

IN THE SUPREME COURT OF MISSISSIPPI

NO. 89-R-99014-SCT

IN RE: COMMISSION ON JUDICIAL PERFORMANCE RULES

ORDER

This matter has come before the Court en banc on petition of the Mississippi Commission on Judicial Performance seeking approval and adoption of an amendment to the Rules of the Mississippi Commission on Judicial Performance. The Commission seeks amendment of Rule 3B, adding that portion set out below in italics:

B. Vacancies. When a judge ceases to be a judge of the court from which he was appointed or whenever any member becomes otherwise ineligible to hold office, his membership shall terminate. The Chairman shall promptly notify the appointing authority of the vacancy. The appropriate alternate member shall serve as a temporary replacement until such time as the appointing authority shall duly certify to the Commission a replacement member for the remainder of the unexpired term. An alternate member appointed to fill an unexpired term shall be eligible for an appointment for a full term. *If a member who is a judge becomes a respondent to a formal complaint under Rule 6 before the Commission, that member shall be disqualified from attending meetings and shall not perform any Commission duties until the formal complaint is finally disposed of. The appointing authority shall be notified and shall appoint another alternate member to serve during the term of disability or disqualification. A formal complaint against a member shall be given highest priority on the Commission's docket and shall be brought to a conclusion expeditiously unless waived by the member.*

The Court finds that the petition should be granted and that the amendment will promote the fair and expeditious administration of justice.

IT IS THEREFORE ORDERED that the petition of the Mississippi Commission on Judicial Performance for approval of amendment of Rule 3B as set out above be and the same is hereby approved and the amendment is adopted.

IT IS FURTHER ORDERED that the Clerk of the Supreme Court shall spread this order on the minutes of the Court and shall forward a true certified copy hereof to West Publishing Company for publication in the *Southern Report*, *Mississippi Cases* and in the *Mississippi Rules of Court*.

SO ORDERED, this, the _____ day of January, 1998.

LENORE L. PRATHER, CHIEF JUSTICE,
FOR THE COURT

MCRAE, J., NOT PARTICIPATING