

Rule 15-515. Access to disciplinary information.

1 (a) Confidentiality. Prior to the filing of a formal complaint or the issuance of a public
2 reprimand pursuant to Rule 15-510 in a discipline matter, the proceeding is confidential, except
3 that the pendency, subject matter, and status of an investigation may be disclosed by OPC
4 counsel if the proceeding is based upon allegations that have been disseminated through the mass
5 media, or include either the conviction of a crime or reciprocal public discipline. The proceeding
6 shall not be deemed confidential to the extent:

7 (a)(1) the respondent has given an express written waiver of confidentiality;

8 (a)(2) there is a need to notify another person or organization, including the Bar's Licensed
9 Paralegal Practitioners' Fund for Client Protection, in order to protect the public, the
10 administration of justice, or the legal profession; or

11 (a)(3) the information is required in a subsequent licensed paralegal practitioner sanctions
12 hearing;

13 (a)(4) a referral is made to the Professionalism Counseling Board pursuant to Rule 15-510
14 (a)(4) or (b)(7)(C). In the event of such a referral, OPC counsel, members of the Committee and
15 of any screening panel, and members of the Professionalism Counseling Board may share all
16 information between and among them with the expectation that such information will in all other
17 respects be subject to applicable confidentiality rules or exceptions.

18 (b) Public proceedings. Upon the filing of a formal complaint in a discipline matter, the filing
19 of a petition for reinstatement, or the filing of a motion or petition for interim suspension, the
20 proceeding is public, except as provided in paragraph (d) below.

21 (c) Proceedings alleging disability. Proceedings for transfer to or from disability status are
22 confidential. All orders transferring a respondent to or from disability status are public.

23 (d) Protective order. In order to protect the interest of a complainant, witness, third party, or
24 respondent, the district court may, upon application of any person and for good cause shown,
25 issue a protective order prohibiting the disclosure of specific information and direct that the
26 proceedings be conducted so as to implement the order, including requiring that the hearing be
27 conducted in such a way as to preserve the confidentiality of the information that is the subject of
28 the application.

29 (e) Request for nonpublic information. Nonpublic information shall be confidential, other
30 than as authorized for disclosure under paragraph (a), unless:

31 (e)(1) the request for information is made by the Board, any Bar committee, a committee or
32 consultant appointed by the Supreme Court or the Board to review OPC operations, or the
33 executive director, and is required in the furtherance of their duties; or

34 (e)(2) the request for information is approved by OPC counsel and there is compliance with
35 the provisions of paragraphs (f) and (g) of this rule.

36 (f) Notice to the respondent. Except as provided in paragraph (g), if the Committee decides to
37 provide nonpublic information requested pursuant to paragraph (e), and if the respondent has not
38 signed an express written waiver permitting the party requesting the information to obtain the
39 nonpublic information, the respondent shall be notified in writing at the respondent's last known
40 designated mailing address as shown by Bar records of that information which has been
41 requested and by whom, together with a copy of the information proposed to be released. The
42 notice shall advise the respondent that the information shall be released at the end of 21 days
43 following mailing of the notice unless the respondent objects to the disclosure. If the respondent
44 timely objects to the disclosure, the information shall remain confidential unless the requesting
45 party obtains a court order authorizing its release.

46 (g) Release without notice. If a requesting party as outlined in paragraph (e)(2) has not
47 obtained an express written waiver from the respondent to obtain nonpublic information, and
48 requests that the information be released without giving notice to the respondent, the requesting
49 party shall certify that:

50 (g)(1) the request is made in furtherance of an ongoing investigation into misconduct by the
51 respondent;

52 (g)(2) the information is essential to that investigation; and

53 (g)(3) disclosure of the existence of the investigation to the respondent would seriously
54 prejudice that investigation.

55 (h) OPC counsel can disclose nonpublic information without notice to the respondent if:

56 (h)(1) disclosure is made in furtherance of an ongoing OPC investigation into misconduct by
57 the respondent; and

58 (h)(2) the information that is sought through disclosure is essential to that investigation.

59 (i) Duty of participants. All participants in a proceeding under these rules shall conduct
60 themselves so as to maintain confidentiality. Except as authorized by other statutes or rules,

61 persons receiving private records under paragraph (e) will not provide access to the records to
62 anyone else.

Effective November 1, 2018