

Jurisdiction	May an attorney resign with charges pending?	Is admission of the truth of (or of an inability to successfully defend against) the allegations required?	
Arkansas	Yes	No	
California	Yes	No	
Connecticut	Yes (permanent if attorney waives privilege of applying for readmission)	No	
Florida	Yes (permanent if attorney states that resignation is submitted without leave to reapply for readmission)	No	
Georgia	Unclear (the terms “voluntary surrender of license” and “voluntary discipline” appear to be used interchangeably)	Yes	
Hawaii	Yes	Yes	
Indiana	Yes	Yes	
Kentucky	Yes	No	
Louisiana	Yes	No	
Maine	Yes	Yes	
Massachusetts	Yes	Yes	
Michigan	Yes; however, resignation will be accepted only pursuant to a court order of revocation	Unclear; the rule does not explicitly require an admission of guilt; however, it is entitled: “Resignation by Respondent; Admission of Charges.”	
Minnesota	Yes	No	
Mississippi	Yes (permanent)	No; however, attorney must state that he or she does not desire to defend the allegations; also, resignations are considered tantamount to proof of guilt	
Missouri	Yes	No; however, attorney must “admit or deny the ethical misconduct” alleged	
Nebraska	Yes	Yes	
New Hampshire	Yes	No	
New Mexico	Yes	Yes	
New York	1 <sup>st</sup> Dept.	Yes	
	2 <sup>nd</sup> Dept.	Yes	
	3 <sup>rd</sup> Dept.	Yes	No; however, attorney may not contest the allegations and is precluded from asserting his or her innocence of them
	4 <sup>th</sup> Dept.	Yes	Yes
Ohio	Yes (permanent)	No	
Oklahoma	Yes	No	
Oregon	Yes	No; however, attorney must state that he or she does “not desire to contest of defend” against the allegations)	
Texas	Yes	No; however, if the resignation is accepted, the misconduct is deemed conclusively established	
Vermont	Yes	Yes	
Washington	Yes (permanent)	Yes	
West Virginia	Yes	No	

No other states permit resignation with charges pending (although “disbarment by consent” is permissible). These states include: Alabama, Alaska, Arizona, Colorado, Delaware, District of Columbia, Idaho, Illinois, Iowa, Kansas, Maryland, Montana, Nevada, New Jersey, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Wisconsin and Wyoming.

Jurisdiction	Detailed Information Regarding Resignations With Charges Pending
Arkansas	<p>An attorney may offer or consent to the voluntary surrender of his or her license at any time. Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, § 20.</p> <p>An attorney who has 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 surrender; (2) The 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 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, §§ 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." Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, § 2.</p>
Connecticut	<p>The superior court may, under the procedure provided herein, permit the resignation of an attorney whose conduct is the subject of investigation by a grievance panel, a reviewing committee or the statewide grievance committee or against whom a presentment for misconduct made by written complaint of the disciplinary counsel is pending. Such resignation shall not become effective until accepted by the court after hearing following a report by the statewide grievance committee that the investigation has been completed, whether or not the attorney seeking to resign shall, in the resignation, waive the privilege of applying for readmission to the bar at any future time. Connecticut Superior Court Rules of Professional Conduct, § 2-52.</p> <p>No minimum amount of time and no specific conditions are enumerated for the consideration of an application for readmission after resignation. Connecticut Superior Court Rules of Professional Conduct, § 2-53.</p>
Florida	<p>A former member whose petition for disciplinary resignation has been accepted may be admitted again. However, no readmission application may be filed until 3 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. If an attorney's petition for disciplinary resignation states that it is without leave to apply for readmission, such condition shall preclude any readmission. Rules Regulating the Florida Bar, rule 3-7.10(n).</p>

Jurisdiction	Detailed Information Regarding Resignations With Charges Pending
Georgia	<p>The rules Georgia Rules of Professional Conduct define a “voluntary surrender of license” as a “Petition for Voluntary Discipline in which the respondent voluntarily surrenders his license to practice law in this State. A voluntary surrender of license is tantamount to disbarment.” Georgia Rules of Professional Conduct, rule 4-110(f). A petition for voluntary discipline must contain admissions of fact and admissions of conduct in violation of the rules of professional conduct sufficient to authorize the imposition of discipline. GRPC, rule 4-227.</p> <p>Although a voluntary surrender of license is tantamount to disbarment (GRPC, rule 4-110(f)) and disbarment is permanent (GRPC, rule 4-220), case law demonstrates that reinstatement is permitted after resignation, see, e.g., <i>In the Matter of Mullman</i>, 603 S.E.2d 217 (Ga. 2004). No minimum amount of waiting time is specified before reinstatement may be sought.</p>
Hawaii	<p>An attorney who is the subject of an investigation into, or a pending proceeding involving, allegations of grounds for his or her discipline may resign in lieu of discipline, but only by delivering to the Board an affidavit stating that he or she desires to resign in lieu of discipline and that:</p> <ol style="list-style-type: none"> <li>(1) his or her resignation in lieu of discipline is freely and voluntarily rendered; he or she is not being subjected to coercion or duress; he or she is fully aware of the implications of submitting his or her resignation;</li> <li>(2) he or she is aware that there is a presently pending investigation into, or proceeding involving, allegations that there exist grounds for his or her discipline, the nature of which he or she shall specifically set forth;</li> <li>(3) he or she acknowledges that the material facts so alleged are true; and</li> <li>(4) he or she resigns or submits his or her consent because he or she knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, he or she could not successfully defend himself or herself.</li> </ol> <p>Rules of the Supreme Court of the State of Hawai‘i, rule 2.14.</p> <p>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. 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.</p>

Jurisdiction	Detailed Information Regarding Resignations With Charges Pending
Indiana	<p>An attorney who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may resign as a member of the bar of this Court by delivering to the Court an affidavit stating that the respondent desires to resign and that:</p> <ol style="list-style-type: none"> <li>(1) The respondent's consent is freely and voluntarily rendered; he or she is not being subjected to coercion or duress; he or she is fully aware of the implications of submitting his or her consent;</li> <li>(2) The respondent is aware that there is a presently pending investigation into, or proceeding involving, allegations that there exist grounds for his or her discipline the nature of which shall be specifically set forth;</li> <li>(3) The respondent acknowledges that the material facts so alleged are true; and</li> <li>(4) The respondent submits his or her resignation or consent because the respondent knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, he or she could not successfully defend himself or herself.</li> </ol> <p>Indiana Rules for Admission to the Bar and the Discipline of Attorneys, Rule 23, § 11(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. Indiana Rules for Admission to the Bar and the Discipline of Attorneys, rule 23, § 4(a).</p>
Kentucky	<p>Any member who has been engaged in unethical or unprofessional conduct and desires to withdraw his membership shall file a verified motion with the Court stating as follows:</p> <ol style="list-style-type: none"> <li>(a) He/she will seek reinstatement only after a stated period of time under the provisions of Rule 3.510 or Rule 3.520, whichever is applicable,* and under the provisions of the rules in effect at the time of the filing of an application for reinstatement.</li> <li>(b) He/she will not practice law in the Commonwealth of Kentucky subsequent to the suspension or disbarment unless or until he/she is reinstated as a member of the Association by order of the Court. Any member suspended or disbarred by order of this Court shall take all steps necessary and practicable to cease all forms of advertisement of the member's practice immediately upon entry of an order of suspension or disbarment and shall report the fact and effect of those steps to the Director in writing within twenty (20) days after the order of suspension or disbarment is entered.</li> <li>(c) He/she will pay all costs of the disciplinary investigation and proceedings in accordance with Rule 3.450.</li> <li>(d) He/she will comply with the provisions of Rule 3.390 regarding notice to clients of suspension or disbarment.</li> </ol> <p>The Court will enter an appropriate order, stating the conditions under which the motion is granted, or deny the motion and direct the completion of disciplinary proceedings under these rules.</p> <p>Kentucky Supreme Court Rules, rule 3.480(3).</p> <p>*Neither rule 3.510 nor 3.520 appear to be applicable to instances in which an attorney resigns with charges pending. However, rule 3.500 states: Any former member who has withdrawn and such status has prevailed for five (5) or more years, may file an application for restoration. KSCR, rule 3.500(2)-(3). See also Kentucky Questionnaire for Reinstatement, KSCR, rule 2-300.</p>

Jurisdiction	Detailed Information Regarding Resignations With Charges Pending
Louisiana	<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. A request seeking permanent resignation from the practice of law shall be accompanied by an affidavit of consent wherein the lawyer states:</p> <p>(1) the request is freely and voluntarily submitted; the lawyer is not being subjected to coercion or duress; and the lawyer is fully aware of the implications of submitting the request for permanent resignation;</p> <p>(2) the lawyer is aware that there is presently pending an investigation into, or proceedings involving, allegations that there exist grounds for discipline, the nature of which shall be specifically set forth;</p> <p>(3) the lawyer agrees that he/she:</p> <ul style="list-style-type: none"> <li>(i) will never practice law in Louisiana or any other jurisdiction;</li> <li>(ii) will permanently resign from the practice of law in all other jurisdictions in which the lawyer is admitted to practice;</li> <li>(iii) will never seek readmission to the practice of law in Louisiana or in any other jurisdiction; and</li> <li>(iv) will never seek admission to the practice of law in any other jurisdiction.</li> </ul> <p>Louisiana Rules for Lawyer Disciplinary Enforcement, § 201(A).</p> <p>The affidavit of consent shall include a listing of all jurisdictions in which the lawyer is admitted to the practice of law and a recitation of any disciplinary action taken against the lawyer in any other jurisdiction. The affidavit of consent shall also include a listing of any pending complaints, claims, or formal inquiries filed or made against the lawyer in any other jurisdiction in which the lawyer is admitted.</p>
Maine	<p>An attorney who is the subject of an investigation under these rules may submit to the Board a letter of resignation, supported by an affidavit that:</p> <ul style="list-style-type: none"> <li>(A) the resignation is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress and is fully aware of the implications of submitting the resignation;</li> <li>(B) the attorney is aware that there is presently pending an investigation into allegations of misconduct, the nature of which allegations the attorney shall specifically set forth; and</li> <li>(C) the attorney acknowledges that the material facts, or specified material portions of them, underlying the allegations are true.</li> </ul> <p>Maine Bar Rules, rule 7.3(g)(1).</p> <p>An attorney who has resigned [with charges pending] 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)</p>

Jurisdiction	Detailed Information Regarding Resignations With Charges Pending
Massachusetts	<p>A lawyer who is the subject of an investigation may submit a resignation by delivering to the Board an affidavit stating that he or she desires to resign, and that:</p> <ul style="list-style-type: none"> <li>(a) the resignation is freely and voluntarily rendered; the lawyer is not being subjected to coercion or duress and is fully aware of the implications of submitting the resignation;</li> <li>(b) the lawyer is aware that there is currently pending an investigation into allegations that he or she has been guilty of misconduct, the nature of which shall be specifically set forth; and</li> <li>(c) the lawyer acknowledges that the material facts, or specified material portions of them, upon which the complaint is predicated are true or can be proved by a preponderance of the evidence.</li> <li>(d) the lawyer waives the right to hearing as provided by this rule.</li> </ul> <p>Rules of the Supreme Judicial Court, rule 4:01, § 15.</p> <p>Except as the court by order may direct, a lawyer who has resigned with charges pending may not petition for reinstatement until the expiration of at least eight years from the effective date of the order of disbarment or allowance of resignation. Rules of the Supreme Judicial Court, rule 4:01, § 18(2)(a).</p>
Michigan	<p>Resignation by Respondent; Admission of Charges. 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. Michigan Court Rule, Chapter 9, rule 9.115(M). While there is no stated requirement that the lawyer acknowledge that the material facts upon which the complaint is predicated are true or that they can be proved by a preponderance of the evidence, the title of the rule is, "Resignation by Respondent; <b>Admission of Charges.</b>" (Emphasis added.)</p> <p>An attorney who, as a result of disciplinary proceedings, resigns, may be reinstated to the practice of law. See Michigan Court Rule, Chapter 9, rule 9.123(B).</p>
Minnesota	<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. Minnesota Rules on Lawyers Professional Responsibility, rule 11.</p> <p>Proof of compliance with the enumerated duties of a resigned lawyer shall be a condition precedent to any petition or affidavit for reinstatement made by a resigned lawyer. MRLRP, Rule 26.</p>
Mississippi	<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. Rules of Discipline for the Mississippi State Bar, rule 10.5.</p>

Jurisdiction	Detailed Information Regarding Resignations With Charges Pending
Missouri	<p>A lawyer may seek to surrender the lawyer's license to practice law in this state voluntarily by application to this Court. The application shall be accompanied by the license and shall set forth the basis for tendering the license, including any alleged ethical misconduct that is the subject of investigation or complaint, whether or not formal disciplinary actions have been commenced. The lawyer shall admit or deny the ethical misconduct included in the application. Any order accepting the voluntary surrender may set forth conditions for the acceptance and a time within which the applicant may seek reinstatement. Rules Governing the Missouri Bar and the Judiciary, Rule 5.25.</p>
Nebraska	<p>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.</p> <p>(1) The voluntary surrender of license shall state in writing that the member knowingly admits or knowingly does not challenge or contest the truth of the suggested or indicated Grievance, Complaint, or Formal Charge and waives all proceedings against him or her in connection therewith.</p> <p>(2) A voluntary surrender of license shall not terminate such Grievance, Complaint, or Formal Charge unless an appropriate order is entered by the Court.</p> <p>Nebraska Disciplinary Rules, rule 15.</p> <p>Upon the filing of a voluntary surrender of a member's license, discipline may be imposed as appropriate. The imposed discipline may be disbarment. See <i>State ex rel. Counsel for Discipline v. Muia</i>, 271 Neb. 287 (2006); see also <i>State ex rel. Nebraska State Bar Assoc. v. Rasmussen</i>, 232 Neb. 53 (1989). 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 Assoc v. Bartu</i>, 608 N.W.2d 200 (Neb. 2000).</p> <p>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. Nebraska Disciplinary Rules , rule 10.</p>
New Hampshire	<p>Upon receipt by any component part of the attorney discipline system of an affidavit from a New Hampshire licensed attorney who intends to resign pursuant to the rules of the court, it shall refer the matter to the professional conduct committee, to review the affidavit and such other matters as it deems appropriate to determine either (i) to recommend to the court that the resignation be accepted and to recommend any terms and conditions of acceptance it deems appropriate, or (ii) to recommend to the court that the resignation not be accepted with the reasons therefore. New Hampshire Supreme Court Rules, rule 37A, II(d).</p> <p>Reinstatement after resignation with disciplinary charges is permitted. See NHSCR, rule rule 37A, II(d). No time period within which an attorney may seek reinstatement after resignation with charges pending is specified in the rules.</p>

Jurisdiction	Detailed Information Regarding Resignations With Charges Pending
New Mexico	<p>An attorney who is the subject of an investigation into allegations of misconduct may resign from the bar of this state only with consent of the Supreme Court and upon such just terms as the court may impose for the protection of the public. The attorney shall submit a sworn written statement admitting to the truth of the charges against him, or if no charges have been served by the Disciplinary Board, admitting to the truth of the allegations filed against him and stating that he consents that the Supreme Court may require reasonable conditions for protection of the public, including making a permanent record of the fact of his resignation under this rule with all appropriate authorities, state or national. New Mexico Rules Governing Discipline, Rule 17-209.</p> <p>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.</p>
New York  1 <sup>st</sup> Dept.	<p>An attorney who is the subject of an investigation into allegations of misconduct or who is the subject of a disciplinary proceeding pending in the court may submit his resignation by submitting to the Departmental Disciplinary Committee an affidavit stating that he intends to resign and that:</p> <ol style="list-style-type: none"> <li>1. his resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress; and he is fully aware of the implications of submitting his resignation;</li> <li>2. he is aware that there is pending an investigation or disciplinary proceeding into allegations that he has been guilty of misconduct, the nature of which shall be specifically set forth; and</li> <li>3. he acknowledges that if charges were predicated upon the misconduct under investigation, he could not successfully defend himself on the merits against such charges, or that he cannot successfully defend himself against the charges in the proceedings pending in the court. 22 NYCRR §603.11(a)</li> </ol> <p>Any attorney whose name has been stricken from the roll of attorneys pursuant to [his or her submission of and the court's acceptance of a resignation with charges pending] may not petition for reinstatement until the expiration of seven years from the effective date of the disbarment or removal. 22 NYCRR § 603.14(a)(2).</p>
2 <sup>nd</sup> Dept.	<p>An attorney who is the subject of an investigation into allegations of misconduct may tender his resignation by submitting to the appropriate committee appointed pursuant to section 691.4(a) of this Part an affidavit stating that he intends to resign and that:</p> <ol style="list-style-type: none"> <li>(1) his resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress; and he is fully aware of the implications of submitting his resignation;</li> <li>(2) he is aware that there is pending an investigation into allegations that he has been guilty of misconduct, the nature of which shall be specifically set forth; and</li> <li>(3) he acknowledges that if charges were predicated upon the misconduct under investigation, he could not successfully defend himself on the merits against such charges. 22 NYCRR § 691.9</li> </ol> <p>An application for reinstatement by a person who has voluntarily resigned from the bar of this state shall be made in the form of a motion in accordance with instructions specified by administrative order of the court. 22 NYCRR §§ 691.11-A.</p>

<b>Detailed Information Regarding Resignations With Charges Pending</b>	
<b>Jurisdiction</b>	<p>An attorney who is the subject of a disciplinary proceeding or of an investigation into allegations of misconduct may resign by tendering his resignation to the court, together with an affidavit stating that he wishes to resign and:</p> <ol style="list-style-type: none"> <li>(1) that he is acting freely and voluntarily and is fully aware of the consequences of his resignation;</li> <li>(2) that he is aware of the pending investigation or disciplinary proceeding concerning allegations of misconduct, the nature of which shall be specifically set forth; and</li> <li>(3) that he does not contest the allegations of professional misconduct and recognizes that his failure to do so precludes him from asserting his innocence of the professional misconduct alleged. 22 NYCRR § 806.8</li> </ol> <p>Reinstatement permitted after seven years. 22 NYCRR §§ 806.8(b), 806.12.</p>
3 <sup>rd</sup> Dept.	<p>Resignation of attorney during pendency of disciplinary proceeding or investigation. The Appellate Division shall enter an order striking from the roll of attorneys the name of an attorney who is the subject of a disciplinary proceeding or an investigation conducted pursuant to these rules upon receipt of an affidavit or affirmation in the form included in Appendix A (see section 1022.28 of this Part), with proof of service on the chief attorney, which sets forth the nature of the charges or the allegations under investigation and shows that:</p> <ol style="list-style-type: none"> <li>(1) the resignation is voluntarily rendered without duress and with full awareness of the consequences;</li> <li>(2) the resignor admits the charges or allegations of misconduct;</li> <li>(3) the resignor has no defense to the charges or allegations of misconduct; and</li> <li>(4) when the charges or allegations include the willful misappropriation or misapplication of clients' funds or property, the resignor consents to the entry of an order of restitution. 22 NYCRR § 1022.26</li> </ol> <p>An attorney may apply for reinstatement to practice after the expiration of seven years from the entry of the order striking the attorney from the roll of attorneys. 22 NYCRR § 1022.28.</p>
4 <sup>th</sup> Department	<p>An attorney who wishes to resign from the practice of law shall file with the Clerk of the Supreme Court the following:</p> <p>(a) A notarized affidavit setting forth the attorney's full name, attorney registration number, date of birth, mailing address, and all other jurisdictions and registration numbers under which the attorney practices, and stating that:</p> <ol style="list-style-type: none"> <li>(i) The attorney wishes to resign from the practice of law in the State of Ohio;</li> <li>(ii) The attorney fully understands that the resignation completely divests him or her of the privilege of engaging in the practice of law, and of each, any and all of the rights, privileges and prerogatives appurtenant to the office of attorney and counselor at law;</li> <li>(iii) The attorney fully understands that the resignation is unconditional, final, and irrevocable;</li> </ol> <p>Rules for the Government of the Bar of Ohio, rule V(1)(G).</p> <p>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).</p>
Ohio	<p>An attorney who wishes to resign from the practice of law shall file with the Clerk of the Supreme Court the following:</p> <p>(a) A notarized affidavit setting forth the attorney's full name, attorney registration number, date of birth, mailing address, and all other jurisdictions and registration numbers under which the attorney practices, and stating that:</p> <ol style="list-style-type: none"> <li>(i) The attorney wishes to resign from the practice of law in the State of Ohio;</li> <li>(ii) The attorney fully understands that the resignation completely divests him or her of the privilege of engaging in the practice of law, and of each, any and all of the rights, privileges and prerogatives appurtenant to the office of attorney and counselor at law;</li> <li>(iii) The attorney fully understands that the resignation is unconditional, final, and irrevocable;</li> </ol> <p>Rules for the Government of the Bar of Ohio, rule V(1)(G).</p> <p>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).</p>

Jurisdiction	Detailed Information Regarding Resignations With Charges Pending
Oklahoma	<p>A lawyer who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may resign membership in the Oklahoma Bar Association, and thereby relinquish the right to practice law, only by delivering to the Commission an affidavit stating that the lawyer desires to resign and that:</p> <ul style="list-style-type: none"> <li>(a) The resignation is freely and voluntarily rendered, the lawyer is not being subjected to coercion or duress, and the lawyer is fully aware of the consequences of submitting the resignation;</li> <li>(b) The lawyer is aware that there is presently pending an investigation into, or proceedings involving, allegations that there exist grounds for discipline, specifying particularly the misconduct alleged;</li> <li>(c) The lawyer agrees that he may be reinstated only upon full compliance with the conditions and procedures prescribed by these Rules, and no application for reinstatement may be filed prior to the lapse of five years from the effective date of the resignation. Oklahoma Rules Governing Disciplinary Proceedings, §8.1.</li> </ul> <p>A lawyer who resigns with charges pending shall only be permitted to apply for reinstatement after the lapse of five years and under the provisions of the rules governing petitions for reinstatement. Oklahoma Rules Governing Disciplinary Proceedings, §8.2.</p>
Oregon	<p>An attorney may resign by filing with Disciplinary Counsel a resignation in writing which shall be effective only on acceptance by the court. If charges, allegations or instances of alleged misconduct involving the attorney are under investigation by the Bar, or if disciplinary proceedings are pending against the attorney, the resignation must be on the form set forth in BR 12.7 [Form B resignation]. Oregon State Bar Rules of Procedure, rule 9.1.</p> <p>The form set forth in BR 12.7 states, "I am aware that there is pending against me a formal complaint concerning alleged misconduct and/or that complaints, allegations or instances of alleged misconduct by me are under investigation by the Oregon State Bar . . . I do not desire to contest or defend against the above-described complaints, allegations or instances of alleged misconduct.</p> <p>An attorney who has resigned membership in the Bar under Form B 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. Oregon State Bar Rules of Procedure, rule 9.4.</p>

Jurisdiction	Detailed Information Regarding Resignations With Charges Pending
Texas	<p>Any person licensed to practice law in the State of Texas shall be permitted to file a motion for resignation in lieu of discipline. The Chief Disciplinary Counsel shall file a response to the motion stating whether the acceptance of the resignation is in the best interest of the public and the profession and setting forth a detailed statement of the Professional Misconduct with which the movant is charged. The movant may subsequently withdraw the motion. If a motion to withdraw is not timely filed, the detailed statement of Professional Misconduct shall be deemed to have been conclusively established for all purposes. Texas Rules of Disciplinary Procedure, rule 10.02.</p> <p>A person who has resigned in lieu of discipline may, at any time after the expiration of five years from the date of the Supreme Court order accepting the 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 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: bribery; 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>
Vermont	<p>An attorney who is the subject of an investigation into allegations of misconduct may submit a resignation by delivering to the Board an affidavit stating that the attorney desires to resign and that:</p> <ol style="list-style-type: none"> <li>(1) The resignation is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress, is fully aware of the implications of submitting a resignation; and</li> <li>(2) The attorney is aware that there is presently pending an investigation into allegations that the attorney has been guilty of misconduct, the nature of which the attorney shall specifically set forth;</li> <li>(3) The attorney acknowledges that the material facts upon which the complaint is predicated are true; and</li> <li>(4) The attorney submits the resignation because the attorney knows that if charges were predicated upon the misconduct under investigation the attorney could not successfully defend against them.</li> </ol> <p>Vermont Permanent Rules Governing Establishment and Operation of the Professional Responsibility Program, Rule 19.</p> <p>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.</p>

Jurisdiction	Detailed Information Regarding Resignations With Charges Pending
Washington	<p>A respondent lawyer who desires not to contest or defend against allegations of misconduct may, at any time before the answer in any disciplinary proceeding is due, resign his or her membership in the Association in lieu of further disciplinary proceedings.</p> <p>The respondent first notifies disciplinary counsel that the respondent intends to submit a resignation and asks disciplinary counsel to prepare a statement of alleged misconduct. After receiving the statement, the respondent may resign by submitting to disciplinary counsel a signed resignation, sworn to or affirmed under oath and notarized, that:</p> <p>(1) includes disciplinary counsel's statement of the alleged misconduct and either an admission of that misconduct or a statement that while not admitting the misconduct the respondent agrees that the Association could prove by a clear preponderance of the evidence that the respondent committed violations sufficient to result in respondent's disbarment;</p> <p>(2) affirmatively acknowledges that the resignation is permanent including the statement:</p> <p>"I understand that my resignation is permanent and that any future application by me for reinstatement as a member of the Washington State Bar Association is currently barred. If the Supreme Court changes this rule or an application is otherwise permitted in the future, it will be treated as an application by one who has been disbarred for ethical misconduct, and that, if I file an application, I will not be entitled to a reconsideration or reexamination of the facts, complaints, allegations, or instances of alleged misconduct on which this resignation was based."</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>
West Virginia	<p>Any member of the state bar may file in the Supreme Court of Appeals a verified petition stating that such member desires to voluntarily resign as a member of the state bar and to have his or her name stricken from the rolls thereof. Such petition shall fully state the reasons for the prayer thereof and whether any disciplinary or criminal charges or proceedings are then pending against the petitioner or whether the petitioner apprehends the pendency of any such charges or proceedings. Knowing failure to disclose this information may constitute grounds for initiation of a separate disciplinary proceeding. West Virginia Rules of Lawyer Disciplinary Procedure, Rule 3.26(a).</p> <p>When for any reason, other than for nonpayment of membership fees, the license of any person to practice law has been or shall be suspended, or annulled, whether or not for a limited time or until requirements as to restitution, conditions, or some other act shall be satisfied, such person shall not become entitled to engage in the practice of law in this State, whether such time has elapsed or such requirements as to restitution, conditions, or other act have been satisfied, until such person shall have been restored to good standing as a member of The West Virginia State Bar. WVRLDP, Rule 3.30.</p>