

**PROPOSAL TO AMEND UTAH CONSTITUTION --
REGARDING THE PRACTICE OF LAW**

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify a provision relating to the governance of the practice of law.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- ▶ modify the scope of the practice of law that is subject to Supreme Court rules governing the practice of law.

Special Clauses:

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2019 for this proposal.

Utah Constitution Sections Affected:

AMENDS:

ARTICLE VIII, SECTION 4

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:

Section 1. It is proposed to amend Utah Constitution, Article VIII, Section 4, to read:

Article VIII, Section 4. [Rulemaking power of Supreme Court -- Judges pro tempore -- Regulation of practice of law.]



28 The Supreme Court shall adopt rules of procedure and evidence to be used in the courts
29 of the state and shall by rule manage the appellate process. The Legislature may amend the
30 Rules of Procedure and Evidence adopted by the Supreme Court upon a vote of two-thirds of
31 all members of both houses of the Legislature. Except as otherwise provided by this
32 constitution, the Supreme Court by rule may authorize retired justices and judges and judges
33 pro tempore to perform any judicial duties. Judges pro tempore shall be citizens of the United
34 States, Utah residents, and admitted to practice law in Utah. The Supreme Court by rule shall
35 govern the practice of law before the courts of the State, including admission to practice law
36 before the courts of the State and the conduct and discipline of persons admitted to practice law
37 before the courts of the State.

38 Section 2. **Submittal to voters.**

39 The lieutenant governor is directed to submit this proposed amendment to the voters of
40 the state at the next regular general election in the manner provided by law.

41 Section 3. **Contingent effective date.**

42 If the amendment proposed by this joint resolution is approved by a majority of those
43 voting on it at the next regular general election, the amendment shall take effect on January 1,
44 2019.

Legislative Review Note
Office of Legislative Research and General Counsel