

1 **Rule 14-719~~20~~. Qualifications for admission of House Counsel Applicants.**

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

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

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

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

15 (b)(1) ~~has~~is filed with the Admissions Office a ~~C~~omplete ~~A~~pplication for admission to
16 the Bar and paid the prescribed application fee;

17 (b)(2) ~~be is~~is at least 21 years old;

18 (b)(3) graduated with a ~~F~~irst ~~P~~rofessional ~~D~~egree in law (~~J.D. or L.L.B.~~) from an
19 ~~A~~pproved ~~L~~aw ~~S~~chool or equivalent degree, ~~not based on study by correspondence~~
20 ~~or by internet study~~, or an ~~U~~napproved ~~L~~aw ~~S~~chool ~~that is accredited in the~~
21 ~~jurisdiction where it exists and is the substantial equivalent of the legal education~~
22 ~~provided by an approved law school located within a U.S. state, territory or the District of~~
23 ~~Columbia~~Columbia;

24 (b)(4) ~~be is~~is licensed to practice law and in active status in a ~~sister~~U.S. state, ~~or~~
25 ~~United States~~ territory or the District of Columbia;

26 (b)(5) either (A) ~~be is~~is a bona fide resident of the State of Utah or (B) maintains ~~s~~an
27 office as the employer's ~~h~~House ~~c~~Counsel within the State of Utah;

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

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

36 (b)(8) ~~be is~~ of good moral character and ~~have~~ satisfies the requirements of Rule 14-
37 708;

38 (b)(9) has presented ed satisfactory proof ~~of both of~~ admission to the practice of law
39 and that she or she is a member in good standing in all jurisdictions where currently
40 admitted;

41 (b)(10) ~~has file with the application a certificate from the entity having authority over~~
42 ~~professional discipline for each jurisdiction where the Applicant is licensed to practice~~
43 ~~which certifies that the Applicant a proven record of ethical, civil and professional~~
44 ~~behavior and has never been disbarred or resigned with discipline pending, or their~~
45 ~~equivalent, in an jurisdiction, and~~ is not currently subject to lawyer discipline or the
46 subject of a pending disciplinary matter; and

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

49 (c) Timing of aApplication and admission. ~~An applicant requesting a license to serve~~
50 ~~as House Counsel must file a complete application for admission.~~

51 ~~(c)(1)~~ An application under this rule may be filed at any time but the Applicant must
52 be able to demonstrate that she or he satisfies the requirements of this rule as of the
53 date the application is filed.

54 (c)(~~12~~) The processing time ~~of a House Counsel application is approximately 90 to~~
55 ~~180 days.~~

56 ~~(c)(3) Applicants must meet all House Counsel admission requirements in this rule of~~
57 ~~the application and the character and fitness investigation require a minimum of four~~
58 ~~months to complete.~~

59 (c)(~~24~~) Upon approval ~~by the Board of an application,~~ the Applicant ~~will be admitted~~
60 ~~in accordance~~ must comply with the provisions of ~~with~~ Rule 14-716 concerning licensing
61 and enrollment fees ~~(b).~~

62 (c)(3) A person licensed as House Counsel shall pay annual license fees which shall
63 be equal to the fees required to be paid by a member of the Bar on Active status.

64 (d) Unauthorized practice of law.

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

67 (d)(2) An attorney who complies with the requirements of subsection (b)(1) may
68 provide services to an employer in Utah while the application is pending as long as the
69 application is filed within six months of the out-of-state attorney accepting a House
70 Counsel position establishing an office or residence in Utah.

71 (d)(3) An attorney who provides legal advice to heris or hiser employer but is not an
72 active member of the Bar or licensed as a House Counsel pursuant to this rule may be
73 referred for investigation for the unauthorized practice of law.

74 (e) Continuing legal education requirement. House Counsel shall pay the designated
75 filing fee and :

76 (e)(1) fFile with the MCLE Board by July 31 of each year a Certificate of Compliance
77 from the jurisdiction where House Counsel maintains an active license establishing that
78 she or she has completed the hours of continuing legal education required of active
79 attorneys in the jurisdiction where House Counsel is licensed; ~~and~~

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

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

90 (g) Discipline. House Counsel is subject to professional discipline in the same
91 manner and to the same extent as a member of the Bar. Every person licensed under
92 this rule is subject to control by the courts of the State of Utah and to censure,

93 ~~suspension, removal, or revocation of his or her license to practice as House Counsel in~~
94 ~~Utah regardless of where the conduct occurs.~~Subject to disciplinary proceedings. A
95 person licensed as House Counsel shall be subject to professional discipline in the
96 same manner and to the same extent as members of the Bar and specifically shall be
97 subject to discipline by the Supreme Court as delegated by rule and shall otherwise be
98 governed by Chapter 13, the Rules of Professional Conduct, Chapter 14 Article 5,
99 Lawyer Discipline and Disability, and other applicable rules adopted by the Supreme
100 Court, and all applicable statutory provisions.

101 (h) Notification of change in standing.

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

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

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

111 (j) Cessation of activity as house counsel. A House Counsel license terminates and
112 the House Counsel shall immediately cease performing all services under this rule and
113 shall cease holding ~~her~~himself or ~~him~~herself out as House Counsel upon:

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

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

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

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

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

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

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

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

137 (k)(3) active status in a sister U.S. state, or United States territory or the District of
138 Columbia and has complied with the Bar's annual licensing requirements for House
139 Counsel.

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

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

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

151 (m)(1)(A) a Reapplication for Admission form updating the information provided in
152 the original application, including payment of the prescribed application fee. If the
153 original application for admission is more than two years old, a new Cecomplete
154 Aapplication for admission must be filed;

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

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

159 (m)(1)(D) has a proven record of ethical, civil and professional behavior and has
160 never been disbarred or resigned with discipline pending, or their equivalent, in any
161 jurisdiction and a certificate from the entity having authority over professional discipline
162 for each jurisdiction where House Counsel is licensed to practice which certifies that
163 House Counsel is not currently subject to lawyer discipline or the subject of a pending
164 disciplinary matter.

165 (m)(2) is of good moral character and have satisfied the requirements of Rule 14-
166 708;

167 (m)(3) has successfully passed the Bar Examination as prescribed in Rule 14-710 or
168 qualifies for admission under Rule 14-705;

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

170 (m)(5) complies with the provisions of Rule 14-716 concerning licensing and
171 enrollment fees.

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