

1 **Rule 15-515. Access to disciplinary information.**

2 (a) Confidentiality. Prior to the filing of a formal complaint or the issuance of a public  
3 reprimand pursuant to Rule 15-510 in a discipline matter, the proceeding is confidential, except  
4 that the pendency, subject matter, and status of an investigation may be disclosed by OPC  
5 counsel if the proceeding is based upon allegations that have been disseminated through the mass  
6 media, or include either the conviction of a crime or reciprocal public discipline. The proceeding  
7 shall not be deemed confidential to the extent:

8 (a)(1) the respondent has given an express written waiver of confidentiality;

9 (a)(2) there is a need to notify another person or organization, including the Bar's Licensed  
10 Paralegal Practitioners' Fund for Client Protection, in order to protect the public, the  
11 administration of justice, or the legal profession; or

12 (a)(3) the information is required in a subsequent licensed paralegal practitioner sanctions  
13 hearing;

14 (a)(4) a referral is made to the Professionalism Counseling Board pursuant to Rule 15-510  
15 (a)(4) or (b)(7)(C). In the event of such a referral, OPC counsel, members of the Committee and  
16 of any screening panel, and members of the Professionalism Counseling Board may share all  
17 information between and among them with the expectation that such information will in all other  
18 respects be subject to applicable confidentiality rules or exceptions.

19 (b) Public proceedings. Upon the filing of a formal complaint in a discipline matter, the filing  
20 of a petition for reinstatement, or the filing of a motion or petition for interim suspension, the  
21 proceeding is public, except as provided in paragraph (d) below.

22 (c) Proceedings alleging disability. Proceedings for transfer to or from disability status are  
23 confidential. All orders transferring a respondent to or from disability status are public.

24 (d) Protective order. In order to protect the interest of a complainant, witness, third party, or  
25 respondent, the district court may, upon application of any person and for good cause shown,  
26 issue a protective order prohibiting the disclosure of specific information and direct that the  
27 proceedings be conducted so as to implement the order, including requiring that the hearing be  
28 conducted in such a way as to preserve the confidentiality of the information that is the subject of  
29 the application.

30 (e) Request for nonpublic information. Nonpublic information shall be confidential, other  
31 than as authorized for disclosure under paragraph (a), unless:

32 (e)(1) the request for information is made by the Board, any Bar committee, a committee or  
33 consultant appointed by the Supreme Court or the Board to review OPC operations, or the  
34 executive director, and is required in the furtherance of their duties; or

35 (e)(2) the request for information is approved by OPC counsel and there is compliance with  
36 the provisions of paragraphs (f) and (g) of this rule.

37 (f) Notice to the respondent. Except as provided in paragraph (g), if the Committee decides to  
38 provide nonpublic information requested pursuant to paragraph (e), and if the respondent has not  
39 signed an express written waiver permitting the party requesting the information to obtain the  
40 nonpublic information, the respondent shall be notified in writing at the respondent's last known  
41 designated mailing address as shown by Bar records of that information which has been  
42 requested and by whom, together with a copy of the information proposed to be released. The  
43 notice shall advise the respondent that the information shall be released at the end of 21 days  
44 following mailing of the notice unless the respondent objects to the disclosure. If the respondent  
45 timely objects to the disclosure, the information shall remain confidential unless the requesting  
46 party obtains a court order authorizing its release.

47 (g) Release without notice. If a requesting party as outlined in paragraph (e)(2) has not  
48 obtained an express written waiver from the respondent to obtain nonpublic information, and  
49 requests that the information be released without giving notice to the respondent, the requesting  
50 party shall certify that:

51 (g)(1) the request is made in furtherance of an ongoing investigation into misconduct by the  
52 respondent;

53 (g)(2) the information is essential to that investigation; and

54 (g)(3) disclosure of the existence of the investigation to the respondent would seriously  
55 prejudice that investigation.

56 (h) OPC counsel can disclose nonpublic information without notice to the respondent if:

57 (h)(1) disclosure is made in furtherance of an ongoing OPC investigation into misconduct by  
58 the respondent; and

59 (h)(2) the information that is sought through disclosure is essential to that investigation.

60 (i) Duty of participants. All participants in a proceeding under these rules shall conduct  
61 themselves so as to maintain confidentiality. Except as authorized by other statutes or rules,

62 persons receiving private records under paragraph (e) will not provide access to the records to  
63 anyone else.