

Alabama Rules of Disciplinary Procedure

Rule 33.

Publication and costs.

(a) *Lawyer to Bear Costs of Publication.* In a case involving the imposition of discipline consisting of disbarment, suspension, public probation, or public reprimand with general publication, or the 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. The costs of publishing the newspaper notice shall be assessed against the disciplined or disabled lawyer. In a case involving the imposition of a reprimand, without general publication, notice of such reprimand will be published only in the official Bar publication.

(b) *Assessment of Research Fee and Recovery of Costs.* The cost of production, when photocopying or other document production is performed by the Alabama State Bar for purposes of these Rules, shall be a commercially reasonable rate, not to exceed \$1.00 per page. In addition to reproduction charges, the Bar may charge a reasonable fee incident to a request to review disciplinary records or for research into the records of disciplinary proceedings and identification of documents to be produced. These costs shall include a minimum research fee of \$25.00 per request in addition to the costs of reproduction.

(c) *Production of Voluminous Documents.* When the Bar is requested to reproduce documents that are voluminous or is requested to produce transcripts in its possession, the Bar may decline to reproduce the documents and shall inform the person requesting the documents of the following options:

(1) Purchase the transcripts from the court reporter's service that produced them;

(2) Purchase the documents from the third party from whom the Bar received them; or

(3) Designate a commercial photocopy service to whom the Bar shall deliver the original documents to be copied, at the requesting party's expense, provided the photocopy service agrees to preserve and return the original documents and not to release them to any person without the Bar's consent.

(d) *Taxable Costs.* Taxable costs of the proceeding shall include:

(1) Investigative costs, including travel and out-of-pocket expenses;

(2) Court reporter's fees;

(3) Copy costs;

(4) Telephone charges;

(5) Fees for translation services;

(6) Witness expenses, including mileage, per diem, and actual and necessary expenses; provided, however, that witnesses may be compensated for travel to and attendance at hearings only, and shall be compensated in the same manner and at the then prevailing rate of compensation as provided for in-state travel for state employees and for mileage for state employees or as otherwise directed by the Board of Bar Commissioners of the Alabama State Bar.

(7) Expenses of a Disciplinary Hearing Officer, members of the Disciplinary Board, and members of the Disciplinary Commission;

(8) Expenses incurred by the Office of General Counsel in the proceedings; and

(9) An administrative fee in the amount of \$750 when costs are assessed in favor of the Bar.

(e) *Discretion to Award Costs.* A Disciplinary Hearing Officer, the Disciplinary Board, or the Disciplinary Commission shall each have discretion to award costs. Absent an abuse of that discretion, such an award shall not be reversed.

[Amended eff. 8-1-2000; Amended 9-12-2008, eff. 10-6-2008.]

Note from the reporter of decisions: The order amending Rule 33, 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 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.