

Rule 778. Retention of Records by Administrator

(a) Retention of Records. The Administrator is permitted to retain the record of investigation for all matters resulting in the imposition of discipline as defined by Rule 770 , for investigations which have been stayed or deferred by the transfer of the attorney to disability inactive status, or for investigations that have resulted in the filing of unauthorized practice of law proceedings.

(b) Expungement. The Administrator shall expunge the record of an investigation concluded by dismissal or closure by the Administrator or Inquiry Board three years after the disposition of the investigation, unless deferral of expunction is warranted under paragraph (c). Expungement shall consist of the Administrator's destruction of the investigative file and other related materials maintained by the Administrator relating to the attorney, including any computer record identifying the attorney as a subject of an investigation.

(c) Deferral of Expungement of Investigative Materials. Expungement of an investigative file and all related materials under paragraph (b) shall be deferred until the passage of three years from the later of the following events:

- (1) the conclusion of any pending disciplinary or disability proceeding related to the attorney before the Hearing or Review Boards or the Court; or
- (2) the termination of any previously imposed sanction (including suspension, disbarment or probation) or the restoration of the attorney from disability inactive to active status; or
- (3) the termination of any permanent retirement status related to the attorney.

Adopted January 5, 1993, effective immediately; amended June 29, 1999, effective November 1, 1999; amended December 16, 2010, effective immediately; amended December 7, 2011, effective immediately; amended June 5, 2012, eff. immediately.