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NEWS RELEASE

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Ensuring Justice for All

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UTAH SUPREME COURT ISSUES ORDER PROVIDING A TEMPORARY PATH TO BAR LICENSURE FOR CERTAIN APPLICANTS IMPACTED BY THE GLOBAL PANDEMIC

Salt Lake City, UT — On Tuesday, April 21, 2020, the Utah Supreme Court entered an order permitting certain applicants to the Utah State Bar to be admitted to practice law in Utah if they agree to undertake 360 hours of practice under the supervision of an experienced attorney and either graduate from a law school with a high bar passage rate or are currently in good standing and licensed in another jurisdiction. This is a temporary accommodation designed to provide relief to certain applicants who had applied to take the Utah bar examination in July 2020 but will be unable to do so because of public health concerns associated with the COVID-19 pandemic.

“We know that applicants invest several weeks and thousands of dollars preparing to take the bar exam,” stated Utah Supreme Court Chief Justice Matthew B. Durrant. “Because of the crisis, not only could we not guarantee that Utah could offer the bar examination safely, we could not tell applicants when they should start to invest the time and money to prepare for the exam.” The Utah Supreme Court explored a number of possible solutions, including administering the examination under social distancing protocols or permitting these applicants to work under the “third-year practice rule” until an exam could be offered. Because the examination is administered by the National Conference of Bar Examiners, certain potential paths, like remote examination, may at some point become available, but it is unclear when, or even if, that might occur. “We hope that the bar exam will in some form become available sooner than is now anticipated, but at present, the other solutions we have examined have an unacceptable level of uncertainty for applicants and employers,” said Durrant.

On April 9, 2020, the Utah Supreme Court circulated a draft proposal that would

provide a one-time path to licensure for some recent law school graduates. The proposal drew more than 500 comments and sparked national interest. After reviewing those comments, the Court revised the order to include certain applicants licensed to practice in another state and expanded the category of those who can serve as supervisors to the applicants.

Applicants must meet several requirements to qualify for alternative admission. The requirements are designed to ensure that the attorneys admitted to practice under this rule are as competent as those admitted after passing the two-day, 12-hour bar examination. Applicants must both fall under the definition of “Qualified Candidate” and must perform 360 hours of legal service under the supervision of an experienced attorney.

To be considered a “Qualified Candidate,” the applicant must either be a law school graduate or an attorney in good standing in another jurisdiction, and must have submitted an application to take the Utah bar examination on or before April 1, 2020.

Law school graduates must have graduated from a law school with an overall (meaning from all bar examinations, not just the Utah exam) first-time passing rate of 86% or greater in 2019. The court selected 86% as the cutoff because that was the passing-rate of all first-time takers of the Utah bar examination in 2019. By way of comparison, in 2019, the first-time taker passing rate for graduates of the S.J. Quinney College of Law at the University of Utah was 90.4% and was 89.5% for graduates of the J. Reuben Clark Law School at Brigham Young University. In addition, a graduate must be taking the examination for the first time.

If the applicant is an attorney from another jurisdiction who applied to take Utah’s bar examination, that attorney must be in good standing, have passed the bar exam in the other jurisdiction, and have graduated from an approved law school.

All Qualified Candidates must fulfill other typical requirements to be a member of the Utah bar, including undergoing a character and fitness check and passing the Multistate Professional Responsibility Examination, which tests knowledge of the profession’s ethical standards. Graduation from a highly-regarded law school and supervised practice reflect traditional paths to bar admission used by many jurisdictions before the widespread acceptance of a standardized examination.

The Utah Supreme Court understands there will be a number of applicants who will not be able to avail themselves of the alternative pathway. To accommodate those applicants, as well as others who want to gain admission through the bar exam, the court will not require them to wait until the next regularly-scheduled bar examination in February 2021, but will work with the National Conference of Bar Examiners to offer the examination in Utah as soon as it can be done safely.

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