

1 **Rule 14-103. Organization and management of the Bar.**

2 (a) Qualification for admission. All persons who have been heretofore and all
3 persons who shall hereafter be duly admitted to practice as an attorney at law in Utah,
4 and who are not the subject of an order of the Supreme Court prior to July 1, 1993, or a
5 district court thereafter which terminates, suspends or restricts the right to practice law
6 in Utah, are qualified to be members of the Bar subject to the provisions of these rules.

7 (b) Board of Commissioners, number, term and vacancies, powers and duties.

8 (b)(1) There shall be a Board of Commissioners of the Bar consisting of no fewer
9 than 13 but no more than 15 voting members, including 11 elected lawyers and two
10 non-lawyers appointed by the Supreme Court. The initial term of office of one of the
11 non-lawyer commissioners shall be for two years. Except as otherwise provided, the
12 term of office of each commissioner shall be three years and until a successor is elected
13 and qualified. If a lawyer vacancy on the Board occurs prior to the expiration of the
14 completed term of office, the remaining commissioners shall:

15 (b)(1)(A) conduct a special election;

16 (b)(1)(B) appoint a successor from among the active members of the Bar whose
17 business mailing addresses on the records of the Bar are in the division from which the
18 commissioner was elected, who shall serve until the following annual election; or

19 (b)(1)(C) fill the vacancy through the next regular annual election.

20 (b)(2) If a lawyer vacancy on the Board is filled by either a special or regular election,
21 the Board may establish the term of the successor to be either a one, two or full three-
22 year term, provided that there would be not more than three but not fewer than two
23 commissioners from the Third Division whose terms expire in any one year and not
24 more than five but not fewer than four commissioners on the Board whose terms expire
25 in any one year.

26 (b)(3) A President's unexpired Commission term shall be filled in the regular election
27 cycle immediately preceding the time he or she succeeds to the office of President.

28 (c) The Board is granted and may exercise all powers necessary and proper to carry
29 out the duties and responsibilities of the Bar and the purposes of these rules and shall
30 have all authority which is not specifically reserved to the Supreme Court. The Court
31 specifically reserves the authority to:

32 (c)(1) approve Bar admission and licensure fees;

33 (c)(2) approve all rules and regulations formulated by the Board for admission,
34 professional conduct, client security fund, fee arbitration, procedures of discipline and
35 disability, legislative activities, unauthorized practice of law, and Bar Examination review
36 and appeals; and

37 (c)(3) establish appropriate rules and regulations governing mandatory continuing
38 legal education.

39 (d) Territorial divisions. The First Judicial District shall be known as the First Division;
40 the Second Judicial District shall be known as the Second Division; the Third Judicial
41 District shall be known as the Third Division; the Fourth Judicial District shall be known
42 as the Fourth Division; and the Fifth, Sixth, Seventh and Eighth Judicial Districts shall
43 be known as the Fifth Division.

44 (e) Number of lawyer commissioners from each division. There shall be one lawyer
45 member of the Board from each of the divisions, except the Third Division from which
46 there shall be seven lawyer commissioners. No more than one lawyer commissioner
47 from any division except from the Third Division, and no more than seven lawyer
48 commissioners from the Third Division, shall serve on the Board at the same time.

49 (f) Nomination and eligibility of lawyer commissioners. Lawyers whose business
50 mailing addresses on the records of the Bar are in a particular division shall alone have
51 the right to nominate persons for the office of commissioner from that division. To be
52 eligible for the office of commissioner in a division, the nominee's business mailing
53 address must be in that division as shown by the records of the Bar. Nomination to the
54 office of commissioner shall be by written petition of ten or more members of the Bar in
55 good standing. Any number of candidates may be nominated on a single petition.
56 Nominating petitions shall be mailed to the executive director within a period to be fixed
57 by the rules made by the Board.

58 (g) Election of commissioners.

59 (g)(1) The lawyers on the Board shall be elected by the vote of the resident active
60 members of the Bar as follows:

61 (g)(1)(A) in the year 1983 and every third year thereafter, one member from the
62 Second Division and two members from the Third Division, except that in the year 1983
63 only, there shall be four members elected from the Third Division;

64 (g)(1)(B) in the year 1984 and every third year thereafter, one member from the First
65 Division and three members from the Third Division; and

66 (g)(1)(C) in the year 1985 and every third year thereafter, two members from the
67 Third Division and one each from the Fourth and Fifth Divisions.

68 (g)(2) The candidate from any division, and the three or two candidates from the
69 Third Division, receiving the greatest number of votes of that division shall be the
70 commissioner from such division. For the year 1983, the candidate from the Third
71 Division receiving the fourth greatest number of votes shall be the commissioner for a
72 two-year term. A member is limited to voting for candidates for commissioner from the
73 division in which his or her business mailing address is located as shown by the records
74 of the Bar. The ballots shall be deposited in person with or by mail to the executive
75 director. There shall be an annual election by the resident active members of the Bar for
76 the purpose of filling vacancies. The Board shall fix the time for holding the annual
77 election and prescribe rules and regulations in regard thereto not in conflict with this
78 chapter. The Board shall, in accordance with its rules, give notice of the annual election
79 by mail at least 90 days prior to the date on which ballots will be counted.

80 (g)(3) Those persons holding office as commissioners at the time of the adoption of
81 these rules or who were elected under the existing statute will continue in office for the
82 period of time elected to serve.

83 (h) Nomination and election of president-elect. The Board shall nominate two
84 lawyers in good standing on active status to run for the office of president-elect to be
85 elected by the vote of the active members of the Bar. The president and the president-
86 elect shall hold office until their successors are elected and seated. A secretary and
87 such other assistants as the Board may require, may be selected from within or without
88 the Board to hold office at the pleasure of the Board and to be paid such compensation
89 as the Board shall determine.

90 (i) Officers and organization of Board. The Board shall be organized and authorized
91 to conduct business by the seating of elected commissioners, and a president and

92 president-elect of the Bar. The president-elect for the previous year shall automatically
93 succeed to the office of president. A president and a president-elect who are not elected
94 commissioners have the authority to vote on matters brought before the Board. In the
95 event of a tie vote, the matter at hand shall fail to pass.

96 (j) Annual and special meetings notice. There shall be an annual meeting of the Bar,
97 presided over by the president of the Bar, open to all members in good standing, and
98 held at such time and place as the Board may designate, for the discussion of the
99 affairs of the Bar and the administration of justice. Special meetings of the Bar may be
100 held at such times and places as the Board may designate. Notice of all meetings shall
101 be given by mail to all members of the Bar not fewer than 15 days prior to the date of
102 such meeting.

103 (k) Bylaws. The Board shall have power to adopt Bylaws, not in conflict with any of
104 the terms of

105 these rules, concerning the selection and tenure of its officers, the creation of
106 sections and committees and their powers and duties, and generally for the control and
107 regulation of the business of the Board and of the Bar.

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