

Rule 237

CONFIDENTIALITY AND DISCLOSURE

- (a) **Confidentiality.** Except as otherwise provided in this rule or by order of the Supreme Court, the following documents are confidential and must not be divulged:
 - (1) an initial complaint or a report, a docketed complaint, and an investigative report; and
 - (2) notes, correspondence, and work product of the disciplinary administrator, an investigator, the review committee, a hearing panel, and the Board.
- (b) **Complaint and Response.** The disciplinary administrator must provide the initial complaint or report to the respondent. If the respondent files a response to the initial complaint or report, the disciplinary administrator may provide the response to the complainant.
- (c) **Disclosure by Complainant or Respondent.** This rule does not prohibit a complainant or respondent from disclosing the existence of an initial complaint or a report, a docketed complaint, or any document or correspondence filed by, served on, or provided to that person.
- (d) **Disclosure to Respondent.** On request, the disciplinary administrator must disclose to the respondent the investigative report and all evidence in the disciplinary administrator's possession. Except as otherwise provided in Rule 218, no other discovery is permitted. The disciplinary administrator is not required to disclose any work product, including a summary and recommendation prepared under Rule 209(d).
- (e) **Disclosure to Third Person.** The following provisions apply to disclosure by the disciplinary administrator to a third person.
 - (1) If the review committee directs the disciplinary administrator to impose an informal admonition, the disciplinary administrator may disclose, and must disclose upon request, the nature and disposition of the case.
 - (2) If the review committee directs a hearing on a formal complaint, the disciplinary administrator may disclose, and must disclose upon request, any formal complaint; answer; filing by the disciplinary administrator or respondent; order issued by the hearing panel; final hearing report; summary submission agreement; and exhibits admitted during the hearing on the formal complaint. The disclosure is subject to any seal order.
 - (3) If a respondent voluntarily surrenders the respondent's license to practice law, the disciplinary administrator may disclose the nature and disposition of the complaint; the disciplinary

administrator must disclose a copy of an order of disbarment upon request.

- (4) The disciplinary administrator and anyone appointed to assist the disciplinary administrator in conducting an investigation may disclose information reasonably necessary to complete the investigation.
- (5) The disciplinary administrator may disclose relevant information and submit all or part of a disciplinary file to the following:
 - (A) the Kansas Lawyers Assistance Program or other lawyer assistance program;
 - (B) a government official, commission, committee, or body for use in evaluating an applicant or prospective appointee or nominee for a judicial appointment;
 - (C) the Supreme Court for use in evaluating an applicant or prospective appointee or nominee for service on a commission, committee, or board; or
 - (D) a law enforcement agency, licensing authority, or other disciplinary authority.
- (f) **Disclosure to Complainant.** On dismissal under Rules 208, 209, or 211 or on imposition of an informal admonition, the disciplinary administrator must notify the complainant of the action taken and may reveal to the complainant information necessary to adequately explain the basis for the decision and the action taken.

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