

Rule 14-705. Admission ~~by~~ Motion.

(a) Reciprocal admission. An ~~admission on motion~~ Applicant ~~may be admitted to the practice of law~~ is eligible to be admitted by motion if the Applicant ~~has been admitted to the practice of law before the highest court of a sister state or United States territory or the District of Columbia where admission by motion is authorized and the applicant meets all~~ the other requirements of this rule. Admission by Motion is not a right; ~~t~~The burden of proof is on the Applicant to establish by clear and convincing evidence that she or she ~~meets each of the following requirements:~~

(a)(1) has paid the prescribed nonrefundable fee and filed the required Complete Application as a Motion Applicant;

(a)(2) is at least 21 years old;

(a)(~~3~~4) has been admitted by bar examination to practice law before the highest court of a ~~sister U.S. state, or United States~~ territory or the District of Columbia;

(a)(~~4~~2) holds a First Professional Degree in law (~~Juris Doctorate or Bachelor of Laws~~) from an Approved Law School;

(a)(5) has successfully passed the MPRE;

(a)(~~6~~3) ~~establish~~ has demonstrated that the ~~sister U.S. state, or United States~~ territory or the District of Columbia that licenses ~~sd~~ the Applicant reciprocally allows the admission of licensed Utah lawyers under terms and conditions similar to those set forth in this rule, ~~provided that if the sister state or United States territory or the District of Columbia that licensed the applicant requires Utah lawyers to complete or meet other conditions or requirements, the applicant must meet a substantially similar requirement for admission in Utah;~~

(a)(~~7~~4) has been substantially Actively and lawfully engaged in the ~~active Full-time~~ Ppractice of Law (~~meaning 50% or more~~) as defined in Rule 14-701(b), (t) and (ee) in one or more ~~the~~ reciprocal jurisdictions s where licensed for at least ~~five~~three of the previous ~~four~~ seven years immediately preceding the date of the filing of the application for admission under this rule;

(a)(~~8~~5) ~~present satisfactory proof of both admission to the practice of law and that he or she~~ is a member in good standing in all jurisdictions where currently admitted;

31 (a)(96) has a proven record of ethical, civil, and professional behavior and file with
32 the application a certificate from the entity having authority over professional discipline
33 for each jurisdiction where the applicant is licensed to practice which certifies that the
34 applicant has never been disbarred or resigned with discipline pending, or their
35 equivalent, in any jurisdiction and is not currently subject to lawyer discipline or the
36 subject of a pending disciplinary matter;

37 (a)(107) present satisfactory proof to demonstrate that the applicant has been
38 substantially and lawfully engaged in the practice of law for the applicable period of
39 time;

40 (a)(8) establish that the applicant possesses is of good moral character and satisfies
41 the requirements of Rule 14-708;

42 (a)(9) provide evidence of the applicant's educational and professional
43 qualifications;

44 (a)(10) upon the filing of the application, pay the prescribed fees; and

45 (a)(11) file with the Bar a designated service of process form setting forth his or her
46 address in this state and designating the clerk of the Supreme Court as his or her agent
47 upon whom process may be served.

48 (b) Active practice defined. For the purposes of this rule, the "active practice of law"
49 shall include the following activities, if performed in a jurisdiction in which the applicant
50 is admitted, or if performed in a jurisdiction that affirmatively permits such activity by a
51 lawyer not admitted to practice:

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

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

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

57 (b)(4) service in the United States armed forces in a legal capacity; or

58 (b)(5) judge of a court of general or appellate jurisdiction requiring admission to a bar
59 as a qualification for admission thereof; or

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

61 (b)(7) teaching full-time in an approved law school.

62 ~~(c) Unauthorized practice of law. For the purposes of this rule, the active practice of~~
63 ~~law shall not include work that, as undertaken, constitutes the unauthorized practice of~~
64 ~~law in the jurisdiction in which it was performed or in the jurisdiction in which the clients~~
65 ~~receiving the unauthorized services were located.~~

66 ~~(bd)~~ Continuing legal education requirement. All ~~A~~ applicants admitted to practice law
67 pursuant to this rule shall complete and certify no later than six months following the
68 ~~A~~ applicant's admission that ~~s~~he or ~~s~~he has attended at least 15 hours of continuing
69 legal education on Utah practice and procedure and ethics requirements.

70 ~~(bd)~~(1) The Board may by regulation specify the number of the required 15 hours
71 that must be in particular areas of practice, procedure, and ethics. Included in this
72 mandatory 15 hours is attendance at the Bar's OPC ethics school. ~~This class is offered~~
73 ~~twice a year and provides six credit hours.~~

74 ~~(d)~~(2) ~~The remaining nine credit hours must be made up of approved MCLE~~
75 ~~courses.~~

76 ~~(d)~~(3) ~~Twelve of the 15 hours may be completed through self-study by access to~~
77 ~~Utah's on-line education system.~~

78 ~~(d)~~(4) ~~The above 15 hours will apply towards the 24 hours required per two-year~~
79 ~~compliance period.~~

80 ~~(d)~~(5) ~~Mandatory Continuing Legal Education ("MCLE") credit may be awarded for~~
81 ~~out-of-state activities that in the determination of the Board of Mandatory Continuing~~
82 ~~Legal Education ("MCLE Board") meet certain standards in furthering an attorney's legal~~
83 ~~education. Whether to accredit such activities and the number of hours of credit to allow~~
84 ~~for such activities shall be determined by the MCLE Board. Activities that may be~~
85 ~~regarded as equivalent to state-sponsored MCLE may include, but are not limited to,~~
86 ~~viewing of approved continuing legal education videotapes, writing and publishing an~~
87 ~~article in a legal periodical, part-time teaching in an approved law school, or delivering a~~
88 ~~paper or speech on a professional subject at a meeting primarily attended by lawyers,~~
89 ~~legal assistants, or law students. Application by a member of the Bar for accreditation of~~
90 ~~a MCLE activity must be submitted in writing to the MCLE Board. Forms and contact~~
91 ~~information regarding applying for accreditation is available on-line at~~

92 ~~mele@utahbar.org. Out-of-state activities cannot substitute for the 15 mandatory CLE~~
93 ~~hours described in paragraph~~

94 ~~(d)(2) and (d)(3) above.~~

95 ~~(e) Subject to Utah rules. All applicants admitted to practice law pursuant to this rule~~
96 ~~shall be subject to and shall comply with the Utah Rules of Professional Conduct and all~~
97 ~~other rules and regulations applicable to members of the Bar.~~

98 ~~(f) Discipline. All applicants admitted to practice law pursuant to this rule shall be~~
99 ~~subject to professional discipline in the same manner and to the same extent as a~~
100 ~~member of the Bar. Every person licensed under this rule shall be subject to control by~~
101 ~~the courts of Utah and to censure, suspension, removal or revocation of the applicant's~~
102 ~~license to practice in Utah regardless of where conduct occurs.~~

103 ~~(g) Notification of change in standing. All applicants admitted to practice law~~
104 ~~pursuant to this rule shall execute and file with the Bar a written notice of any change in~~
105 ~~such person's good standing in another licensing jurisdiction and of any final action of~~
106 ~~the professional body or public authority referred to in Rule 14-705(a)(6) imposing any~~
107 ~~disciplinary censure, suspension, or other sanction upon such person.~~

108 ~~(ch) Form and content of application. An admission on motion applicant shall file an~~
109 ~~application. The applicant must provide a full and direct response to questions~~
110 ~~contained in the application in the manner and time prescribed by this article. The Board~~
111 ~~may require additional proof of any facts stated in the application. In the event of the~~
112 ~~failure or the refusal of the Applicant to furnish any information or proof, or to answer~~
113 ~~any inquiry of the Board pertinent to the pending application, the Board may deny the~~
114 ~~application without hearing. An application shall include an authorization and release to~~
115 ~~enable the Board to obtain information concerning such applicant. By signing this~~
116 ~~authorization and release, an applicant waives his or her right to confidentiality of~~
117 ~~communications, records, evaluations, and any other information that may concern the~~
118 ~~applicant's fitness to practice law.~~

119 ~~(di) Timing of application and admission. An application may be filed at any time but~~
120 ~~the Applicant must be able to demonstrate that she or he satisfies the requirements of~~
121 ~~this rule as of the date the application is filed. Processing of the application and the~~
122 ~~character and fitness investigation require a minimum of four months to complete.~~

Rule 14-705.

Effective Date: June 13, 2012

123 (d)(1) An Applicant not eligible for admission pursuant to this rule may qualify for
124 admission as an Attorney Applicant pursuant to Rule 14-704.

125 (d)(2) -Upon approval ~~by the Board of an application~~ the Applicant ~~will be admitted~~
126 ~~in accordance must comply~~ with the provisions of Rule 14-716 concerning licensing and
127 enrollment fees.