

RULE 12 | REINSTATEMENT

(a) After Disbarment or Suspension. An attorney suspended for ninety (90) days or less shall be automatically reinstated at the end of the period of suspension upon the filing with this Court of an affidavit of compliance with the provisions of the order. An attorney suspended for more than ninety (90) days or disbarred may not resume the practice of law before this Court until reinstated by order of the Court. An attorney seeking reinstatement after reciprocal disbarment or suspension must meet the same criteria as an attorney seeking original admission under Rule 2, in that the attorney must first seek and obtain reinstatement by The Florida Bar. An attorney seeking reinstatement after disbarment or suspension originating in this Court must first certify their good standing with The Florida Bar.

(b) Time of Application Following Disbarment/Suspension. An attorney who has been disbarred after hearing or consent may not apply for reinstatement until the expiration of at least three (3) years from the effective date of disbarment. An attorney who has been suspended for more than ninety (90) days may not apply for reinstatement until expiration of the suspension or in the case of reciprocal discipline, upon proof that the attorney has been reinstated by the court in which the attorney was disciplined.

(c) Hearing on Application. Petitions for reinstatement by a disbarred or suspended attorney under this Rule shall be filed with the Chief Judge of this Court. If the disciplinary action was reciprocal, the Chief Judge may rule on the petition or submit it to the active Judges of the Court to be determined by majority vote. If the disciplinary action originated in this Court then it shall be submitted to the active Judges of the Court and determined by majority vote. Prior to submitting the petition to the active Judges of the Court, the Chief Judge may refer the petition to the Committee which shall within sixty (60) days of the referral schedule a hearing at which the petitioner shall have the burden of establishing by clear and convincing evidence that the attorney has the moral qualifications, competency, and learning in the law required for admission to practice before this Court and that the attorney's resumption of the practice of law will not be detrimental to the integrity and standing of the bar or the administration of justice, or subversive of the public



interest. Upon completion of the hearing the Committee shall make a full report to the Court. The Committee shall include its findings of fact as to the petitioner's fitness to resume the practice of law and its recommendations as to whether or not the petitioner should be reinstated.

(d) Conditions of Reinstatement. If after consideration of the Committee's Report and Recommendation the Court finds that the petitioner is unfit to resume the practice of law, the petition shall be dismissed. If after consideration of the Committee's Report and Recommendation the Court finds that the petitioner is fit to resume the practice of law, the Court shall reinstate the attorney, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings, and on the making of partial or complete restitution to all parties harmed by the petitioner whose conduct led to the suspension or disbarment. Provided further, that if the petitioner has been suspended or disbarred for five (5) years or more, reinstatement may be conditioned, in the discretion of the Court, upon the furnishing of proof of competency and learning in the law, which proof may include certification by the bar examiners of a state or other jurisdiction of the attorney's successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment. Provided further that any reinstatement may be subject to any conditions which the Court in its discretion deems appropriate.

(e) Successive Petitions. No petition for reinstatement under this Rule shall be filed within three (3) years following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

(f) Deposit for Costs of Proceeding. Petitions for reinstatement under this Rule shall be accompanied by a deposit in an amount to be set by the Court in consultation with the Committee to cover anticipated costs of the reinstatement proceeding.

Effective December 1, 1994. Amended effective April 15, 2002; April 15, 2006; April 15, 2007; April 15, 2010; December 1, 2015; December 1, 2017.

