

**Rule 763. Reciprocal Discipline and Disability Inactive Status**

(a) If an attorney licensed to practice law in Illinois has been

(1) Disciplined (including resignation in lieu of discipline or the equivalent) in another jurisdiction, the attorney may be subjected to the same or comparable discipline in Illinois, upon proof of the order of the other jurisdiction imposing the discipline; or

(2) Transferred to disability inactive status in another jurisdiction, the attorney may be transferred to disability inactive status until further order of the court in Illinois, upon proof of the order of the other jurisdiction imposing disability inactive status.

(b) For purposes of this rule,

(1) “other jurisdiction” is defined as the District of Columbia; a country other than the United States; a state, province, territory, or commonwealth of the United States or another country; or a federal court;

(2) “federal court” is defined as the Supreme Court of the United States, the United States District Courts and Circuit Courts of Appeal, the United States Bankruptcy Courts, or the United States Tax Court, for final regulatory actions entered on or after April 1, 2024.

(c) The Administrator shall initiate proceedings under this rule by filing a petition with the court, to which a certified copy of the order of the other jurisdiction is attached. The Administrator shall serve the petition upon the attorney in any manner in which service of process is authorized by Rule 765(a).

(d) Within 21 days after service of a copy of the petition upon him the attorney may file a request for a hearing on the petition. If the court allows the request for a hearing, the hearing shall be held before the Hearing Board no less than 14 days after notice thereof is given to the attorney respondent and the Administrator. At the hearing the attorney may be heard only on the issues as to (1) whether or not the order of the other jurisdiction was entered; (2) whether it applies to the attorney; (3) whether it remains in full force and effect; (4) whether the procedure in the other jurisdiction resulting in the order was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process of law; (5) whether the procedure in the other jurisdiction resulting in the order was conducted pursuant to an investigative process comparable to the investigative process that would have been conducted in Illinois; and (6) whether the conduct of the attorney warrants substantially less discipline in Illinois or the reason for the original transfer to disability inactive status no longer exists.

(e) If an attorney is suspended until further order of the Court or disbarred in Illinois pursuant to this rule, reinstatement in Illinois shall be governed by the provisions of Rule 767. If an attorney is transferred to disability inactive status pursuant to this rule, restoration to active status in Illinois shall be governed by the provisions of Rule 759.

(f) Nothing in this rule shall prohibit the institution of independent proceedings in this State under Rule 753 or Rule 758 against any attorney based upon the attorney’s conduct or the reason for the original transfer to disability inactive status in another jurisdiction. In the event the Administrator elects to proceed independently, any recommendation or order entered in this State shall not be limited by the order entered by the other jurisdiction.

Adopted March 30, 1973, effective April 1, 1973; amended September 21, 1994, effective October 1, 1994; amended February 9, 2015, eff. immediately; amended June 22, 2017, eff. July 1, 2017; amended Dec. 28, 2017, eff. Feb. 1, 2018; amended Mar. 29, 2024, eff. Apr. 1, 2024.