RULE 83.6.8, REINSTATEMENT AFTER DISCIPLINE

(a) Petitions for Reinstatement.

(1) When an Attorney May Apply.

(A) Disbarred Attorney. An attorney who has been disbarred may not apply for reinstatement within 5 years of the effective date of the disbarment. An attorney who has been disbarred may not resume practice until reinstated by the court.

(B) Suspended Attorney. An attorney who has been suspended may apply for reinstatement at the end of the period of suspension. Reinstatement is neither automatic nor a matter of right.

(i) ~~Automatic~~ Reinstatement with Affidavit. An attorney suspended for 3 months or less will ordinarily be ~~must be automatically~~ reinstated at the end of the period of suspension upon the filing with the court of an affidavit of compliance with the order.

(ii) Reinstatement by Court. An attorney suspended for more than 3 months may not resume practice until reinstated by the court.

(2) Advance Cost Deposit. If the attorney has been reinstated by the Kansas Supreme Court, no advance deposit shall be required. In all other cases, the disciplinary panel may request an advance cost deposit before considering a petition for reinstatement. ~~An advance cost deposit in an amount set by the court must accompany a petition for reinstatement.~~ This deposit will be used to offset any costs involved in the reinstatement proceeding pursuant to Local Rule 83.6.10. Any funds remaining after the proceeding will be returned to the petitioner. ~~From time to time, the court will set the amount to cover anticipated costs of the reinstatement proceeding.~~

(3) Successive Petitions. No petition for reinstatement under this rule may be filed within 1 year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

(b) Burden of Proof. A petitioner seeking reinstatement bears the burden of demonstrating by clear and convincing evidence that:

(1) he or she has the moral qualifications, competence, and learning in the law required for admission to practice law before this court; and

(2) his or her resumption of the practice of law will not be:

(A) detrimental to the integrity and standing of the bar;

(B) detrimental to the administration of justice; or

(C) subversive of the public interest.

(c) Referral of Petition. The Disciplinary Panel may refer petitions for reinstatement to a hearing panel. When so referred, the chairperson of the hearing panel must conduct the investigation. The hearing panel, after review of the basic file and such investigation as it deems necessary, must report its findings of fact with supporting documents and its recommendations to the Disciplinary Panel.

(d) Entry of Order. After review of the files and the report of the hearing panel, the Disciplinary Panel must enter an order for the court, granting or denying reinstatement.

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