

EXHIBIT "E"

**"Clean" Copy with Revisions Incorporated
of 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 Practice" means work performed by an attorney holding an "active" status law license and having professional experience and responsibilities involving the Full-time Practice of Law as defined in sections (t) and (ee). The Active Practice of law includes any combination of the following activities provided that such employment is available only to licensed attorneys and the activities are performed in the jurisdiction in which the Applicant is admitted or in a jurisdiction that affirmatively permits such activity by a licensed lawyer not admitted to practice in the jurisdiction where performed;

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

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

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

(b)(4) service in the United States armed forces as a lawyer or judge;

(b)(5) judge of a court of general or appellate jurisdiction provided that such employment requires admission to the bar for the appointment thereto and for the performance of the duties thereof;

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

(b)(7) teaching full-time at an Approved Law School;

(b)(8) 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, nor shall it include work completed in advance of any bar admission. Also, the hours in attendance at continuing legal education courses shall not count toward the Active Practice of Law;

(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 Test Accommodations Committee, and the Character and Fitness

Committee, hearing appeals as provided herein and performing other work relating to the admission of Applicants;

(d) "Applicant" means each person requesting admission to the Bar. For purposes of this article, an Applicant is classified as a Student Applicant, a Foreign Law School Applicant, an Attorney Applicant, a Motion Applicant, a Foreign Legal Consultant Applicant, or a House Counsel Applicant.

(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) "Attorney Applicant" means any person who satisfies the requirements of Rule 14-704;

(g) "Bar" means the Utah State Bar, including its employees, committees and the Board;

(h) "Bar Examination" means the Bar Examination as defined in Rules 14-710 and 14-711 and includes the UBE, regardless of where the UBE was taken;

(i) "Bar Examiner Committee" means those Bar members or others appointed by the Board or president of the Bar who are charged with grading the Bar Examination;

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

(k) "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 and making determinations thereon;

(l) "Complete Application" means an application that 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 test accommodation request with supporting medical documentation, a certificate of admission and/or good standing, and a certificate of discipline;

(m) "Confidential Information" is defined in Rule 14-720(a);

(n) "Deputy General Counsel for Admissions" or "Deputy General Counsel" are terms used interchangeably to mean the Bar's attorney in charge of admissions or her or his designee;

(o) "Disbarred Attorney Applicant" means a person who has previously been licensed to practice law in Utah and who is no longer licensed to practice law because of disbarment or resignation with discipline pending or their equivalent and who satisfies the requirements of Rule 14-708(g) and 14-717;

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

(q) "First Professional Degree" means a degree that prepares the holder for admission to the practice of law (e.g. *juris doctorate*) by emphasizing competency skills along with theory and analysis. An advanced, focused, or honorary degree in law is not recognized as a First Professional Degree (e.g. master of laws or doctor of laws);

(r) "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;

(s) "Foreign Legal Consultant Applicant" means any Applicant who satisfies the requirements of Rule 14-718;

(t) "Full-time Practice" means the Active and lawful Practice of Law for no fewer than 1000 hours per year. Time spent on administrative or managerial duties, continuing legal education, or client development and marketing does not qualify as part of the required 1000 hours of legal work;

(u) "General Counsel" means the General Counsel of the Utah State Bar or her or his designee;

(v) "House Counsel Applicant" means any Applicant who satisfies the requirements of Rule 14-719;

(w) "Inactive " means an attorney's law license is held in "inactive status" or an equivalent term;

(x) "MBE" means the Multistate Bar Examination prepared by the NCBE;

(y) "MEE" means the Multistate Essay Examination prepared by the NCBE;

(z) "Motion Applicant" means any person who satisfies the requirements of Rule 14-705;

(aa) "MPRE" means the Multistate Professional Responsibility Examination prepared by the NCBE;

(bb) "MPT" means the Multistate Performance Test prepared by the NCBE;

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

(dd) "OPC" means the the Bar's Office of Professional Conduct;

(ee) "Practice of Law" means employment available only to licensed attorneys where the primary duty of the position is to provide legal service representation. The Practice of Law includes such activities as furnishing legal counsel, drafting documents and pleadings, interpreting and giving advice with respect to the law, and preparing, trying or presenting cases before courts or administrative agencies. The Practice of Law is a term of art and though no broad rule can precisely define the Practice of Law, it constitutes more than merely working with legally-related matters;

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

(gg) "Reapplication for Admission" means that for two years after the filing of an original application, an Applicant may reapply by completing a Reapplication for Admission form updating any information that has changed since the prior application was filed and submitting a new criminal background check;

(hh) "Student Applicant" means any person who satisfies the requirements of Rule 14-703(a);

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

(jj) "Test 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 to take the Bar Examination with test accommodations and who make determinations thereon;

(kk) "Unapproved Law School" means a law school that is not fully or provisionally approved by the ABA. For an Unapproved Law School's graduates to be eligible for admission, the law school must be accredited in the jurisdiction where it exists, provide legal education that is the substantial equivalent of the legal education provided by an Approved Law School, and not be based on correspondence or internet study;

(ll) "UBE" means the Uniform Bar Examination as prepared by the NCBE;

(mm) "Updated Application" means that an Applicant is required to amend and update her or his application on an ongoing basis and correct any information that has changed since the application was filed; and

(nn) "Written Component" means that portion of the Bar Examination that consists of MEE 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 appoint committees or persons who may adopt and enforce reasonable regulations and policies 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 and Foreign Law School Applicants.

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

(a)(1) has paid the prescribed fees and timely filed the required Complete Application as a Student 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 from an Approved Law School;

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

(a)(5) has successfully passed the MPRE and the Bar Examination;

(a)(6) has a proven record of ethical, civil and professional behavior; and

(a)(7) complies 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 she or he:

(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 Complete 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 Actively and lawfully engaged in the Full-time Practice of Law in an English common law jurisdiction for no fewer than two (2) years;

(b)(6) has completed with a minimum grade of "C" or its passing equivalent no less than 24 semester hours, or a corresponding amount in quarter hours, at an Approved Law School, within 24 consecutive months. The 24 semester hours must include 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 satisfies the requirements of Rule 14-708;

(b)(8) has successfully passed the MPRE and the Bar Examination; and

(b)(9) complies 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 eligible for admission only if they have graduated with a First Professional Degree in law from an 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 she or he:

(a)(1) has paid the prescribed fees and filed the required Complete 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 from an Approved Law School;

(a)(4) has been admitted to the practice of law before the highest court of a U.S. state, territory, or the District of Columbia;

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

(a)(6) has successfully passed the MPRE and the Bar Examination;

(a)(7) is a member in good standing in all jurisdictions where currently admitted;

(a)(8) 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 and is not currently subject to lawyer discipline or the subject of a pending disciplinary matter; and

(a)(9) complies with the provisions of Rule 14-716 concerning licensing and enrollment fees.

(b) Attorney Applicants from Unapproved 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 she or he:

(b)(1) complies with the requirements in (a)(1) and (a)(2) and (a)(4) through (a)(9);

(b)(2) has graduated with a First Professional Degree in law from an Unapproved Law School located within a U.S. state, territory or the District of Columbia;

(b)(3) has been admitted to the practice of law before the highest court of a U.S. state, territory or the District of Columbia for no fewer than ten years, and has been Actively and lawfully engaged in the Full-time Practice of Law in one or more jurisdictions where licensed for any ten of the eleven years immediately preceding the filing of the application.

Rule 14-705. Admission by Motion.

(a) Reciprocal admission. An Applicant is eligible to be admitted by motion if the Applicant meets all the requirements of this rule. Admission by Motion is not a right; the burden of proof is on the Applicant to establish by clear and convincing evidence that she or he:

(a)(1) has paid the prescribed nonrefundable fee and filed the required Complete Application as a Motion Applicant;

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

(a)(3) has been admitted by bar examination to practice law before the highest court of a U.S. state, territory or the District of Columbia;

(a)(4) holds a First Professional Degree in law from an Approved Law School;

(a)(5) has successfully passed the MPRE;

(a)(6) has demonstrated that the U.S. state, territory or the District of Columbia that licenses the Applicant reciprocally allows the admission of licensed Utah lawyers under terms and conditions similar to those set forth in this rule;

(a)(7) has been Actively and lawfully engaged in the Full-time Practice of Law as defined in Rule 14-701(b), (t) and (ee) in one or more reciprocal jurisdictions where licensed for at least five of the previous seven years immediately preceding the date of the filing of the application for admission under this rule;

(a)(8) is a member in good standing in all jurisdictions where currently admitted;

(a)(9) 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 and is not currently subject to lawyer discipline or the subject of a pending disciplinary matter;

(a)(10) is of good moral character and satisfies the requirements of Rule 14-708;

(b) 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 she or he has attended at least 15 hours of continuing legal education on Utah practice and procedure and ethics requirements.

(b)(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.

(c) Form and content of application. 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.

(d) Timing of application and admission. An application may be filed at any time but the Applicant must be able to demonstrate that she or he satisfies the requirements of this rule as of the date the application is filed. Processing of the application and the character and fitness investigation require a minimum of four months to complete.

(d)(1) An Applicant not eligible for admission pursuant to this rule may qualify for admission as an Attorney Applicant pursuant to Rule 14-704.

(d)(2) Upon approval the Applicant must comply with the provisions of Rule 14-716 concerning licensing and enrollment fees.

Rule 14-706. Test accommodations.

(a) Disabilities and impairments. An Applicant who has mental, physical, or cognitive disabilities as defined by the Americans with Disabilities Act ("ADA") may request test accommodations. 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 Test Accommodations Committee. Test accommodation requests received after the application filing deadline shall not be considered until the review period prior to the immediately following examination. The Applicant must demonstrate that:

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

(a)(2) the disability impacts her or his 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 Test 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 each of the elements set forth above in (a)(1) through (a)(3);

(c)(2) Reconsideration hearing process. The review panel consisting of no fewer than three members of the Admissions Committee may consider only the documentation the Applicant submitted at the time she or he requested accommodation and the decision of the Test Accommodations Committee. The Applicant and the Test 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 Test 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 Test 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 she or he 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 Complete 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 Examination.

(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 licensing 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 licensing 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. If written notice of withdrawal is received by the Admissions Office 30 calendar days or more before the examination date, one-half of the filing fee shall be refunded, unless the Applicant withdraws after appearing before the Character and Fitness Committee. Late fees, computer fees, and the application fees of Applicants not taking the Bar Examination are nonrefundable.

(e) Postponement of application. An Applicant may only postpone or transfer her or his 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 she or he 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 by filing a Reapplication for Admission 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 Bar 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 retake deadline. Late applications will not be accepted.

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 her or his 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 she or he 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 her or his 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 and in conjunction with the application, an Applicant under this rule must:

(g)(1)(A) provide a comprehensive written explanation of the circumstances surrounding her or his 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 she or he 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 her or his 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 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 she or he does not meet the qualifications for admission under this article will receive written notice from the Bar that her or his 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. Administration of the Bar Examination.

(a) Bar Examination. The Bar Examination consists of the UBE. To qualify as the UBE, all components of the Bar Examination must be taken in the same examination administration and given according to the standards established by the NCBE.

(b) Exam schedule. The Bar Examination is administered on the last consecutive Tuesday and Wednesday in February and July. The MEE and MPT are administered on Tuesday and the MBE is administered on Wednesday.

(c) MBE score transferability. The Bar will accept MBE scores transferred from another jurisdiction only if the MBE is taken concurrent with the Written Component in Utah. To transfer a MBE score, an Applicant must send a written transfer request, along with the prescribed fee, to the NCBE.

Rule 14-711. Grading and passing of the Bar Examination.

(a) Grading the Written Component of the Bar Examination. MEE 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.

(b) Scoring the Written Component of the Bar Examination. The MEE and MPT scores added together constitute the raw Written Component score. The raw Written Component score is scaled to the MBE portion of the examination using the standard deviation method.

(c) Weighting of exam components. The MBE score is weighted 50%, the MEE score is weighted 30% and the MPT score is weighted 20% in calculating the Applicant's total score.

(d) Passing grade. The Applicant's total score is the sum of the scaled MBE score and the scaled Written Component score. The total score is based on a 400-point scale. A total score of 270 or above is required to pass the Bar Examination.

Rule 14-712. Qualifications for admission based on UBE.

(a) UBE score transferability. An Applicant who has taken and completed the UBE in a single administration in a jurisdiction other than Utah may transfer the UBE score and file an application at any time provided:

(a)(1) the Applicant has not been denied by any jurisdiction on character and fitness grounds;

(a)(2) the UBE score is 270 or above; and

(a)(3) the Bar receives the Applicant's UBE score no later than nine months after the filing of the application. To transfer a UBE score, an Applicant must send a written transfer request, along with the prescribed fee, to the NCBE

(b) Time limitations on transferability. The transferability of the UBE score will be subject to the following time limitations:

(b)(1) the UBE score is transferable for all Applicants only if the UBE was administered within three prior examinations of the date the application is filed;

(b)(2) the UBE may be transferable for up to five years if the Attorney Applicant can prove by clear and convincing evidence that she or he has been Actively and lawfully engaged in the Full-time Practice of Law as defined in Rule 14-701(b), (t) and (ee) in one or more jurisdictions since the administration of the UBE in which the passing score was earned.

(c) Utah legal education requirement. Applicants who gain admission by transferring a UBE score and who have less than two years of legal practice must complete the New Lawyer Training Program as outlined in Rule 14-808.

(c)(1) Those Applicants who gain admission by transferring a UBE score that have two or more years of legal practice shall complete and certify no later than six months following the Applicant's admission that she or he has attended at least 15 hours of continuing legal education on Utah practice and procedure and ethics and civility requirements.

(c)(2) The Board may by regulation specify the number of the required 15 hours that must be in particular areas of practice, procedure, ethics and civility. Included in this mandatory 15 hours is attendance at the Bar's OPC ethics school.

Rule 14-713. MPRE.

(a) MPRE requirements. In conjunction with the requirements of Rule 14-716(e), an Applicant must receive a passing score on the MPRE prior to admission to the Bar. A scaled score of 86 is passing. It is the Applicant's responsibility to ensure that a passing MPRE score is reported to the Bar.

(b) Administration of the 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.

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 the Applicant's answers to the MEE and MPT questions of the examination.

(b) The MEE and MPT questions and analyses are available from the NCBE.

(c) Privileged Information is not subject to disclosure.

(d) Inspection of MBE. This rule does not permit an Applicant to inspect MBE questions or her or his answers. Neither copies of the MBE questions nor answers are retained by the Bar.

(e) All disclosure under this rule is governed by Rule 14-720.

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 recommendation. 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 Bar also collects and transmits the federal and state court enrollment fees. The Applicant must pay to the Bar the mandatory Supreme Court enrollment fee, regardless of whether the Applicant elects Active or Inactive attorney status.

(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) Licensing ceremony. There will be two licensing 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 a licensing ceremony as provided in this article, the Applicant must contact the clerk of the Supreme Court for information on administration of the oath, and if applicable, the clerk of the United States District Court for the District of Utah.

(e) Time limit for admission. An Applicant must resolve all application deficiencies, gain character and fitness approval, pay the prescribed license and enrollment fees and take the oath as required by Rule 14-716(d) within eighteen months of the filing of the application or approval for admission is automatically withdrawn. Failure to timely satisfy the provision of this rule requires an Applicant to recommence the application process including the submission of a new application, the payment of application fees, a new character and fitness investigation and the 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.

(a) Requirements of Foreign Legal Consultants. The burden of proof is on the Applicant to establish by clear and convincing evidence that she or he:

(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) has paid the prescribed fee and filed a Complete Application as a Foreign Legal Consultant Applicant;

(a)(3) is of the good moral character and satisfies the requirements of Rule 14-708;

(a)(4) intends to practice as a legal consultant in this state and to maintain an office in this state for that purpose; and

(a)(5) has passed the MPRE.

(b) Proof required. An Applicant shall file with the Bar's Admissions Office:

(b)(1) a certificate from the professional body or public authority in such foreign county 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 Bar may require.

(c) Reciprocal treatment of members of the Bar. In considering whether to license an Applicant to practice as a Foreign Legal Consultant, the Bar 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.

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

(d)(4) prepare 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)(5) 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)(6) be, or in any way hold herself or himself out as a member of the Bar; or

(d)(7) carry on her or his practice under, or utilize in connection with such practice, any name, title or designation other than the following:

(d)(7)(A) her or his own name;

(d)(7)(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)(7)(C) her or his 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)(7)(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), 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 Chapter 13, the Utah Rules of Professional Conduct, Chapter 14 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 attend the Bar's OPC ethics school;

(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 designating 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) License fees. 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 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.

Rule 14-805. Reserved.