

EXHIBIT "A"

**Current Rules Governing Admissions
Article 7. Rule Nos. 14-701 thru 14-720 & 14-805**

Article 7. Admissions.

Rule 14-701. Definitions.

As used in this article:

- (a) "ABA" means the American Bar Association;
- (b) "active member" means an attorney who is eligible to engage in the practice of law in Utah, has applied for active status, and has paid the required fees;
- (c) "Admissions Committee" means those Utah State Bar members or others appointed by the Board or president of the Bar who are charged with recommending standards and procedures for admission to the Bar and with implementation of this article; The Admissions Committee is responsible for supervising the work of the Bar Examiner Committee, the Bar Exam Administration Committee, the Special Accommodations Committee, and the Character and Fitness Committee, hearing appeals as provided herein and performing other work relating to the admission of applicants.
- (d) "admission on motion applicant" means any person who satisfies the requirements of Rule 14-705;
- (e) "approved law school" means a law school which is fully or provisionally approved by the ABA pursuant to its Standards and Rules of Procedure for Approval of Law Schools; To qualify as approved, the law school must have been fully or provisionally approved at the time of the applicant's graduation, or at the time of the applicant's enrollment, provided that the applicant graduated within a typical and reasonable period of time.
- (f) "applicant" means each person requesting admission to the Bar. For purposes of this article, an applicant is classified as a student applicant, a student attorney applicant, a foreign law school applicant, an attorney applicant, an admission on motion applicant;
- (g) "attorney applicant" means any person who satisfies the requirements of Rule 14-704;
- (h) "Bar" means the Utah State Bar, including its employees, committees and the Board;
- (i) "Bar Examination" means either the student Bar Examination or the attorney Bar Examination as defined in Rule 14-710 or both, as the context requires;
- (j) "Bar Examiner Committee" means those Bar members or others appointed by the Board or president of the Bar who are charged with drafting and reviewing questions and model answers and grading the Bar Examination;

(k) "Bar Exam Administration Committee" means those Bar members or others appointed by the Board or president of the Bar who are charged with assisting in the administration and evaluation of the Bar Examination;

(l) "Board" means the Board of Bar Commissioners;

(m) "Character and Fitness Committee" means those Bar members or others appointed by the Board or president of the Bar who are charged with assessing the character and fitness of applicants;

(n) "complete application" means an application is complete only if it includes all fees and necessary application forms, along with any required supporting documentation, character references, a criminal background check, a photo, an official certificate of law school graduation and if applicable, a special accommodation request with supporting medical documentation, a certificate of good standing, and a certificate of practice;

(o) "confidential information" is defined in Rule 14-719(a);

(p) "deputy general counsel of admissions or deputy general counsel" are terms used interchangeably to mean the Bar's attorney in charge of admissions or his or her designee;

(q) "disbarred attorney" means a person who has been licensed to practice law in a state or United States territory or the District of Columbia and who is no longer licensed to practice law because of disbarment or resignation with discipline pending or their equivalents;

(r) "executive director" means the executive director of the Utah State Bar or his or her designee;

(s) "foreign law school" means any school located outside of the United States and its protectorates, that is accredited by that jurisdiction's legal accreditation body, if one exists, and whose graduates are otherwise permitted by that jurisdiction's highest court to practice law;

(t) "general counsel" means the general counsel of the Utah State Bar or his or her designee;

(u) "inactive member" means an attorney who is not eligible to engage in the practice of law in Utah and has applied to the Bar for inactive status and has paid the required fees;

(v) "MBE" means the Multistate Bar Examination prepared by the National Conference of Bar Examiners;

(w) "MEE" means the Multistate Essay Examination prepared by the National Conference of Bar Examiners;

(x) "MPRE" means the Multistate Professional Responsibility Examination prepared by the National Conference of Bar Examiners;

(y) "MPT" means the Multistate Performance Test prepared by the National Conference of Bar Examiners;

(z) "NCBE" means the National Conference of Bar Examiners, an organization which develops, maintains, and applies reasonable and uniform standards of bar examination education and testing;

(aa) "OPC" means the Office of Professional Conduct of the Utah State Bar;

(bb) "privileged information" in this article includes: information subject to the attorney-client privilege, attorney work product, test materials and applications of examinees; written decisions of the Board, Admissions Committee, Character and Fitness Committee, and Special Accommodations Committee; and the identity of individuals participating in the drafting, reviewing, grading and scoring of the Bar Examination;

(cc) "Special Accommodations Committee" means those Bar members or others appointed by the Board or president of the Bar who are charged with the review of requests from applicants seeking special accommodations under which to take the Bar Examination and who make determinations thereon;

(dd) "student applicant" means any person who satisfies the requirements of Rule 14-703;

(ee) "student attorney applicant" means any applicant licensed to practice law in a sister state or United States territory or the District of Columbia, who does not qualify as an attorney applicant under Rule 14-704 and must satisfy the requirements of Rule 14-703;

(ff) "Supreme Court" means the Utah Supreme Court;

(gg) "updated application" means that an applicant must complete a reapplication for admission form updating any information that has changed since the prior application was filed and submit a new criminal background check; and

(hh) "written component" means that portion of the Bar Examination that consists of essay questions and MPT questions.

Rule 14-702. Board - general powers.

(a) Admission to the Bar. The Board shall recommend and certify to the Supreme Court for admission to the Bar persons who possess the necessary qualifications of learning, ability and character which are a prerequisite to the privilege of engaging in the practice of law, and who fulfill the requirements for admission to the Bar as provided by this article.

(b) Subpoena power. The executive director, the general counsel and the deputy general counsel shall have power to issue subpoenas for the attendance of witnesses or for the production of documentary evidence before the Board or before anyone authorized to act on its behalf.

(c) Administration of oaths. Members of the Board, the executive director and their designees shall have power to administer oaths in furtherance of this article.

(d) Taking of testimony. Members of the Board, the executive director and their designees shall have the power to take testimony in furtherance of this article.

(e) Regulations. The Board is empowered to adopt and enforce reasonable regulations and to appoint committees or persons in furtherance of this article.

(f) Waiver of rules. Neither the Bar nor its representatives has authority to waive any rule. Waiver of any rule may only be obtained by petitioning the Supreme Court.

Rule 14-703. Qualifications for admission of student, student attorney, and foreign law school applicants.

(a) Requirements of student and student attorney applicants. The burden of proof is on the applicant to establish by clear and convincing evidence that he or she:

(a)(1) has paid the prescribed fees and timely filed the required application in accordance with Rule 14-707;

(a)(2) is at least 21 years old;

(a)(3) has graduated with a first professional degree in law (Juris Doctorate or Bachelor of Laws) from an approved law school;

(a)(4) is of good moral character and has satisfied the requirements of Rule 14-708;

(a)(5) has successfully passed the student Bar Examination as prescribed in Rule 14-710;

(a)(6) has successfully passed the MPRE as prescribed in Rule 14-713; and

(a)(7) has complied with the provisions of Rule 14-716 concerning licensing and enrollment fees.

(b) Requirements of foreign law school applicants. The burden of proof is on the applicant to establish by clear and convincing evidence that he or she:

(b)(1) graduated from a foreign law school in a country where principles of English common law form the predominant basis for that country's system of jurisprudence;

(b)(2) has paid the prescribed fees and timely filed the required application as a foreign law school applicant in accordance with Rule 14-707;

(b)(3) is at least 21 years old;

(b)(4) has been admitted to practice law in an English common law jurisdiction;

(b)(5) has been substantially (meaning 50% or more) and lawfully engaged in the practice of law in an English common law jurisdiction for no fewer than two years;

(b)(6) has earned a minimum grade of "C" or its passing equivalent, within 24 consecutive months, not fewer than 24 semester hours, or their equivalent in quarter hours, at an approved law school, including no less than one course each in a core or survey course of constitutional law, civil procedure, criminal procedure or criminal law, legal ethics and evidence;

(b)(7) is of good moral character and has satisfied the requirements of Rule 14-708;

(b)(8) has successfully passed the student Bar Examination and MPRE as prescribed in Rules 14-710 and 14-713; and

(b)(9) has complied with the provisions of Rule 14-716 concerning licensing and enrollment fees.

(c) Foreign law school graduates not meeting the requirements of paragraph (b). All other students and graduates from foreign law schools not meeting the requirements of paragraph (b) may be recommended for admission only if they have graduated with a first professional degree in law (Juris Doctorate or Bachelor of Law) from an ABA approved law school.

Rule 14-704. Qualifications for admission of attorney applicants.

(a) Requirements of attorney applicants. The burden of proof is on the applicant to establish by clear and convincing evidence that he or she:

(a)(1) has paid the prescribed fees and filed the required application as an attorney applicant in accordance with Rule 14-707;

(a)(2) is at least 21 years old;

(a)(3) has graduated with a first professional degree in law (J.D. or L.L.B.) or equivalent degree from an approved law school;

(a)(4) has been admitted to the practice of law before the highest court of a sister state or United States territory, or the District of Columbia for no fewer than five years, and have been substantially (meaning 50% or more) and lawfully engaged in the practice of law in the jurisdiction where licensed for any four of the five years immediately preceding the filing of the application. For purposes of this rule, the practice of law includes the following activities or the equivalent thereof:

(a)(4)(A) sole practitioner, or partner, shareholder, associate, or of counsel in a law firm; or

(a)(4)(B) an organization's employee whose principal responsibility is to provide legal advice or service; or

(a)(4)(C) government employee whose principal duties are to provide legal advice or service; or

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

(a)(4)(E) judge of a court of general or appellate jurisdiction requiring admission to a bar as a qualification for admission thereof; or

(a)(4)(F) law clerk to a judge of a court of general or appellate jurisdiction; or

(a)(4)(H) teaching full-time in an approved law school;

(a)(5) is of good moral character and has satisfied the requirements of Rule 14-708;

(a)(6) has successfully passed the Bar Examination as prescribed in Rule 14-710;

(a)(7) has successfully passed the MPRE as prescribed in Rule 14-713; and

(a)(8) has complied with the provisions of Rule 14-716 concerning licensing and enrollment fees.

(b) Attorney applicants from non-approved law schools. An applicant who does not meet the educational qualifications in Rule 14-704(a)(3) is qualified provided the applicant establishes by clear and convincing evidence that he or she:

(b)(1) has complied with the requirements in (a)(1) and (a)(2);

(b)(2) has complied with the requirements in (a)(5) through (a)(8);

(b)(3) has graduated with a first professional degree in law (J.D. or L.L.B.) or equivalent degree, not based on study by correspondence or by internet study, from an unapproved law school that is accredited in the jurisdiction where it exists and is the substantial equivalent of the legal education provided by an approved law school;

(b)(4) has been admitted to the practice of law before the highest court of a sister state of United States territory of the District of Columbia for no fewer than ten years, and has been substantially (meaning 50% or more) and lawfully engaged in the practice of law in one of more jurisdictions where licensed for any ten of the eleven years immediately preceding the filing of the application. For purposes of this rule, the practice of law includes the activities referenced above in (a)(4)(A) through (a)(4)(H);

(b)(5) has a proven record of ethical, civil and professional behavior and has never been disbarred or resigned with discipline pending, or their equivalent, in any jurisdiction.

(c) Election to take student Bar Examination. At the time of application, an attorney applicant may elect to be examined under the student Bar Examination as prescribed in Rule 14-710 and which is scored in accordance with Rule 14-711.

Rule 14-705. Admission on motion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d)(2) The remaining nine credit hours must be made up of approved MCLE courses.

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

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

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

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

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

(f) Discipline. All applicants admitted to practice law pursuant to this rule shall be subject to professional discipline in the same manner and to the same extent as a member of the Bar. Every person licensed under this rule shall be subject to control by the courts of Utah and to censure, suspension, removal or revocation of the applicant's license to practice in Utah regardless of where conduct occurs.

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

(h) Form and content of application. An admission on motion applicant shall file an application. The applicant must provide a full and direct response to questions contained in the application in the manner and time prescribed by this article. The Board may require additional proof of any facts stated in the application. In the event of the failure or the refusal of the applicant to furnish any information or proof, or to answer any inquiry of the Board pertinent to the pending application, the Board may deny the application without hearing. An application shall include an authorization and release to enable the Board to obtain information concerning such applicant. By signing this authorization and release, an applicant waives his or her right to confidentiality of communications,

records, evaluations, and any other information that may concern the applicant's fitness to practice law.

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

Rule 14-706. Administration of Bar Examination under special circumstances.

(a) Disabilities and impairments. An applicant who has mental, physical, or cognitive disabilities as defined by the Americans with Disabilities Act ("ADA") may request a Bar Examination be administered under special circumstances to accommodate his or her disability. The request, including all supporting medical documentation, shall be made in writing at the time of application in the format prescribed by the Bar. The decision on such requests shall be made by the Special Accommodations Committee. Special accommodation requests received after the application deadline shall not be considered until the review period prior to the immediately following examination. The applicant must demonstrate that:

(a)(1) he or she is disabled as defined by the ADA; and

(a)(2) the disability impacts his or her ability to take the Bar Examination; and

(a)(3) the accommodation requested is necessary to meet the limitation caused by the disability.

(b) English as a second language. English as a second language is not a cognitive disability or impairment.

(c) Petition for reconsideration and appeal procedure; accommodation requests. An applicant must file a petition for reconsideration of the decision within ten calendar days of the date of the notice of the Special Accommodations Committee. The petition for reconsideration shall contain a short and plain statement of the reasons the applicant is entitled to relief.

(c)(1) Burden of proof. The applicant bears the burden of proving at the hearing by clear and convincing evidence that:

(c)(1)(A) he or she is disabled as defined by the ADA; and

(c)(1)(B) the disability impacts his or her ability to take the Bar Examination; and

(c)(1)(C) the accommodation requested is necessary to meet the limitation caused by the disability.

(c)(2) Reconsideration hearing process. The review panel shall consist of at least three members of the Admissions Committee. The review panel may consider only the documentation the applicant submitted at the time he or she requested accommodation and the decision of the Special Accommodations Committee. The applicant and the Special Accommodations Committee may present expert witnesses to support their respective positions. The name(s) of the expert(s) must be disclosed to the respective parties at least five calendar days before the hearing. Any attempt to change the original accommodation request or submit new medical documentation will be considered a new

request for accommodation. The new request must be resubmitted to the Special Accommodations Committee for review and is subject to the time deadlines set forth in Rule 14-706(a).

(c)(3) Reconsideration decision. The review panel shall affirm the decision of the Special Accommodations Committee if there is substantial and credible evidence to support it. The Admissions Committee review panel shall issue a written decision 15 calendar days after the completion of its reconsideration. The review panel shall provide its written findings and recommendation to three members of the Board. The Board panel shall make a decision on behalf of the Bar and notify the petitioner in writing of its final decision.

(c)(4) Appeal process. Within 30 calendar days after the date of the Board's final decision, the applicant may appeal to the Supreme Court by filing a notice of appeal with the clerk of the Supreme Court and serving a copy upon the general counsel for the Bar. At the time of filing the notice of appeal, the applicant shall pay the prescribed filing fee to the clerk of the Supreme Court. The clerk will not accept a notice of appeal unless the filing fee is paid.

(c)(5) Record of proceedings. A record of the proceedings shall be prepared by the Bar and shall be filed with the clerk of the Supreme Court within 21 calendar days following the filing of the notice of appeal.

(c)(6) Appeal petition. An appeal petition shall be filed with the Supreme Court within 30 calendar days after the record of proceedings has been filed. The appeal petition shall state the name of the petitioner and shall designate the Bar as respondent. The appeal petition must contain the following:

(c)(6)(A) a statement of the issues presented and the relief sought;

(c)(6)(B) a statement of the facts necessary to an understanding of the issues presented by the petitioner;

(c)(6)(C) the legal argument which the petitioner believes demonstrates that he or she has a disability under the ADA and qualifies for the specific accommodations requested; and

(c)(6)(D) a certificate reflecting service of the appeal petition upon the general counsel.

(c)(7) Response petition. Within 30 calendar days after service of the appeal petition on the general counsel, the Bar, as respondent, shall file its response with the clerk of the Supreme Court at the time of filing. Respondent shall serve a copy of the response upon the petitioner.

(c)(8) Format of appeal and response petitions. Except by permission of the Supreme Court, the appeal petition and the Bar's response petition shall not exceed 25 double-spaced pages, each. These documents shall be typewritten on 8 ½ inches by 11 inches

paper. The text, including footnotes, shall be in type no smaller than ten characters per inch for monospaced typeface and 13-point or larger for proportionally spaced typeface. An original and six copies of the appeal petition and the response petition shall be filed with the clerk of the Supreme Court.

(c)(9) The clerk of the Supreme Court will notify the parties if any additional briefing or oral argument is required. Upon entry of the Court's decision, the clerk shall give notice of the decision.

Rule 14-707. Application; deadlines; withdrawals; postponements and fees.

(a) Form. Each applicant must submit a completed application for examination and admission in accordance with the instructions prescribed by the Bar. Such application shall include an authorization and release enabling the Bar to obtain information concerning the applicant.

(b) Filing deadlines generally. Except as otherwise provided herein, the Bar shall receive complete applications by October 1 preceding the February Bar Examination and by March 1 preceding the July Bar Examination. A complete application will be accepted up to 15 calendar days after the filing deadline if accompanied by the prescribed 15-day late fee. A complete application will be accepted up to November 1 for the February Bar Examination if accompanied by the prescribed 30-day late fee and up to April 1 for the July Bar Examination if accompanied by the prescribed 30-day late fee. In accordance with the filing instructions and information for the application, late or incomplete applications will not be accepted with the following exceptions:

(b)(1) An applicant who will complete all law school academic requirements prior to the Bar Examination, but whose law degree will not be conferred until after the application filing deadline may file the certificate of law school graduation after the application has been submitted. Certificates of law school graduation must be received by the Bar no later than thirty (30) calendar days prior to the Bar Examination. In the event the certificate of law school graduation is not timely received by the Bar, an applicant will not be permitted to take the Bar Exam.

(b)(2) An applicant who has not received the criminal background report from the Federal Bureau of Investigation ("FBI") may submit the application without a criminal background report provided the applicant provides proof that a criminal background request has been filed with the FBI prior to submission of the application. Sufficient proof of submission of the criminal background request shall be by declaration in the form prescribed by the Bar. The criminal background report should be submitted to the Bar within fourteen (14) calendar days of the applicant's receipt of the report but no later than thirty (30) calendar days prior to the next scheduled Admissions Ceremony. The Character and Fitness Committee may withdraw or modify its approval based upon information contained in the criminal background report. In the event the criminal background report is not timely received by the Bar, an applicant will not be admitted at the Admissions Ceremony.

(c) Filing deadlines for disbarred attorneys. Disbarred attorneys may not file an application for admission until the later of five years after the effective date of the license revocation or the date specified in the disciplinary order. Disbarred attorneys must comply with Rule 14-717(b), if applicable. Complete applications for disbarred attorneys shall be received by the Bar by September 1 preceding the February Bar Examination and by February 1 preceding the July Bar Examination. Late applications for disbarred attorneys are not permitted.

(d) Withdrawal of applications and refunds. To withdraw an application, written notice must be provided 30 calendar days before the examination date. One-half of the filing fee paid shall be refunded; late fees will not be refunded. No refund is available to admission on motion applicants or if the application is withdrawn within 30 calendar days of the date of the Bar Examination or if a notice of a formal hearing by a panel of the Character and Fitness Committee has been sent to the applicant.

(e) Postponement of application. An applicant may only postpone or transfer his or her application due to emergency circumstances or pursuant to Rule 14-708(b)(4)(A). Emergency transfers are subject to the following restrictions.

(e)(1) The applicant must provide a written request, including payment of the prescribed transfer fee, prior to the date of the Bar Examination.

(e)(2) Proof of the emergency must be provided. The reasons for the transfer are limited to two circumstances:

(e)(2)(A) a personal medical emergency, or

(e)(2)(B) a death in the immediate family.

(e)(3) The transferring applicant must specify which future Bar Examination he or she plans to take. The exam must be taken within the next two scheduled Bar examinations.

(e)(4) The applicant must provide an updated application by filing a reapplication for admission form, updating any information that has changed since the prior application was filed and a new criminal background check. The reapplication for admission form should be submitted by the initial application deadline of October 1 preceding the February Bar Examination and March 1 preceding the July Bar Examination. A reapplication for admission will be accepted up to 15 calendar days after the filing deadline if accompanied by the prescribed 15-day late fee. A reapplication for admission form will be accepted up to November 1 for the February Bar Examination if accompanied by the 30-day late fee and up to April 1 for the July Bar Examination if accompanied by the prescribed 30-day late fee.

(e)(5) An applicant is entitled to one transfer only.

(f) Retaking Bar Examination. An applicant failing the Bar Examination who wishes to retake the examination must file a written request, including payment of the prescribed fee by the retake deadline. Late applications will not be accepted.

(f)(1) The applicant must provide an updated application form, updating any information that has changed since the application was filed and a new criminal background check.

(f)(2) An applicant who fails to achieve a passing score after six examinations may only take additional examinations with the permission of the Admissions Committee. A

petition providing good cause as to why the Admissions Committee should grant such a request must be filed with the deputy general counsel by the initial application deadline for the examination. Late applications will not be accepted. Qualified applicants who have already failed six or more examinations by September 1, 2003, may be approved to take two additional examinations.

Rule 14-708. Character and fitness.

(a) Standard of character and fitness. An attorney's conduct should conform to the requirements of the law, both in professional service to clients and in the attorney's business and personal affairs. An attorney should be one whose record of conduct justifies the trust of clients, adversaries, courts, and others with respect to the professional duties owed to them. An applicant whose record manifests a significant deficiency in honesty, trustworthiness, diligence, or reliability shall be denied admission. The applicant has the burden of proof to establish by clear and convincing evidence his or her fitness to practice law. Applicants must be approved by the Character and Fitness Committee prior to sitting for the Bar Examination. At any time before being admitted to the Bar, the Character and Fitness Committee may withdraw or modify its approval.

(b) Investigative process; investigative interview. Investigations into the character and fitness of applicants may be informal, but shall be thorough, with the object of ascertaining the truth.

(b)(1) The Character and Fitness Committee may conduct an investigation and may act with or without requiring a personal appearance by an applicant.

(b)(2) At the discretion of the Character and Fitness Committee, an applicant may be required to attend an investigative interview conducted by one or more members of the Committee. The investigative interview shall be informal but the applicant shall have the right to counsel and shall be notified in writing of the general factual areas of inquiry. Documentary evidence may be provided as part of the investigation, but no witnesses will be permitted to appear during the interview. The interview shall be a closed proceeding.

(b)(3) After an investigative interview has been conducted, the applicant shall be notified regarding whether or not he or she has been approved to sit for the Bar Examination. Applicants who are not approved will be notified regarding those areas that are of concern to the Committee. An applicant seeking review of the decision must request a formal hearing within ten calendar days of notice of the Committee's decision. The request must be made in writing and provided to the deputy general counsel.

(b)(4) The Committee may determine that an applicant must take corrective action before approval of his or her application can be granted. The applicant shall be notified in writing of the action required. No later than 30 days prior to the date of the Bar Examination, the applicant must provide written documentation to the deputy general counsel proving that the required corrective action has been completed.

(b)(4)(A) If the documentation is not provided as required within 30 days prior to the Bar Examination, the applicant must, instead, submit to the deputy general counsel, a written request to transfer, including the payment of the prescribed transfer fee. The request must specify when the corrective action will be completed and which future examination the applicant plans to take.

(b)(4)(B) The exam must be taken within the next two scheduled Bar Examinations. An applicant is entitled to one transfer only.

(b)(4)(C) The application of an applicant who neither takes corrective action nor requests a transfer shall be considered withdrawn.

(c) Formal hearing; applicant's request. In matters where the Character and Fitness Committee decides to convene or an applicant so requests, the Character and Fitness Committee shall hold a formal hearing. The formal hearing shall be a closed proceeding and may be scheduled whether or not preceded by an investigative interview.

(c)(1) A formal hearing shall be attended by no fewer than three Character and Fitness Committee members. Five calendar days before the hearing, the applicant and the Committee must provide a list of witnesses and a copy of any exhibits to be offered into evidence. If an applicant chooses to submit a written statement, it must also be filed five calendar days before the hearing.

(c)(2) Written notice of the formal hearing shall be given at least ten calendar days before the hearing. Notice shall be sent to the applicant at the address in the application. The notice shall include a statement of the preliminary factual matters of concern. The matters inquired into at the hearing are not limited to those identified in the notice, but may include any concerns relevant to making a determination regarding the applicant's character and fitness.

(c)(3) The formal hearing will have a complete stenographic record made by a certified court reporter or an electronic record made by means acceptable in the courts of Utah. All testimony shall be taken under oath. Although no formal rules of evidence or civil procedure will apply, an applicant has the right to counsel, the right to cross-examine witnesses, the right to examine the evidence and the right to present witnesses and documentary evidence. An applicant is entitled to make reasonable use of the Bar's subpoena powers to compel attendance of witnesses and to adduce relevant evidence relating to matters adverse to the applicant.

(c)(4) Written findings of fact and conclusions of law shall be issued no later than 45 calendar days after the formal hearing and any subsequent inquiries have been concluded.

(d) Factors related to character and fitness. In addition to the standards set forth in Rules 14-708(a), and 14-708(f) and Rule 14-708(g) if applicable, the Character and Fitness Committee may use the following factors to decide whether an applicant possesses the requisite character and fitness to practice law:

(d)(1) the applicant's lack of candor;

(d)(2) unlawful conduct;

(d)(3) academic misconduct;

- (d)(4) making of false or misleading statements, including omissions;
 - (d)(5) misconduct in employment;
 - (d)(6) acts involving dishonesty, fraud, deceit or misrepresentation;
 - (d)(7) abuse of legal process;
 - (d)(8) neglect of financial responsibilities;
 - (d)(9) neglect of professional obligations;
 - (d)(10) violation of a court order;
 - (d)(11) evidence of mental or emotional instability;
 - (d)(12) evidence of drug or alcohol dependency;
 - (d)(13) denial of admission to the bar in another jurisdiction on character and fitness grounds;
 - (d)(14) past or pending disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction; and
 - (d)(15) other conduct bearing upon character or fitness to practice law.
- (e) Assigning weight and significance to prior conduct. In making a determination as to the requisite character and fitness, the following factors should be considered in assigning weight and significance to prior conduct:
- (e)(1) age at the time of conduct;
 - (e)(2) recency of the conduct;
 - (e)(3) reliability of the information concerning the conduct;
 - (e)(4) seriousness of the conduct;
 - (e)(5) factors underlying the conduct;
 - (e)(6) cumulative effect of conduct or information;
 - (e)(7) evidence of rehabilitation;
 - (e)(8) positive social contributions since the conduct;

(e)(9) candor in the admissions process; and

(e)(10) materiality of any omission or misrepresentations.

(f) Criminal conduct; parole, probation and supervised release.

(f)(1) Where criminal charges are pending, an applicant's character and fitness review may be held in abeyance until the matter has been resolved by the court in question.

(f)(2) An applicant convicted of a misdemeanor offense or who has entered a plea in abeyance to any criminal offense may be asked to appear before members of the Character and Fitness Committee for an investigation interview or a formal hearing. In determining whether the applicant is of good character, the Committee will consider the nature and seriousness of the criminal conduct resulting in the conviction(s), mitigating and aggravating factors including completion of terms and conditions of any sentence imposed, payment of restitution if applicable, and demonstration of clearly proven rehabilitation.

(f)(3) A rebuttable presumption exists against admission of an applicant convicted of a felony offense. For purposes of this rule, a conviction includes entry of a nolo contendere (no contest) plea. An applicant who has been convicted of a felony offense is not eligible to apply for admission until after the date of completion of any sentence, term of probation or term of parole or supervised release, whichever occurred last. Upon an applicant's eligibility, a formal hearing as set forth in this article before members of the Character and Fitness Committee will be held. Factors to be considered by the Committee include, but are not limited to, the nature and seriousness of the criminal conduct resulting in the conviction(s), mitigating and aggravating factors including completion of terms and conditions of a sentence imposed and demonstration of clearly proven rehabilitation.

(g) Disbarred attorneys.

(g)(1) A disbarred attorney applicant must undergo a formal hearing as set forth in Rule 14-708(c). A disbarred attorney applicant has the burden of proving rehabilitation by clear and convincing evidence. No applicant may take the Bar Examination prior to being approved by the Character and Fitness Committee as provided in Rule 14-708(a). In addition to the requirements set forth in Rule 14-717, if applicable, and in conjunction with the application, an applicant under this rule must:

(g)(1)(A) provide a comprehensive written explanation of the circumstances surrounding his or her disbarment or resignation;

(g)(1)(B) provide copies of all relevant documents including, but not limited to, orders containing findings of fact and conclusions of law relating to disbarment or resignation; and

(g)(1)(C) provide a comprehensive written account of conduct evidencing rehabilitation.

(g)(2) To prove rehabilitation, the applicant must demonstrate the following:

(g)(2)(A) positive action showing rehabilitation by such things as a person's occupation, religion, or community or civic service. Merely showing that the applicant is now living as and doing those things he or she should have done throughout life, although necessary to prove rehabilitation, does not prove that the individual has undertaken a useful and constructive place in society;

(g)(2)(B) provide evidence of strict compliance with all disciplinary and judicial orders;

(g)(2)(C) unimpeachable character and moral standing in the community;

(g)(2)(D) proof of present professional competence and knowledge;

(g)(2)(E) lack of malice toward those who instituted the original proceeding against the applicant;

(g)(2)(F) personal assurances supported by corroborating evidence of a desire and intention to conduct one's self in an exemplary fashion in the future;

(g)(2)(G) provide evidence of treatment for and current control of any substance abuse problem and/or psychological condition, if such were factors contributing to the disbarment or resignation; and

(g)(2)(H) provide evidence of full restitution of funds or property where applicable.

(h) Review of decision of Character and Fitness Committee; applicant's request. An applicant has the right to have the Board review a decision made after a formal hearing as set forth in this article. A decision after a formal hearing is a prerequisite to Board review. An applicant must file a written request for Board review with the deputy general counsel within ten calendar days of the date of notice of the Character and Fitness Committee decision. A panel of three Board members will review the decision. The review shall be a closed proceeding and will be limited to consideration of the record produced in the formal hearing including a certified copy of the transcript of the formal hearing, the applicant's memorandum, if any, and the Bar's responsive memorandum, if any. An applicant's appearance at the Board review will be permitted only if the review panel deems it necessary.

(h)(1) Memoranda. After filing a written request for Board review, an applicant may file a written memorandum identifying the applicant's objections to the decision of the Character and Fitness Committee. The issues in the memorandum must be limited to matters contained in the record. The memorandum must be filed within 30 calendar days of the filing of the request for Board review. The Bar may file a response, but no reply memorandum will be permitted.

(h)(2) The decision of the Character and Fitness Committee shall be affirmed if there is substantial and credible evidence to support it. To meet his or her burden of proof, the applicant must cite to the record and show that the evidence did not support the decision.

(h)(3) Payment of transcript. An applicant is responsible for paying for and obtaining a duly certified copy of the transcript of the formal hearing proceedings or other electronic record copy as described in Rule 14-708(c)(3).

(h)(4) Harmless error. An applicant must demonstrate that any errors of law, fact or procedure formed a basis for denial or approval. Harmless error does not constitute a basis to set aside the decision.

(h)(5) The Board panel shall issue a final written decision within 30 calendar days of completing its review.

(i) Supreme Court appeal. Within 30 calendar days after the date of the decision of the Board panel, the applicant may appeal to the Supreme Court by filing a written notice of appeal with the clerk of the Supreme Court and the general counsel. At the time of filing the notice of appeal, the applicant shall pay the prescribed filing fee to the clerk of the Supreme Court. The clerk will not accept a notice of appeal unless the filing fee is paid.

(i)(1) Record of proceeding. A record of the proceeding shall be prepared by the Bar and shall be filed with the clerk of the Supreme Court within 21 calendar days following the filing of the notice of appeal.

(i)(2) An appeal petition shall be filed with the Supreme Court 30 calendar days after the record of the proceedings has been filed with the Supreme Court. The appeal petition shall state the name of the petitioner and shall designate the Bar as the respondent. The appeal petition must contain the following:

(i)(2)(A) a statement of the issues presented and the relief sought;

(i)(2)(B) a statement of the facts necessary to an understanding of the issues presented by the appeal;

(i)(2)(C) the legal argument supporting the petitioner's request; and

(i)(2)(D) a certificate reflecting service of the appeal petition upon the general counsel.

(i)(3) Within 30 calendar days after service of the appeal petition on the Bar, the Bar, as respondent, shall file its response with the clerk of the Supreme Court. At the time of filing, a copy of the response shall be served upon the petitioner.

(i)(4) Format of appeal and response petitions. Except by permission of the Supreme Court, the appeal petition and the Bar's response petition shall not exceed 25 double-spaced pages, each. These documents shall be typewritten on 8 ½ inches by 11 inches

paper. The text, including footnotes, shall be in type no smaller than ten characters per inch for monospaced typeface and 13-point or larger for proportionally spaced typeface. An original and six copies of the appeal petition and the response petition shall be filed with the clerk of the Supreme Court.

(i)(5) The clerk of the Supreme Court will notify the parties if any additional briefing or oral argument is permitted. Upon entry of the Supreme Court's decision, the clerk shall give notice of the decision.

(j) Reapplication. Reapplication after denial in a character and fitness determination may not be made prior to one year from the date of the final decision (including the appellate decision, if applicable), unless a different time period is specified in the final decision. If just cause exists, the Character and Fitness Committee may require an applicant to wait up to three years from the date of the final decision to reapply. If a reapplication period longer than one year is set for a Utah disbarred attorney, the time period is subject to approval by the district court hearing the petition for reinstatement. See Rule 14-525.

Rule 14-709. Application denial.

(a) Notice from Bar. An applicant whose application is denied because he or she does not meet the qualifications for admission under this article will receive written notice from the Bar that his or her application has been denied, along with a statement explaining the deficiency and reason(s) for denial.

(b) Request for review. A request for review of the decision must be filed with the Bar in writing within 15 calendar days. The request for review shall contain a short and plain statement of the reasons that the applicant is entitled to relief. A review panel consisting of no fewer than three members of the Admissions Committee shall review all relevant evidence. The review panel shall make a decision on the request for review and shall notify the applicant in writing of its decision in the form of a final decision.

(c) Supreme Court appeal. Within 30 calendar days after the date of the final decision, the applicant may appeal to the Supreme Court by filing a written notice of appeal with the clerk of the Supreme Court and serving a copy upon the general counsel. At the time of filing the notice of appeal, the applicant shall pay the prescribed filing fee to the clerk of the Supreme Court. The clerk will not accept a notice of appeal unless the filing fee is paid.

(c)(1) Record of proceeding. A record of the proceedings shall be prepared by the Bar and shall be filed with the clerk of the Supreme Court within 21 calendar days following the filing of the notice of appeal.

(c)(2) An appeal petition shall be filed with the Supreme Court 30 calendar days after the record of proceedings has been filed. The appeal petition shall state the name of the petitioner and shall designate the Bar as respondent. The appeal petition must contain the following:

(c)(2)(A) a statement of the issues presented and the relief sought;

(c)(2)(B) a statement of the facts necessary to an understanding of the issues presented by the appeal;

(c)(2)(C) the legal argument supporting the appeal; and

(c)(2)(D) a certificate reflecting service of the appeal petition upon the general counsel.

(c)(3) Within 30 calendar days after service of the appeal petition on the Bar, the Bar, as respondent, shall file with the clerk of the Supreme Court a response. At the time of filing, a copy of the response shall be served upon the petitioner.

(c)(4) Format of appeal and response petitions. Except by permission of the Supreme Court, the appeal petition and the Bar's response petition shall not exceed 25 double-spaced pages, each. These documents shall be typewritten on 8 ½ inches by 11 inches

paper. The text, including footnotes, shall be in type no smaller than ten characters per inch for monospaced typeface and 13-point or larger for proportionally spaced typeface. An original and six copies of the appeal petition and the response petition shall be filed with the clerk of the Supreme Court.

(c)(5) The clerk of the Supreme Court will notify the parties if any additional briefing or oral argument is permitted. Upon entry of the Supreme Court's decision, the clerk shall give notice of the decision.

Rule 14-710. Composition of the Bar Examination.

(a) Student Bar Examination. The student Bar Examination shall include a written component and the MBE. The written component of the examination may consist of up to eight essay questions and two MPT questions. One essay question shall relate to legal ethics. Essay questions may be taken from the MEE and/or state prepared essay questions. Students and student attorney applicants are required to take the student Bar Examination.

(b) Attorney Bar Examination. The attorney Bar Examination shall consist of the written component of the student Bar Examination. Attorney applicants who meet the requirements set forth in Rule 14-704 are eligible to sit for the attorney Bar Examination.

Rule 14-711. Preparation, grading and scoring of the Bar Examination.

(a) Preparation of essay questions. Essay questions and model answers are selected from the MEE or prepared by members of the Bar Examiner Committee or outside sources. Members of the Bar Examiner Committee or the Bar Exam Administration Committee shall review essay questions and model answers.

(b) Preparation of the MPT questions. MPT questions and model answers are prepared by the NCBE and reviewed by members of the Bar Examiner Committee or Bar Exam Administration Committee.

(c) Grading the written component of the Bar Examination. Essay and MPT answers shall be uniformly graded on a scale from zero to five points. In order to assure maximum fairness and uniformity in grading, the Board or its designees shall prescribe procedures and standards for grading to be used by all graders. Each MPT question shall have twice the weight of an essay question. The essay and MPT scores added together constitute the raw written component score.

(d) Examination scoring and passing grade. The raw written component score is scaled to the MBE portion of the examination using the standard deviation method. The scaled MBE score and the scaled written component score are combined. An applicant who receives a combined score of 270 or above passes the Bar Examination.

Rule 14-712. MBE scores.

(a) MBE score transferability. The Bar will not accept MBE scores transferred from another jurisdiction unless the MBE is taken in the same examination period that the written component is taken in Utah.

(b) How to transfer MBE scores. To transfer MBE scores, an applicant must send a written transfer request, along with the prescribed fee, to the NCBE. A transfer request form and fee information is provided by the NCBE website. See NCBE website at www.ncbex.org.

Rule 14-713. MPRE.

(a) MPRE requirements. In addition to the requirements of Rule 14-716(e), an applicant must receive a passing score on the MPRE prior to admission to the Bar. The passing score must be achieved within two years of the date of the Bar Examination. A scaled score of 86 is considered passing. A scaled score of 80 will be considered passing for Bar Examinations taken on or before July 2004. It is the Applicant's responsibility to insure that his or her MPRE score is reported to the Bar.

(b) MPRE. The MPRE is administered by the NCBE. To take the MPRE, an applicant must file an application with and pay the prescribed fee to the NCBE. See NCBE website at www.ncbex.org.

Rule 14-714. Unsuccessful applicants: disclosure and right of inspection.

(a) Inspection of the written component. The written component of the Bar Examination shall be retained for no fewer than six months after the date that examination's results have been announced. An unsuccessful applicant shall be entitled to a reasonable inspection of:

(a)(1) the essay and MPT questions;

(a)(2) the applicant's answers to the essay and MPT questions of the examination;

(a)(3) the model answer for each question; and

(a)(4) an explanation of the grading process.

(b) Privileged Information is not subject to disclosure.

(c) Inspection of MBE. This rule does not permit an applicant to inspect the MBE which is administered nationally. Neither copies of the MBE questions nor answers are retained by the Bar.

(d) All disclosure under this rule is governed by Rule 14-719.

Rule 14-715. Bar Examination appeals.

(a) Request for review. A request for review, along with the prescribed filing fee, must be filed with the Bar in writing within 30 calendar days of the date that the Bar Examination results are mailed to the applicant.

(b) Standard of review. The Board or its designees shall only review the request of failing applicants who claim that failure was because of a substantial irregularity in the administration of the examination that resulted in manifest unfairness or because of mathematical errors in the scoring of the applicant's examination. A substantial irregularity in the administration of the examination will not be a matter that will result in questions or answers being reread, reevaluated or regraded. The Board and its designees shall not reread, reevaluate or regrade Bar Examination answers.

(c) Bar Examination review and appeal procedure. The request for review shall contain a short and plain statement of the reasons that the applicant is entitled to relief based on Rule 14-715(b).

(c)(1) Review panel and Board decision. The review panel consisting of no fewer than three members of the Admissions Committee shall review all relevant evidence. Requests for review setting forth common issues may be consolidated in whole or in part as determined by the chair of the review panel. The Admissions Committee shall file with a panel of three members of the Board its written findings of fact and recommendations. The Board panel shall make a decision on the request for review and shall notify the applicant in writing of its decision in the form of a final decision, which includes findings of fact and conclusions of law.

(c)(2) Appeal process. Within 30 calendar days after the date of the final decision, the applicant may appeal to the Supreme Court by filing a written notice of appeal with the clerk of the Supreme Court and serving a copy upon the general counsel. At the time of filing the notice of appeal, the applicant shall pay the prescribed filing fee to the clerk of the Supreme Court. The clerk will not accept a notice of appeal unless the filing fee is paid.

(c)(3) Records of proceedings. A record of the proceedings shall be prepared by the Bar and shall be filed with the clerk of the Supreme Court within 21 calendar days following the filing of the notice of appeal.

(c)(4) Appeal petition. An appeal petition shall be filed with the Supreme Court 30 calendar days after a record of the proceedings has been filed with the Supreme Court. The appeal petition shall state the name of the petitioner and shall designate the Bar as respondent. The appeal petition must contain the following:

(c)(4)(A) a statement of the issues presented and the relief sought;

(c)(4)(B) a statement of the facts necessary to an understanding of the issues presented by the appeal;

(c)(4)(C) the legal argument supporting the petitioner's request; and

(c)(4)(D) a certificate reflecting service of the appeal petition upon the general counsel.

(c)(5) Format of appeal and response petitions. Except by permission of the court, the appeal petition and the Bar's response shall not exceed 25 double-spaced pages, each. These documents shall be typewritten on 8 ½ inches by 11 inches paper. The text, including footnotes, shall be in type no smaller than 10 characters per inch for monospaced typeface and 13-point or larger for proportionally spaced typeface. An original and six copies of the appeal petition and the response petition shall be filed with the clerk of the Supreme Court.

(c)(6) Within 30 calendar days after service of the appeal petition on the Bar, the Bar, as respondent, shall file its response with the clerk of the Supreme Court. At the time of filing, a copy of the response shall be served upon the petitioner.

(c)(7) The clerk of the Supreme Court will notify the parties if any additional briefing or oral argument is permitted. Upon entry of the Supreme Court's decision, the clerk shall give notice of the decision.

Rule 14-716. License fees; enrollment fees; oath and admission.

- (a) Court enrollment fees and Bar license fee. After notification that the Board has approved the applicant for admission, the applicant must pay to the Bar the applicable Bar license fee for either active or inactive status. The applicant must pay to the Bar the mandatory Supreme Court enrollment fee, regardless of whether the applicant elects active or inactive attorney status. If an applicant elects active status, an applicant must pay to the Bar the enrollment fee of the United States District Court for the District of Utah. The Bar collects and transmits the federal and state court enrollment fees.
- (b) Motion for admission and enrollment. Upon satisfaction of the requirements of Rule 14-716(a), the Board will submit motions to the Supreme Court and the United States District Court for the District of Utah for admission certifying that the applicants have satisfied all qualifications and requirements for admission to the Bar. The Board will submit three motions for admission per year: October, February and May. After the motions are submitted and upon approval by the Supreme Court and the United States District Court for the District of Utah and upon taking the required oath, an applicant is eligible to be enrolled into Utah's state and federal courts.
- (c) Admission ceremony. There will be two admission ceremonies a year to administer the required oath to be placed on either active or inactive attorney status: May and October.
- (d) Oath of attorney and certificate of admission. Every applicant must take an oath. The oath must be administered by the clerk of the Supreme Court, the clerk of a court of the United States, a Utah state judge of district or juvenile court level or higher, a judge of a court of the United States or a judge of a court of general jurisdiction or higher of a state of the United States. In the event of military assignment outside the United States, a military court judge may administer the oath. After administration of the oath, each applicant must sign the roll of attorneys maintained by the clerk of the Supreme Court at which time the applicant receives a certificate of admission to the Bar. If the oath is administered other than at an admission ceremony as provided in this article, the applicant must contact the clerk of the Supreme Court for information on administration of the oath. If the applicant elects active status, he or she must also contact the United State District Court for the District of Utah and sign its roll of attorneys.
- (e) Time limit for admission. If an applicant has met all other admission requirements, but fails to pay the prescribed license and enrollment fees or fails to take the oath as required by Rule 14-716(d) within two years after notification of approval by the Board, the approval for admission is automatically withdrawn. Failure to timely satisfy the provision of this rule requires an applicant to recommence the application process including a new application, payment of fees, a character and fitness investigation and retaking of the Bar Examination, if applicable.

Rule 14-717. Readmission after resignation or disbarment of Utah attorneys.

(a) Readmission after resignation without discipline pending. Readmission subsequent to the resignation without discipline pending of a member of the Bar requires a new application, payment of fees, and a character and fitness investigation. An applicant is not required to retake the Bar Examination but must fully comply with the requirements of Rule 14-716.

(b) Readmission of disbarred attorneys. An applicant for readmission to the Bar under these circumstances shall satisfy all requirements of this article, including Rules 14-703, 14-707(c), 14-708(g) and 14-716, and shall satisfy all other requirements imposed by Rule 14-525, the OPC, and Utah courts. A report and recommendation shall be filed by the Character and Fitness Committee in the district court in which the applicant has filed his or her petition for readmission. The district court must approve the applicant's petition for readmission under Rule 14-525 before an applicant can be admitted and licensed under Rule 14-716 to practice law.

Rule 14-718. Licensing of foreign legal consultants.

Licensing of foreign legal consultants is governed by Rule 14-805 and administered in conjunction with this article.

Rule 14-719. Confidentiality.

(a) Confidentiality. Confidential information relating to admissions shall not be disclosed other than as permitted by this article. Confidential information includes but is not limited to all records, documents, reports, letters and sources whether or not from other agencies or associations, relating to admissions and the examination and grading process.

(b) Disclosure of confidential information in admissions process. Nothing in this article limits disclosure of confidential information to the Board and the Bar's employees, committees and their agents in connection with the performance of and within the scope of their duties.

(c) Disclosure of confidential information to applicant. An applicant and an applicant's attorney are entitled to confidential information directly related to the applicant:

(c)(1) which is to be considered by the Character and Fitness Committee in conjunction with a formal hearing in accordance with Rule 14-708(c); and

(c)(2) as permitted by Rule 14-714.

(d) Privileged information. Neither an applicant nor an applicant's attorney nor any person is entitled to privileged information.

(e) Communications relating to applications. Letters or information relating to an applicant in which the writer requests confidentiality shall not be placed into evidence or otherwise made available to the decision-making body or anyone else involved in a decision-making capacity with respect to the admission of the applicant. Such material will be destroyed by the admissions office. Any person having knowledge of the content of the information shall withdraw from participation in the matter, and if necessary persons shall be appointed to replace those required to withdraw from the decision-making process.

(f) Release of information. Except as otherwise authorized by order of the Supreme Court, the Bar shall deny requests for confidential information but may grant the request if made by one of the following entities:

(f)(1) an entity authorized to investigate the qualifications of persons for admission to practice law;

(f)(2) an agency or entity authorized to investigate the qualifications of persons for government employment;

(f)(3) a lawyer discipline enforcement agency; or

(f)(4) an agency or entity authorized to investigate the qualifications of judicial candidates.

(g) Release of confidential information. If the request for confidential information is granted, it shall be released only upon certification by the requesting agency or entity that the confidential information shall be used solely for authorized purposes. If one of the above-enumerated entities requests confidential information, the Bar shall give written notice to the applicant that the confidential information will be disclosed within ten calendar days unless the applicant obtains an order from the Supreme Court restraining such disclosure.

(h) Immunity from civil suits. Participants in proceedings conducted under this article shall be entitled to the same protections for statements made in the course of the proceedings as participants in judicial proceedings. The admissions-related committee members, the deputy general counsel, the general counsel and admissions staff shall be immune from suit for any conduct committed in the course of their official duties, including the investigatory stage. There is no immunity from civil suit for intentional misconduct.

(i) Persons providing information to admission office or admissions-related committees. Every person or entity shall be immune from civil liability for providing, in good faith, documents, statements of opinion, records or other information regarding an applicant or potential applicant for admission to the Bar to the admissions office or to those members of the admissions-related committees.

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

(a) Scope of practice. An attorney admitted to the Bar as House Counsel shall limit his or her practice of law including legal representation only to the business of his or her employer. House Counsel shall not:

(a)(1) Appear before a court of record or not of record as an attorney or counselor in the State of Utah except as otherwise authorized by law or rule; or

(a)(2) Offer legal services or advice to the public or hold himself or herself out as being so engaged or authorized, except as permitted under Rule 5.5 of the Utah Rules of Professional Conduct. An attorney granted a House Counsel license is not prevented from appearing in any matter pro se or from fulfilling the duties of a member of the active or reserve components of the armed forces or the National Guard.

(b) Requirements of house counsel applicants. To be recommended for admission to the Bar as House Counsel, a person must establish by clear and convincing evidence that he or she meets each of the following requirements:

(b)(1) filed with the Admissions Office a complete application for admission to the Bar and paid the prescribed application fee;

(b)(2) be at least 21 years old;

(b)(3) graduated with a first professional degree in law (J.D. or L.L.B.) from an approved law school or equivalent degree, not based on study by correspondence or by internet study, or an unapproved law school that is accredited in the jurisdiction where it exists and is the substantial equivalent of the legal education provided by an approved law school;

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

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

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

(b)(7) provide an affidavit signed by both the applicant and the employer that the applicant is employed exclusively as House Counsel and that applicant has disclosed to the employer the limitations on House Counsel's license of practicing under this rule;

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

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

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

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

(c) Application. An applicant requesting a license to serve as House Counsel must file a complete application for admission.

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

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

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

(c)(4) Upon approval by the Board of an application, the applicant will be admitted in accordance with Rule 14-716(b).

(d) Unauthorized practice of law.

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

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

(d)(3) An attorney who provides legal advice to his or her employer but is not an active member of the Bar or licensed as a House Counsel pursuant to this rule may be referred for investigation for the unauthorized practice of law.

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

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

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

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

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

(h) Notification of change in standing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rule 14-805. Licensing of foreign legal consultants.

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

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

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

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

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

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

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

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

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

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

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

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

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

(d)(3) prepare:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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