

AGENDA

Paralegal Practitioner Steering Committee

November 29, 2017 at 12:00 p.m.
 Scott M. Matheson Courthouse
 Executive Dining Room, Room W18A
 450 South State Street, Salt Lake City UT

Welcome ACTION- Approval of draft August 30, 2017 meeting minutes	Tab 1	Justice Himonas
ACTION- Approval of the Bar's Bylaws (Rules 11-201, 14-203 & 14-210) to include LPPs	Tab 2	Elizabeth Wright
ACTION- Approval of the Bar's Rules for Integration and Management (Rules 14-101, 14-102, 14-103, 14-104, 14-105, 14-107, 14-108, 14-110, 14-111 & 14-112) to include LPPs	Tab 3	Elizabeth Wright
Education Subcommittee		Dean Robert Adler
Admissions and Administration Subcommittee		Judge Royal Hansen Robert Rice
Testing Subcommittee		Monte Sleight
MCLE Subcommittee		Steve Johnson
Ethics and Discipline Subcommittee		Judge Kate Toomey
Executive Subcommittee		Justice Deno Himonas
Other Business		Justice Deno Himonas

Members

Justice Deno G. Himonas, Chair
 Dean Robert W. Adler
 John Baldwin
 Adam Caldwell
 Judge Royal I. Hansen
 Dr. Thomas Clarke
 Sue Crimson
 Terry Conaway
 Dean Benson Dastrup
 James Dean
 Julie Emery
 Dixie Jackson

Scott Jensen
 James S. Jardine
 Steven Johnson
 Robert O. Rice
 Judge Kate A. Toomey
 Comm. Kim Luhn
 Ellen Maycock
 Daniel O'Bannon
 Monte Sleight
 Stephen Urquhart
 Elizabeth Wright
 Jeni Wood, Staff

Meeting Schedule

January 17, 2018

Tab 1

**PARALEGAL PRACTITIONER
STEERING COMMITTEE
MEETING**

**Minutes
August 30, 2017
Executive Dining Room
Matheson Courthouse
450 S. State St.
Salt Lake City, Utah 84111**

Justice Deno Himonas, Presiding

ATTENDEES:

Justice Deno Himonas
Dean Robert Adler
John Baldwin
Terry Conaway
Dean Benson Dastrup
James Deans
Julie Emery
Dixie Jackson
Steven Johnson
Comm. Kim Luhn
Ellen Maycock
Daniel O'Bannon
Rob Rice
Monte Sleight
Judge Kate Toomey
Elizabeth Wright

STAFF:

James Ishida
Jeni Wood

EXCUSED:

Adam Caldwell
Dr. Thomas Clarke
Sue Crimson
Judge Royal Hansen
Jim Jardine
Scott Jensen
Rick Schwermer
Senator Stephen Urquhart

GUESTS:

Miles

1. WELCOME AND APPROVAL OF MINUTES: (Justice Deno Himonas)

Justice Himonas welcomed everyone to the meeting.

Motion: Judge Kate Toomey moved to approve the June 15, 2017 and the July 6, 2017 committee minutes. _____ seconded the motion, and it passed unanimously.

Justice Himonas reported that the Supreme Court approved the LPP rules, including the Rules Governing LPP's; LPP Rules of Professional Conduct; and Rule 14-802 of the Rules of Professional Practice, for publication.

Julie Emery said she will work with James Ishida in getting the survey out to the public.

Justice Himonas mentioned he attended the Forms Committee. One of the questions presented was how LPP's will identify whether they are either completing forms only or whether they are representing clients, in turn, accepting service. Justice Himonas noted the client will have complete control as to whether they will allow the LPP to accept service. The committee discussed whether this was an educational matter or a rule issue as to how the acceptance of service of pleadings will be handled. Mr. Rice believes it should be an educational matter. It was noted attorneys have a rule in place already that they have an ethical obligation to inform clients. Judge Toomey said there could be a committee note in a rule that clarifies this. The committee discussed that opposing counsel might get confused as to whom to serve, but if the CORIS issue is accepted then that would clarify that issue.

Motion: Rob Rice moved to approve LPP's accept service within the definition of the law and their practice. Judge Toomey seconded the motion, and it passed unanimously.

2. SUBCOMMITTEE UPDATES:

Admissions and Administration Subcommittee:

Elizabeth Wright said the licensing rules are ready to go. She is looking at going to a September meeting with the Supreme Court. Mr. Ishida confirmed Ms. Wright will appear for discussion with the Supreme Court on September 27. Ms. Wright briefly mentioned a new employee that will assist with the LPP program.

Education Subcommittee:

Dean Robert Adler addressed the educational paralegal programs. Utah Valley University's continuing education program has identified potential funding, therefore they are looking into adding to their curriculum. Dean Adler is working with the Salt Lake Community College as well. SLCC will look at holding their courses at the Thanksgiving Point location. Dean Adler said there is discussion about testing in the fall of 2018 for initial testing. Dean Adler noted SLCC will not develop their own program, they will assist in creating the curriculum. SLCC will not be holding LPP courses, they will only continue to hold the current classes they offer. Dean Adler said they've heard from Southern Utah University, but their program is largely online and not approved. Justice Himonas confirmed if the institution but not the program is approved then they will be accepted.

Dean Adler said the curriculum will begin with the ethics classes, then most likely move to debt collection and landlord/tenant. It was noted even if the material is ready then they still need to market and have the students take the prep test. Judge Toomey has agreed to head the ethics test. Judge Toomey noted her subcommittee is already in place to be able to handle this. Dean Adler said he doesn't need anything from this committee at this time. Monte Sleight agreed that he as well does not need anything from the committee. Mr. Sleight said there will be costs eventually and they will seek funding initially from grant money.

Ethics and Discipline Subcommittee:

There was nothing to report at this time.

Executive Subcommittee:

There was nothing to report at this time.

MLCE Subcommittee:

This was not addressed.

Testing Subcommittee:

Mr. Sleight noted some of the committee members will be sought for assistance in creating the program questions. Judge Toomey said many of her subcommittee members have volunteered to help. Judge Toomey noted most of the work will be completed by email. Miles said he will help. Judge Toomey expects their work to be complete by November. Mr. Sleight said with the ethics testing, they would like to create a bank of questions therefore having each test be unique. Mr. Sleight said they would like to see the testing done at a testing center, which will help with the smaller, more rural communities.

3. OTHER BUSINESS

The next meeting will be November 29, 2017.

4. ADJOURN

The meeting was adjourned.

Rule 14-201

1 **Article 2. Bylaws.**

2 Rule 14-201. Definitions.

3 As used in this article:

4 (a) "Bar" means Utah State Bar, a corporation incorporated, registered and domiciled in
5 Utah and designated as a Section 501(c)(6) organization under the United States
6 Internal Revenue Code;

7 (b) "Board" means the Board of Commissioners of the Utah State Bar;

8 (c) "commissioner" means a member of the Board;

9 (d) "Executive Committee" means a committee of not fewer than three members of the
10 Board as set forth in these Bylaws;

11 (e) "executive director" means the executive director of the Bar;

12 (f) "member" means a lawyer who has been admitted to the Bar who holds a current
13 active or inactive license, or is a licensed foreign legal consultant;

14 (g) "president" means the president of the Board;

15 (h) "president-elect" means the president-elect of the Board; and

16 (i) "Supreme Court" means the Utah Supreme Court.

17 (j) "Licensed Paralegal Practitioner" means a person licensed by the Utah Supreme
18 Court to provide limited legal representation in the areas of (1) temporary separation,
19 divorce, parentage, cohabitant abuse, civil stalking, custody and support, and name
20 change; (2) forcible entry and detainer; or (3) debt collection matters in which the dollar
21 amount in issue does not exceed the statutory limit for small claims cases.

Tab 2

1 **Rule 14-203. License categories.**

2 (a) Lawyers licensed by the Bar shall be divided into the following licensure
3 categories:

4 (a)(1) Active. Active members are those lawyers eligible to practice law as defined
5 by Rule 14-802. An active member must maintain an active license.

6 (a)(2) Active, under three. Active under three lawyers are those persons who took
7 the student Bar Examination as defined in Rule 14-710 and have not been admitted to
8 practice for more than three years in any jurisdiction.

9 (a)(3) Active emeritus. Active emeritus lawyers are those lawyers who have been a
10 member of the Bar for 50 years or are 75 years of age as of July 1 of the current year
11 and who are engaged in the practice of law.

12 (a)(4) Inactive. Inactive members are those lawyers who have retired from or for
13 other reasons are not engaged in the practice of law as defined by the Rule 14-802. An
14 inactive member must maintain an inactive license. They shall have the right to attend
15 meetings of the Bar but shall not have a vote. They may serve on Bar committees and
16 be members of sections of the Bar.

17 (a)(5) Inactive emeritus. Inactive emeritus lawyers are those lawyers who have been
18 a member of the Bar for 50 years or are 75 years of age as of July 1 of the current year
19 and who are not engaged in the practice of law.

20 (a)(6) Other limited practice licenses. As authorized by the Supreme Court, the Bar
21 may develop other limited license categories.

22 (b) Transfer from inactive to active status. An inactive member may become an
23 active member upon request and by paying the licensing fees which would have been
24 payable July 1 had the member then been active. A lawyer who transfers must also pay
25 the Lawyer's Fund for Client Protection assessment for the licensure cycle when
26 assessed.

27 (c) Register of members to be kept. The executive director shall maintain a register
28 of lawyers which shall contain a designation as to their licensing status and such other

29 information as the Board may determine to be necessary or desirable or as required by
30 rule.

31 (d) Information required of members. Each member of the Bar shall furnish the
32 executive director:

33 (1) full name;

34 (2) date of birth;

35 (3) current physical addresses, and current telephone numbers for law office and
36 residence, except that full-time judges are exempt from providing residential
37 addresses and telephone numbers;

38 (4) current e-mail address;

39 (5) date of admission;

40 (6) date of any transfer to or from inactive status;

41 (7) other jurisdictions in which the lawyer is admitted and date of admission and bar
42 number or identification number from those jurisdictions;

43 (8) nature, date, and place of any discipline imposed and any reinstatements; and
44 ~~information indicating his or her date and the place of birth, dates of admission in~~
45 ~~other jurisdictions, and concerning~~

46 ~~-(9) such other matters as the Board may from time to time prescribe.~~

47 This information shall be furnished by each member as a part of, or as a supplement
48 to, the annual submission of licensing ~~form~~-information required by the rules or upon
49 inquiry at any time by the executive director. The Board shall make each active or
50 current status member's name, firm or organization, business address, phone number
51 and licensing status publicly available.

52 (e) Membership licensure card. Each member shall be furnished with a current
53 licensure card.

54 (f) Professional misconduct. If an inactive member, or active member while
55 suspended, shall practice law, he or she shall be subject to the disciplinary process as

56 in cases of other professional misconduct under the Utah Rules of Professional Conduct
57 and Article 5, Lawyer Discipline and Disability.

58 (g) Licensed Paralegal Practitioners licensed by the Bar shall be divided into the
59 following licensure categories:

60 (g)(1) Active. Active Licensed Paralegal Practitioners are eligible to practice law as
61 defined by Rule 14-802. An active Licensed Paralegal Practitioner must maintain an
62 active license.

63 (g)(2) Inactive. Inactive Licensed Paralegal Practitioners are those licensees who
64 have retired from or for other reasons are not engaged in the practice of law as defined
65 by the Rule 14-802. An inactive Licensed Paralegal Practitioners must maintain an
66 inactive license.

67 (h) Transfer from inactive to active status. An inactive Licensed Paralegal
68 Practitioner may become an active Licensed Paralegal Practitioner upon request and by
69 paying the licensing fees which would have been payable July 1 had the Licensed
70 Paralegal Practitioner then been active.

71 (i) Register of Licensed Paralegal Practitioners to be kept. The executive director
72 shall maintain a register of Licensed Paralegal Practitioners which shall contain a
73 designation as to their licensing status and such other information as the Board may
74 determine to be necessary or desirable or as required by rule.

75 (j) Information required of Licensed Paralegal Practitioners. Each Licensed Paralegal
76 Practitioner shall furnish the executive director:

77 (1) full name;

78 (2) date of birth;

79 (3) current physical addresses, and current telephone numbers for law office and
80 residence, except that full-time judges are exempt from providing residential
81 addresses and telephone numbers;

82 (4) current e-mail address;

83 (5) date of admission;

84 (6) date of any transfer to or from inactive status;

85 (7) other jurisdictions in which the lawyer is admitted and date of admission and bar
86 number or identification number from those jurisdictions;

87 (8) nature, date, and place of any discipline imposed and any reinstatements; and

88

89 (9) such other matters as the Board may from time to time prescribe.

90 This information shall be furnished by each Licensed Paralegal Practitioner as a part
91 of, or as a supplement to, the annual submission of licensing information required by the
92 rules or upon inquiry at any time by the executive director. The Board shall make each
93 active Licensed Paralegal Practitioner's name, firm or organization, business address,
94 phone number and licensing status publicly available.

95 (k) Professional misconduct. If an inactive Licensed Paralegal Practitioner, or active
96 Licensed Paralegal Practitioner while suspended or delicensed, shall practice law, he or
97 she shall be subject to the disciplinary process as in cases of other professional
98 misconduct under the Utah Rules of Licensed Paralegal Practitioner Discipline and
99 Disability, Chapter 15, Article 5.

Rule 14-210

1 **Rule 14-210. General.**

2 | (a) Litigation. No member, [Licensed Paralegal Practitioner](#), committee, or section of the
3 | Bar shall represent the Bar unless authorized to do so by the Board, or in case of
4 | emergency, by the Executive Committee as provided in Rule 14-205(l) .

5 | (b) Limitations on publicity. No recommendation or report of a section, committee, ~~or~~
6 | member, [or Licensed Paralegal Practitioner](#), shall become the recommendation or
7 | report of the Bar until approved by the Board, and no such report or recommendation
8 | shall be released publicly prior to submission to and approval of the Board.

9 | (c) Authority to bind Bar. No committee, section, or any officer, ~~or~~ member [or Licensed](#)
10 | [Paralegal Practitioner](#) shall have the power to make the Bar liable for any debt or
11 | obligation except upon the authorization of the Board.

12 | (d) Local bar associations. To further promote the purposes and objectives of the Bar,
13 | the Board shall encourage the creation of, and active participation of its members in,
14 | local bar associations, and work to achieve harmony with such local associations.

15 | (e) Amendments of Bylaws. These Bylaws may be amended at any regular or special
16 | meeting of the Board by a majority vote of the entire Board. However, proposed
17 | amendments shall be filed with the executive director at least ten days in advance of the
18 | next regular meeting of the Board; provided however, they may be amended at any
19 | regular meeting of the Board without prior notice by the unanimous vote of the entire
20 | Board.

Tab 3

Rule 14-101

1 **Article 1. Integration and Management.**

2 Rule 14-101. Definitions.

3 As used in this article:

4 (a) "Bar" means the Utah State Bar;

5 (b) "Board" means Board of Commissioners of the Utah State Bar;

6 (c) "discipline" means disbarment, suspension, probation, reprimand~~or~~, admonition or
7 delicensure;

8 (d) "member" means a lawyer who has been admitted to the Bar, and who holds a
9 current license, the classifications of which are to be set forth hereinafter; ~~and~~

10 (e) "Licensed Paralegal Practitioner" means a person licensed by the Utah Supreme
11 Court to provide limited legal representation in the areas of (1) temporary separation,
12 divorce, parentage, cohabitant abuse, civil stalking, custody and support, and name
13 change; (2) forcible entry and detainer; or (3) debt collection matters in which the dollar
14 amount in issue does not exceed the statutory limit for small claims cases; and

15 (ef) "Supreme Court" means the Utah Supreme Court.

1 **Rule 14-102. Regulation of the practice of law.**

2 (a) Vesting of authority.

3 (a)(1) Under the power vested to it by the Constitution of Utah, the Supreme Court
4 hereby authorizes and designates the Bar to administer rules and regulations which
5 govern the practice of law in Utah, [including legal representation by Licensed Paralegal](#)
6 ~~All Practitioners.~~ [All](#) persons authorized to practice law in Utah shall be licensed by the
7 Bar in accordance with this chapter [and Chapter 15 of the Supreme Court Rules of](#)
8 [Professional Practice.](#)

9 (a)(2) The Supreme Court recognizes a compelling state interest in its use of the Bar to
10 assist the Court in governing admission to the practice of law, the conduct and discipline
11 of persons admitted to practice law, and to improve the quality of legal services in the
12 state. The Court also finds that the requirements imposed, the delegations made and
13 the authority granted to the Bar provide the best ways to promote these compelling
14 state interests and that there are no less restrictive alternatives available to achieve
15 those results.

16 (b) Responsibilities of the Bar. Purposes, duties and responsibilities of the Bar include,
17 but are not limited to, the following:

18 (b)(1) to advance the administration of justice according to law;

19 (b)(2) to aid the courts in carrying on the administration of justice;

20 (b)(3) to regulate the admission of persons seeking to practice law;

21 [\(b\)\(4\) to regulate the licensing of Licensed Paralegal Practitioners;](#)

22 (b)(~~45~~) to provide for the regulation and discipline of persons practicing law;

23 (b)(~~56~~) to foster and to maintain integrity, learning competence, public service and high
24 standards of conduct among those practicing law;

25 (b)(~~67~~) to represent the Bar before legislative, administrative and judicial bodies;

26 (b)(~~78~~) to prevent the unauthorized practice of law;

Rule 14-102

27 | (b)(89) to promote professionalism, competence and excellence in those practicing law
28 | through continuing legal education and by other means;

29 | (b)(910) to provide service to the public, to the judicial system and to members of the
30 | Bar;

31 | (b)(4011) to educate the public about the rule of law and their responsibilities under the
32 | law; and

33 | (b)(4412) to assist members of the Bar in improving the quality and efficiency of their
34 | practice.

35 | (c) Qualifications. The qualifications of lawyers and foreign legal consultants for
36 | admission to practice law in Utah, [the licensing qualifications for Licensed Paralegal](#)
37 | [Practitioners](#), the duties, obligations and the grounds for discipline of members [and](#)
38 | [Licensed Paralegal Practitioners](#), and the method of establishing such grounds, subject
39 | to the right of this Supreme Court to discipline a member admitted to the Bar [or a](#)
40 | [Licensed Paralegal Practitioner](#), shall be as prescribed in this chapter.

41 | (d) Licensure required. No person shall practice law in Utah or hold himself or herself
42 | out as one who may practice law in Utah unless he or she has been admitted and is an
43 | active member of the Bar in good standing or is an inactive member in good standing
44 | providing pro bono legal services for or on behalf of a legal services organization
45 | approved by the Bar upon meeting certification and performance standards, conditions,
46 | and rules established by the Board, or has been licensed by the Bar as a foreign legal
47 | consultant. No suspended or disbarred lawyer or foreign legal consultant shall practice
48 | law in Utah or hold himself or herself out as one who may practice law in Utah while
49 | suspended or disbarred.

50 | [\(e\) Licensure Required for Licensed Paralegal Practitioners. No person shall practice as](#)
51 | [a Licensed Paralegal Practitioner or hold him or herself out as one who is a Licensed](#)
52 | [Paralegal Practitioner unless he or she has been licensed as a Licensed Paralegal](#)
53 | [Practitioner and is an active licensee of the Bar and in good standing. No delicensed](#)
54 | [Licensed Paralegal Practitioner shall practice law in Utah or hold him or herself out as](#)
55 | [one who may practice law in Utah while suspended or delicensed.](#)

1 **Rule 14-103. Organization and management of the Bar.**

2 ~~_(a) Qualification for admission. All persons who have been heretofore and all~~
3 ~~persons who shall hereafter be duly admitted to practice as an attorney at law in Utah,~~
4 ~~and who are not the subject of an order of the Supreme Court prior to July 1, 1993, or a~~
5 ~~district court thereafter which terminates, suspends or restricts the right to practice law~~
6 ~~in Utah, are qualified to be members of the Bar subject to the provisions of these rules.~~

7 (ba) Board of Commissioners, number, term and vacancies, powers and duties.

8 (ba)(1) There shall be a Board of Commissioners of the Bar consisting of no fewer
9 than 13 but no more than 15 voting members, including 11 elected lawyers and two
10 non-lawyers appointed by the Supreme Court. The initial term of office of one of the
11 non-lawyer commissioners shall be for two years. Except as otherwise provided, the
12 term of office of each commissioner shall be three years and until a successor is elected
13 and qualified. If a lawyer vacancy on the Board occurs prior to the expiration of the
14 completed term of office, the remaining commissioners shall:

15 (ba)(1)(A) conduct a special election;

16 (ba)(1)(B) appoint a successor from among the active members of the Bar whose
17 business mailing addresses on the records of the Bar are in the division from which the
18 commissioner was elected, who shall serve until the following annual election; or

19 (ba)(1)(C) fill the vacancy through the next regular annual election.

20 (ba)(2) If a lawyer vacancy on the Board is filled by either a special or regular
21 election, the Board may establish the term of the successor to be either a one, two or
22 full three-year term, provided that there would be not more than three but not fewer than
23 two commissioners from the Third Division whose terms expire in any one year and not
24 more than five but not fewer than four commissioners on the Board whose terms expire
25 in any one year.

26 (ba)(3) A President's unexpired Commission term shall be filled in the regular
27 election cycle immediately preceding the time he or she succeeds to the office of
28 President.

29 | (eb) The Board is granted and may exercise all powers necessary and proper to
30 | carry out the duties and responsibilities of the Bar and the purposes of these rules and
31 | shall have all authority which is not specifically reserved to the Supreme Court. The
32 | Court specifically reserves the authority to:

33 | (eb)(1) approve Bar admission and licensure fees for attorneys and Licensed
34 | Paralegal Practitioners;

35 | (eb)(2) approve all rules and regulations formulated by the Board for admission,
36 | licensure, professional conduct, client security fund, fee arbitration, procedures of
37 | discipline and disability, legislative activities, unauthorized practice of law, and Bar
38 | Examination review and appeals; and

39 | (eb)(3) establish appropriate rules and regulations governing mandatory continuing
40 | legal education.

41 | (dc) Territorial divisions. The First Judicial District shall be known as the First
42 | Division; the Second Judicial District shall be known as the Second Division; the Third
43 | Judicial District shall be known as the Third Division; the Fourth Judicial District shall be
44 | known as the Fourth Division; and the Fifth, Sixth, Seventh and Eighth Judicial Districts
45 | shall be known as the Fifth Division.

46 | (ed) Number of lawyer commissioners from each division. There shall be one lawyer
47 | member of the Board from each of the divisions, except the Third Division from which
48 | there shall be seven lawyer commissioners. No more than one lawyer commissioner
49 | from any division except from the Third Division, and no more than seven lawyer
50 | commissioners from the Third Division, shall serve on the Board at the same time.

51 | (fe) Nomination and eligibility of lawyer commissioners. Lawyers whose business
52 | mailing addresses on the records of the Bar are in a particular division shall alone have
53 | the right to nominate persons for the office of commissioner from that division. To be
54 | eligible for the office of commissioner in a division, the nominee's business mailing
55 | address must be in that division as shown by the records of the Bar. Nomination to the
56 | office of commissioner shall be by written petition of ten or more members of the Bar in
57 | good standing. Any number of candidates may be nominated on a single petition.

Rule 14-103

58 Nominating petitions shall be provided to the executive director within a period to be
59 fixed by the rules made by the Board.

60 | (gf) Election of commissioners.

61 | (gf)(1)The lawyers on the Board shall be elected by the vote of the resident active
62 members of the Bar as follows:

63 | (gf)(1)(A) in the year 1983 and every third year thereafter, one member from the
64 Second Division and two members from the Third Division, except that in the year 1983
65 only, there shall be four members elected from the Third Division;

66 | (gf)(1)(B) in the year 1984 and every third year thereafter, one member from the
67 First Division and three members from the Third Division; and

68 | (gf)(1)(C) in the year 1985 and every third year thereafter, two members from the
69 Third Division and one each from the Fourth and Fifth Divisions.

70 | (gf)(2) The candidate from any division, and the three or two candidates from the
71 Third Division, receiving the greatest number of votes of that division shall be the
72 commissioner from such division. For the year 1983, the candidate from the Third
73 Division receiving the fourth greatest number of votes shall be the commissioner for a
74 two-year term. A member is limited to voting for candidates for commissioner from the
75 division in which his or her business mailing address is located as shown by the records
76 of the Bar. The ballots shall be returned to the Bar offices in accordance with its rules.
77 There shall be an annual election by the resident active members of the Bar for the
78 purpose of filling vacancies. The Board shall fix the time for holding the annual election
79 and prescribe rules and regulations in regard thereto not in conflict with this chapter.
80 The Board shall, in accordance with its rules, give notice of the annual election by mail
81 at least 90 days prior to the date on which ballots will be counted.

82 | (gf)(3) Those persons holding office as commissioners at the time of the adoption of
83 these rules or who were elected under the existing statute will continue in office for the
84 period of time elected to serve.

85 | (hg) Nomination and election of president-elect. The Board shall nominate two
86 lawyers in good standing on active status to run for the office of president-elect to be

Rule 14-103

87 elected by the vote of the active members of the Bar. The president and the president-
88 elect shall hold office until their successors are elected and seated. A secretary and
89 such other assistants as the Board may require, may be selected from within or without
90 the Board to hold office at the pleasure of the Board and to be paid such compensation
91 as the Board shall determine.

92 | (h) Officers and organization of Board. The Board shall be organized and authorized
93 to conduct business by the seating of elected commissioners, and a president and
94 president-elect of the Bar. The president-elect for the previous year shall automatically
95 succeed to the office of president. A president and a president-elect who are not elected
96 commissioners have the authority to vote on matters brought before the Board. In the
97 event of a tie vote, the matter at hand shall fail to pass.

98 | (i) Annual and special meetings notice. There shall be an annual meeting of the Bar,
99 presided over by the president of the Bar, open to all members in good standing, and
100 held at such time and place as the Board may designate, for the discussion of the
101 affairs of the Bar and the administration of justice. Special meetings of the Bar may be
102 held at such times and places as the Board may designate. Notice of all meetings shall
103 be given by mail to all members of the Bar not fewer than 15 days prior to the date of
104 such meeting.

105 | (k) Bylaws. The Board shall have power to adopt Bylaws, not in conflict with any of
106 the terms of these rules, concerning the selection and tenure of its officers, the creation
107 of sections and committees and their powers and duties, and generally for the control
108 and regulation of the business of the Board and of the Bar.

1 **Rule 14-104. Admission to practice law; qualifications, enrollment, oath, and fees.**

2 ~~(a)~~ (a) The Board, by delegation from the Supreme Court, shall have the power to
3 determine the qualifications and requirements for admission to the practice of law
4 and to conduct examinations of applicants; and it shall from time to time certify to
5 the Court those applicants found to be qualified. Qualifications and requirements
6 for admission to the practice of law shall be as set forth in [Chapter 14](#), Article 7,
7 Admissions.

8 [\(b\) The Board, by delegation from the Supreme Court, shall have the power to](#)
9 [determine the qualifications and requirements for the Licensure of the Licensed](#)
10 [Paralegal Practitioners and to conduct examinations of applicants, and it shall](#)
11 [from time to time certify to the Court those applicants found to be qualified.](#)
12 [Qualifications and requirements for Licensed Paralegal Practitioner licensure](#)
13 [shall be as set forth in Chapter 15, Article 7, Licensure.](#)

14 ~~(bc)~~ The approval by the Supreme Court of any person certified for licensure to practice
15 law shall entitle him or her to be enrolled in the Bar upon his or her taking an oath to
16 support the Constitution of the United States and of Utah and to discharge faithfully the
17 duties of an attorney at law ~~or~~, foreign legal consultant [or Licensed Paralegal](#)
18 [Practitioner](#) to the best of his or her knowledge and ability, and payment of the fee fixed
19 by the Board with the approval of the Court, and thereafter, to practice law upon
20 payment of annual or special license fees herein provided, subject to the provisions of
21 this chapter.

22 ~~(ed)~~ Upon receiving certification by the Board and approval from the Supreme Court, the
23 applicant shall pay ~~\$50~~ [a fee set by the Court](#) to the clerk of the Court for a certificate of
24 admission, ~~\$30~~ [a portion](#) of which shall be retained by the state treasurer as a special
25 fund for the benefit of the Utah State Law Library, to be expended by the Utah Judicial
26 Council.

27 ~~(de)~~ Roll of licensed lawyers [and Licensed Paralegal Practitioners](#). The clerk of the
28 Court shall keep a roll of the attorneys at law admitted to practice in Utah [and Licensed](#)
29 [Paralegal Practitioners](#), which must be signed by each person admitted [or licensed](#)

Rule 14-104

30 before he or she is enrolled and receives his or her certificate of admission to the Bar or
31 | license as a foreign legal consultant [or Licensed Paralegal Practitioner](#).

1 | **Rule 14-105 Conduct of licensed lawyers, [Licensed Paralegal Practitioners](#) and**
2 | **judicial officers; complaints, investigations, and discipline.**

3 (a) The Board shall formulate rules governing the conduct of all persons admitted to
4 | practice in Utah, including foreign legal consultants [and those licensed as Licensed](#)
5 | [Paralegal Practitioners](#), and shall investigate unethical, questionable or improper
6 | conduct of persons admitted to the practice of the law, including members of the Bar
7 | holding judicial office. The Board shall also formulate rules governing procedures in
8 | cases involving alleged misconduct of members of the Bar, including those holding
9 | judicial office.

10 (b) Court to approve rules and regulations. All rules and regulations formulated by the
11 | Board shall be submitted to and approved by the Supreme Court.

1 **Rule 14-107. Annual license, fees; disbursements of funds.**

2 Every person practicing, or holding himself or herself out as practicing law or as an
3 attorney at law in Utah including foreign legal consultants [and Licensed Paralegal](#)
4 [Practitioners](#), shall, prior to so doing and prior to the first day of July of each year, pay to
5 the Bar a license fee in an amount to be fixed by the Board with the approval of the
6 Supreme Court to effectuate the purposes of this chapter. These funds shall be
7 administered by the Bar.

Rule 14-108

1 **Rule 14-108. Issuance of license; form.**

2 The executive director shall issue to each person paying said license fee, if such person
3 shall have theretofore been admitted to practice law in Utah or licensed as a foreign
4 legal consultant [or Licensed Paralegal Practitioner](#) by the Supreme Court and not
5 disbarred or then under suspension, a license in such form as the Board may prescribe,
6 for the licensure year for which fees were paid, and shall deliver such license to the
7 person entitled thereto.

1 **Rule 14-110. Active and inactive members of the Bar.**

2 | (a) Any member of the Bar [or Licensed Paralegal Practitioner](#) who has retired from the
3 | practice of law or who is not engaged in the practice of law, except for foreign legal
4 | consultants, may upon request be enrolled as an inactive member [or inactive licensee](#).
5 | There shall be no rebate of any license fee upon transfer from active to inactive
6 | membership [or inactive licensee](#). An inactive member may attend the annual and
7 | special meetings and participate in any debates or discussions at such meetings, but
8 | shall not be entitled to vote in any election or upon any question. An inactive member
9 | may provide pro bono legal services for or on behalf of a legal services organization
10 | approved by the Bar upon meeting certification and performance standards, conditions
11 | and rules established by the Board.

12 | (b) The Board may appoint inactive members [or inactive Licensed Paralegal](#)
13 | [Practitioners](#) to committees. The annual fee for an inactive member shall be payable
14 | before the first day of July of each year, in an amount fixed by the Board, with the
15 | approval of the Supreme Court to effectuate the purpose of this chapter. An inactive
16 | member [or an inactive Licensed Paralegal Practitioner](#) in good standing may request to
17 | be enrolled as an active member [or an active Licensed Paralegal Practitioner](#). Upon
18 | such request and the payment of the full annual license fee for the current fiscal year
19 | and any other fees authorized by the Court, less any fee paid as an inactive member [or](#)
20 | [an inactive Licensed Paralegal Practitioner](#) for such fiscal year, the applicant shall be
21 | immediately transferred from the inactive roll to the active roll.

22 | Effective May 1, 2017

1 **Rule 14-111. Practicing without a license prohibited.**

2 (a) Action or proceedings to enforce. Exception. Pursuant to Rule 14-506(a) [and 15-](#)
3 [506\(a\)](#), no person who is not duly admitted and licensed to practice law in Utah as an
4 attorney at law or as a foreign legal consultant [or Licensed Paralegal Practitioner](#) nor
5 any person whose right or license to so practice has terminated either by disbarment,
6 suspension, [delicensure](#), failure to pay his or her license and other fees or otherwise,
7 shall practice or assume to act or hold himself or herself out to the public as a person
8 qualified to practice law or to carry on the calling of an attorney at law in Utah [or a](#)
9 [Licensed Paralegal Practitioner](#). Such practice, or assumption to act or holding out, by
10 any such unlicensed or disbarred ~~or~~ suspended [or delicensed](#) person shall not
11 constitute a crime, but this prohibition against the practice of law by any such person
12 shall be enforced by such civil action or proceedings, including writ, contempt or
13 injunctive proceedings, as may be necessary and appropriate, which action or which
14 proceedings shall be instituted by the Bar after approval by the Board.

15 (b) Nothing in this article shall prohibit a person who is unlicensed as an attorney at law
16 or a foreign legal consultant [or Licensed Paralegal Practitioner](#) from personally
17 representing that person's own interests in a cause to which the person is a party in his
18 or her own right and not as assignee.

1 **14-112. Duties of attorneys and counselors at law and Licensed Paralegal**
2 **Practitioners.**

3 It is the duty of an attorney and a Licensed Paralegal Practitioner to comply with the
4 Rules of Professional Conduct and all other duly approved rules and regulations
5 prescribed by the Board or by the Supreme Court and to pay all required fees.