

Rule 223

SUMMARY SUBMISSION

- (a) **Definition.** “Summary submission” is submission by agreement of an attorney disciplinary case to the Supreme Court on a written record.
- (b) **Agreement.** An agreement between the disciplinary administrator and the respondent to proceed by summary submission must be in writing and contain the following:
 - (1) an admission that the respondent engaged in the misconduct;
 - (2) a stipulation as to the following:
 - (A) the contents of the record;
 - (B) the findings of fact;
 - (C) the conclusions of law, including each violation of the Kansas Rules of Professional Conduct, the Rules Relating to Discipline of Attorneys, or the attorney’s oath of office; and
 - (D) any applicable aggravating and mitigating factors;
 - (3) a recommendation for discipline;
 - (4) a waiver of the hearing on the formal complaint; and
 - (5) a statement by the parties that no exceptions to the findings of fact or conclusions of law will be taken.
- (c) **Timing.** The disciplinary administrator and the respondent may enter into the agreement at any time after the review committee directs a hearing on a formal complaint but no later than 30 days before the scheduled hearing on the formal complaint.
- (d) **Notice to Complainant.** After the disciplinary administrator and the respondent enter into an agreement to proceed by summary submission, the disciplinary administrator will provide a copy of the agreement to the complainant. The complainant has 21 days to provide the disciplinary administrator with the complainant’s position regarding the agreement.
- (e) **Procedure.**
 - (1) **Board Chair.** After the disciplinary administrator and the respondent enter into an agreement to proceed by summary submission, the disciplinary administrator will forward a copy of the agreement and the complainant’s position to the Board chair for consideration of the summary submission.
 - (2) **Approved.** If the chair approves the summary submission, a hearing on the formal complaint is cancelled and the case proceeds according to Rule 228.
 - (3) **Rejected.** If the chair rejects the summary submission, the case proceeds according to Rule 222.

- (f) **Supreme Court’s Discretion.** An agreement to proceed by summary submission is advisory only and does not prevent the Supreme Court from making its own conclusions regarding rule violations or imposing discipline greater or lesser than the parties’ recommendation.

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