

1 **Rule 14-719. Qualifications for admission of House Counsel Applicants.**

2 (a) Scope of practice. An attorney admitted to the Bar as House Counsel shall limit her or his  
3 practice of law including legal representation to the business of her or his employer. However,  
4 House Counsel can provide pro bono legal services under the auspices of an approved  
5 sponsoring entity consistent with Rule 14-803 of the Utah Rules of Lawyer Discipline and  
6 Disability. House Counsel shall not:

7 (a)(1) Appear before a court of record or not of record as an attorney or counselor in the State of  
8 Utah except as otherwise authorized by law or rule; or

9 (a)(2) Offer legal services or advice to the public or hold herself or himself out as being so  
10 engaged or authorized. An attorney granted a House Counsel license is not prevented from  
11 appearing in any matter pro se, performing pro bono services under Rule 14-803, or from  
12 fulfilling the duties of a member of the active or reserve components of the armed forces or the  
13 National Guard.

14 (b) Requirements of House Counsel Applicants. To be recommended for admission to the Bar as  
15 House Counsel, a person must establish by clear and convincing evidence that she or he:

16 (b)(1) has filed a Complete Application for admission and paid the prescribed application fee;

17 (b)(2) is at least 21 years old;

18 (b)(3) graduated with a First Professional Degree in law from an Approved Law School, or from  
19 an Unapproved Law School located within a U.S. state, territory or the District of Columbia;

20 (b)(4) is licensed to practice law and in active status in a U.S. state, territory or the District of  
21 Columbia;

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23 | ~~(b)(5) either (A) is a bona fide resident of the State of Utah or (B) maintains an office as the~~  
24 | ~~employer's house counsel within the State of Utah;~~

25 | ~~(b)(6)~~ is employed and practices law exclusively as house counsel for a non-governmental  
26 | corporation, its subsidiaries or affiliates, an association, a business, or other legal entity whose  
27 | lawful business consists of activities other than the practice of law or the provision of legal  
28 | services;

29 | (b)(6) is either (A) a bona fide resident of the State of Utah or (B) house counsel for an employer  
30 | located in Utah;

31 | (b)(7) has provided an affidavit signed by both the Applicant and the employer that the Applicant  
32 | is employed exclusively as house counsel and that Applicant has disclosed to the employer the  
33 | limitations on House Counsel's license of practicing under this rule;

34 | (b)(8) is of good moral character and satisfies the requirements of Rule 14-708;

35 | (b)(9) has presented satisfactory proof both of admission to the practice of law and that she or he  
36 | is a member in good standing in all jurisdictions where currently admitted;

37 | (b)(10) has a proven record of ethical, civil and professional behavior and has never been  
38 | disbarred or resigned with discipline pending, or their equivalent, in any jurisdiction, and is not  
39 | currently subject to lawyer discipline or the subject of a pending disciplinary matter;

40 | (b)(11) has received a passing MPRE score; and

41 | (b)(12) has complied with the oath and enrollment provisions of Rule 14-716 and paid the  
42 | licensing fees required for active status.

43 | (c) Timing of application and admission. An application under this rule may be filed at any time  
44 | but the Applicant must be able to demonstrate that she or he satisfies the requirements of this  
45 | rule as of the date the application is filed.

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47 (c)(1) The processing of the application and the character and fitness investigation require a  
48 minimum of four months to complete.

49 (c)(2) Upon approval the Applicant must comply with the provisions of Rule 14-716 concerning  
50 licensing and enrollment fees.

51 (c)(3) A person licensed as House Counsel shall pay annual license fees which shall be equal to  
52 the fees required to be paid by a member of the Bar on Active status.

53 (d) Unauthorized practice of law.

54 (d)(1) It is the unauthorized practice of law for an attorney not licensed in Utah to practice law in  
55 the state except as otherwise provided by law.

56 (d)(2) An attorney who complies with the requirements of subsection (b)(1) may provide  
57 services to an employer in Utah while the application is pending as long as the application is  
58 filed within six months of the out-of-state attorney accepting a house counsel position.

59 (d)(3) An attorney who provides legal advice to her or his employer but is not an active member  
60 of the Bar or licensed as House Counsel pursuant to this rule may be referred for investigation  
61 for the unauthorized practice of law.

62 (e) Continuing legal education requirement. House Counsel shall pay the designated filing fee  
63 and file with the MCLE Board by July 31 of each year a Certificate of Compliance from the  
64 jurisdiction where House Counsel maintains an active license establishing that she or he has  
65 completed the hours of continuing legal education required of active attorneys in the jurisdiction  
66 where House Counsel is licensed.

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68 (f) Subject to disciplinary proceedings. A person licensed as House Counsel shall be subject to  
69 professional discipline in the same manner and to the same extent as members of the Bar and  
70 specifically shall be subject to discipline by the Supreme Court as delegated by rule and shall  
71 otherwise be governed by Chapter 13, the Rules of Professional Conduct, Chapter 14 Article 5,  
72 Lawyer Discipline and Disability, Article 6, Standards for Imposing Lawyer Sanctions, and other  
73 applicable rules adopted by the Supreme Court, and all applicable statutory provisions.

74 (g) Notification of change in standing.

75 (g)(1) House Counsel shall execute and file with the Licensing Office a written notice of any  
76 change in that person's membership status, good standing or authorization to practice law in any  
77 jurisdiction where licensed.

78 (g)(2) House Counsel shall execute and file with the OPC a written notice of the commencement  
79 of all formal disciplinary proceedings and of all final disciplinary actions taken in any other  
80 jurisdiction.

81 (h) No Solicitation. House Counsel is not authorized by anything in this rule to hold out to the  
82 public or otherwise solicit, advertise, or represent that he or she is available to assist in  
83 representing the public in legal matters in Utah.

84 (i) Cessation of activity as house counsel. A House Counsel license terminates and the House  
85 Counsel shall immediately cease performing all services under this rule and shall cease holding  
86 herself or himself out as House Counsel upon:

87 (i)(1) termination of employment with the qualified employer as provided in subsection (b)(6);

88 (i)(2) termination of residence, or the maintenance of his or her office in the State of Utah as  
89 provided in subsection (b)(5);

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91 (i)(3) failure to maintain active status in a sister state or United States territory or the District of  
92 Columbia, or to satisfy the Bar's annual licensing requirements, including compliance with  
93 mandatory continuing legal education requirements as provided for in this rule;

94 (i)(4) completion of any disciplinary proceeding in Utah or any other jurisdiction, which  
95 warrants suspension or termination of the House Counsel license.

96 (j) Reinstatement after temporary lapse in license. An attorney whose House Counsel license is  
97 terminated pursuant to subsection (i)(1), (i)(2), or (i)(3) shall be reinstated to practice law as a  
98 House Counsel if within six months from the termination the attorney is able to demonstrate to  
99 the ~~Admissions Office~~Bar that she or he has:

100 (j)(1) transferred to inactive status in accordance with subsection (k); or

101 (j)(2) employment with a qualified employer and has provided the required verification of  
102 employment pursuant to subsection (b)(7);

103 (j)(3) established a residence or maintains an office for the practice of law as House Counsel for  
104 the employer within the State of Utah; and

105 (j)(4) active status in a U.S. state, territory or the District of Columbia and has complied with the  
106 Bar's annual licensing and MCLE requirements for House Counsel.

107 (k) Inactive status. House Counsel who is not currently practicing may transfer to inactive status  
108 under Rule 14-203(a)(4). Doing so will prevent the lapse of the license as long as the inactive  
109 status is maintained.

110 (k)(1) Inactive House Counsel may return to active status upon demonstration of compliance  
111 with requirements (j)(1) through (j)(4) and payment of the necessary fees in accordance with  
112 Rule 14-203(b).

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114 (l) Notice of change of employment. House Counsel shall notify, in writing, the Licensing Office  
115 of the termination of the employment pursuant to which the House Counsel license was issued.

116 (m) Full admission to the Utah State Bar. A House Counsel license will be terminated  
117 automatically once the attorney has been otherwise admitted to the practice of law in Utah as an  
118 active member of the Bar. Any person who has been issued a House Counsel license may qualify  
119 for full membership by establishing by clear and convincing evidence that she or he:

120 (m)(1) has applied as an Attorney Applicant or Motion Applicant by filing a Complete

121 | Application; any application must be filed in accordance with the filing deadlines set forth in  
122 | Rule 14-707(b);

123 (m)(2) has successfully passed the Bar Examination under Rule 14-704, has transferred a passing

124 | UBE score under Rule 14-712, or qualifies for admission under Rule 14-705. ~~Time spent in~~

125 | ~~Utah practicing as House Counsel or performing pro bono services does not qualify an attorney~~

126 | ~~for admission under Rule 14-705;~~ and

127 (m)(3) has complied with the provisions of Rule 14-716 concerning licensing and enrollment  
128 fees.

129 Effective Date May 1, 2018.