



Agenda

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

Margaret Plane, Chair

Location:	Meeting held through Webex: https://utcourts.webex.com/utcourts/j.php?MTID=m05b7046c91f2974516d885d841b247b4
Date:	July 8, 2026
Time:	5:00 to 5:30 p.m.

Action: Welcome and Disclosure per SCRP 1-503(a)(2)		Margaret Plane, Chair
Action: Final Approval SCRP 1-530	Tab 1	Christine Greenwood, Beth Kennedy
Discussion: Old/new business		Margaret Plane

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

Tab 1

Damon King

April 22, 2026 at 7:14 am

I agree with nearly all of these changes. I believe that this brings clarity to the OPC's internal processes and provides attorneys and members of the public with increased transparency. My largest concern with the proposed amendment is minor; namely, whether Page 2, Line 45 the term "a third-party witness" ought to be written in the plural, so as not to be artificially construed to limit the OPC's ability to interact with multiple third-party witnesses.

Rule 1-530. ~~P~~Unprofessional misconduct ~~Complaints~~proceedings.

(a) Scope. The OPC or any person may bring a disciplinary Complaint against a Lawyer for professional misconduct. Damages are not available in disciplinary proceedings. Restitution is available only when awarded by a district court in an Action filed by the OPC.

(b) Filing. The OPC or any person may initiate a disciplinary proceeding ~~against any Lawyer~~ by filing a written Complaint in concise language setting forth the acts or omissions claimed to constitute ~~un~~professional misconduct.

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

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

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

(~~c~~) Complaint form.

(1) The Complaint ~~need~~does not need to be in any particular form ~~or class~~ and may be by letter or other informal writing, although the OPC may provide a form to standardize the format. The Complaint does not need ~~not to~~ recite disciplinary rules ~~or~~, ethical canons~~;~~ or a prayer request~~ing~~ specific disciplinary action. A Complaint's substance prevails over the form.

(2) The Complainant must sign the Complaint and include the Complainant's address and may list the names and addresses of other witnesses.

(3) The Complaint must contain an unsworn declaration ~~as to the accuracy of that~~ complies with Utah Code section 78B-18a-106 declaring that the information in the Complaint is true and correct. Complaints filed by the OPC ~~are not required to~~

~~contain~~do not need such a declaration. ~~A Complaint's substance prevails over the form.~~

(~~de~~) **Initial investigation**Summary Review. Upon receiving a Complaint, the OPC will conduct a preliminary ~~investigation-review~~ to ~~ascertain-determine~~ whether the ~~Complaint's~~Complaint includes allegations that, if proved, would constitute grounds for discipline and, if so, whether the Complaint should be investigated further. If the Complaint does not include allegations that, if proved, would constitute grounds for discipline, the OPC will dismiss the Complaint. The OPC may also decline to prosecute the Complaint under paragraph (g)(2). ~~are~~If a Complaint's allegations are not sufficiently clear. ~~If the allegations are not sufficiently clear,~~ the OPC ~~may~~will seek additional ~~facts~~information from the Complainant, ~~who must, upon the OPC's request, submit documents or writings containing any additional facts.~~ If the Complainant does not respond to the OPC's request or does not have additional evidence, the OPC may dismiss the Complaint. Absent extraordinary circumstances, Wwithin three months after ~~filing~~is filed, the OPC ~~must~~will advise the Complainant ~~concerning the initial investigation of~~about the status of the Complaint.

(e) **OPC investigation**. If the OPC determines that a Complaint warrants further investigation, the OPC may seek additional information from the Complainant, the Respondent, or a third-party witness. The OPC may also request permission to issue an investigative subpoena under Rule 1-523.

~~(d) Referral to Professionalism and Civility Counseling Board. The OPC may in connection with any conduct that comes to its attention refer any matter to the Professionalism and Civility Counseling Board established under Rule 14-30314-303. Such referral may be in addition to or in lieu of any further proceedings related to the subject matter of the referral. Such referral should be in writing and at the discretion of the OPC may include any or all information included in the Complaint or additional facts submitted by the Complainant.~~

(f) **Notice to Respondent.** Upon completing the preliminary investigation, the OPC will determine whether, in the interest of the Complainant, the Respondent, and the public, the Complaint can be resolved ~~in the public interest, the Respondent's interest, and the Complainant's interest~~ without the involvement of a screening panel. If the Complaint cannot be resolved or if it alleges facts that, by their very nature, should be brought before the screening panel, or if good cause otherwise exists to bring the matter before the screening panel, the OPC must:

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

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

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

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

(h) **Referral to Professionalism and Civility Counseling Board.** The OPC may ~~—in connection with any conduct that comes to its attention—~~ refer any matter that comes to

its attention to the Professionalism and Civility Counseling Board established under Rule 14-303. ~~Such~~That referral may be in addition to or ~~in lieu~~instead of any ~~other~~further proceedings related to the subject matter of the referral. ~~Such~~The referral ~~should~~must be in writing and – at the ~~discretion of the OPC's discretion~~ – may include any ~~or all~~ information ~~included in the Complaint or additional facts~~ submitted by the Complainant.

~~(g)~~ (ig) ~~Dismissal; declination to prosecute; notification; new evidence~~ing the Complaint.

(1) ~~Reasons for d~~Dismissal. The OPC may dismiss a Complaint without referral to a screening panel hearing if the OPC determines the Complaint is:

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

(B) barred by the statute of limitations;

~~(C) more adequately addressed in another forum; or~~

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

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

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

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

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

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

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

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

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

(4) **Notification and appeal.** (A) When the OPC dismisses or declines to prosecute a Complaint, it must:

(A*i*) notify the Complainant and the Respondent that the OPC has dismissed or decline to prosecute the Complaint;

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

(C*iii*) include a notice of the Complainant's right to appeal an OPC ~~decision~~ dismissal or declination to the Committee chair.

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

(j) Appeal of dismissal or declination to prosecute.

(1*B*) The Complainant may appeal ~~a~~ the dismissal or declination to prosecute by ~~filing~~ submitting an appeal of no more than five pages to ~~with~~ the Committee clerk, with and serving a copy ~~of the appeal on~~ to the OPC, within 21 days after the dismissal or declination ~~notification~~ is ~~mailed~~ served.

(2*E*) The Complainant carries the burden of persuasion on appeal. The appeal must identify any aspect(s) of the dismissal that the Complainant believes is erroneous. If the OPC determined that the Complaint was unsupported by fact, the appeal must identify evidence in the file that supports the allegations in the Complaint.

(3) The Complainant may, for good cause shown, seek from the Committee chair additional time to file an appeal or leave to include additional pages in the appeal.

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

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

(6) The Committee chair will reverse the OPC's dismissal of a Complaint when:

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

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

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

(7) After review, the Committee chair may:

(A) affirm the dismissal or declination;

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

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

(D) reverse the dismissal or declination and require the OPC to serve ~~the~~ Committee chair or a vice chair will conduct a de novo review of the file, either affirm the dismissal or require the OPC to prepare a Notice (if no Notice has been served ~~necessary~~), and set the matter for hearing by a screening panel. ~~If the chair recuses, the chair will appoint the vice chair or one of the screening panel chairs to review and determine the appeal.~~

(8) If the Committee chair reverses and requires the OPC to conduct additional investigation, the OPC may, after conducting the additional investigation, dismiss the Complaint, decline to prosecute, or prepare a Notice and set the matter for hearing by

a screening panel. If the OPC dismisses or declines to prosecute, the Complainant may appeal under paragraph (j)(1).

(9) In addition to or instead of affirming or reversing the dismissal or declination, the Committee chair may refer a matter to the Professionalism and Civility Counseling Board.

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