

Rule 14-715. Requests for Review; Supreme Court Petition for Review.

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

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

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

(3) a decision denying an application in accordance with Rule 14-709(a); or

(4) a decision denying an application for failure to complete the requirements of the Alternate Pathway.

(b) ~~Review process~~ Request for review; fee; record; memoranda.

(1) Request for review. An Applicant may request review of a final decision by filing a request, in writing, with the Deputy General Counsel within ten calendar days of the date on the written decision. The request for review must be addressed to the Admissions Committee and contain a short and plain statement of the reasons that the Applicant is entitled to relief. The Applicant may not include issues in the request for review that were not previously raised and, because the Admissions Committee does not have the authority to waive rules, the Applicant may not seek a rule waiver in the request for review.

(2) Fee. The Applicant must pay a \$100 filing fee to the Bar at the time the Applicant submits the request for review.

(3) Record. Within seven days of receipt of a request for review, the Deputy General Counsel will forward to the Applicant the documents forming the record of the decision being reviewed, including the transcript of a formal hearing, if any.

(4) Memoranda. Within 30 calendar days of filing the request for review, the Applicant must file with the Deputy General Counsel a written memorandum citing to the record and marshalling the evidence to show an error of law or that the evidence does not support the decision. The Bar may file a responsive memorandum within 14 days of its receipt of the Applicant's memorandum. No reply memorandum will be permitted unless specifically requested by the Admissions Committee.

(c) Review process.

(1) Upon receipt of a ~~r~~Request for ~~r~~Review and any memoranda, the Deputy General Counsel will forward ~~to the~~ ~~the request to the~~ Admissions Committee the record, the request, the Applicant's memorandum, and the Bar's responsive memorandum, if any. ~~, who will convene a review panel.~~

(2) 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. An Applicant's appearance at the review will only be permitted if ~~deemed necessary~~ requested by the Admissions Committee. ~~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.~~

(3) The Admissions Committee may consolidate, in whole or in part, multiple requests for review setting forth common issues. ~~Requests for review setting forth common issues may be consolidated in whole or in part. After the completion of the review, a written decision will be issued.~~

(d) Decision on review. The Admissions Committee will:

(1) review factual findings for plain error and will give deference to any credibility determinations; and

(2) review the decision, including any interpretation of law, de novo.

(3) After completing the review, the Admissions Committee will issue a written decision in which it affirms, modifies, or reverses the decision.

~~(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.~~

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

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

(e) **Supreme Court ~~appeal~~petition for review.**

(1) **Deadline and fee.** Within 30 calendar days of the date on the ~~panel's~~Admission Committee's written decision, the Applicant may ~~appeal to~~seek review of that decision by the Supreme Court by filing a ~~notice of appeal~~petition for review with the Supreme Court clerk ~~of the Supreme Court~~ and serving a copy upon the Bar's General

Counsel ~~for the Bar~~. At the time of filing the ~~notice of appeal~~petition for review, the ~~Applicant~~petitioner will pay the prescribed filing fee to the ~~clerk of the~~ Supreme Court clerk. The clerk will not accept a ~~notice of appeal~~petition for review unless the filing fee is paid.

~~(2)~~ **Record of proceedings.** The Bar will prepare a record of the proceedings and will file the record with the Supreme Court clerk within 21 calendar days following the filing of the ~~notice of appeal~~petition for review.

~~(3)~~ **Appeal ~~petition~~Petitioner's principal brief.** ~~An appeal petition~~The petitioner must ~~be filed~~file a principal brief with the Supreme Court within 30 calendar days after a record of the proceedings has been filed with the Supreme Court. The ~~appeal petition~~brief must state the name of the petitioner and will designate the Bar as respondent. The ~~appeal petition~~brief 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~~review, with citations to the record;
- (C) the legal argument supporting the petitioner's request; ~~and~~
- (D) a certificate reflecting service of the ~~appeal petition~~brief upon the Bar's General Counsel; ~~and~~
- (E) a certificate reflecting compliance with the word limitation stated in this rule.;

~~(3) Format of appeal and response petitions.~~ ~~Except by permission of the Court, the appeal petition and the Bar's response must contain no more than 14,000 words.~~

~~(4) Response ~~petition~~Bar's principal brief.~~ Within 30 calendar days after service of the ~~appeal petition~~petitioner's principal brief on the Bar's General Counsel, the Bar, as respondent, must file its response with the ~~clerk of the~~ Supreme Court clerk. The Bar's principal brief must contain certificates reflecting service of the brief on the petitioner and compliance with the word limitation stated in this rule. ~~At the time of~~

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

(5) **Petitioner's reply brief.** Petitioner may file a reply brief within 30 calendar days after service of the Bar's principal brief on Petitioner. A reply is limited to responding to the facts and arguments raised in the Bar's principal brief, and it must contain certificates reflecting service of the brief on the Bar's General Counsel and compliance with the word limitation stated in this rule.

(6) **Length of briefs.** Except by permission of the Court, the principal briefs are each limited to 14,000 words; any reply brief is limited to 7,000 words.

(7) **Oral argument; notice of decision.** The Supreme Court clerk will notify the parties if any additional briefing or oral argument is permitted. Upon entry of the Supreme Court's decision, the clerk will give notice of the decision.

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

(f) **Rule waivers.** The review panel does not have authority to waive admission rules. An applicant seeking a rule waiver must file a petition with the Supreme Court pursuant to Rule 14-722. An applicant may not seek a request for review or a petition for review at the same time as or for the same issue as a rule waiver.

Effective ~~May 1, 2025~~ TBD