


[About Us](#)
[Complaints](#)
[Rules & Decisions](#)
[Resources](#)
[Look Up An Attorney](#)
[Search](#)

Frequently Asked Questions

[Demographic Survey](#)
[Ethics](#)
[Firm Payments](#)
[Registration](#)
[Reinstatement](#)
[Technical Support](#)

- ✓ What is the difference between reinstatement from a disciplinary suspension or disbarment and reinstatement from an administrative or temporary suspension?

These FAQs address reinstatement from a disciplinary sanction of suspension, indefinite suspension, or disbarment, referred to here for simplicity as a "suspension." The process of reinstatement from a disciplinary sanction is governed by [S.J.C. Rule 4:01, sec. 18](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement>) and [B.B.O. Rules, secs. 3.62 through 3.67](https://www.massbbo.org/Files?fileName=Reinstatement-Rules.pdf) (<https://www.massbbo.org/Files?fileName=Reinstatement-Rules.pdf>), inclusive.

Generally, the reinstatement processes for other types of suspensions are addressed by the rules governing those types of suspension. See [S.J.C. Rule 4:01, secs. 3\(2\), \(3\)](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-3-grounds-for-discipline) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-3-grounds-for-discipline>) (administrative suspension for failure to cooperate with a bar counsel investigation or otherwise comply with the disciplinary process); [S.J.C. Rule 4:02, sec. 3](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-402-periodic-registration-of-attorneys#-3-failure-to-file) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-402-periodic-registration-of-attorneys#-3-failure-to-file>); [S.J.C. Rule 4:03, secs. 2, 3](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-403-periodic-assessment-of-attorneys#-2-) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-403-periodic-assessment-of-attorneys#-2->) (administrative suspension for failure to comply with the annual obligations to register with the Board or to pay registration fees), [S.J.C. Rule 3:16, secs. 4-6](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-316-practicing-with-professionalism-course#4-failure-to-comply) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-316-practicing-with-professionalism-course#4-failure-to-comply>) (administrative suspension for failure timely to attend Practicing With Professionalism Program) and [S.J.C. Rule 4:01, secs. 12](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-12-lawyers-convicted-of-crimes) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-12-lawyers-convicted-of-crimes>), [12A](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-12a-lawyer-constituting-threat-of-harm-to-clients) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-12a-lawyer-constituting-threat-of-harm-to-clients>) (temporary suspension based on a criminal conviction or an ongoing threat of harm to clients).

For administrative suspensions under [S.J.C. Rule 4:02, sec. 3](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-402-periodic-registration-of-attorneys#-3-failure-to-file) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-402-periodic-registration-of-attorneys#-3-failure-to-file>) or [S.J.C. Rule 4:03, secs. 2](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-403-periodic-assessment-of-attorneys#-2-) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-403-periodic-assessment-of-attorneys#-2->), [3](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-403-periodic-assessment-of-attorneys#-3-) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-403-periodic-assessment-of-attorneys#-3->).

(administrative suspension for failure to comply with the annual obligations to register with the Board or to pay registration fees), please visit the [Registration FAQ tab](https://www.massbbo.org/s/faq?category=Registration) (<https://www.massbbo.org/s/faq?category=Registration>).

- ✓ What do the rules require for reinstatement from an administrative suspension for non-registration?

For administrative suspensions under [S.J.C. Rule 4:02, sec. 3](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-402-periodic-registration-of-attorneys#-3-failure-to-file) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-402-periodic-registration-of-attorneys#-3-failure-to-file>) or [S.J.C. Rule 4:03, secs. 2](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-403-periodic-assessment-of-attorneys#-2-) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-403-periodic-assessment-of-attorneys#-2->), [3](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-403-periodic-assessment-of-attorneys#-3-) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-403-periodic-assessment-of-attorneys#-3->) (administrative suspension for failure to comply with the annual obligations to register with the Board or to pay registration fees), please visit the [Registration FAQ tab](https://www.massbbo.org/s/faq?category=Registration) (<https://www.massbbo.org/s/faq?category=Registration>).

- ✓ What do the rules require for reinstatement from a disciplinary suspension?

The process of reinstatement from a disciplinary suspension differs depending on whether the term of the suspension is longer than a year.

Generally, for suspensions of a year or less, an affidavit of compliance must be filed with the single justice session of the Supreme Judicial Court for Suffolk County, under the docket number of the original suspension order. The required contents of the affidavit are set forth at [S.J.C. Rule 4:01, sec. 18](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement>) (1)(a) (six months or less) and (1)(b) (more than six months but not longer than a year). Unless bar counsel files a timely objection, a reinstatement order will issue without the necessity for a petition or a hearing. [S.J.C. Rule 4:01, sec. 18 \(1\)\(c\)](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement>). However, this option is available only if the suspended attorney files the affidavit of compliance within six months of eligibility to apply; otherwise, a petition for reinstatement, as described below, is required. [S.J.C. Rule 4:01, sec. 18 \(1\)\(d\)](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement>).

For suspensions in excess of one year (or where required by the order of suspension) the suspended attorney must file a petition for reinstatement. The petition may not be filed until three months before the end of the stated term, until three months before the expiration of five years from the effective date of an order of indefinite suspension, or until three months before the expiration of eight years from the effective date of an order of disbarment. The petition is filed with the single justice session of the Supreme Judicial Court for Suffolk County, under the docket number of the original suspension order, and it will be referred to the Board for an evidentiary hearing resulting in the Board's recommendation to the Court. [S.J.C. Rule 4:01, sec. 18 \(4\), \(5\)](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement>).

- ✓ Are there any required forms for reinstatement?

For reinstatement from a suspension of a year or less, the suspended attorney must file an affidavit of compliance with the suspension order. There is no official form for this affidavit, but the mandatory contents of the affidavit are set forth in [S.J.C. Rule 4:01, secs. 18\(1\)\(a\), \(b\)](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement>).

For reinstatement from a suspension of more than a year, the required petition for reinstatement must set forth certain allegations, set forth in [S.J.C. Rule 4:01, sec. \(4\)](https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-4-types-of-discipline) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-4-types-of-discipline>). There is no official form for this petition, but the Board has prepared a [sample, bare-bones petition](#)

(<https://www.massbbo.org/Files?fileName=Petition-for-reinstatement-template.pdf>) that will help a petitioner to ensure that all required allegations are included.

In addition, when a petition is required, the attorney must complete and file a [reinstatement questionnaire](https://www.massbbo.org/Files?fileName=Reinstatement-Questionnaire.pdf) (<https://www.massbbo.org/Files?fileName=Reinstatement-Questionnaire.pdf>), in two parts.

✓ How can I obtain a copy of the reinstatement questionnaire?

The text of the questionnaire is Appendix 1 to the [Board's rules](http://www.massbbo.org/Files?fileName=BBORules.pdf) (<http://www.massbbo.org/Files?fileName=BBORules.pdf>), and a .pdf copy of it, which includes instructions for filing, can be accessed [here](https://www.massbbo.org/Files?fileName=Reinstatement-Questionnaire.pdf) (<https://www.massbbo.org/Files?fileName=Reinstatement-Questionnaire.pdf>).

✓ Are there any time limits of which I should be aware?

The Board urges all people seeking reinstatement to read the rules carefully, especially as these informational FAQs are not intended as specific advice in specific cases. Nevertheless, the Board suggests that the following time constraints are especially pertinent:

1. The time when an attorney who has been suspended or disbarred becomes eligible to seek reinstatement depends on the type of sanction and its length. Generally, and unless ordered otherwise,

A. For term suspensions of a year or less, the application for reinstatement (see answer to the FAQ “What do the rules require for reinstatement from a disciplinary suspension?”, above) may be made at the “end of the period of suspension.” S.J.C. Rule 4:01, sec. 18(1).

B. For term suspensions of more than a year, the petition for reinstatement may not be filed until “three months prior to the expiration of the period specified in the order of suspension.” S.J.C. Rule 4:01, sec. 18(2)(c) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement>).

C. For indefinite suspensions, the petition for reinstatement may not be filed until “the expiration of at least three months prior to five years from the effective date of the order of suspension.” S.J.C. Rule 4:01, sec. 18(2)(b) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement>). Note: Notwithstanding this somewhat different wording, the Board and the Court read the rule concerning indefinite suspensions as analogous to the rules for term suspensions and disbarments: Eligibility begins at five years, less three months, from the effective date of the order of indefinite suspension.

D. For disbarment or for a disciplinary resignation, the petition for reinstatement may not be filed until “three months prior to the expiration of at least eight years from the effective date of the order of disbarment or allowance of resignation.” S.J.C. Rule 4:01, sec. 18(2)(a) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement>).

2. A request for reinstatement from a term suspension of a year or less (see 1(A), above) must be made within six months of eligibility or the applicant loses eligibility for “automatic” reinstatement and must file a petition for reinstatement. S.J.C. Rule 4:01, sec. 18(1)(d) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement>).

3. Where a petition has been filed and denied on the merits, a second petition for reinstatement may not be filed within a year, unless the Court orders otherwise. S.J.C. Rule 4:01, sec. 18(8) (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-401-bar-discipline#section-18-reinstatement>).

✓ Are there any reference materials available concerning the substance and procedure of reinstatement from a disciplinary suspension?

The Board has published a treatise on Massachusetts bar discipline. To read the chapter on Reinstatement, [click here \(https://www.massbbo.org/s/bbo-treatise\)](https://www.massbbo.org/s/bbo-treatise) to download your preferred file format for the Treatise and then navigate to Chapter 23.

✓ If I have questions about the disciplinary reinstatement process, who should I contact?

Beyond the type of general procedural guidance provided here and the general information provided in the [Board's treatise \(https://www.massbbo.org/s/bbo-treatise\)](https://www.massbbo.org/s/bbo-treatise), the Board cannot advise petitioners. Many petitioners, however, find it prudent to contact the [Office of Bar Counsel \(https://www.massbbo.org/s/who-we-are-obc-acap\)](https://www.massbbo.org/s/who-we-are-obc-acap) to discuss their filings and to determine whether there are any objections or concerns about reinstatement, as it will be OBC that decides whether to oppose reinstatement.

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