

RANDOM EXAMINATION OF BOOKS AND RECORDS

(a) Authorization. The Office of Disciplinary Counsel is authorized to examine the books and records of any lawyer or law firm selected at random to determine whether the lawyer or law firm is complying with RPC 1.15A, 1.15B, and other Rules of Professional Conduct referencing RPC 1.15A or RPC 1.15B. As used in this Title, the term “law firm” has the same meaning as prescribed in RPC 1.0A(c).

(b) Selection.

(1) *Method.* The selection of the lawyers or law firms to be examined will be limited to lawyers on active status and will utilize the principle of random selection by Bar Number of all active status lawyers.

(2) *Law firms.* If the number drawn is that of a lawyer who is an employee or member of a law firm, the entire law firm will be examined. If the lawyer or law firm has been randomly examined under this rule within seven years preceding the drawing, the lawyer or law firm will not be subject to random examination.

(3) *Exclusions.* If the number drawn is that of a lawyer employed by the Association, a hearing officer, a conflicts review officer or conflicts review officer pro tem, a member of the Disciplinary Board, a staff attorney or judicial officer of the Supreme Court, or a lawyer who has been assigned a case as an adjunct disciplinary counsel, special disciplinary counsel, or appointed counsel in a disability matter pursuant to Rule 8.2(c)(2), the lawyer will not be subject to random examination.

(c) Examination and Reexamination. An examination denotes the initial review following a lawyer or law firm being selected at random. A reexamination denotes a further examination as may be ordered by a review committee under section (e) of this rule. Examinations and reexaminations under this rule will entail a review and testing of the internal controls and procedures used by the lawyer or law firm to receive, hold, disburse and account for money or property as required by RPC 1.15A, and a review of the records of the lawyer or law firm required by RPC 1.15B. A lawyer or law firm is required to cooperate with the examination or reexamination as set forth in Rule 15.2.

(d) Conclusion. At the conclusion of an examination or re-examination, the Office of Disciplinary Counsel may:

(1) Conclude the examination by issuing a report to the lawyer and/or law firm summarizing the Office of Disciplinary Counsel’s findings and taking no further action;

(2) Issue a report to the lawyer and/or law firm summarizing the Office of Disciplinary Counsel’s findings and either:

(A) report the matter to a review committee with a recommendation to order corrective action by the lawyer and/or law firm and a re-examination of the books and records of the lawyer and/or law firm to commence within one year; or

(B) report the matter to a review committee with a recommendation to order a disciplinary grievance be opened under Rule 5.3.

(e) Review Committee Action. In reviewing matters under this rule, a review committee has the following authority:

(1) In reviewing reports of the Office of Disciplinary Counsel under section (d) of this rule, including any response by a lawyer examined or re-examined under this rule, a review committee may:

(A) dismiss the matter;

(B) order corrective action and a reexamination to commence within one year; or

(C) order that the Office of Disciplinary Counsel open a disciplinary grievance under Rule 5.3 regarding this matter.

(2) A review committee may review a challenge to the selection of a lawyer or law firm in section (b) of this rule if review is requested by a lawyer or law firm within 30 days of transmittal of the notice of selection.

(3) The action of a review committee under this rule is not reviewable.

[Adopted effective October 1, 2002; Amended effective January 1, 2014; December 8, 2015; September 1, 2017; September 1, 2022.]