

Executive Summary

Supreme Court Committee for the Evaluation of the ABA Report on the Utah Lawyer Discipline System

The Utah Supreme Court, with the support of the Utah State Bar, asked the American Bar Association (ABA) to conduct an evaluation of Utah's attorney discipline system and make recommendations to increase the efficiency and effectiveness of Utah's discipline system. The Court asked the ABA to conduct the evaluation because the ABA has developed model disciplinary procedures and has completed similar evaluations for over 64 different discipline systems. In April, 2017, the ABA Standing Committee on Professional Discipline submitted its findings to the Utah Supreme Court in a report titled "Utah, Report on the Lawyer Discipline System" (ABA Report).

The ABA Report found that the Utah Supreme Court, the Office of Professional Conduct, the Ethics and Discipline Committee, and volunteer staff and leadership of the Utah State Bar are all committed to maintaining an effective and fair lawyer disciplinary system. The ABA Report also commended the Supreme Court for adopting effective Rules of Professional Conduct and other mechanisms to protect Utah citizens. The ABA Report's suggestions for improving Utah's lawyer discipline system can be summarized with three general themes: 1) Utah's Office of Professional Conduct appears too intertwined with the operations of the Utah State Bar, which may undermine public trust and confidence in the attorney discipline system; 2) Utah should adopt a different procedural model similar to some other states, which could increase the speed and efficiency of the disciplinary process; and 3) Utah needs to take steps to increase confidence in the neutrality of the discipline process.

The Supreme Court established a committee to evaluate the ABA Report recommendations. The voting members of the ABA/OPC Committee included a representative from the public, the President of the Utah State Bar (USB), the Ethics and Discipline Committee Chair, District Court judges, a Court of Appeals judge, an attorney who represent lawyers who are the subject of disciplinary actions, an attorney who represents the press, former and current Screening Panel members, representatives of the Administrative Office of the Courts, and a law school professor. The Committee included the following non-voting members: the President of the Utah State Bar (USB); the Executive Director of the USB; General Counsel for the USB; and the Office of Professional Conduct Senior Counsel.

The Committee met monthly from September, 2017 until August, 2018. A Summary of the Committee's Recommendations is attached. The full report of the Committee's review of the ABA Report is also attached.