



ARKANSAS JUDICIARY

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## **SECTION 16. INTERIM SUSPENSION PROCEDURE.**

A. An action for the interim suspension of a lawyer is initiated, adjudicated, and imposed in the following manner:

- (1) Pursuant to Section 17(E)(3)(a), an interim suspension may be imposed immediately upon a panel's decision to institute disbarment action on any formal complaint pending before it;
- (2) Pursuant to Section 17(E)(3)(b), an interim suspension may be imposed upon presentation to a panel of the Committee of satisfactory proof that the attorney has pleaded guilty to, entered a nolo contendere plea to, or been found guilty of a Serious Crime in any jurisdiction;
- (3) Pursuant to Section 17(E)(3)(c), a panel of the Committee may impose an interim suspension upon presentation of a verified petition by the Executive Director containing sufficient evidence to demonstrate that the attorney poses a substantial threat of serious harm to the public or to the lawyer's clients.

B. The attorney shall be given immediate notice of interim suspension, consistent with the provisions of Section 9(A). Within fifteen (15) calendar days of notice of the imposition of interim suspension, the attorney may submit to the Executive Director an original and eight (8) copies of an affidavit in rebuttal of the evidence before the panel of the Committee and a request for the dissolution or modification of the interim suspension. Within ten (10) calendar days after the submission of any such affidavit and request, the Office of Professional Conduct may file a response. The affidavit, the request, and any response shall be disseminated by mail, e-mail, or facsimile transmission to the panel of the Committee forthwith for its reconsideration and expeditious action. Upon receipt of the panel's decision and order, the Executive Director shall promptly notify the attorney pursuant to Section 9(A)(2).

C. An attorney suspended pursuant to Section 17(E)(3) shall comply with the requirements of Section 21. The imposition of an interim suspension does not abate any pending disciplinary actions against the attorney.

D. An interim suspension imposed pursuant to Section 17(E)(3)(c) shall be dissolved upon the following conditions:

- (1) The alleged misconduct did not result in a decision to initiate disbarment or in action by a panel of the Committee pursuant to Sections 9(A)(1), 9(B), and 10(E)(3); and
- (2) Ninety (90) days have elapsed from the denial of a request to dissolve or modify the suspension, unless a disbarment proceeding is being pursued; and,
- (3) The attorney complied with the requirements of Section 21.

E. Upon the filing of a petition for a writ of certiorari with the Clerk after final action by the Committee or its panel imposing an interim suspension on an attorney, the Arkansas Supreme Court, in its discretion, may decide whether to review the imposition of the interim suspension and may take any action regarding the interim suspension which it determines is appropriate.

**Associated Court Rules:**

Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law

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