

1 ~~Rule 14-805~~Rule 14-718. Licensing of Fforeign Llegal Cconsultants.

2 (a) ~~In its discretion, the Supreme Court may license to practice in this state as a~~  
3 ~~foreign legal consultant, without examination, an applicant who~~Requirements of Foreign  
4 Legal Consultants. The burden of proof is on the Applicant to establish by clear and  
5 convincing evidence that she or he:

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

10 (a)(2) has paid the prescribed fee and filed a Complete Application as a Foreign  
11 Legal Consultant Applicant;

12 (a)(3) ~~possesses is of~~ the good moral character and ~~general fitness requisite for a~~  
13 ~~person to be admitted as a member of the Bar; and~~satisfies the requirements of Rule  
14 14-708;

15 (a)(~~4~~3) intends to practice as a legal consultant in this state and to maintain an office  
16 in this state for that purpose; and

17 (a)(~~5~~4) has passed the ~~Multistate Professional Responsibility Examination as~~  
18 ~~required under Article 7, Admission to the Utah State Bar~~MPRE.

19 (b) Proof required. An Aapplicant shall file with the Bar's ~~office of~~  
20 admissionsAdmissions Office:

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

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

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

30 (c) Reciprocal treatment of members of the Bar ~~of this state~~. In considering whether  
31 to license an Aapplicant to practice as a Fforeign Llegal Consultant, the Supreme

32 ~~Court~~Bar may in its discretion take into account whether a member of the Bar would  
33 have a reasonable and practical opportunity to establish an office for the giving of legal  
34 advice to clients in the Aapplicant's country of admission. ~~Any member of the Bar who is~~  
35 ~~seeking or has sought to establish an office in that country may request the Court to~~  
36 ~~consider the matter, or the Court may do so sua sponte.~~

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

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

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

47 (d)(3) prepare ;

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

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

52 (d)~~(43)(C)~~ prepare any instrument in respect of the marital or parental relations,  
53 rights or duties of a resident of the United States, or the custody or care of the children  
54 of such a resident; or

55 (d)~~(54)~~ render professional legal advice on the law of this state or of the United  
56 States (whether rendered incident to the preparation of legal instruments or otherwise)  
57 except on the basis of advice from a person duly qualified and entitled to render  
58 professional legal advice in this state;

59 (d)~~(65)~~ be, or in any way hold herself or himself out as a member of the Bar; or

60 (d)~~(76)~~ carry on her or his practice under, or utilize in connection with such practice,  
61 any name, title or designation other than the following:

62 (d)~~(76)~~(A) her or his own name;

63 (d)(76)(B) the name of the law firm or other entity with which she or he is affiliated, in  
64 each case only in conjunction with the title "Foreign Legal Consultant" as set forth  
65 below;

66 (d)(76)(C) ~~heris~~ or ~~hiser~~ authorized title in the foreign county of her or his admission  
67 to practice, in each case only in conjunction with the title "Foreign Legal Consultant"  
68 as set forth below; and

69 (d)(76)(D) the title "Foreign Legal Consultant", which shall be used in conjunction  
70 with the words "admitted to the practice of law only in [name of the foreign country or  
71 her or his admission to practice]."

72 (e) Rights and obligations. Subject to the limitations set forth in paragraph (d)~~of~~, a  
73 person licensed as a Foreign Legal Consultant shall be considered a lawyer affiliated  
74 with the Bar as permitted by this rule and shall be entitled and subject to:

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

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

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

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

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

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

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

89 (f) Subject to disciplinary proceedings. A person licensed to practice as a Foreign  
90 Legal Consultant shall be subject to professional discipline in the same manner and to  
91 the same extent as members of the Bar and specifically shall be subject to discipline by  
92 the Supreme Court as delegated by rule and shall otherwise be governed by Chapter  
93 13, the Utah Rules of Professional Conduct, ~~the Chapter 14~~ Article 5, Lawyer Discipline

94 and Disability and other applicable rules adopted by the Supreme Court, and all  
95 applicable statutory provisions, including mandatory continuing legal education  
96 requirements in the area of ethics.

97 (g) Requirements for licensure. Every person licensed to practice as a ~~F~~foreign  
98 ~~L~~legal ~~C~~consultant:

99 (g)(1) prior to receiving a license to practice as a ~~F~~foreign ~~L~~legal ~~C~~consultant, shall  
100 ~~have successfully completed the one-day attend the Bar's OPC ethics school which is~~  
101 ~~offered at least once a year;~~

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

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

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

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

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

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

130 (h) ~~Application and L~~icense fees. ~~An applicant for a license~~A person licensed as a  
131 Foreign Legal Consultant shall pay ~~an application fee which shall be equal to the fee~~  
132 ~~required to be paid by an attorney applicant applying for admission as a member of the~~  
133 ~~Bar. A person licensed as a foreign legal consultant shall pay~~ annual license fees which  
134 shall be equal to the fees required to be paid by a member of the Bar on Aactive status.

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

140 (j) Admission to Bar. In the event that a person licensed as a Foreign Legal  
141 Consultant is subsequently admitted as a member of the Bar under ~~the~~ Article 7,  
142 Admission to the Utah State Bar, the license granted to such person shall be deemed  
143 superseded by the license granted to such person to practice law as a member of the  
144 Bar.

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

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