

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
18 employment requires admission to the bar for the appointment thereto and for the
19 performance of the 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,
23 constitutes the unauthorized practice of law in the jurisdiction in which it was performed
24 or in the jurisdiction in which the clients receiving the unauthorized services were
25 located, nor shall it include work completed in advance of any bar admission. ~~Also, the~~
26 ~~hours in attendance at continuing legal education courses shall not count toward the~~
27 ~~Active Practice of Law;~~

28 (c) "Admissions Committee" means those Utah State Bar members or others
29 appointed by the Board or president of the Bar who are charged with recommending
30 standards and procedures for admission to the Bar and with implementation of this
31 article. The Admissions Committee is responsible for supervising the work of the Bar
32 Examiner Committee, the Test Accommodations Committee, and the Character and
33 Fitness Committee, hearing appeals/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
36 this 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
40 approved by the ABA pursuant to its Standards and Rules of Procedure for Approval of
41 Law Schools. To qualify as approved, the law school must have been fully or
42 provisionally approved at the time of the Applicant's graduation, or at the time of the
43 Applicant's enrollment, provided that the Applicant graduated within a typical and
44 reasonable period 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
48 Board;

49 (h) "Bar Examination" means the Bar Examination as defined in Rules 14-710 and
50 14-711 and includes the UBE, regardless of where the UBE was taken;

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

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

54 (k) "Character and Fitness Committee" means those Bar members or others appointed
55 by the Board or president of the Bar who are charged with assessing the character and
56 fitness of Applicants and making determinations thereon;

57 (l) "Complete Application" means an application that includes all fees and necessary
58 application forms, along with any required supporting documentation, character
59 references, a criminal background check, a photo, an official certificate of law school
60 graduation and if applicable, a test accommodation request with supporting medical
61 documentation, a certificate of admission and/or good standing, and a certificate of
62 discipline;

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

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

67 (o) "Disbarred Attorney Applicant" means a person who has previously been licensed
68 to practice law in Utah and who is no longer licensed to practice law because of

69 disbarment or resignation with discipline pending or their equivalent and who satisfies
70 the requirements of Rule 14-708(g) and 14-717;

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

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

77 (r) "Foreign Law School" means any school located outside of the United States and
78 its protectorates, that is accredited by that jurisdiction's legal accreditation body, if one
79 exists, where principles of English Common Law form the predominant basis for that
80 country's system of jurisprudence, and whose graduates are otherwise permitted by that
81 jurisdiction's highest court to practice law;

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

84 (t) "Full-time Practice" means the Active and lawful Practice of Law for no fewer
85 than ~~1000~~80 hours per ~~month~~year. Time spent on administrative or managerial duties,
86 continuing legal education, or client development and marketing does not qualify as part
87 of the required ~~1000~~80 hours of legal work;

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

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

92 (w) "House Counsel" means a person granted a license under Rule 14-719;

93 (~~xw~~) "Inactive-" means an attorney's law license is held in "inactive status" or an
94 equivalent term;

95 (~~yx~~) "MBE" means the Multistate Bar Examination prepared by the NCBE;

96 (~~zy~~) "MEE" means the Multistate Essay Examination prepared by the NCBE;

97 (~~aaz~~) "Motion Applicant" means any person who satisfies the requirements of Rule
98 14-705;

99 (~~baa~~) "MPRE" means the Multistate Professional Responsibility Examination
100 prepared by the NCBE;

- 101 (~~ccb~~) "MPT" means the Multistate Performance Test prepared by the NCBE;
- 102 (~~dde~~) "NCBE" means the National Conference of Bar Examiners, an organization
103 that develops, maintains, and applies reasonable and uniform standards of bar
104 examination education and testing;
- 105 (~~eed~~) "OPC" means the Bar's Office of Professional Conduct;
- 106 (~~ffe~~) "Practice of Law" means employment available only to licensed attorneys
107 where the primary duty of the position is to provide legal service representation. The
108 Practice of Law includes such activities as furnishing legal counsel, drafting documents
109 and pleadings, interpreting and giving advice with respect to the law, and preparing,
110 trying or presenting cases before courts or administrative agencies. The Practice of Law
111 is a term of art and though no broad rule can precisely define the Practice of Law, it
112 constitutes more than merely working with legally-related matters;
- 113 (~~ggf~~) "Privileged Information" in this article includes: information subject to the
114 attorney-client privilege, attorney work product, test materials and applications of
115 examinees; correspondence and written decisions of the Board, Admissions Committee,
116 Bar Examiner Committee, Character and Fitness Committee, and Test Accommodations
117 Committee; and the identity of individuals participating in the drafting, reviewing,
118 grading and scoring of the Bar Examination;
- 119 (~~hgg~~) "Reapplication for Admission" means that for two years after the filing of an
120 original application, an Applicant may reapply by completing a Reapplication for
121 Admission form updating any information that has changed since the prior application
122 was filed and submitting a new criminal background check;
- 123 (~~ijh~~) "Student Applicant" means any person who satisfies the requirements of Rule
124 14-703(a);
- 125 (~~jj~~) "Supreme Court" means the Utah Supreme Court;
- 126 (~~kkj~~) "Test Accommodations Committee" means those Bar members or others
127 appointed by the Board or president of the Bar who are charged with the review of
128 requests from Applicants seeking to take the Bar Examination with test accommodations
129 and who make determinations thereon;
- 130 (~~llk~~) "Unapproved Law School" means a law school that is not fully or provisionally
131 approved by the ABA. For an Unapproved Law School's graduates to be eligible for
132 admission, the law school must be accredited in the jurisdiction where it exists, provide
133 legal education that is the substantial equivalent of the legal education provided by an
134 Approved Law School, and not be based on correspondence or internet study;
- 135 (~~mm~~) "UBE" means the Uniform Bar Examination as prepared by the NCBE;

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

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