



ARKANSAS JUDICIARY

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## SECTION 25. INACTIVE STATUS.

A. Temporary Transfer to Inactive Status. The Committee is authorized to temporarily transfer an attorney to inactive status in the event that:

- (1) The attorney has been judicially declared incompetent; or
  - (2) The attorney has been involuntarily committed due to incapacity or disability;
- or
- (3) The attorney has alleged incapacity during the course of a disciplinary proceeding against him or her; or
  - (4) The attorney is found by the Committee to be culpable of habitual drunkenness or drug use substantially affecting the attorney's fitness to practice law; or
  - (5) The attorney is found by the Committee to have appeared in Court while under the influence of alcohol or drugs; or
  - (6) The attorney is found by the Committee to be unfit to practice law due to mental infirmity whether or not he or she has been judicially declared incompetent; or
  - (7) Without cause, the attorney requests to be transferred to a voluntary inactive status.

B. All judges have the duty to, and shall report to the Committee any attorney appearing before them who, in the judge's opinion, is under the influence of alcohol or drugs.

C. The Committee may vote by ballot as provided in Section 10 of these Procedures, on the issue of temporary transfer to inactive status or reinstatement due to an event described in subsections A (1), (2), (3) or (7) of this Section.

D. All other temporary transfers of an attorney to inactive status shall be made only after hearings initiated by the Executive Director or others and conducted in the same manner, where

applicable, as provided in Section 11 of these Procedures. Provided further, however, the Committee may in its sound discretion hold a closed hearing and seal the record thereof.

E. For good cause shown, the Committee may order the attorney to submit to a medical, psychiatric, or psychological examination by a Committee-appointed expert.

F. No attorney shall be entitled to practice in Arkansas while on inactive status in this State. Upon a transfer to inactive status the attorney, or his or her counsel as may be appropriate,

shall comply with Section 21 of these Procedures.

G. The Committee may reinstate an attorney to active status upon a showing that any disability has been removed and the attorney is fit to resume the practice of law.

H. Reinstatement shall be accomplished in accordance with the provisions of Section 23.

I. The filing of a petition for reinstatement shall be deemed a waiver of the doctor-patient privilege regarding the disability.

### **Associated Court Rules:**

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

Law

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