

1 **Rule 14-701. Definitions.**

2 As used in this article:

3 (a) "ABA" means the American Bar Association;

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

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

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

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

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

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

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

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

22 (b)(8) the Active Practice of law shall not include work that, as undertaken, constitutes
23 the unauthorized practice of law in the jurisdiction in which it was performed or in the
24 jurisdiction in which the clients receiving the unauthorized services were located, nor
25 shall it include work completed in advance of any bar admission. ~~Also, the hours in~~
26 ~~attendance at continuing legal education courses shall not count toward the Active~~
27 ~~Practice of Law;~~

28 (c) "Admissions Committee" means those Utah State Bar members or others appointed
29 by the Board or president of the Bar who are charged with recommending standards and
30 procedures for admission to the Bar and with implementation of this article. The
31 Admissions Committee is responsible for supervising the work of the Bar Examiner
32 Committee, the Test Accommodations Committee, and the Character and Fitness
33 Committee, hearing appeal handling requests for review as provided herein and
34 performing other work relating to the admission of Applicants;

- 35 (d) "Applicant" means each person requesting admission to the Bar. For purposes of this
36 article, an Applicant is classified as a Student Applicant, a Foreign Law School
37 Applicant, an Attorney Applicant, a Motion Applicant, a Disbarred Attorney Applicant, a
38 Foreign Legal Consultant Applicant, or a House Counsel Applicant.
- 39 (e) "Approved Law School" means a law school which is fully or provisionally approved
40 by the ABA pursuant to its Standards and Rules of Procedure for Approval of Law
41 Schools. To qualify as approved, the law school must have been fully or provisionally
42 approved at the time of the Applicant's graduation, or at the time of the Applicant's
43 enrollment, provided that the Applicant graduated within a typical and reasonable period
44 of time;
- 45 (f) "Attorney Applicant" means any person who satisfies the requirements of Rule 14-
46 704;
- 47 (g) "Bar" means the Utah State Bar, including its employees, committees and the Board;
- 48 (h) "Bar Examination" means the Bar Examination as defined in Rules 14-710 and 14-
49 711 and includes the UBE, regardless of where the UBE was taken;
- 50 (i) "Bar Examiner Committee" means those Bar members or others appointed by the
51 Board or president of the Bar who are charged with grading the Bar Examination;
- 52 (j) "Board" means the Board of Bar Commissioners;
- 53 (k) "Character and Fitness Committee" means those Bar members or others appointed by
54 the Board or president of the Bar who are charged with assessing the character and fitness
55 of Applicants and making determinations thereon;
- 56 (l) "Complete Application" means an application that includes all fees and necessary
57 application forms, along with any required supporting documentation, character
58 references, a criminal background check, a photo, an official certificate of law school
59 graduation and if applicable, a test accommodation request with supporting medical
60 documentation, a certificate of admission and/or good standing, and a certificate of
61 discipline;
- 62 (m) "Confidential Information" is defined in Rule 14-720(a);
- 63 (n) "Deputy General Counsel for Admissions" or "Deputy General Counsel" are terms
64 used interchangeably to mean the Bar's attorney in charge of admissions or her or his
65 designee;
- 66 (o) "Disbarred Attorney Applicant" means a person who has previously been licensed to
67 practice law in Utah and who is no longer licensed to practice law because of disbarment
68 or resignation with discipline pending or their equivalent and who satisfies the
69 requirements of Rule 14-708(g) and 14-717;

- 70 (p) "Executive Director" means the executive director of the Utah State Bar or her or his
71 designee;
- 72 (q) "First Professional Degree" means a degree that prepares the holder for admission to
73 the practice of law (e.g. juris doctorate) by emphasizing competency skills along with
74 theory and analysis. An advanced, focused, or honorary degree in law is not recognized
75 as a First Professional Degree (e.g. master of laws or doctor of laws);
- 76 (r) "Foreign Law School" means any school located outside of the United States and its
77 protectorates, that is accredited by that jurisdiction's legal accreditation body, if one
78 exists, where principles of English Common Law form the predominant basis for that
79 country's system of jurisprudence, and whose graduates are otherwise permitted by that
80 jurisdiction's highest court to practice law;
- 81 (s) "Foreign Legal Consultant Applicant" means any Applicant who satisfies the
82 requirements of Rule 14-718;
- 83 (t) "Full-time Practice" means the Active and lawful Practice of Law for no fewer than
84 ~~1000~~80 hours per month~~year~~. Time spent on administrative or managerial duties,
85 continuing legal education, or client development and marketing does not qualify as part
86 of the required ~~1000~~80 hours of legal work;
- 87 (u) "General Counsel" means the General Counsel of the Utah State Bar or her or his
88 designee;
- 89 (v) "House Counsel Applicant" means any Applicant who satisfies the requirements of
90 Rule 14-719;
- 91 (w) "House Counsel" means a person granted a license under Rule 14-719;
- 92 ~~(xw)~~ "Inactive—" means an attorney's law license is held in "inactive status" or an
93 equivalent term;
- 94 ~~(yx)~~ "MBE" means the Multistate Bar Examination prepared by the NCBE;
- 95 ~~(zy)~~ "MEE" means the Multistate Essay Examination prepared by the NCBE;
- 96 ~~(aaz)~~ "Motion Applicant" means any person who satisfies the requirements of Rule 14-
97 705;
- 98 ~~(bbaa)~~ "MPRE" means the Multistate Professional Responsibility Examination prepared
99 by the NCBE;
- 100 ~~(cbb)~~ "MPT" means the Multistate Performance Test prepared by the NCBE;

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

104 (~~eedd~~) "OPC" means the Bar's Office of Professional Conduct;

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

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

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

122 (~~iihh~~) "Student Applicant" means any person who satisfies the requirements of Rule 14-
123 703(a);

124 (~~jjii~~) "Supreme Court" means the Utah Supreme Court;

125 (~~kkjj~~) "Test Accommodations Committee" means those Bar members or others appointed
126 by the Board or president of the Bar who are charged with the review of requests from
127 Applicants seeking to take the Bar Examination with test accommodations and who make
128 determinations thereon;

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

134 (~~mmii~~) "UBE" means the Uniform Bar Examination as prepared by the NCBE;

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

138 (~~oorn~~) "Written Component" means that portion of the Bar Examination that consists of
139 MEE and MPT questions.

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