

1 **Rule 11-581. 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.
17 ~~Probation~~[The Lawyer's probationary status is public, but the terms of probation](#) may be
18 public or nonpublic.⁷ [Probation may be](#) imposed alone or in conjunction with other
19 sanctions, and imposed as a condition of reinstatement or relicensure.

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

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

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

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

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

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

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

31 (B) restitution;

32 (C) assessment of costs;

33 (D) limitation on practice;

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

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

37 (G) mental health counseling and treatment;

38 (H) abstinence from drugs and alcohol;

39 (I) medical evaluation and treatment;

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

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

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

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

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

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

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

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

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

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

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

75 (3) In addition to the above-required criteria of (A), (B) and (C), other
76 considerations may include whether the misconduct is a one-time act or based on

77 a physical or mental condition beyond the Respondent's control and whether
78 there is sufficient evidence connecting the condition to the misconduct.

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

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

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

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

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

91 (1) restitution;

92 (2) assessment of costs;

93 (3) limitation upon practice;

94 (4) appointment of a receiver;

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

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

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

101 *Effective November 1, 2022*