

1 **Rule 14-717. Readmission of Utah attorneys after resignation without discipline,**
2 **administrative suspension for three or more years, resignation with discipline, or**
3 **disbarment of Utah attorneys.**

4 (a) ~~Readmission~~ Requirements of Formerly-Admitted Applicants. An Applicant for readmission
5 after resignation without discipline or after an administrative suspension for three or more years
6 bears the burden of proof to establish that she or he meets all necessary requirements by clear
7 and convincing evidence. To qualify for readmission, a Formerly-Admitted Applicant must:

8 (a)(1) apply for admission as an Attorney Applicant in accordance with Rule 14-704, or

9 (a)(2) provide clear and convincing evidence of the Full-time Active Practice of Law for at least
10 60 of the 84 months immediately preceding the date of application, and demonstrate that she or
11 he:

12 (a)(2)(A) has remained in good standing in the jurisdiction(s) where practicing throughout the
13 time in practice;

14 (a)(2)(B) has paid the prescribed fees and filed the required Complete Application in accordance
15 with Rule 14-707;

16 (a)(2)(C) is a member in good standing in all jurisdictions where currently admitted;

17 (a)(2)(D) is of good moral character and satisfies the requirements of Rule 14-708;

18 (a)(2)(E) has a proven record of ethical, civil, and professional behavior and has never been
19 disbarred or resigned with discipline pending or their equivalent, in any jurisdiction, and is not
20 currently subject to lawyer discipline or the subject of a pending disciplinary matter; and

21 (a)(2)(F) after resignation without discipline pending. Readmission subsequent to the resignation
22 without discipline pending of a member of the Bar requires a new application, payment of fees,
23 and a character and fitness investigation. An Applicant is not required to retake the Bar
24 Examination but must fully comply complies with the requirements of Rule 14-716 concerning
25 licensing and enrollment fees.

26 (b) ~~Readmission-Requirements~~ of Disbarred Attorney Applicants. An Applicant for readmission
27 to the Bar after disbarment or resignation with discipline pending shall satisfy all requirements of
28 this article, including Rules 14-703, 14-707(c), 14-708 and 14-716, and shall satisfy all other
29 requirements imposed by Rule 14-525, the OPC, and Utah courts. A report and recommendation
30 shall be filed by the Character and Fitness Committee in the district court in which the Applicant
31 has filed his or her petition for readmission. The district court must approve the Applicant's
32 petition for readmission under Rule 14-525 before an Applicant can be admitted and licensed
33 under Rule 14-716 to practice law.

34 ~~(be)(1)~~ A Disbarred Attorney Applicant must undergo a formal hearing as set forth in Rule 14-
35 708(c). A Disbarred Attorney Applicant has the burden of proving rehabilitation by clear and
36 convincing evidence. No Disbarred Attorney Applicant may take the Bar Examination prior to
37 being approved by the Character and Fitness Committee as provided in Rule 14-708(a). In
38 addition to the requirements set forth in this rule and in conjunction with the application, an
39 Applicant under this rule must:

40 ~~(be)(1)~~(A) file an application for admission in accordance with the requirements and deadlines
41 set forth in Rule 14-707(c).

42 ~~(be)(12)~~(B) provide a comprehensive written explanation of the circumstances surrounding her
43 or his disbarment or resignation;

44 ~~(be)(13)~~(C) provide copies of all relevant documents including, but not limited to, orders
45 containing findings of fact and conclusions of law relating to disbarment or resignation; and

46 ~~(be)(14)~~(D) provide a comprehensive written account of conduct evidencing rehabilitation.

47 ~~(e)(5)~~ To prove rehabilitation, the Applicant must demonstrate and provide evidence of the
48 following:

49 ~~(be)(15)~~(DA)(i) strict compliance with all disciplinary and judicial orders;

50 ~~(be)(15)~~(DB)(ii) full restitution of funds or property where applicable;

May 2020

51 ~~(b)(15)(DE)(iii)~~ a lack of malice toward those who instituted the original proceeding against the
52 Applicant;

53 ~~(b)(15)(D)(iv)~~ unimpeachable character and moral standing in the community;

54 ~~(b)(15)(DE)(v)~~ acceptance of responsibility for the conduct leading to the discipline;

55 ~~(b)(15)(DF)(vi)~~ a desire and intent to conduct one's self in an exemplary fashion in the future;

56 ~~(b)(15)(DG)(vii)~~ treatment for and current control of any substance abuse problem and/or
57 psychological condition, if such were factors contributing to the disbarment or resignation; and

58 ~~(b)(15)(DH)(viii)~~ positive action showing rehabilitation by such things as a person's occupation
59 ~~, religion,~~ or community or civic service. Merely showing that the Applicant is now living as and
60 doing those things she or he should have done throughout life, although necessary to prove
61 rehabilitation, does not prove that the individual has undertaken a useful and constructive place
62 in society.

63 Effective Date May 1, 2016