

Rule 762. Disbarment and Other Discipline on Consent

(a) Disbarment on Consent. If, while any charge of misconduct is under investigation or pending against him before the Inquiry Board, Hearing Board or Review Board, an attorney files with the court a motion to strike his name from the roll of attorneys admitted to practice law in this State, the clerk of the court shall immediately file with the Administrator a copy of the motion. Within 21 days thereafter the Administrator shall file with the court and serve upon the attorney respondent a statement of charges which shall set forth a description of the evidence which would be presented against the attorney respondent if the cause proceeded to hearing and the findings of misconduct which that evidence would support. Within 14 days after the statement of charges is filed with the court, the attorney respondent shall file with the court his affidavit stating that:

(1) he has received a copy of the statement of charges;

(2) if the cause proceeded to a hearing, the Administrator would present the evidence described in the statement of charges, and that evidence would clearly and convincingly establish the facts and conclusions of misconduct set forth in the statement of charges; except that in cases where the charges are based upon a judgment of conviction of a crime, it shall be sufficient that the attorney respondent state that if the matter proceeded to hearing, the judgment of conviction would be offered into evidence and would constitute conclusive evidence of his guilt of the crime for purposes of disciplinary proceedings;

(3) his motion is freely and voluntarily made; and

(4) he understands the nature and consequences of his motion.

If the attorney respondent fails to file the required affidavit within the 14-day period provided above, or in the event the affidavit does not contain the statements required by subparagraphs (1), (2), (3) and (4) above, the court may deny the attorney's motion to strike his name from the roll of attorneys admitted to practice law in this State. If the court allows the motion, the facts and conclusions of misconduct set forth in the Administrator's statement of charges shall be deemed established and conclusive in any future disciplinary proceedings related to the attorney, including any proceedings under Rule 767.

(b) Other Discipline on Consent.

(1) *Petition.* The Administrator and respondent may file with the court as an agreed matter a petition to impose discipline on consent under the following circumstances:

(a) during the pendency of a proceeding before the court; or

(b) during the pendency of a proceeding before the Review, Hearing or Inquiry Boards and with the approval of the board before which the proceeding is pending.

(2) *Content of Petition.* The petition shall be prepared by the Administrator and shall set forth the misconduct and a recommendation for discipline.

(3) *Affidavit.* Attached to the petition shall be an affidavit executed by the attorney stating that:

(a) he has read the petition;

(b) the assertions in the petition are true and complete;

(c) he joins in the petition freely and voluntarily; and

(d) he understands the nature and consequences of the petition.

The affidavit may recite any other facts which the attorney wishes to present to the court in mitigation.

(4) *Submission to Court.* The Administrator shall file the petition and affidavit with the Clerk of the court. The Clerk shall submit the matter to the court as an agreed matter.

(5) *Action on Petition.* The court may allow the petition and impose the discipline recommended in the petition. Otherwise, the court shall deny the petition. If the petition is denied, the proceeding will resume as if no petition had been submitted. No admission in the petition may be used against the respondent. If the proceeding resumes before the Inquiry or Hearing Board, the proceeding will be assigned to a different panel of the Board.

Adopted March 30, 1973, effective April 1, 1973; amended May 21, 1975; amended October 13, 1989, effective immediately; amended January 5, 1993; [amended June 22, 2017](#), [eff. July 1, 2017](#).