

Rule 209

INVESTIGATION OF DOCKETED COMPLAINT

- (a) **Assignment.** The disciplinary administrator may assign the investigation of a docketed complaint to the following:
 - (1) the disciplinary administrator's office;
 - (2) a state or local bar association's ethics and grievance committee; or
 - (3) an attorney.
- (b) **Investigation.** The investigator assigned to investigate a docketed complaint may proceed as follows:
 - (1) interview the complainant, the respondent, and other witnesses;
 - (2) gather pertinent documents, including copies of the respondent's file, the respondent's billing records, the respondent's trust account records, court records, and other relevant records;
 - (3) seek a subpoena under Rule 217(a); and
 - (4) take a sworn statement.
- (c) **Investigative Report.** Following the completion of an investigation of a docketed complaint, the investigator must prepare an investigative report that includes factual findings and conclusions regarding the alleged misconduct. The investigator must forward the investigative report to the disciplinary administrator. On request, the disciplinary administrator must provide a copy of the investigative report to the respondent.
- (d) **Disciplinary Administrator's Summary and Recommendation.** After receiving a report under subsection (c), the disciplinary administrator must prepare a summary of the investigation and recommend to the review committee an appropriate disposition under Rule 211(a).
- (e) **Dismissal with Permission.** For good cause, the disciplinary administrator may seek permission from the Board chair or the Supreme Court liaison justice to dismiss a docketed complaint any time before docketing a case in the Supreme Court under Rule 228.

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