



## Agenda

### Utah Supreme Court's Oversight Committee For the Office of Professional Conduct

*Arthur B. Berger, Chair*

Location:	Meeting held through Webex and in person at: Matheson Courthouse, Judicial Council Room – Room N. 301 450 S. State St. Salt Lake City, Utah 84111 <a href="https://utcourts.webex.com/utcourts/j.php?MTID=mb774e6746105c3eaf2f6e91c1938ef1">https://utcourts.webex.com/utcourts/j.php?MTID=mb774e6746105c3eaf2f6e91c1938ef1</a>
Date:	March 25, 2026
Time:	4:30 to 6:00 p.m.

<b>Action:</b> Welcome and approval of December 9, 2025 Minutes	Tab 1	Art Berger, Chair
<b>Action:</b> OPC Annual Report	Tab 2	Christine Greenwood
<b>Action:</b> SCRP 1-530 (Previously UCJA 11-530)	Tab 3	Christine Greenwood and Beth Kennedy
<b>Discussion:</b> Old/new business		Art Berger

**Committee Webpage:** <https://www.utcourts.gov/utc/opc/>

Tab 1



## Utah Supreme Court's Oversight Committee for the Office of Professional Conduct

### Draft Meeting Minutes

December 9, 2025

Meeting held through Webex and in person

Matheson Courthouse

Judicial Council Room

450 S. State St.

Salt Lake City, UT 84111

4:30–6:00 p.m.

*Arthur B. Berger, presiding*

#### Attendees:

Arthur Berger, Chair

Mark Hindley

Eric Jenkins

Aeryn Murphy

Margaret Plane

Judge Laura Scott

Roger Smith

Elizabeth Wright, Ex-officio member

#### Guests:

Christine Greenwood, Office of Professional Conduct

Beth Kennedy, Chair-Ethics & Discipline Committee

#### Staff:

Nick Stiles, Appellate Court Administrator

Amber Griffith, Recording Secretary

#### Excused

Lara Swensen

### 1. Welcome and Approval of April 9, 2025 minutes: (Arthur Berger)

Arthur Berger welcomed everyone to the meeting and asked for approval of the minutes from the April 9, 2025 meeting.

*Mark Hindley moved to approve the minutes. Roger Smith seconded that motion, and the minutes were unanimously approved.*

## 2. Action – UCJA Rule 11-530: (Christine Greenwood, Beth Kennedy)

Christine Greenwood explained to the Committee that unprofessional conduct complaints are one of the largest number of complaints that the OPC receives each year. This year they have received over 1,000. These appeals are easy to file and require a *de novo* review. Beth Kennedy added that the proposed changes will help guide the review process.

Aeryn Murphy questioned whether some of these complaints are individuals who are seeking damages from harm and wondered if it should be noted in the rule how damages may be sought. Ms. Greenwood stated that the information is included in their first letter that they send complainants, but perhaps it should be clarified in the rule.

Ms. Kennedy noted that they have spoken with the Supreme Court on whether complainant is currently being defined as a complainant or the OPC, but they will need to do research on that. If they determine the term needs to be clarified, they will need to make global changes throughout the rules.

The Committee reviewed the proposed amendments and made the following edits and suggestions.

- Changed “unprofessional conduct” to “professional misconduct” to make the proposed name change in the title of the rule consistent throughout the rule.
- “As set forth in paragraph (i) of this rule” was added to line 28 to clarify that potential reasons OPC may decline to prosecute a complaint is outlined in a later paragraph.
- Margaret Plane questioned whether the OPC was opening the door for individuals to request additional investigations being completed by splitting out initial and additional investigations. Possible language to be added was “at OPC’s discretion additional investigation may be completed.”
- Judge Scott suggested creating a new paragraph that at any point in the process the OPC can request additional information instead of having this information noted in numerous paragraphs throughout the rule.
- Mr. Berger noted that throughout the rule we state we will contact parties by mail or email. The Committee discussed the issue and decided the best course of action would be to create a definition of service. References to mail and email throughout the rule was changed to serve. Ms. Greenwood and Ms. Kennedy will work on a proposal for Rule 11-502 that will include a definition of service.
- “the” was added before OPC to be consistent throughout the rule.

- Concerns were raised on the language in paragraph (i)(2)(B). Ms. Greenwood explained that this paragraph refers to instances when an attorney is already suspended or disbarred. Ms. Kennedy suggested that they could change “an additional sanction” to a “more serious sanction”. Ms. Murphy suggested changing the language to “if a previous sanction obviates the need for any additional sanctions.” Judge Scott suggested that if what we are referring to are instances where an attorney is already suspended, then why don’t we just state that. Ms. Greenwood and Ms. Kennedy will review the paragraph and work on further language to clarify.
- Changed “additional evidence” to “new evidence” in paragraph (i)(5).
- Ms. Greenwood noted in paragraph (j) they are trying to create a standard of review instead of the current *de novo* standard. Ms. Murphy questioned how an abuse of discretion standard is applied if OPC has complete discretion to dismiss a case. Ms. Greenwood and Ms. Kennedy will review to see if they can clarify that when it is a declination to prosecute the complainant’s burden is to show an abuse of discretion. When it is a dismissal the complainant’s burden is to show an error occurred.
- In paragraph (j)(6) language was changed to show that the following list was not an exhaustive list.
- “In all other respects, the matter will proceed in accordance with this article” was deleted from paragraph (j)(8).

Following this discussion Mr. Berger suggested that Ms. Kennedy and Ms. Greenwood can make the above suggested edits following this meeting. Once completed those edits can be emailed to the Committee for an email vote. If the Committee approves by email the additional changes the rule will be submitted to the Supreme Court on a recommendation that it be posted for public comment.

### **3. New/old business**

Ms. Greenwood informed the Committee that the Discipline by Consent proposed amendments will be revisited. These rules were previously approved by the Committee and submitted to the Supreme Court, and they received feedback from Justice Pohlman on the proposed amendments. Ms. Greenwood will work with Ms. Kennedy on a new draft of the rule for a future committee meeting.

The meeting then adjourned.

Tab 2



# Utah Office of Professional Conduct

Annual Report  
2025



## I. Introduction

This report addresses the work of the Utah Office of Professional Conduct (“OPC”) over the year 2025. The Utah Supreme Court Rules of Professional Practice describe the OPC’s two-fold mandate as maintaining “the high standard of professional conduct required of those who undertake the discharge of professional responsibilities as Lawyers”<sup>1</sup> and protecting “the public and the administration of justice from those [Lawyers] who have demonstrated by their conduct that they are unable or unlikely to properly discharge their professional responsibilities.” Sup. Ct. R. Prof’l Prac. 1-501(a). To that end, the OPC’s responsibilities are to screen, investigate and prosecute lawyers for violations of the Utah Rules of Professional Conduct. *See, e.g., id.* 1-521(a)(1)-(4).

The OPC’s most significant challenge for 2025 was a substantial increase in the number of complaints filed against Utah attorneys and licensed paralegal practitioners. As explained below, the office received over 500 more complaints in 2025 than in 2024. As a result, the OPC’s overall caseload has increased, its existing resources and employees have been taxed, and backlog has continued, if not worsened. For these and related reasons, the OPC aims to add an attorney to its staff within the next year, and it expects that ongoing assessments will be required to assess the need for additional personnel.

## II. Types of Cases Handled by the OPC

### A. Administrative Cases

The OPC opens cases against individual lawyers based on the following types of events and information:

- complaints filed by individuals, judges, or law firms;
- information reported by lawyers regarding their own conduct (“lawyer self-reports”);
- information gleaned from media or court sources (“media/court cases”); and
- reports of insufficient funds on attorney IOLTA accounts (“NSF cases”).

With respect to the first category, the OPC conducts an initial screening of complaints to determine whether additional investigation and/or prosecution is warranted. If it is clear from the face of a complaint that the allegations do not establish probable cause of or at least suggest that a lawyer has violated the Rules of Professional Conduct, the OPC will dismiss the complaint. Most complaints submitted to the OPC are dismissed at the initial screening phase. For cases that are not dismissed, the OPC will commence an investigation and, if appropriate, prepare a Notice

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<sup>1</sup> The term “Lawyer” includes both licensed attorneys and licensed paralegal practitioners (“LPPs”), who are also subject to the OPC’s jurisdiction. *See* Sup. Ct. R. Prof’l Prac. 1-502(k).

to the respondent identifying the rules the OPC alleges the respondent has violated.<sup>2</sup> Once the lawyer has had an opportunity to respond to the Notice, the OPC will present the case for a hearing before a screening panel of the Utah Supreme Court’s Ethics and Discipline Committee (the “Committee”). Upon conducting a hearing, the screening panels have the authority to dismiss a case, impose lower-level discipline in the form of a private admonition or public reprimand, or instruct the OPC to file a case against a lawyer in district court.

As to cases that fall in the latter three categories, the OPC opens cases to investigate the facts or monitor developments but does not prosecute the cases or prepare a complaint unless the allegations and facts suggest that a lawyer has violated the Rules of Professional Conduct. For example, with respect to lawyer self-reports, the OPC sometimes determines that the purported misconduct does not rise to the level of a violation of the Rules of Professional Conduct or does not otherwise warrant discipline. Similarly, with respect to media/court matters, the OPC may discover that criminal charges are being contemplated or have been filed against a lawyer, but it may elect to decline to prosecute the case where, for example, the criminal charges are ultimately dismissed or where the lawyer successfully completes a plea in abeyance as to a less-serious criminal charge. The same is true when the OPC receives a report of insufficient funds in an IOLTA account from a financial institution, *i.e.*, the OPC may elect not to pursue such a case when, for example, a lawyer sufficiently explains the reason for the overdraft and demonstrates that no misuse of client funds occurred.

This report refers to cases at the screening, investigation, and screening panel phases as “Administrative Cases.”

#### B. Cases in Utah Courts

The OPC also pursues cases in Utah courts, including in state district courts and the Utah Supreme Court. These cases include the following categories:

- Cases in which Committee screening panels have instructed the OPC to file an Action<sup>3</sup> in district court under Supreme Court Rule of Professional Practice 1-531(i)(5)-(6);
- Cases in which the OPC seeks reciprocal discipline following the imposition of discipline against a lawyer in another jurisdiction under Rule 1-567;

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<sup>2</sup> As defined in the Supreme Court Rules of Professional Practice, a “Notice” identifies the potential violations of the rules of Professional Conduct “raised by the Complaint as the OPC has preliminarily determined.” Sup. Ct. R. Prof’l Prac. 1-502(n).

<sup>3</sup> For purposes of disciplinary proceedings, an “Action” is defined as “a lawsuit filed by the OPC in district court alleging lawyer misconduct or seeking to transfer a Lawyer to disability status.” Sup. Ct. R. Prof’l Prac. 11-502(a).

- Cases in which the OPC seeks interim discipline under Rule 1-563 (interim suspension for risk of harm or disability) or Rule 1-564(b) (interim suspension following a finding of guilt or entry of a plea to a crime “that reflects adversely on the Lawyer’s honesty, trustworthiness, or fitness to practice law”);
- Cases in which lawyers who have been placed on probation, suspended, or delicensed apply to terminate their probation or be reinstated or relicensed to practice of law under Rule 1-590 or 1-591;
- Cases in which the OPC seeks to transfer a lawyer to disability status under Rule 1-568; and
- Cases in which lawyers who are the subject of OPC investigation or litigation propose to resign with discipline pending under Rule 1-566, which may only be accomplished with the consent of the Utah Supreme Court.

In addition to the foregoing categories, appeals of final discipline imposed by the Committee and of district court rulings—whether filed by the OPC or a lawyer respondent—are heard by the Utah Supreme Court. *See* Sup. Ct. R. Prof’l Prac. 1-535(a) & 1-536(f).

This report refers to cases pursued in Utah’s courts, including appeals before the Utah Supreme Court, as “court cases” or “Actions.”

### **III. OPC Personnel**

The OPC is staffed by six Disciplinary Counsel and six paralegals. Three of the attorneys focus primarily on investigation and presentation of cases to screening panels of the Utah Supreme Court’s Ethics and Discipline Committee (the “Committee”), i.e., Administrative Cases, while the remaining three attorneys focus primarily on prosecuting disciplinary cases in the courts, i.e., Actions. The split between the two categories of attorneys is not absolute, however, in that all OPC Disciplinary Counsel participate to some degree in both Administrative and court cases as needed. Over the past year, the office has also been experimenting with different work allocations to see if efficiencies can be developed to improve case processing times.

One of the OPC’s six paralegals is devoted mainly to case intake, which involves logging all complaints, communicating with and assisting individuals who desire to file complaints, and assigning complaints to the appropriate OPC attorneys and paralegals. This paralegal also prepares initial drafts of all disciplinary history reports processed in the office. Two OPC paralegals are devoted primarily to assisting with Actions in district court and, when needed, appeals before the Utah Supreme Court. The remaining three paralegals assist mostly with Administrative Cases, although each has extra duties, including among other things assisting with compiling the numbers for the OPC annual report, preparing summary review dismissal letters, preparing reports on discipline for the Utah Bar Journal, and alerting other jurisdictions of the imposition of discipline. One of the paralegals who assists with Administrative Cases also

designated and has training as an investigative paralegal, which means that she assists with locating and gathering information that may not otherwise be readily available through public resources.

#### IV. 2025 Case Numbers<sup>4</sup>

##### A. Administrative Cases

##### 1. Administrative Cases Pending at the Beginning of 2025

As of January 1, 2025, the OPC had 335 cases that remained open and pending at the administrative level from prior years. This number was up by 36 from the start of 2024, at which point the OPC had 299 open and pending cases. The breakdown in status of these cases is as follows:

<b>Open Administrative Cases</b>		
	<b>1/1/2024</b>	<b>1/1/2025</b>
Complaint-Open	284	273
Abeyance-Open	13	17
Diversion-Open	2	3
Complaint Voted Action	0	11
Complaint-Summary Review	0	31
	299	335

##### 2. Administrative Cases Opened in 2025

In 2025, the OPC opened 1,334 new cases against 808 individual lawyers, including one lawyer who was the subject of 193 complaints. This number reflects an increase of 537 new cases as compared to the total number of cases opened in 2024, which was 797 new cases against 509 individual lawyers.

Of the 1,334 new cases opened in 2025, 1,310 were based on complaints filed with the OPC by clients, opposing parties or lawyers, law firms, or other individuals. Judges submitted seven complaints in 2025; lawyers reported their own conduct to the OPC in eleven cases; and, in six cases, the OPC prepared complaints based on information obtained from other sources, such as media reports and court dockets. This increase in the number of complaints is substantial and, as noted above, has increased the office's workload and taxed its resources.

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<sup>4</sup> The data presented in this report is intended to provide a general overview of the OPC's caseload and work performance. Although the OPC has made efforts to ensure accuracy, the data include certain errors and approximations due to software limitations and human error in data recording.

Case Type	Admin. Cases Opened in 2025	Admin. Cases Opened in 2024
Complaints	1,310	770
Complaints filed by Judges	7	1
Self-Reports	11	9
OPC-Initiated Complaints	6	17
Total:	1,334	797

### 3. Administrative Cases Pending at the End of 2025

As of December 31, 2025, the OPC had 490 open administrative cases. This is an increase of 155 cases from the beginning of 2025, at which point the OPC had 335 open cases (as noted above). As with the increased number of cases opened during the year, the increase in the number of cases that remained pending at the end of the year is substantial and reflective of the OPC’s need for additional personnel.

Open Administrative Cases		
	1/1/2025	12/31/2025
Complaint-Open	273	379
Abeyance-Open	17	19
Diversion-Open	3	0
Complaint Voted Action	11	9
Complaint-Summary Review	31	83
	335	490

#### B. Court Cases

##### 1. Court Cases Pending at the Beginning of 2025

As of January 1, 2025, the OPC had twenty-five cases pending in Utah courts. Specifically, the OPC had seventeen Actions pending in district court; one case in which the OPC was seeking the imposition of reciprocal discipline under Rule 1-567; two cases in which lawyers were seeking reinstatement or readmission to the practice of law following a suspension or delicensure; one case in which the OPC was seeking interim discipline under Rule 1-564;<sup>5</sup> two cases in which the OPC filed to appoint or be appointed as trustee for a lawyer’s law practice; and two appeals pending before the Utah Supreme Court. This number was slightly down from the beginning of 2024, when the OPC had a total of thirty cases pending before Utah courts.

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<sup>5</sup> In addition to filing an Action at the direction of a Committee screening panel, the OPC may file directly in district court a petition for interim discipline based on a threat of serious harm to the public, *see* Sup. Ct. R. Prof’l Prac. 1-563, or a petition for interim suspension after a lawyer has been convicted of or pled guilty to “a felony or misdemeanor that reflects adversely on the Lawyer’s honesty, trustworthiness, or fitness to practice law.” *Id.* R. 1-564(b).

<b>Open Court Cases</b>		
	<b>1/1/2024</b>	<b>1/1/2025</b>
Action-Open	18	17
Reciprocal - Open	2	1
Reinstatement - Open	2	2
11-563 - Open	1	0
11-564 - Open	3	1
Trusteeship - Open	2	2
Supreme Court Appeal - Open	2	2
	30	25

## 2. Court Cases Opened in 2025

In 2025, the OPC filed or responded to a total of sixteen cases in Utah’s district courts. The OPC filed eleven Actions at the direction of Committee screening panels. The OPC also filed three cases in which the respondents agreed to waive their hearings before Committee screening panels, in anticipation of stipulating to discipline before a district court. In addition, the OPC filed three cases under Rule 1-538 seeking to appoint the OPC as trustee for the law practices of deceased lawyers or incapacitated lawyers,<sup>6</sup> and the OPC responded to seven petitions for reinstatement or relicensure filed by respondents. Compared with 2024, in which the OPC opened twenty cases, the total number of court cases opened rose by six.

<b>Case Type</b>	<b>Court Cases Opened in 2025</b>	<b>Court Cases Opened in 2024</b>
Action	11	13
Reciprocal	0	4
Reinstatement Petitions	4	7
11-563 Interim Discipline	0	0
11-564 Interim Discipline	0	0
Trusteeship	3	3
Formal Appeal	0	0
Screening Panel Waived	3	0
Total:	21	27

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<sup>6</sup> Rule 1-538(a) provides that, when a lawyer has died, cannot be located, or has been suspended, delicensed, or transferred to disability status and has failed to comply with Rule 1-570, and where “no partner, executor, or other responsible party capable of conducting the Lawyer’s . . . affairs is known to exist,” a district court may appoint a trustee “to inventory the Lawyer’s . . . files, notify the Lawyer’s . . . clients, distribute the files to the clients, return unearned fees or other funds, and take any additional action the judge authorizes.” Sup. Ct. R. Prof’l Prac. 1-538(a).

### 3. Court Cases Pending at the End of 2025

As of December 31, 2025, the OPC had a total of twenty-four cases pending in court, including fourteen disciplinary Actions, four reinstatement petitions, five trusteeships, and one appeal before the Utah Supreme Court. While number of court cases pending at the end of 2025 went up by just one case from the beginning of the year, one notable area in which the numbers have risen involves trusteeships for lawyers. While the litigation involved in trusteeships is not complex or exceedingly burdensome, the work required to complete a trusteeship and report to the court can be substantial in terms of the effort required to inventory the lawyers' files, contact their clients and offer to return their files, and assess the disposition of any funds remaining in their attorney trust accounts. This aspect of the OPC's work is one where the OPC may want to consider alternatives in the future. Possibilities include requiring attorneys to designate an attorney to wind up their practice and handle files and unearned funds; requiring attorneys to contribute to a fund designated for conducting trusteeships; recruiting volunteer attorneys to assist with OPC trusteeships; and/or appointing an inventory counsel to coordinate these matters.

<b>Open Court Cases</b>		
	<b>1/1/2025</b>	<b>12/31/2025</b>
Action-Open	17	14
Reciprocal - Open	1	0
Reinstatement - Open	2	4
11-563 - Open	0	0
11-564 - Open	1	0
Trusteeship - Open	2	5
Supreme Court Appeal - Open	2	1
	25	24

### V. Case Closures in 2025 - Administrative and Court Cases

The OPC closed a total of 1,098 cases in 2025. These closures include cases that were already pending at the beginning of the year and cases that were opened in 2025.

Among the cases closed in 2025 are 1,031 cases in which the OPC dismissed or declined to prosecute complaints at the administrative level. In conjunction with 28 of those dismissals, the OPC issued letters of caution to respondents, in which the OPC offers advice about avoiding ethical violations implicated by the allegations in the complaint in the future. With respect to the OPC's dismissed cases, the OPC carefully reviews the materials submitted by the complainant and drafts a letter setting forth the reasons why the complaint's allegations are insufficient to establish probable cause of a violation of the Rules of Professional Conduct, barred by the statute of limitations, or more adequately addressed in another forum. *See* Sup. Ct. R Prof'l Prac. 1-530(g). The OPC also has the discretion to decline to prosecute cases, in which case it must explain in writing the reasons for doing the declination.

In four of the closed cases, the OPC was able to reach agreements with respondents prior to taking the cases to screening panel hearings. In each of these cases, the respondents stipulated to appropriate discipline.<sup>7</sup> Screening panels dismissed five cases presented to them by the OPC and, in an additional five cases, the screening panels imposed discipline.<sup>8</sup> In eighteen cases, district courts imposed discipline in Actions filed by the OPC, and in one case the Utah Supreme Court affirmed the screening panel’s imposition of a public reprimand following an appeal by the respondent. A total of five reinstatement cases were closed. Two cases closed without the entry of a reinstatement order,<sup>9</sup> while three cases ended with the entry of orders of reinstatement.

In twenty-one of the cases closed in 2025, the OPC combined outstanding administrative cases into Actions that had already been commenced by the OPC. And, in the remaining eight cases, the OPC declined to prosecute the cases due to serious discipline having already been imposed in court on the respondents. In such cases, the OPC “holds the cases for reinstatement,” which means that if a suspended or delicensed lawyer files a petition for reinstatement or relicensure, the OPC will assess at that time whether the case held may be asserted as evidence against reinstatement or relicensure.

<b>Cases Closed - 2025</b>	
OPC Dismissals/Declinations to Prosecute	1,031
Stipulated Discipline Prior to Screening Panel Hearing	4
Dismissed by Screening Panel	5
Discipline Imposed by Screening Panel	5
Actions Closed with Discipline	19
Reinstatement Granted	3
Reinstatement Closed	2
Combined with Formal Cases	21
Hold for Reinstatement	8
<b>Total</b>	<b>1,098</b>

**A. Appeals of OPC Dismissals to the Ethics & Discipline Committee**

During the year 2025, complainants filed 175 appeals of OPC dismissals to the Chair of the Committee This number is significantly higher than in 2024, when complainants filed 66 appeals. The chair reversed and remanded seven cases in 2025.

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<sup>7</sup> These agreements are permitted under Rule 1-565(a). *See* Sup. Ct. R. Prof’l Prac. 1-565(a). The proposed discipline must be approved by the Committee Chair. *See id.*

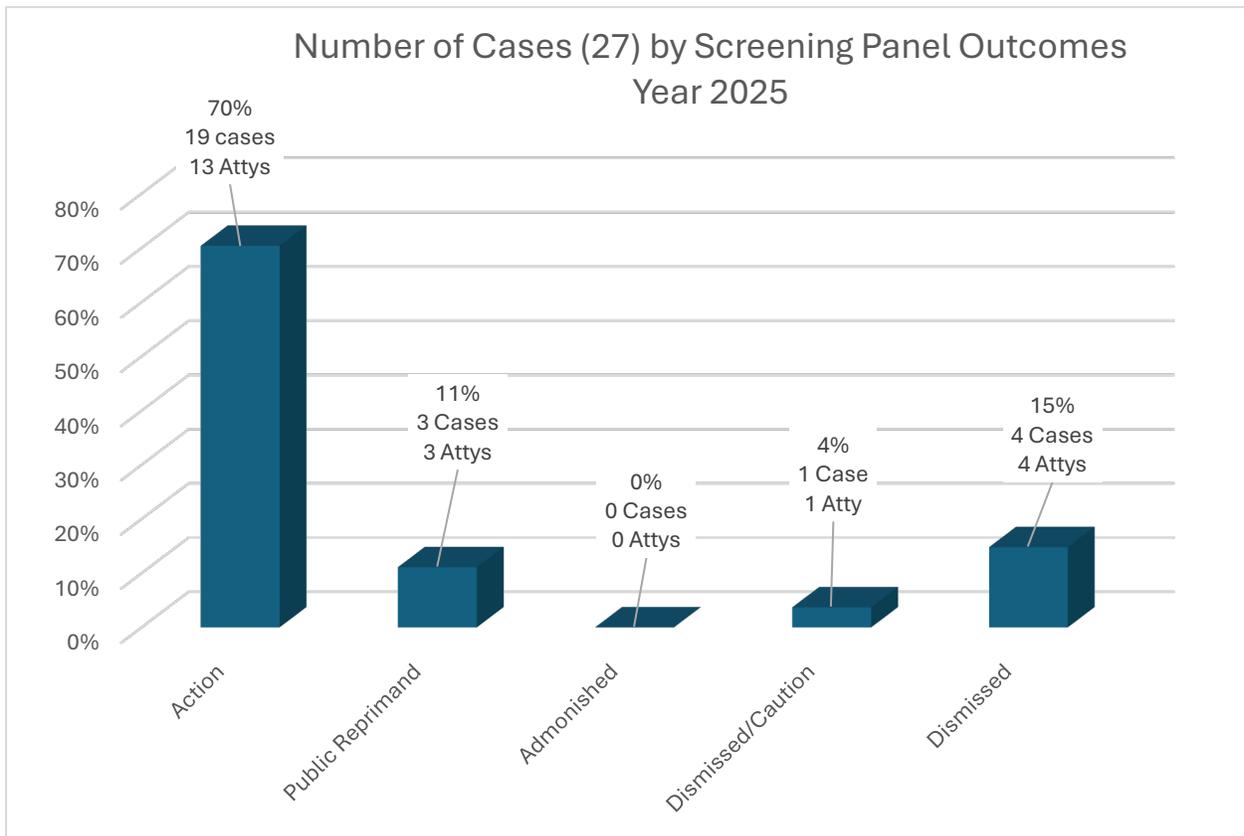
<sup>8</sup> Screening panel hearing results are discussed in greater detail below.

<sup>9</sup> In these two cases, the matters were closed after the respondents failed to comply with the requirements for reinstatement or relicensure.

## VI. 2025 Screening Panel Outcomes

In cases where the OPC cannot resolve a complaint or where the complaint “alleges facts that, by their very nature, should be brought before a screening panel,” the OPC issues a Notice to the respondent under Rule 1-530(e) of the Supreme Court Rules of Professional Practice. As noted above, a Notice is essentially the charging document that alerts a respondent to the violations the OPC alleges to have occurred. *See Sup. Ct. R. Prof’l Prac. 11-502(n)*.

In 2025, OPC disciplinary counsel presented twenty-seven cases against twenty lawyers to screening panels for hearing. In nineteen of the cases, the screening panel voted to instruct the OPC to file an Action in district court. The screening panels imposed three public reprimands but did not impose any private admonitions. In addition, the screening panels dismissed four cases and dismissed one with a letter of caution to the respondent. These results are reflected in the following table:



### A. Exceptions to Screening Panel Determinations - 2025

On June 9, 2025, the OPC filed an exception to a screening panel’s recommendation that a respondent privately admonished for a violation of Utah Rule of Professional Conduct 1.8(a), arguing that decreasing the presumptive sanction two levels due to mitigating factors was

improper. On August 18, 2025, the Committee chair denied the exception, upholding the screening panel's determination.

No respondents filed exceptions in 2025.

## **VII. District Court Case Outcomes**

As indicated above, the OPC closed nineteen Actions in 2025 that either were pending at the beginning of 2025 or had been filed in 2025.

The courts in two of these Actions entered orders of delicensure, which is the most severe sanction available in lawyer disciplinary cases. In one of the cases, which previously had resulted in a suspension, a district court entered an order of delicensure after the OPC filed a motion accusing the respondent of violating his suspension order.

In one Action filed by the OPC, the respondent petitioned the Utah Supreme Court for permission to resign with discipline pending under Rule 1-566 of the Supreme Court Rules of Professional Practice.<sup>10</sup> Because a respondent may not apply for relicensure for five years after the effective date of a resignation with discipline pending, such a resignation is similar in effect to delicensure. Sup. Ct. R. Prof'l Prac. 1-566(e).

In three cases, the courts entered orders of suspension. Two such cases involved 2-year suspensions, and the other involved a three-year suspension. In one additional case, a court entered an order of interim suspension pending the ultimate outcome in the case.

In seven of the Actions, the courts entered orders placing the respondents on probation for terms ranging from six months to two years. In another case, the court entered an order placing the respondent on a three-year suspension, with the suspension stayed for a three-year probation, so long as the respondent complies with the terms of the probation. A violation of the probation will result in a sanctions hearing to determine what portion of the suspension should then be imposed.

Courts in two Actions entered private orders of admonition and, as noted above, the Utah Supreme Court affirmed the Committee's imposition of a public reprimand.

In nine of the nineteen Actions discussed above, the outcomes were the result of stipulations between the OPC and the respondents, which must be approved by the district court presiding over the case. *See id.* 1-565(b).

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<sup>10</sup> If the Supreme Court approves the petition for resignation, "it will enter an order specifying the effective date of the resignation. The order may include additional or alternative terms and conditions deemed appropriate, including conditions precedent to relicensure." Sup. Ct. R. Prof'l Prac. 1-566(d).

### **VIII. 2025 Rule Violations**

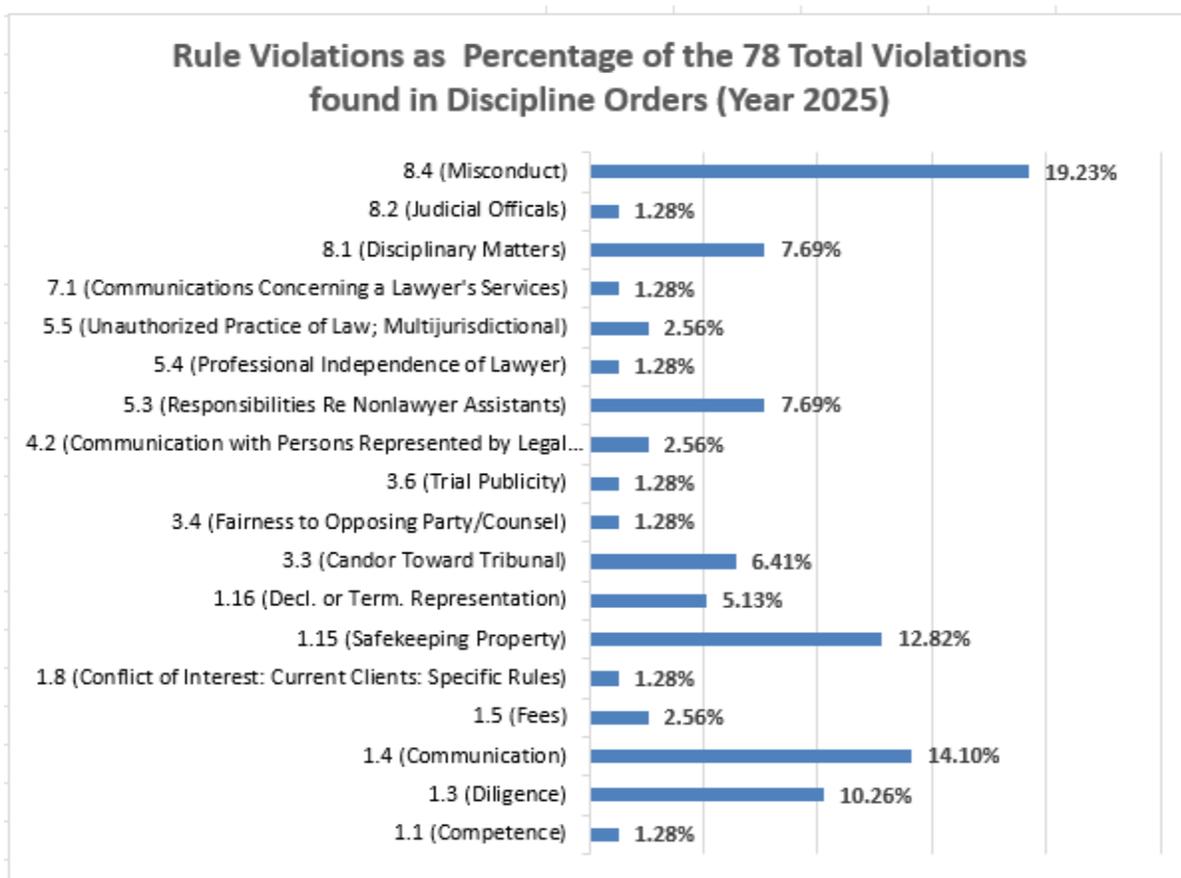
District courts and screening panels entered a total of twenty-five orders of discipline in 2025. These discipline orders reflect a total of seventy-eight violations of various Rules of Professional Conduct.

Violations of Rule 8.4 (Misconduct) were most frequent, with a total of fifteen violations. Four, which of these violations pertained to Rule 8.4(c), which proscribes “conduct involving dishonesty, fraud, deceit or misrepresentation;” four of the violations pertained to Rule 8.4(d), which prohibits conduct “prejudicial to the administration of justice;” and eight of the violations pertained to Rule 8.4(b), which provides that it is professional misconduct to “commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects.”

Violations of Rule 1.4 (Communication) ranked second, with a total of twelve violations. Ten of the twelve violations were of Rule 1.4(a), which includes five subsections but generally requires lawyers to keep clients informed about various aspects of the representation and the status of their legal matters. *See* Utah R. Prof’l Cond. 1.4(a)(1)-(a)(5). The remaining two violations were of Rule 1.4(b), which requires lawyers to sufficiently explain matters “to permit a client to make informed decisions regarding the representation.” *Id.* 1.4(b).

Coming in at third, with a total of ten violations, is Rule 1.15. Respondents committed four violations of Rule 1.15(a), which prohibits comingling of a lawyer’s funds with a client’s funds, and which requires lawyers to account for client funds and property and preserve such records for five years after the representation is terminated. *Id.* R. 1.15(a). Respondents violated Rule 1.15(c)—which requires funds paid in advance to be deposited in a trust account and withdrawn only as earned—five separate times. Finally, one lawyer violated Rule 1.15(d), which requires lawyers to provide a full accounting of property held for a client or another party “upon request.” *Id.* R. 1.15(d).

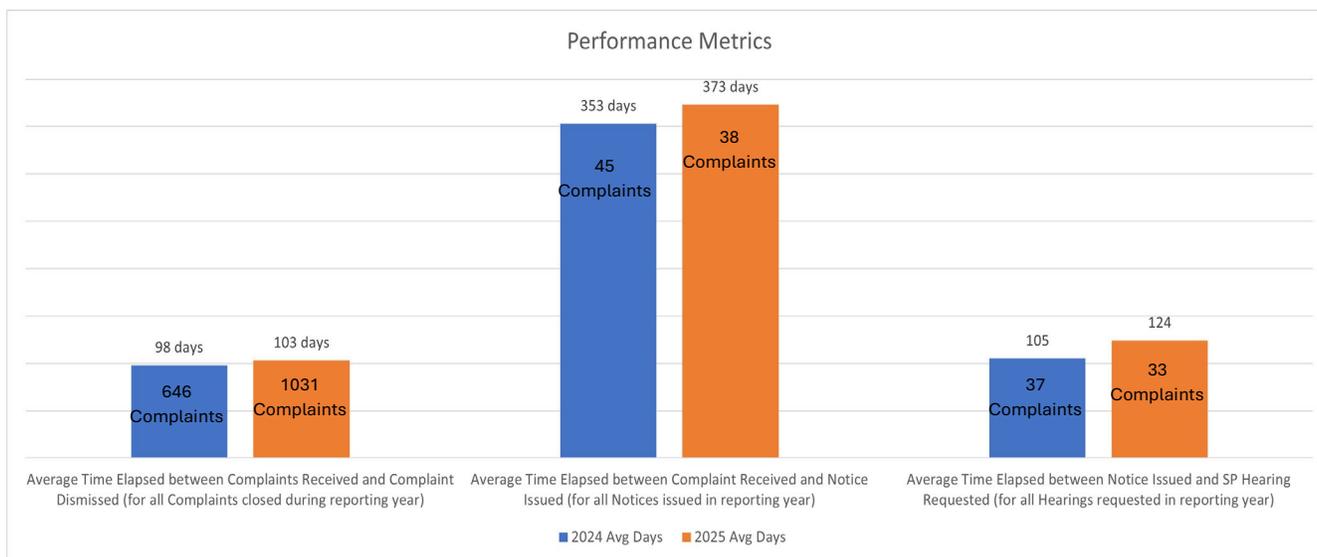
Although the following table does not distinguish between subsections of the rules violated in 2025, the main rule violations shown by percentage follow:



### IX. OPC Performance Metrics

The OPC has and likely will continue to have unresolved cases, including cases that take longer to resolve than desired. The OPC also opened 537 more cases in 2025 than it did in 2024, reflecting an overall increase in caseload. This means that the OPC has and will continue to accumulate case backlogs. Notwithstanding these issues, the OPC is striving to increase the speed with which it processes and resolves cases, while at the same time ensuring that its work is professional, responsible, and thorough. Balancing the need to advance cases to completion with the desire to address each case with appropriate attention and care is the OPC's overriding goal. The OPC's time-to-disposition numbers for 2025, set alongside the numbers for 2024, appear below.

The chart below focuses on the average times it takes from the time a case is opened to (1) the date by which a case is dismissed and (2) the issuance of a Notice. The chart also shows the average time elapsed between the date a Notice is issued to the date when the OPC requests a hearing before a Committee screening panel.



As this chart shows, the lengthiest period of time at the administrative case level is the period between opening a case and preparing a notice, with the average time landing at 373 days—just over a year. The average time for this stage of our Administrative Cases increased by roughly twenty days from 2024. There are many factors that contribute to the length of this period, including the fact that this is the phase of the case where the OPC conducts its primary investigation, gathering the information it will rely on to prepare the Notice, present the case to a screening panel and, if needed, to pursue the case as an Action in district court. This factor alone shows it is natural for this phase of the OPC’s process to take longer than other phases.

However, because other factors also contribute to the length of this phase, the OPC may be able to focus on such factors to work toward decreasing the period in the future. For example, each OPC Disciplinary Counsel has a large case load, which at times makes it difficult to assess between which cases should be prioritized addressed and in what order. Adding another lawyer to the OPC may help address this issue. Another contributing factor may be waiting an unnecessarily long time for respondents and complainants to provide additional information needed. At times, such information may be necessary to support the rule violations in the Notice, but at times it may be possible to proceed based on the information available, and then strengthen the case with additional information at later phases of the case—including through formal discovery in litigation. The risk of this approach is that the information may be insufficient to establish a rule violation at the screening panel stage, such that the case ends in dismissal by a screening panel. Another factor is the large number of complaints received by the OPC. Although many of the complaints are not meritorious, it takes time and energy to resolve the complaints in a deliberative manner that is respectful to the complainants and satisfactory to the respondents.

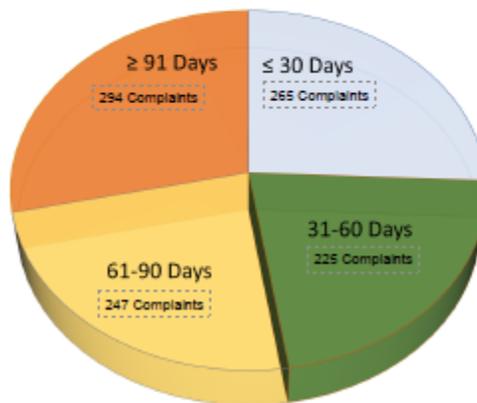
The chart below focuses only on cases opened during 2025. The chart shows the average number of days to reach the respective stages (dismissal, Notice, and request for a screening panel hearing) before December 31, 2025. Because the chart focuses only on cases received

during the year, the periods reflected are generally shorter. However, the chart confirms that the lengthiest period in the OPC’s processing time for administrative complaints is the time from when a complaint is opened to the issuance of a Notice.



The following chart reflects the number of days between the OPC’s receipt of a complaint to dismissal, based on a review of the 1031 cases opened by the OPC in 2025. Although the OPC was able to quickly dismiss roughly three-quarters of the complaints (within approximately ninety days), at least a quarter of the complaints take significantly longer to reach dismissal—even when the case do not reach the Notice phase.

**YEAR 2025  
(1031 CASES)  
NUMBER OF DAYS ELAPSED BETWEEN  
COMPLAINT RECEIPT DATE AND DISMISSAL DATE**



The OPC will continue to work to reduce its case processing time and decrease the delays between case phases. The OPC will also continue to develop additional ways to measure and describe its performance, including with respect to Actions.

## **X. Other OPC Work Performed in 2025**

### **A. Disciplinary History Reports**

In 2025, the OPC prepared 397 disciplinary history reports, as opposed to 497 in 2024.

Lawyers frequently need to obtain or provide copies of their disciplinary history reports for various purposes, including when applying for judgeships or other employment, or when seeking admission to the bar in a different jurisdiction. Although preparing these reports is not particularly complicated, completing the requests requires a substantial amount of time and effort by staff and disciplinary counsel, including searching, verifying, and compiling the disciplinary history for each lawyer involved, and then incorporating the history into a letter report.

### **B. Miscellaneous Inquiries**

In 2025, the OPC processed and responded to 253 miscellaneous inquiries.

The OPC frequently receives correspondence from individuals that either (i) does not qualify as an ethics complaint against a lawyer for technical reasons, (ii) raises matters outside of the OPC's jurisdiction; or (iii) indicates a need for services not offered by the OPC.

In cases where the correspondence does not amount to a complaint but where it is clear the person wishes to submit a complaint, an OPC attorney and the intake paralegal review the correspondence to determine what is required to qualify the inquiry as a complaint. In most instances, all that is required is something simple, such as an unsworn declaration, identification of the attorney against whom they want to complain, the complainant's name or contact information, or some other necessary information. The intake paralegal then sends a letter informing the individual what the OPC requires to proceed with the complaint.

In cases of matters outside the OPC's jurisdiction, the intake paralegal and an OPC attorney review the inquiry and attempt to direct the inquirer to the proper place to submit their request. For example, if the individual has submitted a complaint against a sitting judge or justice, we provide instructions on how to submit a complaint with the Judicial Conduct Commission. As another example, if the individual has submitted a complaint against an unlicensed individual who appears to be practicing law, we direct the complainant to the Bar's Unauthorized Practice of Law Committee.

If it appears that the inquirer is not seeking to submit a disciplinary complaint but instead is seeking legal or other services not offered by the OPC, we attempt to direct the inquirer to appropriate resources and programs.

C. Special Prosecutor Cases

In 2025, the OPC received and processed nine special prosecutor complaints. Six such complaints were dismissed, and three remained pending at the start of 2026.

Under Rule 1-542(f), disciplinary complaints filed against lawyers employed by the OPC or the Utah State Bar, or against lawyers who are members of the Ethics and Discipline Committee or the Board of Bar Commissioners must be assigned to a special prosecutor, rather than being processed by the OPC. Upon receipt of such a complaint, the OPC compiles the file for the complaint and forwards the materials to the Committee chair, who then assigns the complaint to a screening panel chair or vice chair for review. The screening panel chair or vice chair may dismiss the complaint or, if there appear to be sufficient grounds, request the Supreme Court to appoint a “special counsel” to complete the investigation and, if needed, present the case to a “special screening panel.”

D. CLE Presentations

As part of its duties under Rule 11-521(a)(11), the OPC participates in multiple presentations on legal ethics and professionalism per year. In 2025, the OPC presented 33.5 hours of continuing legal education (“CLE”) courses. These presentations included two separate instances of the Adams C. Bevis Memorial Ethics School, which offers five hours of ethics CLE and one hour on professionalism and civility. The OPC also offers an annual four-hour seminar on trust accounting and law practice management. The remaining hours consisted of OPC Disciplinary Counsel presentations at CLEs presented by organizations and educational programs not affiliated with the OPC.

E. Service on Utah State Bar and Supreme Court Committees

The OPC regularly participates in three committees. Chief Disciplinary Counsel sits as a non-voting member on the Utah Supreme Court’s Advisory Committee on the Rules of Professional Conduct and on the Office of Professional Conduct Oversight Committee, which is charged with reviewing the OPC’s performance, budget, and related matters. OPC Deputy Disciplinary Counsel sits as a voting member on the Utah State Bar’s Ethics Advisory Opinion Committee, and

## **XI. OPC Goals**

The OPC’s intends to continue working to enhance efficiency, transparency, and consistency within the lawyer disciplinary system. By working to accelerate disposition times, improve statistical tracking, and improve internal policies and procedures, the OPC strives provide a lawyer disciplinary system that inspires confidence and sets an example of the ethical

practices and professionalism for those whose conduct it regulates. The OPC is grateful for the opportunity to serve the public, the legal community, and the courts.

# Tab 3

1 **Note for Meeting:** These only show the edits that were made after our last meeting on  
2 December 9, 2025.

3

4 **Rule 11-530. Professional misconduct Complaints.**

5 (a) **Filing.** The OPC or any person may initiate a disciplinary proceeding against any  
6 Lawyer by filing a written Complaint in concise language setting forth the acts or  
7 omissions claimed to constitute professional misconduct. Damages are not available in  
8 disciplinary proceedings. Restitution is available only when awarded by a district court  
9 in an Action filed by the OPC.

10 (1) If an individual initiates the Complaint, filing is complete when the Complaint is  
11 delivered to the OPC office in hard copy or electronic form, or through the OPC's  
12 website at opcutah.org.

13 (2) If the OPC initiates the Complaint, filing is complete when the OPC delivers the  
14 Complaint to the Lawyer in hard copy or electronic form.

15 (3) If a Complainant who files a Complaint later elects to withdraw the Complaint,  
16 the OPC may, in its discretion, proceed with the matter without filing a separate  
17 Complaint.

18 (b) **Complaint form.** The Complaint need not be in any particular form or class and may  
19 be by letter or other informal writing, although the OPC may provide a form to  
20 standardize the format. The Complaint need not recite disciplinary rules, ethical canons,  
21 or a prayer requesting specific disciplinary action. The Complainant must sign the  
22 Complaint and include the Complainant's address and may list the names and addresses  
23 of other witnesses. The Complaint must contain an unsworn declaration as to the  
24 accuracy of the information in the Complaint in compliance with Section 78B-18a-106 of  
25 the Utah Code. Complaints filed by the OPC are not required to contain such a  
26 declaration. A Complaint's substance prevails over the form.

27 (c) **Summary review.** Upon receiving a Complaint, the OPC will conduct a preliminary  
28 review to determine whether the Complaint includes allegations that, if proved, would  
29 constitute grounds for discipline and, if so, whether the Complaint should be investigated  
30 further. If the Complaint does not include allegations that, if proved, would constitute  
31 grounds for discipline, the OPC will dismiss the Complaint. The OPC also may ~~also~~  
32 decline to prosecute the Complaint, as set forth in paragraph (h) of this rule. If ~~the a~~  
33 Complaint's allegations are not sufficiently clear, the OPC may seek additional  
34 information from the Complainant, who must, upon the OPC's request, submit  
35 documents or writings containing any additional evidence. Absent extraordinary  
36 circumstances, ~~W~~within three months after ~~filing~~ a Complaint is filed, the OPC ~~must~~ will  
37 advise the Complainant concerning its summary review of the Complaint.

38 (d) **Initial OPC investigation.** If the OPC determines that a Complaint warrants further  
39 investigation, the OPC may seek additional information from the Complainant, the  
40 Respondent, or ~~both~~ third-party witnesses. Upon the OPC's request, the Complainant or  
41 the Respondent must submit additional documents or writings to support their  
42 allegations and defenses. The OPC may also request permission to issue investigative  
43 subpoenas under Rule 11-523.

44 ~~(e) **Additional investigation.** If the Complaint is not dismissed following the OPC's~~  
45 ~~initial investigation, the OPC may conduct additional investigation, including gathering~~  
46 ~~additional information from the Complainant, Respondent, and third parties, and~~  
47 ~~including by requesting investigative subpoenas under Rule 11-523.~~

48 (e) **Notice to Respondent.** Upon completing its investigation, the OPC will determine  
49 whether the Complaint can be resolved in the public interest, the Respondent's interest,  
50 and the Complainant's interest. If the Complaint cannot be resolved or if it alleges facts  
51 that, by their very nature, should be brought before the screening panel, or if good cause  
52 otherwise exists to bring the matter before the screening panel, the OPC must:

53 (1) prepare a Notice identifying with particularity the possible violation(s) of the Rules  
54 of Professional Conduct or Licensed Paralegal Practitioner Rules of Professional  
55 Conduct raised by the Complaint as the OPC has preliminarily determined;

56 (2) attach a copy of the file gathered by the OPC; and

57 (3) serve the documents on the Respondent, with a copy to the Complainant.

58 ~~(f)~~ **Answer to Notice.** Within 21 days after the Respondent is served with the Notice, the  
59 Respondent must file with the OPC a signed, written answer explaining the facts  
60 surrounding the Complaint, together with all defenses and responses to the claims of  
61 possible misconduct. For good cause, the OPC may extend the time for filing an answer  
62 ~~not to exceed~~by an additional 28 days. After the answer is filed or ~~, if the Respondent fails~~  
63 ~~to respond,~~after the time for filing an answer has expired, the OPC will either dismiss  
64 the Complaint or refer the case to a screening panel for a hearing. The OPC must forward  
65 a copy of the answer to the Complainant.

66 ~~(g)~~ **Referral to Professionalism and Civility Counseling Board.** The OPC may refer any  
67 matter that comes to its attention to the Professionalism and Civility Counseling Board  
68 established under Rule [14-303](#). Such referral may be in addition to or in lieu of any further  
69 proceedings related to the subject matter of the referral. Such referral should be in writing  
70 and – at the discretion of the OPC – may include any or all information included in the  
71 Complaint or additional material submitted by the Complainant.

72 ~~(h)~~ **Dismissal ~~or~~; declination to prosecute; notification.**

73 (1) Reasons for dismissal. The OPC may dismiss a Complaint without referral to a  
74 screening panel hearing if the OPC determines the Complaint is:

75 (A) frivolous, unintelligible, unsupported by fact, or fails to raise probable cause  
76 of any professional misconduct; or

77 (B) barred by the statute of limitations.

78 (2) In its discretion, the OPC may decline to prosecute a Complaint without referral  
79 to a screening panel, including when:

80 (A) the Complaint's allegations would be more adequately addressed in another  
81 forum;

82 (B) a previous sanction for similar misconduct within the past two years obviates  
83 the need for any additional sanction;

84 (C) the Respondent has remedied the alleged misconduct and little or no harm  
85 resulted from the alleged misconduct;

86 (D) the alleged violation is merely technical or is the result of a simple mistake and  
87 little or no harm resulted from the alleged misconduct;

88 ~~(E)~~ the OPC lacks adequate resources to thoroughly investigate the Complaint's  
89 allegations; or

90 ~~(F)~~ the Complaint appears to be ~~a litigation tactic~~ primarily motivated by a desire  
91 to harm an opposing party or obtain a strategic advantage in litigation.

92 (3) When the OPC dismisses or declines to prosecute a Complaint, it may issue a letter  
93 of caution to the Respondent.

94 (4) When the OPC dismisses or declines to prosecute a Complaint, it must:

95 (A) notify the Complainant and the Respondent that the OPC has dismissed or  
96 declined to prosecute the Complaint;

97 (B) state the reasons for dismissal or declination to prosecute; and

98 (C) include a notice of the Complainant's right to appeal an OPC dismissal or  
99 declination to prosecute to the Committee chair.

100 (5) If the Complainant acquires new evidence material to a potential violation of the  
101 Rules of Professional Conduct following the OPC's dismissal or declination to  
102 prosecute, the Complainant may file a new complaint with the OPC.

103 (j) Appeal of dismissal or declination to prosecute.

104 (1) The Complainant may appeal a dismissal or declination to prosecute by submitting  
105 an appeal of no more than five pages to the Committee clerk, with a copy ~~of the appeal~~  
106 to the OPC, within 21 days after the dismissal or declination notification is served.

107 (2) The Complainant carries the burden of persuasion on appeal. The appeal must  
108 identify the aspect(s) of the dismissal that the Complainant believes are erroneous. If  
109 the OPC determined that the Complaint was unsupported by fact, the appeal must  
110 identify evidence in the file that supports the allegation(s).

111 (3) The Complainant may seek additional time to file ~~the appeal~~ or ~~seek~~ leave to  
112 include additional pages in the appeal from the Committee chair, who may grant the  
113 request on a showing of good cause.

114 (4) ~~On appeal, the~~ The Committee chair ~~will review~~'s review on appeal will be limited  
115 to only the file compiled by the OPC and any publicly-available court dockets or  
116 filings.

117 (5) The Committee chair will ~~reverse~~review~~reverse~~ the OPC's declination to prosecute  
118 a Complaint ~~for~~ only upon finding an abuse of discretion.

119 (6) The Committee chair ~~may reverse~~will review the OPC's dismissal of a Complaint  
120 ~~if it finds~~for clear error, ~~including when~~and may reverse a dismissal when:

121 (A) the facts material to a potential violation of the Rules of Professional Conduct  
122 are in genuine dispute;

123 (B) the OPC failed to address allegations that, if proven, would be sufficient to  
124 establish probable cause of a violation of the Rules of Professional Conduct; or

125 (C) the Complainant demonstrates that the OPC erred in some other material  
126 respect.

127 (7) After review, the chair may:

128 (A) affirm the dismissal or declination;

129 (B) affirm the dismissal or declination with a letter of caution to the Respondent;

130 (C) reverse the dismissal or declination and require the OPC to conduct additional  
131 investigation; or

132 (D) reverse the dismissal or declination and require the OPC to serve a Notice (if  
133 a Notice has not already been served) and set the matter for hearing by a screening  
134 panel.

135 ~~(86)~~ If the Committee chair reverses and requires the OPC to conduct additional  
136 investigation, then the OPC may, after conducting the required investigation, either  
137 dismiss the Complaint, decline to prosecute, or prepare a Notice and set the matter  
138 for hearing by a screening panel. If the OPC dismisses or declines to prosecute, the  
139 Complainant may appeal under paragraph (j)(1) of this rule.

140 ~~(79)~~ In addition to or in lieu of affirming or reversing the dismissal, the chair may refer  
141 a matter to the Professionalism and Civility Counseling Board.

142 ~~(108)~~ If the chair recuses, the chair will appoint a Committee vice chair or a screening  
143 panel chair or vice chair to review and determine the appeal.

1 **Note for Meeting:** These are all proposed amendments made to SCR 1-530.

2

3 **Rule 11-530. ~~Unprofessional conduct~~ Professional misconduct Complaints.**

4 (a) **Filing.** The OPC or any person may initiate a disciplinary proceeding against any  
5 Lawyer by filing a written Complaint in concise language setting forth the acts or  
6 omissions claimed to constitute ~~unprofessional conduct~~ professional misconduct.  
7 Damages are not available in disciplinary proceedings. Restitution is available only when  
8 awarded by a district court in an Action filed by the OPC.

9 (1) If an individual initiates the Complaint, filing is complete when the Complaint is  
10 delivered to the OPC office in hard copy or electronic form, or through the OPC's  
11 website at opcutah.org.

12 (2) If the OPC initiates the Complaint, filing is complete when the OPC delivers the  
13 Complaint to the Lawyer in hard copy or electronic form.

14 (3) If a Complainant who files a Complaint later elects to withdraw the Complaint,  
15 the OPC may, in its discretion, proceed with the matter without filing a separate  
16 Complaint.

17 (b) **Complaint form.** The Complaint need not be in any particular form or class and may  
18 be by letter or other informal writing, although the OPC may provide a form to  
19 standardize the format. The Complaint need not recite disciplinary rules, ethical canons,  
20 or a prayer requesting specific disciplinary action. The Complainant must sign the  
21 Complaint and include the Complainant's address and may list the names and addresses  
22 of other witnesses. The Complaint must contain an unsworn declaration as to the  
23 accuracy of the information in the Complaint: in compliance with Section 78B-18a-106 of  
24 the Utah Code. Complaints filed by the OPC are not required to contain such a  
25 declaration. A Complaint's substance prevails over the form.

26 (c) ~~Initial investigation.~~ Summary review. Upon receiving a Complaint, the OPC will  
27 conduct a preliminary ~~investigation~~ review to ~~ascertain~~ determine whether the Complaint

28 includes allegations that, if proved, would constitute grounds for discipline and, if so,  
29 whether the Complaint should be investigated further. If the Complaint does not include  
30 allegations that, if proved, would constitute grounds for discipline, the OPC will dismiss  
31 the Complaint. The OPC also may decline to prosecute the Complaint, as set forth in  
32 paragraph (h) of this rule. If a Complaint's allegations are not sufficiently clear. ~~If the~~  
33 ~~allegations are not sufficiently clear,~~ the OPC ~~will~~may seek additional ~~facts~~information  
34 from the Complainant, who must, upon the OPC's request, submit documents or writings  
35 containing any additional ~~facts.~~ ~~Within~~evidence. Absent extraordinary circumstances,  
36 within three months after ~~filing~~a Complaint is filed, the OPC will advise the Complainant  
37 concerning its summary review of the Complaint.

38 (d) OPC investigation. If the OPC determines that a Complaint warrants further  
39 investigation, the OPC may seek additional information from the Complainant, the  
40 Respondent, or third-party witnesses. Upon the OPC's request, the Complainant or the  
41 Respondent must ~~advise the Complainant concerning the initial investigation of the~~  
42 ~~Complaint~~submit additional documents or writings to support their allegations and  
43 defenses. The OPC may also request permission to issue investigative subpoenas under  
44 Rule 11-523.

45 ~~(d) Referral to Professionalism and Civility Counseling Board. The OPC may in~~  
46 ~~connection with any conduct that comes to its attention refer any matter to the~~  
47 ~~Professionalism and Civility Counseling Board established under Rule 14 303. Such~~  
48 ~~referral may be in addition to or in lieu of any further proceedings related to the subject~~  
49 ~~matter of the referral. Such referral should be in writing and at the discretion of the~~  
50 ~~OPC may include any or all information included in the Complaint or additional facts~~  
51 ~~submitted by the Complainant.~~

52 (e) **Notice to Respondent.** Upon completing ~~the preliminary~~its investigation, the OPC  
53 will determine whether the Complaint can be resolved in the public interest, the  
54 Respondent's interest, and the Complainant's interest. If the Complaint cannot be  
55 resolved or if it alleges facts that, by their very nature, should be brought before the

56 screening panel, or if good cause otherwise exists to bring the matter before the screening  
57 panel, the OPC must:

58 (1) ~~serve the Respondent with~~prepare a Notice identifying with particularity the  
59 possible violation(s) of the Rules of Professional Conduct or Licensed Paralegal  
60 Practitioner Rules of Professional Conduct raised by the Complaint as the OPC has  
61 preliminarily determined;

62 (2) attach a copy of the ~~signed Complaint~~file gathered by the OPC; and

63 (3) ~~mail~~serve the documents on the Respondent, with a copy to the Respondent's  
64 ~~address as reflected in the Bar's records~~Complainant.

65 (f) **Answer to ~~Complaint~~Notice.** Within 21 days after the Respondent is served with the  
66 ~~Complaint and~~ Notice, the Respondent must file with the OPC a signed, written answer  
67 explaining the facts surrounding the Complaint, together with all defenses and responses  
68 to the claims of possible misconduct. For good cause, the OPC may extend the time for  
69 filing an answer ~~not to exceed~~by an additional 28 days. ~~When~~After the answer is filed or  
70 ~~if after~~ the ~~Respondent fails to respond~~time for filing an answer has expired, the OPC will  
71 either dismiss the Complaint or refer the case to a screening panel ~~to make for~~ a  
72 ~~determination or recommendation~~hearing. The OPC must forward a copy of the answer  
73 to the Complainant.

74 ~~(g) Dismissing the Complaint.~~

75 (g) Referral to Professionalism and Civility Counseling Board. The OPC may refer any  
76 matter that comes to its attention to the Professionalism and Civility Counseling Board  
77 established under Rule 14-303. Such referral may be in addition to or in lieu of any further  
78 proceedings related to the subject matter of the referral. Such referral should be in writing  
79 and – at the discretion of the OPC – may include any or all information included in the  
80 Complaint or additional material submitted by the Complainant.

81 (h) Dismissal; declination to prosecute; notification.

82 (1) Reasons for dismissal. The OPC may dismiss a Complaint without referral to a  
83 screening panel hearing if the OPC determines the Complaint is:

84 (A) frivolous, unintelligible, unsupported by fact, or fails to raise probable cause  
85 of any ~~unprofessional~~professional misconduct; or

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

87 ~~(C)~~(2) In its discretion, the OPC may decline to prosecute a Complaint without referral  
88 to a screening panel, including when:

89 (A) the Complaint's allegations would be more adequately addressed in another  
90 forum;

91 (B) a previous sanction for similar misconduct within the past two years obviates  
92 the need for an additional sanction;

93 (C) the Respondent has remedied the alleged misconduct and little or no harm  
94 resulted from the alleged misconduct;

95 ~~(D) one in which the OPC declines to prosecute.~~

96 ~~(2) Notification and appeal.~~

97 ~~(A)~~(D) the alleged violation is merely technical or is the result of a simple mistake  
98 and little or no harm resulted from the alleged misconduct;

99 (E) the OPC lacks adequate resources to thoroughly investigate the Complaint's  
100 allegations; or

101 (F) the Complaint appears to be primarily motivated by a desire to harm an  
102 opposing party or obtain a strategic advantage in litigation.

103 (3) When the OPC dismisses or declines to prosecute a Complaint, it may issue a letter  
104 of caution to the Respondent.

105 (4) When the OPC dismisses or declines to prosecute a Complaint, it must:

106 (iA) notify the Complainant and the Respondent that the OPC has dismissed or  
107 declined to prosecute the Complaint;

108 (iiB) state the reasons for dismissal or declination to prosecute; and

109 (iiiC) include a notice of the Complainant's right to appeal an OPC  
110 ~~decision~~ dismissal or declination to prosecute to the Committee chair.

111 ~~(B)~~ (5) If the Complainant acquires new evidence material to a potential violation of  
112 the Rules of Professional Conduct following the OPC's dismissal or declination to  
113 prosecute, the Complainant may file a new complaint with the OPC.

114 (i) Appeal of dismissal or declination to prosecute.

115 (1) The Complainant may appeal ~~the~~ dismissal or declination to prosecute by  
116 filingsubmitting an appeal ~~with~~ of no more than five pages to the Committee clerk ~~and~~  
117 servings, with a copy ~~of the appeal on~~ to the OPC, within 21 days after the dismissal or  
118 declination notification is ~~mailed~~ served.

119 ~~(C)~~ On(2) The Complainant carries the burden of persuasion on appeal. The appeal  
120 must identify the aspect(s) of the dismissal that the Complainant believes are  
121 erroneous. If the OPC determined that the Complaint was unsupported by fact, the  
122 appeal, must identify evidence in the file that supports the allegation(s).

123 (3) The Complainant may seek additional time to file or leave to include additional  
124 pages in the appeal from the Committee chair ~~or a vice chair will conduct a de novo,~~  
125 who may grant the request on a showing of good cause.

126 (4) The Committee chair's review ~~of the file, either~~ on appeal will be limited to the file  
127 compiled by the OPC and any publicly-available court dockets or filings.

128 (5) The Committee chair will reverse the OPC's declination to prosecute a Complaint  
129 only upon finding an abuse of discretion.

130 (6) The Committee chair will review the OPC's dismissal of a Complaint for clear error  
131 and may reverse a dismissal when:

132 (A) the facts material to a potential violation of the Rules of Professional Conduct  
133 are in genuine dispute;

134 (B) the OPC failed to address allegations that, if proven, would be sufficient to  
135 establish probable cause of a violation of the Rules of Professional Conduct; or

136 (C) the Complainant demonstrates that the OPC erred in some other material  
137 respect.

138 (7) After review, the chair may:

139 (A) affirm the dismissal or declination;

140 (B) affirm the dismissal or declination with a letter of caution to the Respondent;

141 (C) reverse the dismissal or declination and require the OPC to ~~prepare a Notice~~  
142 conduct additional investigation; or

143 (D) reverse the dismissal or declination and require the OPC to serve a Notice (if  
144 ~~necessary~~); a Notice has not already been served) and set the matter for hearing by  
145 a screening panel.

146 (8) If the Committee chair reverses and requires the OPC to conduct additional  
147 investigation, then the OPC may, after conducting the required investigation, either  
148 dismiss the Complaint, decline to prosecute, or prepare a Notice and set the matter  
149 for hearing by a screening panel. If the OPC dismisses or declines to prosecute, the  
150 Complainant may appeal under paragraph (j)(1) of this rule.

151 (9) In addition to or in lieu of affirming or reversing the dismissal, the chair may refer  
152 a matter to the Professionalism and Civility Counseling Board.

153 (10) If the chair recuses, the chair will appoint ~~the~~ a Committee vice chair or a screening  
154 panel chair or vice chair ~~or one of the screening panel chairs to to~~ review and  
155 determine the appeal.