

## Lawyer Discipline and Disability

Visit [opcutah.org](http://opcutah.org) for information about the OPC, the disciplinary system, and links to court rules governing attorneys and licensed paralegal practitioners in Utah. You will also find information about how to file a complaint with the OPC, the forms necessary to obtain your discipline history records, or to request an OPC attorney presenter at your next CLE event. **Contact us – Phone: 801-531-9110 | Fax: 801-531-9912 | Email: [opc@opcutah.org](mailto:opc@opcutah.org)**

Please note, the disciplinary report summaries are provided to fulfill the OPC's obligation to disseminate disciplinary outcomes pursuant to Rule 11-521(a)(11) of the Rules of Discipline Disability and Sanctions. Information contained herein is not intended to be a complete recitation of the facts or procedure in each case. Furthermore, the information is not intended to be used in other proceedings.

### ADMONITION

On May 15, 2024, the chair of the Ethics and Discipline Committee of the Utah Supreme Court entered an Order of Discipline: Admonition against an attorney for violating Rule 1.4(a)(1) (Communication) and Rule 1.2(a) (Scope of Representation and Allocation of Authority Between Client and Lawyer) of the Rules of Professional Conduct.

#### *In summary:*

A client retained a law firm to represent them in a workplace injury claim, and an attorney began working on their case. The attorney entered an appearance of counsel for the client and requested a hearing with the Utah Labor Commission. The following year, the attorney changed employment, but he remained as the client's counsel of record. The attorney did not notify the client of the change of employment.

The court issued Findings of Fact, Conclusions of Law, and an Order in the Client's case. These materials were sent to the attorney via email at their new workplace's email address. Included in the decision was a notice that any Motion for Review must be submitted within thirty days of the decision being signed. The attorney did not notify the client of the decision or their right to

appeal, as they believed that the decision was a "win." There is no evidence that the attorney made the client aware of their strategy, that the client understood the strategy, or that the client consented to it. The client in the meantime had been trying to contact the attorney at their previous place of employment until they were told that the attorney no longer worked there. When the client finally located the attorney, the client learned it was too late to appeal the Labor Commission's decision.

#### *Aggravating circumstances:*

Refusal to acknowledge the wrongful nature of misconduct involved and vulnerability of victim.

#### *Mitigating circumstances:*

Absence of prior discipline, absence of dishonest or selfish motive, and full cooperation in investigation.

### RECIPROCAL DISCIPLINE

On October 31, 2024, the Honorable Linda Jones, Third Judicial District Court, entered an Order of Reciprocal Discipline: Public Reprimand and One-Year Probation against Davis P. Bauer. He was found to have violated Rule 1.3 (Diligence), Rule 4.4(a) (Respect for Rights of Third Persons), and Rule 8.4(d) (Misconduct) of the Rules of Professional Conduct.



The Disciplinary Process Information Office is available to all attorneys who find themselves the subject of a Bar complaint. Catherine James will answer your questions about the disciplinary process, reinstatement, and relicensure. Catherine is happy to be of service to you.

**801-257-5518**  
**[DisciplineInfo@UtahBar.org](mailto:DisciplineInfo@UtahBar.org)**

### ADAM C. BEVIS MEMORIAL ETHICS SCHOOL

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*In summary:*

On June 20, 2024, the Arizona Supreme Court entered an Order of Public Admonition with Probation, (CLE), and Costs, publicly reprimanding Mr. Bauer and placing him on Probation for one-year. The order was predicated on the following facts:

Mr. Bauer sent letters on behalf of a client in a family matter to the court-appointed advisor's attorney, the Department of Child Safety, the opposing counsel in the family law case, a therapeutic interventionist, and a court appointed psychologist without adequately verifying the accuracy of the claims prior to sending the letters. In those letters, Mr. Bauer requested that the recipients of the letters change their recommendations or opinions to the family court in exchange for the Respondent or his client not proceeding with a lawsuit against them. He also included in those letters unsubstantiated allegations of terrorism, among other false claims. The court-appointed advisor and opposing counsel reported the letters to the family court, prompting a status conference about the letters' contents.

**RECIPROCAL DISCIPLINE**

On November 1, 2024, the Honorable Mark S. Kouris, Third Judicial District Court, entered an Order of Public Reprimand against Randal R. Leonard. He was found to have violated Rule 1.3 (Diligence) and Rule 3.2 (Expediting Litigation) of the Rules of Professional Conduct.

*In summary:*

On April 18, 2024, the Nevada Supreme Court entered an Order Approving Conditional Guilty Plea Agreement, publicly reprimanding and suspending Mr. Leonard from the practice of law for one day. The Order was predicated on the following facts:

Mr. Leonard represented a client in a bankruptcy case. He neglected his client's case until the client lodged a formal complaint against him. Mr. Leonard failed to file a certificate of service with the bankruptcy court, which resulted in nearly a year-long delay before his client's case could be closed with an order of discharge. Mr. Leonard also breached the terms of his prior probation by violating the rules of professional conduct resulting in a one-day suspension in Nevada.

*Aggravating Circumstances:*

Multiple prior disciplinary offenses, a pattern of misconduct, and substantial experience in the practice of law.

*Mitigating Circumstances:*

Absence of a dishonest or selfish motive and full and free disclosure to disciplinary authority or cooperative attitude toward the proceeding.

**PUBLIC REPRIMAND**

On August 14, 2024, the Ethics and Discipline Committee of the Utah Supreme Court entered an Order of Discipline: Public Reprimand against Rex L. Bray for violating Rules 1.3 (Diligence), 1.4(a) (Communication), 1.6(a) (Confidentiality of Information), and 1.16(d) (Declining or Terminating Representation) of the Rules of Professional Conduct.

*In summary:*

A client retained Mr. Bray to pursue an order to show cause in a family law matter. At the order to show cause hearing, the opposing party failed to appear, and the court found the opposing party in contempt for failing to pay child-related expenses. The court entered judgment in favor of Mr. Bray's client and awarded Mr. Bray's client attorney fees and costs. After the hearing, Mr. Bray filed a proposed order. The court rejected Mr. Bray's proposed order and requested that Mr. Bray resubmit the appropriate document type for judgments. One month later, the client asked Mr. Bray about the status of the judgment. Mr. Bray stated that he received the judgment back from the court and needed to make a revision. He explained once it was signed, the opposing party would be garnished. Many months later, Mr. Bray mailed an invoice to the client's partner, who was also a client of Mr. Bray's. Mr. Bray included in the envelope addressed to the partner a billing statement for the client. The client did not live with their partner and never received the billing statement. The client also never provided Mr. Bray with consent to disclose the client's confidential information to the partner.

Approximately two years later, the client emailed Mr. Bray and told him she had learned from ORS that the judgment had not been resubmitted or signed by the judge. As a result, ORS had not collected the judgment from the opposing party. The client asked Mr. Bray to resubmit the judgment. After following up with Mr. Bray over the next few months, the client filed a complaint with the OPC. Mr. Bray subsequently filed a revised proposed order, which was entered by the court.

*Aggravating circumstance:*

Prior discipline.

*Mitigating circumstances:*

Personal or emotional problems.

**SUSPENSION**

On October 9, 2024, the Honorable Judge Dianna M. Gibson, Third Judicial District Court, entered an Order of Suspension against James M. Rock, suspending him for a period of two years from the practice of law. The court found that Mr. Rock violated Rules 1.1 (Competence), 1.3 (Diligence), 1.4(a)

(Communication), 1.5(a) (Fees), 1.15(d) (Safekeeping Property), 1.16(d) (Declining or Terminating Representation), 8.1(b) (Bar Admission and Disciplinary Matters), 8.4(d) (Misconduct), and two counts of 8.4(b) (Misconduct) of the Rules of Professional Conduct.

*In summary:*

This case was comprised of two disciplinary matters. The first matter involved multiple criminal proceedings. In one criminal proceeding, Mr. Rock pleaded guilty to Driving Under the Influence of Alcohol and/or Drugs, a Class B Misdemeanor, and entered a plea in abeyance to Failure to Stop at Command of Police, a Third-Degree Felony. Due to Mr. Rock's violation of the terms of his plea-in-abeyance agreement, the court later entered a guilty plea on the latter charge. In three separate criminal proceedings, Mr. Rock pleaded guilty to three counts of Stalking a Current or Former Cohabitant, all Third-Degree Felonies. In two separate criminal proceedings, Mr. Rock pleaded guilty to a single count of Stalking, a Second-Degree Felony. Mr. Rock violated his duties to the public by committing criminal acts that reflected adversely on his trustworthiness and/or fitness to practice law.

In the second disciplinary matter, an elderly client on a fixed income retained Mr. Rock to address federal and state tax issues. The client began receiving collection calls and notices from a collection agency regarding taxes owed to the Utah State Tax Commission. The client repeatedly asked Mr. Rock for guidance and/or updates on the status of the matters without result. Over time, Mr. Rock became less communicative and after the client paid a second retainer fee, Mr. Rock stopped communicating with the client altogether. Mr. Rock never submitted any documents to the IRS or Utah State Tax Commission to help resolve the client's tax issues. The client had to obtain new counsel to assist them. After the client filed a complaint with the OPC, Mr. Rock told the client to withdraw their complaint. During the OPC's investigation, Mr. Rock did not respond to the OPC's requests for information.

*Aggravating circumstances:*

Substantial experience, pattern of misconduct, multiple offenses, and client was a vulnerable victim.

*Mitigating circumstances:*

Lack of prior discipline.



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## DELICENSURE / DISBARMENT

On May 9, 2024, the Honorable Jared Eldridge, Fourth Judicial District Court, entered an Order of Delicensure/Disbarment against Christopher J. Rogers. Specifically, the court found that Mr. Rogers violated Rule 1.2(d) (Scope of Representation), Rule 1.5(a) (Fees), Rule 1.15(c) (Safekeeping Property), Rule 1.15(d) (Safekeeping Property), Rule 1.16(a) (Declining or Terminating Representation), Rule 3.1 (Meritorious Claims and Contentions), Rule 3.3(a) (Candor Toward the Tribunal), Rule 4.4(a) (Respect for Rights of Third Persons), Rule 5.5(a) (Unauthorized Practice of Law; Multijurisdictional Practice of Law), Rule 7.1 (Communications Concerning a Lawyer's Services), Rule 8.4(c) (Misconduct), and Rule 8.4(d) (Misconduct) of the Rules of Professional Conduct.

### *In summary:*

This case involves two matters. In the first, Mr. Rogers represented a corporate client in a debt collection matter. Mr. Rogers violated Rule 1.2(d) by advising his client to dissolve and have its corporate officers resign in order to avoid a Rule 30(b)(6) deposition. Mr. Rogers violated Rule 1.15(d) by failing to render a full accounting when requested by his client and by attempting to collect additional fees by way of a fraudulent transfer of shares in exchange for attorney fees to be paid to Mr. Rogers.

Mr. Rogers violated Rule 1.16(a) when he refused to withdraw after his client had discharged him, forcing the court to enter an order terminating Mr. Rogers as counsel. He violated Rule 3.1 by filing numerous frivolous pleadings and papers, causing unnecessary delay and expenses. Mr. Rogers violated Rule 3.3(a) by making multiple false statements to the Court. He violated rule 4.4(a) by taking actions that had no other purpose but to burden opposing parties, counsel in the case, and Mr. Rogers's own client. Mr. Rogers violated Rule 5.5(a) by allowing a delicensed attorney to prepare pleadings and papers and advise his client and himself. He violated Rule 7.1 by using the name Rogers Law Group to advertise his services, which was a misrepresentation as he was the only attorney in the "group." He violated Rule 8.4(c) by committing fraud on the court with respect to the dissolution of his client and by deceitfully setting up several scams while representing his client. Mr. Rogers violated Rule 8.4(d) by filing numerous frivolous motions with the purpose of delay and hindrance of the actions.

In the second matter, a client retained Mr. Rogers to represent them in a criminal matter and a family law case. Mr. Rogers violated Rule 1.5(a) by charging and collecting an excessive amount of money for fees that were not earned and were unreasonable in light of the work actually performed. Mr. Rogers violated Rule 1.15(c) by failing to maintain money paid to him by his client in his trust account until it was earned or until costs were incurred. He violated Rule 1.15(d) by failing to return funds provided by third parties for a certain purpose despite numerous requests. Mr. Rogers violated Rule 1.16(a) when he failed to withdraw from his client's case after he was requested to do so. He violated Rule 8.4(c) when he deposited a large amount of money provided by third parties for the sole purpose of paying bail for Mr. Rogers's client, but then failed to return the money to its owners when the client went to jail. Mr. Rogers deposited the money into his trust account and claimed he had a right to keep the money even though the rightful owners had not consented and had asked for it to be returned.

### *Aggravating circumstances:*

Dishonest or selfish motive, a pattern of misconduct, multiple offenses, the refusal to acknowledge the wrongful nature of the misconduct involved, vulnerability of the victims, and the lack of a good faith effort to make restitution to rectify the consequences of the misconduct involved.

### *Mitigating circumstances:*

The absence of prior discipline, the inexperience of the lawyer in the practice of law, and the imposition of other penalties or sanctions (Mr. Rogers had been subject to interim discipline).

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