

Alabama Rules of Disciplinary Procedure

Rule 24.

Discipline by consent.

(a) *Conditional Guilty Plea.* A lawyer, against whom formal charges have been served, may thereafter tender a conditional guilty plea to the petition, or to a particular count thereof, in exchange for a stated form of discipline. Such tendered plea shall be submitted to the general counsel.

(b) *Submission.* The General Counsel shall submit to the Disciplinary Commission any tendered conditional guilty plea, together with the pending charges and any comments the General Counsel chooses to make. If both the General Counsel and the Disciplinary Commission approve the tendered conditional guilty plea, as tendered or as modified with the consent of the respondent, it shall not be submitted to the Disciplinary Board, but the Disciplinary Commission shall enter an order accepting and implementing the conditional plea. If the Disciplinary Commission's approval or disapproval of the conditional guilty plea is different from the recommendation of the General Counsel, then the Disciplinary Commission's approval or disapproval, the General Counsel's recommendation, the plea, as tendered or as modified, and all other related matters submitted to the Disciplinary Commission shall be submitted to the Disciplinary Board. The Disciplinary Board shall approve, reject, or modify, with the consent of the General Counsel and the respondent, any conditional plea submitted to it. If a tendered conditional plea is rejected by the Disciplinary Board, the panel that rejected the tendered conditional guilty plea, under the circumstances of this paragraph, shall not conduct the evidentiary hearing.

(c) *Timeliness of Plea.* The conditional guilty plea shall be tendered so as not to cause a continuance in a hearing before the Disciplinary Board and also not to circumvent the consideration of the plea by the Disciplinary Commission.

(d) *Rejection of Plea.* If the conditional guilty plea is tendered in such a manner as to cause a continuance in a hearing before the Disciplinary Board, or the Board finds that the plea was submitted in order to circumvent consideration of the plea by the Disciplinary Commission, the Disciplinary Board may reject the conditional plea without further consideration or may consider the merits of the plea. In either event, the same panel of the Disciplinary Board shall hear the matter to conclusion either by trial or by plea. In reaching its decision, the Disciplinary Board shall consider the recommendation of the General Counsel and may permit the presentation of evidence as it deems appropriate.

(e) *Imposition of Conditions.* The General Counsel or the Disciplinary Commission may condition its recommendation of acceptance of the tendered conditional plea. In that event, the respondent shall be advised forthwith so that he or she may notify the General Counsel that he or she accepts the conditions so

designated. If the General Counsel is not notified by the respondent of the acceptance of the conditions proposed by the General Counsel or the Disciplinary Commission, it shall be presumed that the respondent rejected the conditions.