

1 **Rule ~~14-511~~11-536. ~~Proceedings subsequent to finding of probable cause~~Actions in**
2 **district court.**

3 (a) ~~Commencement of~~ ing an a**Action**. If the screening panel finds probable cause to
4 believe ~~that~~ there are grounds for public discipline ~~and~~ that merit filing an Action a
5 ~~formal complaint is merited, the~~ OPC counsel ~~shall~~will prepare and file ~~with the district~~
6 ~~court~~ an Action a formal complaint in district court setting forth in plain and concise
7 language the facts upon which the charge of unprofessional conduct is based and the
8 applicable provisions of the Rules of Professional Conduct. The Committee chair must
9 be given notice of the screening panel recommendation and a copy of the
10 pleadings. ~~formal complaint shall be signed by the Committee chair or, in the chair's~~
11 ~~absence, by the Committee vice chair or a screening panel chair designated by the~~
12 ~~Committee chair.~~

13 (b) **Venue**. The ~~a~~A**ction shall** must be brought ~~and the trial shall be held:~~

14 (1) in the county in which an alleged offense occurred; or

15 (2) in the county where the ~~r~~Respondent resides, ~~or~~ practices law, or last
16 practiced law in Utah; provided, however, that if the ~~r~~Respondent is not a
17 resident of Utah and the alleged offense is not committed in Utah, the ~~trial shall~~
18 ~~be held~~ Action must be brought in a county designated by the Chief Justice of the
19 Supreme Court. ~~The parties may stipulate to a change of venue in accordance~~
20 ~~with applicable law.~~

21 (c) **Style of proceedings**. All proceedings instituted by the OPC ~~shall~~must be styled:

22 "In the Matter of the Discipline of (~~name of r~~Respondent's name and ~~respondent's~~
23 number), Respondent."

24 ~~(d) Change of judge as a matter of right.~~

25 ~~(1) Notice of change.~~ The respondent or OPC counsel may, by filing a
26 notice indicating the name of the assigned judge, the date on which the formal
27 complaint was filed, and that a good faith effort has been made to serve all

28 ~~parties, change the judge assigned to the case. The notice shall not specify any~~
29 ~~reason for the change of judge. The party filing the notice shall send a copy of the~~
30 ~~notice to the assigned judge and to the presiding judge. The party filing the~~
31 ~~notice may request reassignment to another district court judge from the same~~
32 ~~district, which request shall be granted. Under no circumstances shall more than~~
33 ~~one change of judge be allowed to each party under this rule.~~

34 ~~(2) **Time.** Unless extended by the court upon a showing of good cause, the notice~~
35 ~~must be filed within 30 days after commencement of the action or prior to the~~
36 ~~notice of trial setting, whichever occurs first. Failure to file a timely notice~~
37 ~~precludes any change of judge under this rule.~~

38 ~~(3) **Assignment of action.** Upon the filing of a notice of change, the assigned~~
39 ~~judge shall take no further action in the case. The presiding judge shall promptly~~
40 ~~determine whether the notice is proper and, if so, shall reassign the action. If the~~
41 ~~presiding judge is also the assigned judge, the clerk shall promptly send the~~
42 ~~notice to the Chief Justice of the Supreme Court, who shall determine whether~~
43 ~~the notice is proper and, if so, shall reassign the action.~~

44 ~~(4) **Rule 63 and Rule 63A unaffected.** This rule does not affect any rights a party~~
45 ~~may have pursuant to Rule 63 or Rule 63A of the Utah Rules of Civil Procedure.~~

46 ~~(ed) **Actions tried to the bench; findings and conclusions.** All ~~a~~Actions tried according~~
47 ~~to this article ~~shall~~will be tried to the bench, and the district court ~~shall~~will enter~~
48 ~~findings of fact and conclusions of law. Neither masters nor commissioners ~~shall~~may~~
49 ~~be ~~utilized~~used.~~

50 ~~(fe) **Sanctions hearing.** Upon a finding of misconduct and as soon as reasonably~~
51 ~~practicable, within a target date of not more than 30 days after ~~If~~If the district court ~~enters~~~~
52 ~~its findings of fact and conclusions of law ~~finds~~finds misconduct, it ~~shall~~will hold a hearing~~
53 ~~to receive relevant evidence in aggravation and mitigation, and ~~shall~~will ~~within five~~~~
54 ~~days thereafter, enter an order sanctioning the ~~r~~Respondent. Upon reasonable notice to~~

55 the parties, the court, at its discretion, may hold the sanctions hearing immediately after
56 the misconduct proceeding.

57 (g) **Review.** Either the OPC or the Respondent may appeal ~~Any discipline order by the~~
58 ~~district court may be reviewed by the Supreme Court through a petition for review~~
59 ~~pursuant to the Utah Rules of Appellate Procedure~~ the discipline order to the Supreme
60 Court.

61 Effective December 15, 2020