

## APPENDIX C



THE STATE BAR  
OF CALIFORNIA

INTER-OFFICE  
COMMUNICATION

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**DATE:** November 7, 2005

**TO:** Members of the Board Committee on Regulation,  
Admissions and Discipline Oversight

**FROM:** Scott J. Drexel, Chief Trial Counsel

**SUBJECT:** Proposed Amendments to the California Rules of Court Regarding  
Permanent Disbarment, Minimum Waiting Period for Reinstatement  
and Passage of the Attorney's Bar Examination -- Request for  
Release for 90-Day Public Comment Period

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### *ISSUE*

The issue presented by this agenda item is whether the Board Committee on Regulation, Admissions & Discipline Oversight ("RAD Committee") should authorize the release of proposed amendments to the California Rules of Court ("Rules of Court"), in the form attached hereto as Appendix A, for a 90-day public comment period. The proposed amendments to the Rules of Court would (1) provide for the permanent disbarment of members found culpable of specified types of misconduct; (2) increase the minimum waiting period for seeking reinstatement following resignation or non-permanent disbarment from five years to seven years; and (3) require an individual seeking reinstatement to the practice of law following resignation or non-permanent disbarment to take and pass the Attorney Bar Examination in order to demonstrate his or her present learning and ability in the general law.

### *RECOMMENDATION*

The Office of the Chief Trial Counsel recommends that you authorize the publication of the proposed amendments to the California Rules of Court, in the form attached hereto as Appendix A, for a 90-day public comment period.

## *DISCUSSION*

### **A. Background**

Although the Supreme Court has previously held that disbarment is not necessarily permanent,<sup>1</sup> it has also consistently held that maintaining public protection, the integrity of the profession, and the administration of justice are primary goals of the disciplinary system. Individual rehabilitation is a goal, but not the exclusive goal of the system.<sup>2</sup>

In 1996, the Board of Governors adopted proposed amendments to the Rules of Procedure that would have required the State Bar Court, in any decision recommending disbarment, to specify whether the minimum waiting period for seeking reinstatement should be five years or ten years or, alternatively, whether the member should be permanently prohibited from seeking reinstatement. The proposed amendments to the Rules of Procedure required the State Bar Court to weigh various factors in determining whether permanent disbarment or a five or ten-year waiting period should be imposed.<sup>3</sup> The amendments also increased the minimum waiting period for seeking reinstatement following a resignation with disciplinary charges pending from five years to ten years in those cases in which there was a pending criminal investigation or proceeding for a felony involving moral turpitude that would have qualified for summary disbarment pursuant to Business and Professions Code section 6102, subdivision (c). Finally, the amendments to the Rules of Procedure adopted by the Board of Governors in 1996 required reinstatement petitioners to take and pass the Attorney Bar Examination as the required means of demonstrating their present learning and ability in the general law.

In September 1996, shortly after the amendments to the Rules of Procedure were adopted, the California Supreme Court requested that implementation of the amendments be suspended under further order of the Court. Thereafter, in 1997 and 1999, at the Supreme Court's request, the State Bar provided the Court with additional background information about its proposal and about the practice in other states. In November 2001, the State Bar formally withdrew its proposal for reconsideration in light of the Supreme Court's opinions in *In re Paguirigan* (2001) 25 Cal.4<sup>th</sup> 1 and *In re Lesansky* (2001) 25 Cal.4<sup>th</sup> 11 regarding the summary disbarment statute.

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<sup>1</sup> See *In re Treadwell* (1896) 114 Cal. 24, 26; *In re Andreani* (1939) 14 Cal.2d 736, 748-749; *Maggart v. State Bar* (1946) 29 Cal.2d 439, 442-443.

<sup>2</sup> See *In re Stevens* (1925) 197 Cal. 408, 424; *In re Andreani, supra*, 14 Cal.2d at pp. 748-749; *Maggart v. State Bar, supra*, 29 Cal.2d at p. 442; *Hippard v. State Bar* (1989) 49 Cal.3d 1084.

<sup>3</sup> The factors to be considered by the State Bar Court in determining whether to recommend a five-year or ten-year waiting period or permanent disbarment included (a) the nature of the underlying misconduct; (b) the member's prior record of discipline; (c) the likelihood of the member's rehabilitation; (d) the existence of aggravating or mitigating circumstances surrounding the underlying misconduct; (e) the protection of the public, the courts and the legal profession; and (f) the length of any interim suspension following criminal conviction.

In May 2005, the Supreme Court asked the State Bar to further consider its permanent disbarment and other rule change recommendations and to provide the Court with a timeline for the submission of its updated information and proposal to the Supreme Court.

## **B. The Current Proposal**

At the request of Executive Director Judy Johnson, a working group consisting of representatives of the Office of General Counsel, the Office of the Chief Trial Counsel and the State Bar Court<sup>4</sup>, met to consider a timeline for submitting a proposal to the Supreme Court and to further consider the proposed amendments to the Rules of Procedure previously approved by the Board of Governors in 1996.

The proposed timeline developed by the working group anticipated the release of proposed rules for a 90-day public comment period in October 2005, consideration of that public comment and the rules by the RAD Committee in late January or early February 2006, consideration of the proposed rules by the Board of Governors in March 2006 and transmittal to the Supreme Court shortly thereafter.

The members of the permanent disbarment working group developed the concept for the proposed amendments to the California Rules of Court, in the form attached as Appendix A, following a careful evaluation of the prior proposed amendments and information regarding permanent disbarment in other jurisdictions. The rationale for the working group's proposal is set forth below:

### **1. Increasing the Minimum Waiting Period from Five Years to Seven Years**

Historically, the requirement of a specific waiting period before a reinstatement petition can be filed has not been established by the Supreme Court. Rather, such minimum waiting periods have been defined by the Board of Governors through the Rules of Procedure.

In 1928, a two-year waiting period for a renewed petition following an adverse decision was set forth in the Rules of Procedure. No time limit for an original petition was mentioned in the rules. In 1943, the Board of Governors, by Rule of Procedure, established a two-year waiting period for a disbarred attorney's initial petition for reinstatement. In 1947, the Board of Governors amended former rule 54 to require a minimum waiting period of five years following the attorney's disbarment unless the Board, in its discretion, shortened the waiting period to not less than two years. In 1980, the Board of Governors further amended this rule to limit its discretion to shorten the waiting period to not less than three years following the attorney's disbarment. In 1992, the discretion to shorten time for filing a petition for reinstatement was transferred from the Board Committee on Discipline & Client Assistance to the State Bar Court, but the applicable waiting periods remained the same. Effective January 1, 1995, rule 662 of the Rules of Procedure was amended to eliminate the discretionary three-year filing period.

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<sup>4</sup> Although George Scott, the Acting Administrative Officer/Chief Court Counsel of the State Bar Court, participated in the deliberations of the working group, he emphasized and it was clear to everyone, that he was not speaking on behalf of the Judges of the State Bar Court and that the views he may have expressed during the course of the working group's deliberations did not necessarily reflect the views of the State Bar Court Judges.

Thereafter, rule 662 provided that for a minimum five-year waiting period following disbarment or resignation with no discretion to shorten the waiting period.

The burden of proof on a reinstatement petitioner is a heavy one. The petitioner bears the burden of proving, by clear and convincing evidence, that he or she meets all of the requirements for readmission, including rehabilitation. (*Hippard v. State Bar* (1989) 49 Cal.3d 1089, 1091-1092; *Calaway v. State Bar* (1986) 41 Cal.3d 743, 745.) Although the petitioner need not demonstrate perfection, “overwhelming proof of reform” is necessary. (*Feinstein v. State Bar* (1952) 39 Cal.2d 541, 546.) A petitioner seeking reinstatement is required to present stronger proof of his or her present honesty and integrity than a person seeking admission for the first time whose character has never been in question. In determining whether the burden has been met, the evidence of present character must be considered in light of the moral shortcomings that resulted in the petitioner’s disbarment or resignation with disciplinary charges pending. (*Tardiff v. State Bar* (1980) 27 Cal.3d 395, 403; *Roth v. State Bar* (1953) 40 Cal.2d 307, 313.) In the reinstatement proceeding, the petitioner must be able to show, by sustained exemplary conduct over an extended period of time, that he or she has reattained the standard of fitness to practice law. (*In re Giddens* (1981) 30 Cal.3d 110, 116; *In re Petty* (1981) 29 Cal.3d 356, 362.)

An examination of the results of reinstatement proceedings filed since January 1, 1990, clearly demonstrates that the vast majority of petitioners who seek reinstatement at or shortly after the expiration of the minimum waiting period (i.e., five years) are unable to make the requisite showing of rehabilitation, fitness to practice law and present learning and ability in the general law. The following table graphically demonstrates the issue:

<u>Time Since Disbarment/Resignation</u>	<u>Reinstatement Granted</u>	<u>Reinstatement Denied</u>
Less than 7 Years	30 (33.3%)	60 (66.7%)
7 Years or More	42 (50.1%)	41 (49.9%)

Extending the minimum waiting period for seeking reinstatement from five years to seven years will provide petitioners with additional time within which to establish and demonstrate adequate rehabilitation from their prior acts of misconduct. The extended waiting period may also reduce the the number of cases in which a petitioner is initially denied reinstatement and, as a result, must file and adjudicate a subsequent reinstatement proceeding.

## **2. Specifying Grounds for Permanent Disbarment**

The rehabilitation of errant attorneys is a beneficial and noble goal. However, rehabilitation, in the attorney discipline context, pertains to two distinct occurrences: (1) the extent to which an individual redirects his or her future personal conduct away from his or her past misconduct; and (2) the extent to which an individual has re-established the confidence, trust and fidelity of the profession he or she denigrated by the earlier disregard of his or her professional responsibilities.

Permanent disbarment recognizes that the most serious misconduct by an attorney pervasively undermines confidence not only in that attorney, but also in the legal profession and in the administration of justice. The *personal* rehabilitation of an individual does not address the taint upon the profession and the administration of justice left by the most egregious misdeeds of an attorney. The full restoration of an individual to the practice of law who has so abused that status as to diminish the integrity of the profession in the minds of the public, only confirms to the public that public protection is not a serious priority of the attorney discipline system.

An attorney can achieve full and complete personal rehabilitation without restoration to the profession. When an attorney has committed the most serious offenses, permanent disbarment should be available, not as a punitive measure, but as recognition that the injury inflicted upon the profession by such serious misdeeds is irreparable. While the individual may have overcome the errors of his or her individual ways, the profession subscribes to a higher standard in protecting the public and preserving the integrity of the administration of justice.

Unlike the prior proposal adopted by the Board of Governors, which merely established a list of factors to be considered in determining whether permanent disbarment was warranted, the current proposed amendments to rule 662 of the Rules of Procedure identifies specific offenses that should result in permanent disbarment. These offenses either involve convictions of serious crimes against individuals or conduct related to the practice of law that strike at the heart of the legal profession and the administration of justice and demonstrate a lack of respect for the judicial system or the manifest unfitness of the individual to practice law. Those offenses are as follows:

- (a) conviction of murder in the first or second degree;
- (b) conviction of a felony involving rape, child molestation or the commission of a lewd act or an act of substantial sexual conduct with a child under the age of fourteen;
- (c) conviction of mayhem or of another felony involving the personal infliction of great bodily injury on another person;
- (d) conviction of kidnapping;
- (e) conviction of arson of an inhabited structure or inhabited property or of the taking of the property of another by means of force or fear, including but not limited to, robbery and carjacking, with the use of a firearm or other weapon;
- (f) conviction of a crime involving malfeasance in public office which involved fraud or the embezzlement or intentional misuse of public funds;
- (g) engaging in multiple instances of the intentional theft or conversion of client funds, resulting in substantial harm to one or more victims;

- (h) engaging in the intentional corruption of the judicial process, including but not limited to, bribery, forgery, perjury or subornation of perjury;
- (i) engaging in multiple instances of insurance fraud committed in the course of the practice of law, including but not limited to, staged accidents, the submission of false or fraudulent claims for the payment of a loss or injury or repeated instances of runner-based solicitation;
- (j) engaging in the unauthorized practice of law when the member knew of his or her disbarment, resignation or suspension from practice;
- (k) the member was previously disbarred or resigned with disciplinary charges pending; and
- (l) engaging in conduct, involving fraud, moral turpitude or a pattern of serious misconduct that is so egregious that the member should be permanently disbarred.

Among the advantages of the more specific identification of offenses that would warrant permanent disbarment is consistency in application. The prior permanent disbarment proposal could potentially result in uneven application of the identified factors, with one State Bar Court judge recommending permanent disbarment for an offense that another State Bar Court judge determines warrants only a ten-year or even a five-year reinstatement waiting period.

More importantly, with one exception (i.e., a second disbarment), each of the offenses set forth above as warranting permanent disbarment involve either direct, serious harm to clients or the administration of justice or, alternatively, involve extremely serious criminal conduct. It seriously undermines the public trust in the integrity of the courts and the legal profession when individuals who have committed such egregious acts are permitted to return to the practice of law.

### **3. Requiring Passage of the Attorney Bar Examination**

In order to be reinstated to the practice of law, a disbarred or resigned attorney must demonstrate, among other things, that he or she has present learning and ability in the general law. The Supreme Court has never specified how much current knowledge of the law is required for reinstatement. (See *Calaway v. State Bar*, *supra*, 41 Cal.3d at p. 756 (dis. opin. of Bird, C.J.).)

The showing required to adequately demonstrate present learning and ability in the general law has varied considerably. In *Calaway*, *supra*, 41 Cal.3d at p. 756, for instance, it was found sufficient that one of the petitioner's attorney acquaintances had consulted the petitioner in matters arising in his practice, that a second attorney believed that the petitioner had maintained a "dedicated interest in the law and the study thereof" and that a third attorney stated that the petitioner frequently spent time in his office library, reading and acquainting himself with the current trends in the law and discussing cases with attorneys in the office.

By contrast, in *In the Matter of Ainsworth* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 894, 900-901, the State Bar Court Review Department recognized that the petitioner had taken many bar

review and continuing legal education courses over a period of several years and that he had increased his knowledge of the law. Nevertheless, the Review Department concluded that the petitioner did not understand the nature of proper litigation. Additionally, in *In the Matter of McCray* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 373, 385, the Review Department concluded that the petitioner had failed to show sufficient proof of his learning and ability in the general law because he failed to submit documentary evidence in support of his claim that he had written legal memoranda or that he had engaged in other activities to maintain knowledge of the law. In addition, the Review Department found that the petitioner demonstrated only the most rudimentary knowledge of case presentation.

The Legislature has determined that an applicant's learning and ability in the law is sufficient to warrant his or her admission to the practice of law if, among other things, the applicant has "passed the general bar examination given by the examining committee." (Bus. & Prof. Code, § 6060, subd. (g).)

However, the conclusion that the applicant has present learning and ability in the law lasts for only five years. In rule IX of the Rules Regulating Admission to Practice Law in California, the Board of Governors determined that the applicant must take the attorney's oath within five years of the last day of the administration of the California Bar Examination that the applicant passed. If the applicant fails to take the attorney's oath within that time, and the Committee of Bar Examiners has not extended the time for good cause shown by clear and convincing evidence<sup>5</sup>, the applicant must take and pass the bar examination a second time.

The requirement that a petitioner for reinstatement take and pass the Attorney Bar Examination is intended to bring objectivity, predictability and consistency to the requirement of proposed rule 951.2(a) (current rule 951(f)) of the California Rules of Court that applicants for reinstatement establish "present ability and learning in the general law."

In light of the lengthy passage of time, currently averaging approximately ten years, which may pass between an attorney's resignation or disbarment and reinstatement under the current system, this requirement serves a number of legitimate interests: (1) it establishes a uniform way to measure current learning and ability in the law; (2) it provides an objective standard by which present ability and learning may be measured; (3) it promotes judicial economy by prohibiting reinstatement applications where this showing is not made; and (4) it ensures that the best possible evidence on the issue is presented to the Court.

Upon seeking admission in California, attorneys licensed in other states, who have no pre-existing disciplinary record, are required to demonstrate appropriate learning and ability in the law by taking and passing the Attorney Bar Examination, regardless of their actual professional knowledge. California attorneys who have been disbarred or who have resigned with charges pending are no longer members of the State Bar when seeking reinstatement. It is only appropriate that attorneys who have lost their membership in the State Bar due to professional misconduct should be required to demonstrate the same proficiency in the law as those individuals who seek admission from other states.

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<sup>5</sup> Delay in satisfying admission requirements as a result of the applicant's negligence or the applicant's receipt of a negative moral character determination does not constitute good cause for an extension of time.

### **C. Permanent Disbarment and the Minimum Waiting Period in Other States**

Attached as Appendix B is a summary sheet and comprehensive background chart setting forth the practice of other states with respect to the permanency of disbarment and resignation with charges pending and the minimum waiting period for reinstatement.

In Indiana, Kentucky, Mississippi, New Jersey, Ohio, Oregon and Washington, disbarments, resignations or both are permanent. In Alabama, Arkansas, Connecticut, Florida, Illinois, Louisiana, Minnesota and West Virginia, disbarments, resignations or both may be permanent at the court's discretion. In Kansas and Iowa, while the applicable rules and statutes do not prohibit reinstatement, reinstatement is rarely, if ever, granted after either disbarments or resignations. The following states permit reinstatement after disbarments or resignations: Alaska, Arizona, Colorado, DC, Delaware, Georgia, Hawaii, Idaho, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, New York, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin and Wyoming.

#### ***PROPOSED RESOLUTION***

If you agree that the proposed amendments to rule 951 and the proposed addition of new rules 951.2 and 951.3 of the California Rules of Court should be released for a 90-day public comment period, your adoption of the following resolutions would be appropriate:

**RESOLVED**, that the Board Committee on Regulation, Admissions and Discipline Oversight hereby authorizes the release of the proposed amendments to rule 951 and the proposed addition of new rules 951.2 and 951.3 of the California Rules of Court, in the form attached hereto as Appendix A, for a 90-day public comment period; and

**FURTHER RESOLVED**, that authorization by the Board Committee on Regulation, Admissions and Discipline Oversight for publication for public comment is not, and shall not be construed as, a recommendation or approval by the Board of Governors of the materials published.”



**(c) [Payment of Discipline Costs and Client Security Fund Reimbursement]**

No petition for reinstatement following resignation with charges pending or an order of disbarment may be filed unless and until the petitioner has provided satisfactory proof to the State Bar Court that he or she has paid all discipline costs imposed pursuant to Business and Professions Code section 6086.10(a) and all reimbursement for payments made by the Client Security Fund as a result of the petitioner's conduct, plus applicable interest and costs, pursuant to Business and Professions Code section 6140.5(c).

**(d) [Earliest Time for Filing Reinstatement Petition Following Disbarment or Resignation with Charges Pending]**

Except as provided by order of the Supreme Court, no petition for reinstatement may be filed within 7 years after the effective date of the petitioner's disbarment, interim suspension following criminal conviction, the filing date of the petitioner's resignation with charges pending or the commencement of a period of inactive enrollment imposed as a result of the misconduct for which the petitioner was disbarred or resigned, whichever occurred first.

**(e) [State Bar Court Recommendation Regarding Permanent Disbarment]**

Except as provided by order of the Supreme Court, the State Bar Court, in any recommendation involving the disbarment of a member, must also recommend whether the member should be permanently prohibited from filing a petition for reinstatement. In making its recommendation, the State Bar Court must consider the following guidelines that illustrate the types of conduct that warrant permanent disbarment:

- (i) conviction of murder of the first or second degree;
- (ii) conviction of a felony involving rape, child molestation or the commission of a lewd act or an act of substantial sexual conduct with a child under the age of fourteen;
- (iii) conviction of mayhem or of another felony involving the personal infliction of great bodily injury on another person. The imposition of an enhancement pursuant to Penal Code section 12022.7 constitutes conclusive evidence of the personal infliction of great bodily injury within the meaning of this guideline;
- (iv) conviction of kidnapping;
- (v) conviction of arson of an inhabited structure or inhabited property or of the taking of the property of another by means of force or fear, including

but not limited to robbery and carjacking, with the use of a firearm or other weapon;

- (vi) conviction of a crime involving malfeasance in public office which involved fraud or the embezzlement or intentional misuse of public funds;
- (vii) engaging in multiple instances of the intentional theft or conversion of client funds, resulting in substantial harm to one or more victims;
- (viii) engaging in the intentional corruption of the judicial process, including but not limited to bribery, forgery, perjury or subornation of perjury;
- (ix) engaging in multiple instances of insurance fraud committed in the course of the practice of law, including but not limited to staged accidents, the submission of false or fraudulent claims for the payment of a loss or injury or repeated instances of runner-based solicitation;
- (x) engaging in the unauthorized practice of law when the member knew of his or her disbarment, resignation or suspension from practice;
- (xi) the member was previously disbarred or resigned with disciplinary charges pending; and
- (xii) engaging in conduct, involving fraud, moral turpitude or a pattern of serious misconduct that is so egregious that the member should be permanently disbarred.

**(f) [Subsequent Petitions for Reinstatement Following Disbarment or Resignation with Charges Pending]**

A subsequent petition for reinstatement following disbarment or resignation with charges pending may not be filed earlier than 2 years after the effective date of an adverse decision upon a prior petition and shall include a further requirement that the petitioner take and pass the Attorney Bar Examination administered by the Committee of Bar Examiners, unless proof of passage with the prior 5 years is provided. Proof of passage of the Attorney Bar Examination will establish, by clear and convincing evidence, that petitioner possesses the requisite present ability and learning in the general law.

In any adverse decision on a petition for reinstatement following disbarment or resignation with charges pending, the State Bar Court must order that the petitioner be permanently prohibited from filing a subsequent petition for reinstatement if the State Bar Court finds, by clear and convincing evidence, that (1) petitioner has engaged in conduct subsequent to his or her disbarment or resignation with charges pending that would have warranted permanent disbarment pursuant to subsection (e) of this rule; or (2) the conduct

that resulted in petitioner's resignation with charges pending would have warranted permanent disbarment pursuant to subsection (e) of this rule.

***RULE 951.3      Readmission after Resignation without Charges  
Pending***

**(a)    [General Requirements]**

Petitions for readmission must, in the first instance, be filed and heard by the State Bar Court. Petitioners for readmission must: (1) pass a professional responsibility examination; (2) establish their rehabilitation and present moral qualifications for readmission; and (3) establish present ability and learning in the general law.

**(b)    [Time for Filing First and Subsequent Readmission Petitions Following Resignation Without Charges Pending]**

Unless otherwise ordered by the Supreme Court, after resignation without charges pending, a first or subsequent petition for readmission may be filed at any time.

**(c)    [Passage of Attorney Bar Examination as Condition of Readmission]**

Except as provided by order of the Supreme Court, a petitioner seeking readmission to the practice of law in the State of California 5 years or more following resignation without charges pending, must take and pass the Attorney Bar Examination, administered by the Committee of Bar Examiners, within 2 years prior to the filing of the petition for readmission. Proof of passage will, for purposes of readmission only, be deemed to establish, by clear and convincing evidence, that the petitioner possesses the requisite present ability and learning in the general law.

Permanent Disbarment/Resignation  
Summary Sheet – All Jurisdictions

<b>Disbarment/Resignation Permanent?</b>	<b>Reinstatement Waiting Period</b>	<b>Jurisdiction</b>
Disbarment permanent Resignation permanent	N/A	New Jersey, Ohio, Oregon
Disbarment <i>de facto</i> permanent Resignation <i>de facto</i> permanent	5 years for disbarment and resignation	Kansas
	No time period specified for disbarment No time period specified for resignation	Iowa
Disbarment permanent Resignation may be permanent	No time period specified for non-permanent resignation	Kentucky
Disbarment permanent Resignation not permanent	5 years for resignation	Indiana
Resignation permanent Disbarment may be permanent	5 years for non-permanent disbarment	Louisiana
Resignation permanent Disbarment not permanent	6 years for disbarment	Washington
	3 years for disbarment	Mississippi
Disbarment may be permanent Resignation may be permanent	7 years for non-permanent disbarment 7 years for non-permanent resignation	<i>California (proposed)</i>
	5 years for non-permanent disbarment 5 years for non-permanent resignation	Alabama, Arkansas
	No time period specified for non-permanent disbarment No time period specified for non-permanent resignation	Minnesota
Disbarment may be permanent Resignation not permanent	5 years for non-permanent disbarment 3 years for resignation	Florida, Illinois
	5 years for non-permanent disbarment No time specified for resignation	West Virginia
Resignation may be permanent Disbarment not permanent	No time period specified for disbarment No time period specified for non-permanent resignation	Connecticut
Disbarment not permanent Resignation not permanent	10 years for disbarment or resignation	Massachusetts
	8 years for disbarment or resignation	Colorado
	7 years for disbarment or resignation	New York
	5 years for disbarment or resignation	Alaska, Arizona, <i>California (currently)</i> , Delaware, DC, Hawaii, Idaho, Maine, Michigan, Missouri, Montana, Nebraska, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, Wyoming
	3 years for disbarment and resignation	Nevada
	3 years for disbarment No time period specified for resignation	New Mexico
	No time period specified for disbarment No time period specified resignation	Georgia, Maryland, New Hampshire

**Appendix B**

Permanent Disbarment/Resignation  
 Comprehensive Background Chart – All Jurisdictions

State	Summary	Detailed Explanation
New Jersey	Disbarments and resignations are permanent	<p>[E]very [Supreme Court] order of disbarment shall include a permanent injunction from such practice. N.J. Court Rules, Part I, Rule 1:20-16(i).</p> <p>[D]isbarment by consent, if accepted by the Supreme Court, is tantamount to disbarment and constitutes an absolute bar to reinstatement to the practice of law. N.J. Court Rule Part I, 1:20-10(a)(2)(G).</p>
Ohio	Disbarments and resignations are permanent	A person who is disbarred or who voluntarily has surrendered his or her license to practice shall not be readmitted to the practice of law in Ohio. Ohio State Government Bar Rule V, Section 6(C).
Oregon	Disbarments and resignations are permanent. (This does not include resignations that arise from a suspended status greater than five years.)	<p>An attorney disbarred as a result of a disciplinary proceeding commenced by formal complaint after December 31, 1995, shall never be eligible to apply and shall not be considered for admission under [Oregon Revised Statute, Chapter 9.220] or reinstatement under Title 8 of these rules. Oregon State Bar Rules of Procedure, Rule 6.1(e).</p> <p>An attorney who has resigned membership in the Bar under Form B [voluntary resignation] of these rules after December 31, 1995, shall never be eligible to apply and shall not be considered for admission under ORS 9.220 or reinstatement under Title 8 of these rules. OSBRP, Rule 9.4.</p> <p>An attorney who has been suspended from membership in the Bar for any reason and has remained in that suspended status more than five years prior to the date of an application for reinstatement, shall be deemed to have resigned under Form A of these rules and shall be eligible for reinstatement only as permitted by BR 8.1. OSBRP, Rule 9.5</p>

*Appendix B*

Permanent Disbarment/Resignation  
 Comprehensive Background Chart – All Jurisdictions

State	Summary	Detailed Explanation
Kansas	<p>Kansas disbarments and resignations are <i>de facto</i> permanent. There are no reported cases in which a disbarred or resigned (disbarred by consent) attorney was reinstated to the practice of law in Kansas.</p>	<p>Any attorney who is disbarred [by the court or by consent under Kansas Supreme Court Rule 217] shall not be eligible to apply for reinstatement for five years from the date of disbarment. Kansas Supreme Court Rule 219(e).</p> <p>The court has held that certain ethical, moral, or criminal violations may be so serious as to require permanent disbarment. <i>In re Petition of Russo</i>, 765 P.2d 166, 167 (Kan., 1988). However, there are no reported cases in which a disbarred attorney was reinstated to the practice of law in Kansas.</p>
Iowa	<p>Disbarments and resignations <i>de facto</i> permanent</p>	<p>An attorney subject to investigation or a pending proceeding involving allegations of misconduct subject to disciplinary action may acquiesce to disbarment. Iowa Court Rules, Rule 35.15(1).</p> <p>Iowa's reinstatement rule applies only to attorneys whose licenses were suspended. ICR, Rule 35.13. There are no provisions in the Iowa Supreme Court Rules allowing for reinstatement after disbarment.</p> <p>However, the court has entertained such applications and, on very rare occasions, has even granted them where "the need for permanent revocation was debatable, and where there has been a demonstrated reformation on the part of the lawyer so that the public interest would not be compromised by readmission." <i>In re Rickabaugh</i>, 661 N.W.2d 130, 132 (Iowa 2003) (citing <i>Comm. on Prof'l Ethics &amp; Conduct v. Brodsky</i>, 487 N.W.2d 674, 675 (Iowa 1992)).</p> <p>Although reinstatement is rare, a disbarred lawyer need not wait a minimum period before seeking reinstatement.</p>

**Appendix B**

Permanent Disbarment/Resignation  
 Comprehensive Background Chart – All Jurisdictions

State	Summary	Detailed Explanation
Kentucky	Disbarments are permanent; resignations may be permanent	<p>Upon findings of a violation of [the Kentucky Supreme Court] rules, discipline may be administered by way of... permanent disbarment. Kentucky Supreme Court Rule 3.380.</p> <p>A member who has been engaged in unethical or unprofessional conduct and desires to withdraw membership may seek reinstatement only after a stated period of time under the provisions of Rule 3.510 (5 years in the case of an entry of an order of suspension) or Rule 3.520 (in the case of an entry of an order of disbarment), whichever is applicable, and under the provisions of the rules in effect at the time of the filing of an application for reinstatement. KSCR. 3.480(3).</p>
Indiana	Disbarments are permanent; resignations are not permanent	<p>One of the following types of discipline may be imposed upon any attorney found guilty of misconduct: permanent disbarment from the practice of law.... Indiana Rule of Court, Rule 23, Section 3(a).</p> <p>A person who has resigned as a member of the bar may petition for reinstatement when five years have elapsed since the date of the order accepting the resignation. Rule 23, Section 4(a).</p>

Permanent Disbarment/Resignation  
 Comprehensive Background Chart – All Jurisdictions

State	Summary	Detailed Explanation
Louisiana	Discretionary permanent disbarment; resignations are permanent	<p>Where disbarment is not permanent, no lawyer may petition for readmission until five years after the effective date of disbarment. Rule XIX, Section 24(A).</p> <p>In any order or judgment of the court in which a lawyer is disbarred, the court retains the discretion to permanently disbar the lawyer and permanently prohibit any such lawyer from being readmitted to the practice of law. [Amended effective August 1, 2001, see Appendix E, Guidelines Depicting Conduct Which Might Warrant Permanent Disbarment, Suggested by The Committee to Study Permanent Disbarment and Commentary of the Court to accompany Order dated July 19, 2001 amending Rule XIX] Rule XIX, Section 10(A)(1).</p> <p>A lawyer against whom formal charges of misconduct have or may be filed may file a written request with the Louisiana Supreme Court seeking permanent resignation from the practice of law in lieu of discipline. Rule XIX, Section 20.1.</p>
Washington	<p>Disbarments are not permanent; resignations are permanent</p> <p>(The rationale for this distinction is that, by resigning, the attorney deprives the State Bar of the opportunity to conduct a full hearing and to make complete findings of fact. Under this rationale, it would be unfair to allow the attorney to apply for reinstatement after memories have faded and evidence is lost.)</p>	<p>No disbarred lawyer may be reinstated sooner than six years following disbarment. Washington State Court Rules, Admission to Practice, Rule 21.1(b).</p> <p>Resignation under this rule is permanent. A respondent who has resigned under this rule will never be eligible to apply and will not be considered for admission or reinstatement to the practice of law nor will the respondent be eligible for admission for any limited practice of law. Rules for Enforcement of Lawyer Conduct, Rule 9.3(e).</p>

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Permanent Disbarment/Resignation  
 Comprehensive Background Chart – All Jurisdictions

State	Summary	Detailed Explanation
Mississippi	Disbarments are not permanent; resignations are permanent	<p>The petition for reinstatement shall not be filed until three years after the date the order of disbarment became final. Rules of Discipline for the Mississippi State Bar, Rule 12.1.</p> <p>An attorney may tender an irrevocable resignation to either the Court or the Tribunal. Such a resignation shall acknowledge each and all disciplinary matters then pending, provide the docket number or numbers, state that the attorney does not desire to defend, and request permission to resign with prejudice from the Bar. Upon receipt of such a resignation, and any response that the Bar may elect to file, the disciplinary proceedings shall terminate and either the Court or the Tribunal shall enter its order accepting the resignation, revoking the attorney's license, and barring forever thereafter the attorney's right to seek reinstatement to the privilege of practicing law in this state. Such a resignation and order shall be considered disciplinary action, and the resignation shall be considered tantamount to the proof of guilt on the matter charged. Rule 10.5.</p>
Alabama	Disbarment or resignation is permanent under certain circumstances. (If it is a second disbarment after disbarment or resignation [disbarment by consent].)	Disbarment terminates the individual's status as a lawyer and may result from a hearing or by consent as provided in Rule 23. A person who has been disbarred may not apply for reinstatement until the expiration of at least five years from the effective date of disbarment. A lawyer who has been disbarred after reinstatement following a prior disbarment shall not be reinstated. Alabama Rules of Disciplinary Procedure, Rule 8(a)

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State	Summary	Detailed Explanation
Arkansas	<p>Disbarment or resignation is permanent under certain circumstances. (If it is based on: (1) conviction of a "Serious Crime" in any jurisdiction is permanent or (2) grounds that are of the character and nature of conduct that reflects adversely on the individual's honesty or trustworthiness, whether or not the conviction of any criminal offense occurred.)</p>	<p>An attorney who has been disbarred or surrendered his or her law license in this State may be readmitted to the Bar of Arkansas upon application. Application for readmission to the Bar of Arkansas shall not be allowed in any of the following circumstances: (1) Less than five years have elapsed since the effective date of the disbarment or surrender; (2) The disbarment or surrender resulted from conviction of a Serious Crime in any jurisdiction other than commission of an offense for which the culpable mental state was that of negligence or recklessness; or (3) Any of the grounds found to be the basis of a disbarment or any grounds presented in a voluntary surrender of law license are of the character and nature of conduct that reflects adversely on the individual's honesty or trustworthiness, whether or not the conviction of any criminal offense occurred. Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, Section 24(A)-(B).</p> <p>Serious crime is defined as: any felony or any lesser crime that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects, or any crime a necessary element of which, as determined by the statutory or common law definition of the crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft or an attempt, conspiracy or solicitation of another to commit a "serious crime." Section 2.</p>

Permanent Disbarment/Resignation  
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State	Summary	Detailed Explanation
Minnesota	Discretionary permanent denial of reinstatement after disbarment; resignations must be approved and are not permanent	<p>Disbarred attorneys may be reinstated under Minnesota Rules on Lawyers Professional Responsibility, Rule 18.</p> <p>There is no established minimum waiting period for seeking reinstatement. In many cases, the order for disbarment contemplates reinstatement after a specified period of time or if certain conditions are met. <i>See In re Application of Swanson</i>, 343 N.W.2d 662, 664 (Minn., 1984). However, the court has held that "disbarment should not be considered permanent in every case and one disbarred should not be considered irredeemable, for if disbarment were permanent in all cases, the rule would be a cruel hoax." <i>In re Application for Reinstatement of Wegner</i>, 417 N.W.2d 97 (Minn., 1987) (Citations omitted).</p> <p>This Court may at any time, with or without a hearing and with any conditions it may deem appropriate, grant or deny a lawyer's petition to resign from the bar. MRLPR, Rule 11. Resigned attorneys may seek reinstatement. MRLRP, Rule 26.</p>

Permanent Disbarment/Resignation  
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State	Summary	Detailed Explanation
Florida	Discretionary permanent disbarment; resignations are not permanent	<p>A judgment of disbarment terminates the respondent’s status as a member of the bar. Permanent disbarment shall preclude readmission. Where a former member has not been permanently disbarred, no application for readmission may be tendered within five years after the date of disbarment or such longer period as the court might determine in the disbarment order and thereafter until all court-ordered restitution and outstanding disciplinary costs have been paid. Rules Regulating the Florida Bar, Rule 3-5.1(f). However, the court has the authority to grant leave for members that have been permanently disbarred to reapply. <i>Florida Bar re Hipsh</i>, 586 So.2d 311, 314 (Fla., 1991) (distinguishing disbarment and permanent disbarment, but permitting permanently disbarred member to apply for reinstatement by leave of court).</p> <p>In the case of a disciplinary resignation, no readmission application may be filed until three years after the date of the order of the Supreme Court of Florida that accepted such disciplinary resignation or such additional time as the attorney may have stated in a petition for disciplinary resignation. RRTFB, Rule 3-7.10(n)(2).</p>

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State	Summary	Detailed Explanation
Illinois	Discretionary permanent denial of reinstatement after disbarment (including disbarment on consent)	<p>An attorney who has been disbarred or disbarred by consent may seek to be reinstated to the roll of attorneys admitted to practice law in this State. No petition shall be filed within a period of five years after the date of an order of disbarment, three years after the date of an order allowing disbarment on consent, two years after the date of an order denying a petition for reinstatement, or one year after an order allowing the petition for reinstatement to be withdrawn. Illinois Supreme Court Rule 767.</p> <p>“While our rules provide a method by which a disbarred attorney may petition for reinstatement, there is no requirement that the petition be granted. Clearly, there are certain infractions that are so serious that the attorney committing them should never be readmitted to the practice of law.” <i>In re Rothenberg</i>, 484 N.E.2d 289, 295 (Ill., 1985) (respondent disbarred on consent). See also <i>In re Richman</i>, 730 N.E.2d 45, 50 (Ill., 2000) (respondent disbarred on consent), citing <i>Rothenberg</i>.</p>

Permanent Disbarment/Resignation  
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State	Summary	Detailed Explanation
West Virginia	Discretionary permanent denial of reinstatement after disbarment; no statutory language regarding reinstatement after resignation	<p>A lawyer who is the subject of an investigation into or a pending proceeding involving allegations of misconduct may consent to disbarment. West Virginia Rules of Lawyer Disciplinary Procedure, Rule 3.25.</p> <p>After the expiration of five years from the date of disbarment, a person whose license to practice law has been or shall be annulled in this State and who shall desire reinstatement of such license may file a verified petition reciting the cause of such annulment and what the person shall have done in satisfaction of requirements as to rehabilitation, restitution, conditions or other acts incident thereto, by reason of which the person should be reinstated as a member of the state bar and his or her license to practice law restored. WVRLDP, Rule 3.33(b).</p> <p>Any member of the state bar may file a verified petition stating he or she desires to voluntarily resign and have his or her name stricken from the rolls. Such petition shall fully state the reasons for the request and whether any disciplinary or criminal charges or proceedings are pending against the petitioner or whether the petitioner apprehends the pendency of any such charges or proceedings. WVRLDP, Rule 3.26.</p>
Connecticut	No statutory permanent disbarment; permanent resignation discretionary	<p>Applications for readmission (after disbarment or resignation) will be considered only after the attorney has successfully fulfilled all conditions imposed as part of the applicant's discipline. No minimum amount of time is specified. Connecticut Superior Court Rule Section 2.53.</p> <p>Upon resignation, the court will determine whether a resigned attorney has waived the privilege of applying for readmission to the bar at any future time. Section 2-52.</p>
Massachusetts	No statutory permanent disbarment or resignation	<p>Any lawyer who is disbarred or who has resigned may not be reinstated until after the expiration of at least ten years from the order of the court finding that the lawyer has violated the provisions of this rule. Massachusetts Court Rules, Section 17(8).</p>

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State	Summary	Detailed Explanation
Colorado	Permanent disbarment statute repealed. Disbarred and resigned (disbarred by consent) attorneys permitted to seek reinstatement.	<p>Disbarment is the revocation of an attorney’s license to practice law in this state, subject to readmission as provided by CRCP 251.29(a). CRCP Rule 251.6. At attorney may stipulate to disbarment. CRCP 251.22.</p> <p>A disbarred attorney may not apply for readmission until at least eight years after the effective date of the order of disbarment. CRCP 251.29(a).</p> <p>[Prior to 1972, a Colorado statute (1963 CRS § 39-10-17) provided that a person convicted of a felony was disqualified from practicing as an attorney in the courts of this state. The constitutionality of this statute was upheld in <i>People v. Buckles</i>, 453 P.2d 404 (Colo. 1969). The statute was repealed in 1972. CRS § 18-1-105(3) provides that any person convicted of a felony is disqualified from practicing as an attorney in any Colorado court while imprisoned, committed to imprisonment or on probation. The statute was repealed in 2002.</p> <p>The notes to CRS § 18-1.3-401 cite <i>People v. Buckles</i>, 167 Colo. 64 (1989), stating, “This section declares that a person convicted of a felony shall also suffer an additional penalty wherefore, namely, that he be disqualified from holding any office of honor, trust, or profit under the laws of this state, and that he be also disqualified from practicing as an attorney in any of our state courts. This latter disqualification constitutes a part of the total penalty prescribed by the general assembly for anyone convicted of a felony.” However, as the Annotator’s note states, § 18-1.3-401 is similar to § 18-1-105 as it existed prior to the 2002 relocation of certain criminal sentencing provisions and former § 39-10-17, C.R.S. 1963 regarding permanent disbarment; therefore, relevant cases construing those provisions have been included in the annotations to § 18-1.3-401.]</p>

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State	Summary	Detailed Explanation
New York	<p>1<sup>st</sup> Department: No statutory permanent disbarment or resignation</p> <p>2<sup>nd</sup> Department: No statutory permanent disbarment or resignation</p> <p>3<sup>rd</sup> Department: No statutory permanent disbarment or resignation (If the court accepts an attorney’s resignation, it shall enter an order of disbarment)</p> <p>4<sup>th</sup> Department: No statutory permanent disbarment or resignation</p>	<p>1<sup>st</sup> Department: Any attorney who has been disbarred after a hearing or has resigned may not petition for reinstatement until the expiration of seven years from the effective date of the disbarment or removal. NY CLS Sup. Ct. §603.14.</p> <p>2<sup>nd</sup> Department: No attorney disbarred after a hearing or on consent may apply for reinstatement until the expiration of at least seven years from the effective date of the disbarment or removal. NY CLS Sup Ct § 691.11.</p> <p>3<sup>rd</sup> Department: An attorney who has been disbarred [or who resigned] may not apply for reinstatement until the expiration of at least seven years from the effective date of the disbarment or removal. N.Y. Sup. Ct., App. Div., 3rd Dept., Section 806.12(a).</p> <p>4<sup>th</sup> Department: An attorney disbarred or who has resigned may apply for reinstatement to practice after the expiration of seven years from the entry of the order of disbarment or the order striking the attorney from the roll of attorneys. 22 NYCRR §1022.28(a)(1).</p>
Alaska	<p>No statutory permanent disbarment; Alaska Bar Rules do not discuss reinstatement after resignation</p>	<p>An attorney who has been disbarred by order of the Court may not be reinstated until the expiration of at least five years from the effective date of the disbarment. An attorney who has been denied reinstatement by the Court from disbarment or suspension may not file a petition for reinstatement until the expiration of at least two years from the effective date of the Court’s most recent order denying reinstatement. Alaska Bar Rules, Rule 29(b)(5).</p>

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State	Summary	Detailed Explanation
Arizona	Starting December 1, 2005: There is a rebuttable presumption that a disbarred lawyer who has been convicted of a misdemeanor involving a serious crime or of any felony shall be disqualified for reinstatement. There is no provision for resignation (disbarment by consent).	<p>EFFECTIVE UNTIL DECEMBER 1, 2005:                      A lawyer who has been disbarred may apply for reinstatement, as set forth in Rule 65, not sooner than ninety days prior to the five years after the effective date of the disbarment, but may not be reinstated until after five years after the effective date of the disbarment. Rules of the Supreme Court of Arizona, Rule 64(b).</p> <p>Any member against whom charges have been made or a formal complaint filed may voluntarily consent to disbarment. Rule 56(f).</p> <p>EFFECTIVE DECEMBER 1, 2005:                      There shall be a presumption, rebuttable by clear and convincing evidence presented at the hearing, that a lawyer who has been convicted of a misdemeanor involving a serious crime or of any felony shall be disqualified for reinstatement. "Serious crime" includes any crime, a necessary element of which, as determined by the statutory or common law definition of such crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, willful extortion, misappropriation, theft, or moral turpitude, including a conspiracy, a solicitation of another, or any attempt to commit a serious crime. Rule 64(b).</p>
Delaware	No statutory permanent disbarment or resignation (disbarment by consent)	A lawyer who has been disbarred [by the court or by consent] may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment. The Delaware Lawyers' Rules of Disciplinary Procedure, Rule 22(c).
District of Columbia	No statutory permanent disbarment or resignation (disbarment by consent)	A disbarred attorney may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment [by the court or by consent]. D.C. Bar Rule XI, Section 16.

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State	Summary	Detailed Explanation
Hawaii	No statutory permanent disbarment or resignation	An attorney who has been disbarred may not apply for reinstatement until the expiration of at least five years after the effective date of the disbarment. Rule 2.14(d). Resignation in lieu of discipline is a disbarment for all purposes under these rules, including reinstatement. Rules of the Supreme Court of the State of Hawai'i, Rule 2.17.
Idaho	No statutory permanent disbarment or resignation	In no event shall a disbarred lawyer make application for admission to the Bar sooner than five years from the effective date of disbarment [by the court or by consent]. Idaho Bar Commission Rule 506.
Maine	No statutory permanent disbarment or resignation	An attorney who has resigned [with charges pending] or who has been disbarred may not be reinstated at least five years from the effective date of the resignation or of the order of disbarment, unless otherwise ordered by the Court. Maine Bar Rule 7.3(j)
Michigan	No statutory permanent disbarment or resignation	An attorney's request that his or her name be stricken from the official register of attorneys may not be accepted while a request for investigation or a complaint is pending, except pursuant to an order of revocation. Rule 9.123(B). An attorney whose license to practice law has been revoked is not eligible for reinstatement until five years have elapsed since revocation of the license. Michigan Court Rule 9.115(M).
Missouri	No statutory permanent disbarments or resignations	<p>Any person who is disbarred or who voluntarily surrendered a license may seek reinstatement of the person's license. Rule 5.28(e) Except for good cause shown, no application for reinstatement for a person who is disbarred shall be considered until after five years of the date discipline is imposed. Rules Governing the Missouri Bar and the Judiciary, Rule 5.28.</p> <p>Any order accepting the voluntary surrender may set forth conditions for the acceptance and a time within which the applicant may seek reinstatement. Rule 5.25.</p>

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State	Summary	Detailed Explanation
Montana	No statutory permanent disbarment or resignation (disbarment by consent)	No petition for reinstatement shall be filed by a disbarred lawyer until five years after the effective date of disbarment [by the court or by consent]. Rules for Lawyer Disciplinary Enforcement, Rule 29(c)(3).
Nebraska	No statutory permanent disbarment or resignation (voluntary surrender of license with order of disbarment)	No application for reinstatement from an order of disbarment shall be made prior to the expiration of five years after the final order in such proceedings shall have been entered. Rule 15. Once a Grievance, a Complaint, or a Formal Charge has been filed, suggested, or indicated against a member, the member may voluntarily surrender his or her license. Nebraska Disciplinary Rule 10(T). By voluntarily surrendering his or her license, the attorney waives his or her right to notice, appearance or hearing prior to an entry of an order of disbarment. See, e.g., <i>State ex rel. Nebraska State Bar Ass'n v. Bartu</i> , 608 N.W.2d 200 (Neb. 2000).
North Carolina	No statutory permanent disbarment or resignation (disbarment by consent)	No disbarred attorney may petition for reinstatement until the expiration of at least five years from the effective date of the disbarment [by consent or by the court]. North Carolina Discipline and Disability Rule .0125.
North Dakota	No statutory permanent disbarment or resignation (disbarment by consent)	A lawyer who has been disbarred may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment. North Dakota Supreme Court Rule 4.5(D).
Oklahoma	No statutory permanent disbarment or resignation	The applicant shall not be permitted to file an application for reinstatement, after disbarment or resignation pending investigation or disciplinary proceedings, within five years of the effective date of the order of the Court disbarring the applicant or accepting the resignation, nor shall any applicant be permitted to file an application for reinstatement within one (1) year after the Supreme Court has denied an earlier application. Oklahoma Statutes, Rule 11, §11.1(e).

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State	Summary	Detailed Explanation
Pennsylvania	No statutory permanent disbarment or resignation (disbarment by consent)	A person who has been disbarred may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment, except that a person who has been disbarred pursuant to Rule 216 (relating to reciprocal discipline) may apply for reinstatement at any earlier date on which reinstatement may be sought in the jurisdiction of initial discipline. Pennsylvania Rules of Disciplinary Enforcement, Rule 218(b).
Rhode Island	No statutory permanent disbarment or resignation (disbarment by consent)	A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment. Rhode Island Supreme Court Rule 16(b).
South Carolina	No statutory permanent disbarment or resignation (disbarment by consent)	A petition for reinstatement shall not be filed earlier than five years from the date of entry of the order of disbarment. South Carolina Rules for Lawyer Disciplinary Enforcement, Rule 33.
South Dakota	No statutory permanent disbarment or resignation (disbarment by consent)	A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment. South Dakota Codified Law, §16-19-83.
Tennessee	No statutory permanent disbarment or resignation (disbarment by consent)	A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment. Rules of the Supreme Court of Tennessee, Rule 19.2.

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State	Summary	Detailed Explanation
Texas	No statutory permanent disbarment or resignation	<p>A disbarred person or a person who has resigned in lieu of discipline may, at any time after the expiration of five years from the date of final judgment of disbarment or the date of Supreme Court order accepting resignation in lieu of discipline, petition the district court of the county of his or her residence for reinstatement; provided, however, that no person who has been disbarred or resigned in lieu of discipline by reason of conviction of or having been placed on probation without an adjudication of guilt for an Intentional Crime or a Serious Crime, is eligible to apply for reinstatement until five years following the date of completion of sentence, including any period of probation and/or parole. Texas Rules of Disciplinary Procedure, Rule 11.01.</p> <p>Rule 1.06(T) defines “Intentional Crime” as: (1) any Serious Crime that requires proof of knowledge or intent as an essential element or (2) any crime involving misapplication of money or other property held as a fiduciary.</p> <p>Rule 1.06(Z) defines “Serious Crime” as: barratry; any felony involving moral turpitude; any misdemeanor involving theft, embezzlement, or fraudulent or reckless misappropriation of money or other property; or any attempt, conspiracy, or solicitation of another to commit any of the foregoing crimes.</p>
Utah	No statutory permanent disbarment or resignation (disbarment by consent)	No respondent may petition for readmission until five years after the effective date of disbarment. Utah Court Rule 25.
Vermont	No statutory permanent disbarment or resignation	A person who has been disbarred or who has resigned may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment or resignation. Vermont Permanent Rules Governing Establishment and Operation of the Professional Responsibility Program, Rule 22.

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State	Summary	Detailed Explanation
Virginia	No statutory permanent disbarment (revocation) or resignation (revocation by consent)	No petition for reinstatement may be filed sooner than five years from the effective date of the Revocation (or disbarment). Virginia Supreme Court Rule 7.b.1.
Wisconsin	No statutory permanent disbarment (license revocation) or resignation (consensual license revocation)	A petition for reinstatement of a license that is revoked [by the court or by consent] may be filed at any time commencing five years after the effective date of revocation. Procedures for the Lawyer Regulation System of Wisconsin, Rule 22.29(2).
Wyoming	No statutory permanent disbarment or resignation (stipulated discipline)	An attorney who has been disbarred [by stipulation or by the court] may not petition for reinstatement for at least five years from the effective date of the disbarment unless another period is specified in the order. Section 24(d). An attorney who has petitioned for reinstatement after disbarment and such application has been denied may not again petition for reinstatement for at least three years from the date of the order denying the attorney's last petition for reinstatement unless another period is specified in the order. Disciplinary Code for the Wyoming State Bar, Section 24(c).
Nevada	No statutory permanent disbarment or resignation (disbarment by consent)	A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least three years from the effective date of disbarment. Nevada Supreme Court Rule 116(2).
New Mexico	No statutory permanent disbarment or resignation	Any attorney whose resignation under this rule is accepted may apply for readmission or reinstatement to the bar of this state by leave of the Supreme Court. No time period is specified. New Mexico Rules Governing Discipline, Rule 17-209. Unless otherwise stated in the order of disbarment, a motion for permission to apply for reinstatement may not be filed for a period of at least three years from the effective date of the disbarment. If the motion for reinstatement is denied by the Supreme Court, no further motion for reinstatement may be filed prior to the expiration of a twelve month period commencing the date that the motion is denied by the Supreme Court, unless a shorter interval is directed in the order denying the motion. Rule 17-214.

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State	Summary	Detailed Explanation
Georgia	No statutory permanent disbarment or resignation	<p>After the issuance of a formal complaint a Respondent may submit a petition for voluntary discipline seeking any level of discipline. Rules and Regulations of the Georgia State Bar, Rule 4-227.</p> <p>There is no procedure outlined for reinstatement after disbarment or resignation (voluntary discipline); however, case law demonstrates that reinstatement is permitted after resignation, <i>see, e.g., In the Matter of Mullman</i>, 603 S.E.2d 217 (Ga. 2004), and disbarment, <i>see, e.g., In the Matter of Oellerich</i>, 596 S.E.2d 156 (Ga. 2004). No minimum amount of time is specified.</p>
Maryland	No statutory permanent disbarment or resignation (consensual disbarment)	<p>An attorney may not resign while the attorney is the subject of a disciplinary investigation, action, or proceeding involving allegations of professional misconduct. Maryland Rules of Professional Conduct, Rule 16-775. An attorney may consent to disbarment. No amount of time is specified. Rule 16-772.</p>
New Hampshire	No statutory permanent disbarment; no procedure outlined for reinstatement after resignation	<p>A disbarred attorney may only apply for readmission to the bar of this State upon petition to this court, after having complied with the terms and conditions set forth in the disbarment order promulgated by the court which shall include all requirements applicable to applications for admission to the bar, including passing the bar examination and a favorable report by the professional conduct committee and the character and fitness committee. There is no time period specified. Rules of the Supreme Court of the State of New Hampshire, Rule 2.</p> <p>An attorney who is the subject of an investigation into allegations of misconduct may file a request to resign. Rule 11.</p>

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