

1 **Rule 1-581. Sanctions.**

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

4 (b) **Delicensure.** Delicensure terminates the individual's status as a Lawyer. A Lawyer
5 who has been delicensed may be relicensed.

6 (c) **Suspension.** Suspension removes a Lawyer from the practice of law for a specified
7 minimum time, generally six months or more. In no event should the time before
8 application for reinstatement be more than three years.

9 (d) **Interim suspension or interim discipline.** Interim suspension temporarily suspends
10 a Lawyer from the practice of law. Interim suspension or interim discipline may be
11 imposed as set forth in [Rules ~~11~~-563](#) and [11-564](#).

12 (e) **Reprimand.** Reprimand is public discipline that declares the Lawyer's conduct
13 improper, but does not limit the Lawyer's right to practice law.

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

16 (g) **Probation.** Probation allows a Lawyer to practice law under specified conditions. The
17 Lawyer's probationary status is public, but the terms of probation may be public or
18 nonpublic. Probation may be imposed alone or in conjunction with other sanctions, and
19 imposed as a condition of reinstatement or relicensure.

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

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

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

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

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

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

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

(B) restitution;

(C) assessment of costs;

(D) limitation on practice;

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

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

(G) mental health counseling and treatment;

(H) abstinence from drugs and alcohol;

(I) medical evaluation and treatment;

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

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

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

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

(5) **Violations.** If during the period of probation, the OPC receives information that any probation term has been violated, the OPC may file a motion specifying the alleged violation and seeking to have the probation terminated. Upon filing such

50 motion, the Respondent must have the opportunity to respond and a hearing will be
51 held, at which time the court will determine whether to revoke probation.

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

55 (1) [Rule 11-550](#) governs diversion matters before the matter is submitted to a screening
56 panel.

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

59 (A) The misconduct does not involve the misappropriation of funds or property;
60 fraud, dishonesty, deceit, or misrepresentation; or the commission of a
61 misdemeanor adversely reflecting on the Lawyer's fitness to practice law or any
62 felony;

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

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

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

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

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

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

(i) **Resignation with discipline pending.** Resignation with discipline pending is a form of public discipline that allows a Respondent to resign from the practice of law while either a Complaint or Action is pending against the Respondent. Resignation with discipline pending may be imposed as set forth in [Rule 11-566](#).

(j) **Other sanctions and remedies.** Other sanctions and remedies that a court may impose include:

(1) restitution;

(2) assessment of costs;

(3) limitation upon practice;

(4) appointment of a receiver;

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

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

(k) **Reciprocal discipline.** Reciprocal discipline is imposing a disciplinary sanction on a Lawyer who has been disciplined in another court, another jurisdiction, or a regulatory body having disciplinary jurisdiction.