

## Rule 232

### REINSTATEMENT FOLLOWING SUSPENSION OR DISBARMENT

- (a) **Eligibility.**
- (1) **Definite Suspension.** A respondent suspended by the Supreme Court for a definite period of time is eligible to petition for reinstatement after the stated period of suspension has passed.
  - (2) **Indefinite Suspension.** A respondent indefinitely suspended by the Supreme Court is eligible to petition for reinstatement three years after the date of suspension.
  - (3) **Disbarment.** A respondent disbarred by the Supreme Court is eligible to petition for reinstatement five years after the date of disbarment.
- (b) **Petition for Reinstatement.**
- (1) A respondent seeking reinstatement must file with the Supreme Court a verified petition for reinstatement that sets forth facts establishing the following:
    - (A) the respondent is eligible to petition for reinstatement under subsection (a);
    - (B) the respondent has complied with Rule 231 and the Supreme Court's orders;
    - (C) the respondent has paid any costs assessed under Rule 229; and
    - (D) the respondent should be reinstated to the practice of law.
  - (2) At the time the petition is filed, the petitioner must complete the following requirements:
    - (A) pay a reinstatement filing fee of \$1,250 to the clerk of the appellate courts to be deposited in the disciplinary fee fund, unless the attorney's license was transferred to disabled status under Rule 234; and
    - (B) serve the disciplinary administrator with a copy of the petition.
- (c) **Disciplinary Administrator's Response.** No later than seven days after service of the petition for reinstatement, the disciplinary administrator must file a response to the petition with the Supreme Court and serve the respondent with a copy. In the response, the disciplinary administrator must certify the following:
- (1) whether the petitioner complied fully with the provisions in subsection (b)(1)(A)-(D); and
  - (2) considering the gravity of the misconduct leading to disbarment or suspension, whether the disciplinary administrator believes that sufficient time has elapsed since the date of disbarment or

suspension to justify the Supreme Court's reconsideration of its order.

- (d) **Reinstatement Hearing Not Specified.** If the Supreme Court suspends a respondent for a definite period of time and does not specify in the suspension order that the respondent is required to undergo a reinstatement hearing, the following provisions will apply:
- (1) the Supreme Court will reinstate the petitioner without a hearing if the petitioner establishes and the disciplinary administrator certifies in the response that the petitioner complied fully with subsection (b); or
  - (2) if the disciplinary administrator certifies in the response to the petition that the petitioner has not complied fully with subsection (b), the disciplinary administrator must file a motion for a reinstatement hearing.
- (e) **Reinstatement Hearing Required or Specified.** When the Supreme Court disbars or indefinitely suspends a respondent or when the Supreme Court suspends a respondent for a definite period of time and specifies in the suspension order that the respondent must undergo a reinstatement hearing, the following provisions apply.
- (1) **Supreme Court's Determination.** After the disciplinary administrator files a response to the petition for reinstatement under subsection (c), the Supreme Court will determine whether sufficient time has elapsed since the date of disbarment or suspension to justify reconsideration of its order. The court will consider the gravity of the misconduct leading to the discipline.
    - (A) If the Supreme Court determines that sufficient time has not elapsed to justify reconsideration of its order, the court will dismiss the petition.
    - (B) If the Supreme Court determines that sufficient time has elapsed to justify reconsideration of its order, the court will direct the disciplinary administrator to conduct an investigation of the facts alleged in the petition and the petitioner's conduct since the court imposed discipline.
  - (2) **Hearing Panel.** After the disciplinary administrator's investigation, the Board chair will appoint a hearing panel to conduct a hearing on the petition. The panel will schedule the reinstatement hearing.
  - (3) **Burden of Proof.** The petitioner has the burden of proof to establish that the petitioner is fit to practice law and that the factors in subsection (e)(4) weigh in favor of reinstatement.
  - (4) **Reinstatement Factors.** At the reinstatement hearing, the petitioner must present evidence that establishes the following:
    - (A) the petitioner's current moral fitness;

- (B) the petitioner’s consciousness of the wrongful nature of the petitioner’s misconduct and the disrepute the misconduct brought the profession;
  - (C) the seriousness of the misconduct leading to disbarment or suspension does not preclude reinstatement;
  - (D) the petitioner’s conduct since the Supreme Court imposed discipline;
  - (E) the petitioner’s present ability to practice law;
  - (F) the petitioner’s compliance with the Supreme Court’s orders;
  - (G) the petitioner has not engaged in the unauthorized practice of law;
  - (H) the petitioner has received adequate treatment or rehabilitation for any substance abuse, infirmity, or problem; and
  - (I) the petitioner has resolved or attempted to resolve any other initial complaint, report, or docketed complaint against the petitioner.
- (f) **Reinstatement Final Hearing Report.**
- (1) **Contents.** Following a hearing on a petition for reinstatement, the hearing panel will issue a reinstatement final hearing report that includes findings of fact, conclusions of law, a discussion of the reinstatement factors under subsection (e)(4), and a recommendation regarding reinstatement.
    - (A) **Findings of Fact.** Each finding of fact must be established by clear and convincing evidence.
    - (B) **Conclusions of Law.** Each conclusion of law must be set forth separately.
    - (C) **Reinstatement Factors.** The hearing panel must consider each factor in subsection (e)(4).
    - (D) **Recommendation Regarding Reinstatement.** The hearing panel’s recommendation regarding reinstatement is advisory only.
  - (2) **Concurring or Dissenting Opinion.** If a member of the hearing panel cannot agree on a finding of fact, conclusion of law, reinstatement factor, or the recommendation regarding reinstatement, the panel member’s concurring or dissenting opinion will be included in the reinstatement final hearing report.
  - (3) **Distribution.** After the hearing panel issues the reinstatement final hearing report, the panel will serve the disciplinary administrator and the petitioner with a copy of the report.

- (g) **Procedure Following Distribution.**
- (1) **Submission to Supreme Court.** On service under subsection (f)(3) of the reinstatement final hearing report, the disciplinary administrator must complete the following:
    - (A) file the reinstatement final hearing report with the Supreme Court; and
    - (B) submit the record and a table of contents as directed by the clerk of the appellate courts.
  - (2) **Record.** The record in a reinstatement case must include the following:
    - (A) the petition for reinstatement, each filing by the petitioner and the disciplinary administrator in the reinstatement action, any order issued by the hearing panel, and the reinstatement final hearing report issued by the panel;
    - (B) the transcript of the reinstatement hearing and any deposition;
    - (C) the petitioner’s exhibits offered for admission into evidence; and
    - (D) the disciplinary administrator’s exhibits offered for admission into evidence.
  - (3) **Reinstatement Recommended.** If the hearing panel recommends granting the petition for reinstatement, the matter will be submitted for the Supreme Court’s consideration.
  - (4) **Reinstatement Not Recommended.**
    - (A) If the hearing panel recommends denying the petition for reinstatement, the petitioner may file with the Supreme Court an exception to a finding of fact or conclusion of law no later than 21 days after service of a copy of the reinstatement final hearing report.
    - (B) If the petitioner files an exception, the petitioner must serve the disciplinary administrator with a copy of the exception.
    - (C) On filing of an exception or the expiration of the time to file an exception, the matter will be submitted for the Supreme Court’s consideration.
    - (D) Neither briefs nor oral arguments will be permitted unless requested by the Supreme Court.
- (h) **Condition for Reinstatement; Limitation on Practice.** If the Supreme Court grants a petition for reinstatement, it may order the attorney to comply with any condition or limitation on the attorney’s practice. The court may also order that the attorney’s practice be supervised for a period of time.

[**History:** New rule adopted effective January 1, 2021; [Am. \(e\) effective November 29, 2021.](#)]