

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

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3 (a) For purposes of this rule:

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5 (a)(1) "Active supervision" means:

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7 (a)(1)(A) participating in and sharing responsibility for the representation of the
8 client;

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10 (a)(1)(B) ensuring that the lawyer being supervised conforms to the Rules of
11 Professional Conduct and the Standards of Professionalism and Civility and
12 assuming responsibility for any violation of the Rules of Professional Conduct by
13 the lawyer being supervised; and

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15 (a)(1)(C) making sufficient efforts to prevent any errors or misconduct on the part
16 of the lawyer being supervised and taking immediate action to avoid or mitigate
17 the consequences of any errors or misconduct that occur;

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19 (a)(2) "Bar" means the Utah State Bar;

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

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

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

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

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

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37 (c)(2) have submitted to the Bar a complete application as defined in Rule 14-
38 701(l) to sit for the Utah Bar Examination or to be admitted by motion;

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40 (c)(3) have practiced law full-time in a jurisdiction where licensed for 60 of the 84
41 months immediately preceding the filing of the application for admission;

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43 (c)(4) have graduated from an ABA-approved law school;

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45 (c)(5) have submitted a Practice Pending Admission Request Form to the Bar
46 with the appropriate fee;

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48 (c)(6) have passed a preliminary character and fitness review as prescribed by
49 the Character and Fitness Committee;

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51 (c)(7) have received from the Bar a Practice Pending Admission Certificate;

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53 (c)(8) have an active law license in a U.S. jurisdiction;

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55 (c)(9) be in good standing in all courts and jurisdictions in which he or she is
56 admitted to practice;

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58 (c)(10) be affiliated with a Utah law firm and actively supervised by a licensed
59 Utah lawyer affiliated with the same law firm;

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61 (c)(11) not have been subject to an order of attorney discipline within the
62 preceding 84 months and not be subject to a pending grievance, complaint,
63 disciplinary or disability investigation in any jurisdiction;

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65 (c)(12) not have been previously denied admission to practice law on character
66 and fitness grounds in any jurisdiction; and

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68 (c)(13) inform all clients that the unlicensed lawyer is not licensed in Utah and
69 affirmatively state in all written communications with the public, clients and other
70 attorneys the following language: "Practice in Utah authorized from [date] to
71 [date] under Rule 14-805 of the Rules Governing the Utah State Bar. Supervised
72 by [name of Utah attorney], a member of the Utah State Bar".

73
74 (d) Eligibility to practice under this rule terminates upon the earlier occurrence of:

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76 (d)(1) the Bar's admissions office's or character and fitness committee's decision
77 to defer or not to approve the unlicensed lawyer's application;

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79 (d)(2) the lapse of one year from the issuance of the Practice Pending Admission
80 Certificate;

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82 (d)(3) the unlicensed lawyer failing the Utah Bar Examination;

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

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86 (d)(5) the unlicensed lawyer failing to remain in compliance with subsections
87 (c)(8) through (c)(13).

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

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92 (e)(1) provide written notice to the Bar's admissions office of the circumstances
93 causing the termination of eligibility;

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95 (e)(2) provide written notice to all courts, clients and opposing counsel in pending
96 matters of the unlicensed lawyer's termination of authority to practice law in Utah;

97 and

98

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

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