

1 **Rule ~~14-533~~11-550. Diversion referrals, authority, and responsibilities.**

2 (a) **Referral to diversion.** In a matter involving less serious misconduct ~~as outlined~~  
3 ~~in~~under subsection Rule 11-551(e), upon receipt of an informalupon receiving a  
4 eComplaint and before the matter is submitted to a screening panel~~filing a formal~~  
5 ~~complaint~~, the ~~r~~Respondent may have the option of electing to have the matter referred  
6 to diversion, the appropriateness of which the OPC will ~~be determined by the chair of~~  
7 ~~the Diversion Committee after consultation with OPC. The option for diversion also~~  
8 ~~may be initiated by OPC or the Ethics and Discipline Committee screening panel.~~ (b)  
9 ~~Diversion Committee.~~

10 ~~(b)(1) Composition. Members of the Diversion Committee shall be appointed by the~~  
11 ~~Supreme Court. The committee shall consist of five members, four of whom shall be~~  
12 ~~members of the Bar who have demonstrated a high standard of professional conduct,~~  
13 ~~preferably with at least one Bar member having past experience on the Supreme Court~~  
14 ~~Ethics and Discipline Committee, and one public member with professional training in~~  
15 ~~the area of substance abuse and/or stress management. All appointments shall be for~~  
16 ~~four year terms with one of the lawyers' terms expiring each year. Committee members~~  
17 ~~shall not serve more than two consecutive terms. The Supreme Court shall designate~~  
18 ~~one of the Bar members as committee chair.~~

19 (b)~~(2)~~ **Authority and responsibility.** The ~~Diversion Committee~~OPC may negotiate and  
20 execute diversion contracts, assign monitoring to a ~~L~~Lawyers ~~or~~ or assistance program,  
21 determine if the Lawyer ~~complied~~ancee with the ~~terms of~~ diversion contracts, ~~and~~  
22 determine if the Lawyer ~~fulfilled~~ment or ~~any~~ materially ~~breached the of~~ diversion  
23 contracts, ~~subject to review under subsection (j)(3) of this rule,~~ and adopt such policies  
24 and procedures as may be appropriate to accomplish its duties ~~under this rule.~~ The  
25 ~~Diversion Committee~~OPC ~~shall have~~has authority to establish ~~sub~~committees of  
26 volunteer attorneys and other professionals for the specific purpose of monitoring the  
27 compliance of any attorney under diversion and reporting compliance to the OPC. ~~and~~  
28 ~~the Diversion Committee on a regular basis.~~

29 (ec) **Notice to eComplainant.** The OPC will notify the eComplainant, if any, of the  
30 proposed decision to refer the rRespondent to diversion, and the eComplainant may  
31 submit written comments. The eComplainant will be notified when the eComplaint is  
32 diverted and when the eComplaint is dismissed. All notices will be sent to the  
33 eComplainant's address ~~of record on file with the~~ according to the OPC's records. Such  
34 decision to divert or dismiss is not appealable.

35 ~~(i)~~(d) **Effect of non-participation** not participating in diversion. The rRespondent has  
36 the right to decline to participate in diversion. If the rRespondent chooses not to  
37 participate in diversion, the matter proceeds ~~pursuant to the Rules of Lawyer Discipline~~  
38 ~~and Disability~~ under these rules.

39 Effective December 15, 2020