

1 Article 8. Special Practice Rules.

2 Rule 14-801. Definitions.

3 As used in this article:

4 (a) "approved legal services organization" means a Utah not-for-profit legal services
5 organization which is approved by the Bar as set forth herein. A legal services
6 organization seeking approval from the Bar shall file a petition with the Bar, attaching
7 copies of its Articles of Incorporation and Bylaws, if any, and certifying that it is a not-for-
8 profit organization, reciting with specificity:

9 (a)(1) the structure of the organization and whether it accepts funds from its clients;

10 (a)(2) the major sources of funds used by the organization;

11 (a)(3) the criteria used to determine potential clients' eligibility for legal services
12 performed by the organization;

13 (a)(4) the types of legal and nonlegal service performed by the organization;

14 (a)(5) the names of all members of the Bar who are employed by the organization or
15 who regularly perform legal work for the organization; and

16 (a)(6) the existence and extent of malpractice insurance which will cover the
17 volunteer attorneys with such documentation being updated on an annual basis.

18 (b) "attorney applicant" means a lawyer applicant as defined by the Rule 14-701.

19 (c) "Bar" means the Utah State Bar;

20 (d) "OPC" means the Bar's Office of Professional Conduct.

21 (e) "supervising attorney" means an active member of the Bar who generally
22 supervises a volunteer attorney. The supervising attorney must:

23 (e)(1) be employed by an approved legal services organization;

24 (e)(2) assume professional responsibility as contemplated by Rule 5.1 of the Utah
25 Rules of Professional Conduct for supervising the conduct of any litigation,
26 administrative proceeding or other legal services in which the volunteer attorney
27 participates providing, however, that concurrent administrative or judicial appearance is
28 at the discretion of the supervising attorney;

29 (e)(3) assist the volunteer attorney in his or her legal service preparation to the
30 extent that the supervisory attorney considers it necessary; and

31 (e)(4) ensure along with the agency that the volunteer attorney has appropriate and
32 adequate training, knowledge and competency to perform the legal service permitted
33 under these rules.

34 (f) "Supreme Court" means the Utah Supreme Court.

35 (g) "volunteer attorney" means a person who meets the requirements of Rule 14-
36 803.

37 Rule ~~4.0.14-802~~. Authorization to practice law.

38 (a) Except as set forth in subsection (c) of this ~~R~~rule, only persons who are active,
39 licensed members of the ~~Utah State~~ Bar in good standing may engage in the practice of
40 law in Utah.

41 (b) For purposes of this ~~R~~rule:

42 (b)(1) The "practice of law" is the representation of the interests of another person
43 by informing, counseling, advising, assisting, advocating for or drafting documents for
44 that person through application of the law and associated legal principles to that
45 person's facts and circumstances.

46 (b)(2) The "law" is the collective body of declarations by governmental authorities
47 that establish a person's rights, duties, constraints and freedoms and consists primarily
48 of:

49 (b)(2)(A) constitutional provisions, treaties, statutes, ordinances, rules, regulations
50 and similarly enacted declarations; and

51 (b)(2)(B) decisions, orders and deliberations of adjudicative, legislative and
52 executive bodies of government that have authority to interpret, prescribe and
53 determine a person's rights, duties, constraints and freedoms.

54 (b)(3) "Person" includes the plural as well as the singular and legal entities as well
55 as natural persons.

56 (c) Whether or not it constitutes the practice of law, the following activity by a non-
57 lawyer, who is not otherwise claiming to be a lawyer or to be able to practice law, is
58 permitted:

59 (c)(1) Making legal forms available to the general public, whether by sale or
60 otherwise, or publishing legal self-help information by print or electronic media.

61 (c)(2) Providing general legal information, opinions or recommendations about
62 possible legal rights, remedies, defenses, procedures, options or strategies, but not
63 specific advice related to another person's facts or circumstances.

64 (c)(3) Providing clerical assistance to another to complete a form provided by a
65 court for protection from harassment or domestic violence or abuse when no fee is
66 charged to do so.

67 (c)(4) When expressly permitted by the court after having found it clearly to be in the
68 best interests of the child or ward, assisting one's minor child or ward in a juvenile court
69 proceeding.

70 (c)(5) Representing a natural person in small claims court without compensation
71 and upon the express approval of the court or representing a legal entity as an
72 employee representative in small claims court.

73 (c)(6) Representing without compensation a natural person or representing a legal
74 entity as an employee representative of that entity in an arbitration proceeding, where
75 the amount in controversy does not exceed the jurisdictional limit of the small claims
76 court set by the Utah Legislature.

77 (c)(7) Representing a party in any mediation proceeding.

78 (c)(8) Acting as a representative before administrative tribunals or agencies as
79 authorized by tribunal or agency rule or practice.

80 (c)(9) Serving in a neutral capacity as a mediator, arbitrator or conciliator.

81 (c)(10) Participating in labor negotiations, arbitrations or conciliations arising under
82 collective bargaining rights or agreements or as otherwise allowed by law.

83 (c)(11) Lobbying governmental bodies as an agent or representative of others.

84 (c)(12) Advising or preparing documents for others in the following described
85 circumstances and by the following described persons:

86 (c)(12)(A) a real estate agent or broker licensed by the [S](#)state of Utah may complete
87 State-approved forms including sales and associated contracts directly related to the
88 sale of real estate and personal property for their customers.

89 (c)(12)(B) an abstractor or title insurance agent licensed by the [S](#)state of Utah may
90 issue real estate title opinions and title reports and prepare deeds for customers.

91 (c)(12)(C) financial institutions and securities brokers and dealers licensed by ~~the~~
92 ~~State of~~ Utah may inform customers with respect to their options for titles of securities,
93 bank accounts, annuities and other investments.

94 (c)(12)(D) insurance companies and agents licensed by the ~~S~~state of Utah may
95 recommend coverage, inform customers with respect to their options for titling of
96 ownership of insurance and annuity contracts, the naming of beneficiaries, and the
97 adjustment of claims under the company's insurance coverage outside of litigation.

98 (c)(12)(E) health care providers may provide clerical assistance to patients in
99 completing and executing durable powers of attorney for health care and natural death
100 declarations when no fee is charged to do so.

101 (c)(12)(F) Certified Public Accountants, enrolled IRS agents, public accountants,
102 public bookkeepers, and tax preparers may prepare tax returns.

103 Comment:

104 Subsection (a)

105 "Active" in this paragraph refers to the formal status of a lawyer, as determined by
106 the Utah State Bar. Among other things, an active lawyer must comply with the Bar's
107 requirements for continuing legal education.

108 Subsection (b).

109 The practice of law defined in Subparagraph (b)(1) includes: giving advice or
110 counsel to another person as to that person's legal rights or responsibilities with respect
111 to that person's facts and circumstances; selecting, drafting or completing legal
112 documents that affect the legal rights or responsibilities of another person; representing
113 another person before an adjudicative, legislative or executive body, including the
114 preparation or filing of documents and conducting discovery; negotiating legal rights or
115 responsibilities on behalf of another person.

116 Because representing oneself does not involve another person, it is not technically
117 the "practice of law." Thus, any natural person may represent oneself as an individual
118 in any legal context. To the same effect is ~~Section III.T of the Rules for Article 1, Rule~~
119 ~~14-111~~ Integration and Management ~~of the Utah State Bar~~: "Nothing in this ~~section~~
120 ~~article~~ shall prohibit a person who is unlicensed as an attorney at law or a foreign legal

121 consultant from personally representing that person's own interests in a cause to which
122 the person is a party in his or her own right and not as assignee.”

123 Similarly, an employee of a business entity is not engaged in “the representation of
124 the interest of another person” when activities involving the law are a part of the
125 employee’s duties solely in connection with the internal business operations of the entity
126 and do not involve providing legal advice to another person. Further, a person acting in
127 an official capacity as an employee of a government agency that has administrative
128 authority to determine the rights of persons under the law is also not representing the
129 interests of another person.

130 As defined in subparagraph (b)(2), “the law” is a comprehensive term that includes
131 not only the black-letter law set forth in constitutions, treaties, statutes, ordinances,
132 administrative and court rules and regulations, and similar enactments of governmental
133 authorities, but the entire fabric of its development, enforcement, application and
134 interpretation.

135 Laws duly enacted by the electorate by initiative and referendum under constitutional
136 authority would be included under subparagraph (b)(2)(A).

137 Subparagraph (b)(2)(B) is intended to incorporate the breadth of decisional law, as
138 well as the background, such as committee hearings, floor discussions and other
139 legislative history, that often accompanies the written law of legislatures and other law-
140 and rule-making bodies. Reference to adjudicative bodies in this subparagraph
141 includes courts and similar tribunals, arbitrators, administrative agencies and other
142 bodies that render judgments or opinions involving a person’s interests.

143 Subsection (c).

144 To the extent not already addressed by the requirement that the practice of law
145 involves the representation of others, subparagraph (c)(2) permits the direct and indirect
146 dissemination of legal information in an educational context, such as legal teaching and
147 lectures.

148 Subparagraph (c)(3) permits assistance provided by employees of the courts and
149 legal-aid and similar organizations that do not charge for providing these services.

150 Subparagraph (c)(7) applies only to the procedures directly related to parties'
151 involvement before a neutral third-party mediator; it does not extend to any related
152 judicial proceedings unless otherwise provided for under this rule (e.g., under
153 subparagraph (c)(5)).

154 Rule ~~14-803~~. Inactive lawyers providing legal services for legal services
155 organizations; Purposes.

156 (a) Individuals admitted to the practice of law in Utah have a responsibility to provide
157 competent legal services for all persons, including those unable to pay for such
158 services. ~~As one means of meeting these legal needs, the following Rules govern the~~
159 ~~participation of inactive pro bono lawyers in delivering legal services for or on behalf of~~
160 ~~legal services organizations approved by the Utah State Bar.~~

161 ~~I.(A)(b)~~ A lawyer who is or was admitted to practice law before the ~~Utah~~ Supreme
162 Court, and who has assumed inactive status may provide legal services with an
163 approved legal services organization if he or she:

164 ~~I.(A)(1)(b)(1)~~ has been a member in good standing of the ~~Utah State~~ Bar and has
165 been approved to participate in the ~~inactive P~~ro ~~B~~ono ~~L~~awyer ~~P~~rogram by the Bar's
166 Office of Professional Conduct; and

167 ~~I.(A)(2)(b)(2)~~ agrees to abide by the Utah Rules of Professional Conduct and submit
168 to the jurisdiction of the ~~Utah State~~ Bar for disciplinary purposes; and

169 ~~I.(A)(3)(b)(3)~~ neither asks for nor receives compensation of any kind for the legal
170 services to be rendered ~~hereunder~~.

171 ~~Rule II. Definitions.~~

172 ~~II.(A) An "approved legal services organization" for the purposes of this article is a~~
173 ~~Utah not-for-profit legal services organization which is approved by the Utah State Bar~~
174 ~~as set forth herein. A legal services organization seeking approval from the Utah State~~
175 ~~Bar for the purposes of this article shall file a petition with the Utah State Bar, attaching~~
176 ~~copies of its Articles of Incorporation and Bylaws, if any, and certifying that it is a not-for-~~
177 ~~profit organization, reciting with specificity:~~

178 ~~II.(A)(1) the structure of the organization and whether it accepts funds from its~~
179 ~~clients;~~

180 ~~II.(A)(2) the major sources of funds used by the organization;~~

181 ~~II.(A)(3) the criteria used to determine potential clients' eligibility for legal services~~
182 ~~performed by the organization;~~

183 ~~II.(A)(4) the types of legal and nonlegal service performed by the organization;~~

184 ~~II.(A)(5) the names of all members of the Utah State Bar who are employed by the~~
185 ~~organization or who regularly perform legal work for the organization; and~~

186 ~~II.(A)(6) the existence and extent of malpractice insurance which will cover the~~
187 ~~volunteer attorneys with such documentation being updated on an annual basis.~~

188 ~~II.(B) A "supervising attorney" as used herein is an active member of the Utah State~~
189 ~~Bar who generally supervises a volunteer attorney engaged in activities permitted by~~
190 ~~this Rule. The supervising attorney must:~~

191 ~~II.(B)(1) be employed by an approved legal services organization; and~~

192 ~~II.(B)(2) assume professional responsibility as contemplated by Rule 5.1 of the Utah~~
193 ~~Rules of Professional Conduct for supervising the conduct of any litigation,~~
194 ~~administrative proceeding or other legal services in which the volunteer attorney~~
195 ~~participates providing, however, that concurrent administrative or judicial appearance is~~
196 ~~at the discretion of the supervising attorney; and~~

197 ~~II.(B)(3) assist the volunteer attorney in his or her legal service preparation to the~~
198 ~~extent that the supervisory attorney considers it necessary; and~~

199 ~~II.(B)(4) insure along with the agency that the volunteer attorney has appropriate and~~
200 ~~adequate training, knowledge and competency to perform the legal service permitted~~
201 ~~under these Rules.~~

202 Rule ~~III~~14-804. Activities.

203 ~~III.(A) A volunteer attorney under this Rule, in association with an approved legal~~
204 ~~services organization and under the general supervision of a supervising attorney, may~~
205 ~~perform the following activities:~~

206 ~~III.(A)(1) The volunteer attorney may (a) appear in any court or before any~~
207 ~~administrative tribunal or arbitrator in this state Utah on behalf of a client of an approved~~
208 ~~legal services organization if a supervising attorney has given written approval for that~~
209 ~~appearance;~~

210 ~~III.(A)(2) The volunteer attorney may (b)~~ prepare pleadings and other documents
211 ~~signed by the volunteer attorney and supervising attorney~~ to be filed in any court or
212 before any administrative tribunal or arbitrator in ~~this State Utah~~ in any manner in which
213 the volunteer attorney is involved. ~~Such pleading also shall be signed by the supervising~~
214 ~~attorney.;~~

215 ~~III.(A)(3) The volunteer attorney may (c)~~ render legal advice and perform other
216 appropriate legal services but only after prior consultation with, and upon the express
217 consent of, the supervising attorney. ~~;~~ and

218 ~~III.(A)(4) The volunteer attorney may (d)~~ engage in such other preparatory activities
219 as are necessary for any matter in which he or she is involved.

220 Rule ~~IV~~14-805. Supervision and ~~L~~limitations.

221 ~~IV.(A)(a)~~ A volunteer attorney may not perform authorized activities ~~authorized by~~
222 ~~this Rule~~ unless he or she is under the general supervision of a supervising attorney.

223 ~~IV.(B)(b)~~ Volunteer attorneys ~~permitted to perform limited legal services under this~~
224 ~~Rule~~ are not, and shall not represent themselves to be, active members of the Utah
225 State Bar licensed to practice law generally in Utah ~~this state as Utah Code Ann. 78-9-~~
226 ~~101 prohibits the unauthorized practice of law.~~

227 ~~IV.(C)(c)~~ The prohibition against compensation for the volunteer attorney shall not
228 prevent the approved legal services organization from reimbursing the volunteer
229 attorney for actual expenses incurred while rendering services hereunder nor shall it
230 prevent the approved legal services organization from making such charges for its
231 services as it may otherwise properly charge. The approved legal services organization
232 shall be entitled to receive all court-~~awarded attorneys'~~ fees for any representation
233 rendered by the volunteer attorney.

234 Rule ~~V~~14-806. Certification and ~~D~~documentation.

235 ~~(a)~~ Authorization to obtain an ~~l~~inactive ~~P~~pro ~~B~~bono ~~A~~attorney status in order for a
236 volunteer attorney to perform authorized services ~~under this Rule~~ shall become effective
237 upon filing with and approval by the ~~Utah State~~ Bar of:

238 ~~V.(A)(a)(1)~~ a ~~N~~notice of ~~A~~authorization issued by an approved legal services
239 organization with which the volunteer attorney is currently associated ~~with~~ that states

240 that an attorney employed by that organization will assume the duties of the supervising
241 attorney ~~required hereunder~~; and

242 ~~V.(B)(a)(2)~~ a sworn statement by the volunteer attorney that he or she:

243 ~~V.(B)(1)(a)(2)(A)~~ has read and is familiar with the Utah Rules of Professional
244 Conduct as adopted by the ~~Utah~~ Supreme Court and will abide by the provisions
245 thereof; ~~and~~

246 ~~V.(B)(2)(a)(2)(B)~~ submits to the jurisdiction of the ~~Utah~~ Supreme Court and the ~~Utah~~
247 ~~State~~ Bar for disciplinary purposes; and

248 ~~V.(B)(3)(a)(2)(C)~~ will neither ask for nor receive compensation of any kind for the
249 legal services authorized ~~hereunder~~.

250 ~~V.(C)(b)~~ Certification as ~~an inactive lawyer providing pro bono legal~~
251 ~~services~~ will not affect or negate the volunteer attorney's obligation to pay his or her
252 annual inactive license fee.

253 Rule ~~V~~14-807. Withdrawal of ~~C~~certification.

254 ~~VI.(A)(a)~~ If a volunteer attorney's certification is withdrawn for any reason, the
255 supervising attorney shall immediately file a notice of such action in the official file of
256 each matter pending before any court or tribunal in which the volunteer attorney was
257 involved. In addition, all clients of the volunteer attorney immediately shall be notified.

258 ~~VI.(B)(b)~~ An approved legal services organization may withdraw certification at any
259 time and it is not necessary that the notice state the cause of such withdrawal. A copy of
260 the notice filed with the ~~Utah State~~ Bar also shall be mailed by the organization to the
261 volunteer attorney. The notice shall state either:

262 ~~VI(B)(1)(b)(1)~~ the volunteer attorney has ceased to be associated with the
263 organization, which notice must be filed within five days after such association has
264 ceased; or that

265 ~~VI(B)(2)(b)(2)~~ the ~~N~~notice of authorization is withdrawn.

266 ~~VI.(C)(c)~~ ~~Utah State The~~ Bar, in its discretion and at any time, may withdraw
267 authorization to perform authorized services ~~under this article~~. A copy of such notice
268 shall be mailed by the ~~Utah State~~ Bar to the volunteer attorney and to the approved
269 legal services organization to which he or she had been certified.

270 Rule ~~VII~~14-808. Discipline.

271 In addition to any appropriate proceedings including the unauthorized practice of law
272 and attorney discipline which may be initiated by the ~~Utah State~~ Bar, pursuant to ~~the~~
273 ~~Rules of Article 5~~, Lawyer Discipline and Disability and other law, the volunteer attorney
274 shall be subject to the following ~~disciplinary~~ measures:

275 ~~VII.(A)(a)~~ the presiding judge or hearing officer for any matter in which the volunteer
276 attorney has participated may hold the volunteer attorney in contempt for any failure to
277 abide by such tribunal's orders; and

278 ~~VII.(B)(b)~~ the ~~Utah State~~ Bar or the approved legal services organization may, at any
279 time, with or without cause, withdraw certification ~~hereunder~~.

280 Rule ~~11-303~~. 14-809. Special admission exception for military lawyers.

281 ~~Intent:~~

282 ~~To provide limited admission for qualified military attorneys to represent military~~
283 ~~members and their dependents who are under substantial financial hardship.~~

284 ~~Applicability:~~

285 ~~This rule shall apply to military attorneys who reside in Utah and who are not~~
286 ~~members of the Utah State Bar to provide limited legal services to qualified military~~
287 ~~members and their dependents.~~

288 ~~Statement of the Rule:~~

289 ~~(1)(a)~~ Exception for military lawyers to practice in Utah. A lawyer admitted to the
290 practice of law in a state or territory of the United States or of the District of Columbia,
291 who is a full-time active duty military officer serving in the Office of a Staff Judge
292 Advocate of the United States Army, Air Force, Navy, Marines, or Coast Guard, a Naval
293 Legal Service Office or a Trial Service Office, located in ~~the State of~~ Utah, may, upon
294 application to the ~~Utah State~~ Bar and Supreme Court certification, appear as a lawyer
295 and practice law before the courts of ~~this state~~ Utah in any civil matter or civil litigation,
296 or in a civil administrative proceeding, subject to the ~~following~~ conditions and limitations
297 set forth in this ~~RR~~ Rule.

298 ~~(2)(b)~~ Application requirements.

299 ~~(2)(A)(b)(1)~~ The applicant must be of good moral character and shall apply to the
300 ~~Utah State~~ Bar by:

301 ~~(2)(A)(i)-(b)(1)(A)~~ filing an application in the form and manner that may be prescribed
302 by the ~~Utah State Bar~~ Board of Bar Commissioners;

303 ~~(2)(A)(ii)-(b)(1)(B)~~ presenting satisfactory proof of admission to the practice of law
304 and current good standing as a member of the licensing bar in any state or territory of
305 the United States or the District of Columbia;

306 ~~(2)(A)(iii)-(b)(1)(C)~~ furnishing whatever additional information or proof that may be
307 required in the course of processing the application; and

308 ~~(2)(A)(iv)-(b)(1)(D)~~ paying a \$10.00 processing fee.

309 ~~(3)-(c)~~ Certification. Permission for an applicant ~~under this Rule~~ to practice law shall
310 become effective upon approval by the ~~Utah State~~ Bar and certification by the ~~Utah~~
311 Supreme Court.

312 ~~(4)-(d)~~ Prohibition on holding forth. Military lawyers admitted to practice pursuant to
313 this ~~R~~Rule are not, and shall not represent themselves to be, members of the ~~Utah~~
314 ~~State~~ Bar nor represent that they are licensed to generally practice law in Utah.

315 ~~(5)-(e)~~ Scope of representation permitted. Military lawyers admitted pursuant to ~~the~~
316 ~~this R~~rule may represent active duty military personnel in enlisted grades E-1 through E-
317 4 and their dependents, who are under substantial financial hardship, in non-criminal
318 matters to the extent such representation is permitted by the supervisory Staff Judge
319 Advocate or Commanding Officer of the Naval Legal Service Office or the Commanding
320 Officer of the Trial Service Office. They may also engage in such other preparatory
321 activity as is necessary for any matter in which the military attorney is involved. Other
322 active duty military personnel and their dependants may be represented if expressly
323 approved in writing by the Service Judge Advocate General or his or her designee.

324 ~~(6)-(f)~~ Prohibition on compensation. Military lawyers admitted pursuant to this ~~R~~rule
325 may not demand or receive any compensation from clients in addition to the military pay
326 to which they are already entitled.

327 ~~(7)-(g)~~ Jurisdiction and authority. The practice of a lawyer admitted under this ~~R~~rule
328 shall be subject to the Utah Rules of Professional Conduct and ~~the Utah Rules for~~

329 Article 5, Lawyer Discipline and Disability, and to all other applicable laws and rules
330 governing lawyers admitted to the ~~Utah State Bar~~ where applicable. Jurisdiction shall
331 continue whether or not the military lawyer retains the privilege to practice in Utah and
332 irrespective of the residence or domicile of the military lawyer.

333 ~~(8)(h)~~ Termination of privilege and certification.

334 ~~(8)(A)(h)(1)~~ The military lawyer's privilege to practice under this Rrule:

335 ~~(8)(A)(i)-(h)(1)(A)~~ may be terminated by the Supreme Court at any time with or
336 without cause; or

337 ~~(8)(A)(ii)-(h)(1)(B)~~ shall be terminated when the military lawyer ends active duty
338 military service in ~~this state~~ Utah.

339 ~~(8)(B)-(h)(2)~~ The lawyer admitted under this Rrule and his or her supervisory Staff
340 Judge Advocate or his or her Commanding Officer are responsible to advise the Utah
341 State Bar and the Supreme Court of any change in status of the lawyer that may affect
342 his or her privilege to practice law under this Rrule.

343 14-810. Licensing of Foreign Legal Consultants.

344 ~~Rule 18-1. General Regulation as to Licensing. IN ITS DISCRETION~~

345 ~~(a) In its discretion, T~~the Utah Supreme Court may license to practice in this Sstate
346 as a Foreign Legal Consultant, without examination, an applicant who:

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

351 ~~(b)-(a)(2)~~ possesses the good moral character and general fitness requisite for a
352 person to be admitted as a member of the ~~Utah State Bar~~; and

353 ~~(c)-(a)(3)~~ intends to practice as a legal consultant in this Sstate and to maintain an
354 office in this Sstate for that purpose; and

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

357 ~~Rule 18-2.(b)~~ Proof Rrequired. An applicant ~~under this Rule~~ shall file with the Utah
358 State Bar's office of admissions ("Bar");

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

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

365 ~~(c)-(b)(3)~~ such other evidence as to the applicant's educational and professional
366 qualifications, good moral character and general fitness, and compliance with the
367 requirements of ~~Sections 4 and 6 of this R~~ule as the ~~Utah~~ Supreme Court may require.

368 ~~Rule 18-3.(c)~~ Reciprocal ~~T~~reatment of ~~M~~embers of the Bar of this ~~S~~tate. In
369 considering whether to license an applicant to practice as a ~~F~~oreign ~~L~~egal ~~C~~onsultant,
370 the ~~Utah~~ Supreme Court may in its discretion take into account whether a member of
371 the ~~Utah State~~ Bar would have a reasonable and practical opportunity to establish an
372 office for the giving of legal advice to clients in the applicant's country of admission.
373 Any member of the Bar who is seeking or has sought to establish an office in that
374 country may request the ~~e~~Court to consider the matter, or the ~~Utah Supreme~~ Court may
375 do so sua sponte.

376 ~~Rule 18-4.(d)~~ Scope of ~~P~~practice. A person licensed to practice as a ~~F~~oreign
377 ~~L~~egal ~~C~~onsultant under this ~~R~~ule may render legal services in this ~~S~~tate with respect
378 to the law of the foreign county in which such person is admitted to practice law subject,
379 however, to the limitations that she or he shall not violate any provision of the Rule 14-
380 802 and further specifically, shall not:

381 ~~(a)-(d)(1)~~ appear for a person other than herself or himself as attorney in any court,
382 or before any magistrate or other judicial officer, in ~~this State Utah~~ (other than upon
383 qualified admission pro hac vice pursuant to ~~Utah Rules 11-30214-811 of the Utah~~
384 ~~Supreme Court's Rules of Professional Practice; or~~

385 ~~(b)-(d)(2)~~ prepare any instrument effecting the transfer or registration of title to real
386 estate located in the United States ~~of America; or~~

387 ~~(c)-(d)(3)~~ prepare:

388 ~~(i)-(d)(3)(A)~~ any will or trust instrument effecting the disposition on death of any
389 property located in the United States ~~of America~~ and owned by a resident of the United
390 States thereof, or

391 ~~(ii)-(d)(3)(B)~~ any instrument relating to the administration of a decedent's estate in
392 the United States ~~of America~~; or

393 ~~(d) prepare (d)(3)(C)~~ any instrument in respect of the marital or parental relations,
394 rights or duties of a resident of the United States ~~of America~~, or the custody or care of
395 the children of such a resident; or

396 ~~(e)-(d)(4)~~ render professional legal advice on the law of this Sstate or of the United
397 States ~~of America~~ (whether rendered incident to the preparation of legal instruments or
398 otherwise) except on the basis of advice from a person duly qualified and entitled to
399 render professional legal advice in this Sstate;

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

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

403 ~~(i)-(d)(6)(A)~~ her or his own name;

404 ~~(ii)-(d)(6)(B)~~ the name of the law firm or other entity with which she or he is affiliated,
405 in each case only in conjunction with the title "~~F~~foreign ~~L~~legal ~~C~~consultant" as set forth
406 below;

407 ~~(iii)-(d)(6)(C)~~ his or her authorized title in the foreign county of her or his admission to
408 practice, in each case only in conjunction with the title ~~F~~foreign ~~L~~legal ~~C~~consultant as
409 set forth below; and

410 ~~(iv)-(d)(6)(D)~~ the title ~~F~~foreign ~~L~~legal ~~C~~consultant, which shall be used in conjunction
411 with the words admitted to the practice of law only in [name of the foreign country or her
412 or his admission to practice].

413 Rule 18-5.(e) Rights and Obligations. Subject to the limitations set forth in Section
414 4paragraph (d) of this Rule, a person licensed as a ~~F~~foreign ~~L~~legal ~~C~~consultant under
415 this Rule shall be considered a lawyer affiliated with the Bar as permitted by this Rule
416 and shall be entitled and subject to:

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

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

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

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

423 ~~(B)-(d)(2)(A)(ii)~~ being employed by one or more members of the Bar or by any
424 partnership, professional corporation or limited liability company which includes
425 members of the Bar or which maintains an office in this Sstate; and

426 ~~(C)-(e)(2)(A)(iii)~~ being a partner in any partnership, shareholder in any professional
427 corporation or member in any limited liability company which includes members of the
428 Utah State Bar of this Sstate or which maintains an office in this Sstate; and

429 ~~(ii)-(e)(2)(B)~~ attorney-client privilege, work-product privilege and similar professional
430 privileges.

431 ~~Rule 18-6.(f) Subject to D~~disciplinary ~~Provisions~~proceedings. A person licensed to
432 practice as a Foreign Legal Consultant ~~under this Rule~~ shall be subject to
433 professional discipline in the same manner and to the same extent as members of the
434 Bar ~~and specifically and to this end: shall be subject to discipline by the Supreme Court~~
435 ~~as delegated by rule and shall otherwise be governed by the Utah Rules of Professional~~
436 ~~Conduct, the Article 5, Lawyer Discipline and Disability and other applicable rules~~
437 ~~adopted by the Supreme Court, and all applicable statutory provisions, including~~
438 ~~mandatory continuing legal education requirements in the area of ethics.~~

439 ~~(ag) Requirements for licensure.~~ Every person licensed to practice as a Foreign
440 Legal Consultant ~~under these Rules~~:

441 ~~(i)-(g)(1)~~ prior to receiving a license to practice as a Foreign Legal Consultant,
442 shall have successfully completed the one-day ~~Office of Professional Conduct's ("OPC")~~
443 ~~E~~ethics Sschool which is offered at least once a year;

444 ~~(ii) shall be subject to discipline by the Utah Supreme Court as delegated by rule and~~
445 ~~shall otherwise be governed by the Rules of Professional Conduct of the Bar, Rules of~~
446 ~~Lawyer Discipline and Disability and other applicable rules adopted by the Utah~~

447 ~~Supreme Court, and all applicable statutory provisions, including mandatory continuing~~
448 ~~legal education requirements in the area of ethics; and~~

449 ~~(iii)-(g)(2)~~ shall execute and file with the Bar, in such form and manner as the ~~Utah~~
450 Supreme Court may prescribe:

451 ~~(g)(2)~~(A) her or his understanding of, and commitment to observe, the ~~Utah~~ Rules of
452 Professional Conduct ~~of the Bar~~ and the other rules adopted by the ~~Utah~~ Supreme
453 Court, ~~and~~ to the extent applicable to the legal services authorized under ~~Section~~
454 ~~4~~paragraph (d) of this ~~R~~rule;

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

458 ~~(g)(2)~~(C) written notice of any change (and an undertaking to provide written notice
459 of any future change) in such person's good standing as a member of the foreign legal
460 professional referred to in ~~Section 1(a)paragraph (a)(1)~~ of this ~~R~~rule and of any final
461 action of the professional body or public authority referred to in ~~Section 2(a)paragraph~~
462 ~~(b)(1)~~ of this ~~R~~rule imposing any disciplinary censure, suspension, or other sanction
463 upon such person; and

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

473 ~~(b)-(g)(3)~~ Service of process on the ~~C~~clerk, of the ~~Utah~~ Supreme Court, pursuant to
474 the designation filed as aforesaid, shall be made by personally delivering to and leaving
475 with the clerk of the ~~Utah~~ Supreme Court, or with a deputy or assistant authorized by
476 such clerk to receive such service, at her or his office, duplicate copies of such process

477 together with a fee of \$10. Service of process shall be complete when such clerk has
478 been so served.

479 ~~Rule 18-7.(h)~~ Application and ~~Renewal~~ license Fees. An applicant for a license as a
480 ~~F~~foreign ~~L~~legal ~~C~~consultant ~~under this Rule~~ shall pay an application fee which shall be
481 equal to the fee required to be paid by an ~~A~~attorney ~~A~~applicant applying for admission
482 as a member of the ~~Utah State~~ Bar. A person licensed as a ~~F~~foreign ~~L~~legal ~~C~~consultant
483 shall pay annual license fees which shall be equal to the fees required to be paid by a
484 member of the Bar ~~on active status for renewal of her or his license to engage in the~~
485 ~~practice of law in this State.~~

486 ~~Rule 18-8.(i)~~ Revocation of ~~L~~license. In the event that a person licensed as a
487 ~~F~~foreign ~~L~~legal ~~C~~consultant ~~under this Rule~~ no longer meets the requirements for
488 licensure set forth in ~~Section 1 of this Rule paragraph (a)~~, or has failed to meet the
489 obligations imposed by paragraph ~~(g)6(a) of this Rule~~, her or his license shall be
490 revoked following the procedures set forth in ~~the Rules of Article 5, Lawyer Discipline~~
491 ~~and Disability and the Article 6, Standards for Imposing Lawyer Sanctions adopted by~~
492 ~~the Utah Supreme Court on May 28, 1993 effective July 1, 1993 and as amended~~
493 ~~hereafter.~~

494 ~~Rule 18-9.(j)~~ Admission to Bar. In the event that a person licensed as a ~~F~~foreign
495 ~~L~~legal ~~C~~consultant ~~under this Rule~~ is subsequently admitted as a member of the Bar
496 under the ~~provisions of the rules governing such admission, Article 7, Admission to the~~
497 ~~Utah State Bar,~~ the license granted to such person ~~hereunder~~ shall be deemed
498 superseded by the license granted to such person to practice law as a member of the
499 Bar.

500 ~~Rule 18-10.(l)~~ Application for ~~W~~waiver of ~~P~~provisions. The ~~Utah~~ Supreme Court,
501 upon application, may in its discretion vary the application of or waive any provision of
502 this ~~R~~rule where strict compliance will cause undue hardship to the applicant. Such
503 application shall be in the form of a verified petition setting forth the applicant's name
504 and residence address, the facts relied upon and a prayer for relief.

505 Rule ~~11-302. 14-811.~~ Admission ~~P~~pro ~~H~~ac ~~V~~ice.

506 ~~Intent:~~

507 ~~To provide a uniform method for the qualification of out of state counsel to practice~~
508 ~~before the courts of Utah.~~

509 ~~Applicability:~~

510 ~~This rule shall apply to any attorney who is not a member of the Utah State Bar~~
511 ~~appearing as counsel before a court of record or not of record.~~

512 ~~Statement of the Rule:~~

513 (a) An attorney who is not a member of the Utah State Bar but who is admitted to
514 practice law in another state or in any court of the United States or ~~T~~territory or ~~I~~nsular
515 ~~P~~ossession of the United States shall apply to be admitted pro hac vice in accordance
516 with this rule prior to appearing as counsel in a court of record or not of record.

517 (b) Nonresident counsel may be permitted to appear in a particular case if the court
518 in which the case is pending determines that admission pro hac vice will serve the
519 interests of the parties and the efficient and just administration of the case. Admission
520 pro hac vice under this rule is discretionary with the court in which the application for
521 admission is made. Admission pro hac vice may be revoked by the court upon its own
522 motion or the motion of a party if, after notice and a hearing, the court determines that
523 admission pro hac vice is inappropriate. Admission pro hac vice shall be denied or, if
524 granted, shall be revoked if the court determines that the process is being used to
525 circumvent the normal requirements for the admission of attorneys to the practice of law
526 in ~~this state~~ Utah.

527 (c) In determining whether to enter or revoke the order of admission pro hac vice,
528 the court may consider any relevant information, including whether non resident
529 counsel:

530 (c)(1) is familiar with Utah rules of evidence and procedure, including applicable
531 local rules;

532 (c)(2) is available to opposing parties;

533 (c)(3) has particular familiarity with the legal affairs of the party relevant to the case;

534 (c)(4) complies with the rulings and orders of the court;

535 (c)(5) has caused delay or been disruptive; and

536 (c)(6) has been disciplined in any other jurisdiction within the prior 5 years.

537 (d) The attorney seeking admission pro hac vice shall complete under oath and
538 submit to the Utah State Bar an application form available from the Utah State Bar or
539 court clerks' office . The applicant shall attach to the application form a Certificate of
540 Good Standing from the licensing state in which the applicant resides. The applicant
541 shall complete a separate application for each case in which the applicant wants to
542 appear. The fee for each application is \$175, which shall be paid to the Utah State Bar.
543 Fees paid under this rule shall be used for attorney discipline investigations and
544 proceedings.

545 (e) A copy of the application and a receipt showing payment of the fee shall be filed
546 in the court in which the case is pending, with a motion by a member of the Utah State
547 Bar to admit the applicant pro hac vice and a consent by that member of the Utah State
548 Bar to appear as associate counsel. Associate counsel shall be a resident of [the state of](#)
549 Utah. The application form shall include:

550 (e)(1) the name, address, telephone number, fax number, e-mail address, bar
551 identification number(s), and state(s) of admission of the applicant;

552 (e)(2) the name and number of the case in which the applicant is seeking to appear
553 as the attorney of record or, if the case has not yet been filed, a description of the
554 parties;

555 (e)(3) the name, number, and court of other cases pending or closed within the prior
556 [5-five](#) years in any state or federal court of Utah in which the applicant or a member of
557 the applicant's firm appears pro hac vice;

558 (e)(4) a statement whether, in any state, the applicant:

559 (e)(4)(A) is currently suspended or disbarred from the practice of law;

560 (e)(4)(B) has been disciplined within the prior [5-five](#) years; or

561 (e)(4)(C) is the subject of any pending disciplinary proceedings;

562 (e)(5) a statement that the applicant:

563 (e)(5)(A) submits to the disciplinary authority and procedures of the Utah State Bar;

564 (e)(5)(B) is familiar with the rules of procedure and evidence, including applicable
565 local rules;

566 (e)(5)(C) will be available for depositions, hearings, and conferences; and

567 (e)(5)(D) will comply with the rulings and orders of the court;

568 (e)(6) the name, address, Utah State Bar identification number, telephone number,
569 fax number, and e-mail address of the member of the Utah State Bar to serve as
570 associate counsel; and

571 (e)(7) any other information relevant to the standards for the admission of the
572 applicant.

573 (f) Utah counsel associated with nonresident counsel seeking admission pro hac
574 vice shall:

575 (f)(1) file a motion for admission of the applicant pro hac vice;

576 (f)(2) serve the motion by mail, hand-delivery or facsimile on the Utah State Bar's
577 ~~G~~general ~~C~~counsel on or before filing with the court and include a certificate of service
578 with the motion evidencing service on the Utah State Bar's ~~G~~general ~~C~~counsel and
579 upon the opposing parties, or, if represented, their counsel;

580 (f)(3) file a written consent to appear as associate counsel;

581 (f)(4) sign the first pleading filed;

582 (f)(5) continue as one of the counsel of record in the case unless another member of
583 the Utah State Bar is substituted as associate counsel; and

584 ~~(f)~~(6) be available to opposing counsel and the court for communication regarding
585 the case and the service of papers.

586 (g) The court may require Utah counsel to appear at all hearings. Utah counsel shall
587 have the responsibility and authority to act for the client in all proceedings if the
588 nonresident attorney fails to appear or fails to respond to any order of the court .

589 (h) An attorney admitted pro hac vice shall comply with and is subject to Utah
590 statutes, rules of the ~~Utah~~ Supreme Court, including the Rules of Professional Conduct
591 and ~~the Rules of Article 5,~~ Lawyer Discipline and Disability, the rules of the court in
592 which the attorney appears, and the rules of the Code of Judicial Administration.

593 Rule ~~11-301.~~ 14-812. Law student assistance.

594 ~~Intent:~~

595 ~~To ensure the provision of competent legal services.~~

596 ~~To increase the opportunity of law students to have first-hand contact with the legal~~
597 ~~system and participate directly in the court process.~~

598 Applicability:

599 ~~This rule shall apply to the bar, the judiciary and to law students.~~

600 Statement of the Rule:

601 Subject to the inherent power of each judge to have direct control of the proceedings
602 in court and the conduct of attorneys and others who appear before the judge, the
603 courts of ~~this state~~ Utah are authorized to allow law students to participate in matters
604 pending before them, provided:

605 ~~(A) T(a)~~ (A) the student's participation is limited to civil and misdemeanor cases;

606 ~~(B) T(b)~~ (B) the student has completed legal studies amounting to at least four ~~(4)~~
607 semesters or the equivalent if the school is not on a semester basis;

608 ~~(C) T(c)~~ (C) the student's participation is under the direct and immediate personal
609 supervision and in the presence of a resident attorney admitted to practice law before
610 the court, except the presence of a resident attorney shall not be required at default
611 divorce proceedings which are not contested and where the appearing party is
612 represented by a non-profit public service legal agency;

613 ~~(D) T(d)~~ (D) the student's participation is agreed to by written stipulation of counsel for all
614 parties to the action and filed in the case file; and

615 ~~(E) T(e)~~ (E) the student does not receive any compensation or remuneration of any kind
616 from the client on whose behalf the services are rendered.

617