

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

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3 (a) **Appointment and qualifications.** The Supreme Court will appoint a Lawyer licensed  
4 to practice in Utah to serve as Chief Disciplinary Counsel. Neither the Chief Disciplinary  
5 Counsel nor any full-time assistant disciplinary counsel may engage in the private practice  
6 of law for payment. The Chief Disciplinary Counsel is an employee of the Utah State Bar  
7 supervised by the Oversight Committee for the Office of Professional Conduct and the  
8 Supreme Court.

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

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

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

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

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

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

20 (A) The report must include:

21 (i) the number of disciplinary cases investigated;

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

23 (iii) Actions filed;

24 (iv) dispositions, including diversionary dispositions;

25 (v) cases dismissed;

26 (vi) ~~case-aging~~time to disposition ~~statistics~~reports;

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

28 (viii) such other information as may be helpful to the Supreme Court  
29 in understanding the OPC's operations and the efficiency and  
30 effectiveness of the disciplinary system.

31 (B) Such report may contain recommendations for rule amendments or  
32 changes in the OPC or Ethics and Discipline Committee procedure. The  
33 Oversight Committee may amend the report before releasing it to the  
34 Supreme Court.

35 (c) **OPC Counsel.**

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

38 (2) OPC Counsel will be selected by the Chief Disciplinary Counsel. An OPC Counsel is  
39 an at-will employee subject to dismissal by the Chief Disciplinary Counsel with or  
40 without cause.

41 (d) **Disqualification and conflicts of interest.** In addition to complying with the Rules of  
42 Professional Conduct regarding successive government and private employment (Rule 1.11  
43 of the Rules of Professional Conduct), former OPC Counsel may not personally represent a  
44 Respondent as to any Complaint or Action within one year after completing the former OPC  
45 Counsel's service. In addition to the one-year prohibition, former OPC Counsel may not  
46 personally represent a Respondent in any Complaint or Action that the OPC investigated or  
47 prosecuted during the term of the former OPC Counsel's employment.  
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