

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 Practice  
6 of Law as defined in sections (t) and (ff). The Active Practice of law includes any combination of  
7 the following activities provided that such employment is available only to licensed attorneys  
8 and the activities are performed in the jurisdiction in which the Applicant is admitted;

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

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

12          (b)(3) government employee whose principal duties are to provide legal advice or  
13 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  
21 the 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 it  
23 include work completed in advance of any bar admission.

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 procedures  
26 for admission to the Bar and with implementation of this article. The Admissions Committee is  
27 responsible for supervising the work of the Bar Examiner Committee, the Test Accommodations  
28 Committee, and the Character and Fitness Committee, handling requests for review as provided  
29 herein and performing other work relating to the admission of Applicants;

30       (d) "Applicant" means each person requesting admission to the Bar. For purposes of this  
31 article, an Applicant is classified as a Student Applicant, a Foreign Law School Applicant, an

32 Attorney Applicant, a Motion Applicant, a Disbarred Attorney Applicant, a Foreign Legal  
33 Consultant Applicant, ~~or~~ a House Counsel Applicant, a Military Lawyer Applicant, or a Military  
34 Spouse Attorney Applicant.

35 (e) "Approved Law School" means a law school which is fully or provisionally approved by  
36 the ABA pursuant to its Standards and Rules of Procedure for Approval of Law Schools. To  
37 qualify as approved, the law school must have been fully or provisionally approved at the time of  
38 the Applicant's graduation, or at the time of the Applicant's enrollment, provided that the  
39 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 (i) "Bar Examiner Committee" means those Bar members or others appointed by the Board  
44 or president of the Bar who are charged with grading the Bar Examination;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

87 (aa) "Military Lawyer Applicant" means any Applicant who satisfies the requirements of  
88 Rule 14-804;

89 (bb) "Military Spouse Attorney Applicant" means any Applicant who satisfies the  
90 requirements of Rule 14-805;

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

92 (~~bb~~dd) "MPRE" means the Multistate Professional Responsibility Examination prepared by  
93 the NCBE;

94 | (~~eee~~) "MPT" means the Multistate Performance Test prepared by the NCBE;

95 | (~~dff~~) "NCBE" means the National Conference of Bar Examiners, an organization that  
96 | develops, maintains, and applies reasonable and uniform standards of bar examination education  
97 | and testing;

98 | (~~egg~~) "OPC" means the Bar's Office of Professional Conduct;

99 | (~~hhh~~) "Practice of Law" means employment available only to licensed attorneys where the  
100 | primary duty of the position is to represent the interests of another person by informing,  
101 | counseling, advising, assisting, advocating for or drafting documents for that person through  
102 | application of the law and associated legal principles to that person's facts and circumstances.  
103 | 'Person' includes the plural as well as the singular and legal entities as well as natural persons.  
104 | The Practice of Law constitutes more than merely working with legally-related matters;

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

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

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

119 | (~~jll~~) "Student Applicant" means any person who satisfies the requirements of Rule 14-  
120 | 703(a);

121 | (~~kmm~~) "Supreme Court" means the Utah Supreme Court;

122 | (~~hnn~~) "Test Accommodations Committee" means those Bar members or others appointed by  
123 | the Board or president of the Bar who are charged with the review of requests from Applicants

124 seeking to take the Bar Examination with test accommodations and who make determinations  
125 thereon;

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

131 | (~~napp~~) "UBE" means the Uniform Bar Examination as prepared by the NCBE;

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

135 | (~~pprr~~) "Written Component" means that portion of the Bar Examination that consists of MEE  
136 and MPT questions.