

1       **Rule 14-717. Readmission after resignation or disbarment of Utah attorneys.**

2       (a) Readmission after resignation without discipline pending. Readmission  
3 subsequent to the resignation without discipline pending of a member of the Bar requires  
4 a new application, payment of fees, and a character and fitness investigation. An  
5 Applicant is not required to retake the Bar Examination but must fully comply with the  
6 requirements of Rule 14-716.

7       (b) Readmission of Disbarred Attorneys. An Applicant for readmission to the Bar  
8 ~~under these circumstances after disbarment~~ shall satisfy all requirements of this article,  
9 including Rules 14-703, 14-707(c), 14-708~~(g)~~ and 14-716, and shall satisfy all other  
10 requirements imposed by Rule 14-525, the OPC, and Utah courts. A report and  
11 recommendation shall be filed by the Character and Fitness Committee in the district  
12 court in which the Applicant has filed his or her petition for readmission. The district  
13 court must approve the Applicant's petition for readmission under Rule 14-525 before an  
14 Applicant can be admitted and licensed under Rule 14-716 to practice law.

15       (c) A Disbarred Attorney Applicant must undergo a formal hearing as set forth in  
16 Rule 14-708(c). A Disbarred Attorney Applicant has the burden of proving rehabilitation  
17 by clear and convincing evidence. No Disbarred Attorney Applicant may take the Bar  
18 Examination prior to being approved by the Character and Fitness Committee as provided  
19 in Rule 14-708(a). In addition to the requirements set forth in this rule and in conjunction  
20 with the application, an Applicant under this rule must:

21       (c)(1) file an application for admission in accordance with the requirements and  
22 deadlines set forth in Rule 14-707(c).

23       (c)(2) provide a comprehensive written explanation of the circumstances surrounding  
24 her or his disbarment or resignation;

25       (c)(3) provide copies of all relevant documents including, but not limited to, orders  
26 containing findings of fact and conclusions of law relating to disbarment or resignation;  
27 and

28       (c)(4) provide a comprehensive written account of conduct evidencing rehabilitation.

29       (c)(5) To prove rehabilitation, the Applicant must demonstrate and provide evidence  
30 of the following:

31       (c)(5)(A) strict compliance with all disciplinary and judicial orders;

32       (c)(5)(B) full restitution of funds or property where applicable;

33       (c)(5)(C) a lack of malice toward those who instituted the original proceeding against  
34 the Applicant;

35 (c)(5)(D) unimpeachable character and moral standing in the community;

36 (c)(5)(E) acceptance of responsibility for the conduct leading to the discipline;

37 (c)(5)(F) a desire and intent to conduct ~~one's self~~oneself in an exemplary fashion in  
38 the future;

39 (c)(5)(G) treatment for and current control of any substance abuse problem and/or  
40 psychological condition, if such were factors contributing to the disbarment or  
41 resignation; and

42 (c)(5)(H) positive action showing rehabilitation by such things as a person's  
43 occupation, ~~religion,~~ or community or civic service. Merely showing that the Applicant is  
44 now living as and doing those things she or he should have done throughout life, although  
45 necessary to prove rehabilitation, does not prove that the individual has undertaken a  
46 useful and constructive place in society;