

1 **Rule 14-303. Professionalism and Civility Counseling.**

2 **(a) Professionalism and Civility Counseling Board.**

3 (a)(1) **Composition.** Members of the Board shall be appointed by the Supreme Court. The Board
4 shall consist of seven Bar members. Appointments shall be based on stature in the legal community
5 and experience in legal professionalism and civility matters.

6 (a)(1)(A) At least one of the appointees shall have transactional experience, and at least one
7 shall have small-firm or sole-practitioner experience.

8 (a)(1)(B) Members shall be appointed to serve staggered four-year terms. In the event of a
9 mid-term vacancy, the Supreme Court shall appoint a new member to serve for the remainder of
10 the term. No member may serve more than two full consecutive terms on the committee unless
11 appointed by the Supreme Court as the committee chair.

12 (a)(1)(C) The Utah Supreme Court will appoint one of the Board members as chair.

13 **(a)(2) Authority and Responsibility.** The Board shall have authority to:

14 (a)(2)(A) receive, evaluate, address, and resolve complaints made by Bar members and
15 judges concerning Bar members' professionalism and civility;

16 (a)(2)(B) counsel Bar members in response to complaints by other Bar members, referrals
17 from judges, or OPC counsel;

18 (a)(2)(C) counsel Bar members who request advice on their own obligations under the
19 Standards;

20 (a)(2)(D) provide CLE and otherwise educate Bar members on the Standards; and

21 (a)(2)(E) publish advice and information relating to the work of the Board.

22 **(b) Submission of Complaints and Questions Regarding Professionalism and Civility.**

23 (b)(1) A Bar member, a judge, or OPC counsel may submit a complaint to the Professionalism
24 and Civility Counseling Board concerning the professionalism or civility of Bar members. Members of
25 the public may submit a complaint under this provision only through a referral from a judge or OPC
26 counsel.

27 (b)(2) To submit a complaint to the Board concerning the conduct of another Bar member, the
28 complainant shall deliver a letter or email to the Board that contains:

29 (b)(2)(A) the name of and contact information for the respondent and complainant;

30 (b)(2)(B) a description of the conduct that is the subject of the complaint; and

31 (b)(2)(C) complainant's signature.

32 (b)(3) The Board shall not consider anonymous complaints or referrals about Bar members.

33 (b)(4) Bar members may submit questions or requests for counseling concerning the member's
34 own conduct. These need not be in writing, but may be made by telephone or personal visit with
35 members of the Board.

36 (b)(5) Submission of a complaint from a judge may be made by telephone. A judge's submission
37 of a complaint does not independently form the basis for disqualification of the judge.

38 (b)(6) Lawyers filing complaints or seeking the assistance of the Board shall do so only in good
39 faith and not for the purposes of harassment or to attain a strategic or tactical advantage.

40 (c) **Procedure.**

41 (c)(1) The Board may develop its own procedures based on the purposes of this Rule and the
42 Board's experience. Adherence to formal rules of procedure or evidence is not required. The Board
43 may address a complaint or referral by whatever means it determines to be best.

44 (c)(2) When the Board deems it appropriate, matters may be addressed by panels of three Board
45 members.

46 (c)(3) Within 30 days of receipt of a complaint or referral, the Board shall notify the complainant
47 that the complaint or referral has been received and may indicate the manner in which the Board
48 intends to address the issue and the general timing that is anticipated.

49 (c)(4) Except as authorized by this rule or Rule 14-515(a)(4), the contents of statements,
50 communications or opinions made by any participant shall be kept confidential.

51 (c)(5) Board members may communicate freely and directly with lawyers, judges, OPC counsel,
52 clients, or other witnesses involved in the matter concerning the relevant facts and the application or
53 interpretation of the Standards.

54 (c)(6) The Board may inform the respondent of relevant factual assertions that the Board may
55 address and include a copy of the complaint or written referral. The Board may also investigate
56 underlying facts or counsel lawyers by reference to facts or assertions learned in the process of its
57 efforts.

58 (c)(7) Any failure or refusal by the respondent to respond to a request or instruction from the
59 Board may result in the Board reporting such failure or refusal to OPC counsel, which may result in a
60 referral to OPC for possible violations of the Rules of Professional Conduct.

61 (d) **Resolution and Written Advisories.**

62 (d)(1) The Board may resolve a matter as it deems appropriate, including by:

63 (d)(1)(A) issuing a written advisory to the lawyers involved, with reference to applicable
64 Standards and a copy of the written advisory, including identifying information, provided to the
65 lawyers involved in the matter and, at the Board's discretion, to OPC counsel. The Board may
66 also provide a copy of the written advisory to supervisors, employers, or agencies whose lawyers
67 have been the subject of a complaint;

68 (d)(1)(B) conducting a personal meeting with the lawyer or lawyers and the Board;

69 (d)(1)(C) counseling the Board provides by telephone or other means; or

70 (d)(1)(D) terminating a proceeding it believes has been initiated or utilized in bad faith or for
71 an improper purpose.

72 (d)(2) When a matter has come to the Board from a judicial referral, the Board shall, upon
73 resolution of the matter, report to the judge the manner in which the matter was resolved, including,
74 where applicable, a copy of the written advisory.

75 (e) **Publication and Reporting.**

76 (e)(1) The Board may disclose the general nature of matters that come before it for the benefit of
77 Bar members and the public, but may not identify names or uniquely identifying facts. A disclosure
78 may be made through publication or other means of public dissemination, including CLE
79 presentations or posting to a webpage, and should include a sufficient description of the conduct at
80 issue to convey the basis for the Board's advice.

81 (e)(2) The Board shall report annually to the Supreme Court its operations for the year, the
82 Standards it has interpreted, the advice and counseling it has given and any trends it believes
83 important for the Supreme Court to be informed about. It should also make suggestions to the
84 Supreme Court as to possible changes to the Standards.

85 (e)(3) The Board shall periodically publish summaries or selected portions of its written advisories
86 in the Utah Bar Journal for the benefit of Bar members. Published written advisories shall not include
87 the names or uniquely identifying facts such as the parties to a proceeding. The Board shall also
88 maintain a public webpage under the auspices of the Supreme Court or the Bar that provides a
89 database of the advisories transmitted to the Utah Bar Journal for publication.