

IN THE SUPREME COURT OF THE STATE OF KANSAS

FILED

ORDER

JAN 15 2014

RULES RELATING TO DISCIPLINE OF ATTORNEYS

CAROL G GREEN
CLERK OF APPELLATE COURTS

RULE 222

CONFIDENTIALITY

Rule 222 is hereby amended, effective the date of this Order.

(a) **Confidentiality.** All complaints, investigations, proceedings, reports, correspondence, proceedings, and records of the disciplinary administrator and the Kansas Board for Discipline of Attorneys are investigations and hearings, except as hereinafter provided, shall be private and confidential and must shall not be divulged in whole or in part to the public except as provided in subsections (d), (e), and (f) below or by order of the Supreme Court. or subpoena or order of any other court of competent jurisdiction.

(b) ~~Any person violating subsection (a) may be subject to punishment for contempt of the Supreme Court.~~

~~(e)~~ **Complainant and Respondent.** This rule of confidentiality ~~shall~~ does not prohibit apply to the complainant, or the respondent from disclosing the existence of a complaint or from disclosing any documents or correspondence filed by, served on, or provided to that person. or to any information which the Board or the Disciplinary Administrator considers to be relevant to any current or future criminal prosecution against the attorney.

(c) **Complaint and Response.** The disciplinary administrator must, in the course of an investigation, provide a copy of the complaint to the respondent. If the respondent files a response to the complaint, the disciplinary administrator may provide a copy of the response to the complainant.

(d) **Disclosure to Respondent.** Upon request, the disciplinary administrator will disclose to the respondent all evidence in the disciplinary administrator's possession. No other discovery will be permitted. The disciplinary administrator will not be required to disclose any work product, including any report prepared under Rule 204(b). After a determination of probable cause as provided in Rule 210(e), all subsequent proceedings, and the record pertinent thereto, shall be public and no longer subject to the confidentiality hereinbefore set forth.

(e) **Disclosure to Third Persons.**

(1) If the review committee finds probable cause that a respondent violated the Kansas Rules of Professional Conduct, the Rules Relating to the

Discipline of Attorneys, or the attorney's oath of office, and if the review committee imposes an informal admonition, the disciplinary administrator will disclose the nature of the case and the disposition of the proceeding, including the rules violated.

- (2) If the review committee finds probable cause that a respondent violated the Kansas Rules of Professional Conduct, the Rules Relating to the Discipline of Attorneys, or the attorney's oath of office, and if the review committee refers the matter for prosecution of formal charges under Rule 210(c), the disciplinary administrator will disclose the pleadings filed under Rule 211(b), the exhibits admitted during the formal hearing, subject to seal orders, and the disposition of the proceeding.
- (3) The disciplinary administrator and anyone appointed to assist the disciplinary administrator in conducting investigations may disclose information reasonably necessary to complete the investigation.
- (4) The disciplinary administrator may disclose relevant information involving any candidate for election or retention in public office, including disclosure of all or any part of a disciplinary file.
- (5) The disciplinary administrator may disclose relevant information and submit all or any part of a disciplinary file to:
 - (A) the Kansas Lawyers Assistance Program;
 - (B) the Supreme Court Nominating Commission, District Judicial Nominating Commissions, or the Governor for use and consideration in evaluating any prospective nominee for judicial appointment; or
 - (C) a law enforcement agency, licensing authority, or other disciplinary authority.

~~The Disciplinary Administrator and the Board are authorized, in his/her, or its discretion, to disclose to the Supreme Court Nominating Commission, the District Judicial Nominating Commissions, the Commission on Judicial Qualifications, or the Governor all or any part of the file involving any judge or prospective nominee for judicial appointment; and to make public all or any part of its files involving any candidate for election to or retention in public office; and to provide all or any part of its files to any other state disciplinary authority or any law enforcement agency.~~

(f) **Disclosure to Complainant.** Upon the completion of any investigation which results in dismissal or informal admonition, the ~~D~~disciplinary Administrator must shall notify the complainant of the action taken and ~~is hereby authorized to may~~ reveal to such the

complainant such information as deemed necessary to adequately explain the basis for the decision and action taken of the review committee.

BY ORDER OF THE COURT this 15 day of January, 2014.

A handwritten signature in black ink, appearing to read 'Lawton R. Nuss', written over a horizontal line.

Lawton R. Nuss
Chief Justice