

MILITARY SPOUSE ATTORNEY ADMISSION RULE

Rule 14-805. Admission for spouse of active military stationed in Utah.

(a) Requirements for admission of spouses of active military with permanent change of station orders to serve in Utah. Absent admission under Rules 14-701 et seq., the spouse of an active member of the military (“Military Spouse Attorney”) with permanent change of station orders to reside in Utah may be admitted to practice law in Utah without taking the Bar Examination. The defined terms set forth in Rule 14-701 are incorporated into this rule. The burden of proof is on the applicant for military spouse admission to establish by clear and convincing evidence that the applicant:

(a)(1) has paid half the prescribed application fees and filed the required Complete Military Spouse Application which shall be credited towards Bar dues upon licensure. ;

(a)(2) has graduated with a First Professional Degree in law from an Approved Law School;

(a)(3) has been admitted to the practice of law before the highest court of a U.S. state, territory, or the District of Columbia;

(a)(4) does not qualify for admission by motion under Rule 14-705 or admission by the transfer of a UBE score under Rule 14-712;

(a)(5) has presented any score from the Multistate Bar Examination (MBE) or Uniform Bar Examination (UBE) as defined by Rule 14-701 that applicant may have used to obtain admission to the practice of law in a jurisdiction other than Utah;

(a)(6) is of good moral character, satisfies the requirements of Rule 14-708, and has not previously been denied admission by the Utah State Bar, or engaged in the unauthorized practice of law in Utah;

(a)(7) has successfully passed the MPRE in accordance with Rule 14-713;

(a)(8) is an active member in good standing in at least one state or territory of the U.S. or the District of Columbia and is a member in good standing in all jurisdictions where currently admitted;

(a)(9) has a proven record of ethical, civil and professional behavior and has never been disbarred or resigned with discipline pending, or their equivalent, in any jurisdiction and is not currently subject to lawyer discipline or the subject of a pending disciplinary matter;

(a)(10) is the spouse of an active duty service member of the United States Uniformed Services as defined by the Department of Defense and the service member has received military orders for a permanent change of station to reside in Utah;

(a)(11) if intending to practice pending admission, has identified an active member of the Bar in good standing who has agreed to actively supervise the Military Spouse Attorney in accordance with the supervisory requirements specified in subsection (b) of this rule, as evidenced by a verification signed by both the Military Spouse Attorney and the supervising attorney; and

(a)(12) complies with the provisions of Rule 14-716 concerning licensing and enrollment fees.

(b) Practice Pending Admission Certificate. While an application under this rule is pending, a Military Spouse Attorney may practice pending admission upon issuance of a Practice Pending Admission Certificate in accordance with subsection (c) of this rule. While practicing pending admission, the Military Spouse Attorney must be fully supervised by an active member of the Bar in good standing as set forth herein. Required supervision ceases upon the Military Spouse Attorney's admission to the Bar under this rule. For the duration of the supervision, the supervising attorney shall:

(b)(1) assume full responsibility for all matters to be handled by the Military Spouse Attorney; and

(b)(2) be included by name on all pleadings and papers.

(c) Timing and processing of application. An application under this rule may be filed at any time.. The Bar will promptly conduct a preliminary character and fitness review of a completed application submitted by a Military Spouse Attorney. Upon satisfactory completion of the preliminary review and upon confirming that the Military Spouse Attorney is present in Utah, the Bar will issue a Practice Pending Admission Certificate to the applicant. The Practice Pending Admission Certificate authorizes the Military Spouse Attorney to begin practice in accordance with this rule while the application is pending. The Certificate expires 120 days after issuance, but a new certificate may be issued if the applicant has not been dilatory in supplying required information during the processing of the application.

(d) Jurisdiction and Authority. The practice of a lawyer admitted 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 Attorney retains the privilege to practice in Utah and irrespective of the residence or domicile of the Military Spouse Attorney.

(e) Continuing legal education. Applicants admitted under this rule that have two or more years of legal practice shall complete, document and certify no later than six months following admission having attended at least 15 hours of continuing legal education on Utah practice and procedure, and on ethics and civility requirements.

(e)(1) The Bar may by regulation specify the number of the required 15 hours that must be in particular areas of practice, procedure, ethics, and civility. Included in this mandatory 15 hours is attendance at the Bar's OPC ethics school.

(e)(2) On an ongoing basis, attorneys admitted under this rule must comply with the continuing legal education requirements imposed on lawyers under Article 4.

(f) Mentoring and Supervision. A Military Spouse Attorney with less than two years of Active Practice when admitted must obtain a mentor and complete the New Lawyer Training Program (NLTP) as outlined in Rules 14-404 and 14-808. A Military Spouse Attorney with less than two years of Active Practice who has not presented an MBE score above 134 or UBE score above 269 must be affiliated at all times with an active member of the Bar in good standing who has agreed to supervise the Military Spouse Attorney and assume full responsibility for all matters handled by the Military Spouse Attorney. A Military Spouse Attorney subject to this supervision requirement must also enroll in the Bar's approved professional liability insurance program or obtain equivalent insurance coverage.

(g) Annual licensing. An attorney admitted under this rule is subject to annual licensing and enrollment fees, and during the annual licensing period must provide to the Bar proof of continuing compliance with (a)(8) through (a)(10).

(h) Mandatory status reporting. An attorney admitted under this rule and any required supervising attorney are each responsible for notifying the Bar in writing within 21 days of any change that may affect the Military Spouse Attorney's license to practice law under this rule.

(i) Termination of license to practice in Utah. A Military Spouse Attorney's license terminates and a Military Spouse Attorney must cease all activities under this rule:

(i)(1) six months after the military service member is permanently transferred outside Utah on military orders with dependents authorized, unless the transfer is a remote follow-on assignment and the Military Spouse Attorney remains in Utah during the service member's remote assignment;

(i)(2) ninety days after:

(i)(2)(i) the military service member dies, separates, or retires from the United States Uniformed Services;

(i)(2)(ii) the Military Spouse Attorney ceases to be a dependent as defined by the United States Department of Defense;

(i)(3) thirty days after the Military Spouse Attorney permanently relocates outside Utah for reason other than the military service member's permanent change of station;

(i)(4) immediately upon:

(i)(4)(i) failure to comply with subsection (g);

(i)(4)(ii) failure to maintain an active license in at least one other U.S. state, territory, or the District of Columbia;

(i)(4)(iii) any termination of sponsorship by a supervising attorney if required by subsection (b), or the failure of a supervising attorney to be an active member of the Bar in good standing;

(i)(4)(iv) admission to the Bar under any other rule; or

(i)(4)(v) an order of termination by any disciplinary proceeding in Utah or upon disbarment or suspension of any other license of the Military Spouse Attorney from another jurisdiction.

(j) Required action after termination. Upon termination of a license to practice under this rule, the Military Spouse Attorney must comply with Rule 1.16 of the Utah Rules of Professional Conduct, including the transfer of pending matters, written notice to clients and notification of courts, as required or necessary under the circumstances.

(k) Failure to satisfy the notice and termination of practice requirements set forth in subsections (e), (h) and (i) may subject a Military Spouse Attorney to discipline, including the termination of a license granted under this rule.

(l) Reinstatement after termination of license. A Military Spouse Attorney whose license was terminated pursuant to subsection (i) shall have the license reinstated if within six months, the Military Spouse Attorney demonstrates compliance with all the requirements of this rule upon termination of the license and that the terminating event has been cured.

(m) Service Time and Exception to Admission by Motion Rule. Any period of time a Military Spouse Attorney 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, provided that the Military Spouse Attorney never engaged in the unauthorized practice of law in Utah.