



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

VERSION: APRIL 2020

The Reinstatement Process



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Inactive, or Retired Status*

Three Years or Less

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From Administrative Suspension, Inactive, or Retired Status

Three Years or Less

Active Status Request

Attorney submits to the Attorney Registration Office an Administrative Change in Status Form, a Statement of Compliance (if applicable), and payment of all associated costs and outstanding fees.

This process does not apply to an attorney who was previously transferred to inactive status pursuant to [Pa.R.D.E. 301](#).

Conclusion

Attorney is reinstated to Active status.

For more detailed information, please see [Disciplinary Board Rule 93.145](#) and [Pennsylvania Rules of Disciplinary Enforcement 219\(h\)](#). You may also review the [Reinstatement](#) page on our website.

From Administrative Suspension, Inactive, or Retired Status

More Than Three Years



Petition for Reinstatement

Petitioner files a Petition for Reinstatement, Reinstatement Questionnaire, and four (4) notarized original Waiver of Confidentiality forms, along with the appropriate filing fees, with the Board Prothonotary.

Petitioner must have completed 36 hours of PA CLE courses, 12 in Ethics, within the past 12 months. Other information and documents must accompany the filing and can be found within the instructions for the Questionnaire.

This process does not apply to a Petitioner who was previously transferred to inactive status pursuant to [Pa.R.D.E. 301](#).



Investigation

The Board Prothonotary provides the filing to the Office of Disciplinary Counsel (ODC). ODC reviews the Petition for Reinstatement and conducts its investigation into the Petitioner's fitness to practice law.



Response

Within 60 days of the filing of the Petition for Reinstatement, ODC files a response to the Petition and either: 1.) certifies that ODC finds no impediment to reinstatement; or, 2.) objects to the reinstatement.

If ODC objects, advance to the Hearing phase.



Disciplinary Board Member Review

In the event ODC certifies that it finds no impediment to reinstatement, the Disciplinary Board Chair designates a single Board Member to review the matter and issue a Report and Recommendation.

If reinstatement is recommended, advance to the Supreme Court Adjudication phase.

For more detailed information, please see [Disciplinary Board Rule 89.273\(b\)](#) and [Pennsylvania Rules of Disciplinary Enforcement 218](#). You may also review the Reinstatement page on our website.

From Administrative Suspension, Inactive, or Retired Status

More Than Three Years

Hearing

The Petition and Response are referred to a single Hearing Committee Member (HCM) and the hearing date is scheduled. The HCM presides over the hearing, at which the Petitioner's burden is to demonstrate Petitioner has the moral qualifications and competency and learning in the law required for admission to practice in the Commonwealth.

Report and Recommendation

The Hearing Committee Member issues a Report and Recommendation in favor or for denial of Reinstatement.

Disciplinary Board Adjudication

The Disciplinary Board adjudicates the matter and files its Report and Recommendation with the Supreme Court of Pennsylvania in favor or for denial of Reinstatement.

Supreme Court Adjudication

The Supreme Court of Pennsylvania adjudicates the matter and issues an Order.

Conclusion

The Supreme Court Order may conclude the matter by:

- Granting reinstatement
- Denying reinstatement

If the Order grants reinstatement, to resume Active status the Petitioner must submit to the Attorney Registration Office an Annual Fee Form and payment of associated costs and fees.

**At any time prior to Supreme Court Adjudication, the Petitioner may withdraw the Petition.*

From Discipline

Suspended for One Year or Less



Active Status Request

Attorney files a verified statement showing compliance with the terms and conditions of the order of suspension and payment of any associated costs and outstanding fees, along with the appropriate filing fees, with the Board Prothonotary.

Certification

The Board Prothonotary certifies the formerly admitted attorney's compliance with the order of suspension to the Supreme Court of Pennsylvania.

Supreme Court Action

The Supreme Court of Pennsylvania issues an Order.

Conclusion

The Supreme Court Order concludes the matter by reinstating the formerly admitted attorney.

To resume Active status, the attorney may be required to submit to the Attorney Registration Office an Annual Fee Form and payment of associated costs and fees.

For more detailed information, please see [Pennsylvania Rules of Disciplinary Enforcement 218\(g\)](#). You may also review the [Reinstatement](#) page on our website.

Inactive Status (Pa.R.D.E. 301), Suspension of More Than One Year, or Disbarment

Petition for Reinstatement

Petitioner files a Petition for Reinstatement, two unbound copies of the Reinstatement Questionnaire, and ten (10) notarized original Authorization and Release forms, along with the appropriate filing fees, with the Board Prothonotary.

Any outstanding obligation to the Board must be satisfied prior to the filing of the Petition. Petitioner must have completed 36 hours of PA CLE courses, 12 in Ethics, within the past 12 months. Other information and documents must accompany the filing and can be found within the instructions for the Questionnaire.

For more detailed information, please see [Pennsylvania Rules of Disciplinary Enforcement 218\(c\)](#). You may also review the [Reinstatement page](#) on our website.

Investigation and Response

ODC reviews the Petition for Reinstatement and conducts its investigation into the Petitioner's fitness to practice law. Within 60 days of the filing of the Petition for Reinstatement, ODC files a response.

Hearing

The Board refers the matter to a Hearing Committee and the hearing is scheduled. At the hearing, Petitioner's burden is to demonstrate, among other things, Petitioner has the moral qualifications, competency and learning in the law required for admission to practice in the Commonwealth, and that the resumption of the practice of law will not be detrimental to the bar or the administration of justice nor subversive of the public interest.

In matters where an attorney was transferred to inactive status pursuant to [Pa.R.D.E. 301](#), the Petitioner's burden is clear and convincing evidence that the attorney's disability has been removed and Petitioner is fit to resume the practice of law.

Briefs Filed

Petitioner and ODC respectively may file a brief with the Hearing Committee setting forth proposed findings of fact, conclusions of law, and suggested disposition.

From Discipline

Inactive Status (Pa.R.D.E. 301), Suspension of More Than One Year, or Disbarment



Report and Recommendation

The Hearing Committee issues a Report and Recommendation in favor or for denial of Reinstatement.



Briefs Filed

Petitioner and ODC respectively may file with the Disciplinary Board a Brief on Exceptions to the Hearing Committee's Report and Recommendation. After these briefs are filed, both parties may file with the Disciplinary Board a Brief Opposing Exceptions, in response to the other party's exceptions.

Either party may request oral argument before the Board.



Oral Argument

If requested and granted, oral argument is held before a panel of Board members.



Disciplinary Board Adjudication

The Disciplinary Board adjudicates the matter and files its Report and Recommendation with the Supreme Court of Pennsylvania in favor or for denial of Reinstatement.

From Discipline

Inactive Status (Pa.R.D.E. 301), Suspension of More Than One Year, or Disbarment

Appellate Process

Under limited circumstances, the Petitioner or ODC may file a Petition for Review for Allowance of Appeal with the Supreme Court of Pennsylvania.

Rule to Show Cause

In matters in which the Disciplinary Board has recommended a grant of the Petition for Reinstatement and the Supreme Court of Pennsylvania considers denial, the Court issues to the Petitioner a Rule to Show Cause why the petition should not be denied. Petitioner and ODC respectively may submit a response to the Court within 20 days.

Supreme Court Adjudication

The Supreme Court of Pennsylvania adjudicates the matter and issues an Order.

Conclusion

The Supreme Court Order may conclude the matter by:

- Granting reinstatement
- Denying reinstatement

If the Order grants reinstatement, to resume Active status the Petitioner must submit to the Attorney Registration Office an Annual Fee Form and payment of associated costs and fees.

Items of Note

- This is only a high level representation of the process.
 - In all scenarios, the request for reinstatement is from the current status to Active status.
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For more detailed information:

Visit our Rules Page: <https://www.padisciplinaryboard.org/for-attorneys/rules>



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

Pennsylvania Judicial Center
601 Commonwealth Ave, Suite 5600
P.O. Box 62625
Harrisburg, PA 17106-2625

Phone: 717.231.3380
Fax: 717.231.3381

www.padisciplinaryboard.org