

1 **Rule 11-585. Presumptive sanctions for violating duties owed to the legal system.**

2 (a) **False statements, fraud, and misrepresentation.** The following sanctions are
3 generally appropriate when a Lawyer's conduct is prejudicial to the administration of
4 justice or involves dishonesty, fraud, deceit, or misrepresentation to a court in violation
5 of Rules 1.2(d), 3.3, or 4.1:

6 (1) Delicensure is generally appropriate when a Lawyer, with the intent to
7 deceive the court, makes a false statement, submits a false document, or
8 improperly withholds material information, and causes serious or potentially
9 serious injury to a party, or causes a significant or potentially significant adverse
10 effect on the legal proceeding.

11 (2) Suspension is generally appropriate when a Lawyer learns that false
12 statements or documents have been submitted or material information
13 improperly withheld, and takes no remedial action, and thereby causes injury or
14 potential injury to a party to the legal proceeding, or causes an adverse or
15 potentially adverse effect on the legal proceeding.

16 (3) Reprimand is generally appropriate when a Lawyer is negligent either in
17 determining whether statements or documents are false or in taking remedial
18 action when material information is being withheld and causes injury or
19 potential injury to a party to the legal proceeding, or causes an adverse or
20 potentially adverse effect on the legal proceeding.

21 (4) Admonition is generally appropriate when a Lawyer engages in an isolated
22 instance of neglect in determining whether submitted statements or documents
23 are false or in failing to disclose material information upon learning of its falsity,
24 and causes little or no actual or potential injury to a party, or causes little or no
25 adverse or potentially adverse effect on the legal proceeding.

26 (b) **Abuse of the legal process.** The following sanctions are generally appropriate when
27 a Lawyer violates Rules 3.1, 3.2, 3.4, 3.6, 3.9, 4.4, 8.4(e), or 8.4(f):

28 (1) Delicensure is generally appropriate when a Lawyer engages in a pattern or
29 practice of knowingly abusing the legal process with the intent to obtain a benefit
30 for the Lawyer or another and causes serious or potentially serious injury to a
31 party, or causes serious or potentially serious interference with a legal
32 proceeding.

33 (2) Suspension or reprimand is generally appropriate when a Lawyer knowingly
34 or negligently abuses the legal process and causes injury or potential injury to a
35 client or a party, or causes interference or potential interference with a legal
36 proceeding. The appropriate sanction will depend on the Lawyer's mental state
37 and the seriousness of the injury or potential injury to a client or a party, or the
38 degree of interference or potential interference with a legal proceeding.

39 (3) Admonition is generally appropriate when a Lawyer negligently abuses the
40 legal process in an isolated instance and causes little or no actual or potential
41 injury to a party, or causes little or no actual or potential interference with a legal
42 proceeding.

43 **(c) Improper communications with individuals in the legal system.** The following
44 sanctions are generally appropriate when a Lawyer attempts to influence a judge, juror,
45 prospective juror, or other official by means prohibited by law in violation of Rule 3.5,
46 4.2, or 4.3:

47 (1) Delicensure is generally appropriate when a Lawyer:

48 (A) intentionally tampers with a witness and causes serious or potentially
49 serious injury to a party, or causes significant or potentially significant
50 interference with the outcome of the legal proceeding;

51 (B) makes an ex parte communication with a judge or juror with intent to
52 affect the outcome of the proceeding, and causes serious or potentially
53 serious injury to a party, or causes significant or potentially significant
54 interference with the outcome of the legal proceeding; or

55 (C) improperly communicates with someone in the legal system other
56 than a witness, judge, or juror with the intent to influence or affect the
57 outcome of the proceeding, and causes significant or potentially
58 significant interference with the outcome of the legal proceeding.

59 (2) Suspension is generally appropriate when a Lawyer engages in
60 communication with an individual in the legal system when the Lawyer knows
61 that such communication is improper, and causes injury or potential injury to a
62 party or causes interference or potential interference with the outcome of the
63 legal proceeding.

64 (3) Reprimand is generally appropriate when a Lawyer is negligent in
65 determining whether it is proper to engage in communication with an individual
66 in the legal system, and causes injury or potential injury to a party or interference
67 or potential interference with the outcome of the legal proceeding.

68 (4) Admonition is generally appropriate when a Lawyer engages in an isolated
69 instance of negligence in improperly communicating with an individual in the
70 legal system, and causes little or no: (A) actual or potential injury to a party, or
71 (B) actual or potential interference with the outcome of the legal proceeding.

72 Effective November 1, 2022