

Rule 1-523. OPC investigative subpoenas.

(a) **Power to subpoena.** The OPC may request that the Committee chair approve serving on a Respondent or third party a subpoena to produce documents, electronically stored information, or tangible things in the possession, custody, or control of that person.

(b) **Requesting a subpoena.** The OPC must file a written request with the Committee chair for a subpoena and attach a copy of the proposed subpoena. The OPC must ~~mail or~~ [email send](#) a copy of the request and proposed subpoena to the Respondent's address according to the Bar's records. The request must describe the purpose for seeking the subpoena. Any objections to the request must be filed with the chair within seven days after the subpoena request is sent. Within seven business days after the time for filing an objection expires, the Committee chair will grant or deny the subpoena request, without a hearing, based on weighing:

(1) the materiality and necessity of the requested documents, electronically stored information, or tangible things; and

(2) the burden to the custodian of producing the documents, electronically stored information, or tangible things.

(c) **Serving the subpoena.** If the Committee chair grants the request, the OPC may sign and serve the subpoena in accordance with [Rule 45](#) of the Utah Rules of Civil Procedure.

(d) **Costs.** Costs are reimbursed by the OPC as provided under [Rule 45](#) of the Utah Rules of Civil Procedure.

(e) **Quashing or enforcing a subpoena.** A district court in the district in which the attendance or production is being sought may, upon proper application, quash the subpoena, or enforce the production of any documents subpoenaed as provided for in [Rule 45](#) of the Utah Rules of Civil Procedure. Any resulting order is not appealable before the entry of a final order in the disciplinary proceeding.