

1 **Rule 14-809. Practice Pending Admission.**

2 (a) For purposes of this rule:

3 (1) "Active supervision" means:

4 (A) participating in and sharing responsibility for the representation of the
5 client;

6 (B) ensuring that the lawyer being supervised conforms to the Rules of
7 Professional Conduct and the Standards of Professionalism and Civility and
8 assuming responsibility for any violation of the Rules of Professional Conduct by
9 the lawyer being supervised; and

10 (C) making sufficient efforts to prevent any errors or misconduct on the part
11 of the lawyer being supervised and taking immediate action to avoid or mitigate
12 the consequences of any errors or misconduct that occur;

13 (2) "Bar" means the Utah State Bar;

14 (3) "Unlicensed lawyer" means a lawyer not licensed in Utah but licensed and in
15 good standing in another United States jurisdiction; and

16 (4) "Utah law firm" means an entity with an office in Utah consisting of
17 one or more Utah licensed lawyers lawfully engaged in the practice of law.

18 (b) An unlicensed lawyer with a pending application to the Bar may provide legal
19 services in Utah through an office or other systematic and continuous presence
20 provided that he or she meets the requirements of this rule.

21 (c) To practice under this rule an unlicensed lawyer must:

22 (1) reasonably expect to satisfy each requirement for admission by clear and
23 convincing evidence as an Attorney Examination Applicant under Rule 14-704 or
24 as a Motion Applicant under Rule 14-705;

- 25 (2) have submitted to the Bar a complete application as defined in Rule 14-701(l)
26 to sit for the Utah Bar Examination or to be admitted by motion;
- 27 (3) have ~~been engaged in the full-time active~~ practiced ~~of law~~ full-time as
28 defined in Rule 14-701(b), (u), and (jj) in a jurisdiction where licensed for ~~60~~ 36 of
29 the ~~84~~ 60 months immediately preceding the filing of the application for
30 admission;
- 31 (4) have graduated from an ABA-approved law school;
- 32 (5) have submitted a Practice Pending Admission Request Form to the Bar
33 with the appropriate fee;
- 34 (6) have passed a preliminary character and fitness review as prescribed by
35 the Character and Fitness Committee;
- 36 (7) have received from the Bar a Practice Pending Admission Certificate;
- 37 (8) have an active law license in a U.S. jurisdiction;
- 38 (9) be in good standing in all courts and jurisdictions in which he or she is
39 admitted to practice;
- 40 (10) be affiliated with a Utah law firm and actively supervised by a licensed
41 Utah lawyer affiliated with the same law firm;
- 42 (11) not have been subject to an order of attorney discipline within the preceding
43 84 months and not be subject to a pending grievance, complaint, disciplinary or
44 disability investigation in any jurisdiction;
- 45 (12) not have been previously denied admission to practice law on character and
46 fitness grounds in any jurisdiction; and
- 47 (13) inform all clients that the unlicensed lawyer is not licensed in Utah and
48 affirmatively state in all written communications with the public, clients and
49 other attorneys the following language: "Practice in Utah authorized from [date]"

50 to [date] under Rule 14-809 of the Rules Governing the Utah State Bar.
51 Supervised by [name of Utah attorney], a member of the Utah State Bar”.

52 (d) Eligibility to practice under this rule terminates upon the earlier occurrence of:

53 (1) the Bar’s admissions office’s or character and fitness committee’s decision
54 to defer or not to approve the unlicensed lawyer’s application;

55 (2) the lapse of ~~one year~~eighteen months from the issuance of the Practice Pending
56 Admission Certificate;

57 (3) the unlicensed lawyer failing the Utah Bar Examination after a second attempt;

58 (4) the unlicensed lawyer withdrawing his or her application for admission; or

59 (5) the unlicensed lawyer failing to remain in compliance with subsections (c)(8)
60 through (c)(13).

61 (e) Upon the termination of eligibility under (d), the unlicensed lawyer must
62 immediately cease practicing law in Utah, and within ten days must:

63 (1) provide written notice to the Bar’s admissions office of the circumstances
64 causing the termination of eligibility;

65 (2) provide written notice to all courts, clients and opposing counsel in pending
66 matters of the unlicensed lawyer’s termination of authority to practice law in
67 Utah; and

68 (3) in order to protect the interest of his or her clients, transfer all files to the
69 supervising attorney or other Utah licensed lawyer.

70 (f) The Bar does not have the authority to waive, modify, or extend any of the
71 requirements or time limitations in this rule.

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