

1 **Rule 14-805. ~~Licensing of foreign legal consultants~~Reserved.**

2 ~~(a) In its discretion, the Supreme Court may license to practice in this state as a~~
3 ~~foreign legal consultant, without examination, an applicant who:~~

4 ~~(a)(1) is a member in good standing of a recognized legal profession in a foreign~~
5 ~~country, the members of which are admitted to practice as attorneys or counselors at~~
6 ~~law or the equivalent and are subject to effective regulation and discipline by a duly~~
7 ~~constituted professional body or a public authority; and~~

8 ~~(a)(2) possesses the good moral character and general fitness requisite for a person~~
9 ~~to be admitted as a member of the Bar; and~~

10 ~~(a)(3) intends to practice as a legal consultant in this state and to maintain an office~~
11 ~~in this state for that purpose; and~~

12 ~~(a)(4) has passed the Multistate Professional Responsibility Examination as required~~
13 ~~under Article 7, Admission to the Utah State Bar.~~

14 ~~(b) Proof required. An applicant shall file with the Bar's office of admissions:~~

15 ~~(b)(1) a certificate from the professional body or public authority in such foreign~~
16 ~~county having final jurisdiction over professional discipline, certifying as to the~~
17 ~~applicant's admission to practice and the date, and as to her or his good standing as~~
18 ~~such attorney or counselor at law or the equivalent;~~

19 ~~(b)(2) a duly authenticated English translation of such certificate, if it is not in~~
20 ~~English; and~~

21 ~~(b)(3) such other evidence as to the applicant's educational and professional~~
22 ~~qualifications, good moral character and general fitness, and compliance with the~~
23 ~~requirements of this rule as the Supreme Court may require.~~

24 ~~(c) Reciprocal treatment of members of the Bar of this state. In considering whether~~
25 ~~to license an applicant to practice as a foreign legal consultant, the Supreme Court may~~
26 ~~in its discretion take into account whether a member of the Bar would have a~~
27 ~~reasonable and practical opportunity to establish an office for the giving of legal advice~~
28 ~~to clients in the applicant's country of admission. Any member of the Bar who is seeking~~
29 ~~or has sought to establish an office in that country may request the Court to consider~~
30 ~~the matter, or the Court may do so sua sponte.~~

31 ~~(d) Scope of practice. A person licensed to practice as a foreign legal consultant~~
32 ~~under this rule may render legal services in this state with respect to the law of the~~
33 ~~foreign county in which such person is admitted to practice law subject, however, to the~~
34 ~~limitations that she or he shall not violate any provision of the Rule 14-802 and further~~
35 ~~specifically, shall not:~~

36 ~~(d)(1) appear for a person other than herself or himself as attorney in any court, or~~
37 ~~before any magistrate or other judicial officer, in Utah other than upon qualified~~
38 ~~admission pro hac vice pursuant to Rule 14-806; or~~

39 ~~(d)(2) prepare any instrument effecting the transfer or registration of title to real~~
40 ~~estate located in the United States; or~~

41 ~~(d)(3) prepare:~~

42 ~~(d)(3)(A) any will or trust instrument effecting the disposition on death of any~~
43 ~~property located in the United States and owned by a resident of the United States, or~~

44 ~~(d)(3)(B) any instrument relating to the administration of a decedent's estate in the~~
45 ~~United States; or~~

46 ~~(d)(3)(C) any instrument in respect of the marital or parental relations, rights or~~
47 ~~duties of a resident of the United States, or the custody or care of the children of such a~~
48 ~~resident; or~~

49 ~~(d)(4) render professional legal advice on the law of this state or of the United States~~
50 ~~(whether rendered incident to the preparation of legal instruments or otherwise) except~~
51 ~~on the basis of advice from a person duly qualified and entitled to render professional~~
52 ~~legal advice in this state;~~

53 ~~(d)(5) be, or in any way hold herself or himself out as a member of the Bar; or~~

54 ~~(d)(6) carry on her or his practice under, or utilize in connection with such practice,~~
55 ~~any name, title or designation other than the following:~~

56 ~~(d)(6)(A) her or his own name;~~

57 ~~(d)(6)(B) the name of the law firm or other entity with which she or he is affiliated, in~~
58 ~~each case only in conjunction with the title "foreign legal consultant" as set forth below;~~

59 ~~(d)(6)(C) his or her authorized title in the foreign county of her or his admission to~~
60 ~~practice, in each case only in conjunction with the title "foreign legal consultant" as set~~
61 ~~forth below; and~~

62 ~~(d)(6)(D) the title "foreign legal consultant", which shall be used in conjunction with~~
63 ~~the words admitted to the practice of law only in [name of the foreign country or her or~~
64 ~~his admission to practice].~~

65 ~~(e) Rights and obligations. Subject to the limitations set forth in paragraph (d) of, a~~
66 ~~person licensed as a foreign legal consultant shall be considered a lawyer affiliated with~~
67 ~~the Bar as permitted by this rule and shall be entitled and subject to:~~

68 ~~(e)(1) the rights and obligations set forth in the Utah Rules of Professional Conduct~~
69 ~~or arising from the other conditions and requirements that apply to a member of the Bar~~
70 ~~under rules adopted by the Supreme Court; and~~

71 ~~(e)(2) the rights and obligations of a member of the Bar with respect to:~~

72 ~~(e)(2)(A) affiliation in the same law firm with one or more members of the Bar by:~~

73 ~~(e)(2)(A)(i) employing one or more members of the Bar;~~

74 ~~(e)(2)(A)(ii) being employed by one or more members of the Bar or by any~~
75 ~~partnership, professional corporation or limited liability company which includes~~
76 ~~members of the Bar or which maintains an office in this state; and~~

77 ~~(e)(2)(A)(iii) being a partner in any partnership, shareholder in any professional~~
78 ~~corporation or member in any limited liability company which includes members of the~~
79 ~~Bar of this state or which maintains an office in this state; and~~

80 ~~(e)(2)(B) attorney-client privilege, work-product privilege and similar professional~~
81 ~~privileges.~~

82 ~~(f) Subject to disciplinary proceedings. A person licensed to practice as a foreign~~
83 ~~legal consultant shall be subject to professional discipline in the same manner and to~~
84 ~~the same extent as members of the Bar and specifically shall be subject to discipline by~~
85 ~~the Supreme Court as delegated by rule and shall otherwise be governed by the Utah~~
86 ~~Rules of Professional Conduct, the Article 5, Lawyer Discipline and Disability and other~~
87 ~~applicable rules adopted by the Supreme Court, and all applicable statutory provisions,~~
88 ~~including mandatory continuing legal education requirements in the area of ethics.~~

89 ~~(g) Requirements for licensure. Every person licensed to practice as a foreign legal~~
90 ~~consultant:~~

91 ~~(g)(1) prior to receiving a license to practice as a foreign legal consultant, shall have~~
92 ~~successfully completed the one-day OPC ethics school which is offered at least once a~~
93 ~~year;~~

94 ~~(g)(2) shall execute and file with the Bar, in such form and manner as the Supreme~~
95 ~~Court may prescribe:~~

96 ~~(g)(2)(A) her or his understanding of, and commitment to observe, the Utah Rules of~~
97 ~~Professional Conduct and the other rules adopted by the Supreme Court, and to the~~
98 ~~extent applicable to the legal services authorized under paragraph (d) of this rule;~~

99 ~~(g)(2)(B) appropriate evidence of professional liability insurance, in such amount as~~
100 ~~the Supreme Court may prescribe, to assure her or his proper professional conduct and~~
101 ~~responsibility;~~

102 ~~(g)(2)(C) written notice of any change (and an undertaking to provide written notice~~
103 ~~of any future change) in such person's good standing as a member of the foreign legal~~
104 ~~profession referred to in paragraph (a)(1) of this rule and of any final action of the~~
105 ~~professional body or public authority referred to in paragraph (b)(1) of this rule imposing~~
106 ~~any disciplinary censure, suspension, or other sanction upon such person; and~~

107 ~~(g)(2)(D) a duly acknowledged instrument, in writing, setting forth her or his address~~
108 ~~in this state, her or his address in the foreign country, and designation the clerk of the~~
109 ~~Supreme Court as her or his agent upon whom process may be served, with like effect~~
110 ~~as if served personally upon her or him, in any action or proceeding thereafter brought~~
111 ~~against her or him and arising out of or based upon any legal services rendered or~~
112 ~~offered to be rendered by her or him within or to residents of this state, whenever after~~
113 ~~due diligence service cannot be made upon her or him at such address or at such new~~
114 ~~address in Utah as she or he shall have filed in the office of such clerk by means of a~~
115 ~~duly acknowledged supplemental instrument in writing.~~

116 ~~(g)(3) Service of process on the clerk of the Supreme Court, pursuant to the~~
117 ~~designation filed as aforesaid, shall be made by personally delivering to and leaving~~
118 ~~with the clerk of the Supreme Court, or with a deputy or assistant authorized by such~~
119 ~~clerk to receive such service, at her or his office, duplicate copies of such process~~
120 ~~together with a fee of \$10. Service of process shall be complete when such clerk has~~
121 ~~been so served.~~

122 ~~(h) Application and license fees. An applicant for a license as a foreign legal~~
123 ~~consultant shall pay an application fee which shall be equal to the fee required to be~~
124 ~~paid by an attorney applicant applying for admission as a member of the Bar. A person~~
125 ~~licensed as a foreign legal consultant shall pay annual license fees which shall be equal~~
126 ~~to the fees required to be paid by a member of the Bar on active status.~~

127 ~~(i) Revocation of license. In the event that a person licensed as a foreign legal~~
128 ~~consultant no longer meets the requirements for licensure set forth in paragraph (a), or~~
129 ~~has failed to meet the obligations imposed by paragraph (g), her or his license shall be~~
130 ~~revoked following the procedures set forth in Article 5, Lawyer Discipline and Disability~~
131 ~~and Article 6, Standards for Imposing Lawyer Sanctions.~~

132 ~~(j) Admission to Bar. In the event that a person licensed as a foreign legal consultant~~
133 ~~is subsequently admitted as a member of the Bar under the Article 7, Admission to the~~
134 ~~Utah State Bar, the license granted to such person shall be deemed superseded by the~~
135 ~~license granted to such person to practice law as a member of the Bar.~~

136 ~~(k) Application for waiver of provisions. The Supreme Court, upon application, may~~
137 ~~in its discretion vary the application of or waive any provision of this rule where strict~~
138 ~~compliance will cause undue hardship to the applicant. Such application shall be in the~~
139 ~~form of a verified petition setting forth the applicant's name and residence address, the~~
140 ~~facts relied upon and a prayer for relief.~~