

Rule 14-404. Active status lawyers: MCLE, NLTP, admission on motion, multi-state compliance reciprocity, house counsel and UBE requirements.

(a) Active status lawyers. Commencing with calendar year 2012, each lawyer admitted to practice in Utah must complete, during each two fiscal year period (July 1 through June 30), a minimum of 24 hours of Utah accredited CLE which must include a minimum of three hours of accredited ethics or professional responsibility. One of the three hours of ethics or professional responsibility must be in the area of professionalism and civility. Lawyers on inactive status are not subject to the requirements of this rule, or the NLTP requirements.

(a)(1) Lawyers on active status who reside in Utah and who are subject to the NLTP under Rule 14-808 must complete the NLTP requirements before the end of their first compliance cycle.

(b) NLTP. A lawyer who is obligated to and who successfully fulfills the requirements of the NLTP will receive 12 accredited MCLE hours for the reporting period ending June 30 of the second complete fiscal year following the lawyer's year of admission to the Bar. Twelve additional MCLE hours must also be completed during the lawyer's first compliance cycle, not including the New Lawyer Ethics program.

(b)(1) New Lawyer Ethics Program. New lawyers are required to attend the New Lawyer Ethics Program. This program satisfies the ethics requirement for the new lawyer's first compliance cycle.

(c) Admission on motion. A lawyer who fulfills the requirements of admission on motion as prescribed in Rule 14-705 satisfies the accredited MCLE requirements of this rule for the reporting cycle ending June 30 of the second complete fiscal year following the lawyer's year of admission. In addition, the admission on motion lawyer must pay the designated filing fee and must complete and certify no later than six months following the lawyer's admission that he or she has attended at least 15 hours of accredited CLE hours on Utah practice and procedure and ethics requirements as follows:

(c)(1) Nine credit hours must be comprised of accredited CLE courses on Utah practice and procedure.

(c)(2) Six credit hours must be comprised of the professional ethics course presented in OPC's ethics school.

(c)(3) Twelve of the 15 hours may be completed through self-study through the Bar's online CLE system. The 15 hours from (c)(1) and (c)(2) will apply towards the 24 hours required per two-year compliance cycle.

(d) Multi-State Reciprocity Compliance. An active lawyer whose principal practice of law is in a Multi-State Compliance Reciprocity State may elect to meet the MCLE requirements in that other state and use that state's MCLE compliance as compliance in Utah by filing a "Comity Certificate" for Utah CLE compliance.

(e) House Counsel lawyers. House Counsel lawyers must pay the designated filing fee and file with the MCLE Board by July 31 of each year a House Counsel Certificate signed by the jurisdiction where House Counsel maintains an active license evidencing that the lawyer has completed the hours of continuing legal education required of active lawyers in the jurisdiction where House Counsel is licensed. House Counsel lawyers that do not have a CLE requirement from the jurisdiction where House Counsel maintains an active license must complete 12 hours annually (July 1 – June 30) of Utah approved CLE to include 1 hour of legal ethics and 1 hour of professionalism/civility. At least half of the hours must be completed by attending live, in-person CLE.

(f) UBE Applicants. A lawyer who gains admission by transferring a UBE score and has less than two years of legal practice will comply with the New Lawyer Training Program. If the lawyer gains admission by transferring a UBE score and has less than two years of legal practice and receives a waiver of the New Lawyer Training Program because the lawyer lives out of the state, the lawyer will comply with the same rules as admission on motion lawyers. A lawyer who gains admission by transferring a UBE score and has more than 2 years of active practice will comply with the same rules as admission on motion lawyers. These lawyers must pay the designated filing fee and are required to complete and certify no later than six months following the lawyer's admission that he or she has attended at least 15 hours of accredited CLE hours on Utah practice and procedure and ethics requirements including the OPC's ethics school.

(g) Out-of-state CLE activities. CLE credit may be awarded for out-of-state activities that the Board determines meet standards in furthering a lawyer's legal education. The Board determines whether to accredit the activities and, if accredited, the number of hours of credit to allow for such activities. Out-of-state activities cannot substitute for the 15 mandatory CLE hours described in paragraph (c) and Rules 14-705(b) and 14-705(b)(1).

(h) Activities that may be regarded as equivalent to state-sponsored self-study CLE may include, but are not limited to, viewing of approved CLE audio and video, and webcast presentations, computer interactive telephonic programs, writing and publishing an article in a legal periodical, part-time teaching in an approved law school, or delivering a paper or speech on a professional subject at a meeting primarily attended by lawyers, legal assistants, or law school students.

(i) A lawyer's application for accreditation of a CLE activity must be submitted in writing to the Board if the activity has not been previously approved for CLE credit in Utah.

Effective May 1, 2016.