

1 USB 14-4. Amend. Redline.

Draft: December 11, 2023

2

3 ~~Chapter 14. Rules Governing the Utah State Bar. Chapter 11. General Provisions.~~

4 ~~Article 4. Article 6. Mandatory Continuing Legal Education~~

2

3 **Rule ~~14-401~~. 11-601. Purpose.**

4 By continuing their legal education throughout the time they practice law, lawyers and
5 paralegal practitioners can better fulfill their obligation to serve their clients competently.

6 This article establishes minimum requirements for mandatory continuing legal education
7 and the means by which the requirements are enforced.

2

3 **Rule ~~14-402.~~ 11-602. Definitions.**

4 As used in this article:

5 (a) "Active emeritus" or "active emeritus lawyer" means a lawyer who has been a Bar
6 member for 50 years or who is 75 years of age as of July 1 of the current year and who
7 qualifies for active emeritus status as defined under the Bar's rules, regulations, and
8 policies;

9 (b) "Active status" or "active status lawyer" means a lawyer who elects to be on active
10 status as defined under the Bar's rules, regulations, and policies;

11 (c) "Admission on motion applicant or lawyer" means a lawyer who has been admitted
12 for reciprocal admission as defined under Rule 14-705;

13 (d) "Accredited" means:

14 (1) as it relates to a lawyer, that CLE is approved by the Board as CLE that counts
15 towards the 12 hour CLE requirement per Compliance Cycle; or

16 (2) as it relates to a paralegal practitioner, that CLE is approved by the Board as
17 CLE that counts towards the ~~six~~ 6 hour CLE requirement per Compliance Cycle;

18 (e) "Approved law school" means an ABA approved law school as defined under Rule
19 14-701;

20 (f) "Bar" means the Utah State Bar;

21 (g) "Bar Examination" means the Bar Examination as defined in Rules 14-710 and 14-711
22 and includes the UBE, regardless of where the UBE was taken;

23 (h) "Board" means the Utah Supreme Court Board of Mandatory Continuing Legal
24 Education as set forth in Rule ~~14-403~~ 11-603;

25 (i) "Board of Bar Commissioners" means the governing board of the Bar;

26 (j) "Certificate of Compliance" means a report evidencing a lawyer's or paralegal
27 practitioner's completion of Accredited CLE as required and defined under Rule ~~14-414~~
28 11-614;

29 (k) "CLE" means continuing legal education, including Verified CLE and Elective CLE;

30 (l) "Comity Certificate" is a Certificate filed by a Utah lawyer to show CLE compliance
31 with an approved reciprocal jurisdiction (Idaho, Oregon, or Washington) where the
32 lawyer practices law;

33 (m) "Compliance Cycle" means the fiscal year period (July 1 through June 30) during
34 which:

35 (1) an active status lawyer admitted to practice in Utah is required to complete a
36 minimum of 12 hours of Accredited CLE; or

37 (2) a paralegal practitioner licensed in Utah is required to complete a minimum
38 of ~~six~~ 6 hours of Accredited CLE;

39 (n) "Ethics CLE" means CLE regarding compliance with the Utah Rules of Professional
40 Conduct with which a lawyer must comply to remain authorized to practice law in Utah
41 and remain in good standing, including:

42 (1) instruction on the Utah Rules of Professional Responsibility; and

43 (2) instruction on general ethical conduct or any other matter (such as law
44 practice management or the use of technology) that, as part of the CLE,
45 significantly relates to and discusses compliance with one or more of the Utah
46 Rules of Professional Responsibility;

47 (o) "Elective CLE" means CLE, other than Verified CLE, credited for a number of hours
48 as specified by these rules or determined by the Board on a case-by-case basis, including:

49 (1) viewing an audio, video, or webcast presentation or a computer interactive
50 program;

51 (2) writing and publishing an article in a legal periodical, part-time teaching in
52 an approved law school, or delivering a paper or speech on a professional subject
53 at a meeting primarily attended by lawyers, paralegal practitioners, legal
54 assistants, or law school students;

55 (3) community outreach, as described in Rule ~~14-409~~ 11-609; or

56 (4) Pro Bono Legal Services, as described in Rule ~~14-419~~ 11-619.

57 (p) "Full exam" means all components of the Bar Examination as defined under Rule 14-
58 710;

59 (q) "House Counsel" means a lawyer admitted with a restricted House Counsel license
60 as defined in Rule 14-719, which is required and limits the lawyer's practice of law to the
61 business of the lawyer's employer;

62 (r) "In-person CLE" means CLE presented in a classroom setting where the lawyer or
63 paralegal practitioner is in the same room as the presenter;

64 (s) "Inactive status" means a lawyer or paralegal practitioner who has elected to be on
65 inactive status as defined under the Bar's rules, regulations, and policies;

66 (t) "MCLE" or mandatory continuing legal education means CLE required by this article;

67 (u) "Director" means the person appointed by the Supreme Court to provide
68 administrative assistance to the Board, perform duties delegated by the Board, and
69 manage MCLE staff as outlined in Rule 11-603 and directed by the Board.

70 ~~(u)~~ (v) "New admittee" means a lawyer newly admitted to the Utah State Bar;

71 ~~(v)~~ (w) "NLTP" means the New Lawyer Training Program as set forth in Rule 14-404 and
72 Rule 14-808;

73 ~~(w)~~ (x) "OPC" means the Office of Professional Conduct;

74 ~~(x)~~ (y) "OPC ethics school" means the OPC biannual seminar on the Utah Rules of
75 Professional Conduct which provides six CLE credit hours;

76 ~~(y)~~ (z) "Paralegal practitioner" means a person licensed by the Utah Supreme Court to
77 provide limited legal representation in the areas of (1) temporary separation, divorce,
78 parentage, cohabitant abuse, civil stalking, and custody and support; (2) forcible entry
79 and detainer and unlawful detainer; or (3) debt collection matters in which the dollar
80 amount in issue does not exceed the statutory limit for small claims cases;

81 ~~(z)~~ (aa) "Presumptively approved sponsor" means a CLE sponsor or provider who
82 qualifies under the standards prescribed in Rule ~~14-412~~ 11-612;

83 ~~(aa)~~ (bb) "Presumptive CLE Accreditation" means CLE that qualifies under the standards
84 prescribed in Rule ~~14-412~~ 11-612;

85 ~~(bb)~~ (cc) "Pro Bono Legal Services" has the meaning described in Rule 6.1 of the Utah
86 Rules of Professional Conduct.

87 ~~(ee)~~ (dd) "Professionalism and civility CLE" means CLE on conduct consistent with the
88 tenets of the legal profession by which a lawyer demonstrates civility, honesty, integrity,
89 character, fairness, competence, ethical conduct, public service, and respect for the rules
90 of law, the courts, clients, other lawyers, witnesses and unrepresented parties, including:

91 (1) instruction on the Utah Standards of Professionalism and Civility; or

92 (2) instruction on general professional and civil conduct or another matter ~~(such~~
93 ~~as wellness or substance abuse)~~ that, ~~as part of the CLE,~~ significantly relates to and
94 discusses compliance with one or more of the Utah Standards of Professionalism
95 and Civility;

96 (3) instruction on Well-being;

97 (4) instruction on time management, effective client communication, or
98 law practice management;

99 (5) instruction on the development of organizational cultures that foster
100 professionalism and civility in the practice of law and a positive work
101 environment;

102 (6) instruction on substance use disorder; 7 and

103 (7) instruction on diversity, equity, and inclusion.

104 ~~(dd)~~ (ee) “Remote Group CLE” means CLE, sponsored or cosponsored by the Bar, that is
105 presented from a location in Utah, via a live streaming audio-visual presentation, to
106 another location in Utah where the lawyer or paralegal practitioner is present, in
107 accordance with Rule ~~14-418~~ 11-618;

108 ~~(ee)~~ (ff) “Sponsoring entity” means an organization that qualifies as a sponsoring entity
109 under Utah Code of Judicial Administration, Rule 14-803.

110 ~~(ff)~~ (gg) “Supreme Court” means the Utah Supreme Court; ~~and~~

111 ~~(gg)~~ (hh) “UBE Transfers” means applicants who gain admission by transferring a
112 uniform bar exam score;

113 ~~(hh)~~ (ii) “Verified CLE” means In-person CLE, Remote Group CLE, or Verified E- CLE;

114 ~~(ii)~~ (jj) “Verified E-CLE” means CLE presented via a computer program or over the
115 Internet where active participation by the lawyer or paralegal practitioner in the CLE is
116 verified by responding to scenarios during the CLE or answering knowledge-based
117 questions during or after presentation of the CLE.

118 ~~(jj) “Wellness” means well-being or mindfulness programs or topics, intended for~~
119 ~~attorneys and paralegal practitioners rather than a general audience, that are designed~~
120 ~~to:~~

121 ~~(1) sustain or increase the capacity of attorneys and paralegal practitioners to strive~~
122 ~~for and achieve the highest aspirational levels of professionalism, including~~
123 ~~programs aimed at increasing attorney and paralegal practitioner well-being,~~
124 ~~optimism, resilience, relationship skills, and energy and engagement in their~~
125 ~~practices;~~

126 ~~(2) help lawyers and paralegal practitioners re-connect with, strengthen, and~~
127 ~~apply their values, strength of character, and sense of purpose toward achieving~~
128 ~~outstanding professionalism;~~

129 ~~(3) educate lawyers and paralegal practitioners about gender bias, diversity~~
130 ~~and inclusion, and unlawful harassment, including sexual harassment;~~

131 ~~(4) protect lawyers and paralegal practitioners, or help lawyers and paralegal~~
132 ~~practitioners recover, from the deleterious effects on professionalism of stress,~~
133 ~~mental health concerns, substance abuse, and poor staff management, financial~~
134 ~~management, or time management; or~~

135 ~~(5) support the development of organizational cultures within firms, law~~
136 ~~departments, and legal agencies that recognize, support, and encourage~~
137 ~~outstanding professionalism.~~

138 (kk) “Well-being,” as defined by the National Task Force on Lawyer Well-Being, means
139 “a continuous process whereby lawyers and paralegal practitioners seek to thrive in each
140 of the following areas: emotional health, occupational pursuits, creative or intellectual
141 endeavors, sense of meaningfulness or greater purpose in life, physical health, and social
142 connections with others”;

143 (ll) “Well-being CLE” means instruction that:

144 (1) identifies and teaches principles or skills that can be applied to enhance well-
145 being; and

146 (2) ties those principles or skills to the practice of law based on circumstances,
147 challenges, or stressors that are commonly or uniquely faced by lawyers or
148 paralegal practitioners.

2

3 **Rule ~~14-403.~~ 11-603. Establishment and membership of Board.**

4 (a) Establishment. There is established by ~~the~~is Supreme Court a Board of Mandatory
5 Continuing Legal Education. The Board comprises ~~10~~ ten members, at least ~~8~~ eight of
6 whom are lawyers admitted to the Bar, and up to ~~2~~ two of whom may be paralegal
7 practitioners.

8 (b) Terms. Members are appointed for staggered three-year terms. No lawyer or paralegal
9 practitioner may serve more than two consecutive terms as a member of the Board unless
10 appointed by the Supreme Court as the Board chair or when justified by special
11 circumstances, as determined by the Supreme Court. The Board may also have up to two
12 additional nonvoting emeritus members. An emeritus member has the same authority
13 and duties as other Board members, except that the member does not have authority to
14 vote. An emeritus member may serve two terms in addition to the terms served as a
15 member.

16 (c) Application and recruitment of committee members. The Supreme Court will
17 announce ~~V~~yvacancies on the Board ~~shall be announced~~ in a manner reasonably calculated
18 to reach members of the Utah State Bar. The notice ~~shall~~ will specify a brief description
19 of the Board's responsibilities, the method for submitting an application or letter of
20 interest, and the application deadline. Members of the Board or the Supreme Court may
21 solicit applications for Board membership ~~on the Board~~. Applications and letters of
22 interest ~~shall~~ must be submitted to the Supreme Court.

23 (d) Appointment of committee members and chair. Upon expiration of the application
24 deadline, the Supreme Court ~~shall~~ will review the applications and letters of interest and
25 appoint those individuals who it deems are best suited to serve on the Board. In the event
26 of a mid-term vacancy the Supreme Court ~~shall~~ will appoint a new member to serve for

27 the remainder of the term. The Supreme Court ~~shall~~ will select a chair from among the
28 Board's members.

29 (e) Absences. In the event a Board member fails to attend three Board meetings during a
30 calendar year, the chair may notify the Supreme Court of those absences and may request
31 that the Supreme Court replace that Board member.

32 (f) ~~Administrative Assistance. The MCLE Director will support the Board. Appointment~~
33 ~~and duties of the Director. The Supreme Court appoints the Director. The Director serves~~
34 ~~at the pleasure of the Supreme Court, provides administrative support to the Board, and~~
35 ~~performs duties under the supervision and direction of the Board as outlined in the Board~~
36 ~~policies.~~

37 ~~(g) Quorum. Six members of the Board constitute a quorum for conducting the Board's~~
38 ~~business and a majority vote of those present and voting at any meeting is sufficient to~~
39 ~~bind the Board. The chair may vote only to break a tie.~~

2

3 **Rule ~~14-404.~~ 11-604. Active status lawyers MCLE, NLTP, admission on motion, multi-**
4 **state compliance reciprocity, house counsel and UBE requirements; MCLE**
5 **requirements for Paralegal Practitioners.**

6 (a) **Active status lawyers.** Each active status lawyer admitted to practice in Utah must
7 complete, during each Compliance Cycle, a minimum of 12 hours of Accredited CLE, as
8 follows:

9 (1) at least six hours of the CLE must be Verified CLE, which may include any
10 combination of In-person CLE, Remote Group CLE, or Verified E-CLE;

11 (2) the remaining six hours of CLE may include Elective CLE or Verified CLE;
12 and

13 (3) the 12 hours of CLE must include a minimum of one hour of Ethics CLE and
14 one hour of Professionalism and Civility CLE.

15 (b) **Inactive status, NLTP, and New Lawyer Ethics Program.**

16 (1) **Inactive status.** Lawyers or paralegal practitioners on inactive status are not
17 subject to the requirements of this rule, or (for lawyers) the NLTP requirements.

18 (2) **Active status and NLTP.** Lawyers on active status who reside in Utah and
19 who are subject to the NLTP under Rule 14-808 must complete the NLTP
20 requirements before the end of the Compliance Cycle that begins after the lawyer
21 is admitted to practice in Utah. If a lawyer on active status who resides in Utah is
22 granted an extension of time to complete the NLTP, the lawyer must, during the
23 extension period, comply with the regular CLE requirements for an active status
24 lawyer.

25 (3) **NLTP credit.** A lawyer who is obligated to and who successfully fulfills the
26 requirements of the NLTP will receive 12 Accredited Verified CLE hours for the
27 Compliance Cycle during which the lawyer completes the NLTP requirements.

28 (4) **NLTP Mentor.** A mentor for a lawyer described in subsection paragraph
29 (b)(3) will receive ~~6~~ six Accredited Verified CLE hours for the Compliance Cycle
30 during which the lawyer described in subsection paragraph (b)(3) successfully
31 fulfills the NLTP requirements.

32 (5) **New Lawyer Ethics Program.** New lawyers are required to attend the New
33 Lawyer Ethics Program. This program satisfies the Ethics CLE requirement and
34 the Professionalism and Civility CLE requirement for the Compliance Cycle
35 during which the new lawyer completes the NLTP requirements.

36 (c) **Admission on motion.** A lawyer who is admitted on motion shall comply with
37 subsection paragraph (a) during the Compliance Cycle that begins after the lawyer is
38 admitted on motion.

39 (d) **Multi-State Reciprocity Compliance.** An active lawyer or paralegal practitioner who
40 practices in a Multi-State Compliance Reciprocity State (Idaho, Oregon, or Washington)
41 may elect to meet the CLE requirements in that other state and use that state's CLE
42 compliance as compliance in Utah by filing a "Comity Certificate" for Utah CLE
43 compliance.

44 (e) **House Counsel lawyers.**

45 (1) **Compliance reporting.** House Counsel lawyers must pay the designated
46 filing fee and file with the MCLE Board by July 31 of each year a House Counsel
47 Certificate signed by the jurisdiction where House Counsel maintains an active
48 license evidencing that the lawyer has completed the hours of continuing legal
49 education required of active lawyers in the jurisdiction where House Counsel is
50 licensed.

51 (2) **MCLE requirements.** A House Counsel lawyer must complete 12 hours of
52 Accredited CLE each Compliance Cycle, to include one hour of Ethics CLE and
53 one hour of Professionalism and Civility CLE, if: the jurisdiction where the
54 lawyer maintains an active license does not have a CLE requirement; or the
55 lawyer complies in a jurisdiction where CLE is self-reporting and the jurisdiction
56 does not sign the House Counsel Certificate. At least six of the ~~12~~**twelve** hours
57 must be Verified CLE.

58 (f) **UBE Applicants.**

59 (1) A lawyer who gains admission by transferring a UBE score and has less than
60 two years of legal practice ~~shall~~ **must** comply with the New Lawyer Training
61 Program during the Compliance Cycle that begins after the lawyer gains
62 admission.

63 (2) A lawyer who gains admission by transferring a UBE score, has less than two
64 years of legal practice, and receives a waiver of the New Lawyer Training
65 Program because the lawyer lives out of the state, ~~shall~~ **must** comply with
66 ~~subsection paragraph~~ (a) during the Compliance Cycle that begins after the
67 lawyer gains admission.

68 (3) A lawyer who gains admission by transferring a UBE score and who has at
69 least two years of legal practice ~~shall~~ **must** comply with ~~subsection paragraph~~ (a)
70 during the Compliance Cycle that begins after the lawyer gains admission.

71 (g) **Out-of-state CLE activities.** CLE Accreditation may be awarded for out-of-state CLE
72 that the Board determines meets standards in furthering a lawyer's or paralegal
73 practitioner's legal education. The Board determines whether to Accredite the CLE and, if
74 Accredited, the number of hours of credit to allow for such CLE.

75 (h) **Application for accreditation.** A lawyer's or paralegal practitioner's application for
76 Accreditation of CLE must be submitted in writing to the Board if the activity has not
77 been previously Accredited for CLE credit in Utah.

78 (i) **Advertising legal services.** Programs and topics focused on advertising legal services
79 will be denied Accreditation, except to the extent they deal with the ethical restrictions
80 concerning advertising.

81 (j) **Judicial officers.** State judges, federal judges, federal magistrates, court
82 commissioners, active senior judges, and active justice court judges, both full and part
83 time, meet CLE requirements through the Administrative Office of the Courts.

84 (k) **Paralegal practitioners.** Each paralegal practitioner licensed in Utah must complete,
85 during each Compliance Cycle, a minimum of ~~6~~ six hours of Accredited CLE, as follows:

86 (1) at least three hours of the CLE must be Verified CLE, which may include any
87 combination of In-person CLE, Remote Group CLE, or Verified E-CLE;

88 (2) the remaining three hours of CLE may include Elective CLE or Verified CLE;

89 (3) the six hours of CLE must include a minimum of one hour of Ethics CLE and
90 one hour of Professionalism and Civility CLE.

2

3 **Rule ~~14-405.~~ 11-605. MCLE requirements for lawyers and paralegal practitioners on**
4 **inactive status.**

5 (a) Lawyers and paralegal practitioners on inactive status are not subject to MCLE
6 requirements while on inactive status.

7 (b) ~~Return to active status.~~ A lawyer who is on inactive status for ~~six~~ 12 months or more
8 and who returns to active status must complete the 12-hour Accredited CLE requirement
9 by June 30 of the Compliance Cycle that begins after the lawyer's return to active status.
10 A paralegal practitioner who is on inactive status for ~~six~~ 12 months or more and who
11 returns to active status must complete the six-hour Accredited CLE requirement by June
12 30 of the Compliance Cycle that begins after the paralegal practitioner's return to active
13 status.

14 (c) A lawyer who has been on inactive status for less than ~~six~~ 12 months may not elect
15 active status until completing the Accredited CLE requirements that were incomplete at
16 the time the lawyer elected to be enrolled as an inactive member. A paralegal practitioner
17 who has been on inactive status for less than ~~six~~ 12 months may not elect active status
18 until completing the Accredited CLE requirements that were incomplete at the time the
19 paralegal practitioner elected to be enrolled as an inactive paralegal practitioner.

2

3 **Rule ~~14-406.~~ 11-606. MCLE requirements for lawyers on active military duty and**
4 **lawyers who are spouses of active military members stationed in Utah.**

5 (a) Waiver for military members. Lawyers who are serving or called to federal active
6 military duty that will last for 90 consecutive days or longer during any portion of a
7 Compliance Cycle will have MCLE requirements waived for that particular Compliance
8 Cycle.

9 (b) Statement of compliance. Each lawyer serving or called to federal active military duty
10 that will last for 90 consecutive days or longer must file with the Board a statement of
11 compliance providing verification of the date the lawyer was called to federal active
12 military duty. The statement of compliance is due by July 31 following the end of the
13 Compliance Cycle in which the report is due.

14 (c) Spouses of military members stationed in Utah. A lawyer who is admitted to practice
15 law in Utah under Rule 14-805, because the lawyer is the spouse of an active military
16 member with orders for a permanent change of station to reside in Utah, ~~shall~~ must:

17 (1) if the lawyer has two or more years of legal practice, comply with Rule ~~14-~~
18 ~~404(a)~~ 11-604(a) in the Compliance Cycle that begins after the lawyer is admitted
19 to practice law in Utah; or

20 (2) if the lawyer has less than two years of legal practice, complete the NLTP
21 requirements before the end of the Compliance Cycle that begins after the lawyer
22 is admitted to practice law in Utah.

2

3 **Rule ~~14-407~~. 11-607. MCLE requirements for lawyers on active emeritus status.**

4 (a) Lawyers on active emeritus status must comply with MCLE requirements by
5 participation in six hours of Accredited CLE during each Compliance Cycle.

6 (b) Alternative. In the alternative, lawyers on active emeritus status may work in
7 conjunction with another Utah lawyer on active status in lieu of complying with the
8 requirement of six hours of Accredited CLE. These lawyers must contact the ~~MCLE Board~~
9 Director ~~prior to~~ before working with another active Utah lawyer. A lawyer on active
10 emeritus status who elects to work in conjunction with another Utah lawyer on active
11 status in lieu of complying with six hours of Accredited CLE must file with the Board a
12 signed statement verifying that the lawyer has complied with the requirements of this
13 rule by July 31 following the end of the Compliance Cycle in which the report is due.

14 (c) Return to active status. An emeritus lawyer who is on inactive status for ~~six~~ 12 months
15 or more and who returns to active status must complete the six-hour Accredited CLE
16 requirement by June 30 of the Compliance Cycle that begins after the emeritus lawyer's
17 return to active status.

18 (d) An emeritus lawyer who has been on inactive status for less than ~~six~~ 12 months may
19 not elect emeritus active status until completing the Accredited CLE requirements that
20 were incomplete at the time the emeritus lawyer elected to be enrolled as an inactive
21 member.

2

3 **Rule ~~14-408~~, 11-608. Credit hour defined; application for approval.**

4 **(a) Credit hour defined.**

5 (1) An hour of In-person CLE or Remote Group CLE means 60 minutes of
6 attendance in a one-hour period at an Accredited CLE program.

7 (2) An hour of Verified E-CLE means 60 minutes of the minimum actual viewing
8 time to participate in the Verified E-CLE.

9 (3) An hour of Elective CLE means an hour of credit as specified by these rules
10 or determined by the Board on a case-by-case basis.

11 (4) An hour of CLE for Pro Bono Legal Services means, in accordance with Rule
12 ~~14-419~~, 11-619, providing the equivalent of five hours of Pro Bono Legal equal to
13 at least five hours.

14 **(b) Application for approval.** A lawyer, a paralegal practitioner, or a sponsoring agency
15 applying for approval of CLE must submit to the Board all the necessary information
16 required under this article.

2

3 **Rule ~~14-409.~~ 11-609. Categories of Elective CLE defined.**

4 **(a) Lecturing, teaching, panel discussions and community outreach.**

5 (1) **Lecturing in an Accredited CLE Program.** Lawyers or paralegal practitioners
6 who lecture in an Accredited CLE program will receive credit for three hours of Elective
7 CLE for each hour spent lecturing, including participating as a presenter in a panel
8 discussion. No lecturing or teaching credit is available for preparation time.

9 (2) **Community outreach.**

10 (A) Lawyers or paralegal practitioners who lecture in a community
11 outreach capacity may receive Elective CLE credit for each hour spent
12 lecturing to groups of ~~5~~ five or more non-lawyers and non-paralegal
13 practitioners for the purpose of educating a non-lawyer and non-paralegal
14 practitioner audience about legal topics.

15 (B) Community outreach may include, but is not limited to, a lecture made
16 by a lawyer or paralegal practitioner about the lawyer's or paralegal
17 practitioner's deliberation on legal subject matter as an elected or
18 appointed member of a public policy making body that is created by
19 statute or constitution and a lecture by a lawyer or a paralegal practitioner
20 about the structure of Government, the Utah Constitution, the U.S.
21 Constitution or any legislation of either the Utah Legislature or U.S.
22 Congress. Such community outreach lecturing, however, must be
23 referenced in an agenda or outline format identifying: the body to whom
24 the lecture is presented; the date, hour, and duration of the lecture; and
25 the topics covered.

26 (C) Community outreach lecturing on legal subjects by a lawyer is eligible
27 for a maximum of four hours of Elective CLE credit for a Compliance

28 Cycle. Community outreach lecturing on legal subjects by a paralegal
29 practitioner is eligible for a maximum of two hours of Elective CLE credit
30 for a Compliance Cycle.

31 (b) **Final published brochure, outline, or agenda.** The Board will determine the number
32 of Elective CLE hours available for a program based on the final published brochure,
33 outline, or agenda, as appropriate.

34 (c) **Equivalent CLE credit for certain Elective CLE.**

35 (1) Subject to the Board’s determination, the Board may allow equivalent credit
36 for such CLE that furthers the purpose of this article and qualifies for
37 equivalency.

38 (2) Such equivalent CLE may include, but is not limited to, viewing Accredited
39 CLE audio and video and webcast presentations or computer interactive
40 programs, writing and publishing an article in a legal periodical, part-time
41 teaching by a lawyer or paralegal practitioner in an approved law school, or
42 delivering a paper or speech on a professional subject at a meeting primarily
43 attended by lawyers, paralegal practitioners, legal assistants, or law students.

44 (3) The number of credit hours ~~of credit~~ allowed for such activities and the
45 procedures for obtaining equivalent credit will be determined specifically by the
46 Board for each instance.

47 (d) **Pro Bono Legal Services.** Elective CLE credit for Pro Bono Legal Services is addressed
48 in Rule ~~14-419~~. 11-619.

49 _____
50 **Comment:** An example of community outreach that would qualify for Elective CLE credit
51 under ~~subsection paragraph~~ (a)(2) is a presentation made by a Legislator to a group of
52 non-lawyers and non-paralegal practitioners about the Legislator’s service on a public
53 policy making body.

2

3 **Rule ~~14-410.~~ 11-610. Accreditation of CLE; undue hardship and special Accreditation.**

4 (a) **Permitted number of Elective CLE hours.** Unless the Board grants an undue hardship
5 waiver under ~~Subsection paragraph~~ (f), a lawyer or paralegal practitioner may not count
6 Elective CLE hours towards more than half the amount of Accredited CLE required of
7 the lawyer or paralegal practitioner during a Compliance Cycle.

8 (b) **Accredited CLE requirements.** Accredited CLE activities provided by this article
9 must:

10 (1) have as their primary objective to increase lawyers' or paralegal practitioners'
11 professional competency;

12 (2) be comprised of subject matter directly related to the practice of law; and

13 (3) comply with the specific requirements set forth in this article with respect to
14 each activity.

15 (c) **Board to assign credit hours.** The Board ~~shall~~ will assign an appropriate number of
16 credit hours to each Accredited CLE activity.

17 (d) **Ethics CLE.** All courses or components of courses offered to fulfill the Ethics CLE
18 requirement under ~~14-404(a)~~ 11-604(a) must be specifically Accredited by the Board.

19 (e) **Professionalism and Civility.** All courses or components of courses offered to fulfill
20 the Professionalism and Civility CLE requirement under ~~14-404(a)~~ 11-604(a) must be
21 specifically Accredited by the Board.

22 (f) **Undue hardship; special Accreditation.**

23 (1) Formal instruction or educational seminars that meet the requirements of
24 paragraph (ab) lend themselves well to the fulfillment of the educational
25 requirement imposed by this article and will be readily Accredited by the Board.

26 (2) It is not intended that compliance with this article will impose any undue
27 hardship upon any lawyer or paralegal practitioner because the lawyer or
28 paralegal practitioner may find it difficult to attend such activities because of
29 health or other special reasons.

30 (3) In addition to Accrediting formal instruction at centralized locations, the
31 Board, in its discretion, may Accredite such CLE including, but not limited to,
32 audio and video presentations, webcasts, computer interactive programs,
33 teaching, preparation of articles and other meritorious learning experiences as
34 provided in this article.

2

3 **Rule ~~14-411~~. 11-611. Board Accreditation of CLE.**

4 The Board in its discretion may Accredit CLE in accordance with the following standards.

5 (a) The CLE must be of intellectual or practical content and may include an ethics or
6 professionalism and civility component.

7 (b) The CLE must contribute directly to a lawyer's or paralegal practitioner professional's
8 competence or skills, or the lawyer's or paralegal practitioner's ethics or professionalism
9 and civility obligations.

10 (c) CLE leaders or lecturers must have the necessary practical or academic skills to
11 conduct the CLE effectively.

12 (d) Prior to or during the CLE, each attendee must be provided with written or electronic
13 course materials of a quality and quantity which indicate that adequate time has been
14 devoted to preparation and which are of value to lawyers in their practice of the law.
15 One-hour CLE courses meet this requirement by providing an outline of the CLE's
16 content.

17 (e) The CLE must be presented in an appropriate setting.

18 (f) The CLE must be made available to lawyers and paralegal practitioners throughout
19 the state unless the CLE provider demonstrates to the satisfaction of the Board that there
20 is good reason to limit availability.

21 (g) A CLE provider may, upon Board approval, make some hours of a CLE course
22 available to all lawyers and paralegal practitioners and some hours available to only
23 certain lawyers or paralegal practitioners. A CLE provider may, for example, limit CLE
24 to lawyers or paralegal practitioners who specialize in a particular area of law, lawyers
25 who are primarily plaintiff's lawyers, defense lawyers or prosecutors, lawyers or
26 paralegal practitioners who fulfill a particular government function, or lawyers or

27 paralegal practitioners who are employed by a particular branch of local or state
28 government.

29 (h) A CLE provider ~~shall~~ must submit a request for approval to limit availability of hours
30 at least 30 days before the day of the CLE.

31 (i) A lawyer may not accrue more than three hours of CLE to which availability is limited
32 per Compliance Cycle.

33 (j) A paralegal practitioner may not accrue more than one hour of CLE to which
34 availability is limited per Compliance Cycle.

35 (k) The CLE provider is responsible to provide to the Board, no later than 30 days after
36 the day of the CLE, an accurate list of the lawyers and paralegal practitioners who
37 attended each hour of limited availability. Repeated failure to comply with this deadline
38 may result in denial of future requests to limit availability.

39 (l) A CLE provider or attendee must submit to all reasonable requests for information
40 related to the course or activity.

41 (m) A CLE provider or attendee must submit a written request for Accreditation on an
42 approved form within 60 days prior to or 30 days following the CLE.

43 (n) A CLE provider who desires to advertise CLE as being Accredited must submit a
44 request for approval at least 14 calendar days prior to the CLE.

45 (o) CLE to which availability is limited must be submitted for approval at least 30 days
46 prior to the CLE.

47 (p) A CLE provider must apply separately for Accreditation of Elective CLE.

48 (q) The CLE provider must submit the registration list in an approved format, with CLE
49 fees if applicable, within 30 days following the presentation of the CLE.

50 (r) A CLE provider who fails to comply with a deadline described in this Rule ~~14-411~~ 11-
51 611 must pay a \$100 late fee.

2

3 **Rule ~~14-412.~~ 11-612. Presumptively approved CLE providers; presumptive CLE**
4 **Accreditation.**

5 (a) **Designating presumptively approved CLE providers.** The Board may designate an
6 organization as a presumptively approved provider of Accredited CLE if the
7 organization meets the following standards:

8 (1) The CLE provider must be either an approved law school or an organization
9 engaged in CLE that has, during the three years immediately preceding its
10 application, sponsored at least six separate CLE courses that comply with the
11 requirements for individual course Accreditation under Rule ~~14-411.~~ 11-611.
12 Status as a presumptively approved CLE provider is subject to periodic review.

13 (2) Presumptively approved CLE providers are required to pay an annual fee.

14 (3) No later than 14 calendar days prior to offering a CLE course, the
15 presumptive CLE provider must indicate on a Board-approved form that the
16 CLE course satisfies the provisions of Rule ~~14-411.~~ 11-611. The sponsor should
17 also submit a copy of the brochure or outline describing the course, a description
18 of the method or manner of presentation, and, if specifically requested by the
19 Board, a set of materials.

20 (4) The presumptive CLE provider must submit the registration list in an
21 approved format, with CLE fees if applicable, within 30 days following the
22 presentation of the CLE course.

23 (5) The presumptive CLE provider must make its courses available to all lawyers
24 and paralegal practitioners throughout the state, unless, subject to ~~14-411~~ 11-
25 611, it can demonstrate to the satisfaction of the Board that there is good reason
26 to limit the availability.

27 (6) The sponsor must submit to all reasonable requests for information and
28 comply with this article.

29 (b) **Denial of presumptive CLE provider status.** Notwithstanding a presumptive CLE
30 provider's compliance with paragraphs (a)(1) through (a)(6), the Board may deny
31 designation as a presumptive CLE provider if the Board finds there is just cause for
32 denial.

33 (c) **Revocation of presumptive approval.** The Board may audit any CLE provider having
34 presumptive approval and may revoke the presumptive approval if it determines that
35 the presumptive CLE provider is offering, as Accredited, courses that do not satisfy the
36 standards established under Rule ~~14-411~~ 11-611.

37 (d) **Annual fee.** A presumptive CLE provider pays an annual fee established by the Board
38 for all CLE provided by the presumptive CLE provider, except that the presumptive CLE
39 provider must pay additional fees established by the Board if the presumptive CLE
40 provider provides more than 50 CLE courses per year. A presumptive CLE provider is
41 otherwise exempt from the per CLE application fee.

42 (e) **Late fee.** A presumptive CLE provider who fails to comply with the deadline
43 described in paragraph (a)(4) must pay a \$100 late fee.

2

3 **Rule ~~14-413~~ 11-613. CLE Accreditation for qualified audio and video presentations,**
4 **webcasts, computer interactive programs, writing, lecturing, teaching, public service,**
5 **and verified attendance.**

6 (a) **Permissible Elective CLE credit.** Elective CLE credit will be allowed for Accredited
7 audio and video presentations, webcasts, computer interactive programs, writing,
8 lecturing, teaching, and service in accordance with the following.

9 (1) One hour of Elective CLE credit will be allowed for viewing and/or listening
10 to 60 minutes of audio or video presentations, webcasts, or computer interactive
11 programs in accordance with Rule ~~14-408(a)~~ 11-608(a).

12 (2) Upon application to the Board, the Board may grant a waiver, permitting a
13 lawyer or paralegal practitioner on active status to obtain all required hours of
14 credit through Elective CLE, if the lawyer or paralegal practitioner:

15 (A) does not reside in Utah; and

16 (B) is engaged in full-time volunteer work for a religious or charitable
17 organization.

18 (b) **Writing and publishing an article.** Elective CLE is allowed for writing and publishing
19 an article in a legal periodical in accordance with the following.

20 (1) To be eligible for any credit, an article must:

21 (A) be written to address a lawyer audience;

22 (B) be at least 3,000 words in length;

23 (C) be published by a recognized publisher of legal material; and

24 (D) not be used in conjunction with a seminar.

25 (2) Three Elective CLE credit hours will be allowed for each 3,000 words in the
26 article. An application for Accreditation of the article must be submitted at least
27 30 days prior to reporting the article for credit. Two or more authors may share
28 credit obtained pursuant to this paragraph in proportion to their contribution to
29 the article.

30 (c) **Lecturing, teaching, or delivering a paper or speech at a meeting.** Elective CLE credit
31 is allowed for lecturing in an Accredited CLE program, part-time teaching by a lawyer or
32 paralegal practitioner in an approved law school, or delivering a paper or speech on a
33 professional subject at a meeting primarily attended by lawyers, paralegal practitioners,
34 legal assistants, or law students in accordance with the following.

35 (1) Lecturers in an Accredited CLE program and part-time teachers may receive
36 three hours of Elective CLE credit for each hour spent in lecturing or teaching as
37 provided in Rule ~~14-409(a)(1)~~ 11-609(a)(1), including participation in panel
38 discussions.

39 (2) Lecturers in a community outreach capacity, as described in Rule ~~14-~~
40 ~~409(a)(2)~~ 11-609(a)(2), may receive one hour of Elective CLE credit for each
41 hour spent in lecturing or teaching provided such CLE credit does not exceed
42 four hours for a Compliance Cycle for a lawyer or two hours for a Compliance
43 Cycle for a paralegal practitioner.

44 (d) **Full-time law school faculty members.** Full-time law school faculty members may
45 receive Elective CLE credit for lecturing and teaching, including participating as a
46 presenter in a panel discussion, but only for lecturing and teaching Accredited CLE
47 courses.

48 (e) **Minimum Credit hours of Verified CLE.** Credit is allowed for Verified CLE in
49 accordance with Rule ~~14-408(a)~~ 11-608(a).

50 (1) A lawyer must obtain a minimum of six Accredited CLE hours, with no
51 maximum restriction, through Verified CLE.

52 (2) A paralegal practitioner must obtain a minimum of three Accredited CLE
53 hours, with no maximum restriction, through Verified CLE.

54 (f) **Total allowable hours.** The total of all hours allowable under paragraphs (a), (b), (c),
55 and (d) of this rule may not exceed six hours during a Compliance Cycle for a lawyer,
56 nor three hours during a Compliance Cycle for a paralegal practitioner.

2

3 **Rule ~~14-414~~ 11-614. Certificate of compliance; filing, late, and reinstatement fees;**
4 **suspension; reinstatement.**

5 (a) **Certificate of compliance.** On or before July 31 each year, each lawyer or paralegal
6 practitioner subject to MCLE requirements must file a Certificate of Compliance with the
7 Board, appropriately evidencing the lawyer's or paralegal practitioner's completion of
8 Accredited CLE ending the preceding 30th day of June. The Certificate of Compliance
9 must include:

10 (1) the title of the Verified CLE or Elective CLE, including the title of the audio or
11 video presentation, webcast, or computer interactive program attended, viewed
12 or listened to;

13 (2) the name of the CLE provider;

14 (3) the type of CLE (In-person CLE, Remote Group CLE, Verified E- CLE, or
15 Elective CLE);

16 (4) for Elective CLE, a description of the Elective CLE material; and

17 (5) the number of hours in actual attendance at each In-person CLE, the number
18 of hours in actual attendance at each Remote Group CLE, the minimum actual
19 viewing time of each Verified E-CLE, and the number of hours of each audio or
20 video presentation;

21 (6) if any CLE hours are limited to certain lawyers or paralegal practitioners in
22 accordance with Rule ~~14-411~~ 11-611, the number of limited hours and an
23 explanation establishing compliance with that rule; and

24 (7) other information as the Board requires.

25 (b) **Filing fees, late fees, and reinstatement fees.**

26 (1) Each lawyer or paralegal practitioner shall pay a filing fee in the amount of
27 \$10 at the time of filing the Certificate of Compliance under subsection
28 paragraph (a).

29 (2) Any lawyer or paralegal practitioner who fails to complete the MCLE
30 requirement by the June 30 deadline, or fails to file by the July 31 deadline, will
31 be assessed a \$100 late fee.

32 (3) Lawyers and paralegal practitioners who fail to comply with the MCLE
33 requirements and are administratively suspended under Rule 14-415 will be
34 assessed, in addition to the filing fee and late fee, a \$200 reinstatement fee or, if
35 the failure to comply is a repeat violation within the past 5 five years, a \$500
36 reinstatement fee.

37 **(c) Maintaining proof of compliance.**

38 (1) Each lawyer or paralegal practitioner will maintain proof to substantiate the
39 information provided on the filed Certificate of Compliance.

40 (2) The proof may contain, but is not limited to, certificates of completion or
41 attendance from sponsors, certificates from course leaders, or materials related
42 to credit.

43 (3) The lawyer or paralegal practitioner must retain this proof for a period of four
44 years from the end of the period for which the Certificate of Compliance is filed.

45 (4) Proof must be submitted to the Board upon written request.

46 **(d) Failure to provide proof of compliance; rebuttable presumption.** Failure by the
47 lawyer or paralegal practitioner to produce proof of compliance within 15 days after
48 written request by the Board constitutes a rebuttable presumption that the lawyer or
49 paralegal practitioner has not complied with the MCLE requirements for the applicable
50 time period.

51 (e) **Verification period.** The Board may, at any time within four years after the Certificate
52 of Compliance has been filed, commence verification proceedings to determine a lawyer's
53 or paralegal practitioner's compliance with this article.

2
3 **Rule ~~14-415~~ 11-615. Failure to satisfy MCLE requirements; notice; appeal procedures;**
4 **reinstatement; waivers and extensions; deferrals.**

5 (a) Failure to comply; petition for suspension. A lawyer or paralegal practitioner who
6 fails to comply with reporting provisions of Rule ~~14-414~~ 11-614 will be assessed a late fee.

7 (1) On September 15, a lawyer who fails to comply with Rule ~~14-414~~ 11-614 or
8 who files a Certificate of Compliance showing that the lawyer has failed to
9 complete the required number of hours of MCLE will be administratively
10 suspended from the practice of law, beginning on October 1, and notified of the
11 administrative suspension by certified mail, return receipt requested.

12 (2) On September 15, failure of a paralegal practitioner to comply with Rule ~~14-~~
13 ~~414~~ 11-614, or receipt of a Certificate of Compliance showing that the paralegal
14 practitioner has failed to complete the required number of hours of MCLE, will
15 result in administrative suspension of the paralegal practitioner's license,
16 beginning on October 1, and notification of the administrative suspension by
17 certified mail, return receipt requested.

18 (b) Reinstatement. The Supreme Court may reinstate ~~A~~ a lawyer or paralegal practitioner
19 suspended under the provisions of this rule ~~may be reinstated by the Court~~ upon motion
20 of the Board showing that the lawyer or paralegal practitioner has cured the delinquency
21 for which the lawyer or paralegal practitioner has been suspended and paid all required
22 fees.

23 (c) Waivers and extensions of time. For good cause shown, the Board may use its
24 discretion in cases involving hardship or extenuating circumstances to grant waivers of
25 the minimum MCLE requirements or extensions of time within which to fulfill the
26 requirements. Active Utah lawyers will not be granted a waiver of the CLE requirements
27 in Utah if they are living outside of Utah and practicing law in other jurisdictions. These

28 Active Utah lawyers must comply with the Utah CLE requirements or change from active
29 to inactive status. Active Utah paralegal practitioners will not be granted a waiver of the
30 CLE requirements in Utah if they are living outside of Utah and practicing in other
31 jurisdictions. These Active Utah paralegal practitioners must comply with the Utah CLE
32 requirements or change from active to inactive status.

33 (d) Deferrals. The Board may defer MCLE requirements in the event of the lawyer's or
34 paralegal practitioner's serious illness.

35 (e) Petition to appeal. Any lawyer or paralegal practitioner who is aggrieved by any
36 Board decision ~~of the Board~~ under this rule may, within 30 days from the date of the
37 notice of decision, appeal to the Board by filing a petition setting forth the decision and
38 the relief sought along with the factual and legal basis. Unless a petition is timely filed,
39 the Board's decision is final.

40 (1) The Board may approve a petition without hearing or may set a date for
41 hearing. If the Board determines to hold a hearing, the Board will provide the
42 lawyer or paralegal practitioner ~~will have~~ at least ~~10~~ ten days' notice of the time
43 and place set for the hearing. Testimony taken at the hearing will be under oath.
44 The Board ~~shall~~ will enter written findings of fact, conclusions of law, and ~~the a~~
45 decision on each petition. ~~A copy will be sent~~ The Board will send a copy of its
46 findings of fact, conclusions if law, and decision by certified mail, return
47 receipt requested, to the lawyer or paralegal practitioner.

48 (2) The Board may grant the petitioner an extension of time within which to
49 comply with this rule.

50 (3) Except as provided in paragraph (f), the Board's Ddecisions ~~of the Board~~ are
51 final and are not subject to further review ~~contest, unless the decision was a denial of a~~
52 ~~request for a waiver or a recommendation of suspension of the lawyer's or paralegal~~
53 ~~practitioner's license.~~

54 (f) Appeal to Supreme Court. A Board decision denying a request for waiver or a Board
55 decision to suspend the lawyer or paralegal practitioner is final ~~under paragraph (e)(3)~~
56 and not subject to further review unless within 30 days ~~after service of the findings of~~
57 ~~fact, conclusions of law and~~ from the date of the notice of decision, the lawyer or paralegal
58 practitioner files a written notice of appeal with the Supreme Court.

59 (1) Transcripts. To perfect an appeal to the Supreme Court, the lawyer or
60 paralegal practitioner must, at the lawyer's or paralegal practitioner's expense,
61 obtain a transcript of the proceedings from the Board. If testimony was taken
62 before the Board, the Board will certify that the transcript contains a fair and
63 accurate report of the proceedings. The Board will prepare and certify a
64 transcript of all orders and other documents pertinent to the proceeding before it
65 and file the ~~mse~~ promptly with the Supreme Court clerk ~~of the Supreme Court~~.
66 ~~The matter will be heard by †~~The Supreme Court will hear the appeal under this
67 article and other applicable rules.

68 (2) The time set forth in this article for filing notices of appeal are jurisdictional.
69 The Board or the Supreme Court, as to appeals pending before each such body
70 may, for good cause shown either extend the time for the filing or certification of
71 any material or dismiss the appeal for failure to prosecute.

2

3 **Rule ~~14-416~~ 11-616. Lawyers on active status not practicing law in Utah; Paralegal**
4 **Practitioners on active status outside of Utah; Lawyers or paralegal practitioners on**
5 **active status engaged in full- time volunteer work in remote locations.**

6 (a) A lawyer on active status who is not engaged in the practice of law in Utah, or a
7 paralegal practitioner on active status who is not engaged in practice in Utah, may file
8 and attach to the lawyer’s or paralegal practitioner’s Utah Certificate of Compliance
9 evidence showing that the lawyer or paralegal practitioner has met the Utah MCLE
10 requirements in Rule ~~14-404~~ 11-604 with CLE courses accredited in the state in which the
11 lawyer or paralegal practitioner resides and practices. This may include CLE transcripts,
12 certificates of compliance, certificates of attendance, or other information indicating the
13 identity of the accrediting jurisdiction.

14 (1) The lawyer or paralegal practitioner must attach to the lawyer’s or paralegal
15 practitioner’s Utah Certificate of Compliance a copy of the lawyer’s or paralegal
16 practitioner’s CLE transcript from the reciprocal jurisdiction where the lawyer or
17 paralegal practitioner practices, together with evidence that the lawyer or
18 paralegal practitioner has completed a minimum of one hour of Ethics CLE and
19 one hour of Professionalism and Civility CLE.

20 (2) If the lawyer or paralegal practitioner lives in a jurisdiction where there is not
21 a CLE requirement, the lawyer or paralegal practitioner must comply with the
22 Utah CLE requirements or place the lawyer’s or paralegal practitioner’s license
23 on inactive status.

24 (b) Upon application by a lawyer or paralegal practitioner on active status, the Board may
25 grant a waiver of the MCLE requirements of Rule ~~14-404~~ 11-604 and issue a certificate of
26 exemption if the lawyer or paralegal practitioner:

27 (1) resides in a remote location outside of Utah where audio or video
28 presentations or computer interactive telephonic programs sufficient to allow the
29 lawyer or paralegal practitioner to participate in CLE credit hours are not
30 reasonably available to the lawyer or paralegal practitioner; and

31 (2) is engaged in full-time volunteer work for a religious or charitable
32 organization.

2

3 **Rule ~~14-417~~. 11-617. Miscellaneous fees and expenses.**

4 (a) All fees under this article will be deposited in a special account of the Board and used
5 to defray the costs of administering this article.

6 (b) A lawyer must pay an administrative fee established by the Board for preparation and
7 mailing of certificates of CLE compliance to other states or for filing of House Counsel
8 Certificates of Compliance from the jurisdiction where the House Counsel maintains an
9 active license. The Board may establish other fees to defer administrative costs related to
10 requests for Accreditation with Supreme Court approval.

11 (c) Members of the Board are not compensated, but will be reimbursed for reasonable
12 and necessary expenses incurred in the performance of their duties under this article.

13 (d) All CLE sponsors who offer any course for Utah Accredited CLE credit must pay to
14 the Board, within 30 days following the course, a fee of \$1.50 per credit hour per attendee.
15 The required fee must accompany the required registration list. The \$1.50 per credit hour
16 fee will cap at \$15 per attendee.

17 (1) All CLE sponsors that do not charge registration fees but submit more than 50
18 programs annually must pay to the Board additional application fees.

19 (2) If the CLE sponsor is a government or non-profit agency that is offering a
20 program free of charge, the fees may be waived.

21 (e) Any lawyer or paralegal practitioner who is required by this article to apply to the
22 Board for CLE must pay a fee of \$10 at the time of application.

23 (f) Any lawyer subject to NLTP requirements must pay a separate and additional fee of
24 \$300 to the Bar as specified in the NLTP Manual.

25 (g) Presumptive CLE providers are required to pay an annual fee. The presumptive
26 provider fee must be paid by January 1st of each year and is good through December 31st
27 of each year.

28 (1) Presumptive CLE providers that submit more than 50 applications annually
29 ~~will be required to~~ must pay additional presumptive fees **established by the Board.**

30 (h) A CLE provider that is not a Presumptive CLE provider will pay an application fee
31 established by the Board for each CLE application submitted by the CLE provider.

2

3 **Rule ~~14-418.~~ 11-618. Remote group CLE.**

4 (a) Remote Group CLE is one method by which an attorney may obtain Verified CLE.

5 (b) Remote Group CLE must:

6 (1) be presented from a location in Utah via a live streaming audio-visual
7 presentation to a remote location or remote locations in Utah, approved by the
8 Board, where the lawyer or paralegal practitioner is present;

9 (2) allow attendees to ask, and receive answers to, questions during the CLE
10 presentation via voice or an electronic method; and

11 (3) be sponsored or cosponsored by the Bar.

12 (c) A person who applies for approval of a remote location ~~shall~~ must:

13 (1) ensure that the location is large enough to allow at least ten lawyers or
14 paralegal practitioners to attend at the remote location and to accommodate
15 more lawyers or paralegal practitioners than the number that will attend from
16 the same firm or office;

17 (2) ensure that the remote location is open to any member of the Bar who wishes
18 to attend at the remote location, subject to maximum occupancy requirements;
19 and

20 (3) within five days after the day of the Remote CLE, provide the Bar with a list
21 containing the names and Bar numbers of each attorney and each paralegal
22 practitioner who attended the CLE at the remote location.

23 (d) Remote location approval for Remote Group CLE occurs as follows:

24 (1) The Bar will post notice of the Remote Group CLE on the Bar's website at
25 least 30 days before the day of the CLE, including in the notice the process and
26 deadline to apply for approval of a remote location.

27 (2) No later than seven days before the day of the CLE, a person may apply to
28 the ~~Utah State~~ Bar's CLE Department for approval of a remote location.

29 (3) The application for approval of a remote location must include: the title of the
30 CLE; the address of the remote location; a description of the remote location,
31 including the maximum occupancy of the remote location; a description of the
32 equipment that will be used at the remote location to comply with the
33 communication requirements; the name and contact information of a person who
34 will be available during presentation of the CLE to resolve any technical issues
35 relating to communication and communication equipment at the remote location;
36 subject to maximum occupancy requirements, a statement that any member of
37 the Bar is able to attend the CLE at the remote location at no cost other than the
38 cost imposed by the CLE provider for the CLE; and any other information
39 required by the Board.

40 (4) Upon approval by the Bar of the remote location, the Bar will post notice of the remote
41 location on the Bar's website.

2

3 **Rule ~~14-419~~. 11-619. CLE Credit for Pro Bono Legal Services.**

4 (a) **CLE credit for Pro Bono Legal Services.** A lawyer may be awarded a maximum of
5 two CLE credits per Compliance Cycle for providing Pro Bono Legal Services or
6 mentoring another lawyer or a law student providing Pro Bono Legal Services.

7 (b) **Pro Bono referral source.** To receive Pro Bono Legal Services CLE credit under this
8 rule, the services rendered must be referred from a Utah court, the Utah State Bar, or a
9 sponsoring entity. The Pro Bono referral must remain under the direction of the Utah
10 court, the Utah State bar, or the sponsoring entity that provided the referral.

11 (c) **Permissible CLE credit.** One Elective CLE credit hour will be awarded for the
12 following:

13 (1) providing the equivalent of five hours of Pro Bono Legal Services; or

14 (2) mentoring a lawyer or a law student on an entire Pro Bono matter that is
15 equal to at least five hours.

16 (d) **Declaration of services form.** A lawyer seeking CLE credit under this ~~section~~ rule
17 must, consistent with Rule ~~14-414(e)~~ 11-614(c), complete a declaration of services form to
18 keep with the lawyer's records. Earned credit hours must be reported on an attorney's
19 Certificate of Compliance.

20 (e) **Time-limited rule.** This rule will terminate two years after its effective date unless
21 extended by the ~~Utah~~ Supreme Court