

Rule 772. Probation

(a) Qualifications. The court may order that an attorney be placed on probation if the attorney has demonstrated that he:

- (1) can perform legal services and the continued practice of law will not cause the courts or profession to fall into disrepute;
- (2) is unlikely to harm the public during the period of rehabilitation and the necessary conditions of probation can be adequately supervised;
- (3) has a disability which is temporary or minor and does not require treatment and transfer to disability inactive status; and
- (4) is not guilty of acts warranting disbarment.

Probation shall be ordered for a specified period of time or until further order of the court in conjunction with a suspension which may be stayed in whole or in part.

(b) Conditions. The order placing an attorney on probation shall state the conditions of probation. The conditions shall take into consideration the nature and circumstances of the misconduct and the history, character and condition of the attorney. The following conditions, and such others as the court deems appropriate, may be imposed:

- (1) periodic reports to the Administrator;
- (2) supervision over trust accounts as the court may direct;
- (3) satisfactory completion of a course of study;
- (4) successful completion of the multistate Professional Responsibility Examination;
- (5) restitution;
- (6) compliance with income tax laws and verification of such to the Administrator;
- (7) limitations on practice;
- (8) psychological counseling and treatment;
- (9) the abstinence from alcohol or drugs; and
- (10) the payment of disciplinary costs.

(c) Administration. The Administrator shall be responsible for the supervision of attorneys placed on probation. Where appropriate, the Administrator shall report to the court the probationer's failure to comply with the conditions of probation and may request that the court modify the conditions, extend the probation, or issue a rule to show cause why the probation should not be revoked and the stay of suspension vacated. The Administrator shall serve upon the probationer in any manner authorized by Rule 11 any report filed pursuant to this paragraph. Upon a showing of failure to comply with the conditions of probation, the court shall issue a rule to show cause why probation should not be revoked and the stay of suspension vacated. The Administrator shall serve the rule upon the probationer:

- (1) by personal service;
- (2) by any manner agreed upon by the parties; or
- (3) if, on due inquiry, the probationer cannot be found or is concealed so that the rule cannot be served upon the probationer, by ordinary mail, postage fully prepaid, directed to the probationer (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 probationer is not listed on the Master Roll, at any address last designated by the probationer on the Master Roll or in the equivalent of the Master Roll in any jurisdiction, as defined in Rule 763, in which the probationer 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.

Adopted August 9, 1983, effective October 1, 1983; amended June 29, 1999, effective November 1, 1999; [amended Dec. 28, 2017, eff. Feb. 1, 2018.](#)