

## Rule 230

### VOLUNTARY SURRENDER OF LICENSE

- (a) **Voluntary Surrender Procedure.** An attorney may voluntarily surrender the attorney's license to practice law. The attorney must complete the following requirements:
  - (1) submit to the Office of Judicial Administration a request to surrender the attorney's license on a form provided by the disciplinary administrator;
  - (2) serve the disciplinary administrator with a copy of the request; and
  - (3) return to the Office of Judicial Administration the attorney's certificate of admission to the bar and the attorney's current bar registration card or, if either document is unavailable, explain why the document cannot be returned.
- (b) **Voluntary Surrender of License by Respondent or Suspended Attorney.**
  - (1) **Effect of Voluntary Surrender.** If a respondent or suspended attorney voluntarily surrenders the respondent's or attorney's license to practice law under subsection (a), the following provisions apply:
    - (A) the Supreme Court will issue an order disbarring the attorney;
    - (B) the Office of Judicial Administration will strike the attorney's name from the roll of attorneys; and
    - (C) any pending board proceeding or case terminates, but the disciplinary administrator may direct an investigator to complete a pending investigation to preserve evidence.
  - (2) **Reinstatement.** An attorney who voluntarily surrendered the attorney's license to practice law under subsection (b)(1) may seek reinstatement under Rule 232.
- (c) **Voluntary Surrender of License by Attorney in Good Standing.**
  - (1) **Voluntary Surrender.**
    - (A) The following provisions apply if an attorney voluntarily surrenders the attorney's license to practice law when the attorney is in good standing and is not a respondent:
      - (i) the attorney must provide an affidavit to the Supreme Court that establishes the attorney is not counsel of record in any matter pending before a court or tribunal in Kansas and the attorney is not providing legal services to any client in Kansas;
      - (ii) the Supreme Court will issue an order accepting the attorney's surrender; and

- (iii) the Office of Judicial Administration will strike the attorney's name from the roll of attorneys.
  - (B) If an attorney is not in good standing due to an administrative suspension, the attorney must comply with the requirements of the suspension order and obtain reinstatement before voluntarily surrendering the license.
  - (C) After the Supreme Court issues an order accepting an attorney's voluntary surrender, the attorney is no longer authorized to practice law.
- (2) **Reinstatement.** An attorney who voluntarily surrendered the attorney's license to practice law under subsection (c)(1) may seek reinstatement.
- (A) The attorney must complete the following requirements:
    - (i) file with the Supreme Court a petition for reinstatement;
    - (ii) pay the current active attorney registration fee and the active attorney registration fee required for each year since the voluntary surrender;
    - (iii) pay the current continuing legal education fee and the continuing legal education fee required for each year since the voluntary surrender; and
    - (iv) complete the continuing legal education hours required for each year since the voluntary surrender.
  - (B) The Supreme Court may require the attorney to do the following:
    - (i) appear before a Board hearing panel for a reinstatement hearing under Rule 232; and
    - (ii) demonstrate compliance with other conditions for reinstatement.
- (3) **Misconduct.** An attorney remains subject to disciplinary proceedings for misconduct that occurred prior to the voluntary surrender of the attorney's license to practice law.

**[History:** New rule adopted effective January 1, 2021; [Am. \(a\) effective November 29, 2021.](#)]