

# Model Rules for Lawyer Disciplinary Enforcement

Share this:



## MODEL RULES FOR LAWYER DISCIPLINARY ENFORCEMENT

### About the Model Rules

The Model Rules for Lawyer Disciplinary Enforcement were adopted by the American Bar Association House of Delegates on August 8, 1989, and were subsequently amended on: August 11, 1993; August 5, 1996; February 8, 1999; and August 12, 2002.

### [Russian Translation \(2009\)](#)

### Table of Contents

*Nothing contained herein is to be considered as the rendering of legal advice for specific cases, and readers are responsible for obtaining such advice from their own legal counsel.*

### [PREFACE](#)

### [TERMINOLOGY](#)

### [PREAMBLE: AUTHORITY OF THE COURT](#)

## I. STRUCTURE AND SCOPE

### [Rule 1 COMPREHENSIVE LAWYER REGULATORY SYSTEM](#)

- A. Component Agencies
- B. Central Intake Office
- C. Disciplinary Districts

### [Rule 2 THE DISCIPLINARY BOARD OF THE SUPREME COURT OF \[STATE NAME\]](#)

- A. Agency
- B. Appointment
- C. Election of Officers
- D. Quorum
- E. Compensation and Expenses
- F. Abstention and Disqualification of Board Members

## G. Powers and Duties

### Rule 3 HEARING COMMITTEES

- A. Appointment
- B. Terms of Office
- C. Quorum
- D. Powers and Duties
- E. Powers and Duties of Hearing Committee Chair
- F. Abstention and Disqualification of Hearing Committee Members

### Rule 4 DISCIPLINARY COUNSEL

- A. Appointment
- B. Powers and Duties
- C. Advisory Opinions Prohibited
- D. Ex Parte Communication with Disciplinary Counsel
- E. Disqualification

### Rule 5 EXPENSES

### Rule 6 JURISDICTION

- A. Lawyers Admitted to Practice
- B. Former Judges
- C. Incumbent Judges
- D. Powers Not Assumed

### Rule 7 ROSTER OF LAWYERS

### Rule 8 PERIODIC ASSESSMENT OF LAWYERS

- A. Requirement
- B. Exemption of Judges
- C. Suspension for Nonpayment
- D. Reinstatement after Payment
- E. Registration Statement
- F. Receipt Demonstrating Filing of Registration Statement
- G. Suspension for Failure to File Registration Statements
- H. Application for Transfer to Inactive Status
- I. Reinstatement from Inactive Status

### Rule 9 GROUNDS FOR DISCIPLINE/LESSER MISCONDUCT

- A. Grounds for Discipline
- B. Lesser Misconduct

### Rule 10 SANCTIONS

- A. Types of Sanctions
- B. Conditions
- C. Factors to be Considered in Imposing Sanctions

D. Public Nature of Sanctions

## II. PROCEDURE FOR DISCIPLINARY PROCEEDINGS

### Rule 11 GENERALLY

- A. Evaluation
- B. Investigation
- C. Admonition or Probation Imposition
- D. Formal Charges
- E. Review by Board
- F. Review by the Court
- G. Alternatives to Discipline Program

### Rule 12 IMMUNITY

- A. From Civil Suits
- B. From Criminal Prosecution

### Rule 13 SERVICE

- A. Service of Petition
- B. Service of Other Papers

### Rule 14 SUBPOENA POWER

- A. Oaths
- B. Investigatory Subpoenas
- C. Subpoenas for Deposition or Hearing
- D. Enforcement of Subpoenas
- E. Quashing Subpoena
- F. Witnesses and Fees
- G. Subpoena Pursuant to Law of Another Jurisdiction

### Rule 15 DISCOVERY

- A. Scope
- B. Resolution of Disputes
- C. Civil Rules Not Applicable

### Rule 16 ACCESS TO DISCIPLINARY INFORMATION

- A. Availability of Information
- B. Confidentiality
- C. Public Proceedings
- D. Proceedings Alleging Disability
- E. Protective Orders
- F. Request for Nonpublic Information
- G. Notice to Lawyer
- H. Release Without Notice
- I. Notice to National Lawyer Regulatory Data Bank
- J. Duty of Officials and Employees of the Agency

### Rule 17 DISSEMINATION OF DISCIPLINARY INFORMATION

- A. Notice to Disciplinary Agencies
- B. Public Notice of Discipline Imposed
- C. Notice to the Courts

#### **Rule 18 ADDITIONAL RULES OF PROCEDURE**

- A. Nature of Proceedings
- B. Rules Governed by Rules of Civil Procedure and Evidence
- C. Standard of Proof
- D. Burden of Proof
- E. Prehearing Conference
- F. Hearings Recorded
- G. Related Pending Litigation
- H. Hearings on Lesser Misconduct
- I. Delay Caused by Complainant
- J. Effect of Time Limitations
- K. Complaints Against Disciplinary Agency Members

#### **Rule 19 LAWYERS FOUND GUILTY OF A CRIME**

- A. Transmittal of Certificate of Conviction by Clerk of Trial Court
- B. Determination of "Serious Crime"
- C. Definition of "Serious Crime"
- D. Immediate Interim Suspension
- E. Conviction as Conclusive Evidence
- F. Automatic Reinstatement from Interim Suspension upon Reversal of Conviction
- G. Notice to Clients and Others on Interim Suspension

#### **Rule 20 INTERIM SUSPENSION FOR THREAT OF HARM**

- A. Transmittal of Evidence
- B. Immediate Interim Suspension
- C. Notice to Clients
- D. Motion for Dissolution of Interim Suspension

#### **Rule 21 DISCIPLINE BY CONSENT**

- A. Board Approval of Tendered Admission
- B. Review of Discipline by Consent
- C. Discontinuance of Jurisdiction
- D. Affidavit of Consent
- E. Order of Discipline

#### **Rule 22 RECIPROCAL DISCIPLINE AND RECIPROCAL DISABILITY INACTIVE STATUS**

- A. Disciplinary Counsel Duty to Obtain Order of Discipline or Disability Inactive Status from Other Jurisdiction
- B. Notice Served Upon Respondent
- C. Effect of Stay in Other Jurisdiction
- D. Discipline to be Imposed
- E. Conclusiveness of Adjudication in Other Jurisdictions

#### **Rule 22 AMENDMENTS ADOPTED BY THE ABA HOUSE OF DELEGATES IN AUGUST 2002**

## **Rule 23 PROCEEDINGS IN WHICH LAWYER IS DECLARED TO BE INCOMPETENT OR ALLEGED TO BE INCAPACITATED**

- A. Involuntary Commitment or Adjudication of Incompetency
- B. Inability to Properly Defend
- C. Proceedings to Determine Incapacity
- D. Public Notice of Transfer to Disability Inactive Status
- E. Reinstatement from Disability Inactive Status

## **Rule 24 REINSTATEMENT FOLLOWING A SUSPENSION OF SIX MONTHS OR LESS**

## **Rule 25 REINSTATEMENT AFTER SUSPENSION FOR MORE THAN SIX MONTHS AND READMISSION**

- A. Generally
- B. Petition
- C. Service of Petition
- D. Publication of Notice of Petition
- E. Criteria for Reinstatement and Readmission
- F. Review of Petition
- G. Hearing; Report
- H. Decision as to Reinstatement or Readmission
- I. Conditions of Reinstatement or Readmission
- J. Reciprocal Reinstatement or Readmission

## **[Rule 26 ABATEMENT OR MODIFICATION OF CONDITIONS OF DISCIPLINE, REINSTATEMENT, OR READMISSION]**

## **Rule 27 NOTICE TO CLIENTS, ADVERSE PARTIES, AND OTHER COUNSEL**

- A. Recipients of Notice; Contents
- B. Special Notice
- C. Duty to Maintain Records
- D. Return of Client Property
- E. Effective Date of Order; Refund of Fees
- F. Withdrawal from Representation
- G. New Representation Prohibited
- H. Affidavit Filed with Court

## **Rule 28 APPOINTMENT OF COUNSEL TO PROTECT CLIENTS' INTERESTS WHEN RESPONDENT IS TRANSFERRED TO DISABILITY INACTIVE STATUS, SUSPENDED, DISBARRED, DISAPPEARS, OR DIES**

- A. Inventory of Lawyer Files
- B. Protection for Records Subject to Inventory

## **Rule 29 MAINTENANCE OF TRUST FUNDS IN APPROVED FINANCIAL INSTITUTIONS; OVERDRAFT NOTIFICATION**

- A. Clearly Identified Trust Accounts in Approved Financial Institutions Required
- B. Overdraft Notification Agreement Required
- C. Overdraft Reports
- D. Timing of Reports
- E. Consent By Lawyers
- F. Costs

## G. Definitions

### [Rule 30 VERIFICATION OF BANK ACCOUNTS](#)

- A. Generally
- B. Confidentiality

### [Rule 31 APPEAL BY COMPLAINANT](#)

- A. From Disposition by Central Intake Office
- B. From Disposition by Disciplinary Agency

### [Rule 32 STATUTE OF LIMITATIONS](#)

### [Rule 33 FAILURE TO ANSWER/FAILURE TO APPEAR](#)

- A. Failure to Answer
- B. Failure to Appear

### [Rule 34 COUNSEL FOR INDIGENT RESPONDENT EFFECTIVE DATE](#)

## [APPENDIX A](#)

## [SUBJECT GUIDE](#)



**Knowledge is power.**  
Reduce surprises  
with client vetting.

[Learn how](#)



the answer company™  
**THOMSON REUTERS®**



**Knowledge is power.**  
Reduce surprises  
with client vetting.

[Learn how](#)



the answer company™  
**THOMSON REUTERS®**

