

Missouri Supreme Court Rules

Rule 13 - Rules Governing the Missouri Bar and the Judiciary - Legal Assistance by Law Students

13.01. Activities

(a) An eligible law student may appear in any court or before any administrative tribunal in this State on behalf of any person who is:

(1) Indigent, or

(2) A client represented by a clinic chartered by an American Bar Association approved law school,

if the person on whose behalf he or she is appearing has indicated in writing consent thereto and the supervising lawyer has also indicated in writing approval thereof, in the following matters:

(1) Any matter in which the person does not have the right to the assignment of counsel under any constitutional provision, statute, or rule of this Court. In such cases the supervising lawyer is not required to be personally present in court if the person on whose behalf an appearance is being made consents to the supervising lawyer's absence in writing or in open court;

(2) Any matter in which the person has the right to the assignment of counsel under any constitutional provision, statute, or rule of this Court. In such cases the supervising lawyer must be personally present throughout the proceedings and shall be fully responsible for the manner in which they are conducted.

(b) With the written approval of the supervising lawyer, an eligible law student also may appear in any matter:

(1) On behalf of the State; or

(2) On behalf of a county or municipality for purposes of prosecuting a municipal ordinance violation.

(c) In each case the written consent and approval referred to above shall be filed in the record of the case and shall be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal.

(Adopted October 12, 1970, effective February 1, 1971. Amended June 1, 2005, effective July 1, 2005. Amended November 3, 2005, effective January 1, 2006.)

13.02. Requirements and Limitations

In order to make an appearance pursuant to this Rule 13, the law student shall:

- (a) Be duly enrolled in a law school approved by the American Bar Association;
- (b) Have completed legal studies amounting to one-half of the credits required for graduation;
- (c) File an application under this Rule 13 and pay the prescribed fee.

The application and any information concerning the student, including background investigation and any reports concerning the student's conduct under this Rule 13, shall be available upon request to the bar licensing agency of any jurisdiction where the student seeks or gains admission to the bar;

(d) Be certified by the dean of the law school at which the student is a degree candidate as being in good standing. The dean also shall certify that the student has not been accused or found guilty of violating the law school's ethical standards, and that the dean does not have knowledge or notice of any information that would cause the dean to doubt the student's character, fitness, or moral qualifications to practice law. The dean shall not certify any student who has been denied registration as a law student in any jurisdiction on the basis of the student's character or fitness until the denial has been resolved in the student's favor;

(e) Neither ask for nor receive any compensation or remuneration of any kind for services from the person on whose behalf the student renders services, but this shall not prevent a lawyer, legal aid bureau, law school, public defender agency, or the state from paying compensation to the eligible law student, nor shall it prevent any agency from making such charges for its services as it may otherwise properly require; and

(f) Certify in writing that the student has read and is familiar with the rules of professional conduct in Rule 4 and that the student will abide by them. Said certification is to be filed with the clerk of this Court together with the certification by the law school dean.

(Adopted Oct. 12, 1970, eff. Feb. 1, 1971. Amended Nov. 15, 1974, eff. Sept. 1, 1975; Sept. 11, 1975, eff. May 1, 1976; June 24, 1986, eff. Jan. 1, 1987. Amended Oct. 16, 1995, eff. March 1, 1996; Aug. 20, 1996, eff. Sept. 1, 1996; Apr. 28, 1999, eff. July 1, 1999; Sept. 3, 2003, eff. Oct. 1, 2003. Amended Jan. 26, 2009, eff. July 1, 2009.)

13.03. Certification

(a) The certification of a student by the law school dean:

(1) Shall be filed with the clerk of this Court and, unless it is sooner withdrawn, it shall remain in effect until the expiration of 21 months after it is filed or until the announcement of the results of the first bar examination following the student's graduation, whichever is earlier. For any student who passes that examination, the certification shall continue in effect until the date he or she is admitted to the bar.

(2) May be withdrawn by the dean at any time by mailing a notice to that effect to the clerk of this Court. It is not necessary that the notice state the cause of withdrawal.

(b) The authority to appear pursuant to this Rule 13 may be denied or terminated by this Court at any time without notice or hearing and without any showing of cause.

(Adopted Oct. 12, 1970, eff. Feb. 1, 1971. Amended Apr. 28, 1999, eff. July 1, 1999. Amended March 7, 2005, eff. July 1, 2005.)

PUBLISHER'S NOTE

Section 2 of the Missouri Supreme Court order of April 28, 1999, provides that the prescribed fee required by [Rule 13.02\(c\)](#) is \$50.00.

13.04. Other Activities

(a) In addition, an eligible law student may engage in other activities, under the general supervision of a member of the bar of this Court, but outside the personal presence of that lawyer, including:

(1) Preparation of pleadings and other documents to be filed in any matter in which the student is eligible to appear, but such pleadings or documents must be signed by the supervising lawyer.

(2) Preparation of briefs, abstracts and other documents to be filed in appellate courts of this State, but such documents must be approved by the supervising lawyer.

(3) Assistance to indigent inmates of correctional institutions or other persons who request such assistance in preparing applications for and supporting documents for post-conviction relief. If there is an attorney of record in the matter, all such assistance must be supervised by the attorney of record, and all documents submitted to the Court on behalf of such a client must be signed by the attorney of record.

(4) Each document or pleading must contain the name of the eligible law student who has participated in drafting it. If he participated in drafting only a portion of it, that fact may be mentioned.

(b) An eligible law student may participate in oral argument in appellate courts, but only in the presence of the supervising lawyer.

(Adopted Oct. 12, 1970, eff. Feb. 1, 1971.)

13.05. Supervision

The person under whose supervision an eligible law student does any of the things permitted by this Rule 13 shall:

- (a) Be a member of The Missouri Bar in good standing or a person having a certificate to supervise pursuant to [Rule 13.06](#);
- (b) Assume professional responsibility for guiding any work undertaken by the student and for supervising the quality of the student's work; and
- (c) Assist the student's preparation to the extent the supervising person considers necessary.

(Adopted Oct. 12, 1970, eff. Feb. 1, 1971. Amended March 3, 1994, eff. July 1, 1994.)

13.06. Certificate to Supervise

(a) A law teacher who is not a member of the bar of this state but who is employed full-time as a law teacher by a law school within this state that is approved by the Section of Legal Education and Admissions to the Bar of the American Bar Association may obtain a certificate to supervise students certified by this Rule 13 if the teacher:

- (1) Appears in courts and before administrative agencies and provides other legal services only in connection with the law school's professional education program as supervisor or teacher in the clinical law program;
- (2) Receives compensation or other remuneration for these services only from the law school;
- (3) Is a member in good standing of the bar of another state or the District of Columbia;
- (4) Has not been denied admission to a bar or been disciplined for professional misconduct within the last five years; and
- (5) Certifies in writing that the teacher has read and is familiar with Rule 4 and will abide by the provisions of Rule 4.

(b) A person seeking a certificate pursuant to this Rule 13.06 shall file an application in such form as prescribed by the board of law examiners and pay the non-refundable prescribed application fee.

(c) After consideration of the application, the board of law examiners shall submit a recommendation to this Court.

(d) The time accumulated as a person certified pursuant to this Rule 13.06 may be used to meet the requirements of [Rule 8.10\(a\)\(3\)](#).

(e) A person certified pursuant to this Rule 13.06 shall pay the Category 1 annual enrollment fee in the amount provided by [Rule 6.01\(1\)](#) and is subject to the provisions of [Rule 4](#), [Rule 5](#), and [Rule 15](#).

(f) The certificate issued pursuant to this Rule 13.06 terminates when the person no longer meets any one of the requirements necessary to initially receive a certificate. The dean of the law school employing a law teacher having a certificate pursuant to this Rule 13.06 shall notify the chief disciplinary counsel whenever the dean is informed that the teacher no longer meets the requirements of this Rule 13.06. The chief disciplinary counsel shall file an information in this Court whenever said counsel has probable cause to believe that the teacher no longer meets any one of the requirements necessary to initially receive a certificate pursuant to this Rule 13.06.

(Adopted March 3, 1994, eff. July 1, 1994. Amended Aug. 20, 1996, eff. Sept. 1, 1996; Sept. 3, 2003, eff. Oct. 1, 2003.)