

1 **RULE 3-7.12 DISCIPLINARY RESIGNATION FROM THE FLORIDA BAR**

2 If a disciplinary agency is investigating the conduct of an attorney, or if such an
3 agency has recommended probable cause, then disciplinary proceedings shall be deemed
4 to be pending and a petition for disciplinary resignation may be filed pursuant to this rule.

5 Disciplinary resignation is the functional equivalent of disbarment in that both sanctions
6 terminate the license and privilege to practice law and both require readmission to
7 practice under the *Rules of the Supreme Court Relating to Admissions to the Bar*. An
8 attorney may seek disciplinary resignation from The Florida Bar during the progress of
9 disciplinary proceedings in the following manner:

10 **(a) Petition for Disciplinary Resignation.** The petition for disciplinary
11 resignation shall be styled "The Florida Bar v. (respondent's name)," titled "Petition for
12 Disciplinary Resignation," filed with the Supreme Court of Florida and contain a
13 statement of all past and pending disciplinary actions and criminal proceedings against the
14 petitioner. Such statement shall describe the charges made or those under investigation
15 for professional misconduct, results of past proceedings, and the status of pending
16 investigations and proceedings. The petition shall state whether it is with or without
17 leave to reapply for readmission to the bar. A copy of the petition shall be served upon
18 the executive director of The Florida Bar.

19 **(b) Judgment.** Within 60 days after filing and service of the petition, The
20 Florida Bar may file with the Supreme Court of Florida its response to the petition either
21 supporting or opposing the petition for disciplinary resignation. A copy of the response
22 shall be served upon the petitioner. The Supreme Court of Florida shall consider the
23 petition, any response thereto, and the charges against the petitioner. If it has been shown
24 by the petitioner in a proper and competent manner that the public interest will not be
25 adversely affected by the granting of the petition and that such will neither adversely
26 affect the integrity of the courts nor hinder the administration of justice nor the
27 confidence of the public in the legal profession, the Supreme Court of Florida shall enter
28 an appropriate judgment granting disciplinary resignation; otherwise, the petition shall be
29 denied. If the judgment grants the disciplinary resignation, the judgment may require that
30 the disciplinary resignation be subject to appropriate conditions. Such conditions may
31 include, but not be limited to, requiring the petitioner to submit to a full audit of all client
32 trust accounts, execute a financial affidavit attesting to current personal and professional
33 financial circumstances, and maintain a current mailing address for a stated period of
34 time.

35 **(c) Delay of Disciplinary Proceedings.** The filing of a petition for disciplinary
36 resignation shall not stay the progress of the disciplinary proceedings without the approval
37 of the board or, if a referee has been appointed and evidence has been taken, then without

38 the approval of the referee.

39 **(d) Dismissal of Pending Disciplinary Cases.** If disciplinary resignation is
40 accepted under this rule, such disciplinary resignation shall serve to dismiss all pending
41 disciplinary cases.

42 **(e) Costs of Pending Disciplinary Cases.** The judgment of the court granting
43 disciplinary resignation may impose a judgment for the costs expended by The Florida
44 Bar in all pending disciplinary cases against the respondent. Such costs shall be of the
45 types and amounts as authorized elsewhere in these Rules Regulating The Florida Bar.