

### **Rule 774. Interim Suspension**

**(a) Grounds for Suspension.** During the pendency of a criminal indictment, criminal information, disciplinary proceeding or disciplinary investigation, the court on its own motion, or on the Administrator's petition for a rule to show cause, may suspend an attorney from the practice of law until further order of the court. The petition shall allege:

(1) the attorney has been formally charged with the commission of a crime which involves moral turpitude or reflects adversely upon his fitness to practice law, and there appears to be persuasive evidence to support the charge; or

(2) a complaint has been voted by the Inquiry Board; the attorney has committed a violation of the Rules of Professional Conduct which involves fraud or moral turpitude or threatens irreparable injury to the public, his or her clients, or to the orderly administration of justice; and there appears to be persuasive evidence to support the charge.

**(b) Form and Service of Petition.** The petition shall be verified or supported by affidavit or other evidence and shall be filed with the clerk. The petition shall be served upon the attorney in any manner in which service of process is authorized by Rule 756(a).

**(c) Procedure.** Upon receipt of the petition, the court may 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:

(1) by personal service;

(2) by any manner agreed upon by the parties;

(3) if, on due inquiry, the attorney cannot be found or is concealed so that the rule cannot be served upon the attorney, by ordinary mail, postage fully prepaid, directed to the attorney (i) at the address listed on the most recent Master Roll, as defined in Rule 756, and to any other last known business or residence address or, (ii) 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

(4) 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.

After consideration of the petition and any 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.

**(d) Suspension Order and Conditions of Suspension.** The court may make such orders and impose such conditions of the interim suspension as it deems necessary to protect the interests of the public and the orderly administration of justice, including but not limited to:

(1) notification to clients of the respondent's interim suspension;

(2) audit of the respondent's books, records, and accounts;

(3) appointment of a trustee to manage respondent's affairs; and

(4) physical and mental examination of the respondent.

Adopted June 1, 1984, effective July 1, 1984; amended March 25, 1991, effective immediately;  
amended Dec. 28, 2017, eff. Feb. 1, 2018.