

1 **Rule 14-809. Practice Pending Admission.**

2 *Effective: ~~12/9/2022~~TBD*

3 (a) For purposes of this rule:

4 (1) “Active supervision” means:

5 (A) participating in and sharing responsibility for the representation of the client;

6 (B) ensuring that the lawyer being supervised conforms to the Rules of  
7 Professional Conduct and the Standards of Professionalism and Civility and  
8 assuming responsibility for any violation of the Rules of Professional Conduct by  
9 the lawyer being supervised; and

10 (C) making sufficient efforts to prevent any errors or misconduct on the part of the  
11 lawyer being supervised and taking immediate action to avoid or mitigate the  
12 consequences of any errors or misconduct that occur;

13 ~~(2) “Bar” means the Utah State Bar;~~

14 ~~(23)~~ (23) “Unlicensed lawyer” means a lawyer not licensed in Utah but licensed and in  
15 good standing in another United States jurisdiction; and

16 ~~(34)~~ (34) “Utah law firm” means an entity with an office in Utah consisting of one or more  
17 Utah licensed lawyers lawfully engaged in the practice of law.

18 (b) An unlicensed lawyer with a pending application to the Bar may provide legal  
19 services in Utah through an office or other systematic and continuous presence provided  
20 that ~~he or she~~the unlicensed lawyer meets the requirements of this rule.

21 (c) To practice under this rule an unlicensed lawyer must:

22 (1) reasonably expect to satisfy each requirement for admission by clear and  
23 convincing evidence as an Attorney Applicant under Rule 14-704, as a Motion  
24 Applicant under Rule 14-705, or as a UBE Transfer Applicant under Rule 14-712;

- 25 (2) have submitted to the Bar a complete application as defined in [Rule 14-701\(l\)](#) to sit  
26 for the ~~Utah~~ Bar Examination [as defined in Rule 14-701\(j\)](#) or to be admitted by motion;
- 27 (3) except for UBE Transfer Applicants under [Rule 14-712 and an Applicant qualifying](#)  
28 [under paragraph \(d\)](#), have been engaged in the full-time active practice of law as  
29 defined in [Rule 14-701\(b\)](#), (~~y~~), and (~~nnj~~) for 36 of the 60 months immediately  
30 preceding the filing of the application for admission;
- 31 (4) have graduated from an ABA-approved law school;
- 32 (5) have submitted a Practice Pending Admission Request Form to the Bar with the  
33 appropriate fee;
- 34 (6) have passed a preliminary character and fitness review as prescribed by the  
35 Character and Fitness Committee;
- 36 (7) have received from the Bar a Practice Pending Admission Certificate;
- 37 (8) [except for an Applicant qualifying under paragraph \(d\)](#), have an active law license  
38 in a U.S. jurisdiction;
- 39 (9) be in good standing in all courts and jurisdictions in which [the unlicensed](#)  
40 [lawyer](#) ~~he or she~~ is admitted to practice;
- 41 (10) be affiliated with a Utah law firm and actively supervised by a licensed Utah  
42 lawyer affiliated with the same law firm;
- 43 (11) not have been subject to an order of attorney discipline within the preceding 84  
44 months and not be subject to a pending grievance, complaint, disciplinary, or  
45 disability investigation in any jurisdiction;
- 46 (12) not have been previously denied admission to practice law on character and  
47 fitness grounds in any jurisdiction; and
- 48 (13) inform all clients that the unlicensed lawyer is not licensed in Utah and  
49 affirmatively state in all written communications with the public, clients, and other  
50 attorneys the following language: "Practice in Utah authorized from [date] to [date]"

51 under Rule 14-809 of the Rules Governing the Utah State Bar. Supervised by [name of  
52 Utah attorney], a member of the Utah State Bar.”

53 (d) An Applicant who has received a passing score on the Bar Examination as defined in  
54 Rule 14-701(j) and has paid the requisite fees to be included on the next scheduled  
55 mMotion for aAdmission under Rule 14-716(b) may ~~apply for a certificate to practice~~  
56 underpursuant to this rule if the Applicant meets all other requirements in paragraph (c).

57 (ed) Eligibility to practice under this rule terminates upon the earlier occurrence of:

58 (1) the Bar’s admissions office’s or character and fitness committee’s decision to defer  
59 or not to approve the unlicensed lawyer’s application;

60 (2) the lapse of ~~18~~eighteen months, or six months for an Applicant’s qualifying under  
61 paragraph (d), from the issuance of the Practice Pending Admission Certificate;

62 (3) the unlicensed lawyer failing the ~~Utah~~ Bar Examination as defined in Rule 14-701(j)  
63 after a second attempt;

64 (4) the unlicensed lawyer withdrawing his or her application for admission; or

65 (5) the unlicensed lawyer failing to remain in compliance with ~~subsections~~ paragraphs  
66 (c)(8) through (c)(13).

67 (fe) Upon the termination of eligibility under paragraph (ed), the unlicensed lawyer must  
68 immediately cease practicing law in Utah, and within ten days must:

69 (1) provide written notice to the Bar’s admissions office of the circumstances causing  
70 the termination of eligibility;

71 (2) provide written notice to all courts, clients, and opposing counsel in pending  
72 matters of the unlicensed lawyer’s termination of authority to practice law in Utah;  
73 and

74 (3) in order to protect the interest of the unlicensed lawyer’s ~~his or her~~ clients, transfer  
75 all files to the supervising attorney or other Utah licensed lawyer.

76 (g~~f~~) The Bar does not have the authority to waive, modify, or extend any of the  
77 requirements or time limitations in this rule.

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