



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

FAQs for Attorneys

ATTORNEY REGISTRATION

Pennsylvania Attorney License Status Definitions

View status definitions here: padisciplinaryboard.org/for-attorneys/registration/definitions

Where can I find the rules addressing attorney registration requirements in Pennsylvania?

See Pennsylvania Rules of Disciplinary Enforcement 219 (padisciplinaryboard.org/for-attorneys/rules/rule/5/the-pennsylvania-rules-of-disciplinary-enforcement#rule-35) and 502 (padisciplinaryboard.org/for-attorneys/rules/rule/5/the-pennsylvania-rules-of-disciplinary-enforcement#rule-53) and Pennsylvania Rule of Professional Conduct 1.15(u) (padisciplinaryboard.org/for-attorneys/rules/rule/3/The%20Rules%20of%20Professional%20Conduct#rule-156).

What is the annual Attorney Registration timeline?

Annual attorney registration opens on or before May 15 and is due **July 1** each year. The first late payment penalty will be assessed if registration is not completed on or before **July 16**. The second late payment penalty will be assessed if registration is not completed on or before **August 1**. After the assessment of the second late penalty, the list of remaining un-registered attorneys will be certified to the Supreme Court for administrative suspension.

Am I required to complete my Pennsylvania Attorney Registration online?

Yes. Attorneys must complete and submit the annual attorney registration through the Pennsylvania Unified Judicial System's (UJS) web portal (ujportal.pacourts.us). The portal opens in May and registration must be completed and payment made by July 1.

How much is my annual fee, and when is it due?

The annual fee is due on July 1. The Supreme Court of Pennsylvania has determined that the fee assessment and allocation shall be as follows:

- Active - \$225 (*Disciplinary Board \$145; Lawyers Fund for Client Security \$50; IOLTA \$30*)
- Inactive - \$100
- Retired - \$0

Penalties:

- If registration is not completed on or before July 16, a \$200 late fee will be assessed.
- If registration is not completed on or before August 1, an additional \$200 late fee will be assessed.
- Returned Payment Fee - \$25

How do I apply for an exemption from electronic filing?

If you believe that extenuating circumstances limit you from being able to comply with the mandatory online registration requirement, please submit such request in writing, together with supporting documentation to the Attorney Registration Office.

What happens if I don't complete my annual registration?

Failure to complete your annual registration shall be deemed a request to be administratively suspended, pursuant to Pa.R.D.E. 219(f). An administratively suspended attorney may not practice law within the Commonwealth and shall provide written notice to all clients and otherwise comply with all requirements of Pa.R.D.E. 217 relating to formerly admitted attorneys.

Is the demographic information that I provide during annual registration shared?

Any response to the demographic questions will be provided to Disciplinary Board staff only in its aggregate form. Following the conclusion of the Annual Attorney Registration process, the aggregate data will be shared with the Court; individual selected responses will not.

Is succession planning a requirement for Pennsylvania attorneys?

No. However, succession planning is essential to every attorney's practice. Recognizing that the future is unpredictable, attorneys should strive to lessen the impact of unexpected interruption in their relationships with clients by taking protective measures. The Disciplinary Board has spent much time and energy reviewing best practices to address attorney succession planning. As a result, Pennsylvania attorneys are surveyed during the annual registration process regarding succession planning. Please note that failure to have a designated successor is NOT a violation of the Rules of Professional Conduct or the Pennsylvania Rules of Disciplinary Enforcement. For more information on this topic, please review

the thoughtful article previously presented by Board Member Dion G. Rassias here: padisciplinaryboard.org/news-media/news-article/68/succession-planning---is-it-mandatory-for-lawyers-in-pennsylvania.

I am required to report whether or not I maintain Professional Liability Insurance, but am I required to maintain coverage in Pennsylvania?

A: No. However, a lawyer in private practice shall inform a new client in writing if the lawyer does not have professional liability insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year, subject to commercially reasonable deductibles, retention, or co-insurance, and shall inform existing clients in writing at any time the lawyer's professional liability insurance drops below either of those amounts or the lawyer's professional liability insurance is terminated. See Pa.R.P.C. 1.4.

CERTIFICATIONS

How do I obtain a Certificate of Good Standing?

If you are an active attorney, you may request a Certificate of Good Standing from the Prothonotary's Office of the Supreme Court of Pennsylvania. View more information here: pacourts.us/courts/supreme-court/obtaining-a-certificate-of-good-standing.

If I am inactive or retired, can I obtain a Certificate of Good Standing?

No. If you are an attorney on inactive or retired status, you may request a Certification of Status in Lieu of a Certificate of Good Standing from the Attorney Registration Office by submitting a Request for Certification of Status form (padisciplinaryboard.org/Storage/media/pdfs/20210813/130055-requestforcertificationofstatus-fillable.pdf) and appropriate fee.

How do I obtain a statement regarding disciplinary complaints filed and/or discipline imposed?

File a Request for Disciplinary History (padisciplinaryboard.org/Storage/media/pdfs/20170613/140104-requestforcertificateofdisciplinaryhistory.pdf) with the Office of Chief Disciplinary Counsel.

DISCIPLINARY PROCESS

Summary of Disciplinary Process

View an interactive process map for Discipline here: padisciplinaryboard.org/about/the-discipline-process.

Access a downloadable version of the Discipline Process here: padisciplinaryboard.org/Storage/media/pdfs/20211103/111739-dp_print.pdf.

All complaints against attorneys are investigated and prosecuted by the Office of Disciplinary Counsel. Complaints can be received from the public, opened at the direction of the Board, or initiated by the Office of Disciplinary Counsel on its own motion. The complaint is usually assigned to Disciplinary Counsel in the geographical district where the respondent-attorney's office is located.*

Disciplinary Counsel notifies a respondent-attorney of the allegations against him or her through a DB-7 Request for Statement of Respondent's Position. This request describes the nature of the grievance, the identity of the complainant, and may include a request for documents. Failure to timely respond within 30 days without good cause to the Request constitutes a violation of the Enforcement Rules. Failure to comply with a request for financial records could result in temporary suspension of the respondent-attorney's license to practice law in the Commonwealth.

Following Disciplinary Counsel's investigation, Counsel may recommend:

- Dismissal of the complaint
- Informal Admonition (with or without conditions)
- Private Reprimand by the Board (with or without conditions)
- Public Reprimand by the Board (with or without conditions)
- Prosecution of formal charges
- Recommendations for the above, aside from a dismissal, which requires approval of another disciplinary counsel, requires review by a hearing committee member. Recommendations for either forms of reprimand require approval by a hearing committee member and a three-member panel of the Disciplinary Board.

Respondent-attorneys, in receipt of a notice of an informal admonition or private or public reprimand, have the right to demand the institution of a formal proceeding in lieu of the imposition of discipline. Such right must be exercised within 20 days.

Formal proceedings are initiated by the filing and service of a Petition for Discipline. Respondent-attorneys have 20 days to provide an answer after service of the petition. If a respondent fails to timely answer, all factual allegations are deemed admitted. Following filing of the respondent-attorney's answer or passage of the 20 days, a hearing is scheduled before three hearing committee members. A pre-hearing conference before the Chair of the Panel is scheduled in an attempt to expedite matters.

In disciplinary proceedings, the Office of Disciplinary Counsel has the burden of proof. The Rules of Evidence observed by the courts of common pleas in this Commonwealth in nonjury civil matters apply. Following the Office of Disciplinary Counsel's and the respondent-attorney's cases, the Hearing Committee panel deliberates to determine if the evidence establishes a prima facie violation of at least one disciplinary or enforcement rule. If a prima facie case is made, Disciplinary Counsel and the respondent-attorney can offer evidence relevant to the type of discipline to be recommended.

At the close of the taking of testimony, both parties have the opportunity to submit briefs to the hearing committee, by disciplinary counsel 20 days after the filing of the transcript of the hearing and by the respondent within 20 days after disciplinary counsel's filed brief. The respondent-attorney can purchase a copy of the transcript from the Court Reporter present at the hearing.

The Hearing Committee's Report and Recommendation is filed with the Board Prothonotary within 60 days after the conclusion of the hearing and filing of briefs, if any. Parties can file exceptions to the Report and Recommendation and request Oral Argument before a panel of the Disciplinary Board. Thereafter, the Disciplinary Board adjudicates the matter and submits a Report and Recommendation to the Supreme Court of Pennsylvania. Respondent-attorneys can request, but are not always entitled to, Oral Argument before the Court.

At any time during the course of an investigation or prosecution, a respondent-attorney may submit a resignation. If submitted prior the expiration of respondent-attorney's opportunity to respond, the nature of the matter will not become public although the order disbaring the attorney on consent shall be a matter of public record. Similarly, at any stage of a disciplinary investigation or proceeding, a respondent-attorney and Disciplinary Counsel may file a Joint Petition in Support of Discipline on Consent, agreeing to the respondent-attorney's misconduct and an appropriate discipline. These Petitions are reviewed by three-member panels of the Board and submitted to the Supreme Court for approval or denial. Consent petitions imposing a public reprimand do not, however, get submitted to the Court.

Additionally, if, during the course of disciplinary proceedings, a respondent-attorney contends that s/he is suffering from a disability by reason of mental or physical infirmity or illness, or because of addiction to drugs or intoxicants, which makes it impossible for the respondent to prepare an adequate defense, there are measures a respondent-attorney can take to be transferred to disability inactive status.

**Complaints submitted against Disciplinary Counsel are transmitted to the Executive Office for disposition.*

I am currently a respondent in a disciplinary case. Is my matter public?

Per Pa.R.D.E. 402 (padisciplinaryboard.org/for-attorneys/rules/rule/5/the-pennsylvania-rules-of-disciplinary-enforcement#rule-49), all proceedings under the rules shall be open to the public after the filing of an answer to a petition for discipline (or time to file has passed), the filing and service of a petition for reinstatement, or the Board has entered an Order determining a public reprimand. More specifics are provided in the Rule itself.

What should I do if I believe there to be confidential or other non-public information within my Answer to the Petition for Discipline, Petition for Reinstatement, or other pleadings?

For information on the Disciplinary Board's adoption of the Public Access Policy of the Unified Judicial System of Pennsylvania, review: padisciplinaryboard.org/news-media/news-article/1474/supreme-court-amends-case-records-public-access-policy.

What is the Emergency Temporary Suspension Process?

If Disciplinary Counsel can demonstrate that the continued practice of law by an attorney is causing immediate and substantial public or private harm because of the misappropriation of funds by such person to his or her own use, or because of other egregious conduct, in manifest violation of the Disciplinary or Enforcement Rules, Counsel can, with the concurrence of a reviewing member of the Board, petition the Supreme Court for relief. Thereafter, the Court may enter a rule directing the respondent-attorney to show cause why he or she should not be placed on temporary suspension. Once the respondent-attorney has the opportunity to respond, the Court may enter an order requiring temporary suspension of the practice of law by the respondent-attorney. Thereafter, at any time the respondent-attorney may petition the Court for dissolution or amendment of an order of temporary suspension. A hearing on the petition is convened before a member of the Board within ten days after service of the petition on the Board Prothonotary. The Board member shall submit a transcript of the hearing and recommendation to the Court within five business days after the conclusion of the hearing and the Court shall dissolve or modify the order, if appropriate.

Will I be assessed any costs as a respondent in a disciplinary proceeding?

Yes. The Board or the Court may direct that the necessary expenses incurred in the investigation and prosecutions of proceedings shall be paid by the respondent-attorney. In addition to these expenses, the respondent-attorney shall pay upon the final order of discipline an administrative fee. Failure to timely pay these costs, once imposed is deemed a request for administrative suspension, if the respondent-attorney is not already suspended or disbarred. A schedule of fees can be found here:

padisciplinaryboard.org/Storage/media/pdfs/20200430/133506-scheduleoffeesindisciplinaryandreinstatementmatters2020.04.30.pdf.

What are the types of discipline?

Private Discipline:

- Informal Admonition by the Office of Disciplinary Counsel
- Private Reprimand by the Disciplinary Board with or without probation

Public Discipline:

- Public Reprimand by the Disciplinary Board
- Public Censure by the Supreme Court of Pennsylvania with or without probation
- Probation by the Supreme Court under supervision provided by the Disciplinary Board
- Suspension by the Supreme Court of Pennsylvania for a period not exceeding five years
- Disbarment by the Supreme Court of Pennsylvania

Conditions can be attached to Informal Admonition, Private Reprimand, or Public Reprimand.

DUTIES OF AN ATTORNEY

What specialties may an attorney advertise?

Per Rule 7.4(a) (padisciplinaryboard.org/for-attorneys/rules/rule/3/#p-rule-2125) of the Rules of Professional Conduct, lawyers may advertise certain specialties, including patent and admiralty law as well as certain other certifications approved by the Supreme Court.

Currently, four organizations have been approved to certify lawyers in specialty areas of the law:

- the National Board of Trial Advocacy;
- the National Elder Law Foundation;
- the American Board of Certification; and,
- the PBA Workers Compensation Law Section.

View more information here: padisciplinaryboard.org/news-media/news-article/15/meet-the-pennsylvania-bar-association-review-and-certifying-board.

What are my duties as an attorney admitted to practice law in the Commonwealth of Pennsylvania?

You are required to comply with the following rules:

- Rules of Professional Conduct (padisciplinaryboard.org/for-attorneys/rules/rule/3/the-rules-of-professional-conduct) – These rules set out the minimum ethical standards for the practice of law and constitute a set of rules which all lawyers must follow.

- Rules of Disciplinary Enforcement (padisciplinaryboard.org/for-attorneys/rules/rule/5/the-pennsylvania-rules-of-disciplinary-enforcement) – These Rules establish the lawyer disciplinary system in Pennsylvania and set forth a broad set of procedural rules governing lawyer discipline.
- Disciplinary Board Rules (padisciplinaryboard.org/for-attorneys/rules/rule/7/disciplinary-board-rules-and-procedures) – These Rules supplement and implement the Rules of Disciplinary Enforcement and govern proceedings before the Disciplinary Board.

These rules govern attorney conduct within the attorney-client relationship as well as attorney conduct outside of the attorney-client relationship.

Among other things, these duties include:

- the responsibility to register yearly by July 1;
- the responsibility to hold client funds separate and apart from an attorney’s own funds, sometimes in a designated IOLTA account;
- provide a written statement of the fee to clients;
- inform a new client in writing if a lawyer in private practice does not have malpractice coverage;
- maintain records and ledgers detailing disposition and handling of client funds;
- the duty to provide competent representation;
- the duty to communicate with clients;
- the duty to withdraw formally if the lawyer decides to or cannot continue the representation;
- and
- a prohibition against making false statements of material fact or law to a tribunal.

Often forgotten duties:

- Report any convictions to the Board Prothonotary
- Report misconduct of other attorneys that raises a substantial question as to that lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects

Am I required to notify anyone that I have been convicted of a crime; how do I do so?

Yes. An attorney convicted of a crime must report the fact of such conviction to the Office of Disciplinary Counsel within 20 days of such conviction. This obligation is not affected by the conviction being under appeal. A crime is defined as an offense that is punishable by imprisonment in the jurisdiction of conviction, whether or not a sentence of imprisonment is actually imposed. This includes criminal contempt, whether direct or indirect. It does not include parking violations or summary offenses, both traffic and non-traffic, unless a term of imprisonment is imposed.

Am I required to notify anyone that I have been transferred to disability status or disciplined in another jurisdiction?

Yes. Within 20 days of the date of the order, judgment or directive, an attorney must notify the Disciplinary Board if s/he has been transferred to disability inactive status or disciplined in another court or any body authorized to conduct disciplinary proceedings against attorneys, including federal agencies.

Are there Rules governing the handling of client funds?

Yes. In cooperation with the Board, the PA IOLTA Board developed “Fiduciary Requirements for Lawyers in Pennsylvania Handling Property of Clients and Others.” View more information here: paiolta.org/attorney-compliance/handling-funds-of-others.

EMERITUS ATTORNEYS

What is emeritus status?

In 2018, the Supreme Court of Pennsylvania created an emeritus status for attorneys who have retired from the practice of law who seek to provide pro bono services through eligible legal aid organizations. Please see the press release announcing the emeritus program here: padisciplinaryboard.org/for-attorneys/pro-bono/pro-bono-article/38/court-creates-emeritus-status-for-retired-attorneys-to-do-pro-bono-work.

Why should I provide pro bono services?

Offering pro bono legal services is a way for attorneys to gain experience and provide assistance to those who need it the most.

How do I assume emeritus status?

An attorney **currently on retired status** must file a completed Emeritus Application (padisciplinaryboard.org/Storage/media/pdfs/20210205/145910-emeritusapplication-fillable.pdf) including all necessary attachments as described on the form and the appropriate registration fee. Upon review and approval of the application, emeritus status will be granted. *Attorneys not currently on retired status may be eligible to simultaneously assume retired and emeritus status.*

Can I start providing pro bono services immediately after being granted emeritus status?

No. Prior to the commencement of services described in Pa.R.D.E. 403(d) (padisciplinaryboard.org/for-attorneys/rules/rule/5/the-pennsylvania-rules-of-disciplinary-enforcement/#p-rule-2824), the emeritus attorney must submit an Eligible Legal Aid Organization Form (padisciplinaryboard.org/Storage/media/pdfs/20210205/151710-eligiblelegalaidorganizationform-fillable.pdf) to the Disciplinary Board **for approval**.

Can I provide pro bono services for multiple legal aid organizations?

Yes. However, a separate Eligible Legal Aid Organization Form (padisciplinaryboard.org/Storage/media/pdfs/20210205/151710-eligiblelegalaidorganizationform-fillable.pdf) must be submitted **and approved** for each organization that the attorney expects to perform pro bono services.

What is an eligible legal aid organization?

An “eligible legal aid organization” for the purposes of Pa.R.D.E. 403 (padisciplinaryboard.org/for-attorneys/rules/rule/5/the-pennsylvania-rules-of-disciplinary-enforcement#rule-389) is a not-for-profit organization that provides legal services.

Can I perform legal services for a fee or other compensation?

No. An emeritus attorney is authorized solely to provide pro bono legal services under the auspices of an eligible legal aid organization and without charge or an expectation of fee by the attorney.

Must I obtain professional liability insurance to provide pro bono services as an emeritus attorney?

No. Emeritus attorneys are covered under their approved eligible legal aid organization’s professional liability insurance.

Do I have to renew emeritus status annually?

Yes. An emeritus attorney who is registered to provide pro bono services under Pa.R.D.E. 403 (padisciplinaryboard.org/for-attorneys/rules/rule/5/the-pennsylvania-rules-of-disciplinary-enforcement#rule-389) may renew the status on an annual basis between January 1 and January 31. Failure to renew and pay the annual fee by January 31 will result in the transfer back to retired status.

Can I return to retired status at any time?

Yes. At any time, an emeritus attorney can return to retired status by submitting an Application for Retirement (padisciplinaryboard.org/Storage/media/pdfs/20190306/140952-db-27applicationforretirement.pdf). An emeritus attorney may also select to return to retired status during the annual emeritus renewal.

Do emeritus attorneys have to satisfy Continuing Legal Education requirements?

Yes. Emeritus attorneys must complete an annual CLE requirement of eight (8) hours, 6 of which must be in the substantive area of law and 2 of which must be in ethics, pursuant to the Pennsylvania Rules of Continuing Legal Education (pacle.org/about/rulesregs). Failure to comply will result in the transfer to retired status.

Is there assistance available for meeting the CLE requirement?

Yes. Assistance is available through the Pennsylvania Legal Aid Network (PLAN) (palegalaid.net) and many Accredited Pro Bono CLE providers (pacle.org/providers/pro-bono).

FORMERLY ADMITTED ATTORNEYS

I have been suspended or disbarred. What are my duties?

A formerly admitted attorney is required to promptly notify various parties, opposing counsel, courts, administrative agencies and others of the disbarment or suspension and the consequent inability to act as an attorney after the effective date of the disbarment or suspension. The effective date of disbarment or suspension is 30 days after the date of the Order from the Supreme Court. The Disciplinary Board provides the respondent-attorney with standard guidance. This documentation advises a respondent-attorney of his or her obligations as a formerly admitted attorney. The attorney is also provided with the verification form required to be submitted to the Board Prothonotary within 10 days of the effective date of the Order. For the purposes of reinstatement, the suspension does not begin tolling until the verification statement is filed.

View forms for Suspended and Disbarred Attorneys here: padisciplinaryboard.org/formerly-admitted-attorneys/forms#ProsecuteDisbarred.

As a formerly admitted attorney, can I perform law-related activities under the supervision of a member in good standing in the Commonwealth?

Yes. The supervising attorney and formerly admitted attorney shall file with the Disciplinary Board a notice of engagement, identifying the supervising attorney and certifying that the formerly admitted attorney's activities will be monitored for compliance with the Rules. The supervising attorney and formerly admitted attorney shall file a notice with the Board immediately upon the termination of the engagement.

INFORMATION UPDATES

How do I update my contact information?

Contact information may be updated through the Attorney Gateway (padisciplinaryboard.org/attorney-gateway). First-time users of the Gateway will need to create their own account. All changes in contact information must be reported to the Attorney Registration Office in writing within 30 days of such change.

What do I do if I lost my attorney license card?

You can request a replacement license card by emailing atty.registration@pacourts.us or by faxing the Attorney Registration Office at 717.231.3381. Please include your full name and attorney ID number. There is no fee for this request.

How do I change my registered name?

If you wish to practice under a name other than that which you were admitted, you must submit a Request for Name Change form (padisciplinaryboard.org/Storage/media/pdfs/20210115/150430-namechangeform-fillable.pdf) to the Attorney Registration Office. You will be required to provide additional documentation demonstrating such change.

How do I update my professional liability insurance information?

Complete and return a Professional Liability Insurance Certification (padisciplinaryboard.org/Storage/media/pdfs/20190208/194803-plicertification.pdf) form to the Attorney Registration Office within 30 days of such change.

How do I report that an attorney has passed away?

Please contact the Attorney Registration Office (by emailing atty.registration@pacourts.us) and provide the following information so that we may update the deceased attorney's file.

- Attorney Full Name
- Attorney ID Number (if known)
- Date of Death
- Death Notice (link to/copy of obituary or copy of death certificate)

NEWLY ADMITTED ATTORNEYS

I was recently admitted to the Pennsylvania bar. When will I get my license card?

License cards are printed and mailed within 10 business days after admission. If you have not received your license card more than 2 weeks after your admission date, please contact the Attorney Registration Office (by emailing atty.registration@pacourts.us).

Do I have to provide any information to the Disciplinary Board upon my admission to the Pennsylvania Bar?

Please review your contact information (padisciplinaryboard.org/for-attorneys/update-my-information) on file and update as needed. You may also locate your public record (padisciplinaryboard.org/for-the-public/find-attorney) to ensure that it is complete. Any missing information should be provided to the Attorney Registration Office (by emailing atty.registration@pacourts.us).

When will I need to complete my annual attorney registration for the first time?

Annual registration is due every July 1. Attorneys admitted to the bar less than one year prior to July 1 are required to register. Please note that only the license fee for the registration year **in which you were admitted** is waived.

REINSTATEMENT

What is the reinstatement process?

Please review the information found on the Reinstatement page (padisciplinaryboard.org/for-attorneys/reinstatement).

View an interactive process map for reinstatement here: padisciplinaryboard.org/about/the-reinstatement-process.

Access a downloadable version of the reinstatement process here: padisciplinaryboard.org/Storage/media/pdfs/20200430/142434-reinstatementprocess2020apr.pdf.

View the reinstatement process video guide here: youtu.be/f7Jq14uPhrw.

How do I return to active status if I have been retired, inactive, or administratively suspended for less than three (3) years?

- **Retired:** An attorney on retired status for three years or less may be reinstated to active status by filing the annual registration statement and paying the active annual fee for the three most recent years or such shorter period in which the attorney was on retired status and any arrears accumulated prior to the assumption of retired status. See Pa.R.D.E. 219(i): padisciplinaryboard.org/for-attorneys/rules/rule/5/#p-rule-409.
- **Inactive:** An attorney on inactive status for three years or less may be reinstated to active status by filing the annual registration statement and paying the current active annual fee for the assessment year in which the request is made or the difference between the active annual fee and the inactive annual fee that has been paid for that year and any arrears accumulated prior to the assumption of inactive status. See Pa.R.D.E. 219(j): padisciplinaryboard.org/for-attorneys/rules/rule/5/#p-rule-410.
- **Administrative Suspension:** An attorney on administrative suspension for three years or less shall file the annual registration statement and pay the current annual fee; the annual fee that would have been due if the person had not been administratively suspended; the late payment penalty; and a reinstatement fee of \$300.00. See Pa.R.D.E. 219(h): padisciplinaryboard.org/for-attorneys/rules/rule/5/#p-rule-401.

Note: Pa.R.D.E. 218(a)(2) (padisciplinaryboard.org/for-attorneys/rules/rule/5/the-pennsylvania-rules-of-disciplinary-enforcement#rule-34) states that: *An attorney may not resume practice until reinstated by order of the Supreme Court after petition pursuant to this rule if the attorney was retired, on inactive status or on administrative suspension if the formerly admitted attorney has not been on active status at any time within the past three years.*

View the reinstatement process video guide here: youtu.be/f7Jq14uPhrw.

How do I return to active status if I have been retired, inactive, or administratively suspended for more than three (3) years?

If you wish to resume practice, you must file a petition for reinstatement with the Disciplinary Board pursuant to Pa.R.D.E. 218 (padisciplinaryboard.org/for-attorneys/rules/rule/5/the-pennsylvania-rules-of-disciplinary-enforcement#rule-34). You will be required to complete accredited PA CLE courses and prove that you have the moral qualifications, competency, and learning in the law required for admission to practice in the Commonwealth. Access the appropriate forms here: padisciplinaryboard.org/for-attorneys/forms#Retired.

View the reinstatement process video guide here: youtu.be/f7Jq14uPhrw.

I have been on a combination of retired, inactive, and/or administrative suspension statuses for a total of more than three (3) years. Do I have to file a petition for reinstatement to resume active status?

Yes. Filing a petition for reinstatement is required for an attorney who has been on retired status, on inactive status, or on administrative suspension if the formerly admitted attorney has not been on active status at any time within the past three years.

Will I be assessed any filing fees when I file a petition for reinstatement from administrative suspension, inactive status, or retired status?

Yes, the appropriate filing fee must be submitted when the petition for reinstatement is filed. A schedule of fees can be found here: padisciplinaryboard.org/Storage/media/pdfs/20200430/133506-scheduleoffeesindisciplinaryandreinstatementmatters2020.04.30.pdf.

What is the process for seeking reinstatement following suspension for one year or less?

Formerly admitted attorneys who have been suspended for one year or less are required to file a verified statement showing compliance with the order of suspension prior to resuming the practice of law in the Commonwealth. Upon the expiration of the term of suspension, the attorney may file the verified statement of compliance with the Board Prothonotary. The Board Prothonotary certifies the formerly admitted attorney's compliance with the order of suspension to the Supreme Court of Pennsylvania. The Supreme Court of Pennsylvania issues an order reinstating the 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.

View the reinstatement process video guide here: youtu.be/f7Jq14uPhrw.

Review Pa.R.D.E. 218 here: padisciplinaryboard.org/for-attorneys/rules/rule/5/the-pennsylvania-rules-of-disciplinary-enforcement#rule-34.

What is the process for seeking reinstatement following suspension for more than a year or disbarment?

Formerly admitted attorneys who have been suspended for one year and one day or more are required to file a Petition for Reinstatement prior to resuming the practice of law in the Commonwealth. Suspended attorneys may file for reinstatement nine months prior to the expiration of the term of suspension. Disbarred attorneys may not apply for reinstatement until the expiration of at least five years from the effective date of disbarment. Along with the petition, Petitioners must complete a Reinstatement Questionnaire, and among other things, complete 36 hours of Continuing Legal Education. Petitions for Reinstatement are filed with the Board. Disciplinary Counsel shall file a response

thereto within 60 days of the filing. Thereafter the petition and response are assigned to a hearing committee. At reinstatement hearings the disbarred or suspended attorney has the burden of demonstrating by clear and convincing evidence that such person has the moral qualifications, competency and learning in the law required for admission to practice law in this Commonwealth and the resumption of the practice of law within the Commonwealth by such person will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Following a reinstatement hearing, both parties have the opportunity to submit a brief prior to the hearing committee's filing of a report and recommendation. Parties can file exceptions prior the Board's review of the report of the Hearing Committee and issuing its own report and recommendation to the Supreme Court.

View the reinstatement process video guide here: youtu.be/f7Jq14uPhrw.

Review Pa.R.D.E. 218 here: padisciplinaryboard.org/for-attorneys/rules/rule/5/the-pennsylvania-rules-of-disciplinary-enforcement#rule-34.

Will I be assessed any filing fees when I file my paperwork to seek reinstatement from discipline?

Yes, the appropriate filing fee must be submitted when filing a petition for reinstatement or a verified statement of compliance. A schedule of fees can be found here:

padisciplinaryboard.org/Storage/media/pdfs/20200430/133506-scheduleoffeesindisciplinaryandreinstatementmatters2020.04.30.pdf.

Review Pa.R.D.E. 218 here: padisciplinaryboard.org/for-attorneys/rules/rule/5/the-pennsylvania-rules-of-disciplinary-enforcement#rule-34.

JUDGES

Who do I notify if I am elected or appointed to a State or Federal Court of record in Pennsylvania?

File a notice that you have been elected or appointed with the Attorney Registration Office (by emailing atty.registration@pacourts.us). Rule 219(b), Pa.R.D.E. states that justices and judges serving in the following Pennsylvania courts of record shall be exempt from payment of the annual fee for such time as they serve in office: Supreme, Superior, Commonwealth, Common Pleas, and Philadelphia Municipal; and justices or judges serving an appointment for life on any federal court.

Note: The exemption does not include Philadelphia Traffic Court judges, Pittsburgh Municipal Court judges, magisterial district judges, arraignment court magistrates, or administrative law judges.

Am I eligible to assume judge status with the Attorney Registration Office?

A justice or judge is eligible to assume judge status if serving on the following Pennsylvania courts of record: Supreme, Superior, Commonwealth, Common Pleas, and Philadelphia Municipal; and a justice or judge serving an appointment for life on any federal court.

I am a judge, but I am not eligible to assume judge status with the Attorney Registration Office. What are my attorney license status options?

A justice or judge who is not eligible to assume judge status may choose to maintain active, inactive, or retired status in Pennsylvania, as appropriate.

How do I return to active status if I was a justice or judge?

File a notice stating your wish to resume the practice of law. The notice shall disclose any discipline imposed by the Judicial Conduct Board within the past six years or any proceeding before the Judicial Conduct Board or Court of Judicial Discipline when resulted in resignation or entry into a rehabilitation program; if either scenario is disclosed, the jurist must also submit a waiver, available through the Attorney Registration Office, of the confidentiality of those records for the limited purpose of review by the Board. Thereafter, an annual fee form will be provided by the Attorney Registration Office, to be filed and submitted with the full annual fee for the assessment year in which the notice is filed.

REMOTE PROCEEDINGS

In response to the COVID-19 pandemic, has the Disciplinary Board made plans to hold proceedings (e.g., hearings, arguments, and reprimands) remotely using advanced communication technology?

The Disciplinary Board worked to develop the following protocols for each type of proceeding:

- Pre-Hearing Conference (padisciplinaryboard.org/Storage/media/pdfs/20211222/193620-pre-hearingconference-guidanceforremoteproceedings-2021.12.13.pdf)
- Discipline or Reinstatement Hearing (padisciplinaryboard.org/Storage/media/pdfs/20211222/193430-hearing-guidanceforremoteproceedings-2021.12.13.pdf)
- Motion Hearing (padisciplinaryboard.org/Storage/media/pdfs/20211222/193529-motionhearing-guidanceforremoteproceedings-2021.12.13.pdf)
- Oral Argument (padisciplinaryboard.org/Storage/media/pdfs/20211222/193555-oralargument-guidanceforremoteproceedings-2021.12.13.pdf)
- Private or Public Reprimand (padisciplinaryboard.org/Storage/media/pdfs/20211222/193652-reprimand-guidanceforremoteproceedings-2021.12.13.pdf)

RESOURCES

How can I obtain documents from a file in the custody and control of the Disciplinary Board?

Individuals, attorneys, and the public, can obtain copies of public documents. To inquire as to what documents are public, please call the Board Prothonotary at 717.231.3380. Public documents can be purchased at \$.25 per page.

Accessing Disciplinary Cases

Disciplinary cases are available here: padisciplinaryboard.org/cases/recent-cases. You can search for cases by keyword.

Who can I call for guidance about ethics issues?

It is the policy of the Disciplinary Board and the Office of Disciplinary Counsel that neither will provide advice, guidance, or advisory opinions on specific ethics-related queries. Attorneys who are members of the Pennsylvania Bar Association can contact the PBA's Ethics Hotline (800) 932-0311 Ext. 2214 or (717) 238-6715. Philadelphia Bar Association members can contact the Professional Guidance Committee of the Philadelphia Bar Association at (215) 238-6328. In some instances, these organizations may issue a formal written ethics opinion. Please note that ethics opinions issued by the Pennsylvania and Philadelphia Bar Associations are not binding on the Disciplinary Board.

How do I become licensed to practice law in Pennsylvania?

Visit the Pennsylvania Board of Law Examiners' website for more information at pabarexam.org.

How do I apply for a pro hac vice admission in Pennsylvania?

Eligible out-of-state attorneys seeking to be specially admitted to the Pennsylvania Bar in order to appear before a Pennsylvania court in connection with a particular case must apply through the PA IOLTA Board at paiolta.org/pro-hac-vice.

How many CLE credits do I need and when are they due?

Visit the Continuing Legal Education Board's website for more information at pacle.org.

How do I elect or renew Non-Resident Active status?

Non-Resident Active is not a license status. Instead, it is a deferral option (pacle.org/rules-and-regulations#reg_sec6) offered by the Pennsylvania CLE Board and does not affect your license status as registered with the Attorney Registration Office. The deferral must be renewed annually through your MyPACLE account at pacle.org.

How do I contact the IOLTA Board?

Visit the Pennsylvania IOLTA Board's website for more information at paiolta.org.

Is my bank approved as a depository for fiduciary accounts?

A list of approved financial institutions is available here:
padisciplinaryboard.org/Storage/media/pdfs/20211118/144911-approvedfinancialinstitutions.pdf.

STATUS CHANGES

I am about to retire. What are my license status options?

Do NOT do nothing. Your retirement from the practice of law only affects your license status if you affect a change. If you simply choose to not complete your annual registration or your CLE requirement, you will receive penalties and ultimately be administratively suspended.

Attorney License Status Options:

- **Continue maintaining active status.** If you would like to keep your ability to practice open, continue to maintain active status by completing all requirements of an actively licensed attorney (annual registration, CLE, etc.).
- **Assume inactive status.** While inactive status still requires annual registration, assuming such status automatically defers your CLE requirement. If you are unsure of your need to practice law in the future, consider maintaining inactive status. Please see the Reinstatement page for information about reinstatement from inactive status.
- **Assume retired status.** If you believe that your need to practice law in Pennsylvania has concluded, assuming retired status will end your annual requirements (annual registration, CLE, etc.). Please see the Reinstatement page (padisciplinaryboard.org/for-attorneys/reinstatement) for information about reinstatement from retired status.
- **Assume emeritus status.** After assuming retired status, an attorney may request to assume emeritus status. Emeritus status allows a retired attorney to provide pro bono services to eligible Legal Aid Organizations. For more information, please see the FAQs (padisciplinaryboard.org/for-attorneys/resources/#Emeritus) regarding emeritus status.

Visit the Forms page (padisciplinaryboard.org/for-attorneys/forms) to find appropriate forms to request for the above status changes. Please note that status changes may also be made when completing your annual registration.

I have just been administratively suspended. What are my obligations to my clients?

Clients in relation to Pennsylvania matters must be notified. Clients in relation to matters outside of Pennsylvania do not need to be notified. Additionally, it is required that all jurisdictions in which you are admitted be notified of your administrative suspension.

How do I assume inactive status?

If you have filed your registration for the current year, submit a Request for Inactive Status (padisciplinaryboard.org/Storage/media/pdfs/20190212/154117-db-28requestforinactivestatus.pdf). If you have not filed the current registration form, select “inactive” on the annual registration form, and submit the appropriate payment.

How do I assume retired status?

If you have filed your registration for the current year, submit an Application for Retirement (padisciplinaryboard.org/Storage/media/pdfs/20190306/140952-db-27applicationforretirement.pdf). If you have not filed the current registration form, select “retired” on the annual registration form, and submit any applicable late penalties.