

Alabama Rules of Disciplinary Procedure

Rule 25.

Reciprocal discipline.

(a) *Disciplinary Action in Another Jurisdiction.* A lawyer subject to the provisions of Rule 1 of these rules shall, upon being subjected to professional disciplinary action in another jurisdiction, promptly inform the General Counsel of such action. Upon being informed that a lawyer subject to the provisions of these rules has been subjected to discipline in another jurisdiction, the General Counsel shall obtain a certified copy of such disciplinary order and file same with the Disciplinary Board.

(b) *Notice.* Upon receipt of a certified copy of any order demonstrating that a lawyer admitted to practice in this state has been disciplined in another jurisdiction, the Disciplinary Board shall forthwith issue a notice directed to the lawyer containing:

(1) A copy of said order from the other jurisdiction; and

(2) An order directing that the lawyer inform the Disciplinary Board, within twenty-eight (28) days from service of the notice, of any claim by the lawyer predicated upon the grounds set forth in paragraph (d) of this rule that the imposition of the identical discipline in this state would be unwarranted and the reasons therefor.

(c) *Stay of Disciplinary Action.* If the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this state may be deferred until such stay expires.

(d) *Imposition of Discipline.* Upon the expiration of twenty-eight (28) days from service of the notice issued pursuant to the provisions of paragraph (b) of this rule, the Disciplinary Board shall impose the identical discipline, unless the Disciplinary Board, after review limited to the record of the proceeding in the foreign jurisdiction, determines:

(1) That the procedure was so lacking in notice of opportunity to be heard as to constitute a deprivation of due process;

(2) That there was such a lack of proof establishing the misconduct as to give rise to the clear conviction that the Disciplinary Board could not, consistent with its duty, accept as final the conclusion on that subject; or

(3) That the misconduct there established either does not constitute ground for discipline in this state, or warrants substantially different discipline here.

If the Disciplinary Board determines that any of these elements exist, it shall enter such order as it deems appropriate.

(e) *Final Adjudication.* In all other respects, a final adjudication in another jurisdiction that a lawyer has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this state.