



ARKANSAS JUDICIARY

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## **SECTION 22. RESTRICTIONS ON FORMER ATTORNEYS.**

A. For the purposes of this Section, a "former attorney" is any attorney who is disbarred, has surrendered a law license, is on suspension pursuant to these Procedures, or is on inactive status.

B. A former attorney shall not occupy, share, or use office space in any office where the practice of law is conducted.

C. A former attorney shall not engage in the practice of law, nor may a former attorney engage in any employment in, or related to, the practice of law, except as specifically permitted in this Section

D. For legal service provided to a client that was not completed prior to becoming a former attorney, a former attorney may receive compensation only on a quantum meruit basis.

E. A former attorney shall promptly take such action as is necessary to cause the removal of any indicia of lawyer, counselor at law, attorney, legal assistant, law clerk, or similar title from any association with the name of the former attorney.

F. Consistent with the restrictions in this Section 22, a former attorney may provide to attorneys and law firms, whether for or without compensation, services involving legal research and drafting of briefs and research memoranda.

G. A former attorney shall have no contact with clients or prospective clients of any attorney or law firm in person, by telephone, in writing, by e-mail, or by any other form of communication, written, electronic, or in person.

H. A former attorney shall have no contact with client funds or property.

I. Any former attorney providing permitted services may be compensated only for the reasonable value of the services provided and shall not be compensated on a contingency basis or share in any way in any fees for legal services provided by an attorney.

J. A former attorney shall not provide services permitted by this Section to any attorney or law firm with whom the former attorney had any employment, partnership, equity, officesharing, expense-sharing, or "of counsel" affiliation as an attorney at the time of the activities

which resulted in the attorney's becoming a former attorney or at the time of the final action which resulted in the attorney's becoming a former attorney.

K. Any attorney or law firm utilizing the services of a former attorney as permitted in this Section 22 shall be responsible for the actions and work product of the former attorney in the

rendering of such services and to ensure that the restrictions on a former attorney set out in this

Section 22 are observed.

L. An attorney shall not aid a former attorney in the unauthorized practice of law or in a violation of the restrictions set out in this Section 22 on former attorneys. An attorney shall have an obligation, as under Rule 8.3, to report any violation of this Section 22 by a former attorney.

M. No attorney, firm, professional corporation, or other business entity shall practice law or provide legal services under any name that includes the name of any former attorney, while that attorney is a former attorney, except to the extent that it is entitled to do so independently of any prior or present relationship with the former attorney. This prohibition applies, without limitation, to any name used on any letterhead, written communication, signage, advertising, email, website, or similar means of placing a firm's name before the public, the courts, or other attorneys.

N. The maximum punishment for violation of this Section 22 by an attorney, or any former attorney on suspension or on inactive status, may be disbarment. A former attorney previously disbarred or who has surrendered a law license and who violates this Section 22 may be deemed to be in contempt of the Supreme Court and may be punished accordingly.

**Associated Court Rules:**

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

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