

1 **Rule 14-804. Registered military ~~Special admission exception~~ legal assistance**
2 **certification for military lawyers.**

3 (a) ~~Exception~~ **Certification for military lawyers to practice in Utah.** A lawyer
4 admitted to the practice of law in a state or territory of the United States or of the District
5 of Columbia, who is a ~~full-time active duty military officer~~ serving in or employed by the
6 United States Uniformed Services and authorized to provide legal assistance by federal
7 statute or military regulation (“military lawyer”), may obtain a Registered Military Legal
8 Assistance Certificate to represent clients before courts and agencies in Utah when the
9 military lawyer is employed, stationed, or assigned at a military installation in Utah
10 Office of a Staff Judge Advocate of the United States Army, Air Force, Navy, Marines,
11 or Coast Guard, a Naval Legal Service Office or a Trial Service Office, located in Utah,
12 may, upon application to the Bar and Supreme Court certification, appear as a lawyer and
13 practice law before the courts of Utah in any civil matter or civil litigation, or in a civil
14 administrative proceeding, subject to the conditions and limitations set forth in this Rule.

15 (b) **Application requirements.** The ~~applicant~~ military lawyer must be of good moral
16 character and shall apply to the Bar by:

17 (b)(1) filing an application in the form and manner ~~that may be~~ prescribed by the
18 ~~Board of Bar Commissioners;~~

19 (b)(2) presenting proof that the military lawyer is employed, stationed, or
20 assigned at a military installation in Utah;

21 (b)(~~3~~2) presenting satisfactory proof of admission to the practice of law and
22 current good standing as a member of the licensing bar before the highest court in any
23 of a state or territory of the United States or the District of Columbia and
24 submitting certification that the military lawyer is in good standing in all
25 jurisdictions where currently admitted and is not currently subject to attorney
26 discipline or the subject of a pending disciplinary matter in any jurisdiction;

27 (b)(4) certifying the applicant has not been previously denied admission to the
28 Bar;

29 (b)(5) submitting an affidavit from the military lawyer’s commanding officer,
30 staff judge advocate, or chief legal officer of the military installation in Utah attesting
31 that the military lawyer will serve as a lawyer exclusively to provide legal services as

32 authorized by federal statute or military regulation, and that the military lawyer's
33 commanding officer, staff judge advocate, or chief legal officer will notify the Bar
34 within ten days of the termination of the lawyer's military employment or service in
35 Utah; and

36 (b)(63) furnishing whatever additional information or proof that may be required
37 in the course of processing the application; and

38 (b)(4) paying a \$10 processing fee.

39 (c) **Certification.** ~~Permission for an applicant to practice law shall become effective~~
40 ~~upon approval by the Bar and certification by the Supreme Court~~ Upon determination by
41 the Bar that a military lawyer has satisfied the requirements of this rule, the military
42 lawyer will be issued a Registered Military Legal Assistance Certificate.

43 (d) **Prohibition on holding forth.** Military lawyers admitted to practice pursuant to
44 this ~~r~~Rule are not, and shall not represent themselves to be, members of the Bar nor
45 represent that they are licensed to generally practice law in Utah.

46 (e) **Scope of authorized representation permitted.** Military lawyers admitted
47 certified pursuant to this rule ~~may represent active duty military personnel in enlisted~~
48 ~~grades E-1 through E-4 and their dependents, who are under substantial financial~~
49 ~~hardship, in non-criminal matters to the extent such representation is permitted by the~~
50 ~~supervisory Staff Judge Advocate or Commanding Officer of the Naval Legal Service~~
51 ~~Office or the Commanding Officer of the Trial Service Office. They may also engage in~~
52 ~~such other preparatory activity as is necessary for any matter in which the military~~
53 ~~attorney is involved. Other active duty military personnel and their dependents may be~~
54 ~~represented if expressly approved in writing by the Service Judge Advocate General or~~
55 ~~his or her designee are authorized to appear before a court or agency in Utah as counsel~~
56 for clients eligible to receive military legal assistance by federal statute or military
57 regulation in any matter permitted by that federal statute or military regulation and
58 authorized by the military lawyer's commanding officer, staff judge advocate, or chief
59 legal officer, or upon the consent of the applicable court or agency.

60 (f) ~~Prohibition on compensation.~~ Military lawyers admitted pursuant to this rule may
61 ~~not demand or receive any compensation from clients in addition to the military pay to~~
62 ~~which they are already entitled.~~

63 | **(fg) Jurisdiction and authority.** The practice of a lawyer admitted under this rule
 64 | shall be subject to the Utah Rules of Professional Conduct and Article 5, Lawyer
 65 | Discipline and Disability, and to all other applicable laws and rules governing lawyers
 66 | admitted to the Bar. Jurisdiction shall continue whether or not the military lawyer retains
 67 | the privilege to practice in Utah and irrespective of the residence or domicile of the
 68 | military lawyer.

69 | **(g) Mandatory disclosures.** A military lawyer certified under this rule must report to
 70 | the Bar within 10 days;

71 | (g)(1) any event listed in subsection (h) of this rule;

72 | (g)(2) any change in bar membership status in any jurisdiction where the attorney
 73 | has been admitted to the practice of law;

74 | (g)(3) the imposition of any permanent or temporary professional disciplinary
 75 | sanction by any jurisdiction; or

76 | (g)(4) any change in status that may affect the lawyer's privilege to practice under
 77 | this rule.

78 | **(h) Termination of ~~privilege and certification.~~** ~~(h)(1)~~ The military lawyer's
 79 | privilege to practice under this rule may be terminated upon completion of a disciplinary
 80 | proceeding with an adverse determination in Utah or shall terminate upon any of the
 81 | following events:

82 | ~~(h)(1)(A)~~ (h)(1)(A) the lawyer separates or retires from the United States Uniformed
 83 | Services;

84 | (h)(2) the lawyer is no longer employed, stationed, and assigned at a military
 85 | installation in Utah;

86 | (h)(3) the lawyer fails to remain in good standing in any jurisdiction where the
 87 | lawyer has been admitted to practice law; or

88 | (h)(4) ~~may be terminated by the Supreme Court~~ orders the termination of the
 89 | certificate at any time, with or without cause; ~~or~~

90 | ~~(h)(1)(B) shall be terminated when the military lawyer ends active duty military~~
 91 | ~~service in Utah.~~

92 | ~~(h)(2) The lawyer admitted under this rule and his or her supervisory Staff Judge~~
 93 | ~~Advocate or his or her Commanding Officer are responsible to advise the Bar and the~~

94 | ~~Supreme Court of any change in status of the lawyer that may affect his or her~~
95 | ~~privilege to practice law under this rule.~~
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