

## Alabama Rules of Disciplinary Procedure

### Rule 30.

#### Confidentiality.

(a) *Proceedings That Are Confidential.* Except as provided by section (b), all disciplinary proceedings of the Alabama State Bar shall remain confidential until:

- (1) The respondent pleads guilty (a respondent who accepts discipline pursuant to Rule 12(e)(1) shall be deemed to have pleaded guilty); or
- (2) The Disciplinary Board or Disciplinary Commission makes a finding of guilty.

The Disciplinary Commission may, however, by majority vote, give any disciplinary proceeding, or any part thereof, the continuing status of confidentiality, if the Disciplinary Commission determines that, under all the circumstances, the revelation of the proceedings would likely result in more damage and harm to the respondent than is warranted by the gravamen of the complaint. Continued confidentiality of a proceeding shall be invoked only in those cases where the particular timing or other circumstances are such that the revelation of the matter would, in all probability, confer an unwarranted benefit on another party, or cause to the respondent or to another a detriment far greater than is warranted by the seriousness of the complaint.

(b) *Proceedings That Are Not Confidential.* Proceedings that are not confidential include petitions for reinstatement pursuant to Rule 28, proceedings for interim suspension and summary suspension pursuant to Rule 20, a character and fitness appeal pursuant to Rule V of the Rules Governing Admission to the Alabama State Bar, and all matters relating to a surrender of license or to public probation.

There shall be no confidentiality in a particular proceeding if the respondent lawyer makes the matter public or requests that it be made public.

(c) *Confidentiality, Access to Information, and Notice.* All participants in the proceeding shall conduct themselves so as to maintain the confidentiality of the proceeding. This provision shall not be construed to deny access to relevant information to federal and state law enforcement agencies, to authorized agencies investigating the qualifications of judicial candidates, to the Alabama Judicial Inquiry Commission when it is conducting an investigation, or to other jurisdictions investigating qualifications for admission to practice. In addition, the Disciplinary Board shall transmit notice of all public disciplines or the transfer to disability inactive status of a lawyer by the Disciplinary Board or as finally approved by the Alabama Supreme Court, as the case may be, to the secretary of the Alabama State Bar, to the respondent, to the clerks of the circuit and district courts in which the respondent practices to be spread upon the minutes of the circuit and district courts, to the clerk of each federal district court in

Alabama, to the clerk of the Alabama Supreme Court, and to the National Discipline Data Bank maintained by the American Bar Association.

(d) *Public Statement.* In cases of extreme notoriety, the Disciplinary Commission or the Disciplinary Board, in its discretion and upon majority vote, may, upon receiving inquiries from the news media, authorize its chairman to make a brief statement to the media indicating that the matters inquired about are under investigation and outlining the procedures for the handling of disciplinary matters under these Rules; provided that such a statement shall not disclose by name, position, address, or otherwise the identity of any person involved in any investigation.

(e) *Disclosure Incident to Service.* This Rule has no application to disclosure incident to service pursuant to Rule 16 of these Rules.

[Amended eff. 7-1-94; Amended 10-14-94, eff. 1-1-95; Amended eff. 5-17-95; Amended eff. 6-1-99; Amended eff. 8-1-2000; Amended 4-11-2018; Amended eff. 7-23-2021.]

### **Court Comment**

The order adopting this rule is published in that volume of *Alabama Reporter* that contains Alabama cases from 727 So.2d.

**Note from the reporter of decisions:** The order amending Rule 30(b), effective August 1, 2000, is published in that volume of *Alabama Reporter* that contains Alabama cases from 753 So.2d.

**Note from the reporter of decisions:** The order amending Rule 26(e), Rule 27(j), and Rule 30(b), Ala. R. Disc. P., effective April 11, 2018, is published in that volume of *Alabama Reporter* that contains Alabama cases from 238 So. 3d.

**Note from the reporter of decisions:** The order amending Rule 3(c), Rule 9(c), Rule 10(c), Rule 11(c), Rule 12, Rule 20(d), Rule 27(d), Rule 28(j), and Rule 30(a)(1), and adopting Rule 6(c), Alabama Rules of Disciplinary Procedure, effective July 23, 2021, is published in that volume of *Alabama Reporter* that contains Alabama cases from \_\_\_ So. 3d.