

Rule 221

DISCIPLINE IMPOSED IN ANOTHER JURISDICTION

- (a) **Deferral.** If a disciplinary action is pending against a respondent in another jurisdiction based on substantially similar allegations as a disciplinary matter in Kansas, the following provisions will apply:
 - (1) the investigation of an initial complaint or a report will not be deferred unless specifically authorized by the disciplinary administrator; and
 - (2) the investigation of a docketed complaint and prosecution of a formal complaint will not be deferred unless specifically authorized by the review committee, the hearing panel, or the Supreme Court.
- (b) **Duty to Report Discipline.** When the licensing authority of another jurisdiction disciplines an attorney for a violation of the rules governing the legal profession in that jurisdiction or refers an attorney to the attorney diversion program or comparable program in that jurisdiction, the attorney must notify the disciplinary administrator in writing of the discipline or referral no later than 14 days after the discipline is imposed or the referral is made.
- (c) **Reciprocal Discipline.** When the licensing authority of another jurisdiction disciplines an attorney for a violation of the rules governing the legal profession in that jurisdiction, for the purpose of a disciplinary board proceeding under these rules, the following provisions apply.
 - (1) If the determination of the violation was based on clear and convincing evidence, the determination is conclusive evidence of the misconduct constituting the violation of the rules.
 - (2) If the determination of the violation was based on less than clear and convincing evidence, the determination is prima facie evidence of the commission of the conduct that formed the basis of the violation and raises a rebuttable presumption of the validity of the finding of misconduct. The respondent has the burden to disprove the finding in a disciplinary proceeding.
- (d) **Supreme Court's Discretion.** This rule does not limit the Supreme Court's power to impose different discipline for misconduct than the discipline imposed in another jurisdiction.

[**History:** New rule adopted effective January 1, 2021.]