

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 client;

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

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

12 (2) “Bar” means the Utah State Bar;

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

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

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

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

21 (1) reasonably expect to satisfy each requirement for admission by clear and  
22 convincing evidence as an Attorney ~~Examination~~ Applicant under [Rule 14-704](#), ~~or as~~  
23 a Motion Applicant under [Rule 14-705](#), ~~or as a UBE Transfer Applicant under Rule~~  
24 [14-712](#);

25 (2) have submitted to the Bar a complete application as defined in [Rule 14-701\(I\)](#) to  
26 sit for the Utah Bar Examination or to be admitted by motion;

- 27 (3) except for UBE Transfer Applicants under Rule 14-712, have been engaged in the  
28 full-time active practice of law as defined in Rule 14-701(b), (u), and (jj) for 36 of the  
29 60 months immediately preceding the filing of the application for admission;
- 30 (4) have graduated from an ABA-approved law school;
- 31 (5) have submitted a Practice Pending Admission Request Form to the Bar with the  
32 appropriate fee;
- 33 (6) have passed a preliminary character and fitness review as prescribed by the  
34 Character and Fitness Committee;
- 35 (7) have received from the Bar a Practice Pending Admission Certificate;
- 36 (8) have an active law license in a U.S. jurisdiction;
- 37 (9) be in good standing in all courts and jurisdictions in which he or she is admitted  
38 to practice;
- 39 (10) be affiliated with a Utah law firm and actively supervised by a licensed Utah  
40 lawyer affiliated with the same law firm;
- 41 (11) not have been subject to an order of attorney discipline within the preceding 84  
42 months and not be subject to a pending grievance, complaint, disciplinary or  
43 disability investigation in any jurisdiction;
- 44 (12) not have been previously denied admission to practice law on character and  
45 fitness grounds in any jurisdiction; and
- 46 (13) inform all clients that the unlicensed lawyer is not licensed in Utah and  
47 affirmatively state in all written communications with the public, clients and other  
48 attorneys the following language: "Practice in Utah authorized from [date] to [date]  
49 under Rule 14-809 of the Rules Governing the Utah State Bar. Supervised by [name  
50 of Utah attorney], a member of the Utah State Bar".
- 51 (d) Eligibility to practice under this rule terminates upon the earlier occurrence of:

- 52 (1) the Bar's admissions office's or character and fitness committee's decision to  
53 defer or not to approve the unlicensed lawyer's application;
- 54 (2) the lapse of eighteen months from the issuance of the Practice Pending  
55 Admission Certificate;
- 56 (3) the unlicensed lawyer failing the Utah Bar Examination after a second attempt;
- 57 (4) the unlicensed lawyer withdrawing his or her application for admission; or
- 58 (5) the unlicensed lawyer failing to remain in compliance with subsections (c)(8)  
59 through (c)(13).
- 60 (e) Upon the termination of eligibility under (d), the unlicensed lawyer must  
61 immediately cease practicing law in Utah, and within ten days must:
- 62 (1) provide written notice to the Bar's admissions office of the circumstances causing  
63 the termination of eligibility;
- 64 (2) provide written notice to all courts, clients and opposing counsel in pending  
65 matters of the unlicensed lawyer's termination of authority to practice law in Utah;  
66 and
- 67 (3) in order to protect the interest of his or her clients, transfer all files to the  
68 supervising attorney or other Utah licensed lawyer.
- 69 (f) The Bar does not have the authority to waive, modify, or extend any of the  
70 requirements or time limitations in this rule.