

1 **Rule 14-703A. Alternate Path; Requirements.**

2 The Alternate Path provides a path to Utah Bar licensure based on ensuring that data-based
3 measures of minimum competence to practice law have been demonstrated by the Applicant rather
4 than minimum competence demonstrated by a single standardized exam.

5 **(a) Qualifications.** To qualify to pursue the Alternate Path, an Applicant must:

6 (1) elect the Alternate Path at the time of application to the Utah State Bar;

7 (2) have graduated from an ABA-Accredited law school no more than five years prior to the
8 date of application; and

9 (3) have not sat previously for a bar examination in Utah or in any other U.S. state, U.S.
10 territory, or the District of Columbia.

11 **(b) Educational course requirements.**

12 (1) An Applicant must have successfully completed the following experiences and courses:

13 (A) First-year writing experience that meets ABA Standard 303(a)(2);

14 (B) Upper-division writing experience that meets ABA Standard 303(a)(2);

15 (C) Legal research;

16 (D) Civil procedure;

17 (E) Constitutional law;

18 (F) Contracts;

19 (G) Criminal law;

20 (H) Property;

21 (I) Torts; and

22 (J) Professional Responsibility.

23 (2) An Applicant must have successfully completed at least three of the following four courses:

24 (A) Administrative law;

25 (B) Business law, which includes business associations, business organizations, or
26 corporations;

27 (C) Evidence; or

28 (D) Legislation regulation, statutory interpretation, or legislative process.

29 (3) An Applicant must have successfully completed three of the following nine courses, but
30 the Applicant may not repeat a subject.

31 (A) Bankruptcy;

32 (B) Conflict of Laws ;

33 (C) Criminal Procedure;

34 (D) Estates, Trusts, and/or Wills;

35 (E) Family Law;

36 (F) Federal Courts;

37 (G) Intellectual Property;

38 (H) Commercial Law (e.g., Secured Transactions);

39 (I) Tax; or

40 (J) one course from paragraph (b)(2) if the Applicant completes all four of the courses in
41 paragraph 2.

42 (4) An Applicant must have completed at least six credits of Experiential Learning;

43 (5) An Applicant must demonstrate the ability to conduct legal research through:

44 (A) Completion of one credit of legal research through either:

45 (1) A legal research course; or

46 (2) The combination of a first-year legal writing class with an upper-division class,
47 provided that the Registrar certifies that together, the courses amount to one credit of
48 legal research instruction as defined by the ABA; and

49 (B) Completion of either:

50 (1) 40 hours of legal research during Supervised Practice Hours post-graduation; or

51 (2) An advanced legal research course that is at least one credit, or a doctrinal class that
52 is taken after earning 28 credits toward graduation that contains at least one credit worth
53 of legal research. The same course cannot be used to meet the requirements of
54 paragraphs (b)(5)(A) and (b)(5)(B).

55 (6) An Applicant who has already graduated from an ABA-Approved Law School and did not
56 complete the above required courses prior to graduation must either:

57 (A) Meet the above course requirements by completing the courses as a post-graduate
58 student; or

59 (B) Sit for and pass the Bar Examination.

60 (c) **Well-being for lawyers training.** To prepare for the stresses of legal practice and to promote
61 the well-being of licensees of the Utah Bar, an Applicant must complete a six-hour well-being
62 training created and administered by the Bar’s Well-Being Committee for the Legal Profession.

63 (d) **Self-directed learning.** To prepare for the need for self-directed learning in legal practice, an
64 Applicant must complete a two-hour self-directed learning module provided by the Bar.

65 (e) **Alternate Path Examination.** An Applicant must pass the Alternate Path Examination to be
66 admitted to the Bar.

67 (f) **Final survey.** An Applicant must complete a final survey upon completion of the Alternate Path
68 program requirements.

69 (g) **Supervised Practice Hours.**

70 (1) The purpose of the Supervised Practice Hours requirement is to provide Applicants with
71 supervised training in the practice of law and to assist the Bar and the judiciary in discharging
72 their responsibilities to help create a just legal system that is accessible to all.

73 (2) An Applicant must complete 240 Supervised Practice Hours under the supervision of a
74 Qualified Supervising Attorney, with the following requirements:

75 (A) 20 hours must be client-facing; and

76 (B) 50 hours must be pro bono services

77 (i) An Applicant who completes the Supervised Practice Hours in government or
78 non-profit service may meet the 240 hour requirement without providing pro bono
79 services.

80 (2) If an Applicant chooses to complete 40 hours of legal research during Supervised Practice
81 Hours post-graduation to demonstrate the Applicant’s ability to conduct legal research as
82 allowed by these rules, those 40 hours will count toward the total 240 Supervised Practice
83 Hours required.

84 3) All Supervised Practice Hours must be completed within twelve months of the application
85 deadline for Bar admission for which the Applicant applied.

86 (4) No Supervised Practice Hours may be completed until after the last day of final exams on
87 the Applicant’s law school’s academic calendar during the Applicant’s final semester of
88 coursework.

89 (5) Prior to beginning Supervised Practice Hours, an Applicant must:

- 90 (A) Obtain the consent of the Qualified Supervising Attorney;
- 91 (B) Provide to the Admissions Office the Qualified Supervising Attorney’s name; and
- 92 (C) Provide to the Admissions Office a signed and dated letter from the Qualified
93 Supervising Attorney stating that the attorney is qualified and willing to serve as a
94 Qualified Supervising Attorney and has read and understands the rules contained in Rule
95 14-703A.

- 96 (6) An Applicant’s Supervised Practice Hours must be recorded in one-tenth increments and
97 submitted pursuant to requirements established by the Admissions Office.

- 98 (7) Upon completing the Supervised Practice Hours, an Applicant must provide a statement
99 from the Qualified Supervising Attorney attesting to the veracity of the Applicant’s submitted
100 record. If the Applicant has more than one Qualified Supervising Attorney, each Qualified
101 Supervising Attorney must sign the portion of the record they supervised.

- 102 (8) Completion of the Supervised Practice Hours does not excuse the Applicant from
103 completing the requirements currently imposed upon newly admitted attorneys, including the
104 requirements of the New Lawyer Training Program (if applicable), and Supervised Practice
105 Hours do not count toward any post-admission requirements.

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- 107 (9) The Qualified Supervising Attorney is responsible for ensuring that the Applicant’s
108 Supervised Practice Hours comply with this rule. The Supervised Practice Hours requirement
109 provides an opportunity for the Qualified Supervising Attorney to demonstrate professionalism
110 and impart principles of ethics, civility, and service that should characterize all members of the
111 Bar. This training can be accomplished only if the Qualified Supervising Attorney is actively
112 involved in the process. The Qualified Supervising Attorney may delegate direct supervision
113 of an Applicant to another attorney who, in the professional judgment of the Qualified
114 Supervising Attorney, would effectively promote these goals. If the Qualified Supervising
115 attorney delegates direct supervision to another attorney, communication between and among
116 the two attorneys and the Applicant should be regular and substantive.

- 117 (10) Pro bono programs pre-approved by the Admissions Office for Supervised Practice Hours
118 effectively promote the goals of the Supervised Practice Hours requirement, and a Qualified
119 Supervising Attorney may count hours served by the Applicant in pre-approved programs
120 without the need of express delegation or regular and substantive communication with any
121 attorneys directly supervising the Applicant in those programs.

- 122 (11) Subject to the inherent power of each judge to have direct control of the proceedings in
123 court and the conduct of attorneys and others who appear before the judge, the courts of Utah
124 are authorized to allow Applicants pursuing the Alternate Path to participate in matters pending
125 before the courts.

126 (12) An Applicant's eligibility to provide services under this rule will terminate immediately
127 upon the Bar's determination that the Applicant lacks the requisite character and fitness to
128 practice law in Utah.

129 (13) All time spent in any activity related to developing the Applicant's legal competence
130 (whether paid, unpaid, pro bono, or low bono) counts toward the Supervised Practice Hours
131 including, but not limited to, representing clients, providing direct assistance and counsel to
132 judges, advising businesses and their employees, developing or implementing policies and
133 practices for nonprofit organizations or government agencies, and meeting with the Qualified
134 Supervising Attorney or attorneys for whom the Qualified Supervising Attorney has delegated
135 direct supervision. CLE courses and other professional trainings or workshops as would be
136 typical of an attorney in that area of practice may be counted towards the Supervised Practice
137 Hours requirement but cannot exceed more than five percent of the Applicant's total hours (no
138 more than 12 hours total). The determination of whether a specific position or activity qualifies
139 is at the Qualified Supervising Attorney's discretion.

140 (14) Subject to all applicable rules, regulations, and statutes, an Applicant may engage in the
141 following activities during the Applicant's Supervised Practice Hours so long as the client and
142 Qualified Supervising Attorney consent in writing to each activity and the Qualified
143 Supervising Attorney remains fully responsible for the manner in which the activities are
144 conducted:

145 (A) Negotiate for and on behalf of the client, subject to the Qualified Supervising
146 Attorney's final approval, or give legal advice to the client, provided that the Applicant:

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148 (i) obtains the Qualified Supervising Attorney's approval regarding the legal advice
149 to be given or plan of negotiation to be undertaken by the Applicant; and

150 (ii) performs the activities under the general supervision of the Qualified
151 Supervising Attorney.

152 (B) Appear on behalf of the client in depositions, provided the Applicant has passed a
153 course in evidence and performs the activity under the direct supervision and in the
154 personal presence of the Qualified Supervising Attorney.

155 (C) Appear in any court or before any administrative tribunal in this state. In order to
156 participate in any evidentiary hearing, the Applicant must have passed a course in evidence,
157 and in the case of a criminal evidentiary hearing, must have also passed a course in criminal
158 procedure. The Qualified Supervising Attorney's and the client's written consent and
159 approval, along with a law school certification regarding the required coursework, must be
160 filed in the record of the case and must be brought to the attention of the judge of the court
161 or the presiding office of the administrative tribunal. In addition, the Applicant must orally
162 advise the court at the initial appearance in a case that the Applicant is certified to appear
163 pursuant to this rule. An Applicant may appear in the following matters:

164 (i) *Civil Matters.* In civil cases in any court, the Qualified Supervising Attorney is
165 not required to be personally present in court if the person on whose behalf an
166 appearance is being made consents to the Qualified Supervising Attorney's
167 absence.

168 (ii) *Felony or Class A Misdemeanor Criminal Matters on Behalf of the Prosecuting*
169 *Attorney.* In any felony or Class A misdemeanor prosecution matter in any court,
170 the Qualified Supervising Attorney must be personally present throughout the
171 proceedings, whether the proceeding is in-person or virtual.

172 (iii) *Infraction of Class B or Class C Misdemeanor Criminal Matters on Behalf of*
173 *the Prosecuting Authority.* In any infraction or Class B or Class C misdemeanor
174 matter in any court with the Qualified Supervising Attorney's written approval, the
175 Qualified Supervising Attorney is not required to be personally present in court;
176 however, the Qualified Supervising Attorney must be present during any Class B
177 or Class C misdemeanor trial.

178 (iv) *Felony or Class A Misdemeanor Criminal Defense Matters.* In any felony or
179 Class A misdemeanor criminal defense matter in any court, the Qualified
180 Supervising Attorney must be personally present throughout the proceedings,
181 whether the proceeding is in-person or virtual.

182 (v) *Infraction or Class B or Class C Misdemeanor Criminal Defense Matters.* In
183 any infraction or Class B or Class C misdemeanor criminal defense matter in any
184 court, the Qualified Supervising Attorney is not required to be personally present
185 in court, so long as the person on whose behalf an appearance is being made
186 consents to the Qualified Supervising Attorney's absence; however, the Qualified
187 Supervising Attorney must be present during any Class B or Class C misdemeanor
188 trial.

189 (vi) *Appellate Oral Argument.* In any appellate oral argument, the Qualified
190 Supervising Attorney must be personally present, whether the proceeding is in-
191 person or virtual, and the court must give specific approval for the Applicant's
192 participation in that case.

193 (vii) *Indigent defense.* Provide assistance to indigent inmates of correctional
194 institutions or other persons who request such assistance in preparing applications
195 and supporting documents for post-conviction relief, except when the assignment
196 of counsel in the matter is required by any constitutional provision, statute, or rule
197 of this Court; if there is an attorney of record in the matter, all such assistance must
198 be supervised by the attorney of record, and all documents submitted to the court
199 on behalf of such a client must be reviewed and signed by the attorney of record
200 and the Qualified Supervising Attorney.

201 (D) Perform other appropriate legal services, but only after prior consultation with the
202 Qualified Supervising Attorney.

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(E) Notwithstanding the terms above, the court may at any time and in any proceedings, whether in-person or virtual, require the Qualified Supervising Attorney to be personally present for such period and under such circumstances as the court may direct.