

Rule 14-808. New lawyer training program.

(a) Applicability. All new lawyers admitted to practice law in Utah on active status must timely complete the requirements of the Bar's NLTP unless otherwise specified in this rule.

(a)(1) It is the new lawyer's responsibility to ensure that all aspects of the NLTP requirements are met within the required 12 month period in order to renew licensure. This includes but is not limited to filing a Mentoring Completion Certification executed by the assigned mentor attesting to successful completion of the NLTP.

(a)(2) The NLTP is intended to fulfill the requirements of new lawyer MCLE within the first year of the lawyer's two-year compliance period. The remaining 12 hours required in the two year compliance cycle may be fulfilled at anytime by attending other accredited CLE in accordance with the MCLE rules.

(b) Appointment of qualified mentors. The Court will appoint qualifying mentors in accordance with the NLTP guidelines.

(c) Deferrals.

(c)(1) Those newly admitted lawyers serving judicial law clerkships may apply for temporary deferral at the Bar's NLTP office until completion of the clerkship. Upon completion of the clerkship, the lawyer must enroll and complete the NLTP's requirements in a 12 month period.

(c)(2) Those newly admitted lawyers who are otherwise not engaged in the practice of law as defined by Supreme Court rules or who are unemployed may petition the NLTP offices for temporary deferral of these requirements.

(d) Exemptions. Those lawyers exempt from completing the NLTP are limited to:

(d)(1) Newly admitted lawyers on active status who do not reside in Utah. Such lawyers are required to fulfill MCLE requirements in their state of residency under the Supreme Court's approved MCLE rules.

(d)(2) Newly admitted Utah lawyers who have been admitted on active status who have practiced law elsewhere for two years or more.

(e) Cost. There is a fee associated with enrollment in the NLTP of \$300. One half of the amount is due at time of enrollment after admission and the remainder at time of completion of the program.

(f) Administrative suspension and non-renewal of license for non-compliance. Unless otherwise approved by the NLTP office for good cause, failure to timely complete the program will result in administrative suspension of the lawyer's license for non-compliance with this rule.

(g) NLTP curriculum and other information. The Bar has developed a proposed NLTP Manual which delineates the requirements that must be completed during the 12 month period. The Manual also includes a Model Mentoring Plan, a time line, necessary forms and suggestions for developing effective mentoring relationships. The proposed NLTP Manual may be found by contacting the Bar or on the Bar's website.

(h) Conflicts and confidentiality in outside mentoring.

(h)(1) The outside mentor may provide or the new lawyer may seek short-term limited guidance or counsel, within the mentoring relationship, without expectation by either lawyer or the new lawyer's client(s) that a lawyer-client relationship has been formed or that representation is being provided in the matter by the mentoring attorney.

(h)(2) Where practical the new lawyer and the mentor shall discuss new lawyer client specific issues in hypothetical terms. If hypothetical terms are not practical under the circumstances as determined by the lawyers, a lawyer providing or seeking short-term limited guidance or counsel within the mentoring relationship is not subject to the Utah Rules of Professional Conduct regarding Confidentiality of Information because the disclosure is impliedly authorized under the circumstance and is necessary to carry out the purposes of the NLTP.

(h)(3) To facilitate the goals and purposes of the NLTP, the mentoring lawyer is not required to run a conflict check when guidance or counsel is being provided on a short-term limited basis to a new lawyer regarding a new lawyer's client. In this respect, the mentoring lawyer's guidance or counsel, provided on a short-term limited basis to a new lawyer regarding a new lawyer's client, is not subject to Utah Rules of Professional Conduct regarding Conflict of Interest: Current Clients; Conflict of Interest: Current Clients: Specific Rules; Duties to Former Clients; Imputation of Conflicts of Interest: General Rule; and Special Conflicts of Interest for Former and Current Government Employees. However, the mentor may exercise his or her judgment as to whether a conflict check is advisable.

(h)(4) Subsections (h)(1)-(3) do not apply to lawyers who are outside mentors providing, or new lawyers seeking, counsel or guidance on an on-going or regular basis relating to the needs of or litigation regarding a specific client, within the context of the mentoring relationship. If the lawyers are engaged in on-going or regular guidance or counsel related to a specific client or clients, then the mentoring lawyer must comply with the relevant Utah Rules of Professional Conduct, which may require the lawyers to obtain informed consent from the client and/or to formally enter into a lawyer-client relationship through the execution of an appropriate engagement letter and fee agreement.