

Rule 758. Mental Disability or Addiction to Drugs or Intoxicants

(a) Petition. If the Inquiry Board has reason to believe that an attorney admitted to practice in this State is incapacitated from continuing to practice law by reason of mental infirmity, mental disorder, or addiction to drugs or intoxicants, the Administrator shall file a petition with the Hearing Board requesting a hearing to determine whether the attorney is incapacitated and should be transferred to disability inactive status pending the removal of the disability, or be permitted to continue to practice law subject to conditions imposed by the court.

(b) Hearing and Review Procedure. The hearing and review procedure shall be the same as provided in Rule 753 for disciplinary cases. The Administrator and the attorney may consent to a transfer to disability inactive status under the procedure set forth in Rule 762(a).

(c) Transfer to Disability Inactive Status. If the court determines that the attorney is incapacitated from continuing to practice law, the court shall enter an order transferring the attorney to disability inactive status until further order of the court. The court may impose reasonable conditions upon an attorney's continued practice of law warranted by the circumstances.

(d) Stay of Disciplinary Proceedings. Disciplinary proceedings pending against the attorney shall be stayed while the attorney is on disability inactive status.

(e) Practice of Law Prohibited. No attorney transferred to disability inactive status may engage in the practice of law until restored to active status by order of the court.

Adopted March 30, 1973, effective April 1, 1973; title amended September 8, 1975, effective October 1, 1975; amended June 1, 1984, effective July 1, 1984; amended October 16, 1990, effective November 1, 1990; amended June 29, 1999, effective November 1, 1999.