

Alabama Standards for Imposing Lawyer Discipline

Section II. Standards for Imposing Lawyer Discipline.

C. Factors to Be Considered in Imposing Discipline.

STANDARD 8.0. PRIOR DISCIPLINE ORDERS.

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following discipline is generally appropriate in cases involving prior discipline:

8.1. Disbarment is generally appropriate when a lawyer:

(a) Intentionally or knowingly violates the terms of a prior disciplinary order and such violation causes injury or potential injury to a client, the public, the legal system, or the profession; or

(b) Has been suspended for the same or similar misconduct, and intentionally or knowingly engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.

8.2. Suspension is generally appropriate when a lawyer has been reprimanded for the same or similar misconduct and engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.

8.3. Public reprimand is generally appropriate when a lawyer:

(a) Negligently violates the terms of a prior disciplinary order and such violation causes injury or potential injury to a client, the public, the legal system, or the profession; or

(b) Has received a private reprimand for the same or similar misconduct and engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.

8.4. Private reprimand is generally not an appropriate sanction when a lawyer violates the terms of a prior disciplinary order or when a lawyer has engaged in the same or similar misconduct in the past.