

Rule 205

DISCIPLINARY ADMINISTRATOR

- (a) **Disciplinary Administrator.** The Supreme Court will appoint a disciplinary administrator. The disciplinary administrator serves at the pleasure of the Supreme Court.
- (b) **Compensation.** The Supreme Court will determine the compensation of the disciplinary administrator and the disciplinary administrator's staff. The Supreme Court will pay the compensation from the disciplinary fee fund.
- (c) **Financial Information.** The disciplinary administrator must submit annually to the Supreme Court a report of receipts and expenditures.
- (d) **Qualification.** The disciplinary administrator must be registered as an active Kansas attorney.
- (e) **Practice Restriction.** The disciplinary administrator and the disciplinary administrator's staff must not engage in the private practice of law. The disciplinary administrator may, however, set a reasonable transition period for staff after the start of employment.
- (f) **Powers and Duties.** The disciplinary administrator has the following powers and duties:
 - (1) investigating an initial complaint or a report that appears to have merit as set forth in Rule 208(c);
 - (2) declining to investigate and dismissing an initial complaint or report as set forth in Rule 208(b);
 - (3) presenting all docketed complaints to the review committee;
 - (4) informing the Supreme Court when an attorney is convicted as defined in Rule 219(a)(1) of a felony crime or a crime mandating registration as an offender;
 - (5) prosecuting a disciplinary board proceeding before a hearing panel and a case before the Supreme Court;
 - (6) defending a reinstatement board proceeding before a hearing panel and a case before the Supreme Court with respect to a petition for reinstatement of a disabled, inactive, suspended, or disbarred attorney;
 - (7) providing investigative and prosecutorial services for the Kansas Board of Law Examiners;
 - (8) providing investigative services as needed for the Kansas Commission on Judicial Conduct;
 - (9) employing and supervising staff to perform the disciplinary administrator's duties; and
 - (10) performing other duties as directed by the Supreme Court.
- (g) **Special Prosecutor.** If the disciplinary administrator has a conflict in performing a duty listed in subsection (f), the disciplinary

administrator must request that the Supreme Court appoint a special prosecutor.

(h) **Record Retention.**

- (1) The disciplinary administrator must maintain for five years records relating to initial complaints or reports not docketed for investigation and docketed complaints terminated by dismissal.
- (2) The disciplinary administrator must maintain relevant records permanently if they relate to participation in the attorney diversion program or cases in which discipline was imposed.

[History: New rule adopted effective January 1, 2021.]