

## **INTRODUCTION**

This report on the Office of Professional Conduct ("OPC") will focus on six areas: (I) staff composition; (II) attorney misconduct case process and procedure; (III) statistics for calendar year 2000 and fiscal year 2000-2001; (IV) progress on cases; (V) the Consumer Assistance Program; and (VI) goals for fiscal year 2001-2002.

### **I. STAFF COMPOSITION**

The staff currently consists of nine full-time employees. These nine employees include Senior Counsel, Deputy Counsel, three Assistant Counsel, one Paralegal, and two Legal Secretaries/Assistants to Counsel and one Intake Clerk.

Since the last annual report (for calendar year 1999), the OPC has replaced one paralegal position with an Intake Clerk position. The need for the Intake Clerk position was precipitated by the OPC's initiation of a Central Intake System in October of 2000.

### **II. ATTORNEY MISCONDUCT CASE PROCESS AND PROCEDURE**

This section outlines how the OPC addresses information that comes to its attention regarding alleged attorney misconduct. Rule 4 of the Rules of Lawyer Discipline and Disability ("RLDD") is the overall authority for the OPC and Senior Counsel as head of the OPC. Specifically addressing the processing of cases, the pertinent provisions of Rule 4(b) of the RLDD states that Senior Counsel and the OPC have the power and duty to:

(1) Screen all information coming to the attention of the Office to determine whether it is within the jurisdiction of the Office in that it relates to misconduct by a lawyer or to the incapacity of a lawyer;

(2) Investigate all information coming to the attention of the Office which, if true, would be grounds for discipline or transfer to disability status and investigate all facts pertaining to petitions for reinstatement or readmission;

(3) For each matter brought to the attention of the Office:

(A) dismiss;

(B) decline to prosecute;

(C) refer non-frivolous and substantial informal complaints to the Committee for hearing; or

(D) petition for transfer to disability status;

(4) Prosecute before the screening panels, the district courts and the Supreme Court all disciplinary cases and proceedings for transfer to or from disability status;

Information comes to the OPC's attention in the form of notarized and non-notarized complaints. Notarized complaints are official informal complaints within the meaning of Rule 10(a)(2) and, therefore, are processed pursuant to Rule 4 and Rule 10 of the RLDD. By contrast, non-notarized complaints are not official informal complaints, and are usually submitted to the OPC in the form of a Request for Assistance. They are processed pursuant to Rule 4 of the RLDD. For purposes of this report, all non-notarized complaints will hereinafter be referred to as Requests for Assistance. The OPC reviews Requests for Assistance in coordination with the Utah State Bar's Consumer Assistance Program ("CAP").

Additionally, pursuant to Rule 4(b)(2) and Rule 10(a)(1) of the RLDD, the OPC can start an attorney misconduct investigation on its own initiative, based upon information that comes to its attention. In these cases, the OPC usually sends the attorney a notice of the OPC investigation under the notarized signature of Senior Counsel.

**A) Central Intake System**

The OPC's Central Intake System is patterned after the system used in Colorado. Intake attorneys are assigned to review all initial information received (Requests for Assistance and notarized informal complaints) to determine whether the matter can be closed by a declination to prosecute or a dismissal, or whether the matter should be processed further for referral to a Screening Panel of the Utah State Bar's Ethics and Discipline Committee. These decisions are made jointly by the intake attorneys and the other staff attorneys at weekly case status meetings.

As part of this system, the OPC reviews all Requests for Assistance made to the CAP. The OPC determines whether the Request for Assistance is appropriate to be handled through the CAP (i.e., minor attorney concerns that most likely do not rise to the level of Rule of Professional Conduct violations). The OPC also determines whether the Request for Assistance should be resubmitted as a notarized complaint (i.e., serious attorney concerns or matters involving attorneys who are already under investigation by the OPC on the basis of other notarized informal complaints alleging similar concerns). Within those parameters, when appropriate, Requests for Assistance are sent to the CAP and when appropriate, the OPC notifies the complainant to resubmit their complaint with notarization.

**B) Official Informal (Notarized) Complaints ("Informal Complaint")**

All reviews of all informal complaints and the decisions associated with these reviews are made jointly by the OPC attorneys at weekly staff meetings. The informal complaint is reviewed for jurisdiction, merit and timeliness. Looking at the "four corners" of the informal complaint, if the OPC determines it does not have jurisdiction, if the

informal complaint fails to state a claim, if the informal complaint is beyond the statute of limitations, or if the case lacks merit in that the alleged conduct even if true is not an ethical violation, the case is summarily dismissed. In summary dismissal cases, there is no need to contact the attorney for information. Both the complainant and the attorney receive a dismissal letter, and a copy of the informal complaint is sent to the attorney.

Looking at the “four corners” of the informal complaint, if the OPC determines that the allegations of misconduct appear to have merit, a factual investigation is conducted. The OPC conducts an investigation by advising the attorney and obtaining a response to the informal complaint, and, in most cases, a response from the complainant to the attorney’s response. Further, where necessary and appropriate to ascertain the facts necessary to assess the charges, the OPC contacts witnesses. The OPC always examines all documents submitted by all participants. At any point during the investigation, the OPC is willing to conduct settlement discussions with the attorney. Upon completion of the investigation as outlined above, the OPC determines whether the informal complaint sets forth facts which by their very nature should be brought before a Screening Panel or if good cause otherwise exists to bring the matter before a Screening Panel. These are “non-frivolous and substantial within the meaning of informal complaints” within the meaning of Rule 4(b)(3).

If upon completion of this investigation the OPC determines that the case is not substantial (i.e., the factual allegations made by the complainant that can be proven do not constitute a violation of the Rules of Professional Conduct or the evidence is insufficient to establish by a preponderance that the attorney violated the Rules of Professional Conduct), the OPC dismisses the informal complaint.

Additionally, consistent with the language in Rule 10(a)(4) of the RLDD, which states that “professional counsel [OPC] shall determine whether the informal complaint can be resolved in the public interest, the respondent’s interest and the complainant’s interest,” and OPC’s authority pursuant to Rule 4(b)(3)(B) of the RLDD to decline to prosecute a particular case, the OPC may decline to prosecute an informal complaint.

The OPC does not arbitrarily decide to decline to prosecute a case. Occasionally, due to the nature of a case (i.e., the remedy sought by a complainant; ongoing proceedings and the possible disruption of those proceedings that a Bar disciplinary case could have; the OPC resources needed to process a case compared to the OPC resources needed if the matters are first addressed elsewhere), it is in everyone’s best interests to resolve the disciplinary matter by declining to prosecute the case. Generally, the OPC standards for declining to prosecute cases are as follows:

- The OPC may decline to prosecute cases where it is probably more appropriately addressed in another forum.
- The OPC may decline to prosecute cases where there is a question as to the nexus between the allegations and the attorney practice.
- The OPC may decline to prosecute cases where the attorney has already been disciplined for similar misconduct committed during the same period. In these cases, it is unlikely the misconduct will result in discipline greater than what has already been imposed.
- The OPC may decline to prosecute cases where the attorney has taken immediate action to remedy the alleged misconduct.

It should be noted that if the OPC declines to prosecute a case and a court subsequently makes findings that could be the basis for a finding of misconduct under the Rules of Professional Conduct, the OPC will re-open the case and address the findings.

Further, pursuant to the language in Rule 10 of the RLDD regarding the OPC authority to resolve cases “in the interests of the public, the respondent, and the complainant,” if the attorney consents to a Diversion Agreement, the OPC may also decline to prosecute cases involving minor Rule of Professional Conduct violations. The specific types of cases that are appropriate for diversion are outlined in the OPC Alternative to Discipline Policy. The OPC Alternative to Discipline Policy is also patterned after a similar program in Colorado. Generally, pursuant to the OPC Alternative to Discipline Policy, the Diversion Program is available for minor rule violations where an attorney does not have a history of disciplinary complaints or problems. Further, the Diversion Program must be appropriate to address the rule violation(s).

**1) Informal Appeals**

Pursuant to Rule 10(a)(6) of the RLDD, a complainant can appeal the OPC’s summary dismissal of any informal complaint within fifteen days to the Ethics and Discipline Committee Chair. The Utah Supreme Court has not determined whether complainants have the right to appeal an OPC dismissal after investigation or its declination to prosecute an informal complaint. Until such a determination is made by Rule clarification or otherwise, when the OPC dismisses an informal complaint after investigation or declines to prosecute an informal complaint, the OPC gives notice to the

complainant of the language in Rule 10(a)(6) of the RLDD and, notwithstanding the Rule's lack of specificity, allows the complainant the opportunity to appeal the OPC decision.

## **2) Notice of Informal Complaint ("NOIC")**

If after investigation, the OPC determines that the allegations of the informal complaint are non-frivolous and substantial, or if the Chair or Vice-Chair of the Ethics and Discipline Committee remands a case after an appeal, the OPC refers the informal complaint to a Screening Panel of the Ethics and Discipline Committee.

The Ethics and Discipline Committee ("the Committee") is appointed by the Utah Supreme Court. The Committee consists of eight public members, and twenty-six members of the Bar who have demonstrated a high standard of professional conduct. The Committee is divided into four Screening Panels, each consisting of six Bar members and two public members.

Before a case is referred to a Screening Panel, the OPC serves the attorney with a NOIC, officially notifying the attorney of the OPC's intent to bring the case before a Screening Panel.

## **3) Screening Panel**

Unless a case is settled, after the attorney has had an opportunity to respond to the NOIC, the case is heard by the Screening Panel. The Screening Panel may make the following determinations:

- Dismissal for lack of merit
- Dismissal with a letter of caution
- Dismissal upon condition of a specific performance by the attorney (i.e. CLE, restitution, Ethics School, etc.)

- Recommendation that the attorney be admonished (if the Screening Panel recommends an admonition, the attorney has ten days to file an exception to the recommendation with the Chair of the Ethics and Discipline Committee Chair.)
- A finding of probable cause that a formal Complaint be filed with the District Court.

If the Screening Panel determines that the informal complaint should be filed as a formal Complaint, Rule 11 of the RLDD requires the OPC to prepare the formal Complaint for the signature of the Chair of the Committee. Often the attorney has more than one informal complaint pending against him/her. If there is more than one informal complaint involved, an informal complaint may be temporarily held in a formal-not-filed category until the other informal complaints pass through the Screening Panel process and can be combined into a single formal Complaint.

**C) Formal Complaints**

A formal Complaint can be filed in the county where the alleged misconduct occurred, or in the county where the attorney resides or practices law or last practiced law. Once a formal Complaint is filed with the District Court, if no settlement can be reached, the case is prepared for a bench trial. The bench trial is bifurcated. The first portion of the trial involves the adjudication of misconduct. If the judge does not dismiss the case and finds misconduct, the second stage of the trial is a sanctions hearing. At the end of the sanctions hearing, the judge can order any of the following dispositions:

- |                        |              |
|------------------------|--------------|
| ➤ Admonition           | ➤ Probation  |
| ➤ CLE or Ethics School | ➤ Suspension |
| ➤ Public Reprimand     | ➤ Disbarment |
| ➤ Restitution          |              |

**D) Formal Appeals**

All appeals from District Court orders are directed to the Utah Supreme Court.

Only the attorney or the OPC can appeal from the District Court order.

**E) Monitored Cases**

Monitored cases include probation cases, disability cases and trusteeship cases. Probation cases require someone to docket reminder dates, and follow-up to ensure that the attorney meets the probation requirements. Disability cases generally require someone to investigate the extent of the disability, to process the case through District Court, and to monitor the continuing status of the attorney. Trusteeship cases generally require that someone inventory the attorney's files, notify the attorney's clients of the trusteeship, and assist with distribution of client files to the clients. Additionally, trusteeship cases require someone to inventory unclaimed files, prepare a notice for publication of potential destruction of the files, prepare a request to the District Court to approve destruction of unclaimed files, and ultimately to destroy to the files.

**F) Interim Suspension**

Pursuant to Rules 18, 19, and 23 of the RLDD, if an attorney poses a substantial threat of irreparable harm to the public and has either committed a violation of the Rules of Professional Conduct or has been convicted of a crime which reflects adversely on the attorney's honesty, trustworthiness, or fitness as an attorney, or is under a disability as defined in the RLDD, the OPC may file a petition for interim suspension and/or a request for trusteeship. This is an immediate filing in the District Court, and need not go through the NOIC and Screening Panel process outlined above.

**G) Final Dispositions**

Until a case reaches a "final" disposition, the OPC considers it an active case. Final dispositions are cases where the result has been determined to be dismissal,

dismissal with caution, dismissal on condition, admonition, public reprimand, disbarment, time-specified suspension, probation, resignation pending discipline, and cases in which no appeal is pending.

### **III. STATISTICS**

For purposes of compiling statistics, the OPC counts as one case each Request for Assistance received, informal complaint received, or attorney misconduct investigation started on the OPC's initiative. The exception to this is that formal Complaints filed with the District Court or Supreme Court often encompass a number of underlying informal complaints. For purposes of counting, these underlying informal complaints are combined into a single formal core case.

The OPC's last annual report was submitted in February of 2000, and reported statistics for the 1999 calendar year (January 1, 1999 to December 31, 1999). The Utah Supreme Court amended Rule 3(h) of the RLDD to change the due date to on or about August 1, to report statistics for the prior year beginning July 1 and ending June 30. This change places the OPC on the same reporting period as the Utah State Bar, whose annual reporting and fiscal year period is from July 1 to June 30.

Since the OPC's last report reported statistics for calendar year 1999, a report of statistics for July 1, 2000 to June 30, 2001 would omit statistics for the period January 1, 2000 to June 30, 2000. Therefore for this report, the OPC will report two sets of statistics. One set for the calendar year 2000 (January 1, 2000 to December 31, 2000) and one set for the period July 1, 2000 to June 30, 2001. Statistics from the calendar year 2000 can be used as a basis for comparisons for past reports. Future reports will only provide statistics for the prior year from July 1 to June 30.

**A) Calendar Year 2000 (January 1, 2000 to December 31, 2000)**

Active cases as of 12/31/99 .....584

Cases opened  
(286 informal complaints and  
781 Requests for Assistance).....1067

**Total cases processed during period: .....1651**

Informal Complaints  
(closed through dismissal, declination  
to prosecute, or diversion).....451

Complainant appeals of closed informal complaints .....26

Committee Chair remands of those appeals .....4\*

Requests for Assistance  
(closed through declination to prosecute,  
referral to Consumer Assistance or lack  
of notary) .....604

**Orders Entered**

Admonitions .....23  
Public Reprimands .....3  
Suspensions (including stayed suspensions).....19  
Disbarments .....4  
Resignations Pending Discipline .....6  
Reinstatements/Readmissions .....6  
Disability .....0  
**Total Orders: .....61**

Number of orders listed above obtained through stipulation.... 37

Number of orders listed above obtained without need to go  
to Screening Panel ..... 31

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\* Two of the four closures upheld by Screening Panel.

Screening Panel Results

Cases voted formal .....	39
Cases voted admonition.....	16
Cases dismissed .....	10
Cases dismissed with caution .....	4
Cases dismissed on condition.....	1
<b>Total cases heard by Screening Panel: .....</b>	<b>70</b>
Formal cases filed .....	30
Diversions .....	11

The OPC began calendar year 2000 with 584 active cases. Among these, 505 were at the informal stage (Central Intake and investigation before presentation to Screening Panel), 25 were cases a Screening Panel voted formal for filing in the District Court as formal Complaints, and 54 were formal cases filed with the District or the Utah Supreme Court. During the year, the OPC received 772 Requests for Assistance and 295 informal complaints, for a total of 1067 new cases. This means that not counting the 25 cases voted formal for filing by the Screening Panels and the 54 formal District and Supreme Court cases, the OPC worked on 1572 informal cases during the calendar year 2000. Of these 1572 cases, 66.98% had final dispositions through closures by dismissals, declinations to prosecute, diversions, referral to the CAP, or lack of notary; 2.54% had final dispositions by Screening Panel determinations or stipulations of admonitions. Thus, the OPC resolved approximately 69.5% of the informal stage cases for the calendar year 2000.

As noted above, the OPC began the calendar year 2000 with 54 formal cases pending in the District Court or the Utah Supreme Court. The OPC closed 40 formal cases with final dispositions resulting in court orders of discipline, disability,

reinstatement or readmission. Included in the 40 orders are two formal appeals that were finished in December of 2000. Additionally, there were 25 complaints that Screening Panels voted formal for filing with the District Court. During calendar year 2000, the OPC filed 30 new formal cases.

The OPC ended calendar year 2000 with 596 active cases against 409 individual attorneys. The breakdown of the various stages of the 596 cases is as follows:

Pending Informal Complaints and Requests for Assistance .....	523
Voted formal but not yet filed.....	25
Formal filed.....	34
Probation/Disability/Trusteeship .....	10
Formal Appeals .....	4
<b>Total cases as of December 31, 2000 .....</b>	<b>596</b>

**B) Fiscal Year 2000-2001 (July 1, 2000 to June 30, 2001)**

Active cases as of 7/1/00 .....671

Cases opened

(205 informal complaints and  
828 Requests for Assistance) .....1033

**Total cases processed during period: .....1704**

Informal complaints

(closed through dismissal, declination  
to prosecute or diversion).....455

Complainant appeals of closed informal complaints .....31

Committee Chair remands of those appeals .....13\*\*

Requests for Assistance

(closed through declination to prosecute,  
referral to Consumer Assistance, or lack  
of notary) .....681

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\*\* In seven of the ten cases heard, the closures have been upheld by Screening Panel.

Orders Entered

Admonitions .....32  
Public Reprimands .....6  
Suspensions (including Stayed Suspensions).....15  
Disbarments .....2  
Resignations Pending Discipline .....4  
Reinstatements/Readmissions.....1  
Disability .....1  
**Total Orders: .....61**

Number of orders listed above obtained through stipulation.... 45

Number of orders listed above obtained without need to go  
to Screening Panel ..... 33

Screening Panel Results

Cases voted formal .....36  
Cases voted admonition.....17  
Cases dismissed .....15  
Cases dismissed with caution .....8  
Cases dismissed on condition.....0  
**Total cases heard by Screening Panel: .....76**

Formal cases filed .....26

Diversions .....38

The OPC began fiscal year 2000-2001 with 671 active cases. Of these, 587 cases were at the informal stage (Central Intake and investigation before presentation to Screening Panel), 30 were cases a Screening Panel voted formal for filing in the District Court as formal Complaints, and 54 were formal cases filed with the District or the Utah Supreme Court. During the fiscal year, the OPC received 819 Requests for Assistance and 214 informal complaints, for a total of 1033 new cases. This means that not counting the 30 cases voted formal for filing by the Screening Panels and the 54 existing formal filed cases, the OPC worked on 1620 cases during fiscal year 2000-

2001. Of these 1620 informal- stage cases, 69.9% had final dispositions through closures by either dismissals, declinations to prosecute, diversions, referral to the CAP, or lack of notary; 2.16% had final dispositions by either Screening Panel determinations or stipulations of admonitions. Thus, the OPC resolved approximately 72% of the informal-stage cases for fiscal year 2000-2001.

As noted above, the OPC began fiscal year 2000-2001 with 54 formal cases pending in the District or the Utah Supreme Court. The OPC closed 31 formal cases with final dispositions resulting in court orders of discipline, disability, reinstatement or readmission. Included in the 31 orders are two formal appeals that were finished in December 2000. Additionally, there were 30 complaints that Screening Panels had voted formal for filing with the District Court. During fiscal year 2000-2001, the OPC filed 26 new formal cases.

The OPC ended fiscal year 2000-2001 with 625 active cases against 448 individual attorneys. The breakdown of the various stages of the 625 cases is as follows:

Pending Informal Complaints and Requests for Assistance .....	547
Voted formal but not yet filed .....	26
Formal filed.....	36
Probation/Disability/Trusteeship .....	11
Formal Appeals .....	5
<b>Total cases as of June 30, 2001 .....</b>	<b>625</b>

**C) Miscellaneous Statistics**

1) Rule 4(b)(13) of the RLDD requires that the OPC provide informal guidance to promote ethical conduct by Bar members. In compliance with this rule, the OPC has an Ethics Hotline where the OPC attorneys give Bar members informal

guidance by telephone. During calendar year 2000, the OPC rendered 658 informal ethics opinions by telephone. During fiscal year 2000-2001, the OPC rendered 727 informal ethics opinions by telephone.

Additionally, the OPC attorneys make Continuing Legal Education (“CLE”) ethics presentations. During calendar year 2000, the OPC’s CLE presentations totaled 31 hours. During fiscal year 2000-2001, the OPC’s CLE presentations totaled 32 hours.

2) Rule 1.15(a) of the Rules of Professional Conduct requires that attorneys maintain their trust accounts in financial institutions that agree to report to the OPC “in the event any instrument in properly payable form is presented against an attorney trust account containing insufficient funds (NSF), irrespective of whether or not the instrument is honored.” Pursuant to this rule the OPC opened 18 NSF cases in calendar year 2000, and dismissed a total of 14 of them. In fiscal year 2000-2001, the OPC opened 25 NSF cases, and dismissed 11 of them. The usual reasons for dismissals of NSF cases are accounting errors, bank errors, depositing errors, or drawing on the account before a deposit clears.

3) The OPC has collected and categorized other data regarding its cases. Specifically, the data collected provide statistics on the rules violations generally alleged by complainants. For example, for cases received in calendar year 2000: 29% of the cases alleged violations of Rule 8.4 (Misconduct) of the Rules of Professional Conduct, 10% of the cases alleged violations of Rule 1.3 (Diligence) of the Rules of Professional Conduct, 9% of the cases alleged violations of Rule 1.4 (Communication) of the Rules of Professional Conduct, and 8% of the cases alleged violations of Rule 1.1 (Competence) of the Rules of Professional Conduct. Looking at the source of the

complaint, 61% were made by current or former clients of the attorney, 13% were made by opposing counsel, and 7.8% were made by opposing parties.

For fiscal year 2000-2001: 20% of the cases alleged violations of Rule 8.4 (Misconduct) of the Rules of Professional Conduct, 16% of the cases alleged violations of Rule 1.3 (Diligence) of the Rules of Professional Conduct, 15% of the cases alleged violations of Rule 1.4 (Communication) of the Rules of Professional Conduct, and 10% of the cases alleged violations of Rule 1.1 (Competence) of the Rules of Professional Conduct. Looking at the source of the complaint, 61% were made by current or formal clients of the attorney, 15% were made by opposing counsel and 4.7% were made by a family member of a client or former client.

#### **IV. PROGRESS ON CASES**

The OPC, like every other state bar disciplinary authority, has and will continue to have unfinished work. Furthermore, the OPC, like every other state bar disciplinary authority, has and will continue to have a percentage of its unfinished work accumulate at the informal stage. The reason for this is the nature of the work. In this regard, the OPC processes disciplinary cases against attorneys who are often determined to use every means at their disposal to protect their “privilege” to practice law. This sometimes makes investigating and processing cases analogous to a criminal proceeding. In these cases, it tends to lengthen the processing at both the informal and post-informal stages.

The OPC case progress goal is to have a system in place that keeps cases moving so the percentage of unfinished work at the informal stage is as small as possible. This goal must be accomplished while simultaneously, and as expeditiously as possible, moving the larger percentage of cases that are at the post-informal stage

(i.e., cases before Screening Panels or the District Court; cases on appeal; cases holding for resolution of a companion formal case; or cases held in abeyance pending related litigation). Based upon the fact that the OPC brings approximately 70% of the cases it processes at the informal stage to a final disposition while it is bringing a significant number of its post-informal stage cases to final dispositions, the OPC feels it is accomplishing this goal. Further, evidence of this is the fact that at the same time, the OPC is also filing a significant number of new formal cases.

The OPC does not simply concentrate its efforts on older cases: it attempts to provide expedited and efficient work on all cases, new and old. This work method is intended to keep cases progressing.

The addition of the Central Intake System has greatly aided case processing goals. It has enabled the OPC to address all information coming to its attention (both notarized and non-notarized) to quickly and efficiently determine the appropriate track for the information. Under this system, dismissals, closures, and preliminary investigations can be made within 5-10 working days. This leaves more resources to address cases raising more serious ethical allegations, resulting in quicker case processing for all cases. It should also be noted that the OPC's Alternatives to Discipline Policy has allowed the OPC to more quickly resolve cases. Furthermore, this policy has alleviated the need to spend extra OPC resources on cases involving minor ethical violations.

#### **V. CONSUMER ASSISTANCE PROGRAM**

The CAP is not part of the OPC, but the OPC works in coordination with it, and reviews all information sent to the Utah State Bar as a non-notarized Request for

Assistance. This review ensures that the allegations of serious misconduct are not processed as Requests for Assistance. Of the 1067 new cases the OPC reviewed in calendar year 2000, 369 were sent to CAP, and 80 ultimately came back to the OPC as informal complaints. Thus, 289 cases were resolved by CAP in calendar year 2000. In fiscal year 2000-2001, of the 1033 new cases OPC reviewed, 186 were sent to CAP, and 62 ultimately came back to the OPC as informal complaints. Thus, 124 cases were resolved by CAP in fiscal year 2000-2001.

The OPC uses the resources normally needed for reviewing and resolving the cases that are handled by the CAP to process cases where there are serious ethical violations.

#### **VI. GOALS FOR FISCAL YEAR 2001-2001**

The OPC will continue to work toward the goals outlined in its previous reports. Specifically, the OPC has a responsibility to resolve disciplinary complaints in a uniform, expeditious and systematic way to protect the public, clients, and the legal profession from the professional misconduct of attorneys. The overriding goal is to continue to develop the OPC case processing system to ensure that the majority of resources are utilized to more quickly prosecute those cases where it is appropriate to file formal complaints with the District Court.

## **CONCLUSION**

The OPC staff is excellent and continues its hard work. The OPC will continue its efforts towards efficiency in the expedition of cases. The OPC looks forward to another productive year.

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