

Rule 15-511. Proceedings subsequent to finding of probable cause.

1 (a) Commencement of action. If the screening panel finds probable cause to believe that there
2 are grounds for public discipline and that a formal complaint is merited, OPC counsel shall
3 prepare and file with the district court a formal complaint setting forth in plain and concise
4 language the facts upon which the charge of unprofessional conduct is based and the applicable
5 provisions of the Licensed Paralegal Practitioner Rules of Professional Conduct. The formal
6 complaint shall be signed by the Committee chair or, in the chair's absence, by the Committee
7 vice chair or a screening panel chair designated by the Committee chair.

8 (b) Venue. The action shall be brought and the trial shall be held in the county in which an
9 alleged offense occurred or in the county where the respondent resides or practices law as a
10 licensed paralegal practitioner or last practiced law as a licensed paralegal practitioner in Utah;
11 provided, however, that if the respondent is not a resident of Utah and the alleged offense is not
12 committed in Utah, the trial shall be held in a county designated by the Chief Justice of the
13 Supreme Court. The parties may stipulate to a change of venue in accordance with applicable
14 law.

15 (c) Style of proceedings. All proceedings instituted by the OPC shall be styled "In the Matter
16 of the Discipline of (name of respondent and respondent's license number), Respondent."

17 (d) Change of judge as a matter of right.

18 (d)(1) Notice of change. The respondent or OPC counsel may, by filing a
19 notice indicating the name of the assigned judge, the date on which the formal complaint was
20 filed, and that a good faith effort has been made to serve all parties, change the judge assigned to
21 the case. The notice shall not specify any reason for the change of judge. The party filing the
22 notice shall send a copy of the notice to the assigned judge and to the presiding judge. The party
23 filing the notice may request reassignment to another district court judge from the same district,
24 which request shall be granted. Under no circumstances shall more than one change of judge be
25 allowed to each party under this rule.

26 (d)(2) Time. Unless extended by the court upon a showing of good cause, the notice must be
27 filed within 30 days after commencement of the action or prior to the notice of trial setting,
28 whichever occurs first. Failure to file a timely notice precludes any change of judge under this
29 rule.

30 (d)(3) Assignment of action. Upon the filing of a notice of change, the assigned judge shall
31 take no further action in the case. The presiding judge shall promptly determine whether the
32 notice is proper and, if so, shall reassign the action. If the presiding judge is also the assigned
33 judge, the clerk shall promptly send the notice to the Chief Justice of the Supreme Court, who
34 shall determine whether the notice is proper and, if so, shall reassign the action.

35 (d)(4) Rule 63 and Rule 63A unaffected. This rule does not affect any rights a party may
36 have pursuant to Rule 63 or Rule 63A of the Utah Rules of Civil Procedure.

37 (e) Actions tried to the bench; findings and conclusions. All actions tried according to this
38 article shall be tried to the bench, and the district court shall enter findings of fact and
39 conclusions of law. Neither masters nor commissioners shall be utilized.

40 (f) Sanctions hearing. Upon a finding of misconduct and as soon as reasonably practicable,
41 within a target date of not more than 30 days after the district court enters its findings of fact and
42 conclusions of law, it shall hold a hearing to receive relevant evidence in aggravation and
43 mitigation, and shall within five days thereafter, enter an order sanctioning the respondent. Upon
44 reasonable notice to the parties, the court, at its discretion, may hold the sanctions hearing
45 immediately after the misconduct proceeding.

46 (g) Review. Any discipline order by the district court may be reviewed by the Supreme Court
47 through a petition for review pursuant to the Utah Rules of Appellate Procedure.

Effective November 1, 2018