

1 **Rule 1-502. Definitions.**

2 As used in this article:

3 (a) "Action" means a lawsuit filed by the OPC in district court alleging Lawyer
4 misconduct or seeking to transfer a Lawyer to disability status.

5 (b) "Bar" means the Utah State Bar.

6 (c) "Bar Commission" or "Commission" means the Board of Bar Commissioners of the
7 Utah State Bar.

8 (d) "Chief Disciplinary Counsel" means the lawyer the Supreme Court appoints to
9 manage the OPC.

10 (e) "Committee" means the Ethics and Discipline Committee of the Supreme Court.

11 (f) "Complainant" means ~~either (1) the~~ a person, other than the OPC, who files a
12 Complaint, ~~or (2) the OPC after opening an investigation.~~

13 (g) "Complaint" means any written allegation of Lawyer misconduct or incapacity
14 containing an unsworn declaration as to the accuracy of the information provided.

15 (h) "injury" means harm to a client, the public, the legal system, or the profession that
16 results from a lawyer's misconduct. The level of injury can range from "serious" injury
17 to "little or no" injury; a reference to "injury" alone indicates any level of injury greater
18 than "little or no" injury.

19 (i) "intent" means the conscious objective or purpose to accomplish a particular result.

20 (j) "knowledge" means the conscious awareness of the nature or attendant circumstances
21 of the conduct but without the conscious objective or purpose to accomplish a particular
22 result.

23 (k) "Lawyer" includes those licensed to practice law in any jurisdiction of the United
24 States, foreign legal consultants, and licensed paralegal practitioners, insofar as the
25 licensed paralegal practitioner is authorized to practice under Utah Special Practice
26 Rule 14-802, unless provided otherwise.

(l) “licensed” includes lawyers admitted to the Bar, unless provided otherwise.

(m) “negligence” means a Lawyer’s failure to heed a substantial risk that circumstances exist or that a result will follow, which failure is a deviation from the standard of care that a reasonable Lawyer would exercise in the situation.

(n) “Notice” means the notice the OPC sends to the Respondent after a preliminary investigation, which identifies the possible violation(s) of the Rules of Professional Conduct ~~or Licensed Paralegal Practitioner Rules of Professional Conduct~~, raised by the Complaint as the OPC has preliminarily determined.

(o) “OPC” means the Office of Professional Conduct.

(p) “OPC Counsel” means Chief Disciplinary Counsel, deputy chief disciplinary counsel, and any assistant disciplinary counsel.

(q) “Oversight Committee” means the committee established in [Rule ~~1~~1-503](#) to oversee the OPC.

(r) “potential injury” means the harm to a client, the public, the legal system, or the profession that is reasonably foreseeable at the time of the lawyer’s misconduct, and which, but for some intervening factor or event, would probably have resulted from the lawyer’s misconduct.

(s) “Respondent” means a Lawyer subject to the disciplinary jurisdiction of the Supreme Court against whom a Complaint has been filed or an Action has been initiated.

(t) “Rules of Professional Conduct” means the rules in Chapter ~~1~~3 of the Supreme Court Rules of Professional Practice and “Licensed Paralegal Practitioner Rules of Professional Conduct” means the rules in Chapter ~~1~~5, article 12 of the Supreme Court Rules of Professional Practice.

[\(u\) To “send” a document means to mail, email, or hand-deliver it.](#)

[\(v~~u~~\)](#) “Supreme Court” means the Utah Supreme Court.