

**INTERIM SUSPENSION FOR CONVICTION OF A CRIME****(a) Definitions.**

(1) "Conviction" for the purposes of this rule occurs upon entry of a plea of guilty, unless the defendant affirmatively shows that the plea was not accepted or was withdrawn, or upon entry of a finding or verdict of guilty, unless the defendant affirmatively shows that judgment was arrested or a new trial granted.

(2) "Felony" includes any crime denominated as a felony in the jurisdiction in which it is committed.

**(b) Reporting of Conviction.** When a lawyer is convicted of a felony, the lawyer must report the conviction to disciplinary counsel within 30 days of the conviction as defined by this rule.

**(c) Disciplinary Procedure upon Conviction.**

(1) If a lawyer is convicted of a felony, disciplinary counsel must file a formal complaint regarding the conviction. Disciplinary counsel must also petition the Supreme Court for an order suspending the respondent lawyer during the pendency of disciplinary proceedings. The petition for suspension may be filed before the formal complaint.

(2) If a lawyer is convicted of a crime that is not a felony, the review committee may consider a report of the conviction in the same manner as any other report of possible misconduct by a lawyer.

**(d) Petition.** A petition to the Supreme Court for suspension under this rule must include a copy of any available document establishing the fact of conviction. Disciplinary counsel may also include additional facts, statements, arguments, affidavits, and documents in the petition. A copy of the petition must be personally served on the respondent, and proof of service filed with the Court.

**(e) Immediate Interim Suspension.** Upon the filing of a petition for suspension under this rule:

(1) The Court must enter an order immediately suspending the respondent from the practice of law.

(2) Upon suspension, the respondent must comply with Title 14.

(3) Suspension under this rule occurs:

(A) whether the conviction was under a law of this state, any other state, or the United States;

(B) whether the conviction was after a plea of guilty, nolo contendere, not guilty, or otherwise; and

(C) regardless of the pendency of an appeal.

(4) On or before the date established for the entry of the order of interim suspension the respondent may assert to the Court any jurisdictional deficiency that establishes that the suspension may not properly be ordered, such as that the crime did not constitute a felony or that the respondent is not the individual convicted.

**(f) Duration of Suspension.** A suspension under this rule must terminate when the disciplinary proceeding is final. A copy of the final decision, stipulation, or order terminating the disciplinary proceeding will be provided to the Court.

**(g) Termination of Suspension.**

(1) *Petition and Response.* A respondent may at any time petition the Court to terminate an interim suspension. Disciplinary counsel may file a response to the petition.

(2) *Court Action.* The Court determines the procedure for its consideration of a petition to terminate a suspension.

[Adopted October 1, 2002; Amended effective January 1, 2014; January 1, 2015.]