

1 **Rule ~~14-504~~11-520. Chief Disciplinary Counsel and OPC counsel.**

2 (a) *Appointment and qualifications.* The Supreme Court Board ~~shall~~ will appoint a lawyer  
3 ~~admitted-licensed~~ to practice in Utah to serve as ~~senior~~ Chief Disciplinary eCounsel. Neither the  
4 ~~senior~~ Chief Disciplinary eCounsel nor any full-time assistant disciplinary counsel ~~shall~~ may  
5 engage in the private practice of law for payment.

6 (b) Chief Disciplinary Counsel responsibilities. The Chief Disciplinary Counsel serves  
7 at the pleasure of the Utah Supreme Court and has the following responsibilities:

8 (1) Hire and manage OPC Counsel and staff to ensure quality investigations,  
9 discipline, and sanctions.

10 (2) Develop the budget for Oversight Committee approval.

11 (3) Monitor and report to the Oversight Committee regarding the OPC's  
12 operations and the efficiency and effectiveness of the disciplinary system.

13 (4) Prepare and submit an annual report to the Oversight Committee and  
14 Supreme Court on or about February 1 of each year for the preceding calendar  
15 year.

16 (A) The report must include:

17 (i) the number of disciplinary cases investigated;

18 (ii) the number of disciplinary cases brought before the Committee;

19 (iii) Actions filed;

20 (iv) dispositions, including diversionary dispositions;

21 (v) cases dismissed;

22 (vi) case aging statistics;

23 (vii) informal ethics advisory opinions issued by the Bar; and

24 (viii) such other information as may be helpful to the Supreme  
25 Court in understanding the OPC's operations and the efficiency  
26 and effectiveness of the disciplinary system.

27 (B) Such report may contain recommendations for rule amendments or  
28 changes in the OPC or Ethics and Discipline Committee procedure. The  
29 Oversight Committee may amend the report before releasing it to the  
30 Supreme Court.

31 (c) OPC Counsel.

32 (1) Qualification and responsibilities. OPC Counsel must be licensed to practice  
33 law in Utah.

34 (2) OPC Counsel will be selected by the Chief Disciplinary Counsel. An OPC  
35 Counsel is an at-will employee subject to dismissal by the Chief Disciplinary  
36 Counsel with or without cause.

37 (d) **Disqualification and conflicts of interest.** In addition to complying with the Rules  
38 of Professional Conduct regarding successive government and private employment  
39 (Rule 1.11 of the Rules of Professional Conduct), former OPC Counsel may not  
40 personally represent a Respondent as to any Complaint or Action within one year after  
41 completing the former OPC Counsel's service. In addition to the one-year prohibition,  
42 former OPC Counsel may not personally represent a Respondent in any Complaint or  
43 Action that the OPC investigated or prosecuted during the term of the former OPC  
44 Counsel's employment.

45 Effective December 15, 2020