

Alabama Rules of Disciplinary Procedure

Rule 11.

Noncompliance with Alabama state bar interest on lawyer trust account rules.

(a) Suspension for Noncompliance.

- (1) A lawyer who fails to advise the Executive Director of the Alabama State Bar, as required by Rule 1.15(g), Alabama Rules of Professional Conduct, or fails to maintain an account as described in Rule 1.15(f), Alabama Rules of Professional Conduct, shall be deemed in violation of this rule.
- (2) As soon as is practicable after January 1 and July 31 of each year, the Secretary of the Alabama State Bar shall provide a list of those lawyers deemed in violation, in accordance with paragraph (a)(1) of this rule, to the Disciplinary Commission.
- (3) The Chairman of the Disciplinary Commission shall then serve, by certified mail, each lawyer, whose name appears upon the list, with an order to show cause, within sixty (60) days from the date of the order, why the lawyer's license should not be indefinitely suspended at the expiration of the sixty (60) days. Any such lawyer shall, within the sixty (60) days, furnish the Disciplinary Commission with an affidavit indicating that the lawyer has an account or does not wish to establish an account as described in Rule 1.15(f), Alabama Rules of Professional Conduct.
- (4) At the expiration of sixty (60) days from the date of the order to show cause, the Disciplinary Commission shall enter an order suspending the license to practice law of each lawyer whose name appears on the list and who has not, pursuant to paragraph (a)(3) of this rule, filed an affidavit satisfactory to the Disciplinary Commission.

(b) Reinstatement.

- (1) At any time within ninety (90) days after the order of suspension, a lawyer may file with the Disciplinary Commission an affidavit, accompanied by a late filing fee as established by the Board of Bar Commissioners, indicating that the lawyer does not wish to establish an account as described in Rule 1.15(f), Alabama Rules of Professional Conduct, or that the lawyer has established such an account; and, if the Disciplinary Commission finds the affidavit

satisfactory, it shall, as soon as is practicable, enter an order reinstating the attorney.

- (2) At any time beyond ninety (90) days from the order of suspension, a lawyer seeking reinstatement may file with the Disciplinary Board an affidavit, as described in paragraph (b)(1) of this rule; but a lawyer filing such an affidavit must file with that affidavit a petition for reinstatement, as prescribed in Rule 28 of these rules and Appendix A to these rules.

(c) *Appeals.* A lawyer may appeal to the Disciplinary Board from an order of suspension or an order denying reinstatement entered by the Disciplinary Commission. Additionally, an affected lawyer may appeal the action of the Disciplinary Board to the Alabama Supreme Court, in accordance with the procedure set out in Rule 12(g) of these rules.

[Amended eff. 7-23-2021.]

Note from the reporter of decisions: The order amending Rule 3(c), Rule 9(c), Rule 10(c), Rule 11(c), Rule 12, Rule 20(d), Rule 27(d), Rule 28(j), and Rule 30(a)(1), and adopting Rule 6(c), Alabama Rules of Disciplinary Procedure, effective July 23, 2021, is published in that volume of *Alabama Reporter* that contains Alabama cases from ___ So. 3d.