

## Alabama Rules of Disciplinary Procedure

### Rule 23.

#### Disbarment by consent.

(a) *Request for Disbarment.* A lawyer, who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct, may request to be disbarred by delivering to the General Counsel an affidavit stating that he or she desires to consent to disbarment and that:

(1) Such consent is freely and voluntarily rendered, is not the result of coercion or duress, and he or she is fully aware of the implications of submitting such consent; and

(2) The lawyer is aware that there is currently pending an investigation into, or proceeding involving, allegations of grounds for his or her disbarment, the nature of which he or she shall specifically set forth.

(b) *Filing Affidavit and Order of Disbarment.* Upon receipt of the required affidavit, the General Counsel shall file it with the Disciplinary Board. The Disciplinary Hearing Officer shall enter an order disbaring the lawyer by consent.

(c) *Disbarment Public.* The order disbaring the lawyer by consent shall be a matter of public record, and publication will be made pursuant to Rule 33 of these Rules. However, the affidavit required under the provisions of paragraph (a) above shall not be publicly disclosed or made available for use in any other proceeding except upon order of the Disciplinary Board.

[Amended 9-12-2008, eff. 10-6-2008.]

**Note from the reporter of decisions:** The order amending Rule 4, Rule 4.1, Rule 4.2, Rule 5, Rule 8, Rule 12, Rule 15, Rule 20, Rule 21, Rule 22, Rule 23, Rule 27, Rule 28, Rule 29, Rule 32, Rule 33, and Rule 35, and adopting Rule 12.1, effective October 6, 2008, is published in that volume of *Alabama Reporter* that contains Alabama cases from 994 So.2d.