

Rule 14-720. Confidentiality.***Effective: 6/13/2012***

(a) Confidentiality. Confidential Information relating to admissions ~~shall~~will not be disclosed other than as permitted by this article. Confidential Information includes but is not limited to all records, documents, reports, letters and sources whether or not from other agencies or associations, relating to admissions and the examination and grading process.

(b) Disclosure of Confidential Information in admissions process. Nothing in this article limits disclosure of Confidential Information to the Board and the Bar's employees, committees and their agents in connection with the performance of and within the scope of their duties. The Bar is authorized to disclose information relating to Applicants as follows:

~~(b)~~(1) records pertaining to an Applicant as authorized by the Applicant in writing for release to others;

~~(b)~~(2) information to the NCBE regarding persons who have filed applications for admission;

~~(b)~~(3) ~~the names of Applicants and~~ the names of Applicants who are eligible for admission to the Bar; and

~~(b)~~(4) the Applicant's exam results to the law school from which the Applicant graduated.

(c) Disclosure of Confidential Information to Applicant. An Applicant and an Applicant's attorney are entitled to Confidential Information directly related to the Applicant:

~~(e)~~(1) which is to be considered by the Character and Fitness Committee in conjunction with a formal hearing in accordance with Rule 14-708(c); and

~~(e)~~(2) as permitted by Rule 14-714.

(d) Privileged Information. Neither an Applicant nor an Applicant's attorney nor any person is entitled to Privileged Information except as released by the Character and Fitness Committee in conjunction with a formal hearing under Rule 14-708(c).

(e) Communications relating to applications. Letters or information relating to an Applicant in which the writer requests confidentiality ~~shall~~will not be placed into evidence or otherwise made available to the decision-making body or anyone else involved in a decision-making capacity with respect to the admission of the Applicant. Such material will be destroyed by the admissions office. Any person ~~having~~with knowledge of the content of the information ~~shall~~must withdraw from participation in the matter, and, if necessary, persons ~~shall~~will be appointed to replace those required to withdraw from the decision-making process.

(f) Release of information. Except as otherwise authorized by order of the Supreme Court, the Bar ~~shall~~will deny requests for Confidential Information but may grant the request if made by one of the following entities:

~~(f)~~(1) an entity authorized to investigate the qualifications of persons for admission to practice law;

38 ~~(2)~~ an agency or entity authorized to investigate the qualifications of persons for
39 government employment;

40 ~~(3)~~ a lawyer discipline enforcement agency; ~~or~~

41 ~~(4)~~ an agency or entity authorized to investigate the qualifications of judicial candidates;

42 or-

43 (5) as otherwise ordered by a Utah court.

44 (g) Release of Confidential Information. If the request for Confidential Information is granted, it
45 ~~shall-will~~ be released only upon certification by the requesting agency or entity that the
46 Confidential Information ~~shall-will~~ be used solely for authorized purposes. If one of the above-
47 enumerated entities requests Confidential Information, the Bar ~~will~~~~shall~~ give written notice to the
48 Applicant that the Confidential Information will be disclosed within ten calendar days unless the
49 Applicant obtains an order from the Supreme Court restraining such disclosure.

50 (h) Immunity from civil suits. Participants in proceedings conducted under this article ~~shall-be~~are
51 entitled to the same protections for statements made in the course of the proceedings as participants
52 in judicial proceedings. The admissions-related committee members, the Deputy General Counsel,
53 the General Counsel, and the admissions staff ~~shall-be~~are immune from suit for any conduct
54 committed in the course of their official duties, including the investigatory stage. There is no
55 immunity from civil suit for intentional misconduct.

56 (i) Persons providing information to the admissions office or admissions-related committees.
57 Every person or entity ~~shall-be~~is immune from civil liability for providing, in good faith, to the
58 admissions office or members of the admissions-related committees, documents, statements of
59 opinion, records or other information regarding an Applicant or potential Applicant for admission
60 to the Bar. ~~to the admissions office or to those members of the admissions-related committees.~~