

Rule 15-525. Reinstatement following a suspension of more than six months; relicensure.

1 (a) Generally. A respondent suspended for more than six months or a delicensed respondent
2 shall be reinstated or relicensed only upon order of the district court. No respondent may petition
3 for reinstatement until three months before the period for suspension has expired. No respondent
4 may petition for relicensure until five years after the effective date of delicensure. A respondent
5 who has been placed on interim suspension and is then delicensed for the same misconduct that
6 was the ground for the interim suspension may petition for relicensure at the expiration of five
7 years from the effective date of the interim suspension.

8 (b) Petition. A petition for reinstatement or relicensure shall be verified, filed with the district
9 court, and shall specify with particularity the manner in which the respondent meets each of the
10 criteria specified in paragraph (e) or, if not, why there is otherwise good and sufficient reason for
11 reinstatement or relicensure. With specific reference to paragraph (e)(4), prior to the filing of a
12 petition for relicensure, the respondent must receive a report and recommendation from the Bar's
13 Character and Fitness Committee. In addition to receiving the report and recommendation from
14 the Character and Fitness Committee, the respondent must satisfy all other requirements as set
15 forth in Article 7, Admissions. Prior to or as part of the respondent's petition, the respondent may
16 request modification or abatement of conditions of discipline, reinstatement or relicensure.

17 (c) Service of petition. The respondent shall serve a copy of the petition upon OPC counsel.

18 (d) Publication of notice of petition. At the time a respondent files a petition for reinstatement
19 or relicensure, OPC counsel shall publish a notice of the petition in the Utah Bar Journal. The
20 notice shall inform members of the Bar about the application for reinstatement or relicensure,
21 and shall request that any individuals file notice of their opposition or concurrence with the
22 district court within 30 days of the date of publication. In addition, OPC counsel shall notify each
23 complainant in the disciplinary proceeding that led to the respondent's suspension or delicensure
24 that the respondent is applying for reinstatement or relicensure, and shall inform each
25 complainant that the complainant has 30 days from the date of mailing to raise objections to or to
26 support the respondent's petition. Notice shall be mailed to the last known address of each
27 complainant in OPC counsel's records.

28 (e) Criteria for reinstatement and relicensure. A respondent may be reinstated or relicensed
29 only if the respondent meets each of the following criteria, or, if not, presents good and sufficient
30 reason why the respondent should nevertheless be reinstated or relicensed.

31 (e)(1) The respondent has fully complied with the terms and conditions of all prior
32 disciplinary orders except to the extent they are abated by the district court.

33 (e)(2) The respondent has not engaged nor attempted to engage in the unauthorized practice
34 of law during the period of suspension or delicensure.

35 (e)(3) If the respondent was suffering from a physical or mental disability or impairment
36 which was a causative factor of the respondent's misconduct, including substance abuse, the
37 disability or impairment has been removed. Where substance abuse was a causative factor in the
38 respondent's misconduct, the respondent shall not be reinstated or relicensed unless:

39 (e)(3)(A) the respondent has recovered from the substance abuse as demonstrated by a
40 meaningful and sustained period of successful rehabilitation;

41 (e)(3)(B) the respondent has abstained from the use of the abused substance and the unlawful
42 use of controlled substances for the preceding six months; and

43 (e)(3)(C) the respondent is likely to continue to abstain from the substance abused and the
44 unlawful use of controlled substances.

45 (e)(4) Notwithstanding the conduct for which the respondent was disciplined, the respondent
46 has the requisite honesty and integrity to practice law as a licensed paralegal practitioner. In
47 relicensure cases, the respondent must appear before the Bar's Character and Fitness Committee
48 and cooperate in its investigation of the respondent. A copy of the Character and Fitness
49 Committee's report and recommendation shall be provided to the OPC and forwarded to the
50 district court assigned to the petition after the respondent files a petition.

51 (e)(5) The respondent has kept informed about recent developments in the law and is
52 competent to practice as a licensed paralegal practitioner.

53 (e)(6) In cases of suspensions for one year or more, the respondent shall be required to pass
54 the Licensed Paralegal Practitioner Professional Responsibility Exam.

55 (e)(7) In all cases of delicensure, the respondent shall be required to pass the student
56 applicant Licensed Paralegal Practitioner Licensing Exam.

57 (e)(8) The respondent has fully reimbursed the Bar's Licensed Paralegal Practitioners' Fund
58 for Client Protection for any amounts paid on account of the respondent's conduct.

59 (f) Review of petition. Within 60 days after receiving a respondent's petition for
60 reinstatement or relicensure, OPC counsel shall either:

61 (f)(1) advise the respondent and the district court that OPC counsel will not object to the
62 respondent's reinstatement or relicensure; or

63 (f)(2) file a written objection to the petition.

64 (g) Hearing; report. If an objection is filed by OPC counsel, the district court, as soon as
65 reasonably practicable and within a target date of 90 days of the filing of the petition, shall
66 conduct a hearing at which the respondent shall have the burden of demonstrating by a
67 preponderance of the evidence that the respondent has met each of the criteria in paragraph (e)
68 or, if not, that there is good and sufficient reason why the respondent should nevertheless be
69 reinstated or relicensed. The district court shall enter its findings and order. If no objection is
70 filed by OPC counsel, the district court shall review the petition without a hearing and enter its
71 findings and order.

72 (h) Successive petitions. Unless otherwise ordered by the district court, no respondent shall
73 apply for reinstatement or relicensure within one year following an adverse judgment upon a
74 petition for reinstatement or relicensure.

75 (i) Conditions of reinstatement or relicensure. The district court may impose conditions on a
76 respondent's reinstatement or relicensure if the respondent has met the burden of proof justifying
77 reinstatement or relicensure, but the district court reasonably believes that further precautions
78 should be taken to ensure that the public will be protected upon the respondent's return to
79 practice.

80 (j) Reciprocal reinstatement or relicensure. If a respondent has been suspended or delicensed
81 solely on the basis of discipline imposed by another court, another jurisdiction, or a regulatory
82 body having disciplinary jurisdiction, and if the respondent is later reinstated or relicensed by
83 that court, jurisdiction or regulatory body, the respondent may petition for reciprocal
84 reinstatement or relicensure in Utah. The respondent shall file with the district court and serve
85 upon OPC counsel a petition for reciprocal reinstatement or relicensure, as the case may be. The
86 petition shall include a certified or otherwise authenticated copy of the order of reinstatement or
87 relicensure from the other court, jurisdiction or regulatory body. Within 20 days of service of the
88 petition, OPC counsel may file an objection thereto based solely upon substantial procedural
89 irregularities. If an objection is filed, the district court shall hold a hearing and enter its finding
90 and order. If no objection is filed, the district court shall enter its order based upon the petition.

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Effective November 1, 2018