Rule 1-533. ~~General~~ Miscellaneous procedures; standard and burden of proof; abatement.

(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 to Actions.

(b~~a~~) **Testimony**. All testimony given before a screening panel or ~~the~~ an e~~E~~xceptions o~~O~~fficer must be under oath.

~~(b) **Service**. To the extent applicable, the Utah Rules of Civil Procedure govern the service or filing of documents.~~

(c) ~~**Abeyance of disciplinary proceedings**~~**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.

(d) **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.

(e) **Related pending litigation.** ~~Either~~Any party may request a stay of an Action or an abeyance of ~~A~~ disciplinary proceedings ~~may be held in abeyance by the Committee chair at any time before a screening panel hearing, when~~ because the ~~allegations or~~ claims alleged in the ~~Complaint contain matters of substantial similarity to the material allegations~~ Action are substantially similar to~~of~~ a pending criminal or civil ~~litigation in which the Respondent is involved.~~ ~~Case or Action~~proceeding. A r~~R~~equest~~s~~ for a ~~stays or~~n abeyance~~s~~ ~~and~~ or a request~~s~~ to remove a proceeding~~s~~ from abeyance must be filed with the Committee clerk. A request~~s~~ to stay an Action or lift a stay from an Action must be filed with the district court.

(f) **The Complainant's actions.** Neither a disciplinary proceeding nor an ~~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.

Effective~~: 12/15/2020~~