

Daniel McCay proposes the following substitute bill:

Joint Resolution Amending Rules Relating to the Practice of Law

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor:

LONG TITLE

General Description:

This joint resolution amends rules relating to the practice of law.

Highlighted Provisions:

This resolution:

- amends the Utah Code of Judicial Administration to address fees imposed by the Utah Supreme Court with regard to the practice of law.

Other Special Clauses:

This resolution provides a special effective date.

Utah Rules of Judicial Administration Affected:

AMENDS:

Rule 14-102, Utah Rules of Judicial Administration

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:

As provided in Utah Constitution Article VIII, Section 4, the Legislature may amend rules of procedure and evidence adopted by the Utah Supreme Court upon a two-thirds vote of all members of both houses of the Legislature:

Section 1. **Rule 14-102**, Utah Code of Judicial Administration is amended to read:

Rule 14-102 . Regulating the practice of law.

(a) **Vested authority.**

(1) The [~~Supreme Court-by~~] Supreme Court, by its constitutional [~~power-authorizes~~] power, authorizes and designates the Bar to administer rules and regulations that govern the practice of law in Utah, including regulating licensed paralegal practitioners. All persons authorized to practice law in Utah must be licensed by the Bar in accordance with this chapter and Chapter 15 of the Supreme Court Rules of Professional Practice.

(2) The Supreme Court recognizes a compelling state interest in using the Bar to assist

the Court in governing admission to the practice of law and improving the quality of legal services in the state. The requirements imposed, the delegations made, and the authority granted to the Bar provide the best ways to promote these compelling state interests and there are no less restrictive alternatives available to achieve those results.

____ (3) The Supreme Court may only approve or impose a licensing fee on persons authorized to practice law that is proportional to the costs and expenses incurred to admit and license persons authorized to practice law, to discipline and disbar persons licensed to practice law, and to propose rules related to the practice of law.

____ (4) Except as provided in paragraph (a)(5), the Supreme Court may not approve or impose a fee on persons authorized to practice law, or use any amount of a licensing fee described in paragraph (a)(3), to fund a service for persons licensed to practice law or a service provided to the public.

____ (5) The Supreme Court may approve or impose a voluntary fee from persons authorized to practice law to fund a service described in paragraph (a)(4).

____ (6) Any fee that is charged or collected under this rule shall:

____ (A) be reasonable and fair; and

____ (B) reflect and be based on all of the direct and indirect costs and expenses for:

____ (i) if the fee is a licensing fee, admitting and licensing persons authorized to practice law, disciplining and disbarring persons licensed to practice law, and proposing rules related to the practice of law; and

____ (ii) if the fee is for a service described in paragraph (a)(4), providing the service for which the fee is charged.

(b) **Responsibilities of the Bar.** The Bar's purposes, duties, and responsibilities include:

- (1) advancing the administration of justice according to law;
- (2) aiding the courts in the administration of justice;
- (3) regulating the admission of persons seeking to practice law;
- (4) fostering and maintaining integrity, learning competence, public service, and high standards of conduct among those practicing law;
- (5) representing the Bar before legislative, administrative, and judicial bodies;
- (6) preventing the unauthorized practice of law;
- (7) promoting professionalism, competence, and excellence through continuing legal education and other means;
- (8) providing a service to the public, the judicial system, and Bar members;
- (9) educating the public about the rule of law and responsibilities under the law; and

(10) assisting Bar members in improving the quality and efficiency of their practice.

(c) **Qualifications.** This chapter prescribes the qualifications, duties, and obligations of lawyers, foreign legal consultants, and licensed paralegal practitioners licensed to practice law in Utah. The Supreme Court is responsible for disciplining a Bar member or licensed paralegal practitioner.

(d) **Licensure required.** Suspended or disbarred persons may not practice law in Utah or hold themselves out as able to practice law in Utah. A person may only practice law in Utah if that person is:

(1) a licensed lawyer and an active Bar member in good standing;

(2) an inactive member in good standing providing pro bono legal services for or on behalf of a legal services organization approved by the Bar upon meeting certification and performance standards, conditions, and rules established by the Board;

(3) a foreign legal consultant licensed by the Bar; or

(4) a licensed paralegal practitioner and an active licensee of the Bar in good standing.

Section 2. Effective Date.

As provided in Utah Constitution, Article VIII, Section 4, this resolution takes effect upon a two-thirds vote of all members elected to each house.