

NOTARIZED AND VERIFIED INFORMAL COMPLAINT RECEIVED AND PRELIMINARY INVESTIGATION
 After receipt of notarized and verified informal complaint, OPC conducts preliminary investigation which usually includes seeking additional facts from the complainant.
[RLDD 14-510(a)(1),(2),(3)]

NOTICE OF INFORMAL COMPLAINT ("NOIC")
 OPC sends attorney NOIC. Attorney must respond in writing and sign response.
[RLDD 14-510(a)(4), (5)]
 OPC sends copy of attorney response to complainant and, where necessary conducts additional investigation, which may include seeking additional responses.
[RLDD 14-510(a)(5); RLDD 14-504(b)(2)]
 If warranted, case referred to Screening Panel of Ethics and Discipline Committee.
[RLDD 14-510(b)(6)]

SCREENING PANEL HEARING
 Screening Panel reviews informal complaints referred by OPC, including all facts developed by informal complaint, attorney's answer, investigation and hearing, and the OPC's recommendation.
[RLDD 14-510(b)(1)]

ABEYANCE
 Proceeding may be held in abeyance if allegations contain matters of substantial similarity to allegations of pending criminal or civil litigation
[RLDD 14-517(d)]

RESIGNATION WITH DISCIPLINE PENDING
 Proposal filed before adjudication on merits. Supreme Court must approve resignation.
[RLDD 14-521]

DIVERSION
 OPC may resolve case by stipulating with Respondent to a diversion program in lieu of discipline.
[RLDD 14-533]

DISCIPLINE BY CONSENT
 Proposal filed before adjudication on merits. The Chair of the Ethics & Discipline Committee must approve proposals for:
 • Admonition
 • Public Reprimand
[RLDD 14-520]

INTERIM SUSPENSION
 Imposed by District Court 'for threat of harm' or upon conviction of crime involving dishonesty. Court may appoint trustee to protect client interests.
[RLDD 14-518; RLDD 14-519]

DISMISSALS
 Response from attorney not necessarily needed:
 • Failure to state facts that would support finding of misconduct
 • Complaint unintelligible
 • Statute of limitations
 • Allegations more adequately address in other forum
OR
 OPC contacts attorney with NOIC for response prior to dismissal:
 • Allegations do not constitute rule violation
 • Evidence insufficient to establish rule violation by probable cause
 • OPC may caution attorney.
[RLDD 14-510(a)(6)]
[RLDD 14-504(a)(3)(A)]

DECLINATIONS TO PROSECUTE
 • Matter should first be address in another forum
 • Lack of nexus to attorney's practice of law
 • Attorney had taken immediate action to remedy non-substantial conduct
[RLDD 14-510(a)(6)]
[RLDD 14-504(b)(3)(B)]

COMPLAINANT'S RIGHT TO APPEAL DISMISSALS INCLUDING DECLINATIONS TO PROSECUTE
 Complainant has 15 days to appeal. OPC sends Appeal to Chair of Ethics and Discipline Committee, who affirms or returns case for presentation to Screening Panel
[RLDD 14-510(a)(6)]

UTAH STATE BAR OFFICE OF PROFESSIONAL CONDUCT DISCIPLINARY PROCESS
RLDD – Rules of Lawyer Discipline and Disability
SANCTIONS – Standards for Imposing Lawyer Sanctions
OPC – Office of Professional Conduct
NOTE: This graphic representation is intended to give the reader, in summary form, an introduction to the flow of the disciplinary process for notarized and verified complaints. Individual cases differ in their details and there are processed accordingly.

PRIVATE ADMONITION, PUBLIC REPRIMAND, DISMISSAL
 Screening Panel may dismiss case (either outright, or with a caution or upon condition) or recommend that Chair issue Private Admonition or Public Reprimand.
[RLDD 14-510(b)(5)]

FORMAL ACTION RECOMMENDED
 Screening Panel directs OPC to file Complaint in District Court. Chair of Ethics and Discipline Committee signs Complaint.
[RLDD 14-511(a)]

APPEAL OF PRIVATE ADMONITION OR PUBLIC REPRIMAND
 Attorney has 10 days to file exception to Screening Panel recommendation of private Admonition or Public Reprimand. OPC submits exception to Chair of Ethics and Discipline Committee. Chair may hold hearing
[RLDD 14-510(c)]

DISTRICT COURT
 Bench trial in two phases: adjudication of merits and sanctions hearing.
[RLDD 14-511]
 Court may impose discipline (except Resignation with Discipline Pending) or Dismiss Case.
 • Disbarment
 • Suspension
 • Probation
 • Reprimand
[SANCTIONS RULE 14-603]

STAYED PROCEEDING
 Upon showing of good cause District Court Proceeding may be stayed because of substantive similarity of the material allegations of pending criminal, civil or disciplinary action.
[RLDD 14-517(d)]

DISCIPLINE BY CONSENT
 Proposal filed before adjudication on merits. District Court must approve proposals for:
 • Disbarment
 • Suspension
 • Probation
 • Reprimand
 [Chair of Ethics and Discipline Committee May approve Public Reprimand]
[RLDD 14-520]

APPEAL FROM DISTRICT COURT
 To Utah Supreme Court by OPC or attorney.
[RLDD 14-511(g)]