

Alabama Standards for Imposing Lawyer Discipline

Section II. Standards for Imposing Lawyer Discipline.

B. DISCIPLINE

Standard 2.1. Scope.

Discipline is imposed on a lawyer upon a finding or acknowledgment that the lawyer has engaged in professional misconduct.

Standard 2.2. Disbarment.

Disbarment terminates the individual's status as a lawyer.

Standard 2.3. Suspension.

Suspension is the removal of a lawyer from the practice of law for a specified minimum period of time. Generally, suspension should be for three months or more, but in no event should the time period prior to application for reinstatement be more than five years.

Standard 2.4. Interim Suspension.

Interim suspension is the temporary suspension of a lawyer from the practice of law pending imposition of final discipline. Interim suspension includes:

- (a) Suspension upon conviction of a "serious crime" or
- (b) Suspension when the lawyer's continuing conduct causes or is likely to cause immediate and serious injury to a client or the public.

Standard 2.5. Public Reprimand.

Public reprimand is a form of public discipline that declares the conduct of the lawyer improper, but does not limit the lawyer's right to practice.

Standard 2.6. Private Reprimand.

Private reprimand is a form of nonpublic discipline that declares the conduct of the lawyer improper, but does not limit the lawyer's right to practice.

Standard 2.7. Probation.

Probation is a sanction that allows a lawyer to practice law under specified

conditions. Probation can be imposed alone or in conjunction with a public or private reprimand; probation can also be imposed as a condition of reinstatement.

Standard 2.8. Other Discipline and Remedies.

Other discipline and remedies that may be imposed include:

- (a) Restitution,
- (b) Assessment of costs (not including lawyer's fees),
- (c) Limitation upon practice,
- (d) Appointment of a receiver,
- (e) Requirement that the lawyer take the bar examination or professional responsibility examination or both,
- (f) Requirement that the lawyer attend continuing education courses, approved by the Alabama State Bar, and
- (g) Other requirements that the Disciplinary Board deems consistent with the purposes of lawyer discipline.

Standard 2.9. Reciprocal Discipline.

Reciprocal discipline is the imposition of discipline on a lawyer who has been disciplined in another jurisdiction.