a Nominating Committee to nominate at least one but not more than two African-American lawyers for the state at large district. Also, on or before July 15, the President of the Bar shall designate one of such representatives as Chairman of the Nominating Committee. Each Circuit Court District Nominating Committee shall meet on or before August 15 next following its appointment and shall nominate two (2) members of the Bar from that district for the office of Commissioner in accordance with the requirements of Section 3-2 above for the term beginning at the adjournment of the next Annual Meeting of the Bar. The Nominating Committee shall immediately certify such nominations to the Board. If the Nominating Committee of any district fails to certify such nominations as above provided for, the Board shall nominate two (2) members of the Bar from that district and such nominees shall then be the nominees from that district.

4-3. Nominations by Petitions. Any member of the Bar not nominated by the Nominating Committee for the district in which such member lives, may be nominated by petition filed with the Executive Director of the Bar signed by not less than ten (10) members of the Bar in good standing who are shall either reside in or have their principal place of business in such district. Such petition shall be filed on or before December 10 next following the date provided for making nominations by the Nominating Committee, and such petition shall be certified to the Board by the Executive Director.

4-4. Nominations Published. All members of the Bar in the affected districts shall be notified of the names of all persons to be nominated by mail, email, facsimile, electronic publication, or by publication in any official publication of the Bar in general circulation.

4-5. Election Procedure. The election of Commissioners shall be conducted substantially in the same manner and at the same time as prescribed for the election of the First Vice President/President-Elect.

4-6. Death, Withdrawal, etc. of a Nominee. In the event that a nominee dies, withdraws or becomes unable to serve as a commissioner prior to the certification of final election and there is a remaining nominee, the remaining nominee shall be declared elected. If there is no remaining nominee, the Nominating Committee (or upon default the Board) shall immediately nominate two new candidates from that Circuit Court District and the election shall proceed as provided in these Bylaws. If no votes are received from a circuit court district or the state at large district prior to the voting deadline, the Board shall elect the commissioner from the circuit court district.

4-7. Vacancies. In the event that a commissioner has been elected and certified as provided in these Bylaws and thereafter dies, resigns or becomes unable to serve or is no longer eligible pursuant to Section 3-2 above, the vacancy in office shall be filled as provided by Miss. Code Ann. §73-3-135 (1972, as amended).



ARTICLE FIVE

OFFICERS

5-1. Officers. The Officers of the Bar shall be a President, a First Vice-President/President-Elect, and a Second Vice President.

5-2. President. The President shall preside at all meetings of the Bar and of the Board. The President shall have such powers and duties as prescribed in these Bylaws or that may be conferred by the Board. The term of Office shall commence at the adjournment of the annual meeting at which the President is installed and expire at the adjournment of the annual meeting at which the successor is installed.

5-3. First Vice-President/ President-Elect. The First Vice President/ President-Elect shall perform the duties of the President upon the President's absence or inability to act and, in case of death of the President, the First Vice President/President Elect shall become President. The First Vice-President/President Elect shall automatically become President at the adjournment of the next annual meeting of the Bar.

5-4. Second Vice-President. The Second Vice-President shall perform the duties of the First Vice-President upon ~~the First Vice-President's~~ his absence or inability to act and, in case of the death of the First Vice-President, shall become First Vice-President, but not the President-Elect. The outgoing President of the Young Lawyers Division shall automatically become Second Vice President at the time the President takes office.

5-5. Secretary.

- (a) A Secretary, who may be designated as Executive Director of the Bar, shall be elected by the Board and shall hold office for one (1) year.
- (b) The Secretary shall perform the duties set forth in Miss. Code Ann. §73-3-111 (1972, as amended), and in addition, keep a record of all meetings of the Board, and all other meetings of which a record shall be deemed advisable by the Board and shall likewise keep a record of all minutes of the Bar and of all minutes directed by it to be kept. The Secretary shall conduct correspondence both of the Board and of the Bar with the concurrence of the Executive Director and President.
- (c) The Secretary shall collect and compile all data and information required by the Board or any committee thereof, or by the Bar or any committee thereof, relative to any investigation, study, or other matter.
- (d) The Secretary shall notify all officers of their election, or committee members of their appointment and shall keep a complete and current role of the members of the Bar which shall be compiled as required by law.
- (e) The Secretary shall issue notice of all meetings either of the Board or of the Bar.
- (f) The Secretary shall perform the duties of Treasurer.

5-6. Treasurer.

- (a) The Treasurer shall collect and receive all monies, keep a correct account thereof, and deposit the same in the name of the Bar in such bank or banks as may be approved by the Board. The Treasurer shall submit an annual report in writing of the financial condition of the Bar, which shall previously have been approved by the Board.
- (b) The Treasurer shall, as required by the Board, give such security for the faithful discharge of these duties as the Board may direct.

5-7. Executive Director.

- (a) The Executive Director shall be appointed annually by the Board upon the recommendation of the President.
- (b) The Executive Director shall be in charge of the office of the Bar; perform such duties as may be requested by the President and as may pertain to this office; direct and supervise the work of Bar office staff; serve on all committees ex-officio; and attend in an ex-officio capacity the meetings of the Board.

5-8. American Bar Association Delegates. Subject to the Rules of the American Bar Association (ABA), Delegates shall be appointed by the Board provided that no Delegate shall serve more than four (4) consecutive terms. In the event an ABA delegate is unable to attend the House of Delegates meeting, in accordance with the rules of the ABA, the President may appoint an alternate delegate to serve temporarily during the absence of said ABA delegate.



ARTICLE SIX

ELECTION OF FIRST VICE-PRESIDENT AND PRESIDENT-ELECT

6-1. Alternation of Office. The office of First Vice President/President-Elect shall be alternated among the following districts:

District 1 shall consist of the following counties: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, DeSoto, Grenada, Holmes, Humphreys, Issaquena, Itawamba, Kemper, Lafayette, Leake, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Neshoba, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Warren, Washington, Webster, Winston, Yalobusha and Yazoo.

District 2 shall consist of the following counties: Hinds, Madison and Rankin.

District 3 shall consist of the following counties: Adams, Amite, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lauderdale, Lawrence, Lincoln, Newton, Marion, Pearl River, Perry, Pike, Scott, Simpson, Smith, Stone, Walthall, Wayne and Wilkinson.

The First Vice President/President-Elect shall be a resident of District 1 for the term 1986-87; of District 3 for the term 1987-88; and of District 2 for the term 1988-89. Thereafter, the First Vice President/ President Elect will be rotated in the same order. For purposes of this section, the residence of the First Vice President/ President-Elect shall be either the county in which he resides or has his principal place of business.

6-2. Nominating Committee. There shall be a Nominating Committee composed of the President, the four (4) Immediate Past Presidents, the two (2) Immediate Past Presidents of the Young Lawyers Division, and six (6) members, two (2) from each district, appointed by the Board. The appointments by the Board shall be made on or before May 31. The President of the Bar shall be chairman of the Nominating Committee. Should the President be unable to serve, the committee shall elect a chairman from its membership. The President-Elect shall be an ex-officio non-voting member of the Nominating Committee. The Nominating Committee shall meet on or before August 15 of each year and shall nominate two (2) candidates from the appropriate District for the office of First Vice President/President-Elect with the term beginning at the adjournment of the next Annual Meeting of the Bar. The Nominating Committee shall immediately certify such nominations to the Board.

6-3. Nomination by Petition. Any member of the Bar not nominated by the Nominating Committee who satisfies the requirements of Section 6-1 above, may be nominated by petition filed with the Executive Director of the Bar, signed by not less than twenty-five (25) members of the Bar in good standing. Such petition shall be filed on or before December 10 immediately following the date provided for making nominations by the Nominating Committee, and such petition shall be certified to the Board by the Executive Director.

6-4. Publication of Nominations. The names of all persons nominated, together with a brief biographical sketch, shall be published in an official publication or electronic publication of the Bar, or mailed or e-mailed to all members of the Bar on or before January 1.

6-5. Procedure for Election. The election of the First Vice President/ President-Elect shall be conducted by in accordance with Rules of Procedure as adopted by the Board. . Only active members of the Bar in good standing shall have the right to vote.

6-6. Run-off Elections. If no candidate receives a majority of the votes cast for First Vice-President/President-Elect, there shall be a run-off election between the two persons receiving the highest number and the next highest number of votes. In this event the Executive Director shall initiate a run-off election no later than ten (10) days after the results of the first balloting have been determined. The run-off election shall be conducted in accordance with the Rules of Procedure as adopted by the Board.

6-7. Contest of Elections. Any nominee desiring to contest an election, shall, within five (5) days after the certification of the person declared elected,—or eligible for a second primary election, file with the President a written petition addressed to the Board stating the basis of the complaint. Upon receipt of such petition, the President shall call a special meeting of the Board to hear the complaint, which hearing shall be held within three (3) days from the date the petition is received and at a time and place to be designated by the President. At this hearing, the Board shall consider any evidence in support of the complaint. The decision of the Board shall be announced within forty-eight (48) hours after the closing of the hearing and such decision shall be final.

6-8. Death, Withdrawal, etc. of Nominee. In the event that a nominee dies, withdraws or becomes unable to serve as First Vice President/President-Elect prior to the certification of final election and there be only one remaining nominee, such nominee shall be declared elected. If all nominees die, withdraw or become unable to serve as First Vice President/President-Elect prior to the certification of final election, the Nominating Committee shall immediately nominate at least one additional candidate and the election shall proceed as provided in these Bylaws.

6-9. Filling of Vacancies. In the event that a First Vice President/President-Elect has been elected and certified as provided in these Bylaws and thereafter dies, withdraws or become unable to serve, the vacancy shall be filled as provided by Miss. Code Ann. §73-3-135 (1972, as amended).

ARTICLE SEVEN

DIVISION

7-1. Young Lawyers Division. There shall be a Division of the Bar known as the Young Lawyers Division of The Mississippi Bar. It shall assist the Bar in the accomplishment of its purposes and functions; promote the advancement of legal knowledge, ethics, prestige, and integrity of the Bar among younger lawyers; and make reports and recommendations, as called upon, to the Board. The Young Lawyers Division shall meet at least annually in conjunction with the Annual Meeting of the Bar.



ARTICLE EIGHT

SECTIONS

8-1 Creation and Discontinuance. The Board may create a Section of the Bar at any time. All Sections shall be responsible to the Board.

8-2. Bylaws of Sections. Each Section shall adopt, amend, and repeal Bylaws by a vote of 2/3 of its members present at any meeting thereof. The Bylaws of any Section shall not be in conflict with these Bylaws. The initial Bylaws of each Section shall conform to model Bylaws approved by the Board, and no amendment thereto shall be effective without approval by the Board.

8-3. Notice. The Bylaws of any Section shall provide for at least fifteen (15) days' notice of any meeting of the Section and for at least fifteen (15) days' notice of any proposal to amend or repeal the Bylaws of the Section.

8-4. Meetings. Each Section shall meet at least annually in conjunction with the Annual Meeting of the Bar.

8-5. Officers and Executive Committee. Each Section shall have a Chairperson and such other offices as its Bylaws provide. Each Section shall also have an Executive Committee consisting of the Section officers and such other members as its Bylaws provide.

8-6. Fiscal Year. The fiscal year of each Section shall be the same as the fiscal year of the Bar. Each Section shall file with the Executive Director of the Bar within thirty (30) days after the close of its fiscal year an accounting of the Section's finances for the preceding fiscal year and an annual report which describes the work and activities of the Section during the preceding fiscal year.

8-7. In General. Any member of the Bar shall be entitled to enroll in one or more Sections. No Section shall incur any obligation in excess of funds actually available to it from its own dues and fees unless prior approval therefore is obtained from the Board.

ARTICLE NINE

COMMITTEES

9-1. Appointment. The President shall appoint the members of all committees of the Bar. As nearly as practicable, all committee members shall be appointed for staggered terms.

9-2. Chairmen. The President shall appoint the Chairmen of each committee, whose terms expire (a) when their successors are appointed and (b) after the adjournment of the Annual Meeting of the Bar following such appointment.

9-3. Standing Committees. The Standing Committees of the Bar shall be those that are specified in these Bylaws. A Standing Committee may adopt, as is necessary and appropriate to its work, Rules of Procedure. Such Rules of Procedure shall not be in conflict with these Bylaws. Rules of Procedure adopted by a Standing Committee must be approved by the Board and any amendments to the Rules of Procedure must be approved by the Board.

9-4. Ad Hoc Committees. The President, with the consent of the Board, may appoint such ad hoc committees as the Board determines to be necessary or desirable. No ad hoc committee shall be created for a period longer than two years.

9-5. Lay Members of Committees. Upon direction of the Board the President may appoint laymen to be advisory members of any committee. Any lay member of a committee of the Bar shall serve for such term as the Board may provide and shall have the right to vote in the deliberations of the committee if specifically authorized by the Board.

9-6. Reports of Committees. An annual report shall, and interim reports may, be filed by each committee with the President and the Board.

9-7. Adjustment of Terms; Filling Vacancies. The President, as needed, may adjust terms of appointees to maintain continuity and may appoint additional members for one-year terms. Failure of a member to attend meetings or perform assigned and accepted duties, without reasonable excuse, shall be deemed a resignation, at the discretion of the President. The President shall fill all vacancies for the remainder of the unexpired term.

Standing Committees

9-8. Budget and Finance Committee. (First Vice President/President Elect, Immediate Past President and four other members, each serving a two-year term). The Budget and Finance Committee shall prepare and present an annual budget to the Board and perform such other related duties as the President may assign.

9-9. Clients' Security Fund Committee. (Six members on three-year terms, two from each district as provided in Article 6-1 of these Bylaws). The Clients' Security Fund Committee shall administer the Clients' Security Fund in accordance with the resolution creating the same.

9-10. Committee on Professional Responsibility. (Six members on three year terms, two from each district as provided in Article 6-1 of these Bylaws). The Committee on Professional Responsibility shall have the powers and duties provided by the Rules of Discipline for The Mississippi Bar.

9-11. Bench-Bar Liaison Committee. (Nine members, three-year terms, three from each district as provided in Article 6-1 of these Bylaws). The Court Liaison and Judicial Administration Committee shall maintain and improve relations between the Bar and the state and federal judiciary in Mississippi; shall study and make recommendations regarding improvements in the judicial system; and shall perform such other functions as will improve the administration of justice.

9-12. Ethics Committee. (Nine members, three-year terms.) Subject to final approval of the Commissioners, the Ethics Committee shall:

- (a) formulate and recommend standards of ethics and conduct in the practice of law as a profession and consider the Mississippi Rules of Professional Conduct (MRPC) and recommend amendments it deems desirable;
- (b) upon request, advise or assist local bar associations in their activities in respect to the interpretation of the MRPC;
- (c) be authorized, when consulted by any member or committee of the Bar, or a local bar association to give its informal advisory opinion or its formal interpretive opinion concerning proper professional conduct, but formal interpretive opinions shall not be given until submitted to the members of the committee and approved by a majority thereof, as well as by the Board.
- (b) be authorized to adopt, subject to the prior approval of and subsequent alternation by the Board, such rules as it may deem desirable for the methods and procedures to be used in expressing opinions;
- (c) not render opinions on questions of law;
- (d) not render opinions as to the ethics or conduct of a lawyer in a matter in which such conduct is involved in pending litigation, which may determine or substantially affect the determination of the ethical question involved;
- (e) as provided by Miss. Code Ann. §73-3-143(2) (1972, as amended), advise any member of the Bar of its opinion as to whether an course of professional conduct under stated circumstances is or is not in violation of the MRPC; and
- (f) render opinions involving the ethics or the past conduct of a lawyer upon request only of the Committee on Professional Responsibility of the Bar or a duly constituted Complaints Committee of a local bar association.

All opinions of the Committee shall be adopted or authorized at a meeting of the Committee and be concurred in by at least a majority of its members; provided that between meetings of the Committee any opinion may be adopted if it be concurred in by at least a majority of the members, providing any non-concurring member shall have considered the opinion and shall not specifically request the discussion of the question involved at a meeting of the Committee. Upon adoption of the formal interpretive opinions in said manner and approval thereafter by the Commissioners, said opinions will be final and be in force and effect. Informal advisory opinions may be overruled by subsequent formal interpretive opinions.

9-13. Lawyers and Judges Assistance Committee. (Fifteen members on three-year terms, three from each district as provided in Article 6-1 of the Bylaws and six members from the state at large). The Lawyers and Judges Assistance Committee shall provide 1) assistance to members of the legal profession who suffer from chemical dependence or from physical, emotional, or mental disabilities that result from disease, disorder, trauma, or age, and which impairs or tends to impair their ability to practice law and their professional conduct; 2) education for the legal profession regarding impairment from chemical dependence or physical, emotional or mental disabilities, particularly as it affects professional conduct; and 3) protection to the public served by the Bar. The Lawyers and Judges Assistance Committee shall have all powers and duties as provided by Rule 3(g) of the Rules of Discipline for The Mississippi Bar.

9-14. Resolutions Committee. (Three to five members, one-year term). The Resolutions Committee shall receive, approve, edit or disapprove all resolutions submitted for Bar action; no resolutions may be presented to any meeting of the Bar unless it shall first be referred to the Resolutions Committee at least 30 days prior to such meeting, and unless the Resolutions Committee shall have approved the resolution, without the consent of two-thirds of the members of the Bar who are present and voting at such meeting.

9-15. Unauthorized Practice of Law Committee. (Six to nine members, three-year terms). The Unauthorized Practice of Law Committee shall investigate all claims concerning the unauthorized practice of law in Mississippi. The Committee shall make recommendations to the Board in regard to the authorized practice of law and shall have authority, subject to Board ratification, to take whatever steps are needed to prevent the unauthorized practice of law in Mississippi.

9-16. Women In The Profession Committee. (Fifteen members: three members to serve for three-year terms from each district as provided in Article 6-1 of the Bylaws of The Mississippi Bar, and six members from the state at-large to serve for three year terms.) The goals of the Women In The Profession Committee are to (1) assess and identify a) issues related to the status of women in the legal profession, b) barriers that may prevent women attorneys from full participation in the work, responsibilities, and rewards of the profession, c) quality of life issues in the profession which affect both women and men; (2) make recommendations to the Bar for action to create solutions to problems observed by the Committee and to address issues raised by the Committee.



ARTICLE TEN

PUBLIC STATEMENTS

10-1. Policy. No Division, Section, or Committee of the Bar (including any governing body or member thereof) shall assume to represent the Bar before any legislative body, any court, or any other tribunal, or to the public unless authorized to do so by the Board. No report, recommendation, or any action of any such Division, Section, or Committee of the Bar shall be considered as the action of the Bar unless and until such report, recommendation, or action has been approved by the Board or the Bar in accordance with these Bylaws.

Any reports, recommendations, or other actions of any Division, Section, or any committee of the Bar which are not inconsistent with any policy adopted by the Board or Bar may be released, announced, or published as the action of such Division, Section, or Committee of Bar, provided such report, recommendation or act:

- (a) is germane to the purpose of such Division, Section or Committee;
- (b) clearly indicates that it is the action of the Division, Section, or Committee only and not the Bar if it does not in fact represent the view or action of the Bar;
- (c) does not conflict with the Bylaws or the established policy of the Bar; and
- (d) is communicated in writing to the Executive Director in advance of the issuance of the public statement if feasible, or if not feasible, as soon after the issuance of the public statement as practicable.

ARTICLE ELEVEN

AMENDMENTS

These Bylaws may be amended at any Annual Meeting of the Bar or at any special Meeting of the Bar called for that purpose by two-thirds of those present and voting, provided that the Executive Director shall have notified all members of the Bar of the proposed amendment by mail, email, facsimile, electronic publication, or by publication in any official publication of the Bar in general circulation at least two weeks prior to the meeting at which the amendment is to be voted upon.

