

1 Rule 11-514.(f) Disclosure, recusal, and disqualification.

2 (a) Application. Disclosure, recusal, and disqualification apply to Committee members'  
3 participation in a screening panel hearing, exception, or other proceeding in which a  
4 Respondent's conduct is considered under these rules.

5 (b) Disclosure.

6 (1) Committee members must make disclosures before or, at the latest, at the start  
7 of a screening panel hearing or other hearing in which a Respondent's conduct is  
8 considered.

9 (2) Each Committee member must disclose to the parties any professional or  
10 personal relationship or conflict of interest with a party or a party's counsel in  
11 the proceeding that may affect an unbiased evaluation of the Respondent.

12 (3) Relationships that may affect an unbiased evaluation of the Respondent  
13 include any contact or association that might influence a Committee member's  
14 ability to fairly and reasonably evaluate the conduct of any Respondent or to  
15 assess that Respondent without bias or prejudice, including but not limited to:

16 (A) family relationships to a party or Lawyer of a party in the proceeding  
17 within the third degree of relationship;

18 (B) any business relationship between the Committee member and a party  
19 or Lawyer of a party in the proceedings; and

20 (C) any personal litigation directly or indirectly involving a party or a  
21 Lawyer of a party in the proceeding and the Committee member, the  
22 Committee member's family or the Committee member's business.

23 (c) Recusal.

24 (1) As used in this rule, recusal is a voluntary act of self-disqualification by a  
25 Committee member.

26 (2) After making a disclosure, a Committee member may voluntarily recuse if the  
27 Committee member believes the relationship with the Respondent or other  
28 parties will affect an unbiased evaluation of the Respondent.

29 (d) Disqualification procedures.

30 (1) A Respondent may move to disqualify a screening panel member if such  
31 member:

32 (A) makes a disclosure and does not voluntarily recuse, and that  
33 member's impartiality might reasonably be questioned; or

34 (B) does not make a disclosure, but known circumstances suggest the  
35 Committee member's impartiality might reasonably be questioned.

36 (2) A motion to disqualify a screening panel member must be submitted to the  
37 Committee clerk for review by the screening panel chair or vice chair before or  
38 during the screening panel hearing.

39 (3) A motion to disqualify a Committee member from an exception or other  
40 hearing or review must be submitted to the Committee clerk for review by the  
41 Committee chair or vice chair before any hearing on the matter.

42 (e) Disqualification after Committee service. A former Committee member may not  
43 personally represent a Respondent in any proceeding as provided in these rules within  
44 one year after completing the former Committee member's service. In addition to the  
45 one-year prohibition, a former Committee member may not personally represent a  
46 Respondent in any proceedings as provided in these rules in which the former  
47 Committee member previously participated during the Committee member's service on  
48 the Committee.

49 ~~(i) **Annual report.** Senior counsel shall prepare and submit an annual report to the~~  
50 ~~Supreme Court and the Board encompassing the scope and nature of the Committee~~  
51 ~~work. The report shall be submitted on or about August 1 of each year for the preceding~~  
52 ~~fiscal year and shall set forth the number of disciplinary cases investigated, the number~~

53 ~~brought before the Committee, formal complaints filed, dispositions, cases dismissed,~~  
54 ~~informal ethics opinions issued, diversionary dispositions and such other information~~  
55 ~~as may be helpful to the Supreme Court in comprehending the operations of the OPC as~~  
56 ~~well as the efficiency and effectiveness of the disciplinary system. Such report may~~  
57 ~~contain Committee recommendations for rule amendments or changes in Committee~~  
58 ~~procedure. The chair and senior counsel shall annually consult with the Board and the~~  
59 ~~Supreme Court regarding the level of activity and general standing of disciplinary~~  
60 ~~matters and procedures.~~

61 *Effective December 15, 2020*