

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

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

(1) Composition.

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

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

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

(3) **Meeting schedule.** The Oversight Committee will meet a minimum of three times per year.

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

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

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

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

(1) **Oversight Committee purpose.** The Oversight Committee's purposes are to assist the OPC in implementing reforms to the attorney discipline process adopted by the ~~Utah~~ Supreme Court, to provide oversight for the OPC, and to consider and recommend to the ~~Utah~~ Supreme Court amendments to the rules of administration and procedure applicable to the attorney discipline process.

(2) **Oversight Committee responsibilities.** The following comprise the Oversight Committee's responsibilities:

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

(B) Approve the budget for the OPC and annually submit the budget to the Supreme Court and the Bar;

(C) Conduct a needs assessment for the OPC, setting forth a three- to five-year funding plan for the disciplinary process, including technology and staffing needs;

(D) Annually, in conjunction with Chief Disciplinary Counsel and the Ethics and Discipline Committee chair, report to the Supreme Court regarding the operations of the OPC and the general standing of disciplinary matters and procedures, including time to disposition reports for the OPC's cases;

(E) Review and approve the OPC's formal policies, including records retention policies;

(F) Recommend rules of administration and procedure to the Supreme Court;

(G) Recommend a Chief Disciplinary Counsel to be appointed by the Supreme Court;

(H) Monitor the OPC's workload and recommend to the Supreme Court and the Bar resources to ensure the OPC has adequate OPC staffing;

(I) Review and consider any public input;

(J) Monitor time to disposition reports for the OPC's cases; and

(K) Recommend to the ~~Utah State~~ Bar any needed employee resources to ensure the OPC has necessary administrative support to carry out its prosecutorial duties.

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

(c) Prosecutorial malfeasance ~~c~~ **Complaints and appeals.**

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

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

(3) Any person may file with the Chief Disciplinary Counsel a complaint alleging prosecutorial malfeasance regarding ~~OPC Counsel~~ deputy chief disciplinary counsel, assistant disciplinary counsel, or staff. The Chief Disciplinary Counsel's decision regarding the complaint is final and not subject to appeal. The Chief Disciplinary Counsel's decision may include an appropriate action taken against the person who is the subject of the complaint.

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

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