Rule 1-542. ~~**Additional rules of procedure.**~~ **Complaints against OPC Counsel, Committee members, the Bar Commission, or Lawyers employed by the Bar.**

~~(a) **Governing rules.** Unless otherwise provided in this article, the Utah Rules of Civil Procedure, Utah Rules of Appellate Procedure, and Utah Rules of Evidence apply in Actions.~~

~~(b) **Standard of proof.** Claims or requests for relief brought in an Action, a petition for reinstatement and relicensure, or a petition for transfer to and from disability status must be established by a preponderance of the evidence. A claim for interim discipline under Rule 1-563 must also be established by a preponderance of the evidence.~~

~~(c) **Burden of proof.** The OPC carries the burden of proof in a discipline proceeding and in seeking a transfer to disability status. The Respondent carries the burden of proof in seeking a reversal of a screening panel recommendation of discipline, reinstatement, relicensure, or transfer from disability status.~~

~~(d) **Related pending litigation.** Either party may request a stay of an Action because the claims alleged in the Action are substantially similar to the material allegations of a pending criminal or civil case or Action.~~

~~(e) **The Complainant's actions.** An Action will not be abated due to:~~

~~(1) the Complainant's unwillingness to prosecute a Complaint;~~

~~(2) settlement or compromise between the Complainant and the Respondent; or~~

~~(3) restitution by the Respondent.~~

~~(f) **Complaints against OPC Counsel, Committee members, the Bar Commission, or Lawyers employed by the Bar.**~~

(a) **Assignment.** The Committee chair will assign to a screening panel chair or vice chair any Complaint filed against OPC Counsel, a Committee member, a Bar Commission member, or a Lawyer employed by the Bar. ~~The assigned panel chair will review the~~

~~Complaint and any additional material that the screening panel chair asks the Respondent to provide.~~

~~(1) A Complaint will be dismissed without hearing by a screening panel if, after considering all factors, the chair determines the Complaint is:~~

~~(A) frivolous or unintelligible;~~

~~(B) barred by the statute of limitations;~~

~~(C) being or should have been addressed in another more appropriate forum; or~~

~~(D) unsupported by fact or does not raise probable cause of any unprofessional conduct.~~

~~(2) The screening panel chair~~ (1) The assigned chair will review the Complaint and any additional material that the assigned chair asks the Respondent to provide. The assigned chair will have access to any information the OPC ordinarily would consider in reviewing a complaint, including other Complaints filed by the Complainant or against the Respondent.

(2) The assigned chair may dismiss or decline to prosecute the Complaint for the reasons identified in Rule 1-530(i). The Committee chair must notify the OPC and the Complainant of the dismissal and the reasons for dismissal.

~~(3) The Complainant may appeal the screening panel chair's dismissal to the Committee chair within 21 days after notification of the dismissal is sent.~~

~~(4) Upon appeal, the Committee chair must conduct a de novo review of the file, and either affirm or reverse the dismissal.~~

~~(5~~(3~~g~~) If the ~~screening panel~~assigned chair determines not to dismiss the Complaint, or if the Committee chair reverses the dismissal on appeal, the Committee chair must request that the Supreme Court appoint a special counsel to present the case, and if warranted~~necessary~~, a special screening panel. In all other respects, the matter will

proceed in accordance with this article. Special counsel must be a lawyer outside of the OPC appointed by the Supreme Court to act as counsel for investigation and prosecution of the Complaint. Special counsel must notify the OPC of the results of the investigation.

(b) **Appeal.** The Complainant may appeal the assigned chair's dismissal to the Committee chair within 21 days after notification of the dismissal is sent. The appeal will proceed in accordance with Rule 1-530(j).