

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

2 (a) The Chief Disciplinary Counsel ~~has exclusive authority over~~~~will perform~~ all  
3 prosecutorial functions and ~~have~~ has 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  
6 it is within the jurisdiction of the OPC in that it relates to misconduct by a Lawyer or  
7 to the incapacity of a Lawyer.

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

14 (4) Prosecute before the screening panels, the district courts, the Supreme Court,  
15 and 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  
19 any other courts including, but not limited to, any court of the United States in all  
20 cases for reinstatement and relicensure.

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

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

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

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

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

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