

**Rule 1-561. Accessing disciplinary information.**

(a) **Confidentiality.** Before the OPC initiates an Action or publishes notice of a public reprimand, OPC Counsel, OPC staff, the Committee, Committee volunteers, Committee staff, Committee employees, special counsel appointed pursuant to [Rule 1-542](#), and special counsel employees or assistants, must keep the proceeding confidential, but the OPC may disclose the pendency, subject matter, and status of an investigation if the proceeding is based on [an](#) ~~allegation~~s disseminated through the mass media, or include either the conviction of a crime or reciprocal public discipline. The proceeding is not confidential to the extent:

(1) the Respondent has given an express written waiver of confidentiality;

(2) there is a need to notify another person or organization—including the Bar’s Lawyer’s Fund for Client Protection—~~or Licensed Paralegal Practitioners’ Fund for Client Protection~~—to protect the public, the administration of justice, or the legal profession;

(3) the information is required in a subsequent Lawyer sanctions hearing; or

(4) a referral is made to the Professionalism and Civility Counseling Board, in which event OPC Counsel, Committee members, screening panel members, and Professionalism and Civility Counseling Board members may share all information between and among them with the expectation that such information will in all other respects be subject to applicable confidentiality rules or exceptions.

(b) **Public proceedings.** Upon filing an Action or a petition for reinstatement or relicensure, the proceedings are public, except as provided in paragraph (d) ~~below~~.

(c) **Proceedings alleging disability.** Proceedings for transfer to or from disability status are confidential. All orders transferring a Respondent to or from disability status are public.

(d) **Protective order.** To protect the interest of a Complainant, witness, third party, or Respondent, the district court may, on any person's request and for good cause, issue a protective order prohibiting the disclosure of specific information and direct that the proceedings be conducted so as to implement the order, including requiring that the hearing be conducted in such a way as to preserve the confidentiality of the information that is the subject of the application.

(e) **Request for nonpublic information.** Nonpublic information is confidential, other than as authorized for disclosure under paragraph (a), unless the [OPC approves the request for information](#) ~~is approved by the OPC~~ and the requestor complies with paragraphs (f) and (g).

(f) **Notice to the Respondent.** Except as provided in paragraph (g), if the Committee decides to provide nonpublic information requested pursuant to paragraph (e), and if the Respondent has not signed an express written waiver permitting the party requesting the information to obtain the nonpublic information, the [Committee must send the Respondent](#) ~~must be notified in writing at the Respondent's mailing address as shown by Bar records of notice that~~ the information ~~that~~ has been requested and by whom, together with a copy of the information proposed to be released. The notice must advise the Respondent that the information will be released 21 days after the notice [was sent](#) ~~'s mailing~~ unless the Respondent objects to the disclosure. If the Respondent timely objects to the disclosure, the information must remain confidential unless the requesting party obtains a court order authorizing its release.

(g) **Release without notice.** If a requesting party as ~~outlined~~ [provided](#) in paragraph (e) has not obtained an express written waiver from the Respondent to obtain nonpublic information, and requests that the information be released without giving notice to the Respondent, the requesting party must certify that:

- (1) the request will further an ongoing investigation into the Respondent's misconduct;

(2) the information is essential to that investigation; and

(3) disclosing the existence of the investigation to the Respondent would seriously prejudice that investigation.

(h) **Disclosure without notice.** The OPC may disclose nonpublic information without notice to the Respondent if:

(1) disclosure furthers an ongoing OPC investigation into the Respondent's misconduct; and

(2) disclosure is essential to that investigation.

(i) **Participants' duty.** OPC Counsel, OPC staff, the Committee, Committee volunteers, Committee staff, Committee employees, special counsel appointed pursuant to [Rule 41-542](#), and special counsel employees or assistants in a proceeding under these rules must maintain confidentiality. Unless otherwise authorized, persons receiving private records under paragraph (e) will not provide access to the records to anyone else.