

Utah Supreme Court Standing Order No. 7

(As to establishment of a program of professionalism counseling for members of the Utah State Bar)

Effective April 1, 2008

The Court intends to establish a board of five counselors (hereinafter the "Board") to counsel and educate members of the Bar concerning the Court's Standards of Professionalism and Civility (hereinafter the "Standards"). Specifically, the Board's purposes are: (1) to counsel members of the Bar, in response to complaints by other lawyers or referrals from judges; (2) to provide counseling to members of the Bar who request advice on their own obligations under the Standards; (3) to provide CLE on the Standards; (4) to publish advice and information relating to the work of the Board.

Board Composition

Appointees shall serve on a volunteer basis and will be appointed based upon stature in the legal community and experience in legal professionalism matters. A minimum of one of the five appointees shall have transactional experience, and at least one attorney shall have small firm or sole practitioner experience. Board members shall serve for staggered terms of no fewer than three years for continuity and so that each Board member has the opportunity to develop expertise on the Standards. The Court will appoint one of the Board members as chair. The Board shall generally sit in panels of three to deal with issues presented to the Board.

Submission of Complaints and Questions to the Board

The Board is authorized to consider complaints by lawyers concerning the professionalism of other lawyers, referrals from judges, and questions about professionalism from practicing lawyers. The Board shall not consider questions or complaints from clients or members of the public.

If a lawyer wishes to lodge a complaint with the Board concerning the conduct of another member of the Bar, the complaint must be in writing (i.e., by letter or email) and signed by the complainant. The Board shall not consider anonymous complaints about lawyers. Questions or requests for counseling from a lawyer concerning his or her own conduct need not be in writing but may be made by telephone or a personal visit with members of the Board. Referrals from judges may be directed by telephone.

Procedure

The Board is authorized to develop its own procedures based upon this Standing Order, the purposes for which the program is established, and upon the Board's experience. Adherence to formal rules of procedure or evidence is not required.

Panels should generally resolve complaints about the conduct of an attorney within thirty days of the complaint. Resolution may be by written advisory to the lawyers involved or by a face-to-face meeting with the lawyers. Written advisories should reference individual Standards.

Confidentiality

The contents of any statement, communication or opinion made by any participant in the program shall be kept confidential except that members of the panel are permitted to communicate directly with lawyers or clients involved in the dispute concerning the application or interpretation of the Standards. Also, the panel is permitted to disclose the

general nature of the situation (without identifying names or facts) and its advice to the members of the Bar and the public in reports and Bar Journal articles. Additionally, the members of the panel may communicate with supervisors in firms and agencies whose lawyers have been the subject of a complaint.

The Duty of Good Faith

Attorneys seeking the assistance of the Board shall do so only in good faith and not for the purposes of harassment or to attain a strategic advantage. The Board is authorized to terminate any proceeding or referral that it believes has been initiated or utilized in bad faith or for an improper purpose.

Publication

The Board shall report annually to the Court concerning its operation, the Standards it has interpreted, the advice it has given, and any trends it believes important for the Court to know about. It should also make suggestions to the Court as to needed changes to the Standards.

The Board shall periodically publish selected portions of its advisories in the Utah Bar Journal for the benefit of practicing lawyers. Published advisories shall be redacted to eliminate the names and identifying factual details of the cases considered by the panels. Also, the Board shall maintain a web page under the auspices of the Court or the Bar that provides a database of its advisories.

FOR THE COURT:

January 9, 2008

Christine M. Durham

Chief Justice

Complaints should be sent to:

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