

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  
3 his practice of law including legal representation to the business of her or his employer.  
4 However, House Counsel can provide pro bono legal services under the auspices of an  
5 approved sponsoring entity consistent with Rule 14-803 of the Utah Rules of Lawyer  
6 Discipline and 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  
8 State of 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  
10 so engaged or authorized. An attorney granted a House Counsel license is not prevented  
11 from appearing in any matter pro se, performing pro bono services under Rule 14-803, or  
12 from fulfilling the duties of a member of the active or reserve components of the armed  
13 forces or the National Guard.

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

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

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

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

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

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

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

31 (b)(7) has provided an affidavit signed by both the Applicant and the employer that the  
32 Applicant is employed exclusively as house counsel and that Applicant has disclosed to  
33 the employer the 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  
36 she or he 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  
39 is not currently subject to lawyer discipline or the subject of a pending disciplinary  
40 matter;

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

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

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

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

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

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

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53 (d) Unauthorized practice of law.

54 (d)(1) It is the unauthorized practice of law for an attorney not licensed in Utah to  
55 practice law in 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  
58 application is filed within six months of the out-of-state attorney accepting a house  
59 counsel position.

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

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

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

75 (g) Notification of change in standing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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132 Effective Date May 1, 2016