

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

2

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

8

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

11

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

17

18 (b) Requirements of House Counsel Applicants. To be recommended for admission to the Bar as
19 House Counsel, a person must establish by clear and convincing evidence that she or he:

20

21 (b)(1) has filed a Complete Application for admission and paid the prescribed application fee;

22

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

24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

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

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

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

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

~~(b)(6) is either (A) a bona fide resident of the State of Utah or (B) house counsel for an employer located in Utah;~~

(b)(7) has provided an affidavit signed by both the Applicant and the employer that the Applicant is employed exclusively as house counsel and that Applicant has disclosed to the employer the limitations on House Counsel's license of practicing under this rule;

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

47

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

50

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

54

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

56

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

59

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

63

64 (c)(1) The processing of the application and the character and fitness investigation require a
65 minimum of four months to complete.

66

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

69

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

72

73 (d) Unauthorized practice of law.

74

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

77

78 (d)(2) An attorney who complies with the requirements of subsection (b)(1) may provide
79 services to an employer in Utah while the application is pending as long as the application is
80 filed within six months of the out-of-state attorney accepting a house counsel position.

81

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

85

86 (e) Continuing legal education requirement. House Counsel shall pay the designated filing fee
87 and file with the MCLE Board by July 31 of each year a Certificate of Compliance from the
88 jurisdiction where House Counsel maintains an active license establishing that she or he has
89 completed the hours of continuing legal education required of active attorneys in the jurisdiction
90 where House Counsel is licensed.

91

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

98

99 (g) Notification of change in standing.

100

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

104

105 (g)(2) House Counsel shall execute and file with the OPC a written notice of the commencement
106 of all formal disciplinary proceedings and of all final disciplinary actions taken in any other
107 jurisdiction.

108

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

112

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

116

117 (i)(1) termination of employment with the qualified employer as provided in subsection (b)(6);

118

119 (i)(2) termination of residence, or the maintenance of his or her office in the State of Utah as
120 provided in subsection (b)(5);

121

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

125

126 (i)(4) completion of any disciplinary proceeding in Utah or any other jurisdiction, which
127 warrants suspension or termination of the House Counsel license.

128

129 (j) Reinstatement after temporary lapse in license. An attorney whose House Counsel license is
130 terminated pursuant to subsection (i)(1), (i)(2), or (i)(3) shall be reinstated to practice law as a
131 House Counsel if within six months from the termination the attorney is able to demonstrate to

132 the ~~Admissions Office~~Bar that she or he has:

133

134 (j)(1) transferred to inactive status in accordance with subsection (k); or

135

136 (j)(2) employment with a qualified employer and has provided the required verification of
137 employment pursuant to subsection (b)(7);

138

139 (j)(3) established a residence or maintains an office for the practice of law as House Counsel for
140 the employer within the State of Utah; and

141

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

144

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

148

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

152

153 (l) Notice of change of employment. House Counsel shall notify, in writing, the Licensing Office
154 of the termination of the employment pursuant to which the House Counsel license was issued.

155

156 (m) Full admission to the Utah State Bar. A House Counsel license will be terminated
157 automatically once the attorney has been otherwise admitted to the practice of law in Utah as an

158 active member of the Bar. Any person who has been issued a House Counsel license may qualify
159 for full membership by establishing by clear and convincing evidence that she or he:

160

161 (m)(1) has applied as an Attorney Applicant or Motion Applicant by filing a Complete
162 Application; any application must be filed in accordance with the filing deadlines set forth in
163 Rule 14-707(b);

164

165 (m)(2) has successfully passed the Bar Examination under Rule 14-704, has transferred a passing
166 UBE score under Rule 14-712, or qualifies for admission under Rule 14-705. Time spent in Utah
167 practicing as House Counsel or performing pro bono services does not qualify an attorney for
168 admission under Rule 14-705; and

169

170 (m)(3) has complied with the provisions of Rule 14-716 concerning licensing and enrollment
171 fees.

172

173 Effective *September 1, 2020*.