

**1 Rule 14-719. Qualifications for admission of House Counsel Applicants.****2 ~~Effective: 11/12/2020~~**

3 (a) Scope of practice. An attorney admitted to the Bar as House Counsel ~~shall~~will limit ~~her or~~  
4 ~~his~~the attorney's practice of law including legal representation to the business of ~~her or his~~the  
5 attorney's employer. However, House Counsel can provide pro bono legal services under the  
6 auspices of an approved sponsoring entity consistent with Rule 14-803 of the Utah Rules of  
7 Lawyer Discipline and Disability. House Counsel ~~shall not~~may not:

8 (1) Appear before a court of record or not of record as an attorney or counselor in the State  
9 of Utah except as otherwise authorized by law or rule; or

10 (2) Offer legal services or advice to the public or ~~hold herself or himself out as~~  
11 ~~being~~represent that the attorney so engaged or authorized. An attorney granted a House  
12 Counsel license is not prevented from appearing in any matter pro se, performing pro bono  
13 services under Rule 14-803, or from fulfilling the duties of a member of the active or  
14 reserve components of the armed forces or the National Guard.

15 (b) Requirements of House Counsel Applicants. To be recommended for admission to the Bar as  
16 House Counsel, ~~a person~~an attorney must establish by clear and convincing evidence that ~~she or~~  
17 ~~he~~the attorney:

18 (1) has filed a Complete Application for admission and paid the prescribed application fee;

19 (2) is at least 21 years old;

20 (3) graduated with a First Professional Degree in law from an Approved Law School, or  
21 from an Unapproved Law School located within a U.S. state, U.S. territory or the District  
22 of Columbia;

23 (4) is licensed to practice law and in active status in a U.S. state, U.S. territory or the District  
24 of Columbia;

25 (5) is employed and practices law exclusively as house counsel for a non-governmental  
26 corporation, its subsidiaries or affiliates, an association, a business, or other legal entity  
27 whose lawful business consists of activities other than the practice of law or the provision  
28 of legal services;

29 (6) is either (A) a bona fide resident of the State of Utah or (B) house counsel for an  
30 employer located in Utah;

31 (7) has provided an affidavit signed by both the Applicant and the employer that the  
32 Applicant is employed exclusively as house counsel and that Applicant has disclosed to  
33 the employer the limitations on House Counsel's license of practicing under this rule;

34 (8) is of good moral character and satisfies the requirements of Rule 14-708;

35 (9) has presented satisfactory proof both of admission to the practice of law and that ~~she or~~  
36 ~~he~~ the attorney is ~~a member~~ licensed in good standing in all jurisdictions where currently  
37 admitted;

38 (10) has a proven record of ethical, civil and professional behavior and has never been  
39 ~~disbarred~~ delicensed or resigned with discipline pending, or their equivalent, in any  
40 jurisdiction, and is not currently subject to lawyer discipline or the subject of a pending  
41 disciplinary matter;

42 (11) has received a passing MPRE score; and

43 (12) has complied with the oath and enrollment provisions of Rule 14-716 and paid the  
44 licensing fees required for active status.

45 (c) Timing of application and admission. An application under this rule may be filed at any time  
46 but the Applicant must be able to demonstrate that ~~she or he~~ the Applicant satisfies the requirements  
47 of this rule as of the date the application is filed.

48 (1) The processing of the application and the character and fitness investigation require a  
49 minimum of four months to complete.

50 (2) Upon approval the Applicant must comply with the provisions of Rule 14-716  
51 concerning licensing and enrollment fees.

52 (3) ~~A person~~ An attorney licensed as House Counsel ~~shall~~ must pay annual license fees  
53 which ~~shall be~~ are equal to the fees required to be paid by a ~~member~~ licensee of the Bar on  
54 Active status.

55 (d) Unauthorized practice of law.

56 (1) It is the unauthorized practice of law for an attorney not licensed in Utah to practice  
57 law in the state except as otherwise provided by law.

58 (2) An attorney who complies with the requirements of subsection (b)(1) may provide  
59 services to an employer in Utah while the application is pending as long as the application  
60 is filed within six months of the out-of-state attorney accepting a house counsel position.

61 (3) An attorney who provides legal advice to her or his employer but is not an active  
62 ~~member~~ licensee of the Bar or licensed as House Counsel pursuant to this rule may be  
63 referred for investigation for the unauthorized practice of law.

64 (e) Continuing legal education requirement. House Counsel ~~shall~~ must pay the designated filing  
65 fee and file with the MCLE Board by July 31 of each year a Certificate of Compliance from the  
66 jurisdiction where House Counsel maintains an active license establishing that ~~she or he~~ House  
67 Counsel has completed the hours of continuing legal education required of active attorneys in the  
68 jurisdiction where House Counsel is licensed.

69 (f) Subject to disciplinary proceedings. ~~A person~~An attorney licensed as House Counsel ~~shall will~~  
70 be subject to professional discipline in the same manner and to the same extent as ~~members-Bar~~  
71 ~~licensees, of the Bar and specifically shall be~~is subject to discipline by the Supreme Court as  
72 delegated by rule, and ~~shall is~~ otherwise ~~be~~ governed by ~~Chapter 13,~~ the Rules of Professional  
73 Conduct, ~~Chapter 14 Article 5, Lawyer Discipline and Disability, Article 6, Standards for Imposing~~  
74 ~~Lawyer Sanctions~~the Rules of Discipline, Disability, and Sanctions, and other applicable rules  
75 adopted by the Supreme Court, and all applicable statutory provisions.

76 (g) Notification of change in standing.

77 (1) House Counsel ~~shall must~~ execute and file with the Licensing Office a written notice  
78 of any change ~~in that person's~~in House Counsel's membership status, good standing or  
79 authorization to practice law in any jurisdiction where licensed.

80 (2) House Counsel ~~shall must~~ execute and file with the OPC a written notice of the  
81 commencement of ~~all any~~ formal disciplinary proceedings and of ~~all any~~ final disciplinary  
82 actions taken in any other jurisdiction.

83 (h) No Solicitation. House Counsel is not authorized by anything in this rule to hold out to the  
84 public or otherwise solicit, advertise, or represent that ~~he or she~~House Counsel is available to assist  
85 in representing the public in legal matters in Utah.

86 (i) Cessation of activity as ~~H~~house ~~C~~counsel. A House Counsel license terminates, and ~~the~~House  
87 Counsel ~~shall will~~ immediately cease performing all services under this rule and ~~shall will~~ cease  
88 ~~holding herself or himself out as~~representing that the attorney is acting as House Counsel upon:

89 (1) termination of employment with the qualified employer as provided in ~~subsection~~  
90 paragraph (b)(6);

91 (2) termination of residence, or the maintenance of ~~his or her~~an office in the State of Utah  
92 as provided in ~~subsection-paragraph~~ (b)(5);

93 (3) failure to maintain active status in a ~~sister-U.S.~~ state or ~~United States~~U.S. territory or  
94 the District of Columbia, or to satisfy the Bar's annual licensing requirements, including  
95 compliance with mandatory continuing legal education requirements as provided for in this  
96 rule; or

97 (4) completion of any disciplinary proceeding in Utah or any other jurisdiction, which  
98 warrants suspension or termination of the House Counsel license.

99 Lack of notice to House Counsel from the Bar of the cessation of the House Counsel license is not  
100 a defense for continuing to practice as House Counsel after an event listed in paragraphs (i)(1) –  
101 (i)(4).

102 (j) Reinstatement after temporary lapse in license. An attorney whose House Counsel license is  
103 terminated pursuant to ~~paragraph~~subsection (i)(1), (i)(2), or (i)(3) ~~shall will~~ be reinstated to  
104 practice law as a House Counsel if within six months from the termination the attorney is able to  
105 demonstrate to the Bar that ~~she or he has~~the attorney:

- 106 (1) has transferred to inactive status in accordance with ~~subsection-paragraph~~ (k); or
- 107 (2) has secured employment with a qualified employer and has provided the required  
108 verification of employment pursuant to ~~subsection-paragraph~~ (b)(7);
- 109 (3) has established a residence or maintains an office for the practice of law as House  
110 Counsel for the employer within the State of Utah; and
- 111 (4) has active status in a U.S. state, territory or the District of Columbia and has complied  
112 with the Bar's annual licensing and MCLE requirements for House Counsel.
- 113 (k) Inactive status. House Counsel who is not currently practicing may transfer to inactive status  
114 under Rule 14-203(a)(4). Doing so will prevent the lapse of the license as long as the inactive  
115 status is maintained.
- 116 (1) Inactive House Counsel may return to active status upon demonstration of compliance  
117 with requirements (j)(~~2~~4) through (j)(4) and payment of the necessary fees in accordance  
118 with Rule 14-203(b).
- 119 (l) Notice of change of employment. House Counsel ~~shall~~must notify, in writing, the Licensing  
120 Office of the termination of the employment pursuant to which the House Counsel license was  
121 issued.
- 122 (m) Full admission to the Utah State Bar. A House Counsel license will be terminated  
123 automatically once the attorney has been otherwise admitted to the practice of law in Utah as an  
124 active ~~member~~licensee of the Bar. Any person who has been issued a House Counsel license may  
125 qualify for full ~~membership~~licensure by establishing by clear and convincing evidence that ~~she or~~  
126 ~~he~~the attorney:
- 127 (1) has applied as an Attorney Applicant or Motion Applicant by filing a Complete  
128 Application; any application must be filed in accordance with the filing deadlines set forth  
129 in Rule 14-707(b);
- 130 (2) has successfully passed the Bar Examination under Rule 14-704, has transferred a  
131 passing UBE score under Rule 14-712, or qualifies for admission under Rule 14-705; and
- 132 (3) has complied with the provisions of Rule 14-716 concerning licensing and enrollment  
133 fees.