

SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO

RULE II. LIMITED PRACTICE OF LAW BY A LEGAL INTERN

Section 1. Definitions.

As used in this rule:

- (A) “Legal intern” means a person who holds a valid legal intern certificate issued pursuant to this rule.
- (B) “Supervising attorney” means an attorney who satisfies all of the following:
 - (1) Has been admitted to practice law in Ohio pursuant to Gov. Bar R. I or has been temporarily certified to practice law in Ohio pursuant to Gov. Bar R. IX;
 - (2) Is in good standing in each jurisdiction in which the attorney is admitted to practice law;
 - (3) Is either employed by or associated with a law school clinic, legal aid bureau, public defender's office, or other legal services organization that provides legal assistance primarily to financially needy individuals, or is responsible for handling civil cases or prosecuting criminal cases for the state of Ohio or a municipal corporation.

Section 2. Eligibility.

To be eligible for a legal intern certificate, an applicant shall satisfy all of the following:

- (A) Be enrolled in a law school approved by the American Bar Association;
- (B) Have received at least two-thirds of the total hourly academic credits required for graduation;
- (C) Be approved for a legal intern certificate by the dean of the law school in which the applicant is enrolled;
- (D) Have read and agreed to be bound by this rule, Gov. Bar R. IV, and the Ohio Rules of Professional Conduct as adopted by the Supreme Court.

Section 3. Application.

An applicant for a legal intern certificate shall file an application with the Office of Bar admissions of the Supreme Court. The application shall be on forms provided by the Office of Bar Admissions and shall include all of the following:

- (A) A certificate from the dean of the law school in which the applicant is enrolled, certifying both of the following:
 - (1) That the applicant satisfies Sections 2(A) and (B) of this rule and has met all of the academic and ethical standards of the law school;
 - (2) That the dean does not have knowledge of any information that would cause the dean to doubt the applicant's character, fitness, and moral qualifications to practice law;
- (B) A certificate from the applicant's supervising attorney, certifying that the supervising attorney will perform all duties required pursuant to Section 7 of this rule;

(C) A written oath, signed by the applicant, swearing or affirming that the applicant has read and agrees to be bound by this rule, Gov. Bar R. IV, and the Ohio Rules of Professional Conduct as adopted by the Supreme Court;

(D) A fee of twenty-five dollars;

(E) Any other information considered necessary or appropriate by the Office of Bar Admissions.

Section 4. Issuance and Duration of Certificate.

(A) The Office of Bar Admissions shall issue a legal intern certificate to an applicant who satisfies Sections 2 and 3 of this rule. Unless revoked earlier pursuant to division (B) of this section, the legal intern certificate shall automatically expire upon the occurrence of one of the following:

(1) On the date, prior to graduation, the legal intern is no longer enrolled in a law school approved by the American Bar Association;

(2) On the date the legal intern graduates from law school, if the legal intern has not applied to take the first Ohio bar examination following graduation;

(3) On the Monday after distribution of the results of the first Ohio bar examination following the legal intern's graduation from law school. If the legal intern passes that bar examination, the legal intern's certificate shall continue in effect until the legal intern is admitted to the practice of law in Ohio so long as the legal intern is admitted to practice within twelve months following that bar examination. If the legal intern is not admitted to the practice of law in Ohio within twelve months following that bar examination, the legal intern certificate shall automatically expire.

(B) A legal intern certificate may be revoked, prior to its expiration and without hearing or statement of cause, by either of the following:

(1) The Supreme Court, sua sponte, on notification to the legal intern, the legal intern's supervising attorney, and the dean of the law school in which the legal intern is enrolled;

(2) The dean of the law school in which the legal intern is enrolled, on written notification to the Office of Bar Admissions and to the intern. The dean promptly shall revoke the legal intern's certificate if the legal intern ceases to meet all of the academic and ethical standards of the law school.

(C) Upon revocation of a legal intern certificate, the legal intern promptly shall return the certificate to the Office of Bar Admissions.

(D) A legal intern certificate that expires or is revoked shall not be renewed or reissued.

Section 5. Scope of Authority.

(A) A legal intern may represent either of the following:

(1) Any person who qualifies for legal services at a law school clinic, legal aid bureau, public defender's office, or other legal services organization that provides legal assistance primarily to financially needy individuals, provided the person obtaining legal assistance from the legal intern consents in writing to the legal intern's representation;

(2) The state of Ohio or any municipal corporation, with the consent of the official charged with the responsibility of handling or prosecuting the matters or cases that are referred to the legal intern.

(B) Any entity supervising a legal intern pursuant to Section 5(A) must provide professional liability insurance coverage for the legal intern.

(C) A legal intern may provide representation in civil and administrative actions, misdemeanor and felony cases, or juvenile matters, including those juvenile matters involving an alleged offense that would be a felony if committed by an adult.

(D) When a legal intern prepares and signs, in whole or in part, any correspondence, legal documents, pleadings, or other papers, the legal intern's signature shall be followed by the designation "legal intern."

(E) A legal intern shall not appear before any court or administrative board or agency in the absence of a supervising attorney, unless the supervising attorney and the client consent in writing or on the record, and the absence of the supervising attorney is approved by the judge, referee, magistrate, or hearing officer hearing the matter. In the representation of a criminal defendant charged with a felony of the fourth or fifth degree or a juvenile charged with an offense that would be a felony of the fourth or fifth degree if committed by an adult, the supervising attorney shall be present throughout all court proceedings. In the representation of a criminal defendant charged with a felony of the first, second, or third degree or a juvenile charged with an offense that would be a felony of the first, second, or third degree if committed by an adult, the supervising attorney shall act as co-counsel throughout all court proceedings.

(F) The communications of the client to the legal intern shall be privileged under the same rules that govern the attorney-client privilege.

Section 6. Compensation.

A legal intern shall not ask for or receive any compensation or remuneration of any kind from a financially needy client on whose behalf services are rendered. However, the law school clinic, legal aid bureau, public defender's office, or other legal services organization may be awarded attorney fees for services rendered by the legal intern consistent with the Ohio Rules of Professional Conduct and as provided by law. A law school clinic, legal aid bureau, public defender's office, or other legal services organization, the state, or any municipal corporation may pay compensation to the legal intern.

Section 7. Duties of Supervising Attorney.

(A) A supervising attorney shall assume professional responsibility for each case, client, or matter assigned to the legal intern by that supervising attorney. The supervising attorney shall read and cosign all correspondence, legal documents, pleadings, and other papers prepared, in whole or in part, by the intern relating to any matter assigned to the legal intern by that supervising attorney. In any matter before a court or administrative board or agency in which a

legal intern participates upon assignment by the supervising attorney, the supervising attorney shall ensure that the judge, referee, magistrate, or hearing officer is informed of the legal intern's status as a legal intern and shall be present with the legal intern in court or before the administrative board or agency, except as provided by Section 5(E) of this rule.

(B) The supervising attorney shall provide the legal intern with the opportunity to engage in and observe the practice of law, shall discuss and counsel the intern regarding matters of professional responsibility that arise, and shall train and supervise the legal intern on matters assigned to the intern by that supervising attorney to the extent necessary to properly protect the interests of the client and to properly advance and promote the intern's training.

(C) The supervising attorney shall cooperate with the legal intern's law school on any reporting or evaluation requirements regarding an award of academic credit to the legal intern.

[Effective: February 28, 1972; amended effective February 12, 1973; January 1, 1979; July 1, 1983; January 1, 1992; October 1, 2000; February 1, 2007; May 1, 2007; August 1, 2009.]