

1 **Rule 14-503. Ethics and Discipline Committee.**

2 (a) Composition. The Committee shall be appointed by the Supreme Court. The
3 Committee shall consist of eight public members and ~~26-27~~ members of the Bar who
4 have demonstrated a high standard of professional conduct. All appointments shall be
5 for a term of three years. The Supreme Court shall designate one lawyer member as
6 Committee chair and two lawyer members as Committee vice chairs~~one lawyer member~~
7 as Committee vice chair. Committee members shall not serve more than two
8 consecutive terms.

9 (b) Committee chair. The Committee chair shall supervise the Committee and
10 screening panels. The chair is responsible to maintain an adequate check on the work
11 of the screening panels to ensure that matters move forward expeditiously, to determine
12 that screening panels have a uniform basis for the judgments rendered, and to provide
13 the screening panels with information concerning ethics and judicial decisions
14 necessary to their activities. The chair shall make recommendations to the Supreme
15 Court concerning appointments to and removals from the screening panels and reports
16 concerning the activities of the screening panels and the overall work of the Committee.

17 (c) Vice chairs. The Committee vice chairs shall act in the event of the chair's
18 absence or resignation. In the event of the chair's absence or resignation, a vice chair
19 will become the chair. The chair may call upon either ~~the~~ vice chair to assist in any of
20 the Committee chair's duties.

21 (d) Screening panels, quorums. The Committee members, except for the Committee
22 chair and Committee vice chairs, shall be divided into four screening panel sections of
23 six members of the Bar and two public members. The Supreme Court shall name a
24 screening panel chair from each screening panel, who shall preside over the screening
25 panel. In the absence of the screening panel chair, a screening panel vice chair
26 designated by the screening panel shall preside. Two members of the Bar plus one
27 public member shall constitute a quorum of a screening panel. The concurrence of a
28 majority of those members present and voting at any proceeding shall be required for a
29 screening panel determination. If an even number of screening panel members
30 participate in a proceeding, the chair or vice chair shall not vote unless necessary to
31 break a tie. The chair or vice chair shall, however, fully participate in the proceeding.

32 Each screening panel shall meet as is necessary to effectively and promptly carry out its
33 duties. The entire Committee may be convened at such other times by the chair as
34 necessary to effectively and promptly carry out its duties.

35 (e) ~~Resignations~~Removal, alternates. The Committee chair may recommend
36 removal of a Committee member by notifying the Supreme Court of the
37 recommendation of removal and reasons for the recommendation. The removal shall
38 take effect upon the Supreme Court's acceptance of the recommendation. If a
39 ~~Committee member does not attend three consecutive scheduled screening panel~~
40 ~~hearings, that Committee member shall automatically be deemed to have resigned his~~
41 ~~or her Committee appointment.~~ Members of any screening panel may serve as alternate
42 members on different screening panels. The Committee chair and the Committee vice
43 chairs may serve as alternate members on all screening panels.

44 (f) Responsibilities. Informal complaints shall be randomly assigned to screening
45 panels. The screening panels shall review, investigate, and hear all informal complaints
46 charging unethical and/or unprofessional conduct against members of the Bar. After
47 such review, investigation, hearing and analysis, the screening panels shall determine
48 the action to be taken on any informal complaint which, based upon the facts of the
49 particular case, is most consistent with the public interest and the Rules of Professional
50 Conduct.

51 (g) Subpoena. Any party or a screening panel, for good cause shown, may petition
52 under seal the district court for issuance of a subpoena, subpoena duces tecum or any
53 order allowing discovery prior to the filing of a formal complaint. Except for good cause
54 shown, all petitions under this rule shall require a five-day written notice to the opposing
55 party prior to the issuance of an appropriate order of subpoena.

56 (g)(1) Enforcement of subpoena. A district court in the district in which the
57 attendance or production is required may, upon proper application, enforce the
58 attendance and testimony of any witnesses and the production of any documents
59 subpoenaed.

60 (g)(2) Quashing subpoena. Any attack on the validity of a subpoena so issued shall
61 be heard and determined by the Committee chair or by the court wherein enforcement

62 of the subpoena is being sought. Any resulting order is not appealable prior to the entry
63 of a final order in the proceeding.

64 (g)(3) Witnesses and fees. Subpoena fees, witness fees, and mileage shall be
65 reimbursed in the amounts provided under Rule 45 of the Utah Rules of Civil Procedure.

66 (h)(1) Committee and OPC as screening panel secretary. OPC counsel shall be the
67 secretary to the Committee and is charged with the responsibility of the administrative
68 affairs of the Committee, the handling of the screening panel calendars, giving notice to
69 screening panel members and members of the Bar whose attendance is requested,
70 notifying those who have filed informal complaints of the times and dates their matters
71 will be heard, and otherwise performing or providing the secretarial and administrative
72 functions of the Committee and screening panels. Except as otherwise provided in this
73 article, whenever OPC counsel may be present before a screening panel during a
74 hearing, the respondent may also be present.

75 (h)(2) OPC counsel shall within three months after the filing of an informal complaint
76 of unprofessional or unethical conduct of a respondent, advise the party making the
77 informal complaint concerning the initial consideration of the informal complaint, and
78 shall promptly advise such party in writing of the subsequent disposition of the informal
79 complaint and the reasons therefor.

80 (i) Annual report. Senior counsel shall prepare and submit an annual report to the
81 Supreme Court and the Board encompassing the scope and nature of the Committee
82 work. The report shall be submitted on or about August 1 of each year for the preceding
83 fiscal year and shall set forth the number of disciplinary cases investigated, the number
84 brought before the Committee, formal complaints filed, dispositions, cases dismissed,
85 informal ethics opinions issued, diversionary dispositions and such other information as
86 may be helpful to the Supreme Court in comprehending the operations of the OPC as
87 well as the efficiency and effectiveness of the disciplinary system. Such report may
88 contain Committee recommendations for rule amendments or changes in Committee
89 procedure. The chair and senior counsel shall annually consult with the Board and the
90 Supreme Court regarding the level of activity and general standing of disciplinary
91 matters and procedures.

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