

1 **Rule 14-718. Licensing of Foreign Legal Consultants.**

2 (a) Requirements of Foreign Legal Consultants. The burden of proof is on the Applicant to
3 establish by clear and convincing evidence that ~~she or he~~the Applicant:

4 (a)(1) is a member in good standing of a recognized legal profession in a foreign country, the
5 members of which are admitted to practice as attorneys or counselors at law or the equivalent
6 and are subject to effective regulation and discipline by a duly constituted professional body or a
7 public authority; and

8 (a)(2) has paid the prescribed fee and filed a Complete Application as a Foreign Legal
9 Consultant Applicant;

10 (a)(3) is of the good moral character and satisfies the requirements of Rule 14-708;

11 (a)(4) intends to practice as a legal consultant in this state and to maintain an office in this state
12 for that purpose; and

13 (a)(5) has passed the MPRE.

14 (b) Proof required. An Applicant ~~shall~~must file with the Bar's Admissions Office:

15 (b)(1) a certificate from the professional body or public authority in such foreign country having
16 final jurisdiction over professional discipline, certifying as to the Applicant's admission to
17 practice and the date, and ~~as to her or his~~the Applicant's good standing as such attorney or
18 counselor at law or the equivalent;

19 (b)(2) a duly authenticated English translation of such certificate, if it is not in English; and

20 (b)(3) such other evidence as to the Applicant's educational and professional qualifications, good
21 moral character and general fitness, and compliance with the requirements of this rule as the Bar
22 may require.

23 (c) Scope of practice. A person licensed to practice as a Foreign Legal Consultant under this rule
24 may render legal services in this state with respect to the law of the foreign county in which such
25 person is admitted to practice law. ~~She or he shall~~The Foreign Legal Consultant may not violate
26 any provision of ~~the~~ Rule 14-802 and ~~shall~~may not:

27 (c)(1) appear for a person other than herself or himself as attorney in any court, or before any
28 magistrate or other judicial officer, in Utah other than as permitted under Rule 14-802 or upon
29 qualified admission pro hac vice pursuant to Rule 14-806; or

30 (c)(2) render professional legal advice on the law of this state or of the United States;

31 (c)(3) be, or in any way hold herself or himself out as a member of the Bar; or

32 (c)(4) carry on ~~her or his~~ practice under, or ~~utilize~~use in connection with such practice, any
33 name, title or designation other than the following:

34 (c)(~~4~~5)(A) ~~her or his~~the Foreign Legal Consultant's own name;

35 (c)(~~4~~5)(B) the name of the law firm or other entity with which the Foreign Legal Consultant ~~she~~
36 ~~or he~~ is affiliated, in each case only in conjunction with the title "Foreign Legal Consultant" as
37 set forth below;

38 (c)(45)(C) ~~her or his~~ Foreign Legal Consultant's authorized title in the foreign country in
39 which the Foreign Legal Consultant is admitted ~~of her or his admission~~ to practice, in each case
40 only in conjunction with the title "Foreign Legal Consultant" as set forth below; and

41 (c)(45)(D) the title "Foreign Legal Consultant," which ~~shall~~ must be used in conjunction with
42 the words "admitted to the practice of law only in [name of the foreign country ~~or her or his~~ in
43 which the Foreign Legal Consultant is admitted ~~admission~~ to practice]."

44 (d) Rights and obligations. ~~Subject to the limitations set forth in paragraph (d), a~~ A person
45 licensed as a Foreign Legal Consultant ~~shall~~ will be considered a lawyer affiliated with the Bar
46 as permitted by this rule and ~~shall~~ will be entitled and subject to:

47 (d)(1) the rights and obligations set forth in the Utah Rules of Professional Conduct or arising
48 from the other conditions and requirements that apply to a member of the Bar under rules
49 adopted by the Supreme Court; and

50 (d)(2) attorney-client privilege, work-product privilege and similar professional privileges.

51 (e) Subject to disciplinary proceedings. A person licensed to practice as a Foreign Legal
52 Consultant ~~shall be~~ is subject to professional discipline in the same manner and to the same extent
53 as members of the Bar and specifically ~~shall be~~ is subject to discipline by the Supreme Court as
54 delegated by rule and ~~shall is~~ otherwise ~~be~~ governed by ~~Chapter 13,~~ the Utah Rules of
55 Professional Conduct, ~~Chapter 14, Article 5~~ the rules of; Lawyer Discipline and Disability, the
56 ~~Article 6,~~ Standards for Imposing Lawyer Sanctions, and other applicable Supreme Court rules.
57 ~~adopted by the Supreme Court.~~

58 (f) Requirements for licensure. Every person licensed to practice as a Foreign Legal Consultant
59 must:

60 (f)(1) attend the OPC ethics school before ~~prior to~~ receiving a license to practice as a Foreign
61 Legal Consultant, ~~shall attend the Bar's OPC ethics school~~ and;

62 (f)(2) ~~shall~~ must execute and file with the Bar, in such form and manner as the Supreme Court
63 may prescribe:

64 (f)(2)(A) ~~her or his~~ their understanding of, and commitment to observe, the Utah Rules of
65 Professional Conduct and the other rules adopted by the Supreme Court, and to the extent
66 applicable to the legal services authorized under paragraph (c) of this rule;

67 (f)(2)(B) written notice to the OPC of any change in ~~her or his~~ the Foreign Legal Consultant's
68 membership status, good standing, or authorization to practice law in any jurisdiction where
69 licensed, including the commencement of all formal disciplinary proceedings and of all final
70 disciplinary actions taken in any other jurisdiction.

71 (g) License fees. A person licensed as a Foreign Legal Consultant ~~shall~~ must pay annual license
72 fees ~~which shall be~~ equal to the fees ~~required to be~~ paid by a member of the Bar on Active status.

73 (h) Revocation of license. ~~In the event that~~ If a ~~person~~ licensed ~~as a~~ Foreign Legal Consultant no
74 longer meets the requirements for licensure set forth in paragraph (a) or (g), ~~her or his~~ their
75 license ~~shall~~ will be revoked following the procedures set forth in ~~Chapter 14, Article 5,~~ the Rules
76 for Lawyer Discipline and Disability, and ~~Article 6,~~ the Standards for Imposing Lawyer
77 Sanctions.

78 (i) Admission to Bar. ~~In the event that a person licensed as~~If a Foreign Legal Consultant is
79 subsequently admitted as a member of the Bar under Chapter 14, Article 7, Admission to the
80 Utah State Bar, the ~~license granted to such person shall be deemed superseded by the~~ license
81 granted to such person to practice law as a member of the Bar supersedes the Foreign Legal
82 Consultant license.

83 Effective *September 1, 2020*.