

UTAH BAR ADMISSION RULES FOR MILITARY LAWYERS AND MILITARY-SPOUSE LAWYERS

Rule 14-804. Certification Rule for Military Lawyers.

(a) Eligibility. A lawyer admitted to the practice of law in the District of Columbia, a territory, or a state of the United States other than Utah, who is serving in or employed by the armed services and is authorized to provide legal assistance by federal statute or military regulation, may obtain a certificate as a Registered Military Legal Assistance Attorney to represent authorized clients before courts and agencies in Utah.

(b) Application requirements. An applicant must be of good moral character and shall apply to the Bar by:

- (1) filing an application in the form and manner prescribed by the Bar;
- (2) presenting proof that the applicant is employed, stationed, or assigned at the military installation in Utah;
- (3) presenting proof of admission to the practice of law and current good standing as a member of the licensing bar in any U.S. state, territory, or the District of Columbia, and certification that the applicant is not currently subject to attorney discipline or the subject of a pending disciplinary matter in any jurisdiction;
- (4) furnishing whatever additional information or proof is required in the course of processing the application;
- (5) certifying the applicant has not been previously denied admission to the Bar;
- (6) submitting an affidavit from the applicant's commanding officer, staff judge advocate or chief legal officer of the military installation in Utah attesting that the applicant will serve as a lawyer exclusively to provide legal services as authorized by the military, and that the applicant's commanding officer, staff judge advocate or chief legal officer will notify the Bar immediately upon the termination of the applicant's military employment or service in Utah.

(c) Processing of application. Upon receipt of a completed application, the Bar must expeditiously process the application and may conduct investigations or hearings to ensure the applicant's compliance with the requirements of this rule. Upon a showing that strict compliance with any provision of this rule would cause the military or the applicant undue hardship, the Bar may in its discretion waive or vary the application of such provisions and permit the applicant to furnish other evidence in lieu thereof. The Bar must promptly act upon any application filed under this rule.

(d) Certificate. Upon determination by the Bar that an applicant has satisfied the requirements of this rule, the applicant will be immediately issued a Registered Military Legal Assistance Attorney Certificate.

(e) Requirements. A lawyer practicing under this rule must not hold out to the public or to any person that the lawyer is entitled to practice generally in Utah or to provide legal services except

as authorized through military service. The address of record for a military legal assistance lawyer is the military address in Utah of the commanding officer, staff judge advocate or chief legal officer who filed the affidavit on the lawyer's behalf.

(f) Scope of authorized representation. A Registered Military Legal Assistance Attorney Certificate authorizes a lawyer to appear before a court or agency in Utah as counsel for authorized clients eligible to receive military legal assistance in matters involving the following subject matter:

- (1) Enforcement of rights under the Servicemembers Civil Relief Act, the Uniformed Services Employment and Reemployment Rights Act, or any other law respecting the military or military members or their dependents;
- (2) Probate and family law, including adoption, guardianship, name or gender changes, divorce, paternity, child custody and visitation, and child and spousal support;
- (3) Consumer advocacy, landlord-tenant disputes, and defense from garnishments; or
- (4) Any other matter upon the authorization of the military legal assistance lawyer's commanding officer, staff judge advocate or chief legal officer and upon the consent of the applicable court or agency.

(g) Jurisdiction and authority. The practice of a lawyer under this rule shall be subject to the Utah Rules of Professional Conduct and Article 5, Lawyer Discipline and Disability, and to all other applicable laws and rules governing lawyers admitted to the Bar. Jurisdiction shall continue whether or not the lawyer retains the Military Legal Assistance Attorney Certificate and irrespective of the residence or domicile of the lawyer. A lawyer practicing under this rule will also be subject to the laws, rules, and regulations governing the military services.

(h) Mandatory disclosures. A lawyer practicing under this rule must report to the Bar within 30 days:

- (1) any event listed in subsection (i) of this rule;
- (2) any change in bar membership status in any state, district, or territory where the attorney has been admitted to the practice of law;
- (3) the imposition of any permanent or temporary professional disciplinary sanction by any territory, district, state or by any territorial, district, state, or federal court or agency; or
- (4) the lawyer's commanding officer, staff judge advocate or chief legal officer of the military installation in Utah must advise the Bar of any change in status of the lawyer that may affect the lawyer's privilege to practice under this rule.

(i) Termination of certification. A lawyer's certification under this rule may be terminated upon completion of a disciplinary proceeding in Utah; or shall terminate upon any of the following events:

- (1) the lawyer dies, separates, or retires from the United States Uniformed Services;
- (2) the lawyer is no longer employed, stationed, or assigned at the military installation in Utah from which the affidavit required by this rule was filed;
- (3) the lawyer fails to remain in good standing as a member of a licensing bar of at least one other state, district, or territory of the United States;
- (4) the lawyer resigns, requests termination, or otherwise disclaims certification as a military legal assistance lawyer;
- (5) the lawyer is admitted to the Bar under any other rule.

(j) Reinstatement of Certificate. If a lawyer is re-employed or reassigned to the same military installation or to another military installation in Utah within six months after the termination of certification under this rule, the lawyer may submit an updated affidavit as required by this rule and the lawyer's Registered Military Legal Assistance Attorney Certificate will be reinstated upon evidence satisfactory to the Bar that the lawyer remains in full compliance with all requirements of this rule.

(k) Service Time. The period of time a lawyer practices using a Registered Military Legal Assistance Attorney Certificate counts under all rules measuring a lawyer's time practicing law, including Rules 14-203 and 14-705.

Rule 14-806. Admission Rule for Military Spouse Lawyers.

(a) Eligibility. A Military Spouse admitted to the practice of law in the District of Columbia, a territory, or a state of the United States other than Utah, whose spouse is a member of the United States Uniformed Services on active duty, as defined by the United States Department of Defense, may obtain a license to practice law under the terms of this rule, provided that the member-spouse has received orders to serve in Utah or is domiciled or stationed in Utah.

(b) Application requirements. A Military Spouse must be of good moral character and shall apply to the Bar by:

- (1) filing an application in the form and manner prescribed by the Bar indicating whether the applicant seeks (A) admission to the Bar, or (B) admission to the Bar as House Counsel under Rule 14-719;
- (2) presenting proof the applicant holds a First Professional Degree in law from an Approved Law School as defined by Rule 14-701;
- (3) presenting proof of admission to the practice of law and current good standing as a member of the licensing bar in any U.S. state, territory, or the District of Columbia, and certification that the Military Spouse is not currently subject to attorney discipline or the subject of a pending disciplinary matter in any jurisdiction;
- (4) furnishing whatever additional information or proof required in the course of processing the application;
- (5) certifying the Military Spouse has not failed the Utah Bar Examination or been previously denied admission to the Bar; and
- (6) paying a processing fee of \$250, which shall be credited towards Bar dues upon licensure.

(c) Processing of application. Upon receipt of a completed application, the Bar shall immediately conduct an initial review of the application and may issue a Temporary Practice Certificate to a Military Spouse. The Bar must expeditiously process the application and may conduct investigations or hearings to ensure the Military Spouse's compliance with the requirements of this rule. Upon a showing that strict compliance with any provision of this rule would cause the military or the applicant undue hardship, the Bar may in its discretion waive or vary the application of such provisions and permit the applicant to furnish other evidence in lieu thereof. The Bar must promptly act upon any application filed under this rule.

(d) License. Upon determination that a Military Spouse has satisfied the requirements of this rule, the Bar will immediately submit motions to the Supreme Court and the United States District Court of Utah for admission certifying that the Military Spouse has satisfied all qualifications and requirements under this rule for admission to the Bar. After the motion is granted by the Supreme Court and the United States District Court for the District of Utah, the Military Spouse will be eligible to take the required oath and thereafter be enrolled into the Bar and Utah's state and federal courts.

(e) Requirements and scope of authorized representation. A Military Spouse licensed under this rule is entitled to all privileges, rights, and benefits and is subject to all duties, obligations, and responsibilities of active members of the Bar, including all ethical, legal, and continuing legal education obligations. Unless admitted as House Counsel or employed exclusively as corporate counsel, a Military Spouse must enroll in the Bar's approved professional liability insurance program or obtain equivalent insurance coverage. A Military Spouse must not retain any new client, begin work on any new matter, or enter an appearance on any new case after any of the events listed in subsection (h).

(f) Jurisdiction and authority. The practice of a lawyer under this rule shall be subject to the Utah Rules of Professional Conduct and Article 5, Lawyer Discipline and Disability, and to all other applicable laws and rules governing lawyers admitted to the Bar. Jurisdiction shall continue whether or not the Military Spouse retains the privilege to practice in Utah and irrespective of the residence or domicile of the Military Spouse.

(g) Mandatory disclosures. A Military Spouse practicing under this rule must report to the Bar within 30 days:

- (1) any event listed in subsection (h) of this rule;
- (2) any change in bar membership status in any state, district, or territory where the attorney has been admitted to the practice of law; or
- (3) the imposition of any permanent or temporary professional disciplinary sanction by any territory, district, state or by any territorial, district, state, or federal court or agency.

(h) Termination of practice and licensure. A Military Spouse's licensure under this rule may be terminated upon completion of a disciplinary proceeding in Utah; or shall terminate six months after any of the following events, unless the Military Spouse has a pending application for admission to the Bar:

- (1) the member-spouse dies, separates or retires from the United States Uniformed Services; or is permanently transferred outside the State of Utah on military orders with dependents authorized;
- (2) the Military Spouse ceases to be a dependent as defined by the United States Department of Defense;
- (3) the Military Spouse permanently relocates to another state, district, or territory of the United States for reason other than the member-spouse's permanent change of station outside the State of Utah;
- (4) the Military Spouse fails to remain in good standing as a member of a licensing bar of a state, district, or territory of the United States;
- (5) the Military Spouse resigns, requests termination, or fails to meet annual licensing requirements of the Bar; or
- (6) the Military Spouse is admitted to the Bar under any other rule.

(i) Reinstatement of License. If within six months after the termination of licensure under this rule, a Military Spouse returns to Utah because the lawyer's member-spouse is again stationed in Utah, the Military Spouse will be reinstated upon submission of evidence satisfactory to the Bar that Military Spouse remains in full compliance with all requirements of this rule.

(j) Service Time. The period of time a Military Spouse practices under this rule counts under all rules measuring a lawyer's time practicing law or as a member of the Bar, including Rules 14-203 and 14-705.