

1 Rule 14-718. Licensing of Foreign Legal Consultants.**2 *Effective: 9/1/2020***

3 (a) Requirements of Foreign Legal Consultants. The burden of proof is on the Applicant to
4 establish by clear and convincing evidence that the Applicant:

5 ~~(a)~~(1) is ~~a member~~licensed in good standing of a recognized legal profession in a foreign
6 country, the ~~members~~licensees of which are admitted to practice as attorneys or counselors
7 at law or the equivalent and are subject to effective regulation and discipline by a duly
8 constituted professional body or a public authority; and

9 ~~(a)~~(2) has paid the prescribed fee and filed a Complete Application as a Foreign Legal
10 Consultant Applicant;

11 ~~(a)~~(3) is of the good moral character and satisfies the requirements of Rule 14-708;

12 ~~(a)~~(4) intends to practice as a legal consultant in this state and to maintain an office in this
13 state for that purpose; and

14 ~~(a)~~(5) has passed the MPRE.

15 (b) Proof required. An Applicant must file with the ~~Bar's~~ Admissions Office:

16 ~~(b)~~(1) a certificate from the professional body or public authority in such foreign country
17 having final jurisdiction over professional discipline, certifying as to the Applicant's
18 admission to practice and the date, and the Applicant's good standing as such attorney or
19 counselor at law or the equivalent;

20 ~~(b)~~(2) a duly authenticated English translation of such certificate, if it is not in English; and

21 ~~(b)~~(3) such other evidence as to the Applicant's educational and professional qualifications,
22 good moral character and general fitness, and compliance with the requirements of this rule
23 as the Bar may require.

24 (c) Scope of practice. A person licensed to practice as a Foreign Legal Consultant under this rule
25 may render legal services in this state with respect to the law of the foreign county in which such
26 person is admitted to practice law. The Foreign Legal Consultant may not violate any provision of
27 Rule 14-802 and may not:

28 ~~(e)~~(1) appear for a person other than herself or himself as attorney in any court, or before
29 any magistrate or other judicial officer, in Utah other than as permitted under Rule 14-802
30 or upon qualified admission pro hac vice pursuant to Rule 14-806; ~~or~~

31 ~~(e)~~(2) render professional legal advice on the law of this state or of the United States;

32 ~~(e)~~(3) ~~be, or in any way hold herself or himself out as a member of the Bar~~ in any way
33 represent that the person is a Bar licensee; or

34 ~~(e)~~(4) ~~carry on~~ practice under, or use in connection with such practice, any name, title or
35 designation other than the following:

36 ~~(e)~~(4)(A) the Foreign Legal Consultant's own name;

37 ~~(e)(4)~~(B) the name of the law firm or other entity with which the Foreign Legal
38 Consultant is affiliated, in each case only in conjunction with the title "Foreign
39 Legal Consultant" as set forth below;

40 ~~(e)(4)~~(C) the Foreign Legal Consultant's authorized title in the foreign country in
41 which the Foreign Legal Consultant is admitted to practice, in each case only in
42 conjunction with the title "Foreign Legal Consultant" as set forth below; and

43 ~~(e)(4)~~(D) the title "Foreign Legal Consultant," which must be used in conjunction
44 with the words "admitted to the practice of law only in [name of the foreign country
45 in which the Foreign Legal Consultant is admitted to practice]."

46 (d) Rights and obligations. A person licensed as a Foreign Legal Consultant will be considered a
47 lawyer affiliated with the Bar as permitted by this rule and will be entitled and subject to:

48 ~~(d)~~(1) the rights and obligations set forth in the Utah Rules of Professional Conduct or
49 arising from the other conditions and requirements that apply to a ~~member~~ licensee of the
50 Bar under rules adopted by the Supreme Court; and

51 ~~(d)~~(2) attorney-client privilege, work-product privilege and similar professional privileges.

52 (e) Subject to disciplinary proceedings. A person licensed to practice as a Foreign Legal Consultant
53 is subject to professional discipline in the same manner and to the same extent as ~~members~~
54 licensees of the Bar and specifically is subject to discipline by the Supreme Court as delegated by
55 rule and is otherwise governed by the Utah Rules of Professional Conduct, the ~~rules of Lawyer~~
56 ~~Discipline and Disability, the Standards for Imposing Lawyer Sanctions~~ Rules of Discipline,
57 Disability, and Sanctions, and other applicable Supreme Court rules.

58 (f) Requirements for licensure. Every person licensed to practice as a Foreign Legal Consultant
59 must:

60 ~~(f)~~(1) attend the OPC ethics school before receiving a license to practice as a Foreign Legal
61 Consultant; ~~and~~;

62 ~~(f)~~(2) ~~must~~ execute and file with the Bar, in such form and manner as the Supreme Court
63 may prescribe:

64 ~~(f)(2)~~(A) ~~their~~ the person's understanding of, and commitment to observe, the Utah
65 Rules of Professional Conduct, ~~and the~~ other rules adopted by the Supreme Court,
66 and, to the extent applicable, rules governing ~~to~~ the legal services authorized under
67 paragraph (c) of this rule; and

68 ~~(f)(2)~~(B) written notice to the OPC of any change in the Foreign Legal Consultant's
69 ~~membership~~ license status, good standing, or authorization to practice law in any
70 jurisdiction where licensed, including the commencement of all formal disciplinary
71 proceedings and of all final disciplinary actions taken in any other jurisdiction.

72 (g) License fees. A person licensed as a Foreign Legal Consultant must pay annual license fees
73 equal to the fees paid by a ~~member~~ licensee of the Bar on Active status.

74 (h) Revocation of license. If a licensed Foreign Legal Consultant no longer meets the requirements
75 for licensure set forth in paragraph (a) or (g), their license will be revoked following the procedures

76 set forth in the ~~Rules for Lawyer Discipline and Disability, and the Standards for Imposing Lawyer~~
77 ~~Sanctions~~ Rules of Discipline, Disability, and Sanctions.

78 (i) Admission to Bar. If a Foreign Legal Consultant is subsequently admitted as a ~~member~~ licensee
79 of the Bar ~~under Chapter 14, Article 7, Admission to the Utah State Bar~~, the license granted to
80 such person to practice law ~~as a member of the Bar~~ supersedes the Foreign Legal Consultant
81 license.