

1 **Rule 14-715. Requests for Review.**

2

3 (a) Request for Review. A request for review of a final decision, along with the  
4 prescribed filing fee, must be filed with the Bar in writing within 10 calendar days of the  
5 date on the written notice of the decision. The request for review shall be addressed to  
6 the Admissions Committee and contain a short and plain statement of the reasons that  
7 the Applicant is entitled to relief. Any of the following decisions qualify as final and are  
8 therefore subject to appeal:

9

10 (1) a decision issued by the Test Accommodations Committee in accordance with  
11 Rule 14-706(a);

12

13 (2) a decision issued by the Character and Fitness Committee after a formal  
14 hearing in accordance with Rule 14-708(c)(4);

15

16 (3) a decision denying an application in accordance with Rule 14-709(a).

17

18 (b) Rule waivers. The review panel does not have authority to waive admission rules.

19

20 (c) Burden of Proof. The Applicant bears the burden of proof by clear and convincing  
21 evidence. Harmless error does not constitute a basis to set aside the decision. On appeal,  
22 the decision may be affirmed, modified, or reversed. The decision, whether based on  
23 testimony or documentary evidence, shall not be set aside unless clearly erroneous, and  
24 deference shall be given to those making the decision to judge the credibility of  
25 witnesses.

26

27 (d) Review process. An Applicant's appearance at the review will only be permitted if  
28 deemed necessary. The review will be a closed proceeding and will be limited to  
29 consideration of the record, the Applicant's memorandum, and the Bar's responsive

30 memorandum, if any. Requests for review setting forth common issues may  
31 be consolidated in whole or in part. After the completion of the review, a written  
32 decision shall be issued.

33

34 (1) Payment of Transcript. An Applicant appealing a decision of the Character  
35 and Fitness Committee issued after a formal hearing is responsible for paying for  
36 and submitting a duly certified copy of the transcript of the formal hearing  
37 proceedings or other electronic record copy made by means acceptable in the  
38 courts of Utah.

39

40 (2) Memoranda. After filing a written request for review, an Applicant must file a  
41 written memorandum citing to the record to show that the evidence does not  
42 support the decision. The issues in the memorandum must be limited to matters  
43 contained in the record. The review panel will not consider issues raised for the  
44 first time in the request for review. The memorandum must be filed within 30  
45 calendar days of the filing of the request for review. The Bar may file a response,  
46 but no reply memorandum will be permitted.

47

48 (e) Supreme Court appeal. Within 30 calendar days of the date on the panel's written  
49 decision, the Applicant may appeal to the Supreme Court by filing a notice of appeal  
50 with the clerk of the Supreme Court and serving a copy upon the General Counsel for  
51 the Bar. At the time of filing the notice of appeal, the Applicant shall pay the  
52 prescribed filing fee to the clerk of the Supreme Court. The clerk will not accept a notice  
53 of appeal unless the filing fee is paid.

54

55 (1) Record of proceedings. A record of the proceedings shall be prepared by the  
56 Bar and shall be filed with the clerk of the Supreme Court within 21 calendar  
57 days following the filing of the notice of appeal.

58

59 (2) Appeal petition. An appeal petition shall be filed with the Supreme Court 30  
60 calendar days after a record of the proceedings has been filed with the Supreme  
61 Court. The appeal petition shall state the name of the petitioner and shall  
62 designate the Bar as respondent. The appeal petition must contain the following:

63  
64 (A) a statement of the issues presented and the relief sought;

65  
66 (B) a statement of the facts necessary to an understanding of the issues  
67 presented by the appeal;

68  
69 (C) the legal argument supporting the petitioner's request; and

70  
71 (D) a certificate reflecting service of the appeal petition upon the General  
72 Counsel.

73  
74 (3) Format of appeal and response petitions. Except by permission of the Court,  
75 the appeal petition and the Bar's response shall contain no more than 14,000  
76 words or, if it uses a monospaced face, it shall contain no more than 1,300 lines of  
77 text.

78  
79 (4) Response petition. Within 30 calendar days after service of the appeal petition  
80 on the Bar, the Bar, as respondent, shall file its response with the clerk of the  
81 Supreme Court. At the time of filing a copy of the response shall be served upon  
82 the petitioner. ~~No reply memorandum will be permitted.~~ The petitioner may file  
83 a reply brief. A reply brief must be limited to responding to the facts and  
84 arguments raised in the Bar's response.

85

86 (5) The clerk of the Supreme Court will notify the parties if any additional  
87 briefing or oral argument is permitted. Upon entry of the Supreme Court's  
88 decision, the clerk shall give notice of the decision.

89

90 *Effective Date November 12, 2020.*