

3/27/97

IN THE SUPREME COURT OF MISSISSIPPI

NO. 89-R-99014

IN RE: PETITION FOR APPROVAL OF AMENDMENTS  
TO RULES OF THE MISSISSIPPI COMMISSION  
ON JUDICIAL PERFORMANCE

ORDER

This matter comes before the Court on petition of the Mississippi Commission on Judicial Performance for approval of amendments to the Rules of the Mississippi Commission on Judicial Performance. The Commission seeks amendments to Rules 1A, 10B and 11. The Court finds that the petition should be granted and Rules 1A, 10B and 11, amended as set forth in Exhibit A to this order.

IT IS THEREFORE ORDERED that the petition of the Mississippi Commission on Judicial Performance for approval of amendments to the Rules 1A, 10B, and 11 of the Rules of Mississippi Commission on Judicial Performance is granted as set forth in Exhibit A to this order. The Clerk of the Supreme Court shall spread this order on the minutes of the Court; and, forward this order and Exhibit A to West Publishing Company for publication in the *Southern Reporter, Mississippi Cases*, the official reporter of decisions of this Court, and in Mississippi Rules of Court.

SO ORDERED this the \_\_\_\_\_ day of , 1997.

FOR THE COURT:

\_\_\_\_\_

DAN LEE, CHIEF JUSTICE

McRae, J., Not participating.

EXHIBIT A

RULE 1. GENERAL

**A. Definitions.** In these rules, unless the context or subject matter otherwise requires:

(3) "Judge" means a Justice of the Supreme Court or a judge of the Court of Appeals, Circuit Court, Chancery Court, County Court, Family Court, Justice Court, Municipal Court, and all other courts in existence in Mississippi, including someone serving as a part-time judge, special judge or a judge in

senior status. Reference to "the judge" shall mean any judge whose conduct or mental or physical condition is under consideration.

## **RULE 10. SUPREME COURT REVIEW**

**B. Procedure.** The Rules of the Supreme Court Mississippi Rules of Appellate Procedure shall be applicable for all Commission proceedings before the Supreme Court, except as otherwise provided in these rules.

## **RULE 11. CHARGES AGAINST JUSTICE OF THE SUPREME COURT**

Charges against a Justice of the Supreme Court shall proceed in the same manner as charges against any other judge except that, upon the filing of the report and recommendation of the Commission, a special tribunal shall be empaneled as provided by Section 177A of the Mississippi Constitution of 1890. Upon recommendation by the Commission for discipline or retirement of a Justice of the Supreme Court, the executive director shall notify the Secretary of State to select the tribunal in accordance with the procedures established in the Constitution. These rules shall be applicable and In the event a judge selected for the tribunal is disqualified or otherwise unable to serve, such judge shall file a notice of recusal with the Clerk of the Supreme Court within thirty (30) days. The Clerk of the Supreme Court shall notify the Secretary of State and another member shall be selected in the manner provided by the constitution. When seven (7) qualified members have been selected the tribunal shall, within thirty (30) days, meet and select one of its members as the presiding member of the tribunal. The tribunal shall proceed in accordance with the Mississippi Rules of Appellate Procedure, except as otherwise provided in these rules, and the Rules of the Commission, which shall control all proceedings before the seven (7) member tribunal.

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