

1 **Rule ~~14-603~~11-581. Sanctions.**

2 (a) **Scope.** A disciplinary sanction is imposed on a Lawyer upon the Committee's or the
3 court's finding ~~or acknowledgement~~ that the Lawyer has engaged in professional
4 misconduct.

5 (b) ~~Disbarment~~Delicensure. ~~Disbarment~~Delicensure terminates the individual's status
6 as a Lawyer. A Lawyer who has been ~~disbarred~~delicensed may be ~~readmitted~~
7 relicensed ~~as provided in Rule 14-525~~.

8 (c) **Suspension.** Suspension ~~is the removal of~~removes a Lawyer from the practice of
9 law for a specified minimum ~~period of time~~, generally six months or more. ~~Generally,~~
10 ~~suspension should be imposed for a specific period of time equal to or greater than six~~
11 ~~months, but i~~n no event should the time ~~period prior to~~before application for
12 reinstatement be more than three years.

13 ~~(c)(1) A lawyer who has been suspended for six months or less may be reinstated~~
14 ~~as set forth in Rule 14-524.~~

15 ~~(c)(2) A lawyer who has been suspended for more than six months may be~~
16 ~~reinstated as set forth in Rule 14-525.~~

17 (d) **Interim suspension** or interim discipline. Interim suspension ~~is the temporarily~~
18 ~~suspension of~~ a Lawyer from the practice of law. Interim suspension or interim
19 discipline may be imposed as set forth in Rules ~~14-518~~11-563 and ~~14-519~~11-564.

20 (e) **Reprimand.** Reprimand is public discipline ~~which that~~ declares the Lawyer's
21 ~~conduct of the lawyer~~ improper, but does not limit the Lawyer's right to practice law.

22 (f) **Admonition.** Admonition is nonpublic discipline ~~that which~~ declares the conduct of
23 the Lawyer improper, but does not limit the Lawyer's right to practice law.

24 (g) **Probation.** Probation ~~is a sanction that~~ allows a Lawyer to practice law under
25 specified conditions. Probation ~~can~~may be public or nonpublic, ~~can be~~ imposed alone

26 or in conjunction with other sanctions, and ~~can be~~ imposed as a condition of
27 ~~readmission or~~ reinstatement or relicensure.

28 (1) Requirements. To be eligible for probation, a Respondent must demonstrate
29 that:

30 (A) the Respondent can perform legal services and the continued practice
31 of law will not cause the courts or the profession to fall into disrepute;:

32 (B) the Respondent is unlikely to harm the public during probation;

33 (C) the necessary conditions of probation can be adequately supervised;
34 and

35 (D) the Respondent has not committed acts warranting delicensure.

36 (2) Conditions. Probation may include the following conditions:

37 (A) no further violations of the Rules of Professional Conduct or Licensed
38 Paralegal Practitioner Rules of Professional Conduct;

39 (B) restitution;

40 (C) assessment of costs;

41 (D) limitation on practice;

42 (E) requirement that the Lawyer pass the Multistate Professional
43 Responsibility Exam;

44 (F) requirement that the Lawyer take continuing legal education courses;

45 (G) mental health counseling and treatment;

46 (H) abstinence from drugs and alcohol;

47 (I) medical evaluation and treatment;

48 (J) periodic reports to the court and the OPC; and

49 (K) monitoring of all or part of Respondent’s work by a supervising
50 attorney.

51 (3) **Costs.** The Respondent is responsible for all costs of evaluation, treatment,
52 and supervision. Failing to pay these costs before probation terminates is a
53 violation of probation.

54 (4) **Terminating probation.** A Respondent may terminate probation by filing
55 with the district court and serving on the OPC an unsworn declaration stating
56 that the Respondent has fully complied with the requirements of the probation
57 order. The OPC may file an objection and thereafter the court will conduct a
58 hearing.

59 (5) **Violations.** If during the period of probation, the OPC receives information
60 that any probation term has been violated, the OPC may file a motion specifying
61 the alleged violation and seeking to have the probation terminated. Upon filing
62 such motion, the Respondent must have the opportunity to respond and a
63 hearing will be held, at which time the court will determine whether to revoke
64 probation.

65 (h) **Diversion.** Diversion is an alternative to a sanction if completed. Diversion allows a
66 Lawyer to practice law under specified conditions. Diversion may be public or non-
67 public.

68 (1) Rule 11-550 governs diversion matters before the matter is submitted to a
69 screening panel.

70 (2) For an Action, the following criteria will determine the appropriateness of a
71 diversion:

72 (A) The misconduct does not involve the misappropriation of funds or
73 property; fraud, dishonesty, deceit or misrepresentation; or the
74 commission of a misdemeanor adversely reflecting on the Lawyer’s fitness
75 to practice law or any felony;

76 (B) The misconduct appears to be the result of inadequate law office
77 management, chemical dependency, a physical or mental health
78 condition, negligence or lack of training, education or other similar
79 circumstance; and

80 (C) There appears to be a reasonable likelihood that the successful
81 completion of a remedial program will prevent the recurrence of conduct
82 by the attorney similar to that under consideration for diversion.

83 (3) In addition to the above-required criteria of (A), (B) and (C), other
84 considerations may include whether the misconduct is a one-time act or based on
85 a physical or mental condition beyond the Respondent's control and whether
86 there is sufficient evidence connecting the condition to the misconduct.

87 (4) Diversion determinations must include compliance conditions to address the
88 misconduct and the time for completion.

89 (5) If the Lawyer completes the diversion conditions, the Action will be
90 dismissed with prejudice.

91 (6) If the Lawyer does not complete the diversion conditions within the required
92 time, the Lawyer will be subject to a suspension of six months and a day.

93 **(hi) Resignation with discipline pending.** Resignation with discipline pending is a
94 form of public discipline ~~which that~~ allows a ~~R~~Respondent to resign from the practice of
95 law while either ~~an informal or formal~~ Complaint or Action is pending against the
96 ~~R~~Respondent. Resignation with discipline pending may be imposed as set forth in Rule
97 ~~14-52111-566~~.

98 **(ij) Other sanctions and remedies.** Other sanctions and remedies ~~which may be~~
99 ~~imposed~~ that a court may impose include:

100 (1) restitution;

101 (2) assessment of costs;

102 (3) limitation upon practice;

103 ~~i~~(4) appointment of a receiver;

104 ~~i~~(5) a requirement that the Lawyer take the Bar Examination or professional
105 responsibility examination; and

106 ~~i~~(6) a requirement that the Lawyer attend continuing education courses.

107 ~~(j)~~**(k) Reciprocal discipline.** Reciprocal discipline ~~is the imposition of~~is imposing a
108 disciplinary sanction on a Lawyer who has been disciplined in another court, another
109 jurisdiction, or a regulatory body having disciplinary jurisdiction.

110 Effective December 15, 2020