Recidivism: A tendency to relapse into a former pattern of behavior, especially a tendency to return to criminal habits. (*The American Heritage Dictionary, 2nd College Edition*)

The Missouri disciplinary system has two purposes: protection of the public and integrity of the profession. One component of the disciplinary system is the opportunity for a suspended or disbarred lawyer to apply for reinstatement upon proper showing that the lawyer has undergone sufficient rehabilitation to no longer pose a significant threat of harm to clients (the public) or be an embarrassment to the bar (integrity of the profession). This article takes a look at numbers over the last 12 years to see how many reinstated lawyers became “repeat offenders,” i.e. recidivism. The conclusory numbers show that 45 lawyers were reinstated to the practice of law between 1992 and 2003; 11 of those lawyers, as of this date, have received subsequent discipline: six admonitions, one reprimand, and four disbarments.¹

**The 12-Year Record**

The author chose a 12-year period from 1992 through 2003 to review the disciplinary record of successful reinstatement applicants. The author chose that period because of rule changes in 1990 that established a new disciplinary system in Missouri effective July 1, 1991. At that time the Office of the Chief Disciplinary Counsel was created to perform the investigative and prosecutorial functions of the discipline system. Since July 1, 1991, reinstatement applications have been processed by the OCDC. Previously, reinstatement applications were processed by the Missouri Bar Administration.

Between 1992 and 2003, 45 lawyers were reinstated by the Missouri Supreme Court after having been suspended or disbarred for disciplinary reasons. During that same time period, 45 other applications were denied by the Court and an additional 12 applications either were dismissed by the Court for procedural reasons or withdrawn by the applicant. Of the 45 successful reinstatement applicants, OCDC records show that 18 of them (40%) have received a complaint since reinstatement. Thus, 27 of the 45 (60%) have had no post-reinstatement contact with the disciplinary system.

Of the 18 reinstated lawyers against whom complaint files were opened, seven had all complaints closed with no discipline. Eleven received some form of discipline since reinstatement. Six received admonitions only. An admonition is the lowest level of discipline. (Continued on page 25)