

1 **Rule 14-701. Definitions.**

2 As used in this article:

3 (a) "ABA" means the American Bar Association;

4 (b) "~~A~~active Practicemember" means work performed by an attorney ~~who is eligible~~
5 ~~to engage in the practice of law in Utah, has applied for active status, and has paid the~~
6 ~~required fees~~holding an "active" status law license and having professional experience
7 and responsibilities involving the Full-time Practice of Law as defined in sections (t) and
8 (ee). The Active Practice of law includes any combination of the following activities
9 provided that such employment is available only to licensed attorneys and the activities
10 are performed in the jurisdiction in which the Applicant is admitted or in a jurisdiction
11 that affirmatively permits such activity by a licensed lawyer not admitted to practice in
12 the jurisdiction where performed;

13 (b)(1) sole practitioner, or partner, shareholder, associate, or of counsel in a law firm;

14 (b)(2) an organization's employee whose principal responsibility is to provide legal
15 advice or service;

16 (b)(3) government employee whose principal duties are to provide legal advice or
17 service;

18 (b)(4) service in the United States armed forces as a lawyer or judge;

19 (b)(5) judge of a court of general or appellate jurisdiction provided that such
20 employment requires admission to the bar for the appointment thereto and for the
21 performance of the duties thereof;

22 (b)(6) law clerk to a judge of a court of general or appellate jurisdiction; or

23 (b)(7) teaching full-time at an Approved Law School;

24 (b)(8) the Active Practice of law shall not include work that, as undertaken,
25 constitutes the unauthorized practice of law in the jurisdiction in which it was performed
26 or in the jurisdiction in which the clients receiving the unauthorized services were
27 located, nor shall it include work completed in advance of any bar admission. Also, the
28 hours in attendance at continuing legal education courses shall not count toward the
29 Active Practice of Law;

30 (c) "Admissions Committee" means those Utah State Bar members or others
31 appointed by the Board or president of the Bar who are charged with recommending

32 standards and procedures for admission to the Bar and with implementation of this
33 article. The Admissions Committee is responsible for supervising the work of the Bar
34 Examiner Committee, ~~the Bar Exam Administration Committee~~, the Special Test
35 Accommodations Committee, and the Character and Fitness Committee, hearing
36 appeals as provided herein and performing other work relating to the admission of
37 Applicants;

38 (d) ~~"admission on motion applicant" means any person who satisfies the~~
39 ~~requirements of Rule 14-705;~~ "Applicant" means each person requesting admission to
40 the Bar. For purposes of this article, an Applicant is classified as a Student Applicant, a
41 Foreign Law School Applicant, an Attorney Applicant, a Motion Applicant, a Foreign
42 Legal Consultant Applicant, or a House Counsel Applicant.

43 (e) "Approved Law School" means a law school which is fully or provisionally
44 approved by the ABA pursuant to its Standards and Rules of Procedure for Approval of
45 Law Schools. To qualify as approved, the law school must have been fully or
46 provisionally approved at the time of the Applicant's graduation, or at the time of the
47 Applicant's enrollment, provided that the Applicant graduated within a typical and
48 reasonable period of time;

49 ~~(f) "applicant" means each person requesting admission to the Bar. For purposes of~~
50 ~~this article, an applicant is classified as a student applicant, a student attorney applicant,~~
51 ~~a foreign law school applicant, an attorney applicant, an admission on motion applicant;~~

52 (g) "Attorney Applicant" means any person who satisfies the requirements of Rule
53 14-704;

54 (h) "Bar" means the Utah State Bar, including its employees, committees and the
55 Board;

56 (i) "Bar Examination" means ~~either the student Bar Examination or the attorney Bar~~
57 Examination as defined in Rules 14-710 and 14-711 and includes the UBE, regardless
58 of where the UBE was taken or both, as the context requires;

59 (j) "Bar Examiner Committee" means those Bar members or others appointed by the
60 Board or president of the Bar who are charged with ~~drafting and reviewing questions~~
61 ~~and model answers and~~ grading the Bar Examination;

62 ~~(k) "Bar Exam Administration Committee" means those Bar members or others~~
63 ~~appointed by the Board or president of the Bar who are charged with assisting in the~~
64 ~~administration and evaluation of the Bar Examination;~~

65 (j) "Board" means the Board of Bar Commissioners;

66 ~~(km)~~ "Character and Fitness Committee" means those Bar members or others
67 appointed by the Board or president of the Bar who are charged with assessing the
68 character and fitness of Applicants and making determinations thereon;

69 ~~(ln)~~ "Complete Application" means an application ~~is complete only if it~~that includes
70 all fees and necessary application forms, along with any required supporting
71 documentation, character references, a criminal background check, a photo, an official
72 certificate of law school graduation and if applicable, a special test accommodation
73 request with supporting medical documentation, a certificate of admission and/or good
74 standing, and a certificate of practicediscipline;

75 ~~(me)~~ "Confidential information" is defined in Rule 14-7~~2019~~(a);

76 ~~(np)~~ "Deputy General Counsel for Adm~~issions~~" or "Deputy General
77 Counsel" are terms used interchangeably to mean the Bar's attorney in charge of
78 admissions or ~~his or~~ her or his designee;

79 ~~(oq)~~ "Debarred Attorney Applicant" means a person who has previously been
80 licensed to practice law in Utah a state or United States territory or the District of
81 Columbia and who is no longer licensed to practice law because of disbarment or
82 resignation with discipline pending or their equivalents and who satisfies the
83 requirements of Rule 14-708(g) and 14-717;

84 ~~(pr)~~ "Executive Director" means the executive director of the Utah State Bar or ~~his~~
85 ~~or~~ her or his designee;

86 (q) "First Professional Degree" means a degree that prepares the holder for
87 admission to the practice of law (e.g. juris doctorate) by emphasizing competency skills
88 along with theory and analysis. An advanced, focused, or honorary degree in law is not
89 recognized as a First Professional Degree (e.g. master of laws or doctor of laws);

90 ~~(rs)~~ "Foreign Law School" means any school located outside of the United States
91 and its protectorates, that is accredited by that jurisdiction's legal accreditation body, if

92 one exists, and whose graduates are otherwise permitted by that jurisdiction's highest
93 court to practice law;

94 (s) "Foreign Legal Consultant Applicant" means any Applicant who satisfies the
95 requirements of Rule 14-718;

96 (t) "Full-time Practice" means the Active and lawful Practice of Law for no fewer than
97 1000 hours per year. Time spent on administrative or managerial duties, continuing
98 legal education, or client development and marketing does not qualify as part of the
99 required 1000 hours of legal work;

100 (ut) "Ggeneral Ccounsel" means the Ggeneral Ccounsel of the Utah State Bar or his
101 or-her or his designee;

102 (v) "House Counsel Applicant" means any Applicant who satisfies the requirements
103 of Rule 14-719;

104 (wu) "Inactive member" means an attorney's law license is held in "inactive status"
105 or an equivalent term who is not eligible to engage in the practice of law in Utah and has
106 applied to the Bar for inactive status and has paid the required fees;

107 (xv) "MBE" means the Multistate Bar Examination prepared by the National
108 Conference of Bar ExaminersNCBE;

109 (yw) "MEE" means the Multistate Essay Examination prepared by the National
110 Conference of Bar ExaminersNCBE;

111 (z) "Motion Applicant" means any person who satisfies the requirements of Rule 14-
112 705;

113 (aax) "MPRE" means the Multistate Professional Responsibility Examination
114 prepared by the National Conference of Bar ExaminersNCBE;

115 (bby) "MPT" means the Multistate Performance Test prepared by the National
116 Conference of Bar ExaminersNCBE;

117 (ccz) "NCBE" means the National Conference of Bar Examiners, an organization
118 which-that develops, maintains, and applies reasonable and uniform standards of bar
119 examination education and testing;

120 (ddaa) "OPC" means the the Bar's Office of Professional Conduct-of the Utah State
121 Bar;

122 (ee) "Practice of Law" means employment available only to licensed attorneys where
123 the primary duty of the position is to provide legal service representation. The Practice
124 of Law includes such activities as furnishing legal counsel, drafting documents and
125 pleadings, interpreting and giving advice with respect to the law, and preparing, trying or
126 presenting cases before courts or administrative agencies. The Practice of Law is a
127 term of art and though no broad rule can precisely define the Practice of Law, it
128 constitutes more than merely working with legally-related matters;

129 ~~(ffbb)~~ "Pprivileged linformation" in this article includes: information subject to the
130 attorney-client privilege, attorney work product, test materials and applications of
131 examinees; correspondence and written decisions of the Board, Admissions Committee,
132 Bar Examiner Committee, Character and Fitness Committee, and Special-Test
133 Accommodations Committee; and the identity of individuals participating in the drafting,
134 reviewing, grading and scoring of the Bar Examination;

135 (gg) "Reapplication for Admission" means that for two years after the filing of an
136 original application, an Applicant may reapply by completing a Reapplication for
137 Admission form updating any information that has changed since the prior application
138 was filed and submitting a new criminal background check;

139 ~~_(ee)~~ "Special Accommodations Committee" means those Bar members or others
140 appointed by the Board or president of the Bar who are charged with the review of
141 requests from applicants seeking special accommodations under which to take the Bar
142 Examination and who make determinations thereon;

143 ~~(hhdd)~~ "Sstudent Aapplicant" means any person who satisfies the requirements of
144 Rule 14-703(a);

145 ~~_(ee)~~ "student attorney applicant" means any applicant licensed to practice law in a
146 sister state or United States territory or the District of Columbia, who does not qualify as
147 an attorney applicant under Rule 14-704 and must satisfy the requirements of Rule 14-
148 703;

149 ~~(jfff)~~ "Supreme Court" means the Utah Supreme Court;

150 (jj) "Test Accommodations Committee" means those Bar members or others
151 appointed by the Board or president of the Bar who are charged with the review of

152 requests from Applicants seeking to take the Bar Examination with test
153 accommodations and who make determinations thereon;

154 (kk) "Unapproved Law School" means a law school that is not fully or provisionally
155 approved by the ABA. For an Unapproved Law School's graduates to be eligible for
156 admission, the law school must be accredited in the jurisdiction where it exists, provide
157 legal education that is the substantial equivalent of the legal education provided by an
158 Approved Law School, and not be based on correspondence or internet study;

159 (ll) "UBE" means the Uniform Bar Examination as prepared by the NCBE;

160 (mmgg) "Updated Application" means that an Applicant must complete a
161 reapplication for admission form updating any information that has changed since the
162 prior application was filed and submit a new criminal background checkis required to
163 amend and update her or his application on an ongoing basis and correct any
164 information that has changed since the application was filed; and

165 (nnhh) "Written Component" means that portion of the Bar Examination that
166 consists of ~~essay questions~~MEE and MPT questions.

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