

1 **Rule 1-535. Appealing a final Committee ~~determination~~ disposition to the Supreme**
2 **Court.**

3 (a) Within 28 days after the Committee chair ~~serves~~ sends a final, written disposition, the
4 Respondent or the OPC may appeal the disposition to the Supreme Court and ask the
5 Court to reverse or modify the final Committee disposition. An appeal under this rule is
6 only available in cases where exceptions have been filed. Until the time for filing an
7 appeal expires, dissemination of disciplinary information will be automatically stayed. If
8 a timely appeal is filed, the stay will remain in place pending the Supreme Court's
9 resolution unless the Court orders otherwise.

10 (b) An appeal under this rule will be subject to the procedures set forth in Title III of the
11 Utah Rules of Appellate Procedure. Documents submitted under this rule must conform
12 to the requirements of Rules 27(a) and or 27(b) of the Utah Rules of Appellate Procedure.

13 (c) A party requesting a transcript of the record below will bear the costs. The party
14 obtaining the transcript must file it with the appellate clerk, together with an unsworn
15 declaration establishing the transcript's chain of custody.

16 (d) The Supreme Court will ~~conduct a review of~~ the matter based on the record.

17 (e) The party requesting review has the burden of demonstrating that the Committee
18 action was:

19 (1) based on a determination of fact not supported by substantial evidence when
20 viewed in light of the whole record before the Court;

21 (2) an abuse of discretion;

22 (3) arbitrary or capricious; or

23 (4) contrary to Chapter ~~11~~, Article 5 of the Supreme Court Rules of Professional
24 Practice.