

Rule 14-803. Pro Bono Authorization for Utah Inactive Attorneys and Attorneys Admitted in Other States.

(1) **Authorization to Provide *Pro Bono* Services.** A Utah attorney who is enrolled as inactive under Rule 14-203(a)(4) of the rules governing the Utah State Bar or an attorney who is admitted in another state and is in good standing or its equivalent in all jurisdictions in which the attorney is admitted, shall be authorized to provide *pro bono* legal services under the following circumstances:

(a) without compensation or an expectation of compensation as described in Rule 6.1 of the Utah Rules of Professional Conduct;

(b) to persons of limited means or to organizations, as defined in paragraph (7) of this rule; and

(c) under the auspices of a sponsoring entity, which must be a not-for-profit legal services organization, governmental entity, law school, Utah State Bar affiliate or other organization so designated by the Utah State Bar as providing *pro bono* legal services as defined in paragraph (7) of this rule.

(2) **Duties of Sponsoring Entities.** In order to qualify as a sponsoring entity, an organization must submit to the Utah State Bar an application identifying the nature of the organization as one described in section (1)(c) of this rule. In the application, the organization shall verify that they will provide appropriate training and support for volunteers. The organization is required to inform the Utah State Bar if the organization ceases to be a sponsoring entity under this rule.

(3) **Procedure for Attorneys Seeking Authorization to Provide *Pro Bono* Services.** An attorney admitted in Utah who is enrolled as inactive or an attorney who is admitted in another state but not in Utah who seeks to provide *pro bono* services under this rule shall submit a statement to the Utah State Bar including a verification from a sponsoring entity or entities indicating that the attorney will be participating in a *pro bono* program under the auspices of that entity. An attorney who is seeking authorization based on admission in another state or states shall also disclose all other state admissions and certify they are in good standing or its equivalent

in those jurisdictions. The attorney's statement shall include the attorney's agreement that he or she will participate in any training required by the sponsoring entity. The attorney's statement shall also include a certificate of good standing or its equivalent and a disciplinary history and a sworn statement that the attorney has read and is familiar with the Utah Rules of Professional Conduct and will abide by them, that the attorney submits to the jurisdiction of the Utah Supreme Court and the Utah State Bar for disciplinary purposes, and that the attorney will neither ask for nor receive compensation of any kind for the legal services authorized. Upon receiving all information required under this paragraph, the Utah State Bar shall cause its records to reflect that the attorney is certified to provide *pro bono* services. That certification shall continue until the end of the licensing year in which the statement is submitted, unless the lawyer or the sponsoring entity sends notice to the Utah State Bar that the program or the lawyer's participation in the program has ended.

(4) **Renewal of Authorization and Certification.** An attorney who has been authorized to provide *pro bono* services under this rule must timely renew the authorization on an annual basis through the Utah State Bar's relicensing process in order to continue providing *pro bono* legal services under this rule. In addition, an attorney who is seeking renewal based on admission in another state shall resubmit certificates of good standing or the equivalent and disciplinary histories from all other states in which the attorney is admitted.

(5) **MCLE Exemption.** The provisions of Rule 14-504 exempting attorneys from MCLE requirements by reason of being enrolled as inactive shall apply to inactive attorneys authorized to provide *pro bono* services under this rule, except that such attorneys shall participate in training to the extent required by the sponsoring entity.

(6) **Disciplinary Authority.** Lawyers admitted in another state who are providing legal services in this jurisdiction are subject to disciplinary authority, as provided in Rule 8.5 of the Rules of Professional Conduct, and all other Rules of Professional Conduct. Any lawyer who provides legal services pursuant to this rule shall not be considered to be engaged in the unlawful practice of law in this jurisdiction.

(7) **Authorized Pro Bono Legal Services.** *Pro bono* legal services as is defined in Rule 6.1 (a) and (b)(1) of the Rules of Professional Conduct include: (a) legal services rendered to a person of limited means;(b) legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means;(c) legal services to charitable, religious, civic, or community organizations in matters in furtherance of their organizational purposes.

(8) **Expenses and Attorney Fee Awards.** The prohibition against compensation for the volunteer attorney shall not prevent the approved legal services organization from reimbursing the volunteer attorney for actual expenses incurred while rendering services hereunder nor shall it prevent the approved legal services organization from making such charges for its services as it may otherwise properly charge. The approved legal services organization shall be entitled to receive all court-awarded attorney fees for any representation rendered by the volunteer attorney.

(9) **Court appearances.** A practitioner under this rule who appears in court must orally advise the court at the initial appearance in a case that he or she is certified to appear pursuant to the rule.

[Advisory Committee Notes](#)

Effective May 1, 2016