

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

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

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

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

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

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

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

32 (b)(5) submitting an affidavit from the military lawyer's commanding officer,
33 staff judge advocate, or chief legal officer of the military installation in Utah
34 attesting that the military lawyer will serve as a lawyer exclusively to provide
35 legal services as authorized by federal statute or military regulation, and that
36 the military lawyer's commanding officer, staff judge advocate, or chief legal
37 officer will notify the Bar within ten days of the termination of the lawyer's
38 military employment or service in Utah; and

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

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

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

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

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

63 authorized by the military lawyer's commanding officer, staff judge advocate, or
64 chief legal officer, or upon the consent of the applicable court or agency.

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

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

74 **(g) Mandatory disclosures.** A military lawyer certified under this rule must
75 report to the Bar within 10 days:

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

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

79 (g)(3) the imposition of any permanent or temporary professional
80 disciplinary sanction by any jurisdiction; or

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

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

87 (h)(1)(A) the lawyer separates or retires from the United States Uniformed
88 Services;

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

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

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

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

97 ~~(h)(2) The lawyer admitted under this rule and his or her supervisory Staff~~
98 ~~Judge Advocate or his or her Commanding Officer are responsible to advise~~
99 ~~the Bar and the Supreme Court of any change in status of the lawyer that~~
100 ~~may affect his or her privilege to practice law under this rule.~~

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