

1 Rule 11-554.(j) Termination of diversion.

2 (a) (j)(1) Fulfillment of the contract. The contract terminates when the Respondent  
3 ~~has fulfilled~~ the contract terms ~~of the contract~~ and gives the ~~Diversion Committee and~~  
4 OPC ~~an affidavit or an unsworn~~ declaration demonstrating fulfillment. Upon ~~receipt~~  
5 ~~of receiving~~ this affidavit or unsworn declaration, the ~~Diversion Committee and~~ OPC  
6 must acknowledge receipt and ~~request that the chair of the Ethics and Discipline~~  
7 ~~Committee or his designee~~ dismiss any Complaint(s) deferred pending successful  
8 completion of the contract or notify the Respondent that fulfillment of the contract is  
9 ~~disputed~~ terminated based on an OPC claim of material breach. ~~The complainant~~  
10 ~~cannot appeal the dismissal.~~ Determinations under this rule are not subject to further  
11 review and are not reviewable in any proceeding. Successfully ~~completing on of~~ the  
12 contract is a bar to any further disciplinary proceedings based on the same allegations  
13 and successfully ~~completing on of~~ diversion ~~shall~~ may not constitute a form of discipline.

14 (b) (j)(2) Material breach. ~~A material~~ Materially breaching ~~of~~ the contract is cause for  
15 terminating ~~on of~~ the contract. After a material breach, the OPC must notify the  
16 Respondent of the alleged breach and intent to terminate the diversion. Thereafter,  
17 disciplinary proceedings may be instituted, resumed, or reinstated.

18 ~~(j)(3) Review by the chair. The Diversion Committee may review disputes regarding the~~  
19 ~~alleged material breach of any term of the contract on the request of the respondent or~~  
20 ~~OPC. The request must be filed with the Diversion Committee chair within 15 days of~~  
21 ~~notice to the respondent of the determination for which review is sought. The~~  
22 ~~respondent is entitled to a hearing before the Diversion Committee on any alleged~~  
23 ~~breach to the diversion contract. Determinations under this section are not subject to~~  
24 ~~further review and are not reviewable in any proceeding.~~

25 Effective December 15, 2020