

Alabama Rules of Disciplinary Procedure

Rule 5.

The Disciplinary Commission of the Alabama State Bar.

(a) Establishment and Membership of the Disciplinary Commission. The Board of Commissioners of the Alabama State Bar shall appoint from among the members in good standing of the Alabama State Bar six members to be the Disciplinary Commission, none of whom shall be a member of the Disciplinary Board. The Supreme Court of Alabama shall be notified immediately of appointments made by the Board of Commissioners of the Alabama State Bar to the Disciplinary Commission and may, within thirty days of receiving notice, overrule any such appointment. A member shall be appointed for a term of three years, except when appointed to fill an unexpired term. A member cannot serve more than two successive terms. The Board of Commissioners of the Alabama State Bar shall appoint a chair of the Disciplinary Commission for a term not to exceed five years. The chair shall assist and advise the members of the Disciplinary Commission on individual disciplinary matters, but shall vote only in the event of a tie. The chair has the power and authority to approve the agenda of the Disciplinary Commission, to establish meeting dates, to vote on all policy or procedural matters of the Disciplinary Commission, and to participate in the disciplinary process of the Alabama State Bar. The chair may be reappointed for an additional term not to exceed five years.

(b) Powers of the Commission. Members of the Commission shall exercise the powers and perform the duties conferred and imposed upon them by these Rules and by the rules of procedure adopted by the Board of Commissioners of the Alabama State Bar.

(c) Establishment of a Quorum. Three members shall constitute a quorum. The Commission shall act only with the concurrence of a majority of the Commission, which shall be not less than three members.

(d) Recusal From Proceedings. Commission members shall recuse themselves from any proceeding in which a judge, similarly situated, would be required to recuse himself or herself. If more than one member recuses himself or herself in a particular proceeding, the President of the Alabama State Bar may appoint alternate members for

that proceeding only. The Supreme Court of Alabama shall be notified immediately of appointments made by the President of the Alabama State Bar to the Disciplinary Commission and may, within thirty days of receiving notice, overrule any such appointment.

(e) Reimbursement of Expense. Commission members shall receive no compensation for their services but may be reimbursed for their travel and other actual and necessary expenses incidental to the performance of their duties.

(f) Adoption of Rules. The Board of Commissioners of the Alabama State Bar may adopt rules of procedure applicable to the Disciplinary Commission, which are consistent with these Rules.

[Amended eff. 10-9-91; Amended eff. 8-1-2000; Amended 9-12-2008, eff. 10-6-2008; Amended eff. 1-5-2023.]

Note from the reporter of decisions: The order amending Rule 5, 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.

Note from the reporter of decisions: The order amending Rule 4, Rule 4.2 and Rule 5, Alabama Rules of Disciplinary Procedure, effective January 5, 2023, is published in that volume of *Alabama Reporter* that contains Alabama cases from __ So. 3d.