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## ACTIVE PRACTICE QUESTIONNAIRE – MOTION/RECIPROCITY APPLICANTS

Please review [Rule 14-705 Application by motion](#) and the following:

- You should not submit this application if you are unable to provide clear and convincing evidence of that you have been engaged in the Full-time Active Practice of Law as defined in Rule 14-701 for the time period specified under Rule 14-705 (36 months out of the last 60 months).
- The application fee is non-refundable. If you file your application with the Bar and it is determined that you do not meet the requirements, neither the application nor the fee will be returned to you.
- Admission by motion is not a right. It is your burden to prove by clear and convincing evidence that you meet all the necessary requirements.

Please use the attached checklist as a guide in determining your eligibility.

If after reviewing Rule 14-705 you still have questions about whether you qualify, please email the Admissions Office at [admissions@utahbar.org](mailto:admissions@utahbar.org) and explain your situation. The staff will do their best to advise you. However, please be aware that the final decision remains with the Character and Fitness Committee.

## **Determining Eligibility for Admission by Motion**

*(To be used as a guide only)*

- Your legal practice has been “Active.”
  - This means that you have maintained an “active” status license, and that you have been working as one or more of the following:
    - A sole practitioner, partner, shareholder, associate, or of counsel in a law firm;
    - An employee of an organization whose principal responsibility is to provide legal advice or service;
    - An employee of the government whose principal duties are to provide legal advice or service;
    - A lawyer or a judge in the U.S. armed forces;
    - A judge of a court of general or appellate jurisdiction requiring admission to the Bar for appointment and performance;
    - A law clerk to a judge of a court of general or appellate jurisdiction; or
    - A teacher at an ABA-approved law school in Utah.
- Your legal practice has been “lawful.” This means that the work would not be considered the Unauthorized Practice of Law in the jurisdiction in which it was performed.
- Your legal practice has been “Full-time.” This means that you engaged in the Active and Practice of Law for no fewer than 80 hours per month.
- Your work could only be performed by a licensed attorney, and the job description requires that the position must be filled by a licensed attorney.
- Your primary duty has been to provide legal service representation.
- Your qualifying legal practice hours have been in a reciprocal jurisdiction, whether remotely or in-person, where you are licensed.
- You can provide documentary evidence, such as billing records, tax records and affidavits from your employer, that all of the above was true for at least 36 months out of the last 60 months.

See [Rule 14-701. Definitions.](#)

**UTAH STATE BAR**  
**HISTORY OF ACTIVE PRACTICE QUESTIONNAIRE**  
*(for Motion Applicants only)*

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Please Review [Rule 14-705. Admission by motion.](#)

1. For 36 of the last 60 months, I have worked full-time as a(n): *(check all that apply)*
  - ☐ Solo Practitioner.
  - ☐ Partner, Shareholder, Associate or Of Counsel in a law firm.
  - ☐ Organization's employee whose principal responsibility is to provide legal advice or service.
  - ☐ Government employee whose principal duty is to provide legal advice or service.
  - ☐ Lawyer or judge in the Armed Forces.
  - ☐ Judge of a Court of General or Appellate Jurisdiction requiring admission to the Bar of that jurisdiction for appointment.
  - ☐ Law Clerk to a Judge of general or appellate jurisdiction requiring admission to the Bar of that jurisdiction.
  - ☐ Full-time Teacher at an Approved Law School in Utah.
2. Was the primary duty of the position(s) referenced in Question 1 to provide legal service representation? ☐ **Yes** ☐ **No**
3. Did the position(s) referenced in Question 1 require you to be an actively licensed attorney in one or more reciprocal jurisdictions? ☐ **Yes** ☐ **No**
4. Have you spent at least 80 hours per month practicing law as defined in Rule 14-701(u)?
  - ☐ **Yes** ☐ **No**
  - a. What did you spend the majority of your time doing? *(E.g., providing legal advice, taking depositions, drafting legal documents, etc.)*: \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
5. Was the work referenced in Question 4 performed in a reciprocal jurisdiction where licensed? ☐ **Yes** ☐ **No**

6. Do you hold a license from a non-reciprocal jurisdiction? ☐ Yes ☐ No

a. If yes, in the last 60 months, have you lived or worked in this jurisdiction or handled legal matters involving this jurisdiction? ☐ Yes ☐ No

i. If yes, please estimate the percentage of work time that you spend on these matters:

7. Are you able to provide clear and convincing evidence of all of the above if requested by the Bar? ☐ Yes ☐ No

a. If yes, in what form? (*E.g., billing records, tax records, etc.*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*I certify that the above answers are true and correct.*

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Please Print Your Name