

Alabama Rules of Disciplinary Procedure

Rule 9.

Noncompliance with the Alabama state bar client security fund rules.

(a) Suspension for Noncompliance.

(1) A lawyer who is subject to the assessment of a fee pursuant to Rule VIII, Alabama State Bar Client Security Fund Rules, and who fails to pay the assessed fee by March 31, 2015, or by January 1 of any following year will be deemed to be not in compliance with the Client Security Fund Rules for that year.

(2) As soon as practicable after March 31, 2015, or January 1 of each following year, the Client Security Fund Committee shall furnish to the General Counsel of the Alabama State Bar a list of those lawyers who have failed to pay the assessment for the current calendar year, as required by Rule VIII, Client Security Fund Rules. The General Counsel shall thereupon forward this list of lawyers to the Chairman of 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, why the lawyer's license should not be suspended at the expiration of the sixty (60) days. Any such lawyer may, within the sixty (60) days, furnish the Disciplinary Commission with an affidavit (a) indicating that the lawyer has in fact paid the assessment for the current calendar year or (b) setting forth a valid excuse (illness or other good cause) for failure to comply with the requirement.

(4) At the expiration of sixty (60) days from the date of the order to show cause, the Disciplinary Commission shall enter an order indefinitely 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 that the Disciplinary Commission considers satisfactory.

(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 indicating the lawyer has paid the assessment for the current year, and, if the Disciplinary Commission finds the affidavit satisfactory, it shall, as soon as is practicable, enter an order reinstating the lawyer. The Disciplinary Commission may, at its discretion, require the lawyer to pay any and all taxable costs as provided in Rule 33(d) and 33(e), Ala. R. Disc. P.

(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 the preceding paragraph, but a lawyer filing such affidavit must file with that affidavit a petition for reinstatement pursuant to 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. 1-12-2015; Amended eff. 7-23-2021.]

Note from the reporter of decisions: The order amending Rule 9(a) and 9(b), effective January 12, 2015, is published in that volume of *Alabama Reporter* that contains Alabama cases from 154 So. 3d.

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.