

Rule 14-701

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 law  
5 license and having professional experience and responsibilities involving the Full-time  
6 Practice of Law as defined in sections (t) and (ff). The Active Practice of law includes any  
7 combination of the following activities provided that such employment is available only to  
8 licensed attorneys and the activities are performed in the jurisdiction in which the Applicant  
9 is admitted;

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

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

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

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

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

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

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

20 (b)(8) the Active Practice of law shall not include work that, as undertaken, constitutes the  
21 unauthorized practice of law in the jurisdiction in which it was performed or in the  
22 jurisdiction in which the clients receiving the unauthorized services were located, nor shall  
23 it include work completed in advance of any bar admission.

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

31 (d) "Applicant" means each person requesting admission to the Bar. For purposes of this  
32 article, an Applicant is classified as a Student Applicant, a Foreign Law School Applicant,  
33 an Attorney Applicant, a Motion Applicant, a Disbarred Attorney Applicant, a Foreign  
34 Legal Consultant Applicant, or a House Counsel Applicant.

35 (e) "Approved Law School" means a law school which is fully or provisionally approved  
36 by the ABA pursuant to its Standards and Rules of Procedure for Approval of Law Schools.  
37 To qualify as approved, the law school must have been fully or provisionally approved at  
38 the time of the Applicant's graduation, or at the time of the Applicant's enrollment, provided  
39 that the Applicant graduated within a typical and reasonable period of time;

40 (f) "Attorney Applicant" means any person who satisfies the requirements of Rule 14-704;

41 (g) "Bar" means the Utah State Bar, including its employees, committees and the Board;

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

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

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

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

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

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

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

58 (o) "Disbarred Attorney Applicant" means a person who has previously been licensed to  
59 practice law in Utah and who is no longer licensed to practice law because of disbarment  
60 or resignation with discipline pending or their equivalent and who satisfies the  
61 requirements of Rule 14-708(g) and 14-717;

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

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

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

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

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

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

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

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

84 (x) "Inactive" means an attorney's law license is held in "inactive status" or an equivalent  
85 term;

86 (y) "MBE" means the Multistate Bar Examination prepared by the NCBE;

87 (z) "MEE" means the Multistate Essay Examination prepared by the NCBE;

88 (aa) "Motion Applicant" means any person who satisfies the requirements of Rule 14-705;

89 (bb) "MPRE" means the Multistate Professional Responsibility Examination prepared by  
90 the NCBE;

91 (cc) "MPT" means the Multistate Performance Test prepared by the NCBE;

92 (dd) "NCBE" means the National Conference of Bar Examiners, an organization that  
93 develops, maintains, and applies reasonable and uniform standards of bar examination  
94 education and testing;

95 (ee) "OPC" means the Bar's Office of Professional Conduct;

96 (ff) "Practice of Law" means employment available only to licensed attorneys where the  
97 primary duty of the position is to represent the interests of another person by informing,

98 counseling, advising, assisting, advocating for or drafting documents for that person  
99 through application of the law and associated legal principles to that person's facts and  
100 circumstances. 'Person' includes the plural as well as the singular and legal entities as well  
101 as natural persons. ~~provide legal service representation. The Practice of Law includes such~~  
102 ~~activities as furnishing legal counsel, drafting documents and pleadings, interpreting and~~  
103 ~~giving advice with respect to the law, and preparing, trying or presenting cases before~~  
104 ~~courts or administrative agencies.~~ The Practice of Law ~~is a term of art and though no broad~~  
105 ~~rule can precisely define the Practice of Law,~~ it constitutes more than merely working with  
106 legally-related matters;

107 (gg) "Privileged Information" in this article includes: information subject to the attorney-  
108 client privilege, attorney work product, test materials and applications of examinees;  
109 correspondence and written decisions of the Board, Admissions Committee, Bar Examiner  
110 Committee, Character and Fitness Committee, and Test Accommodations Committee; and  
111 the identity of individuals participating in the drafting, reviewing, grading and scoring of  
112 the Bar Examination;

113 (hh) "Reapplication for Admission" means that for two years after the filing of an original  
114 application, an Applicant may reapply by completing a Reapplication for Admission form  
115 updating any information that has changed since the prior application was filed and  
116 submitting a new criminal background check;

117 (ii) "Resigned Applicant" means a person who has previously been licensed to practice law  
118 in Utah who is no longer licensed to practice law because of resignation without discipline  
119 pending or resignation under Rule 14-508(d) and who satisfies the requirements of Rule  
120 14-717(a).

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

123 ~~(kkj)~~ "Supreme Court" means the Utah Supreme Court;

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

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

133 (~~nnmm~~) “UBE” means the Uniform Bar Examination as prepared by the NCBE;

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

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