

Alabama Rules of Disciplinary Procedure

Rule 32.

Record keeping.

(a) *Appointment of Disciplinary Clerk and Maintenance of Files.* The Executive Secretary of the Alabama State Bar shall appoint, subject to approval of the Board of Bar Commissioners of the Alabama State Bar, a Disciplinary Clerk and such Deputy Clerks as the Executive Secretary may from time to time deem appropriate. The Disciplinary Clerk shall have such qualifications as the Board of Bar Commissioners deems appropriate, and shall be responsible for maintaining formal and informal opinions of the Office of General Counsel and the Disciplinary Commission; accepting the filing of grievances, charges issued by the Disciplinary Commission, and pleadings or other papers filed with the Disciplinary Commission, or the Disciplinary Board; issuing process, and preparing and maintaining records of each disciplinary proceeding; and performing such other duties as are assigned by the Board of Bar Commissioners. The Disciplinary Clerk shall maintain the files of all matters concluded by discipline for the life of the member disciplined and shall maintain all other matters relating to discipline (including but not limited to complaints and investigations) for a period of not less than six (6) years.

(b) *Destruction of Files.* All files relating to a complaint terminated by a dismissal shall be expunged from the files of the Alabama State Bar after six (6) years have elapsed from the date of dismissal. The term "expunge" shall mean that all files or other evidence of the existence of the complaint shall be destroyed, except that the Alabama State Bar may keep a docket showing the names of each respondent and complainant, the final disposition, and the date all files relating to the matter were expunged.

After a file has been expunged, any Alabama State Bar response to an inquiry requiring a reference to the matter shall state that any files the Alabama State Bar may have had of such matter have been expunged pursuant to the Rules of Disciplinary Procedure and that no inference adverse to the respondent is to be drawn on the basis of the incident in question.

(c) *Extension of Time of Destruction.* Upon application to the Disciplinary Commission by the General Counsel, for good cause shown and with notice to the respondent and opportunity to be heard, files that would otherwise be expunged under paragraph (b) of this rule may be retained for an additional period not to exceed three (3) years, as the Disciplinary Commission deems appropriate.

(d) *Local Grievance Committee.* A local grievance committee shall maintain files of each complaint filed with it or investigated by it for a period of not less than six (6) years. A file relating to a complaint terminated by dismissal shall be expunged as provided in paragraph (b) above.

If the Disciplinary Commission extends the period of retention of a file beyond the six-year period, a local grievance committee may likewise retain the file for the period specified by the Disciplinary Commission.

(e) *Official Court File*. The Disciplinary Clerk will be responsible for maintaining an official court file containing all pleadings and other documents filed with the Disciplinary Board and the Disciplinary Commission in connection with any formal proceeding under these Rules.

[Amended eff. 8-1-2000; Amended eff. 8-31-2007; Amended 9-12-2008, eff. 10-6-2008.]

Note from the reporter of decisions: The order amending Rule 32(a) and (e), 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 32(a), Alabama Rules of Disciplinary Procedure, effective August 31, 2007, is published in that volume of *Alabama Reporter* that contains Alabama cases from 963 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.