

Rule 1-567. Reciprocal discipline.

(a) **Duty to notify the OPC of discipline or transfer to disability inactive status.** When another court, jurisdiction, or regulatory body having disciplinary jurisdiction publicly disciplines or transfers to disability inactive status a Lawyer licensed to practice in Utah, such Lawyer must inform the OPC of the discipline or transfer within 28 days. If the OPC receives notification from any source that a Lawyer within the Supreme Court's jurisdiction has been publicly disciplined or transferred to disability inactive status by any other jurisdiction, the OPC must obtain a certified copy of the disciplinary order.

(b) ~~Serving~~ Sending notice ~~on to~~ Lawyer. On receiving a certified copy of an order demonstrating that a Lawyer licensed to practice in Utah has been publicly disciplined or transferred to disability inactive status by another court, jurisdiction, or regulatory body having disciplinary jurisdiction, the OPC will ~~issue~~ send a notice directed to the Lawyer containing:

(1) a copy of the order from the other court, jurisdiction, or regulatory body; and

(2) a notice giving the Lawyer the right to inform the OPC, within 28 days ~~from service of~~ after the notice is sent, of any claim by the Lawyer predicated on the grounds set forth in paragraph (d), that imposing discipline or transfer in Utah would be unwarranted and stating the reasons for that claim.

(c) **Effect of stay of discipline in another jurisdiction.** If the discipline or transfer imposed in the other court, jurisdiction, or regulatory body has been stayed, any reciprocal discipline or transfer imposed in Utah will be deferred until the stay expires.

(d) **Discipline to be imposed.**

(1) ~~After 28~~ Twenty-eight days ~~from after service of~~ the notice is sent under paragraph (b), the district court will take such action as may be appropriate to cause the discipline or transfer to be imposed in this jurisdiction, unless it clearly appears on the face of the record from which the discipline or transfer is predicated that:

(A) the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;

(B) imposing discipline would result in grave injustice;

(C) the misconduct warrants substantially different discipline in Utah or is not misconduct in this jurisdiction; or

(D) the reason for the original transfer to disability inactive status no longer exists.

(2) If the district court determines that any of these elements exist, it will enter such other order as it deems appropriate. The burden is on the Lawyer seeking different discipline or transfer to demonstrate that imposing discipline or transfer is not appropriate.

(e) **Other jurisdictions' final adjudications.** Except as provided in paragraphs (c) and (d) ~~above~~, a finding that a Respondent ~~who has been found~~is guilty of misconduct or is transferred to disability inactive status in a final adjudication of another court, jurisdiction, or regulatory body will establish conclusively the misconduct or the disability for purposes of a disciplinary or disability proceeding in Utah.