

1 **Rule 14-701. Definitions.**

2 ~~Effective: 12/9/2022~~

3 As used in this article:

4 (a) “ABA” means the American Bar Association;

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

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

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

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

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

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

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

18 (7) pro bono work done under authorization of Rule 14-803. ~~and~~

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

23 (c) “Admissions Committee” means those Utah State Bar ~~members~~ licensees or others appointed  
24 by the Board or president of the Bar who are charged with recommending standards and procedures  
25 for admission to the Bar and with implementation of this article. The Admissions Committee is  
26 responsible for supervising the work of the Bar Examiner Committee, the Test Accommodations  
27 Committee, and the Character and Fitness Committee, handling requests for review as provided  
28 herein and performing other work relating to Applicant admissions.

29 (d) “Alternate Path” means the demonstration of minimum competence required for licensure by  
30 means other than the Bar Examination.

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

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

36 (2) the ability to interpret legal materials;

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

38 (4) the ability to communicate as a lawyer.

39 (fd) “Applicant” means each person requesting admission to the Bar. For purposes of this article,  
40 an Applicant is classified as a Student Applicant, a Foreign Law School Applicant, an Attorney  
41 Applicant, a Motion Applicant, a UBE Transfer Applicant, a ~~Disbarred-Delicensed~~ Attorney  
42 Applicant, a Foreign Legal Consultant Applicant, a House Counsel Applicant, a Formerly-  
43 Admitted Applicant, a Military Lawyer Applicant, or a Military Spouse Attorney Applicant.

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

49 (hf) “Attorney Applicant” means any person who satisfies the requirements of Rule 14-704.

50 (ig) “Bar” means the Utah State Bar, including its employees, committees and the Board.

51 (jh) “Bar Examination” means the Bar Examination as defined in Rules 14-710 and 14-711.

52 (ki) “Bar Examiner Committee” means those Bar ~~members-licensees~~ or others appointed by the  
53 Board or president of the Bar who are charged with grading the Bar Examination.

54 (jl) “Board” means the Board of Bar Commissioners.

55 (mk) “Character and Fitness Committee” means those Bar ~~members-licensees~~ or others  
56 appointed by the Board or president of the Bar who are charged with assessing the character and  
57 fitness of Applicants and making determinations thereon.

58 (nl) “Complete Application” means an application that includes all fees and necessary  
59 application forms, along with any required supporting documentation, ~~character references, a~~  
60 ~~criminal background check~~, a photo, an official certificate of law school graduation and if  
61 applicable, a test accommodation request with supporting medical documentation, a certificate of  
62 admission and/or good standing, and a certificate of discipline.

63 (om) “Confidential Information” is defined in Rule 14-720(a).

64 (pn) “Deputy General Counsel for Admissions” or “Deputy General Counsel” are terms used  
65 interchangeably to mean the Bar's attorney in charge of admissions or her or his designee.

66 (qe) “~~Disbarred-Delicensed~~ Attorney Applicant” means a person who has previously been  
67 licensed to practice law in Utah and who is no longer licensed to practice law because of  
68 ~~delicensure~~~~isbarment~~ or resignation with discipline pending or their equivalent and who satisfies  
69 the requirements of Rule 14-708(g) and 14-717.

70 (rp) “Executive Director” means the executive director of the Utah State Bar or ~~her or his~~  
71 designee.

72 (s) “Experiential Learning” means simulation courses, law clinics, and field placements that are  
73 primarily experiential in nature and:

74 (1) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of  
75 one or more of the professional skills identified in ABA Standard 302;

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77 (2) develop the concepts underlying the professional skills being taught;

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79 (3) provide multiple opportunities for performance;

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81 (4) provide opportunities for student performance, self-evaluation, and feedback from a faculty  
82 member, or, for a field placement, a site supervisor;

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84 (5) provide a classroom instructional component; or, for a field placement, a classroom  
85 instructional component, regularly scheduled tutorials, or other means of ongoing,  
86 contemporaneous, faculty-guided reflection; and

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88 (6) provide direct supervision of the student's performance by the faculty member; or, for a  
89 field placement, provide direct supervision of the student's performance by a faculty member  
90 or a site supervisor.

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

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

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

104 (ws) "Foreign Legal Consultant Applicant" means any Applicant who satisfies the requirements  
105 of Rule 14-718.

106 (tx) "Formerly-Admitted Applicant" means a person who has previously been licensed to practice  
107 law in Utah who is no longer licensed to practice law because of resignation without discipline  
108 ~~pending or failure~~ pending, failure to pay licensing fees for three or more years under Rule 14-  
109 107(b)(4), or failure to comply with MCLE requirements for three or more years under Rule \_\_\_\_\_,  
110 and who satisfies the requirements of Rule 14-717.

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

- 114 (~~z~~<sup>w</sup>) “General Counsel” means the General Counsel of the Utah State Bar or ~~her or his~~ designee.
- 115 (~~aa~~<sup>w</sup>) “House Counsel Applicant” means any Applicant who satisfies the requirements of Rule  
116 14-719.
- 117 (~~bb~~<sup>x</sup>) “House Counsel” means a person granted a license under Rule 14-719.
- 118 (~~cc~~<sup>y</sup>) “Inactive” means an attorney’s law license is held in “inactive status” or an equivalent  
119 term.
- 120 (~~dd~~<sup>z</sup>) “MBE” means the Multistate Bar Examination prepared by the NCBE.
- 121 (~~ee~~<sup>aa</sup>) “MEE” means the Multistate Essay Examination prepared by the NCBE.
- 122 (~~ff~~<sup>bb</sup>) “Military Lawyer Applicant” means any Applicant who satisfies the requirements of Rule  
123 14-804.
- 124 (~~gg~~<sup>ee</sup>) “Military Spouse Attorney Applicant” means any Applicant who satisfies the requirements  
125 of Rule 14-805.
- 126 (~~hh~~<sup>dd</sup>) “Motion Applicant” means any person who satisfies the requirements of Rule 14-705.
- 127 (~~ii~~<sup>ee</sup>) “MPRE” means the Multistate Professional Responsibility Examination prepared by the  
128 NCBE.
- 129 (~~jj~~<sup>ff</sup>) “MPT” means the Multistate Performance Test prepared by the NCBE.
- 130 (~~kk~~<sup>gg</sup>) “NCBE” means the National Conference of Bar Examiners, an organization that  
131 develops, maintains, and applies reasonable and uniform standards of bar examination education  
132 and testing.
- 133 (~~ll~~<sup>hh</sup>) “OPC” means the Office of Professional Conduct.
- 134 (~~mm~~<sup>ii</sup>) “Person” includes the plural as well as the singular and legal entities as well as natural  
135 persons.
- 136 (~~nn~~<sup>jj</sup>) “Practice of Law” means employment available only to licensed attorneys where the primary  
137 duty of the position is to represent the interests of another person by informing, counseling,  
138 advising, assisting, advocating for or drafting documents for that person through application of the  
139 law and associated legal principles to that person’s facts and circumstances. The Practice of Law  
140 constitutes more than merely working with legally-related matters.
- 141 (~~oo~~<sup>kk</sup>) “Privileged Information” in this article includes: information subject to the attorney-  
142 client privilege, attorney work product, test materials, [investigative reports from the National](#)  
143 [Conference of Bar Examiners \(“NCBE”\)](#), and applications of examinees; correspondence and  
144 written decisions of the Board, Admissions Committee, Bar Examiner Committee, Character and  
145 Fitness Committee, and Test Accommodations Committee; and the identity of individuals  
146 participating in the ~~drafting, reviewing,~~ grading and scoring of the Bar Examination [or Alternate](#)  
147 [Path Examination](#).

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

151 (qq) “Qualified Supervising Attorney” means a person who is:

152 (1) An attorney who has:

153 a. An active Utah Bar license;

154 b. A minimum of 5 years as a licensed attorney in any U.S. state, U.S. territory,  
 155 or the District of Columbia;

156 c. A minimum of 2 years as a licensed attorney in the State of Utah; and

157 ~~a.~~d.No record of public discipline in any jurisdiction in the United States; or

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 159 (2) A state court or federal court judge; or

160 ~~(2)~~(3) Approved by the Admissions Office to serve as a Qualified Supervisor Attorney,  
 161 which approval shall be granted on a case-by-case basis for Applicants such as federal  
 162 employees or military employees who are working in capacities where identifying a  
 163 Qualified Supervising Attorney who satisfies the first or second conditions of this  
 164 section may prove overly burdensome and where the Applicant can demonstrate a  
 165 reasonable basis for desiring admission to the Utah State Bar.

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 167 (4) The burden shall be on the Applicant to petition for such approval and the Bar  
 168 Admissions Office shall have sole discretion to grant or deny such petitions.

169 ~~(rr)~~(H) “Reapplication for Admission” means that for two years after the filing of an original  
 170 application, an Applicant may reapply by completing a Reapplication for Admission form updating  
 171 any information that has changed since the prior application was filed ~~and submitting a new~~  
 172 ~~criminal background check.~~

173 (ss) “Successfully complete” means earning a passing grade for which academic credit is awarded.

174 ~~(tt)~~(mm) ““Student Applicant”” means any person who satisfies the requirements of Rule 14-703~~(a)~~  
 175 who has never been admitted as an attorney in any jurisdiction.

176 ~~(uu)~~(nn) ““Supreme Court”” means the Utah Supreme Court.

177 ~~(vv)~~(oo) “Test Accommodations Committee” means those Bar ~~members—licensees~~ or others  
 178 appointed by the Board or president of the Bar who are charged with the review of requests from  
 179 Applicants seeking to take the Bar Examination or Alternate Path Examination with test  
 180 accommodations and who make determinations thereon.

181 ~~(ww)~~(pp) “Unapproved Law School” means a law school that is not fully or provisionally approved  
 182 by the ABA. For an Unapproved Law School’s graduates to be eligible for admission, the law  
 183 school must be accredited in the jurisdiction where it exists; and provide legal education that is the  
 184 substantial equivalent of the legal education provided by an Approved Law School, ~~and not be~~

185 ~~based on correspondence or internet study.~~ The burden is on the Applicant to demonstrate the  
186 Unapproved Law School meets this definition.

187 (~~xxqq~~) "UBE" means the Uniform Bar Examination as prepared by the NCBE.

188 (~~yyrr~~) "UBE Transfer Applicant" means any person who satisfies the requirements of Rule 14-  
189 712.

190 (~~zzss~~) ~~"Updated Application"~~ means that an Applicant is required to amend and update their  
191 application on an ongoing basis and correct any information that has changed since the application  
192 was filed.

193 (~~aaa#~~) "Written Component" means that portion of the Bar Examination that consists of MEE and  
194 MPT questions.