

1           **Rule 14-719. Qualifications for admission of House Counsel Applicants.**

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

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

9           (a)(2) Offer legal services or advice to the public or hold herself or himself out as  
10 being so engaged or authorized, ~~except as permitted under Rule 5.5 of the Utah Rules of~~  
11 ~~Professional Conduct.~~ An attorney granted a House Counsel license is not prevented from  
12 appearing in any matter pro se, performing pro bono services under Rule 14-803, or from  
13 fulfilling the duties of a member of the active or reserve components of the armed forces  
14 or the National Guard.

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

18           (b)(1) has filed ~~with the Admissions Office~~ a Complete Application for admission ~~to~~  
19 ~~the Bar~~ and paid the prescribed application fee;

20           (b)(2) is at least 21 years old;

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

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

26           (b)(5) either (A) is a bona fide resident of the State of Utah or (B) maintains an office  
27 as the employer's house counsel within the State of Utah;

28           (b)(6) is employed and practices law exclusively as ~~h~~House ~~c~~Counsel for a non-  
29 governmental corporation, its subsidiaries or affiliates, an association, a business, or other  
30 legal entity whose lawful business consists of activities other than the practice of law or  
31 the provision of legal services;

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

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

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

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

43 (b)(11) has received a passing MPRE score; and

44 (b)(12~~4~~) has complied with the oath and enrollment provisions of Rule 14-716 and  
45 paid the licensing fees required for active status.

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

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

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

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

55 (d) Unauthorized practice of law.

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

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

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

65 (e) Continuing legal education requirement. House Counsel shall pay the designated  
66 filing fee and file with the MCLE Board by July 31 of each year a Certificate of  
67 Compliance from the jurisdiction where House Counsel maintains an active license

68 establishing that she or he has completed the hours of continuing legal education required  
69 of active attorneys in the jurisdiction where House Counsel is licensed;

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

77 (h) Notification of change in standing.

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

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

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

87 (j) Cessation of activity as house counsel. A House Counsel license terminates and  
88 the House Counsel shall immediately cease performing all services under this rule and  
89 shall cease holding herself or himself out as House Counsel upon:

90 (j)(1) termination of employment with the qualified employer as provided in  
91 subsection (b)(6);

92 (j)(2) termination of residence, or the maintenance of his or her office in the State of  
93 Utah as provided in subsection (b)(5);

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

98 (j)(4) completion of any disciplinary proceeding in Utah or any other jurisdiction,  
99 which warrants suspension or termination of the House Counsel license; ~~;~~ ~~or~~

100 ~~(j)(5) an attorney who seeks admission to practice in this state as House Counsel and~~  
101 ~~who previously had a Utah House Counsel license that was terminated due to a~~  
102 ~~disciplinary proceeding pursuant to subsection (j)(4) or whose license was terminated for~~

103 ~~a period longer than six months pursuant to subsection (j)(1), (j)(2), or (j)(3) must file a~~  
104 ~~new application under this rule.~~

105 (k) Reinstatement after temporary lapse in license. An attorney whose House Counsel  
106 license is terminated pursuant to subsection (j)(1), (j)(2), or (j)(3) shall be reinstated to  
107 practice law as a House Counsel if within six months from the termination the attorney is  
108 able to demonstrate to the Admissions Office that she or he has:

109 (k)(1) transferred to inactive status in accordance with subsection (l); or

110 (k)(~~2~~) employment with a qualified employer and has provided the required  
111 verification of employment pursuant to subsection (b)(7);

112 (k)(~~3~~) established a residence or maintains an office for the practice of law as House  
113 Counsel for the employer within the State of Utah; and

114 (k)(~~4~~) active status in a U.S. state, territory or the District of Columbia and has  
115 complied with the Bar's annual licensing and MCLE requirements for House Counsel.

116 (l) Inactive status. House Counsel who is not currently practicing may transfer to  
117 inactive status under Rule 14-203(a)(4). Doing so will prevent the lapse of the license as  
118 long as the inactive status is maintained.

119 (l)(1) Inactive House Counsel may return to active status upon demonstration of  
120 compliance with requirements (k)(1) through (k)(4) and payment of the necessary fees in  
121 accordance with Rule 14-203(b).

122 (~~m~~) Notice of change of employment. House Counsel shall notify, in writing, the  
123 Licensing Office of the termination of the employment pursuant to which the House  
124 Counsel license was issued.

125 (~~n~~) Full admission to the Utah State Bar. A House Counsel license will be  
126 terminated automatically once the attorney has been otherwise admitted to the practice of  
127 law in Utah as an active member of the Bar. Any person who has been issued a House  
128 Counsel license may qualify for full membership by establishing by clear and convincing  
129 evidence that she or he:

130 ~~(m)(1) has filed a complete written request for a change of status with the~~  
131 ~~Admissions Office in accordance with the filing deadlines set forth in Rule 14-707(b).~~  
132 ~~The request for a change of status must include:~~

133 (~~n~~)(1)(A) ~~has applied a Reapplication for Admission form updating the information~~  
134 ~~provided in the original application, including payment of the prescribed application fee.~~  
135 ~~If the original application for admission is more than two years old, a new Complete~~  
136 ~~Application for admission must be filed as an Attorney Applicant or Motion Applicant by~~

137 filing a Complete Application; any application must be filed in accordance with the filing  
138 deadlines set for in Rule 14-707(b);

139 ~~(m)(1)(B) a criminal background check dated no more than 180 days prior to the~~  
140 ~~filing of the change of status request;~~

141 ~~(m)(1)(C) satisfactory proof of both admission to the practice of law and that House~~  
142 ~~Counsel is a member in good standing in all jurisdictions where currently admitted; and~~

143 ~~(m)(1)(D) has a proven record of ethical, civil and professional behavior and has~~  
144 ~~never been disbarred or resigned with discipline pending, or their equivalent, in any~~  
145 ~~jurisdiction and is not currently subject to lawyer discipline or the subject of a pending~~  
146 ~~disciplinary matter.~~

147 ~~(m)(2) is of good moral character and satisfies the requirements of Rule 14-708;~~

148 ~~(nm)(23) has successfully passed the Bar Examination under Rule 14-704, has~~  
149 ~~transferred a passing UBE score under Rule 14-712, or qualifies for admission under~~  
150 ~~Rule 14-705. Time spent in Utah practicing as House Counsel or performing pro bono~~  
151 ~~services does not qualify an attorney for admission under Rule 14-705; and~~

152 ~~(m)(4) has successfully passed the MPRE; and~~

153 ~~(nm)(35) has complied with the provisions of Rule 14-716 concerning licensing and~~  
154 ~~enrollment fees.~~