

1 **Rule 14-718. Licensing of Foreign Legal Consultants.**

2 (a) Requirements of Foreign Legal Consultants. The burden of proof is on the
3 Applicant to establish by clear and convincing evidence that she or he:

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

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

10 (a)(3) is of the good moral character and satisfies the requirements of Rule 14-708;

11 (a)(4) intends to practice as a legal consultant in this state and to maintain an office in
12 this state for that purpose; and

13 (a)(5) has passed the MPRE.

14 (b) Proof required. An Applicant shall file with the Bar's Admissions Office:

15 (b)(1) a certificate from the professional body or public authority in such foreign
16 country having final jurisdiction over professional discipline, certifying as to the
17 Applicant's admission to practice and the date, and as to her or his good standing as such
18 attorney or counselor at law or the equivalent;

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

21 (b)(3) such other evidence as to the Applicant's educational and professional
22 qualifications, good moral character and general fitness, and compliance with the
23 requirements of this rule as the Bar may require.

24 ~~(c) Reciprocal treatment of members of the Bar. In considering whether to license an~~
25 ~~Applicant to practice as a Foreign Legal Consultant, the Bar may in its discretion take~~
26 ~~into account whether a member of the Bar would have a reasonable and practical~~
27 ~~opportunity to establish an office for the giving of legal advice to clients in the~~
28 ~~Applicant's country of admission.~~

29 (c) Scope of practice. A person licensed to practice as a Foreign Legal Consultant
30 under this rule may render legal services in this state with respect to the law of the
31 foreign county in which such person is admitted to practice law. ~~Subject, however, to the~~
32 ~~limitations that she or he shall not violate any provision of the Rule 14-802 and further~~
33 ~~specifically,~~ shall not:

34 ~~(c)~~(1) appear for a person other than herself or himself as attorney in any court, or
35 before any magistrate or other judicial officer, in Utah other than as permitted under Rule
36 14-802 or upon qualified admission pro hac vice pursuant to Rule 14-806; or

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

39 ~~(d)~~(3) ~~prepare any will or trust instrument effecting the disposition on death of any~~
40 ~~property located in the United States and owned by a resident of the United States or any~~
41 ~~instrument relating to the administration of a decedent's estate in the United States; or~~

42 ~~(d)~~(4) ~~prepare any instrument in respect of the marital or parental relations, rights or~~
43 ~~duties of a resident of the United States, or the custody or care of the children of such a~~
44 ~~resident; or~~

45 ~~(c)~~(25) render professional legal advice on the law of this state or of the United
46 States; ~~(whether rendered incident to the preparation of legal instruments or otherwise)~~
47 ~~except on the basis of advice from a person duly qualified and entitled to render~~
48 ~~professional legal advice in this state;~~

49 ~~(c)~~(36) be, or in any way hold herself or himself out as a member of the Bar; or

50 ~~(c)~~(47) carry on her or his practice under, or utilize in connection with such practice,
51 any name, title or designation other than the following:

52 ~~(c)~~(57)(A) her or his own name;

53 ~~(c)~~(57)(B) the name of the law firm or other entity with which she or he is affiliated,
54 in each case only in conjunction with the title "Foreign Legal Consultant" as set forth
55 below;

56 ~~(c)~~(57)(C) her or his authorized title in the foreign country of her or his admission to
57 practice, in each case only in conjunction with the title "Foreign Legal Consultant" as set
58 forth below; and

59 ~~(c)~~(57)(D) the title "Foreign Legal Consultant", which shall be used in conjunction
60 with the words "admitted to the practice of law only in [name of the foreign country or
61 her or his admission to practice]."

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

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

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

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

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

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

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

77 ~~(de)(2)(B) attorney-client privilege, work-product privilege and similar professional~~
78 ~~privileges.~~

79 ~~(ef) Subject to disciplinary proceedings. A person licensed to practice as a Foreign~~
80 ~~Legal Consultant shall be subject to professional discipline in the same manner and to the~~
81 ~~same extent as members of the Bar and specifically shall be subject to discipline by the~~
82 ~~Supreme Court as delegated by rule and shall otherwise be governed by Chapter 13, the~~
83 ~~Utah Rules of Professional Conduct, Chapter 14, Article 5, Lawyer Discipline and~~
84 ~~Disability, Article 6, Standards for Imposing Lawyer Sanctions, and other applicable~~
85 ~~rules adopted by the Supreme Court, and all applicable statutory provisions, including~~
86 ~~mandatory continuing legal education requirements in the area of ethics.~~

87 ~~(fg) Requirements for licensure. Every person licensed to practice as a Foreign Legal~~
88 ~~Consultant:~~

89 ~~(fg)(1) prior to receiving a license to practice as a Foreign Legal Consultant, shall~~
90 ~~attend the Bar's OPC ethics school;~~

91 ~~(fg)(2) shall execute and file with the Bar, in such form and manner as the Supreme~~
92 ~~Court may prescribe:~~

93 ~~(fg)(2)(A) her or his understanding of, and commitment to observe, the Utah Rules of~~
94 ~~Professional Conduct and the other rules adopted by the Supreme Court, and to the extent~~
95 ~~applicable to the legal services authorized under paragraph (cd) of this rule;~~

96 ~~___(g)(2)(B) appropriate evidence of professional liability insurance, in such amount~~
97 ~~as the Supreme Court may prescribe, to assure her or his proper professional conduct and~~
98 ~~responsibility;~~

99 ~~(fg)(2)(BE) written notice to the OPC of any change in her or his membership status,~~
100 ~~good standing or authorization to practice law in any jurisdiction where licensed,~~
101 ~~including the commencement of all formal disciplinary proceedings and of all final~~

102 ~~disciplinary actions taken in any other jurisdiction~~(and an undertaking to provide written
103 ~~notice of any future change) in such person's good standing as a member of the foreign~~
104 ~~legal profession referred to in paragraph (a)(1) of this rule and of any final action of the~~
105 ~~professional body or public authority referred to in paragraph (b)(1) of this rule imposing~~
106 ~~any disciplinary censure, suspension, or other sanction upon such person.; and~~

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

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

121 ~~(gh) License fees. A person licensed as a Foreign Legal Consultant shall pay annual~~
122 ~~license fees which shall be equal to the fees required to be paid by a member of the Bar~~
123 ~~on Active status.~~

124 ~~(hi) Revocation of license. In the event that a person licensed as a Foreign Legal~~
125 ~~Consultant no longer meets the requirements for licensure set forth in paragraph (a); or~~
126 ~~(g)has failed to meet the obligations imposed by paragraph (g), her or his license shall be~~
127 ~~revoked following the procedures set forth in Chapter 14, Article 5, Lawyer Discipline~~
128 ~~and Disability, and Article 6, Standards for Imposing Lawyer Sanctions.~~

129 ~~(ij) Admission to Bar. In the event that a person licensed as a Foreign Legal~~
130 ~~Consultant is subsequently admitted as a member of the Bar under Chapter 14, Article 7,~~
131 ~~Admission to the Utah State Bar, the license granted to such person shall be deemed~~
132 ~~superseded by the license granted to such person to practice law as a member of the Bar.~~