

1 **Rule 11-520. Chief Disciplinary Counsel and OPC counsel.**

2 (a) Appointment and qualifications. The Supreme Court will appoint a Lawyer licensed
3 to practice in Utah to serve as Chief Disciplinary Counsel. Neither the Chief Disciplinary
4 Counsel nor any full-time assistant disciplinary counsel may engage in the private
5 practice of law for payment. The Chief Disciplinary Counsel, OPC Counsel, and OPC
6 staff are is an are employees employees of the Utah State Bar and subject to its personnel
7 policies. bar supervised by the Oversight Committee for the Office of Professional
8 Conduct and. The Chief Disciplinary is supervised by the Oversight Committee and
9 serves at the pleasure of the Supreme Court.

10 (b) Chief Disciplinary Counsel responsibilities. The Chief Disciplinary Counsel serves at
11 the pleasure of the Utah Supreme Court and has the following responsibilities:

12 (1) Hire and manage OPC Counsel and staff to ensure quality investigations,
13 discipline, and sanctions.

14 (2) Develop the budget for Oversight Committee approval.

15 (3) Monitor and report to the Oversight Committee regarding the OPC's
16 operations and the efficiency and effectiveness of the disciplinary system.

17 (4) Work in conjunction with the Oversight Committee and the Utah State Bar to
18 ensure the OPC has the necessary employee resources to carry out the
19 prosecutorial functions of the office.

20 (54) Prepare and submit an annual report to the Oversight Committee and Supreme
21 Court on or about February 1 of each year for the preceding calendar year.

22 (A) The report must include:

23 (i) the number of disciplinary cases investigated;

24 (ii) the number of disciplinary cases brought before the Committee;

25 (iii) Actions filed;

26 (iv) dispositions, including diversionary dispositions;

27 (v) cases dismissed;

28 (vi) ~~time to disposition reports~~~~case aging statistics~~; and

29 ~~(vii) informal ethics advisory opinions issued by the Bar~~; and

30 (viii) such other information as may be helpful to the Supreme Court in

31 understanding the OPC's operations and the efficiency and effectiveness of the

32 disciplinary system.

33 (B) Such report may contain recommendations for rule amendments or changes in

34 the OPC or Ethics and Discipline Committee procedure. The Oversight Committee

35 may amend the report before releasing it to the Supreme Court.

36 (c) OPC Counsel.

37 (1) Qualification and responsibilities. OPC Counsel must be licensed to practice law

38 in Utah.

39 (2) OPC Counsel will be selected by the Chief Disciplinary Counsel. An OPC Counsel

40 is an at-will employee subject to dismissal by the Chief Disciplinary Counsel, in

41 conjunction with the Bar's Executive Director and General Counsel, with or without

42 cause.

43 (d) Disqualification and conflicts of interest. In addition to complying with the Rules of

44 Professional Conduct regarding successive government and private employment (Rule

45 1.11 of the Rules of Professional Conduct), former OPC Counsel may not personally

46 represent a Respondent as to any Complaint or Action within one year after completing

47 the former OPC Counsel's service. In addition to the one-year prohibition, former OPC

48 Counsel may not personally represent a Respondent in any Complaint or Action that the

49 OPC investigated or prosecuted during the term of the former OPC Counsel's

50 employment.

51 *Effective November 1, 2024*