

Rule 14-720 Qualifications for admission of house counsel applicants.

(a) Scope of practice. An attorney admitted to the Bar as House Counsel shall limit his or her practice of law including legal representation only to the business of his or her employer. House Counsel shall not:

(a)(1) Appear before a court of record or not of record as an attorney or counselor in the State of Utah except as otherwise authorized by law or rule; or

(a)(2) Offer legal services or advice to the public or hold himself or herself out as being so engaged or authorized, except as permitted under Rule 5.5 of the Utah Rules of Professional Conduct. An attorney granted a House Counsel license is not prevented from appearing in any matter pro se or from fulfilling the duties of a member of the active or reserve components of the armed forces or the National Guard.

(b) Requirements of house counsel applicants. To be recommended for admission to the Bar as House Counsel, a person must establish by clear and convincing evidence that he or she meets each of the following requirements:

(b)(1) filed with the Admissions Office a Complete Application for admission to the Bar and paid the prescribed application fee;

(b)(2) be at least twenty-one years old;

(b)(3) graduated with a first professional degree in law (Juris Doctorate or Bachelor of Laws) from an Approved Law School;

(b)(4) be licensed to practice law and in active status in a sister state or United States territory or the District of Columbia;

(b)(5) either (A) be a bona fide resident of the State of Utah or (B) maintain an office as the employer's House Counsel within the State of Utah;

(b)(6) be employed and practice law exclusively as House Counsel for a corporation, its subsidiaries or affiliates, an association, a business, or other legal entity whose lawful business consists of activities other than the practice of law or the provision of legal services;

(b)(7) provide an affidavit signed by both the Applicant and the employer that the Applicant is employed exclusively as House Counsel and that Applicant has disclosed to the employer the limitations on House Counsel's license of practicing under this rule;

31 (b)(8) be of good moral character and have satisfied the requirements of Rule 14-
32 708;

33 (b)(9) present satisfactory proof of both admission to the practice of law and that he
34 or she is a member in good standing in all jurisdictions where currently admitted;

35 (b)(10) file with the application a certificate from the entity having authority over
36 professional discipline for each jurisdiction where the Applicant is licensed to practice
37 which certifies that the Applicant is not currently subject to lawyer discipline or the
38 subject of a pending disciplinary matter; and

39 (b)(11) complied with the oath and enrollment provisions of Rule 14-716 and paid
40 the licensing fees required for active status.

41 (c) Application. An Applicant requesting a license to serve as House Counsel must
42 file a Complete Application for admission.

43 (c)(1) An application under this rule may be filed at any time.

44 (c)(2) The processing time of a House Counsel application is approximately 90 to
45 180 days.

46 (c)(3) Applicants must meet all House Counsel admission requirements in this rule.

47 (c)(4) Upon approval by the Board of an application, the Applicant will be admitted in
48 accordance with Rule 14-716(b).

49 (d) Unauthorized practice of law.

50 (d)(1) It is the unauthorized practice of law for an attorney not licensed in Utah to
51 practice law in the state except as otherwise provided by law.

52 (d)(2) An attorney who complies with the requirements of subsection (b)(1) may
53 provide services to an employer in Utah while the application is pending as long as the
54 application is filed within six months of the out-of-state attorney establishing an office or
55 residence in Utah.

56 (d)(3) No attorney who is not a member of the Bar and is acting as an attorney in
57 Utah for an employer shall be denied a House Counsel license solely because of the
58 attorney's prior failure to seek admission to the Bar, provided that an application
59 pursuant to this rule is filed within one year of the Court's adoption of this rule.

60 (d)(4) After the one-year enrollment period referred to in subsection (d)(3), an
61 attorney who provides legal advice to his or her employer but is not an active member of

62 the Bar or licensed as a House Counsel pursuant to this rule may be referred for
63 investigation for the unauthorized practice of law.

64 (e) Continuing legal education requirement. House Counsel shall:

65 (e)(1) File with the MCLE Board by ~~January~~July 31 of each year a Certificate of
66 Compliance from the jurisdiction where House Counsel maintains an active license
67 establishing that he or she has completed the hours of continuing legal education
68 required of active attorneys in the jurisdiction where House Counsel is licensed; and

69 (e)(2) Pay the designated filing fee at the time of filing the Certificate of Compliance.
70 A House Counsel admitted under this rule who fails to comply with the CLE filing
71 requirement by the ~~January~~July 31 deadline shall be assessed a late fee. Any House
72 Counsel who fails to file within 30 calendar days of the ~~January~~July 31 deadline may be
73 subject to suspension and a reinstatement fee.

74 (f) Applicable regulations. House Counsel is subject to and must comply with the
75 Utah Rules of Professional Conduct Chapter 14, Article 1, Integration and Management,
76 Chapter 14, Article 5, Lawyer Discipline and Disability, Chapter 14, Article 7,
77 Admissions, and all other rules and regulations governing the conduct and discipline of
78 members of the Bar.

79 (g) Discipline. House Counsel is subject to professional discipline in the same
80 manner and to the same extent as a member of the Bar. Every person licensed under
81 this rule is subject to control by the courts of the State of Utah and to censure,
82 suspension, removal, or revocation of his or her license to practice as House Counsel in
83 Utah regardless of where the conduct occurs.

84 (h) Notification of change in standing.

85 (h)(1) House Counsel shall execute and file with the Licensing Office a written notice
86 of any change in that person's membership status, good standing or authorization to
87 practice law in any jurisdiction where licensed.

88 (h)(2) House Counsel shall execute and file with the Office of Professional Conduct
89 a written notice of the commencement of all formal disciplinary proceedings and of all
90 final disciplinary actions taken in any other jurisdiction.

91 (i) No Solicitation. House Counsel is not authorized by anything in this rule to hold
92 out to the public or otherwise solicit, advertise, or represent that he or she is available to
93 assist in representing the public in legal matters in Utah.

94 (j) Cessation of activity as house counsel. A House Counsel license terminates and
95 the House Counsel shall immediately cease performing all services under this rule and
96 shall cease holding himself or herself out as House Counsel upon:

97 (j)(1) termination of employment with the qualified employer as provided in
98 subsection (b)(6);

99 (j)(2) termination of residence, or the maintenance of his or her office in the State of
100 Utah as provided in subsection (b)(5);

101 (j)(3) failure to maintain active status in a sister state or United States territory or the
102 District of Columbia, or to satisfy the Bar's annual licensing requirements, including
103 compliance with mandatory continuing legal education requirements as provided for in
104 this rule;

105 (j)(4) completion of any disciplinary proceeding in Utah or any other jurisdiction,
106 which warrants suspension or termination of the House Counsel license; or

107 (j)(5) an attorney who seeks admission to practice in this state as House Counsel
108 and who previously had a Utah House Counsel license that was terminated due to a
109 disciplinary proceeding pursuant to subsection (j)(4) or whose license was terminated
110 for a period longer than six months pursuant to subsection (j)(1), (j)(2), or (j)(3) must file
111 a new application under this rule.

112 (k) Reinstatement after temporary lapse in license. An attorney whose House
113 Counsel license is terminated pursuant to subsection (j)(1), (j)(2), or (j)(3) shall be
114 reinstated to practice law as a House Counsel if within six months from the termination
115 the attorney is able to demonstrate to the Admissions Office that he or she has:

116 (k)(1) employment with a qualified employer and has provided the required
117 verification of employment pursuant to subsection (b)(7);

118 (k)(2) established a residence or maintains an office for the practice of law as House
119 Counsel for the employer within the State of Utah; and/or

120 (k)(3) active status in a sister state or United States territory or the District of
121 Columbia and has complied with the Bar's annual licensing requirements for House
122 Counsel.

123 (l) Notice of change of employment. House Counsel shall notify, in writing, the
124 Licensing Office of the termination of the employment pursuant to which the House
125 Counsel license was issued.

126 (m) Full admission to the Utah State Bar. A House Counsel license will be
127 terminated automatically once the attorney has been otherwise admitted to the practice
128 of law in Utah as an active member of the Bar. Any person who has been issued a
129 House Counsel license may qualify for full membership by establishing by clear and
130 convincing evidence that he or she meets the following requirements:

131 (m)(1) filed a complete written request for a change of status with the Admissions
132 Office in accordance with the filing deadlines set forth in Rule 14-707(b). The request for
133 a change of status must include:

134 (m)(1)(A) a Reapplication for Admission form updating the information provided in
135 the original application, including payment of the prescribed application fee. If the
136 original application for admission is more than two years old, a new Complete
137 Application for admission must be filed;

138 (m)(1)(B) a criminal background check dated no more than 180 days prior to the
139 filing of the change of status request;

140 (m)(1)(C) satisfactory proof of both admission to the practice of law and that House
141 Counsel is a member in good standing in all jurisdictions where admitted; and

142 (m)(1)(D) a certificate from the entity having authority over professional discipline for
143 each jurisdiction where House Counsel is licensed to practice which certifies that House
144 Counsel is not currently subject to lawyer discipline or the subject of a pending
145 disciplinary matter.

146 (m)(2) be of good moral character and have satisfied the requirements of Rule 14-
147 708;

148 (m)(3) successfully passed the Bar Examination as prescribed in Rule 14-710;

149 (m)(4) successfully passed the MPRE as prescribed in Rule 14-713; and

150 (m)(5) complied with the provisions of Rule 14-716 concerning licensing and
151 enrollment fees.
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