

1 **Rule 14-701. Definitions.**

2 As used in this article:

3 (a) "ABA" means the American Bar Association;

4 (b) "Active Practice" means work performed by an attorney holding an "active" status
5 law license and having professional experience and responsibilities involving the Full-
6 time Practice of Law as defined in paragraphs (u) and (jj). The Active Practice of law
7 includes any of the following activities provided that such employment is available
8 only to licensed attorneys ~~and the activities are performed in the jurisdiction in which~~
9 ~~the Applicant is admitted:~~

10 (1) sole practitioner, or partner, shareholder, associate, or of counsel in a law firm;

11 (2) an organization's employee whose principal responsibility is to provide legal
12 advice or service;

13 (3) government employee whose principal duties are to provide legal advice or
14 service;

15 (4) service in the United States armed forces as a lawyer or judge;

16 (5) judge of a court of general or appellate jurisdiction provided that such
17 employment requires admission to the bar for the appointment thereto and for the
18 performance of the duties thereof; or

19 (6) law clerk to a judge of a court of general or appellate jurisdiction; ~~or~~ and

20 ~~(7) teaching full time at an Approved Law School; and~~

21 ~~(8)~~ the Active Practice of law does not include work that, as undertaken, constitutes
22 the unauthorized practice of law in the jurisdiction in which it was performed or in
23 the jurisdiction in which the clients receiving the unauthorized services were
24 located, nor does it include work completed in advance of any bar admission.

25 (c) "Admissions Committee" means those Utah State Bar members or others appointed
26 by the Board or president of the Bar who are charged with recommending standards

27 and procedures for admission to the Bar and with implementation of this article. The
28 Admissions Committee is responsible for supervising the work of the Bar Examiner
29 Committee, the Test Accommodations Committee, and the Character and Fitness
30 Committee, handling requests for review as provided herein and performing other
31 work relating to Applicant admissions.

32 (d) "Applicant" means each person requesting admission to the Bar. For purposes of this
33 article, an Applicant is classified as a Student Applicant, a Foreign Law School
34 Applicant, an Attorney Applicant, a Motion Applicant, a Disbarred Attorney Applicant,
35 a Foreign Legal Consultant Applicant, a House Counsel Applicant, a Formerly-
36 Admitted Applicant, a Military Lawyer Applicant, or a Military Spouse Attorney
37 Applicant.

38 (e) "Approved Law School" means a law school which is fully or provisionally
39 approved by the ABA pursuant to its Standards and Rules of Procedure for Approval of
40 Law Schools. To qualify as approved, the law school must have been fully or
41 provisionally approved at the time of the Applicant's graduation, or at the time of the
42 Applicant's enrollment, provided the Applicant graduated within a typical and
43 reasonable time.

44 (f) "Attorney Applicant" means any person who satisfies the requirements of Rule 14-
45 704.

46 (g) "Bar" means the Utah State Bar, including its employees, committees and the Board.

47 (h) "Bar Examination" means the Bar Examination as defined in Rules 14-710 and 14-
48 711.

49 (i) "Bar Examiner Committee" means those Bar members or others appointed by the
50 Board or president of the Bar who are charged with grading the Bar Examination.

51 (j) "Board" means the Board of Bar Commissioners.

52 (k) "Character and Fitness Committee" means those Bar members or others appointed
53 by the Board or president of the Bar who are charged with assessing the character and
54 fitness of Applicants and making determinations thereon.

55 (l) "Complete Application" means an application that includes all fees and necessary
56 application forms, along with any required supporting documentation, character
57 references, a criminal background check, a photo, an official certificate of law school
58 graduation and if applicable, a test accommodation request with supporting medical
59 documentation, a certificate of admission and/or good standing, and a certificate of
60 discipline.

61 (m) "Confidential Information" is defined in Rule 14-720(a).

62 (n) "Deputy General Counsel for Admissions" or "Deputy General Counsel" are terms
63 used interchangeably to mean the Bar's attorney in charge of admissions or her or his
64 designee.

65 (o) "Disbarred Attorney Applicant" means a person who has previously been licensed to
66 practice law in Utah and who is no longer licensed to practice law because of
67 disbarment or resignation with discipline pending or their equivalent and who satisfies
68 the requirements of Rule 14-708(g) and 14-717.

69 (p) "Executive Director" means the executive director of the Utah State Bar or her or his
70 designee.

71 (q) "First Professional Degree" means a degree that prepares the holder for admission
72 to the practice of law (e.g. juris doctorate) by emphasizing competency skills along with
73 theory and analysis. An advanced, focused, or honorary degree in law is not recognized
74 as a First Professional Degree (e.g. master of laws or doctor of laws).

75 (r) "Foreign Law School" means any school located outside of the United States and its
76 protectorates, that is accredited by that jurisdiction's legal accreditation body, if one
77 exists, where principles of English Common Law form the predominant basis for that

78 country's system of jurisprudence, and whose graduates are otherwise permitted by
79 that jurisdiction's highest court to practice law.

80 (s) "Foreign Legal Consultant Applicant" means any Applicant who satisfies the
81 requirements of Rule 14-718.

82 (t) "Formerly-Admitted Applicant" means a person who has previously been licensed to
83 practice law in Utah who is no longer licensed to practice law because of resignation
84 without discipline pending or failure to pay licensing fees for three or more years
85 under Rule 14-107(b)(4), and who satisfies the requirements of Rule 14-717.

86 (u) "Full-time Practice" means the Active and lawful Practice of Law for no fewer than
87 80 hours per month. Time spent on administrative or managerial duties, continuing
88 legal education, or client development and marketing does not qualify as part of the
89 required 80 hours of legal work.

90 (v) "General Counsel" means the General Counsel of the Utah State Bar or her or his
91 designee.

92 (w) "House Counsel Applicant" means any Applicant who satisfies the requirements of
93 Rule 14-719.

94 (x) "House Counsel" means a person granted a license under Rule 14-719.

95 (y) "Inactive" means an attorney's law license is held in "inactive status" or an
96 equivalent term.

97 (z) "MBE" means the Multistate Bar Examination prepared by the NCBE.

98 (aa) "MEE" means the Multistate Essay Examination prepared by the NCBE.

99 (bb) "Military Lawyer Applicant" means any Applicant who satisfies the requirements
100 of Rule 14-804.

101 (cc) "Military Spouse Attorney Applicant" means any Applicant who satisfies the
102 requirements of Rule 14-805.

103 (dd) "Motion Applicant" means any person who satisfies the requirements of Rule 14-
104 705.

105 (ee) "MPRE" means the Multistate Professional Responsibility Examination prepared by
106 the NCBE.

107 (ff) "MPT" means the Multistate Performance Test prepared by the NCBE.

108 (gg) "NCBE" means the National Conference of Bar Examiners, an organization that
109 develops, maintains, and applies reasonable and uniform standards of bar examination
110 education and testing.

111 (hh) "OPC" means the Office of Professional Conduct.

112 (ii) "Person" includes the plural as well as the singular and legal entities as well as
113 natural persons.

114 (jj) "Practice of Law" means employment available only to licensed attorneys where the
115 primary duty of the position is to represent the interests of another person by
116 informing, counseling, advising, assisting, advocating for or drafting documents for
117 that person through application of the law and associated legal principles to that
118 person's facts and circumstances. The Practice of Law constitutes more than merely
119 working with legally-related matters.

120 (kk) "Privileged Information" in this article includes: information subject to the attorney-
121 client privilege, attorney work product, test materials and applications of examinees;
122 correspondence and written decisions of the Board, Admissions Committee, Bar
123 Examiner Committee, Character and Fitness Committee, and Test Accommodations
124 Committee; and the identity of individuals participating in the drafting, reviewing,
125 grading and scoring of the Bar Examination.

126 (ll) "Reapplication for Admission" means that for two years after the filing of an
127 original application, an Applicant may reapply by completing a Reapplication for
128 Admission form updating any information that has changed since the prior application
129 was filed and submitting a new criminal background check.

- 130 (mm) "Student Applicant" means any person who satisfies the requirements of Rule 14-
131 703(a) who has never been admitted as an attorney in any jurisdiction.
- 132 (nn) "Supreme Court" means the Utah Supreme Court.
- 133 (oo) "Test Accommodations Committee" means those Bar members or others appointed
134 by the Board or president of the Bar who are charged with the review of requests from
135 Applicants seeking to take the Bar Examination with test accommodations and who
136 make determinations thereon.
- 137 (pp) "Unapproved Law School" means a law school that is not fully or provisionally
138 approved by the ABA. For an Unapproved Law School's graduates to be eligible for
139 admission, the law school must be accredited in the jurisdiction where it exists, provide
140 legal education that is the substantial equivalent of the legal education provided by an
141 Approved Law School, and not be based on correspondence or internet study.
- 142 (qq) "UBE" means the Uniform Bar Examination as prepared by the NCBE.
- 143 (rr) "Updated Application" means that an Applicant is required to amend and update
144 their application on an ongoing basis and correct any information that has changed
145 since the application was filed.
- 146 (ss) "Written Component" means that portion of the Bar Examination that consists of
147 MEE and MPT questions.