

1 **Rule 14-715. Requests for Review.**

2 ~~Effective: 11/12/2020~~

3 (a) Request for Review. A request for review of a final decision, along with the prescribed filing
4 fee, must be filed with the ~~Bar~~ Deputy General Counsel in writing within 10 calendar days of the
5 date on the written notice of the decision. The request for review ~~shall~~ must be addressed to the
6 Admissions Committee and contain a short and plain statement of the reasons that the Applicant
7 is entitled to relief. Any of the following decisions qualify as final and are therefore subject to
8 appeal:

9 (1) a decision issued by the Test Accommodations Committee in accordance with Rule 14-
10 706(a);

11 (2) a decision issued by the Character and Fitness Committee after a formal hearing in
12 accordance with Rule 14-708(c)(4); or

13 (3) a decision denying an application in accordance with Rule 14-709(a).

14 ~~(b)~~ Review process. Upon receipt of a Request for Review, Deputy General Counsel will forward
15 the request to the Admissions Committee, who will convene a review panel. An Applicant's
16 appearance at the review will only be permitted if deemed necessary. The review will be a closed
17 proceeding and will be limited to consideration of the record, the Applicant's memorandum, and
18 the Bar's responsive memorandum, if any. Requests for review setting forth common issues may
19 be consolidated in whole or in part. After the completion of the review, a written decision ~~shall~~will
20 be issued.

21 (1) Payment of Transcript. An Applicant appealing a decision of the Character and Fitness
22 Committee issued after a formal hearing is responsible for paying for and submitting a duly
23 certified copy of the transcript of the formal hearing proceedings or other electronic record
24 copy made by means acceptable in the courts of Utah.

25 (2) Memoranda. After filing a written request for review, an Applicant must file a written
26 memorandum citing to the record to show that the evidence does not support the decision.
27 The issues in the memorandum must be limited to matters contained in the record. The
28 review panel will not consider issues raised for the first time in the request for review. The
29 memorandum must be filed within 30 calendar days of the filing of the request for review.
30 The Bar may file a response, but no reply memorandum will be permitted.

31 ~~(c)~~ Rule waivers. The review panel does not have authority to waive admission rules.

32 ~~(d)~~ Burden of Proof. The Applicant bears the burden of proof by clear and convincing evidence.
33 Harmless error does not constitute a basis to set aside the decision. On appeal, the decision may
34 be affirmed, modified, or reversed. The decision, whether based on testimony or documentary
35 evidence, ~~shall~~ will not be set aside unless clearly erroneous, and deference ~~shall~~ will be given to
36 those making the decision to judge the credibility of witnesses.

~~(d) **Review process.** An Applicant's appearance at the review will only be permitted if deemed necessary. The review will be a closed proceeding and will be limited to consideration of the record, the Applicant's memorandum, and the Bar's responsive memorandum, if any. Requests for review setting forth common issues may be consolidated in whole or in part. After the completion of the review, a written decision shall be issued.~~

~~(1) **Payment of Transcript.** An Applicant appealing a decision of the Character and Fitness Committee issued after a formal hearing is responsible for paying for and submitting a duly certified copy of the transcript of the formal hearing proceedings or other electronic record copy made by means acceptable in the courts of Utah.~~

~~(2) **Memoranda.** After filing a written request for review, an Applicant must file a written memorandum citing to the record to show that the evidence does not support the decision. The issues in the memorandum must be limited to matters contained in the record. The review panel will not consider issues raised for the first time in the request for review. The memorandum must be filed within 30 calendar days of the filing of the request for review. The Bar may file a response, but no reply memorandum will be permitted.~~

(e) **Supreme Court appeal.** Within 30 calendar days of the date on the panel's written decision, the Applicant may appeal to the Supreme Court by filing a notice of appeal with the clerk of the Supreme Court and serving a copy upon the General Counsel for the Bar. At the time of filing the notice of appeal, the Applicant ~~shall~~will pay the prescribed filing fee to the clerk of the Supreme Court. The clerk will not accept a notice of appeal unless the filing fee is paid.

(1) **Record of proceedings.** The Bar will prepare Aa record of the proceedings ~~shall be prepared by the Bar~~ and ~~shall will be filed~~file the record with the ~~clerk of the~~ Supreme Court clerk within 21 calendar days following the filing of the notice of appeal.

(2) **Appeal petition.** An appeal petition ~~shall~~must be filed with the Supreme Court 30 calendar days after a record of the proceedings has been filed with the Supreme Court. The appeal petition ~~shall~~must state the name of the petitioner and ~~shall~~will designate the Bar as respondent. The appeal petition must contain the following:

(A) a statement of the issues presented and the relief sought;

(B) a statement of the facts necessary to an understanding of the issues presented by the appeal;

(C) the legal argument supporting the petitioner's request; and

(D) a certificate reflecting service of the appeal petition upon the General Counsel.

(3) **Format of appeal and response petitions.** Except by permission of the Court, the appeal petition and the Bar's response ~~shall~~must contain no more than 14,000 words ~~or, if it uses a monospaced face, it shall contain no more than 1,300 lines of text.~~

(4) **Response petition.** Within 30 calendar days after service of the appeal petition on the Bar, the Bar, as respondent, ~~shall~~must file its response with the clerk of the Supreme Court. At the time of

74 filing. a copy of the response ~~shall~~must be served upon the petitioner. The petitioner may file a
75 reply brief. A reply brief must be limited to responding to the facts and arguments raised in the
76 Bar's response and must contain no more than 7,000 words.-

77 (5) The clerk of the Supreme Court will notify the parties if any additional briefing or oral
78 argument is permitted. Upon entry of the Supreme Court's decision, the clerk ~~shall~~will give notice
79 of the decision.