

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 ~~28~~29 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 ~~three~~four lawyer members as Committee vice chairs.

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

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

19 (d) Screening panels, quorums. The Committee members, except for the Committee
20 chair and Committee vice chairs, shall be divided into four screening panel sections of
21 six members of the Bar and two public members. The Supreme Court shall name a
22 chair and vice chair for each screening panel. The chair or, in the absence of the chair,
23 the vice chair shall preside over the screening panel hearings. The panel chair may call

24 upon the vice chair to assist in any of the panel chair's duties. Chairs or vice chairs from
25 other panels may conduct hearings if the regular chair and vice chair are unable to
26 attend. In the event of the chair's removal or resignation, the vice chair will become the
27 chair, and the Court shall appoint a member of the Committee to serve as vice chair.
28 Two members of the Bar plus one public member shall constitute a quorum of a
29 screening panel. The concurrence of a majority of those members present and voting at
30 any proceeding shall be required for a screening panel determination. If an even
31 number of screening panel members participate in a proceeding, the chair or vice chair
32 shall not vote unless necessary to break a tie. The chair or vice chair shall, however,
33 fully participate in the proceeding. Each screening panel shall meet as is necessary to
34 effectively and promptly carry out its duties. The entire Committee may be convened at
35 such other times by the chair as necessary to effectively and promptly carry out its
36 duties.

37 (e) Removal, alternates. The Committee chair may recommend removal of a
38 Committee member by notifying the Supreme Court of the recommendation of removal
39 and reasons for the recommendation. The removal shall take effect upon the Supreme
40 Court's acceptance of the recommendation. Members of any screening panel may
41 serve as alternate members on different screening panels. The Committee chair and the
42 Committee vice chairs may serve as alternate members on all screening panels.

43 (f) Responsibilities. Informal complaints shall be randomly assigned to screening
44 panels. The screening panels shall review, investigate, and hear all informal complaints
45 charging unethical and/or unprofessional conduct against members of the Bar. After
46 such review, investigation, hearing and analysis, the screening panels shall determine

47 the action to be taken on any informal complaint which, based upon the facts of the
48 particular case, is most consistent with the public interest and the Rules of Professional
49 Conduct.

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

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

59 (g)(2) Quashing subpoena. Any attack on the validity of a subpoena so issued shall
60 be heard and determined by the Committee chair or by the court wherein enforcement
61 of the subpoena is being sought. Any resulting order is not appealable prior to the entry
62 of a final order in the proceeding.

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

65 (h)(1) Clerk of the Committee. The Clerk of the Committee is responsible for the
66 administrative affairs of the Committee, accepting documents filed with the committee,
67 handling screening panel calendars, giving notice to persons whose attendance is
68 requested, notifying those who have filed informal complaints of the times and dates
69 their matters will be heard, notifying the complainant, the respondent, and any counsel

70 of record of the disposition of each matter, and otherwise performing or providing the
71 secretarial and administrative functions of the Committee and screening panels. The
72 Clerk is subject to confidentiality requirements of Rule 14-515. Except as otherwise
73 provided in this article, whenever OPC counsel may be present before a screening
74 panel during a 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.