

SUPREME COURT OF MISSISSIPPI

In the Matter of the Petition for Reinstatement to the Practice of Law
of Thomas Eddy Parsons

890 So. 2d 40 (Miss. 2003) · No. No. 2001-BR-01533-SCT · Decided August 21, 2003

SUMMARY

The Mississippi Supreme Court denied Thomas Eddy Parsons's petition for reinstatement to the practice of law. The Court held that evidence of unauthorized practice of law during disbarment is properly considered in reinstatement proceedings and concluded that Parsons's activities in and near his former family law firm demonstrated disregard for his disbarment. The Court adopted restrictions governing employment of disbarred attorneys as law clerks or paralegals and barred Parsons from filing another reinstatement petition for one year.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Waller, Justice; Waller, J.; Pittman, C.J.; Smith, P.J.; Cobb, J.; Carlson, J.; Easley, J.; Graves, J.; McRae, P.J.; Diaz, J.
JURISDICTION	Mississippi
DECIDED	August 21, 2003
DOCKET	No. 2001-BR-01533-SCT
DISPOSITION	denied
PROCEDURAL POSTURE	Petition for reinstatement to the practice of law following disbarment, referred to a special master for an evidentiary hearing and reviewed de novo by the Mississippi Supreme Court.
STANDARD OF REVIEW	De novo; the Supreme Court retains exclusive jurisdiction over attorney discipline and reinstatement, sits as the trier of fact, and is not bound by the substantial-evidence or manifest-error standards.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Thomas Eddy Parsons v. The Mississippi Bar

TOPICS

- appellate procedure
- constitutional law
- due process

PRACTICE AREAS

legal ethics and professional responsibility

attorney discipline

bar reinstatement

unauthorized practice of law

appellate procedure

QUESTIONS PRESENTED

1. Whether unauthorized practice of law by a disbarred attorney is a proper matter for consideration in proceedings seeking reinstatement.
2. What restrictions apply when a disbarred or suspended attorney seeks employment as a law clerk, investigator, paralegal, or other lay employee of a licensed attorney.
3. Whether Parsons demonstrated the rehabilitation and fitness required for reinstatement despite evidence that he performed legal work and maintained close ties with his former law practice.

HOLDINGS

1. Unauthorized practice of law by a disbarred or suspended attorney is a proper matter to be investigated and considered in proceedings for reinstatement because it evidences disregard of and contempt for the order of disbarment or suspension.
2. A disbarred or suspended attorney may work as a law clerk, investigator, paralegal, or other lay employee for a licensed attorney only under stringent restrictions: the work must be exclusively preparatory, performed under supervision, involve no direct or indirect client contact, and be wholly separated from the attorney's former practice, former firm, former partners or associates, and former-client files.
3. Parsons's petition for reinstatement was denied because the evidence showed unauthorized practice of law and conduct inconsistent with the obligations imposed by disbarment.

KEY QUOTATIONS

"We find that the issue of a disbarred or suspended attorney's unauthorized practice of law is a matter to be inquired into in reinstatement proceedings since such activity evidences a disregard of and contempt for the order of disbarment or suspension." (at 43)

"We find this to be the better standard given the requirement for reinstatement that the disbarred attorney have the "requisite ... legal learning to be reinstated to the privilege of practicing law."" (at 45-46)

"We further find no circumstances where it would be appropriate for a disbarred lawyer to work in his former office, for his former firm, with his former partners and associates or on files of former clients." (at 46)

"We deny Parsons's petition for reinstatement to the practice of law of Thomas Eddy Parsons." (at 46)

FACTUAL BACKGROUND

Parsons was disbarred in 1996 following federal felony convictions involving cocaine offenses and a Mann Act offense. After serving prison time and having his federal probation terminated early, he sought reinstatement. During the reinstatement hearing, former secretaries of his family's law firm testified that Parsons dictated

documents, directed whose signatures should appear, signed his brother's name to pleadings and discovery, took calls from active clients, requested client files, and met with clients while maintaining an office in the same building as his father and brother's law practice. Parsons denied performing legal services, and other witnesses testified favorably to him, but the Supreme Court found the Bar's evidence credible and sufficient to show unauthorized practice or, at minimum, the appearance of practicing law.

PROCEDURAL HISTORY

Parsons was disbarred by agreed order in 1996 after federal felony convictions. After his federal probation was terminated, he petitioned for reinstatement. The Mississippi Supreme Court referred the petition to a special master, whose report found rehabilitation and recommended reinstatement upon passage of the Mississippi Bar Examination. After hearing evidence that Parsons engaged in unauthorized practice of law while disbarred, the Supreme Court rejected the recommendation and denied reinstatement.

DISPOSITION

denied

CASES CITED

- In re Petition for Reinstatement of Parsons, 849 So. 2d 852 (Miss. 2002)
- Mississippi Bar v. Parsons, 677 So. 2d 192 (Miss. 1996)
- In re Baker, 649 So. 2d 850 (Miss. 1995)
- In re Holleman, 826 So. 2d 1243 (Miss. 2002)
- Williams v. Mississippi State Bar Ass'n, 492 So. 2d 578 (Miss. 1986)
- In re Kraus, 295 Or. 743, 670 P.2d 1012 (1983)
- In re Kuta, 86 Ill. 2d 154, 56 Ill. Dec. 56, 427 N.E.2d 136 (1981)
- In re Wilkinson, 251 Kan. 546, 834 P.2d 1356 (1992)
- In re Mitchell, 901 F.2d 1179 (3d Cir. 1990)
- In re Mekler, 672 A.2d 23 (Del. 1995)
- State ex rel. Oregon State Bar v. Lenske, 284 Or. 23, 584 P.2d 759 (1978)
- In re Nixon, 618 So. 2d 1283 (Miss. 1993)
- In re Massey, 670 So. 2d 843 (Miss. 1996)
- Burgin v. Mississippi State Bar, 453 So. 2d 689 (Miss. 1984)
- Mississippi State Bar Ass'n v. Wade, 250 Miss. 625, 167 So. 2d 648 (1964)

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