

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~~delicensure.**

4 ***Effective: 9/1/2020***

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

10 (1) an Attorney Applicant under Rule 14-704, except the applicant is not required to retake  
 11 the Bar Examination but must, once admitted to the Bar, enroll in the New Lawyer Training  
 12 Program under Rule 14-808 without eligibility for an exemption or waiver; or :

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

14 ~~(a)(2) provide clear and convincing evidence of the Full-time Active Practice of L<sup>l</sup>aw for~~  
 15 ~~at least 60 of the 84 months immediately preceding the date of application, and demonstrate~~  
 16 ~~that ~~she or he~~the Applicant:~~

17 ~~(a)(2)(A) has remained in good standing in the jurisdiction(s) where practicing~~  
 18 ~~throughout the time in practice;~~

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

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

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

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

27 ~~(a)(2)(F) complies with the requirements of Rule 14-716 concerning licensing and~~  
 28 ~~enrollment fees.~~

29 (b) Requirements of ~~Disbarred—~~Delicensed Attorney Applicants. An Applicant for  
 30 relicensure~~admission~~ to the Bar after ~~disbarment~~delicensure or resignation with discipline pending  
 31 ~~shall~~must satisfy all requirements of this article, including Rules 14-703, 14-707(c), 14-708 and  
 32 14-716, and ~~shall~~must satisfy all other requirements imposed by Rule ~~14-525~~11-591, the OPC,  
 33 and Utah courts. A report and recommendation ~~shall~~must be filed by the Character and Fitness  
 34 Committee in the district court in which the Applicant has filed his or her petition for  
 35 ~~readmission~~relicensure. The district court must approve the Applicant's petition for ~~readmission~~  
 36 relicensure under Rule ~~14-525~~11-591 before an Applicant can be admitted and licensed under Rule  
 37 14-716 to practice law.

38 ~~(b)(1) A Disbarred—~~Delicensed Attorney Applicant must undergo a formal hearing as set  
 39 ~~forth in Rule 14-708(c). A Disbarred—~~Delicensed Attorney Applicant has the burden of

40 proving rehabilitation by clear and convincing evidence. No ~~Disbarred~~Delicensed  
41 Attorney Applicant may take the Bar Examination prior to being approved by the Character  
42 and Fitness Committee as provided in Rule 14-708(a). In addition to the requirements set  
43 forth in this rule and in conjunction with the application, an Applicant under this rule must:

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

46 ~~(b)(1)~~(B) provide a comprehensive written explanation of the circumstances  
47 surrounding her or his disbarment or resignation;

48 ~~(b)(1)~~(C) provide copies of all relevant documents including, but not limited to,  
49 orders containing findings of fact and conclusions of law relating to disbarment or  
50 resignation; and

51 ~~(b)(1)~~(D) provide a comprehensive written account of conduct evidencing  
52 rehabilitation. ~~To prove rehabilitation, the Applicant must demonstrate and provide~~  
53 ~~evidence of the following, which must include evidence demonstrating the~~  
54 Applicant's:

55 ~~(b)(1)(D)~~(i) strict compliance with all disciplinary and judicial orders;

56 ~~(b)(1)(D)~~(ii) full restitution of funds or property where applicable;

57 ~~(b)(1)(D)~~(iii) a lack of malice toward those who instituted the original  
58 proceeding against the Applicant;

59 ~~(b)(1)(D)~~(iv) unimpeachable character and moral standing in the  
60 community;

61 ~~(b)(1)(D)~~(v) acceptance of responsibility for the conduct leading to the  
62 discipline;

63 ~~(b)(1)(D)~~(vi) a desire and intent to conduct one's self in an exemplary  
64 fashion in the future;

65 ~~(b)(1)(D)~~(vii) treatment for and current control of any substance abuse  
66 problem and/or psychological condition, if such were factors contributing  
67 to the disbarment or resignation; and

68 ~~(b)(1)(D)~~(viii) positive action showing rehabilitation by such things as ~~a~~  
69 ~~person's~~the Applicant's occupation or community occupation, community  
70 involvement, or civic service. ~~Merely showing that the Applicant is now~~  
71 ~~living as and doing those things she or he should have done throughout life,~~  
72 ~~although necessary to prove rehabilitation, does not prove that the~~  
73 ~~individual has undertaken a useful and constructive place in society.~~