

Rule 220

EFFECT OF OTHER PROCEEDING OR JUDGMENT

- (a) **Deferral.** If a civil action, administrative agency action, or other proceeding is pending against a respondent based on substantially similar allegations as a disciplinary matter, the following provisions will apply:
- (1) the investigation of an initial complaint or a report will not be deferred unless specifically authorized by the disciplinary administrator; and
 - (2) the investigation of a docketed complaint and prosecution of a formal complaint will not be deferred unless specifically authorized by the review committee, the hearing panel, or the Supreme Court.
- (b) **Judgment or Ruling.** Except as otherwise provided in subsection (c), a certified copy of a judgment or ruling in any action involving substantially similar allegations as a disciplinary matter is prima facie evidence of the commission of the conduct that formed the basis of the judgment or ruling, regardless of whether the respondent is a party in the action. The respondent has the burden to disprove the findings made in the judgment or ruling.
- (c) **Judgment or Ruling Based on Clear and Convincing Evidence.** For the purpose of a disciplinary board proceeding, a certified copy of a judgment or ruling described in subsection (b) that is based on clear and convincing evidence is conclusive evidence of the commission of the conduct that formed the basis of the judgment or ruling. The respondent may not present evidence that the respondent did not commit the conduct that formed the basis of the judgment or ruling.

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