

1 **Rule 14-701. Definitions.**

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3 As used in this article:

4
5 (a) "ABA" means the American Bar Association;

6
7 (b) "Active Practice" means work performed by an attorney holding an "active" status law
8 license and having professional experience and responsibilities involving the Full-time Practice
9 of Law as defined in ~~sections-paragraphs~~ (u) and (jj). The Active Practice of law includes any
10 ~~combination~~ of the following activities provided that such employment is available only to
11 licensed attorneys and the activities are performed in the jurisdiction in which the Applicant is
12 admitted;

13
14 (1) sole practitioner, or partner, shareholder, associate, or of counsel in a law firm;

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16 (2) an organization's employee whose principal responsibility is to provide legal advice
17 or service;

18
19 (3) government employee whose principal duties are to provide legal advice or service;

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

22
23 (5) judge of a court of general or appellate jurisdiction provided that such employment
24 requires admission to the bar for the appointment thereto and for the performance of the
25 duties thereof;

26
27 (6) law clerk to a judge of a court of general or appellate jurisdiction; or

28
29 (7) teaching full-time at an Approved Law School; ~~and~~

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31 (8) the Active Practice of law ~~shall~~does not include work that, as undertaken, constitutes
32 the unauthorized practice of law in the jurisdiction in which it was performed or in the
33 jurisdiction in which the clients receiving the unauthorized services were located, nor
34 ~~shall~~does it include work completed in advance of any bar admission.
35

36 (c) "Admissions Committee" means those Utah State Bar members or others appointed by the
37 Board or president of the Bar who are charged with recommending standards and procedures for
38 admission to the Bar and with implementation of this article. The Admissions Committee is
39 responsible for supervising the work of the Bar Examiner Committee, the Test Accommodations
40 Committee, and the Character and Fitness Committee, handling requests for review as provided
41 herein and performing other work relating to ~~the admission of Applicants~~Applicant admissions;
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43 (d) "Applicant" means each person requesting admission to the Bar. For purposes of this article,
44 an Applicant is classified as a Student Applicant, a Foreign Law School Applicant, an Attorney
45 Applicant, a Motion Applicant, a Disbarred Attorney Applicant, a Foreign Legal Consultant
46 Applicant, a House Counsel Applicant, a Formerly-Admitted Applicant, a Military Lawyer
47 Applicant, or a Military Spouse Attorney Applicant.
48

49 (e) "Approved Law School" means a law school which is fully or provisionally approved by the
50 ABA pursuant to its Standards and Rules of Procedure for Approval of Law Schools. To qualify
51 as approved, the law school must have been fully or provisionally approved at the time of the
52 Applicant's graduation, or at the time of the Applicant's enrollment, provided ~~that~~ the Applicant
53 graduated within a typical and reasonable ~~period of time~~;
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55 (f) "Attorney Applicant" means any person who satisfies the requirements of Rule 14-704;
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57 (g) "Bar" means the Utah State Bar, including its employees, committees and the Board;
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59 (h) "Bar Examination" means the Bar Examination as defined in Rules 14-710 and 14-711;
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61 (i) "Bar Examiner Committee" means those Bar members or others appointed by the Board or
62 president of the Bar who are charged with grading the Bar Examination.

63

64 (j) "Board" means the Board of Bar Commissioners.

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66 (k) "Character and Fitness Committee" means those Bar members or others appointed by the
67 Board or president of the Bar who are charged with assessing the character and fitness of
68 Applicants and making determinations thereon.

69

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

75

76 (m) "Confidential Information" is defined in Rule 14-720(a).

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

80

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

85

86 (p) "Executive Director" means the executive director of the Utah State Bar or her or his
87 designee.

88

89 (q) "First Professional Degree" means a degree that prepares the holder for admission to the
90 practice of law (e.g. juris doctorate) by emphasizing competency skills along with theory and

91 analysis. An advanced, focused, or honorary degree in law is not recognized as a First
92 Professional Degree (e.g. master of laws or doctor of laws);.

93
94 (r) "Foreign Law School" means any school located outside of the United States and its
95 protectorates, that is accredited by that jurisdiction's legal accreditation body, if one exists, where
96 principles of English Common Law form the predominant basis for that country's system of
97 jurisprudence, and whose graduates are otherwise permitted by that jurisdiction's highest court to
98 practice law;.

99
100 (s) "Foreign Legal Consultant Applicant" means any Applicant who satisfies the requirements of
101 Rule 14-718;.

102
103 (t) "Formerly-Admitted Applicant" means a person who has previously been licensed to practice
104 law in Utah who is no longer licensed to practice law because of resignation without discipline
105 pending or failure to pay licensing fees for three or more years under Rule 14-107(b)(4), and
106 who satisfies the requirements of Rule 14-717;.

107
108 (u) "Full-time Practice" means the Active and lawful Practice of Law for no fewer than 80 hours
109 per month. Time spent on administrative or managerial duties, continuing legal education, or
110 client development and marketing does not qualify as part of the required 80 hours of legal
111 work;.

112
113 (v) "General Counsel" means the General Counsel of the Utah State Bar or her or his designee;.

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115 (w) "House Counsel Applicant" means any Applicant who satisfies the requirements of Rule
116 14-719;.

117
118 (x) "House Counsel" means a person granted a license under Rule 14-719;.

119
120 (y) "Inactive" means an attorney's law license is held in "inactive status" or an equivalent term;.

121

122 (zy) "MBE" means the Multistate Bar Examination prepared by the NCBE;
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124 (aaz) "MEE" means the Multistate Essay Examination prepared by the NCBE;
125

126 (bbaa) "Military Lawyer Applicant" means any Applicant who satisfies the requirements of Rule
127 14-804;
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129 (ccbb) "Military Spouse Attorney Applicant" means any Applicant who satisfies the
130 requirements of Rule 14-805;
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132 (ddee) "Motion Applicant" means any person who satisfies the requirements of Rule 14-705;
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134 (eedd) "MPRE" means the Multistate Professional Responsibility Examination prepared by the
135 NCBE;
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137 (ffee) "MPT" means the Multistate Performance Test prepared by the NCBE;
138

139 (ggff) "NCBE" means the National Conference of Bar Examiners, an organization that develops,
140 maintains, and applies reasonable and uniform standards of bar examination education and
141 testing;
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143 (hhgg) "OPC" means the ~~Bar's~~ Office of Professional Conduct;
144 (ii) "Person" includes the plural as well as the singular and legal entities as well as natural
145 persons.
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147 (iihhjj) "Practice of Law" means employment available only to licensed attorneys where the
148 primary duty of the position is to represent the interests of another person by informing,
149 counseling, advising, assisting, advocating for or drafting documents for that person through
150 application of the law and associated legal principles to that person's facts and circumstances.
151 ~~"Person" includes the plural as well as the singular and legal entities as well as natural persons.~~
152 The Practice of Law constitutes more than merely working with legally-related matters;

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154 (~~jjkk~~) "Privileged Information" in this article includes: information subject to the attorney-client
155 privilege, attorney work product, test materials and applications of examinees; correspondence
156 and written decisions of the Board, Admissions Committee, Bar Examiner Committee, Character
157 and Fitness Committee, and Test Accommodations Committee; and the identity of individuals
158 participating in the drafting, reviewing, grading and scoring of the Bar Examination~~;~~.

159

160 (~~kkjjll~~) "Reapplication for Admission" means that for two years after the filing of an original
161 application, an Applicant may reapply by completing a Reapplication for Admission form
162 updating any information that has changed since the prior application was filed and submitting a
163 new criminal background check~~;~~.

164

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

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169 (~~Hmm~~) "Student Applicant" means any person who satisfies the requirements of Rule 14-703(a)
170 ~~who has never been admitted as an attorney in any jurisdiction;~~jurisdiction.

171

172 (~~mmnn~~) "Supreme Court" means the Utah Supreme Court~~;~~.

173

174 (~~nooo~~) "Test Accommodations Committee" means those Bar members or others appointed by the
175 Board or president of the Bar who are charged with the review of requests from Applicants
176 seeking to take the Bar Examination with test accommodations and who make determinations
177 thereon~~;~~.

178

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

184

185 (~~ppqq~~) "UBE" means the Uniform Bar Examination as prepared by the NCBE;;

186

187 (~~rrqq~~) "Updated Application" means that an Applicant is required to amend and update ~~her or~~

188 ~~his~~their application on an ongoing basis and correct any information that has changed since the

189 application was filed;~~and.~~

190

191 (~~ss#~~) "Written Component" means that portion of the Bar Examination that consists of MEE and

192 MPT questions.

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194 Effective *September 1, 2020*.