

1 **Rule ~~14-520~~11-565. Discipline by consent.**

2 **(a) Discipline by consent ~~prior to~~before the matter is submitted to a screening**
3 **panel filing of formal complaint.** A ~~¶~~Respondent against whom an ~~informal~~
4 ~~e~~Complaint has been filed may, ~~prior to the filing of a formal complaint~~before the
5 matter is submitted to a screening panel, tender a proposal for discipline by consent,
6 including a conditional admission to the ~~informal e~~Complaint or portions thereof in
7 exchange for a disciplinary sanction and final disposition of the ~~informal e~~Complaint.
8 The proposal ~~shall~~must include a waiver of right to a screening panel hearing. The
9 ~~¶~~Respondent must submit the proposal ~~shall~~ to the OPC, who ~~shall~~will forward the
10 proposal to the Committee chair with a recommendation in favor of or opposed to the
11 proposal and a statement of the basis for such recommendation. If the Committee chair
12 approves the proposal ~~is approved by the Committee chair~~, the sanction ~~shall~~will be
13 imposed as provided in this rule. If the proposal is rejected by the Committee chair, the
14 proposal and admission ~~shall~~will be withdrawn and cannot be used against the
15 ~~¶~~Respondent in subsequent proceedings.

16 **(b) Discipline by consent after filing ~~of formal complaint~~an Action.** A ~~¶~~Respondent
17 against whom an Action ~~formal complaint~~ has been filed may tender a conditional
18 admission to the allegations in the OPC's ~~formal~~ complaint or to a particular count
19 thereof in exchange for a stated form of discipline and final disposition of the ~~formal~~
20 ~~complaint~~Action. The proposal ~~shall~~must be submitted to the OPC ~~counsel~~, who
21 ~~shall~~will then forward the proposal to the district court with a recommendation
22 favoring or opposing the proposal and a statement of the basis for such
23 recommendation. The district court ~~shall~~will either approve or reject the proposal. If the
24 district court approves the proposal and the stated form of discipline includes public
25 discipline, it ~~shall~~will enter the appropriate disciplinary order as provided in paragraph
26 (d). If the district court rejects the proposal, the proposal and conditional admission
27 ~~shall~~will be withdrawn and cannot be used against the ~~¶~~Respondent in subsequent
28 proceedings.

29 (c) **Order of discipline by consent.** The final order of discipline by consent ~~shall~~will be
30 predicated ~~upon~~:

31 (1) the ~~informal~~Complaint and ~~any NOIC Notice~~ if no ~~formal complaint~~Action
32 has been filed;

33 (2) the ~~formal complaint~~Action, if filed;

34 (3) the approved proposal for discipline by consent; and

35 (4) ~~an affidavit~~an unsworn declaration of consent by the ~~R~~Respondent to be
36 disciplined.

37 (d) ~~Affidavit~~Unsworn declaration of consent. A ~~R~~Respondent whose proposal for
38 discipline by consent has been approved ~~as provided in this rule~~, ~~shall~~must submit ~~an~~
39 ~~affidavit~~an unsworn declaration to the Committee chair or the district court as
40 appropriate, consenting to ~~the imposition of~~ the approved disciplinary sanction and
41 affirming that:

42 (1) the consent is freely and voluntarily entered;

43 (2) the ~~R~~Respondent is not acting under coercion or duress;

44 (3) the ~~R~~Respondent is fully aware of the implications of submitting the consent;

45 (4) the ~~R~~Respondent is aware that there is presently pending an investigation
46 into, or proceeding involving, allegations that there exist grounds for discipline,
47 the nature of which ~~shall~~must be specifically set forth;

48 (5) for purposes of disciplinary proceedings, the ~~R~~Respondent acknowledges that
49 the material facts so alleged are true; and

50 (6) the ~~R~~Respondent submits consent because the ~~R~~Respondent knows that if ~~an~~
51 ~~informal or formal complaint~~the Complaint or Action were predicated ~~upon~~ the
52 ~~matters~~allegations under investigation were filed, or the pending Action~~formal~~
53 ~~charges~~ were prosecuted, the ~~R~~Respondent could not successfully defend against
54 the charges upon which the discipline is based.

