

1 **Rule 4-701. Definitions.**

2 As used in this article:

3 (a) "ABA" means the American Bar Association;

4 (b) "Active Practice" means work performed by an attorney holding an "active" status
5 law license and having professional experience and responsibilities involving the Full-
6 time Practice of Law as defined in paragraphs (y) and (nn). Active Practice includes any
7 of the following activities provided that such activities are available only to licensed
8 attorneys:

9 (1) sole practitioner, or partner, shareholder, associate, or of counsel in a law firm;

10 (2) an organization's employee whose principal duties are to provide legal advice or
11 service;

12 (3) government employee whose principal duties are to provide legal advice or
13 service;

14 (4) service in the United States armed forces as a lawyer or judge;

15 (5) judge of a court of general or appellate jurisdiction provided that such employment
16 requires admission to the bar for the appointment thereto and for the performance of
17 the duties thereof;

18 (6) law clerk to a judge of a court of general or appellate jurisdiction; or

19 (7) pro bono work done under authorization of [Rule 4-803](#).

20 The Active Practice of law does not include work that, as undertaken, constitutes the
21 unauthorized practice of law in the jurisdiction in which it was performed or in the
22 jurisdiction in which the clients receiving the unauthorized services were located, nor
23 does it include work completed in advance of any bar admission.

24 (c) "Admissions Committee" means those Utah State Bar licensees or others appointed
25 by the Board or president of the Bar who are charged with recommending standards and

26 procedures for admission to the Bar and with implementation of this article. The
27 Admissions Committee is responsible for supervising the work of the Bar Examiner
28 Committee, the Test Accommodations Committee, and the Character and Fitness
29 Committee, handling requests for review as provided herein and performing other work
30 relating to Applicant admissions.

31 (d) "Alternate Path" means the demonstration of minimum competence required for
32 licensure by means other than the Bar Examination.

33 (e) "Alternate Path Examination" means an exam administered by the Utah State Bar to
34 each Applicant pursuing the Alternate Path to test the Applicant's skills in specific areas
35 of minimum competence. Specifically, the Alternate Path Examination requires the
36 Applicant to demonstrate:

37 (1) an understanding of legal processes and sources of law;

38 (2) the ability to interpret legal materials;

39 (3) the ability to identify legal issues; and

40 (4) the ability to communicate as a lawyer.(f) "Applicant" means each person requesting
41 admission to the Bar. For purposes of this article, an Applicant is classified as a Student
42 Applicant, a Foreign Law School Applicant, an Attorney Applicant, a Motion Applicant,
43 a UBE Transfer Applicant, a Delicensed Attorney Applicant, a Foreign Legal Consultant
44 Applicant, a House Counsel Applicant, a Formerly-Admitted Applicant, a Military
45 Lawyer Applicant, or a Military Spouse Attorney Applicant.

46 (g) "Approved Law School" means a law school which is fully or provisionally approved
47 by the ABA pursuant to its Standards and Rules of Procedure for Approval of Law
48 Schools. To qualify as approved, the law school must have been fully or provisionally
49 approved at the time of the Applicant's graduation, or at the time of the Applicant's
50 enrollment, provided the Applicant graduated within a typical and reasonable time.

51 (h) "Attorney Applicant" means any person who satisfies the requirements of [Rule 4-704](#).

- 52 (i) “Bar” means the Utah State Bar, including its employees, committees and the Board.
- 53 (j) “Bar Examination” means the Bar Examination as defined in [Rules 4-710](#) and [4-711](#).
- 54 (k) “Bar Examiner Committee” means those Bar licensees or others appointed by the
55 Board or president of the Bar who are charged with grading the Bar Examination.
- 56 (l) “Board” means the Board of Bar Commissioners.
- 57 (m) “Character and Fitness Committee” means those Bar licensees or others appointed
58 by the Board or president of the Bar who are charged with assessing and determining the
59 character and fitness of Applicants.
- 60 (n) “Complete Application” means an application that includes all fees and necessary
61 application forms, along with any required supporting documentation, a photo, an
62 official certificate of law school graduation and if applicable, a test accommodation
63 request with supporting medical documentation, a certificate of admission and/or good
64 standing, and a certificate of discipline.
- 65 (o) “Confidential Information” is defined in [Rule 4-720\(a\)](#).
- 66 (p) “Deputy General Counsel for Admissions” or “Deputy General Counsel” are terms
67 used interchangeably to mean the Bar’s attorney in charge of admissions or that person’s
68 designee.
- 69 (q) “Delicensed Attorney Applicant” means a person previously licensed to practice law
70 in Utah and who is no longer licensed to practice law because of delicensure or
71 resignation with discipline pending or their equivalent and who satisfies the
72 requirements of [Rules 4-708\(g\)](#) and [4-717](#).
- 73 (r) “Executive Director” means the executive director of the Utah State Bar or that
74 person’s designee.
- 75 (s) “Experiential Learning” means simulation courses, law clinics, and field placements
76 that are primarily experiential in nature and:

- 77 (1) integrate doctrine, theory, skills, and legal ethics, and engage students in
78 performance of one or more of the professional skills identified in ABA Standard 302;
- 79 (2) develop the concepts underlying the professional skills being taught;
- 80 (3) provide multiple opportunities for performance;
- 81 (4) provide opportunities for student performance, self-evaluation, and feedback from
82 a faculty member, or, for a field placement, a site supervisor;
- 83 (5) provide a classroom instructional component; or, for a field placement, a classroom
84 instructional component, regularly scheduled tutorials, or other means of ongoing,
85 contemporaneous, faculty-guided reflection; and
- 86 (6) provide direct supervision of the student's performance by the faculty member;
87 or, for a field placement, provide direct supervision of the student's performance by
88 a faculty member or a site supervisor.

89 (t) "Final semester" means the last semester in which the Applicant earns credits towards
90 graduation; if the Applicant does not pass coursework and is required to complete
91 coursework in a future semester, the starting date for supervised hours will be reset
92 accordingly.

93 (t) "First Professional Degree" means a degree that prepares the holder for admission to
94 the practice of law (e.g., juris doctorate) by emphasizing competency skills along with
95 theory and analysis. An advanced, focused, or honorary degree in law is not recognized
96 as a First Professional Degree (e.g., master of laws or doctor of laws).

97 (u) "Foreign Law School" means any school located outside of the United States and its
98 protectorates, that is accredited by that jurisdiction's legal accreditation body, if one
99 exists, where principles of English Common Law form the predominant basis for that
100 country's system of jurisprudence, and whose graduates are otherwise permitted by that
101 jurisdiction's highest court to practice law.

102 (v) "Foreign Legal Consultant Applicant" means any Applicant who satisfies the
103 requirements of [Rule 4-718](#).

104 (w) "Formerly-Admitted Applicant" means a person previously licensed to practice law
105 in Utah who is no longer licensed to practice law because of resignation without
106 discipline pending, failure to pay licensing fees for three or more years under [Rule 4-](#)
107 [107\(b\)\(4\)](#), or failure to comply with MCLE requirements for three or more years under
108 Rule 11-615 and who satisfies the requirements of [Rule 4-717](#).

109 (x) "Full-time Practice" means the Active and lawful Practice of Law for no fewer than 80
110 hours per month. Time spent on administrative or managerial duties, continuing legal
111 education, or client development and marketing does not qualify as part of the required
112 80 hours of legal work.

113 (y) "General Counsel" means the General Counsel of the Utah State Bar or that person's
114 designee.

115 (z) "House Counsel Applicant" means any Applicant who satisfies the requirements of
116 [Rule 4-719](#).

117 (aa) "House Counsel" means a person granted a license under [Rule 4-719](#).

118 (bb) "Inactive" means an attorney's law license is held in "inactive status" or an
119 equivalent term.

120 (cc) "MBE" means the Multistate Bar Examination prepared by the NCBE.

121 (dd) "MEE" means the Multistate Essay Examination prepared by the NCBE.

122 (ee) "Military Lawyer Applicant" means any Applicant who satisfies the requirements of
123 [Rule 4-804](#).

124 (ff) "Military Spouse Attorney Applicant" means any Applicant who satisfies the
125 requirements of [Rule 4-805](#).

126 (gg) "Motion Applicant" means any person who satisfies the requirements of [Rule 4-705](#).

127 (hh) "MPRE" means the Multistate Professional Responsibility Examination prepared by
128 the NCBE.

129 (ii) "MPT" means the Multistate Performance Test prepared by the NCBE.

130 (jj) "NCBE" means the National Conference of Bar Examiners, an organization that
131 develops, maintains, and applies reasonable and uniform standards of bar examination
132 education and testing.

133 (kk) "OPC" means the Office of Professional Conduct.

134 (ll) "Person" includes the plural as well as the singular and legal entities as well as natural
135 persons.

136 (mm) "Practice of Law" means employment available only to licensed attorneys where
137 the primary duty of the position is to represent the interests of another person by
138 informing, counseling, advising, assisting, advocating for or drafting documents for that
139 person through application of the law and associated legal principles to that person's
140 facts and circumstances. The Practice of Law constitutes more than merely working with
141 legally-related matters.

142 (nn) "Privileged Information" in this article includes: information subject to the attorney-
143 client privilege, attorney work product, test materials, investigative reports from the
144 NCBE, and applications of examinees; correspondence and written decisions of the
145 Board, Admissions Committee, Bar Examiner Committee, Character and Fitness
146 Committee, and Test Accommodations Committee; and the identity of individuals
147 participating in the grading and scoring of the Bar Examination or Alternate Path
148 Examination.

149 (oo) "Professional Responsibility" means one course of at least two credit hours in
150 professional responsibility that includes substantial instruction in rules of professional
151 conduct, and the values and responsibilities of the legal profession and its members.

152 (pp) "Qualified Supervising Attorney" means a person who is:

- 153 (1) An attorney who has:
- 154 (A) An active Utah Bar license;
- 155 (B) A minimum of 5 years as a licensed attorney in any U.S. state, U.S. territory,
156 or the District of Columbia;
- 157 (C) A minimum of 2 years as a licensed attorney in the State of Utah; and
- 158 (D) No record of public discipline in any jurisdiction in the United States; or
- 159 (2) A state court or federal court judge; or
- 160 (3) Approved by the Admissions Office to serve as a Qualified Supervisor Attorney.
161 Approval is granted on a case-by-case basis for Applicants such as federal employees
162 or military employees who are working in capacities where identifying a Qualified
163 Supervising Attorney who satisfies the first or second conditions of this paragraph
164 may prove overly burdensome and where the Applicant can demonstrate a
165 reasonable basis for desiring admission to the Utah State Bar.

166 The burden is on the Applicant to petition for such approval, and the Bar Admissions
167 Office has sole discretion to grant or deny such petitions.

168 (qq) "Reapplication for Admission" means that for two years after the filing of an original
169 application, an Applicant may reapply by completing a Reapplication for Admission
170 form updating any information that has changed since the prior application was filed.

171 (rr) "Successfully complete" means earning a passing grade for which academic credit is
172 awarded.

173 (ss) "Student Applicant" means any person who satisfies the requirements of [Rule 4-](#)
174 [703](#) who has never been admitted as an attorney in any jurisdiction.

175 (tt) "Supreme Court" means the Utah Supreme Court.

176 (uu) "Test Accommodations Committee" means those Bar licensees or others appointed
177 by the Board or president of the Bar who are charged to review and determine requests

178 from Applicants seeking to take the Bar Examination or Alternate Path Examination with
179 test accommodations.

180 (vv) “Unapproved Law School” means a law school that is not fully or provisionally
181 approved by the ABA. For an Unapproved Law School’s graduates to be eligible for
182 admission, the law school must be accredited in the jurisdiction where it exists and
183 provide legal education that is the substantial equivalent of the legal education provided
184 by an Approved Law School. The burden is on the Applicant to demonstrate the
185 Unapproved Law School meets this definition.

186 (ww) “UBE” means the Uniform Bar Examination as prepared by the NCBE.

187 (1) Legacy UBE is the exam prepared by the NCBE consisting of the MEE, MPT,
188 and MBE, which will not be administered after February 2028.

189 (2) NextGen UBE is the exam prepared by the NCBE to test foundational
190 lawyering skills, which will be administered starting in July 2026.

191 (xx) “UBE Transfer Applicant” means any person who satisfies the requirements of [Rule](#)
192 [4-712](#).

193 (yy) “Updated Application” means that an Applicant is required to amend and update
194 their application on an ongoing basis and correct any information that has changed since
195 the application was filed.

196 (zz) “Written Component” means that portion of the Bar Examination that consists of
197 MEE and MPT questions.

198 ~~Effective October 1, 2025~~ [Effective May 1, 2026](#)