

1 **Rule 14-720 Qualifications for admission of house counsel applicants.**

2 (a) Scope of practice. An attorney admitted to the Bar as House Counsel shall limit
3 his or her practice of law including legal representation only to the business of his or her
4 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 or herself out as
8 being so engaged or authorized, except as permitted under Rule 5.5 of the Utah Rules
9 of Professional Conduct. An attorney granted a House Counsel license is not prevented
10 from appearing in any matter pro se or from fulfilling the duties of a member of the
11 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 he or she meets each of the following requirements:

15 (b)(1) filed with the Admissions Office a ~~c~~Complete ~~a~~Application for admission to the
16 Bar and paid the prescribed application fee;

17 (b)(2) be at least ~~21~~twenty-one years old;

18 (b)(3) graduated with a first professional degree in law (~~J~~uris-~~D~~octorate or
19 ~~L.L.B. Bachelor of Laws~~) from an ~~a~~Approved ~~l~~aw ~~s~~chool or equivalent degree, not
20 based on study by correspondence or by internet study, or an unapproved law school
21 that is accredited in the jurisdiction where it exists and is the substantial equivalent of
22 the legal education provided by an approved law school;

23 (b)(4) be licensed to practice law and in active status in a sister state or United
24 States territory or the District of Columbia;

25 (b)(5) either (A) be a bona fide resident of the State of Utah or (B) maintain an office
26 as the employer's House Counsel within the State of Utah;

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

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

35 (b)(8) be of good moral character and have satisfied the requirements of Rule 14-
36 708;

37 (b)(9) present satisfactory proof of both admission to the practice of law and that he
38 or she is a member in good standing in all jurisdictions where currently admitted;

39 (b)(10) file with the application a certificate from the entity having authority over
40 professional discipline for each jurisdiction where the Applicant is licensed to practice
41 which certifies that the Applicant is not currently subject to lawyer discipline or the
42 subject of a pending disciplinary matter; and

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

45 (c) Application. An [a](#)Applicant requesting a license to serve as House Counsel must
46 file a [c](#)Complete [a](#)Application for admission.

47 (c)(1) An application under this rule may be filed at any time.

48 (c)(2) The processing time of a House Counsel application is approximately 90 to
49 180 days.

50 (c)(3) Applicants must meet all House Counsel admission requirements in this rule.

51 (c)(4) Upon approval by the Board of an application, the [a](#)Applicant will be admitted
52 in accordance with Rule 14-716(b).

53 (d) Unauthorized practice of law.

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

56 (d)(2) An attorney who complies with the requirements of subsection (b)(1) may
57 provide services to an employer in Utah while the application is pending as long as the
58 application is filed within six months of the out-of-state attorney establishing an office or
59 residence in Utah.

60 ~~(d)(3) No attorney who is not a member of the Bar and is acting as an attorney in~~
61 ~~Utah for an employer shall be denied a House Counsel license solely because of the~~

62 ~~attorney's prior failure to seek admission to the Bar, provided that an application~~
63 ~~pursuant to this rule is filed within one year of the Court's adoption of this rule.~~

64 (d)(34) ~~After the one-year enrollment period referred to in subsection (d)(3), a~~An
65 attorney who provides legal advice to his or her employer but is not an active member of
66 the Bar or licensed as a House Counsel pursuant to this rule may be referred for
67 investigation for the unauthorized practice of law.

68 (e) Continuing legal education requirement. House Counsel shall:

69 (e)(1) File with the MCLE Board by July 31 of each year a Certificate of Compliance
70 from the jurisdiction where House Counsel maintains an active license establishing that
71 he or she has completed the hours of continuing legal education required of active
72 attorneys in the jurisdiction where House Counsel is licensed; and

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

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

83 (g) Discipline. House Counsel is subject to professional discipline in the same
84 manner and to the same extent as a member of the Bar. Every person licensed under
85 this rule is subject to control by the courts of the State of Utah and to censure,
86 suspension, removal, or revocation of his or her license to practice as House Counsel in
87 Utah regardless of where the conduct occurs.

88 (h) Notification of change in standing.

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

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

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

98 (j) Cessation of activity as house counsel. A House Counsel license terminates and
99 the House Counsel shall immediately cease performing all services under this rule and
100 shall cease holding himself or herself out as House Counsel upon:

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

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

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

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

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

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

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

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

124 (k)(3) active status in a sister state or United States territory or the District of
125 Columbia and has complied with the Bar's annual licensing requirements for House
126 Counsel.

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

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

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

138 (m)(1)(A) a Reapplication for Admission form updating the information provided in
139 the original application, including payment of the prescribed application fee. If the
140 original application for admission is more than two years old, a new Complete
141 Application for admission must be filed;

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

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

146 (m)(1)(D) a certificate from the entity having authority over professional discipline for
147 each jurisdiction where House Counsel is licensed to practice which certifies that House
148 Counsel is not currently subject to lawyer discipline or the subject of a pending
149 disciplinary matter.

150 (m)(2) be of good moral character and have satisfied the requirements of Rule 14-
151 708;

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152 (m)(3) successfully passed the Bar Examination as prescribed in Rule 14-710 [or](#)
153 [qualify for admission under Rule 14-705](#);

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

155 (m)(5) complied with the provisions of Rule 14-716 concerning licensing and
156 enrollment fees.

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