

1 **Rule ~~14-522~~11-567. Reciprocal discipline.**

2 (a) Duty to notify the OPC of discipline or transfer to disability inactive status. When  
3 another court, jurisdiction, or regulatory body having disciplinary jurisdiction publicly  
4 disciplines or transfers to disability inactive status a Lawyer licensed to practice in  
5 Utah, ~~Upon being publicly disciplined by another court, another jurisdiction, or a~~  
6 regulatory body having disciplinary jurisdiction, a lawyer admitted to practice in Utah  
7 ~~shall~~ such Lawyer must inform the OPC of the discipline or transfer within ~~30~~28 days. If  
8 the OPC receives notification ~~inform the OPC of the discipline. Upon~~ On notification from  
9 any source that a Lawyer within the Supreme Court's jurisdiction ~~of the Supreme~~  
10 ~~Court~~ has been publicly disciplined or transferred to disability inactive status by  
11 ~~another court, another jurisdiction, or a regulatory body having disciplinary~~  
12 ~~jurisdiction~~ any other jurisdiction, the OPC ~~shall~~ must obtain a certified copy of the  
13 disciplinary order.

14 (b) ~~Notice served upon~~ Serving notice on Lawyer. ~~Upon receipt of~~ On receiving a  
15 certified copy of an order demonstrating that a Lawyer ~~admitted~~ licensed to practice in  
16 Utah has been publicly disciplined or transferred to disability inactive status by another  
17 court, ~~another~~ jurisdiction, or ~~a~~ regulatory body having disciplinary jurisdiction, the  
18 OPC ~~shall~~ will issue a notice directed to the Lawyer containing:

19 (1) a copy of the order from the other court, jurisdiction, or regulatory body; and  
20 (2) a notice giving the Lawyer the right to inform the OPC, within ~~30~~28 days  
21 from service of the notice, of any claim by the Lawyer predicated ~~upon~~ the  
22 grounds set forth in paragraph (d), that ~~the imposition of the~~ imposing equivalent  
23 discipline or transfer in Utah would be ~~unwarranted, and~~ unwarranted and  
24 stating the reasons for that claim.

25 (c) **Effect of stay of discipline in another jurisdiction.** If the discipline or transfer  
26 imposed in the other court, jurisdiction, or regulatory body has been stayed, any  
27 reciprocal discipline or transfer imposed in Utah ~~shall~~ will be deferred until the stay  
28 expires.

29 (d) Discipline to be imposed.

30 ~~(1) Upon the expiration of~~ After 30/28 days from service of the notice ~~pursuant~~  
31 ~~to~~ under paragraph (b), the district court ~~shall~~ will take such action as may be  
32 appropriate to cause the ~~equivalent~~ discipline or transfer to be imposed in this  
33 jurisdiction, unless it clearly appears ~~up~~ upon the face of the record from which the  
34 discipline or transfer is predicated that:

35 ~~(1A)~~ the procedure was so lacking in notice or opportunity to be heard as  
36 to constitute a deprivation of due process;

37 ~~(2B)~~ imposing ~~the imposition of equivalent~~ discipline would result in grave  
38 injustice; ~~or~~

39 ~~(3C)~~ the misconduct ~~established~~ warrants substantially different discipline  
40 in Utah or is not misconduct in this jurisdiction; or

41 (D) the reason for the original transfer to disability inactive status no  
42 longer exists.

43 (2) If the district court determines that any of these elements exist, it ~~shall~~ will  
44 enter such other order as it deems appropriate. The burden is on the ~~respondent~~  
45 Lawyer seeking different discipline or transfer to demonstrate that ~~the~~  
46 ~~imposition of equivalent~~ imposing discipline or transfer is not appropriate.

47 (e) ~~Conclusiveness of adjudication in o~~ Other jurisdictions' final adjudications.

48 Except as provided in paragraphs (c) and (d) above, a Respondent who has been found  
49 guilty of misconduct or is transferred to disability inactive status in a final adjudication  
50 of ~~the an~~ other court, jurisdiction, or regulatory body ~~that a respondent has been guilty~~  
51 ~~of misconduct or should be transferred to disability inactive status shall~~ will establish  
52 conclusively the misconduct or the disability for purposes of a disciplinary or disability  
53 proceeding in Utah.

54 Effective December 15, 2020