

IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order

2022-RL-084

Rules Relating to Discipline of Attorneys

FILED

December 21, 2022

**DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS**

The court amends the attached Supreme Court Rule 206, effective January 1, 2023.

Dated this 21st day of December 2022.

FOR THE COURT



MARLA LUCKERT
Chief Justice

Rule 206

ATTORNEY REGISTRATION

(a) **Definitions.**

- (1) **“Licensing period”** means the period of one year beginning July 1 and ending June 30.
- (2) **“Registration fee”** means the fee established by Supreme Court order for a status listed in subsection (b)(1).
- (3) **“Attorney registration portal”** means the online registration portal where an attorney must complete annual registration and update registration information.

(b) **Annual Registration.** In the year an attorney is admitted to the practice of law by the Supreme Court, the attorney must register with the Office of Judicial Administration on a form provided by the Office of Judicial Administration no later than 30 days after taking the oath of admission under Rule 726. Each year thereafter, an attorney admitted to the Kansas bar, including a justice or a judge, must register with the Office of Judicial Administration as provided in this rule.

- (1) **Status.** An attorney may register as active, inactive, retired, or disabled due to mental or physical disability.
- (2) **Practice of Law.** Except as otherwise provided in subsection (b)(3), Rule 1.10, Rule 116, Rule 718, and Kansas Rule of Professional Conduct 5.5, only an attorney registered as active may practice law in Kansas.
- (3) **Pro Bono Exception.** An attorney registered as retired or inactive may practice law as provided in Rule 1404.
- (4) **Fee.** An attorney must pay an annual registration fee, which includes the annual continuing legal education fee, in an amount established by Supreme Court order. The attorney must pay the registration fee based on the attorney’s status shown in the records of the Office of Judicial Administration as of July 1. No registration fee will be charged to the following:
 - (A) an attorney newly admitted to the practice of law in Kansas until the first regular registration date following admission;

- (B) an attorney who is on retired status or who has retired from the practice of law, has reached the age of ~~65~~ before July 1, and has requested a change to retired status; or
 - (C) an attorney who is on disabled status due to physical or mental disability.
- (5) **Exemptions.** The following attorneys are exempt from annual registration:
- (A) an attorney appearing pro hac vice in any action or proceeding in Kansas solely in accordance with Supreme Court Rules 1.10 or 116;
 - (B) an attorney who has registered as retired or as disabled due to mental or physical disability; and
 - (C) an attorney who has been transferred to disabled status by the Supreme Court under Rule 234.
- (6) **Reaffirmation of Attorney Oath Under Rule 726.** During annual registration, an attorney must reaffirm the oath under Rule 726 in the manner directed by the Supreme Court.
- (c) **Notice of Annual Registration.** By June 1 of each year, the Office of Judicial Administration will send to each registered attorney a notice of annual registration. The Office of Judicial Administration may send the notice electronically.
- (d) **Registration Deadline.** Annual registration, including payment of the registration fee, must be completed through the attorney registration portal by June 30 prior to the start of the next licensing period that begins July 1. Failure of an attorney to receive notice of annual registration from the Office of Judicial Administration does not excuse the attorney from the registration requirement or payment of the fee. Annual registration is not considered complete until any required payment submitted through the attorney registration portal is accepted.
- (e) **Late Fee.** The Office of Judicial Administration will automatically assess a \$150 late fee to any attorney who completes annual registration after June 30.
- (f) **Failure to Complete Annual Registration.** An attorney required to register annually who has not completed online registration by June 30 or who fails to pay any late fee may be administratively suspended from the practice of law under the following procedure.

- (1) **Notice.** The Office of Judicial Administration will send a notice to an attorney who has failed to register, pay the registration fee, or pay any late fee. The notice will state that the attorney's right to practice law is subject to being summarily suspended if the attorney does not complete registration, including payment, no later than 30 days from the date of the notice.
 - (2) **Administrative Suspension.** The Supreme Court will issue an order suspending from the practice of law an attorney who the Office of Judicial Administration certifies failed to complete registration, including payment, within 30 days from the date of the notice under subsection (f)(1). The Office of Judicial Administration will provide a list of suspended active attorneys to the clerk of the district court and the chief judge of each judicial district and to the clerk of the appellate courts.
- (g) **Change of Status from Inactive to Active.** An attorney may apply for a change of status from inactive to active as follows.
- (1) **Inactive Less than Two Years.** An attorney who is registered as inactive for less than two years may change status to active by satisfying the following requirements:
 - (A) submitting a request through the attorney registration portal for change of status to active ~~to the Office of Judicial Administration~~;
 - (B) complying with any condition imposed by the Supreme Court;
 - (C) completing any requirement imposed by the Kansas Continuing Legal Education Board; and
 - (D) paying any fees imposed by the Supreme Court, plus a \$50 fee for change of status.
 - (2) **Inactive for at Least Two but Less than Ten Years.** An attorney who has been registered as inactive for at least two years but less than ten years may change status to active by satisfying the following requirements:
 - (A) submitting an Application for Change of Registration Status Form to the Office of Judicial Administration; and
 - (B) complying with the requirements in subsection (g)(1)(B)-(D).

- (3) **Inactive Ten Years or More.** An attorney who has been registered as inactive for ten years or more may change status to active by satisfying the following requirements:
 - (A) complying with the requirements in subsection (g)(2); and
 - (B) if required by the Supreme Court after it reviews the application, completing a bar review course approved by the Supreme Court.
- (4) **Effective Date of Change of Status.** A change of an attorney's registered status from inactive to active is not effective until approved by the Supreme Court.
 - (A) A request for change of status to active effective prior to July 1 requires payment of the change of status fee under subsection (g)(1)(D) and the difference between the active fee and the inactive fee for the current licensing period. The attorney will then be responsible for paying the active fee for the next licensing period when it becomes due.
 - (B) A request for change of status to active effective July 1 requires payment of the change of status fee and the active fee by June 30.
- (5) **Investigation.** The Supreme Court may order the disciplinary administrator to investigate the request for change of status.
- (6) **Continuing Legal Education.** An attorney whose status changes to active must comply with Rule 811.
- (h) **Change of Status from Retired to Active.** An attorney may apply for a change of status from retired to active by submitting an Application for Change of Registration Status Form to the Office of Judicial Administration. The Supreme Court may take the following action:
 - (1) order the disciplinary administrator to investigate the request for change of status;
 - (2) order the attorney to appear before a hearing panel of the Kansas Board for Discipline of Attorneys to consider the application; and
 - (3) impose appropriate conditions, costs, and registration fees before or upon granting the change of status.

- (i) **Change of Status from Active to Inactive, ~~or from Active to Retired, or Inactive to Retired.~~** An attorney who is registered as active may change status to inactive or retired. An attorney who is registered as inactive may also change status to retired. To be eligible for retired status, an attorney must have retired from the practice of law and have reached the age of 65~~6~~ as of June 30. The Office of Judicial Administration must receive a change of registration status under this subsection by June 30 to be effective for the next licensing period. An attorney may change to inactive or retired status by ~~satisfying the following requirements:~~
- ~~(1) —submitting a request through the attorney registration portal, for a status change to either inactive or retired; and~~
 - ~~(2) —completing any requirement imposed by the Kansas Continuing Legal Education Board.~~
- (j) **Reinstatement After Administrative Suspension.** An attorney who has been suspended under subsection (f)(2) or Rule 810 may seek an order of the Supreme Court to be reinstated to active or inactive status by satisfying the following requirements:
- (1) submitting an Application for Reinstatement Form to the Office of Judicial Administration;
 - (2) submitting to an investigation if the Supreme Court orders the disciplinary administrator to conduct an investigation of the attorney;
 - (3) paying all delinquent registration fees and a \$200 reinstatement fee, unless the Supreme Court for good cause waives any portion of payment;
 - (4) paying any additional amount ordered and complying with any additional condition imposed by the Supreme Court; and
 - (5) completing the requirements under Rule 812.
- (k) **Service Fee.** The Office of Judicial Administration will charge a \$30 service fee for a check that is returned unpaid. An attorney whose check is returned unpaid must pay the service fee before a change of status can be approved, annual registration can be considered complete, or reinstatement can be granted.
- (l) **Registration Card.** The Office of Judicial Administration will issue an annual registration card in a form approved by the Supreme Court to each attorney registered as active.

- (m) **Disciplinary Fee Fund.** The Office of Judicial Administration will deposit the registration fees in the disciplinary fee fund. Compensation and expenses of the Office of the Disciplinary Administrator and the Kansas Board for Discipline of Attorneys will be paid from the fund. Payment from the fund will be made only on receipt of a voucher signed by a Supreme Court justice or the court's designee. Any unused balance in the fund may be applied to an appropriate use determined by the Supreme Court.
- (n) **Contact or Registration Information.** An attorney must use the attorney registration portal to provide the following:
 - (1) legal name;
 - (2) residential address;
 - (3) business address;
 - (4) email address;
 - (5) business telephone number;
 - (6) personal telephone number; and
 - (7) if applicable, liability insurer and trust account information.
- (o) **Change of Contact or Registration Information.** No later than 30 days after a change occurs, an attorney must use the attorney registration portal to update any of the required information in subsection (n).
- (p) **Online Registration.** Online registration is mandatory.
- (q) **Confidentiality.** All files, records, proceedings, and other documents that relate to or arise out of an attorney's compliance with or failure to satisfy requirements stated in this rule are confidential and must not be disclosed except as otherwise allowed by Supreme Court rule or order or on request of the affected attorney. The Office of Judicial Administration may disclose limited information for the furtherance of its duties. This confidentiality provision does not apply to anonymous statistical abstracts.