

1 **Rule 14-805. Admission for spouse of active military stationed in Utah.**

2 (a) **Requirements for admission of spouses of active military with permanent change of**
3 **station orders to serve in Utah.**

4 (1) For purposes of this rule, the spouse of active military is defined as the spouse of an
5 active duty service member of the United States Uniformed Services, as defined by the
6 Department of Defense, and the service member has received military orders for a
7 permanent change of station to reside in Utah.

8 (2) Absent admission under Rules 14-701 *et seq.*, the spouse of an active member of the
9 military (“Military Spouse Attorney”) may be admitted to practice law in Utah without
10 taking the Bar Examination.

11 (3) The defined terms set forth in Rule 14-701 are incorporated into this rule.

12 (4) The burden of proof is on the applicant for military spouse admission to establish by
13 clear and convincing evidence that the applicant:

14 (A) has paid ~~half~~ the prescribed application fees (or half the fee upon a showing
15 of ineligibility for a federal reimbursement), which shall be credited toward Bar
16 dues upon licensure, and filed the required Complete Military Spouse
17 Application;

18 (B) has graduated with a First Professional Degree in law from an Approved Law
19 School;

20 (C) has been admitted to the practice of law before the highest court of a U.S.
21 state, territory or the District of Columbia;

22 (D) does not qualify for admission by motion under Rule 14-705 or admission by
23 the transfer of a UBE score under Rule 14-712;

24 (E) has presented any score from the Multistate Bar Examination (MBE) or
25 Uniform Bar Examination (UBE), as defined by Rule 14-701, that applicant may
26 have used to obtain admission to the practice of law in a jurisdiction other than
27 Utah;

28 (F) is of good moral character, satisfies the requirements of Rule 14-708, and has
29 not previously been denied admission by the Utah State Bar or engaged in the
30 unauthorized practice of law in Utah;

31 (G) has successfully passed the MPRE in accordance with Rule 14-713;

32 (H) is an active member in good standing in at least one state or territory of the
33 U.S. or the District of Columbia and is a member in good standing in all
34 jurisdictions where currently admitted;

35 (I) has a proven record of ethical, civil and professional behavior and has never
36 been disbarred or resigned with discipline pending, or their equivalent, in any
37 jurisdiction and is not currently subject to lawyer discipline or the subject of a
38 pending disciplinary matter;

39 (J) if intending to practice pending admission, has identified an active member of
40 the Bar in good standing who has agreed to actively supervise the Military Spouse
41 Attorney in accordance with the supervisory requirements specified in subsection
42 (b) of this rule, as evidenced by a verification signed by both the Military Spouse
43 Attorney and the supervising attorney; and

44 (K) complies with the provisions of Rule 14-716 concerning licensing and
45 enrollment fees.

46 **(b) Certificate while application is pending; required supervision.**

47 (1) While a Military Spouse Attorney's application is pending, the Military Spouse
48 Attorney may practice law in Utah upon issuance of a Certificate While Application is
49 Pending under subsection (c).

50 (2) While practicing with application pending, the Military Spouse Attorney must be
51 fully supervised by an active member of the Bar in good standing as set forth in this rule.
52 Required supervision ceases upon the Military Spouse Attorney's admission to the Bar
53 under this rule.

54 (3) For the duration of the supervision, the supervising attorney shall:

55 (A) assume full responsibility for all matters to be handled by the Military Spouse
56 Attorney; and

57 (B) be included by name on all pleadings and papers.

58 **(c) Timing and processing of application.**

59 (1) An application under this rule may be filed at any time.

60 (2) The Bar will promptly conduct a preliminary character and fitness review of a
61 completed application submitted by a Military Spouse Attorney.

62 (3) Upon satisfactory completion of the preliminary review and upon confirming that the
63 Military Spouse Attorney is present in Utah, the Bar will issue a Certificate While
64 Application is Pending to the applicant.

65 (A) The Certificate While Application is Pending authorizes the Military Spouse
66 Attorney to begin practice in accordance with this rule while the application is
67 pending.

68 (B) The Certificate expires 120 days after issuance, but a new certificate may be
69 issued if the applicant has not been dilatory in supplying required information
70 during the processing of the application.

71 (d) **Jurisdiction and Authority.** The practice of a lawyer admitted under this rule shall be
72 subject to the Utah Rules of Professional Conduct and Article 5, Lawyer Discipline and
73 Disability, and to all other applicable laws and rules governing lawyers admitted to the Bar.
74 Jurisdiction shall continue whether or not the Military Spouse Attorney retains the privilege to
75 practice in Utah and irrespective of the residence or domicile of the Military Spouse Attorney.

76 (e) **Continuing legal education.** Applicants admitted under this rule who have two or more
77 years of legal practice shall complete, document, and certify no later than six months following
78 admission having attended at least 15 hours of continuing legal education on Utah practice and
79 procedure and on ethics and civility requirements.

80 (1) The Bar may by regulation specify the number of the required 15 hours that must be
81 in particular areas of practice, procedure, ethics, and civility. Included in this mandatory
82 15 hours is attendance at the Bar's OPC ethics school.

83 (2) On an ongoing basis, attorneys admitted under this rule must comply with the
84 continuing legal education requirements imposed on lawyers under Article 4.

85 (f) **Mentoring and Supervision.**

86 (1) A Military Spouse Attorney with less than two years of Active Practice when
87 admitted must obtain a mentor and complete the New Lawyer Training Program (NLTP)
88 as outlined in Rules 14-404 and 14-808.

89 (2) A Military Spouse Attorney with less than two years of Active Practice who has not
90 presented an MBE score above 134 or UBE score above 269 must be affiliated at all

91 times with an active member of the Bar in good standing who has agreed to supervise the
92 Military Spouse Attorney and assume full responsibility for all matters handled by the
93 Military Spouse Attorney. A Military Spouse Attorney subject to this supervision
94 requirement must also enroll in the Bar's approved professional liability insurance
95 program or obtain equivalent insurance coverage.

96 (g) **Annual licensing.** An attorney admitted under this rule is subject to annual licensing and
97 enrollment fees and, during the annual licensing period, must provide to the Bar proof of
98 continuing compliance with (a)(8) through (a)(10).

99 (h) **Mandatory status reporting.** An attorney admitted under this rule and any required
100 supervising attorney are each responsible for notifying the Bar in writing within 21 days of any
101 change that may affect the Military Spouse Attorney's license to practice law under this rule.

102 (i) **Termination of license to practice in Utah.** A Military Spouse Attorney's license
103 terminates and a Military Spouse Attorney must cease all activities under this rule:

104 (1) six months after the military service member is permanently transferred outside Utah
105 on military orders with dependents authorized, unless the transfer is a remote follow-on
106 assignment and the Military Spouse Attorney remains in Utah during the service
107 member's remote assignment;

108 (2) ninety days after:

109 (A) the military service member dies, separates, or retires from the United States
110 Uniformed Services;

111 (B) the Military Spouse Attorney ceases to be a dependent as defined by the
112 United States Department of Defense;

113 (3) thirty days after the Military Spouse Attorney permanently relocates outside Utah
114 for a reason other than the military service member's permanent change of station;

115 (4) immediately upon:

116 (A) failure to comply with subsection (g);

117 (B) failure to maintain an active license in at least one other U.S. state,
118 territory, or the District of Columbia;

119 (C) any termination of sponsorship by a supervising attorney if required
120 by subsection (b), or the failure of a supervising attorney to be an active
121 member of the Bar in good standing;

122 (D) admission to the Bar under any other rule; or

123 (E) an order of termination by any disciplinary proceeding in Utah or upon
124 disbarment or suspension of any other license of the Military Spouse
125 Attorney from another jurisdiction.

126 (j) **Required action after termination.** Upon termination of a license to practice under this
127 rule, the Military Spouse Attorney must comply with Rule 1.16 of the Utah Rules of Professional
128 Conduct, including the transfer of pending matters, written notice to clients and notification of
129 courts, as required or necessary under the circumstances.

130 (k) **Failure to satisfy the notice and termination of practice requirements.** Failure to satisfy
131 the notice and termination of practice requirements set forth in subsections (e), (h), and (i) may
132 subject a Military Spouse Attorney to discipline, including the termination of a license granted
133 under this rule.

134 (l) **Reinstatement after termination of license.** A Military Spouse Attorney whose license was
135 terminated pursuant to paragraph (i) shall have the license reinstated if, within six months, the

136 Military Spouse Attorney demonstrates compliance with all the requirements of this rule upon
137 termination of the license and that the terminating event has been cured.

138 (m) **Service time and exception to admission by motion rule.** Any period of time a Military
139 Spouse Attorney practices under this rule counts under all rules measuring a lawyer's time
140 practicing law or as a member of the Bar, including Rules 14-203 and 14-705, provided that the
141 Military Spouse Attorney has never engaged in the unauthorized practice of law in Utah.

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143 *Effective November 12, 2020.*