

### **Rule 761. Conviction of Crime**

**(a) Notification.** It is the duty of an attorney admitted in this State who is convicted in any court of a felony or misdemeanor to notify the Administrator of the conviction in writing within 30 days of the entry of the judgment of conviction. The notification is required:

- (1) whether the conviction results from a plea of guilty or of *nolo contendere* or from a judgment after trial; and
- (2) regardless of the pendency of an appeal or other post-conviction proceeding.

**(b) Conviction of Crime Involving Moral Turpitude.** If an attorney is convicted of a crime involving fraud or moral turpitude, the Administrator shall file a petition with the court alleging the fact of such conviction and praying that the attorney be suspended from the practice of law until further order of the court. A certified copy of the judgment of conviction shall be attached to the petition and shall be *prima facie* evidence of the fact that the attorney was convicted of the crime charged.

(1) The petition shall be served upon the attorney in any manner in which service of process is authorized by Rule 765(a).

(2) Upon receipt of the petition the court shall issue a rule to show cause why the attorney should not be suspended from the practice of law until the further order of the court. The Administrator shall serve the rule upon the attorney:

- (i) by personal service;
- (ii) by any manner agreed upon by the parties;

(iii) if, on due inquiry, the attorney cannot be found or is concealed so that the rule to show cause cannot be served upon him or her, by ordinary mail, postage fully prepaid, directed to the attorney (A) at the address listed on the Master Roll, as defined in Rule 756(b), and to any other last known business or residence address or, (B) if the attorney is not listed on the Master Roll, at any address last designated by the attorney on the Master Roll or in the equivalent of the Master Roll in any jurisdiction, as defined in Rule 763, in which the attorney is or was licensed to practice law, and at his or her last known business or residence address. The Administrator's certificate of mailing or delivery is sufficient proof of service; or

(iv) by the attorney or counsel for the attorney filing with the court a statement accepting service of the rule to show cause, in which case no proof of service shall be required.

(3) After consideration of the petition and the answer to the rule to show cause, the court may enter an order, effective immediately, suspending the attorney from the practice of law until the further order of the court.

**(c) Conviction of Crime Not Involving Moral Turpitude.** If an attorney is convicted of a crime that does not involve fraud or moral turpitude, the Administrator shall refer the matter to the Inquiry Board.

**(d) Hearing.** Where an attorney has been convicted of a crime involving fraud or moral turpitude, a hearing shall be conducted before the Hearing Board to determine whether the crime warrants discipline, and, if so, the extent thereof.

(1) If the attorney has not appealed from the conviction, the Administrator shall file a complaint with the Hearing Board alleging the fact of the conviction.

(2) If the attorney has appealed from the conviction, the hearing shall be delayed until completion of the appellate process unless the attorney requests otherwise. If after the completion of the appellate process the conviction has not been reversed, the attorney shall notify the Administrator within 30 days of the mandate being filed in the trial court that the conviction was affirmed. Upon becoming aware that the conviction has been affirmed, the Administrator shall file a complaint with the Hearing Board as described in (1) above.

**(e) Time of Hearing.** Hearings pursuant to this rule shall commence within 60 days after the complaint is filed.

**(f) Proof of Conviction.** In any hearing conducted pursuant to this rule, proof of conviction is conclusive of the attorney's guilt of the crime.

**(g) Hearing and Review Procedure.** The hearing and review procedure shall be the same as provided in Rule 753 for disciplinary cases.

Adopted March 30, 1973, effective April 1, 1973; amended July 16, 1973; amended September 8, 1975, effective October 1, 1975; amended August 9, 1983, effective October 1, 1983; amended June 1, 1984, effective July 1, 1984; [amended Dec. 28, 2017, eff. Feb. 1, 2018.](#)