

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:

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

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

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

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

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

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

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

23 (c) "Admissions Committee" means those Utah State Bar members or others appointed
24 by the Board or president of the Bar who are charged with recommending standards
25 and procedures for admission to the Bar and with implementation of this article. The

26 Admissions Committee is responsible for supervising the work of the Bar Examiner
27 Committee, the Test Accommodations Committee, and the Character and Fitness
28 Committee, handling requests for review as provided herein and performing other
29 work relating to Applicant admissions.

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

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

42 (f) "Attorney Applicant" means any person who satisfies the requirements of Rule 14-
43 704.

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

45 (h) "Bar Examination" means the Bar Examination as defined in Rules 14-710 and 14-
46 711.

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

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

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

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

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

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

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

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

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

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

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

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

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

84 (u) "Full-time Practice" means the Active and lawful Practice of Law for no fewer than
85 80 hours per month. Time spent on administrative or managerial duties, continuing
86 legal education, or client development and marketing does not qualify as part of the
87 required 80 hours of legal work.

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

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

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

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

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

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

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

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

101 (dd) "Motion Applicant" means any person who satisfies the requirements of Rule 14-
102 705.

103 (ee) "MPRE" means the Multistate Professional Responsibility Examination prepared by
104 the NCBE.

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

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

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

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

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

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

124 (ll) "Reapplication for Admission" means that for two years after the filing of an
125 original application, an Applicant may reapply by completing a Reapplication for

126 Admission form updating any information that has changed since the prior application
127 was filed and submitting a new criminal background check.

128 (mm) "Student Applicant" means any person who satisfies the requirements of Rule 14-
129 703(a) who has never been admitted as an attorney in any jurisdiction.

130 (nn) "Supreme Court" means the Utah Supreme Court.

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132 (oo) "Test Accommodations Committee" means those Bar members or others appointed
133 by the Board or president of the Bar who are charged with the review of requests from
134 Applicants seeking to take the Bar Examination with test accommodations and who
135 make determinations thereon.

136 (pp) "Unapproved Law School" means a law school that is not fully or provisionally
137 approved by the ABA. For an Unapproved Law School's graduates to be eligible for
138 admission, the law school must be accredited in the jurisdiction where it exists, provide
139 legal education that is the substantial equivalent of the legal education provided by an
140 Approved Law School, and not be based on correspondence or internet study.

141 (qq) "UBE" means the Uniform Bar Examination as prepared by the NCBE.

142 (rr) "UBE Transfer Applicant" means any person who satisfies the requirements of Rule
143 14-712.

144 (~~rss~~) "Updated Application" means that an Applicant is required to amend and update
145 their application on an ongoing basis and correct any information that has changed
146 since the application was filed.

147 (~~stt~~) "Written Component" means that portion of the Bar Examination that consists of
148 MEE and MPT questions.