

1 **Rule 14-715. Requests for Review ~~Bar Examination appeals~~.**

2 (a) Request for Review. A request for review of a final decision, along with the
3 prescribed filing fee, must be filed with the Bar in writing within 10 calendar days of the
4 date on the written notice of the decision. The request for review shall be addressed to the
5 Admissions Committee and contain a short and plain statement of the reasons that the
6 Applicant is entitled to relief. Any of the following decisions qualify as final and are
7 therefore subject to appeal:

8 (a)(1) a decision issued by the Test Accommodations Committee in accordance with
9 Rule 14-706(a);

10 (a)(2) a decision issued by the Character and Fitness Committee after a formal
11 hearing in accordance with Rule 14-708(c)(4);

12 (a)(3) a decision denying an application in accordance with Rule 14-709(a).

13 (b) Rule waivers. The review panel does not have authority to waive admission rules.

14 (c) Burden of Proof. The Applicant bears the burden of proof by clear and convincing
15 evidence. Harmless error does not constitute a basis to set aside the decision. On appeal,
16 the decision may be affirmed, modified, or reversed. The decision, whether based on
17 testimony or documentary evidence, shall not be set aside unless clearly erroneous, and
18 deference shall be given to those making the decision to judge the credibility of
19 witnesses.

20 (d) Review process. An Applicant's appearance at the review will only be permitted if
21 deemed necessary. The review will be a closed proceeding and will be limited to
22 consideration of the record, the Applicant's memorandum, and the Bar's responsive
23 memorandum, if any. Requests for review setting forth common issues may be
24 consolidated in whole or in part. After the completion of the review, a written decision
25 shall be issued.

26 (d)(1) Payment of Transcript. An Applicant appealing a decision of the Character and
27 Fitness Committee issued after a formal hearing is responsible for paying for and
28 submitting a duly certified copy of the transcript of the formal hearing proceedings or
29 other electronic record copy made by means acceptable in the courts of Utah.

30 (d)(2) Memoranda. After filing a written request for review, an Applicant must file a
31 written memorandum citing to the record to show that the evidence does not support the
32 decision. The issues in the memorandum must be limited to matters contained in the
33 record. The review panel will not consider issues raised for the first time in the request
34 for review. The memorandum must be filed within 30 calendar days of the filing of the
35 request for review. The Bar may file a response, but no reply memorandum will be
36 permitted.

37 (e) Supreme Court appeal. Within 30 calendar days of the date on the panel's written
38 decision, the Applicant may appeal to the Supreme Court by filing a notice of appeal with
39 the clerk of the Supreme Court and serving a copy upon the General Counsel for the Bar.
40 At the time of filing the notice of appeal, the Applicant shall pay the prescribed filing fee
41 to the clerk of the Supreme Court. The clerk will not accept a notice of appeal unless the
42 filing fee is paid.

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

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

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

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

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

54 (e)(2)(D) a certificate reflecting service of the appeal petition upon the General
55 Counsel.

56 (e)(3) Format of appeal and response petitions. Except by permission of the Court, the
57 appeal petition and the Bar's response shall contain no more than 14,000 words or, if it
58 uses a monospaced face, it shall contain no more than 1,300 lines of text.

59 (e)(4) Response petition. Within 30 calendar days after service of the appeal petition
60 on the Bar, the Bar, as respondent, shall file its response with the clerk of the Supreme
61 Court. At the time of filing a copy of the response shall be served upon the petitioner. No
62 reply memorandum will be permitted.

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

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

69 ~~(b) Standard of review. The Board or its designees shall only review the request of~~
70 ~~failing Applicants who claim that failure was because of a substantial irregularity in the~~
71 ~~administration of the examination that resulted in manifest unfairness or because of~~

72 ~~mathematical errors in the scoring of the Applicant's examination. A substantial~~
73 ~~irregularity in the administration of the examination will not be a matter that will result in~~
74 ~~questions or answers being reread, reevaluated or regraded. The Board and its designees~~
75 ~~shall not reread, reevaluate or regrade Bar Examination answers.~~

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

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

87 ~~(e)(2) Appeal process. Within 30 calendar days after the date of the final decision, the~~
88 ~~Applicant may appeal to the Supreme Court by filing a written notice of appeal with the~~
89 ~~clerk of the Supreme Court and serving a copy upon the General Counsel. At the time of~~
90 ~~filing the notice of appeal, the Applicant shall pay the prescribed filing fee to the clerk of~~
91 ~~the Supreme Court. The clerk will not accept a notice of appeal unless the filing fee is~~
92 ~~paid.~~

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

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

100 ~~(e)(4)(A) a statement of the issues presented and the relief sought;~~

101 ~~(e)(4)(B) a statement of the facts necessary to an understanding of the issues~~
102 ~~presented by the appeal;~~

103 ~~(e)(4)(C) the legal argument supporting the petitioner's request; and~~

104 ~~(e)(4)(D) a certificate reflecting service of the appeal petition upon the General~~
105 ~~Counsel.~~

106 ~~(e)(5) Format of appeal and response petitions. Except by permission of the court, the~~
107 ~~appeal petition and the Bar's response shall not exceed 25 double-spaced pages, each.~~

108 ~~These documents shall be typewritten on 8 ½ inches by 11 inches paper. The text,~~
109 ~~including footnotes, shall be in type no smaller than 10 characters per inch for~~
110 ~~monospaced typeface and 13 point or larger for proportionally spaced typeface. An~~
111 ~~original and six copies of the appeal petition and the response petition shall be filed with~~
112 ~~the clerk of the Supreme Court.~~

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

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