

1 **Rule ~~14-502~~11-502. Definitions.**

2 As used in this article:

3 (a) “Action” means a lawsuit filed by the OPC in district court alleging Lawyer  
4 misconduct or seeking to transfer a Lawyer to disability status.

5 (b) “Bar” means the Utah State Bar;

6 (c) ~~“Board~~Bar Commission” or “Commission” means the Board of Bar  
7 Commissioners of the Utah State Bar;

8 (d) “Chief Disciplinary Counsel” means the lawyer the Supreme Court  
9 appoints to manage the OPC.

10 (e) “Committee” means the Ethics and Discipline Committee of the Utah  
11 Supreme Court; ~~(e) OPC counsel means senior counsel and any assistant counsel~~  
12 ~~employed to assist senior counsel;~~

13 (f) ~~“eComplainant” means either (1) the person who files a an informal~~  
14 ~~eComplaint, or (2) the OPC when the OPC determines to open an investigation~~  
15 ~~based on information it has received after opening an investigation.;~~

16 (g) ~~“formal complaint” means a complaint filed in the district court alleging~~  
17 ~~misconduct by a lawyer or seeking the transfer of a lawyer to disability status;~~

18 (h) “Complaint” means any written allegation of Lawyer misconduct or  
19 incapacity containing an unsworn declaration as to the accuracy of the  
20 information provided.

21 (i) ~~informal complaint means any written, notarized allegation of misconduct~~  
22 ~~by or incapacity of a lawyer which also contains a verification attesting to the~~  
23 ~~accuracy of the information provided;~~

24 (j) “injury” means harm to a client, the public, the legal system, or the  
25 profession that results from a lawyer’s misconduct. The level of injury can range

26 from “serious” injury to “little or no” injury; a reference to “injury” alone  
27 indicates any level of injury greater than “little or no” injury.

28 (i) “**intent**” means the conscious objective or purpose to accomplish a particular  
29 result.

30 (j) “**knowledge**” means the conscious awareness of the nature or attendant  
31 circumstances of the conduct but without the conscious objective or purpose to  
32 accomplish a particular result.

33 (k) “**Lawyer**” includes those licensed to practice law in any jurisdiction of the  
34 United States, foreign legal consultants, and licensed paralegal practitioners,  
35 insofar as the licensed paralegal practitioner is authorized to practice under Utah  
36 Special Practice Rule 14-802, unless provided otherwise.

37 (l) “**licensed**” includes lawyers admitted to the Bar, unless provided otherwise.

38 (m) “**negligence**” means a Lawyer’s failure to heed a substantial risk that  
39 circumstances exist or that a result will follow, which failure is a deviation from  
40 the standard of care that a reasonable Lawyer would exercise in the situation.

41 (n) “~~NOIC~~**Notice**” means ~~the notice~~~~Notice of Informal Complaint~~ the OPC  
42 sends~~sent~~ to the ~~R~~Respondent after a preliminary investigation, which identifies  
43 the possible violation(s) of the Rules of Professional Conduct or Licensed  
44 Paralegal Practitioner Rules of Professional Conduct, raised by the Complaint as  
45 the OPC has preliminarily determined.

46 (~~i~~**o**) “**OPC**” means the ~~Bar’s~~ Office of Professional Conduct.

47 (p) “**OPC Counsel**” means Chief Disciplinary Counsel, deputy chief disciplinary  
48 counsel, and any assistant disciplinary counsel.

49 (q) “**Oversight Committee**” means the committee established in Rule 11-503 to  
50 oversee the OPC.

51

52 ~~(j)~~ **“potential injury”** means the harm to a client, the public, the legal system, or  
53 the profession that is reasonably foreseeable at the time of the lawyer’s  
54 misconduct, and which, but for some intervening factor or event, would  
55 probably have resulted from the lawyer’s misconduct.

56 ~~(s)~~ **“Respondent”** means a Lawyer subject to the disciplinary jurisdiction of the  
57 ~~Utah~~ Supreme Court against whom ~~an informal or formal e~~Complaint has been  
58 filed or an Action has been initiated;

59 ~~(k)~~ **“Rules of Professional Conduct”** means the rules in Chapter 13 of the  
60 Supreme Court Rules of Professional Practice ~~Utah Rules of Professional Conduct~~  
61 ~~(including the accompanying comments) initially adopted by the Utah Supreme~~  
62 ~~Court in 1988, as amended from time to time and “Licensed Paralegal~~  
63 Practitioner Rules of Professional Conduct” means the rules in Chapter 15,  
64 article 12 of the Supreme Court Rules of Professional Practice;

65 ~~(l)~~ **“screening panel”** means ~~members of the Committee who participate in~~  
66 ~~hearings and make determinations under Rule 14-503;~~

67 ~~(m)~~ **“senior counsel”** means ~~the lawyer appointed by the Board to manage the~~  
68 ~~OPC; an~~

69 ~~(n)~~ **“Supreme Court”** means the Utah Supreme Court.

70 Effective December 15, 2020