

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

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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
5 the date on the written notice of the decision. The request for review shall be
6 addressed to the Admissions Committee and contain a short and plain statement of the
7 reasons that the Applicant is entitled to relief. Any of the following decisions qualify
8 as final and are therefore subject to appeal:

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

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

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

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

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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
22 appeal, the decision may be affirmed, modified, or reversed. The decision, whether
23 based on testimony or documentary evidence, shall not be set aside unless clearly
24 erroneous, and deference shall be given to those making the decision to judge the
25 credibility of witnesses.

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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.

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

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39 (d)(2) Memoranda. After filing a written request for review, an Applicant must file a
40 written memorandum citing to the record to show that the evidence does not support
41 the decision. The issues in the memorandum must be limited to matters contained in

42 the record. The review panel will not consider issues raised for the first time in the
43 request for review. The memorandum must be filed within 30 calendar days of the
44 filing of the request for review. The Bar may file a response, but no reply
45 memorandum will be permitted.

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

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

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

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63 (e)(2)(A) a statement of the issues presented and the relief sought;
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65 (e)(2)(B) a statement of the facts necessary to an understanding of the issues presented
66 by the appeal;
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68 (e)(2)(C) the legal argument supporting the petitioner's request; and
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70 (e)(2)(D) a certificate reflecting service of the appeal petition upon the General
71 Counsel.

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

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

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

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88 Effective Date May 1, 2016

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