

## **Alabama Standards for Imposing Lawyer Discipline**

### **Section II. Standards for Imposing Lawyer Discipline.**

#### **A. PURPOSE AND NATURE OF DISCIPLINE.**

##### **Standard 1.1. Purpose of Lawyer Discipline Proceedings.**

The purpose of lawyer discipline proceedings is to protect the public and the administration of justice from lawyers who have not discharged, will not discharge, or are unlikely properly to discharge their professional duties to clients, the public, the legal system, and the legal profession.

##### **Standard 1.2. Public Nature of Lawyer Discipline Proceedings.**

Ultimate disposition of lawyer discipline should be public in cases of disbarment, suspension, and public reprimand. Only in cases of minor misconduct, when there is little or no injury to a client, the public, the legal system, or the profession, and when there is little likelihood of repetition by the lawyer, should private discipline be imposed.

The Disciplinary Board shall have the discretion to impose a public reprimand with general publication or a public reprimand without general publication. In all cases involving imposition of discipline consisting of disbarment, suspension, public reprimand with general publication or transfer of a lawyer to disability inactive status, notice shall be published in the official Bar publication and in a newspaper of general circulation in each judicial circuit of the State of Alabama in which the disciplined or disabled lawyer maintained an office for the practice of law.

In all cases involving imposition of discipline consisting of a public reprimand, without general publication, notice shall be published in the official Bar publication. The reprimand is nevertheless public and may be released upon request or inquiry. Interim suspension or probation may be either public or private at the discretion of the Disciplinary Commission or the Disciplinary Board.

##### **Standard 1.3. Purpose of These Standards.**

These standards are designed for use in imposing discipline following a determination by clear and convincing evidence that a member of the legal profession has violated a provision of the Alabama Rules of Professional Conduct. Descriptions in these standards of substantive disciplinary offenses are not intended to create grounds for determining culpability independent of the Rules of Professional Conduct. The Standards constitute a model, setting forth a comprehensive system for determining discipline, permitting flexibility and creativity in assessing discipline in particular cases of

lawyer misconduct. They are designed to promote: (1) consideration of all factors relevant to imposing the appropriate level of discipline in an individual case; (2) consideration of the appropriate weight of such factors in light of the stated goals of lawyer discipline; (3) consistency in the imposition of discipline for the same or similar offenses.