

### **Rule 773. Costs**

**(a) Costs Defined.** Costs may include the following expenses reasonably and necessarily incurred by the administrator in connection with the matter: witness fees; travel expenses of witnesses; bank charges for producing records; expenses incurred in the physical or mental examination of a respondent attorney; fees of expert witnesses; and court reporting expenses except the cost of transcripts of proceedings before the Hearing Board or Review Board where the Administrator takes exception to the findings and recommendation of the Hearing Board or Review Board, unless the Administrator prevails, at least in part, before the reviewing board or this court, in which case the Administrator may include the transcript costs in the statement of costs subject to the limitations of section (c) of this rule.

**(b) Duty of Respondent.** It is the duty of a respondent to reimburse the Commission for costs not to exceed \$1500 and for such additional amounts as the court may order on the motion of the Administrator for good cause shown, which may include (1) costs incurred in the investigation, hearing and review of matters brought pursuant to article VII of these rules which result in the imposition of discipline, (2) costs involved in the investigation of alleged violations of the terms and conditions of any such disciplinary order, when such violations are later proved, (3) costs involved in any proceedings for the enforcement of any rule, judgment or order of this court which was made necessary by any act or omission on the part of the respondent, (4) costs incurred to compel the appearance of respondent and to transcribe respondent's testimony when the appearance followed respondent's failure to comply with a request from the Inquiry Board or Administrator to provide information concerning a matter under investigation, and (5) costs incurred to obtain copies of records from a financial institution, when the institution's production of the records followed respondent's failure to comply with a request from the Inquiry Board or the Administrator to provide those records.

**(c) Statement of Costs.** After the imposition of discipline by the court, the Administrator shall prepare an itemized statement of costs, not to exceed \$1500, which shall be made a part of the record. The Administrator shall serve a copy of the statement on the respondent in any manner authorized by Rule 11. The Administrator may petition the court for costs reasonably and necessarily incurred by the Administrator in excess of \$1500, which may be allowed for good cause shown. Costs up to \$1500 shall be paid by the respondent within 30 days of service of the statement. Costs in excess of \$1500 shall be paid by the respondent within 30 days of the order allowing the petition for excess costs.

**(d) Assessment of Costs.** If the respondent contests the amount of the costs or fails to pay the costs within 30 days of service of the statement or order allowing excess costs, the Administrator may petition the court for an order and judgment assessing costs against the respondent and directing the respondent to pay the costs, in full or in part, to the Commission. The Administrator shall serve the petition on the respondent in any manner authorized by Rule 11. Costs shall be paid by the respondent attorney within 30 days after the entry of the order and judgment assessing costs. Proceedings for the collection of costs assessed against the respondent attorney may be initiated by the Administrator on the order and judgment entered by the court. A petition for reinstatement pursuant to Rule 767 must be accompanied by a receipt verifying payment of any costs imposed in connection with prior disciplinary proceedings involving the petitioner.

JUSTICE McMORROW dissents from this October 5, 2000, amendment of Rule 773.

Adopted August 9, 1983, effective October 1, 1983; amended June 1, 1984, effective July 1, 1984; amended February 21, 1986, effective August 1, 1986; amended October 13, 1989, effective immediately; amended October 5, 2000, effective November 1, 2000; [amended June 22, 2017, eff. July 1, 2017](#); [amended Dec. 28, 2017, eff. Feb. 1, 2018](#); [amended May 23, 2019, eff. July 1, 2019](#).