

1 **Rule 15-717. Relicensure after resignation or delicensure of Utah licensed paralegal**
2 **practitioners.**

3 Effective: [DATE]

4 (a) **Relicensure after resignation without discipline pending.** A Licensed Paralegal
5 Practitioner who seeks relicensure subsequent to resignation without discipline
6 pending must submit a new application, payment of fees, and undergo a character and
7 fitness investigation. An Applicant is not required to retake the Licensed Paralegal
8 Practitioner Examination(s), but must fully comply with the requirements of Rule 15-
9 716 (fees and oath).

10 (b) **Relicensure of delicensed Licensed Paralegal Practitioners.** A Licensed Paralegal
11 Practitioner who seeks relicensure after delicensure shall satisfy all requirements of this
12 article, including Rules 15-703, 15-708 and 15-716, and shall satisfy all other
13 requirements imposed by Rule ~~15-525~~11-591 of the Rules Governing Lawyer Discipline,
14 Disability, and Sanctions, the OPC, and Utah courts. A report and recommendation
15 shall be filed by the LPP Admissions Committee in the District Court in which the
16 Applicant has filed his or her petition for relicensure. The District Court must approve
17 the Applicant's petition for relicensure under Rule ~~15-525~~11-591 before an Applicant can
18 be admitted and licensed under Rule 15-716.

19 (c) **Formal hearing.** A delicensed Licensed Paralegal Practitioner Applicant must
20 undergo a formal hearing as set forth in Rule 15-708(c). A delicensed Licensed Paralegal
21 Practitioner Applicant has the burden of proving rehabilitation by clear and convincing
22 evidence. No delicensed Licensed Paralegal Practitioner Applicant may take the LPP
23 Examination(s) prior to being approved by the LPP Admissions Committee as provided
24 in Rule 15-708(a). In addition to the requirements set forth in this rule and in
25 conjunction with the application, an Applicant under this rule must:

26 (1) file an application for licensure in accordance with the requirements and
27 deadlines set forth in Rule 15-707(c);

28 (2) provide a comprehensive written explanation of the circumstances surrounding
29 her or his delicensure or resignation;

- 30 (3) provide copies of all relevant documents including, but not limited to, orders
31 containing findings of fact and conclusions of law relating to delicensure or
32 resignation; and
- 33 (4) provide a comprehensive written account of conduct evidencing rehabilitation.
- 34 (5) To prove rehabilitation, the Applicant must demonstrate and provide evidence of
35 the following:
- 36 (A) strict compliance with all disciplinary and judicial orders;
 - 37 (B) full restitution of funds or property where applicable;
 - 38 (C) a lack of malice toward those who instituted the original proceeding against
39 the Applicant;
 - 40 (D) unimpeachable character and moral standing in the community;
 - 41 (E) acceptance of responsibility for the conduct leading to the discipline;
 - 42 (F) a desire and intent to conduct one's self in an exemplary fashion in the future;
 - 43 (G) treatment for and current control of any substance abuse problem and/or
44 psychological condition, if such were factors contributing to the delicensure or
45 resignation; and
 - 46 (H) positive action showing rehabilitation by such things as a person's
47 occupation, religion, or community or civic service. Merely showing that the
48 Applicant is now living as and doing those things she or he should have done
49 throughout life, although necessary to prove rehabilitation, does not prove that
50 the individual has undertaken a useful and constructive place in society.