

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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52 (c)(2) Upon approval the Applicant must comply with the provisions of Rule 14-
53 716 concerning licensing and enrollment fees.

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

57 (d) Unauthorized practice of law.

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

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

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

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

73 (f) Subject to disciplinary proceedings. A person licensed as House Counsel shall
74 be subject to professional discipline in the same manner and to the same extent
75 as members of the Bar and specifically shall be subject to discipline by the
76 Supreme Court as delegated by rule and shall otherwise be governed by Chapter
77 13, the Rules of Professional Conduct, Chapter 14 Article 5, Lawyer Discipline
78 and Disability, Article 6, Standards for Imposing Lawyer Sanctions, and other

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79 applicable rules adopted by the Supreme Court, and all applicable statutory
80 provisions.

81 (g) Notification of change in standing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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131 (m)(1) has applied as an Attorney Applicant or Motion Applicant by filing a
132 Complete Application; any application must be filed in accordance with the filing
133 deadlines set for in Rule 14-707(b);

134 (m)(2) has successfully passed the Bar Examination under Rule 14-704, has
135 transferred a passing UBE score under Rule 14-712, or qualifies for admission
136 under Rule 14-705. Time spent in Utah practicing as House Counsel or
137 performing pro bono services does not qualify an attorney for admission under
138 Rule 14-705; and

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

141 Effective May 1, 2018