

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

3 *Effective: 12/15/2020*

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

6 (1) **Composition.**

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

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

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

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

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

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

29 (6) **Administrative support.** The Administrative Office of the Courts ~~must~~
30 ~~shall~~ coordinate administrative support to the Committee.

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

32 (1) **Oversight Committee purpose.** The Oversight Committee’s purpose is to assist
33 the OPC in implementing reforms to the attorney discipline process adopted by the
34 Utah Supreme Court and to provide oversight for the OPC.

35 (2) **Oversight Committee responsibilities.** The following comprise the Oversight
36 Committee’s responsibilities:

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

- 39 (B) Approve the budget for the OPC and annually submit the budget to the
40 Supreme Court and the Bar;
- 41 (C) Conduct a needs assessment for the OPC, setting forth a three- to five-
42 year funding plan for the disciplinary process, including technology and
43 staffing needs;
- 44 (D) Annually, in conjunction with Chief Disciplinary Counsel and the Ethics
45 and Discipline Committee chair, report to the Court regarding the operations
46 of the OPC and the general standing of disciplinary matters and procedures;
- 47 (E) Develop and monitor formal policies for the OPC, including records
48 retention policies;
- 49 (F) Recommend rules of administration and procedure to the Supreme Court;
- 50 (G) Recommend a Chief Disciplinary Counsel to be appointed by the Supreme
51 Court;
- 52 (H) Monitor the OPC's workload and recommend to the Supreme Court
53 adequate OPC staffing; ~~and~~
- 54 (I) Review and consider any public input;
- 55 [\(J\) Monitor time to disposition reports for the OPC's cases; and](#)
- 56 [\(K\) Recommend to the Utah State Bar any needed employee resources to](#)
57 [ensure the OPC has necessary administrative support to carry out its](#)
58 [prosecutorial duties.](#)

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

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

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

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

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

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

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