

1 **Rule ~~11-501~~11-503. Oversight Committee for the Office of Professional Conduct.**

2 **Intent:**

3 ~~To establish an oversight committee for the Office of Professional Conduct (“OPC”).~~

4 ~~To establish a method for appointing committee members, membership terms, a~~  
5 ~~meeting schedule, and committee purposes and responsibilities.~~

6 **Applicability:**

7 ~~This rule shall apply to the Oversight Committee for the Office of Professional Conduct.~~

8 **Statement of the Rule:**

9 ~~(1a) Establishment.~~ The Oversight Committee for the Office of Professional Conduct  
10 ~~(“Oversight Committee”)~~ is established as a Supreme Court committee ~~of the Utah~~  
11 ~~Supreme Court.~~

12 (1)~~(A)~~ **Composition.**

13 (A)~~(i)~~ The Oversight Committee ~~shall~~ consist of five voting members.  
14 Among the members, at least one ~~must be~~ of whom is a judge; one a  
15 member of the public; and one a past chair or past vice-chair of the Ethics  
16 and Discipline Committee. At least one of the members ~~shall~~ must have an  
17 accounting or finance background.

18 ~~(B)(ii)~~ The ~~E~~ executive ~~D~~ director of the Utah ~~State~~ Bar ~~shall~~ will be an ex-  
19 officio, non-voting member of the Oversight Committee.

20 ~~(2B) Appointment and member roles.~~ The Utah Supreme Court appoints  
21 Oversight Committee members ~~shall be appointed by the Utah Supreme Court~~  
22 ~~and who~~ may serve up to two consecutive staggered four-year terms. The  
23 Supreme Court ~~shall~~ will select a chair from among the Oversight Committee’s  
24 members. Oversight Committee members ~~shall~~ serve as officers of the court and  
25 not as representatives of any client, employer, or other organization or interest  
26 group. At the first meeting of the Oversight Committee in any calendar year, and

27 at every meeting at which a new ~~member of the~~ Committee member first attends,  
28 each Committee member ~~shall~~must briefly disclose the general nature of the  
29 member's legal or other practice.

30 (3) Meeting schedule. The Oversight Committee will meet as often as necessary  
31 to accomplish its purposes but at least annually.

32 (4C) Vacancies. ~~Ifn there is an event of a vacancy on the Oversight~~ Committee  
33 vacancy, the Supreme Court ~~shall~~will appoint a new Committee member to  
34 serve for the remainder of the unexpired term.

35 (5D) Absences. ~~Ifn the event that an Oversight~~ Committee member fails to attend  
36 two consecutive Committee meetings, the chair may notify the Supreme Court of  
37 those absences and may request that the Supreme Court replace that Committee  
38 member.

39 (6E) Administrative support. The Administrative Office of the Courts shall  
40 coordinate administrative support to the Committee.

41 (2b) Oversight eCommittee purpose, responsibilities, and authority.

42 (1A) Oversight Committee Ppurpose of the Committee. The Oversight  
43 Committee's purpose ~~of the Committee~~ is to assist the OPC in implementing ~~the~~  
44 reforms to the attorney discipline process adopted by the Utah Supreme Court  
45 and to provide oversight for the OPC.

46 (2)(B) Oversight Committee responsibilities. The following comprise the  
47 Oversight Committee's responsibilities:

48 (A)(i) Develop and implement realistic performance metrics and conduct  
49 annual evaluations of OPC and its Chief Disciplinary Counsel;

50 (B)(ii) ~~Develop a~~ Approve the budget for the OPC and annually submit  
51 the budget by May 1 to the ~~Utah~~ Supreme Court and ~~to the Utah State~~ the  
52 Bar;

53 ~~(CB)(iii)~~ Conduct a needs assessment for the OPC, setting forth a three- to  
54 five-year funding plan for the disciplinary process, including technology  
55 and staffing needs;

56 ~~(DB)(iv)~~ Annually, in conjunction with ~~OPC~~ Chief Disciplinary Counsel  
57 and the ~~Chair of the~~ Ethics and Discipline Committee chair, report to the  
58 Court regarding the operations of the OPC and the general standing of  
59 disciplinary matters and procedures; ~~and~~

60 ~~(EB)(v)~~ Develop and monitor formal policies for the OPC, including  
61 records retention policies; ~~;~~

62 (F) Recommend rules of administration and procedure to the Supreme  
63 Court;

64 (G) Recommend a Chief Disciplinary Counsel to be appointed by the  
65 Supreme Court; ~~and~~

66 (H) Monitor the OPC's workload and recommend to the Supreme Court  
67 adequate OPC staffing; and;

68 (I) Review and consider any public input.

69 ~~(3E)~~ **Authority.** The Oversight Committee does not have authority to interfere  
70 with the prosecutorial independence of the OPC, but is granted access to  
71 confidential information as necessary to carry out its duties.

72 ~~(3) Meeting schedule. The Committee shall meet as often as necessary to~~  
73 ~~accomplish its purposes but at least annually.~~

74 (c) Complaints and appeals.

75 (1) Any person may file with the Oversight Committee chair a complaint alleging  
76 malfeasance regarding the Chief Disciplinary Counsel. If necessary, the  
77 Oversight Committee may enter a recommendation to the Supreme Court, which  
78 may take appropriate action.

79 (2) If a complaint regarding the Chief Disciplinary Counsel is received in the  
80 OPC's office, the Chief Disciplinary Counsel must forward the complaint to the  
81 Oversight Committee chair within a reasonable time, but not more than 14 days  
82 after receipt.

83 (3) Any person may file with the Chief Disciplinary Counsel a complaint alleging  
84 malfeasance regarding OPC Counsel or staff. The Chief Disciplinary Counsel's  
85 decision regarding the complaint is final and not subject to appeal. The Chief  
86 Disciplinary Counsel's decision may include an appropriate action taken against  
87 the person who is the subject of the complaint.

88 (4) A complaint must be in writing, stating the name and contact information of  
89 the complainant, the nature of the complaint, and the facts on which the  
90 complaint is based.

91 (5) Unless the appropriate action taken on a complaint is part of a formal  
92 proceeding, any action taken is confidential.

93 Effective December 15, 2020