

1 **Rule 14-705. Admission on motion.**

2 (a) Reciprocal admission. An admission on motion applicant may be admitted to the
3 practice of law if the applicant has been admitted to the practice of law before the
4 highest court of a sister state or United States territory or the District of Columbia where
5 admission by motion is authorized and the applicant meets all other requirements of this
6 rule. The burden of proof is on the applicant to establish by clear and convincing
7 evidence that he or she meets each of the following requirements:

8 (a)(1) has been admitted by bar examination to practice law before the highest court
9 of a sister state or United States territory or the District of Columbia;

10 (a)(2) holds a first professional degree in law (Juris Doctorate or Bachelor of Laws)
11 from an approved law school;

12 (a)(3) establish that the sister state or United States territory or the District of
13 Columbia that licensed the applicant allows the admission of licensed Utah lawyers
14 under terms and conditions similar to those set forth in this rule, provided that if the
15 sister state or United States territory or the District of Columbia that licensed the
16 applicant requires Utah lawyers to complete or meet other conditions or requirements,
17 the applicant must meet a substantially similar requirement for admission in Utah;

18 (a)(4) has been substantially and lawfully engaged in the active practice of law
19 (meaning 50% or more) in the reciprocal jurisdiction where licensed for at least three of
20 the previous four years immediately preceding the date of the filing of the application for
21 admission under this rule;

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

24 (a)(6) file with the application a certificate from the entity having authority over
25 professional discipline for each jurisdiction where the applicant is licensed to practice
26 which certifies that the applicant is not currently subject to lawyer discipline or the
27 subject of a pending disciplinary matter;

28 (a)(7) present satisfactory proof to demonstrate that the applicant has been
29 substantially and lawfully engaged in the practice of law for the applicable period of
30 time;

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

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

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

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

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

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

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

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

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

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

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

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

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

56 (d) Continuing legal education requirement. All applicants admitted to practice law
57 pursuant to this rule shall complete and certify no later than six months following the
58 applicant's admission that he or she has attended at least 15 hours of continuing legal
59 education on Utah practice and procedure and ethics requirements.

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

64 (d)(2) The remaining nine credit hours must be made up of ~~Utah's New Lawyer~~
65 ~~Continuing Legal Education ("NLCLE")~~ approved MCLE courses.

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

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

70 (d)(5) Mandatory Continuing Legal Education ("MCLE") credit may be awarded for
71 out-of-state activities that in the determination of the Board of Mandatory Continuing
72 Legal Education ("MCLE Board") meet certain standards in furthering an attorney's legal
73 education. Whether to accredit such activities and the number of hours of credit to allow
74 for such activities shall be determined by the MCLE Board. Activities that may be
75 regarded as equivalent to state-sponsored MCLE may include, but are not limited to,
76 viewing of approved continuing legal education videotapes, writing and publishing an
77 article in a legal periodical, part-time teaching in an approved law school, or delivering a
78 paper or speech on a professional subject at a meeting primarily attended by lawyers,
79 legal assistants, or law students. Application by a member of the Bar for accreditation of
80 a MCLE activity must be submitted in writing to the MCLE Board. Forms and contact
81 information regarding applying for accreditation is available on-line at
82 mcle@utahbar.org. Out-of-state activities cannot substitute for the 15 mandatory CLE
83 hours described in paragraph

84 (d)(2) and (d)(3) above.

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

88 (f) Discipline. All applicants admitted to practice law pursuant to this rule shall be
89 subject to professional discipline in the same manner and to the same extent as a

90 member of the Bar. Every person licensed under this rule shall be subject to control by
91 the courts of Utah and to censure, suspension, removal or revocation of the applicant's
92 license to practice in Utah regardless of where conduct occurs.

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

98 (h) Form and content of application. An admission on motion applicant shall file an
99 application. The applicant must provide a full and direct response to questions
100 contained in the application in the manner and time prescribed by this article. The Board
101 may require additional proof of any facts stated in the application. In the event of the
102 failure or the refusal of the applicant to furnish any information or proof, or to answer
103 any inquiry of the Board pertinent to the pending application, the Board may deny the
104 application without hearing. An application shall include an authorization and release to
105 enable the Board to obtain information concerning such applicant. By signing this
106 authorization and release, an applicant waives his or her right to confidentiality of
107 communications, records, evaluations, and any other information that may concern the
108 applicant's fitness to practice law.

109 (i) Timing of application and admission. An application may be filed at any time.
110 Upon approval by the Board of an application the applicant will be admitted in
111 accordance with Rule 14-716.

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