

## **Alabama Rules of Professional Conduct**

### **Advocate**

#### **Rule 3.10.**

##### **Threatening Criminal Prosecution.**

A lawyer shall not present, participate in presenting, or threaten to present criminal charges solely to obtain an advantage in a civil matter.

[Adopted eff. 1-1-94.]

##### **Comment**

The civil adjudicative process is primarily designed for the settlement of disputes between parties, while the criminal process is designed for the protection of society as a whole. Threatening to use, or using, the criminal process to coerce adjustment of private civil claims or controversies is a subversion of that process; further, the person against whom the criminal process is so misused may be deterred from asserting his or her legal rights and when that happens the usefulness of the civil process in settling private disputes is impaired. As in all cases of abuse of judicial process, the improper use of the criminal process tends to diminish public confidence in our legal system.