

1 **Rule 15-525. Reinstatement following a suspension of more than six months; relicensure.**

2 (a) Generally. A respondent suspended for more than six months or a delicensed respondent
3 shall be reinstated or relicensed only upon order of the district court. No respondent may petition
4 for reinstatement until three months before the period for suspension has expired. No respondent
5 may petition for relicensure until five years after the effective date of delicensure. A respondent
6 who has been placed on interim suspension and is then delicensed for the same misconduct that
7 was the ground for the interim suspension may petition for relicensure at the expiration of five
8 years from the effective date of the interim suspension.

9 (b) Petition. A petition for reinstatement or relicensure shall be verified, filed with the district
10 court, and shall specify with particularity the manner in which the respondent meets each of the
11 criteria specified in paragraph (e) or, if not, why there is otherwise good and sufficient reason for
12 reinstatement or relicensure. With specific reference to paragraph (e)(4), prior to the filing of a
13 petition for relicensure, the respondent must receive a report and recommendation from the Bar's
14 Character and Fitness Committee. In addition to receiving the report and recommendation from
15 the Character and Fitness Committee, the respondent must satisfy all other requirements as set
16 forth in Article 7, Admissions. Prior to or as part of the respondent's petition, the respondent may
17 request modification or abatement of conditions of discipline, reinstatement or relicensure.

18 (c) Service of petition. The respondent shall serve a copy of the petition upon OPC counsel.

19 (d) Publication of notice of petition. At the time a respondent files a petition for reinstatement
20 or relicensure, OPC counsel shall publish a notice of the petition in the Utah Bar Journal. The
21 notice shall inform members of the Bar about the application for reinstatement or relicensure,
22 and shall request that any individuals file notice of their opposition or concurrence with the
23 district court within 30 days of the date of publication. In addition, OPC counsel shall notify each
24 complainant in the disciplinary proceeding that led to the respondent's suspension or delicensure
25 that the respondent is applying for reinstatement or relicensure, and shall inform each
26 complainant that the complainant has 30 days from the date of mailing to raise objections to or to
27 support the respondent's petition. Notice shall be mailed to the last known address of each
28 complainant in OPC counsel's records.

29 (e) Criteria for reinstatement and relicensure. A respondent may be reinstated or relicensed
30 only if the respondent meets each of the following criteria, or, if not, presents good and sufficient
31 reason why the respondent should nevertheless be reinstated or relicensed.

32 (e)(1) The respondent has fully complied with the terms and conditions of all prior
33 disciplinary orders except to the extent they are abated by the district court.

34 (e)(2) The respondent has not engaged nor attempted to engage in the unauthorized practice
35 of law during the period of suspension or delicensure.

36 (e)(3) If the respondent was suffering from a physical or mental disability or impairment
37 which was a causative factor of the respondent's misconduct, including substance abuse, the
38 disability or impairment has been removed. Where substance abuse was a causative factor in the
39 respondent's misconduct, the respondent shall not be reinstated or relicensed unless:

40 (e)(3)(A) the respondent has recovered from the substance abuse as demonstrated by a
41 meaningful and sustained period of successful rehabilitation;

42 (e)(3)(B) the respondent has abstained from the use of the abused substance and the unlawful
43 use of controlled substances for the preceding six months; and

44 (e)(3)(C) the respondent is likely to continue to abstain from the substance abused and the
45 unlawful use of controlled substances.

46 (e)(4) Notwithstanding the conduct for which the respondent was disciplined, the respondent
47 has the requisite honesty and integrity to practice law as a licensed paralegal practitioner. In
48 relicensure cases, the respondent must appear before the Bar's Character and Fitness Committee
49 and cooperate in its investigation of the respondent. A copy of the Character and Fitness
50 Committee's report and recommendation shall be provided to the OPC and forwarded to the
51 district court assigned to the petition after the respondent files a petition.

52 (e)(5) The respondent has kept informed about recent developments in the law and is
53 competent to practice as a licensed paralegal practitioner.

54 (e)(6) In cases of suspensions for one year or more, the respondent shall be required to pass
55 the Licensed Paralegal Practitioner Professional Responsibility Exam.

56 (e)(7) In all cases of delicensure, the respondent shall be required to pass the student
57 applicant Licensed Paralegal Practitioner Licensing Exam.

58 (e)(8) The respondent has fully reimbursed the Bar's Licensed Paralegal Practitioners' Fund
59 for Client Protection for any amounts paid on account of the respondent's conduct.

60 (f) Review of petition. Within 60 days after receiving a respondent's petition for
61 reinstatement or relicensure, OPC counsel shall either:

62 (f)(1) advise the respondent and the district court that OPC counsel will not object to the
63 respondent's reinstatement or relicensure; or

64 (f)(2) file a written objection to the petition.

65 (g) Hearing; report. If an objection is filed by OPC counsel, the district court, as soon as
66 reasonably practicable and within a target date of 90 days of the filing of the petition, shall
67 conduct a hearing at which the respondent shall have the burden of demonstrating by a
68 preponderance of the evidence that the respondent has met each of the criteria in paragraph (e)
69 or, if not, that there is good and sufficient reason why the respondent should nevertheless be
70 reinstated or relicensed. The district court shall enter its findings and order. If no objection is
71 filed by OPC counsel, the district court shall review the petition without a hearing and enter its
72 findings and order.

73 (h) Successive petitions. Unless otherwise ordered by the district court, no respondent shall
74 apply for reinstatement or relicensure within one year following an adverse judgment upon a
75 petition for reinstatement or relicensure.

76 (i) Conditions of reinstatement or relicensure. The district court may impose conditions on a
77 respondent's reinstatement or relicensure if the respondent has met the burden of proof justifying
78 reinstatement or relicensure, but the district court reasonably believes that further precautions
79 should be taken to ensure that the public will be protected upon the respondent's return to
80 practice.

81 (j) Reciprocal reinstatement or relicensure. If a respondent has been suspended or delicensed
82 solely on the basis of discipline imposed by another court, another jurisdiction, or a regulatory
83 body having disciplinary jurisdiction, and if the respondent is later reinstated or relicensed by
84 that court, jurisdiction or regulatory body, the respondent may petition for reciprocal
85 reinstatement or relicensure in Utah. The respondent shall file with the district court and serve
86 upon OPC counsel a petition for reciprocal reinstatement or relicensure, as the case may be. The
87 petition shall include a certified or otherwise authenticated copy of the order of reinstatement or
88 relicensure from the other court, jurisdiction or regulatory body. Within 20 days of service of the
89 petition, OPC counsel may file an objection thereto based solely upon substantial procedural

90 irregularities. If an objection is filed, the district court shall hold a hearing and enter its finding
91 and order. If no objection is filed, the district court shall enter its order based upon the petition.