

1 **Rule 11-521. OPC prosecutorial powers and duties.**

2 (a) The Chief Disciplinary Counsel ~~will perform all~~has exclusive authority over the OPC's  
3 prosecutorial functions and ~~has~~have the following powers and duties, which may be  
4 delegated to other staff:

5 (1) Screen all information coming to the attention of the OPC to determine whether it  
6 is within the jurisdiction of the OPC in that it relates to misconduct by a Lawyer or to  
7 the incapacity of a Lawyer.

8 (2) Investigate all information coming to the attention of the OPC which, if true, would  
9 be grounds for discipline or transfer to disability status, and investigate all facts  
10 pertaining to petitions for reinstatement or relicensure.

11 (3) Choose to dismiss, decline to prosecute, refer nonfrivolous and substantial  
12 Complaints to the Committee for hearing, or petition the district court for interim  
13 discipline or for transfer to disability status.

14 (4) Prosecute before the screening panels, the district courts, the Supreme Court, and  
15 any other courts, including but not limited to, any court of the United States all  
16 disciplinary cases and proceedings for transfer to or from disability status.

17 (5) Attend the Character and Fitness Committee proceedings in all cases for  
18 relicensure, and represent the OPC before the district courts, Supreme Court, and any  
19 other courts including, but not limited to, any court of the United States in all cases  
20 for reinstatement and relicensure.

21 (6) ~~A~~Employ or appoint and supervise staff needed for the performance of  
22 prosecutorial functions and delegate such responsibilities as may be reasonably  
23 necessary to perform the OPC's prosecutorial functions, ~~including supervising~~  
24 ~~attorneys who provide pro bono services to the Bar, by supervising the practice of~~  
25 ~~Respondents who have been placed on probation.~~

26 (7) Notify each jurisdiction in which a Respondent is licensed of a transfer to disability  
27 status or any public discipline imposed in Utah.

28 (8) Seek reciprocal discipline where appropriate when informed of any public  
29 discipline imposed by another court, another jurisdiction, or a regulatory body having  
30 disciplinary jurisdiction.

31 (9) Forward a certified copy of the judgment of conviction to the disciplinary agency  
32 in each jurisdiction in which a Lawyer is licensed when the Lawyer is convicted of a  
33 crime in Utah which reflects adversely on the Lawyer's honesty, trustworthiness, or  
34 fitness as a Lawyer.

35 (10) Maintain records of discipline and disability matters subject to any expungement  
36 requirements and compile statistics to aid in the administration of the system,  
37 including but not limited to, a log of all Complaints received, investigative files,  
38 statistical summaries of rules violated and dispositions, any transcripts of  
39 proceedings, and other records as the Supreme Court requires to be maintained.

40 (11) Provide informal guidance concerning professional conduct to Lawyers through  
41 seminars that will promote ethical conduct, formulate diversionary programs,  
42 monitor probations, and disseminate disciplinary results to the Bar and the public  
43 through the Utah Bar Journal and otherwise as appropriate while maintaining the  
44 confidentiality of Respondents subject to private discipline.

45 *Effective November 1, 2024*