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3 **Rule 11-601. Purpose.**

4 By continuing their legal education throughout the time they practice law, lawyers and
5 licensed paralegal practitioners can better fulfill their obligation to serve their clients
6 competently.

7 This article establishes minimum requirements for mandatory continuing legal
8 education and the means by which the requirements are enforced.

2
3 **Rule 11-602. Definitions.**

4 As used in this article:

5 (a) **“Active emeritus”** or **“active emeritus lawyer”** means a lawyer who has been a Bar
6 member for 50 years or who is 75 years of age as of July 1 of the current year and who
7 qualifies for active emeritus status as defined under the Bar’s rules, regulations, and
8 policies;

9 (b) **“Active status”** or **“active status lawyer”** means a lawyer who elects to be on active
10 status as defined under the Bar's rules, regulations, and policies;

11 (c) **“Admission on motion applicant or lawyer”** means a lawyer who has been
12 admitted for reciprocal admission as defined under Rule 14-705;

13 (d) **“Accredited”** means:

14 (1) as it relates to a lawyer, that CLE is approved by the Board as CLE that counts
15 towards the 12-hour CLE requirement per Compliance Cycle; or

16 (2) as it relates to a licensed paralegal practitioner, that CLE is approved by the
17 Board as CLE that counts towards the six-hour CLE requirement per Compliance
18 Cycle;

19 (e) **“Approved law school”** means an ABA approved law school as defined under Rule
20 14-701;

21 (f) **“Bar”** means the Utah State Bar;

22 (g) **“Bar Examination”** means the Bar Examination as defined in Rules 14-710 and 14-
23 711 and includes the UBE, regardless of where the UBE was taken;

24 (h) **“Board”** means the Utah Supreme Court Board of Mandatory Continuing Legal
25 Education as set forth in Rule 11-603;

26 (i) **“Board of Bar Commissioners”** means the governing board of the Bar;

27 (j) **“Certificate of Compliance”** means a report evidencing a lawyer's or licensed
28 paralegal practitioner’s completion of Accredited CLE as required and defined under
29 Rule 11-614;

30 (k) “CLE” means continuing legal education, including Verified CLE and Elective CLE;

31 (l) “Comity Certificate” is a Certificate filed by a Utah lawyer to show CLE compliance
32 with an approved reciprocal jurisdiction (Idaho, Oregon, or Washington) where the
33 lawyer practices law;

34 (m) “Compliance Cycle” means the fiscal year period (July 1 through June 30) during
35 which:

36 (1) an active status lawyer admitted to practice in Utah is required to complete a
37 minimum of 12 hours of Accredited CLE; or

38 (2) a licensed paralegal practitioner licensed in Utah is required to complete a
39 minimum of six hours of Accredited CLE;

40 (n) “Director” means the person appointed by the Supreme Court to provide
41 administrative assistance to the Board, perform duties delegated by the Board, and
42 manage MCLE staff as outlined in Rule 11-603 and directed by the Board.

43 (o) “Ethics CLE” means CLE which significantly relates to and discusses regarding
44 compliance with the Utah Rules of Professional Conduct ~~with which a lawyer must~~
45 ~~comply to remain authorized to practice law in Utah and remain in good standing,~~
46 ~~including:~~

47 ~~(1) instruction on the Utah Rules of Professional Responsibility; and~~

48 ~~(2) instruction on including~~ general ethical conduct or any other matter (such as
49 law practice management, disciplinary procedure, or the use of technology). ~~that, as~~
50 ~~part of the CLE, significantly relates to and discusses compliance with one or more of~~
51 ~~the Utah Rules of Professional Responsibility;~~

52 (p) “Elective CLE” means CLE, other than Verified CLE, credited for a number of hours
53 as specified by these rules or determined by the Board on a case-by-case basis,
54 including:

55 (1) viewing an audio, video, or webcast presentation or a computer interactive
56 program;

57 (2) writing and publishing an article in a legal periodical, part-time teaching in
58 an approved law school, or delivering a paper or speech on a professional subject

59 at a meeting primarily attended by lawyers, licensed paralegal practitioners,
60 legal assistants, or law school students;

61 (3) community outreach, as described in Rule 11-609; or

62 (4) Pro Bono Legal Services, as described in Rule 11-619.

63 (q) **“Full exam”** means all components of the Bar Examination as defined under Rule
64 14-710;

65 (r) **“House Counsel”** means a lawyer admitted with a restricted House Counsel license
66 as defined in Rule 14-719, which is required and limits the lawyer’s practice of law to
67 the business of the lawyer’s employer;

68 (s) **“In-person CLE”** means CLE presented in a classroom setting where the lawyer or
69 licensed paralegal practitioner is in the same room as the presenter;

70 (t) **“Inactive status”** means a lawyer or licensed paralegal practitioner who has elected
71 to be on inactive status as defined under the Bar’s rules, regulations, and policies;

72 (u) “Licensed paralegal practitioner” means a person licensed by the Utah Supreme
73 Court to provide limited legal representation as described in Rule 14-802.

74 ~~(u)~~ (v) **“MCLE”** or mandatory continuing legal education means CLE required by this
75 article;

76 ~~(v)~~ (w) **“New admittee”** means a lawyer newly admitted to the Utah State Bar;

77 ~~(w)~~ (x) **“NLTP”** means the New Lawyer Training Program as set forth in Rule 14-404
78 and Rule 14-808;

79 ~~(x)~~ (y) **“OPC”** means the Office of Professional Conduct;

80 ~~(y)~~ (z) **“OPC ethics school”** means the OPC biannual seminar on the Utah Rules of
81 Professional Conduct which provides six CLE credit hours;

82 ~~(z) “Paralegal practitioner” means a person licensed by the Utah Supreme Court to~~
83 ~~provide limited legal representation in the areas of (1) temporary separation, divorce,~~
84 ~~parentage, cohabitant abuse, civil stalking, and custody and support; (2) forcible entry~~
85 ~~and detainer and unlawful detainer; or (3) debt collection matters in which the dollar~~
86 ~~amount in issue does not exceed the statutory limit for small claims cases;~~

87 (aa) **“Presumptively approved sponsor”** means a CLE sponsor or provider who
88 qualifies under the standards prescribed in Rule 11-612;

89 (bb) **“Presumptive CLE Accreditation”** means CLE that qualifies under the standards
90 prescribed in Rule 11-612;

91 (cc) **“Pro Bono Legal Services”** has the meaning described in Rule 6.1 of the Utah Rules
92 of Professional Conduct.

93 (dd) **“Professionalism and civility CLE”** means CLE on conduct consistent with the
94 tenets of the legal profession by which a lawyer demonstrates civility, honesty,
95 integrity, character, fairness, competence, ethical conduct, public service, and respect
96 for the rules of law, the courts, clients, other lawyers, witnesses and unrepresented
97 parties, including:

98 (1) ~~instruction on~~ the Utah Standards of Professionalism and Civility; or
99 (2) ~~instruction on~~ general professional and civil conduct or another matter that
100 significantly relates to and discusses compliance with one or more of the Utah
101 Standards of Professionalism and Civility;

102 (3) ~~instruction on~~ Well-being;

103 (4) ~~instruction on~~ time management, effective client communication, or law
104 practice management;

105 (5) ~~instruction on~~ the development of organizational cultures that foster
106 professionalism and civility in the practice of law and a positive work
107 environment;

108 (6) ~~instruction on~~ substance use disorder; and
109 (7) ~~instruction on~~ equal access, fairness, cultural engagement, and respect for
110 others.

111 (ee) **“Remote Group CLE”** means CLE, sponsored or cosponsored by the Bar, that is
112 presented from a location in Utah, via a live streaming audio-visual presentation, to
113 another location in Utah where the lawyer or licensed paralegal practitioner is present,
114 in accordance with Rule 11-618;

115 (ff) **“Sponsoring entity”** means an organization that qualifies as a sponsoring entity
116 under Utah Code of Judicial Administration, Rule 14-803.

117 (gg) **“Supreme Court”** means the Utah Supreme Court;

118 (hh) **“UBE Transfers”** means applicants who gain admission by transferring a uniform
119 bar exam score;

120 (ii) **“Verified CLE”** means In-person CLE, Remote Group CLE, or Verified E- CLE;

121 (jj) **“Verified E-CLE”** means CLE presented via a computer program or over the
122 Internet where active participation by the lawyer or licensed paralegal practitioner in
123 the CLE is verified by responding to scenarios during the CLE or answering
124 knowledge-based questions during or after presentation of the CLE.

125 (kk) **“Well-being,”** as defined described by the National Task Force on Lawyer Well-
126 Being, means a continuous process whereby lawyers and licensed paralegal
127 practitioners seek to thrive in each of the following areas: emotional health,
128 occupational pursuits, creative or intellectual endeavors, sense of meaningfulness or
129 greater purpose in life, physical health, and social connections with others”;

130 (ll) **“Well-being CLE”** means instruction that:

131 (1) identifies and teaches principles or skills that can be applied to enhance well-
132 being; and

133 (2) ties those principles or skills to the practice of law based on circumstances,
134 challenges, or stressors that are commonly or uniquely faced by lawyers or
135 licensed paralegal practitioners.

2
3 **Rule 11-603. Establishment and membership of Board.**

4 (a) Establishment. There is established by the Supreme Court a Board of Mandatory
5 Continuing Legal Education. The Board comprises ten members, at least eight of
6 whom are lawyers admitted to the Bar, and up to two of whom may be licensed
7 paralegal practitioners.

8 (b) Terms. Members are appointed for staggered three-year terms. No lawyer or
9 licensed paralegal practitioner may serve more than two consecutive terms as a member
10 of the Board unless appointed by the Supreme Court as the Board chair or when
11 justified by special circumstances, as determined by the Supreme Court. The Board may
12 also have up to two additional nonvoting emeritus members. An emeritus member has
13 the same authority and duties as other Board members, except that the member does
14 not have authority to vote. An emeritus member may serve two terms in addition to the
15 terms served as a member.

16 (c) Application and recruitment of committee members. The Supreme Court will
17 announce vacancies on the Board in a manner reasonably calculated to reach members
18 of the Utah State Bar. The notice will specify a brief description of the Board's
19 responsibilities, the method for submitting an application or letter of interest, and the
20 application deadline. Members of the Board or the Supreme Court may solicit
21 applications for Board membership. Applications and letters of interest must be
22 submitted to the Supreme Court.

23 (d) Appointment of committee members and chair. Upon expiration of the application
24 deadline, the Supreme Court will review the applications and letters of interest and
25 appoint those individuals who it deems are best suited to serve on the Board. In the
26 event of a mid-term vacancy the Supreme Court will appoint a new member to serve for
27 the remainder of the term. The Supreme Court will select a chair from among the
28 Board's members.

29 (e) Absences. In the event a Board member fails to attend three Board meetings during a

30 calendar year, the chair may notify the Supreme Court of those absences and may
31 request that the Supreme Court replace that Board member.

32 (f) Appointment and duties of the Director. The Supreme Court appoints the Director.
33 The Director serves at the pleasure of the Supreme Court, provides administrative
34 support to the Board, and performs duties under the supervision and direction of the
35 Board as outlined in the Board policies.

36 (g) Quorum. Six members of the Board constitute a quorum for conducting the Board's
37 business and a majority vote of those present and voting at any meeting is sufficient to
38 bind the Board. The chair may vote only to break a tie.

2
3 **Rule 11-604. Active status lawyers MCLE, NLTP, admission on motion, multi-state**
4 **compliance reciprocity, house counsel and UBE requirements; MCLE requirements**
5 **for licensed paralegal practitioners.**

6 (a) **Active status lawyers.** Each active status lawyer admitted to practice in Utah must
7 complete, during each Compliance Cycle, a minimum of 12 hours of Accredited CLE, as
8 follows:

9 (1) at least six hours of the CLE must be Verified CLE, which may include any
10 combination of In-person CLE, Remote Group CLE, or Verified E-CLE;

11 (2) the remaining six hours of CLE may include Elective CLE or Verified CLE;
12 and

13 (3) the 12 hours of CLE must include a minimum of one hour of Ethics CLE and
14 one hour of Professionalism and Civility CLE.

15 (b) **Inactive status, NLTP, and New Lawyer Ethics Program.**

16 (1) **Inactive status.** Lawyers or licensed paralegal practitioners on inactive
17 status are not subject to the requirements of this rule, or (for lawyers) the NLTP
18 requirements.

19 (2) **Active status and NLTP.** Lawyers on active status who reside in Utah and
20 who are subject to the NLTP under Rule 14-808 must complete the NLTP
21 requirements before the end of the Compliance Cycle that begins after the lawyer
22 is admitted to practice in Utah. If a lawyer on active status who resides in Utah is
23 granted an extension of time to complete the NLTP, the lawyer must, during the
24 extension period, comply with the regular CLE requirements for an active status
25 lawyer.

26 (3) **NLTP credit.** A lawyer who is obligated to and who successfully fulfills the
27 requirements of the NLTP will receive 12 Accredited Verified CLE hours for the
28 Compliance Cycle during which the lawyer completes the NLTP requirements.

29 (4) **NLTP Mentor.** A mentor for a lawyer described in paragraph (b)(3) will
30 receive six Accredited Verified CLE hours for the Compliance Cycle
31 during which the lawyer described in paragraph (b)(3) successfully
32 fulfills the NLTP requirements.

33 (5) **New Lawyer Ethics Program.** New lawyers are required to attend the New
34 Lawyer Ethics Program. This program satisfies the Ethics CLE requirement and
35 the Professionalism and Civility CLE requirement for the Compliance Cycle
36 during which the new lawyer completes the NLTP requirements.

37 (c) **Admission on motion.** A lawyer who is admitted on motion shall comply with
38 paragraph (a) during the Compliance Cycle that begins after the lawyer is admitted on
39 motion.

40 (d) **Multi-State Reciprocity Compliance.** An active lawyer who practices in a Multi-
41 State Compliance Reciprocity State (Idaho, Oregon, or Washington) may elect to meet
42 the CLE requirements in that other state and use that state's CLE compliance as
43 compliance in Utah by filing a "Comity Certificate" for Utah CLE compliance.

44 (e) **House Counsel lawyers.**

45 (1) **Compliance reporting.** House Counsel lawyers must pay the designated
46 filing fee and file with the MCLE Board by July 31 of each year a House Counsel
47 Certificate signed by the jurisdiction where House Counsel maintains an active
48 license evidencing that the lawyer has completed the hours of continuing legal
49 education required of active lawyers in the jurisdiction where House Counsel is
50 licensed.

51 (2) **MCLE requirements.** A House Counsel lawyer must complete 12 hours of
52 Accredited CLE each Compliance Cycle, to include one hour of Ethics CLE and
53 one hour of Professionalism and Civility CLE, if: the jurisdiction where the
54 lawyer maintains an active license does not have a CLE requirement; or the
55 lawyer complies in a jurisdiction where CLE is self-reporting and the jurisdiction
56 does not sign the House Counsel Certificate. At least six of the 12 hours must be
57 Verified CLE.

58 (f) **UBE Applicants.**

59 (1) A lawyer who gains admission by transferring a UBE score and has less than
60 two years of legal practice must comply with the New Lawyer Training
61 Program during the Compliance Cycle that begins after the lawyer gains
62 admission.

63 (2) A lawyer who gains admission by transferring a UBE score, has less than two
64 years of legal practice, and receives a waiver of the New Lawyer Training
65 Program because the lawyer lives out of the state, must comply with
66 paragraph (a) during the Compliance Cycle that begins after the
67 lawyer gains admission.

68 (3) A lawyer who gains admission by transferring a UBE score and who has at
69 least two years of legal practice must comply with paragraph (a) during the
70 Compliance Cycle that begins after the lawyer gains admission.

71 (g) **Out-of-state CLE activities.** CLE Accreditation may be awarded for out-of-state CLE
72 that the Board determines meets standards in furthering a lawyer's or licensed
73 paralegal practitioner's legal education. The Board determines whether to Accredit the
74 CLE and, if Accredited, the number of hours of credit to allow for such CLE.

75 (h) **Application for accreditation.** A lawyer's or licensed paralegal practitioner's
76 application for Accreditation of CLE must be submitted in writing to the Board if the
77 activity has not been previously Accredited for CLE credit in Utah.

78 (i) **Advertising legal services.** Programs and topics focused on advertising legal
79 services will be denied Accreditation, except to the extent they deal with the ethical
80 restrictions concerning advertising.

81 (j) **Judicial officers.** State judges, federal judges, federal magistrates, court
82 commissioners, active senior judges, and active justice court judges, both full and part
83 time, meet CLE requirements through the Administrative Office of the Courts.

84 (k) **Licensed pParalegal practitioners.** Each licensed paralegal practitioner licensed in
85 Utah must complete, during each Compliance Cycle, a minimum of six hours of
86 Accredited CLE, as follows:

87 (1) at least three hours of the CLE must be Verified CLE, which may include any
88 combination of In-person CLE, Remote Group CLE, or Verified E-CLE;
89 (2) the remaining three hours of CLE may include Elective CLE or Verified CLE;
90 (3) the six hours of CLE must include a minimum of one hour of Ethics CLE and
91 one hour of Professionalism and Civility CLE.

2

3 **Rule 11-605. MCLE requirements for lawyers and licensed paralegal practitioners on**
4 **inactive status.**

5 (a) Lawyers and licensed paralegal practitioners on inactive status are not subject to
6 MCLE requirements while on inactive status.

7 (b) A lawyer who is on inactive status for 12 months or more and who returns to active
8 status must complete the 12-hour Accredited CLE requirement by June 30 of the
9 Compliance Cycle that begins after the lawyer's return to active status. A licensed
10 paralegal practitioner who is on inactive status for 12 months or more and who returns
11 to active status must complete the six-hour Accredited CLE requirement by June 30 of
12 the Compliance Cycle that begins after the licensed paralegal practitioner's return to
13 active status.

14 (c) A lawyer who has been on inactive status for less than 12 months may not elect
15 active status until completing the Accredited CLE requirements that were incomplete at
16 the time the lawyer elected to be enrolled as an inactive member. A licensed paralegal
17 practitioner who has been on inactive status for less than 12 months may not elect active
18 status until completing the Accredited CLE requirements that were incomplete at the
19 time the licensed paralegal practitioner elected to be enrolled as an inactive licensed
20 paralegal practitioner.

2
3 **Rule 11-608. Credit hour defined; application for approval.**

4 (a) **Credit hour defined.**

5 (1) An hour of In-person CLE or Remote Group CLE means 60 minutes of
6 attendance in a one-hour period at an Accredited CLE program.

7 (2) An hour of Verified E-CLE means 60 minutes of the minimum actual viewing
8 time to participate in the Verified E-CLE.

9 (3) An hour of Elective CLE means an hour of credit as specified by these rules
10 or determined by the Board on a case-by-case basis.

11 (4) An hour of CLE for Pro Bono Legal Services means, in accordance with Rule
12 11-619, providing the equivalent of five hours of Pro Bono Legal equal to
13 at least five hours.

14 (b) **Application for approval.** A lawyer, a licensed paralegal practitioner, or a
15 sponsoring agency applying for approval of CLE must submit to the Board all the
16 necessary information required under this article.

2
3 **Rule 11-609. Categories of ~~Elective~~ elective CLE defined.**

4 **(a) Lecturing, teaching, panel discussions and community outreach.**

5 (1) **Lecturing in an Accredited CLE Program.** Lawyers or licensed paralegal
6 practitioners who lecture in an Accredited CLE program will receive credit
7 for three hours of Elective CLE for each hour spent lecturing, including
8 participating as a presenter in a panel discussion. No lecturing or teaching credit
9 is available for preparation time.

10 **(2) Community outreach.**

11 (A) Lawyers or licensed paralegal practitioners who lecture in a
12 Community outreach capacity may receive Elective CLE credit for each
13 hour spent lecturing to groups of five or more non-lawyers and non-
14 licensed paralegal practitioners for the purpose of educating a non-
15 lawyer and non-licensed paralegal practitioner ~~lawyer~~ audience about
16 legal topics.

17 (B) Community outreach may include, but is not limited to, a lecture made
18 by a lawyer or licensed paralegal practitioner about the lawyer's or
19 licensed paralegal practitioner's deliberation on legal subject matter as an
20 elected or appointed member of a public policy making body that is
21 created by statute or constitution and a lecture by a lawyer or licensed
22 paralegal practitioner about the structure of Government, the Utah
23 Constitution, the U.S. Constitution or any legislation of either the Utah
24 Legislature or U.S. Congress. Such community outreach lecturing,
25 however, must be referenced in an agenda or outline format identifying:
26 the body to whom the lecture is presented; the date, hour, and duration of
27 the lecture; and the topics covered.

28 (C) Community outreach lecturing on legal subjects by a lawyer is eligible
29 for a maximum of four hours of Elective CLE credit for a Compliance

30 Cycle. Community outreach lecturing on legal subjects by a licensed
31 paralegal practitioner is eligible for a maximum of two hours of Elective
32 CLE credit for a Compliance Cycle.

33 (b) **Final published brochure, outline, or agenda.** The Board will determine the
34 number of Elective CLE hours available for a program based on the final published
35 brochure, outline, or agenda, as appropriate.

36 (c) **Equivalent CLE credit for certain Elective CLE.**

37 (1) Subject to the Board's determination, the Board may allow equivalent credit
38 for such CLE that furthers the purpose of this article and qualifies for
39 equivalency.

40 (2) Such equivalent CLE may include, but is not limited to, viewing Accredited
41 CLE audio and video and webcast presentations or computer interactive
42 programs, writing and publishing an article in a legal periodical, part-time
43 teaching by a lawyer or licensed paralegal practitioner in an approved law
44 school, or delivering a paper or speech on a professional subject at a meeting
45 primarily attended by lawyers, licensed paralegal practitioners, legal assistants,
46 or law students.

47 (3) The number of credit hours allowed for such activities and the
48 procedures for obtaining equivalent credit will be determined specifically by the
49 Board for each instance.

50 (d) **Pro Bono Legal Services.** Elective CLE credit for Pro Bono Legal Services is

51 Addressed in Rule 11-619.

52

53 **Comment:** An example of community outreach that would qualify for Elective CLE
54 credit under paragraph (a)(2) is a presentation made by a Legislator to a group of
55 non-lawyers and non-licensed paralegal practitioners about the Legislator's service
56 on a public policy making body

2
3 **Rule 11-610. Accreditation of CLE; undue hardship and special ~~Accreditation~~**
4 **accreditation.**

5 (a) **Permitted number of Elective CLE hours.** Unless the Board grants an undue
6 hardship waiver under paragraph (f), a lawyer or licensed paralegal practitioner may
7 not count Elective CLE hours towards more than half the amount of Accredited CLE
8 required of the lawyer or licensed paralegal practitioner during a Compliance Cycle.

9 (b) **Accredited CLE requirements.** Accredited CLE activities provided by this article
10 must:

11 (1) have as their primary objective to increase lawyers' or licensed paralegal
12 practitioners' professional competency;

13 (2) be comprised of subject matter directly related to the practice of law; and

14 (3) comply with the specific requirements set forth in this article with respect to
15 each activity.

16 (c) **Board to assign credit hours.** The Board will assign an appropriate number of credit
17 hours to each Accredited CLE activity.

18 (d) **Ethics CLE.** All courses or components of courses offered to fulfill the Ethics CLE
19 requirement under 11-604(a) must be specifically Accredited by the Board.

20 (e) **Professionalism and Civility.** All courses or components of courses offered to fulfill
21 the Professionalism and Civility CLE requirement under 11-604(a) must be specifically
22 Accredited by the Board.

23 (f) **Undue hardship; special Accreditation.**

24 (1) Formal instruction or educational seminars that meet the requirements of
25 paragraph (b) lend themselves well to the fulfillment of the educational
26 requirement imposed by this article and will be readily Accredited by the Board.

27 (2) It is not intended that compliance with this article will impose any undue
28 hardship upon any lawyer or licensed paralegal practitioner because the

29 lawyer or licensed paralegal practitioner may find it difficult to attend such
30 activities because of health or other special reasons.

31 (3) In addition to Accrediting formal instruction at centralized locations, the
32 Board, in its discretion, may Accredite such CLE including, but not limited to,
33 audio and video presentations, webcasts, computer interactive programs,
34 teaching, preparation of articles and other meritorious learning experiences as
35 provided in this article.

2 **Rule 11-611. Board Accreditation accreditation of CLE.**

3 The Board in its discretion may Accredite CLE in accordance with the following
4 standards.

5 (a) The CLE must be of intellectual or practical content and may include an ethics or
6 professionalism and civility component.

7 (b) The CLE must contribute directly to a lawyer's or licensed paralegal practitioner's
8 professional competence or skills, or the lawyer's or licensed paralegal practitioner's
9 ethics or professionalism and civility obligations.

10 (c) CLE leaders or lecturers must have the necessary practical or academic skills to
11 conduct the CLE effectively.

12 (d) Prior to or during the CLE, each attendee must be provided with written or
13 electronic course materials of a quality and quantity which indicate that adequate time
14 has been devoted to preparation and which are of value to lawyers in their practice of
15 the law or to licensed paralegal practitioners providing limited legal representation.
16 One-hour CLE courses meet this requirement by providing an outline of the CLE's
17 content.

18 (e) The CLE must be presented in an appropriate setting.

19 (f) The CLE must be made available to lawyers and licensed paralegal practitioners
20 throughout the state unless the CLE provider demonstrates to the satisfaction of the
21 Board that there is good reason to limit availability.

22 (g) A CLE provider may, upon Board approval, make some hours of a CLE course
23 available to all lawyers and licensed paralegal practitioners and some hours available to
24 only certain lawyers or licensed paralegal practitioners. A CLE provider may, for
25 example, limit CLE to lawyers or licensed paralegal practitioners who specialize in a
26 particular area of law, lawyers who are primarily plaintiff's lawyers, defense lawyers or
27 prosecutors, lawyers or licensed paralegal practitioners who fulfill a particular
28 government function, or lawyers or licensed paralegal practitioners who are employed
29 by a particular branch of local or state government.

- 30 (h) A CLE provider must submit a request for approval to limit availability of hours at
31 least 30 days before the day of the CLE.
- 32 (i) A lawyer may not accrue more than three hours of CLE to which availability is
33 limited per Compliance Cycle.
- 34 (j) A licensed paralegal practitioner may not accrue more than one hour of CLE to
35 which availability is limited per Compliance Cycle.
- 36 (k) The CLE provider is responsible to provide to the Board, no later than 30 days after
37 the day of the CLE, an accurate list of the lawyers and licensed paralegal practitioners
38 who attended each hour of limited availability. Repeated failure to comply with this
39 deadline may result in denial of future requests to limit availability.
- 40 (l) A CLE provider or attendee must submit to all reasonable requests for information
41 related to the course or activity.
- 42 (m) A CLE provider or attendee must submit a written request for Accreditation on an
43 approved form within 60 days prior to or 30 days following the CLE.
- 44 (n) A CLE provider who desires to advertise CLE as being Accredited must submit a
45 request for approval at least 14 calendar days prior to the CLE.
- 46 (o) CLE to which availability is limited must be submitted for approval at least 30 days
47 prior to the CLE.
- 48 (p) A CLE provider must apply separately for Accreditation of Elective CLE.
- 49 (q) The CLE provider must submit the registration list in an approved format, with CLE
50 fees if applicable, within 30 days following the presentation of the CLE.
- 51 (r) A CLE provider who fails to comply with a deadline described in this Rule 11-611
52 must pay a \$100 late fee

2
3 **Rule 11-612. Presumptively approved CLE providers; presumptive CLE Accreditation.**

4 (a) **Designating presumptively approved CLE providers.** The Board may designate an
5 organization as a presumptively approved provider of Accredited CLE if the
6 organization meets the following standards:

7 (1) The CLE provider must be either an approved law school or an organization
8 engaged in CLE that has, during the three years immediately preceding its
9 application, sponsored at least six separate CLE courses that comply with the
10 requirements for individual course Accreditation under Rule 11-611 Status as a
11 presumptively approved CLE provider is subject to periodic review.

12 (2) Presumptively approved CLE providers are required to pay an annual fee.

13 (3) No later than 14 calendar days prior to offering a CLE course, the
14 presumptive CLE provider must indicate on a Board-approved form that the
15 CLE course satisfies the provisions of Rule 11-611. The sponsor should also
16 submit a copy of the brochure or outline describing the course, a description
17 of the method or manner of presentation, and, if specifically requested by the
18 Board, a set of materials.

19 (4) The presumptive CLE provider must submit the registration list in an
20 approved format, with CLE fees if applicable, within 30 days following the
21 presentation of the CLE course.

22 (5) The presumptive CLE provider must make its courses available to all lawyers
23 and licensed paralegal practitioners throughout the state, unless, subject to
24 11-611, it can demonstrate to the satisfaction of the Board that there is good
25 reason to limit the availability.

26 (6) The sponsor must submit to all reasonable requests for information and
27 comply with this article.

28 (b) **Denial of presumptive CLE provider status.** Notwithstanding a presumptive CLE
29 provider's compliance with paragraphs (a)(1) through (a)(6), the Board may deny

30 designation as a presumptive CLE provider if the Board finds there is just cause for
31 denial.

32 (c) **Revocation of presumptive approval.** The Board may audit any CLE provider
33 having presumptive approval and may revoke the presumptive approval if it
34 determines that the presumptive CLE provider is offering, as Accredited, courses that
35 do not satisfy the standards established under Rule 11-611.

36 (d) **Annual fee.** A presumptive CLE provider pays an annual fee established by the
37 Board for all CLE provided by the presumptive CLE provider, except that the
38 presumptive CLE provider must pay additional fees established by the Board if the
39 presumptive CLE provider provides more than 50 CLE courses per year. A presumptive
40 CLE provider is otherwise exempt from the per CLE application fee.

41 (e) **Late fee.** A presumptive CLE provider who fails to comply with the deadline
42 described in paragraph (a)(4) must pay a \$100 late fee.

2
3 **Rule 11-613. CLE Accreditation for qualified audio and video presentations,**
4 **webcasts, computer interactive programs, writing, lecturing, teaching, public service,**
5 **and verified attendance.**

6 (a) **Permissible Elective CLE credit.** Elective CLE credit will be allowed for Accredited
7 audio and video presentations, webcasts, computer interactive programs, writing,
8 lecturing, teaching, and service in accordance with the following.

9 (1) One hour of Elective CLE credit will be allowed for viewing and/or
10 listening to 60 minutes of audio or video presentations, webcasts, or
11 computer interactive programs in accordance with Rule 11-608(a).

12 (2) Upon application to the Board, the Board may grant a waiver,
13 permitting a lawyer or licensed paralegal practitioner on active status to
14 obtain all required hours of credit through Elective CLE, if the lawyer or
15 licensed paralegal practitioner:

16 (A) does not reside in Utah; and

17 (B) is engaged in full-time volunteer work for a religious or
18 charitable organization.

19 (b) **Writing and publishing ~~an~~ articles.** Elective CLE is allowed for lawyers and
20 licensed paralegal practitioners for writing and publishing ~~an~~ articles in a legal
21 periodical in accordance with the following.

22 (1) To be eligible for any credit, an article must:

23 (A) be written to address an audience of a lawyer's audience or licensed
24 paralegal practitioners;

25 (B) be at least 3,000 words in length;

26 (C) be published by a recognized publisher of legal material; and

27 (D) not be used in conjunction with a seminar.

28 (2) Three Elective CLE credit hours will be allowed for each 3,000 words in the
29 article. An application for Accreditation of the article must be submitted at least

30 30 days prior to reporting the article for credit. Two or more authors may share
31 credit obtained pursuant to this paragraph in proportion to their contribution to
32 the article.

33 (c) **Lecturing, teaching, or delivering a paper or speech at a meeting.** Elective CLE
34 Credit is allowed for lecturing in an Accredited CLE program, part-time teaching by a
35 lawyer or licensed paralegal practitioner in an approved law school, or delivering a
36 paper or speech on a professional subject at a meeting primarily attended by lawyers,
37 licensed paralegal practitioners, legal assistants, or law students in accordance with the
38 following.

39 (1) Lecturers in an Accredited CLE program and part-time teachers may receive
40 three hours of Elective CLE credit for each hour spent in lecturing or teaching as
41 provided in Rule 11-609(a)(1), including participation in panel discussions.

42 (2) Lecturers in a community outreach capacity, as described in Rule 11-609(a)(2),
43 may receive one hour of Elective CLE credit for each hour spent in lecturing or
44 teaching provided such CLE credit does not exceed four hours for a Compliance
45 Cycle for a lawyer or two hours for a Compliance Cycle for a licensed paralegal
46 practitioner.

47 (d) **Full-time law school faculty members.** Full-time law school faculty members may
48 receive Elective CLE credit for lecturing and teaching, including participating as a
49 presenter in a panel discussion, but only for lecturing and teaching Accredited CLE
50 courses.

51 (e) **Minimum Credit hours of Verified CLE.** Credit is allowed for Verified CLE in
52 accordance with Rule 11-608(a).

53 (1) A lawyer must obtain a minimum of six Accredited CLE hours, with no
54 maximum restriction, through Verified CLE.

55 (2) A licensed paralegal practitioner must obtain a minimum of three
56 Accredited CLE hours, with no maximum restriction, through Verified CLE.

57 (f) **Total allowable hours.** The total of all hours allowable under paragraphs (a), (b), (c),
58 and (d) of this rule may not exceed six hours during a Compliance Cycle for a lawyer,
59 nor three hours during a Compliance Cycle for a licensed paralegal practitioner.

2
3 **Rule 11-614. Certificate of compliance; filing, late, and reinstatement fees;**
4 **suspension; reinstatement.**

5 (a) Certificate of compliance. On or before July 31 each year, each lawyer or licensed
6 paralegal practitioner subject to MCLE requirements must file a Certificate of
7 Compliance with the Board, appropriately evidencing the lawyer's or licensed paralegal
8 practitioner's completion of Accredited CLE ending the preceding 30th day of June. The
9 Certificate of Compliance must include:

10 (1) the title of the Verified CLE or Elective CLE, including the title of the audio or
11 video presentation, webcast, or computer interactive program attended, viewed
12 or listened to;

13 (2) the name of the CLE provider;

14 (3) the type of CLE (In-person CLE, Remote Group CLE, Verified E- CLE, or
15 Elective CLE);

16 (4) for Elective CLE, a description of the Elective CLE material; and

17 (5) the number of hours in actual attendance at each In-person CLE, the number
18 of hours in actual attendance at each Remote Group CLE, the minimum actual
19 viewing time of each Verified E-CLE, and the number of hours of each audio or
20 video presentation;

21 (6) if any CLE hours are limited to certain lawyers or licensed paralegal
22 practitioners in accordance with Rule 11-611, the number of limited hours and an
23 explanation establishing compliance with that rule; and

24 (7) other information as the Board requires.

25 **(b) Filing fees, late fees, and reinstatement fees.**

26 (1) Each lawyer or licensed paralegal practitioner shall pay a filing fee in the
27 amount of \$10 at the time of filing the Certificate of Compliance under
28 paragraph (a).

29 (2) Any lawyer or licensed paralegal practitioner who fails to complete the MCLE
30 requirement by the June 30 deadline, or fails to file by the July 31 deadline, will
31 be assessed a \$100 late fee.

32 (3) Lawyers and licensed paralegal practitioners who fail to comply with the
33 MCLE requirements and are administratively suspended under Rule 11-615 will
34 be assessed, in addition to the filing fee and late fee, a \$200 reinstatement fee or
35 if the failure to comply is a repeat violation within the past five years, a \$500
36 reinstatement fee.

37 **(c) Maintaining proof of compliance.**

38 (1) Each lawyer or licensed paralegal practitioner will maintain proof to
39 substantiate the information provided on the filed Certificate of Compliance.

40 (2) The proof may contain, but is not limited to, certificates of completion or
41 attendance from sponsors, certificates from course leaders, or materials related
42 to credit.

43 (3) The lawyer or licensed paralegal practitioner must retain this proof for a
44 period of four years from the end of the period for which the Certificate of
45 Compliance is filed.

46 (4) Proof must be submitted to the Board upon written request.

47 **(d) Failure to provide proof of compliance; rebuttable presumption.** Failure by the
48 lawyer or licensed paralegal practitioner to produce proof of compliance within 15
49 days after written request by the Board constitutes a rebuttable presumption that the
50 lawyer or licensed paralegal practitioner has not complied with the MCLE requirements
51 for the applicable time period.

52 **(e) Verification period.** The Board may, at any time within four years after the
53 Certificate of Compliance has been filed, commence verification proceedings to
54 determine a lawyer's or licensed paralegal practitioner's compliance with this article.

2
3 **Rule 11-615. Failure to satisfy MCLE requirements; notice; appeal procedures;**
4 **reinstatement; readmission; relicensure; waivers and extensions; deferrals.**

5 (a) Failure to comply; petition for suspension. A lawyer or licensed paralegal
6 practitioner who fails to comply with reporting provisions of Rule 11-614 will be
7 assessed a late fee.

8 (1) On September 15, a lawyer who fails to comply with Rule 11-614 or who files
9 a Certificate of Compliance showing that the lawyer has failed to complete the
10 required number of hours of MCLE will be administratively suspended from the
11 practice of law, beginning on October 1, and notified of the administrative
12 suspension by certified mail, return receipt requested.

13 (2) On September 15, failure of a licensed paralegal practitioner to comply
14 with Rule 11-614, or receipt of a Certificate of Compliance showing that the
15 licensed paralegal practitioner has failed to complete the required number of
16 hours of MCLE, will result in administrative suspension of the licensed paralegal
17 practitioner's license, beginning on October 1, and notification of the
18 administrative suspension by certified mail, return receipt requested.

19 (b) Reinstatement prior to an administrative suspension for three or more years. The
20 Supreme Court may reinstate a lawyer or licensed paralegal practitioner suspended
21 under the provisions of this rule upon motion of the Board showing that prior to the
22 administrative suspension of three or more years the lawyer or licensed paralegal
23 practitioner has cured the delinquency for which the lawyer or licensed paralegal
24 practitioner has been suspended and that the lawyer or licensed paralegal practitioner
25 has paid all required fees.

26 (c) Readmission of a lawyer after an administrative suspension for three or more years.
27 A lawyer who seeks readmission after an administrative suspension for three or more
28 years must comply with the readmission requirements set forth in Rule 14-717 (a).

29 (d) Relicensure of a licensed paralegal practitioner after an administrative suspension
30 for three or more years. A licensed paralegal practitioner who seeks relicensure after an
31 administrative suspension for three or more years must comply with the requirements
32 set forth in Rule 15-717 (a).

33 ~~(e)~~ (e) Waivers and extensions of time. For good cause shown, the Board may use its
34 discretion in cases involving hardship or extenuating circumstances to grant waivers of
35 the minimum MCLE requirements or extensions of time within which to fulfill the
36 requirements. Active Utah lawyers will not be granted a waiver of the CLE
37 requirements in Utah if they are living outside of Utah and practicing law in other
38 jurisdictions. These Active Utah lawyers must comply with the Utah CLE requirements
39 or change from active to inactive status. Active Utah licensed paralegal practitioners
40 will not be granted a waiver of the CLE requirements in Utah if they are living outside
41 of Utah and practicing in other jurisdictions. These Active Utah licensed paralegal
42 practitioners must comply with the Utah CLE requirements or change from active to
43 inactive status.

44 ~~(d)~~ (f) Deferrals. The Board may defer MCLE requirements in the event of the lawyer's
45 or licensed paralegal practitioner's serious illness.

46 ~~(e)~~ (g) Petition to appeal. Any lawyer or licensed paralegal practitioner who is
47 aggrieved by any Board decision under this rule may, within 30 days from the date of
48 the mailing of the notice of decision, appeal to the Board requesting a hearing by filing a
49 petition setting forth the decision and the relief sought along with the factual and legal
50 basis. Unless a petition is timely filed, the Board's decision is final.

51 (1) The Board may approve a petition without hearing or may set a date for
52 hearing. If the Board determines to hold a hearing, the Board will provide the
53 lawyer or licensed paralegal practitioner at least ~~ten~~ 14 days' notice of the time
54 and place set for the hearing. Testimony taken at the hearing will be under oath.
55 The Board will enter written findings of fact, conclusions of law, and a decision
56 on each petition. The Board will send a copy of its findings of fact, conclusions of

57 law, and a decision by certified mail, return receipt requested, to the lawyer or
58 licensed paralegal practitioner.

59 (2) The Board may grant the petitioner an extension of time within which to
60 comply with this rule.

61 (3) Except as provided in paragraph ~~(f)~~ (h), the Board's decisions are final and are
62 not subject to further review.

63 ~~(f)~~ (h) Appeal to Supreme Court. A Board decision denying a request for waiver or a
64 Board decision to suspend the lawyer or licensed paralegal practitioner is final and not
65 subject to further review unless within 30 days from the date of the mailing of the notice
66 of decision, the lawyer or licensed paralegal practitioner files a written notice of appeal
67 with the Supreme Court.

68 (1) Transcripts. To perfect an appeal to the Supreme Court, the lawyer or licensed
69 paralegal practitioner must, at the lawyer's or licensed paralegal practitioner's
70 expense, obtain a transcript of the proceedings from the Board. If testimony was
71 taken before the Board, the Board will certify that the transcript contains a fair
72 and accurate report of the proceedings. The Board will prepare and certify a
73 transcript of all orders and other documents pertinent to the proceeding before it
74 and file them promptly with the Supreme Court clerk. The Supreme Court will
75 hear the appeal under this article and other applicable Supreme Court rules.

76 (2) The time set forth in this article for filing notices of appeal are jurisdictional.
77 The Board or the Supreme Court, as to appeals pending before each such body
78 may, for good cause shown either extend the time for the filing ~~or certification of~~
79 ~~any material~~ or dismiss the appeal for failure to prosecute.

2
3 **Rule 11-616. Lawyers on active status not practicing law in Utah; licensed paralegal**
4 **practitioners on active status outside of Utah; ~~L~~lawyers or licensed paralegal**
5 **practitioners on active status engaged in full-time volunteer work in remote**
6 **locations.**

7 (a) A lawyer on active status who is not engaged in the practice of law in Utah, or a
8 licensed paralegal practitioner on active status who is not engaged in practice in Utah,
9 may file and attach to the lawyer's or licensed paralegal practitioner's Utah Certificate
10 of Compliance evidence showing that the lawyer or licensed paralegal practitioner has
11 met the Utah MCLE requirements in Rule 11-604 with CLE courses accredited in the
12 state in which the lawyer or licensed paralegal practitioner resides and practices. This
13 may include CLE transcripts, certificates of compliance, certificates of attendance, or
14 other information indicating the identity of the accrediting jurisdiction.

15 (1) The lawyer or licensed paralegal practitioner must attach to the lawyer's
16 or licensed paralegal practitioner's Utah Certificate of Compliance a copy of the
17 lawyer's or licensed paralegal practitioner's CLE transcript from the reciprocal
18 jurisdiction where the lawyer or licensed paralegal practitioner practices,
19 together with evidence that the lawyer or licensed paralegal practitioner has
20 completed a minimum of one hour of Ethics CLE and one hour of
21 Professionalism and Civility CLE.

22 (2) If the lawyer or licensed paralegal practitioner lives in a jurisdiction where
23 there is not a CLE requirement, the lawyer or licensed paralegal practitioner
24 must comply with the Utah CLE requirements or place the lawyer's or licensed
25 paralegal practitioner's license on inactive status.

26 (b) Upon application by a lawyer or licensed paralegal practitioner on active status, the
27 Board may grant a waiver of the MCLE requirements of Rule 11-604 and issue a
28 certificate of exemption if the lawyer or licensed paralegal practitioner:

29 (1) resides in a remote location outside of Utah where audio or video
30 presentations or computer interactive telephonic programs sufficient to allow the
31 lawyer or licensed paralegal practitioner to participate in CLE credit hours
32 are not reasonably available to the lawyer or licensed paralegal practitioner; and
33 (2) is engaged in full-time volunteer work for a religious or charitable
34 organization.

2
3 **Rule 11-617. Miscellaneous fees and expenses.**

4 (a) All fees under this article are established by the Board and will be deposited in a
5 special account of the Board and used to defray the costs of administering this article.

6 (b) A lawyer must pay an administrative fee ~~established by the Board~~ for preparation
7 and mailing of certificates of CLE compliance to other states or for filing of House
8 Counsel Certificates of Compliance from the jurisdiction where the House Counsel
9 maintains an active license. The Board may establish other fees to defer administrative
10 costs related to requests for Accreditation with Supreme Court approval.

11 (c) Members of the Board are not compensated, but will be reimbursed for reasonable
12 and necessary expenses incurred in the performance of their duties under this article.

13 (d) All CLE sponsors who offer any course for Utah Accredited CLE must pay to the
14 Board, within 30 days following the course, a fee of \$1.50 per credit hour per attendee.
15 The required fee must accompany the required registration list. The \$1.50 per credit
16 hour fee will cap at \$15 per attendee.

17 (1) All CLE sponsors that do not charge registration fees but submit more than 50
18 programs annually must pay to the Board additional application fees.

19 (2) If the CLE sponsor is a government or non-profit agency that is offering a
20 program free of charge, the fees may be waived.

21 (e) Any lawyer or licensed paralegal practitioner who is required by this article to
22 apply to the Board for CLE must pay a fee of \$10 at the time of application.

23 (f) Any lawyer subject to NLTP requirements must pay a separate and additional fee of
24 \$300 to the Bar as specified in the NLTP Manual.

25 (g) Presumptive CLE providers are required to pay an annual fee. The presumptive
26 provider fee must be paid by January 1st of each year and is good through December
27 31st of each year.

28 (1) Presumptive CLE providers that submit more than 50 applications annually
29 must pay additional presumptive fees established by the Board.

30 (h) A CLE provider that is not a Presumptive CLE provider will pay an application fee
31 established by the Board for each CLE application submitted by the CLE provider.

2
3 **Rule 11-618. Remote group CLE.**

4 (a) Remote Group CLE is one method by which an attorney or licensed paralegal
5 practitioner may obtain Verified CLE.

6 (b) Remote Group CLE must:

7 (1) be presented from a location in Utah via a live streaming audio-visual
8 presentation to a remote location or remote locations in Utah, approved by the
9 Board, where the lawyer or licensed paralegal practitioner is present;

10 (2) allow attendees to ask, and receive answers to, questions during the CLE
11 presentation via voice or an electronic method; and

12 (3) be sponsored or cosponsored by the Bar.

13 (c) A person who applies for approval of a remote location must:

14 (1) ensure that the location is large enough to allow at least ten lawyers or
15 licensed paralegal practitioners to attend at the remote location and to
16 accommodate more lawyers or licensed paralegal practitioners than the number
17 that will attend from the same firm or office;

18 (2) ensure that the remote location is open to any member of the Bar who wishes
19 to attend at the remote location, subject to maximum occupancy requirements;
20 and

21 (3) within five days after the day of the Remote CLE, provide the Bar with a list
22 containing the names and Bar numbers of each attorney and each licensed
23 paralegal practitioner who attended the CLE at the remote location.

24 (d) Remote location approval for Remote Group CLE occurs as follows:

25 (1) The Bar will post notice of the Remote Group CLE on the Bar's website at
26 least 30 days before the day of the CLE, including in the notice the process and
27 deadline to apply for approval of a remote location.

28 (2) No later than seven days before the day of the CLE, a person may apply to
29 the Bar's CLE Department for approval of a remote location.

30 (3) The application for approval of a remote location must include: the title of the
31 CLE; the address of the remote location; a description of the remote location,
32 including the maximum occupancy of the remote location; a description of the
33 equipment that will be used at the remote location to comply with the
34 communication requirements; the name and contact information of a person who
35 will be available during presentation of the CLE to resolve any technical issues
36 relating to communication and communication equipment at the remote location;
37 subject to maximum occupancy requirements, a statement that any member of
38 the Bar is able to attend the CLE at the remote location at no cost other than the
39 cost imposed by the CLE provider for the CLE; and any other information
40 required by the Board.

41 (4) Upon approval by the Bar of the remote location, the Bar will post notice of
42 the remote location on the Bar's website.

2
3 **Rule 11-619. CLE Credit for Pro Bono Legal Services.**

4 (a) CLE credit for Pro Bono Legal Services. A lawyer may be awarded a maximum of
5 two CLE credits per Compliance Cycle for providing Pro Bono Legal Services or
6 mentoring another lawyer or a law student providing Pro Bono Legal Services.

7 (b) Pro Bono referral source. To receive Pro Bono Legal Services CLE credit under this
8 rule, the services rendered must be referred from a Utah court, the Utah State Bar, or a
9 sponsoring entity. The Pro Bono referral must remain under the direction of the Utah
10 court, the Utah State bar, or the sponsoring entity that provided the referral.

11 (c) Permissible CLE credit. One Elective CLE credit hour will be awarded for the
12 following:

13 (1) providing the equivalent of five hours of Pro Bono Legal Services; or

14 (2) mentoring a lawyer or a law student on an entire Pro Bono matter that is
15 equal to at least five hours.

16 (d) Declaration of services form. A lawyer seeking CLE credit under this rule must,
17 consistent with Rule 11-614(c), complete a declaration of services form to keep with the
18 lawyer's records. Earned credit hours must be reported on an attorney's Certificate of
19 Compliance.

20 (e) Time-limited rule. This rule will terminate ~~two years after its effective date~~ April 30,
21 2025 unless extended by the Supreme Court.