

1 **Rule 11-501. Oversight Committee for the Office of Professional Conduct**

2 **Intent:**

3 To establish an oversight committee for the Office of Professional Conduct (“OPC”).

4 To establish a method for appointing committee members, membership terms, a meeting schedule,
5 and committee purposes and responsibilities.

6 **Applicability:**

7 This rule shall apply to the Oversight Committee for the Office of Professional Conduct.

8 **Statement of the Rule:**

9 (1) **Establishment.** The Oversight Committee for the Office of Professional Conduct is established as
10 a committee of the Utah Supreme Court.

11 (1)(A) **Composition.**

12 (1)(A)(i) The Committee shall consist of five voting members, at least one of whom is a judge;
13 one a member of the public; and one a past chair or past vice-chair of the Ethics and Discipline
14 Committee. At least one of the members shall have an accounting background.

15 (1)(A)(ii) The Executive Director of the Utah State Bar shall be an ex-officio, non-voting
16 member of the Committee.

17 (1)(B) **Appointment and member roles.** Committee members shall be appointed by the Utah
18 Supreme Court and may serve up to two staggered four-year terms. The Supreme Court shall select
19 a chair from among the Committee’s members. Committee members shall serve as officers of the
20 court and not as representatives of any client, employer, or other organization or interest group. At
21 the first meeting of the Committee in any calendar year, and at every meeting at which a new
22 member of the Committee first attends, each Committee member shall briefly disclose the general
23 nature of the member’s legal or other practice.

24 (1)(C) **Vacancies.** In the event of a vacancy on the Committee, the Supreme Court shall appoint
25 a new Committee member to serve for the remainder of the unexpired term.

26 (1)(D) **Absences.** In the event that a Committee member fails to attend two consecutive
27 Committee meetings, the chair may notify the Supreme Court of those absences and may request
28 that the Supreme Court replace that Committee member.

29 (1)(E) **Administrative support.** The Administrative Office of the Courts shall coordinate
30 administrative support to the Committee.

31 (2) **Oversight committee purpose, responsibilities, and authority.**

32 (2)(A) **Purpose of the Committee.** The purpose of the Committee is to assist the OPC in
33 implementing the reforms to the attorney discipline process adopted by the Utah Supreme Court and
34 to provide oversight for the OPC.

35 (2)(B) **Committee responsibilities.** The following comprise the Committee’s responsibilities:

36 (2)(B)(i) Develop and implement realistic performance metrics and conduct annual
37 evaluations of OPC and its Chief Disciplinary Counsel;

38 (2)(B)(ii) Develop a budget for the OPC and annually submit the budget by May 1 to the Utah
39 Supreme Court and to the Utah State Bar;

40 (2)(B)(iii) Conduct a needs assessment for the OPC, setting forth a three- to five-year funding
41 plan for the disciplinary process, including technology and staffing needs;

42 (2)(B)(iv) Annually, in conjunction with OPC Chief Disciplinary Counsel and the Chair of the
43 Ethics and Discipline Committee, report to the Court regarding the operations of the OPC and the
44 general standing of disciplinary matters and procedures; and

45 (2)(B)(v) Develop formal policies for the OPC, including records retention policies.

46 (2)(C) **Authority.** The Committee does not have authority to interfere with the prosecutorial
47 independence of the OPC, but is granted access to confidential information as necessary to carry-out
48 its duties.

49 (3) **Meeting schedule.** The Committee shall meet as often as necessary to accomplish its purposes
50 but at least annually.

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