

1 **Rule 11-503. Oversight Committee for the Office of Professional Conduct.**

2 (a) **Establishment.** The Oversight Committee for the Office of Professional Conduct
3 (“Oversight Committee”) is established as a Supreme Court committee.

4 (1) **Composition.**

5 (A) The Oversight Committee consists of ~~eight~~~~six~~ ~~five~~ voting members. Among the
6 members, at least one must be a judge; one a member of the public; and one a past
7 chair or past vice-chair of the Ethics and Discipline Committee. At least one of the
8 members must have an accounting or finance background.

9 (B) The executive director of the Utah Bar will be an ex-officio, non-voting member
10 of the Oversight Committee.

11 (2) **Appointment and member roles.** The Utah Supreme Court appoints Oversight
12 Committee members who may serve up to two consecutive staggered ~~three~~~~four~~-year
13 terms. The Supreme Court will select a chair from among the Oversight Committee’s
14 members. Oversight Committee members serve as officers of the court and not as
15 representatives of any client, employer, or other organization or interest group. At the
16 first meeting of the Oversight Committee in any calendar year, and at every meeting
17 at which a new Committee member first attends, each Committee member must
18 briefly disclose the general nature of the member’s legal or other practice.

19 (3) **Meeting schedule.** The Oversight Committee will meet ~~a minimum of as often as~~
20 ~~necessary to accomplish its purposes but at least annually.~~ ~~four~~~~three~~ times per year.

21 (4) **Vacancies.** If there is an Oversight Committee vacancy, the Supreme Court will
22 appoint a new Committee member to serve for the remainder of the unexpired term.

23 (5) **Absences.** If an Oversight Committee member fails to attend two consecutive
24 Committee meetings, the chair may notify the Supreme Court of those absences and
25 may request that the Supreme Court replace that Committee member.

26 (6) **Administrative support.** The Administrative Office of the Courts ~~must~~
27 coordinate administrative support to the Committee.

28 (b) **Oversight Committee purpose, responsibilities, and authority.**

29 (1) **Oversight Committee purpose.** The Oversight Committee's purpose ~~is~~ are to
30 assist the OPC in implementing reforms to the attorney discipline process adopted by
31 the Utah Supreme Court, ~~and~~ to provide oversight for the OPC, and to consider and
32 recommend to the Utah Supreme Court amendments to the rules of administration
33 and procedure applicable to the attorney discipline process.

34 (2) **Oversight Committee responsibilities.** The following comprise the Oversight
35 Committee's responsibilities:

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

38 (B) Approve the budget for the OPC and annually submit the budget to the
39 Supreme Court and the Bar;

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

42 (D) Annually, in conjunction with Chief Disciplinary Counsel and the Ethics and
43 Discipline Committee chair, report to the Court regarding the operations of the
44 OPC and the general standing of disciplinary matters and procedures, including
45 time to disposition reports for the OPC's cases;

46 (E) ~~Develop~~ Review and monitor ~~formal policies for~~ the OPC's formal policies,
47 including records retention policies;

48 (F) Recommend rules of administration and procedure to the Supreme Court;

49 (G) Recommend a Chief Disciplinary Counsel to be appointed by the Supreme
50 Court;

51 (H) Monitor the OPC's workload and recommend to the Supreme Court and the
52 Bar resources to ensure the OPC has adequate OPC staffing; and

53 (I) Review and consider any public input.

54 ~~(J) Monitor time to disposition reports for the OPC's cases; and~~

55 ~~(K) Recommend to the Utah State Bar any needed employee resources to ensure the~~
56 ~~OPC has necessary administrative support to carry out its prosecutorial duties.~~

57 (3) **Authority.** The Oversight Committee does not have authority to interfere with the
58 prosecutorial independence of the OPC, but is granted access to confidential
59 information as necessary to carry out its duties.

60 (c) **Complaints and appeals.**

61 (1) Any person may file with the Oversight Committee chair a complaint alleging
62 prosecutorial malfeasance regarding the Chief Disciplinary Counsel. If necessary, the
63 Oversight Committee may enter a recommendation to the Supreme Court, which may
64 take appropriate action.

65 (2) If a complaint regarding the Chief Disciplinary Counsel is received in the OPC's
66 office, the Chief Disciplinary Counsel must forward the complaint to the Oversight
67 Committee chair within a reasonable time, but not more than 14 days after receipt.

68 (3) Any person may file with the Chief Disciplinary Counsel a complaint alleging
69 prosecutorial malfeasance ~~or a violation of the Rules of Professional Conduct~~
70 regarding OPC Counsel or staff. The Chief Disciplinary Counsel's decision regarding
71 the complaint is final and not subject to appeal. The Chief Disciplinary Counsel's
72 decision may include an appropriate action taken against the person who is the
73 subject of the complaint.

74 (4) A complaint must be in writing, stating the name and contact information of the
75 complainant, the nature of the complaint, and the facts on which the complaint is
76 based.

77 (5) Unless the appropriate action taken on a complaint is part of a formal proceeding,
78 any action taken is confidential.

79 *Effective November 1, 2024*