

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**
3 **change of station orders to serve in Utah.**

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

8 (a)(2) Absent admission under Rules 14-701 *et seq.*, the spouse of an active
9 member of the military (“Military Spouse Attorney”) may be admitted to practice law
10 in Utah without 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
13 establish by clear and convincing evidence that the applicant:

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

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

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

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

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

27 (a)(4)(F) is of good moral character, satisfies the requirements of Rule 14-
28 708, and has not previously been denied admission by the Utah State Bar or
29 engaged in the unauthorized practice of law in Utah;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

89 (f)(2) A Military Spouse Attorney with less than two years of Active Practice who
90 has not presented an MBE score above 134 or UBE score above 269 must be
91 affiliated at all times with an active member of the Bar in good standing who has

92 agreed to supervise the Military Spouse Attorney and assume full responsibility for
93 all matters handled by the Military Spouse Attorney. A Military Spouse Attorney
94 subject to this supervision requirement must also enroll in the Bar's approved
95 professional liability insurance program or obtain equivalent insurance coverage.

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

99 (h) **Mandatory status reporting.** An attorney admitted under this rule and any
100 required supervising attorney are each responsible for notifying the Bar in writing within
101 21 days of any change that may affect the Military Spouse Attorney's license to practice
102 law under this rule.

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

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

110 (i)(2) ninety days after:

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

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

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

118 (i)(4) immediately upon:

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

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

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

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

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

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

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

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

142 (m) **Service time and exception to admission by motion rule.** Any period of time
143 a Military Spouse Attorney practices under this rule counts under all rules measuring a
144 lawyer's time practicing law or as a member of the Bar, including Rules 14-203 and 14-
145 705, provided that the Military Spouse Attorney has never engaged in the unauthorized
146 practice of law in Utah.