

1 **Rule ~~14-515~~11-561. Accessing ~~to~~ disciplinary information.**

2 (a) **Confidentiality.** ~~Prior to the~~Before the OPC filing of a formal complaint~~initiates an~~  
3 Action or ~~the publishes notice of~~~~issuance of~~ a public reprimand ~~pursuant to Rule 14-510~~  
4 ~~in a discipline matter~~, OPC Ccounsel, OPC ~~employees~~staff, the Committee, Committee  
5 volunteers, Committee staff, Committee employees, special counsel appointed pursuant  
6 to Rule ~~14-517(f)~~11-542, and special counsel employees or assistants, ~~shall~~must keep the  
7 proceeding confidential, ~~except that~~but the OPC may disclose the pendency, subject  
8 matter, and status of an investigation ~~may be disclosed by OPC counsel~~ if the  
9 proceeding is based upon allegations ~~that have been~~ disseminated through the mass  
10 media, or include either the conviction of a crime or reciprocal public discipline. The  
11 proceeding ~~shall is not~~not be deemed confidential to the extent:

12 (1) the ~~R~~Respondent has given an express written waiver of confidentiality;

13 (2) there is a need to notify another person or organization ~~—~~, including the Bar’s  
14 Lawyer’s Fund for Client Protection or Licensed Paralegal Practitioners’ Fund for  
15 Client Protection —, ~~in order~~ to protect the public, the administration of justice, or  
16 the legal profession; ~~or~~

17 (3) the information is required in a subsequent Lawyer sanctions hearing; or

18 (4) a referral is made to the Professionalism and Civility Counseling Board  
19 ~~pursuant to Rule 14-510 (a)(4) or (b)(6)(C)~~, in thewhich event ~~of such a referral~~,  
20 OPC Ccounsel, ~~members of the~~ Committee members, ~~and of any~~ screening panel  
21 members, and ~~members of the~~ Professionalism and Civility Counseling Board  
22 members may share all information between and among them with the  
23 expectation that such information will in all other respects be subject to  
24 applicable confidentiality rules or exceptions.

25 (b) **Public proceedings.** Upon ~~the filing of an~~ Action~~formal complaint in a discipline~~  
26 ~~matter or~~, ~~the filing of~~ a petition for reinstatement or relicensure, ~~or the filing of a~~

27 ~~motion or petition for interim suspension,~~ the proceedings are public, except as  
28 provided in paragraph (d) below.

29 (c) **Proceedings alleging disability.** Proceedings for transfer to or from disability status  
30 are confidential. All orders transferring a Respondent to or from disability status are  
31 public.

32 (d) **Protective order.** ~~In order to~~ In order to protect the interest of a Complainant, witness, third  
33 party, or Respondent, the district court may, ~~upon application on~~ of any person's  
34 request and for good cause ~~shown,~~ issue a protective order prohibiting the disclosure of  
35 specific information and direct that the proceedings be conducted so as to implement  
36 the order, including requiring that the hearing be conducted in such a way as to  
37 preserve the confidentiality of the information that is the subject of the application.

38 (e) **Request for nonpublic information.** Nonpublic information ~~shall be~~ is confidential,  
39 other than as authorized for disclosure under paragraph (a), unless: ~~(e)(1) the request~~  
40 ~~for information is made by the Board, any Bar committee, a committee or consultant~~  
41 ~~appointed by the Supreme Court or the Board to review OPC operations, or the~~  
42 ~~executive director, and is required in the furtherance of their duties; or (e)(2) the request~~  
43 for information is approved by the OPC and ~~there is~~ requestor compliance complies  
44 with ~~the provisions of~~ paragraphs (f) and (g) ~~of this rule.~~

45 (f) **Notice to the Respondent.** Except as provided in paragraph (g), if the Committee  
46 decides to provide nonpublic information requested pursuant to paragraph (e), and if  
47 the Respondent has not signed an express written waiver permitting the party  
48 requesting the information to obtain the nonpublic information, the Respondent ~~shall~~  
49 must be notified in writing at the Respondent's ~~last known designated~~ mailing address  
50 as shown by Bar records of that information ~~which that~~ has been requested and by  
51 whom, together with a copy of the information proposed to be released. The notice ~~shall~~  
52 must advise the Respondent that the information ~~shall~~ will be released ~~at the end of~~ 21  
53 days ~~following after the notice's~~ mailing ~~of the notice~~ unless the Respondent objects to  
54 the disclosure. If the Respondent timely objects to the disclosure, the information ~~shall~~

55 must remain confidential unless the requesting party obtains a court order authorizing  
56 its release.

57 (g) **Release without notice.** If a requesting party as outlined in paragraph (e)(2) has not  
58 obtained an express written waiver from the ~~Respondent~~ Respondent to obtain nonpublic  
59 information, and requests that the information be released without giving notice to the  
60 ~~Respondent~~ Respondent, the requesting party ~~shall~~ must certify that:

- 61 (1) the request ~~is made in furtherance of~~ will further an ongoing investigation into  
62 the Respondent's misconduct ~~by the respondent~~;
- 63 (2) the information is essential to that investigation; and
- 64 (3) ~~disclosure of~~ disclosing the existence of the investigation to the ~~Respondent~~ Respondent  
65 would seriously prejudice that investigation.

66 (h) **Disclosure without notice.** ~~The~~ OPC ~~can~~ may disclose nonpublic information  
67 without notice to the ~~Respondent~~ Respondent if:

- 68 (1) ~~disclosure is made in furtherance of~~ disclosure furthers an ongoing OPC  
69 investigation into the Respondent's misconduct ~~by the respondent~~; and
- 70 (2) ~~the information that is sought through~~ disclosure is essential to that  
71 investigation.

72 (i) **Duty of Participants' duty.** OPC ~~C~~ounsel, OPC ~~employees~~ staff, the Committee,  
73 Committee volunteers, Committee staff, Committee employees, special counsel  
74 appointed pursuant to Rule ~~14-517(f)~~ 11-542, and special counsel employees or assistants  
75 in a proceeding under these rules ~~shall conduct themselves so as to~~ must maintain  
76 confidentiality. ~~Except as~~ Unless otherwise authorized ~~by other statutes or rules~~, persons  
77 receiving private records under paragraph (e) will not provide access to the records to  
78 anyone else.

79 Effective December 15, 2020