

1 **Rule 14-805. Admission for spouse of active military stationed in Utah.**

2 **(a) Requirements for admission of spouses of active military with permanent change of**
3 **station orders to serve in Utah.**

4 (a)(1) For purposes of this rule, the spouse of active military is defined as the spouse of
5 an active duty service member of the United States Uniformed Services, as defined by the
6 Department of Defense, and the service member has received military orders for a permanent
7 change of station to reside in Utah.

8 (a)(2) Absent admission under Rules 14-701 *et seq.*, the spouse of an active member of
9 the military (“Military Spouse Attorney”) may be admitted to practice law in Utah without
10 taking the Bar Examination.

11 (a)(3) The defined terms set forth in Rule 14-701 are incorporated into this rule.

12 (a)(4) The burden of proof is on the applicant for military spouse admission to establish
13 by clear and convincing evidence that the applicant:

14 (a)(4)(A) has paid half the prescribed application fees, which shall be credited toward
15 Bar dues upon licensure, and filed the required Complete Military Spouse Application;

16 (a)(4)(B) has graduated with a First Professional Degree in law from an Approved
17 Law School;

18 (a)(4)(C) has been admitted to the practice of law before the highest court of a U.S.
19 state, territory or the District of Columbia;

20 (a)(4)(D) does not qualify for admission by motion under Rule 14-705 or admission
21 by the transfer of a UBE score under Rule 14-712;

22 (a)(4)(E) has presented any score from the Multistate Bar Examination (MBE) or
23 Uniform Bar Examination (UBE), as defined by Rule 14-701, that applicant may have
24 used to obtain admission to the practice of law in a jurisdiction other than Utah;

25 (a)(4)(F) is of good moral character, satisfies the requirements of Rule 14-708, and
26 has not previously been denied admission by the Utah State Bar or engaged in the
27 unauthorized practice of law in Utah;

28 (a)(4)(G) has successfully passed the MPRE in accordance with Rule 14-713;

29 (a)(4)(H) is an active member in good standing in at least one state or territory of the
30 U.S. or the District of Columbia and is a member in good standing in all jurisdictions
31 where currently admitted;

32 (a)(4)(I) has a proven record of ethical, civil and professional behavior and has never
33 been disbarred or resigned with discipline pending, or their equivalent, in any jurisdiction
34 and is not currently subject to lawyer discipline or the subject of a pending disciplinary
35 matter;

36 (a)(4)(J) if intending to practice pending admission, has identified an active member
37 of the Bar in good standing who has agreed to actively supervise the Military Spouse
38 Attorney in accordance with the supervisory requirements specified in subsection (b) of
39 this rule, as evidenced by a verification signed by both the Military Spouse Attorney and
40 the supervising attorney; and

41 (a)(4)(K) complies with the provisions of Rule 14-716 concerning licensing and
42 enrollment fees.

43 **(b) Certificate while application is pending; required supervision.**

44 (b)(1) While a Military Spouse Attorney's application is pending, the Military Spouse
45 Attorney may practice law in Utah upon issuance of a Certificate While Application is
46 Pending under subsection (c).

47 (b)(2) While practicing with application pending, the Military Spouse Attorney must be
48 fully supervised by an active member of the Bar in good standing as set forth in this rule.
49 Required supervision ceases upon the Military Spouse Attorney's admission to the Bar under
50 this rule.

51 (b)(3) For the duration of the supervision, the supervising attorney shall:

52 (b)(3)(A) assume full responsibility for all matters to be handled by the Military
53 Spouse Attorney; and

54 (b)(3)(B) be included by name on all pleadings and papers.

55 **(c) Timing and processing of application.**

56 (c)(1) An application under this rule may be filed at any time.

57 (c)(2) The Bar will promptly conduct a preliminary character and fitness review of a
58 completed application submitted by a Military Spouse Attorney.

59 (c)(3) Upon satisfactory completion of the preliminary review and upon confirming that
60 the Military Spouse Attorney is present in Utah, the Bar will issue a Certificate While
61 Application is Pending to the applicant.

62 (c)(3)(A) The Certificate While Application is Pending authorizes the Military
63 Spouse Attorney to begin practice in accordance with this rule while the application is
64 pending.

65 (c)(3)(B) The Certificate expires 120 days after issuance, but a new certificate may be
66 issued if the applicant has not been dilatory in supplying required information during the
67 processing of the application.

68 (d) **Jurisdiction and Authority.** The practice of a lawyer admitted under this rule shall be
69 subject to the Utah Rules of Professional Conduct and Article 5, Lawyer Discipline and
70 Disability, and to all other applicable laws and rules governing lawyers admitted to the Bar.
71 Jurisdiction shall continue whether or not the Military Spouse Attorney retains the privilege to
72 practice in Utah and irrespective of the residence or domicile of the Military Spouse Attorney.

73 (e) **Continuing legal education.** Applicants admitted under this rule who have two or more
74 years of legal practice shall complete, document, and certify no later than six months following
75 admission having attended at least 15 hours of continuing legal education on Utah practice and
76 procedure and on ethics and civility requirements.

77 (e)(1) The Bar may by regulation specify the number of the required 15 hours that must
78 be in particular areas of practice, procedure, ethics, and civility. Included in this mandatory
79 15 hours is attendance at the Bar's OPC ethics school.

80 (e)(2) On an ongoing basis, attorneys admitted under this rule must comply with the
81 continuing legal education requirements imposed on lawyers under Article 4.

82 (f) **Mentoring and Supervision.**

83 (f)(1) A Military Spouse Attorney with less than two years of Active Practice when
84 admitted must obtain a mentor and complete the New Lawyer Training Program (NLTP) as
85 outlined in Rules 14-404 and 14-808.

86 (f)(2) A Military Spouse Attorney with less than two years of Active Practice who has
87 not presented an MBE score above 134 or UBE score above 269 must be affiliated at all
88 times with an active member of the Bar in good standing who has agreed to supervise the
89 Military Spouse Attorney and assume full responsibility for all matters handled by the
90 Military Spouse Attorney. A Military Spouse Attorney subject to this supervision
91 requirement must also enroll in the Bar's approved professional liability insurance program
92 or obtain equivalent insurance coverage.

93 (g) **Annual licensing.** An attorney admitted under this rule is subject to annual licensing and
94 enrollment fees and, during the annual licensing period, must provide to the Bar proof of
95 continuing compliance with (a)(8) through (a)(10).

96 (h) **Mandatory status reporting.** An attorney admitted under this rule and any required
97 supervising attorney are each responsible for notifying the Bar in writing within 21 days of any
98 change that may affect the Military Spouse Attorney's license to practice law under this rule.

99 (i) **Termination of license to practice in Utah.** A Military Spouse Attorney's license
100 terminates and a Military Spouse Attorney must cease all activities under this rule:

101 (i)(1) six months after the military service member is permanently transferred outside
102 Utah on military orders with dependents authorized, unless the transfer is a remote follow-on
103 assignment and the Military Spouse Attorney remains in Utah during the service member's
104 remote assignment;

105 (i)(2) ninety days after:

106 (i)(2)(A) the military service member dies, separates, or retires from the United States
107 Uniformed Services;

108 (i)(2)(B) the Military Spouse Attorney ceases to be a dependent as defined by the
109 United States Department of Defense;

110 (i)(3) thirty days after the Military Spouse Attorney permanently relocates outside Utah
111 for a reason other than the military service member's permanent change of station;

112 (i)(4) immediately upon:

113 (i)(4)(A) failure to comply with subsection (g);

114 (i)(4)(B) failure to maintain an active license in at least one other U.S. state, territory,
115 or the District of Columbia;

116 (i)(4)(C) any termination of sponsorship by a supervising attorney if required by
117 subsection (b), or the failure of a supervising attorney to be an active member of the Bar
118 in good standing;

119 (i)(4)(D) admission to the Bar under any other rule; or

120 (i)(4)(E) an order of termination by any disciplinary proceeding in Utah or upon
121 disbarment or suspension of any other license of the Military Spouse Attorney from
122 another jurisdiction.

123 (j) **Required action after termination.** Upon termination of a license to practice under this
124 rule, the Military Spouse Attorney must comply with Rule 1.16 of the Utah Rules of Professional
125 Conduct, including the transfer of pending matters, written notice to clients and notification of
126 courts, as required or necessary under the circumstances.

127 (k) **Failure to satisfy the notice and termination of practice requirements.** Failure to
128 satisfy the notice and termination of practice requirements set forth in subsections (e), (h), and (i)
129 may subject a Military Spouse Attorney to discipline, including the termination of a license
130 granted under this rule.

131 (l) **Reinstatement after termination of license.** A Military Spouse Attorney whose license
132 was terminated pursuant to paragraph (i) shall have the license reinstated if, within six months,
133 the Military Spouse Attorney demonstrates compliance with all the requirements of this rule
134 upon termination of the license and that the terminating event has been cured.

135 (m) **Service time and exception to admission by motion rule.** Any period of time a
136 Military Spouse Attorney practices under this rule counts under all rules measuring a lawyer's
137 time practicing law or as a member of the Bar, including Rules 14-203 and 14-705, provided that
138 the Military Spouse Attorney has never engaged in the unauthorized practice of law in Utah.