

1       **Rule 14-515. Access to disciplinary information.**

2       (a) Confidentiality. Prior to the filing of a formal complaint or the issuance of a public  
3 reprimand pursuant to Rule 14-510 in a discipline matter, OPC Counsel, OPC  
4 employees, the Committee, Committee volunteers, Committee staff, Committee  
5 employees, special counsel appointed pursuant to Rule 14-517(f), and special counsel  
6 employees or assistants, shall keep the proceeding ~~is~~ confidential, except that the  
7 pendency, subject matter, and status of an investigation may be disclosed by OPC  
8 counsel if the proceeding is based upon allegations that have been disseminated  
9 through the mass media, or include either the conviction of a crime or reciprocal public  
10 discipline. The proceeding shall not be deemed confidential to the extent:

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

12       (a)(2) there is a need to notify another person or organization, including the Bar's  
13 Lawyer's Fund for Client Protection, in order to protect the public, the administration of  
14 justice, or the legal profession; or

15       (a)(3) the information is required in a subsequent lawyer sanctions hearing;

16       (a)(4) a referral is made to the Professionalism Counseling Board pursuant to Rule  
17 14-510 (a)(4) or (b)(6)(C) . In the event of such a referral, OPC counsel, members of the  
18 Committee and of any screening panel, and members of the Professionalism  
19 Counseling Board may share all information between and among them with the  
20 expectation that such information will in all other respects be subject to applicable  
21 confidentiality rules or exceptions.

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

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

28       (d) Protective order. In order to protect the interest of a complainant, witness, third  
29 party, or respondent, the district court may, upon application of any person and for good

30 cause shown, issue a protective order prohibiting the disclosure of specific information  
31 and direct that the proceedings be conducted so as to implement the order, including  
32 requiring that the hearing be conducted in such a way as to preserve the confidentiality  
33 of the information that is the subject of the application.

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

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

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

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

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

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

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

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

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

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

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

67 (i) Duty of participants. ~~All participants~~ OPC Counsel, OPC employees, the  
68 Committee, Committee volunteers, Committee staff, Committee employees, special  
69 counsel appointed pursuant to Rule 14-517(f), and special counsel employees or  
70 assistants in a proceeding under these rules shall conduct themselves so as to maintain  
71 confidentiality. Except as authorized by other statutes or rules, persons receiving private  
72 records under paragraph (e) will not provide access to the records to anyone else.

73 Effective November 1, 2019