

11-49-408 Attorney fees and costs.

- (1) A person filing a complaint under this chapter:
 - (a) may, but is not required to, retain legal representation during the complaint review process; and
 - (b) is responsible for payment of complainant's attorney fees and costs incurred.
- (2)
 - (a) A respondent against whom a complaint is filed under this chapter may:
 - (i) but is not required to, retain legal representation during the complaint review process; and
 - (ii) be entitled to the provision of legal defense by the political subdivision in accordance with Section 63G-7-902.
 - (b) For purposes of Subsection (2)(a)(ii), a complaint filed against a respondent in accordance with this chapter shall constitute an action against a governmental employee in accordance with Section 63G-7-902.
- (3)
 - (a) An attorney participating in a hearing before the commission shall comply with:
 - (i) the Rules of Professional Conduct established by the Utah Supreme Court;
 - (ii) the procedures and requirements of this chapter; and
 - (iii) the directions of the chair and commission.
 - (b) A violation of Subsection (3)(a) may constitute:
 - (i) contempt of the commission under Section 11-49-404; or
 - (ii) a violation of the Rules of Professional Conduct subject to enforcement by the Utah State Bar.

Enacted by Chapter 202, 2012 General Session